

# God, Fatherland, Fueros & King

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## God:

Carlism invokes God to affirm its theocentric view of the world and of life, in strict fidelity to the age-old teachings of the Chair of St. Peter, whose mission it adopts as its own. The foundation on which the Spains was built was its religion: Catholic, Apostolic and Roman, together with the unity and juridical aspects with which it has traditionally been loved and served in our lands. The tradition of the Spains is the establishment of the mandates of Christ as the laws of society, reestablishing in the *present* the indomitable Christian spirit of medieval Christendom. This means seeking the Social Kingship of Christ, the crowning of His individual Kingship in each soul. For this reason, the tradition of the Spains is not merely a zeal for preservation or restoration, but for *instauration*. A Christian order must be established in the form of concrete liberties demanded today by the sociological novelties brought about by the entry of the masses into the political arena, by the results of economic industrialization, and by the ever-present aspirations caused by our coexistence.

Consequently, Catholicism is:

- a) The religious truth, and since it is the truth, it is one and indisputable.
- b) The skeleton, the spiritual and metaphysical structure of the Spains. The Spanish fatherland is impossible without the internal unity of the Hispanic peoples in the Roman Catholic faith.

We owe to our fatherland, understood as the unity of the Catholic missionary faith, the same duties that we owe to our parents (4th Commandment).

St. Thomas Aquinas: "*Quod pietas se extendit ad patriam*". This duty to our fatherland, equal to our duty to our parents, obliges us to preserve Catholic unity as the spiritual substance of the Spains. The destruction of the Catholic unity of the Spains would

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mean the destruction of the fatherland, a sin tantamount to encouraging or simply permitting the murder of one's own biological parents.

## **Fatherland:**

The term comes from the Spanish word "*patria*". *Patria* comes from the Latin word "*Pater*", which means "Father". Fatherland is a concept rooted in tradition. The father is the head of the household. So the King is the father of the larger household, the realm. Carlism invokes the fatherland to signify its support for a traditional and historical federalism based on the Tridentine idea of concrete and fallen man. Fatherland represents the historical federation of the different kingdoms and their privileges and liberties, integrating the unity of the Spanish fatherland.

Modern usage uses the word *nation* to refer to *peoples*, defining the nation according to physical traits or as manifestations of the will: geography, race, language, the habitually renewed popular vote, *a wall*... Tradition, on the other hand, defines peoples as accumulated history, taking into account the aforementioned physical traits only to the extent that they have had an impact on the historical trajectory of a people, but never as relevant in themselves, directly and exclusively. This difference in terminology is not trivial. It is rooted in something of great importance: traditional thought never departs from the Christian view of man, whereas modern speech is imbued with positivist ideology. Tradition is based on the doctrine of classical Spain; positivism, on the other hand, is based on the absurd ideological presuppositions of the 19th century. That is why modern law and political science speak only in terms of *nations*, ignoring the importance of *tradition* as the recognition of living history in modern political problems.

**Peoples are traditions.** Tradition springs from life. It is, in the words of Enrique Gil Robles, "*the continuity of life itself*". Indeed, all of life is condensed into a series of experiences and deeds that endure even after the man who carried them out and accomplished them has disappeared from the land of the living. Every human existence builds up treasures that can be transmitted to those who come after; it is the fact of being an heir to the treasure accumulated by previous generations that distinguishes man from irrational animals. When we are born, we are not born bare and abstractly. On the

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contrary, we are born in possession of certain formulas transmitted by our parents, which constitute what we call our culture and our tradition. This is what Donoso Cortés was referring to when he admirably said: "*Peoples without traditions become savages*".

The concept of tradition arises from this capacity for sociological transmission of knowledge. It is simply the essential receptivity of social life, projected through the centuries and made tangible in the historical moment in which we live. It is a direct consequence of man's social appetite, which consists not only in coexisting with others, but also in vertically perpetuating one's own works in the lives of one's descendants. The yearning to become eternal - biologically manifested in the love of parents for their children, a trait shared with animals - is sublimated in tradition, which makes one's works enduring, taken up by those who shall complete them. A father who educates his children fulfills the law of tradition, crowning the biological urge to perpetuate the species with a rationally developed plan.

For Carlism, the regions are not nations, but the different peoples united in the one Spanish "nation," *the Fatherland*, invoked by the sacred motto of our cause. Fatherland, then, means that the Spains are at once unity and diversity. They are *unity* because there is only one nation, Spain. But they are also *regional variety*, because their personality, forged by history, is the result of the integration of each region into the common fatherland. It is therefore impossible to confuse regionalism with nationalism, which is a modern ideology.

