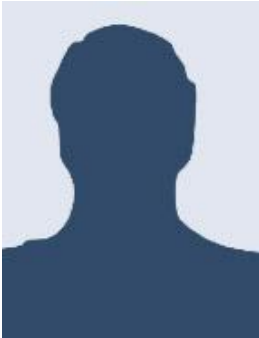


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ROCHA, Manuel António Coelho da (Covelas, 1793 – Covelas, 1850)

Historian and Professor of Law at the University of Coimbra, António Coelho da Rocha was born in the parish of São Miguel do Mato in the Arouca council area. His parents, the small farmers Francisco José da Rocha and Ana Maria Coelho, who were “rich in probity but not in fortune”, entrusted his education to his paternal uncle, the Abbot of Santo André de Cristelos (“Elogio histórico do autor”, *Ensaio*.... 1896, p.VI), and he managed to rise through the social order thanks to his ecclesiastical and university studies. An outstanding student, his career was dotted with constant reversals in both his own pecuniary fortune and the *fortune* of national politics. Under religious patronage, he was sent to Porto and in 1809 completed the preparatory studies required for university entrance, although the French invasions meant that he was only able to actually go up to Coimbra in October 1811. He simultaneously attended both the University of Coimbra’s Faculty of Laws and its Faculty of Canon Law. He really wanted an ecclesiastical post, but ended up only obtaining the initial degree (*bacharel*) in Canon Law, in 1816. He abandoned the idea of a religious career due partly to obstacles that stood in the way of his enrolment for a full degree in Canon Law, but also on the advice of a group of friends, who particularly included Basílio Alberto de Sousa Pinto (1793-1883), who had been his fellow student since Porto and was later to become Rector of the University (1859-63). Rocha obtained his *bacharel* in Laws in 1815, and was one of the two students on the course to receive a distinction. The next year, he received his full degree (*licenciatura*) in Laws, and in June 1817 defended his thesis (*Apresentação à Universidade de Coimbra*, 1951). Lack of funds prevented him from immediately moving on to a doctorate, and he only returned to Coimbra in the following academic year. He thus received the essence of his education at a number of ecclesiastical institutions and the University of Coimbra, and there is nothing to suggest he travelled abroad. Of his literary training, we only know that he learnt Latin from an early age, as part of both his ecclesiastical and his university studies. It seems clear that he was well versed in French, given that he cites a number of works that he may have read at the Royal College of São Pedro de Coimbra (now the General Library; examples include *Dictionnaire universel des sciences morale, économique, politique et diplomatique*; and *Bibliothèque de l’homme-d’état et du citoyen*, by Jean-Baptiste René Robinet, 1777-1783), which is where, until 1834, graduates prepared themselves to become teachers, and where Rocha was a scholar from 1826 to 1828. He engaged in a variety of tasks and occupations that made his life an austere one. In 1817, in the period between receiving his full degree and beginning his



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Doctorate in Laws, he went on retreat to the Braga Episcopal Seminary, on the recommendation of a distant relative, Reverend Manuel António Dias de São Tiago, who was also trained in Canon Law. He was then appointed to teach the subject of Canonical Institutions. His ties to the religious world became closer still in 1819-1820, when he took minor orders in the city of Porto. From 1822 to 1834, he earned a living without becoming an official member of the teaching staff. He successfully took the “*exame de repetição*” and was appointed “*Opositor*” (a form of lecturer), but was unable to advance further, possibly for political reasons. Suspicion that this was the case is based on the research of Paulo Mereia and Braga da Cruz: we know that at this time the appointment of an *Opositor* required the unanimous vote in favour of all the university’s professors (Charter Law of 1 February 1822), and also that Rocha’s name was on the list drawn up by the Expurgatorial Board in 1823, which accused him of having given a lecture on the Constitution in 1822 and of having made serious statements about the political influence of the Council of Trent (*Esboço de uma história da Faculdade de Direito...*, vol. I, 1952; *No centenário da morte...*, 1950, pp.8-9). It is said that when he gave some classes in Public Constitutional Law as a substitute lecturer at the Faculty of Laws, Rocha’s performance was noteworthy and his audience considerable. Reis Torgal says that the students gave an enthusiastic reception to the first professor to teach the Constitution and the new liberal legislation (“*Universidade, conservadorismo...*”, 1990, pp.140-141). Rocha took up the vacant post of extraordinary substitute lecturer in the 1827-28 academic year, but immediately resigned when Dom Miguel was crowned king. He withdrew to his home town, where he worked as a lawyer (1828-1834). As soon as the liberal faction gained ground, Rocha returned to Coimbra, this time as permanent lecturer of the History of Roman and Portuguese Jurisprudence at the Faculty of Laws in 1834-35 and 1836/37 – a post for which he was proposed by José Alexandre de Campos (and in which he was confirmed by royal charter issued by Queen Maria on 25/11/1834). When the University Reform was decreed by Passos Manuel (5/XII/1836), Rocha became a member of the new Faculty of Law, where he was responsible for Portuguese Civil Law from 1838 until his death in 1850. António Rocha pursued his professional career as a lawyer and above all a teacher in parallel with the holding of various public offices, both at the university and as a political activist. We are told that he was elected 1st Substitute Member of the Chamber of Deputies for the Feira division in Beira province (*Diário da Câmara dos Deputados*, 15/XI/1822, p.7), and as actual Member for the Douro province for 1834-36 – a seat in which he was confirmed in 1835. He took the oath of office in January 1836, and in the first months of the legislature spoke in the Chamber on topics linked to the new liberal order, albeit maintaining quite a low profile in the process. The civility with which he discussed matters concerning the University, as a member of the Education Committee, deserves particular note. He defended the interests of the students who were politically active during their service with the Queen’s troops, and involved himself in a number of minor questions, such as the criteria for the naturalisation of foreigners and the substitution of the President of the Chamber of Deputies. In the midst of the abolition of the religious orders, he put his name to the proposal to lift the ban on ordinations (*idem*, 18-19-21/I/1836 and 6/II/1836). He stood out in the performance of politically important posts linked to teaching, both on the Board of the Directorate-General of Studies



