

# Introduction to Political Representation in Spanish Parliamentary History

Sierra, María

Univ. de Sevilla. Fac. de Geografía e Hª. Dpto. de Hª Contemporánea.  
María de Padilla, s/n. 41004 Sevilla  
msierra@us.es

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*Azken 200 urteotan Espainian ere sistema parlamentarioa garatu zen. Historia parlamentario honek mendebaleko beste sistemekin parekatuz gero, joera komunak adierazten ditu. Baina bestalde baditu bereizgarriak ere, batzuetan joera antiparlamentarioak gailendu zirelako eta horrez eragin zuen parlamentarismoaren porrota.*

*Giltza-Hitzak: Espainia. Parlamentua. Historia. Liberala.*

*El sistema moderno parlamentario también se desarrolló en España durante los últimos 200 años. Esta historia parlamentaria manifiesta aspectos comunes con otros sistemas parlamentarios del occidente. Pero al mismo tiempo muestra algunas características distintivas en algunos momentos a raíz del éxito del antiparlamentarismo y consiguiente fracaso del sistema parlamentario.*

*Palabras Clave: España. Parlamento. Historia. Liberal.*

*Le système moderne parlementaire s'est également développé en Espagne durant les 2 siècles derniers. Cette histoire parlementaire présente des aspects communs à d'autres systèmes parlementaires de l'Occident. Mais en même temps, elle montre des caractéristiques différentes à certains moments en raison du succès de l'antiparlamentarisme et de l'échec découlant du système parlementaire.*

*Mots-Clés : Espagne. Parlement. Histoire. Libéral.*

Modern Spanish Parliament has been in existence for two centuries. Its history shares common features with the histories of other Western parliamentary systems, but at the same time also shows some distinctive characteristics<sup>1</sup>. In spite of the efforts of the deputies themselves to present the liberal Parliament of the XIX century as the heir of the medieval *Cortes* of the country, the truth is that the parliamentary institution that emerged in 1812 in Cadiz with the Liberal Revolution bore little resemblance to the old consultative assemblies based on social categories. The hegemony of the legislative power over the monarchic executive was so explicitly affirmed in the 1812 Constitution that the system came to suffer from a lack of balance amongst the powers. In any case, universal (indirect) suffrage favoured a very broad design of political citizenship, in consonance with the results of other European revolutions<sup>2</sup>.

Shortly afterwards, and again in keeping with what was happening in post-revolutionary Europe, the conservative drift of liberalism rectified the initial design of the parliamentary system through a constitutional scheme in which the legislative power lost its supremacy over the Crown. Thus, the moderate Constitution of 1845 established a system of "shared sovereignty" in Spain, which gave the Crown significant powers such as legislative initiative, the convening of elections and the dissolution of the *Cortes*. Moreover, the electoral legislation placed notable restrictions on the right to vote, setting a high economic requirement as a condition for being able to participate. Even more important than these laws, even more determinant for the loss of prestige of the parliamentary system under Isabel II, was a series of political practices aimed at guaranteeing the predominance of the executive branch and also conceived as a barrier on the political mobilisation of society. Put very briefly, it could be said that the distortion of parliamentary system resulted from the tendency of the ruling political class to deprive the Parliament of numerous legislative initiatives, from the abuse of royal prerogatives in the choice of the head of governments and from the manipulation of elections in order to create artificial parliamentary majorities; all aimed at maintaining a monopoly of government control<sup>3</sup>. This in turn fueled pejorative views of the parliamentary system, such as that reflected in the cycle of novels *Episodios Nacionales* by Benito Pérez Galdós, in one of which the protagonist is a novice deputy who, along with his colleague, kills time in the fruitless parliamentary sessions by analysing the wigs worn by the other founding fathers<sup>4</sup>.

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1. A general view can be found in MARCUELLO, Juan I.; PEREZ LEDESMA, Manuel. "Parlamento y poder ejecutivo en la España contemporánea (1810-1936)". *Revista Estudios Políticos* 93, 1996, pp. 17-38. This article is part of the projects funded by the Ministerio de Ciencia BHA2002-01007 y HUM2006-00819).

2. Recent interpretations have give less relevance to the contribution of this Constitution with respect to the declaration of citizens' rights, considering it rather to have been an affirmation of a concept of the unitary and catholic nation, PORTILLO, José María: *Revolución de nación. Orígenes de la cultura constitucional en España, 1780-1812*. Madrid. Centro EPC, 2000. On the contrary, other authors have emphasised the innovative content of the Cadiz revolution, PEREZ LEDESMA, Manuel "Las Cortes de Cádiz y la sociedad española", *Ayer* 1 (1991), pp. 166-206.

