

“From Subjects to Citizens” *Vintismo* and the First Republic

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First of all, I would like to thank Prof. Vital Moreira and Prof. José Domingues for inviting me to take part in this Colloquium on the topic of “From Subjects to Citizens”.

This initiative is part of a celebratory context in which the city of Porto – honouring its history – has, through its institutions, including the City Council, carried out an exemplary mission, committed to the invocation of events and personalities that ushered in contemporaneity, determining the course of Portuguese history over the last 200 years.

It so happened that when I received the kind invitation to take part in this reflection, I had just finished reading an updated edition of José Murilo de Carvalho’s suggestive and rightly recognised book: *Cidadania no Brasil, O longo caminho* [Citizenship in Brazil. The long road]¹. I believe that the proximity of this reading contributed to my accepting this task, thinking, certainly boldly, that I could bring some timely contribution to the discussion on the subject that we are called upon.

¹ José Murilo de CARVALHO, *Cidadania no Brasil, O longo caminho*, 25th ed., Rio de Janeiro, Civilização Brasileira, 2019.

1. The birth of modern citizenship under *Vintismo*

Bearing in mind that I must focus on our subject, especially in its relation to the experience of our First Republic (1910-1926), citizenship requires, because of its historicity, a dialogue with its origins and evolution for the sake of a more perfect understanding of its meaning, all the more so because it can only be learnt from the citizen's prior understanding.

I am talking about its origins and evolution, and without intending, which was never in my plans, to provide a historical analysis of the word “citizen”, I think I should just note a few very summarised points, without this being interpreted as reflecting any propensity for conceptualisms, which, often disconnected from the empirical approach to historiographical themes and problems, obscure them more than they clarify them.

Dictionaries are usually immensely helpful to us, and so it is with the word citizen. As Martim de Albuquerque rightly pointed out, in a text entitled: *As Ideias de Cidadão e Cidadania em Portugal. Génese e Evolução* [The Ideas of Citizen and Citizenship in Portugal. Genesis and Evolution], the celebrated António Houaiss points out that the word citizen has been in our vocabulary “at least since 1269”².

In his *Esboço de um Dicionário Jurídico* [Outline of a Legal Dictionary], 1825, Joaquim José Caetano Pereira e Sousa, who at the time was a lawyer at the House of Appeal and was an authoritative legal publicist, defines a citizen as «one who has his ordinary residence in any City, and enjoys the advantages and privileges attached to that quality»³.

By translating citizen as a «special link with the *civitas*», Martim de Albuquerque observes that starting from a «local connection», the term

² Martim de ALBUQUERQUE, *Na Lógica do Tempo, Ensaios de História das Ideias Políticas*, Coimbra, Coimbra Editora, 2012, pp. 211-237.

³ Joaquim José Caetano Pereira e SOUSA, *Esboço de um Dicionário Jurídico, Theoretico, e Practico, Remissivo ás Leis Compiladas, e Extravagantes*, Por..., Advogado na Casa da Supplicação, Obra Posthuma, Tomo Primeiro, A-E, Lisboa, Na Typographia Rollandiana, 1825.

citizen even acquires a «particular and discriminatory meaning» by designating the «bearer of a privilege», giving as an example precisely the citizen of Porto, the man of the respective borough, who in the 16th and 17th centuries enjoyed the status of nobleman of the Royal House⁴.

However, a new idea of citizen began to «take shape consciously», coming to mean «an individual enjoying the civil and political rights of a state, or performing his duties towards it», for the affirmation of which the American Constitution and the ideology of the French Revolution, the Declaration of the Rights of Man and of the Citizen, were a decisive impetus, not forgetting the «resounding» speech by Beaumarchais (1732-1799) in Paris in 1774, when he said: «I am a citizen; I am neither a banker, nor an abbot, nor a courtier, nor a favourite, nothing that is called a power; I am a citizen, that is to say, something new, something unforeseen and unknown in France; I am a citizen, that is to say, what you should have been two hundred years ago and what you will be in perhaps twenty!»⁵.

The word “citizen” came to be associated with the ideas of constitutionalism and equality, which in October 1820 was expressed in the periodical *Génio Constitucional [Constitutional Genius]*: «Every citizen of the Clergy and Nobility is equal in law to be able to be elected and in fact may be preferred to another citizen»⁶. Above all, it was affirmed in contrast to “vassal”, a reality typical of the absolutist monarchy, with which the terms “slave”, and “servant”, were associated (with “critical intent”)⁷ as their synonyms.

As Cristina Nogueira da Silva remarks, the concept of equality appears as «central» in the 19th century definition of citizenship, and that «because the equality of all citizens in submitting to the same law was an axiomatic principle of the liberal legal culture of the 19th century»⁸.

⁴ Martim de ALBUQUERQUE, *Na Lógica do Tempo...*, cit., pp. 213-216.

⁵ *Idem*, pp. 223-224.

⁶ Telmo dos Santos VERDELHO, *As palavras e as ideias na Revolução Liberal de 1820*, Coimbra, Instituto Nacional de Investigação Científica, 1981, p. 97.

⁷ *Idem*, pp. 91-94 and 235-237.

⁸ Cristina Nogueira da SILVA, «Conceitos oitocentistas de cidadania: liberdade e

The constitutional text that emerged from the General, Extraordinary and Constituent Cortes (1822) enshrined the word “citizen” right in the introduction, with a legal-political intention of the utmost importance, as the Cortes expressed their intimate conviction that the «public misfortunes» that had been oppressing the nation so much, and were still oppressing it, had their «origin in the contempt for the rights of the citizen, and in the forgetfulness of the fundamental laws of the Monarchy». Without the Constitution ever defining the term citizen, it appears significantly in Article 21, which reads: «All Portuguese are citizens, and enjoy this quality», and then establishes in Article 23 the situations that would result in the loss of the quality of citizen: anyone who naturalised in a foreign country and anyone who accepted employment, a pension or a commendation from any foreign government without a licence from the government.

