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The first Portuguese “constitutional catechism”

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*«The difference of enlightenment constitutes the true inequality
between men».*
[*Political Manual of the Constitutional Citizen*, 1820]

1. An invention of the French Revolution

The civic-political education of the general population, using the catechism method of short, systematised questions and answers, first appeared in the aftermath of the French Revolution of 1789¹. This form of education would be well received by the Iberian Liberal Revolutions, both in Spain (1810)² and Portugal (1820), and at once

¹ See, for example, DURRUTY, 1990: pp. 1-18; BUTTIER, 2016: pp. 30-43; BUTTIER, 2017: pp. 91-104 – “Les catéchismes politiques sont nés avec la Révolution française” (p. 91).

² FERNÁNDEZ-SORIA y MAYORDOMO PÉREZ, 2014: pp. 107-120.

crossed the Atlantic to the overseas domains of these nations. So, unsurprisingly, in the first decades of the 19th century, the political literature of catechisms – along with other types of publications, such as proclamations, manifestos, pamphlets, pasquinades, conjectures, speeches, sermons, poems, books, periodicals³, etc. – spread rapidly in both hemispheres of the globe⁴. And the role it played in the independence of the countries of the American continent was not insignificant⁵.

However, the origins of the literary form of catechisms came from times long before the French Revolution, particularly linked to the teaching of Christian doctrine – the word *catechism* derives from the Greek *katekhismós* and, since the beginning of the 18th century, has been defined as the “*little book containing all Christian doctrine*”⁶. In the 16th century, the catechetical tradition saw an unusual increase, caused by the movements of the Protestant Reformation and the Catholic Counter-Reformation, which convened the Council of Trent (1545-1563) and resorted to printing catechisms to «*combatir los avances reformadores y que, al tiempo, difundieran una sola visión de la fe y de la Iglesia*»⁷ [combat the reforming advances and, at the same time, spread a single vision of faith and the Church].

The liberal revolutions of the late 18th and early 19th centuries, including the Portuguese revolution of 1820⁸, took advantage of this

³ On the role played by periodicals, see *O Independente*, no. 1, Thursday, 22 November 1821: “the nation will always be happier and more illustrated when the reading of periodicals generalises public education, combating ignorance, abuses and prejudices, and devoting to the cause of reason the enlightenment and work of educated men”.

⁴ For more erudite dissemination mechanisms, see SÁNCHEZ-MEJÍA, 2021: pp. 115-142.

⁵ DE ESTRADA, 1991: pp. 65-80; SAGREDO BAEZA, 2009.

⁶ BLUTEAU, 1712: vol. II, p. 199.

⁷ CARDONA ZULUAGA, 2015: p. 398.

⁸ PINTASILGO, 2004: p. 233; MOGARRO, 2013: pp. 155-177 – “The new political or constitutional catechisms responded to the needs posed by the liberal education system, which added to Catholic religious education and moral education, as well as civility, a new curricular space aimed at the political education of citizens, especially the teaching of constitutional precepts and the rights and duties that were recognised and constitutionally enshrined” (p. 159).

and adapted the methodology of religious catechisms and civilisation catechisms⁹ for their purposes of spreading the new ideas of the liberal state and modern constitutionalism. In the context of this new political literature of the 19th century, this work seeks to recover and comment on the text of what may have been the first Portuguese political catechism.

2. The catechisms of the *Vintismo* triennium (1820-1823)

To get a rough idea of the impact of this literary genre in Portugal and Brazil (as an integral part of the United Kingdom of Portugal, Brazil and the Algarves, 1815-1822), we should point out that thirteen catechetical texts were published during the liberal triennium (1820-1823) – ten in Portugal and three in Brazil – and there are at least three unpublished manuscripts, currently housed in the Parliamentary Historical Archive in Lisbon; two of the printed catechisms – those of José Maria de Beja and António Herculano Debonis – have still been reissued in a second, improved edition (see ANNEX II).

Several catechisms were presented to the Constituent Cortes by their authors, who have since disappeared or are lying in unknown archives, namely: (i) the *Constitutional Catechism for the instruction of Portuguese youth*, offered by António Inácio Júdice, captain of the artillery regiment no. 2¹⁰; (ii) the *Constitutional Catechism* by José Rodrigues das Chagas¹¹; (iii) the *Essay for the Constitutional Catechism*, offered by Domingos Álvares da Silveira, rector of the town of Provesende¹²; (iv) the *Political Catechism for the use of youth*, offered by

⁹ See ARAÚJO, 2016: pp. 132-143; AZEVEDO, 2018.

¹⁰ Session of 12 October 1821 – *Portuguese National General and Extraordinary Cortes Gazette*, no. 198, Lisbon, Imprensa Nacional, 1821, p. 2620 [Available at: <http://debates.parlamento.pt> (consulted on 28 October 2020)].

¹¹ *Government Gazette*, no. 287, of 4 December 1821, pp. 879-880 [Available at: <https://digigov.cepese.pt> (consulted on 28 October 2020)]. In the *Constituent Cortes Gazette* (session of 3 December 1821), it was stated that this was “a compendium of constitutional government”.

¹² Session of 2 January 1822 – *Portuguese National General and Extraordinary Cortes Gazette*, no. 263, Lisbon, Imprensa Nacional, 1822, p. 3571.

an anonymous author¹³; (v) the *Constitutional Political Catechism*, by bachelor Manuel António de Morais Mendonça, judge of Montalegre¹⁴; (vi) the *Political Catechism for the instruction of young people, dedicated to the sovereign National Congress* by António Rodrigues, commissioner of the Army¹⁵; (vii) the *Constitutional Catechism* by an anonymous author¹⁶; (viii) the *Constitutional Catechism* by the rector of Tondela¹⁷.

In addition to these contributions sent to the Cortes, José da Silva Passos himself, who would go on to play an important role in national political history, presented an “indication” to the Porto Patriotic Society «for the composition of a *Constitutional Catechism*»¹⁸.

3. Civic education proposals

Manuel Borges Carneiro, who was elected to the Constituent Cortes in December 1820 and was one of the most active deputies, fought for the defence of civic education in schools and, in particular, for the adoption of a constitutional catechism for the teaching of Portuguese youth. At the very beginning of the Constituent Cortes’ work, in a session on 28 February 1821, when discussing the last article (Article 34) of the draft *Bases da Constituição [Foundations of the Constitution]*,

¹³ Session of 16 February 1822 – *Portuguese National General and Extraordinary Cortes Gazette*, Lisbon, Imprensa Nacional, 1822, p. 210 [Available at: <http://debates.parlamento.pt> (consulted on 28 October 2020)].

¹⁴ Session of 21 March 1822 – *Portuguese National General and Extraordinary Cortes Gazette*, Lisbon, Imprensa Nacional, 1822, p. 555 [Available at: <http://debates.parlamento.pt> (consulted on 28 October 2020)]; *Government Gazette*, no. 69, Friday, 22 March 1822, p. 480 [Available at: <https://digigov.cepese.pt> (consulted on 29 October 2020)].

¹⁵ Session of 27 April 1822 – *Portuguese National General and Extraordinary Cortes Gazette*, Lisbon, Imprensa Nacional, 1822, p. 977 [Available at: <http://debates.parlamento.pt> (consulted on 28 October 2020)].

¹⁶ Session of 6 May 1822 – *Portuguese National General and Extraordinary Cortes Gazette*, Lisbon, Imprensa Nacional, 1822, p. 67 [Available at: <http://debates.parlamento.pt> (consulted on 28 October 2020)].

¹⁷ *Government Gazette*, no. 131, Wednesday, 5 June 1822, p. 931 [Available at: <https://digigov.cepese.pt> (consulted on 29 October 2020)].

¹⁸ *Borboleta Constitucional*, n° 215, Wednesday, 25 September 1822 [Available at: <http://purl.pt/14340> (consulted on 10 December 2020)].

he agreed with deputy Soares Franco on the establishment of primary schools in all parts of the kingdom, proposing that, in addition to the religious catechism, schools should also teach the Constitution and a catechism with «*civil obligations*»¹⁹.

A few months later, at the session of the Cortes on 26 July 1821, he presented a motion proposing that a prize be awarded «*to whoever, within four months, presents a civil catechism suitable for instructing Portuguese youth in schools*»²⁰. This motion was presented at the next session, on 14 August. However, deputy Anes de Carvalho felt that the *indication* was untimely, since the Constitution had not yet been drafted; deputy Saraiva, for his part, argued that «*this discussion is more proper to the Academy of Sciences than to this Congress*». Despite some opposition, the motion was eventually accepted and sent to the Committee on Public Instruction, following the suggestion of deputy Franzini²¹.

