

Central Power: Institutional and Political History in the Thirteenth – Fifteenth Centuries

Armando Luís de Carvalho Homem

IN MEMORIAM:

ROBERT-HENRI BAUTIER (1922-2010)

BERNARD GUENÉE (1927-2010)

JOSÉ SEBASTIÃO DA SILVA DIAS (1916-1994)

LUÍS FERRAND DE ALMEIDA (1922-2006)

A. H. DE OLIVEIRA MARQUES (1933-2007)

RUY DE ALBUQUERQUE (1933-2007)

IN HONOREM:

FRANÇOISE AUTRAND

ANTÓNIO DE OLIVEIRA

MARTIM DE ALBUQUERQUE

1. The 1950s: the “ground zero” of Portuguese historiography, and after...

The depressed state of Portuguese historiography in the mid-twentieth century has already been emphasised¹. It had been a scientific pursuit from the turn of the eighteenth to the nineteenth century, and part of a process of combining so far as possible the effects of Pombaline reformism, the memorials of the Real Academia das Sciencias, the works of João Pedro Ribeiro (1758-1839) and the *oeuvre* of Herculano (1810-1877)². However, the Lusitanian *Clio* then experienced a succession

¹ See the diagnoses of MAGALHÃES, Joaquim Romero, “De Victorini Magalhães Godinho vita, scriptis et in adversis animi fortitudine”, in VV. AA., *Estudos e Ensaios em homenagem a Vitorino Magalhães Godinho*, Lisbon, Sá da Costa, 1988, pp. 1-41, *maxime* 6; and IDEM, “Oração de Sapiência proferida na abertura solene do ano lectivo: 16 de Setembro de 2009”, offprint of *Notas Económicas. Revista da Faculdade de Economia da Universidade de Coimbra*, no. 30 Dec. (2009), pp. 1-16.

² For a synthesis of the problems that is still useful today, see the work of BARREIRA, Aníbal José de Barros, *Aspectos do pensamento histórico em Portugal no século XIX*, undergraduate dissertation presented at the FL-UP, Oporto, s. n., 1970, typewritten.

of *missed opportunities*³, leading up to the dawn of the Republic, which, with the odd exception, confined *History* and its teaching in higher education to a repetitive encyclopaedic and sometimes *documental* approach for the long duration.

Nonetheless, 1911 saw the creation of the first two *Faculdades de Letras* (University of Coimbra and University of Lisbon). History made up the *Quatro Grupo Disciplinar* (Fourth Subject Group), but as regards the muse of history, these schools were for decades far from constituting the centres for scientific research that the 1911 legislator had perhaps intended⁴...

One thing is certain, however, that the noticeable advances of that the second half of the 50s did not lack precursors:

Let us consider, at the *Lisbon School* and more specifically during the Second World War, for students trying to access and practice the preaching of Bloch / Febvre among us, help was at hand from the teaching staff from José António Ferreira de Almeida (1913-1981) and Vitorino Magalhães Godinho, an ephemeral professor hired by the School between 1942 and 1944⁵. Let us consider, too, the *Coimbra School* and the work of Torquato de Sousa Soares (1903-1988) in equipping the then *Instituto de Estudos Históricos Doutor António de Vasconcelos* with an ample collection of photographic and microfilm reproductions of documentation from Portuguese and Spanish archives. This allowed undergraduates to produce their undergraduate dissertations *in loco*. The same professor managed to bring to Coimbra the Belgian Charles Verlinden (1907-1996) and the Frenchman Yves Renouard (?-1965) to give specialised courses at a time when interest in *Medieval and Modern Economic History* was just beginning. Let us turn to Lisbon once more where the career of Virgínia Rau (1907-1973) reached its peak (1952) and undergraduate dissertations started to be written systematically using

³ HOMEM, Armando Luís de Carvalho, "Do Liberalismo à República ou um tempo de oportunidades perdidas: para um perfol do 'historiador português' de Oitocentos", presentation delivered in 19 Nov. 2010 at the Colloquium 'Revisitando Herculano [No Bicentenário do seu Nascimento]', Oporto, FL-UP, pending publication. Among the "missed opportunities" are the loss of the initial head of steam by the Academia das Sciencias, the relative failure of the *Aula de Diplomática* in the post-João Pedro Ribeiro phase (c. 1825 onwards) and the start of the Curso Superior de Letras (1859) virtually always with *speakers* and *abridgers* in the *História Geral e Pátria* chair.

⁴ Let us not forget, however, in the early days of the Faculdade de Letras of the University of Coimbra (FL-UC), the teaching of the theologian António Garcia Ribeiro de Vasconcelos (1860-1940) and training of followers such as Joaquim de Carvalho (1892-1958) or the ephemeral lecturer Manuel Gonçalves Cerejeira (1888-1977), ulterior cardinal-archbishop of Lisbon (since 1929).

⁵ Of the then-young undergraduate students in *Ciências Histórico-Filosóficas*, let us remember Joel Serrão (1919-2008), Jorge de Macedo (1921-1996), Julião Soares de Azevedo (?-1953), José-Gentil da Silva, Joaquim Barradas de Carvalho (1920-1980), Artur Nobre de Gusmão (1920-2001), Fernando Piteira Santos (1919-1993), Mário Soares and others.

archive sources as their basis. The first to receive such guidance was António Henrique de Oliveira Marques (1933-2007)⁶.

Yet, regardless of such *proto-beginnings*, the real detonation came in 1957: in October of that year the eagerly awaited curricular reform of the *Faculdades de Letras* (one at the University of Coimbra, the other at the University of Lisbon) was promulgated⁷. For the first time in the history of these Schools, the Fourth Groups (*History*) became independent in terms of the structure of their curricula, having previously been tied to *Geography* (1911-1926) and *Philosophy* (1929-1957). *History* then took on a five-year curricular structure concluding with an *act of graduation* that no longer included the traditional questions on topics set some time in advance, but was took the sole form of an original dissertation, explicitly prepared from a *Seminar* attended in the fifth year of the course. The upshot of these changes, building on previous ones, enshrined the existence of a minimum level of scientific research in the final phase of degree courses.

An analysis of *History* degree dissertation topics in the two – and afterwards three⁸ – *Faculdades de Letras*⁹ carried out some twenty-two years ago yielded the following conclusions, which I transcribe:

Analysis of topics from 432 undergraduate dissertations – 70 of which were in *Medieval History*¹⁰ – in the last 10 years of this system for the degree in *History* (1965-1975) led the authors to the “idea of the practical inexistence of medievalism in Oporto; but of its continuing at an average level in Coimbra and Lisbon, albeit with much higher totals and percentages in Coimbra. A further contrast is of note between the two older *Faculdades de Letras*: the strength of a scholarly approach focussing on transcribing *Chancery* books or Cortes chapters and studying the chroniclers’ sources was particularly clear in Coimbra, thanks to the supervision of Salvador Dias Arnaut, Avelino de

⁶ Read his account in FERRO, João Pedro (coord.), A. H. de Oliveira Marques: o Homem e o Historiador. Balanço de seis décadas. Diálogos com João Pedro Ferro, Lisbon, Presença, 1994, maxime pp. 31-34.

⁷ Decreto 41,342, 30 Oct. 1957 (Diário do Governo, 1st ser. of the same date), Education Minister Francisco de Paula Leite Pinto (1902-2000), Undersecretary of State for Education Baltazar Rebelo de Sousa (1921-2002), Director General of Higher Education João Alexandre Ferreira de Almeida (?-1997). For commentary on this reform, see HOMEM, Armando Luís de Carvalho, “A Idade Média nas Universidades Portuguesas (1911-1987): Legislação, ensino, investigação”, *Revista da Faculdade de Letras. História* [Oporto], 2nd ser., vol. 10 (1993), pp. 351-61; also in the *Anais da Universidade Autónoma de Lisboa. História*, vol. 1 (1994), pp. 331-338; and IDEM, “Saber positivo e teorização nos primitivos currículos da licenciatura em História (1957 e 1968)”, to be published in *História: Revista da FLUP*, 4th ser., vol. 1 (2011) [in preparation].

⁸ University of Oporto, since 1962-63.

⁹ HOMEM, Armando Luís de Carvalho ANDRADE, Amélia Aguiar, and AMARAL, Luís Carlos, “Por onde vem o medievismo em Portugal?”, *Revista de História Económica e Social*, no. 22 Jan.-Apr. (1988), pp. 115-138.

¹⁰ 220 at FL-UC; 156 at FL-UL; and 56 at FL-UP, in this case 1968-1975. *Medieval History* accounted for 22.27 % of dissertations from Coimbra (49), 12.17 % from Lisbon (19) and 3.57 % from Porto (2).

Jesus da Costa, or more sporadically, Torquato de Sousa Soares. Previously-unexplored areas in the domain of Social History were tackled in Lisbon, due also to the influence of Virgínia Rau and Oliveira Marques: works such as those of Baquero Moreno (on morality and habits), Iria Gonçalves (on public loans and requests), Maria Teresa Campos Rodrigues (on fifteenth-century Lisbon), Maria José Lagos Trindade (on grazing), Vítor Pavão dos Santos (on the home) or Maria José Ferro Tavares (on Jews in the fourteenth century) remain landmarks that may have been decisive in the renovation of medieval historiography¹¹.

I shall deliberately couch the question *in black and white*: Was it the case that in the emergence of a *new history* of the Portuguese Middle Ages, Lisbon focussed on the socio-economic side, whereas Coimbra without doubt took the first steps towards neo-politics where diplomatics applied to the editing and critiquing of sources played a predominant role¹²? I shall return to this question.

For the record, this great leap forwards in medievalism was to a great extent promoted by young final-year undergraduates and was not definitive *per se*, as I also co-wrote:

“(…) in the last years of the 1960s, the annual number of theses started to fall in a process that began in Lisbon in 1969 and in Oporto and Coimbra from 1971, although the latter school held out best against this break. The break itself was directly related to the creation of the Bachelor’s degrees in 1968¹³, which speeded up the process for people wanting to work in secondary and

¹¹ “[I]deia da prática inexistência de medievismo no Porto; e da sua manutenção em termos médios em Coimbra e em Lisboa, embora com valores totais e percentuais bem mais altos em Coimbra. Entre as duas Faculdades de Letras mais antigas ainda uma diferença: em Coimbra era sobretudo nítida a pujança de uma erudição que passava pela transcrição de livros de *Chancelaria* ou de capítulos de Cortes e pelo estudo das fontes dos cronistas, isto graças à orientação de Salvador Dias Arnaut, Avelino de Jesus da Costa ou, mais pontualmente, Torquato de Sousa Soares. Em Lisboa, e por influência de Virgínia Rau e Oliveira Marques, haviam-se desenvolvido áreas até então inexploradas no domínio da História Social: trabalhos como os de Baquero Moreno (sobre moralidade e costumes), Iria Gonçalves (sobre pedidos e empréstimos públicos), Maria Teresa Campos Rodrigues (sobre Lisboa quatrocentista), Maria José Lagos Trindade (sobre o pastoreio), Vítor Pavão dos Santos (sobre a casa) ou Maria José Ferro Tavares (sobre os judeus no século XIV) permanecem como momentos marcantes do que poderia ter sido o decisivo pontapé de saída da renovação da historiografia medievística”: cf. HOMEM, Armando Luís de Carvalho, ANDRADE, Amélia Aguiar and AMARAL, Luís Carlos, *ibid.*, p. 117.

¹² Nevertheless, and as if attenuating the contrast, interest in the itinerance of the king and court was common to both Schools (see for all MARQUES, A. H. de Oliveira, “Itinerários régios medievais”, in MARQUES, A. H. de Oliveira, “Ensaio de Historiografia Portuguesa”, Lisbon, Palas, 1988, pp. 79-88) and the thesis of RODRIGUES, Maria Teresa Campos, “Aspectos da Administração Municipal de Lisboa no século XV”, offprint of *Revista Municipal*, Lisbon, s. n., 1968, pp. 101-108, is a classic institutional study of municipal government, in the tradition of Marcello Caetano, who in fact prefaced the printed edition (1968).

¹³ Dealing with the curricular reform given shape by the Decreto 48,627, of 12 Oct. 1968 (*Diário do Governo*, I ser., of the same date), Minister of Education José Hermano Saraiva, and Undersecretary of State for School Administration Justino Mendes de Almeida.

