

# The monarchy, a journalistic taboo in Spain. The royal crisis and the circumstantial crisis

F Ramos Fernández [C.V.] [ORCID] Full Professor of Information Ethics and Law at the School of Social and Communication Sciences. University of Vigo, Spain - [ferramos@uvigo.es](mailto:ferramos@uvigo.es)

## Abstract

When the media broke the so-called “pact of silence” which protected the Spanish monarchy since it was re-established in 1975, the effects on the public opinion have been devastating for an institution that is suffering a crisis that does not seem to end, according to the harsh evidence provided by the surveys. In addition to the scandals surrounding the King and his family, there is a deeper reason why the Spanish people, especially young Spaniards, are walking further and further away from the Crown: 7 of 10 Spaniards under 40 years of age do not conceive the survival of an institution that they do not understand. The institutional public relations campaigns are not mitigating what already seems to be an irreversible effect.

## Keywords

Monarchy; referendum; crisis; scandals; surveys; rejection.

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## 1. Introduction: the image crisis of the monarchy and its origin

The so-called “monarchist imaginary” is a symbolic construction that aims to make the public to uncritically and passively accept the monarchy as a natural institution (Rodríguez García: 2007, 51 *et seq.*). Those who embody it and those who serve it are the first to be interested in its permanent reconstruction when it starts to deteriorate. This is the case of the Spanish Crown, whose image has been devastated by the scandals that have surrounded some of the members of the Royal Family in the last two years. As reflected by the strong public rejection, especially from people under 40 years of age, the future of this institution is at risk.

To counteract this crisis, the Royal family has implemented a dynamic campaign of public relations and propaganda, which still by early 2013 had not delivered the expected results: 42 percent of all citizens, and 7 of 10 people under 40, reject the figure of the King. The monarchy aims to recover the support of the media, which has been its best ally for 38 years, during which they have maintained a discreet position and been a silent accomplice.

Zugasti (2001: 141-168), a Professor from the University of the Basque Country who studied the role of the media in the establishment of the monarchy personified in King Juan Carlos, during the so-called “political transition”, as successor of dictator General Franco, has entitled his research work very

graphically as “The Francoist legitimacy of the Monarchy of Juan Carlos I: an exercise of journalistic amnesia during the Spanish transition” [1]. This amnesia lasted 36 years, until the harsh reality forced the media to stop looking the other way.

From the moment that the media (especially the print press) started to directly address issues related to the Royal Family, the public reacted so eloquently that in order to counteract the hostility shown by the public between November and December 2012, the Royal family has had to start to restore its image and to try to recover the support of the media to face a situation that it literally cannot control.

The Spanish Head of State has enjoyed a privileged treatment from most media, in comparison to other European constitutional monarchs, due to the immunity granted by the Constitution he promulgated and due to the unusual protection given to him by the articles 490 and 491 of the Criminal Code [2], which shelter the monarch, his ancestors and successors, from any direct criticism. The provisions of these articles, whose actual application to the ancestors is considered unfeasible, has been strongly criticised as absurd by rigorous historical research studies.

Rojas (1997: 13 *et seq.*) points out that:

“The principles of the Bourbon monarchy are strengthened by the responsibilities laid down by articles 490 and 491 of the Penal Code. Thus, it will be legal and consequent to infer from them that all those historians and writers, whose works present the weaknesses or abuses of the Royal Family –I use capital letters because that is how the Organic Law refers to the Monarch, the Queen and the hypothetical Regents, against the precepts of the Real Academy of Spanish Language and the book of style of *El País*–, may be imprisoned or fined for offending or insulting the Crown”.

In addition, with some exceptions, the major Spanish media had been very homogeneous in terms of the journalistic treatment given to the issues of public interest related to the King and his family, which was very delicate and naive, and the treatment given to issues related to the members of other European monarchies, which had been more impartial (Ramos, 2007: 189 *et seq.*).

From November 2011, the news about the royal family in the media moved from the social section to the political and even the economic sections. In this sense, two ideologically-divergent newspapers, *El Mundo* and *El País* have become rivals but have also agreed to inform the Spanish people about the most negative episodes that the current monarchy has ever lived. Sometimes, it seems that these newspapers have changed their roles, i.e. the most critical has been the conservative newspaper, *El Mundo*, and the most understanding has been the 'progressive' newspaper, *El País*.

Since 2000, the Centre for Sociological Research (CIS), an organisation dependent of the Spanish government, has conducted four polls which have investigated the opinions of the Spanish citizens about the monarchy, during the governments of the Popular Party (PP) and the Spanish Socialist Workers' Party (PSOE). In these polls, young people between 18 and 24 years of age have given low marks, on a 0-10 scale, to the monarchy: 5.18 in 2003, 4.77 in 2006 (which is already surprising), 4.93 in 2008, and 4.89 in 2011. In this last poll, two thirds of the Spaniards under 40 rejected the monarchy. Regarding the most recent data, according to the survey carried out by the consulting firm *Metroscopia* and made public on 6 January 2013, by March 2012 74% of Spaniards approved of the performance of Juan Carlos but by April 2012 only 52% of the Spaniards felt the same way. The image of the monarch improved slightly by December 2012, when 58% approved of his performance, while the rest thought otherwise.

If according to *Metroscopia*, currently 53% of Spaniards support the monarchy and 37% support the establishment of a republic, how should we interpret the fact that in 1996 the 66% of Spaniards

supported the monarchy and 13% supported the establishment of a republic, i.e. the positive balance for the monarchy was 53 points, in comparison to the current 16?

It is clear by now that the polls indicate that the crisis of the monarchy in Spain does not only respond to a circumstantial situation (the successive scandals over the past years), but also to something much more serious and deeper, the generational detachment of young people who did not live the political transition and do not recognise the role repeatedly attributed to Juan Carlos in the advent of democracy. These young people want to be heard and to be able to fully exercise their right as citizens in this important matter.

## 2. Methods

To carry out our research we have divided the time frame under analysis in two periods: from November to April 2012; and from May 2012 to early January 2013. These periods cover two crucial moments: 1) the successive scandals and the unusual appearance of the King before the TV cameras on 18 April, 2012, to apologise for his mistakes to the Spanish people and pledge that he will not do it again, and 2) the following institutional PR and propaganda campaign (still active at the time of writing this article) launched by the Royal Family to restore the image of the King and the institution.

Field work focused on the analysis of the monarchy-related news published during the aforementioned periods by the digital and printed editions of *El Mundo* and *El País*, as spokespersons of two great currents of opinion and sociology of the media in Spain. However, the learning of new events and revelations, some of them quite dramatic, make the phenomenon under study an endless series of overlapping events that keep citizens in constant astonishment [3].

In the first phase, there are four relevant events. One of them is the publication of the results of the annual survey of the CIS (Centre for Sociological Research) in which, for the first time, most Spaniards disapproved of the monarchy, evaluating it with 4.89 out of 10. With this evaluation the monarchy ceased to be the best valued institution. The other three events are three successive scandals that have captured the attention of the two newspapers under study.

- a) The so-called Urdangarin case. This refers to the serious accusations against the husband of the King's youngest daughter, the Infanta Cristina, for a series of alleged crimes. According to the anti-corruption prosecutor, Iñaki Urdangarin was accused of "premeditated criminal activity that aimed to embezzle public money through agreements established with the regional governments and then placing these funds in tax havens". Surprisingly, the Infanta Cristina was not investigated despite being his wife. This event, by itself, significantly deteriorated the image of this institution, which is "very delicate and is based on the prestige", as highlighted by Antonio Torres del Moral, Professor of constitutional law at the National Distance Education University (UNED) and an expert on the Spanish monarchy. As a result of this scandal, the Royal Family has kept Iñaki Urdangarin and his wife away from official acts and has described his conduct as "non-exemplary".
- b) The unexpected accident of the King's grandson, Froilán Marichalar, with a hunting rifle, whose use by minors is not permitted.
- c) The visit of the King to Botswana, where he hunts elephants, suffers a serious accident, and is accompanied by a German lady with whom he maintains a public relationship. This trip coincides with one of the worst moments for the Spanish economy. The scale of the scandal forced the King to publicly apologise to the Spanish people and to promise never to do something like this again.

From the beginning of the institutional PR campaign of the Royal House, whose more immediate aspects begin to be noticed in May 2012 (second period under study), immediately after the events in Botswana, the press continued to dedicate large spaces and reports to the Urdangarin case (the episode of the King's grandson is soon forgotten and only reappeared when his father is fined for breaching the Arms Regulations) but softened the tone of the journalistic treatment and started publishing news stories dedicated to the work of the King as the international "seller" of the "Brand Spain", and focused on the King's successor, the Prince of Asturias and his wife, who the monarchy wants to use, as non-contaminated items, to restore its image.

In this case, we have carried out a quantitative and qualitative analysis of these news stories and the other tools used to restore the image of the monarchy. All these events are examined as factors that, in our understanding, have caused and maintained the public's rejection and critical view of the monarchy, despite the institutional PR campaign and the deployment of propagandistic information.

This article also offers a review of the literature and legal documentation that was used to build the "Reform": the documents of the Francoist regime, those used in the construction of the parliamentary monarchy, with the complicity of the media, to prevent the debate and protect the King from any in-depth criticism, through the inclusion of provisions in the Criminal Code to protect even the ancestors and successors of the General's successor with the title of King.

### 3. Hypotheses

Despite the fact that the scandals surrounding the members of the royal family, which have been covered by the media (especially by the digital editions of the newspapers that are the most representative of the two great currents of opinion and social sensitivities: *El Mundo* and *El País*), have caused an avalanche of critical reactions in the public, the study of the evolution of the CIS surveys (including the one carried out in 2012, which no longer investigates the public's perception of the monarchy) indicates that apart from the crisis, which can be described as temporary and circumstantial, the controversy over the monarchy in Spain has a deeper, structural and older cause, which is based on aspects and criteria that are intellectually more solid than the mere social outrage provoked by the ups and downs of the Bourbon family.

This leads us to the following hypotheses (H):

H1: People under 40 and 45 do not perceive the monarchy as a natural phenomenon and want to be taken into consideration to decide on its continuation, which was a right stolen from their parents. This is an intellectual position, not an emotional reaction.

H2: The events and the loss of social prestige that have derived from the behaviour of the members of the Royal Family act in any case as reinforcing factors, but they are not the main cause of the growing hostility towards the monarchy.

H3: Young people do not feel connected to the current head of state nor feel they have a moral debt to him for the role attributed to him in the recovery of democracy.

H4: Young people are demanding the right to fully decide on who is the head of Spanish state because they do not believe that such a function can be transmitted as part of a biological phenomenon.

