

## **V. ANALYTIC SUMMARY**



**Alli Aranguren, Juan Cruz** (Universidad Pública de Navarra/Nafarroako Unibertsitate Publikoa): Las instituciones del Reino de Navarra en el primer constitucionalismo español (1808-1814). Navarra en el debate sobre la *Constitución Histórica Española* (The institutions in the Kingdom of Navarra in the context of the first Spanish constitutionalism (1808-1814). Navarra and the debate about the *Historic Spanish Constitution*). (orig. es).

In *Iura Vasconiae*, 8, 325-384.

Abstract: The transition from absolutism to liberalism in Spain in the 19th century took place during an armed conflict (1808 – 1814) during which the Bayonne Statute and the Cadiz Constitution were promulgated. During this period, the institutions of the Kingdom of Navarre were involved in all types of vicissitudes: leaving the kingdom, mobilizing the population against the occupation, participating in constitutional processes and trying to demonstrate that their institutions were regulated by a *historical constitution*.

Key words: Absolutism. Liberalism. Independence. Constitutions. Institutions of the Kingdom of Navarre.

**Ayerbe Iríbar, Rosa M<sup>a</sup>** (Universidad del País Vasco/Euskal Herriko Unibertsitatea): El gobierno de Gipuzkoa: entre la tradición y el cambio (1808-1814) (The government of Gipuzkoa: caught between tradition and change (1808-1814)). (orig. es).

In *Iura Vasconiae*, 8, 385-460.

Abstract: The government of Joseph Bonaparte, installed after the French domination of Gipuzkoa, profoundly and gradually altered Gipuzkoa's autonomous institutions, removing the Councils by forbidding them to be called, and removing the Provincial Council in 1810. The Government of Bizkaia, under General Thouvenot, created a network of political institutions which considerably changed the system as it had been under the Ancien Regime. The later government of the Regency also modified the province's institutions which, although it did manage to regain its fundamental institutions, the Councils and the Provincial Councils, also had to take on board the 1812 Constitution's budgets, until the return of Ferdinand VII allowed it to recover all the institutions it had until 1808, especially the confirmation of its autonomous laws in 1814.

Joseph Bonaparte's Government. Bizkaia Government. Thouvenot. Provincial Council. 1812 Constitution. Confirmation of Autonomous Laws.

**Ayerbe Iríbar, Rosa M<sup>a</sup>** (Universidad del País Vasco/Euskal Herriko Unibertsitatea): Intento de incorporación al Patrimonio real de los derechos rea-

les existentes en el señorío de Vizcaya. El memorial de 1714 (The attempt to incorporate into the Royal Heritage the Royal Privileges existent in the Lordship of Biscay. The memorial of 1714). (orig. es).

In *Iura Vasconiae*, 8, 535-579.

Abstract: Central to his efforts was the presentation of a document, which we believe was clandestine. This gave great insight into the attempts of the Minister of Finance Jean Orry, and Melchor Rafael de Macanaz, the Public Prosecutor for the Council of Castile, which was at war with Catalonia (1714), to gain back the Royal Privileges that were enjoyed firstly by the Lords of Biscay and later by the Kings of Castile (They were Lords in their own right) in the Lordship, and which they had been using as payment to hired mercenaries over the centuries. They were subsidising the mercenaries for their spears and crossbowmen; of lesser importance were the privileges held in Gipuzkoa and Álava.

Key words: Royal Heritage. Rafael Melchor de Macanaz. Jean Orry. The Board of Incorporation. 'Prebostadas' (a form of tax/tribute). Census. The Albalá privileges. Rights of patronage. 'Derechos de avería' (a tax ad valorem on colonial commerce in Spain). Spears and crossbowmen.

**Busaall, Jean-Baptiste** (Université Paris V - René Descartes): À propos de l'influence des constitutions françaises depuis 1789 sur les premières constitutions écrites de la monarchie espagnole. L'exemple de l'ordonnement territorial dans la Constitution de Bayonne (1808) (Pertaining to the influence of the French constitutions of 1789 on the first constitution promulgated by the Spanish monarchy. The example of territorial organisation in the Bayonne Constitution (1808)). (orig. fr).

