

# THE PROBLEM OF THE DEATH PENALTY IN PARDO BAZÁN: REVISITING *LA PIEDRA ANGULAR*



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In 1983, Maurice Hemingway noted that critics had “almost entirely neglected” *La piedra angular* (2). Since then, a few critics have studied *La piedra angular*, however themes related to Pardo Bazán’s writing, such as feminism and naturalism, or Pardo Bazán’s editorial writings have been the focus of these studies, rather than the novel itself.<sup>1</sup> Hemingway also stated that “*La piedra angular* has real qualities which have not been recognised, and that the novel scarcely deserves the oblivion to which it has been relegated” (106). In concurrence with Hemingway, a new analysis is necessary.

*La piedra angular* (1891) by Emilia Pardo Bazán deals with the life of an executioner, Juan Rojo, and his marginalization by society for the position that he occupies. The ironic title of the book comes from the argument in the debate surrounding the death penalty that holds it to be the “keystone” of society. Although Rojo is a public servant and performs a social function, he is rejected by society and his family for holding this position and carrying out the function that he was hired to perform. Rojo defends himself from this rejection by saying and believing that he is only doing his job, carrying out society’s orders to execute criminals. The social problem of the debate over the death penalty becomes the “keystone” of his life, his personal problem, and eventually results in his suicide.

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<sup>1</sup> *Vid.* David Henn for a study of characters in *La piedra angular*; Anne Wyly Gilfoil for a criminological study of the novel; Kristen Marie Freeman and Adna Rosa Rodríguez, and Elizabeth A. Scarlett for criticism on Pardo Bazán and feminism; Mariano Baquero Goyanes and Mariano López-Sanz for criticism on Pardo Bazán and naturalism; and Juliana Sinovas Maté and Martha Zárate for criticism regarding Pardo Bazán’s newspaper writings.



This study argues that many critics have misinterpreted *La piedra angular* in a number of ways. Some critics (Emilio González López, 480; María García Barragán, 191; Mercedes Etreros, 37) have characterized the novel as a thesis in favor of the abolition of the death penalty. Drawing from textual examples in the novel and from essays written by Pardo Bazán, this study argues that this is not the case. The novel can better be characterized as a novel that criticizes Spanish society's treatment of the death penalty. By writing a story about a character that society scapegoats for occupying a position that society deems necessary, Pardo Bazán is able to make very apparent her criticism of the existence of the death penalty in Spanish society. Writing *La piedra angular* allowed Pardo Bazán the opportunity to express her position in a variety of ways that differed from her regular practice of expressing her opinions in essays that she wrote in editorials of the day for such publications as *El Imparcial* and *La Ilustración Artística*.

This article also demonstrates Pardo Bazán's deep understanding of the Positivist and Classical Schools of Criminological Theory, and explores her criticism of various aspects of these schools in *La piedra angular*. While Wylly Gilfoil and Clemessy have previously studied the representation of these schools through characters in the novel, the analysis presented in this article goes beyond a comparison of these two schools, and examines Pardo Bazán's criticism of various ideologies within the Positivist School itself.

#### LA PIEDRA ANGULAR: EVIDENCE AGAINST ITS CATEGORIZATION AS A THESIS NOVEL

Some critics who have studied *La piedra angular* have arrived at the conclusion that the novel is a thesis in favor of the abolition of the death penalty. According to González López, for example, "*La piedra angular* asoma una novela de tesis, la única de la Pardo Bazán, en favor de la abolición de la pena capital" (480). Another critic, García Barragán states: "*La piedra angular* se pronuncia decididamente contra la pena de muerte . . . (191)". Etreros adds that after Pardo Bazán witnessed the execution of Higinia Balaguer in Madrid, she passed on "el rechazo a la pena capital" to *La piedra angular* (38). Relying on these critics' statements, one could easily conclude that Pardo Bazán

wrote *La piedra angular* as a condemnation of the death penalty. However, Pardo Bazán did not support the complete abolition of the death penalty, but rather, that it should be used on a much more limited basis. Hemingway noted “it would be wrong to assume that she wrote the novel in order to propagate her abolitionist views” (90).