H5: In contrast, in addition to the PR campaign implemented to restore the image of the monarchy, the government aims to grant the members of the Royal family a legal status that will protect them from situations such as the one generated by the Urdangarin case.

#### 4. Theoretical framework

The “establishment, restoration or reestablishment” of the monarchy in Spain (which is how the process has been called in the different cases and occasions), in a member of the family that lost the Crown four times and recovered it other times is not an isolated and natural event. It has a root cause, which is described very precisely and sincerely by one of the characters that were involved the most in this process, intellectually speaking: former Minister Laureano López Rodó (1977: 14) states: “the real starting point of the long process that would lead to the establishment of the Monarchy was the National Uprising of 18 July, 1936”.

The legal process of the transformation of the “Francoism” into the parliamentary monarchy had an instrument specifically designed to prevent the media, and therefore the public in general, from freely discussing the situation in which this really peculiar transformation took place. In other words, legal instruments were established to prevent the democratic forces and millions of citizens to present an alternative way of government: a decisive referendum that could offer people the opportunity to choose between a Republic and a monarchy.

And that is, in our opinion (based on the analysis of the polls), the true cause of the rejection of the people under 40-45 towards the monarchic institution. And this is because they did not live nor accept the political culture imposed during the political transition, nor the relevant role that is attributed in this process to Juan Carlos, who strangely becomes once again the exponent and the essential element to support the campaign carried out by the Royal House to restore its image.

An essential piece in addition to the successive laws of Reform, was the Royal Decree-Law of 1 April 1977 (BOE: 04/12/1977, N° 87) on freedom of expression, which repealed article 2 of Fraga’s 1966 Press Law but established that the government could authorise the confiscation of printed material or sound recordings that contained news, comments or information against the unity of Spain, and could damage the monarchy or the prestige of the armed forces.

This was the decisive tool, in addition to the self-censorship or complicity, to silence the media and avoid a real national debate about the possibility of a referendum on the continuance of the Francoist provisions, which have been partly renovated but have retained essential elements of the Law of Succession, whose content was partly transferred to the 1978 Constitution.

Marc Carrillo (2001) [4] warns that it is important to reflect on the exceptional circumstances in which the Decree-Law envisaged the administrative confiscation in light of the Law for Political Reform and the evolution manifested by the political transition and its consequences; i.e. to avoid the public debate and to promote the acceptance of the monarchy as a whole, as the only possible way to restore democracy.

It is interesting that in the latest CIS survey (2012), about the values of the 1978 Constitution, only 5 per cent of Spaniards considered that one of its merits has been the restoration of the monarchy.

It seems clear that citizens who did not assist the process in which Franco established its succession with a head of State with the title of King, the head of an elective monarchy, currently consider that the restoration of the Monarchy was not an achievement of the 1978 Constitution and demand the right to elect the form of government in their country, which was a right stolen from their parents with the complicity and silence of the media, and the reformed Press Law that prevented the debate of key issues for the future of the nation, the articulation of the State and the role of the armed forces, which make sure the dictator’s orders are fulfilled.

Had this referendum been held at the time, provided it was possible to do such a thing, it would have prevented many of the problems currently faced by the Spanish nation. It is strange that in the meeting of the European Movement of 1964, the so called “Munich conspiracy”, the Democratic Meeting, and even in the negotiations between the opposition and Don Juan de Borbón, the referendum always appears as the mechanism that could have solved the shape of the head of state, the future regime and the very structure of the State after the end of the Franco regime.

Very divergent characters such as Indalecio Prieto and José María Gil Robles, in their respective memoranda for the British Government on the situation of the Franco regime, proposed that the process to overthrow the regime should have included a referendum. However, it is true that each of these characters saw the referendum differently and that, according to the writings of Rafael Calvo Serer, the Earl of Barcelona aspired to be the referee and beneficiary of the process. This situation has been analysed by Calvo Serer (1977: 101), Madariaga (1978: 539), García Trevijano (1994: 276) and Burns Marañón (2007: 166).

In this regard, García Canales (1991, 146) points out, as a way of summary:

“From the most intransigent and anti-monarchist positions, some groups called for a specific referendum (like the one held in Italy) prior to the drafting of the Constitution to decide the new form of the head of state; i.e. to involve the citizens in the fundamental decision of choosing between a republic and a monarchy. [...] On the other hand, from the major and most influential groups in the Chamber, the attitude of the Spanish Socialist Workers’ Party was more reticent than frontally anti-monarchist. This party, obedient to its historical tradition, showed off, through its spokesmen, its republicanism, but at the same time expressed its acceptance of the criteria and decision of the majority, the ultimate example of the wishes of the Spanish people”.

How could this wish be expressed when there was no prior debate about the republic or the monarchy and the Constitution was a complete block of everything or nothing? And why was this debate, which could have allowed, as many people wanted, the Spanish people to freely opine on an essential question, not held? There was not debate because legal and administrative mechanisms to prohibit it had been previously implemented.

It is reasonable to think that today’s Spaniards consider that the right to opine on a matter of such importance, which their parents were not able to exercise, is overdue. Our research tries to demonstrate that the current criticism to the monarchy institution goes beyond the specific circumstances of their daily vicissitudes, and raises a larger question: the feeling of the masses of citizens who demand the right to express their opinion, through the appropriate legal instruments, on the articulation of the head of state, which requires to rescue a public debate on a matter which in the past was vetoed by administrative and legal instruments.

After a referendum, this debate would either lead to the consolidation of the monarchy established by General Franco or to the possible reform of the Constitution in order to give back the Spanish people their stolen right to decide. The fear that the Spanish people can express their opinion, particularly today, is so present that no one dares to propose a constitutional reform regarding the unfair privileged position of men over women to inherit the throne (as established in the Francoist Law of Succession), through the mechanism contemplated in it, because this referendum could lead to unforeseeable consequences.

With regards to the opinion expressed by young people, which has not been counterbalanced by the image-improvement campaign of the Royal House, it is based on the old aphorism that says that the monarchy can be explained, but it is really difficult to understand it.

Ferrero (1991, 147 et seq.) notes that it is inconceivable that an institution or a public office as relevant as the head of State can be biologically inherited and that this is not easy to explain or understand, as is it to say that the Kings of the 21<sup>st</sup> century retain their title “by the grace of God”.

Hoareau Dodinau (2002: 360) has studied the origin of the myth of the untouchable figure of the King, which emerged in France during the 13<sup>th</sup> and 14<sup>th</sup> centuries, when the monarchs tried to obtain institutional consolidation from the lords and the papacy by associating their figure to God, in a dual process that will feed each other: it is the King who leads the suppression of blasphemy, without finding any kind of resistance by the clergy at this point; on the other hand, the monarch defends himself from slander directed at him by increasing the punishment against this crime, as if the insults were directed at God, because the monarch was considered to be his vicar on earth (in this sense we can recall the canonization of Luis IX and the *rex christianissimus* appellation that the French monarchs obtained in these centuries) [5].

## 5. History of the deterioration of the monarchy’s image

It is a fact that in Spain there are no monarchists but *juancarlists*; i.e., the King is liked by the people due to his populist character, so common among the Bourbons (his ancestor Fernando VII closed universities, but opened a school of bullfighting). Hence all the analysts agree that this attitude is not transferrable and that without the degree of popular acceptance that Juan Carlos enjoys, despite the crisis, the acceptance of his successor would be more difficult to obtain. During a trip to the USA, on 29 September, 2012, Juan Carlos spoke to *The New York Times* about the future of the monarchy and stated that “the monarchy will continue as long as the people want a monarchy” [6].

This aspect highlights the evidence that goes beyond the circumstantial crisis, i.e. a crisis provoked by the scandals that surround the monarchy in Spain and that this institution tries to contain, at least momentarily, with the help of the media which can, through its agenda-setting function, improve the public perception of the monarchy.

Zugasti (2001: 141-168), who has carried out a detailed analysis of the role of the press in the configuration of the old “monarchical imaginary” around the King Juan Carlos, aimed at making people forget that he leads a monarchy that has been imposed on, not selected by, the people, points out that after Franco’s death and during the first days of the reign the press mostly highlighted the links of the new King with the former head of state and with the Francoist legitimacy of the established monarchy, but that this association was quickly diluted in the press. Not only this took place, but the press also ended up establishing boundaries.

And in this sense it accurately:

“We can also conclude that the press as a whole supported the transition to a democracy that was accepted by all, as it has been shown how the case under study reinforced the liberal image of the King, precisely to help him to gain enough strength to lead the way towards democracy. [...] During the period in which the transition was institutionally completed, the newspapers forged the image of Juan Carlos I, which has not changed so far and is mainly characterised by the emphasis on its role as a democratizing actor”.

An essential part of the current strategy of the Royal Family, which repeatedly invokes the services provided by the monarchy to the nation, is its objective of giving back to the King the protection against the scrutiny of the press that he has enjoyed all these years, through this new pact of silence that protects the King from all prying eyes. In this sense, Soriano (1995, 25 et seq.), biographer of the former head of the Royal Family, Sabino Fernández Campo, argues that one of his priority and accomplished missions was to keep the press away from his “boss” and consequently to keep the subject of the monarchy as a “taboo” for the media for many years.

The enormous popular acceptance enjoyed by Juan Carlos has been repeatedly put at risk by his own attitude, not always responsible, and his surroundings. Despite the media’s discrete treatment, it has not always been possible to stop certain events from transcending, and the Spanish press has had no choice but to comment on what the foreign had published in this regards.

The Royal Family seeks to convert the “tranquil” image of the monarchy in an favourite issue for the media, i.e. into a set of events that appear in a continuous, permanent way and are easily classifiable in broad categories (Shaw: 1977). We must keep in mind that, as result of the action of newspapers, television and other media, the public is aware or unaware, pays attention or neglect, emphasizes or overlooks specific elements of the public stage. As Machiavelli had already pointed out, the Prince must take care of his image.

People tend to include or exclude from their agenda what the media include or exclude from their agenda; this is the effect of the agenda-setting, which is recognised as the capacity of the mass media to select and highlight certain subjects over others to make the public perceive them as more important (McCombs and Shaw: 1977, 12).

As Chomsky and Herman (2001: 17-22) have taught us, “power” establishes the contextual frames of the order of the day and eliminates the inconvenient issues. Moreover, both authors insist that in the transmission of symbolic messages for the average citizen, apart from the traditional functions (entertain, divert and inform) the media teach values and behaviour patterns that make them accept the institutional structures of society. Thus, the media can, as it has occurred in Spain, become the best creators of the “monarchical imaginary” that they want to impose as an almost natural element, as part of the ecosystem of modern society.

