

From Public Charity to Regulatory Interventionism in the Spanish “Social Question” (1822-1920)

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Abstract

The aim of this paper is to analyze the various measures related to the question of social assistance, taken from the perspective of political economy, in Spain during the nineteenth century and the beginning of the twentieth century. It studies the replacement of the old system of religious and private charity belonging to the ancient regime with the liberal State social assistance system based on public charity. Consequently, it studies the political and legal measures aimed at addressing the so-called “social question” and at replacing charity with social security. To this end, it recognizes the process of transition begun with the creation of the Commission of Social Reforms in 1883 and put into practice in 1900 with the approval of the first social security. Finally, it outlines the policies carried out in the first decades of the twentieth century, regarding protection, health care, social prevision and social security, and the process of creation of the first organizations charged with managing the labour laws and the social security: the Institute of Social Reforms and the National Institute of Prevision.

Key words: Spain; Charity; Liberal state; Social prevision; Labour laws

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INTRODUCTION

During the nineteenth century, the new poverty, generated by the industrialisation and the new organization of work, cast shadows over the economic development. In England, the problem was tried to be alleviated by the Poor Laws, a system of “legal charity” which linked aid for the poor with compulsory work in subhuman conditions in workhouses (Fideler, 2006; McIntosh, 2005; Innes, 1999). It was a national centralized system financed by public funds which enabled the transition from commercial to industrial capitalism, mobilizing an unskilled labour force towards the industry (Polanyi, 1989). In France there was no public debate on the issues of poverty and work until 1848. The perception of the “plague of pauperism” as a threat to the political and moral order and with the capability of disturbing it became the main economic and political obsession. It was not until the last decades of the Nineteenth and the beginning of the Twentieth Century that the obligatory insurance substituted voluntary insurance, and the foundations of the future social security were laid (Castel, 1997).

In the 18th century Spain, the charity system covered by religious establishments and the network of protection formed by guilds and corporations was dismantled in large part (Callahan, 1978; Pan-Montojo, 1999). The Church lost part of its traditional dominion of charity and the State took part actively in the creation of social assistance institutions. The problem of poverty was considered as a question of public order, and not a question of charity. Charity was aimed at converting the poor into a productive subject, useful to society (González, 2000). The social assistance policy of the Enlightenment, oscillating between fear and compassion, would combine repression and tutelary measures: confinement as a prophylaxis and work as a therapeutic tool (Soubeyroux, 1982; Melossi, 1987; Geremek, 1998). In pre-industrial Spain, charity and “confinement” were intertwined with the ultimate objective of strengthening the ethic of work,

which became a mechanism of socialisation and training for factory discipline. The liberal State dismantled the religious system of Charity and the guild mutualism as a form of prevision, and initiated the transition to Public Charity. The problems of social assistance began to be analysed within the dilemma between work and aid to a group without guarantees of subsistence.

The aim of this paper is to analyze the various measures related to the question of social assistance, taken from the perspective of Political Economy, in Spain during the nineteenth century and the beginning of the Twentieth Century. It studies the replacement of the old system of religious and private charity belonging to the Ancient Regime with the liberal State social assistance system based on public charity. Consequently, it studies the political and legal measures aimed at addressing the so-called "social question" and at replacing Charity with social security. To this end, it recognises the process of transition begun with the creation of the Commission of Social Reforms in 1883 and put into practice in 1900 with the approval of the first social security. Finally, it outlines the policies carried out in the first decades of the Twentieth Century, regarding protection, health care, social prevision and social security, and the process of creation of the first organisations charged with managing the labour laws and the social security: the Institute of Social Reforms and the National Institute of Prevision.

1. FROM THE GOOD SAMARITAN TO PUBLIC CHARITY

The situation of the growing precariousness of the working class in Spain throughout the nineteenth century generated responses from the civil society and from the public authorities. Associations and groups with philanthropic aims, Friendly Societies, savings banks, pawnbroking institutions, guilds, trade unions and reclamative organizations emerged from the civil society, and the Church was organised in charitable institutions and non-profit congregations. The political power did away with the system of religious and private charity of the Ancient Regime and replaced it with liberal social charity. In this transition from charity to Public Charity, poverty began to be seen as a hold-back on development and a social risk, a threat to "public health". Public Charity should act as a protective armour for society and also as an instrument of control, rehabilitation and conversion into a tool of the labour force (Gregorio Rodríguez y Julia Monserrat (dir. y coord, 1996, p.42).

The new social assistance meant that the State asserted its claim to the administration and care of the charity establishments which began to lose their autonomy and administrative independence. To that end, the assets of charity estates were confiscated and the old charity structure was converted (Comín, 2000). Pious works

were liquidated and the assets of charitable institutions were confiscated to raise funds for the Treasury, or to yield resources to town or county councils to make them responsible for social Charity. Liberals follow the enlightened shelter political path of reclusion and work and promote the hospices with the aim of controlling socially marginalized and dangerous individuals, especially in urban centres (Comín, 2000).

