

Territoriality, mixed marriages, and politics among Indians and Portuguese

Territorialidade, casamentos mistos e política entre índios e portugueses

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RESUMO

Na década de 1750, Pombal instituiu uma nova política metropolitana com relação aos índios, sancionando várias medidas para assimilá-los mais rapidamente ao mundo colonial. Dentre elas, destacam-se os incentivos aos enlacedos matrimoniais mistos entre índios e portugueses; a abertura e disponibilização das terras indígenas ao aforamento; a imposição do uso da Língua Portuguesa e medidas para intensificar o comércio e as prestações de serviços aos portugueses. O objetivo do artigo é analisar como os índios da capitania do Espírito Santo lidaram com os novos desafios impostos pela política assimilacionista de Pombal, especialmente com a questão dos casamentos mistos e dos aforamentos, implementados com vistas a obter o controle sobre suas terras e a reprodução social de suas comunidades. Palavras-chave: índios; casamentos mistos; aforamentos.

ABSTRACT

In the 1750s, Pombal instituted a new metropolitan policy towards Indians, sanctioning several measures to assimilate them in colonial society more quickly. Among these measures, of particular importance were the encouraging of mixed marriages between Indians and Portuguese; the granting of property rights in indigenous lands; the imposition of the use of Portuguese; and measures to intensify trade and the provision of services for the Portuguese. This paper analyzes how the Indians from captaincy of Espírito Santo dealt with the new challenges imposed by Pombal's assimilationist policy, especially the issue of mixed marriages and property rights, in order to regain control over their land and social reproduction within their communities. Keywords: Indians; mixed marriages; land tenure.

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In the 1750s, Pombal instituted a new metropolitan policy towards the Indians, spreading a powerful and lasting image according to which the Indians continued to have 'savage' habits due to their living segregated in settlements and missions, especially those who had been under the Jesuit order.² Recent studies have demonstrated, however, that settled Indians were not so isolated from colonial society as Pombal's propaganda would have us believe.³ Nevertheless, starting from the assessment that Indians lived apart from social experience, various measures were sanctioned to assimilate them more rapidly into the colonial world. Amongst these, of particular importance were incentives for mixed matrimonial bonds between Indians and Portuguese and the opening and of Indigenous lands and granting land tenure within them.

According to the Charter of 4 April 1755, a commitment was made that the contractors and descendants of unions with the Indians, as well as being free of 'infamy,' were entitled to receive land, employment, and other honors; complementarily, in paragraph 80 of the *Diretório que se deve observar nas povoações dos índios do Pará e Maranhão, enquanto Sua Majestade não mandar ao contrário*, allowed Indian lands be included in *aforamento* (land grant) contracts for people considered honest.⁴ It was assumed that the new measures would increase inter-ethnic contact and thereby result in the 'civilization' of the Indians. Through the imposition of the Portuguese Language, mixed marriages, miscegenation, and the intensification of commerce, the provision of services, and neighborhood relations with the Portuguese, the Pombaline policy expected to strip the Indians completely of their specific ethnic condition.

Taking this into account, the aim of the article is to analyze aspects of territoriality constructed by Indians from the captaincy of Espírito Santo during the period of the Directorate (1758-1798), investigating how they dealt with the new challenges imposed by Pombal's assimilationist policy. In this study, it is argued that the indigenous peoples inverted the logic of the assimilationist political project in their *vilas*, according to their customs and interests, mobilizing marriages between indigenous women and 'mixed' and 'white' Portuguese consorts aimed at maintaining control over their lands and the local *modus vivendi*.

MIXING AND ASSIMILATION

The incentives which the Pombaline Consulate gave to mixed marriages between Indians and Portuguese are interpreted in the historiography as a

powerful fact in the social and cultural assimilation of Indians. It is postulated in a more or less mechanical manner, that miscegenation resulting from inter-ethnic marriages exercised, or had the power of exercising, a deleterious effect on the social organization of Indians as a specific ethnic group, differentiated in the colonial world. Caio Prado Júnior, in a book written in the 1940s which became a classic in the area, gave great emphasis to racial mixing in his treatment of the 'indigenous question' during the colonial period. According to Prado Júnior, in the colonial world there prevailed enormous tension in relation to the Indians, since the residents wanted to enslave them; the Church, catechizing them as free men; and the Crown, using them as the auxiliary population in colonization works. However, this context began to change with the Pombaline reforms, since the expulsion of the Jesuits from the Colony, the creation of *vilas* and *freguesias* in old villages, the obligation for Indians to speak Portuguese, and the encouragement of mixed marriages between them and the Portuguese opened the path for the definitive solution of the 'indigenous problem,' making the biological mixing and cultural assimilation (or acculturation) of the Indians feasible (Prado Júnior, 1971, p. 93).

According to Prado's analysis, at the beginning of the nineteenth century the Indian was in a process of frank disappearance. The supposition of this historiographic perspective is that the surviving Indians – in other words, the "rest of the Indigenous race" who did not perish in the middle of wars, massacres, epidemics, and the super-exploitation of labor – were heading towards this condition of the "general mass of the population," through biological miscegenation and 'acculturation' (Moreira, 2008, p. 75). In a convergence sense, Maria Luiza Marcílio wrote: "With the expulsion of the Jesuits from Brazil, which coincided with the launching of Pombal's new policies aimed at stimulating the growth of the population through the mixing of race, the indigenous population entered a new period of decline and absorption" (Marcílio, 2009, p. 318).

