

Parliamentary committees in Spain during the First World War: A useful tool for the *cortes* in times of crisis?

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ABSTRACT

This article focuses on the study of the parliamentary committees in Spain between 1914 and 1919, in the context of the consequences of the First World War experienced in Spain. This study is based on documentation preserved at the Historical Archive of the Congress of Deputies in Madrid. It aims to understand the *modus operandi* and the part that committees played in the complex balance of the relationship established with the plenum of the Spanish Congress and with the executive powers. This article examines in particular how parliamentary committees carried out their responsibilities, whether they had an influence on normative activity and whether they favoured the procedural process and the operational oversight of the various aspects of parliamentary life. Furthermore, we have attempted to measure whether parliamentary committees represented an efficient forum for mediation where there were ideological or technical conflicts, by facilitating resolutions with respect to what was achieved in the broader context of the plenum.

Parliamentary committees: some introductory definitions

The institution of the parliamentary committee has been the object of previous studies that have aimed to identify its more precise technical meaning with respect to a wider use—sometimes inappropriate—of the term. In this article, reference will be made to those bodies,¹ which are part of parliament and composed of parliamentary members and are defined as ‘parliamentary committees’ by the laws and rules of order in effect between 1914 and 1919. The focus of this study on the First World War period is undertaken in light of an evident transformation of the political, economic and social relations that had been established in previous decades in the

¹ Some writers wish to limit the concept of ‘parliamentary body’ strictly speaking to those institutions that deliberate in complete independence from a later approval on the part of the congress. By this definition, only committees with full legislative authority are considered as such. This is the view of A. Saiz Arnaiz, *Los grupos parlamentarios* (Madrid, 1989), p. 303. A different perspective is presented by A. García Martínez, *El procedimiento legislativo* (Madrid, 1987), p. 72 and B. Vila Ramos, *Los sistemas de comisiones parlamentarias* (Madrid, 2004), pp. 25-6, who include in this definition all parliamentary committees, in that they are bodies which are competent in their subject matter and enable the chambers to carry out their work.

wake of the disruptive impact of this conflict, which affected Spain in spite of its neutrality in the war. In reaction to this scenario, many deputies and senators claimed a different representative role vis-à-vis society, but above all in the dialogue between political forces and with the government. The liberal institutional machine—the expression of a *Restauración* regime that was by this point tottering – witnessed increasingly frequent and intense ministerial crises, accompanied by the weakness of the *Cortes Generales*, which was exacerbated by long interruptions in their work; its attempts to respond to these crises included the reform of rules of order.² The new rules for the congress and senate of 1918 substantially modified the tasks of the ‘committees’ and their workings; in spite of the relative efficacy of the results, the new regulations confirmed the significance of this theater of political interaction. The First World War therefore represents an extraordinary laboratory for the study of parliamentary committees in the day-to-day execution of their work. In particular, the conflict provides an opportunity to assess the capacity of the committees to respond both to the crises experienced by Spanish society and to their ‘special mission’ to operate in ‘defense of the interests’ of the legislature.³

This article focuses study on the committees of the Congress of Deputies. It can be argued that these committees were important than the senate committees,⁴ as the materials and documents preserved at the Historical Archive of the Congress of Deputies are lacking in detail and they often tell us little about the performance of these committees. Yet the effects of reciprocal influence between the committees of the two chambers or the establishment of joint committees (*comisiones mixtas*) is also recognized.

² For an overview of the effects of the First World War on Spain’s institutional system, see M. Aglietti, *In nome della neutralità. Storia politico-istituzionale di Spagna durante la prima guerra mondiale* (Rome, 2017).

³ This is the view of B. Vila Ramos, *Los sistemas de comisiones parlamentarias* (Madrid, 2004), p. 24.

⁴ The two chambers had identical functions, but while the Congress of Deputies was completely elected by universal male suffrage (introduced in 1890), the senate was only in part elected on a corporative basis and still included a good number of senators for life, either by hereditary right or nominated by the crown. M. Cabrera and M. Martorell Linares, ‘El Parlamento en el orden constitucional de la Restauración’, in M. Cabrera (ed.), *Con luz y taquígrafos. El Parlamento en la crisis de la Restauración (1913-1923)* (Madrid, 1998), pp. 21-65.

The workings of the legislative branch and the practices of the law-making process followed internal rules of order,⁵ in the context of which the system of parliamentary committees appear to have been thoroughly disciplined from 1838, in accordance with a mechanism that remained almost unchanged through successive regulations until 1931.⁶ The only parenthesis occurred during the period of the so-called *Sexenio democrático* (1868-74) and of the First Republic (1873-74), when rules of a primary and distinctive nature were approved.⁷

During the period under consideration, congress functioned on the basis of two different rules of order. The first, which was in effect until May 1918, had been introduced in December 1878, in conformity with the principles of the Bourbon *Restauración*. The institutional regime begun in 1876 was indeed of a moderate character, founded on a principle of sovereignty shared by the crown and the parliament and was sanctioned by the constitution of 1876; it was also in line with the agreement about the regular rotation of the two main dynastic forces in the government, namely the conservative and liberal parties.⁸ With regard to the committees, the 1878 text took up the rules of order drawn up in 1847, with some opportune changes: further amendments were introduced in later years, which modified certain procedural aspects or

⁵ On the importance of parliamentary rules of order as a regulatory norm of the political activity of representative parliaments in modern constitutionalism, see J. de M. Bárcena, 'El reglamento parlamentario en los orígenes del constitucionalismo europeo y español', *Historia Constitucional* 17, (2016), pp. 54-81, who compares the Spanish case with those of the main European models.

⁶ Following the 1838 reform, new parliamentary rules of order were approved in 1847, 1854, 1867, 1873 and 1918. The 1847 rules of order, which were largely based on those of 1838 (and almost literally so as far committees were concerned), remained in effect as the 'reformed rules' during the years under consideration, even if further reforms were made in 1864, 1878, 1880, 1883, 1887, 1894, 1895 and 1896. Details are provided in Vila Ramos, *Los sistemas de comisiones parlamentarias*, p. 180.

⁷ On the 1871 rules of order for the senate, the 1867 rules of order for the congress, and especially the acting republican constituent courts of 1873, see J.F. Merino Merchán, 'Los reglamentos parlamentarios durante el Sexenio revolucionario', *Revista de Derecho Político* 55-56, (2002), pp. 295-342.

⁸ This bipartisan system of rotation took the name *turnismo*: for almost 40 years it gave Spain stability and a relatively peaceful socio-political order, in part for its ability to include other minority political forces (such as republicans, regional groups and extreme catholic and socialist parties). For a more detailed treatment of its mechanisms and results as well as a comprehensive bibliography, see M. Aglietti, *Cortes, nazione e cittadinanza. Immaginario e rappresentazione delle istituzioni politiche nella Spagna della Restauración (1874-1900)* (Bologna, 2011).

organizational details. In the case of the senate, the 1871 rules of order remained in effect, with the revision of some articles in 1877.⁹

The second rules of order were introduced between 4 and 18 May 1918. They were the result of an important reform that explicitly brought significant changes to the question of committees. It was the expression of an extreme attempt on the part of the newly nominated Prime Minister Antonio Maura to respond to the crisis of the parliamentary system, a system that had been weakened by the breaking up of the old liberal parties and by the internal repercussions caused on multiple levels by the First World War.

