

Competing Claims: An Analysis of References to the Past Made to Justify Ownership of
the Mosque-Cathedral of Córdoba

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Abbreviations

PP: Partida Popular (People's Party)

UCD: Union del Centro Democrático (Democratic Center Party)

PSOE: Partida Social Obrero Español (Spanish Socialist Workers' Party)

ICOMOS: International Council on Monuments and Sites

An agency affiliated with the United Nations that designates World Heritage status (known as *Patrimonio Cultural*) for sites worldwide

RH: *Reglamento Hipotecario*, Mortgage Law of 1867

A property reform permitting Catholic dioceses to register public religious spaces that they occupied with no outstanding deeds

LH: *Ley Hipotecaria*, Property/Mortgage Law

Implemented by Franco's administration in 1946 to uphold the RH; Aznar directly referenced section 206 of the LH in his 2006 law authorizing further Church property registrations

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Introduction: A Visit to the Mosque-Cathedral

Walking into a church in Spain invites you into an experience that is often multidimensional and represents more than one religious or cultural influence. In major cities, particularly in the southern region of Andalusia, the most popular and beautiful tourist attractions are the great cathedrals that at first glance date back to the eleventh-century kingdom of Castile. Yet many of these religious spaces were created using mosques where Muslims originally prayed. They were located in successive medieval Muslim kingdoms starting in 711 AD. The Mosque-Cathedral of the Andalusian city of Córdoba includes some of the most dramatic examples of Islamic architecture in a Catholic religious space. Córdoba was conquered in 1236, and the mosque was formally consecrated as a cathedral in the same year. Many of its rooms were altered rather than destroyed and rebuilt completely; as a result, some beautiful Muslim aspects of the site have been preserved.¹ The Mosque-Cathedral became embroiled in controversy in 2014 due to disputes over its ownership. Some members of the public questioned the Church's ownership because the institution had never presented physical documentation, and these people wanted the state to gain control. In 2014 the Church created a document that grounded its claim to ownership in nineteenth-century laws. In 2018 the Cordoban government sponsored a committee that produced a report establishing the state's claim to ownership through medieval (largely thirteenth-century) sources. How and why did these two principal actors in the controversy reference different eras and aspects of the Spanish past in these documents? In doing so, each appropriated historical evidence to fit the

¹ "The History," <http://mezquita-catedraldecordoba.es/en/descubre-el-monumento/la-historia/>, Accessed February 1, 2019.

This practice occurred at a time when many other Muslim spaces were being outright destroyed.

modern-day context. The conflicting arguments in the reports point to the ongoing church-state tensions across Spain.

This thesis principally analyzes the historical references made by both parties in their individual reports: first, the report published by the *Cabildo*, or local cathedral chapter (and therefore central ecclesiastical authority) in Córdoba, in 2014, and later, the state-sponsored committee report of 2018. The first report was filed in response to an online petition released in 2014 by a group of Cordoban and other members of the public.² They termed themselves the “Mosque-Cathedral Platform: Property of All” (*Plataforma Mezquita-Catedral de Córdoba: Patrimonio de Todos*), henceforth the “Platform for All,” for short. The Platform for All advocated restoration of the space to state hands. Analysis of the two reports that emerged in response to this public movement allows the reader to understand why each entity appropriated a distinct set of evidence, and how the references to the past color each argument individually. In this thesis, I trace the evolution of the property dispute in Córdoba with the goal of understanding its effects on lasting local Cordoban and state-level identity. Ultimately, the two documents and the group’s argumentation on the whole rely on evidence that is separate from one another, which makes their claims almost irreconcilable. Looking beyond the conflict, this thesis endeavors to present insights into the tensions between church and state in Spain. By analyzing the effects of the secularist movement over several centuries, I explain why the

² El Boletín, “La Mezquita de Córdoba recupera su nombre en Google Maps tras la polémica.” The Platform for All’s main petition, calling for the restoration of the space to state ownership, is still active on Change.org, with almost 400,000 signatures as of February 2019: “Sign the Petition,” Change.org, accessed November 6, 2018, <https://www.change.org/p/salvemos-la-mezquita-de-córdoba-por-una-mezquita-catedral-de-todos>.

dispute became popular and divisive as a result of the historical evidence used by each group (Cabildo and state).

Chapter One starts by introducing the central sources of this research to the reader by providing context for the medieval code, Alfonso X's *Siete Partidas*, that authorized royal mosque conversion and other property matters. The Cabildo's report is introduced next to ensure the reader remembers the key differences in argumentation between the two. Then I prove that the state-sponsored committee relies upon citations from this medieval era, and outline the committee's subjective strategy. This section finds that the Cabildo principally relied on nineteenth-century laws as evidence, and its approach signaled a reliance on Franco-era policy. The rest of the chapter guides the reader through key historical events that affected the state-sponsored committee and the Cabildo's polarized and contrasting viewpoints.

In the next half of Chapter One, I contextualize the evolution of church-state relations in Spain by charting the progress of secularism from the eighteenth century to the transition to democracy that the state undertook in 1976. Several sections chronicle the development of both political parties in power in present-day Spain. I connect the rhetoric and policy-making of the conservative Popular Party or *Partida Popular* (PP) to the Cabildo's tradition of property registration. The PP's actions were accomplished in large part due to the policies of their leader José Maria Aznar. I prove that Aznar's career reinforced the lasting legacy of Francoist property policy into the democratic Spanish state. In response, the supporters of the socialist party (PSOE) took up the cause of secularism and eventually became involved in calls for state ownership of spaces like the Mosque-Cathedral. I explore why the PSOE and other public actors called for restoration to state

ownership, and found that they primarily criticize the Cabildo for altering the Mosque-Cathedral's historical narrative. Popular protests even transpired prior to the property controversy itself, in response to changes the Cabildo made to tourist materials. And concern over the lack of financial records for the space only deepened these calls for reform. In analyzing earlier Cabildo materials as well as the reports themselves, I show how longstanding church-state tensions directly shaped partisan divide in democratic politics. Chapter One explains where and how the polarizing viewpoints regarding proper bounds of Church authority emerged. The tense history of secularism helps explain why people became highly emotionally invested in the Mosque-Cathedral controversy. On the whole this chapter proves that Spanish anticlerical and secularist movements throughout history played a pivotal role in inspiring and popularizing the property dispute. Their influence contextualizes the strategy employed by both state-sponsored committee and Cabildo to rely on distinct types of historical evidence when formulating their claims.

Chapter Two investigates the nuances of committee and Cabildo tactics and concludes that the parties' arguments are largely irreconcilable. Shifting from a historical timeline to a focus on mostly contemporary sources, I trace the forces that fed wide-spread interest in the Mosque-Cathedral controversy in 2014. Having analyzed the social climate that pressured both the Cabildo and state to respond to public grievances, I then turn to sentence-level analysis of the reports introduced in the beginning of Chapter One. I first explicate lines from the state report that expose the contradictions within its argumentation. I then analyze the Cabildo's report to show that its reliance on later legal evidence contained its own loopholes. Beyond the contradictions within the reports themselves, this chapter emphasizes that the documents established temporally divorced arguments. The

two parties claims to the space are heavily disconnected, largely because they define public property in competing ways. The division between the groups' arguments is furthered by direct committee and Cabildo members' associations with opposing ideological groups in the Cordoban government.

Chapter Two proves that the reports and their nuanced strategies can be better understood when analyzed in light of current partisan politics. The committee members' historical research reinforces their report's connection to the PSOE agenda. The authors espouse a pluralist interpretation of Spain's past and, like the Platform for All, argue that the space's history is endangered when the Cabildo maintains the means of production. I conclude that the state-sponsored committee implicitly sets up a historical hierarchy and ranks medieval evidence as more compelling than modern sources to defend its approach. In writing and responding to the reports, the Cabildo and the committee each participate in the politicization of their work. Though the Cabildo avoids direct political activity, it is continually associated with (and its power is protected by) conservative members of the government. The state-sponsored committee sided with PSOE interpretations of proper conservation and funding provisions for religious sites like the Mosque-Cathedral. The local case in Córdoba was exacerbated by PP-PSOE tensions. At the same time, the reports, and the controversy by extension, affected the larger political landscape in Spain. In turn, the groups' associations with distinct political groups influenced each's selection of evidence in their writing. Both groups' reliance on distinct eras of history, and their strategies of preserving monument control, by the state or Cabildo respectively, has a powerful effect. Its approach could potentially other property disputes that concurrently unfolded across the country. On a larger, more permanent scale, the controversy sparked

intense questioning and justifications from both sides about the Mosque-Cathedral's role in shaping Spain's historical memory as a nation. Along the way the dispute prompted responses and fomented intellectual developments in the minds of public protestors, historians, and clergy members.

The Origins of the Space

Before diving into context that helps us thoughtfully read the central reports, we must solidify our understanding of the contested space itself. The design of the *Mezquita* (Mosque) of Córdoba visually reflects the transition from Muslim to Christian rulership that transpired in the thirteenth century. Following the ascension of King Ferdinand III to the throne, and his successful conquest of Córdoba in 1236, the Mosque was renovated in several stages to ready it for use in Christian ceremonies as a Cathedral (*Cathedral*). These changes left much of the Muslim architecture intact, which makes Córdoba an exceptional case as compared to most cities and towns where mosques were almost completely destroyed.³ Christian modifications starting in the 1300s were only small in scale, until the Main Chapel, designed by Hernan Ruiz I in 1523, added a dramatic ornamented style to the Mosque.⁴ The white marble chapel contrasted with the Andalusian style of geometric patterns and featured intricate forms and figures that were partially reminiscent of Muslim artistic achievements but broke Muslim permitted aesthetic guidelines.⁵

³ Justin E.A. Kroesen, "From Mosques to Cathedrals: Converting Sacred Space During the Spanish Reconquest." *Mediaevistik* 21 (2008): 136, <http://www.jstor.org/stable/42586616>.

The physical bounds of the space involve Muslim and Christian themes, the former predating the latter with the typical religious areas for prayer like the qibla and the alminar, the tower to call Muslims to prayer.

⁴ Mezquita-Catedral de Córdoba, "The Building: Main Chapel, Transept, and Choir," [mezquita-catedraldecordoba.es](https://mezquita-catedraldecordoba.es/en/descubre-el-monumento/el-edificio/capilla-mayor-crucero-y-coro/), accessed October 28, 2018, <https://mezquita-catedraldecordoba.es/en/descubre-el-monumento/el-edificio/capilla-mayor-crucero-y-coro/>.

⁵ Mezquita-Catedral de Córdoba, "The Building."

According to the Quran and countless other documents, it is forbidden (haram) to directly depict living figures in Muslim art.

Centuries later, state acts of registration caused people to question the privileges and wide bounds of Church power in current society, especially over the Mosque-Cathedral. Aznar had sold the Mosque-Cathedral to the church for thirty euros in 2006.⁶ The low pricing of the sale was controversial, as some people believed the Church ought to pay a price comparable to the value of the historical monument. Aznar set a symbolic price, and stuck to the thirty-euro value to transfer many religious sites to the Church. Aznar also passed legislation that allowed local bishoprics to register more churches and other Christian spaces. In parts of southern and northern Spain, such as Navarre and Seville, cabildos obtained new property deeds without having to display evidence of their past right to ownership.⁷ As a result, over thirty cathedrals across Spain were repurchased between 1998 and 2015.⁸

But why is the Mosque-Cathedral a more intriguing case than any of the other cathedrals transferred? Controversy over this space in particular grew and became the focus of intense debate and news coverage. Along the way, the perception of the space was complicated by competing interpretations of Córdoba's rich history. This makes it an ideal case for historians to examine. Public outcry grew over financial concerns. Starting in 2014, more Cordobans discovered that the Cabildo received immense revenues from Mosque-Cathedral tourism—over fifteen million euros in annual fees since the Cabildo's formal registration of the space in 2006.⁹ What's more, as a private institution, the Church

⁶ Martín-Arroyo, "La Mezquita de Córdoba no es de los obispos, según un comité oficial."

⁷ Gómez, "La Iglesia inscribió 4.500 propiedades sin publicidad y sin pagar impuestos," *El País*.

⁸ Jesús Bastante, "La Iglesia utilizó la ley Aznar para poner a su nombre al menos 30 catedrales que pertenecían al Estado desde 1931," *El Diario*, November 14, 2017, https://www.eldiario.es/sociedad/Iglesia-Aznar-treintena-catedrales-pertenecian_0_707980166.html.

⁹ El País, "La Junta de Andalucía evita pronunciarse sobre la titularidad de la Mezquita de Córdoba desde 2014," *El País*, January 27, 2018, sec. Política, https://elpais.com/politica/2018/01/27/actualidad/1517070367_508587.html.

is not legally required to publicly disclose where or how these revenues are used.¹⁰ The only publicly accessible information on this topic is the ticket pricing scheme: the opportunity to experience such a contested and historically rich space costs the small sum of ten euros for the average visitor, with half-priced tickets available for middle-school aged children and the disabled, and no cost admission for local residents of Córdoba, as well as the elderly.¹¹ In response, many worried: to what extent is the tourist experience controlled and biased by the twenty-first century Catholic entity that owns the space? The possibility of the Cabildo's controlling and limiting the scope of this tourist experience to focus it on the Catholic narrative has provoked outcry and calls for an open inquiry into the Church's role in Cordoban history. As more people realized the Cabildo's lack of transparency, a group of concerned citizens responded by filing the online petition that accumulated thousands of signatures and raised popular interest in the Mosque-Cathedral.¹²

The 2014 public petition represented a regional expression of protest within a larger-scale discussion of the Spanish Church's right to manage these religious monuments. The Mosque-Cathedral had served as a cathedral for centuries following its consecration in 1236, but all the while the space lacked a legal deed to define its formal ownership. The Cabildo formally registered its claims to the space in 2006, under a law passed by the prime minister at the time, José María Aznar, and local church chapters in

¹⁰ Javier Martín-Arroyo, "La Mezquita de Córdoba no es de los obispos, según un comité oficial," *El País*, September 17, 2018, https://elpais.com/sociedad/2018/09/14/actualidad/1536956121_483715.html."

¹¹ Mezquita-Catedral de Córdoba, "Organise Your Visit," <https://mezquita-catedraldecordoba.es/en/organiza-la-visita/tipos-de-visita/>.

The elimination of ticket prices for local residents of Córdoba was announced in 2014 by the spokesperson of the local Andalusian government, Miguel Ángel Vázquez: <https://sevilla.abc.es/andalucia/20140226/sevp-acceso-gratis-mezquita-euros-20140226.html>.

¹² "Sign the Petition," Change.org, accessed November 6, 2018, <https://www.change.org/p/salvemos-la-mezquita-de-cordoba-por-una-mezquita-catedral-de-todos>.

areas such as Navarre and Pamplona likewise filed for titles of ownership.¹³ Dissent grew to a wider scale in 2016, as increased news coverage amplified local leaders and citizens' opinions on the debate. By August 2018 the local Cordoban government responded. It appointed a "Committee of Experts" to investigate and subsequently issue a report that would either confirm or overturn the Church's right to ownership.¹⁴

The formation of the Mosque-Cathedral ultimately emerged from exchanges of ownership in the medieval era, but the details surrounding the property transfer from the Crown to the Church were largely unclear. The gray area of interpretation encouraged modern groups making ownership claims to develop historical references to further their political agendas. The Cabildo and state-sponsored committee both take a stance in defining responses. Analysis of this extremely recent controversy has been limited to date. Preexisting sources have not analyzed the evidence that the Cabildo and state-sponsored reports invoked, and this paper dives into the context and implications of these historical citations.

Explicating and comparing the types of evidence in the two reports proves that the sources represent distinct sides of an argument over the proper role of the Church in society. The handling of religious spaces, especially policies as recent as 2018, has fluctuated and remains tenuously tied to both the Catholic Church and Spanish state's tactical choices within an ostensibly multicultural administration. The institution of Church and state have each inherited distinct aspects of Franco-era policy that define its role. In the case of the

¹³ Luis Gómez, "La Iglesia inscribió 4.500 propiedades sin publicidad y sin pagar impuestos," *El País*, accessed October 29, 2018, https://elpais.com/politica/2013/05/05/actualidad/1367768798_397124.html.

¹⁴ El Día de Córdoba, "IU dice que llevará el informe de la titularidad de la Mezquita-Catedral a los juzgados," *El Día de Córdoba*, August 28, 2018, https://www.eldiadecordoba.es/cordoba/IU-llevara-titularidad-Mezquita-Catedral-juzgados_0_1276972777.html.

Church, the land it was granted under Franco law contributes significantly to its power. For the Spanish government, its Constitution was drafted in response to a need for a transition out of fascism, yet some political leaders—especially members of the PP—incorporate facets of Franco-sponsored policy into their decisions. The two entities actively and implicitly respond to Spain's complex past when developing policy and entering property debates.

As the following chapters will examine, the state-sponsored committee report challenges the authority of Aznar and his conservative successors in contemporary politics. The report calls for state ownership of the Mosque-Cathedral instead of the Cabildo. To achieve this aim, the committee applied centuries-old logic to modern-day legal disputes. The committee selectively cited the *Siete Partidas*, a thirteenth-century legal code developed by Alfonso X, to defend these arguments. In doing so, the report portrays the medieval era as a period where the state maintained and preserved property holdings, particularly the Mosque-Cathedral, an opulent monument and religious space. This argument challenges the Cabildo's distinctly different interpretations of Spanish history as supporting the interests of the Catholic Church or unifying its people through secularism. The Cabildo trusts the authority of nineteenth-century lawmakers in preserving the Church's right to hold spaces that it has owned since their consecration, primarily the Mosque-Cathedral. These two goals cannot equally prevail, especially since the state-sponsored committee endeavored to challenge the power of the Cordoban Church and the remnants of the conservative platforms in Spain that still unite Spanish national identity with Catholicism.

The thesis addresses the “how” and “why” that lies behind each group’s involvement in, and commentary on, the Mosque-Cathedral’s history. Both Cabildo and state-sponsored committee appropriated distinct evidence that polarized their viewpoints and elevated the ownership controversy to encompass the larger political question of the Catholic Church’s proper role. The claims of each party in this debate connect back to decades, even centuries old evidence. The reports they published also converse with historiographical schools of thought that have retained powerful positions in Spanish popular memory. The two groups’ reports demand historical analysis because the origin of their disagreements relates to the church-state tensions pervading Spanish history.

Chapter I: The Evolving Relationship Between the Spanish State and the Catholic Church

Introduction: A Tale of Two Institutions

This chapter traces the historical background of church-state relations in Spain from the nineteenth century to the post-Franco democratic era. This thesis treats the growth of secularism as a key force that has shaped government policies in the modern democratic state today. Liberal movements emerged from violent conflicts and/or intellectual activity that transformed the twentieth- and twenty-first century state. These social forces promoted secularism in an increasingly direct manner and eventually led to the first complete state protections of religious tolerance in 1978. Today, politicians still grapple with questions of how to properly address minority and Catholic communities' needs. The historical analysis within the chapter explains the tensions that caused the recent Mosque-Cathedral controversy. Directly and implicitly, the past inspires and pressures political actors to develop specific ideologies. Political platforms that developed to address historical issues range from neutral secularism, an approach espoused by PSOE members, to conservative provisions that favor the still strong Catholic Church. This outcropping of partisan activity to address the past produced a powerful crossover of interest between historians' research and present-day politics. Even outside of the mentions of scholarship in politics, the actions of historians like those who drafted the state-sponsored report reflect subjective methods of interpreting the past.

Before exploring this relatively recent history of secularist and statist political movements, it is necessary to provide an overview of the medieval legal code, the *Siete Partidas*, that established the basis for the state-sponsored committee's argument in favor

of the Mosque-Cathedral's restoration to the state. I then summarize the Cabildo and state-sponsored committee reports to introduce the sources that form the centerpiece of my argument, and point to the relevance of medieval and other domains of Spanish history in political discussion today. These reports, one written by the Cabildo and one by state-sponsored officials, prove how each entity cites evidence from distinctly different time periods in Spain's history. This context allows us to read the earlier history of Spanish religious conflict and policymaking and begin to see where events connect back to the arguments within one or both of the Mosque-Cathedral reports.

Following this section, I analyze church-state relations over time by tracing the evolution of secular thought in Spain. From Napoleon's invasion in the nineteenth century to the outbreak of civil war in the twentieth, popular uprising and state changes often disrupted and challenged the Church's access to power. As a result, the institution worked to maintain its control in intangible as well as physical ways. In relation to this controversy, the most relevant direct outcome of the Church's power insecurity was its new practice of registering its undocumented property. I show how the Church's act of consolidating its property holdings during the era of monarchical rule established a practice that endured the Spanish Civil War and period of Francoism. I highlight the effect of Franco's rule on secular state building and identify vestiges of his pro-Church power politics within present-day political strategy, particularly that of the PP. This section underscores the power of Franco's legacy on modern Spain, and above all, on the arguments in the Mosque-Cathedral controversy. Political attitudes and even legislation from the Franco era became recurring themes in these types of discussions. While giving the reader context, the

overview is intended to show how secularist thought developed and strengthened in response to actions the Church took to advance its power over time.

This summary sets the stage to explain the present-day political structure of the national Spanish government and of Córdoba locally, both of which are largely split between the People's Party (PP) and the Spanish Socialist Workers' Party (PSOE), parties that have existed since the 1980s. These parties can be linked to opposing sides of the Mosque-Cathedral controversy, as each has tended to treat Church power in distinct ways. Both parties were involved in the early stages of Spanish democracy formation, so they actively contributed to an ongoing discourse on religion in public life. The PSOE, a leftist coalition in favor of neutral secularism (a distinct subcategory of secularism to be explained further), and the PP, a conservative group with a history of granting the Church concessions, shaped the evolving national definition of religious freedom. The PP maintains Church holdings and ties to politics, whereas the PSOE seeks to uncover Church affairs and distance state funding from religious activities as part of a wider campaign for a secular Spain. These parties developed with ideologies that were closely tied to longstanding church-state tensions. The PSOE has worked to solidify Spain as a secular state, whereas the Cordoban Cabildo maintains an ongoing favorable relationship with the PP.

The chapter concludes with an analysis of how the Cabildo responded to public scrutiny over its style of maintenance. In particular, there were calls for further secularization of the tourist experience of the Mosque-Cathedral. The Cabildo shaped a limited narrative of the space, proving that chronicling history is always subjective and often loaded with political subtext when invoked for purposes of public discussion. Yet the

recent shift by the Cabildo to produce tourist materials featuring both the Muslim and Christian pasts of the space prove that the institution to an extent contributed to a multi-religious understanding of Spanish history. Such an action could be construed as a step towards Church collaboration in strengthening the secular state. All the same, the power of the Church throughout Spain, and its interpretation of the ownership controversy, suggest that the institution largely eschews pro-secular policy. The Catholic Church preserves its privileged position above other religions in Spanish society today.

A focus on the historical church-state relationship in this chapter enables an understanding of the lasting effect of church-state relations on a localized level. The controversy over the Cordoban Mosque-Cathedral is but one of numerous disputes that have aimed to challenge, and subsequently reform, church-state relations in the nation. The regional scale of the conflict does not minimize its importance but rather allows the reader to better digest the complex political tension across Spain. The ability of local governments to challenge the Church's power is a testament to the secular status of today's Spain. All the same, it would be naïve to argue that the state regulates the power of the Church, as one might think it would under the democratic laws in the most recent constitution that define equality of religion. In discussions about local religious reform, the case of Córdoba produced considerable secular and pro-Church responses.

