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THE DILEMMA OF THE SPANISH RIGHT: THE CASE OF ABORTION

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ALTHOUGH AT TIMES THIS ESSAY MAY SEEM TO DISSOLVE INTO THE SWAMP OF CONTEMPORARY Spanish politics, themselves distant from the preoccupations engaging most Americans, I ask the reader to accept what follows as an exercise in political philosophy. Our common master, Aristotle, teaches us that political philosophy both emerges from an examination of political reality and subsequently acts as a model by which that same reality can be evaluated. The reality in question in these pages, the subject under discussion, is contemporary Spain. The three principal figures who occupy this stage are Manuel Fraga Iribarne, unquestionably the first figure in the Spanish Center-Right; don Juan Carlos I, King of Spain; and Dr. Jose Guerra Campos, Bishop of Cuenca. The import of this study is to give a series of predicates to the Spain of today which seems to act, as Spain always has throughout its long history, as a mirror in which the West can read its own soul. In turn, these considerations - I trust - will enable students of political philosophy to add to the body of predicates they affirm of their subject matter: man's life in political society.

Few figures in the West today, if any, can emblazon on their escutcheon the merits accumulated by Manuel Fraga Iribarne. Throughout a full life dedicated to both political theory and to the service of his country, the author of more than fifty books, including an early translation from the Latin of one of the classics of the Spanish Golden Age - Luis de Molina - his erudition in all things political simply dazzles anybody who reads his curriculum vitae.¹ There seems to be nothing that he has not studied in the literature of politics, spanning classical antiquity to the modern era. Equally at home in Hobbes and Locke, Rousseau and Montesquieu, Fraga is a master scholar, a man whose achievements turn pale the modest contributions made by the rest of us who pretend to some competence in the field.

Were Fraga nothing other than a scholar, he could have rested long ago on his merits. But added to this more than impressive academic professionalism is a life lived at the center of Spanish political existence. A cabinet minister in the government of General Francisco Franco, Fraga put Spanish tourism on the world map. Almost alone he turned Spain into a paradise for foreigners in the latter years of the Franco regime. Blocked off from the world due to the isolation forced on that country by the Allies after World War II and then only slowly recovering from the devastation of a civil conflict that blackened the land with ruins and that sent to their graves a million men and women - Spain then became known as the country to which millions flocked to spend their vacations amidst castles, incomparable beaches under the famous Spanish sun, the bull-ring and the magic of the *corrida*, exotic food, low prices, and a hospitality matched nowhere in the world. Don Manuel Fraga Iribarne orchestrated the shift from Spain under siege to Spain swarming with tourists. Spain became the playground of Europe to which millions of Englishmen, Scandinavians, and others flocked as they fled their cold and somewhat boring democracies in the north to fall upon

the delights of this hitherto unknown and strange land. The causes of this transformation are many. One of them is one man: Manuel Fraga Iribarne.

His legendary incorruptibility cost him his cabinet post when he refused to countenance a financial scandal recalling the Teapot Dome of American fame. Later we find Fraga as ambassador to the Court of St. James where he distinguished himself in this somewhat more modest role. Upon the death of General Franco and the advent of democracy, Fraga became the undisputed leader of the Center-Right. Founder of the *Alianza Popular* (The Popular Alliance), transformed later into the *Partido Popular* (The Popular Party), don Manuel aspired to the presidency of the government. To shorten a long and even tortuous story, Fraga never grasped the brass ring. Some - such as the journalist and academician Ricardo de la Cierva - say that an inbuilt tragedy haunts the man. Always the bridesmaid and never the bride, Fraga at this writing has settled for second best as president of the autonomous government of his native Galicia in the northwest of Spain, somewhat equivalent to the governor of one of our States.

Short of stature, wide of girth, powerful physically, brusque of manner, an indefatigable worker who said that Spaniards in administrative and professional roles ought to be in their offices by 7:30 in the morning (a mortal sin in a land known for its civilized indolence), Fraga is a paradox. Almost everyone, including his enemies on the Left, grant reluctantly that he is the most competent man to govern Spain. But Fraga has never won nationally. Possibly his association with the old regime is held against him.

The suspicion that don Manuel had a quasi-falangist and hence quasi-fascist past cannot really explain his failure to achieve the presidency. Scores of Spanish politicians today got their start under the old regime and this has not harmed their futures. The case of don Adolfo Suarez is revealing. Suarez began his active life as a member of Catholic Action. He later became the secretary to the head of the so-called National Movement, the name given the Falangist controlled one party system



Manuel Fraga

that administered but never governed Spain during the early and mid years of the Franco era. Suarez went on to become the president of the government that made the transition from autocracy to democracy after the death of the *Caudillo*. A man with neither education nor languages, don Adolfo - handsome, a kind of Spanish Cary Grant - for a time was director of television. In his youth he wore the blue shirt of the semi-fascist Falange and there are photographs of him giving the Roman salute, *à la Mussolini*. Today he is head of the somewhat moribund Center Party but is con-