(JDGE, 1834), and as acting Vice-Rector of the University (1834-1835). In 1840 we find him on the Governing Council for Primary and Secondary Education (CDEPS), and the quality of his performance as member of the Public Education Council (CIP) is also well known. He was made Commander of the Order of Our Lady of the Conception of Vila Viçosa. From 1836 onwards he gradually reduced the extent to which he pursued the liberal cause as a politician, but the 1840's led him to decide to actually withdraw from public life and dedicate himself to his studies and his teaching work. There is no knowledge of his having participated in any joint or periodical works. It was against this background that in 1841, at the age of 48, he published his first historiographical study, which was targeted at the relatively limited audience composed of the people who attended his classes at the Faculty of Law. *Ensaio sobre a história do governo e da legislação de Portugal para servir de Introdução ao Estudo do Direito Pátrio* was written from his notes and was intended to supplement the history textbook *Juris Civilis Lusitani* by his predecessor, Pascoal de Melo Freire. However, the first edition sold out, and a second was published the following year, with a total of seven appearing by 1896. The text of his degree (*licenciatura*) thesis had already employed arguments taken from the history of Portuguese Law. Similarly, the framework Rocha gave to *Instituições de Direito Civil Português* (1842, eight editions by 1917) also contains a historical dimension – or rather, a dimension of temporality. The singularity of *Ensaio...* lies in what is in fact its historiographical dimension, inasmuch as Rocha did not limit himself to attributing a tradition or a reason based on antiquity to the Law of the Portuguese Nation. The text contains an articulated narration of the past and introduces an idea of history that has major methodological implications. Albeit conceived within the university tradition, the narrative is formally innovative in a way that the author acknowledges to be marked by liberalism and the latest scientific formats. In António Rocha's writings the pedagogical intent is directly intertwined with a liberal ideal of an involved reader, student and citizen; one that no longer allowed people to “occupy themselves like that with learning the lives of kings, when they ought to be studying the history of the nation”, thereby continuing to restrict the “nexus of events”, while the reader's attention and interest were simultaneously dispersed and unsatisfied (*Ensaio...* 1896, p.XXI). With these arguments, *Ensaio* turned Melo Freire's narrative failings into something exuberant from the point of view of a historical science, attributing them to censorship and his adherence to an idealised idea of despotic sovereignty. At the time, the originality of *Ensaio...* – now considered a paradigmatic change in the historiographical field – was pointed to by Alexandre Herculano, who in no uncertain terms called it a scientific revolution. It was finally “time for history to be something more than just a date and an *autem genuit* of noble genealogy in the biblical style” (“Revista Bibliográfica...”, *Revista Universal Lisbonense*, 1941, p.59). The fact is that in his ideas, Rocha, who ever since then has been known as the “Portuguese Guizot”, included a series of concerns regarding documentary critique and historiographical reflection that put him a step ahead of his contemporaries, permitting a sophistication of the idea of the truth and, in short, of History as a science, which was later developed by authors like Herculano himself. In the same way, he inaugurated a new type of narrative that matched the liberal way of looking at sociopolitical relations, of which Herculano was also an extravagant producer. In this history of the Law,



