

A Great Historian and an Outstanding Human Being¹

Mafalda Soares da Cunha²

Abstract

Dossier: A Tribute to the Late Great Historian António Manuel Hespanha († July 1, 2019) on the first anniversary of his death. The dossier comprises seven articles by former collaborators, colleagues, and students, who reflect on the impact of his academic career and personal qualities on the development of historiography.

Keywords

António Manuel Hespanha, Historiography, Early modern history, History of law, Obituary

Resumo

Apresentação do dossier: *A tribute to the late great historian: António Manuel Hespanha* por ocasião do primeiro aniversário da sua morte († 1 de Julho de 2019). É constituído por sete textos de antigos colaboradores, colegas e estudantes, nos quais se reflecte sobre o impacto historiográfico da sua trajectória académica e pessoal.

Palavras-Chave

António Manuel Hespanha, Historiografia, História moderna, História do direito, Obituário

¹ Translated from the Portuguese by Michael W. Lewis. The translation of this paper was made possible through domestic funding provided by the Foundation for Science and Technology under the scope of Project UID/HIS/00057/2020, coordinated by CIDEHUS-Universidade de Évora.

² Universidade de Évora. Centro Interdisciplinar de História, Culturas e Sociedades (CIDEHUS), Portugal. E-Mail: msc@uevora.pt

This dossier has been compiled as a tribute to the great Portuguese historian António Manuel Hespanha, a scholar with exceptional personal qualities, who passed away in Lisbon on July 1, 2020, at the age of 74.

The aim of this collection of articles is not to explain or systematically present Hespanha's extensive and remarkable body of work. Detailed information on his career and writings is provided in the introduction, and his work up until 2015 was presented in a systematic form in the book that was produced as a tribute to Hespanha on the occasion of his early retirement from his full professorship at the School of Law of the Universidade Nova de Lisboa (Silva, Xavier and Cardim, 2015:7-47). Many of the lectures and conference papers that he delivered and the interviews that he gave all over the world are also available on the YouTube channel of António Manuel Hespanha³.

In retirement, he continued to work hard, reviewing and reorganizing his work, and also producing a number of new books, including: *Como os Juristas Viam o Mundo, 1550-1750* (2015); *Ordem do Mundo e o Saber dos Juristas: Imaginários do Antigo Direito Europeu* (2017), *O Direito Democrático numa Era Pós-Estatal: A Questão Política das Fontes de Direito* (2018). His last book, entitled *Filhos da Terra – Identidades mestiças nos confins da expansão portuguesa* (2019), a bestseller published just over three months before his death, proved to be an unexpected success during his lifetime, according to the author. In an interview with Lusa, on February 13, 2019, he admitted that the book might "cause some controversy, as we are so used to being encouraged to see colonial expansion as a good thing." He claimed that "any attempt to correct the portrayal of the history of the Portuguese in the world as exemplary is immediately labeled as masochistic, anti-patriotic, and an affront to our self-esteem," arguing that history should reveal all, "even that which we may find unpalatable."

Without presuming to provide an exhaustive survey of his career, this dossier nevertheless covers many important aspects of his life as a writer and scholar, as well as the different facets of his intervention in the public sphere by virtue of the positions that he held in government and academia. While a range of approaches is evident in the articles presented, all the authors consider Hespanha's public intervention and work in a variety of historiographical fields, covering both the early modern era and the nineteenth-century, as well as the history of law and the Portuguese Empire. The importance of his seminal contributions in these fields has been widely acknowledged and acclaimed by many other scholars around the world.