The sections system and the ‘special committees’

Since the 1838 rules of order, which also applied during the years of the First World War, legislative texts reached intermediate bodies for the preliminary reading, called the parliamentary sections. The process varied according to whether they were bills brought forth by the government or the senate, or legislative proposals drafted by deputies.¹⁰ Congress was divided into seven sections, each made up of deputies chosen by lot, without any consideration of competence, and who rotated from one to the next.

If the evaluation of one or more sections was positive, the office of the President of the Congress (*Mesa*) issued an authorization to proceed, appointing a ‘special’ committee entrusted with drafting an opinion (*dictamen*). This opinion then presented for debate to the parliamentary plenum together with the legislative text. These committees, which were to all intents and purposes participants in the law-making process, continued to function for the time that was necessary to carry out the preliminary examination and the drafting of the opinion.

⁹ Merino Merchán, ‘Los reglamentos parlamentarios durante el Sexenio revolucionario’.

¹⁰ With the 1867 rules of order, the obligation of preliminary examination on the part of the sections was removed for bills (that is, for texts presented by the government or the senate); these could therefore pass directly to the examination of the congress and only be subject to a preliminary examination by a committee if requested by this chamber. On the other hand, for legislative proposals (that is, legislative texts proposed by one or more deputies) the procedure of preliminary analysis by the sections continued, with a minimum of five favorable opinions required for its reading to the plenum. This was a rather high quorum, which could only be met by agreement with the majority. Vila Ramos, *Los sistemas de comisiones parlamentarias*, pp. 185-7.

Congress directly elected the committee members by majority vote, thus reflecting the political balances on the floor. Nonetheless, a certain independence in the expression of opinions is evident with respect to the decision-making mechanisms that characterized pro tempore majorities. Furthermore, in the case of discrepancies or changes made in the bills coming from the senate, joint committees could be appointed, with an equal number of deputies and senators, which would work toward a synthesis that would not be imaginable between the two legislative bodies.¹¹

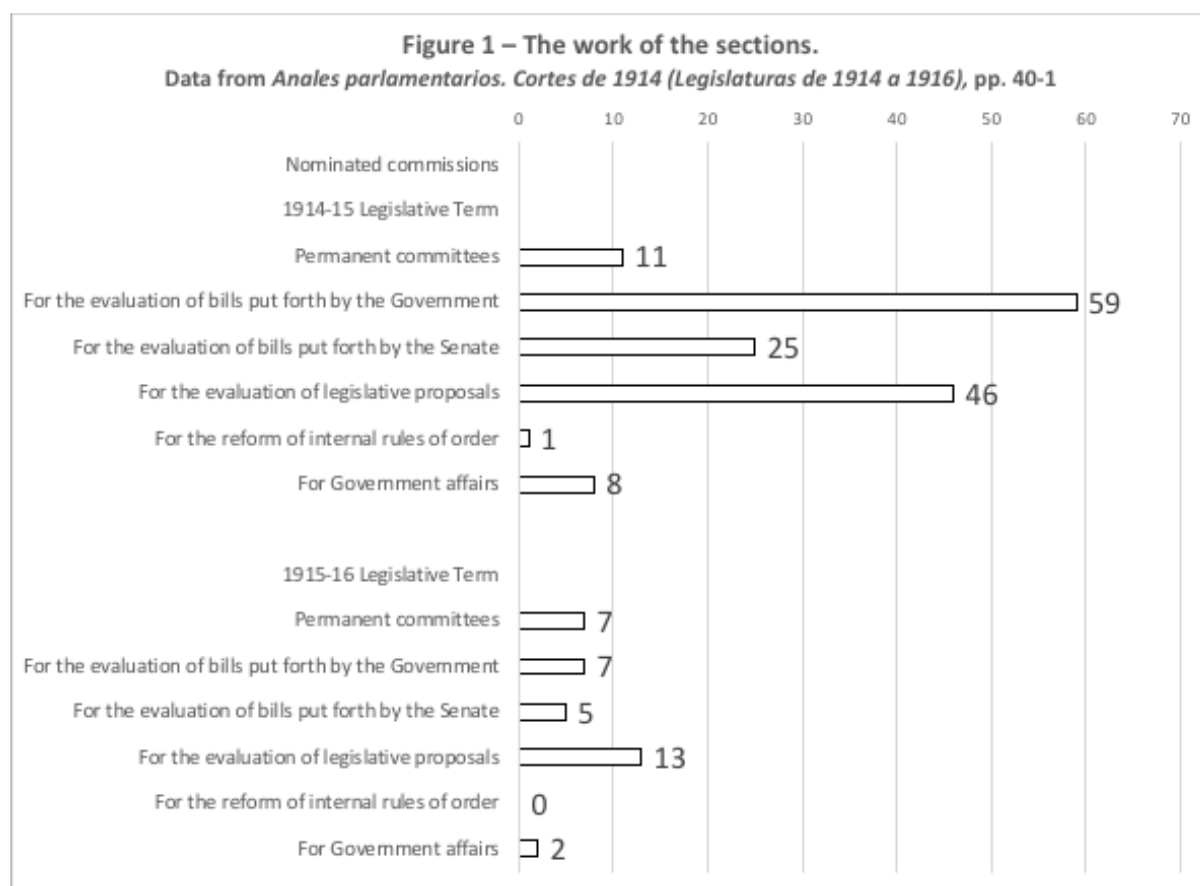


Figure 1 – The work of the sections: Data from *Anales parlamentarios. Cortes de 1914 (Legislaturas de 1914 a 1916)*, pp. 40-1.

¹¹ The work of the committees was quicker, and it largely reflected the political equilibrium between majorities and minorities. The latter's participation was assured by the former, at least on the most important committees, in respect of the proportions of the chamber. Nonetheless, such a balance was only achieved through quite complex and varied concessions and negotiations and in any case resulted in the assigning of well over half of the committee positions to the group which supported the executive.

The committee for the response to the crown address

The sovereign inaugurated the opening of parliament in the ‘royal session’ at the beginning of the legislative term with an address written together with the prime minister. The preparation of the legislature’s response to the crown was entrusted to a ‘special’ parliamentary committee, whose task assumed greater political value than those of other committees. This was the moment when the government’s program was evaluated by the chambers; it was a strategic opportunity especially for the deputies of opposition parties, who by participating in the drafting of the text measured their strength and decided the approach to adopt with respect to the parliamentary majority and ministerial policies. The rules of order allowed discussion of the committee’s project only before the entire plenum, after which the committee considered any amendments to be included in the text, with all the corrections that were deemed necessary.

One of the most anticipated addresses of Alfonso XIII was delivered on 10 May 1916. It was the first crown address since the beginning of the war, and many parliamentarians were eager to learn the policy proposed by the current government, led by the Liberal Álvaro Figueroa y Torres, Count of Romanones, specifically with regard to the measures to be adopted to resolve the initial difficulties resulting from having taken a position of ‘strict neutrality’. The consensus of the legislature was reached with a wide margin of votes, but the divergent views behind the apparent unanimous agreement were discernible in the committee’s report. Here emerged all the unease with that ‘general state of abnormality’ that the conflict was causing, which had exacerbated the national crisis of the job market and driven up the prices of raw materials. The committee urged the executive to promote, together with parliament, a comprehensive plan of economic and social reforms to prepare Spain ‘for the coming of new

times that are bringing profound changes'.¹² An amendment was also made, withdrawn after numerous discussion sessions, which brought up the 'Catalonian question', thereby giving voice to those regionalist claims which in the 1916 elections were indeed able to assure their representatives a significant presence in the congress.

