

Dissertação apresentada para cumprimento dos requisitos necessários à obtenção
do grau de Mestre em Estudos Ingleses e Norte-Americanos, realizada sob a
orientação científica do Prof. Doutor Miguel Alarcão.

AGRADECIMENTOS

Gostava de agradecer à minha família pelo seu apoio moral durante a redacção do presente trabalho.

Agradeço também ao professor Alarcão por ter aceitado supervisionar esta tese, bem como pelos seus conselhos e disponibilidade.

O LEGADO POLÍTICO-JURÍDICO DE SIMON DE MONTFORT SEGUNDO OS SEUS CONTERRÂNEOS VITORIANOS

JOÃO JORGE CAPELO SOTTOMAYOR SPÍNOLA FERNANDES

RESUMO

Simon de Montfort é visto popularmente como o fundador da Câmara dos Comuns. No entanto, escassas são as obras que discutem as interpretações que os vitorianos efectuaram do seu legado político, numa época rica em reformas parlamentares.

Na presente tese, recorreremos a obras de diferentes séculos para traçar minuciosamente a avaliação dos objectivos e da conduta de Montfort, desde o século XIII até ao *Reform Act* de 1867, a fim de descobrir uma possível evolução. Pelo mesmo motivo, discutimos também a História da Câmara dos Comuns durante o mesmo período.

A nossa investigação levou-nos a concluir que, não obstante as críticas ferozes efectuadas a Montfort desde o século XVII até finais do século XVIII, o conde de Leicester foi glorificado pelos vitorianos como um símbolo da instituição parlamentar. Aliás, a ideia de que Montfort fora comandante de Robin dos Bosques atribuiu à figura do conde de Leicester um carácter quase mítico. Isto foi um resultado da historiografia *Whig*, adoptada pela vasta maioria dos autores vitorianos, que considerava que Montfort tinha lutado pela restauração dos direitos anglo-saxónicos, abolidos após a conquista de Guilherme I.

PALAVRAS-CHAVE: Montfort, Câmara dos Comuns, Historiografia *Whig*, Parlamentarismo inglês.

ABSTRACT

Simon de Montfort is popularly regarded as the founder of the House of Commons. However, few are the works discussing the interpretations the Victorians made of his political legacy, during a time rich in parliamentary reforms.

In the present thesis, I shall make use of works from different centuries to trace

thoroughly the evaluation made of Montfort's goals and conduct, from the thirteenth century to the approval of the Reform Act of 1867, in order to discover a possible evolution. For the same reason, I shall also discuss the History of the House of Commons during the same period.

My research led me to conclude that, despite the criticism directed at Montfort from the sixteenth century to the end of the eighteenth, the earl of Leicester was glorified by the Victorians as a symbol of parliamentary representation. In fact, the idea that Montfort was commander to Robin Hood provided the figure of the earl of Leicester an almost mythical quality. This was due to the adoption of Whig historiography by the vast majority of Victorian authors, who argued that Montfort had fought for Anglo-Saxon rights, which were abolished after William I's conquest.

KEYWORDS: Montfort, House of Commons, Whig Historiography, English
Parliamentarism.

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Introdução

Se visitarmos o canal oficial do Parlamento Inglês no Youtube, encontramos um vídeo chamado "Simon de Montfort and the Emergence of Parliament". Neste último, vemos Montfort (1208?-1265), conde de Leicester, ultrajado com a quebra da promessa do rei Henrique III (1216-1272) de conceder o poder a um conselho de 15 barões. Montfort promete a si mesmo e a Leonor de Inglaterra (1215-1275), sua esposa e irmã do rei, que Henrique III seria obrigado a escutar não só os barões, mas o povo inteiro de Inglaterra mediante um Parlamento (UK Parliament, 2014).

A julgar exclusivamente pelo vídeo, Montfort aparenta ser um homem extremamente progressista e democrático, preocupando-se genuinamente com a representação parlamentar do povo inglês, aliás, o conde de Leicester é popularmente considerado o fundador da Câmara dos Comuns. Contudo, os historiadores de finais do século XX e do início do século XXI não têm uma impressão assim tão positiva de Montfort. Para evidenciar este último facto, referiremos atempadamente as obras destes autores relativamente à História de Henrique III, Montfort e do Parlamento inglês.

Quando João-Sem-Terra (1199-1216) falece, o seu filho Henrique III tem apenas nove anos, pelo que o governo passa a ser da responsabilidade dos antigos ministros do monarca falecido, principalmente do seu *justiciar*, Hubert de Burgh (1170-1243), e de William Marshal (1147?-1219), proclamado guardião do rei e do reino. No entanto, em Julho de 1232, Burgh é deposto no rescaldo de um golpe orquestrado por Peter des Roches (?-1238), bispo de Winchester (Warren, 1987, pp. 172-173). Roches encoraja Henrique III a concentrar o poder local e central no sobrinho do bispo, Peter de Rivallis (?-1262).¹ Entretanto, a regência de Roches assumiu um carácter despótico, uma vez que o bispo se apoderou das terras dos seus inimigos, apesar de tal ser proibido na Magna Carta. Além disso, acreditava-se na altura que os ministros estrangeiros de Henrique III cooperavam todos com Roches. Em 1234, no rescaldo de uma guerra civil que teve lugar em 1233 e de uma ameaça por parte dos barões, o monarca acaba por depor Rivallis, Roches e os apoiantes deste último. No entanto, a influência do bispo a

1 Rivallis é referido como 'Peter de Rivaux' em algumas obras.

nível político nunca abandonou Henrique III. De facto, este último entendia que o estatuto da coroa tinha perdido a sua dignidade, algo que ele pretendia restaurar (Jobson, 2012, pp. 1-2). Esta ideia não era atípica na Europa continental do século XIII, até porque este último assistiu a uma tentativa de reasserção do direito divino dos reis de exercer o seu poder. No entanto, segundo Carpenter (1996, pp. 76-77), Henrique III nunca foi adepto da teoria do absolutismo real, pois um dos princípios desta última é o de que o monarca está acima da lei (*legibus solutus*). Contudo, ainda segundo Carpenter (1996), a obra *De legibus et consuetudinibus Angliae*, de Henry Bracton (1210?-1268?), entende que, apesar de o rei não precisar de obedecer a nenhum homem, também não pode quebrar a lei (p.77). Warren (1987) concorda com Carpenter, afirmando que Bracton "had no quarrel with the precept of Roman Law that 'the prince's will is law', but did not see it as a justification for authoritarianism" (p.180). Pelo contrário, ainda segundo Warren (1987), "(...) the king of England could not make law simply at his own pleasure: custom could be changed or new laws framed only with the concurrence of the king and his barons" (p.180). De facto, como veremos mais adiante, os barões acusaram precisamente Henrique III de desobedecer à Magna Carta. A tentativa por parte do monarca de invalidar esta última como documento legal evidencia que Henrique III reconhecia que tinha de se sujeitar às leis do reino, tal como os seus súbditos.

Inicialmente, Henrique III teve algum sucesso em colmatar as dívidas da coroa. Segundo Jobson (2012), "Overhauling the exchequer's audit process for the royal accounts proved moderately successful, while the profits generated by the general eyre, an itinerant judicial court that travelled from county to county hearing civil and criminal pleas, enabled the monarch to discharge many of his accumulated debts" (p.2). Por outro lado, Henrique III designou três nobres para cuidar da, e explorar a, propriedade régia de forma eficiente, a fim de aumentar o lucro obtido através da mesma.

Os sucessos financeiros do rei sofreram consideravelmente quando este invadiu Poitou em 1242; no entanto, após colocar impostos aos judeus, a situação financeira do reino estabilizou durante dois anos. Em 1244, teve início uma guerra na Gasconha e a defesa desta última resultou em despesas consideráveis. Assim sendo, o monarca

viu-se forçado a requerer o auxílio financeiro dos barões (Jobson, 2012, pp. 3-4).

Segundo Warren (1987, pp. 174-175), os barões de Henrique III não devem ser confundidos com aqueles que forçaram João-Sem-Terra a assinar a Magna Carta. Os nobres do tempo de Henrique converteram esta última numa espécie de contrato social entre o monarca e a comunidade do reino. E, de facto, é mesmo em nome desta comunidade que os barões diziam falar, apesar das suas relações próximas com o rei. Aliás, é precisamente devido à lealdade que os supostos líderes dos barões tinham para com a coroa que a revolução baronial teve lugar apenas em 1258, mais de duas décadas após o rei depor Peter des Roches.

Na verdade, a consulta dos barões por parte dos regentes tinha um cariz relativamente consuetudinário, uma vez que os ministros ingleses tiveram de governar o reino sem um monarca desde pelo menos o tempo da cruzada de Ricardo I (1189-1199). Esta situação permaneceu até aos últimos anos do reinado de João-Sem-Terra e regressou após a morte deste, devido à mocidade de Henrique III. De facto, por muito autocrática que tivesse sido a regência de Hubert de Burgh, ao menos zelara pelos interesses dos barões e consultara-os com alguma regularidade (Warren, 1987, p. 175).

Knowles (1965, p. 21) considera Henrique III um rei generoso, mas carente da capacidade de prever as consequências dos seus actos políticos. Para além de convocar o Parlamento diversas vezes a partir de 1240 a fim de solicitar impostos aos barões, o monarca atribuiu cargos importantes a familiares da sua mulher, Leonor da Provença (1223?-1291). De facto, devido ao descontentamento com o reinado de Henrique III por parte dos barões, estes últimos recusaram os pedidos financeiros do monarca excepto se este permitisse certas reformas políticas que considerava inaceitáveis, uma vez que retiravam poder à coroa.

Por outro lado, Henrique III ambicionava recuperar os territórios angevinos perdidos pelo seu pai em 1204; no entanto, estes projectos, para além de dispendiosos, culminaram no fracasso. Em 1248, o rei encarregou Simon de Montfort, conde de Leicester, de defender a Gasconha, o único território angevino ainda na posse da coroa inglesa.

Simon de Montfort fora um dos vários estrangeiros que beneficiou do favoritismo real. Para além do condado de Leicester, o rei ofereceu-lhe a mão da sua irmã Leonor, sem ter previamente consultado os seus conselheiros. Não seria de estranhar, então, a hostilidade inicial por parte dos barões para com Montfort. É certo que mesmo o rei chegou a acusar o conde de Leicester, relativamente pouco tempo após o casamento deste último, de abusar do seu privilégio. Por sua vez, Montfort pedia ao rei o dote do casamento com Leonor com uma frequência que o monarca considerava desrespeitosa. Ainda assim, Henrique III respeitava as capacidades de Montfort e este último acabou por apoiar o rei durante a crise baronial de 1244.

O conde de Leicester era um soldado valente, mas possuía um temperamento agressivo e não permitia ser contrariado, pelo que foi considerado um governador tirânico pelos gascões, o que gerou diversas queixas que chegaram aos ouvidos do rei. Henrique acabou por não reembolsar o conde de Leicester pelas despesas em que este havia incorrido. É certo que, ao contrário do monarca, os barões não viam a utilidade de proteger a Gasconha, pois consideravam-na apenas um fardo dispendioso.

Após a morte do imperador Frederico II (1194-1250), o papa Inocêncio IV (1195?-1254) escolheu Henrique III para conquistar a Sicília, prometendo inclusive financiar a expedição com 100,000 *livres tournois*.² No entanto, faleceu em Dezembro de 1254 e o seu sucessor, Alexandre IV (1185?-1261), ordenou que o rei inglês estivesse presente na Sicília até Outubro de 1256, sob pena de excomunhão. Além disso, o novo papa recusou-se a atribuir a Henrique III o apoio financeiro prometido por Inocêncio IV, por conseguinte, o monarca inglês viu-se forçado a solicitar o auxílio dos seus barões. Contudo, estes últimos entendiam que Henrique III se devia preocupar mais com o seu próprio reino, que consideravam muito mal governado, do que com projectos no estrangeiro (Jobson, 2012, pp. 12-13).

O monarca acreditava que o chamado 'Negócio Siciliano' lhe traria prestígio, mas, segundo Jobson (2012), para os súbditos de Henrique III, "the affair symbolized all that was wrong with his rule: poor political judgement; the failure to consult with his magnates; a partiality for aliens; heavy financial exactions; oppressive officials; and the

2 Moeda utilizada em França durante a Idade Média.

promotion of family interests to the exclusion of all else" (p.14). Seja como for, o monarca solicitou um novo imposto aos barões para financiar a expedição à Sicília.

Em Abril de 1258, sete nobres (entre eles Simon de Montfort) deslocaram-se a Westminster para efectuar um ultimato ao rei: este último tinha de jurar reformar o estado do reino. Entretanto, uma comissão de vinte e quatro homens ficaria encarregue de vigiar a forma de governar do monarca. Só assim aceitariam os barões persuadir a *community of the realm* a pagar o imposto que o rei havia solicitado. Henrique III aceitou as condições com relutância (Jobson, 2012, p.20).

Montfort, por sua vez, discute no Parlamento assuntos de natureza pessoal. Na verdade, esta é uma das atitudes do conde de Leicester que colocam em causa a suposta nobreza das suas intenções. Por um lado, o conde de Leicester aceita cancelar as dívidas que o rei tinha para com ele, por outro, a decisão de substituir as 400 libras que Henrique III se havia comprometido a dar a Montfort por terras passou a estar nas mãos do Parlamento (Jobson, 2012, p.21).

Quando o rei se reuniu novamente com os barões em Oxford, em Junho de 1258, foi para discutir uma série de reformas legais e propostas para colmatar os problemas governamentais do reino. Na verdade, até os cavaleiros e os barões menores foram a Oxford, pois sabiam que seria neste Parlamento que o governo de Henrique III, considerado por muitos opressivo, passaria por uma série de reformas. De facto, segundo Jobson (2012):

Among the gentry class there was widespread discontent over Henry's rule. The crown's policy of appeasing the magnates had meant, in practice, that the burden of both royal and finance and government had fallen 'more heavily on the knights and lesser landowners'. Henry's refusal to curb local abuses, whether committed by his own officials or those of his favourites, had met with anger in the shires, while his sale of rights, privileges and access to royal, had intensified county society's dissatisfaction with other aspects of his personal rule. (pp. 22-23)

Curiosamente, as queixas apresentadas no Parlamento de Oxford estavam relacionadas não só com os problemas dos barões, mas também com a exploração dos donos de terra locais e mesmo com as actividades financeiras dos mercadores londrinos. Foi precisamente graças à atenção dada aos assuntos de membros de diferentes classes sociais que os barões puderam propor reformas consideráveis ao reino de Henrique III (Jobson, 2012, p.23).

As reformas referidas foram incluídas num documento chamado *Provisions of Oxford*. Segundo estas provisões, o Conselho escolhido pelo rei seria substituído por um Conselho composto por quinze pessoas seleccionadas de forma a que tanto os interesses dos barões como os da coroa fossem representados de forma justa. Adicionalmente, este Conselho responderia a uma comissão de doze barões, chamado 'Parlamento'. Entretanto, os *sheriffs* seriam escolhidos anualmente pelos maiores donos de terras, mas nenhuma alteração foi introduzida no sistema administrativo central (Warren, 1987, p.183). Knowles (1965, p. 23) entende que os barões pretendiam que esta forma de governo durasse doze anos, pois achavam que Henrique III estaria morto em 1270 e que o seu sucessor respeitaria os interesses baroniais. Por outro lado, foram designados quatro cavaleiros em cada condado para informar Roger Bigod (1209?-1270), o quarto conde de Norfolk, de qualquer queixa apresentada pela comunidade (Jobson, 2012, p. 25).

O novo sistema governamental acabou com o 'Negócio Siciliano', mas não durou muito tempo. Os barões que se uniram por uma causa comum voltaram a suspeitar uns dos outros. Em particular, Simon de Montfort insistia numa interpretação das *Provisions of Oxford* que aparentava consistir numa forma de impor a sua vontade sobre os nobres e o monarca, além disso, o conde de Leicester parecia ter chegado a um entendimento com o príncipe Eduardo (1272-1307), filho do rei (Knowles, 1965, pp. 23-24).

O papa absolveu o rei do seu juramento de obedecer às *Provisions of Oxford* em 1261, devolvendo-lhe assim o poder governativo. Nesta altura, tanto o monarca como os barões procuravam o apoio dos pequenos proprietários, pois estes eram os mais beneficiados pelas *Provisions*. Assim, o Parlamento passou a ser "a device for drawing

in and winning over the uncommitted by appealing to their interests, most notably the interests of the knights of the localities and those whom they represented" (Maddicott, 2012, p. 251).

Em 1263, Montfort regressou a Inglaterra, tornou-se o único líder dos barões e solicitou que o rei de França, Luís IX (1226-1270), arbitrasse o poder político. Este último decidiu a favor de Henrique III e invalidou as *Provisions of Oxford*. Uma vez que esta decisão não foi aceite pelos barões, foi travada a chamada batalha de Lewes, em Maio de 1264. Montfort derrotou e capturou tanto o rei como o príncipe Eduardo (Knowles, 1965, p. 24).

Na altura do primeiro Parlamento convocado por Montfort (em Junho de 1264), verificamos que o rei ainda possuía aliados no País de Gales e que se estava a reunir um exército em França para lutar contra o conde de Leicester. Assim sendo, os objectivos deste Parlamento foram a consolidação do poder de Montfort, a procura de apoio e a elaboração de um plano de defesa contra possíveis batalhas vindouras. Segundo Maddicott (2012):

(...) parliament's work was chiefly a matter of giving public authority to the country's new leaders, whose existing authority rested on little more than victory in battle and the divine approval which it was thought to demonstrate. To this end parliament endorsed a new constitution setting up a new council of nine headed by a triumvirate, among whom Montfort was the chief, and effectively transferring the king's powers, including the vital power to appoint ministers, to the new council. (p. 253)

Curiosamente, os barões tinham o direito de substituir os líderes do Parlamento, tendo esta prerrogativa tido origem na Assembleia de Oxford de 1258. Entretanto, quatro cavaleiros seriam eleitos para discutir " 'our business and the business of our realm' (...) with the king, prelates, and magnates (...)" (Maddicott, 2012, p. 255). De facto, as reformas constitucionais do Parlamento de 1264 teriam sido propostas com a participação da 'comunidade' (*ac etiam communitatis*), tendo esta

consistido nos cavaleiros e possivelmente também em outras pessoas, para além dos barões.

O segundo Parlamento montfortiano teve lugar entre o fim de Janeiro e o início de Março de 1265. Foram convocados "twenty-three anti-royalist magnates, a much larger body of prelates, heads of religious houses, and other churchmen, two knights from each county, two citizens from York, Lincoln, and other unnamed towns, and four men from Sandwich and each of the Cinque Ports" (Maddicott, 2004, p. 257). Neste Parlamento, foi atribuída proeminência às chamadas *Provisions of Westminster* (1259). O dicionário editado por Steinberg e Evans (1974) descreve estas últimas da seguinte forma:

The legislative provisions, defining or modifying the common law, were the product of the deliberations of the council of fifteen with the committee of twelve and the royal judges. On many points the provisions met the grievances expressed in the petition of the barons in 1258. They included the obligations of feudal lords and tenants in respect of suit of court, wardship and distress (...) The king was provided with councillors in constant attendance, a finance committee was set up to supervise the revenues and to choose sheriffs, and machinery was devised for the judicial investigation of complaints in the shires. (p.304)

No fim do Parlamento, em Março de 1265, o rei foi forçado a jurar obedecer às *Provisions of Westminster*, bem como o seu filho e os barões. Os bispos, por sua vez, juraram excomungar quem procurasse invalidar a Magna Carta ou as *Provisions*.