The Committee on Public Instruction drew up its opinion on 10 October 1821 – signed by deputies António Pinheiro de Azevedo e Silva, João Vicente Pimentel Maldonado, and Joaquim Pereira Anes de Carvalho – which was put to the vote at the session of the Cortes on 5 February 1822. The project submitted to the aforementioned Committee included – in addition to the proposal for a pecuniary prize to be awarded to whomever presented the catechism for the teaching of youth within four months – that the catechism for the teaching of the youth would develop «*the nature of the four cardinal virtues and the principles of the constitutional regime, with some notions about the causes of diseases and the means of avoiding them*».

¹⁹ *Portuguese National General and Extraordinary Cortes Gazette*, n.º 24 e n.º 25, Lisbon, Imprensa Nacional, 1821, p. 182 [Available at: <http://debates.parlamento.pt> (consulted on 28 October 2020)].

²⁰ *Portuguese National General and Extraordinary Cortes Gazette*, no. 136, Lisbon, Imprensa Nacional, 1821, p. 1652 [Available at: <http://debates.parlamento.pt> (consulted on 28 October 2020)].

²¹ *Portuguese National General and Extraordinary Cortes Gazette*, no. 152, Lisbon, Imprensa Nacional, 1821, p. 1881 [Available at: <http://debates.parlamento.pt> (consulted on 28 October 2020)].

The Committee agreed with the author *«on the substance of the project»*, but raised the following reservations: (i) the four-month deadline was too short to compose a work of this size; (ii) the project should be less vague in relation to *«the causes of diseases and the means of avoiding them»*; (iii) it was exaggerated to confine the authors to the method of the four cardinal virtues, preferring to grant them complete liberty in the exposition of their ideas; (iv) the pecuniary prize should be replaced by *«a small silver medal with the caption “Portuguese Nation” and on the reverse “Benefactor of the Homeland”*. Taking these suggestions into account, the author of the project (Borges Carneiro) should present an explanatory programme on the intended constitutional catechism, *«so that the contestants can easily act on the thinking of the Congress»*.

Despite these reservations, the Committee underlined the high merit of the project and the urgent need to carry out a constitutional catechism with the following objectives:

«(i) to form public and private customs; (ii) to imbue the still tender minds of the nation’s youth with the incomparable affections of the homeland, morality and religion; (iii) to exercise man’s noblest faculties and prepare him for the subsequent functions to which, by his state or by the new order of things, he shall be called; (iv) to diminish individual dependence and widen the sphere of each person’s rights; and (v) finally, in addition to other advantages, to dispel the ignorance of the largest and most needy class, which is so harmful to the representative system»²².

On 5 February 1822, the Constituent Cortes adopted the final project. In the meantime, deputy Borges Carneiro had actually prepared the requested programme for a constitutional catechism (the content of which we ignore), which was read for the second time at the session of the Ordinary Cortes on 29 January 1823, where it was

²² *Portuguese National General and Extraordinary Cortes Gazette*, Lisbon, Imprensa Nacional, 1822, p. 91-92 [Available at: <http://debates.parlamento.pt> (consulted on 28 October 2020)]

admitted for discussion and ordered to be printed. However, given the proximity of the *Vilafrancada* revolt – which took place four months later, in May 1823 – and the fall of Portugal’s first constitutional experience, it is more plausible that Borges Carneiro’s institutional initiative was never implemented. However, as we have seen above, this failure did not prevent the production of constitutional catechisms of individual initiative both in Portugal and Brazil, which would obviously also be suspended by the *Vilafrancada* counter-revolution, until the advent of the Constitutional Charter of 1826.

Lastly, it should be noted that civic education by public education was one of the fundamental pillars on which *Liberalism* was based²³. For this reason, it was explicitly enshrined in its constitutional texts, from the *Bases da Constituição* (approved on 9 March 1821), which established the need to create and provide the necessary conditions for «*establishments of public instruction*» (Article 37), to the final constitutional text (approved on 23 September 1822), which added the teaching of a catechism of religious and civil obligations in all parts of the kingdom. Article 237 established that «*in all places in the kingdom, wherever convenient, there shall be sufficiently endowed schools in which the Portuguese youth of both sexes shall be taught to read, write and count and the catechism of religious and civil obligations*»²⁴.

4. The civic preaching of the local clergy

In 1822, in a report on the behaviour of the clergy regarding their adherence to the constitutional system, the Internal Affairs Officer of Lagos offered the following information:

²³ See TORGAL and VARGUES, 1984; TORGAL and VARGUES, 1997; VARGUES, 1997.

²⁴ The deputy from Pernambuco, Moniz Tavares, suggested that, for the province of Pernambuco, classes should be set up «*in reading, writing and, above all, in arithmetic and Portuguese grammar; electing for these purposes teachers of recognised integrity, mobility and adherence to the system of government adopted, being obliged to teach by a constitutional catechism and giving them a sufficient salary to carry out their duties*» – *Portuguese National General and Extraordinary Cortes Gazette*, no. 167, Lisbon, Imprensa Nacional, 1821, p. 2134. [Available at: <http://debates.parlamento.pt> (consulted on 28 October 2020)]

«The Internal Affairs Officer of Lagos reports that the Prior of Vila do Bispo, José Pedro da Silva Gonçalves Reis, has drawn up a Constitutional Catechism, which he has been teaching his parishioners with tireless zeal, and, due to his special adherence to the system, he has been teaching the little ones between the ages of 5 and 11 the constitutional rudiments, to which they respond with all their commitment, the result of the efforts with which this benevolent parish priest teaches them»²⁵.

In a deeply illiterate and generally religious society, the local clergy played a central role in spreading the ideals of the new constitutionalism and the liberal state. In the words of one historian, *«through the clergy, the apology for the new system reached even the most remote villages»²⁶*. Among us, the Liberal Revolution not only did not hostile religion, but sought to use it for the “socialisation” of the new citizenship. From the outset, the revolutionary proclamations ensured the continuation of the Catholic religion as the religion of the kingdom, renouncing the recognition of religious liberty. Friar Francisco de São Luís was a member of the revolutionary Board of Porto from the outset. Several bishops were elected deputies to the Constituent Cortes. In return, the bishops and parish priests were called upon to swear allegiance to the Revolution and the new political authorities and to collaborate in electoral operations (polling stations, voter registration), as well as to engage in the dissemination of the new political culture.

In a session on 26 February 1821, the Constituent Cortes determined that: *(i)* bishops and archbishops should publish pastorals recommending adherence to the constitutional system, which sought to maintain and defend the Catholic religion; *(ii)* parish priests should publish pastorals and instruct their parishioners; *(iii)* regular prelates should ensure that *«skilful and accredited orators»*

²⁵ *Government Gazette*, no. 131, Wednesday, 5 June 1822, p. 931 [Available at: <https://digigov.cepese.pt> (consulted on 29 October 2020)].

²⁶ CARDOSO, 2005: p. 183.

should preach in the same way in the churches of convents or monasteries²⁷.

In this regard, in his pastoral on the *Christian and constitutional instruction of his diocesans*, of 24 October 1821, the archbishop of Bahia, Vicente da Soledade Dias de Castro – a constituent deputy and the first speaker of the Cortes – ordered the «*reverend parish priests of the city and villages*» of the archbishopric to add civil instruction to Christian instruction, namely by passing on to their parishioners:

«*A sound and well-adjusted idea of what the new Constitution of the Portuguese monarchy is, the principles of justice on which it is based, the real benefits that should result from it for the nation, the duties that it imposes on each of us and only by whose observance the purpose of society may be achieved and other similar instructions according to the Christian and liberal principles*»²⁸.

Alongside these episcopal resolutions, the *Government Gazette* periodically published a list of parish priests who had preached in favour of the constitutional system, according to the accounts given by the territorial ministers²⁹.

In fulfilling this role, parish priests prepared their own constitutional catechisms. For example, as mentioned above, on 25 May 1822, the

²⁷ *Cortes Gazette*, p. 166 (session of 26 February 1821) [Available at: <https://debates.parlamento.pt> (consulted on 28 October 2020)]

²⁸ Vicente da Soledade Dias de CASTRO – *Pastoral do Arcebispo da Bahia sobre a instrução christã e constitucional dos seus diocesanos*, Lisboa, in the *Officina de Antonio Rodrigues Galhardo*, 1821 [Available at: <https://archive.org/details/pastoraldoarcebi00sole/page/n4> (consulted on 28 October 2020)].

²⁹ *Government Gazette*, no. 260, Friday, 2 November 1821 and following [Available at: <https://digigov.cepese.pt> (consulted on 28 October 2020)]. For the province of Trás-os-Montes, see CARDOSO, 2005: pp. 183-192 – the author concludes «that a large part of the Trás-os-Montes clergy may have complied with the order to preach in favour of the Constitution, along the lines of obedience to the constituted authorities, adopted and recommended by almost all the bishops» (p. 188), although the “degree of involvement of the clergy in constitutional preaching and its effects on the population is a question that is difficult to answer with certainty» (p. 192).

Internal Affairs Officer of Lagos reported a constitutional catechism prepared by the prior of Vila do Bispo, José Pedro da Silva Gonçalves Reis³⁰. Unfortunately, this is yet another (handwritten) constitutional catechism that disappeared.

