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The Referendum in the Portuguese Constitutional Experience

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Part II

The Historical Evolution of the Referendum in Portugal

Chapter 1

The Constitutional Monarchy: 1820-1910

1. Experiences and Constitutional Tradition in the 19th Century

1.1. Constitutional Antecedents

The years preceding the liberal revolution of 1820 in Portugal were painfully marked by three French invasions, the flight of the Court to Brazil (which was then a Portuguese colony), and by *de facto* British rule following the defeat of Napoleon's troops. Since Britain declared war on the French Convention in 1792, Portugal was internally divided between the 'French party' and the 'English party'. This severely affected the country given the contradictory pressures from France and Britain, and the oscillations of the Spanish position in that conflict.

In 1807, Napoleon ordered the closure of Portuguese ports to British ships under the terms of the Continental Blockade. Given the initial Portuguese refusal to accept that diktat, Napoleon, after celebrating the Treaty of *Fontainebleau* with Spain and the King of Etruria, which divided Portugal among the three powers, ordered his troops to advance upon Lisbon. Under the command of General Junot, Napoleon's troops aimed to impose the blockade that would otherwise have been ineffective. Unable to resist, the Portuguese Royal Family fled to Brazil, after a secret agreement with England (Cronin, 1979; Vicente, 2004).

On 23 May 1808, with the country under French occupation, the Three States (*Junta dos Três Estados*)¹² decided to request a Constitution similar to the one of the Great-Dukedom of Warsaw. They also requested the appointment of a Constitutional king from the Emperor's family. A deputation was sent to Napoleon, who was then in Bayonne. This request

¹² *Junta dos Três Estados* was the name of the Portuguese Courts during the Ancient Regime.

for a Constitution¹³ was the first systematised proposal for a Portuguese Constitution (Araújo, 1993, p. 31; Canotilho, 1993, p. 149). However, the request had no hope of success. That same year, following developments in Spain, a popular rebellion broke out. With the British aid requested in June 1808, Junot's troops were expelled. Two other invasions were defeated, commanded respectively by Generals Soult and Massena, in 1810.¹⁴

With the King absent in Brazil, Portugal was, in practice, under British occupation. In fact, the Regency was subordinate to the British high command, which was insured by William Beresford, who supported the conservative members of the Regency. He worried about maintaining order and preventing the social, political and ideological effects of the revolutionary ideals, which had been reinforced in Portugal by the French invasions (Marques, 1992, p. 27). The Portuguese felt themselves abandoned by their Monarch, and complained about the constant drainage of money to Brazil. On the other hand, they regretted the commercial decline and the permanent deficit, and resented British influence on the Army and on the Regency (Marques, 1998, p.15). The abuses which British soldiers inflicted on the civilian population, and the subordination to which they held the Portuguese military, caused considerable anger, which increased after the condemnation and execution of several Masonic plotters, including a prestigious Portuguese General, Gomes Freire de Andrade, in October 1817.

The revolutionary movements that occurred in Europe and North America at the end of the 18th century implemented many of the concepts and political values of Enlightenment thought: freedom, equality, safety, individual property, citizens' rights and duties, national representation, tolerance, and the social pact. From those concepts, although defined in different ways, for instance, in the works of Locke, Hume, Adam Smith, Montesquieu, Rousseau, Mably, Sieyès, or Holbach, there appeared new interpretations of political liberalism. Constitutional solutions were found in the work of Jeremy Bentham, Benjamin Constant or Guizot (Vargues, 1993, p. 45). The Portuguese press, published abroad, mainly in England, was the core of the Portuguese liberal political formation. All these publications demanded a Constitution for Portugal and Brazil, and had as models English and French Constitutionalism as well as the Spanish Constitution of 1812 (the liberal Cadiz Constitution). In Portugal, the

¹³ Called in Portugal *Súplica de Constituição*. Text available in Praça (1894, pp. IX-X).

¹⁴ On the French invasions, see Bainville (1931); Araújo (1993); Vicente (2004) and Serrão (1983).

secret societies that were forbidden and severely repressed in 30 March 1818 were important bases for the liberal movement (Vargues, 1993, p. 45).

1.2. From the Revolution to the Constitution

Meanwhile, several liberal revolutions occurred in 1820. In France, there was an increase in the popular and military struggle against the restored monarchy after the fall of the empire. In Naples and Sicily, liberal rebellions broke out. In Spain, in January 1820, troops that should have proceeded from Cadiz to the American colonies under Colonel Quiroga and Major Rafael del Diego rebelled, proclaiming their allegiance to the Constitution approved in that Spanish city, in 1812 (Marques, 1992, p. 30; Ventura, 2004b, p. 158). Finally, in Portugal, due to the spread of dissatisfaction in military circles, a rebellion emerged in Oporto, on 24 August, and a Committee named *Junta Provisional do Governo do Reino* was created. Its purpose was to summon a parliament (*Cortes*) and draw up a Constitution (Marques, 1992, p.18). As Isabel Nobre Vargues (1993, p. 45) remarks, the first Portuguese liberal movement represented, in Europe, an aspect of the liberal victory (in Portugal, Spain, Italy and Greece) over the royalists, represented by France and the Holy Alliance, a coalition that included Russia, Austria and Prussia.

As had happened in Oporto, there was also a military uprising in Lisbon, on 20 September, and another Governmental Council (*Junta Governativa*) was constituted. The divergences between both committees on the electoral system for the Constituent Courts, and the very contents of the Constitution, almost caused a confrontation due to the disagreement concerning the “Instructions” for the election of the Constituent Assembly (Ventura, 2004a, p. 159; Santos, 1990, pp. 43-44). These Instructions were approved at last in a second version on 22 November 1820, according to the method established in the Spanish Constitution of 1812, which was adopted by the Kingdom of Portugal (Marques, 1992, p. 19; Santos, 1990, pp. 122-144).¹⁵

The election of the Constituent Assembly took place in December 1820, yielding a majority of owners, merchants, jurists and bureaucrats, who immediately requested the return of King João VI to

¹⁵ See text in Almeida (1998) which contains all of the Portuguese electoral legislation practically up to 1926, with an introduction by the author and a valuable synoptic board of the legislative evolution. The text with all of the Portuguese electoral laws can also be seen in Namorado & Pinheiro (1998).

Portugal. The Constituent Assembly met between 24 January 1821 and 4 November 1822.¹⁶ The King arrived in Lisbon on 3 July 1821.