(particularly) preparatory schools (begun at that time): the consequence was the devastation of the fourth and fifth year classes and a steep decline in the level of research still being undertaken”¹⁴.

Interest in the Middle Ages waned during these latter days. For the record, the only medievalist of standing to emerge during these years was Humberto Baquero Moreno, who was teaching at the time (1964-1974) at the University of Lourenço Marques, where he took his doctorate¹⁵.

2. A new way of looking at *the political*: antecedents and presuppositions¹⁶

Leaving aside the acritical shared positions that still exist on the nature of *historicism* and *positivism* in historiography¹⁷, the truth is that our country barely underwent, if in fact it did at all, the equivalent of what Charles-Olivier Carbonell¹⁸ deems the “methodical school”. The sporadic examples of Fortunato de Almeida (1869-1933), José Maria Queirós Vêloso (1860-1952), Damião Peres (1889-1976) [and, to a lesser extent, the many who worked on the “Barcelos” *História de Portugal*], together with, *mutatis mutandis*, Mário Brandão (1900-1995), Salvador Dias Arnaut (1913-1995) or somewhat *après le temps*, Joaquim Veríssimo Serrão (b. 1925), cannot dispute this basic statement and owe more to personal talent and idiosyncrasies – and occasional input from abroad – than to the virtues of the *School*¹⁹.

¹⁴ “(...) nos anos finais da década de 60 o número anual de teses começa a baixar, num processo que em Lisboa se inicia logo em 1969, no Porto a partir de 1971 e em Coimbra a partir do mesmo ano, embora seja esta a Escola que no fundo melhor resistiu a tal quebra; quebra esta que tinha directamente a ver com a criação dos bacharelatos, em 1968, dando acesso a uma mais rápida profissionalização nos ensinos secundário e (sobretudo) preparatório (então iniciado): consequentemente, o “ermamento” das aulas dos 4.º e 5.º anos e a baixa acentuada na investigação que ainda se ia fazendo”: cf. HOMEM, Armando Luís de Carvalho, ANDRADE, Amélia Aguiar, and AMARAL, Luís Carlos, “Por onde vem o medievalismo em Portugal?”..., p. 117, footnote 8.

¹⁵ Cf. IDEM, *ibid.*, p. 115.

¹⁶ On this issue, see, first and foremost, HOMEM, Armando Luís de Carvalho, “Diplomática e História do Direito, raízes da “nova” História política”, in CUNHA, Paulo Ferreira da (ed.), *Direito Natural, Justiça e Política. II Colóquio Internacional do Instituto Jurídico Interdisciplinar / Faculdade de Direito da Universidade do Porto*, Coimbra, Coimbra Editora, vol. 1, pp. 87-101.

¹⁷ This use still occurs at unbelievable levels. Read my critical appraisal in “Luís Ferrand de Almeida (1922-2006): desaparece um Grande Mestre da Escola de Coimbra”, *Revista da Faculdade de Letras. História* [Oporto], 3rd ser., vol. 8 (2007), pp. 499-515, *maxime* 503, footnote 16. However, see also the well-balanced position of NUNES, João Paulo Avelãs, *A História Económica e Social na Faculdade de Letras da Universidade de Coimbra. O historicismo neo-metódico: ascensão e queda de um paradigma historiográfico (1911-1974)*, Lisbon, Instituto de Inovação Educacional, 1995.

¹⁸ Cf. CARBONELL, Charles-Olivier, *Histoire et historiens: une mutation idéologique des historiens français, 1865-1885*, Toulouse, Privat, 1976, *passim*; cf. also NOIRIEL, Gérard, *Sur la ‘crise’ de l’histoire*, Paris, Belin, 1996, pp. 123 ff.

¹⁹ This is why I think it is going too far to speak of “methodical history” or even of a “methodical school”

Although we do not have, perhaps, a *good old political history* (that is, *events-based*)²⁰, the fundamentals for a compilation of facts about Portugal's past were drawn up, somewhat remotely, in the twentieth century from materials in old fashioned chronicle form entitled *Monarquia Lusitana*²¹. As there was no (or almost no) *old political history*, the problem – though it took little time – was to construct a new one: the secret lay in using inputs from some of the most solid and scholarly areas of our limited *cliological* tradition, namely, what were then called the “auxiliary sciences” (particularly diplomatics) and the history of law. Hence, as I have already pointed out²², the renewal of the *political* in Portugal has been achieved more based on *tradition* than on the *historiographical revolution*. The key players have never forgotten the teachings of their masters (in the scholarly sense of the word), although the latter may sometimes not feature *on the menu* when people talk of the renovators of Portuguese historiography – a matter we shall return to in subsequent paragraphs.

2.1. Diplomatics

For all that has been said, it is obvious that the *History* groups at the different *Faculdades de Letras* were caught by surprise by the curricular reform of 1957: the truth is that since the early years of the decade some steps had already been taken towards undergraduate dissertations having to contain a minimum of original research, including if possible archival research²³; it is also true that in the two oldest schools, papers that were minimally credible, in terms of subsequent citation, were presented some years before the curricular reform that made *History* autonomous. It is also the case that an interest in the areas of regal diplomatics had emerged in both schools. Let us examine the facts:

[cf. MAURÍCIO, Carlos, *A Invenção de Oliveira Martins. Política, Historiografia e Identidade Nacional no Portugal Contemporâneo (1867-1960)*, Lisbon, IN-CM, 2005, pp. 137-138] as regards authors such as Fortunato de Almeida, Queirós Veloso or even Alfredo Pimenta.

²⁰ GODINHO, Vitorino Magalhães, *Ensaio, III. Sobre Teoria da História e Historiografia*, Lisbon, Sá da Costa, 1971, p. 232 et *passim*.

²¹ MATTOSO, José, “Perspectivas actuais da investigação e da síntese na Historiografia Medieval Portuguesa (1128-1383)”, *Revista de História Económica e Social*, no. 9, Jan.-Jun (1982), pp. 145-162, *maxime* 146-147.

²² HOMEM, Armando Luís de Carvalho, “O Estado Moderno na recente Historiografia Portuguesa: historiadores do Direito e historiadores tout court, 2. Uma “nova História política” da Idade Média portuguesa”, in COELHO, Maria Helena da Cruz, and HOMEM, Armando Luís de Carvalho (coords.), *A Gênese do Estado Moderno no Portugal Tardo-Medieval (séculos XIII-XV)*, Lisbon, Universidade Autónoma, 1999, pp. 63-76, *maxime* 64-69.

²³ See the piece by A. H. de Oliveira Marques in FERRO, João Pedro (coord.), A. H. de Oliveira Marques: *o Homem e o Historiador...*, pp. 36-37; the author does not separate the pre and post-1957 phases, but one clearly retains the idea that undergraduate dissertations with archive research were already being done before the curricular reform that took place in the last year mentioned.

A dissertation on the history of medieval government²⁴ was defended in Lisbon in 1955, where for the first time an essay on the itinerary of King Dinis was presented. The issue of royal itinerancy was of interest to Virgínia Rau who, as first Head of the Centro de Estudos Históricos (a satellite of Faculdade de Letras of the University of Lisbon) assembled a team of young associates devoted to gathering source material for such works (and others). In 1962, the definitive volume on the itinerary of King Dinis²⁵ was published under her coordination. Shortly after, the Lisbon school also played a key role in launching studies of *notarial diplomatics* through the work of Eduardo Alexandre Borges Nunes (1924-2008). However, the plan for monographs on notary public offices was only implemented in the 1980s in the institutional framework of a master's course²⁶.

In Coimbra, the first dissertations centred on royal *chanceries* date back to 1959²⁷. Studies were also conducted on the itineraries of Portuguese monarchs until the mid-1970s – a dissertation sketched out King Pedro I's itinerary, three others were written on King Fernando and a further three on King João I to 1412. Analyses of the typology of documents, public acts etc. were published, together with monographs on the *Cortes* (e.g. Santarém / 1331; Elvas / 1361; Leiria / 1372) or on the sources of our fifteenth-century chroniclers. Given all the known constraints, these works are of indisputable merit in the School where *medieval history* was most present in undergraduate dissertations and which held out the best against the fall in the annual number of dissertations from 1969. These works were supervised by Salvador Dias Arnaut, Avelino de Jesus da Costa (1908-2000) and, more occasionally, Torquato de Sousa Soares.

As 1974 approached, this type of rigorous dissertations had seen better days, but Coimbra kept the flame alight and Lisbon outlines ideas for *notarial diplomatics* (albeit only realised considerably later). Various names of note in Portuguese historiography were involved in supervising the work of final-year students (Virgínia

²⁴ FRANCO, Maria das Neves Poupinha Pissarra Ferraz, *Aspectos da Administração e da Justiça durante a primeira dinastia em Portugal*, unpublished, undergraduate dissertation submitted to the FL-UL, Lisbon, 1955.

²⁵ RAU, Virgínia (coord.), *Itinerários Régios Medievais: elementos para o estudo da Administração Portuguesa, I. Itinerário del-Rei D. Dinis: 1279-1325*, Lisbon, Instituto de Alta Cultura / Centro de Estudos Históricos, anexo à Faculdade de Letras da Universidade de Lisboa, 1962. For a complete account of the royal itinerancies published up to the 90s, cf. COELHO, Maria Helena da Cruz, and HOMEM, Armando Luís de Carvalho, "Origines et évolution du registre de la chancellerie royale portugaise (XIIIe-XVe siècles)", *Revista da Faculdade de Letras. História* [Oporto], 2nd ser., vol. 12 (1995), pp. 47-76, *maxime* 59.

²⁶ Vd. infra, point 4.

²⁷ Cf. the clear bibliographical references in HOMEM, Armando Luís de Carvalho, "Da Diplomática Régia à História do Estado dos Fins da Idade Média: um rumo de investigação", *Revista de História Económica e Social*, no. 8, Jul.-Dec. (1981), pp. 11-25, *maxime* 11, nn. 5 and 12, no. 1; re-published with changes in IDEM, *Portugal nos Finais da Idade Média: Estado, Instituições, Sociedade Política*, Lisbon, Horizonte, 1990, pp. 15-31, *maxime* 15-16.

Rau, Oliveira Marques, Avelino de Jesus da Costa). Yet, alongside the former were other, less obtrusive names (Torquato de Sousa Soares, Salvador Dias Arnaut, Eduardo Borges Nunes, joined in the 60s by Oporto's António Cruz [1911-1989]), who equally deserve to be remembered.

2.2. *History of law*

An area taken as little-loved within legal studies, the fact is – discounting both the ephemeral reforms of Minister Veiga Simão, who moved *History of Law* and *Roman Law* to the final undergraduate year²⁸, and the critical period in the mid-70s – the *History of Portuguese Law*, and more occasionally *Institutional History*, have been virtually permanent features in the respective undergraduate degrees. As for the textbooks that the subject has attracted, the 50s were not exactly a flourishing period: in Coimbra, Paulo Merêa (1889-1977) was already being missed²⁹, while Luís Cabral de Moncada (1888-1974) spent his last teaching years lecturing only on *Philosophy of Law*. In terms of textbook production, innovation came in the following decade:

A practitioner and Master of Public Law, Marcello Caetano (1906-1980) made his first foray into teaching the *History of Portuguese Law* in the early 40s, as well as his first textbook essay³⁰. However, his decisive incursion into this area of legal knowledge only occurred at the onset of the 1960s, when he was, incidentally, Dean of his university³¹. His historical *oeuvre* dates to the 1920s, although his output intensified from 1951. He was active in this field until 1968³², exile in Brazil (1974 onwards) providing him with the opportunity to undertake out a broader synthesis of our medieval historical legal past, which was published posthumously³³, with re-editions, the last of which included what would be the first chapter of the subsequent volume³⁴. With a career

²⁸ NOGUEIRA, José Artur Anes Duarte, *Direito Romano. Relatório sobre o Programa, o Conteúdo e os Métodos de Ensino*, Lisbon, Faculdade de Direito / Universidade de Lisboa, 2000 (offprint of *Revista da Faculdade de Direito* [1999]), pp. 81-83.

²⁹ He retired in 1948 at barely 60. He would remain intellectually active until the late 60s.