## 6. Breakdown of the "Pact of silence"

In the context under study, the breakdown of the “Pact of silence” was noticeable from November 2011 when the media began to investigate the various episodes of the Royal Family. Here the *Público* newspaper played a decisive role (JM de Pablos Coello, A Ardèvol Abreu, 2010). However, before that, although in a discontinuous way and without serious side effects, some negative news about the King and his family appeared in the Spanish media, most of the times after they had already appeared in the foreign press. Almost always these news stories were about the private life of the monarch and his family. These scandals were usually forgiven and forgotten by the national character of the Spaniards, who even obtained some pleasure from the reading of these news stories.

In very rare occasions, in the last twenty years the press has raised uncomfortable questions for the Royal Family, especially for the own monarch. These questions were presented with more details in the conservative, but not necessarily monarchical, press than in the “progressive” press. But there were some exceptions:

On 19 August 1992, *El Mundo* newspaper abundantly addressed a personal question of the King. It was the first time since the establishment of the new monarchy in 1975 that a newspaper broke the apparent tacit agreement of the Spanish media to address exquisitely the uncomfortable issues of the Royal Family. The issue in question was the reproduction of an extensive feature article published by the Italian *Oggy* magazine, which described the relationship of the Spanish monarch with a well-known interior designer from Palma de Mallorca, with whom he maintained a relationship since 1990 and occasionally travelled to Switzerland. It was the then Prime Minister, Felipe González, who discovered an unofficial absence of the King from the national territory, when his signature was missing from a government document. This event, of enormous constitutional seriousness, dissolved into oblivion as if nothing had happened.

On Friday 27 June, 1997, the same newspaper published in its society section that the well-known star Bárbara Rey had filed a complaint at the police station of the Madrilenian district of Tetuan against Manuel Prado y Colon de Carvajal, a businessman and Spanish ambassador, for stealing cassettes, videotapes, and compromising pictures from her. The female star argued that this material could affect her privacy and damage “an important person whose identity she does not want reveal at the moment”. Friends of the artists revealed that she had a 17-year relationship with a mysterious character who visited her frequently. Finally, after the actress decided not disclose the name of her visitor, she was accused of selling her silence for a very high amount of money.

Given the connections of Prado y Colon de Carvajal to the Royal Family, the national public opinion quickly draw its own conclusions. Government sources cited by the Madrilenian newspaper considered that the artist’s complaint was part of an operation to blackmail and get money or other benefits. Months later, the actress from Murcia became the presenter of a prime-time public television program. In fact, the alert was triggered by not other than the network of the Episcopal Conference. But the actress appeared on several television networks arguing that she was under threat of death and explaining in detail the reasons for filing the complaint.

Another story that affected the image of the monarch was the hunting of a drunken bear in Russia. In October 2004, Juan Carlos spent a weekend shooting bears and other animals during a stay in the Covasna region, at the foot of the Carpathian Mountains, where he stayed at an old Villa owned by the dictator Ceausescu. The news caused a scandal in Romania. A similar story occurred in October 2006, when the press from Moscow presented the allegations of a Russian environmental who described the “abominable” details of how a bear called “Mitrofan” was hunted by Juan Carlos.

The treatment given to the King by the traditional media, apart from the commercial exploitation that the monarchy made of its image through advertising (Ramos: 2004, 9-38), contrasted with the successive appearance of successful books written by journalists who, from very different positions and documented sources, narrated with details all aspects of the life, personal relationships and not-always appropriate actions of Juan Carlos, which had been mostly ignored by the press. The issues that the Spanish media do not usually present with regards to the head of state, were treated naturally by the European media with regards to their respective heads of state, whether monarchs or not. Even when the Spanish press speaks of other European heads of state it does so without the constraints that it voluntarily adopts in the case of the King of Spain [7].

But these and other events were soon forgotten by the public, until the Urdangarin scandal broke.

## 6.1. Criticism from the former director of the monarchist newspaper *Abc*

Of all the news published in Spain as a result of the deterioration of the public image of the monarchy, the most devastating article was written by a person closely linked to the Royal Family: José Antonio Zarzalejos, the former director of the monarchist newspaper *Abc*. On 15 April, 2012, in *ElConfidencial.com*, under the expressive title “Cómo la corona ha entrado en barrena” (“How the Crown has gone into a spin”) the former director declared, among other things:

“King Juan Carlos is overwhelmed by family problems, not only by the delicate position in which the Dukes of Palma left him, but also by the public reaction and the notorious failure of his marriage with Doña Sofía, from whom he practically is separated. His close and intimate friendship with Corinna zu Sayn-Wittgenstein has ceased to be a rumour, to such an extent that there are documents that certify that she accompanies Juan Carlos on trips abroad and assumes functions of unofficial representation”.

Months later, this was confirmed by Corinna herself in *The New York Times* where she stated that she worked as “strategic adviser to the Spanish government”.

Despite everything, and in the worst moments of the crisis caused by the scandals of the King and his son-in-law, the monarch received signs of support, including from the influential *El País* newspaper, which in its editorial of 4 March, 2012, separated the involvement of Iñaki Urdangarín in a case of corruption from the debate on the Republican solution as an alternative to the deprecated Crown, which in its view was still useful to national interest [8].

Figure 1: The treatment of the news about the Royal Family in the foreign press (both quality and tabloid formats) coincided in terms of arguments



## 7. Two approaches to the crisis of the monarchy: *El Mundo* and *El País*

The front-page publication appearance of the news story about the involvement of the Duke consort of Cádiz, Iñaki Urdangarin in a case of corruption from October 2011, resumed an old affair, which had been previously only superficially addressed or simply ignored by the Spanish press, except by *El Mundo* newspaper, which on 17 February 2006 covered the case of the King's son-in-law and qualified his performance in the field of sport-related businesses as a double moral incompatibility, as he was a direct relative of the Head of State and Vice President of the Spanish Olympic Committee. It was the first sign of what was to come.

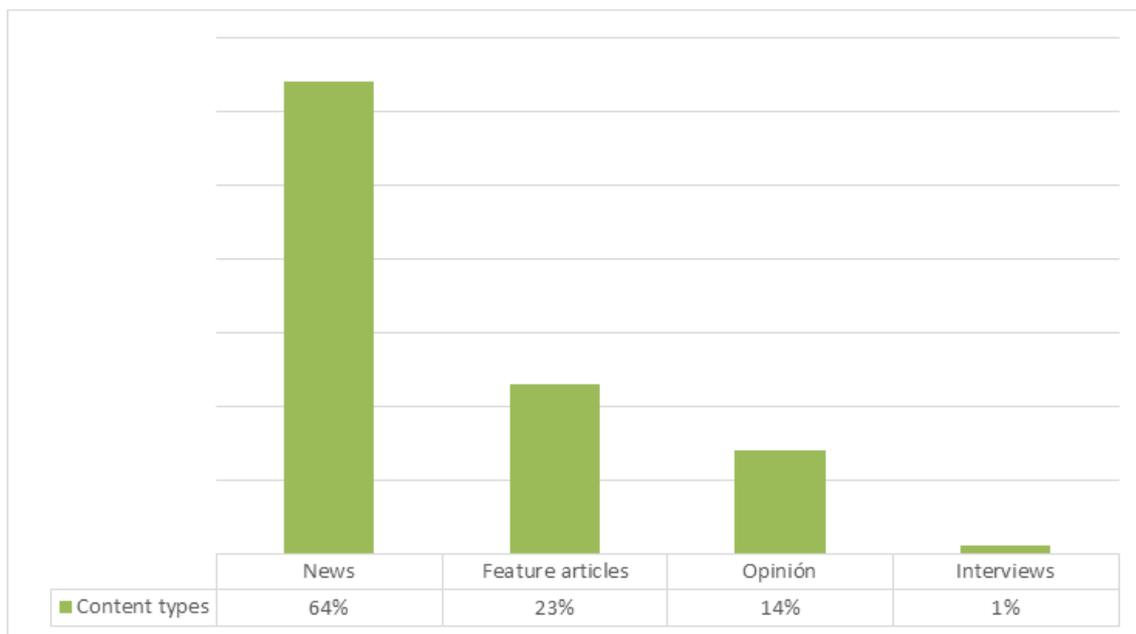
The scandals of the Royal Family caused a huge demand for news to which the media tried to respond rapidly and without the old limitations. This in turn caused intense activity in the online editions of the newspapers, where citizens were able to express their opinions which, apart from showing the outrage at the behaviour of the Royal Family, contained serious reproaches and disapproval which hitherto had never been expressed so clearly against the monarchy.

The Royal Family had exhausted its credibility. In order to represent two ideological options and two target audience groups, we focused our study in the digital editions of two national newspapers edited in

Madrid, *El Mundo* and *El País*, published between October 2011 to April 2012, and between April 2012 (when the King apologizes, but without saying exactly why) to January 2013.

The method used in this study is the compilation and analysis of the news stories published in the print and online editions of the aforementioned newspapers during the aforementioned periods. Of the total news items published by *El País* about the Royal Family during the first period, 64% were general news, 21% were feature articles, and 14% were opinion articles. In *El Mundo*, 79% were general news, 11% were feature articles, 1% chronicles, 1% interviews, and 8% opinion articles. During the first period the main events were the Urdangarin case, the accident of the King’s grandson, the fall of the King while hunting elephants in Botswana and the consequent scandal.

**Figure 2: Genre of the monarchy-related contents of *El País*. October 2011–May 2012**



\*All figures were created by the author

While in few occasions the two newspapers devoted editorials to the main issue, the overall treatment given to the aforementioned events, in both periods, was essentially informative; i.e. well-treated news stories, with the logical recaps in the form of chronicle or feature story. Interestingly, *El País* made available an invaluable bank of chronological data, which allows researchers and citizens, in general, to inquire at any time about precise information of the process in which the Royal Family is immersed.