In *Iura Vasconiae*, 8, 9-39.

Abstract: The 1808 Bayonne Constitution is more important than historiography has considered it to be for many years as it is of vital importance to be able to understand Spain's constitutional history. It is an ambivalent constitutional model, both politically and legally, open to two possible valid interpretations from the French and Spanish points of view. These lead to various internal contradictions which are especially noticeable with respect to territorial organization.

Keywords: Comparative Constitutional law. Constitutional History. Models of Constitutions. Constitution of Bayonna. Territory.

**Coronas González, Santos Manuel** (Universidad de Oviedo): Leyes fundamentales y Constitución de la Monarquía española de 1812 (Key laws and the Constitution of the Spanish Monarchy of 1812). (orig. es).

In *Iura Vasconiae*, 8, 41-62.

Abstract: Part of these fundamental laws of the Ancien Regime and the Spanish Monarchy's Constitution of 1812 is a plural conception of politics and history. When the exceptional Cortes Generales were held in 1812, only the Basque provinces and the Kingdom of Navarre had their own historical constitutions. However, the *democratic* liberals and moderate followers of Jovellanos united in the idea of suppressing the *provincial* constitutions in the belief that political and legal unification were appropriate in the Age of Enlightenment. At that time, during the patriotic Peninsular War, the concept of a Spanish constitution was created and this, beyond its immediate political meaning, defined a universal state in the imperial style. In opposition to the historical roots of the peoples of Spain, this concept of a nation was set up and, since then, has been Spain's political solution or problem.

Key words: Fundamental Laws. Constitution of the Spanish Monarchy. Provincial Constitutions. Historical nation and constitutional nation.

**Egibar Urrutia, Lartaun de** (Universidad Pública de Navarra/Nafarroako Unibertsitate Publikoa): Bizkaia en el torbellino jurídico, institucional y político de 1808 a 1814 (Bizkaia in the legal, institutional and political whirlpool from 1808 to 1814). (orig. es).

In *Iura Vasconiae*, 8, 461-506.

Abstract: Since the summer of 1808 Bizkaia runs into the Spanish constitutionalism. Opposite the forecast of the Napoleonic-josephin constitutionalism the situation takes a radical course when in February 1810 the Government of Bizkaia was created. This is with what the Gaditan constitutionalism encounters on trying to incorporate Bizkaia. But instead of making it directly, in October 1812 their authors organize a General Assembly. In May 1814, the decision taken by Ferdinand VII interrupts its beginning what entails the recovery of the previous Bizkaian system.

Key words: Bizkaia. XIXth century. Bizkaian Law. Constitutionalism. Napoleonic Government.

**Galán Lorda, Mercedes** (Universidad de Navarra): Navarra ante el nuevo fenómeno constitucional: el gobierno del último reino peninsular entre 1808 y 1814 (Navarra and the new constitutional phenomenon: the government of the last peninsular kingdom between 1808 and 1814). (orig. es).

In *Iura Vasconiae*, 8, 281-324.

Abstract: The period from 1808 to 1814 in Navarre was most notable because of the French occupation, but it was also notable because of the worries of the traditional Navarrese institutions about the establishment of a constitutional

regime. In this article we wish to make known the texts which, under the title of *The Constitution of Navarre*, were drawn up to defend Navarre's special regime and its status as a kingdom in opposition to the convocation of the Bayonne Assembly in 1808. It was also presented in opposition to the Cadiz Cortes. We examine the actions of the *Kingdom's Council* in the period 1808 – 1814: it fled from Pamplona when the French invaders approached, as did its commissioners to the Central Government of Spain. We also describe the election of representatives to the Navarrese Parliament in 1813. It is of special interest to describe the creation of a new *Provincial Council*, which was active between 1st October, 1813 and 16th May, 1814, and introduced various new measures, while at the same time trying to preserve the traditional Navarrese regime, for instance by declaring its loyalty to Ferdinand VII on his return. This study ends with the reestablishment of the Ancien Regime in 1814.

