

Evidence for *Pombalism*: Reality or Pervasive Clichés?

José Subtil

Universidade Autónoma de Lisboa, Luís de Camões.

josesubtil@netcabo.pt

It was a great pleasure for me to be given this chance to write a reply to António Manuel Hespanha's review of my book (*O terramoto político (1755-1759) : memória e poder*, Lisboa : Ediuál, [D.L. 2007]. - 175 p.) in conjunction with Nuno Monteiro's biography of José I, both of them dealing with the same period. Furthermore, these comments could mark the beginning of a debate that is fundamental for historians of 18th-century Portugal, namely on the genealogy and political meaning of *Pombalism*.

The research that I undertook for this paper and other studies has led me to reach the following three conclusions:

1) The political system implemented by *Pombalism* meant a complete break with what came before;

2) Lisbon's famous earthquake (1755) created the appropriate climate for such a break to take place;

3) The subsequent Marquis of Pombal, who acted as the catalyst for this transformation, was supported in his strategy by an assorted variety of politicians, amongst whom the most notable were a group of high court judges (*desembargadores*). In choosing the title *Terramoto Político* (Political Earthquake) for my book, my intention was to correlate the cataclysm with that political change

However, did *Pombalism* really mean an abrupt change or was it a form of continuity in which the essential differences were somehow disguised? Was it a moment of rupture, a singular event, or was it the natural outcome of a mature political process? In either case, what did *Pombalism* turn out to be?

To suggest that it triggered discontinuity represents an attempt to relate *Pombalism* with a huge change in the political system. As far as I can see, this is my book's strong point. Moreover, including *Pombalism* in the natural cycle of development of the political process has inevitable implications. It will suggest that this period did not produce any real structural changes and that Pombal's consulate (1755-1777) was nothing more than a period of absolutism, rescued later on by the advent of Liberalism. If I have indeed correctly understood the meaning of the term Enlightenment, or more precisely its polymorphic streams based on the relationship between rationality and power and between power and knowledge, *Pombalism* displayed as much of a certain type of Enlightenment as it lacked the features of other types. It did generate new powers that produced new knowledge, which in turn generated newer layers of power, all of them creating a regime dominated both by rationality and by an array of innovative disciplinary mechanisms. To invoke the support of an unexpected witness, I recall the speeches of Borges Carneiro to the Sovereign Congress (1821-1822), a judge who became one of the most radical supporters of the first period of Portuguese liberalism and who had the utmost admiration for the Marquis of Pombal

and his institutional reforms, although he was to emphasize one undeniable flaw: the Marquis was not a constitutionalist.

Who or what were the agents of this change? A political program? A revolutionary zeal? A group of dissenters who disagreed with the political situation? I tried to show in my book that the catalyst for this enormous political transformation was the political climate created by the earthquake of 1755. However, I did point to Sebastião José de Carvalho e Melo, as well as to a network of his political accomplices, mostly *desembargadores*, as the co-agents of this change.

On the other hand, I tried to explain this phenomenon by choosing documents containing information that might provide fitting answers to the problem in hand. In other words, documents that would make it possible to form insights into the political arenas – actual existing spaces that were completely destroyed by the earthquake – and to more easily ascertain the administrative reality that followed the quake, in order to outline the positions adopted by the political actors, who either faced the crisis or ran away from it. This choice of documents would also enable me to achieve a further series of aims: to analyze the political outcome of the confrontation of these two strategies; to identify social problems and political solutions; to create an inventory of the institutional innovations that were implemented; to assess the quality of the bureaucratic instruments; to survey the extent of the newly implemented disciplinary devices; to understand just how chaotic everyday life was and to determine the nature of the intrigues to be found at the Royal Palace; and, finally, to identify the forms of resistance and opposition to the government. In short, the problems arising in the course of the research were to be solved through a thorough selection of documents that was directed, not towards discussing contemporary or future imaginary scenarios, but towards highlighting the very importance of the phenomena that were actually being lived through.