**Figure 3: Genre of the monarchy-related contents of *El Mundo*. October 2011–April 2012**

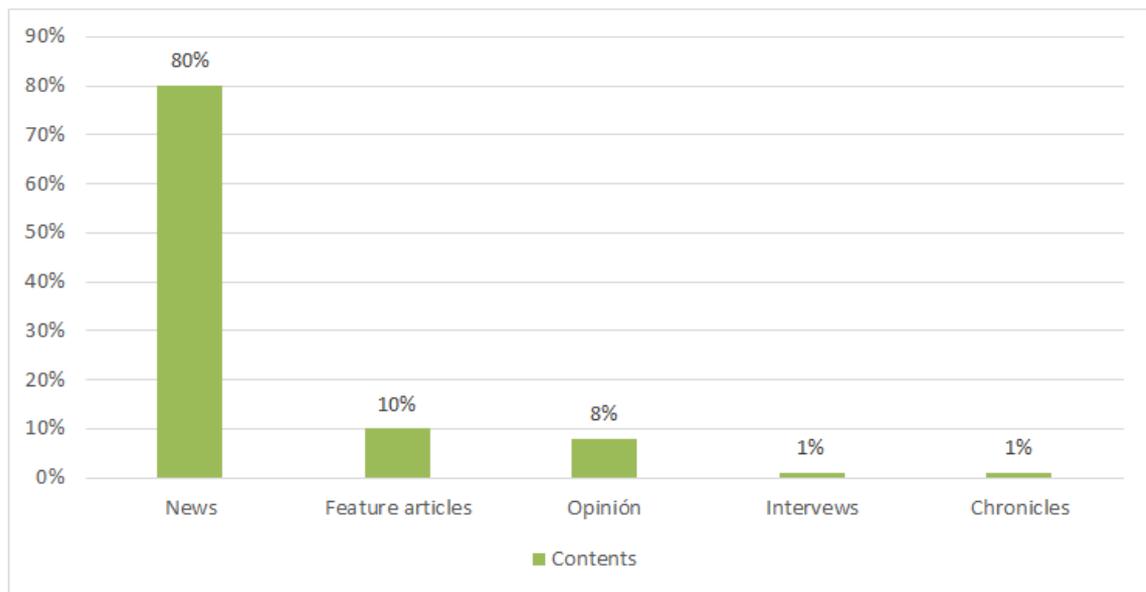


Figure 4: News published by *El País* about the Royal Family. October 2011–April 2012

	November	December	January	February	March	April
<b>Nº of News (294)</b>	11	27	47	82	46	81
News	10	15	34	58	28	44
Feature articles	1	11	9	14	8	18
Chronicles	0	0	0	0	0	0
Interviews	0	0	0	0	1	1
Opinion	0	1	4	6	14	15
Videos	0	0	2	16	1	4
Photo Gallery	0	0	0	1	0	0
<b>Nº of Comments</b>	2,067	7,928	9,596	13,588	5,716	31,711
<b>Sections</b>						
Politics	11	29	38	82	27	53
Autonomous Communities	0	2	0	11	0	0
Opinion	0	0	1	3	6	4
<i>Tribuna</i> (Opinion page)	0	0	0	0	1	3
Letters to the editor	0	0		0	1	1
The last resource	0	0	0	0	1	1
<i>Punto de Observación</i>	0	0	0	0	1	0
Analysis	0	0	0	0	1	3
El Acento ("The accent")	0	0	0	1	0	0
Economy	0	0	0	4	3	13
People	0	0	0	1	0	0
Videos	0	0	0	1	0	0
Society	0	1	0	0	0	0
Editorial	0	1	0	0	1	1
<b>Nº of news containing Urdangarín in the title</b>	9	17	22	35	17	7
<b>Nº of headlines in the form of quote</b>	1	1	3	10	0	0

In general terms, the situation of the Royal Family seems to have been more interesting, quantitatively speaking, for *El Mundo* than for *El País*. However, it is strange that the criticism, direct or indirect, towards the monarchy was generally more frequent in the newspaper directed by Pedro José Ramírez. In this sense, it is striking that the editorial line of the newspaper considered to be more progressive clearly supports the King, by pointing out that he played a crucial role in the transition to democracy, which according to this newspaper is enough a reason to forgive him for his current misdeeds.

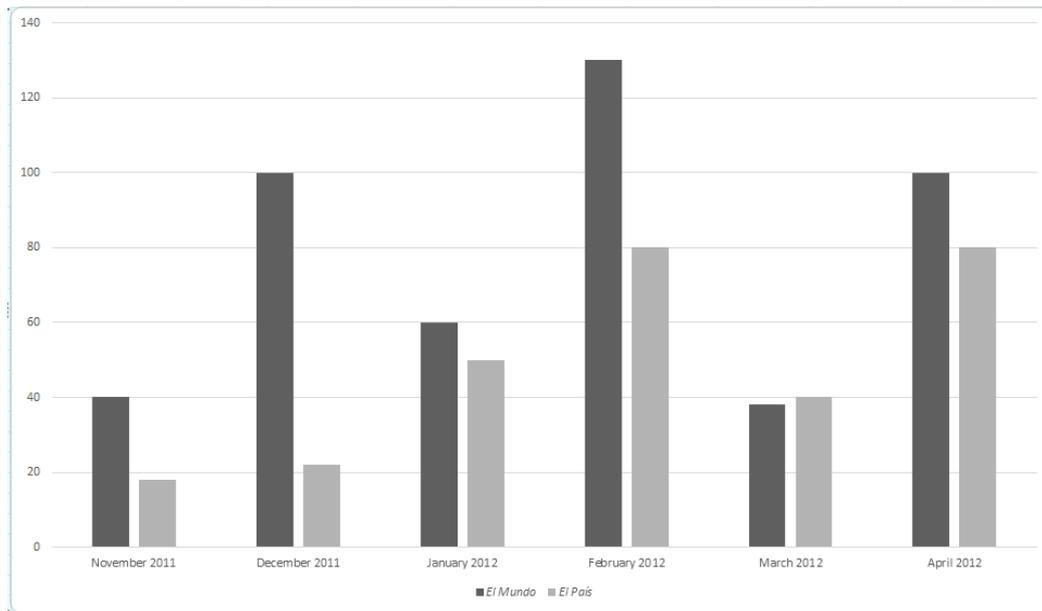
Figure 5: News published by *El Mundo* about the Royal Family. October 2011–April 2012

	November	December	January	February	March	April
<b>Nº of news (480)</b>	49	100	62	132	37	100
News	44	86	47	103	26	71
Feature articles	0	2	4	13	7	27
Chronicles	0	1	0	2	0	1
Interviews	0	2	1	2	0	0
Opinion	5	14	5	10	5	2
Videos	4	0	2	16	1	4
<b>Nº of comments</b>	2,602	9,674	2,310	10,489	2,287	24,756
<b>Sections</b>						
Justice	0	8	8	21	5	1
Multimedia	0	0	4	0	0	2
Research	14	12	13	4	0	0
<i>Tribunales</i> (Opinion page)	5	2	5	10	0	0
Corruption	0	1	2	3	2	1
Urdangarín case	0	1	0	3	2	1
Other cases	1	1	1	1	0	0
Opinion	3	13	5	0	0	0
Monarchy/Royal House	1	26	2	7	1	43
Noós case	0	1	8	53	16	9
Palma Arena case	17	0	8	11	8	7
Politics	2	8	2	8	1	8
Internet	1	1	0	4	3	13
Valencia	1	0	0	0	0	4
Balearic islands	0	2	1	4	0	0
Polemic	1	0	0	0	0	0
Analysis	0	1	0	0	0	0
Others	0	14	0	0	2	24
<b>Nº of news that contain Urdangarín in the title</b>	29	42	29	59	16	8
<b>Nº of headlines in the form of quote</b>	6	10	4	11	1	8
<b>Total nº of news items (774)</b>	<b>60</b>	<b>127</b>	<b>109</b>	<b>214</b>	<b>83</b>	<b>181</b>

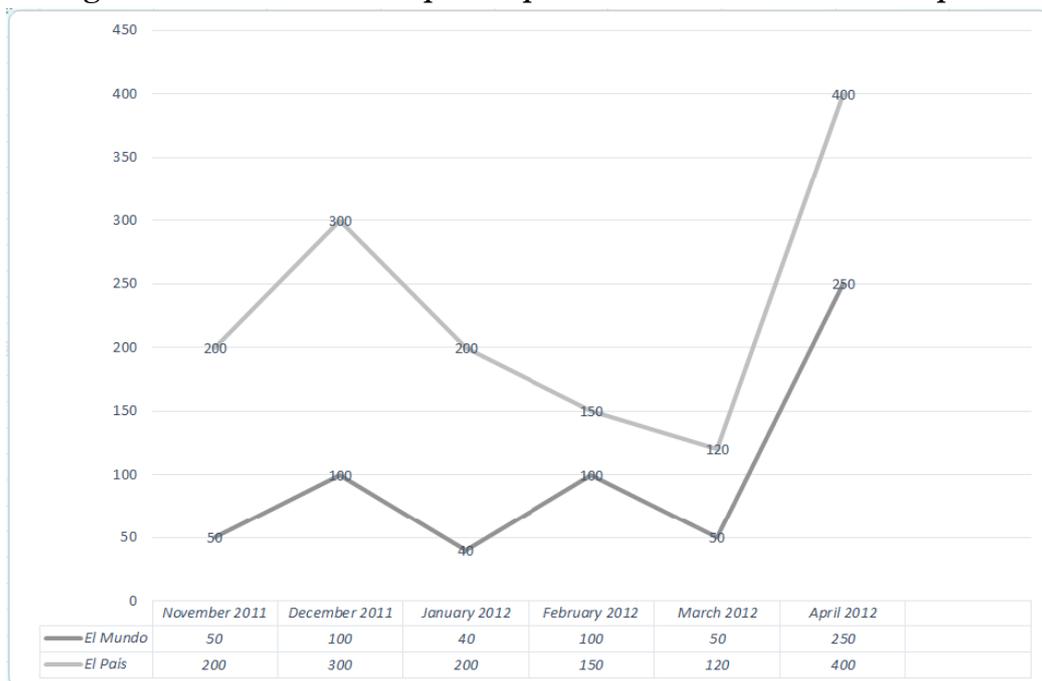
### 7.1. The response of the citizens

One of the most revealing aspects of the decreasing popularity of the monarchy among Spanish people is the way in which readers of the digital newspapers respond to the different news stories.

**Figure 6: Number of news related to the Royal Family published from October 2011 to April 2012**



**Figure 7: Average number of comments posted per news item. October 2011-April 2012**



In this sense, the daily average number of reader comments per news item was close to one hundred in *El Mundo*, and twice as many in the case of *El País*. The analysis detected a huge critical coincidence in the various comments made by readers about the news published about the Royal Family.

Based on the analysis of those comments, we can add these preliminary observations:

- a) The clumsiness and attitudes of the members of the Royal Family reinforce the anti-monarchic feelings or the belief that the monarchy is not useful for the country.
- b) Royal Family tries to convey a message of normality which, at least in appearance, is oblivious to the fate of the husband of the Infanta Cristina.
- c) The public presence of the King increases as if was continuously performing activities for the benefit of the country.
- d) The presence of Prince Felipe has increased, as a representative and not as a substitute for his father.
- e) The Royal Family launches reassuring messages, in the sense that the King has been understood and forgiven by the Spaniards and that everything is like before, except for the current problem of the King's son-in-law.
- f) The two major parties (PSOE and PP) aim to provide a special legal protection to all of the King's family to protect them from unwanted situations. Messages with this intention were transmitted: Deputies have immunity, so why should not a Princess have it?