The Bases of the Constitution were approved on 9 March 1821, and the King swore them in on 4 July. It Stated that sovereignty lay within a free and independent Nation, that it could not be the property of anybody (Article 20), and that the form of government was a hereditary Constitutional monarchy with fundamental laws regulating the exercise of the three political powers (Article 18). Only the Nation could draw up the Constitution or Fundamental Law, through its freely elected representatives (Article 21). Once drawn by the Extraordinary Assembly, the Constitution could only be reformed or changed in some of its articles four years after its publication. Even then, two thirds of the deputies had to agree on the need for the intended alterations. This being the case, the reform could only take place in the next legislature, with the deputies having the powers needed for that purpose (Article 22).¹⁷

1.3. The Constitution of 1822

The first Portuguese Constitution was approved on 23 September 1822, and sworn in by the King on 1 October.¹⁸ As has been shown, the approval of the 1822 Constitution did not involve any plebiscitary device, in spite of that institution being well known by then. In fact, the plebiscite had recently been used in other places. Several Constitutions were approved by referendums in the American States and also in Europe. Besides the Swiss experience, the French Constitutions of Year I (1793), Year III (1795) and Year VIII (1799) were approved by plebiscites, (Guedes, 1978, pp. 156-170) and the same happened in Italy, with the Constitutions of the Cisalpine and Liguria Republics, in 1797, under Napoleon's influence (Uleri, 2003, pp.120-121). The French Constitution of Year VIII was changed by plebiscites, creating the Consulate for life (4 August 1802) and, then, the hereditary imperial dignity (18 May 1804). However, the Portuguese constituent deputies of 1821-1822 never considered holding a plebiscite.

¹⁶ All parliamentary debates that took place in Portugal since 1821 until now are available on the site of the Portuguese Parliament (*Assembleia da República*) at <http://debates.parlamento.pt> [accessed 8 March 2011]

¹⁷ Text available at <http://www.arqnet.pt/portal/portugal/liberalismo/bases821.html> [accessed 8 March 2011].

¹⁸ On the Constitution of 1822, see Marques, A. H. O. (1998, pp. 73-74); Canotilho (1998, pp. 123-128); Miranda (1981, pp. 226-230); Sá (1994, pp. 137-140); Gouveia (2010, pp. 419-430). See the text in *Assembleia da República* (2004, pp. 7-106).

The 1822 Constitution which, according to Gomes Canotilho (1993, p. 150), was the first demonstration of the democratic constituent power and its limit, recognised only the representative principle. Article 26 provided that sovereignty lies essentially in the Nation, and it could not be exercised by anyone, except legally elected representatives. Therefore, the Constitution assumed the structural principles of the liberal doctrines: national sovereignty, representation, independence of powers, and fundamental rights.

Like the French Constitution of 1793, the Portuguese Constitution of 1822 welcomed the popular sovereignty principle and opted for a directly elected unicameral parliament, reflecting the influence of Rousseau (Machado, 2001, pp. 140-141). However, the Portuguese Constitution did not adopt the principle of popular ratification of laws passed by the Parliament as laid down in Articles 58 to 60 of the French Constitution. On the contrary, influential deputies, including Borges Carneiro and Manuel Fernandes Thomaz, explicitly rejected the plebiscite. According to the latter in the 5 November 1821 session of the Constituent Assembly, the people used their right to elect the legislators: 'The people have to receive the Constitution as it will be presented and take into consideration that Congress will only propose a Constitution aimed at the happiness of the Nation. Therefore, the people have to voluntarily obey.' (DCGENP, 217, 5 November 1821, p. 2949).¹⁹

In the 1822 Constitution, legislative power belonged to a single assembly. The monarchic principle remained, but the King's authority came from the Nation. His power was founded in the Constitution, rather than in divine right or the inherited principle. The King had important powers, but he did not have the right to dissolve parliament. As Luís Sá (1994, p. 139) points out, that was the monarchic Constitution where the representative principle was taken further, undermining the aristocratic principle.

In the Constitutional revision procedure provided in Article 28 of the 1822 Constitution, some authors glanced in a relatively explicit, although indirect, way at the principle of voter's ratification of the decisions taken by Parliament (Cardoso, 1992, pp. 67-68; Urbano, 1998, pp. 97-100). In fact, taking inspiration from Article 22 of the Bases, the Constitution laid down that any revision could only happen four years after its publication. Only then, could Constitutional changes be proposed

¹⁹ All mentions and expressions cited from Portuguese texts were translated by the author from the original.

to Parliament. In that case, the proposal would be read three times with intervals of eight days. If the proposal had been admitted for discussion, and if two thirds of the deputies had agreed on its need, it would be published as a decree, ordering that, in the elections for the next legislature, the voters should give the deputies special powers to make that revision, which, if passed, would be recognised as Constitutional.

As Maria Benedita Urbano writes (1998, p. 99), it was natural that, when those elections took place, the subject of the revision would be unnoticed in the wider context of other relative subjects to the normal tasks of the chambers, making it difficult to know the exact position of the voters regarding the changes proposed to the Constitutional text. Fernanda Lopes Cardoso (1992, p. 68) echoed this point, noting that voters were likely to overlook their right to amend the Constitution.

1.4. From the Constitution to the Constitutional Charter

The 1822 Constitution was in force only briefly. Brazil's precipitous independence inflicted a mortal blow to the Courts and made the liberals extremely unpopular. The economic crisis, and advances by the conservative party, combined with the European situation, worked against the liberal movement, causing its collapse (Marques, 1998, p. 21). In this context, counter-revolutionary forces led by Queen Carlota Joaquina and by Infant Dom Miguel, prompted a military coup on 27 May 1823, which led to the dissolution of Parliament on 3 June, followed by the fall of the Constitution on 4 June (Vargues & Torgal, 1993, p. 67).

However, King Dom João VI did not wish to see the return to absolutism. On 18 June 1823 he appointed a committee to draw an improved and modified Fundamental Law to the Portuguese Monarchy, annoying the most conservative sectors, but gaining the support of liberals (Marques, 1992, p. 40). At the same time, and in order to placate the victors of the coup, he decreed the dissolution of Parliament (Marques, 1992, p. 22; Vargues & Torgal, 1993, p. 69). At the end of 1823, the committee had a moderate draft of a Constitutional text (Canotilho, 1998, p. 135). Its approval was nonetheless prevented by political instability due to successive anti-liberal movements. In the event, King Dom João VI did not grant the Constitutional text made by the committee and, on 4 June 1824, he decided to declare and establish the 'old, true and only' Constitution of the Portuguese Monarchy (Santos, 1990, pp. 45-46).