Although mixed marriages facilitated the process of cultural homogenization, the impact of miscegenation in the process of disorganizing the social life of indigenous groups and as a factor of their absorption in the colonial world has to be treated with caution. As has widely been demonstrated in the historiography and anthropology, ethnic groups and their frontiers did not necessarily disappear from the greater biological and cultural mixing.⁵ Despite the tendency towards miscegenation prevalent in the Pombaline period, in the captaincy of Espírito Santo the Indians kept themselves, as a social and ethnic group, separate from the other Portuguese vassals. After all, 30 years after the

expulsion of the Jesuits, in the documentation of the period the category ‘Indian’ appeared to classify the overwhelming majority of the population of the *vilas* of Benavente (the old mission of Nossa Senhora de Reritiba) and Nova Almeida (the old mission of Santo Inácio dos Reis Magos). Moreover, both *vilas* continued to be considered as Indian *vilas* throughout the colonial period (see Table 1).

Table 1 – Estimate of population of Espírito Santo captaincy in 1790

Name of the vilas	Classification (civil condition)				Total
	Indians	Free	Slaves	No Identification	
Vitória		2,327	4,898		7,225
Nova Benavente*	3,017		102		3,119
Nova Almeida**	2,712		42		2,754
Graparim (Guaraparim)		1,789	728		2,517
Espírito Santo		814	1,064		1,878
Aldeia Velha				200	200
Total	5,729	4,930	6,834	200	17,693
Total of population according to Mongeardino					22,493***

Source: “Offício do Capitão-mor do Espírito Santo Ignacio João Mongeardino para o governador da Bahia, em que participa a remessa da seguinte informação. Villa da Victoria, 11 de junho de 1790.” (BRASIL, Projeto Resgate Barão do Rio Branco. Catálogo Eduardo de Castro Almeida, doc. 13.859).

* “Villa Nova de Benavente – Lately, this *vila*, after the capital of the *comarca*, is the most populous of the Captaincy. Its inhabitants are Indians and by nature as said are lazy;”

** “Vila Nova de Almeida – This *vila* as stated, in principal its inhabitants are Indians, they are entirely lazy and do not estimate goods, so that possessing them for a few days, do not care for their future, and are obliged out of need or fear to work”;

*** The sum of the numbers provided by Mongeardino is 17,693. Nevertheless, he states that after giving the partial numbers for each *vila* or settlement, that the total population is “22,493 or much more and not any less” (BRASIL, Projeto Resgate Barão do Rio Branco. Catálogo Eduardo de Castro Almeida, doc. 13.859).

MIXED MARRIAGES AND NEW ETHICAL AND SOCIAL IDENTITIES

In the colonial world, the Indians experienced histories of struggle and resistance to the conquerors, but also of creative adaptation to a social reality in a profound and rapid transformation. It was no different in the captaincy of Espírito Santo, where the Indians villages and *vilas* were maintained, over time, despite successive slave raids, when groups or individuals, not always related, or even of the same ethnicity, were put into daily contact. There was much intermixing between the different indigenous groups in the captaincy's villages and settlements, a tendency common in other parts of Portuguese America. For this reason, Robin Wright emphasizes the adaptive and political nature of the new indigenous identities administered and consolidated in colonial settlements, when, independently of the tribal traditions of their different members, there emerged an Indianness against the threat of extinction imposed by colonial policy.⁶

Imposed on the Christianized Indians were the matrimonial rules of the Catholic Church, which, among other prohibitions, sought to ban polygamy, a custom very common among Indians of different groups and ethnicities. Later, the Pombaline reforms stimulated intermixing between them and other inhabitants of the Colony, allowing the entrance of Portuguese to Indian lands and guaranteeing, thanks to the Charter of 4 April 1755, that those marrying and descended from unions with Indians would be free of 'infamy' and allowed to receive land, employment, and other honors. Due to these measures, it is important to investigate how the Indians themselves dealt with mixed marriages and the profound cultural transformations which the more intense contact with colonial society promoted in their social groups.

Matrimonial alliances instituted by the Indians were always a very important element in their social organization. Although matrimonial rules could vary a lot among the various indigenous societies, among Indians marriage was rarely a subject exclusive to the betrothed, also involved were the interests of families and, at a higher level, and the social groups of the couple (Melatti, 2007, p. 133). Through marriages, new alliances and solidarities were constructed between families, lineages, kin-groups, and villages, or traditional ties of collaboration were strengthened and consolidated. Moreover, the principal means of incorporation of Europeans in indigenous societies was matrimony. According to Darcy Ribeiro, '*cunhadismo*' (literally brother-in-lawism) was the means by which the *Tupinambás* introduced a foreigner into their society and consisted of "giving them an indigenous girl as a wife. Once he accepted,

automatically a thousand ties would be established which would make him a relative of all the members of the group” (Ribeiro, 1995, p. 81).