sidered a model of all things democratic and therefore desirable. The king made him a duke and politics made him rich. Suarez has a modest palace in Avila and I have often passed that elegant house and paused to admire the fruits of a life lived in government. Possibly Fraga, on the other hand, simply lacks what the late Adolf Hitler considered the first of all prerequisites for political success: luck. Be that as it may, among Manuel Fraga's many books there is one that illustrates for me the failure of the Spanish Right, a failure - I hope to show - written into the very ideological script of a doctrine that reaches back to the first decade of the last century, possibly even earlier.² Confessing himself to be a liberal-conservative in a long line of thinkers reaching back to Jovellanos, Jaime Balmes, Canovas de Castilla, and their political doctrine which crafted a compromise between the older Spain prior to the French Revolution and a newer Spain which incorporated that Revolution but tried to dilute its radicalism by injecting a large dose of the traditions of the old order. Spain was to preserve its ancient monarchy but was to strip that institution of power which now was to repose in a parliament, supposedly a mirror held up before the nation in which the people could contemplate its own face. Rousseau had crossed the Pyrennees: the will of the people was now sovereign even though, hopefully prayed the Spanish Right, that people would remain Catholic with a king who admittedly was the heir to the famous Catholic Kings of the Golden Age when Spain evangelized the Americas and braked the advance of Protestantism in Europe.

Spanish liberal-conservatism was crafted by politicians in Madrid and could not stomach the possibility

of a victory by the Carlists in the north and east: those mountaineers and peasants, bearded guerrilla warriors, who swarmed out of their “caverns” as their enemies called them, proclaiming the venerable doctrine of The Sovereignty of Christ and the old monarchical legitimacy broken with the advent of Isabel II. This dreaded possibility had to be avoided because a Carlist victory would have returned to the Church and the municipalities the lands robbed from them by the famous “desamortization” of the liberal Mendizabel.³ The middle and later nineteenth century Establishment, reposing, as it did, upon an immense theft of lands and goods, reminiscent of what happened in England centuries earlier, could not have permitted a Carlist restoration. Neither did the liberal-conservative power structure want the triumph of socialist and communist mobs murdering priests and nuns, burning churches and convents, and threatening the public order upon which every civilized society then reposed. From this refusal to go either backwards or forwards was born Spanish liberal-conservatism. The immediate political result was the Restoration of 1875, of King Alfonso XII, the representative of the liberal line of the House of Bourbon, in contrast to the legitimist or Carlist line which remained from that time hence in exile.

This historical background may help the reader to understand Fraga’s *La monarquía y el país*. Written when Spain was groping towards its uncertain future and when all institutions, old and new, were being discussed and reformulated, Fraga added his own contribution to the conversation that gripped Spain upon the death of Franco. The author casts the role of the monarchy in Spanish society within a broad historical and philosophical panorama. Rejecting, as was to be expected, Sir John Filmer’s “divine right” patriarchal theory,⁴ rejecting severely French Bourbonic absolutism,⁵ exploring critically but with a certain restrained sympathy the Prussian and Austro-Hungarian royalist models of the nineteenth century which left foreign affairs and the armed forces in the hands of the monarch while turning over legislation to freely elected parliaments subject to a royal veto,⁶ Fraga threads his way through a labyrinth of European constitutional history. He eventually seizes upon the English monarchy as his paradigm for post-Franco Spain:⁷ a king who reigns but does not govern; who stands above the daily clash of party politics; who advises and influences cabinets and prime ministers discreetly and prudentially but who stands aside from political power as the crowned symbol of the nation. This British model appealed to don Manuel and seemed to him to be the quintessential pa-

tern for the then newly reborn Spanish monarchy. Fraga wanted, as did many others, and he was eventually to get, the kind of liberal constitutional monarchy that did away with royal power. There remains the modest role of a king who “moderated” political disputes and this was written into the new Spanish constitution.⁸

There was a certain irony in this “constitutional” frenzy that swept Spain in the last years of the seventh decade of this century. Whereas the English never wrote a constitution and we Americans wrote one that has lasted two centuries, the Spaniards have a passion for writing and then discarding constitutions by the bushel. The whole nation is sworn forever to uphold some written document that is then discarded in a few years.⁹ This bewildering and sad accumulation of paper coincided, of course, with the deep decadence into which Spain fell in the last century and well into this one. Most of these documents - none of them served the nation for long - proclaimed the “sovereignty of the people.”¹⁰ Don Manuel Fraga, in the book under discussion here, cites the doctrine and makes it his own. In so doing Fraga situated himself in the broad tradition of European liberal-conservatism. Ultimate authority and power repose in the people who represent themselves in parliaments which are composed of men who belong to political parties orchestrating diverse opinions existent in the land. Fraga expresses his conviction that a constitutional democracy, crowned or not, can operate only through a system of conflicting parties that he hopes, piously, would be reduced to two, thus paralleling the English and American experiences.¹¹ Fraga warns against the incipient anarchy menacing any nation split into dozens of hostile factions.



But when we cut the cackle and come to the horses the heart of the doctrine rests upon the liberal-conservative acceptance of the revolutionary sovereignty of the people introduced into the West in 1789 in France. The People, capitalized, is Sovereign.

This shot-gun marriage between the older Catholic tradition and the Revolution, crafted into existence in the last century by don Antonio Canovas de Castilla, was to bleed Spanish liberal-conservatism of its substance

through more than a century and a half of anarchy, revolt, civil wars, and the scandal of poverty mocking capitalist opulence. This sad tale belongs more to Spanish history than to political theory but its roots were indeed philosophical. They reach back to the dawn of modernity and the identification of political power with the sovereignty of the prince preached in France by Jean Bodin, the first apologete of royal absolutism.¹² I need not repeat here the well-known history of how the power of the medieval monarchy was limited, not only by a thicket of free institutions - guilds, universities, townships, regional rights and privileges the origins of which are often lost in the mist of those centuries in which Europe came to know itself as Christendom - but ultimately by the Church as the Repository of Christ's Revelation and as the authoritative interpreter of God's Law to man a law which included but which was not exhausted by that natural law, the recognition of which was a glory of pagan antiquity which had not yet known the Gospel. This well constructed cathedral of social and political existence began to crumble when European man decided to secularize the world sometime in the late fourteenth century.