However, can one grasp this supposed evidence from the very “reality” of events? How can one avoid the abstraction or the interplay of interpretations that have already taken root in our historical memories? Should research be focused on analyzing that precise period of time or should it, instead, consider those periods that either preceded or followed it? Or should one attempt to make a comparison between two realities: the political situation prior to the earthquake and the ensuing cycle of *Pombalism*?

Nevertheless, the period that followed *Pombalism* has not yet been thoroughly investigated. Actually, the short reign of Dona Maria I (1777-1786) and the various phases of Dom João VI's reign (official regencies between 1786 and 1816 in Portugal and Brazil, kingship between 1816 and 1826 in the same territories) have been left out so as to disconnect *Pombalism* (and later, the French invasions) from the implementation of liberalism in Portugal. It is therefore necessary to refer to this particular period, because either *Pombalism* did not produce any lasting effects, being just an atypical moment in the political process leading towards liberalism, or instead the political practices of the late 18th/early 19th centuries were themselves rooted in *Pombalism*.

The ordinary analysis of the first decade of Dona Maria I's reign – and the identification of a volte-face (*Viradeira*) still upheld by the overwhelming majority of essays on the subject – fits the former line of historical reasoning and is, in turn, concurrent with the glorification of the liberals. The latter would perhaps have had sufficient awareness to organize the 1820 revolution against a historical continuum engraved in absolutism, either with or without the Enlightenment. This so-called volte-face was largely triggered by Pombal's political trial and the demonstrations against him and his style of rule, so that it should not be immediately likened to the reactionary movement which opposed the reformist movement (referred to here as *Pombalism*) and eventually succeeded in its purpose.

Did such a volte-face actually exist after the fall of Pombal? Thereby canceling out all that had happened after the earthquake and up to the death of Dom José?

It is commonly known that the Marquis of Pombal never accepted the succession of Dona Maria I. He made arrangements to impose Salic Law so that Dom José¹ could take the throne. Therefore, the queen was not prepared to govern. In her first years of rule, she frequently resorted to the aid of advisors, who formed the famous *junta da rainha* or *junta nocturna* (31 March, 1778).

These advisors were a reformist group of *desembargadores*, all closely identified with *Pombalist* politics, except for the Viscount of Vila Nova de Cerveira.² The latter created the position of State Minister and Assistant State Secretary, a position to be held by the Marquis of Angeja, who had himself been opposed to Pombal's regime. However, neither of the two were responsible for any known relevant initiatives to overthrow the system, nor did they leave any visible impressions on the positions they held. Dom Pedro José worked, under the Pombalist minister Martinho de Melo e Castro's tutelage, on the reform of the Navy and – as did Dom Tomás Xavier and Teles da Silva – as president of the *Erário Régio* (the Royal Treasury) during the reign of Dona Maria I. All of them did really nothing more than simply continue to apply the *Pombalist* financial policy. The Viscount had even intended to build a new monumental building to house the *Erário Régio* in Praça do Príncipe Real. He was appointed Secretary of the new Ministry of Finance (1788), holding this position under the tutelage of Dom Rodrigo de Sousa Coutinho (1801), the son of one of the most remarkable overseas governors at the time of Pombal, Dom Francisco Inocêncio de Sousa Coutinho.

In the first government of Dona Maria I, Martinho de Melo e Castro and Aires de Sá e Melo, two Pombalist ministers, retained their positions as State Secretaries. Even one of the outstanding mentors of the Pombalist reforms, José de Seabra da Silva, saw his titles and favors reconfirmed (1 March, 1778), on returning from the garrison of Pedras Negras (Brazil). The Portuguese *Procurador-Geral da Coroa* (Public Prosecutor), João Pereira Ramos de Azevedo Coutinho, another prominent Pombalist reformist, also remained in office.

