

PRÁTICAS DA HISTÓRIA

JOURNAL ON THEORY, HISTORIOGRAPHY,
AND USES OF THE PAST

N.º 9 - 2019





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Práticas da História

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Editorial

José Neves*

O vazio criado pelo recente desaparecimento de António Manuel Hespanha (1945-2019) tem vindo a ser preenchido por obituários publicados em revistas académicas internacionais, que se somam às notícias que a imprensa portuguesa produziu na hora da sua morte. O colectivo que tem dirigido a revista *Práticas da História* gostaria de começar por referir que o seu falecimento nos entristece e enfraquece. Desde o início desta revista que António Hespanha nos ajudou generosamente. Fez parte do conselho científico da revista e elaborou pareceres sobre artigos. Foi orador em eventos por nós organizados e participou do público de outros eventos que realizámos. Trouxe às páginas desta publicação uma nova versão de um dos seus ensaios teóricos mais relevantes (o seu texto sobre categorias) e, a nosso pedido, redigiu um testemunho sobre a sua experiência à frente da Comissão Nacional para a Comemoração dos Descobrimentos Portugueses.¹ De resto, o evento de lançamento do nosso primeiro número, que teve lugar na Biblioteca Nacional de Portugal, em Lisboa, teve como ponto alto a realização de uma entrevista a António Hespanha, numa sala plena de colegas e estudantes que ali foram expor-se à experiência de quem fazia da sua própria erudição uma forma de instigar a curiosidade dos demais – e não um fardo a pesar sobre a ignorância alheia. O registo áudio dessa entrevista ocorrida em 2015, e conduzida pelo historiador Luís Trindade, ficará doravante disponível no site da nossa revista.

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1 António Hespanha, “Categorias. História dos conceitos, história das ideias, história dos dogmas jurídicos”, *Práticas da história. Journal on theory, Historiography and uses of the past* 7 (2019): 224-56; António Hespanha, “Comemorar como política pública. A comemoração dos Descobrimentos Portugueses, ciclo 1997-2000”, *Práticas da História, Journal on Theory, Historiography and Uses of the Past* 8 (2019): 198-220.

A ideia de organizarmos um dossier em torno da obra de António Hespanha não decorre apenas da estima que ele nos merece. Sendo certo que a Teoria da História e a Historiografia não se contam entre as áreas que directamente mais beneficiaram dos seus contributos, Hespanha escreveu alguns ensaios seminais sobre questões que interpelam a prática da disciplina e o desempenho do ofício de historiador em geral. Mais acontece que muitas das suas obras, ainda que versando sobre matérias específicas (da história do Direito à história do Estado, passando pela história do Império), acusam uma autorreflexividade que assumiu forte vocação teórica, como se fazer História e desfazer a História formassem parte de uma mesma tarefa intelectual, para glosarmos o lema que presidiu à revista *Penélope*, fundada em 1988 e de que António Hespanha foi director. Como este lema se foi materializando na trajectória de Hespanha, eis uma questão que fica para a agenda de um futuro programa de investigação no domínio da história da própria disciplina. Neste editorial, não cabe certamente a definição de um tal programa, que poderá vir a considerar questões tão diversas como o encontro de Hespanha com as perspectivas foucauldianas, o seu entusiasmo com as possibilidades que a informática trouxe à pesquisa empírica, a tensão entre a crítica da História enquanto discurso apaziguador do presente e a assunção de elevadas responsabilidades dirigentes ao nível das políticas de memória do Estado português nos anos 1990; ou ainda, na última década, as implicações da afirmação do chamado neoliberalismo na sua aproximação à questão do Estado.

Da nossa parte, limitamo-nos aqui a sugerir que a preocupação científica que levou Hespanha a equacionar as possibilidades e limites do conhecimento produzido pelos historiadores se combinou, não raras vezes, com a inquietação cívica que o levou a reflectir sobre as vantagens e desvantagens políticas da disciplina da História para a vida em comunidade. De tais combinações é exemplar a sua intervenção num dos debates suscitados pela publicação daquele que foi, porventura, o seu livro mais importante: *As vésperas do Leviathan. Instituições e poder político. Portugal – século XVII*. Num desses debates, escreveu:

«Um dos objectivos centrais do meu trabalho de historiador do poder é o de combater esta forma de *cronocentrismo* que consiste em projectar sobre o passado as nossas categorias de entendimento do poder, tomando como *naturais* e *intemporais* as categorias actuais de compreensão das relações de poder. Tal operação epistemológica tem várias consequências, a meu ver indesejáveis. Uma delas é de natureza historiográfica, traduzindo-se num desconhecimento da ideia de “ruptura”, de distanciamento histórico, a que a actual teoria da história dá tanta atenção. Outra consequência é de natureza político-ideológica, pois a elevação do conceito de “Estado” a uma categoria intemporal – e, paralelamente, da organização política estadual a uma aquisição final, escatológica, preparada pelo aparecimento de formas “estaduais” ainda imperfeitas (como o “Estado medieval” ou o “Estado moderno”) – conduz a uma “naturalização” das formas políticas actuais e à sua legitimação como o ómega da evolução dos sistemas de poder».²

Pelos mesmos anos, de resto, no ensaio «A emergência da História», publicado na já referida *Penélope*, o desdobramento historiográfico e político-ideológico da operação epistemológica realizada em *As vésperas do Leviathan* ganharia uma formulação genérica, com Hespanha a assumir o discurso de historiador «como um acto político», mas logo precisando que tal politicidade nada tinha que ver «com a história “militante” ou a história “cidadã” de há vinte ou trinta anos». Citando-o, de novo:

«Há vinte ou trinta anos, o ofício do historiador tinha um sentido militante porque a história, concebida como ciência, pretendia poder captar as “leis sociais” que regulavam o processo histórico e asseguravam um futuro

² António Hespanha, *As Vésperas do Leviathan – Instituições e Poder Político em Portugal – Séc. XVII* (Lisboa: Almedina, 1994), 642.

mais livre e mais humano. Fazer história era documentar, com a plasticidade e acessibilidade que o relato histórico garante, aquilo que, sem ele, apenas poderia ser apreendido em enfiadinhos manuais de teoria social. Formava-se, assim, uma espécie de “frente popular” em que a história (tal como a literatura [neo-realista]), sob a direcção da teoria social, garantia a formação de um “bloco social” em que participavam mesmo aquelas [disciplinas] que, pela teoria “pura e dura”, [para tal] não tivessem grande apetência. Então, a historiografia era política pelo seu conteúdo. Mas, pela sua forma, pelo seu referente epistemológico (a Verdade), estava acima da política, tanto quanto a matemática.»³

*

O dossier «António Hespanha – Fazer e Desfazer a História» reúne seis contributos da autoria de historiadores, cientistas sociais e estudiosos do Direito. Uma parte dos textos testemunha o encontro dos respectivos autores quer com a obra de António Hespanha quer com a sua *persona* académica, ao mesmo tempo que desvela o modo como as perspectivas do historiador português se manifestaram em campos historiográficos que não o português. Os textos das historiadoras Tamar Herzog e Mónica Duarte Dantas são disso exemplo, no primeiro caso esboçando-se uma visão panorâmica sobre os principais elementos que a obra de Hespanha trouxe a uma nova história do Direito; no segundo, deixando entrever a repercussão de Hespanha entre historiadores brasileiros. Por sua vez, o testemunho do historiador espanhol Bartolomé Clavero convoca, desde logo, a cumplicidade de leituras e vivência que sustentou os paralelismos intelectuais que é frequente estabelecer-se entre o percurso historiográfico de ambos, Clavero e Hespanha, de caminho informando-nos acerca da repercussão da obra deste último na historiografia espanhola, onde, na verdade, a sua tese de doutoramento conheceu a sua primeira edição em livro.

3 António Hespanha, “A emergência da História”, *Penélope. Fazer e desfazer a história* 5 (1991): 20.

O dossier reúne igualmente três outros contributos. O filósofo Giovanni Damele atende à importância que o estudo da argumentação e da retórica jurídica assumiram na prática historiográfica de Hespanha, ao mesmo tempo que sublinha os pressupostos cívicos que pautaram uma tal orientação e que igualmente se repercutiram em iniciativas lectivas desenvolvidas por Hespanha no âmbito da Faculdade de Direito da Universidade Nova de Lisboa. Já os contributos do historiador Tomás Vallera e do sociólogo Tiago Ribeiro surgem na sequência das leituras de Hespanha que ambos realizaram no quadro das respectivas investigações de doutoramento. Nos dois casos, trata-se de obrigar a obra de Hespanha a frequentar domínios ou cronologias que ela visitou menos regularmente. Vallera, que defendeu a sua tese de doutoramento neste mesmo ano de 2019, dá-nos conta da sua tentativa de elaborar uma história da «polícia» como genealogia da escola moderna. Por seu turno, Ribeiro investiga o modo como a conceptualização da sexualidade opera na influência recíproca do Direito e de saberes *psi* enquanto fontes de justiça e de verdade.

O presente número da *Práticas da História* começa, contudo, pela nossa habitual secção de artigos, à margem do dossier em torno de Hespanha. No primeiro artigo que publicamos, «Deus Vult? Crusade apologists, historians and ‘abortive rituals’ in the 1999 reconciliation walk to Jerusalem», o historiador Mike Horswell, atendendo à celebração dos 900 anos da Primeira Cruzada (1095-1099) e sua repercussão, reivindica a necessidade de os historiadores considerarem o que estas práticas memorialísticas colectivas nos dizem sobre os significados presentes de um dado passado, em vez de simplesmente procederem à verificação e validação do que nas celebrações de hoje estará ou não conforme à realidade de ontem. O segundo artigo, «Liberty dreamt in Stone: The (Neo)Medieval City of San Marino», é da autoria do historiador Tommaso di Carpegna Falconieri, que nos traz, em chave comparatista, uma primeira visão panorâmica sobre as práticas de medievalização desenvolvidas em San Marino de meados do século XIX até ao fim dos anos do fascismo italiano. Finalmente, publicamos um artigo do historiador Ricardo Noronha, «Neoliberalism and the historians», no cruza-

mento entre a História das Ideias Políticas, a História do Pensamento Económico e a Teoria da História, atento às reflexões historiográficas desenvolvidas nos primórdios do neoliberalismo por autores como Friedrich Hayek, Karl Popper, T. S. Ashton, Walter Eucken, Ludwig von Mises e Milton Friedman.

Completa, ainda, este número da revista, uma entrevista com Edward Alpers, na qual se aborda a trajectória pessoal deste historiador e o seu trabalho em contextos africanos de libertação nacional e de pós-independência, assim como os seus esforços na consolidação do campo de estudos sobre o *Indian Ocean World*. A entrevista foi conduzida pelo historiador Felipe Barradas Correia Castro Bastos. A revista inclui também, como é habitual, uma secção de recensões.

Editorial

The void left by António Hespanha's recent passing (1945-2019) has been filled with obituaries in international academic journals, alongside a range of articles in the Portuguese press at the time of his death. The collective that has directed the journal *Practices of History* would like to start by saying that his death leaves us saddened and poorer. Ever since this journal first started, António Hespanha has helped us more than generously. He was part of the journal's scientific board and wrote article reviews. He was a regular speaker or member of the audience at events we organised. He brought to the pages of this journal a new version of one of his most relevant theoretical essays (his seminal text on categories) and, at our request, wrote a testimony about his experience at the head of the National Commission for the Commemoration of the Portuguese Discoveries⁴. The highlight of our first issue's launch event,

4 António Hespanha, "Categorias. História dos conceitos, história das ideias, história dos dogmas jurídicos", *Práticas da história. Journal on theory, Historiography and uses of the past* 7 (2019): 224-56; António Hespanha, "Comemorar como política pública. A comemoração dos Descobrimentos Portugueses, ciclo 1997-2000", *Práticas da História, Journal on Theory, Historiography and Uses of the Past* 8 (2019): 198-220.

which took place at the National Library in Lisbon, was a live interview with António Hespanha, in a room full of colleagues and students who were there to benefit from the experience of someone who turned his erudition into a way of arousing the curiosity of others, rather than a burden to weigh on the ignorance of others. The audio recording of this interview, conducted by the historian Luís Trindade in 2015, is now available on the journal's website.

The idea of organising a dossier around the work of António Hespanha does not stem solely from the esteem in which he is held. Even if Theory of History and Historiography were not among his key areas of interest, Hespanha wrote a handful of seminal essays on issues that challenge the practice of the discipline and the historian's craft in general. Moreover, many of his works, while dealing with specific subjects (from legal history to the history of the state, passing through the history of the empire), are suffused with a self-reflexivity that testifies to a strong theoretical vocation, as if making History and undoing History were part of one and the same intellectual task, to gloss over the motto that presided over *Penélope*, an academic journal founded in 1988 and of which António Hespanha was the director. As to how this materialized and unfolded in Hespanha's own trajectory, this is a question for a future research program in the field of the history of the discipline. In this editorial, it is certainly not possible to define the contours of such a programme, which may come to consider issues as diverse as Hespanha's encounter with Foucauldian framework, his enthusiasm for the possibilities that information technology opened up for empirical research, the tension between his criticism of history as a discourse to appease the present and the assumption of leading positions in the Portuguese state's official memory policy of in the 1990s; or even, in the last decade, the implications of the rise of so-called neoliberalism in his approach to the question of the state.

For our part, we merely want to suggest that the scientific concerns that led Hespanha to gauge the possibilities and limits of the knowledge produced by historians were often combined with a civic concern that led him to reflect on the political advantages and disadvantages of the

discipline of history for our life in common. Among such combinations, one may serve as an exemplary instance: his intervention in one of the debates surrounding the publication of arguably his most important book: *As Vésperas do Leviathan. Instituições e Poder Político. Portugal, séc. XVIII*. In one of those discussions, he wrote:

«one of the main objectives of my work as an historian of power is to counter the form of chronocentrism which consists of projecting onto the past our categories for the understanding of power, by taking as natural and timeless the current categories through which we understand power relations. Such an epistemological operation has several consequences, undesirable ones, as far as I'm concerned. One of them is of an historiographic nature, resulting in a disregard for the idea of «rupture», historical distance, to which the current theory of history pays so much attention. Another consequence is of a political-ideological nature, since the elevation of the concept of «state» to a timeless category – and, in parallel, of the state political organization to a final, eschatological achievement, prepared by the appearance of still imperfect «state» forms (such as the «medieval state» or the «modern state») – leads to a «naturalization» of current political forms and their legitimization as the omega of the evolution of power systems».⁵

Around the same years, moreover, in the essay «The emergence of history», published in the aforementioned *Penélope*, the historiographic and political-ideological unfolding of the epistemological operation carried out in *As Vésperas de Leviathan* would gain a generic formulation, with Hespanha defining the historian's discourse «as a political act», but qualifying such a statement with the notion that such politicalness

⁵ António Hespanha, *As Vésperas do Leviathan – Instituições e Poder Político em Portugal – Séc. XVII* (Lisboa: Almedina, 1994), 642.

had nothing to do «with the «militant» history or the «citizen» history of twenty or thirty years ago». To quote him once again:

«Twenty or thirty years ago, the office of the historian had a militant sense because history, conceived as a science, wanted to be able to capture the «social laws» that regulated the historical process and ensured a freer and more humane future. To make history was to document, with the plasticity and accessibility that the historical account guarantees, that which, without it, could only be apprehended in tedious manuals of social theory. Thus, a kind of «popular front» was formed in which history (like [neo-realist] literature), under the direction of social theory, guaranteed the formation of a «social block» that included even those [disciplines] who, in terms of «pure and simple» theory, did not have the inclination to take part. So historiography was political because of its content. But, in its form, in its epistemological reference (the Truth), it was above politics as much as mathematics.⁶

*

The dossier «António Hespanha – fazer e desfazer a história» gathers six contributions by historians, social scientists and legal scholars. Some of the texts offer testimony about the meeting of their respective authors with both the work of António Hespanha and his academic persona, while also revealing the way in which the latter's viewpoints occupied historiographic fields other than the Portuguese one. The texts by the historians Tamar Herzog and Mónica Duarte Dantas are an example of this, in the first case outlining a panoramic view of the main contribu-

⁶ António Hespanha, «A emergência da História», *Penélope. Fazer e desfazer a história* 5 (1991): 20.

tions of Hespanha's work to a new legal history; in the second, allowing us a glimpse into the repercussion of Hespanha's work among Brazilian historians. The testimony of the Spanish historian Bartolomé Clavero, in turn, summons, from the outset, the complicity between readings and experience that sustained the intellectual parallels that are often established between the historiographic path of both Clavero and Hespanha, informing us along the way about the impact of the latter's work in Spanish historiography, where, in fact, his doctoral thesis was first published as a book.

The dossier brings together three other contributions. The philosopher Giovanni Damele takes into account the importance that the study of argumentation and legal rhetoric took on in the historiographic practice of Hespanha, while emphasising the civic principles that guided this orientation, which, one may add, also had significant repercussions in teaching initiatives developed by Hespanha within the Faculty of Law of the New University of Lisbon. The contributions of historian Tomás Vallera and sociologist Tiago Ribeiro follow the readings of Hespanha that both authors developed within the framework of their respective doctoral researches. In both cases, Hespanha's work was pushed to terrains or chronologies that he visited less regularly of his own accord. Vallera, who defended his doctoral thesis in 2019, tells us of his attempt to draw up a history of the «police» as a genealogy of the modern school. Ribeiro, for his part, investigates the ways in which the conceptualization of sexuality operates in the reciprocal influence of the law and of “psy” disciplines and knowledges as sources of justice and truth.

The present issue of *Practices of History* begins, however, with our usual section of articles, on the margins of the dossier around Hespanha. In the first article, «Deus Vult? Crusade apologists, historians and ‘abortive rituals’ in the 1999 reconciliation walk to Jerusalem», published against the background of the celebration of the 900th anniversary of the First Crusade (1095-1099) and its repercussions, the historian Mike Horswell claims the need for historians to consider what these collective memorialistic practices tell us about the present mea-

nings of a given past, rather than simply checking and validating what in today's celebrations will or will not conform to yesterday's reality. The second article, 'Liberty dreamt in Stone: The (Neo)Medieval City of San Marino', by the historian Tommaso di Carpegna Falconieri, brings us, in a comparative key, a first overview of the medieval practices developed in San Marino from the mid-19th century until the end of the fascism years. Finally, we publish an article by historian Ricardo Noronha, «Neoliberalism and the historians», at the crossroads between the History of Political Ideas, the History of Economic Thought and the Theory of History, which pays close attention to the historiographic reflections developed in the early days of neoliberalism by authors such as Friedrich Hayek, Karl Popper, T.S. Ashton, Walter Eucken, Ludwig von Mises and Milton Friedman.

To close this issue, we include an interview with historian Edward Alpers in which he discusses his personal trajectory and his work in African contexts of national liberation and post-independence, as well as his efforts in the consolidation of the field of studies on the Indian Ocean World. The interview was conducted by historian Felipe Barradas Correia Castro Bastos. Finally, as usual, the journal also contains a review section.

Mike Horswell

***DEUS VULT?* Crusade Apologists, Historians
and “Abortive Rituals” in the 1999
Reconciliation Walk to Jerusalem**

The nine-hundredth anniversary of the First Crusade (1095-99) saw hundreds of evangelical Western Christians trace the route of the medieval expedition apologising to local communities for the violence of the crusades. The Reconciliation Walk embodied an active and direct engagement with the crusading past and an attempt to defuse its perceived toxic legacies. The criticisms of the walk by crusade historian Jonathan Riley-Smith went beyond factual disagreement and illustrate tensions at the interface of popular and academic perceptions of the past. This article revisits Michel-Rolph Trouillot’s analysis of the rhetorical structure of an historical apology and his application to the Reconciliation Walk to reveal the ways in which both the organisers of the walk and their critics constructed continuities and discontinuities between communities over time. Rather than agreeing with Trouillot that the walk constituted an “abortive ritual”, I suggest that the performance and reception of the apology demonstrate the affective power of perceptions of the past, and reinforce the need for historians to take these – often factually inaccurate – collective memories seriously in considering the presentist significance of the past.

Keywords: Crusades, apologies, reconciliation, history.

***DEUS VULT?* Apologistas, historiadores
e “rituais abortivos” na caminhada
da reconciliação de 1999 até Jerusalém**

No nonagésimo centésimo aniversário da Primeira Cruzada (1095-99), centenas de cristãos evangélicos ocidentais percorreram o caminho da expedição medieval, desculpando-se às comunidades locais pela violência das cruzadas. A Caminhada da Reconciliação deu corpo a um comprometimento ativo e direto com o passado das cruzadas e a uma tentativa de neutralizar as suas perfeccionadas heranças tóxicas. As críticas à caminhada por Jonathan Riley-Smith, historiador das cruzadas, foram além da discordância fatural e ilustram as tensões no cruzamento das perceções populares e académicas do passado. Este artigo revisita a análise de Michel-Rolph Trouillot da estrutura retórica de um pedido de desculpas histórico na sua aplicação à Caminhada da Reconciliação para revelar as formas pelas quais os organizadores do passeio e os seus críticos construíram continuidades e discontinuidades entre as comunidades ao longo do tempo. Em vez de concordar com Trouillot que a caminhada constituía um “ritual abortivo”, sugiro que o desempenho e a receção do pedido de desculpas demonstram o poder afetivo das perceções do passado e reforçam a necessidade de os historiadores levarem a sério essas memórias coletivas – muitas vezes imprecisas – ao considerarem o significado presentista do passado. Palavras-chave: Cruzadas, desculpas, reconciliação, história.

***DEUS VULT?* Crusade Apologists, Historians and “Abortive Rituals” in the 1999 Reconciliation Walk to Jerusalem**

Mike Horswell*

Introduction

Too many inheritances of the crusades endure.

– Jeffrey J. Cohen¹

Though often portrayed as a quintessentially medieval phenomenon, crusading continues to haunt the modern social imaginary.² The crusades lurk in the peripheral vision of the present, providing the after-image for religious violence in, and beyond, the Middle East. They resist relegation to the “dead” past, instead appearing in the rhetoric of Islamic fundamentalists and right-wing European terrorists alike.³ This flexibility and durability has led to significant variety between (and within) popular and academic perceptions of the crusades and has raised questions as to their relationship to the present. Are the crusades part of, if not the origin of, a titanic and continuing “clash of civilizations”? Were the medieval expeditions proto-colonial ventures?

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1 Jeffrey J. Cohen, *Medieval Identity Machines* (London: University of Minnesota Press, 2003), 223.

2 See Andrew B. R. Elliott, *Medievalism, Politics and Mass Media* (Woodbridge: Boydell and Brewer, 2017); Susanna A. Throop, “Engaging the Crusades in Context: Reflections on the Ethics of Historical Work”, in *The Crusades in the Modern World: Engaging the Crusades, Volume Two*, eds. Mike Horswell and Akil N. Awan (Abingdon: Routledge, 2019), 129-45.

3 E.g. Official Spokesman for Islamic State, “Indeed Your Lord Is Ever Watchful”, *Dabiq* 4 (September 2014): 6–9; Daniel Wollenberg, “The New Knighthood: Terrorism and the Medieval”, *postmedieval* 5, n.^o 1 (March 2014): 21-33.

Or terrible deviations from the Christian message? Various of these questions have preoccupied theologians, political theorists and policymakers as well as historians since the instigation of the crusades themselves.⁴

This article will consider conflicting approaches of engagement with the legacy and memory of the crusades through the Reconciliation Walk (1995-99) and the criticism it engendered. Established in 1995 on the 900th anniversary of the First Crusade (1095-99), the Reconciliation Walk consisted of Western evangelical Christians who retraced the paths of the first crusaders across Europe and the Near East to Jerusalem apologising to local communities for violent actions of their crusading forefathers. Denounced by eminent crusade historian Jonathan Riley-Smith, the walkers were criticised on grounds of historical factuality as well as for their reading of “Muslim” memories of the crusades. The interaction of these two approaches to the past – the active exorcism of the reconciliation walkers and the historian’s call to objective, factual history – expose tensions at the interface of popular and academic engagement with the past which extend beyond the memory of the crusades.

Historical apologies can be read in this light; “each is an attempt to define a meaning for the past constructed around the notions of remorse and responsibility.”⁵ Any historical apology contains a set of relationships which animate its delivery: between past and present; between present and future; and between communities of peoples.⁶ Interrogating these rhetorical structures, as Michel-Rolph Trouillot has done, reveals the ways in which temporal and inter-communal relationships are assumed to be structured.⁷

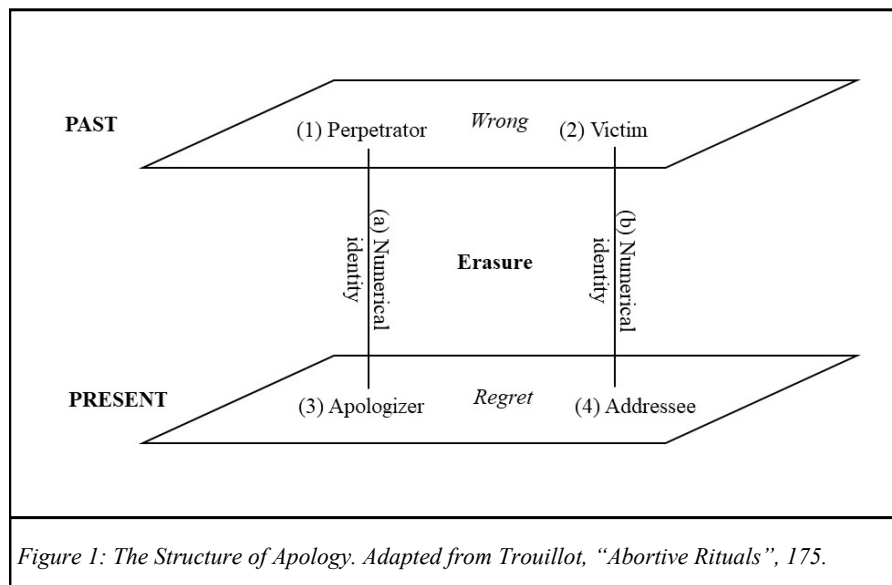
4 For themes in crusade historiography, see Christopher Tyerman, *The Debate on the Crusades* (Manchester: Manchester University Press, 2011); in the US, see Matthew Gabriele, “Debating the ‘Crusade’ in Contemporary America”, *The Medieval Journal* 6, n.º 1 (2016): 73-92.

5 Robert R. Weyeneth, “The Power of Apology and the Process of Historical Reconciliation”, *The Public Historian* 23, n.º3 (2001): 21.

6 For discussions of historical apologies, see Rajeswari Sunder Rajan, “Righting Wrongs, Rewriting History?”, *Interventions: International Journal of Postcolonial Studies* 2, n.º 2 (2000): 159-70, and other articles in this journal issue.

7 Michel-Rolph Trouillot, “Abortive Rituals: Historical Apologies in the Global Era”, *Interventions: International Journal of Postcolonial Studies* 2, n.º 2 (January 2000): 171-86.

Trouillot's schema (see Figure 1) identified the communal and chronological relationships necessary for the apology to function. The perpetrator (1) and victim (2) located in the past, and the apologiser (3) and addressee (4) located in the present. These entities relate through the initial "wrong" in the past and the culminating apology in the present but, again, to function the apology requires some form of continuity of identity to be established over time between both the perpetrators and apologisers (a) and between the victims and addressees (b) of the apology. These collective identities have to remain sufficiently coherent to survive the intermediate past and be identifiable in both temporal planes. Moreover, they must accommodate both continuity of collective identity, and discontinuity; the apologisers in the present had to demonstrate *change*, such that the apology was not rendered hollow by continuing perpetration of the wrong.



Trouillot argued that an apology presupposed a temporal distance between a past in which a wrong was committed and a present in which the apology is delivered; in "claiming a past, they create pastness."⁸

⁸ *Ibid.*, 174.

This temporal distance is basic to the functioning of the apology as it distinguishes it from an expression of sadness for an ongoing wrong or condition of oppression. Moreover, it facilitates the change-over-time needed for one party to experience contrition. An apology, wrote Trouillot, “sets a temporal marker between those things – and the past to which they belong – and a present characterized by my new relation to my interlocutor.”⁹ The temporal structure called into being by an apology of necessity creates an erasure of intervening history which ignores previous possible statements or acts of contrition or reparation as being inadequate – the “wrong” remains outstanding and “active” in some way in the present. The amplification of the historical “wrong” sees the silencing of other, intersecting, “wrongs”, and the ignoring of the implications and consequences of the initial “wrong” for “other times, places, actors” argued Rajeswari Sunder Rajan.¹⁰

This structure is useful for analysing the components of the Reconciliation Walk’s apology (as Trouillot himself does) and asking how temporal and communal identities are constructed, enacted and received. Trouillot himself concluded that the historical apology was an “abortive ritual” because the transference of the apology from individuals to collectives hinged on constructions of collective identities which were by their nature unable to remain continuous (and so support the continuities of identities at (a) and (b)) *and simultaneously* express the discontinuous transformation required of genuine apology.¹¹

This study will focus on the ways in which the past is variously invoked and embodied to demonstrate that these constructed temporalities and communal relationships resonate and have affective power. In employing Trouillot’s framework to consider the Reconciliation Walkers’ construction of an apology for the crusades and its reception, we will see how the past continues to be contested, negotiated and entan-

9 *Ibid.*

10 Rajan, “Righting Wrongs”, 162.

11 For a discussion of the importance of continuities and discontinuities in constructions of the past see Nickolas Haydock, “Medievalism and Excluded Middles”, *Studies in Medievalism* 18 (2009); 17-21.

gled with perceptions of the identities of contemporary communities. “Abortive ritual” or not, this will highlight the power of perceptions of the past in the present.

I. The Reconciliation Walkers as Anti-Crusaders

On the anniversary of the First Crusade, we also carry the name of Christ. We wish to retrace the footsteps of the Crusaders in apology for their deeds and in demonstration of the true meaning of the Cross.

We deeply regret the atrocities committed in the name of Christ by our predecessors. We renounce greed, hatred and fear, and condemn all violence done in the name of Jesus Christ.

– from the Apology of the Reconciliation Walk¹²

On 27 November 1095 the town of Clermont-Ferrand saw Pope Urban II declare what would become known as the First Crusade; the same date in 1995 was marked in the French town by a day of prayer by the organisers of what would become the Reconciliation Walk.¹³ On Easter day of the following year, roughly 300 walkers gathered in Cologne, Germany, to launch the walk itself. Chosen to parallel the departure of crusaders from the city’s cathedral 900 years before, participants walked through the city and presented their apology to Muslim leaders at a local mosque. The senior imam was said to have responded that “Whoever had this idea must have had an epiphany.”¹⁴ From there teams of walkers crossed Europe, Turkey and Syria – following the routes taken by contingents of crusaders – and arrived in Lebanon in September 1998. The climax of the walk was held in Jerusalem on 15 July 1999: exactly nine centuries after the city fell to the First Crusaders.

¹² “The Apology”, *Reconciliation Walk*, <<https://web.archive.org/save/http://www.recwalk.net/>>, [accessed 14 March 2019].

¹³ Nick Megoran, “Towards a Geography of Peace: Pacific Geopolitics and Evangelical Christian Crusade Apologies”, *Transactions of the Institute of British Geographers* 35, n.^o 3 (April 2010): 382.

¹⁴ Rusty Wright, “Crusades: Christians Apologize for Ancient Wrongs”, *Christianity Today*, 7 October 1996.

The Reconciliation Walk was organised by British-based members of the US evangelical Christian organisation Youth With A Mission (YWAM). It consisted of groups of evangelical, Protestant Christians (estimated to include 30 nationalities but predominantly British and US citizens¹⁵), who apologised to communities of Jews, Muslims and Eastern Christians encountered for the actions of the first crusaders.¹⁶ The apology was printed in local languages and t-shirts worn by walkers said “We apologise”.¹⁷ In each country participants presented the apology to whoever they met and formally apologised to local civic and religious leaders. The walk culminated with an interfaith event in Jerusalem which included meetings with representatives of the religious communities considered wronged by the crusaders: namely Chief Rabbi Yisrael Meir Lau, Greek Orthodox Patriarch Diodoros and Muslim Mufti Ekrima Sabri.¹⁸ About 2,500 people participated overall, while the Jerusalem service was attended by around 430.¹⁹

The walk’s function was primarily symbolic: a “gesture of reconciliation” which was “designed to increase understanding between Western Christians and Muslims, Jews and Eastern Christians.”²⁰ This was predicated on the understanding that the crusades had been a point of conflict between Christians of the West and Eastern religious communities, and that they continued to have a toxic legacy for contemporary relations of those communities to the present.

15 Megoran, “Geography of Peace”, 389.

16 David Sharrock, “Crusade Arrives in Holy City to Say Sorry”, *Guardian*, 28 June 1999, 11. See also Megoran, “Geography of Peace”, 382. Written by a participant, and containing quotes from other walkers, see Carl Stauffer, “Crusades, Conquest and Conciliation: Exploring the Chasm between Violent and Peaceful Religious Expression” (June 1998), <http://www.academia.edu/4915697/Crusades_Conquest_and_Conciliation_Exploring_the_Chasm_between_Violent_and_Peaceful_Religious_Expression> [accessed 19 July 2018].

17 Nicholas Blandford, “Christians say sorry for Crusades”, *The Times*, 8 September 1998; Sam F. Ghattas, “Western Christians ‘Apologise’ for 11th Century Crusade”, *Associated Press*, 9 September 1998.

18 Tomas Dixon, “Jerusalem: Reconciliation Walk Reaches Pinnacle”, *Christianity Today* 43, n.^o 10 (6 September 1999), <<https://web.archive.org/web/20090215120838/http://www.christianitytoday.com/ct/1999/september6/9ta024.html>> [accessed 10 May 2018].

19 Figures from Liz Cox, “July 1999, Part 3: The Reconciliation Walk Reaches its Conclusion”, *Reconciliation Walk*, <<https://web.archive.org/web/20000304103749/http://reconciliationwalk.org/99jul3.htm>>, [accessed 14 March 2019]. Megoran estimated 3,000 participants, Sharrock 2,000.

20 From “Manifesto #1” and “Manifesto #2” respectively, *Reconciliation Walk*, <<https://web.archive.org/save/http://www.recwalk.net/>> [accessed 14 March 2019].

Denouncing the Crusades

The organisers of the Reconciliation Walk understood the crusades in uncompromising terms. In a statement delivered by Matthew Hand, the walk's field director, on the eve of the anniversary of the capture of Jerusalem by the first crusaders, the crusades were characterised as “those infamous atrocities that we all condemn as the barbarism of an earlier age”, which included “massacres”, “cannibalism” and “gruesome slaughter”.²¹ The manifesto of the walk declared the crusades to be a fundamental corruption of Christian faith: “the Crusaders breached the walls of this city [Jerusalem] bearing the cross but betraying its meaning.”²²

The Apology of the walkers saw the crusades as having been fuelled “by fear, greed and hatred”.²³ In depicting the motivations of ordinary crusaders Hand drew from three crusade historians; Steven Runciman, Norman Cohn and John France. They had established, said Hand, that crusaders were motivated by eschatological and prophetic goals which led them to consider their violence benevolent. He quoted France in support:

*To hack down a child, as many must have in Jerusalem, was an act whose merit was equal to that of the Good Samaritan. These were rational people performing what they believed to be the will of God and certain that it would contribute to their own salvation.*²⁴

The crusades were seen to not only be violent, but to be a manifestation of “political” Christianity in which the Church “acted as a nation” by employing forceful means to achieve its goals – this was

21 Matthew Hand, “Mt. Zion Speech”, *Reconciliation Walk*, 15 July 1999, <<https://web.archive.org/save/http://www.recwalk.net/>> [accessed 14 March 2019].

22 *Ibid.*

23 “The Apology”.

24 Hand, “Mt. Zion Speech”; quoting John France, “The Capture of Jerusalem”, *History Today* 47, n.º 4 (April 1997): 42.

antithetical to the Christianity of the walk’s organisers: “Christ’s kingdom should not behave as a state, and specifically has no right to use force.”²⁵ Reflecting some years after the walk, its instigator Lynn Green described the crusades as unique because of having been called and endorsed by the “institutional church”. He considered them distortions of Christianity in their violence and presented them to listeners in 2014 as having a message of “convert or die” to those they encountered.²⁶

Toxic Legacies

Organisers of the Reconciliation Walk argued that the crusades had a “powerful mythological legacy” which had influenced adherents of different faiths’ perspectives of one another, “sowing seeds of discontent that still poison relations between the faiths today. [...] For generations, the legacy of the Crusades has been one of mistrust and misunderstanding.”²⁷ Cathy Nobles, the third principal co-ordinator of the walk, told a reporter at the time that this perception of a crusading legacy had motivated many Americans to volunteer for the walk – they saw continuity with contemporary US policies in the Middle East. Moreover, it had resonance in the East too: “There are many in the Middle East today who perceive Americans as the new Crusaders and this is something we hope to redress.”²⁸ Commenting after the walk, Green confirmed that motivation came in part from “the fact that most Turks and Arabs still view Christianity in light of the medieval crusades. To them it is a Western political movement bent on conquering the Middle East”.²⁹ The “cycle of distrust”,

25 “Manifesto #1”; “The Apology”.

26 Lynn Green, “God Stories with Lynn Green – The Reconciliation Walk (Part 2: Stepping into the Vision)”, *YWAM (Youth With A Mission)*, YWAM Harpenden, 15 August 2014, *YouTube* <<https://www.youtube.com/watch?v=1429yis1uN0>> [accessed 10 May 2018]. The only historical work Green cited was Anthony Bridge, *The Crusades* (London: Franklin Watts, 1982).

27 Hand, “Mt. Zion Speech”; Christy Risser, “Press Release: 1 April 1999”, *Reconciliation Walk*, <www.crusades-apology.org/blog/April%201999_Press_Summary_of_Projet.htm> [accessed 15 July 2014].

28 Blandford, “Christians say sorry”.

29 Tomas Dixon, “Organizers of Reconciliation Walk Say Effort Defused Mideast Tensions”, *Charisma*, 31 January 2001, <<https://web.archive.org/web/20180516205459/https://www.charismamag.com/site-archives/134-peopleevents/people-events/266-organizers-of-reconciliation-walk-say-effort-defused-mideast-tensions>> [accessed 16 May 2018].

as the walk's organisers' framed it, could be traced back to the crusades.³⁰ The haunting of contemporary Middle Eastern politics by the ghosts of the crusaders rendered peace impossible without their exorcism.

The legacy of the crusades was conceptualised in two further ways. Organisers of the walk saw a "crusader spirit" as having persisted to the present, which consisted of pragmatism, short-termism and the wielding of force by Christians: "the belief that Christ's promised kingdom could be established through political and military action [...]. Many Christians continue to trust power to bring redemption."³¹ Accordingly, Nobles asserted that a "'Crusader spirit' of arrogant superiority [...] infects subsequent Christianity (and Westernism) down to and including contemporary evangelicalism."³² Secondly, Hand cited his reading of Matthew of Edessa, in Turkish translation, as crucial to his understanding of the relationship of apocalypticism to crusading mentalities.³³ He argued that just as the medieval crusaders were motivated by an over-realised eschatology, an "apocalypticism" was similarly present – and destructive – in the modern world:

*Apocalypticism is another aspect of the Crusader worldview that still colors the perspective of many Western Christians. This viewpoint prevents many Westerners from seeing the Jewish, Muslim and Christian people of Holy Land as human beings. Instead, they are viewed as pawns of eschatology, an attitude that has historically led to gross exploitation and violence.*³⁴

This provided further justification for the Reconciliation Walk: to combat the survival of crusading mentality as it existed in their contemporary churches and societies.

30 "Manifesto #1".

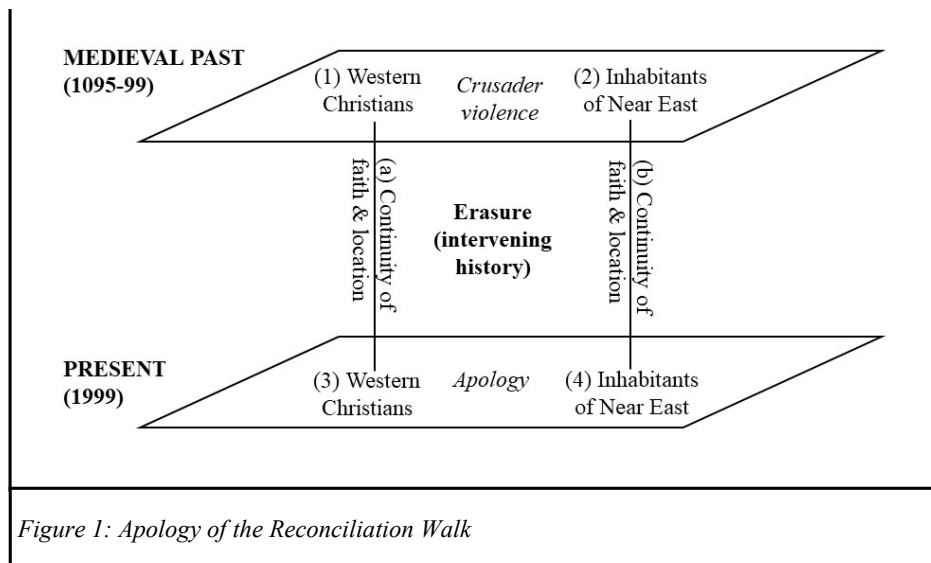
31 Hand, "Mt. Zion Speech".

32 Megoran, "Geographies of Peace", 392.

33 Megoran, "Geographies of Peace", 390.

34 Risser, "Press Release: 1 April 1999".

The crusades, then, for the organisers of the Reconciliation Walk could be boiled down to blindly violent incursions against Jews, Muslims and Eastern Christians which were inspired and advocated by the Western church. These perceptions of the nature of the crusades were tied to a contemporary diagnosis of their ongoing divisive legacy. Together these aspects compelled organisers and participants to take action.



Repentance: Continuity and Discontinuity

Trouillot’s framework for collective apologies schematises the relationships of the identities projected by the Reconciliation Walk. As seen in Figure 2, the temporal planes of the apology were the medieval past of the original crusading expeditions – more precisely that of the First Crusade (1095-99) – and their present. The walkers saw themselves as the “physical and cultural descendants of the Crusaders”, while local communities of Muslims, Jews and Eastern Christians, by virtue of their location and faith, were heirs of those who encountered the crusaders.³⁵ In constructing these temporal continuities, historian Jonathan Riley-Smith was quoted by the walkers as an authority: “There cannot be anyone of west European descent who does not have at least one ancestor who actively crusaded, or who contributed to crusading in some other way.”³⁶

35 Hand, “Mt. Zion Speech”.

36 “Manifesto #2”. From Jonathan Riley-Smith, “Holy Violence Then and Now, *Christian*

Importantly, the identification with the crusaders was performed by ‘retracing the steps of the first Crusaders’ as far as geopolitical realities would allow.³⁷ Nick Megoran observed that, “Following the exact routes that Crusaders took, and reaching places on the anniversary of their arrival, was considered a vital aspect of the historical authenticity of the project”; the timing and physical re-enactment employed temporal and spatial resonances of the original event to suggestively connect walkers and crusaders.³⁸ Additionally, the walkers claimed the “privately expressed support from the Vatican”, gesturing towards a “temporal bridge” of papal endorsement with the medieval crusades, despite their Protestant Christianity.³⁹ These constructions of continuity – cultural, ethnic, temporal, spatial, and of papal authority – underpinned the vitality of the apology.

The purpose of the apology presented to local communities by the walkers was explicitly to engage with the actions of the crusaders and to mitigate and undo their consequences. The organisers of the walk saw the crusades as “a discreet historical enterprise whose spiritual legacy could be ‘defused’.”⁴⁰ The approach taken by the Reconciliation Walk was not merely one of denouncement, but rather that of embodiment. They identified themselves as inheritors and descendants of the crusaders in part by walking-out the same route in paired time with the participants of the First Crusade. Inhabiting this identity enabled them to conduct their own pilgrimage and to work through the tensions between their theological understanding of their Christian faith and its historical expressions, deemed aberrant. The result was hoped to be the annihilation of the bitter legacies of the crusades and their actions

History 40 (October 1993), <<https://web.archive.org/web/20190315095501/https://christian-historyinstitute.org/magazine/article/holy-violence-then-and-now>> [accessed 15 March 2019]: “First, we need to understand that medieval crusaders are likely to be our relatives. If you are of Western European origin, you have nearly a 100-percent chance of being a direct descendant of someone who had a link with a crusade. Even if your ancestors did not go on a crusade, they would have paid taxes to finance crusades, and they would have attended crusade sermons.”

37 Risser, “Press Release: 1 April 1999”.

38 Megoran, “Geographies of Peace”, 389.

39 Sharrock, “Crusade Arrives”, 11; “temporal bridge” is from Trouillot, “Abortive Rituals”, 172.

40 Megoran, “Geography of Peace”, 392.

as complete as the encounter of matter and antimatter. The Reconciliation Walkers were not merely publicising an apology for the crusades; they were themselves anti-crusaders.

Reception

While the above section represents the attitudes and active engagement with the past of the Reconciliation Walk's organisers and, implicitly, those who volunteered in response to the walk's publicity, how the apology was received can point to broader perceptions of the crusades. How resonant was the apology? Were the walkers' assumptions about the crusades – its destructive nature and enduring legacy – shared by those they encountered or those who heard about the endeavour? Though reception is often difficult to evaluate, some reactions to the apology can be gauged. The walk's website included reports and press releases during and after it occurred, while local and international news outlets covered sections of the walk, particularly its finale in Jerusalem. Participants on the walk have subsequently been interviewed or reflected on their experiences – not least the organisers, who Megoran interviewed in 2006. These provide glimpses into how the apology was received by locals, the wider media and walkers themselves.

The Reconciliation Walk's own materials presented the apology as having been well received by local people to whom it was presented. Green recounted how national and local media received the walkers positively throughout Turkey and how mayors from the cities and towns had approached the walkers to present the apology to their communities; "They just loved the message."⁴¹ The official website of the walk reported highlights including positive comments from the Turkish Minister for Religious Affairs, the mayor of Sanli Urfa (medieval Edessa) and locals in places such as Istanbul, Sidon, Beirut, Tripoli and throughout Israel.⁴² One report noted that walkers often faced "initial

41 Lynn Green, "God Stories with Lynn Green – The Reconciliation Walk (Part 3: The Way of the Spirit)", *YWAM (Youth With A Mission)*, YWAM Harpenden, 15 August 2014, *YouTube* <<https://www.youtube.com/watch?v=VkJzx59xn88>> [accessed 10 May 2018].

42 "July 1997: Team meets with Minister of Religious Affairs", *Reconciliation Walk*, <<https://>

mistrust”, but rarely hostility.⁴³ Whilst the consistently positive reception of the apology from these sources is unsurprising, it should be noted that a narrative of rejection could also have been coded as success for the walkers through a lens of faithful witness in spite of persecution.

Newspaper accounts – which included interviews by reporters with those both apologising and receiving the apology – largely corroborate this view, while adding a note of cynicism. For example, Kristina Stefanova in the *Washington Times* commented that the walkers hoped “to erase centuries of bloodshed with an apology and a handshake”.⁴⁴ However, writing to the Lebanon *Daily Star* in October 1998, one local saw the apology as significant due to the use of crusading rhetoric in the country’s civil war: “all these concepts that could be termed the legacy of the Crusades became part of the collective consciousness of the Lebanese Muslim public throughout the interminable 15 years long civil war.” The apology was needed, and powerful:

And I think that those sincere reconciliation walkers with their pure Christian motivation will break the cycle of distrust and misunderstanding that colours relations between the West and the East. They will even contribute to bringing together, by setting this example of tolerance and forgiveness, the different struggling sects in Lebanon. In this sense, this movement is more meaningful to us the Lebanese

web.archive.org/web/19991104080702/http://reconciliationwalk.org:80/97jul.htm> [accessed 16 May 2018]; “August 1998, Part 1: Turkish Mayor Calls for Peace”, *Reconciliation Walk*, <<https://web.archive.org/web/19991012185339/http://www.reconciliationwalk.org:80/98aug0.htm>> [accessed 16 May 2018]; “October 1996, Part 1”, *Reconciliation Walk*, <<https://web.archive.org/web/19991008232443/http://www.reconciliationwalk.org:80/96oct1.htm>> [accessed 16 May 2018]; “October 1998, Part 5: Encounter in Tripoli Changes Hostility to Embrace”, *Reconciliation Walk*, <<https://web.archive.org/web/19991104082201/http://reconciliationwalk.org:80/98oct5.htm>> [accessed 16 May 2018]; Liz Cox, “February 1999, Part 3: ‘This Message is Very Good for My People’”, *Reconciliation Walk*, <<https://web.archive.org/web/19991117200551/http://www.reconciliationwalk.org:80/99feb3.htm>>, [accessed 16 May 2018]; Liz Cox, ‘May 1999: The Reconciliation Walk in Israel’, *Reconciliation Walk*, <<https://web.archive.org/web/19991104084132/http://reconciliationwalk.org:80/99may1.htm>> [accessed 16 May 2018].

43 Cox, “May 1999”.

44 Kristina Stefanova, “Christians Apologize for Bloody Crusade”, *The Washington Times*, 16 July 1999, 11.

*than to any other people in the world. With sincere persistent endeavours, these reconciliation walkers will defuse the legacy of the Crusades.*⁴⁵

Concentrated on the crescendo of walkers who arrived in Jerusalem for the final phase of the walk in July 1999 most of the reports repeated the assertion that the crusades were still divisive. “Even after 900 years the horror of what the Crusaders did has not dimmed” wrote one reporter, “they caused deep and lasting enmity in the Middle East”.⁴⁶ Several articles reported the words of the Chief Rabbi to the walkers in the Great Synagogue in Jerusalem – “better late than never”.⁴⁷ He expressed the hope that their visit would signal “the end of what started with the Crusades.”⁴⁸

Julian Manyon’s article, printed in the *Calgary Herald* on 24 July 1999, contained his account of accompanying a group as they apologised to locals in Jerusalem. Manyon reported conversations with two shopkeepers, both more interested in making a sale than engaging with the walkers or the crusades. He did, however, repeat the idea that crusading rhetoric carried resonance in the Middle East:

*Certainly, the Crusaders blackened the name of Christendom in the Arab world. Even today many who profess to be Arab nationalists describe the U.S. and British forces deployed against Iraq as the new Crusaders, a phrase designed to inflame passions and to rally ordinary people against them.*⁴⁹

45 Hisham Shihab, “Reader’s Letters”, *The Daily Star* (Lebanon), 21 October 1998, <<http://www.dailystar.com.lb//Opinion/Letters/1998/Oct-21/105990-readers-letters-published-on-21101998.ashx>> [accessed 17 May 2018].

46 Julian Manyon, “‘Sorry’ Comes 900 Years Too Late”, *Calgary Herald*, (Alberta, Canada).

47 E.g. Tracy Wilkinson, “Group on Crusade to Say Sorry – 900 Years Later”, *LA Times*, 19 July 1999, <<https://web.archive.org/web/20180509205010/http://articles.latimes.com/1999/jul/19/news/mn-57414>> [accessed 9 May 2018].

48 Dixon, “Jerusalem”.

49 Manyon, “Sorry”.

The international scope of the coverage itself suggests the walk was of broader interest. As well as local papers in the countries passed through, national press in Turkey, Lebanon and Israel covered the progress of the march. Media outlets in the UK, US, Canada, Australia and New Zealand all included articles on the walk's conclusion in Jerusalem.⁵⁰

Qualitatively, responses to the walk varied. Manyon ended positively, but both Christopher Hudson in the London *Evening Standard* and Gwynne Dyer in the *Hamilton Spectator* (Ontario, Canada) strongly criticised the venture. Hudson argued that the apology was meaningless because the crusades were no longer a live issue.⁵¹ Moreover, apologising for the heroic, “romantic” and “noble” exploits of the crusaders undermined their genuine piety and suffering. Dyer's argument placed the crusades in the context of a long-term contest between Christianity and Islam. The crusades, here, were a defensive response to Islamic expansion and were not a unique form of warfare.⁵²

A third element of reception was the effect that the walk had on its participants. Megoran has summarised two important contexts from which the Reconciliation Walk emerged, that of the US “Christian Right” and that of a “third wave” of Protestant missionary endeavour.⁵³ Where the former tended to Christian Zionism and support of the state of Israel, the latter was characterised by interdenominational organisations, short-term mission trips and the recruitment of lay young people. While the Reconciliation Walk comfortably fit the “third-wave” paradigm, Megoran argued that it actively unpicked the certainties of the US “Christian Right”. Many participants, including Nobles, found

50 Green reflected that “Press interest was extremely high with CNN, Reuters, UPI, the BBC, the Jerusalem Post, several Arab newspapers, other Dutch, Swedish and German reporters, all giving us positive coverage.” Lynn Green, “July 1999, Part 2: The Damage Done by the Crusades is Being Reversed”, *Reconciliation Walk*, <<https://web.archive.org/web/20000110113913/http://reconciliationwalk.org:80/99jul2.htm>> [accessed 17 May 2018].

51 Christopher Hudson, “We've Had Enough of the Sword”, *The Evening Standard* (London), 5 July 1999, 32.

52 Gwynne Dyer, “Christians Don't Need to be Sorry for Crusades”, *Hamilton Spectator* (Ontario, Canada), 12 July 1999, 11.

53 Megoran, “Geography of Peace”, 386-88.

previous stereotypes and theological assumptions challenged, and ultimately replaced, by their experience of the walk: “Stereotypes like all Muslims are fundamentalist terrorists vanish when you eat together and share your hopes and worries.”⁵⁴ This sentiment was echoed by other walkers. Mike Kent told the *LA Times* that “To shake hands with a Jewish person and a Palestinian, Christian or Muslim, and to speak to them, it changes them from an extremist to a real person.”⁵⁵ Indeed, Megoran saw the effects on participants, and their home culture, as the key legacy of the walk; a continuing programme, the Journey of Understanding, was founded to continue the work of reconciliation.⁵⁶

In this way, then, the walk lived up to its billing as a “pilgrimage of apology”, echoing an ancient Christian practice of penitential peregrination.⁵⁷ The organisers were, consciously or not, adopting aspects of a traditional mode of response to perceptions of sin; and one proposed to be at the core of the self-understanding of the medieval crusaders themselves.⁵⁸

II. Historical Apologia

To accept blame humbly when one is at fault is always good, of course, but in this case the apologizers were only showing that they did not comprehend the Muslim view of the crusades (which made their conciliatory gesture empty) and did not understand history (which made their act of contrition pointless).

– Jonathan Riley-Smith⁵⁹

⁵⁴ Dixon, “Jerusalem”.

⁵⁵ Wilkinson, “Crusade to Say Sorry”.

⁵⁶ Megoran, “Geography of Peace”, 393-94. “Journey of Understanding”, *Reconciliation Walk* <<https://web.archive.org/web/20190315101303/https://epesent.com/recwalk/jou.html>> [accessed 15 March 2019].

⁵⁷ Stefanova, “Christians apologize”, 11.

⁵⁸ “There is no doubt that Urban preached the crusade at Clermont as a pilgrimage [...] The fact that the crusade was a pilgrimage was well understood by those taking the cross”, Jonathan Riley-Smith, *The First Crusade and the Idea of Crusading* (London: Continuum, 2003), 22-23. The mechanics of medieval penitence and modern repentance, though, have significant differences.

⁵⁹ Jonathan Riley-Smith, “Rethinking the Crusades”, *First Things* 101 (March 2000), 20.

The Reconciliation Walk, with its active engagement with the past and assertion that the legacy of the crusades was a contemporary issue which required addressing, unsurprisingly drew the attention of crusade scholars. This was not least because the international historical Society for the Study of the Crusades and the Latin East (SSCLE) had gathered in Jerusalem to mark the same anniversary with a conference.⁶⁰ The idea of apologising for the crusades has appeared in several historians' work – usually online articles aimed at a general audience – as part of a conversation about the meaning of the crusades (or lack thereof) for today.⁶¹ Evaluating the hostile reception of the walk in Riley-Smith's work reveals a different version of the crusading past to that of the walkers, which one might expect, but also fault lines in how to engage with the perceptions of the past held by others.

As the above quote illustrates, Riley-Smith was forthright in his condemnation of the walk's organisers' perceptions of the crusades and of the efficacy of their response. He was prompted to respond in print and discussed the apology for the crusades in at least five works up to 2008. Indeed, the question of how the crusades had been remembered and their legacy appeared to have provoked Riley-Smith to take up the subject with some energy, which culminated in his book, *The Crusades, Christianity, and Islam* (2008).⁶² The pre-eminent crusade historian for several decades, Riley-Smith had invigorated anglophone crusade scholarship in

60 "SSCLE Conferences", *Society for the Study of the Crusades and the Latin East*, <<https://web.archive.org/web/20180518154913/http://sscle.slu.edu/sscle-quadrennial-conference>> [accessed 18 May 2018].

61 For example, Thomas F. Madden, "Crusade Propaganda", *The National Review*, 2 November 2001, <<https://web.archive.org/web/20180723160659/https://www.nationalreview.com/2001/11/crusade-propaganda-thomas-f-madden/>> [accessed 23 July 2018]; Thomas F. Madden, "Crusade Myths", *Catholic Dossier* 1 (2002), <https://web.archive.org/web/20180711180636/http://www.ignatiusinsight.com/features2005/tmadden_crusade-myths_feb05.asp> [accessed 23 July 2018]; Paul F. Crawford, "Four Myths about the Crusades", *The Intercollegiate Review*, (Spring 2011): 13-22; Jay Rubenstein, "Massacre at Jerusalem — Do The Crusades Still Matter?", *Huffington Post*, 12 February 2011, <https://web.archive.org/web/20190315102712/https://www.huffingtonpost.com/jay-rubenstein/massacre-at-jerusalem-109_b_1115003.html?guccounter=2>, [accessed 15 March 2019]; Andrew Holt, "Apology for the Fourth Crusade", May 2016, <<https://web.archive.org/web/20190315102859/https://apholt.com/2016/05/26/apology-for-the-fourth-crusade/>> [accessed 15 March 2019]; Rodney Stark, *God's Battalions: The Case for the Crusades* (New York: HarperOne, 2009).

62 Jonathan Riley-Smith, *The Crusades, Christianity, and Islam* (New York: Columbia University Press, 2008).

part through identifying leading edges of scholarship ripe for investigation and encouraging their study.⁶³ And more personally, as described above, the Reconciliation Walk's organisers had quoted Riley-Smith to establish a connection between the medieval crusaders and the modern walkers.

Riley-Smith's criticisms bear unpacking as they challenged the walkers' understanding of the past and their performance as anti-crusaders. Of the two contentions, the historicist objection – that the walkers were operating under a defective understanding of the crusading past – is the simpler to evaluate. At its core, Riley-Smith asserted, the crusades were “war-pilgrimages proclaimed by the Popes on Christ's behalf and waged for the recovery of Christian territory or people, or in their defense.”⁶⁴ The aspects of defence and “recovery” meant they were not a form of Western aggression. Moreover, seeing the motivations of crusaders as greed, fear or hatred ignored a key facet of Riley-Smith's work which argued that they were primarily animated by penitence and piety: “a crusade was for the crusader only secondarily about service in arms to God or benefiting the Church or Christianity; it was primarily about benefiting himself. He was engaged in an act of self-sanctification.”⁶⁵

Riley-Smith argued that the crusades were not unique events; rather, they fit the traditional Christian criteria of Just War in being authorised by a legitimate authority (the Pope) and having “right intention” because of their defensive aspect.⁶⁶ Except for the persecution of the Jews in Europe by some contingents of the First Crusade, the violence prosecuted by the crusaders was not unusual: “the behavior of the crusaders in the East cannot be considered to have been quantitatively worse than that of those fighting in any ideological war.”⁶⁷ Ri-

63 Tyerman, *Debate*, 231. In this vein, see Elizabeth Siberry, *The New Crusaders: Images of the Crusades in the 19th and Early 20th Centuries* (Aldershot: Ashgate, 2000).

64 Riley-Smith, “Rethinking the Crusades”.

65 *Ibid.*

66 Jonathan Riley-Smith, “Why Apologising for the Crusades is Futile”, *Catholic Herald*, 5 October 2001, 6.

67 Riley-Smith, “Rethinking the Crusades”. Riley-Smith here adds “If we are going to express contrition for the behaviour of the crusaders, it is not so much to the Muslims that we should apologize, but to the Jews and to our fellow Christians”, though he then points out that the violence against European Jewish communities was not the focus of the crusade but collateral damage.

ley-Smith's criticism moved beyond analysis of the medieval crusades and contested the walkers' understanding of crusading as an aberration of Christianity. He contended that the use of force had a long history in Christian tradition – indeed, tracing it was what had initially drawn him to the crusades.⁶⁸ This rendered the Reconciliation Walkers' apology historically misguided: “Ought we not rather challenge the widespread sentimental and unhistorical assumptions that on the one hand Christianity is an unambiguously pacific religion and on the other that Christian justifications of force have been consistent?”⁶⁹ If the Reconciliation Walkers' version of history was defective, went Riley-Smith's logic, then their apology was fatally undermined by its factual inaccuracy.

