

**THE MAKING OF “THE BASQUE QUESTION” :
THE DEBATE IN THE SPANISH PARLIAMENT ABOUT
THE ABOLITION OF THE REPRESENTATIVE ASSEMBLIES
AND INSTITUTIONS FOR SELF-GOVERNMENT
(1876-1877)¹**

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This paper is a contribution to the research series that we began at the XVIII International Congress of Historical Sciences, held at Montreal, Quebec, in 1995. The series is titled : “People, State Forms and Representative Assemblies : the Making of the Basque Political Representative Institutions”. The journal *Parliaments, Estates and Representation* is the medium for communication and diffusion of the series. In our research we endeavour, through case studies, to find answers to the questions posed by historiography and by the analyses of the social sciences regarding Representative Assemblies.

I. From “composite monarchy” to “national State”

The Spanish monarchy of the Habsburgs was a composite monarchy. It was succeeded by the monarchy of the Bourbons which created a centralized State based on Castilian law, with the exception of the territories of the Kingdom of Navarre and the Basque Provinces. The *Cortes* (parliament) of Navarre continued working until 1841, and the *Juntas Generales* of Alava, Bizkaia and Gipuzkoa until 1877. In other articles, entitled “The Making of the Political Basque Country”, we have analysed the constitutional working of these representative assemblies and their evolution.

In the political map of Spain of J. F. Torres Villegas of 1852², which presents “the territorial division with the political classification of all the Provinces of the Monarchy according to the special regime

¹ This article is a contribution to the general research on “The Basque question in Spanish politics”, Project funded by the Ministry of Education and Science, HUM2005-02954/HIST.

² F. Torres Villegas, *Cartografía hispano-científica o sea los mapas españoles en que se representa a España bajo todas sus diferentes fases*, Madrid, 1852.

dominant within them”, a distinction is made between four different Spains :

- “The uniform or purely constitutional Spain that includes these thirty-four provinces of the crown of Castile and León, [which are] equal in all the economic, military and civil branches”.
- “The incorporated or assimilated Spain : This includes the eleven provinces of the crown of Aragón, still different in their form of contributing and in some points of private law”.
- “Colonial Spain : This includes possessions in Africa, those of America and those of Oceania, all ruled by special laws”.
- “*Foral* Spain : this includes these four exempted or foral provinces that conserve their special regime different from the others”. This is the territory of the former Kingdom of Navarre and the provinces with self-government and representative assemblies – the territory of Vasconia-Euskal Herria (the Basque Country) in cultural and linguistic terms.

This political description, which dates from the middle of the XIX century when the Liberal revolution had consolidated its main reforms, gives us a vision of the new Liberal State that is in contrast with the uniformity spelt out in the Liberal Constitutions of Spain of 1837 and 1845. This is a study in the practice of a State that had been a transoceanic empire. The texts of the political constitutions of Spain make no allowance for the recognition of regionalism or political decentralisation. However, the political realities, the political civilisations, turn out to be structures of long duration.

All of those actions that do not result in an intense process of nationalisation are frequently considered in historical and political interpretations as dysfunctions of modernisation, dysfunctions that give rise to regionalist or peripheral nationalist movements. Thus during the XX century there is a constant appeal to the “problem of Spain”. The historiography of the 1990s, albeit with nuances and differences, accepted this argument, partly because Spanish political culture was, and continues to be, indebted to the French model of the nation-State. Clearly, the creation of the nation-State model invented in France and exported by Napoleon is one of the great constructions of the modern world. Its success has spread throughout the whole world and, in a certain way, political-administrative globalisation began with the diffusion and application of this model. According to

the analysis of S. Woolf, “bureaucratic dedication and administrative centralization underpinned the leading role attributed to the State in its relations with each national society¹”.