King Dom João VI died on 10 March 1826, ending his moderating influence and throwing the country into open conflict once again. By decree published on 6 May 1826, he appointed his eldest son,

Dom Pedro, as his successor, who therefore became King Dom Pedro IV of Portugal and Emperor of Brazil. In Portugal, a Regency-Council headed by the Infanta Isabel Maria, took charge of government, representing the new monarch's will. From Brazil, the successor gave his providences: he granted a Constitutional Charter (*Carta Constitucional*) made under his own direction and gave the Portuguese Crown to his daughter, Maria da Glória, who would marry Dom Pedro's brother Infante Dom Miguel, under the condition of his Charter's oath. The Constitutional Charter arrived in Lisbon, taken by the British ambassador Charles Stuart, and the Regent swore allegiance to it on 31 July 1826.

1.5. The Constitutional Charter of 1826

The Constitutional Charter was written in Brazil between 24 and 29 April 1826. Its main inspiration was the Brazilian Constitution of 1824, which itself followed the French example of 1814. This Constitutional form was also copied by several regions in South Germany, and also by Poland, thus reflecting the conservative reaction against the enacting of popular Constitutions.²⁰

The Charter did not receive only the three known political powers – legislative, executive and judicial – but joined them into a moderating power, a theoretical product of Benjamin Constant that was introduced in Portugal by Silvestre Pinheiro Ferreira. The King had the power to appoint the Peers of the Kingdom without restrictions, to dissolve the Lower Chamber, to veto and give sanctions to Parliament diplomas, and to extend and adjourn the Parliament sittings. All these competences gave the King such power that it annulled the representative essence of the legislative bodies (Sá, 1994, p. 142; Santos, 1990, p. 203).

The Charter established the Parliament (*Cortes*) as holder of legislative power, with the King's sanction, and composed by The Chamber of Peers (*Câmara dos Pares*) and the Chamber of Deputies (*Câmara dos Deputados*). The Peers' nomination by the King was made for life and it was hereditary, without any fixed number of members. On the other hand, the Deputies were indirectly elected.

The Constitutional Charter did not contain any device of semi-direct democracy. Like the Constitution of 1822, the Charter retained the principle of parliamentary renewal in case of Constitutional revision.

²⁰ On the Constitutional Charter see Marques, A. H. O. (1998, pp. 74-76); Canotilho (1998, pp. 135-141); Miranda (1981, pp. 230-237); Sá (1994, pp. 140-147); Gouveia (2010, pp. 432-442).

Articles 140 to 143 established that, once the Constitutional Revision Act was approved, it would be sanctioned and enacted by the King. In such an Act, the voters were requested to give the deputies special powers to make that reform in the next election. In the first sittings of the next legislature the subject would be retaken, and if passed, it would be enacted solemnly, and joined to the Constitution.

Nevertheless, from all Constitutional revisions made during the force of the Charter, named as Additional Acts (*Actos Adicionais*), only the one of 1895 respected the established rules. The Additional Acts of 1852 and 1908 were approved by dictatorial decrees (Carvalho, 1980, pp. 95-113).

1.6. From the Constitutional Charter to the 'September Revolution'

While the supporters of the absolute monarchy were mobilised against the Charter, the liberals saw it as a base for the establishment of a Constitutional regime (Marques, 1998, pp. 24-25; Santos, 1990, pp. 47-48). Infant Dom Miguel, advised by Metternich, initially accepted the conditions imposed by King Dom Pedro IV to give him the Regency. On 3 July 1827 he swore allegiance to the Charter, and on 22 February 1828 he returned to Lisbon. However, the general atmosphere of the country soon led him to betray his commitment to the Charter (Santos, 1990, p. 49).

On 13 March, the Deputies' Chamber was dissolved. The Constitutional Charter was repealed on 3 May. On 5 May, the Three States of the Kingdom were summoned to proclaim Dom Miguel as the absolute King on 25 June 1828. This left Portugal diplomatically isolated: the new King was recognised only by the Vatican, United States and Spain (Vargues & Torgal, 1993, p. 73; Santos, 1990, pp. 139-140). The return to an absolutist regime was characterised by violent repression.

At the beginning of the 1830's, the international situation became more favourable for the liberals. Belgium became independent and adopted a Constitution. In France, Charles X was deposed, with Louis Philippe D'Orleans ascending to the throne. This favoured Pedro's cause (Santos, 1990, p. 52). In England, Palmerston replaced Wellington as the Government's leader. Therefore, the Holy Alliance suffered a hard blow. Two of the most influential European countries – France and England – had changed their political positions, and they became more receptive towards the Portuguese liberals (Ventura, 2004a, p. 177). In 1831, King Dom Pedro, who was having serious political troubles in Brazil, abdicated

in this country in favour of his son, Dom Pedro II. He boarded a ship to Europe in order to lead the liberal forces. The economic, political and military support that he could obtain, led him to victory in the civil war in 1834.

After the defeat and exile of Dom Miguel, the Constitutional Charter was restored and the elections were called, although the right to vote was severely restricted (Maltez, 2004, p. 245). King Dom Pedro IV died on 24 September. His daughter, Queen Maria II, succeeded him, and the Duke of *Palmela* led a conservative Government.

Fresh elections took place in July 1836, against a backdrop of disturbance and instability. The Government obtained the majority, but the liberal radical opposition had an important victory in the Oporto district. When these elected Deputies landed in Lisbon on 9 September, they were received in apotheosis by the Lisbonian people and the National Guard, and imposed a new government formed by the insurgents (Silva, 1993, pp. 89-105). The ‘September Revolution’ was only supported by the industrial and commercial bourgeoisie and by the town popular classes. It was strongly opposed by the “new Chartist aristocracy” (Santos, 1990, p. 56; Ribeiro, 2004, p. 338).

In spite of clear divisions among the supporters of the September Revolution, the revolt attempts from the Charter supporters were controlled (Ribeiro, 2004, pp. 339-349) and there were elections. These were held according to rules contained in the legislation of 1822 (Santos, 1990, p. 154), to elect the General, Extraordinary and Constituent Courts (*Cortes Gerais, Extraordinárias e Constituintes*). These met from January 1837 to March 1838, to make and pass the new Constitution.

In April 1838, the new Constitution was passed and sworn. That Constitution reflected the special circumstances of its creation process, as well as the attempt to conciliate the 1822 Constitution and the Constitutional Charter (Marques, 1992, pp. 81-82).

