

People, State Forms and Representative Assemblies: The Making of the 'Basque' Political Institutions from the Sixteenth to the Nineteenth Centuries

JOSEBA AGIRREAZKUENAGA

This paper is in honour of Francisco Tomás y Valiente, prestigious Professor of the History of Institutional Law. His participation in debates on this subject was ended by his tragic assassination by ETA at the University of Madrid on 14 February 1996.

SUMMARY

In this paper Joseba Agirreazkuenaga argues that the growth of nationalism in the Basque provinces of Spain was assisted, rather than hindered by forms of representative institution which had developed in the early-modern period. Each of the Basque provinces had come to possess executive agencies chosen and supervised by a General Assembly of the province. The paper then describes how the Assemblies developed a system of Conferences, in which delegates of each Assembly met together to coordinate policies on matters of general interest to all of them and when needed to organize a common opposition to threats of encroachment by the central government, and in the process became one of the sources from which a sense of Basque identity could grow. The article reviews the historiography of the subject and the various forms of common activity which the Conference system generated in the early-

Professor J. Agirreazkuenaga, Department of Contemporary History, University of the Basque Country, Apart. 644, Bibao, Spain. This research was funded by 'Programa sectorial de promoción general del conocimiento'. PB92-0471. Ministerio de Educación y Ciencia.

Parliaments, Estates and Representation 16, November 1996. Published for the International Commission for the History of Representative & Parliamentary Institutions by Variorum, Ashgate Publishing Ltd, Gower House, Croft Road, Aldershot, Hampshire GU11 3HR, Great Britain. © Variorum 1996.

modern period and the often considerable degree of autonomy that they were able to practice, despite the centralizing tendencies of government in Madrid.

1. INTRODUCTION

In volume 14, part 2 of the journal *Parliaments, Estates & Representation*, I published an article entitled 'Abolition of Representative Assemblies in the Basque provinces during the Rise of the Liberal Revolution (1789–1877)'.¹ The article, written in 1994, ended with the following consideration:

In the last third of the nineteenth century, the advent of the industrial revolution was accompanied by the appearance of two new movements: Basque nationalism and socialism. But the genesis and subsequent shaping of this nationalism cannot be seen exclusively as an effect of industrialization or as the consequence of the new classes that arose out of the process of economic modernization. It was not long before the first nationalist stirrings, of a radically different hue, were to be seen in and around the *Euskalerrriako* movement. However, the most popular formulation of Basque nationalism called for the complete restoration of the *foral* régime [a system based on the *Fueros*, i.e., the special laws and privileges enjoyed by the Basques], in which the provincial *Juntas Generales* [or General Assembly sessions] were undoubtedly the most important institution. Central government opted to dissolve the *Juntas Generales* because they conferred institutional and political legitimacy on a different system. Given central government's inability to establish a new political consensus in the framework of the restored monarchy, the Spanish government took the easy way out. The consequences could not have been worse for the century to come.

In my opinion, Basque public and private foral institutions and 'political fuerism' were not an obstacle to the growth of nationalism, but were rather the conditions leading to the spread of 'new nation-ness' when the masses finally erupted onto the political scene. So there is no paradox, and the abolition of the Foral institutions after the experience of civil war and intervention by the Spanish army perhaps explains why the original Basque nationalism was so radical.² Spanish nationalism was also becoming more extreme. In the French Basque country, public institutions lacked continuity. In fact, during the nineteenth and twentieth centuries, the Basques in France have more or less been a 'people without a history'. Nevertheless, in the nineteenth century, the Basque cultural renaissance there was particularly intense.

This is the point I would like to emphasize in the general context of this Congress of Historical Sciences, as a way of relating the work of this Commission to the more general issue. Two phases can be distinguished in this process:

¹ See also J. Agirreazkuenaga, 'Organisation, Composition and Working of the "Parliament of Bizkaia" during the Liberal Revolution, 1793–1876', *Parliaments, Estates & Representation* 15 (Aldershot, 1995), p. 101–115.

² See the works of Sabino Arana (1865–1903) founder of Basque political nationalism. J.C. Larronde, *El nacionalismo vasco, su origen y su ideología en la obra de Sabino Arana Goiri* (San Sebastian, 1977), J. Corcuera, *Orígenes, ideología y organización del nacionalismo vasco. 1876–1904* (Madrid, 1979).

1. The Ancien Régime, from the sixteenth century to the end of the eighteenth century.
2. The period covering the liberal and industrial revolution, the rise of Nation-States and the appearance of 'nationalitarian' (nationalist) discourses that tended to cloak ambitions of power.

This paper seeks to highlight the consolidation of a political and institutional system in the Ancien Régime that survived in part of the Basque country during the liberal revolution and which, after being legally abolished (1876) continued to feed a number of 'nationalitarian' causes, both Spanish and Basque and, in the twentieth century, even a combination of the two. Unfortunately, lack of space prohibits analysis of this rather long process; what I propose to do here is to explain the essentials of the first phase, and leave the culmination of the process for next year's Congress.

Some considerations concerning the general context and specific events

During the Ancien Régime, the Basques on both sides of the Pyrenees, who together make up *Euskal Herria* (the Basque language term denoting the entire Basque nation), worked for the survival of representative Assemblies at several territorial levels, from the small valley assembly to much larger bodies. At the beginning of the sixteenth century, certain executive bodies appointed by the General Assembly, or *Juntas Generales*, made their appearance and would eventually result in the *Diputación*, or Provincial Council. In a way, the *Juntas Generales* in each of the territories can be seen as a more civilized continuation of the 'clan wars' that afflicted the Basque Country for two hundred years in the early middle ages. In Bizkaia at least, the civil war became institutionalized in the *Juntas Generales*, where armed conflict was reduced to a battle of words. Territorial representatives were necessarily followers of either the *Oñacinos* or the *Gamboinos*, the two contending clans. The members of the *Diputación*, a permanent institution that continued to work between the meetings, every two years, of the *Juntas Generales*, were elected by the clans and both took joint responsibility for the way the administration was run.