Throughout the *Vintismo* Constitution, the term “citizen” appears twelve more times (Articles 22, 42, 54, 124, 148, 162, 174, 183, 196, 220, 222 and 239). Article 26 of the Constitution set up the principle that sovereignty resided essentially in the Nation, understood as the community of citizens, and also established that sovereignty could only be exercised by its representatives.

The Constitution thus revealed a moment of rupture with the *statu quo ante*, characterised by a paradigmatic shift in the relationship between the citizen and the Nation. It is precisely the ownership of rights and equality before the law that give substance to the status of citizen, giving meaning to citizenship within a general framework identified as “Regeneration”, a term that, as Isabel Nobre Vargues said, is identified with the revolutionary movement itself⁹. As understood in the *Constitutional Catechism* of 1826, “Political Regeneration” is «*the passage from one state to another by the reform or abolition of inveterate and*

igualdade», *Análise Social*, vol. XLIV (192), 2009, p. 534. For further inquiries, by the same author, *Constitucionalismo e Império, A cidadania no Ultramar português*, Coimbra, 2009, *passim*. António Duarte SILVA, *O Império e a Constituição Colonial Portuguesa (1914-1974)*, Lisboa, Imprensa de História Contemporânea, 2019, *passim*.

⁹ Isabel Nobre VARGUES, *A Aprendizagem da Cidadania em Portugal (1820-1823)*, Coimbra, Minerva, 1997, p. 42.

*outdated institutions, and the establishment of new, more perfected ones, more in keeping with the dignity of men, their Civil and Political Liberty, and the interests of all Citizens»*¹⁰.

In an 1822 publication, *O Cidadão Lusitano, Breve Compendio em que se demonstrão os Frutos da Constituição e os Deveres do Cidadão Constitucional* [The Lusitanian Citizen, A Brief Handbook on the Fruits of the Constitution and on the Duties of the Constitutional Citizen], the Abbot of Medrões, Inocêncio António de Miranda, who was a deputy to the Constituent Cortes, puts a liberal, Abbot Roberto (himself) in dialogue with a servant, Júlio. Certainly not by chance, in this remarkably interesting conversation, Júlio’s first question concerned what should be understood by a Lusitanian citizen, and Abbot Roberto clarified that this meant any man born in any of the provinces of the United Kingdom [of Portugal and Brazil]. And having been asked afterwards if every Portuguese was a citizen, the abbot replied: «Although all Portuguese can be called Citizens, because they all are equal before the Law, and all are obliged to contribute to the good of the Homeland, according to their faculties, however, this honourable name strictly speaking only belongs to those who are 25 years old, have some establishment or way of subsistence, and are in the free enjoyment of their rights»¹¹. This condition reflected an essential distinction between, on the one hand, “active citizens” and, on the other, “passive citizens”, the former being able to exercise political participation through the right to vote (and the capacity for being elected), while the latter were limited to the right to protection of their civil rights (person, liberty, and property).

¹⁰ *Catecismo Constitucional Segundo o Espirito, e a Lei da Carta Constitucional*, Quarta Parte, Lisboa, Na Impressão de João Nunes Esteves, 1826, p. 12.

¹¹ Inocêncio António de MIRANDA, *O Cidadão Lusitano, Breve Compendio em que se demonstram as Frutos da Constituição e os Deveres do Cidadão Constitucional para com Deus, para com o Rei, para com a Patria, e para todos os seus concidadãos, Diálogo entre hum liberal e hum servil, o Abbade Roberto e D. Júlio*, Por..., Abbade de Medrões, Deputado das Cortes Geraes, Extraordinarias, e Constituintes da Nação Portuguesa, Segunda Impressão mais correcta, e adicionado, Lisboa, Na Typographia de M. P. de Lacerda, 1822, p. 8.

In the words of Joaquim de Carvalho, the ideas established by the Sovereign Congress thus constituted indisputable «innovations in our public law», polarising themselves around «the establishment of a written constitution which, unlike the vague Fundamental Laws of the traditional monarchy, would establish, against royal arbitrariness, the natural rights of man and the citizen, against royal privileges, liberty and equality before the law; against the autonomous power of the king, national sovereignty and representative government»¹². And he put it very significantly: «These principles, considered to be fundamental and essential to the modern state, could be articulated either in republican or monarchical form»¹³. In another writing, Joaquim de Carvalho noted that «the great ideological and sentimental theme in 1820 was the change from subject to citizen, the replacement of majestic rights by national sovereignty, the banishment of [royal] edicts by [parliamentary] law»¹⁴, stressing that submission to the sovereign was converted into respect for the Law – from the outset, we say, respect for the rights of citizens – by Power and that this «immense change» was the beginning in Portugal of the «legal organisation of democracy»¹⁵.

2. To road to the republican Revolution

While it is true, as Fernando Catroga teaches, that the «the republican movement, made up of various ideological tendencies», only achieved «some nationwide coordination during the 1880s»¹⁶, the truth

¹² “[A corrente Regeneradora] (Século XIX)”, in Joaquim de CARVALHO, *Obra Completa*, VI, *História das Instituições e Pensamento Político, 1930 – c. 1957*, Lisboa, Fundação Calouste Gulbenkian, 1989, pp. 110-111.

¹³ *Idem*, p. 111.

