

The political concept of people in the Independence period: history and time in the political debate (1820-1823)

O conceito político de povo no período da Independência: história e tempo no debate político (1820-1823)

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RESUMO

O artigo investiga a utilização do conceito político de povo pelos principais grupos em disputa no período da Independência brasileira, ressaltando seu vínculo entre a linguagem política e determinadas experiências e construções do tempo próprios do momento. Acreditamos que a abordagem da história dos conceitos políticos tem muito a oferecer, tanto para a historiografia sobre o período, quanto para o campo da história da historiografia brasileira. A linguagem política e as experiências do tempo nela contidas são fundamentais para a compreensão dos principais conflitos políticos e sociais do período e para o entendimento mais aprofundado da forma como a sociedade vivenciava e pensava a história. Palavras-chave: povo; independência; conceitos políticos.

ABSTRACT

This paper investigates the uses of the political concept of *people* by the main rival political groups in during the Brazilian independence period, emphasizing its connection with certain experiences and discursive constructions of that time. We believe this approach to the history of political concepts has much to offer in two areas: for the historiography of the period of Brazilian independence, and for the history of Brazilian historiography. Knowing political language and experiences of time is fundamental to understand the political and social conflicts of the period and the way society experienced and thought about its history. Keywords: people; independence; political concepts.

In this article we propose to investigate the uses of the political concept of *people* in Brazil between 1820 and 1823 based on periodicals from that period. Structuring the thought and the political actions of the modern world, the political concept of people, as well as of the nation, was at the center of the principal disputes related to the process of Brazilian political independence.

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Since politics is a privileged place for societies to think about themselves, about their past, and their projections for the future, the investigation of the history of the uses of political concepts can reveal important aspects about the historiography of Brazilian independence. The history of Brazilian historiography has much to gain from the investigation of the forms of perceiving, experimenting, and conceptualizing historic time under the auspices of political debate relatively removed from academia and institutions dedicated to producing history. We believe that the historic discourse, far from being a construction of historians in their various degrees of professionalization, participates in the way that societies and their political interest groups construct their identities and guide their projects and actions based on visions of the past, the future, and historical continuity.

The 1820 Constitutionalist Revolution in Portugal stimulated on both sides of the Atlantic the definite entrance of the concept of 'people' into the political debate. Meanings and uses lost their relative solidity, characteristic of an *Ancien Regime* society, becoming instead an enigma to be resolved and a point of conflict, to the extent that the question of the sovereignty of the people-nation and its effective practice was placed on the agenda of the day. The concept which had previously been much used in the plural – peoples – began to appear more frequently in the political debate in its singular form, since now the multitude of the people were treated as the totality of the nation. In this transformation, the question of the historical opening of political language was central. The concept of people in the political process unleashed in the context of the 1820s is the theme of this article.

In the attempt to understand this ascension of people as a capital political concept in public life, we propose a general vision of how it appeared and how it was used during the explosion of periodicals and pamphlets published after the first reports of the constitutionalist movement in the metropole. Given the political transformations, it was necessary, in the view of the various groups which adhered to the movement, to prepare the Portuguese living in Brazil to participate in the new constitutional monarchist system. The new periodicals used political pedagogy, seeking to clarify the concepts which were flourishing in the new times. Above all, it was necessary to elucidate the new meanings that traditional terms, such as 'cortes', 'sovereignty', 'constitution,' 'citizen,' and 'people,' amongst others, had come to have in the new order. Politics became an arena of debates in which the meanings of concepts were important weapons.

THE POLITICAL CONCEPT OF THE PEOPLE IN VINTISMO AND THE IDEA OF 'REGENERATION'

