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Liberal governmentality in Spain: bodies, minds, and the medical construction of the “outsider,” 1870–1910

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ABSTRACT

This paper traces the fragility of the subject in the period extending from the aftermath of the Sexenio through to the early twentieth century. In particular, two case studies are focused upon: the question of gender “deviance” and the figure of the genius, in order to understand how medicine participated in the construction of “outsider” identities within the context of the emerging liberal order. How did liberal rationales exclude or curtail certain wayward expressions of identity and subjectivity? What consequences did the marking of “excessive” figures or outsiders have for notions of inclusiveness and citizenship within the late-nineteenth-century liberal order? By concentrating primarily on medical texts and journals published during the period, this study builds on existing research to tease out answers to these questions.

KEYWORDS

Subjectivity; liberalism;
sexuality; genius

Introduction

The fragility of the political, social, and economic project of liberalism in Spain in the nineteenth century has been analysed extensively from a variety of perspectives. The nature of the Cortes de Cádiz, the construction of the nation, the process of economic transformation, relations with the rest of Europe, battles between secularism and religion, and the interactions between Spanish liberalism and postcolonial regimes in Latin America form some scenarios within which liberalism in the nineteenth century has been assessed (Álvarez Junco 1996, 2001; Cabrera and Pro 2014; Cruz Romeo and Sierra 2014; Juliá 2004). The emphasis until relatively recently in scholarly accounts has been placed on two related questions. First, attention has been paid to the complex and troubled process of political, economic, and religious transformation from the *ancien régime* through to early attempts at parliamentary democracy. Second, the record of Spanish liberalism or the interpretation of liberalism by Spanish politicians has been assessed in comparison to other models of liberalism introduced in the rest of Europe.

The interpretation whereby liberalism in Spain was “regarded as a simple legacy of failure” that, in turn, could conveniently “be held accountable for the ‘failures’ of Spanish history;”

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has given way to a more complex analysis that pinpoints the “multifaceted and inherently heterogeneous legacy of Spanish liberalism” (Burdíel and Cruz Romeo 1998, 65). Although the early liberal parliamentary system in operation between 1808 and 1843 was oligarchic and basically anti-democratic, constituting “a fundamentally centralist system of government” (66) that resulted in the failure to construct a coherent nation, this tendency responded to just one expression of liberalism among many others available at the time. As Burdíel and Cruz Romeo have argued, the failure to neutralise vested interests and the consequent focus on localism and provincialism to the detriment of more ambitious middle-class social idealism certainly “deprived the Spanish Liberal Revolution of one possible way forward” (80). But this did not imply the failure of the liberal project as a whole. The more exclusionary expression of liberalism attached to a centralising state that shared only limited commonalities with the nineteenth-century political and social thought of “founding liberal” figures such as J.S. Mill gave way to new initiatives in the 1840s and, more notably, in the 1860s and 1870s. Despite the transitory and corrupted form of liberalism prevailing during the so-called *turno pacífico* of the Restoration period (1874–1923), with its uneven record on democratisation and modernisation, the liberalism of this period set about constructing a nationalising project that sought to implement a new form of politics in order to consign the previous tumultuous decades firmly to the past.

Evaluating the interpretive directions taken recently by historians and others, Andrew Ginger (2010, 6) has suggested that many accounts have “turn[ed] away from concern with seeking an elusive, perhaps chimerical revolutionary ‘bourgeoisie’, and from teleological assumptions” about, for example, processes of economic development. “They look instead,” he notes, “to the significance of subtler reconfigurations of social and economic networks across and beyond Spain” (6). Such work has revised notions of economic development and dominant western European ideas of Spanish “backwardness” and has provided a more complex picture of nineteenth-century Spanish political culture (Cruz 1996; Ringrose 1996). We are left with “a new, more nuanced vision of what the spirit of the age, and for that matter *liberalism*, meant” (Ginger 2010, 6).

Although these developments should be acknowledged, it is still necessary to go beyond an analysis of what liberalism actually “meant” and beyond a focus on how the “language of liberalism” enabled liberalism to be “recreated, and readopted by ordinary people” (Burdíel and Cruz Romeo 1998, 73), important aims though these are. Far fewer studies have focused on what might be termed the micro dynamics of liberalism itself. Of equal importance is an account of the kinds of people or subjects that were created by, or emerged in tandem with, the dynamics of liberalism. We need to explore how liberalism was felt and experienced in the flesh, the body, and the mind, in the population and institutions in the liberal century. An analysis of the desire of liberalism to produce an ordered, managed, and controlled society – objectives that were axiomatic to liberal political concerns – needs to be undertaken. We need to focus, in a word, on subjectivities.

An analysis of subjectivity, created within and through power relations, be these political, economic, or social, brings us to the analysis of the functioning of the liberal project in respect of its mode of government or project of governance. Liberalism, as Barry Hindess has illustrated, is commonly understood as a political doctrine concerned with the maximisation of individual liberty and the defence of this liberty against the encroaching power of the state. But these two core elements of liberalism encapsulate, for Hindess, a “fundamental ambiguity

in the liberal project” (Hindess 1996, 66). It is worth quoting Hindess extensively in order to appreciate this point:

The invocation of figures that are regarded both as natural or historically given realities and as artefacts that may not be fully realized is a ubiquitous feature of political life: consider the status of the “nation” or the “people” in nationalist discourse or of the “working class” in Marxism and many other socialisms. In the discourse of liberal politics in particular, the figure of a community of autonomous individuals appears on the one hand as given reality, serving to identify the character and the limits of legitimate government. On the other hand, it appears as yet to be realized positivity, serving to define the objective for a variety of governmental projects. (Hindess 1996, 66)

This “in-between” or “work-in-progress” aspect of liberalism casts a different light on its operation. For Hindess an understanding of liberalism takes on two important modifications. First, that “the sphere of individual liberty should be seen, not so much as reflecting the natural liberty of the individual, but rather as a governmental product” deriving from liberal modes of government (Hindess 1996, 65). Second, that “the form of life in question is centred on the regulative ideal of personal autonomy,” comprising personal independence, rationality, and responsibility. Taken together, these two insights imply an analysis of liberalism as part of a specific type of rule, which Foucault has termed “governmentality.”