I am convinced that the shift from classical and medieval politics to modern politics can best be articulated in terms of the political philosophy of another Spaniard, a contemporary of Fraga, don Alvaro d'Ors, himself a veteran of the Spanish Civil War in which he served as a Carlist requete.¹³ Through more than forty years of philosophical speculation from his chair in Navarre as Professor of Roman Law, d'Ors has hammered out a theory of power and authority which does what political philosophy is supposed to do: render intelligible in a universal way some aspects of man's life in society. Political philosophy - I speak here in my own name - gives an elaborate series of predicates to the subject which is man as a social and political being. The reader will recall my insistence, stated early in this essay, that political philosophy aspires to a kind of universality emerging from an induction into historical particulars. This universal intelligibility is then referred back to concrete political situations as a series of predicates capable of illuminating these facts and rendering them intelligible to the theoretician. It follows thus that political philosophy is composed of a tissue of reasoned judgments the subjects of which are reality itself and the predicates of which are composed of formalities enabling us to affirm truths about matters political. If the subjects are unduly emphasized we drift into pure history. If the predicates are divorced from the subjects we are likely to end up

with the history of ideas. Both history and the history of ideas are respectable disciplines but neither is political philosophy. The tension between these two poles of affirmation (and negation) must be retained by the man who has mastered the habitus of political episteme or scientia. Dr. Alvaro d'Ors has done so admirably.

Briefly, d'Ors' theory runs as follows: power asks questions to those in authority as to what ought to be done. Authority, always bereft of power, answers out of a wisdom recognized by society. "*El que puede, pregunta. El que sabe, contesta.*" ("He who can [do] asks; he who knows, answers.") During the Roman Republic (d'Ors' model), the Senate was the repository of authority. In medieval times authority, in matters touching the soul of man and conditioning his salvation, was the Church. The existence of a natural law binding and liberating all men was incorporated into a theory which identified that law with God's Law. If followed that political power was obliged to heed the Voice of God as spoken through the Church.

With Bodin and the first decades of modernity this polarity and distinction between power and authority disappeared. Ultimate authority was identified with the will of the prince. Let us pray, hoped Bodin, that the prince be a good man whose will is annealed in the divine *fiat*, but even if he be other than a good man, the prince's will is supreme. The incipient deism is evident. God retreats to a distant paradise and His divine attributes of power and authority are absorbed by man who thus deifies himself. Thus was born political sovereignty and with it the politics of the modern world. Less than two hundred years were needed to convert the sovereign will of the prince into the sovereign will of the people. I will not argue here the well documented thesis that royal absolutism was the father of liberal democracy.

The doctrine of liberal democracy has always been plagued by a thicket of philosophical problems. Hilaire Belloc, a friend of the French Revolution in his youth, noted in his chastened maturity that the sovereignty of the people has no way of resolving situations in which, let us say, fifty-one percent of the people are mildly in favor of one course of action and forty-nine percent are passionately opposed.¹⁴ In practical politics, of course, the presumed will of the people is manipulated by parties whose power is proportionate to the money behind them and to the mass media that money buys and manipulates. Establishments run the world and they are

always composed of minorities. Nonetheless, the fiction of a popular will and a popular sovereignty endures as an abiding myth, especially in Latin Europe, and it involves reducing politics to mathematics. There is no way to measure statistically the wisdom of a few men now alive or the weight of a venerable historical tradition, what Chesterton called “the democracy of the dead,” in terms of countability. The logic of numbers is implacable and cannot permit, on its own presuppositions, the admission of wisdom to the forum of politics. The sovereign will of the *populus* can only be determined by counting heads even if these heads be bought by the immensely seductive technology of the mass media of our time. Numbers count: *vox populi, vox Dei* has come to mean *vox populi*, period. If we the people will it, then let it be with the force of law. The voluntarism is total. There is no tribunal transcending either a mythic or a real will of the majority. Democracy has become a new god and it replaces the older Lord of Christendom.

To govern well and thus achieve the common good is one thing but this act is not identified with governing democratically. Democratic government might be good government but then again it might be indifferent, bad, or positively evil government. These elementary classical and medieval philosophical distinctions are simply lost in the contemporary Spanish environment where democracy - understood not as a form of government but as an ontological absolute in being - has become the ultimate good by which all else is judged. To criticize popular sovereignty is to commit a mortal sin in public and even some churchmen fall into this trap when they attempt to make Christianity palatable by pointing out its putatively salutary rôle in contemporary democratic society.

