

**THE BRITISH  
HISTORICAL SOCIETY  
OF PORTUGAL**

TWENTY SIXTH ANNUAL REPORT  
AND REVIEW 1999

Quinta Nova  
Carcavelos  
2777 PAREDE

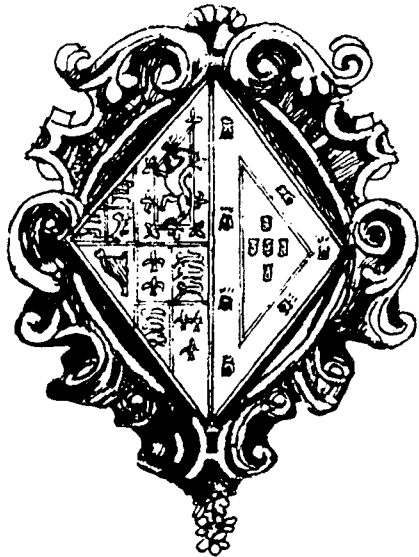
## THE ABOLITION OF HEREDITARIES ONE HUNDRED YEARS AGO

by Paulo Lowndes Marques

“My Lords, the first buttress of the old and tested structure is being removed. Such structure will collapse. One day the monarchy will be overthrown.” This particular nobleman spoke with passion and indignation. Compare with the tirade of the Earl of Burford: “This Bill, drafted in Brussels, is treason. What we are witnessing is the abolition of Britain. Before us lies the wasteland. No Queen, no culture, no sovereignty, no freedom.” These represent speeches in defence of the hereditary peers’ ability to vote in the House of Lords. But about 120 years separate the two speeches and the debate took place in vastly different countries. For Portugal, considered by many to be conservative and perhaps rather backward, had exactly this same confrontation in 1884 when it reformed its House of Lords (known, more exactly, as the House of Peers) by abolishing the hereditary element. What is curious to reflect is that the arguments used by both sides are almost exactly the same as during the debate in the United Kingdom.

As far back as 1860 the Leader of the Portuguese opposition, José Luciano de Castro, who led the Progressive Party stated publicly that “the right to intervene in the making of laws should not be subject to an accident of birth”. The debate took a long time to mature as it has in England and it was only in 1884 that, curiously, the Conservative (*Regeneradores*) party in power took the initiative. The Prime Minister (Fontes Pereira de Melo) said “all tendencies of present society contribute overwhelmingly to the predominance of democracy”.

But a little history. Portugal, after the Peninsular War was subject to great internal troubles culminating in a civil war between two royal brothers, D. Pedro representing the liberal and constitutional cause and D. Miguel, traditional and absolute royal government. When the King of the Napoleonic Wars (D. João VI)



died in 1826 his eldest son, Pedro, sent from Brazil a Constitution known as the *Carta Constitucional* curiously through an English envoy, Lord Stuart. With short interruptions it lasted until 1910. Calling the Constitution a Charter was a clever device re-invented in modern times by Talleyrand in 1814. The concept was that such a constitution was not a democratic right belonging to the people but it was a gift of his royal majesty to his subjects – although, of course, it was a fudge. After all the Magna Carta, some centuries before, was a very similar exercise. But in early Continental XIX politics plagued by the clash between liberals and traditionalists, it was a useful device to save faces.

The *Carta* was much inspired by British, the Oldest Ally, influence. Hence it had a hereditary House of Lords. D. Pedro IV appointed 90 peers: the old nobility (dukes, marquises, counts, only two viscounts and no barons), 19 bishops and the royal princes. But political strife worsened and 1828 the civil war began which culminated in the liberal victory of 1834. The trouble was that during the civil war more than two thirds of the members of the House of Lords had sided with D. Miguel and therefore were considered “traitors” by the victorious regime and when the *Carta* was re-instituted in 1834, D. Pedro had to appoint a whole new set of peers. Gone were most of the ancient titles and many ex-generals of the wars, civil servants and those “who had done well out of the war” were appointed. From then on we find that, unlike the UK, the fact that you had a title did not necessarily grant you a place in the Upper Chamber and indeed several members of the Portuguese House of Lords had no titles at all. But nevertheless, once appointed (not the bishops of course), the seat in the Upper House was hereditary. Often the Government wishing to pass difficult legislation would advise the King to appoint the necessary number to ensure the approval of a controversial bill. This “packing” of the House used to be called a *fornada* or, literally, “an oven full”.

To try and give back some prestige to the Lords a law was passed in 1878 limiting the King’s choice from among the Councillors of State (a type of Privy Councillor), Marshals and Admirals, University Professors, Government Ministers after some

years of office, Members of Parliament with eight parliaments under their belt, industrialists or merchants who paid 1.4 million *reis* in tax or landowners with an income of not less than 8.8 million *reis*. These last groups were chosen to encourage them to declare their real incomes! Alas, most preferred to pay less tax rather than be eligible.

But during this parliamentary debate the attacks on the hereditary interest were almost exactly those formulated today in England and the opposition pressed the Government to use the opportunity for abolishing them:

“They are incompatible with the spirit of the century, and the present state of civilisation.”

When, in 1884, there were pressures to introduce proportional representation the Conservative Government seized the opportunity to finish off the hereditaries. However, contrary to what happened in the UK, the debate and proposed law was meant to cover the whole solution. Thus the proposal was that the Upper House would be restricted to 150 members including one third elected and the rest appointed for life by the King, plus the bishops.

The arguments against were almost exactly as today. The Count of Bonfim said “Instead of altering the Constitution they want a new Constitution”. The Viscount of Chancelleiros stated that the Upper Chamber would cease to examine impartially the Executive. The Viscount of Moreira de Rey said that the hereditaries were the last barrier of liberty and added “the object of the reform is not the supposed iniquities of hereditary but in fact the Prime Minister wishes his powers augmented” (they did!). The new chamber would always give majorities to the Government. Aires de Ornellas (from an old Madeira family but with no title) said: “Parliamentary independence is under attack” and “with an elected first chamber we shall have an absolute government, a monstrous despotism clothed as a parliamentary government.” The Count of Rio de Maior, who said the opening phrases of this article, made the rather good point: “...it is stupid to be against privileges which derive from birth, as society accepts much worse inequalities as those deriving from property”.

Curiously, as happened at Westminster, no great nobleman joined the debate (the old titles had been allowed back again in the 1850's). A difference was that in Portugal hereditaries did not mean hereditary peerages but only those peers who had inherited their seats. That is, if you were the first of your line appointed to the House of Lords you were not to be excluded which is not the case in the UK. In Portugal the number of hereditaries to be abolished only amounted to 40.

The 1884 law was finally passed with 9 votes against and 10 abstentions in the House of Peers. One third of the future Lords would be elected indirectly (within the categories defined in 1878) for a 6 year period.

But there was a compromise. All those already in the House would remain. And there was a last minute further concession, those who at the date of the passing of the law already had an heir could pass on his seat for one further generation. So, in reality, everything remained exactly the same, except for the elected peers, until the fall of the monarchy in 1910.

--ooOoo--

**Paulo Lowndes Marques is the Chairman of the British Historical Society and has written many articles for the Society as well as lecturing at Society meetings.**

