

The origins of constitutionalism and the Constitution of Bayonne approved on 7th July 1808

Maïté Lafourcade ed.

RIEV. Cuadernos, 4, 1-369, 2009
ISBN: 978-84-8419-179-7

Analytic
Summary

Copying of the summary pages is authorised

Rigaudière, Albert (Académie des Inscriptions et Belles Lettres. Institut de France. 23, Quai de Conti. 75006 Paris cedex 06): **Les fonctions du mot constitution dans le discours politique et juridique du bas Moyen Âge français** (The functions of the word constitution in the political and juridical discourse in the French late Middle Ages) (Orig. fr)

In: *Les origines du constitutionnalisme et la Constitution de Bayonne du 7 juillet 1808*, 15-51

Abstract: Used only moderately and often associated with other terms (law, edict, ordinance) in the political and juridical discourse over the last three centuries and in the Middle Ages, the term "constitution" maintained a polysemic sense for a long time, before being more commonly used to designate the texts governing the *status regni*.

Key Words: Constitution. Ordinance. Law. Edict. *Status regni*. Royal Power. Parliament.

Vergne, Arnaud (Univ. de Versailles. Saint-Quentin-en-Yvelines. Fac. de Droit et de Science Politique. 3, rue de la Division Leclerc. F-78280 Guyancourt): **Une expression singulière du constitutionnalisme aux Temps modernes. Les lois fondamentales selon le *Traité des droits de la reine très-chrétienne, sur divers États de la monarchie d'Espagne de 1667*** (A peculiar expression of constitutionalism in Early Modern Times. The Fundamental Laws according to the *Traité des droits de la reine très-chrétienne, sur divers États de la monarchie d'Espagne* (1667)) (Orig. fr)

In: *Les origines du constitutionnalisme et la Constitution de Bayonne du 7 juillet 1808*, 53-71

Abstract: In 1667, Louis XIV's claims to various Spanish possessions were accompanied by the publication of a commissioned work: the *Traité des droits de la reine [...]*, which developed its own peculiar concept of the "fundamental" laws, inspired on different currents of thought. Some passages from this work were later taken up again by the opponents to absolutism.

Key Words: Fundamental laws. Constitutionalism. Pact of submission. Parliaments. Monarchy.

Busaall, Jean-Baptiste (Casa de Velázquez. Paul Guinard, 3. Ciudad Universitaria. 28040 Madrid): **Constitution et culture constitutionnelle. La constitution de Bayonne dans la monarchie espagnole** (Constitution and Constitutional Culture. The Constitution of Bayonne and the Spanish Monarchy) (Orig. fr)

In: *Les origines du constitutionnalisme et la Constitution de Bayonne du 7 juillet 1808*, 73-96

Abstract: The Bayonne Constitution of 1808 is closely linked to a regeneration of the Spanish monarchy. The application of the government's scientific achievements to the process of legitimising a new dynasty interfered with the constitutional order of the monarchy, renewing the terms of the debate on the definition of the Spanish Constitution.

Key Words: Bayonne Constitution. Spanish Assembly. Representation. Transfer of rights. Pactism. Crisis of the Spanish monarchy.

Lafourcade Maïté (Eusko Ikaskuntza. 51, Quai Jaurèguiberry. F-64100 Bayonne-Baiona): **Des premières constitutions françaises à la Constitution de Bayonne** (From the first French constitutions to the Constitution of Bayonne) (Orig. fr)

In: *Les origines du constitutionnalisme et la Constitution de Bayonne du 7 juillet 1808*, 97-112

Abstract: The first French Constitutions, drawn up after the 1789 Revolution, in 1791, 1793 and 1795 by the National Constituting Assembly and the Convention, and later by Napoleon Bonaparte in 1799, 1802 and 1804, determine a new concept of the State, the transition from the Old Regime to the modern State. Napoleon provided all the defeated countries (Spain in 1808) with a Constitution based on the French model, thus introducing the basic principals of the French Revolution: human rights, national sovereignty and separation of powers.

Key Words: Constitution. French Revolution. State. National sovereignty. Powers.