This mode of operation, governmentality, is more about a “rationality of rule” (Rose 1996, 39), an analytics of government, than about the government itself and more about the “hows” of government than the government as a set of institutions or bodies. Governmentality can be summarised as follows:

[Governmentality] is any more or less calculated and rational activity, undertaken by a multiplicity of authorities and agencies, employing a variety of techniques and forms of knowledge, that seeks to shape conduct by working through the desires, aspirations, interests and beliefs of various actors, for definite but shifting ends and with a diverse set of relatively unpredictable consequences, effects and outcomes. (Dean 2010, 18; italics in original)

This rationality, Nikolas Rose argues, went beyond the ordering of persons and activities prevailing in the eighteenth century in order to engage in the discipline of the body and the mind whereby the subject would be the focus of “a kind of individualizing moral normativity” (Rose 1996, 40). A clear division was established between those who could exercise citizenship properly and those who were incapable of governing themselves (with the aid of liberal institutions) (Rose 1996, 45).

The emergence of different subjects, either as individuals “subjected” to disciplinary processes or as individuals actively crafting their reality (or both), should not be seen as something automatic or a priori as part of liberalism, but instead as part of what Foucault called the “conduct of conduct” (Foucault 1982, 220–1).

In Foucault’s analysis, the individual body was not sovereign or unrestrained in society, floating free as the classical liberal conception would have it under idealised conditions, but was itself a creation of power.¹ It was bound up in the very project of liberalism:

[T]he individual is not to be conceived of as a sort of elementary nucleus [...] on which power comes to fasten [...] In fact, it is already one of the prime effects of power that certain bodies, certain gestures, certain discourses, certain desires, come to be identified and constituted as individuals. The individual, that is, is not the vis-à-vis of power; it is, I believe, one of its prime effects. (Foucault 1980, 98)

As Vázquez further explains: particular entities or subjectivities, such as the self, the population, the criminal personality, for example, “no deben ser consideradas como

realidades empíricas sino como artefactos técnicos fabricados en el trabajo de conducir de las conductas y en el interior de dispositivos históricamente circunscritos” (Vázquez García 2005, 170).² The existence of particular types of persons, with their own history (pathological, criminal, anti-social), their own motivations, and their own ability to form their own world, is as entities that emerge from the ambivalent processes at the heart of liberalism. These entities require constant management, forming an ever-present tension at the heart of European modernity. Those figures “excessive” to the norms of liberalism were cast out as the ghosts of an ancestral past – often as degenerative expressions of an earlier humanity or as atavistic throw-backs to a blurry evolutionary past in the wake of new theories of evolution (Glick, Ruiz, and Puig-Samper 1999; Huertas and Winston 1992; Plumed Domingo and Rey González 2002).

This process of governmentality was inherently fragile and identified an integral “dark” side which could only be managed by means of an internal dynamics of inclusion/exclusion, which in turn drew on the identification of desirable and non-desirable individuals and groups (Pick 1989). In Spain, it was this “doble orla de horror y atracción, [...] de una profunda ambigüedad [...]” that was to haunt the bourgeois sensibility (Maristany 1973, 6). What, then, were the criteria for inclusion and exclusion in the liberal order? Who was deemed to be part of this project and who was left out or marginalised as deviant within the idealised horizons of the late nineteenth century? How successful was the process of creation of the “liberal subject,” the self-aware, more or less autonomous, responsibly acting figure? Rather than searching for full-fledged “liberals” as a response to these questions we need to problematise the delicate nature of the construction of the subject in light of the articulations of power relations during the “liberal century.”

In Spain, just as the category of the “worker” did not simply emerge as a product of industrial capitalism and trade unionism, being fragmented along multiple lines according to gender, economic position, and notions of self-identity (De Felipe Redondo 2012), the liberal subject, both self-aware and active as a citizen, was perhaps not quite a fiction but was at best an idealised aspiration. Such a figure harboured not one set of national and class allegiances, one understanding of “race,” and one gender, supposedly accrued over time, but multiple synchronic identities and subjectivities that may have co-existed. A liberal political view could be combined at any one historical juncture with strong religious sentiments. Powerful working-class sectors could also advocate liberal understandings or could dissent from the liberal project, and “regional” nationalist sentiments could find themselves incorporated in or excluded from dominant liberal frameworks.³

In order to explore questions such as these, this article takes as its primary focus the 40 years between 1870 and 1910 and explores a selection of categories of individual who were repelled by emerging scientific, legal, and political discourses as eccentric, dissident, incompatible with, or “excessive” to the liberal project but who at the same time were fascinating in their difference. Specifically, it focuses on the field of the sciences of the body and mind and, especially, on the medico-legal field in the last third of the nineteenth and the first decade of the twentieth century. While most existing literature on these fields has been written from within the paradigm of the history of these branches of science, here their relationship with liberal rationales in respect of the ordering of the subject forms the key question to be analysed (Campos Marín 2007; Conseglieri and Villasante 2007; Huertas 2003; Plumed Domingo and Rey González 2002). Acknowledging that such an undertaking is extremely broad, here we focus on a limited number of case studies.