³⁰ The arrival of Marcello Caetano in legal history sciences was due to the “desertification” suffered by this area the previous decade, with Paulo Merêa’s return to Coimbra (on secondment) – after lecturing at the Faculdade de Direito of the University of Lisbon (FD-UL) from 1923 to 1931 – and the subsequent retirements and death, respectively, of Artur de Miranda Montenegro (1871-1941) and Joaquim Pedro Martins (1875-1939); the vacancies of the former and the third-mentioned professors as full professors were only filled in 1979 by Ruy de Albuquerque and Martim de Albuquerque, respectively.

³¹ Cf., at the time, CAETANO, Marcello, *Lições de História do Direito Português*, Coimbra, Coimbra Editora, 1962.

³² His last work before assuming power as head of Government was the prior study of the book by RODRIGUES, Maria Teresa Campos, *Aspectos da Administração Municipal de Lisboa no século XV...*

³³ CAETANO, Marcello, *História do Direito Português (1140-1495), I Fontes. Direito Público*, Lisbon / São Paulo, Verbo, 1981.

³⁴ IDEM, Marcello, *História do Direito Português*, 4th ed. followed by “Subsídios para a História das

going back to 1958, Nuno José Espinosa Gomes da Silva gave us the first versions of a multi-copied textbook in the 60s, with successive printed editions from 1985 to the present day³⁵, teaching at the Faculdade de Direito of Lisbon University (FD-UL) and at the Portuguese Catholic University – Lisbon. The end of the 70s saw successive versions of textbooks by Ruy de Albuquerque (1933-2007) and Martim de Albuquerque³⁶ in use at the FD-UL. Sometime later, the beginnings of a series of textbooks by their followers, chiefly António Pedro Barbas-Homem³⁷, emerged. The 1970s also witnessed the coming to prominence of António Manuel Hespanha, first at the Faculdade de Direito of Coimbra University, then at the FD-UL and later at the Faculdade de Ciências Sociais e Humanas and Faculdade de Direito of the Nova University of Lisbon³⁸. He also taught at the Instituto de Ciências Sociais of the Lisbon University, at the Aberta University (Lisbon)³⁹, at the Autónoma University of Lisbon (History and Law departments and the Caldas da Rainha *campus*) and at the Macau International University. Of note is the fact that this author taught both history and legal history students and that his 1982 book⁴⁰, which has unfortunately never been re-published⁴¹, had this *double focus from the*

Fontes de Direito em Portugal no século XVI^o, introductory texts and notes by Nuno J. Espinosa Gomes da Silva, Lisbon / São Paulo, Verbo, 2000.

³⁵ SILVA, Nuno J. Espinosa Gomes da, *História do Direito Português. Lições*, 4th ed., Lisbon, Associação Académica da Faculdade de Direito de Lisboa (AAFDL), 1980, multi-copied; 1st printed ed.: *História do Direito Português. I. Fontes de Direito*, Lisbon, FCG, 1985; 2nd, 3rd and 4th eds. updated in 1991, 2000 and 2006.

³⁶ Multi-copied eds.: ALBUQUERQUE, Martim de, *História das Instituições. Lições*, Lisbon, 1978; ALBUQUERQUE, Rui de, and ALBUQUERQUE, Martim de, *História das Instituições do Direito Português. Lições*, vols. 1-2, Lisbon, 1981-1983; 8th printed ed.: IDEM, *História do Direito Português*, 1, Lisbon, Pedro Ferreira, 1993; and also: IDEM, *História do Direito Português. Elementos auxiliares*, 1, Lisbon, Pedro Ferreira, 1992. Of note is the fact that the second author left for the History of Political Ideas (namely with ALBUQUERQUE, Martin de, *O Poder Político no Renascimento Português*, Lisbon, ISCSPU, 1968) and taught for seven years (1966-1973) at the then Instituto Superior de Ciências Sociais e Política Ultramarina / Universidade Técnica de Lisboa.

³⁷ BARBAS-HOMEM, António Pedro, *A Lei da Liberdade. I. Introdução Histórica ao Pensamento Jurídico. Épocas Medieval e Moderna*, Cascais, Principia, 2001; IDEM, *História do Pensamento Jurídico. Guia de Estudo*, Lisbon, Associação Académica da Faculdade de Direito de Lisboa, 2004; IDEM, *O Espírito das Instituições. Um Estudo de História do Estado*, Coimbra, Almedina, 2006; and IDEM, *História das Relações Internacionais. O Direito e as Concepções Políticas na Idade Moderna*, Coimbra, Almedina, 2010.

³⁸ The author began publishing as an assistant at the Faculdade de Direito of the University of Coimbra (FD-UC): cf. HESPANHA, António M., *O Direito e a História. Os caminhos de uma história renovada das realidades jurídicas*, offprint of *Revista de Direito e Estudos Sociais*, Coimbra, 1971; IDEM, *A História do Direito na História Social*, Lisbon, Livros Horizonte, 1978. His last teaching at FD-UL bore fruit in the form of multi-copied lessons – IDEM, *Curso de História das Instituições*, multi-copied, Lisbon, 1978 –, the printed edition coming four years later: IDEM, *História das Instituições. Épocas Medieval e Moderna*, Coimbra, Almedina, 1982.

³⁹ See the textbook IDEM, *História de Portugal Moderno: político e institucional*, Lisbon, Universidade Aberta, 1995. The author took part in the Aberta's University television broadcasts for a number of years as support for the curricular units (broadcast by RTP-2 on Saturday mornings).

⁴⁰ See. note 38, in fine.

⁴¹ Other educational works focussed on the sixteenth and seventeenth centuries and later in particular: cf. IDEM, *História de Portugal Moderno: político e institucional*, and also: IDEM, *Poder e Instituições no Antigo*

outset. The *Coimbra School* had been silent in this field since the onset of the 1960s⁴² and would only reappear in the 80s with the teachings of Mário Júlio Almeida Costa⁴³.

What influence did this legal history textbook-writing tradition have on historians as such?

Obviously it all depends on the authors and the schools.

For the most part, the Coimbra School's textbooks dealt essentially with the history of private law⁴⁴ and have had little impact outside the *Faculdades de Direito*.

The opposite can be said of the Lisbon School: heir to a possibly *Rabelaisian* phase⁴⁵ (signifying, critical rationalism married to a bent for synthesis that later evaporated) with Paulo Merêa, profiting in the 1930s from the final years of Joaquim Pedro Martins as a teacher⁴⁶, with Marcello Caetano's *Jus-Publicismo*, in addition to the forerunners of the School, which dovetailed nicely with the path the future rector of the Lisbon university had been carving out since the competition to be a professor at his *Alma Mater*. Hence, he was received well by historians, both in terms of his textbooks and the rest of his bibliography⁴⁷. The multiple editions of his *História do Direito* give support to this claim.

For reasons mostly given already, António Manuel Botelho Hespanha attained a unique *status* in Portuguese historiography: his idiosyncratic path between *Clio* and *Themis*, his teaching at both law and history schools and departments, his unusual ability to attract followers, his undeniable standing as an influential *opinion maker*, all of this has meant that his 1982 textbook remains a benchmark for medievalists.

The teachings of Nuno Espinosa Gomes da Silva and those of Ruy de Albuquerque / Martim de Albuquerque excited, without doubt, a smaller audience, but a loyal one, as they encouraged more detailed examination of certain topics,

Regime. Guia de estudo, Lisbon, Cosmos, 1992; IDEM, *Panorama Histórico da Cultura Jurídica Europeia*, Mem Martins, Europa-América, 1997.

⁴² I am referring to a small addition / update (org. Daniel GONÇALVES, 1962) to CRUZ, Guilherme Braga da [1916-1977], *História do Direito Português*, the latest version multi-copied and typed, A. Barbosa de MELO (org.), Coimbra, 1955.

⁴³ COSTA, Mário Júlio Almeida, *História do Direito Português*, Coimbra, Almedina, 1984 (2nd ed., 1992).

⁴⁴ Which determined Paulo Merêa's maturity and old age as a matter of preference, as is known. The same private law featured in the doctoral and examination theses of Braga da Cruz and Almeida Costa, who, significantly, later became professors of civil law.

⁴⁵ This expression ("my Rabelesian friend") refers back to the esoteric gatherings of friends in Coimbra at the start of the twentieth century, MONCADA, Luís Cabral de, *Memórias: ao longo de uma vida* (Pessoas, factos, ideias). 1888-1974, s. l., Verbo, 1992, p. 127 et *passim*.

⁴⁶ See *supra*, footnote 30.

⁴⁷ And I speak from personal experience as a history student at the FL-UP between 1968 and 1973.

such as the origins of law in the Portuguese Middle Ages, the legislation of our monarchs, notarial law and the links between the legal system and political ideas.

In general, this permits the conclusion enables us to conclude that the dialogue between *historians* and *legal historians*, though far from attaining the desired intensity and assiduity, is continuing on a scale that would have been unimaginable a few decades ago.

3. Royal power⁴⁸

3.1. *Institutional practices: historiographical references*

This first section welcomes a “new political history” as a social history of institutions and power, a large component taking a biographical approach – possibly prosopographical – to the main players in the former areas. As I have repeatedly noted⁴⁹, the pioneering studies conducted by myself and by Armindo de Sousa (1942-1998), or by Maria Helena da Cruz Coelho in the sphere of municipal power, comprise the *possible reception* at the level of Portuguese historiography of an approach based on *the political* whose origins lie in the 1950s, and fully ready for public configuration from the beginning of the 70s, bearing the institutional and intellectual hallmarks of *Sorbonne / École des Chartes* medievalism⁵⁰ (Raymond Cazelles [1917-1985], Robert-Henri Bautier (1922-2010), Bernard Guenée [1927-2010] and followers⁵¹, Jean Favier, Philippe Contamine; and somewhat further

⁴⁸ Like previous historiographical summaries cf.: GOMES, Rita Costa, “L’Émergence du politique dans le Portugal du Bas Moyen Âge: perspectives récentes”, *La recherche en Histoire du Portugal*, t. 1 (1989), pp. 25-32; HOMEM, Armando Luís de Carvalho, “O Medievalismo em liberdade: Portugal, anos 70 / anos 90”, *Signum. Revista da ABREM*, no. 3 (2001), pp. 173-197; HOMEM, Armando Luís de Carvalho, and FREITAS, Judite A. Gonçalves de, “A Prosopografia dos burocratas régios (séculos XIII-XV): da elaboração à exposição dos dados”, in BARATA, Filipe Themudo (ed.), *Elites e Redes Clientelares na Idade Média. Problemas metodológicos. Actas do colóquio*, Lisbon / Évora, Colibri / CIDEHUS, 2001, pp. 171-210; FREITAS, Judite A. Gonçalves de, “Les Chemins de l’histoire du pouvoir dans le médiévisme portugais (ca. 1970-ca. 2000)”, in MAGNANI, Eliana, and PALLUET, Chantal (coords.), *Études & Travaux, Bulletin du Centre d’études médiévales*, no. 8 (2003-2004), pp. 81-98 (also in the *Anais: Série História* [Autónoma University of Lisbon], vols. 9-10 (2005), pp. 231-266); EADEM, “The Royal Chancellery at the end of the Portuguese Middle Ages: diplomatics and political society (1970–2005)”, *E-journal of Portuguese History*, vol. 7, no. 2, winter (2009), pp. 1-39; COELHO, Maria Helena da Cruz, “Historiographie et état actuel de la recherche sur le Portugal au Moyen Âge”, *Memini.Travaux et Documents*, 9-10 (2005-2006), pp. 9-60; COSTA, Paula Pinto, “Os Estudos medievais em Portugal (1975-2000): organização dos estudos e principais linhas de orientação”, *Bullettino dell’Istituto Storico Italiano per il Medio Evo*, no. 106/2 (2004), pp. 248-271; and DUARTE, Luís Miguel, “Prosopografia e elites urbanas: a investigação portuguesa”, in VV. AA., *La Prosopografia como método de investigación sobre la Edad Media*, Zaragoza, Universidad de Zaragoza, 2006, pp. 105-118.

⁴⁹ Especially in the aforementioned work, footnote 22.

⁵⁰ To which we can further add the *École Pratique des Hautes Études* (EPHE), sections IV and V (historical and philological sciences and religious sciences respectively), and the *École Normale Supérieure* (ENS).