Massias, Jean-Pierre (Univ d'Auvergne. Fac. de Droit. 41 bd F. Mitterrand. F-63000 Clermont-Ferrand): **Les projets de Constitution selon Jean-Jacques Rousseau** (Drafts of Constitution according Jean-Jacques Rousseau) (Orig. fr)

In: *Les origines du constitutionnalisme et la Constitution de Bayonne du 7 juillet 1808*, 113-146

Abstract: J.J. Rousseau, responsible for drawing up the Constitution projects geared to re-establishing sovereignty and guaranteeing freedom in Corsica and Poland, after freeing themselves from foreign occupation, based his constituting proposal on the preservation of the identity of the societies involved. For Rousseau, democracy and respect for specific cultures were indivisible, and needed to be taken into account on designing the institutions.

Key Words: Constitution. Identity. Sociological method. Direct democracy. Corsica. Poland.

Alli Aranguren, Juan C. (Univ. Pública de Navarra. Dpto. de Dcho. Público. Edificio de las Encinas. Campus de Arrosadía, s/n. 31006 Pamplona-Iruña): **El marco histórico e institucional de la Constitución de Bayona** (The Historical and Institutional Framework of the Constitution of Bayonne) (Orig. es)

In: *Les origines du constitutionnalisme et la Constitution de Bayonne du 7 juillet 1808*, 197-222

Abstract: The Constitution of Bayonne, the charter awarded by Napoleon for the instauration of the Bonapartist monarchy in Spain, arose within the institutional framework of French constitutionalism in year XII. The War of Independence stopped the constitutional text from entering in force, and it meant the overcoming of absolutism and the establishment of a model inspired in the French regime of the 1st Empire.

Key Words: Spain. Constitution. Bayonne. Bonapartist monarchy. Authoritarianism. Liberalism.

Dezcallar Mazarredo, Rafael (Ministerio de Asuntos Exteriores y de Cooperación. Valija Berlín. Plaza de la Provincia, 1. 28071 Madrid): **El Almirante Mazarredo, ilustrado y afrancesado** (Admiral Mazarredo, a man from the Illustration and "afrancesado" (influenced by the French)) (Orig. es)

In: *Les origines du constitutionnalisme et la Constitution de Bayonne du 7 juillet 1808*, 223-232

Abstract: Admiral Mazarredo was one of the most illustrious sailors of his times. He defeated Nelson in his attempt to take Cadiz and he negotiated for over a year with Napoleon in Paris on the missions of the Franco-Spanish fleet. He was dismissed by Godoy, and for this reason he did not take part in the Battle of Trafalgar. He accepted the designation as Minister of the Navy in Joseph Bonaparte's government. He died in exile.

Key Words: Admiral. Navy. Cadiz. Napoleon. Joseph Bonaparte. Godoy. French-influenced. 19th century.

Orella Unzué, José L. (Univ. de Deusto. Camino Mundaiz, 50. 20012 Donostia-San Sebastián): **Manuel y Miguel de Lardizábal y Uribe y el Estatuto de Bayona** (Manuel and Miguel de Lardizábal y Uribe and the Statute of Bayonne) (Orig. es)

In: *Les origines du constitutionnalisme et la Constitution de Bayonne du 7 juillet 1808*, 233-254

Abstract: Both Manuel and Miguel were born in Mexico in a family coming from Segura and they became university students in Nueva España (New Spain, as what is now Mexico was then called), they concluded their law studies (Manuel) and philosophy studies (Miguel) in the University of Valladolid. This study covers the presence of Manuel in Bayonne and in the court of the new king Joseph 1st Bonaparte. His trajectory as a member of the Council of Castile is also studied. A description is made of Miguel's participation in the Council of Regency but his presence in Bayonne is rejected.

Key Words: Manuel de Lardizábal y Uribe. Miguel de Lardizábal y Uribe. Bayonne Statute. Joseph I, King of Spain. Royal Seminary of Vergara.

