

## The Non-Colonialism Thesis: The Legal-Political Formation of Brazil as the King's Province

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### SUMMARY

This article proposes a critical review of the traditional conception that Brazil was a colony of Portugal. It is argued that Brazil, since its discovery, was a heritage of the Order of Christ and, later, of the Portuguese Crown, and was never formally a colony, but rather a Province of the King. The elevation of Brazil to the status of Kingdom in 1815 and the founding of the Brazilian State are analyzed as decisive elements for the understanding of its legal-political identity. The methodology adopted in this study is of a qualitative and theoretical-interpretative nature, with emphasis on documentary analysis and bibliographical review. The research uses works by authors such as Arlindo Veiga dos Santos, Tito Lívio Ferreira, José Pedro Galvão de Sousa and Plínio Salgado as its main corpus, being analyzed in the light of historical and legal sources, such as treaties, constitutions and administrative acts from the imperial and pre-imperial periods. The method of analysis is hermeneutic, seeking to interpret the texts not only in their original context, but also in their relevance for the construction of an alternative narrative about the formation of the Brazilian State. Furthermore, the study makes comparisons with traditional historiography, with the aim of highlighting the points of divergence and the legal and political foundations that support the thesis of Brazil's non-coloniality. The study seeks to contribute to the reinterpretation of the historical process of national formation, valuing the institutional and symbolic continuity of the Empire of Brazil.

**Keywords:** Brazil; colony; United Kingdom; Empire; Order of Christ; political identity.

### ABSTRACT

This article proposes a critical review of the traditional conception that Brazil was a colony of Portugal. It is argued that Brazil, since its discovery, constituted a heritage of the Order of Christ and, later, of the Portuguese Crown, never having been formally a colony, but rather a Province of the King. The elevation of Brazil to the status of Kingdom in 1815 and the foundation of the Brazilian State are analyzed as decisive elements for the understanding of its legal-political identity.

The methodology adopted in this study is of a qualitative and theoretical-interpretative nature, with emphasis on documentary analysis and bibliographical review. The research uses works by authors such as Arlindo Veiga dos Santos, Tito Lívio Ferreira, José Pedro Galvão de Sousa and Plínio Salgado as the main corpus, being analyzed in the light of historical and legal sources, such as treaties, constitutions and administrative acts from the imperial and pre-imperial periods. The method of analysis is hermeneutic, seeking to interpret the texts not only in their original context, but also in their relevance for the construction of an alternative narrative about the formation of the Brazilian State. In addition, the study makes comparisons with traditional historiography, with the aim of highlighting the points of divergence and the legal and political foundations that support the thesis of Brazil's non-coloniality. The study seeks to contribute to the reinterpretation of the

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## 1. Introduction

Traditional historiography often presents Brazil as a Portuguese colony from its discovery in 1500 until the proclamation of independence in 1822. However, this interpretation has been questioned by several Brazilian authors who, based on legal-historical and symbolic, argue that Brazil was never a colony in the full sense of the term. Among the main representatives of this revisionist current are Arlindo Veiga dos Santos, Tito Lívio Ferreira, José Pedro Galvão de Sousa and Plínio Salgado, whose writings propose a new reading of national history, in which Brazil appears, from the beginning, as a territory under direct administration of the Portuguese monarch, initially in his capacity as Grand Master of the Order of Christ, and later as an integral part of the Crown.

Based on this framework, this article aims to analyze the thesis of non-colonialism light of the institutional structure that was in force between the discovery of the Land of Santa Cruz and its elevation to the category of United Kingdom in 1815, culminating in the consolidation of an identity Brazilian imperialism. Instead of a colony subordinated to metropolitan interests, Brazil would have been conceived as a royal province, a direct expression of the sovereignty of the Portuguese king and

bearer of an autonomous destiny, which helps to understand both its trajectory of independence as to the permanence of its political-cultural foundations to this day.

By using a hermeneutic and qualitative methodology, the study seeks to interpret critically examine the historical documents and legal discourses that support this alternative view, confronting it with the dominant narrative of official historiography. The proposal is to offer a contribution to the reflection on the formation of the Brazilian State, recovering a perspective that values institutional continuity and the Lusophone civilizational project as elements constitutive of national identity.

