Torture in Modern Spain:
The Construction of a Concept for Political Denunciation

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This article explores how the notion of torture developed in Spain throughout the nineteenth century, becoming eventually a tool for denouncing state repression. It first considers torture in the early part of the century and the abolition of judicial torture and los apremios (any form of coercion used against an accused while in custody). It argues that the acceptance that legalised torture was inhumane helped to foreground another form of torture not yet named: government torture (the institutional violence used in spaces of detention and imprisonment to force detainees to confess and implicate others or as an additional punishment for prisoners). Hidden behind a variety of terms such as tormento, maltratamientos (mistreatment) and malos tratos (ill-treatment) it was not until after the formation of the liberal state that “government torture” came to acquire its modern meaning around the turn of the twentieth century.

Cet article explore comment la notion de torture s’est développée en Espagne tout au long du XIXe siècle au cours duquel elle est devenue un outil de dénonciation de la répression étatique. Il traite d’abord de la torture au début du siècle, ainsi que de l’abolition de la torture judiciaire et des los apremios (toute forme de coercition utilisée contre un accusé pendant sa détention). L’auteur démontre ensuite que l’acceptation du caractère inhumain de la torture légalisée a contribué à mettre au premier plan une autre forme de torture qui n’a pas encore été designée : la « torture gouvernementale » (i.e. la violence institutionnelle utilisée dans les lieux de détention d’enfernement pour forcer les détenus à avouer et à impliquer d’autres détenus ; soit une peine supplémentaire infligée aux prisonniers). Cachée derrière une variété de termes tels que tormento, maltratamientos (mauvais traitements) et malos tratos (mauvais traitements), ce n’est qu’après la formation de l’État libéral que la « torture gouvernementale » a acquis sa signification moderne, au tournant du XXe siècle.

This article analyses how the modern notion of torture by the state (that is, the illegal infliction of pain by government agents, the police and within prisons) was constructed after legal, judicial torture was abolished in Spain, a process which spans the entire nineteenth century and culminates in the first decade of the twentieth. The starting point for this investigation involves a theoretical approach that links torture to institutional violence. This facilitates an understanding of its historicity and modernity which helps us grasp the historical construction of torture before it

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1 This article is the fruit of tasks carried out as part of the MINECO financed research project (reference HAR2016-75098-R) entitled “From disciplinary control to securitarian control in modern Spain”, with Pedro Oliver Olmo as principal investigator.
was defined and categorized as a crime. Before it became a tool for agitation and denunciation, a discourse capable of influencing the institutional agenda (government and judicial), the notion of torture had to be constructed out of experiences that gave it cultural and political significance. This study looks to a wide variety of sources ( Principally newspaper, judicial and legal), it uses specialized literature and treatises from the period in order to identify a punitive (police and prison) practice that went underground under old names (such as “tormento”, “agravios” (wrongs) and “malos tratos”) before coming to light.

Three stages in the process through which torture become a tool for political denunciation are identified. The first decades of the nineteenth century, seen by some historians as the end of the era of judicial torture, was the first stage. At this time there was much controversy stemming from the penal and penitentiary treatment proposed in Enlightenment thought, which was to lead to the abolition of judicial torture and “los apremios” (any form of coercion used against the accused during their captivity). The sources that remain from this time, in turn, reveal something that has largely gone unnoticed: it was then in 1812 and 1814, that the political foundations that would make it possible to define (and denounce) government torture in centres of captivity and detention were laid down. The conflict-ridden decades of the construction of the liberal state in Spain demarcate the second stage: in periods of great upheaval (especially in the 1830s and 1860s), reports and political (sometimes parliamentary) debates emerged, indicating the existence of police and penitentiary bad practice, that is, of “government torture” (not infrequently under military jurisdiction). Finally, the third stage brings us to the turn of the twentieth century. With worker and peasant unrest in the background, and national and international agitation campaigns promoted by the anarchist movement in the foreground, the question of torture (usually alongside the death penalty) became a central issue in politics, culture and the media. In the 1890s, the national and international impact made by the mistreatment and torture allegations of anarchist prisoners from Andalusia and Barcelona showed that, in the Spain of the late nineteenth century, the notion of torture was becoming a powerful tool for political denunciation. From then on, other non-anarchist political forces, including republicans and socialists, would also put energy into this kind of denunciation campaign. Thus, in 1911, with the so-called “events of Cullera” (explored at the end of the article), campaigns denouncing the torture and mistreatment of prisoners were shown to have the potential to spark huge political scandal in Spain.

Conceptually speaking, nothing could be easier than adopting the definition of torture currently used in international law (essentially, the intentional, illegal infliction of physical or mental pain by a public official). This paradigm, which is also accepted in academic language, could be used in research; it is a category which, though controversial, has become normalized and enables criminal and social science perspectives to cross-fertilize. However, the appearance of this criminal category does not make the historiography of the more distant past any easier. Torture presents us with the challenge of its own historicity in the late modern period, the period in which the category itself was constructed just as the practice was

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2 This cross-fertilization has been particularly fruitful in the historical and sociological studies of social movements and human rights NGOs written by Barbara J. Keys, Samuel Moyn, Mark Mazower, Stefan-Ludwig Hoffmann, Mikael Rask Madsen, Andrew Moravcsik among others Fernández Soriano (2018).
becoming outlawed. In this article, the analysis of torture in the late modern period is located within the framework of the social history of punitive institutions. The historiographic approach employed here takes torture to be one component of the institutional violence that can take place in institutions of control and punishment. The notion of institutional violence is historically constituted through violent acts carried out by agents of the state, this in turn generates disgust and condemnation and, in the end, helps create new crimes, such as torture. Institutional violence as a concept also makes the violence inherent in the regimes and conditions of spaces of detention and confinement intelligible.

It is within this conceptual frame that this article develops a socio-historical investigation on torture. Here torture must be understood as an extreme manifestation of institutional violence, indeed, as one of its most premeditated, serious and painful manifestations. The concept of ill-treatment always appears alongside torture, even in current criminal definitions. If torture is to be understood as a form of institutional violence, when analysed under the paradigm of the Universal Declaration of Human Rights, ill-treatment would be a lesser form of torture. This is because, as a manifestation of less serious institutional violence, of indeterminate frequency and intentionality, ill-treatment is bound to the field of forces that make the emergence of torture possible (which is why international humanitarian law specifies that said treatment be of a cruel, humiliating or degrading in nature). The latter, in the case of nineteenth century Spain (and for some decades of the twentieth century), was the most common practice. However, there is no doubt that it was after the abolition of

3 The corpus of studies on judicial torture in Spain up to its abolition in 1814 is significant and insightful. However, no systematic, specialized historiography on torture in modern Spain has yet been produced. The issue of the ill-treatment and torture of detainees and prisoners does of course appear in many relevant investigations into the liberal state, the Bourbon Restoration, the Civil War and the Francoist dictatorship, usually as a reflection of the processes of state repression and political violence in which the two faces of institutional violence are perfectly intelligible: the active practices of violence against detainees (mostly through torture and ill-treatment) and the conditions that make the experience of imprisonment a violent experience.