During the Ancien Régime, which covers the period lasting from the Habsburgs to the Bourbons, a political and institutional formation based on the *Juntas Generales* was built up in the Basque Country. In the eighteenth century, the political leanings of the *Juntas Generales* in each territory reflected the tensions between the centre, represented by the absolutist aims of the centralist Bourbon monarchy (which, from Larramendi on, impelled the territorial assemblies to find arguments defending their legitimacy as a means of legitimizing their public power), and the public administration appointed by the *Juntas Generales*. From the eighteenth century, in each of the four Basque territories in Spain, Bourbon administrative absolutism came up against a previously-instituted administration dependent on the *Juntas Generales*. By the end of the eighteenth century, counsellors at the *Cortes* (Parliament) in Navarra were aware of their political specificity as a separate kingdom incorporated into the Spanish monarchy. In the other three provinces, the 'home-grown' administration continued to strengthen itself against the admin-

istration that looked to the Bourbon monarchy for its legitimacy. But the 'Basque' administration was to enjoy greater development in the nineteenth century, when it became known as the 'foral [i.e., based on the *Fueros*] administration' to distinguish it from the state administration operating under the precepts of the constitution. Fear of the all-powerful Bourbon bureaucracy led to increased coordination between Basque provincial authorities and gave rise to a territorial *Junta* for all three remaining provinces known as the *Juntas Vascongadas* or *Conferencias*. In the nineteenth century this assembly eventually achieved a practical Basque policy front opposed to the pressures exercised by the Spanish liberal centralist movement based on the constitution. The Basque-centred political rationale that took shape in the mid-nineteenth century amongst the representatives in the different *Juntas Generales* eventually developed into what in the twentieth century has come to be known as 'Basque nationalism'. However, the historical defence of Basque law and privilege managed to stimulate Basque political patriotism in tandem with Spanish national feeling. But as Spanish nationalism began to undermine the political foundations of the discourse based on the *Fueros*, a specifically Basque nationalist discourse began to appear. This accounts for the description applied by some late twentieth-century political analysts to the Basques as 'the Spaniards who stopped being so'.³

The Basque nationalitarian rationale, apart from any ethnic considerations arising from the singular, pre-Indo-European, nature of the Basque language, was more or less forced by the plural, complex political reality of Basque society to construct a 'civic nationalism' rooted in the political and administrative practice of the nineteenth century *Conferencias* or *Juntas Vascongadas* back in the first stages of the liberal revolution. At the beginning of the nineteenth century W. Humboldt⁴ visited and wrote about the institutions of the Basque Country. Later Richard Ford wrote about the 'Conferencias' in 1833:

A sense of separate weakness has kept these provinces together, and has taught the secret of *union*, the one thing wanting to unamalgamating sectional Spain. The binding ties are a common council of representatives, and a common alliance against all that is not Basque. This federal association is expressed in their national symbol of three hands joined together, with the motto '*Irurac Bat*' which is equivalent to the tria juncta in uno of the Bath order of our *united* kingdoms.⁵

So I feel that a study of the origins and development of the system of *Conferencias* or 'Basque Assemblies' as a formula for coordinating the various *Juntas Generales* would be both useful and interesting. In future articles, I intend to study the

³ G. Moran, *Los españoles que dejaron de serlo. Euskadi 1937-1981* (Barcelona, 1982).

⁴ G. Humboldt, *Guillermo de Humboldt y el País Vasco* (San Sebastian: Eusko Ikaskuntza, 1925), pp. 275-276; Wilhelm von Humboldts Gesammelte Schriften. Herausgegeben von der Preussischen Akademie der Wissenschaftern. Dreizehnter Band, Wilhelm von Humboldts Werke. Herausgegeben von Albert Leitzmann. Dreizehnter Band dBerlin. B. Behr's Verlag (Friedrich Feddersen, 1920), pp. 1-196.

⁵ R. Ford *A hand-book for travellers in Spain, and readers at home II* (London: J. Murray, 1845), p. 922. In opinion of R. Ford, W. Humboldt was 'a critical German, and free from national prejudices' p. 927.

contents of the documents and records the system produced between 1775 and 1936.⁶ I shall, therefore, look now at the way the *Juntas Generales* of Alava, Bizkaia and Gipuzkoa converged and united in the context of the Spanish Empire. The conclusions drawn will provide the necessary link with a continuing process that accelerated in 1775 and became consolidated in 1793. Until 1877, the *Conferencias* or *Juntas Vascas* were in a sense representative of the respective *Juntas Generales*, although from 1823 on, the *comisionados*, or representatives began to be named by the *Diputaciones* rather than directly by the *Juntas Generales*. After the suppression of the *Juntas Generales*, the *Conferencias Vascas* continued to function, even if the representatives were now appointed by the provincial *Diputaciones* elected in accordance with general state procedure. Despite this, the *Conferencias* acquired a kind of collective representational mandate that lasted until 1936, when, with the Spanish Civil War under way, the first Basque government was formed. Institutional and political practice disappeared during the Franco Régime, and it was not until 1979, after the present Spanish constitution had been approved, that the *Juntas Generales* were reinstated. But the creation of the Basque parliament and the Basque government meant a new political and institutional framework that has largely replaced the old one that had grown up around the *Juntas* or *Conferencias*.