After nine years, the most important positions in terms of Marianist policy were still largely held by *Pombalinos*: the Viscount of Vila Nova de Cerveira and the Marquis of Angeja, respectively, Secretary of State for the Affairs of the Realm and Assistant Minister, Martinho de Melo e Castro and Aires de Sá e Melo, Secretaries of State for the Navy, War and Foreign Affairs, José Ricardo Pereira de Castro, High-Chancellor of the Realm, Luís de Almeida Soares Portugal (Marquis of Lavradio), president of the *Desembargo do Paço* (the Supreme Court), Bartolomeu José Galdes de Andrade, Chancellor of the *Casa da Suplicação* (the Petitions Division) and *Procurador da Fazenda da Coroa* (Crown Treasury Prosecutor), João Pereira Ramos de Azevedo Coutinho, *Procurador Geral da Coroa* (Crown Prosecutor) and Diogo Inácio de Pina Manique, General Intendant of Police. In other words, of these nine highly placed leaders, only one, the Viscount of Vila Nova de Cerveira, was an anti-Pombalist and conservative, since the Marquis de Angeja had been very sick since 1783. It was this hard core of men who controlled events related to the crisis caused by the fact that the queen had begun to transfer some of her power, due to health problems (1786-1788). This situation propelled the reformists into a position of complete political control.

¹ See Joaquim Veríssimo Serrão, *História de Portugal*, Lisbon, Editorial Verbo, 1982, vol. IV.

² The composition of this advisory body was as follows: Viscount of Vila Nova de Cerveira, José Ricalde Pereira de Castro, Manuel Gomes Ferreira, Bartolomeu José Nunes Galdes de Andrade, João Pereira Ramos de Azevedo Coutinho and Gonçalo José da Silveira Preto (see Joaquim Veríssimo Serrão, *História de Portugal*, *op. cit.*, vol. VI, p. 339).

During these first years in the reign of Dona Maria, the Intendancy General of Police saw its scope of action widened under the leadership of Diogo Inácio de Pina Manique (1780). With the support of the Duke of Lafões and the Abbot Correia da Serra, the Lisbon Royal Academy of Science was founded (1779), being inaugurated ten years after the publication of its famous *Memórias*, in which, for example, what stood out was the criticism of entailed estates, echoing certain legal doctrinal positions that had already been expressed by the main academic jurist of Pombalism, Pascoal de Melo. Amongst others, institutional novelties included the *Academia do Nú* (Academy of the Nude), the *Aula Pública de Desenho e Pintura* (Public School of Painting and Drawing), the *Aula Real de Pintura* (Royal School of Painting), the *Real Biblioteca Pública de Lisboa* (Lisbon Royal Public Library), the *Museu de História Natural* (Natural History Museum) and the *Real Casa Pia* (a charitable institution and home for beggars and orphans). Following on from the *Lei da Boa Razão* (Law of Good Reason) and the Reform of the University of Coimbra (1772), a reform of the *Ordenações Filipinas* (the compilation of laws produced by the king Filipe I) was planned in 1783, with the *Junta Ordinária da Revisão e Censura do Novo Código* (Ordinary Council for the Revision and Censorship of the New Code) being set up for this purpose.

After the death of Dom Pedro III (5 May, 1786), the uncle and husband of Dona Maria I, the prince successor and the Marquis of Angeja also both died within a short space of time (1788). The sick queen definitively abandoned government. The second son of the royal couple (Prince João, aged 19) came to power. To replace the Marquis of Angeja, the Viscount of Vila Nova de Cerveira was appointed Assistant Minister, with the *desembargador* José de Seabra da Silva being appointed Secretary of State for the Affairs of the Realm, while Luís Pinto de Sousa Coutinho (the Viscount of Balsemão, a dedicated reformist and a high-ranking royal officer from the Pombalist period) was appointed Secretary of State for War and Foreign Affairs. Referring to the appointment of Seabra da Silva, Lebzelter wrote in a letter to the son of the Marquis of Pombal (20 December, 1788): “La nouvelle nomination de Mr. de Siabra, qui avait toujours été imbu du même esprit & des mêmes principes de cette administration jusqu’au moment où il s’attira sa disgrâce, est un nouveau triomphe pour la mémoire immortelle du Grand Ministre”.³