3. MARCUELLO BENEDICTO, Juan Ignacio. "La Corona y la desnaturalización del parlamentarismo Isabelino", *La política en el reinado de Isabel II, Ayer* 29, 1998; pp. 15-36.

4. PEREZ GALDOS, Benito. *Narvéez. Episodios Nacionales*, Serie IV. Madrid: Librería y Casa Editorial Hernando, 1943; pp. 169-173. (written in 1902).

In spite of these negative stereotypes, which found an efficient projection in the XX century's anti-parliamentarianism, the fact is that there were periods of promising and genuine parliamentary activity, above all in those brief stages when advanced liberalism dominated the government. This occurred during the *Bienio Progresista* (1854-1856) and especially during the *Sexenio Democrático* (1868-1874). Political life in this second period, marked by the government of the progressive liberal, democratic and republican parties, rested on a new Constitution (1869) that recovered the supremacy of the Parliament over the other powers and limited the privileges of the Crown. Moreover, the political practices confirmed the principal role of the Parliament recognised by constitutional theory: in spite of the government instability, there was an intense legislative activity in the *Cortes* and the key political decisions were made there (whether the regime should be a Monarchy or a Republic, for example)<sup>5</sup>. The greater role of the legislative power was completed with a democratic electoral system, which for the first time established direct universal suffrage in Spain. And although this certainly did not imply the disappearance of the various formulas of electoral corruption, which in some ways became more sophisticated, it was in consonance with a broad conception of citizen's rights and freedoms.

The restoration of the Monarchy in 1876 marked a return to the more closed model of conservative liberalism, with the Crown recovering lost political powers and the reestablishment of "shared sovereignty". Even more problematic than the return to the restrictions on suffrage through criteria based on income, which substantially reduced the electoral census with respect to the previous stage, was the form in which the King interpreted his powers. Well into the XXth Century, and with an increasingly mobilised society, Alfonso XIII wanted to act as a moderating referee in political life –supposedly impartial, but in fact highly conditioned by his attachment to the most conservative institutions of Spanish life, the Army and the Church–. Although there were some reformist initiatives, the political class of this period wasn't overly inclined to taking the risk of favouring an authentication of the representative system either, because they would lose control of arranged elections whose results had been agreed upon beforehand. For these reasons, while from the later decades of XIXth Century other European countries made a legislative and political effort to authenticate the representative bodies, the Spanish Parliament was entering a dead-end street of inactivity and loss of prestige. Finally in 1923, the military coup d'état of Primo de Rivera, with the acquiescence of the King, suspended parliamentary activity<sup>6</sup>. Although a Consultative National Assembly was created, this did not fulfill the basic characteristics of a parliamentary assembly; and neither did the *Cortes* of Franco's dictatorship soon after.

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5. PEREZ LEDESMA, Manuel. "La vida parlamentaria en España: de la Revolución de 1868 a la derrota republicana de 1939". In: CAPELLAN DE MIGUEL, Gonzalo (Ed). *Parlamento y parlamentarismo en la España liberal. Manuel de Orovio y Práxedes Mateo-Sagasta*. Logroño: Parlamento de la Rioja-Ateneo Riojano, 2000; pp. 23-65.

6. On the Parliament of the Restoration and the reform proposals cut short by the coup of Primo de Rivera, see CABRERA, Mercedes (Dir.). *Con luz y taquígrafos. El Parlamento de la Restauración (1913-1923)*. Madrid: Taurus, 2001.

Between the two dictatorships of the XX century, there was a brief hint of parliamentary hegemony during the II Spanish Republic (1931-1936). In this time, the supremacy of the legislative power was strengthened by the participation in Parliament, above all during the first legislature, of numerous intellectuals who made the cause of the Republic and its project of change their own. The Constitution of 1931 clearly established the leading role of the Parliament in legislative initiatives and its legal authority to appoint the President of the State; but also envisaged the articulation of powers in the inverse direction<sup>7</sup>.

