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**THE ETERNITY OF CHANGE:
ADAPTATION AND LEGAL-INSTITUTIONAL REFORM
IN SITUATIONS OF REDEFINITION OF THE STATE
IN SPAIN (1476-1917)**

MANUELA FERNÁNDEZ RODRÍGUEZ

Dykinson, S.L.

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Universidad Rey Juan Carlos

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INTRODUCTION

Law and institutions aren't immutable and immovable realities. Rather, the laws, the norms that govern the frameworks of coexistence, are as changing and mutable as these same frameworks of coexistence. As the forms of political-social organization have changed, societies have adapted both their laws and their institutions to these changes, as it could not be otherwise.

The history of Spain is full of these twists in the nature of the State and the regulatory apparatus that supports it. In the last five hundred years there have been adjustments of enormous magnitude every few decades, beginning with the authentic legal and institutional shock that the reign of the Catholic Monarchs represented, when a good part of the medieval paradigms were left behind and became a very different legal and institutional reality, and ending with the Transition to democracy in the last quarter of the 20th century.

The way in which these situations of profound change in the State affect the Law, and conversely, the way in which the Law can cause or define these processes of reform and even institutional revolution, has not yet been analyzed from a global perspective, transversal, chronologically, geographically and factually. In recent years, the so-called transitional law has gained relevance both in its positive nuance and in its historical-legal aspect, but it is not, in its most common meaning, a generalist approach to the processes that affect law and institutions in moments of profound organizational change in the political spectrum, but refers to a very specific aspect of these possible changes: the way in which societies face the processes of overcoming non-democratic periods in their history.

Therefore, considering that there is a wide field of study yet to be cleared in the analysis of the legal-institutional situations that generate the processes of political change, the preparation of this work has been addressed, intended to provide a transversal approach, at least chronologically, to the way in which, from the point of view of Law, different moments of change in the nature or design of the State apparatus have been addressed.

Particularly fertile in this field is the Spanish 19th century, where the struggle between absolutism and liberalism redefined on several occasions the structure of the State and the role that corresponded to each institutions. The legacy of that struggle permeated the secular frontier and soaked the reality of the Spanish 20th century, leading to its tragic war crucible and the processes of authoritarianism and subsequent reconstruction of democracy that followed the Cainite conflict of the years 1936-1939. This publication does not go that far chronologically, ending its journey at the moment when the turnista system of the Restoration begins to show evident signs of exhaustion, which will lead to its decomposition and, ultimately, dismantling.

Offering an overview from the 15th century to the second decade of the 20th century, we hope to make a modest contribution to the knowledge of some basic general lines on the way in which the processes of change in the Law and institutions are addressed. the design of the State.

CHAPTER I

OVERCOMING THE MEDIEVAL: THE FOUNDATIONS OF THE REIGN OF ISABELLA AND FERDINAND

1.- The Nature of the War of Succession

In an attempt to understand many of the changes promoted by the Catholic Monarchs after the end of the war against the supporters of Juana and the foreign powers allied with them, it is crucial to understand the true nature of that conflict. The first issue to raise is whether the War of Succession was truly a conflict of succession, a question that requires a deeper analysis than it might appear at first sight.

It is necessary to go back to the civil war in the reign of Enrique IV - from 1464 to 1468 - to throw some light on the question. The confrontations in those years focused on a double axis: a struggle between the nobles and the Crown over the distribution of state power and a battle between factions of notables for control of that power. The Pacheco family, including the *maestrazgo* of Calatrava by the Téllez Girón¹ family, the Mendoza family, the archbishop of Toledo, Beltrán de la Cueva and many other nobles aligned themselves on one side or the other, with the King or against him, according to their own interests and convenience, as the continuous changes of several of the main lineages show very clearly². The matter of succession appeared only belatedly in this struggle for power. Only in 1464 - when the conflict had been foreshadowed since 1461 - the nobles introduced the succession as part of their

¹ In this regard, see CIUDAD RUÍZ, M., “El maestrazgo de don Rodrigo Téllez Girón”, in *En la España medieval*, n.º 23, 2000.

² VAL VALDIVIESO, M.ª I. del, “La sucesión de Enrique IV”, in *Espacio, Tiempo y Forma. Serie III. Historia Medieval*, volume IV, 1991, p. 45).

political movements, forcing Enrique IV in Cigales to recognize his half-brother *Alfonso* as heir. Even then, no reference is made to the supposed illegitimate origin of Juana³, but it is perfectly interpretable that the change in the line of succession was due to the preference of the male over the female, the prince Alfonso being the male of the house of Trastámara closest to the king.

Juana's illegitimacy will only appear on the scene when, after the death of the prince Alfonso in Cardeñosa, it is necessary to justify the support of the notables who oppose Enrique IV for Alfonso's heir, the princess Isabel, it is then when, having rejected by mere logic the argument of the priority of the male over the female, new arguments have to be found to justify the passing of the inheritance from the direct line -Juana- to the collateral -Isabel -, so that the nobles continue to have a flag to hoist in their fight against Henry IV:

*“Viéndose desamparados estos prelados y caballeros por la muerte de este rey don Alfonso, que habían tomado y enemistados en con el rey don Enrique su hermano, que habían dejado, estaban en gran temor, recelando la indignación del rey, a quien por cartas y por palabras habían mucho injuriado; y no hallaban otro medio para su defensa, sino continuar la división que habían comenzado en el reino, alzando en él por reina esta princesa doña Isabel en lugar de su hermano”*⁴.

It does not seem, thus, to be a question of a real succession problem, at least not since Alfonso's death. Until then, the attitude of the nobles who supported him could be justifiable, according to the dynastic standards of the time, since the existence of a male heir in a close collateral line while there was only one female heir in the direct line could have created very serious disruptions for the monarchy. This problem, however, disappeared with the death of the prince, without leaving the monarchy without heirs: there was a successor in the person of Princess Juana. Nevertheless, the nobiliary faction that had opted for Alfonso continued to support Isabel against the king and against the succession rights of his daughter, constructing ex profeso a new line of argument, that of Juana's illegitimacy. This view of developments seems to indicate that the underlying issue was not so much who should sit on the throne on Enrique's death, but which faction of notables should control power, the one that had associated itself with Enrique IV and the succession of Juana, or the one that, out of opposition to the king rather than royal conviction of rights, defended first the succession to Alfonso, then his coronation as king and, finally, Isabel's rights to succeed Juana.

³ SUÁREZ BILBAO, “Una cuestión jurídica en torno a la legitimidad de la soberanía de los Reyes Católicos”, p. 594.

⁴ PULGAR, *Crónica de los Reyes Católicos*, p. 9.

In summary, we are essentially faced with a conflict for power between noble factions and the Crown over the extension or contraction of royal powers, in the context of which the issue of succession is superficial⁵, which to a large extent was not a real problem as there was an heiress through the direct line and was artificially implemented to become a banner under which the basic issues of the conflict were concealed.

If, as has sometimes been pointed out, the War of Succession of 1475-78 was a prolongation of the conflicts of Enrique IV's⁶ reign, the conclusion must be the same: in this war, despite its name, the question of succession was only the clothing that dressed the skeleton of the struggle between the Crown and the nobility for the distribution of power and between the nobiliary factions for the exercise of power. However, in this case, from the outset, the inequality between the sides was notable, since Juana's supporters were hardly those who had become staunch enemies of Isabel during her years as infanta and princess, such as the Villena lineage, or those whom she had disappointed with her first government decisions, such as Arzobispo Carrillo⁷, these facts reinforce the perception that the succession struggle was the justification for a battle that included many other reasons, the simplified visualization of a confrontation that responded to more complicated interests⁸.

To the dynamics of internal conflict inherited from the reigns before Isabel, were also added, in the case of the war that began in 1475, international political factors, such as the interventions of Luis XI de Francia and Alfonso V de Portugal in support of Juana.⁹ In the French intervention, of course, any connection with the issue of succession can be dismissed, as it served its own strategic interests. On the other hand, in the Portuguese case, it is worth considering this more carefully. Alfonso V was Juana's uncle and a deeply religious man imbued with medieval chivalric ideals.

It has been noted that the King of Portugal believed strongly in his niece's claim to the throne, but this fact cannot hide the fact that there were many other reasons behind the Portuguese intervention. For several decades, the problems between Castile and Portugal had been considerable, and the memory of Aljubarrota, a

⁵ CARRASCO MALDONADO, "La toma de poder de Isabel I de Castilla", p. 332.

⁶ CIUDAD RUÍZ, "El maestrazgo de don Rodrigo Téllez Girón", p. 331.

⁷ Carrillo, who had supported Isabel's succession, abandoned her when he realized that the queen was taking the Crown for herself, and not to pass on her rights to Ferdinand, as Carrillo had wished. (SUÁREZ BILBAO, "Una cuestión jurídica en torno a la legitimidad de la soberanía de los Reyes Católicos", p. 593).

⁸ HERRERA CASADO, A., y SUÁREZ DE ARCOS, F., "Los Mendoza del Infantado, custodidores de Juana la Beltraneja", p. 316.

⁹ It should not be forgotten that Juan II of Aragon, although he did not intervene in the war, did play a role in the events leading up to it.: "Esta rivalidad entre los dos monarcas más relevantes de la Península [refers to Enrique IV and Juan II], unida a la ambición política del aragonés, alimentará la crisis sucesoria castellana, sobre todo desde el momento en que éste logre imponer a su hijo Fernando como marido de la princesa Isabel" (VAL VALDIVIESO, "La sucesión de Enrique IV", p. 46).

glorious day for the Portuguese arms and a tragic one for Castile, still lived on in the minds of both parts. There were problems of territorial demarcation along the border that both kingdoms¹⁰ shared and, in particular, the two Crowns had collided on the Atlantic scene as a result of Portuguese expansion along the coast of Africa. The trade with Guinea and the possession of Madeira, the Azores and the Canary Islands had become difficult issues between the Trastámara castellanos and the Court of Lisbon. The war in Castile provided Alfonso V with the opportunity to settle them at a stroke, in his favour, by putting his niece on the throne of Castile by force of arms, a niece whom he also made his wife as soon as the war began, so that he would himself have become king of Castile. The importance of these issues is testified to by the Treaty of Alcaçobas, in which the question of succession is relegated to the Treaty of the *Terceiras de Moura*, which, although important, is clearly secondary to the great central treaty in which the Atlantic world and the Barbary of the Levant are divided between Portugal and Castile.

Only by understanding the War of Succession of 1475 as a consequence of the disputes of the reign of Enrique IV, and therefore understanding that it was in many ways, before being a purely succession dispute, a war of nobility that confronted opposing lineages for the control of royal power, can we understand many of the reforms initiated by the Catholic Monarchs during the war and, especially, at its end.

2.- The End of the War

There are few legal consequences of war that are more direct and obvious than the treaties and pacts that bring it to an end. In this context, the Treaty of Alcaçobas and the Treaty of the *Terceiras de Moura*, are a paradigmatic example in terms of the breadth of the issues they covered and the depth of their impact on politics, no longer peninsular or even European, but global - as a term such as “global politics” could be understood in the late Middle Ages and the dawn of the Modern Age.

The peace negotiations began with a view of the fortress of Alcántara, where Queen Isabel and Beatriz, Duchess of Braganza and the Queen’s aunt met. The discussions took place from 20 to 22 March and defined the four basic items to be included in the treaties: recognition of Isabel as Queen of Castile and guarantees about Juana’s future; arrangement of the marriage of the first-born Isabel to Alfonso, son of the Prince Don Juan, heir of Portugal; the recognition of the monopoly of Portuguese African navigations and Castilian sovereignty over the Canary Islands;

¹⁰ BAQUERO MORENO, H., “Os confrontos fronteiriços entre don Alfonso V e os Reis Catolicos”, en *Revista da Faculdade de Letras (Historia)*. 1993.

and, finally, a pardon for all Castilians who had served Alfonso V of Portugal, restoring their confiscated property¹¹.

On 4 September 1479, the Treaties of Alcaçobas put an end to almost five years of war for the throne of Castile. They did so with the renunciation by Alfonso V of Portugal of all his possible rights to the Crown of Castile, as well as with the setting of the so-called *Terceiras de Moura* regarding the future of Juana, for whom a marriage with Prince Juan, son of Isabel and Fernando, was arranged.

The negotiations were not easy, as Castile was not willing to cede territory. Isabel the Catholic had exposed this fact very starkly when, at an advantageous moment in the war for Portugal, Alfonso V of Portugal proposed a peace that would involve the surrender of Galicia and the recognition of Portuguese sovereignty over the towns of Toro and Zamora, which were in the hands of his army at the time, as well as compensation for the costs of the war. At that time, Isabel let him know that she was determined to pay a just sum, even though she considered that she had not been at fault in the conflict, and that she would even pay an excessive amount if peace could be achieved, but she would not give up “*ni un solo palmo de tierra*” *castellana* [“a single inch of Castilian land”]¹².

The whole diplomatic framework, carefully constructed by the Castilian diplomats and Doña Beatriz, Duchess of Braganza, was about to collapse when Juana decided, without warning, to enter a convent, which gave an unexpected twist to the negotiations, rendering worthless much of what had already been agreed. After a series of manoeuvres that involved the Doctor of Talavera and Isabel’s confessor, the friar Hernando de Talavera the Treaty was finally signed on 4 September 1479.

3.- The Hispanic-Portuguese Peace

The Treaty of Alcaçobas brought about the renewal of perpetual peace between Castile and Portugal, one of the consequences of which was to fix, at last with some stability, the border line separating the two monarchies¹³. Until Alcaçobas, the border was more a strip of land than a concrete line, although it had been defined through the Treaty of Alcañices in 1297, incorporating the eastern bank of the river Coa and

¹¹ ORELLA UNZUÉ, J. L., “Del Tratado de Alcaçovas (1479) al de Tordesillas (1494)”, conferencia impartida el 19 de abril de 1997 en Ordizia, p. 7.

¹² ALDEA, Q., “Poder real e Iglesia en la España de los Reyes Católicos”, en SUÁREZ FERNÁNDEZ, L., y GUTIÉRREZ NIETO, J. I., (coords.), *Las instituciones castellano-leonesas y portuguesas antes del tratado de Tordesillas*. Zamora, 1994, p. 37.

¹³ ROMERO MAGALHÃES, J., “Fronteras y espacios: Portugal y Castilla”, en CARABIAS TORRES, A. M^a., (ed), *Las relaciones entre Portugal y Castilla en la época de los descubrimientos y la expansión colonial*. Salamanca, 1994, p. 92.

other places, such as Olivenza, into Portugal; in compensation for which Castile received places such as Ayamonte or Valencia de Alcántara. It was only possible to define the frontier precisely in those places where a natural feature delimited it in an exhaustive manner¹⁴.

In order to implement the new treaty, the border regions had to be pacified, which could not be done without solving the problems between the nobles of the region and the Crown. Therefore, in Extremadura, the Catholic Monarchs acted generously towards Alfonso de Monroy and the Countess of Medellín, who did not suffer reprisals for their participation in the war; the monarchs also created arbitration commissions to decide who should inherit the Portocarrero family inheritance. From among those who had supported them, they strengthened their loyalty, naming Luis de la Cerda as Duke of Medinaceli, Andrés Cabrera as Marquis of Moya and Álvaro de Stúñiga as Duke of Plasencia. If Extremadura received the velvet glove, Galicia was handed the iron fist, as the pacification of that territory was carried out by Fernando de Acuña, militarily squashing the rebels led by the Count of Camiña; *Acuña* was appointed governor, and the archbishop of Santiago, Alfonso de Fonseca, was transferred to the Court - designating him president of the *Chancillería* of Valladolid - in such a manner that the governor's powers had no authority to overshadow him¹⁵.

For the first time, there was the will and the juridical conviction that the border was an area to be respected by all participants, not just a demarcation between Crowns¹⁶.

This means that the lords also had to respect it, or face the consequences of not doing so. This happened in the case of Lopo Vaz de Castel-Branco, mayor of Moura, who proclaimed himself Count of Moura, pretending to govern both his castle and the surrounding lands independently. Don Juan, prince of Portugal, paid a local band to capture and execute him¹⁷.

Alfonso V was not able to overcome his defeat in the Castilian War and the fact that he had to renounce his niece's rights to the Crown, in which he firmly believed. King Alfonso died in 1481, when he was an elder, only three years after making peace with Isabel and Fernando. He was succeeded on the throne by his son Juan II, the second of that name on the throne of Portugal.

Juan II of Portugal. viewed Castile with mistrust during the early years of his reign, a legacy, no doubts, of the war years, which he experienced as regent of

¹⁴ MARTÍN MARTÍN, J. L., "La frontera hispano-portuguesa en la guerra, en la paz y en el comercio", en CARABIAS TORRES, A. M^a. (ed), *Las relaciones entre Portugal y Castilla en la época de los descubrimientos y la expansión colonial*. Salamanca, 1994, p. 31.

¹⁵ ORELLA UNZUÉ, J. L., "Del Tratado de Alcaçovas (1479) al de Tordesillas (1494)", conferencia impartida el 19 de abril de 1997 en Ordizia, p. 7.

¹⁶ FEBVRE, L., "Frontière: le mot et la notion", en *Pour une histoire à partentière*. París, 1962.

¹⁷ PINA, R. de, *Chronica del rey D. Alfonso V*. Lisboa, 1901, vol. III, pp. 127-128.

Portugal while his father was battling on the other side of the border¹⁸. Nevertheless, this stance gradually relaxed as he realized that Isabel and Fernando did not seem to have hostile intentions towards his kingdom. A symptom of this relaxation is that Juan II, on finding out about the fall of Málaga to Fernando in 1487, ordered all the bells of Lisbon's churches to ring to celebrate the triumph of his christian neighbours over the muslims of the kingdom of Granada¹⁹. This improvement in relations between the neighbouring powers was consolidated by the marriage of Prince Alfonso of Portugal, son of Juan II, to one of the daughters of the Catholic Monarchs, Isabel of Aragón.

Therefore, even with some initial misgivings, Alcaçobas began a long period of good relations between the Catholic Monarchs and the Portuguese King Juan II²⁰.

4.- The Real Forgiveness

The conception of royal power in the late Middle Ages stated that the king was the ultimate repository of the exercise of justice, which meant, then, that he also owned the right to forgive any crime, the right of grace, to the extent that there are two rights - the right to do justice and the right to grant grace or royal forgiveness - that are inseparable from each other. As Professor Nieto Soria notes, “la práctica del perdón y de la clemencia por parte de los monarcas no supuso, en el marco de las monarquías occidentales de la Baja Edad Media, aspecto accesorio o secundario del ministerio real, sino que le aportó un rasgo fundamental que, si bien no era nuevo, al hilo del propio desarrollo político y de las transformaciones ideológicas e institucionales experimentadas por dichas monarquías, caracterizaría profundamente el modelo político al que, en cada caso, se fue tendiendo en la evolución de los últimos siglos medievales” [the practice of forgiveness and clemency by monarchs did not represent, within the framework of the Western monarchies of the late Middle Ages, an accessory or secondary aspect of the royal ministry, but rather provided a basic feature which, although not new, in line with political development and the ideological and institutional transformations experienced by these monarchies,

¹⁸ SZASZDI LEÓN-BORJA, I., “Las paces de Tordesillas en peligro. Los refugiados portugueses y el dilema de la guerra”, en CARABIAS TORRES, A. M^a., (ed), *Las relaciones entre Portugal y Castilla en la época de los descubrimientos y la expansión colonial*. Salamanca, 1994, p. 125).

¹⁹ BAQUERO MORENO, H. C., “As Relações entre Portugal e Castela em torno de 1492”, en CARABIAS TORRES, A. M^a., (ed), *Las relaciones entre Portugal y Castilla en la época de los descubrimientos y la expansión colonial*. Salamanca, 1994, p. 59.

²⁰ LADERO QUESADA, *Ejércitos y Armadas de los Reyes Católicos*, p. 5.

would deeply define the political model which, in each case, tended to evolve in the evolution of the last medieval centuries]²¹.

The monarchs of the Trastámara dynasty had used the royal authority of forgiveness as a political weapon since the foundation of the dynasty, which has much to do with the fact that the establishment of the dynasty took place through a civil war, after which the exercise of a certain degree of royal grace was unavoidable. Enrique IV also made wide use of royal forgiveness, to the extent that the Courts of Toledo in 1462 protested at the negative implications they sensed in the extent to which the monarch dispensed his forgiveness.

Among other matters, they requested that limits be placed on the common practice of receiving forgiveness for crimes committed in exchange for military service in border castles. This protest had very little success, and during the civil conflict that divided Castile between 1465-68 both sides made extensive use of royal grace.

In conclusion, throughout the reign of Enrique IV a consubstantial relationship between political conflict and royal pardon had been consolidated, becoming a defining feature of the political mechanics of the time, and throughout the reign of Enrique of Castile the royal forgiveness became a basic and essential instrument of the methods of government that characterized that monarchy when it came to influencing the development of the most relevant conflicts, and attempting to change the mechanics produced by the repeated political conflicts in progress in a direction in favour of its own interests²².

Not unexpectedly, that the peace signed at Alcaçobas included a forgiveness for all those nobles who had raised arms in favour of Juana²³. It was a policy that Isabel and Fernando had already set in motion during the campaign of 1476, which brought decisive victories against the supporters of Enrique IV's daughter. The forgiveness granted to the defender of Toro has already been discussed, but it was not the last one. That same year, Isabel granted a pardon to the *maestre* of Calatrava, who, together with his order, switched sides and began to fight on Isabel's²⁴ side, and when he was sent to subdue Galicia, the Count of Alba de Liste received delegated powers from the monarchs themselves to grant pardons on their behalf.

For this reason, the issue of forgiving those who had defended the rights of Juana or supported the Portuguese invasion was part of the Alcaçobas negotiations from the outset, and was considered indispensable by Alfonso V, a monarch with a deep sense

²¹ NIETO SORIA, J. M., "Los perdones reales en la confrontación política de la Castilla Trastámara", en *En la España Medieval*, nº 25, 2002, p. 213.

²² NIETO SORIA, "Los perdones reales en la confrontación política de la Castilla Trastámara", p. 246.

²³ AGS, Patronato Regio, leg. 49, fols. 327 and following.

²⁴ AGS, RGS, tomo I, fol. 238.

of duty, who did not want to leave those who had supported him in the conflict²⁵. to their fate. Portugal succeeded in getting Castile to concede on this issue, in the interests of achieving a lasting peace and establishing true friendly relations with the Portuguese kingdom. Therefore, the forgiveness included in Alcaçobas exceeded the chronological framework of the War of Succession and covered both the civil war that began in 1465 and the subsequent years of the reign of Enrique IV, as the chronological limit of the acts to be reprieved was set at 15 September 1464. Even more significant was the fact that the Catholic Monarchs committed themselves to returning to the pardoned all the possessions and goods that had been confiscated in the course of the war. This clause had a slow and hard enforcement, marked by litigation and lawsuits concerning the restitution of the property.

5.- The *Tercerías* of Moura and Juana

The Treaty forced Isabel of Aragon, the eldest daughter of Isabel the Catholic and Fernando, and the son of the first-born son of the King of Portugal, Manuel, to be placed in “third estate” in the castle of Moura, where both children would be educated by Beatriz de Bragança²⁶. Eventually, the marriage of the two youths would come to a successful conclusion, although it would meet a tragic end with the early death of Princess Isabel.

The future of Juana of Castile, also known as “*la Beltraneja*”, was one of the key pieces in the diplomatic framework that had been drawn up at the Alcántara meetings and signed at Alcaçobas. The original intention was for her to marry the first-born son of the Catholic Monarchs, Prince Juan. In this manner, the two lines of succession would be united by marriage and the offspring of both would unquestionably unite the dynastic legitimacy, regardless of the point of view taken by each of them during the conflicts of the preceding years. Nevertheless, everything was on the point of collapse when Juana expressed her desire to become a nun. Isabel the Catholic was suspicious that this might be a ruse to avoid the commitments she had made and that, once the obligatory period of novitiate was over, Her Excellency would declare that she had no vocation and would once again become a dangerous piece in the political games of the Iberian Peninsula. This danger did not materialise, and on 15 November 1480, under the attentive watch

²⁵ See NIETO SORIA, J. M., “Un indulto singular: el perdón general de los Reyes Católicos a los colaboradores castellanos de Alfonso V de Portugal”, en FONSECA, L. A. de, AMARAL, L. C., FERREIRA SANTOS, M^a. F., BAQUERO MORENO, H., *Os reinos ibéricos na Idade Média: livro de homenagem a o professor doutor Humberto Carlos Baquero Moreno*. Lisboa, 2003.

²⁶ Ver TORRE Y DEL CERRO, A. de la, *Don Manuel de Portugal y las tercerías de Moura*. Coimbra, 1975.

of friar Hernando de Talavera, Isabel's confessor, Juana pronounced her vows in the monastery of Santa Clara in Coimbra.

Apart from the obvious consequences of Isabel recognition as the legitimate heir to the throne, her illegitimacy was a personal blemish that Juana had to live with for the rest of her life, which she spent in seclusion in a Portuguese convent:

It was fifty years between those walls, secluded from the world until her death in 1530, when Queen Isabel had been lying in her royal tomb in Granada for twenty-five years.

6.- Alcaçobas and Tordesillas

As we have seen, the treaties of Alcaçobas established the framework within which the extra-peninsular expansion of Portugal and the Monarchy of the Catholic Monarchs was to take place. The conception of the world for which the treaty was intended exploded in 1492, with the discovery of America.

As soon as news of the discovery reached the Portuguese Court - remember that Columbus landed in Lisbon before heading for the ports of the Catholic Monarchs - Portugal accused Castile of having violated the agreements between the two Crowns; the diplomatic confrontation that followed, which we will not go into in detail here as there is an exhaustive bibliography on the subject, was solved through the Treaty of Tordesillas, signed in 1494.

The conflict stemmed from the different interpretations in Portugal and Castile of the clauses of the Treaty of Alcaçobas, and there are strong reasons to suppose that Isabella and Ferdinand had no intention of breaching it, at least in principle. Therefore, in the Capitulations of Santa Fe, the contract signed between Columbus and the Crown on 17 April 1492, the sailor is specified not to navigate below the southernmost parallel of the Canary Islands, so as not to enter the zone of Portuguese exclusivity established in the agreement of 1478. This shows that the interpretation made at the Courts of the Catholic Monarchs regarding the geographical limits delimited by Alcaçobas affected navigation against the coasts of Africa to the south of the Canary Islands, that is, the waters in which the Portuguese sailed in the direction of Guinea and the Cape of Good Hope. From this point of view, the Catholic Monarchs interpreted that Castile had the full right to sail westwards across the Atlantic, as long as it did not sail south of the southern parallel of the Canary Islands²⁷. In accordance with this interpretation, Alcaçobas conferred to Portugal: Guinea, Mina de Oro, the Azores, Madeira, Porto Santo, Cabo Verde and, in general,

²⁷SALINAS, A. "Estado, Diplomacia y Cosmografía en el Renacimiento. El Tratado de Tordesillas y el problema de las longitudes geográficas", *Revista de Geografía Norte Grande*, nº 24, 1997, p. 281.

any land discovered or to be discovered south of the Canary Islands; in the same way, it expressly gave Castile sovereignty over the Canary Islands and, implicitly, over the rest of the ocean²⁸. The essence of the question is simple to define and difficult, if not impossible, to solve, since it refers to the ultimate nature of the Treaty of Alcaçobas: if it is understood as a generic distribution of the ocean, Castile had no right to anything other than the Canary Islands and the waters between them and the African coast. But the Catholic Monarchs did not share this vision, and a considerable part of the historiography supports the view that Alcaçobas, in its territorial aspect, although it was a partition of the oceanic spaces, should be understood as referring only to the viable routes at the time of its conception, in the years from 1478 to 1480: “It is obvious that the Ocean to the West does not enter at all in the letters of the Alcaçobas treaties (...) Now then, we cannot make history by interpreting the data on the mental scheme of our present knowledge of the geography of the Ocean (...) Do not forget that the distinction between the coastal route and the free sea route to the West makes no sense in 1479: it only arises when it turns out that the second is also possible, that is to say, in 1492” . According to this, in 1492²⁹, the ocean continued to be *res nullis*, because it was not included in the stipulations of Alcaçobas, - according to Giménez Fernández³⁰- or *res commune*, as interpreted by García Gallo, based on the *Partidas*: “The things that commonly belong to all the creatures that live in this world are these: the air, the waters of rain and the sea and its shore”³¹. This appears to be the understanding of the Catholic Monarchs, who, in the Capitulations of Santa Fe, did not doubt in using the title of *Señores de la Mar Océana* [Lords of the Ocean Sea], making it clear that their interpretation of the texts of Alcaçobas did not exclude the open sea to the West from their domains.

Nevertheless, the Catholic Kings must have been very aware that Columbus’s discoveries would be a cause for conflict, given that, after knowing of the success of the expedition, they immediately turned to Pope Alexander VI for recognition of Castilian dominion over the discovered territories³². It appears that the proposal made to the Holy Father was to give Castile the control of the lands to the west of a line to be drawn one hundred leagues to the west of the Azores, a Portuguese possession. This number was not a coincidence: at that distance, Columbus had found a cosmographic

²⁸ RUMEU DE ARMAS, L., “Colón en Barcelona”, en *Anuario de Estudios Americanos*, vol. I, 1944.

²⁹ PÉREZ EMBID, F., *Los descubrimientos en el Atlántico y la rivalidad hispano-portuguesa hasta el tratado de Tordesillas*. Sevilla, 1948, pp. 217-219.

³⁰ “Algo más sobre las bulas alejandrinas de 1493 referentes a las Indias”, *Anales de la Universidad hispalense*, nº 7, 1945, p. 75.

³¹ GARCÍA GALLO, A., “Las bulas de Alejandro VI y el ordenamiento jurídico de la expansión portuguesa y castellana en África e Indias”, *Anuario de Historia del Derecho español*, nº 17 y 18, 1957-1958, p. 32.

³² PEREZ EMBID, *Los descubrimiento en el Atlántico y la rivalidad hispano-portuguesa hasta el tratado de Tordesillas*, p. 229.

limit that was easy for sailors to confirm: On his first expedition, at about that longitude, on 17 September 1492, the Admiral realised the variation of the compass needle to the northwest of the North Star. The sailors of the time were used to the variation to the east, but no one had ever been in an area where the “north-west needle was”, so the sailors “were penalised and did not say what they were from”³³. Juan II decided to make use of the rights granted to him by the Treaty of Alcaçobas, and informed that he would send ships to the Atlantic, following the parallels to the south of the Canary Islands. What is certain is that “everything, in fact, both in the circumstances of fact and in the legal titles, favoured the Portuguese in achieving dominion over the Columbian discovery”: with the advantages offered by Lisbon, which then had the best organized and equipped arsenal in the world, and the possession of islands that could serve as a base and stopover for oceanic crossings, such as the Azores, Madeira and Cabo Verde, the monarchy of Isabel and Fernando could not compare, since not even the possession of the Canary Islands, barely subdued and always short of supplies, gave them a significant advantage over their Portuguese opponents³⁴. Despite this, the Catholic Monarchs again made it clear that they disagreed on the interpretation of the treaty, since according to them, the King of Portugal only had the right to order sailings to the south, given that Alcaçobas acknowledged Portugal’s right to sail the routes to Guinea and India, but not the rest of the Atlantic. For this reason, they requested Juan II to publicly proclaim in his kingdom that no one should sail to other parts of the ocean, beyond the aforementioned routes.

Juan II held the position that the Treaty of Alcaçobas authorised him to sail westwards across the Atlantic, but suggested a compromise solution: to limit his travels to south of the southern parallel of the Canary Islands. This solution did not satisfy the Catholic Monarchs, as it meant extrapolating the Alcaçobas agreements, which they saw as a regional cession of the Guinean route, to the entire ocean. The Portuguese interpretation meant that Castile was excluded from the African expansion in Guinea and from the route to the Indies by circumnavigating Africa, leaving Portugal with free access to the Atlantic. Therefore, the monarchs reaffirmed that Portugal did not own the whole ocean, but only the islands expressly indicated in the Treaty of Alcaçobas and the area south of the Canary Island of Hierro, towards Guinea³⁵.

In the diplomatic war that ensued, the Pope Alexander VI had a key role to play, insofar as both sides tried to ensure that it was the Holy Father who gave legitimacy to the possession of the newly discovered lands.

³³ COLON, C., “Diario del Primer Viaje”, en VARELA, C., (ed.) *Cristóbal Colón. Textos y Documentos Completos*. Madrid, 1984, vol. 2, p. 21.

³⁴ GIMÉNEZ FERNÁNDEZ, M., *Las bulas alejandrinas de 1493 referentes a las Indias*. Madrid, 1944, pp. 68 y 69.

³⁵ SALINAS, A., “Estado, Diplomacia y Cosmografía en el Renacimiento. El Tratado de Tordesillas y el problema de las longitudes geográficas”, en *Revista de Geografía Norte Grande*, nº 24, 1997, p. 283-84.

For this purpose, the diplomacy of the Catholic Monarchs did not doubt in using all the means at their disposal, including the famous letter from Columbus to Santángel, written, according to the document itself, on 15 February 1493, on board one of the Admiral's ships, in which he stated that the lands discovered were close to the Canary Islands and were a natural prolongation of them. There has been all sorts of doubts about the authenticity of this document, to the extent that it is suspected to have been drawn up by Luis of Santángel himself and King Fernando, in order to give greater legitimacy to the Castilian claims to the New World³⁶. True or false, the letter was published in Rome in 1493. On 4 May 1493 the *bula Inter coetera* was published, in which it is stated:

“Nos, pues, encomendando grandemente en el Señor vuestro santo y laudable propósito, y deseando que el mismo alcance el fin debido y que en aquellas regiones sea introducido el nombre de nuestro Salvador; os exhortamos cuanto podemos en el Señor y por la recepción del sagrado bautismo por el cual estáis obligados a obedecer los mandatos apostólicos y con las entrañas de misericordia de nuestro Señor Jesucristo os requerimos atentamente a que prosigáis de este modo esta expedición y que con el ánimo embargado de celo por la fe ortodoxa queráis y debáis persuadir al pueblo que habita en dichas islas a abrazar la profesión cristiana sin que os espanten en ningún tiempo ni los trabajos ni los peligros, con la firme esperanza y con la confianza de que Dios Omnipotente acompañará felizmente vuestro intento. Y para que -dotados con la liberalidad de la gracia apostólica- asumáis más libre y audazmente una actividad tan importante, por propia decisión, no por instancia vuestra ni de ningún otro en favor vuestro, sino por nuestra mera liberalidad y con pleno conocimiento, y haciendo uso de la plenitud de la potestad apostólica y con la autoridad de Dios Omnipotente que detentamos en la tierra y que fue concedida al bienaventurado Pedro y como Vicario de Jesucristo, a tenor de las presentes, os donamos concedemos y asignamos perpetuamente, a vosotros y a vuestros herederos y sucesores en los reinos de Castilla y León, todas y cada una de las islas y tierras predichas y desconocidas que hasta el momento han sido halladas por vuestros enviados, y las que se encontrasen en el futuro y que en la actualidad no se encuentren bajo el dominio de ningún otro señor cristiano, junto con todos sus dominios, ciudades, fortalezas, lugares y villas, con todos sus derechos, jurisdicciones correspondientes y con todas sus pertenencias; y a vosotros y a vuestros herederos y sucesores os investimos con ellas y os hacemos, constituimos

³⁶ REMESAL FERNÁNDEZ, A., “Bula Inter caetera de Alejandro VI y las consecuencias político-administrativas del descubrimiento de América por parte de Colón en 1492”, *Archivo de la Frontera*, p. 4.

y deputamos señores de las mismas con plena, libre y omnimoda potestad, autoridad y jurisdicción. Declarando que por esta donación, concesión, asignación e investidura nuestra no debe considerarse extinguido o quitado de ningún modo ningún derecho adquirido por algún príncipe cristiano”³⁷.

In the words of Manuel Giménez, “the *bulas alejandrinas* were requested merely as a pragmatic expedient to oppose, above all, Portuguese claims based on pontifical privileges or as an instrument of possible limitations of a spiritual nature in the face of the total concession of royal power made to Columbus in the Capitulations of Santa Fe”. These were –Columbus and Portugal - two of the problems that the Catholic Kings wanted to solve by obtaining the papal bulls, to which a third one had to be added: to obtain a monopoly of the Indies for the Crown, leaving the Andalusian nobles, especially the House of Medina Sidonia, who, from their dominions in Cádiz, aspired to play a leading role in the future of the Indies, against the interests and wishes of the Crown³⁸, out of its dominion, exploitation and trade.

The diplomatic situation, which, in spite of the papal bulls, became extremely strained between the two monarchies, was resolved with the Treaty of Tordesillas, signed in 1494. The main clause declared:

“Que se haga y asigne por el dicho mar Océano una raya o línea derecha de polo a polo, del polo Ártico al polo Antártico, que es de Norte a Sur, la cual raya o línea e señal se haya de dar y dé derecha, como dicho es, a trescientas setenta leguas de las islas de Cabo Verde para la parte de poniente, por grados e por otra manera, como mejor y más presto se pueda rodar, de manera que no será más”³⁹.

The Portuguese Crown would be responsible for the territories, whether continental or insular, located to the east of the line, and the Catholic Monarchs for those located to the west of it. The Crown always recognized the full and absolute validity of the papal bull “*Inter Coetera*” as the acquisitive title to the dominion of the Indies and considered the papal donation the first of the legitimate titles of the conquest of the Indies.

This was not the end of the negotiations, although the signing of the treaty did remove the spectre of a new war for some time in the near future. After the signing of the agreement, Castile accepted to move the line a little further west than the

³⁷ Citado en REMESAL, A., “Bula Inter caetera de Alejandro VI y las consecuencias político-administrativas del descubrimiento de América por parte de Colón en 1492”, *Archivo de la Frontera*, pp. 4-5.

³⁸ GIMÉNEZ FERNÁNDEZ, *Las bulas alejandrinas de 1493 referentes a las Indias*, pp. XV y 67.

³⁹ Citado en SALINAS, A. “Estado, Diplomacia y Cosmografía en el Renacimiento. El Tratado de Tordesillas y el problema de las longitudes geográficas”, *Revista de Geografía Norte Grande*, nº 24, 1997, p. 282.

three hundred and seventy miles originally stipulated, in exchange for Portugal's ratification of the Castilian right not only to navigate the part of the ocean that had corresponded to it, but also to do so exclusively. In time, this correction of the demarcation line was essential to allow Portugal to legitimately claim possession of its dominions in Brazil⁴⁰, which led authors such as García Gallo to describe Tordesillas as a triumph of Portuguese diplomacy, since, if there was a pre-discovery of Brazil,⁴¹ the Treaty kept this territory in the Portuguese sphere of influence; On the other hand, if there was not, Juan II's wisdom in shifting the demarcation line westwards, gaining a wide expanse of ocean in the hope that it would harbour some territory susceptible to colonization, won Brazil for Portugal⁴².

7.- The Courts of Madrigal

“En plena guerra civil, el ayuntamiento o Cortes de Madrigal de 1476 marcan el inicio de la obra institucionalizadora de los Reyes Católicos, fundamentalmente por las ordenanzas sobre la Hermandad y la chancillería”.

[“In the midst of the civil war, the town council or Courts of Madrigal of 1476 marked the beginning of the institutionalizing work of the Catholic Monarchs, mainly through the ordinances on the Hermandad and the chancellery”]⁴³.

In the spring of 1476, with the Portuguese defeated at Toro and support for Juana on Castilian soil almost entirely eradicated, the kings considered that the time had come to begin to restructure the kingdom, even while the war, in its most international aspect,

⁴⁰ ALONSO BAQUER, “El entorno militar del Tratado de Tordesillas”, p. 37. “A Fernando, lo que le interesaba principalmente era mantener segura la ruta a Alejandría y defender las aguas del Mediterráneo occidental de los piratas; por ello cedió mucho en Tordesillas sobre la posición del meridiano occidental, a cambio de conseguir que Melilla quedase en la zona castellana de Berbería, pues iba a convertirla en fortaleza para proteger sus intereses mediterráneos” (GONZÁLEZ ALONSO, B., (coord.), *Las Cortes y las Leyes de Toro de 1505*. Valladolid, 2006, p. 129).

⁴¹ “Algunos autores portugueses han supuesto la existencia de descubrimientos de tierras a Occidente, de las que nunca se habló por la política de secreto seguida, pero a las que se aludió más o menos veladamente”. Proof of this would be Bianco's map of 1448, which shows islands to the west of Africa, or the monopoly reserve of the Crown of Portugal, in 1470, on products from Guinea that were not produced in Guinea: precious stones, dyes and shellac, as well as the prohibition, under penalty of death, of sailing to the west of Cape Verde without a special licence from the king, a prohibition that was given in 1473. (GARCÍA GALLO, *Las bulas de Alejandro VI sobre el Nuevo Mundo descubierto por Colón*, p.79)..

⁴² GARCÍA GALLO, *Las bulas de Alejandro VI sobre el Nuevo Mundo descubierto por Colón*, p. 261.

⁴³ DIOS, S. de, *El Consejo real de Castilla (1385-1522)*. Madrid, 1982, p. 147.

was still raging. The official reason for convening the Courts was to swear Princess Isabel, eldest daughter of the Catholic Monarchs, as heir to the throne of Castile.

To this purpose they convened the Courts, which were to be held in the town of Madrigal in Ávila, where Isabel had been born, although “they should more properly be called Segovia-Madrigal because they were held in both cities”. One might even suspect that Madrigal was only the place of proclamation of the *Ordenamiento de las Cortes* whose most significant events would have occurred in Segovia.” The Kings arrived in Madrigal on 6 April 1476, but on the 18th of the same month the meetings were already taking place in Segovia, where, on that date, the marriage betrothal of Princess Isabel to the Prince of Capua was ratified in the presence of all the procurators, but without the presence of the Kings. On 27 April, the Cortes concluded in Madrigal with the promulgation of the ordinance⁴⁴.

The objectives of the Courts of Madrigal, in the words of Luis Suárez Fernández, were to:

*“Hacer más operativa la maquinaria institucional, aumentar los resortes puestos a disposición del poder real y fijar con mayor precisión el ámbito de relaciones entre el poderío real absoluto que aquellos pertenecía y los diversos sectores dotados de privilegios”*⁴⁵.

The truth is that Castile needed urgent action and the Kings arrived in Madrigal with a well-defined and planned programme. A good example of this is the fact that the creation of the *Hermandad General* was presented to the procurators well in time before the Courts were due to be held, so that the latter, on attending the meeting, presented their opinions on the matter to Isabel and Fernando, saving significant time and allowing the process that led to the approval of the institution⁴⁶ to be accelerated, as the Courts set out in the first point of the order of business of the Courts:

“Muy excelentes Señores, a Vuestras Altezas, es notorio cuántos robos, y salteamientos, y muertes, y heridas, y prisiones de hombres se hacen e se cometen cada día en estos nuestros Reinos en los caminos e yermos de ellos desde el tiempo que Vuestra Real Señoría reina. A lo cual ha dado causa la entrada de vuestro adversario de Portugal en estos vuestros Reinos, y el favor que algunos caballeros vuestros, rebeldes y desleales, y enemigos de la patria le han dado. Cuyas gentes, poniéndose en guarniciones,

⁴⁴ CARRETERO ZAMORA, *Cortes, Monarquía y ciudades*, pp. 131 y 134.

⁴⁵ *Los Reyes Católicos*, pp. 154-155.

⁴⁶ DÍAZ GARCÍA, J., “La monarquización de las instituciones políticas españolas realizada por los Reyes Católicos”, VV. AA, *De la milicia concejil al reservista. Una historia de generosidad*. Madrid, 2008, p. 109.

hacen y cometen de cada día los dichos delitos, y otros grandes insultos e maleficios; y como quiera que somos ciertos que Vuestra Alteza desea poner remedio en esto, y punir los malhechores; pero vemos que la guerra en que estáis metidos, y las necesidades que nos ocurren de proveer a los hechos de ellas, no os dan lugar a ello, y porque vemos que vuestros Reinos con las tales cosas son maltratados, hemos pensado en el remedio de esto. Y hemos suplicado a Vuestra Alteza que lo mandare proveer, y vuestra Real Señoría mandó a los del vuestro Consejo que platicasen con nosotros sobre la forma que se debía tener en remediar esto, a lo menos mientras duraban los dichos movimientos y guerras en estos Reinos, porque entre tanto la gente pacífica tuviese seguridad para tratar de buscar su vida, y no fuesen así damnificados y robados”⁴⁷.

The Courts, after dialogue with the Royal Council, tied the creation of the *Hermandad* directly to the needs of war, which consumed most of the royal resources and therefore deprived the Crown of the means to provide for the security of towns and countryside, unless a new solution was found, through the creation of the *Hermandad*:

“Entre los remedios que para esto se han pensado parecieron ser el más cierto y el más sin costa vuestra que para entre tanto se hiciesen hermandades en todos vuestros reinos, cada ciudad y villa con su tierra entre sí y las unas con las otras. Y después unos partidos con otros en cierta forma, de la cual vuestra alteza mandó hacer sus ordenanzas. Por ende suplicamos que las mande dar por ley para en todos vuestros reinos, porque hayan mayor fuerza y vigor”⁴⁸.

In addition to the creation of the *Hermandad*, the Courts of Madrigal have gone down in history for the huge service granted to the Kings, more than 160 million maravedis, the largest ever granted to a king by the Castilian Courts. Despite the impressive amount granted, the truth is that, in reality, its collection was so difficult and irregular that it can be said that the Madrigal service, in terms of economic resources, was a failure, given that most of the cities took refuge in their privileges not to participate in it and the Kings, not yet strong enough to confront some of the main towns of the kingdom, did not want to impose it by force. They also lacked legal arguments to force this enforcement, since they themselves had previously confirmed the “*cartas de franqueza*” [“letters of frankness”] that granted the cities the privileges they were now resorting to in order to avoid paying the tax⁴⁹.

⁴⁷ *Cortes de los antiguos reinos de León y de Castilla*. Madrid, 1882, vol. IV, p. 2.

⁴⁸ *Cortes de los antiguos reinos de León y de Castilla*, vol. IV, pp. 67-69, 75 y 77.

⁴⁹ CARRETERO ZAMORA, *Cortes, Monarquía y ciudades*, p. 67.

In the *Cortes*, moreover, Isabel and Fernando sought to enhance their control over financial and military resources. In the first field, they sought to establish a stable currency and to restore, at least partially, the tax revenue regime. In the second, they created the *Hermandad*.

While the establishment of the *Hermandad* and the granting of the service overshadow the other matters discussed at Madrigal, these were many, diverse and of significance. So, in the ninth petition, the Courts demanded that the grants and inheritance bonds made by Enrique IV from 1464 onwards be revoked; nevertheless, despite the need for monetary resources that Isabella and Ferdinand had to face the war, aware that such a measure could cause them to lose fundamental support among the nobility, they responded that the monarchs “have served what is contained in this petition, and for now it cannot be done”. Another of the procurators’ petitions, the reduction in the number of the *Contadurías Mayores de Haciendas* and the *Contadurías Mayores de Cuentas*, which Enrique IV had raised to three and which the Courts wanted to reduce back to two, was only partly met: The kings replied that they would do so in the future, but not in an active way, limiting themselves to not providing the office when those vacant, subsuming them into the remaining ones.