The first substantive part of this article centres on the characteristics and context of the liberal order with respect to its variability, engagement with European models, and concerns about the threats to liberal Spain in terms of social dangerousness, crime, and those who were understood to constitute sexual “outlaws.”⁴ In order to set the scene, specific examples are drawn from liberal concepts of the differences between men and women in the late nineteenth century and from canonical texts of legal medicine which identified the new category of so-called “sexual inversion.” The second principal part of the article focuses on an analysis of changing medical discourse on the limits of legal responsibility in cases of madness. Were criminals capable of rational thought and, if so, why did they commit crimes? How were madmen incorporated into or marginalised from the liberal order? The limits of madness and the propensity for crime are analysed in an admittedly marginal figure within these discourses but one which we believe illustrates well the inclusion/exclusion dynamic: the figure of the genius. Rather than attempting to be exhaustive, this study aims to set out suggestions for the reinterpretation of the complexities, including the aspirations and failures, of the Spanish liberal project in the late nineteenth and early twentieth centuries by focusing specifically on the creation of particular expressions of marginal subjectivity.

Subjectivity and science

The emergence of a new juridical and social order in Spain in the early nineteenth century broke with the past and placed emphasis on the corporations and collective interests that made up society but not on the individuals that composed that society.⁵ Because of this, the national project in which early Spanish liberalism was engaged operated on the collective rather than the individual level in respect of class, labour, and gender affiliations. The tumultuous 1820s and 1830s, which saw a reversal of the liberal project, a fragmentation of the elites, and a difficult process of modernisation (Muñoz Sempere and Alonso 2011), were accompanied by the rise of a number of contradictory configurations that Jo Labanyi (2004) has called “border subjectivities.” The fact that, for example, no hegemonic model of the nation existed in the 1830s led the country’s Romantics to revert to Arab Spain for inspiration, not as nostalgia but as an active proposition in order to ground their concept of the modern European subject characterised by cultural pluralism and ethnic diversity. By means of this contradictory positioning, courtly love in the texts Labanyi analysed is defined as being part of the inheritance of the Arabic occupation of the peninsula *and* a means by which Spain could be provided with a route towards the promised modernity of Europeanisation. This dynamic of “progress” and reversal was in turn founded on what Mónica Burguera in her analysis of the 1830s has termed a plurality of liberalisms which admitted and constructed “diferentes versiones de lo social” (Burguera 2012, 378), as well as producing a proliferation of subjectivities of a different nature; “el carácter polisémico e histórico de algunas de las categorías básicas sobre las que se reelaboró ese orden liberal” (24).

Across European scientific circles from the mid-nineteenth century onwards, greater distinction was placed on the different component groups that made up society, on the make-up of individuals, and on their place in the broader world as the ties and paradigms remaining as hangovers from the *ancien régime*, where rank and heritage prevailed, were steadily eroded. This process of scientific change and internationalisation was particularly evident in the Spanish case over the years between 1860 and 1890 given the political and social changes begun by the Sexenio (1868). It was continued by the inauguration of the

First Republic (1873–4) and the ensuing Restoration of the monarchy (1874) (Sánchez Ron 1999). It was accompanied by the realisation that society contained its own internal threats and weaknesses – from dissident groups to deviant individuals – and by a reinterpretation of the past that identified the fragility of liberal thought and practice in a changing world of economic competitiveness and potentially fast-moving political transformation.

The process of scientific change and internationalisation was also accompanied by a shift from the more collective and corporative expression of early Spanish liberalism towards a more individualised expression. In turn, greater store was placed on the individual as forger of history and new socio-political relations; not someone to whom things were merely done, but someone who moulded their own life under the auspices of political, social, and biological responsibility. If the individual in the nineteenth century became an effect of power in the context of the construction of the sciences of the mind and the medico-legal profession's interest in personal identity (Foucault 1980, 98), the individual was also brought into the limelight by a cluster of social concerns pinpointed by specialist bodies and political analysts. But this expanded individuality as active subjectivity was carefully calibrated. Inherent to the liberal politics of individuality was the juxtaposition, on the one hand, of demands for greater rights and, on the other, the acknowledgement of the danger of contamination by individuals and social groups previously unknown or rarely acknowledged (Vázquez García and Moreno Mengibar 1997, 247–9). In Spain, anxieties over a perceived lack of virility and general national vigour had, according to some nationalist sectors, allowed Spain's last colonies to disappear, as the country lunged into a deep crisis in and after 1898 (Harrison and Hoyle 2000). The growing contestation of women's movements, an alleged crisis in the birth rate, the acknowledgement of the "social question," and powerful, destabilising working-class movements, all placed emphasis on the need to seek out pathological and dissident strains in the national body (Cleminson and Vázquez García 2007, 175–215). The alcoholic, the homosexual, the prostitute, and the criminal – the "illegals' of nature" – posed a threat to this emerging liberal order, a threat that had to be contained and managed (Campos Marín, Martínez Pérez, and Huertas García-Alejo 2000). What is important to stress, however, is that these groups were seen as coming from "nature"; they were no longer contained by the religious categories of sin or moral turpitude. This "resignification" of nature and the partial secularisation of the world were integral to the scientific *avanzada* of the late nineteenth century.⁶ Deviance from prescribed models, whether gendered, sexual, or political (in particular anarchism and socialism, but also periphery nationalisms were designated "teratological" or monstrous, another naturalised category) (Suárez Cortina 2000, 57), was articulated in medical and psychiatric terms in the context of the individual as the store of new subjectivities and the fount of criminality, perversity, and immorality (Foucault 1992, 39).