4 Oliver Olmo (2019); Oliver Olmo, Urda Lozano (2014).

5 Oliver Olmo (2019).

6 Typologies of violence have been developed in social and criminal sciences. Classification proposals have also emerged out of historical research based on judicial sources Chesnais (1992), Muchembled (2012), although the most important impetus has come from the debate on the dynamics of violence in contexts of social and political conflict. Other authors have preferred to use an extensive definition in which violence would be constitutive of institutions of all kinds Curtin, Litke (1999), in dynamics that link it to other modalities of structural violence Galtung (1969). As far as Spanish historical research is concerned, there is no doubt that the notion of institutional violence is part of a widely-accepted typology used to describe the breadth of "violence" as a concept, with its range of different interactions. The relationship between the violence of certain state institutions (army, police, ordinary and military jurisdictions as well as the prison and concentration camp systems) and the phenomena of "political violence" in situations of conflict is a line of research that has been exhaustively cultivated in modern Spanish historiography for three decades now, since Julio Aróstegui promoted a conceptualizing historiography Aróstegui (1996). In 2018, a historical analysis of Francoist institutional violence and repression in light of International Humanitarian Law categories was published Babiano (2018). This influential work forms part of a much broader field of academic studies in legal and social sciences that has been spurred on since 2010 by the social and political impact of the so-called "Argentinian complaint" (Criminal case 4591/2010) that was opened in the No. 1 Federal Court of Buenos Aires in the wake of complaints from a large group of victims of repression under Franco's dictatorship, including former political detainees who were tortured by Francist police, such as the famous "Billy the kid" Escudero Alday (2013).
judicial torture that so-called government torture (police and prison) became easier
to discern: that is, the sort of violence (now illegal) which involved extra judicial
procedures against detainees and prisoners that harked back to the (legal) violence
of the old judicial procedures. The article considers, therefore, a categorization born
of historical experience, and the language produced by its protagonists, those who
suffer it, relate it or report it.

FIRST STAGE: THE END OF JUDICIAL TORTURE AND OF PRISON
"TORMENTOS"

At the turn of the nineteenth century repudiating judicial torture was one
manifestation of the political culture of the time, it was a form of punitive culture
which had managed to successfully construct and spread Enlightenment thought. Inquisitorial procedures were not the only targets for those opposed to “tormentos”. The misuse of prison “tormentos” (the so-called “apremios”) sometimes inflicted on prisoners were also repudiated. Punitive cruelty towards detainees, defendants, and prisoners was criticized early on by those who, as a sign of progress and civilization, demanded more humane judicial procedures and punishments, a reduction in their harshness and rigour, and the abolition of the more atrocious practices. To a certain extent abusing a detainee or a captive had been frowned upon for a long time. That is why this was reflected in the Partidas and always found a place in the work of treatise writers and “men of the forum (judges, scribes, lawyers)” who wanted to influence the practical aspects of the use of torture “advising novices and correcting possible errors or abuses”. Thus, the debate about judicial torture appears to have transcended the official limits marked out for it. Although torture was a legal institution, well-known authors did not hesitate to affirm that it was really a punishment with effects akin to those of the most inhumane sentences.

The apremios were not untainted by their association with the practices of torture. At the request of prosecutors, a series of investigations were carried out into them by the Council of Castile from 1798 to 1814 in order to clarify their actual use in the kingdom’s prisons. Thanks to this initiative it was learned that, according to the Sala de Alcaldes (hall of mayors), the most common apremio was that of “los grillos” (the cuffs), also known as “salto de trucha” (literally the trout jump/ handspring), and that “the harshest and most recent creation” seemed to involve “a key or press” and “consisted of crushing the thumbs intensely with a device, sometimes making them bleed”. The Chancellería of Valladolid, meanwhile, reported several “methods of apremio” such as “using a double set of cuffs” or “holding the prisoners in shackles at night”, although the best known were “the cepo and the brete”, which were types

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7 We use “punitive culture” here as a way of referring to one form of “political culture” (a concept theorized by Parsons, Habermas, G. Almond and S. Welch, among others, and extensively used in modernist historiography, but not without a degree of controversy).
8 Translator’s note: The Partidas were a Castillian statutory code, compiled during Alfonso X of Castile’s reign (1252-1284).
9 Tomás y Valiente (2000, p. 96).
11 Translator’s note: The Chancellería of Valladolid was the highest court of justice in Spain until its removal in 1834.
of stocks, "the only difference between them being that the cepe is made of wood and the prisoner's feet are inserted in a sitting or standing position: and the brete is made of iron, and a prisoner with their feet in it must either be sitting or lain down on their backs, which is done for days until the confession can be extracted". 12 This extensive inquiry offered many more details, but also included descriptions that suggested that the use of these torture practices on detainees and witnesses had entered into a terminal historical crisis.

The international impact of Beccaria's famous publication also stirred up controversies and raised hopes in Spain: it was well-received by important Enlightenment writers, it sparked the famous debate between Castro and Acevedo, and predisposed Carlos III towards substituting harsh sentences, including the death penalty, and procedures like torture and apremios. Indeed, there is every indication that the message in Of Crimes and Punishments (translated into Spanish for the first time in 1774) reached judicial practice, the very field in which it could have the greatest effect in the quietest possible way, given the importance of judicial arbitration. A school of thought that criticized judicial torture (and therefore bad practice in interrogations and during custody) started making a way for itself in judicial practice, until judicial torture disappeared definitively: first, with article 133 of the 1808 Constitution of Bayonne; then, through the 22 April 1811 Decree from the Cortes of Cádiz and article 303 of the 1812 Constitution; and finally, through the Royal Decree approved by Fernando VII on 25 July 1814 (although the abolition of judicial torture clashed somewhat with the absolutist reinstatement of other ominous institutions from the Ancien Régime like the inquisition and the gallows).

Torture as a noun, once the epithet that had given it an air of normality and validity as a historic entity had been stripped away, was naked, exposed, and ready to be called out. The notion of government torture was to be constructed in step with the establishment of the liberal state, but, as shown above, it was prior to this, in the outcome of the Enlightenment and Liberal debates on judicial torture, that the first components of the modern torture concept emerged. The abolitionist radicalism of the Cádiz constitutionalists was, surprisingly, taken on by Ferdinand VII, which meant that prison "apremios" alongside judicial torture, appeared to be on their way out, that is to say, the rings, irons, "shackles" and "special cells", effectively, everything that in itself constituted a "problem". 13

Was torture a problem of the past? Amidst the abolitionist euphoria, members of the Cortes timidly pointed out a few practical issues. In the first debate on Agustín Argüelles' proposal for the abolition of torture "and all the laws that speak of this type of proof that is so barbarous and cruel", it became clear that the structure of political opportunity in the Spain of 1811 fostered, in turn, a sort of structure in punitive consensuses, in which the proactive discourses of the radicals stood out against the reactive discourses of the moderates. While at that time opposing torture was a hegemonic position, the consensus was somewhat more nuanced in dealing with apremios because some members of the Cortes preferred a progressive repeal: "it does not seem appropriate to repeal them all without first acquiring knowledge of them," as Manuel María Martínez argued, when countering Ramón López Pelegrín (who defended his position appealing to shocking cases in which prisoners subjected

to restraint by shackle died). Days later, when Argüelles revised the draft of the law, again in the midst of abolitionist speeches, Felipe Aner raised some objections against the total abolition of apremios. The move away from corporal apremios was accepted, but these could be substituted by fines, confiscations or days on remand.

