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Organisation, Composition and Working of the 'Parliament' of Bizkaia¹ during the Liberal Revolution 1793–1876²

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SUMMARY

In this paper Joseba Agirreazkuenaga gives an account of the workings of the representative institutions – *Juntas Generales* – of the province of Bizkaia during the later eighteenth and first part of the nineteenth century. In this period Spain as a whole was being transformed into a modern liberal society, Bizkaia followed the national trend slowly and reluctantly. The paper outlines the social, economic and political situation in Bizkaia over the period and then describes the stages by which the traditional, corporative system of representation was modernised. This was a prolonged process in face of a powerful and entrenched traditionalist resistance, so that a major reform implemented in 1854 maintained much of the old structure, which continued in place until liberal reforms, dictated from Madrid, converted the *Juntas Generales* into a modern parliament after 1872.

At last year's conference in Camerino, I delivered a paper on the dissolution of the *Juntas Generales*, or General Assembly, in 1877.³ There, I focused particularly on the exogenous factors impeding the continuity of a representative institution whose modern form dated from the sixteenth century and which, in the nineteenth century, had begun gradually to adapt to the liberal constitutional system. This paper will discuss the organisation, composition and inner workings of the Parliament of Bizkaia during the period of the liberal revolution and, in some measure, carry on from and add to the paper delivered last year.

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³ J. Agirreazkuenaga, 'The Abolition of the Representative Assemblies in the Basque Provinces during the Rise of the Liberal Revolution (1789–1876)', *Parliaments, Estates & Representation* 14, no. 2 (December 1994) pp. 109–125.

1. POLITICAL, ECONOMIC AND CULTURAL BACKGROUND AND DEFINITIONS

The original term used in Spanish to refer to the representative assemblies of Bizkaia, which had an uninterrupted history dating back to the sixteenth century and whose rank among institutions in Bizkaia can be seen from the accompanying organisational chart, was *Juntas Generales*. In English, the term 'Biscayan Parliament' began to appear in conservative political literature in the nineteenth century.⁴ But towards the end of the eighteenth century, John Adams, who visited the Basque Country and stayed in Bilbao, described the 'laws, government and manners' of Biscay and used the category 'biennial parliament' to describe the General Assembly or *Junta General*.⁵ It is clear, however, that by the nineteenth century the configuration and function of the institution was different and the term 'Parliament' is considered debatable. The subject is one that transcends the local or regional sphere. In 1935, Lousse opened the debate on the nature of the Assemblies under the Ancien Régime, which was, in his opinion, more corporative, a system more for articulating the interests of the different governing bodies than a body set up as a parliament. In 1967, in his analysis of seventeenth century Hungary under the Habsburgs, J. Berenguer debated whether it was a republic of nobles or a limited-balanced monarchy.⁶

The same question could be asked of the Assemblies of the Pyrenees and, in particular, the Basque Assemblies. In the nineteenth century, Gipuzkoa seemed to be a 'republic of nobles' whereas Bizkaia appeared to observers as a 'democratic republic'.⁷ After his visit to Bilbao in 1779, American politician and intellectual John Adams said that 'These officers, it is true, are elected by the citizens, but they must by law be elected, as well as the deputies to the biennial parliament or junta general, out of a few noble families, unstained both by the side of father and mother, by any mixture with Morros, Jews, new converts, penitentiaries of the inquisition, etc' and drew the following conclusion about Bizkaia's political system: 'Thus we see the people themselves have established by law a contracted aristocracy, under the appearance of a liberal democracy. Americans, beware!'⁸ Even W. Humbold, who visited the Basque Country, and especially Bizkaia, to study the Basque language and institutions, saw the Assembly of Bizkaia in 1801 as the point of balance between

⁴ Lord Carnarvon (Henry Herbert), *Portugal and Galicia, with a review of the social and political state of the Basque provinces: and a few remarks on recent events in Spain to which is now subjoined a reply to the 'policy of England towards Spain'* (London, 1837), pp. 131-138, 272.

⁵ 'Defence of Constitutions of Government of the United States' Charles Francis Adams, *The Life and Works of John Adams* (Boston, 1850-1856), 4 vol, p. 310; L.J. Navascues, 'John Adams y su viaje a Vizcaya en 1779' *Gernika. Eusko Jakintza. Revue des Etudes Basques* (Bayonne, 1947), pp. 417-419.

⁶ E. Lousse., 'Parlamentarisme ou Corporatisme? Les origines des Assemblées d'états', *Revue Historique de Droit Française et Etrangère* XIV (1935); J. Berenguer, 'La Hongrie des Habsbourgs au XVII siècle. République nobiliaire ou monarchie limitée?', *Revue Historique* XCI (1967), p. 238; see the discussion in J.M. Portillo, *Monarquía y gobierno provincial. Poder y constitución en las provincias vascas (1760-1808)* (Madrid, 1991), p. 220.