Maddicott (2012) destaca o papel que os cavaleiros desempenhavam no Parlamento:

There is (...) a reasonable presumption that the knights appeared in parliament both as defenders of the local interests which the Provisions of Westminster represented and as petitioners, to whom the government was prepared to lend a sympathetic ear. Did they also

contribute to debate? It is fairly clear that they did. When, on 23 February, the king (or rather Montfort) wrote to the sheriff of Shropshire and Staffordshire to ask him to comply with the earlier order to send up knights from his counties, as he had not yet done, his writ spoke explicitly of parliament's purpose and of the knights' projected contribution to it. They were to come 'to treat with us and the magnates on behalf of the communities of those counties concerning... the liberation of our firstborn son Edward, and for providing security for this, and also for other things touching the community of our realm. (p. 259)

Assim sendo, é provável que os cavaleiros não só enunciassem os problemas dos seus condados, mas também tivessem voz activa no Parlamento montfortiano. Por este motivo, Maddicott (2012) entende que "Montfort's achievement was not to summon the knights and burgesses to parliament for the first time, but, at least in the case of the knights, to extend their parliamentary role beyond taxation and to encourage their participation in the larger world of politics and government" (p.260).

Jobson (2012) efectua a seguinte avaliação da conduta de Montfort:

The Hilary parliament was probably the first instance of representatives from the towns participating in parliamentary business. This was a significant achievement by Montfort, as in making a 'tactical move' designed to win favour in the localities, he had unwittingly promoted the role of the commons in parliament and earned a reputation as one of the founders of parliamentary democracy.

These cumulative measures appear to have ushered in a short period of relative calm in the provinces, creating an atmosphere in which those who had suffered during the recent conflict were confident enough to 'challenge perceived wrongs' and allow the 'settlement of the land seizures' on a local basis. (pp. 132-133)

A situação política de Inglaterra não melhorou no rescaldo da batalha de Lewes. Por um lado, Henrique III recusava-se a cooperar com os barões (pelo menos, voluntariamente); por outro, tendo em conta que o filho do rei se tornara inimigo do

conde de Leicester e dos barões, teria sido contra os interesses destes últimos depor o monarca e conceder a coroa a Eduardo. Assim sendo, Montfort teria aproveitado a situação para concentrar o poder na sua pessoa, tornando-se oficiosamente no governador do reino. Uma vez que o conde de Leicester se recusava a abdicar do poder, quando Eduardo escapou aos seus guardas, reuniu forças leais ao rei e matou Montfort na batalha de Evesham de Agosto de 1265 (Knowles, 1965, p.25).

Knowles (1965) descreve a conduta de Montfort da seguinte forma:

The ardour with which Simon urged the enforcement of the Provisions of Oxford cannot be taken at face value. He had played no decisive part in drawing up or applying the baronial reforms; towards his colleagues in the baronial government he was obstructive and factious. His intervention in English affairs in 1263 was opportunist. He used the disturbances of that year, which were largely unconnected with the Provisions of Oxford, to seize control of the government. (...) After Lewes he exercised the unrestrained power that he had denied the king and by setting no time limit to the operation of his provisional government, he disclosed himself as concerned primarily with the continuance of his own authority. (...) Having suffered deeply and repeatedly from Henry's incapacity and unreliability, Simon joined in the baronial attempts to curb the king's misgovernment in the hope of ensuring for himself the deciding voice in affairs his ambition demanded. (p.28)

Tendo concluído esta breve evocação da história e do percurso políticos de Montfort, prosseguiremos agora para a do Parlamento inglês.

O documento mais antigo com a palavra 'Parlamento' é a *Chanson de Roland*, escrita no século XI; no entanto, o termo é utilizado para designar uma conversa. Mais tarde, durante o século XII, as Assembleias em Itália eram chamadas '*parlamenti*'. Em Inglaterra, a reunião dos barões em Runnymede (na qual foi assinada a Magna Carta) foi referida como um '*parliament*' (Mackenzie, 1963, p. 12). No entanto, o termo não era tipicamente utilizado pelos ingleses para designar uma Assembleia Parlamentar. Aliás, segundo Treharne (1969, p. 27), nem mesmo os cronistas a utilizavam, preferindo

concilium ou *colloquium* até 1240. Quem usa *Parlamentum* pela primeira vez é Matthew Paris (1200?-1259), em 1246.

Pollard (1926) efectua a seguinte avaliação do surgimento do Parlamento e da Câmara dos Comuns:

(...) the origin of parliaments must be traced back to Henry II rather than to Simon de Montfort or Edward I. If Henry had not made the king's court the matrix of England's common law, neither Simon nor Edward could have made it the matrix of England's common politics ; for a foundation of common law was indispensable to a house of common politics. Henry had made the courts, held in his palace at Westminster, the common resort for all his subjects above the rank of villeins. By inviting and attracting thereto men from all quarters of England, he had given them a common framework for their ideas of law and liberty. He had made escape from local trammels and recourse to a national fount of ideas a habit with his people. Even during the troublesome reign of Henry III, the king's court increased the number of forms of writ or judicial process from sixty to over four hundred and fifty : and every new process was a fresh nerve developed between the monarchy and its subjects, a fresh means of linking the brain with the body of the community. (...)

Here in the shire courts was acquired that habit of common action, and here was laid that foundation of public opinion, upon which the house of commons was based. It may be that undue stress has been laid upon the fact that, while Simon de Montfort summoned the citizens and burgesses to his parliament by writs addressed direct to the cities and boroughs, Edward I sent the writs through the sheriffs and had the returns made in the shire courts. It was, indeed, more than a question of mere machinery, for the common return of knights of the shire and burgesses in the same shire courts emphasized a community which was retained in the house of commons. But the links were forged at an earlier period, and were made of stouter stuff than sheriffs' writs. (...) Similarly there are grounds for believing that cities and boroughs had been represented at Westminster before Simon de Montfort issued his writs and that the petitions from towns which abound in the earliest " Rolls of Parliaments " had not sprung up in a generation ; and again, all that Simon did was to systematize, and perhaps turn to political and party purposes, a habit of representation that had long obtained in the redress of grievances and the administration of justice. The itinerant justices did not exhaust the judicial business of the counties or the judicial powers of the king's court. There was always the

reserve at Westminster; to tap justice at its source the counties had to appear by their representatives in the *curia regis*, and the original purpose of parliament, as declared on countless occasions throughout the fourteenth century, was by means of a joint session of the courts to redress delays and determine cases in which the judges were in doubt. (...) The house of commons was not, in fact, created either by Simon de Montfort or by Edward I. Representatives of cities, and boroughs attended the king's court at Westminster for judicial and financial purposes before either Simon or Edward issued their famous writs. They came, indeed, and not as a body of men ; but their organization into a "house " of commons required a great deal more than the simultaneous summons to shires and boroughs issued by Simon and Edward. It grew up during the fourteenth century, and its growth is slow and obscure. The "Rolls of Parliaments " tell us little about the house of commons, because they are only concerned with what is done in parliament, and technically the discussions and other domestic business of the house of commons are not transacted *in* parliament at all. Down to this day the commons' debates are beyond the ken of the clerk of the parliaments, an official who sits in what has come to be called the house of lords. In the fourteenth century they were held in the refectory or the chapter house of the abbey of Westminster; and as late as the reign of Henry VII the commons only "appear" in parliament when they come to hear the opening speech, to present their Speaker to announce by his mouth the decisions they have reached on the business submitted for their approval. (pp. 36, 110-113)

Naturalmente, a fundação do Parlamento não foi um fenómeno exclusivamente inglês. R. H. Lord (1969) entende que estas assembleias "usually arose in that stage of political evolution when, amid the decay of feudalism, the prince, engaged in building up a more (...) highly organized national or territorial state, (...) felt the need of enlisting the support of the politically active classes of the population (...)" (p. 22). Especificamente, seriam muitas vezes problemas financeiros que levariam os monarcas a convocar Paramentos, pois estes últimos permitiam negociações com os demais senhores feudais.

Segundo João Soares Carvalho (1989), "As origens institucionais do Parlamento terão de ser procuradas nos antigos Conselhos, nos quais os reis medievais se apoiavam para tornarem mais eficaz a sua governação e para que a sua autoridade fosse respeitada e temida por todas as classes ou estados do reino" (p. 22). Assim

sendo, o Parlamento terá nascido "duma necessidade genética do direito natural, que paulatinamente se foi institucionalizando, na prática dos órgãos de apoio ao monarca, os quais vão tomando consciência das funções políticas que então exerciam" (p.22).

O primeiro dos Conselhos referidos foi o *Witenagemot* ou 'Assembleia dos Notáveis', que aparenta ter-se tornado no órgão geral do reino a partir do século IX. Contudo, segundo Felix Liebermann (a partir de Andy Blunden, 2016, p. 31), o *Witenagemot* era a mesma instituição que o historiador Tácito (56?-120?) afirma ter sido fundada pelos povos germânicos no século I d.C. Assim sendo, esta Assembleia terá existido antes da própria monarquia inglesa.

O *Witenagemot* teria sido um Conselho poderoso, tendo inclusive eleito o rei Alfredo em 871. Ernest Barker (1996, p.11) afirma que esta Assembleia teria por volta de 100 membros, mas que não seria nem eleita nem representativa. Regressando a Carvalho (1989), este descreve as funções do *Witenagemot* da seguinte forma:

(...) os *Witan* legislavam com o monarca, nomeavam *ealdormen* e investiam bispos; faziam concessões de terra à Coroa, decretavam impostos, decidiam sobre a guerra e a paz e constituíam-se em Supremo Tribunal de Justiça. Os assuntos religiosos e eclesiásticos eram também debatidos e decididos no *Witenagemot*, como órgão máximo dos anglo-saxões em todas as áreas do poder. (...) o *Witenagemot* saxão foi (...) um valioso antecedente histórico do Parlamento inglês, dada a sua capacidade legislativa, judicial e jurisdicional (...). Não podemos, no entanto, afirmar que o *Witenagemot* tenha sido um órgão linear do processo evolutivo que deu origem estrutural ao Parlamento. (...) não detectamos no *Witenagemot* qualquer ideia de representação administrativa ou regional, nem a mínima preocupação de associar ao Conselho dos Notáveis a opinião de delegados das cidades e dos burgos. (p.26)

Por sua vez, Blunden (2016, p. 31) entende que a forma de o *Witenagemot* chegar às suas decisões se chama '*Counsel*'. Este último é descrito por São Bento (a partir de Blunden, 2016), utilizando o exemplo dos mosteiros:

As often as anything important is to be done in the monastery, the abboy shall call the whole community together and himself explain what the business is; and after hearing the advice of the brothers, let him ponder it and follow what he judges the wiser course. The reason why we have said all should be called for counsel is that the Lord often reveals what is better to the younger. The brothers, for their part, are to express their opinions with all humility, and not presume to defend their own views obstinately. The decision is rather the abbot's to make, so that when he has determined what is more prudent, all may obey. (p.31)

Assumindo que a descrição de São Bento se aplica, de facto, ao funcionamento do *Witenagemot*, podemos equiparar o referido abade ao rei e os irmãos aos nobres.

O Conselho que, de facto, antecedeu o Parlamento inglês foi o *Magnum Concilium*. Este foi instituído por Guilherme I (1066-1087) e ocupava-se, segundo Carvalho (1989), em "auxiliar o rei na feitura das leis e no julgamento de causas levadas ao Tribunal do Rei" (p.27). Barker (1996, p. 11) entende que o *Concilium* tinha centenas de membros, mas que representava unicamente os interesses dos grandes proprietários de terras.

Segundo Carvalho (1989), é possível ainda que o chamado *Commune Concilium* tivesse sido um Conselho orgânico antecedente do Parlamento, ainda que isto seja discutível. Seja como for, a expressão *Commune Concilium* (que encontramos na Magna Carta) pode referir-se "a um Conselho orgânico nacional (...) aos Conselheiros do rei (...) às opiniões dos Conselheiros (...)" (p.31).

No entanto, Pollard (1926) entende que:

Magna Carta says nothing about a magnum concilium or its rights; if its *consilium* is a council at all, it is a council to which only the greater tenants-in-chief were to receive a personal summons; and this differentiation of summons would enable the crown to discriminate more or less at will between the holders of a common tenurial qualification. The inability of the barons to formulate an alternative constitutional principle in 1258 reduced them to the crude expedient of simply naming the individuals who were to afforce the council

and control the king. Their own leader, Simon de Montfort, was the first to discern the weakness of this scheme, and to set the example of extending the franchise in order to break down an oligarchical opposition. The baronial "afforcers" might themselves be afforded by lesser barons, knights, and burghers. Simon's parliament can hardly have been designed for any other object than the curbing of the *magnum concilium*; and Edward I had similar grounds for making parliament a representative institution. The *magnum concilium* might be swamped in parliament, and the king's council be thus relieved of its independent magnates. (p. 30)

Barker (1996) refere que a fundação da Câmara dos Comuns teria sido principalmente "acção do rei", que desejava "escapar à presença única e indivisível de um só corpo de senhores feudais" (p.12).

O último Conselho anterior ao Parlamento foi a *Curia Regis*, composto por nobres especializados em assuntos legislativos, executivos e judiciais. Segundo Carvalho (1989), a *Curia Regis* funcionava como um "Conselho de Ministros sob a presidência do soberano" (p.35). Henrique I (1100-1135) chegou a recrutar "jovens qualificados, sem atender na selecção à sua origem, mas sim às suas capacidades" (Carvalho, 1989, p. 37) a fim de tratar assuntos executivos.

Os autores que referimos colocam a hipótese de que a conduta de Montfort foi motivada mais por ambição que por intenções democráticas. Além disso, a fundação do Parlamento (e, por extensão, a Câmara dos Comuns) aparenta consistir no resultado de uma evolução política que teve início muitos anos antes do nascimento de Montfort. Assim sendo, cabe-nos perguntar por que razão o conde de Leicester é idealizado tanto pelo povo inglês como pelo próprio Parlamento.

No presente trabalho, procuraremos traçar a evolução da reputação de Simon de Montfort, enfatizando principalmente o período vitoriano, sendo esta a altura de uma série de reformas parlamentares importantes. Seria adequado terminar a nossa investigação no ano de 1865, 600 anos após a morte de Montfort, mas continuaremos até 1867, pois este é o ano da promulgação da 2ª *Reform Law*.

No primeiro capítulo, discutiremos como Montfort é descrito pelos cronistas

seus contemporâneos, bem como a canonização popular deste último. No segundo capítulo, abordaremos a forma como Montfort foi visto desde a sua morte até ao século XIX, bem como o seu legado político a curto e médio prazo; logicamente, isto incluirá falar da evolução da Câmara dos Comuns durante o mesmo espaço de tempo. Finalmente, no último capítulo, discutiremos como o conde de Leicester e os barões eram descritos pelos vitorianos e como a historiografia da época contribuiu para o efeito.

Capítulo I: Simon de Montfort visto pelos seus Contemporâneos

1.1- Simon de Montfort nas Crônicas do Século XIII

Em termos gerais, as crônicas que referem as Guerras Baroniais, para além de escassas, também relatam uma série de outros acontecimentos nos mesmos anos destas últimas. Assim sendo, referiremos as opiniões dos cronistas que encontrámos relativamente a cada episódio das Guerras Baroniais por ordem cronológica.

Começando com o episódio da estadia de Montfort na Gasconha, é nítido que os cronistas da época não censuravam o conde de Leicester pela sua conduta. Segundo Paris (1853):

(...) Simon de Montfort, earl of Leicester, (...) set sail to subdue the king's enemies in Gascony. He arrived in that province in great force, attended by a large body of troops, and supplied with a good sum of the royal money, and at once proceeded to attack the king's enemies, who had traitorously raised the heel against him. He subdued Gaston, Rustein, William de Solaires, and all the more distinguished nobles of Bordeaux, and behaved with such bravery and fidelity that he deservedly obtained the praise and favour of all the king's friends (...).

On arriving at London, he most urgently demanded effectual assistance from the king, both in money and troops, to check the insolence of the rebellious Gascons (...)

They sent word to the king that the (...) earl was a most infamous traitor, that he was amassing an endless sum of money, which he extorted from nobles, citizens, and plebeians, sparing no one, and telling them that the king, who was in need and about to proceed on a pilgrimage, would receive it all; but all of which he usurped possession of for himself. In addition to this they brought a serious accusation against him, namely, that he had summoned to his councils in a peaceful way certain nobles of Gascony who had been most faithful subjects to the king, and that after having summoned them, like Sinon, and not Simon, he treacherously detained them, imprisoned them, and starved them to death; and by these and such-like

whispered complaints, they rendered the earl an object of suspicion to the king.

Fluctuating then in a state of uncertainty, he suddenly and secretly sent into Gascony his clerk, Henry of Wengham, a subtle and prudent man, to make diligent inquiry concerning the aforesaid complaints, in order that he, the king, might gain indubitable information on the matter; in the same way in which he had formerly sent Geoffrey of Langley to inquire into the proceedings of Robert Passelve when lying under suspicion, to search out what was secret in the matter-to find out a knot on a smooth cane, and an angle in the circumference of a circle; but each inspector failed in his scrutiny. The earl, when he heard of these proceedings, was greatly enraged for a twofold reason, and declaring his innocence to the king, said, "How is it, my lord king, that you incline your ear and your heart to the messages of these traitors to you and believe those who have often been convicted of treachery rather than me your faithful subject; and thus institute an inquiry into my actions. To this the king, who was become more calm, replied, "If everything is clear, what harm will the scrutiny do you? Indeed your fame will beocme brighter by it." The earl then being humbled, and having made ready to depart for Gascony, the king, at his entreaty, supplied him with a large sum of money. The earl, therefore, with all haste crossed the sea, but in no calm state of mind for he purposed to take condign vengeance for the injury done him by such serious accusations. (...)

In the same year, an evil report was spread against Simon, earl of Leicester, and a serious accusation was laid against him before all the nobles of the ultramarine provinces, that he had acted treacherously to the faithful subjects of his lord the king of England; that he had imprisoned them and inhumanly slain them by the sword, or starved them to death; and that he had seized possession of their castles and lands; so that he showed himself to be rather a cruel usurper of towns and cities, and a brute-like destroyer of man, than a preserver of the tenantry of his lord, whom he was endeavouring to deprive of his inheritance. (pp. 312, 476-477, 485)

Neste aspecto, a opinião do monge não se distancia da dos historiadores do século XXI, nem mesmo quando Paris (1889), referindo-se à conduta dos barões, afirma que "they made oath together, and came to a firm determination under penalty of an anathema, that at this council no one should, on any account, consent to any extortion of money to be attempted by the king" (p.397).

No entanto, William de Rishanger (a partir de Hutton, 1907), tem uma visão mais idealista dos magnatas. Quando refere as disputas entre os barões, entende que estes últimos deviam lutar pelo bem de Inglaterra: "Hence others have begun to raise contention in the land, And those take sides who ought to join together, hand in hand; Nor seek they peace and concord, but against each other band, But how to end the things begun they cannot understand" (p.99). O cronista também refere, na mesma página, o enriquecimento dos estrangeiros à custa dos ingleses: "So languishes our common weal, the land is desolate, And foreigners grow mighty on the ruin of our state. Our native Englishmen are scorned as men of low estate (...)". Rishanger apela a Montfort (a partir de Hutton, 1907) para salvar Inglaterra: "Earl Simon, too, of Montfort, thou powerful man and brave, Bring up thy strong battalions thy country now to save. Be not dismayed by menaces of terror of the grave. Defend with might the public cause; naught else thine own needs crave" (p. 100). Verificamos, assim, que Rishanger considerava Montfort um herói corajoso que salvaria o reino inglês.