### ***Fueros* (Privileges, Charter Rights, State Rights):**

Carlism invokes *fueros* to declare that it defends with them the real and definite juridical-political liberties forged by history.

The Spanish word *fuero* [privilege] comes from the Latin *forum*, the name of the place where justice was administered. It later came to refer to the body of precedents issued by the courts. Then, following the universal rule by which law is made, it came to refer to the body of law that belonged exclusively to a city or estate. Finally, it came to mean the body of particular laws by which each of the Spanish peoples is governed.

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*Fueros* imply the following propositions:

- a) That man is a concrete being and not an abstract entity, as the Revolution holds.
- b) That the liberties, that is to say, the sphere of activity of each man, according to circumstances, in the case of a specific people, are framed within the juridical and social canons resulting from their particular tradition, and are embodied in norms created by privilege, and not in the laws that the revolution delights in dictating.
- c) That in the opposition "liberty versus equality" that eats away at the heart of revolutionary thought, it is necessary to affirm the primacy of liberty.
- d) That the systems of definite liberties of the various Hispanic traditions are preferable to the abstract liberty of the revolution.
- e) And that the *fueros* are the only guarantee of authentic political liberty, and not the declarations of rights or the constitutions written on parchment.

Carlism understands man as an integral being, born in a terrestrial environment but projected into an existence beyond it. Carlism knows that man is not born, like animals, to devour food or to win victory in the violent struggle between the species, but to attain a paradise above and to edify here below the terrestrial city through the continuation of a specific historical lineage. It sees society as ordered vertically in accordance with moral and material interests, not horizontally in one or more political parties. In short, Carlism affirms that political philosophy must begin with the concrete man of tradition, not the abstract man of revolution.

The mission of politics is not to define unrealizable abstractions, but to make it possible for each man to exercise his liberty in the election of his transcendent destiny, so that his free nature may develop in a way that is not harmful either to himself or to the social order of which he and his neighbors are a part. But this being so, it is evident that such ends can be attained only if human existence is articulated in organic systems of

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defined liberties which allow all persons, physical or moral, individual or social, to direct their activities toward the realization of specific ends.

In summary, man is a concrete being, capable of using only concrete political liberties.

Carlism defends the historical reality of privileges as systems of explicit political liberties. Privileges express the liberties that have grown organically through the ripening of the past into the historical present. They therefore have none of the characteristics of the "liberty" of the European revolution. They are not aprioristic and abstract liberties, because they spring from the living tradition, shaped by precise historical actions. They are not mechanical guarantees, defended by political checks and balances of power or by the balance of interest groups in every social situation. Privileges are the profound expression of the vitality of the mystical social body, which remains robust as long as it possesses its own energies and does not fall into the anemia of liberal individualism or the coma of totalitarian statism.

The juridical and political incarnation of society conceived according to traditional criteria. For this reason, they are both a barrier and a course for social action. They are defensive barriers to the circle of activity that pertains to each man according to the position he occupies in social life: as a father of a family, as a member of a community, as a worker in a profession. They are channels through which the free action of individuals flows, framed sociologically and legally within the limits of their position in common life. Privileges guarantee the use and impede the abuse of human liberties. That is why they express the only possible realist position in politics.

*Fueros* [privileges] are complete legal systems, a fundamental part of the legal order, equal to any other. Many think that *fueros* are nothing more than a subordinate table of regulatory exceptions, but they are equal to decreed legislation or statutes. *Fueros* are the juridical face of the political order of the Hispanic tradition. In sum, *fueros* have both a technical specificity in jurisprudence and their own peculiar philosophical foundations, as well as decisive consequences in politics. A *fuego* is a legal norm. The wise King Alphonse X of Castile defined *fueros* as legal norms characterized above all by their customary and usual preexistence: "*Fueros is a thing in which two things of which we have already spoken abide: usage and custom; both must be found in the fuero in order for it to be firm.*"

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A privilege thus combines the value of use (a continuous practice in legal matters) and of custom (unwritten law). These two traits make it equivalent to a statute, as the commentator Gregorio López summarized: "*Forus dicitur ius ab usu et consuetudine causatus, quod pro lege servatur*" ("The name *fuero* is given to a right caused by use and custom, which is observed as law").