The 1820 Revolution condensed all the dissatisfaction in Portugal caused by the loss of the seat of the monarchy in 1808 and the ending of the exclusivity of trade with Brazil. Generally speaking, in the view of contemporaries, it was the moment of updating the traditional pact between the people – or peoples – and the king, which was no long understood as a group of vassals or subjects, but in many cases as a citizen people, the origin and place of sovereignty, which was expressed in a constitutional text written by their legitimate representatives. These events were usually seen not exactly as a novelty, but as “the restitution of their old healthy institutions, corrected and applied according to the lights of the century ... the restitution of the inalienable rights granted by nature to all peoples.”¹ The movement was not perceived as a ‘revolution’ which created the sovereignty of the people or the nation through a rupture with the past: the lack of use of this designation, when compared to ‘regeneration,’ indicates that for the adepts of the new constitutionalism what was involved was returning to the people their old and customary liberties, which they had always enjoyed in the history of the kingdom of Portugal, but which had been usurped by despotism, the fruit of ignorance, superstition, and brute force. In the kingdom of Brazil it was no different. This topic was well expressed in the pamphlet entitled *Dialogo entre o Corcunda Abatido e o Constitucional Exaltado* (Dialogue between the Depressed Hunchback and the Exalted Constitutionalist) in 1821. In the words of the ‘constitutional’ character in the dialogue, “the Portuguese Monarchy was always Democratic, and since the People always were, and still are very humble, they let their rights be alienated, which the king running picked up the reins” (Diálogo..., 1821, p.5).

Regeneration also signified the return of the rights which naturally belonged to peoples, according to enlightened natural law theories and the examples given by the Atlantic revolutions. The past was at the same time denied and returned to: going back to a past of liberty and at the same time denying a period of oppression and despotism, in which natural rights had been forgotten. It involved a fundamental return to a state of respect for the principals of human nature and reasons. The mythical *Cortes* of Lamego and the royal acclamation on the field of Ourique in the sixteenth century, foundational moments for the kingdom, were considered a golden era of the Portuguese past in which imprescriptible natural rights of people were shown in all their plentitude, before being obliterated by the degrading action of time. The *Cortes*

would reestablish the old “Fundamental Laws of the Monarchy” which had previously guaranteed the rights of citizens, in a way which signified ‘political regeneration.’²

Reason dictates that the people had natural rights, uniting in political practice the traditional principles of customary law with a medieval origin – the ‘rights of peoples’ – and enlightened eighteenth century discourse. The constitutionalist revolution was responsible for updating an eternal principle of nature, in such a way that the conception of the ‘past’ and temporality contained in the idea of ‘regeneration’ had a different meaning from what they would gain in the final decades of the nineteenth century. This did not involve going back to a precise moment of history or epoch, but rather to revive a principle inscribed in the eternal nature of man. Historic interest in that moment was more defined by the ‘updating’ than by the reconstruction of the past. Not everything in the latter was of interest, but only its eternal fundamental principles and truths (Araujo, 2008).

An opinion that was current in the periodicals that circulated during the constitutional movement in Rio de Janeiro was that the Portuguese people were awakening “from a profound lethargy in which they had been for so many years...”³ The *Cortes* were considered the traditional instrument of the people for this purpose, as shown by the historic examples in which they had acted decisively at different moments of history, such as in Lamego and the 1641 Restoration, which freed the kingdom from Spanish dominion. On 15 October 1821 *Revérbero Constitucional Fluminense* stated the following about the 1820s *Cortes*:

The wise and magnanimous National Congress, meeting in Lisbon, like the Courageous and Prudent men of Ourique in the illustrious city of Lamego, have shown in the astounding Regeneration of the Monarchy, the same Heroism, which is admired in its wondrous foundation. They have restored the National Character to its primitive splendor, dissipating the darkness, which had buried it in the most harmful forgetfulness.⁴

This question of the return to the primitive sovereignty of the people-nation, allowed by the resumption of the lights of reason after a long period of blind ‘obedience’ to despotism, was well explained in one pamphlet:

A slow reaction against coercive power, the diffusion of enlightenment, the same political convulsions, will raise the peoples to the just knowledge of the arbitrary abuses of government to say to them: anyone who does not want to turn against

themselves should not revolt against reason, against justice, against the Laws, and against humanity: you have offended the physical and moral faculties of man; you have slept deeply over the old error of our habitual obedience; but awaken, because the light of the governed will illuminate the governing never to command again unless it is just and good – With this cry a Nation will retake its primitive sovereignty... (Constituição..., 1821)