Paris (1853) afirma o seguinte:

(...) the king, in the presence of the nobles, with his own mouth, asked for pecuniary assistance, passing over in silence his design of making war on the king of Scotland. (...) When the nobles left the refectory, the archbishops, bishops, abbats [sic], and priors met together in a private place by themselves, to deliberate on the matter, and at length asked the earls and barons if they would agree to their advice, in giving an answer, and making provision in this case; to which the latter replied, that they would do nothing without the common consent of the whole community. By unanimous consent, therefore, there were chosen, (...) on behalf of the laity. Earl Richard, the king's brother, Earl Bigod, Simon de Montfort, earl of Leicester, and Earl W. Marshall; and on the part of the barons, Richard de Montfichet and John Baliol, and the abbats [sic] of St. Edmonds and Ramsey; so that whatever those twelve might determine on, should be published to all in general, and that no terms should be offered to the king, unless by general consent of all. (pp. 7-8)

Quando Paris fala da '*whole community*', entenda-se dos cavaleiros e dos

burgueses. Seria ingénuo supor que os barões se estavam a referir também aos camponeses. Seja como for, o monge não esclarece em que consiste a comunidade.

Paris (1854) considera os objectivos do Parlamento dos barões benéficos para Inglaterra:

At the commencement of the parliament, the proposed plan of the nobles was unalterably decided on; and they most expressly demanded that the king should faithfully keep and observe the conditions of the charter of the liberties of England, which his father, King John, had made and granted to his English subjects (...) They moreover demanded that a justiciary should be appointed to render justice to those who suffered injuries, with equal impartiality towards the rich and the poor. They also made some other demands, in connection with the affairs of the kingdom, tending to promote the welfare, peace, and honour, as well of the kingdom; and they moreover insisted that the king should frequently consult them, and listen to their advice in making all necessary provisions; and they made oath, giving their right hands to one another as a pledge of faith, that they would prosecute their design, at the risk of losing their money, their lands, and even their lives, as well as those of their people. (p.286)

Aqui, o monge entende que os barões se preocupavam "with equal impartiality towards the rich and the poor". Paris atribui um carácter excessivamente democrático ao Parlamento da época.

Regressando a Rishanger (a partir de Hutton, 1907), este último acaba por acusar Montfort de ganância no rescaldo da Batalha de Lewes:

The earl of Leicester was not content with keeping the king of England a captive, but took the royal castles in his own power, disposing of the whole realm according to his will. And his chief offence was that he claimed the entire possession of the revenues of the realm, the ransom of the captives, and other profits, which according to the convention ought to have been equally divided between them. (pp. 142-143)

Adicionalmente, Rishanger (a partir de Hutton, 1907, pp. 144, 145) afirma que, a partir do momento em que Montfort passa a possuir todos os castelos mais fortes do reino, o conde de Leicester deixa de se interessar pela paz de Inglaterra. Esta é a única crítica efectuada a Montfort por um cronista contemporâneo que conseguimos encontrar.

Vejamos agora as canções que foram escritas na época relativamente às Guerras Baroniais.

A *Sirvente Against King Henry* critica directamente o monarca inglês, supostamente após a sua expedição à Bretanha (Rovenac, 1839) :

The English King, I pray him to hear it,- for he causes to fall- his little glory by too much timidity,- for it does not please him to defend his own people,- and thus he is so cowardly and so vile,- that he seems to be asleep,- while the French King takes from him with impunity- Tours and Angiers, and Normans, and Bretons. (p.37)

É curioso que, nesta altura, o rei é criticado por não se esforçar muito (segundo o autor da canção) para recuperar as terras que o seu pai, João-Sem-Terra, perdeu. Seja como for, é nítido que a política externa de Henrique III nunca agradou muito aos seus súbditos.

Entretanto, noutra canção da época é efectuada uma crítica à corrupção por parte dos nobres. Reza a canção *Song on the Corruptions of the Time* (Anónimo, 1839):

How wide and how long is the web of crimes with which our breasts, choked with vices, are enveloped (...) The wretched and profane people seem to form their wishes in consideration, not of the price of virtue, but of flax or wool: what is done in the evening is unwrought in the morning. (...) Every eye is blind to justice; every mind is large to injustice; a

thousand hopes of men and the differing aspects of things depend on the dice and uses of fortune. (...) Rome, lying in the depths of turpitude, ranks virtues beneath filthy lucre (...) Before the cardinals and before the patriarch, a pound overcomes the Bible, money the accused, and a marc Mark, the law sparing him who is not sparing, gives only as much grace as each has money in his purse.- If you seek the balance of the judges, you should seek it with copper (...) When you are turned over to the notary, pour out your bribes (...). (pp. 27-28, 30-31)

De facto, como veremos no capítulo III do presente trabalho, os ingleses acreditavam que o papa (ou seja, Roma) era ganancioso, exigindo demasiado dinheiro aos crentes e colocando o lucro à frente da fé. No entanto, não é apenas a Igreja que é criticada:

The luxurious princes stir kingdoms and states, that they may lead armies, inflicting the punishment of a tax on the rustic and the miserable citizen; for whenever the kings run wild, the Greeks pay the piper.- They who are occupied with the cares of the kingdom or of the court, detract while they smile, and when they flatter they are plotting damage or disgrace; there is neither faith nor honesty in those who follow camps. (p.33)

Assim, mesmo os reis (incluindo, subentende-se, Henrique III) exigem impostos aos cidadãos para travar guerras. É possível que esta passagem consista numa crítica aos projectos de conquista do monarca inglês. Mesmo as cortes e o Parlamento são acusados de trair o povo. Não será, então, de estranhar a popularidade dos barões (e particularmente de Montfort) quando estes se opuseram ao governo de Henrique III, independentemente das suas intenções.

Chegamos, assim, à *The Song of the Barons*, que lisonjeia claramente os barões (Anónimo, 1839):

Sir John Gifford ought well to be named,- who had scarcely a...- in this riding-bout;- and he was always forward,- valiant and wise, and active,- and of great renown. And Sir John Dayville,- who never loved treason or guile,- was in their company;- and Sir Peter de Montfort,- he held firm to their agreement,- and had great seignory.

And the good Roger de Clifford- behaved like a noble baron,- and exercised great justice;- he suffered neither little nor great,- neither behind or before,- to do any wrong. (...)

Right good men were the barons;- but I cannot tell all their names,- the number is so great:- therefore I return to Earl Simon,- to give the interpretation,- what's in his name.

He is called de Montfort;- he is in the world (*monde*) and he is strong (*fort*);- and he has great chivalry;- this is true, and I agree to it,- he loves right and hates wrong,- and he shall have the mastery.

He is truly in the world,- there where the commons are in accord with him- which are praised of the land;- it is the Count of Leicester,- who may be glad and joyous- of this renown. (pp. 59-61)

Verificamos que os barões são considerados valentes, incorruptíveis e justos, pelo menos segundo o autor. Nem são postas em causa as intenções dos magnatas. Montfort recebe a maior parte dos elogios e é visto como um herói que "loves right and hates wrong". Para o autor da canção, os barões e o conde de Leicester lutam pelos Comuns contra a corrupção no reino de Henrique III.

A *The Song of Lewes* data de cerca de 1264. Segundo Charles Kingford (1890), esta está "divided into two equal parts; the first half consisting of a Song of Triumph for the Victory and the Praise of Earl Simon, the latter setting forth and defending the objects and aims of the barons (...)" (p. xxv). De facto, Alarcão (2003) concorda com Kingford, afirmando que "É, pois, da auto-proclamada condição dos barões como guardiães da lei, companheiros naturais do rei (não obstante a discórdia que temporariamente os aparta) e principais representantes, líderes e porta-vozes da comunidade do reino (...) que irradiam os principais eixos ideológicos de *The Song of Lewes*" (p. 80).

No entanto, após a batalha de Lewes, é escrita a *Song upon the Divisions among the Barons*, que alude à inveja dos barões (Anónimo, 1839):

Very many have pledged themselves to preserve thee in safety, but now they have too much neglected their promise: for many desert, who have it in their power to help; and some slink away over the sea. (...) Thus the state is ruined, and the land is laid waste: the stranger is strengthened and raised up; the native is debased and trodden under foot: while he sustains injuries, there is no one who will speak out. (...) Earl Simon de Montfort, a strong man and a bold, fight now for thy country, and be the leader of the band; neither let threats scare thee, nor the fear of death; defend the state and thy own fortune. (p.122)

O autor tem noção de que muitos barões desistiram da sua causa, nomeadamente, a de salvar Inglaterra dos estrangeiros e acabar com a corrupção presente no reino. No entanto, o poeta crê que Montfort é um homem honesto que luta por Inglaterra, livre da ambição e da ganância. De facto, o poeta tenta encorajar o conde de Leicester a cumprir os seus objectivos.

Finalmente, temos *The Lament of Simon de Montfort* (Anónimo, 1839):

I am driven to sing (...) all with tears was made the song concerning our gentle barons,- who for the peace so long after suffered themselves to be destroyed,- their bodies to be cut and dismembered, to save England.- Now is slain the precious flower, who knew so much of war, the Earl Montfort, his hard death the land will deeply lament. (...)

But by his death the Earl Montfort gained the victory, (...) the Earl fought (...) and died without flinching. (...)

I cannot find any thing that they did well, neither baron nor earl,- the knights and the esquires are all disgraced,- on account of their loyalty and truth, which is entirely annihilated;- the deceitful man may reign, the fool for his folly. (...)

Sir Simon, the worthy man, and his company,- are gone in joy up to heaven, in

everlasting life. (pp. 125-127)

O autor do poema entende que os barões morreram a tentar salvar Inglaterra, especialmente Montfort. O poeta não acusa nenhum destes homens de ambição ou desonestidade; aliás, este crê que os esforços do conde de Leicester e dos barões não foram em vão, e que terão ido todos para o Paraíso como mártires de uma causa divina.

Paris (1854) afirma que os barões procuraram uma solução pacífica, escrevendo uma carta ao rei e referindo que a sua intenção consistia em "to punish (...) not only our own enemies, but yours, and those of the whole of your kingdom" (p. 350). Além disso, os barões até ofereceram trinta mil libras para estabelecer a paz no reino.

Paris (1854), no fim da sua obra, elogia tanto o legado como a personalidade de Montfort:

Thus ended the labours of that noble man Earl Simon, who gave up not only his property, but also his person, to defend the poor from oppression, and for the maintenance of justice and the rights of the kingdom. He was distinguished for his learning; to him an assiduous attention to divine duties was a pleasure; he was moderate and frugal; and it was a usual practice of his to watch by night, in preference to sleeping. He was bold in speech, and of a severe aspect; he put great confidence in the prayers of religious men, and always paid great respect to ecclesiastics. (...) Report goes, that Simon, after his death, was distinguished by the working of many miracles, which, however, were not made publicly known, for fear of kings. (p. 355)

Do 'reinado' de Montfort, diz Paris (1854):

But from that time [1265] he showed himself less inclined to treat for peace according

to the terms prearranged, because he had the king and the whole kingdom in his power. At length he placed the king of the Romans in the Tower of London, and Edward and Henry, (...) he placed under confinement in the castle of Dover, taking the king of England about with him always. But whatever place they went to, he was always received with honour, and as a king, and the earl showed him every kind of respect. (...)

The earl of Leicester was not content with detaining the king of England in his own custody, but took the king's castles under his own authority, and arranged the affairs of the whole kingdom at his own will. And what was a principal ground of offence was, that he claimed entirely for himself alone, the proceeds and profits of the kingdom, the ransoms of prisoners, and other emoluments, which ought, according to the terms of their agreement, to be divided equally between them. (...) Moreover, Gilbert defended all the noble knights of the marsh (...), whom Earl Simon had by a public edict ordered to evacuate the kingdom, and having sent for them to him, took them into an alliance with him. (pp. 350, 352)

Em suma, é necessário sublinhar que a impressão que os cronistas do século XIII têm de Montfort e dos barões é, em termos gerais, bastante positiva. A ambição do conde de Leicester é referida tanto por Paris como por Rishanger, mas estes autores não deixam de elogiar a coragem e a contribuição de Montfort para o Parlamento.

1.2- Montfort como 'Santo' Inglês

Segundo John Lawrence (2005), a 'santidade' de Simon de Montfort assumiu inicialmente um carácter político:

If de Montfort's sainthood had received the kind of royal support that had become necessary for successful canonizations in this period, historians would find themselves considering which aspects of the earl's reputation were useful enough to the regime of Henry III to justify the expense of a canonization process. Since the opposite is the case, and de Montfort was a dead rebel and his cult was suppressed, any consideration of that phenomenon must begin with his appeal to the enemies of the king.

For a time, the sanctified Simon served to balance an equally demonized king. (p.101)

Uma vez que, enquanto vivo, o conde de Leicester fora o símbolo por excelência da oposição a Henrique III, continuou a exercer essa função, após a morte, como mártir da liberdade inglesa.

É certo que Montfort era um homem muito religioso. Nem os vitorianos nem os contemporâneos de Simon de Montfort duvidam da religiosidade do conde. Segundo Blaaw (1871), "Although de Montfort has been reproached by a modern historian [David Hume] as a religious hypocrite, there is no proof whatever of such a charge, nor was it ever made in his life-time (...)" (p.165). Blaaw (1871) refere que, antes do início da batalha de Lewes, o conde de Leicester "did not omit amidst all his cares that prayer and attendance on religious services, which was remarked as his constant custom" (p.164) Montfort terá convencido os seus soldados a confessar e pedir perdão a Deus pelos seus pecados, o que terá levado o bispo de Worcester a prometer aos mesmos a ida para o Céu caso eles morressem no campo de batalha. Além disso, os soldados terão colocado uma cruz branca nas suas roupas, costume dos cruzados que, neste caso, simbolizou a natureza sagrada da sua causa.

Segundo a crónica de Melrose (a partir de Hutton, 1907), Montfort até se levantava e se deitava segundo a vontade de Deus: "he used to rise about midnight, at the warning of some horologe, which no one heard save himself, if it be permitted to describe God's providence as an horologe, for it never failed him(...) a wax taper was his horologe (...) and God so adjusted this taper (...)" (pp. 161-162).

Aliás, De Shepis (a partir de Blaaw, 1871) afirma que, durante a batalha de Evesham, o conde de Leicester 'fought stoutly like a giant for the liberties of England' e que, quando lhe ordenaram que se rendesse, gritou "Never will I surrender to dogs and perjurers, but to God alone" (p. 276). Blaaw (1871) efectua uma descrição bastante aprofundada do estado do tempo durante a batalha:

The atmosphere had been disturbed during the battle by a violent storm of thunder and hail, accompanied by an earthquake; and the darkness was so dense in many parts of the country, that the priests could not see to read prayers in their churches. These were so many signs to the ready superstition of the people that heaven sympathised with their grief at the destruction of their champions, while (in the phrase of the times) the people of the Lord were in torment. "With a similar feeling an ominous interpretation was now given to the appearance of a great comet, which spread its light across half the heavens during several months this year. No phenomenon of this nature was remembered, and all manner of calamities were attributed to it by various parties. One chronicler [Wyke] supposes it to have presaged the battle of Evesham, another observes with much simplicity that, "though it may have tokened many things in other parts of the world, this one at any rate is certain, that during its three months' duration Pope Urban began to be ill exactly at its appearance, and died the very night the comet disappeared. (p. 281)

De facto, a morte violenta de Montfort foi equiparada à crucificação de Cristo. Além disso, contou-se na altura que o peito do conde não sangrou quando foi trespassado, que os seus membros derramaram óleos doces e que nenhuma parte do seu corpo apodreceu. (Lawrence, 2005, pp.130-131).

Segundo Blaaw (1871):

As the news of his [Montfort's] death spread over the land there was a suspension of mirth, and an universal lamentation arose, until the sighs were turned into hymns of praise and gladness by the numerous miracles announced to have been effected by his unconquerable firmness and patience and purity of faith, and these gave hopes of hereafter recovering from the oppression of the wicked. (p. 287)

Por outro lado, alguma importância deve ser atribuída ao suposto estado do tempo imediatamente após a morte de Montfort. Matthew Paris (1854, p. 354) afirma que "At the time of his [Montfort's] death, a storm of thunder and lightning occurred,

and darkness prevailed to such an extent, that all were struck with amazement." Por um lado, o valor simbólico da tempestade pode ser explicado devido a um episódio da vida de Henrique III. Ainda segundo Paris (1854):

One day he [king Henry III] had left his palace at Westminster (...) when the sky became obscured and a thunderstorm came on, attended with lightning and heavy rain (...). When the earl [Montfort] knew of the king's arrival, he went joyfully to meet him, and, by way of comforting him, said, "What do you fear? The storm has now passed over." To this address the king replied, not jestingly, but seriously and with a severe look, "I fear thunder and lightning beyond measure; but, by God's head, I fear you more than all the thunder and lightning in the world. (pp. 294-295)

Tomando em consideração o medo do rei de trovões, a tempestade que teve lugar após a batalha de Evesham poderá ter sido vista como uma manifestação da ira divina dirigida a Henrique III. Aliás, segundo Blaaw (1871, p. 288), os primeiros milagres relacionados com Montfort foram testemunhados pelos seus inimigos. Quando um mensageiro foi a uma igreja levar a *Lady* Matilda a cabeça e as mãos do conde de Leicester, estas últimas levantaram-se sozinhas e juntaram-se como se o resto do corpo estivesse em oração.

Previsivelmente, os milagres acabaram por deixar de afectar negativamente os inimigos do conde de Leicester e começaram a ter um efeito benéfico no povo inglês. Regressando a Lawrence (2005, p. 125), a influência do bispo Robert Grosseteste (1175?-1253) em Montfort terá subsistido mesmo após o falecimento do primeiro, uma vez que, segundo o *Liber Miraculorum*, um rapaz inicialmente mudo teria dito que o conde de Leicester iria falecer em Evesham, não obstante a ajuda do 'Santo Robert'.

Segundo Knowles (1965), mais de 200 milagres foram atribuídos a Montfort nos primeiros treze anos após a sua morte e "All kinds of cures were effected: convulsions, blindness, dumbness, even death itself gave way before Simon's power" (p.6).

Em conclusão, tal como afirma Lawrence (2005, pp. 135-136), os milagres de Simon de Montfort, benéficos para os seus aliados e tenebrosos para os seus inimigos, simbolizavam a sanção divina da causa do conde de Leicester e dos barões contra o governo de Henrique III.

Capítulo II- O Legado de Montfort e a Câmara dos Comuns entre os Séculos XIV e XVIII

2.1- A Influência de Montfort nos reinados de Eduardo I e Eduardo II

Eduardo I possivelmente esperava que a morte de Montfort pusesse um termo às revoltas baroniais e à insistência por parte dos magnatas na obediência à Magna Carta; no entanto, escapou por pouco a uma nova guerra baronial.

Em 1275, três anos após a coroação de Eduardo, este convocou a sua primeira assembleia parlamentar, com a presença de cidadãos³ e cavaleiros; estes teriam contribuído com apoio moral e financeiro. Contudo, apesar de Eduardo ter convocado uns trinta Parlamentos em vinte e cinco anos, só quatro aparentam ter incluído a participação dos Comuns. (Mackenzie, 1963, p. 17)

Segundo a *Shorter Cambridge Medieval History* (p. 819), a guerra francesa (que teve início em 1294), a revolta galesa e a guerra com a Escócia prejudicaram significativamente as finanças do rei. Mesmo no chamado '*Model Parliament*', de 1295, do qual falaremos mais adiante, o auxílio concedido a Eduardo foi muito escasso, e até o clero estava interdito, devido a uma bula de Bonifácio VIII (1235?-1303), de prestar ajuda ao rei sem o consentimento do Papa.