⁷ Archives nationales. Paris, A.E.B. 13, 338.

⁸ L.J. Navascues, op. cit., p. 418.

the representation of the spirit of the people and the ideas of the nobles governing the Assemblies. He did not hesitate to consider Bizkaia a true, complete nation.⁹

In the nineteenth century, the *Juntas Generales* or 'Biennial Parliament' was the institution that represented the continuity and historical legitimacy of Basque 'common law'. A look at the organisation and the way these Assemblies worked will help us better to understand other political and social phenomena and the transition to the liberal regime, not only in the Basque Country, but also in Spain.

During the Ancien Régime, Bizkaia consolidated its position as a political formation incorporated in the constellation of the Spanish Monarchy which, under the Habsburgs, was striving to create a new version of universal Christian monarchy as a 'balanced monarchy'. So we need to have some background knowledge of the political history of Spain. In the nineteenth century, during the absolutist and constitutional periods up to 1876, the three provinces of Bizkaia, Gipuzkoa and Alava acted, despite the unitarian constitutionalism propounded by Spanish liberals, as provincial governments given political legitimacy by the *Juntas Generales*, which represented and embodied the political subjects of the province. The *Junta General*, together with the King, conferred a charter of legality on all the decisions adopted by the *Juntas Generales*. The political theory of the pact was what justified the existence of the *Juntas Generales* as the representative body empowered to reach agreements with the Crown.

In order to be understood, the case to be discussed and analysed here requires other comparative analyses. This explains our interest in aspects of Basque history that have already been analysed from a legal and institutional viewpoint. What we lack is a social history of the subjects and protagonists in question, as well as a certain amount of comparative history. However, in order for our hypothesis to be fully understood, it will first be necessary to give a brief explanation of the political, economic and cultural situation.

The conventional chronological period – 'conventional' because various periods and rates of change actually converged and coexisted therein – between the years 1793 and 1796 was a time of confrontation and evolution in Bizkaia and the Basque

⁹ 'Car il me paraît incontestable que quelque soit le sort qu'aient éprouvé les privilèges des Provinces Basques de Espagne, tous les heureux effets que produit le sentiment d'une liberté bien ordonnée et d'une égalité parfaite de droits, se trouvent évidemment exprimées dans le caractère de la nation Biscayenne. La Biscaye est le seul país que j'ai jamais vu la culture intellectuelle et morale soit véritablement populaire, où les premières et les dernières classes de la société ne soient pas séparées par une distance pour ainsi dire immense ... On voit là véritablement une nation, la force, le mouvement, même la forme générale du caractère vient de la masse et n'est que cultivé et raffiné par les individus que leur situation personnelle a mis en état de faire des progrès plus rapides. Dans presque tout les autres país le peuple n'est qu'une masse inerte.' (Paris 20.7.1801), J. Garate, 'Cinco cartas inéditas de Guillermo de Humboldt', *Revista Internacional de Estudios Vascos – Revue Internationale d'Etudes Basques* (San Sebastian-Paris, 1934), pp. 439–440.

W. Humbolt gives a detailed description of the *Juntas Generales* and the institutions of Bizkaia, *Guillermo de Humbolt y el País Vasco* (San Sebastian: Eusko Ikaskuntza, 1925), pp. 257–265; trans. *Wilhelm von Humboldts Gesammelte Schriften*, hrsg. Preußischen, Akademie der Wissenschaften, 13. Band, *Wilhelm von Humboldts Werke*, hrsg. Albert Lietzmann, 13 Band (Berlin: B. Behr's Verlag, 1920) pp. 1–196; see above J. Azurmendi, 'Euskadi-Alemania bion literaturan eta filosofian', *Gernika: 50 años despues (1937–1987) Nacionalismo, República, Guerra Civil* (Bilbao: UPV-EHU, 1987), pp. 271–297.

Country, as it was in all societies experiencing the accelerated change of pace introduced by the liberal revolution. However, the economic progress that would ensue as a result of the industrial revolution was long in coming. At the turn of the century, the gentry did not know whether to support the revolution, as a result of the wave of reform arising from the *tertulias* favouring the reforms of the Enlightenment, or whether to simply try to preserve their traditional social status for fear of the fury of the lower classes. The dawn of the nineteenth century brought with it a new political and social revolt – a fearsome *matxinada*, or mob – in which the struggle between the landed aristocracy and the merchant bourgeoisie had, as its special stage, the city of Bilbao. The dispute arose over a new seaport to be built in the adjacent *anteiglesia* of Abando, which, if built as planned, would block the old port and village, which had been the true backbone of Bilbao throughout its history. Once again, the lower classes occupied the front ranks, demonstrating their social discontent and desire for equality and justice, which could only be achieved by preserving the *fueros*, or laws upholding Basque privilege. But the *fueros* had been translated ambiguously, yielding contradictory interpretations depending on the social rank occupied by each class in society. The *Zamacolada* (1804) was the prelude to a series of wars of increasing violence: the Napoleonic wars, the Royalist wars, the Carlist wars. All wars arising over the question of independence eventually turn into open civil wars.