⁵¹ Françoise Autrand, Claude Gauvard, Jean-Philippe Genet, Hélène Millet, Colette Beaune, Jean-Marie

removed, the teachings of Marc Bloch [1886-1944]), the Oxford school (Kenneth Bruce McFarlane [1903-1966], Peter S. Lewis) or the Princeton school (Joseph Reese Strayer [1904-1987], Franklin J. Pegues [1924-2004])⁵². It has not always been easy to *get across* this simple statement of fact in Portugal, where historiographical circles – in the capital particularly – have their own *opinion makers*, who tend to put *all their eggs in the same basket* of the “nouvelle histoire” *stricto sensu* (i.e. institutionally: the history *that is practised* at the École des Hautes Études en Sciences Sociales (EHESS)...). The root of the *new political* lies in a 1971 article by Jacques Le Goff and the zenith of a *neo-biographism* in the volume the same author dedicated to Louis IX of France⁵³... In other words, *representations*, always *representations* (and nothing more...?)⁵⁴...

Let us move on...

3.1.1. *The Chancery: Diplomats and political society*

The idea of a study on royal diplomatics combined with a prosopography of the key players in the preparation, drafting, writing, issuing and recording of laws over a lengthy interval (a century, as a rule of thumb) in the period between the times

Moeglin, Alain Demurger, Élisabeth Mornet and Olivier Mattéoni, to whom we should also add the legal historians like Albert Rigaudière and Jacques Krynen.

⁵² One could ask: and what of the historiography of the Christian kingdoms of the late Middle Ages on the Peninsula? The limited referencing role of historiography on medieval Castile can be briefly explained by the non-existent royal chancery records with the profusion (“in spite of everything”) that we have for the thirteenth to sixteenth centuries. Even though, the importance of Salvador de Moxó (1921-1980) stands out (cf., at the time, MOXÓ, Salvador de, “De la nobleza vieja a la nobleza nueva. La transformación nobiliaria castellana en la Baja Edad Media”, reedited in IDEM, *Feudalismo, señorío y nobleza en la Castilla medieval*, Madrid, 2000, pp. 311-370; and IDEM, “La Sociedad política castellana en la época de Alfonso XI”, in IDEM (dir.), *Cuadernos de Historia anexas de la Revista HISPANIA*, 6: *Estudios sobre la sociedad hispánica en la Edad Média*, Madrid, 1975, pp. 197-326), José António Maravall (1911-1986) (cf., MARAVALL, José António, *Estado Moderno y mentalidad social*, 2 vols., Madrid, Revista de Occidente, 1972) or Miguel Ángel Ladero Quesada (cf., at the time, LADERO QUESADA, Miguel Ángel, *El Siglo XV en Castilla. Fuentes de renta y política fiscal*, Barcelona, Ariel, 1981); for Aragon, see SEVILLANO COLOM, Francisco, “Apuntes para el estudio de la Cancillería de Pedro IV em Ceremonioso”, *Anuario de Historia del Derecho Español*, no. 20 (1950), pp. 137-241; and, for Navarre, ZABALO ZABALEGUI, Javier, *La Administración del Reino de Navarra en el siglo XIV*, Pamplona, EUNSA, 1973.

⁵³ For some reason, the legoffiano concept of political history has already been deemed “charicature-like”: cf. GENET, Jean-Philippe, “Conclusion”, in GENET, Jean-Philippe (ed.), *L'État Moderne. Genèse. Bilan et perspectives*, Paris, Centre national de la recherche scientifique, 1990, p. 281.

⁵⁴ It is evident that the (bad) example sometimes comes from the very fatherland of Cardinal Richelieu: see the highly debatable landscape of recent French medievalism, clear in the contribution of IOGNA-PRAT, Dominique, “La Sortie du gué? Retour sur l’histoire du Moyen Âge en France (1998-2008)”, in the somewhat unbalanced volumen MAGNANI, Eliana (ed.), *Le Moyen Âge vu d’ailleurs. Voix croisées d’Amérique latine e d’Europe*, Dijon, Éditions Universitaires de Dijon, 2010, pp. 175-186. And lest we forget, there is what a followed of Braudel, Albert Silbert (1915-1996) raised slightly over twenty years ago on archaism and modernity in history and the (excessive) role of anthropology in history: SILBERT, Albert, “Modernité et archaïsme en Histoire: quelques réflexions”, in *Estudos e Ensaios em homenagem a Vitorino Magalhães Godinho*, Lisbon, Sá da Costa, 1988, pp. 61-78, *maxime* 76.

of King Dinis and King João I originated at the Faculdade de Letras of Oporto University (FL-UP) in January 1977, this being a continuance of work on the royal acts and the officials of King Pedro I (1367-1377) that I myself carried out at the end of my degree⁵⁵. The result became as a doctoral thesis, which was presented in 1985 and published in 1990⁵⁶. Based on a “corpus” of 7,693 *Chancery* acts, this thesis defined a typology of twenty-two forms of *cartas* (letters), and occasionally *alvarás* (orders), based on their respective content, within the core areas of *Grace, Justice, Finance, General Administration* and *chancery*; and biographies were also written on 240 writers of letters in total, in reports organised traditionally, i.e., *text-reports* of a narrative nature.

Desembargo Régio was not received particularly well, which may seem paradoxical given the department from which it emerged: the author’s *alma mater*. However, the truth of the matter is that there was no shortage of questions over the following years on the interest of such research within a history department and on such issues as the concepts of “political society” and “modern state.” The same is true of the prosopographical method, with disbelief at the concrete solutions that the empirical research reached – e.g. the distinction between *chanceler* (chancellor) and *vedor da chancelaria* (keeper of the seals) or Álvaro Pais’ “*cursus honorum*” (1366-1371) – or the allegations that the author was “*essentially a law historian*”⁵⁷... The works that from 1989 onwards embodied the “doing school” were subject to changes / methodological enrichments as a matter of course, due, for instance, to international reflection on the prosopographical method⁵⁸, advances in royal diplomatics⁵⁹, the sheer number of sources – and, therefore, the generally shorter

⁵⁵ HOMEM, Armando Luís de Carvalho, *Aspectos da Administração Portuguesa no Reinado de D. Pedro I*, typed, Oporto, s. n., 1974; partially publ. in IDEM, “Subsídios para o estudo da Administração Central no Reinado de D. Pedro I”, *Revista de História* [Centro de História da Universidade do Porto], vol. 1 (1978), pp. 39-87; re-published in IDEM, *Portugal nos finais da Idade Média: Estado, Instituições, Sociedade Política*, Lisbon, Livros Horizonte, 1990, pp. 63-107.

⁵⁶ IDEM, *O Desembargo Régio (1320-1433)*, Oporto, INIC / Centro de História da Universidade do Porto, 1990; see in particular the observations in the “Postface” [1990], pp. 619-629.

⁵⁷ Which was, at the very best, crass nonsense; and, at worst, undisguised exclusion, albeit behind a veil of praise...

⁵⁸ See the Bibliography mentioned in the work IDEM, *ibid.*, p. 623, n. 5; and also GENET, Jean-Philippe, and LOTTES, Günther (eds.), *L’État Moderne et les Élités. Apports et limites de la méthode prosopographique*, Paris, Publications de la Sorbonne, 1996.

⁵⁹ Cf., for example, GUALDO, Germano (dir.), *Cancilleria e cultura nel Medio Evo*, Vaticano, Archivio Segreto, 1990; CÁRCEL ORTÍ, María Milagros (ed.), *Vocabulaire international de la Diplomatie* [Commission Internationale de Diplomatie], Valencia, Generalitat Valenciana, 1994; EADEM, *La Enseñanza de la Paleografía y Diplomática. Centros y Cursos*, Valencia, s. n., 1996; GUYOTJEANNIN, Olivier, PYCKE, Jacques, and TOCK, Benoît-Michel, *Diplomatique Médiévale*, Turnhout, Brepols, 1994; MARQUES, José (ed.), *Diplomatique royale du Moyen Âge. XIII-XIV siècles*, FL-UP, 1996 (these are the proceedings from the Colloquium of the Commission Internationale de Diplomatie (CID), held in Portugal in September 1991, with sessions at Coimbra, Oporto and Minho universities); of note also is the article COELHO, Maria Helena da Cruz, and HOMEM, Armando Luís de Carvalho, “Origines et évolution du registre de la chancellerie royale portugaise (XIIIe-XVe siècles)”, *Revista da Faculdade de Letras. História* [Oporto], 2nd ser., vol. 12 (1995),

length of time future academic work would devote on the subject⁶⁰ – or the improved cataloguing and classification of each royal act⁶¹.

In this way, Eugénia Pereira da Mota's 1989 master's dissertation followed a prosopographical approach with standardised notes along a model grid. It also features a complex reading of royal bureaucracy, with the *Chancery, Home / Council*, the *Desembargo itself* and the *high offices of Justice*⁶². This systematisation has also been used in later works, as we shall see.

While Eugénia Mota studied a transition in the monarchy, Judite A. Gonçalves de Freitas, two years later, studied a period of governance, such as that of King Duarte, that was not excessively long and, as such, one could be tackled in a master's dissertation still under the founding legislation from 1980⁶³. There are various points to be mentioned from this dissertation spanning almost two decades:

The documental "corpus" consisted of 1,371 letters. Biographies were produced of a total thirty-eight drafting officials and one-hundred and one scribes following matrix grids of fourteen and seven items respectively. The documental typology was treated with particular care and does not decisively depart from the "matricial" typology set out in *O Desembargo Régio*: what we see is, in effect, an identical total number of roughly twenty-five types of letters. However, the author focuses her attention on one aspect that is clearly specific to the *reformed records* of King Duarte's chancery: the acts that are recorded in list form⁶⁴ – these records display the essential elements of the legal system (including the place of issuance, drafters and scribes) in contrast to what occurred with the lists from the chanceries of King Pedro I, King Fernando

pp. 47-76, which was originally delivered at Colloquium of the CID on records and record systems, held in the scope of the "XVIIIe Congrès International des Sciences Historiques" (Montréal, 27 Aug.-3 Sept, 1995) [no proceedings published]; and also NICOLA, Giovanna (ed.), *La Diplomatica dei documenti giudiziari* (dai placiti agli acta – secc. XII-XV), Roma, Dipartimento per i beni archivistici e librari, 2004; and EADEM, *Lezioni di Diplomatica Generale, I. Istituzioni*, Roma, Bulzoni, 2007.

⁶⁰ Cf. the reflections on this issue in HOMEM, Armando Luís de Carvalho, "Prosopographie et Histoire de l'État: La bureaucratie des rois portugais aux XIVe et XVe siècles – recherches faites, recherches à faire", in GENET, Jean-Philippe, and LOTTES, Günther (eds.), *L'État Moderne et les Élités...*, pp. 29-37; Portuguese version, with adaptations and additions and the title "Para uma abordagem da Burocracia Régia: Portugal, séculos XIII-XV", *Revista Portuguesa de História*, t. 31, vol. 1 (1996), pp. 225-242

⁶¹ More specifically: from 1988 I began recommending to those working with me to include the scribe of the letter in the cataloguing and classification; hence the master's works quoted in HOMEM, Armando Luís de Carvalho, *O Desembargo Régio...*, pp. 626 and 628, nn. 20 and 27, and also, exclusively and for the first time in a master's dissertation: VAZ, Vasco Rodrigo dos Santos Machado, "A Boa Memória" do monarca. *Os escrivães da Chancelaria de D. João I*, vols. 1-2, Oporto, 1995, unpublished.

⁶² MOTA, Eugénia Pereira da, *Do "Africano" ao "Príncipe Perfeito" (1480-1483). Caminhos da Burocracia Régia*, vols. 1-2, master's dissertation submitted to the FL-UP, Oporto, 1989. Unfortunately, this work was not published and its author did not continue with medieval research.

⁶³ Publ.: FREITAS, Judite A. Gonçalves de, *A Burocracia do 'Eloquente' (1433-1438). Os textos, as normas, as gentes*, Cascais, Patrimonia, 1996.

⁶⁴ 941 letters = 68.63 % of the total.

and King João I. When constructing her database, Judite de Freitas bore the concept of *metasource* in mind, as raised by Jean-Philippe Genet not long before⁶⁵. When broaching officialdom in the time of King Duarte, attention is successively given to the greater or lesser extent of the bureaucrats' *itinerancy*, *age* and *generations* and the *social class* they make up, as well as to the families that emerge as players.