Estas dificuldades financeiras levaram Eduardo a instaurar o chamado '*maletolt*', ou 'mau imposto'. A *Shorter Cambridge Medieval History* descreve este último da seguinte forma:

(...) arbitrary taxation on the wool-trade in the search for ready money was striking at the interests of all sheep-farmers (who were many, from earls to small-holders) in the kingdom. This was the heavy maletolt on exported wool in addition to authorized custom. In 1294 and 1297 Edward was levying this maletolt by agreement with the merchants, as well as seizing quantities of the wool as a loan in order to obtain the immediate price of the sales. The

3 Mackenzie utiliza, de facto, o termo "*citizens*"; contudo, este último tem uma conotação excessivamente democrática, uma vez que as ordens sociais mais baixas não podiam participar no Parlamento nesta época.

merchants did not lose for they passed on the duty, partly by enhancing the price abroad, partly- and here was the sting- by lowering the payment to the woolgrower at home. (p. 819)

Segundo Arnold-Baker, na sua obra *The Companion to British History* (2007), Eduardo I "channeled wool and hides to a limited number of ports where merchants were elected and assigned to buy them; some were requisitioned for the King against compensation. A heavy ('New') custom or maletolt (5 marks per last of leather, 3 marks per sack of wool or 300 wool fells) was levied (...)" (p. 1169). Na Assembleia Parlamentar de Julho de 1297, o monarca prometeu reemitir a Magna Carta em troca de um auxílio financeiro generoso; no entanto, os Comuns não foram convocados (nem, tão pouco, a maioria dos nobres). Além disso, Eduardo exigiu receber 8,300 sacos de lã para os vender.

No dia 22 de Agosto, um grupo de barões liderado pelo conde de Hereford apareceu no *Exchequer* e protestou contra a exigência de impostos sem o consentimento dos magnatas. Assim sendo, os barões solicitaram a restituição dos bens fornecidos à Coroa entre 1294 e 1297, no entanto, o monarca recusou o pedido e deu início à sua expedição à Flandres. Por sua vez, os magnatas persistiram ao ponto de a regência não poder controlar em simultâneo a guerra na Escócia, a expedição à Flandres e o *maletolt*, que ainda podia levar a uma guerra civil. Por conseguinte, o regente, Eduardo de Carnarvon, futuro Eduardo II (1307-1327), assinou a Confirmação da Magna Carta e garantiu que nenhum imposto seria exigido aos barões sem o seu consentimento. (Previté-Orton, *Shorter Cambridge Medieval History*, p. 820).

Falaremos agora dos Paramentos Eduardianos. Segundo Michael Prestwich (1988) , é complexo efectuar uma descrição apurada de um Parlamento do tempo de Eduardo I. Até 1290, os registos oficiais raramente referem as assembleias parlamentares e, mesmo a partir desta data, os documentos não descrevem minuciosamente tudo o que foi dito nos Paramentos. Assim sendo, "Opinions have varied, from a view that parliament had no exclusive function or specific composition, to the emphatic case argued by Richardson and Sayles that the one essential and central function of parliament was the dispensing of justice by the king or his

representative" (pp. 441-442). Além disso, sabemos que existiram assembleias importantes, chamadas '*great councils*', que podiam ou não ter as mesmas funções e os mesmos objectivos que os Parlamentos.

No que diz respeito ao chamado '*Model Parliament*', segundo Mackenzie (1963), este teve um carácter único entre os Parlamentos de Eduardo I:

The unusual wording of the writs of summons reflects the urgency of the situation. Beginning with an appeal to the ancient Roman maxim 'That which touches all should be approved by all', the writs set forth the danger to the realm in great detail. The composition of the parliament was also unusual. Not only were knights, citizens and burgesses summoned, but also, for the first time, the representatives of the lower clergy. Subsidies were granted by the barons and knights together, by the clergy, and by the citizens and burgesses. The parliament of 1295 was in fact the most fully representative that had ever been called, and was evidently designed to mobilize the whole financial resources of the nation. But whether this parliament deserves to be called the '*Model*' is perhaps doubtful, since less than forty years afterwards the representatives of the inferior clergy, whose presence was its chief claim to originality, ceased to attend parliaments. (p.18)

Verificamos assim que Eduardo I tentou seguir o exemplo de Montfort ao convocar cavaleiros e burgueses. Previsivelmente, não foi devido a um espírito democrático, mas sim a necessidades financeiras. Seja como for, é em parte graças à convocação do *Model Parliament* que os ingleses começam a tomar consciência do potencial representativo do Parlamento, bem como da possibilidade de discutir no mesmo assuntos de Estado.

Chegamos, agora, ao reinado de Eduardo II. Segundo Maddicott (1970, p. 70), quando Eduardo I faleceu, em 7 de Julho de 1307, os barões não exibiam sinais de descontentamento com a Coroa; no entanto, em Abril de 1308, devido ao mau governo de Eduardo II, por pouco não foi travada uma guerra civil.

É difícil de acreditar que o mau governo de Eduardo II se deva à ignorância.

Segundo Henry Falkland (1680):

Edward his Father, (...) had laid him [Edward II] the sure Foundation of a happy Monarchy. (...) From this Consideration he leads him to the Scottish Wars, and brings him home an exact and able Scholar in the Art Military. (...) He instructs him with the precious Rules of Discipline, that he might truly know how to obey, before he came to command a Kingdom. Lastly, he opens the closet of his Heart, and presents him with the politic Mysteries of State, and teacheth him how to use them by his own Example (...). (p.2)

Apesar da descrição positiva de Eduardo I por parte de Falkland, como pudemos verificar, a relação do monarca com os barões raramente foi pacífica. Regressando a Maddicott (1970), o autor entende que "The English magnates (...) had seen their privileges flouted by Edward I in the Quo Warranto proceedings, in the crisis of 1297 and the King's subsequent evasion of the settlement which resulted from it, and in the Crown's policy of gathering earldoms into its own hands (...)" (p. 67). Assim sendo, será mais correcto afirmar que o descontentamento com a Coroa resulta, pelo menos em parte, da incapacidade de Eduardo II de lidar com os problemas provenientes do reinado do seu pai. Contudo, o maior problema foi criado pelo próprio Eduardo II: o seu favoritismo por um gascão, chamado Gaveston (1284?-1312).

Ainda segundo Maddicott (1970):

The reasons for the breach which developed between the Earls and Edward and Gaveston (...) are well known. (...) The two previous Earls of Cornwall had both been kings' sons, and the dead King had intended to confer the title on either Thomas or Edmund, the sons of his second marriage. To give title and lands to a commoner and a Gascon represented a double disparagement of the royal line, and on this grievance the chronicles are almost unanimous. Other factors combined to alienate still more a nobility whose respect for the King's ability to govern was rapidly decreasing: the exclusion of the barons from the King's councils in favour of Gaveston, the latter's contempt for his peers, the defeat of the Earls at the

Wallingford tournament of December 1307, the King's appointment of him as keeper of the realm in January 1308, and his overwhelming arrogance, are all well-supported facts. His greed and the favours which he gained for his friends and relatives, particularly the Frescobaldi, affronted the magnates' pockets as well as their pride.

A second and less obvious reason for the genesis of opposition probably lay in Edward's precipitate retreat from Scotland soon after his father's death. (...) Heavy taxation at home, inactivity in Scotland, and a favorite at court- this unhappy combination, a potent fomentor of trouble throughout the reign, was already present at the end of 1307. (pp. 71-72)

Curiosamente, podemos constatar várias semelhanças entre o conflito dos barões com Eduardo II e aquele com Henrique III: voltamos a verificar o favoritismo do monarca por um estrangeiro, impostos consideráveis e um projecto estrangeiro (a guerra na Escócia), que prejudicava financeiramente o reino, sem haver qualquer vitória que compensasse as perdas.

Os barões também não podiam usar os tribunais contra Gaveston, mas encontraram outra solução (Maddicott, 1970):

(...) they found in their own oaths of allegiance, which bound them to support the estate of the Crown. It was in the enunciation of this doctrine and in the elaboration of the distinction between the Crown and the King's person that the real novelty of the declaration lay. Gaveston had undermined the Crown's estate in a number of ways- enumerated but without example- and he was therefore judged and condemned by the magnates. The King was bound to respect their decision, for by his coronation oath he had promised to keep the laws which the people would choose. (p. 82)

De facto, segundo Miller (1960), o reinado de Eduardo II foi uma época fundamental da História do Parlamento, na medida em que "it was during his time that the magnates began to capture the parliamentary tribunals as one means of neutralizing the influence of the royal ministerial group" (p.21).

Por volta desta altura, os barões passam a ser liderados por um conde, Thomas of Lancaster (1278?-1322). Inicialmente, este fora um aliado do rei; no entanto, em 1309, Lancaster revoltou-se contra o rei, por um motivo relativamente desconhecido. Maddicott (1970) entende que "His [Lancaster's] new resentment of both Edward and Gaveston is ascribed by the Vita to the ejection from office of one of the Earl's household at the favourite's instance, and Mr. Denholm-Young has identified his dependent as Nicholas de Segrave, the marshal" (p. 93). No entanto, esta é apenas uma hipótese.

É provável que tenha sido durante o torneio de Dunstable, de 1309, que os barões se reuniram para elaborar os artigos que apresentariam ao monarca no Parlamento de Westminster, do dia 27 de Abril do mesmo ano. Segundo Maddicott (1970), os artigos consistiam no seguinte:

The eleven articles presented in parliament represent a half-way stage between the *Articuli super Cartas* of 1300 and the much fuller plan of reform embodied in the Ordinances of 1311. The petition began with a complaint that the country was not governed as it ought to be, namely, according to the points of the Great Charter. Then followed protests at the abuse of the purveyance system (arts. 1 and 7), the unjust extension of the jurisdiction of the steward and marshal of the household (arts. 4 and 5), and the wrongful use of royal protections and writs of privy seal to delay the course of common law (art. 8). These five articles were virtually repetitions of complaints made nine years earlier, which had been answered in the second, third, and sixth clauses of the *Articuli super Cartas*. (...) Article 10 (1309), which protested that constables of royal castles illegally held common pleas before the gates of their castles, stemmed from article 7 (1300), which ascribed this offence to the constable of Dover Castle alone; and article 11 (1309), which stated that the King's escheators unjustly seized the lands of tenants-in-chief and then refused them the right of appeal to the King's court, may have been based on articles 18 and 19 (1300), which protested at similar, though not identical, abuses practised by the escheators. (p.97)

É provável que as *Ordinances* tenham sido inspiradas por outros documentos

legais e redigidas com o auxílio dos cavaleiros, mas não possuímos informações concretas a esse respeito (Maddicott, 1970, p. 118).

Thomas of Lancaster executou Gaveston em 1312. Entretanto, após ter sido derrotado em 1314 por Robert the Bruce (1306-1329), Eduardo acabou por se submeter à vontade de Lancaster e este tornou-se no governador de Inglaterra (Arnold-Baker, 2007, p. 776), de forma semelhante a Simon de Montfort durante o reinado de Henrique III.

Em termos gerais, Lancaster procurou certificar-se de que as *Ordinances* eram obedecidas à letra. Em particular, o rei foi proibido de beneficiar quem quer que seja até que as dívidas reais tivessem sido pagas e apenas com o consentimento dos magnatas (Maddicott, 1970, p. 178). No entanto, é necessário reconhecer que o conde não era desprovido de ambição. Maddicott (1970) afirma que "(...) in the Earl's attitude there was a quantity of self-interest and lack of judgement. It is difficult to doubt that his attacks on the courtiers were inspired partly by simple jealousy (...)" (p.237). No entanto, pior do que a inveja de Lancaster, foi a sua corrupção (Maddicott, 1970): "The strongest case against him, however, lies in his apparent willingness at the end of the Leake negotiations to accept a humiliating compromise on his political principles in exchange for an extremely advantageous financial and territorial settlement" (p. 238).

Seja como for, o 'reinado' de Lancaster não durou muito tempo. Eduardo II arranhou um novo favorito, Hugh Despenser (1261-1326). Em 1321, os barões lutaram contra a família Despenser, forçando o rei a bani-la (Mortimer, 2006, p. 111). Contudo, muitos nobres aproveitaram a oportunidade para adquirir os favores do rei, apoiando-o na sua vingança contra os magnatas. Por consequência, Eduardo II conseguiu matar a maioria dos seus inimigos, incluindo Thomas of Lancaster em 1322.

Maddicott acaba por efectuar uma descrição maioritariamente positiva do legado de Lancaster (1970):

We can now begin to obtain some idea of how Lancaster acquired his posthumous reputation as a defender of the constitution, as one 'who fought for the law of England's

liberty'. Much of his case against King and court was undoubtedly founded on envy and self-interest, and certainly he was later to profit very handsomely from the courtiers; but at the core of his argument there was a strong sense of constitutional justice. Alone among the nobility at this time he protested against the King's extravagance, his grants made without baronial assent (harmful not only in that they wasted his inheritance, but that they also undermined the power of the barons), his administrative changes contrary to the Ordinances, and his failure to summon full meetings of the baronage for the discussion of foreign policy. (p. 202)

Tendo em conta esta descrição, não é difícil considerar Lancaster um discípulo fundamental de Simon de Montfort. Ambos os homens assemelham-se, tanto nas suas qualidades como nos seus defeitos, e mesmo no facto de terem governado oficiosamente Inglaterra.

Independentemente do que pode ser dito das acções de Montfort, é nítido que os seus esforços deram fruto, como pudemos verificar em certos acontecimentos importantes dos reinados de Eduardo I e Eduardo II. Mesmo tendo as *Ordinances* sido revogadas, no fim do reinado de Eduardo II, era inegável a importância de um Parlamento representativo. De facto, Miller (1960) enfatiza a importância dada pelos barões às Assembleias Parlamentares:

They [the barons] assumed in the Ordinances that parliament presented an opportunity to discuss and to decide upon the great affairs of the kingdom and the king- war, the king's absence from the land, the appointment of a regent, grants from the royal estates, the nomination of ministers of the crown, the ordaining of reforms and inquiries into breaches of the Ordinances. (pp. 21-22)

2.2- A Decadência da Reputação de Montfort

Segundo Knowles (1965, pp. 6), a veneração de Montfort como santo começou a entrar em decadência em 1270; no entanto, o respeito pelo conde como símbolo de

Justiça permaneceu até pelo menos ao século XIV. Não encontramos crónicas datadas do século XV que referem Montfort. Contudo, no século XVI, apesar da impressão positiva que os isabelinos tinham da personalidade de Montfort, estes aparentam ter ignorado o legado político do conde de Leicester. É certo que não foi escrita nenhuma peça na altura sobre Montfort. Knowles (1965, p. 8) especula que efectuar um retrato positivo da rebelião do conde seria contradizer a doutrina Tudor, segundo a qual a guerra civil é o pior de todos os males.

Após a morte de Isabel I (1558-1603), a reputação de Montfort como herói inglês começa a ser posta em questão. O historiador John Speed, na sua obra *The Histoire of Great Britaine Vnder the Conquests of the Romans, Saxons, Danes and Normans*, datada de 1623, nunca fala do Parlamento convocado por Montfort e considera este último um traidor do seu reino. No entanto, refere o Parlamento de Winchester, convocado por Eduardo I (John Speed, 1623, pp. 639-640).

C. H. Knowles (1965, pp.7-8) afirma que, pelo menos até ao século XIV, o conde de Leicester era visto como o símbolo da Justiça e que a sua reputação terá permanecido positiva até ao período isabelino. No entanto, durante o reinado de Carlos I (1625-1649), verificamos uma apreensão relativamente a encorajar a desordem e a rebelião que existiram durante as Guerras Baroniais. Adicionalmente, foi efectuado um paralelo entre as condutas de Montfort e de Oliver Cromwell (1599-1658), pelo que a história do conde de Leicester passou a servir nesta altura como exemplo dos perigos da tirania.

Ainda no tempo de Carlos I, apesar de o estudo do reinado de Henrique III, por Robert Cotton, destacar as consequências negativas do favoritismo real, o seu autor nunca elogia Montfort pelo seu papel nas Guerras Baroniais. Muito pelo contrário, o historiador (1817) considera desonestas as intenções supostamente benéficas de Montfort, acusando-o de procurar instaurar uma ditadura:

Montford, Glocester, and Dispenser, the Heads of this Rebellious designe, having by the late provisions drawne to the hands of the twenty foure Tribunes, of the people, the entire

managing of the Royall State, and finding that power too much disperced to worke the end of their desires, forst agayne the King to call a Parliament, where they delivered over the authority of the twenty foure unto themselves, and create a *Triumvirate, non Constituenda Republicae causa*, as they first pretended, for their owne ends, and so in the interest of some private contended, the publike was stayed; but to make a speedier way to one of them as it fatally did, to become *Dictator perpetuus* (...). (p.21)

Quanto à batalha de Lewes, Cotton (1817) sumariza-a da seguinte forma: "(...) at the entry of this war, they cryed liberty, although when they came neere to an end, they never spake word of it" (p.23). Finalmente, Cotton nunca refere o Parlamento convocado por Montfort durante o seu governo, optando antes por acusar este último de egoísmo e ganância:

The person [King Henry III] now aswel [sic] as the regall power; thus is the hands of Montford and Glocester, found neyther bond of security, nor expectation of liberty, but what the emulous competition of greatnesse (...) gave hope of, for Leicester meaning by ingrossing from his partner, to himselfe, the person of the King, and to his followers the best portion of the spoyle, to draw more fruite from this advantage (...). (p.23)

A ideia de que Montfort era um aventureiro ambicioso perdurou muitos anos. Ainda no século XVII, Montfort é acusado por Edward Chamberlayne (1616-1703) de procurar instaurar uma oligarquia (Knowles, 1965, p. 9). Por outro lado, Samuel Daniel (1685) acusa Montfort de corrupção: "Leicester (...) is taxed to do more for his own particular, than the common Good; to take to himself the Benefit and Disposition of the King's Castles; to usurp the Redemption of Prisoners at his Pleasure, to prolong the Business, and to use the means of a Parliament to end it (...)" (p. 180).

Em finais do século XVII, a reputação do conde de Leicester sofreu ainda mais, uma vez que os adversários dos Stuart defendiam que o Parlamento, tal como era na altura, antecedia consideravelmente o século XIII, pelo que, para eles, Montfort não

podia ter sido o fundador da Câmara dos Comuns. Segundo estes historiadores, qualquer evolução pela qual o Parlamento passou no século XIII teria ocorrido mesmo sem a intervenção de Montfort (Knowles, 1965, p. 9).

No século XVIII, Thomas Carte (1750) adota a impressão de Montfort dos historiadores do século XVII:

A Parliament was called to meet, on January 20, at London, in order, as was pretended, to provide for prince Edward's being restored to liberty, for which he had paid so dear; but in reality, to establish the earl of Leicester's power. It is in vain to expect the discovery of any part of the ancient constitution of parliaments, from an assembly, convened by the arbitrary will of a rebel; modelled so as might best serve his purposes, and composed only of his partisans; none else being summoned thither. (...)

Leicester, having the name of a parliament to support him in all his arbitrary proceedings, thought himself above keeping measures with any body. (...)

He had hitherto assumed the whole government of the nation to himself; putting his own creatures into all posts either of profit or power, and scarce vouchsafing ever to consult the principal persons of his own party: yet the power of some of these gave him umbrage, and whether he imagined, they must resent the neglect, with which he treated them, or suspected they might desert him, when his secret designs should come to be known, he resolved to crush them for his own security, and, by their fall, intimidate others from daring to dispute his pleasure. (pp. 151-152)

Esta era, na verdade, a opinião de quase todos os historiadores da época. David Hume (1864), por sua vez, acusou Montfort de exagerar a incompetência de Henrique III a fim de concentrar o poder na sua pessoa. Além disso, o filósofo menospreza a importância do conde de Leicester para a evolução da Câmara dos Comuns e apresenta, provavelmente, a avaliação mais negativa até à altura da conduta de Montfort:

But though that House derived its existence from so precarious and even so invidious an origin as Leicester's usurpation, it soon proved, when summoned by the legal princes, one of the most useful, and, in process of time, one of the most powerful members of the national constitution; and gradually rescued the kingdom from aristocratical as well as from regal tyranny. But Leicester's policy, if we must ascribe to him so great a blessing, only forwarded by some years an institution, for which the general state of things had already prepared the nation. (...)