1.7. The Constitution of 1838

The 1838 Constitution was characterised by the abolition of moderating power, and by the return to the three classic powers.²¹ It adopted bicameralism, but did not give the High Chamber the role of representing and preserving the aristocracy’s interests. In fact, the Senate,

²¹ On the Constitution of 1838, see Canotilho (1998, pp. 145-148); Miranda (1981, pp. 238-240); Sá (1994, pp. 147-150); and Gouveia (2010, pp. 446-454).

(*Câmara dos Senadores*), was elective and temporary (Article 58), with the renewal of half of their members whenever there were elections for the Deputies' Chamber (Article 62).

The 1838 Constitution represented a pact between Parliament and the Queen, and a compromise between national sovereignty and the monarchic principle (Sá, 1994, p. 149; Canotilho, 1998, p. 158). It reinstated the Sieyès line of democratic constituent power, which meant that a Constitution could only be created by a constituent power that lives in the Nation. The King led the executive power, and also had the powers to give sanction and enact laws, and dissolve the Deputies' Chamber if the "salvation of the State" required it.

This Constitution was not approved by any plebiscitary process and, much like its antecedents, excluded any devices of that nature. The Constitutional revision process followed the same model as the previous Constitutions, based on the principle of voter ratification. Draft amendments could be presented in the Deputies' Chamber and, if they were passed in both Chambers, they would be sanctioned by the King and submitted to the next Parliament after elections. If they were approved, then they would be considered as part of the Constitution without dependence on any sanction.

1.8. The Replacement of the Constitutional Charter

The 1838 Constitution lasted four years. With the dissolution of the National Guard, the September Revolution lost one of its main supporting bases (Santos, 1990, p. 58). Consequently, in April 1839, the Government fell and was succeeded by an ambiguous Government that was against the Constitution but working in its framework. However, on 27 January 1842, a *coup d'état* led by Costa Cabral proclaimed once again the Constitutional Charter.

Under the flags of order and economic development, a new strong man, Costa Cabral, established a repressive regime in the country and closed the Parliament. On 5 February 1844, the individual guarantees were suspended and the Parliament was kept closed until 30 September (Ribeiro, 1993a, p. 109).

Costa Cabral won the elections of 1845 by resorting to widespread electoral fraud (Santos, 1990, p. 164), arousing a strong sense of disapproval and opposition. In March 1846, riots broke out with a

strong revolt called *Maria da Fonte*,²² which led to the Government's resignation. On 23 July Marshal Saldanha led a *coup d'état* and a new Government that reignited the civil war in October, with a large revolt named *Patuleia*,²³ that was only defeated by an English, French and Spanish joint military intervention, thus forcing the *Gramido* Convention on 29 June 1847 (Ribeiro, 1993a, pp. 107-119).

In the next elections Costa Cabral reappeared and got to lead the Government again on 18 June 1849, until being dismissed after several political scandals (Maltez, 2004, pp. 323-327). Another coup, led from Oporto by Marshal Saldanha in April 1851, represented a turn in the political and Constitutional Portuguese history with the beginning of the Regeneration (*Regeneração*).

1.9. The Regeneration and the Additional Act to the Constitutional Charter

The new Government was constituted on 22 May 1851. In a country strongly traumatised and divided, power was taken by a wide political room where the centre prevailed with strong populist support desiring the end of instability. This is when Fontes Pereira de Melo appeared as the political leader who was able to break up with the military coups and give stability to the institutions. He also established national consensus based on the centre (Ribeiro, 1993b, p. 121; Telo, 2004, pp. 118-119; Mónica, 1999).

The Regeneration meant the end of ideological conflicts in favour of pragmatism over the classes based on promises of economic welfare and material progress. The two parties created then - *Regenerador* and *Histórico* – worked according to a tacit agreement for political conciliation. This marked the beginning of a long period of a rotational system (*rotativismo*) where both parties alternately shared the exercise of power (Proença & Manique, 1992, pp. 18-19). According to Pereira Marques (1992, p. 47), from 1851 until the Republican Party's boom in the 1880s and 1890s, it can be said that there was no real opposition against the institutions, the forms of governance, the policies, and the economic and social structures in Portugal. Between 1851 and 1865, the *regeneradores* from the centre-right and the *históricos* from the centre-left shared power, and the convergence between both parties brought a union government in 1865 (Silva, 2004, p. 195).

²² *Maria da Fonte* is a legendary woman who would lead the beginning of that revolt.

²³ The word *patuleia* comes from *pata-ao-léu* which means barefooted people in Old Portuguese slang. The term expresses obviously the social origin of the revolt.

The Additional Act to the Constitutional Charter gave expression to the new regime and arose from a commitment between *cartistas* and moderate *setembristas*. The main Constitutional changes were a return to the direct election of deputies and a marginal widening of suffrage (Almeida, 1998, p. XI). The Additional Act, however, did not respect the process foreseen in the Constitutional Charter for its own revision. In the Decree of 25 May 1851, which prepared the ground for reform, the Queen admitted that she decided to ignore the formalities prescribed in the Charter ‘on behalf of the public salvation supreme law’ (Canotilho, 1998, p. 158).

The expression ‘Additional Act’ was introduced by Benjamin Constant and had its origin in a project submitted to popular ratification in 1815 (Additional Act to the Empire Constitutions). One year before the Portuguese Additional Act, Louis Bonaparte called the people to pronounce on his maintenance, with enough powers to make a Constitution. However, the Portuguese ‘regenerators’ had no intention of submitting their Constitutional reform to any form of popular ratification or instituting some device of that nature.

2. The First Proposals for Referendum

2.1. The Proposals by Ferreira de Melo

At the beginning of 1868, the political crisis returned with a popular revolt on 1 January in Oporto and in Lisbon, called *Janeirinha*, due to the approval of a new consumption tax. In a scene of deep economic crisis, this movement strongly affected the liberal political class and the traditional power of the *Histórico* and *Regenerador* parties. That situation opened the way for several radical governments, called “reformists” (*reformistas*), who governed with great difficulty due to lack of parliamentary support (Silva, 2004, pp. 195, 202).

A new political cycle started, marked by the appearance of new parties and instability (Maltez, 2004, p. 392). It was in this context of political and parliamentary instability that Ferreira de Melo proposed, in a speech addressed to the Deputies’ Chamber in the session of 30 July 1869, that the parliamentary system had broken down and should be temporarily substituted by a government legitimised by plebiscite.

António Augusto Ferreira de Melo (1838-1891) was descended from a convinced liberal family (Moreira, 2005). His father, Joaquim Ferreira de Melo, took up arms for the liberal cause and was also a Member of Parliament between 1858 and 1864 (Soares, 2005). A law

graduate (1858) and a barrister in Oporto, Ferreira de Melo was a councillor of the Supreme Administrative Court in Lisbon. Nobleman, commander and academician, author of several works on Law, he would come to be distinguished in 1870 with the title of viscount (*Visconde de Moreira de Rei*).

