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BETWEEN TRADITION AND TRANSFORMATION: PARDON LETTERS OF DUARTE I (1433–1438) IN THE CONTEXT OF COLONIAL EMPIRE FORMATION

The author of the article examines royal pardon letters as a source for the study of everyday practices. The analysis focuses on clemency acts signed by Portuguese King Duarte I (1433–1438), as found in the royal chancery documents of the time. A total of 130 pardon letters have been identified, for which a specific classification has been developed, representing five distinct categories: permission to bear arms, fines, escape, exile, and absence of punishment (most commonly in cases of reconciliation between parties). The author emphasizes the gender dimension of these documents. For each category, alongside general observations, specific examples are provided that illustrate not only the legal system of mid-15th-century Portugal but also the structure and values of late medieval Portuguese society.

Against the background of the conducted research, data on the economic situation of the population are correlated with the amounts of fines. Particular attention is paid to the rhetoric employed in the context of petitions to the king seeking mitigation of the sentence for the accused.

The article also highlights the socio-political factor present in the decision-making process regarding pardon. Disloyalty to royal authority is punished more severely; even offensive words directed at a government official are considered a crime against the Crown.

Medieval practices such as carrying weapons or heraldic symbols – stemming from the state's inability to ensure individual protection – coexist in the chancery with the exile of accused persons to colonial territories for military service as a form of punishment.

The pardon letters thus emerge as a source that records the early mechanisms of integrating colonial space into the structures of the metropole – not only through conquest, but also via administrative and legal practice. The article demonstrates how, within a single generation of monarchy, colonial instruments began to penetrate domestic politics, reshaping concepts of justice and punishment while reflecting the social realities of the time.

Key words: *pardon letters, chancery documents, Duarte I, Middle Ages, colonies.*

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МІЖ ТРАДИЦІЄЮ І ТРАНСФОРМАЦІЄЮ: АКТИ ПОМИЛУВАННЯ ДУАРТЕ І (1433–1438) У КОНТЕКСТІ ФОРМУВАННЯ КОЛОНІАЛЬНОЇ ІМПЕРІЇ

Автор статті розглядає помилувальні грамоти як джерело повсякденних практик. Аналізуються помилувальні акти підписані португальським королем Дуарте І (1433–1438), що зустрічаються у документах королівської канцелярії того часу. Всього виявлено 130 грамот, для них складена спеціальна класифікація, яка представляє 5 окремих категорій: дозвіл на носіння зброї, штраф, втеча, вигнання, відсутність покарання (найчастіше за згодами сторін). Автор підкреслює гендерний фактор подібних документів. По кожній з категорій, крім загальної інформації, наведено приклади, що наочно відображають не лише правову систему Португалії середини XV століття, а й португальське суспільство пізнього середньовіччя.

На тлі проведеного дослідження, співвідносяться дані про економічне становище населення та суми штрафів. Звертається особлива увага на риторичу, що наводилася у контексті прохань до короля з метою пом'якшення вироку для звинуваченого.

Відображається також соціально-політичний чинник, присутній під час винесення рішення щодо помилування. Нелояльність до влади карається жорсткіше. Навіть ганебні слова в бік представника влади – це вже злочин проти Корони.

Середньовічні практики носіння з собою зброї або гербів, через неспроможність влади захистити людину спі-віснює у канцеляріях з випадками заслання звинувачених у якості покарання з метрополії до колоніальних володінь на військову службу.

Помилувальні грамоти постають як джерело, що фіксує ранні механізми інтеграції колоніального простору у структури метрополії – не лише через завоювання, а й через адміністративну та правову практику. Стаття демонструє, як у межах одного покоління монархії колоніальні інструменти почали проникати у внутрішню політику, впливаючи на концепти справедливості та покарання, відображаючи соціальні реалії тих часів.

Ключові слова: помилувальні грамоти, канцелярські документи, Дуарте I, Середньовіччя, колонії.

Problem Statement. In the study of everyday life history, every document serves as an important testimony of its time. Portuguese historians have often referred to royal pardon letters in the context of examining society during the reign of the Avis dynasty. However, the acts of clemency issued under King Duarte I remain largely unstudied. This period, though, is one of the most intriguing in the history of Portugal, representing a transitional phase from a medieval kingdom to a colonial empire.