In fact, some critics have argued that Pardo Bazán was not an abolitionist. Referring to the social philosophy expressed in *La piedra angular*, Alfredo Rodríguez and Héctor Delgado-Marrero assert that Pardo Bazán “lamenta la existencia de la pena capital, por todo lo que supone, pero se cuida mucho al mismo tiempo de proponer su abolición en términos inequívocos” (364). Pardo Bazán, in her essay in *El Imparcial* on July 20, 1890, demonstrates this regret, noting “La sociedad que necesita matar prueba su debilidad para la represión activa, constante, severa, terrible. Es como el padre que pega y maltrata a sus hijos porque no acertó a educarlos y hacerse obedecer con sólo el mandato categórico” (1). Here, Pardo Bazán demonstrates her regret that the death penalty exists, but stops short of opposing it.

The opinions expressed in these passages do not prove that Pardo Bazán was an abolitionist, but rather suggest that she was a harsh critic of a society that has to resort to violence in order to maintain order. In the same essay, “Impresiones y sentimientos del día diecinueve” in *El Imparcial*, one can also find assertions which are pro-justice. Pardo Bazán states: “Los crímenes que la justicia no castiga, ni puede castigar, absorben todo mi caudal de indignación disponible, y no me queda ni un céntimo para los que la justicia ha castigado”. Her apparent support of the punishment of criminals by society is evident in this passage.

If one examines an earlier work, *El indulto*, in which Pardo Bazán tells the story of a woman who suffers as a result of her husband receiving a pardon for murdering her mother, the conclusion can be drawn that she supported the death penalty in the particular cases. The sentencing of the criminal is described in detail in *El indulto*, and Pardo Bazán writes, “en vez de ir al palo, salió con veinte años de cadena. Para el pueblo, no cabía duda en que el culpable debió subir al cadalso” (1110). The death penalty was to be reserved for society’s most repulsive criminals.

In another essay written by Pardo Bazán in *La Ilustración Artística* on August 31, 1903, she goes further by presenting her defense for supporting the death penalty. Although she is discussing the lynching of individuals at the beginning of this seg-





ment, she quickly returns to the issue at hand to explore the reasons for which society must employ the death penalty.

¿Qué opinan ustedes de la ley de Lynch? A mí no me disgusta en cuanto revela energías y concepto de la justicia; porque hay crímenes que de tal manera ofenden y soliviantan, que parece que el castigo ha de ser inmediato, como el golpe con que se responde a grave y bochornosa afrenta.

Los que prevalidos de su fuerza, atropellan a la niñez; los bestiales ultrajadores de criaturas, ¿merecen acaso, otra cosa que el linchamiento? Jamás lo creeré. La indignación del primer instante, que se debilita después, es la mejor consejera y el juez más recto: en tales casos el sentimiento enseña mejor que y guía más certeramente que todas las legalidades formulistas del enjuiciamiento largo y pesado. (1)

It seems clear from such essays that Pardo Bazán was not an abolitionist, but rather, that she felt this most severe penalty should be reserved for the most heinous of society's criminals. It can also be inferred from opinions stated in her essays that she believed that a society that had to employ the death penalty demonstrated its own instability and failures.

An essay written in *La Revista Contemporánea* by her friend Leopoldo Pedriera, who figures as a character in *La piedra angular*, best articulates this argument. Pedriera maintains that "*La piedra angular* no es una novela de tesis... es el desenvolvimiento de un celeberrimo artículo publicado por la Sra. Pardo Bazán en *El Imparcial*, a propósito de la pena de muerte, cuando acababa de ser ejecutada Higinia Balaguer" (113-114). One of the most important aspects of nineteenth-century Spanish society's use of the death penalty that Pardo Bazán criticizes in *La piedra angular* is the application of the death penalty to women. Her criticism is of Spanish society's practice of relegating women to an inferior position all the while treating them the same with respect to the death penalty.

In an essay written in *El Imparcial* on July 20, 1890, Pardo Bazán notes:

La mujer es un ser débil—afirman los partidarios de nuestra inhabitación social y política. — La debilidad de las mujeres no las escuda contra el palo. Si hay tal debilidad en la mujer, ¿puede en conciencia subir al patíbulo? Si es un ser que vive en perpetua minoría, ¿cómo no le aplica la sociedad el criterio protector, a que los menores tienen derecho? (1)

The criminal who is slated for execution in *La piedra angular* is a woman who is never named in the novel, but who is referred to as the woman from La Erbeda, the town where the crime occurred. The woman allegedly killed her abusive husband in self defense and was arrested with her lover, who was charged as an accomplice.