The most outstanding peculiarity of the Spanish trajectory resides in the lengthy suspension of parliamentary tradition with Franco's dictatorship from 1939 onwards. In spite of the existence of the *Cortes* during this period, these were neither representative nor pluralist, and they did not exercise any type of effective power. Defining itself as an "organic democracy", through its double opposition to liberal democracy and Marxism, Franco's regime created some *Cortes* in which representation corresponded to the three supposedly constitutive corporations of Spanish society (the members of the *Cortes*, so-called *procuradores*, "represented" the Family, the Municipality and the Vertical Trade Union [*Sindicato*], through a strongly conditioned vote). That these *Cortes* were empty of any representative substance, in the context of a dictatorial regime whose head of State monopolised all authority, is evident from the fact that they did not possess any of the functions that correspond to assemblies of this type in parliamentary systems: they had no legislative initiative, nor were they entrusted with any function of control over the executive power, nor over the government emanating from them<sup>8</sup>.

The transition to democracy that took place from 1975 onwards managed to recover the Parliament as one of the fundamental spaces of political life. The change from the organic *Cortes* to the democratic *Cortes* was led by Adolfo Suárez and channelled through the *Law for Political Reform*. This operation involved a process of political transition for which it would be difficult to find any comparison: it was unique due to the attitude of the official political class of the previous regime, which to a large extent accepted its own dissolution as such; it was also unique because of the attitude of the democratic opposition which, going back on its previous radical discourse, agreed to negotiation; and it was singular because of the maturity of the citizenry that responded positively to the proposals for political modernisation. In a complementary way, the electoral laws of 1977 introduced, together with direct universal and secret suffrage, the novelty of indicating that the political parties were the protagonists of the electoral processes, especially those aimed at forming the *Cortes* of Deputies.

This eventful history, with its advances and setbacks, has been approached from different angles, although with a certain lag with respect to other western

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7. CABRERA, Mercedes. "Las Cortes republicanas". In: JULIA, Santos (Ed.). *Política en la Segunda República*, Ayer 20, 1995.

8. SOTO CARMONA, Alvaro. "De las Cortes orgánicas a las Cortes Democráticas". In: REDERO SAN ROMAN, Manuel (Ed.). *La Transición a la democracia en España*, Ayer 15, 1994; pp. 109-133.

historiographies. Recently, I've developed a research project designed to delve deeper into the liberal origins of the Spanish parliamentary system and, more precisely, into the concepts of representation evolved by the diverse political groups during the XIXth Century<sup>9</sup>. The research has been developed along three lines of work. Firstly, reconstructing the process of elaboration of the electoral legislation, clarifying what were the main issues of debate and the solutions adopted in response to the most critical questions (extension of suffrage, requisites for eligibility, parliamentary incompatibilities, electoral offenses, etc.). Secondly, reconstructing the prosopographical outline of the political class that was especially involved in the elaboration of this legislation –as a whole, but also delimiting the nuances of each ideological or party group. Thirdly, analysing the discourse that gave form to the the concept of representation, focusing to the linguistic and intellectual resources and lines of argument employed, from a comparative perspective that contextualises the Spanish case by contrasting it with those of France, Great Britain and Italy<sup>10</sup>.

The conclusions of this research allow me to point out an observation regarding the success or failure of this parliamentary system whose gestation I have summarised. Although the history of its origins does not offer an idyllic panorama that would perfectly complement the parliamentary canon, but instead an irregular path made up of as many setbacks as achievements (as would occur in the historical analysis of any other case), what is certain is that the suspension of the Spanish parliamentary system by Franco's dictatorship did not constitute the merely formal elimination of an empty institution. However much anti-parliamentarianism of this or of any other kind successfully spread the image of the Parliament as a decorative and useless assembly into the XX century, the reality is that in the XIX century the Parliament had been one of the central spaces of the political struggle. Not the only one, nor the most decisive one when compared with the power of the Army or the Court pressure groups. But it was a space where Spanish liberal politicians attempted to define themselves with their gaze fixed on Europe, looking for effective models of the ideal representative government. Its potential contribution, the creation of a tolerant political culture that encouraged dialogue, should be kept in mind.

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9. The project, "The Profession of Deputy. The Idea of Political Representation in Liberal Spain (1845-1890)", was developed in cooperation with other colleagues of the University of Huelva – M<sup>a</sup> Antonia Peña – and the University of Alicante – Rafael Zurita. A more complete presentation of the research can be found in SIERRA, María; ZURITA, Rafael; PEÑA, María Antonia. *La representación política en la España Liberal, Ayer* 61, 2006.

10. The main conclusions in SIERRA, María. "The Profession of Deputy. The Idea of Political Representation in Liberal Spain". *Parliaments, States and Representation*, 30. 2010.