The second strand of Riley-Smith's criticism suggested that the apology was an “empty” gesture because it misunderstood the Muslim perspective on the crusades. In later lectures and published works Riley-Smith proposed that Muslims “looked back on the Crusades with indifference and complacency”, seeing them as undifferentiated skirmishes in a broader “spasmodic” conflict between Christianity and Islam; “the crusading movement was a succession of episodes in a continuum of hostility between the two religions.”⁷⁰ Saladin, the iconic Islamic and Kurdish leader, was celebrated in the West as the chivalrous antagonist of Richard I on the Third Crusade but, Riley-Smith argued, had been “almost completely forgotten” by Muslims. Indeed, it was only with Kaiser Wilhelm II's 1898 tour of the Levant and visit to the tomb of Saladin in Damascus that the medieval figure was “reintroduced” to Muslims.⁷¹

In this schema, the modern “Muslim” memory of crusading was dominated by nineteenth- and twentieth-century perceptions of the

68 Riley-Smith, “Apologising”. On his initial interest, see Jonathan Riley-Smith, *The First Crusade and Idea of Crusading*, 2nd ed. (London: Continuum, 2009), 3.

69 Riley-Smith, “Rethinking the Crusades”.

70 Riley-Smith, *Crusades, Christianity, and Islam*, 71; Riley-Smith, “Rethinking the Crusades”. For Riley-Smith on the Muslim memory of crusading, see Jonathan Riley-Smith, “Islam and the Crusades in History and Imagination, 8 November 1898-11 September 2001”, *Crusades* 2 (2003): 151-67; Jonathan Riley-Smith, “Jihad Crusaders: What an Osama bin Laden means by ‘Crusade’”, *National Review*, 5 January 2004, <<https://web.archive.org/web/20180607082840/https://www.nationalreview.com/2004/01/jihad-crusaders-jonathan-riley-smith/>> [accessed 7 June 2018].

71 Riley-Smith, *Crusades, Christianity, and Islam*, 64.

crusades as Western imperial ventures. This version of history was acquired from the West. Picked up from the romantic imagination of Scottish novelist Walter Scott and the nationalist parallelism of French historian Joseph François Michaud it saw a continuity of Western aggression which culminated in British and French Mandates in Palestine and Syria respectively after the First World War.⁷² It had traction because it appealed to both Arab nationalists and pan-Islamists alike; figures such as Egyptian President Gamal Nasser, Iraqi President Saddam Hussein, al-Qaeda leader Osama bin Laden and, most recently, the propagandists of ISIS. Riley-Smith explained its efficacy as:

*Having less to do with historical reality than with reactions to imperialism, the Nationalist and Islamist interpretations of crusade history help many people, moderates as well as extremists, to place the exploitation they believe they have suffered in a historical context and to satisfy their feelings of both superiority and humiliation.*⁷³

This criticism of the apology, then, concluded that apologising was pointless on relative grounds, as well as in absolute terms, because for Muslims the offense of the crusades was still being actively perpetrated. Riley-Smith memorably wrote that “any expression of contrition would be rather like a marksman firing at his opponent with a Kalashnikov while expressing regrets for his ancestor’s use of a bow and arrow.”⁷⁴ Furthermore, Western apologisers could be seen to be reinforcing the Muslim perception of the crusades by admitting guilt for the crusades. In an article addressing bin Laden’s understanding of the crusades, Riley-Smith summarised that:

⁷² See *Ibid.*, 66-67; Riley-Smith, “Islam and the Crusades”, 152-60.

⁷³ Riley-Smith, *Crusades, Christianity, and Islam*, 76.

⁷⁴ Riley-Smith, “Apologising”. On criticisms of historical apologies more generally, see Weyeneth, “Power of Apology”, 29.

*We are confronted by a dangerous view of the past and of the present, moral as well as historical [...]. It has been spreading for a century and nothing has been done to counter it. Indeed, over and over again, in words and deeds, Westerners have thoughtlessly reinforced many Muslims' belief in it.*⁷⁵

Employing Trouillot's schema highlights which connections Riley-Smith was contesting: primarily that of the erasure of intervening history. Where his own work had been employed by the walkers to establish genealogical continuity – Trouillot's "numerical identity" at (a) – his insistence on filling out the historical middle denied the walkers' creation of discontinuity with the past. In fact, both of Riley-Smith's criticisms were of "bad history": that of the Reconciliation Walkers' sketch of the crusades and of "Muslim memories" of the crusades. In his book on the topic, he highlighted the need for "opening our eyes to the actuality – not the imagined reality – of our own past."⁷⁶ Here, Riley-Smith was an apologist for history; he offered an *apologia* in the traditional sense for the primacy of historical accuracy over the felt resonance of the past.

Historicising Riley-Smith and the Reconciliation Walk

Discussing the entanglement of academic crusade scholarship ("recreated pasts") and popular perceptions of the past ("revived pasts"), Kristin Skottki has called for "a *relentless* historicisation and contextualisation" of all aspects of presentations of the crusades.⁷⁷ This, she suggested, would go some way towards overcoming "structural amnesia" in crusade historiography, whereby popular understandings of the crusades were

⁷⁵ Riley-Smith, "Jihad Crusaders".

⁷⁶ Riley-Smith, *Crusades, Christianity, and Islam*, 6.

⁷⁷ Kristin Skottki, "The Dead, the Revived and the Recreated Pasts: 'Structural Amnesia' in Representations of Crusade History", in *Perceptions of the Crusades from the Nineteenth to the Twenty-First Century: Engaging the Crusades, Volume One*, eds. Mike Horswell and Jonathan Phillips (Abingdon: Routledge, 2018), 124. Emphasis from original.

overlooked and dismissed, rather than being seen to contain, or be based on, older (or outmoded contemporary) academic interpretations. By bringing both the recreated past of Riley-Smith's work and the revived past of the Reconciliation Walk's organisers into dialogue with broader historical perspectives we can further interrogate their modes of engagement with the past and one another.

Riley-Smith's denouncement of the Reconciliation Walk's portrayal of crusader motivations is consistent with recent academic work which has moved away from materialist considerations of greed and land-shortage and emphasised the costs of crusading and the piety of the crusaders. John France has argued that the first crusaders could only have succeeded in overcoming the extreme conditions of the expedition through absolute religious devotion to the cause, and analysis of charter evidence records both the finances required to undertake a crusade and the pious Christian language which framed the leaving arrangements of departing crusaders.⁷⁸ Notably, the turn to investigating crusader motivations and the rehabilitation of piety and zeal as sincere animating factors was pioneered by Riley-Smith.⁷⁹ His understanding of crusading had developed over his academic career, been subjected to scrutiny, and was presented with nuance; "Crusading adapted itself over time to circumstances and fashions," he wrote in the third edition of *The Crusades: A History* (2014), "but certain elements were constant."⁸⁰

In contrast, the walkers' characterisation of crusading was a crude synthesis of several strands of popular critique. Crusades beyond the first were rarely mentioned and the chronology and narrative of the 1095-99 expedition seems to have been relatively unimportant aside from its geography. Green's 2014 retelling, for example, was hazy on

⁷⁸ John France, *Victory in the East: A Military History of the First Crusade* (Cambridge: Cambridge University Press, 1994); Jonathan Riley-Smith, *The First Crusaders, 1095-1131* (Cambridge: Cambridge University Press, 1997); Jonathan Riley-Smith, "The Crusading Movement and the Historians", in *The Oxford Illustrated History of the Crusades*, ed. Jonathan Riley-Smith (Oxford: Oxford University Press, 1995), 6-8.

⁷⁹ Tyerman, *Debate on the Crusades*, 221-22.

⁸⁰ Jonathan Riley-Smith, *The Crusades: A History*, 3rd edn. (London: Bloomsbury, 2014), 14.

details of the battles, movements of contingents and interactions with locals they encountered that were not bloodshed:

they went in the name of Jesus and under the banner of the cross and they considered that they were doing evangelism. And their message was “Convert to Christianity or die”, and they first decimated Jewish populations right across Europe, and then when they got to, down to the part of the Eastern Church where there had been a split about 50 years before, then they began Christian-on-Christian warfare. And when they first came to a Muslim area, well I don’t know if they practiced cannibalism or not, but at least what they did to terrorise the first city, walled city, that they took is that they capture some children, killed them and at least acted like they were eating them – roasting them and eating them – in order to terrorise the city.⁸¹

The crusade became a confected symbol of barbarous, religiously-motivated violence – its semiotic significance was as an originary point for Middle Eastern tensions and Western Christian aggression.⁸²

The impulse to apologise for the crusades had precedent. Christian missionary agencies had grappled with the crusades and crusading language and imagery in the twentieth century.⁸³ A traditional theme saw missionaries as “Gospel Crusaders” who were the inheritors of the crusaders’ zeal and Christian expansionism.⁸⁴ Alongside this, a thread of missionary criticism of the violence of the crusaders spanned the century preceding the Reconciliation Walk, into which most of their

81 Green, “Part 2: Stepping into the Vision”.

82 For “semiotic shorthand”, see Tyson Pugh and Angela Jane Weisl, *Medievalisms: Making the Past in the Present* (London: Routledge, 2013), 7; on the need for origins, see Skottki, “Structural Amnesia”, 110.

83 For examples see Mike Horswell, *The Rise and Fall of British Crusader Medievalism, c. 1825-1945* (Abingdon: Routledge, 2018), 92-106.

84 *Ibid.*, 100-104.

specific renunciations outlined above fit. The Standing Committee of the Conference of Missionary Societies had written to *The Times* in November 1922 on peace in the Near East, saying that:

*The first step in that direction we believe to be the recognition of and repentance by Christendom for its own faults in the past in relation to the Near East, as, for instance, in the wholesale slaughter of the inhabitants of Jerusalem by the Crusaders.*⁸⁵

Famously, Pope John Paul II had apologised in 2000 for the church's historic "use of violence", implying (but not specifying) the crusades, and in 2004 expressed regret for the sack of Constantinople during the Fourth Crusade in 1204.⁸⁶ Rowan Williams, as Archbishop of Canterbury in 2005 had referred to the crusades as "serious betrayals of many of the central beliefs of Christian faith".⁸⁷ The Reconciliation Walkers, uniquely, held together these two strands: instead of disavowing the perceived connection between modern missionaries and crusaders, as many had done, they embraced it in order to defuse it.

While the walkers' vision of the historical crusades was extremely hazy, condemnation of the crusades did have precedent in scholarship and was not absent in medieval times.⁸⁸ Thomas Fuller, Edward Gibbon, Voltaire and David Hume had all been scathing about the merit of the crusades; Hume memorably proclaimed them "the most durable monu-

85 Standing Committee of the Conference of Missionary Societies, "Near East Peace", *The Times*, 6 November 1922, 13.

86 Weyeneth, "Power of Apology", 37-38; Marco Giardini, "Reception of the Crusades in the Contemporary Catholic Church: 'Purification of memory' or medieval nostalgia?", in *The Crusades in the Modern World: Engaging the Crusades, Volume Two*, eds. Mike Horswell and Akil N. Awan (Abingdon: Routledge, 2019), 75-90.

87 Rowan Williams, "What is Christianity?", Lecture at International Islamic University, Islamabad, Pakistan, 23 November 2005, <https://web.archive.org/web/20060426040434/http://www.archbishopofcanterbury.org:80/sermons_speeches/2005/051123.htm> [accessed 17 May 2018].

88 Palmer A. Throop, *Criticism of the Crusade: A Study of Public Opinion and Crusade Propaganda* (Philadelphia: Porcupine Press, 1975); Elizabeth Siberry, *Criticism of Crusading, 1095-1274* (Oxford: Oxford University Press, 1985).

ment of human folly that has yet appeared in any age or nation”.⁸⁹ In the twentieth century, Steven Runciman’s hugely popular account had deemed the Holy War “nothing more than a long act of intolerance in the name of God, which is a sin against the Holy Ghost.”⁹⁰ More recently, this strand of censure was taken up by (among others) Terry Jones and Karen Armstrong; authors whose works have popular, if not academic, resonance.⁹¹ Indeed Armstrong wrote that “I now believe the crusades were one of the direct causes of the conflict in the Middle East today.”⁹² Amin Maalouf in *The Crusades through Arab Eyes* evocatively concluded that the crusades were still felt as an “act of rape” by the inhabitants of the Middle East.⁹³ The walkers, despite their monochrome presentation of the historical crusades, were expressing a “revived” past – a version of the past with its own history and contemporary resonance.

Furthermore, the role of apocalyptic anxieties – highlighted by Hand – has been rehabilitated by Jay Rubenstein, who argued in his *Armies of Heaven* that crusading has to be situated in contemporary eschatological perspectives to be understood.⁹⁴ Riley-Smith’s own work on the experiences of the first crusaders and its subsequent “theological refinement” by ecclesiastical chroniclers made a case for the importance of apocalyptic considerations.⁹⁵ Although neither Rubenstein nor Riley-Smith would draw the same parallels between medieval and modern crusader mentalities that Hand did, I suspect neither would deny the possibility of their efficacy in motivating action in either the eleventh or twentieth centuries.⁹⁶

89 Tyerman, *Debate*, 81.

90 Quoted in *ibid.*, 193. Of the Fourth Crusade, Runciman wrote, “there never was a greater crime against humanity”; *ibid.*, 194.

91 Jones’ book followed a 1995 BBC documentary series; Terry Jones and Alan Ereira, *Crusades* (London: Penguin Books, 1996); Karen Armstrong, *Holy War: The Crusades and their Impact on Today’s World*, 2nd edn. (New York: Anchor Books, 2001). See Skottki, “Structural Amnesia”, 119-20.

92 Armstrong, *Holy War*, xiv.

93 Amin Maalouf, *The Crusades through Arab Eyes*, trans. Jon Rothschild (New York: Schocken Books, 1984), 266.

94 Jay Rubenstein, *Armies of Heaven: The First Crusade and the Quest for Apocalypse* (New York: Basic Books, 2011).

95 Riley-Smith, *First Crusade*, especially chapter six.

96 See Rubenstein’s reflections on how his own experiences influenced his book: Taylor Smith, “How the Apocalypse Found Me”, *The Key Reporter*, 6 April 2013, <<http://keyreporter.org/PbkNews/PbkNews/Details/559.html>> [accessed 8 June 2018].

Historicising Riley-Smith’s approach to Christian history pushes the boundaries of traditional criticism to its limits. Because historical and religious perspectives are entwined in any individual, disentangling them within any given work of scholarship is difficult – and potentially counter-productive in producing artificially discreet entities. It is sufficient to make two observations at this point. Firstly, Riley-Smith published one of the articles which directly addressed the Reconciliation Walk in the *Catholic Herald* and another in the conservative, ecumenical, journal *First Things*. Considered alongside his academic works, these were interventions in the popular sphere to communicate his historical vision and were aimed at a religious audience.⁹⁷ Riley-Smith’s involvement with the crusading military orders was also personal; he was a member of two Hospitaller successor Orders, the Sovereign Military Order of Malta and the British (Protestant) Order of St. John.⁹⁸ Christopher Tyerman – a long-time critic of aspects of Riley-Smith’s work – gestured to Riley-Smith’s Catholicism when discussing his emphasis on the authority of the pope and clerical figures in defining what crusading was, and in his insistence on the motivating power of devotion and penance. This is merely to say that Riley-Smith was invested in an understanding of Christianity and the Christian past which differed significantly from that of the Reconciliation Walkers. In practice, it may be that the walkers’ Protestant Christianity facilitated the discontinuities articulated with a “papal” past; some modern Catholic, or religiously conservative perspectives might be inclined to emphasise continuities of Christian action with the medieval crusades.

With regard to Riley-Smith’s second criticism – that Muslims had forgotten the crusades until reintroduced to Western imperialist versions in the late nineteenth century – scholarship has nuanced the

⁹⁷ This was also the case with the works cited by crusade historian Thomas Madden above, of which his “Crusade Myths” article has been widely republished online. His recent short book, distributed through dynamiccatholic.com, was aimed at a Catholic audience; Thomas F. Madden, *The Crusades Controversy: Setting the Record Straight* (North Palm Beach, FL: Beacon, 2017) Rodney Stark republished his argument defending the crusades in a theological journal issue on Islam as Rodney Stark, “The Case for the Crusades”, *The Southern Baptist Journal of Theology* 20, n.º 2 (2016): 9-28.

⁹⁸ Tyerman, *Debate*, 232.

picture he painted, stimulated in part by his assertions. Riley-Smith's initial claim was based on work by Francesco Gabrieli (1969), Emmanuel Sivan (1972), Bernard Lewis (1975), Amin Maalouf (1984), and Carole Hillenbrand (1999).⁹⁹ This has been significantly modified by recent work which has demonstrated that Saladin and the crusades *were* a part of Middle Eastern and Islamic memories to the present.¹⁰⁰ This denies neither their complex and varying place in those memories (as we would expect), nor the significant effect of Western imperial influence in the region on both politics and historical perception. Riley-Smith's evaluation of the influence of the Kaiser, Scott and Michaud on how the crusades were remembered and their appropriation (and adaptation) by nationalist and Islamist regimes remains helpful. Similarly, his reminder that contemporary use of the crusades is more strongly related to political agendas than to recovery of an "objective" historical account has been elaborated upon.¹⁰¹ On al-Qaeda and ISIS, Skottki has written:

*it seems odd to expect terrorist organisations [...] to engage with history like a research centre. Of course they are using history only to serve their presentist concerns and goals; of course they cut out bits and pieces of history that seem helpful in justifying their self-fashioning*¹⁰²

99 E.g. Bernard Lewis, *History: Remembered, Recovered, Invented* (Princeton, NJ: Princeton University Press, 1975); Francesco Gabrieli, *Arab Historians of the Crusades*, trans. E.J. Costello (Abingdon: Routledge, 2010, first published in English 1969); Emmanuel Sivan, "Modern Arabic Historiography", *Asian and African Studies* 8 (1972): 104–49; Amin Maalouf, *Crusades through Arab Eyes*; Carole Hillenbrand, *The Crusades: Islamic Perspectives*, 2nd ed. (Edinburgh: Edinburgh University Press, 2012, first ed. 1999).

100 Diana Abouali, "Saladin's Legacy in the Middle East before the Nineteenth Century", *Crusades* 10 (2011): 175–89; Umej Bhatia, *Forgetting Osama Bin Munqidh, Remembering Osama Bin Laden: The Crusades in Modern Muslim Memory* (Singapore: S. Rajaratnam School of International Studies, 2008); Stefan Heidemann, "Memory and Ideology: Images of Saladin in Syria and Iraq", in *Visual Culture in the Modern Middle East: Rhetoric of the Image*, eds. Christiane J. Gruber and Sune Haugballe (Bloomington, IN: Indiana University Press, 2013), 57–81; Jonathan Phillips, *Saladin* (London: Bodley Head, 2019).

101 See Bhatia, *Forgetting Osama*; Geraldine Heng, "Holy War Redux: The Crusades, Futures of the Past, and Strategic Logic in the 'Clash' of Religions", *PMLA* 126, n.º 2 (2011): 422–31; Bruce Holsinger, *Neomedievalism, Neoconservatism, and the War on Terror* (Chicago: Prickly Paradigm Press, 2007).

102 Skottki, "Structural Amnesia", 117.

This draws attention to the tension that runs through Riley-Smith's writing on the apology of, and call for, greater historical accuracy. The preceding lines to the quote above from his 2008 book reveal this confusion: "we cannot hope to comprehend – and thereby confront – those who hate us so much unless we understand how they are thinking; and this involves opening our eyes to the actuality – not the imagined reality – of our own past."¹⁰³ Despite having asserted the ahistorical nature of the perceptions of continuity, Riley-Smith acknowledged their power: "So many share [bin Laden's historical vision] that one is tempted to call it mainstream."¹⁰⁴ In his own terms, if "we" are to understand the way that "those who hate us" are thinking, this surely involves greater engagement with how they perceive the past, notwithstanding any academic consensus. Regardless of the historical reality, perceptions of the crusades have potency.

Historicising Riley-Smith's own work places it into the context of broader discussions of the way he himself characterises crusade history and historical Christianity, in turn complicating both. Neither these depictions, nor Riley-Smith's broader assertions of the need to return to historical factuality, account for the affective power of alternative perceptions of the crusades, or indeed Christianity. Versions of these perceptions (however simplistic) clearly animated the Reconciliation Walkers to undertake an ambitious, five-year-long project of performative public repentance, which seemingly proved attractive to many they encountered. Moreover, a succession of Middle Eastern politicians and Islamic extremists (as Riley-Smith acknowledged) employed the tropes of crusades-as-*proto-imperialism* or *crusades-as-Western-Christian-aggression* to political effect. These mobilisations represent a powerful rhetorical tradition which persists. If Riley-Smith's first criticism had traction, his second was undone: rather than dismissing these "revived pasts" the Reconciliation Walk engaged them directly. The example of the Reconciliation Walk and the criticism of Riley-Smith demonstrate

¹⁰³ Riley-Smith, *Crusades, Christianity, and Islam*, 6.

¹⁰⁴ Riley-Smith, "Islam and the Crusades", 166-67.

that academic and popular perceptions of the crusades coexist, persist and intersect. Neither speak into a void – both embody consequences of the ways in which the past is constructed and employed in the present and have their own histories.

III. Abortive Apologies? Negotiating the Meaning of the Past

Thus collective apologies are not meant to succeed – not because of the possible hypocrisy of some of the actors but because their very conditions of emergence deny the possibility of a transformation. They are abortive rituals.

– Michel-Rolph Trouillot¹⁰⁵

“Apologies”, Trouillot observed, “are inherently about affect.”¹⁰⁶ This presentist, “future-oriented” function means that their efficacy depends on their relative reception. For the Reconciliation Walkers Trouillot recognised that his argument allowed them the sincerity of their performance, and even warm reception among individuals.¹⁰⁷ Green asserted the positivity of reception of the apology among those encountered while Megoran has pointed to the formative effect of the walk on those who took part, even suggesting that this may prove transformative for sections of Western Christianity.¹⁰⁸

Trouillot’s own consideration of historic apologies led him to conclude that they were “abortive rituals”. Fundamentally, he saw the collective identities which were necessary to inter-communal apologies as being inherently unable to undergo the change – or discontinuity – with the past required for contrition whilst maintaining their ontological status. He argued that:

105 Trouillot, “Abortive Rituals”, 185.

106 *Ibid.*, 184.

107 *Ibid.*, 185.

108 Megoran, “Geography of Peace”, 393-95.

The collectives projected in the current wave of apologies are framed outside of history – except of course the history of the encounter on which the apology is premised. Not that this framing denies all historicities. Rather, it requires a particular kind of historicity, notably the possibility of freezing chunks of an allegedly unified past, as in the storage model of memory and history [...¹⁰⁹] On the one hand, history is denied as an experience constitutive of the collectivity: no structure precedes the subject. [...] On the other hand, the history that ties the initial wrong to the possibility of – or need for – an apology is brandished as the sole relevant story. Steeped in a language of blood and soul, collectivities are now defined by the wrongs they committed and for which they should apologize, or by the wrongs they suffered and for which they should receive apology.¹¹⁰

Key to this verdict is Trouillot's understanding that the apology should be transformative, it should effect some change in the relationship between participants. Because the collective identities required by the apology have an unclear relationship to the people in the present (in terms of their ability to speak for and alter their fundamental definition) he suggested, it was impossible for them to change and for any transformation to occur. Participants needed to "convince the populations on both sides that identity obtains in ways that make the performance meaningful, collective apologies will have little transformative power."¹¹¹ Thus the apology would remain stillborn.

Trouillot himself traced the development in history of the idea of collective identities; he historicised the concept to demonstrate how it had changed. In so doing, he left open the possibility of further evolution. Furthermore, the relationship between individuals and collective

109 Trouillot references another work here, Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Boston, MA: Beacon, 1995), 14-18.

110 Trouillot, "Abortive Rituals", 181.

111 *Ibid.*, 185.

identities is more complex than Trouillot allowed. Individuals may hold many facets of identity at once, even potentially contradictory ones, and different allegiances come into play at different times. That these have historical components or interpret the past according to the needs of the present is no surprise. When it comes to relating to the past – a key aspect of identity-formation – Maurice Halbwachs’ work on collective memory has suggested that because these memories need to be embodied in particular communities, they must necessarily be useful to those people.¹¹² The past, he posited, may provide options for people to identify with or may be overdetermined by presentist concerns. Either way, as Trouillot himself argued above, collective identities are fluid rather than static and themselves need to be understood within their historical context. For example, the walkers’ Protestant Christianity had already (consciously or not) negotiated a set of historical continuities and discontinuities which facilitated the functioning of the apology for participants.

The broader discussion of the late-twentieth-century vogue for historical apologies suggests that they open spaces for societies to negotiate their relationship with the past and its legacies, imagined or tangible. Apologies, Robert Weyeneth proposed, “represent a unique and ambitious effort to reconcile past and present.”¹¹³ Whether generally accepted, “transformative”, or neither, they raise public debate about (often controversial) history and put “on record, formally and publicly” particular perspectives on the past. The apology offers an alternative way of interpreting the past which “becomes part of the historical record for subsequent generations.”¹¹⁴ Here, then, the actions-in-history of the Reconciliation Walkers in apologising for the crusades has required the inclusion of their perspective and interpretation of the past in the discussion of the memory and legacy of the crusades, and of its meaning for the present.

112 Maurice Halbwachs, *On Collective Memory*, ed. and trans. Lewis A. Coser (London: University of Chicago Press, 1992). As Paul Connerton has asserted, “our images of the past commonly serve to legitimate a present social order”; Paul Connerton, *How Societies Remember* (Cambridge: Cambridge University Press, 1989), 3.

113 Weyeneth, “Power of Apology”, 21.

114 *Ibid.*, 32-33.

Spaces for Negotiation: The Israel Museum

On the same day that the Reconciliation Walk culminated in Jerusalem, the Israel Museum opened an exhibition of the material culture of the medieval crusader principalities. “Museums rarely have the opportunity,” wrote the director, “at such a perfect meeting point of time and place, to assemble the historical remnants of an entire culture and to present them in their country of origin and for such a wide public.”¹¹⁵ The crusades were framed as a period of cultural encounter, rather than “clash”, partly in response to the material nature of the exhibits.¹¹⁶ Alongside the medieval material the exhibition included artistic responses to the crusades and their legacy, reflecting another approach to engaging with the past.

Curator Silvia Rozenberg suggested that Igaël Tumarkin’s art attempted to “connect different times and cultures and to understand the present in light of the past.” It linked “the Crusaders to the Arab-Israeli conflict, responding to a possible analogy between the Crusader kingdom and the Jewish state.”¹¹⁷ Discussing the work of Martin Honert, which consisted of life-size figures stepping out of a flat rural scene into 3D, she wrote: “Simultaneously perpetuating and subverting the romantic fascination with the Crusades, it calls into question the morality of the Crusader movement and demonstrates the relevance of the Crusader myth for those who try to deal with the harsh issues of life today.”¹¹⁸ The pieces in the exhibition, for Rozenberg, constituted a temporal bridge; “bringing us closer to the difficult realities of the Crusader period – and to the controversial questions of our own time.”¹¹⁹ The significance of the crusades could be seen to be in flux – the works of art attempted to navigate and creatively respond to the sedimented layers of meaning the crusades had attracted through the centuries and the breadth of variance.

115 James S. Snyder, “Foreword”, in *Knights of the Holy Land: The Crusader Kingdom of Jerusalem*, ed. Silvia Rozenberg (Jerusalem: The Israel Museum, 1999).

116 Silvia Rozenberg, “Crusader Imagery in Modern Times”, in Rozenberg ed., *Knights*, 299.

117 *Ibid.*, 303.

118 *Ibid.*

119 *Ibid.*, 301.

Attended by Riley-Smith and the crusade historians of the SSCLE with whom it was created, the exhibition could well have been visited by members of the Reconciliation Walk in Jerusalem and thus simultaneously hosted a range of responses to the crusading past discussed and perceptions of their significance: the collection and presentation of entangled material remains; the approaches of scholarly writers and educators; the wrestling of the artistic creations; and the active, affective apologies of the walkers.

Conclusion

It is clear that the crusades, or, to be precise, perceptions of the crusades, now matter beyond the shades of academe.

– Christopher Tyerman¹²⁰

The *meanings* of the crusades remain fractured and contested; they continue to be actively renegotiated. The Reconciliation Walkers, in embodying anti-crusaders, attempted to annihilate the toxic legacy they perceived to have followed the crusades. They engaged directly with the perception of the crusades as a signifier of Western violence in an attempt to nullify it.

Historians, engaged in the ever-continuing project of creating and re-presenting history, mediate the past for the present. They anticipate and respond to deployments of the past, themselves embodied actors within traditions of interpretation and possessing situated perspectives not only on the past, but also on the ways in which it is and *should be* used. And inevitably themselves are fractured – Riley-Smith’s own version of history has evolved and is often contested.

What the above discussion demonstrates is that discussions of how people relate to the past must be broader than academic historiography and consider perceptions of the past – no matter how factual.

¹²⁰ Tyerman, *Debate*, 247.

Perceptions may be plastic, but they are no less powerful for their artificiality. For, if Olympian detachment is impossible, contemporary entanglement inevitable, and self-reflexivity essential (but perpetually required), then the question remains – for historian and walker – of the nature of engagement with the past in the present. “No apologies are required”?¹²¹ Or perhaps, as Rajan has suggested, “The only thing worse than an apology [...] is no apology.”¹²²

121 Stark, “Case for the Crusades”, *SBJT*, 26. See Madden, *Crusades Controversy*; and other works cited and discussion in Skottki, “Structural Amnesia”, 120-23.

122 Rajan, “Righting Wrongs”, 168.

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Tommaso di Carpegna Falconieri

Liberty Dreamt in Stone: The (Neo)Medieval City of San Marino

This article presents a first comprehensive evaluation of the medievalizing phenomenon in the Republic of San Marino from a comparative perspective, with a particular focus on the period between 1884 (date of the construction of San Marino's new town hall) and the years of Fascism (1922-1943), the most significant phase of San Marino's transformation into a neomedieval city. Nowadays, San Marino possesses not only a medieval history, but also a neomedieval identity. The recognition of this identity was made clear in 2008, when the historic center of San Marino was inscribed on UNESCO's World Heritage List.

Keywords: Medievalism, Urban History, Republic of San Marino, History of Architecture.

A liberdade sonhada em pedra: a cidade (neo)medieval de San Marino

Este artigo apresenta uma primeira avaliação abrangente do fenómeno de medievalização da República de São Marino numa perspectiva comparativa, centrada no período entre 1884 (construção da nova Câmara Municipal de São Marino) e os anos do fascismo (1922-1943), que corresponderam à fase mais profunda da transformação de São Marino numa cidade neomedieval. Na verdade, São Marino possui não apenas uma história medieval, mas também uma identidade neomedieval. A aceitabilidade dessa proposição ficou clara em 2008, quando o centro histórico de São Marino foi inscrito na Lista do Património Mundial da UNESCO.

Palavras-chave: Medievalismo, História Urbana, República de São Marino, História da Arquitetura.

Liberty Dreamt in Stone: The (Neo)Medieval City of San Marino

Tommaso di Carpegna Falconieri*

1. Approaching San Marino: The View from Medievalism Studies

The horizon line traced by Monte Titano is unmistakable, whether seen from the Apennines, of which it is the most distant offshoot, or from the Po Valley, which it flanks like a balcony: three rocky pinnacles, each surmounted by a fortress, that together comprise the independent city of San Marino.¹ Viewed from afar this landscape seems to have been fixed in place for centuries, yet as one approaches the city one quickly becomes aware of changes that have shifted San Marino's territory, urban fabric, buildings, and monuments. These transformations, undertaken primarily during the past one hundred years, occurred under the sign of modernity, but with a sense of reverence for the past—a past perceived as foundational to Sammarinese identity and that, accordingly, transcending mere restoration or even reconstruction, was to a significant degree created *ex novo*. San Marino is a settlement of ancient origins, like so many other cities on the Italian peninsula and in continental Europe that have in recent times chosen to accentuate their medieval strata, returning to being, in the eyes of visitors and residents alike, cities that evoke the heroic era that for Westerners

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¹ I thank Anna Guerra for research assistance in the Archivio di Stato di San Marino and Alison Locke Perchuk for the English translation.

both represents and performs the site of encounter between history and imagination. The three fortresses stand on the ridges of the mountain, the streets are well paved, multiple circuits of crenellated and turreted walls encircle the city, the facades of the houses and buildings are constructed with perfect ashlar blocks of sandstone, the local stone, which appears yellowish, whitish, or grey, and is expertly and artisanally carved. Everything appears neat and new.



1. San Marino's town hall (photo by author, February 2019)

The reconstruction of a city 'in medieval style' ought not be surprising: on the contrary, the practice was widely diffused in Europe during the last two centuries. In much the same manner, the "Contest of the Crossbows" (Palio delle Balestre, developed between 1956 and 1976), "Medieval Days" (Giornate Medievali, begun in 1993), and the "Tournament of Castles" (Torneo dei Castelli, begun in 2002) make

San Marino a vivid witness to the ample and widespread socio-cultural phenomenon known as “medievalism.” And, as elsewhere, they do so in a manner that denies San Marino’s specificity by means of a system that is both modular and globalized: the world is full of archers, competitions, and processions.² Nevertheless, when placed alongside other ‘remedievalized’ locations, San Marino exhibits a unique element that makes it worthy of study in and of itself: that San Marino is an independent republic confers on its constant evocation of the Middle Ages an import and purpose distinct from those of any other location. Of all the nations of the world, San Marino is the only one to have originated as a medieval township, to have consistently maintained its republican autonomy through the Early Modern and Modern eras, and to be currently recognized by the international community as a sovereign state.³ Also of interest is the manner in which the perceptions and representations of the Middle Ages, the era that saw the birth of this small republic’s sovereignty, have shifted over time. Today San Marino possesses not only a medieval identity, but also a neomedieval one. The acceptability of this proposition was made clear on 7 July 2008, when the historic center of the City of San Marino, together with Monte Titano and the historic center of Borgo Maggiore (another community in the Republic of San Marino), was inscribed on UNESCO’s World Heritage List: as stated in the citation, “In this case, the idea of the ‘medievalisation’ of the historic centre can be considered as an expression of national identity through the search for an idealised image of the historic centre.”⁴ San Marino is thus a curious case, for the ‘au-

2 On medievalism and historical recreation: Veronica Ortenberg, *In Search of the Holy Grail: The Quest for the Middle Ages* (New York: Hambledon Continuum, 2007), 225–35; Tommaso di Carpegna Falconieri, *Medioevo militante: La politica di oggi alle prese con barbari e crociati* (Turin: Einaudi, 2011), 106–20; English translation: *Id., The Militant Middle Ages. Contemporary Politics between New Barbarians and Modern Crusaders* (Amsterdam: Brill, 2019), 77–87. As the bibliography on medievalism is constantly expanding, I refer the reader to the website *Medievally Speaking*, <http://medievallyspeaking.blogspot.it>. This excellent and frequently updated resource is diminished only by the fact that it presents almost exclusively Anglophone scholarship, largely ignoring detailed and important analyses of medievalism published in languages other than English.

3 “Permanent Mission of the Republic of San Marino to the United Nations”, *United Nations Permanent Missions*, <https://www.un.int/sanmarino/>, consulted 5 February 2019.

4 “San Marino Historic Centre and Monte Titano”, *UNESCO—Culture—World Heritage Centre—The List*, <http://whc>.

thenticity' of the site, which is a fundamental criterion for selection to UNESCO's World Heritage List, is seen to lie not in the conservation of any originary state, but rather in a dynamic process. Restoration and medievalizing reconstructions are elements that contribute to the cultural value of the 'monument.' In this sense, San Marino occupies a position similar to that of another celebrated monumental site: the fortified city of Carcassonne, in the Occitanie region of France, which joined the World Heritage List in 1998.⁵ Both cities are worthy of being numbered among the most important monuments of the world not only for their medieval histories, but also for their 'neomedieval' afterlives.⁶

unesco.org/en/list/1245/, consulted 5 February 2019: "San Marino is one of the world's oldest republics and the only surviving Italian city-state, representing an important stage in the development of democratic models in Europe and worldwide. [...] The defensive walls and the historic centre have undergone changes over time that include intensive restoration and reconstruction between the end of the 19th century and the first decades of the 20th century, a process that can be considered to be part of the history of the property and reflects changing approaches to conservation and presentation of heritage over time. Criterion (iii): San Marino and Mount Titano are an exceptional testimony of the establishment of a representative democracy based on civic autonomy and self-governance, with a unique, uninterrupted continuity as the capital of an independent republic since the 13th century. [...] Many elements of the historic centre have been preserved or, if renewed, form part of a long tradition. The interventions carried out during the 20th century could be seen as affecting the integrity, but are also a part of the history of the property. There is a high degree of authenticity of the location and setting of the city of San Marino. With regard to functions and uses, there is a continuity related to the role of the historic city as capital of the small state. Restoration and reconstruction works carried out under the direction of Gino Zani may be considered as a part of the history of the property and an application of the theoretical principles stemming from the Romantic restoration movement. In this case, the idea of the 'medievalisation' of the historic centre can be considered as an expression of national identity through the search for an idealised image of the historic centre." Cfr. Nevio Matteini and Annio Maria Matteini, *La Repubblica di San Marino: Guida storica e artistica della Città e dei Castelli* (Rimini: Graph Edizioni, 2011), 82.

⁵ "Historic Fortified City of Carcassonne", *UNESCO-Culture-World Heritage Centre-The List*, <http://whc.unesco.org/en/list/345>, consulted 5 February 2019: "The Committee decided to inscribe this property on the basis of criteria (ii) and (iv), considering that the historic town of Carcassonne is an excellent example of a medieval fortified town whose massive defences were constructed on walls dating from Late Antiquity. It is of exceptional importance by virtue of the restoration work carried out in the second half of the 19th century by Viollet-le-Duc, which had a profound influence on subsequent developments in conservation principles and practice." Cfr. Lucia Mazza, "Gino Zani: San Marino come Carcassonne", *Ananke: Cultura, storia e tecniche della conservazione* 14 (1996): 17–25; Francesca Bottari, "Un medioevo a 'Perfetta regola d'arte': a margine dell'iscrizione Unesco e dell'interessante caso Gino Zani", *Identità sammarinese: Riflessioni sulla libertà e la democrazia fra politica, storia, cultura* 1 (2009): 13–29; Edith Tamagnini, "L'importanza dell'opera di Zani per il riconoscimento Unesco di San Marino quale patrimonio dell'umanità," in *Gino Zani: L'ingegnere, l'architetto, lo storico*, ed. Luca Morganti (San Marino: Centro sammarinese di studi storici, Università degli studi della Repubblica di San Marino, 2018), 21–24.

⁶ See also the extensive nineteenth-century interventions that restored and transformed the medieval cathedral of Roskilde, Denmark (UNESCO site since 1995), which were appraised as providing "a clear overview of the development of European religious architecture". "Roskilde Cathedral", *UNESCO-Culture-World Heritage Centre-The List*, <http://whc.unesco.org/en/list/695>, consulted 5 February 2019. By contrast, the role played by restoration has not been

The story sketched out in these pages is a first comprehensive evaluation of the medievalizing phenomenon of San Marino from a comparative perspective, which is to say, not from the point of view of architectural history—a discipline within which San Marino has been extensively studied—but from the perspective of medievalism studies, an approach that in its inherent transdisciplinarity requires the integration of concepts and information from a range of fields.⁷ Other studies will surely follow, but it is time to offer this initial analysis because even today the arguments here presented so succinctly are frequently swept into a corner, with a sense of embarrassment—despite the fact that they are, I would submit, fundamental to an understanding not only of the Republic of San Marino, but also of the public’s view of the role of history in the contemporary world. Indeed, few scholars have been able to frame these issues independently of a certain prejudice toward what they see as intentional forgery, and so, deeming the ‘remaking’ of San Marino an ersatz history that obscures a ‘true’ medieval past, pile sin upon perceived sin by focusing only on the most superficial and tourist-oriented manifestations—fantasy festivals, museums of torture, chastity belts—and thereby reducing to near meaninglessness a cultural phenomenon of deep-seated relevance

invoked in the evaluative criteria for other celebrated medieval monuments that have been declared world heritage sites and that have undergone significant modifications in the modern era, as for instance the Cathedral of Chartres under Viollet-le-Duc (UNESCO site since 1979) and the city of San Gimignano in Tuscany (UNESCO site since 1990). In other cases, like that of the Historic Centre of Český Krumlov in the Czech Republic (UNESCO site since 2006), which has also been widely restored and partly reconstructed, satisfaction of the criterion of authenticity is ascribed to the fact that “restoration works on the facades of the buildings are carried out in compliance with strict international standards for heritage conservation. Only traditional materials and techniques are used.” “Historic Centre of Český Krumlov”, *UNESCO–Culture–World Heritage Centre–The List*, <https://whc.unesco.org/en/list/617>, consulted 5 February 2019. Concerning another site, that of Telč, similarly in the Czech Republic (UNESCO site since 1992), the justification states explicitly that “the Historic Centre of Telč is of high authenticity because it escaped the mania for over-restoration of the 19th century”. “Historic Centre of Telč”, *UNESCO–Culture–World Heritage Centre–The List*, <http://whc.unesco.org/en/list/621>, consulted 5 February 2019: the diametric opposite of the criterion applied to Carcassonne.

⁷ This is, for example, the approach of *Postmedieval: A journal of medieval cultural studies*, founded in 2010. For other considerations, see Tommaso di Carpegna Falconieri, “Medievalismi. Il posto dell’Italia”, in *Medievalismi italiani (secoli XIX–XXI)*, ed. Tommaso di Carpegna Falconieri and Riccardo Facchini (Rome: Gangemi, 2018), 9–28: 10–12.

and import.⁸ Sammarinesi and tourists alike remain substantially unaware of the phenomenon of medievalism or of its mimetic actions when confronted with artifacts from the medieval period. Many remain convinced—and are convinced continuously—that San Marino is an splendidly preserved testimony of a medieval past, forgetting, or never being aware of, the extent to which it has been reconstructed.⁹ But whether at San Marino, at Carcassonne, or at numerous similar sites in Italy and elsewhere, the problem is not one of intentional propagation of a false narrative or even of a counterfeit history that seeks to alter our perception of historical reality. On the contrary, the story offered by these sites, which I will here trace out for San Marino, is that of a dream of political liberty shaped into stone. The representation of the Middle Ages in the modern world (a representation that emerged not only from medieval culture but from three centuries of mythological construction) was the favored symbol for demonstrating this liberty. This representation of the Middle Ages, even if expressed in a mode that was more evocative than philologically correct, is what provides the sense of history's presence in the current day and age, and it has significant effects on the present. Without San Marino's

8 Cfr. the *incipit* of Guido Zucconi, *Gino Zani: La rifabbrica di San Marino 1925–1943* (Venice: Arsenale, 1992), 7: “Why a monograph on San Marino? Why dedicate time and labor to a case that has never been well-received by scholars of architecture? With its rebuilt fortresses, with its sparkling clean walls and monuments deprived of the patina of time, the city of Titano seems to satisfy only the less-discerning palates [...]. In the case of San Marino, judgment still turns on the trite and moralizing duality of *false/authentic* [...]” (“Perché una monografia su San Marino? Perché dedicare tempo e fatica ad un caso che non ha mai goduto di buona fama presso gli studiosi di architettura? Con le sue rocche ricostruite, con le sue mura tirate a lucido e i suoi monumenti privi di patina dell’antico, la città del Titano sembra accontentare solo i palati meno esigenti [...]. Nel caso di San Marino, il giudizio ruota ancora attorno al trito e moralistico dualismo *falso-autentico* [...]”) See also Zucconi, “L’opera di Gino Zani alla luce di nuove prospettive critiche”, in *Gino Zani: L’ingegnere, l’architetto, lo storico*, 143–50: 144–45; Luca Morganti, “Diversamente moderno. Sull’anacronismo di Gino Zani tra continuità e cesure, tra progetto e restauro,” *ibid.*, 151–78: 161–66.

9 Another example would be Gradara, a medieval fortress situated approximately 40 km from San Marino, in the Le Marche region of Italy, that was mostly reconstructed in the years 1921–1923 by engineer Umberto Zanvettori, whose rich collection of arms and armor is today housed in Rome, at Castel Sant’Angelo. A Romantic tradition sees in this fortress the site of the brutal murder of the lovers Paolo and Francesca as sung by Dante (*Inferno*, canto V, vv. 82–142). Since 2014, it has hosted the annual conference, “Il Medioevo fra noi” organized by the universities of Urbino, Bologna and Roma–Sapienza, which is the only regular meeting in Italy dedicated to the study of medievalism. See Maria Rosaria Valazzi, *La rocca di Gradara* (Urbino: Novamusa Montefeltro, 2003); Maria Chiara Pepa, “Francesca da Rimini. Mitografia di un personaggio femminile medievale”, *Studi pesaresi* 5 (2017): 18–34.

town hall and the three slender, renovated towers, the Middle Ages—in the very countryside where they *truly* had been lived—would cease to resonate in the world today. And thus they would cease to be contemporary history.¹⁰

2. The Nineteenth Century

Established as a fortified township during the thirteenth century,¹¹ San Marino constructed its modern communal myth across the span of three centuries, from the beginning of the seventeenth to the end of the nineteenth.¹² The republic came to universal notice as a model of political ideals when revolutionary France and Napoleon conferred upon it an exemplary status as the ancestral custodian of republican liberty—a status that determined that San Marino would be incorporated neither into the *Repubblica Cispadana* nor, subsequently, into the Kingdom of Italy.¹³ By virtue of its peculiar situation, the process of historical conceptualization that surrounds San Marino both coincides with and diverges from that of other cities in the Italian peninsula. The deep irony is that, despite being peripheral to the Grand Tour, first, and later to nineteenth-century tourism, and despite being either ignored or viewed askance by

10 “Practical need, which is the basis for every historical judgment, confers upon every history the characteristic of ‘contemporary history,’ because, no matter how chronologically distant its events may seem, it is in truth only and always history by reference to the needs and situations of the present, in which those long ago events find their echo.” (“Il bisogno pratico, che è nel fondo di ogni giudizio storico, conferisce a ogni storia il carattere di ‘storia contemporanea’, perché, per remoti e remotissimi che sembrano cronologicamente i fatti che vi entrano, essa è, in realtà, storia sempre riferita al bisogno e alla situazione presente, nella quale quei fatti propagano le loro vibrazioni.”) Benedetto Croce, *La storia come pensiero e come azione* (Bari: Laterza, 1938), 5.

11 Francesco Vittorio Lombardi, “San Marino nell’età medioevale: I rapporti fra il comune e i vescovi di Montefeltro”, in *Storia e ordinamento della repubblica di San Marino* (San Marino: Cassa rurale depositi e prestiti di Faetano, 1983), 38–61.

12 Aldo Garosci, *San Marino: Mito e storiografia tra i libertini e il Carducci* (Milan: Edizioni di comunità, 1967); Giovanni Spadolini, *San Marino: L’idea della repubblica, con documenti inediti dall’archivio di Pasquale Villari* (Florence: Le Monnier, 1989); Rodolfo Montuoro, *Come se non fosse nel mondo: La Repubblica di San Marino dal mito alla storia* (San Marino: Edizioni del Titano, 1992); Davide Bagnaresi, *Miti e stereotipi: L’immagine di San Marino nelle guide turistiche dall’Ottocento a oggi* (San Marino: Centro sammarinese di studi storici, Università degli studi della Repubblica di San Marino, 2009).

13 Garosci, *San Marino*, 148–49.

numerous luminaries who, failing to see true political liberty in the mountainside municipality, omitted it from the master narrative of communal history,¹⁴ San Marino has come to symbolize the essence of the grandeur of Italian civilization understood as a civilization of free cities.

Beginning with the writings of Joseph Addison and, subsequently, Melchiorre Delfico and Giosue Carducci,¹⁵ San Marino took its proper place within the myth of the Italian communes, their Latin roots, their justice, industry, and freedom: this is how it was enshrined in Italian historical writings across the nineteenth century. That century also saw the discovery of the main legacy of Italy's glorious past in its medieval cities: opulent Florence, cradle of art; learned Bologna, mother of the University; the mighty cities of the Lombard League who, fighting as allies for independence, foreshadowed the *Risorgimento*; piously Franciscan Assisi;

14 In particular, San Marino does not appear in the celebrated essay of Carlo Cattaneo, *La città considerata come principio ideale delle istorie italiane* [1858] (Florence: Vallecchi, 1931). The city had previously been criticized by Montesquieu, Hegel and Sismondi: Albert de Montesquieu, ed., *Voyages de Montesquieu*, vol. 2 (Bordeaux: Gounouilhau, 1896), 81 (cfr. Garosci, *San Marino*, 105); Georg Wilhelm Friedrich Hegel, *Scritti politici*, ed. Armando Plebe (Bari: Laterza, 1961), 140 (cfr. Garosci, *San Marino*, 160ff.). The judgement of Sismondi weighs particularly heavily, not least because his text is the *Urquelle* of the nineteenth century's mythologization of the medieval Italian communes: Jean Charles Léonard Simonde de Sismondi, *Histoire des Républiques Italiennes du Moyen Âge* [1807–1818], vol. 8 (Paris: Furne et C.ie: Treuttel et Wurtz, 1840), 237: "Three, or even four republics, if one counts San Marino, continued to reject the concept of sole rule, but without preserving their liberty, without retaining even a shadow of either popular sovereignty or of the guarantee of the rights and safety of the citizenry." ("Trois, ou même quatre républiques, en comptant San-Marino, ont continué à repousser de leur sein le pouvoir d'un seul, mais sans garder leur liberté, sans conserver aucune ombre, ni de la souveraineté du peuple, ni de la garantie des droits et de la sûreté des citoyens."); I thank Marion Bertholet for having called this passage to my attention); Sismondi, *Storia della libertà in Italia* [1832], vol. 2 (Milan: Vallardi, 1860), 76–77: "After the subjugation of Siena only three republics remain in Italy, namely Lucca, Genoa and Venice, unless one wishes to also count San Marino, a free territory, situated on the side of a mountain in the Romagna, which until our days has been equally secluded from usurpation and from history." ("Dopo l'assoggettamento di Siena tre sole repubbliche rimaneano in Italia, Lucca, Genova e Venezia, quando non si voglia tener conto anche di San Marino, terra libera, situata sulla vetta d'un monte della Romagna, che infino a' di nostri si è celata egualmente alle usurpazioni ed alla istoria.")

15 Joseph Addison, *Remarks on Several Parts of Italy, &c. in the Years 1701, 1702, 1703* (London: printed for Jacob Tonson, within Grays-Inn Gate next Grays-Inn Lane, 1705); Melchiorre Delfico, *Memorie storiche della Repubblica di San Marino* [1804] (Naples: G. Nobile, 1864; repr. anast. Bologna: Atesa, 1981); Giosuè Carducci, *La libertà perpetua di San Marino: Discorso al Senato e al popolo tenuto il 30 settembre 1894* (Bologna: Zanichelli, 1947). On these three authors, see Garosci, *San Marino*, 93–106, 165–226 and 355–74, respectively; see also Bagnaresi, *Miti e stereotipi*, 41 ff., 152–54.

Genoa, Pisa, Amalfi, and Venice, naval powers all.¹⁶ In this group portrait, San Marino, free throughout the centuries, appeared as a symbolic figure of a perpetual republican liberty, rooted in the bequest of Monte Titano, in the remote era of Late Antiquity, to the city's eponymous saint, and still potent in our days—but which had appropriately reached its apogee in the “medieval moment of independence.”¹⁷ Thus San Marino came to be presented as the first *comune* in Italy, established by free men who gathered together around the deacon Marino, an autochthonous township that did not need “to await the peace of Constance [1183] to draw up its own laws,” and that promulgated statutes that are “among the most ancient of Italy.”¹⁸ A township that had survived with its collective institutions intact and that—crucially—had never been compro-

16 Tommaso di Carpegna Falconieri, “Roma antica e il Medioevo: Due mitomotori per costruire la storia della nazione e delle ‘piccole patrie’ tra Risorgimento e Fascismo”, in *Storia e piccole patrie: Riflessioni sulla storia locale*, ed. Riccardo Paolo Uguccioni (Pesaro-Ancona: Il Lavoro editoriale, 2017), 78–101. Recent focused studies of civic myths created or resurrected during the nineteenth century include: Paolo Grillo, *Legnano 1176. Una battaglia per la libertà* (Rome-Bari: Laterza, 2010); Francesca Roversi Monaco, *Il comune di Bologna e re Enzo: costruzione di un mito debole* (Bologna: Bononia University Press, 2012); Monaco, “«Il gran fatto che dovrà commemorarsi»: L’Alma Mater Studiorum e l’Ottavo Centenario della sua fondazione. Medioevo, memoria e identità a Bologna dopo l’Unità d’Italia”, in *Medievalismi italiani*, 149–162; Francesco Pirani, “Le repubbliche marinare: Archeologia di un’idea,” *ibid.*, 131–48; on Assisi: Tommaso di Carpegna Falconieri, Lila Elizabeth Yawn, “Forging Medieval Identities: Fortini’s Calendimaggio and Pasolini’s Trilogy of Life”, in *The Middle Ages in the Modern World: Twenty-First-Century Perspectives*, ed. Bettina Bildhauer and Chris Jones (Oxford: Oxford University Press, 2017), 186–215. References to San Marino occur in Ilaria Porciani, “L’invenzione del medioevo”, in *Arti e storia nel medioevo*, vol. 4., ed. Enrico Castelnuovo and Giuseppe Sergi (Turin: Einaudi, 2004), 253–79: 278; Mauro Moretti and Ilaria Porciani, “Italy’s Various Middle Ages”, in *The Uses of the Middle Ages in Modern European States: History, Nationhood and the Search for Origins*, ed. Robert John Weston Evans and Guy P. Marchal (New York: Palgrave Macmillan, 2011), 177–96: 193; Carpegna Falconieri, *Medioevo militante*, 107; Carpegna Falconieri, “‘Medieval’ Identities in Italy: National, Regional, Local”, in *Manufacturing Middle Ages: Entangled History of Medievalism in Nineteenth-Century Europe*, ed. Patrick Geary and Gabor Klaniczay (Amsterdam: Brill, 2013), 319–45: 343.

17 “[M]omento medievale dell’indipendenza”: Garosci, *San Marino*, 12, with specific reference to the interpretations of Delfico and Carducci.

18 Delfico, *Memorie storiche*, 41; cfr. Carducci, *La libertà perpetua*, 12: “The Sammarinese plebs, even before the emergence of the tender shoots of the Italian communes, were already full grown in their liberty,” (“La plebe mariniana, pur avanti che spuntasse il verde dei comuni italiani, già era matura nella libertà,”) and 7: “When the twelfth century swept clean from the Italian annals the barbarian dust, there arose on high Titano and its seven surrounding hills—first among the republics, upright, resolute and complete—the force and the liberty of San Marino.” (“Quando il secolo decimosecondo viene a spazzare via dagli annali italiani la caligine barbarica, prima tra le repubbliche, su l’alto Titano e le sette circostanti colline, scorgesi, diritta ferma ed intera, la forza e la libertà di San Marino.”)

misled by monocratic seigniorial rule during the later Middle Ages or Renaissance.¹⁹

As is well known, during the course of the nineteenth and early twentieth centuries much of Europe was reconstructed in a manner redolent of the medieval. In this context, the fruit of numerous cultural exchanges, various Italian cities experienced the medievalization of their built environment. This process occurred in two main phases. The first, corresponding to the last two decades of the nineteenth century, is epitomized in Italy in the work of Camillo Boito, Alfredo d'Andrade, Alfonso Rubbiani, and Luca Beltrami.²⁰ The second period matches the years of Fascism (1922–1943), an era which saw the exaltation not only of Roman Classicism but also of Italy's medieval legacy. Under Fascism Italian cities rechristened their mayors with the medieval title of *podestà*, urban celebrations of a distinctly medieval–Renaissance tenor were revived or invented, the condottieri of this long Middle Ages were commemorated and exalted, and the historic centers of cities such as Assisi, Arezzo, and San Gimignano were restored (and in certain cases, almost entirely rebuilt).²¹ Fundamentally one could say that, during

19 Delfico, *Memorie storiche*, 27; cfr. Carducci, *La libertà perpetua*, 13: “Here the republic avoided seigniorial rule [by the transformation of the two consuls into the *capitani reggenti*, limited-term heads of state] [...]. And here no one ever dreamt of raising himself up as tyrant.” (“Qui la repubblica evitò signoria [...]. E qui nessuno accennò mai di levarsi tiranno.”) Moreover, it is well known that during the later Middle Ages and the early Modern era, San Marino's government (as those of Lucca, Genoa, and Venice) changed to an oligarchy; hence the negative judgment of Sismondi cited above, n. 14. On the transformation of communal governments into oligarchic or monocratic systems, see Andrea Zorzi, *Le signorie cittadine in Italia, secoli XIV–XV* (Milan: B. Mondadori, 2010); Zorzi, *Tiranni e tirannide nel Trecento italiano* (Rome: Viella, 2013).

20 Guido Zucconi, *L'invenzione del passato. Camillo Boito e l'architettura neomedievale 1855–1890* (Venice: Marsilio, 1997); *Alfredo d'Andrade: tutela e restauro. Torino, Palazzo Reale, Palazzo Madama, 27 giugno–27 settembre 1981*, ed. Maria Grazia Cerri, Daniela Biancolini Fea, and Liliana Pittarello (Florence: Vallecchi, 1981); *Alfonso Rubbiani e la cultura del restauro nel suo tempo (1880–1915): Atti delle giornate di studio su Alfonso Rubbiani e la cultura del restauro del suo tempo (1881–1915), Bologna, 12–14 novembre 1981*, ed. Livia Bertelli and Otello Mazzei (Milan: Franco Angeli, 1986); *Luca Beltrami architetto: Milano tra Ottocento e Novecento*, ed. Luciana Baldrighi (Milan: Electa, 1997); more generally, *Arti e storia nel medioevo*. Vol. 4. *Il medioevo al passato e al presente; Medioevo fantastico: L'invenzione di uno stile nell'architettura tra fine '800 e inizio '900*, ed. Alexandra Chavarría and Guido Zucconi (Florence: all'Insegna del Giglio, 2016). Unfortunately, it was not a rare occurrence that in order to confer an appropriately medieval patina it was deemed necessary to destroy that which was truly medieval, as was the case with Bologna's medieval walls.

21 The bibliography on this topic is vast in both English and Italian. See, in particular, Diane Ghirardo, *Building New Communities: New Deal America and Fascist Italy* (Prin-

Fascism, the two eras played distinct roles in the narration of Italian history: Italy in its entirety—the *patria*, the fatherland—was seen as “Roman” (thus the return of the *fasces*, the legions, the eagle banners, the Roman salute, the Mediterranean empire...) while individual cities—the *piccole patrie*, the “little fatherlands”—were viewed as proudly medieval, the source of their glory being ascribed to the communal period.²² San Marino fits perfectly within this chronology and within this historical and historiographic process: the years from ca. 1880 to 1940 are precisely those in which its neomedieval image was being fashioned. One could even say that, during the early 1880s, “a myth constructed in verse, in oration, in works of political history, was still lacking an adequate iconography.”²³ In this poor and isolated region (as evidenced by the photographs and written accounts of various visitors²⁴), the

eton: Princeton University Press, 1989); Loretto Di Nucci, *Fascismo e spazio urbano: Le città storiche dell'Umbria* (Bologna: il Mulino, 1992); Stefano Cavazza, *Piccole patrie: Feste popolari tra regione e nazione durante il Fascismo*, 2nd ed. (Bologna: il Mulino, 2003); D. Medina Lasansky, *The Renaissance Perfected: Architecture, Spectacle, and Tourism in Fascist Italy* (University Park: Pennsylvania State University Press, 2004); Lasansky, “Urban Editing, Historic Preservation, and Political Rhetoric: The Fascist Redesign of San Gimignano”, *Journal of the Society of Architectural Historians* 63, no. 3 (2004): 320–53; Carpegna Falconieri and Yawn, “Forging Medieval Identities”; Carpegna Falconieri, “Roma antica e il Medioevo”, 86 ff.