So Basque society evolved within this context of war and economic decline until a profound transformation took place during the last third of the century, right in the hinterland of Bilbao. During the nineteenth century, Bilbao built up new social and economic infrastructures. Moreover, until 1841 it was a free port (with its own contraband judge) having no customs barriers, since these were located along the Ebro river. This is one of the factors that most influenced the economic and social growth of the city. Bizkaia was a territory that was juxtaposed within the framework of the Spanish monarchy.

A mercantile city *par excellence*, Bilbao was also occupied by the major *mayorazgos*, or valley landlords. In 1800, 20 per cent of the *mayorazgos* of Bizkaia, some of whose titles of nobility were acquired in Castille, were residents of Bilbao and undoubtedly represented the most powerful.¹⁰ At the end of the eighteenth century, given the insecurity prevalent in small communities due to the social unrest and banditry rampant in the countryside, those who could took refuge in Bilbao. Much has been made of the supposed opposition between the 'valley lands' and the city. Tension arising from different views of wealth and time were real, but in social terms, we cannot ignore the continuum that had come into existence, since the classes that dominated and governed in the city did so as well in the valleys. During the first half of the nineteenth century, the city underwent, as it were, a process of aristocratization.

Like Gipuzkoa, Bizkaia had, since the sixteenth century, conferred the status of *hidalguta*, or gentleman, on its citizens. But while the status of *hidalgo* was granted to all persons born in Bizkaia, the landed aristocracy with titles of nobility acquired in Castille were higher in rank. On the other hand, by the end of the eighteenth

¹⁰ Archivo Foral de Bizkaia, Bilbao. Sección varios, no. 123, Survey by Cayetano Soler in 1797.

century, the proportion of small landholders had dropped from 60 per cent to 30 per cent, a percentage which is by no means negligible, however, since the leases in question were practically permanent and could be handed down from father to son. Further down the scale, however, tenant farmers became increasingly impoverished and large numbers of farm workers became proletarianized, although the social pressure they were able to exert in the country was mitigated by the cohesion of the extended family group. However, people who depended on a farm worker's wage in the area of Bilbao were left more and more vulnerable to daily contingencies. In the coastal provinces of Vasconia, the general granting of the status of *hidalguita* dated from the sixteenth century, making it difficult, in the words of J. Caro Baroja, to draw the line between the nobility and the bourgeoisie, and more appropriate to speak of a society of classes rather than of strata or estates. The mixture of blue blood – i.e. the landed aristocracy with the bourgeoisie – giving rise to a kind of gentry engaged in the early iron industry, benefited from the status derived from free trade, reflecting a type of society in the Basque Country similar in many respects to that of Holland. The titled Basque nobility, in contrast to the Castillian or Andalusian nobility, did not consider it dishonourable to engage in commerce and industry. This, then, is the background against which the social situation of Bilbao must be seen on the eve of the liberal revolution.

However, if we let ourselves be guided by Max Weber's views of 'estates', defined according to social esteem, or 'honour' as a special way of understanding life, the 'way of life' and of interpreting status can clearly be interpreted from the point of view of a society divided into social strata, determined on the basis of the distribution of 'honour' and a view of 'social order' opposite to that arising from social classes whose differences are seen purely in economic terms. The different estates are viewed more as permeable communities defined on the basis of life styles than as distinct compartments sealed off from one another by legal barriers, as was the typical division commonly attributed to the society of estates or social strata under the Ancien Régime.

The final transition to a society of classes occurred in the nineteenth century. It was a society in which corporative power was still prevalent. Local power resided in the permanent concurrence of various family networks in which the main objective was to reproduce the fortune of the family estate as embodied and enjoyed by a given individual for a limited length of time. This transition forms the theoretical background for the events and issues to be raised further on. The provincial Parliament, or *Juntas Generales*, faithfully reflects the problems arising on this type of population.

The ideas of the Enlightenment found wide acceptance among the titled nobility. They founded the *Real Sociedad Bascongada de Amigos del País* in 1765, a society formed to stimulate the taste for craftsmanship, the arts, science and the 'Basque nation'. At their annual meetings, they discussed all types of reforms and created an educational centre which educated the generation forming the political elite that governed the country during the first half of the nineteenth century.