In short, a work and indeed an author above average. It soon became apparent that a level of interrogation existed to be maintained for the future. This is because, in the year after her public defence, a new reform of academic degrees⁶⁶ substantially changed the scene: under the founding legislation of 1980, a master's course included two curricular years plus a twenty-one-month period to write a dissertation. From then on, the timeframe was cut to one curricular year plus a further twelve months – hence the need to plan shorter dissertations. With this in mind and guiding master's students towards the chancery records from the last twenty-odd years of King Afonso V⁶⁷, I distributed the topics based on one calendar year / one volume of records⁶⁸. And what were the results?

Between 1996 and 2003, nine master's dissertations were presented at the University of Oporto: nine in this field and in accordance with the adaptation criteria described earlier: one king, one calendar year, one volume of records⁶⁹. The decades in question were 1460 and 1470; i.e. micro-approaches running

⁶⁵ GENET, Jean-Philippe, "Histoire, informatique, mesure", *Histoire & Mesure*, vol. 1 (1986), pp. 7-18.

⁶⁶ Decreto-Lei 216/92, 25 Sept. (*Diário da República*, ser. I-A, 1992/10/13: 4780-4784); this reform was one of the few good things from which we have to thank the *priceless* Education Minister of the XII Constitutional Government (1992-1993), António Fernando Couto dos Santos (b. 1949).

⁶⁷ As the previous periods were those of the doctoral theses of Luís Miguel Duarte and Judite Gonçalves de Freitas (see. *infra*, footnotes 74 and 76).

⁶⁸ For the basics on the organisation of the chancery records of Afonso V, cf. MARQUES, A. H. de Oliveira, *Guia do Estudante de História Medieval Portuguesa*, 2nd ed., Lisbon, Cosmos, 1979, pp. 170-177.

⁶⁹ ALMEIDA, Ana Paula Pereira Godinho de, *A Chancelaria régia e os seus oficiais em 1462*, unpublished master's dissertation, Oporto, FL-UP, 1996; BOLLIDO, Armando Paulo Carvalho, *A Chancelaria régia e os seus oficiais em 1463*, unpublished master's dissertation, Oporto, FL-UP, 1996; BRITO, Isabel Carla Moreira de, *A Burocracia régia tardo-afonsina: a administração central e os seus oficiais em 1476*, 2 vols., unpublished master's dissertation, Oporto, FL-UP, 2001; CAPAS, Hugo Alexandre Ribeiro, *A Chancelaria régia e os seus oficiais no ano de 1469*, unpublished master's dissertation, Oporto, FL-UP, 2001; CARVALHO, António Eduardo Teixeira de, *A Chancelaria régia e os seus oficiais em 1468*, master's dissertation, Oporto, FL-UP, 2001 (published: Torre de Moncorvo, author's edition, 2003); DURÃO, Maria Manuela da Silva, *1471: um ano "africano" no desembarco de D. Afonso V*, unpublished master's dissertation, Oporto, FL-UP, 2002; FERREIRA, Elina Gonçalves Diogo, *1473: um ano no desembarco do Africano*, unpublished master's dissertation, Oporto, FL-UP, 2001; HENRIQUES, Isabel Bárbara de Castro, *Os Caminhos do desembarco: 1472, um ano na burocracia do "Africano"*, 2 vols., unpublished master's dissertation, Oporto, FL-UP, 2001; and MONTEIRO, Helena Maria Matos, *A Chancelaria régia e os seus oficiais: 1464-1465*, unpublished master's dissertation, Oporto, FL-UP, 1997. After the fact, the idea emerged of bringing the data from these nine theses together in one book (which would round off the period 1462-1476) and work started in this regard. However, the authors were all in different locations which has prevented this project from being carried out to this day.

chronologically parallel to the studies by Luís Miguel Duarte (1459-1481) on letters of pardon and following the doctoral thesis of Judite de Freitas (1439-1460), which I referred to above⁷⁰. On average, the work took in *corpora* of between 1,000 and 1,300 letters, with biographies of each of the twenty-odd official writers and the between thirty-five and forty scribes (with biographical notes presented in independent lists). Such a group of studies, given the natural limitations, opened up interesting avenues, with one attempt to relate the chancery acts and their (possible) writers to the places they were issued; and consequently the *places of power*⁷¹. An attempt was also made at exploring the Afonsine chancery records from a codicological point of view⁷² and as regards the 1,471 records, a method of sampling was tested (examining one in three letters⁷³, in accordance with the methodological model from Luís Miguel Duarte's 1994 doctoral thesis⁷⁴). Further work also examined the organisational flow chart of bureaucratic officialdom from the second half of the fifteenth century⁷⁵.

However, the virtual close of the twentieth century was marked by Judite Gonçalves de Freitas' doctoral work⁷⁶. Assessed by an intellectual and academically diverse jury⁷⁷ and published two years later, the new work by this author was based on a "corpus" of 20,284 letters – processed in a form when information technology was beginning to prove its worth – and yielded biographies of ninety-two drafting officials and three hundred and fifteen scribes. At the same time, the standardisation of the biographical notes now corresponded to matrices of

⁷⁰ See. *infra*, footnotes 74 and 76.

⁷¹ Dissertations by Ana Paula Godinho de Almeida, Armando Paulo Borlido, Eliana Diogo Ferreira and Isabel Carla de Brito, quoted in footnote 69.

⁷² Dissertation by Isabel Bárbara de Castro Henriques, cit. *supra*, footnote 69.

⁷³ Dissertation by Maria Manuela da Silva Durão, cit. *supra*, footnote 69.

⁷⁴ DUARTE, Luís Miguel, *Justiça e criminalidade no Portugal medievo (1459-1481)*, Lisbon, FCG / FCT, 1999.

⁷⁵ Dissertation by Helena Matos Monteiro, cit. *supra*, footnote 69. This subject has not been dealt with often recently; yet on *corregedores* (of the Court, of Lisbon, of the districts), see the very recent work of GRAES, Isabel, "Para uma reflexão sobre o estatuto dos *corregedores* no ordenamento jurídico português", in MIRANDA, Jorge (coord.), *Estudos em homenagem ao Professor Doutor Martim de Albuquerque*, Coimbra / Lisbon, Faculdade de Direito da Universidade de Lisboa / Coimbra Editora, 2010, vol. 1, pp. 745-811.

⁷⁶ Publ.: FREITAS, Judite A. Gonçalves de, *'Teemos por bem e mandamos': A burocracia régia e os seus oficiais em meados de Quatrocentos (1439-1460)*, 2 vols., Cascais, Patrimonia, 2001. After this, the author produced an interesting study without precedent in this area as a study-summary for the post-doctoral exams at the FL-UP in 2007: EADEM, "A Antroponímia da oficialidade régia (1367-1481): identidade pessoal e diferenciação social", in MIRANDA, Jorge (coord.), *Estudos em homenagem ao Professor Doutor Martim de Albuquerque...*, vol. 2, pp. 83-133. The author has now been a professor at the Fernando Pessoa University (Oporto) for a long time.

⁷⁷ A. H. de Oliveira Marques, Maria Helena da Cruz Coelho, Humberto Baquero Moreno, Luís Adão da Fonseca, José Marques and Luís Miguel Duarte; thesis supervisor, as well as the author of these lines.

seventeen and seven items respectively. Another work of a size and complexity that are (virtually) never seen these days, “Teemos por bem e mandamos” also deserves to be distinguished in certain regards here:

The first concerns a new typological proposal for the sources, which maintains the tried and trusted core areas of *Grace, Justice, Finance, General Administration* and *Chancery*⁷⁸ but does not break down their original acts and confirmations. The outcome was a total thirty-eight types, with innovations when compared with the past, such as the *esmolero, estalajadeiro, feira, licença para ter manceba, tabelião, perfilhamento* and *segurança a mercador* letters. The central body of the volume is structured in a way that takes up or enriches some lines of questioning that were expressed to a certain extent in *A Burocracia do Eloquente*. In this way, explanations are given for the multitude of scribes that can be seen within the royal bureaucracy⁷⁹. The many forms of solidarity between officials, social classes and the respective families are discussed (in particular the Almeidas, the Sem, the Azevedos, the Malafaias, the Silveiras and the Alvarengas)⁸⁰ and are put under an investigative spotlight that has decidedly contributed to initial clarification of this *nobility of service* and these dynasties of royal servants that we see becoming established in the fifteen hundreds. Lastly, it is worth underscoring the work’s relevance in terms of analysing successive situations and the attribution of roles. Whereas in *A Burocracia do “Eloquente”* the focus was on the political importance of King Duarte gradually growing from the 1510s, now the author highlights the initial years of Afonso V as a phase when *institutions worked*⁸¹, and less so in the regency of Pedro...; i.e., this is a contributory tome towards revising a *who’s who* that remained, until the late twentieth century, closely linked to the perspective Oliveira Martins left us in *Os Filhos de D. João I*. In this way, King Duarte was not just a *sad neurotic*, nor was Prince Pedro the *great statesman* of the time, nor was King Afonso V a *poor king*⁸², which are roles the traditional fans of the Regent Pedro and the *Príncipe Perfeito* (Perfect Prince – King João II) have long ascribed to them.

⁷⁸ V. supra, the comments on HOMEM, Armando Luís de Carvalho, *O Desembargo Régio...*, and FREITAS, Judite A. Gonçalves de, *A Burocracia do ‘Eloquente’...*

⁷⁹ FREITAS, Judite A. Gonçalves de, ‘*Teemos por bem e mandamos*’..., pp. 161 ff.

⁸⁰ Cf. the genealogical reconstitutions: EADEM, *ibid.*, pp. 313-316.

⁸¹ Agreeing here with the views of DUARTE, Luís Miguel, *Justiça e criminalidade no Portugal medievo...*, for the 1459-1481 period.

⁸² Expression attributed to Louis XI of France when Afonso V journeyed to this country. Due to its importance, see the stand-out biographical approach of GOMES, Saul António, *D. Afonso V, o Africano*, Rio de Mouro, Círculo de Leitores, 2006.

Due to its bulk, this thesis to a certain extent also stands as a virtual *fin de temps* in its scope and the manner in which it anticipated by about half a decade the pause that studies on such themes would experience⁸³. There are different reasons for this:

In the last twenty years of the twentieth century, master's and doctoral students joined the post-graduate ranks with a "quantum satis" knowledge of palaeography and of diplomacy (and even sometimes, some Latin) to assess the primitive records that abound from the mid-fifteenth century on without any trepidation. The lower entrance requirements for undergraduates in history studies have considerably changed this situation. Increasingly we have to content ourselves with handing out study projects to master's students, in particular, that use printed sources (and even then the students often have difficulty in understanding the Portuguese from our Middle Ages...). Just as serious are their poorer language skills in French or English (not to mention Spanish!...) which make it hard to steer them towards bibliographies in the said languages. In other words and exceptional cases apart, the increased difficulty in working with primary sources is compounding itself in a way in which it is impossible to access theoretical, methodological and historiographical manuals. Consequently, as regards the issue of the legally stipulated deadlines for post-graduate work, the 1992 reform of academic titles nevertheless allowed for fairly time-consuming works, as we have seen. However, the recent installation of the *Bologna model* in our higher education system (2007 onwards) represents a drastic shortening of these deadlines. At master's level, the prediction is for works that are shorter than the "old" degree dissertations from the 1960-1975 period. As regards doctoral theses, assessing the chanceries of King João II and King Manuel I, for which now would be an ideal time, do not seem feasible given the amount of existing documentation and the tight deadlines in force, e.g. three years for a doctorate... The choice we will decidedly have to plump for is that of selecting documents through sampling, in accordance with the quantitative methods first used at the FL-UP in the aforementioned doctoral thesis by Luís Miguel Duarte⁸⁴. I would view this as being slightly excessive given the levels of prior preparation that abound today... Lastly, the historiographical framework for the questions whose diachronics we have been mapping was the *Origin of the Modern State*, on the terms developed by research programmes at the Centre National de

⁸³ All we have is BORLIDO, Armando Paulo Carvalho, *A Chancelaria de D. Dinis (1279-1325). Diplomática e sociedade política*, doctoral thesis to be presented to the University of Oporto, in theory in 2012.