The next royal address was given on 18 March 1918. It was greeted amidst the general indifference of the *cortes*, which had just been renewed and largely modified in their composition. By this time, hope had long passed that the executive would adopt the reform proposals put forth by the deputies: the institutional atmosphere had changed radically. The role of the committees was also clearly affected by this new political climate, as they were denied the task of possibly mediating between opposing groups. A year later, in the summer of 1919, discussion of the sovereign's address even took place in half-empty chambers.¹³

The 'permanent committees'

The 1837 rules of order also called for several 'non-special committees', each with a specific responsibility of a general nature. These were permanent bodies, lasting for the duration of the legislative term,¹⁴ which were useful for carrying out certain parliamentary functions. The number of members on each committee varied greatly as did the procedures for determining their composition and modes of operation.¹⁵ The rules of order envisioned six such committees for the congress: for the verification of election results (*Actas electorales*), for the budget (*Presupuestos*), for account auditing (*Cuentas*), for petitions (*de Peticiones*), for managing

¹² Archivo histórico del congreso de los diputados, Madrid, (herein ACD), Serie General (herein SG), 435, ins. 10. The text of the response of the congress to the crown address was presented for the approval of the deputies on 5 June 1916. See, Aglietti, *In nome della neutralità*, pp. 63-6.

¹³ *Diario de sesiones del Congreso de los diputados* (herein DSC), no.1, March 19, 1918, pp. 12-13 and no. 32, 13 August 1919, p. 1152. See Aglietti, *In nome della neutralità*, pp. 118 and 317.

¹⁴ For this era, 'legislative term' refers to the period of parliamentary sessions in the course of the same calendar year: M.M. Fraile Clivillés, *La comisión permanente de las Cortes* (Madrid, 1974), p. 36.

¹⁵ J.L. Paniagua Soto, 'El sistema de comisiones en el Parlamento español', *Revista de la Facultad de Derecho de la Universidad Complutense* 10, (1986), pp. 11-142, and Vila Ramos, *Los sistemas de comisiones parlamentarias*, pp. 165-6.

domestic affairs (*de gobierno interior*) and for the stylistic quality of legislative texts (*corrección de estilo*). A seventh committee of a semi-legislative nature was added in 1854, responsible for the analysis of addenda and amendments presented by deputies and for the preliminary drafting of regulatory texts. Two other committees were introduced with the new set of rules drawn up in 1878 in the wake of the *Restauración*: one for the incompatibility and incapacity of parliamentary members and one for the granting of benefits and subsidies. The work of these two committees deserves at least brief mention in that they represented, at least potentially, that link between the institution and the ‘vital forces’ of the nation and the state which was supposed to guarantee the workings of a parliamentary system and the principle of representation.¹⁶

The petitions committee

The 1876 constitution guaranteed freedom of expression, opinions and speech as well as the right to petition the sovereign, the authorities and the *cortes*. This committee was therefore entrusted with reviewing the petitions made to the Congress of Deputies; it was therefore able to gauge the spirit of the nation. The congress secretariat arranged the received requests and forwarded them for examination by the committee. This in turn studied the cases and put its report (*informe*) before the plenum for approval. This was not an opinion (*dictamen*) but a verification that a request merited attention and an indication of which ministry was most suited for its resolution.

¹⁶ The many criticisms directed at the parliamentary committees especially point to this inability to involve the ‘vital forces’ of Spain, which thereby betrayed their representative duties. This is the view of, for example, M. Cuevas y Cuevas, *Las comisiones permanentes en los Parlamentos de Francia y España* (Madrid, 1925), pp. 62-6, and, more generally, of M. Aglietti, ‘Cortes, Government and the “Vital Forces” of Spain during World War I: the Junta de Iniciativas (1914-1915)’, *Studia Universitatis Cibiniensis. Serie Historica* XII, (2015), pp.149-58.

In the course of the 1916 and 1917 legislative terms, when the work of parliament was limited to less than nine months for the entire two-year period,¹⁷ 30 petitions were received, with ten arriving between 12 December 1916 and 14 February 1917. It was undoubtedly the most critical time of the period under examination, and this was not only due to the uncertain progress of the war. It was also a period of concern for the very serious domestic events and their dramatic effects both on the political system and on the legitimacy of the Spanish parliamentary system. 1917 witnessed ministerial crises, revolts of the military corps, the suspension of legislative activity and the consequent reaction of several deputies who convened an ‘extra-parliamentary’ assembly to initiate constitutional reform,¹⁸ a general strike caused by a profound social and economic crisis, and the suspension of constitutional guarantees even to the point of a declaration of the state of war.¹⁹ Yet in spite of these developments, Spaniards still appealed to the congress demanding the attention of their representatives.²⁰

The content of these petitions was more important than the limited number of petitions. Petition content attests to the existing relationship between citizens and the institution of parliament. Petitioners were mainly state employees: a few officials or pensioners, but mostly public administration workers and holders of local representative offices (twenty mayors submitted requests, whether individually or collectively); the group also numbered several lawyers and university graduates. Significantly, there were numerous petitions from women, over a third of the total, and coming from the same social groups: widows or orphans of state

¹⁷ The 1917 legislative term lasted only several weeks between January and February, while that of 1916 could count seven months of parliamentary activity, from May to December. Aglietti, *In nome della neutralità*, pp. 30-3.

¹⁸ The *Asamblea de Parlamentarios* saw the participation of 59 parliamentarians, 39 deputies and 20 senators. D. Martínez Fiol and J. Esculies, *1917. El año en que España pudo cambiar* (Sevilla, 2018), pp. 311-16.

¹⁹ For a detailed treatment of all these events, see F. Romero Salvadó, *España, 1914-1918. Entre la guerra y la revolución* (Barcelona, 2002), especially pp. 111-5, and to F. García Sanz, *España en la Gran Guerra. Espías, diplomáticos y traficantes* (Barcelona, 2014), especially pp. 259-64.

²⁰ The relative files still contain the original signed letters, the summaries drafted by the congress secretariat and the report of the committee. ACD, SG, 439, ins. 41, files 1-4.

functionaries who asked for assistance in obtaining a pension²¹. The petitioners were at times collective. The inhabitants of rural areas in Alicante, for example, requested fiscal relief to cope with the damage caused by phylloxera. Collective petitioning also applies to the eighteen mayors of the Val d'Aran who sought the construction of road systems for the development of their territory, or again to the veterans of the war in Africa who asked for changes to the system of benefits that concerned them. These petitions reveal that, on the whole, Spaniards had little faith in the capacity of the legislative system to solve problems, which confirms the difficulties faced by broad sectors of the public administration, the military in particular, as well as the need for investment to develop the country's economy and productive capacity. In spite of their eccentric character, two of the petitions give cause for reflection: one proposes a 'plan for national regeneration'²², while the other proffers a 'solution to the economic, political and social problem' of the country²³. Even if they did not gain the attention of the committee, they illustrate the depth of the crisis, which few people believed could be solved through the institutions.