When the Indians married non-Indian spouses, this could generate different forms of social inclusion and adaptation of the Indigenous parties and even redefine the ethnic, social, and civil condition of the offspring. The primary documentation provides numerous testimonies that in the first century of the conquest, Indian women were attracted to the European ‘reproductive pool,’ resulting in the process of reducing the native population and increasing the mixed population (Bacci, 2006, p. 20). In Meiaipe, a settlement close to the *vila* of Guarapari, Luso-Indigenous unions and matrimony forged a caste of *mamelucos* who, when Saint-Hilaire passed through the settlement at the end of the colonial period, formed a community of free persons considered ‘white.’ They supported themselves by fishing and agriculture, according to Saint-Hilaire,

Although the inhabitants of Meiaipe boasted of being white, it can be immediately recognized, easily enough, that most of them did not belong, even in the racial mixing, to the European race. In truth, they do not have the different eyes and the dark colors of the indigenous; however, it can be observed that these characters lose, almost always, due to the preponderance of whites and Indians; in fact, the colonists of Meiaipe have a wide chest and shoulders without salience like the Americans; their head is bigger than the true Portuguese, and the cheekbones are more prominent than Europeans; finally, the whiteness of their skin has something tarnished and pallid which is not noted in men who belong entirely to the Caucasian race. The inhabitants of Meiaipe cultivate the land a little, but they principally live from fishing, very abundant in this district. (Saint-Hilaire, 1974, p. 34)

In colonial societies, in which social hierarchies organized daily life, the residents of Meiaipe could not have passed as ‘whites’ without their being a minimum of acquiescence of society involved, since being ‘white’ represented the possibility of living the social condition of ‘free’ men and women in that settlement. In local terms, this signified that the residents of the settlement were not confused with ‘slaves,’ who were the property of another, nor with the ‘Indians,’ who had very specific rights and obligations.

Stuart B. Schwartz and Frank Salomon observed that the Iberian concept of ‘caste’ served to qualify people who could be defined by ‘blood’ (Schwartz; Salomon, 1999, p. 444). Although Saint-Hilaire saw the ‘whites’ of Meiaipe as a strongly indigenous population, being Indian in the captaincy was not only

a question of ethnic origin and much less of color or other phenotypical attributes. As well as the ethnic origin, in other words, belonging to an indigenous ancestry (consanguinity), being Indian corresponded to a place in the structure and in the colonial hierarchy of regional society, divided into three principal categories: 'free,' 'slaves,' and 'Indians' (see Table 1). In other words, being 'Indian' was also a 'quality' in the colonial sense of the word, which determined a place and function in society.⁷

Indians from the captaincy of Espírito Santo had their own land in the *vilas* of Benavente and Nova Almeida and were solidly subordinated to the duties of obligatory work for the Crown and the residents.⁸ In this context, therefore, when a strongly indigenous population became 'white,' this was an indication of a change in quality or social status, with their respective privileges and duties, consubstantiated in a new ethnic identity, linking them to their Portuguese ancestry.

The example of Meiaípe demonstrated that certain Amerindian communities became 'white' and began to enjoy the prerogatives reserved to the Portuguese, through the inter-ethnic marriage of part of its members. It was, therefore, not necessary for all the members of the community to be mixed, in other words, *mamelucos*, so that it could be said that they "boasted of being white," as Saint-Hilaire observed, most of the residents of Meiaípe "not even by mixing belonged to the European race." This shows the importance of matrimonial alliances for the construction of new networks of kin-groups and sociability, even making possible the constitution of new ethnic and social identities.

Pombal's expectation for his assimilationist policy was that what occurred in Meiaípe would happen in all Indian places and *vilas* in the Colony: the absorption of Indians and their descendants in the category of whites or Portuguese, through biological and cultural mixing. But not always did mixed matrimonies and unions produce the effects expected by the Portuguese Crown, since this naturally depended on the types of spouses involved and the relations of power under which inter-ethnic unions and marriages occurred.

The matrimonial rules instituted by the Church stated that women should always accompany husbands. But with the institution of slavery in Brazil, the principal of *partus sequitur ventrem* came into effect, which imposed on the offspring the civil condition of the mother (Goldschmidt, 2004, p. 116). This principal was maintained by the reforms of Pombal. After the 1755 Law of Liberties, which prohibited all and any enslaving of Indians, the only legal form of reducing an Indian to this condition was to certify them as the child of a

slave mother, as happened with the mixed women Inácia, whose father was the Indian Carijó and the mother an African slave (*ibid.*, p. 15).

Like the example of the mixed women Inácia, social and identity transformations could follow paths very different from what was expected by the assimilationist policy of Pombal. After all, marriages between Indians and slaves were able to use the Indian spouse in a mode of life close or equal to their enslaved life, at the same time that it reduced their descendants to the category of slaves. For this reason, Indian men considered dishonorable marriage with slaves, and only agreed with this when they lost all conditions of living in a minimally autonomous manner (Goldschmidt, 2004, p. 145).

MIXED MARRIAGES AND THE GRANTING OF LAND

Mixing with the permanence of Indianness was not on the horizon of the political calculations of Pombal, frankly interested in encouraging miscegenation between Indians and Portuguese to increase the population of free men and women and those who had become Portuguese in the colonial world. However, this occurred in the cultural horizon and social practice of the Indians and, despite the expectative reigning in the Court, it was exactly this which happened in the indigenous *vilas* of Espírito Santo. In the documentation about the *vila* of Benavente it is very clear that the Indians mitigated the assimilationist policy of the Directorate based on their own and their group's values, customs, and interests, creating and implementing a matrimonial policy between indigenous women and *foreiros* (tenants) which, from what it appears, aimed at controlling the access of non-Indians to the lands of the *vila*, demarcated in the name of the Indians and their descendants.⁹