The violence, ingratitude, tyranny, rapacity, and treachery of the Earl of Leicester, give a very bad idea of his moral character, and make us regard his death as the most fortunate event which, in this conjuncture, could have happened to the English nation; yet must we allow the man to have possessed great abilities, and the appearance of great virtues, who, though a stranger, could at a time when strangers were the most odious, and the most universally decried, have acquired so extensive an interest in the kingdom, and have so nearly paved his way to the throne itself. His military capacity and his political craft were equally eminent: he possessed the talents both of governing men and conducting business: and though his ambition was boundless, it seems neither to have exceeded his courage nor his genius; and he had the happiness of making the low populace, as well as the haughty barons, co-operate towards the success of his selfish and dangerous purposes. A prince of greater abilities and vigour than Henry, might have directed the talents of this nobleman either to the exaltation of his throne, or to the food of his people: but the advantages given to Leicester by the weak and variable administration of the king, brought on the ruin of royal, and produced great confusion in the kingdom, which however, in the end, preserved and extremely improved national liberty and the constitution. His popularity, even after his death, continued so great, that though he was excommunicated by Rome, the people believed him to be a saint; and many miracles were said to be wrought upon his tomb. (pp. 522, 525-526)

Podemos, assim, concluir que as impressões relativas à personalidade e ao legado 'democrático' de Montfort se tornaram cada vez mais negativas entre os séculos XIV e XVIII.

2.3- A Evolução da Câmara dos Comuns

Segundo Pollard (1926), existe ainda no século XIII uma certa ambiguidade relativamente ao que constitui um Parlamento. O autor afirma que "the gatherings convoked by these so-called 'parliamentary' writs were not parliaments; and the meetings called parliaments in the rolls were not summoned by the writs to which the name has since been given" (p. 47). Assim sendo, os '*writs of parliament*' aparentam não indicar a existência de uma Assembleia Parlamentar; no entanto, também existiam os chamados '*Rolls of Parliament*'. Pollard (1926) descreve estes últimos através de uma queixa efectuada em 1280:

The complaint is of the delay and inconvenience caused to the folk who come to "parliament" by the great number of petitions which might be dealt with by the chancellor and justices; and the ordinance is that only petitions that cannot otherwise be dealt with are to come before the king and his council in parliament. The business is legal, these parliaments are "parliaments of the council", their essence is royal and judicial, and there is little in common between them and the occasional gatherings of tenants-in-chief summoned by special and general writs in pursuance of Magna Carta to give counsel and consent to demands for aids. (...) Their sessions are regular and not spasmodic; they do not depend upon the king's financial necessities; and they are held three times a year. (p. 48)

Podemos, então, verificar que os 'Parlamentos' referidos nos *Rolls* não tinham as mesmas características que aqueles convocados por Montfort.

Quanto ao chamado *Model Parliament* de 1295, Pollard (pp. 54-55) entende que este último foi 'modelo' apenas por convocar na íntegra o grupo responsável pela declaração de impostos. No entanto, este Parlamento não foi o primeiro a combinar o tratamento de assuntos financeiros e judiciais, que viria a existir a partir de 1298. Para o Parlamento de Janeiro de 1301, em Lincoln, verificamos simultaneamente '*writs*' a convocar representantes e '*Rolls*' a registar procedimentos jurídicos.

Pollard (1926) afirma que "While the high court of parliament was the correct and official description of the two houses in the sixteenth and seventeenth centuries,

the "three estates" was the more popular and inaccurate designation applied to them in the eighteenth and nineteenth (...)" (p. 61). Na verdade, não se sabe ao certo se os '*three estates*' deveriam representar o rei, os *lords* e os comuns, ou os *lords* espirituais, os *lords* seculares, e os comuns. Foi só em 1421 que o Parlamento passou a consistir em "tres status, videlicet, prelatos et clerum, nobiles et magnates, necnon communitates dicti regni" (Pollard, 1926, p. 70). No entanto, Pollard (1926) nega que o Parlamento consistisse num sistema de três estados, afirmando que "a system of estates is built upon the principle, not of national, but of class representation; it suggests that a nation is not one, but three estates, each with an independent will of its own, and each entitled to veto national progress" (p. 77).

No que diz respeito aos Comuns, Mackenzie (1963, pp. 22-23) afirma que, durante o reinado de Eduardo I, estes eram convocados apenas quando o rei precisava de dinheiro ou para dar o seu assentimento às decisões tomadas relativamente a assuntos dos burgos.

No reinado de Eduardo II, a presença dos Comuns passa a ser mais frequente e os barões afirmam mais frequentemente que as decisões tomadas favorecem a nação inteira. De facto, segundo Carvalho (1989):

Não foi voluntariamente ou por acção de qualquer inspiração democrática que os Lordes e o próprio Rei cederam às exigências dos Comuns. A existência orgânica da classe dos comuns, isto é, representantes das comunidades, deve-se essencialmente às consequências do desenvolvimento económico do «terceiro estado» e ao facto de os cavaleiros, outrora representantes dos barões, se terem juntado aos representantes das cidades e dos burgos para constituírem o agrupamento que se irá designar Câmara dos Comuns até aos nossos dias. (p.62)

Pollard (1926) entende que a apresentação de assuntos relativos ao povo não começou apenas com Montfort e Eduardo I. Segundo o autor:

Henry II had thrown open the doors to the curia regis to suitors of all sorts- save villeins pleading against their lords; and nothing in the records of Edward I's parliaments suggests that the regular invitation to suitors, with which a parliament always began, was a novelty. (...) and it is almost certain that knights from the shire did a good deal of representative legal business at Westminster before they were summoned thither by writs. (...) They were to come, not merely with such varying powers as different counties might at different times choose to give them, but with full power to commit all the counties alike to approval of whatever proposals the king and his council might lay before them (...). (p.111)

Até ao reinado de Henrique VII (1485-1509), os Comuns apareciam no Parlamento apenas para ouvir o discurso de abertura, apresentar o seu porta-voz e pronunciar-se sobre as decisões tomadas pelos mesmos relativamente aos assuntos que lhes competiam.

Por sua vez, Carvalho (1989) descreve assim a forma como os Comuns ganharam o seu poder:

Quando o rei precisava de dinheiro para governar, reunia o Parlamento, para pedir subsídios e, ao mesmo tempo, para propor o lançamento de um novo imposto ou de uma taxa periódica. Os Comuns aproveitavam a oportunidade para requerer ao soberano, nos primeiros tempos através dos barões menores (...) e depois através do *Speaker*, uma contrapartida em direitos e liberdades, ao mesmo tempo que iam consolidando a prática, que hoje é um direito, de fiscalizar as finanças do Executivo e de pedir explicações sobre a utilização das verbas concedidas. Este sistema irá permitir aos Comuns discutir planos de governo, intervindo, criticando, fiscalizando e sugerindo medidas que ficavam consignadas em diplomas e regulamentos parlamentares, com iniciativa dos Comuns. (p. 64)

Além disso, ainda segundo Carvalho (1989), os nobres teriam apoiado os Comuns pelas seguintes razões:

1. Porque a grande insistência dos Comuns pelo domínio da área financeira iria reforçar a causa da luta dos nobres pela redução dos poderes e das prerrogativas do monarca.

2. Porque, mantendo os Comuns em conflito com o rei, afastavam do monarca a possibilidade de os ter como aliados na sua oposição às pretensões dos nobres.

3. Porque sentiam que, deste modo, os Comuns iriam dar continuidade às suas mais importantes reivindicações, expressas na Magna Carta. (p. 97)

Pollard (1926) entende que o cariz obscuro da evolução do papel dos Comuns se deve a confusões terminológicas:

Another cause of obscurity in the history of the house of commons arises from the indeterminate character of the terminology employed in the "Rolls". By the end of the fourteenth century the term *communitates* or *communes* implies both the knights of the shires and the representatives of the cities and boroughs; but this usage expresses the result of a gradual amalgamation, and before 1350 the word is used in different senses. *Le commun* is used in 1258 of a clique of barons; in 1259 *communitas bacheleriae* describes a "cave" of aristocratic forwards. In 1340 *les communes de la terre* is the phrase employed to distinguish the knights of the shires from the representatives of the cities and boroughs. In 1343 we have *les chivalers des countez et communes*, where *communes* seems to mean the town members as distinct from the knights of the shire; but in the next line we have *prelatz, grantz, et communes*, where both are apparently included in the common designation, and later on the same page we have, *les chivalers des countees et les autres communes*. Similarly in 1332 we have a distinction between *les chivalers des countez* and *les gentz du commun*. (p. 114)

Sabemos, no entanto, que os Comuns possuíam o direito à liberdade de expressão desde, pelo menos, 1455. Neste ano, Sir Thomas Yonge (1405-1476) queixou-se de ter sido preso na Torre de Londres cinco anos antes por discutir um assunto abordado no Parlamento. Yonge entendia que os Comuns deviam ter a

liberdade de exprimir as suas opiniões sem medo de punição. Sir Thomas More (1478-1535) chegou a pedir a Henrique VIII (1509-1547) que perdoasse qualquer comentário efectuado na Câmara dos Comuns que pudesse desagradar ao monarca. Ainda assim, na prática, existiam tópicos que os Comuns tipicamente não abordavam na altura dos Tudores, como a religião ou o comércio. (Mackenzie, 1963, pp. 34-36)

Jaime I (1603-1625) chegou a proibir os Comuns de discutir assuntos governamentais, recebendo deles a seguinte resposta (Mackenzie, 1963):

That the liberties, franchises, privileges and jurisdictions of Parliament are the ancient and undoubted birthright and inheritance of the subjects of England: And that the arduous and urgent affairs concerning the King, State and defence of the realm, and of the Church of England, and the maintenance and making of laws, and redress of mischiefs and grievances, which daily happen within this realm, are proper subjects and matter of counsel and debate in Parliament: And that in the handling and proceeding of those businesses every member of the House of Parliament hath, and of right ought to have, freedom of speech to propound, treat, reason and bring to conclusion the same. (pp. 37-38)

Em suma, verificamos que os Comuns reivindicavam explicitamente a liberdade de expressão já no início do século XVII. Entretanto, a partir de finais do século XVI, os Comuns reclamam a independência da sua Câmara, possuindo completa jurisdição sobre os seus membros, os seus métodos e a sua organização. (Pollard, 1926, p. 326)

Outro direito importante pelo qual os Comuns lutaram foi a liberdade de punir '*breaches of privilege*', isto é, ofensas contra a Câmara; esta prerrogativa pertencia unicamente aos *Lords* até ao tempo dos Tudores. No século XVI, os Comuns frequentemente multavam e prendiam quem insultasse a Câmara; contudo, deixaram de fazê-lo a partir de meados do século XVII.

Capítulo III- A Figura de Simon de Montfort no período Vitoriano

3.1- A Personalidade e os Objectivos de Montfort segundo os Vitorianos

Começaremos por discutir a imagem que os vitorianos tinham da personalidade de Simon de Montfort e subsequentemente descreveremos as suas interpretações da conduta política do conde de Leicester.

Algo que encontramos em todas as obras é um parágrafo elogioso relativamente à personalidade de Montfort. Começando com Blaaw (1871), este descreve o conde de Leicester da seguinte forma:

a man of so much energy and talent in war and council, that although allied to the King and born abroad, his acknowledged capacity and honour overcame these disadvantages ; and at a time when foreigners were universally odious and the court distrusted, the barons and people of England with one accord ranged themselves under this foreign courtier, as their leader for the recovery of their national liberties. (p.42)

No entanto, Blaaw também vê Montfort como um homem do seu tempo, violento e fanático, ao contrário dos historiadores contemporâneos do conde. Nas palavras do autor vitoriano (1871):

(...) he [Simon de Montfort] had an opportunity, while an exile from England, of making his "name very precious to all the bigots of that age" (as Hume remarks) by his barbarous crusades against the Albigenses. The cruelties practised are well known, but the fanaticism of the period was widely spread, and the merit of extinguishing heretics so blinded his contemporary historian [Petrus Vell. Sarn.], that even after relating Simon's order, at the capture of the castle of Brom, to cut off the noses of a hundred of the garrison, and to pluck

out their eyes, with the exception of one eye reserved to a single guide, he immediately praises him as "the mildest of men". (pp. 43-44)

Stubbs (1906) também elogia o conde, referindo que "That he [Montfort] was able to (...) throw himself heart and soul into the position of an English baron, statesman, and patriot, is no small proof of the greatness and versatility of his powers" (p. 56) Além disso, Stubbs afirma que o conde era um homem honrado e um excelente militar e político, características que o tornavam na pessoa ideal para salvar um povo oprimido.

Creighton (1876), por sua vez, descreve Montfort como um herói do povo:

(...) a man of rare ability, of keen political foresight, of lofty purpose, and of resolute mind. Though a foreigner by birth, he saw more clearly than any native Englishman the hidden genius of the old English institutions. Though hated at first as an alien and an adventurer, he so won his way to English hearts that the people loved him as few men have ever been loved in England, and after his death adored him as a saint and martyr. The man of whom this is true deserves a fuller recognition among England's heroes than he has yet received. (p.1)

A última frase da citação alude ao facto de que Simon de Montfort ter sido frequentemente demonizado nos séculos XVII e XVIII.

Creighton (1876) entende que Montfort "must have been struck by the power and vigour of [Emperor] Frederic's mind, and by the greatness of his plans. Perhaps what he then saw may have suggested to his mind in later days the idea of trusting to the power of the English towns to form a basis for opposition to royal tyranny (...)" (pp. 29-30).

Por outro lado, os vitorianos sabiam que Simon de Montfort é frequentemente acusado de ganância; no entanto, discordam, culpando antes os filhos do conde de Leicester. Blaaw (1871) refere que "All de Montfort's sons are spoken of by several

chroniclers as full of pride and addicted to riotous living". (p. 267) Aliás, o autor vitoriano (1871, p. 49) afirma que o conde de Leicester poderia, a certa altura, ter sido influenciado pelo desejo de ver um dos seus filhos herdar a coroa, o que explicaria, de certa forma, o seu casamento com a irmã do rei. Creighton (1876) também defende Montfort, chegando a referir que "He [Simon] and his sons were accused of avarice, of extortion (...). A royalist chronicler asserts that Simon had seized upon eighteen baronies. For these charges there seems to be no foundation. When Earl Simon's possessions were confiscated after his death, there was no unlawful booty found amongst them(...)" (p. 182). Assim sendo, Creighton entende que as acusações de ambição e ganância terão partido principalmente dos cronistas da Coroa. Este também é o parecer de Keightley (1841), que afirma que " If we credit the chroniclers adverse to him [Montfort] and his cause, his rule was a complete tyranny (...) He seized, they say, for himself the estates of not less than eighteen of the barons taken at Lewes, kept the ransom of the king of the Romans (...) and that of all the other barons (...)" (p. 161).

É certo que Prothero (1877) entende que o conde de Leicester abusou do favor do rei. De facto, no que diz respeito à primeira querela entre Montfort e o rei Henrique III, o autor efectua a seguinte avaliação das condutas de ambos os homens:

The immediate reason of Henry's anger (...) is probably to be discovered in the latter part of his speech, in which he accuses de Montfort of bribing the Curia, and using his name as security of extravagant promises. The fact of the bribery seems undeniable. Payment for justice, especially at the venal court of Rome, was so ordinary an occurrence that we need not wonder that Simon yielded to the custom. It was a dishonourable transaction, doubtless, and has therefore been considered by some writers so alien to Simon's character as to make it impossible to attribute it to him. This rests perhaps hardly on sufficient grounds. He was not immaculate, and the job would hardly have been considered dishonourable. Further, it is likely enough that he made more use of Henry's name than the latter liked; though this would almost be justified by the favour in which he stood with the king at the time, and by the terms of his credentials, which amounted to a general assumption of responsibility for the whole affair. When de Montfort failed to fulfill his engagements, his creditors, Italian moneylenders

who transacted the Pope's business abroad, would have applied to Henry, whose surprise and indignation burst forth in the way we have seen. (pp. 50-51)

Ainda assim, no que diz respeito às acusações de tirania que foram lançadas a Simon de Montfort aquando da sua estadia na Gasconha, Prothero (1877) considera-as sem fundamento:

It is very probable, from what we know of Simons temper, that he quenched rebellion sharply and sternly ; he was not the man to bear gently with the open and secret resistance he had to meet ; but the castled brigands of Gascony could not be put down by gentle means, and we should have heard little of these complaints had not the kings suspicious ear drunk in only too greedily all that the enemies of his great lieutenant chose to pour into it. (p. 94)

Maurice Powicke (1947) aparenta concordar com esta interpretação, afirmando que o conde, devido ao seu temperamento, "did not know how to manage his temporary subjects. He overrode unwelcome complaints as factious, took no account of the cross-currents which disturbed Gascon society, and regarded its endemic restlessness as a kind of treachery" (pp. 111-112)

Blaaw (1871, p.56), por sua vez, afirma que o arcebispo de Bordéus e seus aliados (que apresentaram a queixa contra Simon) eram traidores condenados; assim sendo, o rei cometeu um erro ao acreditar neles. De facto, o conde de Leicester compareceu diante do rei e lembrou-lhe a sua lealdade para com Henrique III.

Stubbs (1906, pp. 73-74) também entende que é injusto condenar Montfort pela sua conduta na Gasconha, referindo que o conde encontrou inúmeras dificuldades. Por um lado, confrontou os nobres da região, que apenas toleravam a autoridade de Henrique III "to evade submitting to the stronger hand of Lewis IX" (p. 74). Montfort não recebeu nenhum auxílio do monarca inglês, nem militar, nem financeiro, pelo que teve de cobrar impostos aos gascões. Stubbs insinua que o rei terá

enviado o conde de Leicester para a Gasconha com o propósito de arruinar a reputação deste último.

Blaaw refere diversas ocasiões nas quais o conde de Leicester aparenta ter abusado do seu poder por ambição, mas justifica sempre a sua conduta. Por exemplo, referindo-se ao comportamento dos barões e de Montfort no rescaldo da batalha de Lewes, o autor vitoriano (1871, p. 251) afirma que os registos do tempo são demasiado imperfeitos para discernir os verdadeiros motivos dos rebeldes. Por outro lado, em 1264, a Igreja de Roma reuniu soldados para invadir Inglaterra, o que levou Simon de Montfort a forçar o rei a atribuir ao conde uma licença especial para viajar armado e acompanhado por cavaleiros, pois, na altura, o porte de armas era geralmente proibido. Blaaw (1871) afirma que "The motive alleged seems sufficient to exempt him [Simon de Montfort] from the charge of ambitious pride (...). The danger was pressing, and unless all classes had zealously contributed their arms and money, it was thought at the time that the alien enemy would have conquered England" (p. 235).

Quanto ao parlamento do dia 31 de Março de 1265, que atribuiu a Simon de Montfort as posses do herdeiro da coroa, o que aparenta constituir um abuso de poder, Blaaw (1871) entende o seguinte:

It is but fair, nevertheless, to remark, that there were reasons of state requiring that Cheshire should not remain in hands likely to confederate again with the Welsh Marchers, and this motive, as well as personal influence, must be supposed to have guided the parliamentary barons in their measure of exchange. The surrender of Cheshire to the more trusty guard of de Montfort was stipulated on the principle of exchange; and a large indemnity, professedly an equivalent, having been given up by him from his own estates in Leicestershire and elsewhere, these lands were, on May 8, 1265, in due form given up, as a compensation to Prince Edward. It may also be observed that after the death of Simon de Montfort, when the King eagerly granted away all his confiscated estates, there is no trace of his having died in possession of more than his own hereditary property, with the addition of this exchange in Cheshire. (pp. 252-253)

Em suma, é nítido que os vitorianos acreditavam que Simon de Montfort se preocupava genuinamente com os direitos do povo inglês.