## 2. The Order of Christ and the Possession of Brazil: Legal and Symbolic Foundations

The incorporation of the Land of Santa Cruz into Portuguese sovereignty in 1500 was, to a large extent, measure, carried out under the symbolic and legal authority of the Order of Christ, successor of the Order of the Templars in Portugal. This military and religious order was created in 1319 by D. Dinis, with the papal recognition through the bull *Ad ea ex quibus*, issued by Pope John XXII in the same year. The bull determined that the assets and liabilities of the extinct Order of the Temple were transferred to the new order, maintaining the evangelizing mission and defense of Christianity in the Lusitanian domains (Ferreira, 1959, p. 42).

Over the centuries, the Order of Christ became a political-religious instrument fundamental of the Portuguese monarchy, being directly under the command of the king, who began to accumulate the title of Grand Master of the Order. This arrangement meant that the discovered territories and conquered by Portuguese navigators were under the spiritual jurisdiction of the Order, but administratively and politically linked to the Crown. As Galvão de Sousa (1960, p. 73) observes, “the possession of Brazil was not carried out as a simple commercial or colonizing expansion, but as the expansion of a royal-sacral heritage legitimized by Canon Law and the Christian mission”.

The presence of the cross of the Order of Christ on the sails of Portuguese ships symbolized this direct link between faith, sovereignty and expansion. Plínio Salgado (1950, p. 117) states that “it was not the metropolis that dominated a colony, but the Portuguese royalty that founded a new province, based on divine authority and royal law, under the sign of the Templar cross”.

This legal configuration becomes even more evident in the administrative language of royal documents and in the first administrative reports of the sixteenth century. As Titus Livius points out, Ferreira (1959, p. 21), the designation of “Province of the King” attributed to Brazil in documents

officials confirm that the territory was not governed under the logic of colonial subordination, but was directly integrated into the king's domains. The distinction is important: a colony, in the conception modern, is a subordinate territory, governed for the benefit of a metropolis; a province royal, on the other hand, is part of the political body of the kingdom itself.

Arlindo Veiga dos Santos' theorizing follows the same path. In his work *The Formation of Brazilian nationality* (1933), the author argues that the Portuguese mission in the New World was marked by a providentialist and imperial spirit, where Brazil appears not as a conquest territorial, but as a spiritual and institutional continuity of Portugal's mission: "Brazil was from the beginning an extension of the kingdom, not a colony to be explored, but a mission to be built" (Santos, 1933, p. 57).

This conception is also based on the doctrine of *royal patronage*, according to which kings Catholics had authority delegated by the Pope to evangelize and administer the newly conquered territories discovered. The bull *Romanus Pontifex*, from 1455, granted by Nicholas V to D. Afonso V, legitimizes this power over the conquered lands "along the Atlantic and overseas", reinforcing the character spiritual and legal aspect of Portuguese sovereignty over Brazil (Galvão de Sousa, 1960, p. 41).

Therefore, it is necessary to understand the formation of Brazil in light of a legal-political worldview. politics that escapes modern colonial categories. The presence of the Order of Christ and the designation of the territory as the Province of El-Rei places Brazil not as an appendix of the metropolis, but as original cell of an imperial identity of its own, legitimized by religious foundations, legal and historical.

### **3. The Organization of Brazil between 1530 and 1815: From Permanent Housing to Consolidation Administrative**

From the expedition of Martim Afonso de Sousa, in 1530, the effective habitation of the Brazil for administrative and productive purposes. This phase marks the transition from mere recognition territorial for the orderly occupation of the land of Santa Cruz, under the direct sponsorship of the Crown Portuguese and, until the mid-16th century, still under the spiritual and administrative dominion of the Order of Christ. The founding of the town of São Vicente, in 1532, is the first legal-administrative milestone permanent, with the installation of the City Council, a symbol of local autonomy granted by royal power. Such a structure, as Galvão de Sousa (1960, p. 59) observes, already denoted a model of decentralized administration, with a strong presence of Portuguese Law and the municipalist tradition inherited from the Iberian Middle Ages.