³ <https://www.youtube.com/user/amhespanha>

This is clearly demonstrated by a quick search of the obituaries, news items, and articles *in memoriam* that have appeared in a range of academic publications since his death. It is easy to conduct such a search, thanks to the excellent initiative of those at the European Society for Comparative Legal History, who have brought together a collection of such writings in the blog post “António Manuel Hespanha: review on the first anniversary of his passing away”, published on July 1, 2020⁴. In the articles listed here, we find phrases such as “History before and after António Manuel Hespanha” (Herzog, 2019:138; Xavier; Monteiro, 2020), and indeed Hespanha produced “a major epistemological shift in the study of Old Regime Europe in general, and Portugal in particular” (Herzog, 2019:133). He played an instrumental role in ushering in a genuine “historiographical revolution” by means of the

establishment of a new historical paradigm—through the operationalization of new categories and concepts for the interpretation of historical documents, providing an understanding of the ideological matrix—which was Catholic—of the Portuguese monarchy. Above all, he reflected on the architecture, configurations, dynamics, practices and representations of the Portuguese Empire” (Bicalho, 2019:239-40),

expressing ideas which are now shared by many. For Pedro Cardim and Stuart B. Schwartz, Hespanha was “Portugal’s foremost historian of Law and Administration, and a major influence on the reconceptualization of Brazilian colonial history and of the history of the Portuguese Empire in general” (Cardim; Schwartz, 2020). Meanwhile, the methodologically innovative and interdisciplinary nature of the way he produced history is recognized by José Neves: “Hespanha wrote a handful of seminal essays on issues that challenge the practice of the discipline and the historian’s craft in general” (Neves, 2019).

While an approving tone is naturally expected to be found in texts of this type, the unanimous praise heaped upon their subject by these writers clearly signals a career and an individual of outstanding excellence in the field of historiography and the history of law. The 27 letters received by the Universidade Autónoma de Madrid in the spring of 2019 in support of the proposal that the School of Law should bestow upon Hespanha the title of *doctor honoris causa* also bear witness to his greatness (“Adiós to António Manuel Hespanha”). Sadly, he died before the award could be given, but the letters, written by academics of ten different

⁴ <http://esclh.blogspot.com/2020/07/antonio-manuel-hespanha-review-on-first.html>

nationalities, were posted online in a demonstration of their great appreciation of his exceptional contribution on the international stage.

In the immediate aftermath of his death, contrary to what is so often the case, the media were quick to recognize his qualities: news of his demise was disseminated widely, the main print newspapers devoting significant coverage to it, with either a cover story or a front-page item directing readers' attention to an extensive article featuring interviews with colleagues. This was the case not only in Portugal, but also abroad, and social networking conducted by his friends did the rest. Rui Tavares expressed this most eloquently in an opinion article published in the newspaper *Público* on the day he died: "This is not a Goodbye to António Manuel Hespanha, but an Opportunity to Engage with his Work." He wrote

Thank you, Hespanha. I don't think I'll ever—we'll ever—be able to thank you enough. We have learned from you what it is to learn. Learning is not just gathering information; it involves affective engagement with people, things and ideas. And more besides. That's what it is. This is not a goodbye, but an ongoing process (Tavares, 2019).

Bartolomé Clavero also bade Hespanha farewell in an emotional *in memoriam*: "Goodbye, António Manuel, my Brother." (Clavero, 2019:149).

Hespanha's human qualities touched everyone who knew him. One writer cited his "amazing success as a teacher, mentor and source of inspiration, his intellectual brilliance, wonderful sense of humor, and enormous generosity, commitment, care, and warmth" (Herzog, 2019), while generosity was the umbrella term chosen by Cristina Nogueira da Silva to describe several of these qualities (Silva, 2020:458-60). As André Belo wrote, Hespanha was "intelligent, sophisticated, good fun, possessed humanist ethics, deconstructed preconceptions, challenged certainties, and exposed the hidden workings and whims of power." Indeed, his knack for challenging the most deep-rooted, commonly held ideas associated with the Portuguese collective imagination and sense of identity was accompanied by immense warmth, boundless energy, an irrepressible imagination, and the playfulness with which he recounted, constructed, and deconstructed anecdotes. He liked people, he liked his students, and the feeling was generally reciprocated. He made you laugh—and think. As Jean-Frédéric Schaub put it: "You cannot reduce Hespanha's ideas to simple, reassuring formulas," and he summed up his thoughts with these words: "His death, like that of every

good man, leaves all those who have loved him forlorn, bearers of the treasure he has bequeathed each one of them” (Schaub, 2019).