22 Carpegna Falconieri, “Roma antica e il Medioevo”.

23 “[A]l mito costruito in versi, in orazioni, in saggi di storia politica, mancava [ancora] un’iconografia adeguata”: Zucconi, *Gino Zani*, 8. See also Garosci, *San Marino*, 348, citing Tullio Massarani, *Diporti e Veglie* (Milan: U. Hoepli, 1897), for whom the architect Francesco Azzurri was “passionately devoted to the matter of translating into a poetry of stone this other, secular poem of a peaceable community” (“appassionatamente devoto all’assunto di tradurre in un poema di pietra quest’altro secolare poema d’una pacifica comunanza”; 491).

24 See, for example, Oreste Brizi, *Quadro storico statistico della Serenissima Repubblica di San Marino* (Florence: Stabilimento artistico Fabris, 1842), 44: “This little city is composed of different neighborhoods, almost all of which are steep and badly paved, and of various little piazzas flanked by the occasional large building but, more commonly, by houses that promise little from the outside, but that on the inside are assembled rather tastefully” (“Questa piccola città si compone di diversi borghi quasi tutti scoscesi e mal lastricati e di varie piazzette fiancheggiate da qualche palazzo ma in generale da case che poco promettono all’esterno, ma che nell’interno sono montate anzichenò con gusto”; cfr. Garosci, *San Marino*, 246); Edmond About, *Rome contemporaine* (Paris: M. Lévy frères et C.ie, 1861): a village “poorly built, poorly paved and poorly maintained” (“mal bâti, mal pavé et mal tenu”; cfr. Garosci, *San Marino*, 246); Corrado Ricci, “San Marino e San Leo”, *Nuova Antologia* 122 = 3rd ser., no. 38 (1893): 242–57, 256: “On the three peaks of Titano gloomy towers loom. The capital of the ancient republic extends westward along the slope of the mountain. All is silent in this eagle’s nest, in the streets all is shuttered, all is deserted.” (“Sulle tre penne del Titano sorgono fosche torri. La capitale della vetusta repubblica si stende nella pendenza del

by-now codified ideological construction was still lacking a symbolic apparatus that could be rapidly assimilated: an artistic, urbanistic, and monumental counterpart that would render immediately perceptible the distant origins of the republic's statehood and independence.

San Marino's new town hall responded perfectly to this exigency.²⁵ Following the abandonment of an earlier project in a Neoclassical style (1836), the new seat of the most important institutions of the republic was constructed between 1884 and 1894 according to the designs of the Roman architect Francesco Azzurri (1827–1901). Recently invested with the presidency of the Accademia di San Luca, Azzurri was instructed to draw inspiration for the project from medieval architecture.²⁶ The president of the commission charged with overseeing the construction of the town hall was the Sammarinese painter and patriot Pietro Tonnini (1820–1894). A wealth of correspondence preserved in the Archivio di Stato di San Marino enables us to follow in detail the progress of the building's construction and decoration, as well as to reconstruct the network of personalities involved in various

monte, a ponente. Tutto è silenzioso in quel nido d'aquila, tutto chiuso, tutto deserto nelle vie.") The text of this last is reproduced together with suggestive photographs in *Il Montefeltro: Trentadue tavole fotografiche di Alessandro Cassarini illustrate da Corrado Ricci* (Bologna: Stab. Tip. Zamorani e Albertazzi, 1894). On the isolated location of, and difficult access to, San Marino and the overcoming of these obstacles, see Bagnaresi, *Miti e stereotipi*, 131–51.

25 On the town hall: *Repubblica di S. Marino: Inaugurazione del nuovo palazzo del Consiglio Principe Sovrano, 30 settembre 1894: numero unico* (Rome: E. Perino, 1894); Onofrio Fattori, *Il nuovo palazzo governativo della repubblica di San Marino* (Bologna: Zanichelli, 1894); Garosci, *San Marino*, 348–51; Zucconi, *Gino Zani*, 8; Bagnaresi, *Miti e stereotipi*, 91–92, 151 ff.; Leo Marino Morganti, *Il patrimonio dello Stato: L'architettura storica della Repubblica di San Marino* (San Marino: AIEP, 2001), *ad indicem*; a useful Web resource is Francesca Michelotti, *Storia palazzo pubblico*, www.consigliograndeegenerale.sm/on-line/home/listituzione/palazzo-pubblico/storia.html, consulted 14 February 2019. The most thorough recent account is *Un palazzo medievale dell'Ottocento: Architettura, arte e letteratura nel palazzo pubblico di San Marino*, ed. Guido Zucconi (Milan: Jaca Book, 1995).

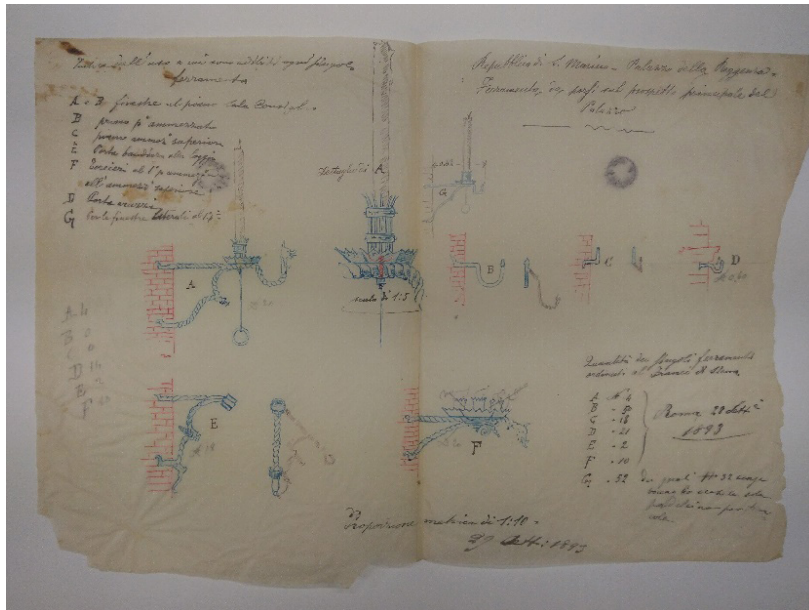
26 Zucconi, *Gino Zani*, 8; Michelotti, *Storia palazzo pubblico*. On the architect, who is commemorated in a bust dated 1903 and placed at the town hall's entrance: Marida Talamona, "Francesco Azzurri architetto romano", in *Un palazzo medievale*, 35–58. Azzurri served two terms as president of the Accademia di San Luca, 1880–82 and 1893–95, his tenures bracketing the construction in San Marino; "Presidenti dell'Accademia di San Luca", *Accademia Nazionale di San Luca*, http://www.accademiasanluca.eu/docs/accademici/elenco_2015/presidenti_san.luca.pdf, consulted 5 February 2019. Azzurri designed numerous edifices in Rome, including the hospital of S. Maria della Pietà; he also designed the bell-tower of San Marino's Borgo Maggiore (1896).

capacities in the enterprise, from the chief of works Giuseppe Refi, to Marino Fattori, Carlo Malagola, and Marin-Joseph-Gaston Noël des Vergers.²⁷

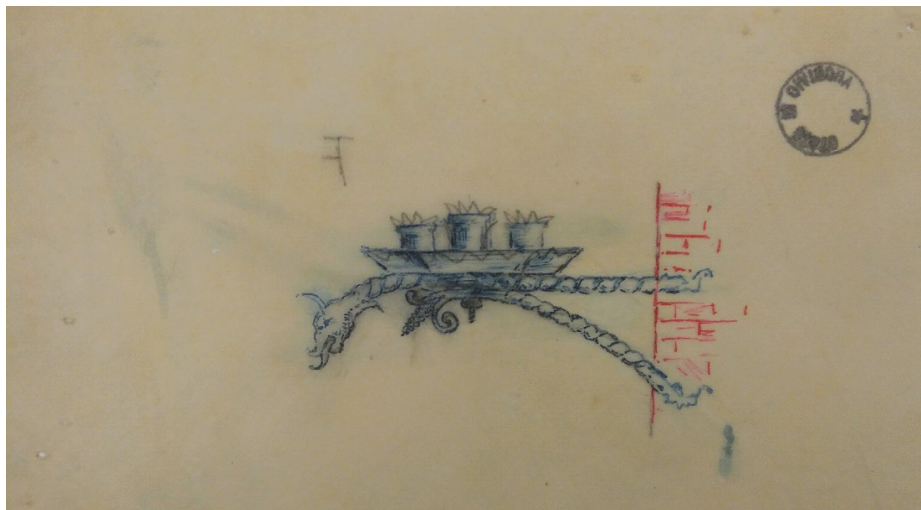


2. Pietro Tonnini (?), sketch for the façade of San Marino's town hall, AS RSM, *Fabbrica del palazzo pubblico, Disegni, piante, corrispondenza* (F. Azzurri), b. 56. © Istituti culturali RSM

²⁷ Repubblica di San Marino, Archivio di Stato (=AS RSM), *Fabbrica del palazzo pubblico, Disegni, piante, corrispondenza* (F. Azzurri), b. 56, fasc. 2 (drawings), 3 (sketches, various correspondence) and 4 (145 letters from Tonnini to Azzurri dated between 1881 and 1894 [unfortunately Azzurri's responses are not preserved in the AS RSM]; various correspondence dated 1886 to 1895, including several letters from Carlo Malagola). The letters clarify the role of Tonnini: he directed the work and shared with Azzurri—who remained in Rome where he served as Consul General of the Republic of San Marino—architectural suggestions and technical problems. Among the numerous relevant letters, a few can serve as examples: discussion of Malagola (e.g., 26 October 1886), discussion of Noël de Vergers (2 August 1892, 7 August 1894), discussion of the designs for the dais for the *capitani reggenti*, San Marino's heads of state (31 January 1891). The AS RSM also preserves a set of 13 large-format drawings, discovered in 2008, containing some of Azzurri's planning drawings for the town hall.



3. Francesco Azzurri, sketch for wrought-iron lamps, "Ferramenta da porsi sul prospetto principale del palazzo," dated 1893. AS RSM, *Fabbrica del palazzo pubblico, Disegni, piante, corrispondenza* (F. Azzurri), b. 56. © Istituti culturali RSM



4. Francesco Azzurri, sketch for a wrought-iron lamp, AS RSM, *Fabbrica del palazzo pubblico, Disegni, piante, corrispondenza* (F. Azzurri), b. 56. © Istituti culturali RSM



5. Francesco Azzurri, sketch for three windows, AS RSM, *Fabbrica del palazzo pubblico*, *Disegni, piante, corrispondenza* (F. Azzurri), b. 56. © Istituti culturali RSM

This “undertaking of pure late romantic fantasy,”²⁸ through which the core institutions of the Republic of San Marino cloak themselves in medieval guise, must be read, even in the modesty of its dimensions, alongside other celebrated instances of Neogothic architecture constructed for analogous purposes: above all, London’s Palace of Westminster, seat of the Houses of Parliament (1840–1865), the city halls of Munich (1867–1908) and Vienna (1872–1883), and the Hungarian Parliament Building in Budapest (1883–1902). More city-state than miniature nation, the immediate model for San Marino was that which was perceived as the medieval republic *par excellence*: Florence. Despite its

28 “[O]perazione di pura fantasia tardo romantica”: Zucconi, *Gino Zani*, 8.

significantly smaller scale, the Sammarinese town hall evokes the Tuscan republic's Palazzo della Signoria, attributed to Arnolfo di Cambio. Dating to the early fourteenth century (though the charming mullioned windows in its facade are Neogothic), the Palazzo della Signoria had not many years previously served as the first seat of the parliament of the Kingdom of Italy, from 1865 to 1871.²⁹



6. Those responsible for the town hall's construction, as represented on a contemporaneous stamp (detail)

²⁹ According to Garosci, *San Marino*, 358, the town hall references, albeit rather imprecisely ("arieggia"), the Palazzo della Signoria. By contrast, according to Tullio Massarani (cit. from Garosci, *San Marino*, 349) the edifice hearkens back to the Florentine Bargello ("fa subito pensare, ragion tenuta delle dimensioni, a quel palazzo del Podestà, detto oggi del Bargello, in Firenze"). Pietro Tonnini alludes to the use of models from the medieval Casentino, a historical region to the north of Arezzo, for the town hall's decoration; AS RSM, *Fabbrica del palazzo pubblico*, b. 56, fasc. 4, letter of 22 September 1893.



7. San Marino's town hall today (photo found online, with Creative Commons license)



8. Florence, Palazzo della Signoria (photo found online, with Creative Commons license)

Republican Florence was certainly the flower of the medieval communes. But it was also opulent. The construction of the town hall of San Marino in imitation of the Florentine one points to a juncture of politics and culture that underpins the grand urbanistic interventions of the first decades of the twentieth century: the passing over of an opportunity to celebrate the liberty of a frugal rural community—a model stretching back to Republican Rome—in favor of the glorification of a wealthy city, urban and urbane.³⁰ The years of the construction of the town hall were those of the first projects designed to bring tourism to San Marino.³¹ They also coincided with the publication of *L'archivio governativo* of Carlo Malagola,³² which provides the chronological foundation for modern histories of San Marino, identifying, surveying, and ordering the documents of the republic's Archivio di Stato, the protagonists of which are now memorialized in the names of San Marino's streets and piazzas.³³ The famous archivist, whose correspondence with Tonnini is now included among the papers of archive he so carefully catalogued, was from Bologna. And it was now to Bologna—to the neomedieval city of the palace of King Enzo, of the Aemilia Ars, the Italian equivalent of the Arts and Crafts movement, and the eighth centenary of the university—that San Marino turned: not only to the archivist Malagola, but also to the jurist Pietro Ellero and, above all, to the celebrated poet and

30 Cfr. Garosci, *San Marino*, 350.

31 Bagnaresi, *Miti e stereotipi*, 85 ff.

32 Carlo Malagola, *L'Archivio governativo della Repubblica di San Marino riordinato e descritto: Aggiunti gli statuti sammarinesi dal 1295 alla meta del secolo XIV* (Bologna: Fava e Garagnani, 1891; anastatic reprint San Marino: Biblioteca di San Marino, 1981).

33 According to art. 3 of the Legge 26 settembre 1980, n. 75, *Adeguamento continuo nell'ordinamento topografico ed ecografico*, the Giunte di Castello (organs equivalent to city councils, one per administrative district) are responsible for San Marino's toponyms, which must be approved by the Archivio di Stato. The *Ordinamento stradale approvato dal consiglio grande e generale con la legge 74 del 26 settembre 1980* [sic.], 58–59, mandates that the names of San Marino's streets, piazzas, and other civic spaces be divided into distinct groups, several of which are rooted in medieval documents housed in the AS RSM. Among these are Groups 7 (names drawn from the *Placito feretrano*, a document dated 885 and considered to be the oldest attestation of the liberty of San Marino), 8 (from the *inquisito* of Raniero, abbot of S. Anastasio, on the meaning of liberty, dated 3 July 1296), 9 (from the document dated 10 February 1320, which transformed the men residing in Busignano into inhabitants of San Marino), 11 (the acquisition of Pietracuta, dated 28 December 1375), and 12 (from the third statute of 1353). Other medieval persons linked to the history of San Marino are included in Groups 27, 28 and 30.

professor at the University of Bologna “Alma Mater Studiorum,” Giosue Carducci, who was invited to present the inaugural address at the town hall’s official opening on 30 September 1894. His address was deemed so important for the history of San Marino that until recently school-children in the republic were required to memorize its opening chapter.³⁴

3. The Twentieth Century

The years of the construction of the town hall were also those of the Arengo movement, which culminated in the meeting of 25 March 1906 at which the assembly of the heads of San Marino’s families became the municipality’s formally recognized electoral body, effectively ending oligarchical rule.³⁵ While the creation of a communal assembly was certainly a democratic innovation, this too was proposed in a format that evoked the Middle Ages. Specifically, it was couched as a *return* to the *arengo*, an assembly of the citizens of the commune which had not met since the sixteenth century, and thus to the purest form of medieval participatory democracy. That which was new came to be proposed as old, change was presented as a renewal of tradition: a process that was widely diffused in contemporary Italy, and that is met again in San Marino’s history in 1925, with the extension of the title of “captain of the Castle” (*capitano di Castello*), already present in three of San Marino’s boroughs, to all ten of the republic’s newly established administrative districts, termed Castles (*Castelli*).³⁶ In this manner a

34 Carducci, *La libertà perpetua; Repubblica di S. Marino: Inaugurazione del nuovo palazzo*; Fattori, *Il nuovo palazzo*; AS RSM, *Fabbrica del palazzo pubblico*, b. 56, fasc. 5: Libro d’Oro per l’inaugurazione del nuovo palazzo pubblico (Golden Book for the inauguration of the new town hall). See Garosci, *San Marino*, 327–75; Bagnaresi, *Miti e stereotipi*, 151–54. Pietro Toncini could not take part in the town hall’s inauguration as he had passed away the previous 24 August.

35 Renzo Bonelli, “Gli istituti fondamentali della costituzione sammarinese e la loro evoluzione – dall’arengo al referendum”, in *Storia e ordinamento della Repubblica di San Marino*, 164–75; Bonelli, *Gli organi dei poteri pubblici nell’ordinamento della Repubblica di S. Marino* (San Marino: A.T.E., 1984), 19 ff.; Giordano Bruno Reffi, “Pietro Franciosi e il movimento pro Arengo”, in *La tradizione politica di San Marino. Dalle origini dell’indipendenza al pensiero politico di Pietro Franciosi*, ed. Elisabetta Righi Iwanejko (Ancona: Il Lavoro editoriale, 1988), 473–85.

36 Legge 16 marzo 1925, n. 10. Before that date only Fiorentino, Montegiardino, Faetano, and Serravalle were known as Castelli. The districts’ current names were established with the Legge 30 novembre 1979, n. 75, *Riforma delle Giunte di Castello*, which also reduced their number from ten to nine, with the merger of Montale and Fratta as “Città.”

public office equivalent to mayor was established in the Republic of San Marino with a title—captain of the Castle—of pellucid medieval resonance. This decision was followed shortly by a similar one effective across the Kingdom of Italy as a whole, when on 4 February 1926 the title of *podestà* was established to designate the head of a municipal government.³⁷

The phase of San Marino's most profound transformation into a neomedieval city corresponded with the years of Fascism³⁸ and with the activities of Gino Zani (1882–1964), a Sammarinese civil engineer.³⁹ Trained in Bologna—a cultural background as apparent in the twentieth-century remedievalization of San Marino as it was in the nineteenth-century construction of its town hall⁴⁰—Gino Zani was a pioneer in the use of reinforced concrete. A practical and rational individual with socialist tendencies, a Mason for a few years and then a somewhat reluctant fascist,⁴¹ Zani had worked for many years on the rebuilding

37 Carpegna Falconieri, “Roma antica e il Medioevo”, 91–92, 100.

38 There is a robust literature on the complex relationships between medievalism and Italian fascism; see Carpegna Falconieri, “Roma antica e il Medioevo”, and Davide Iacono, “Condottieri in camicia nera. L'uso dei capitani di ventura nell'immaginario medievale fascista”, in *Medievalismi italiani*, 53–66. Several papers on this theme pertaining to various nations were presented at the international conference, *The Middle Ages in the Modern World*, Rome, 21–24 November 2018 (e.g., Davide Iacono, Pedro Alexandre Martins, and Andrea Tomedi), <https://themamo.org/>, consulted 5 February 2019. On fascism in San Marino, which had almost exactly the same duration (1923–1943) as that in Italy: Anna Lisa Carlotti, *Storia del partito fascista sammarinese* (Milano: Celuc, 1973); by contrast, discussions of medievalism in fascist San Marino are limited exclusively to the literature on Gino Zani, for which see *infra*.

39 *L'architettura di Gino Zani per la ricostruzione di Reggio Calabria, 1909–1935*, ed. Massimo Lo Curzio (Reggio Calabria-Rome: Gangemi, 1986); Laura Rossi, *Gino Zani, ingegnere 1882–1964* (Repubblica di San Marino: SUMS, Busto Arsizio: Nomos, 2015), and now: *Gino Zani: L'ingegnere, l'architetto, lo storico*, which contains the acts of a conference held in 2014 on the fiftieth anniversary of his death. A well-built and useful website is *Istituto ingegnere Gino Zani*, <https://www.ginozani.org/>, consulted 14 February 2019.

40 Rossi, *Gino Zani, ingegnere*, 28–31; Laura Rossi, “Il contesto storico-politico di San Marino e la figura di Zani dai primi anni del XX secolo sino all'assunzione di incarichi per gli Istituti culturali”, in *Gino Zani: L'ingegnere, l'architetto, lo storico*, 41–85: 63; Zucconi, “L'opera di Gino Zani alla luce di nuove prospettive critiche”, 144; Morganti, “Diversamente moderno”, 154–56; Morganti, “Opere e progetti”, in *Gino Zani: L'ingegnere, l'architetto, lo storico*, 179–304: 182–84.

41 The political positions of Gino Zani, who tended not to accept political appointments, have yet to be fully made clear: Rossi, *Gino Zani, ingegnere*, 106–10; Gino Zani, “Gino”, in *Gino Zani: L'ingegnere, l'architetto, lo storico*, 35–40: 38–39; Rossi, “Il contesto storico-politico”, esp. 61–66, 71–73; *contra*, Massimo Lo Curzio, “L'opera di Gino Zani a Reggio Calabria”, in *Gino Zani: L'ingegnere, l'architetto, lo storico*, 87–122: 91, 113.

of Reggio Calabria in the wake of the devastating earthquake of the Straits of Messina (28 December 1908). Several of his works for private clients at Reggio already exhibit an interest in forms that fit within a medieval and Renaissance eclecticism.⁴² The twentieth century brought to San Marino a quantitative escalation of medievalizing work when compared to the era of Francesco Azzurri. It is no longer a question of rebuilding a single edifice—no matter how symbolically relevant—but rather of the reconstruction of an entire city. This totalizing approach by an architect endowed with an overall architectural vision coincided with the theories regarding monuments and their essential relationship to the surrounding environment then being championed by Gustavo Giovannoni (1873–1947) and Corrado Ricci (1858–1934)—theories that led, in 1939, to the passing of an important law regarding the preservation and management of cultural heritage.⁴³ The ties between Zani and Ricci, in particular, are well attested. Ricci, a resident of Ravenna (another city with an important medieval and medievalizing architectural past), was president of the Commissione governativa per la conservazione dei ricordi storici sammarinesi e delle antichità, which was established in 1916 to oversee the preservation of San Marino’s cultural heritage and in 1919 began the restoration of its perimeter walls. A well-known character in Italy’s cultural history, Ricci was enchanted by the Montefeltro and by San Marino, of which he left vivid descriptions.⁴⁴ He was the first to realize that the integration of the city of San Marino within its broader territory should become the guiding

42 *Ibid.*, 103–04. It has been noted that Zani’s stylistic transformations were the opposite of the normal sequence for his time: he passed from art nouveau (in its typically Italian incarnation known as Liberty style) to neomedievalism, instead of the much more common opposite movement: Morganti, “Diversamente moderno”, 170.

43 Zucconi, *Gino Zani*, 26; Tamagnini, “L’importanza dell’opera di Gino Zani”, 21; Alessandro Galassi, “Gino Zani e l’identità della Città-Stato”, in *Gino Zani: L’ingegnere, l’architetto, lo storico*, 25–28: 27; Rossi, “Il contesto storico-politico”, 55; Lo Curzio, “L’opera di Gino Zani a Reggio Calabria”, 91; Gilberto Rossini, “Gino Zani. La trasformazione della città dal 1927 al 1963”, in *Gino Zani: L’ingegnere, l’architetto, lo storico*, 131–42: 141; Zucconi, “L’opera di Gino Zani alla luce di nuove prospettive critiche”, 145–49; Morganti, “Opere e progetti”, 237–38. The law referenced is no. 1089, dated 1 June 1939.

44 Ricci, “San Marino e San Leo”, 242–57; Ricci, *Il Montefeltro: Trentadue tavole*; Ricci, *La Repubblica di San Marino* (Bergamo: Istituto d’arti grafiche, 1903); Ricci, “Nostalgie feltresche”, in *Id.*, *Figure e fantasmi* (Milan: Hoepli, 1931), 327–52. On Ricci’s ties to San Marino: Garosci, *San Marino*, 343–48.

principle for Sammarinese identity, which would no longer be determined solely by the forbidding Monte Titano or individual buildings to be reconstructed along neo-medieval lines, but by the entire city inserted within its full and unique environmental context, an approach embraced fully by Zani. Ricci wrote the preface to Zani's *Le fortificazioni del monte Titano* (1933), an essay on historical reconstruction and a profile of the architectural project that preceded by only a few years the author's massive reconstruction of San Marino.⁴⁵



9. The walls of San Marino (photo by author, February 2019)

⁴⁵ Gino Zani, *Le fortificazioni del monte Titano*, with preface by Corrado Ricci (Naples: Istituto arti grafiche G. Rispoli, 1933); anastatic reprint, with an introduction by Guido Zucconi, San Marino: Banca agricola commerciale della Repubblica di San Marino, 1997).

Many years later, in a second historical work published shortly before his death, Zani described the skyline he had envisioned for San Marino:

Seen with the eyes of fantasy, the fourteenth-century Ghibelline stronghold on Monte Titano seems romantic and worthy of admiration, crowned by three fortresses and three slender pennons, guarded by high walls, by even higher towers, by swallow-tail crenellations whose profiles are etched, iron-grey, against the sky.⁴⁶

This phantasmagoria is what we see realized today. Zani located San Marino's distinctiveness precisely within its system of fortifications, stating explicitly that he found "in the system of fortifications the cornerstone of the identity of San Marino, the equivalent in stone of its mythic civil and religious cohesion."⁴⁷ He rebutted those who noted the preponderance of Renaissance and sixteenth-century elements within the walls by pointing out the "uniformly fourteenth-century" character of the defensive constructions, ensuring that the fortifications were reconstructed in forms deriving primarily from that era.⁴⁸ This—and not the preservation through the ages

46 "Visto con gli occhi della fantasia poté sembrare ammirabile e suggestivo il trecentesco castello ghibellino del monte Titano, sormontato da tre rocche e da tre penne, munito di alte mura, di torri ancora più alte, di merli a coda di rondine, che profilavano sul cielo le loro sagome ferrigne": Gino Zani, *Il territorio di San Marino attraverso i secoli* (Faenza: F.lli Lega, 1963), 155.

47 "Nel sistema di fortificazioni, l'elemento cardine dell'identità di San Marino, l'equivalente in pietra della sua mitica coesione civile e religiosa": Zucconi, *Gino Zani*, 26, quotation on 237. See also Rossi, "Il contesto storico-politico di San Marino", 59, and Morganti, "Opere e progetti", 237.

48 "[U]niformemente trecentesco": Zucconi, *Gino Zani*, 33, 39. See to this effect Zani, *Le fortificazioni del monte Titano, passim*; Zani, *Il territorio di San Marino*, 152: "In the fourteenth century the *castello* of San Marino reached its greatest productivity, and its inhabitants knew how to command the esteem and respect of the surrounding towns" ("Nel secolo decimoquarto il castello di San Marino raggiunse la sua maggiore efficienza, ed i suoi abitanti seppero acquistarsi la stima e il rispetto dei paesi circostanti"), and 154: "Based on what I have presented thus far, there can be no doubt that the golden age for the fortifications of Mount Titano was the fourteenth century, the only century in which the Commune had a complete and organic system of fortifications aligned with the needs of the time." ("Da quanto ho fin qui esposto, nessuno potrà dubitare che il periodo aureo per le mura castellane del Monte Titano sia rappresentato dal secolo XIV, l'unico secolo durante il quale il Comune abbia avuto un completo ed organico sistema di fortificazioni, conforme alle necessità del tempo.")

of purely medieval structures—is the real reason for which the fortresses and walls of San Marino, in contrast to the military architecture of other centers of habitation in the region (e.g., Rimini, Pesaro, Urbino, or even closer at hand, Montescudo and, naturally, San Leo⁴⁹), present themselves not as Renaissance structures but as medieval ones.

The immense labors involved lasted from 1923 to 1940. When Zani's works ended, an entire perimeter wall had been added, a fortress had sprung up *ex novo* around the Torre della Cesta, a veritable triumph of bartizans and barbicans, glacis and battlements, arches and crenellations and covered escapeways. After the walls and the three towers came the turn of the residential area; it too was subjected to an extensive and detailed medievalization.⁵⁰ Imposing projects were carried out at the church and city gate of San Francesco,⁵¹ the facades of houses and public buildings alike were refashioned, streets and piazzas were transformed into an interlinked system of terraces, stairways, and balustrades.⁵² The final result was a city that diverged in important ways from its historical appearance, with its primary entrance from below (porta San Francesco), a city that was now homogeneous, clean and rational even in its neomedieval essence.⁵³ The result appeared erudite and rooted in historical study,⁵⁴ but it was not overly philological in its approach, leaving space for artistic invention. In the words of Luca Morganti, “A sort of lightness in the overall organization of the fortress produces an estranging effect that reveals an oneiric ancestry linked to the imaginative capacity of play.”⁵⁵

49 On San Leo, see Daniele Sacco and Alessandro Tosarelli, *La Fortezza di Montefeltro: San Leo: Processi di trasformazione, archeologia dell'architettura e restauri storici* (Florence: all'Insegna del Giglio, 2016).

50 “[M]edievalizzazione capillare”: Zucconi, *Gino Zani*, 46–47.

51 Gino Zani, “I restauri della porta di San Francesco,” extract from *Libertas perpetua* 4, no. 2 (1936): 1–14.

52 A chronology of Zani's projects appears in Zucconi, *Gino Zani*, 90–91. See also Morganti, “Opere e progetti”, 236–58; for works undertaken in the other *Castelli* of the Republic of San Marino, *ibid.*, 301–04.

53 Rossini, “Gino Zani. La trasformazione della città dal 1927 al 1963,” 136; Morganti, “Opere e progetti”, 275–76.

54 On Zani as a historian: Rossi, “Il contesto storico-politico”, 78 ff.

55 “Una sorta di leggerezza dell'organizzazione generale della rocca produce un effetto stranante che rivela ascendenze oniriche legate alla capacità immaginativa del gioco.” Morganti, “Diversamente moderno”, 161.



10. San Marino, Porta San Francesco (photo found online, with Creative Commons license)

But what motives underpinned the launch and the completion of a project of such grand dimensions and notable consequences? Zani's ambitious project responded to numerous exigencies. First and foremost, it sought to remedy the objectively dismal physical conditions of San Marino's architectural patrimony. The walls were in disastrous condition and the entirety of the old city was in need of a general sprucing up to make it suitable for modern habitation. Zani's concept of a complete and detailed reconstruction of the city prevailed over a second, competing proposal, which would have consolidated San Marino's walls and fortresses but left them in a state of ruin, in homage to a Romantic aesthetic that was no longer widely shared.⁵⁶ Second, the

⁵⁶ This Romantic solution was championed, in particular, by the architect Vincenzo Moraldi; see *Gino Zani. L'ingegnere, l'architetto, lo storico, ad indicem.*

scope of the works promised employment to construction workers and stone-carvers, following a politics of employment through vast public works that aligned with policies in fascist Italy, more widely diffused in the political and economic context of the 1930s. The rebuilding of San Marino, together with the construction and expansion of its infrastructure, above all the railway link to Rimini, was intended to support the development of tourism to the republic.⁵⁷ In addition to drawing heritage tourism, the decision to accentuate the city's medieval features during the city's reconstruction served as an effective strategy to represent the political and social power held by the provincial intellectuals and members of the Sammarinese ruling class, who at that time distinguished themselves by membership in the fascist party. In comparison with its Italian counterpart, San Marino's fascist party lacked revolutionary tendencies, staking out instead a conservative position that championed a return to pre-1906 oligarchic government; for this reason too, it supported a recuperation of the city's 'medieval' appearance.⁵⁸ But, as was the case across Italy, this 'return to the Middle Ages' was widely embraced, even by the middle and working classes who loved the costume festivals promoted by the state and for which Italy's restored and reconstructed medieval centers served as a worthy stage.⁵⁹ One cannot understand the case of San Marino in its entirety without keeping in mind that this same period saw such related projects as the near-complete rebuilding of Assisi and San Gimignano, the launch of the "Saracen Joust" of Arezzo (Giostra del Saracino; 1931) and the *Palio* of Ferrara (1937), and the reconstruction in Verona of the house (and balcony!) of Romeo's Juliet (1939).⁶⁰ Indeed, beginning in 1935, a true and proper tourist route came to be established in San Marino,

57 Rossi, "Il contesto storico-politico", 58–59; Bagnaresi, *Miti e stereotipi*.

58 Morganti, "Diversamente moderno", 171. Likewise in Italy, the local fascist elites who during the 1930s (re)created medieval and Renaissance style festivals belonged largely to the old class of traditionalist, non-industrialized agrarian landholders: Cavazza, *Piccole patrie*, 205.

59 *Ibid.*

60 *Ibid.*, *passim*; Carpegna Falconieri, *Medioevo militante*, 106–20; Carpegna Falconieri, "Roma antica e il Medioevo"; Elisa Bernard, "La Casa di Giulietta di Antonio Avena. Quando l'architettura diventa 'coup de théâtre'", in *Medioevo fantastico: L'invenzione di uno stile nell'architettura tra fine '800 e inizio '900*, 74–85. Analogous examples abound, above all in central Italy; here it suffices to mention, e.g., Gubbio, Perugia, Ravenna, Spoleto, and Todi.

one “that was offered [...] to a nascent mass tourism and that came to form part of the [city’s] traditional image.”⁶¹



11. Rocca della “Guaita” of San Marino (photo found online, with Creative Commons license)

Thus we can say that the ‘remedievalization’ of the historic center of San Marino was important above all for political reasons, aligning with the fundamental tenet of fascist culture that architecture is an instrument for governing.⁶² The operations undertaken at San Marino, financed in part by the Italian government, were promoted in particular by Giuliano Gozi (1894–1955), Secretary of State for matters foreign and domestic and the effective head of the Republic of San Marino during the entire fascist period.⁶³ Gozi became personally involved in the project, intervening in the plan of development and furnishing Zani with site plans and suggestions. Gozi, wrote Guido Zucconi, understood “the necessity of accelerating the medievalization of the old town, in the name of a recovered historical identity. He successfully articulated a concept that determined the architectural destiny of the city of Monte Titano: Fascism offered the only means by which it was possible

61 “[C]he viene offerto [...] al nascente turismo di massa e che entra a far parte dell’immagine tradizionale”: Zucconi, *Gino Zani*, 39. The same author, in his most recent study, “L’opera di Gino Zani alla luce di nuove prospettive critiche,” underlines the degree to which the case of San Marino is *not* atypical: 143 ff.

62 Morganti, “Diversamente moderno”, 173.

63 *Gino Zani: L’ingegnere, l’architetto, lo storico, ad indicem.*

to create an urban image suited to its history.”⁶⁴ The same scholar observed, moreover, how it was “paradoxically during the twenty years of Fascism, or rather, during the historical moment in which its centuries-long autonomy was reduced to a minimum, that San Marino was subjected as never before to a process of symbolic self-glorification.”⁶⁵ Looking to Italy, this medievalization on a grand scale is possibly linked to the political and cultural activities of Pietro Fedele, medieval historian and Italy’s Minister of Public Education from 1925 to 1928,⁶⁶ and it is certainly to be compared to analogous initiatives undertaken in other cities on the peninsula with the same triple objective of encouraging tourism, expressing the self-fashioning of the provincial ruling classes, and reinforcing civic identity, defined as a sense of the *piccola patria*, the hometown as the fatherland. This last, in particular, was the fundamental impulse driving Gino Zani’s project for San Marino, where city and nation perfectly coincided. His intensive campaign of public works, conceived from the outset as a unified project, had the stated objective of, in Zani’s own words, “giving a face to a republic that has survived intact into the present day in its spirit and in its medieval institutions.”⁶⁷

Even the use of local sandstone carried a strong message of civic identity, for its regional origins, for permitting the recourse to traditional construction materials and techniques, and for honoring the republic’s namesake, St. Marinus (in Italian, San Marino), who had himself been a stone-cutter.⁶⁸ This material was not intended to be used only for the oldest part of San Marino, the medieval zone that would now also become neomedieval, but for the city as a whole, both within and without the walls—and indeed this is what

64 “[L]a necessità di accelerare il processo di medievalizzazione del borgo antico, nel nome di una ritrovata identità storica. Giunge ad affermare un concetto determinante per i destini edilizi della città del Titano: il fascismo rappresenta l’unico tramite attraverso il quale è possibile creare un’immagine urbana adeguata alla sua storia”: Zucconi, *Gino Zani*, 23, 19–26 discuss the Fascist period as a whole. On travel guides of the period: Bagnaresi, *Miti e stereotipi*, 105–10, 163–68.

65 “[P]aradossalmente, proprio nel ventennio fascista, ossia nella fase storica ove la sua plurisecolare autonomia si riduce al minimo, San Marino viene come non mai sottoposta ad un’opera di autoesaltazione simbolica”: Zucconi, *Gino Zani*, 23.

66 On Fedele, see: *La figura di Pietro Fedele intellettuale, storico, politico*, ed. Cesare Crova (Roma: Istituto storico italiano per il medio evo, 2016).

67 “[D]are un volto ad una repubblica che si è conservata intatta fino ad oggi nel suo spirito e nelle sue istituzioni medievali”: Gino Zani, quoted in Zucconi, *Gino Zani*, 7.

68 *Ibid.*, 8–9.

came to pass. This broad deployment of cut stone masonry is the primary difference, in quality as well as quantity, between San Marino and the other ancient cities of the Italian peninsula that were ‘remedievalized’ during the 1930s. In San Marino, hand-cut stone, with its capacity to generate a sense of a homogeneous urban fabric, would be used not only for the historic centers but also for the new urban expansions. Thus unified, the urban landscape as a whole would be imbued with the evocative force of the past.⁶⁹ As Pugin and Ruskin had claimed decades earlier for the Gothic style in England, the role that Zani attributed to his own neomedieval architecture was that of recuperating and revivifying a ‘typical Sammarinese’ style, the national style of a little population stubbornly rooted in their mountain.⁷⁰ A population—and consequently an architectural style—that in Zani’s own words was “rugged, simple, [and] poor,” made of the same stones quarried from the mountain on which the city arose.⁷¹ And it seems to me that in this endeavor Zani, the engineer son of a stonemason father, was successful.



12. Gino Zani at his desk. © Archivio Zani, San Marino

69 Zucconi, “L’opera di Gino Zani alla luce di nuove prospettive critiche”, 148.

70 Morganti, “Diversamente moderno”, 161 ff.

71 “Ruvido, semplice, povero”: Gino Zani, *La chiesa vecchia di San Marino* (San Marino: Arti grafiche F. Della Balda, 1935), 11; cfr. Zucconi, *Gino Zani*, 14; Morganti, “Diversamente moderno”, 158.

The anti-Fascist purges of the Postwar period did involve, to a certain degree, the persons behind San Marino's neomedieval transformation, but it had no effect on the architectural fabric of the city. To those who criticized the Fascist administration for having wasted vast resources on constructing crenellations and castles instead of workers' housing, Gino Zani, not a fascist but a practical man, replied that it was precisely his crenellations that led to tourists' appreciation of San Marino—a result quite other than unproductive.⁷² As indeed it was then, and as it is still today.⁷³

⁷² *Ibid.*, 77–78; Bagnaresi, *Miti e stereotipi*, 247–48. In 1950 Gino Zani was appointed overall director of the cultural institutions of the Republic of San Marino, a post that he held until his death. On his activities in this role, see Rossi, “Il contesto storico-politico di San Marino”, 77–85.

⁷³ Bagnaresi, *Miti e stereotipi*, 183–244, on San Marino's representation in travel and tourism literature from the Postwar period to the present day; in particular, see 204–14 for the connections among identity, appropriation of the past, and folkloric recreations (mostly in relation to the Corpo dei Balestrieri and to museums of arms and armor). San Marino entered the world of theatrical fiction in the immediate postwar period with the film *Prince of Foxes* (1949, dir. Henry King) starring Tyrone Power, Orson Welles and Wanda Hendrix (cfr. Morganti, “Diversamente moderno”, 255–56).

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Ricardo Noronha
Neoliberalism and the Historians

This article analyses ‘Neoliberalism’ from a historical perspective, as a transnational political movement with a strong epistemic bent, engaged in reconfiguring state institutions and building a competitive market order. Drawing on methodological insights from Intellectual History and Political Economy, it focuses on the epistemic engagement of early Neoliberal thinkers in the field of historiography. By examining the writings of prominent intellectuals who participated in the Mont Pèlerin Society, such as Friedrich Hayek, Karl Popper, T.S. Ashton, Walter Eucken, Ludwig von Mises and Milton Friedman, the article assesses the role of historical interpretation in Neoliberal discourse, highlighting its connection with economic theory.

Keywords: Neoliberalism, historiography, political economy.

O Neoliberalismo e os Historiadores

Este artigo analisa o ‘Neoliberalismo’ a partir de uma perspectiva histórica, enquanto um movimento político transnacional com uma forte inclinação epistémica, apostado em reconfigurar o Estado e construir uma ordem de mercado competitiva. Recorrendo a contributos metodológicos da História Intelectual e da Economia Política, o artigo debruça-se especificamente sobre as reflexões historiográficas levadas a cabo nos primórdios do Neoliberalismo por alguns dos seus mais destacados pensadores. Ao examinar os escritos de vários intelectuais que integraram a Sociedade do Mont Pèlerin – Friedrich Hayek, Karl Popper, T.S. Ashton, Walter Eucken, Ludwig von Mises e Milton Friedman – o artigo avalia o papel da interpretação histórica no discurso Neoliberal, destacando a sua conexão com o pensamento económico.

Palavras-chave: Neoliberalismo, historiografia, economia política.

Neoliberalism and the Historians

Ricardo Noronha*

Introduction

As Alfredo Saad-Filho and Deborah Johnston have pointed out, the last quarter of the twentieth century has seen Neoliberalism ‘become so widespread and influential, and so deeply intermingled with critically important aspects of life’ as to make it ‘difficult to assess its nature and historical importance’.¹ The very meaning of the term tends to fluctuate across different fields, being alternatively employed to designate an epoch (‘the age of Neoliberalism’), an intellectual project (comprising ‘Ordoliberalism’, the ‘Austrian School of Economics’, the ‘Chicago School of Economics’ and the ‘Virginia School of Political Economy’), and a paradigm of public policy (based on privatization, deregulation and supply-side economics). For the specific purpose of this article, ‘Neoliberalism’ is to be understood as a transnational political movement with a strong epistemic bent, engaged in reconfiguring state institutions and building a competitive market order. But rather than circumvent the polysemic nature of the concept, perhaps the most productive approach for an historian is to take into account the different levels of reality it evokes. In other words, if we wish to interpret ‘Neoliberalism’ as a historical phenomenon, we need to untangle the interpenetrating layers of discourse developed by its multiple protago-

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¹ Alfredo Saad-Filho and Deborah Johnston, *Neoliberalism. A critical reader* (London: Pluto Press, 2005), 1.

nists – ranging from businessmen and journalists to politicians and academics – and elaborate a rigorous mapping of the ideas and theoretical debates that have shaped it. This, in turn, will allow us to understand how those ideas have contributed to shape the political economy of the late twentieth century.

In that regard, the approach developed by Michel Foucault, in a course delivered at the Collège de France, in 1978-1979, offers some valuable insights.² Through an analysis of the German tradition of *Ordo-liberalismus* (also known as the ‘Freiburg School’) and of the ‘Chicago School of Economics’, Foucault highlighted the discursive dimension of ‘Neoliberalism’, defining it as a comprehensive set of theories aimed at reshaping the institutional and legal framework in order to build a competitive market order.³ A similar approach has been taken in a collective volume dedicated to the Mont Pèlerin Society (MPS), a key institution within the history of Neoliberalism. In its conclusion, Philip Mirowski emphasized the need ‘to explore the numerous and sometimes confusing ways in which neoliberal ideas have been historically related to each other, to social classes and to political and economic regimes’.⁴ Both Foucault and Mirowski called attention to the differences between twentieth-century ‘Neoliberalism’ – a term coined in Paris in 1938, during the Colloque Walter Lippmann – and the classical Liberal tradition of the eighteenth and nineteenth centuries, particularly in terms of the role of the state, the notion of *laissez-faire* and the nature of markets. The problematic nature of this genealogy has also come under the attention of Daniel Stedman Jones, who analysed the efforts undertaken by neoliberal intellectuals to reclaim the heritage of ‘Anglo-Scottish Enlightenment Liberalism’, so as to link up their own agenda to a ‘robust historical tradition of economic liberty’.⁵ Indeed,

2 Michel Foucault, *The birth of Biopolitics. Lectures at the Collège de France 1978-78* (Basingstoke: Palgrave MacMillan, 2009).

3 Thomas Lemke, ‘«The birth of bio-politics»: Michel Foucault’s lecture at the Collège de France on neo-liberal governmentality’, *Economy and Society* 30, n.º 2 (2001): 190–207.

4 Philip Mirowski and Dieter Plehwe, ed., *The road from Mont Pèlerin. The making of the Neoliberal Thought Collective* (Harvard: Harvard University Press, 2009), 417-21.

5 Daniel Stedman Jones, *Masters of the Universe. Hayek, Friedman, and the Birth of Neoliberal Politics* (Princeton: Princeton University Press, 2012), 100-01.

as both Mirowski and Jones have demonstrated, the term ‘Neoliberalism’ was commonly used by most members of the Mont Pèlerin Society throughout the 1950s, signalling a shared commitment to overcome the shortcomings of Classical Liberalism. It was only at a later moment that Friedman, Hayek and others chose to emphasize the continuity between their own views and those of classical liberal authors, such as David Hume, Adam Smith or John Stuart Mill.

A twofold problem arises from this literature: 1) how did prominent Neoliberal intellectuals position themselves regarding the legacy of classical Liberalism? 2) what kind of specific challenges did they face in their own time that justified the coining of the term ‘Neoliberalism’ to describe their common endeavours? Combining Intellectual History and Political Economy, this article seeks to understand how early members of the Mont Pèlerin Society dealt with the problem of historical interpretation. That was the main theme of the Society’s annual meeting in 1951, which took place at Beauvallon (France). The book that resulted from the meeting, *Capitalism and the Historians*, dealt primarily with historiographical debates, namely those concerning the standard of living during the English Industrial Revolution. But the book’s preface, written by its editor, Friedrich Hayek, revealed a much broader intellectual ambition. Indeed, rather than simply repeating age-old assertions concerning the virtues of *laissez-faire* economics, Neoliberal intellectuals established a critical dialogue with classical Liberalism, selecting those ideas that best suited their own political agenda. Along the way, as we shall see, they developed a sharp critique of historical narratives that called for the growth of state intervention and questioned the superiority of the competitive market over economic planning.

The fact that key topics in historiographical theory and methodology – namely aspects such as causality, agency and structure – captured the attention of Neoliberal intellectuals reveals the political importance they attributed to the handling of the past, but also the epistemic foundations upon which they sought to ground their own ideas. The following pages explore the writings of Karl Popper, Fried-

rich Hayek, T.S. Ashton, Walter Eucken, Ludwig von Mises and Milton Friedman on the subject of historical interpretation, offering some important insights concerning the meaning of the prefix ‘Neo’ in ‘Neoliberalism’. By going through some of their major works, the article argues that the relation between historiography and economic theory lay at the core of the Neoliberal project.

I. A History of Historicism

Austrian by birth and British by choice, Karl Popper was one of the founding members of the Mont Pèlerin Society. Having achieved some notoriety as an epistemologist, after publishing *Logic of Research: On the Epistemology of Modern Natural Science*, in 1934, Popper wrote several essays on the topic of ‘Historicism’, which appeared in the journal *Economica* between 1944 and 1945, but would only be published as a book in 1957, with the title *The Poverty of Historicism*.⁶ During World War II, while exiled in New Zealand, he would further develop his arguments in a two volume book, *The Open Society and its Enemies*. While *The Poverty of Historicism* was a reflection on methodology, primarily aimed at the German Historical School of Economics, *The Open Society* offered a more ambitious ‘history of historicist thought’, meant to illustrate ‘its persistent and pernicious influence upon the philosophy of society and of politics, from Heraclitus and Plato to Hegel and Marx’.⁷

Popper defined ‘Historicism’ as an approach to the social sciences that aimed at ‘historical prediction’, by ‘discovering the «rhythms» or the «patterns», the «laws» or the «trends» that underlie the evolution of history.’⁸ ‘Historicism’, he claimed, had little concern for ‘history in the traditional sense of a mere chronicle of historical facts’, because it was mostly concerned with ‘the study of the operative forces and,

6 Karl Popper, *The Poverty of Historicism* (London: Rutledge & Keegan Paul, 1972 [1957]).

7 Karl Popper, *The Open Society and its Enemies. Vol. II* (London: Rutledge & Keegan, 1962).

8 Popper, *The Poverty of Historicism*, 45.

above all, of the laws of social development'.⁹ Popper attributed this to a misinterpretation of the role of theory, paired with a disregard for basic principles of scientific methodology that characterized the representatives of the German Historical School, like Gustav von Schmoller or Werner Sombart. According to him, in their attempt to emulate models and explanations from the field of Physics, these scholars had spawned 'a peculiar variety of fatalism, a fatalism in regard to the trends of history, as it were'.¹⁰ 'Historicism' was imbued with a teleological interpretation of human history, as if it was ruled by 'an unchanging law.' Against this, Popper tried to establish a clearer distinction between 'theoretical sciences' (Sociology, Economics and Political Science) and 'historical sciences':

I wish to defend the view, so often attacked as old-fashioned by historicists, that history is characterized by its interest in actual, singular, or specific events, rather than in laws or generalizations. [...] The situation is simply this: while the theoretical sciences are mainly interested in finding and testing universal laws, the historical sciences take all kinds of universal laws for granted and are mainly interested in finding and testing singular statements. [...] In the sense of this analysis, all causal explanation of a singular event can be said to be historical in so far as the 'cause' is always described by singular initial conditions.¹¹

Even though historical interpretation could not be mistaken for a scientific theory – because it could be neither falsified nor verified – it nevertheless demanded the employment of theoretical concepts, since historians who claimed to be 'objective' were bound to simply 'adopt

⁹ *Ibidem*.

¹⁰ *Ibidem*, 51.

¹¹ *Ibidem*, 143-44.

points of view without being aware of them'.¹² Rather than discovering the single source of causality behind historical events, the proper task for historians was to disentangle causal threads and to describe the accidental manner in which they were interwoven, making sense of what Popper defined as the 'logic of the situation':

We need studies, based on methodological individualism, of the social institutions through which ideas may spread and captivate individuals, of the way in which new traditions may be created, and of the way in which traditions work and break down. In other words, our individualistic and institutionalist models of such collective entities as nations, or governments, or markets, will have to be supplemented by models of political situations as well as of social movements such as scientific and industrial progress.¹³

Many of these arguments would reappear in *The Open Society and its Enemies*, where Popper deplored the intellectual influence of the 'oracular philosophy of Hegel' and the 'prophetic' claims of Karl Marx.¹⁴ Emphasizing the specific nature of historical knowledge, Popper argued that there could be no history of 'the past as it actually did happen'. Instead, the discipline depended on the historian's 'ability to elucidate the facts of history, as well as its topical interest, its ability to elucidate the problems of the day', allowing his interpretation to 'speak for itself'.¹⁵ More importantly, it was necessary to break with the notion that History was in any way charged with a meaning, that it allowed to 'discover the secret, the essence of human destiny'. Instead, the purpose of historical interpretation should remain philosophically more humble and methodologically more sound:

¹² *Ibidem*, 152.

¹³ *Ibidem*, 149.

¹⁴ Popper, *The Open Society*, 193, 198.

¹⁵ *Ibidem*, 161-68.

Although history has no ends, we can impose these ends of ours upon it; and although history has no meaning, we can give it a meaning. [...] Neither nature nor history can tell us what we ought to do. Facts, whether those of nature or those of history, cannot make the decisions for us, they cannot determine the ends we are going to choose. It is we who introduce purpose and meaning into nature and into history. [...] Facts as such have no meaning; they can gain it only through our decisions.¹⁶

Popper's chief argument was that human freedom was incompatible with a deterministic notion of temporality, regardless of how generous and well-intended. It was precisely because the course of human affairs was not pre-established, and did not follow a set of discernible rules, that individuals should be free to pursue their own purposes and make their own choices. In an 'Open society', the fate of an individual was not predetermined at the moment of his birth. And even though the first example of such a society could be tracked back as far as Ancient Athens, there was nothing ineluctable or irreversible about either its rise or downfall, because History was unpredictable by definition.

Seen through this light, Popper's epistemic incursion into the field of Historiography was part of a broader effort to keep the past open to interpretation, as a way to keep the future open for human action. It was also the result of a productive dialogue with the work of prominent representatives of the Austrian School of Economics, namely the reflections of Carl Menger on scientific methodology and his polemics with the German Historical School in the course of the '*Methodenstreit*'.¹⁷ It therefore comes as little surprise that Popper had so many views in common with Friedrich Hayek, one of the great representatives

¹⁶ *Ibidem*, 278.

¹⁷ Carl Menger, *Investigations into the Method of the Social Sciences with Special Reference to Economics* (New York: New York University Press, 1985). For the role of Carl Menger as founder of the Austrian School of Economics, see also: Bruce Caldwell, ed., *Carl Menger and his Legacy in Economics* (Durham: Duke University Press, 1990); Alan Ebenstein, *Hayek's Journey. The Mind of Friedrich Hayek* (New York: Palgrave MacMillan, 2003), 19-34.

of the Austrian School of Economics, who had established himself in England, in 1931, at the invitation of Lionel Robbins, to teach at the London School of Economics (LSE). The two men knew each other well and shared many views regarding scientific knowledge, particularly the specific epistemic problems surrounding the social sciences.¹⁸ Popper attended Hayek's seminars at the LSE during the 1930s and they frequently exchanged correspondence after he moved to New Zealand. It was Hayek, along with Ernst Gombrich, who helped Popper publish *The Open Society* and to find a teaching position at the LSE after World War II.

Hayek also took aims at the Historical School. In *The counter-revolution of science*, he deplored the 'gradual and almost unperceived transition from the historical method of the historian to the scientific historicism which attempts to make history a «science» and the only science of social phenomena.'¹⁹ He viewed this transition as an understandable reaction against excessive generalization, which had prompted scholars to emphasize the 'singular or unique character of all historical phenomena'. In the course of time, however, social scientists – 'particularly economists', as Hayek cared to stress – had come to assume that 'the empirical study of society' could provide an adequate basis for generalization, serving as 'an empirical road to the theory of their subject.' This had caused a serious misunderstanding of the role of theory within the ranks of the German Historical School. According to Hayek, rather than being the result of empirical research, theory should be used as a conceptual tool, allowing historians to formulate pertinent questions about specific subjects:

The object of scientific study is never the totality of
all the phenomena observable at a given time and place,

18 For the connection between Popper and Hayek in the 1930's, see Eugen Maria Schulak and Herbert Unterköfler, *The Austrian School of Economics. A History of Its Ideas, Ambassadors, and Institutions* (Auburn: Ludwig von Mises Institute, 2011), 123.

19 Friedrich Hayek, *The Counter-Revolution of Science* (New York: The Free Press of Glencoe, 1955), 64.

but always only certain selected aspects: and according to the question we ask, the same spatio-temporal situation may contain any number of different objects of study. [...] The application of these considerations to the phenomena of human history leads to very important consequences. It means nothing less than that a historical process or period is never a single definite object of thought but becomes such only by the question we ask about it; and that, according to the question we ask, what we are accustomed to regard as a single historical event can become any number of different objects of thought.²⁰

By establishing particular connections between different elements, enabling the historian to identify the ‘complexes of events’ that made up his object of study, the role of theory was to offer meaning to words like ‘government’ or ‘trade’ or ‘army’, which were not ‘single observable things’, but rather, each of them a ‘system of relations which connects the parts’.²¹ Like Popper, Hayek also rejected the depiction of history as a mechanical succession of ‘stages’, ‘phases’ and ‘systems’:

From Hegel and Comte, and particularly Marx, down to Sombart and Spengler, these spurious theories came to be regarded as representative results of social science; and through the belief that one kind of “system” must, as a matter of historical necessity, be superseded by a new and different “system,” they have even exercised a profound influence on social evolution. This they achieved mainly because they looked like the kind of laws which the natural sciences produced; and in an age when these sciences set the standard by which all intellectual effort was measured, the claim of these theories of history to be able to pre-

²⁰ *Ibidem*, 69-70.

²¹ *Ibidem*, 71.

dict future developments was regarded as evidence of their pre-eminently scientific character.²²

This division of history into different stages, each subordinated to its own 'laws', made 'timeless generalizations' impossible, since historians remained incapable of explaining 'how different configurations of the same elements' could produce 'altogether different complexes' according to circumstances of time and place. The formulation of generally valid assertions was, however, as necessary for the historians as for any other social scientist, since there could be 'no different theories for different ages'.²³ In this regard, the wrong predicaments of 'Historicism', had become an obstacle to the progress of scientific knowledge in the field of human and social affairs.

Hayek and Popper shared similar positions regarding the role of theory and the validity of historical interpretation, but there were also subtle differences between them. Popper was much more sceptical than Hayek regarding the possibility of using the past in order to confer particular validation to political beliefs. For his part, Hayek was more inclined than Popper to seek an underlying causal principle for historical phenomena. The main difference between them, however, lay in the relative importance they attributed to epistemic and political matters. Whereas Popper saw Liberalism as the most favourable political doctrine for the pursuit of genuine knowledge and scientific truth, Hayek was mostly concerned with the use of scientific claims as political arguments against Liberalism. Their mutual hostility towards 'historicism' brought them together at a specific point of their intellectual trajectory. It also contributed to shape some of the most important discussions during the early years of the Mont Pèlerin Society, to which we must now turn our attention.

²² *Ibidem*, 74.

²³ *Ibidem*, 78-79.

II. Industrialization and its discontents

The Road to Serfdom was probably the most successful book ever written by Hayek. Published in 1944, it was a political manifesto against the rising tide of ‘Socialism’:

How sharp a break, not only with the recent past but with the whole evolution of Western civilization, the modern trend towards socialism means, becomes clear if we consider it not merely against the background of the nineteenth century, but in a longer historical perspective. We are rapidly abandoning not the views merely of Cobden and Bright, of Adam Smith and Hume, or even of Locke and Milton, but one of the salient characteristics of Western civilization as it has grown from the foundations laid by Christianity and the Greeks and Romans. Not merely nineteenth – and eighteenth – century liberalism, but the basic individualism inherited by us from Erasmus and Montaigne, from Cicero and Tacitus, Pericles and Thucydides is progressively relinquished.²⁴

The book presented an historical interpretation of the origins of Liberalism, establishing a correlation between the growth of trade and the rise of freedom. Commercial life had, according to Hayek, allowed for ‘the gradual transformation of a rigidly organized hierarchic system’ into one where men were capable of ‘knowing and choosing between different forms of life’. Spreading from Northern Italy to France and Germany, during the late Middle Age, and from there to the Low Countries and the British Isles, in Early Modern times, commerce had achieved its ‘fullest development’ and become ‘the foundation of the social and political life’:

²⁴ Friedrich Hayek, *The Road to Serfdom* (London: Rutledge, 2007 [1944]), 13-14.

During the whole of this modern period of European history, the general direction of social development was one of freeing the individual from the ties which had bound him to the customary or prescribed ways in the pursuit of his ordinary activities. The conscious realization that the spontaneous and uncontrolled efforts of individuals were capable of producing a complex order of economic activities could come only after this development had made some progress. The subsequent elaboration of a consistent argument in favour of economic freedom was the outcome of a free growth of economic activity which had been the undesigned and unforeseen by-product of political freedom.²⁵

Liberalism had, according to Hayek, been the result of a spontaneous historical process, stemming from an evaluation, carried out by the moral philosophers of Enlightenment, of the legal and institutional framework required by a free society. Neither a dogma nor a fully developed system, it was an intellectual and political tradition based on the value of individual freedom, which could never be reduced to the 'wooden insistence of some liberals on certain rough rules of thumb, above all the principle of laissez-faire'. On the contrary, Hayek insisted, 'the crude rules in which the principles of economic policy of the nineteenth century were expressed' had been only a 'beginning'.²⁶ There was, however, an apparent paradox in this argument. Even though he attributed the triumph of Liberalism to the increasing freedom of trade, Hayek considered the crisis of Liberalism to be the result of an intellectual defeat:

For over two hundred years English ideas had been spreading eastwards. The rule of freedom which had been achieved in England seemed destined to spread throughout

²⁵ *Ibidem*, 14-15.