But, as perceived by Acton, the Cambridge history professor writing in the second half of the XIX century, the rights of collectives, peoples or the nation could enter into conflict with the development of the liberal and democratic principles of individuals. In his opinion, the empire-States, such as Britain or Austria, were the most perfect and the most natural form of organisation because in his view they included different races and nationalities without oppression : “A State which is incompetent to satisfy different races condemns itself ; a State which labours to neutralize, to absorb or to expel them, destroys its own vitality ; a State which does not include them is destitute of the chief basis of self-government²”.

The demand for the recognition of particularity and difference is not a digression belonging to the past. The historian F. Braudel, in his last work, paradoxically reached the following conclusion³ : Diversity is a force of long duration in History. The diversity of representative assemblies and parliaments is once again finding expression. The study of the Basque case is one expression of this diversity.

The thesis of B. de Riquer underlines the weakness of the process of Spanish nationalisation, which is expressed by different indicators : the inability of the Spanish Liberal State to build suitable mechanisms for its full legitimacy. In short, the Liberal State was inefficient and unable to create a cohesive Spanish nation, which led to social sectors of the Basque Country and Catalonia deciding to undertake their own nationalisation⁴.

¹ S. Woolf, *Europe and the Nation-State*, European University Institute, Working Paper, HEC, n° 91 /11, Florence, Badia Fiesolana, San Domenico, 1991.

² G. Himmelfarb, *Lord Acton. A study in conscience and politics*, London, Routledge, 1952, p. 86.

³ F. Braudel, *L'Identité de la France. Espace et Histoire*, Arthaud, 1986, p. 103.

⁴ B. de Riquer, “La faiblesse du processus de construction nationale en Espagne au XIX^e siècle”, *Revue d'histoire moderne et contemporaine*, 41-42, 1994, p.353-366.

II. Political pluralism ; the Republican experience (1873) ; the Bourbon Restoration of Alfonso XII and the end of the civil war (1874-1876)

Universal male suffrage, which was introduced from 1869 onwards, broadened the spectrum of political options. There were four political options with a majority tendency :

- Traditionalists, who defended the Catholic union and the *foral* regime, and who soon aligned themselves with the pretender Carlos VII : Carlists.

- Moderates, loyal to Isabel II, who called for her return and who also defined themselves as *fueristas*.

- The democratic-monarchical group, who found support in the urban middle classes and represented the signatories of the Ostend pact, that is to say, the governing coalition.

- The Federal Republican Party, which had emerged from the split in the democratic party. Their main leader was F. Pi y Maragall.

The monarch Amadeus of Savoy abdicated and, on February 11th 1873, the republic was proclaimed. The “federalists” soon occupied municipal corporations in order to play a leading role in radical change. In Andalucia the agrarian question, which concerned the hunger for land of the dispossessed, was the great problem. In Barcelona an attempt was made to proclaim the Catalan State within the Spanish Federal Republic, while in Catalonia, Aragon and Vasconia the armed insurrection of the traditionalist Carlists spread, directed by Carlos VII in order to become king of Spain.

In synthesis, the successive wars - the colonial war of Cuba, the Carlist civil war and the *cantonalista* war - delegitimized the new republican State. On January 3rd 1874, general Pavia dissolved the parliament and general Serrano formed a government. The Federal Republic had ended and the continuity of the Republic was placed in question.

Cánovas del Castillo favoured the answer of a Bourbon restoration that would bring back Alfonso XII and managed to construct a solution of monarchic restoration with the support of the conservative sectors and the army in 1874.

The new king, Alfonso XII, and Cánovas had to consolidate their power in the State and therefore, in the first place, they set out to

conclude the civil war. In the Basque Country, the troops of the Carlist pretender had built a Carlist State in which the Basque Carlist Deputations exercised administrative and economic power, under the protection of the Carlist pretender. But, the principal urban centres and the provincial capitals had remained loyal to the constituted powers in Spain. In these nuclei, the ordinary General Deputations exercised power. In 1875, king Alfonso XII and Cánovas made an offer to the Carlists to end the war : surrender of their weapons and the continuity of the *foral* regime. This offer did not take into account the liberal *fuéristas* who governed the *foral* institutions and the urban nuclei. They had remained loyal to the constitutional regime and they had also declared their support for the new restoration. For their part, the liberal *fuéristas* had also promoted a policy of pacification with a call for the defence of the *foral* institutions. They hoped that the Carlists would place the defence of self-government before the demand for the right of the Carlist king to the Spanish crown. But the liberal *fuéristas* failed in their attempt to make the Carlists give up their arms.