The apremio has often been trivialized but was nevertheless an effective form of torture (even when it only involved additional punishment through isolation in special underground cells that were damp, unhealthy, cold and dark). The end of the apremio must have been a legal complication for the effective management of control and punishment over a long tumultuous period. A period in which the state had neither sufficient resources in terms of public order, nor a prison infrastructure that could accommodate the new penal code’s stipulations for custodial sentencing. Judicial torture and prison apremios were abolished and a functional problem arose, a problem relating to historical inertia, a problem that would have to be dealt with and identified in a different way.

The liberal constitutionalism of 1812 was supposed to banish all potential judicial torture (be it active or passive). And so it did. But this aim was outlined using an eminently procedural conception of the prison model, and the historic process that was to make the custodial sentence into the most important criminal sanction had already begun. Although it was to cease to be of interest in judicial treatises, equating judicial torments with prison apremios generated debates that laid the conceptual foundations of what, with time, was to be called government torture, police torture, prison torture and, finally, plain torture.

We are faced with a historic decision, a discursive tool that is particularly important for the theoretical-methodological framework of the study of torture in modern Spain. On the one hand, in the realm of the interpretive, the abolitionist discourse on torment coming from Spanish liberals can be valued as a critical extension of their approach to institutional violence in spaces of control, custody and punishment. This is because, with it, the use of active violence in interrogation rooms (that would end up being identified as police torture), and the passive violence of certain conditions of detention and captivity (when punishment is increased deliberately to increase pain and distress) can be glimpsed. And on the other hand, empirically, this discursive tool contributes to focusing the social history of control and punishment in nineteenth century Spain on at least two objectives: 1) detecting lines of fracture between regulatory discourses and police and prison practices; and 2) explaining the process that was giving substance to the notion of torture, constituting it as a concept of political denunciation.

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14 Diario de sesiones de las Cortes generales y extraordinarias. N° 185. Session of the 2nd day of April 1811, p. 810-811.


SECOND STAGE: THE GESTATION OF THE CONCEPT OF “GOVERNMENT TORTURE” IN THE NINETEENTH CENTURY

Little by little, and despite administrative silence, censure, the use of euphemisms, and the manipulation of information, bad practices and police and prison violence were to acquire a new transparency in light of new political values and the liberal state’s own declarations of principles. In Spain this tendency was to grow, particularly from the 1830s onwards. Regarding the contradictions between discourse and practice, it can be inferred that the “inquisitorial method” must have lived on for a long time in criminal investigations. This explains why as late as 1882 the Ley de Enjuiciamiento Criminal (code of criminal procedures — valid right into the twenty first century) was enacted to put a stop to “the abuses or excesses that were committed at the indictment stage” and ensure that “no kind of torture or coercive means” could be used “against the accused or against the witness”. However, the regulations that specifically affected police forces and penal institution personnel did not put a stop to extra-legal ill-treatment. Control over these police and prison duties was not guaranteed. The sanctioning regime against public employees was characterized by lack of clarity. In the penal codes of 1848 and 1870 (in force well into the twentieth century) the punishment for this conduct on the part of public employees involved ill-defined fines and suspension times.

In turn, the most important legislation in the liberal state’s prison regime, the 1849 Ley de Prisiones (the prison act — also in force for a long time), announced the prohibition of ill-treatment and apremios and acts of coercion on the part of wardens and prison guards. However, it also added a broad exception which allowed for extraordinary measures as and when required for security (or the circumstances of the case), and this decision was left to the arbitration of the warden, or ultimately, the political chief of the province. Article 30 of that law was the only one to enable some judicial control over prisons by regulating judges’ rights to visit prisoners. Judges, in addition to monitoring the penal enforcement stage, could stop illegal detentions or irregular prolongations of prison stays (whether they were due to error

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18 1848 Penal Code (reformulated in 1850; in 1848 this was article 291). Art. 300: “The public official who, while carrying out their duties of service, commits any unfair abuses against people, or apremios that are illegitimate or unnecessary for the performance of the respective service, will be punished with the penalties of suspension and a fine of 10 to 100 duros. Any public official of the administration who delays or denies individuals the protection or service that must be dispensed according to the laws and regulations will incur the penalty of suspension and a fine of 10 to 100 duros.” 1870 Penal Code Art. 215. “The penalties of suspension in their minimum and medium degrees and a fine of 425 to 4,250 pesetas will be incurred where:(3) The public official who, on the occasion of the registration of the papers and effects of a citizen, commits any other unfair abuses against people or unnecessary damage to their property”. In 1870 the article of the penal code that regulated the way public officials ought to treat citizens in general did not appear.
19 1849 Ley de Prisiones, Art. 19: “Wardens may not aggravate prisoners with confinements or with shackles and chains without this being preceded by an order from the competent authority, except in the case that, for custodial security, it is necessary to take some of these measures incontinenti, which must be accounted for in the act to the same authority. [...] Art. 22: Wardens, with prisoners in their custody, may adopt the measures they deem appropriate for the security of the establishment, without abusing the prisoners, and always acting with the knowledge and approval of the competent authority, who must consult the Political Chief of the province for cases in which this is considered necessary.”
or controversial misuse, in the cases of those imprisoned by the government for political reasons). They could also address complaints about the use of shackles, where they had not been dictated as secondary punishments, and intervene when wardens would not process the complaints of prisoners and chastised “complainers”.

The abolition of the old apremio instruments in prisons had not prevented them from continuing to be used as extraordinary punishments. This was shown when the Cortes of the Trienio Liberal (a period of liberal rule 1820-1823) decreed once again that the use of apremios was not permitted, adding: “that the underground, insalubrious cells in prisons, barracks and fortresses must be removed or left unused, so that all prisons may have some natural light; that the prisoners should not be shackled, and in cases in which certain security measures are necessary, shackles should only be used under the orders of the respective judge”. In addition, the destruction of the “racks” and other instruments that had been used to torment prisoners was ordered. Clearly, demands were being made for there to be judicial control over the decision-making processes of those in charge of penal institutions in these cases. Apparently, in the previous debate, Antonio Diaz del Moral and Francisco Martinez de la Rosa, along with other members of the Spanish Cortes, had clearly stated that the wardens made a “scandalous and inhumane” use of this type of coercion against the prisoners, under the pretext “of being responsible for their safety”. Liberal parliamentarians, taking advantage of opportunities for such debates (1821, 1837, 1839, etc.) echoed complaints from prisoners who had received unfair and illegal treatment in order to compel them to testify, which was reminiscent of the old apremios, and began to open the way for the political debate on ill-treatment and poor living conditions in prisons.