¹⁴ “Formação da Ideologia Republicana (1820-1880)”, in Joaquim de CARVALHO, *Obra Completa*, VI..., cit., p. 156.

¹⁵ *Idem*, p. 170.

¹⁶ Fernando CATROGA, «Em nome da Nação», in AAVV, *ResPublica: Cidadania e Representação Política em Portugal, 1820-1926*, Coordenação de Fernando Catroga e Pedro Tavares de Almeida, Lisboa, Assembleia da República/Biblioteca Nacional de Portugal, p. 46. For further developments, Fernando CATROGA, *O Republicanismo em Portugal, Da Formação ao 5 de Outubro de 1910*, Coimbra, Faculdade de Letras, 1991,

is that Portugal did not remain oblivious to the events of the Spanish revolution in 1868, having founded the Democratic Republican Centre in the previous decade, which on 25 April 1876 elected the directorate of the Portuguese Republican Party.

The idea of the Republic was thought as the only regenerative solution to the deep political crisis of the monarchical institutions and the discrediting of the royal person itself was stirred up from then on, becoming enshrined in the *Manifesto and Programme of the Portuguese Republican Party* of January 1891¹⁷, the year after the *brutal event* of the British *Ultimatum*¹⁸.

The Portuguese republicans therefore united to react against a system «of agreements, mergers, pacts», the «regime of granted constitutional Charters»¹⁹, of government rotation between the two traditional political parties, which they accused of being vicious and demoralising, also alluding to the decadence of the Portuguese parliament²⁰.

Republican propaganda developed, as we read in the above-mentioned *Manifesto and Programme*, «in direct proportion to public discouragement and the spread of modern knowledge»²¹. In 1894, Teixeira Bastos wrote that «Even before the glorious revolution of 1820, there was a general feeling of public discontent» and it was this

passim (2nd ed., Lisboa, Editorial Notícias, 1991).

¹⁷ Reconciliation “in essence” of the unitarist and federalist republican programmes, «limiting itself to emphasising the nationalist and interclassist option of the republican ideal and to accentuating the aim which, in the final instance, overruled its strategy: the consummation of the cultural revolution which would be necessary to complete the historical process begun with liberalism, but which only the Republic could raise to a stage of greater perfection» (Fernando CATROGA, *O Republicanismo em Portugal...*, cit., p. 84).

¹⁸ *Manifestos, Estatutos e Programas Republicanos portugueses* [1873-1926], antologia, coordenação de Ernesto Castro LEAL, Biblioteca Respublicana, Lisboa, Comissão Nacional para as Comemorações do Centenário da República / Imprensa Nacional – Casa da Moeda, 2014, p. 58.

¹⁹ *Idem*, p. 56.

²⁰ Teixeira BASTOS, *A Crise, Estudo Sobre a Situação Política, Financeira, Económica e Moral da Nação Portuguesa nas suas Relações com a Crise Geral Contemporanea*, Porto, Livraria Internacional de Ernesto Chardron, Casa Editora, M. Lugan, Successor, 1894, p. 166.

²¹ *Manifestos, Estatutos e Programas...*, cit., p. 57.

that «prepared and carried out the enthusiastic popular movement of 24 August» that had given Portugal «our first Constituent Cortes and our first political constitution»²².

It is a very significant fact that at no point in Republican propaganda is there any criticism of *Vintismo*, which incomplete three-year term with its Constitution was even celebrated by the Republican Party in times of propaganda, as it was the case in 1884.

Moreover, in the recitals of that *Manifesto and Programme of the Portuguese Republican Party* of 1891, Teófilo Braga, its author, noted: «At the moment we are going through, there is no place for theoretical demonstrations, nor for arguing with the pedantocrats of constitutionalism. They have already proved themselves. There is a supreme remedy for the extreme crisis. In the face of a homeland vilified by the selfishness of a regime and the ineptitude of all the parties trying to sustain it, let our motto be the beautiful phrase of the men of 1820, who freed Portugal from the execrable protectorate of Beresford: “Let a single will unite us...” so that we can proceed as the heirs of the noble generations of 1384, 1640, 1820 and 1834, carrying out the glorious work of reorganising Portugal»²³.

Nor should we forget, among others, the intervention in the Chamber of Deputies by Manuel de Arriaga, who in 1890 hailed the soul of the 1820 revolution and its political code, the 1822 Constitution, for abandoning the old moulds of absolutism and laying the foundations of modern law²⁴.

For Arriaga, «constitutional monarchy was like a second son or a bastard branch of true liberty. First there had been the republic with all its popular rights, and only after that had constitutional monarchies arrived»²⁵.

Arriaga could well have been a member of the *Sinédrio* because it was with the 1820s generation and the 1822 Constitution that he truly

²² Teixeira BASTOS, *A Crise...*, *cit.*, p. 471.

²³ *Manifestos, Estatutos e Programas...*, *cit.*, p. 61.

²⁴ *Gazette of the Chamber of Deputies*, May 20th, 1890, p. 8.

²⁵ *Gazette of the Chamber of Deputies*, February 5th, 1884, p. 223.

identified himself as a parliamentarian at the time, or he wouldn't have referred to Fernandes Tomás and Borges Carneiro, among others, as «patriarchs of Portuguese democracy»²⁶.

Manuel de Arriaga would say that the most advanced parties, which since 1820 had put themselves at the service of liberty, had fought with arms in hand, «generously spilling their blood», so that the sovereignty of the throne, if it didn't give way to the sovereignty of the nation, at least reconciled with it²⁷. In his view, the doctrinal school of constitutionalism had set out to achieve «this hoped-for and never reachable reconciliation of the two sovereignties»; and in this generous expectation, almost all true liberals had sacrificed themselves for the Portuguese constitutional throne, «believing they had sacrificed themselves for liberty»²⁸.