The Courts required that ecclesiastical jurisdiction be limited to cases strictly within its jurisdiction, putting an end to the growing tendency to extend its jurisdiction over the laity. To ensure compliance with these limits, the procurators requested that those who exceeded the limits be subject to the penalties that had been established for such cases in the Courts of 1455. The Kings agreed, as they did to the eighteenth request, which related to tax policy: The procurators protested that certain objects, such as saddles, spurs and bridles, were considered weapons for the purpose of payment of the alcabalas. The Kings gave reason to the *Cortes* and declared that:

*“Las sillas, frenos y espuelas y estribos no son ni deben ser tenidos como armas. Por ende, ordenamos y mandamos que de aquí adelante todos los silleros y freneros y las otras personas que vendieren sillas, y frenos y espuelas y estribos o cualquier cosa de ellos, paguen a nos llanamente la alcabala”*⁵⁰.

The Courts of Madrigal stand out for another reason, which is not usually given too much attention: in them, the Catholic Monarchs abolished the opening speech, which, until then, had been given by the procurators, and substituted it with a speech given by the monarch himself. It was, in the words of Nieto Soria, the “settlement

⁵⁰ *Cortes de los antiguos reinos de León y de Castilla*, vol. IV, pp. 67-69, 75 y 77.

of a solemn procedure of expression of the Monarchy's dialogue with the political community, in this case represented by the procurators of the cities"⁵¹.

The control exercised by the monarchs over the procurators present in Madrigal was complete, which was largely due to the war situation in the kingdom⁵². Many of the procurators of the sixteen entitled cities were chosen directly by the kings from among people they trusted or trusted. In addition, various cities were only able to present a single procurator in the Courts, instead of the two that should have been appointed, either because it had been impossible to reach an agreement on the appointment of the second procurator, or because in some cases there were problems with the supporting documentation, which was too imprecise⁵³.

In fact, as Carretero Zamora points out, serious doubts can be raised about the representativeness of the procurators from the cities in the *Corte de Madrigal*. Thus, the procurators of Toro, Córdoba and Madrid had no powers of attorney from their cities; others sent only one representative, chosen well in advance, more than a year in advance, as in the case of León, Toledo, Sevilla, Córdoba, Segovia, Guadalajara and Cuenca. The validity of powers of attorney for such a long time was unusual. Only Toledo, Zamora and Salamanca sent procurators whose proxies were six months old or less, and only Murcia sent procurators whose proxies were less than three months old at the time the Courts began, which was irregular to say the least⁵⁴.

All in all, the procurators submitted only thirty-eight petitions to the monarchs, including four aimed at limiting the economic activities of the Jews.

After the Courts, Fernando marched north, raising an army with the subsidy received to protect Castile from a possible French attack and to deal with the activities of the Gallic privateer Casenove Coulon, who had attacked La Coruña in 1475 and Ribadeo the following year, threatening the lucrative trade of the peninsular ports with Flanders. In addition to ensuring the north with new troops, Fernando took advantage of his trip to negotiate several issues relating to the kingdom of Navarre.

⁵¹ "De la epístola al discurso político: ecos del diálogo entre gobernantes y gobernados en Castilla ca. 1450-1480", en CHALLET, V.; GENET, J. P.; RAFAEL OLIVA, H.; VALDEÓN, J., *La sociedad política a fines del siglo XV en los reinos ibéricos y en Europa*. Valladolid, 2007, p. 123.

⁵² LADERO QUESADA, M. A., *Los Reyes Católicos: La Corona y la unidad de España*. Valencia, 1989, p. 31.

⁵³ CARRETERO ZAMORA, J. M., *Cortes, Monarquía y ciudades. Las Cortes de Castilla a comienzos de la época moderna (1476-1515)*. Madrid, 1988, p. 8.

⁵⁴ CARRETERO ZAMORA, *Cortes, Monarquía y ciudades*, p. 135.

8.- The Courts of Toledo and the War

When discussing the Cortes of Toledo in the context of the present work, the first question is to define its relationship with the war conflicts of the reign, which can be done in two ways: first of all, considering the Courts as a consequence of the War of Succession, an essential and necessary event for the reordering of the State after the mess of the previous civil wars. In this context, not only are the Cortes a consequence of the victory of Isabel and Fernando over the supporters of Juana and her external allies, but they are also the legal and institutional effort to close the previous conflictive period and to reorganize the state with a view to the future. With the Courts of Toledo the Kings intended to create the legal, economic and institutional backbone to face the future of their reign, liquidating what had been perverse and harmful to the kingdom as a result of the conflicts of the previous decade and the instability of the second half of the reign of Enrique IV: “The Courts of Toledo were the final act of the enormous upheaval suffered by Castile for fifteen years, since the crisis of 1462”⁵⁵.

It is in this proximate future that we find the second connection between the Courts and the context of our work, for if the Toledo meeting was the consequence and, to a certain extent, the end of the War of the Spanish Succession, it was also the prelude and prologue to the War of Granada. In the actions and deeds of the Courts of Toledo, the imminent start of the war of Granada is evident, which, in the end, would be postponed, at least officially, until the year 1482. The Kings themselves spoke of this forthcoming war to the Courts in their inaugural speech, and the ambassadors of the monarchs had offered this new Crusade against Islam to the Pope at the same time as the Courts of Toledo were being celebrated⁵⁶. It should not be forgotten that the three-year truce - for once, without the payment of *parias* - which Castile had concluded, forced by circumstances, with the Nasrid kingdom in 1478, was to expire in 1481 and the Kings had no intention of renewing it:

“En 1480 (...) se estaba preparando el asalto final al reino nazarí y dentro del paquete de medidas económicas y comerciales entraban también las medidas para preparar la guerra. Por un lado buscando recursos extraordinarios para preparar la guerra, pero por otro impidiendo el contacto comercial fronterizo, por ello vedaron la saca de pan, armas, caballos y otras cosas para tierra de moros, no por limitar la contratación perjudicando el comercio, sino como un medio de estrechar al enemigo y obligarle a consumir sus fuerzas y debilitarle”⁵⁷.

⁵⁵ SUÁREZ BILBAO, *El origen de un Estado*, p. 183.

⁵⁶ SUÁREZ FERNÁNDEZ, L., “Granada en la perspectiva castellana”, LADERO QUESADA, M. A., (ed.), *La incorporación del reino de Granada a la Corona de Castilla*. Granada, 1993, p. 39.

⁵⁷ SUÁREZ BILBAO, *El origen de un Estado*, p. 183.

So, in a certain sense, the Cortes of Toledo is the stepping stone between two wars: one that is now behind us and another that is about to open in the immediate future. The first, a war that it tried to avoid, the War of Succession; the second, a war that the Monarchy would seek and accept as part of its secular heritage and, perhaps, as a conglomerate that would allow those who only a few months earlier had been on opposing sides to unite in the same project.

The motive for convening the Cortes was that the kingdom should swear Prince Juan, born on 30 June 1478, as heir to the throne. By a decree issued in Cordoba on 13 November 1478, the Courts were convened, which were to begin on 15 January 1479 and the heir was to be sworn in. Nevertheless, the operations related to the War of Succession imposed a deferral, so that, from Trujillo, the Kings called a new Courts to swear Juan in on 22 May 1479. Once again, the need to reduce the last bastions of disaffected nobles led to a delay in the date, which was finally set for the beginning of 1480⁵⁸.

Having settled in the church of Santa María - and after having witnessed the unusual spectacle of Ferdinand's entrance into the city, accompanied by an elephant - the opening speech was entrusted to the procurator Gómez Manrique. It pursued three axes that demonstrate the connection of the Cortes to the war that had just ended: sacralization of royal power; legitimization of the rights of kings to the throne and appreciation of their individual role as legislators, on which good government⁵⁹ is based. In their exhortation, the monarchs directly connected the Cortes with the War of the Spanish Succession:

*“Abrazándonos con la virtud del agradecimiento, reconociendo la merced y grandísimo beneficio que Dios nuestro Señor nos ha hecho en habernos dado tan grande vigor y perseverancia para haber como hemos domado y sujetado nuestros rebeldes, y por justa y poderosa guerra haber ganado la paz”*⁶⁰.

That the reasoning, or inaugural speech, was not made by the procurator of Burgos, as was the tradition, but by the *corregidor* of Toledo, Gómez Manrique, a royal appointee of unwavering loyalty to the Kings, is highly noteworthy. In order to avoid

⁵⁸ TAPIA, E. de, *Las Cortes de Castilla (1188-1833)*. Madrid, 1964, p. 72. No se conoce la fecha exacta en la que comenzaron las Cortes. Carretero Zamora cree que debió ser en noviembre de 1479 (*Cortes, Monarquía y ciudades*, p. 149)

⁵⁹ NIETO SORIA, J. M., “De la epístola al discurso político: ecos del diálogo entre gobernantes y gobernados en Castilla ca. 1450-1480”, en CHALLET, V.; GENET, J. P.; RAFAEL OLIVA, H.; VALDEÓN, J., *La sociedad política a fines del siglo XV en los reinos ibéricos y en Europa*. Valladolid, 2007, p. 123.

⁶⁰ *Cortes de los antiguos reinos de León y de Castilla*, vol. IV, p. 110.

possible protests from Burgos at this breach of tradition, its two procurators were given the title of assistant and ambassador of the Kings in the Courts, respectively⁶¹.

As expected, on 6 February 1480, the Courts swore in Juan de Aragón, the son of Isabel and Fernando, as heir to the throne, giving definitive backing to the legitimization of the dynasty:

“El acto del juramento del príncipe don Juan por las Cortes de Toledo ha sido presentado siempre como un evento secundario (...) Pensamos que no debe considerarse como un hecho marginal; por el contrario, constituye un acontecimiento trascendente que cierra provisionalmente la división del reino y, sobre todo, ratificará a los Reyes Católicos como opción política legitimada frente a los resabios de la oposición nobiliaria”⁶².

9.- Justice Reform

The matter of justice is a basic aspect of the Courts of Toledo, in large part, due to the process aimed at legitimizing the Monarchy on an ideological level. In this direction of ideological justification - even theological, if one will - the image of the kings as righteous kings and architects of right government is crucial, as opposed to the image of the previous⁶³ kingship. From this point of view, the effort to renovate the jurisdictional apparatus that was made in Toledo is not a surprise, an attempt that seems to be sincerely aimed at achieving a better administration of justice.

The Courts undertook a major reform of the justice system, to which they devoted much of their efforts. Therefore, the first thirty-three laws passed by the Courts made reference to the reform of the Royal Council, about the operation of which complaints had already been raised in the Madrigal Courts.

During the first half of Enrique IV's reign, the Council of Castile was allowed to act in accordance with its ordinances because the king retained a share of power sufficient to impose itself on the interests of the nobility. The regulations of 1459 corroborate that the Council was not subject to the lords, as they emphasize the participation of the lawyers in the composition of the body and require their presence at the meetings. These regulations expressly granted legal capacity to the Council, but in such a diffuse manner that their limits were almost impossible to determine. The situation changed as the deterioration of royal power increased, especially from

⁶¹ SUÁREZ BILBAO, *El origen de un Estado*, p. 46.

⁶² CARRETERO ZAMORA, *Cortes, Monarquía y ciudades*, p. 154.

⁶³ CARRASCO MANCHADO, A. I., “Discurso político y propaganda en la Corte de los Reyes Católicos: resultados de una primera investigación (1474-1482)”, *En la España Medieval*, n.º 25, 2002, p. 301.

1465 onwards, and it was then that the nobiliary domination of the Council made itself felt, as seen in the arbitration sentence of Medina del Campo and with the ordinances of 1465. These regulations establish a composition that creates a balance between nobles and lawyers, attributing to particular individuals - Villena, Carrillo and the accountant Diego Arias - the job of consulting the king on the decisions adopted by the Council. From the content of these regulations, it is evident that “la soberanía del rey era poco más que nominal. Sin el visto bueno de los grandes eran inviables las decisiones del rey y del Consejo” [“the sovereignty of the king was little more than nominal. Without the approval of the grandees, the decisions of the king and the Council⁶⁴ “].

The Courts of Ocaña in 1469 had already protested against the nobility’s control over the Council of Castile and, as already mentioned, the Courts of Madrigal in 1476 again stressed the need to review the functioning of the synod, but it was not until the Courts of Toledo in 1480 that this matter was tackled in depth.

The first regulation of the Toledo ordinance established the composition of the Royal Council, which was to be chaired by a prelate and made up of three knights and eight or nine lawyers, which reduced the weight of the magnates⁶⁵. This professionalization was an intentional move on the part of the monarchs, upset at how the Council had been used by the nobility in previous years⁶⁶. In addition, and despite the large number of laws that affected it, the legislation of Toledo, as far as the Royal Council was concerned, involved few changes with respect to the regulations that had governed it since 1459⁶⁷. Nevertheless, the increased presence of lawyers, and the fact that not all members of the Council of Castile were present when decisions were made, allowed the monarchs to increasingly concentrate the decision-making power of this body in the hands of bureaucrats, lawyers and jurists, taking it out of the hands of the nobles, with no need for an express measure to offend the aristocrats; in a certain sense, this reform reconverted a nobiliary, war-oriented body into a civil and judicial body, oriented to serve the kingdom in times of peace⁶⁸.

The Court mayors, the audiencias and the Royal Chancery were also reformed, and became the highest court, made up of a prelate, four *oidores*, three mayors, a public prosecutor and two attorneys for the paupers, with sufficient funds being set aside for its expenses from the *alcabalas* of Valladolid, where it was located, and from the revenues of the *infantazgo*, to be used for its operation⁶⁹.

⁶⁴ DIOS, S. de, *El Consejo real de Castilla (1385-1522)*. Madrid, 1982, pp. 111-115, 139.

⁶⁵ SIN AUTOR, *Cortes de los antiguos reinos de León y de Castilla*, vol. IV, p. 111.

⁶⁶ NIETO SORIA, J. M., “La monarquía castellana en el tránsito del medievo a la modernidad”, GONZÁLEZ ALONSO, B., (coord.), *Las Cortes y las Leyes de Toro de 1505*. Valladolid, 2006, p. 119.

⁶⁷ DIOS, *El Consejo real de Castilla*, pp. 149 y 274.

⁶⁸ SUÁREZ BILBAO, *El origen de un Estado*, p. 101.

⁶⁹ PASTOR GÓMEZ, J., “Las Cortes de Toledo de 1480”, speech of admission to the Academy, p. 70.

Another concept that appeared in the Courts of Toledo, and which was to be of considerable importance, especially in the territories that were incorporated into the Monarchy at a later date, was that of the judgement of residence, designed to guarantee good government and the proper performance of public officials of the highest rank. All those who performed certain offices in the administration, once they had completed their service, were subject to a period of time during which they could lodge complaints against their actions, which were thoroughly investigated by the competent royal officials⁷⁰. *Corregidores*, mayors, marshals and *merinos* were subject to the judgement of residence within thirty days of the end of their term of office⁷¹.

The privileges of the *hidalgos* were confirmed, so that they continued to be free from torment in criminal proceedings, exempted from the penalty of imprisonment in cases of debt, and their arms and horses were excluded from the assets that could be seized. These privileges were expressly justified by the role and help that the *hidalgos* had given to the Crown of Castile in the actions related to the Reconquest, which seems both a tribute to past merits and an invitation in view of the events that were foreseen to be imminent: the new war against the kingdom of Granada.

The Catholic Monarchs agreed to a compilation of the laws of Castile, a petition that the Castilian Cortes had repeatedly presented - as they did in the meetings of 1433, 1458, 1462 and 1465⁷². The assignment was entrusted to the jurist Alonso Díaz de Montalvo, who, after the convening of the Courts, received the royal order to bring together Castilian law in a single work. Montalvo worked with astonishing speed - partly responsible for the defects in his project - and presented his Royal Ordinances of Castile, divided into eight books, on 11 November 1480, eleven full months after he had been entrusted with the assignment. The publication in 1484 of the first compilation in the history of Castile was not a coincidence, but the projection of a new political system that needed a precise and, above all, secure legal order⁷³. Every place in the kingdom that had a judge was obliged to buy a copy of the Montalvo Ordinances, which, however, never came into force.

10.- The Restitution of the Royal Patrimony

According to Pastor Gómez, the restitution to the Crown of a large part of its revenues and domains, alienated in previous years, was the main reason for the Courts⁷⁴. During the reign of Enrique IV, the donations and grants from the Crown to

⁷⁰ PASTOR GÓMEZ, "Las Cortes de Toledo de 1480", p. 71.

⁷¹ SUÁREZ BILBAO, *El origen de un Estado*, p. 85.

⁷² CARRETERO ZAMORA, *Cortes, Monarquía y ciudades*, p. 55.

⁷³ SUÁREZ BILBAO, *El origen de un Estado*, p. 85.

⁷⁴ "Las Cortes de Toledo de 1480", p. 76.

the nobles had reached such a level that the Courts of Ocaña, in 1469, had addressed the monarch, affirming that if Enrique IV continued to alienate the royal patrimony and the revenues of the Crown “vuestros reinos usarán de los remedios de dicha ley y de todos los otros que les fueran permitidos para conservar el poder y la unión de la Corona real” [“your kingdoms will use the remedies of the aforementioned law and all others that may be allowed to preserve the power and union of the royal Crown”]⁷⁵. A threat of such magnitude gives an idea of the seriousness of the situation. The Catholic Monarchs, with the War of Succession still unresolved, had begun to discuss with their secretaries and servers the way in which, when circumstances would allow it, the reduction of the *juros* would be undertaken⁷⁶.

In Toledo, the Monarchs did not want to take this matter forward with the restricted presence of nobles and prelates who had attended the Courts, so it was written to those absent to give their opinion on the issue. The only criteria on which there was unanimous agreement was that the *juros* prior to 1464, which were issued before the power was undermined by the situation, should be considered valid. In view of the disparity of criteria concerning everything else, granted at a time when there were two sides in Castile - and often two kings - the opinion of Cardinal Mendoza was crucial, in his dual capacity as a trusted man of the monarchs and the head of one of the most powerful noble lineages in Castile. Mendoza- perhaps expressing the opinion of the Monarchs - pointed out that “those who gave themselves for acts of war, even if it was against the prince Alfonso, would be maintained, since loyalty should be rewarded; those that by deceit, force or pressure were taken from him, would be cancelled, as would all those given by Alfonso; those that Enrique IV had granted for economic needs, were redeemed for their price. On 5 April 1480 these criteria were made official”⁷⁷.

These were, in their broad outlines, the criteria that were approved, and Cardinal Mendoza himself and Fray Hernando de Talavera, the Queen’s confessor, were charged with putting the process into practice, becoming the interlocutors between the Crown and the affected nobles. In a certain sense, the Crown carried out a policy based on two opposing, but not contradictory, lines: A large part of the nobles’ possessions and rents were confirmed, with the main lineages maintaining their economic power and income levels, while making it clear that there would be no extension of royal concessions as a result of political pressure or maneuvering. This was made evident to lineages of all political persuasions, such as the Manrique family, allies of Isabel during the war, the Stúñiga family, who had maintained an equivocal neutrality, and the Portocarrero family, who openly supported Doña Juana. In this way, the approach outlined above transcends the concept of partisan retaliation to

⁷⁵ VALDEÓN BARUQUE, *Los conflictos sociales en el reino de Castilla en los siglos XIV y XV*, p. 175.

⁷⁶ AGS, Expedientes de Hacienda, legajos del 3 al 17.

⁷⁷ SUÁREZ BILBAO, *El origen de un Estado*, p. 203.

show itself as a question of government, which concerns the entire nobility, with no understanding of partisanship other than for matters of grade or nuance.

This is one of the central axes of the reign of Isabel and Fernando, which established the bases of the Spain to emerge: in order to maintain their privileged economic and social position, the nobility assumed that political power rested, essentially, with the Crown. Rightly, authors such as Luis Suárez Fernández and Salustiano de Dios refer to the Cortes of Toledo as a distribution of spheres of influence between the Crown and the nobility⁷⁸.

Although the Catholic Monarchs' allegedly anti-seigneurial policy has been a commonplace, it is nowadays rejected by most historiography. It is worth mentioning that the Monarchs created three new ducal titles -the highest noble distinction-, those of the Infantado -which went to the Mendoza family-, Nájera and Gandía. At the same time, new lordships were founded, such as that of Maqueda in Toledo or that of the Vélez in the kingdom of Granada⁷⁹.

The nobiliary policy of the Catholic Monarchs was, therefore, politically constraining, but conservative of the powers and privileges of the aristocracy in the social and economic fields, even integrating the nobiliary elites. The effectiveness of the measures was unquestionable,⁸⁰ although the loss to the nobility from the reduction of the *juros* may have been overstated. The *juros* were a minor part of their resources and, in fact, there were so many of them that they were losing value, to the extent that some were even being sold for half their original value. In this context, its reduction meant a slight sacrifice for the nobility, particularly for the major nobility titles⁸¹.

More questionable is the equity with which the reduction was carried out. The reductions affected the supporters of Juana to a greater extent, but this may also be justified, in part, by the fact that these supporters were the ones who had received the most grants without just cause during the reign of Enrique IV. A paradigmatic example of this could be Beltrán de la Cueva, the noble who lost the most with the reduction of the *juros*, as rents worth more than 1,400,000 *maravedies* a year were taken from him, although it is true that this reduction was not arbitrary, but was the result of the strict implementation, by Talavera and Mendoza, of the principles established in Toledo⁸². People who were very close to the Monarchs were also disadvantaged. This was the case of the Admiral of Castile, a relative of Fernando who had remained

⁷⁸ DIOS, *El Consejo real de Castilla*, p. 143.

⁷⁹ VALDEON, J., "La nobleza y las ciudades en tiempos de Isabel I", CHALLET, V.; GENET, J. P.; RAFAEL OLIVA, H.; VALDEÓN, J., *La sociedad política a fines del siglo XV en los reinos ibéricos y en Europa*. Valladolid, 2007, pp. 22-23.

⁸⁰ LADERO QUESADA, M. A., "Política económica, restauración de la Hacienda y gastos de la Monarquía", SUÁREZ FERNÁNDEZ, L., y GUTIÉRREZ NIETO, J. I., (coords.), *Las instituciones castellano-leonesas y portuguesas antes del tratado de Tordesillas*. Zamora, 1994, p. 90).

⁸¹ SUÁREZ BILBAO, *El origen de un Estado*, p. 35.

⁸² CARRETERO ZAMORA, *Cortes, Monarquía y ciudades*, p. 180.

loyal to Isabel, who lost revenues worth 240,000 *maravedies*⁸³ in the readjustment of the *juros*. Nevertheless, the statistics are clear: while the supporters of the Catholic Monarchs never lost more than a third of their income, those who had fought in favour of Juana lost on average two thirds of their income and, in several cases, more than 90%, as in the case of Alonso de Herrera. A third group, those who supported Isabel in word, but did not commit their forces or money to the battle, had seen their *juros* reduced by around 50%. This was the case of lineages such as the Quiñones family, the de la Cerda family, the Manrique family, the Guzmán family, the Ayala family and the Sarmiento family⁸⁴.

11.- Fiscal policy

Along with the recovery of the alienated patrimony, the other method by which the Monarchs sought to increase the economic capacity of the Crown was through the reorganization of ordinary revenues, which was the subject of a major revision at the Courts of Toledo. Thus, a large part of the ordinary revenues were directed towards mercantile income, which meant that, on occasions, the Monarchy's foreign policy was intensely and directly related to mercantile and trade⁸⁵ interests. The rules promulgated at the Courts of Toledo made the *Contaduría Mayor de Cuentas* the body in charge of supervising the accounts and revenues of the Crown. There was also a reform of the monetary system, the third in Isabel's reign, since in 1475, in order to avoid the inflation caused by the War of Succession, two reforms had been produced to fix the equivalences between the Castilian currency and the Italian and Aragonese coins, so that the argonese florin was equivalent to one hundred and forty Castilian *maravedies*; in Toledo in 1480 these equivalences were readjusted, although it was not until 1497, with the creation in Medina del Campo of the *excelente* of Granada, that the most important monetary readjustment of the reign took place, with the *excelente* being given double the value of the Aragonese ducat⁸⁶.

The Courts of Toledo approved an extraordinary taxation around the *Hermandad* with which they intended to circumvent the imperfections of the service of the Courts of Madrigal the resistance of different parts of the kingdom to pay for it and the pretensions of the cities represented in the Courts to control the management of the service granted⁸⁷. In fact, in fiscal matters, the general meeting of the Brotherhood,

⁸³TAPIA, *Las Cortes de Castilla*, p. 75..

⁸⁴SUÁREZ BILBAO, *El origen de un Estado*, p. 209.

⁸⁵SUÁREZ FERNÁNDEZ, *Los Reyes Católicos*, p. 215.

⁸⁶HERMANN, CH., y LE FLEM, J. P., "Les finances", en HERMANN, CH., (coord.), *Le premier âge de l'état en Espagne (1450-1700)*. París, 1989, pp. 305, 313-314.

⁸⁷CARRETERO ZAMORA, J. M., "Cortes, representación política y pacto fiscal (1498-1518)", en CHALLET, V.; GENET, J. P.; RAFAEL OLIVA, H.; VALDEÓN, J., *La sociedad política a fines del siglo XV en los reinos ibéricos y en Europa*. Valladolid, 2007, p. 138.

which took place in June 1479 in Madrid, may have been more important to the monarchs than the Courts of Toledo itself, as it ensured the financial independence of the Crown - through the resources of the Brotherhood - and, consequently, the economic base to cover the expenses of the war of Granada⁸⁸.

The Courts concluded on 28 May 1480, having carried out one of the most extensive reorganizations of the State ever undertaken by this institution, since “the Courts of Toledo dealt with local government, with the figure of the *corregidor*; royal and noble symbology; the reorganization of the central administration, especially the Royal Council; the fiscal system; royal forgiveness; the intervention of the Crown in ecclesiastical matters; and announced future measures against the Jews”⁸⁹.

Toledo is the genesis of the modern monarchy, evidencing the three features that articulate it: the sacralization of power, whose origin is God and which implies justice, peace, order and good government as necessary elements of its exercise; the recognition and legitimization of this power by the community, that is, by the kingdom, represented by the Courts; and, finally, the connection of the Crown with the deep feelings of the community through projects such as the conquest of Granada or the war against the Turk⁹⁰.

⁸⁸ SUÁREZ BILBAO, *El origen de un Estado*, p. 42.

⁸⁹ NIETO SORIA, “La monarquía castellana en el tránsito del medievo a la modernidad”, p. 114.

⁹⁰ CARRETERO ZAMORA, *Cortes, Monarquía y ciudades*, pp. 158-159.

CHAPTER II

THE LEGAL CHALLENGES OF THE INCORPORATION OF GRANADA: STATE LIQUIDATION AND CULTURAL ASSIMILATION

1.- The Capitulations and their Application

During the Granada War, the surrender of the various towns and territories had been negotiated between the Catholic Monarchs on the Christian side and each of the local powers that had defended the territory being surrendered. In other words, while the Christians had been unified, the Grenadians had presented a plethora of interlocutors, a consequence of the weakness of their central power, unable to impose common general lines of action on their local powers⁸⁹.

The capitulations of the period between 1484 and 1487 were characterised by the recognition of the sovereignty of the Catholic Monarchs, an indispensable clause for the monarchs; they also included military clauses, a consequence of being documents originating from military operations. They also included the future status of the Muslim population and the personal rights of both the common people and the *notables*. The capitulations granted in 1488 and 1489 were benign, which led to the surrender of a large territorial extension almost without a fight.

Boabdil's breaking of the agreements he had signed with the Catholic Monarchs in 1490 led to an increase in the harshness of the subsequent capitulations. The most affected clause, which disappeared from most of the capitulations that followed the breaking of the truce, was the one that referred to the right of the Muslims to remain in the towns that were surrendered: when Almería, Salobreña, Almuñécar

⁸⁹ GALÁN SÁNCHEZ, "Cristianos y musulmanes en el reino de Granada", p. 444.

and Guadix surrendered, the Muslims who inhabited them were expelled from their places of residence⁹⁰.

When the time came to negotiate the capitulations of the last territories controlled by the Muslims, the fundamental issues were the surrender of arms and fortresses, the maintenance of the Nasrid tax system, whose yields would henceforth be received by the Monarchs, respect for the real and personal property of the defeated, respect for the Muslim religion and the right to immigrate to Muslim territory. It was signed on 25 November 1491, and on the night of 1 January 1492, in the throne room of the Comares Tower, Boabdil handed over the keys of Granada to Gutierre de Cárdenas, *Comendador Mayor* de León. At dawn, three cannon shots were fired from the Alhambra, the signal for the Monarchs to make their entry.

A diplomatic incident during the war is relevant to understanding why the Monarchs, who did not hesitate to infuse the conflict with a clearly religious element, consented to respect the Muslim religion once the Nasrid kingdom had surrendered. At a certain point in the war, the *Soldán* of Babylon - otherwise on excellent terms with Ferdinand and Isabella - protested to the Pope, accusing the Catholic Monarchs of having initiated a war of aggression against the Muslims of the Peninsula. The Monarchs defended their actions by claiming that the Muslims had occupied those lands by force of arms, and therefore had no legal right to retain their peninsular domains, pointing out that the Mudejars who lived in their domains were treated correctly, so there was no question of a war against the Muslims, but against a Muslim kingdom⁹¹. In other words, the Catholic Monarchs justified their war on the basis of legal elements, not religious ones, which reveals a reality that the facts have confirmed time and again, the Capitulations being one of the most notorious examples: although the religious element was present in the war - and was possibly the fundamental element in Isabella's mind, the monarchs, especially Ferdinand, never lost sight of political and strategic considerations⁹², making them take precedence over religious ones when they clashed, as shown by the tolerance that was legally sanctioned in the capitulations of the surrender of Granada.

A subject of debate is the true legal nature of the Capitulations of Granada. Some authors argue that it is related to feudal pacts: the Muslims recognised the sovereignty of the Catholic Monarchs, surrendered the fortresses, returned the captives, and undertook to continue paying taxes; and, on the other hand, the Monarchs undertook to protect their persons and property, their beliefs, laws, and social customs. The contractual nature of the document seems to be supported by some of its formal

⁹⁰ LADERO QUESADA, *Castilla y la conquista del reino de Granada*, pp. 79-84.

⁹¹ PULGAR, H. de, *Crónica de los Reyes Católicos*. Granada, 2008, pp. 395-398.

⁹² TATE, R. B., *Ensayos sobre la historiografía peninsular del siglo XV*. Madrid, 1970, p. 150).

aspects, such as the repeated use of expressions like “*asiento*” or “*concierto*”, both legal figures denoting a bilateral agreement and not a unilateral concession⁹³.

Other authors consider that the capitulations are privileges granted by the Crown, not international treaties or agreements with communities that voluntarily accept sovereignty. This would imply that, like all royal privileges, the capitulations were revocable. It has been pointed out that the Muslims themselves contemplated this, as would be indicated by the fact that, after signing capitulations with the Catholic Monarchs, the *Zagal* asked for them to be countersigned by the Pope, to have guarantees that the Monarchs would not withdraw them unilaterally⁹⁴.

Logically, through the capitulations, the Grenadians recognised the sovereignty of the Catholic Monarchs over the kingdom of Granada and all its inhabitants became subjects of the monarchs, but the capitulations allowed those who wished to retain the Muslim religion to do so. At the same time, they gave a period for those Muslims who preferred to immigrate to the Maghreb to do so free of charge; after this period, the tax to be paid by those who wished to leave Granada was very high: three *doblas* per head and the tithe of the goods they took with them when they left. The only exception was the city of Granada and its *alfoz*, where the period for free emigration was three years, after which anyone wishing to leave the Peninsula had to pay a single *dobla*.

These general conditions underwent modifications through various legal instruments, mostly royal decrees, such as the one of 7 March 1495 declaring that the people of Granada could sell their real estate, but not acquire others⁹⁵, or the provision, granted by the king through a letter to the Count of Tendilla, governor of Granada, which established exemption from the payment of transit duties for the vagabonds and poor of Granada⁹⁶.

The capitulations left a way open for those who were unhappy in North Africa to return by the deadline set for free emigration. However, the monarchs viewed these returns with displeasure, including that of many of the personnel who had worked at the Alhambra in Boabdil’s service. However, return was not a common phenomenon. On the contrary, Granada exerted a pull effect on the Castilian Mudejars, many of whom went south to settle in the lands of the former Nasrid kingdom.

Even counting these Mudejars, the vast majority of those who settled in later years in the kingdom of Granada were Christians, whose numbers increased rapidly, to the extent that there are sources that speak of around ten thousand Christians

⁹³ LÓPEZ DE COCA CASTAÑER, E., «Las capitulaciones y la Granada mudéjar», LADERO QUESADA, M. A., (ed.), *La incorporación del reino de Granada a la Corona de Castilla*. Granada, 1993, pp. 264.

⁹⁴ LADERO QUESADA, *Castilla y la conquista del reino de Granada*, p. 72.

⁹⁵ AGS, Cédulas de Cámara, libro 2º-1, doc. 189.

⁹⁶ AGS, Cédulas de Cámara, libro 2º-2, fol. 288.

settling in the kingdom in 1494, just two years after its conquest. This reflected the thinking of Hernando de Zafra, who believed that the maintenance and defence of the newly conquered kingdom meant repopulating it with Christians, aspiring to the creation of a social class of peasant soldiers in the style of the Byzantine *thematoi*⁹⁷. For this reason, Christian neighbours who settled in the kingdom of Granada were obliged to be armed, something that was constantly repeated in the instructions.

Faced with this increase in the Christian population, the Muslims were legally protected by the content of the capitulations, many of whose clauses were designed to guarantee respect for their customs and way of life: they were exempted from serving as guests; they prohibited Christians from entering the mosques without the permission of the Faqihs; mixed lawsuits would have a judge from each religion; Muslim Grenadians would have their own butcher's shops; it was granted that those in charge of controlling the irrigation channels that carried water to the city would be Muslims, etc. Article 19 of the capitulations established three years of tax exemption, as they would only pay the tithe on bread, millet, and livestock. Thus, the tax payments for these years were reduced to those that were acceptable from the point of view of Islamic orthodoxy. On the other hand, the Christians who settled in the kingdom had to face the same tax burdens as any other Castilian.

The Capitulations included many other clauses. For example, the Grenadians could not be forced to participate in wars against their will, and they included the payment of a large sum of money to Boabdil and his court. To pay the agreed sums, the Catholic Monarchs were forced to alienate a large part of the Crown's patrimony: the whole of the Alpujarra and a large part of the lands of the Vega were lost to the Kings' patrimony as a result⁹⁸.

2.- Military Consequences

According to Miguel Ángel Ladero Quesada, "the army of the conquest of Granada was the last medieval *hueste* of Castile"⁹⁹.

The presence of heavy cavalry in the armies of the Peninsula was always lower than that of their European contemporaries, even though Castile, in the late Middle Ages, was a horse-producing land. One of the reasons for this was the relative scarcity of pitched battles in the Peninsular conflicts, events in which heavy cavalry could fully display their power. This trend continued during the war of

⁹⁷ PEINADO SANTAELLA, R. G., (ed.), *Historia del reino de Granada*, p. 476.

⁹⁸ LADERO QUESADA, *Castilla y la conquista del reino de Granada*, p. 97.

⁹⁹ LADERO QUESADA, M. A., "Ejército, logística y financiación en la guerra de Granada", en LADERO QUESADA, M. A., (ed.), *La incorporación del reino de Granada a la Corona de Castilla*. Granada, 1993, p. 676.

Granada, where the predominance of light cavalry over cavalrymen was absolute, with ten horsemen for every man-at-arms. But it was also important in another sense: the regular and constant, i.e., permanent, maintenance of a nucleus of heavy cavalry, financed by the Crown and at the service of the Crown, integrated into the captaincies of the *Guardas* (Guards) and the *Hermandad*, which maintained a constant number of between two thousand and two thousand five hundred combatants throughout the years of the war.

The *acostamiento* was one of the military figures that achieved notoriety during the military campaigns of Granada. Around 1,500 men-at-arms and horsemen from this institution were available, at different times during the conflict, in the armies of the Hispanic Monarchy, although they were more of a militia than a force with real offensive capacity¹⁰⁰. Although it was an institution which, in general terms, was already on a downward trajectory, when the Nasrid kingdom finally collapsed in the campaign of 1491-1492, the Catholic Monarchs granted numerous *acostamientos* in the newly conquered lands, with the intention of guaranteeing their defence in the event of a Muslim counterattack, whether from the Levante or North Africa; this allowed an upturn in the *acostamientos*, which in the kingdom of Castile as a whole went from importing seven million maravedis in 1482 to ten million in 1504.

This, however, only confirmed its decline as a military resource, given that, even with the increase, it placed the amount at the levels of 1465¹⁰¹.

The Granada War marked a step forward in the construction of armies based on voluntary recruitment in exchange for a soldier's pay, i.e., armies based on professional soldiers. To meet the demand for professional troops - the Kings had 10,000 paid labourers in their service in the Granada campaign of 1486, and this figure was repeated from then on in each of the annual campaigns against the Nasrids - the Monarchy designed ways of recruiting soldiers which, deriving from the Italian "*condotta*", took on their own form¹⁰².

The fact that a regular salary was paid was a novelty, since until then, in wars against the Muslims, the monarchs had been accustomed to paying only for travel expenses, as they had usually done with the Aragonese contingents that had taken part in previous campaigns¹⁰³. The need to recruit volunteers also gave rise to new means and incentives. Thus, the *gran maestre de Santiago* went to Catalonia to

¹⁰⁰ LADERO QUESADA, "Ejército, logística y financiación en la guerra de Granada", p. 680.

¹⁰¹ LADERO QUESADA, "La organización militar de la Corona de Castilla durante los siglos XIV y XV", p. 210.

¹⁰² LADERO QUESADA, "La organización militar de la Corona de Castilla durante los siglos XIV y XV", p. 218.

¹⁰³ LOMAX, "Novedad y tradición en la guerra de Granada", p. 274.

recruit troops to fight in the war of Granada and for this purpose he designed what may be the first military recruitment poster in history¹⁰⁴.

Among the figures that derived from conscription was that of the substitutes, who abounded in the council militias, where the substitute took up arms in place of a *repartido*, in exchange for receiving the salary that corresponded to the *repartido* plus a sum of money paid to him by the one who thus avoided the military service. Nor was the figure of the *homiciano*, a defendant convicted of homicide - “*reo de muerte peleada*”, in the terminology of the time, which excluded those who had killed with premeditation or malice aforethought, that is, those who today would be convicted of murder - who accepted, in exchange for redeeming his sentence, to serve in the war of Granada for a period of time ranging from four months to a year.

It was particularly common for the *homicianos* to originate from Asturias and Galicia, where the wars of factions and the aftermath and revenge resulting from the *Hermandiña* revolts continued to cause an incessant trickle of violent deaths¹⁰⁵. The legal basis of the *homicianos* was ancient, but had taken legal form in 1333, when Tarifa was given a privilege of asylum for criminals who took refuge there to serve their sentence¹⁰⁶.

One of the most studied military aspects of the Granada War is that of artillery. The Castilians, who had already experienced its effects at the hands of the Portuguese at the Battle of Toro, devoted much of their military efforts between 1481 and 1492 to the development of effective artillery with which to attack the fortifications of Granada. Attempts were also made to achieve an embryonic field artillery -that designed to be used in battle, not only during sieges-, in which the spread of the use of the *espingarda*, a small artillery piece operated by a single infantryman, can be placed¹⁰⁷. In Setenil, in 1484, the artillery was able to repel a sortie by the besiegers; in that same siege, the attackers raised the pieces so that they would not hit the walls protecting the town, but rather fall on the town itself, a bombardment that was enough to cause the resistance to collapse and the surrender of the town, in addition to the fact that the previous concentration of fire on the main defence towers meant that, in just three days, they collapsed¹⁰⁸.

From 1485, when the hardest and most difficult sieges and sieges of the war began to be undertaken, artillery became a decisive weapon for the development of the war, to the point that it came to mark many of the strategic guidelines and a large part

¹⁰⁴ LOMAX, D. W., “A medieval recruiting-poster”, en *Estudis historics i documents del sarxius de protocols*, nº 8, 1990.

¹⁰⁵ BENITO RUANO, “La organización del ejército castellano en la guerra de Granada”, p. 646.

¹⁰⁶ LADERO QUESADA, *Castilla y la conquista del reino de Granada*, pp. 141-142

¹⁰⁷ LADERO QUESADA, “La organización militar de la Corona de Castilla durante los siglos XIV y XV”, p. 221.

¹⁰⁸ LOMAX, “Novedad y tradición en la guerra de Granada”, p. 244.

of the structural and institutional changes undergone by the armies of the Catholic Monarchs. Thus, the enormous number of supplies and non-combatant personnel in charge of transporting the materials, pieces, ammunition and even making such transport possible by adapting the roads, trails and paths of Granada, was directly related to the weight of the artillery as an essential factor in war operations. The cost of the artillery and its supplies, with gunpowder brought from northern Spain and Portugal, specialists from Germany and France, and stone shells to be brought from afar, had a multiplying impact on the logistical support infrastructure. As large wagons were needed to move the pieces, it was necessary to turn the mountain trails into real roads. For example, to take Cambil and Alhavar, the wagons were 15 kilometres away, given the steep terrain, so six thousand labourers had to be sent to smooth and widen the road, which was achieved in just twelve days of work.

However, the efforts were worthwhile, as the results showed: at Álora, a one-day bombardment was enough to convince the population to surrender; at Coín, the artillery breached the wall, through which the infantry entered; Ronda fell after ten days of bombardment. All in all, many towns surrendered because of artillery alone.

Alongside the more modern aspects, such as the decisive use of gunpowder artillery, the war years saw the coexistence of purely medieval military resources, such as the use, for the last time on a large scale, of the troops of the Military Orders or the noble mesnadas. Three models can be distinguished in the participation of the nobility: Firstly, the court nobles, close to the Monarchs, who committed themselves personally to the conflict, as in the case of Gutierre de Cárdenas, Enrique Enríquez, the Count of Tendilla and the Marqués de Villena. Secondly, the Castilian nobility, who participated by obeying the royal mandate, but without committing themselves too much, except in cases where they were appointed captains general of the frontier, as was the case with Fadrique de Toledo. And finally, the Andalusian nobility, who put their personal interests at stake, such as the Dukes of Cádiz and Medina Sidonia, the Count of Cabra, the warden of the Donceles, etc.

The above circumstances, taken together, marked the path that the Castilian armies were to follow, which crystallised three years after the end of the Granada War in the troops that carried out the campaigns of the First Italian War. When the two armies are compared, the institutional difference between the two is palpable. The modern army benefited from the experiences that its officers gathered in the war of Granada, but in the armies that undertook the Granada campaign there is hardly anything, in terms of organisation, in common with the army that served in Naples: “En el primero de los casos se trata todavía de un ejército medieval, heterogéneo, inestable, con base en todos los grupos sociales del reino. En el segundo nos hallamos ante un cuerpo expedicionario, profesional, pagado y organizado por la Corona, permanente”.¹⁰⁹

¹⁰⁹ LADERO QUESADA, “Ejército, logística y financiación en la guerra de Granada”, p. 676.

One aspect in which the Granada War is linked to the renewal of military structures is the increase in the number of troops mobilised, related to two factors: the needs of the war and the growing capacity of the state - that is, the Crown - to mobilise men and resources. The troops mobilised between 1482 and 1484 consisted of between 6,000 and 10,000 horsemen and between 10,000 and 16,000 peons; the campaign of 1485 mobilised 11,000 horsemen and 25,000 peons; the great campaign of 1486 involved the mobilisation of 12,000 mounted combatants and around 10,000 peons; and the great campaign of 1486 involved the mobilisation of 12,000 mounted combatants and around 10,000 peons. The following year saw the mobilisation of an equivalent number of horsemen and over 45,000 infantrymen; finally, the campaign of 1491 saw the raising of an army of 10,000 horsemen and around 50,000 peons.¹¹⁰ These figures show a continuous growth in the size of the armies raised by the Monarchy, which, in seven years - between 1484 and 1491 - almost doubled the cavalry contingent and at least tripled - and possibly quintupled - the size of its infantry forces.

The increase in the size of the army, and the fact that part of it was maintained in the lulls between campaigns, brought with it another novelty: the careful planning of each annual campaign, in pursuit of specific objectives within a predetermined and structured plan of action in anticipation of successive campaigns. An army of fifty thousand men could no longer be moved in an improvised way, in search of opportune objectives; its maintenance from one year to the next also made long-term planning possible, unfeasible with the resources provided by medieval military machines¹¹¹.

The turning point in terms of approach and structure was the campaign of 1487. Málaga changed the nature of warfare as it had been conducted until then, as it was a well-fortified and heavily armed port. It was not a short campaign, which was adapted so as not to disrupt the life cycles of the Guadalquivir, but the duration of the campaign caused an economic crisis in the Guadalquivir, as the defensive circumstances of Malaga made it impossible to resolve it in a short time, nor was it possible, once it had begun, to interrupt it and resume it the following year. Málaga thus marked the end of seasonal warfare: it was no longer the war that had to adapt to the social and economic rhythms, but the economic life of the kingdom that had to adapt to the needs of the war.

The length of the campaign meant that the Spanish Crown had to implement a troop payment system capable of functioning over an extended period, and it was also necessary to establish a provisioning service larger than any previously developed. Both the successes of that campaign and its failures were fundamental to the evolution of the military phenomenon in subsequent years: the successes, because they demonstrated that the Spanish Crown was capable of mobilising enormous

¹¹⁰ LADERO QUESADA, "Ejército, logística y financiación en la guerra de Granada", p. 692.

¹¹¹ LADERO QUESADA, *Castilla y la conquista del reino de Granada*. Granada, p. 15.

resources for prolonged periods; the failures, because the lessons learned from them made subsequent operations in extremely complex sieges possible: “Málaga fue una lección que estuvo a punto de costar el primer gran fracaso, si los malagueños hubieran tenido reservas de víveres suficientes para llegar al otoño; fue también la experiencia que hizo posible el planteamiento acertado de los asedios en Baza y Granada”¹¹².

3. The Administration of the New Kingdom

The Monarchs immediately established an administrative system based on three of the most prominent and important figures in their kingdom: the Count of Tendilla, who, as Captain General of the Alhambra, was to be in charge of its defence; Fray Hernando de Talavera, until then Isabella’s confessor and appointed Archbishop of Granada; and, finally, Hernando de Zafra, a key figure in the administration of the Spanish Crown who was entrusted with setting up the civil bureaucracy of Granada, as an integrated part of the Crown of Castile. Zafra, Talavera, and Tendilla liked each other and were even friends, to the extent that Zafra wanted Talavera to be his executor and the Count of Tendilla arranged the marriage of one of his nieces-in-law, Guiomar de Acuña, to Pedro, Zafra’s brother.