It was in 1839 that the question of institutional violence in prisons acquired a truly political texture. There was an intense debate between members of the Cortes and the government about the predicament of the kingdom’s prisons. Despite the fact that the liberal state equipped itself with a new prison system early on — the 1834 Real Ordenanza General de los Presidios del Reino (royal ordinance of prisoners of the kingdom) — the state of the prisons was calamitous for some and improvable for others, and no-one was blind to their serious shortcomings (certain members of the Cortes, including Francisco Luján and the progressive Pascual Madoz, said that the prisons were in the same ruinous state they had been in many years before). Parliamentary courtesy seemed to have been soured by accusations about the systematic abuse visited on prisoners by wardens. This debate exposed the fact that the old apremios continued to be used as additional punishments or

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20 Oliver Olmo (2017b).
21 Royal Decree of 12 October 1820. One of the old members of the Cortes of Cádiz who was quick to issue the order was Don Agustín Argüelles, the Political Chief of the Balearic Islands at the time (Diario Constitucional, Político y Mercantil de Palma, 14/11/1820).
22 Diario Constitucional de Barcelona (17/10/1820).
23 Diario de las sesiones de Cortes, N° 34. Session of the 31st day of March 1821, p. 796 (on the complaint of a prisoner in Torres de Serrano, Valencia, for the “unconstitutional” treatment he was receiving). Diario de las sesiones de Cortes, N° 37. Session of the 22nd day of December 1837 (on the complaint of the prisoners of the castle of Gibralter to put an end to the “serious and illegal suffering” to which they are subjected).
24 This issue has already been dealt with in specialized historiography, and will not be extrapolated on here. See Burillo Albacete (1999), Oliver Olmo (2018).
as coercive means in a humiliating form of extra-legal prison management, a point which was hammered home when the progressive Salustiano Olózaga said that prisoners “complain that they put shackles on those who do not give money, and they get them off by paying”.

Complaints against wardens and prison officials’ ill-treatment of local prisoners, prisoners from the same town, and of prostitutes (described as women “de vida irada”) came out in the press from time to time.

During the Sexenio revolucionario (1868-1874) questions about the situation of detainees and prisoners returned to the Cortes, usually for political reasons. In 1869 Julián Sánchez Ruano asked the president of the cabinet about certain irregularities involving political prisoners (monarchists and also federal republicans) who had been transferred to a prison in La Carraca naval station: some 300 men (“some monarchists and some republicans, which proves impartiality, so they have been led there gubernatorially”) who were “in a piteous state”, sleeping “on the floor naked” and eating “little and badly”. Later it would be the Carlist political prisoners who were to decry the regime of abuse in prisons like in Colmenar Viejo, Madrid.

The prison regime, and its glaring displays of institutional violence through disproportionate ill-treatment and punishment, was particularly susceptible to notoriety from below and political counter-claims from above, and systematically broke out of the legal framework set up by the Ley de Prisiones. Violence between prisoners sometimes revealed the bad practice and corruption of wardens. This explains the notice sent by the Prosecutor of the Supreme Court of Justice to the Audiencias in 1888, which takes ill-treatment to be a reality in prisons: “Prosecutors seek to punish the perpetrators of the ill-treatment that prisoners, particularly those with light sentences, are often subjected to, without abandoning themselves to a sentimentalism that is incompatible with the rigour of justice, because in the end, punishment is pain, and it must be so, no-one has the right to turn the prison into torture by crossing the limit of severity marked out in the stipulated judgment”. No-one should “mortify them with unnecessary rigours,” except if the prison were unsafe or if they were “serious criminals”.

In nineteenth century newspapers, the word “torture” did not usually appear in reference to that which the concept itself had been indicating for some time: the reality of government torture. It was present in the political speeches of the progressive liberals to allude to the “dark centuries” of the past, the time of the

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26 _El Clamor Público_ (23/07/1853); _La Soberanía Nacional_ (09/12/1865), etc.

27 _Diario de sesiones de las Cortes Constituyentes_. Nº 52. Session of Saturday 17th April 1869, p.1126-1127 (on the treatment of political detainees in Jerez prison).

28 _Diario de sesiones de las Cortes Constituyentes_. Nº 158. Session of Saturday 17th of April 1869, p.4-240.

29 _El Pensamiento Español_ (22/10/1872).

30 In 1878 there were reports of the “tremendous beating” given to a prisoner in the Torres de Serrano prison (in Valencia) “for not wanting to pay the fee that was imposed on him by the prison’s extortioner”, which revealed the existence of a gang of prisoners led by a Carlist leader who extorted other prisoners and led to the resignation of the warden (_La Correspondencia de España_, 09/24/1878). In 1879 news of a prisoner in the Barcelona prison dying after being brutally attacked showed that other similar cases had already occurred before (_La Iberia_, 12/12/1879), Oliver Olmo (2017b).

31 _La Correspondencia de España_ (12/10/1888).
inquisition, and judicial torture. It was buried between the lines of critical opinions about a penitentiary reform that was never fully implemented and in the evaluations of institutional violence in the news, using other words, such as “malos tratos” and “tormentos”, and sometimes “martirios” (agon) or “suplicios” (ordeal) and even “palizas” (beatings) and “agresiones” (assault). When allegations of ill-treatment were made, they usually came from political prisoners or detainees in conflictive situations. Later, as electoral disputes between conservatives and liberals became more strained, reports surfaced about intimidation attempts through illegal detention and ill-treatment by “the secret police” acting on the orders of the government in power.

In Spanish newspapers, the term “torture” only appeared in reference to the violent interrogation methods used in other countries, in England, Argentina, Russia, Poland, Morocco, and Germany. The case of Germany deserves a brief exploration as it serves as an introduction to the last part of our journey through the nineteenth century. When the invention in Germany of “a machine to whip prisoners” was publicized in the Spanish press in 1894, Spain was already in the midst of a decisive period for the question of torture: the term “torture” was to become a powerful tool for denunciation.

STAGE THREE: TORTURE AS A TOOL FOR POLITICAL DENUNCATION IN THE 1890S AND 1900S

At this stage anarchist rebellion was decisive. The importance of Spanish anarchism, from its gestation at the time of the International Worker’s Association (IWA or First International) and until the Spanish Civil War (1936-1939), via the 1910 creation of the powerful anarcho-syndicalist National Confederation of Labour (CNT), has been analyzed in a broad range of authoritative works written in English. Spain certainly has a strong presence in the international history of anarchist terrorism. The action-reaction dynamics provoked by the repressive excesses of the state are highlighted there, along with the inevitable international repercussions of these events, which were fuelled by solidarity campaigns promoted by anarchist organizations that appealed to values shared by people of very diverse ideologies, like being against torture and the death penalty. The Spanish state’s repressive reaction

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32 Speech by the Mayor of Barcelona Pedro Mata Fontanet, after the insurrection of 1840, on the relationship between education and the end of social violence. He spoke of judicial torture and of a past that had to be left behind: “among civilized peoples there is still much barbarism” (El Constitucional, 09/28/1841).

33 For example, from the lips of Carlist prisoners (El Pensamiento Español, 27/12/1873).

34 La Vanguardia (03/02/1891).

35 See, for example, on torture in England (Diario Baleor, 10/12/1826); in Argentina (El Español. Diario de las doctrinas y de los intereses sociales, 02/09/1845); in Poland and Russia (El Español. Diario de las doctrinas y de los intereses sociales, 31/01/1846); in Morocco (El isleño: periódico científico, industrial, comercial y literario, 07/10/1889) and in Germany (La verdad: diario católico, 26/04/1894).