During the Cortes of Cadiz the important decree of the 13th of September 1813 on the classification and payment of the Public Debt (Decreto CCCXIII, 1823) was issued. In this decree the extinguishment of the debt and the use of confiscation were closely related (López, 1997). Subsequently, by the decree of the 27th September 1820 all types of links were suppressed and religious communities were forbidden to acquire real estate or properties in the provinces of the monarchy. One month later, by the Decree of the 1st October 1820 the suppression was extended to the monasteries of the Monastic Orders, the convents of the military orders, those of San Juan de Dios and in general all orders (Colección de los Decretos y..., 1821; Barrada, 2001) which ran infirmaries. After the fall of the liberal regime in 1823, these arrangements were annulled and the properties were returned to the religious centres, but a Royal Order of 1835 re-established the repealed legislation.

The Royal Decree of the 19th February 1836 provided for the sale of all assets that had belonged to religious corporations of the regular clergy and the Royal Order of the 5th March 1836 declared in state of redemption the leases and other charges belonging to monastic communities and other religious organisations of both sexes. The Royal Decree of the 30th August 1836 re-established, in "full force and effect" the decree of the 27th September 1820 (Decretos de S.M..., 1836-1837) on suppression on land ties. The Royal Decree of the 29th July 1837 liquidated all the monasteries, convents, schools, churches and other religious houses of both sexes and abolished the contribution of tithes and "primicias". Its articles stipulated that the religious establishments dedicated to teaching and the old hospital convents would be considered centres of public instruction dependent on the government and civil hospital establishments. Nevertheless, the possibility to lend their services in these institutions opened up for some houses of the sisters of charity of San Vicente de Paul and others formed by devout women dedicated to hospital work and teaching (Colección de las Leyes..., 1838).

The process of confiscation continued with the Royal Decree of the 2nd September 1841 and the Royal Instruction of the same day for the sale of the property of the secular clergy, which was declared national property and put up for sale, with the exception of those "especially dedicated to the objective of hospital work, Charity and public instruction" (Colección Legislativa..., 1856). Finally, the General Law of Confiscation of the 1st May

1855 declared the sale of the country and town estates, leases and contracts belonging to the State, the Clergy, and any other institution known by the name of "*manos muertas*", with the exception of the buildings belonging to Charity and teaching establishments (Colección de las Leyes..., 1846).

In parallel with the confiscation measures, the principal regulatory texts on Public Charity were announced (Diez, 1987). Its control on the part of the civil administration was initiated in Cádiz and social assistance was registered in the framework of the new map of territorial policy. The expression Public Charity acquired constitutional status on the Magna Carta of 1812, which claimed for the first time, the assumption and control of social assistance for the State and the public organizations. The obligation of the local governments and councils to care for "hospitals, hospices, homes for foundlings and other charity establishments" was expressly established as well as the inspection of those of private financing (Constitución de la Monarquía Española, 1812). With these measures, the Church was separated from its ancestral charitable monopoly and Public Charity entered into the municipal zone of influence. In all the debates in the Cortes, Public Charity was understood as a question of interior order and well-being, to the point that the vagrant was denied the status of citizen¹. The health policy was dominated by the idea of the large general hospital and so is considered in the Draft Regulation of Hospitals of the 25th August 1813, delivered by the Commission of Public Health to the Government (Herrera, 1999).

The proclamation of the first Public Charity Law of the 23rd January – 6th February 1822 reflected another attempt at public assistance regulation, based on reasons of political economy and social stability. The ruling contained a complete organization chart of Public Charity based on the autonomy of local corporations. A system of public healthcare was formed, composed of hospitals, which might be general or specialized, and covered by medical professionals; and domestic care was also considered, provided by small devout foundations and later by municipal committees. The charity activity of the Church was relegated to the care of marginal groups (the elderly, the disabled, orphans, the misfits, the wrongdoers). The Law opened the possibility to the sisters of charity to perform certain activities in maternity hospitals and the care of the sick of both sexes in hospitals. It also tended towards the formation of Public Charity Committees in place of those of charity in highly populated municipalities and reduced the charity funds from foundations and devout works of public finance to a single class, to meet the needs established in the regulations. Finally, the charity establishments were

classified into four groups: maternity hospitals, rescue homes, hospitals for the sick, the convalescing and the mad and domestic care².