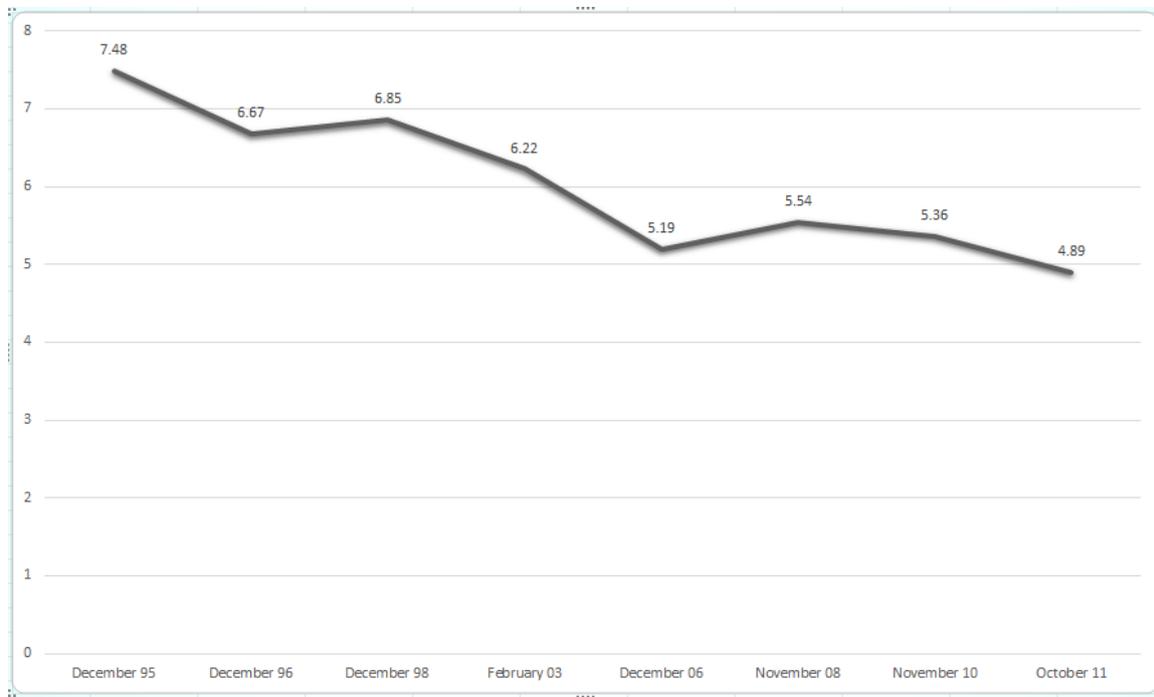
#### **8. Effects and disaffections after the royal act of contrition**

On 14 December, 2012, *El País* claimed that according to private surveys periodically undertaken by the Royal House to measure the level of popularity and public support towards the monarchy, the downturn caused by the hunting and hip-fracture of Don Juan Carlos in April had been overcome, but not the effects caused by the alleged involvement of the King's son-in-law, Iñaki Urdangarin, in the case of corruption.

According to these 'mysterious' surveys, never before published or disclosed, the level of popularity of the King had been restored to the level of April 2012; i.e. after King Juan Carlos affirmed that he was "worried about the youth unemployment and the soaring risk premium" it was revealed that he had broken his hip in a safari in Botswana. On his return, and after leaving the hospital where he had to undergo emergency surgery on one hip, the King, in an unprecedented gesture of humility, apologised to the Spanish people: "I am sorry. I have committed a mistake and it will not happen again", he said.

Here we should remember that, according to the latest survey of the CIS, in April the monarchy still had the lowest level of acceptance of its history, with a note of 4.89. Of course, what was causing the Royal Family the most damage was the "Nóos" case. And since the Spanish people suspended the monarchy for the first time, the CIS has not asked the Spanish people about the institution.

**Figure 8: Evolution of the public's evaluation of the Monarchy according to the CIS surveys**



From April 2012, the emergence of news related to the Royal Family increased exponentially.

Figure 9: Monarchy-related news published from May to December 2012

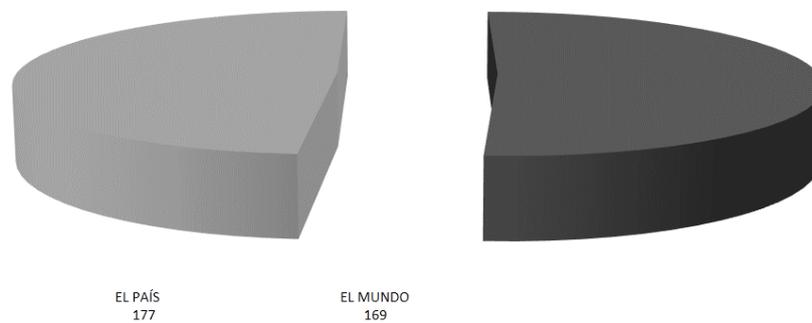


Figure 10: Sample of news studied in relation to the the Royal Family. May-December 2012