37 Bach (2013).

38 Laqua (2014).
against revolutionary uprisings has been profusely documented in historiography since
the time of the First International which facilitates our revision of this issue no end.

As part of this repressive reaction, alongside mass arrests and the death penalty,
the increase in government torture stands out in the conflictive dynamics of two
territories that, despite being very different, both witnessed the rise of anarchism:
Andalusia in the 1880s and 1890s, and Catalonia from 1893 onwards, particularly
1896. In Andalusia, the repressive response in the disturbing case of Mano Negra
in 1883 that was supposed to make an example, failed to forestall the resurgence
of labour protests and other acts of revolutionary violence and was added to the anarchist
movements’ record of grievances. To this, the similarly tragic results of other
Andalusian revolts would also be added. In 1891 the Civil Guard harshly repressed
the massive peasant march to Cádiz and some armed riots. Another aggressive state
response was unleashed when insurgent groups stormed the Jerez de la Frontera
court jail in January 1892 as part of a resistance movement that was to expand the
charismatic influence of the Andalusian anarchist leader Fermín Salvochea (even
though he was imprisoned at the time of the events). Mass arrests were followed by
reports of torture: four peasants were executed a month after the events and a long
trial took place that was to end in harsh prison sentences and a dozen life sentences.
In addition, extraordinary legislative measures were adopted to enable the Civil
Guard to forcibly cut short workers’ mobilizations as they emerged and developed.39
Events in Jerez led to an international solidarity campaign abroad which, at that
time in Spain, must have been met with some confusion. The government’s
disproportionate reaction involved prosecuting Salvochea as the perpetrator of the
crime of inciting rebellion. And Salvochea did not hesitate to accuse the government
of torturing detainees, which, in addition to lending credibility to reports of Civil
Guard brutality, resulted in the trial gaining international impact.40 Even so, the
worst was yet to come, and there was to be an important alteration to the terrain.

In Barcelona, despite the significant repercussions of the attack against General
Martínez Campos (24 September 1893) and the commotion caused by the massacre
of the Liceo Theatre (7 November 1893) no terrorist action had made as much
impact as the 7 June 1896 bombing on Cambios Nuevos street, which resulted in
a dozen deaths and some 40 injuries. The atrocity of these terrorist crimes was not
going to stop accounts of the repression following these events from contributing
to the anarchist anti-repressive narrative, which already spanned from the time of
the persecution of the IWA in Spain in the 1870s; to the baffling Andalusian social
tragedy of Mano Negra (1882-3), and the trial of Jerez in 1892; up to “la Rosa de
Fuego” (Rose of Fire), as the Barcelona of the early 1890s was known: with its raids,
arrests, prisons, forced labour, banishment, exiles, escapes, convictions in absentia,
alleged police conspiracies, inquisitorial politicians and judges, executions, and so
on. And torture was at the heart of this narrative. According to this account, dripping
with historicist representations of “executioners” using “inquisitorial” procedures and
“tormentos” again in Spain, the state responded to social unrest with uncivilized brutality.
However, it was in 1896, in-step with contemporary events and more virulent and visible
than ever before, that repression proved itself to have the paradoxical ability to invert
the social perception of violence. The sequence was short but intense, from 1893 to 1896.

40 Herrérín, López (2011, p. 76-82).
In 1893, “the Spanish state’s intervention, largely in the wake of the massacre of the Liceo, made the issue of anarchist violence in Spain particularly complicated”. The “propaganda of the deed” was to become “propaganda of repression”. This was heavily influenced by both the use of extraordinary legislation against anarchism (something other Western states did too) and the particularly brutal way of carrying it out: in the case of Spain, torture poisoned everything, reports of ill-treatment “impregnated the entire process with illegality and gave the most violent the right of it”.

In 1896, when the state implemented its (by then customary) spasmodic repressive response, the anarchists showed that the tide could be turned in their favour. They could go from being exhibited as fanatics and terrorists to being represented as victims of repression and torture. This was exploited actively as well as passively. The anarchist movement observing and suffering the governments’ disproportionate use of police force in 1896, took advantage of its support networks in Spain and Europe. Since 1893 the movement had developed stances and repertoires that kept it from remaining stunned and on the defensive. Turn of the century anarchism understood cultural change and the impact of the new civilizational sensibility that meant that news of torture (alongside death or life sentences) could no longer be accepted without apprehension. In the national and international campaign against the torture at Montjuich, repression was used proactively as a means to mobilize against the state. Largely, Spanish anarchism did not read the rules of the revolutionary catechism in nihilistic terms.

It was read bearing the social repercussions of militant sacrifice in mind: where the catechism said that the revolutionary “must be willing to endure torture”, Spanish anarchists deduced that the revolutionary must endure torture to use it against the torturing state.

After the initial emotional shock caused by the attack on Cambios Nuevos street, the government responded with violent and indiscriminate repressive action, taking 400 detainees to the Castle of Montjuich. It did not take long to generate a tremendous national and international scandal, fuelled by reports that detainees were being tortured, which the military jurisdiction responded to by recommending the death penalty.

Among the detainees were people of recognized prestige such as Anselmo Lorenzo, the journalist Juan Montseny, and lawyer and writer, Pere Corominas (who was highly respected among the Catalan middle-class and very well connected in the world of culture). Some women were also arrested, including Teresa Claramunt, whose testimony about the treatment she and other women (many of whom were mothers) received, points to components of a form of institutional violence particularly directed against women prisoners. These were based on psychological coercion and involved humiliating treatment, being banned from communicating with their children, and extortion to obtain sexual services, all in a gloomy insalubrious prison that contributed fear, lack of safety, and, in short, additional suffering.

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42 González Calleja (1998, p. 247-246) analyses the importance of this kind of document for the “propaganda of the deed” and revolutionary terrorism strategies.
43 For a detailed account of anarchist terrorism in Barcelona, with attention to the Liceo and Cambios Nuevos attacks, where the veracity and the impact of torture inflicted on detainees is documented and interpreted, see Avilés (2013, p. 299-340).
44 The testimony of Teresa Claramunt in Ramón Sempau’s book, Los Victimarios, can be read online at: https://archive.org/details/losvictimariosn00junogoog.
Tortured prisoners’ testimonies and allegations that prisoners were falsely accused amplified the national and international repercussion of the Montjuich case. Letters from prisoners reporting outrageous humiliating treatment left the fortress, and intellectuals of various ideological tendencies got involved, from Unamuno to Azorín, including Baroja, Maza, and many more. The work of left-wing newspapers, such as El Socialista, and the progressive and republican newspapers El Progreso and El País, contributed to the creation of the image of Montjuich as an “accursed castle” in Spain.\(^{45}\) Pamphlets and books disseminated another condemnatory depiction of torture which pointed to Spain as a country where the Inquisition had been born anew (one of the most famous was Los Victimarios, published in 1897).\(^{46}\) The campaign against torture in Montjuich enjoyed much public impact in England, where the Spanish Atrocities Committee was formed, and in France, thanks to the anarchist press (mainly La revue blanche) and the publication of torture testimonies in pamphlets in several languages, in addition to a large number of rallies and public events that made public figures and intellectuals’ support visible. In France, Fernando Tárrida published Les Inquisiteurs d’Espagne in 1897, after having managed to leave Montjuich.\(^{47}\)