Despite this regulation, the majority of the medical profession leaned towards domestic care, as it was shown with the prize set up by the Supreme Committee of Charity on the 7th January 1819. The best "*Memoria*" about the convenience of attending and curing "the sick honest artisans and poor labourers" in hospitals, or in their homes was awarded. The twelve papers presented agreed that domestic care had more advantages and offered better results, alleging reasons of a hygienic-sanitary character and of an ethical and human nature. In the Law of the 3rd March 1823, on Instruction for the economic political government of the provinces, it was considered obligation of the local governments to provide doctors and to look after Public Charity (Colección de los Decretos y Ordenes, 1823). This obligation will be maintained and consolidated in the organic Health law of 1855. The law demanded the obligation of municipalities to give medical and pharmaceutical assistance to the poor families of the area, creating medical positions to cover this and simultaneously take care of the matters of public mental hygiene.

After the involuntary interval of Fernando VII, the Royal Decree of the 8th September 1836 re-established the General Regulations for Charity of 1822 (Decretos de S.M. la Reina Doña Isabel II Madrid, 1837). In the legislation of the first half of the century, poverty is observed as a social risk, which had to be rectified through pious and punitive measures³. This mixture of paternalism and punishment can be seen in the vagrancy Law of the 9th May 1845, which presented a new classification of vagrancy and proposed confinement in workshops designated by the Government for the "simply layabouts", and imprisonment in correctional penitentiaries for the "layabouts with aggravating circumstances". It was the responsibility of the civil authorities to watch over and control, and the responsibility of the political leaders and general captains to enforce the regulations. Only the truly poor, with written permission from the Social Charity Committee, could benefit from the generosity of their fellow citizens. The failure of these arrangements and the political oscillations re-orientated the legislation towards the expeditious route of punishment and prohibition,

² Decree of the 27th December 1821, on the General Establishment of Public Charity, signed into law on the 6th February 1822 (General Regulations of Public Charity), Colección de los Decretos y Ordenes que han expedido las Cortes Generales y Extraordinarias desde el 24 de septiembre de 1810 hasta el 19 de febrero de 1823. (1823). (Madrid).

³ This aversion to risk was a very widely held opinion at the time and penetrated as far as personages who spread the faith of Saint Simon. Such is the tone implied by the article, with the title "Mendicity", of the 27th March 1837, which Covert-Spring writes in the newspaper of Barcelona, *El Vapor* (Alfonso Sánchez, *Escritos Saint-Simonianos*, Madrid, 1999, 191-194).

¹ Three circulars are issued (5/10/1812, 21/11/1812, 15/1/1813) in which the role of the civil authorities is collected to judge the subject of the homeless.

as it is seen in the penal codes of 1850 and 1870. The “dangerous” poverty had to be dealt with through the combination of confinement with the object of discipline and re-education, and work to rehabilitate. In spite of declaring that rehabilitation was the main goal, in fact, they were prison factories where they had to work hard in order to survive (Petit, 1997).

The General Charity Law of the 20th June 1849 shaped the liberal system of Public Charity (Colección Legislativa de España, 1850). It specified its public character, conducted through general, provincial and municipal establishments. However, it allowed as beneficent centres those which fulfilled the goal of their foundation, those which were self-financed through private donations or legacies, and those which were directed and administrated by Associations authorized by the government, or to patrons designated by the founder. It also warned that, in no case, the public or private establishments of charity might admit poor mendicants fit for work.

With the development of the law by the Regulations approved by Royal Decree on the 14th May 1852, the control of Public Charity was conferred to the Ministry of the Interior and its managing to the General Public Charity Committee. Throughout its articles it clarified that for provincial establishments of public charity was understood the Hospitals for the sick, the Houses of Mercy, of Maternity and Foundlings, and of Orphans and Abandoned, and for municipal establishments, the Houses of Shelter and temporary hospital and domestic care. All the establishments were obliged to give shelter to the poor or needy. Particularly, the Houses of Mercy were urged to admit all the poor from their home province that were incapable of working to earn their subsistence (Colección Legislativa de España, 1852). By the Royal Decree of the 6th July 1853 on the Classification of Establishments, the regulations were completed (Colección Legislativa de España, 1853).

Both the Law and its regulations attempted to suppress municipal powers and to strengthen the provincial ones, and created a hierarchical system of clear centralist tendency. The scale, which had its apex in the General Public Charity Committee, had a state scope and descended through the provincial committees down to the municipal ones. However, in view of the realization that the State could not cover all the social needs within its jurisdiction, they were forced to accept the marginal contribution of the Private initiative and its old beneficent foundations (Maza, 1999).

The words of Concepción Arenal give an idea of the success of this new public system: “the sad truth, the great majority of the sick poor suffer and die without receiving effective help from Public Charity, in most cases without receiving any help whatsoever”. In his view, the scarcity of resources and the inexperience in the field of aid on the part of the legislators had caused the existing chaos. The opinion is not exaggerated, knowing the extent of

poverty in the nineteenth century, and that, according to the data shown in the Annual Statistics of 1861, the poor population cared for in hospitals constituted 4.5% of the total and the inhabitants of beneficent centres 1.3%.