Key words: Navarrese Constitution. Bayonne Constitution. Cadiz Constitution. Benito Ramón de Hermida. Royal Council (1808 – 1814). Elections to the Navarrese Parliament in 1813. Management of the Navarrese provincial council (1813 – 1814).

**García Martín, Javier** (Universidad Pública de Navarra/Nafarroako Unibertsitate Publikoa): Los diputados vascos y navarros en las Cortes de Cádiz. Tres lecturas diferentes de la relación entre fueros y Constitución (Basque and Navarre deputies in the Courts of Cadiz. Three different views of the relationship between Fueros and Constitution). (orig. es).

In *Iura Vasconiae*, 8, 205-279.

Abstract: In the face of the *damnatio memoriae* to which the Spanish Constitution promulgated in Cádiz was condemned upon the return of Ferdinand VII in 1814, the papers recovered from the archives from this period- letters, illustrations and memoirs- from the Basque and Navarrese representatives and their respective regional governments, are presented in this paper as a means of offering a clearer insight into the debate that centred around the relationship between the 1812 Constitution and the 'Fueros' that historiographical publications from opponents of the liberalist 1812 Constitution attempted to suppress in the years that followed. Taken from the comprehensive biographical studies carried out on the aforementioned representatives to which we have access, their parliamentary interventions and various unpublished papers demonstrate the theoretical and practical limitations of the *national sovereignty* decreed in Cádiz. This applies to its external policies- its integration with the traditional *European Christian Republic*, which operated under a system of natural law, opposed to the Napoleonic Empire, the latter strictly adhering to the *Code of Laws*- as well

as to its home affairs- the limits which the historicist language used in Cádiz imposed on all those territorial reformulations that refused the 'Fueros'. Taking this distinction into consideration, we focus on the *Manifesto of the Persians*, which opposed the ideologies of the Constitution and wanted Ferdinand VII to restore absolutism. The aim here is firstly to identify those Basque and Navarrese representatives who subscribe to this *Manifesto*, or who could be said to sympathise with the ideas contained within it- they are in the minority- and secondly to investigate to what extent their opposition to the 1812 Constitution was based on an attempt to make religion prevail over constitutional, positive law or on the peculiarities of the 'Fueros' contrary to the mentioned Constitution.

**Inclán Gil, Eduardo** (Universidad del País Vasco/Euskal Herriko Unibertsitatea): Álava y sus instituciones durante la ocupación napoleónica y la Guerra de la Independencia (1808-1815) (Álava and its institutions during the Napoleonic occupation and the War of Independence (1808-1815)). (orig. es).

In Iura Vasconiae, 8, 507-532.

Throughout the period of the French Revolution (1789-1815), The Historic Territory of Álava also suffers the consequences of the social and political upheaval in France, its northern neighbours. At the end of this period Álava regains its identity as forming part of the Spanish crown as well as its traditional system of government. However, it comes at a heavy cost. Álava endures a grave economic, social, and political crisis that will disable the mechanisms that have brought about peaceful co-existence and social harmony in the province. The War of Convention, the subsequent French occupation, and the War of Independence devastated a province that had already grown stagnant on various levels. The famous Battle of Vitoria assumed critical importance in the struggle against the absolute monarchy of Napoleon Bonaparte. The Spanish constitutional process, which was first imposed by Napoleon's absolute monarchy in 1808 in the Bayonne Statute and was later elaborated by the 'Cortes' in Cádiz, whose constitutional draft was passed without protest from Álava's institutions, in a plenary session on 25th November, 1812. However, the constitution did not come into being until some years later owing to the decision taken by Ferdinand VII to abolish the draft promulgated in Cádiz in 1814. The constitutional process empowered the people of Álava, giving them new perspectives on how to modernise, and indeed to overcome the traditional exercise of power imposed by the ruling oligarchy. However, a secondary effect was that it caused a political split in Álava's social fabric. This divide would remain and would indeed become more pronounced in line with the political vicissitudes of the Spanish Monarchy throughout the 19th century.

Key words: Álava-History; The War of Convention; The Battle of Vitoria; The Constitution of 1812; The Bayonne Statute; Charles IV of Spain; José I; Ferdinand VII; Napoleon Bonaparte.