²⁶ *Ibidem*, 17-18.

the world. By about 1870 the reign of these ideas had probably reached its easternmost expansion. [...] For the next sixty years Germany became the centre from which the ideas destined to govern the world in the twentieth century spread east and west. Whether it was Hegel or Marx, List or Schmoller, Sombart or Mannheim, whether it was socialism in its more radical form or merely «organization» or «planning» of a less radical kind, German ideas were everywhere readily imported and German institutions imitated.²⁷

No explanation was offered as to how ‘English ideas’ could have lost ground to ‘German ideas’. Hayek simply changed the logic of causality, arguing that the ‘intellectual history of the last sixty or eighty years’ had been a ‘perfect illustration of the truth that in social evolution nothing is inevitable but thinking makes it so.’²⁸ In his view, once a sense of historical inevitability regarding the role of the state had seized the minds of most intellectuals, the belief in the superiority of the competitive market had started to falter.

This belief in the power of ideas would be developed in a later article, in which Hayek laid out his strategy to revive the influence of Liberalism as ‘an intellectual adventure’.²⁹ He vigorously argued for the need of ‘a liberal Utopia’, a program that would not appear to be ‘a mere defence of things as they’ were, but rather aim at a ‘truly liberal radicalism’, that did not ‘confine itself to what appears today as politically possible’. This demanded intellectual leaders who were prepared to resist the ‘blandishments of power and influence’, capable of confronting the ‘susceptibilities of the mighty’ and sticking to their principles in order ‘to work for an ideal’. In Hayek’s view, it was necessary to make the ‘philosophic foundations of a free society once more a living intellectual issue’, capable of challenging the ‘ingenuity and imagination of our liveliest minds’.

²⁷ *Ibidem*, 21-22.

²⁸ *Ibidem*, 50.

²⁹ Friedrich Hayek, ‘The Intellectuals and Socialism’, *University of Chicago Law Review* 16, n.º 3 (1949): 432-33.

The article illustrates the motivation behind the creation of the Mont Pèlerin Society, which gathered in Switzerland, in 1947. Attempts to form a transnational gathering of liberals had already been made, such as the creation of the Comité international d'étude pour le renouveau du libéralisme, on the wake of the Colloque Walter Lipman, in 1938. But Hayek placed particular emphasis in the role of ideas and intellectual debate when he resumed the project. The MPS brought together politicians, journalists, businessman, but it was predominantly composed by scholars, namely some of the key representatives of the Freiburg School, the Austrian School and the Chicago School of Economics. Along with a firm commitment to defend the free competitive market and individual liberty, the statement of aims of the MPS decried the growth of a 'view of history' that denied 'all absolute moral standards' and questioned the 'desirability of the rule of law', electing as one of its chief purposes the study of 'methods for combating the misuse of history for the furtherance of creeds hostile to liberty'.³⁰ From a very early moment, then, Neoliberal intellectuals chose History as a decisive battleground for the war of ideas they were about to embark upon.

That was particularly clear at the 1951 annual meeting of the society, in Beauvallon (France), where a panel brought together T. S. Ashton (United Kingdom), L. M. Macker (United States) and Bernard de Jouvenel (France), to debate the treatment of capitalism by the Historians. Their presentations would be collected in a book published in 1954, *Capitalism and the Historians*, edited by Hayek.³¹ In his Introduction, entitled 'History and politics', Hayek argued that the influence of the 'writers of history' over public opinion was 'probably more immediate and extensive than that of political theorists who launch new ideas'. There was, he claimed, 'scarcely a political ideal or concept' which did not 'involve opinions about a whole series of past events'. And even though historians had the duty to ascertain 'the facts', Hayek

30 Mirowski and Plehwe, *The Road from Mont Pèlerin*, 15-26.

31 Friedrich Hayek, ed., *Capitalism and the Historians* (London: Routledge & Keegan Paul, 1954).

insisted once again on the idea that ‘theories about the interconnection of social processes’ played a decisive role:

Historiography, as distinguished from historical research, is not only at least as much an art as a science; the writer who attempts it without being aware that his task is one of interpretation in the light of definite values also will succeed merely in deceiving himself and will become the victim of his unconscious prejudices.³²

This passage testifies to the continuity between Hayek’s previous writings on ‘Historicism’ and the political importance he attributed to historical interpretation. But there had also been a significant transformation since *The Road to Serfdom*. He now saw the emergence of the competitive market as the result of a favourable institutional setup, rather than a mere by-product of the growth of commerce:

The freedom of economic activity which in England has proved so favourable to the rapid growth of wealth was probably in the first instance an almost accidental by-product of the limitations which the revolution of the seventeenth century had placed on the powers of government; and only after its beneficial effects had come to be widely noticed did the economists later undertake to explain the connection and to argue for the removal of the remaining barriers to commercial freedom.³³

Hayek was particularly interested in the ‘Whig interpretation of history’, a designation coined by Herbert Butterfield, in 1931, for the work of British historians of the nineteenth century, like Hallam, Macaulay or Acton.³⁴ The

³² *Ibidem*, 5.

³³ *Ibidem*, 14.

³⁴ Herbert Butterfield, *The Whig Interpretation of History* (London: Bell, 1931). See also Keith Sewell, *Herbert Butterfield and the Interpretation of History* (London: Palgrave Macmillan, 2005).

historical literature produced by these historians had been centred around political struggle in England during the seventeenth century, namely the defence of common law against the attempts for political centralization carried out by either the Crown or the Parliament. This historiographical tradition had, according to Hayek, given ‘the generations brought up on it a true sense of the value of the political liberty which their ancestors had achieved for them’, and it was far from casual that it had ‘gone out of fashion with the decline of Liberalism’, allowing the rise of a ‘socialist interpretation of history’.³⁵ The latter, based on a ‘particular view of economic history’, had originated the ‘legend’ according to which industrialization caused a severe deterioration of the living conditions of the working classes, something which Hayek could not accept:

The widespread emotional aversion to ‘capitalism’ is closely connected with this belief that the undeniable growth of wealth which the competitive order has produced was purchased at the price of depressing the standard of life of the weakest elements of society. [...] The actual history of the connection between capitalism and the rise of the proletariat is almost the opposite to that which these theories of the expropriation of the masses suggest. [...] It was only when the larger gains from the employment of machinery provided both the means and the opportunity for their investment that what in the past had been a recurring surplus of population doomed to early death was in an increasing measure given the possibility of survival.³⁶

This was, of course, the main topic of the debate on ‘the standard of living’ during the nineteenth century.³⁷ The fact that it caught the attention of the members of the MPS illustrates the connection between history and politics established by Hayek. The refutation of

³⁵ Hayek, *Capitalism and the Historians*, 6-7.

³⁶ *Ibidem*, 15-16.

³⁷ The ‘standard of living debate’ is partially covered in E. P. Thompson, *The Making of the English Working Class* (New York: Vintage Books, 1966), 189-212. See also Arthur J. Taylor, ed., *The Standard of Living in Britain in the Industrial Revolution* (London: Methuen, 1975).

a ‘black legend’ – based on misconceptions regarding the underlying causes for poverty before and during the process of industrialization – was a crucial step to defend that competition was not only a condition for economic efficiency, but also beneficial to the large majority of the population. The political legitimacy of the ‘free market’ was tied up to the evaluation of its historical record, particularly after the crisis of the 1930s had favoured the questioning of key principles of Neoclassical Economics.

The intervention of Timothy Ashton, paired with an article he had published in the *Journal of Economic History* (‘The standard of life of the workers in England, 1790-1830’), was meant to refute the dominant historical interpretation of the industrial take-off in Great Britain. An economic Historian and professor at the LSE, Ashton charged the reports written, during the early nineteenth century, by social reformers appalled by the living conditions of the poor (the ‘Blue books’), for having led to a number of historical misconceptions. Focusing on the housing problems in the industrial districts of Lancashire and Yorkshire, he argued that this had been caused by wrong fiscal policy and government intervention in the credit system (namely the ceilings imposed on interest rates, which had caused a shortage of funding for new buildings), aggravated by the disruption of international trade during the Napoleonic wars, which had raised the prices of building materials and wages. Rather than attributing poverty to private businessmen, it was necessary to look for more sensible causes. ‘No historian’, Ashton concluded, had ‘looked the problem through the eyes of those who had the task of building and maintaining the towns’. In spite of the numerous problems arising from industrialization, he argued, English workers as a whole were far more prosperous than their counterparts in any other country of the world at the time. Therefore, even though industrialization had had some negative social effects, Ashton insisted on the need for a careful handling of data, particularly in regards to comparisons between what was the prevalent situation before and after the industrial take-off. After challenging the dominant interpretation of what had happened in England in the turn of the eighteenth to the

nineteenth century – namely the works of Fabians like Arnold Toynbee, Sidney and Beatrice Webb or John and Barbara Hammond – Ashton went on to criticize the German Historical School from a methodological viewpoint:

A thousand years is an unmanageably long period, and so capitalism had to be presented as a series of stages – the epochs, respectively, of early, full, and late capitalism, or of mercantile capitalism, industrial capitalism, finance capitalism, and state capitalism. It is admitted, of course, by those who make use of these categories, that there is overlapping: that the late stage of one epoch is the early (or, as they say, the emergent) stage of the next. But to teach economic history in this way – to suggest that commerce, industry, finance, and state control are *successive* dominant forces – is to hide from the student, I suggest, the interaction and interdependence of all these at every period of time. It is bad economics. Those who write so tend to torture the facts.³⁸

Disparaging towards the ‘illogical and illiberal tendencies’ of most of his colleagues, Ashton denounced the careless use of expressions such as ‘capitalist spirit’, which presupposed an ‘impersonal, superhuman force’, by which it was ‘no longer men and women, exercising their free choice, who effect change, but capitalism, or the spirit of capitalism.’ The result, he added, was that history was being written ‘as though its function were simply to exhibit the gradualness of inevitability.’³⁹ In order to counter this pattern of interpretation, he argued for the need to reconcile economic theory with economic history, looking at the past through the lenses of Neoclassical Economics.

This is a clear illustration of the reciprocal influences of Neoliberal intellectuals upon one another, allowing us to identify some of the

38 Hayek, *Capitalism and the Historians*, 58-59.

39 *Ibidem*, 62.

common epistemic concerns that cross-fertilized their work. The refutation of the ‘Socialist interpretation of History’ was inseparable from the critique of ‘Historicism’, just as the refusal of teleological narratives of History called for methodological debates on the epistemic problems faced by the discipline. Far from being a predominantly economic theory of human behaviour, Neoliberalism was, during this early phase of the Mont Pèlerin Society, an intellectual project with numerous and articulated aims. But Popper, Hayek and Ashton were not alone, nor were they the first to look into the problems of historical interpretation.

Indeed, there is a missing link that usually goes unnoticed in most accounts of the history of the Mont Pèlerin Society. In 1951, under the advice of Hayek, the University of Chicago Press published a book written by Walter Eucken (the leading member of the Freiburg School and also a founding member of the MPS). First published in Germany in 1940, *The Foundations of Economics* was an attempt to bridge the gulf between economic history and economic theory.⁴⁰ Calling upon the ‘analytical apparatus of economics’ to be ‘extended’, Eucken stressed the interrelation between everyday economic life and the broader historical situation, arguing that one could not be understood without the other. He was careful to underline the difference between history and theory: whereas the former relied primarily on ‘perception, intuition, synthesis, understanding, and a feeling for living individual experience’, the latter resorted to ‘reasoning, analysis, and the elaboration of analytical models’. It was nevertheless necessary to make full use of both, since ‘the actual sequence of economic events at any place or time’ could not be understood ‘in the same way as other historical facts’, making it necessary to formulate ‘theoretical propositions’ in order to understand the ‘concrete relationships’ between each specific configuration of events, be it the rise of the price of cotton or the depreciation of the dollar.⁴¹ ‘Knowledge of economic reality or of the real world’, Eucken concluded, could only come as ‘an answer to a question’.⁴²

⁴⁰ Walter Eucken, *The Foundations of Economics. History and Theory in the Analysis of Economic Reality* (Berlin: Springer Verlag, 1992), 10.

⁴¹ *Ibidem*, 39-43

⁴² *Ibidem*, 60.

Addressing the relation between classical political economy and history, Eucken argued that the moral philosophers of Enlightenment, from Montesquieu to Adam Smith, had sought to ‘arrive at generally valid and applicable knowledge’, in the form of universal principles. Because of that, they had failed to contemplate ‘the variety of institutions’ at play within the economic system, along with ‘the full range of economic reality and its historical development’.⁴³ This, in turn, contributed to make the field of Economics ‘doctrinaire’ in the course of time. Eucken particularly deplored the fact that the ‘stimulus of concrete problems and the force of historical facts’ was no longer ‘sensed by many theoretical economists’, who resorted to ‘increasingly mathematical formulation of economic theory’, remaining ‘incapable of explaining the problems of the real world’.⁴⁴

Like Popper and Hayek, Eucken criticized the notion that each epoch or ‘stage’ of economic development demanded a particular type of theory to interpret it.⁴⁵ He agreed with Hayek regarding the spontaneous character of economic transformations, but considered the modern economic system to be one of the few exceptions to this rule, arguing that it had been deliberately ‘created’ rather than ‘grown’:

Out of the understanding of the interdependence of the whole of everyday economic life, and from the discovery that competition is a highly effective regulating mechanism, the classical economists developed their governing principles, and proposed great reforms in order to realize these principles in practice. [...] In this case an economic system was to be built on the basis of an economic ‘constitution’. By an ‘economic constitution’ we mean the decision as to the general ordering of the economic life of a community.⁴⁶

⁴³ *Ibidem*, 48-50.

⁴⁴ *Ibidem*, 59.

⁴⁵ *Ibidem*, 75.

⁴⁶ *Ibidem*, 83.

The concept of ‘economic constitution’ would become a central tenet of Ordoliberalism. It was exemplified by the British monetary system and the gold standard, legally implemented by political institutions according to ‘governing principles, precisely thought out in theory’.⁴⁷ Emphasizing the importance of the ‘Order’ that regulated the interaction between economic agents, Eucken concluded that the relation between the legal system and the economic system had ‘to be studied in the individual context of each historical situation’, since it was subject to change in the course of time and did not follow any sort of predetermined rule.⁴⁸ This conclusion was filled with relevant implications, namely the particular importance the Freiburg School attributed to legal and political institutions, which was the result of a particular interpretation of the historical origins of the modern economic system. This interpretation followed a strong theoretical imprint – drawing inspiration from Neoclassical economics – but did not satisfy itself with reasserting axiomatic and timeless assertions.⁴⁹ By insisting in adding the prefix ‘Neo’ to ‘Liberalism’ – both in the Colloque Walter Lipman and immediately after the foundation of the MPS – members of the Freiburg School remained faithful to this theoretical break.

Eucken’s insistence on the importance of theory for the study of History, along with the notion that economics could not be understood without the study of laws and institutions, had a considerable influence over Hayek, who received a first-hand copy of his book through Wilhelm Röpke.⁵⁰ Indeed, the relation between the Austrian School of Economics and the German Ricardian group (the forbearer of the Freiburg School) dated back to the 1920s and it was characterized by permanent interchange.⁵¹ Eucken and Hayek kept a steady correspondence, which

⁴⁷ *Ibidem*, 84.

⁴⁸ *Ibidem*, 87.

⁴⁹ Eucken and Hans Grossmann-Doerth, a Professor of Law at the University of Freiburg, held a joint seminar of jurists and economist between 1933 and 1936, when it was forcefully shut down. E. M. Streit, ‘The Freiburg School of Law and Economics’, in *The Elgar companion to Austrian Economics*, ed. Peter Boettke (Cheltenham: Edgar Elgar, 1994), 508-09.

⁵⁰ Viktor J. Vanberg, ‘Hayek in Freiburg’ in *Hayek: A Collaborative Biography*, ed. Robert Leeson (London: Palgrave Macmillan, 2013), 94.

⁵¹ Nils Goldschmidt and Jan-Otmar Hesse, ‘Eucken, Hayek and The Road to Serfdom’, in

included several critical comments by the former on *The Road to Serfdom*. The fact that Hayek latter taught at Freiburg, where he spared no compliments regarding Eucken's importance for his own intellectual formation, testifies to the impact of the *Foundations of Economics*. One needs only to remember the introduction to *Capitalism and the Historians* to understand that Hayek was more than merely asserting the principles of the Austrian School of Economics.

Not everyone was equally enthusiastic about this ecumenical atmosphere of intellectual debate. Ludwig von Mises, who had enjoyed considerable influence over Hayek in his youth, helping him throughout the early years of his professional career, disagreed with many of the positions shared by Ordoliberals regarding the role of the state and the functioning of the competitive market. In his view, the state should limit itself to the enforcement of legal contracts and the management of foreign affairs. In a book published in 1946, *Human Action*, Mises formulated his own theory of Economics, 'praxeology', which he equated with Logic and Mathematics. Drawing on Kant's notion of '*a priori*', praxeology followed the assumption that individuals pursued deliberate aims motivated solely by their desires. It elected as the chief purpose of science to take 'the value judgments of acting man as ultimate data not open to any further critical examination', accepting as its only standard 'whether or not the means chosen are fit for the attainment of the ends aimed at'.⁵² Accordingly, Mises divided the 'sciences of human action' into two main branches, praxeology and history. He argued that history could 'neither prove nor disprove any general statement in the manner in which the natural sciences accept or reject a hypothesis on the ground of laboratory experiments', since it was not 'an intellectual reproduction, but a condensed representation of the past in conceptual terms'.⁵³ 'Praxeology', on the other hand, was able to measure the success of each action according to the effects it was meant to achieve.

Hayek: A Collaborative Biography, ed. Robert Leeson (London: Palgrave Macmillan, 2013), 123-46.

⁵² Ludwig von Mises, *Human action. A Treatise on Economics* (Auburn: The Ludwig von Mises Institute, 1998), 21.

⁵³ *Ibidem*, 31, 48.

It is revealing that, even though *Human action* made several reflections on historiography, Mises felt the need to publish an additional book on the subject, *Theory and History*, in 1957.⁵⁴ After repeating many of the arguments he had previously laid out, Mises addressed the ‘epistemological problems of History’ in the third part of the book. Unsurprisingly, he singled out ideas as ‘the ultimate given of historical inquiry’, since they engendered ‘social institutions, political changes, technological methods of production, and all that is called economic conditions’.⁵⁵ He argued against the ‘deterministic’ view of History (namely that of Marx), echoing the arguments laid out by Menger, Popper and Hayek against Historicism. More importantly, Mises coined up the term ‘thymology’ as a counterpart to praxeology: while the latter dealt with ‘action as such’, the former was meant to designate ‘the knowledge of human valuations and volitions’, that is, the ‘knowledge of the social environment in which a man lives and acts’.⁵⁶ Mises had no doubt that studying history was of ‘the utmost practical importance’ and belonged to the ‘very essence’ of a liberal education, because even though it looked ‘backward into the past’, it taught lessons on the ‘things to come.’⁵⁷ But he nevertheless kept the distinction between History and Economics – or rather, between ‘praxeology’ and ‘thymology’ – as a fundamental epistemic position. Other than the vague notion that ideas were the most important subject for historical interpretation and that agency should be ascribed solely to individuals, he said very little about the origins of the competitive market. In that regard, he was quite distant from the intellectual efforts that were being undertaken by other members of the MPS, and felt little need to engage in the discussion of how or why Liberalism had fallen into crisis. More than anything, *Theory and History* resembled a last ditch defense of a doctrine that needed no additional insights, because it had achieved the capacity to explain all that was relevant about human action. For

54 Ludwig von Mises, *Theory and History. An Interpretation of Social and Economic Transformation* (Yale: Yale University Press, 1957).

55 *Ibidem*, 187-88.

56 *Ibidem*, *Theory and History*, 265.

57 *Ibidem*, *Theory and History*, 291, 293-94.

Mises, more than for most, the prefix 'Neo' had never made sense from the start.

As Neoliberalism began to mature, through debate and common reflection carried out by intellectuals from different schools of thought, some of the dividing lines between them tended to fade. But new ones also started to emerge, however subtle, setting apart individuals who nominally belonged to the same school. Even though Hayek and Mises did not express their differences openly, it is hard not to find them if we read in between the lines of what they wrote. This, too, reveals the importance of the subject of historical interpretation for a better understanding of Neoliberalism. As we shall see, other, and more relevant, differences would emerge in the course of time, as distinct interpretations of the past materialized in different propositions concerning the best way to reaffirm Liberalism in the second half of the twentieth century.

III. The Neoliberal interpretation of History

The Constitution of Liberty, Hayek's *magnum opus*, was published in 1960. It was a comprehensive argument in favour of individual freedom, the competitive market and the rule of law. It is not always noted, however, how ambitious it was in the domain of historical interpretation. Right from the start, Hayek set about distinguishing between two traditions of Liberalism:

The development of a theory of liberty took place mainly in the Eighteenth century. It began in two countries, England and France. The first of these knew liberty; the second did not. As a result we have to the present day two different traditions in the theory of liberty: one empirical and unsystematic, the other speculative and rationalistic – the first based on an interpretation of traditions and institutions which had spontaneously grown up and were but imperfectly understood, the second aiming at the con-

struction of a utopia, which has often been tried but never successfully.

These two traditions had parted ways. ‘Rationalistic’ Liberalism was the ancestor of ‘Socialism’, while the empiricist tradition was the legacy claimed by Hayek. This was a novelty, illustrating the character of the Mont Pèlerin Society as a laboratory of theoretical innovation. It also provides additional clues concerning the meaning of the prefix ‘Neo’ in ‘Neoliberalism’. The superiority of the unsystematic tradition of Liberalism, Hayek argued, resulted from a better understanding of the process of trial and error by which suitable institutions and values had been discovered:

While the rationalist tradition assumes that man was originally endowed with both the intellectual and the moral attributes that enabled him to fashion civilization deliberately, the evolutionist made it clear that civilization was the accumulated hard-earned result of trial and error; that it was the sum of experience, in part handed from generation to generation as explicit knowledge, but to a larger extent embodied in tools and institutions which had proved themselves superior – institutions whose significance we might discover by analysis but which will also serve men’s ends without men’s understanding them.⁵⁸

Hayek presented a developed account of the origins of the rule of law and political freedom, his own version the ‘Whig interpretation of history’.⁵⁹ According to him, the concepts of individual liberty and rule of law had first appeared in Ancient Athens, through the notion of ‘*isonomia*’, before being perfected during the Roman Republic, by

⁵⁸ Friedrich Hayek, *The Constitution of Liberty* (London: Routledge, 2006 [1960]), 54.

⁵⁹ This section was based on a previous work, entitled *The Political Ideal of the Rule of Law*, assigned to Hayek by the National Bank of Egypt and published in 1955.

classical authors like Cicero, Tacitus or Livy. This intellectual tradition would later become a major source of inspiration for those who rallied against political centralization in England during the seventeenth century. Modern conceptions of the rule of law had therefore been a ‘by-product of a struggle for power’, in the course of a ‘dispute about the authority to legislate’, rather than resulting from a ‘deliberate aim’. The rule of law would gain further consistency through the ‘constitutionalist’ doctrines of ‘checks and balances’ developed during the American Revolution, before making its way into Continental Europe, through the Civil Codes enacted in Prussia, Austria and Napoleonic France. Such institutional developments had, in turn, allowed the functioning of a competitive market order, erecting a barrier against discretionary measures undertaken by legislative or executive powers.

Hayek’s theory of Power and Law – which conceived ‘Freedom’ in strictly negative terms, as ‘freedom from coercion’ – was based on the claim that institutional innovations had been an accidental result of powerful invisible forces. According to him, the functioning of a free society relied predominantly on established traditions, born from the accumulated experience of many generations. The history that Hayek – and other members of the MPS – wanted to tell was meant to serve as a warning against those who wished to change social relations according to a deliberate rational design. It was the history of the spontaneous origins of the market order, emerging as an unforeseen result of the struggle against political centralization. And, since any attempt to radically transform society would most likely disturb the entire social fabric, each one should content oneself with the actual freedom offered by the competitive market and the rule of law. Drawing on the insights of Edmund Burke, the Neoliberal interpretation of History elaborated by Hayek established the limits within which individuals were allowed to choose, resembling the sort of fatalism which both him and Popper had previously criticized in ‘Historicism’. Liberalism was no longer equated with a ‘Utopia’ that challenged the ‘ingenuity and imagination’ of the ‘liveliest minds’. It had become a rallying point for all those who feared radical transformation of the social order.

Around the same time Hayek was condensing his views on the future of Liberalism, a rather more crude approach to history was being developed by another founding member of the MPS. Milton Friedman, a professor at the Chicago School of Law and Economics, wrote *Capitalism and Freedom* as an American version of Hayek's *The Road to Serfdom*.⁶⁰ Published only two years after *The Constitution of Liberty*, Friedman's book presented a set of easily understandable arguments in defence of the competitive market, venturing with great ease in the domain of historical interpretation:

Historical evidence speaks with a single voice on the relation between political freedom and a free market. I know of no example in time or place of a society that has been marked by a large measure of political freedom, and that has not also used something comparable to a free market to organize the bulk of economic activity. Because we live in a largely free society, we tend to forget how limited is the span of time and the part of the globe for which there has ever been anything like political freedom: the typical state of mankind is tyranny, servitude, and misery. The nineteenth century and early twentieth century in the Western world stand out as striking exceptions to the general trend of historical development. Political freedom in this instance clearly came along with the free market and the development of capitalist institutions. So also did political freedom in the golden age of Greece and in the early days of the Roman era.⁶¹

60 For the connection between the two books, see: Rob Van Horn and Philip Mirowski, 'The rise of the Chicago School of Economics and the Birth of Neoliberalism', in *The Road from Mont Pèlerin*, ed. Dieter Plehwe and Philippe Mirowski (Harvard: Harvard University Press, 2009), 131-68.

61 Milton Friedman, *Capitalism and Freedom* (Chicago: University of Chicago Press, 1982 [1962]): 16.

In spite of the similarity to Hayek's main line of argument – indeed, Friedman went as far as claiming that *The Constitution of Liberty* revealed the influence of the Chicago School over its author⁶² – there were some important differences to be noted. Friedman's book was mostly a simplified version of Neoclassical economic theory, punctuated by scattered references to the importance of the rule of law, whereas Hayek had consistently drawn on History and Philosophy to develop his arguments in favour of Liberalism.

Additionally, the two men had quite different understandings of science. In a book published in 1953, Friedman aligned his epistemic position with that of Keynes (not John Maynard, but his father, John Neville), arguing that any 'policy conclusion necessarily rests on a prediction about the consequences of doing one thing rather than another'.⁶³ He defined 'positive economics' as a science 'in precisely the same sense as any of the physical sciences', the performance of which had to be judged by 'the precision, scope, and conformity with experience of the predictions it yields'.⁶⁴ Unlike Hayek, Friedman believed that economists should be able to predict the future, making no distinction between the 'simple phenomena' studied by the natural sciences and the 'complex phenomena' dealt with by social scientists. This divergence had far greater implications than those we have previously identified, either between Popper and Hayek, or between Hayek and Mises. It reflected Friedman's preference for an objectivist view of Neoclassical economics, from which the members of the Austrian School had distanced themselves. It also meant that historical interpretation could be used to illustrate the validity of timeless, axiomatic, truths.

That was to become evident in *Capitalism and Freedom*, which was published in 1962, having been written by Friedman as an American counterpart to Hayek's *The Road to Serfdom*. Whereas industrialization had been the main topic of *Capitalism and the Historians*,

⁶² Ebenstein, *Hayek*, 141.

⁶³ Milton Friedman, *Essays in Positive Economics* (Chicago: The University of Chicago Press, 1953), 4

⁶⁴ *Ibidem*, 7.

Friedman elected the ‘Great Depression’ of 1929-1933 as the historical event that had contributed the most to undermine the confidence in the superiority of the competitive market, by reinforcing the belief that a ‘private free-enterprise economy’ was ‘inherently unstable’ if left to itself.⁶⁵ As the argument went, what had come to legitimize the growth of government intervention and the entire political economy of the New Deal was an outright error of historical interpretation. Far from being a sign of the inherent instability of the ‘private enterprise system’, the Great depression had, according to Friedman, been the result of wrong monetary measures undertaken by the Federal Reserve, which had converted ‘what otherwise would have been a moderate contraction into a major catastrophe’.⁶⁶ He considered it to be necessary to invert the trend, pursuing a ‘government of law instead of men’ and creating strict rules in order to prevent ‘monetary policy from being subject to the day-by-day whim of political authorities’.⁶⁷ In this particular brand of Neoliberal interpretation of history, conclusions stemmed almost automatically from what were taken to be historical ‘facts’.

The argument presented in *Capitalism and Freedom* would be developed in a more systematic way in *A Monetary History of the United States*, a book written by Milton Friedman and Anne Schwartz, under the sponsorship of the National Bureau of Economic Research. A vast amount of statistical data, covering a century of economic history, from the end of the American Civil War until the Kennedy administration, was compiled with the chief purpose of demonstrating that monetary policy had a greater impact on business cycles than economic theory had hitherto recognized. In order to explain the economic role of money, Friedman and Schwartz used History as testing ground for their hypothesis. The rationale for this exercise is to be found in a passage of Friedman’s essay on positive economics:

⁶⁵ Friedman, *Capitalism and Freedom*, 39.

⁶⁶ *Ibidem*, 44-48.

⁶⁷ *Ibidem*, 49

Unfortunately, we can seldom test particular predictions in the social sciences by experiments explicitly designed to eliminate what are judged to be the most important disturbing influences. Generally, we must rely on evidence cast up by the “experiments” that happen to occur. [...] Occasionally, experience casts up evidence that is about as direct, dramatic, and convincing as any that could be provided by controlled experiments. Perhaps the most obviously important example is the evidence from inflations on the hypothesis that a substantial increase in the quantity of money within a relatively short period is accompanied by a substantial increase in prices.⁶⁸

The evolution of the money stock during an entire century was one of the closest things to a ‘controlled experiment’ that an economist could hope for, since it allowed the observation of monetary experience under sufficiently disparate conditions to sort out what was ‘common’ from what was ‘adventitious’.⁶⁹ Under these premises, Friedman and Schwartz set about dissecting the economic history of the United State, making a precise incision into it, as if monetary circuits were the circulatory system of a living creature. They considered the creation of the Federal Reserve System, in 1914, to be ‘a major watershed in American monetary history’.⁷⁰ Before that, there had been a ‘blind, undesigned, and quasi-automatic’ monetary regime (the Gold Standard), capable of ensuring ‘a greater measure of predictability and regularity’ than the ‘deliberate and conscious control’ exercised by the ‘System’. The disadvantages of the latter had become manifest in the course of time. Friedman and Schwartz concluded that the drastic decline in the stock of money after 1929, paired with the occurrence of a banking panic of unprecedented severity, had occurred because the Federal Reserve

68 Friedman, *Essays in Positive Economics*, 10-11.

69 Milton Friedman and Anne Schwartz, *A Monetary History of the United States 1867-1960* (Princeton: Princeton University Press, 1963), 676, 687-88.

70 *Ibidem*, 8.

System did not use its ‘ample powers’ to cut short the ‘tragic process of monetary deflation and banking collapse’.⁷¹ This, in turn, revealed a specific type of correlation between monetary policy and economic activity:

Changes in the money stock are therefore a consequence as well as an independent source of change in money income and prices, though, once they occur, they produce in their turn still further effects on income and prices. Mutual interaction, but with money rather clearly the senior partner in longer-run movements and in major cyclical movements, and more nearly an equal partner with money income and prices in shorter-run and milder movements – this is the generalization suggested by our evidence.⁷²

Although this sort of generalization was well below the standards of the ‘natural sciences’, it offered monetary authorities what appeared to be a coherent theoretical explanation for the problems they were up against. The core of the book explained how to handle an economic depression caused by deflation and shortage of liquidity. But its conclusion, dug out from the vast amount of data collected from the archives of the Federal Reserve System, was equally useful to tackle down inflation.⁷³ More importantly, the whole book questioned the Keynesian argument for imperative management by the government, since it attributed the crisis to the monetary authorities, rather than the behaviour of investors.⁷⁴

From a conceptual standpoint, Friedman’s approach had much in common with what the Austrian School had criticized about ‘Histori-

⁷¹ *Ibidem*, 11.

⁷² *Ibidem*, 695.

⁷³ *Ibidem*, 676.

⁷⁴ This point is particularly highlighted in Lanny Ebenstein, *Milton Friedman. A Biography* (Basingstoke: Palgrave MacMillan, 2007), 113-28.

cism'. It elected 'prevision' as its main aim, showing little consideration for epistemic concerns that could hamper the discipline's capacity to influence policy-makers. It established very simple mechanisms of causality, in order to support the claim that monetary authorities were less capable of ensuring price stability than an impersonal mechanism geared to the market. It handled its data in a very straightforward direction, so as to draw the theoretical conclusion that fiscal policy and government spending were unable to achieve full employment in the long run.

The strength of this argument would only become manifest a few years later, when public opinion (or at least a determinant part of it) grew tired of rising prices. Friedman himself had little doubt about the mechanisms of causality that presided over historical transformation:

The change in the climate of opinion was not produced by this book or the many others, such as Hayek's *Road to Serfdom* and *Constitution of Liberty*, in the same philosophical tradition. [...] The change in the climate of opinion was produced by experience, not by theory or philosophy. [...] Only a crisis actual or perceived produces real change. When that crisis occurs, the actions that are taken depend on the ideas that are lying around. That, I believe, is our basic function: to develop alternatives to existing policies, to keep them alive and available until the politically impossible becomes politically inevitable.⁷⁵

According to this view, History was a testing ground for economic theory, allowing the refutation of a dominant scientific hypothesis and its replacement by another. Intellectuals merely predicted what the force of events would come to demonstrate. And, in the process, they laid out the ideas that were necessary to create an alternative.

⁷⁵ Friedman, *Capitalism and Freedom*, 6-7.

Of course, this sort of simplification was precisely what the Mont Pèlerin Society had initially rallied against. But that did not prevent Friedman, along with other representatives of the Chicago School of Economics (many of whom also belonged to the MPS), from casting aside most of the epistemic concerns that characterized the writings of Popper, Hayek, Acton, Eucken or Mises. The interpretation of History that underpinned their work assumed that ‘facts’ had a definite meaning, because they were subject to what, for all purposes, resembled ‘laws’. Quite simply, such ‘laws’ – drawn from the timeless truths of Neoclassical economics and expanded through highly abstract mathematical models – did not point to a growing intervention of the State in economic affairs, but rather in the opposite direction. History had changed its course.

Conclusion

Reading Neoliberalism from the angle of Intellectual History allows us to understand the initial scope of its epistemic and political ambitions. As early as the 1940s, Karl Popper and Friedrich Hayek had questioned the notion that social sciences should emulate the paradigm of Physics, calling for a more sophisticated understanding of the role of theory, along with a more rigorous assessment of causality. Likewise, they considered the idea that history unfolded through a predictable succession of stages, according to ‘Historical Laws’, to be a crude simplification and a denial of human freedom. The importance they attributed to historical interpretation concerned both the political legitimacy of the competitive market order and the possibility of understanding the evolution of society in the course of time.

These insights were reflected in the Mont Pèlerin Society’s statement of aims, which directly identified the interpretation of History as a matter of concern for all of those engaged in the renewal of Liberalism. The importance that the members of the Society attributed to the role of ideas led them to engage in a systematic attempt to challenge the supremacy of ‘Socialists’ over historical interpretation. This was

one of the chief motivations behind the works of Walter Eucken and Ludwig von Mises, during and immediately after World War II, each following his own specific ideas. The topic would deserve further attention at the Society's annual meeting in 1951, from which the book *Capitalism and the Historians* resulted. At that stage, Neoliberal intellectuals were particularly concerned with the interpretation of industrialization in Great Britain, namely the fact that historians frequently reached conclusions that undermined the legitimacy of the competitive market. While Timothy Ashton engaged himself in the historiographical debate on the standard of living of the working class during the nineteenth century, Hayek used the 'Whig interpretation of History', a nineteenth-century British historiographical tradition, as a source of inspiration for his own historical narrative of the spontaneous origins of the competitive market order.

A much more successful Neoliberal interpretation of History would, however, be developed by Milton Friedman at a later moment. According to his methodological principles, there were no reasons to distinguish between the natural and the social sciences, since both should aspire to formulate generally valid conclusions about the phenomena they studied, allowing for prediction. Friedman wrote *A Monetary History of the United States*, along with Anne Schwartz, in order to validate his own scientific theory of money. Specific features of Historicism were thus revived within the ranks of Neoliberalism, as it started to display a more 'technical' profile. In the course of time, a set of claims concerning the functioning of governments, markets, money, society and human behaviour emerged as a unified doctrine, usually presented as 'sound economics'. That was, as we have seen, a major break with the commitment of early MPS members to elaborate a consistent body of ideas in support of individualism and the free market.

We can therefore conclude that the differences that existed within the MPS became increasingly more evident as Neoliberalism developed and matured. In this regard, the connection between different ways of conceiving economics and different ways of imagining the past proved to be an important one. Those with an Austrian (or Ordoliberal) intellectual

background regarded history as a complex phenomenon, a set of undetermined events with multiple sources of causality, that could not be entirely measured and had to be approached tentatively. Those associated with the Chicago School were more prone to use history as a testing ground, establishing correlations between a few simple variables and using mathematical induction in order to prove or disprove their hypothesis. The reasons why the intellectual tradition developed in Chicago would become more successful in the field of Economics are beyond the scope of this article. But the contrast between the cautious approach put forth in *Capitalism and the Historians* and the confident tone of Friedman's writings on change and causality is a good lead for further investigation into the subject.

In spite of methodological and theoretical differences, all of the intellectuals who gathered in the Mont Pèlerin Society (with perhaps the exception of Popper) identified the market as an insurmountable institution, which no rational design could successfully replace. This did not, however, mean that they all looked onto the past, and specifically to the Classical Liberal tradition which they all claimed as a common source of inspiration, in the same way. In this regard, the prefix 'Neo' signalled a particular understanding of history, according to which Liberalism was conceived both as the final stage of human existence and as a set of ideas that needed to be renewed in order to keep up with the course of time. For Neoliberal intellectuals, the inheritance of Liberalism had not been preceded by any testament.

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António Manuel Hespanha according to Tamar Herzog

Tamar Herzog*

If I were asked to describe in one-word Prof. Hespanha, the term I would choose would be “giant.” Giant not in size (though the quantity and diversity of what he has published is truly and utterly astounding) but giant in stature. A true “maître à penser” as the French sometimes call it, Hespanha opened our eyes to new ways to understand the past. His work not only contributed to the accumulation of knowledge – many works do that— but it had transformed our understanding. It had become so influential and so widely followed that we now take for granted and as absolute truths many things, which he has put forward.

Hespanha’s scholarship proposed a major epistemological shift in the study of Old Regime Europe in general, Portugal in particular. Departing from anachronistic and ideological readings of the early modern state, which nineteenth- and early twentieth-century scholars presented as an antecedent to, or an early reiteration of, our present-day structures, Prof. Hespanha rightly suggested that such was never the case. Instead, the early modern state was a completely different creature. Already in his initial work, *As Vésperas do Leviathan* (1986), Hespanha proceeded to demonstrate this argument by observing the jurisdictional nature of Old Regime structures, the plurality of normative orders, the particularity of political bonds, the absence of clear political projects, and the inexistence of a monopolistic and central power. He then followed these leads in his later work, in which he insisted that the early modern state

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perhaps claimed power by demonstrating ceremoniously a might it did not have (as Foucault had argued), but that it also gained adherents by resorting to grace. The king, in short, was not only a menacing figure. He was also a consoling father. Prof. Hespanha equally insisted on the role of friendship to the development of early modern politics and law. He fully integrated into his considerations not only sources that we easily identify as “legal,” but also a plethora of other normative sources, which equally affected the way people behaved, made claims, justified their procedures, and solved their conflicts.

One of the central issues that had also preoccupied Prof. Hespanha was how and when was this Old Regime system replaced by a new design. The obvious response of most is the Enlightenment or even the French Revolution. Without discrediting such views, Prof. Hespanha described the philosophical, religious, social, and historical premises that both sustained and undermined the way legal thought and legal culture developed over time. Arguing against a teleological reading that would make the present a natural outcome of the past, he explored both continuities and ruptures. Particularly attentive to the tensions between universal and particular, erudite and popular law, as well as the role of jurists in the making and unmaking of the legal order, he suggested that one of the major struggles in history, which historians have often ignored, was over the authority to declare the law. This authority was disputed by different groups and people who presented law either as divinely mandated, as emanating naturally from social relations, or as dependent on human reason or will. The coming of the European Expansion, the Scientific Revolution, and the birth of states all conjured to justify an appeal to a natural law that would be universal, rational, and focused on individuals. In the process, Medieval persons who had a particular set of circumstances that made them juridically unequal became Modern abstract and equal individuals, devoid of particular conditions and law became subject to human decision-making processes. Under the new premise that emerged, legislation (expressing human will) became the most important legal source. These developments ushered a transition from a republic (the managing of common

things) and a community (as a grouping based on communion) to a society (an association). Nineteenth- and twentieth-century European law strove to realize many of these promises. It created constitutional regimes and modern citizenship and made property and contract central to all juridical and political relations. It also featured a unified law that was to be applied equally to all, that identified the social order with the state, and that sustained a positivism according to which legislation was the only valid source for legal creation.

Yet the new model was plagued with contradictions. It ignored the continuation of inequality, it dismissed law as a social fact believing it instead to be an independent or neutral sphere of knowledge, and it ultimately preferred will (legislation) to reason (juridical thought). Post-Modern currents criticized these moves for crediting themselves with upholding true and universal values based on a common rational or empirical thought and for believing that society could be organized independently of local context. Instead of continuing with a system they considered self-referential, Post-Modern critics called for relativism, pluralism, and heterogeneity, and for a revalorization of common sense and of sentiments. The degree by which these moves were successful, he argued, rests to be seen as they, too, were self-congratulatory as well as incredibly contradictory.

Transporting this analysis to colonial situations, from the 1990s onwards, Prof. Hespanha sought to transform also colonial studies. His propositions might seem obvious to us today but were extremely revolutionary when they were pronounced. They consisted in demonstrating, to cite his own words, that an Old Regime also existed in the tropics. Rather than insisting that all overseas phenomena were the result of colonial relations, he suggested that to study (and evaluate) colonialism we need first to remember what the early modern period was like. Colonialism, in short, certainly had its own characteristics, but it also shared many structural similarities with Europe. Thus, instead of assuming an opposition between the law of the metropolis and the local or native law, and instead of describing a unilateral imposition, we need to inquire on mutual influences that involved both violence

and acceptance between societies, which themselves were profoundly pluralistic.

Tightly incorporating legal with social and political history, Prof. Hespanha thus proposed an anthropological reading past, which vindicated both its complexity and its foreignness. And, while rescuing a forgotten past, these propositions were also geared towards giving us tools to understand better the present. As a scholar and a public intellectual, Hespanha interrogated the tensions between universal and particular, global and local, erudite and popular, theory and practice, institutions and doctrines. He asked how jurists can contribute to the reformulation of the present day political and juridical system, and what solutions they can propose to re-think the limitations of the models proposed by the French revolution and followed since. Legal history, he suggested, was a social science that needed to explain these larger contexts in which law operated, concentrating not on specific legislation, opinions, formulas, or documents but on the constellation of experiences that brought them about.

While what prof. Hespanha asked, studied, suggested, and affirmed was in itself utterly transformative, as admirable is his capacity to combine intellectual brilliance, intellectual integrity, and intellectual resourcefulness with clarity and simplicity. Like true great minds, his thinking is revolutionary without ever escaping to great formulas or complicated words. It is erudite without being overbearing, detailed without ever letting go of the main argument.

Dividing his work between a true passion for history and a profound knowledge of the law, Prof. Hespanha has trained two if not three generations of scholars. He had worked with dozens of students and colleagues and inspired many more. He is extremely well known outside Portugal, with a huge intellectual presence and following in France, Spain, Italy, Germany, South America, and the USA. His success at reshaping the fields of history, legal theory, and legal history on the global scale has recently been recognized by the American Society of Legal History, which made him an “Honorary Fellow.” According to the website of the society, this honor is given only to “distinguished

historians whose scholarship has shaped the broad discipline of legal history and influenced the work of others. Honorary fellows are the scholars we admire, whom we aspire to emulate, and on whose shoulders we stand.” It is the highest honor the society confers.

My own personal experience with Prof. Hespanha confirms all of the above. I met him some 30 years ago, when I was but a graduate student at the *École des hautes études en sciences sociales* in Paris. At the time, I was interested in writing a dissertation on the administration of justice in colonial Quito and, following the advice of a friend, I travelled to Lisbon to meet with Prof. Hespanha. I still vividly remember that meeting. What waited for me in Lisbon was an incredibly interesting conversation with an incredibly charismatic and congenial man. Prof. Hespanha urged me to re-think my dissertation topic, as well as my methodology. I remembered being both flattered and impressed. After all, he was willing to dedicate many hours to a foreign graduate student and was more forthcoming and more interested in my work than many of my professors.

Since that first meeting, I remained in close contact with Prof. Hespanha. We met in conferences in the USA, Brazil, Spain, France, Italy, and Portugal. I had given lectures to his students and invited him to talk to my own. We also regularly exchanged emails and often spoke on the phone. I have read practically almost every piece he has ever authored and I had witnessed how he has formed a coherent school that encompassed scholars practically from all corners of the earth. When I write, I have Prof. Hespanha on my mind. What would he say? How would he say? As I stated in the acknowledgements to my last book (*A Short History of European Law: The Last Two and a Half Millennia*. Harvard University Press, 2018) “I am particularly indebted to António Manuel Hespanha who, since my graduate-student days in Paris and over the last twenty-five years, has been an informal mentor and a true friend. There are endless ways in which Hespanha’s scholarship has informed, affected, and intersected with mine. This book is but one.”

What Prof. Hespanha asked, studied, suggested, and affirmed in his over 30 books and 150 articles was utterly transformative – there is

a “before” and an “after” the appearance of his publications. Yet, those who were touched by his scholarship and his presence mainly describe them as life changing. For all of them – me included – he was a source of inspiration for his combination of intellectual brilliance, wonderful sense of humor, and enormous generosity, commitment, care, and warmth. The most innovative, thoughtful, and ultimately most influential of continental and colonial legal historians, he will be sorely missed.

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“El cimientto de nuestra amistad”.

Lembrança de António Manuel

Hespanha jovem

Bartolomé Clavero*

Variadas pláticas de António Manuel Hespanha (AMH) andan localizables por internet. Sus entrevistas en pantalla son desde luego más vívidas que las que también nos ha dejado en soporte impreso. La última más cumplida, aparte así en especial las que concediera presentando su libro casi póstumo *Filhos da Terra*, ha sido la grabada en la Universidad de Córdoba, Argentina, el 19 de setiembre de 2017¹. Ya estaba luchando con la enfermedad que acabaría vencién-dole, pero AMH se creció frente a tanta adversidad desplegando contra el tiempo un derroche de vitalidad².

Mi sana envidia pude expresársela en vivo la última vez que le visité en Lisboa a finales de mayo del mismo año 2017. Allí, en su casa,

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1 <https://www.youtube.com/watch?v=58ljWGdC7bw>. Conduce la entrevista Alejandro Agüero, buen escudriñador de la obra de AMH. A otras conversaciones también relevantes no dejaré de referirme. Sobre la presentación oral por el autor de *Filhos da Terra. Identidades mestiças nos confins da expansão portuguesa*, Lisboa: Tinta da China, 2019, David Martín Marcos, “La otra mirada de António Manuel Hespanha (1945-2019). In Memoriam”, en *Espacio, Tiempo y Forma. Serie IV. Historia Moderna* 32 (2019): 329-32.

2 Para registro de la obra de AMH, su bibliografía en *António Manuel Hespanha. Entre a história e o direito*, eds. Cristina Nogueira da Silva, Ângela Barreto Xavier y Pedro Cardim (Coimbra: Almedina, 2015). Aquí no importa que cierre lógicamente antes de tiempo pues nos interesamos por unos primeiros tiempos. Para los más recientes está abierto todavía (8/10/2019) el blog de trabajo que organizara como extensión de otros sitios sobre su obra en internet: <http://amh-hespanhol.blogspot.com>. Desde temprano, supo aprovechar las posibilidades de la computación y la digitalización.

junto a Graça y a Mercedes, departimos de algo más que de nuestros cánceres. Entre tantas otras cosas de pasado, de presente y de futuro, hablamos naturalmente del proyecto de *Filhos da Terra*, del cual me venía enviando borradores. Manteníamos este tipo de comunicación desde nuestros tiempos de juventud. Coincidiendo a lo largo de nuestras vidas en planteamientos e incluso en materias de investigación, nunca fuimos competitivos ni sentimos nunca celos. Todo lo contrario, nos alegrábamos y emulábamos.

En la entrevista argentina AMH arranca con sus tiempos jóvenes hacia finales de los años sesenta del siglo pasado. Por entonces, recién licenciado en derecho con las mejores calificaciones, se siente “profundamente antijurídico y antijurista”. Añade más: “con gran disgusto”, gracias a su buen expediente, se vio asignado por la Facultad, en Coimbra, a un grupo de asistencia a la enseñanza de la historia del derecho, la cual por aquellos tiempos se ocupaba sustancialmente de derecho romano y derecho portugués medieval. De tal destino anticuario de signo iusromanista y sede conimbrigense lo libera, por lo que a continuación cuenta, la Revolución de los Claveles, el pronunciamiento militar que en 1974 acaba con el régimen salazarista y pone el poder constituyente en manos del pueblo portugués. Llamado por la política, nos dice que es entonces cuando se radica en la capital, Lisboa. Abandona Coimbra, pero no, como está a la vista, la historia del derecho. El “gran disgusto” parece que se le estaba pasando.

Todavía bajo la dictadura franquista, más dura que la del régimen salazarista, y con bastante incertidumbre sobre la posibilidad en España de una ruptura constituyente semejante, Lisboa se convirtió en un foco de atracción para nosotros, jóvenes antifranquistas³. Sin embargo, no entramos en conexión AMH y yo por la vía política que primaria-

3 José Ignacio Lacasta, *Cultura y gramática del Leviatán portugués* (Zaragoza: Universidad de Zaragoza, 1988), por citar otro caso que también entró por entonces en relación con AMH; el mismo J. I. Lacasta, “Antiformalismo jurídico «fin de siglo»: su gracia e inconvenientes. Contrapunto jurídico y moderadamente formalista al ideario plenamente antiformalista de António Manuel Hespanha”, *Ius Fugit. Revista Interdisciplinar de Estudios Histórico-Jurídicos* 3-4 (1994-95): 437-57, lo que puede a su vez servir aquí de contrapunto a que suela mirarse a AMH tan solo como investigador de historia y no también como pensador sobre el derecho, a lo que sobre todo regresó en sus últimos tiempos.

mente nos condujera a ambos a Lisboa, para establecerse en su caso, de visita en el mío. Nos pone en contacto Johannes-Michael Scholz, especialista en España y Portugal del Max Planck Institut für Europäische Rechtsgeschichte, quien nos había a su vez contactado desde su sede de Frankfurt am Main, punto de encuentro pronto para nosotros. Cuando llegamos a conocernos personalmente en Lisboa, AMH acababa de desempeñarse como Director General de Enseñanza Superior en el gobierno de signo comunista-demócrata de Vasco Gonçalves. Declinaba el año 1975, todavía con pintadas callejeras de *Força Companheiro Vasco*. Desde un primer momento, AHM y yo sintonizamos en política y congeniamos en pensamiento. Ya, de por vida, no necesitamos más mediadores, aunque sí tendríamos mentores, como diré luego⁴.

Militábamos en los respectivos partidos comunistas, el portugués y el español, éste todavía en la zona de riesgo de la clandestinidad. Eran organizaciones que no se llevaban bien. El partido español se estaba embarcando en un giro para él un tanto improvisado hacia el acomodamiento político, económico y social en la línea que acabaría llamándose eurocomunista, giro del que el portugués, por lo pronto, no tenía necesidad⁵. No olvidemos para todo esto que estábamos en tiempo anterior a 1989, al derrumbamiento de todo un mundo no sólo político con la caída del Muro de Berlín. Aquellas diferencias entre partidos nos preocupaban sin que llegasen a interferir en lo más mínimo nuestra comunicación. Ésta se situaba en otra dimensión, no en la estrictamente política, sino en la genéricamente cultural; más en concreto, cuando éramos jóvenes, en la problemática de la relación entre marxismo y

4 En el terreno político, durante los años ochenta, AMH concertó una entrevista de ambos con Vasco Gonçalves, ya retirado y recluso, que no recuerdo por qué no pudo realizarse. Sí le acompañé en alguna ocasión a visitar a Nuno Espinosa Gomes da Silva, el único historiador del derecho portugués, aun sin posición académica por entonces, con quien, tras su experiencia política, mantenía buenas relaciones. En el acceso al profesorado universitario, las dificultades que hubo de afrontar AMH por razones de fondo político fueron muy superiores a las mías.

5 David L. Raby, *Fascism and Resistance in Portugal. Communists, liberals and military dissidents in the opposition to Salazar, 1941-1974* (Manchester: Manchester University Press, 1988), cap. 7; Juan Andrade, *El PCE y el PSOE en (la) transición. La evolución ideológica de la izquierda durante el proceso de cambio político* (Madrid: Siglo XXI, 2012); *Hispania. Revista Española de Historia* 242 (2012), monográfico sobre *La Transición Ibérica*, de España y Portugal.

derecho o entre materialismo histórico e historia del derecho. También en esto, muy particularmente por entonces en esto, confluíamos y compartíamos. Me explico.

AMH y yo teníamos en común la repugnancia dicha por el derecho que habíamos estudiado y la desconfianza consiguiente frente a la respectiva historia del derecho. Ambos nos habíamos procurado una formación de otro tipo por nuestra cuenta y riesgo. Leímos a tal efecto bastante literatura marxista. Marx fue nuestro primer maestro de crítica textual a la que nada escapa, ni siquiera, a la postre, Marx mismo. Nuestro momento marxista fue de juventud, pero permaneció. Yo, al contrario que él, lo viví como una ruptura con nuestra formación cristiana primaria⁶. Su talante era más pacífico. En cuanto a referencias teóricas, como se comprueba en la misma entrevista argentina, AMH preferiría luego remitirse a Foucault, de quien también aprendimos mucho en línea similar⁷. En fin, entre ser juristas por titulación y marxistas por devoción, nos encontrábamos en medio de un conflicto íntimo entre posiciones que entonces nos esforzábamos por conciliar y que luego AMH llegaría a calificar, con cierto acierto, de esquizofrénico. ¿Cómo es que íbamos a adentrarnos en la historia del derecho con aquella bipolaridad a cuestas? Sea todo esto dicho en su sentido figurado con respeto a quienes padecen el significado literal de las enfermedades de referencia.

“Yo soy bastante esquizofrénico”, manifiesta AMH en la entrevista argentina. “Pienso que una cosa es el historiador, el que está describiendo el pasado, y otra cosa es el ciudadano. La historia no debe

6 Bartolomé Clavero, *El árbol y la raíz. Memoria histórica familiar* (Barcelona: Crítica, 2013). AMH repite en sus entrevistas que no fue traumático su tránsito “desde a militância social católica a uma militância comunista” (“António Manuel Hespanha entrevistado por Mafalda Soares da Cunha, Maria Teresa Beza, Nuno Gonçalo Monteiro e Rita Garnel”, em *António Manuel Hespanha. Entre a história e o direito*, 51-68, 52).

7 Como en toda entrevista, no sólo cuenta el entrevistado. Agüero se interesa por el Foucault de nuestra posjuventud y no por el Marx de nuestra juventud durante tiempos anteriores a 1989. Es una tónica general de la que nadie nos libramos. El marxismo se identifica con una teoría de respaldo a unos regímenes dictatoriales haciéndolo desvanecerse del patrimonio cultural de gentes como nosotros. El mismo Hespanha lo percibió refiriéndose a la “inspiração marxista” de “pensadores que não reconhecem de bom grado as suas vinculações ao marxismo dominante, desde Th. Adorno a M. Foucault ou a P. K. Feyerabend”: “A emergência da história”, *Penélope. Fazer e desfazer a história* 5 (1991); 9-25, 10.

ser utilizada para causas ciudadanas. Para causas ciudadanas utilizo mi compromiso cívico-político”. Ya habíamos así renunciado a la idea marxista de que la política debe responder a una ciencia materialista y de esta forma controlado el germen mismo de la escisión personal. La esquizofrenia que habíamos compartido era más que bifronte⁸. También se producía en el interior de nuestras posiciones intelectuales como historiadores de modo que no permitía una separación tal de la historia respecto a la política. Totalmente tajante tampoco puede nunca ser según la propia experiencia personal de AMH⁹. En todo caso, esa otra vertiente intelectual del padecimiento él la intentó sanar recurriendo reiteradamente a vetas teóricas que, a veces sin habérselo planteado siquiera, pueden servir para tender puentes en beneficio de la historiografía, en lo que él siempre puso más empeño que yo y en lo que yo conseguí, entre nuestro continuo intercambio, aprendía de él¹⁰.

En el punto de partida, dicho muy sumariamente, por no decir que simplificando, nos encontrábamos con que, de una parte, en el mundo del derecho se valoraba una historia jurídica que no nos convenía en absoluto y que, de otra, en el mundo del marxismo ni siquiera se le daba baza a esta especialidad histórica. Ni el derecho ni su historia formaban parte de la presunta ciencia materialista. En aquellos medios marxistas, importaba para todo la historia económica y para nada la historia jurídica. En España los presuntos maestros de esta segunda nos decían que el lugar de los marxistas estaba en la primera, en la historia

8 “Não sou esquizofrénico” había respondido AMH pocos años antes al mismo tipo de pregunta sobre política y academia: *António Manuel Hespanha entrevistado*, 53.

9 António Manuel Hespanha, “Comemorar como política pública. A comemoração dos Descobrimientos Portugueses, ciclo 1997-2000”, *Práticas da História. Journal on Theory, Historiography and Uses of the Past* 8 (2019): 198-220, reflexionando sobre su experiencia como Comisario General de la Comisión Nacional para la Conmemoración de los Descubrimientos Portugueses, una empresa política que quiso dirigir con criterios académicos. Sobre haber sido Director General de Enseñanza Superior nunca publicó nada similar. Hablamos en su momento de esta otra experiencia, la de tiempos jóvenes, durante la que tuvo que tomar decisiones por motivos más académicos que políticos, como la de archivar expedientes de depuración por no vaciar de profesores las facultades de derecho, pero no recuerdo si lo hicimos en términos tan fuertes como los de esquizofrenia.

10 Pedro Cardim, “Entrevista a António Manuel Hespanha”, *Análise Social* 200 (2011): 430-45, 434: “Esta minha combinação entre história, direito e, também, teoria social (M. Foucault, Bourdieu, depois Luhmann, para além da minha primeira formação marxista, que eu creio não se acomodar mal com as aquisições ulteriores)”.

económica¹¹. Al derecho había que salvarlo y protegerlo de la contaminación materialista. Así, entre unos y otros, marxistas y antimarxistas, nosotros nos encontrábamos de entrada en una tierra de nadie además de quemada, en un estado de asedio y abrasamiento. Hoy no se entiende bien cómo por entonces el marxismo polarizaba. Algo serio se jugaba en la contraposición. En todo caso, ni AMH ni yo estuvimos ni entonces ni luego tentados por la melancolía y, aún menos, por la nostalgia¹².

Entonces, en aquella primera coyuntura, apareció un libro de AMH primerizo no sólo por reunir primicias. Se trata de *A história do direito na história social*, publicado en 1978. En su momento tuvo más significación de lo que hoy pudiera parecer. Todo hay que ubicarlo y contextualizarlo. Críticamente por igual respecto a ambas, de historia del derecho e historia social estaba yo también hablando por aquellos tiempos¹³. AMH, por lo que me toca, vino a prestarme buena compañía en el convencimiento a contracorriente de que la historia del derecho tenía mucho que decirle a la historia de la sociedad o a la historia sin más, sólo que habría de ser una historia del derecho muy distinta a la que entonces predominaba por obra y por demérito de la academia establecida en Portugal y en España. Con tal otra historia del derecho, pensábamos que también la historia social tendría a su vez mucho que cambiar.

