

CITIZENSHIP
AND POLITICAL
REPRESENTATION
IN PORTUGAL

***Res
publica***

1820 1926

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AND POLITICAL
REPRESENTATION
IN PORTUGAL

Res publica

1820 1926

Edited by

FERNANDO CATROGA
PEDRO TAVARES DE ALMEIDA



Exhibition

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*Res Publica: Citizenship and Political
Representation in Portugal, 1820-1926*

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ABBREVIATIONS

AML/NF	<i>Arquivo Municipal de Lisboa/Núcleo Fotográfico</i> [Lisbon Municipal Archive/Photography Centre]
AHP	<i>Arquivo Histórico Parlamentar</i> [Parliamentary History Archive]
AR	<i>Assembleia da República</i>
BNP	<i>Biblioteca Nacional de Portugal</i>
CPF/ANTT	<i>Centro Português de Fotografia/Direcção-Geral de Arquivos</i> [Portuguese Centre for Photography/General Directorate of Archives]
FCRB	<i>Fundação Casa de Rui Barbosa</i> [Casa de Rui Barbosa Foundation]
FMS	<i>Fundação Mário Soares</i> [Mário Soares Foundation]
MNAA	<i>Museu Nacional de Arte Antiga</i> [National Museum of Ancient Art]
SMS	<i>Sociedade Martins Sarmiento</i> [<i>Martins Sarmiento Society</i>] (<i>Guimarães</i>)

	Forewords	
	JAIME GAMA <i>President of the Assembleia da República</i>	11
	JORGE COUTO <i>Director of the Biblioteca Nacional de Portugal</i>	12
	Introduction FERNANDO CATROGA AND PEDRO TAVARES DE ALMEIDA	14
I	<i>In the name of the Nation</i> FERNANDO CATROGA	20
	<i>Electors, voting and representatives</i> PEDRO TAVARES DE ALMEIDA	60
	<i>Political representation and citizenship under the Empire</i> CRISTINA NOGUEIRA DA SILVA	90
	<i>Organic representation</i> ANTÓNIO MANUEL HESPANHA	112
	<i>Representation: between the representative form of government and representation of nothing in Portuguese constitutional law</i> J. J. GOMES CANOTILHO	142
II	<i>The Parliament: setting and iconography</i> PAULO JORGE FERNANDES	156
	<i>The Military brought liberal political representation to Portugal</i> LUÍS SALGADO DE MATOS	178
	<i>The legal profession and political representation</i> FÁTIMA MOURA FERREIRA	216
	<i>Doctors and public health in the republican Parliament</i> MARIA RITA LINO GARNEL	230
	<i>Parties and political representation during the liberal period in Portugal</i> FERNANDO FARELO LOPES	258
III	<i>Citizenship and political representation in liberal Europe</i> RAFFAELE ROMANELLI	290
	<i>Citizenship and political representation in Spain, 1812-1923</i> CARLOS DARDÉ MORALES	304
	<i>Citizenship and political representation in Brazil, 1822-1930</i> KEILA GRINBERG	322

FIRST CENTENARY OF THE REPUBLIC

To mark the First Centenary of the Republic, the Portuguese parliament – given the title of Assembleia da República by the Constituent Assembly of 1975 – hopes that the exhibition *Res Publica: Citizenship and Political Representation in Portugal, 1820-1926*, illustrated in this catalogue, will be an event that makes a valuable contribution to the Commemorations.

Organised jointly by the Assembleia da República and the Biblioteca Nacional de Portugal, the exhibition has been curated by two distinguished coordinators, the historians Fernando Catroga and Pedro Tavares de Almeida, with the support of the Documentation, Information and Communication Services Directorate of the Assembleia da República. Thanks to them and their colleagues, it has been possible to organise and select the exhibition material and produce this catalogue to which various scholars and academics have contributed.

We hope that visitors and readers will find their work useful and will reflect at leisure and in an informed way about the period of institutional and political life in our country which is now being celebrated.

Setting the proclamation of the Republic (1910) in the preceding context of liberalism and constitutional monarchy which began in 1820, and continuing until the extinction of parliamentary democracy in 1926, the exhibited documents also shine light on the issues of citizenship and political representation over time, in which the centrality of the institution of Parliament is always present.

JAIME GAMA

President of the Assembleia da República

**PORTUGUESE CONSTITUTIONALISM:
FROM THE 1820 LIBERAL REVOLUTION TO REPUBLICANISM**

In 2006, the Biblioteca Nacional de Portugal began to make plans for its contribution to mark the centenary of the Republic, which were set in motion the following year. The programme for 2010 includes a diverse array of initiatives, with the support of the Assembleia da República following the signing of a cooperation protocol on 29 July 2009.

The exhibition *Res Publica: Citizenship and Political Representation in Portugal, 1820-1926*, curated by Fernando Catroga and Pedro Tavares de Almeida, constitutes one of the most important commemorative initiatives and will take place simultaneously in two different locations, São Bento Palace, the seat of legislative power, and the Biblioteca Nacional de Portugal. The exhibition, which is complemented by a companion book, intends to contextualise the republican regime in the history of Portuguese constitutionalism from which it arose.

The rich and tumultuous history of national politics from 1820 to 1926, which saw three Constitutions (1822, 1838 and 1911) in the wake of a similar number of revolutions and, most significantly, the protracted duration of the 1826 Constitutional Charter, ratified by D. Pedro, and its successive later amendments provide ample material for the wide and diverse collection of works by historians and jurists published in this volume. These works make a significant contribution towards a deeper understanding of republican constitutional genesis, highlighting the continuities and breaks in monarchic constitutionalism and, even, the differences between the proposals of the Portuguese Republican Party prior to 5 October and the options later approved by the majority of the republican Constituent Assembly members, such as the paradigmatic case of the failure to fulfil the promise to widen the electoral base through the enfranchisement of women. One of the most

striking examples of breaking with Portuguese constitutional tradition follows from the absolute separation between State and Church, an issue left unquestioned by the Constitutions and, even more so, the Constitutional Charter. The profoundly secular roots of the 1911 Constitution are, naturally, found in the intense anticlerical campaign waged by the Portuguese Republican Party for decades beforehand, which held the Throne and the Altar to be the two mainstays of the decadent situation in which Portugal found itself, particularly following the British Ultimatum.

One should note the importance attached by the republican regime to the uncompromising defence of the Empire, illustrated by the fact the 1911 Constitution considered the Nation to be the set of territories stretching from Minho, in northern Portugal, to Timor. Curiously, this was one of the rare points the New State and its 1933 Constitution would later adopt. The comparative studies with other republican regimes from Europe to Brazil are important contributions. Despite the vast South-American nation having opted for a republican regime on 15 November 1889, its federal structure was incompatible with the unified vision of State endorsed by the Portuguese republicans. Hence, its main sources of inspiration came from European experiments and, in particular, Southern Europe, where republican regimes had found more fertile land for their implantation, since the overwhelming majority of Northern European states had chosen constitutional monarchies.

JORGE COUTO

General-Director of the Biblioteca Nacional de Portugal

Introduction

FERNANDO CATROGA · PEDRO TAVARES DE ALMEIDA

The term *res publica* (literally “thing of the people”) was coined by the Romans to translate the Greek word *politeia*, which, as we know, referred to a political community organised in accordance with certain principles, amongst which the notion of the “good life” (as against exclusively private interests) was paramount. This ideal also came to be known as *political virtue*. To achieve it, it was necessary to combine the best of each “constitutional” type and avoid their worst aspects (tyranny, oligarchy and ochlocracy). Hence, the term acquired from the Greeks a sense of being a “mixed” and “balanced” system. Anyone that was entitled to citizenship could participate in the governance of the “public thing”. This implied the institutionalization of open debate and confrontation between interested parties as a way of achieving the consensus necessary to ensure that man the political animal, who fought with words and reason, prevailed over his “natural” counterpart.

These premises lie at the heart of the project which is now being presented under the title of *Res Publica: Citizenship and Political Representation in Portugal, 1820-1926*. The fact that it is integrated into the centenary commemorations of the establishment of the Republic in Portugal is significant, as it was the idea of revolution – with its promise of rupture and change – that inspired it. However, it has also sought to explore events that could be considered the precursor of democratization in the history of Portugal, namely the *vintista*, *setembrista* and *patuleia* revolutions.

It is true that the republican regime was opposed to the monarchic. However, although the thesis that monarchy would inevitably lead to tyranny had held sway for centuries, it had also been long believed that the monarchic system could be as

“politically virtuous” as a republic (in the strict sense of the word) provided that power was not concentrated in the hands of a single individual. Moreover, various historical experiments had shown that republics could also degenerate into Caesarism and different kinds of despotism. Thus, when absolutism began to be overturned in continental Europe in the name of the natural rights of man and the new social pact theories, initiating the difficult process of (written) constitutionalization, the monarchic principle began to be qualified as a “monarchy hedged by republican institutions”, a situation in which not even the king was exempt from isonomy.

This context justifies the time frame chosen here, as it captures the various changes and continuities that run through it. Having rejected the imperative mandate and the reinstatement of the model of corporative representation (which did not mean that, in new contexts, this might not be revived, or that the second chamber established by the Constitutional Charter of 1826 might not be given another lease of life), a new power base was convened: national sovereignty, a precept that would be shared by the monarchic constitutions of 1822 and 1838, and by the republican one of 1911. This followed the French example (manifested in the monarchic constitution of 1791 and in the Spanish constitution of 1812), as not even republicans entertained a tradition of republicanism based upon popular sovereignty. This enables us to better understand the rejection of direct democracy and universal suffrage, and also the long incapacitation (concerning voting and standing for office) of the vast body of “passive” citizens, justified by “enlightened”, property- and gender-based criteria. Although the republicans had promised in the propaganda phase to alter this situation, they ultimately failed to do so. Indeed, throughout the whole period under analysis, the realisation of the potential of national sovereignty was mediated above all by the individual citizen through his choice of representatives. However, this representation was indirect and took place at national level, in the hope that action would be motivated not by particular local interests but by the common good, as dictated by reason. This was considered the only way for the law to be virtuous, a requirement that was also manifested in the separation and balance of powers.

As sovereignty was postulated as single and indivisible, so would be the nation that gave it soul and the State that embodied it. Although these characteristics were common to foreign paradigms of reference, in Portugal, the constitutionalization process also sought to nationalise the idea of Empire. Indeed, this had been the overriding purpose of the 1822 Constitution, and it persisted, even after the loss of Brazil, until decolonization. Then, the dream of a single nation stretching from the Minho to Timor finally came to an end.

Other institutional consequences also derived from this, such as the adoption of the unicameral (1822) and bicameral system (Constitutional Charter of 1826;

Constitutions of 1838 and 1911), and the debates about the formation of an upper house (by royal appointment, corporative election or direct election).

Although, according to *vintista* (and, later, republican) logic, the principle of national sovereignty lay in the classic three-way division of powers, the key to its equilibrium was possibly the fact that the eclectically-inspired Constitutional Charter (granted by King Pedro in 1826) had, like its Brazilian model of 1824, contemplated a fourth power – the moderating power of the king, equipped with two crucial tools, the rights of veto and of dissolution. This capacity, connected to the legislative power by a second chamber that was aristocratic in origin and appointed by the king, marked 19th century Portuguese constitutionalism; hence, the return of national sovereignty to self-sufficiency became one of the main demands of more progressive political movements.

However, despite the profession of faith in the balance of powers, parliamentary representation was the most genuine manifestation of the desire of the nation and of its respective formation mechanisms. This was why it has been chosen here as the main protagonist of a narrative that will necessarily overreach its mainstays to take account of the emergence and manipulation of public opinion; the appearance of sociabilities designed to foster competition between candidatures (electoral committees, clubs, political parties, etc); electoral activities and the frequent accusations of corruption and political clientelism. Comparisons are also made with historical experiences in other countries (France, Spain, Brazil, USA and Switzerland) in order to more accurately appraise the transnational ambit of these various characteristics.

Knowing how to elect requires knowledge of who is being elected. This is a major theme in the historical sociology of political representation, and the Portuguese case had some specific characteristics. In fact, while priority was usually given to legal knowledge in the edification and consolidation of a new type of State and a new social order, in Portugal there were other sectors that acquired greater relevance. The armed forces, for example, exerted considerable influence in political life. Not only had they played a major role at moments of change (both revolutionary and counter-revolutionary), but they were also important in parliament – a situation that clearly reflected the level of technical knowledge possessed by some officers, which was increasingly necessary for the modernisation of society.

A similar situation occurred with regards to doctors, both in the *vintista* period and later on – in particular, following the establishment of the Republic. Their scientific and practical skills gave credibility to the Enlightenment coupling of knowledge and progress, and as science gradually became an ideology of progress and emancipation in the late 19th and early 20th centuries, their political and professional importance increased.

Parliament was already being called the “forge of the law”, which was, in fact, the ultimate purpose attributed to it by the constitutionalization of sovereignty. Although this was a task centred upon the use of *words* and *discursive reason*, it was also endowed with another quality without which the social contract would fall apart – an aura of sanctity which legitimised it. This can be seen, for example, in the almost religious wording used in the early years to describe the Constitution or Constituent Assemblies, and in the nature of the oaths that were sworn to affirm the authenticity of the commitment to defend the “public thing”. Parliament was often compared to a “house”, or even a “temple”, simultaneously consecrated and consecrating, because it was a space of ritual practices and liturgies, where oaths were sworn (whether on the sacred book or not) and investitures and acclamations were civically sanctified.

This is the story that we wish to tell. And there is no doubt that, when the General and Extraordinary Courts were declared open on 24th January 1821 (the first constituent courts to be elected in the modern fashion, although they still idealised the memory of the medieval “historical constitution” of the nation), this was experienced as a moment of both foundation and rebirth. Despite the amendments, clashes and alternatives that would subsequently occur, this heralded the start of a long cycle that only came to an end three days after the *coup d'état* of 28th May 1926 with a parliamentary event that was summarised enigmatically in the *Diário das Sessões*:

The roll call having been duly taken, it is hereby registered that 37 Honourable Deputies are present. As this number is insufficient for proceedings to continue, His Honour, the President, has thus declared the legislative session closed. Long live the Republic.

The temple of words then closed its doors, giving way to a long period of silence.

Translated from the Portuguese by Karen Benett.

In the Name of the Nation

FERNANDO CATROGA

FACULDADE DE LETRAS, UNIVERSIDADE DE COIMBRA

Translated from the Portuguese by Karen Benett.

Whenever the Greek experience is used as a reference for Western political culture, it is important to be very clear about the difference between *physis* and *nomos*, in the light of which the *politheia* may not be confused with organizations such as the family. Only the *polis*, with its laws and institutions, enabled human society to get beyond the aims pursued by the *oikonómos* and *despotes*; for, in using *logos* (and not only *voz*) to mediate human negotiations, it excluded the natural animal, including man (GIORGIO AGAMBEN, 1997, 10), through a *praxis* that was entirely oriented towards “the good life” (*eu zeen*). Thus, in the Aristotelian sense of “political animal” (*zoon politikon*), the first term does not signify a biological attribute, but rather the specific root of the human condition (ARENDR, 1968), i.e. *action*, a supplement of the politicinity deriving from language, or rather, from *reason* and *the word*. We can only speak of political society at the level at which choices about good and evil, justice and injustice, are debated.

Omnis potestas a Deo

This continues to be a useful backdrop when rethinking the relationship between the political dimension and the state of nature, a question which, in modernity, is reflected in disputes about the connections between *sovereignty*, the *constituent power* and the *constituted power*, or, in other words, between the exceptional state and the norm. Firstly, however, we should examine the shift that took place from a sacral transcendent basis of sovereignty to its immanent and secular justifications.

On the more immediate plane, this transition had its roots in the medieval doctrine of *translatio imperii*, which placed its source in God, from where, though a gift of grace, it was transferred to the people. Only later was it delegated to the Monarchy. However, this delegation had to be exercised in the name of the people (*concessio imperii*), which meant that, when a prince acted against the contract (*pactum subjectionis*), he could be stripped of these powers. The prince's *potestas* (and that of his successors) was not self-sufficient and was doubly *constituted*: by divine law (*lex naturalis*), which held sovereignty over all sovereignty, above even the Pope himself; and by the laws of society, which his Majesty had sworn to uphold during his consecration and which proceeded from a temporal power that was simultaneously *constituted* (by divine sovereignty) and *constitutive* (of regal power).

Thus, through the theological hermeneutics of the postulate *per populum omnis potestas a Deo*, the governor was understood as a representative of God and of sovereignty, a position held through a pact between the people and the prince. In this context, both the supremacy of the *spiritual power* over the *temporal power* (theorized by St Augustine in the 5th century) and the recognition of the right of resistance were perceived as a kind of epiphany from the omniscient, omnipotent and omnipresent Sovereign, because he *constituted everything*. It is therefore not surprising that the theology underlying the law of resistance (*jus resistendi*) should, for some thinkers, appear to be connected to the justification of tyrannicide (in extreme cases); indeed, this was a meeting point between the Graeco-Roman tradition and certain examples and precepts (often contradictory) extracted from the Bible itself.

Unlike the tyrant, the anointed monarch served the law and acted in the interests of each and everyone, because he was committed to maintaining the best possible order in the human community. However, as he did not have absolute autonomy, the *mystical body of the King* depended upon the *mystical body of the Church*, an analogy often expressed by John of Salisbury through organicist images (the prince should dominate his subjects in the same way as the head of the body commands the limbs), as the law, which regulates political action, possessed a theological basis that censured the exercise of arbitrary judgments. This leads on to a much greater conclusion, namely that the will of he who governed could not be against justice. This meant (in the manner of the Roman *res publica*) that his function was to exercise political power in much the same way as the divine majesty might do, though his actions would nevertheless be constrained by man's ontic frailty in his natural state.

With the alliance between church and crown, and the subsequent metamorphosis of constituted power into absolute power (without other mediations that went beyond the monarch's conscience before God), Christian universalism would acquire the contours of statehood, at least from the beginning of the 16th century.

This development was speeded up by the religious wars and the acceptance of the principle of *one king, one faith, one law* as a premise for collective salvation. This maxim was of course enshrined in the Treaty of Westphalia (1649), and its application led to persecutions, emigrations and displacements of peoples, including the revocation (1685) of the peace edict of Nantes.

Within this process, charismatic power was gradually sacralised in a relatively autonomous way, before the *sacerdotium*, particularly during the initial institutionalization of absolutism. As the unity of the *res publica christiana* weakened, the King's paternal function increased (Louis XIV's Versailles was its symbol). The status of this royal power was manifested in spectacular scenarios, such as the elaborately-choreographed investitures and rites of passage, as well as in the growing supremacy of the temporal power over the Church in matters unrelated to dogma. With this, the Monarch gradually reinforced his role as the centripetal point of the *patria communis*, while, under his aegis, this gradually transformed into a "great fatherland" which required homogeneity of law, religion and language, as well as clearly demarcated and defended political boundaries. Indeed, this movement would be taken to its final consequences by the new Nation-State.

However, we should not overlook the fact that the exercise of power by the Crown, even without the Courts, was always negotiated with intermediary and peripheral powers, though there were as yet none of the mechanisms of socialization to enable the inoculation of ideas, values and symbols (such as the public school system or the press) with which the modern State would seek to build a new social consensus. This meant that typical *ancien régime* loyalties were able to survive, while as a counter-response, there began the long struggle for the more abstract internalization of the civic idea of the nation and its pact. That is to say, in absolutism, two contradictory aspects were coupled: one that was based on the personalization of power and which tended towards despotism; and another, propelling a homogeneous political community, which strove for impersonalization. This would increase the tensions between those that saw their established interests threatened, and others who, more offensively, wished to introduce anti-seignorial laws in the name of the immanent origin of sovereignty and the earthly ends of politics. It was in these circumstances that theories emerged that were to renew conceptions about the social contract.

In this context, it is useful to consider the theories of Ernst Kantorowicz and Carl Schmitt, which highlighted the fact that the main concepts of theology had been inverted and largely transferred to the political and legal theory of modernity. For Carl Schmitt (at least in his early works), the foundations of the absolute State led to a new sacralization of the political, by integrating divine properties in the characterisation of a sovereign power that was becoming increasingly secularized.

Omnis potestas ab homo

In fact, the weakening of caesaropapism and ultramontanism was accompanied by growing demands for self-sufficiency, as regards both the sovereignty of States (Jean Bodin), and man's *active life* within the *polis* (Macchiavelli). These changes had been driven, since the Renaissance, by an anthropocentric worldview, which stimulated the development of a new paradigm of knowledge and a more terrestrial appropriation of the Judaeo-Christian idea of time. Thus, in the 17th and above all 18th centuries, this led to the substantivization of the notions of humanity, progress and history, and their insertion into philosophies of becoming.

With the people (or nation) now installed in the divine place as holder of a self-sufficient sovereignty, other rules of political representation would be developed, although the dialogue with the lessons of the classics would update the ideals of virtue and, in extreme cases, the right of resistance, which, more than ever, would be an omnipresent and unalienable right of the *constituent power*. And while the new theories of contract denounced the secularization of this inheritance, the revolutions in the United States, France and later the liberal revolutions of Southern Europe (and their American colonies) would effectively represent their first historical applications. In them, the aim of modernizing political society implied the constitutionalization of the rights and duties of citizens in order to prevent the arbitrary exercise of power and establish the universal grounds for equality before the law. In this, the new theories of natural law and social contract (Locke, Hobbes, Rousseau) were highly influential, as was the notion of the division of powers to ensure greatest possible political virtue (Montesquieu).

Given France's importance with regard to revolutionary processes, particularly in Spain and Portugal, special attention should be given to Rousseau. Like other contractualists (Hobbes, Locke), Rousseau believed that the absence of authority would lead to a state of war. This meant that individuals had to join forces to overcome the precariousness of the state of nature. However, for him (unlike Locke), sociability did not exist prior to that contract, but was rather the fruit of consent between free beings. It would be contradictory if each individual held natural authority over others. Only convention, based upon the unanimous will of all, could legitimise a social pact that could enable the reciprocal freedom of its members, organized into a political community.

In other words, for Rousseau, sociability is not intrinsic to individuals. To protect themselves from the absolute freedom of others, these atomized individuals joined forces to form a group, an association of free wills, though this was not in itself a social contract. Man's natural non-sociability could only be overcome by an indissoluble pact. While in Hobbes, each party subscribed to the contract to safeguard his



■ The Constitution defended, despotism terrified (1822?).
[Etching, b&w, SMS]

own life (for Locke, his property and his life), in Rousseau, it was celebrated because the individual understood that, on his own, he was subject to dissolution and death.

Thus, the general will would be no more than the result of this total compromise, from which developed a true community of spirits, or rather, a collective moral body that was political in nature. The contract de-naturalized individuals, socializing them through an act of association. With the removal of those individuals' absolute freedom, a common *I* emerged, in which each one had to accept the others as equals. The *whole* that results from this is the Sovereign, in relation to which each participant feels simultaneously a member before the others and a member of the State before the Sovereign. And as this new Supreme Being only obeys itself, its practice could never exceed the interests of the general will. This means that, while the Sovereign, which is born from the contract, consists of all contracting parties and owes them its existence and reality, it also constitutes the essential condition by means of which those individuals are able to move from the natural order, dominated by instinct, to the political order, a leap that only the Sovereign, through the Legislator, can establish and constantly renew. Thus, Sovereignty is imposed as a force that is simultaneously immanent and transcendent in relation to the powers that constitute it.

The Legislator's work is therefore submitted to the will of the Sovereign, which pre-exists it (and is omnipresent), just as the act is in relation to the power in which it is permanently explicit. These assumptions also show that political socialization is the work of positive law and not of natural law, as without the pact, it would run the risk of regressing to a state of nature. That is to say, as political sociability derives from the contract, only within it can the people be educated to understand and feel that the continued renewal of the general will is essential to prevent the (always possible) destruction of the social bond – which is what would happen if the sum of individual wills were allowed to reign.

The Sovereign's *immanent transcendence* brought with it this problem: how could something be represented which, in itself, was unrepresentable, because it would always be beyond representation? It should be pointed out that, for Rousseau (as for Montesquieu), the idea of political representation was unknown in Classical Antiquity and only dated from the final period of feudalism. Before this, the word "representation" was only applied in the sphere of private law. Through a process of transfer from that sphere, in the Middle Ages, a system of representation by estates developed everywhere to some extent, in which, in accordance with the practice of private law, the representatives would receive a mandate to defend the specific interests of each estate. Thus, in the Courts, they had no legiferant capacity before the instance that spoke in the name of the common good, the royal power. Thus,

they limited themselves to providing *auxilium, consilium atque consensus*. In short, they held an *imperative mandate* that was corporative in origin and ambit.

Starting from the concept of the social contract, Rousseau did not much appreciate that model, because it was grounded in a hierarchy that stratified the body politic. But he was also not convinced by indirect representation, dictated by the creation of new “great fatherlands”. His preference was for direct democracy, as practised in the *polis* and city-states of Italian republicanism, and in his native Geneva, now adapted to social contract and the general will.

We might recall that even for Plato (*Laws* 5,737-738a and 6,771-772d), the ideal political society could not exceed five thousand inhabitants, and that Aristotle (*Politics* 7.4.8-14, 1326 b a 2-5) went only a little further, claiming that it should not be too small, nor too large, as both situations would render self-government impossible. However, in modernity, with the formation of states with vast territories and millions of inhabitants, this became impracticable.

For Rousseau, the postulation of Sovereignty as a constitutive force of political society raised the problem of *representance*. That is to say, it could not be represented, just as it could not be alienated. In a certain sense, a people that allowed

itself to be represented would no longer be free, and its deputies, when those existed, would be no more than commissaries of the general will. Ultimately, the *people* would be the only sovereign, and a wise and incorruptible legislator, although the execution of its sovereignty may not always be so.

Some of these ideas were to mark the *res publica* culture of Southern Europe. However, they were mixed up with other notions, of which the most significant, for our purposes, was the consecration of the notion of national sovereignty and indirect representation, instead of popular sovereignty. It might be said that, in that shift, the *people* became transformed into *nation*, configured as an indivisible moral body, by nature holder of a sovereignty that was not particularly open to mandates that pluralized its unity or which could bring the return to the intermediate (social and political) spheres. In France, this transformation was theorized by Sieyes (MÁIZ, 2007) and inscribed into the Declaration of the Rights of Man of 1789 and into the monarchic Constitution of 1791.

■ Déclaration des Droits de l'Homme et du Citoyen (1789). [Postcard. Private collection]



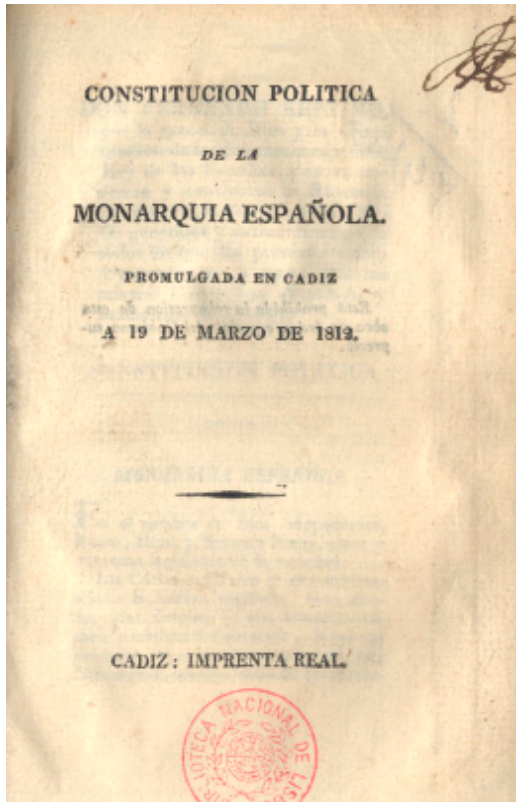
The constitutionalization of national sovereignty

Sieyès, in his essay *Qu'est-ce que le tiers état?* (1789), bridged the gap between the conceptions of popular sovereignty and national sovereignty, identifying the people with the governed and locating the constituent will in the whole nation, a collective entity that was prior to the whole distinction between governors and governed. This idea sat well alongside the 1789 Declaration, which condemned the corporative fragmentation of the *ancien régime* in the following terms: “The principle of all sovereignty resides essentially in the nation. No body nor individual may exercise any authority which does not proceed directly from the nation (or the laws of that nation). (Article 3)”. The doctrine was carried over into the first revolutionary constitution of 1791 (Article 3) and from there passed into French-style *res publica* culture, including Portuguese constitutionalism.

Imperative mandate and the essentiality of national sovereignty

The nation would possess an omnipresent and unprescribable sovereign constituent power, whose expression, in fundamental written law, would be unrealisable through partial *imperative mandates*. To avoid these, suffrage, which actualised it, would have to be based on this new criterion: as “votes are cast by heads and not by estates” (Sieyès), each deputy, irrespective of the circle that elected him, should represent the whole nation and pursue common happiness.

Not only was direct democracy rejected (the referendum would be one of its few modern survivors) but also the *ancien régime* style Courts. Indirect representation, delegated by the individual citizen, would predominate. Thus, from the French Estates-General to the Spanish constituent assembly (1810-1812) and Portuguese ‘*vintismo*’, there were discussions about whether the new anti-absolutist assemblies should follow the ancient or modern model. The latter won out, as happened in Portugal from the *Martinhada* (November 1820). Thus, the 1822 Constitution repeated: “Sovereignty resides essentially in the nation. However, it may only be exercised by its legally-elected representatives. No individual or corporation may exercise public authority that does not derive from that same nation. (Article 26)”. Moreover, its corollary was also contemplated: “each Deputy is the officer and representative of the whole Nation, not only of the division that elected him” (Article 94). However, this thesis did not win an immediate consensus. There were various divergences, including voices (more in Spain than in Portugal) that wanted to replace the adverb “*essentialmente*” (“essentially”) with “*originariamente*” (“originally”). This is understandable. With the mention of an origin, neither the omnipresence of the constituent power (and therefore the permanence of the right of resistance against the arbitrary power of governments) nor the right to constitutional review would be guaranteed.



■ *Constitucion Politica de la Monarchia Española promulgada en Cadiz a 19 de Marzo de 1812. Cadiz, [1820?]. [BNP]*

This might be clarified with reference to what happened in Cadiz (1810-1812). Here, alongside supporters of the divine right (such as the Bishop of Calahorra), there were others that supported Burke-style historical constitutionalism, and who fought to get the adverb “essentially” replaced by “originally” or “radically”. The political effect of this terminological dispute was considerable, as the latter terms were well-suited to the thesis of the irreversibility of the power that the people had delegated during the celebration of the *pactum subjectionis*. On the other hand, for liberals that were more loyal to the teachings derived from the constitutional-monarchic phase of the French Revolution (and Sieyes), the *permanent constituent power* of the nation should not be confused with its *transfer* and *representation*. As the Count of Tereno explained to his opponents, the use of “radically” or “originally” meant that any right to delegate that the nation might initially have had was not inherent to it; on the other hand, the term “essentially” unequivocally established that ubiquitous omnipresent sovereignty *coexisted, coexists* and *will always continue to coexist* with the nation until the end of time. In short, it would be the force that, in the last analy-

sis, instituted all powers, constituent and constituted, and would not be exhausted in the law that constitutionalized it.

In Spain and Portugal, this principle remained in force for only a short time. The Cadiz Constitution collapsed in 1814 and the Portuguese one in 1823. Their self-sufficiency was challenged by the Constitutional Charter (drawn up by D. Pedro in 1826), or rather, by doctrinal eclecticism which, inspired by Benjamin Constant in the French Constitution of 1814 and by the Brazilian Charter of 1824, sought to link national representation with the divine origin of royal power and with the hereditary principle of the monarchy. More specifically, a government was instituted that was “monarchic, hereditary and representative” (Article 4), which had as representatives of the nation “the King and the General Courts” (Article 12). However, now the former held a new power – the moderating power – and the legislative power was formed by Parliament and by the Chamber of Peers. This document (with some amendments) moulded Portuguese politics for over seventy years, which meant that the memory of the *vintista* concept of sovereignty became the banner of movements struggling against *Cartismo*.

For a short time, the Constitution of 1838 (Article 33), based on a compromise between the more moderate wings of Septembrism and *Cartismo*, would once more

declare that “sovereignty resides essentially in the Nation, from which all political powers proceed”), a formula that would be taken up again in the Republican Constitution of 1911. The Salazarist version, for its part, expressed in Article 71 of the 1933 Constitution (“sovereignty resides in the Nation”) needs to be integrated into the context of an exclusively organic and corporative conception of political sociability, used to justify an authoritarian State.

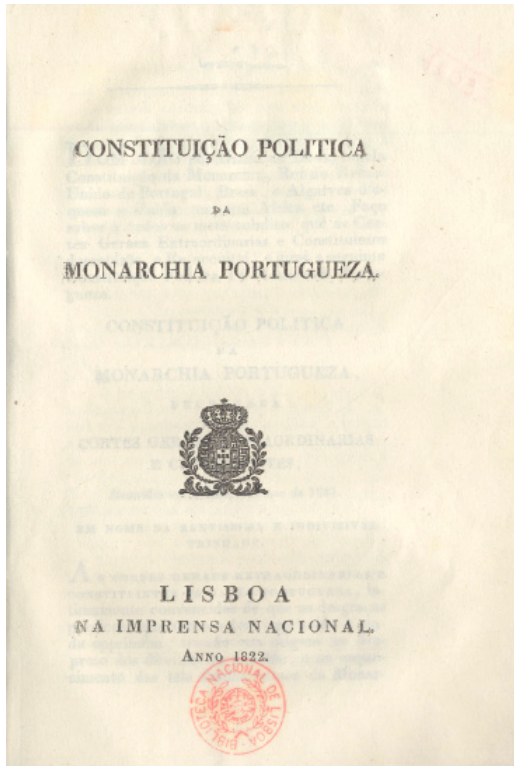
Let us look in more detail at the debate surrounding the constituent assembly of 1911. Having rejected Chartist duality (divine law and the theory of national sovereignty) as regards the origin of sovereignty, the constituents were aware that, in this matter, the inaugural lesson of *vintismo* and 1838 were still valid. As then, the new Fundamental Law would be limiting: “sovereignty resides essentially in the Nation, from which all political powers proceed” (Article 5), and, as had already been stipulated in the 1822 Constitution, it once more recalled that “the members of Congress are representatives of the Nation and not of the colleges that elected them” (Article 7).

The continuing importance of this debate is shown by the tone of elucidation used by Marnoco e Sousa, who explains, in the name of “18th century political philosophy”, the *uno e trino* (“one- and three-part”) nature of sovereignty, which should be simultaneously perceived as “present-day sovereignty”, “usual sovereignty” and “original sovereignty”. The first refers to the constituted power residing in the organs legally formed for the exercise of political powers, in accordance with organic law; the second concerns its omnipresence, or rather, the right (essential to the nation) to re-assume political powers whenever necessary; and the third expresses it as root and source of all those powers.

But the subsumption of power by the nation also shows that the 1911 Constitution (discounting the implications inherent in its republican nature) was inspired more by the legacy of the Declaration of the Rights of Man and monarchic constitutionalism in its revolutionary phase than by notions of popular sovereignty, whether originating in Rousseau and the Jacobin model of government by assembly, or in the American Constitution.

Constitutional patriotism and civic nation

Not to be confounded with the nation, though *immanent* in it, sovereignty is inalienable, and cannot be the property of any person or group. Yet, how can this essentiality be compatible with the idea of the social pact and civic nation? The problem was raised during the early 19th century liberal revolutions in Spain and Portugal, when notions of pact were mobilised alongside a discourse that revealed more historical and organicist connotations. Even the preamble to the 1822 Fundamental Law evoked “the fundamental laws of the Monarchy” to propose its “re-establish-



■ *Constituição Política da Monarquia Portuguesa.* Lisbon, 1822. [BNP]

ment”, though “expanded and reformed”. However, it is made clear that “the freedom of the ancients” would be subordinated to “the freedom of the moderns”. This dialectic helps explain why those revolutions were considered *regenerations*.

As during the popular anti-Napoleonic uprisings, framed by the Church and councils, here too there was much talk of the fatherland and patriotism, commonplaces that expressed old loyalties to *local patriotisms* and to a *common fatherland* mediated by religion and by the paternal figure of the king. However, to these, the liberals added another, that of the new “constitutional patriotism”. This was what happened in the constituent assembly of Cadiz and in the *vinista* constituent assembly in Portugal, with a revival of the Roman magistrature which (particularly through Cicero) had understood the possibility that two feelings of belonging might coexist in the same individual: one that was more spontaneous and ethnic, directed at the *natural homeland*; and another which had as its main object the *patria civitatis*, an abstract and general political community that was regulated by law.

In modernity, the latter would always be precarious if it were based exclusively upon rationality. That is to say, in order for the new political and social bonds to become rooted in consciousness, with the development of subjectivity, a constant work of socialization was required. This meant giving space to old ideals such as “love of the fatherland” and “dying for the fatherland”, in order to inculcate a new *common patriotism* – the so-called “national patriotism” – which was not subordinated to community holism and to relations of vassalage, servitude and dependence. In short, what was required was a “policy of sentiment”, which only a new national education system, or better, a new “civil religion”, might propagate, in order to complement (monarchic liberalism) or even supplant (republicanism) conventional religion in the task of moulding souls for citizenship.

The French Constitution of 1791, in the Enlightenment spirit, had proposed free public education, and, directly echoing Rousseau, the institutionalization of national public holidays in order to preserve the memory of the Revolution and cultivate fraternity through the civic sacralisation of the Constitution, Fatherland and Laws. Moreover, in 1792, the revolutionary process was accelerated with the struggle against external invasion and internal enemies, causing the people to rise up in arms. This imperative rapidly led to compulsory military service (conscription), a way of realising the *pro patria mori* soon adopted by French-inspired constitutional texts, duties

which (not by chance) appeared alongside those relating to taxation. Title II of the Cadiz Constitution (Articles 6, 7, 8 and 9), like the Portuguese constitution of 1822, stated: “The Portuguese shall be just. His main duties are to venerate Religion; love the Fatherland; defend it when summoned to do so by law; obey the Constitution and the laws; respect public authorities; and contribute to the expenses of State. (Article 19)”.

With the oaths and acclamation of “constitutional patriotism” (particularly in manifestos of adhesion to the new order), the aim was to create a sentimental base (sealed by the new social pact) to anchor the civic nation laid out in the Fundamental Law. But in the Portuguese case, this was an attempt to respond to a very specific situation, namely, the voyage of King John VI to Brazil (at the end of 1807), his continued stay in Rio (even after the fall of Napoleon) and the formation of the United Kingdom of Portugal, Brazil and the Algarve in 1815. Thus, the *vintista* revolution had as its main task the constitutionalisation of this political entity, merging the idea of empire with that of nation. It was thought that the attachment to “constitutional patriotism” would have enough force to unite something that had no territorial contiguity or ethnic and religious homogeneity. However, this was a risky proposition, because the principles that justified the anti-absolutist struggle also served to ground aspirations for independence in many of Iberia’s American colonies, including Brazil (1822).

The Spanish case had been different (its Court had not transferred wholesale to America), although, in Cadiz, for imperial reasons and questions of metropolitan unification, this modern definition had been enshrined: “The Spanish nation unites (*es la reunión de*) all Spaniards from both hemisphere”. The choice of the term “*reunión*” (“meeting”) won out over another alternative, “*unión*” (“union”). What were the grounds for this divergence? While the first clearly expressed the existence of a diversity that was to be brought together through a new social pact, the second might have evoked traditional conservative thought, which was opposed to the notion of the social pact.

However, in this matter, the 1822 Constitution described the Portuguese nation as “the union of all Portuguese people in both hemispheres” (Article 20). Knowing the emphasis that the constituents in Lisbon put on the concept of pact, it would be precipitous to interpret this decision in a communitarist way. This would imply failure to perceive that the term was already in use and that the *vintista* revolution did not seek to extinguish the existing political reality (though it was grounded on absolutism), but rather to constitutionalise and reform it. The “*United Kingdom of Portugal, Brazil and the Algarves*” was carefully described in the new Fundamental Law as a nation that stretched from the Minho to Timor, as if the act of naming, symbolising and configuring would itself confirm sovereignty.

In the debates that took place in the *vintista* constituent assembly, conflicts were raised by the impasse between loyalties to traditional feelings of belonging and those required by the new perspective. And if the notion (much used by Manuel Fernandes Tomás) of belonging to a common *fatherland*, mediated by “constitutional patriotism” as a support for “union”, still exerted some attraction in the initial phase of the process, the growing aspirations to independence encouraged some Brazilian deputies to contest the Lusocentrism that presided at its application. In truth, the overwhelming majority of representatives in the metropolis did not accept the possibility of two coexisting legislative seats (one in the metropolis and the other in Rio) in the context of the constitutionalization of the United Kingdom. In fact, the hypothesis was actually laid out on the table, but was rejected, not only because it would contradict the indivisibility of sovereignty, but also because, if it came about, Portugal would continue to be a colony of its colony. The Court and Courts had to be in Lisbon. The outcome of these divergences is well-known – independence of Brazil (7th September 1822). However, while this fact was still unknown in Europe, the Constitution was approved on the 23rd and sworn in by King John VI on 1st October, still in the name of the United Kingdom.

The Constitutional Charter (1826) could now only refer to the “Kingdom of Portugal, the Algarve and its dominions”. However, despite the Charter’s conservative purposes, the concept of nation used in it did not detract from the dimension of the pact. In the light of the associative principle, so dear to publicists of the era, such as Silvestre Pinheiro Ferreira, it is described as “a Public Association of all Portuguese Citizens” (Article 1). The 1838 Constitution, approved after the Setembrist Revolution of 1836, maintained similar provisions (Article 1), and no great ruptures were provoked by the 1911 Constitution as regards territoriality. It confirmed the organization of the nation “into a unitary State” (Article 1) and defined its territory as “that which existed upon the date of proclamation of the Republic” (Article 2). The most significant break occurred with the adoption of the Republic “as a form of government” (Article 1), a consequence of the extension of the elective principle to all organs of sovereignty.

Like the *vintistas*, the republicans invested in the ideal of patriotism. Particularly after the start of the 1870s, they learned how to exploit the decadentist mentality of the era and sowed the seeds of regenerative hopes by reviving the imperial dream (*Ultimatum*) and blaming the Monarchy, which was accused of anti-patriotism, especially when the *colonial question* was at stake. With this, they revived the tradition of liberal revolutionary patriotism, now within a theoretical framework that (thanks to the impact of organicist paradigms) presented the civic fatherland as a step higher the evolutionary ladder. For this reason, it included (in order to overcome them) the

more spontaneous feelings of belonging that inevitably result from the individual's insertion into a particular environment and a specific historical heritage. Only at that stage, as French republicanism was teaching, could the Fatherland be assimilated to the Nation and both to the Republic.

We know for sure that the understanding of the nation as an organized political community emerged from the root of patriotic feelings. This led to the cohabitation of civic ideals with explanations of an ethnic and historical nature. It was strong in republicanism and indeed, the constitutionalization of the Republic took place under the aegis of the fatherland ideal, as can be seen in the preamble to its Fundamental Law: "the Constituent National Assembly, having unanimously sanctioned the Revolution of 5th October 1910 in its session of 19th June 1911", did so "affirming its trust in the greater destiny of the Portuguese Fatherland". Moreover, the fact that the President, in assuming office, defended "the integrity and independence of the Portuguese Fatherland" (Article 43) also reveals an implicit recognition of the ontic priority of patriotic sentiments towards the nation. It seems that the "nation" was a warmer, more emotive idea than that of the State, a kind of collective "soul" in search of a body to incarnate it. However, this does not mean that all patriotism is a form of nationalism, although of course nationalisms often present themselves as having sole rights to patriotism – as the history of the ideological struggles during the 1st Republic shows.

What is a nation? In 1882, Renan described it as a "daily plebiscite". However, in Portuguese political thought (and not only), it is difficult to find a definition that could be reduced to the two formal explanations, which currently make up doctrine: one which sees the modernization of political organizations as a passage (long or short, depending on the case) *from State to Nation*; and another that perceives it as moving in the opposition direction: *from Nation to State*. In the cauldron of historical experiments, both conceptions have become blended, though it is important to know in what proportions. In any case, from the last decades of the 19th century, the growing weight of social organicism and historicism meant that the civic explanation found it more difficult to impose itself with autonomy, especially when nationalism almost absorbed patriotism.

The devaluing, or subordination, of the social contract chimed well with traditionalist and conservative ideologies, and the thesis concerning the essentiality of national sovereignty, despite its revolutionary origin, was also appropriated, as in the case of the *Estado Novo*, by conceptions that saw the fatherland and nation as perennial entities. In any case, we cannot overlook the supposed fact that the idea of the "cultural nation" (which many have traced back to Herder's struggles with Rousseau and Kant) was also subjected to interpretations that were used to justify campaigns for national emancipation and progress.

This was the case of Teófilo Braga, amongst others. Rejecting outright the existence of a social contract that effectively founded political sociability, he invoked the law of evolution and the growing heterogeneousness of human societies to argue that these had moved from homogeneous communitarism towards a growing individualism. Thus, not only was it no longer subsumed by the ethnic and historical dimension, but social determinism could also be transformed, through contracts of association and federation, into a freer and more just political organization. From here came his apologia of the ideal of *self-government*, in which the republican value of non-dependence would be materialised as maximum liberty with minimum authority. This expectation helps us understand better why, in Portuguese republicanism (even more than in monarchic constitutionalism), organic, mesological and historicist assumptions would form the humus in which the “civic nation” would grow to become the peak of a social evolution, whose meaning, made conscious by reason and by a finally enlightened collective will, would raise society to the non-naturalist level of consensus: democratised national consensus.

The “mixed” and “balanced” constitution

In the modern Nation State, territorial expansion and population growth meant that direct forms of representation by imperative mandate were not advisable. However, this revived the suspicion that indirect representation, with its inevitable lack of synchronisation between representatives and those they represented, would be unable to realise the *res publica* ideal of public happiness. To reduce this effect, the “mixed” organisation of power had to be revitalised. This was an ancient proposal, dating from Plato and Aristotle at least, and passing through Rome (Polybius, Cicero) to be later Christianized by Thomas Aquinas and all theologians that denounced tyranny, even in the name of the supremacy of the spiritual power over the temporal. In a more secularised context, the modern *res publica* ideology would take it up again, in its Italian (Macchiavelli) or Anglo-Saxon and Flemish versions, or in the French re-elaboration undertaken by La Bruyère, Montesquieu, Rousseau, Voltaire and Jaucourt, amongst others.

In these various contexts, the *republic* (Roman translation of the Greek *politheia*) was presented as the best solution to the natural tendency of power to corrupt, because it combined the best of each type of politics (monarchy, aristocracy, democracy). For example, in the first, only one (the King) could be virtuous, as all the others were subjects. On the other hand, in the Republic, as everyone with citizenship participated in the governance of the *res publica*, all would be committed to the quest for the common good. However, for many, the monarchy too (when

mixed and therefore not despotic) could also fulfil the ultimate purpose of classical republicanism, namely the commitment of all to the common good, mediated by love of the fatherland. After the republicanisation excesses of *res publicanism* caused by the Jacobin experience, this possibility, blended with other contributions (including interpretations of Rousseau by Sieyès and substantiated in the liberal monarchic Constitution of 1791) gradually imposed itself in the countries of Southern Europe as an alternative to absolutism (and therefore to despotism), that modern version of ancient tyranny.

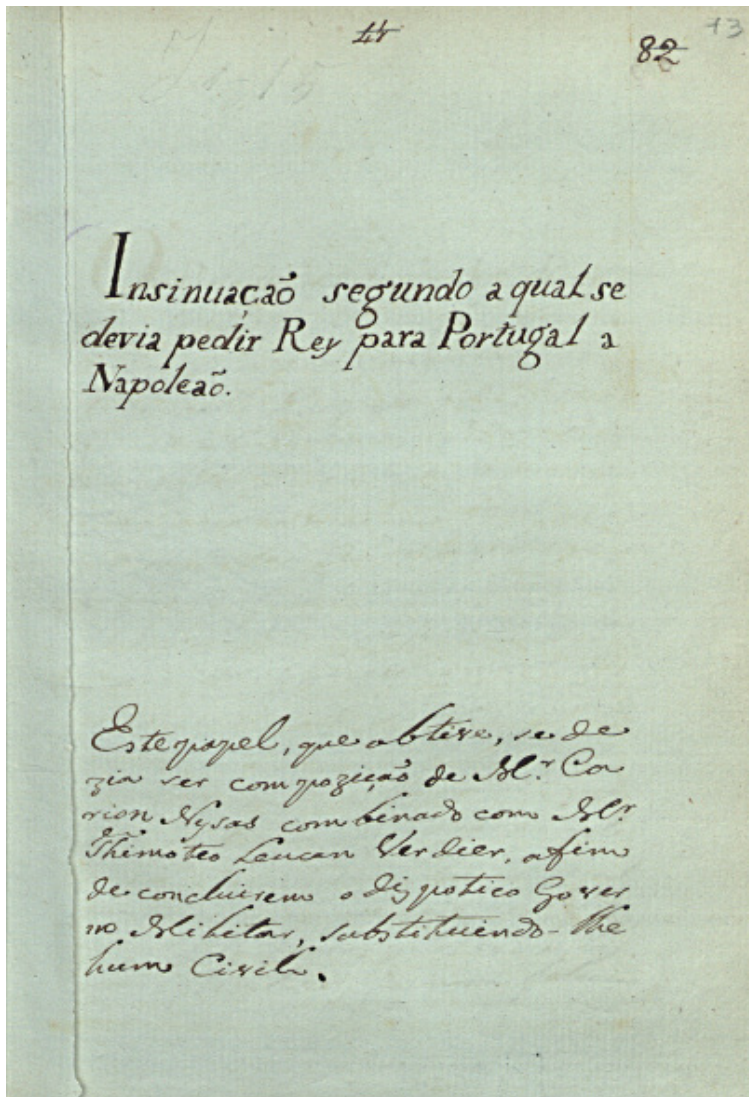
A Constitution Implored

This process followed various routes. In Portugal, the pioneering initiative was perhaps the petition to Napoleon (1808) after the flight of King John VI to Brazil and the French invasion, requesting that a Constitution be drawn up for the Portuguese (as had happened with the Spanish). However, while the petition contained modern aspirations, other aspects of it were more conservative. Whether by conviction or tactical manoeuvre, the delegation that travelled to Bayonne brought with it a petition that was negotiated in the context of the reality created by the extinction of the rights of the House of Braganza and by the launch of war tax (1st February 1808).

The delegation consisted of notable figures that symbolised the traditional institutions, such as the Regency, the University, the Inquisition and municipal power, and was not coerced only because its members ended up acquiescing to Napoleon's demands. According to Junot (letter to the emperor, 8th March 1808), the initiative came from the French power, which pressurised the delegation and negotiated the terms. Thus, the document cannot be understood as the synthesis of its members' opinions, particularly as the delegation had orally requested the reinstatement of the Braganza dynasty with full rights. What was actually approved was a change of dynasty.

It was Junot who endowed the mission with the character of a "deputation", and we know, although negatively, that he would have used all means to avoid sending it by force. Thus, it would be reductionist to qualify it as "Frenchified". While some would have liked to see the end of the House of Braganza's domination (decreed by the invader on 1st February) and the destruction of the social and political structures of the *ancien régime*, others would only have been prepared to collaborate to win time, and above all, to prevent worse ills, such as the integration of Portugal into Spain (which had been anticipated in the Treaty of Fontainebleau).

In short, the petition requested the end of estamental privileges and slavery; the abolition of absolutism through a Constitution that would respect the division of powers, and a political administrative reform along the lines of the French model;



■ *Insinuação segundo a qual se devia pedir Rey para Portugal a Napoleão.*
 [Petition letter beseeching Napoleon to provide a Constitution for Portugal, 1808. BNP]

the implementation of the “bourgeois” Napoleonic Civil Code of 1804; religious freedom, guaranteed under a system of concordat (as had been celebrated between France and the Catholic Church in 1801), and freedom of the press; the extinction of property in mortmain; the creation of a ministry for public education and a proportional system of taxation; the reform and simplification of public administration, and the modernisation of criminal law. Finally, in the name of regeneration of the country (because “we wish to be even greater than we were when we opened up the ocean to the whole universe”), they begged for “a constitution and a constitutional king that is a blood prince of your royal family” and “similar in every way to that which your imperial royal majesty thought fit to grant to the Grand Duchy of Warsaw”¹. This had been recently imposed, and, in essence, followed the Napoleonic Constitution of 13th December 1799. It also stipulated the establishment of a two-chamber legislative power. However, the Portuguese delegation wanted to introduce a difference in their version; it requested, in a kind of municipalization of the new legisla-

tive power, that the “representatives of the nation” be elected by “municipal councils to conform to our customs”.

Firstly, the modernizing purposes of the petition should be noted, although some of the main characteristics of political liberalism were missing, whether moulded by English-style “historical constitutionalisation” or based on the theory of state or national sovereignty (à la Vattel, Rousseau or Sieyes). It should be stressed that the granting of constitutionalization resulted from the right of conquest, which meant that there was not even any appeal for the reappropriation of the *translatio imperii*,

¹ “Projecto para a Constituição de Portugal”. In (ARAÚJO 1985: 75-76). This important work also includes analyses of the replies to the petition.

delegated in the House of Braganza – in order to celebrate a new *pactum subjectionis* – nor did it require the convocation of any constituent assembly of national ambit. Moreover, the election of the legislative power did not arise from the individual citizen, but proceeded, at least in part, from one of the estates which, in accordance with “ancient customs” had been based at the Courts and whose support was urgently needed in a context in which there was practically no central state – the councils. This whole new edifice would be crowned by an appointed monarch that was a “blood prince”, though from the family of the emperor.

All this shows that the content of the petition was in keeping with a logic that ensured Portugal’s insertion into Napoleon’s project for a continental empire (which is why the kingdom’s colonies were included) and the need to combat its opponents – those social groups that supported the *ancien régime* and the House of Braganza, as well as the British power and the possibilities of its reinforcement with the formation of a Lusitanian empire with a capital in Rio de Janeiro. This hypothesis did not displease London at that time, and the transfer of the Court to Brazil was given plausibility, as it seemed to be working towards the fulfilment of an older dream.

But this constitutional project did not go ahead. However, it did ultimately open up the way to the granting (by King Peter IV) of the two-chamber system and to the need to demolish the social, political and cultural structure of the *ancien régime*, a goal that was taken up in subsequent decades. However, the foundations of liberal constitutionalization were missing, starting with the election of a constituent assembly in which each deputy would represent the nation and legislate in accordance with the general interest. But, for this to be achieved, it was necessary to respect the division of powers and the rights of man, within a constitutional ordering, which, on a par with the division of powers, would require control mechanisms to curb the natural tendency of power to corruption. Indirect representation would have made this defect more difficult to avoid.

The corrupting effects of successive re-election: Bentham’s advice

The importance of the question was reflected in the emphasis that the first constituent assemblies gave to the problem of electoral capacity and the application of criteria that restricted it. The Cadiz Constitution had put limits upon the eligibility of active citizens to occupy public positions that were likely to generate dependencies or influence the electoral act itself (Articles 95, 97).

Similarly, the *vintista* Constitution not only established exclusions based on gender (women) and social criteria (the poor, bankrupt and illiterate; slave and slaves freed abroad), but also applied other restrictions upon those Portuguese eligible to occupy public positions that could, directly or indirectly, facilitate their

candidature or condition the freedom of choice of those who, for functional reasons, directly depended upon them, and also for those placed in subordinate positions to superior powers. All these would be non-electable positions, as were the secretaries and counsellors of State, employees of the royal household, bishops in their dioceses, parish priests in their parishes, magistrates in their respective districts, and for their subjects, military commanders of the first- and second-line corps (Articles 34, 35). Could this *diminutio capitis* be applied to the successive re-election of deputies?

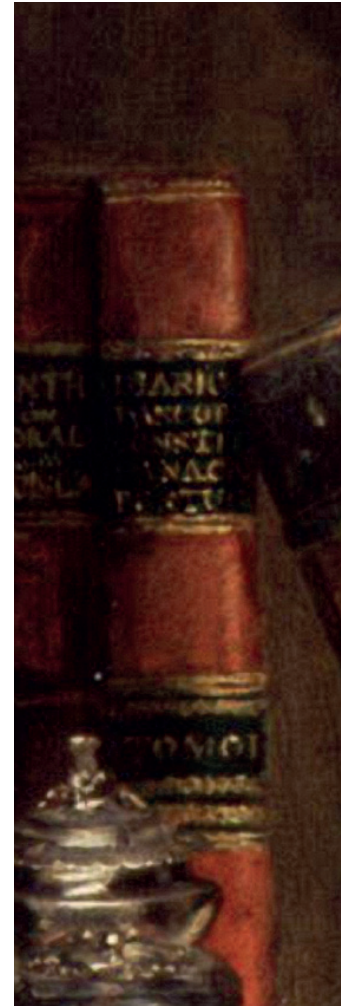
In the constitutional texts of France (1791) and Spain (1812), it was prohibited. But the Portuguese constituent assemblies of 1821-1822 would follow the opposite doctrine, as demonstrated by this provision: “the Deputies in a legislature may be re-elected for the following ones” (Article 36). The arguments advanced, for and against, continued to reflect the way public opinion and the representative system were idealised at that time.

Those that opposed the winning thesis (by 60 votes to 30) feared (Serpa Machado) that the uninterrupted continuation of the same deputies, though elected, would put “national freedom” at risk and open up “an easy path to despotism”, because it reinforced the dangerous influence of those representatives with more rhetorical ability, who could seduce the people and even their own colleagues. This alert reflected ancient criticisms of sophists and demagogues, who were seen as inherently antagonistic to democracy. In short, it was believed that the expectation of re-election would cause a representative, at the end of his mandate, to forget the general interest and instead act exclusively in accordance with his strategy for political survival. In addition, it would be salutary, in civic terms, for these men to return to their electorate to appreciate the effects of their work as legislators.

In successive candidatures, the essential premises of the social pact would be challenged, as the authentic “expression of the general will” resulted from “spontaneous voting”. Concomitantly, they would enable the reproduction of new forms of dependency, or the formation of “factions” or “parties”, a fragmentation that contradicted the principle of unity of national sovereignty. This would threaten the division of powers, as well as the autonomy and independence of both the electors and the elected, fundamental conditions for the public use of private reason. This led to the conclusion that (as power “corrupts even when it is durable, how much more so when it is perpetual”) barring the re-election of deputies would remove “the risk of their abusing their influence and becoming perpetual tyrants of the nation that constituted them”.

Borges Carneiro argued against this, reminding his peers that France had had “eight constitutions since the 1791 Constitution to the present Charter” as a result of

■ Jeremy Bentham
(1748-1832).
Detail, the *Journal
of the Portuguese
Constituent Cortes*.
[Oil on canvas, exhibited in 1829,
by Henry W. Pickersgill; National
Portrait Gallery, London]



the prohibition on successive re-election, while in Spain, the prohibition meant that, in the first nine Courts elected in accordance with the Fundamental Law of 1812, the places had been occupied “by so-called ‘Persians’, who changed everything, destroying and wasting, until Spain was handed back to the old wars of despotism”. In its favour, a passage that Bentham had offered to the Portuguese constituents was quoted from memory, in which he advised: “Another clause that I recommend be amended in relation to the Spanish Constitution is that which forbids deputies from being successively re-elected. Experience is the mother of wisdom. Yes, they may wish to perpetuate themselves in office, if it were not for the power that the people holds to remove them every two years. In a free system of elections, it is not easy for Deputies to be re-elected by their constituents if they prove incapable. That clause of the Spanish Constitution suggests that men that have already been tested are preferable to those that have not: it goes further, it rejects, inexorably, all those that have

already proved their worth; it prefers luck to certainty, or rather, it excludes certainty, wishing to secure it.”²

The negative assessment of the prohibition also invoked two historical experiments in which such restrictions were not imposed (the United States and Great Britain). This was to prove that, without re-election, the representative system would be greatly weakened, as it would prevent the consolidation of a new political elite loyal to constitutional values, even when that had occurred through the learning that results from accumulated experience. For this reason, those that followed the advice of the English philosopher saw in that law one of the reasons for the success of the British system: the two political “parties” that struggled for power had been born from affinities and confluences in ways of thinking and in interests encountered, year after year, in parliamentary debate.

The rejection also came from what was believed to be the most accurate interpretation of the representative system and of liberalism itself, in the light of which it would be incoherent to inscribe into the constitutional text rules that would diminish freedom and equality of citizens in the field of their political rights. In this order of ideas, it was recalled that fame and glory, which some deputies could conquer during their mandate, should be valued for two reasons, not only because they were they “civic things” and legitimate, but because they also enabled public opinion to better know and judge those had won them. As Manuel Gonçalves Miranda recognised, in a country where constitutional principles were not “engraved in the hearts of all”, and where not all the Portuguese knew “their rights” (because the people, “still ignorant, does not understand human nature well”), to prevent re-election would be, as Bentham warned, to exchange certainty for uncertainty, thereby weakening the foundations of the political elite which, for having overcome “despotism”, would be more loyal to constitutional values³.

If this is true, the absence of discrimination in this matter (which all later constitutional texts would confirm) also contributed to the sluggish turnover of the political elites, as well as to a growing cronyism in the functioning of the system. In the

² *Diário das cortes geraes e extraordinárias da nação portuguesa, n.º 202, 17 de Outubro de 1821*, pp. 2692, 2697, 2692, 2693. Bentham presented his works to the Portuguese Courts (a gesture that pleased them) in the session of 13th April 1821, and ordered them to be translated. The letter of thanks, in English, was read aloud on 26th June 1821, and it was decided to translate it and publish it in the Court Journal (*Diário das Cortes*). A book containing extracts of Bentham’s manuscripts was also published by E. E. Dumont, with the title *Tactica das Assembleas Legislativas*, Lisboa, New Impression by V.^a Neves e F.^{as}, 1821. Also published was a translation of Bentham’s political works (*Tradução das obras políticas do Sabio juriconsulto Jeremias Bentham, vertidas do inglez na língua portugueza por mandato do Soberano Congresso das Cortes Geraes Extraordinárias, e Constituintes da mesma nação*. Lisboa: Imprensa Nacional, 1822, 2 t.).

³ *DCGENP*, p. 2692, 2696.

period discussed here, one exception was made in the 1911 Constitution. In order to avoid any degeneration into monarchy, the President of the Republic was not permitted to stand for office in the immediately following four-year period (Article 41).

Constitutions and political virtue

The revival of the problem of virtue gave new visibility to the debate about the ethical effects of political forms. The ancient cycle of regimes was well-known: monarchy would always descend into tyranny, aristocracy would lead to oligarchy, and democracy would decay into demagogy. It was also seen that the term “republic” did not refer to a self-sufficient regime, but to the junction of the best that they contained, guaranteed by the representation of all social sectors and their respective conflicts of interests (Machiavelli). History had shown (and would show again), however, that, just as a republican regime could generate tyranny (Caesarism), the monarchic regime could also be patriotic, provided that it respected the values of the *res publica*, or rather, provided that it was organised in a “mixed” or “balanced” way.

For the traditionalists that opposed absolutism, this would have the great merit of the medieval monarchies (the King governed, counselled by the Courts), while Burkean conservatives saw it incarnated in historical English-style constitutionalism. While, in continental Europe, the gradual concentration of power made it impossible for there to be an alliance of the monarchic principle with liberty and patriotism, the constitutionalization of “the freedom of the moderns” also gave rise to “weighted” monarchies, in which the king was subject to isonomy and the division of powers. That was what happened in France (1791) and Spain (1812). Using an expression popularized by Lafayette in 1830, monarchies were appearing that were hedged by republican institutions. That was also the doctrine embraced by the *vintista* Constitution: the king, as head of the executive, had no responsibility nor could he veto laws or dissolve the courts. From this developed some of the features typical of the parliamentary system.

There was opposition from those that were nostalgic for absolutism, and also from those that supported the English system, the French Charter of 1814, or the ideas of publicists such as Benjamin Constant and Silvestre Pinheiro Ferreira. They asked if the reduction of royal powers and the rejection of a second chamber by the 1822 Constitution might not facilitate the advance of radicalism and demagoguery (as happened with the French Constitution of 1791 and the Cadiz one of 1812). Although this was not the only reason for the revocation of the *vintista* achievement by those that had sworn to defend it, the Constitutional Charter (granted in April 1826, and basically reproducing what had been given to the Brazilians in 1824) proposed to ensure a true balancing of interests.

- Allegory of the granting of the 1826 Constitutional Charter. [Line engraving by Nicholas-Eustache Maurin, 1832. AR – Museum]



In fact, it gave continuity to the sharing of representation. However, while maintaining the elected nature of Parliament (though still indirect and feudatory), it aimed once more to give expression to the nobility and clergy through a Chamber of Peers that would be able to legislate (and which was for decades composed of inherencies and royal appointments, with a limited number of life and hereditary peers), and above all, with the purpose of reinforcing the *hereditary monarchic principle* (justified, in the last analysis by divine law). For this, the royal majesty claimed for itself a new power: moderating power. Remaining the head of the executive, though without responsibilities, the king held rights that the text of 1822 had not conferred upon him, namely the right of effective veto, with absolute effect, of the laws approved in the legislature, and the right to dissolve the lower house and set new elections (within six months at most, although later, a certain lack of definition was introduced in this domain).

The structuring role of this document is recognised. After a short period in force (1826-1828; 1834-1836), the Charter was reinstated in 1842 with the coup by Costa Cabral, and after various compromises between the more moderate sectors of the monarchic right and left (many expressed in the Additional Acts of 1852, 1885, 1895-1896 and 1907), it remained in force until 5th October 1910. This longevity made it the norm that instituted the new social and political order (the capitalist, aristocratic-bourgeois society of Portuguese constitutionalism), and the instrument that the political elites, once stabilised (through a rotating system), would manipulate in order to reproduce and consolidate themselves in power.

In short, it was up to the monarch to moderate conflicts and impasses in the functioning of the system. This meant that he had to have no responsibilities and to be neutral. However, constitutional interventionism, inherent to moderating power, contained dangers, because, due to the weakness of the party system, it functioned as an invisible hand which, to the pleasure of some and opposition of others, led to alternations. This was an artificial solution with gradual erosive effects. Whether it was the government in power that the king had dissolved or another that he had appointed to prepare new elections, whoever organised them would never lose.

In the meantime, the non-existence of a functioning parliament did not prevent the government, supported only by royal confidence, from legislating, decreeing laws that would enter into force immediately, although they were subject to a subsequent *bill of indemnity*. In short, the country was governed as an *administrative dictatorship*, and, from the final decades of the 19th century, in a climate of growing controversy that culminated in the João Franco administration (1907-1908), attempts were made to convince some active and influential monarchists (dissidents from the rotating parties) and, more easily, republicans, that this was an anti-constitutional



■ "O Estado do Estado".
("The state of the State")
[O António Maria, 22 June
1882, p. 200-201. Caricature
bw by Rafael Bordalo Pinheiro.
BNP]

and authoritarian situation. Thus, it was suggested that the monarchy was no longer patriotic and the king had effectively become the head of a faction, who defended his own interests in a series of controversies ranging from the Treasury to the royal household. Unable to arbitrate in the party political game or to integrate new conflicts, either in the domain of social struggle or on the level of the expanding politicised elite, it was scarcely surprising that the physical body of the king and the mystical body of the monarchic institution should suffer a double death blow almost simultaneously.

The republicanization of national sovereignty

This period of crisis saw the consolidation of the republican movement, formed by various ideological tendencies and by a kind of federation of political clubs, newspapers and personalities with intellectual prestige, which only managed to achieve some coordination in the national sphere during the 1880s. But with advances (*Ultimatum*) and regressions (after 31st January 1891), it acquired growing support in the Lisbon area, particularly during the last government of João Franco (1906-1908), when the idea of seizing power by force acquired majority support within the Portuguese Republican Party (PRP). Indeed, its proposal acquired such widespread support that even the parties of the regime began to “hunt” on its terrain (João Franco).

Presenting itself as a kind of “third way” between extreme individualism and the various forms of revolutionary socialism, the remedy for the acute *moral, religious, educational and social* problems would involve giving priority to solving the *political situation*, understood not only as a question of *regime*, but also as a *political-administrative matter*. Both were conditioned by the greater aim of regime change and of furthering national sovereignty with a fuller realisation of citizenship. Only later would the cure come for so many social ills.

Naturally, the 1911 Constitution, in its Article 1, stipulated “the adoption of the Republic as the form of government” and made it clear that neither “privilege of birth or noble entitlements”, nor “peerages with all their prerogatives and benefits” would be admitted (Article 3, No. 3). As with the text of the *vintista* constitution, it returned to the tripartite division of powers with the aim of better guaranteeing political and civil equality. Indeed, this concern was reflected in the very structure of the constitution, as (unlike the Charter) these fundamental rights were described immediately after the first title, which, within constitutional protocol, usually dealt with the form of government and territory of the nation. Thus, it took up the legacy of the previous political liberalism, but within a broader framework, as it postulated



■ *Constituição da Republica Portuguesa*. Porto, 1911.
[BNP]

freedom of conscience as the mother of all other freedoms, and therefore of the constitutionalization of the religious neutrality of the State.

Without having an exclusively “negative” view of the State function, Portuguese republicanism was inserted into a French-style current of political liberalism. For this reason, it aimed to extend and deepen fundamental rights (including those concerning freedom, security and property), and also sought to create the cultural and legal infrastructures necessary for the inculcation of citizenship.

In the wake of the three previous constitutional texts, Title II of the 1911 Constitution guaranteed the inviolability of the rights of freedom, safety and property to Portuguese citizens and to any foreigners residing in the country (Article 3). From this, other rights were inferred, whose novelty had above all to do with secularization, that is, with the right to both religion and non-religion (all the monarchic Constitutions including the 1822 one had enshrined Catholicism as the religion of state), a matter which urgently needed to be decriminalized. Thus, while the republican Constitution reaffirmed the principle of equality before the law, it also promised freedom of belief, conscience and expression, as well as the rights which, within the tradition of political liberalism, aimed to protect the autonomy of civil society and defend individuals and minorities from abuses of power (the rights of meeting, association, petition, resistance, and inviolability of domicile). With the same aims, it also detailed citizens’ rights in the event of being indicted or imprisoned, while, on the level of social rights (in the line of republicanism influenced by the revolutions of 1848), it guaranteed the freedom to work or exercise a trade or industry, and characterised private property and its respective limitations. Finally, it enshrined all legislation promulgated under the revolutionary dictatorship, particularly that which concerned the secularization of the state, marriage, education and the basic rites of life and death (separation of church and state, compulsory civil registration, religious neutrality in education, secularization of cemeteries, etc.). In this regard, it clearly broke with previous tradition, including that of the 1822 and 1838 Constitutions, which, in other domains, had so inspired republican constituents.

The republicanization of the single indivisible State

Once the essential aspects of sovereignty and its corollary (the single indivisible nation) were accepted, the 1911 Constitution, like the monarchies that preceded it, confirmed the “unitary State”, a qualification that contrasted with federal (USA, Brazil), or confederal (Switzerland) alternatives. These had acquired supporters from the mid 19th century (with the impact of Tocqueville’s work *Da Democracia na América* and of thinkers such as Proudhon) and were reflected both in the doctrination of publicists like José Félix Henriques Nogueira, Teófilo Braga, Manuel Emídio Garcia and Sebastião de Magalhães Lima, and in republican programmes of the propaganda phase (of 1891, the last one approved before 5th October, still federal in nature). Later this ideal went into decline; though this did not prevent some constituents in 1911 from remembering what had been promised. But this was in vain. We might say that, although the notion that power derived from the nation was sustained in theory, in practice, the political elites, as in the monarchic period, acted as if only the State could make it happen. Thus, its unity and indivisibility (from the Minho to Timor) were joined by a capacity for centralism in order to resist promises that sought to destroy it.

The external face of federalism (the Iberian federation, United States of America) was linked to internal decentralization, an aspect shared by a municipalist tradition (Alexandre Herculano), which republicanism revived. It is also known that, when that model of the State was imposed, there appeared decentralist critiques which accused it of widening the gap between representatives and those they represented, creating opacities that would generate a new feudalism, nourished by a tentacular network of influences, employees and bureaucrats. However, if some of these anathemas came from nostalgia for the old order, or from the mythification of the “fundamental laws of the nation”, others aimed to correct the ills of the representative system through scales of civic participation that would increase citizen involvement, beginning with matters that most directly concerned them, such as local power.

The structure that was denounced had been inspired by the 1842 Administrative Code, supposedly instigated by Costa Cabral. Its prolonged period in force allowed time for pyramid-style relations to be implemented between the political centre and the peripheries (Almeida 1991 and 1995). That is to say, the government appointed the civil governor of the districts, who would choose the administrator of the county, who would in turn appoint the parish alderman, who would choose the head of police. Not only did this system facilitate reciprocal complicities, it was also at the service of the elites that disputed power in Lisbon, nourishing the various “parties”. From this resulted an entangled web of big shots, “caciques” and electioneers, who coerced and manipulated the will of the electorate, as happened in other countries of Southern Europe.

Republicans smarted at this negative diagnosis and offered to mend political practices through a new system of moral and civic education, and political and administrative reforms that would make the exercise of local power (now elevated to a system of local councils) the first great school of civic virtue. Within the culture of republican colonialism, the 1911 constitution extended this decentralization to the “overseas provinces”. However, while the local authorities were organised along lines designed to prevent the interference of the executive power in its administrative bodies (accepting the representation of minorities and an anticipatory referendum, a measure inspired by the Swiss example), the truth is that the positive laws implemented what was essentially a monarchic administrative code, which had only been in force briefly as it was the least centralist of all – that of 1878. The measure had been provisional in nature, but the republican codification of it was never published. Moreover, whether due to opportunism or to the political and ideological influence of the important figures of the new regime, there continued to be a distinct lack of transparency in the political game. The party that almost always won the elections (the Democratic Party) was considered largely responsible for the continuation of a perversion that republicanism had presented as the exclusive sin of monarchic constitutionalism.

In the name of the people, or in the name of the nation?

It was also accused of lacking legitimacy because the Head of State was an inherited position; much of the legislative power, exercised by the Chamber of Peers, was there through royal appointment; and the political will of Parliament was constrained by the “caciques”, by electoral circles designed to reduce the possibility of a republican victory, and by a feudatory electoral body, despite the advances introduced by the laws of 1878 and 1884, whose positive effects were, however, annulled by decrees of 1895 and 1901. Following the lessons of the revolutions of 1848 and the Third French Republic, the Portuguese republican movement had promised universal (male) suffrage. Without it, political representation would never correspond to the national will.

However, the electoral decree of 14th March 1911, amended on 5th April, only granted the right to vote to citizens over 21 that could read and write, or who were heads of families. In a country with an illiteracy rate of over 70%, this heavily limited the electorate, a deficiency that led some (those more attached to the programmes from the propaganda phase) to consider that this republic was non-democratic (Dantas Baracho), or that this was not government of the people by the people (Djalma dos Santos). Indeed, in constitutional terms, it was never defined as such. Like the French model, it was based more on the concept of *national sovereignty* than

upon *popular sovereignty*. The *people* (defined ethnologically) were subsumed into the *nation* (increasingly presented as a psychocollective entity that combined both fatherland and State), which was proceeding towards individualization, a tendency that only avoided destroying sociability because social development was leading to forms of associativism required by “the freedom of the moderns”.

Despite this certainty, many republicans continued to suspect that democracy would decline into demagoguery. And although the vast majority considered themselves to be democratic, the fact that this was a progressive belief, rooted in enlightenment (now scientific) values meant that there was a fear that the people might actually not be so, at least until they were properly educated for citizenship. For this reason, many believed that granting the vote to illiterates and to women (sectors that would be susceptible to coercion and dependence, particularly from the traditional “caciques” and the clergy) would play into the hands of the enemies of modernization, thereby threatening the whole Republic. This option ultimately limited the integration into the system of many of the political, ideological and social conflicts, while simultaneously giving the regime a broader electoral legitimacy. The highpoints of participation did not exceed the peaks achieved during the monarchy, with the exception of 1918 when Sidónio Pais (with plebiscitarian rather than democratic motives) extended suffrage to all male citizens over 21. In any case, it was symptomatic that, one year later, the former limitations had returned.

In certain matters (such as the *regime question* and the *religious question*), republican radicalness coexisted with conservative caution with respect to social revolutions, or inversely, anti-modern counter-revolutions. It was a conservatism rooted in positivism, which believed that progress could emerge from the explicitation of order. Moreover, another reflex was found in the adoption of a two-chamber representative system, a choice that surprised many historical republicans, for whom the upper chambers were created in order to tame the more progressive tendency of parliaments (due to their more “popular” origin). In the specific case of the Constitutional Charter, neither the limitation upon the appointment of peers nor the election of some (in accordance with the Additional Act of 24th July 1885, later revised) attenuated the Republican contestation of this organ. The memory of the *vintista* solution would also have played a part in this opposition, for, as the nation was single and indivisible, the seat of legislative power should also be unique.

The victorious thesis cited in its favour the rarity of the single-chamber solution in known constitutional experiments (whether monarchic or republican), but it was the constitutional model of the French Third Republic of 1875 that made Parliament coexist with the Senate. This was proof that the duality would not injure the principle of unity of sovereignty, provided that both faces of the legislative power (in addi-

tion to age restrictions upon eligibility and differences in duration and renewal of mandates) had the same powers and the same basis of electoral legitimation. But, because of the Senate's more senior nature (35 years more), it was expected to display a wiser republican ponderation in the making of laws and sustention of governments.

Elected by direct suffrage, the new republicanized upper chamber counted on "as many senators as would result from the election of three individuals per district in continental Portugal and the adjacent islands, and one individual per overseas province" (Article 9). This decision also won out over two other proposals: one that sought to give it a municipal origin, a clear adaptation of the system proposed for the Swiss cantons; and another that was based on corporative representation (Adriano Augusto Pimenta, Egas Moniz and, within certain conditions, Sidónio Pais), influenced by various organicisms (such as Krausism and Proudhonism) and the teachings of jurists like Duguit and Esmein.

Presidentialism under suspicion

Still on the subject of suffrage, we should point out that the election of the Head of State was not indifferent to questions of whether the regime was more parliamentary or presidential in nature, despite the fact that there were some that wished to confer more powers upon it, not being supporters of direct election. The majority (connected to the sensibility embodied in the Democratic Party) voted for indirect choice of the President of the Republic, but it would not go that far. Excluding differences arising from the nature of the regimes, the function of republican Head of State had some affinities with that reserved for the King in the 1822 Constitution: he should preside, but not govern, despite being responsible for appointing the government, which responded only to the legislature. Within a logic that fulfilled many of the requirements of parliamentarism, it was understood that he should be given the role of representing the nation, summoning extraordinary meetings of Congress and promulgating laws. However, he was not given the right of veto (nor even of suspension), nor of postponing or proroguing meetings of the legislative power or dissolving its chambers. On the contrary, these, which elected it, could also dismiss it.

The French Third Republic had clearly influenced this orientation a great deal, as did the old republican distrust that the system might degenerate into Caesarism and authoritarianism, arising from the excessive personalization of power (the case of Louis Napoleon Bonaparte was cited, the elected president who proclaimed himself emperor). However, the fear was also reinforced on the Portuguese scale by the recent memory of the João Franco dictatorship. As, in the Constitutional Monarchy,

consideration had been given to the policy of aggrandisement of royal power (theorized by Oliveira Martins and applied by D. Carlos), it was feared that something similar might occur with the direct election of the President (a role which some wanted to dispense with, in view of the Swiss experience) and with its greater consequence, the need to attribute it functions corresponding to the force of its legitimacy. For all this, most constituents' preference for parliamentarism meant that the Head of State was elected by deputies and senators, who met for that purpose as Congress.

After many crises, the power of dissolution was only approved by law on 22nd September 1919, but its use did not depend exclusively upon the will of the President; it was constrained by the councils of a committee formed by the representatives of the main currents of opinion with a place in Congress (*de facto* recognition of the existence of parliamentary groups). Amongst other things, this alteration denounced the growth of criticisms of parliamentarism both from within the regime (*sidonistas, seareiros*) or from outside it (*integralistas*, Catholic anti-liberals). Some of them would take on new contours. These administrative dictatorships no longer claimed to be provisional and exceptional but became constituent and *definitive* (Salazar). Putting a kind of full stop upon history, its politics would be the death of politics, an intention which would not always be realised in the metaphoric sense.

Political oaths

Power had always had something of a sacred nature, even when (with the autonomy of the temporal dimension, and later, of sovereignty, and the internalization of civic loyalties) that osmosis acquired a complexity and began to dispense with, or subordinate, ecclesiastical intervention. This occurred when, in a secularized context, the political sphere was self-consecrated so that its actions as symbolic power could better help bring about acceptance and recognition of its domain. In truth, since antiquity, political organization had implied the sacred reconnection (*religação*) of individuals and groups, a need that did not even escape the modern social contract or written Constitutions at their (re) founding moments. It is shown by the Rousseau-style foment of civil religions and even (without invoking any transcendence) the creation of warm currents capable of cementing consensus (social or national). As those were forged by myths, symbols and rites (the updating of which establishes deep-rooted identities and feelings of belonging, while simultaneously internalising beliefs in a collective destiny), it is not surprising that, in their liturgies, particular attention should be given to the symbols (revolutions, shielded in national sovereignty, decreeing the creation of bonds, banners and national anthems) and rites, particularly commemorative ceremonies, for civil processions and above all,

the solemnity of oaths. That is understandable. Whether in the name of transcendent principles or only of an immanent morality, these condense the commitment that all, explicitly or implicitly, should have towards the *politheia* (i.e. *res publica*).

The swearing of an oath supposes a contract and should be understood as a performative speech act, informed by precise rules that stipulate the conditions of its authenticity. Therefore, it implies a bond and an intersubjective hierarchization which leads, in the last analysis, to a surety, called up as a guarantee of synallagmatic sincerity. It is in and for that gesture that an idea of the legitimation of power is played out and the gauging standard of coherence is divulged with what one swears to fulfil what is promised.

As mythical archetypes, the political oath (which is the form that most interests us) has known various formulas. It has even been Christianized, in the sense of making an appeal to the transcendent origin of power and morality, and symbolizing the superiority of *spiritual power* over the temporal. This significance has prolonged into modernity, although its secularization (which in many cases coexists with the religious) mobilizes other guarantees. These have brought new shades to the practice, particularly when it concerns the connection of individuals or their representatives to the moral body of the nation is at stake, in a kind of symbolic revitalization of the social contract.

This explains its importance at the ceremonials of new Nation States, particularly as a way of indicating their origins (real or mythical – that hardly matters). Indeed, this began with the famous “Tennis Court Oath” on 20th June 1789, which for many marked the true beginning of the French Revolution. Also in Portugal, oaths were not dispensed with at the inaugural moment of the representative system, in relation to the Cadiz constitution (during its provisional period in force after the victory of November 1820 of those who campaigned for the election of modern-style courts against the historical constitutionalism), with regard to the bases of the constitution, or finally before the 1822 Constitution, under the terms laid out in it.

In this phase of rupture, the most important ceremonies had to do with the swearing-in of the king, royal prince or (when necessary) of the regency, solemnities that symbolized the rupture with the old interpretations of the *pactum subjectionis*. For them, the Monarchy recognised that its legitimacy derived from the nation. Thus, royal power was subordinated to the Fundamental Law, and could not have any other purpose than to cooperate in the realisation of the *res publica* value of common happiness. Amongst the various oaths sworn by King John VI, most worthy of mention is the one that took place in the seat of the constituent power on 4th July 1821 and another sworn by the President of the Courts (1st October 1822), under the formula prescribed by the new Fundamental Law, formulated thus:



O Juvenculo
de Antroposia, Virado,
para fôrma no Log,
de fôrma própria, Reg,
União Constitucional

I hereby swear to maintain the Roman Catholic religion; to be loyal to the Portuguese nation, observe and ensure the observation of the political Constitution decreed by the General, Extraordinary and Constituent Courts in 1821, and the laws of that same Nation, and to attend to its general good, within the bounds of my duty. (Article 126)

The entry into force of the Constitutional Charter only introduced modifications caused by its origin and nature. But, one change is worthy of mention: the oaths of acclamation were sworn by the President of the Chamber of Peers in a joint session of the two Chambers (Articles 76, 79, 97). This was a way of signalling the supremacy of aristocratic representation over the elective principle. On the other hand, the State religion continued to be the instance that gave credibility to the service to the *res publica* as a “common good”.

The same values underlay the oaths taken by the representatives of the Courts, dating from the *vintista* period. In these, the President would swear on the Gospels to uphold the Roman Catholic faith, protect the constitution and faithfully fulfil the obligations of deputy. The Vice-President and others elected to the legislative power were for their part limited to uttering, also on the Gospels, “*So do I swear*” (Article 78), a practice that remained essentially unchanged during the period that the Constitutional Charter was in force.

As was natural, the republican movement, in accordance with its secular and anti-monarchic principles, vehemently opposed a rite that was sustained by faith and heteronomous ethical principles. It not only undermined the assumption of the individual as an autonomous being but also injured the basic grounds upon which rested all the freedoms and basis of free thought underlying modern citizenship: freedom of conscience. For them, the protocol should not generate any ambivalences; the commitment should be taken before the nation and not in the name of a regime. Let it be understood: as the individual would only be a citizen if he were an autonomous subject, his actions could only have to do with himself and with the sincerity that he brought to bear on his involvement in the *res publica*.

In fact, from the 1870s, some free thinkers (Carrilho Videira) began to question the compulsory nature of religious oaths in legal courts and political acts, a cause that was immediately taken up by other republicans. Proposals were presented to the Courts (by Manuel de Arriaga in 1883 and Zófimo Consiglieri Pedroso in 1889), and the matter was taken up in the 1891 programme of the Portuguese Republican Party (PRP). Following its policy of secularization, it is scarcely surprising that the Provisional Government of the young republic immediately abolished (decree of 19th October 1910) “oaths of a religious nature, whatever form they might take”, and decreed that “people that have to exercises any functions of a public nature or

←
■ Allegory of the swearing
of the Constitution.
[Line engraving by Constantino
de Fontes, from a work by Luís
António (ca 1822). SMS]

in the public interest, accidentally, temporarily or permanently, and who until now have been required to swear an oath, are only obliged and authorised to affirm, in the name of their own honour, that they will faithfully fulfil the functions conferred upon them”.

These precepts were an attempt to implement republican values, based upon honour and the ethic of responsibility. This was particularly evident in the formula used for the swearing-in of the President of the Republic. Before the legislative body that elected him (the Parliament and Senate), which met in a joint session directed (to avoid hierarchization) by the most senior of the Presidents of the two chambers, the Head of State would proffer the following words: “I hereby swear, upon my honour, to loyally uphold and comply with the Constitution of the Republic, to observe its laws, promote the general good, sustain and defend the integrity and independence of the Portuguese fatherland. (Article 43)”. During the period of the Monarchy, the king had promulgated laws with the following formula: “We, D. (F.), through the grace of God, King of Portugal and of the Algarves, etc., hereby announce to all our subjects that the General Courts have decreed and We duly wish the following law.” Now, with the Republic, the essence of national sovereignty was assumed more fully. The President would begin: “In the name of the Nation, the Congress of the Republic has decreed and I hereby promulgate the following law (or resolution).”

BIBLIOGRAPHY

- AGAMBEN, Giorgio
1997 *Homo sacer. Le pouvoir souverain et la vie nue*. Paris: Seuil.
- ÁLVAREZ JUNCO, José
2001 *La Mater dolorosa. La idea de España en el siglo XIX*. Madrid: Taurus.
- AMARAL, Maria Lúcia
2005 *A Forma da República. Uma introdução ao estudo do direito constitucional*. Coimbra: Coimbra Editora.
- ALMEIDA, Pedro Tavares de
1991 *Eleições e caciquismo no Portugal Oitocentista (1868-1890)*. Lisboa: Difel.
- ALMEIDA, Pedro Tavares de
1995 *A Construção do Estado Liberal. Elite política e burocracia na "Regeneração (1851-1890)*. Lisboa: FCSH – UNL. [http://run.unl.pt.]
- ARAÚJO, Ana Cristina
1985 "Revoltas e ideologias em conflito durante as invasões francesas". *Revista de História das Ideias*. Coimbra: Universidade de Coimbra. 7 (1985).
- ARENDT, Hannah
1968 *The Human Condition*. Chicago, IL, University of Chicago Press.
- BAKER, Keith Michael
2004 "Le transformazioni del reppublicanesimo classico nella Francia del Settecento", in Maurizio Viroli, ed.– *Liberta politica e virtù civile. Significati e percorsi del reppublicanesimo classico*. Torino: Fondazioni Giovanni Agnelli.
- BARD, Alphonse; ROBIQUET, Paul, eds.
1878 *La Constitution française étudiée dans ses rapports avec les constitutions étrangères*. Paris: Ernest Thorin.
- BERNARDES, Denis Antônio
2006 *O Patriotismo constitucional. Pernambuco, 1820-1822*. São Paulo-Recife: Aderaldo e Rothschild Editores.
- BOURETS, Pierre
2000 *La République et l'universel*. Paris: Gallimard.
- BRAGA, Teófilo
1880 *História das ideias republicanas em Portugal*. Lisboa: Nova Livraria Internacional.
- BRAGA, Teófilo
1911 *Discursos sobre a constituição política da republica portuguesa*. Lisboa: Livraria Ferreira.
- CANOTILHO, Joaquim Gomes
2010 *Direito constitucional e teoria da constituição*, 7.ª ed. Coimbra: Almedina.
- CAPELA, José Viriato; et al.
2008 *O heróico patriotismo das províncias do Norte. Os concelhos na restauração de Portugal de 1808*. Braga: Casa Museu de Monção-Universidade do Minho.
- CATROGA, Fernando
1988 *A Militância laica e a descristianização da morte em Portugal. 1868-1911*. Coimbra: Faculdade de Letras, 2 vol.
- CATROGA, Fernando
2006 "A República una e indivisa (no princípio era a província)". *Revista de História das Ideias*. Coimbra: Universidade de Coimbra. 27 (2006).
- CATROGA, Fernando
2008 "A constitucionalização da virtude cívica (os seus ecos nas Cortes vintistas)", *Revista de História das Ideias*. Coimbra: Universidade de Coimbra. 29 (2008).
- CATROGA, Fernando
2008 "Pátria, nação e nacionalismo". In AAVV. – *Comunidades imaginadas*, Coimbra: Imprensa da Universidade.
- CATROGA, Fernando
2010 *O Republicanismo em Portugal. Da formação ao 5 de Outubro de 1910*, 3.ª ed. Lisboa: Casa das Letras.
- CATROGA, Fernando
2010 *Entre Deuses e césores. Secularização, laicidade e religião civil*. 2.ª ed. Coimbra: Almedina.
- CONSTANT, Benjamin
1980 *De la Liberté chez les modernes*. Paris: Le Livre de Poche.
- La Constitution Française décrété par l'Assemblée Nationale Constituante (1791)*. Paris: Imprimerie de Didot Jeune.
- CRUZ SEONE, Maria
1968 *El Pimer lenguaje constitucional español (Las Cortes de Cádiz)*. Madrid: Editorial Moneda Y Credito.
- DESMONS, Eric
2001 *Mourir pour la patrie?* Paris: PUF.
- DESTAIN, Christien
2005 *Jean-Jacques Rousseau: L'Au-delà du politique. De la solitude des origines humaines à la solitude autobiographique*. Paris: Éditions Ousia.