Two principal groups were defined by the events of 1821 and 1822, demonstrating divergent understandings about the place of the people in the political system to be adopted. The concept of people thus had distinct uses, a difference which widened as the *Cortes* of Lisbon radicalized their recolonizing posture with the demand for the return of d. Pedro, and the need for political representation in Brazil made itself felt more clearly. Initially, the repercussion of events in Lisbon in Brazil were restricted to the court elite based in Rio de Janeiro, who were divided between the supporters for the return of the king to counter the revolutionary excesses of the movement and those who supported the permanence of the king in Brazil as a way of not curving to *vintismo* and maintaining in Brazil the capital of the Great Luso-Brazilian Empire. Later, with the diffusion through the provinces of the success of the constitutional movement on the old continent, many declared themselves separate from the government of Rio de Janeiro and supportive of the ‘cause of Portugal,’ preparing to elect their representatives. First was Pará, followed by Bahia, and afterwards by various others.

The movement erupted in Rio de Janeiro after the decree of 18 February 1821, inspired by the royal councilor Vila Nova Portugal, ordered the return of Prince d. Pedro to Portugal, followed by the convocation of certain persons to write a constitution for Brazil. This attitude appeared to those political groups who supported the *Cortes* as an attempt by the absolutist forces of the government to prevent Brazil from adhering to the revolution. At this point interest groups in Rio began to combine more clearly and to formulate in the public scenario their diverse political conceptions.

THE LIBERAL MONARCHICAL CONCEPT OF THE PEOPLE AND THE DIALOGUE WITH THE LUSO-BRAZILIAN POLITICAL TRADITION

This approach was characterized by its close connection with the government. It sought to push the constitutionalist movement in Brazil in the direction it wanted: it was believed that it was necessary to make the monarchical

principle of the relations between the king and his people compatible with the principle of the sovereignty of a people or nation to prevent new disturbances. The idea that the people or the nation were sovereign had to be clearly compatible with the idea of royal sovereignty. With a few differences these concepts were defended by men linked to political power who had based in Brazil since 1808, such as the José Bonifácio and the Conde of Palmela, Silvestre Pinheiro Ferreira. They were adepts of liberal reforms of the state, accepting the existence of a constitution, but they were opposed to the direction taken by the Constitutionalist Revolution in Portugal. The Constitution was seen as the result of a contract between the people and the king, and not an act of the people by themselves. For the Conde of Palmela, the constitutionalist revolution was not to be understood as an act in which the “nation radically assumed the exercise of sovereignty,” but only as the renovation of the social pact which had historically existed between the monarch and the nation (Barreto, 1973). His political liberalism did not signify the generalization of the political participation of the people, but rather the rational ordering of power to avoid despotism.

The 1820s movement was seen fundamentally as an attempt to return to the ancient good relations between the king and his peoples, eclipsed by ‘despotism’ caused principally by the pernicious actions of public officials and ministers. King and people were both seen as sovereign and continued to be, as in the Portuguese tradition, the two fundamental pillars of the political system. The nation consisted of these two basic elements, king and people:

the rights which the peoples have now reacquired had been usurped, not by the sovereign, but by public officials of various categories, who transcending the sphere assigned to them in the social system in the particular function of their ministry, had afterwards reduced the people to an absolute nullity a large part of which had already been eclipsed by the splendor of His Majesty. Thereby, these giants are reduced to ordinary size, and only the nation should appear great in the eyes of the world, which consists of two distinct, but essential, parts, which are the king and the people, and if the people are sovereign, the king who is the leader of the people will be the sovereign of the sovereign, thereby growing both in dignity and respect the more the people enlarge their prerogatives.⁵

The sovereignty of the people, thus, did not completely eliminate the fundamental place of the king and the type of relations which he was traditionally expected to have with his people: he continued to be “the head and the essential

part of this moral body,”⁶ as the social body had been conceived in the Portuguese tradition. The Bahian periodical *O bem da ordem* demanded that the king continue to be a “father in the middle of his children,” widely accessible to the demands of his peoples. Respect and love remained the fulcrum of this relationship, and the royal duty was the cultivate social harmony by administering justice, in other words maintaining “merit rewarded, the rich in the enjoyment of their goods, and the poor protected from the pretensions of the rich.”⁷ According to *O Espelho*, the Constitution to be written in Lisbon was not “an act of hostility,” but “an act of union” which established the “reciprocal relations of the Monarch and the People,” and which indicated for them “the means to sustain themselves, to support themselves, and to mutually help each other.”⁸ This was a citation of Benjamin Constant much in vogue in 1820s newspapers.