Aquel primer libro de AMH ayudaba. No andábamos tan seguros como para permitirnos el lujo de no valorar nuestros tanteos. Re-

11 Lo cuento con detalles de nombres y apellidos en *Ein Gespräch mit Bartolomé Clavero*, entrevista de Fernando Martínez y A. Agüero, en *Forum Historiae Iuris* (2008) (<https://www.bartolomeclavero.net/wp-content/uploads/2014/08/Entrevista-Forum.pdf>).

12 Buscando raíces, Enzo Traverso, *Malinconia di sinistra. Una tradizione nascosta* (Milán: Feltrinelli, 2016) con variadas traducciones, inclusive al portugués de Brasil y al castellano; José Carlos Rueda Laffond, *Memoria roja. Una historia cultural de la memoria comunista en España, 1931-1977* (Valencia: Institució Alfons el Magnànim, 2019).

13 Fue la primera de nuestras reiteradas coincidencias: António Manuel Hespanha, *A História do Direito na História Social* (Lisboa: Livros Horizonte, 1978); Bartolomé Clavero, “La historia del derecho ante la historia social” *Historia. Instituciones. Documentos* 1 (1974): 239-61. La principal sin duda: António Manuel Hespanha, *La gracia del derecho. Economía de la cultura en la edad moderna* (Madrid: Centro de Estudios Constitucionales, 1993); Bartolomé Clavero, *Antidora. Antropología católica de la economía moderna* (Milán: Giuffrè, 1991). Las ligeras diferencias de años en ediciones no son significativas porque estábamos en comunicación y porque *Gracia del derecho* también recogía textos publicados durante los años previos.

trospectivamente, mirando desde nuestra obra de tiempos posteriores, podemos ofrecer la impresión de que sabíamos lo que queríamos y de que pisábamos fuerte. Resulta engañosa. Es fácil olvidar que en la juventud todavía no éramos quienes seríamos, ni António Hespanha ni Bartolomé Clavero. Nuestros ritmos por aquel principio eran distintos. Personalmente, tras mi primer libro, el *Mayorazgo*, publicado en 1974, anduve algunos años pegando saltos entre materias y entre tiempos sin acabar de fijar el rumbo¹⁴. Sólo en los años ochenta creo que los dos lo conseguimos. Y lo hicimos gracias a nuestro trabajo mutuamente receptivo. Venimos entonces ambos a concebir y practicar una historia del derecho sensible y atenta a la alteridad del pasado en relación a nuestro presente y de nuestra cultura del derecho de frente a tantas, tantísimas otras. Es un extremo este de las alteridades que AMH destaca justamente con insistencia en la entrevista argentina. No voy a abundar. Suscribo sus palabras.

La primera obra mayor de madurez de AMH en hacerse pública es para mí la de un manual bien original gestado al hilo de sus cursos: *História das Instituições. Épocas medieval e moderna*, cuya versión final apareció en 1982¹⁵. Consigue algo sumamente difícil a los efectos de la docencia: mostrar la alteridad de aquellos tiempos medievales y supuestamente modernos. Y lo hace del modo más simple en principio: utilizando la jurisprudencia doctrinal y la teología moral de la época para introducirse e introducirnos en aquel mundo de un sistema social radicalmente diverso al nuestro. Cualquiera que se haya asomado a aquella literatura para hacer algo más que extraer fuera de contexto una cita bien sonante o para verificar alguna de entre tantas como corren translaticias en composiciones igualmente anacrónicas sabe que de sencillo ese método no tiene nada. He ahí con esto entonces una forma

14 Bartolomé Clavero, *Mayorazgo. Propiedad feudal en Castilla, 1369-1836* (Madrid: Siglo XXI, 1974); edición ampliada, 1989. La *Semblanza profesional* del portal de mi sitio web (<https://www.bartolomeclavero.net>) observo ahora que ofrece la visión retrospectiva.

15 António Manuel Hespanha, *História das Instituições. Épocas medieval e moderna* (Coimbra: Almedina, 1982). Tanto la *História das Instituições* como *A História do Direito na História Social* se han ofrecido por AMH en formato pdf desde la plataforma de academia.edu a solicitud que ya no podrá lograr respuesta. A ambos libros puede accederse em scribd.com.

de acceder a una determinada alteridad histórica. Yo estaba enfrascado en el mismo procedimiento, pero a los efectos de investigación, no a los de docencia, no a éstos que añaden dificultad por cuanto hay encima que franquear para lecturas no especializadas. Ya fue toda una lección de maestro. Al cabo del tiempo con el mismo método confeccionaría un manual aún más sustancioso¹⁶.

Comenté con admiración y por extenso aquel manual de AMH. Celebré que coincidiésemos no sólo en el objetivo de marcar la alteridad, sino también en el método antropológico de hacerlo a través de la cultura operativa de aquella sociedad histórica, no de la nuestra por muy superior que ésta se presumiese y presuma¹⁷. Y él ya se estaba aplicando el cuento a conciencia. Cuando aparece la edición definitiva de su *História das Instituições* está publicando trabajos con los planteamientos que conducirían en 1986 a sus *Vésperas do Leviathan*, obra maestra¹⁸. En mi caso, me resulta ahora curioso constatar que, aunque el *Mayorazgo* ya apuntara años antes en la dirección de utilizar la jurisprudencia histórica para comprender aquel tiempo, no supe todavía entenderlo en el sentido de la reconstrucción de la alteridad. AMH lo hizo con bastantes más fuentes¹⁹. El título, *Vésperas do Leviathan*, es

16 António Manuel Hespanha, *Como os juristas viam o mundo. 1550-1750. Direitos, estados, pessoas, coisas, contratos, ações e crimes* (Lisboa: CreateSpace Platform, 2015).

17 <http://www.centropgm.unifi.it/cache/quaderni/13/0564.pdf>, comentario que titulé “Del pensamiento jurídico en el estudio de la historia”.

18 António Manuel Hespanha, *As Vésperas do Leviathan. Instituições e poder político. Portugal, século XVII* (Lisboa: Instituto de Ciências Sociais, 1986), edición fotocopiada como tesis doctoral con sobretirada por el autor, que es la versión más extensa; *Vésperas del Leviatán. Instituciones y poder político. Portugal, siglo XVII*, trad. Fernando Bouza (Madrid: Taurus, 1989); edición portuguesa definitiva, *As Vésperas do Leviathan. Instituições e poder político em Portugal, século XVII* (Coimbra: Almedina, 1994). Para reflexión metodológica suya, con referencia a su “formazione materialista” como sustrato de una obra que entiende weberiana y foucaultiana, António Manuel Hespanha, “Heautontimorumenos”, *Scienza e Politica per una Storia delle Dottrine* 5 (1991): 105-09. Para balance también suyo tras un debate que se extendió a la historia colonial, António Manuel Hespanha, “Depois de Leviathan”, en *O Caleidoscópio do Direito. O direito e a justiça nos dias e no mundo de hoje* (Coimbra: Almedina, 2007), 7-38.

19 Reseñé la versión española de las *Vésperas*, primera en ser publicada por una editorial regular, en el *Journal of Modern History* 63-64 (1991); 801-02: “The author knows how to use social data and juridical thought to situate himself in a singular time. His undertaking is fruitful. Here we have the richest and most complete image of the early modern political system that the historiography can offer today. I deliberately state this in general terms”, no solo para Portugal.

tan pegadizo como ambiguo. Sugiere a un mismo tiempo que el Estado, el Leviatán, aún no existía y que ya estaba ahí germinando, lo que resulta más problemático a la luz de sus propias evidencias. De esto debatíamos²⁰.

Había pasado la juventud. ¿Puedo afirmar que, unidos en el empeño y con alguna compañía a la que enseguida me referiré, estábamos comenzando a vencer el anacronismo proverbial e impenitente de la historia del derecho, el motivo de fondo del desprecio con el que la distinguía la mejor historiografía y por el que la apreciaba el peor derecho, aquel por el que se impartía su enseñanza en las facultades jurídicas y no en otras? En todo caso, ya había concluido nuestra juventud intelectual, por no decir de la política. Sobre la prosecución de nuestra relación me he extendido en un escrito de homenaje con motivo de su jubilación²¹. Siguió pronto la mía. Tras el arranque de la juventud, nuestras obras continuaron desarrollándose en paralelo. Han sido unas paralelas que incumplen la regla geométrica de no tocarse hasta el infinito pues lo hacen las nuestras por fortuna a menudo. Así creo que hemos contribuido a la puesta de la historia del derecho en el mundo tanto de la historia como del derecho con provecho para la una y para el otro. Tampoco es necesario que abunde pues hay quien lo ha tratado²². Es la ventaja de estar rodeado de buena compañía.

20 António Manuel Hespanha, “Diálogo (com) Bartolomé Clavero”, *Penélope. Fazer e desfazer a história* 1 (1988): 95-109; *António Manuel Hespanha entrevistado*, 62-63, con una frase sobre mí de la que discuerdo pues siento curiosamente lo contrario: “Eu acho que ele me influenciou mais a mim do que eu a ele.”

21 <http://www.centropgm.unifi.it/cache/quaderni/41/0677.pdf>, la versión extensa, bajo el título de “Gracia y derecho entre localización, recepción y globalización (Lectura coral de las vísperas constitucionales de António Hespanha)”, no guardándome mis reservas, respecto a la historia colonial, que discutíamos, como puede verse ahí mismo por las citas de correspondencia electrónica, y que seguimos discutiendo hasta el final a propósito de *Filhos da Terra*. La versión breve se encuentra en el homenaje por su jubilación ya citado: *António Manuel Hespanha. Entre a história e o direito*, 151-70.

22 <https://e-archivo.uc3m.es/handle/10016/18090>: Jesús Vallejo, “Paratonía de la historia jurídica”, en sus *Maneras y motivos en Historia del Derecho* (Madrid: Universidad Carlos III, 2014), cap. 4, eps. 2 (*La mirada sorprendida: António Manuel Hespanha*) y 4 (*Historia del derecho y derecho en la historia: Bartolomé Clavero*), con una indicación sobre el primero (85) que pudiera ser común a ambos: se trataba desde nuestra juventud de acabar “con una ciencia anticuaria que en su deliberada apariencia de neutralidad imposibilitaba la crítica histórica del derecho vigente”.

A tal arranque de estas peculiares paralelas que se cruzan continuamente desde nuestra juventud hasta su fallecimiento se refiere AMH en la entrevista argentina. “Pertenezco –nos recuerda– a una generación, a la que pertenecen también Bartolomé Clavero, otros italianos, gentes de izquierda, críticos con el Estado liberal” o con el Estado sin más, entendiéndolo como “una forma más de organizar la sociedad”, para nada la que debe protagonizar y conducir la historia del derecho ni ninguna otra historia salvo la de él, la del Estado, mismo. Lo de italianos lo dice por la primera generación de discípulos de Paolo Grossi (Mario Sbriccoli, Pietro Costa, Maurizio Fioravanti...) ²³. Junto al Max Planck francofortés, el Centro di Studi per la Storia del Pensiero Giuridico Moderno de la Universidad de Florencia, fundado y dirigido largo tiempo por Grossi, ha sido hogar y taller para nosotros ²⁴.

Para AMH y para mí, Paolo Grossi ha sido el principal mentor europeo. El español fue Francisco Tomás y Valiente. Portugués no tuvimos, o AMH fue el mío e incluso de todos ²⁵. Nuestra generación ítalo-hispano-lusitana de historiadores del derecho ha tenido verdadera suerte. Tanto nos debemos los unos a los otros y todos, indudablemente, a AMH ²⁶. Lo menos que puede decirse es que, por muy autodidactas

23 Navegando por scholar.google encuentro referencias a renovadores de la historia del derecho; la más extensa y algo desordenada, en la presentación del número especial sobre “Ley y justicia (del Virreinato a la Posrevolución)”, *Historia Mexicana* 55, n.º 4 (2006): “Paolo Cappellini, Pietro Costa, Bartolomé Clavero, Paolo Grossi, Maurizio Fioravanti, António Manuel Hespanha, Luca Mannori, Rafaele Romanelli, Jean-Frédéric Schaub, Carlos Garriga, José María Portillo y Mario Sbriccoli”, así doce y todos hombres como los apóstoles del testamento cristiano. Mi lista no sería exactamente la misma, pero está feo que sea un interesado quien la confeccione. Además lo bonito habría de ser que, igual que Jesús Vallejo consigo mismo en su *Paratonía*, comenzase por excluirme. En realidad, mientras navegaba, me he topado con una lista mía incompleta en una entrevista que me hiciera Ivan de Andrade Vellasco en la *Revista Brasileira de História* 62 (2011): “Francisco Tomás y Valiente, Paolo Grossi, António Hespanha, Marta Lorente, José María Portillo, Jesús Vallejo, Carlos Garriga...” AMH es fijo.

24 *Storia e diritto: Esperienze a confronto. Atti dall’Incontro internazionale di studi in occasione dei 40 anni di Quaderni Fiorentini*, Bernardo Sordi ed. (Milán: Giuffrè, 2013). Los *Quaderni Fiorentini* y los volúmenes colectivos de la *Biblioteca* anexa se tienen accesibles en <http://www.centropgm.unifi.it>.

25 António Manuel Hespanha, “Una nueva historia política e institucional”, *Revista Mexicana de Ciencias Políticas y Sociales* 166 (1996): 9-45.

26 <http://www.centropgm.unifi.it/biblioteca/034/index.htm>: *Hispania. Entre derechos propios y derechos nacionales*, para nuestra presentación conjunta definitiva en sociedad europea (1989), gracias a iniciativa de Paolo Grossi; Francisco Tomás y Valiente y otros (como nosotros dos), *Sexo barroco y otras transgresiones premodernas* (Madrid: Alianza Editorial, 1990); Bartolomé Clavero, *Iurisdictio nello specchio o el silencio de Pietro Costa*, en *Iurisdictio. Seman-*

que fuéramos él y yo, nuestra obra no hubiera sido la misma sin tal respaldo y compañía. Creo que hablo también en nombre suyo si aprovecho para añadir unas encarecidas gracias al grupo florentino y un sentido recuerdo a Tomás y Valiente²⁷.

Por ahí radica, nos confiaba AMH desde Argentina, “el cimiento de nuestra amistad, incluso personal, con gente de nuestra generación que trabajaba en los mismos temas, como Bartolomé Clavero ante todo”. “Somos casi como hermanos.” Mas no tan solo nos hermanaba la confluencia y sintonía tanto intelectual como política. Hubo algo más, algo de superior entidad y mayor alcance en vida y en la memoria: su calidad y su calidez humanas²⁸, el cimiento de mi aprecio. *Adeus, António Manuel, meu irmão.*

Referência para citação:

Clavero, Bartolomé. ““El cimiento de nuestra amistad”. Lembrança de António Manuel Hespanha jovem.” *Práticas da História, Journal on Theory, Historiography and Uses of the Past*, n.º 9 (2019): 139-149.

tica del potere politico nella repubblica medievale, 1100-1433, ed. Pietro Costa (Milán: Giuffrè, 2002), XVIII-LXXX; Jesús Vallejo, *Paratónia de la historia jurídica*, ep. 5 (*Técnica del derecho como estrategia de la historia: Paolo Grossi*).

27 António Manuel Hespanha, “O que Tomás fez por nós”, *Anuario de Historia del Derecho Español* 67 (1997): 35-39; Bartolomé Clavero, *Tomás y Valiente y la historia del derecho como profesión*, en *Francisco Tomás y Valiente. Memoria y legado de un maestro*, Paz Alonso, ed. (Salamanca: Universidad de Salamanca, 2016), 15-48.

28 António Manuel Hespanha. *Entre a história e o direito*, Sección IV, *Testemunhos*.

António Hespanha como *autoridade profana*: reflexões sobre um encontro de escritas no contexto de pós-graduação

Tomás Vallera*

Foi durante a licenciatura, nos alvares do novo milénio, que se deu o meu primeiro encontro com o trabalho de António Manuel Hespanha. Já nessa altura, o mérito e influência da sua obra eram reconhecidos por professores e alunos do curso de História, bem como pela grande maioria da comunidade historiográfica, sensivelmente nos mesmos termos hoje utilizados para proceder à sua merecida homenagem póstuma.

Ontem como agora, no momento em que me estreei nas lides da história como na fase actual em que procuro assumir a frágil condição de investigador, a obra de Hespanha foi e continua a ser “um marco incontornável da Teoria, da Filosofia e da História do Direito português”.¹ Foi também ele, sem dúvida, uma das escassas figuras que “ofereceram à História das Ideias e das Instituições um campo de abertura e de inovação que muitos historiadores de raiz foram e são incapazes de trilhar”.² No plano mais concreto do ofício historiográfico, a *autoria* do “historiador português mais citado internacionalmente”, que é também “um dos nomes mais importantes no estudo da história institucional

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1 Diogo Vaz Pinto, “António Hespanha (1945-2019). O estudante eterno”, *Jornal i*, 6 de Julho, 2019, <https://ionline.sapo.pt/artigo/664279/antonio-hespanha-1945-2019-o-estudante-eterno?seccao=Mais>.

2 *Ibidem*.

e política dos países ibéricos”,³ tornou-se indissociável desse “terramoto historiográfico”⁴ que ele próprio teve a coragem de consubstanciar quando, n’*As Vésperas de Leviathan* e outros títulos, pôs em causa uma prevalecente vulgata de cunho positivista ou empirista⁵ cujos impensados e pressupostos a-históricos (“pré-compreensões”) continuavam “a ser utilizados acriticamente”, provocando assim, entre nós, uma permanente “falsificação do sistema pré-estadual do poder”.⁶

Com efeito, tanto para colegas como para discípulos e investigadores que o descobririam já nesse lugar de *autoridade*, é com o seu carimbo que ficará para sempre timbrada a rigorosa atitude que consiste em criticar as imprecisões, os anacronismos e a carência de auto-reflexão implícitos em análises do passado (nomeadamente do Antigo Regime) que se fundam em “contaminações político-ideológicas”, no “senso comum” ou ainda no chamado “paradigma estadualista”.⁷ Na leitura que actualmente faço da generalidade da sua obra – frisando, desde logo, que o meu interesse imediato se concentrou no período que vai de meados dos anos 80 à segunda metade da década seguinte –, parece-me ser precisamente este *insight* crítico, decorrente de uma renovada atenção dada às fontes jurídicas no estudo das sociedades da era moderna, que forma o epicentro, senão mesmo o ponto de irradiação, a partir do qual a escrita deste pensador se desdobrou por uma miríade de campos temáticos. Da história do direito à teoria da história, das reflexões e debates metodológicos do último quartel do século XX à coordenação de um influentíssimo quarto volume da *História de Portugal* organizada por José Mattoso, da arquitectura dos “poderes” (e não unicamente do

3 Citações recolhidas do voto de pesar pelo falecimento de António Manuel Hespanha, votado na Assembleia da República a 5 de Julho de 2019. Ver em: https://www.parlamento.pt/ActividadeParlamentar/Paginas/DetalleActividadeParlamentar.aspx?BID=112829&ACT_TP=VOT.

4 Ângela Barreto Xavier e Cristina Nogueira da Silva, “Estamos de luto com a partida do Prof. António Manuel Hespanha (1945-2019)”, *Expresso*, 2 de Julho, 2019, <https://expresso.pt/opiniao/2019-07-02-Estamos-de-luto-com-a-partida-do-Prof.-Antonio-Manuel-Hespanha--1945-2019>.

5 António Manuel Hespanha, “A emergência da História”, *Penélope* 5 (1991): 11.

6 *Id.*, “Para uma teoria da história institucional do Antigo Regime”, in *Poder e instituições na Europa do Antigo Regime*, org. António Manuel Hespanha (Lisboa: Fundação Calouste Gulbenkian, 1984), 37.

7 *Ibid.*, 24-25; 28-29.

“poder”) na época pré-liberal ao estudo da expansão marítima e de “temas fluidos como os afectos e os sentimentos”⁸ nas regiões periféricas do império; atrever-me-ia a afiançar que toda esta constelação de objectos se vincula, de uma forma ou outra, a esse *ethos* questionador de base que o levaria a afirmar e confirmar a radical *alteridade* dos modelos políticos, jurídicos e culturais engendrados pelos nossos antepassados.

Ora, foi justamente esse duplo âmbito do seu posicionamento crítico – afirmação da *diferença* do homem pré-contemporâneo face a uma historiografia “povoada dos nossos clichés e dos nossos desejos”, “legitimadora do presente” e “reduzora da diversidade do humano”,⁹ quanto ao *objecto*; necessidade de “uma atitude mais activa por parte do historiador, no sentido de desvendar todos os pressupostos, todo o impensado do seu discurso”,¹⁰ no que se refere ao *sujeito da escrita* – que procurei convocar numa tese recentemente defendida,¹¹ no seio da qual a figura de Hespanha transitou desse estatuto de *autoridade consagrada*, estudada e reverencialmente absorvida, para a singular condição de *personagem conceptual*,¹² elaborada e intensamente problematizada.

Nas próximas páginas será mester explicitar, pois, uma mobilização muito particular do trabalho de Hespanha no âmbito da tese “«Torna-te o que deves ser»: Uma história da polícia como genealogia da escola moderna (meados do século XVII – segunda metade do século XVIII)” à luz da relação entre pesquisa académica e autoridade científica no ofício historiográfico. Tal exercício pretende igualmente dar conta – pela descrição de uma metodologia de cunho artesanal – de um percurso mais geral em que a escrita espelha o movimento “tacteante” da

8 Rui Tavares, “Não um adeus, mas um etcetera (para António Manuel Hespanha)”, *Público*, 1 de Julho, 2019, <https://www.publico.pt/2019/07/01/culturaipilon/opiniao/nao-adeus-etcetera-antonio-manuel-hespanha-1878387>.

9 Hespanha, “A emergência da História”, 22.

10 *Ibid.*, 19.

11 Trata-se da dissertação de doutoramento “«Torna-te o que deves ser»: Uma história da polícia como genealogia da escola moderna (meados do século XVII – segunda metade do século XVIII)”.

12 Conceito elaborado por Gilles Deleuze e Félix Guattari em *O que é a filosofia?* e que se refere à produção de personagens fictícias ou não fictícias num texto para, através delas, veicular uma ou várias ideias. Ficcionalis ou reais na origem, tornam-se personagens conceptuais a partir do momento em que são utilizadas ou instrumentalizadas por determinado autor que, nesse mesmo processo, as torna “suas”.

própria pesquisa e onde se encena, de certa forma, a transfiguração do *leitor* em *escritor*, isto é, do *aluno* em *investigador*. Será esta, de igual modo, a ocasião de partilhar um exemplo desse gesto que implica o relançamento de um texto pela absorção de um conjunto de ideias presentes em determinado autor e, por seu turno, a transformação dessas noções no interior de uma malha textual onde elas não são já um fim em si, nem um pressuposto teórico, mas sim *ferramentas* que permitem avançar em direcção a um certo desconhecido da investigação.

Numa comunicação proferida à Société Française de Philosophie, em 22 de Fevereiro de 1969, Michel Foucault propôs-se elencar algumas características da denominada “função-autor”, cujos princípios regem “o modo de existência”, de “circulação e de funcionamento” de determinados “discursos no interior de uma sociedade”.¹³ Seriam estes os seus quatro predicados: i) a vinculação a “sistemas legais e institucionais que circunscrevem, determinam e articulam o domínio dos discursos”; ii) o facto de não operar “de maneira uniforme em todos os discursos, em todas as ocasiões e em qualquer cultura”; iii) a condição de não ser “definida pela atribuição espontânea de um texto ao seu criador e sim através de uma série de procedimentos rigorosos e complexos”; iv) a circunstância de não se “[referir] puramente a um indivíduo concreto”, senão a uma “multiplicidade de egos” e a diversas “posições subjectivas que podem ser ocupadas por todo e qualquer indivíduo susceptível de cumprir tal função”.¹⁴

Descrevendo-a sucintamente, Foucault procurava demonstrar que o autor “não é um nome próprio como qualquer outro”, mas antes “um instrumento de classificação de textos e um protocolo de relação entre eles ou de diferenciação face a outros” que pode ou não estar operativo consoante os contextos culturais, cujas condições de possibilidade e modos de formalização são variáveis, e que não se refere unicamente a um “indivíduo real” – sujeito soberano daquilo que é expresso no texto

¹³ Michel Foucault, *O que é um autor?* (Lisboa: Nova Vega, 2015), 46.

¹⁴ *Ibid.*, 21.

–, mas a uma dispersão de “eus” simultâneos.¹⁵ Na linha das tão incompreendidas “mortes” – de Deus, em Nietzsche; do “homem”, no próprio Foucault –, não se tratava, aí, de proclamar que o autor “não existe” ou que teria sido historicamente ultrapassado, mas que, em virtude de certas transformações na ordem da escrita em geral e na crítica literária em particular (com a exigência que então se impunha de que essa figura “psicologizante” deveria “ser apagada” em “proveito das formas próprias ao discurso”), se tornava agora possível aceder ao seu *modo de funcionamento*.¹⁶ Reconhecer que o autor é uma função, que nem sequer é o primeiro nem será sem dúvida o último “princípio funcional” por meio do qual a cultura ocidental limita a proliferação dos discursos,¹⁷ é extraí-lo desse lugar de evidência, de impensado ou pressuposto não problemático, onde ainda hoje permanece como instância criadora “transcendente a todas as linguagens”, “fonte infinita de significações que viriam preencher a obra”, “génio”, nascente da invenção ou “emergência perpétua de novidade”.¹⁸

Longe de pretender identificar a maneira como esta função se manifesta actualmente no campo historiográfico e na constituição dos seus maiores vultos, este texto não procura senão esboçar num traçado um tanto grosseiro os modos como o *autor* – “figura ideológica” através da qual se entrava a “proliferação do sentido”¹⁹ – assumiu a forma de *autoridade* nos diversos estágios de composição de uma tese de doutoramento. O que aqui se sugere, pois, é uma homenagem a António Hespanha subordinada ao problema técnico do *encontro* entre textos, da *relação* entre escritas ou da *afinidade electiva* entre processos criativos, mais do que uma apreciação geral da sua obra ou um balanço final do seu contributo para o ofício historiográfico. O momento em que o historiador neófito decide reclamar para si o estatuto privilegiado de

15 *Ibid.*, 21-22.

16 *Ibid.*, 81.

17 Michel Foucault, “What is an author?”, in *The Foucault Reader*, ed. Paul Rabinow (New York: Pantheon Books, 1984), 119. Esta versão da célebre conferência de Michel Foucault inclui passagens que não se encontram no texto supracitado, em português.

18 *Ibid.*, 118-19.

19 *Ibid.*, 119.

fazer um “uso público” e ilimitado da razão,²⁰ optando no caso presente por uma dissecação da relação histórica entre *polícia* e *educação*, é inseparável de um gesto de aproximação ao tema – o que usualmente apelidamos de “estado da arte” – que devolve ao candidato, entre outras coisas, uma primeira resenha das autoridades com que deverá cruzar-se no decurso da pesquisa. Sendo esta uma dissertação que parte de uma perplexidade inicial – o facto de a Casa Pia de Lisboa, “laboratório da modernidade pedagógica”, ter sido estabelecida em finais do século XVIII pela Intendência-Geral da Polícia de Pina Manique²¹ – e que levanta, pois, a questão da peculiaridade do conceito de *polícia* na última fase da era moderna, dificilmente poderia o nome de Hespanha surgir numa categoria que não fosse a da sumidade, ou de principal originador de uma tradição de estudos na área da história das instituições. Por articulação, é certo, com uma série de historiadores estrangeiros mais e menos recentes,²² Hespanha não deixa, para nós, de ocupar esse lugar de instituidor de um certo tipo de *olhar* sobre o passado, tendo assim encarnado, também, a figura de mestre-inspirador para inúmeros discípulos.²³

Se quiséssemos, portanto, esquisar um primeiro nível da conexão entre o investigador aprendiz e o autor conceituado na sua condição de autoridade, uma das hipóteses seria invocar o tema da fundação, da origem ou da originalidade. O *auctor* como aquele que é “fonte”, de um lado; “modelo”, “senhor” e “autoridade”, do outro; que “faz (compõe) uma obra” e que, nessa qualidade, é “iniciador” ou “criador” e “fundador”, remete, desde logo, para o que chamaríamos uma relação *escolar* com o conhecimento.²⁴ Pesada herança que, por sucessivos intérpretes

20 Immanuel Kant, “Resposta à pergunta: Que é o Iluminismo?”, in *A paz perpétua e outros opúsculos* (Lisboa: Edições 70, 2018).

21 Jorge Ramos do Ó, “A Casa Pia de Lisboa (1780-1960) como laboratório da modernidade educativa: Razões e problemas de um projecto em movimento”, in *Concretizar um projecto de esperança*, orgs. Catalina Pestana e Aida Rosado (Lisboa: Casa Pia de Lisboa, 2005).

22 Pensamos em figuras como Guido Astuti ou Pierluigi Schiera, mas também Bartolomé Clavero, entre muitos outros com quem António Hespanha colaborou ao longo dos anos.

23 Tavares, “Não um adeus”.

24 Este rol de sinónimos encontra-se no volume I do *Dicionário Etimológico da Língua Portuguesa*, de José Pedro Machado (Lisboa: Livros Horizonte, 2003), na entrada “autor”.

da função paternal – desde o professor que, qual sacerdote secular, toma a palavra para restabelecer “a clareza, a coerência, a unidade interna e a consistência das matérias e dos argumentos expressos no texto”²⁵ aos autores estudados nas salas de aula, celebrados “achadores”²⁶ das coisas contidas nos seus livros –, sentencia o aluno ao papel de leitor que escreve para sintetizar, comentar ou *reconhecer* a verdade já expressa no manual escolar. Mais do que a condição fatal e necessária do aluno-leitor, este é, acima de tudo, um *regime cognitivo* que se prolonga por toda a vida e que, mesmo quando o académico já deixou para trás essa espécie de extensão erudita do modelo escolar que é a licenciatura, continua a reproduzir-se sob outros moldes no contexto da pós-graduação, onde aparece, vulgarmente, na forma de um desmoralizante diálogo interior. Não será demais relembrar, por exemplo, essa manifestação específica de *rarefação da escrita académica* que se observa quando o candidato – investido como sujeito de uma reflexão “original”, mas pouco traquejado no exigente exercício da produção textual – responde ao sentimento de *impotência* elegendo figuras de autoridade, ou seja, concedendo a autores reconhecidos ou *autorizados* o poder de virem organizar o seu discurso e de decretarem enfim a verdade, a solução ou a palavra final sobre a validade e o rumo da sua investigação. Até no mais experiente académico pode estar ainda presente essa dimensão escolar da autoridade. Essa que, entre outras angústias, se reflecte na auto-depreciação; na percepção de que nada se tem a acrescentar ao que nos mais conceituados autores já se expôs sobre determinado assunto; no constante abandono de sucessivas linhas de investigação consideradas insatisfatórias, visto ser numa recente leitura predilecta (a que se seguem quase sempre outras) que se encontram, afinal, os temas que realmente nos seduzem; na sempre procurada e desejada chancela da entidade paternal ou professoral, seja na personagem do orientador ou de um *maître à penser* cujos venerandos textos nos vemos apenas habilitados a repetir, resumir ou glosar.

25 Jorge Ramos do Ó, Relatório da Unidade Curricular “Seminário de Investigação e Orientação: A escrita científica e a formação avançada” (Lisboa: IE-UL, 2017), 129.

26 Expressão que serve de exemplo na entrada “autor” do sobredito dicionário: “Começo este liuro nom como autor e achador das cousas em elle contheudas”. Trata-se de um excerto de uma obra do século XV, a *Corte Enperial*.

Foi desta natureza, em grande medida, o contacto que mantive com a obra de António Hespanha durante os primeiros anos de formação académica, relação essa que transitou ainda, de certo modo, para a fase de projecto e planificação da tese. Como se exprimiu, então, essa presença *desvitalizante* ou *desorganizadora* do grande autor no processo de confecção de uma tese que procurava *fazer uma problematização histórica do conceito de polícia para, através dele, perspectivar o gesto educativo moderno a partir de um ponto de vista singular ou extemporâneo*? Em primeiro lugar, fez-se sentir como uma *ausência*. Nos primeiros capítulos, o destaque foi para a lei de criação da Intendência-Geral da Polícia da Corte e do Reino (1760), para a filiação que o legislador pombalino estabelece com decretos e regimentos mais antigos e, no plano historiográfico, para a narrativa diacrónica e progressista a que as histórias das forças de segurança pública submetem o conceito de polícia. Com efeito, enquanto analisava esta categoria do objecto policial, onde não existe senão uma relação marginal com o problema da educação, adia em simultâneo o encontro com a história das instituições na era moderna, mormente aquela de que Hespanha foi compilador, representante e impulsionador.²⁷ Reacção, pois, de protelação e de prudência face a uma autoridade estimada, que durante a licenciatura aparecera sobretudo como figura de proa de uma crítica ao “cânone positivista”, e que surgia assim envolta numa espécie de véu sagrado, encarnando, ao mesmo tempo, o que se desejava fazer (ou ter feito) e aquilo a que nada de renovador se imaginaria poder adicionar. Tal era o rigor da análise, a pertinência dos tópicos e o conhecimento profundo dos arquivos que se observava nessa historiografia – a qual, para todos os efeitos, representava um discurso de *restauração da verdade* ou, pelo menos, da *precisão conceptual* sobre uma época e a sua cultura política – que se afigurava quase inconcebível assimilá-la sem que isso supusesse tornar-se seu intérprete ou servente. Deste ponto de vista, parecia impraticável mobilizar Hespanha sem ficar imóvel; fazê-lo falar sem ficar

27 Refiro-me aos autores que aparecem na compilação *Poder e instituições na Europa do Antigo Regime*, mas também a historiadores como Pedro Cardim, José Manuel Subtil, Ângela Barreto Xavier, etc.

mudo; exhibir o fulgor dos seus raciocínios sem permanecer, de alguma forma, esmaecido na sua sombra.

Mas essa manifestação, digamos, *inibidora* do historiador excepcional fez-se também notar na segunda parte da dissertação (capítulos V-VIII). Mais do que uma ausência, o que aí se verificou foi uma acentuada *presença* do seu olhar e do que este trouxe de novo para a historiografia do Antigo Regime ibérico. De uma inquirição “nietzschiiana” às diacronias da polícia pelo viés das *relações de forças*, da *onomasiologia* e da *genealogia*,²⁸ resultou que a “polícia” não mais poderia ser pensada simplesmente como: i) um conceito que se refere a uma instituição (ou a um conjunto de instituições) que foi evoluindo ao longo do tempo, reformando-se pacífica e linearmente desde a Idade Média até ao presente, concretizando o que apelidaríamos de “progresso civilizacional”; ii) um termo que teria sempre significado a mesma coisa ou que poderíamos aplicar retroactivamente a funções ou organismos que não eram por ele designados; iii) um objecto trans-histórico, essencial, sempre igual a si próprio, que desde tempos imemoriais formaria uma unidade indivisível de temas, atributos e objectivos. Além de demonstrar que era possível contemplar uma história da polícia à margem da questão da segurança pública, tal indagação encaminhou a pesquisa no sentido de desvelar qual seria, afinal, essa polícia que não corresponde ao aprimoramento necessário e positivo, durante séculos, de um organismo natural às sociedades ocidentais, cuja acepção ancestral era, em grande medida, diferente do que hoje entendemos pela mesma palavra, e que não equivale a uma essência indecomponível e a-histórica, sempre auto-referente, que na origem conteria em gérmen o seu desdobramento futuro. Uma polícia inventada e imposta, produto de um contexto particular e resultante da agregação contingente de técnicas polifuncionais, mobilizadas noutras épocas ou conjunturas para fins inteiramente distintos. Polícia que era ao mesmo tempo direito, ciência e arte de governar, que mais do que *interditar* tinha por desígnio fundamental

28 Tomás Vallera, “«Torna-te o que deves ser»: Uma história da polícia como genealogia da escola moderna (meados do século XVII – segunda metade do século XVIII)” (tese de doutoramento, Instituto de Educação, Universidade de Lisboa, 2019), 198.

“fazer viver” (de certo modo, para determinados fins), e que, muito além de garantir a segurança pública (uma das suas inúmeras alçadas), abrangia todas as “leis e regulamentos que dizem respeito aos assuntos interiores de um Estado, que tendem a consolidar e a aumentar a sua riqueza, a fazer bom uso das suas forças e a proporcionar a felicidade aos súbditos”.²⁹

Em suma, a segunda parte da tese é dedicada à “polícia geral do Estado”³⁰ e ao tipo de perspectiva sobre o passado que tende a enfatizar a sua diferença e singularidade, a saber, toda uma constelação de investigadores convocados por António Hespanha ou por ele influenciados, entre os quais salientaríamos Guido Astuti, Pierluigi Schiera, José Manuel Subtil, Flávio Borda d’Água, Laurinda Abreu ou Alexandre Mendes Cunha.³¹ Com este longo segmento destinado a esmiuçar a polícia setecentista – e, a partir dela, o tema crucial da “educação da mocidade”, uma das preocupações capitais do *Polizeistaat* –, a pesquisa ganhava em solidez documental e contextual³² o que perdia em agilidade e inventividade. Era como se a influência destes autores, com a erudição e o rigor que os caracteriza, viesse sobrepor-se ao desejo *fantasmático* de assombrar o leitor (ou propor-lhe algo de insólito) que em geral acompanha a vontade de escrever. Como se o espectro de Hespanha, com os objectos e problemas que eram os seus, com o seu fascinante domínio dos princípios sobre os quais se alicerçava o siste-

29 Johann Heinrich Gottlob von Justi, *Grundsätze der Polizeiwissenschaft* (Göttingen: Van den Hoeck, 1756), 4.

30 Teorizada em França e nos principados germânicos, inicialmente, e mais tarde adaptada à realidade nacional, com influência de ambos os quadrantes, primeiro na versão pombalina e depois na sua mais completa vertente mariano-joanina.

31 Poder-se-ia enumerar muitos outros historiadores que trataram do Estado de polícia do século XVIII, como é também mais extensa a lista de investigadores que influenciaram, colaboraram com ou continuaram, de certa forma, o trabalho de António Hespanha. Incluí aqui apenas alguns dos que integram ambos os critérios.

32 Trata-se de uma secção relativamente longa e altamente expositiva do texto, na qual dialogam os especialistas actuais sobre o Estado e a ciência da polícia (*Polizeiwissenschaft*) com uma série de decretos, tratados e dicionários de polícia dos séculos XVII e XVIII. O esmiuçamento do conceito de polícia, ainda que por vezes exaustivo, permitiu descobrir outras zonas de contacto entre polícia e educação que escapam a uma análise “estadocêntrica”, ou seja, baseada apenas no princípio de que a “educação da mocidade” é um atributo do Estado de polícia. É a relação “tecnológica” entre polícia e educação que faz a pesquisa, depois, deslocar-se para o tema da escola.

ma polissinodal destas sociedades, pairasse constantemente sobre os referidos capítulos e substituísse – de forma menos temporária do que seria desejável – a voz do próprio sujeito da escrita. A admiração que suscita um autor cujo renome assenta na inegável força das suas ideias, no zelo e seriedade do seu trabalho, mas que oferece também ao leitor um manancial de textos que respondem directamente aos seus interesses – talvez resida aí um factor de dispersão ou desconcentração pouco discutido, por meio do qual o investigador aprendiz se aliena da sua inquirição nuclear para, na submissão da sua vontade aos escritos que o cativam, se perder numa infundável sucessão de leituras ou de sínteses paralelas e digressivas.

Por cima desse nível do empobrecimento dos enunciados, ou talvez como derivação do mesmo, podemos delinear um outro patamar dessa materialização do autor como autoridade num trabalho académico do âmbito da história. Aqui, a tónica recai sobre o *auctor* como *auctoritas* na medida em que se compromete ou se oferece como garantia daquilo que escreve: “dignidade”, “prestígio”, “direito”, mas também “gravidade” e “influência” que decorre não só de uma ratificação ou autenticação externa, mas que supõe a penhora do próprio sujeito, a sua integral adesão à verdade que profere, mesmo se, no limite, esse acto implica o sacrifício ou o risco de morte.³³ Encontramos também estes temas do compromisso com o que se diz, da relação com a verdade – ou, pelo menos, a garantia de lhanza e de plausibilidade da interpretação defendida³⁴ –, da escrita científica como prática eventualmente transgressiva, da coragem do dizer verdadeiro, enfim, da *atitude crítica* em geral, justamente na figura combativa desse historiador do direito que, vindo “de fora”, reabriu todo um debate teórico em torno das questões do “lugar de onde se fala” no ofício historiográfico e contribuiu para revolucionar a análise, diversificar as fontes e alargar o universo intertextual da disciplina histórica em Portugal.³⁵ Este Hespanha emerge

33 Foucault, *O que é um autor?*, 47.

34 António Manuel Hespanha, “História e sistema: interrogações à historiografia pós-moderna”, *Ler História* 9, 69.

35 Hespanha, “A emergência da História”, 19.

no sexto capítulo da tese, não a título de força inibidora, mas, e em coexistência com essa mesma figura sacralizada, sob a forma de um discurso instigante com que o historiador iniciante se *identifica*. Ele é aqui o lutador que, como Kant há dois séculos atrás, faz o diagnóstico polémico da sua actualidade e denuncia o estado de *menoridade* que ainda a contamina³⁶ Que se insurge contra a ingenuidade metodológica de uma historiografia que se imagina adulta e sensata quando afirma que “a maturidade na pesquisa histórica surge de um certo desligamento, um [...] desinteresse pelas grandes questões que atraem o pesquisador-aprendiz”.³⁷ Talvez pelo facto de ela arremessar todo um aparato teórico contra esses posicionamentos auto-satisfeitos, por combinar a intrepidez com uma certa assertividade, o desejo de restituir a verdade com a identificação de um adversário, Michel Foucault tenha descrito a postura crítica, não sem uma certa ironia, como algo que se assemelha à virtude.³⁸

Por fim, existiu nesta dissertação um terceiro modo de ser do autor como autoridade que não é o da rarefacção do discurso nem se confunde inteiramente com o tema da relação de garantia, verdade ou propriedade entre autoria e o que é expresso pelo sujeito. Neste caso, a autoridade de quem escreve não é atribuída por uma entidade exterior e idónea, não decorre de um nível de proximidade em relação à “verdade” ou do grau de especialização em determinado tema; não diz respeito à originalidade de uma obra, ao prestígio de uma figura ou à força de um argumento decisivo que viria colocar o ponto final numa discussão. Corresponde, antes, à ideia de “instigar” e “dar impulso”,³⁹ pela raiz que *auctoritas* compartilha com o verbo *augere*, que em latim significa “aumentar” ou “incrementar”.⁴⁰ Não merece a designação de autoridade senão aquilo que incrementa, avoluma ou faz crescer. Um bom autor aumenta o seu leitor, adensa e amplifica o texto de quem o mobiliza

36 Kant, “Que é o Iluminismo?”.

37 Hespanha, “A emergência da História”, 11.

38 Michel Foucault, “O que é a crítica? (Crítica e *Aufklärung*)”, *Imprópria* 1 (1.º sem. 2012), 58.

39 Entrada “autoridade”, no volume I do *Dicionário Etimológico da Língua Portuguesa*.

40 Michel Serres, *¿En el amor somos como las bestias?* (Madrid: Akal, 2005), 53.

para continuar a escrever. Por sua vez, o escritor competente é aquele que, nas palavras de Espinosa, se exercita na difícil arte de promover ou procurar “bons encontros”, de incrementar a sua potência de agir (por oposição à tristeza do padecimento), isto é, a sua capacidade de escolher, sopesar e diagnosticar; de determinar o que interessa e o que é supérfluo, aquilo que afecta positivamente o texto que se está a escrever, no momento em que está a ser redigido, e o que não lhe convém de modo algum, numa incessante subordinação da leitura à escrita.

Do ponto de vista desta pura mecânica textual, para a qual a escrita não é mais do que uma contínua prática de *reescrita* que tende a relegar o problema da origem ou da originalidade para segundo plano, a relevância dos contributos de Hespanha para a referida tese é determinada pela sua capacidade de encaixar na inquirição central (busca de uma conexão inesperada entre polícia e educação) e, mais do que isso, de deslocar a pesquisa do lugar onde se encontra em direcção a um outro que o investigador não conhece ainda. Porém, isto supõe que haja uma dupla transição. É necessário, por um lado, que a figura “maior” do historiador consagrado sofra uma apropriação assumidamente singular, contingente e local; que aspectos específicos do trabalho desse vulto eminente sejam submetidos ao devir “minoritário” de uma pesquisa particular. Por outro, é preciso que as ideias capturadas no seu trabalho sejam digeridas de tal maneira que permitam não só transpor o modelo positivista das diacronias da segurança pública (parte I), mas também, mais adiante, abrir caminho para uma nova concepção do nexó polícia-educação⁴¹ e uma outra forma de estabelecer a relação entre presente e pretérito (parte III).⁴²

41 As técnicas específicas de “produção da conformidade”, mais do que o tema geral da educação nos Estados de polícia. Deslocamento da esfera das *políticas de um determinado regime* em direcção à da *tecnologia de produção de sujeitos conformes* no contexto escolar, que não é específica do século XVIII e que se generalizou a partir do século XIX. Este tema é abordado na terceira parte da tese, intitulada “escola”.

42 Se na primeira parte predominava o tempo progressivo de um certo positivismo, e na segunda o tempo sincrónico da moderna historiografia das instituições do Antigo Regime, a terceira veio introduzir um tempo feito de *proveniências múltiplas* e *instantes de emergência violenta e contestada* que permite ao sujeito da escrita aceder às técnicas de produção da conformidade que o constituem no presente.

Nesta tese, Hespanha correspondeu também, portanto, a uma *personagem conceptual*, um “autor-função”⁴³ específico, fabricado de raiz no interior do texto, com o objectivo de erigir uma ponte, uma passagem ou uma charneira entre dois pontos. No limite, diríamos que a autoridade que “aumenta” é aquela que ajuda a avançar na pesquisa, tornando-a mais densa e polifónica, e que não é outorgada por quem *lê* (anterioridade da leitura relativamente à escrita), mas sim por quem *escreve* (precedência da escrita em relação à leitura). Porém, ela é igualmente um imperativo de continuar sempre a expandir o texto, deslocando-o inclusivamente para lá das fronteiras prescritas pela autoridade que convocámos, de início, para o incrementar. Em vez de uma autoridade (con)sagrada ou profanada, teríamos, portanto, uma *autoridade profana*, na medida em que só as coisas ditas profanas podem ser sujeitas ao sacrifício.⁴⁴ Que maior elogio poderia tecer-se à apreciável influência de António Hespanha no meu trabalho do que afirmar que foi através dele que se tornaram evidentes problemas carentes de soluções criativas; que foi a sua posição no centro da tese que me conduziu a uma derradeira reformulação do conceito de polícia; que foi ele, em suma, a figura conceptual cuja fricção com as minhas inquirições moldou os utensílios essenciais para, em última instância, sair da sua vasta sombra autoral?

43 Por contraste com o carácter geral, exterior e incontornável da “função-autor”.

44 Giorgio Agamben, *Homo Sacer: O poder soberano e a vida nua* (Belo Horizonte: Editora UFMG, 2004), 79-80. Extrapolamos, aqui, a partir do exemplo oferecido por Agamben: um dos atributos do *homo sacer* é o facto de não poder ser sacrificado.

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Direito, sentido e razão: sobre o sexo como problema normativo

Tiago Ribeiro*

*A etérea matéria
Tem em comum com a forma
a norma*
Ana Hatherly¹

O trabalho que em Portugal tem vindo a ser produzido em torno dos estudos sociais e culturais do direito encontra em António Manuel Hespanha (AMH) um autor ímpar e incontornável, cuja contribuição extravasou o círculo da história do direito e das instituições, a partir da qual desenvolveu grande parte da sua obra. Não cabe neste texto apresentá-la, mostrar ou enfatizar a sua originalidade, a sua força instrutiva e inspiradora, ou ensaiar o seu lugar no cânone jurídico-historiográfico, de que a escola de pensamento que impulsionou é demonstrativa². Trata-se, antes de mais, de um esforço de identificação da sua influência, da maneira como recebi os seus textos, ou parte deles, como os converti em leituras de referência e como me têm vindo a interpelar. De entre

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1 Ana Hatherly, “Metáforas de Poder e Origem”, *Cadernos de Literatura da Faculdade de Letras da Universidade de Coimbra* 9 (1981): 5-6.

2 Cf. António Manuel Hespanha, “Entrevista a António Manuel Hespanha por Pedro Cardim”, *Análise Social* 46, n.º 200 (2011): 430-45; Cristina Nogueira da Silva, Ângela Barreto Xavier e Pedro Cardim, orgs., *António Manuel Hespanha – Entre a História e o Direito* (Coimbra: Almedina, 2015).

diferentes portas de entrada possíveis, a minha aproximação inicial à obra de AMH combinou a pesquisa orientada para temas ou problemas específicos (fontes de direito, teoria da norma, pluralismo e estadualismo, função e interpretação, etc.) e a curiosidade intelectual, a deambulação livre, pouco criteriosa mas magnetizada pelos tópicos, pelos casos, pelas hipóteses, cuja riqueza heurística é especialmente propícia à descoberta inesperada.

Essa aproximação foi mediada pelos debates teóricos (dominantes e marginais) da sociologia do direito³, cuja expressão no campo acadêmico português beneficiou, a vários títulos, do papel de AMH. Não seria tarefa fácil recensar esse contributo ou a forma como a sua obra e o seu pensamento ampliaram a sensibilidade ao direito como fenómeno social e cultural. Todavia, o seu modo de interrogar pelo sentido jurídico no tempo e no espaço, pelas condições de possibilidade de que o direito resulta e a que dá origem, pela sua infinita potencialidade testemunhal⁴, não só marcou terreno analítico-disciplinar⁵, como é hoje um roteiro de investigação em aberto, para o presente e para o passado, se é que a distinção, para o efeito, existe ou interessa.

A relação simultaneamente umbilical e labiríntica entre saber e poder, entre conhecimento e governabilidade, talvez represente a ansiedade que mais me leva a procurar sentido de orientação no pensamento de AMH. Não se trata, naturalmente, de me colocar em busca de uma fórmula resolvente para o impasse entre tautologia e contradição em que essa relação frequentemente desemboca, mas de atender às múltiplas ferramentas oferecidas nos seus textos para ter como lidar com

3 Cf. António Casimiro Ferreira, *Sociologia do Direito – Uma Abordagem Sociopolítica* (Porto: Vida Económica, 2019).

4 “O direito contém muitos elementos para fazer história geral. [...] Além de fazer parte da vida, além de ajudar a imaginar a vida, o direito tinha muita informação para fazer a história da vida, [além daquilo] que o direito representa como fonte de história.” [António Manuel Hespanha, “António Manuel Hespanha entrevistado por Mafalda Soares da Cunha, Teresa Pizarro Beza, Nuno Gonçalo Monteiro e Rita Garnel”, in *António Manuel Hespanha – Entre a História e o Direito*, orgs. Cristina Nogueira da Silva, Ângela Barreto Xavier e Pedro Cardim (Coimbra: Almedina, 2015), 64]

5 Cf. António Casimiro Ferreira e João Pedroso, “Entre o Passado e o Futuro: contributos para um debate sobre a sociologia do direito em Portugal”, *Revista Crítica de Ciências Sociais* 52/53 (1999): 333-61.

ele, perceber de onde vem, se é consistente ou falacioso, e calibrar o protocolo de observação. A partir de um conjunto de preocupações em que tenho vindo a trabalhar em torno da invocação normativa do sexo, esta reflexão procura tirar partido de algumas ideias-chave da obra de AMH para aprofundar a problematização das práticas de *veridicção* (dizer verdade) e *juridicção* (dizer justiça)⁶.

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Na apresentação do seu guia da história político-institucional da sociedade europeia no Antigo Regime (*Poder e Instituições no Antigo Regime*), AMH começa por chamar a atenção para duas grandes dificuldades sentidas por quem se dedica a, com ele, aprender ou investigar sobre o assunto: por um lado, “uma grande perplexidade perante as fontes da história jurídica e institucional”⁷; por outro lado, o facto de, tendo isso em conta, ser sua intenção “tornar tudo mais problemático e obscuro”⁸. Os objectivos delineados para uma história crítica do direito ajudam a perceber o carácter tão espirituoso quanto rigoroso dessa declaração. É que esses objectivos passam, entre outros aspectos, pelo cultivo de uma vigilância epistemológica do método que permita descontinuar, ou administrar, em primeiro lugar, precisamente a ilusão de evidência histórica, a sensação de que “se faz história como se respira”⁹ e, em segundo lugar, a ilusão de que a história do direito é menos uma história do discurso, com tudo o que isso supõe e implica, do que uma história da moderni-

6 Cf. Michel Foucault, *Wrong-doing, truth-telling: the function of avowal in justice* (Chicago: University of Chicago Press, 2014); François Ewald, “Jurisdiction et véridiction”, *Grief* 1 (2014): 229-33.

7 António Manuel Hespanha, *Poder e Instituições no Antigo Regime – Guia de Estudo* (Lisboa: Cosmos, 1992), 9.

8 *Ibidem*, 10.

9 “De facto, a realidade histórica não *está aí*, antes é construída pelo olhar do historiador, que selecciona perspectivas, que constrói objectos que não existem empiricamente (como curvas de natalidade ou fenómenos de longa duração), que cria esquemas mentais para os relacionar (a «influência», a «causalidade», o «efeito de retorno»), que introduz cadências no tempo, que recorta os espaços de observação, que introduz limiares de relevância para cada fenómeno, que distingue e aproxima, etc.” [*Ibidem*, 15].

zação jurídica¹⁰. A esta forma específica de progressismo metodológico¹¹, à lógica de “utilização da história como documentário do ‘progresso’ do direito”¹², AMH contrapõe o carácter “não linear, não necessário e não escatológico da evolução histórica do direito”¹³, argumento que é desenvolvido num longo fôlego de revisão conjunta do modelo de explicação historiográfica e da natureza do objecto jurídico. Esta direcção analítica veio a corporizar-se num diálogo prodigioso entre duas tarefas: fazer do direito um meio para questionar as fontes da história (o que é, como se representa e como se manifesta aquilo a que se chama *passado*) e da história um meio para questionar as fontes de direito (o que é, como se representa e como se manifesta aquilo a que se chama *norma*).

A crítica aos pressupostos da teoria da história e da teoria jurídica encontrou na defesa de uma concepção socialmente enraizada do direito (direito *em sociedade*), dos seus modos de produção, mediação e recepção, um ângulo de pesquisa com especial ligação aos problemas estruturantes da sociologia do direito, na exacta medida em que propõe a reorientação de “uma história «pura» das normas jurídicas” para “uma história do direito integrado nos seus distintos ambientes”¹⁴. Não se trata, de resto, de complementar o estudo do direito com o estudo da sua envolvente histórica e social, de arranjar uma moldura à altura da proeza da obra de arte, mas de conceber o direito como artefacto (criativo, reprodutivo, performativo), e de levar a sério essa postulação, colher os seus frutos e retirar-lhe consequências. Deste ponto de vista,

“o papel da normação jurídica depende, não de qualquer característica intrínseca das normas de direito, mas

10 *Ibidem*, 13.

11 “O presente deixa de ser o apogeu do passado, o estágio final de uma evolução que se preparava de há muito.” *Ibidem*, 10.

12 António Manuel Hespanha, “Lei e Justiça: história e prospectiva de um paradigma”, in *Justiça e Litigiosidade: história e prospectiva*, org. António Manuel Hespanha (Lisboa: Fundação Calouste Gulbenkian, 1993), 7.

13 António Manuel Hespanha, *Poder e Instituições no Antigo Regime – Guia de Estudo* (Lisboa: Cosmos, 1992), 18.

14 *Ibidem*, 16.

dos papéis dos outros complexos normativos que as contextualizam. Tais complexos são muito diversos – indo desde a moral às rotinas estabelecidas, desde a disciplina doméstica à organização do trabalho, desde as formas de classificar e de hierarquizar à arte de seduzir e de se fazer amar.¹⁵

Esta abertura epistemológica à história social e cultural do direito¹⁶, ao universo teórico da interpretação como desafio e fatalidade, às regras do *campo*, à anatomia do *dispositivo* ou às propriedades do *sistema* jurídico¹⁷, trouxe consigo um vastíssimo programa de investigação, orientado por um plano de trabalho que encontrou na “leitura sintomal das fontes” um caminho para “descobrir, por trás do discurso jurídico [...], as realidades práticas apenas afloradas”¹⁸. O papel do pluralismo normativo no governo social e o papel do pluralismo social no governo normativo são, entre outros, domínios de interrogação que beneficiaram desse gesto intelectual de desconstrução e reconceptualização.

A questão do pluralismo normativo no governo social foi aprofundada através do estudo das instituições e do poder político pré-oi-tocentista, sustentando o confronto da historiografia retrospectiva com o seu vício de “redução legalista”¹⁹, que fazia passar a “*presença* de um ordenamento jurídico diferente e alternativo” por uma “*situação de ausência* ou de desconhecimento do direito”²⁰. A crença (enquanto forma da verdade) e a confiança (enquanto projecto de justiça) no monopólio

15 *Ibidem*.

16 Sobre a relação entre história das ideias e história social, e a sua ultrapassagem, cf. António Manuel Hespanha, “Categorias. Uma reflexão sobre a prática de classificar”, *Práticas da História, Journal on Theory, Historiography and Uses of the Past* 7 (2018): 244.

17 As noções de campo, dispositivo e sistema reportam-se, respectivamente, à conceptualização de Pierre Bourdieu, Michel Foucault e Niklas Luhmann, com ampla influência na obra de AMH.

18 António Manuel Hespanha, “Sábios e Rústicos: a violência doce da razão jurídica”, *Revista Crítica de Ciências Sociais* 25/26 (1988): 34.

19 António Manuel Hespanha, “Lei e Justiça: história e prospectiva de um paradigma”, in *Justiça e Litigiosidade: história e prospectiva*, org. António Hespanha (Lisboa: Fundação Calouste Gulbenkian, 1993), 13-23.

20 António Manuel Hespanha, “Sábios e Rústicos: a violência doce da razão jurídica”, *Revista Crítica de Ciências Sociais* 25/26 (1988): 34.

normativo do Estado²¹, na imagem de soberania e na promessa de futuro que devolvia, explicaria o motivo pelo qual “todo o discurso dos juristas eruditos sobre organização judicial assentava numa ficção ou até numa deliberada recusa da realidade. A ele vem juntar-se o discurso dos historiadores que, desde o século XIX, nele piamente acreditam e o parafraseiam”²². Ancorada numa perspectiva realista do direito, esta crítica anti-estadualista²³ ao lugar do jurídico no governo social insere-se numa linha de investigação antropológica e sociológica de que a obra de Boaventura de Sousa Santos constitui um marco fundamental²⁴, estabelecendo também diálogo com um amplo património analítico construído em torno do *direito vivido*²⁵, do direito como aparato de instanciação da experiência e da subjectividade, num circuito que poderá ir do estudo da efectividade (*law in books vs law in action*) à fenomenologia, à narrativa ou à consciência jurídicas²⁶.

Se os debates emergentes do papel do pluralismo normativo no governo social colocam sob escrutínio a centralidade do Estado na descrição e regulação das pessoas e das coisas, a questão do pluralismo

21 “Por muito que uma historiografia retrospectiva o encubra, o ordenamento jurídico pré-oitocentista era essencialmente pluralista. Sobretudo, por duas razões. Em primeiro lugar, a lei era, dentro do direito ‘oficial’, uma fonte minoritária. [...] Mas, em relação à doutrina, a lei não era apenas um fenómeno minoritário, era também um fenómeno subordinado. [...] As limitações da lei não se verificam apenas neste plano do seu confronto com a doutrina. Mas, também, no seu confronto com as normas jurídicas provindas da auto-organização dos corpos sociais ‘particulares’. [...] Em segundo lugar, o próprio direito escrito e erudito, de que a lei fazia parte, era também minoritário.” [António Hespanha, “Lei e Justiça: história e prospectiva de um paradigma”, in *Justiça e Litigiosidade: história e prospectiva*, org. António Hespanha (Lisboa: Fundação Calouste Gulbenkian, 1993), 13-15].

22 António Manuel Hespanha, “Sábios e Rústicos: a violência doce da razão jurídica”, *Revista Crítica de Ciências Sociais* 25/26 (1988): 31.