- EVERDEL, William R.
2006 *The End of kings. A history of republics and republicans*. Chicago-London: The University of Chicago Press.
- FERREIRA, José Ribeiro
1990 *Participação e poder na democracia grega*. Coimbra: Faculdade de Letras.
- FERREIRA, José Ribeiro
2006 "A República na Grécia e em Roma", *Revista de História das Ideias*. Coimbra: Universidade de Coimbra. 27 (2006)
- GARCIA GODOY, Maria Teresa
1998 *Las Cortes de Cádiz. El primer vocabulário liberal español y mejicano*. Sevilla: Deputación de Sevilla.
- GOYARD-FABRE, Simone
1996 *Éléments de philosophie politique*. Paris: Armand Colin.
- HABERMAS, Jürgen
1998 *L'Intégration républicaine*. Paris: Fayard.
- HABERMAS, Jürgen
2000 *Après l'État-nation*. Paris: Fayard.
- HESPANHA, António Manuel
2004 *Guiando a mão invisível. Direitos, estado e lei no liberalismo monárquico português*. Coimbra: Almedina.
- JUNOT, General
2008 *Diário da I Invasão Francesa*. Lisboa: Livros Horizonte.
- LIMA, Sebastião de Magalhães
1898 *O Federalismo*. Lisboa: Companhia Nacional Editora.
- LORENTE, Marta
2007 "El juramento constitucional". In Carlos Corrigan; Marta Lorente – *La Constitución jurisdiccional*. Madrid: CEPC.
- MÁIZ, Ramón
2007 *Nación y revolución. La teoría política de Emmanuel Sieyès*. Madrid: Tecnos.
- MALBERG, Carré de
1962 *Contribution à la théorie générale de l'État*. Paris: CNRS. T. 2.
- MATOS, Luís Salgado
2010 *Tudo o que sempre quis saber sobre a primeira República em 37 mil palavras...* Lisboa: ICS.
- MIRANDA, Jorge
2004 *As Constituições portuguesas. De 1822 ao texto actual da Constituição*. Lisboa: Petrony.
- MONTESQUIEU
1964 "De l'esprit des lois". In *Oeuvres complètes*. Paris: Seuil.
- MONNIER, Raymonde
2005 *Républicanisme, patriotisme et Révolution française*. Paris: Harmattan.
- NELSON, Eric
2004 *The Greek tradition in republican thought*. Cambridge: Cambridge University Press.
- PHILIPON, Édouard
1982 *Le Mandat impératif. Étude de droit constitutionnel comparé*. Paris: A. Clevalier-Marescq.
- POCOCCK, J. G. A.
2002 *El Momento maquiavélico. El pensamiento político florentino y la tradición republicana atlántica*. Estudio preliminar y notas de Eloy Garcia, traducción de Marta Vázquez-Pimentel y Eloy Garcia. Madrid: Tecnos.
- PRODI, Paolo
1992 *Il Sacramento del potere. Il juramento politico nella storia costituzionale dell'Occidente*. Bolonha: Il Mulino.
- ROSANVALLON, Pierre
2004 *Le Modèle politique française. La société civile contre le jacobinisme de 1789 à nos jours*. Paris: Seuil.
- ROUSSEAU, Jean Jacques
1994 "Du Contrat social", *Oeuvres complètes*. Paris: Gallimard-Pléiade. Vol. 3.
- SCHMITT, Carl
1998 *Teología Política. Cuatro ensayos sobre la soberanía*. Buenos Aires: Editorial Struahartigo
- SIEYÈS
1982 *Qu'est-ce le tiers état*. Paris: PUF.
- SKINNER, Quentin
1978 *The Foundations of the modern political thought*. Cambridge: Cambridge University Press.
- SOUSA, José Ferreira Marnoco e
1913 *Constituição da República Portuguesa*. Comentário. Coimbra: França Amado.
- SUANZES-CARPEGNA, Joaquín Varela
1983 *La Teoría de Estado en los orígenes del constitucionalismo hispanico (Las Cortes de Cádiz)*. Madrid: Centro de Estudios Constitucionales.

VARGUES, Isabel
1997 *A Aprendizagem da cidadania em Portugal.1820-1823*.
Coimbra: Minerva.

VERDELHO, Telmo
1981 *As Palavras e as ideias na revolução liberal*. Coimbra:
INIC.

VIROLI, Maurizio
1999 *Repubblicanesimo*. Roma-Bari: Editori Laterza.

VIROLI, Maurizio
2001 *Per Amore della patria. Patriotismo e nazionalismo
nella storia*, Roma-Bari: Latreza.

VIROLI, Maurizio, a cura di
2004 *Libertà politica e virtù civile. Significati e percorsi del
repubblicanesimo classico*. Torino: Fondazioni Giovanni
Agnelli.

WATERLOT, Ghislain (2004). *Rousseau. Religion et politique*.
Paris: PUF.

WEB REFERENCES

Constitución de Cádiz de 1812, www.cervantesvirtual.com/servlet/SirveObras/

*Diário das Cortes Gerais e Extraordinárias da Nação
Portuguesa* www.ucp.pt/sitecustom/.../ucptlfac.asp?...1

*Diário da Câmara dos Senhores Deputados da Nação
Portuguesa*, www.ucp.pt/site/custom/.../ucptlfac.asp?...1

Diário da Assembleia Nacional Constituinte (1911), www.ucp.pt/sitecustom/.../ucptlfac.asp?...1

Hespanha, António Manuel, " Sob o signo de Napoleão.
A súplica constitucional de 1808", [www.almanack.usp.br/
pdfs/7/07_Artigos-02.pdf](http://www.almanack.usp.br/pdfs/7/07_Artigos-02.pdf)

Electors, voting and representatives

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The creation of modern representative institutions and the affirmation of the individual citizen, coupled with the triumph of liberal constitutional regimes, has resulted in the progressive institutionalization of elections as an essential cog in political life and the specification of rules concerning the inclusion/exclusion of citizens, while the universality of the principle of citizenship has not been achieved.

The liberal cycle of contemporary Portuguese history that lasted from 1820 to 1926, with short interruptions, is a very good illustration of both the factual relevance that the elective principle acquired, as well as the instrumental importance attributed to the electoral “rules of the game”. Throughout almost a century, 52 general elections for deputies were held and, without taking into account some statutes of a minor nature, there were 26 electoral reforms, four of which did not actually come into force. This election frenzy, moreover, had no parallel in liberal Europe. Delineating the chronological period of comparison, and fixing the *terminus a quo* at the beginning of the last quarter of the nineteenth century, it appears that, overall, no country had an electoral schedule quite as intense as Portugal, the climax of which being reached in the last fifteen years of the constitutional monarchical regime. The number of reforms that focused on key aspects of the electoral system (the extension of suffrage, the organization of constituencies, and the voting system) was also unusually high. As we shall see later, this kind of electoral “vertigo” did not stem from a demanding citizenship, nor translate into a pattern of effective accountability of rulers by those ruled,

but indelibly marked the institutional and political development of the period in question.

TABLE 1
NUMBER OF GENERAL ELECTIONS FOR MEMBERS OF PARLIAMENT, 1878-1926:
EUROPEAN COMPARISON

Country	1878-1894	1895-1910	1911-1926	Total
Denmark	7	7	8	22
France	4	4	3	11
Germany	6	3	5	14
Greece	6	7	6	19
Italy	5	5	4	14
Netherlands	7	4	5	16
Norway	6	4	5	15
Portugal	9	11	7	27
Spain	6	8	6	20
Sweden	7	5	7	19
United Kingdom	4	5	4	13

SOURCES: MACKIE and ROSE 1991; NOHLEN and STÖVER 2010.

The Voters

The prevalence of a restricted suffrage

Rare were the countries where evolution in the right to vote followed a straight line, made up of slow, gradual steps towards the universalisation of suffrage (ROKKAN 1970 and 1999; ROMANELLI 1998). In most cases the history of suffrage throughout the nineteenth century was one of sudden leaps or, as in the case of Portugal, of steps forwards and backwards, with alternating periods of greater openness and greater closedness, which either placated or aggravated tensions and political divisions. What distinguishes the Portuguese experience is not, however, this zigzag route, but its later regression, which was in conflict with the general European tide at the end of the century towards definitive universal suffrage – initially male only, and later (except in some pioneering cases) female as well.

In comparative terms, until the end of the nineteenth century the Portuguese practice of the right to vote was benevolent, as can be seen by both the vanguardism

of the short-lasting legislation of the eighteen twenties (*Vintista*), which established neither an economic nor (at least an immediate) educational¹ barrier to access to active citizenship, as well as the moderation and malleability of the actual electoral roll legislation at certain periods, and in particular during the period the 1878 Electoral Law was in force, which linked the requirement of being able to vote to the condition of being the “head of household” and thus exponentially increased the number of electors, which practically doubled (ALMEIDA 1991).

TABLE 2
EVOLUTION OF THE EXTENSION OF SUFFRAGE IN PORTUGAL, 1861-1925

Election year	Registered voters in the general population (%)
1861	8.2
1874	10.3
1878	18.1
1890	18.8
1895	9.4
1910	11.8
1911	14.2
1915	7.7
1925	8.8

SOURCES: Official statistics, compiled in ALMEIDA 1998 and 2010.

The reform enacted in 1895, which abolished the so-called social requirement (“head of household”), until then generously applied to the registration of new voters on the electoral roll (TARROZO 1897), inevitably had a negative effect. Despite the compensatory measure of halving the income threshold, there was a sudden fall in the extension of suffrage (ALMEIDA 1996 and 1998). As we implied above, this step backwards was contrary to the dominant trend in the rest of Europe. With the exception of Italy, where the electoral law of 1894 also resulted in a drastic reduction in the electorate (BALLIN 2007), near the turn of the century many countries had adopted universal male suffrage (see Table 3) or eased the limitations on the right to vote (the Netherlands, 1896; Luxembourg, 1892 and 1902)

¹ The 1822 Constitution stipulated that those who “in the future, upon reaching 25 years of age, do not know how to read or write, if they were aged less than 17 when the Constitution was promulgated” would be excluded from the right to vote (Article 33, VI).

TABLE 3

THE INTRODUCTION OF UNIVERSAL SUFFRAGE IN WESTERN EUROPE, 1848-c.1930

Country	Male US	Female US
Austria	1896*	1918
Belgium	1893*	(1948)
Denmark	1849	1915
Finland	1906	1906
France	1848	(1944)
Germany	1871	1919
Greece	1864	(1952)
Ireland	1922	1923
Italy	1919	(1946)
Luxembourg	1919	1919
Netherlands	1917	1919
Norway	1898	1913
Spain	1890	(1932)
Sweden	1907	1921
Switzerland	1848	(1971)
United Kingdom	1918	1928

SOURCES: MACKIE and ROSE 1991; BARTOLINI 2000; NOHLEN and STÖVER 2010.

* Equal universal suffrage (“one man, one vote”) was only adopted in Austria in 1907 and in Belgium in 1919.

The change of regime in Portugal in 1910, with the establishment of the First Republic, did not involve a break with this legacy of a restricted suffrage, but rather it prolonged and exacerbated it. If the initial founding legislation of 1911 extended the right to vote, by suppressing the previous income requirements and temporarily reinstating the “head of household” category, the 1913 reform further restricted the size of the electorate by introducing as the only criterion for civic inclusion a basic educational requirement (*knowing how to read and write*). In a context where more than two thirds of the population was illiterate, the exclusive nature of this skills requirement had a devastating impact. The number of registered voters, which had been approximately 700 thousand in 1910 and had risen to about 850 thousand in 1911, fell to less than 500 thousand in 1915 – which corresponded to 7.7% of the total population, the lowest proportion since the publication of the first complete official

statistics at the start of the 1860's. In 1918 in the Sidonist *intermezzo*, male universal suffrage passed into law for the first time, but was a fleeting measure which would only be applied in the General and Presidential elections of that same year. The 1913 Law would be reinstated shortly thereafter and would remain in force until the collapse of the First Republic.

In short, the electoral history of Portuguese liberalism was primarily characterized by the continuance of a restricted suffrage, even if the nature and extent of these restrictions varied. During the Monarchy the income requirements prevailed² and were enshrined both in the 1826 Constitutional Charter and in the 1838 Constitution. During the First Republic, the definition of electoral requirements, both in terms of the right to vote and to stand for office, were not laid down in the Constitution³, but rather specified in legal Acts.

It should be noted also that in the liberal period the fluctuation in the size of the electorate was not only due to the greater or lesser restrictive nature of constitutional and legal statutes. Since voter registration was then optional, the political “climate” and the degree of political commitment of the major stakeholders in the electoral contest (local bosses, party and governmental agents, and the press) determined the greater or lesser difference between the number of those entitled to vote and those who actually registered to do so. Thus, for example, in the final election (August 1910) held during the Monarchical period the potential electorate was larger than that which had actually registered to vote in 1895, when the Republican Party and the Progressive Party abstained from the polls. In 1918, when the major parties of the “Old Republic” refused to contest the elections, the estimated number of the registered population under universal male suffrage (MARQUES 1978; ALMEIDA 2006) was not much higher than the number of those registered in 1911.

A frustrated target: the universalisation of suffrage

In nineteenth century Portugal, and in particular when the winds of democratisation were blowing through Europe, universal suffrage was advocated in various ideological writings and pamphlets (e.g. ÁVILA 1848 and PEDROSO 1876), in political

² Requirements were also added in terms of educational skills (*the ability to read and write*) and social status (*head of household*), but with the presumption that those who fulfilled these requirements would also possess the minimum income required to register to vote. Thus the 1878 Law granted the right to vote to those who were literate, head of household or had an annual net income of one thousand *réis*; and the 1895 Decree to those who were literate or had an annual net income of 500 *réis*.

³ The 1911 Constitution limited itself to establishing the minimum eligible age to become a Member of Parliament (25 years of age) and a Senator (35 years of age).

manifestos⁴, and also in draft legislation tabled in Parliament⁵. This advocacy diminished during the period of the validity of the 1878 Electoral Law⁶, which generously extended the right to vote, but which acquired heightened acuity after the reform enacted in 1895. From then onwards, as more organisational and communicational resources were made available, and the propaganda campaigns and political protests intensified, the Republican Party was the indisputable leader of the fight for universal suffrage, raising it up as a democratic banner and as a weapon for the symbolic delegitimation of the Monarchical regime. Although several Republican publicists, in line with the suffragettes, were favourable to the voting rights of women, both in the manifesto stating the programme of the Republican Party of 1891, and the framework proposal for electoral reform introduced by the Member of Parliament João de Menezes in 1909⁷, the principle of “universal suffrage” was generically formulated, with it not being clear whether it was or not subsumed to the restriction of gender which was common during this period.

With the Republic having been established, and despite the initial latitude regarding the right to vote, the situation rapidly moved towards the creation of a restricted electoral body, confined to literate and mostly urban citizens. To remedy any semantic ambiguity, which could have been exploited by the suffragettes – as happened in 1911 with the doctor Carolina Beatriz Ângelo – the 1913 Law specified for the first time the gender (male) of the citizens who could form part of the electorate and be eligible to vote. In comparative terms, it should be noted that the civic exclusion of women at that time was common in all latitudes – universal adult suffrage only existed in New Zealand (1893), Australia (1902) and Finland (1906), and during 1913 was also adopted in Norway – and the inflexible inability of illiterate individuals to vote made Portugal the single exception to the rule in liberal Europe, while Italy, which had maintained a similar discriminatory logic, introduced an almost

⁴ In 1873, following the proclamation of the First Republic in Spain, the founding manifesto of the Federal Republican Centre of Lisbon (*Centro Republicano Federal de Lisboa*) advocated “universal suffrage for all members of the Portuguese Federation, both male and female, who have reached the age of 18”.

⁵ Thus, for example, the draft constitutional reform presented in 1872 by José Luciano de Castro advocated that the right to vote should be given to “all citizens who are in possession of their civil rights” (*DCD*, session of 24 January 1872). See also the Draft Legislation for the Reform of the Constitutional Charter presented to the elected chamber in the session of 16 August 1871 by the Members of the Reformist Party (*Projecto de lei para a reforma da Carta Constitucional apresentado à câmara electiva em sessão de 16 de Agosto de 1871 pelos deputados do Partido Reformista*) - Lisboa: Typ. do Futuro, 1871).

⁶ The main organ of the Republican press claimed that the Law of 1878 had introduced “universal suffrage by another name” (*Democracia*, 12 May 1878) and that “the working classes had earned the right to vote, which is the citizen’s charter” (*Ibidem*, 9 October 1878).

⁷ *DCD*, session of 3 September 1909.

universal suffrage in 1912⁸. Behind the pretext for the creation of a “regime of intelligence, of public opinion” – in which, as Afonso Costa stated, the electors would be an “instrument of conscious choice, perfectly defining those who would be their representatives”⁹ – , the political aim of the 1913 Reform, as undertaken by the dominant party of the First Republic, was obvious and its defenders were upfront about this. In the words of the Member of Parliament Pedro Sá Pereira, “universal suffrage cannot be adopted at this time in Portugal, since it would represent a danger not only to the stability of existing institutions, but also for the autonomy of the country itself. While there are illiterate individuals, universal suffrage cannot be introduced.” What is more, he added, recalling the example of the past as a warning for the present: “During the period of the Monarchy, uneducated rural voters crushed the votes of the sensible Republicans electors. The local *caciques* (bosses) made use of these illiterate voters and marched them off to the polls, to impose their will against the votes of the educated electorate”¹⁰. Although, as opposed to the Democratic Party, the Republican conservative right had claimed for itself the legacy of the old promise of “the times of propaganda,” in practice the “question of suffrage” was not a major bone of contention between the parties of the “Old Republic”. In turn, the Sidonist plebiscite of 1918, also did not exactly praise the civic virtues of universal suffrage.

The restrictive voting rights that prevailed during the First Republic had two basic consequences: on the one hand, they were an inhibiting factor in the massification of political life; what is more, they seriously ransomed the democratic legitimacy of the actual Republican regime.

Eligibility

In the Constitutional Monarchy, the legal requirements to vote or stand for office had always been differentiated, based on an income criteria, creating a hierarchy of levels of political citizenship. Whilst the *Vintista* basic law did not specify the requirements to be eligible to hold office as a Member of Parliament¹¹, the constitutional texts of 1826 and 1838 established rather uneven values for voting and being eligible to stand. According to the Constitutional Charter, and after its First Reform Act (1852), which definitely established the principle of direct election of Members of Parliament, the

⁸ All those illiterate individuals over the age of 30 became eligible to vote, and those below this age limit were only required to have carried out military service (BALLINI 2007; NOHLEN; STÖVER 2010).

⁹ *DCD*, session of 12 June 1913.

¹⁰ *DCD*, session of 12 June 1913.

¹¹ This stipulates that the only individuals absolutely ineligible were “those who do not have enough income to support themselves, whether from their own estate, trade, industry or employment” (Article 34, II).

Nomes	Idade	Estado	Emprego ou Profissão	Qualificação Literaria	Morada	Contribuição		Elegível	Outros
						Proprietário	Arrendatário		
Augusto Carlos Coutinho	33	C.	Artilheiro		R. de S. Jacinto n. 54	4000			
Augusto Carlos Chaves	39	C.	Proprietário		Cal. dos Barbadeiros 72	1400			
Augusto Frederico Jotão Gomes Pereira	33	C.	Proprietário		R. de Casa dos Soldados 94	1700			
Augusto Suppi Esteves de Carvalho	33	C.	Sito		R. de Bella Vista n. 43	3000			
Augusto Maria Belle	41	C.	Proprietário		S. de S. 2134	3000			
Barthelemy Dias da Costa	46	C.	Chirurgião		Cal. de S. Apolonia - 18	4000			
Bento José Alexandre	36	C.	Proprietário		R. de S. Jacinto n. 30	3100			
Bernardino José de Carvalho	33	C.	Artilheiro		Cal. de Casca n. 23	2000			
Bonifácio António da Cruz	46	C.	Artilheiro		Cal. dos Barbadeiros - 63	3500			
Caetano José Lourenço Baptista	42	C.	Artilheiro		Valle de S. Antonio - 30	4000			
Caetano d. Oliveira	37	C.	Artilheiro		R. de Casa dos Soldados - 73	1300			
Caetano Ferreira Soares de Castro	46	C.	Proprietário		Quartel de Cascaes 4 Caminhos		7000		
Caetano José Gomes	61	C.	Proprietário		R. de S. Jacinto n. 72		4000		
Carlos Augusto de Azevedo	59	C.	Artilheiro		Cal. dos Barbadeiros				
Carlos Miranda de Castro Pereira	39	C.	Comandante de Estado-Maior		R. de Casa dos Soldados - 134		7000		
Carlos José dos Santos e Silva	43	C.	Chirurgião Militar		Quartel de Cascaes 4 Caminhos		6700		
Carlos Vicente Pedro Condegar	36	C.	Proprietário		R. de S. Jacinto n. 36	4000			
Celestina Apolonia d. Oliveira	33	C.	Proprietário		Quartel de Cascaes 4 Caminhos		3600		
Constantina António de Sousa	39	C.	Artilheiro		Cruz dos 4 Caminhos	3000			
Domingos António d. Almeida	44	C.	Artilheiro		Campo de S. Clara - 136	1300			
Domingos Bento Afonso Serra	49	C.	Proprietário		S. de S.	3000			
Domingos de Costa	60	C.	Proprietário		S. de S. n. 44	3000			
Eduardo Augusto Rodrigues Galhardo	24	C.	Proprietário		Quartel de Cascaes 4 Caminhos		3600		
Eduardo Teófilo da Silva e Cunha	33	C.	Proprietário		R. de S. Jacinto n. 1		3000		
Estevão Joaquim da Cruz	36	C.	Artilheiro		R. de S. Jacinto n. 2	3000			
Fernando Leite de Sousa Sousa de Sousa	34	C.	Proprietário		R. de Bella Vista n. 39	9000			
Fernando José Gonçalves	66	C.	General de Divisão		Campo de S. Clara n. 63		12000		
Francisco Agostinho Nel	63	C.	Proprietário		Valle de S. Clara	1500			
Francisco d. Amaral Soares	33	C.	Proprietário		R. de S. Jacinto n. 37	1000			
Francisco d. Andrade	43	C.	Proprietário		Valle de S. Jacinto n. 393	3000			
Francisco António de Carvalho	37	C.	Proprietário		R. de S. Jacinto n. 34	1000			
Francisco António Pinheiro	51	C.	Artilheiro		R. de S. Jacinto n. 33	1000			
Francisco António Gonçalves	37	C.	Artilheiro		Campo de S. Clara n. 133	9000			

■ Census record for the citizens eligible to stand for deputy in the Eastern District of Lisbon (1870). [AR - AHP]

minimum annual net income of those eligible to stand (4 thousand réis) was four times that of being eligible to vote. The requirement to offer proof when registering was dispensed for those who had higher educational qualifications. This tighter and elitist selection increased the oligarchic tendencies in parliamentary recruitment, which was particularly visible in the importance of family and kinship relations in the replacement of members of the Chamber of Deputies (ALMEIDA 1991 and 1995).

In Europe, at least in the second half of the nineteenth century, this was an unprecedented situation. If there was a more stringent criterion in terms of eligibility conditions, this was only the case with regard to the minimum age – as was the case in Norway and Sweden, or in France under the regime of male universal suffrage (NOHLEN, STOVER 2010).

Compared to the election legislation of the Monarchical period, and unlike what happened with the extension of suffrage, Republican legislation significantly expanded the number of those eligible as a Member of Parliament. Given the high income requirement which had lasted until 1910, its replacement by a requirement for an educational

skill (reading and writing)¹² had here a positive impact. According to the only available official statistics, in the mid-1880s the number of citizens eligible to hold office as a Member of Parliament was around 90 thousand, corresponding to around 2% of the total population; in 1915 it was more than 450 thousand, approximately 8% of the total population (ALMEIDA 1991 and 2010; SOUSA JR. 1916).

Electoral constituencies and the voting system

During the Monarchy, the way elections were spatially organised varied greatly, as regards both the magnitude of the constituencies (number of elected members) and their territorial configuration and size. Multi-member constituencies were the norm in the initial periods (until 1858) and the final period (1901-1910), and single-member constituencies (1860-1881 and 1896-1900) or a mixed system (1884-1894) in the interim period. General elections of Members of Parliament with only multi-member constituencies or single-member constituencies occurred 23 (51.1%) and 16 (35.5%) times. In the First Republic, the type of constituencies (multi-member) remained stable¹³, and the electoral map was only partially amended in 1915 (MARQUES 2003: 493). Besides this, the political autonomy of the cities of Lisbon and Oporto was always maintained, in contrast to the final electoral reforms during the period of the Monarchy, which had joined urban wards to their respective rural outskirts, seeking to dilute the more independent (and Republican) electorate in the clientelist electorate of the so-called *burgos podres* (rotten boroughs) (ALMEIDA 1985 and 1996).

Before 1910, the type of constituencies (single-member v. multi-member constituencies) and their geographical distribution (an object of manipulation), were recurrent themes of political and electoral debate, particularly on the *São Bento* parliamentary floor. Regarding the advantages and disadvantages attributed to small and large constituencies, the arguments put forward – that tended to replicate to a greater or lesser extent those ideas put forward in contemporary politological literature – focused on three essential and related aspects: the degree of political and administrative centralization and its greater or lesser capacity to bend to governmental pressure; the opposition's opportunities for parliamentary representation; the spread of clientelism and electoral corruption. The facts, however, did not always correspond to theory, leading to variations in opinion and a changing pattern of confronting positions. Thus, for example, the claim that the elections would be less exposed to government influence using a system of small single-member

¹² A requirement that was not amended by the Sidonist legislation which introduced universal suffrage.

¹³ Only the electoral constituencies of Horta (1915-25) and Angra do Heroísmo (1918), in the Azores, were converted into single-member constituencies.

constituencies would be strongly shaken in 1881, when the *progressive* opposition to the conservative government was crushed, and reduced to an unprecedented parliamentary representation of six seats. This episode did in fact contribute to the subsequent understanding by the *rotating parties* of the benefits of a mixed regime, as enshrined in the 1884 Electoral Law (ALMEIDA 1991 and 1998).

An innovation in the voting system tried out in this latest reform was the introduction of the mechanism of the “incomplete list” or limited vote (*voto limitado*) in multi-member constituencies – designed to protect “minority representation” and which ensured that the opposition had a minimum number of representatives – which altered the terms of the debate regarding constituencies, generating a favourable consensus concerning the wider application of this solution, which was implemented in 1901 and which was to remain unaltered for a quarter of a century and survive unscathed the change of political regime in 1910. Which was indeed not surprising, since “minority representation” had been one of the demands of the Republican Party, as stated in its 1891 political manifesto and later on associated with the introduction of a system of proportional representation¹⁴ (ALMEIDA 1996 and 1998).

The mobilization of the electorate: clientelism and citizenship

During this period there was no fixed official calendar to mark the beginning of the “electoral campaign” and, until the end of the Monarchy, there was not even a fixed legal period for applications to run for office. In the last quarter of the nineteenth century, in the single-member constituencies, especially in rural areas, it was not uncommon for the definitive list of candidate names to only be published on the eve of election day. In this respect, Republican legislation modernised procedures, making the official declaration of candidates mandatory, to be signed by a specified number of voters and delivered within ten days before the election; moreover, it prohibited “multiple candidatures” – that is, nobody could run for office in more than one constituency. In general, preparations for the election would start shortly after the dissolution of the Chamber of Deputies, and intensify and obtain greater visibility in the press over the last two weeks before the date of polling. Mainly from the mid-1870s onwards, parties became ubiquitous characters on the electoral scene. Although their existence was not legally recognized, and their internal cohesion and organizational resources

¹⁴ At the end of 1909, the Republican Member of Parliament João de Menezes presented a framework proposal for a new electoral Act which advocated the system of “multi-seat constituencies with minority representation”, combining the proportional system (D’Hondt method) in the electoral constituencies of the district capitals and the system of *limited voting* (or the “incomplete list”) in the rest of the country. (*DCD*, session of 3 September 1909). In 1911, proportional representation was adopted in the constituencies of Lisbon and Oporto, but this pioneering measure would be abandoned in 1915.

were weak, their involvement increased, incorporating local networks of political sociability, capturing votes and sponsoring nominations. Except in some exceptional cases, independent candidates without party ties became rare.

Two types of mobilising the electorate, although with changeable hues, clearly began to establish themselves in opposition to each other. The predominant model, coupled with commoditisation of the vote and typified in the phenomenon of *caciquismo* (bossism), was based on various forms of clientelism, combining or alternating personal exchanges of favours along with coercion and corruption. The distinction between the more traditional *caciquismo dos proprietários* and *caciquismo burocrático*, the latter anchored in the misappropriation of State resources, which



■ "Mr. Cazaly [José Maria Casal Ribeiro] begging for votes".
[O *Asmodeu*, Lisbon, No. 34,
4 October 1856. BNP]



■ Purchasing the vote.
[Illustrated postcard reproducing
an oil painting by José Malhoa
(1904). BNP]



was proposed by Oliveira Martins in a seminal piece of writing on the subject (MARTINS 1886), identified two basic modes, which coexisted and mingled, but also announced a sense of change.

The other model, which was fundamental to the construction of citizenship, sought to nurture civic competencies and evoke rational support for the political values and principles of the most scholarly and independent sections of the electorate. The citizenship manuals (or “catechisms”) and the “voter guides” – a tradition dating back to the *Vintismo* period and which would be retaken up by the Republicans¹⁵, – along with the press, political clubs, and talks and rallies, were the means used to form and mobilise public opinion.

This distinction, though referring to patterns of voting behaviour geographically differentiated - the *rural* and the *urban vote* - should not be taken as a rigid dichotomy, because the clientelist mobilization, widespread amongst rural and illiterate populations, also penetrated the main cities, although it took on different forms. Before 1910, while it is incontestable that the Monarchist parties controlled the main resources of political clientelism, this does not mean that they were the only ones to use this; and whilst it is true that the Republican Party was an important catalyst for civic mobilisation, they were not the only ones to carry out this role¹⁶ (ALMEIDA 1991).

The virulent denunciation of *caciquismo* and the promise of its eradication was one of the main

¹⁵ The most complete collection of this type of literature is located in the National Library of Portugal, an inventory of which is available in the digital work *Materials for the History of Elections and Parliament in Portugal, 1820-1926* (ALMEIDA 2006).

¹⁶ Recall, for example, the political protest campaign by the Progressive Party in 1876-78.

←

- Posting a Republican election poster on a wall in Lisbon.
[*Ilustração Portuguesa*, Lisbon, 27 August 1906. BNP]

- "Caciquismo"
[*O Século – Illustrated Supplement*, Lisbon, No. 684, 15 December 1910. BNP]
- "Electoral propaganda with Mr. Sheep!"
[*Os Ridículos*, Lisboa, nº 1603, 11 June 1921. BNP]



emblematic slogans of the political battle of the Republicans, prematurely celebrated just after the dawn of the new regime, as illustrated by the humorous drawing reproduced here. Indeed, the establishment of the Republic did not imply a break with the electoral customs and practices which prevailed during the Monarchy. Old and new forms of clientelism emerged or persisted, weaving themselves into the new party system and tainting the elections (LOPES 1994). Given that this is not an easily documented or measurable phenomenon, discussion regarding the greater or lesser impact of *caciquismo* before and after 1910 is somewhat vacuous.

The civic ritual: the day and the place

Political elections in Portugal have always taken place on Sunday, on the same day throughout continental Portugal¹⁷, and last for the same interval of time. The choice of the day was from the beginning inextricably linked to the functional and

¹⁷ In the final decades of the 19th century and with the improvement in means of communication (in particular, the telegraph service using underwater cable), elections tended to take place at the same time in the Azores and Madeira; in the overseas territories elections had an electoral calendar which was out of step with the rest of the country. It is worth noting that in some European countries, the convening of elections on the same day throughout the country as a whole was a late development (Spain, 1878, UK, 1918; Sweden, 1936).

symbolic role played by the Church in the organization of this civic ritual. During the Monarchy, the polling stations would regularly be located in churches¹⁸ and would indicate they had opened through the ringing of bells; the parish priests would assist the polling station staff in proving the identity of voters and, at least until the end of the 1870s, the officials counting the votes in the local authorities of the main centres of the constituencies on the Sunday following the election, would officially finish their duties with the celebration of a solemn *Te Deum* mass, which the official minute takers and the elected candidates present were required to attend.



■ At the door of the polling station located in the Patriarchal Cathedral of Lisbon (1910).
[AML - NF]

Concerning the location where polling stations should be installed, the 1851 Electoral Law stipulated, for the first time, that they could be installed in “Churches or other public buildings” (Article 62); the 1901 Law stipulated that “only when there are no public buildings which meet the necessary conditions in terms of capacity, safety and convenient access can polling stations be set up in churches, but preferably on adjoining church premises” (Article 42). Apparently, these recommendations were not fully implemented. The photographs of election day in Lisbon in the last years of the Monarchy depict small gatherings of people outside the doors of churches.

¹⁸ The 1822 Constitution stipulated that the opening of polling stations was to be preceded by a Mass of the Holy Spirit, after which the priest would make a short speech and read the chapter on “The election” from the Constitution.

- Loading ballot boxes for distribution to polling stations in Lisbon (1921). [CPF/ANTT]



- The President of the Republic, Bernardino Machado, at a polling station in Lisbon. [Ilustração Portuguesa, Lisbon, 29 November 1915. BNP]



The complete secularization of voting locations only took place in the First Republic. The electoral iconography of the period shows, for the first time, the inside of polling stations, which were preferably located in the gymnasiums and classrooms of school buildings. It should be noted that, along with scenes from the tables of polling staff with the voting boxes or the actual counting of ballots, another scene which became a normal photographic icon of voting reporting was the moment when the President of the Republic, the first citizen, carried out his civic duty of voting,¹⁹.

¹⁹ Similar, in fact, to the electoral reports of the French press (OFERLÉ 1988).

The election results

Numbers and their disclosure

In the Monarchy, the first full official statistics of registered voters formed a continuous series between 1860 and 1883, then resumed, albeit unevenly and without the same degree of disaggregation, in the mid-1890s. The data on the number of voters published by the Ministry of the Interior only concerned half a dozen general elections for deputies and only indicated the number of votes obtained by elected Members in the 1860s (ALMEIDA 1991 and 2010). In the First Republic, the 1915 general elections for Deputies and Senators were the first (and only) elections, the complete results of which were published, including the distribution of votes in terms of political parties and parliamentary seats (SOUSA JR. 1916).

Since the dawn of liberalism, and in the days immediately following the elections, the press usually published a list of the candidates elected, often with gaps and errors, identifying those who were “ministerial” and those in opposition or, especially from the late 1870s onwards, indicating their party political affiliation. Providing doubtful news of votes in other constituencies, the newspapers of Lisbon and Oporto published and highlighted in some detail the main figures from the elections carried out in their respective cities, and this information was gradually refined as time went by, both in the breakdown of the results and in the manner in which this was graphically presented, as well as being accompanied by certain more “specialised” political commentaries. Both in terms of their political importance, in translating the will of the electorate with a greater civic competence, as well as their reliability concerning the actual numbers and more effectively overseeing electoral operations, the results of the votes in the two major cities, and especially the capital, polarized public opinion, and as such led to a more salient and rigorous public disclosure of the results.

In the early 1890s, the first experiments in using electoral maps began, the use of which during this period had begun to spread throughout several European countries²⁰. Inspired by the example of the London election maps published in *The Times*, the newspaper *Novidades* published a “political map of the Lisbon election” in 1892. This essay would be reprinted by the same newspaper in 1894²¹, but then was not continued.

²⁰ For example, in 1882 the Ministry of Interior in France published an *Album de statistique graphique* which included the first full colour maps showing the national distribution, in terms of departments, of those who had abstained (OFFERLÉ 1988:13). The first “Electoral Map of Spain” was published in 1816 (information kindly supplied by Professor Carlos Dardé, to whom I extend my gratitude).

²¹ *Novidades*, 15 April 1894.

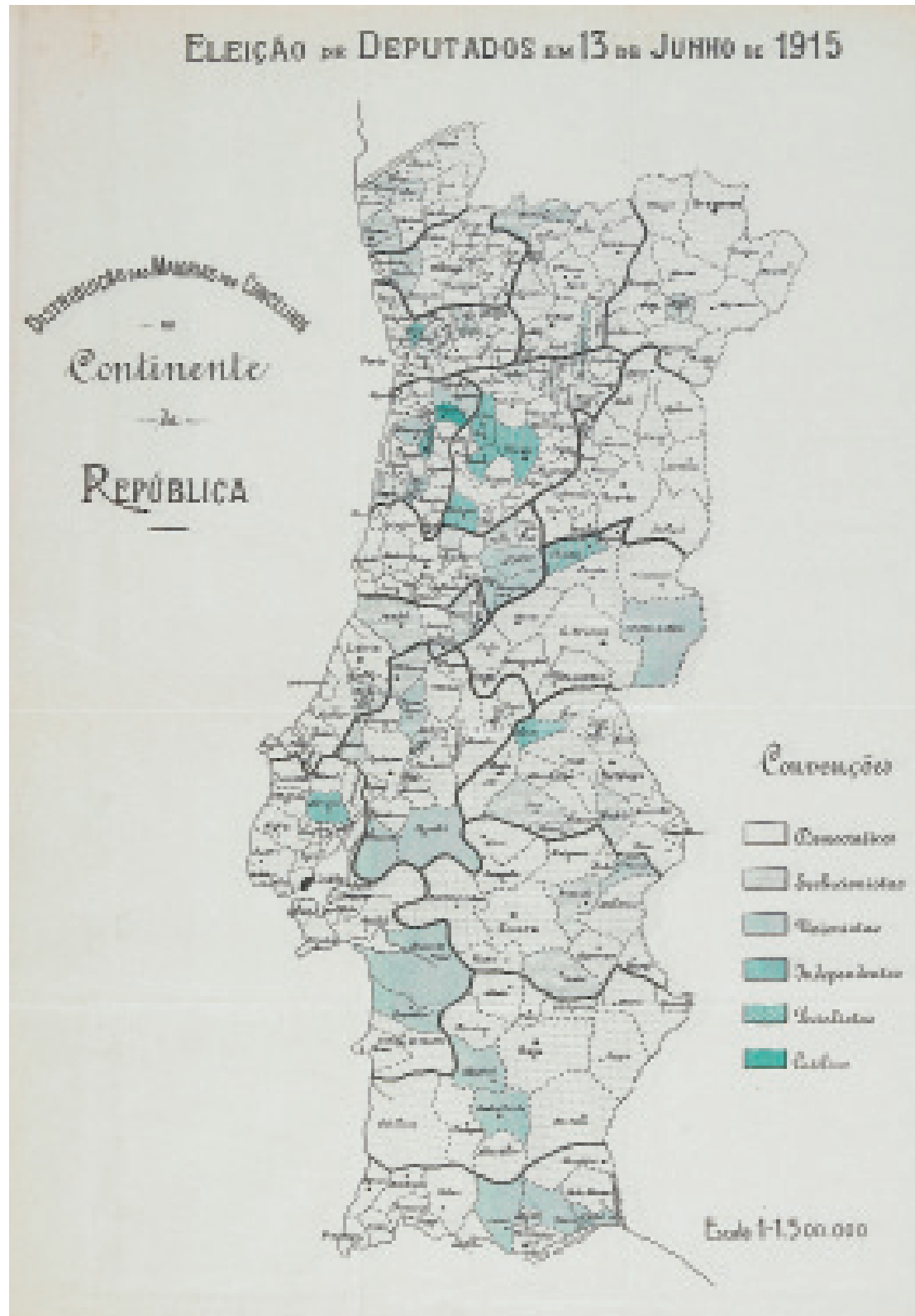


■ "Political Map of Lisbon"
 [Novidades, Lisbon,
 24 October 1892. BNP]

The visual mapping of the electoral results, now carried out on a national level and (approximately) showing the party distribution in terms of “majorities” and “minorities” per electoral constituency, would only be reinstated by the press during the First Republic, and principally in the 1920s²². However, in 1916, the same publication containing the 1915 electoral statistics printed two colour maps showing the “distribution of majorities in terms of municipalities” in the elections for Deputies and Senators (SOUSA JR. 1916). Given their graphical quality and technical rigour, they truly marked a pioneering moment in Portuguese electoral mapping. The person responsible for coordinating this innovative work, António Joaquim de Sousa Jr. (1871-1938), had also been the author of the first empirical electoral study, both quantitative and detailed in nature, which had been published a year earlier, and which focused on the municipal elections of 1913 (SOUSA JR. 1915)

²² See the electoral maps reproduced in Materials for the Electoral and Parliamentary History of Portugal (*Materiais para a História Eleitoral e Parlamentar Portuguesa, 1820-1926*), (ALMEIDA 2006).

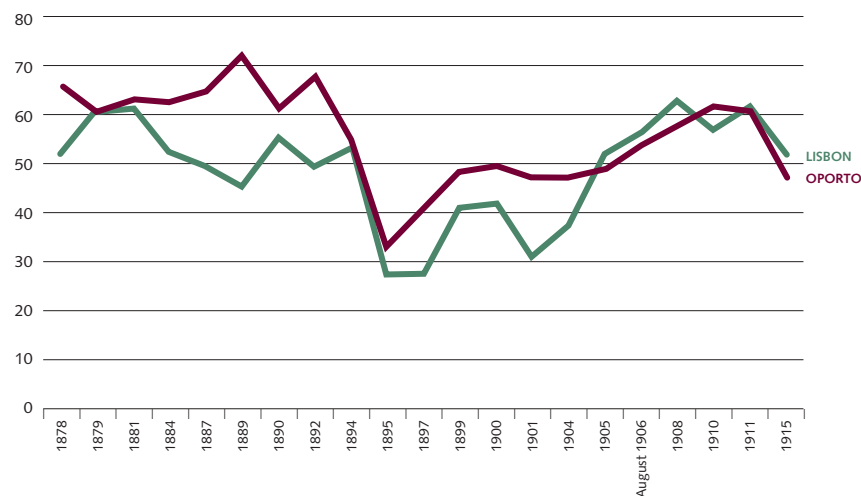
- "Election of Deputies
13 June 1915.
Distribution of the
council majorities"
[*Censo Eleitoral da
Metrópole*. Lisbon:
Imprensa Nac., 1916. BNP]



Weak civic participation

One of the essential characteristics of the elections, whether during the Monarchical or Republican period, was the weak civic participation. This was not only due to the extent of the clientelist mobilization of the electorate – with all of the concomitant procession of corruption and fraud associated with this (“vote buying”, the famous “filled hats (*chapeladas*)”, the adulteration of the electoral record) – but also because in the main cities of the country, and particularly in the capital, the number of those on the electoral register was far below those eligible to be so²³, and voter turnout never rose above modest levels, though with relevant variations at certain conjunctures.

CHART 1
VOTER TURNOUT IN LISBON AND OPORTO, 1878-1915 (%)



Available statistics show that in the general elections for deputies held between 1878 and 1910, the average turnout in Lisbon and Oporto was about 48% and 55% respectively, i.e. one could state that around half of the registered voters tended to vote in the two large cities. Significantly, however, was the fact that in the last five years of the Monarchy the average turnout in Lisbon was higher, approximately 56%, with that of Porto being 53%. In this critical period, the intense political mobilization campaign undertaken by the Republican Party, with strong calls to vote²⁴, was

²³ For example, according to estimates by Manuel de Brito Camacho, in 1910 there were between 40 and 50 thousand Lisbon residents who met the voting requirements and who were not registered (quoted in COELHO 1906: 48).

²⁴ A Republican leaflet distributed on the eve of the 29 April 1906 general election for Members of Parliament was headed with the phrase “Abstaining from voting is a crime which injures the nation” (see the election manifestos reproduced in ALMEIDA 2006).



■ "Elections. Everyone votes ... except me".
[*O Século Cómico*, no. 1228,
2 July 1921. BNP]

main cities – where the outcome of elections was more uncertain and the main adversarial force (the Republican Party) sought to gain ground – the low average turnout did not reflect critical disinterest in the elections, in favour of alternative forms of citizenship, but rather civic alienation and the real “depoliticisation” of vast segments of the urban population. The same applies to the First Republic, although the militant anti-parliamentarianism and radicalism of some political groups and trade unions, along with the general deterioration of the political party system, certainly contributed to the aggravation of the “crisis of participation” in the post-war period.

certainly responsible for a rise in turnout and for the resulting widening of the base of its electoral support in the capital (ALMEIDA 1985). In 1911, in the elections for the Constituent Assembly, the relative civic enthusiasm was maintained in both cities (61% of voters), but then in 1915 there was a significant fall (51% of voters in Lisbon, 47% in Porto) and even greater ones in subsequent elections²⁵.

In a brief comparative note, it should be noted that the average turnout in elections in Madrid between 1903 and 1923 was around 50% (TUSELL 1969), and in the major Italian cities during this period, the figure ranged between 50% and 60% (FORNER 1997)²⁶. In contrast, in Berlin, Copenhagen, Paris or in the major British industrial cities²⁷ (GOSNELL 1930; TINGSTEN 1937; OFFERLÉ 1985) the figures were much higher.

In the Monarchical period, in the two

²⁵ According to calculations presented by Fernando Farelo Lopes, in the post-war period evolution in the turnout rate in Lisbon was as follows: 20% (1919), 32% (1921), 32% (1922) and 43% (1925) (LOPES 1994:146).

²⁶ Extending the comparison to a transatlantic level, in Rio de Janeiro 31% of registered voters cast their vote in the 1890 Congressional elections and 34% in the 1910 Presidential election (CARVALHO 2002).

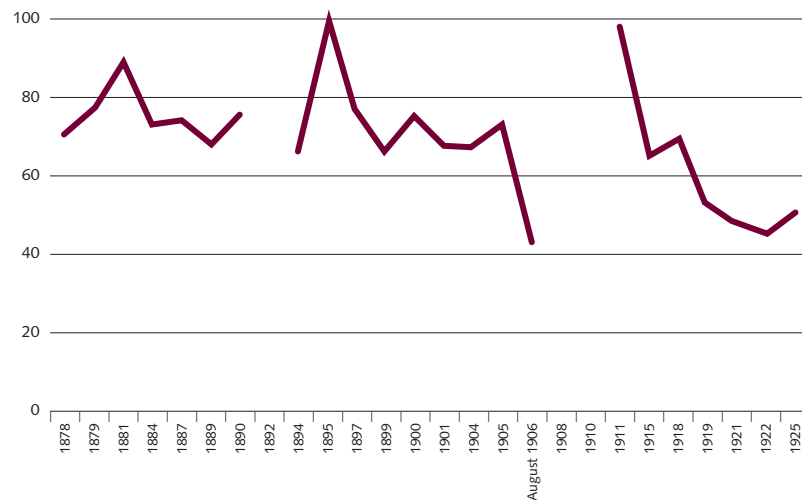
²⁷ In London, however, electoral abstention was high (GOSNELL 1930; LAWRENCE 1993).

In short, despite the existence of outbreaks of mass mobilization, and embryonic modern organizational patterns and attitudes, Portugal had not yet entered the era of mass politics²⁸.

The predominance of “ministerial candidatures”

Another key feature of the electoral history throughout the long Portuguese liberal cycle was the incontestable superiority of candidatures sponsored by the ruling party. In fact, seldom were elections called by a government that the party *in* did not emerge with a comfortable parliamentary majority. This only failed to happen during times of crisis, when the executive was headed by an “independent” individual and/or based on a precarious party alliance²⁹ which led to erratic behaviour and inhibited the effective coordination of the administrative apparatus of the state - the “electoral machine”, as it was called at the time. A similar situation occurred in neighbouring Spain, where during the *Restauración* (1875-1923) only once did the party in government obtain a slim majority, forcing it to resign (DARDÉ 2011).

CHART 2
DEPUTIES ELECTED BY THE PARTY IN GOVERNMENT, 1878-1925 (%)

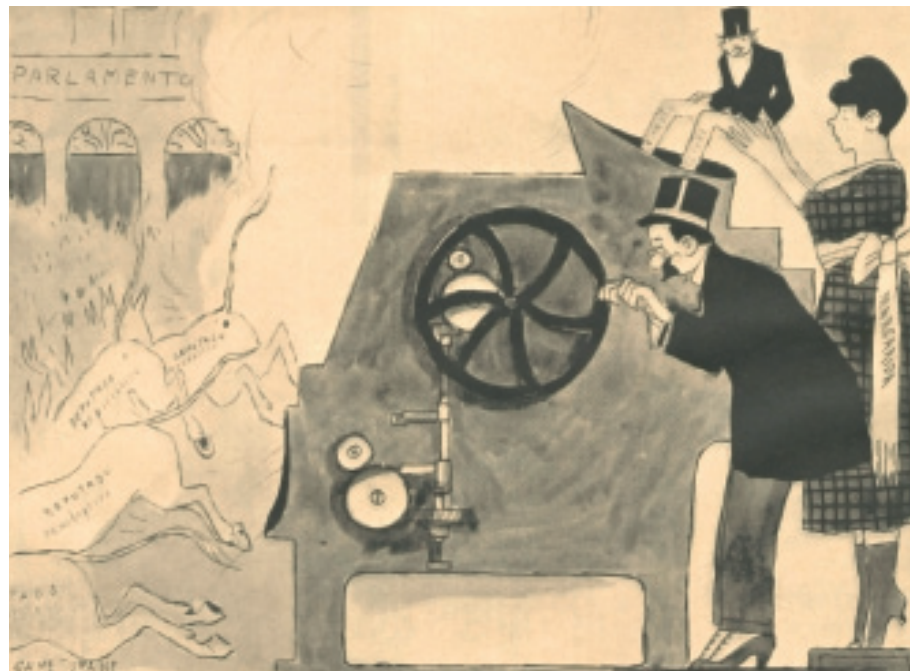


²⁸ As rightly noted by the American historian Stanley Payne, in a comparative analysis of the processes of mass mobilization until the 1930s, Portugal “never really knew a phase of a genuine mass politics” (quoted in ROKKAN 1999: 366, no. 69).

²⁹ For example, in the 1892 and 1908 elections, respectively called the “daydreaming ministry” of José Dias Ferreira and the “calming ministry” of Francisco Ferreira do Amaral.



- “The electoral machine (in the upcoming elections).”
[Charivari, Vol. 1, 1887.
BNP]



- “The democratic election machine.”
[Papagaio Real, no. 8,
26 May 1914. BNP]

Despite the distinct constitutional frameworks and patterns of government formation during the Monarchy and the First Republic, elections in both periods served to (auto)legitimise, rather than select, those who were to govern and who had been previously selected by the Head of State, by giving them the necessary parliamentary majority. They were *rites of confirmation*. As such, this would appear to instantiate the clear and concise formula of Augusto Fuschini: “Governments choose and make deputies, who will in turn support governments” (FUSCHINI 1899: 345).

Limited electoral competition

Closely connected to the constant supremacy of governmental candidates, a third distinctive characteristic, apparently shared by the Monarchical and Republican elections, was reduced electoral competition. While in the pre-electoral periods political life could teeming with conflicts and backroom manoeuvring, many of those who hinted or announced they would run for office ended up quitting or negotiating deals before polling day. The arrangement of multi-member constituencies with the system of *limited vote*, which was indeed an *a priori* means of accommodating the “majority” and the “minorities”, further calmed electoral disputes. The main electoral battles, which were often triangular in form, occurred in the constituencies of Lisbon and Oporto.

Although no rigorous quantified information about the actual extent of competition in most elections exists, certain data which has been collected and numerous statements from the period bear witness to the reality as described above. Thus, between 1868 and 1900, except on two occasions, real competition between candidates only occurred in less than 1/3 of the constituencies. This was a similar scenario to that which was observed at the time in Spain, but which, especially from the 1880s onwards, increasingly contrasted with the trend towards the spread of electoral competition to be found in the UK or France (ALMEIDA 1991: 149-151).

Tellingly, one of the new provisions of the Republican legislation enacted in 1911 was the doing away with the need to hold an election in constituencies where the number of candidates did not exceed the number of representatives to be elected. This was not exactly an original provision, since it was inspired by a clause in the 1907 Spanish electoral law; a similar measure had been adopted in Denmark in 1901. In the elections of 1911 for the Constituent Assembly, the number of constituencies in which the deputies were announced without there having been an election was a little more than half (MARQUES 1978: 593). These were atypical elections, but even though the subsequent application of the aforementioned provision was on a much more limited scale, this did not necessarily imply an increase in competition, since the proliferation of candidates was not in itself sufficient to be synonymous with true competition.

The Deputies: Prospographical outline

Continuity and renewal

Over a long secular period the recruitment patterns and compositional make-up of the major sectors of the political elite could not but reflect the impact of societal (albeit slowly) and political transformations. During the nineteenth century there were certain discernible and consistent changes in the sociodemographic profile of deputies (e.g. the decrease in the number of rural landowners and the concomitant increase in the number of civil servants³⁰); just as the First Republic, despite its short duration, also showed detectable fluctuations or significant changes, which were emblematic of the relative particularity of the Sidonist Legislature (1918-1919). It is however important here to emphasise the consequences of the political break which occurred in 1910, and underline some of the main continuities and discontinuities. In this brief prospographical outline I will consider some of the main features of the sociodemographic and political profile of the deputies of the Monarchy and the First Republic³¹.

One essential element should be mentioned *ab initio*: the regime change in 1910 led to a major change in the political personnel, particularly at the parliamentary level. Out of a total of 751 individuals elected as members and founding members in the First Republic, only 6.4% had occupied institutional places of power in the former regime – and some did so in the ranks of the parliamentary Republican opposition.

Social background and geographical origin

This influx of new blood outwardly signified a sociological reconfiguration of the Chamber of Deputies. Despite the enormous plebianism of the “political class” of the Monarchy³², especially in comparison with their European counterparts, several indicators from the period point to a more modest social background of the parliamentarians of the First Republic, who came mainly from the lower and middle provincial bourgeoisie.

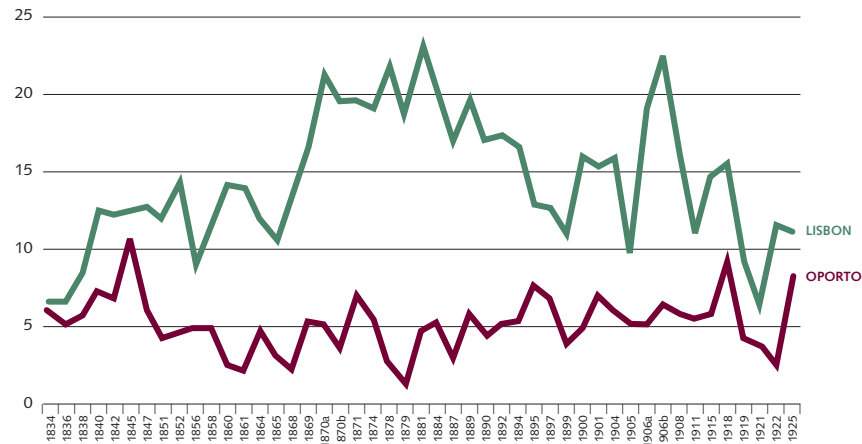
³⁰ The 1895 Electoral Act even imposed a ceiling on the number of civil servants holding office in Parliament (40 seats) and individuals from the liberal professions (20 seats). This provision was inspired by French, and especially Italian, Legislation, and would be revoked as early as 1897.

³¹ Prospographical Data on Members of Parliament of the Monarchy and the First Republic are mainly taken from ALMEIDA; SANTOS 2011, and from ALMEIDA *et al.* 2006.

³² It should be noted, for example, that of the one thousand three hundred individuals elected to the Chamber of Deputies between 1851 and 1890, less than 1/10 possessed a noble title and there were very few who came from families of the old nobility (ALMEIDA 1995:159-162). Also, it should be noted that from 1870 onwards none of the Heads of the Council of Ministers belonged to the former aristocratic families (ALMEIDA; PINTO 2003:6).

The less urban profile of the geographical origins of the members elected after 1910 stands out in particular in terms of the decline in the relative importance of those originating from Lisbon. The weighting of the latter was more consistent in the period between 1869 and 1894, when it lay between 17% and 23%. In the First Republic the average proportion of members born in the capital was 12%, and only in 1918 did it reach the minimum levels of this previous period³³.

CHART 3
DEPUTIES BORN IN LISBON AND OPORTO, 1834-1925 (%)



Age

In terms of age, the change of regime clearly enhanced the rejuvenation of the Chamber of Deputies. In all the legislatures from 1878 to 1910, the average age of deputies was 44; between 1911 and 1926, the corresponding figure was 41 years of age. Of note, once again, is the uniqueness of the Sidonist Legislature, with the youngest figure of all (an average age of 37) – in line, moreover, with the youth of its ministerial elite – showing that the movement to break with the “Old Republic” was also expressed in terms of generational renewal.

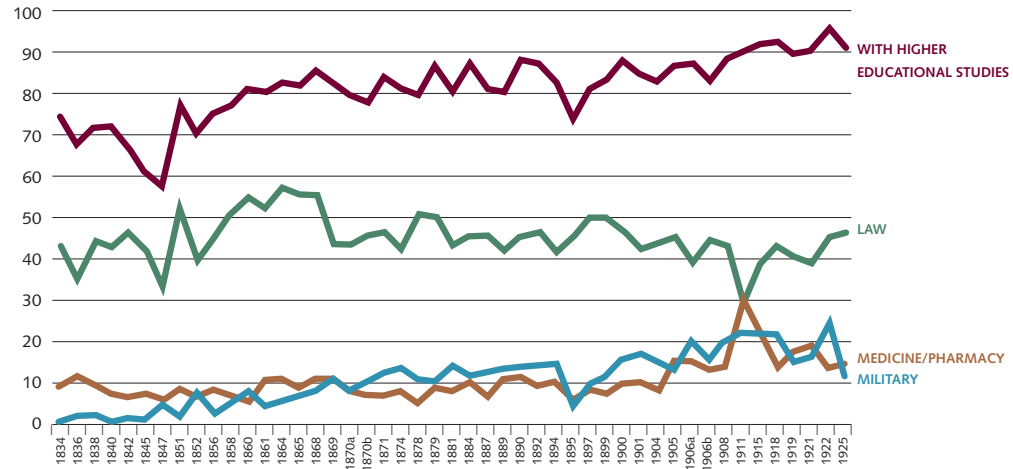
Academic qualifications and profession

Regarding the level of education of the deputies, a line of continuity prevailed: from the middle of the nineteenth century, as the vast majority possessed a university-level of education. Although the legal structure of parliamentary recruitment

³³ The greater proportion of individuals from Lisbon in the political elite of the Monarchy was also confirmed at the Ministerial level: 30% between 1851 and 1910, as against 20% during the First Republic (ALMEIDA; PINTO 2003: 21).

opportunities was more “open” in the Republican regime – the former high income requirements had been abolished and all literate adult men were eligible to run for office – this did not result in a lowering of the level of education of the elected representatives.

CHART 4
LEVEL OF EDUCATION AND THE MAIN HIGHER EDUCATIONAL AREAS OF STUDY
OF THE DEPUTIES, 1834-1925 (%)



As for the areas of academic specialization, the proclamation of the Republic brought about significant changes. On the one hand, the traditional hegemony of the “men of law”, dating back to the *Cortes Constituintes* of 1820 (SANTOS 1962:95), was greatly reduced. Considering only those Members who had a college degree, the lawyers represented more than half in the period from 1878 to 1910, and this fell to about 2/5 between 1911 and 1926. On the other hand, there was a considerable rise in the weighting of those who had carried out higher educational studies in Military areas or studied Medicine. Comparing the mean figures for the periods 1878-1910 and 1911-1926, the percentage of those who had attended the Army and the Naval College in Lisbon rose from 16% to 21%, and those who had a medical background jumped from 12% to 20%. If the role of the military in the sovereign bodies of the First Republic was indissociable from their direct intervention in political and governmental crises³⁴, the participation of such a considerable number

³⁴ It should be remembered that 45% of the Ministers of the Republic were Members of the Armed Forces (ALMEIDA; PINTO 2003: 25).

of graduates in Medicine in parliamentary affairs certainly had to do with the role played by Medical schools in the spread of *positivism* and *scientism*, which shaped the mentality and political culture of Republicanism. It should be noted that in the first quarter of the twentieth century, such a high level of Members of the Armed Forces was unusual in European parliaments (COTTA; ALMEIDA 2007:64-65); the same was also true regarding the number of doctors, the only parallel being in the Third French Republic (ELLIS 1990).

Examining the occupational profile of the members as a whole, the primary professional groups in the First Republic were the military and liberal professions (doctors and lawyers), followed at some distance by Secondary School teachers; before the 5 October, the two dominant categories were the same, although to differing degrees, but there were more bureaucrats, judges, university teachers, rural landowners and businessmen.

Political career

Turning to an analysis of the political *cursus honorum* of the deputies, it can be seen that in both regimes “parliamentary socialization” (in the words of Juan Linz) served as the starting point for political careers, which could last for a long or short period of time and eventually lead to other institutional roles (Upper Chamber and/or Government). In fact, the proportion of deputies who had not occupied political office at the local level was apparently very high, although the sources of information available do not enable us to make a precise quantification of this³⁵.

Both in the Monarchy and in the First Republic, previous election as a deputy was, at least for civilians, a key requirement for those who aspired to obtain a ministerial portfolio. However, the parliamentary apprenticeship was more demanding before 1910: almost half of the ministers had served more than three terms of office before joining the government, as compared to only 13% who had served a single term. Conversely, over half of the Republican ministers had been elected as a deputy only once.

The length of parliamentary careers was also very different. In the Monarchy, the deputies who had completed a single term were a little more than two fifths of the total; in the First Republic this number was almost 2/3. The short duration of most parliamentary careers in the First Republic was undoubtedly a factor negatively affecting the process of institutionalising the “legislative function”, and compromising the very viability of the regime.

TABLE 4
THE PARLIAMENTARY
CAREER OF THE DEPUTIES

Number of terms	1834-1910	1911-1926
1	43.7	65.0
2	20.9	21.0
3	10.4	6.1
≥ 4	25.0	7.9
Total	100.0	100.0

³⁵ In a more restricted sample, that of Ministers, it has been shown that the percentages of those who had been Mayors or Local Councillors accounted for 10% in the Monarchy and 13% in the First Republic (ALMEIDA; PINTO 2003: 31).

BIBLIOGRAPHY

- ALMEIDA, Pedro Tavares de
1985 “Comportamentos eleitorais em Lisboa (1878-1910)”. *Análise Social*, 21:85 (1983) 111-152.
- ALMEIDA, Pedro Tavares de
1991 *Eleições e Caciquismo no Portugal Oitocentista (1868-1890)*. Lisboa: Difel.
- ALMEIDA, Pedro Tavares de
1995 *A Construção do Estado liberal. Elite política e burocracia na ‘Regeneração’. (1851-1890)*. Lisboa: FCSH-UNL [full version online at: <http://run.unl.pt/>].
- ALMEIDA, Pedro Tavares de
1996 “Reformas electorales y dinámica política en el Portugal liberal (1851-1910)”. In Salvador Forner, ed. – *Democracia, Elecciones y Modernización en Europa, Siglos XIX y XX*. Madrid: Ediciones Cátedra. p. 97-108.
- ALMEIDA, Pedro Tavares de
2010 “Portugal”. In Dieter Nohlen; Philip Stöver, eds. – *Elections in Europe: A Data Handbook*. Baden-Baden: Nomos Verlag. p. 1525-1577.
- ALMEIDA, Pedro Tavares de, ed.
1998 *Legislação Eleitoral Portuguesa, 1820-1926*. Lisboa: INCM.
- ALMEIDA, Pedro Tavares de, ed.
2006 *Materials for the History of Elections and Parliament in Portugal, 1820-1926*. Lisboa: Biblioteca Nacional de Portugal [<http://purl.pt/5854/2>].
- ALMEIDA, Pedro Tavares de; FERNANDES, Paulo J.; SANTOS, Marta Carvalho dos
2006 “Os Deputados da 1.ª República: inquérito prosopográfico”. *Revista de História das Ideias*, 27 (2006) 399-417.
- ALMEIDA, Pedro Tavares de; PINTO, António Costa
2003 “Portuguese Ministers, 1851-1999: Social Background and Paths to Power”. In P. Tavares de Almeida, A. Costa Pinto; Nancy Bermeo, eds. – *Who Governs Southern Europe? Regime Change and Ministerial Recruitment, 1850-2000*. London: Frank Cass. p. 5-40.
- ALMEIDA, Pedro Tavares de; SANTOS, Marta Carvalho dos
2011 “Eleições e recrutamento parlamentar em Portugal”. In P. Tavares de Almeida; Javier Moreno Luzón, eds. – *Das Urnas ao Hemiciclo. Eleições e Parlamento em Espanha (1875-1923) e Portugal (1878-1926)*. Lisboa: Assembleia da República. Forthcoming.
- ÁVILA, Joaquim T. Lobo de
1848 *Verdadeira Reforma Eleitoral ou do Suffragio Universal*. Lisboa: Officina de Manoel de Jesus Coelho.
- BALLINI, Pier Luigi
2007 *La questione elettorale nella storia d’Italia. Da Crispi a Giolitti (1893-1913)*. Roma: Camera dei deputati: Archivio storico.
- BARTOLINI, Stefano
2000 “Franchise Expansion”. In Richard Rose, ed. – *International Encyclopedia of Elections*. London: Macmillan. p. 117-130.
- CARVALHO, José Murilo de
2002 *Os Bestializados. O Rio de Janeiro e a República que não foi*. Rio de Janeiro: Companhia das Letras.
- COELHO, José F. Trindade
1906 *Manual Político do Cidadão Português*. Lisboa: Parceria A. M. Pereira.
- COTTA, Maurizio; ALMEIDA, Pedro Tavares de
2007 “From Servants of the State to Elected Representatives: Public Sector Background Among Members of Parliament”. In M. Cotta; H. Best, eds. – *Democratic Representation in Europe: Change, Diversity and Convergence*. Oxford: Oxford University Press. p. 51-76.
- COTTA, Maurizio; BEST, Heinrich, eds.
2000 *Parliamentary Representatives in Europe, 1848-2000. Legislative Recruitment and Careers in Eleven European Countries*. Oxford: Oxford University Press.
- DARDÉ, Carlos
2011 “Eleições e recrutamento parlamentar em Espanha”. In P. Tavares de Almeida and Javier Moreno Luzón, eds., *Das Urnas ao Hemiciclo. Eleições e Parlamento em Espanha (1875-1923) e Portugal (1878-1926)*. Lisboa: Assembleia da República. Forthcoming.
- FORNER, Salvador; *et. al.*
1997 “Modernización social y comportamiento electoral urbano en España, 1910-1923”. In Salvador Forner, ed. – *Democracia, Elecciones y Modernización en Europa, Siglos XIX y XX*. Madrid: Ediciones Cátedra. p. 241-293.
- FUSCHINI, Augusto
1899 *O Presente e o Futuro de Portugal*. Lisboa: Companhia Typographica.
- ELLIS, Jack D.
1990 *The Physician-legislators of France. Medicine and Politics in the Early Third Republic (1870-1914)*. Cambridge: Cambridge University Press.

- GOSNELL, Harold F.
1930 *Why Europe Votes*. Chicago, Ill.: The University of Chicago Press.
- LAWRENCE, Jon
1993 "Class and Gender in the Making of Urban Toryism, 1880-1914". *English Historical Review*, 108:428 (1993) 629-652.
- LOPES, Fernando Fareló
1994 *Poder Político e Caciquismo na 1.ª República Portuguesa*. Lisboa: Editorial Estampa.
- MACKIE, Thomas T.; ROSE, Richard
1991 *The International Almanac of Electoral History*. 3.ª ed. London: Macmillan.
- MARQUES, A. H. de Oliveira, ed.
1978 *História da 1.ª República. As estruturas de base*. Lisboa: Iniciativas Editoriais.
- MARQUES, A. H. de Oliveira; DIAS, J. J. Alves
2003 *Atlas Histórico de Portugal e do Ultramar Português*. Lisboa: Centro de Estudos Históricos.
- MARTINS, J. P. Oliveira
1886 "Caciquismo". *A Província*, 26 August 1886.
- NOHLEN, Dieter; STÖVER, Philip, eds.
2010 *Elections in Europe: A Data Handbook*. Baden-Baden: Nomos Verlag.
- OFFERLÉ, Michel
1985 "Mobilisations électorales et invention du citoyen: l'exemple du milieu urbain français à la fin du XIXe siècle". In Daniel Gaxie, ed. *Explication du vote. Un bilan des études électorales en France*. Paris: Presses de la Fondation nationale des sciences politiques. p. 149-174.
- OFFERLÉ, Michel
1988 "Le nombre de voix. Electeurs, partis et électorat socialistes à la fin du 19e siècle en France". *Actes de la recherche en sciences sociales*, 71:1 (1988) 5-21.
- PEDROSO, Zófimo Consiglieri
1876 *O Suffragio Universal ou a Intervenção das Classes Trabalhadoras no Governo do Paiz*. Lisboa: Nova Livraria Internacional: Bibliotheca Republicana Democratica.
- ROKKAN, Stein
1970 *Citizens, Election, Parties. Approaches to the Comparative Study of the Process of Development*. New York: David Mckay Company.
- ROKKAN, Stein
1999 *State Formation, Nation-Building and Mass Politics in Europe*. Edited by Peter Flora *et al.* Oxford: Oxford University Press.
- ROKKAN, Stein; MEYRIAT, Jean, eds.
1969 *International Guide to Electoral Statistics. I – National Elections in Western Europe*. The Hague; Paris: Mouton.
- ROMANELLI, Raffaele, ed.
1998 *How Did They Become Voters? The History of Franchise in Modern European Representation*. The Hague; London; Boston: Kluwer Law International.
- SANTOS, Fernando Piteira
1962 *Geografia e Economia da Revolução de 1820*. Lisboa: Publicações Europa-América.
- SOUSA JR., António Joaquim de
1915 "A propósito das eleições realizadas em 1913". *Boletim do Partido Republicano Português*, 2 (1915) 416-459.
- SOUSA JR., António Joaquim de, ed.
1916 *Censo Eleitoral da Metrópole (Câmaras Legislativas). Dados referentes ao Regime Absoluto, ao Regime Monárquico Constitucional e ao Regime Republicano*. Lisboa: Imprensa Nacional.
- TARROZO, Domingos
1897 *A Forma de Votar. Estudo e projecto de reforma das operações eleitoraes*. Lisboa: Antiga Casa Bertrand-José Bastos Editor.
- TINGSTEN, Herbert
1937 *Political Behavior. Studies in Election Statistics*. London: P. S. King & Son, Ltd.
- TUSELL, Javier
1969 *Sociología electoral de Madrid, 1903-1931*. Madrid: Cuadernos para el Diálogo.

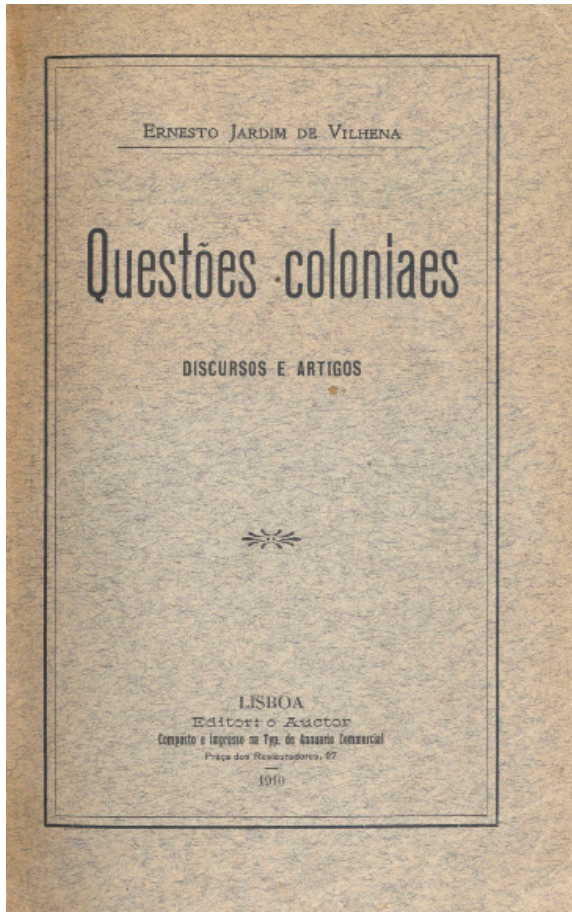
Political representation and citizenship under the Empire

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Translated from the Portuguese by Clive Thoms

In 1910, Ernesto de Vilhena (1876-1967), an influential figure in colonial administration during the First Republic¹, published an essay in which he compared the administration of the Portuguese colonies with those of England and, above all, those of France, arriving at guidelines for the reform of colonial administration. This essay dealt with many of the issues dear to the Republican regime on the subject of colonial administration. He argued that the colonies should be governed by special legislation, as was subsequently determined in Article 11 of the Republican Constitution of 1911. He also argued that the powers of the colonial government and governors should be significantly extended. In his view, neither the constitutional legislation nor the administrative legislation of the monarchical period had been sufficiently energetic in applying the two principles which at the time were regarded as the keystones of sound colonial administration, those of “decentralization” (which he defined as “decentralizing legislative powers from the executive to the colonies”, which was then adopted, with some restrictions, in Article 87 of the Constitution of 1911) and of “administrative and financial autonomy”. This second principle, as Ernesto de Vilhena also acknowledged, meant extending the legislative responsibilities and powers to governors and their council or other “local bodies”, rather than “autonomy as such”, involving advanced forms of local representation (*Vide* VILHENA 1910-1911: 1: 389-90). At the time when

¹ Ernesto de Vilhena was head of cabinet of the Minister of the Colonies Almeida Ribeiro (1913-14), amongst other responsibilities, when the republican Parliament approved the first organic laws of the Overseas Provinces, and he was Minister of Colonies in 1917.



■ Ernesto de Vilhena – *Questões Coloniaes. Discursos e Artigos*. Lisboa: The Author, 1910-1911. [BNP]

like nearly all those grappling with the colonial problem at the time, that Parliament should not have a central role in drafting legislation for the overseas provinces. To support this view, he marshalled a range of arguments, widely proclaimed in the colonial literature of the time, such as the undue length of time this would take and the lack of specific expertise concerning the overseas colonies, which were different not only from metropolitan Portugal, but also from each other. Nonetheless, on this matter, he took the side of those who felt that such representation had a role to play, as long as a number of reforms were made, in order to improve the quality of this contribution. For example, he argued that candidates for overseas members of parliaments should be persons “who had served in the territory of the respective constituency in government administrative office [...] or had lived there for five years” (VILHENA 1910-1911: 2: 300-303). These reflections on the reform of parliamentary representation of overseas territories were not new. As the author himself recalled, they had first been voiced when the representative system came into being, after Portuguese liberal revolution of 1820. And, at that time, the issue had been a

he was writing, the Additional Act of 1852 was still in force, determining, in Article 15, that the government, “when the Parliament was not in session”, could decree any “legislative measures” as might be “deemed urgent” and, finally, that the Governors-General of the overseas provinces could adopt, after first consulting the respective Government Council, the “measures required to meet needs so urgent that they could not await a decision of the Parliament or the central Government”. All the “measures” thus taken would then be “submitted” to the Parliament. Ernesto Vilhena felt that this system was insufficient, as it dealt only with urgent matters and included restrictions which curtailed its scope in practice (VILHENA 1910-1911: 2: 260-270). However, he went on to admit that the executive had always legislated for the overseas provinces, publishing the most significant decrees for their administration without invoking the urgency requirement and without subsequently obtaining the approval of the Parliament, and also that the same was true of the measures adopted by the governors (VILHENA 1910-1911: 2: 266, 288, 313, 319). The issue of the political representation of the overseas territories in the metropolitan parliament was of no great relevance (or import?) in these considerations. Ernesto de Vilhena felt,

central one². In fact, the representation of the overseas territories at the Parliament of Lisbon had been regarded by the members of Portugal's first Constituent Assembly, in 1821-22, as one of the most important means for "bringing into existence" the Portuguese Nation as conceived in the Constitution they approved, in 1822. The Nation, at this time, was "the union of all the Portuguese of both hemispheres", its territory being called the "United Kingdom of Portugal, Brazil and the Algarves". With this nation "scattered" through various territories in America, Asia and Africa, it was felt at the time that nothing could better serve the union and equality between its territories than its unitary representation at the Portuguese Parliament. This was therefore the theme of many of the sessions of the Constituent Assembly, attended by 100 deputies elected in Portugal, 66 in Brazil and 7 in other overseas territories. The assembly discussed the possibility of including special articles in the Constitution to guarantee the effective presence of the deputies from the overseas provinces – above all those from America, as the central issue at stake was to hold onto Brazil, and to avoid it breaking away. The presence of a minimum number of overseas deputies was required as a condition for the Parliament to meet, as it was regarded as inconceivable that "the largest part of the Monarchy could be subject to what was decided by the smallest part of the same Monarchy, without being represented in Congress"³. It was also proposed that provision be made for deputies recently elected at the overseas to be substituted by those elected for the previous legislature, because of the delays caused by distance. Lastly, it was accepted that the deputies for overseas territories should necessarily have been born, or at least be domiciled, in the constituencies which elected them, this proposal being connected to with (não há que escolher entre "to" ou "with"?) the idea that parliament should at all times include deputies able to interpret the specific interests of the overseas territories and to assure appropriate legislation, different from that for metropolitan Portugal. To support their arguments, the group of deputies (overseas and metropolitan) proposing these rules recalled the unpropitious example of the independence of the North American colonies, the newly independent nations in Spanish America and the danger of "federalism". In order to assure unity and equality, a minimum degree of diversity had to be acknowledged, and this is what was eventually achieved in the final wording of the Constitution, which not only contained special rules on political representation of overseas territories (Articles 17 and 87), but also adopted a number of general provisions relating to these issues. Article 35, for instance, declared as ineligible

² On political representation and citizenship in the overseas provinces under the constitutional monarchy, see Cristina Nogueira da Silva (SILVA 2009) and the bibliography cited in the same book.

³ *Diário das Cortes Gerais e Extraordinárias da Nação Portuguesa (DCGENP)*, session of 21 September 1821, p. 2360 (Speech by Castelo Branco).

“those not born or resident continuously over the last five years in the provinces where they stand for election”; and Article 89 laid down that, in the event of a delay in the arrival of deputies, the previous deputies should remain in place, until those unable to take up their seats arrived in Lisbon. The fact, however, is that the Constitution was not actually signed by a majority of the deputies elected in America. Instead, these deputies rallied around a genuinely federalist manifesto, involving the creation of two legislative Congresses, one for the “Kingdom of Portugal” and another for the “Kingdom of Brazil”, in addition to the “General Parliament of the whole Nation comprising fifty deputies taken from the special Courts of the two Kingdoms”. This proposal was rejected by the metropolitan deputies as incompatible with unitary representation of the nation. This train of events culminated, of course, in Brazil declaring independence (ALEXANDRE 1993; BERBEL 1999).

Constitutional questions next came to the fore with Dom Pedro’s Constitutional Charter which retained political representation of the overseas territories, but without any provisions to facilitate the presence of deputies, or to assure that they were born or resident in the territories for which they were elected. In accordance with an interpretation which later became a topic of subsequent Portuguese colonial doctrine, in placing the overseas provinces under the same laws and the same legislative procedures as metropolitan Portugal, the Charter expressed a radical stance in favour of *assimilation*. Nevertheless, subsequent electoral legislation reintroduced a number of special rules in order to assure that the “the overseas States are always fully represented at National level”⁴. The next Constitution, of 1838, reprised the earlier idea that at least some of the deputies should have been born or should be residents in the respective provinces (Article 76), the solution which Sá de Bandeira, the Portuguese politician who strove hardest, over the course of the 19th century, to preserve the overseas territories, was to associate with representation for these territories, of which he was in favour (SÁ DA BANDEIRA 1872: 20-21)⁵. This rule later disappeared with the reassertion of the Constitutional Charter in 1842, and was never again revived, helping to generate a feeling that the representation of the overseas territories was in some respects pointless. Most of the deputies elected for the overseas provinces were unacquainted with their constituencies, as repeatedly highlighted in the parliamentary debates and literature of the century, without anything in fact being done to change this situation. Another consequence of this situation was the fact that it undermined any chance of deputies being drawn

⁴ *Diário da Câmara dos Deputados* (DCD – Journal of the Chamber of Deputies), session of 26 February 1852, p. 232.

⁵ Paradoxically, some of the deputies for the African provinces were to align themselves with the opposition to his abolitionist policy.

from amongst the native elites of the overseas territories. Aware of this consequence, the only overseas deputy present during discussion of the Additional Act of 1852, Estevão Jeremias Mascarenhas, a Catholic of Indian origin⁶, proposed the reintroduction of measures to encourage the election of deputies who were natives of the overseas constituencies they represented⁷. But his proposal was rejected on the grounds of electoral freedom and of the lack of a sufficient number of “enlightened men” in the overseas provinces. The same deputy also opposed, again to no avail, the approval of article 15 of the Additional Act which, by permitting the government to legislate for the overseas provinces, diminished the importance of Parliament in decisions on overseas affairs. This situation and the fact that the government exercised its legislative prerogatives without meeting the prerequisites defined in the Additional Act – an attitude that deputies and colonial literature consistently deplored and which is confirmed by the fact that the main pieces of legislation on overseas matters were decreed dictatorially – show that, above all, after the Additional Act, preservation of the political representation of overseas territories served objectives which were primarily symbolic, such as demonstrating the sincerity of the egalitarian principles which united the Portuguese of “both hemispheres”, demonstrating to the “overseas brothers” that the metropolis, as Parliament several times averred, treated them as “equals”⁸. This argument was also used to talk down the needs for local representative institutions in Africa and India, as also denounced by the deputy for Goa who, on more than one occasion, expressed gratitude for the “generosity” of the Portuguese in granting their overseas “brothers” political representation at the Parliament, but on others reminded this same Parliament that a gift of equal (or greater) value would be to allow provincial assemblies with legislative powers, which were never brought into being, under either the Monarchy or the Republic⁹.

At all these junctures, and through to the latter years of the century, there was never any debate as to who the “Portuguese citizens”, that the overseas deputies represented, actually were or as to the make-up of the electorate which determined the number of these deputies. In order to get round this problem, in the case of the African and Asian provinces, the deputies of the 1820’s had agreed that, as the territories in question were thinly populated, exceptional criteria were needed to calculate the

⁶ Elected for the constituency of his native Goa, for the four legislatures from 2 January 1848 to 26 March 1858, the deputy openly declared in Parliament that he was “a pure Indian by race” but a “true Roman Catholic Christian”; see entry drawn up by Maria Adelaide Marques (MARQUES 2005).

⁷ *DCD*, session of 24 March 1852, p. 31.

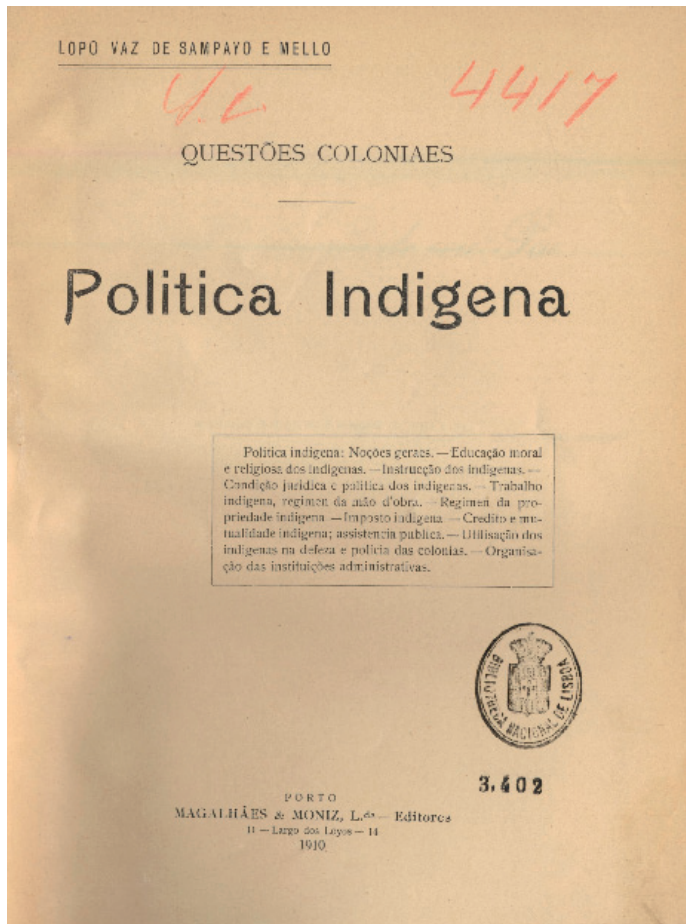
⁸ *O Nacional*, no. 751, 9 June 1837, session of 8 June 1837.

⁹ The creation of local legislative assemblies also won the support of the Angolan deputy, A. J. de Seixas, an earlier slave trader (*DCD*, session of 12 July 1869, p. 731).

number of deputies, so that each territory would elect at least one deputy, irrespective of the number of free inhabitants. In order for the islands of São Tomé, Mozambique and its dependencies, Goa and Macao to be represented at national level, it was necessary to accept the “principle that the key consideration was not the population of each one of these establishments [...] but rather the interests of these extremely wealthy possessions, what they are today and what they may become in future, and also the glorious memory of their incorporation into Portuguese territory”¹⁰. The number of deputies for each of these territories was therefore determined under a procedure which took no account of the size of their respective populations, in most cases unknown and indeterminate, with few changes to the number of deputies over the course of the century, except in the case of India, with a number of deputies which oscillated between one and four. The contingent of overseas deputies was at its largest – fourteen – under the law of 9 April 1838, but from then on the tendency was for a smaller group (falling to a minimum of six). And this continued to be the case under the Republic which, as well as maintaining roughly the same number of deputies (between eight and eleven), failed to conduct any major reform of the rules on the political representation of the overseas territories¹¹. However, by this time the question of which “citizens” were counted had found its way onto the political agenda, in stark contrast to the situation during the first three quarters of the 19th century. This was a new issue, first raised in the colonial literature of the third quarter of the 19th century, highly influenced by the “colonial mindset” taking shape at the time, throughout Europe, driven by the Berlin Conference (1894) and the scramble for Africa. The response which this literature found to the question was practically unanimous: special electoral legislation had to be drawn up to keep most of the native population out of the political process. Not only because most of the people in these populations were not prepared to exercise the right to vote, but also because of the endemic “conflict of races” which was thought to be characteristic of “tropical colonies”, and which political participation would intensify. Some authors went so far as to call for abolition of the representation of overseas territories, because of another risk, that of the “electoral preponderance of the indigenous peoples”, as argued by Sampaio e Mello, (1883-1949), lecturer at the Escola Superior Colonial (MELO 1910: 205-206). This line of argument, which was always a minority position in Portugal, was contested by José Ferreira Marnoco e Sousa (1869-1916), a lecturer in colonial law at the University, explaining that the possibility of overseas deputies being elected by “men of colour,

¹⁰ Vide *Diário das Cortes Gerais Extraordinárias e Constituintes da Nação Portuguesa (DCGECNP)*, session of 18 June 1822, p. 474. Dep. Borges Carneiro

¹¹ Vide the number of overseas deputies envisaged in legislation under the constitutional monarchy and under the Republic (ALMEIDA 1998).



■ Lopo Vaz de Sampaio e Melo – *Política indígena*. Porto, 1910. [BNP]

to own property. By limiting access to political rights in this way, the Commission anticipated what was to be the (less orthodox) Republican solution to this problem, as we shall see. But what we here need to understand is that, in referring to this example, Ernesto de Vilhena was also expressing another idea very common in the colonial literature of the time, the idea according to which constitutional monarchy had converted the native populations of the overseas territories as a body into “Portuguese citizens”. In doing so, he was describing in simplistic terms a situation which had been significantly more complex. This is why we shall return again to the beginning of the constitutional system, in order to reach a better understanding of who, at that time, had been the overseas “Portuguese citizens” and what their political and civil rights had been.