This chapter analyzes the development of the notion of religious tolerance, and the later articulation of religious freedom, within the state. The emergence of partisan politics in the 1980s, as we will see, further cemented politicians' involvement in popularizing debates over public history. Each party's members did so in distinct ways. In general, while the PSOE pushed to implement neutrally secular policies, the PP espoused pathways that

would uphold the constitutional practice of religious tolerance while preserving the special privileges of the Church.¹⁵ The former Prime Minister José Maria Aznar of the PP, and current P.M. Pedro Sánchez of the PSOE, have each used the past to strengthen the identity of his political party. These parties became actively linked to the Mosque-Cathedral property controversy and thus complicate the dimensions of the discussion. The high level of resistance that the PSOE has encountered in its mission to offer equal protection for all faiths can only be explained by the larger force that continually binds Spain to Catholicism as a central cultural fixture.

Medieval References in the Siete Partidas

Before analyzing the state-sponsored committee's strategy of legitimizing its ownership claims in the 2018 report, one must understand the medieval history in which the committee grounds its argument. In medieval Andalusia, conflicts between Muslims and Catholic groups unfolded on a regional scale from approximately 722 AD to 1492, an era known as the *Reconquista* period. Christian conquerors espoused the spirit of Reconquista or reconquest in their mission to take over Muslim states and marginalize non-Christian residents.¹⁶ The takeover and transfer of mosque ownership led by the Castilian king was a recurring component of Reconquista policy. In 1146 King Alfonso VII guided troops to invade the city and held the first Christian mass in the Mosque of Córdoba, but

¹⁵ William J. Callahan, "The Evangelization of Franco's 'New Spain,'" *Church History* 56, no. 4 (1987), 595, <https://doi.org/10.2307/3166430>.

¹⁶ The organizational structure of cities enabled the exploitation of religious minorities at the hands of the Crown. Religious minorities lived in their own enclaves of cities; this geographical segregation enabled the Christian rulers in power to impose racist policies (becoming more aggressive starting in the thirteenth century) that uprooted Jews and Muslims from positions of relative ease trading and working with Christians.

Jonathan Ray, "The Reconquista and the Jews: 1212 from the Perspective of Jewish History," *Journal of Medieval History* 40, no. 2 (April 3, 2014): 159–75, <https://doi.org/10.1080/03044181.2014.888521>.

the Castilian monarch was driven out by the Muslim Almohads approximately three years later.¹⁷ Decades later, in 1236, King Ferdinand III led his military to fully conquer the city, and the mosque was formally consecrated as a cathedral.¹⁸

Ferdinand's conquests grew the size and power of the Castilian kingdom. Alfonso X, Ferdinand's son and successor to the throne, sponsored the writing of *Las Siete Partidas*, a compilation of hundreds of legal regulations that was not promulgated until after his death.¹⁹ Alfonso's code regulated many aspects of medieval Spanish culture, including quotidian and formal processes. The *Siete Partidas* established a foundational basis for Spanish law that belies the national legal framework of the modern state, among other countries worldwide.

The *Siete Partidas* is a behemoth document riddled with complexities and contradictions that require modern-day interpretation. It is comprised of over 3,000 individual essays within seven distinct sections (or *partidas*) that pertain to clergy, royal authority, lawyers, family, merchants, criminals, and the dead.²⁰ Even the most skilled historians and legal scholars struggle to understand all of the nuanced arguments within the compilation. Given that the code is a central element of the state-sponsored report, its nuanced nature adds to the subjectivity of the overall source. It is used in many of the instances where the state-sponsored committee appropriates historical evidence.

The state-sponsored report treats the *Siete Partidas* as applicable to the period of the mosque's conversion, though the code did not yet exist in 1236. Alfonso X's code was

¹⁷ "Alfonso VII | King of Leon and Castile," Encyclopedia Britannica Online, accessed March 8, 2019, <https://www.britannica.com/biography/Alfonso-VII>.

¹⁸ "The History." The history. Accessed February 1, 2019. <http://mezquita-catedraldecordoba.es/en/descubre-el-monumento/la-historia/>.

¹⁹ Samuel Parsons Scott, Robert I. Burns, and Alfonso X King of Castile and Leon, *Las Siete Partidas*, Philadelphia: University of Pennsylvania Press (2001).

²⁰ Samuel Parsons Scott, Robert I. Burns, and Alfonso X King of Castile and Leon, *Las Siete Partidas*.

put into effect after his reign had ended in the late thirteenth century. In its report, the state committee applies Alfonso's legal standards to the rule of Ferdinand III, his direct predecessor. The report describes subjects the Cordoban Mosque-Cathedral at the time of its conversion (in 1236) to the legal principles within the *Siete Partidas*.²¹ Some scholars, such as Dwayne E. Carpenter and Robert I. Burns, uphold this retroactive interpretation—they argue that the code preserves the legal policies that were developed and practiced by Ferdinand and Alfonso throughout their reigns, and published after the fact.²² The committee's report hinges on this assumption that Alfonso's interpretation of mosques as immediate royal holdings was already in effect at the time of the Mosque's conquest in 1236.

While the *Siete Partidas* has been fully preserved and translated countless times, documentation specific to thirteenth-century Córdoba is less available. Chronicles of interreligious relations in Córdoba and neighboring areas prior to the Castilian conquest of 1236 still exist, but only limited documentation of the process of conquest and mosque conversion survived.²³ Due to either a lack of documentation produced at the time or the disappearance of preexisting sources, the history of the space, like most medieval sites, remains incomplete. It is impossible to fully examine how the Castilian king ordered the

²¹ "Informe," 4; Samuel Parsons Scott, Robert I. Burns, and Alfonso X King of Castile and Leon, *Las Siete Partidas*, "Introduction.," ix-xix.

²² Michael Rüter, "Alfonso X of Castile: Alfonso the Tolerant?" *Constellations (University of Alberta Student Journal)* 4 (2013), 309.

²³ Olivia Remie Constable, Robin J. E. Vose, and David Nirenberg, *To Live Like a Moor: Christian Perceptions of Muslim Identity in Medieval and Early Modern Spain*, Philadelphia: University of Pennsylvania Press, 2018, 1-9.

The military siege of Córdoba in 1236 allowed the Castilians to take over and transition the Mosque into a Cathedral relatively quickly, but the space was only gradually expanded and modified to suit it for Christian worship. While limited documentation from this exact period survives, experts agree that the Castilians completed their first conversions of the space from mosque to Cathedral within the year 1236, the same year of the space's conquest.

physical changes, and if relevant, whom he appointed to maintain and/or preserve specific parts of the space. These kinds of documents would have been written at the direction of the king himself, as he was the supreme and sole authority in ordering transfers of royal property in this period. This lack of documentation leaves holes in the story of who formally owned the Mosque-Cathedral throughout the eight centuries from Ferdinand III's conquest in 1236, to democratic Spain in 2006. And the limited context left questions open that the Cabildo and state-sponsored committee each filled with their subjective interpretations. The references they use will be revisited in greater detail in Chapter Two as well.

The Cabildo and state committee's disagreements came out of differing interpretations of the Mosque-Cathedral's consecration, among other matters. The *Siete Partidas* mentions converted mosques only briefly, leaving room for additional interpretation, which was undertaken by the authors of the state-sponsored report. While private ownership of Christian religious spaces was forbidden, a different guideline was applied to the separate category of spaces converted into churches, such as captured mosques. In the case of conquered Muslim community spaces, Alfonso establishes that these holdings immediately become royal property.²⁴ Within the report, its authors also support the notion that Ferdinand III never would have donated the Cordoban Mosque directly to the Cordoban diocese without recording the transaction.

²⁴ Samuel Parsons Scott, Robert I. Burns, and Alfonso X King of Castile and Leon, *Las Siete Partidas*, 1438.

The Cabildo Report of 2014

Instead of interpreting medieval codes like the *Siete Partidas*, the Cabildo's report relies largely on more recent legislation, including the Royal Decree of 1867. The Cabildo published its own report in 2014, four years prior to the state-sponsored committee's formation and report publication. This six-page report, compiled by a priest in the Cordoban cabildo, the Doctor of Canon Law Joaquín Alberto Nieva García, is the most direct example of Cabildo scholarly analysis of the controversy.²⁵ As summarized under the "Cathedral—Legal Situation" section of the website, the report focuses largely on the Royal Decree of 1867 (*Reglamento Hipotecario*) revised in 1946 and again in 1998, and Aznar's 2006 reinvocation of the Franco-era Property (or literally, Mortgage) Law (*Ley Hipotecaria*).²⁶

In summary, Franco mimicked a nineteenth-century mortgage law, known as the RH (*Reglamento Hipotecario*), and passed his own code, the LH (*Ley Hipotecaria*) in 1946 to justify the transfer of property holdings to private actors chosen by the state.²⁷ After the democratic transition and his election as Prime Minister, Aznar implemented legal updates to the earlier RH that enabled further church registrations. Starting in 1998 and culminating with a legal update in 2006, his reform essentially extended the RH of 1946 to permit the registration of houses of worship (legalizing registrations for a broader category than the

²⁵ This site, <https://www.diocesisdecordoba.com/>, should not be confused with the official tourist site for the Mosque-Cathedral, which is also run by the Cabildo.

Diocesis de Córdoba, "25 Aniversario Presbiteral Joaquín Alberto Nieva García," <https://www.diocesisdecordoba.com/media/2018/06/Entrevista-completa-Joaquín-Alberto-REDUCIDO.pdf>.

²⁶ "Situación Jurídica," Diócesis de Córdoba, March 26, 2014, <https://www.diocesisdecordoba.com/catedral/situacion-juridica>.

²⁷ Bastante, "La Iglesia utilizó la ley Aznar para poner a su nombre al menos 30 catedrales que pertenecían al Estado desde 1931," *El Diario*, November 14, 2017, https://www.eldiario.es/sociedad/Iglesia-Aznar-treintena-catedrales-pertenecian_0_707980166.html.

original *RH* had specified).²⁸ The *RH* emphasizes the right of ecclesiastical authorities to register property that they preside over, even if they do not hold preexisting physical documentation. This law normalized the exception of Catholic temples, or churches, from having to prove their title of ownership in the national Property Register.²⁹ Instead, trained religious officials could directly notarize registration forms with state approval. The Cabildo's report defends the *RH*, arguing that the Cabildo's management of the Mosque-Cathedral as an "open access" area for public use for centuries made the requirement of registering property documents unnecessary.

The report includes a caveat, stating that the Mosque-Cathedral's right to exemption of documentation under the *RH* is still the exception, not the rule, for mortgage filings. Only Catholic "house[s] of worship [that have been] already constructed" and used for an extended duration as an *open resource* for the public can seek protection through the *RH* and related laws.³⁰ Religious properties that are closed access, i.e. not open to any and all visitors, cannot claim immunity from property registration.³¹ Since the Mosque-Cathedral falls into this special category, the Cabildo argues it was permitted to claim the exemption and constitutionally register the space under the name Santa Iglesia Catedral.³² The Mosque-Cathedral, the report therefore argues, is a wholly open space.

The Cabildo report grounds much of its logic in a controversial interpretation of the Mosque-Cathedral's initial consecration in 1236; as we will see, the state-sponsored

²⁸ Bastante, "El Gobierno sólo publicará una mínima parte de los bienes."

²⁹ Diócesis de Córdoba, "Cabildo Informe," 1, <https://www.diocesisdecordoba.com/media/2014/02/Informe-jur%C3%ADdico-de-la-titularidad-de-la-Catedral.pdf>.

³⁰ Diócesis de Córdoba, "Cabildo Informe," 4. "...edificio[s] de culto ya construido."

³¹ Diócesis de Córdoba, "Cabildo Informe," 1.

³² Diócesis de Córdoba, "Cabildo Informe," 1; 6.

committee developed a starkly different view of the event. In the Cabildo's view, the consecration made the Cabildo into the "true owner" of the Cathedral, thus permanently incorporating it into the Cordoban diocese.³³ The official consecration of the space by Ferdinand III in 1236 lent the site a "special status." "Special status" implies the Church's right to control over the property even without written permission. The right to Cabildo ownership was protected from that point on because its title complied with the RH of 1867, the LH of the 1940s, and the Aznarian reforms to the LH of 1998 and 2006.

In references to preexisting property law, the Cabildo not only endeavors to link its authority to nineteenth-century historical provisions but also to the strains of Aznaridad policy that enforce Francoist ideals. The report cites and upholds the legality of article 206 of the Mortgage Law (*LH*), revised during Aznar's second term.³⁴ Although Aznar's party, the People's Party, repealed the Francoist 1946 law in 2015, the 2006 law remained. Local dioceses were allowed to register their holdings up until the law of 1946 was officially annulled in 2015.³⁵ Knowing that Franco-era laws were in constant danger of being overturned in modern Spanish courts of law, Aznar had strategically introduced his law because it reinforced the 1946 provisions. By passing a nearly identical version of the law, he protected it from being nullified. The 1946 law was investigated and deemed unconstitutional, but Aznar's update ensured that any property claims already passed had almost no chance of being revoked. It would be extremely difficult to argue that earlier claims registered in the twenty-first century were unconstitutional since the original

³³ Diócesis de Córdoba, "Cabildo Informe," 5.

³⁴ Diócesis de Córdoba, "Cabildo Informe," 2.

³⁵ Carmen Morán Breña, "El Gobierno da un año a la Iglesia para poner los templos a su nombre," *El País*, sec. Sociedad, April 11, 2014, https://elpais.com/sociedad/2014/04/11/actualidad/1397245368_048509.html.

Francoist law on which it was based was already repealed so it could not be struck down in a court of law.³⁶

Other citations further substantiate the case for “special status” of the Mosque-Cathedral in Cabildo analysis.³⁷ The report additionally mentions that registered religious property holders generally had to publish records in the archives of their local diocese to protect their assets from disentanglement, i.e. the loss of property upon the death of the clergy who registered it. Yet the registration of churches (“*templos*”) in particular was exempt from this requirement, as the 1867 RH mentions. This section yet again shows how the Cabildo cites specific, occasionally esoteric, legislation from a relatively small window of Spanish history to defend its current ownership status.

The Cabildo claims that its 2006 registration is still permissible under the legal framework of the modern-day secular state. It states that several articles of a contemporary law, the Director General Resolution of the Registry and Notarization signed on January 12, 2001, protected the ownership of public houses of worship like the Mosque Cathedral that had been registered without prior evidence.³⁸ The Cabildo claims that the law passed by Aznar in 2006 (the LH update) means that acts of Church-led property registration of property spaces do not require approval through further legislation.³⁹ Furthermore, the Cabildo defended its choice of registering the space as the Santa Iglesia Catedral in 2006, rather than as the Mosque-Cathedral. It mentions that the same name was listed in the nineteenth century when the space was denominated as a National Spanish Monument.⁴⁰

³⁶ Martín-Arroyo, “La Mezquita de Córdoba no es de los obispos, según un comité oficial,” *El País*.

³⁷ Diócesis de Córdoba, “Información Más Pormenorizada Sobre La Inmatriculación de la Catedral de Córdoba en el Registro de la Propiedad [Cabildo Informe],” 2.

³⁸ Diócesis de Córdoba, “Cabildo Informe,” 3.

³⁹ Diócesis de Córdoba, “Cabildo Informe,” 3-4.

⁴⁰ Diócesis de Córdoba, “Cabildo Informe,” 1.

Such a justification is included to educate readers who might not recognize the name Santa Iglesia Cathedral, since the title is not commonly used in mainstream tourist or cultural materials. Even the discrepancies in naming, and the redefinition of the obscure term “Santa Iglesia Catedral,” can color the way visitors perceive the space’s rich history.

The State-Sponsored Committee in Action

In 2016 the legal debate over the right to ownership of the Mosque-Cathedral of Córdoba had become a widely discussed news story throughout Andalusia. The newspaper *El País* extensively documented the progress of the state-sponsored committee appointed to analyze the case, and competing publications such as *El Diario* and *ABCSevilla* also published crucial articles. The state-sponsored report discredited the Church’s property registration of 2006.⁴¹ The way in which the state-sponsored committee was planned, and its subsequent decision received, resulted from the report’s design by PSOE supporters. The state-sponsored committee report did not directly respond to claims in the 2014 Cabildo report, but it critiqued almost all of the arguments that appear in the earlier document. As the report advocates a restoration to state control, it favors an increase in local state power and therefore supports the PSOE’s strategy of expanding state infrastructure.

The state committee’s report published in 2018 cites several contested aspects of the property debate as historical facts to support the argument for state control. The Cordoban local government asked four individuals to join the Mosque-Cathedral committee: Carmen Calvo, Federico Mayor Zaragoza, Juan Carpio Dueñas, and Alejandro

⁴¹ Martín-Arroyo, “La Mezquita de Córdoba no es de los obispos, según un comité oficial.”

García Sanjuán.⁴² Two of these people are historians: Carpio Dueñas works at the University of Córdoba in the Department of Geography and History, and García Sanjuán works in Geography and History at the University of Huelva. Mayor Zaragoza, a former director of UNESCO, likewise has experience analyzing issues of cultural ownership. Calvo is less frequently quoted or mentioned in news coverage of the committee. She directly linked the group to larger political affairs, since she currently serves as vice president for the federal government. Calvo was the convener for the committee and represented the involvement of the state. That said, she did not sign the published report, so it is likely that she helped organize the group but did not write any of the report. This was likely due to perceived conflicts of interest, as well as Calvo's lacking a background in historical research.

Discussions over ownership within the report include references to several medieval monarchs' reigns, but the rule of Alfonso X is most central to the report's argument. First, parts of the *Siete Partidas*, allegedly compiled from 1256 to 1265, are selectively referenced to argue that medieval-era instances of property transfer that occurred *prior to the Siete Partidas's publication* are still legally valid today. Secondly, the report defines the transfer of property within a fixed church-state dynamic, and finally, the state is characterized as occupying and maintaining public spaces in a constant manner throughout history.⁴³ I will go through each of the report's six sections to prove that the committee's subjective reasoning developed throughout the source.

⁴² R. Aguilar, "El quién es quién del comité de expertos sobre la Mezquita-Catedral de Córdoba," *sevilla.abc.es*, September 18, 2018, https://sevilla.abc.es/andalucia/cordoba/sevi-quien-quien-comite-expertos-sobre-mezquita-catedral-cordoba-201809161256_noticia.html.

⁴³ The time period in which the *Partidas* were compiled is listed in Madaline W. Nichols, "Las Siete Partidas," *California Law Review* 20, no. 3 (1932), 1.

The evidence chosen by the committee, as in the Cabildo report, inherently raises questions of historical inconsistency and subjectivity. To say that Alfonsine principles apply to modern-day proceedings such as the Mosque-Cathedral debate implies that the legal arguments within apply cleanly to life seven centuries later. Such an assertion is ambitious and tenuous at best, as is the idea that the *Siete Partidas* could to a degree justify events dating from the reign of Ferdinand III, the king who ruled and died before the essays were drafted. Furthermore, it is surprising that the state-sponsored committee's report dives into such an extensive body of work when it is relatively silent on the treatment of Muslims in Spain. The compilation includes only a few laws on the treatment of Muslims and Muslims spaces, in reference to how to allocate non-Christian property. The second chapter will elaborate on the effects of these shortcomings on public perceptions of the space.

The report begins with a discussion of the historical origins of the space where the Mosque-Cathedral currently stands. It considers and acknowledges a preexisting debate over whether a Christian church, constructed in the sixth century, existed within the original mosque's foundations in the earlier Visigothic period. Regardless of this Church of San Vicente's exact positioning, the committee argues that the church would have been fully built by the time the Umayyads established their initial emirate in Córdoba in the eighth century.⁴⁴ The report then details the specific construction projects mandated by different rulers, first emirs and later caliphs, over the Umayyad period starting around the year 756 and followed by the rulers of several caliphates from 929 to 1031 to create the

⁴⁴ Comisión de expertos sobre la Mezquita Catedral de Córdoba, "Informe," *El Día de Córdoba*, September 15, 2018, https://www.eldiadecordoba.es/2018/09/15/Informe_Mezquita_2018-09-15.pdf?hash=9df2301ca3bd21927e7c485397bb5efabaa7c4e9, 1.

"Visigoth Basilica of San Vicente," Mezquita Catedral de Córdoba, accessed February 25, 2019, <http://mezquita-catedraldecordoba.es/en/descubre-el-monumento/el-edificio/basilica-visigoda-de-san-vicente/>.

original Mezquita.⁴⁵ This section was likely included to provide historical background but still shows signs of subjectivity. The report interprets the mosque's function as a "building that symbolizes the unity of the community and was considered part of the common property of all of the population, as a representation of their collective identity."⁴⁶ It is worth also noting that the report's argument does not discuss the nuances of Muslim property law from this period.

The second section of the report argues that Ferdinand III's conquest of Córdoba, part of the Muslim Almohad empire in 1236, henceforth linked to the state to space control. In the committee's approach this means it interpreted the acts of the Crown of Castile as supporting the "sentiment of the Cordobans."⁴⁷ The report criticized the bishopric as property owner of the Mosque-Cathedral in 2006, finding fault with the fact that the Catholic Church did not produce documentation defending its claims to the state committee.⁴⁸ The committee concludes that the space was not donated by Ferdinand III to the Church. It clarifies this argument with a discussion of the Royal Chapel, one small section of the space, that they believe was an exception to the rule of state property. They said that this section remained property of the Crown over the centuries. At the end of this sub-section, the committee argues that countless documents have designated the responsibility for taking care of "this building of state property" to the state, the "closest

⁴⁵ "Informe," 1-3; "The History," Mezquita Catedral de Córdoba, accessed February 1, 2019, <http://mezquita-catedraldecordoba.es/en/descubre-el-monumento/la-historia/>.

⁴⁶ "Informe," 3.

"...un edificio que simboliza la unidad de la comunidad y se considera parte del patrimonio común de toda la población, como representación de su identidad colectiva."

⁴⁷ "Informe," 3-4.

"...las dos características que habían sido básicas en la historia del edificio del que tratamos durante la etapa andalusí se mantendrán inalteradas..."

⁴⁸ "Informe," 4.

public institution.” This justification is made without specific medieval documents other than the *Siete Partidas*.⁴⁹

The authors do note, however, that a key source, the *Repartimientos*, was partially lost, which nearly wiped out the availability of accounts of the conversion and maintenance of the space during the early thirteenth century.⁵⁰ *Repartimientos*, in this context, refers to Castilian documents from the era of the Reconquista that primarily recorded the economic transactions and relationships between the officials in power, directed by the Crown, and the former Muslim subjects, or *Mudejares*. The Muslims in the Castilian empire were targeted, and then converted (usually forcibly) to Catholicism; regardless of whether they complied, their property was subsequently seized and redistributed.⁵¹ *Repartimientos* recorded these kinds of events on a local level. *Repartimientos* would have been drafted specifically in Córdoba, for example, to keep track of the private and shared possessions that the government took over. The largest asset documented would have been the Mosque-Cathedral. The committee argues that given the size and importance of the space, and the proven tradition of *Repartimientos* writing in other areas (scholars record their issuance in Madrid, Valladolid, Segovia, and Toledo between 1477 and 1500), and its transfer of ownership to the Cabildo, if relevant, would have likely been written down.⁵² Through the Cordoban *Repartimientos* do not exist in full, the state-sponsored committee argues that a

⁴⁹ Comisión de expertos sobre la Mezquita Catedral de Córdoba, “Informe,” *El Día de Córdoba*, September 15, 2018, https://www.eldiadedecordoba.es/2018/09/15/Informe_Mezquita_2018-09-15.pdf?hash=9df2301ca3bd21927e7c485397bb5efabaa7c4e9, 4.

⁵⁰ Comisión de expertos sobre la Mezquita Catedral de Córdoba, “Informe,” 4.

⁵¹ Gonzalo Viñuales Ferreiro, “El repartimiento del «servicio y medio servicio» de los mudéjares de Castilla en el último cuarto del siglo XV,” *Al-Qanṭara* 24, no. 1 (June 30, 2003): 179–202, <https://doi.org/10.3989/alqantara.2003.v24.i1.178>.