The elite spoke Spanish and French, but they were also familiar with Basque, the common vernacular that constituted a language island in Europe, as it was not related to the Latin or Celtic tongues.

At the same time however, anti-Enlightenment, traditionalist views were being incubated and spread by the clergy in missions among the people. The Inquisition persecuted a number of the Enlightened. The sacralization of daily life and, in consequence, a theocratic view of the exercise of political power gained supporters as a result of the consequences of the French Revolution.

In demographic terms, in the years between 1800 and 1876, Bizkaia had a population of 100,000–130,000, while the population of Bilbao stood at about 15,000. In the second half of the eighteenth century, natural population growth was held in check. Until the second half of the nineteenth century, the underlying trend did not change. During the two decades between 1840 and 1860, emigration to the Americas was the most noteworthy phenomenon.

2. STATEMENT OF THE PROBLEM AND HYPOTHESIS: *JUNTAS GENERALES* The transition from corporatist representative assembly to an organisation more adapted to the liberal parliamentary system

Under the Ancien Régime, there were three so-called 'communities' structuring the political, administrative and economic life of Bizkaia: the *Juntas Generales* or provincial assembly, the provincial executive or *Diputación*, and *El Consulado*, a merchant guild set up in 1511 to deal with matters arising between land and sea merchants through the issuing of orders and codes.

The *Junta General* can also be seen, like the province itself, as the point where all the different corporatist representations converge. After 1839, however, in the process of adapting the traditional system of Basque laws to the new liberal Constitution of Spain, the *Junta General* and its executive, the *Diputación*, were transformed into Bizkaia's central institutions *par excellence*. Discussions began on how to reorganise the *Juntas*.

With regard to the models of representation and control at the end of the eighteenth century, the *Juntas* and institutions of Bizkaia were criticised for their oligarchical structure. The different political positions took opposing sides, and the debate was transformed into political alternatives such as those put forward by the traditionalists, royalists or liberals. The latter were at first opposed to Basque historical law, but after 1839, they proposed formulas for striking a balance between tradition and modernity, historical law and positive liberal political law.

As a result, the *Juntas Generales* saw the rise in their midst of political parties and of mechanisms pressuring to take control of the institutions. The *Juntas Generales*, however, became an instrument of traditionalist resistance striving to extend the power of the land owners and check the rise of other social classes. Despite the deep division between the moderate liberal fraction and the traditionalists bent on armed insurrection, a cordial *entente* was reached in the period between wars (1839–68) because, for the absolutist Carlists, the *Juntas Generales* embodied and symbolized the continuation of the Ancien Regime as protection against liberal reform, while for the moderate liberals and upholders of Basque law and privilege (*fuéristas*), it was an autonomous representative body or a kind of parliament that would enable them to extend their power from the city to the rest of the province.

The political transformations that began with the introduction of universal male suffrage in Spain in 1869 and the economic growth that would place Bizkaia on the

verge of its industrial boom contributed to the acceptance of the reformation of the *Juntas Generales*. Then, when the *Juntas Generales* were on the point of reaching a new maturity and state of development outside the old context of an absolute monarchy, they were abolished. 'Pact politics' constituted the theoretical basis of the *Juntas Generales*. In other words, our study centres on the transition from an assembly having political-judicial functions, to a body having a clearly political function, in line with the liberal parliamentary tradition.

3. ORGANISATION OF THE *JUNTAS GENERALES*

The introduction of regulations as control mechanisms favouring the mesocratic expectations of the classes linked to the Ancien Régime

The evolution of the *Juntas Generales* between the sixteenth and eighteenth centuries has been analysed from a legal and institutional point of view by Professor Gregorio Monreal.¹¹ This work is essential for understanding the problems that arose during the nineteenth century. The organisation of the *Juntas Generales* has been summarised in the accompanying organisational chart. The nineteenth century was a period of debate and change.

At the end of the eighteenth century, the *Juntas Generales* elected and appointed a governing structure comprising some 25 posts at two-year intervals. The Universal Government of Bizkaia, as it was then known, was shared as follows. Ever since the sixteenth century, local communities had been ascribed to either the Oñacino or Gamboino factions – the two major *bandos*, or coalitions of family clans, that carried out the feudal wars of the late Middle Ages. Each side elected all its officers and representatives.

1. *Diputados Generales* (or Heads of the Executive): From 1790 onwards, six were elected: three from the Oñacino side and three from the Gamboino. The first two from each side exercised power jointly and alternatively during the two-year term of office, and did so in Bilbao, for which reason they had to reside in the city as well.
2. Elected and randomly chosen *Regidores*: This was a complementary body of councillors to which were added the 'Provincial Fathers', an honorary title conferred on all persons that had held the office of *Diputado General*. Meetings were called by the *Diputados Generales* once a year to discuss decisions of a general nature. The body served to check the management of the *Diputados*.
3. *Síndicos*: three per side, for a total of six. The first *Síndico* was responsible for ensuring that no encroachments were made on Basque law and privilege (*sistema foral*). Whenever decisions were handed down by the offices of the Spanish Monarchy, the *Síndico* would issue a judgement on its legality.