The “overseas citizens” who, in 1821, could represent overseas territories included, unambiguously, the Portuguese born in the kingdom and residing in the territories (the *Reinóis*) and the “Portuguese descendants” born in the overseas provinces, in particular the “Portuguese from America”, “brothers in blood and history” of the

and by the indigenous peoples”, which would give rise to a situation where “a minority of whites would be oppressed by a coarse and uneducated majority”, could be avoided if “the representatives of the colonies and the metropolis were not chosen under the same election procedure” (SOUSA 1910: 52-53). Pronouncing on this problem, after the proclamation of the Republic, Ernesto de Vilhena deplored that the electoral legislation of the new regime, like that under the constitutional monarchy, failed to distinguish, in this respect, the continent from the colonies, as the form used to define electors (“those who are heads of families”) would allow the electorate to include “all the negroes, savages or otherwise, in possession of a mud hut, a wife and a pan of millet for his daily meal” (VILHENA 1910-1911: 2: 303). And he praised the restrictions on voting rights introduced by decree in 1911 by the High Commissioner of the Republic in Mozambique, insofar as they required voters to be able to read and write Portuguese, to pay taxes other than the hut or *mussoco* tax, to have an occupation or



■ Rally at Largo Salvador Corrêa, in Luanda, on 15 August 1902. [BNP]

metropolitan Portuguese with whom they largely shared their identity (PIMENTA 2006; MONTEIRO [s. d.]). All these were the sons of Portuguese parents, the prime criterion in the Constitution for deciding who was Portuguese (Article 21). All these belonged to the group of the Portuguese who “wherever in the world they might be”, as the deputies in the 1820’s believed, were “always imbued with the same spirit, and national character, and alike in their language, customs, religion, governance and patriotism”¹². This group also included the Christianized native populations in India who, in Goa, competed with the minority of Portuguese descendants for office in the overseas civil service. This group could claim two of the three deputies elected for India in 1822, and it also sent representatives to the Constituent Assembly

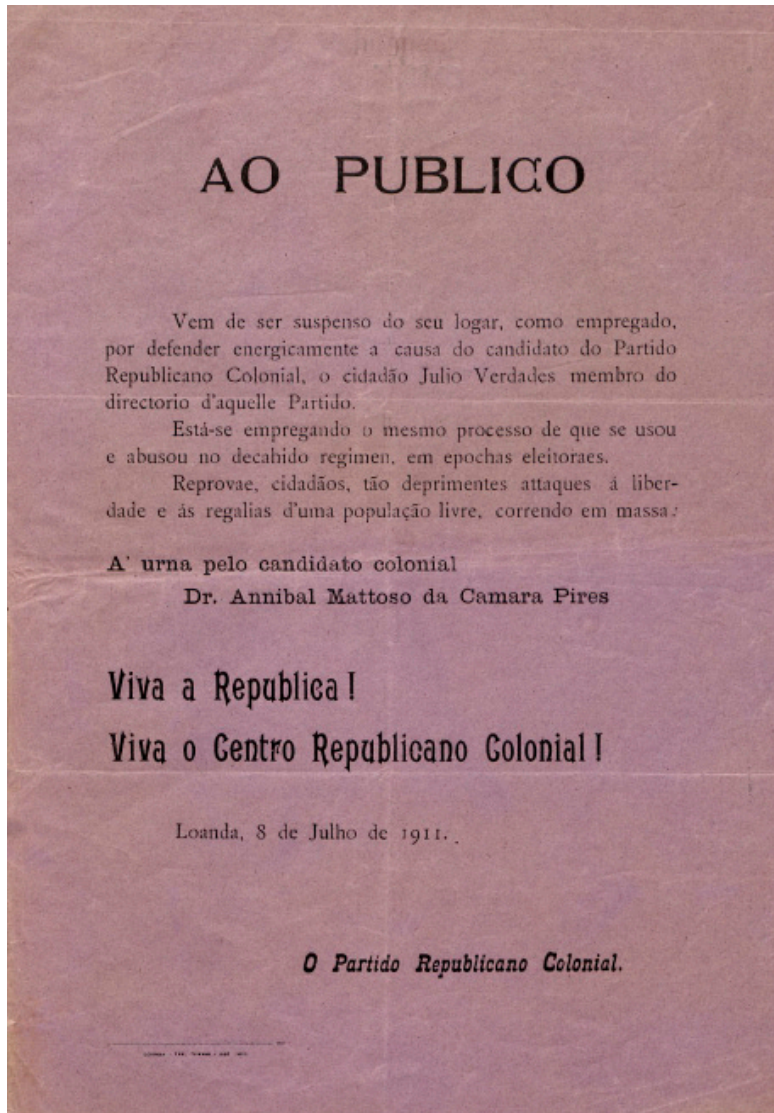
¹² *DCGECNP*, session of 3 July 1822, p. 661-62 (Speech by Arriaga).

of 1837-38 and to the discussion of the Additional Act of 1852, as we have seen¹³. Also represented were the “Luso-African” Creole elites, whose local social, economic and political importance was considerable, largely due to their participation in the slave trade. These groups were also to elect deputies to the Parliament. One of these “sons of the country”, Joaquim António Carvalho e Menezes, descended from a slave woman, was elected deputy for Angola in the early 1840’s¹⁴. However, although all the overseas provinces were from then on always represented, the problem of citizenship in the overseas territories gave rise, from the outset, to problems which were difficult to solve. In the first place because, at that time, there were slaves in these territories. The universalist principles informing the new regime would demand that the slaves be included as citizens, as certain deputies noted. But slaves could not be citizens, and, as it had been decided that all the Portuguese were citizens, they could also not be merely Portuguese, a solution used in eighteenth century constitutions where citizenship was separated from nationality. It was also not possible to abolish slavery, because of the economic interests of the overseas territories in America and Africa. It was accordingly determined that slaves should not even be counted for the purpose of calculating the number of deputies (Article 37 of the 1822 Constitution, where one deputy is assigned to each thirty thousand free inhabitants) and that only slaves who were granted their freedom (freedmen) would be Portuguese citizens (Article 21). If these were citizens, so too were all the African descendants residing in America and who were born free. And accordingly, the entire population residing in African territories, as it was decided that all rules determined for the overseas provinces were equally valid in the American, African or Asian provinces. This solution contrasted with that of the Constitution of Cadiz, the great source of inspiration for the deputies of the 1820’s. In the Spanish text, freedmen (like slaves), were Spanish but not citizens, because they were of “African origin” (Article 22). They were accordingly excluded from political rights and from the electorate voting for the overseas deputies (Article 29) (VALDÊS 1993; LORENTE 2003).

Various factors serve to explain the inclusion in the citizenry of freedmen and the free population of African descent, resulting in a situation where a very significant percentage of Portuguese citizens in 1821-22 were of African origin. Portuguese America was home to the largest free population of African origin in the American continent, far outnumbering the population of European origin and

¹³ On this group, see Ernestina Carreira (CARREIRA 1998: 687 et seq.) and, for earlier periods, Ângela Barreto Xavier (XAVIER 2008).

¹⁴ See the writings of Jill Dias (in particular DIAS 1981: 2: 269). The author uses the term “Creole”, as she explains, “to describe people born in the colony of Angola, of European ascendance or indigenous African ascendance, assimilated to different degrees in European culture”. See also Jacopo Corrado (CORRADO 2007).



■ Electoral Manifesto of the Colonial Republican Party (Angola, 1911). [BNP]

even that of the slaves (MATTOS 2000: 7)¹⁵. Moreover, this population was socially and economically integrated, despite the existence of social discrimination. During the debates of the 1820's, attention was frequently drawn to their integration and also to the fact that the colour of skin should not be a criterion for assigning citizenship (SILVA 2009: 337-356)¹⁶. In addition, it was possible to discern in them signs of belonging to the Portuguese people as conceived by the deputies of the time, as a homogenous population group in terms of language, religion and culture, willing to accede to a form of government chosen by the Portuguese and to "love the Portuguese fatherland"¹⁷. All these variables were brought together in the arguments of a deputy elected in Brazil when he proposed that an article of the Constitution should expressly consider as Portuguese "all the sons of the Portuguese, or Brazilian, even if illegitimate, and of any colour or standing, born in the Kingdom of Brazil and even all Creoles and freedmen" because "in Brazil we have the European white Portuguese, the Brazilian white

Portuguese; we have *mulattos*, who are the sons of all those Portuguese men with black women [...]: we also have *mulattos*, the some of a combination of the same

¹⁵ Recent studies have confirmed this assertion with the help of quantitative data. According to Herbert S. Klein and Francisco Luna, in 1850 freedmen already outnumbered slaves, and at the time of the first Brazilian census, in 1872, there were 4.2 million free persons of colour, as compared with 1.5 million slaves. More than the 3.8 million whites. Alone, they therefore accounted for 43% of the 10 million Brazilians (KLEIN; LUNA 2010: 253-54).

¹⁶ See also the work of Márcia Berbel, Rafael Marquese and Tâmis Parron (BERBEL; MARQUESE; PARRON 2009: 143), which stresses the importance attached by the deputies at this time to the argument that freedmen were socially useful and productive, a fact which the deputies attributed to the "social practices of the Brazilian population".

¹⁷ Basílio Alberto identified as the fundamental condition for access to Portuguese nationality a love for the Fatherland, to be discovered "first by blood, and second by the place of birth" (PINTO 1840: 113 Lesson no. 9).

mulattos; and we have *cabras*, who are the sons of *mulattos* with black women[...]. The inclusion of these populations was imperative “because all these inhabitants of the kingdom of Brazil follow the same religion, speak the same language, obey the same King, embrace and defend the same free Constitution”¹⁸. These variables were joined by others, such as the fear of the outbreak, in the American part of Portuguese territory, of disorder similar to that which had disrupted the French colonies, especially in Santo Domingo (Haiti), in the wake of the wavering attitude of revolutionary France to the rights of slaves and freedmen of colour¹⁹. But one of the crucial reasons why citizenship was granted to free African descendants was the desire of the deputies from Brazil to assure themselves an electoral bedrock in this population. The question was not widely debated, but there was something like tacit acceptance on the part of the metropolitan deputies, as it was known that the fact that citizenship was not granted to persons of “African origin” in Article 22 of the Constitution of Cadiz had caused major disagreements between the Spanish overseas deputies and their metropolitan fellows. In the view of many of the deputies from Spanish America, this exclusion was designed to limit the representation of the overseas territories in the Spanish Parliament, which they wished to be calculated on the basis of the entire free population of the territory. And this issue had played a part in undermining the chances of establishing a Spanish nation which, like that desired by the Portuguese deputies, had aspired to being “a union of all the Spanish of both hemispheres” (Article 1)²⁰. The Portuguese deputies had not desire to slip into the same conflict, as they were committed to creating the foundations for the “United Kingdom of Portugal, Brazil and the Algarves”. This is why, at an earlier stage, when they adapted the Spanish electoral rules for elections in America, the Lisbon deputies had moved away from the distinctions contained in Articles 22 and 29 of the Constitution of Cadiz, agreeing that the elections should include, in Brazil, “the entire free negro and *mulatto* population” (BERBEL; MARQUESE; PARRON 2009: 137).

Unlike these free Africans, the original inhabitants of America, the Indians, were excluded from citizenship by the members of the 1821 Constituent Assembly. They were considered neither as citizens, as in the Constitution of Cadiz, nor as “independent nations”, as in North American constitutional thought. It was felt that they lived in much “earlier” civilizational states, and that some had yet to emerge from

¹⁸ *DCGECNP*, session of 13 August 1822, p. 139.

¹⁹ See the summary article by Josep Fradera (FRADERA 2008: 533-563) and the respective bibliography.

²⁰ On the conflicts on this issue between the Creole populations of Spanish America and the Peninsular politicians and deputies, see the book by José M. Portillo Valdés (PORTILLO VALDÉS 2006). See also Josep Fradera (FRADERA 1999).

the situation which was identified doctrinally as the “savage state”. They lay outside “the life of society” and could not belong to the Nation in either a political sense, or in a historico-cultural sense. The only right they were recognized as possessing was the right to be civilized, in the final article of the Constitution (Article 270). There they were identified in their condition as the subjects of a “civilizational mission” which could, in future, convert them into Portuguese citizens²¹.

After the independence of Brazil, the Portuguese Constitutional Charter of 1826, when in force, established that, legally speaking, all the native populations of the remaining Portuguese overseas territories acceded to Portuguese citizenship. All those born or residing “in Portugal *and its dominions*” were Portuguese (Article 2). This universal character of citizenship was proclaimed several times and more than once put into action in central and local projects led both by the agents of colonial power and by some groups of the “colonized”, who presented themselves as Portuguese citizens and claimed for the correspondent rights. Sá da Bandeira had recourse for several times to this argument of the universality of rights and Portuguese citizenship. He did this to support his plans for the abolition of slavery, by drawing attention to the declaration of freedom as a right in Article 145 of the Charter. He also did this when he wanted to put an end to forced labour in Angola, by reminding the local authorities that the negroes recruited for this work in the interior of Angola were Portuguese citizens and that the freedom of work was a right recognized by the Charter as belonging “to all Portuguese citizens, irrespective of their place of birth, race or colour”²². Later, in the context of his plans for expansion on the Mozambican coast and also in the context of local conflicts between *reinóis* (Portuguese-born colonists), traders from India and Muslim populations, he granted Portuguese citizenship and political rights to the Muslim inhabitants of Sancul, on the Island of Mozambique, going against a decision of the Government Council of Mozambique, which had denied them the right to vote, on the pretext of their not being Portuguese citizens²³. He likewise regarded as Portuguese all the Hindu and “*gentios*” (non Christian) populations living in the territories of Portuguese Asia or Africa²⁴. It was also common for certain deputies born in the overseas provinces to remind the “Portuguese of the metropolis” of the fact that they were citizens, in order to assure their

²¹ See Fernanda Sposito (SPOSITO 2006) and Cristina Nogueira da Silva (SILVA 2009: 266) and the bibliography mentioned there. As to the description of the anti-social situation of the “savage” or the “barbarian”, consider in the legal literature the explanation by Cândido de Figueiredo in the third quarter of the 19th century (FIGUEIREDO 1884: 36).

²² *Portaria* of 22 September 1858, v. *Annaes do Conselho Ultramarino*, Parte Oficial, 1st series, cited, p. 639.

²³ Vide *Boletim do Conselho Ultramarino, Legislação Novíssima*, vol. 1 (1834-1851), Lisboa, 1867, p. 177.

²⁴ *Portaria* of 7 November 1838, Vide *Boletim do Conselho Ultramarino, Legislação Novíssima*, vol. 1 (1834-1851), Lisboa, 1867, p. 68.

- "Parliamentary holidays: the people of our colonies must elect sons of their own colonies as deputies". [A Voz de África, Lisboa, A. 1, no. 1, 1 July 1913. BNP]

A VOZ D'AFRICA

Sistema Nacional de 360

Tribuna de maior circulação em Africa

LISBOA—1 de Julho de 1913

PUBLICAÇÃO QUINZINAL

Capta da Defesa do Porto Africano

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A EMIGRAÇÃO

As bases reais do problema

Muito se tem falado sobre a emigração, mas pouco se sabe sobre a sua realidade. Não se trata de um problema de ordem puramente económica, mas de um problema de ordem social e política. A emigração é um fenómeno complexo, que envolve a vida de milhões de pessoas. Não se trata de um fenómeno recente, mas de um fenómeno antigo, que tem vindo a tomar proporções cada vez maiores.

Em primeiro lugar, é necessário distinguir a emigração temporária da emigração permanente. A emigração temporária é aquela em que o emigrante vai trabalhar por um determinado período de tempo, para depois regressar ao seu país de origem. A emigração permanente é aquela em que o emigrante se estabelece definitivamente no estrangeiro, deixando o seu país de origem para sempre.

A emigração temporária é motivada por razões económicas, e é geralmente feita por pessoas que não têm condições para trabalhar no seu país de origem. A emigração permanente é motivada por razões políticas e sociais, e é geralmente feita por pessoas que não têm condições para viver no seu país de origem.

A emigração temporária é um fenómeno que tem vindo a crescer rapidamente nos últimos anos, devido ao aumento da procura de mão-de-obra no estrangeiro. A emigração permanente é um fenómeno que tem vindo a crescer também, devido ao aumento da população e à falta de oportunidades no país de origem.

A emigração é um fenómeno que tem vindo a tomar proporções cada vez maiores, e que tem vindo a afectar a vida de milhões de pessoas. É necessário estudar este fenómeno com cuidado, para se poder compreender as suas causas e as suas consequências.

FERIAS PARLAMENTARES

As férias parlamentares são uma das grandes vantagens da democracia. Durante estas férias, os deputados são livres para se dedicarem a outros trabalhos, sem a obrigação de comparecerem às sessões parlamentares. Isto permite-lhes desenvolverem as suas actividades profissionais e sociais, sem a interferência das obrigações parlamentares.

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O Império do Ginebra

O Império do Ginebra é um dos maiores impérios do mundo. Foi fundado em 1564, e desde então tem vindo a crescer constantemente. Hoje em dia, o Império do Ginebra é um dos maiores impérios do mundo, com uma população de mais de 10 milhões de habitantes.

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Honorable Augusto Vera Cruz

Apresentamos a V. Exa. o Sr. Augusto Vera Cruz, deputado do Parlamento Africano. O Sr. Vera Cruz é um dos grandes nomes da política africana, e tem vindo a desempenhar um papel importante na defesa dos interesses da África.

NOTAS E COMENTÁRIOS

As reuniões do Parlamento

As reuniões do Parlamento foram muito interessantes, e foram muito produtivas. Os deputados discutiram várias questões importantes, e chegaram a várias conclusões importantes.

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EN POUL DE ANGOLA

En Poule de Angola é um dos maiores centros comerciais da África. Foi fundada em 1575, e desde então tem vindo a crescer constantemente. Hoje em dia, En Poule de Angola é um dos maiores centros comerciais da África, com uma população de mais de 100 mil habitantes.

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O DOCUMENTO DAS COLÓNIAS

O Documento das Colónias é um dos documentos mais importantes da história da África. Foi elaborado em 1913, e desde então tem vindo a ser usado como referência para a defesa dos interesses das colónias.

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O NOSSO CONCURSO

O nosso concurso é um dos concursos mais importantes da África. Foi organizado em 1913, e desde então tem vindo a ser organizado regularmente. O nosso concurso é um dos concursos mais importantes da África, porque tem vindo a ser organizado regularmente.

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Casamentos

Foram realizados vários casamentos importantes, e todos foram muito felizes. Os noivos foram muito felizes, e os convidados foram muito felizes também.

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Fórmula aprovada em São Paulo

A fórmula aprovada em São Paulo é uma das fórmulas mais importantes da história da África. Foi aprovada em 1913, e desde então tem vindo a ser usada como referência para a defesa dos interesses das colónias.

A fórmula aprovada em São Paulo é uma das fórmulas mais importantes da história da África, porque tem vindo a ser usada como referência para a defesa dos interesses das colónias.

A falta de espaço

A falta de espaço é um dos problemas mais importantes da África. É necessário encontrar soluções para este problema, para se poder melhorar a vida das pessoas da África.

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rights or to see through local plans for power (alternative: to get their local plans for power favoured). In the case of the community of Sancul, it had been the actual sheik, Hassan Musa Lukusedi, a slave trader, who, in 1846, had applied to the Queen for his inclusion in the list of electors voting for the two deputies for Mozambique in Lisbon (PÉLISSIER 1994: 1: 63-64). The fact, however, is that, despite the universalistic approach of the Charter's text, the arguments in favour of such a broad concept of citizenship had a fragile legal basis, as we shall see. Another important fact is that since the 1830's, when work had started on building the liberal regime, strong doubts had begun to take hold as to whether the "peoples" of the overseas territories belonged to the nation. An awareness that these were "other peoples" coexisted, during these years, with consolidation of the romantic idea of a people as a historical-cultural entity, which significantly undermined the possibility of the Portuguese nation being conceived of as "multicultural" or "multiracial" one. On the contrary, in the context of the various conflicts and local episodes of resistance to the colonial authorities it was regretted, at this time, that so little was known about the overseas peoples, who could hardly be subjected to the reforms underway in the metropolis, because the "new institutions" were unsuited to the "character, temperament and customs of these peoples"²⁵. The speaker of these words, born in Lisbon but elected for the constituency of Goa in the legislature of 1838-1840, felt that it was inconceivable that, with the election of deputies for India in 1820 and 1826, the "descendants of the heroes of India" and the Europeans should have been represented by two "Brahmins". The problem, he explained, was that "from Cape Verde to far-flung Goa, the inhabitants are conquered peoples, who far outnumber the locally born population of European descent, and the Europeans stationed there for trade, or military purposes, meaning that the elections will always play into the hands of the indigenous peoples descending from the conquered, and we, the descendants of the conquerors, would remain in their dependency"²⁶. In the previous year, a deputy had been clear in his opinion that "the majority of the settlements in the Provinces in question (mainly from Cape Verde southwards) is not all homogenous: *strictly speaking, these people cannot be called Portuguese*. There are peoples of castes and civilizations very different from our own"²⁷. When the time came to apply the Civil Code to the overseas territories, in November 1869, the problem was again posed of the cultural diversity of the overseas people. In the decree determining that the Code be applied in these regions, exceptions were made for the customary law of a series of native peoples, allowing them to remain

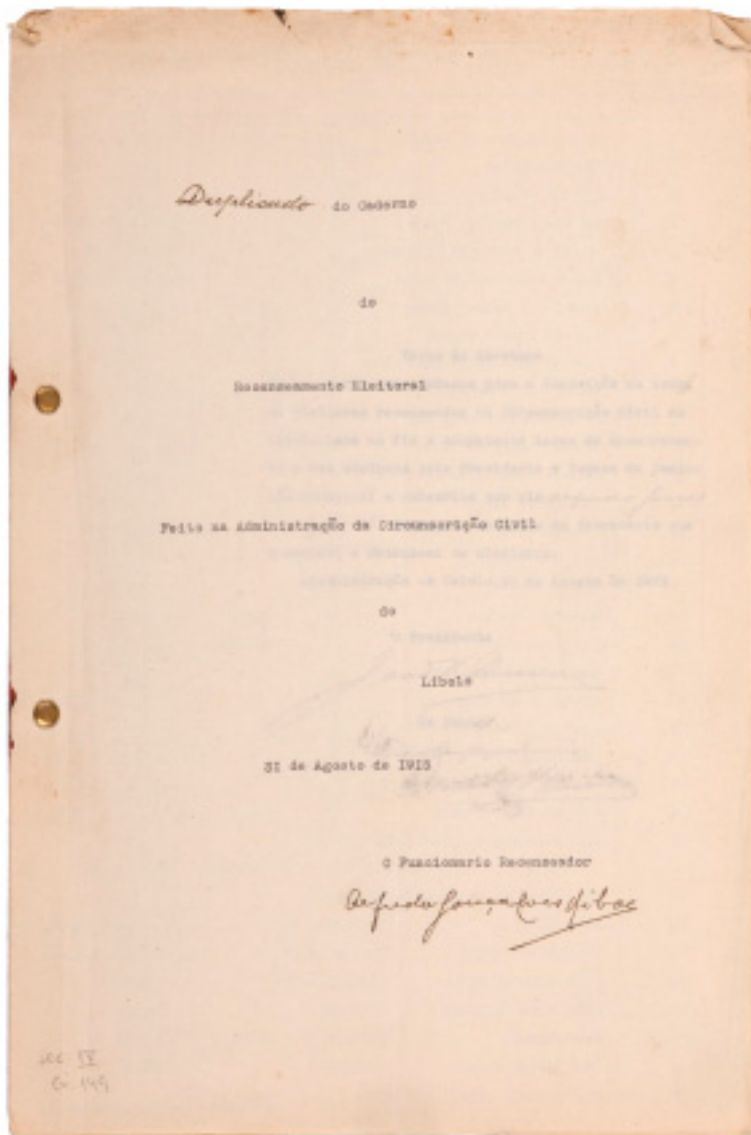
²⁵ Câmara dos Pares, session of 15.03.1836 in *Diário do Governo*, 12 April 1836, p. 487.

²⁶ Câmara dos Pares, session of 21.03.1836, *Diário do Governo*, 21 April 1836, p. 527.

²⁷ *Actas da Câmara dos Pares do Reino de Portugal*, ordinary session of 11 April 1835, p. 313.

subject, in respect of questions between themselves, to different rules of civil and criminal law from those of the metropolitan Code, the content of which rules might clash with its “civilized” legal values, although these should be used as a benchmark to prohibit some of the “uses and customs” (SILVA 2004-2005). Could the populations who were subject to this law be Portuguese? Indeed, in contrast with the process underway at the same time in other colonies, in particular French Algeria, where the Muslim populations could acquire French citizenship if they renounced Islamic law, an example cited in the 1869 decree, no provisions of this type were established in the Portuguese decree. Some native populations of the Portuguese overseas territories were able to choose, individually, the legal system to which they wished to be subject, but no rule was enshrined as to the effect of this choice, with regard to access to Portuguese citizenship. Like in the French colony of Senegal, another example referred to in the decree, they were not foreigners, but also not actual Portuguese citizens.

The extension of Portuguese citizenship to the “peoples” of the overseas provinces gave also rise to problems at the religious level. It was accepted that the Catholic religion was “rooted” in the customs of the Portuguese people (PINTO 1840: 12 Lesson no. 6). It was therefore decided, in all the constitutions, that Catholicism was the official religion of the State. The Constitutional Charter accepted worship by other religions, but only in private and only for naturalized foreigners (Article 6), as it was assumed that persons of “Portuguese origin” were Catholic. At the Parliament Assembly of the 1820’s it had been declared, in the context of debates on religion, that the “[pagan] peoples of the African coast”, like the Indians, could not be Portuguese citizens – a problem which was not raised in relation to the free Africans of America, as since the 16th century Portuguese legislation had required masters to baptize their slaves. It was difficult to conceive of the existence of “non-Catholic Portuguese in the overseas territories”, as proposed in the view of all those who invoked this argument when seeking not only to put an end to the official nature of the Catholic religion but also to abolish the Article 6 of the Charter. As we have seen, this was the line taken by Sá da Bandeira, who accordingly sought, unsuccessfully, the repeal of this constitutional rule in what concerned religion. But it was not the view, for instance, of António Luís de Seabra, the author of the 1867 Civil Code, for whom the Charter presupposed that “Portuguese citizens, the residents or natives of the Kingdom, were really Catholic” and for whom, moreover, Article 6 did not refer to the native populations of the overseas territories, because these populations did not comprise Portuguese citizens (“As for the Portuguese subjects of the overseas provinces who profess other beliefs, and carry out some of their worship in public [...], we reply that, in our humble opinion, Article 6 of the Charter *considered only the Kingdom, and its native citizens or those who are in fact Portuguese*, and not the peoples who, due to con-



■ Electoral census of Maputo, district of Lourenço Marques. (Mozambique, 1915) [AR - AHP]

quest or any other means, have submitted to Portuguese dominion” (SEABRA 1866: 32)²⁸. As a consequence of this position, Article 18 of the Civil Code undermined the broad *ius soli* of the Charter, establishing instead that Portuguese citizens were “Those who are born in the Kingdom, of a Portuguese father and mother”. The *ius soli* was retained as the primary criterion. But nothing was said here about the “Dominions”. And when Dias Ferreira commented on this “unconstitutional rule”, his tone was less than dramatic, thereby detracting from the importance of Article 2 of the Constitutional Charter. (FERREIRA 1870: 40). All this resulted in a *principle of uncertainty*, which was reflected in the legislative and administrative documents produced centrally and locally, and this was one of the reasons why no attempt was made to calculate representation on the basis of a population headcount. Whilst it had been difficult enough to count the free Afro-American population, counting the free population of African territories was even more of a challenge, not least because of the difficulties in demarcating Portuguese territory on the continent. It was also difficult, as we have seen, to assess the degree to

which this population had been integrated or to identify in them signs of belonging to the Portuguese people.

When application of the Civil Code was extended to the overseas provinces, slavery had already been abolished in Portuguese territory. Perhaps in order to avoid the difficulties created by the application of a Civil Code to territories which were home to slaves (GRINBERG 2001), a few months earlier, in February 1869, a decree had put an end to slavery in Portuguese territory, converting all the slaves into freedmen. These freedmen continued to be Portuguese citizens, as the Charter had

²⁸ See also SILVA 2007.

confirmed their citizenship. However, they had since been excluded from the exercise of all political rights by the Additional Act of 1852. Amongst other reasons, this alteration to the status of freedmen was made because the freedmen in question were no longer those in American territory, but rather African freedmen, much less socially integrated. In addition, the concept of freedman had changed over the course of the Portuguese abolitionist process. It no longer denoted someone who, having been a slave, was now free, having obtained his letter of freedom (*carta de alforria*). On contrary, it was someone who, due to intervention by the law, had ceased to be a slave, but whom this same law had converted into a minor's person. This person was moreover required to work for his former master for some time, as form of compensation for his liberation and in order to complete his "education for freedom". He was, in effect, a freedman with a date set for acceding to the condition of a free man and citizen. This happened when, on 29 April 1875, the freedom of labour was declared in Portuguese territory²⁹. However, subsequent labour regulations maintained and extended much of the elements of dependency and coercion which characterized the former status of freedmen, despite the new possibilities which the declaration of freedom created at the time it occurred³⁰. As in other countries, the tendency was for former slaves and the free natives of the African continent to be subject to special disciplinary rules designed to assure that they continued to work in the plantations and other European schemes. One way of doing this was to add to the criteria used for defining the crime of vagrancy, a crime punished by forced labour. By doing this, Portuguese colonial work regulations almost condemned the African labouring classes for the "collective" crime of vagrancy (SILVA 2007: 353 et seq.)³¹. The imagined or "real" failure of the abolitionist processes, the uprisings which in some cases ensued, the fact that the Africans failed to live up to the expectations of those who thought they had liberated them, failing to turn into disciplined workers and reliable keepers of employment contracts designed specifically for them, allowed the European colonial mindset to reinforce the old image of the Africans as "indolent" and as only working if directly or indirectly compelled to. This image was even "confirmed" scientifically in the racist theories which gained grounds from the late 19th century onwards, probably helped by this

²⁹ On the Portuguese abolitionist process, see the work of João Pedro Marques, and especially his most recent publication (MARQUES 2008).

³⁰ See the important work by Augusto Nascimento (NASCIMENTO 2010).

³¹ As to this subject, besides the works by João Pedro Marques mentioned in the previous note, see Miguel Bandeira Jerónimo, *Livros Brancos, Almas Negras, A «missão civilizadora» do colonialismo português, c. 1870-1930*, Lisboa, 2010.

post-abolitionist situation³². At the same time, the notion of work as a civilizing influence gained scientific dignity in colonial literature, legitimating the institution of compulsory labour throughout colonized Africa. On 9 November 1899, on the basis of this literature, António Enes, a soldier in the “African Campaigns”, assured that compulsory labour was decreed in the Portuguese colonies. In the meanwhile, the same literature paved the way for the introduction of a new concept in Portuguese legislation, which would help to solve not only the problem of labour but also that of cultural diversity, as well as the problem of citizenship in the overseas territories: the concept of the *native*, as opposed to the *citizen*. *Natives*, in this literature, were all persons of non-European origin whose state of “civilizational backwardness” required their exclusion from the exercise of political rights in European institutions and their subjection to special legislation. They could not be governed by the liberal principles of government, as they failed to understand them; they had to be governed, in their private lives, by their customary law; and special versions of criminal law, land law and labour law needed to be drafted for them. This was all done in the name of two aims: to respect the “organic nature” of their culture (which would also help to maintain “public safety”) and, somewhat paradoxically, to promote their “civilizational advance”, their adoption of forms of behaviour regarded as “civilized” by the Europeans, such as the work discipline. The definition of who was and was not a *native* and the actual details of their status were expressly provided for in the legislation of the final years of the constitutional monarchy. In a decree which, on 20 September 1894, replaced, for the *natives of Timor, São Tomé e Príncipe and the eastern and western coasts of Africa*, a prison sentences with a “temporary sentence of duly paid public work”, it was declared that for the purposes of this decree, “natives [were] deemed to be those born in the Overseas, of native father and mother, who [did] not distinguish themselves by their education and customs from the majority of their race”. Nevertheless, the legal concept of *native* was only codified in general terms, with regulations on the respective civil, political and criminal status, in the first Organizational Law of Overseas Civil Administration, approved by the Republican parliament in 1914³³. The draft version of this law, dating from 1913, considered (in Base 15) that a *native* was an “individual of colour” who failed to meet a series of requirements, such as speaking Portuguese or any of its dialect varieties or any other educated language, not practising the customary/traditional law and uses characteristics of native society, carrying on an occupation, trade or industry,

³² On this context and how it took shape, see Frederick Cooper, Thomas C. Holt, Rebecca J. Scott (COOPER; HOLT; SCOTT 2000) and Catherine Hall (HALL 2002).

³³ *Administração civil e financeira das Províncias ultramarinas, Laws 277 and 278, of 15 August 1914*, Lisboa, 1914.

or possessing property, with which he supported himself. A *native* who met all these requirements was considered as a citizen of the Republic, or an *assimilated* citizen, another term which also came into use to designate those natives who were presumed to have completed their “civilizational journey”. This article was eliminated from the approved version of the law, as it was decided to entrust to the local government councils the task of defining who was and who was not a *native* or an “assimilated” citizen; but Base 18 was retained, regulating the special status of *natives* in terms of political, criminal and civil law. This Organizational Law, which only provided for part of the wider reform proposed by Ernesto de Vilhena, also implemented another of this author’s cherished policies, by defining the legal status of *natives* (VILHENA 1910-1911: 1: 378). This solved the question of the local and central representation of the indigenous population, as most of it was excluded from any such representation. This had to be the case, as advanced forms of representation were considered not suited to the “tropical plantation colonies”, the category in which the author included most of Portugal’s colonies, “given that the population is not homogenous, but rather divided between different races, some of which are still incapable of exercising political rights” (VILHENA 1910-1911: 1: 389-390). But what others thought was that not all the Portuguese colonies could be included in this category, itself problematic, as was invoked more than once³⁴. This is why the Base 16, which had been eliminated, had established that in Cape Verde, the State of India and in Macao, natives could be recognized as citizens of the Republic when, albeit without meeting all the established requirements, “they deserve, in view of their relative culture, economic and personal standing, and integration in the general institutions of the colony, to be considered assimilated, and declare, irrevocably, before the respective municipal chamber or corporation, that they preferred the European status”. Questions such as this anticipated fresh uncertainties which the category of *native* was to bring to the task of distinguishing, in the overseas territories, who was and who was not a citizen.

³⁴ See, for example, *DCD*, session of 10 February 1913, p. 6 *et seq.*

BIBLIOGRAPHY

- Actas da Câmara dos Pares do Reino de Portugal*. Lisboa: Imprensa Nacional, 1835.
- Administração civil e financeira das Províncias ultramarinas, Leis n.º 277 e 278, de 15 de Agosto de 1914*. Lisboa: Imprensa Nacional, 1914.
- ALEXANDRE, Valentim
1993 *Os Sentidos do Império. Questão Nacional e Questão Colonial na Crise do Antigo Regime Português*. Porto: Afrontamento.
- ALMEIDA, Pedro Tavares de, org. and introd.
1998 *Legislação eleitoral portuguesa (1820-1926)*. Lisboa: INCM.
- BERBEL, Márcia Regina
1999 *A Nação como artefacto, Deputados do Brasil nas Cortes Portuguesas de 1821-1822*. S. Paulo: Hucitec.
- BERBEL, Márcia; MARQUESE, Rafael; PARRON, Tâmis
2009 *Escravidão e Política: Brasil e Cuba, c. 1790-1850*. Forthcoming.
- Boletim do Conselho Ultramarino, Legislação Novíssima*. Lisbon: Imprensa Nacional, 1867. Vol. 1 (1834-1851).
- CARREIRA, Ernestina
1999 "Índia". In Joel Serrão; A. H. de Oliveira Marques – *Nova História da Expansão Portuguesa*. Lisboa: Estampa. Vol. 10: Valentim Alexandre; Jill Dias, coord. – "O Império africano, 1825-1890".
- CORRADO, Jacopo
2007, "The Rise of a New Consciousness: Early Euro-African Voices of Dissent in Colonial Angola", *E-Journal of Portuguese History*, 2 (2007).
- COOPER, Frederick; HOLT Thomas; SCOTT, Rebecca J.
2000 *Beyond Slavery: explorations of race, labour, and citizenship in postemancipation societies*. Chapel Hill, NC: University of North Carolina Press.
- Diário da Câmara dos Deputados (DCD)*. Lisboa: Imprensa Nacional, 1852, 1869, 1913.
- Diário das Cortes Gerais e Extraordinárias da Nação Portuguesa (DCGENP)*. Lisboa: Imprensa Nacional, 1821-22.
- Diário das Cortes Gerais Extraordinárias e Constituintes da Nação Portuguesa (DCGECNP)*. Lisbon: Imprensa Nacional, 1822.
- Diário do Governo*, 12 and 21 April 1836.
- DIAS, Jill
1981 "A Sociedade colonial de Angola e o liberalismo português". In Miriam Halpern Pereira, ed. – *O Liberalismo na Península Ibérica na primeira metade do século XIX*. Lisboa: Centro de Estudos de História Contemporânea Portuguesa, 1981. Vol. 2.
- FERREIRA, José Dias
1870 *Código Civil Portuguez Annotado*. Lisboa: Imprensa Nacional. Vol. 1.
- FIGUEIREDO, Cândido de
1884 *Rudimentos de Direito Público Português*. Lisboa: Livraria Ferreira.
- FRADERA, Josep
2008 "Esclavage et la logique constitutionnelle des empire", *Annales ESS*, 3 (2008).
- GRINBERG, Keila
2001 *Código Civil e Cidadania*. Rio de Janeiro: Jorge Zahar Editor.
- HALL, Catherine
2002 *Civilizing Subjects, Metropole and Colony in the English Imagination 1830-1867*. London: Polity Press.
- JERÓNIMO, Miguel Bandeira
2010. *Livros Brancos, Almas Negras. A «missão civilizadora» do colonialismo português, c. 1870-1930*. Lisboa: ICS.
- KLEIN, Herbert S.; LUNA, Francisco Vidal
2010 *Slavery in Brazil*. Cambridge: Cambridge University Press.
- LORENTE, Marta
2003 "De Monarquía a Nación: la imagen de América y la cuestión de la ciudadanía hispana". In *Congreso del Instituto Internacional de Historia del Derecho Indiano*, 13 (21-25 Maio de 2000). San Juan: Asamblea Legislativa de Puerto Rico. Vol. 2.
- MARQUES, João Pedro
2008 *Sá da Bandeira e o fim da escravidão*. Lisbon: ICS.
- MARQUES, Maria Adelaide
2005 "Estevão Jeremias Mascarenhas". In Maria Filomena Mónica et al., ed. – *Dicionário Biográfico Parlamentar (1834-1910)*. Lisbon: Assembleia da República. Vol. 2, p. 785-786.
- MATTOS, Hebe Maria
2000 *Escravidão e cidadania no Brasil Monárquico*. Rio de Janeiro: Jorge Zahar Editor.

- MELO, Lopo Vaz de Sampaio e
1910 *Política indígena*. Porto: Magalhães e Moniz Editores.
- MONTEIRO, Nuno Gonçalo
[s. d.] “A circulação das elites no Império dos Bragança (1640-1808): algumas notas”, *Tempo*, 27.
O Nacional, 751 (9 June 1837).
- NASCIMENTO, Augusto
2010 “O *ethos* dos roceiros: pragmático ou escravagista e, ainda e sempre, avesso à liberdade?”. In *Africana Studia*. Forthcoming.
- PÉLISSIER, René
1994 *História de Moçambique, Formação e Oposição*. Lisboa: Estampa. Vol. 1.
- PIMENTA, João Paulo Garrido
2006 “Portugueses, americanos, brasileiros: identidades políticas na crise do Antigo Regime luso-americano”, *Almanack Braziliense* 3 (2006).
- PINTO, Basílio Alberto de Sousa
1840 *Lições de Direito Público Constitucional*. 1840 (igual a <http://www.fd.unl.pt/Default_1024.asp> “Biblioteca Digital”).
- PORTILLO VALDÊS, José M.
2006 *Crisis Atlántica, Autonomia e independência na la crisis de la monarquía hispana*. Madrid: Marcial Pons.
- SÁ DA BANDEIRA, Marquês de
1872 *Carta dirigida ao Ex.^{mo} Sr. José Maria Latino Coelho sobre a Reforma da Carta Constitucional*. Lisboa: Imprensa Nacional, 1872.
- SEABRA, António Luíz de
Duas palavras sobre o casamento pelo redactor do Código Civil. Lisboa: Imprensa Nacional, 1866.
- SILVA, Cristina Nogueira da
2004-2005 “«Missão civilizacional» e Codificação de «usos e costumes» na doutrina colonial portuguesa (séculos XIX-XX)”, *Quaderni Fiorentini per la Storia del Pensiero Giuridico Moderno*, 2: 33-34.
- SILVA, Cristina Nogueira da
2007 “Liberdade e tolerância religiosa: “portugueses não católicos” no Ultramar do século XIX”, *Historia Constitucional: Revista Electrónica de Historia Constitucional* (Electronic Journal of Constitutional History), 8 (2007) <<http://hc.rediris.es>>.
- SILVA, Cristina Nogueira da
2009 *Constitucionalismo e Império. A cidadania no ultramar português*. Coimbra: Almedina. .
- SOUSA, José Ferreira Marnoco e,
1910 *Direito Político, Poderes do Estado, sua organização segundo a ciência política e o direito constitucional português*. Coimbra: França Amado.
- SPOSITO, Fernanda
2006 *Nem cidadãos, nem brasileiros, Indígenas na formação do Estado nacional brasileiro*. S. Paulo: USP. Dissertation in Social History. <<http://www.docudesk.com>>.
- VALDÊS, Roberto
1993 “El «problema americano» en las primeras Cortes Liberales españolas (1810-1814)”. In AAVV – *Los Orígenes del Constitucionalismo Liberal en España e Iberoamérica: un estudio comparado*. Sevilla: Junta de Andalucía.
- VILHENA, Ernesto de
1910-1911 *Questões Coloniais. Discursos e Artigos*. Lisboa: The Author. 2 vol.
- XAVIER, Ângela Barreto
2008 *A Invenção de Goa, poder imperial e conversões culturais nos séculos XVI e XVII*. Lisboa: ICS, 2008.

Organic representation

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1.

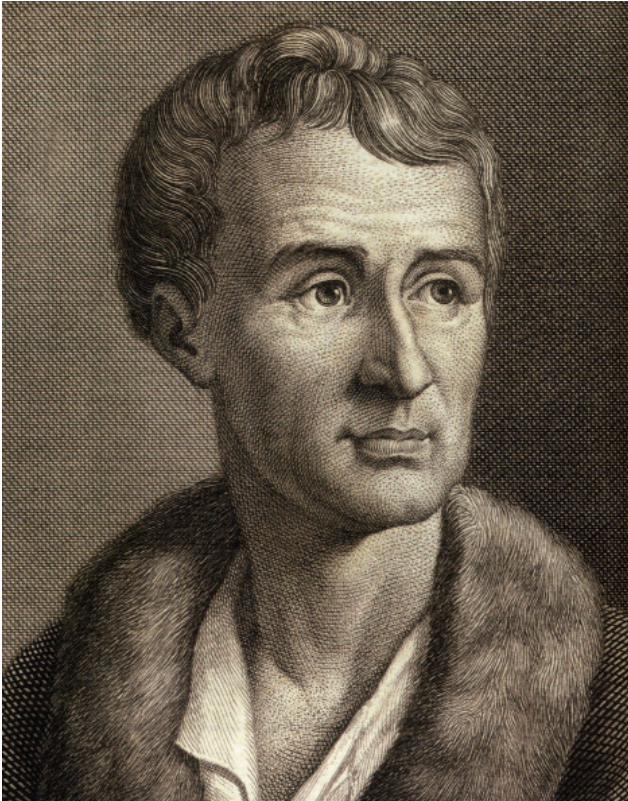
The individualist-contractualist representation of society regarded political society (the *res publica* or *civitas*) as having been formed by a contract entered into between its members. The Nation coincided with the people, whereas the latter was seen as party to (or naturally capable of entering into) the contract¹.

In these terms, the will of society was the sum of the will of these members of society capable of rational will. The growth of political units had prevented this will from being expressed directly, in the *agora*, requiring delegation to an appropriate number of representatives who acted as the political agents of the Nation.

This conception was based on a number of assumptions: that individuals had an autonomous identity (autonomous from others and from society as a whole), that this identity constituted them as political equals, with the same rights to form the national will, that the national will depended exclusively of determining the will of the citizens, and that the majority of individual positions expressed corresponded to the will of the whole nation.

The individualist paradigm was however fairly demanding in institutional terms. Indeed, it sat uneasily with real inequalities between members of society, as can be understood from the theoretical concern this caused to political thinkers such as

¹ Instead, in subsequent periods, Nation was deemed to be voting people (or naturally capable of voting).



■ Jean-Jacques Rousseau
(1712-1778)

J.-J. Rousseau², and from the inclusion of *Equality* (and *Fraternity*) alongside *Liberty* in the revolutionary triad of 1789.

Scottish liberalism sought to get round the difficulties by setting *liberty* in opposition, in absolute terms, to the other rights of citizens. This had two consequences: firstly, that once the liberty of each individual – understood as the absence of explicit and intentional constraints imposed by the other party(ies) to the contract – had been achieved, the requirements were met for correct political relations, and, secondly, that when we speak of a “contract”, all the conditions of individual liberty are deemed to be really guaranteed.

2.

In the theory of the society of the Ancien Régime, none of this was true. The *civitas* or *res publica* was regarded as an entity in itself, which was not confused with the will of its members and which was accordingly

constituted and governed without depending on their will. It depended instead on a founding will – the will of God – or on a will of a constituent nature (permanently so by means of tradition). The members of the republic had in it a hierarchy, their function and rights, disposed by the founding entity. Although the metaphor of the body was widely used at the time to speak of political society, it was not absolutely necessary to think of society as a body, whose members were functionally connected to each other. Whilst inequality was generally regarded as a fundamental ingredient of the order (in this case, the social order), it was not always explained by the organic nature of society, but in some cases by charismatic factors, such as the divine will. When the God of Israel appoints the leaders of his people (cf. *Exodus*, *Exodus*, *Numbers and Joshua*, etc.), he does so by the trust he deposits in them, using the same criterion to distribute functions between the various tribes and groups of the chosen people. In this case, the order is in fact connected to function, but it is function that derives from order and not the other way around.

² Cf. J.-J. Rousseau – *Discours sur l'origine et les fondements de l'inégalité parmi les hommes* (1755).

On the representational plane – if it is possible to speak of this with the connotations it has today³ – this had the consequence of assigning representation to those designated by the entity constituting society. If this was identified as God, political representation has a charismatic nature. If instead it was nature, manifested by tradition, political representation had a traditional nature, and was exercised by those who customarily took it on. These two paradigms existed side by side in pre-revolutionary times, the first manifesting itself in the monarchical principle and the second in the limited and corporative character of monarchies.

This paradigm survived the revolution. It underpinned all the manifestations of monarchical realism – which ranged from accepting that the king is the sole representative of the Nation (the “monarchical principle”, shared by the realists of Southern Europe), to the maintenance of monarchies which tended towards absolutism, albeit surrounded by representative or merely bureaucratic bodies, but always with merely advisory powers⁴, or, lastly, to the attribution of pre-eminent powers to the king, albeit in the framework of constitutions which accepted the separation of powers⁵, although with a legislative power whose legitimacy was partially (upper chambers) or wholly (court councils) of a charismatic nature. Later, in the Republican era, these charismatic ingredients crystallized – in the absence of a royal figure – either in “natural leaders (such as, in the first place, Sidónio Pais, and later Salazar) or in the military, to which António Sardinha attributed a “restorational power”⁶ and from whose nature as “legitimate representative of the people” the Government emerging from the *arrancada* (rising up) of 28 May (1928) derived the legitimacy of the dictatorship⁷.

“The movement of 28 May cannot be described as a mere military *pronunciamento*. It was something more and with a different meaning. Rising up *en masse*, from one end of the country to another, in an impressive wave of revolt and protest, without any resistance to its actions, the Army expressed with eloquence the shared feelings of all good Portuguese men, who are happily the majority, not in thrall to

³ Indeed, as has been pointed out, “presentation” in this context has a meaning much closer to “public manifestation” – as in theatrical language (*re-presentation, praesentatio coram populus*) – than to that of taking the place of (*stare uno pro altero*). (HOFMANN 1974; CAPPELLINI 1987).

⁴ This was the case of most German kingdoms, through to the end of World War I; or, with a number of specific features, the fundamental framework of the Napoleonic constitutions.

⁵ This is the solution advocated by Benjamin Constant and adopted in a series of constitutions in which the king had prerogatives of arbitration in relation to the other powers (French constitutional charter of 1814, the constitutional charters of Brazil and Portugal, of 1824 and 1826, respectively, the Fundamental Law of the Netherlands, of 1815, the *Statuto Albertino*, of 1848).

⁶ António Sardinha – “A Prole Comum [...]” (p. 192-194), cited by Luis Bigotte Chorão (CHORÃO 2009: 180).

⁷ As previously occurred on the 18th of April, when the military officers involved regarded themselves as interpreter of the “true spirit of national aspirations”.

the parasitic exploitation of Power by a minority of career politicians, who without regard to the Constitution were dragging Portugal towards an unspeakable catastrophe. The Army rebelled, with magnificent patriotic *élan*, as the legitimate procurator of the Nation. It was, and continues to be, one of its few disciplined forces and had obtained victory in the Great War, battling heroically, both in Africa and in France, giving it sufficient authority to dictate a new order to put an end to disorganized disorder, imposing respect for law, justice and honour”^{8 9}.

This transfer of the legitimating charisma of the king to the armed forces is not far removed from the classical corporative model, in which divinely inspired representation by royalty is merged with its representation as *dux militiae*, as chief of the host or cohort, both leader and led having the essential function of defending the community, in line with the established triple partition of functions (*oratores, bellatores, laboratores*).

In the specific case of Portugal, the corporative model of society and of its representation may be discerned, almost without concessions, in the doctrine of absolute royal power (*miguelismo*) (HESPANHA 2004: 153-161)¹⁰. But also later, as we shall see in good time, in the Republican period.

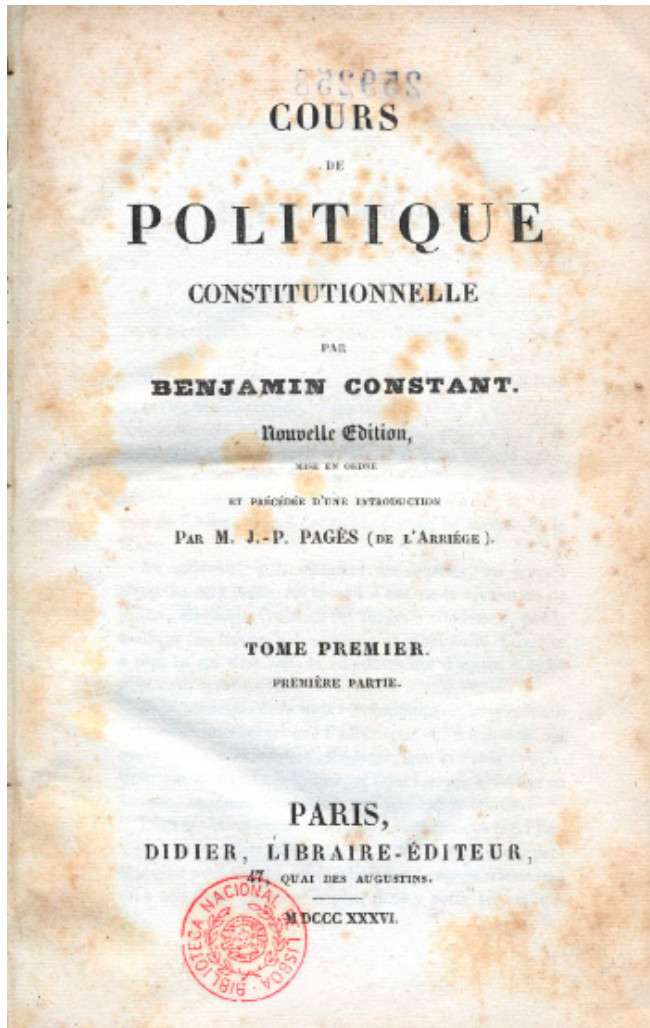
3.

However, the individualist paradigm had other opponents. Those who have been called the *elitist liberals* who, sharing an individualist paradigm and not at all concerned with the absence of the practical conditions for liberty – deemed, normally, as being linked to pre-contractual factors of inequality –, were more demanding with regard to the capacity for political decision-making. In their view, the problem of contractualist individualism laid in the scope and lack of demarcation of the universe of the parties to the contract. They considered that the endowments needed to make political decisions were unequally distributed. Society was unequal – for now, or for ever; not due to any higher purpose or because of any naturally estab-

⁸ *Manifesto à Nação* of May 1927, cited by Luis Bigotte Chorão (CHORÃO 2009: 180-181). This chapter “*Coups d’état* in the light of the legal framework in force [...]” is of great interest to this crucial question of the conflict between democratic legality and charismatic legitimacy.

⁹ Even a military officer with democratic convictions, such as Sarmiento de Beires, still felt that the army could serve as the final recourse of national representation, when democracy was incapable of achieving the objectives claimed by conscious public opinion. On this tension between legality and the regenerative vocation of the army, (CHORÃO 2009: 178 et seq.); on the right of revolt, (CHORÃO 2009: 207 et seq.).

¹⁰ The “*Assento da Junta dos Três Estados*”, published by Clemente José dos Santos (SANTOS 1883-1891), was paradigmatic.



■ Benjamin Constant – *Cours de politique constitutionnelle*. Paris, 1836. [BNP]

lished hierarchy or dependency, which made some the natural holders of power over others and all the natural executors of unequal and complementary social tasks; but simply because circumstances or chance had endowed men differently with the capacities needed to take rational, informed, unemotional and unselfish decisions on public affairs.

This meant that representation had to be restricted to those most apt – those who were more likely to find the rational elements on which good government depended. This meant censitary suffrage, often in two or more rounds, adding further to the selective nature of the choice increasing degrees of mediation of popular will by the will of the social elites.

The need to restrict citizenship, understood as the right to take part in political affairs, was underlined and theorized by Benjamin Constant in his famous lecture of 1819, “De la liberté des anciens comparée à celle des modernes”. He later returns to this question in a work summing up his views: “[...] In our current societies, birth in the country and coming of age are not nearly enough to confer on men the particular qualities for the exercise of the rights of citizenship. Those that indigence maintains in eternal dependency and condemns to work as journeymen are no better

informed than children on public affairs, nor more interested in the country’s prosperity than foreigners, knowing nothing of the questions involved and having no share in the potential benefits, except indirectly [...]”(CONSTANT 1836: 118). In order to be a (*politically*) *active citizen* and to be able to exercise political rights¹¹ it was therefore necessary to demonstrate political discernment which only the possession of a certain income could assure. Accordingly, the distinction between civil rights and political rights – corresponding to the distinction between a national (or *passive* citizen) and a citizen (or *active* citizen) – became crucial to subsequent political theory, and was developed above all by political philosophy (HESPANHA 2004: cit. 12.1).

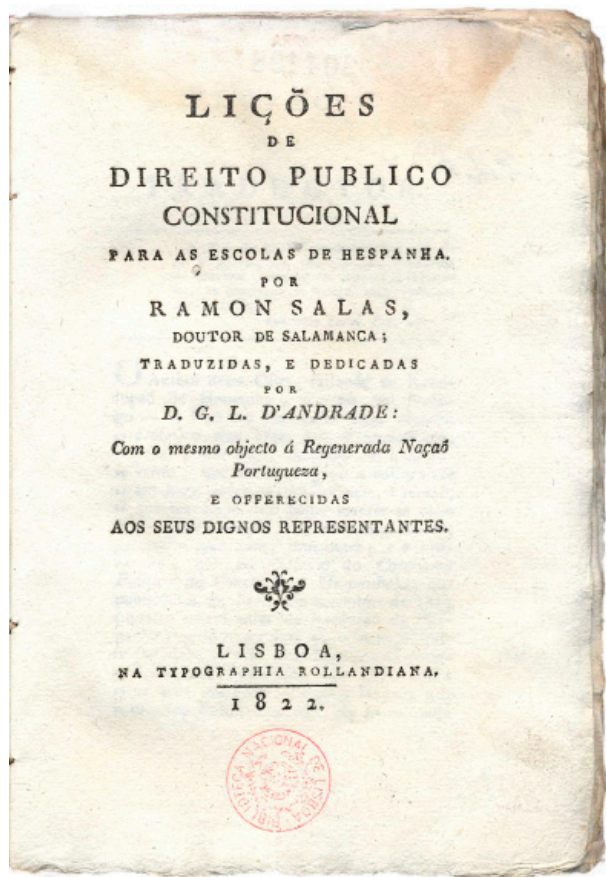
¹¹ “To be a member of the various national authorities, to be a member of the local authorities in the regions and to be able to stand for election to the various authorities” (CONSTANT 1836: 116).

In proposing this model, as I have explained elsewhere, Constant is constructing an intellectual framework which was highly effective in aristocratizing power: he offered to everyone, by way of a fundamental guarantee – of property and liberty – something that was in fact of interest above all to those who already possessed something. And, by concentrating all the meaning of liberty, according to the

modern thought, in the defence of this sphere of private interests, he correspondingly devaluated the political meaning of participation in government, which was regarded more as an incommodious burden than as an advantage. Hence the establishment of elitist political regimes, in which most of the citizens are excluded from participating in power, appeared as no great problem. The governing of the many by the few is innocuous if these many are effectively assured their civil rights against the few who govern them. In reality, however, the few who governed were the only ones for whom the guarantee of civil rights had any useful meaning; and the many who were governed were the same many who had nothing or almost nothing to be civilly guaranteed.

This restriction on the political capacity of only some of the citizens was necessary in order for the blind impulses of mob not to prevail. As the Spanish constitutionalist Ramón Salas wrote, in the 1820's, "[If, in political life,] the people were to triumph, their first step to freedom would be unbridled licence; and there is nothing, absolutely nothing, that should not be feared from a populace sufficiently blind as not to see the boundaries between licence and

liberty; and at the same time sufficiently energetic to keep itself in the position which it had taken until the infallible and extraordinary effects of disorder had compelled it to submit to order; in other words, until the Nation were ruined for many centuries!" (SALAS 1822)¹². Whilst Alexandre Herculano declared – consistently, from 1837 to 1867 – that if the laws were measured “by the eternal principles of goodness and justice, [...] I shall not ask whether they are consistent or not with the will of the ignorant majorities [...] the common people are called the filth of society, not because they are humble, or because they are poor, but because they are wanton and vile”(NETO: 1984: 653 *et seq.*).



■ Ramón Salas – *Lições de direito publico constitucional para as escolas de Hespanha*. Lisboa, 1822. [BNP]

¹² On the opposing concepts *irrationality of the people/rationality of the citizens* (PINTO 1838: 16).

The *Constitutional Charter* was promulgated under the sway of this aristocratic liberal political philosophy¹³, with strong monarchist-traditional undertones, as we shall see. Whilst extending citizenship to all nationals, in other words, to all those born in Portuguese territory, either in the Realm or its dominions (Articles 1 and 7), this however corresponds only to extension of the capacity to enjoy¹⁴ civil rights, the basis of which *Charter* defines as being “liberty, individual security and property” and which it guarantees to all citizens (Article 145). However, when dealing with rights of political participation, the *Charter* – implicitly assuming Constant’s distinction between active and passive citizens – only accords them to a few¹⁵. Of these rights, the most important were those of suffrage, restricted to a minority, on the grounds of gender and income¹⁶. Censitary suffrage sought to restrict the right to vote to those most responsible, or best informed. The most responsible would be those who, due to having an appreciable income, had something to lose from the electoral outcome. The best informed would be those who, on their own merits (attested to by the accumulation of appreciable wealth), could achieve a rational, independent and disinterested understanding of the political issues at stake in the election. Moreover, as those who paid most tax, they had the most legitimacy to decide on public affairs. Elections were indirect, in order to add further to the “reliability of choice”: the people participated, but only by entrusting the task of definitively appointing their representatives to persons more capable than themselves. This avoided even greater restrictions on the universe of electors, which might undermine the legitimacy of the system, and also the risk of giving the electors the final word on the representatives of the nation¹⁷.

The *Charter* (as well as the *Constitution of 1838*) established restricted suffrage, in which the right to vote was granted only to men aged 25 years or more with a minimum income of 100\$00, an income of 400\$00 being required in order to be electable¹⁸. In European terms, this was not a very large sum (BAPTISTA 1903)¹⁹.

¹³ Cf., for details, A. M. Hespanha (HESPANHA 2004: 161-198, 352-365).

¹⁴ As the capacity of exercise also depended on conditions, long established, of age, gender, soundness of mind, etc.

¹⁵ On this question, which is difficult to clarify, both in theory and in practice, see Cristina Nogueira da Silva (SILVA 2009).

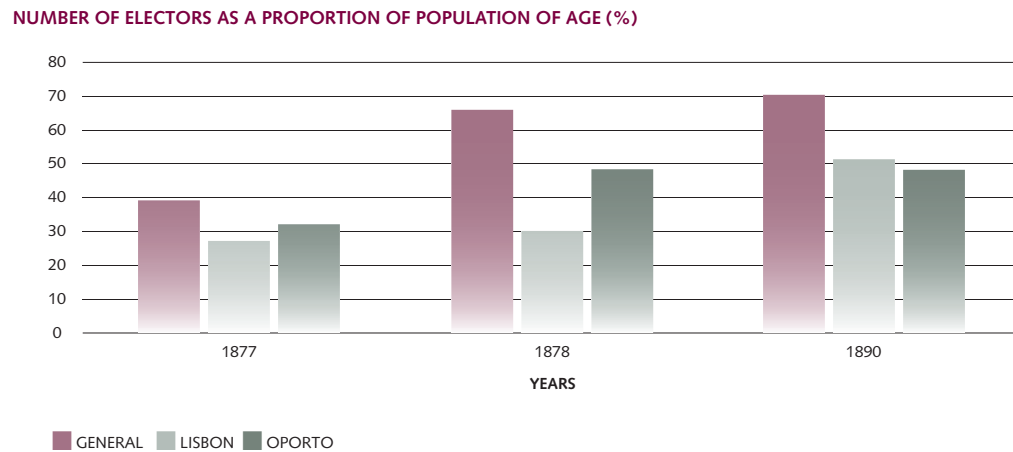
¹⁶ Cf. Articles 65 to 68 (100\$00 in order to be an elector and 400\$00 to be electable as Member of Parliament).

¹⁷ On indirect and censitary suffrage, cf. J. J. Lopes Praça (PRAÇA 1878: 1: 2: 86); J. F. Marnoco e Sousa (SOUSA 1910: 471 *et seq.*).

¹⁸ A benchmark to give an idea of what this might mean: a day’s wages in mid-century were around 650 *réis* (which, discounting Sundays and holy days, would add up to approximately 190\$00).

¹⁹ In general on the history of electoral models, Raffaele Romanelli (ROMANELLI 1998); Heinrich Best and Maurizio Cotta (BEST; COTTA 2000). For the United States, Horst Dippel (DIPPEL 2008).

The *Additional Act* of 1852 introduced a new model, in which voters could qualify on the grounds of minimum income or, alternatively, of minimum educational qualifications or, later (Electoral Law of 1878), by virtue of being a head of family, resulting in a body of voters which moved significantly towards all men of age, or universal suffrage, as it was understood at the time. According to data from the best Portuguese study on this matter (ALMEIDA 1991), the electorate evolved as shown in the following graph, from 1877 to 1890:



The Republic – which, during the monarchical period, presented itself as the promoter of the political representation of the excluded – returned, at the time of the Constituent Assembly, to the near universal (male) suffrage of the law of 1878. However, fearful of the reactionary influences of local chiefs and priests, it quickly backtracked, dramatically restricting the electorate, by requiring literacy for the exercising of voting rights²⁰. The theoretical justification was that, as Afonso Costa argued in Parliament, the Republic was not seeking “uninformed votes”(sess. 12.6.1913) (CHORÃO 2009: 323-320 cit., chapter “Uma democracia de homens letrados [...]”; ALMEIDA 1998); this was a fairly flimsy excuse, as literacy, as posited at the time, was no guarantee of an educated vote. Broad male suffrage was only reinstated in 1918 (Decree 3907, of 11.03), by Sidónio Pais²¹.

However, in addition to these elitist traits, the Charter reinstated a charismatic and traditional paradigm of representation, balancing the model of suffrage against

²⁰ Law no. 3, of 3 July 1913.

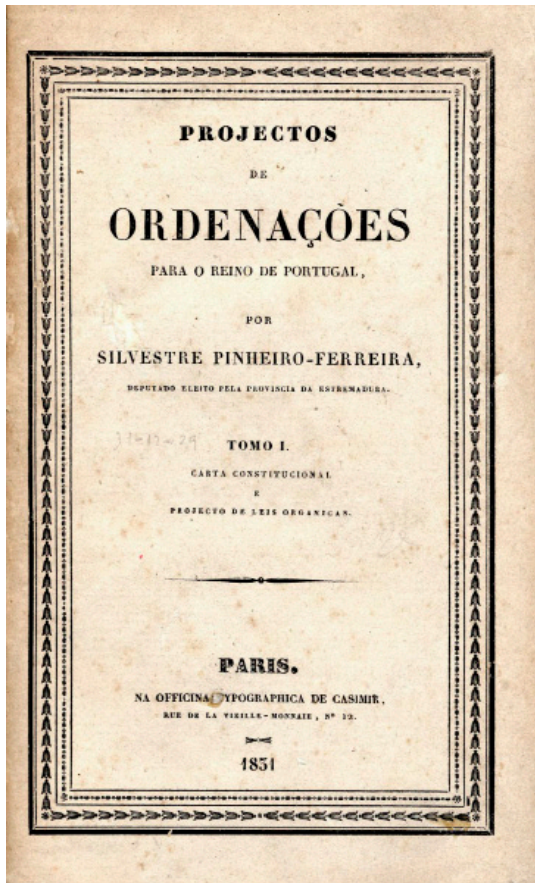
²¹ See, on the evolution of suffrage during the Republic, with plentiful supplementary information, Luis Bigotte Chorão (CHORÃO 2009).

the assignment of representative powers to the old “privileged states” of the Realm (albeit now partially filtered by royal choice), gathered in the Chamber of Peers, and even against the charismatic representation of the nation by the monarch, which explains the constitutional role of the king, namely as concerns his responsibilities as the holder of the moderating power (dissolution of the Chamber of Deputies²²; appointment of members of the Chamber of Peers, initially without any fixed

number; the absolute right of veto over acts of Parliament; freedom to appoint and dismiss Secretaries of State). The short-lived *Constitution of 1838* was partially purged of these older concepts of representation, with an elected upper chamber, albeit with increased censitary requirements, whilst maintaining intact the constitutional privileges of the king (HESPANHA 2004: 353 *et seq.*).

Halfway between a subsequent form of organicism and the aristocratic liberalism of the same period we find the model proposed by the prolific (but not very practical) scholar and writer on public affairs Silvestre Pinheiro Ferreira. In his view, society should be divided into a hierarchy of tiers, corresponding to the 12 principal sectors of activity. Within each tier, the existence of various classes would assure that political participation was based on the specific merits of each citizen, to whom would be granted the corresponding rights of participation [(FERREIRA 1831: 43 (classification of residents in states and classes); 87 *et seq.* (civil and military ranking of the population in 12 tiers; breakdown in tables); 102 *et seq.* (Process of classification); FERREIRA 1838: 127 (civil registry by class)]. In short this was not a plutocratic system, in which merit was assessed only on the basis of wealth²³. This harked back to the division of society into the traditional states; although these tiers

now had to do with a classification of social functions which was more up-to-date and more sensitive to a utilitarian concept of merit. However, the system was impracticable, requiring the registration of all citizens, periodic examinations to test their capacities in the tier to which they belonged, and the corresponding promotions (or demotions)



■ Silvestre Ribeiro Ferreira
– *Projecto de Ordenações para o Reino de Portugal*.
Paris, 1831.
[BNP]

²² We should note that the power of dissolution – which was to become a vexed question in the Republican period (CHORÃO 2009: *maxime* 198-317), could be related only to the need to circumvent the paralysis or blocking of parliamentary action, offering the possibility of refreshing representation by means of an election.

²³ Hence his criticism of the censitary criterion in the Charter (FERREIRA 1831: 2: 46).



■ August Comte
[BNP]

between tiers. In a way, it was a baroque version, but imbued with a more modern spirit, of organic systems of suffrage, in place in a number of German constitutional States (PRAÇA 1880: 1: 95). Towards the end of the century, this concept, greatly simplified lead to the adoption of neo-organicist visions of society [GARCIA 1885: 109; LARANJO 1898-1907: 37 (anti-contractualism; objective character of institutions and the State); SOUSA 1910: 124]²⁴.

This primacy of reason was open to conversion into the *primacy of science*. This is what happened, throughout Europe, from the 1830's onwards, assigning legitimacy either to the cultivators of the new sciences – in particular the human or social sciences with positivist leanings, conferring special social legitimacy on scientists (specifically sociologists, biologists, physicians) -, or to those skilled in the science of State affairs, the inheritors of the *Kameralwissenschaft* of the Enlightenment, giving rise to the political legitimacy of the senior civil service, as in Prussia and in the 2nd German Empire. In these cases we cannot, strictly, speak of popular representation as the empire of the Nation had converted into the empire of Reason (ROSANVALLON 1985). A certain segment of political thought also evolved towards a science-based dictatorship: this was the typical direction taken by more orthodox Comtism, which coherently renounced suffrage insofar that, with the discovery of the social laws which are to set the course of government, it made no sense to place the political solutions at the mercy of decisions expressed through the ballot box. As early as the 1820's, Auguste Comte definitively rejected suffrage as a suitable means to assuring that the most scientific views on social and political questions would prevail²⁵. In Portugal, more towards the end of the century, a former supporter of universal suffrage now took the same line: "Without doubt, public opinion is essentially ignorant and changeable. Like handsome and hysterical women, it is more easily led by the flattery and seductive words of those who cultivate its defects and polish its vanities, than by the severe teachings of those who seek to elevate its intellectual and moral level" (FUSCHINI 1899: 138). Many years earlier, using less colourful but even more severe language, Oliveira Martins alerted to what he saw as an essential contradiction between deplorable suffrage and estimable public opinion (MARTINS 1878: 156 *et seq.*):

²⁴ For further detail, see below, in the section on neo-organicism.

²⁵ In a work that applauds the Caesarism of General Boulanger (and which opened with a quotation from Joseph de Maistre), the Spanish "apostle of Humanity" Jorge Lagarrigue also reaffirms Comte's anti-suffragist positions, denouncing E. Littré, who had moved away from them, as having sold out to academicism and the pro-parliamentary cause (LAGARRIGUE 1888).

“And just as the *Ballot Box* can express the voice of the people, it cannot express public opinion, as it is too rough and ready and instrument to do this; and whilst in former times the *Ballot Box* gave us liberally-minded tribunes and patriarchs, all that it can give us today is the worst of current political society. Ruled by intrigue and money, the *Ballot Box* perverts the principle of representation; and once representation has been faked, corrupted and infected, the high-minded distance themselves, just as a man with keen senses moves away from what is repugnant. The best of the illustrious young men that the nation sees in the schools, in the army and in the professions, systematically abandon elections to their dark and dismal fate”.

This is why, now on the Republican side, radical proposals now appear from Basílio Teles on the inevitability of a permanent Republican dictatorship (TELES 1975: 19-31), freed from the “irritating deadweight” of the parliamentary system (p. 26), and entrusted to a brain endowed with “a sound scientific education, especially in social affairs, and with a correct capacity for conception, invention, imagination or whatever is deemed to be the best term” (p. 32): “if the Portuguese Parliament is no better than ridiculous buffoonery, would it not be preferable to dispense with it when there is a serious plan of governance to put into execution, without delay and in full?” (TELES 1975: 19-31)²⁶.

Another sector of opinion²⁷, however, conciliated the values of science with democratic values, through a policy of expanding education, seeking to educate citizens for the exercise of suffrage. Typical of this orientation is the schools policy of the French 3rd Republic, which was to have a strong influence on the public education policy of the Portuguese Republican Party and, later, of the 1st Republic, but also of the reformist sectors of the pro-monarchist parties, equally dissatisfied with the perversion of electoral representation.

However, the continuous disrepute of Parliament, both in the later years of the Monarchy and for the entire duration of the Republic, prompted equally continuous calls for representation and government to be entrusted to competent, honest and “free” men (in the sense of not bound to particular interests, to parties or dogmatic political conceptions). Starting in the late 19th century and during the entire crisis of the Republic, this idea of competence, altruism, national sentiment and freedom,

²⁶ On the attraction for countless Republican spirits, of different tendencies, of the need for an “extraordinary” dictatorship (or “sovereign” to use the terminology – relatively unfamiliar in Portugal at the time – of Carl Schmitt (CHORÃO 2009: *maxime* 184, 187, 330-344). On dictatorship in the decisionist thought of Schmitt, see Giorgio Agamben (AGAMBEN 2003).

²⁷ On the replacement of the quasi-religious dogmatism of Auguste Comte by Émile Littré (1801-1881; *Paroles de la philosophie positive*, 1859; *Auguste Comte et la philosophie positive*, 1863). On the role of E. Littré in the education of the Portuguese political avant-gardes, in the final decades of the 19th century, see Fernando Catroga (CATROGA 1977a: 287-394).

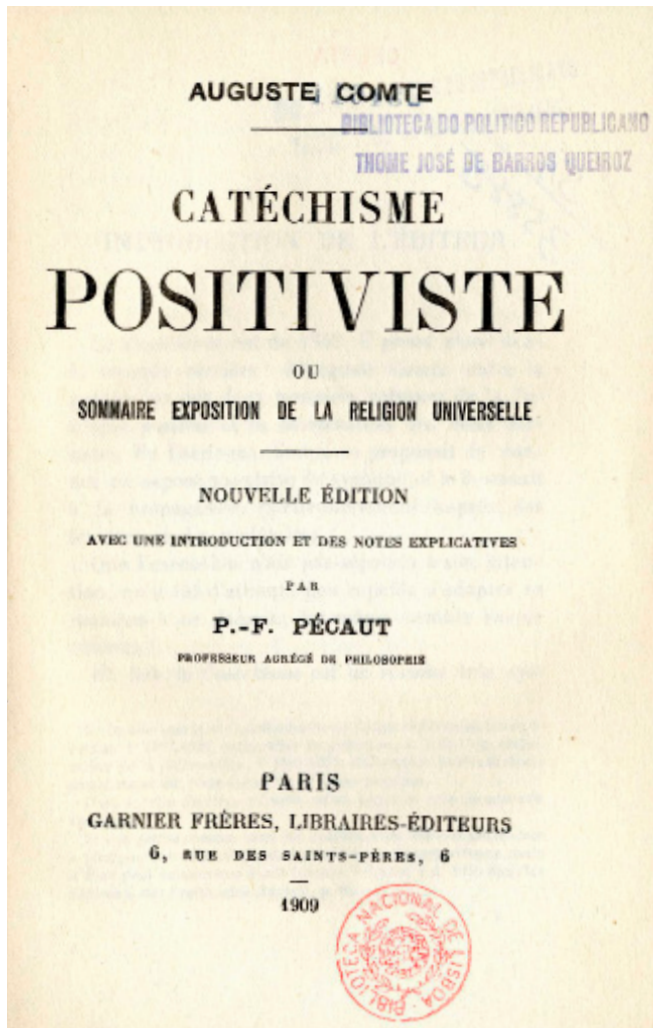
the symbiotic ability to understand public opinion²⁸, pointed frequently to the armed forces, even if this call to arms was not based partly on shared charismatic ingredients, connected to the military function of defending the altar of the fatherland, as already referred to. At least, in one sense, the armed forces would in principle be competent – in maintaining order. And this, in the second decade of the Republican period, was something which many were eager to see.

4.

The organicist paradigm was not inconsistent with the 19th century global horizon of political ideas. Romanticism in general, and especially the German Historical School, revived the idea that, in human societies, the whole is an entity different from the sum of its parts, the holder of a “soul”, a “genius”, a “spirit”, of vital interests which motivate and draw its members together. This immaterial reality which unified the Nation was the product of a continuum of generations which had forged a language, a history, a set of values, traditions, a sense of common belonging, of identity and love for this shared fatherland and, with all this, a network of individual inter-relationships, which were either natural in themselves (such as family, physical, affective or spiritual ties), or else naturalized by long tradition. Irrespective of other corporative developments, which will come later, this was enough to justify propositions that a Nation could not be represented either by merely its living generations (voters) or merely on an individualist basis.

These points of view could not be less compatible with a form of representation based underlying the individualist suffrage. In the first place, the dead, and future generations, had no vote. What is more, isolated voting at the ballot box would, at a crucial moment in the formation of the collective will, emancipate individual idiosyncrasies from the wider moral and cultural heritage in which all fellow citizens shared, replacing nature with the judgement of will, immanent law by the law of numbers. Each individual is invited to vote egotistically, ignoring the interests and relationships which connect him to the various bodies of companions (*Genossen*),

²⁸ We should note this concept of public opinion which – dating from the 19th century, as demonstrated by J. Habermas in *Strukturwandel der Öffentlichkeit; Untersuchungen zu einer Kategorie der Bürgerlichen Gesellschaft*, 1962 – is contrasted with the inorganic and atomistic outcome of suffrage. As late as 1965, Marcello Caetano attributed special importance to this concept, as the “judgements shared by a large number of the members of a given social group, so that when an individual expresses one of these views to his fellow citizens it is significantly likely that such view will not be rejected, but will instead be met with an environment of receptiveness and approval” (CAETANO 1965). That this was also not the Habermasian consensus is shown by the fact that this public opinion has to be defended “against all the factors which lead it astray from truth, justice, sound administration and the common good” (*Const. Pol. 1933*, art.22).



■ Auguste Comte – *Catéchisme positiviste*... Paris, 1909. [BNP]

of which the largest is the Nation. Developments in sociology, social economy and law served to fill out and solidify these ideas, transferring them from a more or less mythical plane to the plane of science. Although the philosopher Auguste Comte was not at all averse to this idea of fundamental solidarity between the parts within a whole which transcends them²⁹, it was the next generation that explained the impact of organicism on the economy, on law and on politics³⁰. In the late 19th century, organicism was the dominant doctrinal current at the universities, and in particular in Law Faculties. (MONCADA 2003; CATROGA 1977a.; CATROGA 1977b; HESPANHA 2004), where questions of political organizations were reflected on more systematically than in the public arena. Although, in the public domain, these ideas of social interconnection, solidarity, the communitarian nature of social processes, fitted neatly with the facts and concerns of everyday life – concentration of production and distribution, massification of communication and commodities’ circulation, integration of national domains, contrasting with dysfunctions such as the “social question”, which appeared to have been produced precisely by egotism being superimposed on altruism.

All this had a dramatic impact on models of political organization. On the one hand, the holistic dimension of organicism reacted against the breaking down of the State into individuals, against the diminishment of the will and the power of the State to a continuous process of negotiation between individuals, factions and parties, each defending private interests which, in this context, appeared selfish. Not least because the inequalities and tensions in society meant there was a pressing need for

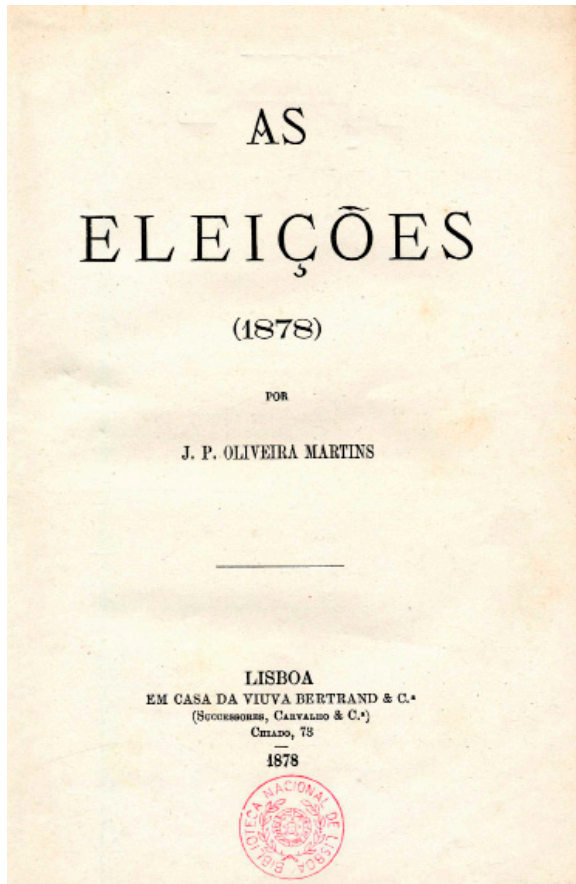
²⁹ The *Catéchisme positiviste*, 1852, highlights this interconnection between men, imposing on them a moral obligation of altruism; in setting social duties against individual duties, and political determinism against individual will, Comte is informed by conservative ideas, from Joseph de Maistre, and from Louis de Bonald.

³⁰ Albert Schäffle (1831-1903 – *Das Gesellschaftliche System der menschlichen Wirthschaft*, 1867; *Die nationalökonomische Theorie der ausschliessenden Absatzverhältnisse*, 1867; *Bau und Leben des socialen Körpers*, 1875-78); Herbert Spencer (1820-1903) – *System of Synthetic Philosophy*, 1862-1896; René Worms (1869-1926) – *Organisme et Société*, 1896; Émile Durkheim (1858-1917) – *De la division du travail social*, 1893.

an entity which would give a voice to the interconnection and mutual dependence which the theory proclaimed as existing in the social fabric. The diagnosis made was that what was happening was the consequence of the forms of the State being unsuited to the natural-scientific governance of society. Indeed, the structure of the State accorded with an individualist model – the will of the State was formed from the sum of individual wills which had been artificially separated; the representatives organized themselves in parliamentary factions destitute of any internal organic cohesion (from the point of view of interests, or of ideas), and there was no solidarity or sense of convergence on shared values between these parliamentary groups; but, above all, these groups – their brotherly ties in shreds – prevented the expression of a government will corresponding to the unitary structure of the whole.

Part of this mismatch was theoretical in nature. This was the case of the construction of sovereignty (of the power of the community) on the basis of a contract, when it was now deemed to derive from vital impulses – which were therefore natural and independent of any contract – of a living organism. And also of the founding role taken by individual rights, which transformed them into factors of dissolution of organic units, as they were conceived precisely to prevent or limit natural organic agency; moreover, as individual rights were not matched by the individual duties which ought to correspond to the functions of each part in the whole, they produced an unbalanced legal entity, blind to factors which derived not from individuality, but from solidarity; a right from which the traditional party dedicated to duties (or *official hominis*) had been disassembled. Other discrepancies had to do with the actual division of powers which, apart from being wholly lacking in organic meaning, as the powers failed to correspond to the real geometry of the functions of the various parts of the social whole, was also directed so as to hinder the functions of organic coordination which ought to correspond to the community as a whole. Finally, the question (and institutional models) of political representation was affected by this theoretical misrepresentation of society.

The actual organization of civil society, to a degree also expressed in at legal level, had lost sight of these organic ties between individuals, which explained precisely why society existed. Elements had been introduced in the organization of the family which undermined its natural structure, such as divorce and the progressive emancipation of children and spouses, as well as the gradual abandonment of the principles of the cohesion of household property, such as ties or certain elements of co-ownership of original family assets. In economic organization, no heed had been paid to transformations in the nature of the production process caused by the industrial revolution, by the appearance of the “factory” or mass labour, by the collectivization of production and even of distribution. The organic connection between employers and workers had been lost, with the consequent obliteration of a series of mutual duties, giving



■ J. P. Oliveira Martins –
As Eleições. Lisboa, 1878.
[BNP]

rise to the social question. At the same time, individualist law continued to prohibit organizations of workers and employers, and to surround the formation of collective bodies with a series of safeguards (HESPANHA 2004: 502-524). With all this, a stark lack of correspondence had been introduced between the collective nature of economic activity and the law applied to it. In the organization of territory, the natural markers of political domains had been forgotten, centralizing and homogenizing *contra natura* that which had always been regarded as polycentric and politically imbued with specific characteristics. This had reached the point of identical territorial status being accorded to the metropolis and the colonies.

All this had swiftly reached Portugal, in some cases in the form of diffuse feelings as to the artificial nature of representation, and in others as structured ideas about the error of conceiving and representing society as if it were a mere collection of individuals.

The most systematic theoretical criticism of the electoral system was set out in a widely ready article by Oliveira Martins (MARTINS 1878): “Elections, in their numeric brutality, are a misguided process. Although the arithmetic

outcome is not subordinated to chance, the moral outcome undoubtedly is. To make an amalgam of social elements, some indifferent, others antipathetic, is to make elections subject to chance. Elections are in fact a lottery, and the ballot box produces only one winner” (MARTINS 1878: 155).

The reason for this was not to be found in practical questions or circumstances, but rather in theory and in underlying factors:

“The constitutions issuing from the public law doctrines in force at the beginning of this century and inspired by the cult of liberty, a religion created by modern [legal] naturalism, suppose in fact that the love of the public cause or the civic good is uppermost in the minds of the people; and it is from this misguided hypothesis that flow all the vices and errors in our political organization. This whole machine is based on a misconception, and this is why politics has never been more of an organized system of fraud than it is today. We should not therefore attribute the decadence of political customs to the degeneration of customs, nor to any disorganization of moral ideas, which in Portugal are not better than in the rest of Europe,

nor in our day superior to those of previous ages. The special and particular cause lies in the wrongness of the organic ideas of public law, and in the absurdity of our constitutional arrangements.

In view of the need to delegate political authority, committed by legal philosophy to all citizens, the liberal constitutions issuing from the French Revolution established *suffrage* and the representation obtained through this they called *national*. Analysis and criticism of this first step toward organizing democracy is sufficient to condemn the system. Suffrage is not the sole and exclusive form of arriving at representation of the social forces, although it is one of these forms: nor can representation be called national because a great distance exists between the ideas of nation and society [...]" (MARTINS 1878: 158/9).

This distance between nation and society was the result of the abstract character of the individual elector, when contrasted with the actual members of society, differentiated by styles of life and interests; it derived from the distance between the inorganic people of individualism and the organic nation of romanticism and positivism:

“When a man takes his ballot paper and places it in the box, at this moment he is above all a citizen; in other words, the member of a society in which he occupies a place, exercises a profession, and lives from certain specific interests; he is either a farmer or farmhand, a factory owner or worker, a landowner or tenant, an educated man or an illiterate, a Catholic or an atheist, a capitalist or a proletarian. However, whatever he is, it is always something different from the citizen who voted before him and the citizen who voted after him for a different list. Either the vote has its own virtue, or value, or it merely reflects in graphic form the opinion of the person voting for it. As it would be absurd to assume the former, it follows that the process of adding up the votes is an offence against the principle proclaimed by Bezout and all arithmeticians: heterogeneous quantities may not be added together to form a sum” (MARTINS 1878: 159).

To this we should add a central and self-evident tenet for organicist naturalism: it was not suffrage – the *will* – that attributed authority to power; authority flowed instead from *nature*, from a spontaneous sense of hierarchy, from the need to order and the sentiment of obedience³¹. So if power had therefore to be related with society,

³¹ “The divine right is as false as the sovereignty of man. Man is an animal of many weaknesses. Only society ennobles him, only intelligence gives him worth. True sovereignty therefore lies in society, and not in men, because between the assembly of an educated nation and the assembly of Hottentots there is a greater distance between the latter and that of quadrupeds” (MARTINS 1878: 168).

this did not derive from the theoretical need to legitimate power³², but rather from the practical need to raise awareness of the different interests manifested in society. “It remains to organize Democracy, to render real and positive the authority of the people, and to render social representation truthful, in order for all opinions and interests, all the members and all the organs of the social body to find themselves reproduced in the legislative Assembly, as in a microcosm of the Universe” (MARTINS 1878: 168).

This meant that democracy should thenceforth be something different from the mechanistic democracy, in which the people were the principle, but not always the purpose, of government. Democracy would be the means of assuring the expression of all the different social interests, so that the State could harmoniously organize and reflect them to the precise extent of their social utility: “We want the life of a society to be normal and regulated like that of all higher organisms; we want it to cease to be indistinct and chaotic; we want peace, we do not want permanent revolution”³³ (MARTINS 1878: 170).

It also followed from this that representation had to be something different from representing individuals. It should represent organic functions and interests: “To represent individuals, as citizens, in their real social condition, in other words, the classes, and beside them the institutions and the physical and moral environment, this is the principle, that we dare to call the new principle, because it is the first time that it has been formulated in this way in the domain of modern political thought” (MARTINS 1878: 180). Oliveira Martins sought to give these ideas a practical edge, imagining a representative chamber of this type, in keeping with a representative arithmetic or interests which itself says much of the image of the Nation and its mythic features (MARTINS 1885: 11):

³² This legitimated itself as “the principle of moral and economic order in society” (as Martins explains, citing Francisco M. Faria e Maia (MAIA 1878).

³³ “Democracy must today restore the institutions, re-establish safeguards, reorganize the classes, as functions and not as privileges, by virtue of their special high-minded character, and not by virtue of a hierarchical idea. All work has the same moral value for society. Neither the class of bankers, nor that of physicians, nor that of writers is more noble than that of tanners. The intellectual value of individuals may differ, the economic value of their products also, but the social value of occupations does not. In the eyes of society there are only bodies and functions: tell me what is more noble, the digestive or respiratory apparatus, which is the more worthy, an arm or a leg, the lung or the liver? To organize is therefore not to move back, but to make progress. We are not seeking the restoration of the ancient world, we seeking to re-establish what was created in its light, created now by the voice of democracy” (MARTINS 1878: 170). On the other hand, differentiation between classes should not lead to struggle between them – as the revolutionaries, and in particular the Marxists sought – but to cooperation towards a common goal – the survival and progress of the social organism.