⁵² Comisión de expertos sobre la Mezquita Catedral de Córdoba, “Informe,” 4; Ferreiro, “El repartimiento del «servicio y medio servicio» de los mudéjares de Castilla en el último cuarto del siglo XV,” 179–180.

lack of other corroborating sources serves as sufficient evidence that the space was not transferred.

The report aims to discredit the argument that the state handed the space over to the Church at the time of consecration in 1236. It claims that the Catholic Church was given the responsibility to conserve the Cathedral Archive from this year onwards. The report points out that the Church, the official recordkeeper, did not present any documents to the state committee that might prove that the state turned ownership over to the Church at the time of consecration or at any point afterwards.⁵³ The committee employs the *Siete Partidas* Partida VII, Title XXV, Law II as evidence:

...We decree that Moors shall live among Christians in the same way that we mentioned in the preceding title that Jews shall do, by observing their own law and not insulting ours. Moors, however, shall not have mosques in Christian towns, or make their sacrifices publicly in the presence of men. The mosques which they formerly possessed shall belong to the king; and he can give them to whomsoever he wishes....

This law says that the king owned whatever mosques were conquered and could transfer this ownership through express donation to whomever he wanted.⁵⁴ The committee argues that given the lack of documented donation, one ought to conclude that the space was never transferred by the King to the Church. This explains why the state, the report argues, led multiple expansions of the space. The architectural additions to the Cathedral starting in

⁵³ Comisión de expertos sobre la Mezquita Catedral de Córdoba, "Informe," 5.

⁵⁴ Comisión de expertos sobre la Mezquita Catedral de Córdoba, "Informe," 4.

"Et decimos que deben venir los moros entre los cristianos en aquella misma manera que diximio en el titulo ante deste que lo deben facer los judios, guardando su ley et non denostando la nuestra. Pero en las villas de los cristianos non deben haber los moros mezquita, nin facer servicios públicamente ante los homes: et las mezquitas que habien antiguamente deben seer del rey, et puédelas él dar a quien quisiere.": Partida VII, ley XXV: Los moros, Título 1, Translation from Samuel Parsons Scott, Robert I. Burns, and Alfonso X King of Castile and Leon, *Las Siete Partidas*, 1438.

1433 are chronologized and identified as commissions authorized “expressly by the king,” who they saw as an agent of the state rather than the Church.⁵⁵

In Section Three, “The Mosque-Cathedral and the contemporary public institutions,” the committee compares the relationship of the Synagogue of Córdoba to the property status of the Mosque-Cathedral. It notes how interestingly enough, the titles of each are distinctly different: the Synagogue was recognized as a national monument in 1885, but had from the fourteenth century to the twentieth been taken care of by the bishopric.⁵⁶ This setup did *not* apply to the Mosque-Cathedral, the committee argues, as the space was never documented as under sole control of the bishopric. The synagogue’s status was “A rare [legal] situation that did not transfer to the Mosque-Cathedral, also a national monument, because in this case no one doubts the state’s right to ownership.”⁵⁷ To bolster this comparative analysis, the report references the treatment of the Mosque-Cathedral as a tourist site in the early 1900s, when the Cordoban bishopric allegedly acknowledged the state’s title to the space and the tourist funds. This argument was corroborated in an op-ed where a bishop overtly referenced the space as the property of the state, not the bishopric, as published in *Diario de Córdoba* in 1906.⁵⁸ The committee argues that the Mosque-Cathedral is undeniably state property, a truth illuminated in contrast to the vaguer past status of the Synagogue.

⁵⁵ Comisión de expertos sobre la Mezquita Catedral de Córdoba, “Informe,” 6.

⁵⁶ “The Jewish Community of Cordoba, Spain | BH Open Databases,” Museum of The Jewish People - Beit Hatfutsot, accessed March 5, 2019, <https://dbs.bh.org.il/place/cordoba-spain>.

⁵⁷ Comisión de expertos sobre la Mezquita Catedral de Córdoba, “Informe,” 9-10.

“Una extrañeza que no se traslada a la Mezquita Catedral, también Monumento Nacional, porque en este caso nadie pone en duda su titularidad estatal.”

⁵⁸ Note published in *Diario de Córdoba*, July 20, 1906, quoted in “Informe,” 10-11.

This document-based logic proves that newspapers were relevant to early arguments over ownership, mirroring the significance of newspapers in the present-day debates.

The committee cites additional twentieth-century events as complementary evidence of state ownership, and this expands the temporal bounds of its historical evidence. The report mentions the role of the city government, who authorized architectural modifications to part of the original courtyard, the Patio of Oranges, in 1929. The committee sees this work as proof of the state's continued control and ownership over the space.⁵⁹ The space survived a brief proposal during the Franco period to separate the Church from the Mosque sections, and that opposition to this idea, the report argues, proved people's resistance to an increase in the Catholic Church's control over the space.⁶⁰

At the start of the controversy, with the advent of the Platform for All's Change.org petition in 2014, protestors also called on international authority to assess the situation, thereby expanding the historical evidence that they drew from to substantiate their claims.⁶¹ The Change.org petition cited the space's having been declared a World Heritage Site in 1984 by the United Nations Economic, Scientific and Cultural Organization (UNESCO).⁶² Beyond the explicit benefits of the site's World Heritage designation, which gives all of its Heritage sites internationally sponsored protection from demolition or repurposing of the space, Cordoban stakeholders selectively interpreted UNESCO's role. Many believed that UNESCO's awarding the Heritage status established a collective responsibility to protect against the threat of physical changes to the space, changes that the Cabildo in power might decide to execute. The petitioners likely hoped that UNESCO would uphold claims of

⁵⁹ Comisión de expertos sobre la Mezquita Catedral de Córdoba, "Informe," 11.

⁶⁰ Comisión de expertos sobre la Mezquita Catedral de Córdoba, "Informe," 12.

⁶¹ El Boletín, "La Mezquita de Córdoba recupera su nombre en Google Maps tras la polémica." The Platform for All's main petition, calling for the restoration of the space to state ownership, is still active on Change.org, with almost 400,000 signatures as of February 2019: "Sign the Petition," Change.org, accessed November 6, 2018, <https://www.change.org/p/salvemos-la-mezquita-de-cordoba-por-una-mezquita-catedral-de-todos>.

⁶² UNESCO, "Historic Centre of Cordoba," World Heritage Convention, accessed October 28, 2018, <https://whc.unesco.org/en/list/313>.

secular ownership to the space, if a report were released that made a ruling in favor of the state.

Like members of the Platform for All movement, the state-sponsored committee argues that UNESCO's recognition of the Mosque-Cathedral as a Heritage site is further grounds for secular preservation and control of the space. In the committee's minds, the fact that the non-governmental body ICOMOS granted the space World Heritage status in 1984 reaffirmed the need for state control to preserve the space's pluralist identity.⁶³ The importance of protecting, as the committee puts it, "intercultural and interreligious convivencia," enforces its calls for state control, as it sees the state as a responsible property holder. In comparison to the Cabildo's tourist video, one can see that the state-sponsored committee supports convivencia as a central facet of medieval historiography, whereas the Cabildo discounted it. The committee argues that the state ought to preserve the Mosque-Cathedral's rich history of multicultural interactions using this lens. Interestingly enough, the timeline it uses in the report to trace the secular status of the space skips over parts of Spain's past. It ignores references to key Franco-era events, like that of the property law of 1946. The committee likely wanted to distance itself from defending any Franco-era policies as it might shroud the report in fascist ideology.

Section Four discounts the Aznarian reforms that had reinforced the Church's claims to ownership in 2006. Naming the space is central to the historical basis of the state committee's argumentation, as it is also for the Cabildo. The report claims that the property was incorrectly registered as the "Santa Iglesia Cathedral" instead of using the proper Mosque-Cathedral naming convention. Furthermore, the committee perceives the laws that

⁶³ Comisión de expertos sobre la Mezquita Catedral de Córdoba, "Informe," 12-14.

Aznar relied upon in 2006 to make his pro-Church registrations to be unconstitutional, because they defied conventions of general property proceedings.⁶⁴ In their view, ownership of a public space by a religious authority restricts its access, and could be ruled as unconstitutional. Therefore, the Catholic Church's registration of the Mosque-Cathedral in 2006 shifted the space from a public site to a private holding, which ought to be considered a violation of its intended use for public access.⁶⁵

In the fifth section, the committee considers potential actions that the municipal government could take to “solve the conflict caused by the registration of the Mosque-Cathedral,” and overturn the current property status.⁶⁶ This part includes ideas about how to reshape public awareness of the space's multifaceted past. The committee again emphasized how the municipal government has maintained the Mosque-Cathedral. The committee recommended that the city government (*ayuntamiento*) call on Parliament to support the filing for legal action that would acknowledge as unconstitutional, and thus cancel, the 2006 registration of the Santa Iglesia Church.⁶⁷ This path would grant the report's argument legal weight. In the committee's ideal scenario, the monument would be restored to the Cordoban local government, who would collect tourist revenues and regulate architectural changes, while allowing the Cabildo to use the space for religious services as it always has.⁶⁸

The final section of the report considers the intangible value of the Mosque-Cathedral and discusses future projects for the space. The state, the report stated, needed

⁶⁴ Comisión de expertos sobre la Mezquita Catedral de Córdoba, “Informe,” 14.

⁶⁵ Comisión de expertos sobre la Mezquita Catedral de Córdoba, “Informe,” 13-16.

⁶⁶ Comisión de expertos sobre la Mezquita Catedral de Córdoba, “Informe,” 16.

“...para solucionar el conflicto planteado por la inmatriculación de la Mezquita Catedral...”

⁶⁷ Comisión de expertos sobre la Mezquita Catedral de Córdoba, “Informe,” 16.

The Mosque-Cathedral was listed as the “Santa Iglesia Catedral” in the registration documents of the

⁶⁸ Comisión de expertos sobre la Mezquita Catedral de Córdoba, “Informe,” 17.

to resolve outstanding structural issues affecting the space. They argue that the almost fifty-year-old World Heritage designation needs to be updated to define current guidelines for physical conservation.⁶⁹ The report also considers the possibilities for redesigning the visitor, or tourist, experience into a more secular one: it suggests creating a “Museum of the Mosque” close to the state-owned Mosque-Cathedral to ensure that visitors gain “correct understanding” of the complete multi-religious value of the space.⁷⁰ The committee stressed the need to involve multiple stakeholders in the future planning of conservation and construction projects.⁷¹ The members aimed for a new leadership forum that would listen to the cultural and historic concerns of all the community members who care about the space’s future. These constituents would include local universities, cultural associations, and the Cabildo itself, whom the report acknowledges has valuable expertise on religious affairs.⁷² The Cabildo would still preside over services and other religious matters in an age of state control, of course. This holistic approach would incorporate actors with drastically distinct interpretations of what it means to be Spanish in 2018.⁷³ The report therefore argues that the Mosque-Cathedral tourist experience ought to reflect a wider set of perspectives on Spain’s diverse past.

Tensions Rise: Church-State Relations in The Nineteenth and Early Twentieth Century

Though the Mosque-Cathedral reports emerged in the twenty-first century, one must trace the complex history of church-state relations that preceded this modern controversy to understand the central issues at stake. The most dramatic shifts came out

⁶⁹ Comisión de expertos sobre la Mezquita Catedral de Córdoba, “Informe”, 17-18.

⁷⁰ Comisión de expertos sobre la Mezquita Catedral de Córdoba, “Informe”, 18.

⁷¹ Comisión de expertos sobre la Mezquita Catedral de Córdoba, “Informe”, 18-19.

⁷² Comisión de expertos sobre la Mezquita Catedral de Córdoba, “Informe,” 19.

⁷³ Llamazares, “The Popular Party and European Integration: Re-Elaborating the European Programme of Spanish Conservatism.”

over two centuries before Spain became a democracy. In the nineteenth century, secularism grew as a popular and political movement and threatened the longstanding status of the Catholic Church. This threat to ecclesiastical power, and the Church's actions to protect property to preserve its status in response, evolved into a lasting theme that partly shaped the current-day Church (and local Cabildo) strategy. To begin, the Church felt extremely threatened at the start of the nineteenth century. Following years of monarchical rule by a Catholic Crown, the entry of an outsider shook up and strengthened tensions between the Church and the political authority, as well as its citizens.

The Church's involvement in the Peninsular War shows that clergy largely perceived the monarchy, and symbolic Spanish state by association, as receptive and protective of Catholic interests. The rise of Napoleon Bonaparte, who wanted to conquer Spain and launched in the Peninsular War from 1808 to 1814 greatly shocked and worried the Spanish Catholic elite. Catholics feared that Napoleon would spread liberalist ideology to the Spanish people, encouraging them to think individually and question the power of the Catholic Church. The Church thus opposed the Napoleonic invasion in the Peninsular War and fought for a restoration of the Spanish monarchy, the political institution that had and would continue to grant it financial privileges throughout Spanish history.

The Church had maintained immense authority dating back to the Reconquista itself, and by the time of Napoleon's rise, it retained immense wealth from the extensive properties it owned and presided over as feudal lord (among other physical possessions).⁷⁴ Napoleon's arrival threatened to ruin this arrangement completely because he wanted to overthrow the incumbent monarchy of King Charles IV. To protect its financial interests,

⁷⁴ Gabriel H. Lovett, *Napoleon and the Birth of Modern Spain* ([New York]: New York University Press, 1965), 1, 41.

the Church launched itself into the war campaign. With the exception of some individual clergy members who supported the French emperor, clergy actively aided the Spanish monarchy's war efforts by offering strategic advice, donating Church jewels, and in some regions even making cartridges or directly joining combat.⁷⁵ The institution also had to sell "much of its property" to raise profits for Charles IV during the war, which greatly weakened its financial power.⁷⁶

After Napoleon eventually retreated and the war ended, King Ferdinand reacted to the threat of liberalism Napoleon represented by strengthening the conservative approach of the Catholic state.⁷⁷ Liberalism represented a call for volatile social change and encouraged free thinking. These ideas directly questioned the idea of the Church as the supreme authority.⁷⁸ While Ferdinand attempted to eliminate traces of Napoleonic thought after the war, Napoleon's attacks had already divided the national *Cortes*, the Parliament, and popularized liberalism among its progressive factions. What's more, liberalism would remain a threat to the Catholic Church long after the Bonapartes' retreat. The Church was left in a compromised position, and it relied on the monarchy to help fight off threats to its power from within the Spanish state.

The anticlerical trends of protest advanced during the Peninsular War became a recurring threat to both the Church and the monarchy in later conflicts. The present-day Cabildo and its power relate to a tradition of invoking the Spanish crown—then a real

⁷⁵ Lovett, *Napoleon and the Birth of Modern Spain*, 1, 170; 330.

⁷⁶ Lovett, *Napoleon and the Birth of Modern Spain*, vol. 2, 419.

⁷⁷ Lovett, *Napoleon and the Birth of Modern Spain*, 2, 848-49.

The Spanish people eventually revolted against Joseph Bonaparte's monarchical authority and the war raged on, with the French monarchy aiding the Spanish and eventually forcing Joseph's surrender in late 1813, enabling Charles IV's son, Ferdinand VII, to retake the throne.

⁷⁸ Aurora G. Morcillo, "Gender," ed. Adrian Shubert and José Alvarez Junco, *The History of Modern Spain: Chronologies, Themes, Individuals* (London: Bloomsbury Academic, 2018), 166.

political entity, and now a symbol in Spanish society—for support. Napoleonic rule, though a relative blip on the timeline of Spanish history, planted a desire in the populace to protest against authoritative monarchical power.⁷⁹ In these situations, the state aimed to quell anticlerical sentiment through force and/or politicking. The Church focused on expanding the reach of its clergy and largely eschewed politics.⁸⁰

The threat of “an increasingly staunch anti-liberalism” had alarmed the Church as early as 1812.⁸¹ The growth of liberal thinking in Spanish society affected the style of both Church and state leadership. At the same time, the Spanish monarchy did not always protect Church property holdings. A royal decree in 1836 put on sale properties that had been previously owned by religious organizations that went extinct. The proceeds from these transactions raised income for the state, who directed the money to government use, rather than filling Church coffers.⁸² While the Church still retained its position as the recognized supreme religious and moral authority, this act demonstrated the power of the state to curtail ecclesiastical rights. This likely made the Church warier of challenges to their remaining property holdings, and other future threats to its power. The Church could not always rely on the state to protect its financial interests, as it would learn almost a century-and-a-half later, once Spain transitioned to democratic rule.

In the latter half of the nineteenth and early twentieth century, the Spanish state’s relationship to the Catholic Church fluctuated. Between 1812 and 1931, politicians penned

⁷⁹ While the Spanish state was led by Joseph, one can analyze it as completely enabled and driven by Napoleon, and thus associated with his character and ideology. Joseph preserved an independent Spanish state, but he followed strategy and orders from Napoleon for the most part.

⁸⁰ Julio de la Cueva Merino, “Religion,” ed. Adrian Shubert and José Alvarez Junco, *The History of Modern Spain: Chronologies, Themes, Individuals*, 280.

⁸¹ Julio de la Cueva Merino, “Religion,” 277.

⁸² “Decree of Disentailment of the Regular Clergy, 1836,” ed. Aurora G. Morcillo et al., *The Modern Spain Sourcebook: A Cultural History from 1600 to the Present* (New York: Bloomsbury Academic, 2018), 52; 51.

at least six distinct federal constitutions. Each one granted the Catholic Church varying degrees of power while still recognizing it as a state-sponsored entity.⁸³ The 1812 constitution established Catholicism as the state's official religion, a concept restated in the constitutions of 1845 and 1876, and indirectly included in those of 1837 and 1869.⁸⁴ Throughout this era, Spain was still ruled by a monarchy—with the exception of a power struggle giving rise to a republican government from 1868 until 1875—that permitted the Church to regulate worship and other aspects of daily life.⁸⁵ The first vestige of religious tolerance was included in the Constitution of 1869: foreign residents were granted religious freedom, and Spaniards who practiced a non-Catholic faith could continue to practice, but would lose privileges and start to be treated like foreign residents.⁸⁶ This policy came out of the government's wanting to preserve the peace with its international, non-Catholic neighbors. Nonetheless, tolerance must not be confused with the concept of complete religious freedom. Religious freedom would only grow close to becoming an achievable objective several decades later; the Constitution of 1978 officially approved the doctrine in writing, as we will see.⁸⁷

While philosophical changes and constitutional updates continued, violence punctuated politics in the twentieth century. For this reason, among others, secularism has remained a point of contention and division in Spanish politics. This explains why regional documents like the state-sponsored committee report have raised considerable national

⁸³ Eugenia Relaño Pastor, "Spanish Catholic Church in Franco Regime: A Marriage of Convenience," *Kirchliche Zeitgeschichte* 20, no. 2 (2007), 276.

⁸⁴ Relaño Pastor, "Spanish Catholic Church in Franco Regime: A Marriage of Convenience," 276.

⁸⁵ Mariano Delgado, "¿Ha Dejado España de Ser Católica? Laicidad y Pluralismo Religioso En España," *Iberoamericana* 10, no. 38 (2010), 125.

⁸⁶ Jose Antonio Souto Paz, "Perspectives on Religious Freedom in Spain," *Brigham Young University Law Review* 2001, no. 2 (June 2001), 678.

⁸⁷ Souto Paz, "Perspectives on Religious Freedom in Spain," 693.
Relaño Pastor, "Spanish Catholic Church in Franco Regime," 276.

attention. In 1931 the monarchy was dethroned by the rise of the Second Republic. The republican regime, as written in its constitution, staunchly advocated for the separation of Church and state.⁸⁸ It recognized religious freedom and subjugated religious faiths to a special body of law, distinct from that used in civil proceedings.⁸⁹ The Vatican condemned the new government's changes and particularly criticized the lack of provisions to protect Catholic religious education in the Republic.⁹⁰ The 1931 constitution in principle established religious tolerance for minorities, but authors actually implemented this clause in hopes of depleting the Catholic Church's power. The Republican regime moved to defund and strip any religious groups from having possessions (with the exception of necessary religious objects and spaces) or allowing the state to seize property at will.⁹¹ This defunding threatened the Church more than any other institution, though the Church would retain a prominent role in shaping Spanish cultural norms for years to come.

The Republic's aggressive plan to dissolve the Catholic clergy's state budget over a two-year period provoked strong responses.⁹² According to William Callahan, who studied the effect of the war on religiosity, "The Republic destroyed the financial, legal, and educational privileges that the church had enjoyed since 1875. Priests and their lay supporters became obsessed with defending the church's traditional privileges, and this defense assumed an overtly political character."⁹³ The targeted attack on Catholic power led to a tug of war between supporters of the clergy and ardent secularists, and this tension

⁸⁸ Relaño Pastor, "Spanish Catholic Church in Franco Regime," 277.

⁸⁹ Souto Paz, "Perspectives on Religious Freedom in Spain," 671.

⁹⁰ Souto Paz, "Perspectives on Religious Freedom in Spain," 677.

⁹¹ Souto Paz, "Perspectives on Religious Freedom in Spain," 682-83.

⁹² Souto Paz, "Perspectives on Religious Freedom in Spain," 684.

This plan was articulated in the Republic's 1931 constitution.

⁹³ Callahan, "The Evangelization of Franco's 'New Spain,'" 493.

would continue in the latter half of the twentieth century.⁹⁴ As Eugenia Relaño-Pastor summarizes, “A significant part of twentieth-century Spanish politics revolved around church-state relations, which oscillated between two extremes: on the one hand, a confessional State and, on the other hand, an anti-religious, and more precisely anti-Catholic, hostility.”⁹⁵ Violent anticlericalism was an important theme in Spanish history, particularly in the nineteenth and first half of the twentieth century. Neither anti-Catholic hostility nor criticism of the Church’s wealth dissipated. Anticlerical attitudes survived and sparked calls for reform—indeed, still fuels the Platform for All in its mission—that fed controversies like that of the Mosque-Cathedral. This thesis studies just one local instance of Church-state tensions, but it is a powerfully insightful case.

The Civil War and Franco’s Influence on the Church

Spain’s identity was shaped by the unstable period of the Peninsular War, but also more recently by the Civil War in 1936 that divided the country into two factions.. One was comprised of people who were in favor of a nationalist regime and supported Francisco Franco, and the second included those who supported a republican state, led by Manuel Azaña.⁹⁶ This conflict strengthened anticlericalism in Spain and served as a motivating force in later decades to keep the power of the Church in check.

Spaniards were inspired to join Azaña’s Republicans in part because of their frustration with the Catholic Church. Personal opposition to Catholic Church’s continued role in regulating society had existed for years prior to the Civil War.⁹⁷ As the official religious authority of the former Crown, the Church remained as a substantial, visible

⁹⁴Relaño Pastor, “Spanish Catholic Church in Franco Regime,” 277.

⁹⁵Relaño Pastor, “Spanish Catholic Church in Franco Regime,” 277.

⁹⁶ Souto Paz, “Perspectives on Religious Freedom in Spain,” 680.

⁹⁷ Relaño Pastor, “Spanish Catholic Church in Franco Regime,” 277.

symbol of traditional rule and restrictions.⁹⁸ Catholicism pervaded life through weekly services, national holidays, and monarchical expressions of power, to name a few.⁹⁹ Much of the discontent arose from the working classes who were heavily taxed and felt restricted by the Church:

The Spanish urban working classes in general perceived the clergy to be their enemies, and the absence of government restraint and the atmosphere of war gave them the opportunity to display their anticlericalism in violent ways.¹⁰⁰

The Second Republic's policy of separation of church and state fed anticlerical attitudes, resulting in popular protests where churches and convents were set afire.¹⁰¹ While the official Republican leadership did not call for anti-clerical violence, individual soldiers and unofficial followers launched attacks against church buildings and clergy members, leaving religious groups in fear in Republic-controlled regions.¹⁰² Dissatisfaction with the Church's accumulated wealth effected violent response. Anticlericalism in Spain was in fact nothing new: political tumult and the economic frustrations of the eighteenth and nineteenth centuries resulted in bursts of violence that punctuated the Catholic state status quo.¹⁰³ Still, calls for secularism became a recurring theme that would return to the forefront of public awareness after the end of Francoism.