Hernando de Zafra had excelled in the years of the war against the Nasrid kingdom. In 1488, the year in which he became secretary to the Monarchs, Hernando was responsible for the organisation of the towns that were being won, taking charge of everything to do with their supplies, garrison, security, and repairs. After the fall of Baza, Zafra was one of the Monarchs’ envoys who took part in negotiating the surrender of Almuñécar and, in 1491, he played a key role in negotiating the capitulations of Granada¹¹³.

Once Granada was handed over, one of the first missions entrusted to Zafra was to find out how many weapons and how many armourers’ workshops existed in the city, with a view to guaranteeing security in the face of any possible uprising. On 31 January 1492, Calderón and Zafra reached an agreement with Muhammed al-Baqanni to deliver wheat to the city in exchange for the surrender of the weapons within a maximum period of six days; it was agreed that the Muslims would retain the short daggers, as these weapons were commonly used in farm work. The King and Queen backed this measure in a decree dated 6 February. However, the surrender of weapons was far from complete, as there was no prior inventory, nor did the authorities have the means to verify that they had all been surrendered. It is not

¹¹² LADERO QUESADA, *Castilla y la conquista del reino de Granada*, p. 51.

¹¹³ LADERO QUESADA, *Hernando de Zafra*, pp. 27-28.

surprising, therefore, that there were discoveries such as the discovery, in June 1494, of arms sufficient for 400 men in a house in the capital of Granada.

As at so many other moments in history, the problems began to worsen for economic reasons. In 1495, the Monarchs imposed a special compulsory service on all Mudejars in Granada, while at the same time approving an identical one for Mudejars in Castile, to finance the expenses of the first war in Naples. The King and Queen informed Talavera, in a letter dated 5 November 1495, that they intended to raise 7,200,000 maravedis through the service, and ordered a meeting between Talavera, Tendilla and Calderón to assess whether the service, as conceived at Court, was viable on the ground.

Talavera opposed the service, proposing instead a tax of one real on each *arroba* of linen, pound of silk and quintal of sultanas leaving the ports of Granada¹¹⁴. This was not viewed favourably by the Court, but, given that payment for the service was delayed, payment in silk had to be accepted. However, payment did not begin until the summer of 1497, and the complaints from the Mudejars were so many and so intense that the Monarchs ordered the service to be moderated, extending the deadline for payment.

As the Christian population grew, measures to separate the two communities increased. In the spring of 1498, Talavera published, following royal orders, a prohibition on selling wine to Muslims, as well as on Christians buying slaughtered poultry in its butchers' shops, visiting Moorish baths and Muslim midwives attending to Christian women. Fray Hernando himself sent the monarchs, in that year 1498, a memorial from Talavera containing a long series of measures to be adopted, after agreement with al Baqanni: expulsion of the Muslims who were not originally from Granada, especially those who had homes in the Vega, the most fertile part of the kingdom; concentration of the Muslims in the city of Granada in the Albaicín district; choosing five hundred Muslim merchants and craftsmen to settle them in the areas of Bibarrambla and Bivalmazda, separating them from the rest of the Islamic community and being able to control them as hostages, if necessary.

Over the years, the monarchs tried to extend most of their Crown institutions to the kingdom of Granada. In 1500, orders were given for the *Chancillería* of Ciudad Real to be transferred to Granada, but this did not happen in practice until 1505. The Spanish Inquisition also began to make its presence felt in Granada, although it did not have its own court, but the territory of the former Nasrid kingdom was made dependent on the court in Córdoba. This decision, probably taken with the intention of making a concession to the people of Granada, ended up being disastrous for the city, since the Cordoba Inquisition was headed by Lucero, the most bloodthirsty of all those who received the dignity of inquisitor. With the death of the queen,

¹¹⁴ AGS, Cédulas de Cámara, libro 2º-2, fol. 170.

the Cordoban Inquisition unleashed on Granada one of the most terrible religious persecutions carried out by the *Santo Oficio de la Inquisición* (Holy Office) throughout its existence¹¹⁵.

4.- The Repopulation and the Conversion Process

The repopulation of the kingdom of Granada was far from being a uniform process. On the contrary, Christian settlement was concentrated in the bishopric of Malaga, which received almost half of the repopulation and where, exceptionally, an ordinance of 1497 left coastal defence and the maintenance of fortifications exclusively in the hands of the Christian settlers. On the other hand, fewer Christians settled in the lands of Almería, less than 10% of the total.

Overall, repopulation was intense along the backbone of the kingdom: Ronda, Alhama, Loja, Guadix, Baza, Marbella, Málaga, Vélez-Málaga and Almería, except for Granada, which remained largely Muslim. It responded to the policy of occupying the urban centres, relegating the Muslims to the countryside. This was partly for military reasons: the towns conquered after sieges in the campaigns of 1484-87 had to be abandoned by their inhabitants, while Alhama had been Christian since 1482 and had begun to be repopulated that same year. From 1488 and 1489 onwards, the capitulations tended to include the right of the Muslims to remain in the towns, by virtue of the agreements signed with Boabdil, but when he resumed the war, the agreements were unheeded and the Muslims had to evacuate Baza, Guadix, Almería, Almuñécar and Salobreña.

The distribution of land followed basically the same schemes that had been followed before in the lands of the Guadalquivir. There were four lots of land: one went to the settlers, who had to reside there for ten years to gain permanent ownership; another was for the Monarchs, who distributed it to reward services, pay debts, etc.; the third lot went to the Church and the fourth to the council. The size of the land, which in many cases was given to soldiers who had taken part in the war, varied according to the role played in the war: as a rule, the land given to knights and squires of the guards was up to three times larger than that given to labourers¹¹⁶.

In Granada, power in the communities belonged to the *alfaquíes*, but the Monarchs appointed a new official, the *alguacil*, basically a tax collector. The fact that he was appointed directly by the Monarchs and that he was almost always chosen from among the richest and most powerful families of the place reinforced the integration

¹¹⁵ SZMOLKA CLARES, J., “Estudio preliminar”, en MENDOZA, I. de, *Epistolario del conde de Tendilla (1504-1506)*. Granada, 1996, p. LXXXVII.

¹¹⁶ PEINADO SANTAELLA, *Historia del reino de Granada*, p. 324.

of the elites, the *alguaciles* being a mixture of tax collector and intermediary between the Mudejar community and the Castilians, responding to the same pattern as the *alamín* in the *aljamas* of Valencia.

Although not directly related to the administration of the kingdom, religious politics played a key role in the life of Granada. Fray Hernando de Talavera had been commissioned by the queen to bring about the conversion of the people of Granada to Christianity. At first, these conversions were to take place voluntarily, as the capitulations guaranteed respect for the Muslim religion for those who continued to embrace it. Voluntary conversions were few and far between, and almost all of them took place in the final stages of the war or immediately after the fall of Granada.

For his work, Talavera sought inspiration in the example of Raimundo de Peñafort during the process of conversion of the Valencian moriscos, as well as in the pacifist theories of Juan de Segovia. Following this author, Fray Hernando proposed a three-phase process: peace with the Muslims, coexistence with the Muslims and, finally, discussion of doctrines, seeking the points that unite and not those that separate¹¹⁷. However, despite the prelate's undoubted good faith, his success was limited, which deeply displeased the Monarchs, who visited the city in the summer of 1499. From that moment on, Talavera's policy of voluntary and slow conversions began to be called into question and circumstances gradually pushed it aside in favour of more radical interpretations. On 7 September 1499, Granada came under the authority of the Inquisitorial Tribunal of Córdoba, headed by Lucero, who soon became a mortal enemy of Talavera, who, as archbishop of Granada, did everything in his power to obstruct the interventions of the Holy Office in his diocese.

In mid-October 1499, the Monarchs took a decision that would prove decisive for the religious and political future of the kingdom of Granada: they sent Cisneros, at that time Isabella's confessor and Inquisitor General, to Granada, which meant a Copernican turn in the policy of conversions, imposing forced conversions and creating a situation of discontent that would crystallise in the subsequent revolts.

5.- The New Frontier with Islam: Africa

With the surrender of the Nasrid kingdom, "*el Norte de África no era ya una zona remota y ajena. La conquista de Granada la había aproximado a España. Y era también zona prometedora de expansión*", Ochoa Brun has rightly pointed out¹¹⁸.

The incorporation of Granada into Castile meant a change in security conditions. By incorporating Granada into a Christian kingdom, the border with the Islamic

¹¹⁷ CABANELAS, D., *Juan de Segovia y el problema islámico*. Madrid, 1952, p. 118.

¹¹⁸ *Historia de la diplomacia española*, vol. IV, p. 135.

world was shifted to the other side of the sea. In a manner of speaking, North Africa emerged as a frontier for a large part of the peninsular coastline, which until then had been geographically protected by the state entity of Granada. An extensive stretch of coastline, now under Christian rule, was left exposed and defenceless to the attacks of North African corsairs. This new external border exacerbated the potential security problem posed by the fact that the population of Granada, by virtue of the capitulations, maintained their Muslim religion even though they were Castilian subjects.

Thus, the outcome of the war in Granada substantially altered the role played by Africa in the economy and defence policy of the Catholic Monarchy.

The fall of Granada was a stimulus for Castilian trade. With the conquest of enclaves such as Málaga, Almería and Almuñécar, some of the best and most capable ports on the peninsular coast were opened to Christian trade. A whole series of goods that until then had reached the Christian kingdoms through trade with the Nasrid kingdom could now be purchased directly by Castilian, Andalusian or Aragonese traders in their original markets, most of which were African. The most obvious case was that of gold: practically all the gold that entered Castile came from the Muslim kingdom of Granada. From 1492 onwards, the Spanish Crown had to acquire it in African markets, as the Nasrid link had disappeared. As a result, the presence of Peninsular ships, traders and interests in Africa multiplied in the years following the surrender of the Alhambra.

The fall of Granada meant that the frontier between Islam and Christianity changed from being a land frontier to a maritime frontier. It is no coincidence that the first corsair attacks on the coasts of what was once the Nasrid kingdom took place in 1490, when much of the coast was already in Christian hands¹¹⁹.

Aware of the threats to their coasts - although they may not have been able to anticipate the scale that the Barbary threat would reach in the decades to come - the monarchs designed a comprehensive coastal defence system for the kingdom of Granada¹²⁰. This was necessary because Berber tactics were difficult to counter at the time with the technical means available to the kings. For example, the Berbers carried out most of their attacks in winter, when bad weather forced the galleys to stay in port, but the faster corsair *fustas* were able to take advantage of intervals of calm or good weather to bridge the distance to the coast of Granada and return to their own ports before the Spanish galleys appeared or the bad weather resumed¹²¹.

¹¹⁹ LÓPEZ DE COCA CASTAÑER, J. E., «Consideraciones sobre la frontera marítima», en SEGURA ARTERO, P., (coord.), *Actas del Congreso La frontera oriental nazarí como sujeto histórico (s. XIII-XV)*. Almería, 1997, p. 401.

¹²⁰ A comprehensive analysis can be found in GAMIR SANDOVAL, A., *Organización de la defensa de la costa en el reino de Granada*. Granada, 1947.

¹²¹ DOUSSINAGUE, J. M^a., *La política exterior de España en el siglo XVI*. Madrid, 1949, p. 58.

The great problem with the fixed defence system derived from its own quality: the onerous nature of its maintenance, which made it necessary to create a new tax to pay for it. This tax, the *farda de la mar*, meant that each Moorish man had to pay three reals a year to pay for the kingdom's maritime defences. At the beginning of the 16th century, the Crown was receiving 2,250,000 *maravedies* a year from this tax, but there was evident discontent among the population, which led to a reduction in 1508, at Tendilla's request, to the amount of one real per head. Unfortunately, the famine in Granada in 1507 and 1508 caused many Moriscos to move to North Africa, revitalising the coastal raids and giving way to new tactics, such as the introduction of parties in the sierras who dedicated themselves to banditry until they were reembarked¹²². The consequent drop in revenue led to a second reform of the tax in 1511, linking it to wealth rather than individuals, to raise more money from fewer taxpayers. If wealth changed hands, so did the tax. With the money thus collected, many coastal towers were built or repaired. In the years 1498 and 1499, 55% and 57% of the total money spent by the Monarchy on fortifications went to the kingdom of Granada¹²³.

The Muslims complied with the tax burdens and with the obligations imposed on them in the maintenance of the coastal watchtowers; but, as the pirate attacks increased, they were punished by forbidding the Mudejars to live within a league of the coast, a harsh measure that denied them fishing and part of the agricultural production, key to the economy of the kingdom. The Muslim pleas finally moved the Monarchs, who lifted the ban on three conditions: that the Muslims should not walk along the coast at night; that they should always move around with documentation attesting to their neighbourhood; and that, when they went out fishing, they should always do so accompanied by at least one Christian¹²⁴.

6.- The Disappearance of the Legal World of the Frontier of Granada

Perhaps the obviousness of the cause-effect relationship has meant that scholars of the Castilian-Granadian conflict have usually overlooked the fact that the conquest of Granada meant the end of the frontier line between Castile and the Nasrid kingdom, and that with the disappearance of the legal, social, and religious reality that gave it meaning, a whole legal world of institutions born under the protection and influence of this frontier context disappeared.

One of the most characteristic legal figures of frontier life was the truce, "a mixture of war and peace"¹²⁵. Through this agreement, there was a temporary suspension of

¹²² LÓPEZ DE COCA CASTAÑER, J. E., «Consideraciones sobre la frontera marítima», p. 402.

¹²³ PEINADO SANTAELLA, *Historia del reino de Granada*, p. 498.

¹²⁴ PEINADO SANTAELLA, *Historia del reino de Granada*, pp. 481-482.

¹²⁵ TORRES FONTES, "Dualidad fronteriza: guerra y paz", p. 67.

hostilities and military actions between the kingdom of Granada and its Christian neighbours. The essential element of the truce was its temporariness, since the religious and largely sacred concept of war against the infidel as a moral obligation in both societies prevented any peace agreement from being considered definitive.

Ever since the Trastámara dynasty came to the throne of Castile in the 13th century, the truces signed with the Muslim kingdoms tended to recognise the military superiority of the Christian kingdoms, especially Castile, by establishing the payment of an annual tribute by the Muslim kingdoms, known as the *paria*¹²⁶; the role of this tribute was fundamental in prolonging the slow decline of the Muslim kingdoms in the Iberian Peninsula, as there were many occasions when, although they could have launched military campaigns against their enemies, the Christians declined to do so because of the economic importance not only of the expenses generated by the war, but also of the loss of the tribute they received while the truce lasted. In the official announcement of truces, these were always granted by Castile. In the 15th century it became customary for the truce to be treated as a royal charter and therefore to be complied with, but only as local conditions or the authority of the *adelantado* allowed¹²⁷.

However, a certain degree of war activity was legal, within the framework of a truce. Thus, raids were authorised, which were defined as an incursion into enemy territory that lasted less than three days, in which no camp was established; in which the participants did not carry banners, ensigns or flags, and during which there was no attack on a square¹²⁸. This reveals that war had become a way of life in those territories, not only a political issue between kingdoms, to the extent that it was unthinkable to maintain absolute peace along the demarcation line, since violence was part not only of the routine of the kingdoms, but also of the social and economic rhythm of the borderlands.

On the basis of the truces, the *alcaldes de moros y cristianos*, also known as *jueces de las querellas*, emerged, an institution whose function was to control violence in the bordering territories during periods of truce¹²⁹. The first time these *alcaldes* appeared was during the truce of 1310, when they were appointed directly by the kings, although they depended, in their functioning, on the *adelantados* of Andalusia, positions which, on the border of Córdoba and Jaén, tended to belong

¹²⁶ GONZÁLEZ JIMÉNEZ, M., “La frontera entre Andalucía y Granada: realidades bélicas, socio-económicas y culturales”, LADERO QUESADA, M. A., (ed.), *La incorporación del reino de Granada a la Corona de Castilla*. Granada, 1993, p. 97.

¹²⁷ TORRES FONTES, “Dualidad fronteriza: guerra y paz”, p. 68.

¹²⁸ LADERO QUESADA, M. A., “La organización militar de la Corona de Castilla durante los siglos XIV y XV, en LADERO QUESADA, M. A., (ed.), *La incorporación del reino de Granada a la Corona de Castilla*. Granada, 1993, p. 205.

¹²⁹ CARRIAZO, J. de M., “Un alcalde entre moros y cristianos en la frontera de Granada”, *Al Andalus*, nº 13, 1948; y TORRES FONTES, J., “El alcalde entre moros y cristianos del reino de Murcia”, *Hispania*, 20, 1960.

to the lineage of the Fernández de Córdoba, while that of Murcia was linked to that of the Fajardo lineage¹³⁰. It is not surprising, therefore, that many of the *alcaldes de moros y cristianos* belonged to these lineages¹³¹.

To carry out their functions, the *alcaldes de moros y cristianos* were assisted and co-ordinated by the “*fieles del rastro*”, also known as “*rastreros*”. These “*fieles del rastro*” were in charge of determining who had committed a certain misdeed or transgression of the truces¹³². The *fieles del rastro* were, as their name suggests, expert trackers and knowledgeable about the border regions, as they moved back and forth across the border during their actions, investigating incidents and trying to identify and locate criminals. The *rastreros* were paid by the border municipalities and emerged as a supposedly impartial entity charged with settling disputes between individuals and communities, to avoid private vendettas between cross-border communities, which all too often resulted in a state of constant bloodshed along the border¹³³. Since both communities were generally interested in the resolution of crimes and disputes, it was not at all unusual for the Christian *fieles del rastro* to collaborate with their Muslim counterparts¹³⁴.

There were many *rastreros* traders. For example, on the Jaén frontier, up to thirty *rastreros* operated simultaneously, charging around two hundred *maravedies* for each of the services they provided. The figure of the *escribano del rastro* was created to attest to the actions carried out by the *fieles del rastro*¹³⁵.

Another figure of that frontier world were the *alfaques*, which was the name given to the people who oversaw the redemption of captives, both Muslims in Christian hands and Christians in Muslim hands. A captive was an asset of great value to the one who had captured him; this is why the forced conversion of Christian captives into Muslim hands was an exceptional occurrence, since, if they converted to Islam, the value of their ransom was greatly diminished or the owner could even be forced to release the captive in question, in accordance with the precepts of Muslim law¹³⁶.

¹³⁰ GONZÁLEZ JIMÉNEZ, “La frontera entre Andalucía y Granada: realidades bélicas, socio-económicas y culturales”, p. 98.

¹³¹ LÓPEZ DE COCA CASTAÑER, «Institutions on the Castilian-Granadan frontier. 1369-1482», p. 146.

¹³² GONZÁLEZ JIMÉNEZ, M., “Castilla y el Islam granadino antes y después de la conquista de la ciudad”, en KOHLER, A., y EDELMAYER, F., (coord.), *Hispania-Austria*. Munich, 1993, p. 90.

¹³³ LÓPEZ DE COCA CASTAÑER, «Institutions on the Castilian-Granadan frontier. 1369-1482», p. 146.

¹³⁴ MACKAY, “Religion, culture and ideology on the late medieval Castilian-Granadan frontier”, p. 219.

¹³⁵ RODRÍGUEZ MOLINA, J., “Relaciones pacíficas en la frontera con el reino de Granada”, SEGURA ARTERO, P., (coord.), *Actas del Congreso La frontera oriental nazarí como sujeto histórico (s. XIII-XV)*. Almería, 1997, 289.

¹³⁶ LÓPEZ DE COCA CASTAÑER, «Institutions on the Castilian-Granadan frontier. 1369-1482», p. 135.

The figure of the *alfaunque* as a professional liberator of captives arose in some cities of Castile in the 12th and 13th centuries. For them to travel freely, they were given safe-conducts to rescue captives, and they were paid 10% of the amount of the transaction. The safe-conduct given to them by the Grenadine authorities was a special permit called *aman*, which allowed non-Muslims to travel or reside in a Muslim territory for a limited period. Whoever obtained this permit was required to be respectful of Islam and to refrain from any practice offensive to the Muslim religion. Failure to comply with this clause was the cause of the martyrdom of several Mercedarian friars, whose order, like that of the Trinitarians, was created in the early 13th century for the express purpose of redeeming Christian captives held by Muslims.

In any case, the freedom of movement granted by the *aman* was not total, as the *alfaunque*s had to move along the main routes, flying a flag and blowing a trumpet¹³⁷. In times of war, protected by their immunity, they also acted as ambassadors, merchants, and spies. In the 15th century, around 1439, we know that the office of *alfaunque*s *mayores* still existed and was almost always held by members of the Saavedra lineage. These officers were the only ones who could organise the rescue of captives from Lorca to Tarifa.

The Muslims had their own captive traders, and among the little we know about them is that they were more numerous than the Christian *alfaunque*s. This is indicated by the fact that the Muslims paid so many ransoms in silk that it depreciated in value during the 15th century. They were called *fakkak* and had existed in the Muslim world since the 10th century. Ransoms were generally financed both by the families of captured Muslims and by the Islamic community itself, which contributed varying amounts of money to finance the ransoms. A Nasrid fatwa from the 15th century condemned Muslim negotiators for, among other things, the practice of advancing money as a pledge of a later payment in silk, which Nasrid legal doctrine condemned as usury¹³⁸.

As an open border, the Nasrid frontier witnessed thriving smuggling through the movement of goods that evaded official channels and, therefore, the payment of taxes. To combat these practices, the *alcaldes de las sacas*, Crown officials charged with preventing the smuggling of goods and ensuring that all commercial goods between the two kingdoms passed through the official ports, where a tithe and a half of the value of the goods was charged. These ports were one of the institutions that survived the conquest. Another of these was the *alfaunque*, although his sphere of action had to be transferred: from the Nasrid kingdom, they moved on to the rescue

¹³⁷ TORRES FONTES, J., "Los alfaunque castellanos en la frontera de Granada", VV.AA., *Homenaje a don Agustín Millares*. Las Palmas, 1975; vol, II, pp. 104-109.

¹³⁸ LÓPEZ DE COCA CASTAÑER, «Institutions on the Castilian-Granadan frontier. 1369-1482», pp. 137-141.

of captives in the squares of North Africa. Other figures, such as the *alcaldes de moros y cristianos* or the *fieles del rastro*, disappeared with the liquidation of the frontier entity and, above all, the social and economic reality that had led to the existence of these institutions.

Islamic jurists studied the moral and religious implications of the very concept of the border. Thus, the duty to guard the frontier of an Islamic nation falls on the entire population and not only on the rulers, according to Islamic law. According to the Maliki legal doctrine, which was followed in Granada and throughout Al-Andalus, a Muslim who voluntarily stayed in unbelieving territory, such as the Mudejars, was to be treated as a non-Muslim and, therefore, neither his person nor his property was inviolable, although certain authors qualified that the inviolability of the person was maintained.

Another religious problem was truces, as these were times when Muslims stopped trying to extend the community of believers into the lands of the infidels. Sunni schools diverged on the acceptable duration of truces: while some said they could last up to ten years, the Maliki believed that they should last no longer than four months, except in cases where there was no other option.

Bands of Islamic border warriors were called *tagriés*, which could be translated as ‘frontiersmen’ or ‘people of the frontier’. The word *al-mugawir* was also frequently used, literally, one who raids. The Castilian and Catalan words ‘*almogávar*’ and ‘*almogáber*’ were derived from this word. Of particular importance within these bands were the guides or *adalides* - from the Arabic *ad-dali* -. They were chosen because they came from the border areas and were remunerated; their prestige increased, to the point that they ended up having a position equivalent to that of a high-ranking officer.

7.- The Granada Revolts from 1499 to 1501

The capture of Granada had marked the end of a historical process that had lasted more than 700 years, but it had also created a religious, social, economic, cultural, and military problem for the monarchy, as the Muslim population of the kingdom of Granada was brought within the new Castilian borders. The capitulations signed for the surrender of the city stipulated that the religion of its inhabitants had to be respected, which left the monarchs facing a complex integration problem.

At first, the capitulations were respected, and Hernando de Talavera, Isabel’s confessor, was appointed archbishop of Granada, who set out to carry out an evangelising work based on sincere conversions and respect for the culture, traditions, and identity of the Muslim population. However, Talavera represented only one of

the three axes - the religious one - of the new administration. The military part was under the command of the Conde de Tendilla and the administrative part was the responsibility of Hernando de Zafra. The latter accused the Muslim population on numerous occasions of collaborating in the raids that the Barbary pirates carried out against Christian ships and coastal towns¹³⁹.

In 1499, no significant progress had been made in the Christianisation of Granada, either religiously or culturally, and it could be said that seven years after its surrender, Granada was part of the kingdom of Castile, but it was still a Moorish city culturally and a Muslim city religiously. This must have been clear to the monarchs during their visit to the city in July 1499, when they were greeted by a crowd of thirty thousand Muslim women as they entered through Bibarrambla. This survival of the Islamic world in Granada was not to the liking of the monarchs, for spiritual reasons in the case of Isabel and strategic reasons in the case of Ferdinand.

Determined to put an end to the situation, they summoned the Archbishop of Toledo, Jiménez de Cisneros - who had replaced Talavera as Isabella's confessor - to Granada and entrusted him with a new programme of evangelisation in the city.

Cisneros was the opposite of Talavera, being in favour of imposing conversions on the people of Granada with an iron fist. After a series of unpopular measures, including the conversion of the great mosque of the Albaycín into a church on 16 December 1499, the burning of books and the establishment that a Muslim who converted to Christianity could have access to the part of his inheritance that corresponded to him according to Islamic law - a rule that violated the capitulations, as it was contrary to Muslim law - Cisneros went too far in violating the capitulations again, imposing baptism on the children of the *elches*¹⁴⁰. Not involving this group in conversion measures was explicitly recognised in the text of the capitulations, but Cisneros argued that their children, being descended from Christians, were fully entitled to be baptised regardless of the faith of their parents. In Cisneros' favour, it must be said that, while his action was indeed contrary to the content of the capitulations, his approach to the question of the *elches* was in line with the theological logic of his time, within which it was accepted that an individual was free to choose his religion, but not to leave it. It should be noted that the same actions that Cisneros imposed in relation to the *elche* were common in the Muslim world regarding those who disavowed Islam¹⁴¹.

Be that as it may, the unpopularity of the measure led to an altercation in the Albaycín in which the *alguacil* Velasco Barrionuevo was killed, which was the trigger, in December 1499, of a general revolt in this neighbourhood of Granada.

¹³⁹ SUÁREZ FERNÁNDEZ, *Los Reyes Católicos. La expansión de la fe*, p. 183.

¹⁴⁰ The *elches* were Christians who had voluntarily converted to Islam in the years before the conquest of Granada.

¹⁴¹ LÓPEZ DE COCA, «Las capitulaciones y la Granada mudéjar», p. 304.

The conflict broke out on the 18th, just two days after Cisneros had carried out the conversion of the great mosque of the Albaycín.

On Ferdinand's orders, an attempt was made to quell the problem by following a conciliatory policy - the four people responsible for the deaths were hanged, but no action was taken against anyone else involved in the events. Although some success was achieved, at the end of the month the town of Huéjar revolted and, after it, most of the Alpujarras, led by a constable from the town of Jubiles, Ibrahim ibn Ummayya, known to the Castilians as Abén Humeya.

The rebellion in the Alpujarra immediately took a serious turn. The Moors descended into the valleys inhabited by Christians, taking over towns such as Alguñol, Adra and Castil de Ferro. The *capitán de la armada del Estrecho*, García López de Arriarán, died taking reinforcements to the area. In those days, Hernando de Zafra lost, at the hands of the rebels, his brother Valentín and ten other family members and servants from his house, which is a good example of the violence that was unleashed¹⁴².

Only with the movement of many troops - including experienced and renowned soldiers such as Gonzalo Fernández de Córdoba, whose brother also died in the revolt - was it possible to contain the uprising. In February, the royal forces began to reduce the pockets of resistance: the *adelantado* of Murcia, after avoiding an ambush, managed to lift the siege of Marjena, while Ferdinand the Catholic and the *Condestable* of Navarre advanced over the sierras, Ferdinand through Lanjarón and the *Condestable* through Andarax, "passing all by blood and fire". It is said that in Laujar de Andarax three thousand Muslims were executed and the mosque was blown up with children and women inside. On 8 March the rebels surrendered, and a new agreement was negotiated, concluded on 30 March, which included a general conversion to Christianity.

The content of these capitulations was wide-ranging: there was a change in the fiscal regime and the status of Muslims was equalised with that of Christians in the administration of justice; exemption was granted from guest service and from the obligation to work for free on public works; licence was given to continue wearing traditional Moorish clothes until they were worn out; documents in Arabic would have the same validity as those signed by a Christian scribe; the Moors retained their butchers, although these would slaughter cattle at the hands of a Christian scribe; documents in Arabic would have the same validity as those signed by a Christian notary; the Moors retained their butchers, although these would slaughter cattle in the Christian manner; they remained free to use public baths and to change their residence, while an endowment was fixed to finance the assistance of clergymen to instruct them in Christianity¹⁴³.

¹⁴² LADERO QUESADA, *Hernando de Zafra*, p. 59.

¹⁴³ SANTIAGO SIMÓN, E. de, "El final del Islam granadino (1464-1492)", VV.AA., *Fernando II de Aragón: El rey Católico*. Zaragoza, 1995, p. 534.

On 20 March 1500, the Monarchs granted a special privilege “to the Christian residents and inhabitants of the said city of Granada, its Albaycin and suburbs, both to those who are now and to those who will be from now on”. The privilege freed them from Muslim taxes, they were granted perpetual exemption from services and other extraordinary levies, from the tithe, the half tithe and the *alcabalas* as long as one of the contracting parties was from the city. In the Vega they were only exempted from Muslim taxes. This was an attempt to encourage conversions and provide them with economic incentives, and once again priority was given to conversions in the urban centres, as shown by the fact that the exemptions were greater in the capital than in the agricultural areas.

In the autumn of 1500, Zafra sent a memorial on how to pacify the Alpujarras; some of his most important points were the following: that the Monarchs should pay the price of the Christian captives sold in Africa by the rebels; that the costs of these ransoms should be passed on to the defeated, but quantifying the distribution not by estates, but by heads, in order to make it more egalitarian; that the coast should be guarded by a mixture of old and new Christians, to improve the security of the service, since the Grenadians had proved to be unreliable and were, in many cases, in collusion with the North African enemies; that the inhabitants of the coastal towns should be withdrawn to the interior, leaving arms for their defence in the hands of their mayors or *notables*; that the grants made by the Monarchs to converts should not be effective until they had been accurately determined by a judge, since some, using the aforementioned grants and the fact that they were often indeterminate or unclear, had taken goods and estates that did not belong to them¹⁴⁴.

The agreements of March 1500 did not put an end to the conflict. In the mountains of Almería, where the rebellion had spread, the eastern town of Belefique held out until December, so that its resistance practically linked up with the new Moorish uprising that took place in January 1501, when the Sierra of Ronda and Villaluenga rose up. The rebels soundly defeated Don Alonso de Aguilar in Sierra Bermeja, and during this second insurgent outbreak a disaster occurred at the Peñas de la Monarda on 18 March, when the rebels fell upon the vanguards of the conde de Cifuentes, scattered for foraging. During this action, the accidental explosion of a powder keg caused a massacre in the Christian ranks.

On hearing of this, Ferdinand marched to Ronda at the end of the month, gathering under his command 1,300 spears and more than 6,000 peons, enough to subdue the rebels. To avoid further problems, the king, after consulting the Council of Castile, accepted the Moors’ proposal to be transferred to North Africa in exchange for the payment of 60,000 *doblas* to the Crown. According to Luis Suárez, around six thousand Moriscos left the Peninsula to settle in the Maghreb¹⁴⁵.

¹⁴⁴ LADERO QUESADA, *Hernando de Zafra*, pp. 64-66.

¹⁴⁵ *Los Reyes Católicos. La expansión de la fe*, p. 191.

This measure was typical of Ferdinand's pragmatism: reducing a problem while raising a significant amount of money for the royal coffers. It did not fit so well with Isabella's approach, who had no opportunity to oppose the proposal, since she was not present when the Royal Council decided to approve it.

For Ferdinand, however, the Muslim population, although supposedly already converted to Christianity, remained a thorn in the side of the Mediterranean. Although significant efforts had been made during the revolt to Christianise the region, the king would not rest easy until the problem was finally solved, which finally happened on 11 February 1502, when the decree of expulsion of the remaining Muslims in the kingdom of Granada was made public, with a text inspired by the decree of expulsion of the Jews, issued in 1492. Ferdinand's advisors took advantage of the fact that the revolts of the previous years had led to the collapse of the previous capitulations, which meant that the king had the right, from a legal point of view, to consider the capitulations of 1492 invalid and to issue others that did include the alternative of conversion or expulsion¹⁴⁶.

The uprisings forced the modification of any existing plans for intervention in North Africa. It was unthinkable to launch an operation on the southern shore when there was an active revolt in the country's own territory. In addition to the strategic factor, the revolts created a problem of resources: large numbers of troops were needed, deployed from all over Andalusia, to contain and suppress the rebels.

The revolts were a renewal of the ultimate spirit that encouraged the Crown to intervene in North Africa: the need to guarantee the security of the peninsular soil. The violence showed that the kingdom of Granada was far from being secure for the Crown. Its inhabitants had largely retained customs, traditions and habits that made them more akin to the North African Muslims than to their new overlords. Thus, the Andalusian coast remained vulnerable to hostile action. The revolts in Granada showed that it was more necessary than ever to maintain an interventionist policy in the Maghreb, which would help to keep the Muslim threat away from the peninsular coasts, where it could be welcomed by part of the population and where, in turn, it could inflame feelings and demands that the revolts of the early 16th century showed were still at their height. The decree of 1502, which expelled those who did not convert to Christianity, was not a guarantee in this respect, as it was suspected, not without reason, that many of the Moors who had remained on peninsular soil had only converted by word of mouth. The consequence of this revolt was the so-called *Edicto de Conversión Forzosa*, signed on 12 February 1502¹⁴⁷, which obliged all Muslims on the Peninsula to choose between conversion to Christianity or their departure for Islamic lands, i.e. North Africa.

¹⁴⁶ SUÁREZ FERNÁNDEZ, L., "El máximo religioso", VV.AA., *Fernando II de Aragón: El rey Católico*. Zaragoza, 1995, p. 55.

¹⁴⁷ Portugal had already ordered the conversion of Muslims in its territory in 1497.

This edict had, in a way, a perverse effect on the problem, since the revolts and the expulsion of 1502, a consequence of these revolts, made subsequent Peninsular actions in the Maghreb more difficult. It was in North Africa that the expelled Muslims settled, bringing with them memories of the cruelties of war and repression and an easily explainable resentment towards the monarchy of the Catholic Monarchs, which, to maintain their Islamic faith, had forced them to abandon the land where their ancestors had lived for generations, losing most of their possessions in the process. The arrival of this wave of North African refugees fuelled hatred of Christians in North Africa and provided the powers in the area with valuable military aid in the form of highly motivated fighters who were well versed in the tactics of the Christian forces, as well as providing an invaluable source of geographical knowledge of the peninsular coastline, its conditions, climate, and other strategic factors.

In addition to the pragmatic pragmatics of forced conversion, the revolts of the years between 1499 and 1501 led to a profound reform of the defensive system of Granada and, above all, of its financing. The dissatisfaction of the *Moriscos* with the tax burdens they had to bear, which financed most of the expenditure, left the Monarchy with two options: either to eliminate the taxes paid only by the *Moriscos* or to make them universal, extending them to Christian subjects as well. Given that the Monarchy could not do without the resources that paid for the important expenses of the coastal defence of Granada, it opted for the universalisation of the tax, which was made official through a royal provision of 22 June 1501. The tax change was justified on three grounds: the depopulation of some coastal areas, the dependence of the interior on the coast for its maintenance and security and, finally, the need to increase the number of defence personnel and installations, which was done with the ordinance of 1 August 1501, which increased the number of towers to seventy, with more than 160 people in charge of manning them.

CHAPTER III

DYNASTIC CHANGE AND RELIGIOUS PARADIGM IN THE 18TH CENTURY

1.- The Inquisition at the Turn of the Century and the Succession Conflict

With the death of Carlos II of Habsburg without progeny, on November 1, 1700, and having also died on February 6, 1699, the one who had been designated his heir, José Fernando de Baviera; the succession dispute to obtain the Spanish throne began. The options will be the Duke of Anjou and Archduke Charles of Austria. He will be the first, from the House of Bourbon, who will be proclaimed king of Spain with the name of Felipe V, on November 24, 1700, under the will of the deceased king. Despite this, on May 15, 1701, the War of the Spanish Succession formally began, a conflict with important international implications, to such an extent that, during its first years, it developed fundamentally outside Spain¹⁴⁸. In the interior of the country, until the summer of 1705, Felipe V reigned unopposed, but from that moment the uprising of the people from Valencia and Catalonia occurred in favour of the Archduke Charles of Austria. The conflict ended in 1713, when the *austracistas* surrendered to the bourbon side.

Felipe V¹⁴⁹ set out on a trip to Spain as soon as he was proclaimed king, taking with him the advice of his grandfather, the French king Louis XIV, regarding the Spanish monarchy:

¹⁴⁸ Felipe V himself led his troops in a battle outside Spain at Luzzara. For more information you can read MARTÍNEZ PEÑAS, L., “La Casa Real de Felipe V en la jornada de Italia”, LABRADOR ARROYO, F., y GAMBRA RODRÍGUEZ, A., *Las Casas de la monarquía hispana: La Casa de Castilla*. Madrid, 2010.

¹⁴⁹ BAUDRILLART, A., *Philippe V et la cour de France*, Paris, 1889.

*That he should modify in Spain as few things as he could and keep in his office anyone who did not show himself closed enemy, who preserved the whole machine of the previous reign, who did not put the French before the Spanish, and was prudent especially with the Inquisition, so attacked by these, seeking only to moderate their excesses.*¹⁵⁰

The jurisdictional conflicts between the royal power and the inquisitorial one were protagonists in the last years of the seventeenth century, being especially relevant in this sense, the report elaborated by the *Junta Magna*¹⁵¹, on May 21, 1696, document requested by the monarch himself on the occasion of “[...] *ser tan repetidos los embarazos que ocurrían en todas partes entre inquisidores y jueces reales sobre puntos jurisdiccionales y uso de privilegios que producían ya daños considerables contra la quietud de los pueblos y administración de Justicia [...], por lo cual encargaba formar un regla fija individual y clara que previese tales resultas, y dejase respetable el tribunal de la Inquisición sin entrometerse los inquisidores en cosas y materias ajenas de su instituto*”, but that would not imply a reform of the Inquisition.¹⁵²

These jurisdictional confrontations also occurred at the beginning of the reign of Felipe V, who maintained an intense struggle with the Grand Inquisitor, Baltasar Mendoza y Sandoval¹⁵³, who will try to limit the royal and Supreme Inquisition authority over their management and seek support in their struggle in the papacy. The main reason: the Grand Inquisitor’s closeness to the interests of Charles of Austria¹⁵⁴. There are many others, such as the case of confessor Froilán Díaz, *the resignation of different positions in the Supreme Inquisition*, the naming of councillors¹⁵⁵, etc.

¹⁵⁰ VOLTES, P., *Felipe V, fundador de la España contemporánea*. Madrid, 199, p. 28-31. This is also the opinion of Llorente: that the king protected the Inquisition on the recommendation of his grandfather. LLORENTE J. A., *Historia crítica de la Inquisición en España*, vol. IV, Madrid, 1981, p. 50. Part of the correspondence between the Spanish monarch and the French can be seen in BERNARDO ARES (DE). J. M., ECHEVERRÍA PEREDA, E. y ORTEGA ARJONILLA, E., *De Madrid a Versalles. La correspondencia bilingüe entre el rey sol y Felipe V durante la guerra de Sucesión*. Barcelona, 2011.

¹⁵¹ The *Junta Magna* was composed of two councillors of state, two from Castile, two from Aragon, two from Italy, two from the Indies, two from *Órdenes* and a secretary from the king, senior officer of the Northern Secretariat of State. There was no member of the Supreme Inquisition, and the Grand Inquisitor did not participate. LLORENTE, J. A., *Historia crítica de la Inquisición en España*, vol. IV, Madrid, 1981, p. 38.

¹⁵² LLORENTE, *Historia crítica de la Inquisición en España*, pp. 38-39.

¹⁵³ Mendoza acceded to the generalate on December 3, 1699, as a result of the death of his predecessor Rocabertí in June 1699 and of his successor Alonso de Córdoba y Aguilar.

¹⁵⁴ SOLÍS, J., “La organización del Santo Oficio y el nombramiento de inquisidor general por el archiduque Carlos (1709-1715)”, *Hispania*, LXV/2, num. 220 (2005), p. 522.

¹⁵⁵ Regarding the advisors of the Supreme both during the reign of Philip V, and throughout the eighteenth century can be seen the different publications of Professor Ricardo Gómez-Rivero, among them “Consejeros de la Suprema de Felipe V” *Revista de la Inquisición*, n.º. 4, 1995, pp. 133-175. “Los Consejeros de la Suprema en el siglo XVIII”, *Revista de la Inquisición*, n.º 7, 1998, pp. 165-224. As

The monarch, before his arrival in Madrid, had dismissed the Grand Inquisitor, but Rome did not allow him, stating that the office depended on the Holy See and only the Pope could dismiss him, so Mendoza continued in office for years, but, due **to his bad relations with both the king and the Supreme Inquisition, he was relegated** to the effective decision-making process throughout his generalship.

The result of this struggle were the numerous documents and interventions of the monarch himself that show a clear tendency to tip the balance of the jurisdictional pulse towards the royal side: in August 1702, the Supreme Council issued an opinion in favour of the *regalismo*¹⁵⁶ and the supremacy of the royal jurisdiction during the resignation of Juan José de Tejada, councillor of the Supreme Inquisition. Again, in December 1702, a confrontation broke out between the Supreme Inquisition and the Grand Inquisitor, before which the king himself intervened through a decree of May 27, 1703, noting that the royal power was superior to that of the Grand Inquisitor.¹⁵⁷

A new clash occurred during the trial of Froilán Díaz. The Grand Inquisitor, in October 1703, appealed to the Pope to defend the right of the Holy See to hear and rule in cases of faith, accusing the Council of introducing royal power in the knowledge of such causes. The king, for his part, went to the council of Castile to issue a verdict on the roles of the process to Froilán Díaz¹⁵⁸ and other actions of the Grand Inquisitor. The conclusions were that the councillors of the Supreme Inquisition had a decisive vote in matters of justice, and the Grand Inquisitor lacked a casting vote. The *breves pontificios* determined that the Grand Inquisitors should exercise apostolic jurisdiction “together with their representatives or councillors”. The Grand Inquisitor “usurps” the royalties of the monarch by depriving ministers of the King of their course, such as the ministers of the Supreme Inquisition.¹⁵⁹

The tension decreases during the next generalship. On March 24, 1705, a *breve pontificio* priest appointed the Bishop of Ceuta, Mr. Vidal Marín, new Grand Inquisitor. Although after the previous convulsive confrontations, the Pope asked the new Grand Inquisitor to reaffirm the papal¹⁶⁰ position and keep the Supreme Inquisition subordinate to the papacy. Vidal Marín remained in office until 1709.

With the next Grand Inquisitor, Antonio Ibáñez de la Riva Herrera, who took office on April 28, 1709, the conflicts of jurisdiction that were resolved again with

well as ESCUDERO, J. A., “Inquisidor General y Consejo de la Suprema: dudas sobre competencias en nombramientos”, *Perfiles jurídicos*, pp. 532-553.

¹⁵⁶ HERA (DE LA), A., El regalismo borbónico, ESCUDERO, J. A., *La Iglesia en la historia de España*, Madrid 2014, pp. 645-660.

¹⁵⁷ GALVÁN RODRÍGUEZ, E., *El Inquisidor General*. Madrid, 2010, pp.423-427. The most important aspects about the letters between the Supreme and the Grand Inquisitor is summarized in p. 427 y ss.

¹⁵⁸ MARTÍNEZ PEÑAS, L. *El confesor el rey en el Antiguo Régimen*, Madrid, 2007.

¹⁵⁹ GALVÁN RODRÍGUEZ, E., *El Inquisidor General*, pp.430-431.

¹⁶⁰ GALVÁN RODRÍGUEZ, *El Inquisidor General*, pp.432-437.

a positive balance in favour of the royal jurisdiction continued. After his term of office¹⁶¹, the position of Grand Inquisitor became vacant for a year and a half as a result of the war. Then, the inquisitor Iudice will take office on March 7, 1712, who, unlike the two previous ones, will be known for his closeness to the pontifical positions. Francisco Iudice revealed himself as one of the strongest defenders of ecclesiastical immunities against the purposes of their limitation by the royal power. This was one of the reasons why he was dismissed and expelled from Spain.

In order not to stray too far from the object of study in this article and without going into specific questions, beyond what has already been said, it is fair to say that the conflicts between royal and inquisitorial jurisdiction were constant at the end of the 17th century and will remain so during the 18th century, without this entailing a serious bankruptcy in the institution, although some authors like Llorente saw in it an attempt to suppress it.¹⁶²

2.- Positioning for Conflict

The Inquisition inclined in a generalized way towards the bourbon side within the succession conflict, this was especially evident from the generalship of Vidal Marín, because as seen previously, one of the main reasons for the confrontation between the previous Grand Inquisitor, Baltasar Mendoza and Felipe V, was the closeness of the former to Carlos of Austria as a candidate for the Spanish throne. Since the assumption of the office by *Marín*, in March 1705, the Grand Inquisitor took many measures to make effective this fidelity to the king, because the inquisitorial courts, dispersed throughout the national territory, made it possible to obtain information and to have organs to execute orders for the benefit of the monarch. Galván points out as an example, the accusation made by the inquisitor himself to the court of Granada in June 1705 for not having reported a revolt and asks information on everything that “[...] *aparezca pueda importar al real servicio.*” It is urgently recommended that inquisitorial servants show scrupulous adherence to the monarch.¹⁶³

On the two occasions when the Archduke’s troops arrived in Madrid, both the Grand Inquisitor and the Supreme Court and part of the Inquisition’s court moved. In June 1706, first to Guadalajara and then to Burgos, and again in 1710, this time to Valladolid and later to Vitoria, from where they returned in early February of the

¹⁶¹ GALVÁN RODRÍGUEZ, E., “Las vacancias del Inquisidor General”, *Revista de la Inquisición*, nº. 14, 2010, pp. 47-106.

¹⁶² Llorente collects six attempts to suppress the Inquisition only in the 18th century. (LLORENTE., *Historia crítica de la Inquisición en España*, pp. 117-118.)