Putting Vasconia on the map

Contemporary maps give a good idea of the way the Basque Country has been viewed over the centuries. In Saint Sever's eleventh-century *mapamundi*, for instance, Wasconia appears to the north of the Pyrenees. Seventeenth century Dutch maps and French mapmakers of the eighteenth century identified Bizkaia as the area corresponding to the three Basque provinces.⁷ At the end of the seventeenth and beginning of the eighteenth centuries, most maps show Bizkaia divided into four parts: Bizkaia proper, Gipuzkoa, Alava and the province of the four *villas*, or boroughs. Jean Baptiste Nolin titled his 1704 map *La Biscaye divisée en ses 4 parties principales et le Royaume de Navarre divisé en ses Merindades*. N. de Fer used the same title in 1707.⁸ The coats of arms of Bizkaia and Navarra are set at the top of the map, as if they were two territories of the Spanish part of Vasconia. In the second half of the eighteenth century, A.H. Jaillot drew a map in which 'Principauté de Biscaye' appears above the three provinces. For the geographers of the eighteenth century, it was obviously enough to use the name Bizkaia for all the Basque provinces. When it was created by the Napoleonic administration in 1810, the Government of Bizcaya had authority over the three provinces. In the mid-nineteenth century, new maps brought the traditional representations up to date, the ones drawn by Coello being the most widely

⁶ J. Agirreazkuenaga (ed.), *La articulación político-institucional de Vasconi: Actas de las 'Conferencias' entre las representantes de Alava, Bizkaia, Gipuzkoa y eventualment Navarra (1775-1936)* 2 vols, (Bilbao: Diputación Foral de Bizkaia, 1995), p. 1736.

⁷ F. Ugarte, *Kartografia* (Donostia, 1990).

⁸ Euskal Museoa, *Mapa bilduma/Colección cartográfica* (Bilbao, 1994), pp. 65, 73.

distributed. The political map by F.J. Torres Villegas from 1852 shows the Basque provinces drawn under the heading 'foral Spain' as opposed to the 'incorporated Spain' (the crown of Aragon), 'colonial Spain' and the 'uniform or purely constitutional Spain'. This is clearly a political interpretation of the contemporary administrative and territorial system.

2. APPROACHES TO THE CONFERENCIAS: MINUTES AT A GLANCE

The sets of *Conferencias* minutes we have compiled provide an excellent indicator of the growing role played by these political meetings between the *comisionados*, or representatives, from the three Basque provinces and, on occasion, from Navarra. The chart below gives further details. We have considered as sets of minutes of *Conferencias* all those that are signed, initialled and stamped by the *comisionados* from the *Juntas Generales* and the *Diputaciones*. Occasionally in 1840 two sets of minutes were signed in one day. As the 19th century wore on, and the *Conferencias* began to last for several days, all sessions were eventually included in a single set of minutes. In these cases, we have used the signatures of those present as a guide, counting the number of minutes signed and initialled regardless of whether a single set of minutes was taken for the afternoon sessions or served to summarize several sessions prolonged over a number of days. The *Conferencias* were attended by *comisionados* or representatives named for this purpose by the *Juntas Generales*, accompanied by advisers from each province. During the nineteenth century, the *Diputados Generales* (the chief executives of the *Diputaciones*) of each province, together with their advisers, were the most assiduous representatives. So the meetings would usually involve a total of nine people: the two *Diputados Generales* for Bizkaia and Gipuzkoa plus their advisers and the *Diputado General* from Alava, accompanied by a senior councillor and an adviser. From 1850 on, the *Conferencias* had become a solid political institution defining broad policy lines and had even begun to take responsibility for common administrative services. After the abolition of the *Juntas Generales*, an administrative status granting fiscal and administrative autonomy was created in 1878. But the provincial *Diputaciones* or councils had none of the 'parliamentary' control enjoyed while the *Juntas Generales* existed. This is the period of the *Conciertos económicos*, or Economic Agreements. While the *Conciertos económicos* lasted, the *Conferencias* meetings were attended by the *diputados* for each province. The Secretary of the host *Diputación* took the minutes of the meeting.

Statistics of the meetings

Below is a table showing the numbers of *Conferencias* held and where. As can be seen, the heyday of this institution lasted from 1839 to 1876, in a period when Basque historical law and privilege was being remodelled and adapted to the liberal Spanish constitution.

<i>Venues</i>	Representatives from territorial <i>Juntas Generales</i>	Representatives from provincial <i>Diputaciones</i>	<i>Total</i>
	1775–1877	1878–1936	
Bergara	56		56
Bilbao	51	39	90
Vitoria	50	24	74
Tolosa	19		19
Donostia	6	50	56
Mondragon	7		7
Zumarraga	4	3	7
Durango	1		1
Elorrio	4		4
Orduña	2		2
Azpeitia	1		1
Llodio	1		1
Madrid		2	2
Pamplona		2	2
<i>Total</i>	202	120	322

Minutes taken at sessions of the Conferencias or Juntas vascas 1775–1936

3. CRITICAL ASSESSMENT OF HISTORIOGRAPHY CONCERNING THE *CONFERENCIAS*

Although researchers working on Basque public institutions have always been aware of the *Conferencias*, an historiographical analysis of studies on the system of Basque law and privilege published by Rafael López Atxurra⁹ or Gregorio Monreal's recent synthesis on historical law¹⁰ shows that discussion has hardly gone beyond the quotation of references, which means that their function and procedures have yet to be assimilated into general interpretations of Basque institutions. Among the exceptions to be found in classic historiographical studies are the contributions of Ramón Ortiz de Zárate and Nicolás Vicario de la Peña. In his *Compendio Foral de la Provincia de Alava* (1857), (Compendium of historical Basque law in the Province of Alava) Ramón Ortiz de Zárate, himself from Alava, devoted a chapter to the *Conferencias*, incorporating them into the system of Basque law and privilege. In his opinion, 'the identity of rights and the shared origin, language, customs and interests could not but forge strong, close bonds to unite the three sister provinces.' (. . . *la identidad de derechos y la mancomunidad de origen, de lengua, de costumbres y de intereses no podían menos de unir en fuertes y estrechos lazos las tres provincias hermanas.*) He also pointed out that as 'the most important orders and measures issued for the Basque Country affected the three provinces, they had

⁹ R. Lopez Atxurra, 'La foralidad en la historiografía vasca', *Ernaroa, Revista de Historia de Euskal Herria* 6 (Bilbao, 1991), pp. 117–170.