Through the creation of a female character who is going to be executed, Pardo Bazán manipulates the dialogue of the upper echelon of society who often debates this topic. In a conversation between Dr. Moragas and the young attorney Lucio Febrero, Pardo Bazán treats the issue of women and the death penalty. Moragas demands of Febrero, “Cree usted que deba morir en garrote mujer ninguna?” to which Febrero replies:

Ya sabe usted cómo pienso en ese asunto [. . .] No soy abolicionista [. . .] Pero las mujeres, puesto que la ley las considera *menores* para infinidad de casos, y el Derecho político las excluye, debieran encontrar ante el Derecho penal la protección y la indulgencia que se deben al menor . . . Esa criminal de la Erbeda, por ejemplo, no hubiese cometido el crimen si no fuese educada bajo de régimen *del terror viril*. Me ha contado su historia . . . De casada, su marido . . . un día que vino más borracho que otros, la quiso meter en el horno y arrimar lumbre [. . .] y [. . .] la conquista un día, por violencia, con amenazas y golpes . . . y por frases, por miradas, por intuición, ella comprende que el propósito es firme, que su marido tiene determinado matarla y solo espera ocasión propicia. Así la va asesinando poco a poco de susto. Al acostarse le dice siempre: “Cuando menos pienses te despiertas en la eternidad”. Y la mujer suprime el sueño, quiere que no la sorprendan, poder resistir, gritar [. . .] ¿Comprende usted el estado psíquico que determina el no dormir en muchos meses? . . . Ahí tiene usted el génesis . . . ¡Miedo! (331-332)

In this conversation, there are two apparent defenses that the woman should not be executed: (1) she should not be executed by a system that believes women to be inferior and need societal protection, and (2) there are some extenuating circumstances in this woman’s case that should be taken into consideration. The first defense evident in Febrero’s argument is derived from the essay written by Pardo Bazán, mentioned above, in which she addresses this point. Because Febrero’s arguments, here and elsewhere in the novel, paraphrase positions taken by Pardo





Bazán in her essays, it is through his character that she most clearly demonstrates her viewpoints on the issues surrounding the death penalty in general. Therefore, when Febrero claims “Yo no soy abolicionista,” one can infer, especially when combining this statement with other evidence presented in this article, that Pardo Bazán was not an abolitionist. For this reason *La piedra angular* should not be categorized as a thesis novel in favor of the abolition of the death penalty.

In addition to using Febrero’s character to demonstrate her beliefs on the manner in which the death penalty is applied to women, Pardo Bazán also employs his character to discuss the general debate over the death penalty. In one conversation between Febrero and Dr. Moragas, Febrero reveals that he does not support the complete abolition of capital punishment:

¿De modo que usted [. . .] no condena en absoluta la pena capital, que a mí me parece una ignominia de la sociedad?  
— No la condena en absoluta la pena capital; no por cierto —confirmó el abogado con cierta solemnidad—. Lo que proscribo sin rebozo y a boca llena es la pena de muerte como *represalias* y el concepto de la *vindicta pública*.  
(317)

Febrero’s ideas coincide once again with what Pardo Bazán has stated in her essay cited above from *La Ilustración Artística*.

Additional criticism of the death penalty is evident in Febrero’s argument, but this time the criticism is aimed at the system itself. At the end of the conversation cited above between Moragas and Febrero, Febrero displays his frustration with the system and his plans to leave the city to avoid the spectacle: “Me libraré del espectáculo ridículo de la versatilidad de las muchedumbres: no veré a los mismos que hoy clamaban ‘Vindicta pública,’ telegrafiar a los diputados y senadores para ver de conseguir ese otro absurdo que llaman indulto . . .” Moragas asks him if he thinks that they will pardon her, to which Febrero replies, “Sé que no la indultarán: corren vientos de severidad. Pero el indulto me subleva. O no condenar, o no perdonar a capricho. La clemencia ministerial (ni real es) corre parejas con la justicia histórica” (332). Through Febrero, Pardo Bazán indicts Spanish society’s habit of condemning someone to death only to later request a commutation of the sentence. Elsewhere

in the novel, Pardo Bazán methodically uses characters based on real people to develop her critique.<sup>2</sup>