**Jimeno Aranguren, Roldán** (Universidad Pública de Navarra/Nafarroako Unibertsitate Publikoa): Correspondencia entre Felipe II de Castilla (IV de Navarra) y Fernando de Espinosa, alcaide de la ciudadela de Pamplona (1570-1587) (Correspondence between Philip II of Castile (IV of Navarre) and Fernando de Espinosa, governor of the citadel of Pamplona (1570-1587)). (orig. es).

In *Iura Vasconiae*, 8, 581-727.

Abstract: Correspondence is collected by King Phillip II of Castile (IV of Navarre) with Fernando de Espinosa, governor of the citadel of Pamplona, between 1570 and 1587. It reflects issues related to the warden's own personal vicissitudes, his relations with the viceroy, the construction and organization of the citadel, the security, spy and surveillance of the border, and economic difficulties to cope with the fort's works' and and soldiers' cost.

**Mikelarena Peña, Fernando** (Universidad de Zaragoza): Discursos en torno a la Constitución Histórica de Navarra hasta 1813. Origen del concepto y adaptaciones a un contexto cambiante (Discussions regarding the Historic Constitution of Navarra up until 1813. Origin of the concept and adapting to a changing context.). (orig. es).

In *Iura Vasconiae*, 8, 63-167.

Abstract: In this article we examine the two main schools of thought about the concept of the Historical Constitution of Navarre between 1777 and 1808. The first, which was the founding constitution and is dated 1776-1777, was drawn up as a result of the controversy about military service between the Navarre Council and the Castile Council Attorney General, Campomanes, by the Navarrese jurist Juan Bautista de San Martín y Navaz. Its outstanding characteristic was its radical attitude in favour of making pacts. The second school of thought aimed to adapt to the new frameworks of the Bayonne Assembly and the Cadiz Cortes' liberal constitutionalism. In 1808 and 1809 the Royal Trustee, Alejandro Dolarea, drew up the documents for the description of the Constitution of Navarre for their use in those meetings, presenting the Navarrese autonomous regime in a liberal way. His points of view were to resonate in the Preliminary Discourse in the presentation of the 1812 Constitution.

Key words: Historical Constitution. Navarre. Autonomous Laws. Making Pacts. Military Service. Cadiz Constitution. Bayonne Assembly.



**Monreal Zia, Gregorio** (Universidad Pública de Navarra/Nafarroako Unibertsitate Publikoa): Los fueros vascos en la Constitución de Bayona. Antecedentes políticos e ideológicos. Resultados (The Basque Fueros in the Constitution of Bayonne. Political and ideological backgrounds. Results). (orig. es).

In *Iura Vasconiae*, 8, 169-203.

Abstract: The paper, in its first part, describes the political and institutional precedents which conditioned the behaviour of the Basque representatives in the Bayonne Assembly. This includes the evolution of the system of 'Fueros' in the 18th century, as well as the commotion and unrest that was caused by the War of Convention between the Spanish monarchy and the French Republic, with the consequences of Godoy's political hostility towards the Basque and Navarrese 'Fueros'. It explores the opposing ideologies with regards to the 'régimen foral' (the body of institutions and code of laws of an autonomous administration) embodied by Larramendi, an exponent of the provincial way of thinking, and Llorente, the spokesperson for the absolutist despotism that has been previously alluded to. The second part of the paper deals with the political situation in each of the provinces at the time the assembly was called, and the co-operative disposition of the representatives towards Napoleon and José I at the Bayonne Assembly. They were rewarded with Article 144 of the Constitution, which preserved the 'Fueros', albeit on a provisional basis.

Key words: Vasconia. Rebellion. The War of Convention. Godoy. 'Anti-Fuero' politics. 'Fuero-centric' political thinking. Larramendi. Llorente. Bayonne Constitution.

**Zárate Pérez de Arrilucea, Juan Antonio** (Presidente de las Juntas Generales de Álava): Álava y sus instituciones durante la ocupación napoleónica y la Guerra de la Independencia (1808-1815) (Álava and its institutions during the Napoleonic occupation and the War of Independence (1808-1815)). (orig. es).

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