⁸⁴ See *supra*, footnotes 73 and 74.

la Recherche Scientifique (CNRS) and the European Science Foundation (ESF) in the 1980s and 90s. However, might this not be somewhat out-dated nowadays, at a time when the Nation State and the Welfare State are being subjected to more rigorous probing and when there is more interest not so much as regards “political societies” but in “political mentalities”? Might it not be the case that in the future, master’s and doctoral students may be more interested in monarch-based chronicle discourse as a matter of preference, and not so much by the legal discourse stemming from the power of the monarchs themselves?

To round things off, the major component of source publication that this area has witnessed since 1984 is worth indicating:

The chancery records of Afonso III have been published by the Faculdade de Letras of the Coimbra University⁸⁵, while the Centro de Estudos Históricos of the Faculdade de Ciências Sociais e Humanas of the Nova University of Lisbon (FCSH-UNL) published the records from Afonso IV to King Duarte⁸⁶ in accordance with a plan initiated by A. H. de Oliveira Marques and continued by João José Alves Dias. Additionally, since the 80s, the same centre and the same publishers have carried through a plan of publishing Chapters from our *Cortes*, from the times of Afonso IV to the Manueline period⁸⁷.

3.1.2. Legislation

At the beginning of the 90s, when I prescribed a study of royal legislation (1279-1357) as a lesson-summary for the postdoctoral exams (to be taken in February 1994), the topic still featured in legal history textbooks⁸⁸, and it has recently been joined by two interesting contributions from the same *galaxy*: one by Maria Teresa da Silva Morais⁸⁹ and one by Martim de Albuquerque⁹⁰. The former of these works

⁸⁵ VENTURA, Leontina, and OLIVEIRA, António Resende de (eds.), *Chancelaria de D. Afonso III*. Livro I, vols. 1-2, Coimbra, IUC, 2006.

⁸⁶ See how the publications relate in FREITAS, Judite A. Gonçalves de, “The Royal Chancellery...”, p. 15. Cf. also the chapter by Saul António Gomes in this volume.

⁸⁷ To see how the publications relate in part, consult EADEM, *ibid.*, p. 16. Cf. also the chapter by Saul António Gomes in this volume.

⁸⁸ See *supra*, 2.2.

⁸⁹ MORAIS, Maria Teresa da Silva, *Leis gerais desde o início da Monarquia até ao fim do reinado de Afonso III. Levantamento comparativo entre os Portugaliae Monumenta Historica, o Livro das Leis e Posturas e as Ordenações de D. Duarte*, unpublished, seminar report / master course in legal history (Ciências Histórico-Jurídicas) at the FD-UL, Lisbon, 1984-85, typewritten; re-edited in ALBUQUERQUE, Ruy de, and ALBUQUERQUE, Martim de (coords.) *Estudos em homenagem ao Professor Doutor Manuel Gomes da Silva*, Lisbon / Coimbra, FD-UL / Coimbra Editora, 2001, pp. 799-882.

⁹⁰ ALBUQUERQUE, Martim de, “O Infante D. Pedro e as Ordenações Afonsinas”, *Biblos*, vol. 69 (1993),

established, by dint of hard graft and abundant proficiency, the sources for our earliest legislative history against a background of the scarcity of documentation from the period, or near it, and the increasing prevalence of versions of legal texts from the first attempts to gather and compile them (late fourteenth century onwards). The latter, set against the commemorations of the sixth centenary of Prince Pedro (1992) intelligently examined the (supposedly) close relationship between the author of the *Virtuosa Benfeitoria* and the *Código Afonsino*, completed in 1446 and presumably in force from 1448, namely, during the regency period. This work by Martim de Albuquerque stood out markedly as it clearly abandoned ideas dating back to J. P. Oliveira Martins (1845-1894) that in legal history had been supported by, for instance, Marcello Caetano. In addition to pointing to King Duarte as the foremost in the legal gathering initiative⁹¹, it suggests a whole program of future work on the first *Ordenações*, while emphasising the need for severe criticism of the sources.

My academic work was publicly presented in 1994 and published the following year⁹². It was based on a given *pre-understanding* of the question of constructing a “state apparatus” around the legislative acts from the first half of the fourteenth century: Afonso IV was a prolific legislator, and with his two successors, each in their own way, closed a legislative *cycle*, that in all likelihood dated from the thirteenth century⁹³... This was the premise that led me to bring together the laws of King Dinis and Afonso IV, yielding a “corpus” of 249 (129 + 120, 1280-1355), which I endeavoured to analyse in terms of the terminology of the normative acts, their subject, their chronology, the relationship between *legislating* and *governing*⁹⁴ and the contraposition of *law / privilege*⁹⁵. This text also led me to touch briefly on thoughts concerning medieval theories of power in legislative discourse, which is an interest I have maintained in later works.

pp. 157-171; updated version re-published in IDEM, *Estudos de Cultura Portuguesa*, Lisbon, IN-CM, 2002, vol. 3, pp. 41-63.

⁹¹ Following NUNES, Eduardo Borges, “Nota prévia de codicologia e textologia”, preface to ALBUQUERQUE, M., and NUNES, E. B. (eds.), *Ordenações del-Rei D. Duarte*, Lisbon, FCG, 1988, pp. XXVII-XXXIII, *maxime* XXXI; Armindo de Sousa took a similar line as part of preparing a study on the *Cortes de Santarém* of 1418 (beginning of the initiative), which he has not published.

⁹² HOMEM, Armando Luís de Carvalho, “Dionisius et Alfonsus, Dei gratia reges et communis utilitatis gratia legiferi”, *Revista da Faculdade de Letras. História* [Oporto], 2nd ser., vol. 11 (1994), pp. 11-110.

⁹³ And here we run into a whole host of problems concerning King Dinis, “The end or beginning of a period”, which I shall endeavour to explain later: cf. HOMEM, Armando Luís de Carvalho, “A Dinâmica dionisina”, in HOMEM, Armando Luís de Carvalho, and COELHO, Maria Helena da Cruz (coords.), *Portugal em definição de fronteiras (1096-1325). Do Condado Portucalense à Crise do Século XIV* (=SERRÃO, Joel, MARQUES, A. H. de Oliveira (dirs.), *Nova História de Portugal*, vol. 3), Lisbon, Presença, 1996, pp. 144-163.

⁹⁴ This legislate/govern binome was later revisited and studied in more detail by NIETO SORIA, José Manuel, *Legislar y gobernar en la Corona de Castilla: el Ordenamiento Real de Medina del Campo de 1433*, Madrid, Dykinson, 2000, pp. 113 ff.

⁹⁵ Cf. the later comments of SILVA, Nuno J. Espinosa Gomes da, *História do Direito Português. Lições...*, 3rd ed., pp. 512-519, and 4th ed., pp. 625-633.

Working subsequently in this area, in which I have supervised a doctoral thesis⁹⁶, I began to take an interest in the drawn-out origins of the *Ordenações Afonsinas*, their chronology, protagonists, the internal organisation of the five books, etc⁹⁷. Following on from Martim de Albuquerque's proposals in 1993⁹⁸, I focussed on the question of King João I's undated laws, on the importance of King Duarte – and, a certain extent negative manner on Prince Pedro – on the enterprise itself (including the laws he produced as a prince linked to royal power and the initiative of gathering the so-called *Ordenações del-Rei D. Duarte*), on how it was launched, on its troubled succession (bisected by two changes of king and one regency), on the role and dating of the work of the *Corregedor de Corte* (Court Inspector) João Mendes and Rui Fernandes (and with him, the *desembargadores* (judges) Luís Martins and Fernão Rodrigues and the Lisbon *Corregedor* Lopo Vasques de Serpa)⁹⁹, on the meaning of the juxtaposition of the *decretory* style of Book I to the *compilatory* style of the rest, on the intensity of the actual application of the *Ordenações Afonsinas*'s – bearing in mind the limited number of fifteenth-century manuscripts¹⁰⁰ –, and finally on the suggestions and essays concerning reform from well before Manueline times¹⁰¹, etc. Clearly, I have never laid claim to *the last word* on the subject. Hence my relative surprise almost two years ago, when I came upon a doctoral thesis presented in Santiago de Compostela¹⁰², where, despite robust documental and bibliographical scholarship, the *traditional* theses were defended, based on a *sui generis* argument due to “insufficient evidence” of the contrary positions¹⁰³. My comment would be just

⁹⁶ PAES FILHO, Flávio Ferreira, *A Praxis político-administrativa nos textos legais dos monarcas portugueses (séculos XIII-XIV)*, unpublished doctoral thesis submitted to the FL-UP, Oporto, 2008. The author is currently a professor at the Federal University of Mato Grosso (Cuiabá, Brasil).

⁹⁷ Cf. HOMEM, Armando Luís de Carvalho, “Législation et compilation législative au Portugal du début du XVI^e siècle: la genèse des Ordonnances d'Alphonse V”, in AUTRAND, Françoise, GAUVARD, Claude, and MOEGLIN, Jean-Marie (eds.), *Saint-Denis et la royauté. Études offertes à Bernard Guenée, Membre de l'Institut*, Paris, Publications de la Sorbonne, 1999, pp. 671-689; IDEM, “Estado Moderno e legislação régia: produção e compilação legislativa em Portugal (séculos XIII-XV)”, in HOMEM, Armando Luís de Carvalho, and COELHO, Maria Helena da Cruz (coords.), *A Génese do Estado Moderno no Portugal Tardo-Medieval (séculos XIII-XV)*, Lisbon, Universidade Autónoma, 1999, pp. 111-130; IDEM, “Poder e poderes no Portugal de finais da Idade Média”, in VENTURA, Leontina (coord.), *Economia, Sociedade e Poderes. Estudos em homenagem a Salvador Dias Arnaut*, Coimbra / Lisbon, FL-UC / Comissão Científica do Grupo de História / Editora Ausência, 2002-2004, pp. 703-752.

⁹⁸ See ALBUQUERQUE, Martim de, “O Infante D. Pedro e as Ordenações Afonsinas”....

⁹⁹ For the biographies of these officials, see HOMEM, Armando Luís de Carvalho, *O Desembargo Régio...*, pp. 346, 380-382 *et passim*; and FREITAS, Judite A. Gonçalves de, *A Burocracia do 'Eloquente'...*, pp. 190-192 and 210-212.

¹⁰⁰ Cf. in particular NUNES, Eduardo Borges, “Os Manuscritos das Ordenações Afonsinas e a edição de 1792”, in *Ordenações Afonsinas*, reprint of the 1792 edition, Lisbon, FCG, 1984, pp. 13-23, *maxime* 18-19.

¹⁰¹ On one of these situations cf. SILVA, Nuno J. Espinosa Gomes da, “Sobre o Abreviamento dos Cinco Livros das Ordenações ao Tempo de D. Afonso V”, offprint of *Boletim do Ministério da Justiça*, no. 309 (1981), Lisbon, 1980.

¹⁰² DOMINGUES, José, *As Ordenações Afonsinas. Três Séculos de Direito Medieval [1211-1512]*, Sintra, Zéfirio, 2008. The author is currently professor at the Lusíada University (Oporto).

¹⁰³ IDEM, *ibid.*, pp. 93-118.

this: our compiling of fifteenth-century laws is and shall remain a fully *open* matter, at least until such time as we have a critical edition¹⁰⁴, although José Domingues does, in the said thesis, indicate substantial components to this effect.

At a later stage I took an interest in how the *Ordenações Manuelinas*¹⁰⁵ were drafted, taking into account how they fitted into the monarch's *reformism* (*Ordenações* and other legislation, *Leitura Nova*, municipal charts, royal ceremonies...). The structure of official communications observed there confirmed to my eyes an unexpected continuity in the *Ordenações Afonsinas* and led me to question how our history of institutions and powers is divided into periods. I concluded that this second compilation of laws is essentially the last medieval undertaking of this nature and that, in terms of the institutional bases of royal power, the Manueline period clearly constitutes the end of the late Middle Ages, with the real reforms coming with King João III¹⁰⁶.

Let us proceed to a conclusion. As regards the history of our medieval legislation, legal historians have continually maintained their position¹⁰⁷; the question of the initial version of the *Ordenações Manuelinas* has gained considerable weight among historians and legal historians¹⁰⁸; and, however incredible it may appear that our first

¹⁰⁴ One highlight is the master's dissertation in Palaeography and Diplomatics submitted to the FD-UL, by FERNANDES, Ana Maria R. de Almeida, *Proposta de edição crítica das Ordenações Afonsinas*, Lisbon, 1995 (unpublished).