In this way, the "savages within," namely "anarchists and female delinquents and prostitutes," could be effectively controlled and neutralised (Labanyi 2000, 79).⁷ By dint of this act of prestidigitation, of the taming of nature and human passions, a "harmonious Spain" would be created (Capellán de Miguel 2006). Particular interpretations of the work of Karl Krause (1781–1832) (the vehicle by which much liberal ideology was imported into Spain) (Díaz 1973; López-Morillas 1981) would result in a balance between faith and science (Capellán de Miguel 2006, 183–4), a rejection of the "disharmonious" class struggle (189), a strong role for the state, and a rational self (191; 201–5). Oscillating between idealism and positivism throughout the last four decades of the nineteenth century, Krausism, as expressed in the thought of Gumersindo de Azcárate, posited the category of the "social person,"

harmoniously integrated through the family, municipality, nation, and therefore humanity (53). Disorders in this equation could be amended by an individualised treatment of delinquents and repentance could restore rationality and therefore optimum behaviour; sociology and criminology, once medicalised by a framework that saw the delinquent as a savage descended from a primitive society that no longer existed but whose survivors posed a “social danger,” became the basis for explanations of degeneration that threatened the very core of the bourgeois project (Peset 1983; Huertas and Winston 1993). Positivist thought, based on demonstration and the identification of particular traits, both mental and physical, effectively “demanded that political, social and moral phenomena be converted into objective facts, which were secure in theory and manageable in practice” (Huertas and Winston 1992, 402).

Rationalised gender differences

The conundrums of liberalism in Spain are clearly illustrated by questions relating to the supposed biological differences between the sexes. In Europe generally, eighteenth-century medicine articulated numerous differences between the sexes, in terms of the size, weight, and structure of the skeleton, the size and function of the brain, and the role to be played by both sexes in society and in reproduction. In the nineteenth century, in the context of the conflicting legacy of Enlightenment thought, these differences became more individualised and took on an increasingly politicised dimension. Although liberalism sought to create equality in the legal and social spheres between the sexes and between different kinds of human being, the notion that “all people are by nature equal was met in conservative quarters with the search for natural differences” between them (Schiebinger 1994, 10). These “natural” differences, ascribed to women and “non-whites,” operated to exclude these groups as political subjects: “inclusion in the polis rested on notions of *natural* equalities, while exclusion from it rested on notions of *natural* differences” (Schiebinger 1994, 10).

In Spain, this construction of difference took a particular form (Aldaraca 1991; Jagoe 1994; Kirkpatrick 1989; Labanyi 2000). According to Bridget Aldaraca, for nineteenth-century liberal ideology in general and for the followers of Karl Krause in Spain in particular, there was a marked antagonism in the relation between the public and the domestic spheres whereby the family was seen as the basic cell of an organic whole, state, or nation. This conflict between the public and private and the harmonisation of the family within the context of a broader political and social project would be resolved by according women a specific civilising and domestic role within the Christian home (Aldaraca 1991, 66; cf. Di Febo 1976).⁸ This role was not stable and uncontested throughout the nineteenth century. Different models of, for example, upper-class femininity were posited and lived out, notably in emerging intellectual associations and female *tertulias* especially from the 1830s onwards (Burguera 2012, 12 and *passim*; Smith 2006). Despite these changes, notions of difference combined with the idea that women made the cornerstone of the family, society, and hence state became solidly embedded in the idea of the “*ángel del hogar*” (the angel of the hearth). Prevalent from 1850, this notion “canonized the woman who accepted her role in the private sphere” (Jagoe 1994, 15–16), thus allotting women “unprecedented spiritual authority” in that sphere based on essentialised sex differences (17). These distinctions were in turn consolidated by science as the arbiter of new proofs of ancient truths allowing the modern liberal state to be satisfactorily ordered in an appropriate hierarchical order (Suárez Cortina

2000, 26, 54–6; cf. Espigado Tocino 2010). Although very few would argue now that the public sphere was an inclusive space, it is not possible to view liberalism as an inherently masculinist realm. As Smith has shown, the peculiarities of the Spanish uptake of liberalism with its Krausist elements trouble both these interpretations (Smith 2006, 4–5).

That certain branches of scientific endeavour altered their focus between the 1850s and 1870s is illustrated clearly in the shifts in language, epistemology, and legal frameworks that they underwent. Exemplary of these changes is the medico-legal treatise *Tratado de Medicina y Cirugía Legal* by Pedro Mata, University of Madrid Professor of Legal Medicine. In the 1857 edition of this work, Mata discussed the legal aspects of criminality and various sexual crimes but within a framework that was essentially inherited from the old categories of the eighteenth or early nineteenth century, whereby sex crimes (abuse of minors, rape, sodomy, etc.) were considered as instances caused by faulty morality on the part of the perpetrator or as a result of an individual mental aberration. However, by the 1874 edition of this work, we see a new paradigm settle in (Cleminson 2004, 417–20). No longer were, for example, individual “pederasts,” “prostitutes,” or “sodomites” referred to. Instead Mata identified a whole class or type of person with specific characteristics, penchants, and desires as forming these groups as new “species.” In a word, Mata was identifying new types of subjectivities. That these new subjectivities were, in some sense, the product of a particular medico-legal interpretation only enhanced their status as borderline subjectivities – on the borderline between their own desires, self-awareness, and the new taxonomies of the expert field of legal medicine.

In turn, Mata’s new schema represented the almost verbatim acceptance of the work of the French medico-legal expert Ambroise Tardieu of the Medical Faculty of Paris who had published his *Étude Médico-Légale sur les Attentats aux Mœurs* in 1857. In this book, we see no longer the classifications of the old sexual regime but the languages of the new classifications and taxonomical interpretations. In this way, we can see how the last quarter of the nineteenth century supposed a move towards the “interiority” of the person and his/her sentiments, abilities, and strengths, in contrast to what prevailed under the *ancien régime* where it had been a question of the alliances that an individual would make with others, the rank occupied, a person’s membership of guilds, and the right to take the sacrament (Vázquez García and Moreno Mengíbar 1997, 203). In turn, such a shift was emblematic of what might be termed a transfer of sacrality from the external realm, where theological considerations played a significant role in behaviour, to the internal realm, which responded to “deep down” psychological and anatomical yearnings and traits (Campos 2012, 68–71). Despite this secularising shift, such discourse connected with renewed Catholic evaluations of the role of the individual in Western societies as envisaged in the encyclical *Rerum Novarum* (1880) and the rise of “social Catholicism” (Callaghan 2000).