Until 1868, Ferreira de Melo stayed outside the political life and he did not belong to any party. After the *Janeirinha* movement, he decided to intervene because he agreed with its purposes, although he had not taken part in the revolt. In April 1868 he was elected to Parliament for the first time, in the single member constituency of *Fafe*, his birthplace. During the disturbed period of 1868-1871, he remained outside the parties and, for that reason, he was absolutely free to approve or to criticise the measures taken by successive governments.

Ferreira de Melo's speech before the Chamber of Deputies was made on 30 July 1869 (*DCSD*, 67, 30 July 1869, pp. 959-962). The reformist Government led by Sá da Bandeira had been in power for a little over a year (since 22 July 1868), and it was in crisis following the resignations of the Justice and Finance Ministers. It would fall just 12 days later.

In his speech, Ferreira de Melo began by approaching the political crisis, expressing his approval of the Finance Minister's (*Conde de Samodães*) resignation and declaring that he no longer had any reason to oppose the Government. He even expressed his trust in Sá da Bandeira's capacity to recompose the Cabinet, but he clearly showed his dissatisfaction with the financial policy taken by former governments and his great scepticism about the near future. The solution proposed was to interrupt the parliamentary system for some time, in order to save freedom and the institutions.

A government called by popular will would present a programme or a Statement to the country saying which reforms were required. It would clearly expose the extraordinary means needed to carry that government, and its programme would be introduced to the country and submitted for its approval. The government would become legitimate by a plebiscite, with the voters being asked whether they agreed to grant extraordinary powers for a certain and fixed time in order to turn the suggested programme into reality.

Ferreira de Melo's proposal expressed his concern about the good administration of the country, which needed to pay greater attention to the health of public finances, reducing expenses and making savings,

raising revenue and prioritising the organisation of all services. This is what he expected from the Governments after the *Janeirinha* revolt, but its performance had been disappointing. The administration before the revolt was the ruin of the country, but the following governments had also fallen short of expectations.

Ferreira de Melo suggested four reasons for persistent problem of poor governance: **a)** the inoperativeness, incompetence and discredit of the Parliament; **b)** the rivalries and the incoherence in the governments' formation, given the conventions that ruled their formation and behaviour; **c)** governments' weaknesses due to the parliamentary system i.e. deep reforms caused great resistance, and no parliamentary system had the necessary strength to prevail in making difficult decisions; **d)** the falsification of the parliamentary system, which was endemic and influence the elections, the organisation of the cabinets, and had consequences for the entire civil service.

Ferreira de Melo criticised the dependence of parliament and government members on the installed powers who decided their election and their maintenance in power through electoral fraud. Therefore, he expressed his conviction that the change would only be possible by a fundamental change in the 'rules of the game'. In his view, the solution was to interrupt the parliamentary system for a period of time. An exceptional situation and a serious crisis of the system demanded an exceptional solution. Suspending the Parliament would create the conditions for its rehabilitation. The speaker supported a reformist and revolutionary government, which would have sufficient strength to transform the country's aims into realities. The parliamentary system would then be re-introduced, saving and respecting the Constitutional institutions that had fallen into disrepute.

This change, qualified by the speaker as revolutionary, would mean a rupture with the Constitutional Charter without using military means. Ferreira de Melo's declaration did not suggest a military revolution, or any other procedure by which the national will would be usurped.

This last point is important for two reasons: Firstly, the speaker rejected the traumatic experiences of the past, which were nevertheless still recent. The country had lived for three decades, between 1820 and 1850, in an almost permanent climate of civil wars and riots perpetrated by military officers. He did not want a return to that past but, mindful of the crisis engulfing the country after almost 20 years of relative peace, he

proposed something somewhat new, a 'regeneration' of sorts. Military means would be rejected, and change would come from the people, without arms, but with a plebiscite. Secondly, Ferreira de Melo refused any means by which it could be possible for someone to usurp a position which he felt belongs only to national will. In other words, he refused any solution that could impose personal power through plebiscite. He was probably thinking about the French plebiscitary experiences of the 19th century held precisely for that purpose, which were deeply unpopular in Portugal for very comprehensible reasons.

Ferreira de Melo proposed the appeal to national sovereignty to save the country from the crisis. That solution returned to a conception that was well accepted by the *vintistas* and *setembristas*, who never looked favourably on the change to the Constitution made by a Constituent Assembly, which expressed national sovereignty for a Constitutional Charter as being granted by the King's sovereign will. As he said: 'I respect very much the Constitutional Charter, which is the fundamental law of the country, but I respect the national sovereignty much more, which did not disappear even after Charter enactment' (DCSD, 67, 30 July 1869, p. 960).

The proposed solution included four stages: **First** - The Constitution of a revolutionary reformist government, coherent in its composition and unfamiliar to the installed powers, would be composed by members who put the interest of the country above their personal interests. **Second** - The popular legitimization of the government, its programme, and its extraordinary powers by plebiscite. That government would be in charge of appointing a concrete day to hold elections for a new Constituent Assembly. **Third** - The electoral rules for the Constituent Assembly would be changed. By ending electoral abuses, a free election would result in representatives that were faithful to the purity of the parliamentary system later established. **Fourth** - The return to the parliamentary system after the established period has ended. Prior to this time, the government would have extraordinary powers to turn its promises to the country into reality, and those in the Constituent Assembly would judge its actions definitively.

There remained, however, a decisive problem: the legitimacy of the new government. Ferreira de Melo resolved it simply: it would be a revolutionary government, resultant from a rupture with the Constitutional Charter. That is to say: resulting from a Constitutional *coup d'état*. That government could be imposed in one of two ways: through petitions signed by the voters addressed to all the State powers and other interests

or through a *coup d'état*. Ferreira de Melo preferred the first solution but he did not exclude the second, as long as it was by peaceful means. The military solution was expressly excluded.

Ferreira de Melo's proposal did not raise significant reactions. Only Deputy Vasconcelos de Gusmão (Matos, 1999) referred to the speech, addressing it to the literary field, and depreciating its political value (*DCSD*, 67, 30 July 1869, pp. 963-964).