¹⁰⁵ Cf. HOMEM, Armando Luís de Carvalho, "Ofício Régio e Serviço ao Rei em Finais do século XV: Norma Legal e Prática Institucional", *Revista da Faculdade de Letras. História* [Oporto], 2nd ser., vol. 14 (1997), pp. 123-137; IDEM, "Rei e "estado real" nos textos legislativos da Idade Média portuguesa", *En la España Medieval*, no. 22 (1999), pp. 177-185; IDEM, "Este Reino a que o Gama voltou...: em torno da "modernidade" do Portugal manuelino", in MAGALHÃES, Joaquim Antero, and FLORES, Jorge Manuel (coords.), *Vasco da Gama: Homens, Viagens e Culturas. Actas do Congresso Internacional* [Lisbon, Nov. 1998], Lisbon, CNCDP, 2001, vol. 1, pp. 495-512; and IDEM, "Quando acaba a Idade Média? A periodização da História institucional portuguesa dos séculos XV e XVI", in *Turres Veteras II. Actas de História Moderna*, Torres Vedras, Câmara Municipal de Torres Vedras, 2000, pp. 9-19.

¹⁰⁶ Which is nothing more than a (perhaps controversial) periodification proposal, which I have nevertheless used in my teaching of the subject *Medieval History of Portugal I* (FL-UP).

¹⁰⁷ Cf., for example, SILVA, Nuno J. Espinosa Gomes da, "Ainda sobre a lei da Cúria de 1211, respeitante às relações entre as leis do Reino e o direito canónico", *Direito e Justiça. Revista da Faculdade de Direito da Universidade Católica Portuguesa*, vol. 12, no. 1 (1998), pp. 3-36; IDEM, "Algumas notas sobre a edição das Ordenações Manuelinas de 1512-1513", 1977, offprint of *Scientia Iuridica*, no. 16, vols. 148-149, Sep.-Dec. (1977); NOGUEIRA, José A. Duarte, *Lei e Poder Régio: as Leis de Afonso II*, Lisbon, AAFDL, 2006; OTERO, Paulo, "D. Afonso II e a edificação do Estado: a raiz do constitucionalismo português", in MIRANDA, Jorge (coord.), *Estudos em homenagem ao Professor Doutor Martim de Albuquerque...*, vol. 2, pp. 523-539; MORAIS, Teresa, "Contributo para a História da prova testemunhal", *ibid.*, vol. 2, pp. 985-1031; BARBAS-HOMEM, António Pedro, "A Ciência da Legislação: conceptualização de um modelo jurídico no final do Ancien Régime", *Legislação*, no. 16 (1996, Abr.-Jun.), pp. 15-66; IDEM, "As Ordenações Manuelinas: significado no processo de construção do Estado", in ASCENSAO, José de Oliveira (coord.), *Estudos em Homenagem ao Professor Doutor Raul Ventura*, Lisbon / Coimbra, Faculdade de Direito de Lisboa / Coimbra Editora, 2003, vol. 1, pp. 289-320; and FREITAS, Pedro Caridade, "O Estilo da corte (do século XIII à Lei da Boa Razão)", *ibid.*, vol. 1, pp. 741-805.

¹⁰⁸ See *infra*, footnotes 111 e 112.

two legal compilations were limited to facsimiles of eighteenth-century editions, as is common knowledge, some progress has been made over the last twenty years.

As far as the pre-*Ordenações Afonsinas* laws are concerned, while the *Livro das Leis e Posturas* has been published since 1971¹⁰⁹, the *Ordenações del-Rei Dom Duarte* were published only in 1988¹¹⁰. Of note, however, is the work of editing, or critical treatment of sources, that the *Ordenações Manuelinas* have prompted in recent years: as regards master's works in Legal History Sciences (FD-UL), Madalena Marques dos Santos gave body a monumental database containing tables of correlation between the *Ordenações Manuelinas* and, on the one hand, the *Ordenações Afonsinas* and on the other, the *Ordenações Filipinas* and the *Leis Extravagantes*¹¹¹. Lastly, João José Alves Dias was able to shed light on the question of the initial version of the *Código Manuelino* (1512-1513), and its publication (1512-1514), by publishing a facsimile of the Valentim Fernandes (1512-1513) edition, to which he ably contributed the preface¹¹².

3.2. Representations: historiographical references and a brief overview of the portrayals¹¹³

It is time to move on from the *reality* to the *images* of power¹¹⁴. We find ourselves now in the territory of French "nouvelle histoire"¹¹⁵. The landmark works are those

¹⁰⁹ SILVA, Nuno J. Espinosa Gomes da, and RODRIGUES, Maria Teresa Campos (eds.), *Livro das Leis e Posturas*, Lisbon, Faculdade de Direito da Universidade de Lisboa, 1971.

¹¹⁰ ALBUQUERQUE, Martim de and NUNES, Eduardo Borges (ed.), *Ordenações del-Rei D. Duarte...* Also worth noting here due to its significance is the work referred to in *supra* footnote 104.

¹¹¹ Cf. SANTOS, Madalena Marques dos, "A Tábua de correspondência entre as ordenações Afonsinas, Manuelinas de 1521 e Filipinas: contribuição para uma edição crítica das ordenações do reino", unpublished master's report presented to the Chair of *Legal History* of the FD-UL, 3 vols., 6 tomes, Lisbon, 1993, typewritten; SANTOS, Madalena Marques dos, and ROMÃO, Miguel Lopes, "Diferenças encontradas na comparação entre os livros I e II das Ordenações Manuelinas. Edição de 1512-1513 – editor Valentim Fernandes. Edição de 1514 – editor João Pedro Bonhomini", *Revista da Faculdade de Direito da Universidade de Lisboa*, vol. 43, no. 1 (2002), pp. 349-375.

¹¹² DIAS, João José Alves (intro. and ed.), *Ordenações Manuelinas: Livros I a V. Reprodução em fac-símile da edição de Valentim Fernandes* (Lisboa, 1512-1513), 5 vols., Lisbon, Centro de Estudos Históricos / Universidade Nova de Lisboa, 2002; cf. also IDEM, "A primeira impressão das Ordenações Manuelinas por Valentim Fernandes", in MARQUES, A. H. de Oliveira, OPITZ, Alfredo, and CLARA, Fernando (coords.), *Portugal / Alemanha / África: do Colonialismo Imperial ao Colonialismo Político. Actas do IV Encontro Luso-Alemão*, Lisbon, Colibri, 1996, pp. 31-42.

¹¹³ With the regard to the issue of the *cortes*, which would follow logically, the two authors have agreed that the subject shall be dealt with in its entirety in the chapter by Maria Helena da Cruz Coelho.

¹¹⁴ Paraphrasing the title of RUCQUOI, Adeline (coord.), *Realidad e imágenes del Poder. España e fines de la Edad Media*, Valladolid, Ambito, 1988.

¹¹⁵ Obviously, in addition to important references from the historiography of the English-speaking world. Cf., in this regard, the volume MAGNANI, Eliana (ed.), *Le Moyen Âge vu d'ailleurs...* (cit. *supra*, footnote 54); and also: LACHAUD, Frédérique, LESCENT-GILLES, Isabelle, and RUGGIU, François-Joseph (eds.), *Histoires d'outre-Manche. Tendances récentes de l'historiographie britannique*, Paris, Presses de l'Université de Paris-Sorbonne, 2001; and SCHMITT, Jean-Claude, and OEXLE, Otto Gerhard (dirs.), *Les Tendances*

of Jacques Le Goff, “mutatis mutandis” *the last* Georges Duby (1919-1996), Jean-Claude Schmitt, Michel Pastoureau, Alain Boureau, Dominique Iogna-Prat, Daniel Milo and others. The “location of Knowledge” is now truly the EHESS.

This section of this study will be shorter than the previous ones: this is not only because our historiographical production is quantitatively lower¹¹⁶, but also due to the fact that I feel I’m clearly treading on *foreign soil* here¹¹⁷: the landmark names are José Mattoso¹¹⁸, Luís Krus (1954-2005)¹¹⁹, Rita Costa Gomes, Bernardo Vasconcelos e Sousa¹²⁰, Maria de Lurdes Pereira Rosa¹²¹ and others, such as João Luís Inglês Fontes¹²², Margarida Sérvulo Correia¹²³, Pedro Picoito and yet others, including João Gouveia Monteiro from the end of the 80s¹²⁴. The place of knowledge is clearly the FCSH-UNL *post*-Magalhães Godinho and *post*-Oliveira Marques...

Let us begin.

actuelles de l’histoire du Moyen Âge en France et en Allemagne, Paris, Publications de la Sorbonne, 2003.

¹¹⁶ One significant example: as a rule, our fifteenth-century royal chroniclers approaching work as historians is virtually non-existent.

¹¹⁷ Hence the caution with which I previously broached the issue of the “cutting edge areas” in Portuguese medieval studies (cf. HOMEM, Armando Luís de Carvalho, and FREITAS, Judite A. Gonçalves de, “A Prosopografia dos burocratas régios (séculos XIII-XV): da elaboração à exposição dos dados”..., pp. 204-205): “mas em que consistiria tal coisa: na abordagem de temas de facto novos (v. g. família, casamento, marginalidade, feitiçaria) com métodos tradicionais? ou a renovação metodológica de temáticas já com alguma presença prévia na nossa Historiografia?” (but what would such a thing consist of: dealing with topics that are in fact new (e.g. family, marriage, marginality, witchcraft) with traditional methods? or the methodological renewal of topics that have to some extent been dealt with previously in our Historiography?); in this study from ten years ago, the conclusions I drew was that the most stabilised “cutting-edge area” in medieval studies was that of the history of Death, with particular bibliographical emphasis on the volume MATTOSO, José (dir.), *O Reino dos Mortos na Idade Média Peninsular*, Lisbon, Edições João Sá da Costa, 1995.

¹¹⁸ See, for example, MATTOSO, José, *Naquele Tempo. Ensaios de História Medieval* (= Obras Completas de José Mattoso, vol. 1), Mem Martins, Círculo de Leitores, 2000, *maxime* section V (“O poder”), pp. 439 ff.

¹¹⁹ See the collection of articles KRUS, Luís, *Passado, memória e poder na sociedade medieval portuguesa. Estudos*, Redondo, Patrimonia, 1994, *maxime* “O Rei herdeiro dos condes: D. Dinis e a herança dos Sosas”, pp. 59-99 (originally a supplementary doctoral work defended at the FCSH-UNL, 1990).

¹²⁰ See SOUSA, Bernardo Vasconcelos e, “O Sangue, a Cruz e a Coroa: a Memória do Salado em Portugal”, *Penélope. Fazer e Desfazer a História*, no. 2, Feb. (1989), pp. 27-48; IDEM, “Vencer ou morrer. A Batalha do Salado (1340)”, in BETHENCOURT, Francisco, and CURTO, Diogo Ramada (eds.), *A Memória da Nação* [Colloquium, Lisbon, Oct., 1987], Lisbon, Sá da Costa, 1991, pp. 505-514.

¹²¹ See ROSA, Maria de Lurdes Pereira, *O Morgadio em Portugal: sécs. XIV-XV. Modelos e práticas de comportamento linhagístico*, Lisbon, Estampa, 1995 (originally master’s dissertation defended at FCSH-UNL, 1993); EADEM, “As Almas herdeiras. Fundação de capelas fúnebres e afirmação da alma como sujeito de direito (Portugal, 1490-1521)”, unpublished doctoral thesis submitted to the EHESS and FCSH-UNL, Lisbon, 2005; EADEM, *Santos e Demónios no Portugal Medieval*, Oporto, Fio da Palavra, 2010; EADEM, *Longas guerras, longos sonhos africanos. Da tomada de Ceuta ao fim do Império*, Oporto, Fio da Palavra, 2010.

¹²² FONTES, João Luís Inglês, *Percurso e Memória: Do Infante D. Fernando ao Infante Santo*, Cascais, Patrimonia, 2000 (originally master’s dissertation defended at FCSH-UNL).

¹²³ CORREIA, Margarida Sérvulo, *As Viagens do Infante D. Pedro*, Lisbon, Gradiva, 2000 (originally master’s dissertation in Portuguese Studies, defended at the Aberta University, 1997).