Monreal Zia, Gregorio (Univ. Pública de Navarra. Fac. de Dcho. Edificio de las Encinas. Campus de Arrosadía, s/n. 31006 Pamplona-Iruña): **Los Fueros Vascos en la Junta de Bayona de 1808** (The Basque Fueros (Statutes) in the 1808 Board of Bayonne) (Orig. es)

In: *Les origines du constitutionnalisme et la Constitution de Bayonne du 7 juillet 1808*, 255-276

Abstract: The crisis in Basque Fueros had started 15 years before Napoleon's entrance into Spain in 1808. In the Bayonne Assembly summoned by him to inform on his draft Constitution for Spain, the deputies from the four Basque provinces skilfully argued and manoeuvred in favour of maintaining the Fueros and an exemption from the Constitution, getting Napoleon to maintain the Basque political regime in article 144 of that Constitution, and put off its modification or reform.

Key Words: Basque Fueros. 1808 Board of Bayonne. Constitution of Bayonne. Yandiola. Urquijo.

Escudero López, José A. (Eusko Ikaskuntza. Miramar Jauregia. Miraconcha, 48. 20007 Donostia-San Sebastián): **La Administración Central en la Constitución de Bayona** (Central Administration in Bayona's Constitution) (Orig. es)

In: *Les origines du constitutionnalisme et la Constitution de Bayonne du 7 juillet 1808*, 277-291

Abstract: This article analyses the reforms introduced in the Spanish ministerial regime by the Bayonne Constitution, and the persistence of the old regime of Councils, examining the debates taking place on the most significant points.

Key Words: Bayonne Constitution. Ministerial regime. Ministry of Justice. Ministry of Ecclesiastical Affairs. Ministry of the Indies. Secretariats of State and Office. Polysynodial regime. Council of State. Council of Castile.

Martin, Arnaud (Univ. Montesquieu - Bordeaux IV. Centre d'études et de recherches comparatives sur les Constitutions, les libertés et l'État. Av. Léon Duguit. F-33608 Pessac): **Les droits individuels dans la Constitution de Bayonne** (The individual rights in the Constitution of Bayonne) (Orig. fr)

In: *Les origines du constitutionnalisme et la Constitution de Bayonne du 7 juillet 1808*, 293-313

Abstract: Individual rights occupy a prime position in the Bayonne Constitution, so much so that it can be affirmed that, if it had been applied to a lasting extent, the Bayonne Constitution would have enabled the intellectual and moral, social and economic and, finally, juridical, preparation for the genuine future liberalisation of Spain.

Key Words: Bayonne Constitution. Fundamental rights. Freedom of press. Religious freedom. Property right. Economic rights. Safety. Codification of law.

Domínguez Nafría, Juan C. (Univ. CEU de San Pablo. Fac. de Dcho. Isaac Peral, 58. 28040 Madrid): **La América española y Napoleón en el Estatuto de Bayona** (The Spanish America and Napoleon in the Statute of Bayonne) (Orig. es)

In: *Les origines du constitutionnalisme et la Constitution de Bayonne du 7 juillet 1808*, 315-346

Abstract: Napoleon Bonaparte's Spanish policy changed direction several times. During the period in which his brother Joseph was King of Spain, he developed a new institutional model of American political involvement in the Bayonne Constitution or Statute of June 1808, which could not be applied due to the circumstances of the War of Independence.

Key Words: The Indies. Bayonne Statute. Napoleon Bonaparte. Joseph Bonaparte. Independence of America.

Peillen, Txomin (Univ de Pau et des Pays de l'Adour. UFR de Bayonne. Centre d'Etudes Basques. 8, Allée des Platanes. F-64100 Bayonne -Baiona): **La politique de Napoléon et les écrivains basques** (Napoleon politic and the Basque writers) (Orig. fr)

In: *Les origines du constitutionnalisme et la Constitution de Bayonne du 7 juillet 1808*, 347-363

Abstract: Very catholic people, Basque country 's clerical poets were grateful for the restoration of the Church by Bonaparte, but situated in the boarder of Spain, Basque country suffered of Napoléon wars: Wellington and Soult fighting in the country, Basques suffered an exodus in hostile gascon neighbours, and returning home found their houses, often, destroyed, therefore Basque popular poets wrote against Napoléon.

Key Words: Revolution. Church. Napoleon. Battles. Exodus. Miseries.