In the middle of a climate of transformation, the political language revealed clear elements of the Portuguese *Ancien Regime* world revised by authors of nineteenth century thought, such as Benjamin Constant and François Guizot, amongst others. In this type of constitutionalism, the ‘people’ appeared as an entity dependent on the relationship with the king. King and people – or peoples – were still the component parts of a harmonious and cohesive whole.

The constitutional monarchy and the union of the people and sovereign were the theme of discourse. Constitutionalism was seen as a concession, rather than a conquest of an active and sovereign people. The movement was, at least as a political strategy, dependent on the sanction of the monarchy. And to the contrary of a rupture with the latter, its re-foundation and reconciliation with the people was proposed through a new pact. A common theme in Brazilian periodicals was praise for the sovereign d. João VI for having accepted the constitutional movement at its very beginnings, revealing his disposition to return to the ancient integration with his people:

A sovereign, who until them had known no limits to his authority, since he had never transposed just targets, to deliver to the hands of his People this power which his Illustrious Predecessors had enjoyed, to receive this back restricted, now consolidated by a new social pact, this is a phenomenon since there have been societies, since there have been kings! [The Social Pact establishes the] reciprocal duties of the Sovereign with this peoples, and of the latter with his majesty.⁹

However, the supporters of this vision knew that the current *Cortes* had another nature, and that the place and the character of the peoples represented

in it were also different. It is known that the *Cortes* convoked in 1821 were not merely consultative, as in the *Ancien Regime*, but sovereign, in other words it had deliberative, legislative, and constituent powers. An infinity of pamphlets and periodicals linked to the Crown and to the bureaucracy emerged which were concerned with clarifying this difference. The new principles of constitutional monarchy had to be disseminated. The texts tried to show that although they had had a decisive role in various moments of Portuguese history, most of the time the *Cortes* were impotent and not sovereign, depending on the will and the judgment of the sovereign to be convened and maintained. Now it was known that the *Cortes* would be permanent and sovereign and would have representatives from all of the people, as the Bahian periodical highlighted:

What difference is there between the old *Cortes* and those now summoned? It is that now only a certain part of the nation has not been arbitrarily summoned, but rather all the people have helped to nominate subjects to represent them, giving them the sovereign power which resides in the nation, so that they establish which is best suited to the public good.¹⁰

Constitutionalism, however, was seen more as a brake on despotism than as an active form of consecrating the sovereign people. The fourth number of the periodical, *O Bem da Ordem*, dealing with the ongoing transformations, explained to readers the origin of despotism in the Portuguese world. It gave three explanations for the origin of societies: original fear and consequent need to associate; the strength of the strongest making men submit; paternal authority naturally developing around the family group and extending throughout the social whole. Portuguese society was, according to the writer, traditionally similar to this primitive patriarchal system, since due to the small size of the territory, the sovereign could personally “hear the representations of his Peoples and administer justice to them.”¹¹ However, after the expansion caused by the great discoveries and colonizations, the king had to delegate to ministers the power of governing in his name, with the abuses and injustices committed by them being the cause of despotism. The need for the constitution arose out of this subversion of a traditional nature which governed the relations between peoples and king, which made “the peoples more cautious about their conservation.”¹²

In this type of 1820s constitutionalism, the imperatives of order and harmony imposed the control and vigilance of the monarch over popular

sovereignty and its representation, although this was indispensable. In other words, sovereignty was divided between the people in an Assembly and the king. The monarch and the monarchy were seen as elements which were in the origin, formation, and historic constitution of peoples, in such a way that the sovereignty of the people were not seen as separate from or opposed to that of the monarch. To the contrary, without the king, the people were nothing else other than a shapeless and disorganized mass, not constituting an organic developed totality, an idea present in various authors such as Hobbes and Hegel, returned to by the liberalism of that time. The existence of the monarch was thereby essential for the actual existence of the sovereignty of the people. As a result the historic rights of the monarch transmitted by inheritance had to be recognized.