Given the tumultuous church-state relationship of the earlier years, and the decline in secularism by the end of the Second Republic, it is not surprising that Franco's traditional values became wildly popular across Spain. Opponents of anticlericalism saw Francoism

⁹⁸ Relaño Pastor, "Spanish Catholic Church in Franco Regime," 277.

⁹⁹ Relaño Pastor, "Spanish Catholic Church in Franco Regime," 277.

¹⁰⁰ José Mariano Sánchez, *The Spanish Civil War as a Religious Tragedy*, (Notre Dame: University of Notre Dame Press, 1987), 21.

¹⁰¹ Relaño Pastor, "Spanish Catholic Church in Franco Regime," 277.

¹⁰² Relaño Pastor, "Spanish Catholic Church in Franco Regime," 278.

¹⁰³ Javier Moreno-Luzón, "The Restoration," ed. Adrian Shubert and José Alvarez Junco, *The History of Modern Spain: Chronologies, Themes, Individuals*, 60.

as a stabilizing force that could end the Civil War and revive Spanish Catholic culture. When serving as a general in the Civil War, Franco cemented his status as a defender of the endangered Church, a position that the Church largely endorsed.¹⁰⁴ Once he gained power, as part of his program of intense state-building and authoritarian rule Franco intentionally allied his government with the Church so he could depict Francoist Spain as a revival of beloved, traditional Catholic values.¹⁰⁵ He restored the Church's authority to levels that were near, if not equal to, its power during the monarchical era. The Francoist state requires further analysis because it was the direct antecedent to Spain's constitutional monarchy, and Franco's approach to religious property has been echoed by the still-powerful PP in democratic Spain.¹⁰⁶

Franco employed his far-reaching authority as dictator to integrate religion into central aspects of daily life. The government redesigned the organization of and thinking within schools, the labor market, and countless other aspects of Spanish society.¹⁰⁷ In particular through the educational system, Domke argues, Franco efficiently tied nationalism and religion together into everyday life to promote fascism.¹⁰⁸ By 1936 Spanish religious power was again tied to state politics, a tense relationship that politicians would hope to resolve when writing the democratic constitution of 1978. Even after

¹⁰⁴ William James Callahan, *The Catholic Church in Spain, 1875-1998* (Washington DC: Catholic University Press, 2000), 351.

¹⁰⁵ Callahan, "The Evangelization of Franco's 'New Spain,'" 491.

¹⁰⁶ Jesús Bastante, "El Gobierno sólo publicará una mínima parte de los bienes que la Iglesia puso a su nombre sin control desde 1946," *El Diario*, August 21, 2018, https://www.eldiario.es/sociedad/Gobierno-publicara-minima-Iglesia-control_0_805969920.html.

¹⁰⁷ Callahan, "The Evangelization of Franco's 'New Spain,'" 492.

¹⁰⁸ Joan Domke, *Education, Fascism, and the Catholic Church in Francoist Spain*, Phd. diss. (Chicago: Loyola University Chicago, 2011), http://ecommons.luc.edu/luc_diss/104, ix.

constitutional provisions were overruled, Francoist tradition continued to pervade subtle facets of Spanish life after his death.

Beyond traditions and ideologies, Franco's nationalist agenda directly grew the Church's wealth. His acts of property reform left a lasting legacy for democratic Spain and for the Mosque-Cathedral in particular. Franco increased the Catholic Church's power by increasing its role in education and other aspects of daily life. Franco wanted to increase the Church's wealth through property reform to redistribute previously indeterminate properties—many had been formally unregistered or had lost their documentation—to their local bishoprics.¹⁰⁹ The second chapter will elaborate on this topic to connect it concretely to the property justifications made in the specific case of Córdoba. Beyond transactions, Franco symbolically cemented the relationship between Church and state with the cooperative Concordat of 1953, in which the dictator declared he would always defer his authority to the Vatican on religious matters.¹¹⁰

This is not to say that Franco wholeheartedly imposed his agenda on the Church leadership without pushback from the clergy. There were still efforts by the Church to retain its older, more orthodox ways of thinking against the will of the fascists, starting in the 1930s with clergy members' educational reform.¹¹¹ Franco openly criticized and condemned clergy who appeared too moderate or anti-fascist for his tastes; he was not afraid to exert his will on the Church, even if it created conflict.¹¹² And in reverse, the Church imposed its own authority to limit Franco's self-made position as dictator, like in response to the Second Vatican Council.

¹⁰⁹ Domke, *Education, Fascism, and the Catholic Church in Francoist Spain*, ix.

¹¹⁰ Souto Paz, "Perspectives on Religious Freedom in Spain," 686.

¹¹¹ Domke, *Education, Fascism, and the Catholic Church in Francoist Spain*, 6-7.

¹¹² Relaño Pastor, "Spanish Catholic Church in Franco Regime," 285.

Franco was pressured to respond to the landmark rulings of the Second Vatican Council, a conference that ended in 1965 and redefined the framework for Church-state relationships worldwide. The Pope issued edicts in favor of religious freedom, which pressured all Catholic states to permit religious freedom of their subjects, and for state leaders to let go of religious powers like appointing bishops.¹¹³ In response to the orders of the Vatican, the Church started to distance itself from Spanish politics. As Relaño-Pastor points out, “It was the Catholic Church itself which began the slow process of disentangling the Church from the State.” Franco deterred this process as best he could. He had wanted the state to cling on to its traditional and exclusively Catholic identity, one similar to what would be termed the “freedom of the church” in the Middle Ages.¹¹⁴ Franco succeeded in this effort by making secularism difficult to legally maintain. Franco only granted religious freedom for non-Catholics in the form of restrictive “special associations,” and even these approved groups seldom received approval to worship publicly.¹¹⁵ Accordingly, Franco essentially only relinquished the power to appoint bishops and continued to associate Spanish governing power with the Catholic faith, even though that at times meant that Franco defied parts of papal edicts.¹¹⁶ Any concessions that supported religious tolerance came from top-down Vatican rulings, not from within the Franco government. Throughout his rule as dictator, Franco ignored international and national pressures alike to make the society more liberal and pluralist.¹¹⁷ He succeeded in preserving the ties between

¹¹³ Relaño Pastor, “Spanish Catholic Church in Franco Regime,” 283-84.

¹¹⁴ Relaño Pastor, “Spanish Catholic Church in Franco Regime,” 283.

¹¹⁵ Relaño Pastor, “Spanish Catholic Church in Franco Regime,” 283-285.

¹¹⁶ Relaño Pastor, “Spanish Catholic Church in Franco Regime,” 285-286.

¹¹⁷ J. D. Hughey, “Ebb Tide of Religious Liberty in Spain,” *The Journal of Religion* 35, no. 4 (1955), 246. Franco had remained adamant in its support of the Catholic Church, perceiving religious unity as a key to political stability. He even staved off pressures from international forces, as when U.S. president Harry Truman’s ambassador to Spain pushed for more tolerance provisions as a condition for rebuilding Spain’s relationship with the United States and Spain’s status in the international community.

nationalism and Catholic power for years to come. Franco interpreted Vatican II in limited ways so he could successfully preserve his control over a unifying Catholic narrative of the state.

The continued special relationship between church and state stuck out during Spain's transition to democracy in the 1970s. Most of the fascist governing policies died with the ruler himself, and the dramatic state rebuilding that occurred over the three years following his death produced a new constitution with dramatic new updates.¹¹⁸ Nonetheless the influence of the Church, to an extent, survived. In response, movements emerged that aimed to erase ecclesiastical influence from the democratic state. Newly elected representatives lobbied to write religious tolerance provisions into the new Constitution. There would never again be a politician with as much power in modern Spanish politics who so staunchly opposed growing Spanish liberalism. In the post-Franco era, liberalism would grow to new levels, manifesting itself in the post-dictatorship era through calls for state restoration of control over spaces like the Mosque-Cathedral, among others.

The Post-Franco Democratic Transition

Franco's death set in motion a democratic transition that would eventually open up access to petitioning and policymaking and enable investigations of property ownership like the controversy of the Mosque-Cathedral. Franco did not provide a detailed succession plan to be followed after his death, but he did transfer his power of rule to King Juan Carlos I. The King emphasized religious freedom as a "fundamental right" for the Spanish people.¹¹⁹ He opted to dissolve the absolute monarchy to become a figurehead and open

¹¹⁸ Souto Paz, "Perspectives on Religious Freedom in Spain," 689-690.

¹¹⁹ J. D. Hughey, "Church, State, and Religious Liberty in Spain," 490.

the state to democracy.¹²⁰ In November 1976, approximately a year after the death of Franco, the new Spanish premier (and Francoist supporter) Adolfo Suárez Gonzalez passed legislation to set up elections. This process enabled free thinking and organizing for the first time in almost forty years.¹²¹ In the early days of their tenure, the newly elected representatives openly nullified Francoist church-state agreements. An agreement between Church and state in 1976 overturned the previous Franco-era Concordat of 1953 and diminished royal privileges to control the Church. This agreement meant that the King could no longer help appoint bishops, and also opened the possibility for non-Catholic religious education. These reforms, which occurred around the same time that the constitution was published, formed some of the first elements of lasting secular policy.¹²² The Concordat changes allowed religious minorities to be incorporated into the political landscape. By 1978 a committee succeeded in signing the final draft of a democratic Constitution that expanded these rights. This secured a lasting position for secularist representation in Spain, though the concept would continue to be challenged by opposing ideological movements.

Debates over the constitution arose due to diverging approaches towards democratic secularism. One particular section of the Constitution of 1978, Article Sixteen, establishes the new state definition of religious freedom in three parts. The first part affirms Spanish residents' freedom to worship any religion, and the second states that one never has to declare one's faith if asked. Finally, the third declares that there is no state religion,

¹²⁰ "A Necessary King," *El País*, June 2, 2014, sec. Editorial, https://elpais.com/elpais/2014/06/02/inenglish/1401720849_875685.html.

¹²¹ Vicente Rodriguez, Catherine Delano Smith, et. Al, "Spain - Franco's Spain, 1939–75," Encyclopaedia Britannica Online, last updated March 31, 2019, <https://www.britannica.com/place/Spain/Franco's-Spain-1939-75#ref258572>; Relaño Pastor, "Spanish Catholic Church in Franco Regime," 286-287.

¹²² Julio de la Cueva Merino, "Religion," 288-89.

though the state will work alongside the religions practiced throughout the country.¹²³ This third part of the article was revised multiple times, which indicates the high tensions over the topic of religion in society. The second proposed draft, publicly printed in December 1977, stated that “No faith may be designated as the State's own. Public authorities shall be mindful of Spain's religious groups and will maintain cooperative relationships *with all*.”¹²⁴ After multiple discussions and edits, the final version replaced this phrasing with “maintain appropriate cooperation *with the Catholic Church* and the other [religious denominations]...”¹²⁵ The final version privileged the Catholic Church and frustrated neutrally secularist politicians. The delegate representing the PSOE protested the change from “with all” to listing the Catholic Church as the first and only named religion outright in a privileged position above all other faiths, but eventually conceded.¹²⁶ The tensions over secularism persisted after the constitution was published. Once the foundations of Spanish democracy were further solidified and the two-party system crystallized, the state became capable of responding to property disputes and to other public movements that would arise in the twenty-first century.

The democratic transition, and the constitution it produced, opened the possibility for legal secularism. For one of the first times in the history of Spain, the peaceful transition allowed legislative groups to call for expansions of religious freedom without fear of backlash. What’s more, international cultural and economic trends supported this endeavor.¹²⁷ As a result, as Julio de la Cueva Merino astutely argues, “...unlike other

¹²³ Mariano Delgado, “¿Ha Dejado España de Ser Católica?” 127.

Spanish Constitution (translated), ch. 2, sec. 1, art. 16,

<https://www.boe.es/legislacion/documentos/ConstitucionINGLES.pdf>.

¹²⁴ Quoted in Souto Paz, “Perspectives on Religious Freedom in Spain,” 692.

¹²⁵ Quoted in Souto Paz, “Perspectives on Religious Freedom in Spain,” 696.

¹²⁶ Souto Paz, “Perspectives on Religious Freedom in Spain,” 694.

¹²⁷ Julio de la Cueva Merino, “Religion,” 288.

moments in the history of Spain, the departure of a clerical regime was not accompanied by a massive swing of the pendulum in religious policies or the emergence of anticlericalism.”¹²⁸ Pro-secularist activists succeeded in paving the way for peaceful protests on the topic of religious tolerance provisions. Both the constitutional reform, and the reactions it prompted, opened up an opportunity for tolerance policies to thrive within the new democratic framework.

Discussions about the future of democracy produced the constitution of 1978, but formal political infrastructure took longer to settle. By the 1989 elections, Spanish politics were bifurcated, with the PSOE standing out as the major leftist party, and the newly formed Partido Popular (PP) on the right. The latter was a new right-wing manifestation of the older Alianza Popular (AP) party, combined with smaller conservative blocs; the PP had been founded in 1976 and transformed into a political party in 1977.¹²⁹ The PP envisioned a free conservative Spain that minimized the role of the government and shrunk Spanish involvement in pan-European affairs, while strengthening the role of the Catholic Church.¹³⁰ The PSOE opposed the PP’s actions to incorporate Church power into its presidential agenda. The party defined their vision of an ideal Spain as a pluralistic, inclusive secular state. One can see these parties’ goals manifested in the Cabildo report’s conservative perspective, and in the state report’s neutrally secular approach. Tracing the origin of both political organizations further shows that each party’s leaders were inspired by subjective interpretations of Spain’s past, and adopted rhetoric to emphasize select

¹²⁸ Julio de la Cueva Merino, “Religion,” 288.

¹²⁹ “Historia,” Partido Popular, accessed January 9, 2019, <http://www.pp.es/conocenos/historia>.

“Historia | PSOE,” PSOE.es, accessed January 9, 2019, <http://www.psoe.es/conocenos/historia/>.

¹³⁰ Mariano Delgado, “¿Ha Dejado España de Ser Católica?” 129.

aspects of the Spanish history to further their agenda. Chapter Two will greatly expand analysis of these patterns of subjectivity.

The PP and the Ascendance of José Maria Aznar

José Maria Aznar oversaw the shaping of the PP into a more centrist coalition to separate the party from the era of fascist rule.¹³¹ Aznar became party leader in 1990 and presided over a combined group of centrist supporters and more conservative politicians. The PP was united in its opposition to the extension of state power and disapproval of an increase in funding for government-sponsored welfare.¹³² Throughout his tenure, Aznar helped resolve conflicts between members with single-issue agendas, from the “Christian Democratic” to the “ideologically conservative.”¹³³ In doing so he shifted his conservative constituents farther to the center. He wrote, “With the loss of the ideological left as a reference, the center-right offered a stable reference for economic reform; of an opportunity-based society; of the defense of liberal democracy....”¹³⁴ During this process of unification, the PP discarded “the socially reformist views of its Christian-democratic sectors, a minor but significant stream” that had existed within the former coalition of UCD supporters.¹³⁵ The party moved away from Christian conservatism but did not wholly embrace secularism: the PP would continue supporting clergy’s interests.

¹³¹ Llamazares, 322.

“Historia,” Partida Popular, <http://www.pp.es/conocenos/historia>.

Ivan Llamazares, “The Popular Party and European Integration: Re-Elaborating the European Programme of Spanish Conservatism,” *South European Society and Politics* 10, no. 2 (01 2005), 316, <https://doi.org/10.1080/13608740500135025>.

¹³³ Llamazares, “The Popular Party and European Integration,” 328,

¹³⁴ José María Aznar, “Reformas Para la España Del Siglo XXI,” *Cuadernos de Pensamiento Político*, no. 39 (2013), 8.

¹³⁵ Llamazares, 322.

Even though Aznar helped lead democratic reform efforts, his ideas were not free of Franco-era influences. As analysis of his legislation will show, the democratic framework did not stop the PP from adopting the Francoist strategy of increasing Church power. While Aznar's style of policy-making connects back to Francoism and supports the Catholic Church, he does not speak for the entire PP, which includes Catholics and nonbelievers alike among its members.¹³⁶ Importantly, however, when compared to the PSOE, the PP has a strong pro-Church platform.

Aznar's positioning of the PP was solidified both by its opposition to PSOE ideals and by its associations with the traditional Church. Aznar made no attempts to hide his religion-focused goals and met with two members of the Episcopal Conference of Spain after being appointed PP leader in 1990.¹³⁷ The Church itself had agreed not to endorse a particular party in the elections of that year, but Aznar extended a tactical hand all the same.¹³⁸ When it came to policy implementation, Aznar's views on property restitution for the land used by Catholic clergy met the interests of Francoists and ardent Catholics alike. Aznar later embraced the Francoist property law of 1946 that restored power to local bishoprics.¹³⁹ This is relevant to the Mosque-Cathedral controversy as he eventually passed the registration that enabled the Cabildo's registration. He reinstated the Franco-era *RH* that was used to defend the registration of the space in 2006, though he did not formally oversee or comment on this specific act of registration directly.¹⁴⁰ Since Aznar left office,

¹³⁶ Callahan, *The Catholic Church in Spain*, 601.

¹³⁷ Callahan, *The Catholic Church in Spain*, 594.

¹³⁸ Callahan, *The Catholic Church in Spain*, 594.

¹³⁹ Bastante, "El Gobierno sólo publicará una mínima parte de los bienes que la Iglesia puso a su nombre sin control desde 1946."

¹⁴⁰ "El PSOE planta cara al Obispado de Córdoba: 'La Mezquita es del pueblo,'" *El Plural*, accessed November 6, 2018, https://www.elplural.com/autonomias/andalucia/el-psoe-planta-cara-al-obispado-de-cordoba-la-mezquita-es-del-pueblo_41763102.

these property laws represent a distinctly Aznarian strain of the PP, which remains supported by some (but not all) PP politicians today.

Aznar completed his property law reform by selling each space that filed a claim, the Mosque-Cathedral included, to the local Cabildo. This practice alone links Aznar to those who view Spanish history through a Catholic lens. It is possible that Aznar intended to charge a thirty-euro sum for these spaces in reference to the Biblical betrayal of Jesus by Judas.¹⁴¹ This payment holds an even darker meaning because of its relevance in Spanish history: in thirteenth-century Andalusian and Murcian kingdoms, the Christian king mandated a payment of thirty dineros to be paid by Jews to the local church in their city or town.¹⁴² The medievalist Javier Castaño shows how the thirty dineros tradition was also implemented by the Castilian Crown to blame medieval Jews for the Passion of Jesus Christ.¹⁴³ The policy lasted from the beginning of the twelfth century until 1492, when Jews were officially expelled from the kingdom.¹⁴⁴ Above all, the thirty dineros act was part and parcel of the Crown's goal of imposing power over the Jews to make them atone for their sins.¹⁴⁵ This policy was formally outlined in the *Partidas* themselves: Alfonso X imposed this tax in addition to the traditional tithes Jews had to pay.¹⁴⁶ The punitive

¹⁴¹ "Judas," *The BBC*, 2014, accessed November 11, 2018, <http://www.bbc.co.uk/thepassion/articles/judas.shtml>

In the Passion, Judas agreed to identify Jesus Christ to the Roman authorities so they could crucify him in return for thirty pieces of silver.

¹⁴² Jonathan Ray, *The Sephardic Frontier: The Reconquista and the Jewish Community in Medieval Iberia* (Ithaca: Cornell University Press, 2013), 91.

Dineros were the currency at the time.

¹⁴³ Javier Castaño, "Una fiscalidad sagrada: Los 'treinta dineros' y los judíos de Castilla," *Studi medievali* 42, fasc. 1, 2001, 167.

Castaño explains that the Castilian further justified the act by using a Roman legend, *Vindictis Salvatoris*, to popularize this story of Jews betraying

¹⁴⁴ Castaño, "Una fiscalidad sagrada," 168.

¹⁴⁵ Castaño, 168.

¹⁴⁶ Castaño, 173.

reasoning for the practice came from the medieval papacy: “With certain exceptions, the Popes never stopped insisting on the importance of keeping Jews in a state of submission” for easy exploitation by the rulers.¹⁴⁷ It is therefore possible that Aznar was inspired by the discriminatory acts of the Spanish Crown when developing policies that increased the number of property holdings controlled by the Catholic Church.

From the perspective of the Catholic Church, the political landscape is less concerning when the PP is in power than when the PSOE is, because the PP has never passed legislation intended to diminish the Church’s funding or property holdings. Essentially, the PP represents an extension of the Franco-era bloc of supporters who supported a raise in Church privileges. That said, the Church’s own presence in contemporary politics remains limited. The Church is more focused on retaining its current privileges than acquiring new ones through public action.¹⁴⁸ Even while the Church keeps its distance from policy-making, politicians like Aznar have cultivated key relationships with influential bishops and cardinals that preserve Church-state ties. Callahan notes that the PP is likely to retain a special relationship with the Catholic Church going forward, but will not wholly permit the Church to guide lawmaking on most issues: “Relations between the PP and the Church have followed a smoother course than was the case with the PSOE.”¹⁴⁹ While on the whole the Church may stay out of national and local politics, it

In the *Partidas* code, Castaño argues, “the tolerance of Jews is justified, based on theological tradition, by making them into a perpetual reminder of their ancestors.”

“Esa protección legal de la Corona aparece asociada al recuerdo de la Pasión, como ocurre en las *Partidas*, en donde se explica la tolerancia hacia los judíos siguiendo la tradición teológica que los convierte en recuerdo perpetuo del deicidio cometido por sus antepasados.”

¹⁴⁷ Castaño, 171.

“Con algunas excepciones, los Papas nunca dejan de insistir en la importancia de conservar a los judíos, eso sí, en un estado de sumisión.”

¹⁴⁸ Callahan, *The Catholic Church in Spain*, 594.

¹⁴⁹ Callahan, *The Catholic Church in Spain*, 601.

tends to side with the PP on matters of preexisting religious property like the Mosque-Cathedral. In fact, a spokesperson for the PSOE, Juan Pablo Durán, directly blamed the Mosque-Cathedral controversy on Aznar's Francoist property policy.¹⁵⁰ Pablo Durán was skeptical of the bishopric's role in intentionally "eliminating the past and the vestiges of the Mezquita" when complying with Aznar's pro-Church policies.¹⁵¹

The PSOE and Neutral Secularism

The state-sponsored committee consists of PSOE supporters and the organization has championed neutral secularism. By June 1977, the PSOE functioned as the premier socialist party in democratic Spain. The party existed in secret as early as 1879 and continued meeting during the Civil War and Francoist periods.¹⁵² The party defended secularism from its early years. In the early twentieth century, PSOE members supported the 1931 Constitution and its push to eradicate religious hierarchy and possessions.¹⁵³ After the Francoist period, the party gained congressional seats in the first democratic elections held in 1977.¹⁵⁴

Debates on how to structure the Spanish democratic nation had historically polarized PSOE members. Internal political differences were largely reconciled when politicians ultimately agreed that the PSOE's mission was to create social equality through democratic policymaking.¹⁵⁵ In dealing with religion specifically, the party was divided over the best way to practice tolerance: the most prominent concepts introduced were

¹⁵⁰ "El PSOE planta cara al Obispado de Córdoba," *El Plural*.

¹⁵¹ "El PSOE planta cara al Obispado de Córdoba," *El Plural*.

¹⁵² "Historia | PSOE," PSOE.es, accessed January 9, 2019, <http://www.psoe.es/conocenos/historia/>.