¹⁶³ GALVÁN RODRÍGUEZ, *El Inquisidor General*, pp. 447.

following year¹⁶⁴. These displacements, related to the area of influence of one or the other candidate, did not take place only in the capital: also in Valencia, which fell into the hands of the Archduke in September 1706¹⁶⁵; in Zaragoza that same year¹⁶⁶ and in Barcelona in 1705, there is news of the abandonment of the seats of the court by the staff of the same¹⁶⁷. In the case of Barcelona, most of the court staff left the city with the viceroy, remaining in charge of protecting the archive, Secretary Manuel Viñals and commissioner Joseph Tolrá¹⁶⁸. The Grand Inquisitor and the Supreme Inquisition proposed that the court could be established in Barbastro, so that it could continue to act from there, but this measure was not performed¹⁶⁹. Before this flight, the Archduke Carlos appointed a committee, which he titled Royal State as regards Catalonia, for which he chose subjects from the three estates. On October 28, he made the decree of his formation which lasted until December 5, giving twelve points on which he wanted to be advised. Among them, the eleventh said:

*“Que se le representasen desde luego todos los medios que deberían practicarse y establecerse para la observancia inalterable de la religión, habiéndose ausentado los inquisidores”.*¹⁷⁰

¹⁶⁴ GALENDE DÍAZ, J. C., “El Santo Oficio durante la Guerra de Sucesión”, *Cuadernos de Investigación Histórica*, 11, 1987, pp. 154-155.

¹⁶⁵ In Valencia, at the beginning of 1706 (on January 2), the inquisitors and the secretary of the Inquisition Court ‘were absent, following the party of King Felipe’, accompanying the archbishop and followed by many of the members of the audience ‘and of greater number of the first hierarchy of nobility’. The inquisitors were Mr. Juan de Latorre and Mr. José Taracón; the secretary who left with them was Mr. Carlos Albornoz. (SOLÍS, “La organización del santo oficio y el nombramiento de inquisidor general por el archiduque Carlos (1709-1715)”, pp. 517-518).

¹⁶⁶ In Zaragoza, the abandonment of the capital of the kingdom of Aragon by the inquisitors would have occurred, according to Castellví, in a similar way, quoted in *SOLIS*, “The organization of the Holy Office and the appointment of Inquisitor General by Archduke Carlos (1709-1715)”. SOLÍS, “La organización del Santo Oficio y el nombramiento de inquisidor general por el archiduque Carlos (1709-1715)”, p. 518.

¹⁶⁷ The Inquisitors Pedro de Soto and Antonio Rivero, after a series of letters to the Council expressing the difficulties and fears they had to perform their duties, rushed out of the city. Castellví review of Catalonia in 1705: “The inquisitors and all the bishops were absent except the archbishop of Tarragona and bishop of Solsona” openly supporters of the archduke. (MARTÍNEZ MILLAN, J., “La Inquisición en Cataluña durante el siglo XVIII. ¿Una institución en crisis?”, *Pedralbes: Revista d’historia moderna*, nº 4, 1984, p. 72.) Castellví said about Catalonia in 1705: «Se ausentaron los inquisidores y todos los obispos a la excepción del arzobispo de Tarragona y obispo de Solsona» abiertamente partidarios del archiduque. (CASTELLVÍ, F. (de), *Narraciones históricas*, vol. I, Madrid, 1997, p. 556). Lists them specifically: *Don Pedro de Soto, don Antonio Romero y el secretario don José de Alba, fray don José Oliver, abad de Santas Cruces, don Francisco Taverner, abad de San Felix de Gerona*. (CASTELLVÍ, *Narraciones históricas*, p. 620.)

¹⁶⁸ SANTIAGO MEDINA, B., “Manuel Viñals de la Torre y el archivo de la inquisición de Barcelona (1705-1723)”, *Revista General de Información y Documentación*, 2005, vol. 15, núm. 2, pp. 157-183.

¹⁶⁹ SOLÍS, “La organización del Santo Oficio y el nombramiento de inquisidor general por el archiduque Carlos (1709-1715)”, p. 519.

¹⁷⁰ Its composition and the reasons for its dissolution can be seen respectively in CASTELLVÍ, *Narraciones históricas*, p. 621 y p. 599.

The archduke also tried to put the Inquisition on his side. The day after the arrival of his troops in Madrid, on June 28, 1706, signing as king, he appointed two inquisitors and a prosecutor, exercising a power that did not belong to the king, but to the Grand Inquisitor, to continue the work of the tribunal of the Holy Office in Barcelona¹⁷¹. In addition, he asked Vidal Marín to rejoin his position in Madrid, but the Grand Inquisitor reiterated his loyalty to Felipe V¹⁷². On his return to Madrid in September, the Grand Inquisitor once again informed the courts to resume the usual procedure for the handling of cases, both in the ordinary office, as in the request for reserved reports about the inquisitorial servants “*que en alguna manera hubieren faltado al cumplimiento de la obligación de buenos vasallos del Rey*”. This order corresponded to the royal decree of September 16, 1706, which provided for the punishment of the organizations that did not obey the order to evacuate and of the ministers who acted under occupation of forces loyal to Charles of Austria, the positions they occupied being declared vacant.

Support for Felipe V also manifested itself through documents issued during the war, calling Archduke Charles’s supporters enemies, as well as through the general edict issued by the Supreme Inquisition in 1706 requesting penitents to report religious who in the act of confession induced or justified the violation of the oath of fidelity given to Felipe V¹⁷³. The orders to the courts were clear: in case of arrival of the enemies do not leave the seat of the court “until the enemy expels you from it”, nor exercise jurisdiction on behalf of any other prince. Marín claims that the prosecution of the dissident ecclesiastics to the bourbon cause is not subject to inquisitorial cause, but the king so orders and must be obeyed, thus on June 15, 1707, he communicated to the Courts of Valencia and Aragon the royal order that one of his inquisitors should act as a judge in cases brought against dissenting ecclesiastics, but with limits (not to use the prisons of the Holy Office or its ministers for the actions to be made).¹⁷⁴

The bourbon support found a fissure on January 19, 1709, when Pope Clement XI signed a treaty with Emperor José I in which he recognized Archduke Charles as Catholic King with identical rights to those of King Felipe in the succession of the Spanish monarchy. Felipe V’s reaction was the immediate protest through his ambassador the Duke of Uceda; the expulsion of the nuncio of His Holiness; the order of return to the Spaniards residing in Rome, including the ambassador, the closure of the Nunciature court and the prohibition of any contact with Rome, any commercial transaction or any remittance of money to the city. Besides, any document from

¹⁷¹ Miguel Calderó, Joseph Bosch and Agustín de Ramoneda as prosecutor. (MARTÍNEZ MILLÁN, J., “La Inquisición en Cataluña durante el siglo XVIII. ¿Una institución en crisis?”, p. 73.)

¹⁷² GALVÁN RODRÍGUEZ, *El Inquisidor General*, pp.450- 451.

¹⁷³ EGIDO, T., “Los hechos y las actividades inquisitoriales” en PÉREZ VILLANUEVA, J., y ESCANDELL BONET, B., *Historia de la Inquisición en España y América*, vol. I. Madrid, 1984, pp. 1232-1233.

¹⁷⁴ GALVÁN RODRÍGUEZ, *El Inquisidor General*, pp. 453-455.

Rome would immediately pass into royal hands. Diplomatic relations with the Holy See are thus broken.¹⁷⁵

In addition, at the end of the same year, on November 16, 1709, Felipe V failed in the attempt to obtain the *breve pontificio* of Clement XI confirming the Bishop of Cuenca, Mr. Miguel del Olmo, as the new Grand Inquisitor, replacing the Archbishop of Zaragoza, Mr. Antonio Ibáñez de la Riva Herrera. When, in September 1710, Ibáñez de la Riva Herrera finally died and the office of Grand Inquisitor became vacant, Archduke Carlos exercised his supposed power to propose the appointment of a new inquisitor, which he did in the person of the Bishop of Barcelona, Benito Sala¹⁷⁶. The fact of being this prisoner in Avignon by mandate of Felipe V prevented, in practice, his naming,¹⁷⁷ so that the Archduke made another proposal in the person of Manuel Senjust y de Pagés, Bishop of Vic, to whom his *breve pontificio* of naming was granted in April 1711.¹⁷⁸

The Court of Barcelona, despite having obtained the *breve pontificio* of naming of Senjust, did not execute him, claiming that it was always the idea that Sala exercised that office. Thus, they lost the opportunity to launch a new Inquisition separate as in its beginnings, from the Castilian and to reinforce the contrary opinion of those who made see in the war of succession a fight against heretics: English, Dutch and Germans who were the Archduke's supporters, in addition to giving priority to the establishment of a historic institution. In any case, in 1712, once the compromise of the bourbon liberation of Sala had been reached, he requested it again.

On October 22, 1712, the pontifical Secretary of State, Fabricio Paulucci, sent the *breve pontificio* to the nuncio of His Holiness in Barcelona with the naming of the Bishop of Barcelona as Grand Inquisitor, for the domains and kingdoms of Spain possessed by the emperor. Of the existing district courts, only those in Barcelona, Mallorca and Sardinia, then under the sovereignty of King Charles,

¹⁷⁵ SOLÍS, "La organización del Santo Oficio y el nombramiento de inquisidor general por el archiduque Carlos (1709-1715)", p. 526.

¹⁷⁶ This was not the first time that the archduke had tried to obtain the naming document in favour of the bishop of Barcelona, already in March 1709, when the vacancy occurred for the death of the inquisitor Mr. Vidal Marín. The question of the appointment of Inquisitor General by Charles of Austria had already been addressed in the courts of Catalonia in 1705/1706. They called for the elaboration of specific regulations regulating the nature requirement for the performance of the job of Inquisitor General. Specifically, the courts asked for the alternation in office between natives of the crown of Castile and natives of the crown of Aragon and, in turn, alternation for the provision of jobs of the crown of Aragon between people from Aragon, Catalonia and Valencia. The estates also asked King Charles that the first inquisitor general to be appointed be a native of the principality of Catalonia.

¹⁷⁷ Benito de Sala and Caramany, were called to court due to their support to Charles of Austria. (CASTELLVÍ, Narraciones históricas, pp. 561-562.) Sobre su encarcelamiento también puede verse FELIÚ DE LA PEÑA, N., *Anales de Cataluña y epílogo breve de los progresos, y famosos hechos de la nación catalana*, Vol. 3, Barcelona, 1709, p. 581.

¹⁷⁸ SOLÍS, "La organización del Santo Oficio y el nombramiento de inquisidor general por el archiduque Carlos (1709-1715)", p. 531.

would be subject to its authority. This new *breve pontificio* was issued on condition that it was not published until Bishop Sala had re-entered his diocese and was to be retained by the nuncio until that time, who was to pick up the previous *breve pontificio* dispatched to Senjust and send him to Rome, because there could not be two *breves* for two different people to hold the same position. However, the *breve pontificio* of Grand Inquisitor in favour of the Bishop of Barcelona did not give himself up, as stated in a letter dated June 10, 1713, from the pontifical Secretary of State to the Nuncio in Barcelona.¹⁷⁹

It was not the archduke's only aspiration to appoint a Grand Inquisitor for his domains, but his administration also considered the need to form its own Supreme Council. On July 26, 1711, the Secretary of State of King Charles raised a list of ministers and officers to perform these functions¹⁸⁰. Its constitution, however, like the appointment of the remaining positions, remained dependent on the previous provision of the post of Grand Inquisitor, who had powers with regard to the naming of the majority of the personnel associated with the Holy Office.

Despite the attempts of the Archduke, the struggle of the *breves pontificios* was won by Felipe V, the *breve pontificio* of naming of Cardinal Iudice was issued on June 2, 1711, nine months after the death of Ibáñez de la Riva Herrera, although it would still take time until Iudice's inauguration. In total, the vacancy in the post of Grand Inquisitor lasted one and a half years. Iudice took office as Grand Inquisitor on March 7, 1712, beginning a mandate also marked by the circumstances of the war.

The last stronghold of the supporters of Archduke Charles of Austria in Barcelona, finally capitulated to the bourbon troops on September 12, 1714. It was time to restore the court of Barcelona. Fifteen days later, the secretary of that court, Manuel Viñals de la Torre, informed the Supreme Inquisition about the state of the institution during the occupation, revealed the difficulties suffered and justified his defence of the institution. In any case, the Supreme Inquisition together with the Grand Inquisitor decided to send new personnel, restore the headquarters as well as try to recover what was not collected during the war, it will not be an easy task, because what was owed involved important sums.¹⁸¹

¹⁷⁹The author also highlights the harsh persecution, which in his opinion was submitted to the Bishop of Barcelona by King Philip, who suffered exile from his diocese in Madrid and prison, first in Bayonne and Bordeaux, and then, thanks to the intercession of His Holiness, prison in Avignon. (SOLÍS, "La organización del Santo Oficio y el nombramiento de inquisidor general por el archiduque Carlos (1709-1715)", p. 533.)

¹⁸⁰ Those proposed for the Inquisition Council of King Carlos were Don Martín de Viñuales, Don Lorenzo Tomás y Costa, Don Jorge Truyols, Don Pedro de Castro, Doctor Ivo Casañas, Don José Hualte and Fray Maestro Domingo Pérez. Biographical reference of each of them on this page and following. (SOLÍS, "La organización del Santo Oficio y el nombramiento de inquisidor general por el archiduque Carlos (1709-1715)", pp. 534-535.)

¹⁸¹ MARTÍNEZ MILLÁN, "La Inquisición en Cataluña durante el siglo XVIII. ¿Una institución en crisis?", *Pedralbes: Revista d'història moderna*, n° 4, 1984, p. 74.

3.- Functional Issues

Economic and Personnel

The inquisitorial treasury was administered autonomously from the state treasury from the mid-16th century¹⁸². Therefore, it was necessary to grant the courts, which would see their accounts supervised by the Council of the Inquisition, sources of income for their own maintenance: confiscations, penalties, penances, canonries, etc. Some courts managed to support themselves, and even administer surplus wealth, while others needed royal help, through the granting of rents, annuities, or the transfer of agricultural properties from the Crown; or ecclesiastical help, since the pontiff could also grant some income. In any case, during the second half of the 17th century the finances of most of the courts entered a crisis that would last until the new century and that during the period of the Succession War, as is logical in a situation of armed conflict, did not find great economic support from the monarchy. In order to resolve the situation, other solutions should be sought.

Thus, it can be said that the war did not cause the Inquisition's own situation of financial dearth, but it aggravated it since it is not the best time to allocate monetary resources for purposes other than the war. This will have consequences after the end of the conflict.¹⁸³

The new century, as already seen, began with the difficult relations between the Inquisitor Mendoza and Felipe V. Therefore, in the decree of May 27, 1703, with which the monarch intended to end the will of Mendoza and limit its power, would also have economic consequences, since it also aimed to reduce the expenses of the institution by cancelling the designations made by the Grand Inquisitors without the obligation to serve; the prohibition on the Grand Inquisitor to retire with salary any servant of the courts, without obtaining prior authorization from the King; and to grant *ayudas de costa*¹⁸⁴ or similar aid for sums exceeding thirty ducats, and for the smaller ones it was required that they be signed by the Grand Inquisitor and the members of the Supreme.¹⁸⁵

During the generalship of Mendoza, in 1704, it will be also launched the reform that devised the Inquisitor Diego Sarmiento Valladares in 1677. On July 30, 1704,

¹⁸² MARTÍNEZ MILLÁN, *La Hacienda de la Inquisición (1478-1700)*, Madrid, 1984.

¹⁸³ Galende Díaz believes that once the war is over, the problem will become even worse, giving data as far back as 1726. (GALENDE DÍAZ, "El Santo Oficio durante la Guerra de Sucesión", p. 160.

¹⁸⁴ An incentive whose collection was conditional on the court's work being carried out diligently and effectively. It was to be approved by the Supreme and throughout the entire history of the Inquisition, the petitions of the courts to the Supreme were constant to grant them the *Ayuda de Costa*. Visto el 8-07-14 en recurso electrónico <http://www.gabrielbernat.es/espana/inquisicion/ie/organizacion/financiacion/financiacion.html>

¹⁸⁵ GALVÁN RODRÍGUEZ, *El Inquisidor General*, pp.428-429.

the Supreme presented a remembrance to Felipe V, in which he stated his lack of economic resources, as well as the shortage of the various inquisitorial tribunals, requesting the formation of a Board of Ministers that could provide solutions to this deficiency. The monarch avoided the matter and responded to the petition by proposing that the Council itself should seek solutions, while requesting information about how resources were administered. The results led the Supreme to draw negative conclusions: that the confiscations of goods had been reduced in recent years “*debido a la cautela y astucia de los judíos que vivían temerosos de ser apresados por el Santo Oficio*” that they had no more income than the ecclesiastical ones (canonries, curacies, subsidies of the bishoprics...etc.) and some annuities and censuses that had stopped being paid because of the war, being so high the amounts owed that the taxpayers could not pay them; and finally, the penalties and penances were useless on this matter because of their low economic relevance.¹⁸⁶

As a solution, the Supreme proposed to eliminate the unnecessary expenses, reducing them to those essential to carry out its work. Therefore, the consideration, as Valladares had already done in 1677, to reduce the number of officers was contemplated and stated that: the seats of the Council should be eliminated, as they become vacant, to be reduced to eight ministers; when the position of Chief Clerk of the *Contaduría General* and that of the *Depositario General* of the same Council becomes vacant, the bonuses or grants of lifetime annuity which, previously, the Grand Inquisitors had granted to these two servants; in the Inquisition’s Court there was only one inquisitor and three secretaries; the vacancies of inquisitors and secretaries were filled by the transfer of officers from other tribunals; that no new designations could be granted until the reduction of positions required by the reform was achieved, in that way, if an increase in the number of staff is deemed necessary in any court, servants of other courts may come to assist them on a temporary basis, paying for their travel and the consequent help for the expenses; and finally, if there was a need to increase the number of ministers or to increase the salary of some, the Grand Inquisitor would consult the Council and report it to the King before carrying it out.¹⁸⁷

During the generalship of Vidal Marín, many other economic austerity measures were implemented. Firstly, the new Grand Inquisitor wanted to know what funds were available, so he sent a communication to all the courts in June 1705, requesting a detailed and exhaustive report on the status of his accounts. The conclusions were bleak once again: the salaries owed to the servants of the Holy Office increased and the incomes suffered serious delays, so the king was asked for help. On this occasion, the response was more favorable than during the previous generalship, the king granted an extension of one year in the sums that the Supreme had to contribute

¹⁸⁶ DOMÍNGUEZ SALGADO, M^a. P. (del), “Inquisición y Guerra de Sucesión (1700-1714)” on *Espacio, Tiempo y Forma, Serie IV, H^a. Moderna*, t. 8, 1995, pp. 176-178.

¹⁸⁷ DOMÍNGUEZ SALGADO, “Inquisición y Guerra de Sucesión (1700-1714)”, p. 177.

to the royal treasury although he continued to influence austerity: “*por ninguna causa se puedan aumentar oficios, concede sobresueldos o ayudas de costa, sin que se me dé cuenta y yo lo resuelva*”¹⁸⁸. What has been said so far redounds to a loss of the Grand Inquisitor’s power since he could not take decisions of an economic or personal nature without the approval of the highest collegiate body of the institution and the will of the sovereign.

In 1706, the monarch requested by decree a list of the number of ministers who existed in the courts, as well as their titles, ages, places of origin and the time they had occupied the post. Furthermore, as he monitored the personnel and accounts of the Inquisition, he controlled its ideological and political influences, becoming an institution subordinated and managed by the king¹⁸⁹. The next two generalships, during the war, were also marked by lack of funds and by austerity measures, such as the accumulation of trades without granting new wages¹⁹⁰ or recovering the sale of trades.

In any case, it was not the measures related to the reduction of the staff that were adopted that tried to improve the accounts of the Inquisition¹⁹¹, there were other extraordinary ones. In January 1708, it was decided by an agreed letter that all expenses incurred by the prisoners should be paid with their property¹⁹². A similar measure was taken by the Supreme in November 1709, whereby from that moment, both food and other expenses incurred by the imprisoned religious were to be satisfied by the convent to which they belonged.

If what we have seen so far had as its main objective the improvement of inquisitorial accounts, in another section we should consider those decisions whose aim was the collaboration between this institution and the monarch to support the war. Felipe V ordered the servants of the Holy Office to hand over five percent of their salaries to the War Treasury and on October 18, 1707, he issued a decree requesting a “*donativo gracioso y voluntario*” to all his vassals. The donation was also requested to the ecclesiastics “*aunque sin obligarles a dar cosa alguna por fuerza, en común ni en particular. Pero los seglares han de dar todos alguna cosa precisamente, aunque sea de corta entidad*”. As the conflict progressed the amount

¹⁸⁸ GALVÁN RODRÍGUEZ, E., “El inquisidor general y los gastos de la guerra”, en MARTÍNEZ PEÑAS, L. y FERNÁNDEZ RODRÍGUEZ, M., *De las Navas de Tolosa a la Constitución de Cádiz. El ejército y la guerra en la construcción del Estado*, Valladolid, 2012, pp. 218-219.

¹⁸⁹ DOMÍNGUEZ SALGADO, “Inquisición y Guerra de Sucesión (1700-1714)”, p. 179.

¹⁹⁰ GALVÁN RODRÍGUEZ, *El Inquisidor General*, pp. 461-462.

¹⁹¹ Despite these attempts to reduce the number of officers Galende Díaz tells us that the number of public workers will increase until mid-century. (GALENDE DÍAZ, “El Santo Oficio durante la Guerra de Sucesión”, p. 159.)

¹⁹² This provision was amended in 1721. It was well established that no prisoner’s property could be disposed of until there was a final judgement in the case. (GALENDE DÍAZ, “El Santo Oficio durante la Guerra de Sucesión”, p. 159.)

will be increased, on July 27, 1709, the Supreme was ordered to immediately pay ten percent of the salaries of its ministers, but the treasury was empty and the Council had no effects to pawn, not even to borrow money.¹⁹³

For all these reasons, it cannot be said that the War of Succession is at the origin of the financial problems of the Inquisition, although if it aggravated them due to the lack of help from the Crown, the difficulty of collecting the income due and even the need of the monarch himself who requests extraordinary help from the institution. This situation will continue years after the war. Therefore, the financial situation of the Holy Office took a long time to recover because when the Inquisition decided to collect the incomes, which had stopped being paid because of the war, the sums were so high that taxpayers could not pay. We will have to wait until the second half of the century to see the Holy Office emerge from this situation and reach economic surpluses that allowed them to rebuild the wealth of the courts.¹⁹⁴

Regarding the personnel, apart from the reduction in the number of members and salaries of the inquisitorial system, the actions carried out during this period tended to give the institution an exemplary operational look. Therefore, the aim was to curb the commission of certain abuses or corruption that could undermine their image. In May and June 1705, the Council of the Supreme, consulted by the Grand Inquisitor, sent letters to all courts regarding the provision of commissioners, relatives and notaries. It was ordered that, in order to provide new officers, the good habits of the petitioners be thoroughly studied; the Grand Inquisitor should be consulted, since he is the one who has competence in matters of designations; the numbers of officers should be respected, and the inquisitors and their entourage should not admit gifts.¹⁹⁵

During the war, Galende Díaz points out that there was a notable increase in the number of confessors who applied. However, apart from the chaos inherent in the conflict, it is difficult to find a link between the phenomenon and the War of Succession. In favor of the absence of such a relationship is the fact that the phenomenon survived for the rest of the century, with 4,000 cases prosecuted by the Inquisition throughout the 18th century. In this sense, the Council of the Supreme issued different edicts and instructions to solve it, which consisted in the elaboration of rules on how the confessionals should be and the petition to all women who had been requested to file a lawsuit against the applicant.¹⁹⁶

¹⁹³ GALVÁN RODRÍGUEZ, “El inquisidor general y los gastos de la guerra”, pp. 220 y ss.

¹⁹⁴ MARTÍNEZ MILLÁN, “La Inquisición en Cataluña durante el siglo XVIII. ¿Una institución en crisis?”, pp.69-70.

¹⁹⁵ GALVÁN RODRÍGUEZ, *El Inquisidor General*, pp. 439-440.

¹⁹⁶ GALENDE DÍAZ, “El Santo Oficio durante la Guerra de Sucesión”, p. 159.

Number of causes

During the war, the Holy Office continued to perform its functions relating to the orthodoxy of the faith, but its intervention had to be more limited than in the years before and after the war. This is demonstrated by Galende Diaz through the following graph about the auto-da-fe that took place on that date¹⁹⁷. These data should be seen while we keep in mind that other types of convictions are not covered. It was not until the 1720s that the figures began to rise again to the hundreds.

| YEAR | NUMBER OF PENITENTS in autos-da-fe |
|-------------|---------------------------------------|
| 1701 | 101 |
| 1702 | 84 |
| 1703 | 16 |
| 1704 | 41 |
| 1705 | 40 |
| 1706 | 23 |
| 1707 | 8 |
| 1708 | 4 |
| 1709 | 19 |
| 1710 | 14 |
| 1711 | 6 |
| 1712 | 19 |
| 1713 | 9 |
| 1714 | 27 |

However, the conflict will also have other consequences: many trials were interrupted with the consequent detriment to the accused who stayed in prison longer and were neglected, certain proceedings¹⁹⁸, such as carelessness when copying the baptismal certificates of officers or the ones from suitors to relatives.¹⁹⁹

¹⁹⁷ The data is taken from *AHN*, Inquisition section, book 668 (GALENDE DÍAZ, “El Santo Oficio durante la Guerra de Sucesión”, p. 156).

¹⁹⁸ AGUILERA BARCHET, B., “La estructura del procedimiento inquisitorial. El procedimiento de la Inquisición española”, PÉREZ VILLANUEVA, J., y ESCANDELL BONET, B., *Historia de la Inquisición en España y América*, vol. II. Madrid, 1993. PÉREZ MARTÍN, A. “La doctrina jurídica y el proceso inquisitorial” ESCUDERO, J. A., *Perfiles jurídicos de la Inquisición española*, Madrid, 1986; MARTÍNEZ PEÑAS, L., “La convergencia entre brujería y herejía y su influencia en la actuación de la inquisición medieval”, en *Revista de la Inquisición (Intolerancia y Derechos Humanos)*, nº 23, 2019.

¹⁹⁹ GARCÍA CÁRCEL, *La Inquisición en el siglo XVIII*, on ESCUDERO, J. A., *La Iglesia en la historia de España*, Madrid 2014, p. 831.

4.- Censorship

Measures had also to be taken regarding censorship, as the war also had implications on this matter. The Grand Inquisitor Vidal Marín sent an agreed letter in December 1706, warning of the introduction of forbidden books and heretical catechisms in the Army due to the arrival of European troops to the Peninsula²⁰⁰. He wrote to the generals and lieutenants generals of the royal armies, so that by order of the king, catechisms and other books translated into Spanish which he feared had been introduced into the armies would be collected. The books should be handed over to the priests of the regiments and the latter to the commissioners and ministers of the Holy Office, for referral to the courts while warning the soldiers of the risks of reading them.²⁰¹

This censorship activity of a religious nature was usually carried out by the Inquisition, but during the War of Succession, outside the strictly spiritual realm, political censorship was also carried out in relation to all the works that were published in favor of the Archduke. One of them, called *el Anónimo*, prompted the Holy Office to make inquiries about its author, who ultimately appeared to be the Archduke himself.²⁰²

The Inquisition, in its censorship activity, had to see its actions increased due to new circumstances, such as the penetration of troops of different nationalities and the consequent introduction of prohibited books.

5.- Conclusions

The war affected the Inquisition in multiple ways, which made its consequences felt in the whole structure and inquisitorial activity.

Specifically, it provoked a confrontation between the king and the Grand Inquisitor Mendoza, due to his proximity to the side of Charles of Austria. This clash involved the reduction of the Grand Inquisitor's powers in favor of the Council of the Supreme, closer to the king²⁰³. In general, the measures carried out in connection with financial and appointment matters led to the reduction of the independence of the Grand Inquisitor from the Crown in successive generals, up to Iudice.

Moreover, Felipe V used the Holy Office for purposes not strictly related to the faith, but instrumentalized it for the political struggle against his rival. He uses

²⁰⁰ GALENDE DÍAZ, "El Santo Oficio durante la Guerra de Sucesión", p. 157.

²⁰¹ GALVÁN RODRÍGUEZ, *El Inquisidor General*, p. 455.

²⁰² DOMÍNGUEZ SALGADO, "Inquisición y Guerra de Sucesión (1700-1714)", p. 182.

²⁰³ RODRÍGUEZ BESNÉ, J. R., *El consejo de la Suprema Inquisición*, Madrid, 2000.

the Inquisition as an aid during the conflict in many ways, using its structure as an information network, by requesting the courts to gather information on possible revolts and conspiracies in favor of the Archduke. Moreover, it includes the persecution of clerics who supported Charles of Austria within the inquisitorial jurisdiction, claiming that Charles' allies are English and Dutch heretics, fundamentally, and that, therefore, supporting him is an attack on the Catholic Church and will use the censorship capacity of the Holy Office to censor political works that support his rival (exacerbated by the entry and diffusion of foreign troops on peninsular soil during the war) especially during the generalship of Vidal Marín. Given the whole life of Felipe V, all this seems to mean, as some authors²⁰⁴ point out, that this monarch had an instrumentalized vision of religion or even shows a utilitarian vision of a specific institution, the Inquisition.²⁰⁵

The war also affected the normal functioning of the Inquisition, generating longer vacancies among Grand Inquisitors due to problems between Spain and the Court of Rome, raised by the recognition of the Archduke borrowed by the papacy. The war fluctuations caused on numerous occasions the geographical displacement of the courts²⁰⁶ and their officers outside their boundaries. Overall, there was a delay in the proceedings initiated, which resulted in longer prison stays for prisoners, as well as in the neglect of certain procedural stages.

The War of Succession produced a worsening of an economic situation that was already in crisis at least half a century ago. Some of the effects the war had on the Inquisitorial Treasury were the ongoing expenditure and cost reduction projects, the Crown's lesser aid to inquisitorial finances and the Crown's claim of money for the Inquisition to finance part of the war's expenses. The Holy Office stopped receiving many of the incomes it had allocated, accumulating debts so great during the years of the war that, not even ended the conflict, the Inquisition was able to collect them, dilating its effective collection until mid-century.

Beyond all these issues, the war played a decisive role in the conservation of the institution in a context of general administrative reforms. Thus, Felipe V followed the advice of his grandfather Louis XIV because he feared that eliminating it in the middle of a war that had shades of civil war could arouse the rejection of the Spanish population and throw it in the arms of the Archduke. At a time when the army, the treasury, the central, legal and territorial administration were being reformed; the Inquisition underwent barely more changes than those directly demanded by the war.

²⁰⁴ KAMEN, H., *La Inquisición Española*, Barcelona, 1985, p. 303.

²⁰⁵ Egido talks about an Inquisition instrumentalized during the reign of Ferdinand VII. (EGIDO, T., *La nueva coyuntura*. PÉREZ VILLANUEVA, J., y ESCANDELL BONNET, B., *Historia de la Inquisición en España y América*, vol. I, Madrid, 1984, p. 1206.

²⁰⁶ For example, on 22 December 1705 the viceroy of Aragon informed the court of the Holy Office that he would abandon his location in the Palace of the Aljafería, that it would become a gunpowder store and move to the Palace of San Juan de los Panetes. GALVÁN RODRÍGUEZ, *El Inquisidor General*, p. 449.

CHAPTER IV

THE AWAKENING OF A DREAM: THE FERNANDINE REINSTALLATION OF THE OLD REGIME

1.- Political Repression after the Return of Ferdinand VII

As Luis Suárez Fernández once said, the years from 1814 and 1820 are inner war years in Spain, due to the lack of agreement between absolutists and liberals, the main factions into which the Spanish political scene was divided at the end of the War of Independence²⁰⁷. Moreover, this separation entailed several protests in terms of public order, which became evident swiftly as the Liberal Courts, while Ferdinand VII set out on a returning trip to Spain, instructed him the Oath of the Constitution of 1812 upon his arrival, as soon as possible²⁰⁸. On the other hand, the king did not seem to be as willing as the assembly had assumed and upon his arrival in Daroca, he met with the *Junta Política* in which the majority of those present were against the Oath of the Constitution by the sovereign. His absolutist position was made public when, on May 4, 1814, in Valencia, he signed a decree by which he refused to swear the supreme Cádiz norm and left without effect all that had been done by the Courts. However, he pledged, as soon as the order of the kingdom had been restored, to convene Courts of a statal nature, in accordance with the old rules and customs of the kingdom, that is to say, according to the model of the Ancien Régime.

²⁰⁷ SUÁREZ FERNÁNDEZ, L. *Historia general de España y América del antiguo al nuevo régimen hasta la muerte de Fernando VII*, Madrid, 1981, p. 338.

²⁰⁸ On February 2, 1814, the decree of the *Cortes* was approved, which established that the king would not be recognized as free, and therefore obedience would not be rendered until the senate of the national congress took the oath prescribed in article 173 of the Constitution. DE LOS RÍOS, *Código español del reinado...*, pp. 327-330.

The king had a large group of supporters, including the troops of General Elío and General Erguía, who was the captain general of Castile. Therefore, it was Erguía who, upon the arrival of the sovereign in Madrid, communicated, through the auditor of War, Patiño, to the president of the Cortes, Antonio Joaquín Pérez, the dissolution of the representative body. In the following days, the arrest of the most renowned representatives was ordered and there were detentions and captures of notable figures linked to the constituent process, such as those of the regents Pedro Agar y Bustillo or Gabriel Ciscar y Ciscar; likewise the arrest of ministers, such as Manuel García Herreros and José Álvarez Guerra, besides other personalities of the liberal faction. Those who voiced against the absolute monarchy were declared guilty of high treason, a crime punishable by death penalty²⁰⁹. Meanwhile, newspapers aligned with absolutist current of thought, such as *La Atalaya* or *El Procurador General*, exalted the spirit against the liberals in their pages.

According to Artola, from the most traditionalist point of view, the constituent work was a coup d'état. Thus, the first political process in the history of contemporary Spain commenced with its repression. The crime for which the accused representatives and notables were tried was the violation of law 2, 1st title, 3rd book and the titles 7th and 11th of the *Novísima Recopilación*, which referred to those who insulted the monarch, traitors and those who caused tumults, riots and popular commotion. The basis for the accusations was sought in the twenty-one volumes of the *Cortes'* journal of sessions, in witness statements and in the testimony of twenty former deputies.

Considering that the proceedings were extended beyond what was to his liking, since he could not find a basis for the trial, Ferdinand VII decided to constitute himself as the sole judge in the case and sentenced the trial on December 15, 1814. Fernández Golfín, Argüelles, Calatrava, García Herreros, Muñoz Torreros or Lorenzo Villanueva, among other individuals, were sentenced to different terms of exile or imprisonment, ranging from six to ten years. This was considered an authentic who is who of Spanish liberalism. They were accused of having attacked the sovereignty of Ferdinand VII and the rights and royalties of the throne to establish a democratic government, depriving him of his royal crown and the possession of his kingdoms²¹⁰. The crime they committed, which was once called *lese majeste*, made them political criminals.

Artola stated that the jurors of the Bonapartist period, who followed orders without discussing their origin or legality, had to face legal consequences for their performance during the War of Independence. Thus, by notice of the Ministry of Grace and Justice of May 30, 1814, all those who exercised political office or

²⁰⁹ BALLBÉ MALLOL, *Orden público y ...*, pp. 70-72.

²¹⁰ ARTOLA, *La España de Fernando VII*, Barcelona, 2008, pp. 409-410.

ecclesiastical dignity during the stay of the French in Spain²¹¹ were condemned to exile. The rule affected about twelve thousand families:²¹²

“Que los capitanes generales, comandantes, gobernadores y justicias de los pueblos de la frontera no permitan entren en España con ningún pretexto. 1º. El que haya servido al gobierno intruso de consejero ó ministro. [...]. 3º El general y oficial desde capitán inclusive arriba. 4º El que haya estado empleado por el intruso en algunos de los ramos de policía, prefectura, subprefectura o junta criminal. 5º. Las personas de título, y cualquier prelado ó persona condecorada con alguna dignidad eclesiástica [...]

Que los demás que no fueren de estas clases se les permita entrar en el reyno; pero no venir á la corte, ni establecerse en pueblo que estuviere á menos de veinte leguas de distancia de ella. Y allí y en cualquier pueblo adonde mudaren su residencia, se presentarán al comandante, gobernador, alcalde ó justicia, [...]

*A ninguno de estos se les propondrá para empleos ni comisión de gobierno de pública administración ni de justicia; ni los oficiales de inferior grado al de capitán ni los cadetes continuarán en sus empleos y uso de uniforme, ni de otro modo en la milicia. [...]*²¹³

This sentence of exile was revoked a few months later for military prisoners, as a rule published on September 2, 1814, established, to this effect, that:

“Condescendiendo con las insinuaciones que me ha hecho la Junta de Generales presidida por mi amado Hermano el Infante D. Carlos para que concediese un indulto a favor de todos los desertores sin circunstancia agravante [...]; he venido en conceder indulto general a los presos militares de estos mis dominios y los de Indias, [...]”²¹⁴

On October 14, 1814, a month after, the effects of the revocation of the exile were extended to all those who had been sentenced.

*“Siendo tan propio de mi paternal amor a mis vasallos dispensarles las gracias y alivios que permitan la equidad y la justicia; [...]*vengo en extender este indulto a los reos que están fugitivos, ausentes y rebeldes,

²¹¹ CASTELLS OLIVÁN, I., “La resistencia liberal contra el absolutismo fernandino (1814-1833)”, Ayer, nº 41, 2001, p. 47.

²¹² SUÁREZ BILBAO, F., *Crisis social, política y territorial en el reinado de Fernando VII. Masonería acción y reacción*. Madrid, 2023 ,p. 102.

²¹³ *Gaceta de Madrid*, núm. 81, 4 de junio de 1814, pp. 613-614.

²¹⁴ *Gaceta de Madrid*, núm. 125, 13 de septiembre de 1814.

*señalándoles el termino de tres meses a los que estuviesen dentro de España y el de un año a los que se hallaren fuera de estos Reynos, para que puedan presentarse ante qualesquiera Justicias, las quales deberán dar cuenta a los Tribunales donde pendieren sus causas, para que se proceda a la declaración del indulto. [...]*²¹⁵.

2.- Combating Common Delinquency

The social instability that followed the Spanish War of Independence led to a predominance of violent crimes during the years of absolutist restoration. This period coincides with the stage of romantic banditry with multiple actions such as kidnappings, robberies, murders and escapes, either outside the prisons where they were held or during the transfers on the way to jail. For its part, urban crime manifested itself in thefts taking advantage of the concentrations of people without the victim noticing. Furthermore, there were robberies of valuables using the *encalomo* technique which consists in hiding at certain places, especially in the churches, where there were objects of great value or precious materials, as well as house robbers, whether they were those who entered breaking the locks (known as *topistas*) or those who entered taking advantage of the owner leaving the door open (known as *descuideros*). On the other hand, there were many scams to the public treasury, such as those in which the offender pretended to be a military graduate and tried to collect a war pension²¹⁶.

The guerilla war, a typical phenomenon during the war, played a relevant role in the significant deterioration of the country's security. The dismantling of guerrilla parties and groups was standardized by a regulation issued on July 28, 1814. The rule recognized, in the explanatory statement, the important services that these units had rendered to the country, but the articles confirmed the dissolution and leave, although its members could retain the military distinctions, rights or diplomas obtained in the course of the war. In this sense, section 5 left open the possibility that someone could join the army²¹⁷. The dissolution of the guerrilla units increased banditry and looting.

Some regulations to put an end to delinquency, especially on rural roads, were, for example, the Royal Decree of August 22, 1814, which referred to a situation of public unrest and insecurity on the roads with serious prejudice to the country's trade and travellers. The regulation concluded that the reason for the increase of

²¹⁵ *Gaceta de Madrid*, núm. 14, 18 de octubre de 1814.

²¹⁶ TURRADO VIDAL, *Estudios sobre historia ...*, Vol. I, pp. 148-150. ORTEGO GIL, "Delincuencia patrimonial y..." p. 162

²¹⁷ MARTÍN DE BALMASEDA, *Decretos del rey ...* Tomo I, pp. 144-148.

malefactors was the desertion in the armies, the recent release of many prisoners and the dissolution of the guerrillas, whose members, under the guise of defenders of the homeland, behaved in an inappropriate manner. The decree contained an instruction and in what was not regulated by it, the old instruction of June 29, 1784, which in turn alluded to another of 1783²¹⁸, would be applied. This showed that at the end of the 18th century the gangs of thieves already constituted a serious problem of criminality, which worsened after the end of the war against France, because they were also organized. They had participated in the war either in the guerrilla or in the regular army, but once the war was over, whether they were deserters or discharged, they found their livelihood in robbery. Therefore, in the eyes of the authorities, the way to combat these gangs was to resort to the army.²¹⁹

The Captains General determined the number of troops needed to pursue those criminals, and the justices of the people should provide them with help and information about the criminals. The text instructed captains and general commanders of the provinces to report to the King's Council on progress in pursuing crime.²²⁰

To ensure the safety of the roads were created the Valls Valley Squadrons and the flying Rounds in the Principality of Catalonia, the Loose Company in Aragon, the Company of riflemen in Valencia and those of *Escopeteros* volunteers in Andalusia, as well as restoring existing laws in March 1808.

In the Instruction, it was established that the provinces of Castilla la Vieja and la Nueva, Extremadura, Andalusia, Aragon, Valencia and Catalonia were the ones in which the situation of disorder was worse, so the formation of infantry companies and voluntary cavalry was ordered. The chiefs who commanded those troops would exercise their functions without waiting for the orders of the Captains General of the provinces, although they should inform of their execution and the results of the operations. Once the gangs were dissolved, it would be up to the Captains General, in keeping with their mission of maintaining order, to determine the number of permanent troops that were necessary.

For their part, the justices of the people and the Commanders of the *Resguardo de Rentas* (main border surveillance corps during the Ancien Régime) had to help the troops in what was necessary. A permanent court-martial was envisaged for the trial of the prisoners, which would avoid any loss of time. All delinquents arrested on the way, in the countryside or in abandoned places, regardless of where they had committed their crime, and those who had taken refuge in the village

²¹⁸ PINO ABAD, M., "La jurisdicción especial de las comisiones militares ejecutivas y permanentes en las postrimerías del Antiguo Régimen", *Historia. Instituciones. Documentos.*, nº 48, 2021, p. 354.

²¹⁹ ORTEGO GIL, P., "Delincuencia patrimonial y jurisdicción militar durante el Sexenio absolutista", *Cuadernos de Historia del Derecho*, 2013, 20, p. 161.

²²⁰ *Decretos del rey Don Fernando VII. Año primero de su restitución al trono de las Españas*. Tomo I, Madrid, 1816, pp. 200-203.

after committed crimes on the way or in an abandoned place, were subject to the military court. The rest of the offenders were not subject to military jurisdiction, but to civilian jurisdiction.²²¹

As indicated in the regulation itself, certain aspects not regulated in the Instruction of 1814 were regulated in the Instruction of 1784, such as that the punishment of these offenders was the death penalty, in case of opening fire or presenting resistance with a bladed weapon to the military troops or to any auxiliary member of the ordinary or rental jurisdictions. If they had not opened fire or resisted, the punishment was ten years in prison. If the troops helped another jurisdiction to arrest a prisoner, the penalty would be imposed by the latter, unless there had been resistance, in which case the punishment of whipping was imposed immediately.²²²

In addition to criminals, the regulation instructed the troops that looked after the safety of the roads to pick up the vagrants they encountered and assign them to the service of arms or other, according to their age and stature. To help them in their pursuit, the troops warned the justices and the chief magistrate of the different localities to act and chase them.²²³

The Instruction encouraged the arrest of criminals in exchange for sixty *reales de vellón* to each party that arrested a criminal. These coins, in principle, were provided by the accused if they had the capacity and were fairly distributed among the members of the party. The arrest of a deserter also entailed reward, the payment of an amount equivalent to two years of service. On the other hand, the performances of special value opened the door to be eligible for some prize, as if it had been made in campaign, and it was also valued positively to aim to the promotions (sections 23 to 25).

There were other incentives if the troops seized contraband tobacco. In this case, the party would be given two thirds of the value of what was seized. If the detention was in abandoned places, they were also given the baggage and carriages used to transport the fraudulent merchandise. However, if the arrest had been possible thanks to the help of one complainant, only one third would have been granted and the rest would be for the complainant. Various articles of the instruction deal with the seizure of other materials.²²⁴

²²¹ *Decretos del rey Don Fernando VII. Año primero de su restitución al trono de las Españas*. Tomo I, Madrid, 1816, pp. 200-203.

²²² For more information you can read FERNÁNDEZ RODRÍGUEZ, M., “El recorrido legislativo hacia la supresión de los castigos corporales en la legislación española: el caso de la pena de azotes”. *Integración, Derechos Humanos y Ciudadanía Global*. Aranzadi, 2021, pp. 91-117.

²²³ For more information you can read RAMOS VÁZQUEZ, I., “Policía de vagos para las ciudades españolas del siglo XVIII”, *Revista de Estudios Histórico-Jurídicos*, XXXI, Valparaíso, 2009, pp. 217 – 258.

²²⁴ *Decretos del rey...* Tomo I, Madrid, 1816, pp. 203-217.

This text makes clear the militarization of public order by granting pre-eminence to the territorial military command as the axis of control in the interior of the country²²⁵. The abolition of the constitutional system, in May 1814, had already eliminated the political chiefs and restored the military as captains and commanders of the provinces, making them the highest territorial authorities and giving them powers in matters of public security²²⁶. In the same vein, the Captains General returned to being presidents of the Audiencias and Chancelleries²²⁷, occupying, therefore, a key position within the system of administration of justice. In the same way, on July 20, 1814, the Department of the Government's Office of the Peninsula²²⁸ was deleted, although in this case the abolition had more to do with the fact that it was a department with an enormous political burden, as a result of both Cádiz liberalism and the Bonapartist²²⁹ reign.

Throughout the absolutist six-year term, the maintenance of public order was a constant concern. Thus, by Royal Decree of 10 August 1815, it was alluded to that:

“A pesar de las enérgicas medidas que he dictado no ha podido hasta ahora cortar de raíz tal desorden, pues inundan los pueblos y campos malvados que afligen á los vecinos y viajeros con continuos robos, muertes y otros delitos de igual naturaleza [...]”.

This decree established military commands in all the provinces of the monarchy, with instructions to monitor and contain the disorders and chase and punish thieves, smugglers²³⁰ and criminals. However, as with the Ministry of Public Security, jurisdictional conflicts with the rest of the authorities led to the extinction of the commands in October 1815²³¹. That was a dark month from the point of view of security and order, as the newly created commands and the not much older Ministry of Public Security disappeared.

²²⁵ About the use of military forces in security labours see MARTÍNEZ PEÑAS, L., “La militarización de la seguridad y los derechos ciudadanos: trayecto histórico-jurídico de la legislación de posse comitatus”, en SAN MIGUEL PÉREZ, E., *Las exigencias del Estado de Derecho contemporáneo: ciudadanía, derechos humanos y migraciones*, Zizur Mayor, Aranzadi 2022.