The Carlist king obtained the continued support of the Carlist Deputations. And he accepted the condition set by the Carlist Deputations by solemnly swearing to respect the *fueros* in Gernika and in Ordizia.

The decree of August 11th 1875 of Alfonso XII called up 100,000 men, and the new army under the command of the king prepared to bring the war to an end by force of arms. With the Catalan front defeated, and with the recognition of king Alfonso XII by the historic Carlist leader Cabrera,¹ the attention of the army could be turned to the Basque Country.

Parallel to this, the press in Madrid and in Santander began a campaign against the *foral* regime of self-government exercised by the Basque Deputations.² In the narrative of the legal texts the terms victor and vanquished were established, which the Basque liberals did not accept.

But the fact is that when in 1876 Alfonso XII ended the war by force of arms, the press had already established a correlation between the *foral* regime and Carlism. The legal, *foral* liberal Deputations could do nothing in face of the campaign. They even founded a newspaper in Madrid, *La Paz* (Peace), in order to defend the *foral*

¹ P. Rujula, *Ramon Cabrera. La senda del trigre*, Zaragoza, 1996.

² A. Ciaurriz, *La Abolición de los fueros vascos a través de la prensa*, San Sebastian, 1976, 3 vol.

regime. This newspaper, edited by Loredó (a follower of the Carlist leader Cabrera who recognised king Alfonso XII), aimed to propagate a *foral* viewpoint on the Basque institutions and to defend the Basque political constitution. The *fueros* and the political-administrative system appeared in the Madrid and Santander press as the direct causes of the Carlist insurrection and the resulting civil war. The consequence was evident : the *foral* system had to be abolished once the war was over. Taking advantage of the wartime conjuncture and the military defeat of the Carlists, the president of the government presented a bill that was described by the Basque representatives as a law to abolish the *fueros*.

III. The elections to the Spanish Parliament of 23/1/1876

The elections were held before the war in the Basque Country had been concluded, with the Carlists controlling significant territory in Navarre, Gipuzkoa, with the exception of the coastal region between Getaria and San Sebastian, and counties in Alava and Bizkaia.

In Alava, Bizkaia and Gipuzkoa, the Liberal party organized the formation of the electoral committees. In these the quality of the different candidates was discussed, and personalities were put forward who would represent a greater consensus within the broad range of liberalism. These candidates were presented as liberals and also as *fuéristas*, that is, as defenders of the representative institutions and of the government of Alava, Bizkaia and Gipuzkoa. The *foral* question and the survival of the institutions of self-government once again occupied the centre of the Basque and Spanish political scene. The elected parliamentarians in Alava, Bizkaia and Gipuzkoa belonged to the group of liberal-*fuéristas*¹.

In the case of Navarre representation was more complex and involved greater electoral competition. A. Morales was the winner against Diez de Ulzurrun in a district where the election was circumscribed to the urban nucleus of Puente la Reina. Morales represented a Catholic-*fuérista* option against the liberals who defended the 1841 act of *foral* reform. Those elected in the other electoral circumscriptions corresponded to personages linked to the liberalism that had reformed the juridical and political regime of

¹ C. Rubio, S. De Pablo, *Los Liberales. Fuerismo y liberalismo en el País Vasco (1808-1876)*, Vitoria, 2002.

Navarre through the law of modification of the *fueros* of 1841. In Estella, where there was practically no election, the new member of parliament was a liberal army officer, Fructuoso de Miguel. The district of Tudela was controlled by the conservative liberals¹.