In this context, the Crown promoted the implementation of hereditary captaincies, an initiative that aimed to decentralize administration and stimulate the settlement of the coast. However, from 1549, with the creation of the General Government, a centralizing inflection is observed that highlights the direct interest of the Portuguese king in exercising authority over the territory, not as a colony traditional, but as a personal royal possession. This administrative model aimed to consolidate a stable and permanent institutional order in the territory, adapted to the Lusitanian model of royal and religious administration. According to Tito Lívio Ferreira (1959, p. 97), "the general government was the natural extension of royal power in America, preserving the direct link with the Crown and never admitting a local sovereignty independent or subordinate to the interests of third parties".

Spiritual jurisdiction remained under royal patronage: the king of Portugal — also Grand Duke of Master of the Order of Christ until its incorporation into the Crown in 1551 — he directly exercised control of evangelization and ecclesiastical organization. As Arlindo Veiga dos Santos (1933, p. 51), "Brazil's mission was above all spiritual and civilizing, inserted in the designs providential actions of the Portuguese Catholic Crown". This vision gives Brazil a unique status among the European domains in America, founded not only on economic exploitation, but on the construction of an integral Christian civilization. In this sense, the possession of the territory by the Order of Christ until 1551 gives Brazil a distinct character: it would not have been a colony in the classical sense, but a "spiritual and military domination" legitimized by the pope and administered by royal delegation (Santos, 1962).

Authors such as Varnhagen (2000) and Oliveira Lima (1997) highlight the peculiar character of Brazilian administration, which, unlike the English or Spanish colonies, was conceived as an integral part of the expansion of the Portuguese State. This conception is reinforced by Américo Lacombe (1963), who interprets Brazil as an extension of the Kingdom, progressively incorporated into the Portuguese political system through institutions such as the Overseas Council, created in 1642, and the direct appointment of governors-general.

During the 17th and 18th centuries, the Brazilian institutional structure was strengthened with the elevation of towns, the installation of ombudsman offices, municipal chambers and bishoprics, allowing the formation of an internal political and social body. As highlighted by José Pedro Galvão de Sousa (1957), the autonomy of municipal chambers and the role of ombudsmen and captains-major contributed to the configuration of a state protostructure, albeit linked to royal sovereignty. In this way, the Brazil presented itself as an entity endowed with a certain degree of self-government, without breaking ties with the authority of the monarch.

The Pombaline reforms in the 18th century intensified this process of centralization, evidenced by the creation of the Captaincy of Minas Gerais, the installation of the Royal Treasury Board and the strengthening fiscal control. The change of the Viceroyalty headquarters to Rio de Janeiro in 1763, shifted the axis of political power to the south, with a view to protecting border territories and strengthening of royal authority in the face of external threats. This strategic shift reinforced Brazil's role as the nucleus of Portuguese overseas administration.

The thesis of the "Kingdom in formation" is corroborated by Tito Lívio Ferreira (1978), who interprets the 18th century as a period of maturation of Brazilian political identity, characterized by a feeling of belonging to the Portuguese monarchy and by loyalty to the royal figure. This reading converges with the analysis of Raymundo Faoro (2001), for whom the transfer of the Court to Rio de Janeiro in 1808 represents the culmination of a process of "Brazilianization of Portuguese monarchy". The installation of central bodies such as the Council of State, the Supreme The Court of Justice and the royal ministries in Rio de Janeiro are, as Plínio Salgado highlights, (1950, p. 174), "unequivocal evidence that Brazil was no longer a distant possession but rather a become the dynamic center of the Portuguese empire."

Paulo Mercadante (1980) reinforces this interpretation by arguing that Brazil developed, from the beginning, a complex institutional and legal network of its own, although derived from the model Portuguese. For the author, the notion of colony loses strength in the face of administrative density and symbolic acquired over the centuries, culminating in its legal equivalence to Portugal in 1815, with the elevation to the status of Kingdom.

Therefore, between 1530 and 1815, Brazil went through a continuous process of institutionalization. as a royal province and a constituent part of the Lusitanian monarchy. The growing autonomy administrative and the strengthening of self-government structures did not mean a break with the Crown, but reaffirmation of the symbolic and legal link with the Portuguese throne. The elevation of the Brazil to the United Kingdom of Portugal and Algarves, in 1815, only legally formalized a statute that had been constructed progressively and coherently over almost three centuries.