23 Para uma discussão analítico-conceptual dos pressupostos, das implicações e da relação entre estadualismo e anti-estadualismo, António Manuel Hespanha, *O Caleidoscópio do Direito – O direito e a Justiça nos dias e no mundo de hoje*. (Coimbra: Almedina, 2009), 25-51.

24 Cf., entre muitas outras obras do mesmo autor, Boaventura de Sousa Santos, *O Direito dos Oprimidos. Sociologia Crítica do Direito* (Coimbra: Almedina, 2015); Boaventura de Sousa Santos e João Carlos Trindade, *Conflito e transformação social: uma paisagem das justiças em Moçambique* (Porto: Afrontamento, 2003).

25 Cf., por exemplo, António Manuel Hespanha, ed., *Feelings of justice in the Chinese community of Macao – an enquiry* (Lisboa: Imprensa de Ciências Sociais, 2003); António Manuel Hespanha, coord., *Inquérito aos sentimentos de justiça num ambiente urbano* (Lisboa: Almedina, 2005).

26 Cf. Patricia Ewick e Susan Silbey, *The Common Place of Law. Stories from Everyday Life* (Chicago: The University of Chicago Press, 1998).

social no governo normativo remete para a maneira através da qual a categorização jurídica – “como forma de institucionalização de laços políticos”²⁷ –, exprimindo, nos seus próprios termos, essa mesma diversidade e complexidade sociais, poderá contribuir para fornecer “quadros de auto-compreensão da sociedade e dos processos sociais”²⁸. Trata-se, no fundo, de perguntar de que forma e até que ponto as fontes de direito estabelecidas (a lei, a doutrina, a jurisprudência)²⁹ e os mecanismos de aplicação da norma³⁰ (o *homem médio*, o *bom pai de família*, o princípio da equidade, as regras da experiência) governam tanto quanto são governados por diferentes ordens de sentido que constituem o mundo social e que interpelam a razão jurídica. Como observatório do trânsito de conceitos, enunciados e disposições que sustentam a produção (moral, científica, cultural) de verdade sobre quem somos e do que somos feitos, sobre as coisas com que lidamos e que nos dizem respeito, sobre o mistério da vida e as suas esferas, a prática da argumentação jurídica³¹ torna-se numa janela privilegiada de acesso aos regimes de descrição e justificação do estatuto, da matéria e do sujeito.

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A invocação que hoje conhecemos da esfera religiosa, por exemplo, daquilo que é nomeado, singularizado e tutelado nessa (e não noutra) condição, poderá reportar-se a tudo ou a coisa nenhuma em função do conteúdo que o apelo a uma revelação, a um milagre ou a uma história

27 António Manuel Hespanha, “Categorias. Uma reflexão sobre a prática de classificar”, *Práticas da História, Journal on Theory, Historiography and Uses of the Past* 7 (2018): 230.

28 António Manuel Hespanha, *Poder e Instituições no Antigo Regime – Guia de Estudo* (Lisboa: Cosmos, 1992), 17.

29 Cf. a sistematização crítica das fontes de direito em António Manuel Hespanha, *O Caleidoscópio do Direito – O direito e a Justiça nos dias e no mundo de hoje*. (Coimbra: Almedina, 2009), 43-51, 522-86.

30 Cf. Pierre Guibentif, “A aplicação do direito redescoberta pela sociologia jurídica”, *Sociologia, Problemas e Práticas* 12 (1992): 19-39.

31 Cf., por exemplo, José Calvo, *Derecho y narración*. (Barcelona: Editorial Ariel, 1996); Joana Aguiar e Silva, “As narrativas do direito e a verdade judicial” in *Linguagem, Argumentação e Decisão Judiciária*, org. Rui do Carmo (Coimbra: Coimbra Editora, 2012), 111-24.

da Carochinha conseguir fazer vingar enquanto tal. Essa invocação do religioso envolve uma esquematização da experiência, um repertório de ideias, um artesanato simbólico que, em primeiro lugar, opera à medida do estatuto normativo que lhe é atribuído, convertendo uma incomensurabilidade numa equivalência (as religiões representam e valem todas o mesmo porque todas são religiões, desde que o sejam); em segundo lugar, requer uma materialização a partir da qual se possa obter evidência sobre o que é ou não é o exercício de uma prática religiosa – e distingui-lo, por exemplo, do exercício de uma prática laboral (transportar um andor é fé ou trabalho, é exploração ou devoção?) ou de uma prática sexual (freiras que beijam as suas noviças é espiritual ou erótico, é confessional ou sexual?³²); e, em terceiro lugar, apoia-se na abstracção dogmática do sujeito, a *pessoa*³³, convencionado numa presunção antropológica, num apriorismo existencial, que, dentro de uma economia de susceptibilidade e de plausibilidade bem situada, o concebe, o dimensiona e o antecipa como possível e legitimamente religioso, e não, por exemplo, como possível e legitimamente dragão ou sereia. Deste ponto de vista, um debate normativo centrado na igualdade ou na liberdade religiosa desloca-se de um debate sobre as condições de exercício de uma *prática* religiosa para um debate sobre as condições de exercício de tudo aquilo que a *invocação* religiosa, na sua aparente transparência semântica, presume e unifica sobre formas de ser, de estar e de agir das pessoas.

Tal como acontece com múltiplas esferas da vida para as quais o direito criou e recebeu uma fronteira e um significado específicos, dotados de meios de objectivação que asseguram a sua legibilidade, o estudo dos modos de imaginação e contratualização normativa das pessoas e das coisas a partir de uma ordem chamada sexo debate-se igualmente com o inquérito ao estatuto, à matéria e ao sujeito através do desembrulho metodológico das fontes de direito. Por um lado, a

32 Cf. Antu Sorainen, “The power of confession: the role of the criminal law and courtpractices in the production of knowledge concerning sexuality between women (Finland, in the 1950s)”, *Journal of Homosexuality*, 35, n.º 3-4 (1998): 117-38.

33 Para uma análise dos fundamentos jurídicos da pessoa, cf. Alain Supiot, *Homo Juridicus – Ensaio sobre a função antropológica do direito* (Lisboa: Instituto Piaget, 2005).

eleição do sexo como domínio de pesquisa permite tirar proveito da sua capacidade de revelação do mundo social, de exibição das suas regras, das suas formas, dos seus dramas. No fundo, dos contornos do governo normativo *através* do sexo. Por outro lado, a pergunta sobre a capacidade de revelação do mundo que o sexo encerra enquanto facto social total³⁴ debate-se com a pergunta sobre aquilo que ele é, sobre aquilo que ele revela sobre si mesmo quando invocado ou presumido. A resposta a esta pergunta (o que é o sexo?) não existe, nem é possível ou sequer pertinente enquanto tal. Não se trata, em bom rigor, de uma pergunta dirigida à história ou à sociologia, para as quais tem tanto cabimento quanto perguntar se Deus existe. Além disso,

“não é raro que palavras e expressões que perderam o sentido original reapareçam a carregar outros sentidos ou, até, a não carregar nenhum sentido útil, como meras fórmulas retóricas que os juristas transmitem de geração em geração, como argumentos apenas aparentes, cujo valor apenas subsiste porque ninguém se lembra de os questionar.”³⁵

Perguntar pelo sexo será, assim, desenvolver um guião analítico a partir de uma dúvida metódica que importa colocar ao direito, pois se faz do sexo uma substancialidade que submete à sua tutela é porque sabe ou tem como conhecê-lo e representá-lo, a si e ao que é seu, àquilo que lhe pertence ou que o envolve, e justificá-lo enquanto realidade jurídica própria: aí residirá um dos potenciais focos do interesse histórico-sociológico na dogmática e na hermenêutica jurídica, naquilo a que o direito faz ressonância enquanto fenómeno técnico-cultural, enquanto arquivo de sentido e exercício de razão.

34 “Exprim[indo] ao mesmo tempo e de uma só vez todas as espécies de instituições: religiosas, jurídicas e morais – e estas políticas e familiares ao mesmo tempo; económicas – e estas supõem formas particulares da produção e do consumo, ou antes, da prestação e da distribuição; sem contar com os fenómenos estéticos a que estes factos vão dar e os fenómenos morfológicos que manifestam estas instituições” [Marcel Mauss, *Ensaio sobre a dádiva* (Lisboa: Edições 70, 2008), 55.]

35 António Manuel Hespanha, *Cultura Jurídica Europeia – Síntese de um Milénio* (Coimbra: Almedina, 2015), 452.

Ao reflectir sobre “O estatuto jurídico da mulher na época da expansão”³⁶, AMH apresenta um conjunto de contribuições especialmente oportunas para o efeito. Por um lado, permitem fazer evoluir o debate sobre a norma como construção palimpséstica, que actualiza o seu sentido em cima de uma memória que não lhe é determinante mas a que não é indiferente. Por outro lado, reúnem elementos para trabalhar o carácter indexical do modelo de classificação sexual do sujeito, a ideia de que “muito do que é relatado não é mencionado”³⁷. A dinâmica de inferência, de decifração, funciona dentro de um ambiente cultural (de raiz mitológica, teológica, filosófica) que contextualiza e, paradoxalmente, obscurece as tecnologias de produção e representação jurídica da materialidade cujo *topos* da *diferença sexual* é uma fonte de segurança ontológica para julgar e ser julgado:

“Antes de tudo, o que era «mulher»? Eis uma questão que, para os juristas, tem um alcance próprio. Para eles, não se trata, fundamentalmente, de identificar uma coisa. Claro que existiam questões facticamente complicadas, como a classificação sexual do hermafrodita, a que os juristas também se dedicaram. Como se dedicaram a estabelecer normas que impedissem a confusão dos géneros na ordem das coisas, proibindo, por exemplo, que as mulheres se vestissem de homens ou que cortassem os seus cabelos como os dos homens. Mas, rigorosamente, saber se, na ordem dos factos, existem seres sexualmente diferentes, e quais são essas diferenças é, para os juristas, coisa pouco menos do que irrelevante. Os juristas não trabalham com coisas, trabalham com conceitos. O importante, para eles, é saber como é que, por cima dessas pré-jurídicas distinções das coisas, o direito constitui, ao classificar o mundo, os seus objectos próprios e que força expressiva dá aos seus nomes.”³⁸

36 António Manuel Hespanha, “O estatuto jurídico da mulher na época da expansão”, in *O Rosto Feminino na Expansão Portuguesa – Actas I. Cadernos da Condição Feminina* 43 (Lisboa: Comissão para a Igualdade e para os Direitos das Mulheres, 1995), 53-64.

37 Harold Garfinkel, *Studies in ethnomethodology* (New Jersey: Prentice-Hall, Inc., 1967), 3.

38 António Manuel Hespanha, “O estatuto jurídico da mulher na época da expansão”, in *O Rosto Feminino na Expansão Portuguesa – Actas I. Cadernos da Condição Feminina* 43 (Lisboa: Comissão para a Igualdade e para os Direitos das Mulheres, 1995), 54.

A pergunta que dá início ao trecho fez e faz correr muita tinta nomeadamente no campo das teorias *queer* e feministas do direito³⁹, trazendo ainda consigo todo um programa de pesquisa dedicado ao passado e ao futuro jurídico do sexo – do seu estatuto, da sua matéria, do seu sujeito. A questão do fundamento para este apetite ou imperativo taxonómico dirigido a quem habita e faz habitar o mundo (mulher, homem), embora se manifeste na história das fontes de direito através de um emaranhado retórico que é sobretudo coerente na forma como confunde diferença com relevância, constatação com explicação, não pode ser pensada, antes de mais, fora da contingência de que “um acto de vontade [podia] dar lugar a consequências de que a vontade não podia dispor”⁴⁰. O governo da produção de vida, da institucionalização do devir, que fez do casamento uma solução sacramental⁴¹, não só monopolizou o direito e consagrou o dever da consumação, “carne de uma só carne”, como organizou a sua codificação a partir da administração do princípio da fecundação, convertida em bitola jurídica para o sentido sexual e sua tutela:

“Seriam, desde logo, *contra natura* todas as práticas sexuais que visassem apenas o prazer (a cópula, beijos, abraços, afagos ou o deleite pelas recordações que visem

39 Cf., em sentidos e com respostas distintos, Catharine MacKinnon, “Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence”, *Signs* 8, n.º 4 (1983): 635-58; Judith Butler, *Problemas de Género* (Lisboa: Orfeu Negro, 2017). Para um debate atento ao contexto português, cf. Teresa Pizarro Beleza, *Direito das Mulheres e da Igualdade Social. A construção jurídica das relações de género* (Coimbra: Almedina, 2010); Ana Oliveira, *A expressão normativa do assédio: aproximações sociojurídicas à sexualidade*. (Tese de Doutoramento em Estudos Feministas, Faculdade de Letras da Universidade de Coimbra, 2017).

40 António Manuel Hespanha, “Carne de uma só carne: para uma compreensão dos fundamentos histórico-antropológicos da família na época moderna”, *Análise Social* 28, n.º 123-124 (1993): 952.

41 “Essas ordens onde a natureza «fala alto», como a ordem doméstica, parcialmente absorvida nas anteriores devido à natureza sacramental do casamento. Aqui as transacções com o direito resultam da própria natureza (*natura, honestas*), inscrevendo no *corpus iuris* os mandamentos da *natura sexus*. A fraqueza, a indignidade e a perversidade das mulheres, a natureza do sexo (monogâmico, heterossexual, vaginal — *vir cum foemina, recto vaso, recta positio*), a natureza da comunidade doméstica (unitária, monárquica), tais eram os dados que a prudência dos juristas podia traduzir em normas legais.” [António Manuel Hespanha, “Os juristas como couteiros. A ordem na Europa ocidental dos inícios da idade moderna”, *Análise Social* 26, n.º 161 (2001): 1191.

apenas o prazer têm um fim indevido), bem como todas as que se afastassem do coito natural e honesto (homem com mulher, na posição certa, no «vaso» certo). Daí a extensão dada ao pecado (e ao crime) da sodomia, que incluía não apenas as práticas homossexuais, mas ainda todas aquelas em que nas relações sexuais se impedisse de qualquer forma a fecundação.⁷⁴²

Entre a função e a intenção, este princípio da fecundação ajuda a perceber a relação histórica entre a interdição da masturbação e a ideia de desperdício seminal⁴³. Ajuda também a perceber o motivo pelo qual, a partir do *problema* dos eunucos, o início do século XVIII se viu igualmente marcado por um “longo debate jurídico para saber se um homem que não podia engendrar tinha ou não o direito a se casar”⁴⁴. É, por isso, a partir da capacidade peniano-seminal para penetrar e fecundar, e da susceptibilidade uterino-vaginal de ser penetrada e fecundada, que o direito tem onde radicar e como imaginar um estatuto, uma matéria e um sujeito sexuais auto-explicativos de uma esfera jurídica própria, uma região demarcada do corpo e do espírito com regras estabelecíveis e aperfeiçoáveis, com uma linha de fronteira definida e duradoura, mais disputada do que questionada, movendo-se em torno de um padrão de troca, o *phallus exchange standard*, que governa a sexualidade, “incluindo a sua «revolução»”⁴⁵. É certo que a proliferação de discursos e dispositivos de verificação do sujeito sexual e das suas circunstâncias se construiu, ao longo do tempo, através de operações de ruptura e de incrustação entre diferentes princípios de tutela, gramáticas de inspeção (da confissão à perícia) e comunidades interpretativas (do padre ao psiquiatra). A emergência social e o desenvolvimento forense da *scien-*

42 António Manuel Hespanha, “Carne de uma só carne: para uma compreensão dos fundamentos histórico-antropológicos da família na época moderna”, *Análise Social*, 28, n.º 123-124 (1993): 953-54.

43 Philippe Brenot, *Elogio da Masturbação* (Porto: Campo das Letras, 2006).

44 Patrick Barbier, *História dos Castrados* (Lisboa: Livros do Brasil, 1989), 175.

45 Jean Baudrillard, “Phallus exchange standard”, in *A troca simbólica e a morte I* (Lisboa: Edições 70, 1996), 197.

cia sexualis, enquanto “grande procedimento para produzir a verdade do sexo”⁴⁶, foi, nesse quadro, um domínio de problematização especialmente notabilizado na obra foucaultiana. Mas a resistência histórica desse padrão de troca na sua qualidade de infraestrutura jurídica, de matriz cultural que dá sustento simbólico e logístico à postulação normativa do sexo, é desde logo interpeladora se atendermos, por exemplo, à ideia da reversão do contrato, isto é, ao fantasma da anulação que está entranhado no instituto do casamento. A impotência (virilidade) e a virgindade (honestidade) figuram precisamente entre os mais conhecidos critérios que a tornavam possível, quando não recomendável. Toda a constelação de princípios e métodos que se foram estabelecendo e aprimorando em volta da anulabilidade do casamento poderá ajudar a compreender, por exemplo, a distância ou a proximidade entre um modelo de diligência empreendido no final da Idade Média – “a *procédure du congrés*, que consistia em permitir que o homem acusado de impotência tentasse a sua sorte todas as noites durante uma semana, na presença de uma *matrona* nomeada pelo juiz”⁴⁷ – e uma orientação médico-legal sintetizada em 1947:

“Dado que não seria admissível aceitar demonstrações como as que procuravam na antiga prova chamada do «congresso», nem esperar por outras incompatíveis com a austeridade da perícia, o perito, quando verifique a falta de lesões ou defeitos de conformação, raro poderá ir além de afirmar que do exame do homem não resulta prova de impotência dele para a cópula, sem contudo afirmar a certeza da sua capacidade para esta. Em todo o caso, quando, como será o mais vulgar, seja a mulher a alegar a impotência do marido, o exame dela, revelador de que o seu hímen não é complacente e de que a sua virgindade persiste, pode indi-

46 Michel Foucault, *História da Sexualidade I: a vontade de saber* (Lisboa: Relógio d'Água, 1994), 61.

47 Hans Peter Duerr, *Nudez e Pudor. O mito do processo civilizacional* (Lisboa: Editorial Notícias, 2002), 268.

rectamente dar prova bastante da impotência do homem, uma vez verificado que tal persistência não deve, antes, ser atribuída a defeito anatómico ou funcional da fêmea.”⁴⁸

Seja pelo que a técnica diz do sujeito avaliado seja pelo que dela é inferido sobre o sujeito correlativo (uma prática veridictiva de base relacional⁴⁹, isto é, *sabe-se do homem através da – sua – mulher*, e vice-versa), esta “himenolatria”⁵⁰ da ciência forense confronta-se com vários desafios à incerteza pericial, sempre que a “falta da virgindade ou [a] existência da gravidez da mulher anteriores ao casamento” ensombram o matrimónio e suscitam procura de resposta, mais ou menos subsidiária, no contexto judicial. A revirginação⁵¹, a contracepção⁵² ou a simulação⁵³ são disso exemplo. A fiabilidade cobrada ao processo ge-

48 Fernando de Almeida Ribeiro, *O Casamento em Medicina Legal* (Coimbra: Livraria Académica, 1947), 39.

49 Para uma discussão de outras dimensões que orbitam a natureza relacional da veridicção sexual, cf. Tiago Ribeiro, “*Sex, blah blah blah and all that mess*: notas sobre a regulação jurídica e política do sexo”, *Imprópria* 6 (2018): 21-35.

50 “Interessante é, antes de mais nada, registrar que entre os juristas portugueses parece haver unanimidade, ao menos, em considerar o *error virginitatis* como erro essencial, quer subjectiva quer objectivamente. Quero dizer: erro de relevância bastante não só para levar um contraente a aceitar um casamento que não aceitaria se não houvesse esse erro, como também para ser julgado, no bom consenso geral, como merecedor de que se lhe dê essa importância.” [Fernando de Almeida Ribeiro, *O Casamento em Medicina Legal* (Coimbra: Livraria Académica, 1947), 26].

51 “A eventualidade da soldadura espontânea das lacerações himenais, para não referir a reconstituição artificial mais *secundum artem* do que as conseguíveis por uma vendedeira de virgindades de um velho conto de Cervantes, ao operar, a agulha e linha, numa suposta sobrinha.” [Fernando de Almeida Ribeiro, *O Casamento em Medicina Legal* (Coimbra: Livraria Académica, 1947), 27] Cf. também Asdrúbal António de Aguiar, *Um caso de bi-revirginação espontânea* (Lisboa: Academia das Ciências de Lisboa, 1949).

52 “O progressivo descuido pelo que respeita à virgindade propriamente dita, [em que] há a preocupação, fora do casamento ou de uniões irregulares mas perduráveis, de evitar a gravidez, mantendo, assim, pelo menos, uma espécie de virgindade uterina.” [Fernando de Almeida Ribeiro, *O Casamento em Medicina Legal* (Coimbra: Livraria Académica, 1947), 27.]

53 “Nas mulheres cuja arcada púbica esteja muito à frente, com disposição masculina, a vulva fica muito oblíqua, de deante para trás e, daí, pode resultar que a realização da cópula seja apenas aparente, sem penetração peniana na vagina, por fricção entre as formações vulvares e recalçamento da fossa navicular. O cúmulo no género é o caso de Kinkead, uma prostituta de 24 anos, prisioneira para tratamento de sífilis secundária com ulcerações vulvares. Esta rapariga fora seduzida anos antes; após algum tempo de vida com o sedutor, entregou-se à prostituição, com relações sexuais com soldados e marinheiros. Verificou-se que a fossa navicular estava deprimida, mas o hímen intacto e, bem como o orifício vaginal, situado profundamente, quando da introdução de um pequeno espéculo. Era, pois, a situação anormal da vulva e não a existência do hímen a razão da não intromissão.” [Fernando de Almeida Ribeiro, *O Casamento em Medicina Legal* (Coimbra: Livraria Académica, 1947), 30-31.]

nerativo de vida⁵⁴ (“vaca que anda no monte não tem boi certo”⁵⁵), ao seu sentido sucessório e à sua disciplina institucional, encontra assim ressonância na economia do direito e do dever marital, num espectro que vai de cuidar e fecundar a bater e matar⁵⁶, permitindo pensar o universo da protecção penal da integridade sexual constitutiva da categoria mulher mais como corolário ou reflexo do que como crítica ou desafio à defesa da (fecundação na) família⁵⁷. Ou seja, a razão que fez de uma penetração ilícita um tipo específico de crime não estará distante, pelo contrário, da razão que destinou a mesma sorte ao adultério.

Esta memória jurídica do que é o sexo, para que serve, como se faz, como se pode ou deve fazer, permite confrontar a concepção finalística do *instinto sexual* – essa “fôrça inconsciente do domínio da espécie que aspira constantemente a perpetuar-se, servindo-se do indivíduo como duma máquina para conseguir esse fim, [e]ssa fôrça que nos leva à reprodução”⁵⁸ – com o sentido da condição *sexual* do sujeito na era da sua reproduzibilidade técnica. Esta memória jurídica do sexo ajudará também a perceber o estatuto do ânus ou da boca como projecção vaginal e dos dedos como projecção peniana, a centralidade do sémen na

54 Sobre a família como “comunidade generativa”, cf. António Manuel Hespanha, “Carne de uma só carne: para uma compreensão dos fundamentos histórico-antropológicos da família na época moderna”, *Análise Social*, 28, n.º 123-124 (1993): 956-58.

55 Sobre a problemática do controlo do comportamento *sexual* na sua relação com a averiguação judicial da paternidade, cf. Helena Machado, “«Vaca que anda no monte não tem boi certo»: uma análise da prática judicial de normalização do comportamento sexual e procriativo da mulher”, *Revista Crítica de Ciências Sociais*, 55 (1999): 167-84.

56 Cf. Reva B. Siegel, “‘The Rule of Love’: wife beating as prerogative and privacy”, *The Yale Law Journal* 105 (1996): 2117-207.

57 “De resto, a repressão no domínio da sexualidade pouco ou nada tem a ver directamente com a protecção das mulheres, como titulares de um interesse próprio. Recorde-se que a punição do rapto e da violação, como crimes autónomos, é tardia: só aparece, supõe-se, que por influência do cristianismo. [...] E, mesmo assim, é altamente duvidoso que se possa falar nestes casos em dignidade penal de um interesse da mulher, sendo antes de supor que a punição tivesse por fim proteger os direitos do pai ou do senhor e não a liberdade sexual da ofendida.” [José Manuel Merêa Pizarro Beza, *O princípio da igualdade e a lei penal. O crime de estupro voluntário simples e a discriminação em razão do sexo* (Coimbra: Separata do número especial do Boletim da Faculdade de Direito de Coimbra - «Estudos em Homenagem ao Prof. Doutor José Joaquim Teixeira Ribeiro, 1982), 16.]

58 Egas Moniz, *A Vida Sexual: Fisiologia e Patologia* (Lisboa: A Bela e o Monstro/Rapsódia Final, Edição fac-símile, [1930] 2019), 99.

aferição da relevância do acto sexual⁵⁹, a dialéctica entre a gravidade de uma ofensa (à categoria mulher) e a grandeza da honra (da categoria homem), o curto-circuito entre a luta pela abolição da opressão e a defesa vitoriana da decência. Em suma, ajudará a compreender uma genealogia normativa que veio a consagrar – e dar a conhecer – à categoria homem e à categoria mulher uma ideia e uma consciência de si enquanto sujeitos *sexuais*. Uma ideia e uma consciência que não fecham o sujeito, que não explicam, como nunca explicaram, quem ele é, mas com as quais ele se viu e se vê forçado ou convidado a debater-se, através das quais, sob diferentes mediações disciplinares e biopolíticas, é governado e se governa. Deste ponto de vista, responder à pergunta pela qual AMH começava o seu ensaio histórico-jurídico (“antes de tudo, o que era «mulher»?”) não será menos oportuno do que perguntar pela própria pergunta, por aquilo que a fez surgir e perdurar, por aquilo que, entre o estranhamento e a familiaridade que suscita, ela revela sobre o papel da invocação sexual na classificação normativa do sujeito.

Dirigir outra pergunta simples ao direito penal sobre o fundamento da tutela do sexo como realidade autónoma – por que razão o sexo ocupa um lugar específico na regulação do sujeito, com vida e regras próprias? – bastaria para se perceber não apenas a preponderância da sua invocação no governo das pessoas e das coisas como o seu apoio funcional numa especificação presumida do sujeito (mulher, homem):

59 A propósito da equiparação entre a introdução de objectos e partes do corpo à penetração vaginal, anal ou bucal avançada na revisão penal de 2007, Ana Oliveira detém-se nas objecções apresentadas pela Associação Sindical dos Juizes Portugueses, fazendo sobressair a ideia de que estas, “ao colocar no centro da questão a mensurabilidade da violação da integridade de um corpo e ao fazer depender a sua gravidade do tamanho do órgão introduzido – nomeadamente, quando compara um punho a um dedo mindinho – denuncia o mesmo esquematismo disciplinar que permite diferenciar o preenchimento do ilícito pela erecção do pénis. Além de mais, ao diferenciar a introdução de objectos à introdução de uma parte do corpo, fazendo recair o ilícito do primeiro para as ofensas à integridade física, é também bastante revelador do esboço de crime. Desde logo, por restringir o tipo do crime a pessoas com pénis – a centralidade da ejaculação (ou *emissio seminis*) nas narrativas jurídicas é também um forte indício – e depois, por desviar a ilicitude do acto para a motivação do acto: concupiscente e lasciva, como qualificava o legislador até 1982, vontade de satisfazer os instintos libidinosos, como amplamente repetido na jurisprudência desde então.” [Ana Oliveira, *A expressão normativa do assédio: aproximações sociojurídicas à sexualidade*. (Tese de Doutoramento em Estudos Feministas, Faculdade de Letras da Universidade de Coimbra, 2017), 155.]

levar ao limite a aspiração igualitária⁶⁰ contida na viragem individualizadora⁶¹ representaria o fim do sexo, na exacta medida em que se vê esvaziado da sua razão de ser, convertido numa ruína jurídica. Mas a sua capacidade de sobrevivência *impura* no universo da descrição e regulação do sujeito, ocultando mais do que aquilo que mostra sobre a realidade que encerra, comporta uma exigência acrescida à análise da invocação sexual na literatura normativa. Não se trata, como alerta AMH, de procurar “para cada instituto ou princípio do direito vigente um antepassado ilustre e provento”, tentando “provar que certa categoria jurídica ou certa solução jurídica são da «natureza das coisas» ou que constituem categorias necessárias do justo ou da razão jurídica”, ignorando, com isso, que “no intertexto outros conceitos modificam, eventualmente, o seu alcance, de modo que o seu valor é eminentemente relacional”⁶². Trata-se, outrossim, de sondar pelo sentido metodológico desse intertexto, desse valor relacional, daquilo que o fez nascer e lhe deu a forma que tem, que lhe dá sustento e eficácia, o que não faz dele um ponto de chegada, uma conclusão analítica, mas um ponto de partida para o estudo do agenciamento normativo do sexo, da sua resistência atribulada mas vigorosa como meio legítimo – e desejado – de enunciar o sujeito.

A articulação entre o hétero e o autogoverno da sua classificação constitui uma zona de tensão normativa que tem vindo a ser apresentada e controvertida a partir de diferentes proclamações científicas e reivindicações políticas, que, como é hábito, se fazem jogar espuriamente entre a convicção de verdade e a promessa de justiça. A questão da

60 Sobre a “necessidade de contestar o ‘império da igualdade’, não enquanto *ideal democrático*, mas enquanto *paradigma de pensamento*”, na medida em que “dificulta a nossa capacidade de enquadrar teoricamente várias questões”, cf. Teresa Pizarro Beleza, *Direito das Mulheres e da Igualdade Social. A construção jurídica das relações de género* (Coimbra: Almedina, 2010), 86-95.

61 Sobre a substituição dos “fundamentos ético-sociais da vida social” ou dos “sentimentos gerais de moralidade sexual” pelo princípio da “liberdade e autodeterminação sexual” na tutela penal do sexo, convertendo os crimes sexuais em “autênticos (e exclusivos) crimes contra as pessoas e contra um valor estritamente individual, o da liberdade de determinação sexual”, cf. Jorge Figueiredo Dias, “Comentário ao Capítulo V – Dos crimes contra a liberdade e autodeterminação sexual” in *Comentário Conimbricense do Código Penal, Parte Especial*, vol. I, 2^a edição (Coimbra: Coimbra Editora, 2012), 708-13.

62 António Manuel Hespanha, *Poder e Instituições no Antigo Regime – Guia de Estudo* (Lisboa: Cosmos, 1992), 13.

classificação sexual, do que a motiva e do princípio que lhe dá sentido, do que torna as suas categorias verificáveis, mais ou menos disponíveis e para que efeito, é, a esse nível, emblemática. O governo jurídico da chamada *identidade de género*, por exemplo, mostra bem o laço vertiginoso entre a forma e a norma, e, com ele, o atoleiro que é tentar salvar o sexo de si mesmo sem cair num simulacro governamental, sem derivar na tutela jurídica do poético, na pericialização científica do metafórico. Um dos seus instrumentos normativos de referência⁶³ contém vários ingredientes que ajudam a perceber porquê. Em primeiro lugar, o sujeito é reenquadrado numa tutela taxonómica que se baseia numa falácia autorreferencial (o *género* é o *género* e o *género* do sujeito é o *seu género*). Em segundo lugar, tal como acontecia até então, continua por justificar a necessidade e a relevância administrativa de uma política de (auto ou hétero) autenticação do sujeito enquanto tal. Desse ponto de vista, ao invés de um questionamento do sentido da sua consagração jurídica, opera-se uma substituição do regime de verdade (da validação biomédica à validação sociológica, da ciência anátomo-fisiológica à ciência do *habitus*) que faz do sexo uma fonte de *direito natural*⁶⁴. Em terceiro lugar, se o sujeito é soberano na determinação da sua categoria sexual, por que razão se regula o estatuto da invocação sexual na intervenção biomédica (cirúrgica, hormonal, etc.) no sujeito? Qual a diferença entre invocar ou não invocar legalmente uma *razão identitário-sexual* para essa finalidade biomédica, se essa mesma *razão identitário-sexual* se terá emancipado política e epistemologicamente da veridicção biomédica? Finalmente, em quarto lugar, o carácter contraditório deste modelo de governo do sujeito espelha-se, por exemplo, no uso governamental

63 Lei n.º 38/18, de 7 de Agosto, que estabelece o “direito à autodeterminação da identidade de género e expressão de género e à proteção das características sexuais de cada pessoa”.

64 Esta alusão à manifestação de uma forma específica de *direito natural* encontra eco no modo como “o direito incorporava ainda ideias muito mais profundamente enraizadas quanto ao modo de organizar e controlar as relações sociais. Isto acontecia, por exemplo, com o chamado direito natural (*ius naturale*), um direito que decorreria da própria ‘natureza das coisas’, i.e., de imagens então evidentes acerca da sociedade e da humanidade. Todas estas imagens, profundamente presentes na consciência social, eram evocadas quando os juristas se referiam às características naturais (*naturalia*) de diferentes papéis sociais (o rei, o pai, a mulher) ou instituições (como os diversos contratos ou a propriedade. Ou quando elegiam a ‘boa e reta razão’ (*bona vel recta ratio*) como critério supremo para avaliar a justiça de uma situação”. [António Manuel Hespanha, *Cultura Jurídica Europeia – Síntese de um Milénio* (Coimbra: Almedina, 2015), 33.]

que dele se tem feito e pretende fazer. A chamada *acção afirmativa* apoia-se, entre outras ferramentas, num sistema biopolítico de contingência populacional⁶⁵ que funciona a partir de uma dupla presunção: a presunção de autenticidade de cada categoria taxonómica enquanto representante de uma condição social, fazendo da *pessoa* uma variável e do sujeito um papel social; e a presunção de autenticidade de cada sujeito na respectiva inserção categorial. Como o princípio da autodeterminação que esteve na origem da política de categorização do sujeito torna a sua identificação num elemento disponível, numa opção que, apesar de limitada ao catálogo oferecido, não depende, por definição, de verificação externa, é então a própria ilusão de autenticidade administrativa dessa categoria que cai por terra, e, consigo, a narrativa que lhe desbravou terreno e o fundamento para o uso político que dela se pretende fazer enquanto forma de *dizer direito*.

Tal significa um regresso à pergunta colocada por AMH – “Antes de tudo, o que era «mulher»?” – e à ideia de que, afinal, “estabelecer normas que impe[çam] a confusão dos géneros na ordem das coisas”⁶⁶ talvez seja, em simultâneo, condição de integridade e de vulnerabilidade de um sistema normativo emergente que se revela, por vários motivos, desorientado ou armadilhado. Esta contingência metodológica vem, por um lado, reforçar o sentido de oportunidade da hipótese de que o curso da vida jurídica do sexo se traduz numa jornada traiçoeira em que, “aparentemente, todos sempre falaram do mesmo; mas, realmente, se falaram do mesmo foi quase sempre para dizer coisas de facto diferentes”⁶⁷. Por outro lado, o recurso ao “sistemismo autopoietico” pode constituir, como sublinha AMH, um “bom antídoto para todas as perspectivas que dissolvem o direito numa lógica do social”, encarando-o como “um mero instrumento, disponível e obediente, de enge-

65 Cf., por exemplo, Lei Orgânica n.º 1/2019, de 29 de Março, que comporta uma segunda alteração à lei da paridade nos órgãos do poder político, aprovada pela Lei Orgânica n.º 3/2006, de 21 de Agosto.

66 António Manuel Hespanha, “O estatuto jurídico da mulher na época da expansão”, in *O Rosto Feminino na Expansão Portuguesa – Actas I. Cadernos da Condição Feminina* 43 (Lisboa: Comissão para a Igualdade e para os Direitos das Mulheres, 1995), 54.

67 António Manuel Hespanha, *Cultura Jurídica Europeia – Síntese de um Milénio* (Coimbra: Almedina, 2015), 452.

nharia social”⁶⁸. É bem possível que este, como muitos outros propostos e cartografados com abundância na obra de AMH, seja também um exercício útil para perceber o sentido da regulação normativa das pessoas e das coisas *através* do sexo, perceber de onde vem esse sentido, onde quer chegar e como faz o seu caminho. Trata-se, em suma, de um exercício que evita a tentação de atalhar no trajecto em nome de um resultado que não será mais promissor do que autoconfiante.

68 *Ibidem*, 575.

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Do processo histórico à história do processo

Monica Duarte Dantas*

Em qualquer outra situação, escrever sobre a pessoa de António Manuel Hespanha já seria uma tarefa quase impossível. Agora, depois que ele nos deixou, torna-se ainda mais difícil, dado o sentimento de perda, quase orfandade, que se apodera de todos os que o conheceram, que partilharam de sua imensa sabedoria, generosidade e, claro, bom humor. Tê-lo como professor, tenho certeza, foi para todos os seus alunos uma experiência transformadora.

Conheci António Manuel no segundo semestre de 1999, na Universidade de Yale, ocasião em que ele lá estava como Professor Visitante e eu havia recém-chegado para passar um semestre, com bolsa de doutorado sanduíche, para desenvolver pesquisa sob a orientação do Prof. Stuart Schwartz. Foi Schwartz quem, antes mesmo de minha chegada a New Haven, me disse que lá estaria um professor português excepcional, cujo curso de pós-graduação eu deveria assistir.

Eu trabalhava, então, sob orientação da Prof^a Maria Odila Leite da Silva Dias, com a formação do arraial de Canudos, tomando por base as transformações sociais, econômicas e políticas – ao longo do século XIX – de uma específica comarca da Bahia, local em que António Conselheiro passara, pregando, quase duas décadas de sua vida e de onde sairia, a partir de 1893, a maior migração para a comunidade do

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Conselheiro. O curso de António Manuel Hespanha, bastante distante, *a priori*, de minhas preocupações, tinha como título “Legal Imagery and the Building of Society in Early Modern Europe”.

A disciplina de pós-graduação estava sendo ofertada pela Graduate School of Arts and Sciences, e não pela Faculdade de Direito. Assim, considerando as especificidades das universidades norte-americanas, não espanta que, no primeiro dia de aula, fôssemos seis doutorandos em História (sendo os outros cinco pós-graduandos de Yale), quase todos trabalhando com América Latina, dos séculos XVI a XIX. Ou seja, nenhum de nós tinha qualquer experiência em imaginário jurídico e, tampouco, em Europa Moderna.

António Manuel rapidamente percebeu as especificidades ou, por que não dizer, deficiências de seus alunos. Tinha já larguíssima experiência em lecionar e orientar alunos com graduação em História, porém, mais do que isso, sabia mais do que ninguém – dada sua própria atividade de pesquisa e as resistências que sofrera às novidades que vinha, há anos, apresentando – o quanto estávamos todos enredados em pré-concepções que tornariam quase impossível entender as problemáticas e questionamentos que iria apresentar ao longo do curso.

Seu curso foi não só um impressionante aprendizado no tangente às temáticas em questão, mas também uma lição inesquecível de docência. Desnecessário dizer que sua impressionante erudição era perceptível aula a aula, ainda que fizesse questão de lecionar de maneira que seu conhecimento não afastasse os alunos das temáticas em debate – prática, infelizmente, não tão comum no meio universitário, em que a distância entre docentes e discentes parece, eventualmente, condição para garantir aos primeiros seu lugar em uma ficcional torre de marfim –, porém, mais ainda, se utilizava de toda sua erudição e conhecimento da doutrina e das fontes para tornar a aula um exercício quase lúdico.

Antes de tudo, António Manuel visava criar uma fenda nas certezas de um grupo de jovens adultos. Para tanto, partia de uma série de exemplos e “estórias” que, contadas com seu imenso bom humor (causando, de fato, surtos de risos na audiência), imediatamente der-

rubavam quaisquer barreiras decorrentes da formação pessoal ou acadêmica dos alunos. Em melhor português (ou inglês, dada a exigência da Universidade de Yale de que as aulas fossem ministradas no idioma do país), Hespanha começava as aulas sempre contando, como diríamos nós, brasileiros, um “causo”.

A fim de desconstruir concepções extemporâneas, ou melhor dizendo anacrônicas, sobre sujeitos e objetos do direito, narrou com verve jocosa o direito de precedência da cor púrpura, a condenação de um porco em uma ação criminal, e o caso da viúva, considerada homem por uma ficção jurídica, para que pudesse administrar a herança. Assim, com muito bom humor e um conhecimento sem limites, ensinou a nós, seus alunos, a desnaturalizar lugares-comuns, a historicizar o direito, a questionar uma certa, ou certas, antropologia(s) no tangente ao saber jurídico e, obviamente, histórico.

Mas, seu interesse pelos alunos e suas questões ultrapassava e muito o horário das aulas. Estava sempre disponível a responder dúvidas, ouvindo atentamente as colocações, sobre qualquer problemática que fosse, ainda que distantes do tema do curso. Claro que, como qualquer outro professor em uma universidade norte-americana, tinha ele suas *office hours* semanais, mas, ao sair das aulas, quando estávamos todos perdidos com os debates propostos, parecia apreciar, e até se divertir, com o afluxo de perguntas que mal lhe deixavam chegar até ao café.

Àquela altura eu estava particularmente desacorçoada com a questão dos morgados, encapelados e bens vinculados, em geral, na América portuguesa e nas duas primeiras décadas do Brasil independente. A parca bibliografia sobre a temática, no Brasil, não parecia se coadunar com as fontes que eu havia levantado até então. Antônio Manuel passou horas discutindo a questão comigo, voltando não só aos pródromos de tais institutos em Portugal, mas auxiliando diretamente no debate com a historiografia. Vale ressaltar que, frente às dúvidas de seus alunos, ele não se furtava em ler livros, capítulos e artigos que nenhuma relação mais imediata tinham com seu próprio trabalho. Porém, mais do que isso, aproveitando da estada de uma semana em Portugal, em meio ao semestre letivo, com o fim de cumprir compromissos pre-

viamente agendados, Hespanha retornou com uma cópia xerográfica de seu próprio exemplar do *Tratado pratico de morgados*, de Manuel de Almeida e Sousa de Lobão.

Desnecessário dizer que eu não tinha qualquer familiaridade com tal tipo de obra. Jamais, dado o tema de meu doutorado, considerara me debruçar sobre livros de doutrina escritos por portugueses que haviam morrido antes das Cortes de Lisboa. António Manuel me passou a cópia, disse que eu lesse sem maiores preocupações e depois voltasse para conversar com ele. Pacientemente, tempos depois, ele cotejou a obra de Lobão com a historiografia brasileira sobre o tema e o que eu lhe contara acerca da documentação levantada. Ao final, o que se originara com dúvidas específicas, sobre a ocupação da região e o problema fundiário na remota freguesia, e depois município, de Itapicuru (Bahia), havia se tornado quase uma questão à parte. Em meio às discussões com António Manuel e Stuart Schwartz, os séculos XVI, XVII e XVIII (fora de meu recorte cronológico original) haviam ganhado vida própria. Foi justamente Hespanha, então editor da revista *Penélope*, que sugeriu que eu enviasse ao periódico, em forma de artigo, a parte sobre os séculos XVI a XVIII, para sair no número comemorativo (e crítico, sempre) dos 500 anos.

Ainda que voltando ao Brasil às vésperas do fatídico ano 2000 – quando todos os computadores iriam parar e o mundo sofreria um revés inenarrável –, a relação estabelecida com o Prof. Hespanha sobreviveu intacta a esse potencialmente terrível revés histórico. Desnecessário dizer, obviamente, que as previsões quase apocalípticas, como brincava ele, não se realizaram.

Gosto de pensar que António Manuel se entusiasmou – o que, como todos sabem, não era raro – com aquela doutoranda brasileira que, quem sabe, poderia vir a estudar algo relativo à questão fundiária na América portuguesa. Alguém que, frente a seus ensinamentos, e sem qualquer conhecimento prévio a respeito, se encantara com as aulas e discussões sobre História do Direito. Mal sabia ele que eu terminaria por ser um grande desaponto, a despeito de todos os seus esforços.

De 2000 em diante, Hespanha passaria a viajar com frequência ao Brasil. Numa dessas ocasiões, com certeza iludido pelo meu interesse sobre o *Tratado pratico de morgados*, me presenteou com a obra quase completa do jurista português. Guardo os volumes com carinho, mas, com certeza, com menos entusiasmo do que ele esperava. Contudo, não bastasse o presente, passou a me enviar por e-mail – como mandava a dezenas de seus ex-alunos, orientandos e colegas – cópias em PDF, e mesmo em Word, dos livros, artigos e capítulos que escrevia, bem como de obras que traduzira e de tudo o mais a que tinha acesso; para além, é claro, dos links aos bancos de dados que, havia anos, vinha organizando e coordenando em Portugal. Ainda que um apaixonado por fontes centenárias, capaz de reproduzir, *ipsis litteris*, o português de antanho (em conversas e escritos), ele vivia no presente, tirando proveito, para suas pesquisas, obras e atividades de docência, do que havia de mais moderno na “informática” e nas “novas tecnologias”, naquele fim do século passado e já no atual século XXI.

Contudo, mesmo sem tanto entusiasmo por Lobão, a convivência com António Manuel se mostraria inelutável, arraigada, marcando minha trajetória futura. Se a questão da “propriedade” e dos bens vinculados ocupou minhas preocupações por meses, eu não passaria incólume pela disciplina cursada em Yale, pelas conversas travadas, pelas leituras por ele sugeridas, pelas obras enviadas por e-mail, além, claro, das intermináveis listas de bibliografia (publicadas em todos os cantos do mundo, nos mais diversos idiomas).

Findo o doutorado, e dado meu ingresso como professora na Universidade de São Paulo, passei a me dedicar não aos morgados e capelas, mas sim a estudar vários movimentos populares que haviam espocado no Império do Brasil. Ocorre que, para melhor entender a repressão a tais movimentos e, mais ainda, suas distinções, com destaque para a diferença que faziam os coevos entre rebeliões e sedições, me interessei pelo Código Criminal do Império do Brasil, de 1830. Esse interesse que, *a priori*, era secundário em relação ao tema, acabou ganhando vida própria.

A leitura do Código, juntamente com a bibliografia existente sobre o tema no Brasil, serviu para levantar minhas suspeitas de que

algo havia de estranho em tais análises, especialmente no tangente às “origens” ou “influências” de tal diploma. Mas eu não tinha, de fato, formação no assunto; isto é, minhas meras suspeitas implicavam, a fim de que me levassem a algum lugar, ou lugar algum, todo um arcabouço de leituras, historiográficas e de fontes. E nesse percurso, a figura de António Manuel foi mais uma vez central.

Novas conversas, novas questões, outras tantas de suas obras enviadas por e-mail e, claro, o conselho de que nada poderia ser feito sem uma pesquisa detida dos textos de época, no caso, todos os códigos, projetos e demais obras afins escritas antes de 1830, fosse em Portugal, França, Toscana, Áustria, Baviera, Espanha e mesmo Prússia. Dada sua própria proficiência em várias línguas, Hespanha achava natural que nós, seus alunos ou ex-alunos, também trabalhássemos com fontes de diversas proveniências (e, portanto, distintos idiomas). Que fique, claro, contudo, que tal sugestão não deixava o recipiente da mensagem a sós, mergulhado em textos com os quais não tinha afinidade. Ele estava sempre pronto a resolver dúvidas, ou escutar lamúrias, em pessoa, por Skype, telefone ou mesmo por e-mail. Porém, mais do que tudo, parecia se divertir com suspeitas alheias, independentemente do tema.

Quando cheguei à conclusão de que havia algo de norte-americano no diploma brasileiro, uma conclusão aparentemente absurda dada a diferença entre a *common law* e o direito civil e decorrente do fato de que a maioria dos *Statutes* das antigas colônias inglesas na América só foram reimpressos ao longo do século XIX, Hespanha não pensou duas vezes antes de lançar mão de sua longa lista de conhecidos, colegas e amigos. Ele repassou, então, a um constitucionalista alemão todas as minhas questões e os indícios que encontrara até então. Passados alguns dias, veio a resposta: diga a ela que atente para a Luisiana. Demoraria ainda um pouco até que eu chegasse às obras de Edward Livingston, pois seus projetos para um *System of Penal Law* (contendo, ao todo, cinco códigos) nunca fora aprovado pelo legislativo daquele estado.

A história de Livingston e o Brasil não cabe neste artigo, contudo, fato é que o extenso percurso de leituras para comprovar, ou não, minhas suspeitas iniciais, com António Manuel sempre em meu auxí-

lio, me levaram a uma espécie de obsessão com os primeiros códigos aprovados no Brasil independente, o mencionado Código Criminal e o Código de Processo Criminal de 1ª Instância, de 1832. Se, no caso do diploma de direito material, ainda havia alguns estudos, no tangente ao texto que regulamenta a organização judiciária e a ordem do processo no Brasil, o silêncio imperava na literatura nacional. E o silêncio passou a se tornar um incômodo profundo.

Antônio Manuel achava, então, que eu continuaria pelas sendas do direito material; já havia desistido que eu voltasse aos bens vinculados. Ainda assim, claro, continuou a conversar, a mandar indicações de leitura, acreditando, contudo, que meu interesse por processo penal rapidamente se provaria fogo de palha.

Não o surpreendeu que, tempos depois, eu conversasse sobre a possibilidade de fazer um pós-doutorado em Portugal, com ele como supervisor, claro. Mas tomou um susto, isso sim, quando lhe disse que a temática seria justamente a questão da regulamentação do processo criminal no pós-independência do Brasil. Não sei se cometo uma indiscrição, mas todos que o conheceram sabem bem que processo não era exatamente uma de suas paixões. Quando cheguei finalmente a Portugal, ele saiu com um de seus famosos chistes. Em presença de terceiros não teve dúvida de assim resumir meu percurso acadêmico: “A menina ouviu tanto falar em processo histórico que se confundiu toda e foi estudar história do processo.”

Ainda assim, foi o Antônio Manuel que todos conhecem. Sempre disponível, interessado na pesquisa (ainda que um pouco a contragosto...), ajudando no levantamento de fontes, franqueando suas bibliotecas em Lisboa e na Chamusca (em que se encontravam obras inexistentes em acervos institucionais). Dessa experiência sairia, anos depois, minha tese de livre-docência, que, mais uma vez, não teria sido possível sem sua ajuda, mesmo que à distância.

Porém, ele foi muito mais do que um professor ou um orientador, como com todos os alunos e colegas que lhe eram próximos se converteu também em um grande amigo.

Mas essa amizade ia além de sua própria pessoa. António Manuel tinha uma capacidade singular de construir *redes de afeto*, transnacionais e supradisciplinares. Bastava que ele telefonasse para algum amigo ou amiga em outra cidade ou país, avisando que você estaria por lá para fazer pesquisa ou simplesmente passear, que tal pessoa se convertia imediatamente em um conhecido seu de anos. O interesse genuíno dele por todos, sua generosidade, bom humor e, obviamente, inteligência ímpar eram capazes de construir laços fortes entre pessoas que nunca haviam se visto. Amigos que sentem hoje juntos a imensa perda que sobre todos se abateu em julho de 2019.

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António Manuel Hespanha e a análise do discurso jurídico

Giovanni Damele*

Entre os temas que despertaram a atenção e a acuidade analítica de António Manuel Hespanha, a teoria da argumentação jurídica ocupou, sem dúvida, um lugar de destaque. Não apenas porque a análise do discurso jurídico foi sempre, sob todas as suas formas, um dos *leitmotiv* analíticos da obra de Hespanha, mas também porque ele conseguiu interpretar o seu interesse pela análise do discurso no contexto de um compromisso dirigido à construção de uma sociedade aberta e democrática. A atenção dada aos aspetos argumentativos e retóricos das práticas jurídicas e o reconhecimento da centralidade da “questão linguística” estiveram sempre estritamente ligados, em Hespanha, à consciência de que um direito que se quer democrático deve, em primeiro lugar, ser compreensível. Esteja o foco na técnica de redação das leis – a chamada “legística” – ou nas justificações – isto é, nas motivações – das decisões judiciais, é imprescindível que tanto as escolhas lexicais como a estrutura argumentativa contribuam para uma maior clareza para o “leigo” que é, em primeiro lugar, o cidadão. Ainda mais quando o cidadão é considerado como destinatário, direto ou indireto, do processo de aplicação de uma disposição jurídica. Este compromisso tem-se, assim, traduzido não apenas num trabalho de análise, mas também em coerentes escolhas em âmbito académico, como o impulso dado por Hespanha aos cursos de análise do discurso jurídico na Faculdade de

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Direito da Universidade Nova de Lisboa, cursos que ele lecionou e organizou na última fase da sua carreira de docente, convidando colegas de outras faculdades (como o autor deste texto ou o professor Abel Barros Baptista, da Faculdade de Ciências Sociais e Humanas). Mas sobretudo envolvendo nos seus cursos os juristas da “escola de Alicante” de teoria da argumentação (Manuel Atienza, Ángeles Rodenas, Isabel Lifante, Josep Aguiló Regla, Juan Ruiz Manero), o que permitiu que os alunos da licenciatura em Direito tivessem a oportunidade de aprender com alguns de entre os maiores especialistas contemporâneos em argumentação jurídica. Esta escolha didática era, aliás, perfeitamente coerente com a centralidade que Hespanha sempre atribuiu, na formação dos juristas, a uma preparação cultural multidisciplinar e mais abrangente. Um aspeto hoje em dia cada vez mais negligenciado por uma tendência geral para dar prioridade a uma preparação técnico-profissional em detrimento da educação cívica e cultural.

O estudo da argumentação e da retórica sempre desempenhou, na visão científica de Hespanha, um papel crucial. O Direito é, em primeiro lugar, uma disciplina interpretativa. A aplicação do direito traduz-se sempre numa atividade de atribuição de determinados significados a determinadas disposições normativas. E a justificação desta prática interpretativa – prática que coincide, afinal, com o processo de aplicação¹ – deve ser percebida pelo próprio órgão de aplicação – pelos próprios “aplicadores” – em primeiro lugar como uma assunção de responsabilidade. Esta assunção de responsabilidade vai, fundamentalmente, em duas direções. A primeira é a de uma assunção de responsabilidade em relação às escolhas interpretativas individuais. Excluir qualquer forma de “automatismo” na aplicação do direito significa, em primeiro lugar, reconhecer o papel individual do jurista não só como *iurisperitus* – isto é, como especialista do Direito – mas sobretudo como *intérprete* em sentido próprio. É um lugar-comum da ciência jurídica contemporânea considerar que a imagem do juiz como “boca da lei” não será senão um disfarce – construído em torno de uma suposta e impossível neutralida-

¹ António Manuel Hespanha, *Ideias sobre a interpretação*, em *Liber amicorum de José Inácio de Sousa Brito* (Coimbra: Coimbra Editora, 2009).

de – de uma posição fundamentalmente ideológica. Contudo, nem sempre este lugar-comum se traduz numa coerente compreensão das práticas de aplicação do direito. O estudo da retórica e da argumentação pode desempenhar, deste ponto de vista, uma saudável função desmistificadora, levando à luz, através da análise teórica, o inevitável subjetivismo das escolhas interpretativas. Em sede de aplicação jurídica, a atividade de atribuição de significado a uma disposição normativa não é um ato cognitivo mas sim um ato de vontade – uma escolha, precisamente. Sendo assim, a argumentação desempenha o papel fundamental de “verbalização” das opções interpretativas, da sua justificação e, finalmente, permite que elas sejam apresentadas ao juízo da comunidade jurídica e – sobretudo – dos destinatários da aplicação e dos cidadãos em geral. O que nos leva, aliás, à segunda direção: a da assunção de responsabilidade em relação à coerência e à clareza da argumentação. As obscuridades, as redundâncias inúteis, o uso supérfluo não de uma linguagem técnica em sentido próprio mas sim de um linguajar esotérico têm, frequentemente, as características – quando não de uma mera preguiça intelectual – de uma defesa corporativa de uma posição de privilégio do intérprete, que muito mal se adapta às exigências da vida democrática, com o respeito pelos direitos do cidadão.

O interesse pela argumentação jurídica em Hespanha cresceu ao longo destas linhas de desenvolvimento: a de desmistificação e a de um uso “democrático” das técnicas argumentativas. Basta citar, deste ponto de vista, os seus programas de investigação e de ensino dedicados à análise das motivações dos tribunais (em particular dos tribunais supremos e constitucionais), elaborados tanto em Portugal como no Brasil.

Em suma: não existe apenas *um* discurso jurídico; advogados, juízes, professores de Direito, todos “dizem” o Direito, mas de forma diferente; e, contudo, a atividade do “*ius dicere*” não pode e não deve ser reduzida, em nenhum caso, a uma questão superficial, a um mero problema de competências linguísticas ou – no máximo – de domínio de uma linguagem técnica. Mais ainda: o próprio estudo da retórica e da argumentação jurídica não se reduz ao ensino de uma técnica. A própria história deste estudo – da forma como tem sido interpretado ao longo

dos séculos, em contextos jurídico-políticos diferentes – pode ter a capacidade de iluminar pressupostos ideológicos, autorrepresentações profissionais, interpretações da sociedade e da função do direito. É a partir deste ponto de vista transversal e multidisciplinar, a partir do olhar do historiador do direito, que o contributo de Hespanha tem sido particularmente relevante no estudo da argumentação jurídica em Portugal.

Na última edição – ampliada e revista – do seu livro fundamental *Cultura Jurídica Europeia: síntese de um milénio*, António Manuel Hespanha voltava, com adendas, acréscimos, aprofundamentos e esclarecimentos significativos, ao tema do “discurso jurídico”, considerado a partir de uma perspetiva histórica que se queria, ao mesmo tempo, uma história das ideias e uma história das práticas. Significativo é, deste ponto de vista, o capítulo dedicado ao “Modelo discursivo do direito comum europeu”, em que ele concentra a sua atenção, entre outros aspetos, na “utilização da dialética e, especialmente, da tópica” no direito comum europeu entre a Baixa Idade Média e a Idade Moderna. O ponto de vista privilegiado do especialista em história do direito moderno, de um “sistema” jurídico ainda não codificado e caracterizado por um fundamental pluralismo não só das fontes mas também das práticas, permitiu a Hespanha reconsiderar um tema clássico da teoria da argumentação jurídica contemporânea – o da relação entre dialética, retórica e lógica – com uma singular profundidade histórica. Neste sentido, o seu contributo ocupa um lugar de destaque no âmbito da teoria da argumentação jurídica, na qual raramente se conjuga uma abordagem analítica com um ponto de vista historiográfico. Será suficiente, em jeito de exemplo, citar a atenção que dava ao tema da “tópica”. O estudo dos “argumentos” e das “premissas”, que tem dado origem ao desenvolvimento da “ars inveniendi” – isto é, da técnica de “encontrar” *loci* (lugares-comuns) a partir dos quais desenvolver o discurso –, tem-se traduzido, na cultura jurídica europeia moderna, numa panóplia de repertórios, antologias, “tópicas jurídicas”, elencos e categorias infundáveis de *brocarda*. Esta tradição – frequentemente negligenciada pelos juristas como sendo um vestígio de uma conceção desatualizada das práticas jurídicas – transporta consigo um conjunto de opções ideológi-

cas e de hierarquias de valores fundamentais para contextualizar a partir do prisma histórico-cultural determinadas práticas jurídicas, para reconstruir – agora com o olhar do jurista contemporâneo – os cânones interpretativos e argumentativos considerados como “tipicamente” jurídicos, para delinear uma história da autorrepresentação do jurista e do seu papel na sociedade, um tema, este, de grande interesse para Hespanha. O jurista, como o clérigo (com o qual partilha muitos aspetos tanto de índole, poder-se-ia dizer, profissional, quanto na perspetiva do *status*), representa muito bem um exemplo de “intelectual tradicional” que se autorrepresenta como membro de uma “classe intelectual” separada e transversal em relação às classes sociais. O tema – gramsciano – da reconstrução desta autorrepresentação pode, de facto, ser declinado também a partir do estudo destes repertórios tradicionais, inclusivamente das suas características aparentemente mais superficiais (da forma como um advogado ou um jurista se devem apresentar ao público até à forma como devem agir ou à dieta que devem seguir...). Todos estes aspetos podem ser qualificados como “folclóricos”, mas desempenham um papel fundamental na reconstrução histórica do *status* e das funções de uma corporação (e, aliás, não foi o próprio Gramsci a convidar a que não se subestimasse o “folclore”?).

Na *ars inveniendi* característica da tópica jurídica, Hespanha encontrava uma “precisa técnica de investigação” baseada na discussão e na investigação casuística, que servia para “encontrar” as soluções jurídicas “em cada momento”². A estrutura discursiva do direito moderno mostra, de forma evidente, a centralidade da interpretação na aplicação do direito, até a coincidência entre saber jurídico e interpretação, considerada neste caso não como “simples interpretação dos textos” ou como individuação da “intenção do autor histórico do texto”, mas como individuação do sentido “que melhor correspondesse ao contexto em que o texto era aplicado”. Assim, “a interpretação tendia à descoberta, nas palavras da lei, de valores jurídicos que pudessem ser consensuais no

² António Manuel Hespanha, *Cultura jurídica europeia: síntese de um milénio* (Coimbra: Almedina, 2012), 212.

contexto de aplicação do texto”³. Cabe realçar como Hespanha acrescentava à palavra descoberta a palavra “colocação”, bem sabendo – como já referi – que a interpretação num contexto de aplicação do direito não pode ser entendida como um mero ato cognitivo mas, no máximo, como um ato cognitivo (de “cognição” dos significados possíveis) preliminar ao ato de vontade (de escolha de um entre os significados possíveis).

