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Managing Social Inequality: Confraternal Charity in Portugal and Its Overseas Colonies

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When the first misericórdia was created in 1498, Lisbon was trying to erase the wounds of the violent expulsion of the Jewish communities from the kingdom, and the confraternity was born under the concern of reuniting baptized persons who wanted to exercise charity. The misericórdias were soon to be founded all over the kingdom and its empire, acting as prebanking institutions and rivaling with local institutions like the municipality or the bishopric. Their importance was based mainly upon moral authority, as they tended to cater for most situations of poverty. Even if other local institutions practised charity, they were not generally able to attain the same scale of human or economic resources, as the misericórdias relied on the voluntary work of their members and attracted substantial postmortem donations. They responded directly to the king and were largely out of the control of competitors. By contrast, royal authority was too weak to impose an effective control; the first serious attempts to do so date from the marquis of Pombal's consulate (1750–77). In spite of misunderstandings and conflicts with the Crown, it is undeniable misericórdias gave an important contribution to the formation of local communities, participating in the dynamics between center and periphery. In spite of the variety of their geographic and demographic contexts, they could always be recognizable by central powers as abiding to the same principles. However, the elites who governed them were free to transform misericórdias into institutions capable of motivating their participation. Between obedience to the king and local management of resources, there was ample space for social action.

Historians usually employ the term *civic* when they refer to independent or semi-autonomous cities under a republican regime, such as the Dutch Republic or the Italian cities of the early modern period. They were under the threat of being incorporated or assimilated into larger units (such as late-fifteenth- and early-sixteenth-century Florence) or fought long wars of independence such as the United Provinces during the Eighty Years' War against Spain (1568–1618). Constant peril made them particularly conscious of their identity through civic pride, often visible in art form, such as the group images of armed guards in Dutch cities or the commemorative trophies of autonomy, such as Michelangelo's *David* in Florence. Self-government is the key feature of such political units, seen as independent from monarchic power. However, the study of government in kingdoms such as Portugal, in the mainland as well in its colonies, shows that towns enjoyed a great deal of autonomy when it came to the management of local resources and decision making.

This essay is centered on an omnipresent confraternity in Portuguese territories—the *santa casa da misericórdia*—that worked in collaboration (and sometimes opposition) with other local institutions that, in spite of being under the authority of the central institutions of monarchic regime, were responsible for local government

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on a relatively autonomous basis. These brotherhoods transformed charity into a structuring force of local life, with little interference from the king, but with his blessing protection. They managed vast resources in what concerned economic wealth, religious and civic prestige, control over legitimate biological reproduction, and so forth. Also, they attempted to create an environment of social cohesion by blending the top with the lesser elites within confraternity membership, and both of them with the underprivileged. In spite of the conflictive nature of local life, troubled by numerous interpersonal and institutional conflicts, the *misericórdias* proved to be a resilient institution, surviving cultural, economic, and political changes up to the present day, even if obviously transformed.

The key to the success of the *misericórdias* throughout its history of more than five centuries seems to be collective action, mostly free from close interference of the state. They may be a case in point if we move away from classic definitions of civil society, which emphasize secularism and the formation of public opinion through intellectual discussions, and embrace a broader concept, which takes into account associations bound by religious principles, whose members united through practices that sought the common good in a variety of forms, from charity to the poor to the spiritual well-being of the living and the dead.

Foundation

The first confraternity of Nossa Senhora da Misericórdia was created in August, 1498 by queen Leonor (1458–1525), regent in the kingdom of Portugal while her brother Manuel I (1469–1495–1521) was in Castile and Aragon. The year before, the Jews had been massively converted to Christianity and forced to receive baptism, within particularly violent and disruptive circumstances. The Jews of the kingdom, together with those who had fled expulsion from Castile, were gathered in Lisbon where they theoretically could embark to expatriation. However, King Manuel I was interested in preventing their exodus, and he prompted mass baptism upon them, with the promise they would not be persecuted within the next 20 years on account of their religion. In practice, this was the recognition that they were not expected to be good Christians, only to fulfill the requirement of proper incorporation to a society that, like the Spanish one, was transforming religious unanimity into the compulsive criterion of incorporation (see Kriegel 1979; Rucquoi 1995: 306–9).