With Arturo Cádiz's actions, for example, Pardo Bazán demonstrates that politicians often asked that the punishment they had worked so hard to attain be set aside. Arturo Cádiz, the judge in the trial, is the most notable supporter of the death penalty in *La piedra angular*. As described in the novel, "Era implacable penalista y tenían escritos dos folletos abogando por la pena capital—por lo cual los marinedinos (gente del pueblo) le habían puesto el apodo Siete Patíbulos" (310). Five months after having fought tirelessly to ensure that the death penalty be the punishment for these two criminals, Cádiz is seen by Moragas asking the powers that be in Madrid to pardon the criminals and to set aside the punishment. Cádiz sends the following telegraph addressed to 'Subsecretario Gracia y Justicia': En nombre caridad ruégole interese ministerio reina indulto reos Erbeda evitar día nefasto capital dignísima (341). It is not clear whether Pardo Bazán is disturbed by the arbitrariness of verdicts that are later commuted, or whether she recoils at the bureaucratic waste entailed by this judicial propensity. In any event, this is one of the aspects of judicial culture that she criticizes in *La piedra angular*.

Another aspect of Spanish society's handling of the death penalty assailed by Pardo Bazán in *La piedra angular* is the media attention surrounding the murder. She uses the media's interest in the crime to illustrate society's lust to know the most atrocious details of a crime. In addition, she demonstrates that the media manipulates society's desire for sensationalism in order to generate the outcome which best suits them:

Según unos, tratábase de un marido beodo y brutal que amenazaba y pegaba constantemente a su mujer, y a quien esta, en un arranque de cólera, provocado ya por tanto abuso, hiciera picadillo a hachazos. Según otros, la pasión de su cuñado le había inducido a matar a este en la soledad de un

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<sup>2</sup> With respect to using real people as characters in her novel, Pedriera, who, as noted earlier, is himself a character in the novel, commented: El Dr. Moragas [...] este doctor existe y es un muy venerable y querido pariente del autor de estas líneas. En Cádiz creo reconocer un antiguo contertuliano de la Señora Pardo Bazán. Sepa, pues, el curioso que los personajes de *La piedra angular* andan aún por el mundo. (Pedriera, 118). In addition, Carmen Bravo-Villasante stated that Dr. Moragas was "el vivo retrato de don Ramón Pérez Costales, que asistió a la Pardo Bazán en el nacimiento de sus tres hijos y que era el médico de cabecera de la familia" (186).





pinar. Según los que parecían mejor enterados, había de todo un poco: el marido maltrataba a su mujer, el cuñado la quería, ella se entendía con el cuñado y entre los dos tramábase la muerte, la cual no se ejecutara en despoblado, sino en la propia morada de los esposos en ocasión de dormir confiadamente la víctima en el nupcial lecho, teniendo a su lado a una inocente criatura, niña de tres años. Fue esta horrible versión que la prevaleció . . . (307)

In this passage, Pardo Bazán demonstrates how the media generated gossip escalated, and that it was the most sordid version of the Erbeda crime that prevailed.

Another aspect of the justice system attacked by Pardo Bazán is the manner in which officials charged with deciding the fate of the defendants allowed their emotions and beliefs to influence their decisions and color their judgment. For example, Carmelo Nozales, *El Fiscal*, speaking with Moragas, Camaño, and Febrero, among others, explains the details of the crime to all present:

Ni prejuizo nada, ni los señores . . . ni yo, ni persona alguna, han de formar su opinión por lo que hoy se platique, sino por la luz que arroje el sumario; pero admitamos provisionalmente que sea verdad lo que dice la mayoría de la Prensa . . . y reconozcan que el crimen es de los de patente . . . (312)

After Nozales' description of the crime, Moragas intervenes saying that he shouldn't dramatize an accusation of the husband who was killed. Moragas continues that the husband was "un borrachón, muy holgazán y muy bárbaro que le daba a su mujer cada paliza" (313). Nozales responds, "Ya he dicho que no prejuizo . . .," to which Moragas answers, "No prejuiza usted, pero acusa . . ." (313).

This dialogue between Nozales and Moragas results in an important debate over the death penalty between Febrero and Camaño, the representatives of the opposing sides. It is in this conversation that Pardo Bazán more clearly shows the impact of emotions and personal beliefs about the death penalty and criminality in general on the judgment of those involved in the trial of the accused. Because Febrero is anti-death penalty in this case, he defends the woman's actions because she is herself a victim of her husband's abuse and he feels that her action was justified as self defense. Camaño, being such a supporter of the death penalty,

does not believe that there is any acceptable defense for the crime of murder. In his mind, the two defendants are already guilty, so it is not a surprise when he later reaches this verdict.