In other words: the struggle to reconcile the sovereignty of the people with the sovereignty of kings had been sterile and had left the country incredulous and exhausted²⁹, which led him to conclude that the sovereignty of the people was incompatible, irreconcilable, with the sovereignty of the throne; and that the throne and its henchmen would always conspire against it, either in broad daylight or in the shadows³⁰.

Ideologically a follower of *Vintismo*, Arriaga noted that the Constitutional Charter of 1826 had been born “from the ambush of Vila Franca in 1823”, from that «treacherous adventure», as he called it, against the 1822 Constitution, without failing to recognise the services that the Charter and its donor had rendered to the nation, «by helping it, under the influence of liberty, to put an end the last vestiges of religious fanaticism and its congener, political absolutism»³¹.

But it was the 1822 Constitution that had stated that sovereignty resided in the nation and could only be exercised by its legally elected representatives.

²⁶ *Gazette of the Chamber of Deputies*, January 23rd, 1884, p. 120.

²⁷ *Gazette of the Chamber of Deputies*, June 16th, 1883, p. 1715.

²⁸ *Gazette of the Chamber of Deputies*, March 26th, 1883, p. 806.

²⁹ *Gazette of the Chamber of Deputies*, June 16th, 1883, p. 1715.

³⁰ *Gazette of the Chamber of Deputies*, February 5th, 1884, p. 220.

³¹ *Gazette of the Chamber of Deputies*, January 23rd, 1884, p. 119.

If the Charter had been embraced by the country against despotism, it had ceased to be so since Évora Monte, at the end of civil war, in 1834, when, as it said, «the regime of I can, I want and I command» had come to an end³². However, the aim of the Charter was, in Arriaga's words, to keep the predominance of the crown over the will of the nation³³. One can therefore understand his sympathy for the 1838 Constitution, Article 33 of which enshrined the old principle that sovereignty resided essentially in the Nation, from which all powers emanated.

Arriaga judged the history of constitutional monarchy with disdain. Until 1852, it had been summarised as a series of violent *coups d'état* against the express will of the nation, and from then on «in a series of tricks, cunning and frauds to contaminate and weaken popular prerogatives and with them the cause of the country's liberty and independence»³⁴. He therefore spoke of the country's profound political decadence, and of how far the constitutional order had fallen outside the «glorious democratic traditions» and «the most rudimentary principles of science» and denounced the worn-out aphorism he called: «the constitutional king reigns, but does not rule»³⁵.

It is important to emphasise that Arriaga's constitutional ideology was repeatedly stated, constituting an essential key to understanding his political thought and his action in the various areas in which he intervened, and naturally in those most directly related to the modification of the Constitutional Charter. In this regard, he argued that the review should be complete, including the preamble, in order to bring it into line with modern public law, which recognised only the sovereignty of the nation as the basis of all powers. But his constitutional thinking was reflected also in the proposals he defended in relation to electoral reform and the issue of suffrage, as well as the political oath.

As the revolutionary idea was formed in criticism of the *status quo*, Republican programmes soon affirmed, as political aspirations,

³² *Gazette of the Chamber of Deputies*, May 20th, 1890, p. 9.

³³ *Idem*.

³⁴ *Gazette of the Chamber of Deputies*, January 23rd, 1884, p. 119.

³⁵ *Idem, ibidem*.

the adoption of [male] universal suffrage and the gradual extension of civic and political rights to women, as happened with the Teixeira Bastos Project (1886)³⁶. The *Manifesto and Programme of the Portuguese Republican Party*, of January 1891 also established universal suffrage as one of the political liberties, or guarantees, mentioned in the paragraph dedicated to establishing individual guarantees³⁷.

The Revolution would take place twenty years later; after the failed revolutionary attempts of January 31st, 1891, in Porto, and of January 28th, 1908, in Lisbon, but above all after the attack on the royal family, also in 1908, which killed the King and Prince Luís Filipe. The question of the regime was finally resolved on October 5th, 1910, and its success was the result of micro-pacts between the civilian and military leaderships around a minimum programme: the establishment of the Republic. As we read in the *Programme of the Republican Union Party* (1912), «the unity of the historic republican party was maintained until the monarchy was banished, because it was a convergence of forces imposed by the need to produce the maximum useful effect as quickly as possible»³⁸.

As with the revolutionary movement of 1820, the establishment of the Republic was associated with the idea of regeneration. In 1910, certain semantics and symbolic values that had characterised the incomplete *Vintismo* triennium were recovered, returning to the centrality of citizens' rights and the attempts to build a republican citizenship, a very slow and bumpy process.

The republican memory of *Vintismo*, expressively recorded in the commemorations of the centenary of the first session of the Constituent Cortes meeting in 1821, reflects the importance of a historiographical exercise that puts in dialogue – in living dialogue – two moments of maximum political significance separated by ninety years.

This exercise is all the more necessary because it is true that the meaning of citizenship has not crystallised, nor is it crystallisable, at any

³⁶ *Manifestos, Estatutos e Programas...*, cit., p. 54.

³⁷ *Idem*, p. 63.

³⁸ *Idem*, p. 287.

historical moment. It is a multi-dimensional reality that tends to evolve, but is also subject to moments of regression in terms of the recognition of certain of its dimensions and their practical implementation.