There were many episodes of violence in the city of Lisbon and elsewhere in the kingdom, as the goal was to suppress Jewish communities. Procedures included, besides forceful baptism, also the abduction of children from their parents in order to be raised in Christian families (Lipiner 1998; Soyer 2007). The Lisbon *misericórdia* was founded as an effort to reconstruct a community disrupted by violence in the preceding two years, and constituted an attempt to rebuild a society under new unified patterns. The purpose was to gather the population of Lisbon around the practice of the 14 works of mercy—the corporal as well as the spiritual—on the behalf of the

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needy and destitute, thus enforcing the bond between its inhabitants in a city that had been recently disturbed by violence.

The *misericórdia* of Lisbon was trying to gather the congregation of the faithful under the pressures of eternal salvation, for which charity was one vehicle, even if among several others. The rift between Christians and Jews was also somewhat artificial to the inhabitants of the kingdom. Although, as elsewhere in Iberia during the Middle Ages, coexistence between the Christian majority in power and the religious minorities had been difficult (Tavares 1982), the expulsion of the Jews did not come out directly as the requirement of the people. It had been enacted under external pressure, as King D. Manuel wanted to marry the eldest daughter of the Catholic kings, Isabel, who refused the marriage unless Portugal had its Jews expelled (Soyer 2007: 169–80). These circumstances, in my opinion, give new meaning to the words of the prologue of the confraternity's *compromisso*, where it is stated that the *misericórdia* was open to all those who had received the waters of baptism (*Compromisso* 1516). That is, it was ready to incorporate the Jews who had been violently baptized the previous year, and gather the inhabitants of the city under the encompassing purpose of caring for the poor and destitute.

Expansion

The *misericórdia* of Lisbon, however, would be much more than a device to rebuild social cohesion under the spirit of Christianity or heal the recent wounds inflicted by the expulsion of the Jews. As mentioned before, it was created in August 1498, but by the time the king got back to Lisbon in October, the queen had settled some of its main governing principles. The good-hearted Christians of Lisbon would enter prisons and comfort prisoners, gather alms for the needy, and perform all possible charitable duties enforced by the 14 works of mercy, which were listed in the prologue to its rules (Sousa 1996: 259–306). We do not know whether the king instructed her sister on the creation of the *misericórdia* while he was in Spain, but the fact is that he would do everything in his power during his reign in order to found such confraternities elsewhere in Portugal, extending them to the cities of the kingdom and its territories of expansion. Seventy-eight such confraternities were created in mainland Portugal, Portuguese *presidia* in Morocco, or India until the year of his death in 1521 (Sá and Paiva 2004: 357–384). More than 20 legislative diplomas were promulgated in order to guarantee that the *misericórdias* were the first among all the other existing confraternities. As a consequence of the royal enforcement of such privileges, the *misericórdias* would be the main confraternities in the kingdom for most of the early modern period.

The expansion of the *misericórdias* has to be seen in the context of the reforms that were taking place in Portugal during the reign of D. Manuel (1495–1521). Recent scholarship has considered that this period can only be compared to the liberal reforms of the nineteenth century, in what concerns the systematic effort to reorganize the country under new uniform institutions. D. Manuel tried to proceed to the inventory