In the event, Ferreira de Melo's speech had no relevant political consequences. He was a politician without a party, and therefore he lacked the resources to move forward with a political project and engage support for an ambitious proposal of political change. He was not a military chief able to impose a *coup d'état* with the Army's support (it is probably for this reason that he declared to refuse that solution). He was, in the end, a Member of Parliament who was annoyed with the political and Constitutional situation of the nation and, given his independent status, he proposed a Constitutional change based on popular will.

It was certainly an unrealistic proposal, as events would demonstrate, and it had all the less impact for having been made by a deputy who had some notoriety despite his relative youth as a parliamentarian. As discussed by Fernando Moreira (2005, p. 819), Ferreira de Melo distinguished himself very quickly in the Chamber of the Deputies as one of the remarkable figures of the Portuguese parliamentary system in the second half of the 19th century. However, his pioneer spirit proposing to introduce the plebiscite in Portugal has always been ignored by historians and political scientists, perhaps because there were no institutional consequences.

Ultimately, Ferreira de Melo's diagnosis of the crisis was prescient. The Government of Sá da Bandeira fell on 9 August, 10 days after the above mentioned speech was given, and was substituted two days later by a government led by the Duke of Loulé, which included members from several groups opposing the *Reformistas* (Maltez, 2004, pp. 394-398; Santos, 1990, p. 190). Facing a strong parliamentary opposition and fearing military intervention, Loulé obtained from the King, on 20 January 1870, the dissolution of the Chamber of Deputies. Fresh elections were held on 13 March, which the Government predictably won.

During this period of difficult and unstable governance, Ferreira de Melo proposed another way to directly hear the citizens' will. This no longer concerned the government of the nation, but a concrete governmental measure. In fact, following a decree on property enrolment,

published on 30 December 1869, raised a popular riot broke out in April 1970 in the municipality of *Ovar*. The intervention of the armed forces caused several deaths and injuries. Commenting on these events, Ferreira de Melo, in the Chamber of Deputies session of 23 April 1870, deplored the tumult as much as the repression. He criticised the governmental decree and proposed a solution to check its acceptance or its rejection on the part of the receivers (*DCSD*, 17, 23 April 1870, p. 155).

The population would express their will addressing petitions to the Government and/or to the Parliament, and demonstrate their support or opposition towards the measure in question. After considering the expressed positions, Parliament would have an easy and simple process in knowing the will of the population in order to take the right position. However, in his speech Ferreira de Melo did not hide his disagreement regarding the decree in question. He did not propose a plebiscite, which is usually understood as transferring directly a decision to the electors. That way of listening to the citizens by the exercise of the petition right would not be binding. The Parliament retained full autonomy in decision-making as a representative body, by either contradicting the will of the country or respecting it.

We cannot say this time that we are before a proposal of a direct or semi-direct democratic device, rather we are before a proposal that endorsed a very relevant political value to the citizens' direct initiative, expressed through a sort of petition right. The autonomy of the Parliament's decision was not formally questioned, but the legislative body would have the citizens' will, expressed that way, as a relevant element used to consider its position, which would be hardly ignored.

The Government responded as if Ferreira de Melo had suggested introducing plebiscites. The Finance Minister, Anselmo Braamcamp, in his answer, considered that such arbitrariness would be the destruction of the Constitutional principles. Thus, the proposal was unacceptable. Calling on the people to make decisions by any kind of plebiscite would be equivalent to abandoning the basic principles of the representative system (*DCSD*, 18, 25 April 1870, p. 167).

The refusal of that proposal was founded basically on four aspects: **a)** such a proposal was unusual, almost unbelievable, and against the bases of the representative system; **b)** it would create a strange precedent, which would destruct the Constitutional principles; **c)** the proposal meant a plebiscite (which becomes clear as to the unpopularity of this device among Portuguese politicians); **d)** through such a procedure,

particularistic interest would prevail over the general interest and the free exercise of the parliamentary mandate as a principle of the representative system would be prejudiced.

Nevertheless, even without the acceptance of Ferreira de Melo's proposal, the popular revolts against the property enrolment decree soon lead to its revocation. However, not even that fact could prevent a military uprising led by Marshall Saldanha to impose a dictatorship on the night of 18 May 1870. Between 19 and 26 May, Saldanha was the only member of the Cabinet, and his new Government lasted only until 29 August. After a temporary government, led again by Sá da Bandeira, a new political cycle began with a new Government led by Fontes Pereira de Melo which lasted from 13 September 1871 to 1 March 1877 (Santos, 1990, pp. 193-194; Maltez, 2004, pp. 404-410).

2.2. The Historic Party Draft, Introduced by José Luciano de Castro

In 1872, in the framework of a failed revision of the Constitutional Charter, a draft introduced by José Luciano de Castro on behalf of the Historic Party proposed to introduce the referendum into the Constitution for the first time in Portugal. José Luciano de Castro had one of the most outstanding and durable political careers of the 19th century in Portugal (Moreira, F., 2004). A law graduate who worked as a journalist, he was only 19 years old when he was elected to parliament in 1854. His political life began in the Regenerator Party, but he left it in 1859, joining the Historic Party in 1861. In the 1860s, he became one of the most outstanding deputies of his party.

After Fontes Pereira de Melo's ascent to power, leading the Regenerator Party, José Luciano de Castro, by then the third figure of the Historic Party, assumed the need to have two parties that were politically placed in the centre, and which would ensure the rotation of the government. As he defined in the Chamber of Deputies session of 13 September 1871, 'one, more or less conservative, the other, more advanced, liberal, and democratic, without harming the question of freedom through order and material progress meanwhile not forgetting that the material improvements of the country are also questions of freedom' (Moreira, F., 2004, p. 837; Maltez, 2004, p. 406). From 1886 to 1906 José Luciano led the Government on three separate occasions. The end of his political life arrived only with the fall of the Monarchy in 1910.

On 24 January 1872, José Luciano introduced a draft to reform the Constitutional Charter on behalf of the Historic Party, saying then that

in order to change the Constitutional dispositions, national sovereignty should always be consulted directly. In future revisions, and after the ordinary chambers declared the need of the reform, and other chambers with special powers for making it were called,²⁴ the approved changes should be submitted for popular ratification. Consequently, José Luciano proposed to lay down in the Constitutional Charter a new provision that no changes could be made to it without being ratified by the popular vote. Luís Barbosa Rodrigues (1994, p. 244) qualifies such a referendum as Constitutional, mandatory and binding.

This draft was actually the first formal proposal to introduce the referendum in Portugal. Therefore, it meant a deep break with the political and Constitutional Portuguese tradition. The Constitutional Charter had been granted by the King in 1826, and had been changed by the Additional Act approved by Parliament in 1852. The previous Constitutions (1822 and 1838) had been approved by Constituent Assemblies.