Based on the above arguments, one must view *La piedra angular* as something much more nuanced than a thesis in favor of the abolition of the death penalty. Complex character development and the interaction and dialogue between her characters allowed Pardo Bazán a more complex critique of social and judicial practices, such as the application of the death penalty to women, the arbitrary granting of pardons for crimes, and the failure to examine extenuating circumstances when examining criminal acts.



#### TENETS OF THE POSITIVIST SCHOOL OF CRIMINOLOGY

Criminological aspects of *La piedra angular* have been studied by some critics. In Clemessy's comprehensive two-volume study of Pardo Bazán, she devotes one chapter to the novel in which she examines criminological theories as represented by various characters. Clemessy states: "la novelista hace exponer a su personaje (Febrero) las ideas claves de Cesare Lombroso y su escuela sobre antropología criminal" (598). Additionally, Clemessy notes "las teorías psicopatológicas positivistas le parecen inadmisibles" referring to Cádiz's stance on the death penalty which is in accord with the Classical School of Criminology. Clemessy's analyses, therefore, contrast the characters Febrero and Cádiz, who represent different schools of criminological thought, Positivist and Classical, respectively.

Wyly Gilfoil examined various tenets of the Positivist school of criminology that are evident in the novel. One section of her article deals specifically with Pardo Bazán's physical description of Rojo. Wyly Gilfoil has labeled Rojo a criminal, noting that at the beginning of the novel when Rojo anonymously presents himself to Doctor Moragas, "The narrator/doctor relies on the theories of the Positivist school to describe the executioner/criminal" (84). Wyly Gilfoil uses Rojo's physical description to support her assertion "Moragas's instinct and his medical readings have predisposed a diagnosis based on both moral and physical signs":

A cada instante reconstruía con más precisión la frente cuadrangular, anchísima, el pelo gris echado atrás como por una



violenta ráfaga de aire, los enfosados ojos que parecían mirar hacia dentro, las facciones oblicuas, los pómulos abultados, la marcada asimetría facial, signo frecuente de desequilibrio o perturbación en las facultades del alma. (279)

Wyly Gilfoil is accurate in noting that Rojo's physical description fits aptly within the classification system of criminal set forth by Lombroso, the father of modern criminology and the founder of the Positivist school.<sup>3</sup>

It is interesting to note, however, that Wyly Gilfoil later tells us that Pardo Bazán objected to the superficial reading of signs and their arbitrary systematization (87), citing two reasons for which Pardo Bazán rejected this system:

. . . primero "el propósito de erigir en ley general científica la observación somera y aislada de hechos cuya significación y alcance desconocemos todavía; la otra, el poco quedo y el ningún rigor para adaptar, siquiera artificiosamente, esas series de hechos al cuerpo del sistema" (*La nueva cuestión palpitante* 1165)

By developing a character such as Moragas who apparently subscribes to Lombroso's theory, Pardo Bazán details her criticism of his theory. Some modern criminologists have argued that under his system any individual would be classified as criminal. This becomes apparent in the descriptions of Rojo and the

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<sup>3</sup> In Lombroso's system of classification there were three types of criminals: the born criminal, the criminaloid, and the insane criminal. The born criminal shows numerous characteristics which are almost always atavistic. He had a vast system of physical signs which would characterize these individuals. He believed "this atavism explained the diffusion of certain crimes" (366). Lombroso did allow for the possibility that external factors play a role in criminality, but only in a preventative sense. He claimed that an opportunity had to exist for a crime to be committed "It is not possible to steal where property does not exist or to swindle where there is no trade" (366). He further suggested that the proof that these atavistic individuals existed is that "when they begin to pass from their stage of savagery to take on a little civilization they always develop the characteristics of criminality in an exaggerated form" (366-367). The criminaloid possessed "a smaller number of anomalies" than did the born criminal. Lombroso characterized them as being "more precocious and relapsing more often" and believed them to be "drawn into crime by greater opportunity" (374). The insane criminal, the exaggeration of the born criminal, exhibits impulsive, obscene, and cruel tendencies. Lombroso characterized them as "obscure epileptics or born criminals upon whom melancholia and monomania have grafted themselves according to the natural tendency of different forms of psychic disorders to take root together upon the corrupted soil of degeneracy" (375). It should be noted that although Lombroso later greatly revised his theory, critics focus mainly on his overemphasis of biological causes of criminal behavior.