¹⁰ G. Monreal, *El derecho histórico vasco y su originalidad* (Bilbao: University of Deusto-Forum Deusto, 1993).

necessarily to meet to discuss or confer regarding common business.' (... *las más importantes órdenes y medidas dictadas para el País Vasco alcanzan a las tres provincias, tienen por necesidad que reunirse a tratar o conferenciar de los negocios comunes.*)¹¹ In short, the author clearly considers that the *Conferencias* were the result of common cultural and institutional factors, as well as interference by higher government. For the rest, the author restricts himself to a brief description of its procedures and to providing a list of the resolutions adopted by the *Juntas Generales* of Alava with regard to the *Conferencias*.

In 1868, Marichalar and Manrique published a study including a brief mention of the *Conferencias* as an organization common to the three provinces.¹² Later, in a chapter entitled 'Of dealings with neighbouring provinces', Gorosábel¹³ refers to the *Conferencias* and even suggests that they date back to 1779, to the period when the customs and excise policy of the Bourbon monarchy brought pressures to change the location of the customs posts and, in consequence, the status of the economic free zone enjoyed by the Basques. Becerro de Bengoa also published a brief description of the *Conferencias* in 1877, together with an interpretation in political terms of their role at a time of some uncertainty as to the future of public foral institutions:

Within the Basque federation or brotherhood, each of these provinces is a kind of independent, autonomous state and the three are united by ties of blood and the law to form the *Irurac bat* [three-in-One] of our original and primitive nation'. (*Cada una de estas provincias constituye dentro de la federación o fraternidad euskara una especie de estado independiente y autónomo y las tres están unidas en la identidad de la sangre y de la ley formando el Irurac bat de nuestro original y primitivo pueblo.*)¹⁴

This idea was taken up and reproduced by other authors such as Mañé y Flaquer and Desdevises du Dezert.¹⁵ The latter, inspired by Becerro de Bengoa's interpretation, concluded that the minutes of the *Conferencias* reflected the existence of the Basque State: 'L'acte était scellé du grand sceau de l'*Irurac bat*, l'État vascongado, triple et un.'¹⁶

In his book on the administrative practices of Basque autonomy, *Costumbres administrativas de la autonomía vascongada*, Nicolás Vicario y de la Peña devoted no little space to the subject, following the ideas put forward by Ortiz de Zárate. He explains in some detail the system for *Conferencias* sessions and compares those held before 1876, when the régime of Basque law and privilege was still working, to the ones organized afterwards, in the period of the provincial *Diputaciones*. Vicario y de la Peña's interpretation of the genesis and development of

¹¹ R. Ortiz de Zárate, *Compendio Foral de Álava (1857)* (Vitoria, 1971), pp. 133-4.

¹² A. Marichalar, and C. Manrique, *Historia de la legislación y recitaciones del derecho civil de España. Fueros de Navarra, Vizcaya, Guipúzcoa y Álava* (Madrid, 1868), 2nd edn; facsimile (San Sebastián, 1968).

¹³ P. Gorosábel, *Cosas memorables o Historia General de Guipúzcoa* (Tolosa, 1899-1901); facsimile, (Bilbao, 1972), II. 135.

¹⁴ R. Becerro y Bengoa, *El libro de Álava* (Vitoria, 1877), p. 288.

¹⁵ J. Mané y Flaquer, *El oasis, Viaje por Vizcaya al final de su etapa foral* (Barcelona, 1880), p. 253.

¹⁶ *Ibid.*, p. 256.

the *Conferencias* in the eighteenth and nineteenth centuries must be taken into account:

As Basque autonomy came into question and was repeatedly attacked, the need to unite in common defence of the three *Diputaciones* became ever clearer, and the meetings of the *Conferencias* increased in frequency. By the same token, it is easy to understand why the *Conferencias* did not meet during the period of autonomy's grandeur, when the Habsburgs ruled Spain and in the early years of the Bourbon dynasty, to later be in frequent use in the last decade of the eighteenth century and a constant throughout the nineteenth century. (*Desde que la autonomía vascongada se puso en tela de juicio y fue objeto de frecuentes ataques, la necesidad de unirse para la común defensa de las tres Diputaciones fue mayor, y por lo tanto las Conferencias se hicieron más frecuentes. Por estas consideraciones se comprende que las Conferencias no se celebrasen en el periodo de engrandecimiento autonómico mientras rigieron los destinos de España la dinastía de Austria y primeros años de la dinastía de Borbón, para aparecer en uso frecuente durante la última década del siglo XVIII y todo el siglo XIX.*)¹⁷

In Vicario's view, the *Conferencias* of the provincial *Diputaciones* eventually became an autonomous institution. He gives as evidence the fact that the minutes were carefully filed on their own, so that resolutions agreed jointly by the *Diputaciones* served as guidelines for decisions taken separately by individual *Diputaciones*.

In his *Compendio de las instituciones forales de Guipúzcoa*, Carmelo Echegaray relates two episodes from 1857 and 1860 connected with the *Conferencias*, but concedes very little importance to them otherwise. Ariztimuño, however, does mention the *Conferencias*, seeing them in political terms as the immediate precedent for the Statute of Autonomy. In his opinion, the Statute voted in 1933 found its inspiration in the tradition of the *Conferencias*, at least as far as governing bodies were concerned.¹⁸ The word *Conferencias* was finally included as an entry in the *Diccionario Enciclopédico del País Vasco* by Bernardo Estornés Lasa, who thus restored the institution and its historical significance.¹⁹ However, despite what might otherwise be deduced from the last sentence of the entry dealing with *Conferencias* ('The law of 1876, which abolished the sovereignty of Basque law, also affected the *Conferencias*' – *La ley de 1876, en la que se abolía la soberanía foral, alcanzó también a las Conferencias*),²⁰ it is quite clear from the written minutes that the *Conferencias* survived in the system of *Conciertos Económico-administrativos* and on occasion even became a sort of forum for debate that made good the lack of a common representative institution similar to the Parliament in liberal democracies. In the most recent bibliography we find a number of references to the

¹⁷ N. Vicario y de la Peña, *Costumbres administrativas de la autonomía vascongada* (Madrid, 1903), p. 87.