Bureaucracy: Secretaries were elected every two years until 1796, after which the post was permanent. The Counsellors were lawyers who provided the *Diputados* with legal advice. From 1790 onwards, a permanent Counsellor was appointed. Finally,

¹¹ G. Monreal, *Las instituciones públicas del Señorío de Vizcaya (hasta el siglo XVIII)* (Bilbao, 1974).

the Treasurers and Comptrollers were responsible for the proper handling of the accounts. It was not until 1864 that public budgets were institutionalised.

Padres de Provincia: A 'courtesy' title awarded by the *Juntas Generales* to everyone who had been a *Diputado General* or anyone whose achievements merited special acknowledgement. They had the right to speak in the *Juntas* and to vote in the *Regimientos*, so that in the nineteenth century they gradually formed a sort of senatorial chamber with membership for life.

El Corregidor: The Chairman *ex officio* of the *Diputación*, in his capacity as the representative of royal power. Without his presence and agreement, the *Juntas Generales* could not be legally constituted. Until the Constitutional regime, the *Corregidor* exercised legal powers. Thereafter, he was responsible for protecting the interests of the Spanish State in Bizkaia.

The regulations governing the *Juntas Generales*, the models of representation and the system for electing persons to executive positions were all the object of continuous debate. No references can be found in the new *Fuero* of 1526, but in 1547 the Council of Castille issued an executive order that may have provided a way of functioning for the *Juntas Generales*. These Assemblies, however, made successive changes in the way of electing their officers, which varied over time. During the eighteenth century, society became more complex, and in addition, the vitality of the *Juntas Generales* of Bizkaia caused them to become an exception within the administration of the Bourbon Monarchy, which tried to simplify intermediate bodies and the organisation of the administration of the Monarchy. The first regulations were drawn up in 1748.

In 1782 and 1784, two *Corregidores*, or representatives of the King in the institutional network of Bizkaia, criticised the system of electing officers due to the abuses that, according to them, abounded.¹² The political-administrative posts of Bizkaia, while not remunerated, undoubtedly conferred high honour on their holders. The criticisms made in 1784 of the system afford a different, more realistic and dynamic view of the internal tensions of the *Juntas Generales*.

There were two sensitive points conditioning their composition: 1) The requirements for being an *apoderado* or delegate of a local community in the *Juntas Generales*: The issue was whether candidates were required to have been born and own property in the community, though residing elsewhere, or whether it was sufficient to have been born in Bizkaia, regardless of where. One deduces that it was necessary to be a landowner.¹³ There were *apoderados* representing more than one community, meaning that such persons held several votes, while others by means of substitution purchased representation in the *Juntas Generales*. 2) The second sensitive point concerned the biannual election of officers, particularly the two *Diputados Generales* who alternated in the responsibility of executing the resolutions adopted. The norm was for each of the sides to draw the names of six elector towns. These in turn would

¹² Archivo Historico Nacional, Madrid, Consejos 3487.

¹³ Although in some important places (Amorebieta) tenants also held executive posts. To a certain extent, it meant the institutionalisation of various conditions, as the number of landowners had fallen considerably, see J. Agirreazkuenaga, *Viscaya en el siglo XIX: Las finanzas publicas de un Estado emergente* (Bilbao, 1987).

then name their candidates, there were all sorts of pressures, propaganda and the purchase of nominations.¹⁴ The representatives of the elector towns were accompanied by a *socio* who acted as their advisor and sometimes they were substituted by other persons, on the grounds that they lacked the necessary instruction. Another change was that a distinction began to be drawn between elected officers and the permanent bureaucracy. Until then, everyone including the Secretary changed every two years. From this point onwards, however, a budding bureaucracy began to be formed.

In 1784, the *Corregidor* Colón de Larreátegui submitted to the Council of Castille a set of specific measures designed to restore true representativeness to the *Juntas Generales*. But the inertia continued, since from 1814 to 1816 there was a major debate on the two points, with extreme, totally opposed positions being adopted in the two *Juntas Generales*. Whereas one sector (those aligned with the traditionalists and royalists) defended the need to regulate all points down to the last detail, with clear specifications limiting the possibility of granting the substitution of the *apoderado's* power in the local election, those on the liberal side wanted to continue as before, i.e. with no restrictions at all. So in the view of one of the sides, the *apoderados* should be persons born, or holding a certain amount of land, in the town they represented. Moreover, substitutions should be prohibited.