This was evident in 1795, when the land conflicts involving Indians and Portuguese worsened in Benavente. For this reason, the Indians wrote a petition to the Queen, Dona Maria I, asking for measures to be taken against the abuses they were been subjected to. In the document signed with the sign of the cross by forty Indians who did not know how to write in Portuguese, and by their representatives in the Council Senate, the following passage can be read:

by the order of His Majesty Dom Joam Quinto of glorious memory, whose commands are still until the present observed in the said [*vila*] of Nova Almeida; in which no consent is given to Portuguese to possess land, houses, and mills on the lands of the Indians of that *Vila*, unless someone wants to marry a Native of the land, and in the same Benavente this was observed when the aforementioned

Judge Athayde was the *Ouvidor* (magistrate), and now so much ambition has been introduced in the Portuguese, both white and mixed and from other nations who have been possessed by the councils of Benavente with land by order and advice of one Domingos Pereira Portela, who is Clerk and Director Indians, with the further consent of the *ouvidor* who now serves and who [is] called José Pinto Ribeiro.¹⁰

To the Indians, all those who were not Indians were ‘Portuguese’ and for this reason they could be mixed or white. Furthermore, in Benavente the conflict for land did not oppose ‘Indians’ and ‘Portuguese,’ as two opposed and separate beings. The enemies of the Indians were only those Portuguese who disrespected land customs and entered their domains without their consent and the matrimonial alliance they demanded. In the petition to the Queen, the Indians’ argument demonstrated that the new practice introduced by the director of Indians Portela – to grant the lands to men not married with ‘native’ Indians from the *vila* – disrespected a local custom which, moreover, continued in force in the *vila* of Nova Almeida, which they insisted on emphasizing. Therefore, for the Indians, the heart of discord and conflict was not so much the land grants and the presence of the non-indigenous on their lands, but the fact that both situations began to occur without being related to their interests and acquiescence, sealed by matrimony.

In the same document addressed to the Queen Maria I, the Indians also emphasized that they represented the “voice of the People” and that “ancient custom also makes Law: the Jesuits who created the said villages [of Reritiba and Reis Magos] which are now *vilas*, never consented to have Portuguese granted land in them, and neither gave land as *sesmarias* as is still the practice in [the *vila* of] Nova Almeida.”¹¹

Here the Indians used, with dexterity, an important principal of judicial cultural: the validity of custom in the regency of daily and communitarian life and the need for this to be recognized by the higher courts and the royal administration. Concretely, they were questioning the validity of the new norms published by Dom José, which permitted Portuguese in Indian lands, since it had changed an ‘old custom’ from the Jesuit period. At the same time, the general content of the petition to the queen demonstrates the great adaptive capacity of the Indians and their open interest in negotiating with the Portuguese, since they admitted the presence of Portuguese in the *vila*, once they entered into matrimony with indigenous women of the *vila*. The entrance of foreigners to indigenous lands of the *vilas* of Almeida and Benavente had

to, for this reason, continue local precepts, in other words the customs and norms in force among them, according to which the granting of land was subject to marriage, thereby subordinating the Portuguese to Indian network and kinship rules.

Three years after the Indians' petition, a judicial process was opened to investigate the facts, in which the magistrate of the *comarca* of Espírito Santo took statements from 22 witnesses, amongst whom were 18 indigenous men and four men married with indigenous women. The investigation of the witnesses occurred due to pressure exercised by the Indians themselves. Amongst other actions, they managed to send two Indians to Lisbon, with the aim of representing their interests before the queen. Testimony of this journey by the brothers Francisco Dias and Antônio da Silva to Lisbon can be found in a letter signed by Dom Rodrigo de Souza Coutinho, then in charge of the Secretary of State of the Marine and Overseas Dominions. In this letter he also ordered the governor of Bahia, Dom Fernando José de Portugal, that the Indians' complaints be investigated in accordance with the queen's desire that justice be done to the Indians in accordance with their rights.¹²

Among those accused of abusing of the rights of Indians were some of the most powerful men in the region, such as the magistrate who collected the statements from the Indians, the Captain-General of the captaincy, and the director of Indians of the *vila*. Reading the statements, the absence of freedom of those making the statements can be noted: all said more or less the same thing and cited exactly the same people, which left it clear that there had been prior negotiation and agreement between the magistrate and the Indians, when the script was created of what could be said and who could be accused. Despite the restrictions and the social and political conditions that were unfavorable to the free expression of the witnesses, the statements reveal much about local values and the *modus vivendi*.

For example, the magistrate took pains to appear fair, calling only Indians and men married with Indian women to make statements. The choice of witnesses also points to a strategy of invalidating the accusations made by the Indians through discourse coming from the Indians themselves of residents married to Indians. Amongst other aspects, it can be noted that the aim was to deconstruct the idea that the Portuguese were expelling and bothering the Indians, restricting these accusations to only three men, one of whom suffered from "ailment of morphea," in other words leprosy. In some statements, the presence of the Portuguese in the *vila* is even stressed in a very positive manner, in terms of the increase of agriculture, commerce, and payment of tithes,

as intended by metropolitan policy.