The distrust towards the Public Charity system is widely shared by the organizations of religious ideology, and the defence carried out by the “Society of Friends of the Poor” in the face of accusations of having neglected the sick, having administered unsuitable medicines for their illnesses and having misappropriated funds, recalled a past period. It blamed the sad state of official Charity in its allegations, driven by bureaucrats and fed by the assumption of being a machine without moral responsibility. It also defended the charitable spirit which was spread to the good souls who repeated “the miracle of the loaves and fishes” through their daily action. With a moralizing tone, a group of doctors, philanthropists, mental hygienists, economists and other social reformers, a legion of “visitors of the poor”, tried to neutralize the burden of social risk, which poverty entailed, through actions which minimized the differences between capital and work (Álvarez-Uría, 1988).

The Statement of purpose of the Decree-Law of the 20th November 1868 established the main outlines of the role that each sector would play in the social assistance framework. It was assumed that the State and the Church had to fulfil important ends; but the difficulties to cover the new needs generated by the progress were accepted. Therefore, the free associations were urged to develop public education, public charity, and even, individual charity (Gazettes of the 2nd and 21st November, 1987). Liberalism, like a good alchemist, was transforming social charity into a collective virtue, embodied in Public Charity, the essence of the individual charitable impulses. As Thiers warned, in his Report of 1851 on care and prevision, the important thing about the virtue of Public Charity was that of transforming it from the particular to the collective, from private virtue to public virtue, it would not lose its character of virtue. That is to say, it would continue to be voluntary, spontaneous and free, because the contrary would stop being virtue and would change into coercion (Castel, 1997).

The deficiencies and limitations of the Public Charity and prevision system left a broad margin for the private initiative, being it from the employer, the church or the worker (Pérez, 1988). And this social reaction could develop out of charity, or through solidarity organizations and institutions of private credit.

The moderate liberalism of the Restoration will shape a new, more stable and durable framework for Spanish Public Charity, which was extending the scope of the private initiative. The Royal Decrees of the 27th April 1875, which organized the public and private charity services and of the 27th January 1885, did not alter their basic principles. From the end of the century and the beginning of the next, mutual collaboration between public and

private charity was admitted, and private charity was even praised and could recover its philanthropic work through the Protectorate. By the Royal Decree of the 14th March 1899, on reorganisation of the private charity services and instruction to the performance of the State protectorate, the exercise of the State protectorate on Public Charity was regulated (Carasa, 1991). The ruling entrusted the General and Private Charity services to the inspection and protectorate of the Government, run by the Ministry of the Interior, and the General Public Charity had to be in accordance with the Royal Decree and Instruction of the 27th January 1885. It also reduced its institutions to "the permanent establishments or associations designed for the free satisfaction of intellectual and physical needs" (Schools, Hospitals, Maternity Hospitals, Hospices, Asylums, Mental Hospitals, Grain stores, pawnbroking institutions, savings banks and similar) and those of impermanent character, but with the same intentions (Patronages, Memorials, Legacies and Pious Causes). The protectorate emerged to control and to monitor the private organizations of public interest. Article 3 stressed that the protectorate should have no other mission than to "watch over public morality".

At the end of the nineteenth century social assistance remained at the expense of the deficient Public Charity and of the beneficent charitable institutions of a private character. The activism of the Church gained new determination from the hand of social Catholicism, which saw in charity the natural way to exercise compassion, and the corrective tool for the distribution of wealth (Montero, 2001). This public face of the Church was embodied in the creation of a wide network of institutions linked to education and assistance in private centres and a provision of services in public establishments. Out of the 606 public establishments in Spain in 1909, 422 were served by religious people, mostly women. Their family policy inclined them towards domestic care, to the detriment of hospitals, hospices and houses of charity (Álvarez-Uría, 1988).

In 1905, the authorities recognized the existence of 813,815 poor families (3.25 million people), 17.49% of the total population to receive municipal assistance (Ministerio de la Gobernación, 1909). Thanks to the precise information of Adolfo Buylla it is known that "at midday on the 31st December 1909, the number of individuals who publically requested alms in all the towns and villages of Spain with more than 10,000 inhabitants easily surpassed 15,000" (Enrique Bernaldo de Quirós, 1913). Poverty constituted a blot on society that was difficult to hide, but only the catholic sectors accepted it as an opportunity to exercise charity. The high cost of provisioning and shelter led to campaigns aimed at stimulating the charitable impulse of the citizenship, through the means of communication, charity fund raising activities and works (Maza, 1999). In the twentieth century, as though the clock of time had stopped, the

charitable citizens with resources recreated the concepts of assistance from long ago.