The genius: eccentric, mad, or dangerous?

Although, as Rafael Huertas points out, the figure of the genius in Western culture dates back to the seventeenth century, “it was during the positivist era that society displayed the keenest interest in [the concept]” (301). Sociologists, anthropologists, physicians, and others “strove to show which ‘differentiating traits’ made it impossible to consider the human ‘genius’ within the limits of ‘normality’” of society at the time (Huertas 1993, 301). This tension between normality and abnormality and the ways in which this relationship operated within

the context of the late nineteenth century in Spain make the genius an illustrative figure worthy of study. Although admittedly a minor figure, the genius illustrates how the boundaries between desirable and undesirable persons were configured within the liberal period. The genius him- or, more unusually, herself (Peset 1999, 125), represented in turn a “borderland” subjectivity of the kind Labanyi has identified.

The liminal qualities of the genius, positioned between acute perspicacity and madness, were examined most extensively first by the French physician L.F. Lélut in his *Le Génie, la raison et la folie* (first edition 1836) and other medical experts elaborated upon his premise with J.J. Moreau de Tours in 1859 proposing the concept of the “génie-névrose” in his *La Psychologie morbide* (Huertas 1993, 304–5). For Moreau, genius was a form of neurosis arising from the same causes as madness. In his *Traité des maladies mentales* (1860), Morel, within a framework that discussed human illness (Peset 1999, 109), argued that genius resulted from a process of degeneration. This was by no means a unanimous position, however; Max Nordau, for example, argued that there was not necessarily an a priori connection between the two (Nordau 1910, 136).⁹ It was only two decades later that the paradigm of the potential “dangerousness” and degenerative qualities of the genius was eventually established by the criminologist Cesare Lombroso’s work on *Genio e follia* (1864), which became *L’uomo di genio* (1888), and the delicate boundaries between madness and genius continued to be interrogated into the twentieth century (Huertas 1993, 308).¹⁰ Specifically in Spain, these connections were explored in the 1920s by the psychiatrist Gonzalo Rodríguez Lafora (1922, cited in Peset 1999, 166, n. 49).

Accompanying this interpretation was an evolutionary explanation that drew on Darwin and others, which posited social change in terms of survival, competition between different types, and the progress of the strongest over the weak (Peset 1999, 107). Men were more prone to become geniuses than women who, in Nordau’s understanding, conserved the primitive human type more than men. In men individual formation predominated as part of the primitive vital law (Nordau 1910, 36). Francis Galton, cousin of Darwin, and founder of eugenics, aimed to establish that mental and physical ability were set by inheritance (Galton 1892). For him, the genius would be a wholesome example of the best in inheritance and ability. These two explanations of genius – as a derivative of pathology and as a result of the highest inherited qualities – would run in parallel rather than in opposition. They focused on different aetiologies and sets of evidence; degenerationist thought would “ocuparse con detalle de las taras orgánicas de los seres degenerados,” while the evolutionary understanding “procura analizar más los comportamientos (intelectivos o sociales)” (Peset 1999, 107). The sharing of interpretations, nevertheless, resulted in two changes in the consideration of mental dis/order. First, both perspectives sought to substitute mere descriptive accounts for quantitative, positivist analyses that allowed them to provide a solid basis for their theories. Second, in a social and biological sense, this allowed experts to elaborate “clasificaciones, que buscan dividir, marginar e incluso eliminar” those deemed undesirable or exceptional (108). Both dynamics responded to the ambivalences highlighted above and responded to the “calculating” rationales of liberalism as elaborated by Nikolas Rose.

By 1895, the two French authors Magnan and Legrain, in their *Les dégénérés*, considered the genius as a “superior degenerate” whose faculties had been over-developed. This resulted in certain anti-social traits and dysfunctions, such as a tendency towards excessive concentration, an irregular lifestyle, a lack of altruism, a disinterest for family life (Peset 1999, 110), and a predilection for solitariness. The consequence was that the lineage would die out through a lack of reproductive possibilities: “las familias de genios se agotan pronto” (124).

This consideration placed the genius within the “unproductive” sectors of the population which did not conform to the “life-administering” power of “bio-political” exigencies of nineteenth-century regimes (Dean 2010, 128). The later book by Édouard Toulouse, *Enquête médico-psychologique sur les rapports de la supériorité intellectuelle avec la néuropathie* (1896), cemented the relation between genius and positivist science as part of a study so complete and wide-ranging as to be considered by Huertas to be operating ‘within a positivist orthodoxy difficult to better’ (Huertas 1993, 314; cf. Peset 1999, 107–13).

Late nineteenth-century European societies, then, were entranced by the fragility of the mind and the possible negative effects of an over-intellectual education. The borderlands between healthy curiosity and intellectual pursuit and obsession and madness became a motif for *fin de siècle* nations during an age when “risk,” both individual and social, was a defining category leading to the need to manage the disruptive in the context of a developing welfare state (Ewald 1986; Cabrera 2013, 11). Spain was no exception to this phenomenon. The borderlands between genius, madness, and criminality were also subject to intense enquiry and the responsibility of the individual in respect of crime became the focus of detailed debates, and divisions, between legal and psychiatric experts. In what follows, a series of articles from 1880 by the alienist José María Esquerdo in an influential medical journal, the *Revista de Medicina y Cirugía Prácticas*, is analysed for its unusual and careful identification of the qualities of the “madman” (Esquerdo 1880a, 1880b).¹¹ The madman, seemingly a non-rational being in a world that was to be considered a harmonious expression of natural law guided by Catholic tenets, was a figure that disrupted this equilibrium. He therefore needed to be explained, excused, or set aside from “normal” society which accounted for every small (or major) deviation. Why would someone be mad? asked Esquerdo. Because the natural equilibrium had been disturbed. Why would someone commit a crime? Because they had momentarily or permanently lost their rationality. What was the role of science in a liberal society that respected the individual? Examination, classification, and, if necessary, reclusion, he argued.