Regressando a Blaaw (1871), este entende que Montfort teria sentido orgulho do seu legado político:

Proud indeed, he [Montfort] might justly feel, if in his loftiest visions he caught a shadowy glimpse of the future destinies of the people, in whose cause he was about to fight, if he could have foreseen that from his personal efforts there would ultimately arise a vital energy, by which the expanding form of English freedom would cast off the slough of ignorance, bigotry, and servility, until with unbounded power and dominion, physical and intellectual, the nation should present to the world a fresh model of happy government as yet unknown. (p. 167)

Contudo, Mackintosh (1836) refere que, não obstante o seu legado, Montfort nunca tencionou reformar o Parlamento:

He [Simon] died unconscious of the imperishable name which he acquired, and which he probably considered as of very small importance. (...) He thus unknowingly determined that England was to be a free country, and he was the blind instrument of disclosing to the world that great institution of representation, which was to introduce into popular governments a regularity of order far more perfect than had heretofore been purchased by submission to absolute power, and to draw forth liberty from confinement in single cities, to a fitness for being spread over territories, which experience does not forbid to hope may be as vast as have ever been grasped by the iron gripe of a despotic conqueror. (p. 238)

Prothero (1877), entretanto, valoriza o papel desempenhado pelo conde de Leicester no que o autor vitoriano entende ter sido uma das piores épocas de Inglaterra:

It is the undying honour of Simon de Montfort, not that he sowed the seed, nor that he garnered the crop, but that he fostered and directed its growth in the hour of weakness. With an eye far keener than any of his fellows he saw the only possible cure of the evils which all felt, he perceived the principles which underlay the popular movement, and the way in which they were to be applied; when others, in cowardly fear for their own interests, shuddered at the spirit which they had raised, and sought to retrace their steps, he went boldly on, knowing that while there was one to lead the spirit would follow, and would be a servant and not a master. (p. 296)

John Bigland (1815), por sua vez, tem uma impressão mista do conde de Leicester, acusando-o de ambição, mas elogiando o seu legado:

(...) the famous Simon de Montfort, earl of Leicester who, though a native of France, was chosen for their general by the barons of England, and obtained the actual government of the kingdom. Although so zealous an opposer of the royal authority, his administration was not less arbitrary than that of the monarch whose power he had usurped, a proof, among thousands of others, that pretences of patriotism are often a cloke [sic] to ambition. But if many parts of his conduct were unjustifiable, the result was beneficial. His political and military abilities were equal to his bold and enterprising genius, and his name will forever be memorable in history as the founder of the English House of Commons, which forms so important a part of the national representation. (p. 241)

Em conclusão, no que diz respeito à personalidade de Montfort, existe um consenso quase unânime entre os vitorianos de que o conde era um homem enérgico e inteligente que lutou pelas liberdades dos ingleses e ganhou a admiração destes últimos, apesar de ser estrangeiro.

3.2- A Anglicização dos Barões

Segundo Creighton (1876, pp. 2-3), o século XIII viu a fundação de um movimento espiritual cristão liderado pelos seguidores de São Francisco de Assis (1182-1226) e de São Domingos de Gusmão (1170-1221), cujos ensinamentos resultaram na consciencialização da liberdade espiritual e da dignidade inerente ao Homem. No entanto, devido a esta evolução moral, passou a ser nítido para os ingleses que os Papas já não se interessavam exclusivamente por questões religiosas. Pelo contrário, o objectivo principal da Igreja Católica era adquirir poder sobre os monarcas da Europa, como se veio a verificar na guerra travada contra o imperador Frederico II. Com o fim das Cruzadas e o conhecimento dos ingleses da época da hipocrisia da Igreja, sente-se uma maior preocupação com assuntos nacionais, particularmente o governo por parte do monarca.

Os barões viam com maus olhos o favoritismo do rei Henrique III para com os familiares estrangeiros da rainha. Segundo Thomas Keightley (1841):

The high spirit of the English barons could ill brook the manner in which the numerous grants which they had been induced to give to their thoughtless monarch had been squandered away in inglorious projects of ambition, or lavished on foreign favourites ; and various attempts were made to restrain the royal extravagance. In 1242, when about to grant a supply, they required that it should be placed in one of the king's castles, under the custody of four barons to be appointed by the great council; and in 1244, on a similar occasion, they demanded that four barons should be declared Conservators of the Liberties of the Nation, two of whom should always attend the king and watch over the expenditure, and control the administration of justice; and that the chancellor, the justiciary, two justices of the King's Bench and two barons of the Exchequer should be chosen by the council, and hold their places independent of the crown. The king would only consent to renew the Great Charter, and when he got the supplies he thought no more of his word. In 1248, when he again demanded a supply, he met only with reproaches for his breach of faith and oppression of his people; money was positively refused. (pp. 154-155)

Além disso, sente-se na altura a indiferença por parte dos estrangeiros relativamente à situação económica de Inglaterra e a ganância dos mesmos na aquisição e no uso pessoal de fundos, em grande parte provenientes dos barões, destinados para fins militares. Ainda segundo Creighton (1876), "Favouritism, extortion, and national misgovernment went hand in hand, and the English barons viewed them with growing discontent" (p.20). William Stubbs (1906, pp. 74) refere ainda que os estrangeiros possuíam vários castelos e quebravam frequentemente as leis de Inglaterra.

De facto, mesmo o casamento de Montfort com a irmã do rei, que teve lugar sem o consentimento dos barões, foi visto por estes últimos como favoritismo. Prothero (1877) chega a referir que, para os barões, "It was better to be fined by Hubert de Burgh, than to be robbed by Peter de Roches" (p. 59) Com efeito, Roches trouxe mais franceses a Inglaterra e atribuiu-lhes posições de autoridade. Warren (1987) explica a situação da seguinte forma:

(...) Peter des Roches and Peter des Rivaux hailed originally from Poitou. They represented an interest which was dear to Henry III but not to his barons. The loss of Normandy had terminated the barons' continental interests but not the king's. He was still styled "duke of Normandy and of Aquitaine and count of Anjou" (...). To the barons the intimate counsel of "foreigners" threatened to deflect the king from English interests, especially if they themselves were excluded from counsel. (p. 176)

Curiosamente, Mackintosh (1836) condena, até certo ponto, as motivações dos barões, afirmando que "The motives of opposition among the barons were personal and vulgar" (p. 231). Além disso, o historiador defende o rei, referindo que "The banishment of obnoxious men from the king's presence and councils had been required and granted in the Great Charter itself, without any process of law or specific allegation of offence. Henry's promise to remove his foreign counsellors, though always violated, yet proved throughout his reign his best expedient for obtaining supplies" (p.

231).

Os benefícios que Henrique III atribuía aos estrangeiros devem-se à tentativa, por parte do monarca, de recuperar as províncias francesas perdidas no tempo do seu pai, João-Sem-Terra. Adicionalmente, o rei desprezava a Magna Carta e visava concentrar o poder político na sua pessoa, pelo que não tinha a intenção de garantir os direitos dos barões (Creighton, 1876, p. 60). Por outro lado, Henrique III sabia que devia a sua subida ao trono ao Papado; por conseguinte, o Papa "turned to England as to an inexhaustible store of treasure" (Creighton, 1876, p. 62). Aliás, o próprio chefe da Igreja Católica nomeava estrangeiros para receber os benefícios fornecidos pela coroa inglesa, extorquindo indirectamente os barões ingleses o mais possível.

Em 1253, Henrique III voltou a pedir dinheiro aos seus barões, mas foi criticado mais uma vez pela sua prática de beneficiar estrangeiros. Segundo Keightley (1841), o rei respondeu o seguinte:

It is true I have in this been somewhat to blame: I obtruded you, my lord of Canterbury, on your see : I employed both threats and promises, my lord of Winchester, to have you elected : I acted very irregularly, my lords of Salisbury and Carlisle, when I raised you from the lowest stations to your present dignities. But I will correct these abuses ; and you too, to make the reform complete, ought to resign and try to be re-elected in a more regular manner. (p. 155)

Não obstante a ironia da sua resposta, Henrique III prometeu cumprir o estipulado na Magna Carta. No entanto, quase imediatamente após estes juramentos, o monarca regressou à sua conduta inicial que tanto indignava os barões. É certo que Henrique III procurou ser dispensado pelo Papa do juramento à Magna Carta, referindo que o efectuou enquanto jovem e desconhecendo como este prejudicaria o reino inglês e a sua própria autoridade. (Prothero, 1877, p. 60)

Os barões aperceberam-se de que, para se protegerem dos abusos por parte do

rei e do Papado, teriam de contar com o apoio do povo inglês. Assim sendo, a fim de incentivar os estados sociais baixos a juntarem-se à sua causa, os barões recorreram aos tribunais para resolver os assuntos dos camponeses e regulamentaram o poder dos *sheriffs* (Creighton, 1876, pp. 102-103).

Adicionalmente, segundo Blaww (1871):

After fifty years' experience of the perils to which their privileges were exposed by the encroachments of the Crown, a stronger and more enduring security was now devised, by committing the care of constitutional freedom thenceforth to the people themselves, whose interests they thus identified with their own. We cannot at this remote distance of time estimate all the motives that led to this measure. To these early statesmen such "matters may have seemed (...) great and glorious for all the people"; although few at the time, perhaps not even de Montfort, felt the full importance of this advancing step of British liberty. (p. 246)

Segundo Keightley (1841), as reformas decididas no *Mad Parliament* convocado no dia 11 de Junho de 1258 foram as seguintes:

The freeholders of each county were to choose four knights to inquire into the damages committed in it under the royal authority, and lay them before the council. The freeholders were also to choose each year the high-sheriff for each county ; the sheriffs and the great officers of state were to give in their accounts annually, and parliaments to be holden thrice in each year. To secure the obedience of parliament, it was directed, under pretext of saving the members trouble and expense, that twelve persons should represent those who were to compose the parliament, and that whatever these should enact in conjunction with the council of state, should be viewed as the act of the whole. One of the first acts of the council was to force the king's half-brothers to quit the kingdom ; they then obliged the earl of Warrenne, the most powerful man of the king's friends, and his nephew prince Henry, and finally his son prince Edward, now a spirited youth of eighteen years of age, to take an oath of obedience to the ordinances of the council ; and when in the following year (1259) Leicester learned that the king of the Romans was on his return, he sent to prohibit him from landing

unless he engaged to take the oath also, a mandate which that prince found it necessary to obey. (pp. 157-158)

Curiosamente, a nível da imposição de impostos, Mackintosh (1836) crê que os barões terão proposto inúmeras reformas que foram para além do estipulado na Magna Carta. Segundo o autor:

If this assembly be supposed to be the same which is vested with the power of granting supply by the Great Charter of John, the constitution must be thought to have undergone an extensive, though unrecorded, revolution in the somewhat inadequate space of only fifty years, which had elapsed since the capitulation of Runnymede : for in the Great Charter we find the tenants of the crown in chief alone expressly mentioned as forming with the prelates and peers the common council for purposes of taxation ; and even they seem to have been required to give their personal attendance, the important circumstances of election and representation not being mentioned in the treaty with John. Neither does it contain any stipulation of sufficient distinctness applicable to cities and boroughs, for which the charter provides no more than the maintenance of their ancient liberties. Probable conjecture is all that can now be expected respecting the rise and progress of these changes. It is, indeed, beyond all doubt, that by the constitution, even as subsisting under the early Normans, the great council shared the legislative power with the king, as clearly as the parliament have since done. But these great councils do not seem to have contained members of popular choice ; and the king, who was supported by the revenue of his demesnes, and by dues from his military tenants, does not appear at first to have imposed, by legislative authority, general taxes to provide for the security and good government of the community. (pp. 239-240)

Green (1874) também refere que o século XIII "had shown both the strength and weakness of the Charter: its strength as a rallying-point for the baronage, and a definite assertion of rights which the King could be made to acknowledge; its weakness in providing no means for the enforcement of its own stipulations" (p. 150).

No entanto, James Hosner (1903) refere que os direitos do 'homem comum' estavam garantidos na Magna Carta:

The Great Charter contains a summing up of the rights and duties that had been growing into recognition, while the nation was growing into consciousness. The Commons are joined with the Barons in the execution of the Charter, and now, for the first time since the overturn of the old order, take part in the great life of the nation. (...) The Barons maintain the right of the whole people as against themselves as well as against the King. The rights of common men are as carefully provided for as those of the nobles; for always when the privilege of the simple freeman is not secured by the provision which affects the high-born, an added clause defines and protects his right. (...) No tax is to be exacted without a grant from the common council of the realm; and the sense of the nation, with regard to the tax, is to be taken in a duly summoned assembly. (p. 48)

Seja como for, a interpretação que os vitorianos efectuam do legado político e das intenções dos barões é maioritariamente positiva. Blaaw (1871), por exemplo, elogia a contribuição dos barões para a História parlamentar, afirmando que " The representative system, whose expansion they [the barons] had encouraged, had taken too stout a hold to be extirpated, and, from this root remaining unharmed, the branches of national freedom thrived henceforth with vigorous enlargement, strong in its own influence, upheld by the will and nourished by the love of the people" (p. 283). Adicionalmente, Blaaw (1871) refere que Eduardo I, apesar de ter ganho a batalha de Evesham, "was obliged formally to renounce the claim of tallage without the consent of Parliament" e que grande parte dos privilégios deste último foram comprados à Coroa, "the very vices of royalty being thus converted into national benefits" (p. 284).

Prothero (1877) efectua uma avaliação menos elogiosa, mas ainda assim positiva do legado político dos barões:

They [The barons] had been unable to hold the power conferred on them by Magna

Carta: they were still unable to hold what Simon gave them; he took the step of enabling them to use their right by means of representation, in order to draw out their power and support himself by it, but it gave way under strain. Still the gift taught the receiver to use his strength, which grew with the desire to use it: in the next generation the class was strong enough, and the gift granted by Simon was renewed by Edward to a worthier generation, and was not taken away again.

Since then, the breadth of the electorate has grown, as each successive class has grown more powerful. Simon, whether consciously or unconsciously, formed a perfect constitution embodying this principle. His constitution died with him; but England, half consciously, half unconsciously, has been following the same direction ever since. (p. 293)

Não obstante, Bigland (1815) entende que a introdução dos barões menores no parlamento resultou não de um espírito democrático, mas sim do costume e da autoridade real:

From the time of the conquest, the parliament of England had consisted of the lay and ecclesiastical barons: the people were considered as of no importance in a civil or political point of view. When the Provisions of Oxford were drawn up, it is certain that twelve deputies were chosen to represent the whole community: all these, however, were barons, but some consider this as the era of the introduction of knights of the shire, although their number was far from allowing one to each county. A politico-historical writer of eminence, thinks that the election of county members was first established by custom, and afterwards sanctioned by royal authority. He supposes that the small barons finding themselves ill able to appear with dignity during their attendance on parliament, were under the necessity either of wholly absenting themselves, or of delegating some of their number, at the common expense, to represent the whole body: that this kind of election having become customary, at length became regular, as the kings always wished to counterbalance the power of the great barons; and that these deputies, under the name of knights of the shire, were introduced into parliament in the reign of Henry III. (p. 237)

Creighton (1876), por sua vez, refere que os objectivos dos barões consistiam em "To drive out the foreigners who spoiled the land, to free the Church from oppression, to bring back order into the King's finances, and to turn him from foolish schemes of foreign aggrandisement to good wiser efforts at good government at home (...)" (p. 168).

No entanto, nem todos os vitorianos partilhavam esta interpretação. John Lingard (1823), na sua obra *A History of England from the First Invasion by the Romans*, afirma que, originalmente, as reformas do Parlamento de Westminster deviam ter sido efectuadas até ao Natal desse ano (1259), algo que não ocorreu. Além disso, Lingard acusa os barões de corrupção e abuso do poder:

To satisfy the people, a proclamation was issued in the king's name, stating the importance of the undertaking, the time necessary to obtain an exact knowledge of the national grievances, and the folly of risking the acquisition of their object by the adoption of hasty and inconsiderate measures. The truth was, that the chiefs of the party were unwilling to divest themselves of the authority, which they had usurped. They distributed among their partisans all the lay offices and ecclesiastical benefices in the gift of the crown; received the principal part of the royal revenue ; and shared among themselves the produce of the escheats, wardships, and marriages of the king's tenants. (p.168)

Green (1874) concorda com esta avaliação dos barões, afirmando que:

Gradually the Council drew to itself the whole royal power, and the policy of the administration was seen in its prohibitions against any further payments, secular or ecclesiastical, to Rome, in the negotiations conducted by Earl Simon with France, which finally ended in the peace which put an end to the incursions of the Welsh. Within, however, the measures of the barons were feeble and selfish. The further Provisions, published by them under popular pressure in the following year, showed that the majority of them aimed simply at the establishment of a governing aristocracy. (p.150)

Uma vez que não havia condições para um compromisso pacífico entre Henrique III e os barões, ambos os lados decidiram permitir que o rei de França, Luís IX (1226-1270), arbitrasse entre os mesmos. Apesar de parecer evidente que o monarca francês acabaria por devolver os poderes todos a Henrique III, é possível que os barões tivessem previsto isso mesmo. Segundo Creighton (1876, p. 135), a partir da decisão de Luís IX, passou a ser mais fácil do que nunca distinguir entre o partido nacional (nomeadamente, o dos barões) e aquele que é apoiado pelos estrangeiros (o de Henrique III). De facto, o monarca inglês tinha o apoio de Luís IX (um francês), devido à decisão do Papa (um italiano).

Sublinhamos que as opiniões dos vitorianos, pelo menos a nível da conduta dos barões, são semelhantes às dos autores do século XXI. Mesmo que os magnatas tivessem em boa parte agido por ambição, as suas queixas são consideradas legítimas pelos historiadores.

3.3- A Contribuição de Montfort para a Evolução do Parlamento Inglês

Resta-nos discutir como os vitorianos viam a conduta do conde de Leicester a nível político. Relativamente à suposta tentativa por parte de Montfort de ascender ao trono, Blaaw (1871) afirma que "There is (...) no trace of such a scheme having been imputed to him, even by his enemies, during his life, and his conduct in pressing for the fulfilment of the mise of Lewes down to his death, would sufficiently prove that he was content to share with others the ascendancy acquired by his own talents" (p. 251). Além disso, o autor vitoriano (1871) afirma que não existem provas concretas de que Montfort se apropriou de 18 baronias no rescaldo da batalha de Lewes, uma vez que os relatos contemporâneos do conde são demasiado contraditórios. Além disso, ainda segundo Blaaw, a obra *Political Songs of England* descreve Montfort como um homem completamente desinteressado em bens materiais.

Prothero (1877) afirma que, para além da contribuição do conde de Leicester para a evolução do parlamento representativo, é necessário destacar o papel de

Montfort na elaboração da constituição de 1264. O autor vitoriano não se poupa a elogios a esta última, descrevendo-a da seguinte forma:

So far as it goes it is perfect; elaborate, yet simple ; a constitution, in the true sense of the word ; that is, a form of government which will stand by itself, a building so composed as to exist without any external assistance. It shows an advance upon the crude ideas of six years before, which would be inexplicable were we obliged to believe that Simon had any but the smallest share in the planning of the earlier scheme. The principles on which it rests are almost precisely the same as those of the constitution under which England has been governed for the last century and a half. (p. 289)

No entanto, Prothero (1877) também afirma que é impossível saber se a constituição tinha ou não caráter permanente. Presumivelmente, estaria em vigor até pelo menos ao fim do reinado de Henrique III, mas o seu filho Eduardo I podia revogá-la. Adicionalmente, o autor vitoriano considera que a constituição estava incompleta e seria melhorada com a experiência da legislação. Assim sendo, "We have (...) no idea as to how legislation was to be carried on, as to the right of taxation, what voice Parliament was to have in foreign affairs, or in the ordinary administration of government; there was no provision for the regular summons, no definition of the class to be represented" (pp. 287-288).