Another strategy that was quite evident was of demonstrating in the statements the administrative good faith of the magistrate, who in the position of the protector of the Indians could not theoretically harm them. The statements emphasize that the granting of land was an ancient practice in the *vila*, which had been going on since its foundation; and the magistrate in exercise continued to permit them under the same terms as ever. For this reason, in two statements it is emphasized that the land grants did not demand matrimonial unions with Indian women. In Antônio José de Almeida Santos' statement, a "white man married with a native of the land," as can be read in this passage:

And having been asked he testified by the content in the representation which the Indians made to Her Majesty, said that when he testified he came to this *vila* he found various Portuguese both mixed and white without being married with Natives and granted lands by the council in various old places and the said outsiders were also old and for this reason the same council continued to grant lands to various Portuguese, various lands to various Portuguese for agriculture, which the Ministers who from then to the present had served had consented to and permitted that the council grant land without harm to third parties.¹³

The testimony of the councilor (*vereador*) of the Council Miguel Nunes Vieira, "a married man of the Indian nation," confirmed that marriage with indigenous women was not an indispensable condition to obtain contracts for land grants:

And being asked he testified by the content of the representation which the Indians made to Her Majesty, said that since his memory, he testified that he had always known that in the place called Obu and in various places in this *vila* various Portuguese remained, both white and mixed with grants of land in old sites which the council of this *vila* granted to them without them being married with Natives of this *vila*.¹⁴

Although both statements emphasized that marriage with Indians was not the *sine qua non* condition for the entrance of outsiders in Indian lands, the same statements and other contemporary sources testified the importance of matrimonial alliances in the *vila*. In the Directorate, in paragraph 88, it is textually recommended that the directors promote and facilitate "matrimony between the white and the Indians";¹⁵ and, from what everything indicates, the Indians made an interpretation according to their view and interests of this

paragraph in the new regulations. Moreover, at least until the explosion of conflict in 1795, the government of the *vila* was exercised mostly by Indians and men married with Indians, such as Antônio José de Almeida Santos: he was 40 years of age, had lived from his agricultural toils for more than 14 years and at that moment held the position of ordinary judge.¹⁶ Furthermore, also worth clarifying is the strategic role of the councils of the *vilas* of Benavente and Nova Almeida in the administration of the collective territorial assets of the Indians; since, once the *vilas* were constructed in 1760, the land grant contracts involved the judgement of their senates, where they were approved and registered in the appropriate books (Moreira, 2013b, p. 281).

In other words, even considering the existence of single outsiders or those not married to Indians, the importance of matrimonial alliances as a way of access should not be minimized, as a means of facilitating access to the obtaining of land and the citizenship characteristics of the *Ancien Regime*, represented by participation in local political power.¹⁷ Thus, reading in a different light the statement of the indigenous councilor Miguel Nunes Vieira, the conclusion was reached that it was important to construct relations of kinship with the Indians; since, according to his testimony, the Indians worked cutting timber in the “detachments of Iconha and Santa Maria” at the order of the government of Bahia and he himself went “three times to the said detachment of Santa Maria and there by order of the captain of the said detachment called Antônio something, a *pardo* married with an Indian from this *vila* cut timber witnessed by him and more Indians and twice paid him and the last time he did not pay him.”¹⁸ Being captain of a detachment and controlling the work of Indians represented a relatively important social position in local social life. Moreover, it can be noted that the *pardo* Antônio reached the rank of captain probably because he made the proper matrimonial alliances, marrying an indigenous woman belonging to some principal Indian family.

No matter how much the magistrate had tried to demonstrate that the land grants did not demand matrimonial alliances with the Indians, the documents showed that it really was customary to enter the *vila* and have access to land and to the official positions of the *vila* involved a process of negotiation with the Indians, sealed through the construction of kinship relations with them. This naturally lasted until the outbreak of conflict in 1795, but afterwards this local custom began to be disrespected. It is not strange, for this reason, that the witness Antônio Gomes Portella, a “white married with an Indian Native of this *vila*,” had as a father-in-law Captain Bruno Lopes.¹⁹ Thus, while the Pombaline policy sought to absorb and assimilate the Indians in

colonial society and in the 'reproductive pool' through the granting of land and mixed marriages, for the Indians, on the contrary, matrimony continued to be an important manner of incorporating outsiders in their societies.

From this point of view, the Indians ended up inverting Pombal's proposal, and used mixed marriages to strengthen their lineages and communities. They wanted to assimilate the Portuguese to guarantee indigenous control over the land and resources of their respective communities, through matrimonies agreed with white and mixed Portuguese interested in gain land in the *vila* and occupying political positions. Furthermore, until the explosion of conflict in 1795, the evidence is that they were relatively successful in this strategy, since the political leaders of the *vila* were mostly Indians, the Portuguese residents represented a minority in the context of the total population. And when they became neighbors of the Indians, marrying Indians from the *vila*, their nature was redefined, since they were transformed into Portuguese married with Native Indians from the *vila*.

INDIANNESS AND THE RIGHTS OF POSSESSION AND DOMINION OF INDIANS

Changing, transforming, and adjusting customs, conduct, and norms to face the challenges of the present time were fully on the horizon and in the practices of Indians, but not even for this did they necessarily feel less Indian in these processes of social adaptation. In relation to this, it is worth exploring the case of Leandro Pereira da Costa, a 47 year old man, who also testified before the magistrate of the *Comarca* of Espírito Santo.

Amongst the information which appeared in the acts of inquest from witnesses about land conflicts in Benavente, it is possible to investigate how they classified themselves, from the ethnical and social point of view, and how they were defined by the authorities, since all this information appeared in the documentation. Of the 22 residents who testified before the magistrate, three were classified as 'Indians,' two as 'Indians by Nation,' and ten as of the 'Indian Nation,' with a total of 17 who were undeniably considered indigenous. From the angle of self-attribution, the Indians of the *vila* defined themselves in different ways, generally making reference to their belonging to the *vila* or their indigenous ancestry. Thus, in the category 'Native of this *vila*' there were eight individuals, another seven defined themselves as 'Indian by Nation' and three as 'Native Indian,' with a total of 18 individuals.