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of ecclesiastic property such as chantries, hospitals, and confraternities; founded new hospitals reuniting smaller units; promulgated a new compilation of laws that the printing press would allow to distribute everywhere (the *Ordenações Manuelinas*); attempted to reform religious orders, monastic and mendicant; established the practice of choosing bishops subject to papal confirmation; and tried to enforce the presence of royal judges where possible (the *juízes de fora*) (Amorim et al. 2004). All these reforms had the *concelhos*—an administrative circumscription reuniting a variable number of parishes, also known as *câmaras municipais*, as the privileged interlocutor of the Crown. They were composed by a group of *vereadores*, which included a judge, and a procurator to the court, and also lesser officials, the *almotacés*, who took charge of enforcing municipal rules and watching over prices practiced locally. In practice, these institutions were responsible for the management of economic resources and took decisions in every aspect of local life: They decided prices of products, taxed the populations under the orders of the crown, and took care of recruiting soldiers for the king's army (Coelho and Magalhães 1986; Magalhães 1994: 30–47). Authors suggest a municipalization of the country, in order to compensate for the local seigniorial prerogatives and allow for a stronger presence of the Crown (Monteiro 2009: 228). The circumscription of the *misericórdias* would also be the *concelho* throughout their history; in no case was any attempt to have two *misericórdias* by *concelho* allowed to prosper. In some towns, there was a competition between two confraternities in order to decide which would transform itself into a *misericórdia* (Serra 1995: 73–94). As such, *misericórdias* and municipal councils would become the main arenas of local power anywhere in Portuguese territories, from European mainland to Macau, Brazil, and India. Both institutions had the prerogative of writing directly to the king without hierarchical mediation (Boxer 1965).

New *misericórdias* would continue to appear either in Portugal or its overseas territories for the next three centuries: There were more than 300 in the kingdom and a variable number in Asia (many disappeared because there was a recessive Portuguese presence) while new *misericórdias* were being founded in Brazil and Africa until the end of the eighteenth century (see maps in Paiva 2002–10, vol. 3: 368–69, vol. 4: 304–5, vol. 5: 256–57, and vol. 6: 208–9). In Portugal, the idea was to have a *misericórdia* in each municipality, and it must be stressed that, even if the Crown promoted their launching period in the first two decades after 1498, the local elites soon adhered to the institution, which was created spontaneously. So far, there has not been found any case of a town not being interested in having its own *misericórdia*, even if they did not all prosper at once. However, with the accumulation of postmortem donations during the second half of the sixteenth century and the seventeenth century, most of them prospered. The dynamics were as follows: A local group, led by the aldermen, created a *misericórdia* and later sought legalization by the crown, in order to benefit from the privileges awarded. With little control from the center and broad space for maneuvering, *misericórdias* were very appealing to the elites, who created a sense of community, albeit fictional, out of caring for the deprived men, women, and children of the municipality. *Concelhos* could even try to prevent neighboring areas from creating their *misericórdia* in order not to compete for the gathering of alms, as

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was the case for Oporto and the nearing town of Penafiel (Miranda 1987: 11). As a result, the buildings of the *misericórdias* and municipalities still form the core of the urban landscape of Portugal, from the big cities to the small heads of council, with their church, and consistory for the board meetings, where the individual portraits of donors and benefactors were displayed and archives were kept (Moreira 1998: 135–64). New elites fought hard to be incorporated into the local *misericórdia*: It was the case of the merchants in the eighteenth century, but still in the nineteenth century new groups fought to control them. In Coimbra, for instance, university professors and freemasons took hold of the *misericórdia* in that period (Lopes 2002–3: 203–74).

Membership

The *misericórdias* distinguished between elite groups: There was an internal divide between members. "Higher" brothers were noblemen and high clergy, while second-range ones belonged to commerce, crafts, and agriculture. Either way, even the latter faced requirements that placed them well above the average population: They had to be literate, not work with their hands (this implied having servants, day laborers, or apprentices and officials), and dispose of free time to cooperate in the activities of the *misericórdia*. Even if those requirements had to be flexible, because there were towns with an insufficient pool of men with those qualifications, they meant nevertheless that membership was meant for the top groups available locally.

Adaptation to local specificities went as far as adapting the Lisbon rules to the conditions of each town. In the seventeenth century, many towns overwrote the *compromisso* in order to adapt it to their local conditions. This happened in cities of some dimension such as Porto, Coimbra, Braga, Goa, and Macao, but also in much smaller ones. These local *compromissos* were negotiated mainly during the Dynastic Union and can be considered as civic negotiations with Spanish rule, as tokens of autonomy rather than relevant in what concerns the effective change of rules. However, one variation is important: *numerus clausus*. In order to keep it a selective confraternity, and avoid a growth that would erase its elite character, the number of members was reduced in order to fit the size of the local population. Large cities such as Lisbon and Goa would have a maximum of 600 brothers, while small brotherhoods generally stopped at a hundred. Local *compromissos* were generally careful to fit the size of the confraternity in order to match its represented elites, and did not hesitate to ask the king to augment *numerus clausus* if they needed. Other cities, such as Salvador de Bahia, persisted in the use of the statutes of Lisbon (Sá 1997: 94–101).