A privilege is therefore a customary law, that is, an ancient law, as opposed to a decreed law or a statute, which by definition is new and innovative. A privilege is also a popular norm, that is, it originates from the people, as opposed to a decreed law, in the formation of which the community itself does not participate. In its formation, the privilege passes through the hands of the jurists who collect and define the customs. In this, it coincides with a decreed law, although the role of the jurists in its formation is much less free and creative than in the latter case. Finally, a privilege is sanctioned by the legislator, just like a decreed law, except that in the case of a privilege the legislator is much more subject to the authentic will of the people. The Wise King has already spoken of all this in his delicious Old Castilian, in the most succinct manner, when he admonished: "It must be done with the counsel of good and learned men, and with the will of the lord, and with the pleasure of those to whom it is given" ("*deve se fazer con consejo de omes buenos e sabidores, e con voluntad del señor, e con plazer de aquellos sobre que los pone*"). A privilege, then, is a technically perfect norm, because while the decree proceeds from the exclusive will of the lord, and the custom from the exclusive will of the subject, the privilege results from a harmonious combination of the two: it is sanctioned by the lord, but only as a custom previously established by the people.

The process by which a privilege is configured is as follows:

- a) The members of a community spontaneously form legal uses.
- b) The jurists fix these uses doctrinally and give them the technical character of customs.
- c) The members of the community, through public opinion and their representatives (political or not), demand their recognition by the legitimate authority.

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d) The authority grants this recognition (usually after a difficult negotiation and dialogue) by promulgating the privilege as a law, providing it with adequate procedures for its enforcement and for the punishment of any conduct contrary to it. It also commits itself to refrain from promulgating laws that contradict those set forth in the privilege, and to modify existing laws to make them compatible with the privilege.

It is a law, not just a custom, a practice, a declaration, a program, or a bill.

It is a general law for the smaller community from which it originates, and not a mere concession granted to certain physical or moral persons.

It is a normal law, not an exceptional or temporary one.

It is primary law, and not secondary law to fill the gaps in the enacted legislation. On the contrary, it has a higher rank than decreed legislation, because the latter must be rejected if it contradicts the privilege.

It is a law of the people, because it comes from the initiative of the people, without the intervention of representatives.

It is an enforceable law, especially enforceable, because it has been obeyed and complied with even before it was formally born as a law.

It is a coercive law, not only with respect to the subjects, but also with respect to the legitimate authority itself. It is, therefore, the prototypical way of achieving that welfare state under the rule of law of which modern scholarship on constitutional law and international law speaks.

For Carlism, in sum, natural rights depend on the God-given nature of Man, before and above all the historical constructions wrought by human hands. But these rights become effective and enforceable only when they exist in history, because sociability is a necessary condition for the full development of human nature. Privileges recognize these specific rights and make them law.

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## King:

Royalty for Carlism is not a person, not even a dynasty - royalty is the supreme institution of the Spains. As such, it fulfills a triple service, from the duty for which it derives its right to supremacy:

- a) To represent the external unity of the various Spanish peoples.
- b) To unite all the individuals, families, provinces and regions of the Spains in loyalty to a single monarch.
- c) To govern in the service of concrete privileged liberties, directing them to the greatness of the fatherland.

Therefore, the main characteristics of this Monarchy must be:

- a) Catholic.
- b) Historical: The accumulation of historical rights.
- c) Social: A monarchy that is not absolute, but limited.
- d) Responsible: There is no distinction between governing and ruling.
- e) *Foral*: Ruling according to local law (*fueros*).
- f) Hereditary: To ensure the continuity of the institution.

## The three primary duties of the Crown:

- a) The duty to subordinate all policy to the postulates of Catholic morality, especially in the areas of economics and administration.
- b) The duty of absolute fidelity to the teachings of the Roman See, in accordance with the corresponding degrees of legal and moral obligation implied by the various degrees of its Magisterium.
- c) And the duty to favor in all cases the spiritual interests of Christendom, which are those that promote the instauration of the social kingship of Jesus Christ.

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Finally, the principle of legitimacy to ensure the rightful heir to the Crown is twofold: The *legitimacy of origin* and the *legitimacy of exercise*. Both are required in order to reign.

**Conclusion:**

“The Spains are an amalgamation of peoples, inside and outside the Iberian Peninsula, each with particular historical, cultural, institutional, political and juridical characteristics, all of them irrevocably united by two bonds: **faith in the same God and loyalty to the same King**”.

Summary of the Carlist motto by Eduardo Ordoñez with excerpts from the book “*What is Carlism*” written by Francisco Elías de Tejada y Spínola, Rafael Gamba Ciudad and Francisco Puy Muñoz (1971). Translated into English by Pedro José Izquierdo (2016).



***Traditionalist Carlist Circle***

***“Camino Real De Tejas”***