Also, Doctor António Xavier da Veiga Cabral da Câmara, vicar-general, capitulant and governor of the bishopric of Bragança and Miranda, on 21 October 1821, addressed a missive to all the reverend abbots, rectors and other parish priests of his bishopric, strongly urging them to, *«by utilising their talents and virtues and making their practices and preaching a kind of Political Catechism, educate the youth in such a way that, in the future, they become an impenetrable wall and a very firm support for our political constitution, for love of the homeland and for our public happiness and security»*³¹.

At the swearing-in of the 1822 Constitution in Angeja, after the celebration of the mass, the bachelor Domingos José de Sá Pinto recited a patriotic speech in which he reiterated the leading role of the clergy in propagating the new constitutional principles:

*«The praiseworthy work of a constitutional parish priest should be no other: It is important to teach the constitutional catechism alongside the Christian catechism, when the latter does not come first, because before we are Christians, we are men. If you do this, the social virtues will shine with the Christian virtues and, together, they will ensure the best future fortunes for the nation»*³².

³⁰ *Government Gazette*, no. 122, Saturday, 25 May 1822, p. 869 [Available at: <https://digigov.cepese.pt> (consulted on 29 October 2020)]. The same announcement adds “that the prior António Caetano da Costa, an Englishman, the prior Francisco Silvestre Rocha, the St. Anthony religious of the Province of Piedade, Friar José de Serpa and the religious Calçado de Nossa Senhora do Monte do Carmo, Friar Joaquim do Espírito Santo, are also very distinguished in the fulfilment of their duties”.

³¹ *Government Gazette*, no. 263, Tuesday, 6 November 1821, p. 714 [Available at: <https://digigov.cepese.pt> (consulted on 29 October 2020)].

³² *Government Gazette*, no. 275, Thursday, 21 November 1822, p. 2064 [Available at: <https://digigov.cepese.pt> (consulted on 29 October 2020)].

5. The first national *Political Manual* and the Spanish and French manuals

The text of the *Manual Político do Cidadão Cosntitucional* [*Political Manual of the Constitutional Citizen*] that is reproduced at the end of this article (Annex I) was written by an anonymous author and, to date, no evidence has come to light that would allow us to conjecture as to his identity. It was printed at the Nova Impressão da Viúva Neves e Filhos in Lisbon and, just over two months after the start of the Revolution, the *Lisbon Gazette* of 31 October 1820 announced that it would be made available to the general public and the shops where it could be purchased:

«*The Political Manual of the Constitutional Citizen, in its 8th edition, has come out. It sells for 80 réis in the shops of Desidério Marques Leão, at Calhariz, n^o 12, João Henriques, at Rua Augusta n^o 1, António Pedro Lopes, at Rua do Ouro, and Carvalho, at Chiado n^o 2*»³³.

This was probably the first work of its kind to be written and published in Portugal. However, it is important to clarify that the Spanish catechisms, explaining the content of the Cadiz Constitution (1812), had been circulating in Portugal since 1812³⁴. In the aftermath of the Portuguese Liberal Revolution, Manuel Borges Carneiro proposed that «the Political Catechism of the Spanish Constitution and this same Constitution should be read in schools»³⁵. So, a few days before the public appearance of the Portuguese catechism, the *Lisbon Gazette* of 26 October 1820 also announced the publication in Portuguese of a Spanish political catechism:

«*The Cathecismo Politico Constitucional ou Analyse da Constituição Hespanhola* [*Constitutional Political Catechism or Analysis of the*

³³ *Lisbon Gazette*, no. 262, Tuesday, 31 October 1820.

³⁴ CASTRO, 2010: p. 110.

³⁵ CARNEIRO, 1820: p. 93.

Spanish Constitution] has come out, the principles of which can serve as an aid to any new Constitution suited to the current circumstances. This work, arranged in the form of a dialogue, not only analyses all the chapters, titles and articles of the Spanish Constitution, but also shows very clearly what the Cortes are, how to convene them in Spain, their prerogatives and faculties, what the rights of the king and the nation are today and how to administer justice; the contributions and how to impose them. It is sold in Lisbon at the shops of Carvalho, João Nunes, António Pedro Lopes, next to the Gazette, and others, for 360 réis»³⁶.

French political catechisms were also translated into Portuguese and circulated in Portugal; for example, the Count de Volney's famous catechism, *Exposition of Natural Law or Catechism of the Citizen*, was translated into Portuguese and published by Tipografia Rollandiana in 1820³⁷.

However, on 6 November of that year, the cardinal patriarch of Lisbon sent a letter to the Provisional Board of the Supreme Government of the Kingdom complaining against the «*ungodly and dangerous doctrines of the book entitled “Exposition of Natural Law or Catechism of the Citizen”, which appeared in print in Tipografia Rollandiana, and against the other “Moral and Philosophical Catechism” that preceded it*». Following this letter, the Provisional Board «*gave the most positive orders, through the General Police Office, for the suppression of that ungodly and dangerous work and to collect, as soon as possible, all the copies that had already come out of the press*»; with regard to the aforementioned *Moral*

³⁶ *Lisbon Gazette*, no. 258, Thursday, 26 October 1820. It is likely that this one is the *Catecismo político arreglado a la Constitución de la Monarquía Española*, by D. J. C., which was first published in 1812, but had just been republished in 1820. It was later announced that this Catechism was on sale in Lisbon, Porto and Coimbra – *Government Gazette*, no. 38, Tuesday, 13 February 1821 [Available at: [https:// digigov.cepese.pt](https://digigov.cepese.pt) (consulted on 29 October 2020)].

³⁷ *La loi naturelle, ou Catéchisme du citoyen français*, par Ch.-E. VOLNEY, Paris, 1793 [Available at: <https://gallica.bnf.fr/ark:/12148/bpt6k81624h.image> (consulted on 28 October 2020)]. The counter-revolutionary Fortunato de SÃO BOAVENTURA harshly criticised this Catechism in *Punhal dos Corcundas*, n° 13, Lisbon, Impressão Régia, 1823, pp. 129-133.

and *Philosophical Catechism*, the government confessed that it had no knowledge of it, but promised to take «*the most serious and energetic measures*» in this regard³⁸.

As you can see, there were limits to the dissemination of more radical political ideas.

Therefore, the manifesto published in Lisbon that year, 1820, could not fail to have as its source the known French and Spanish catechisms. However, as far as we can see, it didn't just copy a pre-existing text.

6. Summary of the *Political Manual*

Read with today's eyes, two centuries after the beginning of liberal constitutionalism in Portugal, the *Catechism* may appear like an elementary and sometimes “naïve” introduction to constitutionalism and “representative government”. However, when it first appeared, in a country that had just emerged from the *Ancien Régime* and where ignorance, guaranteed by censorship, about the previous liberal revolutions prevailed, the text was a true revolutionary manifesto, clarifying the objectives of the Revolution that the official manifestos and proclamations left little more than insinuated.

The author of the *Political Manual of the Constitutional Citizen* follows the literary form of religious catechesis, explaining the teachings in a pedagogical way, posing the questions and giving the corresponding answers. The text was written continuously, without any systematic or organised division of subjects. Therefore, in order to facilitate the understanding of the following summary, we have collated and grouped the scattered ideas around the corresponding fundamental ideals that *Vintismo* tried to implement from 1820 onwards.

a) *Popular sovereignty and the new “constitutional pact”*

The principle of popular sovereignty is the banner of modern constitutionalism, which is why the author of the *Manual* states that

³⁸ *Mnemosine Constitucional*, n.º. 40, Thursday, 9 November 1820.

republican government (i.e. the republic as a community of citizens) presupposed the «*sovereignty of the people en masse, exercised by their deputies or representatives*». In 1820, the primary function of the deputies or representatives of the people, meeting in the Cortes, was to prepare a Constitution, by which the people established «*the manner in which they wish to be governed and determine the limits of the power they confer on the authorities to which they are subject*». Similarly, our author is incisive when he states that «*the power to change the constitution of a state*» also belongs exclusively to the people, exercised «*by themselves or by their representatives*».

This constitutional sovereignty of the community implies a radical change in the new *constitutional pact*³⁹. In fact, as well as doing away with the absolutist notion of royal sovereignty, directly received from God, the Liberal Revolution also brought a new idea of the *constituent pact*, which came to take place outside the king⁴⁰, replacing the supposed initial *pact of subjection* between the king and the subjects, which had allegedly been at the origin of the kingdom and the traditional constitution of the medieval limited monarchy; in this context, the bilateral pact between the king and the subjects, in Cortes, meant none of them could change the constitution unilaterally⁴¹.