²¹ An idea of the different kinds of petitioners can be gained from a survey of the 25 petitions examined by the committee during the second semester of 1916. Four petitions came from public functionaries, six from military officers, and 13 from private citizens, including a graduate in philosophy and a solicitor; seven of the petitioners were women (of whom five were widows of public or military officers) and 16 men. Five petitions were signed by groups of people from different localities of Spain. ACD, SG, 439, ins. 126, f. 1-4.

²² ACD, SG, 439, ins. 126, file 5, petition n. 9, *Plan de Regeneración Nacional*, by José María Piñol, from Tortosa, dated 5 February 1917.

²³ ACD, SG, 439, ins. 126, file 2, petition n. 7, plan presented by Francisco Lerma, from Madrid, dated 30 June 1916.

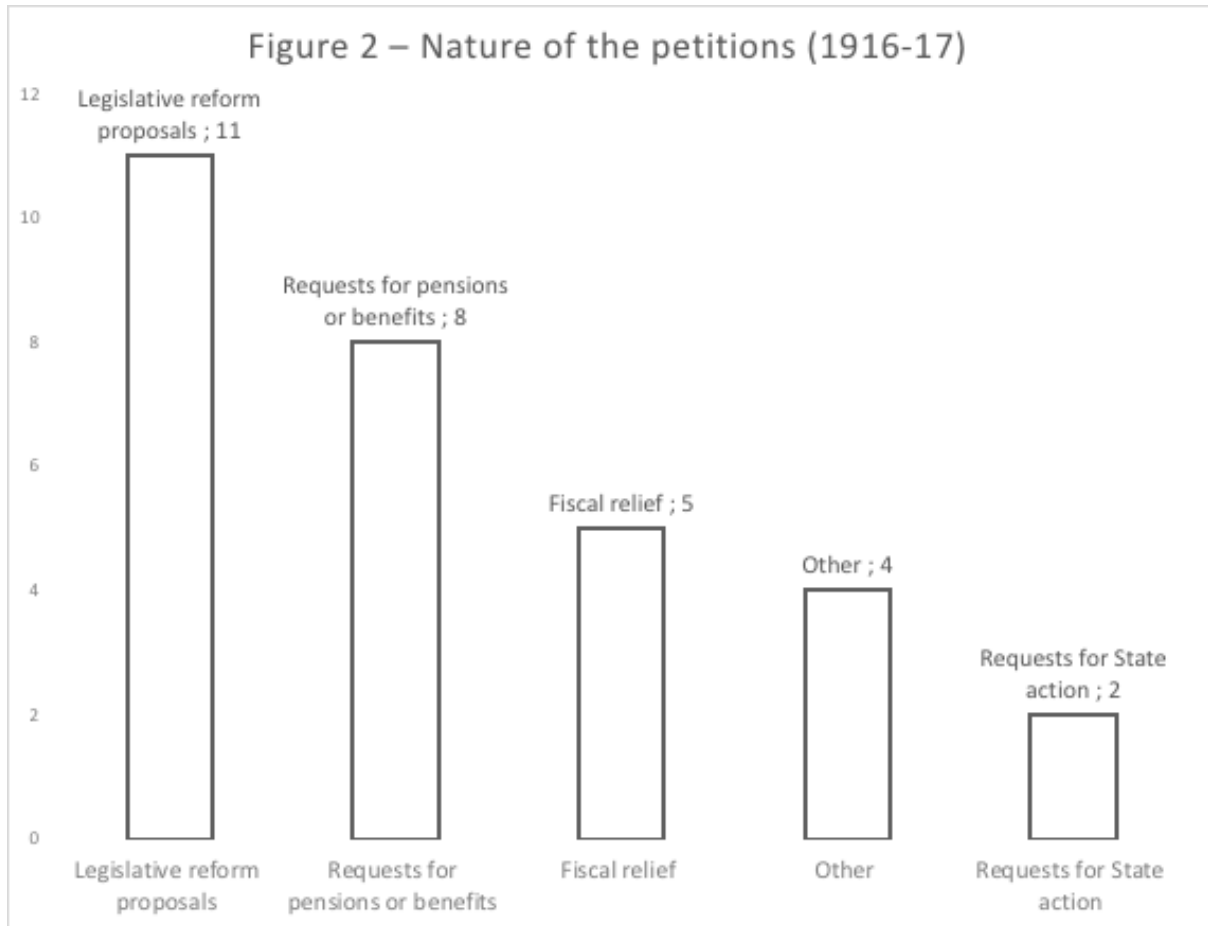


Figure 2 – Nature of the petitions (1916-17)

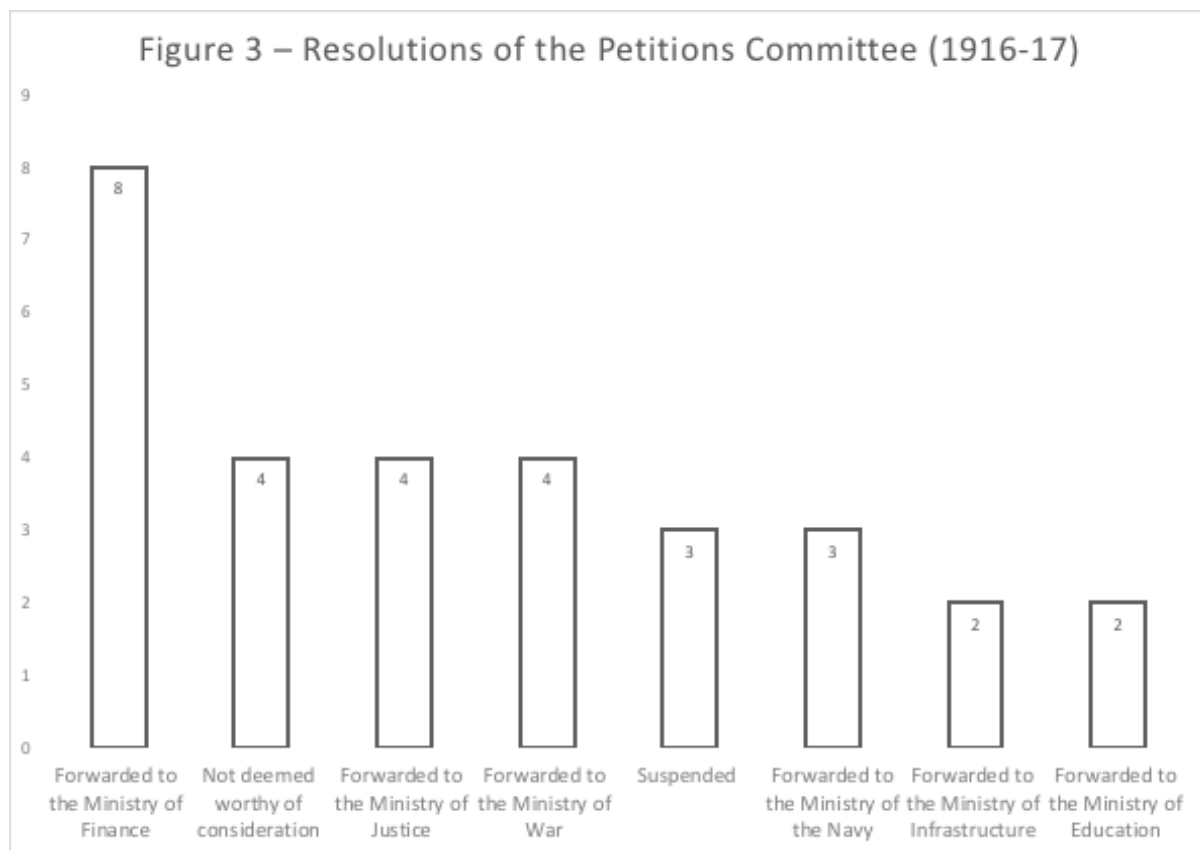


Figure 3 – Resolutions of the petitions committee (1916-17)