Practices

Local institutions of charity could be in the hands of the *misericórdia* (hospitals, retirement houses, etc.), but there was one in particular where strict cooperation was needed: prisons. During the Middle Ages castles had held their own jails, but at the

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beginning of the sixteenth century they were slowly moving down to the nearing towns, where they were entrusted to the local councils. Assistance to prisoners who could not be supported by their families were the responsibility of the brothers of the *misericórdia*, who had to be allowed to enter jails, where they would feed them, cure them in illness, and speed up their trials in order to reduce incarceration costs (Oliveira 2000). From the spiritual point of view, prisoners were the perfect metaphors for the imprisonment of souls inside sinful bodies or retained in purgatory. As the incarcerated awaited deliverance, so did souls.

The *misericórdias* grew into absorbing most of the old and new practices of charity: catering for the souls of those sentenced to death, visiting the shamefaced poor in their homes, administering their own retirement houses for maiden orphans, and distributing marriage dowries, thus allowing the community to enforce devices toward the control of its biological reproductive resources. This was achieved at the expense of women because in every town there was a pool of girls who would not have access to marriage if the community did not help them. Since the Middle Ages donors had been providing for orphan and poor girls in their last wills, but from the late sixteenth century the resources conceded to this charity increased in the form of marriage dowries and, less frequently, dowries to enter a convent. Many such dowries were given to the *misericórdias*, often in the form of censuses; as their number was always inferior to that of the applicants, the process of selection was developed by the *misericórdias* and ended in balloting (Machado 2009: 69–92).[1] However, the latter was preceded by enquiries into the honor and "deservedness" of applicants made by the members of the *misericórdia*. Thus, the community had a say in the decision of who was to have access to legitimate reproduction and who was not. Moreover, especially during the seventeenth and eighteenth centuries, many *misericórdias* of the largest towns created retirement houses, where girls could be educated, wait for the concession of a dowry, or simply live in a protected environment all their lives. As well as in other charitable services, the *misericórdias* were a pillar of respectability, ensuring that the higher and middle strata of the community were prevented from social decay. Portuguese *recolhimentos* and donations to orphaned girls did not differ substantially from other communities, either Catholic, Protestant, or even Sephardic Jewish, such as the members of the Portuguese synagogue in Amsterdam, where *dotadas* continued to exist (Bodian 1997: 30–61; Swetschinski 2004: 178–81). This was a nonnegligible action toward the control of the community because biological reproduction according to religious precepts and morals were at stake (Gandelman 2005).

The *misericórdias* also assumed the logistics of foundlings in the main cities of the kingdom. The upbringing of abandoned children should be financially supported by the *câmaras*, but many *misericórdias* took care of raising them, especially if they administered large hospital facilities. Nevertheless, hospitals would become the main institutions administered by the confraternity: Although many hospitals had been

1. Only Machado's study has allowed a precise knowledge on the number of girls who actually applied to those dowries; in general, archives only account for the few women who were allocated them.

incorporated before the end of the Council of Trent, after 1563 the tendency to entrust them to the local *misericórdias* increased. This situation prolonged itself well into the twentieth century: Hospitals only became property of the Portuguese state in 1975, in the context of nationalizations that took place after the April Revolution of 1974. The Council of Trent sanctioned the status of the confraternity as being under royal protection and not having statutes scrutinized by ecclesiastical authorities, after a negotiation took place between the representatives of the crown and the assembly of bishops in the last session of the council (Alberigo et al. 1962: 716; Paleotti 1931: 431). By then, the *misericórdias* were legally defined as lay confraternities, who gathered all under the umbrella of charity, either as donors or receivers, be it the ruling elites, the intermediate groups, or the mass of the poor. Catholic culture became thus the main frame of the civic identity of the Portuguese: By the time the council ended, it would have been difficult to eradicate, as the Protestant reformations had done, the value of good works in the path to eternal salvation (Lindberg 1996: 114–28).