The initial *pactum subjectionis* was a contractualist version of the origin of political power, according to which the king exercised political power by delegation from the community, since, from a constitutionalist perspective, power does not generate or legitimise itself. In other words, there was a primordial contract between the king and the people, with the former submitting to the power of the latter, in accordance with

³⁹ On the liberal *Pactum Societatis* see ALBUQUERQUE, 2020, part II, chapter V. On the doctrinal contribution of political contractualism to liberal constitutionalism see, for example, PINA, 1988; MESQUITA, 2006, chapter 6.4; ARAÚJO, 2013: pp. 249-267; and GOMES, 2018.

⁴⁰ The 1822 Constitution made it explicit that only the nation «has the right to make its Constitution or Fundamental Law, by its deputies together in the Cortes, without dependence on the king's sanction» (Article 27).

⁴¹ On the constitution of the medieval monarchy in Portugal, see MOREIRA & DOMINGUES, 2020.

the law and the legal order in force, including the king’s obligation to protect and defend the members of the community. If the monarch failed to exercise his power, this opened the way to the right of popular resistance.

However, there are two major differences in the *constituent pact* instituted by Liberalism: the first difference was that while the original *constituent pact* presupposed the origin of power in God, based on the passage from St. Paul’s Epistle to the Romans, according to which: “*Non est enim potestas nisi a Deo*” (*There is no power that does not come from God*), in the new constitutionalism the original constitutional sovereign is the nation itself; the second difference was that, while the medieval *pact of subjection* was established between the sovereign and his subjects, the new liberal constitutional pact is established between the citizens themselves, outside the will and any participation of the sovereign, who becomes a *constituted power*⁴².

For the anonymous author of the *Political Manual*, the ownership and exercise of constituent power belonged to no-one other than the people or their elected representatives, for the sake of the legitimacy of constituted powers (including the power of the king):

«*The constitution of a state stipulates the conditions under which a people consent to recognise the authorities it establishes and, consequently, these authorities, existing merely by virtue of this act, cannot destroy it without also destroying their own legitimacy*».

b) Forms of government

The typological classification of forms of government first appeared in Aristotle (4th century BC), who established a tripartite classification of them according to the number of rulers – *monarchy*, or the rule of one, *aristocracy*, or the rule of the best, and *politeia/republic*, or the rule of many – which, however, could develop into as many forms of degenerate government, i.e. *tyranny*, which was limited to the will

⁴² See MOREIRA & DOMINGUES, 2020b.

and interests of one; *oligarchy*, aimed only at the benefit of the rich; and *democracy* or “government of the plebs”, aimed at pursuing the interests of the lower classes. The solution was to find a mixed form of government that reconciled the three virtuous forms of government – *monarchy*, *aristocracy* and *politeia*.

Aristotle’s classification of forms of government and the solution of a mixed form of government, with some variations, had repercussions in the political thought of the following centuries, including Polybius, St. Thomas Aquinas, Bartolo, Machiavelli, Hobbes, Locke, Montesquieu, etc.

The author of the *Political Manual* is also indebted to this multi-century political current, which in the meantime had matured over the centuries to adapt to new emerging realities. In his view, there are five forms of government – *despotic*, *monarchical*, *aristocratic*, *democratic* and *representative or constitutional*. We can detect coincidences with Aristotle’s theory, *mutatis mutandis*, in the opposition between monarchy and despotism (tyranny), in the correspondence of aristocracy and democracy with the corresponding Aristotelian forms and in the search for a mixed solution of government. Let’s take a look at each of the forms of government envisaged in the 1820 *Political Manual*:

In despotic government «*the sovereign has unlimited authority and can at his discretion dispose, without the slightest responsibility, of the lives, property and honour of his slaves*». In monarchical government, the sovereign’s power is limited «*by the privileges and liberties of the people, which the king promises to respect*». Like Aristotle, our author also considered that this government could easily degenerate into despotism (tyranny), emphasising that the pre-revolutionary regime of absolute monarchy was «*the first step towards despotism*». In aristocratic government, «*the nobility rules over the entire people, who are consequently oppressed and disgraced*». The author doesn’t even consider the possibility of a beneficial aspect to this form of government and identifies aristocracy with the Aristotelian oligarchy. In democratic or republican government «*the people are free and govern themselves by their magistrates, whom they elect themselves*». He seems to be referring to the direct democracy of ancient Athens, which, following in Aristotle’s footsteps, he considers a “degenerate” form of government. To prevent

the drawbacks of this democracy, the author suggests the best solution is a mixed government between monarchy and “republic”, which he calls representative or constitutional government, which «*combines the advantages and prevents the drawbacks of both*».

In short, the mixed solution proposed by the author of the *Political Manual* is that of a *constitutional monarchy*, based on a strict separation of powers, with legislative power being awarded to an elective assembly (the Cortes) and executive power to the king, who was subordinate to the Constitution and the law. Obviously, for our author, this was a representative or indirect democracy and not the Athenian direct democracy.

c) Liberty of the press

Within the scope of individual rights, the *Political Manual* refers generally and briefly to equality, property, and liberty, while paying particular attention to freedom of the press – based on the premise that «*thought is the freest part of man*».

The author was aware of the *cons* of freedom of the press and its abuses; nevertheless, in his view, the *pros* fully justified its institution, not least because those who exceeded the legal limits of this liberty could and should be sanctioned and coerced into compensating the injured or offended party.

After the ephemeral liberal experience of prior censorship in 1820⁴³, liberty of the press gave rise to one of the «*longest and most*

⁴³ By ordinance of 21 September 1820, the Interim Government of Lisbon created the first Liberal Censorship, appointing Sebastião Francisco Mendo Trigo, the Reverend Lucas Tavares, Pedro José de Figueiredo and the Reverend José Portelli as censors – *Lisbon Gazette*, no. 229, Saturday: 23 September 1820. By ordinance of 27 September 1820, the Commission of the Provisional Board of the Government in the city of Porto also created a liberal Censorship, appointing José de Sá Ferreira dos Santos Vale as censor and the bachelors Custódio Luís de Miranda and José Francisco Gonçalves – *Correio do Porto*, no. 2, Thursday: 28 September 1820. The Interim Government of Lisbon, by ordinance of 21 September 1820, created a new Censorship Commission to «facilitate the printing and reading of good national and foreign books and papers» (*Lisbon Gazette*, no. 229, Saturday, 23 September 1820); the Porto government board took the same initiative,

controversial debates» within the Constituent Cortes of 1821-1822, which resulted in the Press Law (4 July 1821), abolishing censorship, which, due to its primary importance, can be considered the first materially constitutional law of the new regime. In the words of one author:

«The principles underlying the law on liberty of the press are compared, for their pertinence and relevance, to the rights in defence of the free election of the nation's deputies and the legal safeguarding of private property, i.e., they comprised matters that were proper to the so-called organic laws of the liberal regime, which were therefore intended to regulate, protect or limit the exercise of citizens' constitutionally enshrined rights»⁴⁴.

Its general principles were already included in the text of the *Bases da Constituição* (Articles 8, 9 and 10), approved by the Constituent Cortes on 9 March 1821. The law on freedom of the press was approved by the same Constituent Cortes on 4 July 1821, recognising that *«that liberty is the surest support of the constitutional system»⁴⁵*. And the final text of the 1822 Constitution also reserved some of its provisions for the freedom of the press (Articles 8, 177 and 189).

by ordinance of 27 September 1820, with the aim of «preventing the introduction into the various periodicals that will be published in this city of doctrines opposed to liberal principles» (*Correio do Porto*, n.º 2, Thursday, 28 September 1820). After the national unification of the revolutionary forces at the end of September, the Provisional Board of the Government, by ordinance of 13 October 1820, suspended the ban on the entry and publication in Portugal of Portuguese-language periodicals published in foreign nations (*Mnemosine Constitucional*, no. 20, Tuesday, 17 October 1820); the same Board, by ordinance of 3 November, exempted those printed in the United Kingdom of Portugal, Brazil and the Algarves and periodicals written in Portuguese in foreign countries from censorship (*Mnemosine Constitucional*, no. 34, Tuesday, 14 November 1820). On 6 November 1820, the Censorship Commission published instructions to speed up the censorship process (*Mnemosine Constitucional*, n. 49, Monday, 20 November 1820).

⁴⁴ SILVA, 2019: p. 135.

⁴⁵ *Government Gazette*, no. 175, Thursday, 26 July 1821, pp. 128-129; no. 176, Friday, 27 July 1821, pp. 135-137; no. 177, Saturday, 28 July 1821, p. 141 [Available at: <https://digigov.cepese.pt> (consulted on 30 October 2020)].

This eminent achievement of the Liberal Revolution of 1820 would remain a feature of liberal constitutionalism in Portugal (excluding, of course, the long authoritarian period of the so-called *Estado Novo*, 1926-1974), and is explicitly included in the text of the current Constitution of the Portuguese Republic (Article 38 of the CRP).

d) Obligations to the Homeland

In addition to individual rights, the catechisms were also particularly geared towards teaching people about their obligations to their Homeland.