IV. The scope of the “*Foral-Basque State*” in 1876

R. Becerro de Bengoa, who had a republican-liberal ideology and was the parliamentary representative for the district of Alava in 1885, summarised the concept of the “*foral State*” in the following terms in 1876 : “Each one of these provinces constitutes within the federation or Basque-speaking fraternity a type of independent and autonomous State and the three [provinces] are united in their identity of blood and law, forming the Irurac bat [three in one] of our original and primitive people. The three sister provinces thus have strong and tight links of union and they meet together in Conferences when the gravity and importance of common affairs requires this of them²”. The historian G. Desdevises du Dezert, inspired by the work of R. Becerro de Bengoa, concluded that the Agreements of the Conferences were the reflection of the Basque State : “Elles avaient chacune leurs juntas particulières et générales ; elles tenaient aussi des assises communes (conferencias) où étaient discutés les grands intérêts communs des trois “provinces-soeurs” de l’Irurac Bat, nom collectif de l’État vascongade, triple et un³”.

The (Spanish) single national parliament and the (Basque) representative assemblies were considered at a similar political level. This difference regarding legislative powers for the national parliament alone, in opposition to the *Juntas Generales-Representative Assemblies*, was the main and most clearly visible difference between the Basque parliamentary representatives and the majority of Spanish members of the Parliament.

¹ To see the results of elections and biographies of the member of Parliament, *Diccionario biográfico de los Parlamentarios de Vasconia. 1876-1936*, Vitoria-Gasteiz, Eusko Legebiltzarra, 2007.

² R. Becerro de Bengoa, *El Libro de Álava*, Vitoria, 1877, p. 288.

³ G. Desdevises du Dezert, *L’Espagne de l’Ancien Regime. La Société*, Paris, 1897, p.21 ; *Idem*, “Le Régime Foral en Espagne au XVIII siècle” in *Revue Historique*, n° 21, Paris, 1896, p.256.

V. Process of negotiation for change of the “Foral State” : the debate and approval of the law of July 21st 1876 in the Spanish Parliament, a law abolishing the *Foral* Public Law

In place of a negotiation, the president of the government, A. Cánovas, fulfilled the legal procedure of hearing the Basque commissioners at the meetings held in May 1876¹. These meetings took place following the end of the civil war in which the liberals had defeated the Carlist-legitimists. The liberals held a majority in the representative assemblies of the Basque Country. Although the Basque liberals had been on the winning side, in the Spanish parliament they were frequently treated as if they formed part the vanquished side. The Liberal party held a majority in the Spanish parliament. The parliamentarians elected in the Basque districts defended the *foral* political status.

In the Spanish institutions and the press there was a general outcry against *foral* self-government and the political regime of the Basques.

The meetings between the commissioners of the *foral* Deputations and the president of the government Antonio Cánovas del Castillo were held in May. No agreement was reached. The Basque representatives proposed that the debate should be postponed as the political conjuncture at the end of the war was not the most appropriate.

However, the president of the government was resolved to secure approval for the bill he had drawn up, with or without an agreement.

On May 18th the members of Representative Assemblies of Spain started the debate on the bill dealing with the *fueros*, first in the Senate and then in the *Cortes* [Congress].

The senator Manuel Sanchez Silva (who had repeatedly called in the Parliament for the political and administrative uniformity of the *foral* provinces from 1848 onwards) demanded that there should be absolute uniformity of the Basque provinces with the Spanish provinces. Others, like general Ignacio Maria del Castillo, military governor of Bilbao during the siege, contested the idea that the *fueros* had been the cause of the war. He argued that it was not an appropriate time for debating the modification of the *fueros*.

¹ A. Cajal, L. Castells, "La negociación imposible (Cánovas y el fuerismo vasco en 1876)", *Hispania*, 2005, nº 220, p. 601-642.