¹⁸ J. Urkina, (pseudonym of J. Ariztimuño); *La democracia en Euzkadi. Ensayo histórico-jurídico* (Donostia, 1935).

¹⁹ B. Estornés, *Diccionario Enciclopédico Vasco VII* (San Sebastián, 1977), p. 454.

²⁰ In a short article in which he calls them the *Conferencias Forales*, J.L. Orella offers a list of the *Conferencias* and repeats Estornés's opinion concerning the suppression of the *Conferencias* in 1876, accepting their continuity. The provincial *Diputaciones* continued to refer to their joint meetings as *Conferencias*, even if their powers were much more limited; J.L. Orella, *Las conferencias forales*, Eusko Ikaskuntza. Cuadernos de Sección. Derecho. 6 (San Sebastián, 1989), pp. 367–377.

Conferencias in the studies by Monreal, Vázquez de Prada, Orella, and Urquijo. In 1981, Olábarri included the subject in an informative political article in a local Basque newspaper.²¹ The publication of the corpus of the minutes will facilitate a more balanced assessment of the political *Conferencias* of Bizkaia, Gipuzkoa and Alava and, occasionally, Navarra.

4. THE POLITICAL AND INSTITUTIONAL PRACTICE OF THE *IRURAC BAT* THREE (ALABA-BIZKAIA-GIPUZKOA) BECOME ONE *CONFERENCIAS*

Basque historiography still tends largely towards separate, individualized treatment of the territories of Vasconia. In most research, the weight of provincial tradition tends to hinder anything like a common approach, although this may be because not enough is known of the material, human or institutional relationships existing between the inhabitants of the three provinces. But finding common connections is clearly going to be difficult if the historiographer is not even looking for them. Certainly any analyst who either does not understand the Basque language or who has not delved sufficiently into Basque studies will soon question the whole concept of *Euskal Herria* or of Vasconia, as if it were a more or less recent invention. However, even though the Basques' institutional and political constructions were sparse and heterogeneous – like those of many other linguistic and cultural communities in Europe – we cannot ignore the political and institutional links beyond the community shaped by shared language and a common economic area appearing over the last two or three hundred years or so and limited by external customs points. The *Juntas*, *Congresos*, *Conferencias* or *Reuniones* in which the *comisionados* (representatives) from western Vasconia's three *Juntas Generales* took part embody a movement towards the construction of common political and institutional links. From 1800, the *Conferencias políticas* or *Juntas Vascongadas* gradually evolved into a public organization for political coordination enjoying royal recognition. By 1860, the *Conferencias* had achieved in practice a status comparable to that of a public institution. Thanks to the royal sanction, first granted in 1800, the legal basis for the *Conferencias* began in a way to resemble the title of each of the separate *Juntas Generales*. So the *Conferencias* could usefully be likened to a kind of *Juntas Generales Vascongadas*, although it still remained secondary to the *Juntas Generales* of each territory or province.

On 30 October, 1 and 2 November 1793, the *comisionados* from the *Juntas Generales* of Alava, Bizkaia and Gipuzkoa met to examine the changes affecting the legal status of the *Juntas Generales* themselves or, to put it another way, of the system of Basque law and institutions, as well as to resolve differences of criteria and interests persisting among the inhabitants of the three provinces. The minutes recorded the clear 'desire to preserve the foral laws, franchises and freedoms' and the express aim of 'improving the (Basque) country's constitution and consoli-

²¹ I. Olábarri, 'Las Conferencias', *El Correo Español-El Pueblo Vasco* (1981). J. Varela tells me that in 1984–85, Mr Makua, the then president of the *Diputación Foral* of Bizkaia, attempted to revive the *Conferencias*. However, the political situation led him to shelve the idea.

dating the Brotherhood that they wish to perpetuate.²² Both the minutes and the commitments assumed at the end of the meeting suggested a sea change in the political orientation of the local ruling élites with respect to the past. The occasion could well be seen as the first formal step towards a new political and institutional dynamic.

These commitments, entered into at the end of the meeting, point to the political will to work together and plans were made for them to be evaluated by the *comisionados* of the three provinces at an annual *Junta General*. Although the new body would become a meeting point for the three provinces, sovereignty as far as decision-making was concerned still lay with the separate provincial *Juntas Generales*. The wars between France and Spain and the Basque country's geopolitical situation on the border between the two should not be forgotten. The concentration of powers and the functional coordination of this process in the Spanish monarchy were brought together when the *Junta Suprema de Estado*, or Supreme State Council, came into being in 1787. The *Junta Suprema*, which lasted until 1792, was a collegiate body formed by the king and his ministers, and was the forerunner of the *Consejo de Ministros*, the present-day cabinet of ministers.²³ The minutes for the *Conferencias* or *Juntas Vascas* that we have compiled enable us to follow the thread that leads to the two social and historiographical problems facing Basque society today: the place of the Basque Country in the new liberal Spain and the way Basque politics and institutions evolved. The minutes also reflect other, scarcely less important problems, and provide glimpses of an idiosyncratic way of viewing organization and practice in public administration. These minutes are, therefore, an unavoidable point of reference for any analysis of historiographical, political and institutional issues.