Royal policy was not seen as the application of abstract theories or based only on human nature in the social contract which gave rise to society. Like Burke, Benjamin Constant and the 'doctrinaire' liberals of the nineteenth century, the supporters of this type of constitutionalism distrusted abstract or metaphysical theories and were concerned with the real mechanisms of the construction of a modern and liberal state. The heirs of the *Pombalino* and Marian enlightened absolutism, they judged that it was necessary to look to the historic reality and recognize the civilizational status of the people which governments and political systems were aimed at. They believed that since the people were not prepared to govern in accordance with their rational diagnoses, the state was responsible for administering public business.

This approach appeared in various official publications, such as the *Regulador Brasilico-Luso*, which after Independence was called *Regulador Brasileiro*. It labelled as metaphysical and utopian the intentions of those who supposedly wanted to change the form of government in Brazil and proposed to look at the real and current circumstances of the Brazilian people. Citing Rousseau, it argued that Republican government would be the most perfect form for Brazil if it was made up of a "People of Gods,"¹³ which occurred, however, nowhere in the universe. Alluding to various examples of from the Roman Republic and Revolutionary France, it concluded that revolutions always brought harm to the people, and that the latter were never in any place prepared for a system of government different from the one in which they were educated and used to. The political sociology of Montesquieu was constantly evoked, as in this passage in which advice is given to Brazilian deputies in the *Cortes*:

It is therefore necessary that the Deputies have a just idea of the State of the Nation, in order to take the measures which are most convenient: it is necessary that they know the progress that has been made, and what has to be made: what is good in the nation and what is still defective: without this prior knowledge the Representatives will be led to hazard ... They have decided to work with much wisdom, imitating the conduct of peoples with more able reputations, without remembering that these regulations, what can be healthy the one nation can be pernicious to another.¹⁴

In relation to the question of the veto and the royal sanction of the acts of the legislative power, a problem which formed the core of one of the greatest political debates in the Empire, the same concept was deployed. For reasons of justice the king had the right to examine “the compatibility or incompatibility of laws with the ‘circumstances of peoples,’ a fundamental right which monarchies could not strip of by any convention...”¹⁵

From this perspective, it was necessary to look at the current state of the people and their character to find the laws and political system suitable for it. It was a form of political thought which was intended to be open to the course of time, historical change, and the present reality. Nevertheless, we have to specify what this motto means from the point of view of the question we propose: the relationship between the concept of the people and historic temporality. In this context, the proposed stages of civilization through which people passed were seen not as a historic march towards the future, but as the return of reason itself, leaving a past in which it had been subsumed by ignorance and superstition. The human race was “marching towards the epoch of its civilization,” a process in which “reason raised its voice, and apart from the equilibrium which moderated it, thereby facing proscriptions and death to achieve the triumph over its oppressor.”¹⁶ Although it was universal, this movement followed different rhythms among different peoples: “later in the peoples of the East than us of mid-day and the West,” thus, there was a need to look for a political and legal system suited to this diversity.

In Brazil this movement towards civilization was seen as incipient, in such a way that the guarantees offered by the constitutional monarchical government were even more necessary. Furthermore, the ‘character of the people’ was assessed as being historically susceptible to this form of government, under the leadership of d. Pedro, always praised as a sovereign with a just and liberal spirit who knew how to listen to the clamor of his peoples, willingly accepting constitutionalism. From this perspective, Brazil had a “people, whose character

is always firm, always political, always decided in favor of the cause of Constitutional Monarchy, which is the true and only cause of Brazil, from which national safety and security had to develop.”¹⁷

This type of *vintista* political liberalism was politically dominant throughout the constitutional movement in the process of independence and the ‘*Primeiro Reinado*’ (the First Empire). It provided the tone for the constitutional monarchical system adopted in the Brazilian Empire, in which the people-nation shared sovereignty with the king. In this concept the Portuguese monarchical tradition, as well as the sociological conscience inherited from *Pombalino* scientificism, were reconnected to the new constitutional ideal, with the purpose of breaking its possible democratic and republican tendencies and to guide the direction of the country from the top down.

ANOTHER CONCEPT OF PEOPLE: REASON, INSURRECTION AND ‘GENERAL WILL’

More removed from the bureaucratic and political sphere around the king in the court, another group fought for political ascension and more wide-ranging liberal measures. This was the principal perspective of the supporters of constitutionalism as proposed in the Porto Revolution. Initially, they demanded the return of d. João to Lisbon, as the *Cortes* wanted, and for the continuation of the connection with revolutionary Portugal to remove economic power from the controllers of the Rio de Janeiro market and public positions. Of these the most important newspapers were *Revérbero Constitucional Fluminense*, *Correio do Rio de Janeiro* and *A Malagueta*, amongst others.