Publicly there is only one god in Spain and its name is “democracy.” The democratic myth has become the essence of the new public orthodoxy. Every columnist and lecturer, politician and public figure, simply must justify whatever it is that he is talking about or doing by referring it to this new divinity. Although in my many trips to Spain I never hear the word used in the street or in restaurants or homes, the term “democracy” can be found in almost every other paragraph in the popular press. The television is saturated with it. The nebulous authority of this mythic god has erased from

the memory of the governing classes in Spain the traditional understanding of all authority emanating from God and as calling forth from political power an adequate response to His *fiat*. Democracy is no longer one instrument among many by which societies can govern themselves. Democracy has become an end in itself. When means become ends, as St. Thomas Aquinas teaches us, the moral order is subverted. A sign of this forgetfulness or deliberate obfuscation can be noted in the platforms, declarations, statements, and speeches of the Spanish political Center-Right. God is never mentioned, not even ceremoniously or hypocritically. The natural law is never alluded to. The Catholic traditions of some fifteen hundred years are silenced or forgotten.

Precisely here the Spanish liberal-conservative foot is pinched by the revolutionary shoe of popular sovereignty. Born in the last century, as indicated, as a compromise between the older Catholic order still deeply embedded in the soil of the Spanish spirit and the new revolutionary popular sovereignty imported from France, liberal conservatism would have it both ways. We accept modern democracy and its presuppositions and we accept as well the Christian inheritance of our own land. In such fashion the Spanish Establishment adjusted its conscience even as it enjoyed the fruits of the industrialist and capitalist revolution then sweeping the continent as well as England. These men of the late nineteenth and early twentieth centuries looked to an orderly democratic future and they hoped to contain the new Marxist Left

composed of the dispossessed proletarian masses and their intellectual leaders. Liberal conservatism wanted the best of two worlds, the older Catholic past symbolized by a monarchy that remembered, even if it could no longer imitate, the splendors of Ferdinand and Isabel and the first Hapsburgs. Liberal conservatism rejoiced in the memory of Spain’s

Golden Age even as it lusted after the glitter of a new world born in the factories of Manchester and the salons of Paris. Ironically, that epoch’s architect, Canovas de Castilla, was murdered by an anarchist.

From the vantage point of the last decade of the twentieth century Spanish romantic liberalism seems distant to the eye trained by the historical imagination. Between those years and our own there loom the hor-


“Democratic government might be good government but then again it might be indifferent, bad, or positively evil government.”


rors of the ghastly Civil War of 1936-1939, a nightmare still haunting the Spanish spirit. A dispassionate observer might judge that the Spanish nation had had enough of Rousseau and his Marxist successors: one million dead, ten thousand priests and nuns murdered by communist and anarchist gunmen, churches and convents by the hundreds gone up in flames. All of this might well have given pause to politicians as they framed yet another constitution in the last years of the seventh decade of this century. Such might have mused a man from Mars - or America.

But there it is again! The sovereignty of the people in the very first paragraph of the constitutional document.¹⁵ That the Left, now come home after forty years of exile and silence during the Franco regime, would embrace its old faith, was to be expected. What shocks any student of political history is the truth that the Spanish Right did the same thing. Let the American student of politics note carefully what happened. The young king, don Juan Carlos, inherited all power from his benefactor, General Franco. The king had behind him the Armed Forces in their entirety, a military complex that had grown out of the long war against Communism and Socialism; and that officer corps hated with a passion all things smacking of the Left. But the king voluntarily gave up all his power. The new constitutional document not only stripped him of any effective role in the affairs of state but it proclaimed once again the sovereignty of the people, deconfessionalized the State with the blessing of most of the hierarchy, and secularized the political order. In a country in which only a few years earlier a lawyer could have argued his case in court from the conclusions of the natural law, not only was the natural law absent from the constitutional document but the Author of that Law, God, was nowhere to be found. Constitutionally, juridically, God has ceased to exist in Spain today.

The Spanish Right, in its more moderate and respectable conservative liberal wing, did nothing to prevent the reintroduction into their land of the same revolutionary doctrine that had effectively reduced Spain to a pitiful simulacrum of its old glory in the last century and in the early decades of this one. Nothing was learned. Old General Franco was supposed to have said that he was leaving everything "tied and well-tied": *Atado y bien atado*, but within months nothing remained of the old regime, nothing bad and nothing good.

The assembly that wrote the new constitutional

document was composed largely of the Spanish Right and Center. These men, if any, would have been thought to represent the Christian traditions of their nation, the only genuine alternative to a laicist and anticlerical Left. Yet not one word was raised in defense of Spain's Catholic inheritance in the debates which drafted the constitution. Not only was the church "disestablished" but no paragraph was added admitting the existence and authority of a natural law anterior to all political power, reposing on the Will of God. The surrender of the Center-Right to the spirit of the French Revolution was total. Spanish liberal-conservatism and the so-called Spanish "Center" de-christianized juridically Spanish life. The socialist and communist Left had its work done for it by its presumed enemies. And the whole process was called into being and backed by the new king, certainly no longer The Catholic King of a tradition that went back to Recaredo and the Third Council of Toledo.¹⁶

Don Manuel Fraga in his book on the roles of King and Country expressed his adherence to the new constitutional order. But Fraga, the Catholic, is better than Fraga the liberal-conservative. In another section of his reflections in the same work he speaks of public morality and ethics. He speaks like the Christian he is. He condemns as unthinkable any law which would sanction abortion,¹⁷ an abominable and execrable crime as so named by the second Vatican Council. The Catholic in Fraga - and he has been a believing Catholic whose whole life has been a testimony to Christian integrity - reacted with horror before the very possibility that one day Catholic Spain would authorize the murder of unborn children. The same book, however, as emphasized throughout these pages, accepted democratic parliamentarianism and its public orthodoxy concerning the Sovereignty of the People, not the Sovereignty of God.