which goes back to Lusitanian times, there is a persistent image of the body of a nation that resists all forms of government and territorial designs. The topics and questions raised – the diversity of the peoples that make up the country, aspects related to popular decision-making and the will of the people, the splendour of medievality, the list of the mistakes made in the colonial policy, and the criticism of the actions of both the Jesuits and the Marquis of Pombal, for example – display a new way of writing about the past of the Portuguese people. From the conceptual point of view and on a historiographical level, *Ensaio...* thinks about the “distant causes”, in the light of the “tendency of the century”, and the ensuing “prosperity or decadence of the various peoples”. Concomitantly, the author chose to divide the work by dynastic era, which was the most common solution adopted by historians *strictu sensu*, rather than splitting the text into sections on individual reigns. This option was not an original one, having already been chosen by the anonymous author of *Períodos da história portuguesa e moderna* (Porto, 1841-42), among others. However, *Ensaio...* solidified the discourse on national awareness. The validity of legitimacy based on tradition was undermined, and the latter’s place was now taken by reason and will. The fact is that the authors of the idealised historiographical visions of the early 19th century worked hard to use narrative to legitimate Portuguese independence, which they explained through the person and actions of King Afonso Henriques, with links to the Battle of Ourique, the Cortes of Lamego, and the Fundamental Law, which were crucial evidence for the arguments of the 17th century Restoration. Rocha looked at the subject of nationhood and the bases for an established Law, which had previously been seen as self-evident and had never been questioned, from the angle of another idea of the truth about the nation. This was close to that which had germinated in the most critical minds in the first half of the 19th century and was founded on forms of chance and people’s will, or even on the unexplainable, and which had come to constitute a new argument for a nationalist way of thinking. He rejected any possibility that Portugal was not a legitimate country, but excluded a teleological division of the world, the presence of God in history, and any form of divine intervention in the history of the planet. Methodical doubt was acutely present in Rocha’s work. It can be seen in both his stance and his critical argumentation with regard to the controversies surrounding the foundation of Portugal, and helps us evaluate the criteria he used to gauge what true discourse was. He argued that scientific truth cannot be defended by simply pointing to discourse that is deemed legitimate because it was proffered by authorities, but must comply with a norm of verisimilitude, supported by the display of some kind of proof – an examination to which he subjected old writers and coeval works. To use his words: “as to the heroic description of those times that we find in some of the modern historians, to those who followed the credulous Frei Bernardo de Brito and who filled the first thirty chapters of *Monarchia Lusitana* with him, that description is manifestly a fable, imagined purely to flatter Portuguese pride” (*Ensaio...* 1896, p.2). Rocha’s preferred sources for the period prior to the establishment of the Portuguese kingdom were the Greco-Roman geographers and historians, whom he abundantly quoted. Although he considered them “accredited writers”, even so he blamed them for providing “scanty, confused information, as is normally the case with the history produced in the first phase of every nation” (*idem*, p.2). He also



referred to the use of archaeological evidence when expounding facts – the reference to Phoenician and Punic coins, for example (*idem*, p.5). As such, when he enquired about episodes that marked the governance of this country, he did not limit himself to researching the sources; he questioned each and every document, in the light of the guidelines laid down in the new discipline of Palaeography and the Study of Official and Religious Documents, of which João Pedro Ribeiro was the master and the driving force. Documentary analysis had to demonstrate the path to either the original document, or the oldest possible transcription; its style and language should be compared to those of coeval documents that avouched their consentaneity; and it should be compared with other Portuguese and foreign that might clarify some of the things that occurred at the time. It was precisely this that happened with the episode of the Cortes de Lamego and the Fundamental Law document. Subjected to this methodical gaze, events like the Cortes de Lamego and the document which was said to have ensued and was called the “Fundamental Laws”, which everything seems to indicate was drawn up by the *Alcobaça scriptorium* itself, were accused of material incongruence and reduced to the status of historical farce. When analysed in terms of style, language and the use of technical terms, they were unable to stand up to comparative erudition, and the trail of coeval documentation led to the conclusion that, neither in “our chronicles, nor in those of coeval or immediately subsequent historians, did there appear the faintest trace of so respectable and important an assembly having been held”. The good faith of Frei António Brandão, who only published it because he was left in doubt when he “found” a transcription with no reference to the original, was another weighty argument that led António Rocha to follow the inquisitive ideals of João Pedro Ribeiro and Joaquim de Santo Agostinho and ask the rhetorical question: “where was this document, or whatever other document it was copied from, which, in the space of five hundred years, no one ever heard of and has only now appeared, suddenly, without anyone knowing where from or how?”. Finally, he also referred to the antiquaries “with scruples and a critical sense” who, knowledgeable as they were about Portugal’s notaries’ offices and registries and the documents produced there, expressed serious doubts, with José Anastácio de Figueiredo and António Caetano do Amaral describing these documents, for example, as no more than “probably supposed”. Rocha’s work certainly did not resolve the dispute, with his position opposing that of Frei Fortunato de Boaventura and his *Memória sobre o cronista Frei António de Brandão* (1823), which had been published by the Royal Academy of Sciences (ARC) and about whom Rocha said: “he would achieve his goal, if zeal for national glory were to overcome the lack of proof in the shape of historical facts”. At the end of the day, “as if” the reason why the monarchy was founded and King Afonso Henriques and his successors were legitimate “could not be the customary one” (*idem*, pp.45-48).

Works by António Rocha: *Apresentação à Universidade de Coimbra, 25 de Junho de 1817*, separate sheets included with *Boletim da Faculdade de Direito*, vol. XXVI, Coimbra, Coimbra Editora, 1951; *Questão entre senhores e foreiros, ou o espírito do decreto de 13 de Agosto de 1832, em Resposta às observações de João Pedro Ribeiro*, Coimbra, Imprensa da Universidade, 1836; *Ensaio sobre a história do governo e da*

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Ana Luísa Paz