This type of *vintista* constitutionalism had a greater propensity to radicalize its discourse, moving away from the old ideas of relations between peoples and the monarch, such as the generous father of the people who administered them justice. ‘Liberty,’ the ‘right of people to resistance,’ as well as the ‘general will’ and sovereignty of the people were constantly demanded and associated with the concept of the people. From this perspective, reason dictated that men in society had essential natural rights which were translated into political participation. Those who exercised these rights “form a free People: subjects who do not exercise them are no more than a troop of men, or slaves, or deceived persons.”¹⁸ For this constitutionalist group, the people were an independent set of rational men with natural rights who created a political pact expressed

in a Constitution. Inspiration came, amongst other things, from Classical Antiquity, seen as the moment in history when natural rights were fully achieved and recognized. *Revérbero* showed this when it asked:

– *what is a people?* – *Ah!* We can already answer that their Rights come from God and that those of Governments come from Peoples; this doctrine is not that of the *impious persons from France*, but rather of the great Philosophers who seriously studied the nature of men; it is not modern, as the lovers of *Servility* allege; Socrates said: “the true Monarch governs Peoples, who freely give him their obedience; the Tyrant is the one who makes them obey; one implements the Law, the other only implements their will.”¹⁹

The people appear as a force detached from the royal figure, they are only linked to the king by their will, by the utility of their welfare,²⁰ or by forced subjection and not by an obligation based on the past or tradition. Peoples had existed before and independently of the constituted governments and the law, and they could choose by whom and how they are governed. Discussing what is the ‘Constitution of a people,’ it is explained that for this to be produced,

it is necessary that the People exist and are constituted before organizing themselves; that men become Citizens in a pact before becoming subjects through a Law: finally, it is necessary that a permanent and immutable Convention assures all Members of the political body the exercise of their essential rights, before they were able. entering this exercise, determining by instructions, the various and consenting relations.²¹

An 1821 pamphlet speculated about the anteriority of the existence of the people and their consequent sovereign and original power in relation to royal power. The citation reproduced below sought to disconnect the concept of People from the traditional monarchical idea of royal paternalism, which united indissolubly ‘the king and his people.’ In a fictitious dialogue between the ‘Constitution’ and ‘despotism,’ a formula much used at the moment, the former questioned:

And I say to you: Who existed first, the people or the King? The people: and if by chance we do not imagine how the Peruvians, which a privileged man, and from other materials came down from the Heavens to rule over the other men, we have to conceive that it was the people, or the Nation who decorated one of its members with the dignity of Leader or King; It thus gave him the power, and It can

reduce it, as seems fair ... thus the King is not the Lord, nor is he the Father, but rather the Leader, the first magistrate of the Republic. And what was the purpose that the peoples had when they appointed among themselves a Citizen to this supreme magistracy? No other thing could assure in this way their felicity. (Diálogo..., 1821, p.3)

Developing this argument, the Constitution should not be simply understood as a pact between the people and the king, 'their leader,' since a contract supposed that a judge could resolve it in the case of contestation by one of the parties. Nevertheless, as the *Revérbero* argued, "between the People and their Leader, there could be no Judge, and as a result no contract; since at least one of the parties could annul it at any moment."²² The Constitution was thus the fruit not of a contract between the people and the king, but of a pact, which had been made voluntarily between men in free association presided by the presence of the royal figure.