Precisely here the political philosopher discovers a profound contradiction in Spanish liberal-conservatism. As in many other things, the Spanish contradiction reflects in a glaring and cruel mirror a contradiction wounding the entire European Right. If the People is Sovereign and not God and His Law, if Bodin and Rousseau are right, then why cannot the people authorize legitimately the murder of the unborn as well as a descending series of lesser abominations? My very language betrays me: abominations are such because the people declare them to be such, not because of any supposedly existent divine or natural law anterior to political power. Altogether apart from our personal reactions we collide at this point

with an insuperable iron curtain of contradiction. If abortion is a crime because it is the most execrable and cowardly of all murders, then it must follow that men - some men at least - recognize this truth because it is involved in human nature and in that nature's law. Counting noses and taking statistical studies concerning attitudes on the issue in no way attenuates the evil of the act. This has been the common conviction of Western man for two-thousand years.

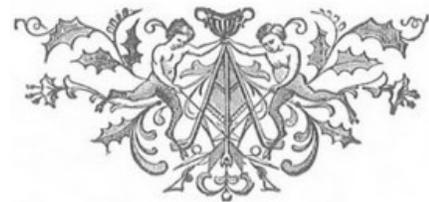
Within the Catholic tradition the evil of abortion is demonstrated from the nature of man, himself a creature of God who gives him life. Within the Lutheran tradition the evil of abortion is more often argued from the Will of God as revealed as in The Ten Commandments. Neither the Prussian King-Emperors of the last century, Lutherans, nor the Catholic Hapsburgs in Austria would have countenanced the legalization of abortion. Their power, as autocratic as some think it was, responded positively to the authority of God and His Law.

The case of abortion is a "limit situation" as Karl Jaspers might have called it. According to the German philosopher the truth of any philosophical position is best tested if we evaluate it in the light of its most extreme application." The right to life is not altogether absolute. Men lose life in war; criminals forfeit life in capital punishment and often by being caught by the police or even by armed civilians in the act; martyrs give up life when they witness publicly to the Faith. But abortion is the single instance where life may never be taken under any set of circumstances. So unconditionally wicked is this murder of the unborn that the Catholic Church punishes the crime with excommunication. We must grant, naturally, that there are moral situations of such a subtle difficulty that even competent and learned ethicists differ in their evaluations thereof. But abortion is so clear cut, so obvious, that a unanimity of judgment in the history of the West attests to its condemnation.

The political philosopher is not engaged in elucidating the content of the moral law. That task pertains to moralists. However, the political philosopher must point out that public and, to some degree, private morality loses its absolute character when it is subject to the will or caprice of political power. Again the theory of Professor d'Ors is helpful. If power does not respond to an authority with which it is not identified, power converts itself into the ape of God. The doctrine of the sovereignty of popular power makes that very conversion: popular will

can find no authority more profound than itself; not content with simply being a political power, in this case democratic political power, popular sovereignty in the modern state has made itself a last and ultimate authority, identifying its own positive law with justice; in some cases it persecutes those who insist on obeying God rather than man. Spanish liberal-conservatism finds itself gutted in its very essence. The secularist Left exalts in abortion as a last insult thrown in the teeth of the older Christian morality it rejects. The conventional Right in Spain would have nothing to do with such an aberration but the Right has cut its own throat in accepting popular sovereignty. You cannot affirm simultaneously the Bodin-Rousseau thesis and the claims of the Christian tradition.

Although this position cannot be entertained theoretically, the desacralized Spanish Center-Right tries to live within this contradiction. The abortion law was passed thanks to the socialist majority in parliament backed by the Communists and a handful of splinter parties of the Left.¹⁹ Once any law is passed by the Parliament it goes to the King as Head of State who then "sanctions" the law with his signature.²⁰ The King, don Juan Carlos I, signed the bill thus converting it into the law of the land.



At this point I must appeal to Spanish jurisprudence before I can attach any philosophical predicate to the subject under discussion. Some jurists in Spain hold that the royal signature is a mere formality and that the law is already a law once approved by parliament. Most jurists reject this reasoning as being flawed. If already a law prior to the royal signature, then why does the king have to sign at all? Yet sign he must, thus giving the weight of the sanction of the Crown to what the people have willed through their representatives. Although already detailed, I think it worthwhile to repeat this doctrine which must seem curious to Americans. In classical European constitutional theory the People is sovereign but the Crown, representative of stability and tradition, seals the parliamentary will with the dignity of the monarchical institution which is still surrounded by a faint aura of the sacral.

Don Juan Carlos, presumed heir to the old Catholic monarchy, signed the abortion law which is a dagger

menacing the heart of Catholic and, for that matter, all morality. At the moment in which Juan Carlos posed his pen over the document he was to sign he was behind an enormous Eight-Ball! Damned if he does and damned if he doesn't! In order that the drama be made intelligible to the American reader some background - both psychological and historical - will be helpful. Nobody doubts but that the abortion bill was repugnant to the Spanish King. He is a practicing Catholic and abortion must offend his Christian sensibilities. What were his options? The constitution itself is vague, even possibly contradictory, on the political role of the king. On the one hand he is supposed to arbitrate and moderate²¹ but he is not responsible for his own acts.²² A man might think, *a priori*, that somebody who is not responsible for what he does cannot arbitrate and moderate with much hope for success. Possibly this is an American prejudice of the author of these pages. We shall never know if the king used his influence against permitting the abortion bill to pass into law. Influence, in any case, is not power. We do know that the bill was backed by the President of the Government, don Felipe Gonzalez, head of the Socialist Party (PSOE). If Juan Carlos did use his influence, it was rejected.