1.st CATEGORY INSTITUTIONS	Royal Academy of Sciences	1	
	University of Coimbra	1	
	Polytechnic Schools of Lisbon and Oporto	2	
	Medical Schools of Lisbon and Oporto	2	
	Army and Navy Colleges	2	
	Ecclesiastic Provinces	4	
	Appeal Courts	3	
	Supreme Court of Military Justice	2	
	Public Credit Board	1	
	Customs Board	1	
	Court of Auditors	2	
	Directorates of Trade and Agriculture	2	
	Public works and mines Board	1	
	Supreme Administrative Court	2	
	Higher Council of Public Education	1	
	Health Board	1	
	District <i>Misericórdias</i>	2	30
2.nd CATEGORY CLASSES: REPRESENTATION BY DISTRICT OR REGION	Bankers, traders and major manufacturers	9	
	Teachers, physicians, lawyers, etc.	9	
	Seamen and fisherman	8	
	Rural landowners	8	
	Factory workers	17	
	Agents, employees, clerks, etc..	17	
	Tenant farmers	17	
	Small manufacturers and shopkeepers	17	
	Rural labourers	17	115
	3.rd CATEGORY MORAL OR MATERIAL CONDITIONS	The government	7
The districts		17	
The regions		3	
Representatives of Lisbon and Oporto		2	
Representatives of the nation (elected by universal suffrage by a single constituency comprising the entire realm)		6	35

The idea was echoed in the writings of university scholars. In his influential handbooks on constitutional law, Marnoco e Sousa devoted many pages to describing and assessing the different forms of representing social interests in the different countries of Europe (SOUSA 1910: 164 *et seq.*; BAPTISTA 1903: 91 *et seq.*). After affirming that “the representation of social interests is the best form of political representation”, he justified his position as follows:

“Political representation should be the faithful image of society, and therefore reflect the various ways in which social activity manifests itself. This means that the representation of social interests is the best form of political representation. Tame said: I know the Chinese, the Spanish, the Indians and negroes, I do not know men. In politics too we know traders, industrialists, factory workers, soldiers, farmers and artists, but we do not know men. Individual interests bring together men in different functions, through which the activity of society is manifested. The representative system should therefore consider the elector in his capacity as the member of a given social function and not, as currently is the case, as a numerical quantity, exposed to artificial combinations. Only then would we see the disappearance in the elector of the absolute unconsciousness which renders him a blind and sometimes dangerous instrument of the ambitions and interests of others, or the accomplice of the public calamity which is called electoral corruptions, so deeply prejudicial to the life of representative government in modern States” (SOUSA 1910: 164).

In these terms, the idea of popular sovereignty, embodied by suffrage, underwent a doctrinal crisis, and – as António Cândido said from the parliamentary benches – found itself “enmeshed, compromised, sterilized by the processes that serve it and the institutions that surround it” (CÂNDIDO 1887: 17-18).

5.

Even for those who remained faithful to the individualist core of the liberal paradigm, some of the criticisms of the organicists made perfect sense. Individualism – they thought – was nothing but an idea about the most simplified constitution of society, just as the atomic vision merely represented an affirmation concerning the elementary structure of material. But, just as the world does not present itself to us as a set of individual atoms, but as a world of things, so society, having as its first nature the individual, is only society because these individuals are linked to each other by

tied of dependence and solidarity. This *sense of solidarity*³⁴ retains something of the trilogy of the values of the revolution, but adds to them something and changes their hierarchy – Solidarity, Equality, Freedom (BOUGEOIS 1896: 105). This meant that, in the world of values governing the political organization, the duties of solidarity (at various levels, generational and intergenerational) came first, followed by equality (understood in the more demanding sense of equality of opportunity) and finally by freedom, not obliterated by the preceding values, but constrained by them.

The central idea of solidarism was that, before obligations generated by contracts came into existence, there was a primordial, implicit but indispensable debt in a just social contract – the social debt, whereby the possessors were the debtors of the non-possessors and the socially weak³⁵, and present generations the debtors of past generations. The means of settling this debt was the mutualisation of advantages and risks, as a practical means of balancing them (AUDIER 2007b: 16). This is the philosophy that was to inspire the policies of the 3rd and the early 4th Republic in France and, to a very large extent, of the Portuguese Republican Party (CATROGA 1991).

This idea has direct repercussions for employment and social security policies and, more generally, for social policies. But it also has an impact on the conception of the Republic, and consequently on its representation. It is true that the disposition to honouring social debts tends not to be natural in individuals, where it is squeezed out by a tendency to be egotistical and to shirk responsibilities. As a result, in any social organism, the altruistic spirit (of solidarity, or justice) only becomes perceptible when raised to a higher state as a result of the moral progress of each of its members, thanks to an individual effort of education actively encouraged by society, at its different levels (CATROGA 1991: 25). It is this, moreover, that distin-

³⁴ Solidarism was a doctrine basically formulated – in its most emblematic version – by Léon Bourgeois (1851-1925), in his vast and multifaceted *oeuvre* (BOUGEOIS 1896). The most important aspects of solidarism, in Bourgeois' work, are social security and mutualism and international solidarity through the primacy of law. Bourgeois, a reader of Comte and Mill, had a doctorate in law, and belonged to the radical/socialist sector of the French political spectrum (BUISSON 1908). He served as government minister with various responsibilities (1888-1917: Interior, Justice, Public Education, Foreign Affairs, Labour and Social Security) and was president of the Council of Ministers and, later, of the Senate; he was a member of the International Court of The Hague, President of the League of Nations and a renovating force in international law, for which he was awarded the Nobel Peace Prize in 1920. On his influence in the field of law, public and private: Adrien Leroux (LEROUX 1913). See, on Léon Bourgeois and his times: J.-Th. Nordmann (NORDMANN 1977); Serge Audier, (AUDIER 2007a); Marie-Claude Blais (BLAIS 2007). On contemporary echoes of solidarism, in a context of criticism of neo-liberalism, cf. Ch. Chavagneux (CHAVAGNEUX 2007); Serge Pagan (PAGAN 2007); but these ideas are in the air, deriving from very different sources of inspiration (HESPANHA 2009: 469-518; CATTANI; LAVILLE; GAIGER, HESPANHA 2009).

³⁵ Of the main victims of social risks (the sick, old, victims of accidents and the unemployed), which, on the other hand, brought advantages to others (or is generated by the quest by others for advantages) (AUDIER 2007b: 11).

guishes society from a living organism or colony of termites, as its members are not automatically compelled to cooperate³⁶.

However, the existence of this freedom – which also distinguishes solidarism from collectivism, already being considered in the political debate –, imposes the inclusion in the social contract both of a right to rational conditions for individual and social development and of a strict duty to bear these in mind when dealing with others with others (duty of social solidarity, or of justice). So, the acceptance of the principles of solidarity and real democracy are instituted, *à la limite*, as conditions for belonging to the Republic, as natural clauses of this refounded social contract, the Republican social contract. They are, in the old sense, *naturalia contractus* (ie., irreducible – even if implicit – clauses of the institution of society).

We should note that this idea that there are *natural* conditions in the social contract³⁷, which if not accepted would lead to exclusion, is not new. These had previous been understood as the capacity of understanding and of willing, the condition of being native/national, the belonging to the male gender, and the acceptance of liberal ideas³⁸. Later on, other conditions were added by specific formasforms of political regime, like like the roletarian conditioncondition (Bolshevism), the Aryan condition (Nazism), the repudiation of subversive ideas undermining the established regime (*Estado Novo*), and the adhesion to a specific religion (fundamentalist States, today).

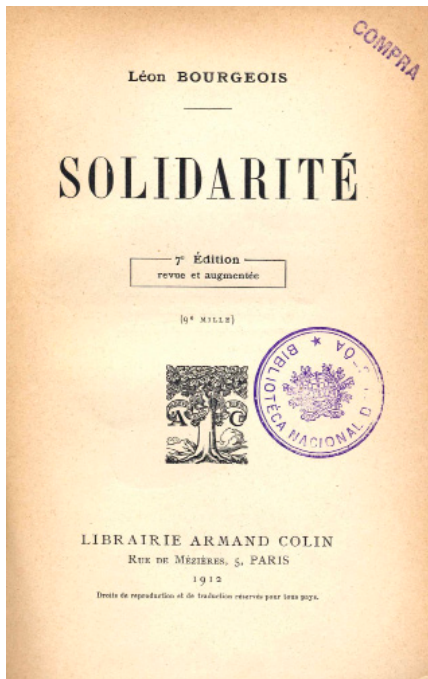
The social contract is conceived by some solidarists as a quasi-contract, or as a retroactive contract³⁹: evolving legislation should set the conditions for living

³⁶ E. Durkheim's distinction between *mechanical solidarity* and *organical solidarity* is reflected here. (BOUGLÉ 1907).

³⁷ The republican social contracts rests on the “moral idea” that that it should contain those provisions “which would have been adopted by associates, had they been free in advance, and similarly free to discuss between themselves, on a morally equal footing, the terms of their agreement” (BOURGEOIS, cit. AUDIER 2007b: 29). We should note the “originary situation” in John Rawls’ theory of justice.

³⁸ The idea of banning non-liberals had arisen in 1820-1822. And later, when revolutionary fervour had cooled, it returned, in the debates on the Constitution of 1838: “[...]There is a national pact: it is the Constitution of ‘22; can someone who rejects this pact be a representative of the Nation? No. What is more, he cannot remain an active Portuguese citizen. Whosoever tells us “I am not party to your pact” does not belong to our constitutional association, and renounces his political rights; he remains under the protection of our civil laws, but is a passive citizen, a foreigner for all purposes of representation” (Deputy Santos Cruz, *DCGC* (1837-1838), I, 34). “But what is the consequence of not accepting the new pact [which replaces a previous pact which was breached]? It is, *at the least*, the forfeit of political rights. Whosoever does not accept the fundamental law of a nation cannot count himself amongst its members; and whosoever is not a member of a Nation is likewise barred from enjoying the political rights which such capacity would confer on him” (Deputy Silva Sanches, *DCGC. 1837-1838*, I, 34). We should put these robust words in context: they were uttered as part of a polemical stance against the absolutists (or against the intransigent Chartists, who sought to repudiate the “constituent” value of the revolution of 1836).

³⁹ Expression invented by Alfred Fouillé, (FOUILLÉ 1905).



■ Léon Bourgeois – *Solidarité*.
Paris, 1912.
[BNP]

together “in accordance with what would have been agreed had men been equal and freely consulted”⁴⁰.

In the extreme versions of the solidaritarian doctrine of suffrage, those who accepted the above requisites entered a political society of Republicans founded on solidarity and democracy⁴¹ and that, consequently, would deny non-Republicans their political rights, or even their citizenship⁴². In its more moderate versions, Republic, as a society of the free and equal persons, should achieve, not material equality, as in Communist doctrine, but an educational policy which creates sentiments of solidarity and social debt and which thereby leads the citizens to make political choices corresponding to the mutual satisfaction of the social duties of each one. An education, Léon Bourgeois expressly writes, “in the spirit of gift” (*dans l'esprit de don*) (AUDIER 1896: 45).

To this extent, true representation would only be assured when a Republican spirit had been created in all men, imbued with solidarity and assuring equal opportunities for all. The urgency of assuring authentic republican representations transformed educational policies into strategic policy factors in the building of the Republic and of Republican citizenship, to which end State efforts alone would not be sufficient. The whole of society should accordingly mobilize itself: in cultural clubs, in mutual education associations, in civic initiatives, to promote education, in the work of combating “obscurantism” – above all, alienating beliefs, such as Catholicism⁴³ (which postponed the duties of retribution to the settlement of accounts in a post-mortem moment – the “Final Trial”) or other non-scientific preconceptions –, in instructive forms of recreation, in popular universities, etc. Although apparently unconnected to the question of representation, all these initiatives actually contribute to make possible an expression of will, conscious of the duties and rights of political life, belonging to the issue of representation, together with models for the organization of suffrage.

⁴⁰ This reconstitution of a presumed originary will transforms law into a voluntary act (deriving from a non-empirical, but hypothetical will: there is here a certain return to Rousseau). It is therefore no surprise that the law can limit contractual freedom: “Positive law may enforce, through mandatory sanctions, the social debt and performance of the obligations deriving from the duties of any man in relation to all” (BOURGEOIS 1896: 68).

⁴¹ Solidarity, and therefore democracy. Democracy and therefore the republic (the *res publica* belonging equally to all).

⁴² As argued, for example, at the first sessions of the Constituent Assembly of the Portuguese Republic.

⁴³ “All modern peoples seek to re-establish the representative and constitutional system. This system, which originated in England, on the foundations laid by the ancient Germanic institutions, fertilized by Protestantism, does not appear to establish itself in a durable manner in Catholic countries” writes the Belgian, Émile de Laveleye (LAVELEYE 1905: 26).

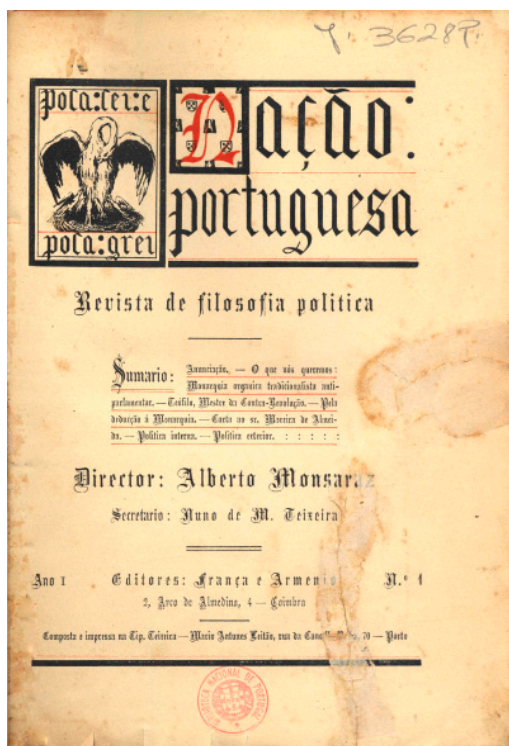
6.

During the period of the Republican Constituent Assembly, the question of representation was not the focus of the most heated political debate, despite the fact that one of the most current topics in criticisms of the monarchical system was the shortcomings of its representative bodies. After the last electoral reforms under the Monarchy, which very significantly diminished the legitimacy, in terms of suffrage, of the chamber elected, the electoral issue actually became one of the central themes of Republican propaganda. However, the criticisms which the Republicans made of the system of representation centred on the fact that suffrage was restricted, or open to manipulation; but not on the concept of suffrage itself, which they defended as the solution most in line with the Republican doctrine of representation.

However, the great debate in the Constituent Assembly was focused on the restrictions which could be placed on democratic-electoral representation by granting the President of the Republic the power of dissolution⁴⁴.

By opposite, no opportunity, or importance was given to the question of substituting democratic-electoral representation by a type of organic representation. It was necessary to wait almost ten years for the ideas of representation of the Nation as a trans-individualist and structurally organic body to find their way back on to the political agenda.

It was not, as we have seen, that neo-corporative ideas ceased to have followers, often strident, in right-wing currents, both in their purest and most authentic forms, and in softer manifestations. They re-emerged amongst exiled monarchists almost immediately after the new regime was established. Organic corporativism was at the heart of the idea of the *Monarquia Integral*, the basic concept in the theory of *Integralismo Lusitano*, which was promoted energetically in Portugal from 1914 onwards, and championed by a magazine with a high quality of contributors,



■ *Nação Portuguesa: Revista de Filosofia Política*, Coimbra, no. 1, 1914. [BNP]

Nação Portuguesa, and an intellectual calibre frequently superior, in terms of political reflection, than that of the Republicans, caught up in party in-fighting or in the tasks of Government⁴⁵. Its theoretical work, which included contributions from

⁴⁴ This issue undoubtedly reflected the experience of dictatorships in the final phase of the Monarchy; but it still undermined the authority of parliamentary representation, although the President derived legitimacy from the Congress of the Republic.

⁴⁵ On this movement, finally, Luís Bigotte Chorão (CHORÃO 2009: 169-278, 259, 269 *et seq.*) (careful with fundamental bibliographical references).

figures such as Hipólito Raposo, António Sardinha, Luís de Almeida Braga, Alberto Monsaraz, Pequito Rebelo, Rolão Preto, and others, continued through to 26 May 1926, although some of its leading lights later distanced themselves from the *Estado Novo*. Others, however, remained faithful both to its ideas and to the new political situation almost through to the end of the *Estado Novo* in its more purist currents⁴⁶. For António Sardinha – who, in an article dating from 1924⁴⁷, very effectively demarcated the core of integralist political doctrine – the State was subordinate to the Nation, as an organic whole, comprised, of course of persons, but whose political status was defined “through the instincts of natural and spontaneous formation in which man is born, develops and prospers: Family, Municipality and Corporation”. A more hybrid approach was evident in the “Bases da Constituição da Monarchia Portuguesa. Hereditária, representativa, orgânica, descentralizada e tradicional” (“Bases of the Constitution of the Portuguese Monarchy. Hereditary, representative, organic, decentralized and traditional”, 1927), proposed by Henrique de Paiva Couceiro, in which he sought to combine traditional organicism with the charismatic elements which legitimated both the king and the armed forces (CHORÃO 2009: 136).

But even outside this traditionalist and Catholic pro-monarchist circle, the idea of correcting or overcoming the individualistic basis of representation of suffrage by means of a type of organic representation, through attributing a significant political role to “natural social groups” had become current, especially after the Consulate of Sidónio Pais (1917-1918); although, prior to the Constitution of 1933, it was never translated into the fundamental law of the State.

What is clear is that, except for the left wing of the party spectrum – in other words, from the Portuguese Republican Party (or Democratic Party) leftwards –, almost all parties⁴⁸ on some occasion raised the possibility of including in the structure of the State a representative body shaped by the doctrine of organic representation.

The *sidonista* political momentum⁴⁹ was short – and, in its different “institutional acts” – it never regulated this question. No least because, governing by means of a dictatorship (a dictatorship with para-charismatic legitimation), the question of the reform of the representative bodies in an organicist direction was not relevant. But, as we have seen, charismatic legitimation contains a latent claim that the Leader can listen to the “soul of the Nation”; and, of course, this idea of a soul for

⁴⁶ For example, João Ameal who, although condescending to a brand of legitimate nationalism (“traditionalist organicist”, respecting Catholicism), regarded it as a mere tolerated version of “integral nationalism” (Catholic, organic, traditional, anti-parliamentary monarchy) (AMEAL 1949: 148).

⁴⁷ In *Nação Portuguesa*, I, 3rd Series., 1924.

⁴⁸ On this, *vide*, now, Ernesto Castro Leal (LEAL 2008).

⁴⁹ On this, finally – with excellent information and bibliographical references, Luís Bigotte Chorão (CHORÃO 2009: 225 *et seq.*).

the Nation cannot do without an organic preliminary understanding of society⁵⁰. But as early as 1919, the Partido Liberal Republicano included in its programme the transformation of the Senate into an assembly representing the professional classes (CHORÃO 2009: 95; 218-263). The same proposal was made that same year by the Partido Nacional Republicano, polarized around Egas Moniz. In 1920, it was the turn of the Federação Nacional Republicana, in its *Organic Law*, to propose – more explicitly and fully – a political structure oriented by national tradition, by racial cohesiveness, by presidentialism and by organicism; this was to be translated into “representation of the classes in the administration of the State and in local life” (Article 25 laid down that the Senate would comprise representatives of teachers from all levels of education, of the academies, of the professional, industrial agricultural, commercial and workers’ associations, of civil servants, of municipal councils, of officers of the merchant navy and armed forces, of the overseas provinces and the colonies of emigrants). The same year, the new Partido Republicano de Reconstituição Nacional (which included figures such as Júlio Dantas and Álvaro de Castro) proclaimed itself – as well as anti-bolshevist – as being regionalist, a diluted component of organicism. In 1921, the neo-*sidonista* Partido Nacional Republicano Presidencialista (in its *Manifesto* of 11.6.1921 [in *O Imparcial*]), also supported, in addition to presidentialism, representation of the “various social classes” and of the “most important regional interests of mainland Portugal, the islands and the colonies”. In 1922, the Radical Republican Party proposed, in an original formulation, that the State be organized in a confederation of polyarchies and national cooperatives and that the Senate be transformed into a Chamber representing regional and professional interests, all under a presidentialist regime. In 1923, the Nationalist Republican Party included in its *Programme for immediate measures* the introduction in the Senate of representation of specific classes. In 1925, when the Presidentialist Republican Party was merged with the National Republican Party, another proposal was made for representation of classes in the Senate. In the same year, Jorge Botelho Moniz, speaking in the name of the spirit which guided in the Revolution of 18 April of that year – and which he saw as having inspired that of 28 May – referred to modification of the electoral system “towards the representation of classes”. In 1926, the *Cruzada Nun’Alvares Pereira*, a right-wing catholic movement, proclaimed, in an expressive text, that the State should be “not an instrument of division between citizens and classes, but the body *par excellence* of the strength and unitary and integral cohesion of Nationality, divided into multiple local authorities and republics, spiritual, social and professional” (A

⁵⁰ Fidelino de Figueiredo, who was familiar with the waters of the traditionalist right, having sailed in them for many years, affirms that Sidónio followed the doctrinal rulebook of the monarchical far-right (cit. CHORÃO 2009: 95).

Reconquista, 1 (15 January 1926) p. 1-5), 284. And even the *Congresso da Esquerda Democrática*, organized by the *Partido Republicano de Esquerda*, of José Domingos dos Santos, called for the abolition of the Senate or its replacement by representatives of the trade unions. The same year, the Republican Liberal Union (of Cunha Leal, who had left the Nationalist Republican Party) pressed for the same idea of transforming the Senate into a chamber representing classes (to allow for collaboration by persons of technical expertise).

It is no surprise, therefore, that in the meagre and indecisive programme of the *arrancada* of 28 May, was underscored by the idea that the State should be organized along presidentialist and corporative lines, as explicitly was set out in the *Plan of Government measures*, presented by Gomes da Costa on 14 June 1926. João de Almeida, in the *Programme of the National Dictatorship initiated on 28 May 1926*⁵¹, envisaged an electoral law which allowed for expression of the “national will through the representation of Labour, Property and the Institutes of National Culture”⁵². This was to remain the guiding principle for the decades to come. Even if, this naturalist and decentralist organicism found itself on a collision course with another of the directions taken by the regime – that of authoritarian statism, deriving from a different concept of organic representation, as previously described⁵³. This was the conflict between spontaneous corporativism and the corporativism of the State. Which, in turn, divided in politico-institutional terms into two opposing visions of how the national organism manifested itself politically – by direct integration of its constitutive elements on to the stage of politics, giving priority to the diversity of the component organisms, or by the anointment of a single and authoritarian oracle, to which primacy the unity and coherence of the whole should be entrusted. As early as 1937, Marcello Caetano explained how things would be; in the preface to an edition of the Labour Code, he affirms, almost rudely, that it was time to put an end “to the official optimism [that] trusted in the freedom of contract between employers and workers in order for everything to function as well as possible, in the best ordered of worlds...”. What was needed was state interventionism, albeit through corporations; or, setting aside the corporative deadweight – which the *Estado Novo* was to prove skilful in doing –, what was needed was an awareness that it was up to the State “to intervene, and not to stand off from social life, taking it upon itself to adopt, sustain and assure respect for the Christian conception of life”⁵⁴.

⁵¹ Published by Henrique Galvão (GALVÃO 1931).

⁵² Note that he introduced votes for women under certain conditions (CHORÃO 2009: 101).

⁵³ To the effect that the Nation had at its head a Leader anointed with charismatic authority.

⁵⁴ See Augusto da Costa – *Código do Trabalho*. Pref. Marcello Caetano. Lisboa: J. Rodrigues & C.^a, 1937 (CHORÃO 2009: 176).

7.

In conclusion. Starting off from a fairly coherent conception of the nature of society and its requirements as to the form of its political government, organicist thought was also strongly influenced by the individualist and contractualist pre-understandings of the 17th and 18th centuries. This started with their contamination by the idea of “representation” which, strictly speaking had no place in such thought. Because the actual spontaneously organized and hierarchical nature of the social body gave rise to the form in which it *presented itself* on the political plane; on this plane, the “heads” appeared, not as representatives, but as eminent parts of the whole (*stat pars pro toto*), meaning that representation could only be spoken of in a symbolic sense, and not in the voluntarist sense which the word has today⁵⁵. Later on, it rarely ceased to be linked to the idea that representatives were what they were because of their particular individual (not natural) capabilities or expertise, a legacy that organicism received from elitist liberalism. Or else because of a special charismatic gift. Although organicism and charisma tended to be mutually attracted, these are distinct conceptions of society: the charisma of the leader, of the person to whom the force is entrusted, may qualify him to exercise power over a disorganized society, as follows from the studies of Michel Foucault and Giorgio Agamben on bio-power; but, on the other hand, the sociological organicism of the transition from the 19th to the 20th century tended to renounce to any charismatic element, which it would be regarded as metaphysical. Finally, on the institutional level, “organic representation” has appeared, in the contemporary era, almost always in combination with some form of electoral representation⁵⁶. For this reason, perhaps, the 19th and 20th centuries are so full of political ingredients which lend themselves to organicist readings and so devoid of truly and fully organicist political experiments. Organicism and its political translation therefore appear to belong to a world which has (temporarily?) passed.

⁵⁵ I.e., in other words, in the sense that the head represents the body, the father represents the family, the actor the character, without this requiring (or even merely authorizing) any act of will on the part of the persons represented.

⁵⁶ V.g., the survival of some kind of parliamentary institutions.

BIBLIOGRAPHY

- AGAMBEN, Giorgio
2003 *Stato di eccezione. Homo sacer, II, 1*. Torino: Bollati Boringhieri (Portuguese translation, São Paulo: Boitempo, 2004).
- ALMEIDA, Pedro Tavares de
1991 *Eleições e caciquismo no Portugal oitocentista, 1868-1890*. Lisboa: Difel.
- ALMEIDA, Pedro Tavares de
1998 *Legislação eleitoral portuguesa: 1820-1926*. Lisboa: IN-CM.
- AMEAL, João
1949 *História de Portugal. Das Origens até 1940*. Porto: Tavares Martins.
- AUDIER, Serge
2007a «*La République laïque et solidaire: l'engagement solidaire de Célestin Bouglé*». In C. Bouglé – *Les idées égalitaires*. Latresnes: Ed. Bord de l'Eau, [1st ed., Paris: Alcan, 1899].
- AUDIER, Serge
2007b *Léon Bourgeois: fonder la solidaroté*. Paris: Michalon.
- BAPTISTA, Henrique
1903 *Eleições e parlamentos na Europa*. Porto: Imprensa Commercial, 91 et seq.
- BEST, Heinrich; COTTA, Maurizio, dir.
2000 *Parliamentary representatives in Europe, 1848-2000: legislative recruitment and careers in eleven European countries*. Oxford: Oxford University Press.
- BLAIS, Marie-Claude
2007 *La solidarité. Histoire d'une idée*. Paris: Gallimard.
- BOUGLÉ, C.
1907 *Le solidarisme*. Paris: Giard et Brière.
- BOURGEOIS, Léon
1896 *Solidarité*. Paris: A. Colin.
- BOURGEOIS, Léon
1897 *L'éducation de la démocratie française*. Paris: Cornély.
- BOURGEOIS, Léon
1900 *Essai d'une philosophie de la solidarité*. Paris: Alcan.
- BUISSON, Ferdinand
1908 *La politique radicale*. Pref. Léon Bourgeois. Paris: Giard et Brière.
- CAETANO, Marcello
1965 *A opinião pública no Estado Moderno*. [S. l. : s. n.], (Lisboa, Gráf. Manuel A. Pacheco).
- CALAFATE, Pedro
2004 *História do pensamento filosófico português. O século XIX*. Lisboa: Círculo de Leitores. Vol. 2.
- CÂNDIDO, António
1887 *Discurso proferido na Câmara dos Senhores Deputados na sessão de 15 de Julho de 1887*. Lisboa: Imprensa Nacional.
- CAPELLINI, Paolo
1987 «Rapresentanza in generale – diritto intermedio». In *Enciclopedia del diritto*. Milano: Giuffrè. Vol. 38.
- CATROGA, Fernando
1977a «Os inícios do Positivismo em Portugal, O seu significado político-social», *Revista de História das Ideias*, Coimbra, 1 (1977) 287-394.
- CATROGA, Fernando
1977b *A importância do positivismo na consolidação da ideologia republicana em Portugal*. Coimbra: Faculdade de Letras da Universidade de Coimbra.
- CATROGA, Fernando
1991 *O republicanismo em Portugal. Da formação ao 5 de Outubro de 1910*. Coimbra: Faculdade de Letras.
- CATTANI, A. D.; LAVILLE, J.- L.; GAIGER, L. I.; HESPANHA, Pedro, eds.
2009 *Dicionário Internacional da Outra Economia*. Coimbra: Almedina.
- CHAVAGNEUX, Ch.
2007 *Les dernières heures du libéralisme. Mort d'une idéologie*. Paris: Perrin.
- CHORÃO, Luís Bigotte
2009 *A crise da República e a Ditadura Militar*. Lisboa: Sextante Editora.
- CONSTANT, Benjamin
1836 *Cours de politique constitutionnelle*. Paris: Didier.
- DIPPEL, Hors
2008 «Representation, Representatives and the Right to Vote, Or the Arduous Path Towards Democratic Representation in the United States, 1776 – 1849». In Horst Dippel – *Novas perspectivas sobre o constitucionalismo moderno*. Lisboa: Gulbenkian.
- FERREIRA, Silvestre Pinheiro
1831 *Projectos de Ordenações para o reino de Portugal*. Paris: Of. Typographica de Casimir.
- FERREIRA, Silvestre Pinheiro
1838 *Projecto de Código Político para a Nação Portuguesa*. Paris: Rey et Gravie,
- FOUILLÉ, Alfred
1905 *Éléments de sociologie de la morale*. Paris: Alcan.
- FUSCHINI, Augusto
1899 *O presente e o futuro de Portugal*. Lisboa: Companhia Typographica.

- GALVÃO, Henrique
1931 *História do nosso tempo. João de Almeida, sua obra e ação*. [S. l.: s. n.].
- GARCIA, Manuel Emídio
1885 *Plano desenvolvido do Curso de Sciencia Política e Direito Político*. Coimbra: Typ. Luis Cardoso (=www.fd.unl.pt, “Biblioteca Digital”).
- HESPANHA, António Manuel
2004 *Guiando a mão invisível. Direitos, Estado e lei no liberalismo monárquico português*. Coimbra: Almedina.
- HESPANHA, António Manuel
2009 *O caleidoscópio do direito. O direito e a justiça nos dias e no mundo de hoje*. Coimbra: Almedina, p. 469-518.
- HOFMANN, Hasso
1974 *Repräsentation - Studien zur Wort- und Begriffsgeschichte von der Antike bis ins 19. Jahrhundert*. Berlin. Habilitationsschrift, Schriften zur Verfassungsgeschichte, Band 22.
- LAGARRIGUE, Jorge
1888 *La dictature republicaine d'après Auguste Comte*. Paris: Apostolat positiviste.
- LARANJO, José Frederico
1898-1907 *Princípios direito político e direito constitucional português*. Coimbra: Imprensa da Universidade (published in fascicules, the ordering of which is problematic (=www.fd.unl.pt, “Biblioteca Digital”).
- LAVELEYE, Émile de
1905 *O futuro dos povos católicos*. Portuguese translation Lisboa: Livraria Evangélica.
- LEAL, Ernesto Castro
2008 *Partidos e Programas. O campo partidário republicano português 1910-1926*. Coimbra: Imprensa da Universidade de Coimbra.
- LEROUX, Adrien
1913 *Le solidarisme juridique*. Paris: Arthur Rouseau.
- MAIA, Francisco M. Faria e
1878 *Determinação e desenvolvimento da idéia do direito. Synthese da vida jurídica*. Coimbra: Imprensa da Universidade.
- MARTINS, Joaquim Pedro de Oliveira
1878 *As eleições*. Lisboa: Carvalho & Ca, 1878.
- MARTINS, Joaquim Pedro de Oliveira
1885 *Política e economia nacional*, Porto: Magalhães & Moniz.
- MONCADA, Luís Cabral de
2003 “Subsídios para uma história da filosofia do direito em Portugal”, *Bol. Fac. Dir. Coimbra*, 14 (1937-1938); recent edition, in book form, Lisboa: IN-CM.
- NETO, Vítor
1984 “Herculano: política e sociedade”, *Revista de História das Ideias*. Coimbra, 7 (1984) 647-670.
- NORDMANN, J-Th.
1977 *La France radicale*. Paris: Gallimar.
- PAUGAN, Serge
2007 *Repenser la solidarité. L'apport des sciences sociales*. Paris: PUF.
- PINTO, Basílio Alberto de Sousa
1838 *Análise da Constituição Política da Monarchia Portuguesa*. Coimbra. Lithographed.
- PRAÇA, José Joaquim Lopes
1878-1880 *Estudos sobre a Carta Constitucional de 1826 e Acto Adicional de 1852*. Coimbra: Imprensa Litteraria. 3 vol.; now republished by António Manuel Hespanha, dir.; Cristina Nogueira da Silva, at www.fd.unl.pt, “Biblioteca Digital”.
- ROMANELLI, Raffaele, dir.
1998 *How did they become voters? The History of franchise in modern European representation*. The Hague: Kluwer Law International.
- ROSANVALLON, Pierre
1985 *Le moment Guizot*. Paris: Gallimard.
- SALAS, Ramón
1822 *Lições de direito público constitucional para as escholas de Hespanha*, Lisboa, Rollandiana, 1822, xiii (A. M. Hespanha; Cristina Nogueira da Silva, eds. – *Fontes para a história [...]*). Sobre a oposição irracionalidade do povo – racionalidade dos cidadãos, Basílio Alberto de Sousa – *Análise da Constituição Política da Monarchia*. Coimbra, 1838. Litografado, 101 (A. M. Hespanha; Cristina Nogueira da Silva, org. – *Fontes para a história [...]*); J. J. Lopes Praça – *Estudos sobre a Carta [...]*, I, 16.
- SANTOS, Clemente José dos
1883-1891 *Documentos para a história das Cortes Gerais constituintes da nação portuguesa*. Lisboa: IN-CM.
- SILVA, Cristina Nogueira da
2009 *Constitucionalidade e Império – A cidadania no Ultramar português*. Coimbra: Almedina.
- SOUSA, José Ferreira Marnoco e
1910 *Direito político. Poderes do Estado. Sua organização segundo a sciencia politica e o direito constitucional português*. Coimbra: França Amado; now republished by António Manuel Hespanha, dir.; Cristina Nogueira da Silva, at www.fd.unl.pt, “Biblioteca Digital”.
- TELES, Basílio
1975 *As ditaduras. O regime revolucionário*. Pref. Vital Moreira; introd. Fernando Catroga, Coimbra: Atlântida.

Representation

***Between the representative form of government
and representation of nothing
in Portuguese constitutional law***

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Translated from the Portuguese by Clive Thoms

The insinuation of an idea

The following remarks insinuate a thesis statement which necessarily requires further research. The thesis statement is this: republican thought did not have enough time to reflect upon republican representation. The structural reflexivity of republican representation as it was grasped by the Federalists and the American Constitution drew no influence from the political and constitutional controversies, and not even the influence of the 1891 Constitution of the Brazilian Republic (itself shaped by “democracy in America”) upon the 1911 Constitution of the Portuguese Republic opened the way to any radically Republican thinking on representation. Even if the representative monarchism evolved into a parliamentary monarchy, it nonetheless handed on the legacy of national sovereignty. Caught between parliamentarism and national sovereignty, the Republic eventually saw the triumph of the national sovereignty in a Constitution which was authoritarian, corporatist and anti-republican, while on the plane of ideas the philosophical refractions of Kant and Hegel, generally conveyed in second-hand formulations, settled down in the scholarly discourse seduced by legal positivism, either implicitly or expressly assumed. As a result, representation was decapitated both at the political and the doctrinal levels.

Power needs representation in order to acquire reality

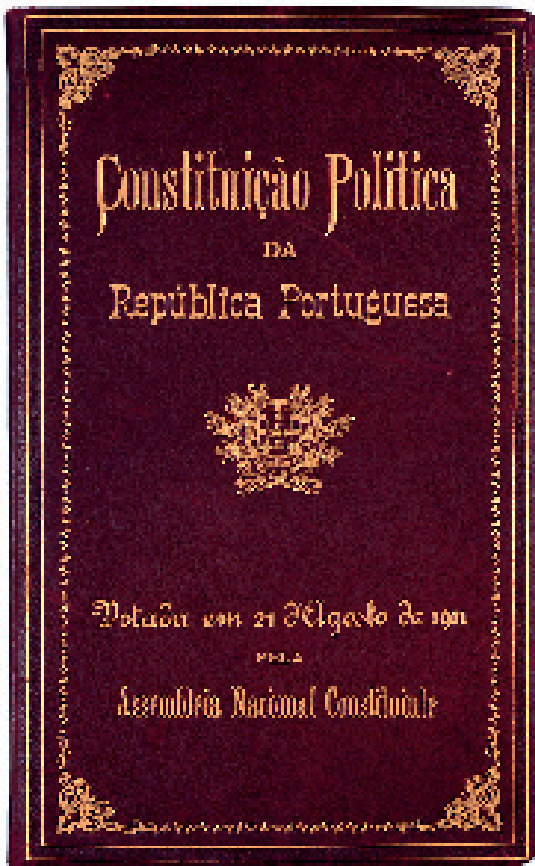
In an essay dealing with the issue of popular sovereignty and its corresponding representative form, readers are warned that, given the overwhelming wealth of both bibliographical sources and proposed interpretations on so enigmatic a topic as the political category of representation, any pretension to making even the tiniest original contribution to the existing discourse is all but doomed to failure¹. The problem lies not only in that this central category of political thought is anchored in “manifold

roots”, but also in the fact that the studies dealing with this issue not infrequently end up in “mythic chatting on representation” (DOGLIANI; TRIPODINA 2006: 280). Now, this is just the worst that can happen to a political concept which nearly always has been linked to power and domination. Putting the finger in the wound, a scholar has recently observed that “Power needs representation in order for it to acquire reality” (ZENKERT 2007: 336). Should that be the case, then representation must inevitably play a key role in the construction of such reality. Suffice it to consult the commentaries on both the 1826 Constitutional Charter and the first Constitution of the Republic (the 1911 Constitution) written by two of the most distinguished legal, political and constitutional scholars of their respective times², in order to realize the mediating function of representation in the construction of power.

a) Lopes Praça and the form of representative government

Lopes Praça considers as a form of representative government the form of government enshrined in the Constitutional Charter: “It is representative because, under the Charter, the Portuguese have a share in political power, through the election of deputies and through the exercise of the political rights

which they are guaranteed by the Constitution” (PRAÇA 1879: 24). As we shall see, Lopes Praça’s notion of representation clearly involves the overlapping of a func-



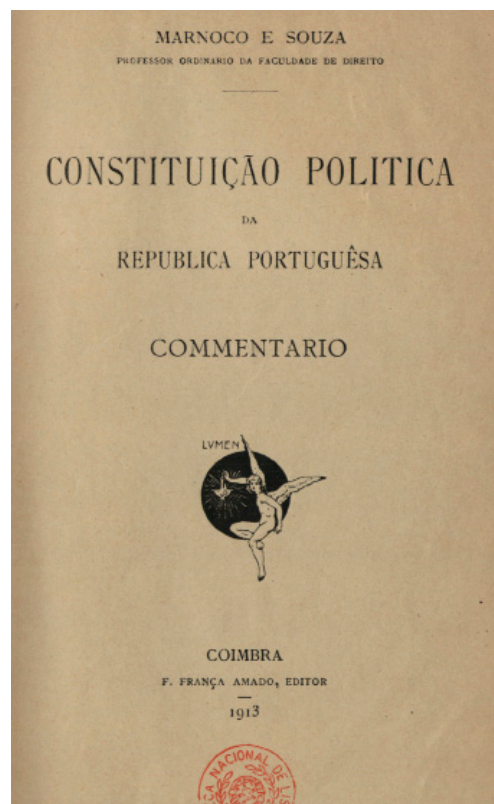
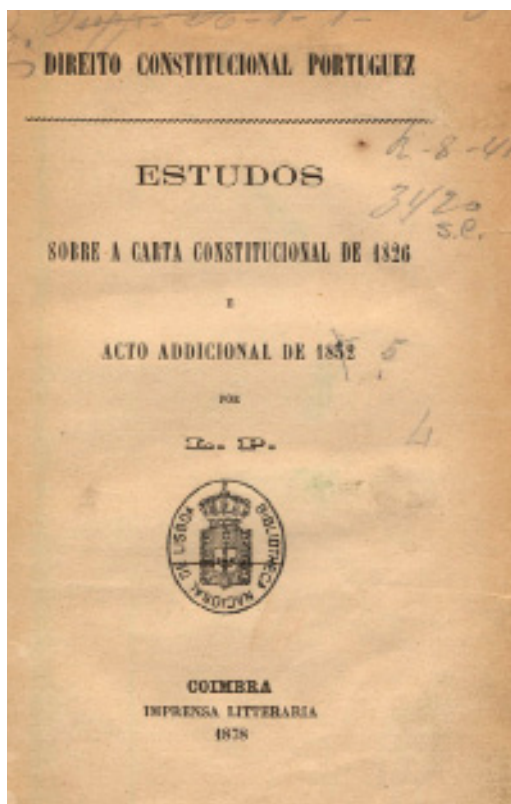
■ *Constituição Política da República Portuguesa* (1911).
[AR – AHP]

¹ Cf., precisely, Mario Dogliani and Chiara Tripodina, “La sovranità popolare e le sue forme: la forma rappresentativa”. This study is inserted into a five-volume collective work, edited by Silvano Labriola, and it is devoted to the values and principles of the Italian republican regime, having been released on the occasion of the fiftieth anniversary of the founding of the Italian Republic (DOGLIANA; TRIPODINA 2006).

² We refer to José Joaquim Lopes Praça and to his, *Estudos sobre a Carta Internacional de 1826 e Acto Adicional de 1852*, and to Marnoco e Sousa and his, *Comentário à Constituição Política da República Portuguesa* (PRAÇA 1879; SOUSA 1913).

■ J. J. Lopes Praça – *Direito Constitucional Portuguez. Estudos sobre a Carta Constitucional de 1826...* Coimbra, 1879. [BNP]

■ Marnoco e Sousa – *Constituição Política da República Portuguesa. Comentário.* Coimbra, 1913. [BNP]



tional framework for the organization of power, in the context of the so-called “mixed constitution”, with the notion of representation inspired in the idea of Anglo-Saxon parliamentary mandate. By laying down that the “representatives of the Portuguese Nation are the King and the Houses of Parliament [*Cortes Gerais*]” (Article 12), the Constitutional Charter eliminates from the principle of representation the dimension of principle of the political realization of popular sovereignty, and, on the other hand, it highlights the existence of one representation linked to the organization of *power* and another representation linked to the idea of *authority*³. In the monarchies, the role of the representative monarch was to be politically troubled, insofar as the monarch could only be, either “representative of the State”, or “representative of the Nation” in the exercise of a symbolic power (“the neutral power”, as B. Constant has put it) (CONSTANT 1861: vol. 1, cap. 2).

³ The formulation provided by Pimenta Bueno in his Commentary on the Constitution of the Empire of Brazil, cited by Lopes Praça, is enlightening: “The King represents power, the majesty of the Nation in the Empire (amongst us) and outside it; he and the general assembly represent the highest national authority, and enact laws which are true acts of sovereignty” (PRAÇA 1879: 41).

b) Marnoco e Sousa and representation with selection of capabilities

In his commentaries on various articles of the 1911 Constitution of the Republic, Marnoco e Sousa seized the opportunity to set out some interesting considerations on the issue of representation. This Constitution proclaims the “members of Congress as representatives of the Nation” (Constitution of 1911, Article 7/1), on whom “Legislative Power” is conferred.

Nevertheless, Marnoco e Sousa ends up providing a confused idea of representation, one in which French ideas on the capacitary logic and German ideas on the functionalism of the State are intermingled. Paradoxically, as Marnoco e Sousa neutralizes the Republican political moment of representation, by functionalizing it to the point of reducing it to a “selection of capabilities”: “political representation – he writes – [is a] selection of capabilities and not a delegation of power” (so, precisely, SOUSA 1913: 237).

In our view, both Lopes Praça’s and Marnoco de Sousa’s approach to the concept of representation suggest that the republican concept of representation has been gradually neutralized at the political level, and diluted at the theoretical-dogmatical level. It is accordingly necessary to probe the issue of representation in the *res publica*. It is to that we now turn our attention.

Res publica: ratio and oratio in republican deliberation

Man is a political animal, and to fathom the essence of the political he uses words. Both in the Greek *polis* and the Roman republic, rhetoric, in its various manifestations (deliberative, jurisprudential and epideictic), provided the basis for political abilities and practical skills in the exercise of public office. It is through rhetoric that the ethical dimension of politics soaks through society; it is rhetoric that lends dignity to the assemblies of “the people” as decision-making structures represented by the political bodies who took responsibility for public deliberation, the exercise of administrative office and the dispensing of justice. In the Greek constitutional scheme, in which the Constitution was not a fixed system of rules (as in modern Constitutions) but instead complexes of activities carried out dynamically (in the sense of the Greek *dynamis*), or rather, an ordered scheme for the execution of acts (of deliberation and decision-making), the adoption of public measures on the basis of public political rhetoric pointed the way forward desired by the community. The shaping of power through language would logically lead to the organization of rhetorical activity. As far as the organization of deliberative rhetoric is concerned, we may remark that the following fundamental features of future deliberative-parliamentary institutions were already embedded in the Greek system: (i) specified principles of procedure;

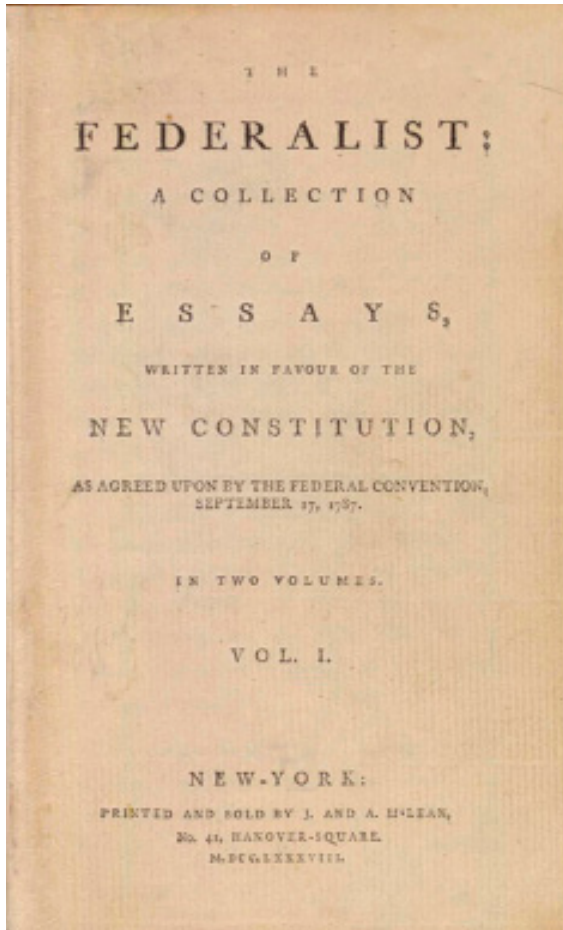


■ Model for allegorical sculpture of Eloquence (1920).
[Moulded plaster, by Júlio Alves de Sousa Vaz Júnior. AR – Museum]

(ii) the enhancement of certain deliberative moments as constitutive of political praxis; (iii) the exchange of opinions and proposals for alteration or correction, enshrined as instruments for rationalizing political performance schemes. Roughly speaking, the “speech acts” of those participating in deliberations were home to situation proceedings and knowledge which would later lead to regard representative parliaments as the central *locus* for political reflexivity.

The reflexivity of the deliberative structures, where a central role is played by rhetoric, is again to be found in the Roman *res publica*: “deliberation is found at the centre of Roman politics and the need to find consensual solutions determines the organization of the *res publica*”. In the new political constellation of Rome, deliberation formed an essential dimension of *auctoritas* in the political field (ZENKERT 2007: 89 *et seq.*), and it is no surprise that within such a constellation the Senate asserted itself as the central organ of Rome’s political architecture. What is specifically new in this constellation is the articulation of *law* with *rhetoric*. Common resolutions adopted in the Council (“*Concilium*”) – in keeping with the principle of collegiality and the corresponding taking of political responsibility – meant not only that such resolutions were *representative* of the *res publica*, but also that they took on the nature of a power-shaping organizational scheme.

The sphere of knowledge and proceedings having to do with legally and politically formattable issues allowed the Senate to generate collective mobilizations of actuation as well as action legitimacy effects that turn its *auctoritas* – initially founded on rhetoric – into a political and legal power. The fundamental difference between the deliberative scheme in Rome and in Greece lies exactly on this. While in the former the Republic becomes an object of political life, in the latter the Republic itself is organization of political life (clearly explained in VIOLA 2002: 4 *et seq.*). In both of these “representative deliberations” the represented subject was absent or inactive. The political logic of *representation* was still a long way off. Only with the discovery of the individual subject in the Modern era and with the emerging of the idea of popular sovereignty would it be possible to transform a Senate into a representative assembly.



■ *The Federalist: A Collection of Essays Written in Favour of the New Constitution.* New York, 1788. [Private collection]

The sovereignty of the people as a constitutional principle: the structural reflexivity of republican representation

The American Federalists (along with some contributions from the anti-federalists) sought to organize the political community of North America as a federation more republican than democratic. Here we find a vein – the vein of modern constitutionalism – which is able to lead us to the republican understanding of representation. In the view of the founding fathers of the American Constitution, the Rousseauian dimension of popular sovereignty, which led it to identify such sovereignty with the legislature transmuted into an authority of domination, presented itself as a legal and political aporia. Being considered as fundamental law and as norm parameter, the Constitution did not appear to be compatible with a popular sovereignty located in a constituted legislative power which, should its immediacy with such sovereignty be taken to its ultimate consequences, could dispose of the very higher law of political organization. Consequently, it was a political and constitutional imperative – so it appeared – to detach popular sovereignty (“We the People”) from the scope of legislative power, and view popular sovereignty as a true principle of the Constitution. Hence, the legislature did not lose

a reference to the people; its role, though, was that of being the representative of the people, with the principle of representation serving as the link between sovereignty and the instances of power, although without allowing sovereignty to be transferred in a direct form to the legislative power. The republican-constitutional representation is grounded in four fundamental ideas⁴: (i) delegation of (decision-making) power and authority in the representatives, by the people; (ii) representatives exercise their power and authority on their own responsibility; (iii) the people hold a control or checking power; (iv) accordingly, though lacking any form of domination similar to that of the constituted powers, the people are raised to the status of constitutional power. This scheme cannot dispense with a normative reference – that of the “higher law” or “parameter law” – insofar as the Constitution is created by the people to serve as the framework and foundation of a Republic based on the sovereignty of the people.

⁴ Clearly described by G. Zenkert (ZENKERT 2007: 235). See also G. Stourzh (STOURZH 1970: 50 *et seq.*), J. Ph. Reid (REID 1989), Ph. Raynaud (RAYNAUD 1993: 69).

This normative understanding of the people is alien to Jacobin-inspired, legicentric republicanism, where the democratic hypertrophy actually neutralized the normative-republican dimension – and where it is fair to say that the raising of the representatives-members (who make up the legislative assemblies) to becoming the direct representatives of the people compromised for a long period the articulation of the principle of representation with the principle of the constitution.

The idea of republican representation is detached not only from French-inspired, representative democratism. It also marks a break from the British-shaped representative parliamentary system. From the very beginning, the representatives who take a seat in Parliament have claimed to be mandataries of parts of the people (“the cities”, “the rural lords”, etc.), which amounts to a representation of private interests legitimated by fundamentally majoritarian, unipersonal schemes of electoral suffrage. Marnoco e Sousa took notice of this understanding of representation: “In medieval times, representation was regarded as a true legal mandate, in keeping with the nature of each group into which that sovereignty was divided. These groups present themselves as autonomous entities which are either semi-sovereign, or at least endowed with the various privileges proper to political bodies that are independent and exercise various sovereign functions” (sousa 1913: 232 *et seq.*).

With this conception we are still distant from what republican representation is about; the people normatively determined by a Constitution are absent. Republican representation consists in an ongoing actualization of the people’s and the public opinion’s will, but republican representation will be such provided the people hold no domination whatsoever (over against the viewpoints of Rousseauian republicanism)⁵. Representation on the other hand, is only republican if it takes into due account that the *res publica* rises above representation of private interests (“factions”, “parties” or “interest groups”). To this are linked, according to certain authors, the old notions of “virtue” and “republican civism”, which in their turn lead to the hypostasization of “republican ethics” imperatively present in the exercise of functions of domination⁶.

The idea of representation cannot be dissociated from that of sovereignty⁷. In contrast, however, with Rousseau’s identitary model and Locke’s liberal model, centred on the dominance of the legislature, the republican conception advances a new meaning. On the one hand, the people delegate power and decision-making authority to representatives who exercise them under their own responsibility.

⁵ Gordon Wood should be credited with shedding light on this idea, in his excellent book, *The Creation of the American Republic* (WOOD 1969: 388).

⁶ We say hypostasization, because the spirit of modern “republicanism” presupposes the category of “virtù” in the exercise of power: But, in order to have virtue, the will of the people and public opinion must be permanently updated (PANGLE 1988: 43 *et seq.*).

⁷ D. Howard, in an important contribution, highlights this indissociability (HOWARD 2001: 280 *et seq.*).

On the other hand, the people retain control power (distinct from the power delegated), insofar as this power, rather than being a simple form of domination, is an autonomous constituent and constitutional power (ZENKERT 2007: 255).

Representation and representative government – representation without the people in representative monarchism

We alluded above to representation as an adjective qualifying the form of government (Cf. *Supra*, §1, *et seq.*). In the Portuguese political and social context of the Restoration [*Restauração*], the phrase “representative government” (also “parliamentary government”) was typically used to evoke “mixed constitution” and “rejection of extremes”. The representative regime is liberal, *breaking up* with the *ancien régime*, and it is simply representative, rejecting the republican-democratic regime of the assembly. We may also say that the representative government is closer to the English parliamentary system, to its idea of representation, than to the American model based on the original idea of republican representation. Lopes Praça’s explanation of representative government, cited above, evokes the understanding of representation which, in Portugal, as elsewhere, was to dominate the century of Liberalism; one that also explains the many dissenting views and differences between the different political factions which, over the course of the century, marked the political and the constitutional ruptures. What seems clear is that both representation as linked with Rousseauian sovereignty of the people and republican representation as enshrined in the Constitution of the United States, became utterly meaningless in “representative monarchies” (also called “constitutional monarchies” or “monarchies of representative government”). Strictly speaking, at stake was the material and political scope of representation. Representation is no longer linked to election⁸; it is extended to “royal representation”, it encompasses “all political organs”, it undergoes the debate over which organ is “more representative” and which one is “less representative”, and it conceals the “issue of determining who is the real sovereignty holder”. Such articulation of representation and sovereignty could not help but undergo the impacts of the “sovereignty of reason” which had at last figured out the *locus* of sovereignty: the Nation. The people, as legitimator and holder of sovereignty, are removed from the architecture of political organization, in return for an “idea of people” transmuted into a representative of the past and future collectivity (BACOT 1985: 142 *et seq.*). The

⁸ “Election failed to constitute national representation”, is the formula offered by Fonfrède (LAGUIÈZE, 2002: 138).

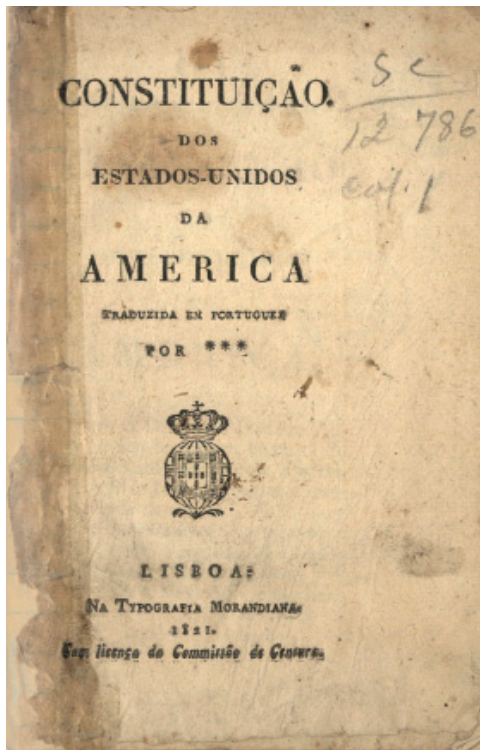
link between representation and *national sovereignty* came thus to light, and Carré de Malberg strove hardly to theorize the distinction between the “sovereignty of the people” and “national sovereignty”. This is the theory that is to elicit in certain juspublicists a certain temptation as to the understanding of the representative scheme: (i) representation is distinct from election insofar as the latter, rather than being the instrument for popular will delegation, is only a designation process like any other; (ii) the goal of both the active and the passive suffrage is the “captation of capabilities”; (iii) a representative is the one who is foreseen and who exercises his State or political functions under the constitution.

However, “national sovereignty” was unable to avoid both the sliding of “representative government” toward “parliamentary government”, and the political and representative rising of “Parliament” (“Lower Chamber”, “Chamber of Deputies”) which happened as a consequence of political struggles over issues of great legal and constitutional import (legislative initiative, public finance management, ministerial responsibility, parliamentary enquiry, distinction between statute and regulation, incompatibilities). The republic was paving its own way through parliamentarism. Reflexivity on representation had been taken hostage by national sovereignty and parliamentarism.

From representation without politics to representation of nobody

As we have pointed out, it was the representative republicanism that – through the invention of the United States Constitution – enshrined representation as a principle of political organization. Yet, in the field of ideas, soon another powerful movement would start neutralizing this political conception of republicanism. We refer to the profound change in the meaning of the republican principle in Kantian philosophy. In addition to the distinction between *res publica noumenon* and *res publica phaenomenon* leading to the reduction of the republican constitution to a mere legal norm, there is now also the purification of *a priori* principles. Insofar as the freedom and autonomy of the person is the *a priori* principle of any constitution, constitutions are shaped by subjective idealism. As a contemporary author has put it: “the Kantian criterion of republicanism is no longer a principle of political organization, as enshrined in the American Constitution; it became instead a principle for criticizing or judging constitutions” (ZENKERT 2007: 288).

The political neutralization of the idea of republican representation was far more than a result of it having been purified into a contrafactic principle for criticizing or judging constitutions. The influential philosophy of Hegel was also to effect displacements in understanding which can be summarized as follows: (1) displacement of political power toward a “place” between reason and history, or, to be more rigorous



■ *Constituição dos Estados Unidos da América* (1787).
Lisbon, 1821.
[BNP]

and precise, a “place” located half way between abstract principles of reason and historical contingency (ZENKERT 2007: 285); (2) internalization of the organization of political power – from the division of powers to representation – within the scope of the internal law of the State; (3) functionalization of State powers aiming basically at the shaping of political power along the lines of a juridical positiv(ism) in the State. The people and the people’s sovereignty, as well as the articulation of representation with the principle of popular sovereignty, is now undergoing a profound eidetic reduction. Because the sovereignty of the people was understood as a *dimension of the Constitutional State*, the phrase “people of the State” started being heard. But this is not all: the republican idea that “the people” category is foundational and legitimator is replaced by the idea of “sovereign people” as substratum of collective identity and, consequently, as substratum of the power of the State.

The key role played by the legal positivism of the State in the definitive political reduction of representation is explained through the functionalization of the powers of the State (which included the legislature) and through the estrangement of “the people” category from its condition as source of legitimation of power and as foundation of that very power. Marnoco e Sousa summarizes the basic ideas of this sort of positivism: “In view of the failure of the theories of legal mandate and political mandate, modern German writers have sought to provide a different interpretation on the nature of political representation, in keeping with the legal-organic doctrine which holds sway in their country. According to such doctrine, the nation is an organ whose competence consists of electing, whereas the Parliament is an organ with the competence to decide under certain conditions and certain limits. There is therefore no relationship whatsoever between the parliament and the electoral body. Members of parliament, as Laband has noted, are representatives of nobody, given that their powers flow directly from the Constitution” (SOUSA 1913: 235-236). As a number of authors were quick to acknowledge, posing the question in these terms raises a fundamental problem: “The problem of representation will go unsolved”⁹. In Portugal, this situation endured until the Constitution of 1976.

⁹ See Marnoco e Sousa (SOUSA 1913), who refers to the criticism formulated by G. Zellinek.

BIBLIOGRAPHY

- BACOT, G.
1985 *Carré de Malberg et l'origine entre souveraineté du peuple et souveraineté nationale*. Paris: Editions du Centre national de la recherche scientifique.
- CONSTANT, B.
1861 *Cours de Politique Constitutionnelle ou Collection des Ouvrages publiés sur le gouvernement représentative*. Paris: Guillaumin. Vol. 1, cap. 2.
- DOGLIANI, Mario; TRIPODINA, Chiara,
2006 "La sovranità popolare e le sue forme: la forma rappresentativa". In Silvano Labriola, ed. – *Valori e principi del regime repubblicano. 1 – Sovranità e Democrazia*. Bari: Editori Laterza, p. 276 et seq.
- HOWARD, D.
2001 *Die Grundlegung der amerikanishen Demokratie*, Frankfurt: Suhrkamp Verlag.
- LAGUIÈZE, A.
2002 *Les origines du regime parlementaire en France (1814-1848)*, Paris: PUF.
- PANGLE, Thomas
1988 *The Spirit of Modern Republicanism*. Chicago; London: University of Chicago Press.
- PRAÇA, José Joaquim Lopes
1997 *Direito Constitucional Portuguez, Estudos sobre a Carta Constitucional de 1826 e Acto Adicional de 1852*. Coimbra: Livraria Portuguesa e Estrangeira, 1879, republished and included in the "Studia Iuridica" Collection, no. 25, of the Coimbra Law Faculty. Published by Coimbra Editora, Coimbra.
- RAYNAUD, Ph.
1993 L'idée republicaine et le Fédéraliste. In F. Furet; M. Ozouf – *Le siècle de l'avènement républicain*. Paris: Gallimard.
- REID, J. Ph.
1989 *The concept of Representation in the age of the American Revolution*. Chicago: University of Chicago Press.
- SOUSA, José Ferreira Marnoco e
1913 *Constituição Política da República Portuguesa: Comentário*. Coimbra: França Amado, 1913. A critical edition of this work is being prepared for inclusion in historical texts published by the National Commission for the Commemorations of the Centenary of the Portuguese Republic.
- STOURZH, G.
1970 *Alexander Hamilton and the Idea of Republican Governments*. Stansford: Stanford University Press.
- VIOLA, A.
2002 *La notion de République dans la Jurisprudence du Conseil Constitutionnel*. Paris: LGDJ.
- WOOD, Gordon
1969 *The Creation of the American Republic*. Chapel Hill: The University of North Carolina Press.
- ZENKERT, Georg
2004 *Die Konstitution der Macht*. Tübingen: Mohr Siebeck.

The Parliament: ***setting and iconography***

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Translated from the Portuguese by Clive Thoms

The new system of political representation required a worthy setting for its leading players, both those elected by popular vote and those appointed by the crown. And, as the scenario intrinsically associated with the seat of national sovereignty since the Liberal Revolution produced its first Constitution (1821-1822), the home of the legislature also provided the stage on which constitutional monarchs submitted to the rituals of acclamation (from 1834 to 1910) and where the presidents of the First Republic were elected¹ and took office (from 1911 to 1926). But the difficulty of finding a ready-made home suitable for consecration to the new civic ideals mirrored the troubled gestation and evolution of the Portuguese liberal regime itself.

The improvised Parliament

The inaugural session of the Extraordinary and Constituent *Cortes* was held on 24 January 1821. Parliament opened without the presence of the king, as Dom João VI was absent in Brazil, and without a home of its own. The Library of the *Convento das Necessidades*, in Lisbon, located on the building's *piano nobile*, was the setting chosen to receive the deputies elected in December 1820. The archives housed in the library had to be transferred to classrooms in the same building. The rectangular hall was then adapted to its new function, using architectural plans drawn up

¹ The only exception was Sidónio Pais, elected by direct and universal (male) suffrage in 1918.



■ Hall of the Constituent Cortes in the Library of Necessidades Convent (1820).
[Sketch by Domingos António de Sequeira. MNAA]

by Joaquim Martins, and with the decoration entrusted to the celebrated painter Domingos António de Sequeira.

Sensitive to the acoustic and visual requirements of the chamber, Sequeira's designs provided for a layout in the manner of an amphitheatre, with four rows of benches, to accommodate the Members of Parliament, and a higher public gallery behind them, facing the Royal Throne, surmounted by a canopy. When the chamber was finally being laid out, it was found that the planned area was too small, meaning that only three rows of benches could be accommodated².

² In accordance with the 1820 draft for the *Rule of Procedure of the Chamber of Deputies*, Members of Parliament were to be seated in alphabetical order of their "baptismal names". However, the 1821 *Rules of Procedure*, which were to take effect during the Constituent *Cortes*, stipulated that the members would occupy a seat in the chamber "without any distinction or preference". This rule was to be kept unchanged in subsequent rules of procedures for both legislative chambers until 1926, even when parliamentary representatives started to be organized into political parties.

■ Armchairs used in the Constituent Cortes of 1821.
[AR – Museum]



■ Chair of the president of the Chamber of Peers used for royal sessions (1826).
[Mahogany wood, silk velvet.
AR – Museum]



The wall faced by the deputies, behind the royal throne, was to be adorned by a full-length portrait of the king, Dom João VI. In keeping with the spirit of the times, Domingos Sequeira chose to portray the king pointing to a book on whose spine symbolically figure the word “Cortes”, thereby fixing the official image of the constitutional monarch. To complement this expression of the political ideals of the period, the artist started a series of sketches of a number of contemporary parliamentarians, which were to be hung on the other walls of the chamber, but this project was never concluded.

The first liberal experiment was to be aborted by the *Vilfrancada* coup d'état, and Parliament was closed in June 1823. The *Cortes* only gathered again in 1826, after the death of the monarch and the ascent to the throne of Dom Pedro IV. The Constitutional Charter granted from Rio de Janeiro, reinstating the liberal regime, provided for a two-chamber system in which legislative powers were shared between an elected Chamber of Deputies and a Chamber of Peers, whose members were appointed for life by the king. These peerages were hereditary, with no fixed number. The creation of the Chamber of Peers exacerbated the problem of a home for the *Parliament*, as a new building had to be found which could offer two chambers of sufficient size and splendour to accommodate the parliamentarians. Until 1828, the Chamber of Deputies met at the *Casa da Supplicação*, on the Praça do Comércio in the heart of Lisbon, whilst the peers met at the *Palácio da Regência*, on the Rossio, in the building formerly

housing the Inquisition, and which also served at the time as the seat of the Regency.³ The furniture used in the two chambers, of which a number of pieces still survive⁴, was supplied in 1826 by the Public Works Office.

Parliament in São Bento

Political developments in the country held the workings of the parliamentary system in check. The acclamation of Dom Miguel as absolute monarch, in 1828, and the outbreak of the Civil War forced the early dissolution of the *Parliament* for a second time. Only when Dom Pedro's supporters regained the upper hand in 1834 with the reinstatement of the 1826 Constitutional Charter as the Fundamental Law of the country was it possible to rehabilitate the liberal regime and restore to parliament its function as the nation's representative body.

The first premises designated as home to the legislature were the Monastery of São Vicente de Fora, but it was quickly found that the building was unable to accommodate two legislative chambers, as the monastery contained only one room large enough for parliamentary sessions. The amount of work which would be needed and the expense involved compelled the Public Works Office to find an alternative venue where the *Parliament* could be definitively installed. In addition, as the Court at that time was installed at the *Palácio das Necessidades*, the king and queen were eager to find a location which would minimize their distance from the legislative assembly. It was mere chance that led to the choice of the recently dissolved Monastery of São Bento da Saúde, although the building's characteristics made it suited to its new function, and the move marked the end of the itinerant period in the history of the parliamentary assembly, dating from its inception in 1821⁵. The search for a definitive home for the country's Parliament therefore continued throughout the troubled period during which Portuguese liberalism was established (SILVA, R. H. 2003 : 75).

The installation of both legislative chambers in the Monastery of São Bento da Saúde was determined by *portaria* of the Ministry of Home Affairs of 4 September 1833, before the end of the Civil War⁶. The solution was proposed by João Pimentel

³ The first parliamentary session in accordance with the bicameral model took place on 31 October 1826 (AFONSO; MOURÃO 2003: 23-30; TÁVORA; LARA; SILVA, T. P. 2009: 59).

⁴ Notably the chair for the President of the Chamber of Peers, which can be observed in the ceremonial portrait in oil on canvas of the Duke of Palmela, wearing the ermine robes of a Peer of the Realm and displaying the insignia of his capacity as president of the chamber (1834-1850), painted by the English artist, John Simpson. Two of these chairs survive, and were transferred in 1834 to the new *Palácio das Cortes*. Both were to be used by the presidents of the Chamber of Deputies and of the Senate (SILVA, T. P. 2009: 10-11).

⁵ For the most detailed account of the building's history, cf. José-Augusto França (FRANÇA 1999).

⁶ The community of monks living in São Bento was expelled by Decree of 9 August 1833 of the Commission for the General Ecclesiastical Reform, prior to the Decree of Abolition of the Male Religious Orders.



■ The *Palácio das Cortes*
[Palace of the Cortes]
(1856).
[Jean Lewicky, watercolour on
paper. AR – Museum]

Maldonado, archivist to the *Parliament*, in conjunction with the technical staff at the Public Works Office. Designed by Baltazar Álvares, one of the first Portuguese exponents of the classical style, the building – on which construction had started in 1615 and which was still home to a number of monks – was sufficiently large and otherwise suited to its new role, although it was immediately understood that changes would have to be made to adapt what was a religious building to its new secular functions. The “anti-monastic” sentiment of the period, which was to culminate in the Decree of Dissolution of the Male Religious Orders and the nationalization of their assets promulgated by the minister Joaquim António de Aguiar on 30 May 1834, and the fact that the monasteries were the only urban buildings with the architectural characteristics able to accommodate two chambers for the meetings of the deputies and the peers of the Realm, both contributed to the choice made by Dom Pedro. This solution also fitted in with another tendency observable at the time. After the earthquake in Lisbon in 1755, the main centres of power gravitated to the western side of the city, around the royal palaces, although with the arrival of the liberal epoch, a number of ministries were installed in the Terreiro do Paço.

The lack of funds experienced by a country newly emerging from civil strife and the urgency of completing the preparations for accommodating the representatives of the Nation meant that the works had to be concluded quickly and at no great expense, although a number of initial delays occurred which may have compromised the plans of those in charge. In practical terms, the plans were drawn up by João Maria Feijó, architect in the Public Works Office, making use of the former

Library and Chapter House, with a narrow rectangular layout, on the ground floor of the left wing of the monastery, to house the Chamber of Peers, whilst a part of the cloister was to be adapted to accommodate the Chamber of Deputies (SILVA, T. P. 2009a: 9-15). The dormitories of the building's former occupants, located on the first floor, were to house the offices serving the two chambers, whilst the third floor was to be readied to receive parliamentary committees and the offices of the various ministries and the respective secretarial services. In practice, the right wing of the building was to be occupied by the deputies, the left by the peers. The exception was the south-west wing, which since 1755 had house the *Torre de Tombo*, or royal archives.

Despite the pressure created by the situation, as it was a political priority to provide a meeting place for the parliamentary chambers, the work on converting the former Benedictine monastery was subject to a number of delays, attracting criticism from certain political quarters. In late June 1834, Dom Pedro would appear to have visited the site in person and, displeased with the course of events, decided to dismiss the directors of the Public Works Office, which had taken over the work of the Pombaline *Casa do Risco*. The regent expressed his dissatisfaction at the sluggish progress on the repair works. The scale of the conversion project in the São Bento monastery, the lack of time and the shortage of funds for completing the project appear to have weighed in his decision. He decided instead to entrust the project to Joaquim Possidónio da Silva, recently appointed as Architect to the Royal Household, who was then responsible for executing new plans in only 50 days, as the first parliamentary session was due to take place on 15 August. Dom Pedro's intervention turned out to be timely, and his choice of Possidónio de Silva to be justified, as Parliament opened on the planned date with a solemn session attended by the regent, whose health was already failing (AFONSO; MOURÃO 2003: 31-38).

The project for adapting the building to its new civil function was accompanied by plans for decorating and furnishing the interior, equipping the premises with the facilities needed for the work of the parliamentary chambers and the associated administrative services. This involved re-using and redistributing articles from other monasteries which had been closed down, as well as surplus items from royal buildings. At the same time, many of the liturgical artefacts and other contents of the São Bento monastery were donated to Lisbon churches. Use was also made of some of the furniture used in the former parliamentary chambers in the period 1826-1828.

Attention was initially centred on the Chamber of Peers, providing it with suitably aristocratic trappings. In terms of the decorative language used, the new chamber was adorned with a royal portrait, oil on canvas, of the queen, Dona Maria II, painted

in 1834 by John Simpson on a commission from Portuguese liberal exiles in London. This was later joined by another portrait, oil on canvas, of Dom Pedro V by Manuel Maria Bordalo Pinheiro, a functionary of the Chamber of Peers and father of the artists Columbano and Rafael Bordalo Pinheiro⁷. However, the hurry to prepare the two chambers, meaning that efforts were focussed more on the layout than on the decoration, resulted in a Chamber of Peers almost devoid of ornamentation and presenting an “almost disturbing simplicity”, which attracted criticism from various contemporary sources (MOURÃO 2009: 17), the same being true of the Chamber of Deputies, which quickly proved to be uncomfortable and unsuited to its function.

Attention was also turned to the building’s urban setting. In 1835-1836, the minister of Home Affairs and the civil governor of Lisbon, Joaquim Larcher, drew up plans to alter the surrounding street layout, with two new streets (the Rua das Cortes and the Rua Duque de Bragança), involving the demolition of a large number of buildings and rehabilitation of others. None of these plans went ahead, but in 1836 another alternative was proposed, which was to be implemented 60 years later. This consisted of pulling down a section of the walls around the Convento da Esperança, which was still a functioning convent, and building a new road down to the river. Only after the demolition of the convent in 1889 was this street finally built and given the name of Avenida das Cortes (today Avenida D. Carlos I).

The first “Regeneration” of the parliamentary building

The interior of the building deteriorated over time, but no significant works were carried out until the 1850s. Maintenance work only was executed, in response to occasional emergencies and in order to assure the minimum standards needed for the work of the Parliament. Despite the age of the main façade of the São Bento Palace, as the building quickly became known, the idea of rebuilding it was only confirmed in May 1846, with the approval of designs drawn up by Paulo José Ferreira da Costa in 1841. But the plans for reworking the parliament building were only implemented in 1856, encompassing not only the façades but also the three interior storeys, under the direction of the French architect, Jean-François Colson, contracted by the newly created Ministry of Public Works. Nearing the end of his term of office, the minister Fontes Pereira de Melo charged the Portuguese ambassador in Paris, the Marquis of Paiva, with making the contacts necessary to contract the architect who had already worked on the redevelopment of the Louvre Museum.

⁷ Both portraits were transferred to the Coach Museum after the proclamation of the Republic (SILVA, T. P. 2009: 12-13).



■ "The New Chamber of Peers" (1867). *O Ocidente*, Lisboa, Vol. 1, no. 2, 15 January 1878. [BNP]

The main feature of Colson's plans was the reorganization of the interior space, with the two parliamentary chambers – Deputies and Peers – being moved up to the first storey. The ground floor was to be used for Royal Sessions, which would take place in the monastic church which still existed, divided into tribunes for deputies and peers, with the royal throne taking the place of the former high altar. Colson's designs also involved changes to the façade and to the gardens at the rear of the building. Of this comprehensive set of plans, only the changes to the Chamber of Peers were actually implemented, resulting in the chamber as it still exists today. As the plans for the Chamber of Deputies were very similar in terms of layout and decoration, we can presume that the result would have had very similar ornamental and architectural features, establishing a symbolic equivalence between the two categories of national representatives. The design proposed for both chambers consisted of a semi-circular plan with two levels of public galleries, a solution which took its inspiration from the French parliamentary model.

In terms of the building's external setting, it was also in the later 1850's that steps were finally taken to improve the public area onto which it fronted, which was beautified by the planting of trees and construction of steps leading to the Rua de São Bento, with wrought iron railings, in an attempt to lend dignity to the entrance to the parliament building (SILVA, R. H. 2003: 88). The redevelopment of the Largo de

São Bento was complemented by the inauguration, in Maio 1878 (AFONSO; MOURÃO 2003: 39-50), of the monument to José Estêvão Coelho de Magalhães, regarded by many as the most brilliant orator ever elected to the Portuguese parliament.

Work on rebuilding the Chamber of Peers only started in late 1861, when Jean-François Colson had already left the country⁸, but only in 1863 was a special commission set up to supervise the work, under the technical direction of the Marquis of Niza, assisted by the architect António Tomás de Fonseca and the engineers Jaime Larcher and Charles Pezarat. As a point of interest, the position of works inspector was assigned to the architect Joaquim Possidónio da Silva, whose experience in the building recommended him for this post.

As in 1834, after the structural problems had been resolved in the Chamber of Peers, thoughts turned to its decoration. The task was once again entrusted primarily to a foreign artist, the Frenchman Anatole Calmels, whose name was to be associated with a number of other projects in Portugal⁹. The São Bento Monastery had until this point retained an austere style of ornamentation. The new features started with busts of the Dukes of Palmela and Terceira placed by the galleries to evoke two of the regime's most illustrious founding fathers. Calmels also sculpted the panels in white Carrara marble over the doors, with busts of Dom Pedro IV and Dona Maria II. In 1866, José Rodrigues painted a portrait of Dom Luís which was to be hung behind the speaker's platform in the Chamber of Peers. The solemnity of the peers' proceedings was further highlighted by the theatrical effect of a canopy carved in cedar surmounted by a crown, an iconographic element identifying this parliamentary chamber and installed behind the platform from where the speaker would preside over the Chamber of Peers. With the arrival of the Republic, this symbolic scheme was changed, giving way to an armillary sphere bearing shields with the national coat of arms, more in tune with the iconography of the new regime.

The wooden canopy comprised two winged genii, representing Royalty and Justice, holding a sceptre and the ermine robes, symbols which were also removed after the Revolution of 1910. The furniture in the chamber was also almost all new, using walnut armchairs in the Victorian style. The new chamber was officially inaugurated in January 1867, offering conceptual and decorative unity thanks to the intervention of Anatole Calmels.

⁸ The talented French architect was also involved in other building projects in Portugal, such as the New Customs Building in Oporto, the Observatory in Ajuda and the palatial home of a wealthy businessman, José Maria Eugénio de Almeida, in São Sebastião da Pedreira in Lisbon, as well as plans for the rehabilitation and expansion of the Jerónimos Monastery, where the tower on the convent wing was to collapse in 1878. (AFONSO; MOURÃO 2003: 86).

⁹ He was to design the Monument to Dom Pedro IV in Oporto, and to work on the arch in the Rua Augusta in Lisbon and on the pediment of the Lisbon City Council Building.

The main criticisms levelled at the time by the occupants of the chamber related to the deficient lighting, the lack of windows, the imperfect acoustics, the poor ventilation in summer and the absence of a heating system for the winter, criticisms which would equally apply to the situation in the Chamber of Deputies, where conditions deteriorated with the passage of time.

In response to some of the less than positive reactions, the original floor in the Chamber of Peers was replaced in 1868¹⁰. The most significant furniture from this period included the speaker's table and chair, together with the benches used by the peers and the seating in the galleries. The speaker's table was most likely designed by Anatole Calmels, and was executed in walnut by Leandro Braga. It consists of three sections joined together, standing on a platform with steps on each side. The front was decorated with medallions, also designed by Calmels, depicting the Duke of Palmela and Cardinal Guilherme Henriques de Carvalho, speakers of the Chamber of Peers from 1834 to 1857. A bench for the stenographers and another for members of the government were placed between the speaker's table and the peers' benches. In the twentieth century, under Salazar's *New State*, these two benches were removed and replaced by a tribune to be used by members of the Corporative Chamber addressing the house. The benches and the original chairs were restored in 1902, suffering from wear and tear. The public galleries were organized in boxes and balconies punctuated by 22 columns in polished *pedra lioz*. Busts of the Dukes of Terceira and Saldanha were placed in the chamber between 1885 and 1886, but then removed on the proclamation of the Republic. Between the columns were also placed eight busts of distinguished figures appointed to the Chamber of Peers¹¹. The chamber also included special seating for the royal family and for the diplomatic corps. The ceiling was painted by the French artist Pierre Bordes, who specialized in interior decoration.

Once the problem of the Upper Chamber had been resolved, attention would eventually have to be turned to the chamber occupied by the deputies, which was still the old cloister adapted by Possidónio da Silva in 1834. The state of the chamber continued to deteriorate until July 1872 when some of the beams gave way causing part of the ceiling to collapse. Despite the urgent need for building work, this was never carried out due to the financial difficulties experienced by the State from the late 1860's onwards. The chamber and its associated galleries, secretarial offices and

¹⁰ The floor existing today was laid in 1938. (MOURÃO 2009: 22).

¹¹ The Dukes of Palmela, Terceira, Loulé, Saldanha, Ávila and Bolama, together with Cardinal Guilherme Henriques de Carvalho, the Count of Lavradio and Fontes Pereira de Melo, the joint work of Anatole Calmels himself, Alberto Nunes, Simões de Almeida (nephew) and Miguel Santos.



■ Bust of the Republic (191-).
[Tomás Costa. AR – Museum]

cloisters, underwent minor provisional repairs, but all plans for redesigning the façade and the interior were indefinitely postponed. However, in the 1882, a new square Conference Room was built, leading on to the former *Passos Perdidos*, to be used by peers for meetings¹².

The political establishment was consistently more interested in the fitting out of the upper chamber. The ascent to the throne of Dom Carlos, in late 1889, was celebrated by the inauguration in 1891 of a portrait of the monarch painted by António Félix da Costa. When Dom Carlos died and the throne passed to Dom Manuel II, the portrait of the king assassinated in 1908 was replaced in 1909 by another, painted by José Nunes Ribeiro Júnior, depicting the last of Portugal's monarchs. With the change of regime, the royal portrait was deposed and its place taken by a bust of the Republic, by Tomás Costa. Under the *New State*, this was in turn ousted by an allegorical painting (oil on canvas) by Carlos Reis alluding to the Fatherland, and the portrait of Dom Luís returned to the chamber, where it hung alongside decorative elements from the Republican period (MOURÃO 2009: 24).

The Parliament of Ventura Terra

The most dramatic episode in the history of the parliamentary seat occurred on 17 June 1895, when a fierce fire destroyed part of the building. Parliament had been closed since November of the previous year, and there were therefore no victims to mourn, but the Chamber of Deputies was completely gutted in the blaze. As a general election had been called for the following November, the Ministry of Public Works was immediately requested to provide new premises to accommodate the new members whilst the São Bento Palace was being rebuilt. Space was made available at the Royal Academy of Sciences, hastily adapted by Domingos Parente da Silva. Although the same architect presented almost immediately his own plans for the reconstruction of the Chamber of Deputies, which were approved by the Special Directorate of Public Buildings and Lighthouses, the minister of Home Affairs, João Franco, invited the architect Ventura Terra to submit an alternative proposal¹³.

¹² Today called Sala Dona Maria II. (SILVA, T. P. 2009b : 7-9).

¹³ For fuller biographical treatment of Ventura Terra and his plans for intervention in the Palácio das Cortes, see *Arquitecto Ventura Terra* 2009.



■ *Palácio das Cortes* [Palace of the Cortes] – Fire in the Chamber of Deputies (17 June 1895). [B&w photograph by Coronel Azevedo e Silva. AR – AHP]

The proposed layout and the projected decoration – involving a pictorial composition alluding to Parliament, a portrait of the king, the coats of arms of the Portuguese metropolitan and colonial provinces, allegorical statues and busts of parliamentarians – were immediately understood to offer a much more ambitious approach, and controversy quickly broke out.

The competitive selection procedure organized by the Directorate of Public Works Services proved highly polemical. The *Grémio Artístico* protested against the possibility of foreign competitors taking part, at the same time as contesting the requirement that plans for decorating the façade should conform to the designs of Eng. António Joaquim Pereira. On the first of these issues it argued simply that the State had a duty to foster and defend the country's artistic talent, by taking a protectionist and corporative stance, and on the second that this restriction would limit the creativity of entries, which had to conform to the requirements of what they saw as an old-fashioned and mediocre design, drawn up by a bureaucrat who was not even alive to defend it.

The outcome of the competition was announced in late December 1895. As expected, Ventura Terra's design was awarded first place, followed by that submitted by Luís Caetano Pedro d'Ávila, an architect who, although well-reputed, was seen as fusty and outdated in his artistic approach. A third entry, from the architect José Emílio dos Santos e Silva, was disqualified.

The design placed second was found to be overly academic and the specific proposals for both the chamber and the façade were also not to the judge's liking. In contrast, Ventura Terra had assessed the space available and produced a design which was more harmonious as a whole.

The aesthetics of Ventura Terra's design were attuned to the spirit of the building. In the interior, the winning entry took its cue from the neo-classical aesthetic of the façade and for the Chamber of Deputies was inspired by the amphitheatre at the Sorbonne. The adjoining lobby (*Sala dos Passos Perdidos*) was provided with a skylight in glass and iron, recalling the solution adopted at the Gare D'Orsay in Paris, where Ventura Terra had studied (SILVA, R. H. 2003: 92). The Chamber of Deputies and supporting facilities were to be rebuilt from scratch. The chamber would be larger and higher than that designed by Possidónio da Silva in 1834, in order to offer better acoustics and to accommodate a larger number of deputies¹⁴. As a result of the internal construction work, the building emerged with a more service-

■ *Palácio das Cortes*
[Palace of the Cortes]
(ca 1904).
[Illustrated postcard. BNP]



¹⁴ In 1834 only 132 deputies were elected to the Lower Chamber, whilst the electoral decree of 1901 envisaged the election of 148 deputies. (ALMEIDA 1998 : 739).

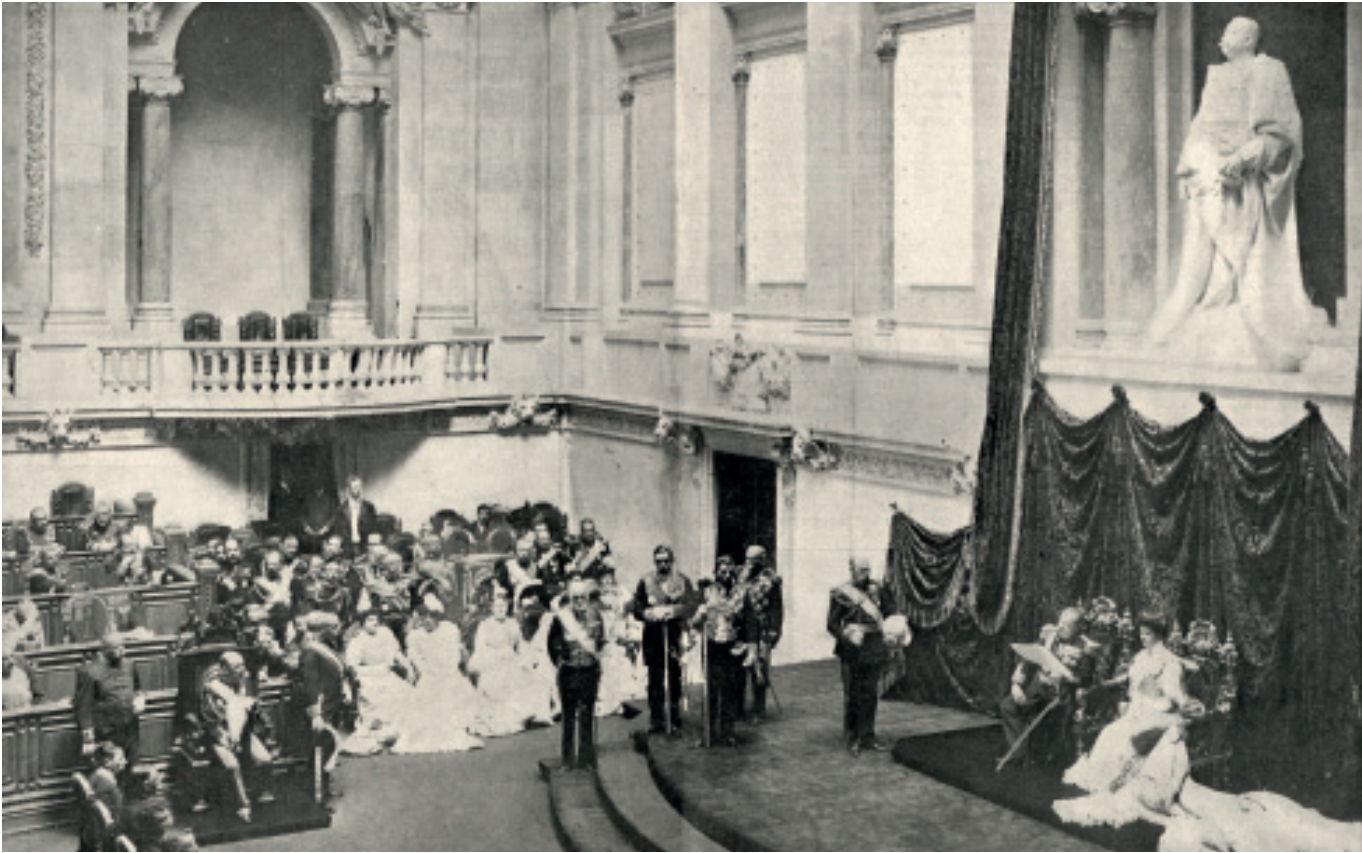
able layout, and the final outcome was described as “one of the great achievements of Portuguese architecture of the 1900’s”, combining audacious features with functional beauty, a description which could be extended to the *Sala dos Passos Perdidos*, admired (as a sign of cosmopolitan taste) for drawing its inspiration from French models (SILVA, R. H. 2003: 92).