The daily life of each confraternity required a number of dedicated members who would be on call to perform its numerous tasks. In the first place, the presence of all the members was mandatory in a number of religious and civic festivities (five to seven each year, depending on the *compromissos*), as well as the obligation to attend one another's funeral services. There was always the possibility that many men tried to escape their duties due to illness, old age, absence, or pure idleness, but the confraternity made sure that a core of members performed them. Administration required a ruling board of 13 men elected annually who met twice weekly in order to discuss current issues and take decisions. Out of these thirteen, one brother would be the *provedor* and thus the supreme representative of the confraternity, being seconded by the scrivener and the treasurer, the former supervising registers, and the latter all the accountancy of the confraternity. There was also a corpus of *mordomos* who would perform their duty on rotation each month. They acted in pairs formed by a first- and a second-class member, and their tasks were highly specialized: There were *mordomos* to take care of the hospitals, prisoners, shamefaced poor, and also men in charge of collecting alms. In Porto, there were 64 different men scheduled for such tasks in 1575, but by 1610 the number had increased to 114, in times when the number of members did not exceed 200 (AHSCMP, Série E, banco 1, livro 3, fls. 4r-6 and livro 14, fls. 4–6). Even if sorting out names can be hazardous due to homonymy, it cannot be said that belonging to the confraternity did not require face-to-face relationships. Also, increasing bureaucratization meant that the confraternity had to engage solicitors to receive rents and solve problems in Lisbon, the capital of the kingdom (or Madrid during the Dynastic Union), and lawyers to defend the confraternity in court. Some of them were on the *misericórdia*'s payroll, but others were members who made their highly specialized skills available to the confraternity.

The mobilization of a large number of associates could also prove useful in situations in which a prompt response was needed. Emergencies such as epidemic outbursts or receiving refugees might require the contribution of the confraternity. That was the case in Porto, during 1575, when an improvised hospital was installed near the walls of the city, and brothers were designated to take turns in the care of the

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sick (AHSCMP, Série D, banco 8, livro 1, fls. 68r-69). Also, in August 1604, 97 Irish refugees, escaping from religious persecution, disembarked in Vila do Conde, women and children among them. The *mesa* decided that they were not to wander in the city of Porto because some of them were known to be sick. The *misericórdia* recruited some of its members to take action and provided temporary secluded lodging for them (AHSCMP, Série D, banco 8, livro 3, fls. 271-271r).

Belonging

In the first 50 years of the confraternity, Christianity would be the sole requirement to belong to the *misericórdia* because it was open to men and women. In some cases, a divide is to be found between persons enrolled to the confraternity, that is, men and women who were supporters of the *misericórdia*, and full members. Later, women would be erased from these confraternities altogether, but a few remained: Those who replaced their dead husbands. Some of those widows exceptionally became *provedoras* of the confraternity, the higher office normally exclusive to men. In spite of this possibility, the participation of women in such roles was confined to smaller towns; big cities made sure their ruling bodies were exclusive to men. The *misericórdias* took part in the exclusion of women from public authority. As such, they mirrored the traditional divides between men and women: The latter could serve public office; women, with few exceptions, should be confined to the domestic sphere.

Jews and Muslims had thus been transformed into New Christians in 1497. Inquisition was founded in 1536 (after D. Manuel's "truce" of 20 years had long expired), and new Christians started to be persecuted for secretly keeping to their religion. Access to public office was also soon exclusive to those who could demonstrate not having *impure* ancestry, and so was admission to the *misericórdias*. By 1577, a new *compromisso* of the *misericórdia* required the applicant to membership to be an old Christian, and the rules of 1618, which would be valid until the nineteenth century, imposed scrutiny of the genealogy up to all four grandparents (*Compremisso* 1600 [1577]: ch. 1; *Compromisso* 1619 [1618]: ch. 1). Brothers of the confraternity would gather information, and members of the mesa (ruling board composed of twelve members plus the *provedor*) would confirm it. Only then a ballot would follow, in which all the brotherhood would vote on the candidate by white and black broad beans.