The committee for the incompatibility and incapacity of Members of Parliament

This committee handled matters of a ‘moralizing’ nature concerning the parliamentary profession; it aimed to guarantee the independence and autonomy of parliamentary members vis-à-vis other sectors of the state or powerful economic actors. Since 1876, the number of deputies who also held posts in the public administration was not to be more than 40, even if there was no risk of incompatibility; otherwise lots were drawn, and those members whose names were picked had to choose between a public position desk and a parliamentary seat. This committee was given the task of gathering information relative to the profession of each deputy and with determining whether the rules were being adhered to. It worked in consideration of what was established in the constitution, in the electoral laws and, in particular, by the law on parliamentary incompatibility of 7 March 1880. The latter law sanctioned the exclusion from

the Congress of Deputies of those who held public and private offices and who could run the risk of a conflict of interests, whether of an economic nature or one that might introduce military or judicial powers into the legislature.²⁴ At the same time, the committee preserved an autonomous space in the interpretation of those limits, indeed making an excessive number of exceptions in the name of the ‘spirit of the Congress’.²⁵

As soon as it was established, the committee drew up initial compatibility assessments of its own members and then of the ministers, before examining the lists of public officials and holders of other potentially incompatible offices. Finally, the committee looked at particular cases that were deemed to be worthy of specific scrutiny. The committee’s findings provide rich details of the range of professions and public administrative posts for the members of the 1916 legislature: of the 409 elected deputies, the committee verified over one hundred individual cases of deputies. Fifty-two of these deputies were officials of the general state administration. These included the president and other members of the council of state, three civil governors, royal delegates and inspectors general, ministerial undersecretaries and numerous general directors, three local administrators, seven high-ranking magistrates, 18 university professors, 11 engineers, five lawyers and 15 higher military officials. The committee further examined three cases of deputies below the legal age limit²⁶ and even the case of a deputy who had obtained the grace of a honorary noble title from the king.²⁷

²⁴ Together with the disposition of the royal decree of 27 October 1887.

²⁵ For example, on more than one occasion the committee decided to overlook what was prescribed by the law concerning high-level positions in the public administration and the army, because of the esteem that they could lend to parliamentary debates. It was further rather lax in its interpretation of the letter of the norm in order to admit others that did not meet official requirements. This practice was subject to frequent criticism and often constituted the means of dangerous instances of connivance. See Cabrera, *Con luz y taquígrafos*, pp. 172-3.

²⁶ The minimum age to become a deputy was 25 years. The deputies who were too young were Enrique Maria Arribas, Rafael Melgarejo y Tordesillas duque de San Fernando de Quiroga, and José Maria Rodriguez y Gonzales: ACD, *SG*, 439, ins. 1, int. n°. 7-9. For the legislation of 1918 as well, two deputies were excluded because of age: José Granda Torres and Carlos Merino Sagasta: ACD, *SG*, 445, ins. 15, int. n°. 17-18

²⁷ ACD, *SG*, 439, ins. 1, int. n°. 1-125. The constitution established the obligation to rescind the appointment of deputy for those who had obtained pensions, promotions and other types of honors from the crown, as such benefits ran the risk of compromising the impartiality of judgment with respect to the executive power.

The 1918 reform of the parliamentary committees

The reform of the parliamentary rules of order was approved by the congress on 14 May 1918, strongly desired by the ‘government of national concentration’ as a way of revitalizing the role of the legislature, called for the institution of three types of committees. These were ‘non-legislative’ committees dealing with technical and administrative matters, ‘special’ committees appointed on an ad hoc basis to deal with specific tasks, and, most importantly, ‘permanent legislative’ committees.²⁸ Nominated at the beginning of the legislative term and lasting for the entirety of its duration, the last mentioned were responsible for all legislative proposals and bills presented to the congress by their respective ministries.²⁹ This special connection with the executive was fully understood by the deputies who were asked to approve the rules, especially in light of the fact that if the representation of political minorities had not been envisioned in the composition of the committees, then there would have been a risk of their subservience to government policy, as the most attentive deputies did not fail to observe.³⁰

Far from being radical in its essence, the reform was not devoid of positive consequences. It allowed for an affirmative rebalancing between the duration of the legislative terms and the effective working time of the chambers. It further increased legislative activity and reduced the use of decrees for suspending and dissolving the *cortes*. This is a remedy that governments had increasingly employed since 1916 to overcome the stalemate caused by the tactic of obstructionism on the part of oppositions.³¹

²⁸ Namely: *Comisiones permanentes no legislativas* (art. 62-64), *comisiones especiales temporales legislativas* (art. 67) and *comisiones permanentes legislativas* (art. 65).

²⁹ M.V. Fernández Mera, ‘La evolución de las comisiones parlamentarias: la creación de las comisiones permanentes legislativas’, *Cuadernos de Derecho Público* 33, (2008), pp. 113-8.

³⁰ This point was made by the socialist deputy Indalecio Prieto, DSC, no. 31, April 30, 1918, p. 756. See also Fernández Mera, ‘La evolución de las comisiones parlamentarias’, p. 113.

³¹ M.V. Fernández Mera, ‘La reforma de los Reglamentos parlamentarios en 1918. La creación de las comisiones permanentes legislativas’, in M.B. Castellà i Pujols (ed.), *Poders a l'ombra: les comissions de les institucions parlamentàries i representatives (segles XV-XX)* (Barcelona, 2014), pp. 354-72, especially pp. 366-8. Until the beginning of the 20th century, the practice of parliamentary obstruction in Spain was considered a right and a guarantee of freedom for minority parties against the executive. Nonetheless, it hindered the government’s ability to make agreements with minorities. A broad historiography exists on the subject. See: Cabrera, *Con luz y*

The new rules were approved on 4 May 1918, and on the 23 May the members of the main permanent committees were selected. On 27 May the committees met and elected their respective chairs and secretaries, while on 28 May they presented the details of their definitive formation to the congress. There were nine committees, one for each ministry as well as one for petitions and another for stylistic quality tasked with reviewing the lexical suitability of normative texts (see Figure 4).³² Other committees, some of which were mentioned in the rules, would be instituted at a later date.³³

taquígrafos, pp.218-9; M. Martorell Linares, 'La crisis parlamentaria de 1913-1917. La quiebra del Sistema de relaciones parlamentarias de la Restauración', *Revista de Estudios Políticos* 96, (1997), pp. 137-61.

³² DSC, no. 45, 28 May 1918, pp. 1220-1.

³³ These other committees included the permanent committee of supplies (*comisión de abastecimientos*), established on 30 July 1919, and the permanent committee for social legislation, instituted on 19 August 1919, ACD, SG, 454, ins. 2 and ins. 65.