Hosner (1903) afirma que os Comuns foram finalmente representados no Parlamento montfortiano:

At last, in 1264, when Simon de Montfort, at discord with the King, by his victory over the royal party at Lewes, had become arbiter of the kingdom, he summoned the famous Parliament in which for the first time the Commons of England were fairly represented (...). He was greater as an opponent of tyranny than as a deviser of liberties. The fetters imposed on royal autocracy, cumbrous and entangled as they were, seem to have been an integral part of his policy; the means he took for admitting the nation to self-government wear very much

the form of an occasional or party expedient, which a longer tenure of individual power might have led him either to develop or discard. The idea, however, of representative government had ripened in his hand; and, although the germ of the growth lay in the primitive institutions of the land, Simon has the merit of having been one of the first to see the uses and glories to which it would ultimately grow. (pp. 57-58)

Mackintosh (1836) concorda e afirma que Simon de Montfort terá efectivamente introduzido em Inglaterra a representação popular:

(...) Montfort (...) set the example of an extensive reformation in the frame of parliament, which, though his authority was not acknowledged by the punctilious adherents to the letter and forms of law, was afterwards legally adopted by Edward, and rendered the parliament of that year the model of the British parliament, and in a considerable degree affected the constitution of all other representative assemblies. It may indeed be considered as the practical discovery of popular representation. (...) summoning a parliament, of which the lower house was composed, as it has ever since been formed, of knights of the shires, and members for cities and boroughs. (...) The origin of so happy an innovation is one of the most interesting objects of enquiry which occurs in human affairs ; but we have scarcely any positive information on the subject : for our ancient historians, though they are not wanting in diligently recording the number and the acts of national assemblies, describe their composition in a manner too general to be instructive, and take little note of novelty or peculiarity in the constitution of that which was called by the earl of Leicester. (p. 236, 238-239)

Stubbs (1906) refere que a característica mais importante do Parlamento montfortiano foi a introdução de representantes dos burgos. Paralelamente, " the knights of the shire are not recognised as having a voice in the choice of either electors or counsellors: yet the fact of their summons to this and the following parliament seems to show that Simon regarded them as an integral part of the national council or parliament" (p. 94).

Creighton (1876) discorda da ideia de que Simon de Montfort revolucionou a constituição inglesa, referindo que "At a great crisis of our national history it was natural that tendencies which had long been growing up should be clearly felt and acted upon. (...) Yet though (...) summoning to Parliament representatives of the towns was not the introduction of a new principle (...) it was still a step of great importance in the history of the growth of Parliament" (pp. 177-178). Além disso, o autor vitoriano (1876, p. 106) entende que, apesar de a conduta dos barões no Parlamento ter sido dirigida por Montfort, este último nunca poderia ter governado tal como tencionava, uma vez que se tratava de um estrangeiro com um temperamento que não permitia oposição.

Creighton (1876), no entanto, crê que as intenções do conde de Leicester eram nobres:

Earl Simon's first care was for restoration of peace and order throughout the land, and a number of measures were taken for that end. The Chancellor and students of the University of Oxford were ordered to return to their studies. The Northampton prisoners were brought to London, and exchanged man for man those taken at Lewes. It was forbidden to carry arms in the land, and the punishment of death was to follow any infringement of this order. (pp. 163-164)

Creighton (1876, pp. 174-175) entende ainda que Montfort procurava estabelecer a paz no reino através de medidas conciliatórias, reunindo pessoas de todas as ordens sociais e evitando o mais possível a guerra. Os maiores apoiantes do conde de Leicester pertenciam ao povo e ao clero.

Não obstante, Lingard (1823) tinha uma opinião pouco positiva das motivações que levaram Montfort a convocar representantes dos condados e das cidades:

It is generally supposed that the project of summoning to parliament the

representatives of the counties, cities, and boroughs, grew out of that system of policy which the earl had long pursued, of flattering the prejudices, and attaching to himself the affections, of the people. Nor had his efforts proved unsuccessful. Men in the higher ranks of life might penetrate behind the veil, with which he sought to conceal his ambition : but by the nation at large he was considered as the reformer of abuses, the protector of the oppressed, and the saviour of his country. (pp. 193-194)

Green (1874) culpa os barões e não Montfort pelo fracasso do Parlamento de Westminster:

The constitutional restrictions on the royal authority, the right of the whole nation to deliberate and decide on its own affairs, and to have a voice in the selection of the administrators of government, had never been so clearly stated before. That these were the principles of the man in whose hands victory had placed the realm is plain from the steps he immediately took. (...) In December a new parliament was summoned to Westminster, but the weakness of the patriotic party among the baronage was shown in the fact that only twenty-three earls and barons could be found to sit beside the hundred and twenty ecclesiastics. It was probably the sense of his weakness that forced Earl Simon to fling himself on the towns, and to summon two citizens from every borough. (p. 153)

É necessário reiterar que esta visão de Simon de Montfort como símbolo da liberdade não é partilhada pelos autores do século XXI. Lawrence (2005), por exemplo, tem uma opinião mista do conde, referindo que "The fundamental impediment to understanding the earl's politics is that while he pursued his own personal advantages throughout the period of reform and rebellion, he also supported reforms that were contrary to the interests of the greater barons, such as himself" (p. 67). Por sua vez, Warren (1987), quando especula como teria sido o reinado de Simon de Montfort, afirma que se este "could have consolidated his rule after his triumph in battle over the king at Lewes in May 1264, England might have become like contemporary Japan with a figurehead sovereign and the totality of power in the hands of a feudal shogun" (p.

228). Mesmo no que diz respeito aos barões, Warren (1987) considera que "It was for the "community of the realm" that the opposition to Henry III was to claim to speak, though its leaders were often so close to the king personally that they might have been expected to speak for the crown" (p. 175)

Seja como for, é nítido que os vitorianos tinham, em termos gerais, uma impressão positiva do Parlamento da sua época. No que diz respeito à Câmara dos *Lords*, Maitland (1919) afirma que o número de membros aumentou no século XIX; no entanto, estes não pertenciam a famílias da antiga nobreza. Eram, na verdade, os chamados *Lords Temporal*, membros seculares a quem era atribuído um lugar na Câmara.

Ainda segundo Maitland, "In 1832 the House of Lords was practically coerced into the passing of the Reform Bill by the knowledge that if they again rejected it the king was prepared to consent to the creation of eighty new peerages. Thus a threat to create new peerages may be a potent political instrument" (p. 348).

Entretanto, Maitland (1919) fala de um novo pariato:

In 1876 a new class of peers was created, namely Lords of Appeal in Ordinary. By the Appellate Jurisdiction Act of that year (...) power was given to the queen to appoint at once two Lords of Appeal in Ordinary, and on the happening of certain events the number might be raised first to three and then to four; there are now four. The persons to be appointed were to have certain qualifications prescribed by the act, namely to have held certain high judicial offices or been barristers or advocates for a certain number of years; they are paid salaries; and it is their duty to take part in the judicial proceedings of the House of Lords. (...) Their dignity was not to be inheritable; but so long as they held office they were for all purposes to be peers of the realm and members of the House of Lords, capable of sitting, debating and voting as well when the House was acting as a legislative assembly as when it was acting as a court of law. (p. 350)

Pollard (1926) considera que o Parlamento evoluiu desde a Idade Média:

In the middle ages the commons only appeared "in parliament" with the Speaker at their head, and save for his orations they were dumb. To-day when men talk of parliament, in nine cases out of ten they are thinking of the house of commons; and to say that the house of commons wields nine-tenths of the sovereignty of parliament is an under- rather than an over-statement of the truth. (p. 316)

No entanto, o Autor afirma que o Parlamento vitoriano não representa os interesses dos mais desfavorecidos:

The reform act of 1832 was, however, essentially a bourgeois achievement; it enfranchised the middle classes, but not the poor, a number of whom actually lost the votes they possessed before. Not until 1867 were the town artisans, nor until 1885 were the agricultural labourers really represented by the commons in parliament. Meanwhile religious and other disabilities were removed, and it became possible for all sorts and conditions of men, Roman Catholics, Non-conformists, Quakers, Jews, Mohammedans, Free-thinkers, to sit and vote in parliament. Within two generations of the reform act the house of commons was converted from a political club, with its membership limited practically to one class, into a microcosm of the nation. It comprehended, not merely one or two estates of the realm, but all; and it monopolized all their powers. It extended its sway, because it abandoned its privilege, and accepted the position of agent of the community. It ceased to claim independence, and so it won legal omnipotence. Once or twice in the later middle ages a clerk with a prophetic soul described the commons' house as the *communitas communitatum*; the communities have become a community, the estates have become the state; and when we speak of the state we mean the state in parliament. (p. 340)

Prothero (1877, p. 291), por sua vez, refere que, naturalmente, existem várias diferenças entre o Parlamento montfortiano e o vitoriano. Para começar, o autor afirma que o poder da comunidade de nomear os seus ministros não é ainda no seu tempo reconhecido, apesar de o ter sido no Parlamento do conde de Leicester. Além

disso, os vitorianos possuíam apenas o direito de veto de uma nomeação prejudicial para o país. Prothero (1877) acredita que Montfort sabia que, para uma constituição funcionar sem desencadear uma revolução, era necessário que os governantes fossem necessariamente aqueles com mais poder. Além disso, o autor equipara o espírito representativo montfortiano com o vitoriano:

The 'community' in Simons constitution was not so wide as in ours; but in both cases it is limited, in both cases the electoral right within the electorate is equal. The ground-principle is the same; that is, the mutual dependence of all parts of the government, the division and distribution of power, resting finally on the broadest basis possible, the whole of the electorate. (p. 292)

Convém referir que é bem possível que esta interpretação lisonjeadora de Montfort tenha sido ensinada às crianças vitorianas. Charles Dickens (1870), na sua *A Child's History of England*, afirma que Henrique III "showed a strong resemblance to his father, in feebleness, inconsistency, and irresolution" (p. 89); Além disso, Dickens (1870) refere a preferência do monarca por estrangeiros e o seu ódio pela Magna Carta (p. 91).

Ao contrário do que ocorre com os barões, os vitorianos tinham uma opinião excessivamente positiva do legado político de Montfort, chegando ao ponto de, no caso de Prothero, apontar falhas no Parlamento do século XIX que o montfortiano supostamente não tinha.

3.4- Simon de Montfort, Comandante de Robin Hood?

Em 1840, foi publicado na *Westminster Review* um artigo intitulado *Robin Hood and Little John*. Reza o artigo (1840):

Thus, in the great work left incomplete by John of Fordun, who, in the latter part of the

fourteenth century, laid the foundations of modern Scottish history, we find a considerable passage respecting Robin Hood, which is importantly significant (...). In the *Scotichronicon*, after relating the final defeat, in the latter part of Henry the Third's reign, of the great national party of England under Simon de Montfort, and the vast number of confiscations that ensued upon the triumph of the king and the foreign courtiers, Fordun adds a sentence which we cite literally at the foot of the page, but which may be thus translated:- "Then, from among the dispossessed and the banished, arose that most famous cut-throat Robert Hood, and Little John, with their accomplices; whom the foolish multitude are so extravagantly fond of celebrating in tragedy and comedy; and the ballads concerning whom, sung by the jesters and minstrels, delight them beyond all others". (pp. 426-427)

De facto, segundo Alarcão (2001), o primeiro cronista que argumentou que Robin dos Bosques fora soldado de Montfort foi Walter Bower, no século XV:

Após se referir a Robin como um 'assassino muito famoso' (*famosissimus siccarius*), o cronista [Bower] diverge de Wyntoun em termos cronológicos, situando em 1266 a actividade do herói. Correcta ou não, esta data remete para o período imediatamente posterior às guerras baroniais (1258-1265) entre Henry III (1216-1272) e o partido liderado por Simon de Montfort (...). Segundo Bower, aliás, Robin teria sido um apoiante do conde de Leicester, cuja derrota em Evesham (1265) ditaria o confisco das propriedades a todos os seus seguidores. (...) Em suma, Bower faz de Robin um *dispossessed* (ou *disinherited*), o que pode sugerir uma condição nobre. (pp. 44-45)

Seja como for, a ideia caiu no esquecimento até à publicação do artigo de 1840. A partir desta última, os vitorianos passam a acreditar que Robin dos Bosques foi, de facto, contemporâneo de Eduardo I e não de Ricardo I e João-Sem-Terra.

Robert Kemp Philp (1860), na sua obra *The History of Progress in Great Britain: Commerce, Manufactures, Religious Liberty, Civil Liberty*, descreve Robin dos Bosques da seguinte forma:

So, then, Robin Hood was one of the national party- was one of the followers of De Montfort- was, in all human probability, one of those who fought at Evesham, but escaped; and then, like several other men of greater political note, maintained a state of individual independence in the forests, pending such time as they might see England once more in possession of the guarantees of civil liberty, as expressed in the great Charter. Think of Robin Hood then, first as a patriot, dispossessed of his patrimony and banished, because of his patriotism; then as a man who, in defiance of all that the Royalist authorities could do, after the defeat of the national party, remained in permanent opposition and protest to their rule; and, lastly, as a man whose whole life became a kind of incarnation of principles the very opposite of those which were so hateful in the forest laws; think of Robin Hood thus, and it is surely easy to understand his wonderful popularity (...). (pp. 314-315)

Ou seja, o herói inglês era um patriota que, devido à sua oposição à tirania real de Eduardo I e à perda das suas liberdades civis, se havia tornado num fora-da-lei. A isto, Philp acrescenta que "if after the bloody defeat of Evesham, he [Edward I] had nowhere seen a sign of future trouble breeding, it is most likely he would have relapsed into the ordinary ways of kingship, and withheld the coveted rights, simply because he could withhold them" (p. 315). Assim, Philp indica que Eduardo I teria considerado que Robin dos Bosques poderia vir a seguir os passos de Montfort a nível político e militar. Por este motivo, o monarca não teria tido outra opção senão confirmar a Magna Carta. Na visão de Philp, podemos verificar que Robin dos Bosques é essencialmente o herdeiro das ideias supostamente progressistas de Montfort e que ambos tinham dedicado as suas vidas à luta pela liberdade e pelos direitos civis.

Philp não é o único com esta opinião. Edwin Goadby (1863), num artigo chamado *Who was Robin Hood?*, publicado na revista feminina *The Ladies Companion*, efectua a seguinte observação:

Robin Hood, Simon de Montfort, and Magna Charta are three of the dearest historical inheritances of every Englishman. They are the *nuclei* around which gather many tender and

romantic associations from childhood up to maturest age, and the period allotted to them spans one of the momentous portions of our history. (...) Every one believes, and very few, if any, dare to question or doubt. (...) It were no matter if Simon de Montfort were a myth, since we should not, by the supposition or the proof of it, be deprived of any one of the blessings ordinarily (it is a question whether properly) attributed to his exertions. (p. 307)

Stephanie Barczewski (2005), na sua obra *Myth and National Identity in Nineteenth-Century Britain*, entende que a inserção de Robin dos Bosques na história de Montfort foi adoptada por razões políticas:

A main component of the so-called 'Whig interpretation' of history as it emerged in the nineteenth century was a belief in the superiority of English political institutions. This superiority had been confirmed at certain key moments in the past, when brave heroes had risen to defend those vaunted institutions. One such moment had occurred in the mid-thirteenth century, when a group of nobles led by Simon de Montfort, Earl of Leicester, revolted against King Henry III. In earlier historical accounts de Montfort had been vilified as a rebel who had challenged the legitimate authority of the British monarchy, but in the early nineteenth century he was reinterpreted as an heroic defender of English liberties who led a valiant- if fruitless- struggle against royal oppression and thereby helped to preserve the power of Parliament, the proud body which ensured the superiority of the British system of governance. (p. 73)

G. Kitson Clark (2016) concorda com Barczewski, afirmando que o mito de Montfort ressurgiu em Inglaterra no século XIX, pois "it was largely 19th century historians who converted that very equivocal, essentially medieval, character Simon de Montfort into a forward-looking Liberal-minded statesman with a profound understanding of the virtues of representative government" (p. 167).

No entanto, ainda segundo Barczewski (2005), não foram apenas os *Whigs* que adoptaram a tese de Robin dos Bosques como soldado de Montfort:

This theory was so pervasive that even the radical Tory novelist G.P.R. James accepted it, suggesting that the 'Whig interpretation' of history was endorsed not only by Whigs. In *Forest Days* (1843), James depicts Robin Hood as 'an English yeoman, of a very superior mind... outlawed, in all probability, for his adherence to the popular party of the day, and taking a share in the important struggle between the weak and tyrannical, though accomplished, Henry III, and that great and extraordinary leader, Simon de Montfort, Earl of Leicester'. (p. 75)

Seja como for, é nítido que os vitorianos viam Montfort como um herói progressista, cujas ideias se encaixavam perfeitamente na realidade do século XIX. Finalmente, Simon Schama (2009), em *A History of Britain*, sumariza a situação da seguinte forma:

Nineteenth-century historians, celebrating the epic of English parliamentary liberalism, imagined de Montfort's assemblies as calmly deliberative institutions- the Victorian reform acts in medieval dress- but in fact Simon's revolution took place amid immense social uproar, which, as the crisis deepened, threatened to get completely out of control. It was true, however, that the parliaments of 1265 were utterly unlike the old royal councils, both in their composition and the topics they deemed proper to debate. Not only barons and churchmen deliberated on the business of the kingdom, but also knights of the shire, elected by assemblies of their peers, and even burgesses from the towns. So a cloth merchant or a Suffolk knight with a few acres now got to judge the terms on which the son of the king might safely be released from captivity! This was not yet anything like a House of Commons, but it certainly represented an enlargement of the political community that, by the standards of feudal and absolutist Europe, was breathtakingly radical. Without any question it changed England. It inaugurated the union between patriotism and insubordination. (p. 158)

3.5- A Historiografia *Whig* e o *Reform Act* de 1867

Pode surpreender-nos esta mudança algo repentina relativamente a como os historiadores avaliam a conduta e as intenções de Montfort. Para começarmos a

entender esta evolução, temos de discutir a teoria do Jugo Normando (*the Norman Yoke*). Segundo Christopher Hill (1986), esta última consiste no seguinte:

Before 1066 the Anglo-Saxon inhabitants of this country lived as free and equal citizens, governing themselves through representative institutions. The Norman Conquest deprived them of this liberty, and established the tyranny of an alien King and landlords. But the people did not forget the rights they had lost. They fought continuously to recover them, with varying success. Concessions (Magna Carta, for instance) were from time to time extorted from their rulers, and always the tradition of lost Anglo-Saxon freedom was a stimulus to ever more insistent demands upon the successors of the Norman usurpers. (pp. 64-65)

Hill (1986) entende que a teoria existe pelo menos desde o século XVI, mas pode ser ainda mais antiga. No século XVII, existem duas versões do Jugo Normando:

One stressed the unbroken continuity of common law, which had carried Anglo-Saxon liberties into post-conquest England: the other, coming from the group of radical intellectuals around Thomas Cromwell in the revolutionary years of the Reformation, attacked the whole existing law as an alien imposition. Common to both versions was the conception of free Anglo-Saxon institutions. (pp. 66-67)

Verificamos assim a ideia de que as instituições anglo-saxónicas eram 'democráticas', mas que foram abolidas pelos normandos após a Conquista de Guilherme I. Walter Bagehot (1873), na sua obra *The English Constitution*, considera esta teoria pouco provável:

I cannot presume to speak of the time before the conquest, and the exact nature even of all Anglo-Norman institutions is perhaps dubious: at least, in nearly all cases there have

been many controversies. Political zeal, whether Whig or Tory, has wanted to find a model in the past; and the whole state of society being confused, the precedents altering with the caprice of men and the chance of events, ingenious advocacy has had a happy field. (p. 336)

No entanto, é inegável que o Jugo Normando encorajou o patriotismo das classes mais desfavorecidas (Hill, 1986):

The Norman Yoke theory appealed to all the underprivileged, in the first instance to the merchants and gentry who felt their property endangered by arbitrary government, arbitrary taxation, and the enforcement of feudal payments.