The “narration” of the “crimes of Montjuich” became “an important element for the political socialization of Barcelona’s popular classes”.\(^{48}\) The executions and the memory of torture left a strong and lasting impact on a good part of Spanish society. They decisively contributed to the discredit of the model of public order that had been constructed in nineteenth-century Spain.\(^{49}\) Public order had been structured with authoritarian and militaristic criteria right from the offset of the liberal state which would explain, among other things, the recurrent repression of social conflicts and the use of expeditious methods, including torture.\(^{50}\) By the end of the nineteenth century the Spanish model of police and punitive control had already moved on, it was more diversified and harboured new components that made its institutional function more complicated (in turn making it harder to obscure its more dubious or controversial actions), just as the social dynamics were more complex and differentiated.\(^{51}\) The repression of disorder was more exposed, more noticeable for

\(^{45}\) El castillo maldito: tragedia basada en el proceso de Montjuich (The accursed castle: a tragedy based on the Montjuich trial) is the title of a play written 1903–4 by Federico Urales (Juan Montseny’s pseudonym). It includes terrible torture scenes and the emphasizes the roles of judges, soldiers and executioners, along with the violent environment of the underground cells. In the final scene four anarchists are executed amidst shouts of “Long live anarchy!!”, “Long live social revolution!!” and “Down with the Inquisition!!” Urales (1992, p. 254).

\(^{46}\) In 1909, the journalist José Prat and the writer Ricardo Mella published the book La Barbarie gubernamental, an exhaustive account of the Montjuich trial in order to condemn “torment” and “inquisitorial methods”. A wide range of sources are cited in this book, which offers information published in republican, socialist and anarchist newspapers (Prat, 1909).

\(^{47}\) This can be read online at: https://archive.org/details/lesinquisiteurs00mrgoog


\(^{49}\) More explanations are necessary for an understanding of how this discarding process worked. The governments and the crown appear to be responsible for the Spanish police and penal-penitentiary system’s lack of international credibility “repression in Spain was not only brutal, but also inconstant, as proved by the pardon granted in 1901 to those condemned for the Cambios Nuevos attack” (Avilés, 2013, p. 362).

\(^{50}\) Ballbé (1983), García Rivas (1990).

\(^{51}\) However, the gap between social change and changes to the institutions of control was still great and police forces had neither sufficient resources nor effective professional guidance for prevention Ballbé (1983, p. 300).
a public opinion that had begun to be moulded as such in a very direct relationship with the emergence of periodicals, even though the government controlled much of the information. And torture, with its resounding impact, was a symptom of the depth of those changes in Spain at the turn of the twentieth century. For the first decade of the new century many reports of ill-treatment appeared in newspapers, sometimes in relation to the issue of crime and the state of prisons and sometimes in relation to social issues (and the repertoire of protests from the previous decade, the dissemination of testimonies, politician’s questions, etc.).

THE DENUNCIATION OF TORTURE AS POLITICAL SCANDAL: CULLERA 1911

In 1911 the “Cullera incidents” revealed that the question of torture had gained importance in Spain. On the morning of 18 September, during a nation-wide general strike called by the CNT to restate workers’ demands, condemn the repression of recent labour protests (especially that of Vizcaya), and reject the government’s decision (a government presided over by the liberal José Canalejas) to send reserve forces to Morocco, alarming and tragic events took place in Cullera, Valencia. The reception of these events was constituted, from their very inception, by features of political violence and social unrest: the killing of three public officials, the large number of detainees, several reports of the torture inflicted on prisoners, and the disturbing appearance of the death penalty in the proceedings opened by military jurisdiction. This meant that news of the Cullera incidents spread quickly throughout Spain and did not take long to travel abroad. Mobilizations in September 1911 had acquired “a frankly insurrectional tone” in some areas of eastern Spain, in the context of a protest movement with different effects across the country.52

The strike movement of 18 September 1911 had got out of control in that part of the eastern coast of Spain (the mayor and a number of Cullera’s municipal guards were subsequently dismissed for their ineffectiveness). The police forces, Carabineros,53 and Civil Guards, were overwhelmed by a protest that extended through the region and became radicalized, with boycotts, sabotages and acts of contempt and disregard for government power. Amid all this alarm and disorder, the judge of the neighbouring town of Sueca, Don Jacobo López de Rueda, who, by all accounts, had a resolute authoritarian disposition, decided to go to Cullera. The judge intended to take steps against the protest activists’ rebelliousness, he intended to face the pickets of a strike that was being supported by the left, by republicanism, and by workers’ societies from all over the region.54

Amidst the confused dynamics of action-reaction that this judge, with his scarce resources, could neither calm nor redirect, three justice officials were killed: the judge himself and two employees who assisted him, one of whom died shortly after the incident after failing to recover from their injuries. Reports of the events, although confused, reflected that, among other extreme acts of violence, Judge López de Rueda fired several shots at the crowd and groups of strikers reacted with

53 Translator’s note: the Carabineros was a paramilitary corps operating from 1829 to 1940 in Spain, it was mainly responsible for patrolling Spain’s coasts and borders and combatting fraud and smuggling.
fury, eventually fatally attacking members of the judicial committee. Apparently, the young Juan Jover (better known as Xato de Cuquet) stood out among the other perpetrators. The tragic incidents of that summery morning provoked a surge of shock and dismay that ran like wildfire from the coast to the region’s capital, Valencia, where the province’s civil government and the Capitanía General de la III Región Militar were based, and whose direct line to Madrid must have been activated immediately. The government declared a state of emergency and used the army to impose order, locate the fugitives, and make arrests.\(^55\) The brand-new Ley de Jurisdicciones had reinforced military jurisdiction and made it possible for social movements’ typical repertoire of actions to be judged and repressed as crimes of public order and rebellion. Allegations of torture were to shape the fate of this indictment. The courts martial issued harsh prison sentences for the 22 defendants in Cullera and seven death sentences, of which the captain general of Valencia signed three. The protest against the death sentences grew rapidly, it gained influence and managed to get the cabinet to pardon two of those condemned on 12 January 1912, but not Xato de Cuquet. It was to be King Alfonso XIII who pardoned Xato, and this made Canalejas tender his resignation, which the monarch, in turn, rejected.

Cullera was but one example of the radicalism of the social and political unrest building up in Spain around the turn of the century. In the early 1910s, after years of intense activism, which the state had responded to extremely harshly, direct action as the hallmark of anarchism (including revolutionary terrorism) already showed clear signs of weakening; social upheaval, however, did not subside. The years 1909-1911 were peppered with social and anti-war protests. The government’s decision to send reserve forces to Morocco provoked protests, uprisings, disobedience, riots, sabotage, and strikes, in which labour demands and “no to war” campaigns overlapped. These features of Spanish social mobilization turned out to be particularly striking and news of these incidents in Spain crossed borders: they were of great interest in Europe.