5. *CONFERENCIAS, JUNTA, UNIÓN, CONGRESO*: FINDING A SUITABLE TERM

The meeting of the representatives from the three provinces in Vitoria was originally called a *Junta*. In the sixteenth century, the *comisionados* from the *Juntas Generales* of Bizkaia, Gipuzkoa and Alava agreed to meet again, thus forming a new *Junta*. To date we have not found any minutes for these meetings and references to them are scarce.²⁴ The fact that a city like Vitoria was represented at this *Junta* gives an idea of the complexity of the institutional bodies of the Ancien Régime and also provides a timely warning against applying the conditions obtaining more recently to earlier periods. In the seventeenth century, bilateral agreements were signed between Bizkaia and Alava, and between the *comisionados*

²² *Archivo del Territorio Histórico de Álava* [Archive of the Historic Territory of Alava] (ATHA), DH 2620-1, A.G.G. Sec. 1, Neg. 13, leg. 47.

²³ J.A. Escudero, *Los orígenes del Consejo de Ministros en España. La Junta Suprema de Estado* (Madrid, 1979), pp. 421 ff; J. García Fernández (ed.), *1812-1992. El arte de gobernar. Historia del Consejo de Ministros y de la Presidencia del Gobierno* (Madrid, 1992); *Actas del Consejo de Ministros I* (Madrid, 1989).

²⁴ T. Azcona, *San Sebastián y la provincia de Guipúzcoa durante la Guerra de las Comunidades (1520-1521)* (San Sebastián, 1974), documentary appendix no. 2.

from Gipuzkoa and Alava.²⁵ In the *Unión* agreement signed by representatives from Gipuzkoa and Alava at Aranzazu on 21 February 1688, the main concept used was that of 'union' although at the end of the chapter list, there is a reference to 'the conferences and premeditations that it has been deemed advisable to use.' (... *las conferencias y premeditaciones que se han tenido por convenientes para su disposición.*)²⁶ Thirteen years later, in 1701, when a meeting between the *comisionados* of Gipuzkoa, Bizkaia and the *Villa*, or Borough, of Oñate was proposed, the invitation refers explicitly to a Conference: 'to begin the conference on the procedure to be observed in the storing of iron and the work done on it in your district and mine' (*dar principio a la conferencia sobre lo condusente a la forma de Almacenar el fierro y labores que de el hazen en el distrito de Vs y mio.*)²⁷ The *Junta General*, at a meeting in Deba, appointed the members that 'may confer, discuss and resolve the measures and plans that they deem most convenient.' (... *puedan conferir, discurrir y resolver los medios y plantas que tuvierén por más combenientes.*) In the minutes they declared that they had 'conferred a long time' (... *conferido largamente*) and they refer to another *congreso* held previously in Durango. When these inter-institutional conversations and meetings received the royal sanction in 1800, the term *Conferencias* was given definitive backing. In the nineteenth century, the most usual term was *Conferencias de las tres provincias hermanas Irurac bat*.

6. INSTITUTIONAL RELATIONS BETWEEN COMISIONADOS FROM THE JUNTAS GENERALES FROM THE TERRITORIES OF VASCONIA DURING THE ANCIEN RÉGIME

From the thirteenth to the fifteenth century, the clan wars raged throughout Vasconia. The foundation of a solid network of urban centres, endowed with legal and institutional status protected by the crown, helped to build a new territorial structure different from what the various clan and political leaders were imposing on the rural areas. As the urbanizing process went ahead, the Basque country was engaged in providing itself with a complex network of institutions and authorities featuring the sort of concentration of powers that would favour, as in other parts of Europe, a system of counterweights within a Catholic monarchy. During the early Middle Ages, the blood-ties existing in the coastal provinces became the basis for new territorial organization. The nomad groups settled down; the *cofradías* or *barriadas*, which combined traditional livestock work with other proto-industrial or intermediation activities began to appear, and city- or town-dwellers began to take a leading role in society.²⁸ All over the Basque territories, the transition from *ius sanguini* to *ius soli* began the process leading to the definitive consolidation of the latter, and concepts such as Vizcaya and Vasconia emerged

²⁵ The *comisionados* from the *Juntas Generales* of Alava, Bizkaia and Gipuzkoa signed a number of bilateral agreements but we have no evidence of an agreement involving all three territories. On 11 July, 1664, a bilateral conference was signed by the *comisionados* from the Señorío de Vizcaya and the Province of Alava. AGG, Inventario Munita, 1/13/18.

²⁶ AGG, Inventario Munita, 1/13/30 and ATHA, DH 265, no. 21.

²⁷ Archivo General de Guipúzcoa (AGG), Inventario Munita, Sec. 2, no. 23-24.

²⁸ B. Echegaray, *La vecindad. Relaciones que engendra en el País Vasco* (San Sebastián, 1933).

with new strength and content under the new universal monarchy. As five *merindades* (cities or towns responsible for the defence of the smaller towns or villages within their territorial limits) of the Kingdom of Navarra were incorporated, by right of conquest, into the Crown of Castilla, Garibay, the prototype of the Basque bureaucrat at the Castilian court, referred, as Julio Caro Baroja explained in his rereading of Garibay's work, throughout his huge historiographical production to the transformation taking place in the *Goiherri* and *Beterri* (high and low lands) of Vasconia.²⁹ The monarchies of the sixteenth century were organized under the sceptre of the crown itself in a union of territories whose inhabitants, in some cases, were ruled by their own institutional system, without there being a 'precise focus of sovereignty' (. . . *un foco preciso de soberanía*).³⁰ Agreements were based on supposedly real or mythical-fictitious pacts which worked surprisingly well in political and ideological terms.³¹ The privileged estates, i.e., the nobles, were obviously to be found at the head of the territorial institutions. In the seventeenth century, monarchies with 'universalist' pretensions wishing to emulate the universal organization and the administrative unity of the Catholic Church looked to concentrate power in a single centre linked to the king; in this respect, the English Civil War of the seventeenth century, fought between absolutists and parliamentarians, was the episode with the greatest political consequences for Europe. In 1624, the *Conde-Duque* (Count-Duke) of Olivares encouraged King Felipe IV to become king of Spain by submitting all the territories of Spain 'to the style and laws of Castilla, with no exceptions' (. . . *al estilo y leyes de Castilla, sin ninguna diferencia*).³²