Esquerdo’s series of articles on madmen is contrasted with a two-part article, 30 years later in the same review in 1910, on the subject of the genius by the Zaragoza doctor Antonio Gota. Within the proliferation of subjectivities in the years 1880–1910, the latter was identified by Gota as being dangerously close to the madman but still distinct and capable of providing a positive contribution to society. Although intimately connected to nineteenth-century psychiatry, the figure of the genius was permitted a “safe place” by Gota within the range of eccentric behaviours identified in the on-going taxonomical process of classification of the unusual (Gota 1910a, 1910b). The two sets of articles selected here are but a small part of the discourse produced on such topics over the period studied. But they are taken to be representative of the debate and are a useful yardstick given the fact that they appear in the same review, separated by 30 years.

Dr Esquerdo, a forgotten figure of nineteenth-century progressive psychiatry (López Piñero 2008), eliminated some of the highly coercive practices current in many mental asylums at the time and was a fine example of liberal and republican culture, having been leader of the Partido Republicano Progresista from 1895 and one of a group of significant political figures who established the Unión Republicana Nacional in 1897. Famously arguing that the serial rapist and woman-killer Garayo el Sacamantecas should be reprieved because of his insanity (a condition, he argued, that only a trained medical expert could identify), Esquerdo pressed for the penal codes of the future to be written by doctors (Labanyi 2000, 75).

The title of the two-part series by Esquerdo, the text of a speech given to the Ateneo de Internos de Madrid, reaffirmed the value of the expert analysis of the ill subject, the *peritaje*. "Madmen who do not appear to be so," his title, instantly evokes the specialist vision capable of seeing beyond the apparent and reaching the real. Such an understanding was complemented by an apparently paradoxical diagnosis: the aim of Esquerdo's study was to redeem the madman from public opinion and to confirm his real and not illusory lack of responsibility ("su irresponsabilidad positiva, real, no *ilusoria*, ante los tribunales") (Esquerdo 1880a, 353). Esquerdo noted that he had been working on this new doctrine since 1869 and it was based on results to be derived from observation (354); it was, as such, he argued a positivist endeavour coinciding with the new political circumstances inaugurated by the revolutionary movements of 1868. The new doctrine, however, was not one that should remain in the clinic; it was to be disseminated in popular culture and utilised by the courts. It was the latter that would, in light of such theories, be able to distinguish between those who appeared to be sound of mind when in fact they were mad. A different kind of sentencing of these individuals would result: "Aquellos que se confunden con los cuerdos; procuremos ante todo limpiar de errores la opinion de muchos compañeros eminentes é ilustrados en otras materias, ¡que tambien en techos de regios alcázares hay telarañas!" (355). In typical nineteenth-century style a long list of illnesses were cited as examples of madmen who were confused with normal types: imbeciles, monomaniacs of different species, kleptomaniacs, dipsomaniacs, and others whom science had not yet labelled.

This classificatory zeal, exemplified by authors such as Von Krafft-Ebing in his *Psychopathia Sexualis* (1886), represented a further innovation in the techniques of diagnosis. Physical stigma or evidence of disease or madness were not necessarily either visible or indeed present in the patient. The expert's task was precisely to see beyond the external and assess the interiority of the illness. One of these figures, the "imbecile," "no tiene síntomas somáticos, síntomas físicos, perceptible á simple vista; no presentan, al exterior defectos de organización" (Esquerdo 1880a, 355). Indeed, the imbecile did not display any of "estos caracteres que señalan á primera vista la monstruosidad; se parecen completamente al cuerdo" (356). This figure, therefore, was easily contrasted with the "idiot" whose physical and mental attributes were clearly visible. The imbecile, moreover, could harbour "desarrollos privilegiados de facultades aisladas," and there was no necessary correlation between intelligence and memory. The imbecile was, like other unusual figures such as dwarves and giants, a "disproportionate" figure ("la desproporcion se hace notar desde luego") and as such these types were on the edges of the natural order: "La naturaleza, cuando se va á los extremos, pierde el tipo, el orden, la regularidad" (359). But these individuals were not characterised in their totality by one extreme quality or the other. They harboured disproportion, extreme characteristics, and rudimentary and excellent traits in the same person. Total imbecility was, therefore, a fiction (360).

Such insights had been converted into legal understandings of responsibility in criminal acts.¹² The new 1870 Penal Code, Esquerdo pointed out, exonerated the madman, imbecile, and child from legal responsibility for their acts. Although it was conceded that the child possessed greater moral sense than the imbecile, a way of understanding the latter was to classify him as "un niño, con las pasiones violentas, potentes del hombre; brioso para acometer, débil para convencer" (Esquerdo 1880a, 362). These were figures whose sense of reason was insufficiently developed or had been impaired by some factor.

In the second part of his article, Esquerdo argued that sending the imbecile to a mental asylum and locking him up for good was an act of injustice. Rather than radically different from the normal person, the imbecile “viste como nosotros, con nosotros conversa en la mesa, en el paseo, en la tertulia, en el pensar, en el sentir, en el ejecutar, en todo se acomoda á la vida de la razon, si no herís la exigua esfera de su aberración” (Esquerdo 1880b, 427). He was, as such, recoverable for society and was not to be confused with everyday criminals. Or rather, he should not be treated as such. Esquerdo’s address finished with a plea to the *peritos* assembled in the medical doctors’ Ateneo: when asked to give their judgements on these madmen who did not appear to be so, they should cover “su cuerpo con el augusto purpúreo manto de la irresponsabilidad” rather than handing them over to “la segur del verdugo” (432).