The newspapers which adopted this perspective, however, did not extend their arguments towards an explicit defense of the republican form of government, as their proposals seemed to indicate. The anti-monarchical republican idea appeared little in Luso-Brazilian political debate at this moment. Even men with even more radical tendencies than those involved in *Revérbero*, such as João Soares Lisboa, creator of *Correio do Rio de Janeiro*, did not explicitly define themselves as republicans. According to Renato Lopes Leite, the word 'republic' was rare at the beginning of the struggle for Independence. There are two connected reasons for this. On the one hand, the word was proscribed, which subjected those who used it to persecution and censorship on the part of the Crown. Republicanism at that time was different from the one that emerged in the twentieth century. The republican tradition in which the *vin-tistas* of *Revérbero* and *Malagueta* participated – and which to a certain extent the 1789 conspirators and the 1817 revolutionaries also drew on – was inspired by the classical Roman republic. It principally involved the "equalitarian, ethical, cultural, and anti-hierarchical ideas" (Leite, 2000) of the enlightenment philosophers of the American and French revolution which was expressed above all in the defense of the Constitution and the representation in the Empire of law of civic virtue, elements which at a first moment were linked with the monarchical form of government. It is for these reasons that Brazilian 'republicans' were able to support the constitutional monarchy in 1822. However, during the 1820s, republicanism became radicalized, beginning to

oppose ever more openly the monarchy, something which was clearly expressed at the time of the abdication of the first emperor.

Although very much a minority at this time, republicanism was already present in the Court and the principal cities of the provinces, though it is coherent to believe that the strong repression made the flaunting of their positions in the public scenario unwise, so that acceptance of constitutional monarchy was possible. At stake was a concept more distant from the monarchical tradition, which transubstantiated directly the natural rights of peoples into political rights of political participation and representation, the right to insurrection and self-government.

The question of the evaluation of the civilizational stage of the people and the suitability of their political system was much less mentioned and even directly questioned in this question of constitutionalism. A *Malagueta* of 13 April 1822 questioned the application of the political sociology of Montesquieu to support the choice of government appropriate to Brazil, so discussed in the period. The socio-historic determinism was inverted so that peoples came to have an obligation to adapt themselves to liberty, under the penalty of being considered unworthy:

If by chance we want to ask ourselves: *La liberté n'étant pas un fruit de tout les pays, n'est pas à la portée de tous les peuples?* But no; our case does not suit Montesquieu, and I translated the sentence as follows – the Kings and the Peoples who do not accept that liberty can be transplanted with good faith to all countries, the former are unworthy of being kings and the latter of being free, and both will have to be miserable.²³

The question of the civilizational of social state of the people is still analyzed, but much less often, and in a way that is very different from the perspective expressed in the constitutionalist approach analyzed initially. In this type of monarchical constitutionalism it was believed that the people had the capacity to adapt themselves to form of government considered most rational, which put them in opposition to the sociological conception of people expressed by the previously analyzed perspective, which was invariably concluded with their political incapacity and incivility. The concept tended to remain theoretical and abstract, signifying fundamentally a set of men with natural rights which are translated directly into new political institutions: a monarchy stripped of what was considered its great prerogatives, such as the right to veto and royal

sanction of acts of the legislature. The people were seen as the only sovereigns, the center of the political system.

FINAL CONSIDERATIONS

The process of political independence was remodeled around a political concept of the people to a great extent characterized by stability, lack of historical depth and a procedural nature. Natural rights, rational human nature, and the concept of the social contract were the semantic background to the use of the concept. The idea of 'regeneration' was added to this basic meaning: *vint-ista* constitutionalism was a forum to promote the return of the people to their true nature, making the political reality coincide with natural rights. This involved a march of the human race to the "epoch of its civilization," a process in which the "light of Reason comes with everything despite the strength of prejudices to make the shadows of deceit and illusion fade, and to truth to fully triumph, which had laid unknown" (Diálogo..., 1821, p.4).

A confrontation between the two approaches can be perceived: the first defended a type of understanding of a more 'democratic' political approach, in other words with the broader and direct participation of the people. The people were understood as a set of individuals with natural rights translated into institutions: a Constituent Assembly and a legislature which consubstantiated the contract arising out of the free choice of individuals, in other words, the people. The latter was conceived of as an autonomous entity in relation to the king, the only source of sovereignty. The classical republic was the great model, seen as a time and place when the rights of man were respected. It was an essentially abstract concept, in which historic and sociological determinations had little relevance in the formation of its meaning. Of course this concept, despite its theoretical and abstract nature, did not cover the entire population, since there existed those individuals who were not considered apt to participate in the political system, as was clearly shown in the episode that took place in Praça do Comércio at the beginning of 1821.