male defendant of the crime of La Erbeda. As Moragas and Febrero are on their way to visit the female defendant, they pass by her lover's cell and Moragas narrates:



Efectivamente, su cara y su aspecto eran característicos. Moragas reparó en su cabeza deprimida, con pelambrea sombría, semejante a las pelucas de los villanos de comedia; en su mirar zaino, su siniestra palidez, su cara mal proporcionada, más desarrollada del lado derecho; sus manos grandes y nudosas, su prominente y bestial mandíbula . . . Es un másculo de las edades prehistóricas. (334)

In the physical depictions of Rojo and of this man, two types of descriptions that conform to Lombroso's system are evident. The defendant fits in the category of "born" criminal or an "atavistic" individual. He has not evolved as much as men who are not criminals. Moragas' description of him as someone from the prehistoric ages is a direct extrapolation from Lombroso's theory of born criminals being atavistic throwbacks. Rojo's depiction is more difficult to categorize. He does have some characteristics of a "born" criminal, such as "la frente cuadrangular," but he does not display as many characteristics as does the male defendant, and falls short of being classified as a "born criminal."

The description of the female defendant must also be scrutinized to see where it would fit in Lombroso's system. Pardo Bazán does not provide much detail regarding this woman, however when she has been arrested and is being led by guards through town, Moragas describes her as:

una mujer joven . . . Representaba de veintiséis a veintiocho años; tenía en rostro cubierto de palidez; era menudita de cara y cuerpo, de facciones delicadas y regulares, de formas cenceñas y con cierta pureza de líneas en el contorno del seno, alto y pudoroso, sobre un talle pleno. El pelo, muy negro, partido a ambos lados, alisado sobre las sienes y colgando atrás en dos trenzas, contribuía a prestarle expresión y aspecto de recato casi místico. (300)

Moragas continues by stating that he, "sintió una impresión profunda de sorpresa. ¿Por qué llevaban entre guardias civiles a aquella criatura? ¿Sería posible que fuese una criminal? (300).



We are provided a second description of the woman when Febrero and Moragas visit her in her cell. Febrero notes:

Esa mujer tiene una particularidad propia de criminales: ya sabe usted, la escasez de reacción vascular [. . .] y la insensibilidad. No la he visto ponerse colorada ni una sola vez, ni nunca he sorprendido que derramase una lágrima. Pues hoy, al hablarla usted, se ha encendido y se le han humedecido los ojos. (336)

In these representations of the woman, we see a definitive contradiction as to her physical description. It is this ambiguity, and Lombroso's questionable system of relying on physical signs that Pardo Bazán seems to be criticizing.

The more important detail with regard to the woman is her motivation for committing murder. As explained earlier, her crime was motivated by fear for her life. Because the crime was motivated by a factor that is external, rather than something inherent in her physiological makeup, this crime and criminal cannot be categorized by Lombroso's system. There were other Positivist criminologists, such as Enrico Ferri, however, who shared Lombroso's explanation for criminal behavior, but who allowed for the possibility that other factors (environmental and psychological) could contribute to a person's commission of a criminal act. Ferri believed that criminals could be divided into five categories: criminal madmen, born criminals, criminals by contracted habits, occasional criminals, and criminals of passion (24-25). He notes:

In the case of all occasional criminals, the crime is brought about rather by the effects of environment than by the active tendencies of the individual; but whilst in most of these individuals the deciding cause is only a circumstance affecting all alike, with a few it is an exceptional constraint of passion, a sort of psychological tempest, which drives them into crime. (24)

Wily Gilfoil examined the differences between the Classical school of criminology, represented in *La piedra angular* by the characters of Cádiz, Nozales, and Palmares, and the Positivist school represented by the characters of Febrero and Moragas. She states:

The battle lines are drawn between Febrero and the doctor, who represent the latest ideas, and the old guard, Arturito

Cáñamo, alias “Siete Patíbulo, Nozales, the prosecutor, and Celso Palmares, magistrate of the “Sala de lo Criminal en la Audiencia” of Marineda, who represent the classical school of criminology based on Cesare Beccaria’s work...which founded penal ideology on democratic principles. In order to limit the power of judges...Beccaria argued that punishment should be consonant with the crime and that all men were equal in the eyes of the law. (87)