During this government, an attack was launched against the jurisdictional powers of the Crown’s representatives (Legislative Proposal of 19 July, 1790 and Decree of 7 January, 1792). This attack came in the shape of the reform of the prison system, the expropriation of the Church’s possessions (Law of 9 September, 1796 and Decree of 23 February, 1797)⁴; political and administrative communications were rationalized and reinforced with the nationalization of the postal services, the *Correio-Mor* (18 January, 1797) and the beginning of the building of the royal road between Lisbon and Coimbra, along with the royal mail (*mala-posta*) service. The Royal Police Force was created to intervene in several areas under Lisbon’s territorial administration. A series of new forms were introduced for the government of the city, such as the population census, inquiries, births, deaths, marriages and sickness statistics, new cemeteries were built for health reasons and crime prevention was initiated. In 1789, the commission in charge of the whole reform of the legislation presented its plans for a New Code for Public Law and Criminal Law, due to the influence of Pascoal José de Melo Freire.⁵

³ BN, *Colecção Pombalina*, Códice 708, fl. 106.

⁴ See José Subtil, *O Desembargo do Paço (1750-1833)*, Lisbon, Edial, 1996, in particular Ch. V.

⁵ See António Manuel Hespanha, “O Projecto de Código Criminal Português de 1786”, *La “Leopoldina”*, Milan: Giuffrè, 1988, vol. II, pp. 1631-1642.

Yet other important institutions were founded: *Junta do Exame do Estado Actual e Melhoramento Temporal das Ordens Religiosas* (Council for the Examination of the Current State and Temporal Improvement of the Religious Orders, Decree-Law of 21 November, 1796) and the Lisbon Public Library (Charter of 27 February, 1796), whose first Director, António Ribeiro Santos, was one of the most prestigious Portuguese supporters of the Enlightenment.

A new political cycle, which will not be mentioned here, began with the French invasions and the retreat of the royal family to Brazil (27 November, 1807).

Although I have sought to demonstrate in my book that a factor alien to human action – a seismic cataclysm of massive proportions – could also be the cause of historical change, leading to the transformation of a political system dating back to the mid-16th century, it can, however, be seen that the new model itself became irreversibly consolidated through the effects of human action.

Another question which appears continuously, but which I do not touch upon in my book, is the political significance seemingly attached to the jurists. Their influence was completely different before and after the earthquake.

Before the earthquake, the jurists controlled both legal and administrative domains, as well as the knowledge that served to guide a power that was based on justice and on an “economy of grace and favor” – the royal government of the prince. They were legitimated by royal power and they also represented the limits of that same power, while their own powers were limited by dogmatic doctrine. Nowadays, we know all about this reality as a result of modern legal historiography, particularly that of António Manuel Hespanha. After the earthquake, the jurists retained their key role because they were driven by the need to solve problems for which traditional jurisprudence had no answer, at least speedily and efficiently; consequently, they became involved in politics. This was a kind of activity that called for another kind of knowledge, dividing the jurists into those who were receptive to politics and those who thought that the traditional methods could still solve the problems caused by the earthquake. At first, actual practice made a natural selection of the most skilled. After a while, the renewal of the University of Coimbra was to produce the new knowledge required for the new political tasks.

The new elite of jurists began by underestimating the dogmatic body of intangible legal truths and instead followed another type of legal approach, based on what they called *Boa Razão* (Good Reason, the political reason that guides public well-being). Therefore, the jurists turned into political actors, upsetting the traditional legal system as they started to consider alternative views of the world and society. On the other hand, due to the increase in the number of scholars, as a result of the French invasions, many of them were no longer able to find available places in the Crown’s administration, which led to a wave of discontent with the regime. These circumstances explain why the jurists played such an important part in the Revolution of 1820.