The Public Charity system was in such a lamentable state, that there was no room for reforms, but for transformations (Cuesta, 1988). There were not enough establishments and most of those were helped by private charity. The persistence of private charitable foundations in the Twentieth Century (more than 11,000) confirmed their auxiliary role in social assistance. According to the *Annual Statistics of Spain 1922-1923* and the *Annual Statistics of Spain 1928 (year XIV)*, the number of foundations was 11,383 with a capital of 573,746,037 pesetas and 11,614 and 607,875,041 pesetas, respectively (Maza, 1999).

However the times called for different attitudes. As S. Aznar wrote:

Less alms and more organizations and institutions of prevision and savings, cooperation, mutual aid societies, trade union achievements, assistance for work, colonisation, work posts, anti-alcohol campaigns, and tutelary legislation, this is more effective. None of this is possible without charity but people are under the illusion that everything is owed to their personal effort. (Martínez)

From the medico-social point of view, public charity was considered inefficient, since it did not attack the causes of social poverty and homelessness. The General Instruction of Public Health (12th January 1904) and the municipal Statute and Ruling on municipal Health (9th February 1925) maintained the obligation of the municipalities to give medical and pharmaceutical assistance to the poor families of the area, instituted in the Organic Law of Health of 1855 and regulated by the Royal Decree of the 14th June 1891 (Maza, 1999). The latter recognized that the town councils had to provide free medical aid to the poor families living in each municipality, and they were obliged to have doctors for all populations which did not exceed 4,000 inhabitants. However, all the intentions of the legislators clashed with the reality. The vicious circle of poverty and illness could only be broken with medical insurance. State organizations which were capable of putting into effect a comprehensive system of prevision) and assistance had to be created (Carasa, 1991).

During the Second Republic assistance was exercised through three lines of action: at a national level, through the direct intervention of the State with Public Charity; in the provinces with the collaboration of provincial administrations; and on a municipal scale, through local government grants to institutions and individuals. In its single article, the Decree of the 27th March 1934 stated like private charity establishments inside the protectorate, which were the duty of the Ministry of Labour, Health and Prevision, the mutual societies and associations which did not pursue a profit and the benefits fell in favour of the people in need (Alicia Real y José L. Piñar, 1987).

2. FROM PUBLIC CHARITY TO REGULATORY INTERVENTIONISM IN THE “SOCIAL QUESTION”

In the mid-Nineteenth Century poverty was one of the great problems of socio-economic life, and it reaches dramatic proportions in Spain. Its effects were of particular concern to the “philanthropists, the most immovable sectors of the ancient regime, who defended the archaic charitable practices; and even ultra-liberals who embraced the Malthusian thesis on poverty.

L. Coloma expresses in terms which admitted no response:

To maintain the equilibrium necessary to all society God created the rich and the poor. For some they are given riches and their dangers; to the others poverty and its temptations, but to some, charity is given as a safeguard and to the others, resignation as a shield (Coloma, 1973).

For his part, Oliván holds that the right to work could not be undertaken, provoking “the fight between manual labour and capital”. In a catastrophic tone he warned of the dangers which freedom of contract could bring about, the discussions on wages, and the efforts towards associating with the effects of production.

Garnier, one of the most influential economists, both in teaching and in political discussions in Spain in this period, agreed with Malthus in that the support of the poor was made to the detriment of the productive workers, and he criticized those who practiced charity, public or private, as a desirable formula of distribution of social wealth. In his opinion, they were forgetting that such action diminished the common fund of wages, generating a universal poverty, and that the human race was “une société d’Echange et non de Bienfaisance”. To face poverty through the means of charity also had other negative effects, as it debilitated moral concern, responsibility and dignity, and provoked thoughtlessness. In determinist code, he highlighted that doing away with poverty was a utopia, but it could be relieved instilling in the individual the love of work, the knowledge of consumerism and prevision in all its forms. Finally, and in line with the more orthodox liberalism, he restricted the Government agenda to two single functions: to maintain a prudent budgetary policy and to guarantee safety, order and justice (Garnier, 1868; López, 2003).

The political power generated a harmonious discourse of the relationship between capital and work, which denied the existence of conflicts, and a judicial order was proclaimed following strict orthodox liberal criteria. The extensive legislation did not give any alternative to the poverty created by the low wages in a period of industrial take-off (Gregorio Rodríguez y Julia Monserrat, 1996). Later, in the face of the magnitude of the conflict, and as a “defensive solution” of the State to integrate it without endangering the viability of the system, the labour legislation was begun (Palomeque, 1997).