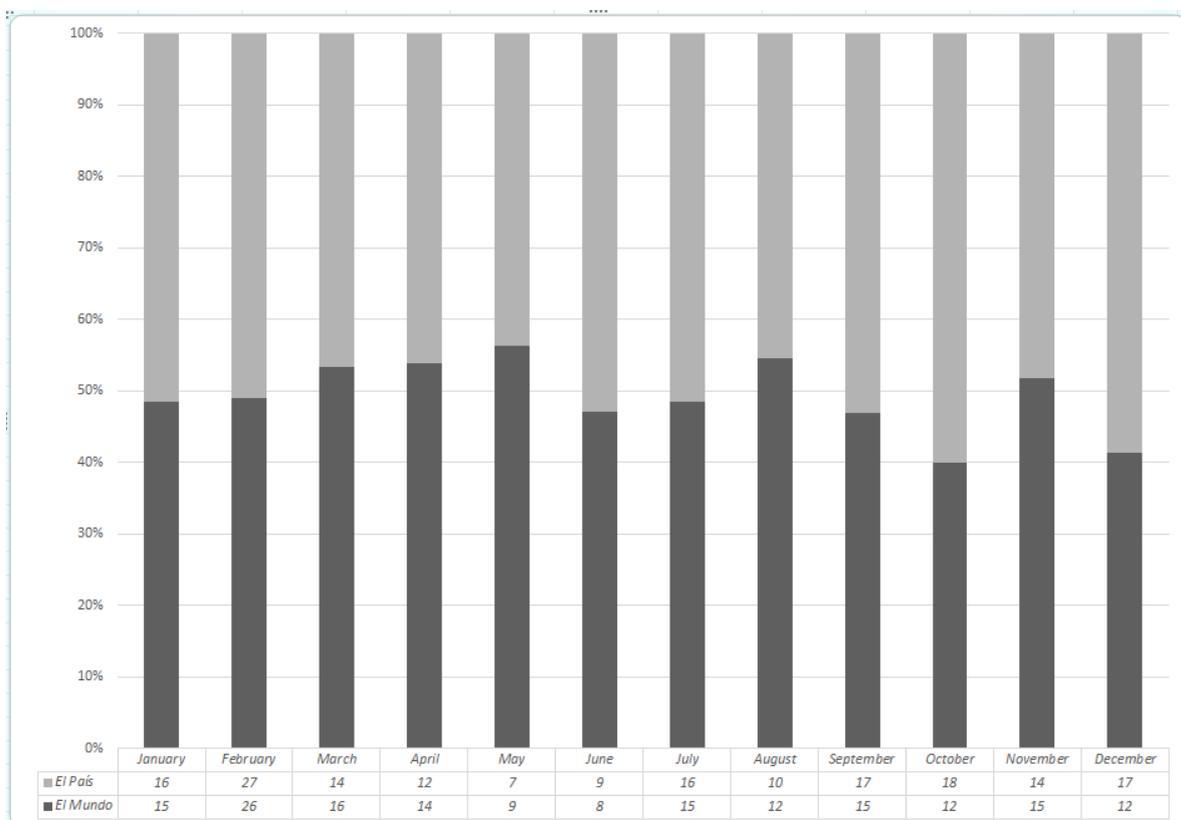


Figure 11: Favourite topics in the press from April 2012

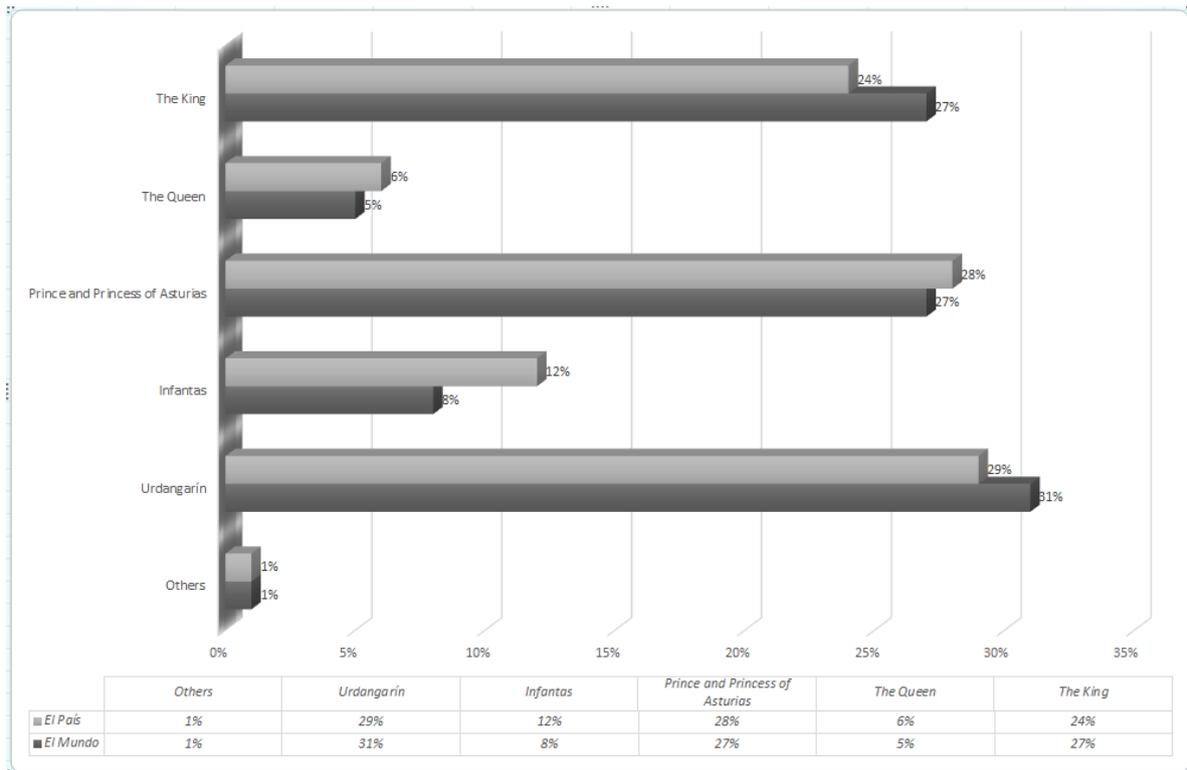
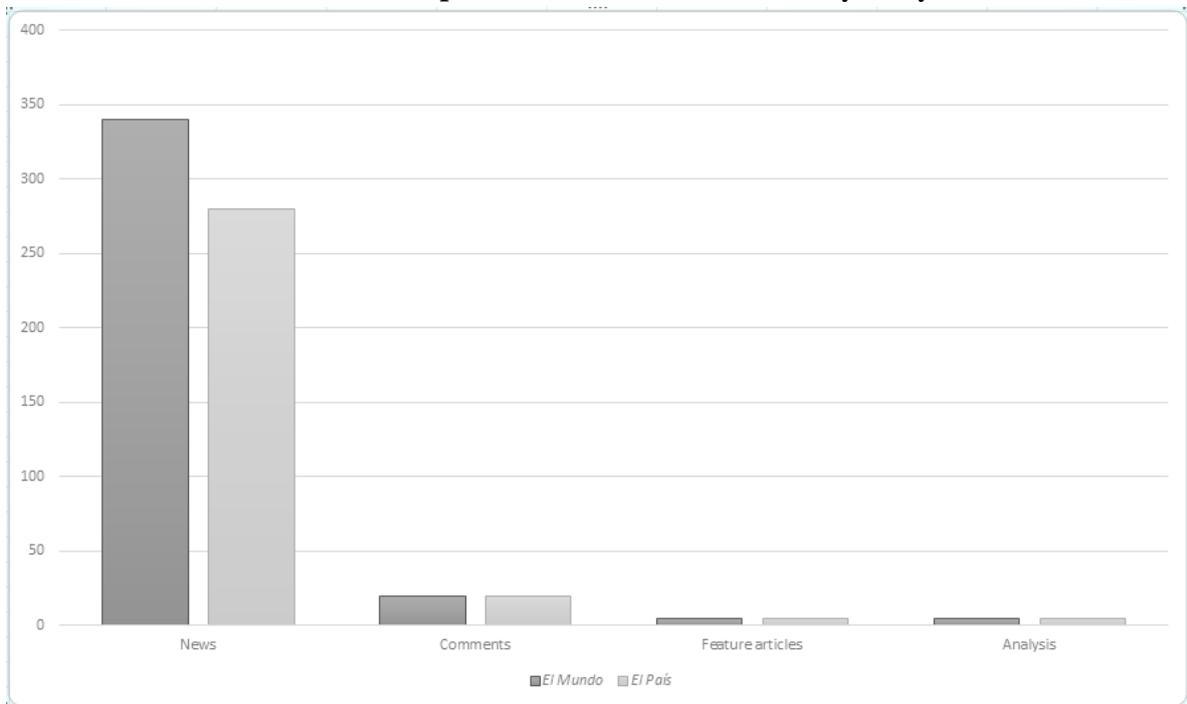


Figure 12: Format of the information pieces related to the monarchy. May-December 2012



From the news about the Royal family, the Urdangarin scandal has become the favourite story and, despite its collateral implications, it is the subject about which more news stories have been published in

the media. This case is so interesting for the Spanish people and media that its coverage even exceeds the coverage of stories directly related to the King and the Princess and Prince of Asturias. The news stories related to the Duke consort of Palma are about revelations of the case in which he is involved and is under judicial intervention or new information about his personal behaviour in other cases and jobs. The reaction of citizens in the digital editions is immediate and abundant. The criticism is widespread.

The efforts of the Royal House to improve the image of the King clash again and again with the judicial chronologies and the shocking developments, such as the revelation that one of his best friends was involved in one of the activities organised by his son-in-law, whose association is under investigation by the Anti-corruption Prosecutor’s Office.

**Figure 13: Average number of comments posted by readers in the morachy-related news stories published in the digital editions of the newspapers: May-December 2012**

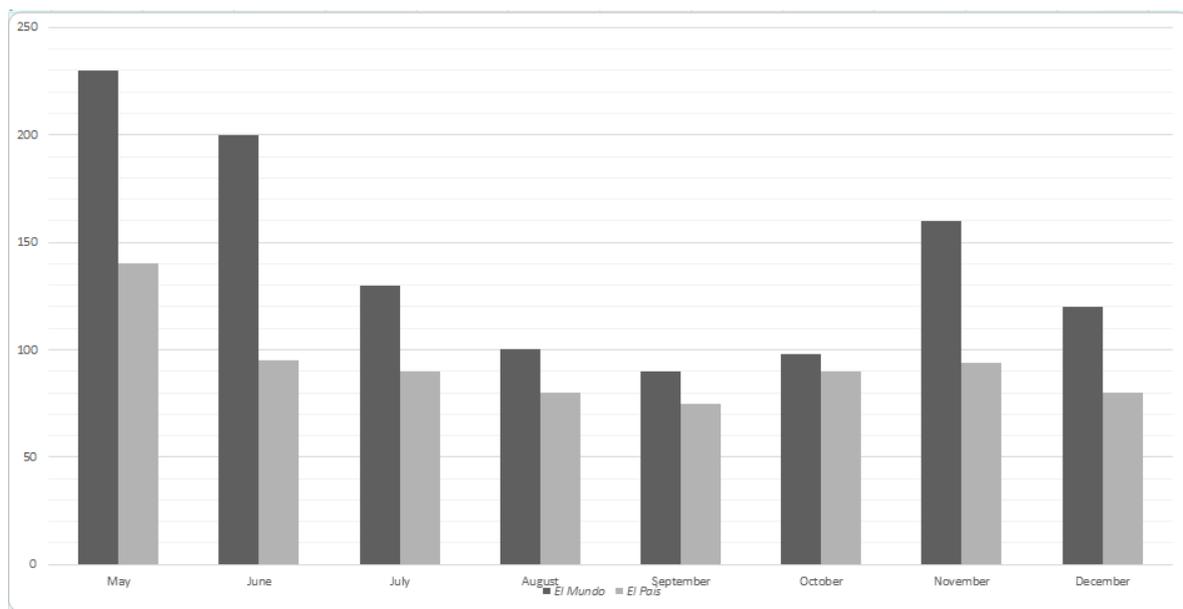
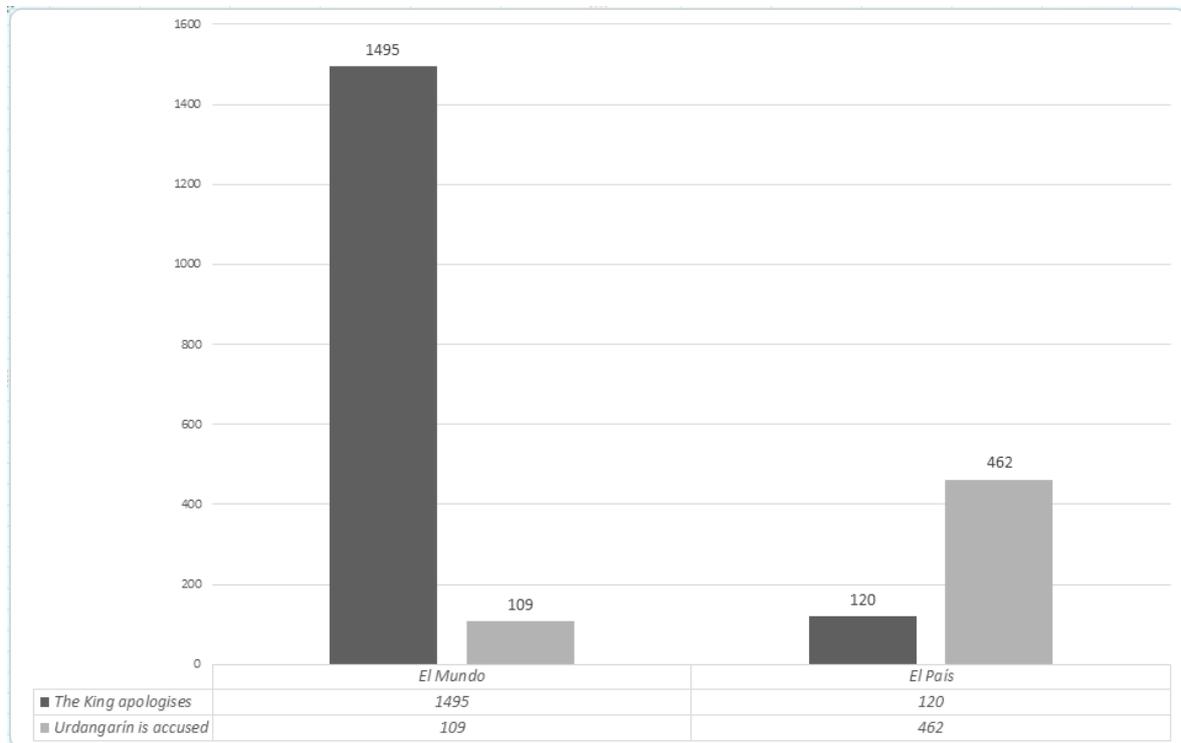