²²⁶ By Royal Decree of July 14, 1814, the political command of the governments of the towns, military orders and *Corregimientos* was reestablished to Army and Navy officers. MARTÍN DE BALMASEDA, F., *Decretos del rey Don Fernando VII. Año primero de su restitución al trono de las Españas*. Tomo I. 1816, pp. 122-123.

²²⁷ BLANCO VALDÉS, *Rey, Cortes y...* p. 359. MARTÍN DE BALMASEDA, *Decretos del rey...* Tomo I, p. 116.

²²⁸ MARTÍN DE BALMASEDA, *Decretos del rey ...* Tomo I, p. 132.

²²⁹ This department would appear again during the Liberal Triennium and, as time goes by, its existence strengthened to the point where the second section of this ministry was always the Section of Public Order or General Police. TURRADO VIDAL, M., *Estudios sobre historia de la policía*. Madrid, 1991, p. 89.

²³⁰ MARTÍN DE BALMASEDA, *Decretos del rey ...* Tomo II, pp. 555-557.

²³¹ MARTÍN DE BALMASEDA, *Decretos del rey ...* Tomo II, p. 718.

Nevertheless, this legislation, combined with police inefficiency, was not effective and banditry was a phenomenon that extended well beyond the reign of Ferdinand VII.

Finally, we must point out that Ferdinand VII also heard the echo of the currents of the humanization of penalties and rationalization of the criminal codes that resonated throughout Europe. In this sense, it is worth mentioning a Decree of December 2, 1819, that, recovering the reform idea of Cádiz, ordered the formation of a criminal code that would end the arbitrariness of the judge and penalties such as the absolute confiscation of property, the significance of infamy to the children for the crimes of a parent, the acerbic punishments and those of long suffering²³², but the irruption of the Liberal Triennium suspended this project.

3.- Political Delinquency at the Beginning of the Century

Although political violence was not an invention of the nineteenth century, it developed in this period profusely, not only in terms of the number of times in which it made an appearance, but in terms of the objectives it pursued. On the most serious occasions, the aim was to overthrow the current political system, whether it was to force the change of dynasty during the Napoleonic occupation of Spain or to make the transition from an absolute monarchy to a constitutional monarchy, or to those of lesser gravity, the implementation of certain changes in the government of each moment.

Within the group of political criminals of the first third of the century we can distinguish three types of offenders. Firstly, there were the Frenchified, whose repression began during the period of the Regency, before the return of Ferdinand VII. A very common practice was to use a lampoon, which is a poster, anonymous or not, that was located in an emblematic place as a denunciation or notice in which alleged collaborators with the French were pointed out. In a climate of absolutist reaction²³³, these accusations of frenchification produced a great fear among the liberals. On the other hand, we have the liberals, who were broadly grouped into secret societies (such as freemasonry) and who participated in a multitude of uprisings and conspiracies against the absolutist regime. Finally, the royalists, who began to be persecuted by the liberals during the Liberal Triennium, but who in their most ultra-orthodox version were also persecuted by other royalists.

One of the problems with the definition of political crime is just the absence of a definition in the criminal codes of constitutional Spain. In many cases, the

²³² ALVARADO PLANAS, J. “La Ilustración y la humanización del Derecho penal”, ALVARADO PLANAS, J. y MARTOTELL LINANES, M., *Historia del delito y del castigo en la Edad Contemporánea*. Madrid, 2017, p. 33.

²³³ GÓMEZ BRAVO, G., *Crimen y castigo: cárceles, delito y violencia en la España del siglo XIX*. Madrid, 2004, p. 184.

political offences of the constitutional State coincide with the behaviour that fit into the concept of lese majesty and treason offences of the Old Regime. The problem was that the formulation of them was so ambiguous that it allowed such disparate behaviours and of such diverse gravity as the screams of “*viva la Pepa*” or “death the king”, the release of lampoons criticizing the real legitimacy, membership of a secret society or participation in a military pronouncement were all punished in the same way: with the maximum penalty of death, although imprisonment and exile were also common punishments for some of these behaviours.²³⁴

In an attempt to prevent the dissemination of certain ideas, the return to Spain of Ferdinand VII, in addition to the abolishment of the Cádiz system, meant the prohibition of meetings, by the Decree of May 24, 1814. The regulation linked the existence of meetings, assemblies, etc., with the instability of the kingdom, since it was considered that opinions that harmed religion and the State could be issued in an identification of both concepts. In that regard, it was recalled that the prohibition of the assembly of people was not new but had already been regulated in the *Novísima Recopilación*. The identification of State-religion led to the supervision of this aspect being entrusted to archbishops, bishops and other ecclesiastics²³⁵. In fact, the re-establishment of the Inquisition on July 21, 1814, was justified, among other reasons, to combat the anti-Catholic sects that had entered the country during the War of Independence.²³⁶

With the aim of persecuting political disagreement and a manifestation of the militarization of public order, the ephemeral Ministry of Public Security was created, on March 12, 1815. It was headed by a military, the Field Marshal Pedro Agustín de Echavarri who held governmental and jurisdictional powers in matters of security²³⁷. The minister was aided by two robed ministers, Martín de Gastañaga, mayor of the crime of the Royal Audience of Valencia and Manuel Echavarría, district attorney of the Chancellery of Valladolid, who were granted effective positions as mayors of *Casa y Corte*, and a secretary. All three constituted the Court of Public Security, with

²³⁴ BASCUÑÁN AÑOVER, O., “Historia del delito político en la España contemporánea (1808-1977), ALVARADO PLANAS, J. y MARTOTELL LINANES, M., *Historia del delito y del castigo en la Edad Contemporánea*. Madrid, 2017, p. 297-299.

²³⁵ *Gaceta de Madrid*, núm. 81, 4 de junio de 1814, pp. 610-611.

²³⁶ In the same way, on January 2, 1815, the Inquisitor General, Francisco Mier y Campillo, published an edict of prohibition and condemnation of Freemasonry that gave rise to numerous denunciations and self-declarations. SUÁREZ BILBAO, F., *Crisis social, política y territorial en el reinado de Fernando VII. Masonería acción y reacción*. Madrid, 2023, pp. 101-106.

²³⁷ For more information you can read TURRADO VIDAL, M., “El ministerio de Seguridad Pública, marzo-octubre 1815”, *Anales del Instituto de Estudios Históricos del Sur de Madrid* “Jiménez de Gregorio”, nº 12, 2014, pp. 49-75. “Not being able to look with indifference at the scandal and dissolution that the malevolent observe, nor the crimes that indiscriminately are committed by different classes of people [...] I have created as a more suitable measure will the indicated objects choose a person who takes care to avoid them and will have his charge the calm and public peace [...]”. MARTÍN DE BALMASEDA, F., *Decretos del rey Don Fernando VII. Año primero de su restitución al trono de las Españas*. Tomo II. 1819, p. 161.

competence in police matters, since those of criminal nature corresponded to the Chamber of Mayors of Casa y Corte, which had been restored.²³⁸

On March 15, 1815, three days after the creation of the Ministry of Public Security, a Provisional Police or Public Security Regulation was published (they are mentioned interchangeably) and applied in Madrid²³⁹ to the enemies of absolutism, especially the *afrancesados*, freemasons, liberals and those who were involved in altercations or organized in political meetings.

For this, the text divided the village into twelve quarters, in front of which there was a prior, thus changing the name of quartermaster, in an attempt to differentiate itself from the previous period. However, the priors, like the former commissars of quarters, had under their command the mayors of each district. For the record of all the people who were in the villa, sections 14 and following ordered the drawing up of a census of tenants and inhabitants of the villa over fourteen years old and, as a result, the landlord or the one who receives guests could receive a fine. The innkeepers had the same obligation to report on the people who slept in their houses. In section 20, the text obliged all the inhabitants of the village to carry with them a registration card, which they would present if required by any public security authority.²⁴⁰

The steps included in the Regulation caused protests, although the greatest problems of the Ministry and the Court arose from conflicts of competence with the courts of justice. Therefore, a new Regulation was drafted on April 19, 1815, in which the competences of the Court of Public Security were specified: “the prevention of the crimes that most directly alter this, hindering the conspirators the achievement of their enterprises and the suspected men the possibility of undertaking them”. With this in mind, the court shall conduct its activities and supervision against:

- a. The perfidious ones who reside in the Court and maintain hidden relations with the governments or vassals of enemy nations of the Spanish Crown, or who by seduction or other similar means try to make supporters in their favour.
- b. Those who boldly and recklessly speak ill of the King, the royal people and the Government, as well as the authors or promoters of armed leagues and riots.
- c. Disseminators of anarchic doctrines; defenders of decrees restricting royal sovereignty.
- d. Those who, in violation of the Decree of May 30, 1814, had returned to Spain.

²³⁸ MORALES VILLANUEVA, A., “Evolución de la administración policial”, *Revista de Administración Pública*, núm. 118. Enero-abril, 1989, p. 358.

²³⁹ TURRADO VIDAL, Estudios sobre historia..., Tomo I, p. 200.

²⁴⁰ *Gaceta de Madrid*, núm. 33, 18 de marzo de 1815, pp. 283-285.

- e. Foreigners residing in Spain or coming from its countries who do not comply with the legislation on alien status.

A new regulation, the third one, specified the responsibilities of the ministry regarding cleanliness, comfort, abundance and public safety. This regulation extended the application of their provisions to all provinces, whose highest authority was a Chief or Public Security Inspector who would be a military officer and who would preside over the Public Security Court of each province. In addition, it further extended its scope: knowing privately and with inhibition of all privileges, however privileged, of all high treason crimes, gangs, leagues, alterations of people, democratic opinions that transcend to the public cause, words of the same nature offensive to my real authority and able to contribute to the loss of public opinion, calm and respect of the good vassals, etc...²⁴¹

The provincial public security courts would have significant autonomy, both from ordinary and military jurisdiction, but they soon disappeared with the publication of the Decree of October 12, 1815, which extinguished the Ministry of Public Security and ordered the care of the police and public security to be carried out by judges, magistrates and ordinary courts²⁴². The head of the ministry, Pedro Agustín de Echavarri, was banished to the castle of San Antón, in A Coruña, for the arbitrariness with which he had held the office.²⁴³

4.- Praetorianism and its Manifestations between 1814 and 1820

A representative phenomenon of the 19th century in Spain is praetorianism, understood as the participation of the military in political life. The term is an allusion to the Roman praetorian guard, which, after being created to protect the emperor's life, ended up intervening decisively in the political life of the Empire. In any case, whether by the natural inclination of the Army towards liberalism, as Stanley Payne²⁴⁴ maintains, or by the influence of a minority of very active officers, the truth is that the years of the reign of Ferdinand VII and, in general, the entire 19th century, saw the development of praetorianism in Spain.

The intervention of the army in political life occurred through three processes: the performance of key political positions, external to the military sphere, by military or former high-ranking military (such as the regency that fell on Espartero between

²⁴¹ MORALES VILLANUEVA, "Evolución de la administración...", p. 359.

²⁴² MARTÍN DE BALMASEDA, *Decretos del rey ...* Tomo II, pp. 695-696.

²⁴³ TURRADO VIDAL, *Estudios sobre historia...*, p. 201.

²⁴⁴ PAYNE, *Los militares y la política en la España contemporánea*. París, 1968.

1840 and 1843²⁴⁵); the vital role played by the military in founding or leading the major political parties of the time (such as O'Donnell at the head of the Liberal Union or Narváez, as the main figure of the Moderate Party); and finally, the execution of attempts to overthrow the government by force or to alter the policies adopted by this phenomenon that produced more than seventy pronouncements, coups d'état, riots or military rebellions throughout the century.²⁴⁶

The causes of praetorianism in nineteenth-century Spain are assorted. Among them can be highlighted the interaction between the political and the military world due to the different wars that hit Spain; the political indoctrination of the Army (influenced by liberal ideas since the beginning of the century, especially among its officers); the corruption and weakness of the civil powers²⁴⁷, against which the military groups emerge as an example of honesty and commitment to the ethical and moral values of the homeland; the institutional prestige of the Army, founded on the War of Independence, which makes him appear in the eyes of society as the saviour of the homeland in times of danger; and the rise of secret societies within the military elites²⁴⁸, since a very considerable part of the officers belonged to some kind of secret organization.

Moreover, the internal problems of the army itself played a decisive role in the development of praetorianism, through issues such as the high number of officers in relation to the number of soldiers or the low age of these officers, which produced the phenomenon known as “scale saturation”: with so many high-ranking officers and many of them so young, lower-ranking officers had no hope of ascending except after several decades of service, which resulted in discontent, demotivation and propensity to riot or coup as alternative ways to climb the ladder.²⁴⁹

²⁴⁵ CAÑAS DE PABLOS, A., “Espartero y Prim, o cómo España buscó su “Capitán del Siglo””, in *Revista de Historia Autónoma*, nº 7, 2005, p. 73.

²⁴⁶ MARTÍNEZ PEÑAS, L., *Introducción a la historia de la criminalidad y el orden público en España*, Valladolid, 2015, p. 69.

²⁴⁷ “The instability and institutional blockade of the country led to a widespread belief that civilian politicians were merely debating without concrete results. The perception that their few decisions were always in their own interests, never reaching solutions to the problems that afflicted Spain was added to this”. CAÑAS DE PABLOS, A., “Personificando la revolución. Espartero: carisma en la Revolución de 1840 y su llegada a la Regencia”, in *Vínculos de Historia*, nº 5, 2016, p. 272.

²⁴⁸ “These had arisen from the politicization that the French Revolution produced in the new form of sociability that emerged in the second half of the eighteenth century with the development of the Enlightenment, which had connected the Masonic lodges with the movement of intellectual and ideological, though not political, opposition to the values of the Old Regime. The revolutionary and Napoleonic period caused that, of the common trunk of Freemasonry, new Masonic or sort of masonic organizations were born and proliferated, which partly preserved their primitive initiatory character”. CASTELLS OLIVÁN, I., “La resistencia liberal contra el absolutismo fernandino (1814-1833)”, *Ayer*, nº 41, 2001, p. 49.

²⁴⁹ MARTÍNEZ PEÑAS, *Introducción a la historia de la criminalidad y el orden público en España*, p. 69.

The idleness of many officers who had no destiny encouraged their participation in political conspiracies of any sign and many military men who returned from their captivity in France, after the War of Independence, were not reintegrated into the ranks²⁵⁰. Likewise, the clashes between the officers from the military career and those from the guerrilla parties, many of them very young, but with great experience in combat and who had earned their stripes in the atrocious irregular war against the French²⁵¹, contributed to destabilizing the internal balance of the military institution.²⁵²

Finally, we should add the militarization of public order, which made the army the main instrument of ideological repression, and the guarantor of the punishment of political crimes, which were identified with State crimes, deepened the idea of the Army as guarantor of the system. An example of this was the recovery of an instruction of June 1784 by which the Army was used in the persecution of malefactors, or the broad powers that were granted to the Army through the Decrees of April 17, 1821, right in the Liberal Triennium.

The praetorianism was a phenomenon of great relevance during the reign of Ferdinand VII, however, this cannot make us think that only the Spanish military force was against absolutism. In this sense, Fontana highlights the relevant civil participation in many of the conspiracies and the political conviction of the one against absolutism and in favour of the Cádiz Constitution.

As for the illegal intervention of the army in politics, there are differences between them. The pronouncement, perhaps the most frequent and for Carr the instrument of the liberal revolution in Spain²⁵³, occurred when an officer used the troops under his command, with the support of civil or political sectors, to challenge the authority of the government and impose a change of attitude, but without changing the political system of the State.

On the contrary, the putsch took place when a part of the army revolted against the government, aided by a part of the civilian powers, to impose a change in the

²⁵⁰ BULDAÍN JACA, B. E., “Causas del pronunciamiento de 1820 y de su éxito”, *Clío: History and History Teaching*, Nº. 5, 1998, p. 6.

²⁵¹ Perhaps Díaz Porlier is the best example of this: having reached the rank of general barely surpassed twenty years, for his merits of war against the French, he was only twenty-seven at the time of his execution for having risen in La Coruña against Ferdinand VII. MARTÍNEZ PEÑAS, L., “Pretorianismo en el reinado de Fernando VII: El ejército como defensor del doceañismo”, AGUILAR GIL, M. *Construcciones y deconstrucciones de la sociedad*. Ciudad Real, 2010, p. 69.

²⁵² From a theoretical point of view, when we talk about guerrillas, we mean non-professional combatants, even if they make their activity a way of life and not irregular troops. The guerrilla's motivation is spontaneous because of religious, social or patronage factors. Even if their actions could be coordinated with regular army troops, they lacked legitimacy, and their objectives and demands were outside the system. DÍAZ PAREDES, A., “Los orígenes de la guerrilla”, *Guerrilla War in España. 18th-19th century. Cuadernos de historia militar*, nº 6. Madrid, 2022, pp. 8-17.

²⁵³ CARR, R., *España, 1808-1975*. Barcelona, 2005, p. 135.

State's political system. Finally, the riot was the refusal of the troops to obey their superiors. This had been common in the Spanish armies in earlier times, poorly paid and poorly equipped, becoming a real scourge for the Spanish troops during the campaigns in Flanders²⁵⁴. The great newness that incorporated the phenomenon, as it developed in the 19th century, was that the riots were politically motivated, not related to the conditions in which the soldiers served.

Praetorianism, and especially the succession of pronouncements, putsches and riots, would have serious consequences for Spain in the long run, since it was in this period that the self-conscious feeling of being a constituent power was spread in much of the Army, that is, to consider himself as a political actor with the legitimate power to implant a political order different from that established through an alleged right to revolution, sometimes perceived by the military as an inexcusable duty to the nation. In this way, a messianic conception of its political function was created in the Spanish Army: the Army as the ultimate saviour of the homeland when the other powers appear weak, incapable or corrupt.²⁵⁵

The years between 1814 and 1820 were the most intense when it came to armed demonstrations of Praetorianism.²⁵⁶ The return to the Old Regime aroused discontent in many sectors, generating a climate of continuous political instability, aggravated by the repression that Ferdinand VII carried out against the liberals, many of them members of clandestine and secret societies, like Freemasonry.²⁵⁷

²⁵⁴ For more information you can read MARTÍNEZ PEÑAS, L., “La propuesta de resolución del conflicto de Flandes por Luis de Requesens”, *Anuario de Historia del Derecho Español*, nº 90, 2020, pp. 627-653. “La legislación de Carlos V contra la herejía en los Países Bajos”, *Revista de la Inquisición*, nº 16, pp. 27-61. “Las dificultades en la persecución de la herejía en Flandes: el caso de Brujas”, *Revista de la Inquisición*, nº 18, pp. 31-52, “Religión y Derecho en la génesis de la crisis de los Países Bajos: el problema jurisdiccional”, Actas CEDHI, Sevilla. FERNÁNDEZ RODRÍGUEZ, M., “El control económico en la jurisdicción militar: el ejemplo de dos veedores generales del ejército en Flandes”, *Estudios sobre jurisdicciones especiales*, Asociación Veritas para el Estudio de la Historia, el Derecho y las Instituciones y Omnia Mutantur SL, pp. 125-144. PRADO RUBIO, E., “Conflictos jurídico-institucionales y dificultades económicas en la lucha contra los rebeldes en los Países Bajos: los advertimientos de fray Lorenzo de Villavicencio (1567)”, *Revista Aequitas*, nº 16, 2020, pp. 435-470; PRADO RUBIO, E., *Voorspel, el Preludio: génesis jurídico institucional del conflicto de los Países Bajos*, Valladolid, 2024; PRADO RUBIO E., “El Compromiso de Nobleza y la Moderación de 1566: el pulso de poder sobre el orden jurídico en los Países Bajos Hispánicos”, en *Revista Aequitas. Estudios sobre Historia, Derecho e Instituciones*, nº 23, 2024; y PRADO RUBIO, E., “La Tormenta de las Estatuas”, en *Revista de Inquisición (Intolerancia y Derechos Humanos)*, nº 28, 2024.

²⁵⁵ MARTÍNEZ PEÑAS, *Introducción a la historia ...*, p. 70.

²⁵⁶ The insurrections of the period have been analyzed in detail in COMELLAS, J. L., *Los primeros pronunciamientos en España*, Madrid, 1958.

²⁵⁷ By letter to the monarch they showed disagreement with the political repression or the return of the goods to the religious orders, as well as they demanded that the *Cortes* be reunited and the freedom of printing *El Empecinado* or Flórez Estrada be restored. ARTOLA, *La España de Fernando VII*, p. 486. For more information you can read ALVARADO PLANAS, J. *Masones en la nobleza de España. Una hermandad de iluminados*, Madrid, 2015.

One point to keep in mind is that many of the main leaders of the pronouncements that took place against the absolutism of Ferdinand VII between 1814 and 1820 were former guerrilla commanders: such was the case of Francisco Javier Mina, Francisco Espoz and Mina, Juan Díaz Porlier, Luis Lacy or Juan Martín Díaz, “*El Empecinado*”, a first generation of liberals who took up arms against the absolutism that a part of historiography has dubbed “the romantic generation”.

One of the first pronouncements was that devised by Francisco Espoz and Mina as a consequence of the reduction of the army at the return of Ferdinand VII from France, a process that affected the irregular troops, in which he had served, mainly²⁵⁸. Before he rebelled, the Captain went to the monarch to manifest both his merits and those of the men who had served under his command against the French occupier, but his requests were not heeded, not recognizing the continuity of the last battalions formed and issuing the Royal Decree of June 25, 1814 ordering the demobilization of the members of the irregular units. This measure was reinforced by another Royal Decree of July 28²⁵⁹ which licensed the members of the guerrilla, all of which was crowned by the order of the viceroy of Navarre, Ezpeleta, who granted a three-month license to half of Mina’s division in September, which the latter refused to comply with.

As a result of all this, on September 25, 1814, Espoz y Mina took charge of the regiment quartered in the town of Puente de la Reina in Navarre, with the intention of going to Pamplona, to occupy the square, promote from there a call for *Cortes* and communicate the facts to the rest of the provinces to join their movement²⁶⁰. However, although he followed him to Pamplona, the regimental officer refused to take the city by assault and the return of his men to their barracks had to be ordered. A week later, the former guerrilla left Navarre for France with others involved in the pronouncement, while Colonel Gorriz, who had also participated in the attempted assassination, was handed over by his own men to the authorities of Ferdinand VII, later degraded and finally shot.²⁶¹

Another outstanding military pronouncement was made by Brigadier Juan Díaz Porlier, an archetypal example of a military man who rose up the ranks in the guerrilla struggle until he reached the rank of field marshal when he was still very young. After the War of Independence, several letters were intercepted in which the officer expressed his sympathy for liberal ideas, which led to him being punished

²⁵⁸ CASTELLS OLIVÁN, “La resistencia liberal contra el absolutismo fernandino (1814-1833)”, p. 51.

²⁵⁹ *Gaceta de Madrid*, núm. 118, 30 de agosto de 1814, pp. 964-967.

²⁶⁰ Espoz and Mina’s was the first liberal insurrection of the period, but it is not lacking who considers that the first pronouncement was that of General Elío himself, against the Constitution of Cádiz, when he put his troops in the service of Ferdinand VII to overthrow the constitutional regime and return the monarchy to absolutism.

²⁶¹ ARTOLA, *La España de Fernando VII*, p. 492.

with a four-year suspension of employment. From A Coruña, Díaz Porlier organized a pronouncement that materialized on September 19, 1815, when he arrested the captain general of the city, Felipe Augusto de Saint-March, and proclaimed the Constitution of 1812. However, the putsch, which had had the support of the Coruña merchants, did not generate enough reaction among the population and, despite the orders and proclamations sent to other Galician cities, only Ferrol joined the movement. Porlier then decided to use force to gain other territories by putting himself at the head of a thousand men to move around the region, but the troops rebelled against him and ended up being hanged for treason, along with about thirty of his officers.²⁶²

In 1816 the conspiracy known as the Triangle was discovered, which sought to end the King's life²⁶³. The attempt takes its name from the fact that the organization that launched it was articulated around triangular relations. The plan was designed to be executed in the vicinity of the *Puerta de Alcalá* in Madrid, with three people as executors: the superintendent Richart and two corporals. The last two denounced him, being the superintendent sentenced to death and executed in the *Plaza de la Cebada* in Madrid. After ending his life, his head was exposed on a pike at the *Puerta de Alcalá*, the same place the conspirators had intended to kill the king.

The following year were General Luis Lacy, stationed in Barcelona, and General Milans del Bosch, quartered with his troops in Gerona, which were agreed to proclaim the Constitution of 1812, against the absolutist drift of the monarch. Once again, the conspiracy was denounced, and Lacy executed. That same year, another soldier, the Freemason Juan Van Halen, stationed in Murcia, tried to reunite conspirators from both that province and Granada, but was arrested, after being discovered a box of cigars with compromising papers on political operations. Van Halen had better luck than other liberal military men in escaping from prison in early 1818.²⁶⁴

In 1819 there was a new attempt, the one of Colonel Joaquín Vidal, in Valencia, who for a year had been in contact with liberal groups and had met with “*El Empecinado*” (nickname of Juan Martín Díaz, a Spanish guerrilla and military) in an attempt to add him to his attempt. Vidal's plan was to start a military uprising in Valencia on January 1, 1819, during which Captain General Francisco Javier de Elío would be arrested and Carlos IV proclaimed constitutional king. However, the death

²⁶² ARTOLA, *La España de Fernando VII*, p. 495. Treason has been one of the most serious crimes in all Hispanic systems, since the time of the Visigoth monarchy, as can be seen in GALLEGOS VÁZQUEZ, F., “El delito de traición en la monarquía visigoda”, en FERNÁNDEZ RODRÍGUEZ, M., PRADO RUBIO, E., y MARTÍNEZ PEÑAS, L., (coords.), *Análisis de jurisdicciones especiales*. Valladolid, 2017; o GALLEGOS VÁZQUEZ, F., “La traición del duque Paulo”, en PRADO RUBIO, E., FERNÁNDEZ RODRÍGUEZ, M., y MARTÍNEZ PEÑAS, L., *Especialidad y excepcionalidad como recursos jurídicos*, Valladolid, 2017.

²⁶³ Ferdinand VII suffered more than half a dozen attempted attacks. SUÁREZ BILBAO, *Crisis social, política ...*, p. 10.

²⁶⁴ ARTOLA, *La España de Fernando VII*, p. 499.

of Queen Isabel of Braganza, second wife of Ferdinand VII, on December 26, 1818, disrupted the plans, annulling all kinds of festivities and truncating the planned scenario: unleashing the putsch in a theatre, on the occasion of the last performance of the year. Some of the participants had to talk more than enough, because on the night of January 1st to 2nd, 1819, Elío and a group of men loyal to Ferdinand VII broke into the meeting in which the conspirators were preparing a new plan. Vidal and twenty-two others were arrested for their involvement. The colonel died before the execution because of the injuries sustained during the detention.²⁶⁵

²⁶⁵ ARTOLA, *La España de Fernando VII*, p. 500.

CHAPTER V

THE CONFLICTIVE INTEGRATION OF REVOLUTIONARY MYTHS INTO INSTITUTIONAL FRAMEWORKS: RIEGO AND THE LIBERAL TRIENNIUM²⁶⁶

1.- Rafael del Riego, National Hero

Following his victory over absolute monarchy on January 1st, 1820, Rafael del Riego became a national hero and so did his legendary image until his death²⁶⁷. The reasons after his highly regarded image can be traced back, to begin with, to his feats during the uprising, as he was the first rioting military official to voice his opinion. Still, even though Quiroga pioneered the idea—which should have earned him the main role as a rioting military officer—, his delay to take action as initially planned raised significant doubts about his stance on constitutionalism, thus relaying said role to Riego. Such relay was also spurred by Quiroga’s promotion to General in the Spanish army, that Riego declined up to four times.

On March 10th, 1820, the San Fernando cabal suggested appointing the leaders of the rebellion as Marshals, thus appointing Arco-Agüero, López Baños, O’Daly, Quiroga, and Riego, as verified by the Provisional Committee. However, on March 28th, Riego rejected the promotion, as stated by the officers sent to Madrid on

²⁶⁶ The publication of this paper has been possible thanks to the cojoined Rey Juan Carlos University “*Desarrollo y análisis de metodologías gamificadas para incentivar la participación de la sociedad en una cultura de seguridad y defensa democrática y humanitaria. (GAMES-SEGYDEF)*” Project.

²⁶⁷ About Riego’s death, aslo see DOMERGUE, LUCIENNE, “Don Rafael Riego ahorcado”, GIL NOVALES, A., Ejército, pueblo y constitución. Siglos XIX y XX. Homenaje al General R. del Riego. Madrid, 1988, p. 115-124.

his and Quiroga's command—who travelled to congratulate the newly appointed monarch on their pledge of fealty to the Spanish Constitution. On April 4th, date of the official appointment, Riego once again rejected the promotion. Some time later, on April 17th, Arco-Agüero travelled to Madrid and also rejected it, on his and his colleagues' behalf, declaring that “they were not fueled by ambition to promote, but rather by their sense of nationalism and the desire to separate the king from his vile counsellors”. Only Riego's rejection was approved, as it had been reiterated²⁶⁸.

Riego's reluctance to his promotion ended on May 12th, 1820, when Marquis De las Amarillas, Secretary of War, warned Riego that, having already rejecting the promotion on four occasions, there would be no more chances. He finally gave in after to be accused of defiance to the Crown—although he publicly stated both the reasons of his rejection and later acceptance. Gil Novales, one of the main scholars who study his figure, thinks his only goal was to turn Spain's absolute regime into a constitutional one, and that his disregard for personal promotion was a play a key role in establishing his persona as a hero of the people²⁶⁹. On the other hand, Quiroga's highest achieving political image was met when he was elected as a member of parliament in 1820. Besides his official promotion awarded by the king, he was also granted countless honorary titles by nationalist companies and military corps that boosted his heroic image. Several poems, plays, sculptures, carvings, and prints were made on his honour, and the rise of patriotic music praising his name as well, turning it into a battle song.

His numerous public explanations on different matters was other reason that helped build his image and differentiate him from the rest of insurgents²⁷⁰. Besides the records, countless publications about the insurgents and him made during the Liberal Triennium should be added. The return of freedom of the press, as well as the general interest in their actions encouraged the spread of the feats of the heroes of the uprising—both the positive and the negative ones. The greatest role in the formation of this image was fulfilled by inflated publications, such as the ones from *El Zurriago*, a satirical newspaper²⁷¹.

2.- Uncertainty within the Army. The Riots of March, 1820

Once the 1820 uprising was successful, institution of the new regime was required, which was not without its conflicts. Some of the most significant involved

²⁶⁸ The exchange of reports expressing mutual thanks is fully published on *Gaceta de Madrid*, n. 70 April 25th, 1820, pp. 462-464.

²⁶⁹ GIL NOVALES, A., “La fama de Riego”, GIL NOVALES, A., *Ejército, pueblo y constitución. Siglos XIX y XX. Homenaje al General R. del Riego*. Madrid, 1988, pp. 365-383.

²⁷⁰ It was on March 21st, 1820 when he initiated the revolution.

²⁷¹ SÁNCHEZ MARTÍN, V., *Rafael del Riego. Símbolo de la revolución liberal*. PhD thesis. University of Alicante, p. 363.

the Spanish Army—as a matter of fact, a new political regime where power has been established by insurgents was sustained by the military. Still, after the institution of the new regime, the Army was expected to remain idle in political matters, given their main role during the previous months²⁷².

The riots following the military regime began on March 20th, 1820, when Manuel Freire, chief General of the militia gathered in Andalucía, sent a report to the interim Secretary of War, Antonio Remón Zarco del Valle, notifying him of riots happening in Cádiz²⁷³. He pointed out that on March 7th, he had been informed by the Captain General of the Cadiz Department, Juan María Villavicencio that the army was troubled about lack of news from the political state of the Court. This turmoil did not only affect the army, but also the general population, who, on March 9th, could be heard claiming for the publication of the Constitution and the liberation of political prisoners—which was finally published a day later. That very day, while the public act was being set, the *Guías del Ejército* Battalion headed to San Antonio Square, where, after praising the king, opened fire against the civils. The event culminated with significant casualties, wounded, and property damages, although the Captain General’s report did not disclose specific data:

“[...] there were countless casualties, as well as more than enough robberies and crimes of diverse nature against people and homes.”²⁷⁴”

Freire, after assessing said incident, gathered his troops and instructed them to wait for the following events. Days later, once news from Madrid that evidenced the liberal stance of the system finally arrived, after the king’s pledge of fealty to the 1812 Constitution—commonly known as *La Pepa*—the troops gradually calmed down and acknowledged the constitutional regime²⁷⁵.

²⁷² About praetorianism, also see DOLORES SAÍZ, M. D., “Liberalismo y ejército: La “Gaceta patriótica del Ejército nacional”, *Revista de Estudios Políticos (Nueva Época)*, n. 38. March-April, 1984, pp. 127-146. MARTÍNEZ PEÑAS, L., “El ejército y la defensa como fenómenos constitucionales durante la construcción transicional del estado liberal (1812-1856)”, *Glossae*, nº 17, 2021. “Hacia una conceptualización amplia del derecho transicional”, *Glossae*, nº 17, 2021. “Pretorianismo en el reinado de Fernando VII: El ejército como defensor del doceañismo”, en AGUILAR GIL, M., *Construcciones y deconstrucciones de la sociedad*. Almagro, 2010. “The basis of constitutional regulation of national defence in the 19th Century: the Cadiz model”, en VV. AA., *Encyclopedia of Contemporary Constitutionalism*, Springer, 2021

²⁷³ The Ministry of War had two internships. A first one comprising José María Alós, until March 20th, 1820, and a second one comprising Antonio Remón Zarco del Valle, from March 20th until the 27th. http://humanidades.cchs.csic.es/ih/paginas/jrug/diccionario/gabinetes/m1_fernando7.htm (last checked on May 24th, 2021)

²⁷⁴ The events were also stated in the letter sent by Juan Villavicencio to the Secretary of State on March 11th, 1820, MARQUIS DE MRIAFLORES, *Documentos a los que se hace referencia en los apuntes histórico-críticos sobre la revolución de España*, Tome I, London, 1834, pp. 82-84.

²⁷⁵ *Gaceta de Madrid*, núm. 56 de 28 de marzo de 1820, pp. 357-360. As a result of what happened in Cádiz, Manuel Freire published a manifesto to defend himself against the accusations made by

After the events in Cadiz, the King appointed new military ranks within the area: Juan O'Donojú was appointed interim General of Andalusia and Army Chief of that very region. On the other hand, Cayetano Valdés was appointed Governor of Cádiz, and Manuel Francisco Jáuregui, who was tasked with ruling until Valdés' arrival²⁷⁶, was named King's Lieutenant on San Antonio Square. An investigation of the previous events was also instructed, in order to judge the disturbance perpetrators²⁷⁷, and the area was kept into strict surveillance. The Secretary of War, Antonio Remón Zarco del Valle, commanded O'Donojú to inform him daily about the latter issue.

On March 24th, O'Donojú reported nothing was out of the ordinary, but, on the following day, he reported he commanded the corps coming from provinces other than Cadiz return to their respective regions. Two regional grenadier units—the second and the third one—were sent to Cordoba and to Écija, respectively, awaiting Government orders to return to their provinces²⁷⁸.

The Royal Decree of April 3rd, 1820 assigned some of the income, such as the delays in *Voto de Santiago* to the support of the offsprings and other relatives of the incident occurred on March 10th, not excluding them from further financial support they might receive.²⁷⁹

Other military-related events were also seen as a sign of absolutist plotting. Such was the case of the assassination of one of the king's guards²⁸⁰ that occurred during the night between the 8th and the 9th of July 1820, which was perceived as an attempt to prevent the King from pledging fealty to the Constitution on the Spanish Judiciary that was due the following day. Nevertheless, military soldiers were not the sole absolutist schemers; two Court employees—Domingo Baso, a manager, and José Manuel Erroz, the chaplain—spread rumours about a possible

a journalist, regarding his tolerance to the events involving the troops of March 10th: "This truth will be evidenced by the cause His Majesty has been establishing, and that I have repeatedly and firmly requested. It will evidence if I had been able to foresee the dire events of the 10th: if, given the circumstances I could have acted differently; and also if I managed to quell or aggravate the turmoil supported by the troop". FREYRE, M., *Manifiesto que da al público el teniente general Manuel Freyre para hacer conocer su conducta en el tiempo que tuvo el mando del ejército reunido en Andalucía*. Seville, 1820. pp. 20-21.

²⁷⁶ *Gaceta Extraordinaria de Madrid*, n. 47 of March 20th, 1820, pp. 309-310.

²⁷⁷ Royal decree, March 21st, 1820. It was Marshal Estanislao Sánchez's duty to assemble it.

²⁷⁸ *Gaceta de Madrid*, n. 60 of April 4th, 1820, pp. 387-389.

²⁷⁹ *Gaceta de Madrid*, n. 61 of April 4th, 1820, pp. 391-392.

²⁸⁰ The death of the guard, Manuel Arnesto, is referenced on *El Constitucional* on July 11th, 1820. *El Constitucional*. (11-07-1820), p. 4. The issue published on the following day includes a witness' testimony, which states the night of the 8th some rallying cries of "all hail the King and down with the Constitution" were heard. So, the guard's death was an untimely conflict that occurred when shots were fired after the aforementioned rallies and one of them hit him. *El Constitucional*. (12-07-1820), p. 4. Published in the *El Conservador* newspaper, luckily enough, these events are not mentioned in it.

The guard's death is covered In *El Universal* on the July 10th and 11th issues.

Republican regime, and also plotted the kidnapping of the king on his way to Burgos, with the intention of preventing Court reunions²⁸¹. The King's own suspicion should be considered, as given the rescission of the Cadiz Constitution performed by Ferdinand VII after his return to Spain in 1814, his sudden belief in the constitutional regime should not be blindly trusted²⁸².

The Spanish Army was a significant part of everyday political life. Soon after opening discussion sessions in the Courts, Riego and Arco-Agüero addressed a congratulatory document on behalf of the Andalusian Observation Army, in which they volunteered to act as armed forces of the revolution. Three additional presentations by Riego brought the issue to discuss about *Ejército de la Isla*—the name given to the Cádiz rebel army—such as a memorial to the victims of the riot, the creation of two units of great significance to liberalism—the Constitutional Battalion of Fernando VII and the Constitution Squad— or the arrival of financial aid for its preservation. The last issue was raised because the army still had not been paid in June and its clothing had been covered by public income²⁸³.

3. Disintegration of the *Ejército de la Isla* Troops

First Act: Institutional Closeness to the Insurgents

A new conflict was born from the Government's decision to dissolve the *Ejército de la Isla* Army, comprised of the troops initially destined for overseas but that remained in the Iberian Peninsula as a result of their participation in the January 1st 1820 uprising. The reason for this was the distrust the previous military victory spurred on other institutions. There was a fear among them of radical liberalism

²⁸¹ The rumors about the establishment of a republic were common during the Triennium. In August 1820, and on his dismissal as Captain General of Aragón, on September 1821, Riego also faced a harsh period of rumors and gossip accusing him of plotting a republican regime. SOURCES: ARAGONES, JUAN FRANCISCO, "La conjuración republicana de Barcelona (1821)", GIL NOVALES, A., *Ejército, pueblo y constitución. Siglos XIX y XX. Homenaje al General R. del Riego*. Madrid, 1988, pp. 180-184.

²⁸² Despite the public statements addressed to the general population, the Court or to the monarch himself, there was still a strong belief in the notion of an innocent prince whose intent was to protect king Ferdinand, that, on the contrary, blamed the Secretaries conniving actions that misled the monarch. SÁNCHEZ MARTÍN, *Rafael del Riego...*, pp. 395-396. This was the case of the letter by Arco-Agüero, López Baños and Riego sent the King, on the issue of the imminent dissolution of the *Ejército de la Isla* Army: "Your Excellency, the cruel misfortune of the innocent is to be charmed by the wicked, and Your Majesty's merciful heart has already been charmed by such men, [...]" GIL NOVALES, A., *Rafael del Riego. La Revolución de 1820, día a día. Cartas, escritos y discursos*. Madrid, Tecnos, 1976, pp. 86.

²⁸³ Riego spurred several policies to found the Army's clothing. GOÑI GALARRAGA, JOSÉ MARÍA, "Un legajo documental desconocido sobre la figura y familia de Riego", GIL NOVALES, A., *Ejército, pueblo y constitución. Siglos XIX y XX. Homenaje al General R. del Riego*. Madrid, 1988, p. 227.

opposing moderate liberalism, which was intended to be officialised, as well as the possibility that *Isla* troops may influence other military units²⁸⁴.

The Secretary of War, Marquis De las Amarillas—the only Secretary whose ideals matched those of Ferdinand VII—shared the cabal's stance, so since he was promoted, his goal was to keep in the existence of an army in check—particularly the Ejército de la Isla issue. Although it was a liberal one, its leaders firmly opposed the Government, liberal as well, although significantly more moderate than the official stance. Consequently, the Secretary brought the issue to the Government cabal, who unanimously decided to dissolve the corps after the king had pledged fealty to the Constitution on the Court²⁸⁵. This idea was supported by statements such as those of the Financial Secretary, Canga Argüelles, who aimed to reduce the significant cost of maintaining 25000 troops in Cádiz—indisputable argument, given the abysmal situation of the Spanish funds.

Additionally, the Secretary of War planned a strategy to inevitably associate the main insurgents of the uprising with the new regime institutions and thus prevent, as far as possible, further uprisings. As a result, he promoted institutional closeness and rewarding the Army's services to their motherland. On the cabal's assessment, recognizing the deeds of the army that shifted the regime—the reason after promotions and honorary titles— but keeping it from actual political power was key.

That very strategy incited, in April 24th of the same year, the designation of eight new assistants of the king: Vice President of the Provisional Committee, Lieutenant general Francisco López Ballesteros, Lieutenant general Marquis De Campoverde, Lieutenant General Juan O'Donojú, Lieutenant General Pedro Villacampa, Lieutenant General Josef de Zayas, Marshals Antonio Quiroga and Rafael del Riego, and, finally, Brigadier count De Almodóvar²⁸⁶. As it can be seen, two of the heroes of the uprising were among the newly appointed members: Riego and Quiroga.

Second Act. Establishment of the Reunited Army of Andalusia. The Ruse of Marquis De las Amarillas

As previously stated, there was a government pact to dissolve the Ejército de la Isla army once the king had pledged fealty to the Constitution, although, until that date, Marquis De las Amarillas intended to weaken military influence to the utmost.

²⁸⁴ SÁNCHEZ MARTÍN, *Rafael del Riego...*, pp. 376-377.

²⁸⁵ This is narrated in Depth in the Marquis' memories. GIRÓN, PEDRO A., *Recuerdos*, Pamplona, 1979.

²⁸⁶ Their deeds were honoured by wearing golden cords coming from their right shoulder, as well as white feathers on their hats. Once the Courts had been set, the monarch would suggest an extra monetary prize "in order to satisfy the nature of their duty and the additional expenses it will entail". *Gaceta de Madrid*, n. 71 of April 26th, 1820, p. 472.

Consequently, Pedro Girón planned to minimize this army's power by mixing it with different, more numerous troops, as well as appointing a new leader. This way Juan O'Donojú, Masonic and a moderate Liberalist²⁸⁷, became Captain General of Andalusia and head of the newly named Reunited Army of Andalusia—comprised of the Ejército de la Isla Army and the troops commanded by Manuel Freire until then—despite the clash between both units during the uprising²⁸⁸.

In late May 1820, O'Donojú reorganized the Army, exactly as anticipated by Marquis De las Amarillas²⁸⁹, but neither the feelings of apprehension and mutual distrust of this subordinates were decreased by the new rule. O'Donojú used his power as a ruler to exploit the ideological differences among the people comprising the Reunited Army; not only those among Liberals and Absolutists, but also the ones who had been under the rule of Riego and under the rule of Quiroga²⁹⁰.

What Marquis De las Amarillas intended by weakening the *Ejército de la Isla* army was not clear to everybody. Many perceived it as an intent to maintain the revolutionary army as a guarantee of the new regime, and understood the changes as a firm will to bolster and spread it. Nothing far from the truth, despite the following re-organisation of the army was seen that way by a significant part of the population.

Finally, in July 1820, facing the Court opening so eagerly awaited by the Secretary, the dissolution of Andalusia's military forces was set in motion. Thus, the division between moderate and radical Liberalism came to be²⁹¹.

²⁸⁷ One of the best-studies aspects of his life was the role he played in Mexico. On the matter, also see GONZÁLEZ-POLO, I., "Don Juan O'Donojú, un benemérito gobernante olvidado en la historia de México", *Boletín*, vol. XI, n. 1 & 2, México, first and second semesters of 2006, pp. 33-44.

²⁸⁸ GIRÓN, PEDRO A., *Recuerdos*, Pamplona, 1979.

²⁸⁹The reorganization of the army, which should remain in the province of Cadiz and in the city of Seville, consisted in the re-establishment of two infantry divisions, a cavalry brigade, another artillery brigade and a light infantry squad. The vanguard was stationed in Seville under Riego's direct command—3600 units divided in four infantry batallions comprised y 900 men each: Asturias, Sevilla, Constitutional of Ferdinand VII Ligeró & Galicia-. Two of the batallions had previously been part of Riego's mobile column during the beginning of the year. The 1st división was under Quiroga's command—8550 units divided in nine batallions comprised by 900 posts each and 450 workers. Artillery forces, comprised by around 400 units, were under direct command of General Commander López Baños. Lastlym Arco-Agüero was appointed chief of the Mayor General state of the *Ejército de la Isla* Army corps, SÁNCHEZ MARTÍN, *Rafael del Riego...*, p. 390.

²⁹⁰ BULDAÍN JACA, B. E., "Reformas administrativas y sociales del Ejército en la transición política de 1820", *Revista de historia militar*, N° 64, 1988, p. 183.

²⁹¹ On the issue of ideological rift during the constitutional Triennium, also see FERNÁNDEZ SARASOLA, I., "Los partidos políticos en el pensamiento español (1783-1855)", *Historia Constitucional (revista electrónica)*, n. 1, 2000, pp. 117 y ss. Also ALVARGONZÁLEZ FERNÁNDEZ, M., "El pensamiento político de Rafael del Riego y su ruptura con los moderados", *Revista Historia Autónoma*, 11 (2017), pp. 77-94.

Third Act. Dissolution of the Army

The Spanish political situation was being closely followed by foreign embassies, especially the European ones, due to the influence of Spanish revolution on Southern Europe—the Kingdom of the two Sicilies, Naples or Portugal—so consulates highly regarded the possibility of extending such influence²⁹².

During that time, there was no lack of rumors talking about foreign intervention on the issue²⁹³, spurred by the world powers during the Congress of Vienna²⁹⁴.

The reasons justifying the dissolution of the army were varied. On the one hand, there were the previously mentioned financial reasons, based on the astronomical cost of maintaining the troops and the poor state of the Spanish funds²⁹⁵.