Another approach was identified with men of state, such as José Bonifácio e Silvestre Pinheiro Ferreira. His model was the 1814 French Constitution, as well as the principals of constitutional monarchy formulated by Benjamin Constant. The people were not the only holders of sovereignty, it was divided with the constitutional monarch. In other words, the sovereign body was formed by two elements: the king and the people-nation, the latter being represented in the Assembly. The contract occurred primarily between the people

and the king and not within the people themselves. Although it was not a despotic model, since there was a Constitution to be followed, the people and the assembly had more restricted powers and the king had legislative and not just executive powers. The concept was seen as being inextricably linked to the royal figure, in other words without an autonomous existence in political life. Even though the concept of the sovereignty of people was present, the idea persisted in many political circles that the phenomena of sovereignty occurred in the traditional demarcated relationship between peoples and the king, which helps us understand the connection of the constitutional movement with the figure of d. Pedro and the victory of the monarchical solution in independent Brazil. The people had to be removed from direct politics and their action had to take place through the emperor, their principal representative and defender. People and monarch continued in perpetual communion and harmony, in a firm and silent pact, as in the Portuguese tradition, now reinvigorated by European theories of constitutional monarchies.

This approach, directly connected with Enlightened Portuguese scientific reformism, saw the people from the scientific and sociological point of view linked to the contingency of the historical situation, from their level of enlightenment, seeking to cut them off from the revolutionary and republican path. The level of enlightenment or civilization was not exactly understood as a stage in time, although this dimension was present, but as a degree of approximation or withdrawal from the eternal principles of the nature of men.

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NOTES

¹ THOMAZ, 1821, apud SOUZA, 1999, p.84.

² The concept of *regeneration* was expressed in Silvestre Pinheiro Ferreira's *Preleções Filosóficas*, a work in which the politician and thinker, one of the great exponents of monarchical liberalism, sought to understand the ethical and political consequences of modern natural science and to formulate a general system which could cover nature and socio-political life. According to the author in his cosmological considerations, the universe contains the principles of conservation, perfection, decadence, transformation and regeneration. In relation to regeneration "it sometimes occurs that after a system has been destroyed, and its components have been separated, with some leaving the spheres of activities of others; some time later they return, and as a result the same system is presented to us: not only identical in its qualities, but also in its components. This is the first type of *regeneration*. On other occasions it happens that when a system that is part of another more composed one is destroyed, it can be seen from its action that it has been united with other bodies which have successively entered in the sphere of its activity, and a new system, partially identical in qualities with what had been lost is formed and finally appears complete; though it is formed from other components: This is the second kind of *regeneration*; which more frequently appears in Nature; and which, it can be said, involves all the phenomena of the Universe. It is also called *renovation*" (FERREIRA, 1970).

³ *O Constitucional*, 12 April 1822.

⁴ *Revérbero constitucional Fluminense*, 15 Oct. 1821, p.34.

⁵ *O Bem da Ordem*, n.5, 1821, apud SILVA, 1987.

⁶ *Ibidem*, p.50.

⁷ *Ibidem*, p.49.

⁸ *O Espelho*, 1 Oct. 1821.

⁹ *O Bem da Ordem*, n.1, 1821.

¹⁰ *Semanário Cívico*, 2, 3, 4, 8, 15, 22 March. 1821, apud SILVA, 1987.

¹¹ *O Bem da Ordem*, n.4, 1821.

¹² *Ibidem*.

¹³ *Regulador Brasílico-Luso*, 31 July 1822.

¹⁴ *Regulador Brasílico-Luso*, 31 July 1822.

¹⁵ *Regulador Brasilico-Luso*, 7 Aug. 1822.

¹⁶ *Regulador Brasilico-Luso*, 7 Aug. 1822.

¹⁷ *Regulador Brasileiro*, 27 Nov. 1822.

¹⁸ *Revérbero Constitucional Fluminense*, 27 Aug. 1822, p.39.

¹⁹ *Revérbero Constitucional Fluminense*, 27 Aug. 1822, p.173.

²⁰ *Revérbero Constitucional Fluminense*, 22 Jan. 1822.

²¹ *Revérbero Constitucional Fluminense*, 18 June 1822, p.38.

²² *Revérbero Constitucional Fluminense*, 18 June 1822, p.38.

²³ *A Malagueta*, 13 April 1822.