At that commemoration of the centenary of the inauguration of the Cortes of 1821, held at the Congress of the Republic on 26 January 1921, the then Minister of War, Álvaro de Castro, representing the government at the time headed by Liberato Pinto, said that the 1822 Constitution and the legislation published at the time were the «cornerstones of the future edifice of the Constitution of the Republic» and the *Vintismo* Constituent Courts had been the «first stage won»³⁹. Carlos Olavo, another of the speakers at the session, even said that the 1820 Revolution, due to the ideas that had inspired it and the principles of justice on which it was based, had been a «true republican revolution», and that the national conscience, shielded by the principles of the 1820 Revolution, had always been able to defend itself against absolutism, having revived on 5 October in the Portuguese conscience the «pure democracy, the pure ideas that the revolutionaries of 1820 had condensed»⁴⁰.

3. Political citizenship under the first Republic (1910-1926)

The tendency for the notion of citizenship to evolve is linked to its utopian dimension, imagining that it could correspond to a reality, so to speak ideal, that perfectly combines liberty, participation, and equality⁴¹. Murilo de Carvalho, a political scientist, historian and renowned academic, speaks in this regard of an ideal that is «perhaps unattainable», mentioning that citizenship's multidimensional characteristic means that some of its dimensions can survive unaccompanied by others⁴².

If citizenship corresponds to a reality divided into civil, political, and social rights, it is important to note that the recognition of the

³⁹ *Congress Gazette*, January 26th, 1921, p. 5.

⁴⁰ *Idem*, p. 10.

⁴¹ José Murilo de CARVALHO, *Cidadania no Brasil...*, *cit.*, p. 15.

⁴² *Idem*, p. 15-16.

latter has historically arisen from the practical affirmation of the former, revealing precisely here the evolutionary (or rather, tendentially evolutionary) characteristic of citizenship, which proves that it is an open, modellable, modern and even timeless concept.

Manuel de Arriaga was convinced that without liberty of suffrage nothing serious and stable could be achieved in political reforms, but in 1883 he pointed with dismay to the country’s «night of ignorance», speaking of a universe of four million souls that made up the rural population, of which only around 580,000 could read, and said that there were 600 schools closed due to lack of resources and many teachers dying of hunger⁴³. This reminder by Manuel de Arriaga about the liberty of suffrage in its relation to illiteracy brings together two central issues that confronted the conscience of the republican citizenry, which, due to their importance, justify focusing on them, which is an option taken from among the very wide range of issues and problems historically posed by citizenship.

These questions are all the more relevant as they allow us to assess whether the right to political participation, as a citizen, did not ultimately have a preponderant rhetorical dimension in the context of the First Republic, placing the issue of the status of women and illiterate people in its relationship to the process of building republican citizenship within the scope of reflection.

Such an assessment could also be made on the basis of an analysis of Articles 3 and 4 of the 1911 Constitution, which form part of the title on individual rights and guarantees (i.e. those of the citizen, invoked nine times), without overlooking the weighting of infra-constitutional legislation that has shaped, and in some cases frustrated, the exercise of rights and the effective realisation of individual guarantees, revealing here too the semantic dimension of certain constitutional proclamations.

And it should be borne in mind that the issue of electoral capacity, of suffrage, was, certainly not by chance, left out of the republican constitutional text, with Article 8 of the Constitution establishing the principle of electing the Chamber of Deputies and the Senate by, it should

⁴³ *Gazette of the Chamber of Deputies*, June 16th, 1883, p. 1716.

be noted, «direct suffrage of the *electing citizens*» – meaning restricted suffrage, therefore, and not universal suffrage –⁴⁴, and determining that the organisation of the electoral colleges of the two Chambers and the election process would be regulated by special law⁴⁵. It is also important to remember the content of article 74 of the Constitution, which established the rule that Portuguese citizens were, for the purpose of exercising political rights, «all those whom civil law considers to be such», and that civil law also had to regulate the loss and recovery of Portuguese citizenship⁴⁶.

a) *The question of women's suffrage*

In this context, the legal-constitutional status of women cannot fail to be considered. Their legitimate ambitions, first and foremost to be recognised as active citizens, were not a priority for Republican political action, as was shown by their exclusion from the vote in the Constituent elections of 1911.

⁴⁴ In this regard, Marnoco e SOUZA, *Constituição Política da República Portuguesa, Comentário*, Coimbra, F. França Amado, Editor, 1913, p. 264, wrote: «It really seems that the Constitution excludes direct suffrage for electors in this article. This leads to the conclusion that not all citizens are electors, against the fundamental concept of universal suffrage». Ricardo Leite PINTO, «A questão do Sufrágio Universal na Constituição de 1911», in AAVV, *A Assembleia Constituinte a Constituição de 1911*, Lisboa, Assembleia da República / Centenário da República, 2011, pp. 205-215.

⁴⁵ In his annotation to article 8 of the Constitution of the Republic, Marnoco e Souza, who defended the representation of social interests, dealt expressly with women's suffrage, concluding that Portuguese electoral law did not allow it and that it was necessary to expressly grant this right, drawing this conclusion from Article 5(2) and Article 18 of the electoral law of 5 April 1911. In his view, «it would be incomprehensible for the Republic to intend to grant this right [of suffrage] to women, using formulae similar to those of monarchical legislation, which were always interpreted as excluding women from this right». This was without prejudice to his view that, in theory, there was no «serious argument» to prevent legislative reform in order to recognize women's suffrage (Marnoco e SOUZA, *Constituição Política ... cit.*, pp. 274-275 and 279-282).