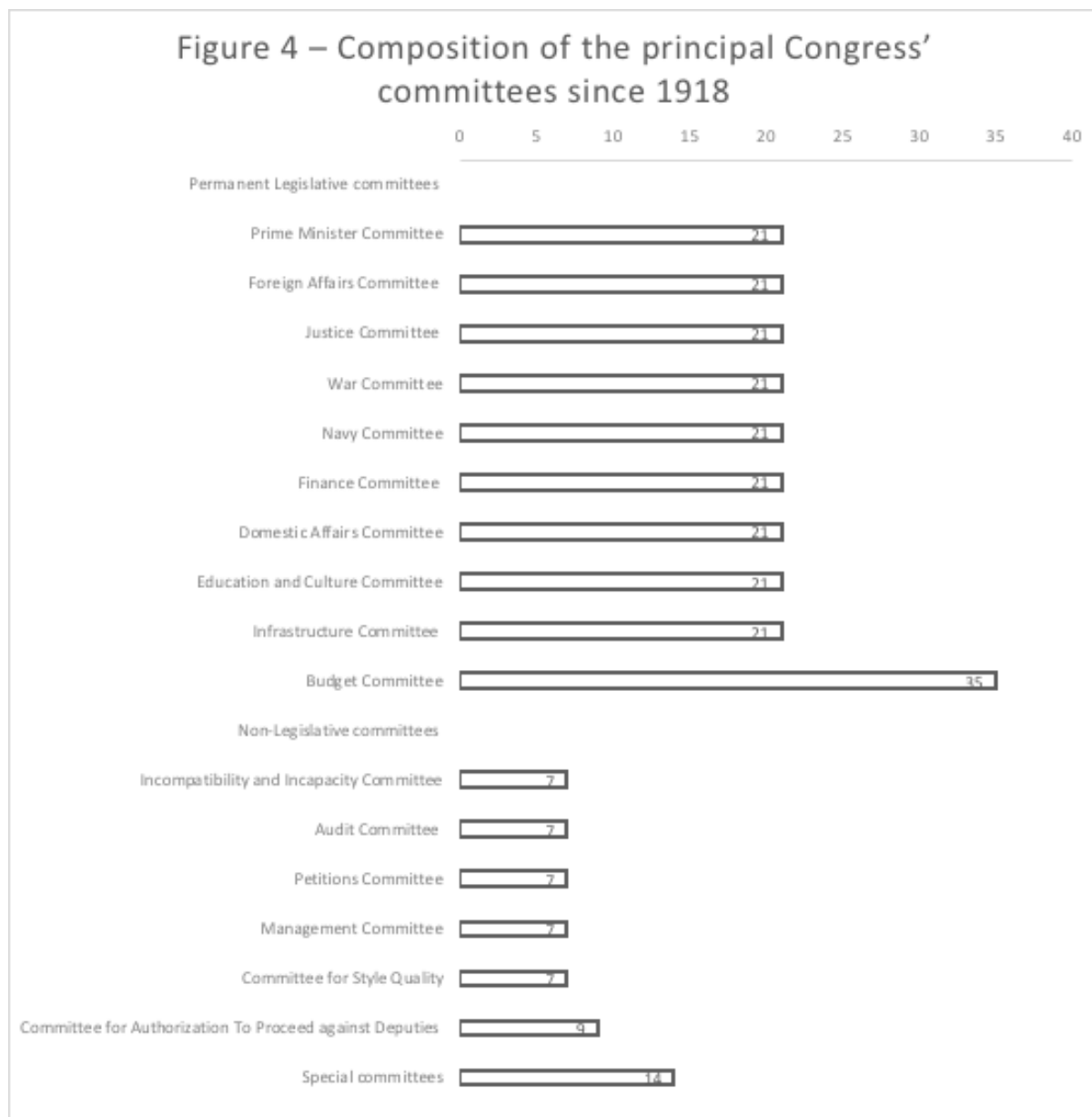


Figure 4 – Composition of the principal congress' committees since 1918

Each committee consisted of a different number of deputies. The date of entry in the *cortes* for each deputy was noted, as was any previous ministerial positions and his level of competence with respect to the ministry that his committee worked with. With regard to the political composition of the committees, overall a certain balance between majority and opposition is evident, at least in the most important ones (see Figure 5).

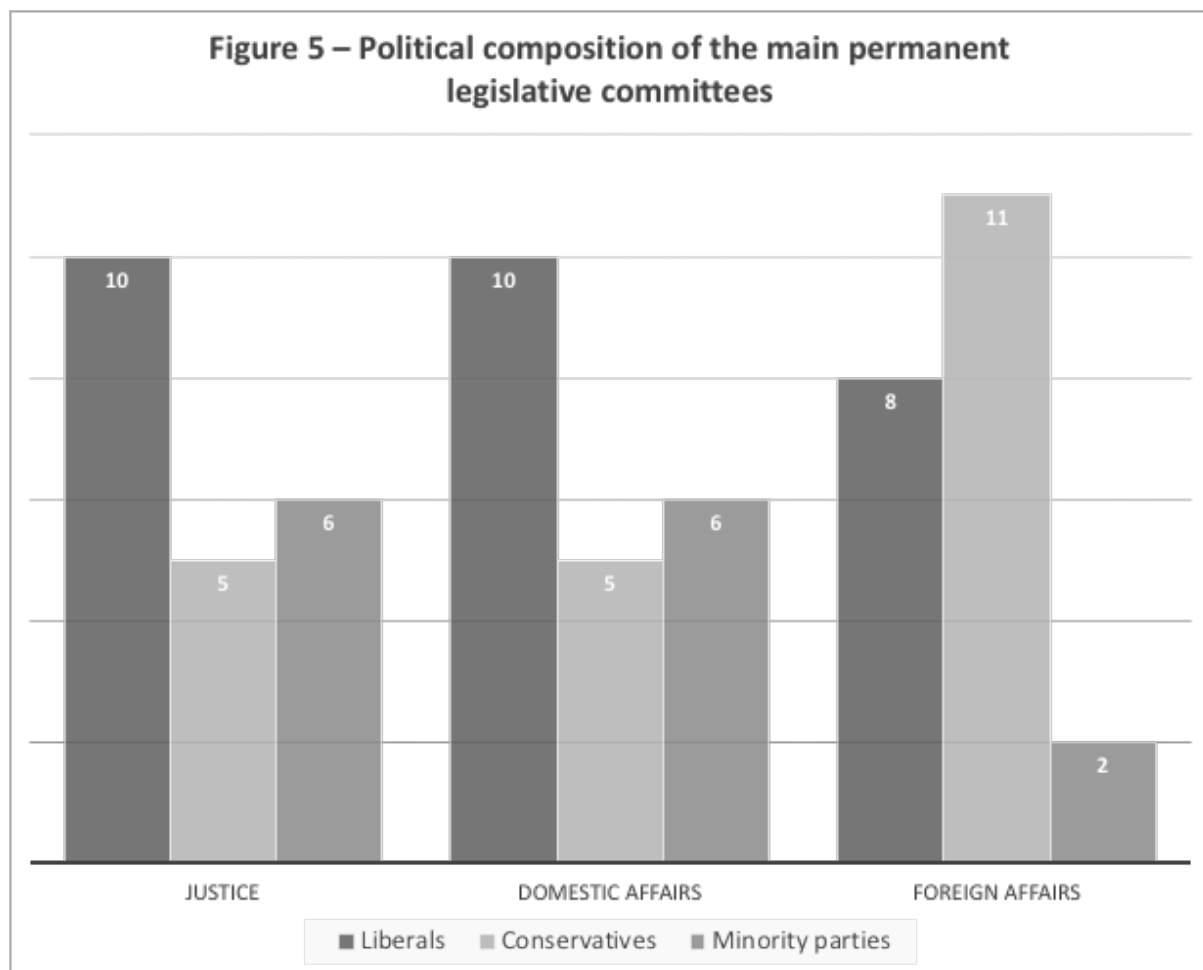


Figure 5 –Political composition of the main permanent legislative committees

Data from ACD, *SG*, 443, ins. 41, f. 1; 444, ins. 5, ff. 1-2; and 447, ins. 38.