According to the author of the *Political Manual*, all citizens were obliged to serve their homeland, and could do so «*with their blood, with their property, with their enlightenment, with their industry and labour or with their moral virtues*». In this way, every citizen, except for those disabled and the indigent, had the opportunity to serve their homeland, under penalty of «*being expelled from society as a useless, burdensome and therefore harmful member*». In short, citizens who refused to serve the Homeland, «*being able to do so, should not be regarded as its sons*».

e) Responsibility of those in power

According to the *Political Manual*, one of the guarantees that the Constitution had to offer the people was the responsibility of ministers and civil servants: on the one hand, ministers would be «*obliged to give an account to the nation of their administration and the use of the public money they receive*» and, on the other hand, if they broke the laws or the Constitution, they could be «*prosecuted and judged by impartial courts*». To this end, the separation of powers was indispensable.

In 1820, this principle emerged against the generalised political and civil irresponsibility and criminal immunity enjoyed by political powerholders in the exercise of their functions during Absolutism.

However, in the 19th century, this principle raised serious difficulties of application in relation to the head of the executive, the king. The author of the *Political Manual* posed the question directly – «*what*

about the constitutional king, is he also responsible?» – and followed the generalised solution that the king’s person was inviolable, placing all responsibility on his ministers, who were obliged to endorse royal acts and assume responsibility for them. Political responsibility implied at least an obligation for the government to be accountable to another body with democratic legitimacy, the parliament.

It was this political irresponsibility and the lack of political legitimacy of the king (head of the government) that gave rise to the modern parliamentary systems – which imply the executive’s political accountability before the parliament – that spontaneously appeared within the European monarchies of the 19th century. In 1875, France became the first country to constitutionalise this principle – *«les ministres sont solidairement responsables devant les chambres de la politique générale du Gouvernement, et individuellement de leurs actes personnels»*⁴⁶ (Ministers are jointly responsible to the Chambers for the general policy of the Government, and individually responsible for their personal actions).

Today, the general constitutional principle is the political, criminal, disciplinary and civil accountability of power and its holders, apart from the specific immunities of deputies, designed to protect their liberty in the exercise of their mandate. And the government is politically accountable to the Assembly of the Republic, which political trust it needs to fulfil its mandate.

f) Popular instruction

The 1791 French Constitution was the first constitutional text to constitutionalise popular civic instruction for all citizens:

«Il sera créé et organisé une Instruction publique commune à tous les citoyens, gratuite à l’égard des parts d’enseignement indispensables

⁴⁶ 1875 Constitution, Loi du 25 février 1875 relative à l’organisation des pouvoirs publics, art. 6 [Available at: <https://www.conseil-constitutionnel.fr/les-constitutions-dans-l-histoire/constitution-de-1875-iiiie-republique> (consulted on 30 October 2020)].

pour tous les hommes et dont les établissements seront distribués graduellement, dans un rapport combiné avec la division du royaume» (Tit. I, art. 3)⁴⁷.

This obligation of the state was probably created under the doctrinal influence of Montesquieu, who dedicated part of his work *De l'esprit des lois* to this subject : *Livre IV: Que les lois de l'éducation doivent être relatives aux principes du gouvernement*⁴⁸.

For its part, the Cadiz Constitution of 1812 – which in several respects would serve as a direct influence on the 1822 Portuguese Constitution (Articles 237-239) – reserved an entire title, a single chapter and six articles (Articles 366-371) for public instruction – *Title IX: De la instrucción pública*⁴⁹.

In short, it was above all on this common constitutional foundation that the political and/or constitutional catechisms on this matter were based. Education was not yet a *social right* in the proper sense, which only the 20th century *welfare state* came to provide; what was at stake was the state's obligation to provide one of the essential conditions of an *enlightened citizenry*. The author of the *Political Manual* points to the «*crass ignorance*» of the people as one of the causes of bad government, considering instead that «*the spread of enlightenment and especially popular instruction*» would be «*the best way to consolidate a liberal Constitution and prevent it from deteriorating*». For this reason, the nation had a special obligation to provide proper instruction to the «*lower classes*» and to those who, «*by their own endeavours*», did not have it at their disposal.

⁴⁷ 1791 Constitution [Available at: <https://www.conseil-constitutionnel.fr/les-constitutions-dans-l-histoire/constitution-de-1791> (consulted on 30 October 2020)].

⁴⁸ MONTESQUIEU, 1758: Part I, Liv. IV, Cap. V [Available at: http://classiques.uqac.ca/classiques/montesquieu/de_esprit_des_lois/de_esprit_des_lois_tdm.html (consulted on 30 October 2020)].

⁴⁹ On this subject, see CARUSO, 2013: pp. 149-165.

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Annex I

Political Manual of the Constitutional Citizen, by an anonymous author, published in Lisbon in 1820⁵⁰.

Question – Who are you?

Answer – A Portuguese citizen.

Q. – What do you understand by that answer?

A. – That the Kingdom of Portugal is my Homeland and that, therefore, I belong to the Portuguese people, enjoy their rights and privileges and live subject to their laws and Constitution.

Q. – What is the law?

A. – It is the declaration of the general will, by which a people determine the duties of their citizens, specifies what actions are lawful or unlawful and distributes penalties and rewards.

Q. – What is the Constitution?

A. – A Constitution is the name given to the fundamental laws by which a people has set up the way in which they wish to be governed and determine the limits of the power they confer on the authorities to which they are subject.

Q. – Who has the power to change a state’s Constitution?

A. – The people alone, by themselves or by their representatives, to whom they confer this faculty.

Q. – Why can’t anyone else have this power?

A. – Because a state’s Constitution stipulates the conditions by which a people consent to recognise the authorities they establish and,

⁵⁰ The text is reproduced according to the spelling rules in force.

consequently, these authorities, existing merely by virtue of this act, cannot destroy it without also destroying their own legitimacy.

Q. – If the people confer legislative power, i.e., the power to make laws, on any authority, can they not then take it away?

A. – They certainly can, because this power resides essentially in the people and can never be alienated.

Q. – Are all peoples governed in the same way?

A. – No. On the contrary, there are quite different types of government.

Q. – What are the main forms of government?

A. – Despotic, monarchical, aristocratic, democratic, and representative or constitutional.

Q. – What is a despotic government?

A. – It is one in which the sovereign has unlimited authority and can at his discretion dispose of the lives, property, and honour of his slaves without the slightest responsibility, for such is the name that belongs to the wretches who live under such monstrous rule.

Q. – How can a people be so blind as to give their sovereign such absurd power?

A. – No such authority has ever been conferred by any people, nor could it ever be, because none could be so mad or so foolish as to confer on one man alone the authority to tyrannise over them at his will. Despotism is therefore a visible usurpation that the sovereign has made of the rights of peoples, taking advantage of their ignorance, their prejudices, or the armed force that he knew he had on his side.

Q. – But why don't people shake off such a heavy yoke?

A. – First, because, unnerved by the slavery which degrades men and reduces them to the state of brutes, by barring them from enlightenment and even making it almost a crime for them to receive

any kind of instruction, they don't have enough energy to undertake such a generous endeavour, nor do they have enough incentive to be fully aware of their degradation; Second, because the despot knows that it is in the people's interest to overthrow his throne and takes great care to surround himself with an army which is complicit in his atrocities and paid to protect him, which helps him to tyrannise the people and keep them in abjection.

Q. – Can a despot be happy?

A. – He is the most disgraced person imaginable. Aware of the public execration that proscribes him, he lives in constant fear and distrusts even his closest relatives and friends. Since he only owes his security to the guards who defend him and the satellites who surround him, he lives in a state of slavery to them and often falls victim to their underlings, to whom he sells the blood of his people and who alone reap all the fruits of the crimes he authorises.

Q. – Are there any examples of this form of government among civilised nations?

A. – In Europe, we only know the Turkish government, which openly professes despotism. However, all absolute monarchies, in which the rights of the people are not solidly guaranteed, are very close to falling into this abyss, and they fall into it as soon as they step on the vassals' rights and liberties. We were in this sorry state before our happy Regeneration and, without the sublime patriotism of our *liberators*, after having lost all our former prosperity, we would end up losing all our virtues, since none of them thrive in the arid and pestilential soil of despotism.

Q. – Who do you call *our liberators*?

A. – The outstanding heroes who gave impetus to the unanimous vote of all Portuguese and opened up the road to independence, bliss and glory, and who, for such an inappreciable benefit, became the tutelary geniuses of the Nation.

Q. – How can we remunerate them for this?

A. – Such a significant benefit can have no adequate reward. It belongs to heaven alone to reward such prelatie virtues and to fame to engrave them in golden letters in the temple of immortality. For our part, [what] we can do is to show ourselves worthy of what they have done for us, distinguishing ourselves among all nations by the most fraternal spirit of concord, by a generous forgiveness of our wrongdoers and by the firmest adherence to our rights and our liberties, which they so proudly revindicated.