On the other hand, logistical reasons were proposed: in early August 1820, there was a re-organisation of military forces within the whole Spanish territory, so the lack of number of troops in other places demanded a redistribution of troops of the Reunited Army of Andalusia. Lastly, given every single unit of the army had pledged fealty to the Constitution, the Government no longer needed an Observation Army supervising every action.

The order to dissolve the *Ejército de la Isla* Army faced many challengers, both the Army itself, that considered disobedience²⁹⁶, and the radical Liberals from the Court, who associated the existence of the Army with a guarantee of the ongoing regime occurred in Cádiz, and its dissolution as a victory for absolutism. This issue aggravated the split of Liberalism into two branches: Moderates—represented by the *doceañistas* who controlled the institutions—and Radicals²⁹⁷—represented by the *veinteañistas*—, whose ideas varied significantly from those held by the Government.

²⁹² SÁNCHEZ MARTÍN, *Rafael del Riego...*, p. 444.

²⁹³ Rumors were not uncommon during the time. For example, there were some about the pressure exerted on the Court in *El Constitucional*: “Neither the personality of the members of parliament nor that of the people of Madrid fuel such conniving rumors in the slightest:”. *El Constitucional o sea Crónica científica, literaria y política*. (09-07-1820) p. 3. On July 9th, *El Universal* stated that it was said in Astorga the Russians were to disembark in Santoña. *El Universal observador español* (09-07-1820) p. 2. Such rumours had nothing to do with the guard’s death, as it was a fairly complicated option for the Russians as a result of his death, considering time constraints.

²⁹⁴ On the issue, also see MARTÍNEZ PEÑAS, L., “El Diktat de Versalles y la ruptura de la tradición negociadora europea”, SAN MIGUEL PÉREZ, E., *Los cañones de Versalles*, Madrid, 2019.

²⁹⁵ French diplomatic reports estimated the Spanish annual royal funds around 117 million Spanish *reales*, which opposed the budget of 94 million of the Ministry of War. SÁNCHEZ MARTÍN, *Rafael del Riego...*, p. 432.

²⁹⁶ SAIZ, M. D., “Liberalismo y Ejército: La “Gaceta patriótica del Ejército Nacional” (1820), *Coloquio Internacional Homenaje al general Rafael del Riego en el bicentenario de su nacimiento. Sobre el tema: Ejército, Pueblo y Constitución (siglos XIX y XX)*, Facultad de Ciencias de la Información, Universidad Complutense de Madrid. April 9th, 10th and 11th, 1984, p. 132.

²⁹⁷ PÉREZ LÓPEZ-PORTILLO, *La España de Riego*, p. 300.

There were many reasons for the breakup between Liberal ideas long before that very date. They were mostly seen during the Absolutist Sexennium, relating to the Liberal failure of 1814, or during the beginning of the Triennium, when the legitimate nature of the Courts was being discussed, with the following implications of modifying *La Pepa* Constitution²⁹⁸.

This command to dissolve the Army evidenced the contradictions and biased use of terminology, because, although the soon-to-be-dissolved army was named *Reunited Army of Andalusia*, that did not deter the press and the public opinion from naming it *Ejército de la Isla de León*—as it was traditionally known. By using them, some intended to claim the revolution that it helped to start, and others intended to discredit the constitutional regime. Riego, on the other hand, usually called it *Andalusian Observation Army*²⁹⁹, granting it the surveillance task of the constitutional regime so feared by the *doceañistas*.

4.- The Trigger of Riego's Doom

As stated by Gil Novales, once the 1820 uprising was successful, relevant branches of the country began to oppose the revolution that started the uprising. Such was the case of the monarch, the Secretary of War, the Provisional Committee, the Government and most of the Court. This was due to a vast majority of the members comprising said institutions, except for the king, belonged to the *doceañistas*—that is, the Liberals who had ruled during the first Constitution of 1812, and that had been persecuted, exiled, or imprisoned by the following Absolutist regime of Ferdinand VII. The *doceañistas*—generally older than the 1820 insurgents—viewed the revolution under a utilitarian light: the January uprising had been necessary to restore the regime of *La Pepa*, but, once restored, the influence of its leaders and supporters should be countered in order to prevent further attempts to tear the *status quo*. From this perspective, charging against a revolutionary legend such as Riego was a means to end negative influence³⁰⁰.

Riego was appointed Captain General of Galicia on August 2nd 1820³⁰¹. He was notified of this very promotion three days later by the General Commander of

²⁹⁸ Moderates disapproved the idea of changing the Constitution, plus they considered it was an impossible task because it had not been into force long enough for any modifications. Radicals, on the other hand, thought the eight necessary years for its modification had already passed, so their goal was to change it. In the end, it was the moderate view the one that claimed more power.

²⁹⁹ SÁNCHEZ MARTÍN, *Rafael del Riego...*, p. 431.

³⁰⁰ SÁNCHEZ MARTÍN, *Rafael del Riego...*, p. 434.

³⁰¹ On Captain General ranks, there are interesting studies such as the one of BALTAR RODRÍGUEZ, J. M., “Capitanías Generales vs Distritos Militares en los inicios del Constitucionalismo español”, FERNÁNDEZ LÓPEZ, J., *25 años de Constituciones y Fuerzas Armadas*. Zaragoza, 2003.

the Andalusian army, Juan O'Donojú. Riego was also offered to participate in an interview with the king on his way to Madrid. This appointment was a strategy of the Government to content Riego and thus discourage him from rebelling against the imminent dissolution of the *Ejército de la Isla* Army.

Riego desperately tried to reject the new charge he had been offered, to the point of quitting even before beginning to work, though his decision was denied by the Secretary of Work, who told him he expected a quick relocation, previously visiting the Court. Despite the ruse that had been devised—firstly, he was offered the charge of Captain General and then the army he had previously commanded was dissolved—, refusing the monarch's direct instructions would entail straying from the loyal, disciplined path he defended so eagerly.

Meanwhile, on August 4th, 1820, the Ministry of War stated the new unit distribution comprising the Reunited Army of Andalusia³⁰². Said reorganization involved establishing the military leadership of Cadiz as an independent division from that of Andalusia—which Cayetano Valdés, former governor of the Cádiz Province, began to command³⁰³—. These events ultimately lead to five *Ejército de la Isla* squads staying in Cádiz, while the remaining corps left to other regions³⁰⁴.

The first reaction to the re-establishment of troops took place in Cádiz, at the *Isla de León* Patriotic Association, where a meeting was held on August 10th to discuss about an action that was considered contrary to the country's security. Consequently, several documents from other provinces opposing said dissolution were issued, thus sparking further debate in bars and patriotic associations—particularly in province capitals³⁰⁵—, radical newspapers, and within masonries. All the aforementioned environments greatly favored radical Liberalism rather than moderate, so much so that some entities—such as the Galician Committee—tried to spur Marquis De las Amarillas to resign his duty³⁰⁶.

On August 11th, an official answer from the army leaders—Riego, López Baños, and Arco-Agüero—was issued, sending one representative to the Court and another to the king, opposing a redistribution comparable to a dissolution. The answer pinned responsibility on Marquis De las Amarillas, and stated that “it was no longer a matter of incompetence, but rather a Secretary's wickedness”, “and evil hands toyed with the actions of the Ministry”, referring to its influence on the remaining measures of the current government. During the Court representation speech, it was

³⁰² The news did not reach San Fernando until August 8th.

³⁰³ *Gazeta del Gobierno*, n. 52 of August 19th, 1820, p. 216.

³⁰⁴ SÁNCHEZ MARTÍN, *Rafael del Riego...*, p. 437.

³⁰⁵ The *Lorencini*, *Fontana* or *Fonda de Malta* pubs in Madrid were firm about this subject. GIL NOVALES, A., *Las sociedades patrióticas (1820-1823). Las libertades de expresión y de reunión en el origen de los partidos políticos*. Tecnos, Madrid, 1975, p. 71.

³⁰⁶ SÁNCHEZ MARTÍN, *Rafael del Riego...*, p. 383.

also mentioned that the previous actions had been severely rushed, as the ongoing political regime—despite having been approved by the Court—was still so recent was far from fully established, and thus fearing the soon-to-be-implemented reforms would instill public turmoil³⁰⁷. After analyzing the dilemma that the *Ejército de la Isla* army was facing, Riego claimed the rewards that had been promised to the rebel troops. As a result, on August 14th, the Court read Riego's paper on the issue, which was transferred to a prize donor before making any further decisions³⁰⁸.

The insurgents dissatisfaction with this measure was directed at Marquis de las Amarillas, as, in their judgment, the command coming from the Observation Army was but a monetary ploy—not only because it involved military issues, but also because he was the only Secretary of State that had not been a “Convict”³⁰⁹, and thus a Liberal.

The attribution of the previous decision solely on Marquis De las Amarillas was inaccurate, as it had been unanimously supported—although his colleagues in power avoided the hate roused by Pedro Girón³¹⁰.

Facing the different signs that evidenced the public aversion to his rule, Marquis De las Amarillas signed for resignation, but king Ferdinand VII rejected it, stating his duty was just appointing and classifying Secretaries. However, the increasing pressure and its following disclosure to the king—who insisted on keeping the public opinion against him—, and the fear of public turmoil resulted in the king approving the Marquis' resignation on August 18th after reflecting on the Cabinet's views, which agreed with the Secretary's resignation. The Girón administration was later succeeded by Cayetano Valdés—a relative of Riego's³¹¹—, who took his place as Secretary of War since September 1820 until the fall of the government as a whole, in March 1821, after the king's public criticism.

In his memories, Marquis De las Amarillas states his resignation was a carefully devised strategy to dissolve the *Ejército de la Isla* army. Nevertheless, part of the plan or not, the king refused his resignation, declaring that Girón was the only secretary he could place his trust in, and that it was on his royal right for him to appoint and separate secretaries. The king was finally convinced by the Secretary of War, along

³⁰⁷ Both letters can be read at GIL NOVALES, A., *Rafael del Riego. La Revolución de 1820, día a día. Cartas, escritos y discursos*. Madrid, Tecnos, 1976, pp. 85-88.

³⁰⁸ *Diario de Sesiones de las Cortes*. 14-08-1820. N° 41, pp. 504-505. These rewards were used as a pressure tactic within the context of dismission. SÁNCHEZ MARTÍN, *Rafael del Riego...*, p. 441. Rejecting them would have upset the *Ejército de la Isla* Army even more, which might have been a turning, critical point. Riego, however, seeing the hardships his Army had faced and that said dissolution could become a reality, aimed for monetary awards as an acknowledgement for his troops' deeds.

³⁰⁹ The Government leaders of the Spanish Liberal Triennium were also known as *Convicts* because most of them had been political prisoners during the previous years, due to clash of their political ideology and the traditional monarchical values rooted in Spain's history.

³¹⁰ This was the Radical Liberal's view, such as seen in *El constitucional*.

³¹¹ PÉREZ LÓPEZ-PORTILLO, *La España de Riego*, p. 305.

with the impending fear of peer pressure, which had been placed on the Secretary's shoulders, and the kind should best avoid it. Said pressure would grow exponentially, especially when Count Toreno informed Marquis De las Amarillas that Riego, López Baños, and Arco-Agüero had sent official representation in hopes of exposing it on the Court. Meeting in the Parliament should be avoided, as discussing about the official request there might cause strife between the instrument and the monarch. In the end, it was prince Charles, trusted by the king, who managed to convince him. It was no easy task, as, before accepting the official resignation, the king gathered all secretaries, only to state how much that decision disgusted him and proceeded to insult them³¹².

The Secretary of War presented his fourth resignation on August 17th. This time, the document was revealed to the public. In it, he highlighted it was the secretaries' opinion, along with the advice of the State Council, that had driven him to revert the Andalusian Observation Army to their previous peaceful state—although, given the opposition and wicked accusations he had to face from the Army's leaders, he was forced to resign, but his decision remained unchanged. Juan Rabat, who temporarily managed war finances, approved the command on August 18th³¹³.

The crisis following the Marquis' resignation, in which he was forced to act according to peer and political pressure and royal will, is a key event—according to Artola—that shaped the relationship between king Ferdinand VII and the convicts' administration. The historian considers this as the turning point where the constitutional policies the king had “firmly” adopted in March 1820 began straying from that very path³¹⁴. From that moment on, the monarch's goal was to restore absolutism as soon as allowed by political or military circumstances. On the scholar's judgment, Ferdinand II's first will to adjust to the constitutional regime was genuine, and it was the ongoing chain of events what made him resort to absolutism once more. Still, this is an opinion far from the norm within historiography, and there is a significant number of authors defending that the king plotted the fall of the constitutional regime from the very beginning.

On August 18th, the day after Marquis De las Amarillas' resignation was approved, the letters sent to the king and the Court by the heroes of the uprising—that openly opposed the Secretary—were made public, aggravating the maintenance of the *Ejército de la Isla* Army and thus further dividing Liberalism. Moderates defended that the Army was an insurgent force, as they disobeyed the order of dissolution right away, and it was feared they would rise as an independent military power. In their defense, Radicals explained the troops' behavior—as stated by *El Universal*³¹⁵— was a delay held back by the necessary deadline to change the king's mind. The latter was also the

³¹² On this issue, also see GIRÓN, PEDRO A., *Recuerdos*, Pamplona, 1979.

³¹³ SÁNCHEZ MARTÍN, *Rafael del Riego...*, p. 444.

³¹⁴ ARTOLA, *La España de Fernando VII*, p. 539.

³¹⁵ In between Moderate and Radical Liberals.

stance of O'Donojú, who refrained from immediately retaliating against the insurgent troops, stating it was a wise move to wait for an answer to the king's and Court's representatives—consequently ending the military's hopes for a firm retaliation. This strategy by O'Donojú has been linked with his aim to become Secretary, and whose name was claimed as a possible replacement of Marquis De las Amarillas³¹⁶.

On August 21th, three days after the representatives of Riego and the other officers were revealed, a leaflet called *Sentinel Versus Republicans*³¹⁷ was also made public. It reflected about a possible ploy to impose a republican Government, where Riego and other leaders of the 1820 uprising were associated to the cause.

The leaflet, published by Commissioner of War Domingo Antonio Velasco, stated they planned to assassinate the king and replacing him with three consuls that would serve as Republican leaders. He was imprisoned as a result³¹⁸.

On August 25th, the assembled commission on that matter pronounced favorably on Riego's requests to the Court regarding the agreed compensations to the *Ejército de la Isla* Army, and on the request to gather the Constitutional Battalion and Constitutional Squad. Still, the commission had the final say, thus turning the recognition of the requests into a pressure point for Riego and his colleagues. In fact, the requests were not approved until September, after the dissolution of the *Ejército de la Isla* Army³¹⁹.

5.- Riego in Madrid

On August 30th, 1820, Riego entered Madrid on his Way to Galicia, alongside military officers and trustworthy men of his, such as Baltasar Valcárcel, Evaristo San Miguel, and Santiago Pérez. His arrival left everybody in awe, as so many people gathered around the *Fonda del Ángel* Inn where he was staying that he later talked to them through the balcony. The constant news about his arrival and travels, the publication of a paper enhancing him and the people's fondness for him were perceived as an attack by the secretaries. The people supported Riego all the way through, and every move of his was met with countless civilians³²⁰.

³¹⁶ SÁNCHEZ MARTÍN, *Rafael del Riego...*, pp. 446 y 449-450.

³¹⁷ Direct translation of the original name: *Centinela contra republicanos*.

³¹⁸ On the issue, also see *Dictamen del fiscal togado Don Juan Gualberto González en la causa contra el comisario de guerra Don Domingo Antonio de Velasco, por autor de un papel titulado Centinela contra republicanos, sentenciada en el Tribunal de Guerra y Marina*. Madrid: Imprenta de Don José del Collado, 1882.

³¹⁹ SÁNCHEZ MARTÍN, *Rafael del Riego...*, p. 447.

³²⁰ On the issue, also see PINILLA CAÑADAS, S., "1820-1821: Riego mueve Madrid. Nuevas brisas en el viejo repertorio de acción colectiva en la España del siglo XIX", *Res publica*, 16, 2006, pp. 77-96. Marquis De Miraflores states the following in his memories: "From his very entrance, a

On the following day, Riego and his delegation were interviewed with the king and his secretaries, and the details of the interview were made public from the start. Riego, fueled by his desire for revenge, stated he had nothing to do with the leaks³²¹. Sánchez Martín defends the possibility of the leaks being deliberately spread by ministerial sources, only to subsequently frame Riego of insubordination by spreading the Administration-Riego disagreement, as a means to raise doubts about his figure, given his incredible popularity. In any case, it is known for sure that Riego, on September 3rd, wrote his colleagues to report his interview with Ferdinand VII, but the content of said letter was not revealed until September 5th—by Riego himself³²².

On September 3rd, the *Fontana* and *La Cruz de Malta* Patriotic Associations, along with the City Council of Madrid, arranged a victorious welcome for the hero of *Cabezas de San Juan*. Riego thanked the attendees for the welcoming reception to the city from the very balcony of the Town Hall of Madrid. After leaving the building, he triumphantly marched through *Mayor* and *Alcalá* Streets and through *Carrera de San Jerónimo* Road. The latter, where the *Fontana de Oro* Inn is located, served as the right place for a honorary lunch for him³²³.

The night of the same day, a play about Henry III of Castile in *El Príncipe* Theatre was appointed, where *Trágala*, a popular song favoring the Constitution and whose origin dates back to March 1820 was also sung. The song had a welcoming reception by the middle classes, and its verses criticizing Moderate Liberals and compliant people that condemned the magnification of the heroes of the uprising undoubtedly concerned the *Doceañistas*. There are several versions of the song, one of which adapted the lyrics to narrate Riego's arrival in Madrid. It can be inferred that this particular version was the one sung at the theatre³²⁴.

conundrum of abnormalities deployed the hero of his thrill, a thrill he only meant to fuel, rallying from the windows and the streets; [...]" EL MARQUÉS DE MIRAFLORES, *Apuntes histórico-críticos para escribir la historia de la Revolución de España, desde el año 1820 a 1823*. London, 1834, pp. 60 y ss.

³²¹ Riego published a self-defending allegation at the end of the year to protect himself from the Government's accusations.

³²² The letter can be read in GIL NOVALES, A., *Rafael del Riego. La Revolución de 1820, día a día. Cartas, escritos y discursos*. Madrid, Tecnos, 1976, p. 88.

³²³ In fact, initially, patriotic associations suggested to hold the meeting in the bullring; this way, a larger group of people could be invited. However, the political leader declined the suggestion and restricted the event to the club building, thus considerably reducing the number of attendees. SÁNCHEZ MARTÍN, *Rafael del Riego...*, p. 466.

³²⁴ The lyrics of the popular song went: "*Trágala, trágala, / tú, servilón, / tú, que no quieres/ la Constitución./ Ya no la arrancas / ni con palancas/ ni con palancas, / de la nación*". Depending on the source, the political leader's opinion on the singing differs, and also the participation of Riego himself. PÉREZ LÓPEZ-PORTILLO, *La España de Riego*, p. 307. Riego himself, in a document were he defends himself from the accusations on his behavior at the theater, not only denies singing the song, but also claims to have left the building.

Díaz-Plaja, F., registered the Absolutist versión of *Trágala*: "*Trágala, trágala / tu liberal / Ti, que no quieres / Corona real*" in *El más querido y el más odiado de los reyes españoles*. Barcelona, 1991. Al

Although the story is different depending on the source, it seems like the attendees specifically requested *Trágala* to be sung, as the program had scheduled patriotic songs. The political leader of Madrid, Rubianes, who was present during the act, refused the idea, so Riego left the place. Turmoil soon started once he had left. Still, witnesses' versions differed on the details of the beginning of hostilities, and about the exact role of Riego and Rubianes in it. Some say Riego simply mediated to convince Rubianes to let the people sing, while others say he sang the song himself, despite the leader's previous prohibition.

It is still uncertain what drove Rubianes to forbid the singing: Was he instructed to not allow any Radical Liberal praise? Was he ordered to instigate a conflict that could be pinned on Riego? No matter his reasons and what took place that day, there is no doubt that the leader tried to prevent all singing—even accounting the program's scheduled patriotic songs.

Argüelles, a member of the Government, accused Riego of remaining idle against the turmoil, considering his intervention could have quelled it. On the other hand, Torrijos, a witness, exonerated him, defending he left very soon. Was his departure a little too convenient? One could think Riego's departure from the theater might have unintentionally discredited the political leader's decision. Riego's soon departure might have been a preemptive measure aiming to prevent further strife. However, in September 6th, the members of the committee—San Miguel, Santiago Pérez, and Valcárcel—published a note on *La Miscelánea* where they assumed full responsibility of all the singing. The note also read that, in August 31st, Riego and them had also attended *De la Cruz* Theatre, where they also joined the singing. They apologized about their previous actions, which might have led to the singing in *El Príncipe* Theatre, and exonerated Riego of joining the singing³²⁵.

As a result, in August 4th, Riego was laid off from his charge in Galicia, that he had not yet began, and relegated to Oviedo. The sudden demotion and change of destination was a clear punishment. He stated his request to see the king, to appeal in Court and to hold a trial in order to defend himself. None of his requests was granted³²⁶. However, on the following day, his plead about the dissolution of the *Ejército de la Isla* Army was presented at Court, but to no effect on its redistribution. The Moderate Liberal representatives on the Parliament defended that, according to Article 171, the king could enforce all civil and military occupations, as well as

respecto ver LA PARRA LÓPEZ, E., “La canción del *Trágala*. Cultura y política popular en el inicio de la revolución liberal en España”, *Les Travaux du CREC*, nº 6, 2009, pp. 68-86.

³²⁵ In any case, the singing did not seem to stir further turmoil, although the incident was used afterwards to discredit Riego's reputation. This is the view of BURGOS (DE) C., *Gloriosa vida y desdichada muerte de Riego (un crimen de los Borbones)*. Madrid, 1931, pp. 104 y ss.

³²⁶ DEL RIEGO Y NUÑEZ, R., *Vindicación de los extravíos imputados al general D. Rafael del Riego el 7 de septiembre en las Cortes*. Madrid, 1820, p. 3.

the disposition of armed forces³²⁷. The frustrating aftermath following the events of *El Príncipe* Theatre and his defeat in Court probably spurred Riego to publish the letter—addressed to López Baños and Arco-Agüero—where he narrated his interview with the monarch. He finally headed to Asturias on September 6th.

The reasons behind the dismissal are uncertain. On the one hand, the Government, on Argüelles' behalf, pointed out Riego's behavior thanks to a letter sent to his insurgent colleagues where he disclosed every minute detail of the interview with the monarch and the members of Government:

“The abnormality of the publication constitutes a valid reason to justify the Government's last resolution regarding the General, since he was not offered any agreement conflicting with indiscretion and a lack of decorum”³²⁸.

Nevertheless, Riego disproved that case by pointing his discharge had happened on the 4th, one day sooner than the publication of the letter. Additionally, he plead on his paper for the liberty of press reestablished with the Cádiz Constitution. Regarding the insubordination charges he was facing, he defended himself pleading the reason of his private audience with the king was well known; discussing the command to dissolve the *Ejército de la Isla* Army—as his stance on the matter had been evidenced several times. Despite the accusations, it did not discourage him from accomplishing his duties, since he was notified of the order of dissolution the night of August 9th and made it public the very next morning.

On the events occurred at the *El Príncipe* Theatre, Argüelles stated the following on Court:

“It was the enforcing authority of the capital against customary actions, maybe even for the first time, that ruled within the theatre. And what was the outcome? Defamation and a threat to their life. And the defendant [Riego], whose case in court now requires legal proof that is, in truth, unnecessary remained idle, a spectator of chaos, aware than a simple command of his would have sufficed to quell the situation”³²⁹.”

³²⁷ PÉREZ DE LA BLANCA SALES, P., *Martínez de la Rosa y sus tiempos*. Barcelona, Ariel, 2005, p. 128. The text Riego read at the Parliament can be seen on GIL NOVALES, A., *Rafael del Riego. La Revolución de 1820, día a día. Cartas, escritos y discursos*. Madrid, Tecnos, 1976, p. 91.

³²⁸ DEL RIEGO Y NÚÑEZ, *Vindicación de los extravíos...*, p. 5.

³²⁹ DEL RIEGO Y NÚÑEZ, *Vindicación de los extravíos...*, p. 6. Riego's sense of duty and coherence greatly caused any regard of trying to discredit the constitutional regime to greatly undermine his morale. Consequently, he requested several times to be instructed and taught the skills to prove his innocence against the perjurious or defamatory actions. CASADO BURBANO, P., “El pensamiento político-militar de Riego”, GIL NOVALES, A., *Ejército, pueblo y constitución. Siglos XIX y XX. Homenaje al General R. del Riego*. Madrid, 1988, pp. 186-192.

In his plead for defense, published in late November 1820, Riego countered Argüelles' accusation. He stated he was away during the singing. According to his version as soon as they started and the political leader told them *not to sing*, Riego left the room. That is why he did not quell the turmoil: because he simply was not there. Riego considered that, in case the political leader predicted his presence would bring turmoil, he should have been warned to not attend the event at all. Regarding the accusations of insurgence, Riego pleads his own doing in January 1820 helped reestablish the authorities he was being judged by at that very moment³³⁰. Still, controversy was a recurring element during the Triennium.

He stayed shortly on his charge in Oviedo, that he faced after the incident at the *El Príncipe* Theatre. In December 1820, after the *Ejército de la Isla* Army had already been dissolved, Rafael del Riego was appointed Captain General of Aragón, but he still could not carry out that charge peacefully. In January 1821, Anti-revolutionary forces accused him of instigating a republican ploy. That would not be by far the last insurrection—be it actual or fake—to threaten general peace on that very year. Throughout the three following months, other officers would disrupt the political stability of the country. Such was the case of Jorge Bessières, in May 1821³³¹, or the event led by Claude-Françoise Cugnet de Montarlot—a French military officer hiding in Spain, whose goal was to provoke the French army appointed throughout the Pyrenees, and establish the 1791 Constitution in France³³². These deeds can also be added to the events that took place in Zaragoza in August of that year, when Francisco Villamor, founder of the local Patriotic Association—and an officer of the National Militia—was pinned another insurgent revolution³³³. As a result of the

³³⁰ DEL RIEGO Y NÚÑEZ, *Vindicación de los extravíos...*, pp. 8-9

³³¹ Bessières' plan aimed to establish the Cadiz Constitution in France. He was sentenced to death penalty in July 1820, but the execution would not be carried out. He was finally absolved in 1822 and exiled from Spain. On the same year, he would return to the country as General of a Realist army. Aragonese doubts his intentions were genuine; but rather, his goal was to pin Liberal military officers or even serve as an excuse for French intervention in the country. ARAGONES, JUAN FRANCISCO, "La conjuración republicana de Barcelona (1821)", GIL NOVALES, A., *Ejército, pueblo y constitución. Siglos XIX y XX. Homenaje al General R. del Riego*. Madrid, 1988, pp. 182-183.

³³² About this figure and the uprising, also see NAGY, L., "Un conspirateur républicain-démocrate sous la restauration: Claude-François Cugnet de Montarlot. Origine de l'élaboration d'une culture révolutionnaire", *Annales historiques de la Révolution française*, 370, octobre-décembre, 2012, pp. 150-151.

Aragones doubts both the intents of Bessières and the schemes of Cugnet de Montarlot to be genuine intents regarding their goals. Instead, they were actions that allowed them to point Liberal military officers, or that could even serve as an excuse for French intervention on the country. SOURCES ARAGONES, JUAN FRANCISCO, "La conjuración republicana de Barcelona (1821)", GIL NOVALES, A., *Ejército, pueblo y constitución. Siglos XIX y XX. Homenaje al General R. del Riego*. Madrid, 1988, pp. 183-184.

³³³ On this issue, also see the Court accusations of VILLUENDAS (Y), J. A., *Acusación fiscal de la causa formada para la averiguación de los autores y cómplices del proyecto de substituir un gobierno republicano al constitucional que nos rige presentada en ella por el promotor fiscal del juzgado*

unstable political environment and of the January accusations, Riego was discharged from his duty as Captain General on September 4th, 1821. Popular turmoil occurred as a direct protest opposing that measure, which grew in violence and culminated in the infamous *Las Platerías* Battle, that would begin on September 18th³³⁴.

primero de primera instancia de Zaragoza y su partido. Zaragoza, 1821. El manifiesto del Jefe Político de Aragón MOREDAS, F., *Manifiesto que hace a la nación el gefe politico de Aragon Don Francisco Moreda, sobre las ocurrencias acaecidas en esta ciudad de Zaragoza en los últimos días del mes de agosto y primeros de setiembre últimos*. Zaragoza, 1821. El mismo año 1821 se publicó la defensa por el hermano de Francisco Villamor VILLAMOR, V., *Escrito de defensa dado por D. Francisco Villamor en respuesta a la acusación fiscal en la causa sobre atentar contra el sistema constitucional y sustituirle por el de República*. Zaragoza, 1821.

³³⁴ On this issue, also see their majesties', *Relación histórica de la batalla de las Platerías*. Madrid, 1823 y SÁNCHEZ MARTÍN, V., "De la exaltación virtuosa y los verdaderos liberales: Riego ante la fractura del liberalismo exaltado durante el Trienio Constitucional (1822-1823)", *Pasado y Memoria. Revista de Historia Contemporánea*, 22, 2021, pp. 129-154.

CHAPTER VI

THE LEGAL-INSTITUTIONAL FORMS OF LATE ABSOLUTISM

1.- The Ominous Decade. First Measures

After the return to absolutism of Ferdinand VII of Spain at the end of the *Trienio Liberal*, as he had done in 1814, the king declared all the acts of the constitutional government null and void and began a repressive movement to eradicate liberalism. Thus, the military forces, essentially the captains general, were once again given the main powers of government and administration of the territory. This was done not without some mistrust on the part of the Crown, as many military officers had played a very active role in the previous period in the service of liberalism.

The so-called Ominous Decade was characterised by the now classic absolutism-liberalism dichotomy, but at this stage, in addition, two currents of political thought within realism can be distinguished. On the one hand, there was a group, of which the Duque de Oñate was a good exponent, which was at ease with the political situation of the time and aspired to avoid future revolts by forming an enlightened and conciliatory government which, while tolerable for the liberals, would respect the essence of the absolute monarchy³³⁵. On the other hand, a second current formed by the apostolic party, a radical sector of absolutist traditionalism, strongly influenced by the Church. This faction aspired to completely suppress liberalism by means of the harshest repression, if necessary. Its radicalism even led it to carry out repeated uprisings against the Ferdinand VII's government during the period, accusing it of lukewarmness.

³³⁵ This group included, among others, Ceferino González, Calomarde y Cea Bermúdez. ARÓSTEGUI, J., CANAL, J. GARCÍA CALLEJA, E., *El carlismo y las guerras carlistas. Hechos, hombres e ideas*. Madrid, 2003, p. 38.

Apostolic criticism of the monarch began with the appointment of the first government after the absolutist restoration. This executive, headed by Carlos Manuel Martínez de Irujo y Tacón – Marqués de Casa Irujo - began its work on 2 December 1823, but failed to consolidate itself as a stable government. The Secretary of State's health problems led to an early reform, and he was replaced by Narciso Heredia, Conde de Ofalia. One of the main reasons for criticism of this government was the enactment of a decree of amnesty for those who had been part of the *Trienio* institutions in the previous years.

The divisions within the newly established political system weakened it from the outset, which is why it was necessary to maintain the presence of French troops in the country for a long time, and all kinds of precautions were taken to prevent disorder. For example, during the entry of Ferdinand VII into Madrid in November 1823, the mayor of the city issued several orders imposing measures such as the prohibition of looking out onto the street through windows without bars, the maintenance of political conversations about the acts of government, the obligation to remove flowerpots from balconies and the intensification of controls on foreigners present in the town and court.

For his part, the king, on 1 October 1823, passed three decrees establishing the foundations on which the new stage of his reign was to be based. The first of these abolished everything that had been legislated by liberalism. The second set in motion repression against all those who had held political office during the *Trienio* and against the *Milicia Nacional* (National Militia) for its unambiguous defence of the Constitution. To this end, town councils were asked to contain lists of militia members, the boards of inspectors of *maestros de primeras letras*, the general directorate of *reales loterías* and other similar institutions were asked to provide information on liberalist sympathisers. To be even more effective in purification, rewards were established for those who betrayed those in possession of *Milicia Nacional* (National Militia) weapons. The reward was half the amount of the fine imposed on the person who concealed the weapon, so that whoever had a rifle was fined fifty ducats, twenty-five ducats for the person who denounced him. The last of the decrees, the third, exalted the Catholic religion as the religion of the State³³⁶, which was evidenced, among other measures, by the theoretical re-establishment of the Inquisition, derived from the suppression of all the regulations of the *Trienio*.

2.- The *Voluntarios Realistas*

To replace the abolished *Milicia Nacional*, Ferdinand VII set up the *Voluntarios Realistas*, an entity which, like the Militia, was highly politicised, but oriented, in

³³⁶ PÉREZ GARZÓN, *Milicia Nacional y revolución...*, pp. 350-354.

this case, towards the defence of the absolutist regime. The *Voluntarios* were born spontaneously, in 1821, as a group of individuals committed to royal absolutism which, once the *Trienio* was over, became institutionalised because its most radical members were in favour of carrying out harsh repression against those suspected of liberalism and because it filled the vacuum in the maintenance of municipal order left by the disappearance of the *Milicia Nacional*³³⁷. In addition, its creation was favourably influenced by the King's distrust of the army, which had participated in the 1820 *pronunciamiento* and which had forced it to accept constitutionalism against its royal will.

The *Voluntarios Realistas* were drawn from the ranks of people with illiberal ideas and from the lower strata of society, both notable differences from the *Milicia Nacional*, which was a mainly bourgeois force. The highest authority in the corps was an *Inspector General* appointed by the monarch from among the army generals who had distinguished themselves for their loyalty³³⁸. The distrust that Ferdinand VII felt towards the army led him, in 1826, to make the *Inspección General de los Voluntarios Reales* organically dependent on himself, since he appointed them himself, separating it from the captains general³³⁹. Military jurisdiction applied to them, and membership of the *Voluntarios Realistas* constituted a merit for access to other administrative posts in the State³⁴⁰.

As for the number of members, in 1826 the *Voluntarios Realistas* numbered more than two hundred thousand members³⁴¹, although they could not form part of its ranks:

*“Los que hayan pertenecido a la titulada milicia nacional voluntaria, los compradores de bienes llamados nacionales y los que por su conducta hubiesen desmerecido del concepto de adictos al monarca y a la religión, así como los miembros de sociedades secretas o patrióticas”*³⁴².

From the operational point of view, the *Voluntarios Realistas*, like the *Milicia Nacional* before them, followed the model of a proximity force operating in municipal environments, close to the place of residence of the corps members, so that their main task was to maintain order in the towns by pursuing and arresting criminals, deserters, etc.

³³⁷ NEGRO, *Un monstruo indestructible*....p. 75.

³³⁸ SUÁREZ VERDEGUER, F. “Los Cuerpos de Voluntarios Realistas: notas para su estudio”, *Anuario de Historia del Derecho*, nº 26, 1956 pp. 76-77.

³³⁹ BALLBÉ MALLOL, *Orden público y ...*, p. 98.

³⁴⁰ NEGRO, *Un monstruo indestructible*....p. 75.

³⁴¹ LUIS, J. P., “La década ominosa (1823-1833), una etapa desconocida en la construcción de la España contemporánea”, *Ayer*, nº 41, 2001, p. 92.

³⁴² SUÁREZ VERDEGUER, “Los Cuerpos de Voluntarios...”, p. 87.

During the first years of the absolutist restoration, the *Voluntarios Realistas* were a corps that was very well treated economically and given their voluntary membership, it was possible for those who had formed royalist parties during the *Trienio* and who, at the end of it, had been discharged for an unlimited period to join. In the long run, however, the Royalists ended up being a source of problems and headaches for the monarch, as many of their members, who were part of the most radical wing of absolutism, began to adopt critical positions towards the king, accusing him of treating the former enemies of the Crown excessively generously³⁴³.

The *Voluntarios Realistas* had constant friction with other security forces, to such an extent that the king had to order surveillance of some of them. Thus, for example, in 1824, a list of ten individuals was sent to the police delegate of Valencia to be placed under surveillance because, in his opinion, they were exalted and disgruntled royalists, considering that their taking sides with absolutism had not been suitably rewarded once the powers were returned to the king³⁴⁴.

By 1832, royal distrust of the corps had resulted in the *Voluntarios Realistas* numbers dropping from over 200,000 to 125,000 men³⁴⁵. That year, moreover, a decree by the Queen Regent Maria Christina abolished the levies intended for their upkeep, thereby seeking to prevent the support the corps gave to the Carlist pretender to the throne³⁴⁶. Finally, in 1834, after the death of Ferdinand VII, the corps was disbanded and many of its members, who were Carlist supporters, were abolished.

3.- Repression in the Ominous Decade

With the return to power of Ferdinand VII in 1823, the security institutions were overhauled, on the one hand because of the distrust the king felt for both the army and the *Milicia Nacional*, and on the other because he felt that with the old instruments of government, he could not prevent a new insurrection like that of Cabezas de San Juan. Thus, the first steps taken by the king were aimed at eliminating dissidents within the country by setting up executive military commissions³⁴⁷ and purification boards to purge the Administration³⁴⁸ and the army. He also proposed the creation of a police force, which will be dealt with under its own heading in the last chapter.

³⁴³ RÚJULA. "El alma política... p. 72.

³⁴⁴ TURRADO VIDAL, *Estudios sobre historia ...*, p. 282.

³⁴⁵ NEGRO, *Un monstruo indestructible...*p. 75.

³⁴⁶ SUÁREZ VERDEGUER, "Los Cuerpos de Voluntarios ...", p. 87.

³⁴⁷ The military commissions that purged the army's components were unfortunate in their performance and raised many protests. TURRADO VIDAL, *Estudios sobre historia ...*, p. 283.

³⁴⁸ In 1825, the purification processes continued. An example of this is the Real Orden of 25 July 1825 on the purification of retired subalterns with officer ranks. *Gaceta de Madrid*, núm. 93, de 4 de

The first absolutist reprisals were directed against those who had formed part of the Council of Regency in Seville, set up because of the advance of the Hundred Thousand Sons of Saint Louis (*Los Cien Mil Hijos de San Luis*) across the country. The need to create it in that Andalusian city was due to the refusal of the king, who was there by order of the government, to move to Cadiz once the French troops had crossed the *Despeñaperros* gorge, and so both the *Cortes* and the executive remained in the capital of Seville. An attempt had been made to force Ferdinand VII to move against his will, and it was claimed that the sovereign's refusal to move south was the result of a temporary alienation. On this basis, his power was temporarily suspended, the aforementioned Council of Regency was created to replace him, as provided for in article 187 of the Constitution of Cadiz, and a reluctant Ferdinand VII was then escorted to the Bay of Cadiz. The regent synod was made up of three members: Cayetano Valdés, Gabriel Císcar and Gaspar Vigodet. Luckily for them, they managed to escape the country, with some French help, before the absolutist authorities managed to arrest them.

Other protagonists of the period were not so lucky. This was the case, for example, of Riego, hero, and symbol of the Cabezas de San Juan uprising and the establishment of the *Trienio Liberal*. The officer was captured by the Fernandine authorities, condemned to death, and executed by garrotte vile - an infamous death for a former military officer - in November 1823, in the Plaza de la Cebada in Madrid.

After the return to absolute rule, General Eguía recommended to the monarch the complete dissolution of the military institution to re-establish it from scratch and create an army free of liberals. The sovereign did not follow the advice to the letter, so the scope of the military purge was not as drastic as Eguía proposed, although entire corps were extinguished, such as the *Compañía de Alabarderos* and the *Regimiento de Zapadores*, the two units that had escorted the monarch on his forced journey to Cadiz after the entry of the French army into Andalusia.

Repression extended far beyond the army. Measures were decreed for deputies to the *Cortes*, councillors, ministers, officials of the secretariats and members of the militias to stay away. All of them were required to be at least five leagues away from the route taken by the royal cortege to take the *Corte* back to Madrid. They were also forbidden to reside in the *Corte* or in any of the royal places³⁴⁹.

Similarly, purification boards were set up which punished thousands of less politically important liberals, and an uncontrolled popular repression was carried out

agosto de 182, p. 371. In this regard, see PESET REIG, M. y PESET REIG, J. L., "Legislación contra los liberales en los comienzos de la década absolutista (1823-1825)", *Anuario de Historia del Derecho Español* (1967), pp. 437-485.

³⁴⁹ For a historiographical analysis of the exiles in this second return to absolutism, see RUBIO, ROJAS, A., y FUENTES, J. F., "Aproximación sociológica al exilio liberal español en la década ominosa (1823-1833, *Spagna contemporánea*, núm. 13, 1998, pp. 7-19.

which Fontana described as civil violence³⁵⁰. The situation reached such extremes that the King of France himself, Louis XVIII, whose forces had restored Ferdinand to absolute power, warned the Spanish monarch of the possible consequences of the lack of restraint shown during the first two weeks of his return to absolute power:

“Todos los esfuerzos de Francia serían inútiles, si Vuestra Majestad continuase fiel al pernicioso sistema de gobierno que provocó las desgracias de 1820. Desde hace catorce días Vuestra Majestad ha recobrado su autoridad y aún no se conoce de Vuestra Majestad sino detenciones y decretos arbitrarios; la inquietud, el temor y el descontento comienza a extenderse; yo pedí a Vuestra Majestad que concediese una amnistía y diese a sus pueblos alguna garantía para el futuro, Vuestra Majestad no ha realizado ni una cosa ni otra”³⁵¹.

Faced with this manifestation of Louis XVIII's will, the Spanish king was forced to soften the repressive measures, as the maintenance of public order in the country depended on the presence of French troops. Ferdinand VII could not allow them to leave the country before consolidating an absolutist government, as the possibility of new liberal revolts was not far off. A consequence of the need for the presence of foreign troops in the country was the agreement signed with France on 9 February 1824, whereby 45,000 Gallic troops would remain in Spain for a further six months to garrison eighteen towns considered to be of high strategic value, while remaining outside the chain of command of the Spanish forces.

Foreign pressure - especially from France, but also from Russia and Austria, which were not exactly known for being weak in the face of liberalism - finally led Ferdinand VII to decree a general reprieve and pardon on 1 May 1824. It exempted from corporal or pecuniary punishment those who, from the beginning of 1820 until 1 October 1823, had taken part in the disorders and excesses that had occurred in the Kingdom - that is, during the liberal government - with the aim of preserving the so-called Constitution of 1812. Given that they had been punished with lesser penalties, those who benefited from the decree were given the ungratifying consideration of “illusions or weaklings who have been passive or secondary instruments” of the revolution.

No pardon was granted to those individuals whose situation fell within the provisions of article 2 and following. These provisions affected the perpetrators of the main military rebellions at Cabezas de San Juan and Isla de León, where the Constitution was proclaimed before the Royal Decree of 7 March 1820, by which the King expressed his constitutional will, had been received. Nor did it include the

³⁵⁰ In this regard, see FONTANA, J., “Represión política y violencia civil en 1823-1833: propuesta para una interpretación”, *Industrialización y nacionalismo: análisis comparativo: Actas del I Coloquio Vasco-Catalán*. Barcelona, 1985. pp. 321 y ss.

³⁵¹ ARTOLA, *La España de Fernando VII*, p. 670.

civil and military chiefs who continued to command the insurgent units, nor those who signed expositions calling for the restriction of royal powers, nor writers and publishers who had published documents that impugned religion, nor the authors of uprisings, the chiefs and prosecutors who brought the case against General Elío, nor the authors and executors of the uprisings, the chiefs and prosecutors who brought the case against General Elío, nor to the authors and executors of the death of Matías Vinuesa, nor to the commanders of guerrillas formed to fight the army commanded by the French, nor to the deputies who voted for the removal of the king and the formation of a regency in June 1823, nor to Spaniards who, living abroad, had taken part in conspiracies against the king and his sovereignty³⁵².

In short, the restrictions on its application included in the pardon itself were so great that, in practice, instead of limiting the repression of supporters of the liberal regime, it gave new impetus to the persecution. When the content of the pardon was made public, people who had remained in Spain until then fled abroad³⁵³.

The royal pardon did, however, serve to satisfy Paris's demands and, thus, to renew the agreement for French troops to remain in Spain, when the deadline set in the agreements of February 1824 was approaching. A new agreement, dated 30 June 1824, extended the presence of these troops at strategic points in the country for a further six months. It was not the last, as new agreements were successively signed, prolonging the stay of French units on the peninsula until 1828, when they finally left the places where Gallic soldiers were still stationed.

The amnesty was not the end of the repression; it continued through various measures. On 1 August 1824, for example, the suspension of secret societies in all Spanish territories was decreed, as they were considered an instrument used to spread liberal ideas. The penalty imposed on those accused of belonging to them was that corresponding to the crime of *lese majeste*, the most serious offence in the legislation of the time. The law specifically referred to Freemasonry, the Comenros, and the Carbonari, although in a generic way it was applicable to any secret society, regardless of its name and the objectives for which it had been founded or which it pursued³⁵⁴.

In addition to the prohibition, articles 9 to 11 added the obligation on the part of the higher courts to send the king a list of the names of those convicted of belonging to them every four months. It also obliged all employees, whether public or private, and all university students to swear an affidavit in which they expressly stated that they did not belong or had never belonged to any secret association.³⁵⁵

³⁵² *Decretos del rey nuestro señor Don Fernando VII y reales órdenes, resoluciones y reglamentos generales*. Tomo VIII, Madrid, 1824, pp. 325-331.

³⁵³ FUENTES, "Afrancesados y liberales", p. 140.

³⁵⁴ Otra era la de los Numantinos, de la que Espronceda fue cofundador. ALVARADO PLANAS, "La Ilustración y...", p. 33.

³⁵⁵ *Gaceta de Madrid*, núm. 100, de 10 de agosto de 1824, pp. 401-402.

The decree of 9 October 1824 stiffened the penalties to be applied to those who, from 1 October of that year, declared themselves enemies of the King or supporters of the 1812 Constitution, either by force of arms, by forming parties, or by deed, by means of the production of written pamphlets, the promotion of riots, etc. These actions also fell under the criminal offence of *lèse-majesté*, which was almost invariably punishable by death.

The decree established that, in the case of opinions contrary to the king being expressed only orally, the offence would be considered a lesser one - in which case the penalty ranged from four to ten years in prison - although cries of “death to the king”, “long live Riego”, “long live the Constitution”, “long live freedom”, “death to the servile” and “death to the tyrants” were punishable by death. Membership of Francmasonry, the *Comuneros* or any other secret association was also punishable, under the decree, by the maximum penalty and confiscation of all property, in accordance with its previous prohibition of August of that year. Finally, the text excluded drunkenness as a cause for exempting the accused from criminal liability for his acts and eliminated it as a mitigating or exonerating circumstance for the offences covered by the decree³⁵⁶.

