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EDITORIAL
200 YEARS AFTER THE REVOLUTION (1820-2020)

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José Subtil, Cláudia Atallah, Sarita Mota, Rodrigo da Costa Dominguez

EDITORIAL

200 YEARS AFTER THE REVOLUTION (1820-2020)[1]

JOSÉ SUBTIL

CLÁUDIA ATALLAH

SARITA MOTA

RODRIGO DA COSTA DOMINGUEZ

In 2020, we highlighted the 200 years of the Liberal Revolution, one of the essential historiographical landmarks in the History of Portugal and Brazil. We did this by organizing an inter-university webinar that was attended by researchers from both sides of the Atlantic.

In the words of German historian Sebastian Conrad, the organizers strove to create a broad and universal approach to this historic event, bypassing the pitfalls of Eurocentrism and biased interpretations with a perspective linked to the development of the «nation-states» of the 19th century. In this sense, the participation of different specialists in the various panels was essential, allowing the participants and, consequently, the readers of this thematic issue of the janus.net journal, to have a comparative, balanced and multilateral view. This view encompasses both issues directly related to the Portuguese context, immediately before and after the revolution, and aspects regarding its developments and impacts in different contexts, in different chronologies and in different parts of the Atlantic.

On the other hand, an important bias to be highlighted is the complex process of political paradigm shift from the mid-eighteenth century, where doctrines, practices and symbolism typical of the Ancien Régime Iberian began to shift towards a Liberal State.

The text by **Patrícia Valim** (Universidade Federal de Ouro Preto) on the crime of lese-majesty and its application in the *Conjuração Baiana/Bahia's Conspiracy* (1798) highlights the process of transformation. The author sheds light on the transition from legal pluralism to the professionalization of the legal field, with an emphasis on national law and on the conception of legislative and penal rectitude. It pays attention to the interpretations and jurisprudence that emerged from the discussions around the process of judging those involved in the revolt, within a context of rationalization of the legal logic and the revisionism of the State's punitive action, less and less tied to the idea of "personal" justice of the monarch and closer to clear, detailed procedures carried out within properly delimited institutional contours and legal procedures under the auspices of Good Reason.

[1] Editorial translated by Carolina Peralta.

In the author's words, the desecration of the hereditary divine right ended up generating a new political economy of the king's punitive power. In fact, the analysis of the inquest's records exposes the reach of the ideals of freedom and equality at the end of the Ancien Régime, especially the contradictions of magistrates involved in illicit practices, the intricacies of justice and monarchical power, as well as the political rearrangements in Salvador's society. Despite the negotiation between the crown and the local elites to repress the "projected revolution" and the "Bahia Republic", the punishment fell on four free men, poor, *pardos* and occupants of low-ranking military posts.

These sentenced figures, the "Beings of Liberty", are not treated as "martyrs"; on the contrary, the public ritual of torture attests the despotic absolutism of the time, the submission of subjects to the sumptuousness of the crown, the weight of social hierarchies supported by slavery, political control and the limits of republican ideals.

In the context of the Lei da Boa Razão/Law of Good Reason (1769), the article by **Cláudia Atallah** (Universidade Federal Fluminense) describes this same changing legal scenario by analysing the applicability of common law after the institution of the aforementioned law, which would clearly demarcate the political rationalism desired by the reforms of Sebastião José de Carvalho e Melo. The strengthening of the State should necessarily go through the specialization of the legal field and the professionalism of its agents. At first, the author makes a balance of the historiography on the so-called Pombal's ministry, problematizing the discussions about the rupture nature (or not) attributed to the period in question. Following her analysis, she presents us with a case study on the impacts of that law on the legal universe of Portuguese America, giving an opinion by D. Rodrigo José de Menezes e Castro, governor of the captaincy of Minas Gerais, sent to Martinho de Melo e Castro, Secretary of State for the Navy and Overseas of the Kingdom of Portugal (1783). In the document, Menezes e Castro describes the difficulties in enforcing the royal law and the peculiarities of governing the colonial hinterlands. The author also analyses the increase in requests for proof of common law that reached the Overseas Council in the thirty years after the Law of Good Reason.

The text by **Maria do Socorro Ferraz** (Universidade Federal de Pernambuco) analyses the political-administrative disputes in Pernambuco regarding the handling of the captaincy, considering its relations with two important centres of power, Rio de Janeiro and Lisbon. Both cities were going through moments of great political and social tension, with the Pernambuco Insurrection of 1817 and the creation of the *Sinédrio* (Sanhedrin) in Portugal in 1818. Her paper also describes the impact of the presence of the Portuguese Court and the decisions taken on political and economic issues that concerned Pernambuco, clarifying the positions between "monarchist" liberals and "republican" liberals. Among the factors that triggered the Pernambuco Revolution was the discontent of the landowning class with the Portuguese governor Caetano Pinto de Miranda Montenegro's treasury administration, the excess of taxation and the transfer of colonial income. Also symptomatic is the circulation of a new political vocabulary influenced by liberal American and French literature: terms such as "royal tyranny", "manifesting injustice", "oppression", "nation", "brave patriots", "social rights" and "organic laws", used by the revolutionaries to rally popular support. The movement was responsible for strong political repression and numerous arrests of liberals from Pernambuco: the leaders were sentenced to the death penalty; others were sent to exile in Africa and incarcerated in several prisons in Brazil, while others were sent to Lisbon on charges of being supporters of independence.