In relation to the discursive field of the Indians, the category most used was 'Native of this *vila*.' This was an expression which at first did not appear to say anything about the 'caste' or 'race' of the individuals who described themselves as this. But seen from the concrete angle of Benavente, which was an Indian *vila* and recognized as such by local authorities, the situation changed completely. The village Indians or '*vilados*' frequently came from different peoples and ethnic groups, in such a way that it became common to identify them by the names of villages, *vilas*, places, or *freguesias* where they lived.

The example of the witness Benedito das Flores is clarifying. He defined himself as a 'Native of this *vila*,' but was classified by the magistrate and his clerk as of the 'Indian Nation.'²⁰ Among the classification formulas, there did not exist any discrepancy about Benedito das Flores' ethnic belonging, since Benavente was recognizably an Indian *vila*. From this point of view the condition of 'Native of this *vila*' or 'Native' was another form of saying an Indian living in the *vila* of Benavente.

The categories used by the Indians did not necessarily possess the same senses as those used by the magistrate, although both were from the same epoch, forged and used by contemporary historic agents. Having said this, it is important to question the categories 'Indian,' 'Indian by Nation,' of the 'Indian Nation,' 'Native Indian,' and 'Native of this *vila*' were synonymous for the people who used them, or if, to the contrary, they indicated some important difference. For example: 'Native Indian' was synonymous with 'Indian by Nation,' signifying people of an indigenous origin or with indigenous ancestry? Or, to the contrary, did they indicate different situations? Were the 'Native Indians' those individuals born in the *vila*? And the 'Indian by Nation,' and the 'Indian Nation' were people born in the *sertões* (the backlands, literally called large deserts) who later came to the *vila*? Can 'Native Indians' and 'Natives of this *vila*' be considered as categories which had the same significance for the Indians and colonial authorities? Or was 'Native' a term to also designate the ('mixed' and/or 'white') Portuguese born in the *vila*?

According to the dictionary of Antônio de Moraes Silva, *Nation* meant, as also in Raphael Bluteau (1720, p. 658), the "people of a country or region which have a separate Language, Law, and Government: e.g., the French, Spanish, or Portuguese nation." However, "People of the Nation" were the descendants of the Jews and New Christians or, also, "race, caste, type" (Silva, 1789, p. 107). From this perspective, 'Indians by Nation' and of the 'Indian Nation' were labels of attribution used by the magistrate or the self-attribution

used by the witnesses which marked a basic ethnic difference, in other words, the belonging of the thus labelled individuals to the indigenous 'race' of 'caste.' Moreover, it is worth emphasizing that during the seventeenth century the category 'race' signified a community with a common origin and not a biological group with exclusive traits determining its character.²¹

According to Moraes Silva, 'native' was a term used to designate individuals from a nation and non-foreigners (Silva, 1789, p. 107). Thus, there is the idea of belonging to a 'nation' in the quality of political community. Nevertheless, as appears in the documentation from the end of the eighteenth century, in relation to the Indians of Benavente, the term 'native,' is closer to the idea of place of birth, as it is used today. It thus derives from the idea of the autochthonous population, in other words, the indigenous. In the discursive field of Indians and the authorities who were taking their statements, the terms 'Indians,' 'Native Indian,' 'Native of this *vila*' and 'Native' appear as synonyms, with interchangeable words, fundamentally signifying that the individual was an Indian. It has not been possible to check in the documentation seen until now if an Indian was born in the *vila* of Benavente; or if he came from the *sertões* and became a resident there. However, it is certain that the three terms – in other words, 'native,' 'native Indian,' and 'native of this *vila*' – appear to describe men and women of an indigenous origin.

There is not much difference between the classification of the magistrate and the self-classification of the witnesses, since among the 22 witnesses, 17 were classified as indigenous and 18 considered themselves as such. The difference is thus one individual: Leandro Pereira da Costa, who defined himself as 'Native,' but was classified as 'mixed' by the magistrate and his clerk, coming from Bahia. According to the legal records, he was:

A man of mixed blood, son of an Indian woman and his father was of mixed blood married with an Indian woman, all Natives and residing in Guaraputanga, part of this *vila*, where they live from their small plantations and he says he is more or less forty-seven years of age, swearing to the Holy Gospels on their book on which he put his right hand and promised to say the truth of what he knew and what he was asked and that he usually said he was a Native married with a Native.²²

Leandro Pereira defined himself as 'Native' married with a 'Native,' while the magistrate defined him as 'mixed' married with an 'Indian.' Moreover, the term 'native' was used by the magistrate to describe the entire family, formed

by Indians and mixed people. In this specific case, the term is distant from the usual and routine sense in which it appears in the documentation, as an abbreviation or corruption of the term 'Native Indian,' since it also encompasses mixed persons who were part of the same family and lived in the *vila*.