In the midst of the debate on the *fueros*, on June 16th 1876, the *foral* Deputations sent the congress a document of historical and juridical references¹. In fact during the constitutional period 1839-1876 the Foral Regional State was constructed in the Basque Country. The Representative Assemblies of the Basque Country and the Deputations were constructing the *foral* public administrations to exercise self-government. Facing this situation, three positions can discerned in the Parliamentary debate :

1. That of the progressive liberals who demanded that the *foral* provinces should be brought into strict uniformity with the rest of the provinces of Spain.
2. A. Cánovas del Castillo, leader of the conservative liberals, for his part sought juridical and political clarification concerning the pre-eminence of the Spanish Constitution against the *foral* constitution. On the other hand, he was sympathetic towards the system of self-administration of the Basque provinces as an example of administrative decentralisation, and he therefore left the future of the *foral* institutions to the initiative of the government.
3. The representatives of the Basque representative assemblies and the Basque parliamentarians wanted juridical and political continuity with respect to the situation as it existed in 1876, that is to say, they voted for the *statu quo*, without any reforms.

I will now describe the juridical and political arguments used by the leaders of the Basque parliamentarians in the Senate and the Congress. These arguments still continue to be employed as a source of political legitimacy for Basque self-government. It could be said that they form part of the body of doctrine in defence of the Basque representative assemblies and self-government.

The debate on the bill took place in the Senate first. Jose Manuel Aguirre Miramon, senator for Gipuzkoa, acted as spokesperson for the Basque parliamentarians. He delivered his speech on June 20th 1876. J. M. Aguirre Miramon belonged to a family from San Sebastián that had stood out as liberals in the first Carlist war. He had had a brilliant judicial career, occupying important posts such as that of *Oidor* of the Manila Court. In 1859 he had chosen to retire. From then onwards, his involvement in the politics of Gipuzkoa increased. He acquired a

¹ *A las Cortes del Reino*, 1876.

reputation as a liberal. He defended the *foral* system as it had stood in 1844 following the changes introduced by the central government.

In his speech he gave a detailed account of the evolution of the *foral* issue, a synonym for the “Basque question”, from 1839 up until the date of the debate. In his opinion, the law of October 25th 1839 was a law that affected the Constitution, that is to say, it was a type of addition to the Spanish Constitution which established the terms of an agreement and that could also be qualified as a law with an international character : “That law of October 25th 1839 is not a common law, rather it is a law established by agreement, as has been recognised by the most eminent statesmen”. Constitutional unity was a consolidated fact and the loyalty of the Basques to the monarchy was self-evident. There was thus no need for the new bill : “That bill is no less than the abolition of the Basque *fueros*, the absolute levelling of those provinces with the others of the Kingdom in the two essential foundations of military service and monetary service, with the rest of the bill leaving it to the discretion of the Government whether or not to conserve *foral* organisation as it exists today, with no more restriction than having to render account to the *Cortes* of the use made of the authorization conceded in the bill”.

Similarly, he provided precise information about the negotiating commissions formed between the central government and the representatives of the Basque Deputations for the “*foral* agreement” and declared that since 1852, with the failure of Bravo Murillo’s initiative, the Basque commissioners had not been summoned to negotiate. According to his interpretation, “the Basque provinces are in possession of their *fueros*, these *fueros* have been maintained by the Basques, not as privileges, but as perfect rights, as original rights”.

He concluded his speech with an appeal to the liberal conscience : “The ashes of the civil war are still hot, the country is devastated, the liberal party is bankrupt, having contributed all of the military and pecuniary service during the entire war, up to the final limit ; it is questioned and accused of not fulfilling its duties to the common Fatherland (...) distrust should not be sown when minds should be more united around the Throne and the institutions (...) I leave everything to the judgement of Spain, to the judgement of Europe and to the serene and impartial judgement of history”. With respect to the Carlist civil war, he declared that “it was purely religious and did not originate in the Basque provinces... it had its origin in the provinces of Castile”.