If the king had refused to sign and thus "sanction" the bill a constitutional crisis would have followed. No provision for a royal veto exists in the Constitution. The Spanish king is not an American president nor is he an Emperor Franz-Josef of the last century. Mentioning Franz-Josef calls to mind that monarch's answer to Theodore Roosevelt when he asked the Kaiser what he considered his role to be in politics. The old gentleman answered: "I protect my peoples from their governments." Possibly behind this older and now moribund reserved power of a Head of State there reposes the venerable conviction that an emperor, king, or president in Europe not only stands above politics but that he stands against politics when the latter disturb the common good of the states he incarnates. He is thus a final power who answers only to the authority of God and His Law. But European kings today are crowned symbols, nothing more.

The thesis can be argued, however, that don Juan Carlos did not become king as a ceremonial figurehead. He was given the throne by General Francisco Franco with a plenitude of power to be exercised as he saw fit. Although the king had by then, some years after ascending the throne, surrendered theoretically that power in the new constitution, effectively at that moment he could have activated his constitutional power as Head of the

Armed Forces. Those Armed Forces had no love of anything which smacked of socialism or secularist atheism. The officer corps was Catholic to a man.

A refusal to sign would have forced the king to abdicate or to defy the constitution. Abdicate he would never have done. Catholic though he is, the Spanish king's faith does not cut as deeply as does the faith of the King of Belgium who was willing to take a walk rather than sign the abortion bill in his own country. We must ask ourselves one of those "if" questions which make the study of history and politics so fascinating. If Juan Carlos had defied the government and the constitution by calling in the Armed Forces to back him, what would have happened?

Nobody knows with any certainty about events that never happened, *possibilia*, but everybody takes a hand at speculating about them. I give the reader my own opinion, an educated guess. Had don Juan Carlos called in the Armed Forces they would have backed him with enthusiasm. The Spanish hierarchy, as cowed and timid as it is, would have had to support him, albeit in fear and trembling. The Vatican would have applauded. Don Juan Carlos would have appeared before the entire Christian world as a Catholic king and knight whose sword was at the service of the unborn. In a day he would have undone centuries of pusillanimity and appeared before the world as the defender of the weak as he bowed his knee to God's Will - and to hell with the constitution!

But the world is no longer Christian and Juan Carlos knows it. The new god today is not The Man on the Cross but the Man at the Ballot Box. Our new lord is democratic sovereignty, the only ultimate authority admitted in the forum of political existence. If I speculate in this essay on what might have happened and if I come up with a child's tale of chivalry and honor, the king must have speculated as well. He knew what probably would have happened: Spain cut off again from Europe and The Common Market; Spain punished for having done away with democracy; Spain again the dictatorial pariah of the world; Spain possibly subjected to an economic boycott and to a new poverty that would have stripped the nation of both a hard earned affluence and a much desired "democratic" respectability. King Juan Carlos probably pondered all these things in his heart and then he put his signature to the abortion bill. He obeyed the constitution and granted that that parchment is the ultimate in political authority. He had sworn to uphold the

document. Earlier he had sworn, under the watchful eye of Franco, to uphold a Catholic Monarchy. All of us, being human, usually obey the last oath we have taken and let earlier ones rest in the cemetery of the past.

So much for King Juan Carlos I, the second protagonist in this drama, who emerges as somewhat less than a heroic figure. Now I move to my third actor, Msgr. Jose Guerra Campos, the Bishop of Cuenca. Guerra Campos will probably never rise to an archbishopric because he is too intellectual, too honest, and too logical in his orthodoxy. Men like Guerra Campos tend to stay where they are. When the abortion law was being debated in the Spanish Cortes, Guerra Campos issued a ringing pastoral from his episcopal seat in Cuenca in which he stated forcefully the traditional Catholic condemnation of abortion and in which he rehearsed for his readers the evils of infanticide as argued from the natural law.²³ Citing as well the condemnation in the decrees of Vatican II which damn abortion as an “abominable crime,”²⁴ Guerra Campos concentrated on Pope John Paul II’s words insisting that “the death of an innocent can never be justified.”²⁵ These words were pronounced by the Pope in Spain and it seems evident that The Holy Father saw what was coming. As a man who measures his words carefully, Pope John Paul knew what he was saying: abortion “can never be justified.” Neither constitutional propriety nor democratic dogma can justify the slaughter of innocent unborn babies. Had Juan Carlos taken his Catholicism seriously he could have found here, had he not known it as a result of his splendid Christian education, all the justification he needed to call in the troops as shields against an impending slaughter. The Bishop of Cuenca in a profound sense called on the King to do just that. But Juan Carlos de Bourbon signed, knowing that the socialist government and its allies were bent on depenalizing abortion and thus forwarding their progressive secularization of Spanish social life. Guerra Campos’ fellow bishop, Jesus Pla, bishop of Guadalajara-Sigüenza, had already stated that “The government of Spain is disposed to convert itself into the official assassin of millions of Spaniards.”²⁶ These were strong words but Guerra Campos went further: he fingered officially and openly the role of King Juan Carlos in the whole sordid affair.