The summons to the *Juntas Generales* of 1814, the first after the restoration of absolutism by Fernando VII, expressly prohibited local *apoderados* from finding a substitute; to put it another way, no *apoderado* could transfer his power as such, with vote included, to allow someone else to represent him.¹⁵ It was in fact a move to restore a regulation designed to re-establish a moral sense of representation in the *Juntas Generales*, a sort of 'the Moral Economy of the Crowd'¹⁶ transferred in this case to the representative mechanisms in the *Juntas Generales*. In the *Juntas Generales* held at the end of the eighteenth and beginning of the nineteenth century, very tense and troubled owing to the range and diversity of political and economic projects, the *apoderados*-representatives with vote carried between 100 and 109, of which between 25 and 49 votes were represented by substitution, i.e., some *apoderados* transferred their vote to others who were entrusted with representing them. Landowners or other citizens residing in Bilbao and Gernika possessed their rep-

¹⁴ 'En ellas hay cambios y ventas de votos con escandalo publico, combenios y pactos reprovados y substitutions de poderes sin motivo justo en personas poderosas que todo lo manejan y lo que es mas extrañas de la misma Republica, afectando impedimentos, ausencias o indisposiciones repentinas de los apoderados, siendo asi que las mas veces o casi siempre permanenc ocultos en la propia villa y no pocas sin libertad detenidos y enzerrados por los intrigantes de fora que cuando a estos por suerte no les cabe ser electores, lo consiguen por medio de dichas substitutions o en calidad de asociados de los expresados apoderados ... viniendo a ser entodos los bienios unos mismos los electores como asi lo he visto en los dos de mi corregimiento' Report of Corregidor Juan Antonio Paz y Merino, after attending the *Juntas Generales* of 1780 and 1782, Archivo Historico Nacional, Madrid, Consejos 3487. The political scene was marked by confrontation between *rentier* landowners and the merchants and traders of Bilbao. The debate over the possible transfer of customs posts and the subsequent disappearance of the Basque free trade space divided sectors of the ruling classes; the *corregidor* was probably trying to discredit the legitimacy of the *Juntas Generales*.

¹⁵ Actas de Juntas Generales de Gernika, 1784-1820.

¹⁶ E.P. Thompson, 'The Moral Economy of the English Crowd in the Eighteenth Century', *Past and Present* 50 (1971), pp. 76-136.

resentation and some individuals managed to accumulate two or three *apoderamientos* and, at times and in exceptional cases, up to nine. One who managed this feat was S.B. Zamacola, leader of what his opponents called the *Zamacolista* party, which defended traditionalist principles and the creation of a solid political and institutional structure, involving the *Juntas Generales* and the institutions of Bizkaia, to oppose the power of Bilbao-based traders and merchants.

Obviously, the prohibition of substitutions helped to undermine the control of the landowning élite. A member of this élite, lawyer C. Loizaga, attacked the agreement to prohibit substitutions with the argument that the liberal tradition of Bizkaia prevented any limits being set on the freedom of the *apoderados*. These restrictions were deemed, by the aristocratic group that had dominated political life and had supported the Napoleonic administration in Spain, as being opposed to the liberal tradition of Basque institutions, since the *fuero* or law of Bizkaia had never established limitations. In 1816, the dominant group, whose roots were in the Enlightenment, managed to win the vote eliminating the reglamentary limitations passed in 1814, thus ushering back in the traditional system. For those wielding influence – i.e. the lobbies of the *Juntas Generales* – the fewer the statutory limitations, the greater their influence and capacity for manoeuvre.

A similar debate was held in the *Juntas Generales* over the possible regulation of the free extraction of iron ore, which was being mined in the hills of Triano, in Bizkaia. Because its purpose was to regulate, the regulation restricted freedom, and therefore went against the spirit of Basque law and privilege, or the *fueros*. Backing the proposals of those in favour of regulation were the defenders of mesocracy in the different socio-economic activities, since the groups with most economic power, especially the merchants and traders, were actually undermining the 'traditional harmony'. In 1833, the leaders of the pro-reglamentation, mesocratic faction led the absolutist-royalist uprising that would later be known as Carlism.

The class struggle, or at least the struggle between different social and political views of the world had thus been introduced into the *Juntas Generales* and were the reflection thereof. On the eve of the Carlist war of 1833–39, the *Juntas Generales* postponed the adoption of a regulation and of a system for appointing persons to executive position.

Finally, in 1854, the regulation was passed and in the years between 1864 and 1872, another profound reform was brought about and will be explained below.