However, his brilliant political speech, based on solid juridical and political arguments, barely had any impact. The government bill to alter the *fueros* was passed in the Senate by 90 votes to 10 votes.

The bill was then presented in the Congress. The elected parliamentarian for the district of Vitoria, Mateo Benigno Moraza, made what was the doctrinal speech *par excellence*. Now, mention must also be made of the speech by the elected parliamentarian for Bilbao, Camilo Villabaso, since he appealed to the comparative European framework in order to defend Basque self-government¹.

Mateo B. Moraza had fought as a liberal in the first Carlist war and he had distinguished himself as a jurist in the service of the city council of Vitoria and, later, of the representative assembly of Alava. On the other hand, he also had academic and intellectual interests. He was the first Rector of the Free University of Vitoria founded in 1869². In his speech to the *Cortes* of July 13th 1876, he declared that : “I am not a man of politics, nor have I come here to practice politics, instead I have come in modesty to defend, according to my loyal understanding, the institutions of my country”. Moraza proposed the continuity of the *foral* system. His speech was a compendium of juridical and historical arguments, following the paradigms and the understanding of the period, to justify the continuity of the *foral* political-administrative power in a framework of complete loyalty to the Crown and the Spanish constitutional system. In his opinion, the *foral* institutions had demonstrated their loyalty to the Savoy monarchy, the I Republic and to the restored Bourbon monarchy.

His speech was based on the following premises in order to draw a consequence : the right of the *Juntas Generales*, as a genuine political representation, to arbitrate and to decide on the adaptation of the *foral* political regime within the Spanish monarchy :

1. The original independence of Alava and the other *Vascongada* provinces, Bizkaia and Gipuzkoa. The attributes of independence or the confirmation of the “independence of the country” were demonstrated by the fact that the region’s inhabitants had their own language, *Vascuence* (Euskera), legislative law, *foral* law and an

¹ M. Urquijo, *Liberales, carlistas. revolución y fueros vascos en el prelude de la última guerra carlista*, Bilbao, UPV-EHU, 1994.

² His parliamentary speeches by Fermín Herrán, *Moraza y su gran discurso*. Bilbao, 1896. F. Herran, *Biografía de Mateo Benigno de Moraza*, Vitoria, 1878.

economic system. In conclusion : “The *fueros* of the Vascongada Provinces date back to their primitive independence and are not concessions from anybody”.

2. The Basque regions had been “added” to the Crown of Castile through an agreement based on the “consent” of the parties involved. As a result, any alteration of the *fueros* must be made with the full consent of the parties concerned. The *fueros* of the *Vascongada* provinces were agreements not privileges.

3. The inhabitants of the *Vascongada* provinces had participated in the great acts and undertakings of Spain, which demonstrated their unblemished Spanish character.

4. The law of October 25th 1839, passed by the Spanish parliament “is the regulation of the relations of the country with the Central Power”. He gave an explanation of the projects to modify the *fueros* and the negotiations held between 1840 and 1870, as well as of the unilateral alteration of *fueros*.

His conclusion is summed up in the following paragraph :

“If peoples and the provinces are joined to a State with their rights preserved, they conserve them forever, without this opposing the supreme authority, the absolute authority exercised in worldly matters by the monarch (...) there is no other option than to respect the *fueros* and freedoms of the Vascongada Provinces¹”.

Having established the political and juridical premises, founded on the legitimacy of historical continuity, he analysed the political conjuncture to confront the opinions of those who defended the abolition of the *fueros*.

In his opinion, the civil wars of the XIX century had not originated in the *fueros*, neither in 1833 nor in 1872 : “the *fueros* were not the cause of the war²”. The Basque liberals had defended the cause of the *fueros*.

“And who has upheld the cause of the *fueros* if not the Liberal party, the propitiatory victim in this issue ? (...) Who, I repeat, has upheld the cause of the institutions, the cause of the *fueros* and Basque freedoms if not the *foral* Deputations of the three provinces ? (...)