Analysis of Research. When discussing the historiography of the subject, it is essential to note the emergence of a distinct field – the history of crime – which evolved from social history. The first steps in this direction were taken as early as the 1980s. Prominent scholars in this field include Paul Knepper and Anja Johansen, who in 2016 published a monograph titled *The Oxford Handbook of the History of Crime and Criminal Justice* (Knepper, Johansen, 2016).

As for the Portuguese medieval context specifically, several studies have focused on the history of crime to gain deeper insight into medieval society and everyday life. One such work is *Justice and Criminality in Medieval Portugal (1459–1481)* by Luís Miguel Duarte (Duarte, 1993).

Another significant source for this research, which will be cited throughout the article, is the work of Wilson Gomes titled *Crime in Portugal at the End of the Fifteenth Century: A Window into Medieval Society?* (Gomes, 2015) In it, the author analyzes data from 360 royal chancery documents issued during the early reign of King João II (1481–1483).

The aim of the article is to analyze the royal pardon letters of King Duarte I as a source that reflects the social realities of mid-15th-century Portugal.

Presentation of the Main Material. In this study, based on chancery documents related to crimes, the following classification was compiled: documents most frequently encountered as forms of sentence mitigation, as well as a separate section on the permission to bear arms:

1. Permission to bear arms (35 documents).
2. Fine (27 documents).
3. Escape (20 documents).
4. Exile (21 documents).

5. Remission of punishment (10 documents).

Additionally, 17 documents did not fit into this classification, as they represent exceptions. In total, 130 chancery documents from the reign of King Duarte I were analyzed (Dias, 2002).

Regarding the gender dimension, women appear as offenders in 9 of the examined documents. These are not related to permissions to bear arms or instances of pardons without punishment. Most often, women were convicted for immoral behavior or accusations of witchcraft.

Permission to bear arms were most frequently granted to individuals declared innocent but who feared retaliation. The chancery explicitly stated that weapons used for purposes other than self-defense would be confiscated.

Separate mention is made of cases where members of monastic communities received such permissions. Some monasteries leased out portions of their property, and in some cases, tenants refused to pay rent or even threatened the monastic representatives. Two such cases are recorded in Duarte's chancery: one involving a representative of the Monastery of São Vicente in Lisbon, and another concerning the Monastery of Santa Cruz in Coimbra (Dias, 2002: 439–440; 481–482).

It is also worth noting that among the documents not categorized within the main typology are cases in which individuals were granted the right to carry not weapons, but their heraldic arms as a form of protection. In the context of medieval society, noble lineage conferred both legal and social security, and the visibility of a family's coat of arms played a key role in affirming one's status and rights.

Fines. It is impossible to identify any consistent pattern in the payment of fines, as the amount for the same type of crime varied each time. The only constant is that all fines were allocated to the construction of monasteries.

At the same time, Luís Miguel Duarte notes that *«the king was sensitive to the argument of extreme poverty: the harshest punishments were mitigated, fines were reduced; and although we have no documentary evidence, it is easy to imagine that the chancery itself may have shown generosity in collecting the required sums»* (Duarte, 1993: 39–40).

Gomes also points out that poor individuals could be supported by their relatives, friends, or neighbors to pay the imposed fine (Gomes, 2015: 34). There are two vivid examples in the analyzed chancery records that support this. The first concerns the reduction of a fine: a man was originally required to pay 1500 white reals, but the amount was reduced by 500 (Dias, 2002: 80). The second case does not even concern a fine, but exile. A woman was sentenced to relocation to another city, but she could not afford it, and her mother filed an appeal on her behalf (Dias, 2002: 297).

It is important to mention the data provided by Martin Rheinheimer, who states that by the end of the Middle Ages, the majority of the population (between 60% and 80%) – both peasants and artisans – lived in conditions of fragile stability. Any unexpected event, such as a court case, could plunge them into poverty (Rheinheimer, 2009: 2–3).

Let us turn to the numbers. The average fine during the years 1433–1438 ranged from 500 to 1500 reals. Lower amounts were assigned either due to poverty or additional mitigating circumstances. On average, deception was punished with 200–300 reals, theft with 500, assault with 1000, and rape with 1500 reals. If the victim forgave the offender, the fine was reduced but not annulled. It should also be emphasized that the fines imposed on Jewish individuals were usually higher (Dias, 2002: 338).