Mas o que – sobretudo – Hespanha encontrava na tradição da tópica da Baixa Idade Média e da Idade Moderna era a clara distinção entre “saberes teóricos” e “saberes práticos” do ponto de vista de uma teoria do discurso que, escolasticamente, distinguia entre *demonstratio e oratio*, entre a demonstração e a retórica como arte (no significado de “técnica”) que visa persuadir o auditório a aceitar uma certa proposição, cujos pontos de partida (premissas) são constituídos por afirmações prováveis, não necessárias, e portanto suscetíveis de discussão. No âmbito dos “saberes práticos”, aqueles “com que orientamos as nossas ações”, os resultados só podem ser “provavelmente corretos, pois nunca se consegue excluir dos atos da vida prática toda a incerteza, que decorre da variedade das situações e dos agentes”.⁴

A influência destas “técnicas” (da *ars inveniendi*, da *tópica*) sobre – novamente com as palavras de Hespanha – “o modo de ser do pensamento jurídico, do ensino jurídico e da literatura jurídica” nos séculos seguintes será enorme. O direito moderno irá sistematizar, num conjunto de repertórios e de “florilégios jurídicos” (*Florilegium iuris* ou *Florilegium Sententiarum Iuris* são títulos recorrentes nesta literatura baseada em compilações, resumos, compêndios e cristalização de *regulae* e de *brocarda*), o pensamento aristotélico medieval, conjugado com a tradição milenar da retórica e da hermenêutica jurídica.

A reconsideração desta tradição retórico-argumentativa – que o racionalismo e a sistematização axiomática da “idade das codificações” queria apagar, substituindo-a por um ideal *calculemos* de pendor leibniziano – tem sido um tema recorrente da cultura jurídica pós-moderna,

³ *Ibidem*, 213-15.

⁴ *Ibidem*, 218-19.

perante as analogias cada vez mais evidentes entre o policentrismo jurídico e a jurisdicionalização ou judicialização do direito contemporâneo e as características do direito da Idade Moderna.⁵ Assim, e novamente, Hespanha, partindo de uma análise historiograficamente marcada, voltava a falar ao mundo do direito contemporâneo.

Em primeiro lugar, ele encontrava a tradição da recuperação da retórica⁶ e da tópica⁷ no contexto da teoria do direito contemporâneo. Afinal, a reação de Perelman, já nos anos cinquenta do século passado, ao logicismo jurídico de autores como Klug ou Kalinowski ia na mesma direção da antiga distinção entre *oratio* e *demonstratio*, embora com novas palavras e novas bases teóricas. É interessante ver como, ainda em *Cultura Jurídica Europeia*, Hespanha discutia essas teorias incluindo-as no capítulo dedicado aos “consensualismos” e colocando-as ao lado das teorias de autores como Rawls ou os clássicos da teoria da ação comunicativa e da ética do discurso (Habermas, em primeiro lugar, Alexy, num âmbito mais estritamente jurídico). Tanto Perelman como Habermas partilham, como ponto de partida, um programa teórico baseado no desenvolvimento de uma alternativa àquele que Perelman definia como o “relativismo radical” do não cognitivismo e do emotivismo ético de cunho analítico e neopositivista. Enquanto Perelman começa por encontrar a solução numa “razoabilidade” alternativa tanto ao racionalismo forte como ao irracionalismo, uma razoabilidade em última análise baseada na persuasão de um ideal “auditório universal”, encarnação de uma ideia de razão contextualizada e inserida na realidade histórico-cultural, Habermas e os seus epígonos desenvolvem a intuição perelmaniana na direção de uma solução procedimental que permita definir os limites de “situações discursivas ideais” que se apresentem como um espaço de discussão das premissas ético-políticas. Essas “situações ideais” desempenham assim um critério normativo, quer como objetivos de um processo de racionalização do discurso prático,

5 António Manuel Hespanha, *O caleidoscópio do direito. O direito e a justiça nos dias e no mundo de hoje* (Coimbra: Almedina, 2009).

6 Chaim Perelman, *Logique juridique. Nouvelle rhétorique* (Paris: Dalloz, 1976).

7 Theodor Viehweg, *Topik und Jurisprudenz* (Munique: C. H. Beck'sche Verlagsbuchhandlung, 1953).

quer como critérios à luz dos quais é possível avaliar os discursos reais.⁸ Por isso, é correto dizer, com as palavras de Hespanha, que estas soluções “tentam encontrar mecanismos de racionalização tendencial dos consensos”. Mas é correto também sublinhar, com ele, o risco que os “consensualismos” fazem correr: o de “fabricar formas de legitimar teoricamente consensos espúrios, mal construídos, pouco inclusivos, tingidos de violência, manipuladores”.⁹

A tópica e a teoria da argumentação partilham a premissa teórica fundamental das abordagens consensualistas. Neste caso, a legitimação de qualquer solução encontrada num âmbito prático – seja ela uma solução política ou uma decisão jurídica – não depende do caráter autoevidente das premissas, mas no consenso prévio e na persuasão final do auditório. No âmbito jurídico, estas abordagens reconhecem o papel central do juiz (ou do jurista) no ordenamento jurídico, na “atividade de achamento ou de declaração do direito”. Aqui Hespanha reencontra, no direito contemporâneo, a tradição dos tópicos: o juiz, “para decidir um caso concreto, lança mão de argumentos [...] disponíveis (princípios doutrinários, precedentes, disposições legislativas, invocação de valores) no sentido de ganhar o assentimento [...] para a solução” das partes, das instâncias superiores da opinião pública. Neste contexto, “a lei é apenas um dos argumentos, cuja eficácia argumentativa dependerá tanto da sua consonância com o sentido concreto de justiça vigente no auditório como do prestígio de que a forma ‘lei’ (e, em geral, a entidade ‘Estado’) aí goze”. A tópica (e a retórica) constituem-se, portanto, “numa crítica ao legalismo [e] ao normativismo, ou seja, à ideia de que a norma geral e abstrata está no princípio de um processo de subsunção que conduziria ao achamento do direito”.¹⁰ Por um lado, continuando a tradição do raciocínio casuístico, a tópica “defende que é o caso, com o seu caráter concreto e situado, que sugere os argumentos ou pontos de vista relevantes, bem como é ele que os permite hierarquizar”. Por outro lado,

8 Giovanni Damele, *Retorica e persuasione nelle teorie dell'argomentazione giuridica* (Genova: ECIG, 2008).

9 Hespanha, *Cultura jurídica europeia...*, 542.

10 *Ibidem*, 543.

ao colocar exigências metodológicas e deontológicas (sempre relativas aos contextos e nunca absolutas), ela tem a ambição de excluir que, no processo de debate, “qualquer consenso possa ser válido”.¹¹ Contudo, Hespanha conclui, significativamente, o capítulo realçando que é possível que haja “quem duvide dos consensos e prefira assumir claramente a existência de valores plurais irredutíveis na sociedade”. Não me parece indevido entrever, nesta glosa, o seu ponto de vista. É um ponto de vista *lato sensu* realista, muito próximo de uma outra tradição procedimental alternativa à das éticas do discurso (e da sua aplicação no âmbito jurídico), que coloca a tónica não sobre a construção de um espaço discursivo comum ou a delimitação de situações discursivas ideais, mas sim na construção de um espaço institucionalizado e definido normativamente. É a este espaço institucional que cabe reconhecer como condição inevitável a existência de valores plurais irredutíveis na sociedade e permitir a transformação do seu potencial de desagregação social numa dinâmica de confronto e produção de compromissos. Talvez Hespanha encontre, neste ponto, o Kelsen da teoria da democracia, que vê o parlamento como “câmara de compensação” dos conflitos sociais e os partidos como agentes de compromisso. Este espaço institucionalizado inclui – obviamente – tanto a dimensão política como a dimensão jurídica e define as regras de um jogo que – mais uma vez – é jogado discursivamente. Assim, também neste caso, a argumentação (política e jurídica) continua a desenvolver uma função cujo carácter crucial tem sido reconhecido por António Manuel Hespanha a todos os níveis.

11 *Ibidem*, 544.

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Africanist Historiography from the Atlantic to the Indian Ocean: An Interview with Edward Alpers

Felipe Barradas Correia Castro Bastos*

Foreword

Edward Alpers is an American historian who has dedicated himself to topics in African History since the 1960s. After graduating from Harvard University and pursuing his Ph.D. at the University of London's School of Oriental and African Studies, he then moved onto studying a broader range of phenomena related to the connections – whether cultural, commercial or political – established between societies located along the Indian Ocean's shores. His scholarly diligence, however, never strayed far from political activism. For instance, over the course of his affiliation to the University College in Dar es Salaam as a lecturer from 1966 to 1968, he witnessed the momentous consequences of President Julius Nyerere's *Ujamaa* policies while fruitfully engaging with FRELIMO, one of the southern African liberation movements then exiled in Tanzania. Back in the United States, Professor Alpers combined his professorial duties at the University of California, Los Angeles (UCLA) with participation in committees and boards interested in supporting and safeguarding the rights of underrepresented students while advocating for African liberation movements. Currently an emeritus Research Professor at UCLA, Professor Alpers has an extensive list of

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publications which firmly place him as an internationally-renowned reference for those interested in African and Indian Ocean studies.

On the occasion of his attendance as a keynoter at an international seminar held at University of Campinas (Unicamp) in Brazil,¹ Professor Alpers agreed to be interviewed in the University's *Casa do Professor Visitante* on March 15 2019. Our conversation flowed freely out of a series of questions aimed at exploring the implications of his research to contemporary historiography into richly documenting his academic trajectory, which makes a compelling – and indeed inspiring – case for the importance of combining historical scholarship with political awareness and activism. Thus, in an era increasingly marked by burgeoning political extremism, we believe that the interview timely draws attention to the importance of historical research in dispelling bigotry and uplifting the unrelenting force of human agency in fighting against oppressive circumstances.

The interview has been divided into five sections. In the first section, we talk about his early academic career and the development of his interests in African History, exploring along the way the main outlines of Africanist historiography during the 1960s. The second section is composed by his experiences in the agitated political life of late 1960s East Africa, narrating his relationships with scholars like Walter Rodney and liberation movements such as FRELIMO. The third section delves into his researches on the Indian Ocean World (IOW) and his activism in the United States, followed in the fourth section by a brief description of his current research interests and developments. The final section turns to thoughts on comparative perspectives regarding African societies and its relations to the Americas and the Indian Ocean World. This concluding section probes deeper into a number of topics brought up along the interview, namely the multiple historical meanings of freedom, enslavement and race, as well as

¹ The Seminar was titled “Seminário Internacional África, Margens e Oceanos: Perspectivas de História Social”, promoted by the University of Campinas and the University of Pennsylvania, and hosted by the Institute of Philosophy and Social Sciences (IFCH-Unicamp) from March 13th to 15th, 2019.

the challenges of unraveling such meanings from a global perspective through historical research.

1. Academic beginnings: doing Africanist historiography in the 1960s

Felipe Bastos: *First of all, thank you for coming and accepting this interview proposal. I think we could start pretty straightforwardly by asking about your academic formation and career. So, why have you decided to pursue your college education in History?*

Edward Alpers: Well, a lot of History majors became so by default. I come from an academic family, both my parents were doctors; they both were academic doctors as well as practicing physicians. I had two older brothers, one of whom was in English literature, now deceased; the other is in academic medicine. They were six and ten years ahead of me in school. I was the family rebel; they were pre-rock-and-roll, while I am definitely rock-and-roll era, and so I basically just messed around in high school and really only got into Harvard, which is where I did my undergraduate degree, by the skin of my teeth and the fact that my father and both my brothers excelled at Harvard. So they accepted me as a... it wasn't really a legacy, but somebody who had potential, and I had good SAT scores. I started out pre-med because I had worked in my father's lab, but I didn't know what I wanted to do. And I did badly; I partied as much in my first year as I did in high school. And then, I sort of thought "maybe Anthropology, maybe History...", I think History always seemed to be, you know, the path of least resistance for Liberal Arts majors.

My junior year, so this is the Fall of 1961, I come back to Harvard, I'm looking at classes, and I see that there is a class in African history being given for the first time. At Harvard in those days, maybe still, you had to do a junior tutorial and then a senior tutorial which was your undergraduate thesis, and I never thought not to. So I went into the Department Office and I said "Do you think I could do my seminar with this guy who is teaching African History?" They said: "Well, go

ask him". So I went and it was Robert I. Rotberg, and Bob said to me "Sure!" And that is how I ended up concentrating in African History, and that changed me. From that point on, I took every class that Harvard offered on Africa. Rotberg gave a year-long lecture class, I did my junior tutorial all year with him, so that's two out of four classes; I also did a class in African politics, another in African economics, and one class of African Anthropology with Elizabeth Colson, who was visiting from Brandeis – the best class I ever had, and something else, probably U.S. History or Europe, something required for the major. And I went from being... I think, my first year I was bottom-corner of my class, as I had gotten a D in Biology, to getting all "As". And then I did my senior thesis the next year and I graduated with high honors, high honors in the major, high honors in my degree, and I published my first article out of my undergraduate thesis. [...]

Anyway, I always say that three things saved me: one was the woman that I am still married to after 55 years; we met the first day in class, so when I was being a very bad boy in the first year in college she basically kept me from, you know, doing what I shouldn't do. The second thing was rock-and-roll, which really is what got me interested in African American and African music. And the third thing was African History. I sort found out what you always tell children to do: "find something you are passionate about". I was passionate about it. And the other thing that made sense to me was that both my wife and I remember hearing a specific R&B song in the summer of 1954, which was also the year of "Brown vs. Board of Education". So we were very much part of this, you know, find, discovering black American culture and the Civil Rights movement. So in my freshman year, the only good thing I think I did other than meet my future wife, was to join a civil rights picket of Woolworth's in Boston, because although Woolworth's lunch counters were integrated in the North, in the South they were still segregated.

F.B.: *Yes, I was about to ask you not only about how your interests came to focus on African History, but also about the political circumstances of the sixties in the United States.*

E.A.: For me, it was a combination of culture, politics and being an activist. I mean, it's interesting how you put these things together. I actually shared a room with two classmates from high school in my first year, and then we went our separate ways; two of the guys in the next room were African American, one of them was actually a great quarter-miler at Boston Latin and he and I became friends. He was really into the jazz and black music... So, he would take me down into Roxbury, which was then a black neighborhood of Boston – Boston was a very racist city, still is – but that was a very different cultural experience for me. One of his roommates was Frank Bardacke, who was from an old communist family that had moved to San Diego. He only lasted one year at Harvard, where he made a great impression on those of us who knew him, and went on to UC Berkeley, where he became an important figure in radical student politics. He became a labor activist and community educator in Watsonville, in the Salinas Valley, California. Meeting these people had an impact on me, because I was basically from a liberal Jewish family, but I hadn't done anything in high school except mess around, so that was a really transforming experience.

F.B.: *It was a sort of a finding of purpose?*

E.A.: Right. And so, although I did not then understand why I got interested in African History, I knew that it was what I wanted to do. In fact, as I used to advise my undergraduates regularly, when they came to talk about their interests and, often, their confusion about what their families expected of them and what interested them, “You have to do what you love. If it feels good, even if you don't understand it” – because I didn't – “if it feels right, do it”. So that was what I was doing basically. I took African History because I just loved studying it, and did really well in it. And the other thing is that I discovered that I loved doing research. [...] My senior thesis was about a weird American named Charles Chaillé Long from Prince George's County in Maryland, which was a border state, and although he was a Southern sympathizer and his brother had joined the Southern army, his family, I think, made him join the Union Army. Anyway, when he was demobilized after the Civil War was over, he ended up in the Ottoman Empire as one of these foreign soldiers

and ended up going into southern Sudan. He was with General Charles “Chinese” Gordon, and wrote about it. According to what Chaillé-Long wrote, Gordon was a secret drinker and that allegation was featured in Lytton Strachey’s notorious book, *Eminent Victorians*.² Chaillé-Long traveled from Gondokoro, in South Sudan, to Buganda. He was the second European after Grant & Speke to enter that kingdom. So, he wrote a report about that trip to the Ottoman government in Egypt in French – I had taken French college, that is actually where I met my wife – and then he wrote a very peculiar book, which I have a first edition of, called *Central Africa: naked truths of naked people*. This was Dinka and Nuer country, among people who didn’t wear any clothing. His last book was called *My life on Four Continents*. He ended up being the US postal representative to the Kingdom of Korea, you know, this is very strange stuff, but what was most fascinating to me was that he kept on re-telling his Central African adventures in each version. What he writes in 1912 is quite different from what he wrote in the 1870s – and of course he keeps on inflating his own role. So Chaillé-Long was the subject of my Harvard thesis and Robert Rotberg was my advisor. One of the two outside readers was William Langer, who was one of the founders of what became the Central Intelligence Agency during the Second World War. He was also one of the founders of Psychological History and so it was funny, my advisor kept on saying: “Don’t do too much armchair psychoanalysis”, which I knew nothing about, and then Langer said “You should say more about this guy!” So anyway, I took two central chapters out of that and wrote it up the summer that we moved to London, where I had been accepted at SOAS [...]. I also applied to both UCLA and Wisconsin, but Rotberg said: “Apply to SOAS”. He actually did his DPhil in Imperial History at Oxford, and he pushed me to go to SOAS. That summer I wrote up the revised version, and before I knew it, in 1965, it was published in *The Uganda Journal*.

In London I thought that I was going to work with Roland Oliver because I had used his *The Missionary Factor in East Africa* in

² Lytton Strachey, *Eminent Victorians* (London: Chatto & Windus, 1918).

my thesis.³ I had even started a summer course in German – that’s all I’ve ever done with German. But Roland had me go around and talk to each of the African History faculty, no matter what their field, so I talked to Richard Gray and I really liked him. Richard had been Roland’s student at Cambridge, I mean, we are very proximal generations, and I said “I think I would like to work with Richard Gray”. Richard Gray had written about Southern Sudan, so I knew his work. He did a wonderful first book on the slave trade in southern Sudan in the nineteenth century and then he wrote a book that was part of a trilogy on race relations in the Central African (Rhodesian) Federation. Anyway, I went back to see Richard and he said: “how do you feel about learning Portuguese?”, and I said “Why not?” I had French, I knew I didn’t want to work on Uganda, or I thought I didn’t. And so this shows how the historiography has changed: he said “Well, have a look at this”, and he gave me his copy of the *International African Institute Ethnographic Survey of East-Central Africa* that Mary Tew did. Mary Tew, after she married, became Mary Douglas, the very great anthropologist and author of books like *Purity and Danger*.⁴ And that is what I used to make my way into northern Mozambican commercial history. I read that, and then I started reading the major Portuguese historians of Mozambique. I studied Portuguese for one term at the Luso-Brazilian Council in London, then started reading Alexandre Lobato’s many works; Teixeira Botelho, *História Militar e Política de Moçambique*, Banha de Andrade, *Relações do Moçambique Setecentista*, Carvalho Dias, these last two are primary documents! And they were just starting to publish the multi-volume *Documentação sobre os Portugueses na África Central*.

So the next thing I know, I’m giving a seminar at the end of my first year to the weekly African History seminar at the Institute of Commonwealth Studies on African trade in northern Mozambique. And in the process of preparing that paper, Richard Gray, who gave me many pieces of advice, but this was the very best he ever gave me:

³ Roland Oliver, *The Missionary Factor in East Africa* (London: Longmans, Green & Co., 1952).

⁴ Mary Douglas, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo* (London: Routledge, 1966).

[...] I went to him to ask him about something to do with what I was writing about and he said: “Well Ned, you know more about this than I do, and this is how I would approach it”. And I walked out thinking: “he is right! I do”, because [back then] no one writing about the history of Mozambique was really interested in African history. That first paper was the beginning of my Ph.D. thesis on the role of the Yao in African trade in northern Mozambique.⁵ And it was a typical London topic. At London in the sixties there were basically two broad categories of thesis: “the role of trade in” and “the missionary factor in”, with a few notable exceptions. Because that, of course, is what the Europeans in Africa wrote about. So if you could use the European archives, that is what determined your topic. I never set foot in Africa before I finished my dissertation.

F.B.: *The first time was in Dar es Salaam?*

E.A.: Yes, it was in Dar es Salaam! Anyway, in the summer of 1964 Annie and I went off to Lisbon, where I did some original work; it was a very interesting working in the archive. The Portuguese really weren't too concerned about your academic bona fides, but I had to go to the American Embassy before I could work in any archive and get a letter to show that I was not a communist or an agitator, because Portugal still allowed the United States to have an airbase in the Azores which the United States believed was strategically important. I worked the summer in Lisbon and we returned to London for my second year and continued to work in the Public Record Office which was then just a fifteen-minute-walk away in Chancery Lane, off High Holborn. The SOAS library had a lot of books, but didn't have any archival material – but I did a lot of work in the Public Record Office.

F.B.: *Now it's at Kew...*

E.A.: Now it's at Kew, and unless you stay in Kew, it's an hour on the District Line from central London. I also worked at the British Library (BL), which was then part of the British Museum, so that was

⁵ Edward Alpers, “The Role of the Yao in the Development of Trade in East-Central Africa 1698-c.1850” (PhD diss., University of London, 1966).

just a block away from SOAS – so I would go, and, you know, could pretend I was like Karl Marx sitting around in the reading room. The BL has a wonderful collection of Portuguese materials and additional manuscripts, lots of earlier stuff, but as I was doing background, so I was reading a lot of seventeenth and early eighteenth century material, although the focus of what became *Ivory and Slaves* was on the second half of the 18th.⁶ So I finished whatever I was doing that year, and I had been passed on to Ph.D.; they just sort of tell you “you are no longer in the master’s program”, and then we went back to Portugal at the end of the term, in 1965, and spent the rest of the time through January 1966. And really that was when I amassed all this material, mostly in the *Arquivo Histórico Ultramarino*, but also the *Biblioteca do Palácio da Ajuda*, some in the *Torre do Tombo*. I also got to see the original manuscript of Frei Bartolomeu dos Mártires 1822 report on Mozambique, which Richard Gray arranged because he was an Anglo-Catholic, so he got me into the monastery where it was housed. [...] I also worked at the *Sociedade de Geografia*. In February we went to Paris and I spent a month, maybe six weeks, working in the *Archive National* – that’s where I found a lot of the stuff that people now use for East Africa, the originals of Guillain’s *Documents sur l’histoire de l’Afrique Orientale...* there are also a number of commercial reports by Loarer and a number of other people [these documents are now located in the ANOM in Aix-en-Provence], so then we went back to London. I had already written up one chapter and had one chapter that Richard said “this is not really a chapter”, out of which I subsequently published an article about textiles.⁷ Anyway, I am sitting down to write and Roland says, “we are having this conference on chronology”... It was a big thing event, [with] all the French scholars... “we’d like you to do a paper on the Monomotapa. You read Portuguese, you must, you know...”, so I had to stop, and from zero, I wrote a paper which was subsequently published in *The Journal of African History*, and subsequently did a

6 Edward Alpers, *Ivory and Slaves: Changing Pattern of International Trade in East Central Africa to the Later Nineteenth Century* (Los Angeles: University of California Press, 1975).

7 Edward Alpers, “Indian Textiles at Mozambique Island in the Mid-Eighteenth Century”, *Textile History* 48, no. 1 (2017): 31–48.

separate chapter in *Aspects of Central African History*, but, you know, that was right when I was struggling with my thesis. I went to that conference, the first conference that I ever went to, and then I sat down to write my thesis every day. My wife would say, you know, “stop to eat!” And this was all writing by hand, so scissors and paste was a reality in editing, and then we had to take it to a typist; finally I said: “Richard, I’ve got so much material, I have done five chapters up to 1810”. There was a chapter on the period to 1698 and the first half of the eighteenth century; and then three chapters that cover the rest of the century, because that is where all the documentation is, from 1752 on, fifty *caixas* or more. And Richard, another great piece of advice: he said “Well, Ned, you’ve got a perfectly good thesis. Just make the last chapter an epilogue”. So this chapter, that is the longest chapter in *Ivory and Slaves*, the long nineteenth-century chapter, that was an epilogue. And in the Epilogue, the text is... I don’t know how many words it is, but if you look at the pages in the thesis there will be, like, five lines of text, and then eleven lines of notes saying how many boxes I had consulted [laughs]. So I showed that I had done the work and then we sent the thesis off. I had a wonderful committee. My outside University of London reviewer was Charles Boxer, and I’d actually worked in Boxer’s library, I met him, he had a document from the 1720s from Ibo that I was interested in knowing about – and George Shepherdson, from the University of Edinburgh... he was the co-author of *Independent African*, the first great book about John Chilembwe’s rising in colonial Malawi. So it was a really distinguished committee. And then, by that time Walter [Rodney] and I had been nominated as the two London emissaries to the basically Oxbridge Dar es Salaam Department of History, because all of them were either Oxford or Cambridge...

F.B.: *Like Terence Ranger...*

E.A.: Ranger was from Oxford; archaeologist John Sutton was an undergraduate at Oxford, while he is one of the few PhDs from the former University of East Africa. John McCracken, John Iliffe, and John Lonsdale were all Cambridge products. And then the two Africans were Arnold Temu and Isaria Kimambo. They were still finishing up

their work. Arnold in Canada, Isaria at Northwestern. I think Isaria had already come back. And they were hiring by areas of expertise, so Terry [Ranger] did Zimbabwe (Southern Rhodesia) and Southern Africa; John McCracken, whose last work before he died was his very fine history of Malawi, covered that part of Central Africa; John Lonsdale, of course, was a leader in Kenyan history; John Iliffe not only was the historian of Tanganyika-Tanzania, but knew German, so he'd use German sources. Walter was hired for West Africa, I was hired to do the Coast and Lusophone [Africa]... Mozambique, because I had studied Portuguese, as well as some Swahili, you know. So we all were there for various times, some for longer periods obviously, but some on short term contracts... Walter was just there for a year and a half, and I was there for two years.

2. University of Dar es Salaam, FRELIMO and political militancy

F.B.: *Yes, exactly. Following up on this thread about how you were affiliated as a lecturer at the University College, which is today the University of Dar es Salaam, for these two years, as you've mentioned, from 1966 to 1968, I would like to ask you, how would you describe the atmosphere at what was known as The Hill during and prior to those Ujamaa⁸ years?*

E.A.: As you've probably heard, since you spent some time in Tanzania, it was so exciting! It was exciting because Nyerere was already a known thinker, and this is before *Ujamaa*, so he was just known for having a kind of a socialist vision. But Dar had a great History Department, and then there were other important social scientists. I was good friends with John Saul, who was there; Giovanni Arrighi, who was one

⁸ *Ujamaa* is a Swahili term translated by President Julius Nyerere as "familyhood", which described relations of fraternal solidarity seen by Nyerere as constitutive of African "traditional" societies. After a meeting of Tanzania National African Union's National Executive Committee in early 1967, in Arusha, a document entitled "Arusha Declaration" [*Azimio la Arusha*] set *Ujamaa* as the organizing principle for the socialist, independent and self-reliant Tanzanian nation. See: Julius Nyerere, *Ujamaa: Essays on Socialism* (Dar es Salaam: Oxford University Press, 1968).

of the great economists... it was an amazing place. And seminars, history seminars, you would just go from one seminar to another and they were fantastic. And everybody was on *The Hill*. *The Hill* was out there, back then in the middle of nowhere, the city has now grown beyond it. And it was just incredibly exciting. So here I was, a very young PhD, [...] I had my PhD at 25 [years old]; I was still very young, I had kind of progressive or liberal politics, but this cement mixer, or washing machine, whatever you want, or cyclone of activity and then *Ujamaa*. The Arusha Declaration happens, and I remember that we were all incredibly excited. There were people who were serious Marxists, like Saul and Arrighi. And in London [at SOAS], theory was not something historians did, you did data, you know? It was primary sources... So I was just like a sponge. That is where I really learned and read my Marx and found how I wanted to use it, and then there were a lot of politics at the university. The whole thing about developing a common course and education for revolution... so there were big pushes. There was a famous group of ten, and then there were two or three of us who stayed outside that group so that we could support them when they put their petitions forward, and the voices that came up, even though everybody knew us as sort of fellow travelers.

I remember also marching in support of the Arusha Declaration, and that there were two marches: one that was for workers and one that was for peasants. Clearly I wasn't a peasant [laughs], but I never thought of myself as a worker, you know? When you are an academic and you trained in a Western university you don't – now you might, but then... So I went down to Dar es Salaam, marched in the parade, and one of the people I marched next to was Ben Turok. Ben Turok was a South African anti-apartheid activist who had been in solitary confinement for three years, I think, in South Africa; he escaped from house arrest in a faked prisoner attendant's uniform, to go Tanzania through the ANC, and that is what he wore to march in support of the Arusha Declaration. Meanwhile, in Dar was the ANC headquarters-in-exile, well, Lusaka was, too, but there were ANC people there, FRELIMO was there, SWAPO was there... You know...

F.B.: *The Organization of African Union's Liberation Committee⁹ was seated there...*

E.A.: Yeah, and these were all young guys. I mean, you got to know all of these people. If they knew your politics, you were hanging out with them politically and then socially, it was just, you know, the two most intensive years I had. We had our first child in Dar es Salaam, so that too... it was just an amazing time. And Tanzania was really wonderful. My Swahili then was pretty basic, I didn't need to use it. I learned it better when I went back to do fieldwork [in 1972-1973], but it was just fantastic then. And that is how I met many political friends. Walter [Rodney] I knew already, he was really my best friend. We were Richard Gray's first two students. Walter and I had been in Lisbon together at the same time, so we would see each other; we also knew Pat, who became his wife... [...] So, we knew Walter in Portugal and it was interesting talking to him there, I once asked, "Did you feel it was particularly racist?" He said "No, because I speak Portuguese. I was *civilizado*", but he lived in some kind of hostel that had a lot of Angolan students, so they were consequently being watched by PIDE. I mean, everybody was constantly being watched by PIDE. He defended his thesis about ten days before I did and went out to Dar. And there was a going-away house party that Richard, Annie and I attended. I think we were the only *wazungu*¹⁰ there. [...]

F.B.: *And how did you get to FRELIMO and all these African freedom fighters and nationalists who were also engaged at many activities at The Hill in that time? Like Yoweri Museveni, Eduardo Mondlane...*

E.A.: So, Museveni I taught. I wasn't his tutor, but I lectured him. At Walter's going-away party [in 1967], which was down by the pool, the university pool, I remember he was dancing with my wife... now, Museveni as a student was very skinny, he was not the kind of big African leader he is now – and also he should have step down about twenty

9 Hilmi S. Yousuf, "The OAU and the African Liberation Movement", *Pakistan Horizon* 38, no. 4, (1985): 55–67.

10 *Wazungu* [singular: *mzungu*] is a Swahili noun used to indicate White/European/American people.

years ago, you know? But I remember he danced with Annie and said “You know how to remember my name? It’s Mu-Seven-and-I!” [laughs]. So that is our story about Museveni! Walter really loved to dance, he was a great dancer.

But anyway, so one day we were shopping and we’d go to the market. There was an Ismaili green grocery, Alladina Jamal, where the *wazungu* and all the foreigners went, and they had very good fruits and vegetables. So I was standing there in line and there was a woman next to me and a small African man carrying a basket. I was just minding my own business when she turns to him and says, “*Temos cebolas?*”, “Do we have onions?”, and I looked at her and said in Portuguese, “*É uma Portuguesa?*” And she gave me this frosty look, she said: “No, I am not... who are you?” I said “I’m Ned Alpers, I am an American, I’ve just arrived...”. *Acabamos o diálogo*, and that Sunday –that was probably Friday – we were in our flat at the university [...], there was a knock on the front door. And I open it up and was Eduardo Mondlane! So his network, which of course was vast, had already figured out who I was, that I was OK, that I wasn’t CIA, and we became friends, so we would get invited regularly to FRELIMO parties and events and I met, you know, Marcelino dos Santos, Joaquim Chissano, and I was free to go to FRELIMO headquarters on Independence Avenue, which was next to this awful Chinese restaurant, but, you know, John Saul and I would be in there. Chissano... Chissano is a year older than I am. We’re all age mates. We were all *jovens*. We were all in our mid-twenties ... the SWAPO had this whole thing of a lot of people who were actually being paid by CIA or somebody, you know, so you got sensitive to this. One of our best friends, closest friends in FRELIMO, Lourenço Mutaca, was a lovely guy who was sent to Sweden to study cooperatives or something like that. Anyway, he is somebody who got in trouble [he resigned after Uria Simango left FRELIMO in 1969]. Eventually, he came back, and after he was sent to reeducation camp, rejoined the party; so you know, you learn to be careful. Orthodoxy was of a certain sort in a group like FRELIMO, which of course was all over the place. It was far from a Marxist-Leninist party, that is, not until the Third Party Congress. In

any event, we got to know Janet. Interestingly, I have a handwritten note from Eduardo that tells me that I should see Lázaro Kavandame!

F.B.: *Oh really?*

E.A.: It is just a little note which I kept at UCLA in my papers, because I was interested in [...] he [Eduardo] learned about my work, and he said “oh, you should see this guy [Kavandame]”. So I am not sure whether this shows that Eduardo was really, you know... they didn’t really know what Kavandame was up to either. Not much later we’d go to these parties and you would chant “*Abaixo* to this”, and “*Abaixo a Kavandame*” [laughs]. I was probably vetted through Herb [Herbert] Shore, who taught theater at the university, an old leftie who knew Eduardo from the States. Somehow I also got plugged into the local ANC folks, so I got friendly particularly with Jo Nhlanhla, who was one of the top fifty of the ANC; in 1994, in South Africa, the last time I saw him, he was ANC Intelligence Chief.

Subsequently, when I went back to Tanzania, we were back in 1972-73, we ended up being kicked out of our flat [in Morogoro] because of decentralization because they [the Tanzanian government] needed so many flats, so we stayed with a friend of ours John Sender; John is a South African development economist. So John and I used to play tennis in the former King George V tennis club, next to the old King George V Stadium – now the People’s Stadium – with Joe Nhlanhla. So I would play tennis with Joe. The ANC had a military training camp outside Morogoro. I knew that, Joe knew that I knew that, we all knew that, but we never talked about it. We just played tennis with these huge ants that would crawl up your leg just as you’re playing. So there were all these unwritten rules you learn and you know, for me, I was still young, you’d learn and it just seemed natural. I knew these were people I liked, I supported their politics, and when I came back to the States I got engaged right away with the liberation support movements; Southern African support movements, I was very active in the support of FRELIMO; very actively engaged in the Los Angeles premier of Bob Van Lierop’s film “*A Luta Continua*” [in 1971]. We did tons of stuffs like that. And that was good because in Los Angeles that took me up with

the black community, which I never would have done or had any reason to do particularly, because the history I was doing was not really the history they were interested in [laughs], like here [Brazil], you know? So, that education was both theoretical and practical in terms of my personal growth, and that really made me an activist. So I consider my politics, other than my cynicism of old age, my politics are the same, but I am not as much an activist as I was. But through a long period of time I was. For example, my mother was a doctor, so it was easy for me to become a feminist and it wasn't hard for me to imagine women being in positions of knowledge and power, you know, so you learn these lessons. You learn some things from your academic advisors; you learn some things from your colleagues; but I couldn't have been in a better place for the first two years after my degree than in Dar es Salaam, it was just an amazing experience.

F.B.: *Nice, I can only imagine. And following also in this thread of your militancy in these contexts, I see that in your historiographical practice you have written articles on topics directly related to those tense political circumstances of the Mozambican independence in the 1970s, which we can consider to be at the heat of the moment.¹¹ Can they be read as a historian's duty to intervene insofar as manipulative interpretations of history – which do thrive in these polarized moments – are concerned?*

E.A.: Well, I don't know if you can do “a historian's'”, but for *this* historian, it was! [laughs]. You know, so I would do these things. I wrote a chapter in the book on *Socialism in Sub-Saharan Africa* [1979], where I compared the constitutions of FRELIMO and MANU, well, I was told subsequently by Marcelino [dos Santos] one time when I was in Maputo, I think, with Allen and Bobbi [Barbara] Isaacman, we all went to see Marcelino and he said: “Oh yeah, that's a good piece”, but then he said, “You know, but I wrote a lot of that MANU document”! I

¹¹ Edward Alpers, “Ethnicity, Politics, and History in Mozambique”, *Africa Today* 21, no. 4, (1974): 39– 52; and Edward Alpers, “The Struggle for Socialism in Mozambique”, in *Socialism in Sub-Saharan Africa: A New Assessment*, ed. Carl Rosberg & Thomas Callaghy (Berkeley: Institute of International Studies, University of California, 1979), 267–295.

had assumed that there was a kind of a left version or right, that these things were put together, so you learn things after the fact. Of course you can't assume that you've got everything right in anything, and the whole point of scholarship is to keep on poking into new areas. What graduate students do is: "Vansina was really wrong about this", "or Alpers", or whatever. But you know, you take your chances, but I felt very strongly that I would be asked to do these things.

It is interesting how the left is always "concerned". So there is a group called The Association of Concerned African Scholars [ACAS], and during the Vietnam era at UCLA there was a Concerned Faculty Group, which was, you know, a left committee, and then the conservative faculty formed a group called "The Also Concerned Faculty", which I thought was actually wonderful [laughs]. I was engaged. Kathie Sheldon and I did a short piece in 1991 on Mozambique for ACAS (she had been my student), so I continued to do these things. I doubt that my colleagues paid much attention to this kind of activity, but some of them were published in, you know, university presses, but these were basically a kind of political activity. The other pieces I've written in the colonial period are about Islam. In fact, what's interesting about the work I am doing now is looking at a couple of decades after the end of slavery, and they are the first things that even take me to very beginning of the real colonial period, and of course in Cabo Delgado, the Portuguese were really not there because they sold the whole thing to the Nyassa Company. But of the stuff I've done on Islam, the one on "Islam in the service of colonialism"¹² was very much an engaged thing. So those are the kind of things which gave me the chance both to talk and to do some work about that. Really most of my forays into the modern period are either about teaching, or, for the most part, political. I did that piece on *Xiconhoca*,¹³ – which I just had more fun doing – published in a volume in South Africa; that was for a conference; that

12 Edward Alpers, "Islam in the Service of Colonialism? Portuguese Strategy during the Armed Liberation Struggle in Mozambique", *Lusotopie*, no. 6, (1999): 165–184.

13 Edward Alpers, "'A Family of the State': Bureaucratic Impediments to Democratic Reform in Mozambique", in *African Democracy in the Era of Globalization*, ed. Jonathan Hyslop (Johannesburg: Witwatersrand University Press, 1999), 122–138.

was the first time I went to South Africa, to one of the History Workshops at Wits in South Africa. But you know, for the most part, I am a nineteenth- and eighteenth-century guy! [laughs].

F.B.: *Nice, really nice. Still, whenever we have the opportunity, we should help these political movements and everything...*

E.A.: Oh, absolutely, you get asked to do things. You get asked to do things in different stages in your career depending on what's up and sort of how senior you are, how well-known you are, but at that time I'd have to think really hard, and look at my bibliography to say: "how did that happen?" But clearly anything that was around FRELIMO at that time was because I was really engaged with FRELIMO.

3. The "Indian Ocean World" in historiographical practice and academic activities in the United States

F.B.: *I see. And now going more into the theoretical, methodological implications of the studies of the Indian Ocean World for historiography, I would like to begin exploring these questions by asking how your investigation on the development of the trade relations in East-Central Africa lead you to consider broader topics in the Indian Ocean... Like those which took you to Goa in the 60s, and so on?*

E.A.: Well, that is the right question, clearly. I now know what took me into the Indian Ocean, but like a lot of things I wasn't conscious of it at the time, I mean, I didn't think about it as "I'm in the Indian Ocean". But if you are studying the ivory trade it was all in the hands of *Vaniya* [Gujarati Hindu merchants] based in Diu; it's all going to India in the 18th century, across the Indian Ocean. When I started studying the French slave trade [...] it took me out to the Mascarenes. They are in the middle of the Indian Ocean. So I just did that and then these things went on and on, the next thing I know, I am being asked to do stuff in Mauritius, and then...

One of the things you don't about is that I was always, unfortunately, a good committee person. I worked hard on committees. In 1985, the University of California was being pressured to divest from

South Africa, and I was one of the leaders of a faculty committee – actually a faculty and student committee at UCLA – to do this, and one of my colleagues, an Americanist, she was organizing the big auditorium where we would do this Teach-In. We were bringing Jennifer Davis out from the American Committee on Africa, I knew Jennifer for a long time, she was South African based in New York, and my colleague, Kitty [Kathryn Kish Sklar] a very great feminist historian, says to me, “I am on a search committee for the Dean of Honors program, would you be interested?”, so I said I’d go talk to Annie, went home and talked to Annie, and said “what do you think?” She said, “Well, why not see what this is all about?” So, they set up a committee meeting like two days later, it was hot, it was in Spring, and I show up dressed up sort of like I am: sandals, kakis and I had a dashiki on, and in those days I’d also have beads and a lot of silver jewelry. But anyway, I go to this committee meeting and walk in and they ask me, “What do you know?”, and I said, “I didn’t even know that we had an Honors program”. And about three days later they offered me the job. It was at that point a half-time position that had been started two years before. It seems that everybody else whom they’d interview previously had wanted to be the Dean, and here I came and I didn’t know anything about it, but they liked my attitude so I became Dean of Honors.

And then two years later the Dean of the College asked me to take responsibility for undergraduate counseling and the orientation program in the summer and athletic counseling (which we did in the College), plus tutoring, and I said “OK”. So suddenly my title became Dean of Honors and Undergraduate Programs and my job full-time. A year after that the College Dean asked if I would be willing to take over the Academic Advancement Program (AAP), which had come out of the post-Head Start Program for underrepresented students, which in those days was basically African American and Chicano, this was before there were many low income Central American and Southeast Asian (mostly Vietnamese) students at UCLA. And he said to me, “But I am concerned that you are not part of that group [i.e. underrepresented]”, so I said to him, “Thirty years ago you and I would not

be part of the majority [at the university] either because we were both Jewish!” [laughs]. Then I said, “What matters is my politics”. They know, the AAP people know my politics because I’ve been very visible [on campus], and so he told me, “just don’t talk about mainstreaming AAP”. He was very afraid of this: there was an official, Administration’s history of AAP and then there was a “people’s history”, and he said: “Don’t talk about mainstreaming AAP”. So the first thing that I do when I am being introduced is this. I said, “I was told specifically...” [laughs], and this is my activism: “I was told specifically not to say that we are mainstreaming AAP, but in fact we are mainstreaming AAP, and I want AAP to change the direction of the mainstream”. And it worked, you know? And so now the whole unit is called the Division of Undergraduate Education, but I set out the structure for it.

I did that for eleven years, and so there is a period where my publications – about a two or three-year period – where there is nothing, [...] and then we had all these fantastic graduate students entering our African History program. We had these great students coming in and I accepted that I was ready to come back to History, which I did in 1996, and I ended up working with many of these students, people like Roquinaldo [Ferreira], and José Curto. In fact, one of my former students, Nwando Achebe, Chinua Achebe’s daughter, is giving the James S. Coleman Lecture at UCLA next month. So I returned to History. And then, ten years later, I became Chair of the department. And you know, things changed a bit, but this Indian Ocean stuff just grew like Topsy. And it was also because when I came back I had to review my lectures. When I was Dean I only taught seminars, again to show you how this works: I taught an Honors seminar once called Cultural Aspects – or something like that – of Apartheid South Africa, where I would have them read all of this township literature and plays, look at posters, South African-produced anti-apartheid visuals... all this kind of stuff. The whole point was that a situation of political oppression is often the richest period of cultural production. It’s not that people are simply oppressed, it is [that] they fight back.

So that was some of the best teaching I ever did, I would have twenty unbelievably smart honor students, including some really inter-

esting South Africans who'd come to Los Angeles. But when I came back to my regular teaching in the department, at that point, I was starting to do stuff on the diaspora. That happened in 1997, there was a conference in Sweden and I did that piece on "the African Diaspora in northwest Indian Ocean". And then I started doing this stuff on *Siddis* and things like that, so one thing led to another and all of my various interests came together. So when I came back to the department I started teaching and we had just approved, after a couple of tries, an examination field at the PhD level in World History, nobody quite knew what to do with it, because none of us were Wallersteinian people, though we had all read the first, you know, after the first volume I was never very interested in reading the other stuff [laughs], whatever five or six volumes, or whatever the hell of it...

F.B.: *I think there were four.*

E.A.: Four, yeah. And I know Manny [Immanuel Wallerstein] because he was the first president of the Association of Concerned African Scholars, ACAS. Anyway, we established an upper-division lecture course on Topics in World History, so I taught one on the African Diaspora – or maybe I taught it in the African History series. But then I said "you know, I'd like to develop a course on the Indian Ocean". So in 2003 I started teaching this course, I taught probably five or six times before I retired and that was when I began writing *The Indian Ocean in World History*.¹⁴ I had my lecture notes as my rough guide, and I had a paper that I had done for a conference on the Indian Ocean in 2002, that I co-organized with Allen Roberts, but we had never published anything from this huge conference. That version of the paper is up online, it has been for years because I gave it [a revised version is Chapter 1 of the Indian Ocean book] as a seminar someplace, anyway. And I wrote the book differently, so, coming back to teaching and having to... you know, there was no way I was going to teach my East African classes with the same lecture notes I had from before, and there had been ten years of writing; and I also taught our modern African history survey.

¹⁴ Edward Alpers, *The Indian Ocean in World History* (Oxford University Press, 2014).

F.B.: *I see... And in this period of coming back to teaching, but also continuing or resuming your research and everything, what would you consider to be the biggest challenges which had to be tackled or surmounted in researching the Indian Ocean World? In a methodological sense, what kind of archives had to be consulted?*

E.A.: Well, I mean, as you could hear from all the conversations today [at the Unicamp conference], people have lots of opinions about the Atlantic, the South Atlantic, Brazil and Africa, and things like that. But basically allowing for the fact that if you are going to be an Africanist at least you should do, you know, some Kimbundu, or Kikongo, or something like that, a Ghanaian or a Nigerian language, or whatever. But basically you could do Atlantic history with European languages. It's nice if you know Danish, but... [laughs] you know, a sort of French, Portuguese, English, Spanish, it is not hard. [In the] Indian Ocean you really can't do unless you know at least one language [...] So here was Charles Boxer, you know, the great historian of Portuguese expansion. Boxer had been a military translator in the Second World War, he was an intelligence agent. He had fluent Chinese, fluent Japanese, read about ten European languages, but he didn't know any Indian languages, he didn't know any African languages, he was interested in those places, and so he used the resources he had. So one of the things was to make sure that the people who were interested in doing that were, you know, getting appropriate language training.

The first graduate student I had who'd done any Arabic was [Randall] 'Randy' Pouwels, who wrote that wonderful *Horn and Crescent*,¹⁵ which is one of the key texts for medieval Swahili history, and he only used it a little, although he mainly used Swahili to conduct fieldwork in Lamu [Kenya]. When [Matthew] 'Matt' Hopper and this new generation came along... my graduate teaching was all focused on the Diaspora or on the Indian Ocean. I no longer taught a course on Portuguese Africa, or anything like that, you know, that was historical. But Matt did a first

¹⁵ Randall L. Pouwels, *Horn and Crescent: Cultural change and traditional Islam on the East African coast, 800-1900* (Cambridge University Press, 1987).

degree in History and then he went to Temple [Temple University in Philadelphia] – and he did an MA in World History. Then he came to UCLA in African Studies and then he did an MA in African Studies, and then we recruited them into the PhD program. And he did a lot of Swahili, but he also studied a lot of Arabic. In an interesting way, here there is his wonderful book *Slaves of One Master*,¹⁶ which is about slavery in the Arabian Gulf, yet he hardly used Arabic because the sources are not in Arabic. The sources were primarily the British anti-slave trade sources. Someone who does use Arabic sources is Thomas McDow, whose *Buying Time*¹⁷ is about the networks of family affiliation and debt of Omani traders in East Africa, also cross-trained linguistically. He and Matt actually met in Zanzibar earlier in their careers and decided to divide up: one would focus on African mainland and Matt decided he would focus on the Diaspora.

But there are a lot of people like that now. Ned Bertz at the University of Hawaii, who was cross-trained in Hindi and Swahili, and now he's learned Gujarat. There is a lot of training of people in this way, but also, the recognition that you need... [that] it's important to work collaboratively with a lot of people, so there is a lot of that that goes on. Another cross-trained person is Kerry Ward at Rice University; she studied at Michigan with both Southeast Asianists and Africanists, and the only Africanist who's done that is Nigel Worden, at Cape Town, who's learned Malay. So in my case, you know, when you are writing or teaching about the Indian Ocean you just learn a lot of stuff about Southeast Asia, and South China, everywhere else beyond your formal education that nobody trained you to do, but if you are trained as a professional, you will know how to do that. And if you read the languages, you know, a lot of the reading I do is in French, more so than in Portuguese – except for this Portuguese stuff I'm currently doing –, my French and English, occasionally a little Italian, I can fake a little German, but it's mainly French and English.

16 Matthew S. Hopper, *Slaves of One Master: Globalization and Slavery in Arabia in the Age of Empire* (New Haven: Yale University Press, 2015).

17 Thomas F. McDow, *Buying Time: Debt and Mobility in the Western Indian Ocean* (Athens: Ohio University Press, 2018).

F.B.: *And we can see it is quite a collective enterprise that we are talking about. I would like to talk about this somewhat recent idea that calls for the importance of considering the “island factor” and “insularities” in history, which posits that communities and polities situated in places like the Antilles or early colonial enclaves in the coasts of Africa provided these privileged sites for investigating and understanding the implications of local agency and global phenomena.¹⁸ I’d like to ask you how does this study of the IOW [Indian Ocean World], connected as it were through Zanzibar, Mozambique, Reunion, Mauritius and so forth, contributes to these developments in a general way.*

E.A.: Well, it’s interesting. I mean, the obvious point to make about these islands from a perspective of African History is that islands are not in the mainland, so they were places that, if they had reasonable harbors – or even if they didn’t because they’d have lighters go out – outsiders, whether they are Persians or Arabs, or Indians, or Portuguese, could go to them and only had to deal with the people who lived on the island. They didn’t actually have to deal with people on the continent. So islands were safe havens in that way – Mombasa... all of these places – and we’ve known that. That’s not new. But several things happened: islands were getting discovered by people other than people like me, Africanists and historians. One of my UCLA colleagues [Teshome Gabriel], an Ethiopian filmmaker and critic, edited a journal called *Emergences-Journal for the Study of Media and Composite Cultures*. He asked me, more than once, would I write something on islands? They were doing a special issue of emergences on islands. And this is often how I, I mean, I suppose I am sort of passive in this way. I hadn’t thought of that, and I [said]: “Sure! I’ll do something on islands”, and then I write the “Island Factor” and it appears in *Emergences*¹⁹ before I reprinted it in... Was it reprinted in *East Africa and the Indian Ocean World*?²⁰

18 Edward Alpers & Burkhard Schnepel (eds.), *Connectivity in Motion: Island Hubs in the Indian Ocean World* (Palgrave Macmillan: Series in Indian Ocean World Studies, 2018).

19 Edward Alpers, “Indian Ocean Africa: The Island Factor”, *Emergences: Journal for the Study of Media & Composite Cultures* 10, no. 2 (2000): 373–386.

20 Edward Alpers, *East Africa and the Indian Ocean World* (Princeton: Markus Wiener Publishers, 2009).

F.B.: *Yes! Chapter 3, I guess.*

E.A.: [Laughs] I have to remember my own bibliography! So then, Burkhard Schnepel, whom I did not know from Adam – he’s interesting because he trained with a group who was initially working in Sudan, but then as a South Asianist. His first work is on South Sudan, then he did research in Orissa. But more recently he’s being doing work on Mauritius on tourism and development so he had read some of my publications. Anyway, I saw a call for papers for a conference he was organizing [in 2015] as part of a big EU research project, and while he didn’t know me, if you look at that call it’s a one-paragraph statement and includes a reference to “Alpers’ Island Factor”. And I’m thinking, “hmm... how often am I sort of the centerpiece of a conference?” So I write him and I said “Gee, since you’re citing me, I probably should do something!” [laughs]. So I did a paper on the Comoros and gave my paper at the conference in Halle, and at the end of the conference – it was done in part with Gwyn Campbell’s “Indian Oceans: Connections” – in fact, at the lunch break, they asked me if I’d be willing to be a co-editor [of the conference papers]. Eventually, Burkhard and I co-edited *Connectivity in Motion: Island Hubs in the Indian Ocean World*. It made us think that islands, as you say, theoretically have come to occupy an interesting position because they’re usually colonized, they have specific boundaries, they have different characteristics, you know, so that’s really been an interesting experience. And that book is actually going to be translated into Chinese now.

The Gujarat volume came about similarly. It was sponsored by Darshak Itihad Nidhi, a Gujarati NGO that supports historical research; they’ve published things in Gujarati and in English and at that point they had organized two international conferences, both published in India. Michael Pearson had been the keynoter and co-editor of the second one, so I think they must have asked him, “Who should we get to do the next conference?” and Mike said, “Well, why don’t you contact Ned Alpers?” Mike and I are old sort of friends and rivals, but he recommended me so I got contacted by Chhaya Goswami, a Kachchhi historian, and she asked, “Are you willing to do the keynote?”, and you know, I replied [all of this by email], “and probably serve as co-editor,

too?” and she said, “Yes”, and that’s now been published, just coming out from OUP Delhi.²¹ [...] Since I am not a South Asianist, I wondered what am I going to do as a keynoter? I decided that my best bet was to undertake an historiographical survey of Gujarat in the Indian Ocean. I first wrote about “Gujarat and East Africa” in 1976 [...] It was an interesting exercise for me, because in 1976, *Ivory and Slaves* was out, but in writing both the book and the Gujarat paper I had used Pearson’s thesis, which I still have a copy of, because his first book, *Merchants and Rulers in Gujarat*²² had not yet come out. And that book is a very important intervention in Gujarat history because he argues at the time – [as] others had argued before – very strongly for the division that Indian states were not interested in the ocean trade. And that’s been disputed subsequently, people have gone back and forth [on it], but it was a perfect starting point for me, and then I just read everything I could. It’s actually a very long paper and took me a good hour and five minutes to deliver, and we were at the end of the day [laughs]. But the audience response was very positive, full as it was with historians of Gujarat. And now if you ask me [about the historiography of Gujarat and the Indian Ocean], you know, I’d have to go and read my own piece [laughs]. But now things just sort of happened, you know? Like this work with Daniel Domingues... in fact my invitation to here comes through, well, ok, comes from ‘Roque’, my [former] student Roquinaldo [Ferreira].

F.B.: *Ah, sure.*

E.A.: But my invitation to São Paulo comes from ‘Cris’ [Cristina] Wisenbach, whom I met in Maputo in 2017.

F.B.: *Oh, right. October, 2017?*

E.A.: Right. The *Oficina de História* conference.²³ It was on slavery, the legacy of slavery in Mozambique. And I also met Eugénia Rodrigues

²¹ Edward Alpers & Chhaya Goswami (eds.), *Transregional Trade and Traders: Situating Gujarat in the Indian Ocean from Early Times to 1900* (Oxford University Press, 2019).

²² Michael Naylor Pearson, *Merchants and Rulers in Gujarat: The Response to the Portuguese in the Sixteenth Century* (University of California Press, 1976).

²³ 2nd Annual International Conference of the *Oficina de História* named “Slavery, Slave Trade and the Making of Mozambique”, held at Fortaleza de Maputo on October 27-28, 2017.

there, she gave a different paper on her medical stuff, and she has now invited me to keynote at the “Eleventh Biannual Iberian African Studies” meeting in Lisbon in 2020. So, you know, that’s how you get to meet people, you meet people and they say “I want you to come and...”

F.B.: *Oh yeah* [laughs].

E.A.: I mean, in my case I am getting invited to do keynotes and these people pay for me, so... You know, so that happened and then ‘Roque’ really wanted me, you know, this whole “let’s expose Brazil to the Indian Ocean”, but that’s also what Eugenia wants me to do [in Lisbon]. I think the theme is “African Transits in a Global World” and she said “[Africanists] don’t know anything about this in Portugal or Spain, about the eastern side”. So I said “I’ll do something that looks back at everything that has been written [about the Indian Ocean diaspora] since I started writing about this”, and there’s been a lot. You know, there are five or six books, seven books on *Siddis* in India, and there is stuff on other places. I just found some interesting articles by Dutch scholars about the *Jangi* [Africans] in Indonesia, so stuff is coming out all the time.

F.B.: *Yes, historiography has really kicked off.*

4. Current research interests, projects and developments: slaves and freedmen across the Indian Ocean World

E.A.: Yes, it really has. So, I now have a career more in that [role], but the project with Daniel is different. I gave a paper called “The Ibo Register” at the Maputo conference [2017]. Basically I was grappling with more than three thousand names [of registered *libertos*], a lot of data, and I’d first seen it when I’d last worked in archives in 2003 while I was looking for shipping stuff, Indian, Arab shipping and other economic stuff on the Comorian connection [with Mozambique]. And I saw this document, I looked at it and made a note of it, and I made a note of the summary and the numbers of *libertos* [written] on the front [of the file]. So I wanted to do some more work for that paper in 2017, so through one of Allen Isaacman’s students I contacted Chapane Mu-

tia, a Mozambican who is now finishing, we hope, his dissertation in Germany. He is a person who has provided more help and worked for other people, but anyway he was able to get approval to photograph the whole register, for which I paid, of course. Anyway, I gave that paper and at the end of it I said, you know, “I see this as a foundational document for the social history of the late nineteenth century in the Querimba Islands and Cape Delgado. I’m not going to do that work. That is a dissertation kind of work, I’m doing other things”.

But in 2017 I also spent about a week in the archive, where I saw other registers, so I knew there were registers from Bazaruto, and from Lourenço Marques, and I said, “Somebody needs to go through these”, maybe get a team of Mozambicans or something, digitize the stuff or something. And Daniel, who was also giving a paper [at the conference], came up to me and said “I’d be happy to work with you on this, it would be great, I’d like to come back to Maputo and everything”, I said, “Great!” So we returned home, he goes back to Rice [University], I go back to Northern California and about, I don’t know, seems like less than a month later he says “I’ve just applied for some grant that supports an initial digital project”. “This is why”, I said, “you work with young digital historians, they know what the hell they are doing!” [laughs]. And he got the grant, he was going to go to Mozambique, and I said, “OK, I still have research funds, I’ll join you. I’d be working primarily on my stuff, but we can work together”. And then I found a really nice hotel in Sommerschield with a little restaurant to it, and it’s about a mile walk down to Avenida Julius Nyerere to the entrance of the university, and then you walk through the university to get to the AHM [*Arquivo Histórico de Moçambique*]. It was a good, I mean, every day I had a mile walk in each direction, so it was a very good exercise [laughs]. And as we did this, Daniel said “why don’t we try doing a book together?” So we haven’t finalized that, but that’s what we have been doing, collecting all the slave and *liberto* registers [...] he has already put up a website, what’s it called? “Oceans and Continents”.²⁴

24 Available at: <https://resilientdh.org/projects/between-oceans-and-continents-the-registers-of-slaves-and-liberated-africans-from-mozambique-1850s-1870s/>. Accessed on August 20, 2019.

F.B.: *I'll be looking forward to that.*

E.A.: So now we have all of the registers digitized, which makes it possible to read the documents in great detail, even the miniscule comments for some registers.

F.B.: *And in the digitized version, can you read them?*

E.A.: Yes, you can, if it's a high-quality digitized version. What I had originally, [the photographed copy] that Chapane did, was useful, but it turned out when I looked at the original during the week before the 2017 conference, I completely revised some of my paper, because I'd worked with the documents in its original. [Now we have all the registers and associated documents digitized.] Also, the University of Florida has digitized the first twelve official bulletins of Mozambique, 1854 to 1865, I think it is.