¹⁵³ Victor Manuel Arbeloa, "Del Ayer Al Hoy: El PSOE y La Iglesia En España," *El Ciervo* 28, no. 336 (1979), 22.

¹⁵⁴ "Historia | PSOE," PSOE.es, accessed January 9, 2019, <http://www.psoe.es/conocenos/historia/>.

¹⁵⁵ Palacio Martín, "El PSOE y la Cuestión Nacional," 143.

neutral secularism (*laicismo de la neutralización*) and inclusive secularism (*laicismo inclusivo*).¹⁵⁶ The PSOE today generally advocates for a religiously tolerant Spanish society, largely supporting a system of or neutral secularism.¹⁵⁷ Neutral secularism centers on the clear separation of church and state, and the removal of privileges and funding for any particular religious entities (in the case of Spain, mainly the Catholic Church).¹⁵⁸ Neutral secularism promotes deliberate distancing from religious influences, whereas the inclusive secularist approach advocates weaving religious culture into the government framework.¹⁵⁹ Some socialists favored neutral secularism because they found that the Spanish Catholic Church serviced the bourgeoisie at the expense of other social classes.¹⁶⁰ Consequently, the PSOE developed “a series of policies intended to create a Spanish image that did not reject any social or territorial group in the country,” which promoted the state recognition and support of religious minorities.¹⁶¹ The neutrally secular approach would hold the focus in political debates from that point on.

The PSOE strengthened its relationships with religious minorities through neutrally secularist policies.¹⁶² The PSOE petitioned for an update to the Law of Religious Freedom of 1980 to clarify the separation of church and state.¹⁶³ The act allowed religious groups to officially register with the state and join a system of Cooperation Agreements to receive

¹⁵⁶ Mariano Delgado, “¿Ha Dejado España de Ser Católica?”, 128.

¹⁵⁷ Mariano Delgado, “¿Ha Dejado España de Ser Católica?” 128.

¹⁵⁸ Mariano Delgado, “¿Ha Dejado España de Ser Católica?” 123.

¹⁵⁹ Mariano Delgado, “¿Ha Dejado España de Ser Católica?” 128.

¹⁶⁰ Manuel Arbeloa, “Del Ayer Al Hoy: El PSOE y La Iglesia En España,” *El Ciervo* 28, no. 336 (1979), 21.

¹⁶¹ Giulia Quaggio, “1992: The Modernity of the Past. the PsOE in Search of a Regenerated Idea of Spain,” *Historia Y Política*, no. 35 (June 2016), 95, <https://doi.org/10.18042/hp.35.05>.

Original quote: “...una serie de políticas destinadas a crear una imagen española que no suscitase rechazo en ningún grupo social o territorial del país.”

¹⁶² Souto Paz, “Perspectives on Religious Freedom in Spain,” 701-702.

¹⁶³ Delgado, “¿Ha Dejado España de Ser Católica?” 128.

secular support. Currently the Catholic Church, the Federation of Evangelical Religious Entities of Spain (FEREDE), the Federation of Jewish Communities of Spain (FCJE), and the Islamic Commission of Spain (CIE) all have this agreement. Per the legislature, each entity's places of worship are legally protected by the state, and public schools are required to provide religious instruction on request for each faith.¹⁶⁴ Each approved group benefits from tax exemptions—donations to their organization are taxed at a lower rate than typical national transactions—but fiscal privileges are still secular in scope. At the same time, these Cooperation Agreements do not offer direct state funding for religious activities.¹⁶⁵ The PSOE also planned for additional changes to empower religious minorities while checking the power of the still-wealthy Catholic Church. In December 2006 the party published a document titled “Constitution, secularism, and education for citizens.” It outlined the party's goal to counteract the Catholic Church's outsized privileges by reforming the constitution.¹⁶⁶

These acts of legislation, though they helped legalized public worship, did not secure what minority groups might consider complete secularism. Many associations lament the privileged status of the Catholic Church above other faiths, and cite the tax revenues the Church receives each year as a central source of inequity. Spaniards filling out tax forms each year are able to check a box and allocate approximately 0.7 percent (in today's terms) of their tax revenue directly to the Church. A constant theme in over a decade of the U.S. State Department's reporting on religious freedom in Spain is the unmet demand of tax designations for religious groups other than Catholics.

¹⁶⁴ Souto Paz, “Perspectives on Religious Freedom in Spain,” 701; 708.

¹⁶⁵ Souto Paz, “Perspectives on Religious Freedom in Spain,” 709.

¹⁶⁶ “Constitución, laicidad y educación para la ciudadanía,” the PSOE, accessed March 19, 2018, www.psoe.es/download.do?id=53903.

This tax checkbox alone has raised approximately 250 million euros for the Catholic Church. Protestants, Muslims, Buddhists, Mormons, and other religious groups have each lobbied for its group to be listed as a separate option to accrue its own funding.¹⁶⁷ They don't protest the Church's access, but hope that the system can be extended to other groups. Not all faiths want to be included, however. Cultural specificity plays a role in religious groups' differing demands. For example, Jewish leaders have not advocated the checkbox option. As the State Department report states, "...This reticence is attributed to the community's past history, which included persecution and expulsion from the country in 1492."¹⁶⁸ The groups have increased their prominence in public discussions to call for equal rights.

In addition to the clearly unequal layout of the income tax form, minority groups have other demands. Many continue to ask for a loosening of restrictions for the approval process for licenses and permits to construct new religious centers. The spokespeople of federations like the CIE, FCJE, and FEREDDE have continually identified legal obstacles impeding construction and requested their removal.¹⁶⁹ They continue to petition to remove obstacles that they believe still obstruct access to religious freedom in Spain. These movements continue to strengthen pro-secular support nationwide.

¹⁶⁷ "International Religious Freedom Report for 2017," accessed January 21, 2019, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

This accrued sum in striking in light of the fact that, according to a demographic survey conducted prior to Pope Benedict's visit to Spain in 2008, only 14.7% of interviewed Spaniards claimed they attended Sunday mass regularly. Nonetheless, 75.8% of the subjects said they identified with Catholicism, so these kinds of Spaniards, too, may also contribute tax revenues out of a sense of cultural or traditional kinship. This survey was cited in Delgado, "¿Ha Dejado España de Ser Católica?" 123.

¹⁶⁸ "Annual Report on International Religious Freedom for 1999: Spain," accessed January 21, 2019, https://1997-2001.state.gov/global/human_rights/irf/irf_rpt/1999/irf_spain99.html.

¹⁶⁹ "International Religious Freedom Report for 2017," accessed January 21, 2019, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

Leaving the Mosque in Mosque-Cathedral

After evaluating the perspective of the secular government, it is helpful to contextualize the recent actions taken by the Cabildo of Córdoba in response to political pressures. Like the state-sponsored committee, the Cabildo has faced heightened public scrutiny as a result of the Mosque-Cathedral controversy. It exercises power over the space, and proves its control of the historical narrative, which concerns some onlookers. In the past, with every update it provided, the Cabildo's narration of the story of the Mosque-Cathedral changed considerably. Some of its responses, like tourist brochures and website changes, were published in response to the ownership controversy starting in 2014. The Cabildo was pressured to recognize the achievements of the Muslims who preceded Castilian rule, thus providing a more diverse historical narrative of the state. Its new materials editorialize on the Mosque-Cathedral's past and consequently affected the tensions between secularism and the Catholic elements of the state.

Protestors cite the institution's power over visitors' conceptions of the space as a major reason motivating their calls for state ownership. Years of dispute raised worries about the Church's role, and one of the biggest ways in which the Cabildo has exerted control is by enforcing name changes to the Mosque-Cathedral. Over the past fifty years, the name fluctuated based on who held the position of bishop of Córdoba (the highest official of the local diocese). The official tourist website at first glance displays a disconnect between the naming conventions: while the site is titled "Mosque-Cathedral of Córdoba," it is run by the "Cathedral Cabildo of Córdoba." Opponents of the Church's power over the Mosque-Cathedral frequently criticized the Cabildo's capacity to shape the way visitors perceive the hallowed history of the city, and of Spain as a nation as a result.

Monsignor José María Cirarda Lachiondo, in power from 1971 to 1978, established a reputation for openness: he attempted to highlight both sides of the Mosque-Cathedral by keeping the dual name.¹⁷⁰ Monsignor Francisco Javier Martínez Fernández, the bishop of Córdoba from 1996 to 2003, temporarily shifted the naming convention from Mosque-Cathedral to the “Santa Iglesia Catedral de Córdoba, Antigua [Former] Mezquita.”¹⁷¹ Under Martínez Fernández, the Mezquita-Cathedral tourist brochures changed considerably. The brochures emphasized the present nature of the space as a Christian house of worship. Until the current bishop, Monsignor Demetrio Fernández González, was appointed in 2010, Martínez Fernández’s actions had the potential to permanently alter the historical narrative of the space. In fact, the term Santa Iglesia Cathedral became heavily associated with controversy later, when the Cabildo filed its registration claim in 2006 under the same title.

According to news reports, brochures from 1998 onward used the naming convention “Cathedral (former Mosque)” but shifted in 2010 to only call the space the “Córdoba Cathedral.”¹⁷² On March 31, 2016, the Cabildo released new, significantly updated materials. Thanks to the changes, brochures now referred to the space as the Mosque-Cathedral, and architectural descriptions touched on the “Islamic imprint.”¹⁷³ This edition—the most recent version to date—reflects multiple parts of the site’s history. Most notably, the brochure design features the period of Muslim rule on its map timeline; it also

¹⁷⁰ Jaime Jover Báez and Brian Rosa, “Patrimonio cultural en disputa: la Mezquita-Catedral de Córdoba.,” *Cuadernos Geográficos* 56, no. 1 (2017), 334.

¹⁷¹ Jover Báez and Rosa, “Patrimonio cultural en disputa,” 333.

¹⁷² Guy Hedgecoe, “Islamic Past of Córdoba’s Mosque-Cathedral Restored,” *The Irish Times*, April 21, 2016. <https://www.irishtimes.com/news/world/europe/islamic-past-of-c%C3%B3rdoba-s-mosque-cathedral-restored-1.2617995>.

¹⁷³ “La Mezquita de Córdoba Recupera Su Nombre En Google Maps Tras La Polémica,” *El Boletín*, November 27, 2014, <https://www.elboletin.com/hoy-en-la-red/108358/mezquita-cordoba-google-maps-polemica.html>.

visually illustrates how and where each Muslim caliph undertook major renovations to the space. It also includes Muslim elements of architecture on the suggested sample tour list.¹⁷⁴

Fernández González, in office in 2016, made a concerted effort to emphasize the name of the space as Mosque-Cathedral. In interviews, he claimed he worried about the loss of the Muslim legacy of the site, and argued that the term Mosque-Cathedral successfully connoted the space's bicultural past.¹⁷⁵ He defended the need for both parts of the name, stating, "The problem occurs when one wants to erase historical memory, and one wants to attribute today to this house of worship of Córdoba a destiny and worship that is Muslim...But it is above all inopportune to call this space a Mosque today, because it has not functioned as such for eight centuries, and calling it a Mosque is confusing to the visitor...."¹⁷⁶ Fernández Gonzalez steered the Cabildo away from erasing the word mosque, and its associated identity, from the tourist materials. Still, when referencing the mosque part of the name, other members of the clergy like Deacon Pérez Moya in 2016 have reemphasized that the Cabildo is still the ultimate owner of the space.¹⁷⁷

People praised the 2016 brochures for reflecting the diverse historical narrative that the 2014 movement valued so highly. They interpreted the new materials as the Cabildo's way of responding to the public grievances expressed over the ownership controversy. Yet the Cabildo claimed that they commissioned the redesign to make maps and pamphlets more compatible with e-devices, and did not intend on selectively embracing or validating

¹⁷⁴ "Plano-Guía Para la Visita," Conjunto Mezquita-Catedral de Córdoba, accessed February 18, 2019, https://mezquita-catedraldecordoba.es/site/assets/files/1060/folleto_espan_ol_web.pdf.

¹⁷⁵ Jover Báez and Rosa, "Patrimonio cultural en disputa," 333-334.

¹⁷⁶ Jover Báez and Rosa, "Patrimonio cultural en disputa," 334.

"El problema surge cuando se quiere borrar la memoria histórica, y al templo emblemático de Córdoba se le quiere atribuir hoy un destino y un culto musulmán...Pero es del todo inoportuno llamar hoy a este templo Mezquita, porque no lo es desde hace ocho siglos, y volver a llamarla Mezquita es confundir al visitante..."

¹⁷⁷ "La Mezquita Catedral de Córdoba recupera su nombre," *El Mundo*.

certain historical interpretations.¹⁷⁸ These changes took over two years of partnership with a design agency to complete, however, which suggests that strategic discussions did occur during the process of deciding on a name for the space.¹⁷⁹ Pérez Moya acknowledged that these collective changes represented a “new brand” that fits with modern conceptions of the space.¹⁸⁰ That said, the branding campaign was not all-encompassing. While the 2016 brochures feature the name “Mosque-Cathedral,” the updated version website, titled the “Mosque-Cathedral of Córdoba,” can be accessed in two ways: one can type in the preexisting URL, catedraldecordoba.es, or use a new version, mezquitacatedraldecordoba.es.¹⁸¹

In general, though some saw the design changes as an “enormous victory,” other members of the public were not swayed from their dedicated mission of contesting the Church’s status as owner.¹⁸² Many of these people were members of the “Platform for All,” the protest organization that wrote the popular 2014 Change.org online petition. The members of the Platform for All found fault with the inconsistencies in the Cabildo’s naming and branding. They believed that the divisiveness of the space could not be quickly fixed with new materials. So long as the Cabildo maintained control, their grievances would stand. The longstanding tensions of Church power in Spanish history made petitioners hungry for action.

Beyond official brochures, the space’s naming conventions on Google Maps raised further discontent in 2014. When people discovered that the space’s name on the map

¹⁷⁸ A.R.A., “El Cabildo presenta los nuevos materiales promocionales de la Mezquita-Catedral,” *Diario Córdoba*, accessed November 6, 2018, https://www.diariocordoba.com/noticias/cordobalocal/cabildo-presenta-nuevos-materiales-promocionales-mezquita-catedral_1029599.html.

¹⁷⁹ “La Mezquita de Córdoba Recupera Su Nombre En Google Maps Tras La Polémica,” *El Boletín*.

¹⁸⁰ Hedgecoe, “Islamic Past of Córdoba’s Mosque-Cathedral Restored.”

¹⁸¹ “La Mezquita de Córdoba Recupera Su Nombre En Google Maps Tras La Polémica,” *El Boletín*.

¹⁸² Hedgecoe, “Islamic Past of Córdoba’s Mosque-Cathedral Restored.”

website was changed to only list it as the Cathedral, members of the Platform for All movement were quick to call for reversion to the Mosque-Cathedral name.¹⁸³ A mere 48 hours after the change was noticed, the Platform for All gathered over 38,000 signatures for its preexisting Change.org petition.¹⁸⁴ On the site, the Platform underscored its continued dissatisfaction with Cabildo leadership and its control over the naming of the space. In response to the claims, Google Maps reverted the name to Mosque-Cathedral four days after the complaint was filed. Meanwhile, the Cabildo endeavored to separate itself from the protestors' path of blame. A spokesperson claimed that the Cabildo was completely uninvolved with the Google Maps change, and stated that the institution supported the transition back to the original title.¹⁸⁵ The process behind the change remains ultimately unclear. Google edits many sites' pages every day, and so this may have been an administrative error. Nonetheless, the change heightened Cordoban residents and other avid Spanish secularists' criticisms of the Cabildo from that point on. The Google Maps controversy reinforced support for the Platform for All's Change.org petition and confirmed why many protestors joined the movement. We can see that they called for a return to state ownership because of their dissatisfaction with the Church's role in shaping the tourist experience.

A video posted by the Platform for All themselves proves that many pro-state activists largely find fault with the Cabildo's tourist activity, due to its interpretation and

¹⁸³ Margot Molina, "La Junta censura a la Iglesia por ocultar el origen de la Mezquita," *El País*, December 4, 2014, sec. Andalucía, https://elpais.com/ccaa/2014/12/04/andalucia/1417720401_386258.html.

¹⁸⁴ El Boletín, "La Mezquita de Córdoba recupera su nombre en Google Maps tras la polémica." The Platform for All's main petition, calling for the restoration of the space to state ownership, is still active on Change.org, with almost 400,000 signatures as of February 2019:

"Sign the Petition," Change.org, accessed November 6, 2018, <https://www.change.org/p/salvemos-la-mezquita-de-córdoba-por-una-mezquita-catedral-de-todos>.

¹⁸⁵ Natalia Junquera, "La colonización de la (ex) mezquita."

broadcasting of a limited historical narrative. In January 2015, the Platform for All reposted a promotional video that was originally produced by the Cabildo. The Platform circulated it to call attention to the effects of the Cabildo's controlling the bounds of information available about the space's history.¹⁸⁶ The discontinued video appears to have been released directly by the Cabildo for tourist viewing and subsequently removed, to clean up its institutional reputation. In the title of the upload, the Platform for All states, "Here the Church [Cabildo] erases the Muslim footprint on the Mosque."¹⁸⁷ It goes on in the description of the video to state that the video "provides evidence of the [Cabildo's] amputation of the Andalusian and Muslim identity from the most important Umayyad monument in Europe."¹⁸⁸ This video is more controversial than these carefully curated publications on the Cabildo's own site. The Cabildo's own posts that still exist on YouTube and other digital platforms (Facebook, Twitter, etc.) chronicle noteworthy religious services and other special events, but do not touch on these more controversial aspects of the space's history.¹⁸⁹

The video features a Christian narrative of the conquest of, and later physical changes to, the Mosque-Cathedral. Cabildo critics would argue that the way the video tells the space's history proves the Cabildo is too biased to responsibly manage the public site. In their view, the Cabildo's rule threatens to erase Muslim history from the collective

¹⁸⁶ The records of Cabildo distribution of this video are now lost since they took the video down or stopped airing it. As a result the exact timing and means of distribution of the resource are unclear, but the video is branded with Cabildo logos, rightfully attributing it to the organization.

¹⁸⁷ Plataforma Mezquita-Catedral, *La Catedral de Córdoba. Así Borra La Iglesia La Huella Islámica de La Mezquita.*, accessed January 27, 2019, <https://www.youtube.com/watch?v=pMeNLI009Gk>. "Así borra la Iglesia la huella islámica de la Mezquita."

¹⁸⁸ Plataforma Mezquita-Catedral, *La Catedral de Córdoba*.

"Vídeo oficial editado por el Cabildo de Córdoba sobre la Mezquita-Catedral donde se evidencia la amputación de la identidad andalusí e islámica del más importante monumento omeya de Europa."

¹⁸⁹ Cabildo Catedral de Córdoba, *Videos*, accessed January 27, 2019, <https://www.youtube.com/channel/UCqUr-NrONo67kkGEKH6UgBg/videos>.

memory of the space. When referring to the space, the video frequently uses the word *templo* in lieu of the phrase Mosque-Cathedral, which underscores a Christian rather than Muslim past. On a similar note, the video devotes a lot of time to describing a temple built by the Visigoths, known as the Basilica of San Vicente. The video claims that the Basilica was built on the same site as the Mosque-Cathedral, and that the ruins exist within the confines of the Mosque-Cathedral itself.¹⁹⁰ It is not contested that this Visigoth temple existed, but it is controversial to state that archaeologists have proven the exact location of the site.¹⁹¹ The video seeks to portray the Visigoths as original promoters of the Christian faith. Arguments claiming that the Basilica existed in the same location of the Mosque-Cathedral first emerged in 1930 with the architect Félix Hernández's work. Later studies supporting his findings are relatively sparse.¹⁹² The Cabildo does not acknowledge that many scholars found it unlikely that the Visigoths prayed in the exact same area as later Mosque-Cathedral worshippers.¹⁹³ This is thus one of the most controversial parts of the video's argument, and it upholds the pro-Christian interpretation of the contested history. The video goes on to praise a current Christian aspect of the space, the Museum of San Vicente currently located inside the cathedral and open to visitors. This carefully curated exhibition, set up in January 2005, strengthened the Cabildo's attachment to a Christian

¹⁹⁰ Plataforma Mezquita-Catedral, *La Catedral de Córdoba*, (3:52-5:17).

¹⁹¹ D. Fairchild Ruggles, "La Estratigrafía Del Olvido: La Gran Mezquita De Córdoba Y Su Legado Refutado," no. 12 (January 2011), 28-30, <https://doi.org/10.7440/antipoda12.2011.03>.

¹⁹² OICEE. "Nota del Obispo de Córdoba sobre la solicitud de uso compartido de la catedral por la Junta Islámica de España | CEE." *Conferencia Episcopal Española* (blog), December 27, 2007. <https://www.conferenciaepiscopal.es/nota-del-obispo-de-cordoba-sobre-la-solicitud-de-uso-compartido-de-la-catedral-por-la-junta-islamica-de-espana/>.

¹⁹³ For an article that substantiates and summarizes the preexisting scholarship that argues that one cannot prove the Visigothic temple existed in the same location as the Mosque-Cathedral, please see Fernando Arce-Sainz, "La supuesta basilica de San Vicente en Córdoba: de mito histórico a obstinación historiográfica," *Al-Qanṭara* 36, no. 1 (June 30, 2015), 11–44, <https://doi.org/10.3989/alqantara.2015.001>.

narrative. This one-sided chronicling of religious history in the video frustrated secularists, who felt like the multifaceted history of the space was being overlooked.

Pro-Church attitudes expressed in the video downplay the significance of the Muslim societies' architectural works that preceded Castilian rule. The video acknowledges the accomplishments of Muslim caliphs in building the Muslim wall for prayer, the *mihrab*, and the Muslim tower to call believers to prayer, the *alminar*, but overlooks other Muslim architectural features built prior to 1236, as well as later physical additions that were clearly inspired by Muslim architecture.¹⁹⁴ This most obvious in scenes that feature the iconic Patio of Oranges (*Patio de los Naranjos*). The patio was initially constructed by Muslims to serve as a washing station, a necessary architectural feature since Muslims had to cleanse their feet before entering the mosque.¹⁹⁵ Yet the video highlights the use of Castilian motifs like flowers and oranges as “example of the Christian devotion” that represented the experience of the Virgin Mary, rather than recognizing the inarguably Muslim origins of the patio.¹⁹⁶ Similarly, when shooting footage of the multi-curved, “polilobulated arches” that art historians recognize as an iconic style used on the main floor of the Mosque-Cathedral, the narrator fails to acknowledge that the Muslims invented this geometric style. The video only claims that the skylights imitate the Byzantine style used in the Hagia Sophia, again without referencing the elements from the

¹⁹⁴ Plataforma Mezquita-Catedral, *La Catedral de Córdoba*, (6:52-7:14).

The video emphasizes the achievements of Abderramán II, Abderramán III, and Almanzor in particular.

¹⁹⁵ For an explanation of this classic Islamic architectural feature, please see Alonso Gutiérrez Ayuso, “Contribución al conocimiento de los aljibes hispanomusulmanes extremeños: tipología de un ejemplo de arquitectura del agua,” *Norba: revista de arte*, no. 20 (2000): 7–27. Gutiérrez Ayuso specifically mentions the Cordoban Mezquita's Patio as an example of the *aljibe* on page 20.

¹⁹⁶ Plataforma Mezquita-Catedral, *La Catedral de Córdoba*, (8:40-8:53).

Muslim Andalusian culture.¹⁹⁷ These instances substantiated opponents' claims that the Cabildo essentialized and simplified the space's past, at least in this instance.