The process of territorial organization of the nobility became widespread and the new drafts of the *Fueros* called for the universal application of *hidalguía* (nobility) throughout Bizkaia and Gipuzkoa, despite the opposition of some *letrados* (lawyers) engaged in composing the laws, as occurred in Bizkaia.³³ In the new sociopolitical and economic context, new institutions were created to work the new order. The *Juntas Generales* helped to ease the modulation of such a wide range of powers, while the merchants of Bilbao broke free from the *Consulado* in Burgos and created a new *consulado*, or commercial office, in 1511, whose jurisdiction covered all three provinces. Word exists of a *Junta Mixta de Procuradores* (Joint Meeting of Representatives) for Bizkaia, Gipuzkoa, Alava and the city of Vitoria

²⁹ J. Caro Baroja, *Los vascos y la historia a través de Garibay*, (San Sebastián, 1972).

³⁰ R. Herr, 'El marco de relaciones políticas de los regímenes forales: los estados español y francés en la etapa moderna y contemporánea'. *Derechos históricos vascos*, (Oñate, 1988), p. 27.

³¹ J. Lalinde, 'El pactismo en los reinos de Aragón y de Valencia', in *El pactismo en la Historia de España* (Madrid, 1980), pp. 115-39.

³² 'Gran Memorial' (secret instructions to the King in 1624), cited in J.H. Elliot, F. Elliot, and J. De La Pena, *Memoriales y cartas del Conde-Duque de Olivares*, op. cit. I. 1 Madrid, 1978, p. 96; cited by R. Herr, p. 28.

³³ 'Lo que está añadido e menguado en la Reformatión del Fuero ne tiene vigor, y lo que vale es el Fuero antiguo, en quanto al reconocimiento de los hijos dalgo (. . .) cuan diferentes omes somos en Vizcaya, unos de otros, aunque fuera de esta tierra a todos nos tengas par hijos Dalgo en ser vizcaynos'. T. Goicolea, *Relación de cómo se entienden los nombres e hidalgos y los labradores pecheros del Señorío de Vizcaya*, Biblioteca del Instituto de Estudios Vascos, University of Deusto.

in 1520, although the agenda for the meeting is not known. However, according to indirect information, it would appear that the *Procuradores* agreed to 'Resist the Royal commands of their majesties and of the governors in their name' (*Resistir a los mandamientos Reales de sus magestades e de sus gouernadores en su nonbre*),³⁴ an attitude that was often to be repeated. In the *Junta General* held at Azkoitia, Juan Pérez de Egorza, the *Procurador* of the City of San Sebastián, criticized several resolutions agreed by a *Junta* in Usarraga in 1520. Among other things, he said:

You have voted and named certain persons and members from your constituencies for the assignation that shall bring together the comissars and procurators of this province with the procurators of the county of Vizcaya and with the procurators of the city of Vitoria and province of Alava on a certain day of the month of December at a place that lies on the border of the said provinces, and you have not wanted to name any person from the city of San Sebastián nor from the others of its vote. . . . And for your purpose you have voted and ordered that this Junta of Usarraga take place on this next Tuesday, and you have appointed the persons and procurators from your towns and villages to join with the procurators and members from Vizcaya, Vitoria, Alava, and you have not wanted to appoint, nor have you appointed, any person from the towns of San Sebastián, Vergara, Elgoibar, Fuenterauia or any other place that is of their vote. (*Yten que aveys votado e nombrado çiertas personas e diputados de vuestros lugares para la asygnacion questa fecha para se juntar los comisarios e procuradores desta provincia con los procuradores del condado de vizcaya e con los procuradores de la ciudad de vitoria e prouincia de alaba en çierto dia del mes de dezienbre que biene en la Raya de las dichas prouincias, e que no aveys querido nonbrar ni aveys nonbrado ningua persona de la dicha villa de san sebastian ni de las otras de su voto. . . . E para el dicho vuestro proposito aveys votado e mandado hazer la dicha junta de usarraga para el dicho dia martes que biene, e diputado las personas e procuradores vezinos de las dichas vuestras villas e lugares para se juntar con los procuradores e diputados de vizcaya, vitoria e alaba, e non aveys querido nonbrar nin aveys nonbrada ninguna persona de las dichas villas de san sebastian, vergara, elgoibar, fuenterauia e de las otras villas que son de su voto.*)³⁵

This document also refers to a meeting of a *Junta* of greater range that oiled the workings of the power machine in the Basque area of influence. But we have been unable to find documentary evidence of the continuity of this kind of institutional encounter between *comisionados* from the three *Juntas Generales* until the second half of the eighteenth century.

However, evidence abounds in other features of social, economic and political life of the gradual recognition of a degree of community between the three provinces; features like the customs area, and the *Real Decreto* (Royal Decree) of 2 February 1644. As Aingeru Zabala³⁶ has explained, the line of the river Ebro and the customs-houses in the east of the Kingdom of Navarra are clear indications of the existence of an economic and social free-trade area, a *limes* of Vasconia that

³⁴ T. Lazcona, *San Sebastián y la provinca de Guipúzcoa durante la Guerra de las Comunidades (1520-1521)* (San Sebastián, 1974), documentary appendix no. 2.

³⁵ Ibid.

³⁶ A. Zabala, 'La civilización comercial', *Gran Atlas Histórico de Euskal Herria* (Bilbao, 1994), pp. 209-224.

lasted until the nineteenth century. The *Capitulados* of 1727, an agreement between the central authority and representatives of the *Juntas Generales* of Bizkaia and Gipuzkoa, implicitly recognized the historic constitutions of both provinces.³⁷ From this time on, the 'exempted provinces' received a greater degree of recognition from central government, which contributed to their homogenization and the perception by outside forces of their unity. When the central authority, or at least that part of central authority that considered itself as being at the core of the monarch's power, launched a political offensive against this state of affairs (among other things, the offensive involved moving the customs houses to the coast), the identity of interests at stake committed the two provinces to working together much more closely than before. The political pressure brought to bear in the second half of the eighteenth century increased the need for *Conferencias* between the *comisionados* from the three *Juntas Generales* to unify initiatives; the decisions taken at *Conferencias* began to orient and condition the actions of the *Diputados Generales*, or chief executives.