Construction work started in April 1897, once the initial controversies were out of the way¹⁵. At the same time, the Chamber of Peers, unscathed by the fire, underwent some minor alterations in order to serve both the peers and the deputies, on an alternating basis, as the accommodation provided for the lower chamber at the Academy of Sciences was strictly temporary. During the rebuilding of the old *Palácio das Cortes*, the Torre de Tombo archives were transferred from the south-east to the north-east wing, where they occupied the area which up to 1834 had served as the refectory for the Benedictine monks.

The final version of the design of what was to be the new Chamber of Deputies was submitted by Ventura Terra in 1898. The construction work dragged on until March 1901, when work then started on the interior decoration. After five years of continuous and varied work, the new chamber was finally ready on 2 January 1903, although the work was not yet completed. With seating for 150 deputies in a semi-circular layout in the style of an amphitheatre, the chamber also included seven seats for ministers, a tribune for the speaker, a bench for stenographers and a tribune for those addressing the chamber. A special gallery was reserved for the royal family, the diplomatic corps, the families of parliamentarians and the press, as well as a public gallery with seating for five hundred.

When originally inaugurated, the furnishings in the chamber were relatively simple and incomplete, consisting only of the furniture in walnut and a full-length statue of the king, Dom Carlos, sculpted by António Teixeira Lopes, which was never in fact completed. In addition, two plaster lions and the national coats of arms were arrayed behind the speaker’s table, whilst the side tribunes were surmounted by groups of female figures sculpted by the same artist. In the aftermath of the regicide, plans were suggested for replacing the statue of Dom Carlos with another of Dom Manuel II, by José Moreira Rato, but the plans were shelved after fall of the monarchy. The *Sala de Passos Perdidos* remained bare, and the plans for its decoration were only completely put into effect in 1921, when six panels were installed, still in place today, painted by Columbano Bordalo Pinheiro, depicting twenty two figures

¹⁵ Interestingly, another competition was held in 1896 for the rehabilitation of the Jerónimos Monastery, in which entries were only accepted from Portuguese architects, reflecting the corporate lobbying of the *Grémio Artístico*, which had failed to assure a similar rule in the competition for the reconstruction of the São Bento Palace.



■ “Formal opening ceremony of the Cortes” (1 June 1906).
[Ilustração Portuguesa, Lisboa, 11 June 1906. BNP]

from Portuguese history associated with the fields of politics, oratory and public administration (SILVA, R. H. 2003 : 51-71). The final touches to the front of the building were concluded in the late 1930's.

A single concern was uppermost throughout all this work: to provide a dignified setting for the seat of national representation and to extend the areas open to the public. The solutions designed by Ventura Terra were implemented with the support of skilled engineers, such as Policarpo da Costa Lima, fully familiar with the technical advances of the time. Both architect and engineers benefitted from the generosity of successive governments, which had to accept a series of budget overruns. The rehabilitation of the *Palácio das Cortes* dragged on over several decades, under the direction of Adolfo Marques da Silva, Cristino da Silva (external finishing) and Porfírio Pardal Monteiro (responsible for the *Salão Nobre*), and the architectural followers of Ventura Silva, after their teacher's early demise in 1919. Since then, generations of artists have had the opportunity to work on a range of commissions which have transformed the São Bento Palace into a showcase of Portuguese history and mythology. The parliament building transformed itself into one of the most significant civil monuments in the country's heritage.



■ Assembly Room of the Chamber of Deputies (1911).
[B&w photograph by J. Fernandes. AR – AHP]

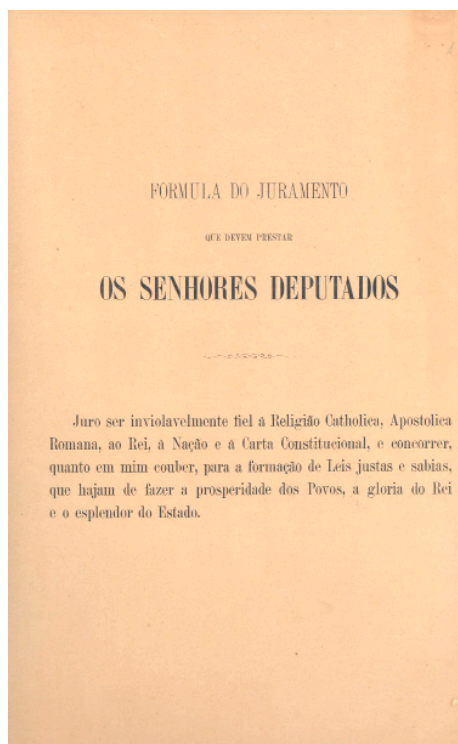
The ritualization of parliamentary representation

Despite functioning as the institutional embodiment of legislative power, with the central mission of debating and producing laws, the sessions held at São Bento conformed to calendars and protocol codified in the rules of procedure of both parliamentary chambers. The most important rituals included the swearing in of deputies, peers and senators, in both the Monarchical and Republican periods, the king's speech, the acclamation of monarchs, and the election and swearing in of the President of the Republic.

Until 1910, legislative sessions were opened by the monarch in the joint presence of the deputies and the peers of the Realm. The ceremony generally took place on 2 January each year and included the "king's speech", a formality which was obviously abolished under the Republic. The speech was drafted by members of the government, outlining the main political developments which had occurred since

- Form of oath which should be taken by Members of Parliament (19th century). [AR – Museum]

- “The Crown’s Speech”. [A *Marselheza*, Paris, 9 January 1908. Drawing by Leal da Câmara. BNP]



the last parliamentary sitting. It also set out the most significant legislative measures which the ministers intended to submit to Parliament during the coming session. In a further ceremony the next day, the elected members of the Chamber of Deputies met to inaugurate the legislative session. In the case of a new legislature, both the deputies and the peers of the Realm had to swear an oath in accordance with the established formalities.

At solemn public events in Parliament, such as the opening sessions of the parliamentary year or the investiture of members of the Upper Chamber, the peers of the Realm wore their official uniform, consisting of a heavy blue coat with gold embroidered collar and cuffs, trousers with a gold stripe, waistcoat, bow tie and a feathered bicorn hat. On top of all this, peers of the Realm were required to wear an ermine cloak as dress uniform¹⁶. Deputies were not subject to any dress code.

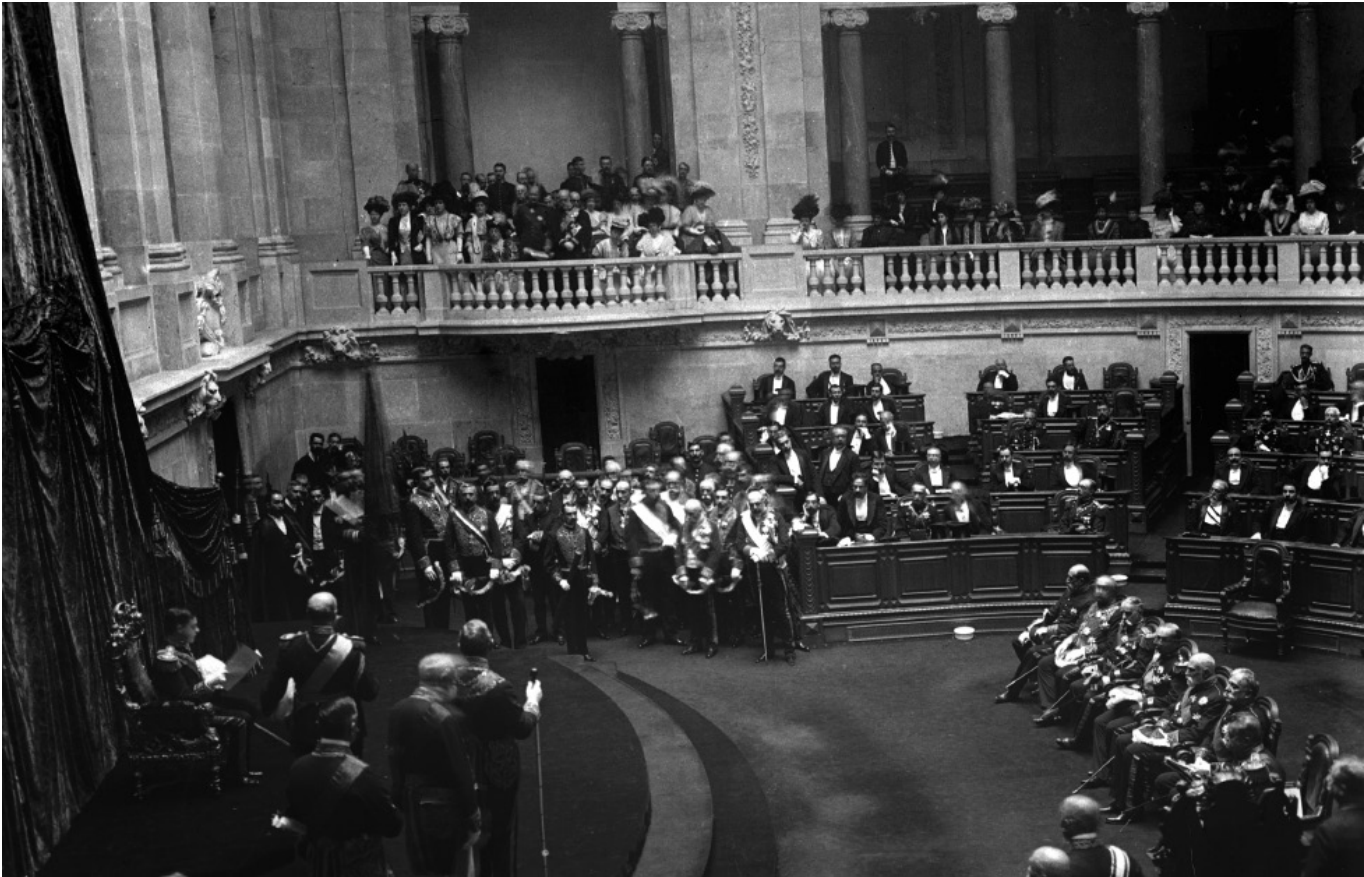
Under the Constitutional Monarchy, Parliament was also the scene of the formal ceremony for acclamation of the king of Portugal¹⁷. This event followed a special

¹⁶ A proposal was presented in July 1861 for this uniform, first designed in 1826, to be replaced by a more comfortable and less expensive form of dress, but the motion was rejected,

¹⁷ It should be noted that Portuguese monarchs had not worn the crown since 1646, when Dom João IV dedicated the kingdom to Our Lady of the Immaculate Conception of Vila Viçosa, proclaimed as Queen of Portugal.

■ Robes of a Peer of the Realm (1860).
[Drawing by Rafael Bordalo Pinheiro. AR – AHP]

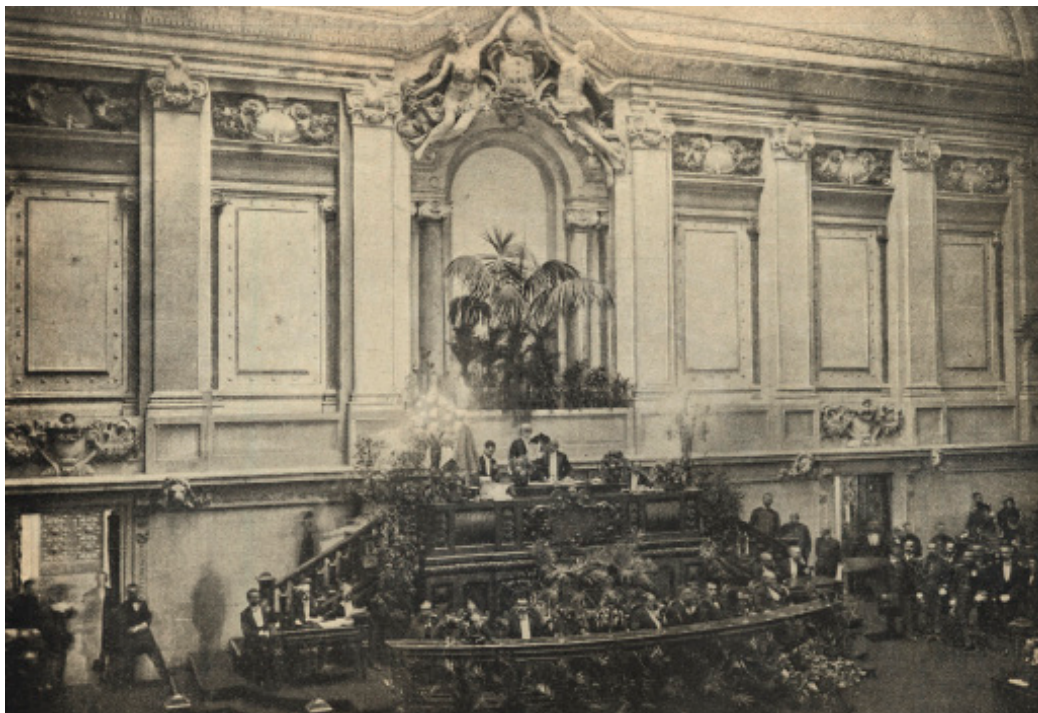




■ Acclamation
of D. Manuel II.
(6 May 1908).
[B&w photograph, Joshua
Benoiel. AR – AHP]

official programme, planned over the preceding days or weeks. It normally took place before a joint session of all the deputies and peers of the Realm. A parliamentary deputation would welcome the monarch at the entrance to the *Cortes*, forming a procession led by the members of this deputation, followed by the sovereign and other members of the Court. The king, holding the royal sceptre, took his place on the throne. The speaker of the Chamber of Deputies then presented him with the Holy Gospels covered in a cross, on which His Majesty, kneeling, was to place his right hand and repeat, in accordance with the promise of the earlier royal proclamation, the oath set out in Article 66 of the Constitutional Charter of 1826, affirming: “I swear to maintain the Catholic, apostolic and Roman religion, the integrity of the realm, to promote the general good of the nation as falls to my lot”. After this ceremony, the sovereign would make a short address to those present. The Chief Lieutenant of the Realm then unfurled the royal standard, and the president of the session would begin his prepared address. The name of the king was then acclaimed “loudly and three times”, by all those present. After this, the Chief Lieutenant would bow to the monarch and descend the steps of the throne with the unfurled royal standard

■ “The new President of the Republic [Bernardino Machado] reading his address”. [Ilustração Portuguesa, Lisboa, 11 October 1915. BNP]



and, accompanied by the footmen and heralds, headed to the balcony of the *Cortes* building, from where he would acclaim the king before the crowds which had gathered for the event. The Chief Lieutenant waved the standard and proclaimed: “Royal, royal, royal, for the most high and powerful lord, [name], king of Portugal”. They then returned into the chamber where they joined the procession which then headed to one of Lisbon’s churches, where the king was awaited by the Patriarch of Lisbon and his senior clergy for a mass of thanksgiving to protect and bless the new reign.

The Republic was to abolish all these ceremonies. The President was instead elected indirectly by the deputies and senators, and took office in a relatively discreet ceremony in the São Bento Palace. The minimal powers enjoyed by the president in the parliamentary system established in the 1911 Constitution meant that the protocol of his inauguration was simplified: the most important symbolic moment, after the bureaucratic formalities in the Chamber of Deputies, consisted of going out onto the balcony to salute the crowds which gathered outside. The exception was in 1918 when Sidónio Pais, elected by universal (male) suffrage, chose to be acclaimed at Lisbon’s *Paços do Concelho* (City Hall) (SERRA 2000: 110).

BIBLIOGRAPHY

- AFONSO, Simonetta Luz, ed.
2003 *Os Espaços do Parlamento: da Livraria das Necessidades ao Andar Nobre do Palácio das Cortes, 1821-1903*. Lisboa: Assembleia da República.
- AFONSO Simonetta Luz; MOURÃO Cátia
2003 “Os Espaços do Parlamento – da Livraria das Necessidades ao Andar Nobre do Palácio das Cortes (1820-1903)”. In Simonetta Luz Afonso, ed. – *Os Espaços do Parlamento: da Livraria das Necessidades ao Andar Nobre do Palácio das Cortes, 1821-1903*. Lisboa: Assembleia da República.
- ALMEIDA, Pedro Tavares de, ed.
1998 *Legislação Eleitoral Portuguesa, 1820-1926*. Lisboa: Imprensa Nacional.
- Arquitecto Ventura Terra (1866-1919)*. Lisboa: Assembleia da República, 2009.
- FRANÇA, José-Augusto
1999 *O Palácio de São Bento*. Lisboa: Assembleia da República, 1999.
- MOURÃO, Cátia
2009 “Sala do Senado – História e Iconografia”. In *Sala do Senado*. Lisboa: Assembleia da República, 2009.
- Sala D. Maria II*. Lisboa: Assembleia da República, 2009.
- Sala do Senado*. Lisboa: Assembleia da República, 2009.
- SERRA, João B.
2000 “O Sistema Político da primeira República”. In Nuno Severiano Teixeira; António Costa Pinto, eds. – *A Primeira República Portuguesa entre o Liberalismo e o Autoritarismo*. Lisbon: Edições Colibri.
- SILVA, Raquel Henriques da
2003 “A Casa de S. Bento na Cidade”. In Simonetta Luz Afonso, ed. – *Os Espaços do Parlamento: da Livraria das Necessidades ao Andar Nobre do Palácio das Cortes, 1821-1903*. Lisboa: Assembleia da República.
- SILVA, Teresa Parra da
2009a “Sala das Sessões da Câmara dos Pares do Reino”. In *Sala do Senado*. Lisboa: Assembleia da República.
- SILVA, Teresa Parra da
2009b “Sala de Conferencias do Pariato”. In *Sala D. Maria II*. Lisboa: Assembleia da República.
- TÁVORA, Francisco; LARA, Miguel Sousa; SILVA, Teresa Parra da
2009 “Breve história da Câmara dos Pares do Reino”. In *Sala do Senado*. Lisboa: Assembleia da República.

The military brought liberal political representation to Portugal

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Translated from the Portuguese by Clive Thoms

*Please show me a revolution in which troops did not
intervene as an instrumental and the most powerful cause.*

JOSÉ AGOSTINHO DE MACEDO
A Besta Esfolada, Nr. 19 (1828-1829)

At a first glance, it might appear incongruous to enquire into the role of the military in the field of citizenship and political representation in Portugal: citizenship and representation would appear to require freedom, whilst the military would appear to live by imposing authority, so the two concepts would run into conflict. The absence of any relationship would therefore appear to be the best possible relationship between them. However, there seems to be a case for arguing that, in Portugal at any rate, the two ideas worked closely together. We shall start by establishing a few basic concepts, which will be essential for examining our subject. Moving towards the central question, we shall start by looking at the role of representation in the workings of the military; in effect, the military will act in the political domain in keeping with its own internal structure and it is therefore relevant to identify the role played by representation within the military. We shall then go on to examine the role of the military as a form of representation in political organization; we will then be ready to tackle the central issues of the importance and function of the military and its members in political representation.

Our methodological approach will be that of politico-institutional analysis. So whilst we shall centre on the period 1810 to 1926, the timeframe is chosen merely for the sake of the convenience, and not a factor contributing to the disciplinary approach. We shall move back and forth in time, as our lines of argument require. Insofar as institutional analysis authorizes the timeframe, we situate ourselves in an extremely long period.

We begin our enquiry with a preliminary question as to the *Causes of the Decadence of the Peninsular Peoples*: what was it that, after 1640, made possible the response of the Council of Trent, the Inquisition, colonialism and “absolutism”? Why did Portugal not follow the path taken by the United Provinces? This question links up with our theme here: did the military contribute to “decadence” or stall it? We shall start from the moment the contemporary Portuguese armed forces took shape and follow them through to the present day. Only from the late 19th century did the Navy acquire significant capacity to act on land, and for this reason it only acquired the capacity for political action at this time; we shall consequently concentrate on the Army, and in particular in Europe. We shall focus on Portugal; after defining our basic concepts we shall examine the characteristics of the Portuguese military and contrast them with those of its European and Atlantic counterparts. Lastly, we shall propose a number of conclusions.

Basic concepts

Citizen is the member of a political organization in which he holds certain powers, which he exercises on at least some occasions. The concept of citizen does not include the subjects of despots or the members of a given political organization without political rights, even when the organization confers infra-political rights on them (not the right to vote but the right to buy).

Representation is the right of a part of a political organization to act on behalf of another part or the entire political organization; in addition to the right, it is the outcome of the exercise of this right. Representation is contractual when it derives from specific manifestation of will, exercised within the framework of political institutions, and organic when it derives directly from the social division of labour. Representation does not exist when a given individual appropriates the right to decide for all, either through conquest, or through inherency of power to non-conquered property, or else through *Führerprinzip*; such individual is a pure autocrat.

Members of the military are those who live by organized violence. We should first of all deal with the military, which has the legal monopoly over such violence; this monopoly was conferred by the State as it emerged from the Treaty of Westphalia, to which Portugal was not in fact a party. Moreover, this monopoly has never been complete. On the one hand, the *security order* has the right to be armed; the *security order* meaning that the citizens collectively exercise their right-duty to assure their personal safety and that of the political organization. Moreover, at certain junctures, or in certain political organizations, lasting illegal organizations emerge which engage professionally in violence: these are the *Carbonari*, terrorist bands, the

Comorra and similar organizations. We shall look at all of these: the legal military, illegal military and the *security order*.

Political organization is formed by three hierarchical *orders*, endogenous to a given social organization, which are the primary forms of social organization: a symbolic *order*, which provides identity, a security order, which gives security to the identity that the symbols have already assured, and a reproductive *order*, which guarantees the reproduction of this order already assured. The social division of labour prior to the Neolithic revolution ignores institutions; after it, each of the three *orders* referred to above corresponds to a triangular institution: the Church, that identifies, the Armed Forces, that secure, and the State, that reproduces. In the contemporary social division of labour, reproduction is the main form of acquiring wealth, as opposed to conquest or gift, predominant in other periods. The institution of reproduction, the State, accordingly becomes dominant – and this explains its increased tendency to invade the terrain of the other triangular institutions: it takes education away from the symbolic *institution*, dominates the military, sometimes diverting it from its purpose, and creates its own armed organizations. Church and State institutions separate, in a movement known as secularization. This separation gives the upper hand to relations between the State and the Armed Forces, as there are few ties today between the Church and the Armed Forces (MATOS 2004; secularization: CATROGA 2006).

The specific characteristics of the Portuguese military in its relations with the security order

in the first half of the 17th century, Spain, Italy, France and Germany all had patrimonial armies, of medieval origin, and sought to adapt them to the new demands of what Michael Roberts, writing in 1956, called the “military revolution, 1560-1660”. The “military revolution” took many forms: it manifested itself in the predominance of certain weapons, in recruitment techniques, in the size of armies, in battle tactics, in military organization and in the training of officers. In terms of predominant weaponry, we find that priority is given to an inexpensive infantry, trained in a few weeks, equipped with rudimentary fire arms, to the detriment of the cavalry, which was expensive and required long, lengthy training. The preferred recruitment technique was territorial recruitment of soldiers for compulsory military service, replacing mercenaries recruited more or less by the operational unit itself, be it a royal regiment or military enterprise. Armies grew in size, due to the ease of conscription and the speed with which infantry could be trained, and on the battlefield, victory came from the use of fire, which disorganized the enemy army prior to a decisive



■ João Pinto Ribeiro –
*Discurso sobre os Fidalgos,
 e Soldados Portuguezes...*
 Lisboa, 1632.
 [BNP]

attack. In Michael Howard's words, the "three arms" – cavalry, infantry and artillery – "learned to cooperate and manoeuvre on the battlefield"; military organization became dependent on councils or *intendants* appointed by the national State, who replaced the landowning nobility or the military entrepreneurs; officer training was subsequently provided in national schools, paid for and overseen by the State, replacing the practices of the nobility as a warrior social group (CHILDS 2000; HOWARD, 1997: 77 *et seq.*). military organization became dependent on councils or *intendants*.

At the time of the Restoration, Portugal, due to the force of circumstances, started to institute an army in line with the "military revolution", informed by and open to foreign influences – which were also the influences of modernity. This put into practice the "specific nature of the relationship of the Portuguese Armed Forces in the institutional triangle" (MATOS 2004: 240 ss). The circumstances in question were Spanish domination which had left Portugal without a land army and, after the disaster of the "Spanish Armada", without a Navy. Elimination of

the Portuguese military was Spain's best safeguard against Portugal regaining independence. As a result, the Portuguese nobles ceased to have military training, except when they fought as mercenaries in wars beyond the Pyrenees. This involvement divided the Portuguese elite. Writing in *Discurso sobre os Fidalgos e Soldados Portuguezes não Militarem nas Conquistas Alheias*, published in Lisbon in 1632, João Pinto Ribeiro protested against the sending of Portuguese soldiers to Flanders, whilst Francisco Manuel de Melo, in *Tácito Português*, came out in favour, describing these wars, in *Epanáfora Trágica* as the "school of captains" (BEBIANO 1993: 83 *et seq.*).

A pre-enlightenment Army born in the 17th century

Dom João IV put into practice many of the aspects of the "military revolution": despite the small population, there was no lack of soldiers, as the Chief Captains proved efficient in recruitment; it was the infantry, equipped with fire arms and trained at speed, that defeated the Spanish armies and their munificent cavalry. The size of the army on the battlefield grew, and battle tactics were modernized, even prior to Schomberg; in terms of military organization, the Council of War is instituted, answering to the Board of the Three States, centralizing military command on

land. A new post is instituted of general captain of the arms of the realm, described by Selvagem as corresponding in reality to a commander-in-chief, and all posts became “simple tenancies of the king”, who enjoyed the right to dispose of them at his convenience. For this reason, perhaps, logistics were excellent, and in 1641 a new Artillery and Draughtsmanship School took over the training of military engineers and artillery officers, replaced in 1647 by the Fortification and Military Architecture School. Artillerymen and engineers started to be integrated in the Army on an institutionalized footing, albeit on terms different from other services (SELVAGEM 1931: 379 *et seq.*; RIBEIRO 2004: 16 *et seq.*). But the impact of the “military revolution” on the armies of Restoration Portugal went even further: technology was applied to the battlefield, and the new, lighter cannons were more manageable than the large fire arms of the early 17th century. Perhaps the most significant aspect was a political fact: the king, Dom João IV, refused to command the forces in battle, breaking with the tradition of the monarch as military leader.

These measures were in advance of much of Europe, but Portuguese military historians, despite recent progress, have overlooked this and failed to include the country’s armed forces in the military revolution, and have in general underestimated their capacity for war; the accounts sound as if they refer to a defeated army. The disparagement of the military of Restoration Portugal was started by the historians of the time. Less than a generation after the end of the war, Vertot wrote that “most of this army consisted merely of militiamen, more suited to be sent to purchase goods in a market than to a military campaign”. The image of Dom João IV as a coward also derives from this perspective: “indifferent historians have criticized him as lacking in courage”. Oliveira Martins was to blow this up: “fear decided him”. But the king’s supposed cowardice is a fantasy: would a coward in 1640 dare to challenge the Spanish-Austrian Empire, then the leading power in Europe? It is more prudent to assign these misjudgements to a Portuguese “policy of secrecy” – like in the age of the voyages of maritime Discoveries – seeking to portray Portugal to the enemy as weaker than it seemed, or to the intrigues of the nobility against Dom João IV and his military policy, which was too modern for them; or to both (VERTOT 1734: 159, 160; MARTINS 1968: 414).

So where did the military capacity of Restoration Portugal come from? The answer is from the political will for independence; and on the practical level, from information from foreign mercenaries, filtered by theoreticians and practitioners of the military arts who had flourished in Portugal since the early 17th century (BEBIANO 1993). In effect, this army was only possible because the Crown recruited a large number of mercenaries. There were a startling number of foreigners in the Restoration army, listed in the register of soldiers engaged, published by Cristóvão Aires. General Schomberg came to Portugal in 1660 accompanied by 600 French officers (RIBEIRO 1934: 87;



■ General (Count of) Schomberg (b. 1618). [BNP]

SELVAGEM 1931: 433 *set seq.*). But professional soldiers played a different role in Portugal from that in the German States, and in Spain and Italy. In effect, whilst the latter countries had recourse to mercenary armies, Portugal had recourse to foreign mercenaries to form a national army which came into being as a modern entity, distinct from the nobility, traditionally in charge of the *security order*, and at the head of the army. The mercenaries brought with them the latest thinking, at a time when the State and the Catholic Church decided to close the Portuguese frontier to new ideas. One of these ideas was the separation between morality and religion, typical of the first half of the 17th century, and we must suppose that professional soldiers, who obeyed no religion, subscribed to this (HAZARD 1948: part 3, chap. 4). And they also brought the scientific element, as the “military revolution” meant that the army internalized natural sciences and mathematics, which were to be a crucial element of modern thought. It has already been pointed out, on the basis of systematic reading of the minutes of the Council of War, that the government of Castelo Maior “was founded on a political culture in which military skill had become an important

element” (XAVIER; CARDIM 2006: 142). But the same source would legitimately lead to an identical judgement two decades earlier, as the voluminous documentation of the Council of War, some of it published by Cristóvão Aires, shows a civil bureaucracy overseeing the army on the basis of the military technique of the time; this is the case of Joane Mendes de Vasconcelos (AIRES 1908).

The nobility was not completely excluded from the military of Restoration Portugal and continued to play a prominent role in the army: the top military commanders were Portuguese, and nobles in appearance; but they might have been commoners ennobled for their prowess in office, and names from the traditionally so-called *grandee* families are in fact absent. Moreover, at the time of the Restoration, a significant part of the Portuguese nobility sided with the Hapsburgs and in so doing excluded themselves from serving in the new Portuguese army. The *alvará* of 1642, cited by Selvagem, declares that “service in the cavalry belongs especially to the nobility”, which might have been a way of keeping them out of the other sections, and in particular those of greatest interest to the “military revolution”, the artillery and infantry. This question requires more study.

It is clear, however, that the Portuguese nobility, which remained Portuguese, complained about Dom João IV and about the foreigners. In his *Memorial*, Dom João da Costa, one of the forty conspirators of 1640, censured the king for “paying little attention to matters relating to the defence of the Realm” and for spending time in “occupations less necessary for the defence of the Realm” – playing music and hunting, in the words of the Count of Ericeira (RIBEIRO 1934: 49). In other words, he censures the king for being modern and not the warrior chief. Schomberg is attacked by the court nobility, for being foreign; but this attack is intended not only to defend the nobility’s prestige. This nobility was Catholic and the system of alliances under the Restoration required good relations with the enemies of the Papacy, both Catholic, such as France, and Protestant, such as England and, worse still, the United Provinces, which sheltered a large number of Portuguese Jewish refugees persecuted by the Inquisition, rendering the alliances of the Restoration repugnant to hard line Catholics. The anti-Semitism of the Restoration may be related to this conflict between the upper nobility and military professionals: by reinforcing the Inquisition, they prevented any strengthening of the alliance between the professional soldiers and Portuguese Jews, who had fled to Amsterdam or Italy, another destination for the Jews fleeing Portugal.

The English Alliance and the need to maintain alliances distinct from those of Spain required Portugal to take part in the Seven Years’ War. The Portuguese army, at peace in Europe for more than half a century, was again disorganized,

undisciplined and operationally ineffective. It fell to the Marquis of Pombal to reorganize it, and to this end he called on the Count of Lippe, the reigning prince of Schaumburg-Lippe, a small State in north-west Germany. The Count was born in London and had trained in the British army; he was a freemason, like many of its officers, and therefore enlightened. After assuring victory in the campaign of 1792, Lippe set about reorganizing the army. He laid the foundations of contemporary military discipline, instituted the permanent general staff, regulated training and the use of weaponry, established the Real Colégio dos Nobres, a military academy, in Cotovia (later the Polytechnic School and today the Faculty of Science), facilitating the integration of aristocrats in the professional officer class, and by means of a law published on 13 May 1789, determined that all senior posts carried the rank of gentleman of the royal household (SELVAGEM 1931: 475 *et seq.*). The appointment of Lippe led to

■ Count of Lippe (1724-1777).
[Military Museum (Lisbon)]



renewed complaints about foreign officers, as in the Restoration; the intrigues can be traced to the traditional nobility, who refused to go on military exercises, prompting Lippe to accuse them of being in thrall to “*chère paresse*”. There also appears to have been some resentment from Portuguese career officers. This episode represented the death rattle of the Portuguese nobility as leaders of the military. From then on, the *nobility* as an *order* is kept out of the command of the army and, in comparison with the rest of Europe, few of their sons joined the military on an individual basis. The proportion of nobles in the higher ranks of the Portuguese army is much lower than in the armies north of the Pyrenees at the start of World War I (COSTA, 2004: 343 *et seq.*; more cautiously, and pointing out that “the army is the field where the least is known” on the distribution of the “offices of the Republic” to the “powerful”: MONTEIRO 1998: 529, 540-543; MARQUES 1981; MAYER 1983).

So, starting from the Restoration, there were successive waves of foreign soldiers entrusted with reorganizing the Portuguese army: Schomberg and Lippe were the first two, as we have seen. The third wave was in the Peninsular War, encompassing the French Invasions and the British anti-Napoleonic troops; this was closer in time to the second wave, than the second was to the first. As in the second wave, the foreign officers were generally freemasons (SELVAGEM 1931: 498, 530).

The traditional nobility was incompetent but was nonetheless unwilling to allow competent foreigners or commoners to take supreme command of the army. This conflict appears to have contributed to the impossibility of Portugal maintaining a stable body of competent officers up to the French Invasions.

A liberal Army (19th and 20th centuries)

At the start of the 19th century, after the first French invasion, and after Junot sent to Bayonne an alleged deputation from three states to ask Napoleon for a king, Lippe’s regiment paraded through Lisbon. The Marquis of Fronteira relates: “the

people cried: “Long live those who will save us! Long live the generals, the Marquis of Alorna and Gomes Freire!” This was the first time the Portuguese population called for a military *coup* – and they called for a military *coup* which was simultaneously anti-foreign and liberal, nationalist and opposed to the society of the *Ancien Régime* (FRONTEIRA 1928-1932: I, 44).

The Army was liberal before political liberalism came into existence; this is why it supported the liberal Revolution of 1820. In May 1823, Dom Miguel promoted the *Vilafrancada*: the 23rd Infantry was

■ Troops and citizens applaud the swearing of the Constitution in 1822 (allegory). [Line engraving by Constantino de Fontes, from a work by António Maria da Fonseca (182-). SMS]



transferred from Lisbon to Almeida because it opposed liberal ideas; and it then revolted in Vila Franca. We should note that on this occasion only one Lisbon regiment opposed liberalism. The Army's propensity for intervention in the State was already clearly established (SELVAGEM 1931: 543; VALENTE 1997).

Dom Pedro IV, the founder of liberalism, is King, but the *Soldier King*. The liberal monarchy is proclaimed by an army, partly comprised of mercenaries, and not by the action of the people, as in the French Revolution. The *miguelistas* also made use of foreign troops, albeit to a lesser proportion than the *pedristas* (CARRILHO 2002: 94 *et seq.*). The first and second civil wars ended in victory for the liberals because their army was superior in the first (1832-1834), and because foreign military intervention led to the convention of Gramido, in the second (1847). The military intervention by the Holy Alliance was not however determined by the fact that the Portuguese army had become anti-liberal; on the contrary, it was the risk of victory by an excessively advanced form of liberalism which led to foreign intervention. In effect, the army stood squarely behind the Oporto *Junta*, in 1846-47, led by the Passos brothers, and to a certain extent prolonged the *Setembrista* movement.

■ The civil war (1832-1834).
Caricature by Honoré
Daumier (1833).
[BNP]



The Courts of 1820 refused to establish national guards. José Liberato Freire de Carvalho regarded this as “a capital error”, because without them “there can be no security for freedom: they are its only guarantee”. However, the national guards emerge in the Lisbon of the 1820’s, dominated by the liberal *Vintismo* movement, and were to have added strength in the capital and in Porto with *Setembrismo*; with the fall of this latter movement, they too succumbed, violently. In 1846, during the *Patuleia*, the Passos brothers’ *Junta* in Oporto fed the battalions of volunteers, alongside

the regular units. These voluntary battalions came close to national guards. In 1851, Henrique Nogueira called for the army to be replaced by a national guard, in which “*citizen soldiers*” would come into their own, without needing, “in normal times, to interrupt their occupations, or to leave their families behind” (CARVALHO 1855: 257-258; SÁ 1969: 76-77, 173 *et seq.*, 190 *et seq.*; NOGUEIRA 1923: 48-9).

The liberal monarchy was reinstated by the army in the Regeneration (1851). The Regeneration was an alliance between the non-*cabralista* Chartists and the military *setembrista* tradition. This fact was concealed by the propaganda of the *Estado Novo*, which presented the Regeneration as its precursor, in view of the alleged similarity between the effective governance of both. The Regeneration was only possible because the liberal military refused to have Dona Maria II replaced by Dom Miguel; there were negotiations to this end during the Oporto *Junta* (*Patuleia*), but the military turned this down, according to Teixeira de Vasconcelos, who was in the know, as he was an officer in the general staff of the Viscount Sá de Bandeira, the military leader of the *Junta* (VASCONCELOS 1981: 74, 160 *et seq.*, 165 *et seq.*).

The liberal Bragança dynasty knew to what extent it depended on the army. This is why all the kings held the office of marshal, or commander-in-chief, and had themselves depicted in the respective uniform. As a woman, Dona Maria II required her two husbands to take this office on marrying her, which in the case of her second husband, Dom Fernando, gave rise to complicated constitutional crisis; the importance of this office derives from the fact that its abolition was one of the claims of the *setembristas*. Over the course of the 19th century, the military sought to cut down the tank of marshal to a merely honorific status, as it evoked feudalism or, in the language of the times, absolutism. When the king, Dom Luís, was weakened by old age, the Army List almost eliminated the post. The succeeding monarch, Dom Carlos, demanded and obtained its reinstatement. But it was effectively an illusion (MATOS 2010).



■ Teixeira de Vasconcelos
– *O Prato de Arroz Doce*
(1862).
[BNP]

The Army and Navy were positivist and therefore rejected the Marshal, whom they saw as a feudal excrescence. Positivism led them to defend human rights. The Army, which held Comtean positivist views, was therefore anti-military. “Permanent armies,” wrote Teixeira de Vasconcelos, “represent the resistance of the Old World to the ideas of modern philosophy. They are a kind of protest against the possibility of universal and perpetual peace. Vain protest!” (VASCONCELOS 1981: 326). It is this positivism on the part of professional soldiers that explains why the Republic conducted no purge of officers: even those who were not Republicans accepted the new regime as a symbol of progress.

Masonry and the Army; the Catholic Church

We have already mentioned that some of the foreign officers were freemasons. This Masonic dimension was not innocuous. It interests us because everything points to their having sought to recruit their Portuguese comrades. Masonry had a vision which was modernizing, enlightening and in favour of the dissemination

of the modern, contractual and illuminist concept of citizenship. It was also a stable organization, meaning that its vision had a prolonged influence. It is therefore of interest to us here. Masonry had a significant presence in the Portuguese Armed Forces of the 19th century; in witness of this, suffice it to mention the name of Gomes Freire de Andrade, general and the first Grand Master of the Lusitanian Orient (excellent summary in VENTURA 2003).

The influence of Masonry in the army is often concealed. It is curious that conservative anti-Masonic currents should have preferred in the 19th and 20th centuries to consider the Army as a national institution, and therefore to clear it of the charge of Masonic influence, which they held to be de-nationalizing. José Agostinho de Macedo, the leader of the Portuguese anti-Masonic movement, wrote in the third issue of *A Besta Esfolada*, in October 1828, that the liberals had organized the army, removing the “dull old officers, and replacing them with *Tactiqueiros* who, with the square and compass, the cord and plumb line, seek to straighten out the new developments invented

■ Gomes Freire de Andrade
(1757-1817)
[BNP]



for consolidation of the regenerative system”, which corresponded to identifying the officer class with Masonry, but he only touches on the subject sporadically and continued to treat the army as a respectable institution (MACEDO 1828-1829). Argus, the pseudonym used by the author of the famous *Letters from Belgium*, in the second decade of the 20th century, makes no mention of infiltration of the Army amongst the numerous evils he attributes to Masonry (ARGUS 1914). Nor do we find any attacks on Masonry in the army in the second series of *Nação Portuguesa*, the *integralist* magazine of the 1st Republic. Of the anti-Masonic pamphleteers, only Da Cunha Dias points to the army, after the 28th of May. Other pro-Masonic writers fail to include analysis of the relationship between Masonry and the military, making only episodic references (GRAINHA 1976; MARQUES 1988).

Several clues suggest that Masonry had a strong presence in the Army and Navy during the 1st Republic, prompting criticism, from the Republicans themselves. In Parliament, on 22 April 1914, João de Meneses, a Unionist, declared that some days earlier a rumour had circulated that the Minister of War was to follow the example of General André, in France, and prepare registration forms for military officers; according to the report in *A Capital*, the minister denied the story immediately. General André was a Mason and had caused a great scandal when it was discovered that he obtained political information on officers from the lodges, and that this information had a bearing on promotions. General Alberto Ilharco, who had been Commander-in-Chief of the troops which had defeated the “Nothern Monarchy” (1919), and a Republican above all suspicion, also expressed disquiet at the power of Masonry in the military; in 1926, he denounced “the weakening influence of politics on military institutions”. For his readers, politics meant the Democratic Party, and the Democratic Party meant Masonry (ILHARCO 1926: X).

The *coup d'état* of 28 May made no moves against the Masons in the military. In April 1929, troops from the National Republican Guard and the police surrounded the Masonic Palace, in the Bairro Alto, and arrested those present for meeting “in secret, without authorization”. Army and Navy officers were authorized to leave, after “declining their names” and perhaps without even being required to identify themselves. Whatever happened, we find no subsequent complaints that they had been persecuted as a result of such identification (DIAS 1930: 86-89, quoting *O Século* (18 April 1929): 2, col. 1).

The President of the Republic, himself a member of the military, Marshal Carmona, paid tribute to Masonry. On 5 October 1927 (anniversary of the proclamation of the Republic), he went to the house of the former President António José de Almeida to pay his compliments and assure him that the Republican form of the State would be maintained. If we bear in mind that the preservation of the Republic was one of the

central demands of the Portuguese Masons, we may gauge the importance of the visit. For the next two years, it was the Government that went to pay its respects to António José de Almeida on the 5th of October. Carmona was present at his funeral, in November 1929. The former President had been elected Grand Master at the start of that year, which conferred a special dimension on these acts (NUNES 1942: 184-185; MARQUES 1988).

These liberties enjoyed by military Masons were perhaps maintained during the early period of the *Estado Novo*. The letter from Fernando Pessoa, deploring the prohibition of Masonry, which the National Assembly had just decreed, was published in the *Diário de Lisboa* of 4 February 1935, and was only published with the authorization of the Censor. And since the censors were military officers, one might suppose that the long arm of the army protected the freemasons; but this would be far-fetched. In fact, Carmona, who had himself been an apprentice freemason, remained President of the Republic until his death, in 1951. On this date, the climate which permitted anti-Masonic persecution had evaporated sometime ago. At the same time, it is clear that a Masonic or para-Masonic organization of admirals continued to exist in the Navy, surviving up to the Revolution of 1974 and taking a significant role in promotions to admiral officer rank. Empirical research has shown that generals in the period from 1945 to 25 April 1974 were mostly Republican: 35% as opposed to 3% pro-monarchical and 2% Catholic; the remainder could not be classified in these categories. The proportions amongst admirals are similar. This concept of Republicanism did not and could not imply affiliation in the Masons, but was in all regards consistent with Masonic ideals (MATOS 1999).

It is revealing of the strength of the ties between Masonry and the military that the first attempt to set up a Portuguese grand lodge took place in the palace of a soldier, Gomes Freire, and that the Grand Master during the period of the *Estado Novo* when Masonry may or may not have been persecuted was certainly unwelcome was Dr. Luís Gonçalves Reborbão (1957-1975), who had been an army officer (MARQUES 1988: 108). Midway between these two points in time, in 1914, it was a general and former Grand Master, Luís Augusto Ferreira de Castro, who was responsible for a significant and lasting break with the past.

During the liberal period, St. Anthony of Lisbon continued to be honorary colonel of the Portuguese army and the artillery was responsible for the procession of Our Lady of Health, but at the end of the 19th century, the Army was agnostic – the officer class and certainly the sergeants were free thinkers in the broad sense. It is revealing that students at the Army College fought the imposition of compulsory confession, a manifestation of State religion, which General Pimentel Pinto sought to impose under the *franquista* regime; the episode was sufficiently important for



■ Main façade of Bemposta Palace, home to the Army School from the late 1850s. [B&w photograph by J. Benoiel (19--). AML – NF]

Cunha Leal to relate it in his memoirs (RÊGO 1986-7: 3:10; LEAL 1966: 237 *et seq.*). This religious unbelief came probably from former times; it is sure that it persisted; as we have seen, empirical research has shown that only 3% of Army generals and admirals were social Catholics in the period 1940-1974, whilst more than a third identified themselves as secular Republicans. Social Catholicism may have been less common than private Catholicism, but data for the latter suggest that even this represented a very small minority (MATOS 1999: tables 25 and 26 and text).

The scientific element in the Army and Navy

Armies and military navies after the “military revolution” need exact sciences. For example, there is no artillery without knowing how to prepare the shot, and no navigation without cardinal points. For this reason, mathematics was taught to a high standard in 1652 at a military college, the Royal Academy of Fortification, before the Portuguese University interested itself in the science, which it in fact did a few years later. Even so, Themudo Barata reports that the teaching of mathematics



■ Group of soldiers at the Army School.
[B&w photo by Alberto Carlos Lima, 19--. AML – NF]

at the university was poor, having been entrusted to Benedictine friars who “took a long time to adapt to the progress made in this branch of knowledge” (BARATA 2004: 3: 417). It was also the military which, in the 19th century, created the Polytechnic Schools in Lisbon and Oporto, which taught the preparatory courses for students subsequently entering the Military Academy and the Naval College. The polytechnics were the precursors of the Science Faculties. In the seventeenth century Portugal has an enlightened military and an anti-scientific university. This situation is the opposite of what might be expected.

Engineering studies were the sole province of the Armed Forces until the creation of the Instituto Superior Técnico, under the 1st Republic; bridges, roads, geodesic surveys, geographical maps, viaducts, harbour works, meteorology, ship building and explosives were all areas where the Armed Forces (or foreigners) had exclusive expertise, at least until the second half of the 19th century. Up to World War II, military engineering continued to make an important contribution to numerous civil activities.

The negative side of the image of the Portuguese military

In the mid-19th century, Army officers, despite the benefits they brought to society, projected a social image with negative aspects, not only amongst moderate realists such as Gama e Castro, in *O Novo Príncipe*, who considered them of no use in defending national independence, a source of significant expense and a hotbed of

revolution, but also amongst advanced liberals, such as José Liberato Freire de Carvalho, who stressed the individual dimension of his criticism: “mercenary soldiers, *with no conscience*, egotistically supporting liberty or despotism, or absolute power, as long as they are paid”. Greed was the dominant characteristics of the military: “the sergeant, who at the last revolution rose from private to his current rank, is waiting for the next to rise to lieutenant, not caring what the revolution might mean”; which is why Portugal had “a small army with a *monster officer class*; and why? Because of the insane currency in which we have paid for revolutions...” We should note that this last sentence once again confirms the liberalism of the army (CASTRO 1945; CARVALHO 1855: 258).

However, the image of the military boor was extremely strong. In 1851, Henriques Nogueira, an anti-militarist and Republican, wrote that, “in the greatest part”, the military were “stupid or perverted individuals” (NOGUEIRA 1923: 49).

In the early 20th century, we can find accounts of the poor quality of military education, as described in the memoirs of Cunha Leal and Raul Brandão. But they were both atypical officers, and the matter has not been studied. The great change was to come with the *Estado Novo*, when preparatory studies at the Faculty of Sciences were dropped as an entrance requirement for the Army College, in the late 1940’s, and for the Naval College, in the 1950’s. This broke the umbilical cord between the university and the military, without any benefit to the scientific standards of the latter and to the detriment of the civilianization of Portugal’s social organization. The 1974 Revolution, although pro-civil society in outlook, lacked the courage to restore this link,



■ José Liberato Freire de Carvalho (1772-1885)
[BNP]

Representation in the Military

The chiefs of the Army and Navy – and of the Air Force, when this emerged as a separate body – were the organic representatives of each service. But this organic representation does not exclude forms of contractual representation, as associated with modern citizenship. It would be odd if the military had wished to establish citizenship in the political organization whilst wholly rejecting, in its internal dealings, the individual exercise of collective rights. Neither of these forms of representation however avoided the phenomena of indiscipline in the Portuguese Army and, albeit to a lesser degree, in the Navy.

The Military as representative of the security order

The replacement of the army by a national guard was a demand of the liberals from the 19th century onwards. We find it in the writings of José Liberato and Henriques Nogueira. In a certain sense, the non-mercenary army of the Restoration was a national guard: the soldiers, but not the officers, were recruited by the Ordinances for a particular dispute, and then returned to their civil affairs as soon as the battle was over.

This continued to be a liberal demand in the 20th century. António José de Almeida, speaking at the Parliament on 23 November 1906 on the Portuguese military situation, calls for an army of militias; declaring himself an anti-militarist, he describes the permanent army as part of the “trappings of absolute monarchies”, a commonly held Comtean idea which we have seen Teixeira de Vasconcelos proclaim. But Almeida argues that “only in the remote future will it be possible to dispense with the army”, which gives a hint of his later involvement in founding the Portuguese Air Force (ALMEIDA 1933-4: 1: 251 *et seq.*).

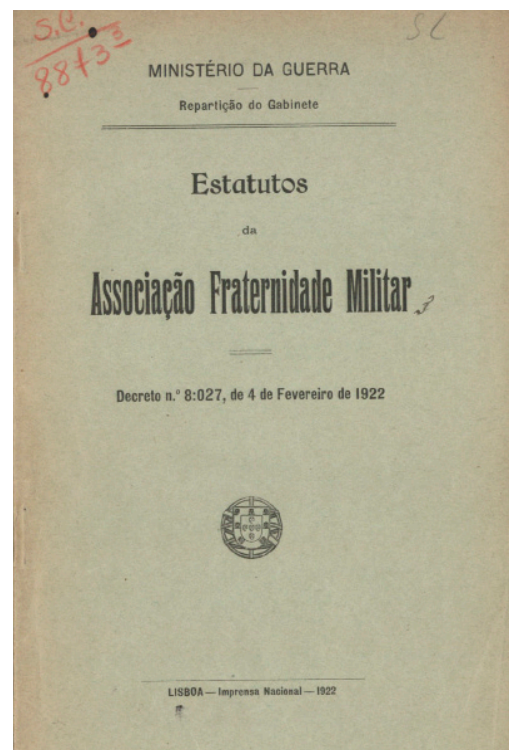
The idea of national guards was reprised in 1911 with the Military Education Societies and would survive, albeit in residual form, in compulsory military service: if the citizens don't want the institution, let them desert. Portugal does not resort to mercenaries.

Contractual representation in the Armed Forces

The liberal monarchy accepted military associations. The Regeneration supported the *Revista Militar* company, bringing together officers from both services. But this was an elitist organization. The *Cooperativa Militar* had more members, but was a company providing services: it was founded by the king, Dom Carlos, which gave it status. Another king, Dom Luís, himself a Navy officer, supported the formation of the *Clube Militar Naval*, bringing together nearly all naval officers and forming a kind of *agora* for the sector. The different technical specialities were represented to a degree, but on an organic basis.

■ *Revista Militar*,
Lisboa, no 1, 1849.
[BNP]

■ *Estatutos da Associação
Fraternidade Militar*.
Lisboa, 1922.
[BNP]



The Republic encouraged and developed associations of this type. In June 1911, approval was granted for the articles of association of the *Fraternidade Militar*, a mutual aid society on the French model (“O mutualismo no Exército”, *A Capital* (20 June 1911), 2, col. 2). The Republicans advanced the status of sergeants, whose military rank was close to privates, but failed to authorize associations of ordinary soldiers and seamen. General Pimenta de Castro, as head of government, sought to establish an association, called the *Centro Militar*, which army officers would be required to join, with a founding charter prohibiting political activity; it was designed “to provide the means for study and leisure and also the material facilities which can easily be acquired by large groups”. The Head of State was to be the sole honorary member; the organization was to function as a kind of representative cooperative, but the plans were never implemented [*A Capital* (7 March 1915) 1, col. 1].

Seamen were concentrated in Lisbon and formed associations with revolutionary leanings, as we shall see below.

The *Estado Novo* consented to almost all the formal associations inherited from the Republic, but sought to restrict their scope and prohibited associations of sergeants. President Carmona established the tradition of presiding at the annual anniversary commemorations of the *Revista Militar*, a practice continued by his successors. Military Councils features a degree of technical representation, but on a merely institutional

basis, as it was only in the wake of the 1974 Revolution that their members were chosen in elections – which were moreover significant, as the dominant faction in the *Movimento das Forças Armadas* (MFA) failed to secure victory.

Military Disorder; the military counter-institutions

“It was extremely unfortunate that the revolution was achieved by armed force. If this had not happened, military discipline would be what it ought to be, and what it still is not within the Republic.” These words were uttered in São Bento, on 27 November 1911, by João de Meneses, on the occasion of the violent repression by the police of demonstrations in favour of the *chinesas dos bichos*, Chinese women who were supposed to cure ophthalmic diseases using mysterious “creatures”. These demonstrations marked the first occasion on which the populace of Lisbon violently opposed the Republic and consequently concentrated the minds of the Republican elite on the need to improve the security apparatus. During the Constituent Assembly there had already been signs of indiscipline in the Army (BRANDÃO 1925-33, 24 July 1911).

The army continued in a state of semi-discipline throughout the 1st Republic. The *noite sangrenta* (“bloody night”) of 19 October 1921 was the clearest manifestation of this. The Army was incapable of intervening. The Navy also failed to obey the authorities, as was the National Republican Guard. There is a tendency to consider this indiscipline as the result of the military involving itself in maintaining law and order, which inevitably divided it. In fact, the armed forces of the Monarchy in the post-Regeneration period were undisciplined since the Ultimatum, in 1891, when it becomes clear that they played a role in keeping public order. Before then, and from the Regeneration onwards, they had been reasonably disciplined and had not dealt with matters of law and order. It is a fact that, from the French Invasions onwards, the Portuguese military intervened in the open or latent civil war underway in Portugal. But the problem of discipline dates further back: as early as the 18th century, whenever it did not intervene in questions of State, the Portuguese military was regarded as undisciplined; the first and great achievement of Count Lippe’s reforms was to impose discipline. Indiscipline in the Portuguese armed force must therefore have other roots. We may find them in the gap between the leadership and the technical capability which we have seen to be characteristic of the army of the Restoration, which may have persisted thereafter. This would appear to have created a tradition of indiscipline, as from the end of the War of Restoration, which then perpetuated itself.

We should note that the military counter-institution also had their disciplinary problems. The *noite sangrenta* did not pursue the aims of the legal radical party, or any other recognized party, and must therefore have been the result of an internal power struggle in the structures of the clandestine army.

The Military as representation

We have seen the military as the setting for representation in the old and modern moulds. We should also see it as playing a representative role in the modern sense from the point of view of the output of the political system. The military provided almost as many public services as the State, which was minimal or very small in size until the mid-20th century and, in certain cases, until the Colonial War, which started in 1961. We shall therefore conduct a comparative overview of the work of the Armed Forces in the field of hospital health services, primary education and management public services. This offers a rudimentary, but reliable, form of comparing the social importance of public administration and military administration.

Hospitals

In 1919, 63 365 patients were treated in civil hospitals and 43 570 in those of the Army and Navy. These proportions would only alter significantly in the 1950's. The number of patients treated at military hospitals, belonging both to Army and to the Navy, was close to the number of servicemen each year. In 1940, the Army treated 37 438 men and in 1950 it cared for 37 811. Figures for the Navy are roughly one tenth of these. In 1940, the civil hospitals treated 52 297 persons, a figure not much higher than for the military hospitals. In 1950, the number of men treated in civil hospitals stood at close to 140 thousand, and had therefore increased. Colonial health was until a late stage entrusted to naval doctors (MATOS 1999: 474, 648).

Education, and primary education in particular

At the end of the 1st Republic, primary education reached approximately 29% of the population aged 7 to 14 years, whilst in 1910 this figure had stood at 23% (CARVALHO 1996: 712). The Army ran regimental schools, which illiterate recruits were required to attend; under the Republic and the *Estado Novo*, no soldier was authorized to leave the Army without being able to read and write – although the examination was easy. If we consider that the Army recruited each year one fifth of men aged 18 years, we quickly find that its efforts in the field of primary education outstripped those of the State, as the figure of 29% referred to an age range covering four years, whilst the army's intake referred only to men aged 18.

The military were also active in education outside military organizations. Many officers teach in civil establishments or founded private schools, as a sideline to their military careers. Of the 104 officers of the Armed Forces who held positions in ministries with the rank of director-general in 1925, 1928 or 1934, at least sixteen taught at civilian establishments (MATOS 1999: 645).

The Army and Navy were also significantly involved in training engineers, as we have seen.

Management of State bodies

The State is an institution different from the military and should therefore only be led by military officers in exceptional circumstances. But this was something that occurred frequently from 1820 onwards. Under the Monarchy, numerous military officers held civilian administration posts. Under the 1st Republic, military officers were appointed as civil governors and ran welfare organizations during and in the immediate aftermath of World War I, they served as senior officers in the National Republican Guard, and the political courts were almost always military courts. The Republicans were uneasy with this state of affairs and sought to limit it, but to no avail. In 1914, a new law was passed on the holding of administrative office by members of the military [*A Capital*, (5 January 1914) 2]. The *Estado Novo* extended these functions. Military courts continued to try political cases until 1945. An increased number of military officers were appointed as civil governors and headed municipal councils. Press censorship was entrusted to the military, which also took over sole control of the policing of the population, through a number of police forces. In 1949, the British military attaché in Lisbon, Colonel A. J. E. Gordon, noted that the *Mocidade Portuguesa* (a militarized youth organization), the Portuguese Legion, the Customs and Excise, the Public Security Police, the National Republican Guard, the fire service and the Red Cross – he could have added PIDE, the political and emigration police – were all directed by military officers, concluding rhetorically in his annual report that “the Army may be described as the lion under the administration’s throne” (FO 371/79657).

The military enjoyed a strong position in colonial administration and consequently a smaller position in financial administration: it managed the Highways Board, the Directorate-General of Road Transport Services and the Directorate-General of Overland Transport, the Civil Aeronautics Secretariat and, later, the Directorate-General of Civil Aeronautics. It was also responsible for the creation of the country’s airline (Transportes Aéreos Portugueses – TAP). Just as it had been a military man, Fontes Pereira de Melo, the leader of the Regeneration, who had launched the Ministry of Public Works, in the 19th century, other military officers set about re-launching it shortly after the *coup* of 28 May. Military officers were in charge of the National Mint, the Geographical and Land Registry Institute, the National Meteorological Service, the Unemployment Board and the Lisbon Civil Hospitals. Another military officer headed research into nuclear energy, whilst two military officers (Pedro José da Cunha, an engineer, and the writer Júlio Dantas) presided over the Academy of Sciences, symbolically corroborating the appointments referred to in this paragraph, in view of the superior technical and scientific expertise of the military (MATOS 1999: 624 *et seq.*).

The Military in representation

In Portugal, as in France, there is a myth that, when elected to parliament, members of the military are anti-liberal and anti-republican. A French writer has corrected this view: “military officers are less influenced by extremism than by their moderate affiliations” (NIVET 1999). Another preconceived idea is that the military are natural members of conservative political parties; in reality, as another French writer has pointed out, they have never been influential in these parties and have been spread across other political groupings, when debate has been less polarized between the old anti-military left and the conservative right (BERNARD 1999).

We shall look in turn at the right to vote and the right to be elected of members of the military, subsequently alluding to the positions they took in parliaments and in governments. Amongst other sources, we shall rely in particular on *Materiais para a História Eleitoral e Parlamentar Portuguesa 1820-1926*.

Military voting rights

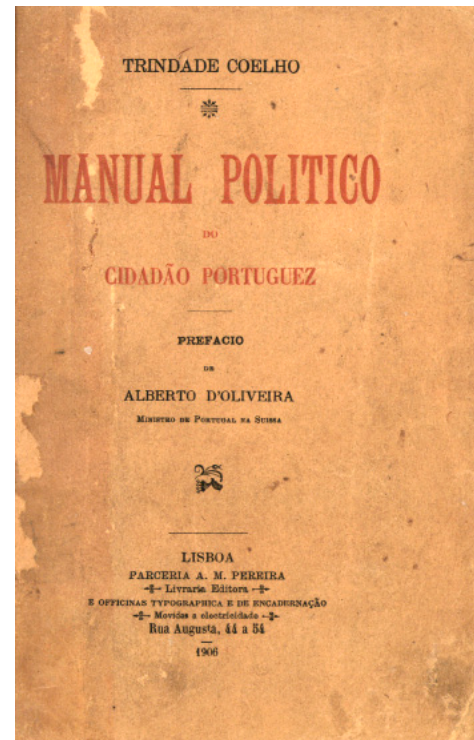
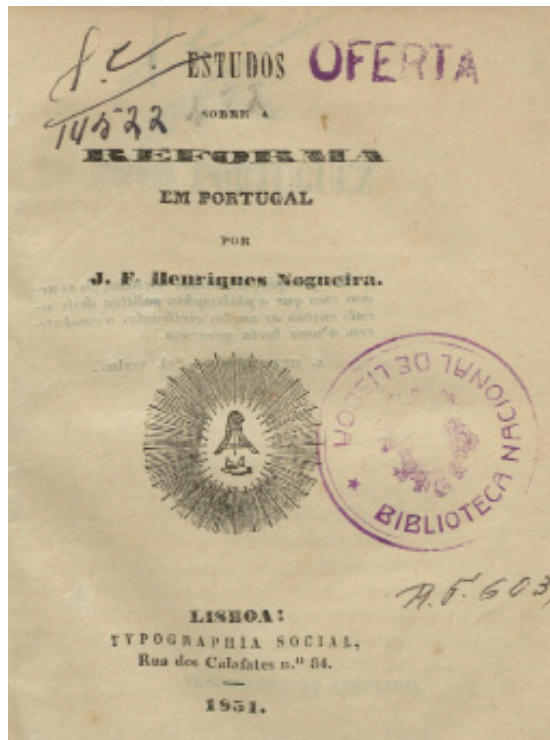
The right to vote

The Portuguese military felt themselves to be citizens and accordingly wanted to vote. The Constitution of 1822 accorded them the right to vote; Article 33 clarified that the electoral domicile of servicemen in the Army and Navy was the municipality of the headquarters of the corps to which they belonged. The Constitutional Charter of 1826 also gave them voting rights: Article 65.1 authorized “military officers” to vote, once they had reached the age of 21 years, which was also the voting age for two other dignified categories, “bachelors of arts and clerics in Holy Orders”. The Constitution of 1838 also accorded voting rights to the military, from the age of 21 year onwards; this was the system in force since 1822 (article 73.1). “Military” here meant officers, as the census excluded ordinary soldiers.

This right, which, by the way, reflected the liberal Monarchy’s recognition of its debt to the troops, was not questioned by more advanced thinkers; Henriques Nogueira, in his *Estudos sobre a Reforma em Portugal*, published at the start of the Regeneration, criticized the existence of the army but never proposed that its members be stripped of their voting rights. Trindade Coelho, so consistently radical in his *Manual Político do Cidadão Português*, also raised no objection, either when commenting on “Public Force” or when studying “electoral capacity” (COELHO 1906: 217 *et seq.*, 467 *et seq.*). These positions and the acceptance of associations of military officers show that there was little acceptance in Portugal for the principle that “no armed assembly has the right to deliberate”, typical of French revolutionary constitutional thinking.

■ J. F. Henriques Nogueira – *Estudos sobre a Reforma em Portugal*. Lisboa, 1851. [BNP]

■ Trindade Coelho – *Manual Político do Cidadão Portuguez*. Lisboa, 1906. [BNP]



The Law of 8 May 1878 whereby a military officer, Fontes Pereira de Melo, accorded the vote to persons who were of age, heads of families or who could read and right, made no exception for soldiers and seamen, who along with sergeants were then known as *praças de pret*; but it made no exception because soldiers were less than 21 years old, illiterate and not heads of families. But sergeants met these requirements, and so the Law of 21 March 1896 took away the vote from the *praças de pret*.

This law was in force when the Monarchy was overthrown. The Republic began by continuing to deny the right to vote to the non-commissioned ranks of the Army and Navy, in the Law of 14 March 1911, regulating elections to the Constituent Assembly, but there were protests and, on 5 April, this right was extended to them by a decree issued by António José de Almeida. In an editorial of 6 April 1911, *A Capital* praised him for this move, pointing out the role played by the lower ranks in setting up the new regime. But the Republic switched position entirely and Article 2 of the new electoral law, passed on 3 July 1913 by a parliament dominated by Afonso Costa's Democrats, removed the right to vote from all military citizens “on effective duty”, from the officers of militarized forces and civil police forces: if they had the right to vote, they had to exercise it out of uniform. The officer class reacted badly to this change which they saw as diminishing their civic standing. In the wake of the revolt



■ The People, Navy and Army proclaim the Portuguese Republic on 5 October 1910. [Colour lithograph. FMS, António Pedro Vicente Collection]

of 14 May 1915, they regained their rights under Article 1 of Law 314, of 1 June 1915, but the ban on voting in uniform was maintained (SARAIVA 1925: 96). This concession seems to have been paid to reward the sergeants for their role in the revolt, led by the Democrats. The question was again debated in the Chamber of Deputies during the final Government of Sacred Unity; Captain Hélder Ribeiro, close to the *Young Turks*, argued that the “granting of the vote to members of the military without exception was a great error, and a dangerous source of indiscipline”; Captain Álvaro Pope, another Jacobin, agreed that the right to vote was a source of the indiscipline said to prevail in the Army, and contended that it should be removed from the lower

ranks and retained for the officer class. The Minister of War made a declaration to more or less the same effect. Afonso Costa then rose to speak: if voting rights for the military is an evil, then let it be removed from them, but they should retain the right to be elected, “a right which they cannot be denied. That any one of them may stand for election in the country – from the lowliest drummer to the most illustrious general”. This argument, which he failed to substantiate, was pure posturing, as only officers engaged in parliamentary politics, in keeping with the customs of the time, and the “drummer” would never be elected. But this position showed how far the Democratic Party depended on the military elite. It is significant that Afonso Costa was unwilling to commit himself, suggesting that the issue divided his party. We should also note that the right to vote in state elections had to do with the status of officers in the institution and not only with political representation [*A Capital* (12 May 1917) 1]. By means of a decree of 30 March 1918, Sidónio Pais again removed the right to vote from the non-officer ranks, in what could also be interpreted as a punishment to sergeants and seamen, who enjoyed the reputation and often the benefits of being democratic. But by means of Decree 5184, of 1 March 1919, the New Old Republic restored the previous electoral legislation and accordingly the right to vote for non-officer ranks.

The *Estado Novo* maintained the voting rights of officers, but in 1945 limited these rights to presidential elections in the case of Army officers; they were authorized to vote in uniform. When elections for the President of the Republic switched to indirect suffrage, the *Estado Novo* restored the right to vote in parliamentary elections to Army and Air Force officers. Navy officers fully kept the right to vote. Lower ranks were not excluded, but other legal rules made it unlikely that they would vote (MATOS 1999: 579).

Portuguese law was not anomalous in international terms, and we should note that, until the World War II, many countries withheld the right to vote from the military. This was the case in France during the 3rd Republic. The French case clearly influenced the Portuguese 1st Republic (DOGAN 1986).

The Right to be Elected

The Monarchy accorded members of the military the right to be elected. Article 35 of the 1822 Constitution excluded from this right only “corps commanders of the first or second rank when standing for election by soldiers serving under them”. In other words, the Constitution sought to avoid military commanders influencing electors, but it only considered soldiers under their command to be liable to undergo such influence. The Constitutional Chart maintained the electability of military officers. The Constitution of 1838 also gave military officers the right to be

elected, excepted for the commanders of military divisions and military governors of troops, in their respective districts; corps commanders of the first rank could not be elected “by servicemen under their immediate command”. There were similar rules applying to other State employees with positions of public authority, such as judges, tax officials, parish priests and bishops (paragraphs 6, 7 and 8 of Article 75). Like the right to vote, the right to be elected prompted no criticism from radical liberals such as Henriques Nogueira or Trindade Coelho.

The Republic never questioned the right of military officers to be elected, but maintained restrictions on their electability when the constituencies in question coincided entirely or in part with the area in which they exercised military or naval command. However, in the preparations for Sidónio Pais’ organic Senate, an official communiqué from the Council of Ministers excluded bureaucrats and military officers from the chamber as belonging to the State [*A Capital* (20 February 1918) 2].

The *Estado Novo* also maintained their right to be elected, but authorization for their candidacies, which under the First Republic could not be refused, became discretionary.

Portuguese law was generous in allowing members of the military the right to be elected. In France, the 3rd Republic only authorized military candidacies from reserve or retired officers, which obstructed most military aspirations to elected office. In 1976, according to information from the Inter-parliamentary Union, there were 21 States which barred members of the military and the security forces from election; in Europe, only six States took this stance – Finland, France, Ireland, Malta, the United Kingdom and, only in the districts in which they held office, Italy (DOGAN 1986; *Parliaments*. 1976: 57 *et seq.*).

Military officers in Parliament

Not a few heroes of civil wars sat in the parliaments of the liberal Monarchy. The Republic allowed military officers to shine on the parliamentary benches. The Constituent Assembly included a large number of military officers, even prompting negative reactions from the Republicans themselves. Accordingly, on 3 May 1911, *A Capital* proclaimed that the candidates standing for election to the Constituent Assembly reflected “representation, perhaps over-representation” of a class “no doubt deserving of all our esteem and consideration”, but which, were it to be “relatively over-represented” in the Constituent Assembly, could stamp on it a character which “would be disagreeable to the nation” and which the class itself might not wish to stamp on it. This class was the military. The Republican evening paper continued: “There is no doubt that the army deserves well of the nation. Whilst only a small part of the army took the initiative in the revolution, it is no less true that almost all the army accepted the Republic and has supported it with perfect

loyalty and patriotism.” The newspaper’s concern is to assert the “supremacy of civil power” and it therefore takes issue with the “mere appearance” of interference by the army; there was the risk of it being taken as a “*pronunciamento* which was really a revolution”. The military candidates were all elected. The relevance of this was underlined in a speech a few days later by Eusébio Leão, civil governor of Lisbon, but speaking on behalf of the leadership of the Portuguese Republican Party (PRP) and seeking to clarify an issue which caused a degree of unease. In an interview with *A Capital*, of 17 May, he explains that the initiative was taken by the party leadership which, having talked it over with local Republican committees, let it be understood that it wished to see the officers who prepared and carried out the revolution to be elected to the Constituent Assembly, where their presence was deemed

■ Figure of the Republic in military attire.
[Colour lithograph. FMS, António Pedro Vicente Collection]



to be “indispensable”. These officers were “very few” in number, and it was the committees that presented others, which only shows the extent to which democratic ideas are held in the army. “These officers are not, nor have they ever been, proponents of military power,” and indeed they decided at one of the first sessions to submit a document acknowledging the supremacy of civilian power. Curiously, in the same interview he guarantees that not a single pro-monarchical candidate will be elected to the Constituent Assembly.

The military had an active role not only in Parliament but also in party politics. The best example of an organization of military activists in the State is the *Young Turks*, a para-masonic organization bringing together men such as Sá Cardoso, Helder Ribeiro, Vitorino Guimarães, Américo Olavo, Álvaro Pope, and others (stressing the Masonic dimension, PINTO 2002). At the PRP congress of March 1915, which took a Jacobin turn, a great many military officers took to the stage, in uniform. The report in *A Capital* of 29 March this time took no issue with the militarization of politics.

Under the *Estado Novo*, the proportion of military officers in the first legislature, opened

in 1935, stood at 15%, a percentage that rose through to 1949 and then declined until the Assembly elected in 1973 had only 3% military deputies. The deputies belonged to the Army, to the Navy and, after its founding, to the Air Force. The *Estado Novo* followed the model of the French 3rd Republic as to the work of military deputies: these members were assigned to the defence and foreign affairs committees. They also sat in the Corporate Chamber, as procurators, representing the Armed Forces and in a few cases representing private sectors (MATOS 1999: 650).

Were the military deputies of the 1st Republic ill suited to parliamentary practices because of their military education? There are those who argue that this was generally the case, that, used to obey, the military officers found it difficult to get on in a debating institution. One analyst, writing about France after World War II, proposes the opposite point of view: the military deputies were less unfamiliar with Republican culture than Republican culture with general officers (DUHAMEL 1999: 358).

The number of military deputies in Portugal was higher than in France, up to World War II; in effect, throughout the 3rd Republic, military officers represented 5% of deputies. This number varied over time, and tended to drop, but after World War I there was an increase, countering the tendency for decline, which started after the Dreyfus case, which had prompted – by way of vindictive reaction – another increase in the number of former military deputies, and also fitted in with a downward trend starting in 1880. The Liberation, after 1945, was a period favourable to military officers entering the French parliamentary assemblies, repeating the pattern of the previous post-war period. *Gaullism* was then to cause a reduction in the number of military officers on the parliamentary benches (DOGAN 1986; DUHAMEL 1999).

Military officers in Government

The proportion of military members of government in Portugal is higher than in France. In the 3rd Republic in France there were 55 admirals and generals out of 631 ministers. These ministers had predominantly military portfolios, and in certain phases they held all such posts; from 1871 to 1888, the ministers of War and the Navy were all military officers. Dogan has observed that the 3rd Republic was founded by a marshal, MacMahon, and buried by another, Pétain, which reinforces its military component. The 5th Republic was also initiated by a military officer. But De Gaulle chose not to include comrades at arms in his first government and appointed only a few to his subsequent executives (ESTÈBE 1999; DOGAN 1986).

In Portugal, on the other hand, 36% of ministers were military officers under the liberal Monarchy, and 45% under the 1st Republic. During the first phase of the *Estado Novo* the figure was 26%. The trend was downwards from 1933 onwards,

but the decline was very slow, and hardly noticeable. According to another source, which puts the number of military officers in government between 1933 and 1974 at 23%, the proportion never fell below 20% in the period under Marcelo Caetano, and stood at 21% from the start of the war in Africa to 1974. The proportion of military ministers only became negligible after 1976, when it fell to 3% (ALMEIDA, PINTO 2006: second series; MATOS 1999: Annex V).

Military intervention in elections

From the earliest elections, the Army knew that the State used it to rig the vote and to mislead the electorate. Teixeira de Vasconcelos bore witness to this, in *O Prato de Arroz Doce*, published in 1862; the *cabralista* “repression” had the following effects: “it indisposed the populace against the Government, and it gradually wore out the goodwill of the Army, which was unhappy and ashamed of wandering around the kingdom to take charge of elections, persecute electors and oppress the people in the provinces” (VASCONCELOS 1981: 158). The Regeneration reduced this electoral burden but, in the final years of the Monarchy, complaints were once more voiced against the protection afforded to the regime by the army. During the 1st Republic, Carmona recalled that the democrats had obliged him to arrange for the transport of rigged ballot papers (deposition by one of those present at the meeting between Carmona and the committee subscribing the document approved at the Centro Almirante Reis on elections, in 1945). This stigma then rubbed off on the *Estado Novo*, in particular in the presidential elections of 1958, when armoured cars had to take to the streets to maintain law and order in Lisbon. The Army used a host of means to intervene in elections under the *Estado Novo*; but it never itself perpetrated electoral fraud, as it wished to use the plebiscitary elections as means of testing the popularity of the regime which it had played a decisive part in keeping in power since 28 May 1926 (MATOS 1999: Annex XVIII – Military intervention in political elections 1945-1973).

Sectional intervention in the State: Praetorianism

We have so far commented on instances of intervention by the military in political organization which, although questionable, could not be labelled as factious or, in Aristotelian terms, the work of unjust political organizations – unjust because the armed forces were acting in their own interest and not in that of the community (ARISTÓTELES 1998: 211-213). However, the Portuguese armed forces were responsible for numerous military *coups* which take the shine off its reputation as a modernizing institution, since modernity of political organization is the transformation of patrimonial regimes, where political power is inherent to land ownership, into a

regime of contractual representation. Can the Portuguese military be modernizing and yet carry out *coups d'état*?

We have seen that the *nobility* was unable to adapt to the “military revolution”, giving rise to a lasting conflict of authority in the Portuguese armed forces between the notional and effective holders of power. This conflict generated military indiscipline – in terms of the military camp – and led the body of professional officers – the new “nobility” – to collaborate with the French invaders and overthrow the old order, acting as a Napoleonic, i.e. post-French Revolution, army. Here we have, in a nutshell, the destiny of the Portuguese military, and its propensity for the *coup d'état*. The fact is that the nobility, reticent in the Restoration, opposing the technical military apparatus launched in 1640, rejected the regime of Dom Pedro IV, imposed by the Army as an institution. This is proven by the fact that the nobles failed to take up their seats in the Chamber of Peers, contrary to the Soldier-King’s hopes and wishes, and were even less ready to serve in the liberal army. The *noble order* supports Dom Miguel, the army supports Dom Pedro IV. There is therefore a conflict between the *security order* (the nobility) and the military. This is why the proposal for instituting national guards made profound strategic sense, as they eliminated the *nobility* as the *security order*. Remaining in the realm of historical supposition, because of the lack of relevant sources, another solution that would have avoided a propensity for *coup d'états* would have been for *miguelismo* in 1828 to have been sidetracked into a kind of English conservatism, through repetition of the Courts General, as certain legitimists wanted. But this solution never happened, in other words, there was no split in the *noble order*. The reasons for this non-occurrence are many. We shall draw attention to one of them, as it is endogenous to our model: the automatic mechanisms of conflict between the *noble order* and the military, which were perpetuated until the decisive victory of one of them. This opposition to the nobility was stamped on the genetic code of the liberal army until 1910: aristocratic generals – from the aristocracy established by liberalism, of course – were few and far between.

The Armed Forces carried out military *coups* because they had to carry through the project – the liberal Monarchy – which they themselves had launched; they intervened in the name of the *people*, i.e. of the *reproductive order*, and not to fulfil a praetorian purpose. They may not be models of self-denial – there were more state jobs for military officers – but they acted at all times in the name of universal reason and, once the moment passed, returned without fail to their barracks. There were also a few praetorian *coups*, of mostly sectional interest, but they were a minority (MATOS 2008).

These parallel mirrors of the institution and of the security *order* – parallel but in perpetual oscillation – have created a belief in the conservatism of the Armed Forces. Since the proclamation of the Republic, pro-monarchists have sought consistently to foster a belief that the military was realist in its convictions, whereas we have seen that it was Republican. From 1945 to 1974, only 3% of generals and admirals were monarchists (MATOS 1999). It is doubtful that the proportion of monarchists amongst officers and generals was any higher in the period from the Republican revolution to the *coup d'état* of 28 May 1926. The conviction that the army stands alongside the Catholic Church and the Colonies in list of factors causing the decadence of Portugal (a line of argument dating back to Antero de Quental) is therefore long-standing, but not always accurate. Under the government of Sidónio Pais, *A Capital* published on 24 April 1918 an analysis of the political sociology of Portuguese Republicanism: civil servants and State suppliers are Republicans, as are the worlds of trade and industry, whilst only the military are not. The blessed simplicity of journalism.

The army appeared reactionary but was in fact Republican. We may cite an episode which illustrates this paradox: the founding of the Portuguese Legion (PL), in June 1936. The PL appeared to be fascist and adapted the choreography of Italian fascism: the ceremony starts with a “grand parade from Terreiro do Paço to Campo Pequeno”, with the procession setting off at 8.30 p.m. with a squadron of National Republican Guard cavalry leading the way. This was followed by boys from the *Mocidade Portuguesa* “with red and white arm bands”, and then 70 members of the twelve National Unions “mostly wearing blue denim shirts, sash and cap, the uniform of the Setúbal National Unions”. Next came the *Labor Samouquense* brass band and finally the “glorious throng” of the Lisbon National Syndicates (*Diário da Manhã*, 29 August 1936). The organization with a fascist appearance was named after the organization founded by a freemason, Junot, and commanded by another freemason, Gomes Freire de Andrade – which was no coincidence, as its first commander was a reserve colonel in the cavalry, João Nepomuceno Namorado de Aguiar, who had been Minister of War (20 January 1930 – 19 January 1931) and had had passed a “pacification decree” for around one hundred officers compromised by the revolt of 3-7 February, all of them democrats or the like, and, according to a leading democratic journalist of the time, “who was said to be liberal and a Republican” (OLIVEIRA 1973). At the rally, the Republican military officer Ricardo Durão declared: “An Army that rises up in arms against an entire nation is a traitor to the Fatherland... An Army that refuses to intervene, when the Nation calls on it to do so, is also a traitor to the Fatherland”. So what looked like Italian fascism was actually the French Revolution in disguise.

The Military as the catalyst of political organization: “Blessed be revolt at all times!”

“Blessed be Revolt at all times!” declared António José de Almeida at a rally against the dictatorship, on 26 May 1907. This sentence encapsulates the central concept of Portuguese political liberalism. The people, expressing itself through violence, has the right at all times to lay down its law. This position appears to be inspired by the theory of Sieyès, dating from a good year, 1789: “la nation existe avant tout, elle est à l’origine de tout. Sa volonté est toujours légale, elle est la loi elle-même. Avant elle et au-dessus d’elle il n’y a que le droit naturel”. The nation therefore predates the State, which it freely produces. People and Nation are diffuse and equivalent concepts as the basis of “constituent power”, to use another concept from Sieyès. The people manifest their will by the means they see fit to use. Violence, either physical or symbolic, is one of these means (ALMEIDA 1933-34: 2: 166; SIEYÈS 1982: 67; inspired by CATROGA 2008).

This constitutional theory dates from 1640, as the Restorators entrust the political organization with establishing a republic and, as a logical consequence, with deposing a sovereign – whilst in France sovereignty resided in a family which had the exclusive right to provide France with kings. We should point out that for this reason the break effected by the French Revolution went deeper than that in Portugal in 1383 and 1640: the Portuguese monarchy’s dynastic power was always less strong and legitimate than that in France. Violence is of course the privilege of the military, and of its counter-institutions, and this is why the Portuguese armed forces always regarded themselves as authorized to give expression to the popular will. And why they never felt authorized to go against it. An analysis of manifestos by Portuguese military movements has shown that they acted in all cases in the name of the people. And it is accurate to say that no victorious military movement in Portugal has wished to institute an autocracy against the will of the people (MATOS; SERRA 1981).

The first requirement is that it should be the people that carries out, if not initiates, the revolution. A vanguard has the right to act. “A *coup d’état*, coming from above, cannot invoke the will of the people. Revolutions are the great expressions of this will and as such have to be considered”; this sentence is taken from an editorial in *A Capital*, of 20 February 1918, and explains the support from this left-wing daily newspaper for Sidónio Pais who was at that time in a different corner of the party system. The will of the people authorizes breach of the law: “The Constitution is undoubtedly breached in this respect, but in certain cases necessity makes its own law,” the editorial continued.

Wherever the people were found defending the Republic, there too was legitimacy. For this reason, António José [de Almeida], despite being persecuted after the

events of 14 May 1915, accepts it, as it derived from the “arm of our heroic sailors” and the “magnanimous heart of our people”; the *coup* – a revolution, for António José – was based on a “misunderstanding”, which Afonso Costa’s party carefully cultivated, assuming that Pimenta de Castro wanted to give power to the monarchists. What does it matter, if the people, even when misled, are not mistaken? The Navy sergeant Luís José Simões uses similar arguments, in a letter which appears to represent the views of revolutionary seamen: he denies that the revolution has been the work of a party. *A Capital* publishes the letter on the same day as it prints the words quoted above from António José. A party, whichever it might be – even the democratic party – is not a legitimate protagonist of a revolution [ALMEIDA 1933-34: 2:209; *A Capital* (30 May 1915)].

The Republic sometimes reifies this will of the people. So on the same occasion, António José boasts of the “Republican élan”. The invocation of the Republic integrated the right to revolt and in a certain sense limited the creativity of the people – but for Republicans in the style of António José, the Republic was everything, like God. Sergeant Simões also glories in the “Republican élan”: he took part in the events of 14 May because he “began to see the Republic in peril.... after Paiva Couceiro had provocatively passed through the streets of Lisbon, challenging the Republican sentiments of the population, after the police had maltreated citizens who had committed the crime of cheering the Republic, whilst the monarchists were free to do as they pleased.” The argument was fanciful. Couceiro had returned on the eve of a revolution which had taken more than a fortnight to prepare.

António José had first explained his theory of Revolution in an interview with *Le Matin*, on 17 February 1908, in the immediate aftermath of the regicide. The Count of Resende said that Dom Pedro IV was more absolute than the ancient autocrats thanks to the Constitutional Chart; the constitutions had become “a miserable fiction” which “kings in danger used to paint their revolting populace as ridiculous”. Constitutionalism was a tyranny and a revolution was therefore justified, as in 1789. “Comment arriver à la République? Par la révolution armée. Les grandes transformations politiques exigent encore aujourd’hui des actes de force.” Portugal was “dans cet état”. The populace was not literate but it was “intelligent and good”, and the heroic episodes of its past gave it a perception of patriotic phenomena.” The military could and should start the revolt – provided it read the soul of the people and submitted to their will; for António José, the storming of the Bastille in France was “revolution produced by the soul of the people” (ALMEIDA 1933-4: 1:160, 2:212).

It would not be difficult to find other Republican exponents who shared the theory summarized above. In effect, for Portuguese political liberalism of the 19th and 20th centuries, the military *coup*, if popular, is as genuine a manifestation of

the national will as free and secret ballot; possibly more genuine, as elections in Portugal were not fair. In the 1950's, the Republican opposition to Salazar was to discuss again whether a military *coup* was legitimate or whether the transition to democracy should be peaceful, through internal evolution of the regime; after the political death of Salazar, this debate was reprised. The argument was always won by those defending the legitimacy of the revolutionary expression of the national will.

Conclusions

We started by setting out what we proposed to demonstrate. Demonstration, in this instance is the structured formulation of a working hypothesis, capable of giving rise to a suitable programme for multidisciplinary investigation. The hypothesis refers to the relationship between the military and representation and does not seek to explain the origin of the military intervention in politics; if it aimed at doing so, we should study the reasons for the division between the *miguelistas*, who defended an English style of constitutional regime, and the *pedristas*; this division weakened the social basis of nineteenth century civilian liberalism.

The military modernized Portugal's political organization, introducing constitutional ideas inherited from the French Revolution and individual electoral suffrage. It intervened in the State due to a congenital defect in the army in 1640, the clash between the technical expertise of the military and the social authority of the nobility – the clash between the old *order*, the *nobility*, and the new security institution, the army of the “Military Revolution” – and due to a similarly congenital voluntarism: it was compelled to defend the representative institutions, which it had created against the *order of the people*, more conservative. The Portuguese military never went against the people and belonged to the “left”. To return to the paradigm enunciated by Antero de Quental, the professional military sought to counter the “decadence” of Portugal and to modernize it, through science and technology, but also through contractual representation. But that's not how it looked, which is why so many people were surprised on 25 April 1974.