Figure 14: Number of comments made by readers about two key news stories

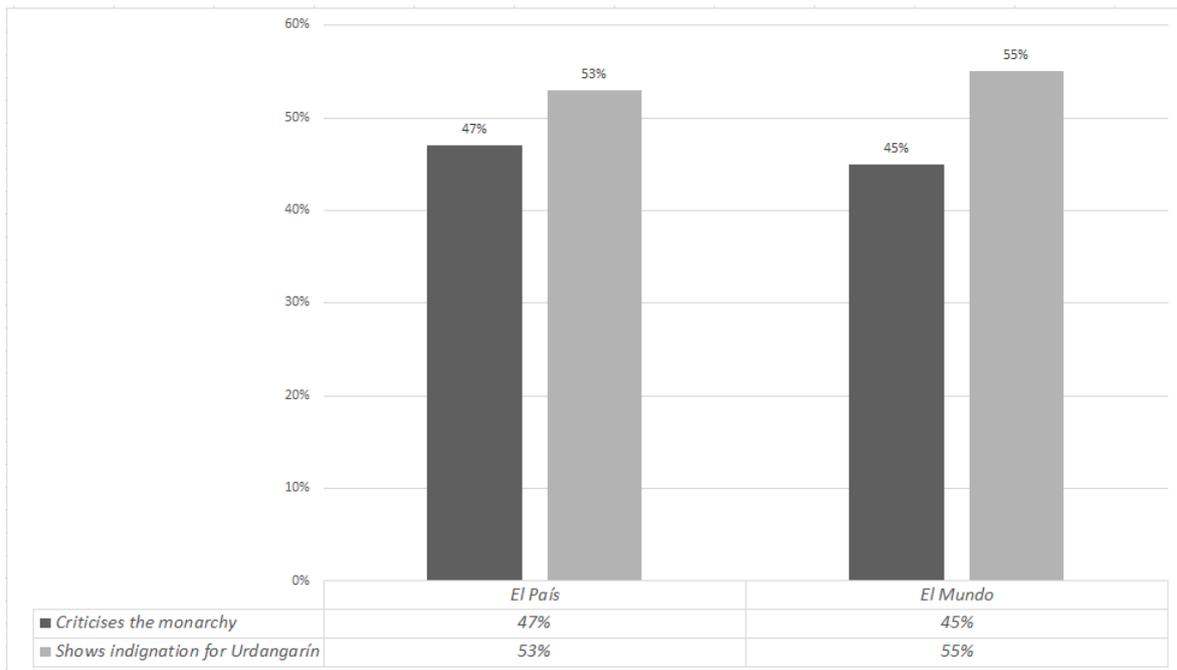


In the process under analysis, there are two sequences particularly relevant to assess the outraged reaction of the Spanish people to the events of the Royal House: when, after the Botswana/Corinna episode, the King apologises to the Spanish people, 1,495 readers of *El Mundo* and 120 of *El País* discussed this event with a general tone of criticism and embarrassment. A striking aspect here is the spectacular reference of the messages that appear in the comments of readers, which appears to denote a higher critical instinct in the segment of population that is more akin to the approaches of the first newspaper. However, despite the lack of rude words or messages, the overall tone is quite similar.

Another striking finding is that after the allegations against Urdangarin were made public there was less participation from the readers than after the King asked for forgiveness. But this time, the highest density of criticism, with 462 messages against 109, was concentrated on the readers of *El País*, who seem to be less affected by the behaviour of the King than by that of his son-in-law.

It can be concluded that the activity of the Spanish readers follows very variable flows that are determined by the current affairs or by the content of the newspapers; that is, when analyses, reviews and recaps about the affairs of the Royal House are published. But from a global perspective, that takes into account the criticism of all the readers' comments, Urdangarin is the member of the Royal Family that is most negatively perceived in all cases, worse than the King and the monarchic institution.

**Figure 15: Critical content**



## 9. The permanent image campaign of the King

In normal circumstances and in general terms the direct promotion of the image of the King is the responsibility of the Institutional Spanish Foundation (FIES), which is a private organisation, self-defined as “a cultural private non-profit foundation that for more than twenty-five years has aimed to make the Spanish society aware of the value of the monarchy as an unifying element that promotes of coexistence”. Its purposes are:

- The promotion of the study of the monarchy as an institution, through its history, its present and its projection towards the future in our society.
- The promotion of knowledge about and respect for the people who embody it.
- The dissemination of the contribution of the monarchy as the first institution of the State, symbol of the Spain unity and guarantor of stability and democracy.
- The implementation of initiatives that promote the dissemination and training of society in the values of coexistence and solidarity, as a reflection of the freedom and pluralism advocated by the Spanish Constitution.

This entity divides its supporters between sponsors, benefactors and donors, which include from banks to department stores, sports clubs, regional governments, universities, and other donors, divided into sponsors and benefactors, including foreign banks. One of the essential activities of this institution is to promote the contest titled “What is a King for you?”, which aims to promote a positive image of the King among schoolchildren. The contest is sponsored by the Orange Foundation. The unusual thing is that for many years the contest was sponsored by *Amena*, a company that has been repeatedly accused of “misleading advertising” by consumer associations.

### 9.1. The specific image-restoration campaign

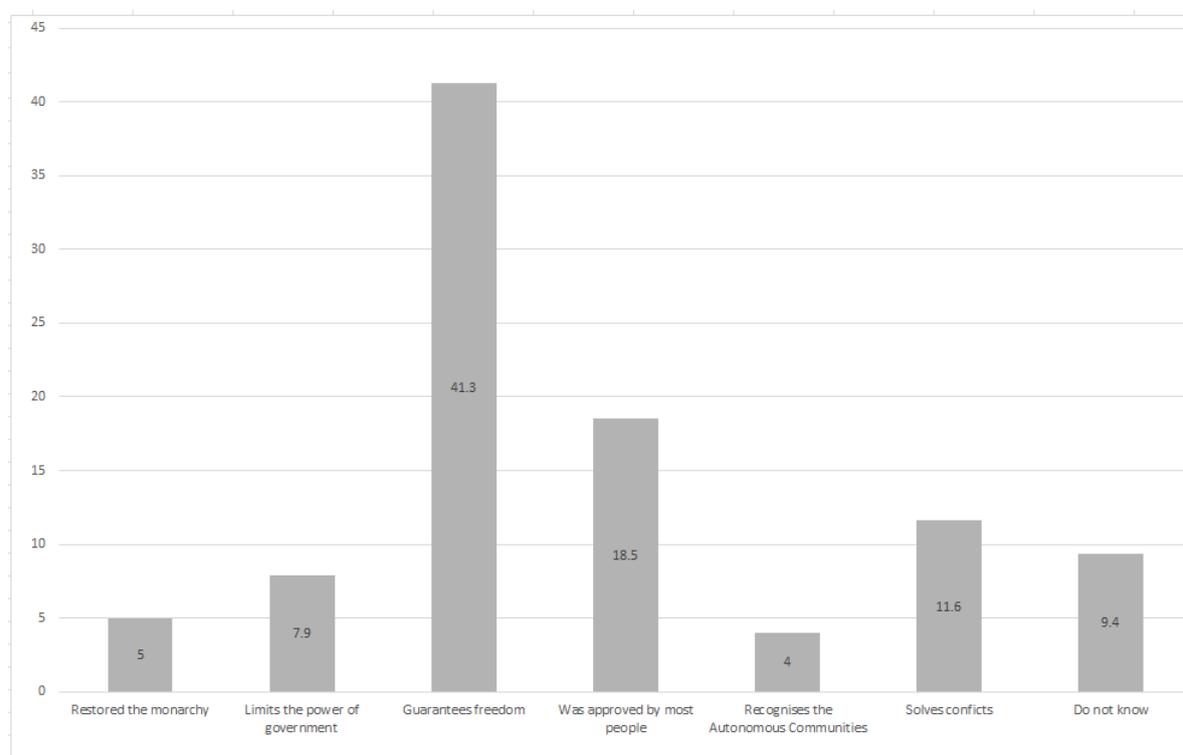
The Kings' current image restoration strategy responds to what McCombs (2006: 106 *et seq.*) understood as an attempt to subdue the citizens to a continuous learning process (in this case on the excellence and advantages of the monarchy), through the deployment of emotional (not rational) elements, precisely within the old strategy (curiously defined in its own context by Goebbels) of overwhelming the less-critical audiences with such a volume of information (or mere propaganda) in favour of a person or an institution, by all possible means, to achieve in the public opinion a cumulative effect or a numbing overdose.

The phases of this campaign were:

- a) To transform the public role of the image of the King (reflected by the international press) from a frivolous and 'bon vivant' character into a business diplomat and ambassador of the "Brand Spain".
- b) To reveal the annual budget of the Royal House to the public as proof of its transparency despite it is not legally obliged to do so. (However, this transparency campaign hides what the monarchy really costs to the Spanish people, because it does not include the money paid by the State to the Royal House through other ministries, which exponentially rises the real cost.
- c) To change the website of the Royal House, including personal messages of the King on current affairs, and to change its presentation, with the launch of an image of ensured dynastic continuity.
- d) To implement a program of weekly monarchist propaganda in *Radiotelevisión Española* (RTVE).
- e) To upload to Youtube the King's Christmas speeches and other historical occasions that are considered essential ([but omitting others not so suitable, like his oath to the principles of the National Movement or his loyalty to the Regime on 18 July](#)).
- f) To change the image of the "traditional Christmas speech, by presenting the monarch in a casual and informal way".
- g) To conduct a TV interview free from of uncomfortable questions on the occasion of his 75<sup>th</sup> anniversary.
- h) To re-launch the less contaminated elements of the family: the Prince of Asturias and his consort, with their own agency, with a presence that is parallel to or even greater than that of the King himself. The Royal House even delivers a spectacular photo gallery on the occasion of the 40<sup>th</sup> birthday of the consort of the Prince of Asturias.
- i) To segregate the contaminated elements from public visibility in institutional acts: Infanta Cristina, Duchess of Palma, is kept away from the official acts of the State, as a result of the "non-exemplary" conduct of her husband, Iñaki Urdangarin.

- j) To reduce the effect of the previous strategy through a communication campaign that does not disclose its cause but indicates that from now on the public image of the Crown will be focused on the King, his wife and the Princess and Prince of Asturias. The divorced Infanta Elena was removed from the Royal Court on 12 October, 2012 (from where there the Dukes of Palma had been already excluded) and placed, without explanation, next to the leader of the opposition, against the indications of the Royal Decree 2099/83, of 4 August, about the Precedence of State.

Figure 16: CIS Survey 2012: Answers to the question: What is the most important part of the Constitution of 1978?



## 10. The protection of the Crown and its surroundings

Before the scandals of the King’s hunting and sentimental getaway in Africa became public, it was revealed in the media that the government was considering the possibility of regulating the “Statute of the Royal Family”. The reason for addressing an issue that had never been treated before was the evaluation of the consequences of the “Urdangarin case”. According to a rigorous investigation of Cristina de la Hoz, “the allegations against the King’s son-in-law in relation to the business with Néos alerted the PP and the PSOE, who despite their differences in many other fields, have gone hand in hand in the defence of the Crown to prevent the scandal from affecting the prestige of the first institution of the State”.

Figure 17: It is not normal to see a King asking for forgiveness as it occurred in Spain after a careful preparation.



The situation is that, with the exception of the King, the rest of his family, including the Prince, do not have “special immunity”. This means, for example, that any ordinary court could call the Crown Prince to testify, which is not possible with a very long list of institutional, public and elected officials who, due to the nature of their job, have the special immunity. This is a “shield” that allow its beneficiaries to be held accountable for their actions but only in special conditions.