Mixing of 'blood' represented a challenge to the Portuguese classificatory order based on the ideas of 'purity of blood,' 'castes,' and 'races' (Viana, 2007, p. 37). Nevertheless, mixing happened and ended up demanding accommodation in social practices and norms, in order to locate the mestizos in the social hierarchies in force, with their respective rights and duties. For example, it was also the Benavente Indians who denounced to the queen another local practice: the Portuguese abusively calling them *cabocollos*, trying to impose on them a type of slavery:

I have more to request of Your Majesty, since the Captain-General and the Governor of the Captaincy have ordered we Indians to be searched for, we Indians lords of our actions, and we who have been born free of the burden of slavery, to order us to work in foul parts or where they want, and with petitions even from their friends to do the same on their plantations and the payment they give to the said Indians when they ask for their pay is to call them *cabocollo*, blows, and detachments and mountains for their convenience.²³

The equation was simple: if they were mixed, in other words *cabocollos*, they could not enjoy the rights reserved to 'Indians,' notably the rights to liberty and to possess land. In this case, he supposed or real miscegenation attributed to Indians would become a nightmare, since it signified the possibility of losing the right and the relative autonomy to live by oneself on their own lands, with their families and communities.

Pombal's reforms tried to impose a new means of facing the mixing of Indians and non-Indians, by guaranteeing that no infamy would fall on the contracting Portuguese and their descendants. What was intended was to homogenize, from the ethnical and cultural point of view, as well as of political loyalties, the colonial population, especially the descendants of mixed marriages. However, the collected documentation pointed to the relative failure of this attempt, since new cleavages of 'color' and the mixing of 'blood' emerged in social practice and discourse. After all, in the discursive field of the magistrate, Leandro was of 'mixed' blood, mestizo from a mixed father and Indian mother. According to the rules and classificatory values of the magistrate, only those men and women born from indigenous fathers and mothers could be

considered 'Indians.' Leandro, therefore, supposedly stopped being an Indian; he was not equivalent to the 'Portuguese' in the discourse of the magistrate, as promised in the spirit of the Pombaline laws; and in the new description of 'mixed,' entered a scale of a much more unstable and nebulous social hierarchization than of the Portuguese and of their relatives considered Indians, whose rights and obligations were more clearly based on the normative Lusitanian corpus.

The example of the *pardo* Antônio Alexandrino is clarifying in relation to the vulnerable and unstable place of men and women classified as 'mixed' in *vila* of Benavente and in colonial society. It was he, who in 1795, wrote the first petition to Queen Dona Maria I, with three Indians. But in the *devassa* (inquiry) which the Senate of Council of Benavente made about the petition in 1798, the following conclusion was reached:

and when we saw them and such representation was a serious reflection, we found the same representation to be entirely false and fulminating the fundamentals of which was composed by the intriguing and malevolent ideas of the three Indians of this *Vila* by the names of Antonio Jose Lopes, Antonio da Silva, Francisco Dias who in league with a Mulatto who in this *vila* lived by the name of Antonio Alexandrino, a subject entirely disturbing of the peace of this *Villa*, drafted the same representation, and the letter is written by the same Alexandrino who we know.²⁴

Depending on the social historical situation and the relations of power, the condition of *pardo* – a category linked to the strategies of Afro-descendants to obtain distinction and honor in the eighteenth century colonial world (Vainfas, 2007, p. 37) – to that of 'mulatto' and, as clarified by Ronaldo Vainfas, in the colonial world *pardo* and mulatto were not equivalents (ibid., p. 20). In truth, the mulatto was subject to the "stigma of *mulaticie* (being a mulatto)," in other words, the "image of pride, lack of submission, and arrogance... an image of rebelliousness..." (ibid., pp. 19-20). Therefore, perhaps it was of no interest and it was not possible for certain mestizos to move to the category of *pardo*, especially if they lived in a *vila* of Indians and had mothers, wives, in-laws, and other indigenous relatives. Moreover, it is very possible that for them and the other Indians, the classificatory criteria of the magistrate made no sense, since, as I have argued, marriage in indigenous societies was a traditional form of assimilating Europeans, Africans and their descendants.

In other words, the descendants of mixed marriages did not necessarily

feel less Indian than their mothers, spouses, children, or community due to the fact that they had a mixed or white 'Portuguese' father. Leandro's mode of seeing himself, for example, suggests that he did not feel less 'native' than his wife, who was classified as a native Indian. The evidence suggests that the identity and political and social loyalties which structured the person of Leandro were much more anchored on their feeling of belong to the *vila* of Benavente – at that time an Indian *vila* – than the identity of *pardo* attributed to him by the magistrate.

The discrepancy between the way Leandro perceived and classified himself and how he was seen and classified by judicial authorities raises important questions, but not always sufficiently visible in the historic documentation. It is evident, for example, that the Pombaline policy of increasing and homogenizing the population of the colony through biological and cultural intermixing could fail, since the success of the assimilationist policy could also depend on local interests and the politics of the Indians themselves and their descendants in adhering to a new social and ethnic identity.

Ethnic identity, in other words, the feeling of belonging to an ethnic group, although it involves ties or supposed ties of kinship, consanguinity, and a common origin is neither exclusively nor a priority of these criteria. It did not demand 'purity of blood' nor customs that were immutable and impermeable to the influences of other ethnic and social groups. From this perspective ethnic identity is, *par excellence*, a form of organization, mediation, and social interaction (Barth, 2000). It therefore has to be considered, amongst other factors, if the 'Portuguese' from the captaincy, the government of Bahia and the metropole were interested in losing the compulsory labor they extracted from individuals and communities described as indigenous and which would perhaps be more uncertain of obtaining in they entered the world of 'whites,' as the Directorate theoretically desired; and also if the Indians from the *vila* were interested in becoming *pardos* or any other type of intermixing. After all, as they knew well, the passage was risky, as they could be treated as 'mulattos' and '*cabocollos*.'