#### **4. The Elevation of Brazil to the status of a United Kingdom and the Overcoming of Colonial Conditions**

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The legal transformation of Brazil into the United Kingdom of Portugal and the Algarves in 1815 constitutes a fundamental milestone for understanding the thesis of non-coloniality. Such a change was not merely nominal or diplomatic, but rather the institutional recognition of a reality political and administrative already consolidated since the transfer of the Portuguese Court to Rio de

January 1808. As José Pedro Galvão de Sousa (1960, p. 85) rightly points out, the presence of the monarch in Brazilian territory “broke in fact and in law with the idea of subordination colonial”, shifting the political axis of the Portuguese empire to the New World.

The Royal Charter of December 16, 1815, which made the creation of the United Kingdom official, did not not only elevated Brazil to an equal status with the other parts of the empire, but also established a new legal-political configuration. This decision was motivated by the need to ensure greater institutional stability for Brazil, in view of the international situation after Napoleonic War and the European Restoration. According to Tito Lívio Ferreira (1959, p. 143), “the elevation of Brazil to a Kingdom was the monarchical and Christian solution for maintaining the unity of the Portuguese empire in the face of external and internal pressures that were already being felt”.

In this context, the concept of colony becomes anachronistic and inadequate to describe the Brazilian reality at the beginning of the 19th century. Plínio Salgado (1950, p. 182) interprets the act of 1815 as the consecration of an autonomy that already existed implicitly, stating that “Brazil did not break with Portugal in 1822: it merely consolidated the autonomy already recognized by the king himself, when establishing the United Kingdom”.

Arlindo Veiga dos Santos reinforces this reading by highlighting that the structure of the Brazilian State, already in formation before independence, it was rooted in monarchical-Christian principles inherited directly from the Portuguese Crown. For him, Brazil followed a unique trajectory among the nations of America, precisely because it was not a colony in the classical sense, but rather a organic extension of the kingdom (SANTOS, 1933, p. 74).

Furthermore, the permanence of monarchical institutions after independence in 1822, demonstrates a symbolic and legal continuity with the previous regime. The Empire of Brazil, founded by D. Pedro I, inherits the royal and Catholic logic of the Portuguese administration, preserving titles, symbols and legal structures. As Galvão de Sousa (1960, p. 92) observes, “the Brazilian Empire it was not a rupture, but the consummation of a political evolution that began with the arrival of the Court and with the elevation to Kingdom”.

Traditional historiographical analysis, on the other hand, tends to ignore these elements of continuity, preferring to frame Brazil in a colonial matrix typical of other possessions Europeans. However, as the revisionist authors demonstrate, this reading does not hold up in the face of the legal reality of royal acts and institutional reforms that preceded independence.

The designation of the United Kingdom confirms the existence of shared sovereignty and a international recognition of Brazil's political dignity.

Thus, the thesis of non-coloniality finds, in the elevation of Brazil to Kingdom, one of its more solid pillars. This is a moment of paradigmatic change, which highlights the character own and autonomous of the Brazilian national formation, founded not on the violent rupture with a exploitative metropolis, but in continuity with a monarchical tradition that shaped the identity legal and political aspects of the country.

## 5. The Foundation of the Brazilian State and the Institutional Continuity of the Empire

The foundation of the Brazilian State should not be understood as a rupture revolutionary, but as the culmination of a process of institutional autonomy that began with the coming from the Portuguese Court in 1808 and legally consolidated with the elevation of Brazil to Kingdom of Portugal and Algarves, in 1815. This act, more than a symbolic gesture, had profound legal-political meaning: recognized Brazil as an integral part of the monarchy Lusitanian pluricontinental, with equal dignity before the other parts of the Empire, breaking definitely with the colonial paradigm.