According to De la Hoz (2012):

“It never ceases to be paradoxical that so far the only political force that has presented an initiative at the Congress in this regard has been the very republican United Left. It was Deputy Gaspar Llamazares who in mid January presented a non-legislative proposition on the Legal status and immunity of the members of the House of his Majesty the King, which denounced the “legal limbo” that had been highlighted by the proceedings against the King’s son-in-law [9].

But the direction of Llamazares's proposal was quite different from that of the proposal that the two largest parties intended to submit, since the parliamentary of *Izquierda Unida* (United Left) pointed out that “the Crown lacks a law that establishes and develops the respective legal status, immunity, functions and incompatibilities”. The Deputy of *Izquierda Unida*, also indicated that “It was necessary to develop a regulation to give transparency to the money the King receives from the General Budgets for the maintenance of the Family and the Royal House” and that “only the events derived from the Urdangarin case have recently motivated the request for certain information”.

It is true that the drafting of a Statute of the Prince of Asturias and, consequently, of his consort, have been suggested long time ago by prestigious constitutionalists. The options range from prudence to nonsense, like it would be extending the King's prerogatives and privileges but not responsibilities to the Crown Prince. In this regard, the studies of Professor Torres del Moral (2005) are very enlightening.

Other specialists point to the opposite direction: it is necessary to rethink some of the special prerogatives that the King enjoys, and that in the past became an obstacle to endorse the European Constitution, because today nobody can be irresponsible for his or her actions. No President enjoys such immunities and, as it has been seen, Presidents can be prosecuted and sentenced for their acts, as any other citizen [10].

## 11. Conclusions

The continuance of the Spanish monarchy is under serious risk, at least during the following years. Society demands greater transparency about the actions of the family, as it should correspond to any country in the 21<sup>st</sup> century. This requires an active campaign of image and institutional PR to convince citizens of the benefits of maintaining the institution.

- a) The present situation has been provoked not only by the ineptitude and attitudes of the members of the Royal Family but also by the maturity of the Spanish society, which has become more critical and informed in relation to the institution that was imposed on them without any possibility of debate or discussion.
- b) The monarchy still has to pass important tests, whose effects must be evaluated. Still pending is the resolution of the Urdangarin case, which involves very confusing elements about the degree of responsibility of the people involved.
- c) To escape public scrutiny, Juan Carlos maintained a low profile while he prepared his comeback, after having apologised to the Spanish people, in a previously-prepared televised act, when he was exiting the clinic where it was operated. Since then, the presence of Prince Felipe has increased, in parallel, as a representative, non-substitute, for his father. The King is now an international business diplomat and booster of the “Brand Spain”.

- d) The crucial issue that has emerged from this process is that, despite the PR campaign and the attempts to get closer to the citizens, the Crown is losing popularity and the young generations are claiming their right to decide, which was stolen from their parents almost forty years ago.
- e) Before or after millions of Spaniards will be ready to give that answer. The fear of the opinion of the citizens is such that major reforms in relation to the succession and the Statute of the Royal Family and its members are still pending, because any public consultation in this regard could derive in an unexpected result
- f) While the possibility to reform the Head of State in the medium and long term, towards a regime more suitable for the current century, is raised more and more often, the two major parties aim to give special immunity to all the members of the King's family, which can certainly cause a great national debate, in which other feared issues may arise, such as the very existence of the monarchy as an institution, which is becoming less and less popular among citizens.
- g) The media seem to have declared a truce and the negative or critical pieces of information begin to be mixed with feature articles, monographs and chronicles commemorating the King's birthday and the future of the Crown. A future that has not been written.

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FIES - Spanish Institutional Foundation: <http://www.fies.es/>

Agencia Estatal del Boletín Oficial del Estado (State Agency of the Official State Bulletin):

<http://www.boe.es/>

#### 14. Notes

1. Original title in Spanish: “La legitimidad franquista de la Monarquía de Juan Carlos I: un ejercicio de amnesia periodística durante la transición española”.

2. The current Criminal Code considers that (serious and minor) slander and libel against the person of the King, his direct relatives and even ancestors and descendants are punishable actions of equal importance.

Article 490:

3. Those that commits slander or libel against the King or any of his ancestors or descendants, the Queen Consort or the consort of the Queen, the Regent or any member of the Regency, the Crown Prince, in the exercise of their functions or motivated by them, shall be punished with six months to two years imprisonment if the slander is serious, and with a fine of six to twelve months of minimum wage if they are not.

Article 491:

1. Libel and slander against any of the persons mentioned in the previous article, and outside the cases referred therein, will be punished with a fine of four to twenty months of minimum wage.

2. A fine of six to twenty-four months of minimum wage will be imposed to those who use the image of the King or any of his ancestors or descendants, the Queen Consort or the consort of the Queen, the Regent or of any member of the Regency, the Crown Prince, in any way that could damage the prestige of the Crown.

3. On 16 January, *El País* indicated that the Anti-corruption Prosecutor’s Office had initiated an investigation to determine who paid for the attendance of the German broker and Princess Corinna Zu Sayn-Wittgenstein, intimate friend of the King, to the Valencia Summit in 2004, which is a sports and tourist event organised by Iñaki Urdangarin and Diego Torres. Corinna became collaterally involved in this case after the defence of Diego Torres delivered to the judge Corinna’s personal mail where she thanked for the invitation. This entrepreneur and promoter of safaris has even described herself as an “strategic adviser” to the Spanish government.

[http://politica.elpais.com/politica/2013/01/15/actualidad/1358284158\\_840340.html](http://politica.elpais.com/politica/2013/01/15/actualidad/1358284158_840340.html)

4. In his work *El marco jurídico-político de la libertad de prensa en la transición a la democracia en España (1975-1978)* (“The legal-political framework of the freedom of the press in the transition to democracy in Spain (1975-1978)”), Carrillo writes: “In this context is where we should place the Decree-Law of 1 April 1977 (BOE: 12-4-1977, nº 87), on freedom of expression, as a new legislation that establishes that the Administration could order the confiscation of printed graphics or sound recordings containing news, comments, or information that are oppose the unity of Spain, discredit, damage the monarchy, or in any way attacks the institutional prestige of the armed forces. This aims to limit the right to information by eliminating or restricting information on three capital issues in the process of political reform: the form of Government, the political decentralisation of the State and the role of the army in a democratic

society. And this occurred in a period -the beginning of 1977- in which the political and institutional panorama could not be considered to be clarified and was in fact unknown.

5. Since the Roman Emperor converted to Christianity he reclaimed for himself the right to punish both offences (profanity and blasphemy against the Prince). Later, probably by the end of the 14<sup>th</sup> century, the notions of profanity and blasphemy against the King started to be approached from the theoretical constructions of lawyers and clergymen until they ended up being grouped under a single category: divine and human “lèse-majesté”.

6. On 29 September, 2012, *The New York Times* published a feature article about the Spanish Crown, entitled “Chastened King Seeks Redemption, for Spain and His Monarchy”. This article indicated that King Juan Carlos tries to reinsert himself in the Spanish public life of a depressed country that has its eyes put on the monarchy. Just a few days later, during the launch of the “Brand Spain” campaign and his own image restoration campaign, he met for over an hour with the editorial board of *The New York Times*, who put the following words in the King’s mouth: “The monarchy will continue as long as the people want a monarchy”. According to the chronicle of the correspondent of *El País*, the journalists from *The New York Times*, Doreen Carvajal and Raphael Minder highlighted that “with Spain mired in an economic slump, many Spaniards are questioning their king, long revered for his role in bringing democracy to the nation but now being scrutinized for his deluxe lifestyle and opaque fortune”. The American newspaper attributed to Juan Carlos the role of peripatetic “business diplomat”.

See: [http://politica.elpais.com/politica/2012/09/29/actualidad/1348913146\\_290429.html](http://politica.elpais.com/politica/2012/09/29/actualidad/1348913146_290429.html)

7. In contrast to the journalistic prudence, various important publications have analysed, from openly critical positions, the image risks derived from the King’s personal relations with controversial figures from the financial world, many of which have been convicted by the ordinary courts for common offences. These books describe other sensitive aspects of the King’s life that are of interest to citizens and have affected his obligations as a constitutional monarch. For instance, Jesús Cacho dedicates a whole chapter of his book, *El negocio de la libertad* (“The business of freedom”, Madrid: Editorial Foca, 656 pages) to the King and addresses, carefully and in depth, aspects that have been barely mentioned in the traditional media. One of them is the letters sent by the King to heads of State, like the Shah of Persia, asking for multimillion dollar donations. The author writes: “The King has not been lucky when choosing his friends, Prado, Conde De la Rosa, Sitges, Choukotua, Polanco and Mendoza”.

8. No one has given a helping hand to King Juan Carlos like *El País* did on 4 March, 2012, when it published an editorial expressively titled “The Urdangarin case and the future of the Monarchy”, which points out: “... feeding a debate about the Head of State which is nothing more than an intellectual and media contortion that the Spanish society must reject categorically. The King and his heir embody the constitutional legitimacy of the monarchy. The allegations against the monarch’s son-in-law have nothing to do with the form of State that was freely accepted by the Spanish people during the political transition. [...] Spain does not need an artificial debate on the Head of State. Available at:

[http://elpais.com/elpais/2012/03/03/opinion/1330804101\\_655612.html](http://elpais.com/elpais/2012/03/03/opinion/1330804101_655612.html)

9. The seriousness of the situation is summarised by Carlos E. Cué in a report published in *El País* on 22 April, 2012: “He prepared himself all his life to become a King but not to apologize. Kings do not excuse themselves, do not give explanations, do not justify themselves, and do not promise to mend their ways. If this happens, something very serious is happening, a crisis of unknown proportions. These days, before and after the impact of the images of the King with his head down asking the Spanish people to give him another chance, promising he will not make mistakes again, all the offices of political and corporate power wonder repeatedly: Are we witnessing the end of don Juan Carlos? Will the monarchy overcome this crisis? Is it the time to think about an abdication?”

10. The 1998 Statute of the International Criminal Court, which prosecutes genocide, war crimes and crimes against humanity, indicates that “an official capacity, whether as the head of state or any other capacity, shall in no case exempt a person from criminal responsibility”, which collides with the inviolability and non-responsibility of the monarchs. This point blocked the adhesion of Spain to the Statute until 2000, when it was passed following a report of the State Council. But the issue will arise again sooner or later. According to Ramón López Vilas “the creation of agencies, such as the ICC, is making more and more difficult for monarchs to maintain certain prerogatives”. Norway is, for now, the first constitutional monarchy that has launched a commission to review the prerogatives of the monarch.

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