What Wylie Gilfoil and Clemessy fail to note in their examinations of the different theories represented by various characters of *La piedra angular*, is that there were also two ideologies of the Positivist school, which Pardo Bazán clearly outlines in her novel through the characters of Febrero and Moragas. As stated above, some Positivists, like Ferri, did allow for the possibility that external factors played some role in causing individuals to commit criminal acts. It is through the characters of Febrero, who represented the beliefs of Ferri, and Moragas, who represented the beliefs of Lombroso, that Pardo Bazán presents a commentary on criminality as it is viewed by the Positivist School. Therefore, the comparison of various criminological theories that Pardo Bazán presents is not only a comparison of the Classical and Positivist Schools, but also of the theories within the Positivist School itself.

The differences in the theories of Ferri and Lombroso are well explained through the dialogues of Pardo Bazán’s characters, and the criticism of society she is making through these characters is crucial to the novel. In addition to criticizing Lombroso’s theory through her description of the executioner, Pardo Bazán was making yet another criticism of Spanish society, this time noting society’s habit of blindly supporting new theories before they are completely understood or before they have been proven or discounted. In addition, it has been documented that the masses were aware of theories that explained social phenomena, such as criminal behavior. According to D. J. O’Connor, for example, “Newspaper readers as much as readers of journals and books would have been aware of the connection between degeneracy and contemporary theories of criminology” (112). Pardo Bazán herself tells us in *La piedra angular*:

El vulgo de Marineda, como el vulgo de todas partes, había ido, gracias a la Prensa, acostumbrándose a la terminología jurídica y penal, a cierta crítica aguda de la ley y de sus



representantes e intérpretes, crítica que, si no ponía el dedo en la llaga, era por el menos indicio de este descontento social que clama por renovación, pidiendo agua fresca de nuevos manantiales. Andaba mezclando en este movimiento de la opinión marinédina, como en todos los movimientos de la opinión, algo de mecánico y pueril y algo de inspirado y fecundo; combinación que, transformada en instinto, ayuda sin saberlo a los verdaderos precursores conscientes de la marcha progresiva de la Humanidad. (307)

Clearly then, most readers of Pardo Bazán's works were aware of these theories, and Pardo Bazán had no reason to explain them. What Pardo Bazán indeed could explain was the mis-application of these punishments and the double standard that society was applying to the executioner, when in reality it was everyone, the politicians, judges, attorneys, and the common citizen, who was responsible for the laws and the justice system.

#### CONCLUSION

*La piedra angular* is a great criticism of Spanish society though the means of identification with the problem of the protagonist Juan Rojo. Character development and interaction among the characters contributes to the novel's success and differentiates this work from her essays. The predicament of Juan Rojo, the executioner, and his story take center stage and draw the reader in far beyond the political debate examined in her essays. Through the character of Rojo, Pardo Bazán provides the reader the ability to analyze the double standard that society has applied to him. Rojo is rejected by everyone. His wife left him when he accepted the position of executioner. His son, Telmo, leaves his father's home to go live with Doctor Moragas. Even the town drunk, La Jarreta, is disgusted by him. This is important, because it demonstrates how people who are already marginalized by society reject Rojo to an even greater degree. Rojo becomes angry at society's rejection of him rather than at those individuals (politicians, judges, lawyers, etc.) who are involved in making the decision to condemn a criminal to death. Society's problem, the debate over the death penalty, becomes Rojo's personal problem and eventually leads to his suicide. Readers can sympathize with the executioner while simultaneously loathing him. Regardless, they are made aware of the double standard

that society adopts with regard to the executioner and the death penalty, which Pardo Bazán so effectively criticized in *La piedra angular*.

In light of the assertions that Pardo Bazán made in her essays and considering the analysis set forth in this article, it is overly simplistic to approach *La piedra angular* as a propagandistic vehicle calling for the abolition of the death penalty. Pardo Bazán's issue is not with the death penalty itself, but rather, with the haphazard way in which it was applied in 19<sup>th</sup> century Spain. In *La piedra angular*, she exposes the hypocrisy of a system that relegated women to an inferior status while holding them to the same standard as men with regard to the death penalty. She also criticizes the failure of the system to take into consideration extenuating circumstances when deciding the fate of criminals, and she brings to light the problematic custom of arbitrarily granting pardons for crimes. Thus, rather than being taken as a thesis in favor of abolishing the death penalty, the novel can more accurately be characterized as a broad social and judicial critique of a flawed criminal justice system in which the death penalty was sometimes a lamentable necessity.