Q. – Who were the evildoers who had precipitated us into such grave misery?

A. – The perfidious flatterers who surrounded our good king, who kept the just complaints of his people out of his ears and who, under his name and without his knowledge or consent, allowed and promoted atrocious injustices and abuses.

Q. – What revenge will we take on such nefarious oppressors?

A. – Contempt and oblivion. The Portuguese people know no other revenge.

Q. – What is the monarchical government?

A. – It is that in which the power of the sovereign is merely restrained by the privileges and franchises of the people, which the king promises to respect, but which, unfortunately, he can without difficulty infringe. This government can have some happy periods, when by a prosperous combination it is led by a monarch and equally virtuous and illustrious ministers; however, as this combination is rarely found, we can consider absolute monarchy as the first step towards despotism.

Q. – What is the third form of government?

A. – Aristocratic. In this form of government, the nobility rules over all the people, who are consequently oppressed and disenfranchised.

Q. – What is a democratic government?

A. – A democratic or republican government is one in which the people are free and govern themselves by their magistrates, whom they elect themselves.

Q. – What are the advantages of this form of government?

A. – Being founded on the love of liberty and equality, it elevates citizens to heroic virtues and ignites in their souls the liveliest patriotism.

Q. – And does this government have any drawbacks?

A. – Many, especially in the large states. Since it is the people who are the supreme court, and since all elections and the sanction of all laws emanate from them, it is easy to realise what turmoil the diversity of votes and parties must produce on a daily basis. Moreover, since the multitude is not equally well educated, it almost always happens that its decrees are misunderstood or that they are merely the impulse of some ambitious person who knows how to popularise himself and finally manages to subjugate the Nation.

Q. – And wouldn’t there be a way to prevent these drawbacks?

A. – Yes, and this is perfectly achieved by representative or constitutional government, which, forming a mixture of monarchical and republican government, combines the advantages and prevents the drawbacks of both.

Q. – What does it keep from the monarchical government?

A. – It keeps royal authority, to whom it confers executive power, i.e., the power to execute the laws that the nation’s representatives decree and that it alone sanctions.

Q. – And what does it keep from the republican government?

A. – The sovereignty of the people *en masse*, exercised by their deputies or representatives, the equality and individual liberty of each citizen.

Q. – By equality among citizens do you mean that there should be no difference between the classes, nor any pre-eminence of one over the other?

A. – No. Because such equality would be impossible and would not even be useful. Just as in a machine the wheels are of different sizes and serve different uses, so the different classes of citizens are subordinate to each other and have different relationships to each other. I do understand equality between citizens to mean equality before the law.

Q. – And how is this equality established?

A. – By means of impartial laws that punish offences and award merit without considering in any way the birth, rank, fortune or position of the offender or the benefactor. As soon as the law bends to these considerations and establishes differences between citizens in this respect, it is no longer law, it is an odious despotism of the strong over the weak. Equality also consists in the fact that the path to honours and jobs is open equally to the citizen who deserves them, without distinction of class.

Q. – What do you mean by individual liberty?

A. – There are two kinds of liberty, natural and civil.

Q. – What is natural liberty?

A. – It is the liberty that man has in the savage state to appropriate [all] that is useful for his conservation and to make every action that is convenient or pleasant for him. However, man loses this liberty as soon as he lives in society, because a similar liberty could only exist to the detriment of his fellow citizens. Therefore, when men agreed to come together to enjoy the advantages of social life, they agreed among themselves that each of them would sacrifice that part of his natural liberty which would be harmful to the others in whose company he lived and would only keep that which was consistent with the general good. It was this remaining part of liberty, which the social man reserved for himself, that was called civil liberty.

Q. – Given this, does civil liberty consist of the faculty to do everything that the laws do not forbid?

A. – This is not an exact explanation, because for a people to be able to call themselves free, it is necessary that the laws authorise everything that is not against the general good, and that they do not impose on the citizen austere prohibitions that deprive him of a considerable part of the happiness of life without evident necessity. Furthermore, for a state to enjoy individual liberty, it must exist equally in all classes and states; for the legislative power to exercise its functions without fear or constraint; for the executive power to carry them out with the same liberty; for judges, in short, magistrates, and in general all classes of citizens to fear and recognise no other brake than that of wise and benign laws.

Q. – Does individual liberty consist merely in the fact that a citizen’s person and life are not harassed against the law, or does it encompass other objects?

A. – It also means that the citizen’s property is respected and that he enjoys full liberty in his opinions.

Q. – How should citizens’ property be respected?

A. – By making every man enjoy the fruits of his labour in peace, without having them taken from him or wrongfully withheld from him; or when this happens, by violence or fraud, by causing that the injured party fully enjoys the right to claim what is his against the aggressor, whoever he may be.

Q. – What do you mean by liberty of opinion?

A. – Thought is the freest part of man, and it is an attack on this noble faculty, which distinguishes him from the irrational, to want to shackle him by making it a crime for him to differ in opinion with others and forcing him to stifle and concentrate his ideas in himself by forbidding him the faculty of expressing them with words or pen.

Q. – And by what means is liberty of opinion effectively established?

A. – By liberty of the press.

Q. – And isn't the liberty to write and print everything inconvenient?

A. – Nothing, no matter how useful, is absolutely free of drawbacks. Everything in life has its *pros* and *cons*, it's just a matter of which ones stand out: the advantages, the disadvantages, or the dangers.

Q. – What are the disadvantages of press liberty?

A. – The enemies of all civil liberty accuse the liberty of the press of being an easy and always open means of spreading dangerous or false opinions and a free weapon for citizens to attack each other in their honour and reputation, as well as allowing them to accuse the government with impunity of the errors it commits or those that each person's way of thinking attributes to it.

Q. – And what can you say to these accusations?

A. – With regard to the former, I say that the liberty of the press is, on the contrary, particularly useful in preventing the spread of error, because it gives everyone the power to combat it as soon as it appears and to reveal its falsehood to the world, without allowing it to be sheltered under the protective shadow of authority, which is often interested in propagating them. As for the second drawback, it is easy to remedy it by obliging the detractor to prove with evidence everything he advances and by imposing rigorous penalties on the slanderer, the first of which must be compensation for the injured or offended party. Regarding the third objection, I reply that this drawback, far from being a [drawback], is precisely one of the greatest advantages of the liberty of the press and that this advantage is as great for the government as it is for the people, or perhaps even greater for the government that wants to be just.

Q. – What advantages do people derive from the liberty to vituperate government transactions?

A. – In addition to the satisfaction of enjoying the privilege of a free entity, the liberty of the press is extremely useful to them in order to discover the prevarications of ministers and officials and to denounce them to the public. In this way, a unity and public spirit is formed in the Nation that gives it extraordinary strength to repress the abuses of

officials and hold them in respect. It also serves the Nation to maintain its morality in a certain way, because the ease with which prevarications are exposed to the eyes of the world should serve as a brake on vice and keep it at least within the limits of public decorum.

Q. – And what advantage can the government find in being attacked and vituperated in its procedures?

A. – To listen, without fear of flattery, to public opinion about them; to be warned of their mistakes without fear of being deceived; to see the prevarications and intrigues of their officials, of which they are so often the victims, unmasked; to listen to the complaints of the people; to know their needs, how to remedy them and thus come to know from impartial mouths the true art of congratulating the Nation, whose fate is entrusted to them. And how many misfortunes can be avoided by this means! If, for example, our august and well-meaning sovereign, King John VI, had been able, by means of a free press, to communicate with his vassals of all classes and listen to their complaints, would he have ignored our ills for so long? Would he have effectively prevented the depredations and vexations that we have suffered for so long and that have caused so much ruin to our beautiful country? And hadn't he been convinced long ago of the urgent need for a liberal constitution, the only way to restore the Nation to its former glory? But no, the monsters, interested in the continuation of our calamities, suppressed our just complaints, and stifled our slightest groans with the horrifying spectacle of arbitrary arrests, odious proscriptions, and bloody scaffolds. Since we were unable to communicate with our sovereign, we were forced to give ourselves by our own hand what we would so gladly have received from his. This act of necessity was equally prosperous for him and for us because it made his throne more solid and ensured our fortune. But what horrible evils could not have accompanied such a legitimate act if it had been directed by less enlightened men, or if, instead of being carried out by a virtuous, just and moderate nation, it had been carried out by a ferocious people who became exasperated with suffering and, confusing liberty with licence, rushed into the immeasurable abysses of anarchy, dragging the throne down with them!

Q. – But since liberty of the press has such obvious advantages, why does it have so many detractors?

A. – Because of its very advantages, which are incompatible with the system of these detractors, who want, in order to be able to oppress the people for their own ends, to keep them in crass ignorance and cover the transactions of their agents with a mysterious veil.

Q. – What other guarantees should a good constitution offer the people?

A. – The responsibility of ministers and civil servants.

Q. – What does this responsibility consist of?

A. – That ministers should be obliged to give an account to the Nation of their administration and of the use of the public money which they receive; and that, in the event of any offence on their part against the laws or the Constitution, they can be prosecuted and tried by impartial courts.