Notwithstanding all of this, the fact is that Leandro, even being married to an indigenous woman, living in an Indian *vila* and living in a social conditions characteristic of subjected Indians, was classified as *pardo* by the magistrate, according to criteria and value totally disconnected from reality and the values of the Indians living in Benavente. Leandro's case foreshadows for this reason the new challenges imposed on territoriality and the rights of land ownership and possession of the Indians inaugurated by Pombal's

assimilationist policy; since the nineteenth century would be marked by the extinction of various indigenous villages and by the removal of Indian lands from the natives, under the allegation of local authorities that the remaining Indians were not true Indians, since they were mixed and miscegenated (Cunha, 1992, p. 145).

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NOTES

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² For the campaign against the Jesuits, see MAXWELL, 1996.

³ In relation to the Directorate of the Indians, see, amongst others, SOMMER, 2000; DOMINGUES, 2000; SILVA, 2005; LOPES, 2005; COELHO, 2007. In relation to the criticism of the supposed isolation of the Indians in the settlements, see especially WILDE, 2009.

⁴ LOPES, 2005, p. 70. Other norms were published to adapt the Directorate in determined regions of Portuguese America, such as the Directorate created to rule the life of Indians of Rio Grande do Norte, analyzed by Fátima Lopes (2005), and the ruling of the Overseas Council on the Directorate which was incurred on the Indians on the State of Brazil. Cf. Projeto Resgate Barão do Rio Branco. Catálogo Eduardo de Castro Almeida, doc. 4245. “Offício do Vice-Rei Conde dos Arcos para Thomé Joaquim da C. Côrte Real, em que se refere ao parecer do Conselho Ultramarino, que funcionava na Bahia, dera sobre a aplicação que podia ter na Capitania o Directorio formulado por Francisco Xavier de Men-

donça Furtado, Governador e Capitão General do Pará e Maranhão para o regimen dos índios das povoações destas capitánias. Bahia, 1 de junho de 1759”. In relation to the ruling, see the study by CACELA (2013). In Espírito Santo, the Directorate and the ruling of the Overseas Council were of importance in the governance of the Indians, alongside the other laws and the royal letters issued by the Pombaline Consulate.

⁵ Cf., amongst others, BARTH, 2000, p. 35; OLIVEIRA, 2004; ALMEIDA, 2003; GARCIA, 2009; SILVA, 2005; LOPES, 2005.

⁶ WRIGHT, 1999, p. 298. See also, amongst others, HILL, 1996; ALMEIDA, 2003.

⁷ In relation to the colonial classification system based on the idea of quality, see RAPPAPORT, 2009. As the author observes, the notion of quality involved a varied set of attributes: lineage, legitimacy of birth, religion, social condition, place of residence, clothing, color, profession, etc. For this reason, although it maintained a relationship with the idea of belonging to a common origin (race/blood), the notion of quality was not subsumed in race. Cf. RAPPAPORT, 2009, p. 46. In relation to social hierarchization in the Portuguese and colonial *Ancien Regime*, where each status group had their own privileges and duties, cf. HESPANHA, 2010.

⁸ In relation to the place occupied by Indians in the social structure of the captaincy of Espírito Santo, stratified as ‘free,’ ‘slaves,’ and ‘Indians,’ cf. MOREIRA, 2013a, p. 138.

⁹ In relation to the lands and territorial rights of the Indians in the captaincy of *Espírito Santo*, cf. MOREIRA, 2013b.

¹⁰ AHU. ACL. CU 005-01. Cx 93, doc.18.226. “Autos da informação a que procedeu o Ouvidor e corregedor da comarca do Espírito Santo acerca da representação dos índios da Villa de Benavente. 20 de fevereiro de 1798. (Anexos ao n. 18.206)”.

¹¹ AHU. ACL. CU 005-01. Cx 93, doc.18.226.

¹² AHU. ACL. CU 005-01. Cx 93, doc.18.206. “Offício do Governador D. Fernando José de Portugal para D. Rodrigo de Sousa Coutinho, no qual informa acerca de uma representação dos Índios da Villa de Benavente contra varios visinhos brancos e pardos que alli tinham aforado terras em beneficio da lavoura. Bahia, 24 de abril de 1798”.

¹³ AHU. ACL. CU 005-01. Cx 93, doc.18.226.

¹⁴ AHU. ACL. CU 005-01. Cx 93, doc.18.226.

¹⁵ “Registro do Diretório de Sua Magestade que mandou lançar neste livro o Doutor Corregedor actual José Ribeiro Guimarães Athayde”. In: ESPÍRITO SANTO (Estado), 1945.

¹⁶ AHU. ACL. CU 005-01. Cx 93, doc.18.226.

¹⁷ In relation to the meaning of citizenship in the colonial, Cf. BICALHO, 2003, pp. 139-149.

¹⁸ AHU. ACL. CU 005-01. Cx 93, doc.18.226.

¹⁹ AHU. ACL. CU 005-01. Cx 93, doc.18.226.

²⁰ AHU. ACL. CU 005-01. Cx 93, doc.18.226.

²¹ VIANA, 2007, p. 41. See also RAPPAPORT, 2009.

²² AHU. ACL. CU 005-01. Cx 93, doc.18.226.

²³ AHU. ACL. CU 005-01. Cx 93, doc.18.226.

²⁴ AHU. ACL. CU 005-01. Doc.18.213. “Officio da Camara da Villa de Benavente para o Ouvidor da comarca, no qual dá sua informação a respeito da anterior representação dos índios. Benavente, 23 de fevereiro de 1798. (Anexa ao n. 18.206)”.