⁴⁶ Marnoco e SOUZA, *Constituição Política ... cit.*, pp. 612-613, denied that the matter was «constitutional», and consequently considered that it could be amended by ordinary legislation. Recently, José Joaquim Gomes CANOTILHO, «“Cidadão Português” e “Simples Cidadão”, Contributo para a compreensão do artigo 74.º da Constituição da República portuguesa de 1911», in AAVV, *A Assembleia Constituinte ... cit.*, pp. 193-203

This is clear from the party programmes that emerged from the break-up of the historic Republican Party after the Revolution. Thus, the new *Programme of the Portuguese Republican Party* (1912), although it granted universal suffrage and full liberty to vote in the chapter on citizens’ rights and guarantees – and the objective of «progressively raising women’s civil capacity»⁴⁷ – it coexisted not only with constitutional rules, but also with electoral regimes that denied universal suffrage⁴⁸. For its part, the *Programme of the Republican Union* (1912) limited itself to declaring that it would enshrine «the civil equality [not political equality] of women as the practical fulfilment of a just aspiration»⁴⁹, and the *Programme of the Evolutionist Republican Party* (1913) only proposed, in the context of a future constitutional amendment, the «extension, as far as possible, of suffrage in order to give the Republic a democratic character» and the «granting of the vote to women in administrative elections [not in legislative elections], under conditions of convenient restriction»⁵⁰.

Within the framework of party organisation, even earlier, but already close to 5 October – keeping the essential unity of the

⁴⁷ *Manifestos, Estatutos e Programas... cit.*, p. 208, the definitive version of which, approved at the Congress of the Portuguese Republican Party, held in Braga on April 1912, departed from the initial draft, known in 1911, which provided for: the elevation of women’s civil capacity, bringing it closer to that of men and immediately granting them the free administration and disposal of property they acquire through their labour, and the validity of their participation as witnesses, attorneys or lawyers, members of the family council and as tutors or pro-tutors; the election of women to parish assistance committees and their appointment to civil registry posts, being teachers, as well as universal suffrage in elections to Congress and to administrative corporations and the full guarantee of liberty to vote (quoted work, p. 198).

⁴⁸ On the constitutional level, the aforementioned Article 8 and on the electoral legislation level, namely the decree-laws of 5 and 20 April, 11, 12 and 13 May 1911 and the law of 3 July 1913. On further electoral legislation of the First Republic, see Pedro Tavares de ALMEIDA, *Legislação Eleitoral Portuguesa, 1820-1926*, Lisboa, Presidência do Conselho de Ministros / Imprensa Nacional / Casa da Moeda, 1998, *passim*.

⁴⁹ *Manifestos, Estatutos e Programas... cit.*, p. 290.

⁵⁰ *Idem*, p. 321 We will limit ourselves here to considering the party programmes cited. For a broader perspective, Ernesto Castro LEAL, *Partidos e Programas, O campo partidário republicano português (1910- 1926)*, Coimbra, Imprensa da Universidade de Coimbra, 2008 and *Manifestos, Estatutos e Programas... cit.*

organisation – an organic law of the Portuguese Republican Party was approved, corresponding to a previously adopted resolution. This internal law warrants mention because its Chapter I, under the heading «The Republican Population», stipulated that *republican citizens were all those who professed democratic principles and sentiments and conformed their actions to the same principles* (Article 1). Thus defined, Republican citizens were considered to be members of the Republican Party if, fulfilling certain duties set out in article 2, they were enrolled in any of the Party's organisations (sole paragraph of Article 1).

According to Article 3 of the same party constitution, which completed the above-mentioned Chapter, republican citizens would provide to one another, and receive from the Party's governing bodies, all the moral aid that would ensure the exercise of their rights, as well as all the material protection that occasional circumstances made necessary, and as effectively as possible⁵¹. In 1912, a new organic law was passed, which immediately abandoned the definition of republican citizens and began to consider members of the Party to be «all Portuguese citizens, of both sexes, who enrol in the party register or census, through the parish commissions» (Article 3)⁵². By referring to «both sexes», this provision repeals a restrictive interpretation (limited to males) of the Republican citizens who could register with the Party's organisations.

The fact that the Republic did not recognise the dimension of full political citizenship for women does not detract from, nor can it devalue, the legislative achievements of the regime that positively affected the legal status of women (e.g. divorce and child protection), and for certain dimensions of this status, legislative solutions were only found later⁵³. However, the democratic Republic never recognised full citizenship status for women, enabling them to exercise political rights, namely the right to vote and to be elected.

⁵¹ *Manifestos, Estatutos e Programas...*, *cit.*, pp. 123-135.

⁵² *Idem*, pp. 238-256 and also pp. 256-286 regarding the 1921 organic law.

⁵³ Decrees 4676 of 19 July 1918 and 5647 of 10 May 1919 should be considered in this regard (Luís Bigotte CHORÃO, *Política e Justiça na I República*, Vol. II: 1915-1918, Lisboa, Letra Livre, 2018, pp. 487-488).

b) The denial of political rights to illiterate people

In 1911, the law of 1878 was restored in terms of electoral capacity, and the right to vote was granted only to those over 21 who could read and write or who were heads of household. And in 1913 the electoral census was further reduced, since only citizens over 21 who could read and write were eligible to vote. During the Sidónio Pais dictatorship (1918) the right to vote was extended, discarding the literacy requirement, and establishing universal male suffrage⁵⁴, but, as has been rightly pointed out, the measure was «evanescent» and the «plebiscitary drift» that took place at the time did not contribute «to exalting the civic virtues of universal suffrage»⁵⁵.

Discussing certain historical aspects of the Portuguese colonial administration in Brazil, Murilo says that the colonial legacy weighed more heavily in the area of civil rights, given that Brazil had inherited slavery that denied the human condition of the slave, it had also inherited large rural properties that were closed to the action of the law, as well as a state that was committed to private power. In addition to these persistent «obstacles» to the exercise of citizenship, there was another reality that hindered «the development of an awareness of rights», which was the «neglect of primary education»⁵⁶.