The work of **Telma Ruas** (Universidade Autónoma de Lisboa) focuses on the analysis of the "*subsídio literário*" (literary subsidy) tax, a tax created by Pombal's reform to support the teaching strategy and which prevailed after the liberal revolution, despite the heated debates for the its extinction. The defence of the tax, in view of the difficulties of the State's finances, was based on the promotion of primary education and based its intention on the fulfilment of fiscal duties. The subsistence of this tax was decisive for the education system and underlined the financial importance of the contribution which,

as the author says, "founded the demands for the creation of elementary schools and secondary education courses, calling for compliance with the norms related to tax contribution", both through individual and collective petitions that reached the *Cortes*. The *subsídio literário* tax ended up allowing municipalities to use their contributions in elementary education and the acquisition of technical skills to leverage development and economic growth in line with the essential values of the ideas of freedom, equality and justice. With this work, one more field of continuity between the Ancien Régime and Liberalism was evidenced in one of the fundamental areas for the constitutional monarchy.

The article by **Ana Cristina Araújo** (University of Coimbra) focuses on three associations that, at the end of the 18th century and beginning of the 19th century, contributed to the construction of networks of public social organizations, providing, therefore, the debate of ideas about the philosophical modernity of the Enlightenment: the *Mancebos Patriotas* society based in Coimbra (1780), the *Montepio Literário* (1813) and the *Sociedade Patriótica Literária de Lisboa* (1822). These philanthropic associations stood out, above all, in the dissemination and political and social communication within a public atmosphere emerging from the transformations that were, in the words of the author, taking place "in the spaces, agents and mechanisms of literary, cultural, scientific and sociability politics in Portuguese society. All this under the influence of the Enlightenment, marked by new perceptions of encyclopaedist culture and philosophy, and taking into account the well-known channels of access to foreign printed production through the clandestine circulation of books, periodicals, literary and theatre novelties". This civic participation grew in leisure spaces and in literary gatherings fed by cultural elites who also ended up operating changes in the way knowledge was shared, and in the use of social interactions to improve debate and political and social criticism. These new forms of sociability have therefore become central to the reinforcement of modernity and as a support for liberal ideas.

The work of **Luís Tomé** (Universidade Autónoma de Lisboa) focuses on the various international orders limited in time and space which, arising from liberal revolutions, inspired new doctrines and ideologies that would mark the emergence of para-democratic, liberal regimes, the Nation-State, multilateralism and institutionalism, In the author's words, this "would mark several and distinct worldviews on the "international order" that emerged in Europe and spread as a result of the colonial domination and expansion of the European powers". The matrix of this liberal international order, which does not mean "world order", is dominated by the American model and reflects the values and interests of its culture. However, the contradictions and paradoxes of the liberal order led to its deconstruction, especially given the "economic hyper globalization" that legitimized certain autocracies and favoured the growth of world power in China. This country, together with Russia, export authoritarianism and the doctrine of "non-interference in internal affairs", which ended up subverting the principles of coexistence of nations in respect for international rules. We are, therefore, facing a work that invites us to reflect on the externalization of liberal revolutions, which is quite evident in the case of the liberal revolution in Portugal.

The study by **António Pedro Manique** (Instituto Politécnico de Santarém) addresses the right to dissolve the elective chambers of parliaments which, in Portugal, according to the Constitution of 1826, belonged to the so-called "fourth power", the moderating power that coexisted with the traditional legislative, executive and judicial powers. This power, in addition to the tripartite division, belonged exclusively to the monarch, in addition to the executive power, of which he was the head. In this sense, one of the royal powers within the scope of this moderating power was the dissolution of the Chamber of Deputies when the reasons for the "salvation of the State" required it, therefore, only in exceptional situations. The author points out that this royal prerogative became trivialized, "becoming a political instrument used by governments to obtain parliamentary majorities through the use of fraudulent elections". Thus, António Pedro Manique

demonstrates that political practice has distorted constitutional principles to become a central mechanism of the liberal regime. He analyses the ten dissolutions of the Chamber of Deputies decreed between 1834 and 1865, highlighting the "enormous interval that separates the *formal constitution* from the *real constitution* that results from the political practices of the agents of power and the institutions themselves". The author draws our attention to the difficulties and distortions caused by the formal interpretations of constitutional documents if we do not take into account the dimension of political practices.

José Subtil (Universidade Autónoma de Lisboa) chose to address the central problem of liberals in the debate on the justice regime, that is, the choice between judges of law and popular judges. The author drew four main conclusions. The first concerns the fact that this debate has provided the marking of the boundary between the group of more radical liberals, the moderates and the conservative/traditionalists. The second conclusion is that the defence of popular judges was, above all, ideological and had two political presuppositions: the violent criticism of the royal magistracy of the Ancien Régime and the defence of a justice that was movable by vote and transitory during the exercise period. The third conclusion reveals that the constitutional models and the laws of organization of justice never had a practical manifestation until the Newest Reform (1841). And, finally, that liberalism would end up adopting a model based on judges of law, moving away from populism, although it accepted a mitigated version of popular judges, the so-called judges *de facto* (jurors). Therefore, this work outlines the general framework of the debate on justice for liberals and also a comparison with the model in force in the Ancien Régime, focusing, for both periods, on the model of election of popular judges.

Finally, the text by **Luís Valença Pinto** (Universidade Autónoma de Lisboa) draws our attention to the understanding that the war contributed to the evolution of the concept of security influenced by ideas related to liberalism and democracy (national security, collective security, cooperative security), attentive to the human dimension. Two circumstances together define the matrix of this relationship. On the one hand, the increasingly liberal nature of the political and strategic context and, on the other hand, the growing correlation and subordination of security to this context.

The editorial team of this thematic issue is pleased to offer readers this issue commemorating the liberal revolution of 1820, which reflects an interdisciplinary effort to problematize plural knowledge, anchored in the dialogue between the areas of History, Law, Culture and International Relations.

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