SOURCES

- AIRES, Cristóvão [i.e. Cristóvão Aires de Magalhães Sepúlveda]
1908 *História Orgânica e Política do Exército Português Provas*, Vol. Lisboa: Imprensa Nacional. Vol. 4.
- ALMEIDA, António José de
1933-1934 *Quarenta Anos de Vida Literária e Política*. Organized and annotated by Caetano Gonçalves. Lisboa: J. Rodrigues & C^{ia}. 4 vol.
- ALMEIDA, Pedro Tavares de; PINTO, António Costa
2006 «Os Ministros Portugueses, 1851-1999. Perfil Social e Carreira Política», in Pedro Tavares de Almeida; António Costa Pinto; Nancy Bermeo, eds. – *Quem Governa a Europa do Sul*. Lisboa: Imprensa de Ciências Sociais.
- ARGUS [pseud. of José Ernesto Marques Donato]
1914 *A Maçonaria em Portugal Cartas da Bélgica*. Paris: Ligue Anti-Maçonique. Series 1
- ARISTÓTELES,
1998 *Política*. Bilingual edition, introductory note by João Bettencourt da Câmara, pref. and literary editor Raul M. Rosado Fernandes, int. and academic editor Mendo Castro Henriques, translation and notes by António Campelo Amaral and Carlos de Carvalho Gomes, indexes of concepts and names by Manuel Silvestre. Lisboa: Ed. Veja. (Vega Universidade/Ciências Sociais e Políticas)
- BARATA, Manuel Themudo, general
2004 «Ensino Militar: Primeiros Passos». In Manuel Themudo Barata; Nuno Severiano Teixeira, eds. – *Nova História Militar de Portugal*. Lisboa: Círculo de Leitores. Vol. 3.
- BARATA, Manuel Themudo, general; TEIXEIRA, Nuno Severiano, eds.
2004 *Nova História Militar de Portugal*. Lisboa: Círculo de Leitores. 5 vol.
- BEBIANO, Rui
1993 «Literatura militar da Restauração». *Penélope*. 9-10 (1993).
- BERNARD, Mathias
1999 «Les Militaires dans les Partis Conservateurs sous la III^e République : Un Engagement Naturel ?». In Olivier Forcade [et al.], org. – *Militaires en République 1870-1962. Les Officiers, le Pouvoir et La Vie Publique en France*. Paris, Publications de la Sorbonne.
- BRANDÃO, Raul
1925-1933 *Memórias*. 3rd ed. Paris; Lisboa: Aillaud-Bertrand. 3 vol.
- A Capital*: Republican evening daily newspaper, Lisboa. 1910-1938.
- CARRILHO, Luiz Pereira
2002 *Os Oficiais d'El-Rei Dom Miguel*. 2nd ed. Pref. by D. Duarte, Duque de Bragança, introduction and indexes by Nuno Borrego and António de Mattos e Silva. Lisboa: Guarda-Mór, 2008. Facsimile edition of the 1856 edition.
- CARVALHO, Rómulo de
1996 *História do Ensino em Portugal Desde a Fundação da Nacionalidade até ao Fim do Regime de Salazar-Caetano*. 2nd ed. Lisboa: Fundação Calouste Gulbenkian.
- CARVALHO, José Liberato Freire de
1855 *Memórias da Vida*. Lisboa: Tipografia de José Baptista Morando.
- CASTRO, Gama e
1945 *O Novo Príncipe ou o Espírito dos Governos Monárquicos (1827-1841)*. Nova ed. conforme a 2nd ed. Lisboa: Ed. Pro Domo.
- CATROGA, Fernando
2006 *Entre Deuses e Césares. Secularização, Laicidade e Religião Civil*. Coimbra: Almedina.
- CATROGA, Fernando
2008 «O Republicanismo», oral communication at the Seminar *O Regicídio 1908-2008*. Lisboa, 8 February.
- CHILDS, John
2000 “The Military Revolution I The Transition to Modern Warfare”. Charles ed. In Townsend – *The Oxford History of Modern War*. Oxford: Oxford University Press.
- COELHO, Trindade
1906 *Manual Político do Cidadão Português*. Pref. by Alberto d’Oliveira. Lisboa: Parceria A. M. Pereira.
- COSTA, Fernando Dores
2004 «Guerra no Tempo de Lippe e de Pombal». In Manuel Themudo Barata; Nuno Severiano Teixeira, eds. – *Nova História Militar de Portugal*. Lisboa: Círculo de Leitores. Vol. 2.
- DIAS, Da Cunha
1930 *A Maçonaria em Portugal*. Lisboa: Edições Delta.
- DOGAN, Mattei
1986 «Militaires sans Épée dans la Politique», *Pouvoirs* (special edition on the army).

- DUHAMEL, Éric
1999 «De l'Épée à la Toge. Les Officiers au Palais Bourbon (1945-1962)». In Olivier Forcade; [et al.], ed. – *Militaires en République 1870-1962. Les Officiers, le Pouvoir et La Vie Publique en France*. Paris: Publications de la Sorbonne.
- ESTÈBE, Jean
1999 «La Prosopographie des Militaires Ministres sous la III^e République». In Olivier Forcade; [et al.], eds. – *Militaires en République 1870-1962. Les Officiers, le Pouvoir et La Vie Publique en France*. Paris: Publications de la Sorbonne.
- FORCADE, Olivier; DUHAMEL, Éric; PHILIPPE, Vial, eds.
1999 *Militaires en République 1870-1962. Les Officiers, le Pouvoir et La Vie Publique en France*. Paris: Publications de la Sorbonne.
- FRONTEIRA, Marquês de
1928-1932 *Memórias do Marquês de Fronteira e d'Alorna D. José Trazimundo Mascarenhas Barreto Ditadas por Ele Próprio em 1861*. Rev. and coord. by Ernesto de Campos de Andrada. Coimbra: Imprensa da Universidade. 5 vol.
- GRAINHA, Borges
1976 *História da Franco-Maçonaria em Portugal 1733-1912*. Reprint with pref. and notes by António Carlos Carvalho. Lisboa: Vega.
- HAZARD, Paul
1948 *Crise da Consciência Europeia*. Trad. Óscar Lopes. Lisboa: Cosmos (A Marcha da Humanidade).
- HOWARD, Michael
1997 *A Guerra na História da Europa*. Translated by Jorge Pinheiro. Mem-Martins: Publicações Europa-América.
- ILHARCO, A.
1926 *Memórias Alguns Apontamentos sobre a Influência da Política no Exército*. Porto: Livraria Chardron.
- LEAL, Cunha
1966 *Coisas de Tempos Idos As Minhas Memórias Romance dum Época, dum Família e dum Vida*. Lisboa: author's edition.
- MACEDO, José Agostinho de
1828-1829 *A Besta Esfolada*. 26 issues.
- MARQUES, A. H. Oliveira
1986 *Dicionário de Maçonaria Portuguesa*. Lisboa: Ed. Delta. 2 vol.
- MARQUES, A. H. Oliveira
1988 *Ensaio de Maçonaria*, Lisboa: Quetzal.
- MARQUES, Fernando Pereira
1981 *Exército e Sociedade em Portugal No Declínio do Antigo Regime e Advento do Liberalismo*. Lisboa: A Regra do Jogo. (Biblioteca de História; 9).
- MARTINS, Oliveira
1968 *História de Portugal*. 15th ed. Lisboa: Guimaraes Ed.
Materiais para a História Eleitoral e Parlamentar Portuguesa, 1820-1926, Biblioteca Nacional de Portugal, 2006 <[http://purl.pt/5854/1/roteiro_parlamento_republica.htm].>
- MATOS, Luís Salgado de
1999 *Um «Estado de Ordens» Contemporâneo – A Organização Política Portuguesa*. [polycopied]. Lisboa: ...[s. n.]. 3 vol. Doctoral thesis. Univ. de Lisboa. (Accessible at the Biblioteca Nacional).
- MATOS, Luís Salgado de
2004 *O Estado de Ordens*. Lisboa: Imprensa de Ciências Sociais.
- MATOS, Luís Salgado de
2008 *Como Evitar Golpes Militares*. Lisboa: Imprensa de Ciências Sociais.
- MATOS, Luís Salgado de
2010 *O Rei Liberal Português Comandante-Chefe das Forças Armadas*. Forthcoming.
- MATOS, Luís Salgado de; SERRA, João B.
1981 «Intervenções Militares na Vida Política», *Análise Social*, 28:72-73-74 (1981), 1165-1195.
- MAYER, Arno
1983 *La Persistence de l'Ancien Régime L'Europe de 1848 à la Grande Guerre*. Translated by Jonathan Mandela. Revised by the author. Paris: Flammarion. (Champs; 212).
- MIRANDA, Jorge
1976 *As Constituições Portuguesas 1822 – 1826 – 1838 – 1911 – 1933 – 1976*. Lisboa: Livraria Petrony.
- MONTEIRO, Nuno
1998 *O Crepúsculo dos Grandes A Casa e o Património da Aristocracia em Portugal (1750-1832)*. Lisboa: Imprensa-Nacional-Casa da Moeda.
- NIVET, Philippe
1999 «Les Militaires au Risque des Partis». In Olivier Forcade; [et al.], eds. – *Militaires en République 1870-1962. Les Officiers, le Pouvoir et La Vie Publique en France*. Paris: Publications de la Sorbonne.

- NOGUEIRA, Henriques
1923 *Estudos sobre a reforma em Portugal*. Coimbra: Imprensa da Universidade.
- NUNES, Leopoldo
1942 *Carmona*. Lisboa: Império.
- OLIVEIRA, Maurício
1973 *Diário de um Jornalista 1926-1930*. Lisboa. Posthumous author's edition.
- Parliaments of the World A Reference Compendium*. Org. by Valentine Herman, with Françoise Mendel. London: MacMillan. 1976.
- PERES, Damião
1934 *História de Portugal*. Monumental edition commemorating the 8th centenary of the founding of Portugal (known as the *História de Barcelos*). Porto: Portucalense Editora. Vol. 6.
- PINTO, Paulo Mendes
2002 *António Xavier Correia Barreto: Biografia de um Presidente do Senado*. Lisboa: Assembleia da República; Porto: Afrontamento. (Parlamento).
- RÊGO, Raúl
1986-1987 *História da República*. Pref. by Mário Soares. Lisboa: Círculo de Leitores. 5 vol.
- RIBEIRO, Ângelo
1934a «Organização da Vitória». In Damião Peres – *História de Portugal*. Porto: Portucalense Editora, . Vol. 6.
- RIBEIRO, Ângelo
1934b «Guerra Da Restauração: Os Primeiros Anos». In Damião Peres – *História de Portugal*. Porto: Portucalense Editora. Vol. 6.
- RIBEIRO, António da Silva
2004 *Organização Superior da Defesa Nacional. Uma Visão Estratégica 1640-2004*. Lisboa: Preface.
- SÁ, Vítor de
1969 *A Crise do Liberalismo e as Primeiras Manifestações das Ideias Socialistas em Portugal (1820-1852)*. Lisboa: Seara Nova.
- SARAIVA, Rocha
1925 *Direito Político*. Lisboa: Ed. de Rómulo da Rosa Mendes.
- SELVAGEM, Carlos [pseud. of the cavalry captain Carlos Tavares de Andrade Afonso dos Santos]
1931 *Portugal Militar Compêndio de História militar e Naval de Portugal Desde as Origens do Estado Portucalense até ao Fim da Dinastia de Bragança*. Lisboa: Imprensa Nacional.
- SIEYÈS, Emmanuel
1982 *Qu'est-ce que le Tiers État?* (Preceded by “*Essai sur les privilèges*”), Critical edition and int. by Edme Champion. Pref. by Jean Tulard. Paris: PUF. (Quadrige; 30). [1st ed.: 1789].
- VALENTE, Vasco Pulido
1997 *Os Militares e a Política 1820-1856*. Lisboa: Imprensa Nacional-Casa da Moeda. (Análise Social).
- VASCONCELOS, Teixeira de
1981 *O Prato de Arroz Doce*. Porto: Lello & Irmão, [1862].
- VENTURA, António
2004 «Os Militares e a Maçonaria». (BARATA; TEIXEIRA 2004) 3.
- VERTOT, Pe. De
1734 *Histoire des Révolutions de Portugal*. 4th ed. revised by the author, published by Antoine van Dole. The Hague.
- XAVIER, Ângela Barreto; CARDIM, Pedro
2006 *D. Afonso VI*. Lisboa: Círculo de Leitores.

The legal profession and political representation

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Translated from the Portuguese by Clive Thoms

*Mais à chaque époque, j'imagine ses juristes.
À chaque état politique et social nouveau, ses juristes.
Bien plus : à chaque groupe d'intérêts antagonistes,
au sein d'une même société, ses juristes.*

LUCIEN FEBVRE

(FEBVRE 1939 : 44, from LOUREIRO 1947: 91).

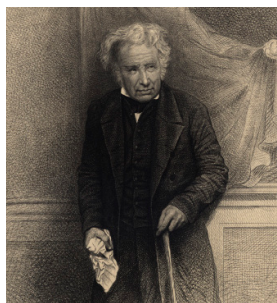
The central role played by the jurist in the construction of modern politics is evident. Protagonist of change and rupture, but also an instrument of order – a very appropriate expression by historian C. Charle (CHARLE 1989: 117) –, the jurist represents, along with the military, one of the leading social sectors at the forefront of the first Portuguese liberalism and the first decades of stabilisation of the constitutional monarchy. Indeed, the triumph of liberalism brought along the adaptation of legal schools (Faculty of Laws and Faculty of Canons) to the legal and political dictates of the modern state, through the recreation of the Faculty of Law of the University of Coimbra, a symptom of the crucial importance of the institution regarding the legitimacy and foundation of the new project. Therefore, law graduates possessed unique specialist knowledge, fundamental to the task of shaping the new State and social order, and consequently for the “public needs” demanded by this historic period. As a result, the legal scholar or, more simply, the graduate in law – who could in fact describe himself merely as a bacharel (graduate), such was their overwhelming predominance at the University of Coimbra, as noted by Eduarda Cruzeiro (CRUZEIRO 1990) – had achieved an unique status. This derived from the potential offered by the ability and know-how regarded as crucial for the implementation of the new legal order (development of constitutional law, codification, legislative production), as well as the recruitment of political representatives and new independent judiciary.

- The University of Coimbra (1st decade of the 20th century).
[Magic lantern transparency. Author unknown. Alexandre Ramires Collection]



Symptomatically, the pay scale established by the reforms of Mouzinho da Silveira (Decree no. 24, of 16 May 1832) constitutes one of the signs of the pursued supremacy, significantly by providing the whole of the judiciary with appropriate compensation – especially when regarding the judges at the lower courts (courts of first instance) who enjoyed a substantial increase in remuneration. It is true that the subsequent legislative developments, dictated by external reasons related to the financial constraints on the state, eventually resulted, in the 1840s, in the reinstatement of a wider differential between the rates of pay of the different tiers of the judiciary, re-establishing the symbolic gap which had in fact existed in the past. However, the ultimate objective was achieved, regarding the rates of pay of the judges of the higher courts (Courts of Appeal and Supreme Court of Justice), high in comparison with remuneration in analogous areas of public service (central and local administration, the military and university teaching), a situation which persisted throughout the nineteenth century (FERREIRA 2001: 131; ALMEIDA 1995: 2, 406-408)¹.

- José Xavier Mouzinho da Silveira (1780-1849).
[BNP]



¹ As from the mid-80's, constant calls were made for improving the remuneration of the judiciary and of university lecturers, in view of the erosion of pay throughout the senior civil service, which continued into the 1st Republic.

The power of the jurists under the aegis of the senior judiciary

Besides, we should not forget that, as the constitutional system introduced by liberalism was based on the division of powers, knowledge in law became, at least as a matter of principle, the legitimate means of access to one of these powers: the judiciary. Therefore, we must recall that the first significant change in this area assigns judges a monopoly in the exercise of justice, ending the privileges of the past which had allowed professors at the University of Coimbra, given their prestige, the possibility of taking the benches of the higher courts (SUBTIL 1996: 332-334). This change resulted in the formation of a new liberal judiciary, recruited (between 1832, in Azores, and the Summer of 1835) without any legal constraint, except for the requirement of a degree in law.

The second change regards the formal institution of the judicial career, aimed at establishing the principle of the independence of the judiciary and the respective corollary – the principle of the unremovability of judges (except for cases referred to in law).

These changes mirror adaptations taken from the European liberal legislative heritage (from France and Spain, in particular), adopted in line with the reformist character that will set the legislative course of the Constitutional Monarchy (FERREIRA 2001: 125-134). In the matter that concerns us, that founding pursuit could be seen, on one hand, in the frequent invocation of the legislative tradition of the past, aimed at restraining to adequacy the impetus of the desired change. On the other hand, it was also reflected in the supremacy aspired to by the judiciary in relation to the traditional legal bodies, cultivated through political and symbolic investment. This investment began to take shape in the liberal fervour of the 1820's (*vinatismo*) and was guided by the aim of safeguarding the distinctive status enjoyed by the upper strata of the previous legal system combined with the high standards expected of the judiciary in the liberal political order (FERREIRA 2001: 125-134). This purpose was most clearly visible in the emphasis attached to the image and identity of magistrates – which will be maintained in its essential features for the entire duration of the liberal era.

■ Model for allegorical statue of Justice.
[Moulded plaster by António Augusto da Costa Mota (nephew), (1920-21).
AR – Museum]



As stressed by legislators and parliamentarians, most of whom affiliate to the legal profession, the exceptional qualities required of a liberal judge rested upon this principle: the exercise of justice, invested with the doctrinal and symbolic power of the State, required singular qualities, attested to by the disciplinary procedures (internal and external) to which the judiciary was subject, according to legislative tradition, enhanced by the public channels created by liberalism. In the views expressed by distinguished members of the judiciary, particularly in the context of parliamentary debates regarding disciplinary bodies within the judiciary during the 1840's, the position of a judge involved blurring the frontier between the public and private spheres (FERREIRA 2009: 184-186). The importance of the human, ethical and professional qualities required of judges justified this, in contrast with the requirements imposed on other public servants of similar senior rank. This image, anchored in the ideal model of the past, was to take shape in the omnipresent metaphor of the judicial priesthood, profusely invoked once it was rehabilitated – in the wake of the denunciations by the legal profession in the 1820's of the arbitrariness of the judiciary in the final years of the Ancien Régime², mirroring the process whereby the judiciary recovered its identity in France (BERNAUDEAU 2007: 12; BANCAUD 1989).

The supremacy of the 'bacharéis' (university graduates) in Parliament

As it is not the purpose of this essay to explore this area in further detail, let us look instead at the contribution which legal learning could give to the law-making institution *par excellence*: the legislature, leaving aside an analysis of the profession's presence in other institutions, such as government, the Upper Chamber and in local authorities (civil and municipal).

Whilst their specific expertise made the presence of jurists particularly recommended in the institution producing the law, so did the primary importance attached to *oratory* and *rhetoric* in the cultural matrix of liberalism, these being resources regarded as properly belonging to the training of the graduates in Law, in keeping with the ideal model of erudite knowledge embodied by legal academic teaching, at the time (HALLIDAY; KARPIK 1997: 15-64). These academic skills were recognised as prime weapons in the pluridimensional battle waged by the first generations of liberal politicians, in their eagerness to recreate – or, perhaps more rigorously, to reform – everything in the light of law and the rule of law. From the adoption of representative political institutions, to the design of new administrative structures

² Best exemplified in the writings of Mouzinho da Silveira (PEREIRA 1989) and on the image of the ideal judge of the past see HOMEM (2003 : 759-767).



■ Group of law and medical students from the University of Coimbra (1910). [Photographia Conimbricense of José Maria dos Santos. Alexandre Ramires Collection]

tailored to the new vision of society (anchored in the ideological values of individualism and meritocracy, the symbols of modernity and progress), nothing escaped their grasp. This helps to explain the ascendancy quickly gained by the legal profession in liberal political society, their qualification asserting itself as the emblem of a new aristocracy (to be created), in opposition to the aristocracy of birth, which had held sway in the social and political structure of the *Ancien Régime*.

In effect, the academic degree reflected a core element of identity in liberal individualism, serving as proof of the public and self-proclaimed “aristocracy of merit”, legitimating, on objective grounds, the access to positions in the State on the basis of the possession of a diploma attesting knowledge and certifying competence for professional activity (SANTOS 1988; SILVA 1997). In this way, the academic degree becomes the socially distinctive badge worn by the new society, in keeping with the values of a markedly elitist form of liberal doctrine (in the style of B. Constant and F. Guizot) (JAUME 1997: 119-177), subsequent to the Portuguese liberal experience. (HESPAÑA 2004: 176-198; BONIFÁCIO 1993: 1043-1091). The political world, increasingly faced with the need to impose rational measures and to win over the public opinion that supported the representative system, was not averse to this new scale of values.

As evidence of this, we may point to the prevalence of university graduates amongst parliamentarians throughout the liberal era in Portugal (1834-1926), symptomatic of the value attached to a university education as a means, in most cases, of bolstering and/or validating the status of already privileged families, in the context

of the selective intake of higher education at this time. This meant that a university education was also a factor of social mobility within the restricted field of the social elites of that time. One of the signs of this process is the significant reduction in the number of ministers with aristocratic titles during the Regeneration (1851-1890), an aspect in which Portugal was ahead of the continent as a whole (ALMEIDA 1995: 1, 96-98). These changes can then justifiably be seen as a sign of the receptiveness of political elites to the social symbols of modernity, characteristic of the way in which the store of liberal ideology was progressively received in Portugal.

Of all university and schools graduates, those with law degrees enjoyed a hegemony in liberal politics, in line with the situation in other European countries (O'BOYLE 1970: 471-495; ANDERSEON 2004; RINGER 1992; MAZZACANE; VANO 1994; CAMMARANO 1995 : 281-282). The reasons for this had to do with what we can call, in lack of a better term, the *power of the law*, an expression which seeks to suggest both the complex socio-economic and mental circumstances which serve to explain this pre-eminence (which only changed in the 1920's, on the basis of total student numbers at the University of Coimbra, by faculty)³, and the distribution of university graduate students in Portugal by areas of scientific learning⁴. This pre-eminence is understandable given that, in a poorly industrialized country which was only then to accelerate the bureaucratisation of the exercise of State power, the jurist was the graduate who could best combine the technical expertise needed to produce law with the *communicative practises* required by the debates shaping public opinion and, within the representative assemblies, to persuade and refute their adversaries. In short, he possessed the most all-round and versatile skills.



■ Students of the University of Coimbra.
[João Palhares – Palhares Collection, 2nd series. Lisbon: J. Palhares, ca 1850. Watercolour lithograph. BNP]

A significant contribution to this state of affairs came from the strategic vision displayed by the Faculty of Law at the University of Coimbra, since the early days of the liberal era (and periodically reasserted), in preserving a unified and comprehen-

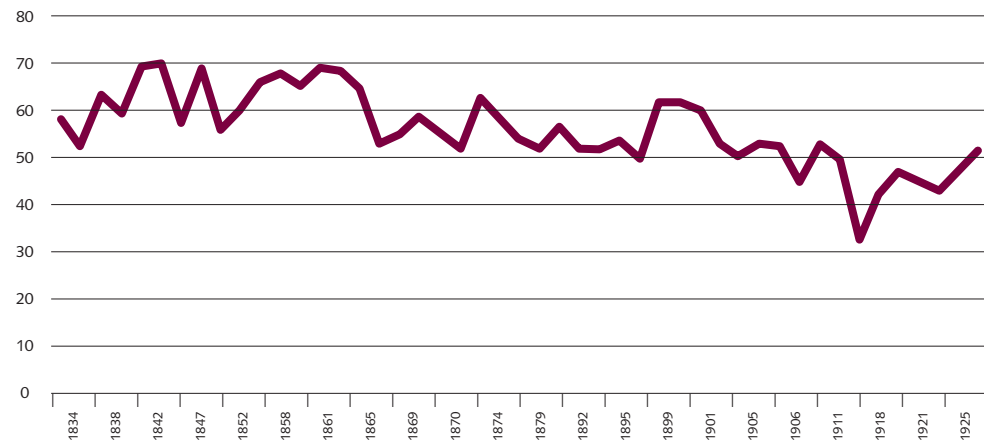
³ In the academic year of 1921-22, the Faculty of Law at the University of Coimbra was replaced by the Faculty of Medicine as the country's most attended school of higher education: 349 students against 398 (PRATA 1994 : 1, 66).

⁴ In 1926, students at the law faculties in Lisbon and Coimbra represented 20% of the total university population. "Eficacia do Ensino Superior" (*Faculdade de Direito* 1926: 19).

sive plan of studies, rather than adopting a competitive model centred on excessive specialisation and demarcation between “mastery of law” and “mastery of administration” (FERREIRA 2004: 134-150).

For all these reasons, the preference for those with legal knowledge as a selective criteria for the function of legislative representation was all but structural, being of medium duration, and quantitatively demonstrable in both absolute and relative terms.

FIG. 1 PERCENTAGE OF THE GRADUATES IN LAW AMONG DEPUTIES WITH A UNIVERSITY EDUCATION (1834-1925)



SOURCE: Data base of the project *Parliamentary Recruitment in Portugal, 1834-1926*, coordinated by Pedro Tavares de Almeida and funded by the FCT (POCTI/HAR/58007/2004).

This hegemony was particularly noticeable during the early decades of the Constitutional Monarchy and in the 1870's, when law graduates account on average for 3/5 of deputies with a university degree (61%). Episodically, the figures were even more significant: seven out of ten Members of Parliament with a university degree were law graduates, in the legislatures resulting from the 1842, 1845 and 1864 elections. This indicator suggests clear elective affinities in education and in generational groups, despite the varied intensity of the political differences between the deputies in question. The sharing of a common legal culture, cemented by social bonds acquired from their time spent at the university city which had a monopoly on legal education until 1911, was a central factor in the self-reproduction of the power of law within the political elites.

However, we should stress that the category to which we refer (the legal profession) was markedly hybrid in terms of actual professional activities. The common denominator – a degree in law – camouflages the broad range of

occupations actually represented, including civil servants, in the various general and specialist structures and services, judges working in the justice system and related but organisationally autonomous entities (such as judges employed by the Department of Public Prosecutions, and auditors), the judiciary proper, those in legal practise, those merely with a degree (aspiring to public office or otherwise) and also a segment of graduate property owners, without any formal professional affiliation. This again leads us to the power of the law degree.

In any case, the prevalence of the legal profession began to suffer a degree of erosion, due in good part to the growing presence of graduates from other rival traditional areas of learning, and to the increasing credibility attached to the political capabilities deriving from their training. The gradual reduction in the numbers of the legal profession on the parliamentary benches could be observed from the 1870's onwards, although the profession still retained its pre-eminence. In effect, through to the fall of the Monarchy, the legal profession continued to account for more than half the Members of Parliament with a university education, only dropping below this during the Republic when it stabilised at slightly above 40%⁵, with the lowest level recorded at the very outset, in 1911 (31.9%).

In these circumstances, the relative reduction in the number of law graduates in Parliament was connected to the relative increase in the prestige of a number of technical-scientific groups in the new political elites, especially from the Regeneration onwards, reflecting the policy of "material betterment" and its impact on the growth of the central administrative authorities and specialist technical departments.

It might be argued that the academic ambitions pursued by the higher education establishments created in the 1830s, competing with the University of Coimbra (and especially with the Faculty of Law) in the technical-scientific field, eventually began to bear fruit. In particular, this new found prominence was to be capitalised in support of the political and symbolic affirmation of the Polytechnic School (*Escola Politécnica*) – an establishment based in the capital, geared to provide the fundamental scientific training needed for access to the prestigious Army College – *Escola do Exército* – (providing the bulk of its student population) and, more broadly, for the teaching of engineering. The strategy of doctrinal and symbolic mobilisation pursued by the academic staff of the Lisbon institution, by invoking the (unconsummated) French model, appears to have contributed effectively to a gradual conversion and/or broadening of the scientific and technical expertise traditionally associated with the military, channelling those skills to the specialist

⁵ Averaging 41.4% and 46.9% respectively, in the second and third decades of the twentieth century.

technical services run by the State. This, combined with the prominent role of the army in establishing the liberal regime and in influencing how it functioned (including through coups d'état) was to prepare the way for a renewed presence of the military in politics, including in the legislature.

More paradoxical, at the European level, was the early visibility achieved by the medical profession on the parliamentary benches – at least from 1890 onwards (ALMEIDA 1995: 1, 157; ALMEIDA 2006; MARQUES 1969: 476). This tendency reflected the prestige gained by medical learning, which was to reach its height during the 1st Republic.

We should stress, however, that underlying all this newly won prestige was not only the recognition of the associated technical expertise, but above all the credibility then enjoyed by positivist scientific discourse, across all branches of knowledge, and no less significantly in the field of law. And as politics continued to be the universe of words, which took solid form in law, this accounts for the ability of the legal profession to hold its ground in the field of political representation, despite the decline in its relative importance, in the face of insurgence from other branches of academic learning.

The political twilight of the judiciary: the independence of judicial power and the constitutionality of law

As the ultimate function of political representation is to produce law, it is no surprise that deputies with legal training predominated on the parliamentary benches

and that the legal profession enjoyed a monopoly in the exercise of judicial power. However, one question must be raised: who judged the constitutionality of the legislation produced by the other institutions and particularly by the legislative institution? As no special structure (Constitutional Court) was envisaged for this purpose, the issue became more pressing in the final decade of the nineteenth century and early twentieth century when the recourse to the bill of indemnity and to administrative dictatorships became more frequent. And as the provisional government of the Republic legislated on the basis of a dictatorship for a number of months (5 October 1910 to 21 August 1911), the question remained current after the fall of the monarchy.

As José Dias Ferreira had warned in 1899, during the preparatory work for the proposed constitutional reform of 1900, there was nothing to fear from the controversial proposal on the right

■ José Dias Ferreira
(1837-1907).
[BNP]



of judges to assess the constitutionality of laws. The additional powers granted to the judiciary – confined previously to “application of the law” and extended to the “power of interpretation of the law” (in accordance with Article 13 of the 1900 proposal) – would not result, in his view, in any threat from the power of the judiciary. He supported his position by invoking the nodal values that preside the career structure for the judiciary, implicit in his words: “[the] last revolutionary class has always been the judiciary, and rightly so”⁶. This is manifest in the supreme value attached to tradition, order and legality, in short, in the bolstering of the corporate and conservative character which typifies the cultural and professional make-up of the judiciary. No less relevant in this regard was the system whereby the judiciary was dependent on the government, generating the “historical model of the judge as public servant”, in the continental tradition (PICARDI 1991 cit. from MAGALHÃES 1995 : 60-62).

The 1st Republic was to preserve the main features of the Monarchical legacy. The debate concerning the judiciary in the Constituent Assembly suggests as much. On the one hand, because of the limits demarcating the proposed Republican reform of the judiciary, which never actually took place. And on the other hand, because of the relative insignificance of the constitutional enshrinement of the diffuse system of the judicial review (CANOTILHO 1993: 974; MIRANDA 2007).

In effect, the limited affirmation of this principle did no more than to denote the political-symbolic dimension of the inclusion of this constitutional provision (Article 63), which predated most similar provisions in other European countries (CRUZ VILLALÓN 1987). In Portugal, the judicial review was only activated on the initiative of parties involved in the process. The judiciary retained a passive stance, remaining largely outside the system of power, not interfering in the powers assigned to the legislature and the executive – unless when requested by the parties. Moreover, the institution of this system in other European countries was prompted by the need to assure legislative uniformity between countries with a federal political structure, despite the implicit political dividends offered by the system of reviewing constitutionality. This is understandable, in view of the parameters that set the constitutional debate of 1911, in particular with the evident mobilisation of the democratic-liberal constitutional heritage, namely the Brazilian Constitution of 1891 and, more broadly, the North American constitutional tradition (CANOTILHO 1996).

■ Afonso Costa (1871-1937).
[Postcard. Private collection]



⁶ Dias Ferreira, speech in the debate on the draft law preparing constitutional reforms, *Actas da Câmara dos Senhores Deputados*, Appendix to session no. 115, of 17 July 1889, p. 24-25.

In these circumstances, once a firm consensus has been built up around the liberal constitutional framework of the judicial power⁷, the sharply worded declarations by the Minister of Justice and Religion, Afonso Costa, left no room for doubts concerning the regulatory model for the judiciary he advocated for the future⁸ – after calls for adopting a model of self-governance for the judiciary (from Barbosa de Magalhães, in particular) had been stilled. The fact is that ministerial statements pointed towards the retention of the traditional system, meaning that the judicial authorities were to play a merely advisory role.

The frequently invoked argument pointing to the danger of the judiciary becoming a “State within the State” is without doubt persuasive, albeit unoriginal. Above all, because it responds both to fears concerning the self-serving, corporatist tendencies of the judicial class, and to its associated conservative and reactionary image, supported by interpretations regarding some of the more controversial rulings handed down by the Supreme Court of Justice on the constitutionality of decrees which took effect both under the dictatorship and during the early period of the new regime.

In effect, the early years of the Republic produced a number of controversial judicial episodes⁹. Cases surrounded by controversy tend to be read as a clear signs of the judiciary’s notorious opposition to the guiding principles and core interests of the Republicans, in connection with the judicialisation of issues relating to religion and insurrection.

In short, we can say that the methods for subordinating the judiciary to the requirements of the regime resulted in the use of informal and formal measures to assure the traditional dependency of the justice system – albeit predictably exacerbated by the spectre of the extreme politicisation which dominated the socio-political turmoil of the Republican regime (CHORÃO 2009).

The divergent positions expressed, both in Parliament and in the press, on the question of “justice vs. politics” express the tensions implicit in the issue of “legality vs. legitimacy” (ISRAEL 2005: 34-41). So whilst some (including both the Republic’s detractors and its ardent supporters) called for the independence of the judiciary, in order to safeguard the constitutional and legal order, others invoked the superior-



■ José Maria Vilhena Barbosa de Magalhães (1879-1959). [BNP]

⁷ Constitution of 1911, Articles 6 and 56 to 63.

⁸ *Diário da Assembleia Nacional Constituinte*, Session no. 17, 10 July 1911, p. 12-13.

⁹ We may draw attention to some of the most striking examples, such as the compulsory transfer of five 2nd instance judges and the suspension of a sixth judge, in rulings from the Lisbon Appeals Court in the proceedings against João Franco and the ministers involved in the “matter of royal loans” (decrees of 21 and 22 December 1910 and 14 January 1911); the parliamentary reactions to the acquittals of the alleged conspirators, in the course of the monarchical incursions of 1911, by the 2nd instance Courts (*Diário da Câmara dos Deputados*, Session of 26 February 1912, p. 4); and finally the role of the press in connection with the judicial decisions on the proceedings concerning the “religious question”, especially in highlighting those resulting in acquittal of the defendants (MOURA, 2004: 484-486).

ity of political legitimacy – to the detriment of judicial legitimacy –, advocating the creation of a Republican judiciary, for the sake of defending the regime¹⁰.

Either way, the system of powers contained the germ of the inexorable movement towards the functional division and specialisation of the judiciary. Which is to say, the seed of its exclusion from the active political domain.

¹⁰ The example of the French 3rd Republic was invoked by Members of Parliament to legitimate and support the purging of the judiciary.

BIBLIOGRAPHY

- ALMEIDA, Pedro Tavares de
1995 *A Construção do Estado Liberal. Elite Política e Burocracia na 'Regeneração' (1851-1890)*. Lisboa: Faculdade de Ciências Sociais e Humanas-Universidade Nova de Lisboa. 2 vol. Doctoral thesis.
- ALMEIDA, Pedro Tavares de; FERNANDES, Paulo Jorge; SANTOS, Marta Carvalho dos
2006 “Os deputados da 1ª República Portuguesa: inquérito prosopográfico”, *Revista de História das Ideias*, 27 (2006) 399-417.
- ANDERSEON, R. D.
2004 *European Universities from the Enlightenment to 1914*. Oxford: Oxford University Press.
- BANCAUD, A.
1989 “Une ‘constance mobile’: la haute magistrature”, *Actes de la recherche en sciences sociales*, 76-77 (1989) 30-48.
- BERNAUDEAU, Vincent
2007 *La Justice en question. Histoire de la magistrature angevine au XIX^e siècle*. Rennes: Presses Universitaires de Rennes.
- BONIFÁCIO, Maria de Fátima
1993 «Costa Cabral no contexto do liberalismo doutrinário», *Análise Social*, 28:123-124 (1993) 1043-1091.
- BONIFÁCIO, Maria de Fátima
2007 *Estudos de História Contemporânea de Portugal*. Lisbon: ICS.
- CAMMARANO, Fulvio
1995 “The Professions in Parliament”. In Maria Malatesta, ed. – *Society and The Professions in Italy, 1860-1914*. Cambridge: Cambridge University Press, p. 276-312.
- CANOTILHO, Joaquim Gomes
1993 *Direito Constitucional*. Coimbra: Livraria Almedina [6th ed. revised].
- CHARLE, Christophe
1989 «Pour une histoire sociale des professions juridiques à l'époque contemporaine. Note pour une recherche», *Actes de la recherche en sciences sociales*, 76-77 (1989) 117-119.
- CHORÃO, Luís Bigotte
2009 *A crise da República e a Ditadura Militar*. Lisboa: Sextante Editora.
- CRUZ VILLALÓN, Pedro
1987 *La formación del sistema europeo de control de constitucionalidad (1918-1939)*. Madrid: Centro de Estudios Constitucionales.
- CRUZEIRO, Maria Eduarda
1990 *Action symbolique et formation scolaire. La Faculté de Droit dans la seconde moitié du XIX^e siècle*. Paris: École des Hautes Études en Sciences Sociales. Doctoral thesis. *Faculdade de Direito – Razões justificativas da sua manutenção*. Lisboa: Universidade de Lisboa, 1926.
- FEBVRE, Lucien
1939 “Quelques réflexions sur l'histoire du droit”, *Annales d'Histoire Sociale*, 1 (1939).
- FERREIRA, Fátima Moura
2001 “Alguns contornos da configuração do campo jurídico”, *Penélope*, 24 (2001) 121-146.

- FERREIRA, Fátima Moura
2004 *A Institucionalização do Saber Jurídico na Monarquia Constitucional - A Faculdade de Direito da Universidade de Coimbra (1834-1910)*. Braga: Universidade do Minho.
Doctoral thesis.
- FERREIRA, Fátima Moura
2009 "A criação do organismo inaugural da disciplina judicial no quadro do legado liberal sobre a justiça (1834-1910)". In Gladys Ribeiro; Edson Alvisi Ribeiro; Fátima Moura Ferreira, eds. - *Diálogos entre Direito e História: cidadania e justiça*. Niterói-RJ: Editora da UFF, p. 179-196.
- HALLIDAY, Terence C.; KARPIC, Lucien
1997 "Politics Matter a Comparative Theory of Lawyers in the Making of Political Liberalism". In Terence C. Halliday; Lucien Karpik, ed. - *Lawyers and the Rise of Western Political Liberalism*. Oxford: Clarendon Press, p. 1-64.
- HESAPANHA, António Manuel
2004 *Guiando a Mão Invisível. Direitos, Estado e Lei no Liberalismo*. Coimbra: Almedina.
- HOMEM, António Pedro Barbas
2003 *Judex Perfectus. Função Juidicional e Estatuto Judicial em Portugal, 1640-1820*. Coimbra: Almedina.
- ISRAËL, Liora
2005 *Robes noires et années sombres. Avocats et magistrats en résistance pendant la Seconde Guerre mondiale*. Paris: Fayard.
- JAUME, Lucien
1997 *L'individu effacé ou le paradoxe du libéralisme français*. Paris: Fayard.
- LOUREIRO, José Pinto, dir.
1947 *Jurisconsultos Portugueses do Século XIX*. Lisboa: Edição do Conselho Geral da Ordem dos Advogados. Vol. 1.
- MAGALHÃES, Pedro Coutinho
1995 "Democratização e independência do poder judicial em Portugal", *Análise Social*, 30:130 (1995) 51-90.
- MARQUES, A. H. Oliveira
1969 "Estudos sobre Portugal no Século XX: I - Aspectos do Poder Executivo, 1930-1932", *O Tempo e o Modo*, 71-72 (1969) 473-486.
- MAZZACANE, Aldo; VANO, Cristina, ed.
1994 *Università e professioni giuridiche in Europa nell'età liberale*. Napoli: Jovene Editore.
- MIRANDA, Jorge
2007 *Contributo para uma teoria da inconstitucionalidade*. Coimbra: Coimbra Editora [1st ed.: 1967].
- MOURA, Maria Lúcia de Brito
2004 *A guerra religiosa na Primeira República*. Cruz Quebrada: Editorial Notícias.
- O' BOYLE, Lenore
1970 "The Problem of an Excess of Educated Men in Western Europe, 1800-1850", *The Journal of Modern History*, 42:4 (1970) 471-495
- PEREIRA, Miriam Halpern, coord.
1989 *Obras de Mouzinho da Silveira*. Critical edition coordinated by M. Halpern Pereira. Lisboa: Fundação Calouste Gulbenkian.
- PICARDI, Nicola
1991 "Aperçu historique", In Congresso Mundial de Direito Judiciário, 9. Associação Internacional de Direito Judiciário - *Papel e Organização de Magistrados e Advogados nas Sociedades Contemporâneas*. Coimbra; Lisboa: Associação Internacional de Direito Judiciário. Vol. 1.
- PRATA, Manuel Alberto Carvalho
1994 *A Academia de Coimbra (1880-1926) Sociedade, Cultura e Política*. Coimbra: Faculdade de Psicologia e de Ciências da Educação. 2 vol. Doctoral thesis.
- RINGER, Fritz K.
1992 *Fields of Knowledge. French Academic Culture in Comparative Perspective, 1890-1920*. Cambridge [England]; New York: Cambridge University Press.
- SANTOS, Maria de Lourdes Lima dos
1988 *Intelectuais Portugueses na Primeira Metade de Oitocentos*. Lisboa: Presença.
- SILVA, Augusto Santos
1997 "Fundadores e símbolos de fundação da cultura liberal». In A. Santos Silva - *Palavras para um País. Estudos incompletos sobre o século XIX português*. Lisboa: Celta Editora.
- SUBTIL, José
1996 *O Desembargo do Paço: 1750-1833*. Lisboa: Universidade Autónoma. Doctoral thesis.
- ZURITA, Rafael; CAMURRI, Renato, eds.
2008 *Las elites en Italia y en España (1850-1922)*. València: Universitat de València.

Doctors and public health in the Republican Parliament

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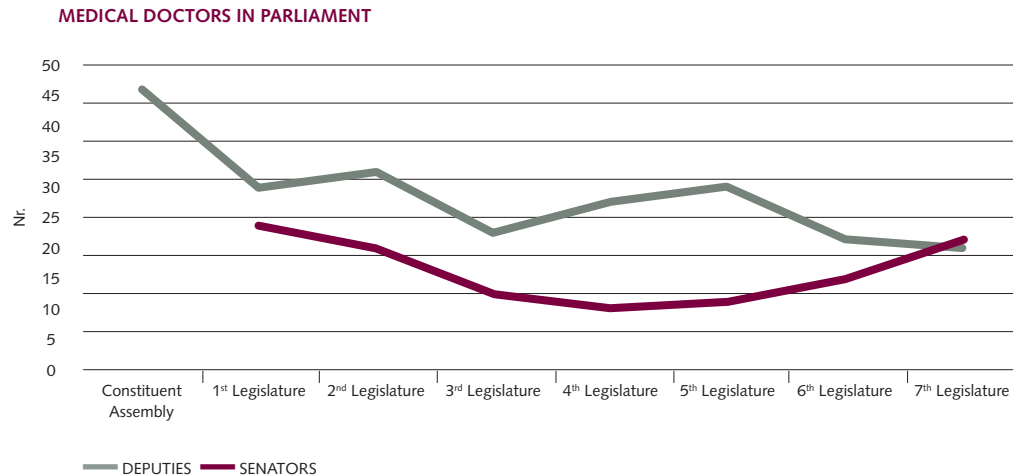
“With our profession abundantly represented in Parliament, it is legitimate to hope that, in contrast with the past, the physicians in Parliament will not distance themselves from the vital interests of their profession, which are those of the society they represent”.

CÂNDIDO DE PINHO, 1912.

These words reflect the expectations of many doctors in the early days of the Republic. With the new political regime and the election to Parliament of a large number of physicians, they believed they were witnessing the start of Portugal’s medical regeneration. From the 1890’s onwards, a pessimistic discourse had taken hold concerning the degeneracy of the Portuguese race and the wretched physiology of the Portuguese, with gloomy assessments of the state of public health, pointing to sanitary shortcomings of every kind, consistently underlining the need for increase State intervention in this area. So the slogan adopted by the Republican regime of “Health and Fraternity” encapsulated their aspirations: with the Republic, all could aspire to achieving a healthy and caring society.

The growing number of professional men in the Chamber of Deputies and the significant increase in the number of medical practitioners in parliament has already been remarked on. This can and should be interpreted as reflecting the strength of a professional class which, in the early twentieth century, enjoyed a degree of social prestige which was perhaps only paralleled by that of the literary classes. However, doctors spoke in the name of science, a mantle which lent them authority and credibility to diagnose not only the diseases of the individual body but also the ills of society (ALMEIDA, 1995: 346-347; ALMEIDA; FERNANDES; SANTOS 2006). Hence the proliferation of issues connected directly and indirectly with the health of the population, a political question on which the medical profession felt it should pronounce and on which it expected to be heard.

Given that the number of physicians in Parliament was very large (and unparalleled in the Europe of the time¹) – 142 doctors sat in Parliament as deputies and/or senators between 1911 and 1926² –, and considering their specific area of expertise, on what issues did they intervene? And what place did “public health” occupy in parliamentary debates?



The medical profession in the Constituent Assembly

The Constituent Assembly held its opening session on 19 June 1911. Its members included 37 doctors (and 2 medical students). The assembly started its business in the wake of nearly eight months of intense and varied legislative activity by the Provisional Government.

In the field of public health, neither the Provisional Government nor the republican legislatures made any substantial changes to the administrative structure created in the late 19th and early 20th centuries. The Directorate General of Health and Public Beneficence, dependent on the Ministry of the Realm³ and the division

¹ The medical profession had a significant parliamentary presence in the French 3rd Republic, but this presence was still smaller, in relative terms, than that in Portugal’s 1st Republic. For the French case, see Jack D. Ellis (ELLIS 1990: 4-5).

² The numbers refer to graduates in medicine, irrespective of whether they had practised or not; no separate count was held of military physicians (MARQUES 2000).

³ With the Republic, the Directorate General of Health and Public Beneficence changed its name to the Directorate General of Health and Public Assistance, and was placed in the dependency of the Ministry of the Interior. But the creation in 1911 of a Directorate General of Assistance resulted in public health becoming definitively separate from welfare assistance issues. The Directorate General of Health remained originally a part of the Ministry of the Interior, being transferred to the Ministry of Labour from 1918 to 1925 (under decree 4641, of 13 July 1918), passing briefly through the Ministry of Education (decree 11267 of 25 November 1925, extinguishing the Ministry of Labour and placing the DGH under the Education Ministry), before final returning to the Ministry of the Interior in 1926, with effect from 1 July 1927 /decree 13700).

of the country into three medico-legal districts (Lisbon, Coimbra and Porto) dated from 1899, and the *General Health and Public Beneficence Regulations* governing the organization of the country's sanitary affairs had been approved in 1901 (and remained in force until 1926).

However, the Provisional Government not only set up the Faculties of Medicine in Lisbon and Oporto, with standing equivalent to that of Coimbra (24 March 1911), but also reformed the curriculum, imprinting a more practical and laboratorial approach to medical teaching (27 April 1911), redrew the legislation on lunatic asylums (11 May 1811) and introduced compulsory smallpox vaccination (23 August 1911), a long-held aspiration of those wishing a solution for one of the prime causes of mortality and unfitness for work. Compulsory vaccination also represented victory over resistance expressed in the name of the defence of individual rights and against the extension of what was seen as State interference in private and family life.

With the expectations that the new regime would take into account everything the medical profession had been saying over recent decades (and the legislation approved by the Provisional Government appeared to bear out this intention), the members of the Constituent Assembly drew on their understanding of the scope of the different issues impacting on the health of the Portuguese and divided the Public Health Committee, provided for in Article 102 of the regulations, into two bodies: one for "Public Hygiene" and another for "Public Assistance"⁴. Neither of the committees used the words Public Health in its title, pointing to the fragility and limits of the concept⁵. Pragmatically, the proponents of this subdivision accepted the need to draw on other areas of expertise, making it clear that: 1) the medical profession, which had been arguing that it possessed the knowledge required to resolve the country's health and sanitary problems, was in favour of collaborating with other specialists, indicating their wish to share responsibility for solutions; 2) many members of the Constituent Assembly, including a number of doctors, did not agree with extending the social rights to be assured by the Constitution to the field of health. In practice, the division of the committee and the titles of the two emerging committees circumscribed State intervention to two specific fields: that of public hygiene (prevention, vaccination, sanitary infrastructures and inspection

⁴ The proposal to subdivide the Public Health Committee was signed by the physicians and parliamentarians: Silva Ramos, Augusto Monjardino, Sousa Júnior, Egas Moniz and Marques da Costa. The members of the Public Hygiene Committee were Sousa Júnior, Augusto Monjardino, Alfredo de Magalhães, Ângelo da Fonseca, Marques da Costa, João Damas, and Abílio Barreto (all doctors) and Carlos Amaro (jurist) and Ezequiel de Campos (engineer). The members of the Public Assistance Committee were Estêvão de Vasconcelos, Eusébio Leão, Silva Ramos, José de Pádua, Peres Rodrigues, Júlio Martins and Aresta Branco (all doctors), as well as Alfredo Ladeira (workman) and Emídio Mendes (jurist).

⁵ Competition as to the ownership of the problem and responsibility for the solution had resulted in conflicts of jurisdiction, as described by Edmundo Campos Coelho (COELHO 1999: 65).



■ Fernando Bissaia Barreto
(1886-1974).
[BNP]

of the quality of water and foodstuffs) and that of public assistance, a much broader area, but restricted to those in need of it.

In this field, the Republic Constitution maintained the liberal principles enshrined in the Constitutional Charter (which assured *socorros públicos*, or public aid/rescue, implying a non-permanent need). In the draft Constitution discussed in the Assembly, an attempt was made to assure the right to assistance, in a proposal defended by the deputy Bissaia Barreto. But the final text approved in 1911 was less ambitious: Article 3.29 merely states: “The right to public assistance is recognized”. The State would assure a minimum level of intervention; and Assistance, a secular translation of beneficence, would be reserved for the underprivileged, with bureaucratic procedures for proving real need. The constitutional text is silent on public hygiene or health, meaning that the health of the Portuguese was to remain primarily a question of individual responsibility.

The medical procession and public health in the parliamentary debates

Government programmes and budgetary questions

Public health was not a leading topic of debate in the Republican Congress. Financial, economic and international circumstances dictated other priorities. At specific moments, social questions (unemployment, welfare assistance) required significant reorganization [for example, the creation of the Ministry of Labour and Social Security in 1916, on the basis of a proposal from António Maria da Silva, and of the Institute of Compulsory Social Insurance, in 1919 (CARDOSO; ROCHA 2009: 439-470)] with an impact on the well-being of the Portuguese. However, it was not part of the plan of most governments, even those espousing Republican ideology (which was significantly liberal in this field), to extend their intervention to issues we refer to today as matters of public health. This emerges clearly from an analysis of the government programmes submitted to Parliament.

For example, in 1913, with Rodrigo Rodrigues, a doctor, at the head of the Ministry of the Interior, the programme presented by the president of the Executive, Afonso Costa, mentions briefly that “the Government shall not forget that the problem of health care in Portugal is one of those that makes the greatest claims on the State to support and uphold the important work carried out by municipalities, corporations and private charities”⁶. This assertion defines the main thrust of political policy: the government did not propose to intervene or invest directly, guaranteeing municipal

⁶ *Diário da Câmara dos Deputados*, 10 January 1913, p.13

freedom in this area. With reference to support for the work of corporations and private charities, the government recognized the importance of the medical profession and of the work carried on by associations, mutual societies, local governments and the private sector (especially the *Misericórdias*). We should also note the *organicism* underlying Afonso Costa's assertion. These intentions were not discussed by the Chamber, neither to underline their modesty or to draw attention to their excess generosity.

In general, subsequent governments deviated very little from this approach. Few references are made to public health and sanitary issues. The exceptions relate to the need to resolve the hospital problem as set out in the programme presented by António Maria da Silva, on 28 June 1920⁷, and to the objective of reorganizing health services, as expressed by the same President of the Ministry in the programme defended on 23 February 1922⁸. It is true that, in the period from 1916 to 1921, attention was paid to living conditions (SOUSA 2010) – support for healthy living or the threat of disease – and there were frequent calls for improvement and reform of healthcare. Generous and vaguely worded intentions that no party or deputy cared to repudiate⁹. And the absence of references to public health in government programmes was considered unworthy of comment.

In 1934, José Alberto Faria published in *Administração Sanitária* the annual budgets for health services from 1902 to 1933 (FARIA 1934: 350-354). The table shows us that in the first two years of the Republic, spending increased, then declined as from 1913, more sharply so from 1917 to 1926. Only in 1927 did the health budgets exceed those of the last years of the monarchy. But the author then goes on to indicate the extraordinary annual spending in the sector, from which we can see that the State actually spent more than the budgets admitted. In the budget debates, a significant increase in spending in the sector would not have been politically acceptable, especially at times of financial difficulty, although it was known that the spending would be made up by means of extraordinary expenses. This policy, which gambled on the short duration of a legislature, held up acceptance of substantial spending with benefits which would only be felt long afterwards. Funding for the sector was sometimes contested: for example, the senator and physician José de Pádua questioned in 1912 the funding assigned to the Central Institute of Hygiene, which appeared to him to replicate the work of the Câmara Pestana Bacteriological



■ José de Pádua.
[BNP]

⁷ *DCD*, 28 June 1920, p. 15.

⁸ *DCD*, 23 February 1922, p. 13. New health regulations were only approved in 1926.

⁹ By way of example, see the programmes presented by: Liberato Pinto (2 December 1920), Bernardino Machado (27 March 1921), Barros Queirós (1 August 1921).

Institute¹⁰. Deputies would occasionally propose increased funding¹¹ or expressed indignation at the decline in spending on the sector.

Proposals for special credit facilities in the public health sector were a constant feature of Republican parliamentary life: to pay for building works on Lisbon hospitals¹² or for improvements to the service provided¹³, for acquisition of a steamer for health visits in the port of Lisbon¹⁴, to deal with the difficult conditions faced by the *Misericórdias*, to help the Women's Crusade and the Red Cross¹⁵. And in 1920, fierce debate raged about draft law 448-C, drawn up by the Minister of Labour, Bartolomeu de Sousa Severino (after amendment and positive reports from the Health, Beneficence and Finance Committees): the document proposed maintaining subsidies to a number of hospitals and welfare institutions, granted since 1917, with a value of 1,200,000\$00, which was accepted on the first reading; the second reading debates focussed not on the principle and the need for State intervention, but on the criteria for distribution. A number of deputies contested the funding inequalities between districts, other called for retaining a set ratio between population numbers and funding, whilst yet others fought for the bill to consider "the resources from private charities, which are greater in some districts than in others"¹⁶.

These proposals almost always involved creating revenues to support the extra spending: this was the case of a new tax on theatre and animatograph tickets for the *Misericórdias* and the *Tutoria da Infância*¹⁷, with authorization for the sale of a private chappel, given to the Setúbal *Misericórdia*, the proceeds of which were to be used to pay its outstanding debts and to fund the completion of an infirmary at its hospital¹⁸, the creation of a special stamp the revenues from which were to fund the *Creche de Tomar* and *Asilos de S. João* in Lisbon and Porto¹⁹ and the proceeds of lotteries organized by the Santa Casa de Lisboa and the charges on gambling establishments which were to be distributed between a number of hospital and welfare institutions²⁰. Only in exceptional cases, such as epidemics, were special credit facilities arranged without arrangements for the corresponding revenues.

¹⁰ *Diário do Senado*, 28 June 1912, p. 84-85.

¹¹ Costa Júnior, a doctor and socialist deputy, Brito Guimarães and Jorge Nunes, unionist deputies, contested the insufficient funding envisaged in the budget for 1917-1918. *DCD*, 12 June 1917.

¹² Proposal from the Minister of Finance, Sidónio Pais. *DCD*, 12 February 1912.

¹³ Proposal from the Minister of the Interior, Silvestre Falcão. *DCD*, 12 June 1912

¹⁴ Proposal from the Minister of the Interior, Rodrigo Rodrigues. *DCD*, 11 May 1914.

¹⁵ Report from the Finance Committee on draft law 383-A, *DCD*, 27 June 1917.

¹⁶ Speech by Joaquim Brandão, *DCD*, 30 June 1920, p. 19.

¹⁷ Report from the Finance Committee on draft law 383-A. *DCD*, 27 June 1917.

¹⁸ Draft law 566-G, *DCD*, 16 November 1920.

¹⁹ *DCD*, 19 November 1920.

²⁰ See the parliamentary discussion which took place in the wake of the *Congresso das Misericórdias*. *DCD*, 9 April 1924.



■ “Fiat Lux. Lisbon Medical School”.
 [Ilustração Portuguesa, Lisboa, no. 294, 9 October 1911. BNP]

Professional interests

Medical education

Physicians in the legislature paid special attention to all issues involving the prestige of the profession and their monopoly as medical practitioners.

In the field of medical education, it was the Provisional Government that created the Medical Faculties in Lisbon and Oporto, with equivalent standing to that in Coimbra, and reformed the curriculum. The Republican Parliament spent little time on this matter, not least because in theory all parties defended the autonomy of the universities, at least in theory.

Draft law 26B which created the Institute of Pathological Anatomy, at the Lisbon Faculty, was approved (on both its first and second readings) without debate²¹. This represented a concrete step in shifting towards a more laboratorial and less theoretic-

²¹ DCD, 20 June 1913, p. 16.

cal approach to medical studies, although the need for a thorough reform of the universities had been raised in Parliament in 1913²². For instance, in 1917, the deputy António de Almeida Garrett, assistant lecturer at the Oporto Faculty of Medicine (and who in the following year was to be the Government Commissioner in the fight against the epidemic of typhus fever in the North of Portugal) proposed returning to the direct recruitment of lecturers “not by the old system of competitive procedures, in which the examinations in pedagogical skills were almost everything, but taking greater account of the scientific work of the candidates”²³. He also called for reorganization of medical curricula, eliminating some of the special subjects, and restoring others. His plans were accepted and forwarded to the board for higher, special and technical education.

A more heated debate took place in 1922, on the possible irregularities in the transfer of Prof. Lopo de Carvalho, from Coimbra to the Lisbon Medical Faculty. A vacancy had occurred (due to the death of Júlio de Matos) on the teaching staff of the Lisbon faculty. This was expected to be filled by Prof. Sobral Cid and the speciality of forensic psychiatry, highly contested as we have seen, hoped that the same Faculty could accommodate two eminent specialists in the field, Júlio de Matos and Sobral Cid. The expectations of the Lisbon Medical Faculty were frustrated and the ensuing controversy was taken up by the Chamber of Deputies. The debate lasted three sessions, with questions being raised as to the political orientation of Lopo de Carvalho, but the resolution was forwarded to the Minister of Education²⁴.

Great controversy also surrounded the debate which, on 8 May 1924, questioned the doctorate in medicine awarded by the University of Coimbra to António Azevedo Meireles Souto, author of a thesis entitled *Lourdes and Medicine*. The deputy Torres Garcia was indignant in the first place with the *nihil obstat* of a clerical censor and the *imprimatur* signed by the Bishop of Coimbra on the dissertation, even before it had been submitted to the examiners; he also expressed bewilderment at the subject matter of the thesis in a country where the Constitution established the principle of the religious neutrality of education. The deputy Cancela de Abreu hit back by invoking freedom of speech²⁵. The truth of the matter was that the thesis, published in 1924, had not been clerically approved even though the author made no secret, in his introduction, of his hope that the church censors would find no objection to his work which, in fact, stressed that there was no scientific explanation for the cures which occurred in the French sanctuary (SOUTO 1924: 9) (not even hysteria, the cause always invoked by the most sceptical doctors); and having exhaustively

²² DCD, 15 May 1913, p. 11-15.

²³ DCD, 4 June 1917, p. 5-7.

²⁴ DCD, 4, 5 and 8 May 1922.

²⁵ DCD, 8 May 1924, p. 7-8.

analyzed a number of cases in the light of medical knowledge, he concluded that some of the cures were “extra-natural” in nature²⁶. The debate was rekindled a month later when it became known that the author of the controversial thesis had been stripped of his doctorate, by a *portaria* of the Minister of Education, prompting the deputy Lino Neto to express his indignation at this “deliberate attempt to provoke hostility from the country’s Catholics”²⁷. However, the issue then died down and was not referred to again in parliamentary proceedings. As may be seen, the autonomy of the universities was still controversial and the State had no hesitation in interfering.

Regulation of the medical profession

The doctors in parliament also turned their attention to regulation of their own profession. As early as 1912, the physician Lopes da Silva, one of the most energetic defenders of medical prerogatives in the first legislature, was to propose the formation of a parliamentary committee “with the mission of codifying the health laws in force and of presenting draft regulations on exercise of the medical profession in Portugal”²⁸. As we have seen, no significant changes were made during the Republican legislatures to the Public Health Regulations of 1901, with Parliament also not altering the laws in force on exercise of the medical profession. Accordingly, all calls for reform were made with reference to the Law of 24 April 1861 and to the decree of the Provisional Government of December 1910.



■ Lopes da Silva.
[BNP]

The legal restrictions on the practice of medicine was one of the main issues discussed at Medical Conferences and at meetings of the Portuguese Medical Association. One of the most sensitive points for the prestige of physicians graduating from the medical faculties was competition with other practitioners of healing arts, both in the cities, and in rural settings.

A good example of this was the case of the “miracle-working Chinese women”, which ignited a scandal both inside and outside Parliament. According to reports in periodicals (“As Chinesas milagrosas” 1911), in the autumn of 1911, two Chinese women practiced healing arts in Lisbon on ophthalmological patients. The police authorities acted in accordance with the law. The popular demonstrations against the closure of the establishment of these two witch doctors – as many doctors derogatively referred to them – were significant and the question was debated in Parliament. Brito Camacho contended that the matter was not worthy of the deputies’ attention²⁹. Lopes da Silva responded by calling for increased police vigilance and

²⁶ *Idem, ibidem*, p. 121.

²⁷ *DCD*, 16 June 1924, p. 18.

²⁸ *DCD*, 28 May 1912, p. 6.

²⁹ *DCD*, 22 November 1911, p. 7.

severe penalties not only in this case but for all who continued to practice medicine in flagrant breach of the law³⁰. In 1912, the same deputy was to return to this issue on four occasions and on one more in 1913.



■ António José de Almeida
(1866-1929).
[BNP]

Earning and pensions

The professional monopoly was not the only concern of the physicians elected to Parliament. António José de Almeida championed the career and retirement prospects of health delegates and sub-delegates³¹, whilst the deputy Carvalho da Silva, in 1921, concerned himself with the poor pay for these public health officers³². On the question of the increase in fees, demanded by doctors working for mutual societies which experienced serious financial difficulties in the early 1920's, and the parliamentary dispute was joined by António Francisco Pereira (printer), Costa Júnior (doctor) and Ladislau Batalha (secondary school teacher). The latter insisted on the physician's priestly mission, contesting the need for any increase, and going so far as to declare that "charities have been set up to provide food for doctors!"³³ The debate revealed the ambiguous social standing of mutual society doctors who, in Batalha's view, should be obliged to sacrifice

themselves around the clock, without caring for their own income, a view which clearly conflicted with that of the professional physician, whose social position also depended on his receiving adequate remuneration.

The taxes paid by the medical profession were another issue that attracted attention. In 1913, the lawyer Baltasar Teixeira expressed indignation that doctors were subject to industrial tax on the basis of residence, and not on the basis of their professional earnings³⁴. He therefore proposed the adoption of an alternative criterion which took account of the area of the consulting rooms, believing that this would more accurately reflect the level of physicians' earnings. The plans were not discussed and were eventually sidelined by the regulatory and bureaucratic process that often buried legislative proposals in the respective committees or the Senate.

³⁰ *DCD*, 23 November 1911, p. 9-10.

³¹ Draft law no. 121, *DCD*, 28 March 1912, p. 16-7.

³² *DCD*, 17 September 1921, p. 9.

³³ *DCD*, 24 May 1920, p. 5.

³⁴ *DCD*, 29 January 1913, p. 6.



■ Manuel de Brito Camacho
(1862-1934).
[BNP]

Finally, one last issue of professional concern which claimed the interest of the Chamber had to do with pensions for doctors and their families. As early as 1911, António José de Almeida sought to safeguard the subsistence of the families of those of his colleagues who died “in the medical and sanitary struggle against epidemics”³⁵. One year later, in discussions of the bill, Brito Camacho agreed with the principle, but in view of conditions at the Treasury proposed the means-testing of these families³⁶; at the same session, Ângelo Vaz sought to extend the benefit not only to physicians “exercising their profession on the basis of administrative contracts but also to those in private practice”. The legislation was approved with small changes and followed the relevant procedures. It only returned to the Chamber of Deputies, with favourable opinions from the Committees and the Senate, in 1914, approving the payment of pensions to doctors prevented from working as a result of practising their profession in the course of an epidemic, to the families of physicians who died in the same struggle and also to hospital staff involved in the same work³⁷.

Military health

The defence of the Fatherland and the ideal of a population at arms were only directly invoked from 1916 onwards, when Portugal became involved in the Great War. The mobilization of doctors was controversial because, as recalled by Brito Camacho – a prominent opponent of Portuguese involvement in the conflict –, this ran the risk of leaving the population without medical care; as a result he supported the proposal from the deputy and jurist Lopes Cardoso, to the effect that application should be made to the judicial authorities for the requisitioning of retired physicians resident in municipalities left without doctors due to mobilization³⁸.

In the same context of war, albeit in the following year, the Chamber debated the rank to be assigned to military doctors. From the pro-scientific and secularist perspective represented by the Republic, the rank of *alferes* appeared insufficient. Not least because, as the physician and deputy Hermano de Medeiros argued, the post of captain was granted to the “ministers of different religions”³⁹ (required for the spiritual succour of troops sent to the battle front). Norton de Matos, the Minister of War, responded a month later⁴⁰ with legislation which granted the rank of lieutenant to permanent military doctors, the post of captain to military doctors with more than four year’s professional experience, and the same rank to the

³⁵ Draft law no. 4, *DCD*, 6 November 1911, p. 4.

³⁶ *DCD*, 13 December 1912, p. 13.

³⁷ *DCD*, 13 June 1914, p. 4-7.

³⁸ *DCD*, 17 May 1916, p. 9.

³⁹ *DCD*, 13 March 1917, p. 8-10.

⁴⁰ *DCD*, 22 March 1917, p. 10.

permanent lecturers of medical faculties and health delegates (with more than eight years' experience) who were mobilized.

The state of the war wounded was also not forgotten, prompting criticism and debate. For example, in 1925, the incorporation into the Directorate General of Civil Hospitals of the function and occupational rehabilitation services for soldiers wounded and disabled in war formed the subject matter of a draft law⁴¹ and the Chamber contested the bureaucratic procedures of the many medical boards to which former soldiers had to apply before they could benefit from State aid⁴².

Health in the colonies

The Republican regime took a keen interest in colonial affairs. And questions of health – of the armies, colonists and native populations (priorities established in this order) – were not forgotten. The legislation originated in nearly all cases from the ministries and, in keeping with the importance attached by the Republican Executives and Parliament to the overseas territories, approved on an urgent basis, waiving the full procedure. This was the case of the legislation submitted to the Chamber of Deputies by Freitas Ribeiro (Minister for the Colonies) on 19 December 1911, proposing the construction of a network of sewers in Lourenço Marques and approved on 17 January 12, and also of the legislation establishing a leper colony in the province of Cape Verde⁴³.

One of the topics which claimed the greatest attention was the fight against sleeping sickness. Trypanosomiasis was an endemic disease in some regions of equatorial Africa, prompting intervention by the colonial powers from the early 20th century onwards (LYONS 2002). Portugal was a Pioneer in the study of the disease (BETTENCOURT 1903) which affected indigenous labourers in the north of Angola and spread to São Tomé e Príncipe with emigration of the labour force. As early as 1912, measures were approved for setting up official health brigades to fight the disease on the island of Príncipe⁴⁴, with additional measures being approved by legislation dating from 1914⁴⁵. Government efforts to combat the disease in the places affected by outbreaks were not restricted to these islands: in May 1912, a draft law provided for a medical mission to study the geographical distribution of the disease in Angola⁴⁶.

⁴¹ *DS*, 16 January 1925, p. 2.

⁴² *DCD*, 2 March 1925, p. 25.

⁴³ *DCD*, 24 January 1912, p. 5.

⁴⁴ *DCD*, 24 January 1912, p. 5.

⁴⁵ Proposal complementing Law no. 84, of 25 July 1913, *DCD*, 20 April 1914, p. 7-8.

⁴⁶ *DCD*, 27 May 1912, p. 3.

Legislation on the organization of the State of India, debated in March 1912⁴⁷, also detailed the health services and hospital facilities, appointing the head of the health service as director of the Medical and Surgical School of Nova Goa.

The creation of a Colonial Sanatorium in Madeira, in 1915, was the result of a joint proposal from the President of the Ministry, José de Castro, the Minister of Finance, Vitorino Guimarães, and Norton de Matos, Minister for the Colonies⁴⁸. This establishment was designed to receive civil servants and military staff working in the colonies (and also colonists) who required treatment. The acclimatization of civil and military personnel, which was difficult as a result of malaria, was a constant concern and the importance of effective occupation of the overseas territories, which depended on the health of the occupiers, tested the liberal understanding that individuals were responsible for their own health. In these cases, the State extended a mantle of protection and offered care for “those who worked for the aggrandizement of Portugal”, providing rest and treatment. In the war situation which the country was already experiencing in the colonies from 1915 onwards, the sanatorium in Madeira was reserved for the military.

Of course, concerns with questions of colonial health were not the sole province of the members of the Executive. Over the course of the Republican legislatures, several deputies concerned themselves with the lack of medical care in Cape Verde, the constituency for which they had been elected⁴⁹. In 1920, the bubonic plague epidemic which broke out in Guinea prompted a speech by Viriato da Fonseca, also elected for Cape Verde. The following year, the hunger and misery which afflicted the peoples of these islands led the same deputy to appeal to the government for assistance⁵⁰.

In 1912, Ezequiel de Campos presented a draft law reorganizing the administrative departments of the Ministry of the Colonies (reviving the reform of May 1911) (ALMEIDA; SOUSA 2006: 158), underlining the need to “regulate scrupulously the recruitment and promotion of personnel”. Colonial training was thereafter required of heads of section⁵¹. The technical qualifications of staff recruited to the colonial service (or at least a good prior knowledge of overseas affairs) was the focus of a number of speeches, with increasingly tough requirements, mirroring the tendency in the civil service for mainland Portugal (MACLEOD 2003).

⁴⁷ *DCD*, 18 March 1912, p. 19.

⁴⁸ *DCD*, 23 July 1915, p. 8-10.

⁴⁹ *DCD*, 3 June 1916, p. 6.

⁵⁰ *DCD*, 20 April 1921, p. 4.

⁵¹ *DCD*, 10 January 1912, p. 5.

Doctors who joined the colonial health service were required to undergo special training after medical graduation at the School of Tropical Medicine (founded in 1906). The legislation which opened the recruitment process in 1919 envisaged payment of a monthly allowance, during the specialist training, to doctors wishing to sail for the colonies. However, in April⁵², and again in June⁵³, the deputy for Oliveira de Azeméis, Manuel José da Silva, lamented that these allowances had not yet been paid. The shortage of doctors in the colonial service continued to be felt, and Parliament debated other incentives: promotion of medical officers in the colonial health services and the possibility of some sergeant-majors being promoted to *alferes* – provided they had completed the nursing course at the Colonial Hospital or in the Navy – were both approved despite the increased cost to the near-empty coffers of the State. In the opinion of Ferreira da Rocha, increased pay for colonial doctors was essential because “doctors were the worst paid officials” in the colonies, and were “compelled to rely on private practice if they were not to die of hunger”⁵⁴.

Improving public health at home

The identification of the pathogens causing a number of infectious diseases – typhoid, by Eberth (1880), tuberculosis (1822) and cholera (1883), both by Koch, plague, by Yersin (1894) – and improved understanding of how diseases were transmitted did not mean that therapeutic advances were made overnight. As has been pointed out (LATOURE 1993), the fight against epidemics in the wake of these bacteriological breakthroughs could progress along three possible tracks: fighting the specific agent of the disease, fighting the vector of transmission or transformation of the milieu which encouraged the propagation of epidemics. Scientific discoveries were providing fresh grounds for the health and hygiene movement which, for much of the 19th century, called for urgent investment in sanitation, control and, no less importantly, in changing the behaviour of the population. These questions were inevitably bound together in the prevention of the contagious diseases which decimated populations (cholera, typhoid, yellow fever, bubonic plague, typhus and tuberculosis) and which remained the prime cause of mortality in Portugal. Small-pox was the only disease for which a vaccine was available.

⁵² DCD, 14 April 1920, p. 23.

⁵³ DCD, 22 June 1920, p. 37.

⁵⁴ DCD, 22 June 1920, p. 35-6.

■ “The Hecatomb of Tuberculosis”.
 [Ilustração Portuguesa, Lisboa,
 no. 236, 29 August 1910. BNP]



England, of course, was a pioneer in this international movement with figures such as Chadwick at the forefront of developments, back in the first half of the nineteenth century. Other forerunners, in the middle years of the century included Pettenkofer (in Germany) and Pedro Monlau (in Spain) (HAMLIN 1998; RODRÍGUEZ OCAÑA 2005); the concern in the western world with the propagation of epidemics was also manifest in the International Sanitary Conferences (BALDWIN, 2005; HUBER 2006; BARONA; BERNABEU-MESTRE 2008 [at which Portugal was regularly represented (GARNEL 2009)] and also in the modernization of cities. Haussman in Paris (1860-70), Pereira Passos in Rio de Janeiro (1904-06) and Mexico City under Porfirio Diaz (1880-1910) (AGOSTINI 2003) or Ressano Garcia in Lisbon (1874-1886) (SILVA 1994) were examples of the importance of hygiene in developing ideas on urban planning: the opening of avenues, the planting of trees, building programmes which included sanitation infrastructures, the water supply and the circulation and qualitative regeneration of air. We may therefore see that, from the second half of the century onwards, sanitary progress gradually reached the centres of capital cities. In Portugal, as in other countries, the outskirts, less populous cities and rural areas were much slower to undergo the same transformation.

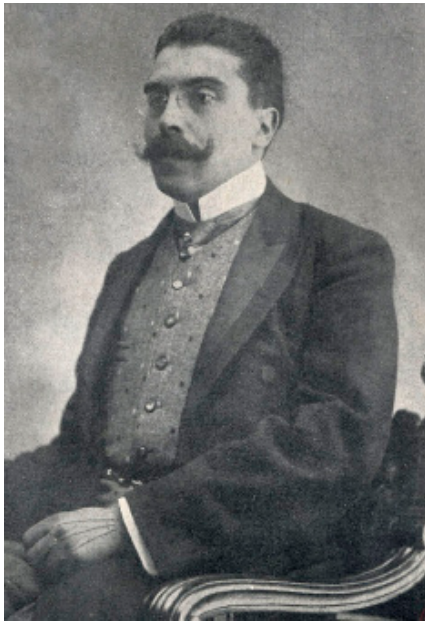
Water and sanitation infrastructures

The question of the water supply, in quantity and quality, was a key factor for health. In Lisbon, this was a burning issue: the Alviela water intake, the distribution of water and bacteriological control of water quality were questions which were only definitively resolved in the 1950's. Chlorination of the water supply was only adopted in Lisbon in the 1920's (SILVA 1994). In the Republican period, part of Lisbon contin-

ued to be supplied by water brought in by the Pombaline aqueduct, with water shortages in the summer and cyclical problems with contamination: the inhabitants of Lisbon continued to use water from wells, cisterns and fountains which, as the deputy Lopes da Silva pointed out in 1912, were of unreliable quality. The President of the Ministry, the physician Augusto de Vasconcelos, replied that the city was already supplied with water from Alviela which, although not completely pure, was the "purest that could be obtained" and that "otherwise, the public was perfectly well informed that it should boil the water"⁵⁵. The existence of such popular wisdom was highly questionable. The quality and abundance of the capital's water supply returned several times to the parliamentary agenda, with deputies either defending the Municipal Council, or pleading the case of the Lisbon Water Corporation⁵⁶.

That the problem of water was important to the whole country is proven by the draft law, presented by António Maria da Silva, in May 1912, exempting from customs duties materials imported for assuring the supply of drinking water to the town of Portimão⁵⁷. And it was

further underlined by the debate concerning draft law no. 271, signed by Anselmo Braancamp Freire, Artur Rovisco Garcia and Evaristo de Carvalho, with the backing of the Senate. This law considered as urgent, for the cities of Lisbon and Oporto, compulsory purchase in the public interest whenever reasons of salubriousness or public assistance were invoked⁵⁸: the fight against epidemics and epizootic disease, the demolition of insalubrious housing and neighbourhoods, the drying of marshlands or the cleansing of sources of infection, the defence of public waters, the construction and insulation of sewers and the installation of hospitals, asylums, sanatoriums, nurseries and establishments providing milk for the needy – all these were grounds for action which could interfere with property rights. On passing this legislation, the senators suggested however that it be extended to the country as



■ Augusto de Vasconcelos
(1867-1951).
[BNP]

⁵⁵ *DCD*, 12 March 1912, p. 5.

⁵⁶ See, for example, the debate in *DCD*, 26 July 1915, p. 9-11.

⁵⁷ *DCD*, 13 May 1912, p. 19.

⁵⁸ *DCD*, 6 July 1912, p. 18.

a whole. The cause of urban hygiene took precedence over all considerations. The same view was expressed by Ezequiel de Campos⁵⁹ and the deputy Ribeira Brava proposed that the legislation be extended to Madeira. Having been approved on its first reading, the bill prompted Afonso Costa to counsel caution, as it would “undermine important rights” and that a project of this magnitude should not be “rushed through”⁶⁰.

The concern with the water supply and with urban hygiene and salubrity were topics often raised in Parliament, often with a view to authorizing municipal borrowing designed to solve these problems. The proponents often argued that they were performing their duty to the electors in their constituency, suggesting that the concept of national representation had not yet been internalized. This was the case in 1913, when the physician Aresta Branco (the future President of the Chamber of Deputies), elected for Faro, proposed authorization for a loan to the municipality of Tavira, in order to fund the water supply and sanitation in that municipality⁶¹; with similar projects, presented by Pires de Campos, another doctor, for sanitation in Leiria⁶² and Pombal⁶³. Another example was the project led by Velinho Correia, in 1920, for the water supply and sanitation in the towns and villages of the municipality of Vila do Bispo⁶⁴. There is no need to list every project of this nature. Suffice it to say that most of these projects involved diverting funds from municipal highways to fund investment in sanitary progress, a solution which remained valid even after this fund was wound up in 1913. An addendum of 1914 provided for an exception for municipal councils where this arrangement had been made for the costs of municipal borrowing contracted in order to improve infrastructures⁶⁵.



■ António Aresta Branco
(1862-1952).
[BNP]

Inspection of foodstuffs and housing

The more traditional view of the history of public health stressed the role of medicine, the medical profession and therapeutic practices in combating infectious and contagious diseases (ROSEN 1958). However, more recent historians have pondered the role of diet in immunity and resistance to health problems (PORTER 2006: 3). The question is one of contemporary concern and centres on the debate on the merits or demerits of medicine and clinicians. At the time of the 1st Republic,

⁵⁹ *DCD*, 6 July 1912, p. 25.

⁶⁰ *DCD*, 6 July 1912, p. 25.

⁶¹ *DCD*, 11 March 1913, p. 13.

⁶² *DCD*, 12 May 1913, p. 13.

⁶³ *DCD*, 23 May 1913, p. 9.

⁶⁴ *DCD*, 24 February 1920, p. 5.

⁶⁵ Addendum proposed by Jacinto Nunes and approved. *DCD*, 11 May 1914, p. 9.

very few parliamentarians, even amongst the non-physicians, would have failed to connect diet and housing – in other words, living conditions – with disease and, in particular, with tuberculosis. Accordingly, political concerns for inspection of the quality of foodstuffs, food distribution and, in times of war, food shortages, were recurrent topics in Parliament. So too were issues relating to the construction of “affordable housing”.

The problem of wheat, in particular, always resulted in lively debates: in January 1915⁶⁶ questions were raised as to the regulations governing cereal production, prices, the quality and weight of bread, with the respective legislation still being discussed in July in the Agriculture Committee⁶⁷, and still awaiting approval in early August⁶⁸. The shortage of bread led to rioting in Lisbon, in February 1917, events which, in Parliament, were blamed on “speculative hoarding”⁶⁹, prompting a draft law authorizing parish councils to take out loans to purchase potatoes and vegetables for the consumption of local residents⁷⁰. Three years later, in 1920, the physician Hermano de Medeiros, reflecting on the importance of this matter to public health, deplored the quality of bread sold in Lisbon⁷¹.

In 1915, the doctor Costa Júnior proposed regulating the price and sale of salt cod and rice⁷² and Ribeira Brava, considering the food shortage, the incidence of tuberculosis and the importance of good diet in controlling dissemination of the infection, sought to prevent exports of cattle, fish and eggs to Spain⁷³. In 1916, Costa Júnior questioned the price at which meat was on sale, inflated by exports of livestock to Gibraltar⁷⁴. The food crisis continued in 1920. Spiralling prices prompted a bill prolonging restrictions on the freedom of trade, as defended by Joaquim Ribeiro, Minister of Agriculture⁷⁵.

Poor housing was one of the factors identified in the propagation of tuberculosis, typhoid fever, typhus, cholera and plague. Overcrowding, the lack of light, ventilation, water and sewers were difficult problems to solve at a time of huge demographic growth in the cities. Public Assistance, created by decree of 25 May 1911, attempted

⁶⁶ *DCD*, 7 January 1915, p. 4-5.

⁶⁷ *DCD*, 22 July 1915, p. 20-23.

⁶⁸ *DCD*, 12 August 1915, p.14. The legislation was only approved on 31 August.

⁶⁹ *DCD*, 7 February 1917, p. 6-7.

⁷⁰ *DCD*, 28, 29 and 30 May 1917, p.5.

⁷¹ *DCD*, 11 May 1920, p.7.

⁷² *DCD*, 12 July 1915, p.5.

⁷³ *DCD*, 28 July 1915, p.6.

⁷⁴ *DCD*, 28 January 1916, p. 4-5.

⁷⁵ *DCD*, 29 January 1920, p. 18-21.

to deal with the lack of poor housing by offering a rent subsidy but, as pointed out by the deputy Luís Filipe de Mata, in 1914, “the number of people in need of the subsidy is so large than it is impossible to meet the needs of all”. Instead, he argued it would be more reasonable and economic to start a building programme for houses “with an average of three rooms, offering adequate hygiene [...]. A washroom could be built and even small gardens for the children”⁷⁶. This is not the first reference calling for the construction of social housing. As he was to recall in 1917, the deputy Ramos da Costa presented a proposal on this topic in the 1st legislature, although it never returned to the order of business, despite positive reports from the committees; and in 1915, the same deputy proposed a similar bill, which also failed to obtain debating time. In July 1914, Tomás Cabreira, Minister of Finance, and Aquiles Gonçalves Fernandes, Minister of Development, submitted a joint proposal (draft law no. 42-E, of 26 February 1914) on the same subject: the proposal was discussed in July⁷⁷, with arguments being put forward in favour of the type of urban development which was in fact adopted, in particular in the Arco do Cego development, to the detriment of what might have been the more economic solution of apartment buildings. It was contended that the question of housing should bring about a transformation in the social practices of the poorer classes, helping them to internalize forms of behaviour more centred on the individual, with higher standards of morality and hygiene.

The construction of social housing in Lisbon and Oporto was a topic frequently discussed in Parliament in the 1920's. The initial ambitions were frustrated: in Oporto, the housing estate in Arrábida, where construction began under the government of Sidónio Pais, remained unfinished and uninhabitable⁷⁸; in Lisbon, building work on the estates in Ajuda, Alcântara and Arco do Cego was subject to so many delays and management problems (despite the various special credit facilities arranged for completion⁷⁹) that, in 1923, the Minister of Trade and Communications, and interim Minister of Labour, Pedro Pita, proposed that the whole process be wound up with a public auction of the land, construction materials and whatever had been built⁸⁰. This problem was only definitively resolved many years later.

⁷⁶ *DCD*, 12 January 1914, p. 6.

⁷⁷ *DCD*, 9 July 1914, p. 8-14.

⁷⁸ *DCD*, 11 May 1921, p. 5-6.

⁷⁹ *DS*, 31 August 1922, p. 7.

⁸⁰ *DCD*, 28 November 1923, p. 5.

■ “Epidemic in Lisbon”.
[*O Ocidente*, Lisboa, no. 1196,
20 March 1912. BNP]



Epidemics

Speaking in 1923 at a conference commemorating Pasteur (acknowledged as the originator of the bacteriological revolution), Ricardo Jorge, author of the *Public Health Regulations* in force from 1901 to 1926, said that Lisbon was “one of the [European] cities most infected with typhoid” (JORGE 1923: 45). Typhoid was one of the epidemics that cyclically affected Portugal, afflicting Lisbon with particular severity.

In 1912, Lisbon suffered a further onslaught from the disease, and the issue was raised in Parliament in January by Álvaro Poppe. The President of the Ministry, Augusto de Vasconcelos, a physician with a doctorate from the University of Lisbon, where he was professor at the medical faculty, wondered “whether the epidemic is at this moment more severe than normal for this time of year, as an epidemic of typhoid fever breaks out every year around this time”⁸¹. This was corroborated by his fellow physician and deputy, Lopes da Silva, who said that, from his clinical work “in one of the poorest districts of Lisbon, the epidemic referred to is neither greater nor smaller than that which normally occurs in the city, at this time”⁸². This complacency in the face of the victims of endemic diseases, largely avoidable if the State and the elites (medical and political) had adopted more incisive preventive policies, was evident in many of the speeches made to Parliament.

⁸¹ *DCD*, 16 January 1912, p. 4-5.

⁸² *DCD*, 16 January 1912, p. 5.



■ Ricardo Jorge (1858-1939).
[BNP]

In March, as Poppe drew to the Chamber's attention, the epidemic intensified. Silvestre Falcão, Minister of the Interior, and another medical man, responded to the accusation of government inertia by revealing the cause of the epidemic (contamination by water from Caneças) and pointing the finger at the Water Corporation. The debate centred on accusations against the Corporation, on the lack of controls and the huge debt owed by the Municipality to its water supplier. A report on the epidemic by Ricardo Jorge, submitted to the Higher Board of Hygiene (chaired by the Minister of the Interior) pointed to a possible 2615 cases of typhoid, between 1 February and 15 April 1912, and a mortality rate of 9.7% (JORGE 1913: 2: 154).

The response to these numbers, from the Senate, was to appoint a committee to look into the matter. This proposal, eventually rejected, attracted severe criticism from Santos Moita, another physician, who argued that "our bureaucracy in the service of health is complex and endless; no one knows how many persons it comprises [...], with

health committees whose members include engineers, in short, all the necessary expertise. So what need is there to appoint a new committee, just to add to the treasury's expenses?"⁸³ But this was to be one of the occasions on which additional spending was approved⁸⁴.

Other epidemics continued to afflict the population, attracting the attention of deputies. Bubonic plague, which broke out in its severest variant with pneumonic thirst, prompted effective sanitary measures and, in the words of Bernardino Machado, the Government, pressured by the problem and by public opinion, seized the opportunity and "made good many of the unfortunate shortcomings of our hospital arrangements"⁸⁵. The same disease, in 1920, led to faster and more decisive intervention from the health authorities.⁸⁶ The response to invasions of exotic diseases was significantly more effective and forthcoming than that prompted by endemic complaints.

The terrible year of 1918 has lived on in memory as constructed in historical writing as a year of political convulsions and war. It has rarely been identified, as it has been in recent collective work (SOBRAL; LIMA; CASTRO; SOUSA 2009), as also a year of great epidemics: typhus fever, pneumonic influenza and smallpox were responsible for unprecedented levels of mortality. But Parliament hardly met that year and ques-

⁸³ *DCD*, 6 March 1912, p. 4.

⁸⁴ *DCD*, 13 March 1912, p. 3.

⁸⁵ *DCD*, 2 December 1914, p. 9.

⁸⁶ *DCD*, 18-10-1920, p. 5-6.

tions of public health were left to the government. In 1919, typhus again broke out in the northern region – worst affected by the epidemic of the previous year – and spread to Lisbon. In Parliament, a number of deputies called for urgent measures⁸⁷; in April 1920, it hit the municipality of Chaves⁸⁸, and in June, Covilhã⁸⁹, leading to repeated parliamentary criticisms⁹⁰ of the General Directorate of Health. The fact is that the only weapons available for fighting infectious and contagious diseases, whether caused by typhoid, typhus or influenza, were severely limited: isolation in hospital, quarantine for contaminated persons and places, and campaigns for disinfecting people and property, measures which required organization and resources.

Medical care and hospitals

For all these reasons, medical care and the hospital system were important issues. The first response consisted of reorganization of the University of Coimbra hospitals, legislation reforming lunatic asylums in 1911 and the incorporation of the Hospital de São José and annexes into the system managed by the Public Assistance Office⁹¹.

As early as 1913, attention was drawn to the difficulties faced by the Lisbon hospitals: the number of patients hospitalized was growing fast and the quality of hospital services left much to be desired⁹². Afonso Costa, President of the Ministry, responded to these criticisms by acknowledging that “the most urgent measures we should take should be those which can benefit the life of the hospitals [whose] services are very poorly organized [although] managed with great care and zeal”⁹³.

However, the funding was never sufficient and in 1916 budget shortfalls meant that special credit facilities had to be created: this proposal from the Minister of the Interior, Almeida Ribeiro, was highly controversial and a number of deputies pointed the finger at careless administration⁹⁴. That the problem was not easy to solve is apparent from a further proposal, in January 1917, for an additional credit facility to meet the urgent needs of the Lisbon hospitals⁹⁵.

⁸⁷ *DCD*, 18 July 1919, p. 6-7.

⁸⁸ *DCD*, 29 April 1920, p. 24.

⁸⁹ *DCD*, 18 June 1920, p. 4.

⁹⁰ *DCD*, 2 July 1920, p. 9-10.

⁹¹ In 1913, the Hospital de São José and Annexes formed the core of the Lisbon Civil Hospitals, run by the Public Assistance Office and the Lisbon Medical Faculty. In 1918, administration of the hospital passed to a Directorate General, set up by Decree 4563 of 9 July 1918. I am grateful to Paulo Silveira e Sousa for this information.

⁹² *DCD*, 21 April 1913, p. 23-24.

⁹³ *DCD*, 29 April 1913, p. 7.

⁹⁴ *DCD*, 22 March 1916, p. 9-11.

⁹⁵ *DCD*, 10 January 1917, p. 5.

The hospital situation in Oporto also demanded attention. The contrast between the funds assigned to the Lisbon hospitals and those granted for Oporto, in the 1912 Budget, led to a draft law calling for the building of a new hospital, to serve also as a teaching hospital for the Oporto Faculty of Medicine, under the name Hospital da Cidade⁹⁶ (it was never built, although architectural plans were drawn up in 1919 by Ventura Terra).