Esquerdo, in his advocacy of greater humanitarianism with respect to criminals and madmen, was faithful to the new developments emerging in the profession of phrenology and psychiatry. His reaffirmation of the doctor’s power to assess his patients was a move set to consolidate the role of the medical expert in the courts and hence the apparatus of the state. He was also faithful to a holistic concept of society and human beings as part of nature with its infinite variations in similarity to Krausist concepts of natural equilibrium. The imbecile, given his lack of external physical characteristics, his possible brilliance, but also his propensity to commit savage acts, was cast as an almost invisible threat or as the “other” within; he was an “other” to be managed and classified (and ultimately neutralised) by a sophisticated medico-legal team. Harmony would thus be restored to society and to human existence.

Esquerdo acknowledged that nature produced variety and was careful to differentiate the imbecile from the idiot. This allowed him to introduce the figure of the genius. He was keen to acknowledge the extremes of nature and just as dwarves and giants represented the extremes in size, “los imbeciles y los genios son las estaturas extremas en el sentido mental” (Esquerdo 1880a, 359). Geniuses were not, as Lombroso had argued, immune from the travails of eccentricity or even madness or degeneration. The tinge of degeneration in the genius was widely acknowledged but this figure was seen as more benign than the imbecile or idiot. Even Lombroso had hinted at the presence of geniuses in Spanish history, referring to Cervantes, Murillo, Velásquez, and Góngora, amongst others (Lombroso 1891, 124).

The work by Dr Antonio Gota 30 years later is illustrative of this tendency to signal an extreme figure in society only to facilitate his rehabilitation or to assert the benign characteristics of his “condition.” As we have seen in the work of Esquerdo, this followed a well marked out nineteenth-century tradition in the classification of eccentric figures. Most were perceived as potential threats to the social order; some were consigned to places of punishment and vigilance; others were brought back into the fold as productive individuals within a diverse social setting. This trend within liberalism would continue throughout the twentieth century; many of the figures identified by Krafft-Ebing, for example, would be “de-classified” as threats as the twentieth century wore on.

Like Esquerdo, Gota acknowledged that there were certain characteristics in the madman and the genius that “se parecen, se asemejan.” This was illusory, however, and the madman would never scale the spiritual heights of the genius; therefore, it was necessary to distinguish between the two and between the man of superior talents and the individual of mediocre intelligence (Gota 1910a, 129). Gota followed Esquerdo’s reasoning and even some of the same language employed to describe madmen. Geniuses possessed manias, phobias, lacked

equilibrium, possibly suffered from degeneration, and constituted sick, anomalous figures outside of the normal rules. Nature was once more evoked in order to assist in the identification of wayward individuals: “La naturaleza no prefiere las particularidades, las excepciones; no estima lo anormal, por el contrario, trata de hacerlo desaparecer y cuida y se interesa por la uniformidad de la raza” (131). Nature – and for nature we may read the liberal order, entwined with notions of natural harmony as it was – attempted to put geniuses in their place: it was “esencialmente democrática, niveladora [...] y hace entrar á los *extraviados*, á los seres *excéntricos* en el lugar que les corresponde” and was reactive to anyone “desequilibrado” (131; original italics).

Updating the analysis since Esquerdo, Lombroso, and Galton by referring to a wide range of new scientific research (Gota 1910b, 171–2), Gota confirmed the genius as potentially unbalanced, degenerate, and as harbouring monomanias. However, he also acknowledged that no-one was perfect: “El hombre perfecto, de irreprochable salud física y moral, el completo ó tipo ideal, según la anatomía y fisiología normales, realmente no existe” (179). In this way, the discordant eccentric is effectively rehabilitated as odd but normal and as a figure that possesses a higher social and/or biological function. Traces of this type could be found democratically dispersed in the wider social milieu. The genius amplifies the sensibility and conscience of whatever he touches or invents. He discovers a “*verdad nueva*” (180). Even though he wanders along the borders of madness, and is an exception, an anomaly, and a “*cosa extraña*,” the psychic activity of the madman is less developed than that of the normal man and the intelligence of the genius is above both. Instead of hoping, like Lombroso, that nature would preserve humanity from “being dazzled by the brilliancy of those men of genius who might well be compared [...] to falling stars, lost and dispersed over the crust of the earth” (Lombroso 1891, 361), Gota welcomed the illumination of the world by geniuses as “*fenómenos cósmicos ignorados*” (Gota 1910b, 180).

Conclusion

Three principal conclusions can be derived from this study. First, a shift can be traced from the rather amorphous juridical and social understandings of “the social” in Spain arising from the early nineteenth-century constitutions, which placed emphasis on the corporations and collective interests that made up society but not on the individuals that composed that society, towards an increasing emphasis on the individual and, later, the active and responsible subject of liberalism. Coinciding with the new political and scientific scenarios of the 1870s, groups of individuals were identified as belonging to particular types (the worker, the invert, the genius) with specific characteristics. In this passage from an “anatomy-politics” that focused on the individual body, we see the analysis of types whereby the population “is not simply a collection of living human beings but a kind of living entity with a history and a development, and with possibilities of pathology” (Dean 2010, 127), a “species body” as Foucault has called it.