¹²⁴ *Maxime* MONTEIRO, João Gouveia, *Fernão Lopes: texto e contexto*, Coimbra, Minerva, 1988 (originally study for pedagogic aptitude and academic ability exams, FL-UC, 1987).

Rita Costa Gomes¹²⁵ presented her doctoral work at the FCSH-UNL in June 1994. Supervised by José Mattoso, it takes in such historiographical heavyweights as Sérgio Bertelli or Werner Paravicini, or more remotely, Ernst H. Kantorowicz (1895-1963), Percy E. Schramm (1894-1970) or, naturally, Norbert Elias (1897-1990), together with the anthropology of Arthur Hocart (1883-1939), Clifford Geertz (1926-2006) and Luc de Heusch. There are a total five chapters, including the initial “enunciar o problema” (stating the problem) of the Court¹²⁶, viewing it as a *social milieu* where individuals and groups developed distinct roles and functions and where *creation* and *service* took place – to the end of raising the problem of the court’s plurality¹²⁷. The last two chapters deal with the “Corte e Espaço”¹²⁸ – which covers the issue of itinerancy and royal residences – and the “Os Tempos da Corte”¹²⁹ – where “usos e cerimoniais”, “grandes cerimónias”, “o quotidiano” and “ritos ocasionais” are dealt with. It is not a particularly scholarly work – the periodisation is somewhat fluid – namely as regards the “*terminus ante quo*” – and the claimed prosopography is too implicit. Yet it was undoubtedly one of the great theses of the 90s due to the array of references and the freshness of the topic. Were it not for the fact that it has unfortunately never been re-published, except for the English version¹³⁰, it could well be having a different impact on our medievalism. This is not helped by the fact that its author later settled in the United States of America¹³¹, yet she reappears from time to time... as with the biography of King Fernando, which we shall refer to later.

Obviously the issue of *realities* vs. *images* features heavily in the *neo-biographism* that has affected medievalist historiography in our country and, in particular, the monographs dedicated to our monarchs: here I refer to the collection of biographies published by the Círculo de Leitores and by Temas & Debates. Despite the formatting requirements that the academic editors sought to impose on all the volumes, each has ended up being *a special case*... so what are the highlights, from the perspective of present, of the biographies of the monarchs from our late Middle Ages? Clearly, there are some volumes that provide a synthesis of questions in the life of a King and his epoch, while in others the author’s previous research is visibly

¹²⁵ Publ.: GOMES, Rita Costa, *A Corte dos Reis de Portugal no final da Idade Média*, Lisbon, Difel, 1995; English version: *The Making of a Court Society. Kings and Nobles in Late Medieval Portugal*, Cambridge, Cambridge University Press, 2003. See also GOMES, Rita Costa, and SABATIER, Gérard (coords.), *Lugares de poder. Europa, séculos XV a XX / Lieux de pouvoir. Europe, XVe-XXe siècles / Places of power. Europe, 15th to 20th centuries*, Lisbon, FCG / ACARTE, 1998.

¹²⁶ GOMES, Rita Costa, *A Corte dos Reis de Portugal no final da Idade Média*..., pp. 7 ff.

¹²⁷ EADEM, *ibid.*, pp. 220 ff.

¹²⁸ EADEM, *ibid.*, pp. 241 ff.

¹²⁹ EADEM, *ibid.*, pp. 295 ff.

¹³⁰ See *supra*, footnote 117.

¹³¹ She is currently a professor at Towson University, Maryland, USA.

on offer. In yet others, we see the predominance of the royal *memory*, as constructed by the chroniclers' discourse. Let us take a short stroll through the works of interest as seen from the perspective I have adopted in this section:

I have already had the opportunity to emphasise the “*sui generis*” *historiographical wealth* on King Dinis¹³². The volume that is dedicated to him here¹³³ almost deserves the happy alias of “Manueline”¹³⁴: over four sections, divided into fourteen chapters in total, the author makes use of a restrained *narrativism* and broaches practically all the striking aspects of the history of power in the Portugal of King Dinis – e.g. the *Cúria Régia*¹³⁵, legislation¹³⁶ or the aristocracy control policy¹³⁷. In addition to all this, the level of attention given to the history of historiography¹³⁸ is far from the norm in the medieval volumes in the collection.

Next in line, the *Afonso IV* in this collection¹³⁹ is essentially built around the images his chronicler – of *Crónica de 1419*, *Crónica Geral de Espanha*, *Crónica dos Sete Primeiros Reis de Portugal* and occasionally the *Monarquia Lusitana* fame – left us. Hence the entire first chapter, “História e estórias de D. Afonso IV”¹⁴⁰; and thus the entire focus is on a series of events that have long been inculcated in my generation – which is not that far-removed from that of the author – from primary school days: the “infante rebelde”, the king who “chega ao trono e ajusta contas”, “Inês, a Castro”, “A Batalha do Salado” or the “O mar aqui tão perto...”¹⁴¹. Clearly, there is also a very worthwhile chapter on “Reforço do poder régio: justiça e administração”¹⁴², where aspects that are very relevant to the institutional realities of Afonsine power are described – very worthwhile therefore, but nevertheless still lacking in terms of *this* King Afonso IV, without failing to confirm the undisputed worth of the historian, showing us the *statesman*, the legislator, the creator and reformer of offices and services in the scope of superior justice and bureaucracy, which as such owed nothing to King Dinis or King Duarte; yet the author chose differently.

¹³² Cf. the study cit. *supra*, footnote 93.

¹³³ SOTTOMAYOR-PIZARRO, José Augusto de, *D. Dinis*, Rio de Mouro, Círculo de Leitores, 2005.

¹³⁴ The author already has a wealth of previous experience of research on the nobility in the time of King Dinis.

¹³⁵ IDEM, *ibid.*, pp. 67 ff.

¹³⁶ IDEM, *ibid.*, pp. 90 ff., 134 ff., 175 ff. and 188 ff.

¹³⁷ IDEM, *ibid.*, pp. 93 ff. and 139 ff.

¹³⁸ IDEM, *ibid.*, more specifically the initial chapter (“D. Dinis na Historiografia”), pp. 11 ff.

¹³⁹ SOUSA, Bernardo Vasconcelos e, *D. Afonso IV (1291-1357)*, Rio de Mouro, Círculo de Leitores, 2005.

¹⁴⁰ IDEM, *ibid.*, pp. 9 ff.

¹⁴¹ IDEM, *ibid.*, pp. 32 ff., 63 ff., 159 ff., 210 ff. and 220 ff.

¹⁴² IDEM, *ibid.*, chap. 5, pp. 73 ff.

Fair enough, it is part of the unquestionable freedom of a historiographical creator...

Rita Costa Gomes' *D. Fernando*¹⁴³ virtually qualifies as a *special work* in this collection. She structures the work in two parts: "Vida de D. Fernando"¹⁴⁴ and "Anexo: materiais e bibliografia crítica". Whereas the eleven chapters as a whole and the epilogue that make up the expository part of the text boast a narrative structure, with titles that are, not unusually, period expressions ("um mundo novo muito contrário ao primeiro", "Ninguém tem ódio à sua própria carne", "Mancebo valente, ledo e namorado", "Ela era lavrador de Vénus..."...), in the sections comprising the annex, we see the "esboço de uma mitografia do personagem" and a section on "Leituras actuais sobre o rei e a época". In other words, as if there were any doubts, scholarship is present here, including knowledge of – and quotation from – an up-to-date bibliography. By way of conclusion, perhaps we could call this a wisely post-modern book.

The book on King João I¹⁴⁵ is one of the outstanding volumes in this collection. The author gives one of her greatest performances of recent times, although perhaps she is guilty of excess of narrative in the first two chapters ("Por entre conturbados tempos" and "Da legitimação à acção") and in part of the fourth ("Rumos da governança"). However, in compensation, the three sections dedicated to the court¹⁴⁶ in the third chapter ("Linhagem e corte") or the topic on representation of the past in chapter five ("Memória e propaganda") are equal to the best work the author has produced, sagely balancing her own thoughts against those of others – this is not always the case as regards the latter... She invariably draws on them and uses them with the greatest degree of thoroughness possible. On balance, this *D. João I* stands, in our current historiography, as the *complete* approach on a king and a period that they already deserved.

¹⁴³ GOMES, Rita Costa, *D. Fernando*, Mem Martins, Círculo de Leitores, 2005.

¹⁴⁴ EADEM, *ibid.*, pp. 17 ff.

¹⁴⁵ COELHO, Maria Helena da Cruz, *D. João I: o que re-colheu Boa Memória*, Rio de Mouro, Círculo de Leitores, 2005.

¹⁴⁶ In order, "um espaço de domesticidade", "entre o quotidiano e o festivo", and "um lugar e um órgão de governo".

The subtitle to the volume on King Duarte¹⁴⁷ is like a *study programme* and a list of the views taken by the author, who in chapter two dedicates around twenty pages to “D. Duarte na história: a sombra de Oliveira Martins”. This is exactly the point – nineteenth-century historiography casts a shadow, one that has persisted longer than the way history was *done* in the twentieth century and is still around even at the dawn of this century, by means of the “depressão” (chap. 7), the situation of a prince who also governs, yet for a long time “sem coroa” (chap. 6) or “Tânger, 1437” (chap. 16). In addition, the writing flows well and easily draws in lay readers, with titles whose effect is sometimes pleasing: e.g. “Agora e na hora da nossa morte” (chap. 17) and “Notas para um sermão nas exéquias de D. Duarte” (chap. 18). Perhaps this is – and it would be interesting to find out – one of the volumes with the greatest potential for success among the reading public. However, where are here the *Philosopher King*, the *Statesman King*, the legislator and reformer of legislation, the author of the *Livro da Cartuxa* and the author of the index of *Ordenações del-Rei Dom Duarte*?

Lastly, Saul António Gomes’ *D. Afonso V*¹⁴⁸ is a sensible and balanced book, albeit eclectic to a certain extent, without any clear connotations from the *schools*. It opens with a good chapter called “Configurações de um rei”¹⁴⁹, takes in “projeções e composições histórico-artísticas de Afonso V”¹⁵⁰ and rounds off with twentieth-century historiography¹⁵¹. Halfway through it deals with “o labéu da memória historiográfica do quinto Afonso”¹⁵². There are two political-factual chapters¹⁵³ detailing “O Estado, a Corte e os súbditos”¹⁵⁴, which deal with “Administração pública e fiscal”¹⁵⁵, “A casa do rei”¹⁵⁶ and, successively, “o Rei e o clero, a nobreza e o povo”¹⁵⁷. The volume ends with suggestive chapters

¹⁴⁷ DUARTE, Luís Miguel, *D. Duarte: requiem por um Rei triste*, 2nd ed., Rio de Mouro, Temas & Debates, 2007.

¹⁴⁸ GOMES, Saul António, *D. Afonso V, o Africano...*

¹⁴⁹ IDEM, *ibid.*, pp. 7 ff.

¹⁵⁰ IDEM, *ibid.*, pp. 8 ff.

¹⁵¹ IDEM, *ibid.*, pp. 25 ff.

¹⁵² IDEM, *ibid.*, pp. 14 ff.

¹⁵³ IDEM, *ibid.*, pp. 32 ff. and 132 ff.

¹⁵⁴ IDEM, *ibid.*, pp. 109 ff.

¹⁵⁵ IDEM, *ibid.*, pp. 119 ff.

¹⁵⁶ IDEM, *ibid.*, pp. 126 ff.

¹⁵⁷ IDEM, *ibid.*, pp. 127 ff.

“Os dias do fim” and “Memória e imagens”¹⁵⁸, where *inter alia*, the “Insignias de D. Afonso V” and the monarch’s “diversas tumulações”¹⁵⁹. I believe this list itself speaks enough to justify the epithets of *sensible*, *balanced* and *eclectic*, my opening salvoes with which I labelled this piece of work by the author in a collection in which not all the volumes can boast such qualities.

As is patently clear, the “life histories” of the other monarchs from the period 1279-1521 are not covered in the survey I have undertaken here.

Oporto, 21 December, 2010

¹⁵⁸ IDEM, *ibid.*, pp. 242 ff. and 273 ff.

¹⁵⁹ IDEM, *ibid.*, pp. 273 ff. and 280 ff.