This lamentable «neglect» was still a scourge in Portugal at the time of the Republican Revolution. At the 1st Pedagogical Congress for Primary and Popular Education, organised by the National Education League in 1908, Manuel Borges Grainha, dealing specifically with the issue of illiteracy in Portugal, argued that the initial causes of the country's intellectual backwardness and illiteracy were to be found in the middle of the 16th century. He pointed the finger at the Inquisition, introduced in Portugal in 1536, and towards the Jesuits, who, with «cunning and malevolence», soon became «absolute masters

⁵⁴ Decree no. 3997 of 30 March 1918 (in particular Article 3) and Law no. 833 of December 14th, 1918.

⁵⁵ Thus, Pedro Tavares de ALMEIDA, «Eleitores, votos e representantes» in AAVV, *ResPublica: Cidadania e Representação...*, *cit.*, pp. 65 and 67.

⁵⁶ *Idem*, p. 28.

of secondary education and, in part, of higher education, imbuing them with a stamp of staunch fanaticism and blind obedience to their creed»⁵⁷. And he noted that until then Portugal was «on a par with the cultured nations and, in some points, we were still superior to them, such as in the art of navigation and shipbuilding and in commercial activity»⁵⁸. Grainha presented an authoritative argument in favour of his thesis, invoking the lesson of Mendes dos Remédios, a Catholic priest and professor at the University of Coimbra – who would briefly become Minister of Education following the coup of May 1926 against the Republic –, who in his *História da Literatura Portuguesa* [History of Portuguese Literature] wrote that with the Jesuits and the Inquisition, two obstacles to national literary culture had entered Portugal «in a short time»: censorship and expurgatory indexes, having reached «the extreme that, in order to publish a book, three licences were indispensable – the one from the *Desembargo do Paço* [Crown], the one from the Ordinary [Bishop] and the one from the Holy Office [Inquisition]»⁵⁹, and the books that came to Portugal from abroad were first handed over to a commissioner of the Inquisition⁶⁰.

Regardless of the reasons behind the intellectual backwardness and illiteracy, and the risks inherent in careless statistics, the 1903 Statistical Yearbook of Portugal recorded an overall percentage of illiterates of 75.12%, of which 66.65% were men and 82.72% women. Comparing statistics, Grainha noted that in Europe only Romania and Serbia were in a worse situation than Portugal⁶¹. Among what he described as the «proximate or occasional causes of illiteracy», he listed the following: lack of schools, cramped and poorly built schools, lack of furniture and school utensils, poor remuneration, preparation and dedication of

⁵⁷ M. Borges GRAINHA, *O Analfabetismo em Portugal, suas causas e meios de as remover, Relatório apresentado ao I.º Congresso Pedagógico de Instrução Primária e Popular promovido pela Liga Nacional de Instrução e realizado em Lisboa em Abril de 1908*, Lisboa, Imprensa Nacional, 1908, p. 5.

⁵⁸ *Idem*, pp. 4-5.

⁵⁹ *Idem*, p. 6.

⁶⁰ *Idem, ibidem*.

⁶¹ *Idem*, p. 11.

primary teachers, obstacles created by the bureaucracy that centralised education, deficiencies in private initiative and obstacles put in place by the state⁶².

Later on, Bento Carqueja, who was a professor at the University of Porto and director of the periodical *Comércio do Porto*, dealt with this subject in a worthy but largely forgotten work. I am referring to the book *O Povo Português, Aspectos sociais e económicos* [The Portuguese People, Social and Economic Aspects], from 1916. In a chapter dedicated to the study of the «Portuguese mentality», Carqueja refers to the bumpy existence of primary education over almost two centuries, noting the slow progress of «popular education» in Portugal. This led to what he described as a «tenebrous aspect» that was recurring, in terms of overcoming the high percentage of illiteracy in certain districts: Bragança, Évora, Faro, Guarda, Leiria, Portalegre, Viseu and Castelo Branco, where figures of over 80% were recorded⁶³. In Porto, the percentage of illiterate people was 57.94% for men and 75.02% for women, while in Lisbon they were 57.19% for men and 62.53% for women⁶⁴.

Naturally, this reality was always reflected in the electoral censuses during the First Republic, standing as an obstacle to the exercise of the right to political participation and the affirmation and full realisation of citizenship.

As Rogério Fernandes would recall, «for João de Barros, as for other pedagogues and educational propagandists who preceded him or were contemporary with him, the individual and collective dejection, the very weak cultural development, the erosion love of critical thinking had their predominant, if not exclusive, origin in the depressing Portuguese educational situation”⁶⁵. He added: “Public education, both in its objectives and in its methods, manufactured automatons,

⁶² *Idem, passim.*

⁶³ Bento CARQUEJA, *O Povo Português, Aspectos sociais e económicos*, Porto, Livraria Chardron de Lello & Irmão, Editores, p. 191.

⁶⁴ *Idem, ibidem.*

⁶⁵ Rogério FERNANDES, *João de Barros, Educador Republicano*, Lisboa, Livros Horizonte, s/d, p. 19.

it did not create citizens. These animated machines would later form the armies of bureaucratic parasitism and political patronage, to the detriment of the country's overall progress, which lacked men qualified for creative work and the hard tasks of citizenship»⁶⁶.