The King has recently proclaimed solemnly (January 6, 1983) before all Spain that ‘the institution of the monarchy does not depend on any elections, a referendum or on a vote.’ If this can be said of an historical value which is important but neither ab-

solute or morally binding, then how much greater must be the absolute moral value - the first obligation of a social authority - which is to protect the life of innocents.”²⁷

A society that forgets the basic dignity of man “destroys itself,” thundered the bishop. Those who have promoted this bill and “sowed confusion” in the nation are guilty of an “enormous” failure in responsibility? Nonetheless, the final and ultimate responsibility must be laid upon “the authors of the bill: that is to say, a) the president of the government and his council of ministers, b) the parliamentarians who vote for the bill; and the Head of State who sanctions the bill.”²⁹ This governmental decision, continued the bishop, “has placed the king in a limit situation in which he cannot participate in this aggression against the innocent, and even more in the light of his laudable exaltation of the values of the family expressed in his Christmas message in the wake of the Pope’s allocation” where the evils of abortion were emphasized.³⁰ If passed, went on the bishop, this bill turns those who vote for it and those who sanction it into “public sinners.” And the law remains a dead letter for all Christians who must then view their own government as a tyranny.³¹

The reader will note that both the rhetoric and the logic of this latter-day Athanasius tended to place the king in a dilemma. If the institution of the monarchy is above popular sovereignty as expressed through elections (as the king insists), then the dignity and sacredness of the life of the unborn is all the more above popular will. Indeed, insisted the bishop, there is no comparison whatsoever: the one looks to a political institution the worth of which is relative to historical circumstances but the other looks to a moral absolute in existence.

The political philosopher cannot help but note that Juan Carlos’ esteem for the royal institution he incarnates in his person cannot be reconciled logically with the doctrine of popular sovereignty. I find it curious that monarchy escapes popular sovereignty but abortion does not.

The moral failure of the King points back to the philosophical failure of don Manuel Fraga who simply reflects a fatal flaw written into the very script of the Spanish Center-Right. This tragedy has not gone unnoticed in Spain. Don Jose Maria Carrascal, for more than twenty years a correspondent in Washington for Spain’s

leading monarchical daily, the prestigious *ABC*, noted recently that in his opinion the Spanish Right would never assume central power in Spain because it stands for nothing unique,³² no alternative to the governing Socialists. By no means suggesting that my reasoning is precisely that of Carrascal, permit me to argue the thesis in the following way. The Center-Right throughout its entire history had two cards to play: the free market and the development of a capitalist system with the prosperity that would ensue in its wake; and the defense of Spain's historic Christian tradition. I have already insinuated that this less than comfortable marriage permitted the Right to appeal to the inherited Catholic sensibility of large strata of Spanish society, moving from the new banking and financial interests centered in Madrid, through to a burgeoning capitalist class fomented during the old regime of General Franco, spreading then throughout a fairly broad electorate composed of a bourgeois of shop owners and an imposing and steadily growing professional class. The wives went to Mass daily. The youngsters were educated in schools run by nuns, brothers, and priests. The fathers ranged from the devout through the tepid to the downright skeptical. Behind all of this loomed the landed aristocracy. Here, in truth, was the Spanish Establishment.

When the government of the so-called Center under Adolfo Suarez yielded power to the Socialists in several massive socialist electoral victories, pessimists predicted a return to the radicalism of the earlier decades of the century. But the Left has learned its lessons. There would be no more burning of convents and churches and murdering of clergy. The Left in Spain today is both chastened and enriched. Today the Left presents two faces to the nation, an internal face to the working men of the Socialist party that repeats the old Marxist formulas of the past and an external face to the country and to Europe that has adopted not only the doctrine of the free market but even its style.

The Socialist aristocracy that flocks to the beaches every summer in its bikinis and its yachts is as chic and elegant as are their counterparts from the old capitalist Right. Unless you are learned in these things, it is hard to tell the difference between the older aristocracy of blood or money from the socialist new rich whose pictures and pleasures are the standard fare of a series of maga-

zines - "*revistas de corazón*," magazine of the heart - bought largely and eagerly by more humble citizens, principally women, who feed off the glamour and glitter they can never imitate. The Socialists have thus spoiled the Egyptians and stolen from the Right its economic bolt.

The only other bolt left to the Right was its presumed fidelity to the Catholic traditions of the land. But not a word can be found in the speeches and propaganda of the Right that reflects, even remotely, that inheritance. The Spanish complex united to the corporate spirit of a general European slide into secularism and consumerism, permitted its old defense of the Christian tradition to wither on the vine. The Right has nothing to offer the Spanish people that they do not already have. Today it is fashionable to be considered a man of the Left.

In accepting the doctrine of popular sovereignty through almost two hundred years of civil wars, anarchy, constitutional crisis, illegitimate and comic-book monarchies, and just plain bad government, the Center-Right abdicated what ought to have been its most firm theoretical basis: an acceptance of an authority anterior to all constitutional tinkering based on the natural law and the Will of its Author, God. Manuel Fraga is too good a man and too good a Catholic to believe in his heart of hearts in the sovereignty of the people, the identification of political power with ultimate authority. As a Catholic he has before him the long theological tradition asserting that Sovereignty is God's alone and that this Sovereignty is lodged in Our Lord Jesus Christ as King of Kings: *Christus Rex*.