Regarding the operations of the committees, the rules envisioned the election of a chair and secretary upon the formation of the committees. The role of the chair was not very clear: sometimes he merely acted as moderator in case of conflict, while on other occasions he led the debate authoritatively, depending on his character and that of the other members.³⁴ By contrast, the function of the ‘speaker’ (*ponente*) was more crucial. The speaker was the member who was solely entrusted with examining a specific legislative proposal and with reporting to the congress on the work of the committee. This appointment was an important one that involved representing and synthesizing the committee’s findings, thus conferring on the

³⁴ Art. 69 of the rules of order adopted by the congress on 24 May 1918 stated: ‘Each committee will appoint its president and secretary, reporting to the Congress of these appointments’, without recognizing any special pre-eminence to the president's vote.

speaker a certain degree of control. At the same time, this power was balanced by the obligation to report contrary votes to the congress in the case of opposition within the committee.

The permanent justice committee

The work of the permanent committees varied considerably, not only with regard to the frequency of their meetings but especially in terms of the intensity, competency and efficiency of the work carried out. Committees with the greatest workload, as evidenced from reports that have been preserved, included the committee which worked with the justice ministry. From its institution on 28 May 1918³⁵ to May 1922, it held at least forty sessions, of different durations but never less than an hour. Its meetings were characterized by lively activity, of ‘broad exchanges of impressions’.³⁶ In the first seven months of functioning, it handled a number of issues: legislative proposals, modifications of the civil and penal code, the introduction of measures aiming at preserving parts of family possessions in cases of sequestrations and repossessions, projects for the reform of the normative framework of the judiciary and of the norms in civil and criminal proceedings. Regarding the latter matters, the committee instituted a phase of ‘public information’, making use of its prerogative to have recourse to specialists, parliamentary members and ministerial officials who were deemed to be experts in their fields. Even Prime Minister Antonio Maura was involved. Maura participated in one of the meetings in support of the ‘import and farsightedness’ of a certain proposal and responded to ‘different observations’ of the committee.³⁷ Then, in the face of the doubts that some members continued to express,³⁸ the committee resolved by majority vote to

³⁵ ACD, *SG*, ins. 443, ins. 41, f. 3.

³⁶ The mention of this *amplio cambio de impresiones* was in reference to the discussion on a legislative proposal about the organizations of the Juvenile Courts. Report of session held on 11 June 1918, ACD, *SG*, ins. 559, ins. 3, f. 2.

³⁷ ACD, *SG*, ins. 559, ins. 3.1, f. 9. This session, held on 22 October 1918, lasted over four hours.

³⁸ The mention of this *amplio cambio de impresiones* was in reference to the discussion on a legislative proposal about the organizations of the juvenile courts. Report of session held on 11 June 1918, ACD, *SG*, ins. 559, ins. 3, f. 2.

only issue an opinion in conformity with the text approved by the senate, while introducing several variations discussed with Prime Minister Maura. This was not the only time that this parliamentary committee demonstrated its independent stance and judgment. With regard to a less far-reaching legislative proposal on the establishment, ‘organization and powers of juvenile courts’, which in this instance had already been approved by the senate, the senator Andrés Avelino Montero-Rios Villegas, who drafted the text, was called in order that he could explain its contents. The committee reached a first opinion only after another four sessions of intense debate. For its part, the congress brought new changes to the text, rendering necessary the establishment of a joint committee of deputies and senators – seven of whom belonged to the congress justice committee and three to that of the senate – which was given the task of producing another synthesis.³⁹

An examination of the decision-making procedures allows us to infer, at least for this committee, a certain degree of debate and mediation. It was not by accident that on 20 June the committee selected a deputy chair and a deputy secretary, due to the workload level of the committee. This new procedure was introduced with the specific aim of assuring the smooth functioning of the committee sessions in case of the absence of the chair and the secretary.⁴⁰ This new policy was soon adopted by other committees, which leads to the assumption that they too had a similar workload to face.⁴¹

The committee for lifting parliamentary immunity of deputies

³⁹ ACD, *SG*, ins. 559, ins. 3.1, f. 1. The final version of the ‘Ley de Organización y Atribuciones de los Tribunales para niños’ substantially modified Avelino Montero-Rios’s original proposal. On the topic, see: M. González Fernández, ‘Los tribunales para niños. Creación y desarrollo’, *Historia de la Educación* 18 (1999), pp. 111-25 and, in particular, pp. 114-6.

⁴⁰ ACD, *SG*, ins. 559, ins. 3, f. 7.

⁴¹ It was followed by the Committee on Foreign Relations on 21 June (ACD, *SG*, ins. 447, ins. 38), and by the Committee on Domestic Affairs at the end of November (ACD, *SG*, ins. 444, ins. 5, ff. 8r-v).

The committee '*de suplicatorios*' enjoyed extraordinary political prominence during the *Restauración* era, in spite of its great discretion in its handling of parliamentary immunity. Yet, at the beginning of the 19th century, it was in urgent need of reform because of its inability to solve a great number of requests for the prosecution of deputies. When the committee became a permanent one on 11 July 1904 and established its procedures, the custom of considering as denied requests that had not obtained authorization for more than thirty public sessions was dropped,⁴² giving this function even more importance. Between 1904 and 1911, there were numerous legislative proposals for its regulation, culminating in the law of 9 July 1912, which established that the sole place of jurisdiction for deputies should be the supreme court (*Tribunal Supremo*), even for criminal offenses.⁴³

During the years of the First World War, relations between the executive and the legislature often reached critical levels of tension. Governments, whether liberal or conservative, adopted various strategies to silence the opposition, but when dismissing parliament no longer worked to placate violent criticism, which moved from the floor to the newspapers, they had recourse to the authorities responsible for public order, asking them to remove the parliamentary immunity of the deputies with the instrument of indictment. Hundreds of reports were thus drafted for accusations of libel, insulting the authorities, lese majesty, rebellion or sedition. Once the parliamentary status of the defendant was verified, the proceedings passed to the supreme court, but without the committee's authorization to proceed the accusations fell and the charges were automatically dropped.⁴⁴ The new 1918 rules of order introduced important changes regarding immunity and authorizations to proceed, but the most serious restrictions on

⁴² A. Carro Martínez, 'La inmunidad parlamentaria', *Revista de Derecho político* IX (1981), pp. 99-100.

⁴³ Committee membership was made up of nine deputies elected directly by the congress and chosen among the 30 most senior deputies. The discussion and preliminary examination are in ACD, 402, ins. 54, folio 1.