José Luciano based the need for a new revision of the Constitutional Charter on the ‘implacable lapse of time’, which demanded new improvements in the political system. Meanwhile, he refused to give Parliament the exclusive power to change the Constitution, given the inalienable character of popular sovereignty, but also keeping in mind the serious imperfections of the representative system. As he said during the session of 24 January 1872, political Constitutions are not eternal. No matter how perfect they are, they cannot resist progressive changes, which civilisation imposes on all people through its infinite march (*DCSD*, 15, 28 January 1872, p. 120).

The need for a referendum to change the Constitution was justified by three main reasons: **1)** the direct participation of the country in the political institution; **2)** the legitimation of the reform with the strength of the popular vote; **3)** the insufficiency of the representative devices for expressing national sovereignty.

It is important to underline this last point. José Luciano did not hide his disillusionment with the political representation and electoral

²⁴ This was the procedure established in the Constitutional Charter for its own revision. Thus, the draft introduced by José Luciano contained only two provisions. The first, detailing the Constitutional dispositions which would be changed, and the second, disposing that, for the next legislature, the electors would give their representatives special powers for that reform.

procedures: 'Election after election, the ministries go up and down, the dissolutions are repeated with an almost unalterable regularity, and the country remains disappointed with so many adversities, having lost faith in its regeneration and tired of choosing today what they will choose again tomorrow. The election, as an essential basis of the representative system, is a fraud. The vote doesn't ordinarily translate the will and thinking of the nation' (DCSD, 15, 28 January 1872, p. 121).

Before these considerations, we can understand that the appeal to popular sovereignty would add something more: the widening of suffrage. José Luciano's draft proposed a substantial expansion of the right to vote, which would be given to all male citizens in the ownership of their civil rights, turning them into the receivers of inalienable national sovereignty. Notice however that he did not intend an absolute break with political representation. José Luciano did not propose any plebiscite that would give legitimacy to a Constitutional reform. The Parliament would continue to be the seat of the Constitutional reform. The Parliament would have the initiative, and be the scene of any discussion and approval of proposals for Constitutional change. Only after that would the people be called to ratify the proposals passed in Parliament through direct suffrage. That referendum should be mandatory and binding.

José Luciano called upon the experience of North American States. However, he was discreet in this brief reference, which was intended only to show that his proposal would not be originally Portuguese. A focus on comparing political experience could bring about difficulties in acceptance of referendum proposals. The United States, Switzerland, and France were the obvious comparitors, and they pointed towards an inevitable relationship between the referendum and republican institutions. This was certainly not the purpose of José Luciano de Castro, who was a staunch supporter of the Monarchy until the end of his life in 1913.

Luís Barbosa Rodrigues (1994, p. 120) discussed the inspiration for Luciano de Castro's draft. Across Europe, democratic tendencies intensified around 1870, revealed by the British electoral reform of 1867, the Spanish revolution of 1868, the evolution of the French Empire in a liberal direction and its fall in 1870, and the unification of Italy. It is possible that some of these tendencies could have provided inspiration for the relatively vast set of proposals introduced by José Luciano, namely those regarding the expansion of suffrage. However, as for the referendum, the inspiration in the international experience seems to be more indefinite and seems to report more to an idea than to a model. What

he proposed was the introduction of a device already being used in other States, which did not mean the adoption of their Constitutional models.

Nonetheless, the Chamber of Deputies refused to admit the draft for discussion. After its third reading, 26 members voted in favour, but 47 refused it.

3. The Last Years of the Constitutional Monarchy

3.1. The Proposal for an Organic Plebiscite to Sell the Colonial Domains

The Conference of Berlin, which represented the great first division of the African continent among the European powers, and the established of new rules for the 'scramble for Africa', was an enormous challenge for the Portuguese ambitions in that continent. Portuguese and British interests clashed, and the British made an ultimatum, threatening to break diplomatic relations between both countries if the Portuguese did not withdraw immediately from all of the disputed areas. The capitulation of the Portuguese Government was considered a national humiliation, leading to a patriotic wave of anti-British sentiment, which also discredited the Portuguese Monarchy. In retrospect, Britain's ultimatum is often considered to be the beginning of the end for the Portuguese Monarchy (Matos, 2004). Therefore, it is not strange that a significant proportion of the political and parliamentary debates of that time have had colonial politics as a theme.

On 1 February 1892, looking for solutions to the financial crisis that the country faced, José Bento Ferreira de Almeida (Almeida, 2004) proposed a bill in the Chamber of Deputies suggesting a sort of organic referendum to sell colonial territories to raise money. In those terms, the Government would be authorised to sign and ratify a convention transferring the sovereignty of the colonial domains of Guinea, *Ajudá*, Cabinda, Mozambique, Macau and East Timor. The funds obtained would be applied to the immediate solvency of the internal and external floating debt, providing a base to convert the general public debt, thus reducing the interest rate (*DCSD*, 17, 1 February 1892, p. 3).

After extensively laying out his reasoning (*DCSD*, 17, 1 February 1892, pp. 3-5), Ferreira de Almeida proposed that the bill be printed and sent to all the elected and legally constituted bodies of the country (district authorities [*juntas gerais*], municipal authorities [*câmaras municipais*] and parish authorities [*juntas de freguesia*]), trading and industrial associations, and also to scientific institutions. Therefore,

they would give their opinion within a month, and simply declare their approval or rejection. The absence of an answer in due time would be considered as an approval (*DCSD*, 17, 1 February 1892, p. 5).

According to Ferreira de Almeida, his proposal for an organic referendum was justified by three reasons: **1)** the Chamber was in the third year of its legislative period; **2)** when its election took place there were no opinion movements concerning the reduction of the colonial domain, and **3)** the subject had high national importance. In other words: Ferreira de Almeida called into question the legitimacy of Parliament to pass his proposal. According to him, the subject was too fresh for Parliament to make a decision, given that Parliament had been elected three years earlier and the subject had not been a matter of electoral debate.

However, the arguments contained significant weaknesses. If the Parliament did not have legitimacy, the decision should surely be addressed to the electors and not to the corporations. In that point Ferreira de Almeida, seemed to be undermining the representative institution, denying Parliament the legitimacy that he recognised in corporative institutions. Moreover, abstentions would count as affirmative votes. The simple lapse of time had the effect of a favourable vote, which was a type of tacit acceptance.