With regulatory interventionism, it was attempted to eradicate the randomness of the assistance and prevision system sustained by charity and public charity, and to address social issues. Regulatory intervention in the industrial conflict began in the 1850s, with timid attempts like the draft decree of January 1855. In this decree, the creation of a commission was set out, one which would study and propose measures to resolve the disputes between factory owners and workers, starting from a harmonic concept of labour relations and with the idea of guaranteeing public order (Palacio, 1988; García & Serrano, 2000; Forcadell). But the attempts to create a commission to analyse the situation of the working classes and to propose the remedies to improve them were unsuccessful until the 1880s. In any case, they reflected the unrest that such subjects arouse and the necessity to tackle a programme of social reforms (Alarcón, 1975). On the 12th July 1869, Fernando Garrido took an initiative in this regard, in signing with other MPs a Proposition of parliamentary information on the state of the working class. Such an initiative would be supported by others of the same kind on the 17th July 1871, the 21st May 1872, the 1st October 1872, and one proposition of Law from señor Becerra on the improvement of the moral conditions of the working class on the 20th October 1872, in which he referred to the principles already established in the English, French and Belgian legislation among others (Junco, Serrano & José L. Malo, 2001).

The troubled relationship between capital and work went beyond the framework of labour relations and extended to everything that concerned the situation and conditions of the worker’s life. However, diverse concepts of the world and of society became apparent around the conflict between “capital and work”, which led to different personal and collective reactions. These differences resulted in extensive debates on the role of the State in the economy, which went from the philosophic justification of state activism to the consequences of its intervention. Whilst the “social question” became accepted, state interventionism in social problems began to be undisputed although with different nuances. The “social question” was a problem of State, and consequently opinions were matched with no conflicting ideas between the parties which alternated in power (Palacio, 1988; García y Serrano, 2000).

The situation of the working classes and its possible improvement demanded a programme of social reforms (Soto, 1989). With the change of attitude towards the role of the State, a process of legal interventionism in social issues, which led to a set of rulings and institutions aimed at forming the edifice of labour legislation, was begun. The interventionism began with the Commission of Social Reforms, was consolidated with the Institute of Social Reforms, and institutionalized with the Ministry of Labour. The process of social reform, the slow transition

from the liberal State to the Social Welfare State was beginning and culminating (Palacio, 2000). With prevision and social security they sought to tackle the social problem at its roots and to re-orientate social assistance towards maintaining the income of the workers against the risks associated with work, illness and old age.

The various reformist trends provoked ideas and clarified their positions in the National Congress of Sociology which took place in Valencia in 1883, and which reflected the theories and attitudes on the role of the State in social issues, which would inspire the future action of the Commission of Social Reforms. Economic individualism was the dominant trend among the majority of the political forces of this decade, and was going to be manifested in social issues. Its supporters linked the labour problem to a matter of public order, resolvable through a repressive policy. The most advanced reformism advocated a more direct and immediate state interventionism, but with a gradualist concept of the process (Palacio; De la Calle, 1984; Castillo, 1984).

By the Royal Decree of the 5th December 1883 a Commission was created with the objective of studying the whole problem relating to the improvement or well-being of the working classes, both agricultural and industrial, and it affected the relationships between capital and work⁴. The German system of labour legislation and social security was on the horizon, in reality a framework dominated by an unchanging climate, which was suspicious of any state intervention and which rested on the Catholics' charitable vision and the liberals' idea of economic functionality⁵. With the creation of the Commission, the severity and intensity of poverty in the working class was recognized, and the need to find a solution. As Moret highlighted, in the introduction of the Decree, it was impossible to sustain the situation "without prejudice to public peace". The first task of the Commission was to create a base of information on the

state of the "social question" in Spain. To that end, the provincial and local commissions of social reform were established and the questionnaire on the situation of the working class was prepared by the Royal Order of the 28th May 1884⁶.

The information began to be developed in 1886 and three years later it started to bear fruit, from 1889 an annual volume with principal reports was published during five years (5 volumes). The associations with socialist tendencies decided to use this form of expression to propagate their ideas and undertook the issue of reports centred on the defence of the right to free syndication, but those of an anarchist tendency refused to participate in open information. The socialists reflected their doubts concerning timid reformism based on social development because it did not attack the roots of the problem, and required a more belligerent intervention of the State (Jiménez, 2001; Fontana, 2001).

The election of Cánovas as president of the Commission was a triumph of the more immobile thinking on social issues, close to the hierarchical and absolutist thinking of the ancient regime. In his opinion, private property was a sacred principle and poverty was justified by two reasons, the "minority of age" of the inferior classes and by their spiritual function, as it allowed the practice of charity and the sanctification of the rich (Álvarez, 1988). In his opinion, the social laws were necessary as a defence of property in the face of the advance of the "vast conspiracy" that was revolutionary socialism. With the objective of maintaining the existing order, he advocated for a dual line of action, repression of socialist excesses and policies to improve the standard of living for the working class (Elorza, 2001; Serrano, 2000).