The video critiques the academic concept of *convivencia* to argue that the Christians became peaceful and responsible owners of the space. This source is compelling evidence that historiography plays a key role in public disputes. In this Cordoban case, historians' arguments were strategically invoked in public materials and discussions, which powerfully affected the debate. The narrator claims that the rule of the Umayyads and the kingdom of Al-Andalus, among others, interrupted Christian rulers' access to power. The video describes the Mosque-Cathedral as surviving through "...times when the *Convivencia* of cultures and religions were not always as ideal as we try to narrate, through a history that has been reinvented many times."¹⁹⁸ It discredits *convivencia* literature as idealistic in order to justify generally overlooking Muslim achievements. During the era of complete Muslim rule, the Cabildo argues that Christian culture was strong enough to survive thanks to the sacrifices of martyrs like Eulogio Pelagio-Díaz and Pablo Isidoro, saints to whom the Cathedral is partially dedicated.¹⁹⁹ Without these non-Muslims, the video suggests, the Mosque-Cathedral would not have become a great monument to the only acceptable faith, Catholicism. This part of the video reminds the viewer that the Cabildo appropriates the past to support its unshakeable religious belief that there is only one Christian God and one proper religious and cultural tradition.

¹⁹⁷ Plataforma Mezquita-Catedral, *La Catedral de Córdoba*, (10:00-10:49).

¹⁹⁸ Plataforma Mezquita-Catedral, *La Catedral de Córdoba*, (2:53-3:08).

"...En tiempos en los que la convivencia de culturas y religiones no fue siempre tan idílica como el pretendemos relatar en una historia tantas veces reinventado."

¹⁹⁹ Plataforma Mezquita-Catedral, *La Catedral de Córdoba*, (2:35-2:49).

"Pero la dominación musulmana no impidió que la fe cristiana sobreviviera y aún se reforzará dando a la cristianidad mártires como Eulogio Pelagio -Díaz, Pablo Isidoro, Flora Maria Leocricia y un sinnúmero de muestras de valor y perseverancia."

The narration claims that “Córdoba chose its temple...the history was made by moderating art and piety made out of fervor for a singular God.”²⁰⁰ Towards the end of the video, the narrator states, “...neither the architectural style nor the ideology of the governing authorities of any time period could avoid the fact that the Santa Iglesia Cathedral of Córdoba would [eventually] decisively raise its soul towards the true God.”²⁰¹ The video transcends historical narrative to promote its Christian religious perspective. Even if one ignores these statements, the references to Christian traditions and accomplishments throughout the entire video far outnumber those made to Muslim culture and history. The video ends on a pro-Catholic and arguably exclusionary note. This explains why secular viewers likely complained when it was originally circulated for tourist purposes.

Questions of the Cabildo’s Financial Impropriety

Concerns over the Cabildo’s control of the tourist experience persisted, and the public’s call to prove the rightful ownership of the space was perhaps most dramatically amplified by their demands for increased financial transparency of the Cabildo’s revenue records. The fact that the Church received privileged access to the space without being legally mandated to complete annual financial reports frustrated some people. In earlier eras of Spanish governance, particularly the Francoist period, the ownership of religious property was likewise not financially transparent. Some people consequently perceived the

²⁰⁰ Plataforma Mezquita-Catedral, *La Catedral de Córdoba*, (0:47).

“Córdoba eligió su templo...la historia lo fueron modelando arte y piedad fundidos en el fervor de un solo dios.”

²⁰¹ Plataforma Mezquita-Catedral, *La Catedral de Córdoba*, (32:46-33:02).

“...Ni el estilo arquitectónico ni la ideología de los gobernantes de ninguna época pudieron evitar que la Santa Iglesia Catedral de Córdoba elevará con decisión su alma hacia el verdadero Dios.”

Cabildo's actions as an extension of Franco-era corrupt policies and accused the institution of holding disproportionate power within the modern democratic Spanish state.

Members of the Platform for All and citizens in general have also expressed their unease with the Church's licensing of the word Mezquita-Catedral and related phrases as patents in 2012. The Cabildo currently holds four registered brand names: *Catedral de Córdoba*, *Mezquita Catedral de Córdoba*, *Conjunto Monumental Mezquita Catedral de Córdoba*, and *Conjunto Monumental Catedral y Antigua Mezquita de Córdoba*.²⁰² These names are protected for more than thirty distinct product categories, from coffee to buildings to clothing to toys and even medical and educational services.²⁰³ The Cabildo even attempted to register the term Mezquita-Córdoba for a beer patent.²⁰⁴

In defense of their actions, however, the Cabildo spokesperson José Juan Jiménez Güeto claimed that the Cabildo did not register the brand names out of economic interest but rather as a prerequisite step so that any businesspeople wishing to market the brand has to consult them first.²⁰⁵ In the eyes of scholars Jover Baéz and Rosa, however, the capitalist strategy of registering patents signals the overreach of the Cabildo: "Here, on one hand,

²⁰² "Oficina Española de Patentes y Marcas – Mezquita de Córdoba," accessed February 15, 2019, http://www.oepm.es/es/signos_distintivos/detalle.html?ref=M%203020061; "Oficina Española de Patentes y Marcas – Catedral, Antigua Mezquita de Córdoba," accessed February 15, 2019, http://www.oepm.es/es/signos_distintivos/detalle.html?ref=M%203543523.

²⁰³ Juan Miguel Baquero, "La Iglesia pierde el litigio por el uso de la marca de cervezas 'Mezquita,'" *eldiario.es*, October 3, 2015, https://www.eldiario.es/andalucia/iglesia-pierde-litigio-cervezas-Mezquita_0_365014225.html.

²⁰⁴ The application for the alcohol patent was denied: the authorities claimed the brand name would be too similar to a beer already produced by a subset of the Spanish beverage giant Mahou, Cerveza Mezquita, which uses imagery of the Alhambra in Granada on its label. For more information, see Manuel J. Albert, "A Mosque, a Cathedral, and Also a Beer," *El País*, March 12, 2015, sec. English, https://elpais.com/elpais/2015/03/09/inenglish/1425910701_920236.html.

When they were rejected, the Cabildo went as far as to ask the Supreme Court of Justice in Madrid for explanation, though they did not appeal the case to the ultimate Supreme Court of Madrid afterwards. For more information, see "Los jueces otorgan a Mahou la marca 'Mezquita de Córdoba' que quiso apropiarse la Iglesia," *El Plural*, accessed February 15, 2019, https://www.elplural.com/autonomias/andalucia/los-jueces-otorgan-a-mahou-la-marca-mezquita-de-cordoba-que-quiso-apropiarse-la-iglesia_91804102.

²⁰⁵ Manuel J. Albert, "Ni mezquita ni catedral: cerveza," *El País*, March 6, 2015, sec. Andalucía, https://elpais.com/ccaa/2015/03/06/andalucia/1425642510_527779.html.

the Chapter registers and exploits the Mosque-Cathedral as a cultural product, acting as a private enterprise. On the other hand, the same Chapter marginalizes the Muslim past while skewing the reinterpretation of the monument.”²⁰⁶ In some people’s minds, the Cabildo’s financial strategies—even if each one might not produce a profit—compound its questionable reputation given the way it has interpreted the Mosque-Cathedral’s past.

Regardless of the Cabildo’s ultimate intent behind the patent registration, its business activity became a key point of contention in the controversy. Protestors also criticized the Cabildo’s access to immense streams of tourist revenue altogether.²⁰⁷ The Cabildo collected almost 15 million Euros in fees from the approximately 1.9 million tourists who visited the space in 2017.²⁰⁸ In an interview in April 2015, Cabildo spokesperson José Juan Jiménez claimed that 30 percent of the annual revenues collected supported maintenance and conservation of the space, 30 percent supported their charity work, and the remaining 40 percent was allocated to nondescript domains, such as personal and faith-related deeds.²⁰⁹ This disclosure did not quiet the dissatisfied critics who maintain that under the secular state, the Church ought to be held to stricter standards of transparency. In response, Catholic scholars have defended their role by claiming that the

²⁰⁶ Jaime Jover Báez and Brian Rosa, “Patrimonio cultural en disputa: la Mezquita-Catedral de Córdoba,” 335.

“Así, por un lado, el Cabildo inmatricula y posteriormente explota la Mezquita- Catedral como producto cultural, actuando cual empresa privada. Por otro lado, el mismo Cabildo margina el pasado islámico mediante discursos sesgados que reinterpretan la historia del monumento.”

²⁰⁷ “Sign the Petition,” Change.org, accessed November 6, 2018, <https://www.change.org/p/salvemos-la-mezquita-de-cordoba-por-una-mezquita-catedral-de-todos>.

²⁰⁸ “La Mezquita-Catedral, Un ‘Regalo’ de 406 Millones de Euros Para La Economía de Córdoba - Iglesia En España - COPE,” November 6, 2018, https://www.cope.es/religion/actualidad-religiosa/iglesia-en-espana/noticias/mezquita-catedral-regalo-406-millones-euros-para-economia-cordoba-20181106_288407. Such visitor statistics are not easily trackable on the Cabildo’s websites, so this is just an approximation. The Tourist Bureau of Córdoba has more exact estimates, with the most recent from their report claiming 1,434,345 visitors to the site in 2013:

Ayuntamiento de Córdoba, “Plan Estrategico de Turismo de Córdoba 2015-2019,” 14, <https://www.turismodecordoba.org/plan-estrategico-1>.

²⁰⁹ Jover Báez and Rosa, “Patrimonio cultural en disputa,” 335.

Cabildo's maintenance helps to strengthen the local economy. In other words, the success of the Mosque-Cathedral has a positive ripple effect on the traffic and revenue of other spaces. Alejandro Cardenete, a professor at the University Loyola Andalucía, states, "if the Mosque-Cathedral did not exist, Córdoba would stop collecting 300 million Euros."²¹⁰ These kinds of arguments do not consider that the heavily profitable space could still generate revenue under state management.²¹¹

Conclusion: A Path to Argumentation

The early part of this chapter proved that the Cabildo and state developed diverging opinions on the proper ownership of the Mosque-Cathedral. Using the reports themselves, I showed that one major point of disagreement lies in the opposing interpretations of the space's initial consecration. The next chapter will examine additional sources, with a focus on the context behind the internal evidence that each of the reports used, to illuminate other contrasting themes. This chapter has also shown that Franco-era practices still affect practices in the post-transition era of democratic Spain. Most powerfully the LH and RH were strengthened by Aznar to ensure that Franco's property provisions survived his death. This explains why issues of ownership remain tenuous in the state today. Later on in the thesis, I will examine how the associations between Aznar's rule and the Cabildo's power contributed to the politicization of this historically focused investigation.

This chapter has considered the heavy role that secularist thought played in shaping the relationship between church and state. Church attempts to sustain or enhance its

²¹⁰ "La Mezquita Catedral genera casi 300 millones de euros en Córdoba," *El Mundo*, June 10, 2015, <https://www.elmundo.es/andalucia/2015/06/10/55781627268e3e713a8b4574.html>.

²¹¹ One such example of a report can be found in "La Mezquita-Catedral, Un 'Regalo' de 406 Millones de Euros Para La Economía de Córdoba - Iglesia En España – COPE." Jover Báez and Rosa, "Patrimonio cultural en disputa," 331.

religious powers and state-afforded privilege continued in spite of a nineteenth-century invasion as well as several subsequent instances of violent social upheaval in the nineteenth and twentieth centuries, culminating with the Spanish Civil War. Tracing the course of these unstable events in Spanish history today showed that the Church still maintains a special relationship with the democratic state. The next chapter will also examine news coverage and additional ecclesiastical scholarship to clarify the Cabildo's strategic approach to this power dynamic.

After considering church-state tensions that occurred within Spain's national narrative, this chapter outlined the evolution of opposition to Church authority on a local, and more recent, scale in Córdoba. Analyzing the brochures produced by the Cabildo, and its decisions registering patents along with other financial reporting proved that the institution still possesses enormous power to shape the outlook of the space. This chapter proved that criticism, and related calls for change, over the space emerged from these dual points of contention. Members of the Platform for All movement, as well as unaffiliated PSOE politicians, and members of the general public, find fault with the Cabildo's Catholic-focused story of the Mosque-Cathedral. Complaints were magnified and strengthened power once the Platform for All also circulated statistics and critiques of the Cabildo's financial management of the space. In summary, this chapter sought to explain why the Mosque-Cathedral controversy became highly popular and contentious by 2018. It did so by examining the Cabildo and state-sponsored committee reports, as well as records of Spain's national history. Now, I will transition to explicating the Cordoban Cabildo and state-sponsored reports in more detail to show how each entity articulated its argument, and each report's lasting effects on public history.

Chapter II: The Invocation of the Past in State and Church Reports

Introduction: Modern Controversy, Distinct Medieval and Nineteenth-Century Evidence

To understand the complexities of church-state relations in Córdoba one can start at the source itself and analyze the two contrasting documents made directly by state-sponsored and ecclesiastical members in Córdoba. While the reports were summarized in Chapter One, the central pieces of evidence that each group used requires further explication. As proven earlier, the state-sponsored committee uses the medieval past through the *Siete Partidas* as evidence; the nineteenth and twentieth-century records are cited in the Cabildo's contrasting defense. The subjectivities within the reports confirm that this property controversy prompted both groups to appropriate the past to support their agendas. This chapter moves beyond analysis of the language in each document to contextualize the motivations and backgrounds of the authors of each, and tracks the principal actors—politicians, religious officials, and scholars—in their responses cited in news coverage and the like. This chapter, in contrast to the previous, illustrates the political implications of the Cabildo and state-sponsored committee's arguments.

After interpreting the public reactions to both reports, I show that the heart of the wider disagreement lies in contrasting definitions of the underlying concept of public property. The committee used *Siete Partidas* citations to characterize public property as the domain of the state. It retains this status permanently unless it gets expressly transferred. The Cabildo's report, in contrast, argues that the Church oversaw public religious services and by extension had the right to control what it agrees was (and still is) labeled as a public space. In addition to public property discourse, this chapter shows that the issue of public ownership rights has become highly politicized. They have been

referenced in historians' and politicians' defenses of their own either staunchly pro-Church or pro-secularist methodologies. This fits into a larger theme of the politicization of historical narratives in Spain.

This chapter begins by taking a closer look at the key examples of medieval history cited in the state-sponsored committee's report. I also explicate public reactions to the state report and analyze the committee members' responses to criticisms of the report. Then the chapter briefly cites relevant aspects of the scholarship of each committee member that relate to the topics of Muslim Spain and the power of the Church. This section finds links between the report's argumentation and their personal academic writing styles. Similar strategies are next employed to understand how the Cabildo as an entity positioned its argument to preserve its special (privileged) status in society. While there are relatively fewer Cabildo sources available, analysis proves that both entities appropriate historical evidence to further their agendas. Due to this phenomenon, historiography of the medieval era as well as recent lenses of critiquing the Francoist era came to be cited and debated in public discussions. This chapter consequently shows that the approaches of recording and writing history—and the claims to ownership that used them as evidence—powerfully shaped popular opinions and resulting political and social activity in Córdoba.

This chapter contextualizes and further analyzes the citations within each of the reports from Chapter One to prove that the groups arrive at an irreconcilable impasse in the debate. In many instances in the reports, they critiqued each other using disparate, non-overlapping grounds of evidence, which led to each side practically discounting the entire argument and methodology of the other. The committee and Cabildo chose starkly different historical sources, which explains why the two reports featured clashing definitions of

public space and competing interpretations of the consecration of 1236. The differences in belief systems behind the reports facilitated the politicization of the controversy into a publicized bipartisan affair. Both groups were drawn into larger debates over the proper maintenance and ownership of key historical spaces, not only on a scholarly level, but also in the political arena.

The insights from analysis of both documents underscore the incompatibility of Church and state readings of Spanish history on a larger scale. Local property tensions like that of Córdoba, where the local bishop and other clergy have spoken out publicly, reflect variations on the national theme of church-state tensions.²¹² The Cabildo defends its ties to past conservative policies, including ones linked to the fascist past, that still exist within a democratic, secular state. While the Church supports the current religious tolerance policies in place in the democratic state, it benefits from its special relationship with the conservative bloc, the PP, that registered its property claims in 2006. The PSOE majority opposes the Church's unbalanced position that grants the institution access to power, and its arguments against the Franco-era property laws establish its defense in line with medieval evidence, rather than invoking legal policies of the recent past.

Invocations of Medieval History in the State-Sponsored Report

The *Siete Partidas* is selectively referenced to uphold the state-sponsored report's chronicling of events that took place decades prior to the legal code's publication. A long list of invocations enforces the committee's perspective that the Mosque-Cathedral is public property maintained by the state. To fully understand the way the committee uses

²¹² Gregorio Alonso, "'Aggressive Secularism' Reassessed: Spanish State-Catholic Church Relations (2004-2012) in Perspective," *Kirchliche Zeitgeschichte* 25, no. 2 (2012), 327.

this source, however, we must consider where its invocations are contradictory or otherwise incomplete. The discussion of the *Siete Partidas* does not acknowledge, however, that Alfonso X and his advisers only briefly addressed the topics of mosque ownership and conversion, and they also omit other relevant passages from the *Partidas*. The report defines the transfer of properties like the Mosque-Cathedral as taking place within a fixed church-state relationship. This means that the possibility of a shared ownership or division of responsibilities is under-explored. In addition, the state is characterized as statically occupying and maintaining public spaces, which strictly associates public domain with state control.

The committee upholds Alfonsine legal concepts, claiming that King Ferdinand III kept the default royal ownership and did not donate the space in 1236. Yet it is difficult to reconcile the first section that the report cites from the *Siete Partidas* code, which designates religious property as unable to be privately owned, with the second section, which permitted the ownership of mosques that could be (and often were) converted to religious Christian spaces as well. The committee, in its report, ignores the idea that converted religious spaces might be permitted to exist as private property. It opts to ignore the issue, rather than agree with, or disprove, the idea altogether.

The committee argued that Ferdinand III did not donate the Mosque-Cathedral to the Church.²¹³ In their view, the king would have carried out a formal property transfer, complete with written documentation of such a deed, if he had wanted to relinquish his holding. This explanation confidently assumes that property transfers were formally documented during the era of the Castilian kingdom. This is a tenuous assumption given

²¹³ Comisión de expertos sobre la Mezquita Catedral de Córdoba, "Informe," 4.

that the body of surviving documentation from this period is thin. To complicate the argument further, the committee neglects to provide evidence beyond the assertion that the absence of documentation signaled that “in the Cordoban case, there was no donation.”²¹⁴ What’s more, the state committee’s reliance on the idea of “public property” does not fully connect to concepts in the *Siete Partidas* itself.

Property in the *Siete Partidas* was less frequently discussed as falling into the domains of either public or private spheres, and more frequently referenced in terms of proofs of possession and ownership. The loopholes in these definitions suggest that the state committee simplified the medieval-era concept of property to complement its focused agenda. Furthermore, the bounds of property were not easily defined in the medieval era, however, as many of the *Partidas* define property as a variety of objects from slaves to buildings. Sections referring to property or ownership in some cases may actually be referring to exceptional cases. For example, parties who are in “possession” of something may continue to hold it even if they cannot prove that they formally own the property.²¹⁵

Even more powerfully, the *Siete Partidas* directly states that there is a possibility for groups who took control and continue to inhabit or use property to receive legal protection, even if they could not prove their entitlement using written evidence.²¹⁶ This loophole could arguably be extended to justify the Cabildo’s report.²¹⁷ To complicate matters further, the committee upholds the validity of the *Siete Partidas* without acknowledging the fact that, as described in the previous chapter, the code was not

²¹⁴ Comisión de expertos sobre la Mezquita Catedral de Córdoba, “Informe,” 5.

²¹⁵ Samuel Parsons Scott, Robert I. Burns, and Alfonso X King of Castile and Leon, *Las Siete Partidas: Law XXVIII of Part III, Title II*, 550.

²¹⁶ Samuel Parsons Scott, Robert I. Burns, and Alfonso X King of Castile and Leon, *Las Siete Partidas*, 546; 549.

²¹⁷ While this argument seems straightforward, the Church itself does not seem to reference the *Siete Partidas* in its published responses, as we will see later on.

promulgated until years after the mosque's conversion to use as a cathedral. The complexities of the *Partidas* prove the limits of the state committee's cohesive argument. It suggests that the select invocations from the behemoth code intentionally crafted a pragmatic argument. This chapter will show how the simplified, pro-state narrative in the report lent itself to usage in political argumentation as well.

Assumptions in the Committee Report's Definition of Public Spaces

To prove that the Mosque-Cathedral has always been a public holding, in the report the modern definition of "public property" is carried over to fit the Castile of yore: "However, in light of the documentation of historic conservation efforts, we can affirm not only that the Catholic Church cannot demonstrate ownership of the building, but also that there are numerous indicators that lead us to think that it was not donated as property by Ferdinand III [to the Cabildo]."218 The report details the era of Muslim rule in Córdoba to argue that the state controlled the space early on: "Already in the era of al-Andalus, they considered their Mosque common property of the city, a sentiment that has remained strong throughout time and up until today."219 The committee members imply that the style of rule could have carried through to the Castilian state, arguing that "...the authorities always had an active and fundamental role in the control and maintenance of the same [space]."220

218 Comisión de expertos sobre la Mezquita Catedral de Córdoba, "Informe," 4.

"Sin embargo, a la luz de la documentación histórica conservada, podemos afirmar no sólo que la Iglesia Católica no puede demostrar propiedad del edificio, sino que hay numerosos indicios que nos llevan a pensar que no se produjo donación de propiedad por parte de Fernando III..."

219 Comisión de expertos sobre la Mezquita Catedral de Córdoba, "Informe," 3.

"...Ya en época andalusí, consideraban su Mezquita, patrimonio común de la ciudad, un sentimiento que se ha mantenido vigente a lo largo del tiempo y que hasta el día de hoy."

220 Comisión de expertos sobre la Mezquita Catedral de Córdoba, "Informe," 3.

"...que las autoridades públicas siempre hayan tenido un papel activo fundamental en la gestión y mantenimiento del mismo."

In addition to its selective citations of the *Siete Partidas*, the church and state committee reports also partitioned Church and state roles to an extreme level in their writing. The state report repeatedly discounts the argument that the Church owned the Mosque-Cathedral space by pointing to examples of state involvement in conducting rites, approving and carrying out physical construction, and supporting public visitation to the site. In structuring such an argument, the report positions the entities of Church and state as having mutually exclusive access to ownership. It states, “In the Cordoban case, the lack of reference to a partition of the Mosque Cathedral between the king and the Church shows that not just a single part, but actually the entire space must have been royal property.”²²¹ The medieval kings of Castile are discussed as if they were separate rulers from the authority of the Catholic Church. Yet the notion that any kings or queens in power in the fourteenth or fifteenth century would have deemed a formal partition necessary and useful to regulate the actions of the closely-tied Spanish Catholic Church, is surprising. More likely than not, the monarch and the Church at this time would not have undertaken responsibilities like carrying out conversions and observing religious holidays without considering the corresponding authority. For example, the monarchs in control of the Crown in the fifteenth century believed religious duties lay at the core of their responsibilities. Responsibilities were shared across Church and state by this time, which enabled the advent of the Inquisition campaign of intense religious persecution.²²² The

²²¹ Comisión de expertos sobre la Mezquita Catedral de Córdoba, “Informe,” 6.

“En el caso cordobés, la falta de referencia alguna a partición de la Mezquita Catedral entre el rey y la Iglesia nos indica que no solo parte, sino la totalidad del conjunto debía de seguir siendo propiedad real.”

²²² The institutions of church and state inarguably ended up being inextricably tied to one another to execute a series of violent persecution-filled campaigns in the reign of Queen Isabella and King Ferdinand by the fifteenth century, most dramatically through their launch of the Inquisition. The Inquisition targeted non-Catholics to strengthen the identity of the newly unified kingdom and solidify Church and state authority into one impenetrable institution.