What did these amounts represent in context? Luís Miguel Duarte notes that «while 4000 reals would not trouble a wealthy person, 300 reals could be an unbearable amount for a common laborer» (Duarte, 1993: 588). There are, however, exceptional cases in the sources, such as the sons of a farmer who were fined only 20 reals for beating a man – though this appears to be an exception rather than the rule (Dias, 2002: 436).

The rhetoric found in petitions remains consistent across years and reigning monarchs. Typically, to construct a charitable image of the accused, certain facts about them were omitted, while others were emphasized (Gomes, 2015: 27). For example, in one document, the focus is placed on the youth of a minor who fled with another man's wife (Dias, 2002: 293). The deceived husband stated that the mentioned Afonso was still a young man, not capable of bearing responsibility for the act, and that he believed his wife had approached Afonso herself and asked him to take her out of the city, after which he left her. The husband decided to forgive him for any wrongdoing, if there was any. Thus, taking the young age of the accused into account, he was freed from any punishment. At the same time, this example also shows how the supposed «victim» was discredited in the narrative.

One of the categories identified in this study is **prison escape**, and when it is mentioned in a petition for pardon, the act is typically presented in a diplomatic and mitigated manner. In such documents, it is often emphasized that the escapee did not break the prison bars and, in some cases, even returned the shackles afterward. For example, in chancery record no. 336, there is a case involving two sisters accused of witchcraft who were imprisoned (Dias, 2002: 227–228). During the jailer's lunch break, they simply walked out through the open gates. The most striking case, however, is found in document no. 663 (Dias, 2002: 490–491). It concerns a man who had been arrested without any formal accusation or complaint against him. While in prison, he prayed to the Holy Virgin Mary and, at midnight, discovered that his shackles had fallen off and the doors were open. A pardon was granted, with specific emphasis on the fact that he had not broken anything nor climbed over the walls. By contrast, if doors were broken or shackles taken away during an escape, the individual was required to pay a fine for the damage or lost property.

The primary justification for escape, as stated in many documents, was the fear of long-term imprisonment. This concern was sometimes regarded as legitimate – especially in the case of peasants, who faced significant economic losses due to prolonged detention.

It is also important to note that escapes frequently occurred while the accused awaited sentencing. Therefore, if no property was damaged during the escape, the fugitive could be granted a protective letter (usually valid for 10 to 15 days). During this period, the individual could not be arrested or harmed for the escape. Instead, they were expected to justify their actions within that time frame. If they failed to provide sufficient justification, punishment would follow.

Exile. This category includes both cases where individuals were expelled from their place of residence and cases in which a specific location was designated for the person to reside for a certain number of years. The sentence was pronounced publicly, and the person was driven out of the area with a rope around their neck. If exile involved relocation to a particular city, the individual was required to register in the city's official records. In this context, rhetoric related to military service in Ceuta begins to appear. Service in the colonies often served as a means to significantly reduce the duration of punishment. Most commonly, individuals sent there were inhabitants of the Alentejo region.

A separate aspect worth noting is the socio-political factor and its corresponding rhetoric in such cases. In some chancery records, it is stated that a murder committed "through treachery or deceit" is judged dif-

ferently and carries a more severe punishment. This refers to homicides regarded as acts of betrayal against the king or as crimes against the established political order. Several types of crimes could fall under this designation: the murder of a state official, the breaking of a peace agreement followed by killing, or a murder committed during a revolt or uprising. The chanceries also provide an illustrative example of punishment for defamation of authority. In the town of Moura (in the county of Alentejo), some residents filed a complaint against the alcaide (local judge) for injustices they had suffered at his hands (*Dias, 2002: 461*). However, all those who signed the complaint were punished with exile from the town. This happened because the wording of the complaint contained dishonorable language directed at the alcaide, a representative of royal authority.

Reconciliation between parties cannot be fully evaluated based on chancery documents alone. It

should be noted that when forgiveness is mentioned, it typically refers to a written statement of pardon. It is impossible to say with certainty that all such statements were made voluntarily and without pressure from the offenders.

Conclusions. Royal pardon letters serve as a multilayered historical source, clearly demonstrating both legal regulation and the social norms of mid-15th-century Portugal.

Summing up the points discussed above, we can conclude that the reign of Duarte I marked a transitional period in Portugal, bridging medieval kingship and the emergence of a colonial empire. Because in the royal chanceries of that time, both the inability of the authorities to protect the population – which forced people to request permission to carry weapons and take care of themselves – and, at the same time, the use of colonial territories as a space for «correction» or «social isolation» are emphasized.

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