Awareness of the radical importance of education in national regeneration and the formation of citizenship was expressed in the republican party programmes we have mentioned. The *Manifesto and Programme of the Portuguese Republican Party* (1891) placed among the essential liberties, as an instrument of political guarantees and civil acts, «compulsory, secular and free elementary education» and the «progressive education of women, exercising political capacity in correlation with the civil obligations to which they are subject»⁶⁷. Also, the *Programme of the Portuguese Republican Party* (1912) devoted the whole of Chapter II to education and instruction, setting up, among other measures, compulsory and absolutely free elementary education and the organisation of evening and Sunday courses for adults⁶⁸. In turn, the *Republican Union Programme* (1912) laid down, among the programmatic measures for immediate implementation, the reorganisation of all studies, the neutrality of schools, the compulsory nature of primary education, «less through coercion than through the adoption of measures that make it easy for the poor to send their children to school», the creation of schools, spending «as much» as public resources allowed. And he also established it through a formulation that deserves to be emphasised: «To carry out the political education of the people, so that each man may be a citizen in full awareness of his duties and rights, but under the condition that he is made aware that the most indispensable of these rights is the fulfilment of his duties»⁶⁹.

A particular feature of the *Programme of the Evolutionist Republican Party* (1913) is the fact that the measures relating to instruction and national education constitute its first chapter, which

⁶⁶ *Idem, ibidem.*

⁶⁷ *Manifestos, Estatutos e Programas..., cit., p. 63.*

⁶⁸ *Idem, p. 209.*

⁶⁹ *Idem, pp. 289 and 293-294.*

reveals the priority given to the subject. Instruction in all its branches and the civic education of the Portuguese was expressly stated as being «fundamental for the future aggrandisement of the country»⁷⁰.

It is not strange that the measures advocated (e.g., in relation to primary education, the organisation of artistic education and the organisation of higher normal schools) highlighted the legislative work of the Provisional Government, in which António José de Almeida had been in charge of educational matters as Minister of Home Affairs.

With regard to «popular education», Murilo de Carvalho observes that it has been defined as a social right but has historically been a prerequisite for the expansion of other rights. He bases this consideration on an empirical fact: it was popular education that allowed people to become aware of their rights and organise themselves to fight for them, concluding that «the absence of an educated population has always been one of the main obstacles to the construction of civil and political citizenship»⁷¹.

4. Conclusion

The weak constitutional pact of 1911 broke with the guidelines of the historic Republican programme, which was still in force at the time. Instead of a federal, municipalist Republic based on direct universal suffrage, the 1911 Constitution enshrined a unitary Republic, with non-universal direct suffrage, a parliamentary system with the election of the President of the Republic in the Congress of the Republic (which brought together the Chamber of Deputies and the Senate), who was denied the power to dissolve the Chambers.

Not having been left in peace by its enemies, or even by its supporters, the Republic oscillated between moments of (weak) lawfulness and moments of exception, a framework that was not only not conducive to the affirmation of citizens' political and social rights, but even prevented them from being exercised.

⁷⁰ *Idem*, p. 311.

⁷¹ José Murilo de CARVALHO, *Cidadania no Brasil...*, *cit.*, p. 17.

With reference to Brazil's historical reality, Murilo de Carvalho alludes to a phenomenon of an «intuitive and not very elaborate perception of rights and duties», because of the lack of public education⁷². In Murilo's homeland, as in ours, this «intuitive perception» was essential to animate the struggle against the arbitrariness and violence of the authorities, which was often confused with the demand for citizenship rights, with the labour movement playing a major role.

Approaching the subject of citizens' rights and citizenship in a country with a vast colonial dimension, as ours was at the time of the Constitution and the First Republic, necessarily calls for consideration of this reality, bearing in mind the constitutional recognition of the territorial domain that for centuries constituted the national reality.

In addition to the restrictions to the right of suffrage, as Bento Carqueja emphasised, the abstention in elections was a «regrettable political phenomenon» that was «very strongly emphasised in Portugal»⁷³. In other words, in terms of political participation through the exercise of the right to vote, only 59.90% of those registered in Portugal actually voted⁷⁴.

By way of a concluding summary, it can be said that since the Republic did not adopt universal suffrage, excluding women and illiterate people from the vote, it prevented in practice the realisation of full citizenship status, settling for a limited democracy of literate men⁷⁵. On the other hand, since the educational drive of the historic Republican Party, and in general of the parties that were organised during the regime, was aimed at making citizens literate, it was confounded with a way of guaranteeing civic and political awareness. Ultimately, this false idea that literacy went hand in hand with civic awareness⁷⁶ restricted «the electoral universe dramatically»⁷⁷ and definitively jeopardised

⁷² José Murilo de CARVALHO, *Cidadania no Brasil...*, *cit.*, p. 81.

⁷³ *Idem*, p. 235

⁷⁴ *Idem, ibidem*

⁷⁵ Luís Bigotte CHORÃO, *A Crise da República e a Ditadura Militar*, 2nd ed., Porto, Sextante Editora, 2010, pp. 319-330.

⁷⁶ In this sense, Rogério FERNANDES, *João de Barros...* *cit.*, pp. 56-57.

⁷⁷ António Manuel HESPANHA, «A representação orgânica», in AAVV, *ResPublica:*

the creation of a full citizenship statute integrating both women and illiterate people. As has already been pointed out, the restrictive right to vote «institutionally inhibited the massification of political life» and seriously jeopardised the democratic legitimacy of the regime⁷⁸, condemning it to live through moments of exception throughout the short experience of the 1911 Constitution, which decisively contributed to its demise in 1926.

Cidadania e Representação... cit., p. 120, referring to the Republic’s fear of «reactionary influences from caciques and priests».

⁷⁸ Thus, Pedro Tavares de ALMEIDA, «Eleitores, voto e representantes» in AAVV, *ResPublica: Cidadania e Representação... cit.*, p. 67.