In the first decade of the twentieth century, it was no longer uncommon to come across press reports about ill-treatment carried out by police, prison guards, Civil Guards, Carabineros and other police forces, against detained strikers, strikers on remand, and civilians being held illegally. Reports of prison officers or “cabos de vara” (prisoners charged with keeping order internally, literally corporals of the stick) mistreating remand prisoners or convicts were not uncommon either.\(^56\) And yet by the end of October, Cullera was bringing an even more undesirable image to the forefront of the public debate. This involved reports that brought with them the echoes of a distant past, except that at this time they were not to be ignored: detainees’ (and later remand prisoners’) reported being cruelly mistreated as they had “testimonies extracted from them”.

These accusations gained strength and gravity with the creation of a commission of inquiry (under the initiative of Valencian republicans) which visited the prisoners and gathered testimonies and evidence of ill-treatment and torture. Republican newspapers aired the accusation “before the commission met with Canalejas”, forcing

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\(^55\) Pérez Blasco (1999), Torres Fabra (2002).

\(^56\) In 1911 the socialist Pablo Iglesias asked questions about the ill-treatment of strikers in congress (La Vanguardia, 12/07/1911). The complaints about the ill-treatment of various prisoners in Chinchilla prison at the hands of “cabos de vara” also emerged (La Vanguardia, 28/03/1911). Moreover, three Carabineros were judged by court martial for the ill-treatment of an illegally detained civilian (La Vanguardia, 31/05/1911).
the president to declare that he would listen to the republican commissioners, so that
there would be not a “shadow of a doubt”. The government sent a senior officer
from the Dirección de Penales (criminal matters directorate) to Valencia while the
Civil Guard also investigated the matter. Canalejas expressed his conviction that
the allegations were probably false and malicious, and that the captain general of
Valencia had opened the investigation to prove this so that the full force of the
law might be unleashed “against the slanderers of national honour”, since “General
Echagüe and I both knew certain groups intended to use the issue of torture to
produce a bad law effect at a political level inside and outside Spain”.

As retorts and counter retorts appeared in the press, a strained, tense atmosphere
emerged in the political arena and in the newspapers. The confrontation between
conservative and left wing and republican newspapers was certainly heated. Indeed,
much of the political and media controversy around the Cullera incidents at that time
was to gravitate around the word “tortura” displacing the term “malos tratos”. It
would seem that, with the presence of the word torture in messages and speeches, the
texture of the facts changed, and the potential death penalty hanging over prisoners
altered it still further. The word torture itself, without adornment, had already been
endowed with a power of its own that seemed to grant legitimacy to the accuser. This
placed the state in an uncomfortable position: on the defensive.

Although the president was determined to ignore how deep official concern ran
(“[i]t is the latest fashion to talk about torture,” said Canalejas) the government was
forced to react with a startling array of dissemination and propaganda strategies.
In the midst of the Cullera scandal, other allegations of torture were made known:
the case of Luís Catalán in Castellón, the case of another detainee in Lleida, and
reports from workers in Bilbao, in addition to those of several Portuguese workers
who had been mistreated in Badajoz prison. The executive branch had to account
for these issues on a case-by-case basis. The civil governors of Castellón and Lérida
denied accusations of torture. And Canalejas, defending the transparency of the
government in response to what he considered pure malice, declared that, in addition
to the Cullera file, they were also going to publish those of Bilbao “and that of the
alleged ill-treatment in Castellón”, to prove, “the falsity of the reports” and “the slander
campaigns that were moving against the most respectable classes of the nation”.

However, the Spanish government was particularly distressed by how it was
being represented in Europe. The campaign against torture went beyond the spheres
of those political forces that the conservative press despised as “radicals”. When the
government published the medical file that was supposed to sweep the case under
the carpet, the official denial was given zero credibility in the foreign press. In the

57 La Vanguardia (26/10/1911); La Correspondencia de España: diario universal de noticias
(26/10/1911); Las Provincias: diario de Valencia (27/10/1911). Gargallo Vaamonde (2016, p. 413).
58 ABC (27/10/1911). The ABC (06/11/1911), along with La Atalaya: diario de la mañana (01/11/1911),
among other newspapers, let their ink loose against what they denounced as the “radical’s campaign”
in Europe which “slandered” Spain, reproducing the reports Spanish activists had passed on to them,
including the French L’Humanité and the English Daily Mail among others.
59 La Vanguardia (05/11/1911).
60 La Vanguardia (08/11/1911).
61 La Vanguardia (06/11/1911 and 07/11/1911).
62 La Vanguardia (14/11/1911).
socialist newspaper *L'Humanité*, it was said that, “the fact that 28 doctors have been prevented from examining the prisoners, and that neither the accusers nor the press have been able to intervene in the work of the (official) commission was enough to make the report completely unacceptable.” 63 The prisoners had been examined by four civilian doctors and three military doctors, who did not see “vestiges of torment”, but only some old scars, “many of them boils and under-arm abscesses” or “vaccinations”. 64 The right-wing press aired the “government file” that dismantled the campaign of “falsehoods” about the “alleged tortures” of Cullera. 65 As a result, some prison officials were found guilty of helping the Republican commissioners draw up complaints against ill-treatment. 66

Towards the end of November, the extensive government file was published as a book. 67 The intention to spread this information along with concerns about the campaign in Europe would lead the government to translate it into many languages. 68 The monarchical press, which was rather upset with certain foreign publications, was involved, body and soul, in responding to them out of patriotic responsibility. The director of the ABC, Torcuato Luca de Tena, encouraged Spanish newspapers to unite to face “the campaign of infamies, insults and slander” of the European newspapers. Luca de Tena said that the attack against “the honour of Spain” (which “is the heritage of neither monarchists nor republicans, poor nor rich”) justified the protest “against the accusation that we belong to a country of tyrants and murderers, when the bar we set for freedom and tolerance is reached by few nations in Europe”. 69

Newspaper editors with progressive editorial lines nuanced the controversy. They could concur that what was described was not necessarily “tortura” but rather “malos tratos”, sustaining, in this way, that the Spanish penitentiary system was more benevolent than that of other European countries. At that meeting newspaper editors agreed to publish a long press release abroad in English, French, German and Italian, arguing that legal procedures were followed for the perpetrators of the Cullera crimes. However, the editors of *El País* and *El Heraldo de Madrid* told Luca de Tena that he ought not to continue to state that there was an orchestrated international campaign to “denigrate” Spain, because the foreign press had limited itself “to

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63 *ABC* (06/11/1911).
64 *Crónica Meridional: diario liberal independiente y de intereses generales* (29/10/1911; 02/10/1911).
65 See a summary in *ABC* (28/11/1911) and a comprehensive report in *La Opinión: periódico político y de intereses oficiales* (06/12/1911).
67 “By its size and volume, it must be a book of many pages” (*El liberal*, 27/11/1911). The publication gave the press the chance to explore the official version (*El Progreso*, 27/11/1911).
68 “ Expediente gubernativo para comprobar la denuncia de supuestos malos tratos y torturas a los presos por los últimos sucesos de Cullera en las prisiones de Valencia y Sueca.” [Government file to investigate allegations of ill-treatment and torture of prisoners from the recent incidents in Cullera in the prisons of Valencia and Sueca] Madrid, Imprenta La Editora, 1911 (The report was 192 pages long).
69 *ABC* (02/11/1911). The meeting between editors in the ABC offices was a success in terms of attendance, with the presence of *La Época*, *El País*, *El Heraldo*, *El Debate*, *El Correo Español*, *El Siglo Futuro*, *El Universo* and many other papers, almost all the big Spanish newspapers. *El Imparcial*, *El Liberal*, *España Libre* and *El Radical*, therefore, were conspicuous in their absence (see the report in *La Correspondencia de España: diario universal de noticias*, 05/11/1911).
reflecting the impressions published by Spanish newspapers in their columns". There is every indication that the impact of what happened in Cullera must have been much felt beyond the Pyrenees. The anarchist movement had given the Cullera prisoners’ allegations coverage right from the beginning, in both Spain and Europe. Anarchists set in motion an operation involving agitation and propaganda that they had been building on since the end of the nineteenth century on the back of their own experience in anti-repressive struggles.