¹ *Diario de Sesiones de las Cortes*, 13.07.1876, p. 3007.

² *Diario de Sesiones...*, p. 2023.

Reason and right and justice protect the cause of my beloved country”. The capitals of the Basque provinces had in the past saved the *fueros*, they had been the bastion against Carlism, “loyal to the Nation (...) in the great Spanish character of my compatriots there is no room for, nor will there ever take place, acts of disloyalty and treason to the Fatherland”.

He appealed besides to the international projection that the *foral* regime was acquiring, as it was an object of analysis at the Paris exhibition¹.

With respect to the pecuniary contributions to the Spanish Monarchy and the army, B. Moraza declared, following the doctrine of the *foral* Deputations, that the contributions to the State were made in a specific form as exemplified by the costs assumed by the Deputations: the 3,000 men for the war in Africa and the expeditionary force for Cuba. Apart from that, there had been deep changes in the *foral* regime and his diagnosis was as follows: “There are governors and Law Courts, the customs have been moved to the coasts and the frontiers, leaving *foral* freedom annulled; the “*pase foral*” (this was a juridical certificate issued by the Basque Representative Assemblies in recognition of the Royal Laws) has been suppressed (1841); the Town Councils are subjected to common law; all the taxes for certificates of registration and on banks, mercantile societies and others are demanded; sealed paper is gradually being introduced; the disentanglement (...) is being carried out in such a harsh way that neither the mountains nor the goods for common use are respected and they are putting an end to, and destroying, the country; in a word, enumeration of the attacks on the *fueros* would be interminable, since all, or the majority, of the dispositions dictated in the religious order, in the civil order, in the order of governance, and in the administrative order have arrived there. These and other extremely grave alterations have been caused there and the country has complained and protested respectfully (...) but its just and legitimate complaints have not been heard and new developments keep on growing day by day²”.

The analysis of the political conjuncture and of recent events related to the 1876 bill, led him to draw the following conclusion: “In the Basque Country they are going to punish not only the Carlists, not

¹ A. Trueba, *Bosquejo de la organización social de Vizcaya*. Bilbao, 1870.

² *Diario de Sesiones*, p. 2023.

only the country in general, but the liberals who prevented the Pretender from coming here, and they are going to punish the country on top of the strong imposition that it is suffering. Is it just to make the punishment include future generations ?”

The law abolishing the *fueros* was no less than a collective punishment of the Basque Country because “what is proposed here is the abolition of the *fueros* of the Vascongada Provinces”. In his opinion it was possible to conciliate the Constitution and the *foral* regime because “The Constitution establishes the broad principles, but the form for their implementation is established by the respective special laws”. There was room for autonomy within the Constitution because “the autonomous States have never been an inconvenience for the realization of a well understood unity”.

In the speech of M. B. Moraza a renewed conception of the Basque Country emerges facing the provincial speeches, although the references to Alava were numerous. In reality, his speech tried to reflect the representation and joint opinion of the Basque deputies. According to the press of the time his speech barely aroused the interest of the parliamentarians since the majority had abandoned the chamber.

He was aware that the die was cast and he expressed this as follows “the *fueros* will be abolished, not because there is any reason for this, and with resignation the country will bear the greatest of misfortunes, hoping that one day the Crown and the Nation will agree on the just reparation that it trusts it will obtain”. Thus all that could be done was to provide a testimony for posterity so that a record would remain of the political and legal protest. Finally, the bill was put to the vote and was passed with the exception of the votes of the Basque parliamentarians.

On November 7th 1876, Moraza resigned his parliamentary seat. He was re-elected and he criticised the dissolution of the *foral* institutions of Bizkaia with the royal decree of May 5th 1877.