The elevation to the United Kingdom, sanctioned by the royal decree of December 16, 1815, gave legal basis for the installation of its own institutional apparatus in Brazilian territory, with the creation of autonomous government bodies and the representation of the Kingdom in European diplomacy. As José Pedro Galvão de Sousa (1960, p. 63) highlights, “the Kingdom of Brazil, once recognized legally, it became part of the political unity of the monarchy in a co-equal manner Portuguese, with the same attributes of internal sovereignty and external representation”.

The next step, formal independence in 1822, occurred without institutional rupture. significant. D. Pedro I, as prince regent, already exercised the powers of the monarch in the territory Brazilian since 1821, maintaining the continuity of royal authority. The proclamation of independence and, later, the adoption of the Constitution of 1824, written under inspiration constitutional monarchy, reinforced this continuity. The new Brazilian Magna Carta established the four powers — Executive, Legislative, Judiciary and Moderator —, consolidating a form of imperial government that preserved the symbols, ceremonial and fundamentals legal aspects of the Ancien Régime adapted to the national reality.

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In this sense, as Plínio Salgado (1950, p. 192) argues, “the Empire of Brazil did not was born from an anti-monarchical revolution, but from the affirmation of continuity: the same Crown, the same Prince, the same civilizing and Christian mission inherited from the old Portuguese monarchy”. Brazilian monarchy therefore represented the reaffirmation of national sovereignty along the lines of

traditional, preserving the administrative structures and legitimacy that date back to royal administration of the Luso-Brazilian period.

The permanence of symbols such as the imperial coat of arms — with the cross of the Order of Christ at the —, the use of traditional royal titles and the explicit defense of national unity under the scepter of the center a Catholic emperor illustrate this symbolic and legal permanence. Arlindo Veiga dos Santos (1933, p. 85) observes that “the Empire of Brazil, far from imitating European liberal models, was based on the moral and institutional heritage of a people forged in the Iberian, Catholic and imperial”.

Therefore, the foundation of the Brazilian State in 1822 must be understood as the logical unfolding of the progressive autonomy initiated with the United Kingdom in 1815, and not as the beginning *ex nihilo* of a new political order. The institutional continuity of the Empire — in its language, ceremonial, legal doctrine and spiritual mission — proves the thesis of non-coloniality of Brazil and reinforces the historical legitimacy of its political-legal identity.

## 6. The Non-Coloniality Thesis and Traditional Historiography: Legal and Politicians

The predominant narrative in Brazilian historiography maintains that Brazil was a colony Portuguese between 1500 and 1822, marked by economic exploitation, administrative submission and due to the lack of political autonomy. This conception is reinforced by authors such as Sérgio Buarque from Holland (1995), Caio Prado Junior (2000), Fernando Novais (1979) and Evaldo Cabral de Mello (2006), whose interpretations are anchored in sociological and economic categories that emphasize the peripheral and dependent character of Brazil in relation to the metropolis.

Fernando Novais (1979, p. 89), for example, conceptualizes colonization as an *expansion of European commercial capitalism*, with the colony being the “functional link of the mercantilist system European”. This view is shared by Raymundo Faoro (2001), who sees patrimonialism Iberian a form of domination from above, in which the colonial administration served the nobility of State, and not to the colonized people. Faoro interprets the political structure of colonial Brazil as a projection of the *Portuguese estate*, and not as an autonomous legal body.

However, this interpretation has been revised by an alternative tradition that emphasizes the legal, symbolic and institutional aspects of the Portuguese presence in Brazil. The thesis of non-coloniality, defended by authors such as Américo Jacobina Lacombe (1980), Arlindo Veiga dos

Santos (1933),

Tito Lívio Ferreira (1959) argues that Brazil, since its discovery, was conceived as territory that is part of the Portuguese Crown — a royal patrimony, and not a colony in the sense modern.

Oliveira Lima (1921, p. 17) is emphatic in declaring: “Brazil was not a colony, in the sense that that the word applies to the overseas domains of modern European powers. It was rather a continuation of the kingdom, a projection of the overseas monarchy on American soil.” For the author, the spiritual mission of the Portuguese monarchy and the role of the Order of Christ in maritime expansion give Brazil a unique status, distinct from the secularized colonialism practiced by other countries nations.