Q. – And the constitutional king, is he also responsible?

A. – The person of the king is inviolable. Being a common centre of assembly for the Nation, it shields him from all responsibility, which lies solely with the ministers, since the king, on his own, could not infringe the Constitution unless they lent themselves to it. So this inviolability, besides being a just tribute of love and respect paid to the person of the sovereign, does not bring with it any harmful consequences for the Nation, once the responsibility of the ministers is well established and does not become illusory.

Q. – How do you consider the constitutional king in a perfect constitution?

A. – I consider him to be the happiest of sovereigns or perhaps the happiest of men. He is placed in a pre-eminent position and in a prosperous situation. He enjoys the love and honours, not of oppressed bought slaves, but of free subjects who are happy to submit to him. He has all the power to do good and, what is even more fortunate for a virtuous man, he finds himself in the happy impossibility of doing or helping evil.

Q. – Given this, is it impossible for abuses to occur in a perfectly liberal and well-established Constitution?

A. – There is nothing entirely perfect in human institutions. Those that come closest to perfection unfortunately always carry within them, from the very beginning, the hidden germ of their destruction, because since everything in this world is transitory, there is nothing in it that can claim eternal duration. However, in moral things as well as physical ones, there is natural death and premature death. Thus, for an institution to be called perfect, it must (barring some unforeseen catastrophe) remain free from abuse for many years and only yield to the destructive scythe of time.

Q. – What would be the best way to consolidate a liberal Constitution and prevent it from deteriorating?

A. – The propagation of enlightenment and, above all, the popular instruction.

Q. – How so?

A. – Because the more enlightened the citizens are, the better they will know their true interests and, therefore, the more carefully they will avoid and prevent abuses, the more easily they will realise them as soon as they start to creep in, and the better they will be able to root them out from the start.

Q. – What do you mean by popular instruction?

A. – The instruction of the lower classes of the Nation and in particular of those whose state of fortune does not allow them to achieve this good by their own endeavours and who must therefore receive it from the Nation.

Q. – Does the nation have an obligation to look after the instruction of its children?

A. – The greatest obligation. This obligation has generally been accepted up to a certain level of education, but I believe that it should have no other limits than that of the Nation’s faculties. I mean that

I consider it obliged to promote instruction in the lower and indigent classes with all the means it has and to give it the degree of perfection that is consistent with these means.

Q. – Who is imposing this obligation on the Nation?

A. – Its self-interest.

Q. – What interest does it have in that?

A. – To have, instead of useless or cumbersome members, criminals through ignorance, brutality or idleness, intelligent, active citizens, useful to themselves and to it. The difference in enlightenment is the true inequality between men, so by providing it to everyone, as much as possible, it will be possible to reduce the prodigious and damaging distance, in a free state, between citizens born to enjoy equal rights under the same laws.

Q. – However, if the multitude were to be enlightened, wouldn't they become impatient of the yoke and perhaps aspire to dominate?

A. – It will certainly become impatient of any despotic and arbitrary yoke. But it will gladly submit to wise and well-understood institutions, to whom it owes its security and the enjoyment of its rights, and the more enlightened it is, the less it will deviate from this submission, because it will know better how useful and necessary it is to remain in it.

Q. – What are the obligations of a people that enjoys such a perfect Constitution?

A. – Sacrifice everything to keep it in the highest state of purity and give even their life for it.

Q. – Does every citizen have the same obligation?

A. – Absolutely. Every citizen must gladly sacrifice their property and their life for the defence of their country and for the maintenance of the Constitution that guarantees their liberty and that of their descendants.

Q. – Is it within the power of every citizen, in whatever class they may be, to serve the homeland and be useful to it?

A. – Certainly. From everyone in general, whatever their rank, status, sex or age, because there are many different ways of serving it.

Q. – In what ways, then, can one serve one’s homeland?

A. – Citizens can serve their homeland with their blood, with their possessions, with their enlightenment, with their industry and labour, with their moral virtues.

Q. – How does a citizen serve their country with their blood?

A. – Exposing their life for it, in order to defend it from foreign aggressors or domestic tyrants who attack their independence and happiness.

Q. – And how with their possessions?

A. – Sacrificing them in order to redeem or help it in times of hardship; employing them in establishments useful to the industry or enlightenment of the Nation; alleviating with a part of them the situation of their helpless fellow citizens, whose fate always influences more or less the whole Nation; because a state of misery and penury not only often prevents them from carrying out their duties properly, but even precipitates them into crimes or, at the very least, robs them of the ability to be useful to their homeland.

Q. – But isn’t that the obligation of the homeland, to remedy indigence of all its children?

A. – Certainly. However, this sacred obligation, whether it is fulfilled or not, does not exempt each individual citizen from contributing as much as they can to its fulfilment, either by taking charge of a part of it or by representing to the homeland the evil that it must remedy, and which is easy to miss in the multitude of objects that attract its attention.

Q. – Can a citizen sacrifice their property in any other way to the homeland?

A. – A citizen sacrifices their prosperity to the homeland when they refuse and remove from themselves any gain or profit, I don't say illicit, because that would make them a criminal, but simply contrary to the interests of the homeland, which they must always prefer to their own.

Q. – And how do citizens serve the state through their enlightenment?

A. – By their knowledge and enlightenment they can perhaps give the most important services, discovering or spreading useful truths, denouncing harmful principles and showing them to be wrong and harmful, making useful discoveries in the sciences and arts or introducing the inventions of others and, finally, communicating their enlightenment to their fellow citizens who are deprived of this advantage.

Q. – But aren't all citizens in the position of owning truly useful knowledge, so they can't all serve their homeland in this way?

A. – That's true. However, it is the duty of every good citizen to cultivate their moral faculties as much as possible in order to be in a position to offer their homeland useful knowledge.

Q. – How does a citizen serve their country through their industry or labour?

A. – Escaping idleness and choosing a useful profession or art, to which they are committed with care.

Q. – And how can they serve it through their moral virtues?

A. – The morality of a Nation is the most solid foundation of its faith. If there were only virtuous citizens in a state, laws would almost be unnecessary. The exact observance of every virtue that is useful to society is therefore an act of patriotism and, therefore, every individual of any class or sex who, by their behaviour and example, maintains good faith and order by faithfully and zealously fulfilling the duties of their state effectively serves their homeland; on the other hand, anyone who introduces fraud, venality, discord and vice into it is a true enemy of the homeland.

Q. – And what should be the fate of a citizen who doesn’t serve their country by at least one of the means mentioned?

A. – To be expelled from society as a useless, burdensome, and therefore harmful member. Of course, the exception should be those individuals who, due to illness, alienation of their intellectual faculties or a decrepit state, find it impossible to contribute to the general good; they have every right to the help of their homeland, but those who refuse to serve it when they can, should not be counted by it as sons.

Q. – Does a liberal constitution always ensure the happiness of the Nation that adopts it?

A. – Undoubtedly. A people who enjoys their rights, living under a liberal regime, will necessarily be happy and inflamed with love for their homeland, preferring it to the whole world, even when nature has mistreated it through climate and production. But we, the happy inhabitants of a land so uniquely privileged in every respect, we, so strongly attached by nature to the land that saw us born, even when, instead of being a mother, the motherland showed itself to be a stepmother, what passionate and vehement feelings did not carry us away when the sweet breath of liberty rocked the pure and salutary air of our beautiful countryside! When we can savour the delicious fruits of our fields and land, without perceiving in them the bitterness of the tears and blood of the unhappy cultivator! When, at last, our beautiful cities and towns, home only to peace and virtue, no longer offer us even the slightest hint of the pestilential exhalations with which hypocrisy, oppression and cruelty have so long infested them! When our beloved monarch is welcomed into the arms of his faithful and loving people, who have freed him from wicked hands by means of the beneficial Constitution that he will swear to with transport! Ah, which of us, then, will not enthusiastically ratify the oath already taken and will not make in his heart the most inviolable and holiest vow to die with pleasure for the CONSTITUTION, the basis of our victory, for the KING who embraces and consolidates it and for the forgiving GOD to whom we will attribute everything, as the sole and heavenly author of human happiness.

End

Printed Source: *Manual Político do Cidadão Constitucional* [Political Manual of the Constitutional Citizen], Lisboa, at Nova Impressão da Viúva Neves e Filhos, 1820 [Available at: <https://purl.pt/38138> (consulted on 2 March 2021)].

Annex II

List of political catechisms in Portugal and Brazil for the liberal triennium of 1820-1823

1. Printed in Portugal

Manual Político do cidadão constitucional, Lisboa, Nova Imprensa da Viúva Neves e Filhos, 1820.

Um Português – “Diálogo sobre a matéria que atualmente se está discutindo em Cortes», *Mnemosine Constitucional*, Lisboa, Imprensa Nacional, n.º 43, segunda-feira, 19 de fevereiro de 1821.