Portuguese societies would have blood as the main criterion for distinction, and to people with Muslim or Jewish ancestry were added the Creole populations of the empire. Even if most local communities were evidently miscigenated (or 'mixed'), because Portugal did not export its women overseas, and male emigration was accompanied by the creation of informal families (often leaving legal wives and children behind), the local elites managed to make distinctions by the color of skin. As far as we know, a very discretionary process, in which we suspect that other motives for discrimination were involved, such as the *wrong* black, mulatto, Indian, or Asian ancestry. As long as one could boast a male ancestor emigrated from Portugal, combined with acceptance by the local elites, color of skin must have been irrelevant. However, we

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have evidence that some prospective members of the *misericórdias* were refused entry under the pretext of color, in Bahia, Goa, or elsewhere (Russell-Wood 1968: 116–45).

Even so, identity could be negotiated. In many cases, men with Jewish ancestry recurred to genealogical fraud, often erasing their origins from their contemporaries (Mello 2000). One of the options for those who had something to hide was precisely to hurry into positions of power and belong to as many confraternities as possible.

On the side of the poor the situation was less radical. Although confession and communion were essential before being admitted to a hospital—the more encompassing charitable institution—color of skin was not an impediment to be admitted. Religion was the main criterion of incorporation: In order to be assisted in deprivation, the poor had to abide to Christianity or, at least, not be overtly hostile to it.

Power Configurations

Royal protection, although not exclusive to the *misericórdias*, proved to be useful for the constitution of civil communities, which, in spite of the religious values that united them, were not under the authority of ecclesiastic institutions. Bishops, collegiate churches, even parish priests, could belong to the *misericórdias* as members, but they could not exert their authority as members of the clergy, becoming brothers on equal standing as laymen. Cities where the seigniorial authority was the bishop, such as Braga, the main archdiocese of the kingdom, saw their *misericórdias* appropriated by the archbishop and canons of the cathedral, but nonetheless abided to civil rules. With the exception of the periodical examination of altars and liturgical objects, Episcopal visitations were not to enter the premises of the *misericórdias*. More than that, many *misericórdias* of the kingdom felt this to be a nonnegotiable privilege of laymen. In 1747, for example, the "provedor" of the *misericórdia* of Macao declared that the bishop could enter his house up to the kitchen if he wished to, but not the *misericórdia*, which was under his majesty's protection (Sá 2008: 161). It was a very convenient principle in the circumstances because there was a bishop in Macao who actually wanted to interfere while the king was a two-year trip away from the city. In a context where religious authorities were more structured and present than the king's, being under the protection of the latter often meant a great degree of autonomy. The Church, after all, had been developing a grid of coverage to the territory since the Middle Ages, while civil authority had not done so until very late, and always benefiting from the previous parochial circumscriptions of the territory. However, despite the efforts to cover for all the territory (which was subject to fragmented powers), the Crown had limited capabilities of enforcing rules onto the *misericórdias*. It did neither verify their accounts nor oppose rigged elections that perpetuated abusive ruling boards at the top of the confraternities (except when complaints of misadministration had been filed). Only Pombal would try to defy noncentral interference in the eighteenth century, imposing *provedores* of his own choice, limiting the access of the high nobility to credit, and having account books examined (Lopes 2008: 65–80).

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Configurations in the relationship between ecclesiastical institutions and the *misericórdias* could vary, though. Religious orders were often very interested in summoning the cooperation of the local populations that assembled in the *misericórdias*. That was the case in the cities administered by the Portuguese in Asia, where the Jesuits often gave the example in the practice of the 14 works of mercy, in a deliberate strategy to obtain popularity among the population. Besides, one of the structuring issues of the beginning of this religious order was the systematic practice of the works of mercy (O'Malley 1993: 165–99). In Macao, for instance, Bishop D. Melchior Carneiro, himself a Jesuit, founded the *misericórdia* in the second half of the sixteenth century, and the society worked hard in order to ensure the cooperation of the local Christian population (Seabra 2006: 48–59).