The aim of imposing the maximum penalty or very harsh penalties for such diverse conducts was to set an example, on the understanding that only the idea of suffering such a punishment would dissuade potential offenders. This was a conception of punishment that was already beginning to be considered outdated among jurists, but which responded to the old vision of punishment that Ferdinand VII, with his return to all that had gone before, also wished to restore.

Punishment for the behaviour set out in the decree of October 1824 was to be imposed by the provincial military commissions which had been set up throughout the country, by decree of 13 January 1824, with the task of judging the crimes which it was decided to place under their jurisdiction, provided they had been committed after 1 October 1823. The crimes they prosecuted were mainly serious common crimes, such as banditry, and political crimes, which included any activity of a liberal nature³⁵⁷.

The decree creating the military commissions, in its explanatory memorandum, justified their creation by the need to prevent disturbances of public tranquillity, whether by means of expressions against the legitimate rights of the Throne or in favour of the Constitution of 1812; to prevent the spread of false news; and to attend to the need to ensure the safety of the roads. Although these tasks could fall to the ordinary structures of public order, the decree stated the advisability of creating military commissions to ensure prompt intervention by the authorities, since the swift punishment of those who had already committed crimes was essential to prevent future crimes.

³⁵⁶ *Decretos del rey nuestro señor Don Fernando VII y reales órdenes, resoluciones y reglamentos generales*. Tomo IX, Madrid, 1824, pp. 225-231

³⁵⁷ *Decretos del rey*.... Tomo VIII, pp. 64-ss.

The jurisdiction of the military commissions, as mentioned above, was not limited to political offences, but Article 3 of the decree expressly referred to common crime, thieves, and criminals. Any person found on a road or in an unpopulated area, without a passport or dressed in military clothing and not belonging to any branch of the armed forces, could also be arrested, and brought before the military commission if considered suspicious. Thus, from the entry into force of the regulation, if the ordinary courts apprehended prisoners for types of behaviour that fit the above-mentioned conducts, they were obliged to hand them over to these courts together with the documentation of the summary proceedings they had carried out on the criminal act³⁵⁸.

The commissions were made up of a president and six members, all of whom were military officers chosen by the Captains General from among persons they trusted. To guarantee their proper functioning, the seven members of each commission were assisted by a team of advisors, prosecutors, and secretaries. The decree ordered them to resolve the cases presented to them in the shortest possible time, so that any step that could delay the process, such as confrontation, would be omitted, unless expressly requested by the defendant's defence counsel. Given the seriousness of the crime and the desire to punish it in the shortest possible time, the commissions applied a summary procedure³⁵⁹. Any doubts that might arise during the proceedings were resolved by the assessor, who also took care to avoid possible defects in the cases being processed. Once the sentence had been issued by the commission, it was passed on to the Captain General of the province so that it could be executed as quickly as possible, in keeping with the summary nature of the institution³⁶⁰.

The military commissions were eliminated, more than a year and a half later, by Decree of 4 August 1825, a decree with a very extensive explanatory memorandum in which the monarch justified both the need to set them up, even though his Council had been somewhat reluctant to do so, and their subsequent suppression³⁶¹. The balance of their existence was 1,094 people condemned, 132 of them to the death penalty. Of the thousand or so condemned, more than 600 were for political crimes. Fontana points out that even worse than the harshness of the punishments was the arbitrariness with which they were imposed, with manifest disparities in the punishment of identical behaviour, which revealed the imperfection of the system³⁶². Nevertheless, the suppression of 1825 was not the end of the history of the commissions. The lack of calm of the period led to their reinstatement on 18 March 1833³⁶³.

³⁵⁸ *Decretos del rey nuestro...* Tomo XVIII, pp. 64-69

³⁵⁹ In this, Ferdinand VII's regime acted in a manner analogous to the Spanish Inquisition, which adopted a summary process in view of the seriousness of the crimes it had been entrusted to punish. On this issue, see MARTÍNEZ PEÑAS, L., *El proceso inquisitorial*, Madrid, 2022.

³⁶⁰ *Decretos del rey nuestro...* Tomo XVIII, pp. 64-69

³⁶¹ *Decretos del rey nuestro...* Tomo X, pp. 230-234.

³⁶² FONTANA, J., "Represión política y...", p. 317.

³⁶³ BALLBÉ MALLOL, *Orden público y ...*, pp. 99-100. Extensive data on the commission of Castilla La Nueva, one of the first to be set up, in Murcia, Cadia, Malaga.... can be found at PINO

In addition to the military commissions, the provincial purification boards were also involved in the repression. Some 20,000 people were dismissed for their political views and some 1,000 army officers were dismissed or relegated at this stage³⁶⁴.

4.- Changes in the Application of the Death Penalty

However, it was not all repression in these years. In some respects, Ferdinand VII tried to humanise specific aspects of the penal system. Perhaps the most notable case was the abolition in 1832, for reasons of decency and humanity, of the hanging penalty, which the king himself had reinstated when he abolished the Cádiz legislation.

The use of the garrotte, which became widespread in Spain from 1820, evolved in the final years of the reign of Ferdinand VII, with a distinction being made between the noble garrotte, applied to members of that social class; the ordinary garrotte, for the rest of the common people; and the vile garrotte, for those convicted of infamous crimes, with the idea that if the crime was infamous, the penalty should also be infamous. The method of causing death was the same in all cases, strangulation, but they differed in the way the prisoners were taken to the place where they were to serve their sentence, in the decoration of the stage and in the clothes they wore.

Thus, those condemned to the *garrote noble* went to the scaffold in saddled cavalry and black cloak; those condemned to the *garrote ordinario* went to the scaffold in smaller cavalry and a hood attached to the tunic; and those condemned to the *garrote vil* went to the scaffold in smaller cavalry or dragging cavalry. This distinction lost its validity after the approval of the Penal Code of 1848, which abolished it and left the garrotte as the only mode of execution in ordinary justice. However, it still maintained the distinction between clothes depending on the type of crime: black clothes for murderers, except if they were parricides or regicides, in which case they went to the scaffold wearing yellow clothes and a yellow cap with red stains simulating blood. Finally, the 1870 Code uniformed everyone in black clothing³⁶⁵.

Despite the time that has elapsed, the term “*garrote vil*” has remained in the language, and almost two hundred years after its terminological disappearance, it continues to be preserved in the collective imagination as a relatively recent punishment.

ABAD, “La jurisdicción especial... p. 359-370. On the question of whether this type of opposition repression can be considered legal warfare, see MARTÍNEZ PEÑAS, L., “El derecho como arma: lo iusjurídico en tiempos de guerra híbrida”, en FERNÁNDEZ RODRÍGUEZ, M., y PRADO RUBIO, E., (coords.), *El escudo del Estado*, Madrid, Dykinson, 2022.

³⁶⁴ BASCUÑÁN AÑOVER, “Historia del delito...”, p. 299.

³⁶⁵ OLIVER OLMO, P., “La pena de muerte en España; cambios y pervivencias desde el Antiguo Régimen”, ALVARADO PLANAS, J. y MARTOTELL LINANES, M., *Historia del delito y del castigo en la Edad Contemporánea*. Madrid, 2017, pp. 280-283.

5.- Apostolic and *Agraviados*

Despite the intense repression that took place at this stage of Ferdinand VII's reign, it is true that from 1823 onwards there were conspiracies of various kinds, for in addition to the liberal opposition to absolutism, whose activity against the regime was to be expected, groups of ultramonarchists or apostolics took shape, supporters of a radical view of absolutism, for whom Ferdinand VII had betrayed his principles by being too "liberal". These groups criticised the king for yielding to international pressure by not re-establishing the Inquisition immediately and being benevolent in the persecution of liberals, to the extent that one of the *bête noires* of the militants of this current was the amnesty decree of 1824, unanimously rejected by the ultramonarchists, despite the fact that only minor political crimes of minor importance were pardoned.

An initial apostolic conspiracy, led by Brigadier Capapé, failed when he found in his possession two letters from the king's brother, Don Carlos, urging him to revolt. The soldier was tried in May 1824, although he was finally acquitted of the accusations.

Another conspiracy of an ultra-realist nature was led by Jorge Bessières Guillón, a soldier who had actively fought alongside the troops of the Duke of Angoulême during the intervention of the Hundred Thousand Sons of Saint Louis. On 15 August 1825, Bessières led an uprising with the help of the commanders of the *Voluntarios Realistas* of Brihuega and a group of regular chiefs and officers. The failure of the uprising brought Bessières before a firing squad, although the group that helped him produced the *Manifiesto de la federación de realistas puros* (Manifesto of the Federation of Pure Royalists), which was published on 1 November 1826, although it did not spread until January 1827, in which, in addition to criticising the king's policies, it proposed his replacement on the throne by his brother Don Carlos³⁶⁶, a supporter and instigator of many of the most radical currents of absolutism.

While some authors believe that the Bessières uprising may have been orchestrated by the king himself to use it as an excuse to justify to foreign powers the need for measures that could be perceived as despotic³⁶⁷, most historiography considers that both the Bessières and Capapé uprisings were the result of the dissatisfaction with the king of many military officers who had rebelled in his favour during the Triennium and had contributed to the recovery of the country for absolutism alongside the French troops. Officers such as Bessières and Capapé had received no recognition

³⁶⁶ In this regard, see SUÁREZ VERDEGUER, F. "El manifiesto realistas de 1826", *Príncipe de Viana*, Año nº 9, Nº 30, 1948, pp. 77-100.

³⁶⁷ On Bessières see QUIRÓS ROSADO, R., "El Mariscal Jorge Bessières (1780-1825). Vida de un aventurero en la España de Fernando VII", *Revista de historia militar*, nº 102, 2007, pp. 97-138.

for these actions; indeed, most were discharged indefinitely, and many did not even receive the back pay owed to them³⁶⁸.

The accumulated political, economic, and structural tensions within the armed forces continued to erupt in the form of insurrections. One of the most prominent among the radical absolutist groups was known as the revolt of the aggrieved or malcontents, a demonstration that anticipated Carlism and occurred in March 1827, with its focus in Catalonia³⁶⁹. In it, Colonel Bussons, nicknamed Jep del Estanys, led a Supreme Junta of the Principality of Catalonia which, although it controlled the mountainous terrain of the region, did not manage to gain access to the main towns and population centers, protected by regular troops loyal to the monarch, and was unable to get these units to join the insurrectionist movement. On the other hand, it did find considerable support among the Catalan rural population, which was greatly affected by the collapse in the prices of the agricultural products on which their subsistence depended, and among the *Voluntarios Realistas*³⁷⁰, who were very much influenced by the most extreme currents of absolutism.

On 30 July 1827, Bussons justified his movement by issuing a proclamation in which he criticised the - according to him - traitors who formed the government, accusing them of having taken over royal power to the detriment of its exercise by the sovereign himself. Bussons advocated a return to absolutism and the reestablishment of the Inquisition, while at the same time dissociating himself from the idea of the *Federación de Realistas Puros* to replace Ferdinand VII by placing his brother Carlos on the throne. This made it possible for the king to put his brother in charge of military operations to suppress the insurrection of the aggrieved. This was a remarkable political move on the part of Ferdinand VII, since placing Don Carlos at the head of a repressive operation against the ultra-monarchists undoubtedly helped to alienate some of the sympathies they might have shown for the sovereign's conflictive younger brother.

The king himself also travelled to Catalonia, staying at the palace of the archbishop of Tarragona. On his arrival in the area on 28 August 1827, Ferdinand VII ordered the rebels to withdraw under threat of severe punishment for those who persisted in continuing the revolt. The measure had an effect, as many insurgents capitulated in the face of the monarch's direct command. Even so, many of the most prominent leaders of the rebel groups were executed by the authorities, among them *SOCI*, who had lent voice and face to the movement of the malcontents. The repression of the rebellion was entrusted to Carlos de España y de Cominges, Count of Spain, who

³⁶⁸ RÚJULA. "El alma política...", p. 72.

³⁶⁹ It is thought that the 1826 Royalist Manifesto may have been another element in the development of the Malcontents' War. SUÁREZ VERDEGUER, "El manifiesto realista...", p. 91.

³⁷⁰ The *Voluntarios Realistas* in the Basque provinces were called *Paisanos Armados*. URQUIJO GOITIA, J. R., "La guerrilla carlista vasco-navarra". *Guerrilla en España. Siglos XVIII-XIX. Cuadernos de historia militar*, nº 6. Madrid, 2022, p. 101.

carried it out with extraordinary harshness, and it so happened that this officer of aristocratic origin would later join the Carlist ranks³⁷¹.

The insurrection had institutional consequences. As a result of the remarkable support the *Voluntarios Realistas* had given to the aggrieved movement, the corps began to be viewed with suspicion by the king and his governments, which led to a reduction in the funds allocated to its financing³⁷², and also meant that, from 1832, control of the troops was taken over by the captains general of the provinces, who were appointed inspectors of the corps, reintegrating the Volunteers into the structure of the army and undoing what Ferdinand had intentionally done at its creation. Finally, the autonomy of those police bodies that did have it was restricted, as the Captains General were also appointed as sub-delegates of police for their districts.

Ferdinand VII's view of the army improved because of the uniformed troops' actions against the aggrieved, and he came to consider them indispensable in mitigating the revolts. In 1832, however, the army underwent a thorough purge, removing any military authorities who might be suspected of ultra-royalism. The consequences of this purge would end up turning against the throne, as many of those displaced became the hard core of the Carlist officers in the subsequent civil wars³⁷³.

6.- The Liberal Revolts

The experience of the three years of liberal government during the *Trienio* convinced many of the followers of this ideology that it was necessary to lower demands, which led to a general moderation of liberalism. Nevertheless, the embers of the liberal tradition of insurrection against the absolutist government remained alive during the Ominous Decade, although after the *Trienio* none of them succeeded in the remainder of Ferdinand VII's reign. A good number of the conspiracies of the period were organised from exile, since many liberals had been forced into exile in France, Gibraltar, and England³⁷⁴, and within Spain's borders they faced many difficulties in acting against absolutism, since the secret societies, which had been so helpful, had been banned and the army had been purged of its most exalted elements.

A first attempt at a liberal uprising was made on 3 August 1824 by Colonel Francisco Valdés, who left Gibraltar for Tarifa at the head of a party of 200 men. Valdés' action was coordinated with a simultaneous uprising in Marbella and other

³⁷¹ ARÓSTEGUI, CANAL, GARCÍA CALLEJA, *El carlismo y...*, p. 42.

³⁷² RÚJULA. "El alma política...", p. 73.

³⁷³ BALLBÉ MALLOL, *Orden público y ...*, pp. 113-116.

³⁷⁴ CASTELLS, I., *La utopía insurreccional del liberalismo. Torrijos y las conspiraciones liberales de la década ominosa*, Barcelona, 1989, p. 44.

Andalusian towns, but the rebellion failed to consolidate. At the end of August, the inertia of the insurrection exhausted, Colonel Valdés and some thirty of his followers were captured by Ferdinand VII's forces and shot.

Another liberal attempt was made in February 1826 by the Bazán brothers, who landed with seventy men in the town of Guardamar, in the province of Alicante. The result was just as tragic as that suffered by Valdés and his men a year and a half earlier: the brothers and their henchmen were soon captured, and approximately half of them were executed, paying for their attempt with their lives.

Of even greater impact was the attempted *pronunciamento* carried out by Francisco Espoz y Mina in 1830. This former guerrilla leader from Navarre, together with a group of soldiers and members of the Cortes of 1820 in exile, formed the so-called *Reunión Revolucionaria* in England, with the aim of forming an army with which to enter Spain via Portugal to defeat absolutism. The plan was modified after the abdication of Charles X in France, as the newly enthroned monarch, Louis Philippe I, gave his support to the exiles and allowed them to organise their movement, so that the starting point of the invasion project was moved to French territory. With this political move, the French monarch put pressure on the Spanish monarch, who at the time refused to recognise him as the legitimate holder of the French throne.

A *Directorio provisional del Levantamiento de España* was created in Paris, made up of Istúriz, Calatrava, Vadillo and Sancho, headed by Espoz y Mina. This directory would end up being known, in simplified form, as the Junta of Bayonne. However, the organisation was dealt a severe blow when Ferdinand VII recognised Louis Philippe d'Orléans as King of France. In exchange for this recognition, Ferdinand VII, of course, demanded the dissolution of the armed liberal groups that had begun to concentrate on the northern side of the border between the two countries.

Faced with the prospect of the imminent disappearance of the movement and the end of the French sanctuary, events were precipitated. Espoz y Mina crossed the border through the Basque Country with the forces he had been able to muster, but, in the absence of popular support, he had to return to France to avoid being captured by the absolutist forces. Espoz y Mina did not give up and made a new attempt in 1832, this time setting out from Gibraltar. However, it ended in another failure of the liberal forces.

Another of the best-remembered liberal attempts, perhaps because its sad end was recreated in a superb painting by Antonio Gisbert, was that of Torrijos, a liberal military officer exiled in England who led an initial insurrectionary movement in January 1831, which was an unmitigated failure but managed to escape with his life. The general tried again in November of the same year, setting out from Gibraltar. What Torrijos did not know was that he had been betrayed by the governor of Malaga, González Moreno, who, having promised him his support for the uprising, prepared an ambush to capture

the rebels. Captured practically on the same beaches, the general and his men were shot a few days after they landed on their return to Spain.

7.- Infiltrators and Confidants

As a result of the many conspiracies and after the experience of the *Trienio Liberal*, from 1824 onwards, the use of infiltrators became widespread on the side of the ultraroyalists, apostolics and liberal Carlists. The most famous spy of Ferdinand VII, who was thought to have worked for more than one side, was José Manuel del Regato³⁷⁵. In addition to infiltrators, there were confidants or informers, who could be professionals who were paid for the information, which was always the case when the crime was punishable by a pecuniary penalty, since in these cases the amount of the penalty was distributed in three parts: one third for the royal treasury, one third for the court and, finally, one third for the informer. Or they could be occasional informers, who were those who contributed with their information to the clarification of crimes, not for economic reasons, but for other reasons: revenge, envy, etc...

The first vigilantes also appeared after the return of Ferdinand VII, following the *Trienio Liberal*. The vigilantes did not usually belong to the police forces but were private individuals who were hired by the institutions responsible for public order to carry out specific services, especially the tracking of suspects. In some cases, these surveillance services functioned as incipient detective agencies. On other occasions, the commission was the object of picaresque behaviour since the service was charged for on a daily basis and the surveillance was artificially prolonged or the obligation to observe was not complied with³⁷⁶.

8.- The Struggle between the Military and the Administration in Relation to Public Order

Coinciding with the end of the aggrieved movement in Catalonia, during the last months of Ferdinand VII's reign and the beginning of the regency of his widow, Maria Cristina, there was a major struggle within the administration.

On 5 November 1832, María Cristina, who was acting as regent due to the King's illness, accepted the creation of a Ministry of Fomento, following a bitter struggle

³⁷⁵ For more on this character see MORANGE C., "José Manuel Regato (Notes sur la police secrète de Ferdinand VII)", *Bulletin Hispanique*, tome 79, n°3-4, 1977. pp. 481-534. PEGENAUTE GARDE, P., *Trayectoria y testimonio de José Manuel del Regato*, Pamplona, 1978.

³⁷⁶ TURRADO VIDAL, *Estudios sobre historia ...*, p. 146.

between two sides of political power: on the one hand, the military and, on the other, the administrative, the latter in favour of reducing the role of the former in the civil administration. Although both sides supported the regent, the latter opted to make concessions to the administrative, such as the creation of the Ministry of *Fomento* and the appointment of Cea Bermúdez as head of government.

However, it was necessary to maintain a balance, so that measures in favour of administrative approaches were followed by others that strengthened the military. This was the case with the creation of a Council of Government to act as a consultative body for the Queen Regent, instituted by Ferdinand VII in his will. This Council became an element of pressure for the administrative and for Cea's government because executive power was linked to this institution, which was strongly influenced by the army: of the seven members of the Council, four were generals, one of whom, General Castaños, Duke of Bailén, was also its president. The councillors were also generals: the Duke of Medinaceli, the Marquis of Santa Cruz and the Marquis of Las Amarillas³⁷⁷.

Javier de Burgos, who inspired the creation of the Ministry of Fomento, was put in charge of it when he was appointed Secretary of State for this branch on 21 October 1833. His ideas, already presented to Ferdinand VII years earlier, were based on the idea of creating a civil administration of the State in the Napoleonic style, for which he proposed the need to create sub-delegates of Fomento, in the manner of civil governors. This idea took important powers away from the captains general, who until then had been at the top of the territorial government, and this probably influenced the unfavourable opinion of the Council of Government, which was made up mainly of military personnel. But despite the Council's opinion, the Queen Regent approved its creation on 30 November 1833, after the death of Ferdinand VII, who departed this world in September.

This further exacerbated the already existing tensions between the two currents, and the militarists launched a campaign against Cea Bermúdez's government, led by the captain general of Catalonia, Llauder, and the captain general of Old Castile, Quesada. Both addressed statements to the queen, advising her to dismiss the politician. Both representations were referred to the Governing Council, which agreed with them and issued no sanction for the perpetrators³⁷⁸. Moreover, Llauder was appointed Minister of War in 1834. The Council's opinion was issued on 13 January 1834, and only three days later Cea Bermúdez was replaced by Martínez de la Rosa, who kept Javier de Burgos in his post, but drafted a regulation emptying the figure of the subdelegates of its content, eliminating their police work, which Burgos had defined as prevention and protection.

³⁷⁷ BALLBÉ MALLOL, *Orden público y ...*, pp. 113-116.

³⁷⁸ About the power to impose sanctions of the public administration, see PRADO RUBIO, E., "Principios relativos a la potestad sancionadora de las administraciones públicas", *Dignitas*, nº 7, 2024.

Shortly afterwards, a Royal Order of 12 March 1834 stipulated that the subdelegates of Fomento would be responsible for all matters relating to public order with the captains general. This change was motivated by the situation of disorder caused by the Carlist War, as the decree indicates when mentioning the extraordinary circumstances that made this exception necessary. Despite this, the subdelegates never had the power or authority that their French counterparts, the prefects, had, and which de Burgos wanted to endow them with when he created them. Thus, on 13 April 1834, Javier de Burgos resigned from his post in the Ministry of the Interior, the name he had adopted in the Ministry of Fomento, only to become the Ministry of the Interior in December³⁷⁹.

³⁷⁹ BALLBÉ MALLOL, *Orden público y ...*, pp. 116-120.

CHAPTER VII

THE EXHAUSTION OF TOURNISM AND THE DRIFT OF THE POST-ELISABELLIAN STATE

1.- The Seeds of the Crisis

When we think about the revolution that happened in 1917, the first thing that comes to mind is the tsar Russia. However, that same year, there was a revolution arising in the core of Spanish politics, which, although not as important as the Russian one, would entail the end of a politic system, the one of the Bourbon Restoration.

Before the Paris Conference, Spain was entering the last decade of the Restoration. This political time started with Alfonso XII going back to the Spanish throne in the year 1874 and prolonged itself during the rule of his son, Alfonso XIII. When the latter turned eighteen, he found himself amidst a system made of decaying parties. In this situation, the monarch considered that only an active monarchy could put a stop to the rise of republicanism³⁸⁰, so, unlike his father, he utilised the many constitutional attributions that the fundamental law of 1876 granted him, which resulted in a deterioration of his public image, specially from the year 1917³⁸¹.

The time of the Spanish Restoration was characterised by the prominence of two parties: the conservative and the liberal, who kept a pacific switch of turns by controlling the elections and using electoral despotism. Through accords between state, regional and local politics, votes were bought and census and results were

³⁸⁰ CARR, R., *España 1808-2008*, Barcelona, 2009, p. 394.

³⁸¹ The Spanish monarchy wasn't the only one that faced difficulties. In Portugal, the king befell in 1910 and in Italy, with the rise of fascism in 1922, the king played a marginal role. CERVERA GIL, J., "La Restauración post-canovista: intentos de renovación del sistema (1902-1916)", PAREDES, J., *Historia de España contemporánea*, Barcelona, 2009, pp. 604-605.

forged with the sole purpose of obtaining the parliamentary majority that is needed for the corresponding party to have its turn leading the government³⁸².

The leaders of the conservative and liberal parties, Cánovas and Sagasta, took the effort to reinforce the unity of both parties against others, like general's Serrano Izquierda Dinástica or Romero Robledo and López Domínguez's Partido Reformista, which had a very short existence and very little significance. In general terms, the opposition to the Restoration was weak. Republicanism, discredited by the faulty experience that the First Republic was and divided in multiple parties, never had more than forty-seven seats in Parliament between 1876 and 1923. For its part, socialism had a slow development: it was created in 1879, but it wasn't until 1910 that it had any parliamentary representation³⁸³ and it wouldn't be until after the revolution of 1917 when their representation was noticeably bigger.

The fundamental law of the period was the Constitution of 1876, a moderate³⁸⁴ text that included the doctrine of the internal constitution - the king and the Parliament were the holders of sovereignty - and which made Catholicism the official state religion³⁸⁵, in addition to granting broad powers to the monarch³⁸⁶. Throughout the Restoration, the Constitution of 1876 was completed with other norms that regulated the right of assembly, the right of association or the right of printing. Universal male suffrage was also established in 1890, as well as trial by jury. In addition, a certain process of decentralization of the State began when Eduardo Dato authorized, in 1913, the establishment of Province Mancomunidades³⁸⁷ for administrative purposes³⁸⁸.

³⁸² FUSI, J. P. y PALAFOX, J., *España: 1808-1996...*, p. 172.

³⁸³ Fusi and Palafox found an explication to this in the small industrial development of the country and in the doctrinal stiffness of the party, rigorously unionist, who isolated the rest of the of the political forces and the agricultural sector in a country predominantly rural. They even created their own press like *El socialista or Lucha de clases*. FUSI, J. P. y PALAFOX, J., *España: 1808-1996...*, pp. 160-163.

³⁸⁴The text would reproduce with few modifications the one from 1845 and it reflected the conservatory morals of Cánovas. FUSI, J. P. y PALAFOX, J., *España: 1808-1996. El desafío de la modernidad*, Madrid, 2003, p. 154. Los textos constitucionales históricos españoles y un análisis de sus rasgos principales puede verse en VERA SANTOS, J. M., *Las constituciones de España*. Pamplona, 2008.

³⁸⁵ Through Restoration the Church had a huge control over education and religious orders, mainly feminine, they performed an important social labour in hospitals, hospice, orphanage, assistance centres, etc. FUSI, J. P. y PALAFOX, J., *España: 1808-1996. El desafío de la modernidad*, Madrid, 2003, pp. 155-157.

³⁸⁶ The "power to make laws resides in Parliament with the King" together with their sanction and promulgation. In him also resided the "power to execute the laws, the appointment of the government, the leadership of the Armed Forces and the direction of international relations". SÁNCHEZ-ARCILLA BERNAL, J., *Historia de las instituciones político-administrativas contemporáneas (1808-1975)*, Madrid. 1994, p. 94.

³⁸⁷ N. de T. *Mancomunidad* is a legal personality similar to English *commonwealths*, which entail the union of several Spanish provinces.

³⁸⁸ The Mancomunidad of Catalonia, previous aspiration to the nowadays region, was constituted in march 1914 and it was a proto autonomy which created common organisms to the four provinces of the region.

Emigration was a key phenomenon during these years, but in spite of it, Spain had a considerable population growth along the 19th Century –a 76 %–³⁸⁹, compared to other European countries. This growth continued throughout the 20th Century: in 1902, more than 18 million Spanish people lived in Spain, which grew to 21.3 million in 1920. Economic development and the betterment of hygienic and sanitary conditions were responsible for the continued demographic growth, despite the Spanish flu in 1918 or the 25,000 deceased because of the Morocco war. Emigration between 1900 and 1914 was mainly directed to Ibero-America and the Spaniards who went abroad were mainly Andalusian, Galician, Canary Islanders, Extremaduran or Asturian. They didn't always leave the country: Old Castile, Galicia, Aragon, Extremadura, Canary Islands and Aragon suffered important population losses. That population mainly went to industrial regions such as Catalonia or Basque Country³⁹⁰. Madrid also had a positive internal mobility migratory balance³⁹¹.

Another important characteristic from the Restoration period was the dissatisfaction of the Spanish Army. The loss of the last colonies in 1898 brought to light the fact that, maybe ignoring the harsh conditions of the fight in Cuba and Philippines –a war of guerrillas and tropical diseases–, the Spanish population was generally displeased with the performance of the armed forces in Ultramar³⁹². The consequences of this disaster were greatly amplified in Morocco³⁹³, which again evidenced the lack of

. FUSI, J. P. y PALAFOX, J., *España: 1808-1996. El desafío de la modernidad*, Madrid, 2003, pp. 155 y 183. About the Mancomunidades: GIFREU I FONT, J., “Las mancomunidades provinciales en el marco de la reforma de la administración local de principios del siglo XX. El “eslabón perdido” en el proceso de descentralización del Estado”, *Revista catalana de dret públic*, nº 51, 2015, pp. 34-53.

³⁸⁹ This figure is even bigger in Catalonia, where it goes up to a 129%, and can be explained by the transfer to that region by the Spanish population itself, attracted by the economic growth that was happening there HERR, R., *España contemporánea*, pp. 160-161.

³⁹⁰ FUSI, J. P. y PALAFOX, J., *España: 1808-1996...*, pp. 164-169.

³⁹¹ CERVERA GIL, J., “La Restauración post-canovista: intentos de renovación del sistema (1902-1916)”, PAREDES, J., *Historia de España contemporánea*, Barcelona, 2009, pp. 581-582.

³⁹² About the 98: Mateos y del Cabo, O. I. (ed.), *La España del 98: política, pensamiento y cultura en el fin de siglo*, 1999, in which stands out San Miguel, E., “Acerca del 98 y su concepto de España: una propuesta de lectura de las fuentes literarias como materia para la historia de las ideas y de las formas políticas”, pp. 131-140.

³⁹³ After the Spanish-French convention from the 15th of November of 1912, the Spanish protectorate of Morocco was constituted. Studies about the protectorate can be consulted in VELASCO DE CASTRO, R., *El protectorado español en Marruecos en primera persona: Muhammad Ibn Azzuz Hakim*, Granada, 2017. De la misma autora *Nacionalismo y Colonialismo en Marruecos (1945-1951). El general Varela y los sucesos de Tetuán*. Tetuán, 2012. “Políticas de sustitución, guerra fría y descolonización: la paradoja del Protectorado Español en Marruecos”, *Siglo: Actas del V Congreso Internacional de Historia de Nuestro Tiempo*, 2016. “La prensa militar africanista: El Telegrama del Rif y la Revista de Tropas Coloniales”, VIÑAS, A. y PUELL, F. (eds.): *La Historia Militar hoy: investigaciones y tendencias*. Madrid, 2015. “Marruecos, el último sueño imperial del franquismo” FERNÁNDEZ RODRÍGUEZ, M., *Guerra, Derecho y Política: aproximaciones a una interacción inevitable*, Valladolid, 2014, pp. 211-244. “La construcción de la identidad nacional marroquí en época colonial: el ideario nacionalista y su vigencia actual”, *Claves del Mundo Contemporáneo. Debates e investigación*, Granada, 2013.

support to the war by the public opinion and lead to critic attitudes towards the armed forces and the high expenses that its maintenance entailed³⁹⁴. This led to a disconnection between the army officers and the parliamentary system which they served. It also led to multiple conflicts. One of the most well-known ones took place in 1905 because of a cartoon drawn about the militia that appeared in a newspaper in Barcelona. The incident resulted in the passing of the Law of jurisdictions, a regulation that granted power to military courts to know about offences to the Army and the Navy³⁹⁵.

The Army played a crucial role in the political changes that occurred in Spain throughout the 19th Century -some authors talk about an “essential instrument of the political change”³⁹⁶-, but that role started to diminish from the Restoration on, as a consequence of the demilitarization from Cánovas’ policy³⁹⁷. Aside from Manuel Villacampa’s uprising of republican nature that happened in 1886³⁹⁸, there weren’t any more revolts in Spain during these years, but the fear of one happening was always there.

In Carr’s opinion, the apparent calm politic life of the Restoration was nothing but a façade, since the Army just let civilians have the politic power under the condition that they would be respected. Some soldiers still had some political influence. That was the case for Martínez Campos³⁹⁹ -consulted by all the governments in power for all relevant political crisis-, for some generals who had a senator seat or also for the fact that the War Ministers was always an army general⁴⁰⁰. The budget reserved for the army was untouchable and the military

MARTÍNEZ PEÑAS, L. “La Administración del Protectorado de Marruecos en los órganos centrales del Estado (1912-1931), ALVARADO PLANAS, J., DOMÍNGUEZ NAFRÍA, J. C., *La Administración del Protectorado Español en Marruecos*, Madrid, 2014, pp. 111-130.

³⁹⁴ Concerning the military expenses of the war, at the time it was estimated in 2,300 million pesetas (old Spanish currency), which very much elevated national debt and led war ministers to amortize vacants in a time when thousands of soldiers who had already served overseas were returning back to the peninsula. The defeat of the 98 entailed a surplus of public service military and civil workers, BRU SÁNCHEZ-FORTÚN, A., “Para repensar las Juntas Militares de 1917”, *Hispania*, 2016, vol. LXXXVI, nº 252, enero-abril, pp. 189-215, pp. 193-194.

³⁹⁵ HERR, R., *España contemporánea*, p. 175.

³⁹⁶ FUSI, J. P. y PALAFOX, J., *España: 1808-1996...*, p. 163. About the role of the army in the first half of the 19th Century, consult FERNANDEZ RODRÍGUEZ, M., *Hombres desleales cercaron mi lecho. La consolidación jurídico-institucional del Estado liberal (1808-1843)*, Madrid, 2018.

³⁹⁷ CARR, R., *España 1808-2008*, p. 465.

³⁹⁸ The revolt made the republican side even more divided than they already were, and it split in legalists and revolutionaries. FUSI, J. P. y PALAFOX, J., *España: 1808-1996...*, p. 161.

³⁹⁹ A very renowned general during the last Carlist war and a signer of the Pact of Zanjón, which ended the colony war that went on for ten years in Cuba.

⁴⁰⁰ General and former minister Camilo García Polavieja published a manifesto on the 1st of September, 1898 in which he blamed the political class for the country’s ills, which had culminated in the loss of the last overseas possessions. MARTÍN DE SANTA OLALLA SALUDES, P., “La España alfonsina (1902-1931)”, en DONÉZAR DÍEZ DE ULZURRUM, J., MARTÍNEZ LILLO, P.

institution was thoroughly defended by the monarch Alfonso XIII⁴⁰¹. Therefore, some generals and officials made up an important pressure group even in the last moments of the Restoration regime⁴⁰².

The cultural regionalism of Catalonia resulted in the *Renaixença* in the mid-19th Century. Its starting point was the publication of *Oda a la Patria* by Carlos Aribau in 1833⁴⁰³. Nevertheless, the surging of political movements of regionalist and nationalist nature was not until the Restoration. In 1879, Valentí Almirall led a political movement, called Centro Catalá, that grouped the defenders of the Catalanian interests. In 1891, for his part, Enric Prat de la Riba founded the Unió Catalanista Party.

The loss of the colonies had a special influence in the regionalist process that was taking place, especially Cuba, because with the loss of the Caribbean Island a large part of the Catalanian textile industry market was also lost, as well as very important investments in sugar plantations⁴⁰⁴. In the words of Carr, the disaster that happened in the 98 resulted on catalonialism to stop being a minoritarian belief to turn into the main channel of a generalized protest⁴⁰⁵. Some parties joined in the so-called Lliga Regionalista in 1901, a group of conservative and monarchic beliefs that ended up being the most efficient political force of catalonialism until 1930-1931⁴⁰⁶. The republican wing of catalonialism was represented by the party Acció Catalana, whose appearance was in 1922.

A., NEILA HERNÁNDEZ, J. L., MARTÍN DE SANTA OLALLA SALUDES, P., SOTO CARMONA, A., *Contemporánea*, Madrid, 2008, p. 189.

⁴⁰¹ CARR, R., *España 1808-2008*, p. 466. An example of this was that the monarch forced Maura's dismissal in December 1904 when he opposed the appointment of García Polavieja as Chief of the General Staff. He also allowed the establishment of a military dictatorship for more than six years. MARTÍN DE SANTA OLALLA SALUDES, "La España alfonsina...", pp. 189-190.

⁴⁰² It would be wrong to imagine the Spanish Army as a vast military machine powerfully organised to achieve the highest possible performance in war on the basis of the large proportion of the budget it consumes. On the contrary, it is a bureaucratic machine that spends most of the money it receives on senior generals and officers, a smaller proportion on materiel and an even smaller proportion on technical preparation for war. *In fact, the Spanish Army matters more as an instrument of domestic policy than as a weapon of war*. This picture is still broadly accurate; and the thirty-nine-year dictatorship enjoyed by General Franco was due to the situation outlined therein. MADARIAGA, S., *España. Ensayo de Historia contemporánea*, Madrid, 1989, p. 137.

⁴⁰³ VIÑES MILLET, C., "La cultura (1808-1939)", PAREDES, J., *Historia de España contemporánea*, Barcelona, 2009, p. 557.

⁴⁰⁴ HERR, R., *España contemporánea*, pp. 173-175.

⁴⁰⁵ In his opinion, the protectionist tendency of Catalan industrialists in the face of liberal free trade created an image in Spain of a selfish and self-interested Catalonia, while in Catalonia the defence of an interest became a conscience of the Catalan community. "The image of a dying Castilian state which, after forcing its youth to do military service, had lost Catalonia its best market allowed Catalan nationalism to become one of the general forces of regeneration and an effective electoral force. CARR, R., *España 1808-2008*, pp. 450-457.

⁴⁰⁶ CARR, R., *España 1808-2008*, p. 457.

The regionalist movement wasn't strong only in Catalonia. It also emerged at the end of the century in the Basque Country, in protest because of the loss of the chartered regime. The law of July 21st 1876 abolished these, but this measure was compensated in 1878 by the establishment of an economic agreement system that allowed them to have tax autonomy until 1937. According to this agreement, the Basque provinces would pay the State an annual fixed amount for each provincial council. The abolishment of the chartered regime resulted in a cultural reaction to defend the suppressed institutions and the Basque culture and language. In the 90s decade, Sabino Arana transformed the chartered regime in nationalism, identifying that regime as Basque national sovereignty and claimed that the Basque people, because of their race and religion, constituted a nation. Thus, the Partido Nacionalista Vasco was founded in 1894⁴⁰⁷.

Similar regionalist movements appeared in Galicia -where the main theorist was Alfredo Brañas-, Valencia, Andalusia, Aragon, Canary Islands and Baleares⁴⁰⁸.

Another consequence of the 1898 loss of the colonies was the swerve towards Africa that Spain took⁴⁰⁹. In 1902 a preliminary agreement between France and Spain was signed to divide the Moroccan territory in two influence zones, it was revisited in 1904 and confirmed, with British participation, in the Algeciras Convention – from January to April 1906⁴¹⁰. In 1912, The French-Spanish Treaty established very thoroughly the administrative limits of both powers⁴¹¹. Morocco was divided into a double protectorate: the more prosper part was under the French control and the rest under the Spanish one. Except for the Rif mines, the interest of Spain for that region was more of a way to improve their external prestige after losing the overseas territories than a way to obtain economic profit⁴¹². However,

⁴⁰⁷ FUSI, J. P. y PALAFOX, J., *España: 1808-1996...*, pp. 115-174.

⁴⁰⁸ CERVERA GIL, J., “La Restauración post-canovista...”, pp. 620-621.

⁴⁰⁹ DE LA TORRE DEL RÍO, R., “Preparando la Conferencia de Algeciras: el acuerdo hispano-francés de 1 de septiembre de 1905 sobre Marruecos”, *Cuadernos de Historia Contemporánea*, 2007, vol. Extraordinario, pp. 313-320.

⁴¹⁰ In regards of the European importance of this convention, one can consult MARTÍNEZ PEÑAS, L., *Sic transit gloria mundi*. Valladolid, 2017, p. 123.

⁴¹¹ About this question LA PORTE, P., “Marruecos y la crisis de la Restauración 1917-1923”, *Ayer* 63/2006 (3) pp. 53-74.

⁴¹² The area of Morocco that corresponds to Spain has a geography that complicates the connection between different areas, as well as being traditionally rebellious areas inhabited by warring tribes opposed not only to the Spanish presence but also to the power of the sultan. The poorly trained and equipped Spanish army had enormous difficulties in maintaining control of the territory. The demand for more troops in the area is a constant. At the same time, the Spanish presence there allows members of the army to rise quickly. Meanwhile, from the public's point of view, the Spanish presence in Africa was unpopular due to the high number of casualties among soldiers, who in many cases belonged to the most disadvantaged classes of society, those who could not avoid service through the cash redemption that would remain in force until 1912. CERVERA GIL, J., “La Restauración post-canovista: intentos de renovación del sistema (1902-1916)”, PAREDES, J., *Historia de España contemporánea*, Barcelona, 2009, pp. 600-601. FERNÁNDEZ RODRÍGUEZ, M., “Injusticia social y reclutamiento militar:

the Moroccan situation gained a lot of importance in Spain at the beginning of the century⁴¹³.

The impact that the crisis of the 98 had on the country shook the Spanish conscience, especially in the intellectual sphere, and generated a desire for change and regeneration. This regenerationist movement crystallised politically in the emergence of the National Union as a third force against the conservatives and liberals, against whom it failed to become a viable alternative to exercise power⁴¹⁴.

Other political doctrines gained prominence in the country from the last third of the 19th Century onwards. This was the case with socialism - the Socialist Workers' Party was founded in 1879 - and anarchism, both movements differing markedly in their methods of achieving results. While anarchism advocated violent direct action⁴¹⁵, socialism aimed at a gradual evolution through legislative changes.

When the Law of Associations was passed in 1887, trade unions were legalised⁴¹⁶, which allowed the creation in 1888 of an association of labour unions under the name of the General Union of Workers. After the events of 1898, trade unionism spread widely throughout Catalonia⁴¹⁷. The industrial working class became a social reality with a growing weight in the labour and political spheres. In Barcelona in 1907, Solidaridad Obrera was created, an anarchist-inspired trade union that grew out of a newspaper of the same name and which three years later gave rise to the Confederación Nacional del Trabajo (National Confederation of Labour). The Basque nationalist movement also created in 1911 Solidaridad de Obreros, later Trabajadores Vascos, a Basque Catholic trade union⁴¹⁸. A consequence of the emergence of the

la redención en metálico”, AGUILAR GIL, M. (Coord.), *Construcciones y deconstrucciones de la sociedad*, pp. 76-85. MATÍNEZ PEÑAS, L. y FERNÁNDEZ RODRÍGUEZ, M., “Problemas sociales manifestados a través de la legislación de reclutamiento del siglo XIX: exenciones, sustitución y redención en metálico” REQUENA, M., *Luces y sombras de la seguridad internacional en los albores del siglo XXI*, Tomo I, Madrid, pp. 409 a 426. y RIVILLA MARUGÁN, G., *El tributo de sangre: legislación sobre reclutamiento y debate político-social (1800-1912)*, Valladolid, 2017.

⁴¹³ MARTÍN DE SANTA OLALLA SALUDES, P., “La España Alfonsina...”, pp. 190-192.

⁴¹⁴ FUSI, J. P. y PALAFOX, J., *España: 1808-1996...*, p. 178.

⁴¹⁵ The expansion of anarchism in Spain was faster and greater than the one of marxist socialism, especially in between the Andalusian peasantry and the Catalanion labourers. Barcelona was the main location for the anarchist bombings and other actions. Achievements of these actions were the assassination of Cánovas and Canalejas. CERVERA GIL, J., “La Restauración post-canovista: intentos de renovación del sistema (1902-1916)”, PAREDES, J., *Historia de España contemporánea*, Barcelona, 2009, p. 618.

⁴¹⁶ *Gaceta de Madrid*, núm. 193, de 12 de julio de 1887, pp. 105-106. About the Law of associations: PELAYO OLMEDO, J. D., “El derecho de asociación en la historia constitucional española, con particular referencia a las leyes de 1887 y 1964”, *Historia Constitucional (revista electrónica)*, n. 8, 2007, pp. 95-122.

⁴¹⁷ HERR, R., *España contemporánea*, p. 177.

⁴¹⁸ FUSI, J. P. y PALAFOX, J., *España: 1808-1996...*, p. 167. In 1891 Pope Leon XIII published the circular *Rerum Novarum* about the working class conditions, which was the starting point of catholic

industrial working class was the development of labour legislation⁴¹⁹ driven by state bodies that proposed regulations to improve workers' living conditions, such as the Institute of Social Reforms.

During the Restoration, initiatives were launched that sought to educate and empower public opinion on the country's problems. This was the case, for example, of the Liga de la Educación Política⁴²⁰, linked to the Republican Reformist Party; of the Escuela Nueva, founded in 1910, linked to the Socialist Workers' Party; or of publications such as the magazine *España*⁴²¹. One cannot leave religion out, which in Carr's words means:

*“The survival, after a hundred years of liberalism, of an officially Catholic state and a Catholic society meant that religion was the prism through which all other conflicts were refracted.”*⁴²².

In this way, some organisations sought to win over the population to Catholicism. An example of the attempts to penetrate the population was the foundation of the Teresian Schools by Enrique Ossó or the Ave María Schools by Father Manjón⁴²³. These movements, in turn, generated an anticlerical reaction in the population of orthodox liberal, republican or socialist orientation against the intervention of religious orders in education⁴²⁴.

The Restoration regime created the conditions for the country to undergo a process of modernisation and industrial development which, despite the war and sectoral crises, lasted until 1920. It was in places such as Catalonia, Vizcaya, Guipúzcoa and

sindicalism. CERVERA GIL, J., “La Restauración post-canovista: intentos de renovación del sistema (1902-1916)”, PAREDES, J., *Historia de España contemporánea*, Barcelona, 2009, p. 597.

⁴¹⁹ An example of this was the Institute of Social Reforms. Improvements at the beginning of the first decades of the century were Sunday rest, the creation of the labour inspectorate, the creation of industrial tribunals, the eight-hour working day and the establishment of the National Social Security Institute. FUSI, J. P. y PALAFOX, J., *España: 1808-1996...*, p. 168. MARTÍNEZ PEÑAS, L. “Los inicios de la legislación laboral española: La ley Benot”, *Revista Aequitas: Estudios sobre historia, derecho e instituciones*, N° 1, 2011, pp. 25-70.

⁴²⁰ In this sense, one can consult BARGUR TALTAVULL, J., “La Liga de Educación Política Española como instrumento de nación: desde la autonomía hasta la reconversión y el fracaso”, *TALES. Revista de Filosofía*, n° 5 (2015), pp. 139-157.

⁴²¹ SÁNCHEZ JIMÉNEZ, J., *La España contemporánea II, 1875-1931*, Sevilla, 1991, pp. 345-347.

⁴²² CARR, R., *España 1808-2008*, Barcelona, 2009, p. 385.