But the Norman Yoke theory also stirred far profounder feelings of English patriotism and English Protestantism. Herein lay its strength. Men fought for the liberties of *England*, for the birthrights of *Englishmen*. (...) William and his successors "lay as bars and impediments to the true national interest" (p. 74).

De facto, Walter Bagehot (1873), falando da evolução das diferentes classes sociais, afirma que "The change in the state of the higher classes since the Middle Ages is enormous, and it is all improvement; but the lower have varied little, and many argue that in some important respects they have got worse, even if in others they have got better" (pp. 335-336).

Hill (1986) entende que, na época revolucionária do século XVII, existiram ao todo quatro interpretações diferentes do Jugo Normando:

(1) The Royalist doctrine justifying absolutism by conquest was killed by the Civil War; but its ghost walked the earth between 1660 and 1688, in the posthumous pamphlets of Filmer. (...) (2) [Edward] Coke's version we may call the Whig interpretation: the common law was the embodiment of Anglo-Saxon liberties; once the repressive institutions of the monarchy had been abolished freedom was "by God's blessing restored". For the common law had

adapted itself to the needs of a commercial society. Continuity and the sanctity of property: these were what the conservative Parliamentarians wished to emphasize. The theory of surviving Anglo-Saxon freedom and "the myth of Magna Carta" are essential to the Whig interpretation of English history. (3) The radical version of the Levellers suggested that the law itself legitimized inequality. They agitated for drastic legal reform, for the ending of all privileges. Magna Carta itself was but a beggarly thing: pre-Conquest equality could be recovered only by a wide extension of the franchise. (...) Some Levellers based their demands on natural as well as historical rights. (4) Finally, there was the most radical group of all, the Diggers, spokesmen for the dispossessed, who advocated a clean sweep of feudal survivals and the ending of private property in land. Looking both backwards and forwards, they believed that true equality could be established only by means of an attack on the institution of property as such. Their aim was "to renew the ancient community of enjoying the fruits of the earth, and to distribute the benefit thereof to the poor and needy, and to feed the hungry and clothe the naked. (pp. 92-93)

Ainda assim, a partir de 1660, as teorias dos '*Levellers*' e dos '*Diggers*' desapareceram, bem como a interpretação Realista, sobrando apenas a *Whig*.

Segundo Filipe Furtado (2003), a partir do início do século XIX, os historiadores ingleses liberais (*Whigs*) procuravam "a partir de eventos e instituições considerados decisivos no passado, estabelecer algo como os elementos essenciais da nação inglesa" (p.60).

Vários factores contribuíram para esta tendência. Em primeiro lugar, o patriotismo passou a ser visto como uma arma da oposição ao governo. Segundo Cunningham (1981):

(...) in that century [eighteenth] patriotism was the creed of opposition, and towards the end of it the vocabulary and rhetoric of patriotism was becoming the distinctive mark of extra-parliamentary radicalism. (...)

Right through the first half of the 19th century and into the second half radicals instinctively used a vocabulary of patriotism, not as an atavistic survival from their eighteenth-

century forbears but as a constantly reforged tool of opposition, and as a means of possessing the past. (...)

Thenceforward, every opposition to government in the 18th century (...) described itself as patriotic and accused the government of corruption. (...)

Wilkes, Cartwright and the radicals were taking the argument about patriotism out of the arena of parliamentary politics, and claiming that only a radical reform of parliament itself, only a restoration of lost rights, could root out corruption, remove the threat of tyranny, and preserve liberty. The patriot was the radical. (pp. 8-12)

De facto, para os *Whigs*, a História consistia numa série de conflitos entre as pessoas que visavam o progresso social e aquelas que tencionavam travar este último. Butterfield (2002) explica esta ideia da seguinte forma:

Historical personages can easily and irresistibly be classed into the men who furthered progress and the men who tried to hinder it (...) he will find it easy to say that he has seen the present in the past, he will imagine that he has discovered a "root" or an "anticipation" of the twentieth century, when in reality he is in a world of different connotations altogether, and he has merely stumbled upon what could be shown to be a misleading analogy. (...) he comes to imagine that it represents something like a line of causation. (p. 11)

Indo ao encontro daquilo que Cunningham refere, os liberais ingleses equiparavam o progressismo ao patriotismo; por este motivo, não será de estranhar que os *Whigs* atribuíssem enorme importância à Magna Carta. Segundo Filipe Furtado (2003):

Embora, na sua grande maioria, os historiadores incluíveis na orientação Whig considerassem primaciais e, em certa medida, fundadores (...) vários (...) acontecimentos (...), principalmente dois mereciam-lhes uma quase completa unanimidade: a Magna Carta e a

Revolução de 1688. (...) Nesta ordem de considerações, contavam não só os condicionalismos a ela [Magna Carta] conducentes, mas também desenvolvimentos mais tardios que estes historiadores consideravam estar-lhe de algum modo ligados. Assim, as origens do Parlamento e a subsequente evolução deste eram não raro encaradas, enquanto factores de incremento das liberdades, como consequências do documento relutantemente aceite (e depois rejeitado) por João Sem Terra. (pp. 61-62)

Seja como for, apesar daquilo que o seu nome indica, esta historiografia não era aceite exclusivamente pelos *Whigs*. Segundo Jones (2000):

[Lord] Macaulay was persistently critical of the way in which both Tories and Whigs politicized history by engaging in precedent-hunting. His real thesis was that 1688 was not an exclusively Whig achievement, but that Tories and Whigs were able to act in concert to depose a tyrant. Indeed, the important thing about Whig history was that it came to constitute a sort of bipartisan orthodoxy, so that a Tory such as William Stubbs had little difficulty taking it as the framework for his historical work. (p. 54)

É necessário sublinhar que os *Whigs* tendiam a glorificar certas personagens históricas (aquelas que, segundo eles, contribuíam para o progresso), atribuindo-lhes características heróicas vitorianas que estas provavelmente não possuíam. Hilaire Belloc (2003) explica esta tendência da seguinte forma:

Whig history took on various forms and nuances. It is not homogeneous, and that is its strength. (...) It also produced that very different form of hero worship, or at any rate, of idolatry- the late Victorian legend. Whig history made it impossible for the average English educated man to understand the Middle Ages, save as a sort of picturesque pageant which had nothing to do with his own development. When it found in the Middle Ages, anything which could be twisted into some contorted resemblance of the modern things which it proclaimed, Whig history lied without restraint. Simon de Montfort became in its hands, not a vehement,

somewhat superstitious Catholic French noble, but an English middle-class Protestant and reformer. Whiggery did not give him those epithets but it implied them (...). (p. 179)

Butterfield (2002) concorda com esta explicação, referindo que "it is part and parcel of the whig interpretation of history that it studies the past with reference to the present; it has been taken to mean the study of the past with direct and perpetual reference to the present" (p.11).

Tomando em consideração a metodologia dos *Whigs*, podemos entender o fascínio dos vitorianos por Simon de Montfort. Este último era uma figura da Idade Média, que, do ponto de vista dos liberais, fundou a Câmara dos Comuns e permitiu que os cavaleiros e os burgueses tivessem representação parlamentar. Além disso, tal como vimos no subcapítulo 1.2, o conde de Leicester era conhecido pela sua devoção religiosa, ao ponto de afirmar que a sua causa era divina. Os *Whigs* recusavam-se a reconhecer defeitos na conduta de Montfort, pois este era, segundo eles, um patriota radical que lutou pelos direitos dos ingleses. Por outro lado, Henrique III, independentemente de qualquer aspecto positivo do seu reinado, era visto como um tirano devido ao seu desprezo pela Magna Carta.

Culminamos a nossa discussão sobre o período vitoriano com a aprovação do 2º *Reform Act*. Este último, conhecido formalmente como *The Representation of the People Act 1867*, atribuiu o direito de voto a indivíduos do sexo masculino da classe operária, tanto em Inglaterra, como no País de Gales.

Segundo Janice Carlisle (2014), em 1866, fora proposto por Gladstone (1809-1898) um projecto de lei segundo o qual um homem podia votar, caso o valor de aluguer da sua propriedade fosse de £7, em vez de £10, como reza o *Reform Act* de 1832. Ironicamente, uma das maiores críticas ao projecto de lei foi levantada por Robert Lowe (1811-1892), um liberal, que argumentou que o controlo sobre a Câmara dos Comuns devia ser mantida pelos ricos; além disso, Lowe acreditava que já havia demasiadas pessoas sem a inteligência necessária para serem dignas do direito de voto. Seja como for, o projecto acabou por fracassar. Em Junho de 1866, o governo

liberal demitiu-se e foi substituído por um governo conservador, com Benjamin Disraeli (1804-1881) no cargo de *Chancellor of the Exchequer*.

Ainda segundo Janice Carlisle, em 1867, Disraeli argumentou que o direito de voto devia ser atribuído a qualquer homem adulto que tivesse pago os impostos da sua residência. O projecto de lei que o político conservador introduziu em Março foi aprovado em Julho desse mesmo ano, e passou por uma série de emendas, algumas delas propostas pelos *Whigs*. Em termos práticos, é provável que Disraeli tivesse proposto o projecto simplesmente para que os *Tories* ganhassem as eleições governamentais seguintes. No entanto, Bagehot (1873) conta que chegou a perguntar aos conservadores "Do you know that your Conservative Government has brought in a Bill far more Radical than any former Bill, and that it is very likely to be passed?". (p. 10)

De facto, a promulgação do *Reform Act* foi bastante controversa. Richard Altick (1973) entende que este foi, inicialmente, tópico de uma série de debates de natureza filosófica:

Fundamental questions of social and political philosophy were involved, for now the nation had to face squarely the possible consequences of so broad a franchise. Although some upper-class sympathizers welcomed the *de jure* democratization of Britain's political institutions, others were unreconciled to what they anticipated would be the *de facto* consequences. The former fear of armed revolution was now replaced by a no less anxious apprehension of ballot-box democracy. (p. 95)

Realmente, na Introdução à segunda edição da sua obra *The English Constitution*, Walter Bagehot (1873) entende que "It is too soon as yet to attempt to estimate the effect of the Reform Act of 1867. The people enfranchised under it do not yet know their own power: a single election, so far from teaching us how they will use that power, has not been even enough to explain to them that they have such power" (p.3). Mais à frente, Bagehot (1873) refere mais aprofundadamente as objecções

principais à extensão do sufrágio:

But the Reform Act of 1867 did not stop at skilled labor; it enfranchised unskilled labor too. And no one will contend that the ordinary working-man who has no special skill, and who is only rated because he has a house, can judge much of intellectual matters. The messenger in an office is not more intelligent than the clerks; not better educated, but worse: and yet the messenger is probably a very superior specimen of the newly enfranchised classes. The average can only earn very scanty wages by coarse labor. They have no time to improve themselves, for they are laboring the whole day through; and their early education was so small that in most cases it is dubious whether, even if they had much time, they could use it to good purpose.

(...)

In plain English, what I fear is that both our political parties will bid for the support of the working-man; that both of them will promise to do as he likes if he will only tell them what it is; that, as he now holds the casting vote in our affairs, both parties will beg and pray him to give that vote to him. (pp. 9, 16)

Matthew Arnold (1938) concorda com Bagehot, entendendo que as massas não estão preparadas para a responsabilidade do sufrágio:

Our masses are quite as raw and uncultivated as the French; and so far from their having the idea of public duty and of discipline, superior to the individual's self-will, brought to their mind by a universal obligation of military service (...) that sooner than submit to a conscription the population of that district would flee to the mines, and lead a sort of Robin Hood life under ground. (p. 76)

Verificamos, assim, que a maior preocupação dos autores da época consistia na possibilidade de as pessoas que receberam o sufrágio não serem suficientemente

inteligentes ou responsáveis para usufruir deste poder.

Apesar destas objecções, foi a perspectiva histórica vitoriana que acabou por justificar a extensão do sufrágio. Como afirma Jones (2000):

Whereas reform in 1832 had commonly been defended as a once-and-for-all change which would avert the need for further extensions of the suffrage, the assumption that underlay the debates of the 1860s was that the political system was almost by definition in a state of permanent flux. Most liberal intellectuals (...) welcomed the broadening of the political nation, not just because they believed that urban workers had demonstrated their political maturity, but also because they held that the question of reform had to be considered dynamically. Since man's higher qualities are developed by being used, the best way to ensure the civic education of the working class was to give them the vote. (p. 73)

Sublinhamos, no excerto anterior, a ideia de que o sistema político se encontrava "in a state of permanent flux", isto é, em constante alteração. Por sua vez, estas mudanças consistem na evolução da maturidade política. Esta última só pode ocorrer através do sufrágio. Verificamos, assim, uma forma de pensar muito semelhante àquela na qual se baseia a historiografia *Whig*, isto é, a ideia de que a História consiste numa constante reivindicação de direitos. Sob este ponto de vista, o *Reform Act* de 1867 consiste num passo inevitável a caminho da extensão do direito de voto e da representação parlamentar.

Conclusão

Tomando em consideração as descrições relativamente lisonjeiras da conduta de Montfort por parte de Paris, Rishanger e dos autores dos poemas políticos da época, podemos afirmar que o conde de Leicester era visto como um herói inglês durante o século XIII. Uma vez que o próprio chegou a divinizar a sua causa e sofreu uma morte violenta seguida de um relâmpago, é compreensível que o povo supersticioso o venerasse como um santo, pelo menos durante um século. Encontramos, nas crónicas da época, escassas indicações de que o conde de Leicester agira por ambição e ganância, tendo estas acusações sido efectuadas mais pelos seus inimigos do que pelos cronistas. Independentemente da avaliação que podemos efectuar das intenções de Montfort, é nítido que a convocação do Parlamento de 1265 foi um acontecimento muito importante da História parlamentar inglesa.

É difícil discordar do facto de que, mesmo sem a intervenção do conde de Leicester, a Câmara dos Comuns teria sido eventualmente fundada. Tal é indicado pela existência prévia do *Witenagemot*, do *Commune Concilium* e da *Curia Regis*. No entanto, é provável que, nesse caso, a evolução da representação parlamentar tivesse temporariamente estagnado. Lembremo-nos de que Henrique III tentou invalidar a Magna Carta; que Eduardo I apenas convocou o *Model Parliament* por motivos financeiros; e que Eduardo II, tal como o seu avô, exigiu impostos pesados aos seus barões, sem esperar qualquer penalização. Nenhum destes monarcas exibia temperamento 'democrático'. Aliás, relativamente a este assunto, podemos verificar um precedente legal que Montfort deixou: se o rei demonstra características tirânicas, os barões têm o direito de o depor. De facto, podemos observar, nas obras consultadas, que tanto Eduardo I como o seu filho tiveram de ceder às exigências dos magnatas em várias alturas do seu reinado. No caso de Eduardo II, o descontentamento com o seu governo resultou na tomada temporária do poder por parte de Thomas of Lancaster, no rescaldo de uma revolta bastante semelhante àquela liderada por Simon de Montfort. Até a nível legal, vimos os barões exigirem que o rei seguisse as *Ordinances of 1311*, tal como Henrique III fora forçado a obedecer às *Provisions of Oxford*.

Apesar de podermos verificar várias semelhanças entre a conduta de Montfort e de Lancaster, a reputação do conde de Leicester sofreu consideravelmente nos séculos seguintes. A aparente ausência de documentos dos séculos XV e XVI indica que pouco se falou nele nesta altura. Contudo, durante o século XVII, encontramos uma série de obras de História que acusam o conde de Leicester de ganância e de procurar instaurar uma ditadura. Mesmo o seu papel na evolução parlamentar, nas raras vezes em que este era referido, era visto como insignificante, devido ao cariz supostamente intemporal do Parlamento.

Curiosamente, a Câmara dos Comuns não evoluiu graças a um espírito democrático, mas sim a necessidades financeiras. A fim de evitar revoltas, os reis tiveram de conceder liberdades aos burgueses em troca de impostos. Este fenómeno lembra-nos as negociações de João-Sem-Terra e de Henrique III com os seus barões.

No subcapítulo 3.1, vimos que a vasta maioria dos vitorianos não se poupou a elogios à personalidade de Montfort. Este último foi descrito como um militar competente e corajoso, um defensor acérrimo dos direitos do povo inglês, dotado de génio político, e um religioso devoto. Por outro lado, os vitorianos defenderam o conde de Leicester de toda e qualquer acusação de ganância, afirmando que Montfort nunca roubou nem ao rei, nem aos barões, e que os supostos maus tratos sofridos pelos gascões foram justificáveis. Os únicos defeitos que os vitorianos apontavam a Montfort eram o seu antisemitismo e o seu temperamento agressivo. É certo que os cronistas do século XIII também elogiaram o conde de Leicester, mas não ao nível dos vitorianos.

Por outro lado, é nítido que os historiadores do século XIX estudaram o processo de anglicização dos barões. Como ocorreu com Montfort, os vitorianos dão razão às queixas dos magnatas, referindo o favoritismo de Henrique III por estrangeiros, os seus projectos no estrangeiro, dispendiosos e fracassados, e as constantes quebras de promessa por parte do monarca. Mesmo os historiadores referidos que entendiam que os barões exigiram liberdades que a Magna Carta não lhes concedia acreditavam que as suas causas eram válidas.

A nível político, a vasta maioria dos historiadores vitorianos concordava que Montfort revolucionou o carácter representativo do Parlamento e procurou restaurar a

ordem em Inglaterra. É interessante constatar que, pelo menos um autor, Prothero, entendia que o Parlamento montfortiano possuía algumas qualidades que não existiam no vitoriano. Considerando este ponto de vista, ficamos com a ideia de que o conde de Leicester simbolizava, pelo menos para alguns vitorianos, um ideal democrático ainda não alcançado no século XIX. Por este motivo, não deverá ser uma coincidência que a tese segundo a qual Robin dos Bosques teria sido soldado de Montfort foi tomada como certa no período vitoriano.

O interesse relativamente à figura de Simon de Montfort demonstrado pelos vitorianos pode ser explicado pela predominância da historiografia *Whig* durante o século XIX. Para os historiadores desta época, Montfort não era apenas um nobre que depôs temporariamente um monarca; as acções do conde de Leicester representavam a reivindicação dos antigos direitos anglo-saxónicos, abolidos por Guilherme I, antepassado de Henrique III. Além disso, os vitorianos tinham grande apreço pelo patriotismo e pela devoção religiosa de Montfort.

Quanto ao *Reform Act* de 1867, apesar de não parecer existir nenhuma relação entre este último e a glorificação de Montfort, terá sido a ideia da evolução da liberdade, na qual se baseia a historiografia *Whig*, que, pelo menos em parte, terá levado ao seu sucesso.

Em suma, para os vitorianos, o conde de Leicester simbolizava a ligação entre o passado e o presente ingleses; apesar de ser um homem medieval, era uma figura que inspirava a luta pela liberdade e pela representação parlamentar. Montfort fora certamente um radical na sua época, e esta sua característica assumiu um cariz lendário no período vitoriano que, tomando em consideração o vídeo que referimos na Introdução, pode bem ter perdurado até ao século XXI.

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