Municipalities were often strongholds of resistance to central authority, seeing crown officials as limitations to their powers. This was a common feature in the colonies, but not less in Portugal. Viceroys, crown judges, and *corregedores*, often recently arrived in the area, with agendas defined by central institutions in Lisbon and often pursuing their personal interests in the local economy—and thus possibly damaging the interests of local businessmen and traders—collided with established local elites. Strange as it may seem, bishops, under direct nomination by the king, and confirmed by the Holy See, could also be the agents of central policies that were not interesting to the local elites (Paiva 2006: 171–213). The *misericórdias* could often voice uneasiness, formed as they were by the local elites, being sometimes overtly hostile to the incorporation of "foreign" crown officials, such as *juízes de fora* or *corregedores*. This friction, often carried out as peacefully as possible, combined joint efforts of the council and *misericórdia* members. Originating within the same elites, brothers of the confraternity and *vereadores* often overlapped. If the individuals were not literally the same, they came from the same pool of local oligarchies that had been ruling the economy for generations (Santos 1993; Sobral 1990). In Bahia, the owners of sugar mills and plantations dominated the councils and the *misericórdia* (Russell-Wood 1968: 62–63, 119). In Macao, where maritime trade was the only economic activity of the territory, the Creole Luso-Chinese families that formed the elites of the city controlled both institutions. Incorporation into these elite groups, for a *reinol* (name given to recently arrived single males from the kingdom) was performed through marriage into the local elite groups. Recently arrived army officers, jurists, or *caixeiros* (aids to merchants) often married into those families (Forjaz 1996). This could be a means to renew the bond between the colony and the mainland because otherwise those elites would recur to intermarriage (Flory and Smith 1978).

If some examples from *misericórdias* within the Portuguese empire are given, it needs to be stated that the difference between overseas colonies and towns within Portugal consisted only in geographical distance, local composition of the populations, and their elites; otherwise, the dynamics between the centre and the periphery were always imbued with more or less overt conflict between local and crown interests.

Kings were aware that local councils were often strong opponents of their policies, and thus restricted the foundation of municipal councils in some parts of the empire because they knew them to be difficult to control. Surprisingly, some isolated

territories of the empire saw their *misericórdias* (whose creation the king did not prevent) transform themselves into local councils, assuming administrative duties they were not supposed to perform, as was the case of Mombaza in 1614 (Rivara 1992: 1006–7).[2]

The local importance of *misericórdias* was also enhanced by their role of prebanking institutions. The accumulation of property through a multitude of postmortem donations, often designed to the perpetual saying of masses, allowed the confraternities to dispose of a pool of wealth that local merchants (in the case of Asia) or sugar planters (Brazil) could repeatedly use in order to finance their ventures. Without regular surveillance of internal accounts by central institutions, however, discretionary use of those capitals was responsible for abuse and internal disorders, transforming the control of the confraternities by local elites was even more important than before. In some cities such as Macao, for instance, the money channelled to charity was only a minute proportion of the capital circulated by the *misericórdia*. The autonomy of the local merchants who controlled the *misericórdia* was complete, and only during the reign of Queen D. Maria I (1577–92) complaints by the Minister of Foreign Affairs Martinho de Mello e Castro started to reckon the crown's absence of control over the colony, which was entirely dependent on the Chinese (Sá 2008: 155–56).

Conflicts and Tensions

In spite of a picture of apparent harmony that may have been described here, local politics was far from being a quiet haven. A myriad of conflicts, personal and collective, institutional or officious, cut across every aspect of local life. Fights for every type of capital (religious/cultural, economic, social, etc.) were ever present in Portuguese societies; many of them had the *misericórdias* as protagonists. These conflicts show, however, that central institutions of government did not interfere in most cases; when they did, there was often a written complaint at its origin or royal authority, and its agents were directly at stake.