The more or less permanent and severe state of economic and financial crisis in the years immediately following the War led to the granting of subsidies to a number of public and private hospitals: for example, in 1916, the Hospital de Santo António⁹⁷, in Oporto, and in 1921 to the Hospital de São Marcos⁹⁸, in Braga. This same year, considerable controversy was aroused by the subsidy to be granted to the Oporto *Misericórdia* (which some deputies wished to see extended to all the *Misericórdias* in the country). It should be noted that this large institution offered hospital and medical care in Oporto and, as argued by the Oporto deputy and president of the administrative board of the Oporto *Misericórdia*, “without the State having spent one cent” (in contrast to the Lisbon Civil Hospitals). The physician, João Luís Ricardo, responded that his fellow member was “obsessed with regionalist ideas” and that the project would result in budget spending on an inconceivable scale, and that it was not the State’s mission to assure health care and public assistance. In the view of this member of the medical profession, private institutions should seek the funding they needed from “individual charity”, and if they did so they “would never have to ask for anything from the State”⁹⁹. It may be seen that, even amongst the medical elite, there was still not consensus in the 1920’s on extending State intervention in this area.

Changes in patterns of behaviour

Medical and sanitary discourse – with growing insistence over the course of the 19th century – stressed at all times the importance of educating the population. Health and hygiene had ultimately to be the responsibility of each individual. The internalization of new patterns of behaviour – less violent, more disciplined, more hygienic and more in keeping with the morality of the upper classes (who looked with fear and loathing on the violence and vices of the labouring classes) – was a constant aim, as encapsulated by Ricardo Jorge (JORGE 1885), in 1884, in a series of lectures he gave in Oporto. Ricardo Jorge argued that this process should be achieved with the

⁹⁶ *DCD*, 5 June 1912, p. 9 and *DCD*, 26 June 1912, p. 8-9.

⁹⁷ *DCD*, 22 March 1916, p. 5.

⁹⁸ *DCD*, 27 and 28 January 1921, p. 13 and *DCD*, 21 February 1921, p. 21-22.

⁹⁹ *DCD*, 1 September 1921, p. 6-11.

help of police control, minute regulations of various aspects of everyday life, overseen by doctors and assisted by teaching on hygiene they should provide on home visits, in their work at the hospitals and in their public declarations (in lectures and in articles published in periodicals). Imposing a new discipline of the body, the medical profession set itself up as a new authority for social control, exercising power in the name of safety, morality and individual and collective health.

Finally, and very symptomatically, parliamentary debates also turned their attention to wine and alcoholic beverages. These discussions were frequent during the Republican legislatures, but they show how the deputies, both physicians and others, were more concerned with defending the interests of winemakers than with the health of the population¹⁰⁰. There was not draft law or proposal for curbing alcoholism, one of the curses of the Portuguese poor, and always identified in medical discourse as one of the causes of the degeneracy of the race.

Conclusion

An assessment of parliamentary speeches made by members of the medical profession (and other deputies) on questions of public health supports the idea that the concept was in the process of transformation. But the extension of State intervention met with resistance. In the theoretical domain, there was a clash between two opposing views, albeit with rather similar results: the view that wanted health to be primarily a matter of individual responsibility and that which, from a more *organicist* perspective, called on private individuals to cooperate in the correct functioning of the body of society. Examples can be found of both points of view. This was also a field where party affiliations made no difference to demands for more or less intervention (except for the minority socialists). A medical education appears not to have been crucial in this process, as it determined no common political opinions.

Electoral interests were not compatible with proposals which involved heavy expenditure and whose results would only be appreciated many years later. Some proposals also indicate that deputies were more likely to submit draft legislation or raise problems which related to “their” constituencies, rather than to conceive of overall strategies for Portuguese territory as a whole.

The impetus of reform and the hopes of medical regeneration to be brought about by the Republic (as may clearly be discerned in many of the speeches to the 1st legislature), was tempered by subsequent economic and financial difficulties and by choices which meant that public health could not be a political priority. It is arguable whether or not this was proof of wise realism. The fact is that many legislative

¹⁰⁰ The same phenomenon has been reported in France, by Jack D. Ellis (ELLIS 1990: 208-214).

proposals were not debated. Buried in committees and/or the Senate, they never returned to the Chamber of Deputies or only did so many years later. As we have seen, the exceptions are draft laws relating to spending by local authorities.

However, government initiatives were processed with relative speed, especially when they related to spending in the colonies. An important role was therefore taken by the executives and the administrative authorities in the (timid) health policies (prevention and education) and in the combat against epidemics, with Parliament playing a lesser role. The ambition of sanitary regeneration remained unfulfilled, although many of the basic provisions (and much of the legislation) have their roots in the speeches and debates held in the parliamentary assemblies of the final years of the Constitutional Monarchy and the legislatures of the 1st Republic. It is therefore no surprise to note the pessimism expressed by the physician Nicolau Bettencourt who, at the height of the influenza epidemic of 1918, deplored the inattention of “governments and parliaments over many years to questions of hygiene and public salubrity, *despite, painful though it is to confess it, the increasing representation of the medical profession in high political office in Portugal*”¹⁰¹.

¹⁰¹ Nicolau Bettencourt (brother of Aníbal Bettencourt) was a physician and bacteriologist. President of the Society of Medical Sciences in 1921-1922, he was to succeed his brother in the 1930's as director of the Câmara Pestana Bacteriological Institute. (BETTENCOURT, N. 1918: 326).

BIBLIOGRAPHY

- AGOSTINI, Cláudia,
2003 *Monuments of progress. Modernization and Public Health in México City (1876-1910)*. Calgary: University of Calgary Press; Boulder: University Press of Colorado; Mexico City: Universidad Nacional Autónoma de México.
- ALMEIDA, Pedro Tavares de
1995 *A Construção do Estado liberal. Elite política e burocracia na 'Regeneração'. (1851-1890)*. Lisboa: FCSH-UNL.
- ALMEIDA, Pedro Tavares de; FERNANDES, Paulo Jorge;
SANTOS, Marta Carvalho dos
2006 “Os Deputados da 1ª República. Inquérito prosopográfico”, *Revista de História das Ideias*, 27 (2006) 399-417.
- ALMEIDA, Pedro Tavares de; SOUSA, Paulo Silveira e
2006 “Ruling the Empire: the Portuguese Colonial Office”, *Revista de História das Ideias*, 27 (2006) 137-169.
- BALDWIN, Peter
2005 *Contagion and the State in Europe, 1830-1930*. Cambridge: Cambridge University Press.
- BARONA, Josep L.; BERNABEU-MESTRE, Josep
2008 *La Salud y el Estado. El Movimiento sanitario internacional y la administración española (1851-1945)*. Valencia: PUV.
- BETTENCOURT, Aníbal
1903 *La maladie du sommeil: rapport*. Lisboa: Impr. Libano da Silva.
- BETTENCOURT, Nicolau
1918 “A propósito da actual epidemia”, *A Medicina Contemporânea*, 41 (13 Oct.1918) 326.
- CARDOSO, José Luís; ROCHA, Maria Manuela
2009 “O Seguro Social Obrigatório (1919-1928): acção e limites de um Estado providente”, *Análise Social*, 44:192 (2009) 439-470.
- “As Chinesas milagrosas”, *Ilustração Portuguesa*, 302 (1911) 721-724.
- COELHO, Edmundo Campos
1999 *As Profissões Imperiais. Medicina, engenharia e advocacia no Rio de Janeiro*. Rio de Janeiro: Ed. Record.

- CRUZ, Cândido de
1912 "Exercício ilegal de medicina". In I Congresso Nacional de Interesses Profissionais e Deontologia Médica. Porto: Tipografia Mendonça.
- Diário da Câmara dos Deputados*. Lisboa: Imprensa Nacional, 1911-1926.
- Diário do Senado*. Lisboa: Imprensa Nacional, 1911-1926.
- ELLIS, Jack D.
1990 *The Physician-legislators of France. Medicine and politics in the early Third Republic, (1870-1914)*. Cambridge: Cambridge University Press.
- FARIA, José Alberto
1934 *Administração Sanitária*. Lisboa: Imprensa Nacional.
- GARNEL, Maria Rita Lino
2009 "Portugal e as Conferências Sanitárias Internacionais (em torno das epidemias oitocentistas de *cholera-morbus*)", *Revista de História da Sociedade e da Cultura*, 9 (2009) 229-251.
- HAMLIN, Christopher
1998 *Public Health and Social Justice in the age of Chadwick. Britain, 1800-1854*. Cambridge: Cambridge University Press.
- HARDY, Anne
1993 *The Epidemic Street. Infectious disease and the rise of preventive medicine 1856-1900*. Oxford: Clarendon Press.
- HUBER, Valeska
2006 "The Unification of the globe by disease? The International Sanitary Conferences on cholera, 1851-1894", *The Historical Journal*, 49:2 (2006) 453-476.
- JORGE, Ricardo
1885 *A Higiene social applicada à nação portugueza. Conferências feitas no Porto*. Porto: Livraria Civilização de Eduardo Costa Santos – Editor.
- JORGE, Ricardo
1913 "A epidemia tífica de Lisboa em 1912. Relatório", *Arquivos do Instituto Central de Higiene. (Secção de Higiene)*, 2:2, (1913) 130-161.
- JORGE, Ricardo
1923 *A propósito de Pasteur. Discurso proferido em comemoração do centenário pastoriano na Faculdade de Medicina de Lisboa aos 25 de Abril de 1923*. Lisboa: Portugália Editora.
- LATOUR, Bruno
1988 *The Pasteurization of France*. Cambridge; London: Harvard University Press.
- LYONS, Marynez
2002 *The Colonial Disease. A social history of sleeping sickness in northern Zaire. 1900-1940*. Cambridge: Cambridge University Press.
- MACLEOD, Roy, org.
2003 *Government and expertise: specialists, administrators and professionals, 1860-1919*. Cambridge: Cambridge University Press [1st ed.:1988].
- MARQUES, A. H. Oliveira, coord.
2000 *Parlamentares e Ministros da 1ª República (1910-1926)*. Lisboa: Assembleia da República: Edições Afrontamento.
- PORTER, Dorothy, org.
2006 *The History of Public Health and the Modern State*. Amsterdam; Atlanta: Editions Rodolphi B. V.
- RODRÍGUEZ OCAÑA, Esteban
2005 *Salud Pública en España. Ciencia, profesión y Política, Siglos XVIII-XX*. Granada: Universidad de Granada.
- ROSEN, George
1958 *The History of Public Health*. New York: M. D. Publications.
- SILVA, Raquel Henriques da
1994 "Urbanismo: caminhos e planos". In *Lisboa em movimento. 1850-1920*. Lisboa: Lisboa 94: Livros Horizonte, p. 41-79.
- SOBRAL, José Manuel; LIMA, Maria Luísa; CASTRO, Paula; SOUSA, Paulo Silveira e, eds.
2009 *A Pandemia Esquecida. Olhares comparados sobre a pneumónica. 1918-1919*. Lisboa: ICS.
- SOUSA, Paulo Silveira e
2010 "Mortalidade e Condições de Vida em Portugal (1890-1926)", Working Paper apresentado ao seminário *Revisitar o Século XIX*, Lisboa, Instituto de História Contemporânea (FCSH-UNL), 11 January.
- SOUTO, António de Azevedo Meireles
1924 *Lourdes e a Medicina*. Figueira da Foz: Tip. Peninsular. Doctoral thesis submitted to the Coimbra Faculty of Medicine.

Parties and political representation during the liberal period in Portugal

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In keeping with the suggestion made by the editors of this book, this chapter turns its attention to “mediation by parties of political representation” during the liberal period in Portugal. The task we set ourselves was to compare the most important parties succeeding to each other in this period and to inquire to what extent this succession represented real progress from the point of view of “mediation”. We therefore concerned ourselves with posing the following questions: (i) what interests and social groups do the different parties represent?; (ii) what political aims do they pursue as representatives of specific groups?; (iii) how do they compete with each other and, when they compete, how do they conduct their relations with the social groups they represent? The reply to the first question looks of course at the topic of the social basis of support for the parties, which we shall consider in conjunction with issues of geographical support (organizational and electoral). In responding to the second question we shall consider the different possibilities revealed by the history of the parties – from the sharing of the benefits of office and an evolving conflict between a minority of individuals and families, through partial reforms and social improvements, to revolution understood as comprehensive social reform. The third and final question raises two issues: essential and underlying aspects of competition – the status of members, representational capacity, efficiency in government... –, and the different types of competition and campaign: manipulated/controlled/restricted competition, popular mobilization, with the possible segmentation of the electorate (on these categories, see KATZ; MAIR 1995: 18-20). But before we examine

these questions we shall look at the origins and development of the organizations themselves.

Although the time scale proposed is the “liberal period”, we have decided to limit our analysis to the period between the 1870’s and 80’s, which witnessed the first appearance of the genuine political parties, and the end of the “Old Republic”, brought about by the *dezembrista* coup of 1917. Highly important political processes took place over this period leaving deep marks on the party system: the proclamation of the Republic in 1910 caused the Monarchical parties to wind themselves up whilst the Republican Party splintered into different parties and groups, and the circumstances of the 1st World War and the brief dictatorship of Sidónio Pais did irreparable damage to the party system created by the Republic.

This article restricts itself to the leading players in the party systems in the period considered: under the Monarchy, the main “rotating” parties (Regenerators and Progressives), the Republican Party and the new monarchical parties emerging at the start of the 20th century – Liberal Regenerators, Nationalists and Progressive Dissidents, and under the Republic, the main successors to the Republican Party – Democratic, Evolutionist and Unionist. This has meant excluding a number of organizations which enjoyed relative importance of a more or less transitory nature, in particular the Socialist Party (1875-1935).

Origin and development of the party systems

Most political scientists situate the birth of the political parties in the first half of the 19th century, linking it to the arrival of the populace on the political scene, to the formation or dissemination, peaceful or otherwise, of parliamentary institutions and to the emerging power of the bourgeoisie (LOPES 2002: 10-12). Liberal or conservative, the newly created parties were organizations of “notables” with a limited degree of internal coordination, restricting their activity to the electoral/parliamentary domain, uninterested in political theory and proclaiming rather vague political programmes. Whilst the parties of “notables” corresponded to the elitist liberal system of the 19th century, the parties of the “masses” (Socialists, Christian Democrats...) came into their own with the advent of mass democracy in the late 19th and early 20th centuries, although their origins date back to the 1870’s. The typical traits of these parties include organizational consistency and stability, a broad field of action (social and institutional), large memberships, a permanent staff, doctrinal rigour and a systematic programme. Interestingly, the party of “notables” has survived mass democracy, albeit with an organizational and functional make-over that has slightly altered its identity (LOPES 2004: 32).

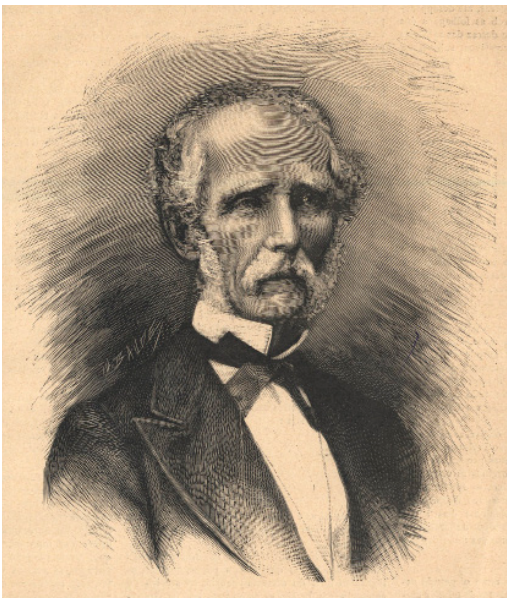
The formation of parties in Portugal lagged slightly behind this general scheme. The “parties” which emerged at the start of the liberal regime, those founded from 1834 onwards and their successive splinter groups were more like the clubs that emerged during the French Revolution or the North American federalists or anti-federalists of the 1780’s than any modern party model. These “parties” were unable to institutionalize themselves or take root: from the birth of the liberal regime to the Regeneration, none of the dominant political groups lasted more than twelve years, and most failed to last a decade. This situation changed under the Regeneration, especially from the 1870’s onwards, when the main parties were longer-lived and started to acquire a stronger organization (FERNANDES 1991: 61-66).

The **Regenerators** and the **Historicals** were the main political groups in the 50’s and 60’s. They took form in 1852 as breakaways from a coalition of Setembrists and reforming Chartists – the Progressive Party – whose values (freedom, “material and moral” progress) they sought to pursue. The Regenerator Party, which in practice ushered in *fontismo*, the policies championed by Fontes Pereira de Melo, was the strongest and best established in the country up to the eve of the proclamation of the Republic, and also enjoyed the most time in power. In addition to the regenerators and the historicals there were also relatively autonomous minority groups such as the Chartists and Legitimists, as well as far-left radicals. Like parties of notables at an embryonic stage, the main groupings of the first stage of the Regeneration were slow to take individual form with distinct organizational structures and programmes, due to the large measure of compromise which characterized the politics of the time (SARDICA 1997: 561-563, 579). This lack of differentiation was shortly to

be surpassed at the start of the following phase, known as the “rotating system” or *rotativismo*.

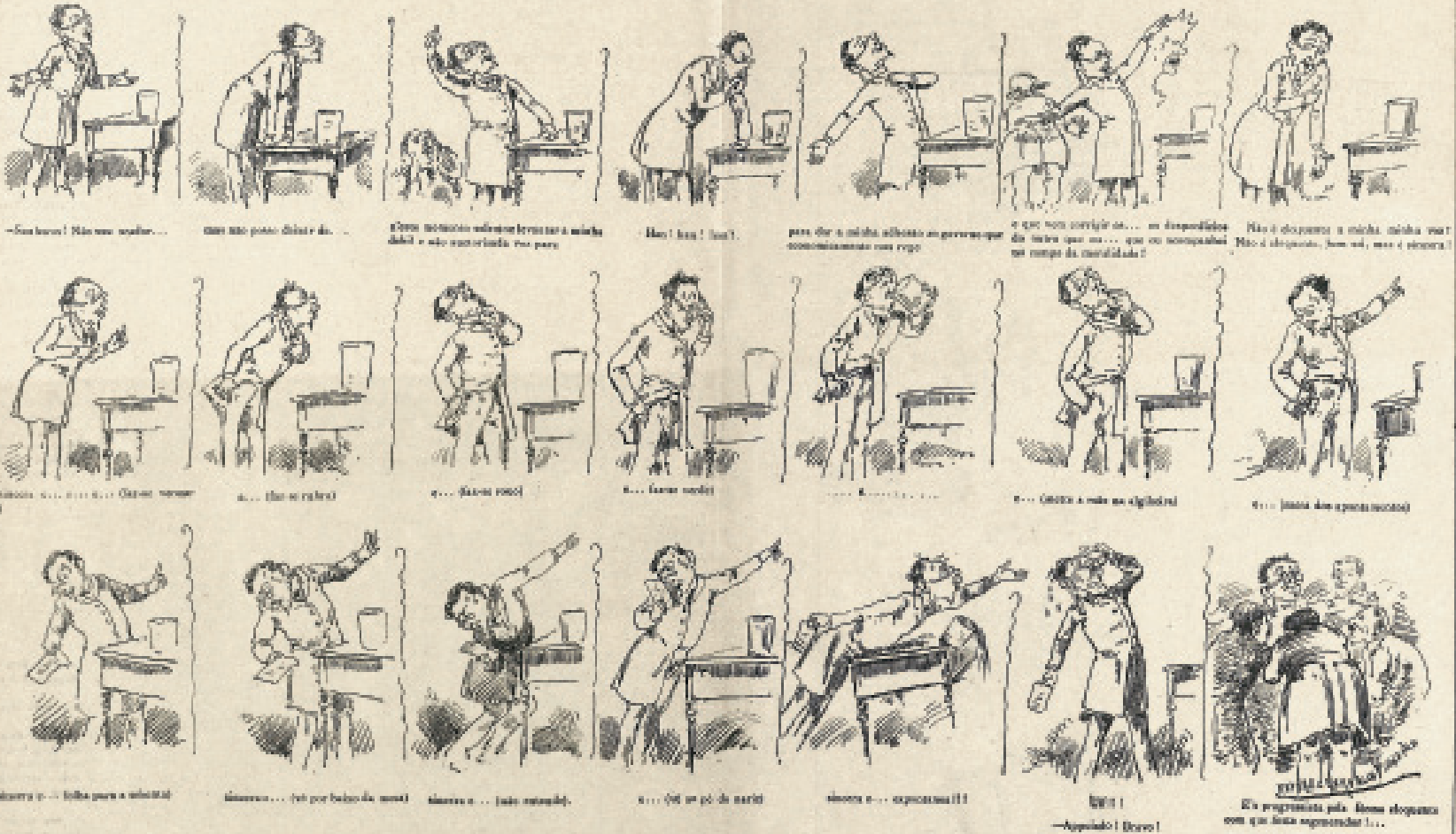
A reaction to the crisis and debilitation of the monarchical establishment, *rotativismo* took hold in Portugal only after the failure of a number of politically important plans and processes, such as the plan to reunite the liberal family in a single non-party central block (50’s and 60’s) and the *saldanhada* of 1870 – a frustrated attempt to restructure the party political system – and, naturally, the unification of the monarchical left (Historicals and Reformists) in the new **Progressive Party** (1876). This party was “created internally” insofar as it emerged from the initiative of a group of “notables” (members of parliament, former ministers, etc.), linked to the constitutional monarchy, seeking to bring together the monarchical inheritors of the *patuleia* tradition and to respond to both the Regenerators’ monopoly on

■ Anselmo José Braamcamp (1817-1885), founding leader of the Progressive Party. [BNP]





EXPOSICAO DE ECONOMIA DO TRABALHO... QUE A SUA ECONOMIA DE ECONOMIA DO TRABALHO...
 ECONOMIA DO TRABALHO... E QUE A SUA ECONOMIA DO TRABALHO... ECONOMIA DO TRABALHO...



■ "Improved presentation at a progressive centre".
 [B&w caricature by Rafael Bordalo Pinheiro. *Pontos nos II.*, Lisboa, 15 April 1886. BNP]

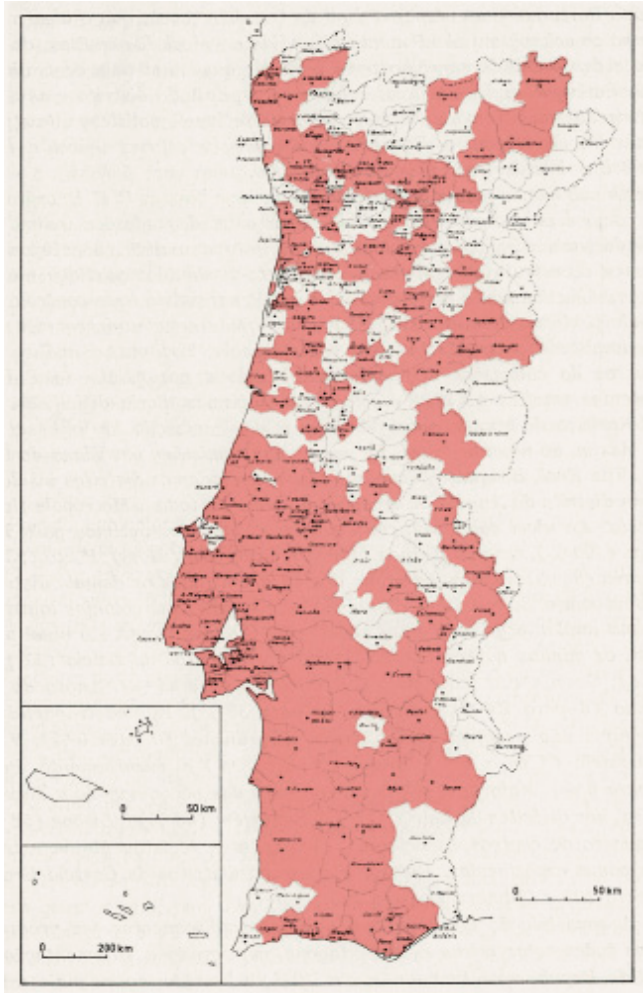
power and to the militant left of the Republicans. They accordingly united around a central leadership, headed by a figure of national prestige (Anselmo Braancamp) (SARDICA 1997: 570; CATROGA 1991: 20). The new party distinguished itself from the outset by its superior consistency, coordination and organizational scale, and by a certain predisposition to "ideological invention". However, long before the Republican Revolution sealed its downfall, this partner in the two-party rotating system was to adapt to the *modus faciendi* of the oligarchical-clientelistic system, becoming

an organization little different from that of the Regenerators. In practice, despite having a programme and internal rules, its organization came to rest essentially on unwritten forms of procedure and customs, like those of the other monarchical parties (ALMEIDA 1991: 124-126). And, like these, its structure was generally based on a network of local centres elected by the “people”, whilst in practice these centres existed only in the cities and were formed around the local chief (“*cacique*”), a figure who exercised absolute power within his areas of influence (RAVARA 1990: 81).



Whilst a certain Republican current had come to the fore around 1848, in the wake of the *Patuleia* and the impact of European revolutions, the **Republican movement** only took hold in the 1870's, encouraged by events abroad (the Republican hegemony in France, etc.) and at home (financial crisis, social and political unrest, etc.). Its constitution as a party (the founding of the Democratic Republican Centre and the election of a leadership for the Portuguese Republican Party), in 1876, resulted from a process of “federalization” of a number of prominent individuals belonging to clubs, political centres, newspapers, etc., belonging to moderate or radical currents. This means of formation contributed to the creation of deep divisions at the top and organizational weakness, which long outlived the unification of the internal currents and the consequent formation of the United Republican Party in 1880. In any case, it was from this point on that, according to Basílio Telles, the party grew from being a mere “idea” to a new factor in Portuguese political life, “able to wield influence in its arrangements” (TELES 1968: 60).

As is well known, this leap forward by the Republicans is inseparable from their fruitful involvement in the patriotic and anti-Jesuitical commemorations at the start of the decade and in the wave of patriotism triggered by the British ultimatum of 1890. Between 1880 and 1884, the network and geography of the centres later presented by the Republican movement took shape, Republican ideals were formulated systematically for the first time and the movement's governing bodies were regulated (1882), the foundation was laid for modernization of the party (the Congress of 1883) and the party produced its first official programme (1891) (CATROGA 1991: 47-48, 51-54). Electoral progress was also made, above all in Lisbon, where the party enjoyed an upsurge in support culminating in its winning 50.7% of the vote in the parliamentary election of 1890. The party's fortunes then started to fade, only really recovering in 1905, when it benefitted from the “war footing” on which the country found itself because of the question of the tobacco contract. It then became a powerful force and a permanent source of destabilization of the monarchy. On the eve of the proclamation of the Republic, it had district committees in 57% of the country's



■ Geographical establishment of the Portuguese Republican Party in 1910 (before 5 October: parishes with Municipal Committees). [Reproduction of the map presented by A. H. De Oliveira Marques, dir. – *História da 1.ª República Portuguesa. As estruturas de base*. Lisboa: Iniciativas Editoriais, 1978. BNP]

districts and municipal committees in 52% of metropolitan Portugal's municipalities, with 14 members of parliament (as compared to 6 in 1904) and control of 12 municipal councils, including that of Lisbon. It goes without saying that its successes in the 1880's and, in particular, from 1905 onwards presupposed the transformation of the urban populace – created by the processes of industrialization and urban development of the early 20th century – into a “permanent political force” and a receptive audience for its rhetoric of moral regeneration, presenting the Republic as a panacea for all the nation's ills (BONIFÁCIO 2010: 118-119, 133; CATROGA 1991: 107).

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Before we consider the **new monarchical parties** formed in the first decade of the 20th century, we should stress that the rotating model started to collapse from 1900 onwards, and that the old rotating parties were unable to dissociate themselves from a situation to which they had in part contributed. But the crisis in these parties also grew from internal causes, including the emergence of a new generation of talented and ambitious party members, unhappy with the “right of succession” exercised in the choice

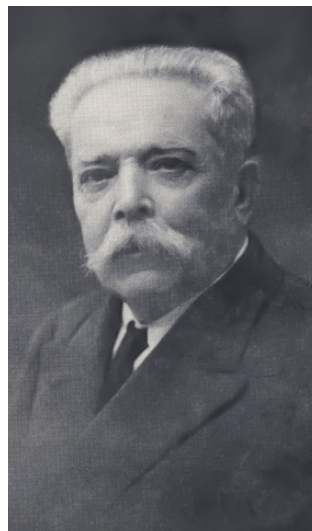
of leaders and with little time for the culture of compromise which have prevailed since 1851 (BONIFÁCIO 2010: 126).

The dissidents first broke ranks in 1901 when João Franco, the former minister of the Realm and the second leading figure in the Regenerator Party, made his move. The struggles for leadership of the party and Franco's ideological preferences lay at the origin of the split (SOBRAL; ALMEIDA 1982: 651). Once Franco had moved onto the opposition benches, taking 25 MPs with him, Hintze persuaded the king to dissolve parliament, and, thanks to boundary changes (euphemistically dubbed by Franco as “ignoble filth”), practically eradicated the *Franquistas* in the elections of 6 October. The *Franquistas* responded by founding their own centres in Lisbon and around the country, creating the Liberal-Regenerator Centre (1903), which won a number of seats in 1905 and 1906, before Franco was invited to form governments, in 1906 and 1907, on the latter occasion as a dictatorship. Another political

■ João Franco (1855-1929).
[BNP]

■ Jacinto Cândido
[da Silva] (1857-1926).
[BNP]

■ José Maria de Alpoim
(1858-1916).
[Drawing by Alfredo Cândido.
BNP]



dissident in the Regenerator Party was the peer of the realm and former minister for the Navy, Jacinto Cândido, who founded the Nationalist Party in 1903. Despite quickly amassing 219 political centres around the country, the party failed to win any significant electoral results. Nationalism had the disadvantage of the “scent of the sacristy”, and its appeal was limited by “clericalism” – which is why Cândido strove to keep it as secular and “liberal” as possible (RAMOS 2001: 226-227). In 1905, when the rotating “game” had absorbed the crisis in the Regenerators, a new split – this time a Progressive Party break-away – accelerated the end of party political and governmental stability. The protagonist in this case was the Minister of Justice of the Progressive Government, José d’Alpoim, who walked away with 25 deputies. Prompted by Alpoim’s dissident stance on the tobacco contract issue, the split has sometimes been understood as the result of ideological differences, and sometimes of political opportunism (TENGARRINHA 1980: 493; BONIFÁCIO 2010: 131-132). This question aside, the dissident progressives enjoyed only very relative success as an electoral force, in 1906 and 1908, although they distinguished themselves as allies of the Republicans in campaigns and conspiracies against the monarchical establishment. But this was not the last of the breakaways: in 1908, the Regenerators split between the factions led by Teixeira de Sousa and the dissident Campos Henriques, and in 1910, the *Franquistas* led by Vansconcelos Porto turned against the dissident *Franquistas* of Malheiro Reimão and Melo e Sousa...

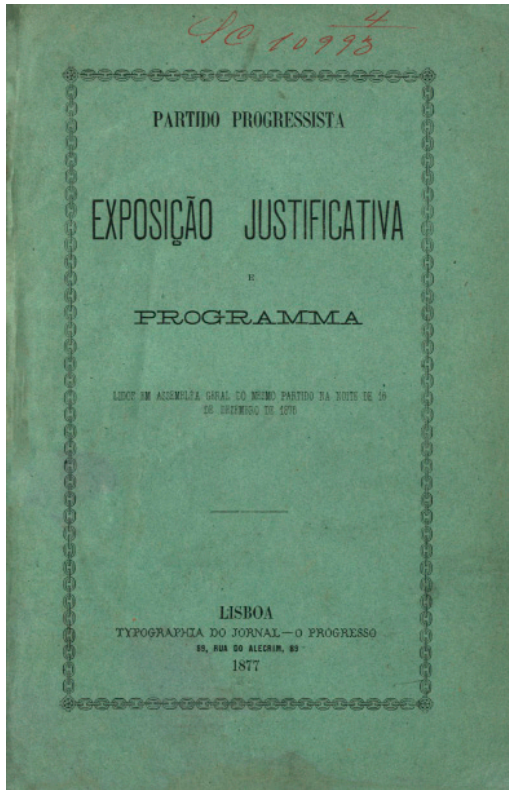
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The formation of the **Democratic, Evolutionist and Unionist Parties** may be explained in the first place by the kaleidoscopic nature of the Republican movement

and the actual Republican Party prior to the 5th of October (proclamation of the Republic), which became unsustainable once the revolution had triumphed. Internal divisions came to the surface when the Provisional Government was formed and grew sharper in the Constituent Assembly and the elections for the President of the Republic, with leading roles being taken by Afonso Costa, António José de Almeida and Brito Camacho, as well as Machado Santos. At the party congress in October 1911, Almeida and Camacho declined to attend, and the new leadership was accordingly formed solely from the followers of Afonso Costa. In the wake of the failure of attempts to ally the groups led by Almeida and Camacho in the “Republican National Union”, in February 1912, the Evolutionist Republican Party emerged under the leadership of Almeida, and the Republican Union, led by Camacho. The bulk of the Republican Party, also known as the Democratic Party, remained under Costa’s leadership. With the help of this inheritance, and the incorporation of leading figures and networks from the former monarchical parties, which had wound themselves up, the Democrats became the main party in the Republic in organizational, electoral and governmental terms – this was the dominant organization in the “imperfect multi-party system” of the Republic. The Evolutionists and Unionists had to content themselves with second and third positions, respectively. At the height of its strength (1914-1915), the Evolutionist Party had only six district boards, and only one district had municipal boards in every municipality. Neither of these two parties achieved a strong electoral foothold at regional level.

Political objective, ideology and the basis of conflict

The monarchical parties of the Regeneration period had somewhat varied political and ideological roots. The **Regenerators** affiliated themselves with “pure Chartism” and were regarded as “conservatives” or moderates; the **Historicals**, the **Reformists** and, subsequently, the **Progressives** drew their inspiration, albeit rather remotely, from the more advanced liberal experiments (*vintismo*, *setembrismo* and *patuleia*) and were seen as progressives or “liberals”. In any case, both the parties of the *fusionist* period of the 50’s and 60’s – Regenerators, Historicals and Reformists – and those of the later period of *rotativismo* – Regenerators and Progressives – were immersed in a model of regeneration committed to the virtues of convergence in the centre and the breaking down and/or blurring of party boundaries. Their programmes reflected the deficient ideological grounding that they all shared, based predominantly in immediate political causes or in extremely general concepts. In addition to the immediate effect of “having pacified the interests of capital” (Camilo), the Regeneration never defined an economic programme, sticking to the vague formula



■ Partido Progressista:
Exposição justificativa e
Programa. Lisboa, 1877.
[BNP]

of “promoting material progress” (TENGARRINHA 1980: 491-492; SARDICA 1997: 599-600).

The largest party – the Regenerators – produced not a single written programme until the eve of the Republic. Their political aims were set out above all in the Additional Acts to the Constitutional Charter. The Additional Act of 1852 established agreement around the “fundamental text”, thereby creating the political stability desired by all of society after years of disruption and political violence. In addition to stability, the Regenerator Party concerned itself with “material questions”, believing that it was the State’s role to protect private enterprise by means of full programme of incentives, facilitating communications with funds from public loans. The conservatism of the Regenerators grew stronger over the years, but in January 1910 Teixeira de Sousa attempted to turn the party around, presenting a programme which, if followed, would make the party the most liberal of all the pro-monarchical groups and a serious rival to Republican reformism. The programme came out in favour of the reintroduction of elected peers, measures which hindered or prevented the adjournment or dissolution of the Courts, democratization

of electoral law and administrative decentralization, amongst other measures of a progressive flavour in the most varied fields. The fall of the monarchy, some three months after Teixeira de Sousa came to power, brought this attempt to an abrupt and definitive end (MARQUES 1991: 368-369).

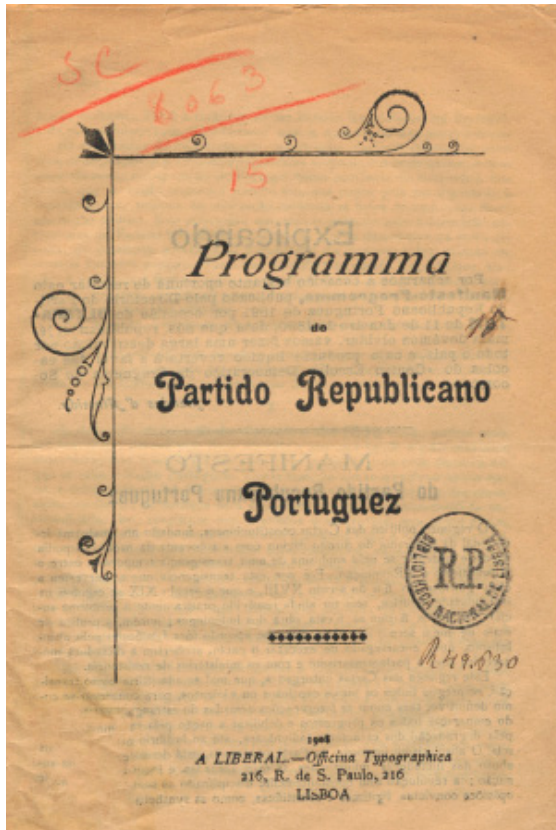
The programme of the Progressive Party (1876), whilst protesting its pro-monarchical and non-revolutionary stance, promised to “clear the path to democracy”. To this end the programme proposed, amongst other measures, the reform of the Constitutional Charter, administrative decentralization, democratization and cleansing of the political and electoral process, and an independent judiciary, as well as a series of economic and social measures. Accordingly, whilst the *objective* of the Regenerators was in fact conservative insofar as their political ideas amounted to full acceptance of established power, prevailing rules and official values, the declared objective of the Progressives, although not to “shake society to its foundations”, consisted at least of “democratization of constitutional law” and also a degree of social development – in other words, *social improvement* through fairly comprehensive partial reforms, aimed at the middle and lower classes. We should recall that the Progressive Party was formed at practically the same time as the Socialist and the Republican Parties, which allows us to interpret its founding as a means of undermining

the influence of these other parties amongst the lower classes of the urban population, whose radicalism was being expressed with increasing openness. But once they reached power (June 1879) this radical programme proved itself to be a rabble-rousing device, and the promised measures were indefinitely postponed on flimsiest of pretexts (TENGARRINHA 1980: 492-493). What the “rotating” parties never included in their programmes, but preferred in practice, was the scramble for the benefits of office between the members of “important families” and members of the political class, or, as denounced by the *Vida Nova* group, the sharing out of posts and power, invoking an electoral legitimacy which amounted to no more than the fraudulent outcome of their own horse-trading and nepotism (BONIFÁCIO 2010: 120).



As we have seen, the **Republican Party** resulted from the coming together, in 1880, of various political currents, which had been represented in the Democratic Republican Directory elected in 1876. The type of political system chosen by these political currents was the “democratic republic”, inspired by the liberal-democratic tradition of the eighteenth century, and in particular by the French Revolution, rejecting Proudhonnian socialist tendencies, but with a “social” component deriving from adoption of the Rousseauian-Jacobin framework of values. In addition to its distinct stance on political institutions, the republican alternative defined itself in the light of broader doctrinal notions – as the party of progress, justice and science, against the party of order, obscurantism and ultramontanism. In the true manner of the Enlightenment, it considered that the “republican revolution” presupposed the consummation of an authentic cultural revolution, which would be needed to complete the historical process initiated by liberalism, but which only the Republic could bring to a state of greater perfection (CATROGA 1991: 11, 84). Prompted by a scientific world view, Republicanism in the 1870’s radicalized the anticlericalism of the liberal movement, and converted it into condemnation of religion itself, increasingly linking it to political issues and to social and economic oppression. The 1870’s also witnessed the conversion of “reinvigorated nationalism” which swept through the Portuguese society of the time as a prime topic of Republican propaganda, which from then on consistently accused the Monarchy of complicity in British rapacity in Africa, at the expense of the Portuguese territories, blaming it for the decadence of the fatherland (BONIFÁCIO 2010: 100-105). This doctrinal and ideological thrust is reflected in the Republican programme of 1891, which was an attempt to conciliate previous programmes drawn up by the unitarist and federalist currents.

Before going on to describe and comment on this programme, we should make it clear that the Republicans were driven no so much by “technically and morally inspired



■ *Programma do Partido Republicano Portuguez* [1891]. Lisboa, 1908. [BNP]

programmes of good governance and prosperity” as by a plans for a fundamental transformation of mankind. They were less interested in governing the State than in changing the customs and beliefs of the Portuguese, converting them and creating a new world in Portugal (RAMOS 2001: 374-375). Assuring the link between their programme and these underlying aims, the liberal-democratic legacy surfaces in the definition of essential liberties (civil and political) and in the organization of the powers of the State (legislative, executive and judicial), with the particularity of grafting on a federalist model for legislative governance. Radical anti-clericalism manifested itself in the party’s programme in proposals for mandatory civil registries, compulsory, free and secular primary education, secularization of cemeteries and abolition of civil and political oaths. The 1891 programme also stressed nationalist aspirations, much more so than previous programmes issued by the Republican movement. The programme also reflected the rejection of free trade and the defence of increased protectionism through measures such as support for cooperatives and the regulatory role of the State, designed to protect the interests of small

producers and traders, “capitalization of smallholders” with a view to creating the means for abolishing waged labour, or at least providing for increased solidarity between labour and capital. Lastly, as in previous programmes from the federalist wing, the programme defended the rights of women, anticipating the militant feminism of certain pro-republican sectors. All sectors of society are provided for in these measures, except for those directly linked to monarchical power (government elites and reactionary clergy) (CATROGA 1991: 84-87).

This clearly shows that the Republicans were not seeking fundamental changes in the nature of the political system and society, unlike the socialist parties of the late 19th and early 20th centuries. The “wide theoretical scope” of Republicanism eventually took the form of the conciliation of liberal-democratic values with social welfarism (CATROGA 1991: 157). The only “revolution” that it embraced and carried through was the violent overthrow of the Monarchy, which it justified on the grounds that “the Republic should be the actual evolution of society, and revolution should only be risked when such evolution is obstructed” (RAMOS 2001: 352). Accordingly, the Republicans were in favour of “evolution”, and regarded revolution as merely recourse to violence to unblock the system, and not the carrying out of political

and social changes which would overturn everything. Leaving aside their plans for the fundamental transformation of mankind, the results of which are well known, their fundamental political *aim* was that of *social improvement*, as they envisaged nothing more than partial reforms though very extensive in some sectors (such as their policy for separation of Church and State).



One of the most innovative aspects of the **new monarchical parties** from an ideological point of view was the return to theoretical discourse, against what João Franco described as the “cynical, egotistical and immoral opportunism” prevailing in Portuguese politics, and a propensity for a certain degree of ideological rigour, which had been lost with the Regeneration. João Franco looked forward to “an age of political transformation”, a break with the bankrupt equilibrium between the Regenerator and Progressive Parties. Of course, he was seeking to poach voters from the Republicans, much weakened since 1891, promising, once in power, to implement their demands (whilst evading any anti-clericalism or anti-monarchism), and thereby to neutralize the Republican movement. The *Franquist* programme of 1901, in addition to dealing with topics such as national education, economic protectionism, national defence and colonial administration, persisted in its calls for reorganization of the political system which, amongst other things included ministerial accountability, independence of the judiciary, administrative decentralization and reform of electoral law, in order to make the political system more representative. Franco concerned himself with the “authenticity” and fairness of electoral acts and operations, against “party clientelism”. We may infer from this that *Franquismo* had the political aim of *social improvement*, transformation of the monarchy into a truly democratic system, whilst stopping short of Republican policies for reform in certain sectors (BONIFÁCIO 2010: 128-129). At the 1910 elections, the *Franquistas* led by Vasconcelos Porto aligned themselves in the Conservative or right-wing block, opposing the government of Teixeira de Sousa, whilst Melo e Sousa supported this government, sitting with the “liberal bloc” or left-wing.

The leader of the Catholic Nationalist Party, Jacinto Cândido, also opted for “rebellion” against the two traditional parties, as well as neutrality on the republican/monarchical divide, in keeping with his previous alignment with a newspaper open to the arguments of Leo XIII, the *Correio Nacional*. Dating from June 1903, the programme of the Nationalist Party reflected a concern that was shared with other dissident pro-monarchical groups, namely, the adoption of partial changes – or *social improvement* – regarded as essential to prevent popular revolutions. The measures proposed, alongside the teaching of Christianity in schools, included the

acceptance of different ideas and beliefs, consideration of the just claims of the working classes, administrative decentralization, compulsory military service and increased independence of the Courts from the other powers of the State. But however much Cândido strove to sell as secular and “liberal” an image as possible of his party, the Nationalists were not a truly progressive party. This is borne out by their alignment with the “anti-modernist” Jesuits in their dispute with the “modernist” Franciscans, and by their alliance, in the 1910 elections, with the Conservative Bloc opposing the government of Teixeira de Sousa (the Christian Democrat Franciscan Catholics were part of the “liberal bloc” supporting the government)

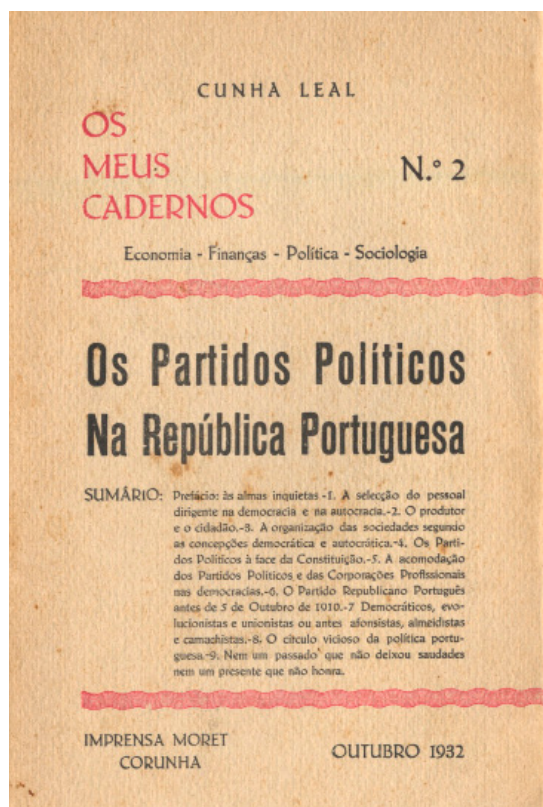
As regards the Dissident Progressives, their leader, José d’Alpoim, was often heard to say: “I want and desire power for the sake of power: nothing else” – which is consistent with the fact that the grouping never even presented a programme. The former frustrated successor to José Luciano de Castro liked to present himself as a politician from the far left of the monarchical camp. The fact is that he was one of the fiercest anticlericalists within the regime and was particularly interested in “saving the king” and “doing justice to the people” under the banner of a “democratic monarchy”, which he never actually defined. However, he went to the trouble of presenting plans for reforming the Charter, which he later abandoned when he adopted the

cause of a Constitution, drawn up by Parliament, as close as possible to the Belgian Constitution, which he saw as moving the monarchy “leftwards” (COELHO 1908: 589; LOPES 1993: 42). True to these positions, he aligned himself with the “liberal bloc” or left wing in the 1910 elections.

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As for the main successors to the Republican Party, it is generally agreed that the left remained in the Republican Party, now known as the Democratic Party, and the right deserted to form new parties in 1912. Almeida and Camacho differed from *Afonsismo* insofar as they defended tolerance, “attraction”, the “pacification of the Portuguese family”; they accused the Democrats of excessive radicalism. This radicalism, which responded to the Jacobinist aspirations of the urban population, fell short, however, of social sphere. But more than being socially moderate, the ideology of the Democratic Party was gradually “bastardized”, giving way to “political balancing acts” as the party grew in strength and received “impure grafts” (LEAL 1932: 89-90).

■ F. Cunha Leal – *Os Partidos Políticos na República Portuguesa*. Corunha, 1932. [F. Farelo Lopes Collection]

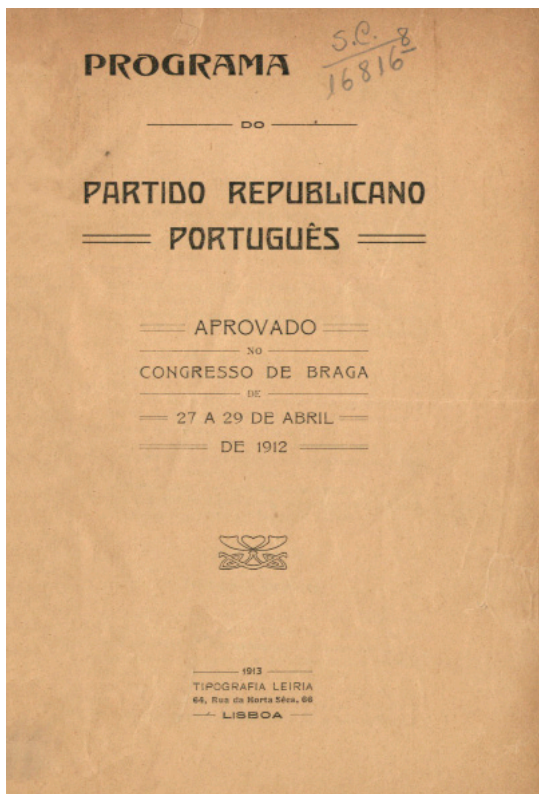


This process of grafting was inseparable from its standing as the party of power *par excellence*, never hesitating to reinforce its position through political/electoral clientelism, generating a broad measure of corruption or individual privatization of public goods and services (LOPES 1993: 130-140). The extent of this corruption, especially in the provinces, suggests that the *sharing out of benefits* took on a degree of importance from the point of view of *political objectives* and *conflict*, even if these parties also presented partially divergent objectives of *social improvement*.

On questions of *social improvement*, their programmes were generally less measured than the Republican programme of 1891, partly because the central measures in this programme had already been legislated for by the Provisional Government, in particular those with an anti-clerical content (re-imposition of the Pombaline

legislation against the Jesuits, prohibition of the teaching of Christian doctrine in schools, the divorce law, the decree on mandatory civil registration and the law of the separation of Church and State). The programmes of the new parties had much in common (an insistence on questions of education, welfare assistance, worker protection, local administration, the colonial problem, etc.), although differences could also be detected. The programme presented by the Democratic Party (April 1912) not only defended the famous Law of Separation of Church and State but also provided for reforms such as universal suffrage (which was ignored by the new Republican electoral legislation approved, months earlier, with the support of the *Afonsistas*), gradual elevation of the civil standing of women, “public autonomy” for all cities, incentives for the cooperative movement and rural credit, amongst other measures. The programme of the Evolutionists (August 1913) also promised extended suffrage, including votes for women in administrative elections, the creation of a neo-corporate Senate, representing “national groups and interests”. The differences in relation to the Democrat programme are to be found in particular on taxation issues (review of the property

tax laws of 1911 and 1913, which had undermined the interests of large-scale property owners), political/institutional issues (granting the President of the Republic the right to dissolve Congress) and on religious questions (review of the Law of Separation, in order to assure “religious peace”). Lastly, the distinctive policies set out in the Unionist programme (March 1912) included immediate moves against “reactionary and rabble-rousing excesses”, in favour of the “union of all Republicans”, and a chapter



■ Programa do Partido Republicano Portuguez (1913). Lisboa, 1913. [BNP]

dealing exclusively with “bureaucracy”, calling for it to be “scaled down” and “well paid”. Of course, these programmes should be viewed with the greatest caution as regards their actual implementation. Many of the measures enunciated were never put into practice (such as universal suffrage). The leaders of these parties had a natural propensity to go back on their word and change course, in line with the prevailing political wind (LOPES 1993: 80; RAMOS 2001: 425-426).

Social and territorial base

Under the liberal regime of the Regeneration, persons of political importance in civil society were closely connected (by family ties or common interests) to those in positions of power in the State. There was even a fairly widespread tendency for these persons to involve themselves directly in politics (as Members of Parliament, journalists, participants in campaigns, etc.) because this would provide them with a career, influential friends, a high public profile – all part of the package of social eminence (RAMOS 2001: 103). In this sense, the “rotating” parties functioned like committees of persons who together made up the State and civil society, despite the conceptual gap between the two organizations, typical of liberal discourse.

Having identified this overlap between the State and “good families”, might it be possible to establish differences between the “rotating” parties as representatives of specific sectors of these families? In seeking to answer this question, we come across divergent positions. One of the first writers to tackle this issue detected a special relationship between the Regenerators and the established interests, in particular major capital interests, whilst it fell to the Progressives to represent the various groups of the “possessor classes” whose status and income were threatened by capitalist growth (CABRAL 1979: 39-40). Another author notes that the Progressive Party, once its radical programme had been unmasked as political posturing, forfeited the support of the lower classes and thereafter depended predominantly on the support of the capitalist interests which had put it into government – in other words, the financial sectors threatened by the crisis of 1876, the consequences of which were felt particularly in Oporto (TENGARRINHA 1980: 493). Distancing themselves from this type of “class-based” analysis, some authors have stressed the clientelist nature of the “rotating” parties, and the difficulty of identifying them with any stable or socially distinct electoral base – except in a “timid and diffuse” manner –, as the distribution of votes varied greatly depending on the position of the parties in relation to power (government of opposition). In any case, in certain areas and constituencies there were more locally established notables of one or the other party, given the frequency with which they elected depu-

ties or contested elections. The Progressives hung on to some of the “fiefdoms” of the Historicals and Reformists (Aveiro and Viseu), whilst the Regenerators, whose electoral influence was more diffuse and volatile, enjoyed relatively stable support in the districts of Vila Real, Bragança and, from 1878 onwards, Castelo Branco and Faro. Up to and including the election of 1884, the Constituent Party maintained solid positions in Aveiro, Coimbra and, above all, Castelo Branco (ALMEIDA 1991: 165-166, 170-171).



The socio-political consequences of the major economic and social changes which took place during the Regeneration period included (i) the growth of the working classes, who were increasingly organized, and the intensification and politicization of labour disputes and (ii) the growth of a *petite bourgeoisie* in the cities (shopkeepers, workshop owners), also organized in associations, with a clear propensity to join in the activities of the **Republican Party**. Accordingly, in the late 19th century, the regime was faced with demands from the working classes and the discontent of the *petite bourgeoisie*. This description, however incomplete, suggests a broadening of the politically relevant sector of civil society and a dividing line within this sector between the “good families” of the liberal regime, described above, and individuals without direct or indirect personal connections with the political authorities of the monarchy – individuals who saw the State as “them” (much more than as “us”). These processes naturally created a growing gap between the State and civil society – a gap which the new parties outside the establishment proposed to eliminate, without ceasing to be anchored in civil society. In the case of the Republican Party, the structure which anchored it involved primarily not the unions (in contrast to the “mass parties” of the same period), but rather a varied range of associations and clubs of a cultural, recreational, professional and political nature, many of them secret organizations. In the final years of the Monarchy, the Republican Party provided the “political cement” to a network of civil society organizations which amongst themselves coordinated ideological agitations (Masonry and anti-clerical associations), conspiracy (the *Carbonária*) and legal political struggle (Republican Party) (CATROGA 1991: 153).

Having provided this overview of the relationship of the Republican Party with the State and civil society, we shall now turn to their social composition. In the early 1880's, the Republicanism had yet to grow into a popular force but the political organization taking shape offered a preview of a non-elitist or “up-to-date” cadre party (Duverger), committed to a catch-all type of strategy seeking to develop gradually a broad and diversified social base (LOPES 2004: 31-45). Its social composition varied

between the different levels of the organizational hierarchy (top/bases, national leadership/sub-national leaderships) and in line with territorial location (national leadership/provincial leadership, Lisbon bases/provincial bases). Figures for the early 80's show that the leaderships of the provincial centres reflected a far wider range of class origins than the national leadership, which consisted almost entirely of senior civil servants and members of liberal professions, most of whom were also "intellectuals" (teachers, journalists, writers). At the same time, whilst in Figueira da Foz the membership was drawn above all from tradesmen and shop assistants, as well as some landowners and independent workers, in Lisbon the membership ranged from manual workers and artisans through to the service sector, and especially shopkeepers and their employees. This data is confirmed by the composition of the secret associations with which the party had close links (CATROGA 1991: 104-105, 108-111). This was, in short, an organization characterized by social heterogeneity, with "intellectuals" and civil servants at the top and roots in groups such as traders, artisans and workmen, who formed its militant base. The fact that this social base was relatively cohesive and stable represented a significant difference in relation to the "rotating" parties of the Monarchy.

In terms of geographical distribution, the Republican Party had some 50 "effectively active" centres in 1886-87, 60% of them in the capital, 10% in Oporto and the rest almost all in the south. Of the 42 centres present at the Republican congress of January 1891, the majority were from Lisbon and many from towns south of the Tagus and from the southern part of the country. These were the areas that withstood the crisis situation experienced by the party, its "significant clusters". The renewed upsurge in Republican "political sociability" and organization, which offered a significant response to the government of João Franco and the policy of aggrandizement of royal power, further confirmed the movement's main roots in Lisbon: of the 62 centres existing in 1907, 35.48% were based in Lisbon, and 21% in Oporto and outskirts, most of the rest being in areas close to Lisbon and the Tagus valley (CATROGA 1991: 48, 57-58). On the eve of the Republic, the party had district committees in 57% of the districts of metropolitan Portugal, and the districts without those committees were north of the Tagus or in the Islands (Açores and Madeira). Of the country's municipalities, 56% had committees, including all the municipalities of Lisbon (district and city) and Oporto (city), with a significant presence in the southern districts and that of Aveiro. Only 10% of parishes had committees, with Lisbon being the only city with a committee in each parish, followed by Oporto (city) and, with rates of less than 50%, Lisbon (district) and southern districts. Unsurprisingly, the situation improved considerably after the 5th of October: in 1911 the Republican Party had committees in 95% of districts, 77% of municipalities and 21% of parishes – without

undermining the primacy of Lisbon and Oporto and the importance of districts such as Santarém and Aveiro (MARQUES 1978: 86-587).

As regards the electoral geography of Republicanism, their best results were achieved in the main cities, and especially in Lisbon, well ahead of Oporto. It was the elections of 1906 which showed that the Republicans were starting to gain the upper hand in the capital (62.3% of the votes in 1910), despite the “ignoble filth” (electoral law of 1901). In terms of deputies, of the total of 49 elected from 1878 to 1910, 31 were elected in Lisbon and 9 in Oporto, with the others in Setúbal, Beja, Funchal and Lagos. Considering parliamentary and municipal elections, we find that from 1905 onwards, in addition to their stronghold in Lisbon, the Republicans had made inroads along the Tagus valley and in the south, especially in the districts of Setúbal and Beja (ALMEIDA 1985: 136, 144; CATROGA, 1991: 99-101). It was more difficult for them to win over new voters in less urban areas, where the clerical influence was greater and the political culture more traditional.



The **new monarchical parties** which emerged in the first few years of the 20th century had no hesitation in expressing their social roots and their purpose of serving as a bridge between the interests of various social groups and State decision-making bodies (RAMOS 2001: 223; BONIFÁCIO 2010: 129). João Franco sought to attract the support of the “living forces”, and to lead the “productive classes” – workmen, industrialists and traders – to rise up against the bureaucratic power of the other monarchical parties. He went as far as to call on workers to emerge from their “political indifference”. His party created a network of centres, clearly identified with particular class groups, such as the “Working Man’s Liberal Regenerator Centre” in Cruz de Pedra. As Franco set out to “hunt on the same land as the Republicans”, many of these centres were in Lisbon, including the Republican bastion of Alcântara, and attracted thousands of members – according to Franco, between 8,000 and 10,000. In 1901, the Liberal Regenerators did in fact attract support from all social classes: students, teachers, tradesmen, landowners, industrialists, doctors, the military, lawyers, manual and non-manual workers” (RAMOS 2001: 223; BONIFÁCIO 2010: 129).

Jacinto Cândido’s Nationalists also sought support from across the class spectrum, but from within those identifying themselves as Catholics. His great predicament was that he could never claim to represent all Catholics, including some of the leading figures in social and political Catholicism. For example, the university professor Francisco de Sousa Gomes kept his distance from nationalism, preferring to designate the university section he founded in Coimbra (in 1901) as “Christian

Democrat”, whilst many of the nationalists’ founding members, such as Quirino de Jesus, fell by the wayside. One of the factors that kept away religious modernizers, and especially those connected to the Franciscans, was the suspicion that nationalism served as the political arm of the Jesuits. Another problem encountered by Cândido was that many priests had already been enlisted in the activities of the parties supporting the regime.

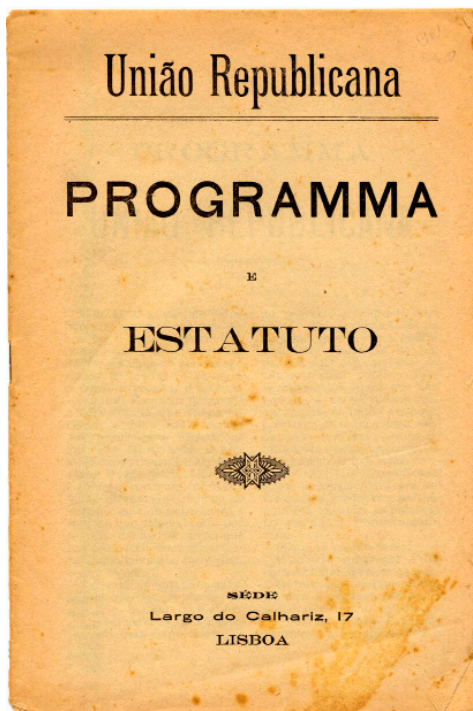


In the case of the main parties resulting from the dismemberment of the Republican Party (**Democrats, Evolutionists and Unionists**), we should start by noting that the Democrats inevitably reproduced the interclassism characteristic of the original Republicans, without which they would never have asserted themselves as their main heirs, but with one significant difference: the fact that they controlled power, largely thanks to the noisy support of their radical Lisbon base (artisans, manual workers, shop workers, etc.), enabled them to benefit from the support of a large number of provincial landowners, doctors and lawyers, eager to gain social importance as intermediaries between the centre and the periphery. Hence the paradox of the most radical party in the regime being also the party with the most chiefs (“*caciques*”) in the apparently conservative provinces (RAMOS 2001: 427). The geography of its support also reflected the inheritance from the Republican party machine, but also, at an electoral level, the new support gained through clientelism. Around 1914, it had particularly strong committees in Lisbon, Oporto (city), Aveiro, Leiria, Santarém and Coimbra; its weak points were the other districts of the north and Islands. The party’s sections, schools, associations and journals were predominantly located in the coastal strip from Coimbra to Viana do Castelo, and were much rarer in the interior and Island regions. In terms of electoral geography, the Democrats indisputably had the upper hand in their strongholds of Lisbon and Oporto, as well as in the constituencies of the Douro region and Eastern Algarve, where they never lost elections; their weak points lay in a variety of constituencies, mostly in the north and Islands.

The Evolutionists were hardly distinguishable from the Democrats. Their membership was drawn predominantly from social classes such as “landowners” (24%) and artisans/professionals (21%), as well as shop assistants and office clerks, tradesmen, industrialists, farmers, civil servants and labourers. The geographical distribution of this support was extremely diversified: 46% came from districts north of the Tagus, 43% from Lisbon and only 10% from the south. Like the Democrats, the Evolutionists reproduced the interclassism of the old Republican Party, with the same base of shop employees and “worker ants” in Lisbon, and the same influential figures

in the provinces, although these were confined almost entirely to the north of the country. Its press support was located primarily in the north-west, from Coimbra to Viana do Castelo. From 1914 to 1915, of its six district boards, four were in the north (Viana do Castelo, Oporto, Guarda and Coimbra), the other two in Lisbon and Évora. The district of Viana do Castelo was alone in having committees in every municipality, although the districts of Faro, Lisbon and Portalegre (1919) also presented reasonable coverage. In terms of parishes, only the cities of Lisbon and Oporto could claim full coverage, followed at some distance by the districts of Coimbra, Santarém and Lisbon. In electoral terms, the district of Coimbra was regarded as the party's stronghold, although it also had bulwarks in the constituencies of Chaves and Oliveira de Azeméis.

■ *Programa e Estatuto da União Republicana.* Lisboa, [19--]. [BNP]



The membership of the Unionist Party was drawn largely from senior civil servants (“administrative notables”), functionaries, military officers, members of the diplomatic corps and governors of overseas territories. Brito Camacho’s party enjoyed significant support in the south, home to its main leaders, where it had influence in labour and industrial organizations, and the natural support of landowners, tradesmen and industrialists. In Lisbon it also enjoyed significant support from tradesmen and industrialists, along with the usual battalion of shop assistants, office clerks and artisans. This “popular” element was also visible in Beja and the Algarve. The party’s thin presence in the north was restricted to groups from which it drew support throughout the country – doctors, landowners and civil servants. In electoral terms, whilst the Evolutionists were the opposition to the Democrats in the north, the Unionists played this role in the south. The Unionists’ electoral bastions were located in the Lower Alentejo (Beja and Aljustrel, with inroads in Setúbal and Estremoz), although they also elected Members of Parliament for other provinces (RAMOS 2001: 426-428; MARQUES 1978: 581-598, 610-633).

Types of competition, campaigns and resources

The “rotating” parties had little concern for *representational capacity* as the *basis for competition*. In effect, they did not, in general, perform “an *expressive* function, aggregating and articulating the claims of specific social categories, and served above all as instruments for the furtherance of personal factions and clientelist integration of the electorate” (RAMOS 2001: 102-107). So what was the ground on which they competed? In general, this was the *status of their supporters*, as the majority of

constituencies would come down behind the opinion of individuals with social, economic, administrative or symbolic power (gentry, municipal administrators, major landowners, priests, pharmacists, etc.). The Progressive leader, José Luciano, was well aware of the electoral importance of these individuals, and strove hard to win them over, albeit at “extremely high” prices (RAMOS 2001: 102-107).

The *type of competition* between the parties was predominantly *manipulated, restricted and controlled*. As in Restoration Spain, the system was one of “sympathizer candidates”, instead of the rigid system of “official candidates” in the style of Napoleon III in France. This allowed for representation and, theoretically, alternation of – and with – the groups of the “loyal opposition” (peaceable alternation between Liberals and Conservatives in Spain, *rotativismo* between Regenerators and Progressives in Portugal), at the same time as closing the door to enemies (VARELA ORTEGA 2009: 35-38).

This system was based on “electoral engineering” favourable to the government or, more frequently, to the government and its “loyal opposition”, and on a number of specific electoral practices. These ranged from the exercise of pressure, coercion and fraud on candidates, voters and voting, by the ministry of the Realm, through the medium of administrative authorities, through to the winning of votes by essentially corrupt means (*caciquismo*, patronage, influence...). At an intermediary stage of the client chain, there were also cases in which private property was shared out, as happened at a particular juncture in Reguengos de Monsaraz, when the leader of one of the factions decided to divide part of his lands between a number of peasants in order to assure faithful voters in the form of tenant farmers. In view of these cases, it is no surprise that Fontes proclaimed the electoral principle that “the benefits provided to public bodies are not worth the individual favours”. It should be noted that corruption and *caciquismo* were far from being a purely rural phenomenon. Factory owners, pharmacists, priors, journalists and teachers were amongst those well-known to exert electoral influence in Lisbon and Oporto (RAMOS 2001: 106, 108-109).

However, on certain occasions, the “rotating” parties were able to adopt a form of competition different from the *manipulated/restricted* type. For example, when the Progressives were struggling for power, they took the course of *popular mobilization*, even with *segmentation of the electorate*, seeking to respond to the great aspirations of the lower classes and managing to form an important movement of opinion centred on Oporto. In 1878-79, their battle against Fontes took the form of a prolonged and devastating “anti-dynastic demonstration”. But as we have seen, after winning power, the Progressive Party “shamelessly” reneged on its promises, exposing its programme as mere posturing (TENGARRINHA 1980: 493; BONIFÁCIO 2010: 99-100).

Before considering the question of *campaigns*, we should note no great efforts were generally required of the members of the rotating parties. In the provinces and even in Lisbon, the leaders met their “friends” at the party sections, newspapers, offices and at home, to chat, play, recite poetry and agree on elections. These people would only really agitate for their cause at the time of elections, which required a degree of effort, especially in constituencies in which rival networks of *caciques* competed for the control of local clientele. But safe in the knowledge that village voters would merely follow the opinion of the “influential”, the party leaders saved on manifestos, conferences and rallies, and refrained from *campaigns* as such, preferring to “mobilize” individuals through pressure from the administrative and religious authorities, physical coercion, material enticements and other means. When faced with “inconvenient resistance” they could resort to persecution to break it down. Naturally, this type of “campaign” adopted a softer or slightly different approach in the main cities, especially in Lisbon and Oporto (ALMEIDA 1991: 119-120, 129-130).

In order to finance their activities, the “rotating” parties relied principally on *personal contacts*. In reality, the funding of these parties consisted essentially of personal contributions from their leaders and political friends. For example, in the 1890’s, the Progressive “chief of chiefs” in Castelo Branco made an annual contribution of 100,000 réis and 25 subscriptions to a progressive newspaper from Lisbon. This was in normal years, because at “crucial moments” he might give 500,000 réis to finance the campaign. *Personal contacts* were supplemented by the diversion of public funds when in government. Access to government office permitted the distribution of a range of public assets, the most rewarding of which were posts and careers in the State apparatus and “material improvements” (RAMOS 2001: 105; SOBRAL; ALMEIDA 1982: 667).



Primarily an ideological movement, and interested in creating a consistent current of opinion, capable of preparing and consolidating the necessary structures, **Republicanism** saw *representational capacity* as one of the *key grounds for competition*. But this is not to say that the party gained no benefit from the *status of its members*. For instance, in the elections of 1878, the victory of Rodrigues de Freitas in one of the constituencies of Oporto was due, to a large extent, to the candidate’s personal prestige. It is similarly likely that the party’s influence in certain provincial areas was connected to the social *status* of its members and friends. This was probably the case of the municipality of Grândola, in the 1890’s, which was “governed despotically” by the landowner Jacinto Nunes, a historical figure in the Republican Party. Nunes could do as he pleased with the elections, sharing the votes between his own party and the pro-monarchical parties, with which he maintained close rela-

tions (FUSCHINI 1896: 105). Of course, under the monarchical regime, the Republicans were unable to make wide use of the *status of supporters*, in part because they lacked the crucial factor without which it was difficult to construct a network of influential individuals around the country, in other words, access to government, and consequently to control of the distribution, to individuals, of public assets and services.

In terms of the *type of competition*, the Republican Party opted in the main for a peaceful/legal approach (for example, the failed Republican uprising of 31 January

1891 went ahead against the majority opinion of the leadership). The Party made its electoral debut in 1878, encouraged by the pro-democracy electoral law of that year, withdrew in the wake of the restrictive electoral law of 1895, and fielding candidates again in 1900. As well as peaceful and legal, the Republican struggle was based on *popular mobilization*. In keeping with the Definitive Organizational Structure of the Portuguese Republican Party (1882) (the first systematic exposition of Republican ideals, combined with rules of procedure for party bodies), the aim was that the Republican sections should play a primarily educational role, in addition to the political militancy required by the needs of the electoral struggle. The Republicans' electoral gains in the 1880's and early 1890's were in fact achieved thanks to popular mobilization on socio-economic, anti-clerical, patriotic and other questions, astutely targeted against the monarchical regime. Over the second half of the first decade of the new century, as the crisis in the regime grew more acute, with the "desacralization" or politicization of the Crown and, in particular, the dictatorship by João Franco (1907-1908) and, naturally, the unstoppable advance of Republicanism, the revolutionary strategy eventually imposed itself, and was approved



■ Manuel de Arriaga – *Projecto da Organização Definitiva do Partido Republicano Portuguez*. Lisboa, 1882. [A. H. de Oliveira Marques collection]

at the Congress held in April 1909.

In their *electoral campaigns*, the Republicans tended to focus essentially on the main urban centres, and in particular on Lisbon and Oporto. In the capital, the party's agitation and electoral propaganda had little in common with that of the "rotating parties". They made use of meetings, newspapers, manifestos, lectures and rallies, with the support of a consistent organizational structure that took in every district of the city. The geography of campaigns changed at the final elections of the monarchical period, with, for instance, "propaganda excursions" into the outskirts of the capital, to the district of Santarém, to the Lower Alentejo and Algarve.



■ Republican rally in Lisbon (1908).
[*Ilustração Portuguesa*, 6 April 1908. BNP]

Finally, what *resources* did the Republican Party have at its disposal to finance its activities? Fundamentally, its financial resources were drawn from public subscriptions and “democratic funding” (Duverger), i.e. *membership subscriptions*, which was innovative at the time. In 1881, on the suggestion of Teófilo Braga, the party set up the Republican Party Economic League, a kind of mutual society designed to subsidize election campaigns and to assist members who had suffered persecution at the hands of the monarchical government. But the party also had other sources of funding and propaganda outside the party. For example, its domination of the Lisbon Shopkeepers’ Association meant it could rely on “propaganda support at the counter” as well as on considerable revenues from shops, warehouses and printing presses eager to advertise in its newspapers (RAMOS 2001: 298). The Party had the benefit of countless *independent and its own communication channels*, which played an important role in its propaganda, especially newspapers such as *República Portuguesa* which, launched at the time of the Ultimatum, had immediate influence on public opinion, *A Justiça Portuguesa*, the most given to personal attacks and



■ Teófilo Braga
(1843-1924).
[BNP]

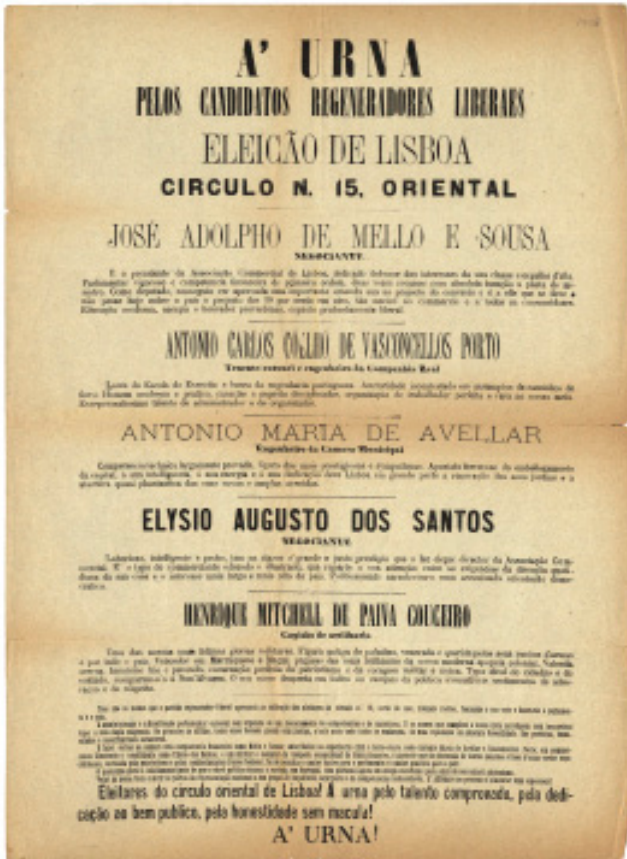
blackmail, and, from 1895 onwards, *O Mundo* and *A Luta* in Lisbon, and *A Voz Pública* in Oporto (CATROGA 1991: 121; RAVARA 1985: 81). And after its triumphant revolution, control of government allowed it also to control extensive and varied State resources, not failing to use these to its own advantage (LOPES 1993).

◇

Unlike the “rotating” parties, the **new monarchical parties** formed in the first decade of the new century regarded *representational capacity* as a *fundamental issue on which they competed*. Indeed, they presented themselves essentially as opinion-based movements originating in civil society, with political programmes. In terms of the *type of competition*, one of the new features they introduced to pro-monarchical politics (if we exclude the original Progressives) was the way they combined the parliamentary game with *popular mobilization*, setting about building militant parties, with a permanent organizational structure and specific identity. They set up a large number of newspapers in Lisbon and

the main cities, seeking to extend their organizations to cover the entire country, conducting provincial tours and campaigns. As we have seen, João Franco saw himself as playing an “educational” role when he sought to mobilize the “productive classes”, manual workers, industrialists, tradesmen... His sharp but wide-ranging and prolonged criticism of the two traditional parties, eventually involving the monarchy itself, won him a school of followers. In the Dissident Progressive camp, Alpoim had reach agreement by late 1905 with Afonso Costa for a campaign of anti-government rallies (RAMOS 2001: 219, 223; BONIFÁCIO 2010: 126).

No que respeita a *campanhas eleitorais*, os novos partidos adoptaram, pelo menos nos principais núcleos urbanos, procedimentos semelhantes aos dos republicanos, com grandes actos de propaganda participados por figuras políticas de primeiro plano. Na verdade, os regeneradores-liberais e os nacionalistas não foram imunes ao contágio das novas técnicas de persuasão eleitoral praticadas pelos republicanos, utilizando os “estímulos simbólicos” e as formas modernas de propaganda de massas, da mesma forma que recorreram a fontes de *recursos* semelhantes, designadamente à organização de subscrições públicas, embora se admita que a “malversação dos fundos públicos” e as dádivas pessoais de dirigentes e “amigos” permaneceram as fontes essenciais (ALMEIDA 1985: 130-131; 1991: 169).



■ Support the regenerative liberal candidates at the ballot box (1905). [Poster. BNP]

■ "Public subscription by the PRP to finance election costs". [O Século, Lisboa, 17 March 1887. BNP]

In their *election campaigns*, the new parties adopted procedures similar to those of the Republicans, at least in the main urban centres, with high-profile acts of propaganda involving prominent political figures. Indeed, the new techniques for electoral persuasion pioneered by the Republicans soon rubbed off on the Liberal Regenerators and the Nationalists, who made use of "symbolic stimuli" and modern forms of mass propaganda, in the same way that they relied on similar sources of *funding*, including public subscription, although it would appear that "misappropriation of public funds" and personal gifts from the leaders and their "friends" accounted for the bulk of their resources (ALMEIDA 1985: 130-131; 1991: 169).

Of course, as their survival or prosperity depended on their ability to attract the support of the "influential" and to use power to shape the electoral process, these parties were necessarily involved, in terms of the *type of competition in manipulated, controlled and restricted competition*. The indications suggesting this type of "competition" included "vote rigging", "[politicians] elected without elections", "elections without voters", candidates winning by "proclamation" and ties made to

REVELAÇÃO
 lares das eleições os jornais publico um dos muitos desastres, mostrando a má fé do goista em questões de liberdade de propósito relembrar o mem do facto; mas os esoverno progressista são tão e nos inflammas dispensado; por não ser d'aquelles que ao publico. O caso passou assimera:
 rator da ultima eleição supria, o *Correio de Goa*, publica em Bardez, apresenta aquella localidade a camo patricio, o sr. Constantino d'engenharia, residente em idadura que foi apoiada por nhem de Goa, *O Correio de*
 sr. C. de Brito e filho do lulo do partido progressista, tra sobre a liberdade eleioer que o governo appropia espontanea dos eleitores, m seu correligionario, edem assim, e os nossos leia velhacaria com que o goista procedem a este nego de suppr que proceda em
 Constantino de Brito pedido de Marcelo para que não posição a sua candidatura, isto que podia confer com o e que era necessario que o conselho se não oppozesse, sin resposta, o sr. Brito pro: Luciano de Castro, que lhe outa *trava* que oppor; mas eleições do ultramar ao arinistro da marinha, nito que era negocio resol-Henrique de Marcelo fosse vni.

Subscrição aberta pelo directoria do partido republicano, para occorrer as despezas do expediente da eleição geral para deputados.

Em nome do mesmo directoria, se pede a todos os nossos correligionarios para entregarem a quantia com que subsciverem na redação do *Século*, onde, por accordo de todas as folhas republicanas de Lisboa, estará porem encarregada de receber as importancias.

Transporte.....	829,600
Justino Guedes.....	124,000
Jeronymo José de Brito.....	24,000
A. H. Netto Major Julles.....	670
Subscrição aberta no centro	
<i>Protestante Republicano:</i>	
Edmarlo S. Neves Coelho.....	700
M. d'Almeida.....	500
Antonio Carneiro.....	400
Augusto José Vieira.....	200
J. Guerreiro srs Santos.....	500
A. B. da Silva.....	100
Soares Araújo.....	120
Joaquim Martin Pinheiro.....	100
Augusto dos Santos Barro.....	200
Thomaz Constantino Lisboa.....	200
José Rodrigues Dias.....	200
Mergulo.....	500
Joaquim José da Costa.....	200
Vicente Simões.....	200
Joaquim dos Anjos Castro.....	200
João Manuel Barbosa.....	200
Joaquim Maria da Silva.....	100
José Pedro d'Almeida.....	200
Joaquim M. Abrantes.....	200
Augusto Antonio Pereira.....	100
Joaquim Valentin.....	100
José de Mattos.....	1,000
F. T.....	200
Plato.....	200
E. P. Vidal.....	1,500
José Claudino Damião.....	200
Anonymous da Republica eleitoral de 18 de fevereiro de 1887.....	300
João Henrique Vieira.....	300
Francisco Pedro d'Araujo.....	200
J. A. Nunes.....	100
Antonio Igreja.....	100
Custodio Alves.....	100
M. Duarte de Figueiredo.....	200

naes da capital transmitto publico, com relação a e ultimos tempos se desov de; algumas folhas, pore cientemente, não pantam sua gravidade; mas o S porque está bem informa
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 Oxalla o reitor tivesse como tanta cordura como h'era, assim como no mo Philippe de Nery adoptora providencias; ao contrari as aulas continuam func tanto a ausencia completa ternos, que partiram tam suas familias.
 O facto, que deixamos a tudo uma explicação legal temos aqui de expir para ceptibilidades; não podem de dizer que e deveras p esta casa, tão bem concei publica, se mantenha n'u critica rebelde a pratica e das higienicas e especial que tratamos, e ponha as: co a saúde e o bem estar nos; não obstante isto, t todos e bem depressa se mente deserta.
 Creia, sr. redactor, q dito é a tradução da ver que fica constar ao paiz q das coisas n'esta cidade.
 Termina esta, prometi
 instante, tanto ella como Jorgo e Noro se afastaram. Estão a li

measure (of the number of deputies per constituency), which often presupposed prior agreement between “competing” parties (LOPES 1993: 145-151). But since their future depended on their ability to interact positively with radical urban groups and the respective pressures, they competed through *popular mobilization*. And because they addressed a sectarian appeal to the militants, the “Republicans”, this was *segmented mobilization*, which even displayed a *violent* tendency, especially during the early days of the regime in Lisbon, when the streets were controlled by armed bands in the service of the different parties (RAMOS 2001: 423).

The *electoral campaigns* of the descendants of the Republican Party reflected the same dual approach to propaganda: campaigns were organized primarily in the urban centres and provincial areas where the party had an effective organization, whilst in other areas the parties showed no interest in campaigning, and merely made contact with the influential local clans and chiefs. The two approaches could sometimes be combined, even in the Lisbon area, where it was not uncommon for the Democratic Party candidates to “allow” their fellow party members “a voice”, at the same time as they were “introduced” by the municipal administrator to various influential figures, both Republican and Monarchical, as happened in Cascais (LOPES 1993: 139).

Final notes

The disputes between the main parties of the “rotating” system centred above all on the distribution of the benefits of office (this was their prime political objective). These parties competed with each other on the basis of the local influence of their supporters and essentially through corrupt, fraudulent and coercive practices; they were financed through personal gifts and from public funds diverted through the exercise of power. They were parties of “notables”, groupings of persons who collectively constituted the State and civil society, and the political representation they “mediated” was that of individual representation. With the passage of time, sectors of the urban populace excluded from the establishment gradually joined the ranks of politically relevant civil society, thereby widening the gap between society and the State. Ostensibly, the profile of the new Progressive Party expressed this turn of events in its early days, as did the generous voting rights adopted in 1878. However, this party soon performed a *volte-face*, and the electoral reform of 1895 was democratically regressive.

In this context, the Republican and Socialist Parties emerged in the 1870’s as the only parties potentially anchored in civil society, seeking to further social integration and representation, albeit with limitations of various kinds, including

those connected to their “external origin”. They were subsequently organizations on a different scale and pursuing different ends, with distinct political objectives, but both conferring crucial importance on representational capacity and popular mobilization, conducting a modern style of campaign and depending on independent funding.

The “rotating” parties missed the chance to “bring themselves up to date”, as we have seen, and suffered the consequences, in the form of dissidence and splintered groups which emerged in the early years of the 20th century. The sharing of the benefits of office continued to be the cause of conflict, but the Liberal Regenerators, Nationalists and Dissident Progressives offered an alternative – partial reform and social advancement. In addition, the new parties sought to compete using essentially the same means and advantages as the Republicans, seeking to create organizations to match this aspiration. But the simple fact was that these moves towards party political modernization failed to go far enough, in view of the devastating effects of gerrymandering (the “ignoble filth” of 1901) and “rigged” elections. João Franco also had his opportunity when the King called on him to govern in 1906, only to realize that the status of supporters remained an essential factor, and that this status remained in the hands of the “rotating” parties, leaving him the fatal option of dictatorship...

Under the 1st Republic, the successors to the Republican Party, despite the differences between them, retained the essential ideological, organizational and functional traits of their predecessor. But with a substantial difference, inseparable from the seizure of power: in a country where the majority opinion remained dominated by indifference and scepticism, the Democratic Party and, to a lesser degree, the Evolutionists and Unionists, blatantly adopted the competitive tactics, and even some of the former members (and with them, their political objectives), of the “rotating” parties, but without neglecting their reformist aims (at least in theory), representational capacity, popular mobilizations and campaigns aimed at the radical populace of the main urban centres. This “dual nature” of the parties of the Republican regime, despite offering progress in terms of “mediation by parties of political representation” in relation to the dominant parties of the Monarchical period, nonetheless constituted a step backwards in relation to the promises and achievements of the old Republican Party.

BIBLIOGRAPHY

- ALMEIDA, Pedro Tavares de
1985 “Comportamentos eleitorais em Lisboa (1878-1910)”, *Análise Social*, 21:85 (1985) 111-152.
- ALMEIDA, Pedro Tavares de
1991 *Eleições e Caciquismo no Portugal Oitocentista (1868-1890)*. Lisboa: Difel.
- BONIFÁCIO, Maria de Fátima
2010 *A Monarquia Constitucional. 1807-1910*. Alfragide: Texto.
- CABRAL, Manuel Villaverde
1979 *Portugal na Alvorada do Século XX. Forças Sociais, Poder Político e Crescimento Económico*. Lisboa: A Regra do Jogo.
- CATROGA, Fernando
1991 *O Republicanismo em Portugal. Da Formação ao 5 de Outubro de 1910*. Coimbra: Faculdade de Letras. Vol. 1.
- COELHO, J. F. Trindade
1908 *Manual Político do Cidadão Português*. Porto: Empresa Literária e Tipográfica. [1.^a ed.: 1906].
- FERNANDES, António José
1991 *Os Sistemas Político-Constitucionais Portugueses e Espanhol (Análise Comparativa)*. Lisboa: Europa Editora.
- FUSCHINI, Augusto
1896 *Liquidações Políticas. Vermelhos e Azuis*. Lisboa: Companhia Typográfica.
- KATZ, Richard S.; MAIR, Peter
1995 “Changing Models of Party Organization and Party Democracy”, *Party Politics*, 1:1 (1995) 5-28.
- LEAL, Francisco Cunha
1932 *Os Partidos Políticos na República Portuguesa*. Corunha: Imprensa Moret.
- LOPES, Fernando Farelo
1993 *Poder Político e Caciquismo na 1.^a República Portuguesa*. Lisboa: Estampa.
- LOPES, Fernando Farelo
2004 *Os Partidos Políticos. Modelos e Realidades na Europa Ocidental e em Portugal*. Oeiras: Celta.
- LOPES, Fernando Farelo; André FREIRE, André
2002 *Partidos Políticos e Sistemas Eleitorais. Uma Introdução*. Oeiras: Celta.
- MARQUES, A. H. de Oliveira
1978 *História da Primeira República Portuguesa. As Estruturas de Base*. Lisboa: Figueirinhas.
- MARQUES, A. H. de Oliveira
1991 *Portugal. Da Monarquia para a República*. Lisboa: Presença.
- RAMOS, Rui
2001 *A Segunda Fundação. 1890-1926*. Lisboa: Estampa.
- RAVARA, António Pinto
1990 “Partidos Políticos”. In José Costa Pereira, coord. – *Dicionário Enciclopédico da História de Portugal*. Lisboa: Alfa. Vol. 2, p. 80-83.
- SARDICA, José Miguel
1997 “Os partidos políticos no Portugal oitocentista (discursos historiográficos e opiniões contemporâneas)”, *Análise Social*, 32:142 (1997) 557-601.
- SOBRAL, José Manuel; ALMEIDA, Pedro Tavares de
1982 “Caciquismo e poder político. Reflexões em torno das eleições de 1901”, *Análise Social*, 18:72-74 (1982) 649-671.
- TELES, Basílio
1968 *Do Ultimatum ao 31 de Janeiro. Esboço de História Crítica*. 2nd ed. Lisboa: Portugália, 1968 [1st ed.: 1905].
- TENGARRINHA, José
1980 “Progressista, Partido”; “Regenerador, Partido”. In Joel Serrão, dir. – *Dicionário de História de Portugal*. Porto: Figueirinhas. Vol. 3, p. 491-493; Vol. 3, p. 558-559.
- VARELA ORTEGA, José
2009 *Eleições e Democracia em Espanha*. Translation from Spanish. Lisboa: Livros Horizonte.

Citizenship and political representation in liberal Europe

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Translated from the Italian by Lusoscript

What are the borders of liberal Europe? The first things that come to mind are its geographical borders. We know that these are certain on three sides; to the south, north and west, but rather less certain in the east and south-east. If we agree to include Greece in liberal Europe, but not the Balkans under the Ottoman Empire, or Tsarist Russia, this is not on account of their geographical position, but because these two regions have not taken part in the development of liberal institutions. A similar thing is happening today within the European Union, liberal Europe is defined on the basis of its politics rather than its geography, although the latter is inevitably a fundamental source of adhesion. This is so much the case that political developments on the other side of the Atlantic, originating in North and South America, where liberalism has provided such a fundamental contribution, tend to be disregarded. The term liberalism is essentially conventional, and thus lacks a canonical, authoritative source to define it. We use it to identify a set of values and institutions inspired by modern individualist liberties, free-market economics, and constitutionalism. Chronological borders, on the other hand, present a greater degree of certainty starting from the spread of the constitutional model following the French Revolution – with important precedents in the Great Britain of the two previous centuries – and finishing with the affirmation of mass society around the First World War and the consequent decline of liberalism.