4. THE REGULATION ADOPTED BY THE *JUNTAS GENERALES* IN 1854

The triumph of traditionalist conservatism over the liberal parliamentary model

The regulation of 1854 reflects the ordinary mode of operation consolidated during the final phase of the *Juntas Generales*, whose tradition dated from the 16th century.¹⁷

¹⁷ See *Actas de Juntas Generales de 1854–1876* (Bilbao, 1855–77). The manuscripts information in *Archivo de la Casa de Juntas de Gernika, Reg. Regimen foral*, 15–19. A. Herbosa, 'Los intentos de adaptación de las instituciones forales vizcainas al Estado liberal (1833–70)', *Herri arduralitzazko euskal aldizkaria. Revista vasca de administración pública* 13 (Oñati, 1985), pp. 45–73.

After the resolution signed in 1799, which definitively incorporated the area known as the *Encartaciones*, different blocks of territory continued to survive in the 19th century although they were increasingly integrated into the same representative body, the *Juntas Generales*. There was still a sense of corporatist representation, but the aim of the liberal *fuerristas* was to turn the Assembly into a provincial parliament. At this time, the *anteiglesias*, or small rural councils, continued to hold a majority of votes in the *Junta General*, while a city like Bilbao, which accounted for about 12 per cent of the population of Bizkaia, had only one vote out of a total of 112. On the other hand, Bilbao was the place of residence of the bureaucracy and of the executive, or *Diputación*. In the second half of the eighteenth century, 66 per cent of the government offices fell to persons residing in Bilbao. The percentage declined during the period of the restored absolute monarchy, and during the most intense period of royalist reaction from 1823 to 1833, the presence of Bilbao residents dropped to 31.5 per cent. In the case of the *Diputados Generales*, or heads of the universal government of Bizkaia, the proportion of Bilbao residents holding the post reached as high as 70 per cent.¹⁸

During the last reform of 1872, it was formally proposed that a proportional criterion be applied. But ever since 1864, the aspirations of Bilbao had been opposed by the *Juntas*. In 1864, new formulas were put forward to reduce the uncertainty entailed by the randomness factor and to eliminate the obstacles standing in the way of businessmen and merchants gaining access to the highest posts. With the passage of time, this imbalance had become the greatest factor undermining the democratic legitimacy of the old *Juntas*. The truth was that historical law was bound to give way to proportional positive law. In the neighbouring Basque province of Gipuzkoa, the number of votes held by the representatives of communities was directly proportional to their population and taxation.

Representation in the Juntas: Requisites for town representatives

The regulation of 1854 laid down certain conditions and requisites to be fulfilled by persons wishing to be elected community representative. It was necessary to reside in, or own real estate yielding income of over 50 ducats. This was more or less the equivalent of owning two farms or two production units worked by tenant farmers. Candidates also had to be 25 years of age.

Barred from election were employees of the Central Government or of the Government of Bizkaia, as well as persons holding office during the period in question. Persons elected could represent only one community and could not be substituted. In short, the aspirations of 1814 were again fulfilled, after being overturned by the greater liberality and flexibility of the resolution of 1816. These changes show that the control of the *Juntas* was being concentrated more and more in the hands of a social group linked to the traditional agrarian economy. As the requirement that candidates should know how to speak Spanish and to read and write, adopted in the seventeenth century, was not explicitly stipulated, it appears that this was no longer an essential requisite. Indeed, in the nineteenth century it was agreed that all resolutions should be translated into Basque before putting them to a vote.

¹⁸ P. Feijoo, *Bizkaia y Bilbao en tiempos de la revolución francesa* (Bilbao 1991), pp. 397–406.

nominated. In short, the number of persons able to occupy the post of *Diputado General* was significantly limited. In subsequent years, efforts were made to eliminate the latter clauses.

These public offices were honorary in nature and during the first year, those elected from the Ofiaino side were the ones who ranked first in the representation of power, although all matters were despatched jointly by the two *Diputados*. In the second year, it was the Gamboino side's turn to take precedence. *Diputados Generales* could not be reelected until a period of two years had elapsed after their term of office.

5. REFORM PROJECTS TO TRANSFORM THE *JUNTAS GENERALES* INTO A PARLIAMENT

From 1864 onwards, reform efforts aimed at applying the proportional system of representation in the *Juntas Generales* to mitigate the discrimination suffered by Bilbao and the more densely populated urban centres. The progressive liberals had, since 1837, been opposed to this discrimination, and by 1860 the influence of the press and public opinion in Bilbao was such that the traditionalism of the system of representation in the *Juntas Generales* and government of the *Diputación* appeared anachronistic. In 1870, after the failure of the Carlist uprising, the Spanish Home Minister (*Ministro de Gobernación*) ordered that the rules of representation of the *Juntas Generales* be reformed, introducing the principle of proportionality, to reduce the presence of rural populations, since it was there that the Carlist party dominated exclusively. The Commission elected by Regimiento decided that the number of representatives of all towns should depend on the size of their population and importance. Five urban centres demanded that the reform take effect immediately, giving rise to the reform project of 1872.