“Catecismo Político”, *Borboleta dos Campos Constitucionais*, Porto, n.º 70, sexta-feira, 3 de agosto de 1821; n.º 72, segunda-feira, 5 de agosto de 1821 (in *Semanário Cívico*, Bahia, n.º 2, quinta-feira, 8 de março de 1821; n.º 3, quinta-feira, 15 de março de 1821; n.º 4, quinta-feira, 22 de março).

José Maria de Beja – *Cathecismo constitucional oferecido ás cortes da Nação Portuguesa*, Lisboa, na Imprensa de João Nunes Esteves, 1821 (2.^a edição, Lisboa, na Oficina da Viúva de Lino da Silva Godinho, 1821)⁵¹.

Farol da Liberdade Portuguesa ou Direitos e Deveres do Homem em Sociedade, Lisboa, na Imprensa Morandiana, 1821.

Inocência António Miranda – *O cidadão lusitano: breve compendio, em que se demonstrão os fructos da constituição, e os deveres do cidadão constitucional para com Deus, para com o rei, para com a Pátria e para com todos os seus concidadãos: diálogo entre um liberal e um servil, o abade Roberto e D. Julio*, Lisboa, em a Nova Impressão da Viúva Neves e Filhos, 1822 (2.^o edição, Lisboa, na Typographia de M.P. de Lacerda, 1822).

⁵¹ The session of the Constituent Cortes of 12 October 1821 recorded José Maria de Beja’s «offering of a Constitutional Catechism” – *Portuguese National General and Extraordinary Cortes Gazette*, no. 184, Lisbon, Imprensa Nacional [Available at: <http://debates.parlamento.pt> (consulted on 28 October 2020)]

Joaquina Cândida de Sousa Calheiros Lobo – *Catecismo religioso, moral e politico para instrucção do cidadão portuguez*, Coimbra, na Imprensa da Universidade, 1822.

António Herculano Debonis – *Cathecismo polytico constitucional regulado segundo a constituição da monarchia portugueza*, Lisboa, Tipografia Rollandiana, 1822⁵² (2.^a edição mais correta e aumentada, Lisboa, na Tipografia Rollandiana, 1823).

Joaquim Anastácio Mendes Velho – *Homilia constitucional para uso dos reverendos parocos menos instruidos em politica*, Lisboa, na Imprensa Nacional 1822 [Available at: <http://purl.pt/6822> (consulted on 28 October 2020)].

Rodrigo Ferreira da Costa – *Cathecismo Politico do Cidadão Portuguez ou exposição dos direitos e obrigações do Homem natural e social e dos princípios da ordem politica, segundo o systema da Constituição da Monarquia Portuguesa*, Lisboa, na Imprensa nacional, 1823.

2. Manuscripts in Portugal

Joaquim Luís da Fraga – *Catecismo Constitucional* (Constitutional Catechism) offered to the Sovereign Congress of the Portuguese National General and Constituent Cortes, by a reverent constitutional, presented at the session of 6 May 1822 and, on the same date, distributed to the Public Instruction Commission (unpublished)⁵³.

⁵² «The Constitutional Political Catechism, regulated according to the Constitution of the Portuguese Monarchy, has just been published. This work is undoubtedly one of the most interesting that could be offered to the public at the present time. For this reason, there is nothing more necessary, in our opinion, than to teach the people the principles on which our new social pact is based; and without the knowledge of which the nation could hardly appreciate the goods that flow from it. We believe that the same work has no less merit and that it is the method that [its] author adopted, since experience has shown that it is the one that is most appropriate to follow in order to popularise works of a similar nature» – *Government Gazette*, no. 237, Tuesday, 8 October 1822, p. 1785 [Available at: <https://digigov.cepe-se.pt> (consulted on 29 October 2020)]

⁵³ The author himself refers to this Catechism in a proposal sent to the Cortes on 17 June 1822: «Constitutional Catechism which I had the honour of offering to this

Lisbon, AHP – Section I/II, box 48, roll. 27, doc. 43.

Domingos Alvares da Silva – *Projeto para um Catecismo Constitucional* (Project for a Constitutional Catechism). It was presented at the session of 2 January 1822 and, on the same date, distributed to the Public Instruction Commission (unpublished).

Lisbon, AHP – Section I/II, box 48, roll. 27, doc. 47.

Catecismo politico para uso da mocidade portuguesa (Political catechism for Portuguese youth), by A. P. de C. B. C., dated 4 January 1822. It was distributed to the Public Instruction Commission on 16 February 1822 (unpublished).

Lisbon, AHP – Section I/II, cx. 112, roll. 75, doc. 30.

3. Printed in Brazil

Dialogo Instructivo em que se explicão os fundamentos de huma Constituição e a divisão das autoridades que a formão e executão, por hum Patriota Amigo da Nação, Rio de Janeiro, 1821.

“Catecismo Político”, *Semanário Cívico*, Bahia, n.º 2, quinta-feira, 8 de março de 1821; n.º 3, quinta-feira, 15 de março de 1821; n.º 4, quinta-feira, 22 de março; (reeditado em Portugal, in *Borboleta dos Campos Constitucionais*, Porto, n.º 70, sexta-feira, 3 de agosto de 1821; n.º 72, segunda-feira, 5 de agosto de 1821).

“Catecismo Político ou Lição para Meninos”, *Semanário Cívico*, Bahia, n.º 10, quinta-feira, 3 de maio de 1821.

4. Missing

António Inácio Júdice – *Catecismo Constitucional para instrução da mocidade portuguesa*, 1821.

August Congress on 6 May this year (by a reverent constitutional). If all parents and teachers of the first letters were obliged to instruct children of both sexes using it (or any other that more happily develops those same principles), there would be no doubt that in the short space of six years there would not be a single Portuguese person of either sex aged at least twelve who was not constitutional and who did not know how to read, write and count» – VIEIRA, 1992: VOL. I, p. 154.

Portuguese National General and Extraordinary Cortes Gazette, no. 198, Lisbon, Imprensa Nacional, 1821, p. 2620 [Available at: <http://debates.parlamento.pt> (consulted on 28 October 2020)].

Cipriano José Rodrigues das Chagas – *Catecismo Constitucional*, 1821⁵⁴.

Government Gazette, no. 287, of 4 December 1821, pp. 879- 880 [Available at: <https://digigov.cepese.pt> (consulted on 28 October 2020)].

Domingos Álvares da Silva – *Ensaio para o Catecismo Constitucional*, 1822.

Portuguese National General and Extraordinary Cortes Gazette, no. 263, Lisbon, Imprensa Nacional, 1822, p. 3571.

Anonymous – *Catecismo Político para uso da mocidade*, 1822.

Portuguese National General and Extraordinary Cortes Gazette, Lisbon, Imprensa Nacional, 1822, p. 210 [Available at: <http://debates.parlamento.pt> (consulted on 28 October 2020)].

Manuel António de Morais Mendonça – *Catecismo Político Constitucional para uso da mocidade dos dois hemisférios*, 1822.

Portuguese National General and Extraordinary Cortes Gazette, Lisbon, Imprensa Nacional, 1822, p. 555 [Available at: <http://debates.parlamento.pt> (consulted on 28 October 2020)];

Government Gazette, no. 69, Friday, 22 March 1822, p. 480 [Available at: <https://digigov.cepese.pt> (consulted on 29 October 2020)].

António Rodrigues – *Catecismo Político para instrução da mocidade* 1822.

Portuguese National General and Extraordinary Cortes Gazette, Lisbon, Imprensa Nacional, 1822, p. 977 [Available at: <http://debates.parlamento.pt> (consulted on 28 October 2020)].

Anonymous – *Catecismo Constitucional*, 1822.

Portuguese National General and Extraordinary Cortes Gazette, Lisbon, Imprensa Nacional, 1822, p. 67 [Available at: <http://debates.parlamento.pt> (consulted on 28 October 2020)].

José Pedro da Silva Gonçalves Reis – *Catecismo Constitucional*, 1822.

⁵⁴ In the Constituent Cortes *Gazette* (session of 3 December 1821), it was stated that it was «a compendium of constitutional government».

Government Gazette, no. 122, Saturday, 25 May 1822, p. 869 [Available at: <https://digigov.cepese.pt> (consulted on 29 October 2020)].

Catecismo Constitucional, by the rector of Tondela.

Government Gazette, no. 131, Wednesday, 5 June 1822, p. 931 [Available at: <https://digigov.cepese.pt> (consulted on 29 October 2020)].

Catecismo Constitucional, suggested by José da Silva Passos – indication presented on the session of 15 September 1822 of the Porto Patriotic Society or Patriotic Society which Promotes the National Letters and Industry, according to the principles of the current Constitution, established in the city of Porto.

Borboleta Constitucional, n.º 215, Wednesday, 25 September 1822 [Available at: <http://purl.pt/14340> (consulted on 10 December 2020)].