F.B.: *It's great to hear that.*

E.A.: Yes, but it's a pain to print out a photocopy; every time you time you want to do something, you have to put which page to start on, which page to end on – and it might be the same page – and you have to undo the thing that says “I'm going to do the whole document”, so it's a slow process. I am looking at stuff for us, the publication of official notices, all the notices of the *libertos* in the [published accounts] of the *Junta Protectora dos Escravos e Libertos*, which has interesting notes. And I am also looking at all the shipping records, because I am doing a paper on the cattle trade from Madagascar and the Comoros to Mozambique for Burkhard [Schnepel]'s last conference in Berlin [on Indian Ocean cargoes]²⁵. That's one of the things I have in *Ivory and Slaves*, because Mozambique was always dependent on provisions from outside. Madagascar was a big source of hides in the nineteenth century, but also beef and cattle, live cattle.

So, I also have some interesting material from 1885 that involves *libertos* after they've been liberated, and some interesting stuff from

²⁵ The International Conference is titled “Cargoes: The Materiality of Connectivity in Motion Across the Indian Ocean” and will be held by Max Planck Institute for Social Anthropology in Berlin, on October 3-5, 2019. See: http://web.eth.mpg.de/data_export/events/8185/19_Prel_Programme_Cargoes.pdf. Accessed on August 20, 2019.

1894 when the Portuguese required Africans to get work permits, licenses, so there was one month when they'd sign up almost 1400 people. And some of the people, some of the *patrões*, who were at that point just their employers, are also [named] in the *registo de libertos*. Not a big surprise; they were slave-owners. And in one case I found a list of 20 names, three of whom might possibly have been *libertos*. So what I'm interested in, since there is a very strong evidence... there was a team from Italy that worked for about five or six years on the social analysis of Cabo Delgado, focusing on Ibo, and one of my good friends, Francesca Declich, a wonderful anthropologist – her first book²⁶ was *I bantu della Somalia*, [basically] the Bantu of Juba, in Somalia – was part of that team. So here I am wearing now my “Mogadishu Hat”! [laughs]. She has done a couple of great papers that show the legacy of slavery is very strong in Ibo. People know who were slaves. She has one example – actually, you will appreciate this – there is a line in one paper that mentions that the name of a former female slave was “*Zinarakonani*”, [“What is your name?”]. This is just “jina lake nani”, “what’s your name” in Swahili. I mean, it’s more classic than your usual slave name, you know, Maria, or...

F.B.: *All the baptized names, and so...*

E.A.: ...or Saguete [Gift], which is obviously a slave name, but also Mubarak, which is a slave name. No good Muslim would be given the name “Blessed”. If you look around the Arabic-speaking world there are a lot of these slave names, you didn’t give them [to free people]. The real issue is what did it mean to be a *liberto*, and how quickly did that disappear? José [Curto] wrote something that comes out like: “This is an understudied topic, no one really looks at *libertos*”. The other thing I learned, which was complete news to me, in revising this paper – that’s why we have so much fun – is that there was a category of *libertos do estado* in Mozambique, about which no one has written [and I first encountered in a single source by a Portuguese traveler

²⁶ Francesca Declich, *I Bantu della Somalia. Etnogenesi e rituali mviko* (Franco Angeli Edizioni, 2002).

who stopped at Mozambique]. So I started reading and discovered, as you Brazilian historians would know, that when Jesuits were kicked out of Brazil in 1759 they freed their slaves, and they made them all “*libertos do Estado*”, who don’t become free in Brazil until 1871, and they still had to work another five years for the State. So then I find in the *Boletim Geral* results of censuses in Inhambane, the first censuses registering slaves records “slaves and 55 *libertos*”, five [of which were] *libertos individuais* and fifty “*do Estado*”. So here was this category that nobody’s ever recognized for Mozambique. I looked in Malyn Newitt’s *History* and looked at all the things I could get my hands on and nobody ever writes about this. And in a way, it’s really fascinating to find something like that, that just by turning over one stone basically, you find this other phenomenon. But the real issue is, you know, *libertos* rapidly – as James Duffy wrote years ago – became forced labor, or became migrant labor, or whatever.

I’ve done another piece that appeared in *Ufahamu*²⁷ on the last period of emigrant labor from Inhambane to Réunion, and that was fun doing because I first had [only] the French documentation, and then, with the help of Chapane, found the Portuguese documentation in the AHM. And that’s great because there were like three shiploads that were sent, and one of the French [documents] is the naval medical report, like a 40-page report because they were concerned that the British believed it was just another form of slave trade, which is the title of the paper, and it records the whole process of how the people were interviewed, the questions they were asked. I gave that paper originally in Mauritius, and when I read the questions in French, everyone was laughing because the questions are very sophisticated. But from the Portuguese side, I’ve got a register of the 330 people – or whatever it was – who were recruited on the same ship. So I’ve got the [original] French ship materials, and I’ve got the [corresponding] Portuguese [documents], which is unbelievable.

27 Edward Alpers, “‘Le caractère d’une traite d’esclaves déguisée’ (the nature of a disguised slave trade)? Labor recruitment for La Réunion at Portuguese Mozambique, 1887-1889”, *Ufahamu: A Journal of African Studies* 40, no. 1, (2018): 3-32.

F.B.: *And now you can cross them over.*

E.A.: A couple of those names were... one of the [recruits] had an English name. It is really sad. Patrick Harries really has helped me a lot [to understand the complexities of southern Mozambique at this period], just months before he died suddenly. I had stayed with him the first time I went to South Africa, and I remember leaving [and] he was marking papers the day I left, you know, stacks of papers in a dark room trying to get done [laughs]. I mean, I met him a couple of times afterwards, but I had only met his wife that one time, a really nice woman. So I wrote a note of condolence to her and said: "It's really sad, he was so much younger than I am", but she thanked me for writing and replied: "Patrick was really encouraged by your correspondence because he was worrying that he would go stale in retirement," but "he saw how active you are, and how interested you are in your work", so I felt really good about that. I still have a book to write about Tanzania from the fieldwork I've done. I've only published one article about that, in a sort of *Festschrift* for Isaria Kimambo.²⁸ So I have to go back. That's a book I really want to finish before I drop dead.

F.B.: *That's still going to take a long time, hopefully.*

E.A.: I hope so [laughs].

5. Some concluding thoughts: historiography from global perspectives and the multiple meanings of race, captivity and freedom

F.B.: *I think we could head towards a conclusion on what we are talking about – the freedmen, and slavery, and what this means in [a] global perspective. I think we could kickstart this by... well, when we actually get to grasp some important phenomena in modern African history, such as the rise and demise of trans-oceanic slave trade and these "la-*

²⁸ Edward Alpers, "Kingalu mwana Shaha and political leadership in nineteenth-century eastern Tanzania", in *In Search of a Nation: Histories of Authority and Dissidence from Tanzania*, ed. Gregory H. Maddox & James L. Giblin (Athens: Ohio University Press, 2005), 33–54.

bor-driven imperial connections” you have written about,²⁹ it becomes clear that contemporary frontiers cannot serve as limits to historical knowledge.

E.A.: No, no, not at all.

F.B.: *However, the imposition of these colonial regimes across the Atlantic, across the Indian Ocean, they all involved the creation and the reinforcement of these frontiers which required... I mean, it meant controlling the transit of people among them. So, what kind of effects these colonial interventions had to these diasporic communities?*

E.A.: Well, that’s as a really good question. When we did this 2002 conference in UCLA, it was a huge conference, and I’d asked Vinay Lal, who’s my colleague and teaches modern Indian history, he is Gujarati. I asked him if he’d summarize one set of papers, like eighteen papers, he was joking about that and he said “well, you know, up until now we have been talking about a kind of Indian Ocean with diarrhea. Now, when we got to the colonial period it’s sort of a constipation” [laughs]. And it was about boundaries and borders. And in fact, subsequently when I taught my Indian Ocean class, when I got to that period and talked about colonialism, I would show a slide showing passports, things like that, and I said: “so, things have changed”. Well, I mean, one thing changed: Africans stopped being [forcibly] exported, so that diaspora stops. It doesn’t stop until the beginning of the twentieth century, but it stops. In the case of Mozambique, the colonial regime either forced people to grow cotton or to give them nothing [with which to pay taxes], so they went over to Tanganyika, or they were shipped off to South Africa, which explains why Mozambican historiography is mostly about South African migration or the liberation movement. Now, that’s changing a little bit, but [until very recently] Benigna Zimba was the only historian at UEM [Eduardo Mondlane University] who cared about the slave trade.

29 Edward Alpers, *The Indian Ocean in World History*: 118; and also: Edward Alpers, “To Seek a Better Life: The Implications of Migration from Mozambique to Tanganyika for Class Formation and Political Behavior”, *Canadian Journal of African Studies/Revue Canadienne des Études Africaines* 18, no. 2 (1984): 367 – 388.

F.B.: *But those were the tropes.*

E.A.: Those were the tropes. To go to the South Africa, you might take a big ship and go down to Durban, or you could also go overland, and [eventually] by train...people went to Egoli, the Rand [to earn money]. What is interesting about what you are studying is that [northern Mozambique] was a border that wasn't policed, so people just wandered back and forth. And most borders weren't, but in East Africa, in British East Africa, they were very strictly Anglophone, there were common taxes, railroads, harbors and everything and that carried over into the initial years of independence, like the East African Airways, and then everybody had to have a "national this" or a "national that". So, you know, all the national airlines have gone bankrupt and now they are putting those things back together again. I mean, the biggest falling was in West Africa. You know what it took to place a telephone call from Côte d'Ivoire to Ghana? Telephone calls went from Abidjan to Paris, from Paris to London, and from London to Accra.

F.B.: *That makes no freaking sense.*

E.A.: No, of course not! And you look at the railroads too; the railroads all go from coastal ports [towards] inland, but do they connect across [boundaries]? The only line that connects across is from Saint Louis [Senegal], but that's going through all [former] French territory, so if you look at the [colonial] infrastructure of the twentieth century, what the colonial powers invested in, it was all extractive, you know, with certain amount of imports. And then of course the Portuguese leased out Niassa Province and Sofala and Manica Provinces for a long time.

F.B.: *Yes, and Mozambique has this same phenomenon, if you look at these corridors, Beira to Salisbury, and so forth. But I would like to ask you about these crucial aspects of these historical processes that are involved in studying the IOW which amounts to the creation of social and cultural identities with very clear trans-oceanic connotations, such as the Shirazi or the Siddis. What sort of comparative perspectives these case studies could elicit to historians working on this side of the Atlantic, with topics like, say, Afro-Brazilian religiosity?*

E.A.: Well, one area which I suppose now is an area of some contention, is the whole notion of Atlantic creoles. You know, that was what – I guess – Ira Berlin first did, and Jane Landers has written about it, that there were group of people who moved around the Atlantic, so you get this. What is interesting in the Indian Ocean – I touch upon this in *The Indian Ocean in World History* – teaching the Indian Ocean made me think of this: if you look at the Swahili Coast, if you look at the Malabar Coast, you look at the Coromandel Coast, you look at the coast of Southeast Asia, these are all areas where immigrants settled, usually Muslims from someplace else, and you can see what is happening. Once they settle, in some cases when they are intermarrying, they are becoming localized. If they don't intermarry or if they only stay within an endogenous group or something, then they take on a different kind of local meaning. So, look at the Malabar Coast: there is a whole group of people, the Muslim Mappilas, who married Hindu women and they've adopted matrilinearity, even though they are Muslims. But there is also another group of Yemenis who have stayed separate, brought their wives and everything, and so while they are part of the community, they are more separate.

And in the Swahili case... I used to tell my students: "What do you think sailors and traders, who are without their women, do when they are stuck when the monsoon doesn't allow them to go back? Well, you know, think: they party and they play music, and they hang out with the local women!" They take local wives...especially within Shia Islam [where] there is an actual format for this, but you know, you could do this, you could get married and divorced if you wanted to. This mixture occurs in East Africa, too. It is something I discuss in the piece about Kingalu mwana Shaha in the *Festschrift* for Kimambo. Kingalu was a Luguru whose father was from the coast. And he had family connections there and he was a Muslim, but his mother was Luguru. So he has all his ties and his claim to be the chief of Uluguru was through his mother, because they are matrilineal people. And you know, the Yao [of northern Mozambique] are matrilineal, but many become Muslims, so the same thing happens there. You know, traders coming in, they would have a

local family that they became part of or prominent in some way, but they also had family connections [at home] and they played these off in patrilineal and matrilineal ways. Each place, [each society], basically, figures out its own solution, and that is what is interesting.

It is very hard for people to grasp, though, this idea, but it is clear that in places like all along the coast that there are these integrated mechanisms and people have worked out their own solutions [to cultural difference]. And as they take place over time, they become accepted. And it is odd, I mean... the only time I was in Durban I had a Zulu friend who was an ANC guy, and he set me up to go out with some of his friends, and these were all guys who were trained as bankers. We went to a nightclub and I said "I want to hear some Mbaqanga". A couple of their lady friends were dancing a lot, and there were some Indians there, wearing *kurtas* and they were dancing with a big, high-stepping, you know? And then the Zulu guys said, "Look at these Indians, they are more Zulu than we are!" And I said that "you would never hear anybody in East Africa say that about any Indian", that they were more "African" in any way. And that is partly because the history [in East and South Africa] is different. I mean, the Indians were separate, but... I have now met some of the Makua from Durban, who have just gotten [their] land back. That Makua community, which is Muslim, came to Durban [as "liberated" slaves on British navy ships] and they were first called "Zanzibaris", but they were taken in by the Indian Muslims, they were helped. And so they have established their own... and now they are connected to Mozambique, a whole new outreach, it was fascinating to see that kind of thing. Anyway, I think that there certainly are comparative possibilities as far as the Atlantic world goes, you know, but it's really hard to think about as an American because it's all in the context of a dominant Europe in the Atlantic. Whereas, although it's certain that Euro-America was politically dominant in the colonial Indian Ocean world, culturally it's totally different, and British India isn't British anymore.

F.B.: *The color of the skin has very different meanings in those places.*

E.A.: Well, I'll tell you: my colleague Allen Roberts at UCLA, he's a very fine anthropologist, he and his late wife, herself an important

art historian, were part of an Indian Ocean project we had at UCLA. They had been at the University of Iowa before they came to UCLA, and they did a project with an Indianist colleague where they shot film in Zanzibar and southern India. There is a great moment in the video when they are interviewing descendants of a troop of African soldiers who had been recruited to Hyderabad by the last independent Sultan there. These guys now lived in a separated quarter in Hyderabad. So, in an interview with this one guy, he says “Jambo!” – everybody knows “Jambo”³⁰ – and they ask him “Where are you from?”, and he says, “Africa”. “Where in Africa?” and he says, “Mukalla”. Do you know where Mukalla is? Al Mukalla is in Hadramawt [southern Yemen]. It was where their Sultan brought in African slave soldiers. I thought that was great. But the whole interview is conducted by an Indian woman who is their translator, who was from northern India. I had one of my very fine former graduate students, a Tamil woman born in America, and she is very dark. And she watched that film and she said: “I bet, if I’d been doing the translation, I could have gotten more out of these people”. Because color matters so much in India [and Africans are looked down upon] that she felt that the translator wasn’t presenting, not so much the words, but the whole kind of feel for things.

I’ve done a chapter in a book titled *Africa and Its Diasporas* co-edited by Behnaz Mirzai and Bonny Ibhawoh, that was the key-note for the conference they organized that was part of the UNESCO “Slave Route Project.” So I gave a paper [which] is called “From Bilal to Barack”,³¹ building on the subtitle of the conference, which was “Recognition, Power, and Equity”. In it I go from Arabia to India to the United States. This was right after the killings [of Michael Brown in Ferguson, Missouri] [...] you know, where young men were shot [by

30 “Jambo”, or in modern standardized Swahili *hujambo* [sing.] or *hamjambo* [pl.], are common greetings formed by contracting the sentences *huna jambo/hamna jambo* – literally “do you have no problems?” – to convey the meaning of asking “how are you?”.

31 Edward Alpers, “From Bilal to Barack: What are the implications for recognition, empowerment and equity in the African diaspora?” in *Africa and Its Diasporas: Rethinking Struggles for Recognition and Empowerment*, ed. Mirzai & Bonny Ibhawoh, (Trenton: Africa World Press, 2019), 15-38.

the police]. And I was basically saying: “Black people can get positions of authority, but that doesn’t mean that black people are treated well in the societies they come from”. It is the first time I’d ever used references from blogs and online chats. The stuff on Arabia was fascinating; people wrote: “Oh God, everybody, every time something happens they’ll say ‘Bilal this’, and ‘Bilal that’. My family has lived here for four generations and we’re still treated like trash”. And India, of course, had terrible stuff. And this was noted... there is actually a fascinating piece that was done by one of the early Indian Africanists, like in 1970, it was published in *African Affairs*, where he says openly that “Indians have a problem with this”. And so, there were a few people like [Kenyan politician] Oginga Odinga who visited India, but there was very little movement in that direction. And African students, as they do in China, they really have a hard time. Indians not only don’t like black people, they don’t like Africans.

F.B.: *Yes, I heard about problems with Nigerian students in Delhi....*

E.A.: Yes, and you know, people believe “they are all drug dealers”, some of them probably were, but you know, just like in South Africa, with Nigerians and Congolese... but [obviously] not all of them. I feel it is important for me to write these things even if somebody in India doesn’t like what I write, if they ever read it, because people need to know this, you know? So it’s my little bit of activist leftover [laughs].

F.B.: *Yes, and you can definitely take the heat [laughs]. And so, I think we could wrap it up [with one last question]. Well, what can the study of key aspects of the systems of slavery and the struggles for freedom in the Indian Ocean World, such as the characteristics and the extent of maroon activity, tell us about the resistance and agency of enslaved and freedmen in contexts marked by African Diaspora, which is a heated topic of debate which really drove social history in the Americas?*

E.A.: No, no, I think there is nothing different about the Indian Ocean. I mean, people get enslaved, not just Africans, wherever people get enslaved they are going... you know, some of them will submit, and some of them resist, sort of like the Holocaust. There will be many different

forms of resistance. They take cultural forms, like songs, songs that the masters don't understand. That's the wonderful thing that, you know, Landeg White and Leroy Vail did years ago. There is a lot of material for that, I've written some about that kind of thing. They'll run away; they'll form families; they'll find ways; they'll try to perfect the skills they know so that they become indispensable artisans, bricklayers, shoemakers... you know, all these kinds of things. They'll find ways to establish dignity. They will – and undoubtedly that is the same all over, certainly everywhere in the African Diaspora – express their joys and pains through music and dance. Sometimes they have to do it in a way, in private, [as] some of them in Brazil... or sometimes they do it upfront. They do it in the context of their Christianity, otherwise there wouldn't be any Candomblé.

But the same thing exists elsewhere. And you know, eventually after freedom they do it in the context of the modern Catholic church. We have African drumming in the church and things like that. Once people get educated, they'll do it through literature, and there are memoirs. They'll do it through their religions – and that part, that is different. I mean, it's clear that one of the things I said, and I think it is still true broadly, is that there were no "Equianos" and "Duboisés" and "Frederick Douglasses" in the Indian Ocean World, because all the people who wrote were freed slaves. I mean, it's a very different... and they wrote as Christians; we have all used that material, like the stories from [the Anglican boys' school at] Kiungani [Zanzibar], for example. But, you know, Islam doesn't have a tradition of writing about yourself. If you are really important, you become a Sufi master or something like that, people write hagiographies about you. But if you were a learned person you could move up through the ranks of the Sheikhs and you could become quite important in the context of your religion and your faith. And you could also trade – certain people did that. You could also, in the case of Habshis ... you know, if you were enslaved as a domestic servant, okay, you could become a concubine, and if you had a child, you would be freed [just] as your child. If you were a eunuch, you're not so lucky about having children, but you might become very

powerful. If you were enslaved as a soldier and were lucky enough to live, and you're a good soldier, you might end up like Malik Ambar, you know, a really important figure. So, one would have to ask... you know, wouldn't it be wonderful to be able to ask a living Malik Ambar "do you ever think about having been enslaved? I mean, what does that mean to you? Do you miss Ethiopia?"

F.B.: *[or]* "What does it mean to be free or enslaved?"

E.A.: What does it mean to be free? I don't know if you have seen it, there is a very good Oxford short biography of Malik Ambar [written] by Omar Ali, who is Deccani, [and] teaches at the University of North Carolina at Greensboro. He has done research in Ethiopia as well as in India, which is very good. But you can't ask that question, I mean, you can't get an answer to that question. But there are some things... if you have a look at some quotes in my "African Diaspora in the Northwest Indian Ocean" article,³² there is an account from the Hadramawt, actually Mukalla, by the British officer who was sent up there in the 1930s to finally bring it actually under British control. And he meets an old African soldier, asks where he is from, and he is a Ngoni, from southern Tanzania. So the Brit asks: "Oh, would you want to come back?" and he [the soldier] said, "No! They would just enslave me again!" So, once you've been enslaved, basically, maybe your family has been killed... but the question of what it means to be free is... God knows that is complex, I don't have the answer to that question! [laughs].

F.B.: *Absolutely not! I remember reading texts of Suzanne Miers³³ and everything [back] in college and, well, she was discussing about these eunuchs, about these mamelukes, these slaves that eventually got to high places and they were better off than [most] free people from those societies. These are complex questions for us to think about here in the Americas.*

³² Edward Alpers, "The African Diaspora in the Northwestern Indian Ocean: reconsideration of an old problem, new directions for research", *Comparative Studies of South Asia, Africa & the Middle East* 17, no. 2 (1997): 62–81.

³³ Suzanne Miers, "Slavery: A Question of Definition", *Slavery & Abolition: A Journal of Slave and Post-Slave Studies* 24, no. 2 (2003): 1–16.

E.A.: I agree, especially since we are all operating in a reformed European notion, this post-Reformation notion of what freedom means in democratic societies, whatever that means. What does our freedom mean? Well, these are complex issues.

F.B.: *These are complex issues. Well, professor, thank you so much. It was a very, very good conversation.*

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Jorge Moreno Andrés

***El duelo revelado. La vida social
de las fotografías familiares
de las víctimas del franquismo***

**Madrid: Consejo Superior de Investigaciones
Científicas, 2018, 234 pp.**

Vanessa de Almeida*

El duelo revelado, considerado como melhor monografia em Artes e Humanidades pelo Premio Nacional de Edición Universitaria, é fruto de uma tese de doutoramento em Antropologia Social, sendo o corolário de um trabalho de investigação sobre Ciudad Real, mais concretamente sobre o município de Abenójar.

A investigação desenvolvida sobre o franquismo, seja ao nível da historiografia ou das demais ciências sociais, tem vindo a ampliar a noção de resistência para além das organizações políticas ou grupos armados, privilegiando a noção de “resistência silenciosa”, segundo conceito de Jordi Gracia. É neste contexto que deve ser considerado o trabalho de Jorge Moreno Andrés (JMA) que, na esteira do conceito de Arjun Appadurai – a vida social das coisas, se propôs reflectir sobre os usos dados às fotografias de familiares num contexto de violência política, partindo de uma pergunta inicial: onde estão as fotografias dos *represaliados* políticos, de imediato seguida de uma outra: o que fazem as pessoas com essas mesmas fotografias? Subjacente, um demorado e intenso trabalho de campo, no qual o compromisso ético assu-

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mido para com a comunidade implicou tarefas diversas. Nas palavras de JMA,

El alto grado de interés que tiene para las familias estudiadas, generaba continuamente demandas que yo intentaba solventar consiguiendo documentos sobre sus familiares, o incluso investigando sobre el paradero del cuerpo de padres o abuelos. Si bien es cierto que en ocasiones algunas de estas exigencias exceden la labor del antropólogo, [...], no lo es menos saber que este tipo de estudios necesariamente te interpela y compromete, aunque solo sea por la devolución como compromiso ético que exige la disciplina. Es por eso que todo el trabajo de campo se complementó desde el inicio con ciertas tareas relacionadas con búsqueda de familiares, apertura de fosas, exposiciones, charlas en los pueblos, proyecciones de documentales, publicación de libros, e incluso la inauguración de un parque¹.

Tudo isto conciliado com investigação em diferentes arquivos históricos. A sua reflexão em torno do objecto de estudo eleito foi sendo construída mediante uma abordagem interdisciplinar, na qual serão postos em diálogo conceptual os estudos mais recentes nas áreas da antropologia e da fotografia, mas também da história ou da história de arte, ou os estudos dedicados à memória e transmissão de memória em contextos traumáticos, como seja o desenvolvido por Marianne Hirsch, a qual propõe o conceito de pós-memória.

Como se pode ler no prólogo da autoria de Julián López García, o fim da guerra anunciado por Franco a 1 de Abril de 1939 esteve longe de representar uma paz verdadeira, já que o fim da guerra foi o início da eliminação física e simbólica do “outro”. Ciudad Real mantivera-se leal ao governo republicano nos três anos da guerra civil. Com o fim anunciado do conflito, a violência exercida espalhou-se em prisões, exí-

¹ Jorge Moreno Andrés, *El duelo revelado. La vida social de las fotografías familiares de las víctimas del franquismo* (Madrid: Consejo Superior de Investigaciones Científicas, 2018), 16-17.

lio por diferentes países, ou mesmo num exílio interior, já que muitos dos *vencidos* foram impedidos de regressar às suas localidades de origem mesmo após o cumprimento das penas e, em última instância, em fuzilamentos e ocultação dos corpos. No pós-guerra foram assassinadas mais de 3000 pessoas em Ciudad Real, cujos corpos foram enterrados em valas comuns. Como refere JMA, “toda esta violencia desplegada contra las familias, que a partir de ese momento vivirían señaladas y marginalizadas, dibuja un panorama de casas en las que siempre falta un miembro, un ser querido del que no se habla fuera del domicilio, pero cuya ausencia será la explicación bajo la que viven”². A ausência física será compensada com outro corpo com que a família se vai relacionar de forma intensa ao longo dos anos, não apenas durante a ditadura, mas também no período pós-*pacto del olvido*: as fotografias. Como já antes Rosón e Domenech haviam mencionado,

“Estes materiales ‘subalternos’ nos interesan pues contienen historias diferentes y permiten acceder a una cultura visual, material o emocional distinta de la hegemónica. Por tanto, la pregunta cuáles son las fuentes subalternas de la historia de las emociones que no encontraremos en los archivos?, es crucial si pretendemos acercarnos a lo íntimo y cotidiano, a las emociones que tejen redes que van de lo individual a lo colectivo, de la obediencia a la resistencia”³.

Fazendo uso das palavras de De Certeau: “En un contexto donde los fuertes siempre ganan, las imágenes siempre engañan”⁴.

Alfonso Capilla foi assassinado por um grupo de falangistas no dia 3 de Julho de 1939, nas proximidades de Chillón (Ciudad Real). Poucos dias depois da sua morte, o irmão mais novo deslocou-se à mina onde havia trabalho, com o objectivo de trazer a fotografia de Alfon-

2 Andrés, *El duelo revelado*, 21.

3 María Rosón e Rosa Medina Domenech, “Resistencias emocionales. Espacios y presencias de lo íntimo en el archivo histórico”, *Arenal*, 24, n.º 2 (julio-diciembre 2017): 421.

4 Andrés, *El duelo revelado*, 23.

so que estava apensa à ficha de identificação. Era a única fotografia existente. Mariano Capilla fez o caminho de regresso a casa, onde era esperado por vizinhos e familiares. “Cuando la fotografía entró por la puerta, había entrado su cuerpo. Fue entonces cuando comenzaron los llantos, los gritos, los abrazos, apartando a los más pequeños para que no presenciaran la escena”⁵.

Ensina-nos James C. Scott que “os grupos subordinados criam, a partir da sua experiência de sofrimento, um ‘discurso oculto’ que representa uma crítica do poder expressa nas costas dos dominadores”⁶, à luz do qual devem ser interpretados os rumores, o falatório, as histórias tradicionais, as canções, os gestos, as anedotas e, neste caso em concreto, o uso dado a fotografias dos familiares. Ou seja, JMA não coloca o enfoque na pessoa representada na fotografia, mas sim em quem interpreta essa mesma fotografia, o agente interpretante, mediante as suas práticas e usos, na senda da biografia do objecto, com o propósito de “evidenciar la relación dialéctica que tienen las fotografías de los represaliados en los procesos de construcción de la memoria individual y colectiva”⁷.

Esta obra está estruturada em quatro capítulos, que o autor desenvolve primorosamente na maneira sensível que definiu como “escavação fotográfica”, através de três níveis distintos, a saber: 1) Os itinerários e contextos pelos quais a fotografia passou; 2) A análise do objecto propriamente dito, o desgaste, cortes, ampliações e inscrições no reverso e o respectivo significado; e 3) As narrativas associadas às imagens.

No primeiro capítulo, “A fotografia como legado”, JMA explicita como o fuzilamento e a conseqüente ocultação do corpo, práticas que tiveram como intenção explícita desumanizar e desonrar o inimigo, impedem a família da vítima de realizar o ritual funerário. Como tal, os cuidados que deveriam ter sido dados ao corpo são transferidos para a fotografia. Honrar a fotografia, como se de um corpo se tratasse, é

⁵ *Ibidem*, 41.

⁶ James C. Scott, *A dominação e a arte da resistência* (Lisboa: Letra Livre, 2013), 19.

⁷ Andrés, *El duelo revelado*, 23.

uma forma de devolver a humanidade negada pelo regime franquista, transformando as imagens em fotografias inumadas⁸. Mais do que vistas, as fotografias dos familiares desaparecidos são vividas de um modo intenso, tocadas e sentidas, justificando assim o desgaste sofrido pelo objecto. Em muitos dos lares foram criados o que Julián López García definiu como “altares profanos”, nos quais é possível prestar culto ao fuzilado, transformado em antepassado protector da casa, onde a manipulação da fotografia, seja por via da ampliação ou alteração do traje com recurso a técnicas de revelação, concorre para a formação dessa nova identidade, na qual o novo traje associado ao corpo agora ausente adquire valor de mortalha.

Uma ideia possível de identificar é o papel do género no trabalho do luto, que se reflecte na transmissão das fotografias e, consequentemente, da memória, por via feminina. Em casas nas quais a descendência é masculina, as fotografias são transferidas para outro ramo da família, transferência a que não está ausente a ideia de vingança de sangue associada à noção de masculinidade, comum nas sociedades mediterrânicas.

Apesar da tentativa de aniquilamento levada a cabo pelo franquismo, ampliar uma fotografia significa ampliar a presença do ausente na casa, garantindo-lhe deste modo a participação na vida familiar, sendo também um mecanismo de transmissão de ideologia política, embora muitas das fotografias analisadas tenham sido amputadas de símbolos políticos. Noutras situações, mediante fotomontagens de diferentes membros da família fuzilados, as fotografias servem para reafirmar ideologias. Nas palavras de JMA “la fotografía sintetizaba la imagen de un enemigo ideológico que el régimen se empeñaba en eliminar, pero cuya presencia se sentía latente”⁹. As fotomontagens que a olho nu parecem inofensivas são, na realidade, símbolos de uma resistência silenciosa, com claros objectivos pedagógicos, que justificam e constroem uma genealogia ideológica que se prolongará durante a democracia. Nos casos em que se verifica uma ruptura ideológica, esta poderá ser compreendida pela ausência de um efectivo trabalho de luto.

⁸ *Ibidem*, 45.

⁹ *Ibidem*, 86.

O segundo capítulo, “A fotografia como símbolo de esperança”, reflete sobre o circuito que as fotografias das prisões fazem para as casas de família, e sobre o circuito inverso. Contrariamente à reflexão de Pierre Bourdieu, ao considerar que a família se faz fotografar nos dias de festa, no contexto em análise a fotografia decorre de uma situação de desintegração da própria família, sendo por isso marcada pela ausência. As fotografias que entram nas prisões franquistas são, na sua maioria, fotografias de filhos e estas imagens são, em si mesmas, formas de resistência, já que permitem dotar o espaço repressivo de uma maior habitabilidade e, deste modo, dignificar o preso, visto que a resistência passa por preservar a humanidade num contexto de violência. Tal como a fotografia dos fuzilados exposta no interior das casas, as fotografias que chegam às mãos dos presos são vividas intensamente, apresentando por isso evidentes sinais de desgaste. As imagens dos familiares adquirem valor de relíquia, insuflam esperança e são inevitavelmente forma de evasão à situação presente. Um outro tipo de fotografias que entram nas prisões franquistas são as fotografias dos líderes políticos, que permitem o reforço do sentimento de união para com a família política. No sentido inverso, as fotografias tiradas em contexto prisional tentam transmitir confiança aos familiares que esperam no exterior, traduzida numa representação digna do prisioneiro.

O terceiro capítulo propõe-se analisar os usos e as práticas fotográficas utilizadas na comunicação entre os exilados e os familiares que permaneceram em território espanhol, recorrendo estas a uma estética comum às fotografias de turistas ou emigrantes, com referências claras ao local visitado. A fotografia destinada a chegar à família dos exilados políticos pretende, por um lado, dar conta da chegada em segurança ao destino e, por outro, ludibriar o exercício da censura, sendo por isso fotografias que recorrem à dissimulação como forma de resistência: “Son fotografías de disimulo que intentan salvar los obstáculos de la censura franquista para poder comunicarse con las familias”¹⁰.

O quarto capítulo, “A imagem como ressurreição”, debruça-se sobre os usos e práticas das fotografias no contexto da democracia, no

10 *Ibidem*, 186.

qual as fotografias são expostas em lugares abertos à comunidade, com o objectivo de reactivar os laços ideológicos no seio dos grupos políticos. A abertura das valas comuns vai conduzir a uma prática inversa, ou seja, as fotografias vão sair das casas, onde estavam protegidas do olhar exterior, e muitas vão ser depositadas junto aos restos mortais dos familiares. No mesmo sentido, vão conhecer novos usos, na luta contra o silêncio a que os *represaliados* e as suas famílias haviam sido votados durante o franquismo, como denúncia da impunidade dos crimes cometidos pelo regime que a sua própria existência representa.

A reflexão que esta obra nos oferece sobre a vida social das fotografias familiares dos perseguidos pelo franquismo permite-nos compreender os diferentes usos e acções interpretativas a que foram sujeitas, de maneira a permitirem a gestão do sofrimento e do luto perante a ausência de corpo. Tendo presente o conceito de James C. Scott de infrapolítico, este alerta-nos sobretudo para a necessidade de olhar para as práticas de resistência por um prisma mais abrangente, em que também sejam considerados o que Piedras Monroy definiu como “documentos subalternos”, os quais não se inscrevem nos arquivos tradicionais, exactamente porque a sua existência está intimamente dependente do modo como foram vividos e sentidos. A fotografia é um objecto profundamente emocional, com presença central na casa, dotada de capacidade de evocação, mas também uma forma de resistência face ao que o tempo histórico não tem o direito de destruir. Estamos, por isso, no campo das resistências emocionais a regimes que quiseram dominar os quotidianos de um modo totalitário. Passear com a fotografia de um tio fuzilado na carteira é, em si mesmo, um acto de resistência. Daí que o trabalho de JMA nos abra novos caminhos, novas formas de olhar e pensar.

Referência para citação:

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Rui Gomes Coelho

O Arqueólogo Cordial. A Junta Nacional da Educação e o enquadramento institucional da arqueologia portuguesa durante o Estado Novo (1936-1974)

Lisboa: Imprensa de Ciências Sociais, 2018, 153 pp.

Vítor Oliveira Jorge*

Fazem muita falta obras de história da arqueologia em Portugal. É certo que há abundante documentação e já existem bastantes “depoimentos” pessoais ou tentativas parciais no sentido de pensar essa história. Mas uma obra – desejavelmente mais do que uma, claro, porque qualquer história parte sempre de uma “teoria” subjacente, e o que seria importante seria o cruzamento de várias perspetivas – que se leia como um conjunto estruturado (por exemplo, a partir do século XIX), não existe.

É bem sabido como o salazarismo se interessou pelos monumentos da nacionalidade, carismáticos e simbólicos para a sua conceção de Portugal, mas, ao contrário de outros regimes ditatoriais, menosprezou a arqueologia, mesmo como elemento de propaganda. Faz sentido: a arqueologia é um apanágio da modernização¹, que Salazar sempre tentou travar.

Tem, porém, havido por parte de certos autores uma tendência para resgatar figuras do nosso passado recente, consideradas arqueólogo(a)s, fazendo-o por vezes mesmo com um carácter evocativo, comemo-

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¹ Julian Thomas, *Archaeology and Modernity* (Londres: Routledge, 2004).

rativo e até laudatório, quando tais figuras, se comparadas com o que se fazia na mesma altura na Europa e noutras áreas mais “desenvolvidas” a este respeito, dificilmente mereceriam o título de arqueólogo(a)s, a não ser na aceção pejorativa de amantes de velharias ou antiguidades e de praticantes mais ou menos musculados de uma amadora (mas por vezes muito destrutiva) prática de desenterrar monumentos e objetos.

Ou seja, a nossa arqueologia tem uma “pré-história” que vem até uma fase bastante adiantada do século XX, em que verdadeiramente não havia, praticada por portugueses, e, salvaguardadas raras exceções bem conhecidas, uma verdadeira arqueologia nacional, realizada em bases modernas, tanto ao nível do ensino e investigação, como ao nível da administração pública, central ou local. Isto apesar da existência de muitas pessoas conscientes deste facto, e que tentaram lutar, antes e depois do 25 de Abril, contra o anacronismo, também neste campo.

A arqueologia portuguesa, hoje especialmente entregue a empresas, e raramente consagrada a uma investigação sustentada de equipa, continua numa situação pobre, o que também se nota em certa escassez de debate contemporâneo sobre questões de orientação teórica, as quais, evidentemente, obrigam sempre à inter e transdisciplinaridade. A preencher o vazio, há muitos eventos e algumas tentativas por parte dos(as) mais advertidos(as) para ultrapassar os constrangimentos, e pensar a prática e a história da arqueologia de uma forma realmente interessante². Com certeza, Rui Gomes Coelho pertence a essa minoria, e por isso o seu livro é, desde logo, de saudar.

Assim, tudo o que escrevi antes serve para enquadrar o leitor no “pano de fundo” esquemático que é o meu no momento em que pego,

² Uma dessas tentativas de perceber o que aconteceu para ser possível este anacronismo da nossa “arqueologia” – a acompanhar o nosso anacronismo geral relativamente a um mundo ocidental onde a social-democracia se implementou e, com ela, uma academia mais séria e mais exigente – pode exemplificar-se, entre outras, na obra de fôlego de Sérgio Alexandre Gomes, apresentada em 2011 à Faculdade de Letras da Universidade do Porto. É citada, aliás, pelo autor do livro aqui em análise, e intitula-se “O Passado, a Identidade e as Teias do Governo. Estudos sobre os Entrelaçamentos das Práticas de Produção do Conhecimento Arqueológico e de Construção da Identidade Nacional Salazarista”, e é uma tese de doutoramento com 660 páginas que devia ser publicada. Sérgio Alexandre da Costa Gomes, “O Passado, a Identidade e as Teias do Governo. Estudos sobre os Entrelaçamentos das Práticas de Produção do Conhecimento Arqueológico e de Construção da Identidade Nacional Salazarista” (Tese de Doutoramento em Arqueologia, Faculdade de Letras da Universidade do Porto, 2011).

também como leitor curioso, neste livro, cujo autor, com já longo *curriculum*, emerge quando a minha própria carreira chega ela mesma à sua última fase (completou o mestrado em 2010 na FCSH da UNL e o doutoramento em 2017, na Universidade de Binghamton), autor que, significativamente, tem um *curriculum* que passa por vários países, e se encontra atualmente a trabalhar nos EUA.

A obra em apreço começa com um prefácio de Manuel Loff, conceituado especialista do Estado Novo, prossegue com um prólogo em que Rui Coelho explica as motivações do livro, continua com um primeiro capítulo de Introdução, e no capítulo seguinte dedica-se a expor os antecedentes da Junta Nacional da Educação, desde 1929. Na verdade, só o capítulo 3, entre as páginas 51 e 92, é que se debruça mais propriamente sobre a atuação da JNE, uma vez que logo o capítulo 4, no seu título e primeiro subtítulo, reitera a verdadeira intenção de todo o trabalho: a de caracterizar a “economia dos afetos” que dominava as instituições do regime, e a de mostrar como também na arqueologia e nas relações entre os seus praticantes vigorava a figura do que designa o “homem cordial”. Trata-se de, partindo da arqueologia e a ela voltando, compreender facetas do “sistema de valores salazarista” (p. 97) e de mostrar como ele procurou “moldar os espíritos” por forma a docilizá-los dentro de uma disposição propiciadora do “consenso”, própria aliás do condicionamento mental de todas as ditaduras. Através de uma interiorização subtil, muitas vezes implícita, dos comportamentos e dos discursos alinhados pelos do “chefe” – e, portanto, através de um exercício de uma violência simbólica que apartava o que se fazia e dizia, quem fazia e dizia, e como podia fazer e dizer, do resto – cada instituição era, como refere o autor a propósito de quem se sentava à mesa da JNE, “[...] um microcosmos do mundo ideal em que a ditadura se projetava” (p. 94). Assim, todas as perspetivas, e eventuais críticas, discordâncias, ou mesmo rivalidades entre os protagonistas de cada sector, se harmonizavam dentro de um regime geral de obediência ou “espírito de concórdia”, corporizando uma anemia que aliás era a tónica do salazarismo, a “arte” de tudo fazer para parar o devir, como tão bem tem caracterizado Fernando Rosas em numerosas ocasiões³.

³ Por exemplo, nos livros Fernando Rosas, *Salazar e o Poder. A Arte de Saber Durar* (Lisboa: Tinta-da-China, 2013) – obra que o autor não cita – e Fernando Rosas, *Salazar e os Fascismos* (Lisboa: Tinta-da-China, 2019).

Algum lastro dessa longa experiência coletiva perdurou, e ainda hoje está presente, como aliás Rui Gomes Coelho oportunamente sugere.

A obra de Rui Gomes Coelho toca em vários pontos que suscitariam uma longa “conversa”: desde logo a questão já referida de se haveria – antes da geração a que pertenceu ter entrado para o serviço ativo no ensino das universidades e de outras modificações profundas que se evidenciaram sobretudo após o 25 de Abril – uma “arqueologia” verdadeiramente digna desse nome em Portugal (praticada por nacionais), se comparada, por exemplo, com muitos outros países da Europa. Basta ver a quantidade de estrangeiros que aqui trabalharam e que realmente produziram trabalhos ou obras de referência – só para citar alguns, Breuil, Zbyszewski (mas este com a principal incumbência de atuar em geologia, embora tenha tido importância no estudo do Quaternário), o casal Leisner, Jean Roche (chamado por Mendes Correia), Hermanfrid Schubart e Sangmeister (as suas escavações do Zambujal, em Torres Vedras, foram capitais para a formação de vários portugueses), H. N. Savory (responsável pelo único registo estratigráfico do sítio calcolítico de Vila Nova de S. Pedro, e pela primeira tentativa de “síntese” da pré-história da Península⁴), etc.

A primeira verdadeira “escola” de arqueologia (sobretudo para a época romana) que surgiu em Portugal foi a de Coimbra, que aproveitou e incrementou da melhor maneira as condições que ali se criaram, liderada por Jorge de Alarcão na Universidade e por Adília Alarcão em Conimbriga, cujo museu foi fundado em 1962⁵. Trata-se de um corte significativo com o que antes existia⁶.

4 É significativo que a editora Thames & Hudson tenha encarregado este galês, e não qualquer “arqueólogo” ibérico, a escrever o livro *Espanha e Portugal* para uma sua célebre coleção, o qual foi traduzido pela Editorial Verbo em 1969.

5 Afirmo isto mesmo em público, no programa televisivo Curto-Circuito, onde fui entrevistado por Laura Soveral, nos inícios dos anos 70, antes de me licenciar e, portanto, antes do 25 de Abril. O que provocou alarme em certas pessoas (o programa tinha grande audiência nacional, e eu referi que na Faculdade de Letras da Universidade de Lisboa, em contraste, não havia condições de trabalho para os estudantes de arqueologia), mas teve uma consequência imediata positiva: o que era um grupo de “amigos” foi transformado no informal mas eficaz GEPP – Grupo para o Estudo do Paleolítico Português –, a quem o Prof. Fernando de Almeida concedeu, por meu intermédio, uma sala no Museu Nacional de Arqueologia, nos Jerónimos.

6 Recordo-me de ter participado em 1966, no Porto, no V Colóquio Portuense de Arqueologia, organizado pelo Centro de Estudos Humanísticos e coordenado pelo afável D. Domingos de Pinho Brandão. A única comunicação ali apresentada que me transmitiu (com que apreendi) algo foi a de Adília Alarcão.

Onde especialmente se pode também notar uma rutura positiva, ainda por cima porque trouxe à tona uma arqueologia pré-histórica praticada em novas bases, é em casos excepcionais como o do Gabinete da Área de Sines, onde Carlos Tavares da Silva e Joaquina Soares realizaram, nos anos 70 e 80, inovador trabalho de pesquisa, graças a qualidades próprias, mas também às condições que lhes foram proporcionadas, a que não é alheia a ação do Eng.⁹ António Guterres nos inícios dos anos 70; o mesmo António Guterres cujo governo, em 1995, viria a interromper as obras da barragem do Côa para proteger o nosso melhor património arqueológico em termos universais. Outro grande acontecimento que rompeu com o que era a pobre rotina da nossa “arqueologia” foi o salvamento possível da informação respeitante à arte rupestre do vale do Tejo, no início dos anos 70, cujo mérito se deve ao GEPP, um grupo de jovens, e à mediação, junto das entidades apoiantes, por parte do Dr. Eduardo da Cunha Serrão. Foi, na altura, uma operação sem precedentes, devido à ameaça da barragem de Fratel.

Um problema que se me põe em relação à obra de Rui Gomes Coelho é a escolha, por certo irónica, mas mesmo assim, quanto a mim, discutível, do conceito de “homem cordial” (neste caso, “arqueólogo cordial”); duvido que essa ideia “brasileira” de “cordialidade” – conotada com a busca de uma suposta identidade brasileira pela geração dos anos 30 – seja a mais adequada para expressar o que o autor pretende. Tentar caracterizar os países e/ou os povos através de certas predisposições comportamentais a-históricas é sempre um exercício um tanto resvaladiço...⁷. Como é sabido, foi o brasileiro Rui Ribeiro Couto (1898-1963) quem sugeriu aquela palavra/conceito – “homem cordial” –, depois (1936) usada por Sérgio Buarque de Holanda na obra, tornada clássica, *Raízes do Brasil*⁸, e que tem dado origem, naquele país, a prolongado debate⁹.

7 Erro em que terá caído o todavia excelente José Gil, filósofo subtil, no seu livro de intervenção, provavelmente o menos bom que saiu da sua inteligente pena. José Gil, *Portugal, Hoje: O Medo de Existir* (Lisboa: Relógio d'Água, 2014). O facto de ter sido um *bestseller* é também significativo...

8 Sérgio Buarque de Holanda, *Raízes do Brasil* (São Paulo: Companhia das Letras, 1995).

9 Veja-se, por exemplo, Ronaldo Vainfas, “Gilberto e Sérgio”, artigo inserto no jornal *Folha de*

O que me parece de facto importante é tentar, com a ajuda de quem tem estudado o fascismo português e o tem comparado com outros fascismos europeus (não como movimentos, mas como regimes), compreender claramente a sua política cultural, o que ela acentuou e tornou emblemático, o que ela silenciou, o que ela menosprezou. E, para além disso, e já ao nível do quotidiano, algo de muito subtil, o tipo de “atmosfera” que instalou, o quotidiano “cinzento” que por toda a parte implementou... Ora, o que era emblemático estava ao serviço de um núcleo de ideias e de orientações programáticas centrais do salazarismo, entre outras, o organicismo e o corporativismo. Tratava-se de redespertar as raízes ancestrais da nação, aviltadas pelo liberalismo e pela sua invenção das liberdades centradas no indivíduo, e de reerguer o orgulho nacionalista, esmagando quaisquer dissensões (a luta de classes criada pelo socialismo).

A Direção-Geral dos Edifícios e Monumentos Nacionais (dominada por engenheiros e sem “arqueólogos”, dirigida que estava para restaurar a “grandeza” dos monumentos mais “carismáticos”), por um lado, e eventos como a Exposição do Mundo Português dos anos 40, ou o Portugal dos Pequenitos em Coimbra (inaugurado no mesmo ano), por outro, são exemplos, entre muitos, da política fascista do nosso património e da sua encenação pública, que era constante.

Sem, portanto, diminuir o indiscutível interesse deste livro de Rui Gomes Coelho, contributo útil para a “pré-história” da arqueologia portuguesa, campo em que tanto escasseiam livros que se encontrem no mercado livreiro, acessíveis a um público que continua pouco motivado para a importância da arqueologia, fica-nos a certeza de que, não só o autor, mas todo um conjunto de jovens investigadores farão, progressivamente, o balanço, tanto quanto possível equilibrado, daquilo que foi a nossa arqueologia desde pelo menos os anos 60 até hoje, passado quase um século.

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Fernando Rosas

Salazar e os fascismos

Lisboa: Tinta-da-China, 2019, 305 pp.

Goffredo Adinolfi*

Fernando Rosas é seguramente um dos historiadores que se dedicaram com mais atenção ao estudo do Estado Novo e, de um modo mais geral, ao fenómeno dos fascismos na primeira metade do século XX. É da sua autoria o sétimo volume da coleção *História de Portugal* dirigida por José Mattoso, “O Estado Novo”, de 1998. Mas Rosas é também dinamizador de numerosas obras colectivas, entre as quais, em coordenação com J. M. Brandão de Brito, se destaca o *Dicionário de História do Estado Novo*, em dois volumes, editado em 1996.

Volta ao tema do fascismo num texto recente editado pela Tinta-da-China em 2019, *Salazar e os fascismos*, de 305 páginas. O argumento, complexo e escorregadio, não é certamente novo e, sobretudo, como sublinha o autor na introdução, coloca-se: “a questão da vastidão quantitativa e da diversidade qualitativa do verdadeiro oceano de bibliografia e outras variantes de fontes secundárias sobre o fascismo”. Aqui encontramos-nos perante uma das questões historiográficas cruciais mas, provavelmente, irresolúvel e, por essa razão, fonte de infinitas controvérsias: a da catalogação do fenómeno dos fascismos ou do fascismo, consoante as escolas de pensamento, e a relação com o caso português do Estado Novo. Como pano de fundo, provavelmente de onde nasce a dificuldade de colocar um ponto final, a questão do “uso

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público da história”, um aspecto que aparece desde as primeiras linhas do texto.

Salazar e os Fascismos é, deste modo, um percurso dentro do fascismo e à volta do fascismo, através de cinco capítulos que afrontam os diferentes aspectos da questão. Começa-se pelo aspecto teórico, no capítulo I, para passar depois à contextualização histórica que produziu o fascismo, no capítulo II, e à questão da institucionalização do fascismo no caso específico do Estado Novo, no capítulo III, algumas conclusões relativas ao salazarismo, no capítulo IV, e os desafios do presente, no capítulo V.

Referíamos o longo percurso de Rosas na história dos fascismos, mas este não é um livro como os outros porque, como sublinha o autor, “há livros que demoram muito tempo a escrever”. Parece-nos este o ponto de partida essencial. Passaram mais de 30 anos desde a publicação de um dos primeiros trabalhos, *O Estado Novo nos anos trinta* (Editorial Estampa, 1986), e, evidentemente, não deve ser fácil fazer uma síntese que se propõe ser, de algum modo, tanto vertical – vista como um sumário de uma inteira carreira –, como horizontal – pensando no estado da arte e, subjacente a isto, a ideia do fascismo prevalente hoje.

Embora seja uma questão mais de teoria política e por alguns elementos, como os de Juan Linz, influenciada pela ciência política, é impossível iniciar um texto sobre o fascismo sem delinear, ainda que de forma sucinta, os seus traços essenciais. São sete, segundo o autor, os seus pontos característicos. Primeiro: o fascismo deve ser entendido como um fenómeno e uma categoria histórica e como tal deve ser analisado. Neste sentido, Fernando Rosas, historiador, marca uma profunda distância a uma aproximação de tipo politológico voltada para a construção de esquemas teóricos ou tipológicos de análise. Inevitavelmente, explica Rosas, para compreender deve-se partir da descrição do contexto no qual o fascismo dá os primeiros passos e no qual é produzido. É este um dos pontos essenciais do texto, a ideia de que a ideologia não é uma mera abstracção, mas a resposta mais ou menos concreta a perguntas feitas pela sociedade. A partir das primeiras páginas o fenómeno fascista é associado ao do populismo ou de um fascismo que utiliza

estratégias populistas para se conectar com uma “pequena burguesia assustada com o risco de despromoção social” (Rosas, p. 33) e “da humilhação da vitória incompleta”. Um populismo que lhe dá “bases de massas, força social e política para eliminar as forças à sua concretização” até se transformar em regime autoritário. Passamos agora um olhar mais sintético pelos outros seis pontos. Segundo: o fascismo deve ser entendido como resposta da estrutura económica aos desafios dos primeiros anos vinte. Terceiro: o fascismo nunca conquistou o poder sozinho, por via eleitoral ou não, mas sempre em aliança com as forças conservadoras. Quarto: embora diferenciados entre si pelas específicas tradições nacionais, os regimes de tipo fascista configuram uma expressão unificada como “fenómeno político, económico, social e ideológico”. Quinto: o fascismo não deve ser interpretado e analisado como um fenómeno estático, mas dinâmico, capaz de se adaptar aos novos impulsos externos ou internos. Sexto: o totalitarismo como dimensão ideológica essencial para compreender os regimes fascistas e, sétimo, o colonialismo nos séculos XIX e XX como campo de prática da violência que desemboca, num segundo momento, na violência ilimitada do fascismo.

No segundo capítulo, o autor detém-se sobre aquelas que foram as condições históricas nas quais o fenómeno fascista se afirmou e, portanto, sobre a possibilidade que está na base deste pressuposto, estabelecer uma matriz única de todos os fenómenos autoritários da primeira metade do século XX, ou seja, a de tipo fascista. São quatro os elementos caracterizadores do quadro histórico/social. Primeiro: os efeitos da crise e da I Guerra Mundial sobre os países da periferia europeia e, portanto, da fragilidade dos sistemas liberais. Segundo: a derrota do movimento operário, ou seja, a ideia de que o fascismo tenha podido afirmar-se não durante o apogeu da ofensiva vermelha, mas sim aproveitando um vazio subsequente à sua derrota. Terceiro: a rendição do liberalismo ou, para sermos mais correctos, a rendição de sectores que, apesar de próximos ao liberalismo, o consideram incapaz de fazer frente às pressões revolucionárias, por um lado, e ao descontentamento das classes médias, por outro, um fenómeno que caracteriza todos os países, mas que em Portugal ganha uma maior relevância. Quarto: a

unificação debaixo do mesmo chapéu de todas as famílias da direita, uma aliança ou compromisso entre o radicalismo populista que resultará depois no domínio do fascismo conservador.

No terceiro capítulo entra-se nas especificidades do “fascismo enquanto regime” com o caso do Estado Novo português. Uma premissa logo na primeira frase ajuda a compreender como cada regime fascista deve ser interpretado através das suas especificidades, isto porque cada um é o resultado “de diferentes tipos de encontros ou de alianças entre sectores significativos das direitas políticas”. No entanto, para além da diferente composição das forças em cada um dos regimes ditatoriais, é possível delinear nove dimensões comuns a cada um deles. Primeiro: o mito palingénético, a ideia do renascimento da pátria e do resgate depois de amplos períodos de decadência. Segundo: o nacionalismo organicista, a reconstrução da relação entre cidadão e poder, já não baseada no indivíduo e na atribuição de direitos que protejam a sua esfera, como teorizado no liberalismo, mas na comunidade do povo, unidade harmónica e hierarquicamente organizada. Terceiro: o corporativismo agregador, consequência e concretização óbvia do nacionalismo orgânico. Quarto: um estado forte, ou seja, um estado que, contrariamente ao liberal, não fosse limitado. Quinto: a violência. Este último é um ponto importante porque, como sublinha o autor, em si a violência não está ausente nos regimes demoliberais, mas o que caracteriza os regimes fascistas assume um papel e uma importância que não são comparáveis, não apenas em termos de dimensão, mas, sobretudo, pelos fins a que se propõe, tanto através da violência preventiva com objectivos de padronização ideológica dos comportamentos, como punitiva e repressiva. Sexto: o totalitarismo, ou seja, a conquista por parte do estado forte de todo o espaço, infringindo e anulando, tendencialmente, a barreira que separa o público e o privado. Sétimo: a liderança carismática. Oitavo: o oximoro paradoxal do partido único, ou seja, da parte que deixa de ser parte para assumir o papel de vector monopolista da única ideologia admitida. Nono: o imperialismo, a ideia de que a força da nação renascida deva ser projectada para o exterior.

Depois de um excurso que do geral, o fenómeno fascista, levou ao específico, o regime salazarista, no quarto capítulo conclusivo tra-

çam-se as linhas para regressar ao tema que serve de título ao livro, “Salazar e os fascismos”, e o modo como o caso português, talvez um dos mais controversos casos para a historiografia, embora como uma “modalidade portuguesa do fascismo”, não pode ser excluído da família do fascismo genérico. Um percurso, o qual é abordado no capítulo 4, que vai da crise do estado liberal até à construção de uma aliança que faz do fascismo português uma tipologia de carácter mais conservador em relação aos seus congéneres, sem que isso, apesar das suas múltiplas diferenças, o transforme num fenómeno estranho. Entre as diferenças fundamentais não se pode deixar de mencionar a necessidade de sobreviver à II Guerra Mundial e à derrota dos fascismos, durando por um período significativamente mais longo do que os seus homólogos italiano ou alemão e, a segunda diferença que faz do Estado Novo um caso único, a alternância nos seus vértices, de Salazar a Marcelo Caetano.

Finalmente, encontra-se uma espécie de posfácio, um último capítulo que parece quase como um primeiro capítulo de qualquer outra coisa. Isto porque nos vemos projectados no tempo presente, historicizado, e no qual são traçadas algumas linhas comparativas com o passado. É o contexto, uma vez mais, o ponto central a partir do qual se deve desenvolver a análise, porque, recorda o autor, é este que produz os fenómenos históricos. Em particular, são dois os momentos que marcam o desenvolvimento do momento presente: num primeiro nível, as relações de força e estruturas produtivas, e, num segundo, a crise económica de 2008 que, como um terramoto, alterou os equilíbrios precedentes. Como fundo, claramente, a queda do muro de Berlim em 1989 e o colapso da União Soviética em 1991.

Encontram-se paralelismos com as dinâmicas que haviam caracterizado as duas primeiras décadas do século XX, como é paralelo o ressurgimento de movimentos de extrema-direita – nacionalistas e xenófobos – que, neste momento, não levaram ao colapso de um cada vez mais deslegitimado e claudicante sistema liberal-democrático.

Boa parte do texto parece procurar responder à pergunta: que uso público dar à história dos fascismos? Não é uma casualidade que o livro se conclua no tempo presente. Afinal de contas, como sublinhava

há um século o filósofo italiano Benedetto Croce “a história é sempre contemporânea”, usa-se o passado para tentar compreender, resolver e interpretar problemas do presente. Assim, as duas dimensões, início do século XX e início do século XXI, sobrepõem-se: legitimidade do sistema liberal ou liberal-democrático, viragem autoritária, um nacionalismo exacerbado que supere as limitações da crise económica. É este, de facto, um aspecto iniludível do período contemporâneo: estamos então face a um novo fascismo? A justificar esta tese encontram-se dois aspectos sublinhados pelo autor: a concentração radical dos *media* e, portanto, da capacidade de produção ideológica e o ataque, cada vez mais frontal, ao sistema liberal, assim como se está a produzir, por exemplo, na Polónia e na Hungria. Poucas páginas de conclusão que abrem numerosas questões, uma acima de todas: a relação entre populismo e fascismo. Questão essa dividida em dois planos: o primeiro: o fascismo era um populismo?; o segundo, decorrente do anterior: o populismo é um fascismo? É um tema em aberto, de certa forma novo, em que a evolução parece ainda incerta. De qualquer forma, parece ser complementar à resposta que Federico Finchelstein dá a esta questão em *From fascism to populism in History* (University of California Press, 2017), que o populismo seja uma consequência da derrota, e, por conseguinte, do estigma associado ao fascismo, uma segunda via que se torna obrigatória não sendo já a primeira possível de percorrer.

Referência para citação:

Adinolfi, Goffredo. “Recensão a *Salazar e os fascismos* de Fernando Rosas” *Práticas da História, Journal on Theory, Historiography and Uses of the Past*, n.º 9 (2019); 269-274.