The 1872 project recognized that the *Juntas Generales*, 'at least until now, has been more of an administrative body than a true parliament, and all the Town Councils in the land have used them as a sort of court of appeals'.¹⁹ They wanted the *Juntas* to continue as an administrative body, since parliaments were seen as political in nature. But in their zeal for reform, the measures that finally carried the day transformed the *Juntas Generales* into a body similar to the liberal parliaments. Proportional representation was introduced. The reform eliminated the privileges of the classes of land owners that had become the sole wielders of political power, and provided for the direct election of the members of the *Diputación*, or executive.

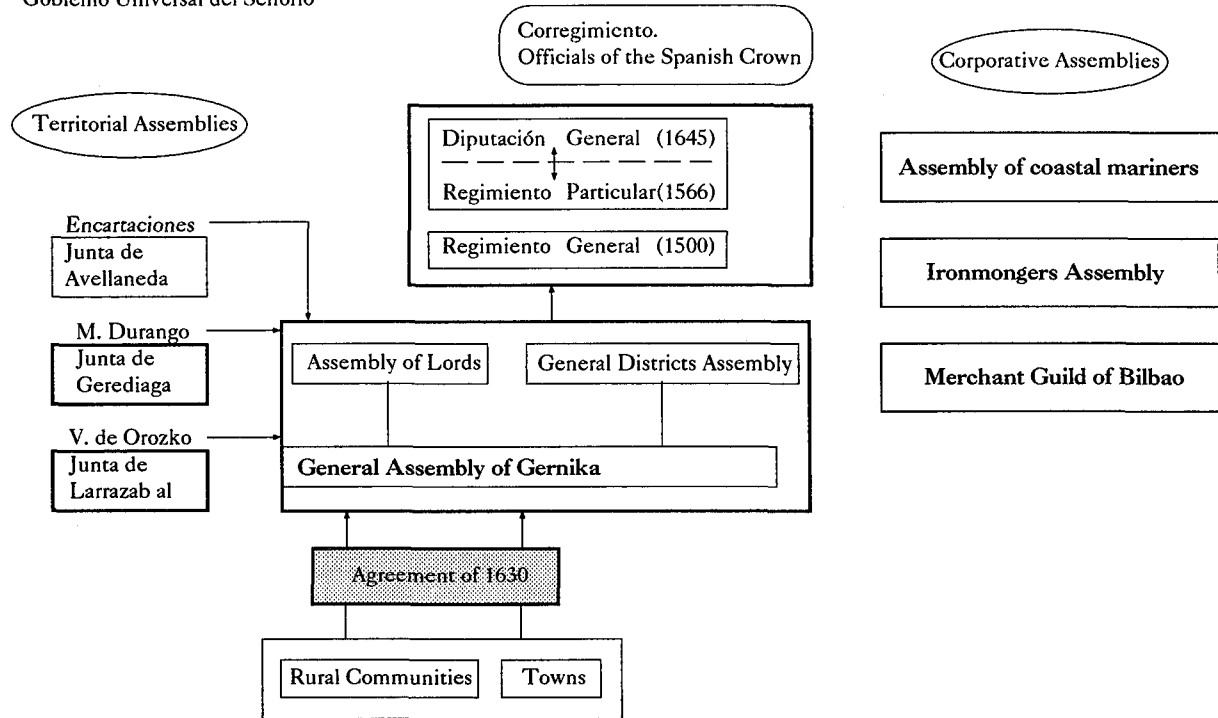
The reform, however, did not have major consequences particularly due to the outbreak of a new war.²⁰ The Carlistas controlled the Basque Country militarily, except the urban capitals, and the new Carlist state took over government until its defeat in 1876. Then, the President of the Government issued a law prohibiting meetings of the *Juntas Generales*, establishing instead new provincial *Diputaciones*, or Councils, like in the rest of Spain. So continuity was ruled out. It was not until a century later, in 1979, that the *Juntas Generales* were reinstated, this time under the party system, with parliamentary representation.

¹⁹ Archivo de la Casa de Juntas de Gernika, Regimen Foral, R. 19 leg. 15.

²⁰ M. Urquijo, *Liberales y carlistas: revolución y fueros vascos en el preludio de la última guerra carlista* (Bilbao: UPV-EHU, 1994).

Institutional System of Bizkaia (18th and 19th centuries)

Main Governing Bodies
'Gobierno Universal del Señorío'



Source: R. Lopez Atxurra, 'Las instituciones del sistema Foral' *Gran Atlas histórico de Euskal Herria*, dir. J.A girreazkuenaga, (San Sebastian, 1994).