Yet were he to accept this doctrine he would be driven logically into the arms of Spanish Traditionalism and he has always resisted that temptation, if in fact it ever was one. And if Fraga is the best of the Spanish liberal-conservatives, so too with the rest of them, not only not as good as Fraga but most of them decidedly inferior men with nothing original or exciting to interest anyone. of Bishop Guerra Campos - converts itself into a tyranny. Abortion is the test case, the limit situation upon which everything else stands or falls.

In meekly bowing to the postulates of the spirit of the French Revolution, the Spanish Right inadmittedly committed political suicide. Some of its theoreticians spend time today defending the free market but the



Logo of the People's party of Spain

free market defends itself very adequately. It does not need these men and their pens. The Socialist Left, grown fat with power and money, is delighted to live off the fruits of the economic system it theoretically condemns.

And Christian Spain slowly twists in the wind, agonizing, hanging on a tree of secularism, as its glorious inheritance fades into folklore.



NOTES

1Cf. the list of Fraga's works which follow his: *De Santiago a Filipinas, pasando por Europa* (Editoria Planeta, S. A., Barcelona, 1988), pp. 218-220.

2Manuel Iribarne Fraga, *La monarquía y el país* (Colección Panormam, Barcelona, 1977).

3Throughout this study the terms "liberal-conservative" and "Center-Right" are used as equivalents as they are in Spain today.

4Fraga, *op. cit.*, pp. 23-25.

5Ibid.

6Ibid., pp. 52-55.

7Ibid., *passim*.

8Constitución Española, *Biblioteca de Legislación, serie menor* (Editora Civitas, S.A., Madrid, 1986), *título II*, artículos 56-65, pp. 26-28.

9Cf. María Isabel Alvarez Velez, "La unidad católica en la historia constitucional contemporánea española," *Iglesia-Mundo* (Madrid, Epoca 111-384, 2.a Quincena de Abril, 1989), pp. 36-38.

10*Constitución Española*, *op. cit.*, "La soberanía nacional reside en el pueblo español, del que emanan los poderes del Estado," *Titular Preliminar*, 2, p. 13.

11Fraga, *op. cit.*, pp. 99-101.

12Cf. my study: Frederick D. Wilhelmsen, *Christianity and Political Philosophy* (University of Georgia Press, 1978), *passim*.

13Cf. my study: "The Political Philosophy of Alvaro d'Ors," *Political Science Reviewer*, forthcoming.

14On Belloc's attitudes towards the French Revolution, cf. Robert Hickson, "Belloc y Chesterton: sus principales reflexiones sobre la Revolución Francesa," *Aportes*, 1990 - Año V, n. 12, pp. 58-62.

15*Constitución Española*, *loc. cit.*, p. 26.

16Cf. "III Concilio de Toledo," *Iglesia-Mundo*, 2.a, Madrid, Quincena de Abril 1989.

17Fraga, *op. cit.*, "Por supuesto, el aborto no puede aceptarse en ningún caso ni lo dicho servir como pretexto a la permisividad con los no casados," p. 152.

18Karl Jaspers, *Einführung in die Philosophie* (Zurich, 1950), pp. 153-157.

19The American reader must note that there was no groundswell of popular support for the legalization of abortion in Spain. The measure was purely ideological, a dictate demanded by the agenda set by the Left for the gradual secularization of Spanish social life. After the bill was passed observers noted that there was no rush to abortion mills throughout the country. The medical profession was extremely reluctant to exercise its new "right" of aborting the unborn. Abortion, popularly understood as an issue that engages the population in debate as in the United States, has failed to stir the immense Catholic majority in the nation. Abortion is not felt in the streets. The battle remains largely doctrinal and theoretical. A small Pro-Life political party failed to win many voters in the last general elections and the Spanish political Center-Right has not exploited the issue in its favor.

20*Constitución Española*, *loc. cit.*, *Título II, De la Corona*, n. 62, a. "Corresponde al Rey sancionar y promulgar las leyes," p. 27.

21Ibid., a. 56, 1., p. 26.

22Ibid., a. 56, 3., p. 26.

23José Guerra Campos, Bishop of Cuenca, *Boletín Oficial de la Diócesis*, Cuenca, 28 de enero de 1983.

24Ibid.

25Ibid.

26Jesús Pla, Bishop of Guadalajara-Sigüenza, *Documentación Oficial de la Diócesis*, Guadalajara, 15 de enero de 1983.

27Guerra Campos, *op. cit.*, (transition my own).

28Ibid.

29Ibid.

30Ibid.

31Ibid.

32Jose Maria Carrascal, “Generaciones,” *ABC*, viernes 3-8-90, p. 15.

33Cf Emilio Romero, “Cronica de lo que pasa,” *jueves*, 9 de agosto de 1990, *Ya*, p. 10. “La restauracion democratica espanola la hizo la derecha, con el deseo y el estimulo del Ray; sus personajes principales fueron Torcuato Fernandez Miranda y Adolfo Suarez, que procedian del regimen anterior.” The entire article ought to be read because it documents how the Spanish Right, in making the transition from the regime of Franco to the new democracy, fell into the hands of its own presumed ideological opponents.

34The observer of things Spanish thinks immediately of the immense robbery of the enormous financial and economic complex of Rumasa by the Socialist government and of the unexpected reaction by its former director, Ruiz Mateos, a man who, while being chased by the police, managed to win democratically a seat in the European Parliament. From this privileged refuge he continues to excoriate the corruption surrounding the new Socialist Establishment.