Arlindo Veiga dos Santos (1933) considers Brazil a natural and providential extension of the Kingdom, endowed with a civilizing and religious mission. This idea is reinforced by Tito Lívio Ferreira (1959), which demonstrates, based on royal documents, that the discovered territories were under direct jurisdiction of the Portuguese king, initially as Grand Master of the Order of Christ. The bull *Inter Coetera* (1493) and the Regiments of the Captaincies confirm this sacred link and administrative.

José Pedro Galvão de Sousa (1960, p. 41) criticizes the anachronistic use of the notion of “colony”, stating that understanding Brazil as part of the political body of the Kingdom requires “a reading of legal history that goes beyond economism and liberal anachronism”. The political-political structure administrative structure of Brazil, with municipal chambers, ombudsmen, courts and royal authorities, followed the model of Portuguese law and functioned as an integral part of the Kingdom, not as a colony exogenous.

The Viscount of Porto Seguro, Francisco Adolfo de Varnhagen (1956), had also already proposed a moderately critical interpretation of the idea of colony. In his *General History of Brazil*, states that Brazil has always enjoyed a peculiar position in the Portuguese empire, particularly after the 17th century, with the strengthening of local institutions and the progressive administrative integration into the Kingdom.

Furthermore, Paulo Mercadante (2000) observes that Brazil already had, in the 18th century, own forms of political and legal organization that pointed to an autonomous destiny. He highlights that the presence of legal elements of the *ius commune* and the Philippine Ordinances allowed the development of a local legal culture, based on Portuguese tradition, but with adaptation to the American context.

This conception is reinforced with the creation of the United Kingdom of Portugal, Brazil and the Algarves, in 1815, a legal and political landmark that formally recognizes Brazil's position as part of essential part of the Kingdom, endowed with equal dignity. In this regard, Américo Lacombe (1980) argues that the elevation of Brazil to Kingdom was not a mere political strategy, but the recognition of an institutional reality already maturing since the transfer of the Court in 1808.

Therefore, the thesis of non-coloniality rests on a solid foundation of legal arguments. (direct link with the Crown, absence of an act of colonization, application of royal law), politicians (progressive formation of local institutions, administrative autonomy) and symbolic (mission providential of the Kingdom, Christian imperial identity). It opposes traditional historiography by propose a reading of Brazilian history based on its own legal and doctrinal foundations, valuing the institutional continuity that culminates in the foundation of the Empire of Brazil.

### Final Considerations

This article sought to review the traditional view that Brazil was a colony of Portugal, proposing, in light of the theses defended by authors such as Arlindo Veiga dos Santos, Tito Lívio Ferreira, José Pedro Galvão de Sousa and Plínio Salgado, the idea that Brazil was never a colony in full sense of the term. Based on an analysis of the political and legal structures that were in force from the discovery until the elevation of Brazil to the category of United Kingdom in 1815, it is concluded that Brazil was actually configured as a Province of the King, integrating the monarchy Portuguese in a different way from the conventional colonies of the time.

The elevation of Brazil to the status of United Kingdom, in 1815, not only represented a formal change in Brazil's relationship with Portugal, but also reflected the maturation of its political and institutional identity. As scholars who defend non-coloniality point out, of Brazil, the creation of the United Kingdom of Portugal, Brazil and the Algarves was the landmark of a new phase historical, characterized by administrative autonomy and the incorporation of Brazil into a project imperial, whose influence would last until the proclamation of the Republic in 1889.

The study demonstrated that, contrary to what traditional historiography often suggests, the relationship between Brazil and Portugal should be understood in a more complex way, taking into account the political, economic and symbolic factors that shaped Brazil as an extension of the Portuguese Empire and not as a subordinate colony.

The reflection proposed here contributes to a broader reinterpretation of the process history of Brazilian national formation, offering a solid basis for new studies that can deepen the understanding of the relations between the metropolis and the “Land of Santa Cruz”. In Ultimately, by questioning the notion of colony, the article highlights the institutional continuity that characterizes the history of Brazil, from its foundation to the consolidation of the Brazilian State, passing through the constitution of the Empire.

It is believed that the thesis of Brazil's non-coloniality, far from being a mere question academic, is a fundamental interpretative key to reevaluating national history and its implications for the political and cultural identity of contemporary Brazil.

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