Among the rest of the committee members there was no representative of labour organizations, and the majority were enemies of state intervention in social issues. There were also reformists like Azcárate or Moret, of Krausist orientation and supporters of the prevention of social conflict through reformist policies and with the instrument of morality. Azcárate bet on a state interventionism centred on guaranteeing the right to association, strengthening the market and promoting cooperation and ensuring harmonious relations between capital and work. Professor Urbano González Serrano, linked to progressive republicanism, proposed attacking the root of the conflict, studying the origin of poverty and not responding to the workers "with the brutal force of the cannon and the bayonet". For his part, Andrés Mellado, editor of the Madrid daily newspaper, "El Imparcial", questioned the coercive nature of the German prevision policy and defended the basic principles of market freedom and the creation of the cooperative associations of prevision, to achieve social harmony. These ones, he wrote, integrated

⁴ The Royal Decree, the Royal Orders, the Instruction, published in the Printing House of J. M^o Ducazal, Madrid, 1884 (Gazette, 10th December); the constitutional decree of the Commission in Antonio Elorza, y María C. Iglesias, *Burgueses y proletarios* (Barcelona, 1973), 435-442.

⁵ Bismarck's social policy had shown that the liberal notion of the State as a guarantor of the established order should be overcome. From 1880, with the intention of avoiding the advances of socialism, Bismarck initiated legislation on the capital and work relationships, which was broadened to other areas: health insurance in 1883, accident insurance in 1884, old age-invalidity insurance in 1889. The laws on accidents at work were passed in England in 1880 and 1897; in 1887 in Austria; and in 1889 in France. The conservative parties were increasingly driven to make political and economic concessions in the face of the demands of the workers to put a stop to the advance of leftish organizations (Andrés-Gallego, J. *Pensamiento y acción social* (pp.406-408); Gough, I. (1982). *Economía política del Estado del Bienestar* (pp.133-135). Madrid; Comín, 1992: Francisco Comín, La formación histórica del Estado providencia en España. *Información Comercial Española*, DCCXII, 13.

⁶ Gazette, 3rd to 5th of June and Gazette, 12th August, in VV.AA., 396-405 and 407-410.

labourers in the system because they generated the habit of prevision in them (Castillo, 1989).

With the beginning of the Twentieth Century a new tendency began to be in vogue, solidarity⁷, which will be well received in Spain. Piernas Hurtado's inaugural address at the Royal Academy of Moral and Political Sciences "Considerations on the principle of solidarity and its consequences in the economic order" (Velarde, 2000) is a good example of this tendency. The reflection of Jaime Vera in his Report to the Commission defined the era of solidarity as a time, in which men would not compete, either for sustenance or the means of production⁸. In the legislation, an idea began to be formed which soon became accepted, that social assistance was a question of right, not of charity. Public Charity had its origins in charity, and social services in solidarity. Thus, it was moving towards specific forms of protection, peculiar to the interventionist State, and with instruments created for this end, such as social prevision and social security. The unspecific forms such as Public Charity also sought the moralization and rehabilitation of the poor (Diez, 1987; Petit, 1997).

The idea that collective solidarity was superior to individual responsibility, in terms of labour risks, was reflected in the new social policy, distinguished by the insurance principle. The introduction of the insurance in the framework of the social issue was to allow the principle of solidarity to be reconciled with that of individual responsibility (Polanyi, 1989; González, 2000; Petit, 1997). Social insurance was a contract which involved the State and the citizens. It was, to use the fortunate expression of Baldwin, an attempt to "neutralise destiny" and to socialise the risk, in such a way that no insured person had to confront its negative effects individually (Baldwin, 1992). The step from assistance to insurance implied the substitution of the randomness of alms for the certainty of a right. With this step from assistance to insurance, the State was introduced "among the poets of the people moralisation and supporters of the class fight" (Castel, 1997).

⁷This trend had emerged in France the previous decade. In 1893, Durkheim, who was worried about social fragmentation, defined the term solidarity as a cohesive social link and the foundation of the social pact. Theorised in the economic field by Ch. Gide in his work *Economie Sociale and legally formulated by Bourgeois, solidarity synthesised the notions of personal interest and social duty and became the main concept of the State philosophy*.

⁸In 1893, the same year that Durkheim defined the term solidarity, H. Spencer distinguished between altruism firstly -justice-, and secondly -welfare-. The first is necessary for social equilibrium and it is a public obligation, the second is not necessary for such equilibrium and it is a private obligation. With Malthusian echoes, he wrote that if, through philanthropy, part of their means of sustenance was removed coercively from the best to maintain that of the worst, the former would experience a deterioration (Henry Spencer, *La beneficencia* (Madrid, 1893), 16-18).

Social Insurance was institutionalized as a basic element of the collective security under the principle of social solidarity, and the State increasingly took part in the provision of public properties of a social character. The State became responsible for the fight against inequality, through the redistribution of financial resources under the principles of solidarity and universality. The unceasing increase in public expenditure for social ends was parallel to the loss of importance of welfare experienced by religious organizations and family solidarity⁹.