Second, the ambivalences at the heart of liberalism, whereby individual freedom was maximised in opposition to the state, grew larger as the Spanish liberal century progressed. This tendency, once again, became sharpened after the Sexenio and the political developments enshrined in the new constitution of 1868. Such changes, in tune with developments in science and increased traffic in knowledge across national borders, reinforced such a process. These ambivalences, rather than being antithetical to liberalism, were integral to

its politics and “conduct of conduct”; they were part of what Mitchell Dean has called the “illiberality of liberalism” and this was, in addition to a commitment to freedom within Spanish liberalism, present from the 1870s onwards. Although liberal government appeals to the notion of the subject active in its own government and “presupposes certain types of free subject in the operation of particular programmes of conduct” (Dean 2010, 156), this “free subject” can never be free under liberalism. The illiberal aspect of liberalism is manifested in two ways. First, in “those practices and rationalities that will divide populations and exclude certain categories from the status of the autonomous and rational person” (Dean 2010, 156). The second is the way in which “the free subject of liberalism is divided against him or herself in so far as the condition of a mature and responsible use of freedom entails a domination of aspects of the self” (Dean 2010, 156).

Third, it is worth considering the relationship between processes of subjectification and the process whereby citizens are created. Foucault has argued that these two processes cannot be held as autonomous or separate and are best understood as steps towards the normalisation of individuals in accordance with disciplinary discourses and practices such as the school, hospital, work, and family. Despite their connections, nevertheless, for Foucault subjectification or the creation of subjects is a more positive development than making citizens, as it allows for a degree of individual agency not necessarily seen in processes leading to citizenship. Furthermore, the process of making citizens should not be viewed as being brought about by the mere drawing up of a new constitution. Assaulted by the multiple techniques of power in the nineteenth century, subjectivity in Spain became fractionated in its various disciplinary settings and its reconstitution in the unity of the individual is made in accordance with the demands of disciplinary domination.

At the very least it will be recognised that the creation of citizens entailed the disciplining of individuals and their insertion in webs of productivity and control. As a corollary to the identification of “normal” political actors and practices, those deemed pathological were signalled as the “danger within” in a society that increasingly sought to neutralise risks (Cabrera 2013). The identification of dangerous groups and individuals as a threat to the liberal order was predicated on the classification of all individuals and especially those that did not coincide with established norms. The process of the individualisation of social dangerousness was realised through a minute process of detailed observations, measurements, and assessments of individual malefactors and the identification of the group to which they belonged. Both the madman and the genius, although treated with compassion, were set at the margins of both nature and society within a holistic viewpoint that sought to identify individuals and ideas which were “disproportionate” to or unproductive in the new order. These individuals and groups disrupted the social and economic equilibrium of liberalism and undermined visions of a harmonious Spain. Rather than see the dichotomisation of public and private, reason and sentiment, and indeed male and female, as bound up with the “*contradicciones fundacionales del propio liberalismo*” (Burguera 2012, 179), it has been argued here that these complementary but subordinated categories were liberalism’s very founding possibility and were integral to its *modus operandi*.

Notes

1. Elements of this section and the next two draw on aspects of Cleminson and Vázquez García (2011).

2. In this way, the individual is differentiated from the subject. The individual “se asocia con aquella forma de conciencia por la que nos autocomprendemos como seres únicos y singulares” and is focused primarily on individual affairs (Vázquez García 2005, 23). See also Julia Varela (2006).
3. The example of the work of Jacques Rancière on the working-class movements of the 1830 revolution in France is illustrative of this possibility. Rather than engaging in purely economic demands, as in the standard model of working-class identity formation, some sectors of the French working class rejected and revolted against capitalism’s desire to control every aspect of their lives, including leisure time. See Rancière (2012).
4. While one expression of sexual transgression, homosexuality, was not illegal per se in Spain for most of the nineteenth century, this expression usefully denotes both the legal constraints on and social marginalisation of homosexuality during the period.
5. See the contribution by Gregorio Alonso in this issue.
6. In contrast to some other European countries at the time, e.g. Portugal where positivism dominated scientific milieus, significant sectors of the scientific elite in Spain still held on to profound religious beliefs. These were made to be compatible with new scientific discoveries, but often the juxtaposition was not a happy one. Perhaps this explains in part the noted eclecticism of Spanish science.
7. Works by criminologists such as Ferri, Garofalo, and Lombroso were evidently important in this process, identifying criminality with a broader process of “degeneration” across European societies. See Cesare Lombroso, *L’Uomo delinquente* (1876) and *Gli anarchici* (1895).
8. The different role of women in the construction of the home and the education they should receive is analysed extensively in Di Febo (1976). Di Febo illustrates how later liberal thinkers such as Giner de los Ríos and Adolfo González Posada never went beyond “the most advanced liberal reformism” (80) and refused to sanction the more radical positions taken by the workers’ movement on this subject (67–8).
9. In addition, Nordau argued that genius was not inherited, despite being extraordinary (146), there being a certain brain structure that allowed for the propensity (237–8), but that will was a more important factor: “Al lado del juicio, hemos dicho, la voluntad es la parte esencial del genio” (204).
10. Lombroso (1891, 5) wrote in the chapter on genius and degeneration: “The paradox that confounds genius with neurosis, however cruel and sad it may seem, is found to be not devoid of solid foundation when examined from various points of view which have escaped even recent observers.” On Lombroso in Spain, see Maristany (1973) and Labanyi (2000, 79). Peset (1999, 126) notes that Ernst Kretschmer and Karl Jaspers in the late 1910s and early 1920s analysed personality traits, individual pathologies, and looked for traits of genius in their studies. Kretschmer published his *Geniale Menschen* in 1929.
11. Esquerdo was a doctor at the General Hospital of Madrid and Director of the Carabanchel Alto mental asylum. A brief mention of this series of articles is made in Campos (2012, 151), where it is noted that they achieved “una importante repercusión mediática.”
12. As Campos points out (2012, 131), Article 8, Point 1 of the 1870 Code established that “están exentos de responsabilidad el imbécil y el loco, a no ser que hayan obrado en un intervalo de razón.” Of course, crucial in the legal process was the determination of whether in fact the individual had acted in a period of lucidity; hence the complex debates in cases such as Morillo’s as analysed by Campos.

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