Inquisition strongly allocated both church and state powers to the Castilian crown, and the concept of divine right to rule existed for years prior to the reign Ferdinand and Isabella.

The committee essentially devised a simplified definition of the Cordoban state. It uses the umbrella term of “state power” to distinguish between Church and state authority. Terms like the Crown, the state, the Municipal Council (*Concejo*), and the city government (*ayuntamiento*) are all used to refer to state governing power without clarifying the distinctions associated with each.²²³ This interpretation is questionable given that the concept of the state carried distinctly different meanings over time. For example, when discussing ownership in the medieval era, the report states that “The building would continue to be linked to the State (in this case, the Crown of Castile).”²²⁴ In this instance the committee interchanges the terms State and Crown, though in the twenty-first century the state came to represent a democratic government that is separate from the Church.

The definition of state power in the report somewhat contradicts a reference it makes to the architectural expansions to the Mosque-Cathedral in 1523. In that year, the Cordoban municipal government received permission from the bishopric to begin the first round of changes to the space. This part of the report argued that the bishopric’s authority was not purely ecclesiastical and outside the domain of public ownership but rather an extension of the state. It does so by tracing its jurisdiction back to the ultimate state power of the time, the king. The report acknowledges that the bishopric wielded considerable power, “thanks to its special relationship in the Court of [King] Carlos...” where it elicited

²²³ Comisión de expertos sobre la Mezquita Catedral de Córdoba, “Informe,” 6; 16.

²²⁴ Comisión de expertos sobre la Mezquita Catedral de Córdoba, “Informe,” 3.

“...el edificio va a continuar ligado al Estado (en este caso, a la Corona de Castilla)...”

“royal permission.”²²⁵ The bishopric received royal permission to help the state in its goals to alter public property. In this instance and others, the committee still separates local power—the authority of the municipal government that undertook the renovations—from the supreme monarchy of King Carlos I. In these parts, the lack of distinction between multiple state and governing entities leaves the reader uncertain of where state authority actually emerged and evolved over time.

As previously stated, the report ignores the transfer of the particular authority that maintained public property over time. The committee’s chronological analysis is particularly lacking in the discussions of twentieth-century Spain. The committee largely overlooks the scope of Francoist projects on popular tourist monuments and Franco’s attempt to revise property law, which shaped present-day notions of state property, and directly preceded the 2006 property law. Nonetheless, the report concludes that “...at least since the last quarter of the twentieth century there seem to be few doubts that the Mosque-Cathedral is property of the state, [and] that the Catholic Church can use it for prayer.”²²⁶ In conclusion, the committee uses predominantly medieval-era evidence, intentionally curated to support its defense of restoration to state ownership, and adds select modern examples that further this agenda.

The committee also cites several cases where the local government funded architectural additions to the space. One such example covers the history of the Patio of the Oranges in the twentieth-century. “[T]he generalization of the idea that the Mosque-

²²⁵ Comisión de expertos sobre la Mezquita Catedral de Córdoba, “Informe,” 6-7.

“...por su especial relación personal en la corte de Carlos I, licencia real” (7).

²²⁶ Comisión de expertos sobre la Mezquita Catedral de Córdoba, “Informe,” 14.

“...Al menos hasta el último cuarto del siglo XX parece que pocos dudan de que la Mezquita Catedral es propiedad del Estado, que la Iglesia Católica puede utilizar para el culto.”

Cathedral is public is clearly shown by the intention of the Royal Academy of Córdoba that, with the help of the city government...in 1927 created a Public Library of Gongora in the Patio of the Oranges.”²²⁷ While the government’s authority over the construction of the library is unquestionable, the only certain significance it holds is that it proves the church and state authorities worked closely. Crucially, however, the report did not offer evidence to prove that the Church could not have owned the space while the state was commissioning changes to it. Again, church and state entities were in close connection throughout most of Spain’s history, and it is highly difficult to separate the distinct responsibilities of either institution. As a result, the permission of state authority to restructure one section at one point in time may not imply that they received rights to an entire space for public use. Given its invocation of the Patio of Oranges among other examples, one can see the bounds of subjectivity the state-sponsored committee crafts in its report. Like other actors who participated in the Mosque-Cathedral controversy, the committee circulated its own, limited version of the history. In the report, the committee spent less time discrediting the evidence cited by the Cabildo than it did incorporating criteria into its isolated narrative.

Echoes of the State-Sponsored Committee in News Responses

In addition to the reports themselves, newspapers serve as relevant primary sources in chronicling the property dispute because they documented the formation and reporting of this committee and the Cabildo’s reactions. Major national newspapers such as *El País* (*España*) and *El Diario*, as well as local publications, interviewed the committee members, other historians and experts, activists, and even clergy officials. Several articles cite

²²⁷ Comisión de expertos sobre la Mezquita Catedral de Córdoba, “Informe,” 11.
 “...La generalización de la idea de que la Mezquita Catedral es propiedad pública da buena cuenta la intención de la Real Academia de Córdoba de que, con ayuda del Ayuntamiento...en 1927 se cree una ‘Biblioteca Popular Góngora’ en el Patio de los Naranjos.”

members of the Platform for All (Plataforma por Todos), the same group that had organized the online petition to investigate the Church's title in 2014, which proves it continued to be relevant in the public eye.²²⁸

In an article revisiting the actions of the original Platform for All-issued petition, the Legal Defender of the People (a government position), Jesús Maeztu, sided with the protestors when he argued that the Church's right needed to be reassessed.²²⁹ According to Maeztu, the unchecked power given to the Church to change physical parts of the Mosque-Cathedral could alter historic roots of the originally Muslim prayer space.²³⁰ For this reason he said the 2014 petition ought to carry weight: The Mosque-Cathedral should remain unchanged aesthetically, and the Church's ability to single-handedly effect structural changes to the space ought to be curtailed. Maeztu brought up questions of historical integrity: What does it mean to preserve history, and to what extent are structural modifications of spaces alterations of their physical history? He found the issue dire, as he believed the Cabildo possibly intended to disrupt and erase facets of the Muslim architecture.²³¹ His musings set in motion a precedent of engaging in popular debate on issues as complex as the original right to ownership of medieval spaces. Maeztu saw a need to establish limits to the Church's power to preserve the original Muslim elements; he emphasized that the Church would always have conflicting interests. Maeztu's argumentation encouraged any supporters of the cause to revisit and interpret the medieval

²²⁸ Javier Martín-Arroyo, "La comisión de expertos recomienda anular las inmatriculaciones con un recurso al Constitucional", *El País*, September 15, 2018, https://elpais.com/sociedad/2018/09/15/actualidad/1537021098_353014.html.

²²⁹ El País, "La Junta de Andalucía evita pronunciarse sobre la titularidad de la Mezquita de Córdoba desde 2014," *El País*, January 27, 2018, sec. Política, https://elpais.com/politica/2018/01/27/actualidad/1517070367_508587.html.

²³⁰ El País, "La Junta de Andalucía evita pronunciarse."

²³¹ El País, "La Junta de Andalucía evita pronunciarse."

past themselves, which grounded the debate in historical invocations months before the committee ever convened.

Carmen Reina's journalistic exposé, "El informe de expertos sobre la titularidad de la Mezquita de Córdoba concluye que nunca perteneció a la Iglesia," directly cites the language of the committee's published report and contextualizes the controversy by describing Aznar's property reform of 2006.²³² This summary also touches on the Cabildo's direct response to criticisms that they had no official documentation to present. *El País* also documented the unfolding controversy. Javier Martín-Arroyo, "La comisión de expertos recomienda anular las inmatriculaciones con un recurso al Constitucional," emphasizes the Mosque-Cathedral's status as a UNESCO world site in tracing the appointment of Carmen Calvo, vice president of the federal government, alongside the experts to write the report.²³³ Each reporter informed the public of the noteworthy characteristics featured in the state-sponsored committee's report. Certain features of its argumentation, like UNESCO's role, were emphasized more heavily.

In addition to government officials, pre-existing academic and social organizations in Andalusia critiqued the committee's final finished product. This re-linked the committee members and their report to the sphere of academic influence. After the report was released, multiple critics echoed the realization that the committee's application of medieval concepts to contemporary society was a flawed approach. "Here the authors made multiple errors, interpreting the law of the Middle Ages from a present-day perspective, which was

²³² Carmen Reina, "El informe de expertos sobre la titularidad de la Mezquita de Córdoba concluye que nunca perteneció a la Iglesia," *El Diario*, September 15, 2018, https://www.eldiario.es/andalucia/cordoba/expertos-titularidad-Mezquita-pertenecio-Iglesia_0_814718611.html.

²³³ Martín-Arroyo, "La comisión de expertos recomienda anular las inmatriculaciones con un recurso al Constitucional," *El País*.

a glaring error, especially given that there was at least one historian within the group of authors.”²³⁴ This strongly worded critique reflects the views of Rafael Sánchez Saus, a cathedral historian at the University of Cádiz, and this stance is shared by multiple other interviewees, including other historians at Spanish universities. Sánchez Saus argues that the group ought to have known better than to transplant centuries-old logic into contemporary discussion without extensive contextualization.

Complaints like those made by Sánchez Saus criticize the interpretative lens the committee used as too flexible. Sánchez Saus argues that the committee applied a modern legal and historiographical perspective to look back on the past, which resulted in the citation of medieval evidence to fit modern interests. In his view, such an approach is overtly subjective and reflects a biased process of deliberation that would not stand in a court of law, as it does not investigate the viability of any medieval chronicles or other sources that acknowledged the Church’s potential role in occupying and maintaining the space.

Cabildo Responses to the Committee Report

News coverage of the Cabildo’s stance and its indirect responses to the state-sponsored report confirm that the institution established a more muted approach than the protestors and government officials did. Since 2014 the Cabildo has been relatively quiet, releasing few statements on its own website as well as newspaper responses. The Cabildo has focused on confirming the narrative already established in its own report instead of

²³⁴ La Razon, “Mezquita de Córdoba, un informe bajo sospecha,” *La Razon*, September 16, 2018, <https://www.larazon.es/religion/un-informe-del-ayuntamiento-de-cordoba-defiende-que-la-mezquita-nunca-fue-de-iglesia-DE19849596>.

“Aquí los firmantes cometen varios errores, entre ellos interpretar el derecho de la Edad Media con los ojos de hoy, un error de bulto, sobre todo cuando al menos hay un historiador entre los autores.”

critiquing the state-sponsored group's historical framework. And the Cabildo's website still features a link to its 2014 report. This implies that the institution maintains its stands by its arguments it posited in favor of the nineteenth and twentieth century, especially Franco-era, property laws that are still in place in Spain.

In addition to its maintenance of a nineteenth- and twentieth-century historical argument, the Cabildo has opted to avoid responding to the call by the state committee to provide documentation of its holdings. The Cabildo states that it will only provide document-based evidence if legal proceedings end up taking place. The Cabildo established this position prior to the publication of the state report to deter unfavorable counter-arguments. The Deacon of the Cabildo, Manuel Pérez Moya, quickly responded to news of the committee's organizing by claiming that the Cabildo had sufficient documentation. They would only offer this evidence, however, before a judge:

The Church's level of confidence was echoed in claims that they did have supporting physical documentation as evidence. The deacon-president of the Chapter of the Cordoban Cathedral assured on Tuesday that the ecclesiastical organization held 'well-kept' documents that demonstrated the title ownership accrediting the Mosque-Cathedral.²³⁵

Though Pérez Moya confidently asserted that documents were available, the validity of his statement will remain unchecked so long as the state does not initiate a formal investigation of the ownership claims.

Though the Cabildo's bounds of evidence consistently reference the modern era, it made a noteworthy reference to the medieval past last year. This instance proved that both

²³⁵ Alejandra Luque, "La Iglesia dice tener documentos que acreditan que es titular de la Mezquita de Córdoba," *El Mundo*, September 18, 2018, <https://www.elmundo.es/andalucia/2018/09/18/5ba12111468aebb16b8b45e4.html>.

"El deán-presidente del Cabildo de la Catedral de Córdoba ha asegurado este martes que la institución eclesiástica tiene 'bien guardaditos' los documentos que acreditarían su titularidad de la Mezquita-Catedral."

sides analyze the same periods of history differently, too. In these instances, the Cabildo and state-sponsored committee's views appear to be irreconcilable. In an article published in *El Mundo* in September 2018 that responds to criticisms made by both the committee and the Platform for All coalition, the Church makes explicit connections to medieval history to acknowledge how the state intentionally set aside the monument for ecclesiastical ownership. This argument is very similar to the section on the consecration within the 2014 report:

The State Legal Bureau has already showed that no one questioned Ferdinand III's role, after the Conquest of Córdoba in 1236, in deciding to consecrate the Mezquita and convert it into the Cathedral of the city, and since then even though the church has managed it, the State, as well as other public administrations, has collaborated and enabled this same level of conservation and upkeep in the modern era...²³⁶

When responding to journalists' questions, the Church confidently stated that a documented donation of the Mosque from the king to the Church took place around 1236.²³⁷ The consecration, the Cabildo argued, established the Mosque-Cathedral as a publicly accessible house of worship. In its opinion, this status implies that the Church would have maintained the space throughout recent centuries. In the Cabildo's opinion, its role in maintaining the space is proof enough of its ownership. To substantiate its claims, it leaned on its own definition of Church-run spaces as public property to make a defense. The Cabildo argued: "What is public space? Let us clarify this. There is a right to property that can be attributed to an individual person or to societies, in this case the Church. We

²³⁶ Reina, "El informe de expertos sobre la titularidad."

"la Abogacía del Estado ya señala que nadie cuestiona que Fernando III el Santo, tras la conquista de Córdoba en el año 1236, decide que la Mezquita sea consagrada y convertida en Catedral de la ciudad, y desde entonces la Iglesia es quien gestiona la misma, si bien colaborando con la misma en su conservación y mantenimiento, ya en la época moderna tanto el Estado como otras administraciones públicas, y ello dada su condición de bien de patrimonio histórico."

²³⁷ "El Cabildo de Córdoba solo entregará 'a un juez' los documentos que avalan que la Mezquita-Catedral es de la Iglesia," *ABC Sevilla*, September 19, 2018, https://sevilla.abc.es/andalucia/cordoba/sevi-cabildo-cordoba-solo-entregara-juez-documentos-avalan-mezquita-catedral-iglesia-201809191142_noticia.html.

have immense belief and faith in our State to recognize this right....”²³⁸ The committee defined its own understanding of public space. In doing so, it critiqued the Church’s definition of public space as defined for the wholly Christian public and owned by their clergy by association.²³⁹ They also relied on past judicial cases in their defense, having also written that the courts and administration recognized that the “combined Mosque-Church monument” is the Church’s property in several instances.²⁴⁰

The Committee Discredits the Cabildo’s Strategy

The state-sponsored committee’s rejection of the Cabildo’s claims proves that the committee discounts the Cabildo’s authority to command historical evidence. In its responses, state-sponsored committee members remained skeptical that any Church documents have survived and could still be used as compelling legal evidence. Such monumental documentation, they believed, would not have escaped direct mention by state historians in their own notetaking. A committee member himself, García Sanjuán, wrote, “Could someone really believe that if a building this extraordinary had been given to the church, authors from the church organization who were very close to the king would have acknowledged the gift without well-documenting the event?”²⁴¹

García Sanjuán suggests that the Cabildo would have provided its evidence already, should it exist. He does not go into possible explanations for why the Cabildo might hold

²³⁸ Morán Breña, “El Gobierno exigirá los bienes públicos que la Iglesia ha puesto a su nombre.” Spanish quote: “¿Qué es dominio público? Aclarémoslo. Hay un derecho de propiedad de quien puede ser sujeto una persona individual o sociedades, en este caso la Iglesia’. ‘Así que, inmensa tranquilidad y confianza en nuestro Estado de derecho....”

²³⁹ Luque, “La Iglesia Dice Tener Documentos Que Acreditan Que Es Titular de La Mezquita de Córdoba | Andalucía.”

²⁴⁰ Reina, “El informe de expertos sobre la titularidad.”

²⁴¹ Alejandro García Sanjuán, “La propiedad de la Mezquita de Córdoba: una historia tergiversada,” *El Diario*, September 20, 2018, https://www.eldiario.es/andalucia/enabierto/propiedad-Mezquita-Cordoba-historia-tergiversada_6_816528342.html.

documentation but could not want to release it. One plausible reason why is that the Cabildo might be uncertain of the authenticity of its sources. This worry makes sense in light of the waves of pressure that churches worldwide historically faced when releasing documents, and on occasion, discover that their sources were forged. The most prominent of these instances, and the reason why some institutions stick to classified document-keeping as a result, was the uncovering of the Donation of Constantine in the fifteenth century. In this instance, alleged documentation of Emperor Constantine's transfer of property to the Pope in the fourth century A.D. was proven false.²⁴² Lorenzo Valla's scholarly work in disproving the donation's validity still lingers as a cautionary tale to ecclesiastical scholars in some cases. This example may still influence the Cabildo archivists at the Mosque-Cathedral.

The way both sides discount each other's arguments suggests accepted hierarchies of historical evidence. For one, the state committee prioritizes the medieval evidence over citations of the RH and LH. The committee even went as far as to directly characterize the Cabildo's entire approach as unconvincing and non-historical. In its report, the state-sponsored committee also characterized the Cabildo's argumentation as purely ideological and therefore judicially unsound. "The historians claimed that the control of the monument was based on 'professional criteria'...and not 'confessional' ones."²⁴³ The committee's own evidence from the 2018 report, in contrast, was historically focused. In their purview medieval examples are legitimately professional whereas professed Cabildo claims of

²⁴² Edwin M. Yoder, "The Faux Arts: Variations on a Theme of Deception," *The American Scholar* 80, no. 1 (2011), 109–10.

²⁴³ Javier Martín-Arroyo, "La Mezquita de Córdoba no es de los obispos, según un comité oficial." "Los historiadores reclaman que la gestión del monumento se haga bajo 'criterios profesionales'...y no 'confesionales.'"

ownership without displaying evidence can be criticized as “a-confessional.” These earlier sources, they imply, are more focused on select professional criteria. This distinction presupposes a controversial hierarchy of historical evidence, with medieval sources taking precedence over Franco-era and other more recent material.

Committee Members’ Historiography

Examining the committee members’ backgrounds in historical research ties their stances in the report back to larger disputes about historical legitimacy. Their subjective perspectives expressed beyond the report, in other published material, reinforce one’s awareness that interpretations of Spain’s past are continually re-invoked for pragmatic purposes. All of the committee members—especially the two historians—engage in, and accordingly shape, discussions on the ownership of Spanish religious spaces through their research. History is inarguably subjective, and acknowledging this fact is central to proper historical analysis, as well-known medievalist Peter Linehan argued, saying of historians from the medieval era: “These authors were pragmatists in the service of specific ideologies. History had a job to do. It still does.”²⁴⁴ This statement carries contemporary relevance. In present-day discussion, debates often still arise over two topics: the proper way to chronicle and reference the religious persecution of minorities, and the ideal function and power of the Catholic Church over time in post-Franco Spain. Studying such controversial topics has a palpable impact on the present-day political framework in Spain. These historians’ and others’ writing has inspired popular political rhetoric and campaign strategy. For this reason, the study of medieval, especially Muslim, history can be a high-

²⁴⁴ Peter Linehan, *History and the Historians of Medieval Spain* (Oxford; Oxford; New York: Clarendon Press; Oxford University Press, 1993).

stakes endeavor. Articles related to this controversy attracted more attention, including political reactions, than the average publication. One committee member who partook in historiographical discussions is García Sanjuán, who has identified and critiqued his peers for minimizing the Muslim history of medieval predecessors on the peninsula.

In his work on the Reconquista period, García Sanjuán has addressed the limited impact of past historians who craft religiously motivated narratives. He pointed out the risks of oversimplifying history to advocate the telling of a pluralist Spanish history. García Sanjuán argues that pro-Catholic historiography, from the nineteenth century to today, has contributed to the “denigration of al-Andalus” in historical memory.²⁴⁵ He claims that historians have a responsibility to further showcase the problematic elements of the medieval period, including, for example, stark interpretations of Ferdinand III as a tyrant on one hand and a bumbling ruler on the other.²⁴⁶ In his eyes, historians like Serafín Fanjul and Sanchez Albornoz have associated the era of Muslim rule in the region as radically opposed to the existence and freedoms of non-Muslim religious groups, principally Christians.²⁴⁷ His criticisms have the potential to influence his academic colleagues as well as populist ideologues.

In directly calling out historians who established interpretations of medieval history as the triumph of the Christian populace, García Sanjuán indirectly criticizes religious conservatives. The notion of the Catholic-conservative as storyteller and by extension policy maker are called into question. He wrote, “Spanish historiography comprises a

²⁴⁵ Alejandro García Sanjuán, “La persistencia del discurso nacionalcatólico sobre el medievo peninsular en la historiografía española actual,” *Historiografías*, no. 12 (December 27, 2017), 137-139, https://doi.org/10.26754/ojs_historiografias/hrht.2016122367.

²⁴⁶ García Sanjuán, “La persistencia del discurso nacionalcatólico sobre el medievo peninsular en la historiografía española actual,” 148.

²⁴⁷ García Sanjuán, “La persistencia del discurso nacionalcatólico,” 140.

privileged scope given its continuation of a peculiar synthesis of both of the elements that represent national Catholicism.”²⁴⁸ García Sanjuán argues that since the Spanish state modernized in the nineteenth century, the combined forces of religion and nationalism have produced an ideology that has remained popular. He criticizes the effects of pro-Christian historiography on the popular narratives of the Middle Ages and the Reconquista, saying that their legitimate campaign to save authentic Spanish identity is exclusionary and discriminatory.²⁴⁹

García Sanjuán’s scholarly writing even directly targeted a central actor in the Mosque-Cathedral controversy, José Maria Aznar. In a 2017 journal article, García Sanjuán referenced a relatively well known speech given by Aznar at Georgetown University in 2004.²⁵⁰ In his speech, Aznar used the term Reconquista to advance his goals of preserving the nationalist and Catholic character of Spain, an ideology García Sanjuán characterizes as “nacionalcatolicismo.”²⁵¹ García-Sanjuán criticizes Aznar’s approach to telling history, implicitly his role as a politician to show that pro-Catholic labels attached to the Reconquista can negatively inspire anti-Muslim sentiment in Spain today. García Sanjuán also criticizes this same speech in another article, “Rejecting al-Andalus, exalting the Reconquista,” and particularly finds fault with Aznar’s assertion that the Muslims should apologize to the Pope for having conquered Spain, rather than the Pope himself

²⁴⁸ García Sanjuán, “La persistencia del discurso nacionalcatólico,” 133.

“La historiografía española constituye un ámbito privilegiado para el estudio de su permanencia, dada la peculiar síntesis de ambos elementos que representa el nacionalcatolicismo.”

²⁴⁹ García Sanjuán, “La persistencia del discurso nacionalcatólico,” 134.

García Sanjuán’s argument has been reflected in other historians’ arguments against pro-Catholic historiography. Melo Carrasco, citing the work of José Alvarez Juncos, states, “all the historiographic discourse was destined to show that the Spanish nationalism was formed by the Catholic religion (Álvarez Juncos 2001, 429).”

²⁵⁰ García Sanjuán, “La persistencia del discurso nacionalcatólico,” 149-150.