⁴⁴ M. Aglietti, '«Cuando el Parlamento cierra, la nación es Parlamento». I parlamentari di Spagna durante la prima guerra mondiale', in M. Meriggi (ed.), *Parlamenti di guerra (1914-1945). Il caso italiano e il contesto europeo* (Napoli, 2017), pp. 79-98; for more exact details on the political operation against deputies of the *Tribunal Supremo* in these years, see Aglietti, *In nome della neutralità*, pp. 259-74.

the deputies' freedom of expression came from the 'exceptional law' of the following July, with which public authorities made use of 'powers indispensable for the guarantee of Spain's neutrality', effectively stiffening censorship.⁴⁵ Together with court documents, the files of this committee constitute important testimony of the level of political control that was exerted over deputies. On the other hand, such testimony is virtually nonexistent in the reports of the *Diario de las Cortes*, as the opinion of the committee was debated by congress in a secret session; only specific permission, which was rarely requested, would permit the publication of the results.⁴⁶ This was exhausting work. In the session of 14 November 1919, the committee examined 36 requests to lift parliamentary immunity, while 20 others were considered in the session of January 1920. All of these requests regarded offenses against the authorities and against the integrity of the nation, but they actually came about from the publication of articles between the summer of 1918 and the first months of 1919.⁴⁷ If this committee became the bulwark for safeguarding the rights to liberty and expression of parliamentary members, its work was fully supported by the plenum – the parliamentary assembly in its entirety – in effect rendering useless the action of the magistrates, except for sometimes producing limited deterrent effects.⁴⁸

Conclusion

⁴⁵From the title of the law, which was drafted by the foreign minister under pressure from the belligerent countries, which were exasperated by the attacks against them in the Spanish press. The text was published in the *Gaceta de Madrid*, July 4, 1918, no.185, pp. 21-22.

⁴⁶ ACD, *SG*, ins. 456, f. 2.

⁴⁷ ACD, *SG*, ins. 456, f. 3.

⁴⁸ The *cortes* rejected the requests to lift parliamentary immunity, obliging the supreme court to conclude its proceedings without any charges being made against deputies; meanwhile, amnesty was regularly granted by the executive in those few cases in which prosecutions were made for political criminal indictments or libel. In spite of this, the extensive controls carried out throughout the country by local authorities made free expression increasingly difficult for deputies, preventing them from holding meetings. Similarly, organs of the mass media were affected through confiscations of published copies or even forced closings in some cases, in addition to the imposition of severe censorship.

Historiography has given a rather negative assessment of the committees that were formed by the 1918 rules of order. Vila Ramos has described them as ‘mere tools of governments’.⁴⁹ Historians have pointed out the lack of interest shown by the committee members and the vacuity of committee debates. These critics have further portrayed the committees as lacking real tension, providing little more than symbolic gestures,⁵⁰ as well as not adequately coordinating with the ministries that they were supposed to cooperate with.⁵¹ The results of this initial research are limited to several specific aspects and they require further investigation that would more closely examine the work carried out by the commissions. Nevertheless, these results do suggest that such criticisms must be partially tempered. It is beyond doubt that the results of the 1918 reform were disappointing. Much of the ineffectiveness of the committees, however, was due to the fact that the 1918 electoral results changed the character of the congress. The behavior of the parliamentary members was radicalized around two contrasting positions that could not be reconciled. On one hand, the liberals and conservatives parties were opposed to the possibility of finding a different *modus operandi*, one capable of overcoming the impasse in the congress, where the fragmentation of parties had made traditional power relations impossible. On the other hand, the reformist and republican oppositions rejected any form of collaboration with ministerial initiatives and any possible compromise. This situation was not liable to produce any degree of unity, neither through the measures proposed by Maura nor through those of the committees.⁵² Under such conditions, even if the permanent committees (the very ones that should have accelerated the legislative process) were formed on a regular basis, they were only established with great effort and delay and they sometimes

⁴⁹ Vila Ramos, *Los sistemas de comisiones parlamentarias*, pp. 196-7.

⁵⁰ For a broader argument along these lines, see F. Santolalla López, *Derecho parlamentare español* (Madrid, 2013), p. 220.

⁵¹ M.V. Fernández Mera, ‘La evolución de las comisiones parlamentarias: la creación de las comisiones permanentes legislativas’, *Cuadernos de Derecho Público* 33, (2008), pp. 89-119, especially pp. 116-8.

⁵² M. Cabrera, ‘La reforma del Reglamento de la Cámara de Diputados en 1918’, *Revista de Estudios Políticos* 93, (1996), pp. 359-79 and especially p. 357.

failed to meet at all. Yet some committee members took their assignments very seriously; at least initially, the committees indeed seemed to represent the best vehicle for responding to some of the most urgent crises that the First World War had caused in Spain.

In November 1918, a new committee was for provisions was established, which aimed to find a remedy for the scarcity of essential goods.⁵³ A few months later, two Catalan deputies, Alfonso Sala y Argemi and Pedro Milá y Camps, proposed a second committee to be created ‘for the sole and exclusive purpose of expressing opinions on projects and legislative proposals regarding social problems’. This committee was to assure maximum speed in proposing legislation to resolve the most pressing social questions and to further guarantee ‘the greatest continuity and intensity possible’ on the part of the nation’s representatives in dealing with these problems. According to a petition presented to congress on 28 July 1919, ‘If the destiny of the complicated political life of Spain prevented parliamentary activity from assuring immediate resolution of the pressing demands of reality—against the good will of all’, then it was necessary to change how this institution functioned, in such a way that the congress could guarantee ‘without delays and obstruction, without obstacles of any kind and with the greatest assurances of success’ what the nation expected for the resolution of ‘problems that were so essential to its very life’.⁵⁴ The request was immediately accepted, and the committee that was called to give an opinion on the proposal was convened in record time, expressing a favorable view. The project was delayed for several months, however, waiting for the assessment of the congress, which was occupied by more serious and urgent questions. The project was finally approved, without any debate or contrary opinions, on 14 April 1920.⁵⁵

Finally, it can be argued that the way in which this last committee on social problems was instituted, is sufficient to illustrate the extent to which, at least in their intentions, the deputies

⁵³ ACD, *SG*, ins. 444, ins. 21, f. 1. It was formally constituted on 1 January 1919: in ACD, *SG*, 559, ins. 11.

⁵⁴ Petition to the congress presented on 28 July 1919. ACD, *SG*, 454, ins. 2.

⁵⁵ DSC, no. 105, 14/4/1920, p. 5961.

believed that these bodies were useful in providing the speed and efficiency with which the legislature was expected to carry out the representational task with which it was entrusted. Unfortunately, the process of political modernization that was underway soon took on an authoritarian character, which as early as 1923 led to the dictatorship of Primo de Rivera, thereby also preventing any possibility of putting the efficacy of parliamentary committees to the test.⁵⁶

Notes on contributor

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⁵⁶ F. Villacorta Baños, 'Intervencionismo y corporativismo. Estado y sociedad durante la Dictadura de Primo de Rivera, 1923-1930', in F. Villacorta Baños and M.L. Rico Gómez (eds), *Regeneracionismo autoritario. Desafíos y bloqueos de una sociedad en transformación: España, 1923-1930* (Madrid, 2013), pp. 107-30.