⁴²³ About the Ave María Schools: CANES GARRIDO, F., “Las Escuelas del Ave María: una institución renovadora de finales del siglo XIX en España”, *Revista Complutense de Educación*, 1999, vol. 10, n° 2, pp. 149-166. Women played a prominent role in the origin of these schools. For a legal study of the role of women in liberalism, see ALAMO MARTELL, M., D., “Estudio jurídico de la mujer en el Estado Liberal”, PÉREZ MARTELL, R., RUBIO ROYO, F., *Compromiso con los objetivos de desarrollo sostenible*, 2021, pp. 219-239.

⁴²⁴ CERVERA GIL, “La Restauración post-canovista...”, p. 597.

Asturias where this industrial growth took place. Sectors such as banking, railways, electricity and mining were the ones that grew the most⁴²⁵.

At the beginning of the 20th century, Spain, industrially speaking, was a backward country in comparison with the world's leading powers, as industrialisation throughout the 19th century was very scarce, except in the case of Catalan textile manufacturing, Basque and Asturian metallurgy and the Basque shipping sector. In this aspect, the incorporation of women into salaried factory work was a reality, especially in the Catalan textile industry, with the female workforce in Barcelona rising from 13.25% in 1900 to 32.38% in 1930⁴²⁶.

A majority of Spaniards worked in agriculture or fishing, around 66%⁴²⁷, compared with 12% of the population who worked in industry. The rest were engaged in other activities: construction, commerce, transport, etc. But it was not only in industrialisation that there were differences with Europe: income levels, inflation and illiteracy - one out of every two Spaniards - were variables in which Spain lost out to countries such as the United Kingdom and France⁴²⁸. The comparison with them is relevant because the Spanish productive drive was closely linked to these nations, being the main suppliers of machinery, capital goods and being the main markets for Spanish mining and metallurgical production.

As a consequence of the delay of the Spanish economy compared to the one of other industrialised European nations: deficient communications, scarce financial resources or limited energy sources; there was a constant pressure coming from Catalonian, Basque and Asturian producers at the beginning of the century against importations coming from other countries. They advocated for the Spanish market to be reserved to national products through the establishment of protectionist tariff rates. This wasn't a good solution for the economic development of the country, since scarce the domestic demand -the majority of population, being of farming background, didn't have enough income to afford products- and protectionism -which rose the prices of technology investments, elevated the production costs and made Spain a not competitive country-, turned Spain into one of the most closed economies of the capitalist world⁴²⁹.

⁴²⁵ FUSI, J. P. y PALAFOX, J., *España: 1808-1996...*, p. 164.

⁴²⁶ In Madrid, the figures for the beginning of the century are lower, although the figure reached 27.62% in 1930, SERRALIONGA I URQUIDI, I., "Motines y revolución. España 1917", *Ayer*, nº4 (1991), p. 170.

⁴²⁷ This is considered a factor of backwardness in Spain at the time, given that during the years 1900 to 1930 productivity was 30 to 40% below the average of the most developed European nations. The low level of agricultural productivity kept the diet of the average Spaniard at subsistence level, an effect that occurred in other Mediterranean societies. CAVA MESA, M. J., "La economía en España...", pp. 530-531.

⁴²⁸ MARTÍN DE SANTA OLALLA SALUDES, P., "La España Alfonsina...", pp. 201-202.

⁴²⁹ CAVA MESA, M. J., "La economía en España...", p. 531.

2.- World War I and its Effects in Spain

It was Eduardo Dato and his conservative government who, in August 7th, 1914, put Spain in a position of neutrality in the newly started war in Europe. In Martínez Lillo and Neila Hernández's opinion, this stance was in direct correlation to the attitude Spain had throughout the previous century. Spain hadn't involved themselves in continental conflicts, since the interest of the Spanish foreign policy was centred in the overseas possessions. Other reason that might explain the Spanish neutrality was the fact that the interests of the country weren't in centre Europe or internal problems: the gradual disintegration of the Restoration, the social conflicts, the lousy economic situations that prevented Spain from affording the costs of a modern war and the poor overall condition of the Spanish military: it was a very antiquated army from the technologic point of view, badly weaponed and concentrated in the Moroccan conflict that engulfed the economic and human resources. The contribution of the Spanish troops was very little compared to the cost that the defence of the peninsula territory would entail. All these reasons led to the coining of the expression "impotent neutrality"⁴³⁰.

Despite declaring themselves neutral, Spain had a closer similarity in foreign policies with some powers than with others. The international relations of Spain had been determined since 1834 by the ratification of the Quadruple Alliance Treaty with France, United Kingdom and Portugal⁴³¹. Spain was closer to France and the United Kingdom as a consequence of the Pact of Cartagena of 1907⁴³². Therefore, the pacts made before the Great War, the commercial and economic interests with the powers of the Entente⁴³³ and the geographic position of Spain in the French rear back brought the country into the Allies sphere of attraction, making it a neutral ally⁴³⁴. With respect

⁴³⁰ "[...] S.M.'s government believes it is its duty to order the strictest neutrality to Spanish subjects, in accordance with the laws in force and the principles of international public law." *Gaceta de Madrid*, nº 219, de 7 de agosto de 1914, p. 306. Spain was the most important neutral European power in terms of population, economy and geostrategic position compared to Switzerland, Denmark, Sweden, Norway and the Netherlands. PEREIRA, J. C., "España y la Primera Guerra Mundial: una neutralidad impotente", GAMARRA CHOPO, Y., FERNÁNDEZ LIESA, C., *Los orígenes del Derecho internacional contemporáneo. Estudios conmemorativos del Centenario de la Primera Guerra Mundial*, Zaragoza, 2015, pp. 276-278.

⁴³¹ About International Relations in History: MARTÍNEZ PEÑAS, L. ... *Y lo llamarán paz. Visión jurídico-institucional de las relaciones internacionales en la antigüedad*, Valladolid, 2018. Del mismo autor: *El invierno. Visión jurídico-institucional de las relaciones internacionales en el Medievo*, Valladolid, 2019; y *Nolites te bastardes. Historia, Derecho y Relaciones Internacionales*. Valladolid, 2019.

⁴³² Through these pacts, the Spanish kingdom sought to secure its insular and coastal territories against the possible threat of other powers at a complex international moment.

⁴³³ Spain supplied France and the United Kingdom with food and military supplies, and Spaniards could work in French factories, which brought more Frenchmen into the military ranks.

⁴³⁴ In this sense it can be consulted ELIZALDE, M. D., "España y Gran Bretaña en la Primera Guerra Mundial: una colaboración buscada y deseada más allá de la neutralidad", *Hispania Nova*, 15, 2017, pp. 316-349. About the didactical use of games about the First World War: PRADO RUBIO, E.,

to the other side at war, the fact that William II and Alfonso XIII were on the same wavelength allowed the Spanish-Germany diplomacy relationship to stay amicable⁴³⁵.

The Spanish public opinion was then divided in two blocks: pro-Allies, in which those belonging in the liberal, socialist, progressive, anticlerical and antimilitarist currents as well as an important number of the country's intellectuals were grouped. To this group, the Allies represented freedom and democracy. Against them, the pro-Germany current, the one with the more conservative and pro-clerical⁴³⁶ sectors of society, who saw in this side the clear representation of values such as order, hierarchy or authority⁴³⁷. Propaganda turned into a very prominent element during World War I. Both sides used Spanish and foreign intellectuals –Luis Araquistáin, Salvador de Madriaga, Albert Mousset, etc.– so they would write press articles, give conferences or pressure the government in favour of the interests of one side or the other⁴³⁸.

The war polarized even more the already divided and tensioned Spanish society⁴³⁹. From 1914 on, the role of the press was strengthened in an attempt to boost the public opinion, in this way we can differentiate two main strands in which the media flocked around. On the one hand, the officialist strand, in favour of maintaining the existent political system, including broadsheet newspapers such as *ABC*, *El Imparcial*⁴⁴⁰, *La correspondencia de España*, *El heraldo de Madrid*, *El Liberal*, etc. On the other hand, a kind of press directed to the working sector. In any case, in this beginning of the century, one can see how a new type of newspaper was born, one detached from the political parties, freer, and also constituted as a business which strived to increase its income through an increase of sales and publicity benefits⁴⁴¹.

This neutrality did not prevent the development of an intense humanitarian activity in favour of the conflict's victims, and Spain played an important diplomatic role in this aspect⁴⁴². The Oficina Pro Cautivos (Pro Captives Office) was created in the Royal Palace of Madrid, financed by the king, which provided aid to more

y MARTÍNEZ PEÑAS, L., “La Primera Guerra Mundial en los juegos de mesa: dificultades en su uso docente”, *Quaderni del Dipartimento Jonico*, 2016.

⁴³⁵ PEREIRA, J. C., “España y la Primera Guerra Mundial...”, pp. 275-281.

⁴³⁶ MARTÍNEZ LILLO, P. A., NEILA HERNÁNDEZ, J. L., “España y el fin de la hegemonía europea”, DONÉZAR DÍEZ DE ULZURRUM, J., MARTÍNEZ LILLO, P. A., NEILA HERNÁNDEZ, J. L., MARTÍN DE SANTA OLALLA SALUDES, P., SOTO CARMONA, A., *Contemporánea*, Madrid, 2008, pp. 313-316.

⁴³⁷ DE LUIS MARTÍN, F., “La crisis final de la monarquía liberal” (1917-1923), PAREDES, J., *Historia de España contemporánea*, Barcelona, 2009, p. 630.

⁴³⁸ PEREIRA, J. C., “España y la Primera Guerra Mundial...”, p. 284.

⁴³⁹ LACOMBA, J. A., “España en 1917. Ensayo de morfología de una crisis histórica”, p. 146.

⁴⁴⁰ The most influential newspaper. *El Imparcial*, same as *La correspondencia de España o El Liberal* were liberal. FUSI, J. P. y PALAFOX, J., *España: 1808-1996...*, p. 159.

⁴⁴¹ CERVERA GIL, J., “La Restauración post-canovista: intentos de renovación del sistema (1902-1916)”, PAREDES, J., *Historia de España contemporánea*, Barcelona, 2009, p. 594.

⁴⁴² MARTÍNEZ LILLO, P. A., NEILA HERNÁNDEZ, J. L., “España y el fin de la hegemonía europea”, DONÉZAR DÍEZ DE ULZURRUM, J., MARTÍNEZ LILLO, P. A., NEILA HERNÁNDEZ,

than two hundred thousand people. Spain also promoted the Comission for Relief in Belgium together with Holland and the United States⁴⁴³.

From an economic point of view, World War I was an advantage for the country. Spain, as a neutral power⁴⁴⁴, saw a considerable and immediate increase in its exports to the countries in conflict: food, minerals –the prices of iron and coal soared⁴⁴⁵, as well as the production of wolfram– or manufactured products –the Catalanian textile industry experience a large growth in its orders–⁴⁴⁶. The merchant fleet was doubled during the years of the First World War. The economic boom caused by the outbreak of the Great War meant a great increase of the banking sector in Spain since multiple entities were founded. Among those entities we have the Banco de Crédito Industrial (Industrial Credit Bank), the Banco Urquijo (Urquijo Bank) and the Banco Central (Central Bank)⁴⁴⁷. The country became a net exporter, since the exterior sales had a 20% augmentation, which translated into a commercial surplus. However, this increase wasn't a distinctly clear phenomenon, as it sometimes resulted in shortage of products inside the country, some of them being of basic necessity⁴⁴⁸. The industrial benefits from 1915 to 1918 were huge, but so was inflation⁴⁴⁹.

The industrial and manufacturing activity of the years of the war brought rapid profits, but this did not translate into a solid commercial expansion, since new industrial plants were not installed and existing machinery was not renewed, due to the fact that during the war the importation of machines was not an easy task. Profits were obtained through the multiplication of work shifts, with the consequent deterioration of existing installations and equipment⁴⁵⁰.

Just as there had been an increase in prices, salaries rose across the board in the industrial North, in the Asturian mines and for unskilled workers in Catalonia. However, workers in other regions did not experience such increases. This lack

J. L., MARTÍN DE SANTA OLALLA SALUDES, P., SOTO CARMONA, A., *Contemporánea*, Madrid, 2008, p. 316.

⁴⁴³ PEREIRA, J. C., “España y la Primera Guerra Mundial...”, p. 285.

⁴⁴⁴ Neutrality decided under the conservative government of Eduardo Dato, which expanded from October 1913 to December 1915. CARR, R., *España 1808-2008*, p. 418.

⁴⁴⁵ The disappearing of cheap coal from Wales benefited the Asturian mines. CARR, R., *España 1808-2008*, p. 417.

⁴⁴⁶ HERR, R., *España contemporánea*, p. 166.

⁴⁴⁷ CAVA MESA, “La economía en España...”, p. 526. The number of financial entities doubled between 1916 and 1920 and the Banco de España reservoirs went from 567 million of pesetas, in 1914 to 2.233 million in 1918. PEREIRA, J. C., “España y la Primera Guerra Mundial...”, p. 285.

⁴⁴⁸ DE LUIS MARTÍN, F., “La crisis final de la monarquía liberal” (1917-1923), PAREDES, J., *Historia de España contemporánea*, Barcelona, 2009, p. 631.

⁴⁴⁹ The first necessity items' prices doubled between 1914 and 1919. FUSI, J. P. y PALAFOX, J., *España: 1808-1996...*, p. 185. On the contrary, there is a 2% average anual growth estimated between 1914 and 1918. CAVA MESA, M. J., “La economía en España...”, p. 534.

⁴⁵⁰ Carr states that what happened in Spain was not exceptional, but a recurring happening when the economic expansion is caused by a war conflict. CARR, R., *España 1808-2008*, p. 417.

of concordance, at a time when the industrialists were making substantial profits, provoked an important wave of strikes: 211 in 1914, 463 in 1918 and 1,060 in 1920⁴⁵¹.

The increase in industrial profits did not mean an improvement in the country's situation, because although the reform plan proposed by the Minister of Finance, Santiago Alba, in 1916 under the Romanones government aspired to carry out a fiscal reform and to develop an important investment in education and infrastructure, to be financed with the profits of the war, it failed due to the conservative opposition - Catalan League and the Maurists⁴⁵² - and the resistance it generated in the business sector⁴⁵³.

The critical situation of the workers brought about a strengthening of the trade union organizations and a rapprochement between them, giving rise to the signing of joint manifestos or agreements to carry out actions. An example of this was the Zaragoza Pact of July 17, 1916, by which representatives of the CNT and UGT agreed to promote actions, in view of the effects that the economic situation caused by the war was having on the population, to pressure the government to take measures. These actions were manifested in multiple days of strikes and protests, some of which were widely followed, such as the general strike of December 18, 1916, which despite its follow-through did not result in any measures by the Romanones government⁴⁵⁴.

From the demographic point of view, the war situation caused a transfer of inhabitants from rural areas to the cities to work in factories or mines⁴⁵⁵ thus increasing the number of industrial workers and the number of members of unions such as UGT or CNT. However, emigration was a phenomenon that slowed down in the context of the Great War. Firstly, because moving to Latin America was dangerous and secondly, because the expansion of Spanish production required labour and there was no lack of work⁴⁵⁶.

From a political point of view, the turnist system of the Restoration had been facing important difficulties since the beginning of the 20th century. The system prevented the entry, except in a marginal way, of political groups other than the conservative and liberal. This gave rise to a prolonged crisis, during which specific

⁴⁵¹ FUSI, J. P. y PALAFOX, J., *España: 1808-1996. El desafío de la modernidad*, Madrid, 2003, p. 185.

⁴⁵² Maurism was a breakaway branch of the Conservative Party in 1913 that pursued the renewal of conservatism and, like the Conservatives, was pro-Germany during the Great War. MARTORRELL LINARES, M. y DEL REY REGUILLO, F., "El parlamentarismo liberal y sus impugnadores", *Ayer* 63/2006 (3), p. 43

⁴⁵³ About the fight between Alba and Cambó: MARTORELL LINARES, M. A., "La crisis parlamentaria de 1913-1917. La quiebra del sistema de relaciones parlamentarias de la Restauración", *Revista de Estudios Políticos (Nueva Época)*, nº 96, Abril-Junio 1997, pp. 151-154.

⁴⁵⁴ FREÁN HERNÁNDEZ, O. M., "Crisis social y reivindicación obrera en la España de la Restauración: La Huelga General de agosto de 1917 en Ourense", *MINIUS*, V, 1996, p. 117.

⁴⁵⁵ In 1900, just the 9% of the Spanish population lived in cities with more than 100.000 people in them. CAVA MESA, M. J., "La economía en España, de 1800 a 1936", PAREDES, J., *Historia de España contemporánea*, Barcelona, 2009, p. 527.

⁴⁵⁶ CERVERA GIL, J., "La Restauración post-canovista...", p. 582.

crises can be highlighted, such as the one that occurred in 1906 as a consequence of the entry into force of the Law of Jurisdictions, or the one of 1909, known as the Tragic Week⁴⁵⁷. The outbreak of the First World War seemed to halt the process of decomposition of the system until the crisis of 1917 -during the first three years of the world war there were only two governments: the conservative Dato and the liberal Count of Romanones-, while from mid-1917 there were six, some lasting less than a month⁴⁵⁸. The events of the summer of 1917 showed once again the unwillingness of the dominant oligarchy to democratize political life and to integrate other forces such as republicans, socialists, regenerationists or nationalists, although it no longer seemed possible to maintain the system unalterable.

In the opinion of Sánchez Jiménez, the arrival of the war made more evident, if possible, the “hegemony crisis” that had been getting visible since the beginning of the century: the lack of interest in elections, emergence of social responses in the form of strikes, discomfort amongst the public workers, regional revindications and the implementation of initiatives that sought to educate and improve the public opinion about the problems of the country⁴⁵⁹.

The end of the 1918 war caused an economic recession that came accompanied by an important tension in the industrial areas, which, in Herr’s opinion, heavily influenced the decline of the constitutional monarchy⁴⁶⁰. The social and political consequences that the First World War had in Spain contributed to worsen the crisis that already existed in the Restoration system⁴⁶¹. Carr considers that the Great War’s consequences undermined the system, but the thing that ended up destroying it it’s the Morocco War.

3. First Symptoms: General Strikes, Military *Juntism* and the Bourgeois Revolution

Under Fusi and Palafox’s point of view, it was from the contrast between a transforming society and the limitations that the Restoration system had that part of the political problems of the 20th Century Spain surged.

⁴⁵⁷ About them: ROBLES MUÑOZ, C., “¿Acabó la Semana Trágica con Maura? Algunas claves políticas (1906-1909)”, *Analecta sacra tarraconensis: Revista de ciències historicoeclesiàstiques*, Vol. 82, 2009, pp. 75-114. Estudios sobre jurisdicciones especiales pueden verse MARTÍNEZ PEÑAS, L., PRADO RUBIO, E. FERNÁNDEZ RODRÍGUEZ, M., *Especialidad y excepcionalidad como recursos jurídicos*. Valladolid, 2017. MARTÍNEZ PEÑAS, L., PRADO RUBIO, E. FERNÁNDEZ RODRÍGUEZ, M., *Análisis sobre jurisdicciones especiales*, Valladolid, 2017. MARTÍNEZ PEÑAS, FERNÁNDEZ RODRÍGUEZ, M., *Reflexiones sobre jurisdicciones especiales*, Valladolid, 2016. FERNÁNDEZ RODRÍGUEZ, M., *Estudios sobre jurisdicciones especiales*, Valladolid, 2015.

⁴⁵⁸ PEREIRA, J. C., “España y la Primera Guerra Mundial...”, p. 277.

⁴⁵⁹ SÁNCHEZ JIMÉNEZ, J., *La España contemporánea II, 1875-1931*, Sevilla, 1991, pp. 345-347.

⁴⁶⁰ HERR, R., *España contemporánea*, p. 166.

⁴⁶¹ PEREIRA, J. C., “España y la Primera Guerra Mundial...”, p. 286.

It was the unhappiness that some of the economic sectors manifested since the start of the 20th Century that kickstarted the Spanish revolution of 1917. This affected the political sphere, in the sense of rebuttal against the political turn, the still dominating despotism and the appearing of very aggravated ways of regionalism and nationalism as a reaction to the centralist governments⁴⁶²; the army, combined to the problems that the conflict with Morocco caused⁴⁶³; the worker or social sector of the population; and the Catholic Church matter, which was a sense of annoyance towards a tendency to greater secularization. These events made several sectors of the population come together –army, industrial workers, bourgeoisie– in the necessity of a system change.

At the end of the year 1916, under the Romanones government, the country's situation was greatly agitated due to the rising numbers of strikes and uproars that appeared as a consequence of the increase of the cost of living⁴⁶⁴. In summer, the UGT presented the possibility for a general strike to demand the increase of salaries⁴⁶⁵. Later that year, the Marxist syndicalism and the libertarian syndicalism, defended by the UGT and the CNT respectively, signed a collaboration pact, which resulted in the calling of a general strike for December 18th 1916⁴⁶⁶. As a consequence of the strike's success, the UGT and the CNT released a nationwide manifesto March 27th 1917, in which they condemned the governmental brutality against the labour movement's protest, they also called out for a revolution⁴⁶⁷, they aimed to call a new general strike

⁴⁶² In Galicia, the Irmandades de Fala was created in La Coruña in May 1916 on the basis of the ideas set out by Antón Villar Ponte in the pamphlet “Nacionalismo gallego” (Galician nationalism). The publication of Vicente Risco's essay *Teoría do nacionalismo galego* in 1920 opened the way to openly nationalist Galician nationalism. FUSI, J. P. y PALAFOX, J., *España: 1808-1996...*, p. 188.

⁴⁶³ Morocco had been a problematic issue for the various governments since the beginning of the 20th century for various reasons: public opinion was not favourable - events such as the Tragic Week made this clear -, the constant interventions by the Rifians against the Spanish presence, the lack of an effective and well-equipped army deployed in the area, growing tension between the army and the civilian population, the demand for budgetary funds, etc. LA PORTE, P., “Marruecos y la crisis de la Restauración 1917-1923”, *Ayer* 63/2006 (3) pp. 60-66.

⁴⁶⁴ SÁNCHEZ JIMÉNEZ, J., *La España contemporánea...*, p. 348.

⁴⁶⁵ CARR, R., *España 1808-2008*, p. 421.

⁴⁶⁶ MARTÍN DE SANTA OLALLA SALUDES, P., “La España Alfonsina...”, p. 199.

⁴⁶⁷ SÁNCHEZ JIMÉNEZ, J., *La España contemporánea...*, p. 349. “Continúan las eternas ocultaciones de riqueza; los más llamados al sostenimiento de las cargas públicas siguen sustrayéndose al cumplimiento de ese deber de ciudadanía; los beneficiados con los negocios de la guerra, ni emplean sus ganancias en el fomento de la riqueza nacional, ni se avienen a entregar parte de sus beneficios al Estado, y el Gobierno, débil con los poderosos y altivo con los humildes, lanza a diario contra los obreros la guardia civil, mientras prepara empréstitos de transformación de deuda y ofrece a los capitalistas una colocación lucrativa a sus fondos ociosos, so pretexto de promover obras públicas que jamás se realizan. Y si de los pomposos ofrecimientos de reformas económicas y de promoción de obras públicas no queda más que el rumor de vanas palabras [...] Después de las prolijas discusiones a que la acción de España en Marruecos ha dado lugar, a nadie se le oculta ya que esta reincidencia de los poderes públicos en los antiguos errores bélicos, militaristas y dinásticos bastaría por sí sola para provocar, por parte de la nación, la más violenta de las actuaciones contra los causantes de su desgracia. Estos

of an undefined period of time and for which there was no date specified. Despite the lack of details, the government felt threatened and took measures like closing the Casa del Pueblo de Madrid, the place from which they made the manifesto public; the imprisonment for the people who signed the manifesto, Julián Besteiro and Largo Caballero⁴⁶⁸ among them; the cancellation of constitutional guarantees on March 28th; and even in Valladolid, because of the big agitation caused by the labourers, the state of siege was declared⁴⁶⁹. To make matters even worse, on April 9th 1917, the news that the Spanish paddle steamer *San Fulgencio* sank were made public. The boat, that was coming back from England, was torpedoed by the German submarine UC-71. This occurrence sparked the debate on whether Spain should remain neutral in the Great War⁴⁷⁰.

The surge of strikes and uprisings and the debate on Spain's neutrality ended up resulting in Romanones quitting the 19th of April of 1917. A new liberal, García Prieto, replaced the government of the count, but their time in charge didn't go beyond the month of June. Among the promises of the new president there were the reestablishment of the constitutional guarantees and the maintenance of the neutrality, in the face of the uncertainty that the sinking of the *San Fulgencio* entailed. The executive government's fall was caused because a crisis surrounding the military juntas. This time, it was replaced by a conservative cabinet lead by Eduardo Dato⁴⁷¹.

Among the problems in the army there was the fact that the officials, recruited from the middle and more modest classes, were poorly paid and too much in numbers, causing that the perspective to be promoted was very interesting but severely hard⁴⁷².

males, percibidos a diario por el proletariado, han formado en él, tras una larga y dolorosa experiencia, el convencimiento de que las luchas parciales de cada asociación con los patronos, asistidas por la solidaridad de los compañeros de infortunio, no bastan a conjugar los graves peligros que amenazan a los trabajadores. [...]”.

⁴⁶⁸ GUTIÉRREZ-ALVÁREZ, P. “Centenario de la crisis y/o revolución española de 1917”, *Viento Sur*, nº 153/ August 2017, pp. 111-112.

⁴⁶⁹ The suppression of constitutional guarantees affected the whole country because of the nationwide strike wave and the repercussions of the manifesto from the UGT and the CNT supporting a general strike. The suppression was repealed on April 21st by García Prieto's government. On April 1st the state of siege was declared in Valladolid because of the railway agitation. GONZÁLEZ CALLEJA, E., *La razón de la fuerza. Orden público, subversión y violencia política en la España de la Restauración (1875-1917)*, Madrid, 1998, p. 70

⁴⁷⁰ News from the boat can be seen in the second edition of the *ABC* newspaper, from Tuesday, April 10th of 1917, page number 10. That same piece of news referred to the sinking that took place the previous day. About the sinking: PÉREZ ADÁN, L. M., “La Compañía Cartagenera de Navegación”, *Cartagena Histórica* 21, september/october 2010, pp. 30 y ss.

⁴⁷¹ CARR, R., *España 1808-2008*, p. 420.

⁴⁷² Carr talks about a new oficial corps that doubled the French one. CARR, R., *España 1808-2008*, p. 466. Salvador de Madariaga gives the following data. In 1927 the army had 19,906 officials (219 generals among them) to 207.000 soldiers. The ratio of officers to soldiers was 10%, while in France it was less than 5% at the same date (30,662 officers and 606,917 men). MADARIAGA, S., *España. Ensayo de Historia contemporánea*, Madrid, 1989, p. 139.

The exception was made up by the “faculty members” of the army: engineers and artillery. Throughout the 19th Century, all the artillery officials had been promoted because of their seniority, at least in their own weapon, which resulted in a double structure, because an artillery captain could be colonel in the general hierarchy⁴⁷³. The problems related to the army were manifested through the juntism movement, with the apparition of the *Unión de Juntas* (Council Union) formed by the *Junta de Defensa* (Defence Council) of the weapons from infantry, cavalry and artillery. These *Juntas de Defensa* were made up by officials, from lieutenants to colonels, leaving aside non-commissioned officers and generals⁴⁷⁴.

The juntism movement started in 1916, in the Catalan military region⁴⁷⁵, starting in the cavalry weapon but rapidly extending to the infantry as a consequence of the proposition from the War Ministry, general Luque, to establish some kind of exam to promote the officials to try and improve the technical desynchronisation that existed in the Army⁴⁷⁶. The initiative caused a strike by the officials from a medium or low rank, in which they demanded an improvement of the salary, the recognition of the Junta as a valid agent to negotiate with the State, the moderation in the concession of war rewards, the application of fair criteria regarding to promotions and the consideration and respect of seniority. These revindications

⁴⁷³ CARR, R., *España 1808-2008*, p. 467.

⁴⁷⁴ LACOMBA, J. A., “España en 1917. Ensayo de morfología de una crisis histórica”, p. 151. The exclusion of those was due to the need to exclude more or less influential uniform chieftains. They tried to protect the professional career from external interference. Hence the need to be integrated into a hierarchy ordered by seniority that would give them stability. BRU SÁNCHEZ-FORTÚN, A., “Para repensar las Juntas Militares de 1917”, *Hispania*, 2016, vol. LXXXVI, n° 252, January-April, pp. 189-215, pp. 194-195.

⁴⁷⁵ Atienza Peñarrocha considers that the emergence of the protest in Barcelona can be explained by the fundamental role of the military as guarantors of order at a time when workers’ and Catalan nationalist movements were launching an offensive against the government. ATIENZA PEÑARROCHA, A., *Africanistas y junteros: El Ejército español en África y el oficial José Enrique Varela Iglesias*, PhD dissertation, Valencia, 2012, p. 235.

⁴⁷⁶ DE LUIS MARTÍN, F., “La crisis final ...”, p. 632. In December 1915, general Luque got back to a 1914 proposal from the War Ministry, general Echagüe, who wanted to establish rules to select those who were going to be promoted, so they would be the most ideal soldier Luque’s proposal exempted artillerymen and engineers, infantry officers perceived this as an injustice. ATIENZA PEÑARROCHA, A., *Africanistas y junteros: El Ejército español en África y el oficial José Enrique Varela Iglesias*, PhD dissertation, Valencia, 2012, pp. 233-234.

From 1880 onwards, there was a growing interest in improving the professional training of the members of the army. This was exemplified by the founding of officers’ clubs, military journals and the development of campaigns for the reform of the recruitment system and military training. However, the army’s budget was disappearing as the pay of an extremely large officer corps - around 500 generals, 25,000 officers for less than 100,000 men who took half of the military budget in salaries - was being met. CERVERA GIL, J., “La Restauración post-canovista: intentos de renovación del sistema (1902-1916)”, PAREDES, J., *Historia de España contemporánea*, Barcelona, 2009, p. 599. Otherwise, the consequences would be serious, as the Moroccan campaigns would eventually prove: in 1920, the army went to Morocco without tanks, rifles or modern hospitals. CARR, R., *España 1808-2008*, p. 467.

could be understandable because a large part of the military sector was formed by people from the middle class or the small bourgeoisie, who, even though were ideologically close to the Restoration system, felt relegated and poorly compensated. The military demands, coated by allusions to the regeneration of the country, were greatly appreciated by some of the political currents like republicans, radicals and the Catalanian conservatives of Cambó⁴⁷⁷.

The then Romanones governments considered abolishing the Juntas at the beginning of 1917, but never did it. In May, the Junta Superior (Superior Council) was put into operation in Barcelona. It represented the Infantry Officials of Spain. Cavalry and Artillery followed their steps. The count resigned and a new War Ministry, the general Francisco de Aguilera y Egea, sent a notice to all the general captains to forbid the meeting of the Juntas, particularly urging Alfau, as the general captain of Catalonia, to dissolve the ones in Barcelona. Alfau didn't do this immediately and the three juntas joined together in the Unión de Juntas. It was in May 25th that Alfau convened the members from the infantry Junta Superior in his office and ordered them to dissolve the institution in twenty-four hours. The Junta refused to do so, so its members were arrested and taken to a military prison in the Montjuïc Castle. To replace the incarcerated members, a substitute Junta was formed, presided by coronel Echevarría, who published a manifesto in which in addition to the protest he asked for the help of the rest of the Juntas in Spain. Aguilera dismissed general Alfau and in his place appointed general José Marina and ordered to stop the new Junta⁴⁷⁸.

Simultaneously, the general captains from other regions, following government orders, arrested the Juntas in other parts of Spain. On May 31st 1917 there was fear for an uprising in the Barcelona garrison to free their arrested comrades by force. On June 1st, representatives of the new junta delivered to Marina a document known as the Manifiesto of the Juntas, which demanded the freedom of the members of the Juntas, technical and economic improvements for service in arms, the exoneration and rehabilitation of those arrested, official recognition of the Juntas, and rejection of war merits⁴⁷⁹ and promotions by election. Marina refused to give in and neither did the Minister of War, but the government did give in under pressure from the King. Those arrested were released on the 2nd of June⁴⁸⁰.

The juntarist soldiers, despite their lack of organisation, had demonstrated their power to put pressure on the system. Moreover, they had popular support, as their

⁴⁷⁷ CARR, R., *España 1808-2008*, p. 420.

⁴⁷⁸ ATIENZA PEÑARROCHA, A., *Africanistas y junteros: El Ejército español en África y el oficial José Enrique Varela Iglesias*, Tesis doctoral, Valencia, 2012, pp, 241-242.

⁴⁷⁹ A measure introduced by the Canalejas government in 1911 that ended up dividing the Army into junteros, defenders of the closed scale, and africanistas, who defended promotions based on war merits. LA PORTE, P., "Marruecos y la crisis de la Restauración 1917-1923", *Ayer* 63/2006 (3) p. 63.

⁴⁸⁰ ATIENZA PEÑARROCHA, A., *Africanistas y junteros: El Ejército español en África y el oficial José Enrique Varela Iglesias*, Tesis doctoral, Valencia, 2012, p, 243.

manifesto blamed politics for the country's ills and called for the restoration of good government and morality as indispensable prerequisites for the country's renewal⁴⁸¹. Military regenerationism was contrasted with failed political regenerationism.

The *Manifiesto de las juntas*, which was presented as an ultimatum to the government, has been considered by some as a pretorianist intervention in civilian institutions⁴⁸². Other authors, such as Bru Sánchez-Fortún, do not consider the episode to be a military intervention in political life, but rather a mere vindication of their salary, their professional career and their social relevance, that is, a corporatist movement rather than a movement with concrete political aspirations⁴⁸³. In any case, the crisis unleashed by the Juntas led to the fall of García Prieto's government, which was replaced by a conservative cabinet headed by Eduardo Dato, disappointing those sectors that aspired to renewal.

The idea of political regeneration, a constant theme in the juntist manifestos, had raised hopes of general renewal in certain sectors, such as the Catalan nationalists of the Lliga Regionalista, the reformists of Melquíades Álvarez, the republicans, socialists, a good part of the progressive intellectuals, some members of the CNT and some of the Maurist movement⁴⁸⁴. All the above grouped together and brought forth to what is known as the July bourgeois revolution, whose aspirations included the idea of democratisation, putting an end to turnism and corruption and the realisation of autonomist aspirations, in the case of the members of the Lliga.

The events that brought together all the forces of protest in 1917 were the closure of the Cortes and the suspension of constitutional guarantees by Dato on the 25th of June 1917. These measures were taken to prevent the dissemination of a new manifesto by the Junta de Defensa explaining its position and to contain the revolutionary strike threatened by socialists and reformist republicans, who sought to put Melquíades Álvarez at the head of the government. The above was favoured by the fact that Catalonians, workers, radicals and army officers joined together in an assembly movement⁴⁸⁵.

Francesc Cambó, the leader of the Catalan regionalist party, took the initiative in the pluralist movement and, taking advantage of the weakness that the system had shown on the occasion of the Juntist demands, called an Assembly of Parliamentarians

⁴⁸¹ ATIENZA PEÑARROCHA, A., *Africanistas y junteros: El Ejército español en África y el oficial José Enrique Varela Iglesias*, Tesis doctoral, Valencia, 2012, p. 243.

⁴⁸² DE LUIS MARTÍN, F., "La crisis final ...", pp. 632-633.

⁴⁸³ BRU SÁNCHEZ-FORTÚN, A., "Para repensar las Juntas Militares de 1917", *Hispania*, 2016, vol. LXXXVI, n° 252, January-April, pp. 189-215, p. 212.

⁴⁸⁴ Socialism, republicans and reformists were reluctant to see a revolutionary movement but agreed in June 1917 that a change of regime and the formation of a provisional government were necessary. For its part, the CNT was in favor of insurgent action. DE LUIS MARTÍN, F., "La crisis final ...", pp. 636-637.

⁴⁸⁵ CARR, R., *España 1808-2008*, p. 421.

in Barcelona on July 19th 1917, which aspired to become a constituent Cortes that would put an end to the Canovist system and satisfy Catalonia's demands for autonomy⁴⁸⁶. The parties of the system did not take part in that meeting and it was finally dissolved by the police⁴⁸⁷. The disparity between the members of the group, Antonio Maura's refusal to support the movement⁴⁸⁸ and the government's refusal to open constituent Cortes or to encourage separatist demands - the government press described the movement as revolutionary or seditious - spoiled the initial momentum of that movement.

The demands led by Cambó were not well received by the junquist movement. The Dato government's approval of the Juntas' regulations, Maura's lack of support for the assembly movement, the officers' refusal to collaborate with Catalanists, Republicans and Socialists, and an incipient movement of troops and non-commissioned officers who threatened to form alternative juntas were the factors that determined the Juntas' support for the government over any other demands⁴⁸⁹.

In Carr's words, "the system prevailed, not by its own strength, but by exploiting the conflicts among the regenerator candidates"⁴⁹⁰.

4.- August of 1917 and its Consequences

As we have seen, the crisis of the Restoration system became more evident from the spring of 1917 onwards and exploded with all its virulence in August. The revolutionary explosion was basically proletarian - the peasantry remained on the sidelines⁴⁹¹-, although other pressure groups intervened, such as the bourgeois force of Catalan regionalism and the army. However, these groups faded over time.

The failed bourgeoisie revolution in July 1917 had a second attempt at an assembly. It was called in Madrid and the date was set for October of the same year. Its aims were similar to those of July: to convene a constituent Cortes and to modify the parliamentary system by giving a central role to the electors⁴⁹². By the time the convocation was agreed, part of the movement had already left the coalition because of differences between them. For its part, the junterist movement, which had put the

⁴⁸⁶ FUSI, J. P. y PALAFOX, J., *España: 1808-1996...*, p. 186.

⁴⁸⁷ CARR, R., *España 1808-2008*, p. 421.

⁴⁸⁸ Cambó had sought to get the conservative leader to support the movement, both because of the importance of his figure and to mitigate the leftist bias of the movement, without success. DE LUIS MARTÍN, F., "La crisis final ...", p. 634.

⁴⁸⁹ DE LUIS MARTÍN, F., "La crisis final ...", p. 635.

⁴⁹⁰ CARR, R., *España 1808-2008*, Barcelona, 2009, p. 417.

⁴⁹¹ LACOMBA, J. A., "España en 1917. Ensayo de morfología de una crisis histórica", pp. 154-155.

⁴⁹² CARR, R., *España 1808-2008*, p. 423.

government on the ropes, ended up siding with it and actively collaborated in the repression of the August revolts.

The calling of the August strike was a consequence of a work conflict that emerged between the Valencian railway workers and the Compañía del Norte, but it ended up affecting other production branches⁴⁹³. The railway workers' strike, which took place in July, ended up being a failure and was put to an end with numerous dismissals made by the Compañía del Norte, which only made matters worse. On August 2nd, the Sindicato del Norte (the National Federation of Railway Workers) suggested calling a general strike for August 10th. On August 4th *El Socialista* appeared, a manifesto signed by Daniel Anguiano⁴⁹⁴ and Ramón Cordoncillo – president and secretary of the federation – and was addressed not only to the railway workers, but also to workers from other professions, and, in general, to the public opinion. In this manifesto they set out the situation as a general conflict and they reproached the Juntas de Defensa and the government for rejecting the celebration of the Asamblea de Parlamentarios de Barcelona (Barcelona's Parliamentarians Assembly)⁴⁹⁵. The fuse was lit.

Finally, the general strike took place on August 13th 1917 and aspired to achieve the departure of the king⁴⁹⁶, the creation of an interim government and the calling of the Constituent courts⁴⁹⁷. The strike was irregularly followed and it was only in Madrid, Barcelona, Asturias and the Basque Country – especially the last two territories- where its reach was somehow relevant⁴⁹⁸. Lastly, it was harshly repressed. The war state was immediately established and the strike's committee was arrested⁴⁹⁹. The human toll has horrifying: more than sixty lives were lost, more than two hundred people were hurt and two thousand people were arrested.

This crisis brought forth numerous severe consequences, since it caused the revitalization of the role of the military sector in the country's political life. In the short term, the Juntas de Defensa ended up forcing Dato's government to resign;

⁴⁹³ The follow-up of the events can be found in the ABC newspaper of 3 August 1917.

⁴⁹⁴ LUENA LÓPEZ, C., "El papel de Daniel Anguiano (1882-1963) en la política española durante el primer tercio del siglo XX", *Vegueta. Anuario de la Facultad de Geografía e Historia* 18, 2018, 327-346.

⁴⁹⁵ SERRALIONGA I URQUIDI, I., "Motines y revolución. España 1917", *Ayer*, n°4 (1991), pp. 181-182.

⁴⁹⁶ Those were Pablo Iglesias' manifestations in *El Socialista* August 2nd of 1917. SERRALIONGA I URQUIDI, I., "Motines y revolución. España 1917", *Ayer*, n°4 (1991), p. 188.

⁴⁹⁷ SERRALIONGA I URQUIDI, I., "Motines y revolución. España 1917", *Ayer*, n°4 (1991), p. 183.

⁴⁹⁸ The follow-up of the revolution in different areas can be found in various studies, in the case of Huelva, PEÑA GUERRERO, M. A., DE LARA RÓDENAS, J. C., DOMÍNGUEZ DOMÍNGUEZ, R. M., "Huelva y la crisis de 1917", *Huelva y su historia*, vol. 3, 1990, pp. 449-503.

⁴⁹⁹ The committee, which included figures such as Julián Besteiro and Francisco Largo Caballero, was sentenced to life imprisonment by a military court. They ended up being amnestied after some of them were elected deputies in the February 1918 elections. DE LUIS MARTÍN, F., "La crisis final ...", p. 638. The amnesty Law can be found in *Gaceta de Madrid* n. 129, 09th May, 1918, p. 390.

in the long term, during the majority of the 20th century, the Army went back to dictating the path of the country's politics the same way it happened the previous century.

The 1917 strike revealed the fragility of the regime breaking the canovist coexistence⁵⁰⁰. It was the beginning of the end of the turnism. However, the forces that had to build a different system were very divided⁵⁰¹.

After the resignation of Eduardo Dato, on November of 1917, García Prieto set up a coalition government, the first government of monarchic concentration, to try and assimilate all parts concerned: liberals, regionalists, maurists, etc. This was named "Horacio's Monster"⁵⁰². The coalition rejected the repeated revindication of calling the Constituent courts, which earned them the opposition of the reformists, who were organized around Melquíades Álvarez. The coalition wasn't stable and the government of García Prieto resigned in March of 1918, and afterwards there was a new government of national concentration lead by Maura and in which García Prieto had a part⁵⁰³.

The 1917 crisis caused what Histography calls the "parliamentarism crisis", because the economic recession and the social convulsion prevented the proper functioning of the political system established in the Constitution of 1876. From 1917 to 1923, in which the liberal parliamentary monarchy was put to an end, thirteen governments made up by the most relevant people from that moment took the country's lead, but none of them managed to stay at the government for more than six months⁵⁰⁴.

The proletariat became radicalized and massively joined in labour organizations⁵⁰⁵. The UGT, for example, even though it suffered an immediate reduction of about ten thousand members in 1918, had more than two hundred and ten thousand in 1920⁵⁰⁶. More immediately, the Socialist Party's representation figures improved, as the February 1918 elections, called in the midst of the crisis, increased the PSOE's single seat by a sixfold in 1914⁵⁰⁷.

⁵⁰⁰ LACOMBA, J. A., "España en 1917. Ensayo de morfología de una crisis histórica", p. 155.

⁵⁰¹ SERRALIONGAI URQUIDI, I., "Motines y revolución. España 1917", *Ayer*, nº4 (1991), p. 176.

⁵⁰² MARTORELL LINARES, M. A., "La crisis parlamentaria de 1913-1917. La quiebra del sistema de relaciones parlamentarias de la Restauración", *Revista de Estudios Políticos (Nueva Época)*, nº 96, Abril-Junio 1997, p. 157.

⁵⁰³ CARR, R., *España 1808-2008*, p. 423.

⁵⁰⁴ MARTÍN DE SANTA OLALLA SALUDES, P., "La España Alfonsina...", pp. 190 y198.

⁵⁰⁵ FREÁN HERNÁNDEZ, O. M., "Crisis social y reivindicación obrera en la España de la Restauración: La Huelga General de agosto de 1917 en Ourense", *MINIUS, V*, 1996, p. 119.

⁵⁰⁶ LACOMBA, J. A., "España en 1917. Ensayo de morfología de una crisis histórica", p. 155.

⁵⁰⁷ FUSI, J. P. y PALAFOX, J., *España: 1808-1996...*, p. 187.

CONCLUSIONS

Throughout the previous pages, seven moments of change in the model of government or State have been covered, ranging from the break with the feudal world that took place in the 15th century, during the reigns of Isabel and Ferdinand, to the collapse of the pact system of alternation in power, built in the last years of the 19th century, in order to provide stability to successive governments and overcome, even at the cost of the country's democratic health, the climate of perennial political confrontation that had presided over the years previous.

These processes clearly show that any change in the conception of the State or the balance of forces and powers within must be protected and supported by an adequate regulatory apparatus and a series of institutional changes. This is totally inevitable, given that it is the rules and institutions that define the State and the governments that rule it, so their modification is a necessary condition for a change to occur in the nature of the state or government entity.

Given that the phenomena of profound change are often traumatic and always contested, almost always raising strong opposition, whether in the general population or in a strongly ideologized minority, the Law and institutions in these contexts always seem to provide a very prominent attention to the regulation and maintenance of public order. This implies, on many occasions, a reactivation of the legalized formulas of political repression, among which can be mentioned:

- Resurgence of political crimes.
- Redefinition of the responsibilities in matters of security and public order of different elements of the State, particularly the army.
- Limitation of rights.
- Appearance of censorship.
- Creation or disappearance, depending on the orientation of the change process, of special jurisdictions.

These patterns can be observed in most processes of profound change in the design of the State or government.

Another circumstance that must be taken into account is that in many cases these are processes that take place in a post-civil war context. This is what happens with the changes of the 15th century, which are preceded by the War of Succession of Castile and fueled by a whole series of subsequent conflicts -War of Granada, Wars of Naples...-; with the War of the Spanish Succession of the 18th century, with the War of Independence - which has an important component of internal conflict -, with the policies of Ferdinand VII after the invasion of the One Hundred Thousand Sons of San Luis, etc.

The legal-institutional changes of these periods occur, therefore, in contexts of extreme difficulties, of reconstruction of the country or, at least, of the model of coexistence between the opposing parties, either to reintegrate the defeated in the new design or good to subject them to it. They occur, for the same reasons, in contexts of polarization and political confrontation between different political visions and between sets of opposing interests. This gives the law in times of change some recurring characteristics:

- It is a right of necessity, arising in the first instance from the need to institutionalize and stabilize the new system.
- Therefore, it is usually a short-term right, designed to overcome the peremptory needs arising from the moment of change.
- It is usually an ideologized right, impregnated with a strong doctrinal and political load similar to the model that is trying to be built.
- All of the above makes it a right that needs review and reconfiguration when the turbulence of the moment of change is overcome.

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