Some conflicts corresponded to tensions within the *misericórdia*, although they voiced clearly matters of social self-identity, as when an applicant was admitted to a *misericórdia* as a second-category member and voiced his displeasure at not being socially pictured as he wished. Matters of discipline were also important, as when a member refused to comply with orders given by the provedor, or to abide to the minimum obligations defined in the *compromissos*. Often, brothers did not wish to carry objects in public, and this refusal was especially critical in ritual moments, which might imply the transportation of objects during processions or biers in funerals. This tension was generally solved through the distinction between first- and second-class members, as the latter were supposed to serve the former through these services. However, processions implied that noble brothers carried torches, and funerals of

2. About similar cases in Mozambique during the eighteenth century, see Arquivo Histórico Ultramarino, *Moçambique*, cx. 8, doc. 18 [1753.08.13]; cx. 14, doc. 47 [1758.08.18].

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other members did also imply their active participation. These obligations were also deviated through the employment of servant replacements. Such strategies were the cause for embarrassment, as the confraternity had started within the spirit of Christian charity; however, especially during the baroque, social images and appearances took the lead in many occasions.

Internal disturbances could also take the form of factions who fought for the control of the confraternity, which was especially prized due to its ritual visibility, wealth, and political influence. The moment to express rivalries was the annual election for the *provedor* and *mesa* (its ruling board of 13 members). Indirect election meant that the key to be elected was to control the choice of those who would vote (Capela 2000: 19–46). Surprisingly, rigged elections were most likely to get to the central institutions of the kingdom, as they were accompanied by formal complaints of one or both factions. It is interesting, however, to note that, unless there was disagreement among the elites who governed the *misericórdia*, disorder, fraud, and misrule would be ignored in Lisbon.

Other conflicts were interinstitutional and voiced tensions within the local powers. Local authorities questioned privileges and exemptions of the *misericórdia*. Bishops tried to exert rights of visitation upon hospitals or other confraternal buildings. Third Orders, and other religious institutions, tried to use their own biers in burials; this was against the law because only *misericórdias* could own them, dispensing them to other confraternities over the payment of fees. Conflicts could also arise with traditional partners. Trouble with municipal councils is not unknown, as quarrels over precedence in social and religious events were common; both institutions could contend economic resources. Most of these quarrels consisted of different personalities or institutions matching their strength with one another; others expressed ignorance or bad faith of one of the opponents. Nevertheless, they demonstrate how far royal authority could be from local issues, and how communities dealt with their own problems on a casuistic basis, often ignoring laws that had long been promulgated. The fact that a bishop wanted to visit a hospital as a lay institution (he could only exert this right on altars and cult equipment) was of course illegal; the fact that he attempted to do so proves that challenges were always possible, and even convenient, in order to establish supremacy in local matters.

Conclusions

In spite of misunderstandings and conflicts between the Crown and the *misericórdias*, it is undeniable the latter gave an important contribution for the formation of local communities. Even if they were inserted in very different geographic and demographic contexts, they could always be recognizable by central powers as abiding to similar principles and rules everywhere. By contrast, the elites who governed them were free to transform those confraternities into suitable and interesting institutions capable of motivating membership and participation. Between obedience to the king and local management of resources, there was ample space for action.

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If we define civil societies in an entirely innovative form, which is the main goal of this essay, the *misericórdias* fit easily in the pattern, for a number of reasons. In the first place, they obeyed to religious goals that gave each member a sense of living according to God's precepts. Brothers enhanced the possibilities of eternal salvation, either through direct service to the poor or indirectly, by fulfilling their obligations toward those who bequeathed property to the confraternity. However, even if religious ideology ruled their action, these confraternities held a secular status; they were not ecclesiastical, neither obeying to the local bishop nor to the pope. The *misericórdias* enjoyed royal protection and corresponded directly with the king. The ultimate goal of their members was to practice the 14 works of mercy and to perform a variety of tasks related to the daily life of the confraternity, thus meeting face to face on numerous occasions. They might even try to act on situations of emergency during epidemics or war, thus replacing local municipalities or royal authority. It is thus time to move from intellectual discussions about civil society and consider the performances of the people who gathered in religious associations.

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