But in fact it was to be the higher institutions of the monarchy that contributed to the legal and institutional recognition of the Basque area, despite the diversity and internal rivalries that were a direct consequence of the nature of institutional and political power in the Ancien Régime. The Royal Decree of 2 February, 1644 acknowledging the identity of the *Fueros*, or foral laws, of the three Basque provinces was dictated at a time when the Spanish monarchy was particularly weak. The *Conde-Duque's* favoured policy of unity and centralization had failed. Instead of being strengthened, the monarchy came under attack for fiscal reasons (including the 'salt revolt' in Bilbao and Bizkaia in 1631, which after military intervention, ended with the recognition of traditional rights and privileges) and territorial considerations: in the mid-seventeenth century some mainland territories, like Portugal and Catalonia, began to pull away from the central authority. On 1 November, 1660, the three provinces came together to agree on the formation of a Basque regiment to help in the reconquest of Portugal.³⁸

The Royal Decree of 1644 could also be seen as one consequence of the climate of tension that had existed since 1639 between Bizkaia and Gipuzkoa, when a new tax was placed on iron exported via sea ports in Gipuzkoa, eight *maravedís* being charged on every *quintal* (155 pounds) of iron ore. Gipuzkoa and Alava were interested in consolidating the union and foral ties with Bizkaia to prevent the tax from being applied to their inhabitants. As is clear, the community of interests between the three provinces, and interprovincial conflict over specific issues like the *quintal* tax, were contemporary phenomena.³⁹ The idea of 'sister' provinces began to catch on and described a type of social and institutional

³⁷ J.M. Portillo, *Monarquía gobierno provincial, Poder y constitución en las provincias vascas (1760-1808)* (Madrid, 1991), pp. 475-482.

³⁸ E. Labayru, *Historia General del Señorío de Vizcaya* (Bilbao, 1968, facs. edn), p. 416.

³⁹ Gorosábel uses documents kept in the General Archive of Gipuzkoa in his narration of the disputes and agreements between Basque or 'sister' provinces.

situation, although it was by no means an obstacle to tension arising between the three over the tax imposed on the ore extracted from the Triano hills in the valley of Somorostro, over the opening up of the road to Orduña or the acknowledgement of *hidalgúa* equally throughout the three provinces. From the fifteenth century, both Bizkaia and Gipuzkoa subscribed bilateral agreements with the province of Labort, part of the French crown, which gives an idea of the freedom that subsidiary institutional and political formations enjoyed – as far as entering agreements was concerned – under the absolute monarchies.⁴⁰ Frontier agreements between valleys and places on both sides of the Franco-Spanish border help put the pacts made with Labort into context. The idea was in fact to extend borders out into the sea.⁴¹ But with regard to the nearest antecedents of the *Juntas* involving all three Basque provinces some assessment must be made both of the agreement signed by the *comisionados* of the *Juntas Generales* of Alava and Gipuzkoa and of the meeting held in Oñate on 15 May, 1701, between *comisionados* from Gipuzkoa, Bizkaia and the *Villa* (Borough) of Oñate. The meeting was originally proposed by the *Juntas Generales* of Gipuzkoa held in Elgoibar in 1700. In 1701, Bizkaia welcomed the initiative and suggested a meeting at Oñate on 15 May of that year. This proposal was accepted by the representatives from Gipuzkoa, who appointed their *comisionados* at a meeting in Deba. The Basque iron markets were in full retreat as foreign ore arrived not only from the colonies but also from other parts of the peninsula. The minutes for the meeting also mention a previous *Congreso*, held in Durango, for which we have been unable to find any documentary evidence.

CONCLUSION

In the formation of modern nations, whether they have managed to consolidate themselves as nation-states or not, we can distinguish the structures and actions deriving from them – political and administrative institutions, material structures and the like. But there are also the ‘cultural artefacts’, including the inventions based on myth, legend and historical interpretation, and historiographic constructions. As far as the political and institutional formation of the Basque country is concerned, we consider that the territorial *Juntas Generales* and common institutions such as the *Conferencias* or joint institutional meetings, contributed to the creation of a modern public administration, together with its social and political legitimation, to both of which the term *foral* is correctly applied. In the crisis of 1876, from this shared experience two mutually exclusive political movements emerged, Basque nationalism and Spanish nationalism in the Spanish Basque country. From 1917 onwards, the Basque ‘nationalitarian’ formulation, together

⁴⁰ E. Labayru, op. cit., vol. V, pp. 482–483. P. Gorosábel, p. 153.

⁴¹ P. Yturbide, ‘Les Anciens Traités de Bonne Correspondence entre les Basques de France et ceux d’Espagne’, *Revista Internacional de Estudios Vascos* (San Sebastián, 1922), pp. 179–220; H. Cavailles, ‘Une fédération pyrénéenne sous l’ancien régime’, *Revue Historique*, no. 105 (Paris, 1910), p. 12; P. Veyrin, *Les Basques de Labourd, de Soule, et de Basse Navarre, leur histoire et leurs traditions* (Arthaud, 1975), p. 170.

with other political discourses to be found in the Basque country, moved towards a kind of autonomous civic nationalism, which found its expression in the statutes of autonomy passed in 1936 and 1979.⁴² In my next paper I will explain the political and administrative practice (the autonomous and partially 'sovereign' Basque institutions) during nineteenth and twentieth centuries.

⁴² Idoia, Estornes, *La construcción de una nacionalidad vasca. El autonomismo de Eusko Ikaskuntza (1918-1931)* (San Sebastian, 1990).