The *foral* reform project affected Bizkaia, Gipuzkoa and Alava. The alteration of the *fueros* of Navarre, with the agreement of the representatives of its Deputation, was passed by the Spanish Congress in 1841. Navarre ceased to be a kingdom and became a province. A province that retained powers of fiscal and administrative autonomy. Cánovas took advantage of the general state budget to increase the contributory fiscal quota of Navarre. Navarre had been the final bastion of Carlism in the civil war. The parliamentarians of Navarre interpreted this as an attack on their juridical status. In the

parliamentary debates of July 6th and 7th 1876, A. Morales, parliamentarian for Navarre, became involved in an argument with A. Canovas del Castillo over article 24 of the budget, which read as follows: "The government is of course authorised to submit to taxation properties, crops and livestock in the province of Navarre, in the same proportion as in the rest of the Peninsula, and to establish [the Spanish Law] there with the alterations of form that local circumstances require".

The tax system in force in Navarre was clearly regressive since the public resources were obtained through indirect taxes, that is, taxes on consumer items and traffic. In Navarre the direct tax on property was not applied. Article 24 in fact meant an increase in the quota that would require altering the sources of taxation and, inevitably, the provincial authorities would have to demand a tax on property. In the opinion of deputy Morales, article 24 violated the *foral* prerogatives of the Deputation of Navarre, placing them on the same level as the rest of the provinces. His speech was based on historicist principles that went into detail about the prerogative character of the special administrative organisation of Navarre. Finally, he only received the support of 11 deputies, with the rest supporting article 24.

In the debate concerning the law abolishing the *fueros* of July 21st 1876, the parliamentarian from Navarre, who had been outstanding in his defence of the *fueros*, made a brief statement explaining that he refused to participate in the debate because "Navarre has its established quota with an inalterable character, it is not a good thing for deputies to take part in debates that deal with altering quotas". According to his interpretation the debate on the *fueros* lacked any political or institutional undertones and was simply restricted to a tax adjustment.

VI. Abolition of the institutional and constitutional self-government of the Basques 1877

The new law of 21st July 1876 was rejected by the *Juntas Generales* of Alava, Bizkaia and Gipuzkoa. The *foral* Deputations opposed the law's application.

The decree of 31st December 1875 had restricted press freedom and in 1876 the Commander General of Bizkaia forbade defence of the *fueros* in the press. Constitutional rights were suspended in the Basque provinces.

A. Canovas prohibited the meetings of the Conferences and finally issued a decree suppressing the institutions for self government : the *Juntas Generales* and the *foral* Deputations.

In 1877 he appointed provincial deputies by royal order : New Deputations for the Basque provinces. “*Diputaciones provinciales*” as in the rest of Spain. The republican F. Pi i Margall, former President of Spain in his main work, “the Nationalities”, published the following reflection, in 1877 :

“In Spain the question of the Basques is much more serious than in France (...) Vanquished, the question now is not to wrench away their *fueros*, but to remove their exemption from military service and taxes. Will this loss make them more Spanish ? Will they come to share more in our ideas and our sentiments ? Is that antagonism existing between them and us not the natural result of the diversity of races ? When the different criteria for the theory of nationalities are combined here, one would have to be in favour of the independence of the Basques. Will Spain consent to this ? ”

With constitutional guarantees suspended in the *foral* territories and with the presence of the army, the new Provincial Deputations negotiated the application of a transitory tax regime with the central government, which could not ignore the opposition that the law had aroused. This transitory tax regime was peculiar with respect to the common Spanish regime, as the Deputations collected taxes and paid a quota based on a poll tax : the “Economic Concerts” were born as was self-government in taxation¹.

The political and juridical legitimacy for the development of a public law inspired by the *fueros* was suspended and cut short. Thus the provincial Deputations undertook the political and juridical legitimization of the new regime, constructed on weak juridical foundations, resulting from “political friendships”. There was a permanent negotiation to obtain legal exceptions. This was an evident expression of the will for self-government, even with weak juridical instruments.

But “the Basque question” was to be continuously debated in coming years in the Spanish Parliament.

¹ E. Alonso, *El Concierto económico.(1878-1937).Orígenes y formación de un Derecho Histórico*, Oñati, 1995.