## WORKS CITED



- BAQUERO GOYANES, Mariano. *La novela naturalista española: Emilia Pardo Bazán*. Murcia, España: Secretariado de la Universidad de Murcia, 1987.
- BRAVO-VILLASANTE, Carmen. *Vida y obra de Emilia Pardo Bazán*. Madrid: Revista de Occidente, 1962.
- CLEMESSY, Nelly. *Emilia Pardo Bazán como novelista (de la teoría a la práctica)*. 2 vols. Trans. Irene Gamba. Madrid: Fundación Universitaria Española, 1981.
- ETREROS, Mercedes. "Influjo de la narrativa rusa en doña Emilia Pardo Bazán. El ejemplo de *La piedra angular*." *Anales de la Literatura Española* 9 (1993): 31-43.
- FERRI, Enrico. *Criminal Sociology*. London: T. Fisher Unwin, 1895.
- FREEMAN, Kristen Marie. "Emilia Pardo Bazán and Feminism: Playing the Double Game of Irony." Diss. U of Texas at Austin, 2002.
- GARCÍA BARRAGÁN, María G. "Emilia Pardo Basan [sic]. Algo más en torno a su naturalismo y feminismo." *Cuadernos Americanos*. 222 (1979): 187-98.
- GONZÁLEZ LÓPEZ, Emilio. "El naturalismo: La Pardo Bazán" en *Historia de la Literatura Española. La Edad Moderna (Siglo XVIII y XIX)*. New York: Las Américas, 1965: 469-85.
- HENN, David. "Issues and Individuals: Pardo Bazán's *La piedra angular*." *Forum for Modern Language Studies*. 27.4 (1991): 358-369.
- HEMINGWAY, Maurice. *Emilia Pardo Bazán. The Making of a Novelist*. Cambridge: Cambridge UP, 1983.
- LOMBROSO, Cesare. *Crime its Causes and Remedies*. Trans. Henry P. Horton. Montclair, New Jersey: Patterson Smith, 1968.
- LÓPEZ-SANZ, Mariano. *Naturalismo y espiritualismo en la novelística de Galdos y Pardo Bazán*. Madrid: Editorial Pleigos, 1985.
- O'CONNOR, D.J. *Crime at El Escorial: The 1892 Child Muder, the Press, and the Jury*. London: International Studies Publications, 1994.
- PARDO BAZÁN, Emilia. "No title." *La Ilustración Artística*. 31 agosto 1903: 1.
- . *El indulto. Obras completas*. 1: 1109-1113.

- . “Impresiones y sentimientos. Del día diecinueve.” *El Imparcial*. 20 July 1890: 1.
- . *La nueva cuestión palpitante. Obras completas*. 3: 1157-95.
- . *Obras completas*. 3 vols. Madrid: Aguilar, 1973.
- . *La piedra angular. Obras completas*. 2: 277-349.
- PEDRIERA, Leopoldo. “*La piedra angular*.” *Revista Contemporánea*. 85 (1892).
- RODRÍGUEZ, Adna Rosa. *La cuestión feminista en los ensayos de Emilia Pardo Bazán*. Sada, A Coruña: Ediciós de Castro, 1991.
- RODRÍGUEZ, Alfredo y Héctor Delgado-Marrero. “Notas sobre el verdugo en la literatura española del XIX,” *Boletín de la Biblioteca Menéndez Pelayo*. 50 (1974): 355-64.
- SCARLETT, Elizabeth A. *Under Construction: The Body of Spanish Novels*. Charlottesville: UP of Virginia, 1994.
- SINOVAS MATÉ, Juliana. *Emilia Pardo Bazán: La obra periodística completa de la nación de Buenos Aires (1879-1921)*. A Coruña: Diputación Provincial, 1999.
- WYLY GILFOIL, Anne. “The Criminal Mind and the Social Body: Pardo Bazán’s *La piedra angular*.” *Anales Galdosianos*. 31-32 (1996-1997). Kingston, Ontario, Canadá: Queen’s U: 83-96.
- ZÁRATE, Martha. *Emilia Pardo Bazán’s Articles in La Nación, El Imparcial, and La Epoca: A Bibliographic Guide*. Lanham, Md: UP of America, 2002.



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