This dossier covers all these aspects of the career, academic work, and character of António Manuel Hespanha. The seven articles it contains have been produced by seven different writers who were connected with him in a variety of ways. While admiration and affection are common denominators, the articles themselves are very different: some are short testimonials while others examine specific aspects of his long and prolific career.

Testimonies presented by Raquel Lemos, a former law student at Universidade Nova de Lisboa, and Federico de Lacerda Costa Pinto, a colleague at the School of Law, reveal something of Hespanha’s daily life and the impact that the combination of his easygoing and amiable disposition and his encyclopedic knowledge of the history of law had on the institution. It is no coincidence that the titles of these articles are, respectively, “Beloved Professor Hespanha” and “Hespanha is a Sage,” and the picture they paint is borne out by the short message of welcome that Hespanha recorded for law students at the university in 2010⁵, which is well worth listening to.

The articles by Angela De Benedictis, Fernando Bouza Álvares, Nuno Gonçalo Monteiro, and Pedro Puntoni deal with the importance of his work in the field of history and his academic career. The first of these describes how the author met Hespanha in 1986, in connection with a meeting that had been arranged by Paolo Grossi, the editor of the journal *Quaderni fiorentini per la storia del pensiero giuridico moderno*, and underlines the profound influence that some of his work was to have on her projects, especially the important work that she was carrying out into the study of lawful resistance.

The second article concerns the transformational impact of Hespanha’s studies with regard to “the resignification of Habsburg Portugal (1580-1640),” a subject that he examined in depth during the late 1980s and 1990s. By means of a fine historiographical contextualization, Bouza Álvarez illuminates his struggle for the “denationalization” of the study of history and the deconstruction of the statist paradigm, explaining that, for Hespanha, “these preconceptions were in fact pre-judgments which subtly tainted the historical past.”

Monteiro recounts how the History journal *Penélope, Fazer e Desfazer a História* was founded in the mid-1980s. With Hespanha as its first editor, it is clear that the composition of the editorial board, the range of works published, and the singular name that was chosen

⁵ <https://www.youtube.com/watch?v=yOZjqrUXBpA>

for the journal all demonstrate his conception of historical research and the influence that *Penélope* had on the minds of the younger generation of historians. As Cristina Nogueira da Silva pointed out, the impact of the subtext in the name of the journal has been used profusely ever since to identify Hespanha's stance vis-à-vis the past (Silva, 2020:460).

Pedro Puntoni takes the opportunity to produce an important reflection in which he “presents a brief archaeology of the emergence of a political model of the Portuguese Colonial Empire in the works of António Manuel Hespanha.” Although admittedly critical of his contributions, Puntoni recognizes that “Hespanha's continuous dialogs with his Brazilian colleagues enabled him not only to confirm and enhance this model, but also gave birth to an entirely new field of research and discursive production.”

Finally, Fernando Dores Costa's contribution addresses one of the most important legacies of Hespanha's public life, namely the period during which he was responsible for implementing the program of celebrations devised by the National Commission for the Commemoration of the Portuguese Discoveries (CNCDP), from February 1996 to February 1999. The author highlights the “novel stance adopted by the new head of the CNCDP, who offered us a new vision of history in the public sphere, both as a discipline, and, above all, as a cultural domain.”

The impact of this work was enormous, perhaps not so much in the public sphere as Hespanha would have liked, but certainly marking a new period of reflection in the academic world about the Portuguese colonial enterprise. In this connection, the positive effects of dialog and the development of exchanges between Portuguese historians and those in the former colonies, especially Brazil, should be highlighted. The result of this was “the development of a less Portuguese-centric view of colonial domination.” (Cardim; Schwartz, 2020). In the words of Hespanha himself:

Given the “heroic” and “self-gratifying” bias of our “public culture”, these cultural devices should foster a critical view of common sense and the glowing portrayal of History that is usually presented. And this is not due to a desire for “political correctness” or an unhealthy spirit of self-harm, but is actually done with a view to critically analyzing *established political correctness* and bringing to an end the process of continuously stroking the collective ego (Nóvoa, 2019).