The election of deliberative assemblies is an essential pillar of liberalism. A constitutional order without political representation is unimaginable, since its

historical function is to guarantee the rights and freedoms of the different components of a kingdom, whilst leading them to unity by listening to their voices. Unification of the kingdom through representation: this is the typical feature of political representation as opposed to the many different forms of representation found throughout history. To explain its nature, we need to go back to the original meanings of the word: the position of an individual who speaks on behalf of another, from whom he or she has received a mandate; the portrayal of a character on the theatrical stage; the position, also, of a person who has characteristics shared with an entire class of people, who illustrates this class, and reproduces it through likeness, in statistical or sociological terms. Political representation shares some of these different features, but is still set apart from them all, albeit in a manner which is often problematic.



■ Edmund Burke
(1729-1797).
[Oil on canvas, by Joshua
Reynolds (1787-89); National
Portrait Gallery, London]

Let us consider the first kind of representation, which links the agent to the principal, as in a private contract. Political representation was born out of a negation of this type of representation, with the doctrine of the “free mandate” or of the “prohibition of the imperative mandate.” This is found in the French Constitution of 1791, which affirmed that each deputy represented the nation and not the constituency which elected him, a formula later reproduced in many constitutions and which echoed the words of various Whig politicians, from Algernon Sidney (“It is not therefore for Kent or Sussex, Lewis or Maidstone, but for the whole nation, that the members chosen in those places are sent to serve in parliament,” 1698) to Edmund Burke (“Parliament is not a congress of ambassadors from different and hostile interests; which interests each must maintain, as an agent and advocate, against other agents and advocates; but Parliament is a deliberative assembly of one nation, with one

interest, that of the whole; where, not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole”, 1774). It is therefore clear that political representation is quite different from private representation, and involve a sort of disembedding of the Member of Parliament. However, throughout the history of representative political systems, the links that unite members of parliament to the constituencies which elected them consistently reassert themselves: the mandate constitutes a special link with the members’ community of origin and a duty to consider their needs and interests. The issue therefore remains unresolved. No less problematic is the symbolic type of representation. Sovereigns, and later republican presidents and major political leaders, also represent their nations “theatrically”, especially in foreign affairs, but this charismatic power does not always sit easily with representative institutions, where politics must be

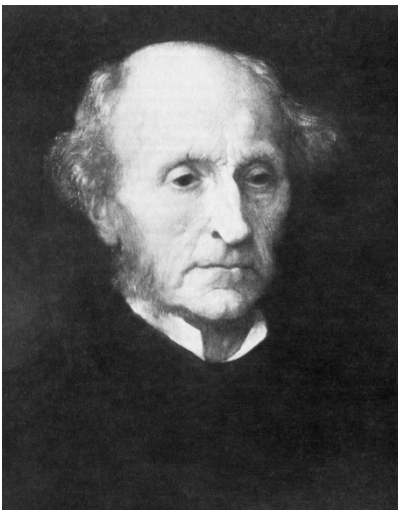
impersonal and collective, flowing from a confrontation between ideas. The monarchic-constitutional regimes, which account for nearly all the systems of political representation in liberal Europe, are inherently unstable: the “King in Parliament” of the British tradition is by definition a balance between radically different powers, which in many cases tends to break down. As for the idea that parliamentary chambers can and must represent the country sociologically, must reflect or even reproduce it “photographically”, as they would say in the nineteenth century, this is merely a rhetorical artifice which took shape during a transitional phase of the representative system, as we shall see below.

So it would be wrong to imagine that the representative body simply mirrored the country. It follows from this that the electoral systems of the liberal period were not designed to mirror society by reproducing its internal divisions, but rather to negate these divisions, generating something completely new and different, through a process which we will also define as an emancipation of the political from the social (emancipation of the “common good” and “general right thinking” from the great mass of conflicting interests). It follows that the various electoral systems have

a *normative* or *maieutic* purpose: they embody a model of social relations which does not at all coincide – and which is not thought to coincide – with those that actually exist. Political representation in fact affirms that the nation is composed of individual citizens, equal in their rights and duties, with a direct, unmediated link to sovereign power. This view corresponds not to actual reality, but to the desired reality. So when speaking of political elections, nineteenth century discourse always emphasised the aims of unification, nationalisation, socialisation and education of the citizens, in the sense envisaged by John Stuart Mill. This phenomenon coincides in part with what today’s historians call “construction of national identity”. In effect, in many ways, the electoral body is a sort of “imagined community”, an ideal community. And, as happens during the embryonic phases of this construction of an identity, or of this process of politicisation – *e.g.*, when suffrage is suddenly increased – the reform-

ers are possessed of a missionary zeal to instruct the masses and prepare them for voting: many of the handbooks designed to teach electors how to vote are entitled “electoral catechisms”.

In order to construct, through citizenship, a direct connection between individual citizens and a national collective whole, political representation repudiated the old forms of representation to be found in municipal, ecclesiastical, corporate and professional institutions (which nonetheless supplied a number of voting techniques), and therefore denies any legitimacy to forms of political identity which



■ John Stuart Mill
(1806-1873).
[BNP]

are non-individual, non-egalitarian or not rooted in ideas of national unity. However, this process was far from linear and took many forms. We may consider the case of France on the one hand and that of England on the other: these cases are antithetical yet nonetheless converge. Revolutionary France proclaimed universal suffrage, giving equal votes and rights to all citizens, and demarcating constituencies on rational grounds of population, without taking existing communities into account. In short, it effected a sort of “deterritorialisation” of the citizen. This paradigm – which we can think of as the product of radical Utopian thought – was disseminated throughout Europe (influencing the electoral systems of Belgium, Italy, Spain, Portugal, the Germany states, Greece, and so forth), but in fact presents features similar to those of the British system, in which originally diverse communities – whether in the form of *counties* or *boroughs* – are “enfranchised”, without voting equality amongst individuals, with no universal rules and with the survival of the old style of “corporate” representation. It was only gradually, during the course of the nineteenth century, through the various reforms of 1832, 1867 and 1884, that the English system was progressively brought into line with the general model that determines the right to individual, universal and equal votes and shifts the emphasis away from communities and onto the set of individual citizens. Of course, only from a continental viewpoint can the first electoral reform of 1832 be understood as a “broadening” of the right to vote, consisting rather of a redistribution of representation between the different constituencies, and in some cases actually reducing the number of voters. At this time, suffrage was not much broader in France, where the revolutionary principle of universal citizenship, although never formally repudiated, had been corrected through the distinction between the “*citoyen*” and “*citoyen actif*”¹, so that the exercise of political rights was conditional on age, social status, residence and other factors.

The problem is therefore to discover how the “individualistic convention” – whereby the holders of political citizenship, and accordingly those with a share in national sovereignty, and holding the right to vote, are only single individuals (in other words male adults) and in principle *all* single individuals who are equal among themselves – is applied in practice to societies which are territorially and socially fragmented: made up of different (urban or rural) communities, with ancient and deeply rooted identities, distributed throughout the territory in different ways; and highly stratified, with extreme inequality, social relations based on hierarchy and systems of deference and patronage that were almost ubiquitous in nineteenth century Europe.

The answer is to be found in the rules demarcating electoral constituencies, defining who had the right to vote and on what terms, how electoral rolls were

¹ French: “citizen” and “active citizen”

drawn up, who could be elected, who could organize the voting procedures, and also the rules on how votes were translated into parliamentary seats, as well as the actual practices which evolved in specific places and at historic junctures relating to the working of this complex structure.

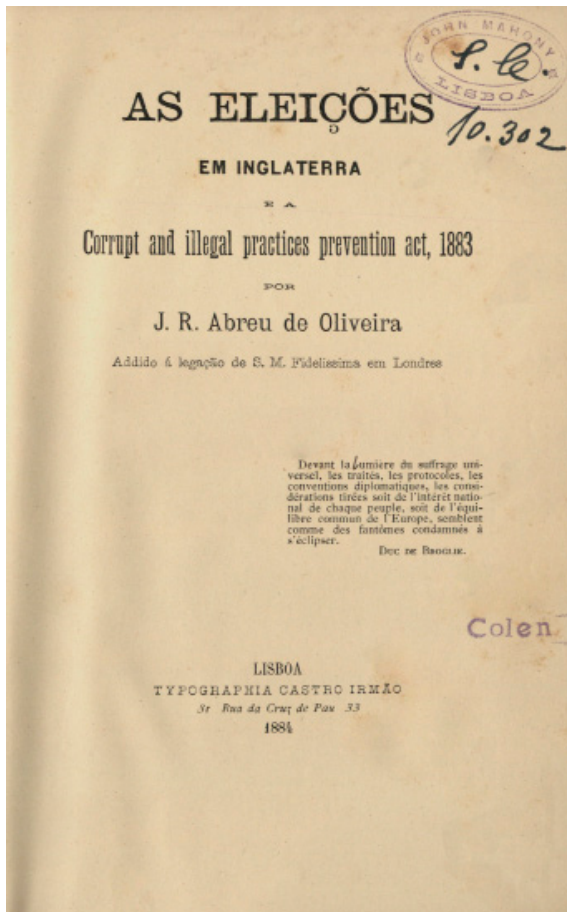
On the issue of voting rights, a combination of British parliamentary traditions, French political thinking and the successive experiments between the Revolution and the Orléanist Monarchy – and during the same period in Spain, Belgium, Portugal and Greece (later in Italy) – provide Europe with a model of representation generally known as “censitary”, because the electoral right derives from the census which is defined by the payment of taxes. The grounds normally invoked for this form of suffrage are that the necessary independence of judgment is assured by economic wellbeing and by access to learning and culture, permitting individual to devote time to politics, current affairs and debate. Not by chance, in many cases the census also takes note of professional standing and of qualifications from further or higher education, which are other indicators of the same social profile. The requirement of independence as a criterion for inclusion, delineated as may be seen to accommodate the emerging bourgeois classes, also implies rules of explicit exclusion, which affect those who do not meet the census requirements, but also, explicitly, other categories of person. In addition to the established roll call of youths, slaves, foreigners and women, from time to time the rules specifically refer to individuals who appear insufficiently rooted in the community to which they belong, such as non-residents, non-proprietors, casual labourers and so on, or those who appear to lack sufficient “independence” to hold unconstrained political opinions – and here the possibilities are obviously infinite: as well as servants and domestics, this may include the lower ranks of the military, those of limited means, those who have a master, the illiterate, etc.

But the censitary criterion has yet other implications. The link between political citizenship rights and ascertained levels of income provides not only a flexible instrument to manipulate inclusion (by altering either electoral law, or tax regulations: the right to vote in fact became closely linked to the taxation systems in force in various countries, and to the rules on the levying and collection of taxes), but it demarcates a social class which we could call bourgeois, or aristocratic-bourgeois, without actually formally defining it as such. In other words, the classification of social groups by means of anonymous and non-differentiated criteria (those who pay the required taxes or acquire an education qualification have the right to vote) reflects the egalitarian sociological thought of the time. Although it achieves the same results, it is clearly different from the systems of class-related classification which were in force in some countries until the early twentieth century, as found in

Russia but also in Sweden and Finland – where the four classes were the nobility, clergy, bourgeois and wealthy farmers –, and in Austria, where there were four *curiae* since the first parliamentary elections of 1873 until the reform of 1907: the first *curia*, with 85 seats, was made up of rich landowners ; the second, with 21 seats, by members of the Chamber of Commerce; the third, with 118 seats, by average taxpayers from the cities ; and the fourth, with 129 seats, by small taxpayers from rural areas. This differed only formally from the Prussian *Dreiklassenwahlrecht*, in which the electorate was divided into three classes, formed by those who in each district paid one third of the total taxes. In this system, there were no *curiae* or other formally established class distinctions – and, indeed –, where there were very rich tax payers, the elite could fall into the second class, as in the constituencies of Essen and Frankfurt, where respectively the Krupp and Rotschild families were the only voters belonging to the first class as they alone paid more than one third of all taxes. This system delineated clear social distinctions, which were accentuated by the voting system, in which the third class voted publically in the presence of the other classes and then left the assembly.

The actual nature of the fiscal system of the time helped to clarify that political citizenship stemmed not just from wealth or production, but from a certain type of wealth, and above all from ownership of land. Even in those countries where a more developed mercantile or industrial economy meant that taxes on commercial or industrial activities were proportionally more significant, land ownership remained the most significant factor as well as the main route to voting rights. So it is clear that the property requirement corresponded to a type of social and territorial rootedness. Land ownership, in particular in its non-capitalist forms in force throughout most Europe, placed the landowner at the pinnacle of a social microcosm built from relationships of personal dependency and economic subordination. This model of social relations was at times transferred from land to industry: in Great Britain, when factory workers obtained the vote, it was not rare for them to vote for their employer. With the evolution of the system and the reduction of the fiscal threshold for voting, the picture changed, and the vote was given not only to employers, but also to many of their employees, as well as tradesmen and artisans. However, even in these cases, other rules which, for example, assigned the right to vote not only on the basis of residence in a given municipality, but on that of lasting and contractually guaranteed residence, such as in the case of *householders* in England, a degree of social and territorial rootedness was required which in theory contrasted with the overriding importance attached to the national dimension of citizenship.

The fact that the system was inclined to offer political citizenship not so much to individuals as such, but rather to those at the top of a primary social nucleus



■ J. R. Abreu de Oliveira –
As eleições em Inglaterra
 e a “*Corrupt and Illegal*
Practice Prevention Act,
1883”. Lisboa, 1884.
 [BNP]

(a country estate, a factory, a commercial or family enterprise) explains why, throughout the entire liberal period, despite frequent extensions of suffrage, and despite the many voices raised in support of the idea, the vote was never and nowhere extended to women.

A host of second-tier rules, practices and traditions reinforced the elitist and paternalistic nature of this system. In England, a large number of elections were “uncontested”, that is to say, only one candidate stood for election, normally the local squire. In these cases, since voting was held in public, the elections served above all as a rite of recognition, and a demonstration of munificence, since it was the usual practice to reward the voters. Moreover, the electoral laws of the nineteenth century in general contained no rules on the presentation of candidacies or on the conduct of the electoral campaign. In a community which knows its natural leaders, the candidacy may be an implied fact, and the candidate may not need to present himself to the voters on the basis of a programme. In the French elections of 1791, candidacies were prohibited in accordance with an old rule derived from canon law whereby standing as a candidate, making oneself conspicuous and drawing attention to oneself, was considered an aristocratic principle

incompatible with a true radical democracy. As it is evident, an election without opposing candidacies results in a unanimous nomination which can only happen in small communities and therefore not in political representation, which is by nature on a national scale. Only in plebiscitary regimes of the twentieth century, and thanks to new forms of mass communication, was it possible to reinvent and carry through plebiscitary acclamations. Within the framework of liberal representation, in places where the common law system no longer or had never operated, clubs of notables and later political parties were formed, organizing candidacies and thereby structuring public opinion around the vote.

If we investigate in more detail the mechanisms which organise political representation, we will realise that the distinction between inclusion and exclusion was more variable and more flexible than people think, because there was a gradual expansion of the electorate as the century drew to an end, in particular with a lowering of census thresholds and a softening of admission requirements. It is participation in the electoral event which changes from case to case. In some cases, there were

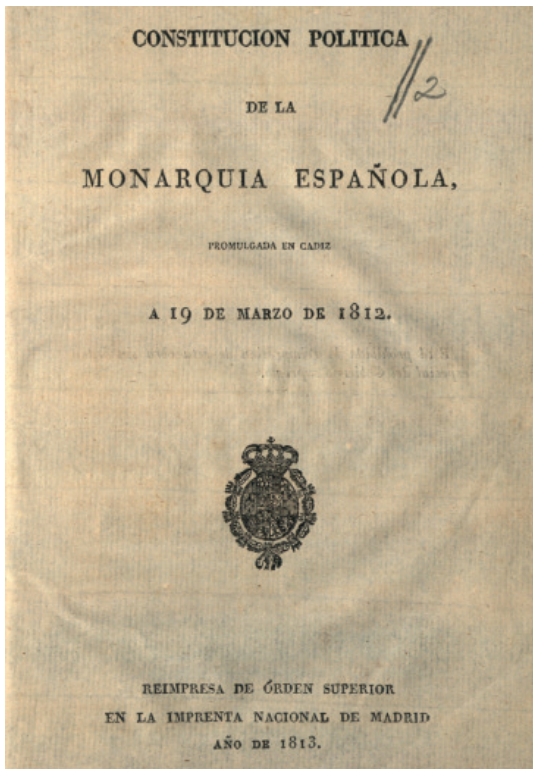
socially excluded groups pushing for inclusion, such as the English Chartists in the first half of the century, the Parisian agitators of 1830 and the suffragettes of the late nineteenth century. In other cases, the electoral rules, however restricted suffrage might be, failed to mobilise the holders of voting rights. This was the case of Italy after 1860, which lacked any previous parliamentary traditions. In an electorate which amounted to hardly 2.5% of the population, abstention remained high for some time. In other cases, there were instead forms of participation at election

rallies by groups denied the right to vote, but still mobilised and involved in elections, as happens in England, where votes were called out in public, or later in the century, when the workers' organisations publically supported their candidates.

The same electoral laws also contain other provisions which in various ways create different levels of participation by the holders of voting rights. The most typical of these is the multiple level election, whose rules and rituals encapsulate the hierarchical character of the social pyramid, starting with a large base which votes for electors, tapering to a narrow top. In this case, the multiple levels echo the workings of the *ancient régime*. For example, a multiple level system was used to appoint the Estates General in France, and was seen again in the Napoleonic Constitution of Year VII (1799) and in the indirect voting systems introduced in France, the Netherlands and Switzerland in 1815, or in force in Portugal until 1852. In these cases, we have complex events charged with religious rituality, like those codified in the 70 articles of the Constitution of Cadiz which regulate an electoral process in three stages, with a broad electoral base inclusive of all *vecinos*, who

met in parish assemblies in order to appoint delegates through public voting. These delegates then met in solemn assemblies to appoint – this time by secret ballot – their district electors, who met at the level of each province and went to the capital to elect the Parliament.

At a subsequent phase, we find indirect voting systems operating in Finland, Norway and Sweden, as well as in Prussia and Austria until the First World War. In these cases, the system cannot be regarded as a hangover from the *ancient régime*; even if the old methods become once more fashionable in order to balance the dreaded effects of the introduction of universal egalitarian suffrage. Universal suffrage – varying in form and often not completely universal, and restricted, in all cases, to the male population for the entirety of the nineteenth century –, represents



■ *Constitucion Política de la Monarquía Española, promulgada en Cadiz a 19 de Marzo de 1812.* Madrid, 1813. [BNP]



■ L'urne et le fusil (1848).
 [Engraving by M.-L. Bosredon,
 April 1848. Reproduced from
 Pierre Rosanvallon – *Le sacre du
 citoyen*. Paris: Gallimard, 1992]

the watershed, first rhetorical and doctrinal, and later also practical, in the history of liberal representation.

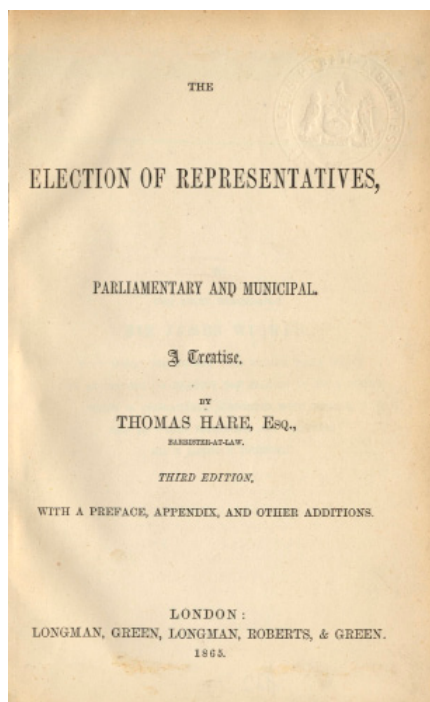
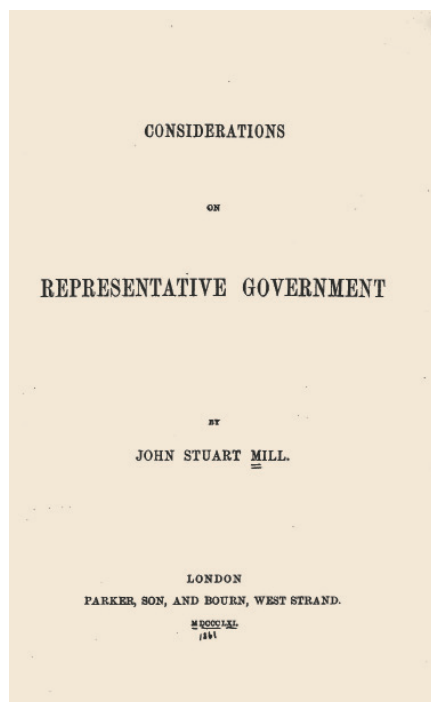
The portentous events in France in 1848 have assumed symbolic value and established themselves as a political model. The sudden expansion of the electorate generated antidotes that were just as immediate. The Constituent Assembly imagined it could balance the power of the masses with the direct election of the President of the Republic. This was the birth of Bonapartism, the ancestor of modern populism, which presaged the end of liberal representation through the elimination of these hierarchies and filters which allow the middle classes, the bourgeoisie, to operate as a “universal class,” and as a mediator or as the hub in social relations. In the case of the Second Empire, the process continued, but its collapse into the ashes of the Commune, with calls for direct democracy and power for the workers, is a warning signal which will not be forgotten. As José Ortega y Gasset said in the following century, if the masses threat-

ened to rebel from their destiny to be guided, the system constantly attempted to get them back. After 1848, then after 1870, the history of political representation is one of broadening suffrage (1867 in Great Britain, 1878 in Portugal, 1882 in Italy, 1896 in the Netherlands, 1897 in Norway, and so forth). A different sequence was observed in Spain, where in 1868 the country moved from censitary suffrage to universal suffrage, which was then abolished in 1878 and reinstated in 1890). In this widening process, whilst on the one hand efforts are made to educate the electorate, or to involve it positively in the political struggle, on the other hand many legislative initiatives, together with proposals for reform and corrective measures, were drawn up to counteract the dangers of broader suffrage. Not to mention real restrictions on suffrage, such as those later introduced in Spain, the reform of 1895 in Portugal and the review of lists enacted in Italy in the same year. Or not to mention the distortion of the system which accompanied the early adoption of uni-

versal suffrage in Spain, which gave rise to the refined practice of alternation in office (the so-called *turno pacifico*), electoral fraud and the related phenomenon of *caciquismo* (political bossism).

There was renewed interest in this context in the multiple level electoral system, although this was only one of many devices which, like a sort of social breakwater,

were used to stem the violence of the democratic flow unleashed by universal suffrage. The most common byword of the period was in this sense 'proportionalism'. John Stuart Mill had already defended the concept in 1860, in his essay on *Representative Government*. Mill believed that constant interaction was necessary between electors and elected, resulting in mutual control and diffuse powers. He accordingly feared a mediocre level of intelligence in the representative body and popular opinion which would have easily caused the representatives to neglect the general interest for those on their side, or rather for the "class"



■ J. Stuart Mill – *Considerations on Representative Government* (1st edition. London, 1861). [Pedro Tavares de Almeida collection]

■ Thomas Hare – *The Election of Representatives, Parliamentary and Municipal. A Treatise*. 3rd edition. London, 1865. [Pedro Tavares de Almeida collection]

interests, to use his expression, citing the example of manual workers. Just as he considered that the danger of class interests prevailing increased with the expansion of suffrage, and was at its most acute when suffrage was granted to all, he regarded the proportional system devised by Thomas Hare as a triumph of mathematic calculation, a "grand principle of government which came close to perfection," since it would have prevented the numerical majority from prevailing and protected the minorities. This was the origin of the myth of "photographic" representation. Adopted in different forms in a number of countries, such as Spain, Italy and Portugal, where the limited vote system in multi-member constituencies was introduced, the proportional system was highly regarded and used as an instrument to defend the traditional bourgeois elites against threat of popular pressure.

It should be noted that in illustrating the various methods of proportional representation, Mill was in favour of allowing voters the opportunity to use all their votes for the same candidate. In short, this was a multiple vote system, one of the

TAKING HIM IN HAND.

DR. ASQUITH to MR. PLURAL VOTER: I am now going to take you in hand and reduce your weight!

The Plural Voting Bill, introduced by the Liberal Government, provides that at a General Election no elector shall be able to vote more than once. The Tories themselves passed an Act making this the rule for County Council elections; the Tories, when they promised a Tariff Reform Referendum (now dropped as "not a business proposition") said there should be No Plural Voting.

Support the Liberals in seeing that at Parliamentary Elections there shall be "ONE MAN, ONE VOTE."

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many devices for altering the equality of the votes through different forms of weighting. In general, we speak of a multiple vote system when an individual disposes of several votes, and of a plural vote system if the votes of one person count for more than the votes of others. There are various examples of the multiple vote system, for example there is the case in which certain citizens met the census requirements in several places (due to owning several properties) and were therefore able to vote more than once, as was the case in Great Britain, where as late as the early twentieth century approximately 6% of electors had more than one vote. This is also why a large number of procedures were designed at the end of the century to correct the numerical weighting, giving greater value to some individual electors with multiple or plural votes. As we have seen, additional individual votes were envisaged in many systems in the past, and in England and Scotland they survived until the mid-twentieth century.

■ *One Man, One Vote.*
Campaign by the British Liberal Party (1913).
[Pedro Tavares de Almeida collection]

However, the multiple vote was introduced in Belgium when universal suffrage was adopted in 1893. This is a significant case, partly because Belgium is considered a typical case for linear progression towards universal suffrage. Together with suffrage, additional votes were also introduced (not more than three for person) for heads of households, for those with higher education or who paid property taxes. On this basis, 901,000 electors had one vote each, 313,000 had two, and 237,000 had three in 1899-1900. Multiple votes accordingly outweighed individual votes.

Of all the devices designed by the elites to divide and redraw the body politic, the arithmetic system – which involved different weightings for individual votes, such as in the Prussian *Dreiklassenwahlrecht*, or the multiple vote system in Belgium – was undoubtedly the most “modern” and appropriate to its time. In other cases, by contrast, it was the domain of numbers that was radically rejected, on the right and on

the left. Until the mid-nineteenth century, and increasingly after the 1860's, criticism of the "law of numbers" had in fact called into dispute the actual nature of political representation. The "*Manifeste des Soixante*", drawn up by a group of Parisian manual workers in 1864 paved the way to claims for the direct candidacy by workers as such, and therefore constitutes a refutation of the notion of political representation itself which was taking hold in the emerging hotbeds of revolutionary socialism. However, also on the French right – always fertile in counter-revolutionary ferment



■ Polling station in France (1919).
[B&w photograph; detail.
reproduced from Olivier Duhamel
– *Aux urnes citoyens*. Paris: Ed. Du
May, 1993]

– there were those who stressed the unreality of universal suffrage, which failed to reflect the real shape of the country, and called for representation not of territorial constituencies but of interest groups.

So liberal representation was besieged from within by the procedures of mass democracy, and from the outside by the opposite sides of the political divide, from the left-wing workers' movement to conservative opinions, which called for more organic and "physiological" forms of representation for the sake not so much of the cohesion of natural communities, and the traditional class divisions which had existed in the past, but of the new fragmented social groups found throughout contemporary society, from workers' unions to the great groupings of economic interest. It is clear that both would have been very successful in the political systems of the twentieth century. But irrespective of whether this was the advent of democracy of mass political parties or of totalitarian regimes, the era of political representation in liberal Europe came to a close, or was restricted to the "confines" of its era. On the subject of confines, whilst albeit with a degree of uncertainty at the beginning of this text we sought to define the borders within which the experiment of liberal political representation was conducted in Europe, we must also mention that as this political system gradually extended and took root within the territory Europe, it was also the case that Europe was engaged in the largest conquest of colonial territories known in human history. The nature of its system of political representation is also defined by the fact that its people never considered extending the system to the empires they wiped out and their vast populations. Whilst the American territories, in separating themselves from the homeland, contributed to the development of liberalism, the new colonial possessions were untouched by it and soon contributed to its decline.

***Citizenship and political
representation in Spain
1812-1923***

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Translated from the Spanish version by Lusoscript

As in all countries, ideas about citizenship are one of the fundamental aspects of the ideology of the various liberal movements in Spain in the 19th century and the early decades of the 20th century. The translation of these ideas into political representation legislation is also one of the defining elements of the political systems that succeeded one another in liberal Spain. In this work, we briefly discuss both the theories and their practical expression, aiming to identify their significance in the historical context in which they occurred. In doing so, we examine each of the major stages into which that period can be divided: the establishment of the representative system by the Constitution of Cádiz of 1812 and its application in the constitutional triennium 1820-1823; the reign of Isabel II, 1833-1868; the six-year period following the democratic revolution of 1868, 1868-1874; and the Bourbon Restoration, 1875-1923.

1. The establishment of the representative system by the Constitution of Cadiz, 1812

The Nation: this is the key concept of the 1812 Constitution, which epitomises the founding text of the modern representative system in Spain. A Nation that is “free and independent”, that “is not and cannot be the birthright of any family or person”, in which sovereignty “essentially resides” and to which, therefore, “the right to establish its basic laws exclusively” belongs (Articles 2 and 3). The men of Cadiz did

not create the Spanish Nation, which was already a centuries-old reality by the early nineteenth century; what they did was to proclaim the Nation sovereign, in place of the sovereign Monarch. Nor were they completely original. However, after France, Spain was the second European country to draft a Constitution based on national sovereignty, a Constitution which would, as we know, have a major influence on Portugal, Mediterranean Europe and the new Latin American republics.

This new prominence of the Nation led logically to the elevation of the role of citizen. It has been said that it was in Cadiz and in its continuation in the constitutional triennium, 1820-1823, “when the Spanish engaged with this concept (that of citizenship) with the greatest enthusiasm: the speeches of the time overflow with appeals to citizenship, political virtue and public spirit” (FERNÁNDEZ SEBASTIÁN 2002: 139).

The Spanish constitution writers, like their French predecessors, distinguished clearly between the subjects of Spanish nationality and those of Spanish citizenship. All the “Spanish of both hemispheres” enjoyed civil rights: civil liberties, property rights and the other legitimate rights pertaining to all individuals” (Article 4); only citizens exercised political rights.

By establishing that “all free men born and resident in the dominions of Spain, together with their children” are Spanish (Article 5,1), and that “citizens are those Spaniards who can trace their origin in both lines from the Spanish dominions of both hemispheres and are resident in any place in those dominions” (Article 18), the Cadiz liberals adopted very broad and inclusive criteria in respect of the inhabitants of the European territory of the nation, as is universally acknowledged. The question of those who inhabited the American territories, a highly contested issue in the constitutional debates, is a separate matter and the subject of considerable controversy; in view of its breadth and tangential nature in relation to the subject matter of this work, we do not deal with it here.

Equally broad and inclusive was the procedure for the election of “the deputies who represent the Nation” (Article 27), in the peninsula and adjacent islands, and the subject of minute regulation (Articles 28 to 103). The sole system of representation adopted was one of election by province, on a proportional basis of one deputy for every 70,000 people. A very wide, male, indirect suffrage was established on three levels: parish, party and province. The first level was composed of all citizens aged 25 or over residing in the parish.

Any elector could become a deputy on the sole condition that he was born in the province or had resided there for seven years. The Constitution also established the condition that he must have “an appropriate income from his own property”, although its application was suspended until a new Cortes decided to implement it and define its terms (Articles 91-93).



■ José Casado del Alisal –
*Swearing in of the first
deputies of the Cortes at
the Church of San Pedro y
San Pablo in San Fernando,
Cádiz, 1810.*

[Oil on canvas, 1863. Madrid,
Congreso de los Diputados
(Congress of Deputies)]

The adoption of the parish and territory as the basis of representation led to a heated debate in the Cortes. Of greater interest than the frequent historical references are the arguments in favour of a system which reflected existing social divisions – advanced by advocates of the Estates – or which attempted to overcome them and create a new and unified body politic, as the liberals advocated and caused to prevail¹.

That did not mean, however, that the liberals had an egalitarian point of view. The abolition of the Estates did not mean, according to Agustín de Argüelles, that the privileged groups came off worse, because “the nobles and the clergy [...] will

¹ Few such cases better illustrate Raffaele Romanelli’s argument about how representative systems, rather than adapting to – or being a mere projection of – the social structure, attempt to create something different, in order to give the Nation the unity which it lacks. (ROMANELLI 1997: 23-46).

in practice always receive preference. The former because of the influence that the honours, distinctions and wealth have in any society; and the latter because to these circumstances they add the holiness and wisdom innate in their ministry”².

The breadth of the criteria for the recognition of nationality and citizenship did not imply an absence of exclusions and restrictions. For example, the statement that “the religion of the Spanish nation is and will be in perpetuity the Catholic, Apostolic, Roman, and sole true religion” (Article 12), meant that any foreigner who wished to become a citizen would have to declare himself Catholic, Apostolic and Roman; a religious requirement which was in any case common in the Europe of that time, still far from religious freedom, with the exception of France.

In the two decades following the enactment of the Constitution, the idealism and civic enthusiasm of its authors were to meet with very severe tests when faced with the reality in the country. The first was the refusal of Fernando VII, after his return to Spain in 1814, to accept any of the work of the Cortes of Cadiz, and his relentless persecution of the liberals, who in many cases chose to go into exile. Later, after the success of Riego’s daring pronunciamiento (coup) in 1820, when they had an opportunity to implement the Constitution during the constitutional triennium of 1820-1823, they realised how difficult it was to govern with the 1812 text, at the same time as divisions and conflicts broke out among themselves. And they were yet to experience the meekness of the population in the face of the invasion of the Holy Alliance’s troops in 1823 which re-established absolutism for a decade during which they once again suffered persecution and were driven into exile. Living in France and England also gave the Spanish liberals direct experience of the milder forms of European liberalism, as embodied in the monarchy of Louis Philippe of Orleans and the success of the 1832 electoral reforms in Britain. As a result of all those personal and foreign experiences, when Fernando VII died in 1833 and they were able to return to Spain, they approached the situation in a spirit very different from before.

² “Preamble” to the Political Constitution of the Spanish Monarchy. Madrid: Imprenta Nacional, 1820, p. 35.

2. The reign of Isabel II, 1833-1868

“How do we reconcile order with freedom?” wrote the former Cadiz deputy, Francisco Martínez de la Rosa in *El espíritu del siglo*, posing what has been called “the most important question of his time” (GARRIDO MURO 2000:178) It was no longer sufficient to boldly proclaim freedom and generously extend citizenship. It was now necessary to find ways to turn them into reality.

There was an initial tentative receptiveness from above to liberal approaches which should not be dismissed. This was the Royal Statute of 1834, enacted during the premiership of the same Martínez de la Rosa. In its preamble, the Regent – María Cristina de Borbón, the late wife of Fernando VII and mother of the three-year-old queen – expressed the intention of “establishing the fundamental laws of the Monarchy”, setting out the terms and conditions for representation of the Kingdom in the Cortes³. The Statute divided the Cortes into two Chambers, the Estates of Próceres and the Estates of Procuradores – giving birth to a bicameral practice which was to be maintained for the duration of liberal Spain. Like the reasoning, the terminology was plainly historicist: “Estates” instead of “chambers” and “procurators” instead of “deputies”; all this caution must have seemed too little to the Regent, who was at that time facing an armed uprising by the supporters of tradition – of Church and Throne – combining in defence of the succession rights of the Infante Carlos María Isidro, brother of the dead king.

The political framework which it established was extremely confined: it depended exclusively on the will of the Crown (the word “nation” does not even appear in the text); the Monarch retained the power to summon, prorogue and dissolve the Cortes; it recognised the privileges of the aristocracy and the Church in the composition of the upper Chamber; and it fixed very high hurdles for election as a procurator; it also did not set out any declaration of rights. However, the Royal Statute also offered possibilities for enhancing and widening political participation, which were exploited by the more progressive elements. Even in the nineteenth century, it was said that Martínez de la Rosa’s intention was “to draw up a series of governmental measures inspired by liberal thinking, intelligence and the will of the nation, and in due course to make use of them to elect its representatives, which in union with the crown would create a political code reflecting their social status”. In stating that “contributions cannot be imposed, but at the most before the end of two years, there should be new elections to the Cortes” (Article 35), it forced the King to summon them. The Cortes in turn had the power to write its own procedural rules and although it did not possess legislative initiative, it did have the “right that it has

³ Preamble to the Royal Statute, issued at Aranjuez on 10 April 1834.

always exercised [...] to petition the King”; the combination of these two things meant that the parliamentary arena became entirely free from political discussion. Lastly, the procedure for the election of procurators remained undefined; an initial Royal Decree, of 24 May 1834, was very restrictive, but a second, of 24 May 1836, established direct voting for the first time in Spain and greatly expanded the franchise, although still on the basis of income and capacity (DACARRATE 1886-1887: 14, 42).

The possibilities and advances of the Statute were swept away amid the defeat of government troops in the Carlist War by a series of popular uprisings and, ultimately, by the revolt of the “sergeants of La Granja” in August 1836, forcing the Regent to restore the Constitution of 1812. At the very beginning of a nascent representative system, this highlighted two fundamental flaws in Spanish politics – a lack of respect for legality and the decisive nature of military intervention – which would characterise much of the history of the liberal regime in Spain.

■ Charles Clifford – *El Congreso de los Diputados y la Carrera de San Jerónimo*.

[1853, Madrid, Biblioteca Nacional de España (Spain National Library)]



In the ensuing elections the indirect method established in the Constitution of Cadiz was used for the last time. At the urging of a more progressive political grouping, the so-called “exaltados” (Radicals) – later to be renamed the “Progressives” – including some former Cadiz deputies such as Argüelles, the elected Cortes drafted a new Constitution, the Constitution of 1837, to replace that of 1812, which was considered by that time to be seriously deficient. The 1837 Constitution, founded on the principle of national sovereignty, was largely consensual since the Progressives accepted the two main proposals of the other existing political grouping, the “Moderates” – which, in subsequent years, took the name of “constitutional monarchists” – favouring greater powers for the King and the division of the Cortes into two Chambers, the Congress and the Senate.

Progressives and Moderates, now converted into political parties of dignitaries, alternated in power during the following years from 1837 to 1854. During their tenure, the moderates broke the constitutional consensus by unilaterally amending the text of 1837. Reflecting their ideological views, the new Constitution of 1845 established shared sovereignty between the Cortes and the King and strengthened the centralism of the State. From then on, each party had its own constitution: the Progressives, the Constitution of 1837; the Moderates, that of 1845. Another serious drawback to add to those that already existed.

In terms of political representation, the progressive and moderate models were reflected in the electoral laws of 1837 and 1846, respectively. Both laws naturally respected three constitutional precepts common to both the 1837 and 1845 texts: bicameralism, the election of representatives on the basis of population, and direct voting. They also shared three other characteristics: restriction of the right to vote on the basis of property and capacity; the banning of allowances or salaries for Deputies; and the adoption of the province as the territorial basis of representation. The distinctive elements of each model concerned the composition of the Senate, the treatment of the province as the unit of territorial representation, and the breadth of the franchise⁴.

The differences between Progressives and Moderates should certainly not be underestimated in terms of serving the interests of the bourgeoisie or, more generally, of the propertied classes. The Progressive and Moderate identities in those years, though by no means monolithic, were clearly opposed and their ideas about representation and, in particular, citizenship, were a fundamental part of them. The moderates trusted especially in the protection of the Crown and aimed to

⁴ There is a description of each of these aspects in Carlos Dardé and Manuel Estrada (DARDÉ; ESTRADA 1998: 33-153).



■ Eugenio Lucas Velázquez
– *Parliamentary scene in
the Assembly Room of the
Congress of Deputies.*
[Oil on canvas, 1855. Madrid,
Congreso de los Diputados
(Congress of Deputies)]

“recognise the social power and convert it into a political power”⁵; nothing could be further from the 1812 aim of creating a unified body politic. The Progressives, much closer to the thinking of the Cadiz Constitution although still advocating limitation

⁵ Committee Report on the draft electoral law of 1845, in *Diario de Sesiones del Congreso* (hereinafter *DSC*), dossier 1845-46, No. 102, 8 April 1845, appendix, p. 1975.

of the franchise – which was to result, in 1849, in the breakaway of the Democrats, the supporters of universal (male) suffrage – claimed to be the representatives of the national opinion or will, and trusted in popular participation, both locally and nationally.

After the revolution of 1854, there was an attempt at reconciliation between Moderates and Progressives – the Liberal Union – which failed due to lack of ideological and organisational consistency. In the area of representation, the Unionists enacted the electoral law of 1865 which attempted in vain to satisfy the Progressives’ demands by extending the franchise and reviving the multimember electoral constituencies of 1837.

The theoretical differences between all sides were sunk in practice over one fundamental issue: control of elections by the government, irrespective of whether it was Moderate, Progressive or Unionist. In 1839, a Moderate government lost the election, but this would not be repeated until 1918, and then because of special circumstances. The influence of central government was a determining factor of the elections under any of the legal frameworks in liberal Spain. Governments made elections, not vice versa. But since it was the Crown that appointed governments, the monarch became the key to the whole political system. In a situation characterised, as we have seen, by lack of respect for legality, military interventionism, extreme divisions between parties and the lack of agreement between them on fundamental issues, Isabel II proved completely incapable of mediating between the different political forces. Those who felt marginalised by the system attributed this fact to the will of the Queen and believed that her dethronement – which they achieved with the “Glorious Revolution” of 1868 – would be the solution to the country’s problems.

3. The revolutionary six-year period, 1868-1874

The revolution that began in Cadiz in 1868, also implied, in terms of the issue we are discussing, a return to the spirit of Cadiz in 1812 and a similar enthusiasm on the part of the citizenry. The small “Democratic” party provided ideological underpinning for the coalition that ousted Isabel II from the throne. In the Manifesto of 19 September 1868, in which the leading military chiefs set out the reasons for the revolt, they declared their wish that “universal suffrage should lay the foundations of our social and political regeneration”⁶. And shortly afterwards, the Constituent Cortes was elected by this method.

The Constitution of 1869 dedicated its first Chapter to “the Spanish and their rights” and, among the latter, provided that “no Spaniard who is in full enjoyment

⁶ *Gaceta de Madrid*, 3 October 1868.

of his civil rights may be deprived of the right to vote in the election of senators and deputies of the Cortes, and provincial deputies and town councillors” (Article 16). Political citizenship was equated with the simple human condition, in the case of males, as José María Jover Zamora noted – stressing its ethical value – in a quotation much cited by the Spanish historians (JOVER ZAMORA 1976: 353). Moreover, no special requirement apart from adulthood and the possession of civil rights was established for election as a deputy of a Congress composed exclusively on the basis of the number of inhabitants, in the proportion of one deputy for every 40,000 “souls”.

However, the Constitution established a crucial counterweight to pure individual representation: the existence of a Senate with the same powers as the Congress which was wholly elected, although by a system of second degree indirect election on the basis of municipalities and provinces, the members of which could only be individuals who met certain conditions (Articles 60-63).

The electoral law for the Congress of Deputies was established in the Law of 20 August 1870 which naturally respected the constitutional principles, and which continued the tradition of organising territorial representation by province. This method was explicitly advocated in the report of the relevant parliamentary committee – the authorship of which can be attributed mainly to Segismundo Moret, a liberal strongly influenced by Krausist philosophy – as opposed to the “individualistic and atomistic system which, starting from the abstract notion of citizen [...] completely ignores all the essential and permanent relationships that link him to the social order; this system, which aims to wipe out all the constituencies so as to convert the entire Nation into a single electoral college on the argument that the object of public representation ‘is not roof tiles and the territory but human beings’, completely lacks any sense of reality and overlooks in its abstractions that material interests are the outward sign of the ties that unite the inhabitants of a city or province”. Individualism and organicism were thus reconciled by means of the provincial regulation of representation⁷.

On the other hand surprisingly, the law broke with the progressive tradition of election by multi-member constituencies and implemented the single-member constituency system advocated by the Moderates. In favour of this measure, it was argued that “no-one can rationally doubt that the election of a single candidate, whom the voter can take a close look at, offers greater guarantees of the conscious exercise of his right than the multiple vote, cast more often than not for people whom the voter does not know”. The threat of “voters’ lack of independence and the

⁷ *Diario de Sesiones de las Cortes Constituyentes*, dossier 1869-1871, No. 231, 5 March 1870, appendix 1, p. 1.

means often used to twist their arms”, which was considered inherent in this type of constituency, was cancelled out, in the opinion of the law’s authors, by the broadening of the electorate. Electoral corruption, they said, could not be resolved simply by adopting large constituencies⁸.

The revolutionaries of 1868 did not succeed in bringing stability to Spanish politics. They initially opted for monarchy as the form of government. Their first candidate was the former king consort of Portugal, Ferdinand of Coburg, who turned down the offer of the crown of Spain. After difficult and protracted negotiations – one of whose side effects was the Franco-Prussian war of 1870-1871 – they gained the agreement of the King of Italy’s son, Amadeus of Savoy, whose reign was short-lived, lasting a little over two years. The monarch was received with coldness and showed no particular political ability. However, the main responsibility for the failure of the new monarchy was not his, nor that of his opponents, the Republicans; it was due mainly to the confrontation between the two major parties that alternated in power.

There were three general elections during the reign of Amadeus of Savoy – two of them in the same year, 1872 – which resulted in the overwhelming victory of the ruling party. The government’s influence continued to be as decisive under universal suffrage as it had been under census suffrage.

On 11 February 1873 the First Spanish Republic was proclaimed, which lasted only eleven months. In this case too, the collapse was due, not to the opposition of opponents, but to divisions between the same Republicans, which led to the Cantonalist War, a civil war to add to the two existing ones: the war which the Carlists had restarted during the reign of Amadeus of Savoy and that which had been waged in Cuba by the supporters of independence since 1868.

The draft Federal Constitution of the Spanish Republic of 17 July 1873 began with a preliminary Chapter setting out “the natural rights [...], preceding and superior to all positive legislation”, which did not include the right to vote. However, the latter right appears in Chapter II, “Concerning the Spanish and their rights”: “no Spaniard who is in full enjoyment of his civil rights may be deprived of the right to vote in elections” (Article 18). The draft also established a bicameral legislature and direct universal suffrage as the electoral method.

The most important innovation of the Republican draft regarding representation relates to the Senate, as the Chamber of territorial representation, naturally affected by the new federal nature of the Spanish State. The provinces, the basic territorial units in the previous electoral legislation, were replaced by 15 States in mainland Spain and

⁸ Ibid., p. 2.

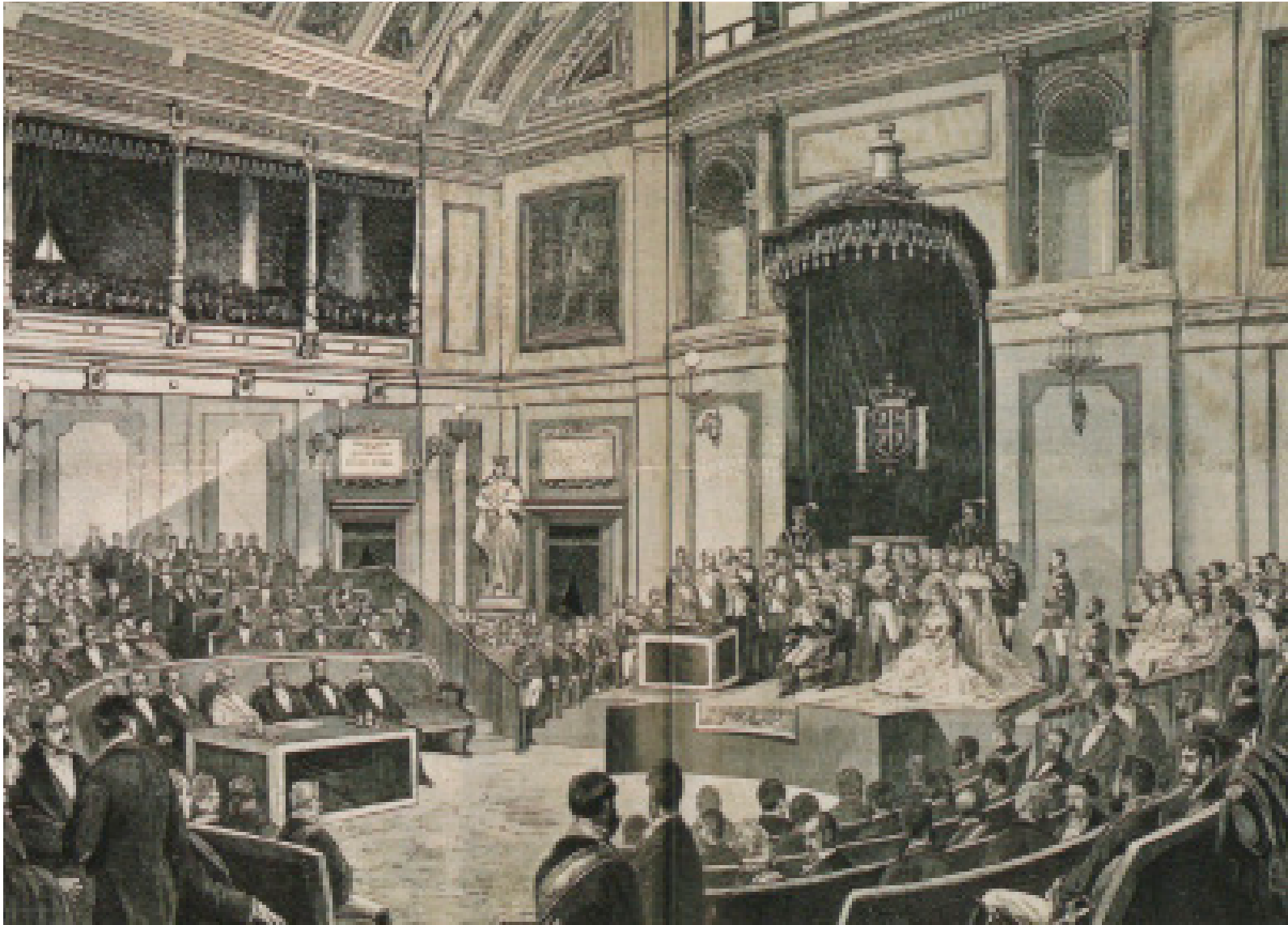
the adjacent islands, plus Cuba and Puerto Rico. The Cortes of each of these States, regardless of their population, elected four representatives to the Senate. On the other hand, the Senate ceased to have the same powers as the Congress, and became a sort of Constitutional Court, with limited powers since it could only delay the laws passed by Congress for three years.

4. The Restoration, 1875-1923

The restoration of the Bourbons to the throne of Spain in the person of Alfonso XII, the son of Isabel II, came about through a military coup led by General Arsenio Martínez Campos in late 1874. Thus began the final period of liberal Spain, which ended in 1923 with another coup, that of Miguel Primo de Rivera, and the reign of Alfonso XIII, the son of the previous monarch.

The almost fifty years between the two military uprisings were ones of unusual stability in the history of Spanish liberalism. The same Constitution, that of 1876, was accepted by both the major parties – the Conservatives and the Liberals – which peacefully succeeded one another in power, with the Army staying in barracks and not intervening in the formation of governments. After the turmoil of the previous period, culminating in the Republican chaos of 1873, a desire for peace and calm reigned in the country. The person who best reflected those feelings and was able to give them legal form and put them into practice was the conservative Antonio Cánovas del Castillo, who initially enjoyed the complete confidence and support of Alfonso XII. “The trouble”, Cánovas said, referring to Spain’s chequered history since 1833, “is that [...] nobody wants to wait for the slow development of ideas, advocacy and conviction, the triumph of their principles, and that everybody feels they cannot wait any longer, relying on resolving all political problems through the lamentable use of force”. This desire for stability was fully shared by the liberal left, whose chief leader, Práxedes Mateo Sagasta, argued for “a ‘policy of harmony with the parties that act within the law’ so that ‘those in opposition and those in government [...] treat each other with the same respect and consideration as should sons of the same mother country, making common cause with one another and supporting each other, otherwise they will end up being destroyed and at the same time destroying the very institutions that are their foundation.’”⁹

⁹ *Diario de Sesiones del Senado*, dossier 1876, No. 46, 5 June 1876, p. 537-538. DSC, dossier 1876-1877, No. 23, 15 March 1876, p. 426.



■ Opening of the Constituent Cortes by King Alfonso XII (January 1875).
[Reproduced from *Historia de España* de Menéndez Pidal, dir. J. M. Jover Zamora. Madrid: Espasa Calpe, 2000, t. 36, vol. 1]

As in the reign of Isabel II, the key to the system continued to be the Crown, which appointed the Governments that in turn won the elections that the Crown called. However, the success of this period was due to the skill with which, in the majority of cases, successive monarchs – those mentioned earlier and María Cristina of Austria, who acted as Regent from 1885 to 1902 – carried out their role, taking charge of the State from the political forces. It was not that they wished to dispense with political participation, but they were all convinced of the imperfection of a public opinion which, through elections, could determine the formation of governments, and which required the arbitration of the Crown while it was forming.

The lack of an independent electorate was publicly and unanimously attributed to government interference. To counter this public apathy, the parties promoted political mobilisation based on the representation of local interests. As a consequence, the electoral districts able to resist government pressure increased in number over time: if at the beginning of the Restoration, the districts controlled by the same individual, family or party amounted to about 10 per cent of the total, by the second and third decades of the twentieth century, the proportion had risen to 65 per cent¹⁰.

This type of politics was adopted not only by the dynastic parties, but also by the opposition – Republicans, Carlists or Catalan regionalists – whose main justification was to promote certain ideas but who also did not disdain to use the influence they had in support of local interests. There was a “dual machine” in these parties: one that generated ideological propaganda aimed predominantly at urban voters, and another that aimed to garner support by dispensing favours in rural districts.

Over time there was also a shift in the representation of interests, which moved from the defence of individual interests to that of collective interests. If at the start of the system what predominated were clienteles based on the granting of individual benefits, by the second decade of the twentieth century, deputies “were not limited to being mere arrangers of private favours, rather their role as organisers and representatives of collective benefits over individual ones was becoming increasingly important” (GARRIDO 2003: 199).

In terms of electoral law, the first elections after the restoration of the Monarchy were held in 1876 in accordance with the law in force at the time, that is, by universal suffrage. Thereafter, election to the Congress of Deputies was governed by three electoral laws – of 1878, 1890 and 1907 – all within the framework of the 1876 Constitution.

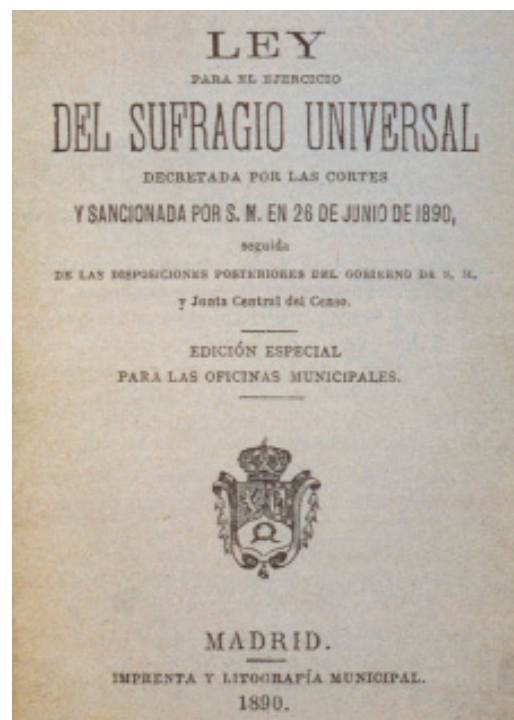
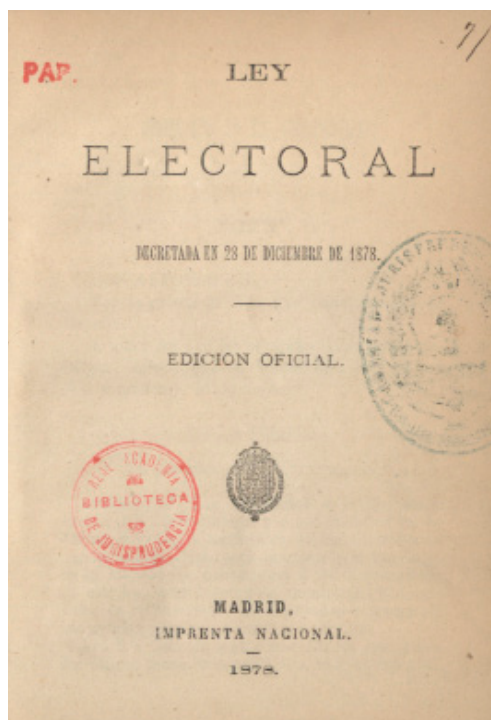
The Constitution established the bicameral composition of the Cortes. The Senate was composed of two different types of members: senators for life – as of right or appointed by the Crown – and those elected for a term of five years. This composition of the upper Chamber reflected the influence of the organic theories of representation, advanced in Spain both by Catholics and Krausists; what was intended by this was to provide specific representation of the different social interests in contrast to representation of the general interest, which was embodied in the lower Chamber.

In relation to the Congress, the 1876 Constitution only established that it should be composed of one deputy for every 50,000 people, without specifying the method of election. This lack of precision was a feature of the whole of the constitutional text, so that each party could govern according to its own principles, without the need to amend

¹⁰ Statistics in José Varela Ortega y Carlos Dardé (VARELA ORTEGA; DARDÉ 2000: 132. Table 3) and in Javier Moreno Luzón (MORENO LUZÓN, forthcoming).

■ *Ley electoral*. Madrid, 1878.
[Pedro Tavares de Almeida
collection]

■ *Ley del sufragio universal*.
Madrid, 1890.
[Pedro Tavares de Almeida
collection]



the Constitution. To be elected as a deputy, no preconditions were required other than to be “Spanish, a layman, of age and in enjoyment of all civil rights” (Article 29).

The electoral law of 1878 was passed by a conservative government. It contained two innovations: the replacement of universal suffrage by a census based on wealth and capacity, and the creation of 20 new multi-member constituencies with a system that favoured the representation of minorities.

The following electoral law of 1890 – passed during the regency of María Cristina of Austria – was the work of a Liberal government headed by Sagasta and re-established universal male suffrage. The law was presented more as the result of the Liberal party’s ideological commitment – the reclamation of the democratic heritage of the revolutionary six-year period and the completion of the constitutional process of the nineteenth century – than as a response to the specific problems posed by Spanish electoral reality. The Conservatives totally rejected this law, but respected it once they were in power.

An attempt to solve the defects of the system was, however, the justification for the third and final electoral law, that of 1907, at the beginning of the reign of Alfonso XIII. This reform was the work of a Conservative government led by Antonio Maura – a politician particularly identified with the concept of citizenship – engaged at the time in what was called the uprooting of caciquismo (political bossism), that is, in trying to eliminate the corruption that was generally associated with elections.



■ Map of boss rule in Spain, published in the *Almanaque de Gedeón* (1897).
 [Reproduced from *Historia de España de Menéndez Pidal*, dir. J. M. Jover Zamora. Madrid: Espasa Calpe, 2000, t. 36, vol. 1]

Although the law was conservative, its two major innovations were the initiative of the liberal or republican Left: the Liberals introduced the analysis of election returns by the Supreme Court (Article 53), and the Republicans the amendment on dispensing with an election when there was only one candidate (Article 29).

All these measures did little to quell the criticism, not only of voting methods but also of the entire Spanish parliamentary system, criticism that culminated in the coup led by General Miguel Primo de Rivera in September 1923, which ushered in the military dictatorship. With the tacit consent – at least – of Alfonso XIII, the 1876 Constitution was suspended and the Cortes was closed. The almost unanimous acceptance of the Dictatorship showed that, after nearly a century of existence, the Spanish liberal system lacked the necessary strength to withstand the wave of anti-parliamentarism that swamped Europe after the First World War.

REFERENCES

- DACARRATE, Angel Maria
1886-1887 "Martínez de la Rosa". In *La España del siglo XIX*. Madrid: Antonio San Martín. Vol. 1.
- DARDÉ, Carlos; ESTRADA, Manuel
1998 "Social and Territorial Representation in Spanish Electoral Systems, 1809-1874". In Raffaella Romanelli, ed. – *How did they become voters? The history of franchise in modern European Representation*. The Hague: Kluwer Law International.
- FERNÁNDEZ SEBASTIÁN, Javier
2002 "Ciudadanía", In *Diccionario político y social del siglo XIX español*. Madrid: Alianza, p. 139.
- GARRIDO, Aurora
2003 "Las elecciones en la crisis del régimen liberal español". In R. A. Gutiérrez; R. Zurita; R. Camurri, ed. – *Elecciones y cultura política en España e Italia (1890-1923)*. València: Universitat de València.
- GARRIDO MURO, Luis
2000 "El nacimiento de los partidos políticos en España, 1833-1845". In *Sagasta y el liberalismo español*. Madrid: Fundación BBVA.
- JOVER ZAMORA, José Maria
1976 "1868: Balance de una revolución" (1968). In José María Jover Zamora – *Política, diplomacia y humanismo popular en la España del siglo XIX*. Madrid: Turner.
- MORENO LUZÓN, Javier
"Government Parties and the King". In Francisco Romero Salvadó; Ángel Smith, eds. – *The Agony of Spanish Liberalism, 1914-1923*. London: Palgrave (in press).
- ROMANELLI, Raffaele
1997 "Sistemas electorales y estructuras sociales. El siglo XIX europeo". In Salvador Forner, ed. – *Democracia, elecciones y modernización en Europa*. Madrid: Cátedra, p. 23-46
- VARELA ORTEGA, José; DARDÉ, Carlos
2000 "Los procesos electorales y la función parlamentaria". In Manuel Espadas Burgos, coord. – *La época de la Restauración (1875-1902). El Estado, la política, las islas españolas de ultramar*. Historia de España Menéndez Pidal, ed. José María Jover Zamora. Madrid. Espasa Calpe. Vol. 26, p. 113-144.

Citizenship and political representation in Brazil 1822-1930

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Translated from the Portuguese by Clive Thoms

Controversy surrounds the topic of citizenship in Brazil under the Empire (1822-1889) and the First Republic (1889-1930). It is commonly asserted that there was no real citizenship in Brazil in the 19th century as the country gained independence without any great violent struggle, at the same time as maintaining a system of slave labour. This situation allegedly stood in the way of any attempts to establish minimum criteria for the exercise of citizenship in Imperial Brazil. As civil rights presuppose the formation of a body of free citizens, a country whose population was largely composed of slaves could not seriously be regarded as liberal.

This is the reasoning which underpins the often-quoted arguments on the dual character of Brazilian liberalism, which affirm that it was imported from Europe as a model and applied, in appearance only, to Brazil in the 19th century, without transforming the patriarchal essence of its society. In this “dislocated” form of liberalism, nothing would be more comprehensible than the existence of a façade of civil rights, which failed to correspond to the reality of the social situation. Clearly defined by Roberto Schwartz in his article *As ideias fora do lugar*, written in the nineteen seventies, and echoed in even fairly recent texts, we may say that these ideas form part of the trajectory of Brazilian thought since the start of the 20th century¹.

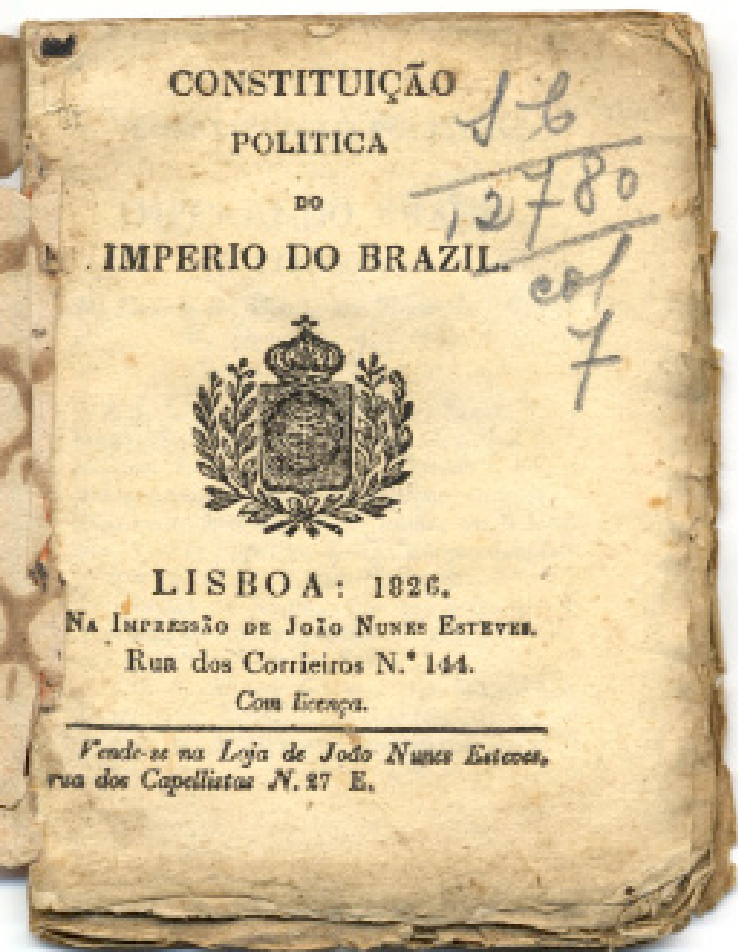
¹ Roberto Schwarz – “As idéias fora do lugar” (SCHWARZ 1977). For an example of contemporary historical writing which works on the basis of the same conceptual framework, see Richard Graham – “Ciudadanía y Jerarquía en el Brasil esclavista” (SÁBATO 1999).

Indeed, since that time, liberalism has been viewed in Brazil as a set of ideas which, taking from outside Brazil, could serve to improve the country, ridding it of the taint of slavery. This conception of liberalism has put down deep roots in Brazilian social thought. The dichotomy between liberalism and slavery has permeated reflection on the 19th century and the formation of contemporary Brazilian society, from those who have seen slavery as the limitation on the liberalism of independent Brazil to those who saw liberalism as a construct wholly foreign to Brazilian society as it then existed (MATTOS 2000). Even today, despite the recognition that the civil and political rights for the free population were initially established in the Constitution of 1824, most of the few studies of citizenship and civil rights in the Imperial period lay stress on the absence of these rights from everyday life, and on the lack of pressure from the various sectors of society laying claim to these rights.

In approaching the questions of citizenship and political representation in Brazil in the nineteenth and early twentieth centuries, this article sets out from a different perspective. The aim is obviously not to argue that the existence of slavery had no effect on Brazilian society, or that the persistence of the slave labour system under the Empire did not put down deep roots in the organization of the State and the shape of the country's society. But we will argue that, from independence onwards, there was effective pressure from different sectors of Brazilian society for recognition of their citizenship rights, and that this movement often started out from individuals who had themselves experienced slavery, or whose ancestors had done so.

The earliest debates concerning the definition of citizenship in Brazil took place soon after the proclamation of independence, in the Constituent Assembly convened in 1823, with regard to the paragraphs and sections relating to the categories of "Brazilians" and "members of Brazilian society". The main controversy arose from the existence of inhabitants of the country who had not been born in Brazil, such as the Portuguese and Africans, and others who, although born in the country, could not be regarded as members of society, such as slaves and indigenous peoples. On this occasion, although a large majority of the members of the Constituent Assembly agreed that African slaves could not have citizenship rights, some argued that those born in Brazil should have the right to become citizens, if they obtained their freedom. The Assembly accordingly approved the paragraph which recognized as citizens "freedmen who acquired their liberty by any legitimate means".

This definition of citizenship was maintained in the Imperial Constitution of 1824, which considered as citizens all free men – freedmen or *ingênuos* (sons of slave women) – born in Brazil or naturalized Brazilian, all with equal access to civil rights, but with differentiated political rights. Voting was mandatory, and the vote was necessarily exercised by all free and freed men, 25 years and older, with an income of



■ *Constituição Política do Império do Brasil* (1824). Lisboa, 1826. [BNP]

no less than 199 *mil réis*. Voting rights were also extended to all men aged 21 and over who were heads of families, military officers, holders of bachelor's degrees, clergy and public employees. Women and slaves could not vote.

The Constitution also enshrined the basic criterion which was to define the political rights of citizens throughout the Empire: income. A minimum annual income of 100 *mil réis* was required, from property, industry, trade or employment, in order for a man to vote in primary elections. Elections were indirect, held in two tiers: in the first, the voters, or passive citizens, chose the provincial electors; these, known as the active citizens, met in electoral colleges and voted for the members of provincial and national parliaments and for senators (senatorships were life appointments in the gift of the emperor, who chose from a triple list submitted by the electors). To qualify as a provincial elector, in the second electoral tier, minimum income of 200 *mil réis* was required; former slaves and convicted criminals were also excluded at this level.

In view of these criteria, as José Murilo de Carvalho and Richard Graham have shown, political participation by the Brazilian population during the imperial period may be regarded as extensive, at least when compared with European countries at the same time: until 1881,

when the electoral legislation was substantially changed, approximately 50% of the free male Brazilian population voted, contrasting with, in 1870, figures of 7% of the total English population, 2% of Italians, 9% of the Portuguese and 2.5% of the Dutch. At the same period, the only countries in the world to have adopted universal suffrage were France and Switzerland (CARVALHO 1994; GRAHAM 1997).

In addition to voting, there were other formal means of political representation of citizens in imperial Brazil: if they were literate and *active citizens* (electors), they could belong to the body of jurymen, taking part in the exercise of judicial power. They could also act as justice of the peace (there was one for each Brazilian district) or join the National Guard, open only to men with political rights. Their other civil and political rights included the possibility of contributing to the political press, freedom to organize political institutions, the right to submit claims and petitions to the government and to resist any action deemed unlawful on the part of the authorities.

However, civil equality did not mean that everyday exercise of citizenship was the same for all citizens: in practice, those who were not white suffered restrictions on their basic rights, such as that of coming and going; at the same time, elections, the prime form whereby political rights were exercised in the 19th century, were often violent and subject to fraud, especially because the primary votes were decided by popular acclamation, allowing room for the local gentry to influence the results or to interfere in electoral commissions, formed by the party appointed to head the cabinet. This meant that elections were often marred by clientelism and conflicts between the *citizens* and the local, provincial and imperial authorities.

Even so, the large body of electoral legislation drawn up during the imperial period also demonstrates the attention paid by the politicians, legal scholars and legislators of the time to the definition of political parties, to party representation and to government influence over elections. Surprisingly, what is revealed by examination of Brazilian electoral legislation of the 19th century is that, instead of electoral participation increasing over time, the successive changes to the arrangements enshrined in the 1824 Constitution gradually restricted participation by citizens.

In 1846, when the first changes were made to electoral legislation, it was established that income should be calculated in silver, which was equivalent to doubling the value of the minimum income. As a result, the proportion between the number of provincial electors and primary voters at this time was 1 to 40. According to data from 1872, the number of voters corresponded to approximately 13% of the free Brazilian population (which comprised approximately 85% of the country's total population). However, despite representing a small proportion of the populace, voters were in the main men of low income: in the municipality of Formiga, in Minas Gerais, these accounted for 70% of the electorate in 1876; in Irajá, on the outskirts of Rio de Janeiro, the proportion was 87%, and 44% were illiterate (CARVALHO 2000).

The question of the voting rights of the illiterate also pointed to the specific restrictions on the exercise of political rights in Brazil. Although literacy was not a requirement for classification as *voters* and *electors*, between 1824 and 1842 the legislation required identification papers to be signed, which limited electoral activity to those who were at least able to sign their own names. With the legislative changes of 1842, illiterates were allowed to be *voters* and *electors*. Just to give an idea of the scale of illiteracy amongst Brazilian voters, a survey conducted in 1876 in eight parishes in Rio de Janeiro, the capital of the Empire, revealed that one in every four voters could neither read nor write. In parishes even further from the urban centre, the illiteracy rate could reach as high as 50% (NICOLAU 2004: 11). This situation was then changed

in 1881, as part of the largest electoral reform under the Empire, when illiterates lost the right to vote, which they only regained on promulgation of the Constitution of 1988, drawn up after the end of the military regime in Brazil (1964-1985).

It was in order to reduce even further the participation of the low income population that, during the period when the Imperial regime entered its decline, from 1870 onwards, with the end of the Paraguayan War, that rural landowners began to call for direct elections. This was established by the law of 1881, also known as the *Saraiva Law*. In the view of these landowners, the illiterates were the great cause of electoral corruption, as they supposedly lacked the discernment to choose *electors*. The legislative reform of 1881 accordingly imposed an unprecedented restriction on Brazilian political citizenship, doing away with the two-tier electoral system and excluding the illiterate from voting. As a result of these measures, the differentiation between *voters* and *electors* was abolished, and voters were then subject to the same minimum income requirements formerly applied to electors. Senators and members of parliament were elected directly by *electors*, who had to prove their income by means of a complex list of documents submitted to judges who oversaw the process of electoral qualification.

According to Richard Graham, these rules on voter registration assured the continuity of the relations of power which characterized the politics of the Imperial era, as universal suffrage would mean domination by the poor over persons of wealth and education (GRAHAM 1997). Even so, Saraiva believed that his proposed legislation would encourage people to strive to achieve the minimum income, as “virtuous behaviour could assure the right to vote”. Much criticized by liberals such as Joaquim Nabuco and José Bonifácio *the Younger*, the Saraiva law was approved thanks to its proponent’s ability to take on board the claims of various political groups, allowing, for instance, freedmen and protestants to be electors, as long as they met the income requirements and swore allegiance to the Imperial Constitution. Even with these concessions, the number of voters was drastically reduced: from 1,097,698 in 1872, or 10.8% of the total population, including slaves, to 117,022, or 0.8% of the country’s inhabitants, in 1886.

In this situation, it might be expected that party-political representation in Imperial Brazil would correspond to the reality of the electoral system. In fact, in the early years after independence, Brazil lacked any clearly defined political parties. It was only with the abdication of the Emperor Pedro I (or Pedro IV) that the liberal and conservative parties started to be better organized, and these two parties basically alternated in power until the end of the Empire. During the eighteen thirties, there was still the group of *exaltados* (extreme liberals), who pressed for constitutional reforms and decentralization of the political and administrative system, but

the political instability of the eighteen thirties and the advance of the conservatives put an end to this movement.

Accordingly, although the differences between the two parties were wider than is commonly thought, in practice they alternated in power as from the institution in Brazil of the parliamentary system in 1847, which involved the creation of the new office of president of the Council of Ministers (or cabinet), appointed personally by the emperor. Inspired by the English parliamentary system, in which executive power is exercised by the prime minister, who governs with the support of Parliament, which is responsible for choosing him, in the parliamentary system set up in Brazil in the 19th century, the executive was subordinate to parliament and to the Moderating Power (*Poder Moderador*), in what was known, not by chance, as “back-to-front parliamentary system”. Despite the name, it was therefore a system of government specific to the Brazilian Empire, although with superficial similarities to the system adopted in England.

It was the Emperor who designated the president of the Council of Ministers who, in turn, appointed the other ministers to form the ministry, submitting their names to the approval of the Chamber. It was presumed that the leadership of the prime minister, or the head of the cabinet, would enjoy the confidence both of the Chamber and the Emperor. In practice, however, even if the Chamber sometimes managed to enforce the voice of the majority, forcing a change in the composition of the Council of Ministers, the emperor, if he failed to get his way, could invoke the Moderating Power to maintain his ministers, dissolving the Chamber and calling fresh elections. As the elections were in effect rigged, due to government interference, the government always emerged the victor.

This situation led a number of politicians to question the effectiveness of the system. They contended that, instead of the cabinet being replaced by the emperor whenever the majority party expressed its dissatisfaction in crisis situations, exactly the opposite would happen. This led Nabuco de Araújo, a liberal politician and several times Minister of Justice, in his famous *sermones* speech, to declare that “the Moderating Power can call on who it wishes to organize ministries; this person holds the election, because he has to do so; this election produces the majority. That’s our country’s representative system!”

In the last instance, this system permitted the Emperor, Pedro II, to maintain control over the main representatives of the imperial political class. On the strength of his own convictions, in the opinion of the Council of State, the main leaders of the Chamber and the leaders of the two parties, he could choose between dissolving the Chamber or dismissing the cabinet, removing its head and all the other ministers. The upshot was that, in 50 years of government, there were 36 cabinets, with an average

duration of one year and three months, their leadership alternating between the Liberal and Conservative parties. In this context, the question of the parliamentary representation of the opposition was another topic for wide-ranging debate during the Imperial period.

As from the “Conciliation” cabinet (1853), headed by the Marquis of Paraná, discussion began on how to assure the presence in power of the two parties, Liberal and Conservative, irrespective of the party affiliations of whoever occupied the ministry at any given time. This led to the proposals for introducing the district vote, an election system based on constituencies and on electoral incompatibilities (ineligibilities). The first of these was designed to assure representation of local factions, rendering them less dependent on connections with provincial presidents, whilst the other two were part of an attempt to reduce government influence on the outcome of elections. It was accordingly proposed that elections to the Provincial Assembly should be conducted on the basis of provincial districts, or constituencies, and not at provincial level, and that public employees should be prohibited from standing for office in their respective districts. This would prevent provincial presidents, provincial secretaries, captains-at-arms, judges at law, municipal judges and police chiefs from being elected, at least in their districts of origin.

Although the reaction to these measures was enormous – opposing members of parliament contended that the *tamanduás*, as local leaders were known, would be incapable of dealing with the great national questions –, the bill was approved thanks to the prestige of the Marquis of Paraná, and took effect as law on 19 September 1855. The first election held under the new legislation, in 1856, brought change: the number of National Guard colonels, doctors and priests elected grew significantly, at the same time as the number of public functionaries fell, allowing the “real country” to walk “straight into the Chamber”, just as the Marquis of Paraná wished.

In 1875, another new method was introduced to assure the representation of minorities: the *one third system*, whereby voters chose only 2/3 of the list of provincial electors, the remaining 1/3 being taken ideally from the votes of the opposition.

The last attempt to assure representation for the opposition came with the electoral reform of 1881, which introduced the direct alternative vote in district elections and added to the list of incompatibilities, excluding public works contractors, and parish priests and bishops in their own parishes, as well as laying down that public employees, even if elected outside their districts, could not hold office, receive salaries or be promoted for the duration of their mandate. These measures effectively led to an increased presence of minorities and the professional classes in the Assembly: whereas, in 1859, 48% of members of parliament were public employees, this figure fell to 8% in the final legislature of the Empire. Between 1875 and 1881, other measures



■ “The Brazilian Revolution – the leaders of the movement travelling through the city of Rio at the head of troops loyal to the Republic”.
 [L'illustration, Paris, 21 December 1889. Engraving by Bellenger, based on a drawing by Veridiano Carvalho]

tion and voting were not mandatory, and because of all the other continued restrictions, the number of people voting in Brazil remained small. In 1894, in the first elections for the president of the Republic, 2.2% of the population voted. In 1930, this figure rose to 5.6% of the population (2000: 40). If we compare this with voting figures for 1872, the scale of the reduction is striking.

The First Republic (1889-1930) instituted the federal system, with the states replacing the former provinces of the Empire. In this new system, the president and vice-president were elected directly every four years, in separate polls, without the possibility of re-election. Each state also elected three senators, members of parliament and governors. Interestingly, as part of the decentralizing measures adopted after the proclamation of the Republic, each state had autonomy to organize its own elections. Under the new electoral law of 1892, registration was conducted in each municipality by a commission comprising five electors chosen from amongst the

were also adopted, such as the introduction of electoral identity cards and prohibition of military recruitment and troop movements during election periods. However, these changes were not enough to reduce government influence over its supporters. In all elections held during the Second Reign (1840-1889), the provincial presidents – chosen by the emperor – were able to elect members of their own parties to the provincial and national assemblies.

The 1881 law was therefore a step backwards in the Brazilian system of political representation, as argued by José Murilo de Carvalho (2000: 39). And the proclamation of the Republic, in 1889, did little to change the situation. Although the new Constitution, promulgated in 1891, did away with the income requirements for citizenship rights, it continued to exclude the illiterate. Other groups formerly excluded from voting were kept out. The main such group was women, who at this time had begun to mobilize to win the right to vote. Nonetheless, this was only achieved in 1934, when a new Constitution was instituted, under the government of Getúlio Vargas.

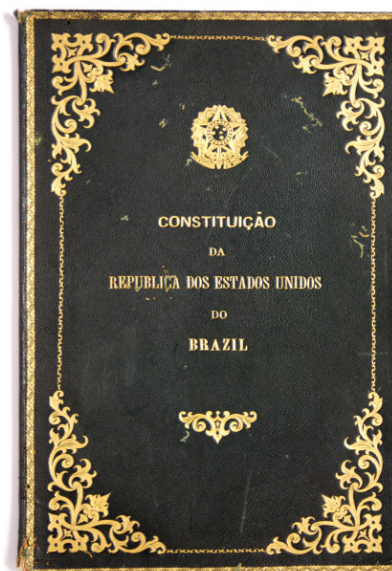
The first Republican Constitution also lowered the voting age from 25 to 21 years. But, as registra-

■ *Constituição da República dos Estados Unidos do Brasil* (1891).

[Congresso dos Deputados do Brasil (Brazilian Congress of Deputies)]

members of the municipal governments, in contrast to the arrangements under the Saraiva Law of 1881, which entrusted registration to the judiciary. The judicial authorities took back responsibility for registration in the federal elections in 1916 when, in order to vote, electors had to prove their age, their ability to support themselves, residence in the municipality and that they could read and write (NICOLAU 2004).

The new arrangements, whilst resulting in political decentralization, also favoured the formation of local oligarchies, which controlled the entire electoral process, from registration through to vote counts. This was the so-called “Republic of the Colonels”, controlled by the colonel, the name popularly used for the head of the local oligarchy. In some states, when there was competition between local oligarchies, elections would turn into



■ “From the ballot boxes the very image of the Republican Homeland will rise victorious”.

[*Revista Ilustrada*, 6 September 1890. Drawing by Angelo Agostini. Plínio Doyle Collection, Fundação Casa de Rui Barbosa]



a trial of strength, with sometimes bloody consequences. In other cases, such as in the states of São Paulo and Minas Gerais, the oligarchies formed alliances to control national politics. In any case, the elections were always a sham. From voter registration through to the count, the entire process was in the hands of the local oligarchies. As the cattle rancher and politician, Assis Brasil, a prominent critic of electoral practice, said at the time, “no one can be sure of being registered as a voter; no one can be sure of voting, if they actually manage to register; no one can be sure that their vote, even when counted, will be respected when the result is called...” (NICOLAU 2004: 35). The tight grip on Brazilian politics held by the leading oligarchies up to 1930 helps to explain the small numbers of voters recorded in this period. In the elections to the Chamber of Deputies in 1912, for example, only 2.6% of the population presented itself to vote.

This situation helps, to a certain extent, to explain why many historians consider that, prior to 1930, there was no “politically organized populace” in Brazil (CARVALHO 2000: 83) and why, for a long time, the concept of citizenship was regarded as not applying to Brazil in the 19th and early twentieth centuries. The difficulties experienced in the exercise of civil and political rights under the Empire and the First Republic meant that society remained patriarchal and geared to slavery, with no plans for integration of the freed slaves after abolition in 1888, without any popular uprising.

However, more recent historical investigation into Brazil under the Empire and the First Republic has shown that an unprecedented number of individuals laid claim to inclusion in the political life of the nation in this period. Participation, in this case, has to be sought less in the formal arrangements for representation, such as elections, and more in other forms giving expression to the aspirations and wishes of the population. Here, we can include both revolts against state measures which, in the view of the population, represented an affront to their traditional rights, and also popular movements driven by an expectation of civil rights and effective equality between citizens (MATOS 2000).

We are referring here, for instance, to the revolt of the *marimbondos*, in 1851 in Pernambuco, when the local population rose up against the census law enacted in the previous year, designed to organize the general census of the empire and to institute civil registries for births and deaths. Seeing this measure as a possible means of reasserting slavery, given that a large part of the local population comprised freedmen, and naming the measure the “captivity law”, the revolt extended to various regions of the province of Pernambuco and actually prevented the law from being approved. The question was only raised again twenty years later. Another example is the famous Vaccination Revolt, in 1904 in Rio de Janeiro, when the local population rebelled against compulsory smallpox vaccination. In protesting against the vaccine, they were also protesting against the government, against the recent urban reform which had taken place in Rio de Janeiro, driving the needier population out of the centre of the city.

The expectation of acquiring civil rights was also the incentive for mass enlistment by slaves in the armed forces in the 19th century. Seeking to obtain their freedom, and thereby civil rights, they were eager to join the army. But as the troops were divided by “colour”, or by racial categories, protests soon broke out calling for “equality between all colours” in the struggles for independence and in the popular revolts of the regency period. From the mid-19th century onwards, growing legal pressures against unlawful enslavement, in the form of liberations and the actual abolitionist movement, gave prominent form to the struggle for civil rights.

In this sense, it is no exaggeration to claim that, from Independence onwards, different sectors of society exerted effective pressure for the recognition of the right to citizenship. The same was true under the First Republic. In addition to popular uprisings, there were also attempts to extend civil and political rights and the exercise of citizenship during this period.

Organized movements took a leading role in efforts to claim rights, especially amongst workers who came together to assure better representation of their interests. These associations, many of which had existed since imperial times, in the form of leagues, clubs, mutual societies and trade unions, brought their members into contact with anarchist and communist sympathisers. They also set up newspapers, libraries, drama and musical groups, regarded as essential to mobilizing and shaping the awareness of workers (GOMES 2002:17). At this time, the main demands for rights had to do with the everyday lives of workers, such as a maximum working day of eight hours, regulation of female and child labour, as well as demands for a law to protect workers against accidents at work. The few strikes which took place in this period, mainly between 1917 and 1920, were violently repressed. Even so, some progress was made: the law on accidents at work took effect in 1919, retirement pension funds were set up in 1923, the same year that saw the creation of the National Labour Council, and the workers' holiday law was passed in 1925, followed by the Minors Code in 1926.

Clearly, the signing of the Treaty of Versailles, which instituted the right to work, is fundamental to an understanding of this situation. As a signatory to the treaty, it was important that Brazil should also keep abreast of the new society emerging in the post-war world. But more than this, the new legislation shows the type of pressure and political activity taking place in Brazil in the period.

The differences in the popular movements, reform and political organizations which can be observed under the First Republic show that, despite little substantial change in formal political representation from the Empire to the Republic, the proclamation of the Republic should be understood as a moment of fundamental political and social change in Brazil, principally because it was preceded, one year earlier, by the abolition of slavery in 1888².

Abolition marked the end of an experiment lasting almost four centuries, in which a large part of the country's population was defined by the absence of any type of rights. Clearly, slaves were not alone in not enjoying full rights. The same was true of women, non-Catholics, and the indigenous peoples. But the slaves were the only group formally defined by the total absence of any rights, although in practice they managed to achieve some.

² This point has been argued by Ângela de Castro Gomes in various publications (see also GOMES 1979).



■ Celebrating the signing of the decree abolishing slavery at the Imperial Palace.
[Photograph by Luís Ferreira (1888), George Ermakoff collection]

Accordingly, one year after the abolition of slavery, the proclamation of the Republic instituted full equality between men. Although the change was formal, the institution of the principle of equality between men was fundamental to establishing the new order. And also to the many political struggles which followed, which sought to extend to the entire Brazilian population the same rights assured to men at the inception of the Republic. Although, in 1930, the problem of political representation in Brazil remained the same, with fraudulent elections and scant popular participation, the political culture of Brazilian citizens had undergone a substantial change, based on the tradition of claiming rights which dated back to the Empire. This is the same tradition on which Brazilians draw today, when, at the threshold of the 21st century, they lay claim to end of the strange complicity between formal egalitarianism and effective inequality.

REFERÊNCIAS BIBLIOGRÁFICAS

- CARVALHO, José Murilo
2000 *Cidadania no Brasil*. Rio de Janeiro: Civilização Brasileira.
- CARVALHO, José Murilo
1994 *A Construção da Ordem e Teatro de Sombras*. Rio de Janeiro: Relume Dumará.
- GOMES, Angela de Castro
2002 *Cidadania e direitos do trabalho*. Rio de Janeiro: Jorge Zahar.
- GOMES, Angela de Castro
1979 *Burguesia e Trabalho: política e legislação social no Brasil, 1917-1937*. Rio de Janeiro: Campus.
- GRAHAM, Richard
1997 *Clientelismo e Política no Brasil do século XIX*. Rio de Janeiro: UFRJ.
- GRINBERG, KEILA
2001 *Código civil e cidadania*. Rio de Janeiro, Jorge Zahar.
- GRINBERG, KEILA
2002 *O Feador dos Brasileiros: cidadania, escravidão e direito civil no tempo de Antonio Pereira Rebouças*. Rio de Janeiro: Civilização Brasileira.
- MATTOS, Hebe
2000 *Escravidão e Cidadania no Brasil Monárquico*. Rio de Janeiro: Jorge Zahar.
- NICOLAU, Jairo
2004 *História do voto no Brasil*. Rio de Janeiro: Jorge Zahar.
- SABATO, Hilda, ed.
1999 *Ciudadanía política y formación de las naciones: Perspectivas históricas de América Latina*. Mexico: Fondo de Cultura Económica.
- SCHWARZ, Roberto
1977 *Ao Vencedor as Batatas*. São Paulo: Duas Cidades.