This bill was evaluated in two readings, the second of which was held in the session of 3 February 1892, and it was decided that would not be admitted for subsequent discussion. However, it gave rise to some controversy by those in favour, such as Abílio Lobo (Pereira, 2005) and Augusto Fuschini (Silva, 2005), and those against it such as João Franco.²⁵

Abílio Lobo agreed that Parliament did not have sufficient legitimacy to legislate on the proposed subject. In spite of not having an imperative mandate to the Parliament when it was elected, the theme of selling colonies was not in public discussion. Therefore, the voters did not have the possibility of knowing about that matter and consequently they could not give their opinion to Parliament. Therefore, Abílio Lobo thought that Parliament did not have powers to decide about the sale of the colonies, and considered it reasonable that the country decide the issue. Therefore, the proposed plebiscite would be ‘perfectly suitable’ (*DCSD*, 21, 3 February 1892, p. 6).

²⁵ João Franco was a regenerator politician in great ascension that would later become famous as a Minister and Head of Government, having interrupted those functions after King Carlos’ murder in 1908.

Similarly, Augusto Fuschini was in favour of a plebiscite: 'If you ask my opinion, I will say that we must not sell the colonies, but the country can think in a different way, and we must not constitute ourselves as an association of 160 Statesmen going against the will of the country. (...) The plebiscite form is perfectly acceptable; it does not offend the dignity of Parliament and it allows us to clearly know the opinion of the country on an important subject' (*DCSD*, 21, 3 February 1892, p. 7).

In this last case, the reasoning seems to be weak and contradictory. Fuschini simultaneously declared the Parliament's dignity and undermined it by calling it a 'Statesmen association' that did not represent the will of the country. In addition, it was precisely in this point, the validity of the representative democracy that seated the argument against Fuschini's opinion, which was uttered by João Franco:

'So, aren't we here, because of the rights given to us by our country? Aren't we the representatives of the country? If the deputies had to discuss, not as independents, but through the force of a plebiscite, what would Parliament have served for? (...) The Constitutional Charter as is constitutes the law that rules us, and because of it, the legislative power is completely independent and does not lack the consultation of anyone to deliberate as it pleases. This is the reason why I believe Mr. Ferreira de Almeida's proposal could not be accepted. (...) So, aren't we here making laws on a daily basis on such important subjects, as for instance, taxes and those regarding freedom and individual property without previously consulting local corporations? (...) If we, an independent legislative power with the right to impose taxes and decide on other serious matters, recognised at the same time that, for certain subjects, we did not have our own authority and needed to appeal to the administrative corporations, as if they were the representatives of the country, the duty of the executive power would be, in this case, to close this Chamber and fire all of us for we would be worthless and represent nothing' (*DCSD*, 21, 3 February 1892, pp. 7-8).

This refutation deserves attention, insofar as it represents a significant argument against the referendum on behalf of representative government. This subject had never been discussed in such clear terms in the Portuguese Parliament, and the three main arguments extended were:

- a) **The Constitutionality** - The Constitutional Charter did not provide the possibility of referendums. It adopted a separation of powers principle and gave legislative responsibilities to Parliament. The referendum would be an

unConstitutional interference in that principle and it would reduce the representative institution to uselessness.

- b) **The importance of the subjects under a decision** – According to João Franco, the importance of the subjects under a decision could not serve as an argument. Parliament existed not only to decide on smaller subjects, but also, and mainly, to deliberate on important subjects including ‘taxes, and those concerning freedom and individual property’ (*DCSD*, 21, 3 February 1892, p. 8).
- c) **The legitimacy** - If the Parliament’s legitimacy was contestable, then the corporations’ mandate was, at best, identical, and never superior. Otherwise, the Parliament would have to consult the corporations on all decisions that it had to take, and in that case, the Parliament ‘was worth nothing and did not represent anything’ (*DCSD*, 21, 3 February 1892, p. 8).

3.2. The Fall of the Monarchy and the Plebiscite to Avoid the Republic

In 1908 the siege of the Monarchy was drawing to an end. On 1 November the Republican Party won the municipal elections in Lisbon. The republican disturbance worsened, and the deeply divided monarchic field could not provide a government with even the minimum of stability. Consequently, the stage was set for a revolution.

On 20 September 1910, Paiva Couceiro,²⁶ a distinguished military officer for African campaigns who would lead several military attempts from Spain to throw down the Portuguese Republic, was interviewed by the newspaper *O Porto*, and defended a ‘plebiscitary dictatorship’ as the only solution for the existent impasse. According to him, such a solution was ‘out of his principles’, but necessary to avoid the Republic (Maltez, 2004, p. 563).

Paiva Couceiro’s proposal, which came from a military that belonged to the more conservative royalists, was a desperate attempt to head off the upcoming republican revolution, which would occur 14 days later. Although the proposal was ‘against his principles’, Couceiro thought that the parliamentary system had failed, and that system of government was unable to support the monarchy. Therefore, the solution would have

²⁶ On Captain Henrique Paiva Couceiro, see Menezes (2011) and Valente (2006).

been a military coup, not to make the republic but to avoid it. The plebiscite would come later as an instrument of legitimacy.

Pulido Valente (2006, p. 69) sees Paiva Couceiro's proposal as a stripping of King Manuel's authority. In fact, the legitimacy of the dictatorship would only stem from the plebiscite, which would not be subject to Royal agreement. The King would be seen as a simple adornment: he could neither remove nor survey the military, which would supporter of the plebiscitary dictatorship. At the end, the King could not even decide his own future role, which was under military guardianship, and, in theory (with the elections being the way they were), under the people's sovereignty. The King had to accept what the military and the people would give him.

Couceiro wanted a plebiscite as a way to legitimise the use of military force. The dictatorship would only last the time needed to execute a programme of governance whose nature was unknown, to maintain order and focus on national security (in other words, for sweep the Republican Party), and to change the Constitutional Charter by means that were neither foreseen nor permitted.

In the event, the revolution could not be suppressed. On 5 October 1910, the Portuguese Royal Family left the country and was exiled to England. On 8 October, Paiva Couceiro resigned from his position in the Army, and once again in his resignation letter, he declared the need for a plebiscite that allowed the Nation to decide between the Republic and the Monarchy. Pulido Valente (2006, p. 84) explains that Couceiro refused both the Republic and the Old Monarchy, and not knowing what to do, he found the solution in the people's sovereignty. In other words, he wanted to follow the Bonapartist example of a regime and introduce a government based on a plebiscite, which would be able to unite the Portuguese people. Couceiro had understood that the old parties could not compete with the new mass parties, so he wanted to use the plebiscite to drown the urban vote inside the rural vote, and the southern vote inside the northern one.