References

- Adiós a António Manuel Hespanha.* <https://historiadelderechouam.com/adios-a-antonio-manuel-hespanha/>. Accessed: 21/08/2020.
- António Manuel Hespanha: review on the first anniversary of his passing away* (<http://esclh.blogspot.com/2020/07/antonio-manuel-hespanha-review-on-first.html>). Accessed: 22/08/2020.
- Bicalho, Maria Fernanda (2019). “Por que nós, de língua portuguesa, sentimos saudades? António Manuel Hespanha e a História do Brasil.” *Revista Brasileira de História*, 39 (81), 237-41.
- Cardim, Pedro; Schwartz, Stuart B. (2020). “António Manuel Hespanha (1945–2019).” *Hispanic American Historical Review*, 100 (3): 528–33. <https://doi.org/10.1215/00182168-8349895>
- Clavero, Bartolomé (2019). “‘El cimientto de nuestra amistad.’ Lembrança de António Manuel Hespanha jovem.” *Práticas da História, Journal on Theory, Historiography and Uses of the Past*, 9: 139-49.
- Herzog, Tamar (2019). “António Manuel Hespanha according to Tamar Herzog.” *Práticas da História, Journal on Theory, Historiography and Uses of the Past*, 9: 133-8.
- Hespanha, António Manuel (2010). “António Manuel Hespanha – Boas-vindas aos alunos – Universidade de Lisboa.” <https://www.youtube.com/watch?v=yOZjqrUXBpA>.
- Hespanha, António Manuel (2015). *Como os Juristas Viam o Mundo, 1550-1750*. E-book, Amazon.
- Hespanha, António Manuel (2017). *Ordem do Mundo e o Saber dos Juristas: Imaginário do Antigo Direito Europeu*. E-book, Amazon.
- Hespanha, António Manuel (2018). *O Direito Democrático numa Era Pós-Estatal. A Questão Política das Fontes de Direito*. E-book, Amazon.
- Hespanha, António Manuel (2019). *Filhos da Terra – Identidades mestiças nos confins da expansão portuguesa*. Lisbon: Tinta da China.
- Neves, José (2019). “Editorial.” *Práticas da História, Journal on Theory, Historiography and Uses of the Past*, 9.
- Nóvoa, André (2019). “Entrevista. António Hespanha.” *Ocean Crossings. Special issue, Portuguese Literary & Cultural Studies*, vol. 33.
- Schaub, Jean-Frédéric. (2019). António Manuel Hespanha (1945-2019). *Prismas*, 23(2), 330-334. Accessed: 22/08/2020, http://www.scielo.org.ar/scielo.php?script=sci_arttext&pid=S1852-04992019000200330&lng=es&tlng=es.
- Silva, Ana Cristina Nogueira da; Xavier, Ângela Barreto; Cardim, Pedro (eds.) (2015). *António Manuel Hespanha: Entre a História e o Direito*. Coimbra: Edições Almedina.
- Silva, Cristina Nogueira da (2020). “António Hespanha, um historiador inquieto.” *Quaderni Fiorentini*, XLIX, 457-71.
- Tavares, Rui (2019). “Não um adeus, mas um etcetera (para António Manuel Hespanha).” *Ipsilón. Público*. 01/07/2019.
- Xavier, Ângela Barreto; Monteiro, Nuno Gonçalo, LV (2.º), (no. 235), 473-9. <https://doi.org/10.31447/as00032573.2020235.14>.

Received for publication: 30 September 2020

Accepted in revised form: 06 October 2020

Recebido para publicação: 30 de Setembro de 2020

Aceite após revisão: 6 de Outubro de 2020