²⁵¹ Alejandro García Sanjuán, “La persistencia del discurso nacionalcatólico,” 149.

apologize in response to popular pressures.²⁵² He dismisses Aznar's approach, stating that Aznar and his collaborators' interpretation of the Reconquista contributed to the most stale, even "rancid" (*rancia*) version of Spanish nationalist-Catholicism available.²⁵³ García Sanjuán politicizes his stance when quoting an amendment introduced by Aleix Vidal-Quadras at a Congress of the PP that would emphasize Spain's Christian and Visigothic roots. García Sanjuán wrote, "This text clearly reveals the open commitment of PP, Spain's most important right-wing political party, to the notion of Reconquista. This reality is a common feature across the conservative ideological spectrum in Spain."²⁵⁴

García-Sanjuán argues, "some of the most important recent affirmations of exclusionary historical memory regarding al-Andalus have been made by members of that institution [historians]."²⁵⁵ He believes that he and other scholars have a responsibility to restore historical memory to a proper state of diversity. And this need is most pressing, he writes, in the cases of historical monuments.²⁵⁶ García Sanjuán directly calls on a diversity of historical perspectives to be encompassed into the Alhambra in Granada and the Mosque-Cathedral of Córdoba, stating, "It seems reasonable to call for the greater involvement of scholarly specialists in rebutting the myths, prejudices, and distortions associated with the notion of Reconquista, in order to promote a more balanced reading of the medieval Iberian past."²⁵⁷ García Sanjuán recognizes the power of historians to shape

²⁵² García Sanjuán, "Rejecting Al-Andalus, Exalting the Reconquista: Historical Memory in Contemporary Spain," *Journal of Medieval Iberian Studies* 10, no. 1 (January 2, 2018), 133-34, <https://doi.org/10.1080/17546559.2016.1268263>.

²⁵³ García Sanjuán, "La persistencia del discurso nacionalcatólico," 149-150.

²⁵⁴ García Sanjuán, "Rejecting Al-Andalus, Exalting the Reconquista," 134-35.

²⁵⁵ García Sanjuán, "Rejecting Al-Andalus, Exalting the Reconquista," 136.

²⁵⁶ García Sanjuán, "Rejecting Al-Andalus, Exalting the Reconquista," 141.

²⁵⁷ García Sanjuán, "Rejecting Al-Andalus, Exalting the Reconquista," 141.

current-day attitudes towards Spain's past. In the process, he crafts his own interpretation of medieval dynamics.

Another committee member, Federico Mayor Zaragoza, is a staunch defender of the separation of church and state. Mayor Zaragoza occupied a high-ranking position in the United Nations, an indicator of his level of comfort working with and perhaps even promulgating liberalist ideals, but he also had experience under a variety of administrations. In fact, he started his political career in the Franco era and it appears, though few sources opt to include this part of his life, that he worked in 1974 for the fascist Secretary of Education.²⁵⁸ During this period, Mayor Zaragoza developed his expertise in education and science-based policy, a specialty that fit with his academic career in biology. Mayor Zaragoza then served as the Minister of Education and Science from 1981 to 1982.²⁵⁹ Later, he moved on to international politics by serving in European Parliament in 1987 before transitioning to the role of Adjunct Director-General of UNESCO from 1978 to 1987.²⁶⁰ Following this post, which was arguably the height of his political career, Mayor Zaragoza kept his ties to UNESCO and maintained a public profile, even at one point running for Cordoban mayor and losing. Mayor Zaragoza can be viewed as a secularist through his present-day involvement in the Foundation for the Culture of Peace.²⁶¹ This demonstrates his commitment to secularism outside of a local setting as well as a national focus—in his work and in interviews he remains a committed champion of religious

²⁵⁸ “Desvelar un pasado que pasa y pesa,” *Andalán.es*, November 8, 2013, <http://www.andalan.es/?p=8096>.

²⁵⁹ “Excmo. Sr. D. Federico Mayor Zaragoza - Real Academia Nacional de Medicina,” *Real Academia Nacional de Medicina de España*, accessed February 25, 2019, <https://www.ranm.es/academicos/academicos-de-numero/101-excmo-sr-d-federico-mayor-zaragoza.html>.

²⁶⁰ “Federico Mayor Zaragoza,” accessed February 25, 2019, *Demospaz*, <http://www.demospaz.org/front-page/miembros/federico-mayor-zaragoza/>.

²⁶¹ R. Aguilar, “El quién es quién del comité de expertos sobre la Mezquita-Catedral de Córdoba.”

freedom and related rights in Spain. He has publicly and directly critiqued Franco-era policies in past defenses of secularism.²⁶²

Another member of the committee, Carpio Dueñas, is not principally a religious historian. By virtue of his scholarship he does not appear to delve into criticism of historians' past interpretations of Catholic and Muslim rule, nor does he make value judgments in his own writing. In his domain as an archaeologist and historian he does not appear to consider the questions of Muslim versus Catholic spaces or attitudes of discrimination in secondary sources.²⁶³

On the whole, the committee members themselves have disclosed their involvement with local and even federal politicking as PSOE affiliates, arguably as members. Given their ties to the PSOE, the committee members can be associated with a side of the discussion that values plurality and the enhanced role of the state government. The strategies suggested within the report, created with the ultimate goal of enabling state ownership of the space, would (if implemented) raise the power of the current local party in office, the socialist PSOE. From the perspective of a skeptical viewer, the involvement of publicly recorded politicians in crafting a relatively measured, emotionless report is questionable. Many scholars are politically affiliated, and the report's writers have occupied smaller municipal positions. Again, it would be impossible to read the historical evidence within the state-sponsored committee's report separately from the politically-charged methods of interpretation that the entity used.

²⁶² Plataforma Mezquita-Catedral, *Federico Mayor Zaragoza Habla de La Mezquita-Catedral de Córdoba*, accessed February 18, 2019, <https://www.youtube.com/watch?v=VzIyIxUR0IA>.

²⁶³ José Carpio Dueñas, *La tierra de Córdoba : el dominio jurisdiccional de la ciudad durante la baja Edad Media*, phd. diss (Córdoba, España: Universidad de Córdoba, 1999).

The PSOE and the PP define themselves in relation to the past; in doing so, each party focuses centrally on role of religion in modern-day Spain. Their ideals are tied unwaveringly to the past, and they create links between the democratic modern period and earlier governmental structures to gain citizens' support. The report mentions that most Cordoban residents feel strongly supportive of and connected to the Mosque-Cathedral. This local sentiment is common among a diverse array of Spaniards who, like people everywhere, are attached to their regional history; in federal politics, leaders appeal to these values in their policies to protect or transfer ownership of historical landmarks. As Chapter One outlined, the Church is more aligned with the most prominent right-wing party in Spanish government, the PP, that has enabled an increase in its property holdings. The PSOE in contrast has actively embraced multiculturalism to advance European Union and other regional policies and has also advocated for increased state governance within each junta and on the federal socialist level. Their renovations of Spanish identity call for embracing Spain's Muslim past and honoring minorities, at the potential expense of the Church's power.

The state-sponsored report distills a subjective interpretation of the historical past—not merely as food for thought—but as an ideologically and legally functional platform in a society that has completely distanced itself from the Catholic monarchs, Ferdinand and Isabella, of the fifteenth century. The committee's resulting decision can be interpreted as a victory for supporters of a secular state who espouse weakening the vestiges of Catholic power in Spanish government; they see the Catholic Church as hindering the progress of a

state-focused socialist agenda, and the Church in turn trusts a more conservative government model.²⁶⁴

Conclusion: The Effects of Invoking the Past

Analysis of the subjectivity within the state-sponsored committee's report, in addition to that of the Cabildo, reminds the reader of how Spanish history is invoked in a wide swathe of debates for distinctly partisan means. Incorporating past narratives into present ideology is a fundamental part of growing the power and legitimacy of a cause, and the major national political parties in Spanish national government rely on this technique. The bounds of evidence cited in both reports proves that medieval history retains significance in current-day debates. This is all the more relevant since both entities' arguments have been mobilized by political actors. The decision of the state-sponsored committee to nullify the Catholic Church's ownership as unfounded in legal precedent demonstrates the continued respect for and legal relevance of medieval ownership claims in Córdoba.²⁶⁵ The diverging interpretations by Cabildo and state of the 1236 consecration underscore the lasting disagreements on the proper role of ecclesiastical power in Spanish society.

In contrast to the medieval focus, the Cabildo almost completely relied on more modern evidence. In upholding nineteenth and twentieth century laws, the Cabildo situated its evidence largely in the modern time period, though it holds the consecration of 1236 as the initial event whereby the Church obtained ownership of the Mosque-Cathedral. While the Church has stayed out of direct correspondence with the members of the Platform for

²⁶⁴ Xosé-Manoel Núñez Seizas, "Conservative Spanish Nationalism since the early 1990s," in ed. Sebastian Balfour, *The Politics of Contemporary Spain* (London; New York: Routledge, 2005), 126-127.

²⁶⁵ "Informe," 3.

All movement, as well as the committee members itself, the appearances made in newspapers assert that the 2014 reasoning defines their stance. The organization implicitly condones the controversial legal policies of Aznar in his partial adaptation of Franco-era policy.

The Cabildo has stuck to its own style of narrating and protecting the Mosque-Cathedral. This approach has fostered political dissent: its approach irks Platform for All constituents, as well as PSOE politicians, and some members of the community of Spanish historians.²⁶⁶ The Cabildo largely dismissed the antagonistic statements of the state-sponsored committee, so it did not engage in a two-sided debate over the differing historical interpretations of the Mosque-Cathedral. Given that it has not revealed the aforementioned medieval documentation that it claim to hold in the Cathedral archives, one can conclude that Cabildo did not deign the 2018 committee report a grave threat to their power. As of now, since no legal trial has been filed, the Cabildo has largely avoided responding to criticisms that it erased the Muslim history from the space and privately allocates tourist funding at its own discretion.

Strategies of discrediting the Cabildo's arguments linked back to the state's support of secularism. The state-sponsored committee sought to call attention to the lack of secularism present in the Church's ownership. It holds the Church to a higher standard of religious tolerance and believes the institution's power ought to be put in check. The Church opted to ignore many of their claims and trust in the power of the starkly non-secular, pro-Catholic authority of Franco as a lawmaker, and the policies he inspired in Aznar, a pro-Catholic as well, the institution shirks questions of how it might adapt to fit

²⁶⁶ Ruggles, "La Estratigrafía Del Olvido."
Báez and Rosa, "Patrimonio cultural en disputa."

better within the evolving secular state. Crucially, the assumed victory for the secular state contributes to an ongoing struggle between both kinds of groups, state and Catholic, that, as reflected by the present discourse, study and reference history pragmatically.

Conclusion

The aim of this research has been to analyze why and how the entities of church and state invoke pieces of Spanish history to defend their arguments. Analyzing both the Church's report of 2014 and that of the state-sponsored committee in 2018 shows that each side grounds its claims using materials from different historical eras: the thirteenth century for the Cordoban city government, and largely the twentieth century for the Cordoban Cabildo. In the case of the state-sponsored report, codes on religious space in the *Siete Partidas* are invoked because they fit a narrative that favors state control of religious spaces. The Cabildo and its report constrains its claims to what it defines as relevant ecclesiastical history and avoids responding to counterarguments that question the applicability of Franco-era laws. The temporal disconnect between the documents suggests that the two groups are unlikely to engage in productive, interconnected discourse. Beyond the subjectivity inherent in both parties' reports and resulting assertions, the thesis showed how each irreconcilable argument emerged as a byproduct of church-state tensions, with the state-sponsored committee espousing neutral secularist policy, and the Cabildo siding with the modern framework of church and state separation that has still not removed outsized privileges for the Catholic Church.

Medieval historiographical methods, which can be considered dry scholarly concepts, powerfully influence political discussions in Spain. This is all the more relevant to the Mosque-Cathedral controversy because the state-sponsored report's authors are historians. Understanding the theories of *Hispanidad*, *convivencia*, *coexistencia*, and *Islamophobia/Maurophobia* expose the far-reaching bounds of church-state tensions in Spain. The historical concepts have affected Spanish daily discourse, proving that the

collective memory of the Mosque-Cathedral, a space that everyday visitors and politicians engage with and respond to, is a powerful force in Spanish society.

The space's status in Spanish society can be a tense topic of conversation, since it reminds Spaniards of the Castilian kingdom's role as a conqueror and persecutor of religious minorities. For this reason, medieval historians are still attempting to categorize this complex and problematic period of the past through new lenses. Earlier reductionist definitions of Spanishness, or *Hispanidad*, argued that the period of Catholic rule comprised a narrow narrative of progress for the history of the Spanish. Sánchez-Albornoz's lens of *Hispanidad* saw the Castilian kingdom as the leaders of progress, to the point of racism: he saw the Reconquista as a successful plan to render the region "uncontaminated by the Islamic invasion and by centuries of interaction with the Jews."²⁶⁷

As *Hispanidad* grew more popular, the related ideologies of Islamophobia and Maurophobia gained a prominent place in highly conservative scholarly circles. The theories of *convivencia* and its successor, *coexistencia*, arose to critique and displace the problematic ideas of *Hispanidad* and prove that the state has undergone complex cultural and religious shifts. All of the empires, Muslim states included, had complex, but never wholly negative, legacies. In this conclusion I will examine the productive, open-minded arguments proposed in *convivencia* and *coexistencia* discourse. Then, I will return to analyzing the problematic pro-Catholic Francoist historiography styles that have marginalized religious minorities in historical narratives as well as political discussion. This analysis seeks to highlight the negative legacies of exclusionary memory in Spanish

²⁶⁷ Soifer Irish, "Beyond *Convivencia*," 20.

Many examples of Sánchez-Albornoz's reliance on the stereotype of *Hispanidad* can be found in one of his best-known works:

Claudio Sánchez-Albornoz, *España, Un Enigma Histórico*, 2, Buenos Aires: Editorial Sudamericana, 1962.

history and show that popular attitudes are molded by the historical conceptions of Catholic Spain. While acknowledging that the Cabildo and state-sponsored committee are unlikely to reconcile their perspectives anytime soon, recognizing where frameworks for remembering past conflicts currently fall short opens up the possibility for collaborative progress in the future.

Convivencia Discourse, Other Debates Within Spanish Historiography

The expansion of nuanced lenses of historiographical analysis like *coexistencia* opened space to analyze Muslims in Andalusia in a style reflected within the state-sponsored report. For many years, historians engaged in a discussion about religious dynamics on the Iberian peninsula in the medieval era by producing simplistic analysis. They defined daily life in Andalusia and the rest of Spain as conforming to a dynamic of peaceful religious relations, known in Spanish as the concept of *convivencia*.²⁶⁸ Scholarship of this period, promulgated by the historian Américo Castro, classified the relationships of religious groups as either wholly peaceful or conflict-ridden.²⁶⁹ This left limited room for analysis of societies as wavering between periods of temporary, fragile peace and systemic conflict between religious communities.

²⁶⁸ Alex Novikoff, "Between Tolerance and Intolerance in Medieval Spain: An Historiographic Enigma," *Medieval Encounters* 11, no. 1/2 (March 2005): 7–36, doi:10.1163/157006705775032834.

²⁶⁹ Castro popularized the interpretation of *convivencia* or coexistence. He adapted the term that Ramón Menéndez Pidal had analyzed linguistically; Castro fit *convivencia* into historiography, defining the idea as coexistence between religious groups. Menéndez Pidal thus developed, as Ryan Szpiech sees it, a "notion of religious syncretism and symbiosis, which he proposed as essential for understanding Spanish history." Ryan Szpiech, "The Convivencia Wars: Decoding Historiography's Polemic with Philology," ResearchGate, accessed November 21, 2018, https://www.researchgate.net/publication/263126111_The_Convivencia_Wars_Decoding_Historiography's_Polemic_with_Philology, 136-138; Novikoff, "Between Tolerance and Intolerance in Medieval Spain," 20-21.

One helpful compilation of the key origins of *convivencia* can be found in the following work: Américo Castro and José Miranda, *España En Su Historia: Ensayos Sobre Historia y Literatura*, Madrid: Editorial Trotta, 2004.

Maya Soifer Irish argues that Castro's new term does not carry over to present-day historiography, as historians aim to chronicle more nuanced conflicts: "Castro's *convivencia* was an idealist construct that aspired to describe mental processes taking place in the collective consciousness of the three cultures, but was never meant to be tested against the social and political realities of Jewish-Christian-Muslim interaction."²⁷⁰ In her discussions of the *Siete Partidas* and other medieval policy, Soifer Irish, like some of her colleagues—Nirenberg, Burns, Constable, and Szpiech, to name a few—proves that new types of analysis like the term "coexistencia" productively expand historians' understanding of religious exchanges and enriched medievalist discourse.²⁷¹ The coexistencia lens purports to cast out the limitations and silences of past historiography that oversimplified religious diversity of spaces like the Mosque-Cathedral. It even allows historians to analyze the *Siete Partidas* and critique the bounds of Alfonso X's power as an active persecutor of Muslims.²⁷² At the same time, Hispanidad thought was not cast out completely and resurged in political discourse that sought to diminish the popularity of new ideas like coexistencia.

Lasting Discrimination: Hispanidad, Islamophobia, and Maurophobia

Francoist ideology pervaded popular thought and widely propagated the notions of Hispanidad, Islamophobia and Maurophobia. Studying the remnants of these concepts

²⁷⁰ Maya Soifer Irish, "Beyond *Convivencia*: Critical Reflections on the Historiography of Interfaith Relations in Christian Spain," *Journal of Medieval Iberian Studies* 1, no. 1 (January 2009), 20, <https://doi.org/10.1080/17546550802700335>.

Soifer Irish argues that *convivencia* became popular because the principle was simple to explain and proved useful for historians who wanted to counter the extremist ideals of Claudio Sánchez-Albornoz and his colleagues, who interpreted the medieval period as wholly violent to defend a pro-Christian view of Spain.

²⁷¹ Soifer Irish, "Beyond *Convivencia*," 23.

²⁷² Maya Soifer Irish, *Jews and Christians in Medieval Castile: Tradition, Coexistence, and Change* (2016), 178; 19.

allows us to recognize how the three problematic concepts function as one reductive force. Politicians and historians who espouse these Francoist frameworks today fuel a movement that threatens to restrict the diversity of Spanish history and memory.²⁷³ Recognizing the survival of these discriminatory concepts in society proves that the points of contention for the bipartisan political structure, among other elements, are deeply rooted in opposing viewpoints. Islamophobia is a wide-reaching ideology that reduces Muslims to depiction as the enemy threatening peaceful non-Muslim societies. This discriminatory belief system is employed to justify anti-Muslim policies in ostensibly domestic societies.

When practiced by politicians in the Spanish national or local government, Islamophobic attitudes implicitly advocate reversion to Francoist policies like the prohibition of public non-Catholic worship services, or the limitation of storytelling of non-Christian narratives. Islamophobia gains a pernicious edge when connected to Spain's unique medieval Muslim past and turns into Maurophobia. These two discriminatory beliefs gained enough support to weather the post-Franco democratic transition and manifest themselves in far-right electoral politics. Francoist politics that restructured history and memory built up the pro-Church PP stance that legalized the Cabildo's registration in 2006. Those who support the Aznarian subset of PP policy in particular problematically connect the defense of Church holdings like the Mosque-Cathedral with the upholding of, and protecting privileges for, a present-day white Spanish state.

Aznar directly bought into the paranoia of Islamophobia when arguing that the rise of the al-Qaeda drew on the same principles and power as the medieval Moorish conquest

²⁷³ For more on the complex field of history and memory, Maurice Halbwachs, Pierre Nora, and many other postmodernist historians have written a wealth of historical and theoretical studies.

of Andalusia.²⁷⁴ When Islamophobia is specifically associated with the medieval Muslim culture, as Aznar argued in his speech at Georgetown University, it can be classified as the problematic doctrine of maurophobia (*maurofobia*). When scholars like Sánchez-Albornoz or Serafin Fanjul wrote about the history of al-Andalus, the recycled racist and paranoid belief of maurophobia from the medieval era, returned to the forefront of discussions. Muslims were again seen as the medieval opponent to a Catholic conquest and narrative of progress. As Zapata-Barrero and de Witte wrote about the history of the Reconquista, the “Negative perception of the Moor would be reconstructed in other phases of Spanish history, and result in Maurophobia. Spanish identity was built upon a political notion of *Hispanidad*, the idea of a community bound by linguistic (Spanish) and religious (Catholic) criteria.”²⁷⁵ As Elena Arigita and Pérez Garzón explained, historians can critique and counter *Hispanidad* by relying on diverse sources and searching for new ones.²⁷⁶ One can even consider the analysis within this thesis as a focus on additional sources, particularly that of the Church and Aznar’s own writings, that promote a pointed interpretation of recent Spanish history in favor of the Francoist legacy.

Analysis of the Mosque-Cathedral as a powerful space within Spanish institutional memory would not be complete without examining the space’s status as a physical testament to the Reconquista. Throughout the process of redefining Spanish history and memory in the democratic era, references to the Reconquista remain fraught with political tensions. Many people in Spain still express a shared public desire to revisit and reconcile

²⁷⁴ Diego Melo Carrasco, ed., *A 1300 años de la conquista de al-Andalus (711 - 2011): historia, cultura y legado del Islam en la Península Ibérica* (Coquimbo, Chile: Centro Mohammed VI para el Dialogo de Civilizaciones, 2012), 93.

²⁷⁵ R. Zapata-Barrero and N. de Witte, ed. Anna Triandafyllidou, “Muslims in Spain,” *Muslims in 21st Century Europe*, (New York: Routledge, 2010), 183.

²⁷⁶ Elena Arigita, eds. Elena Arigita, Frank Peter, Sarah Dornhof, “The ‘Córdoba Paradigm,’” *Islam and the Politics of Culture in Europe: Memory, Aesthetics, Art*, (London: Transcript Verlag, 2014), 26.

the lasting legacies of Francoist violence. From the exhumation and recognition of the victims of Franco's strategy of kidnapping and assassinating his opponents, to the restructuring of city centers that once commemorated Franco's war victories, the state has only partly taken on the burden of restructuring and redesigning to acknowledge its dark past and commit to telling diverse perspectives in history yet again. This is particularly relevant for the formerly Muslim area of Andalusia as a whole and for the Mosque-Cathedral in particular. Despite political or cultural divisions, the space of the Mosque-Cathedral will eternally stand as a testament to both Spain's Muslim and Christian past, including the general Reconquista campaign.²⁷⁷ The most vulnerable element of the space is the tourist experience: the information available on the bicultural past needs to be protected from changes that might erase the history of the era of Muslim rule to underscore the Christian crown's achievements. That said, the Cabildo has followed a promising trend with its publication of new brochures in 2016.

Moving Forward

Should the Cabildo be able to prove its ownership links to the space in the wake of the 2018 report, it could root its claims to ownership in other bounds of evidence that are not tied to the fascist regime in the Reglamento Hipotecario and Ley Hipotecaria. Such a possibility would permit the Church to distance itself, at least in part, from its ties to Francoism. Proper legal reconciliations of the problematic past would require inquiry into not only of the RH and the Franco-era updates to the LH, but also to Aznar's own legal adaptations. The possibility of such a reckoning seems far off, though if historians associate the topic of how institutional memory, particularly the rule of Franco, ought to be

²⁷⁷ Alejandro García-Sanjuán, "Rejecting Al-Andalus, Exalting the Reconquista," 140.

reevaluated and critiqued in the modern era, with these specific property reforms, progress may emerge more quickly.

This thesis has proven that secularist and pro-Church entities equally rely on historical evidence from limited periods of history. History and memory remain fresh in the Spanish public consciousness, as they do in the minds of readers and protestors who have learned about the Mosque-Cathedral controversy. Religious and secular beliefs are deeply seated in centuries of Spanish tradition. Individual identities across the state do not appear to be heavily divided, but the case study of Cordoban tensions proves that the national outlook regarding a pathway forward for political and legal reform remains contested. On occasion, like with the Cordoban controversy, historians' claims become politicized and popularized, which makes their interpretations of the past even more influential. In these cases, scholarly interpretations of religious history and financial transactions become disruptive to the cultural and political status quo. In short, the way that people—historians in particular—view the past matters.

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