As E. Bernaldo de Quirós, a key witness, expressively wrote, the Twentieth Century brought an "explosion of social legislation" (Bernaldo de Quirós, 1973, p.80). The first modern social laws were enacted, that of workplace accidents and that which regulated the work of women and children¹⁰. Throughout the decade the working day and industrial action were regulated, and the large organizations which would manage the reform were created, the Institute of Social Reforms, which succeeded the Commission in 1903, and the National Institute of Prevision in 1908¹¹. The creation of the Institute of Social Reforms culminated the reformist trajectory started by the Commission and consolidated the "scientific interventionism" of the State in labour relations (Palomeque, 1997; Serrano, 2000).

The National Institute of Prevision was created with the dual objective of spreading and instilling popular prevision and of administrating the system of mutual associations which were constituted voluntarily under this board¹². The Institute was formed on the basic principle of "subsidized liberty", which meant that it could delegate administrative responsibilities to private organizations. The first obligatory insurance, the Workers Retirement insurance, would not be approved until 1919¹³ and in May 1920 the Ministry of Labour was created in which the Institute for Social Reforms and the Solidarity and the

⁹Ascoli, U. (1987). Estado de bienestar y acción voluntaria. *REIS*, XXXVIII, 119; Röpke criticized the social policy because it had financial limits, it clashed with the incentives of the system, and it supplanted other genuine associations of mutual care such as the family (Röpke, 1956). *La crisis social de nuestro tiempo* (pp.209-211), Madrid).

¹⁰Law of the 30th January 1900, on accidents at work (Gazette, 31st January), and the Royal Decree of the 28th July 1900, regulations for the enforcement of the law on accidents at work (Gazette, 30th and 31st July); Law of the 12th August 1904 on child protection (Gazette, 17th August).

¹¹Law of 27th February 1908: Organization by the State of a National Institute of Prevision (Gazette, 29th February, corrected 1st March, 297-300).

¹²In the National Institute of Security, the significant presence of social Catholics, such as Severino Aznar and Alvaro López Nuñez was observed. They defended a subsidiary interventionism, and gave priority to the family and corporations as active subjects of social reform, which was to take precedence over moral and religious reform (Feliciano Montero, "La crítica católica", 491).

¹³Royal Decree of the 20th November 1919: Insurance Scheme of the National Institute of Prevision (Gazette, November 23).

section for Social Reforms in the Ministry of the Interior¹⁴ were integrated. During Primo de Rivera dictatorship the continuity of the National Institute of Prevision was endangered, but with the republican Constitution the decisive institutional step was taken towards public prevision. The State confirmed its role as a social provider and extended the obligatory coverage of risks beyond the considered in the insurance programmes of the time (retirement, maternity and work related accidents). The State became the main driving force of a process, similar to that of other countries, which included labour and social legislation. However, social insurance was provided by private mutual associations, generally subsidized by the State (Comín, 1996).

CONCLUSIONS

The aim of this paper was to analyze the various measures related to the question of social assistance taken from the perspective of Political Economy in Spain during the nineteenth century and the beginning of the Twentieth Century. In mid-Nineteenth Century Spain, the State dismantled the old system of religious and private charity and replaced it with liberal Charity. The new assistance policy required the State to claim the administration and care of the existing beneficent establishments. To this end, the inheritance of the structured charity was liberated by means of confiscation measures and the old aid apparatus was converted. In practice, social assistance was articulated around three axes: Public Charity and domestic care; prevision, through mutual help and savings banks; and repression.

At the end of the century, the State crossed the threshold of interventionism centred on the repression of the labour movement and on the support of voluntary initiatives of hegemonic sectors of the civil society. The perception of the social issue as a disturbance of the social and political order generated a political-legal reaction aimed at reconciling two antagonistic logics, that of market economy and that of solidarity. The practical application of the theory of solidarity led to social rights, the promulgation of a set of laws relating to working conditions, to protect the worker in case of work-related accidents, illness or unemployment, to children, wives and family and to health care and education.

The labour legislation emerged to respond, from the political power, to the problems generated by the fundamental change in the world of work. With this, they try to exceed the solutions established by the social Darwinism of *laissez-faire*. At the end of the nineteenth century the transition from the liberal Public Charity to social prevision, characteristic of the Welfare State, begins. Public Charity had its origin in charity, and social services in solidarity. They were moving towards

specific forms of protection characteristic to those of the interventionist State, and very different from the unspecific forms such as public charity with a short scope of action and a heavy moral burden.

The whole society assumed assistance, cooperatively and voluntarily, and the social State guaranteed it. In the early decades of the Twentieth Century, the liberal State became more interventionist in the social and economic reality, adopting new forms of protection, assistance, prevision and social insurance and going beyond the narrow framework of the religious and voluntary attitude, altruism or voluntary actions. The State, under the contributory insurance principle, laid the foundations for the modern social services.

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¹⁴Royal decree of the 8th May 1920 (Gazette, 9th May).

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