What cultural images accompanied the accusations in texts and speeches at public events carried out by organizations like the Committee for the Defence of the Victims of Spanish Repression? Images that had been used long before, for the campaign against the torture of the anarchist prisoners of Montjuich (1897) and of Alcalá del Valle (1903); according to the ambassador in France the same procedures were used as those implemented by anarchists for the Ferrer and Guardia case (1909). The Spanish justice system was presented as a new “inquisition” directed against “innocent men” who could end up being executed after being tortured. It was treated as entirely repugnant. The two aspects of institutional violence were intermingled: there were the civil guards and the military who had abused detainees on the one hand, and prison situations that were described as a martyrdom for the prisoners, on the other. Prison appeared doubly contested: for having been the place in which the prisoners were tormented (which was also decried by republicans) and for being an institution which humiliated and degraded people. These were the anti-prison postulates of the anarchism that Kropotkin had set in motion in 1877.

In 1911 controversy was unleashed by events that brought people face to face with the reality of social violence and reports of repressive violence. Moreover, the prototype of the pro-revolutionary-violence-anarchist was not in the spotlight, the focus shifted towards socialists and republicans, particularly the latter — who came to the foreground of protest actions. In fact, the republican press, particularly in Valencia, persevered despite pressure to desist, championing demands for death sentences to be pardoned. The campaign against the death penalty, strengthened by experience acquired in the struggle against torture, was to make even more impact, with tens of thousands of supporters from all ideologies: prominent intellectuals, journalists, artists and members of the clergy, in addition to a long list of political, trade union, and institution leaders (including the city council of Sueca).

Punitive culture was clearly undergoing a significant change: the historic triumph of custodial sentencing came hand-in-hand with an ethos that rejected punitive cruelty, a social sensitivity at odds with torture as well as the death penalty and life imprisonment, punishments that were growing less frequent in judicial sentences and would cease to exist in the penal code.

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70 El Adelanto: diario político de Salamanca (04/11/1911).
71 See Laqua (2014).
73 D’Auria (2007, p. 142-144).
74 El Pueblo: diario republicano de Valencia (11/01/1912).
75 The “tragic events of Cullera” were to provoke a long memory war in Cullera and Sueca, involving institutional disagreements and collective sentiments of shame and injury: see http://www.levante-emb.com/comunitat-valenciana/2011/11/19/desaparicion-justicia-ultraizada/840773.html.
76 Gargallo Vaamonde, Oliver Olmo (2016), Oliver Olmo (2017).
CONCLUSIONS

The “Cullera incidents” in 1911 showed that torture had become so significant that its capacity to shock greatly increased and it became a cause for political scandal and denunciation campaigns both inside and outside Spain. When and how was this public awareness that lent credibility to reports of torture constructed? Cullera in 1911 was the last straw in a repressive cycle, the most outstanding milestone of which had been the Montjuich process, in a period in which the modern components that make torture a concept of political denunciation began to be made intelligible. This was a short cycle which must be considered as part of a longer process emerging at the beginning of the nineteenth century as a result of the definitive debate on the abolition of judicial torture and the constraint and coercion of prisoners and imprisoned witnesses.

The abolition of judicial torture in 1814 was part of a narrative of progress. It seemed to inaugurate a new penal phase and shed light on an improved, more humanized punitive present that meant to leave the darkness of the past behind. However, the disappearance of torture in the legislation on judicial proceedings would also illuminate the profound and timeless reality of institutional violence, ill-treatment and government torture (police and prison). Henceforth (and increasingly with the dawn of the twentieth century) the notion of torture was to become influential in two fields that were theoretically distinct but interrelated — the legal and the political. While, in the former, legal apparatus that began to recognize the rights of individuals was drawn up, in the latter a discourse was being constructed about police (and to a lesser extent prison) torture that would become a first-class resource for political denunciation in the hands of collective social movements allowing them to stand up to processes of criminalization and repression. Torture’s impact potential had reached its height at the beginning of the twentieth century.

In 1911 the problem of torture subverted and heightened the significance of the tragic events of Cullera. Politically, there were many different readings of this event, making the conflict surrounding this Spanish social issue particularly painful and tense. In terms of crime, with a judge and two legal assistants dead, the case was hardly positive for the protest’s cause. However, the testimony of the prisoners who reported being tortured while on remand was what stood out in the news at the time. In Spain torture was shown to have become an inevitable source of scandal that set political parties and newspapers of different orientations against each other. Meanwhile, in other European countries protests against torture in Spain found much resonance, with recurrent appeals to an old imaginary that reconstructed the sinister image of inquisitorial justice resuscitated. The government had to work hard to save the image of public order and justice, the system of control and punishment that dominated in the Spain of the Bourbon Restoration.

The 1911 Cullera incident is an indicator of the historic change in punitive culture in the penal civilizing process. Why was political culture so responsive to allegations of torture at that time? The sequence of events, that since the 1880s had linked the anarchist movement to the image of social violence and the counter-image of the political repression they received, helped to create a climate of opinion in Spain that was conducive to allowing reports of this kind to be heard. After all, in the autumn of 1911 some newspapers, such as El Radical and El Progreso, called

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77 On the notion of the penal civilizing process and punishment see Pratt (2002).
“the Cullera issue” the “New Montjuich”. The disrepute stemming from torture in Montjuich must have been such that it generated an enduring attitude of suspicion towards the repressive actions of the state, which explains why this was revived from time to time, each time the words “torture” and “death penalty” were combined.

The prominent presence of torture in the repressive cycle that began in the last decade of the nineteenth century and culminated in the first decade of the twentieth had constituted it as a concept of political denunciation. Three factors put torture at the centre of social and political life every time they appeared in contexts of social and political violence: 1) the repressive response of the government, when it was ostensibly perceived as forceful and violent, disproportionate and bloody, based on police brutality, mass arrests and brief trials in which the prosecution requested death sentences, and where the repercussions of torture allegations presented by detainees and lawyers in the courts and in national and international public opinion increased; 2) the collective action of the entities or collectives of activists who carried out propaganda campaigns and campaigns to denounce torture in Spain and abroad, in contexts in which institutional violence was certainly credible, which was gaining resources and the ability to influence; and 3) the repercussions of scandalous cases of institutional violence in the political, judicial and media agendas forced the government to position themselves and consequently to polemicize, which fed back into the impact of the denunciation of torture on society.

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