

VII. ANALYTIC SUMMARY

Alli Aranguren, Juan Cruz (Universidad Pública de Navarra / Nafarroako Unibertsitate Publikoa): **Los efectos de la Ley de 21 de julio de 1876 en la evolución de la foralidad navarra (1876-1927)** (The Effects of the Law of 21 July 1876 on the Evolution of the Chartered Government of Navarre (1876-1927)). (Orig. es).

In *Iura Vasconiae*, 10, 279-322.

Abstract: Navarre had agreed to adapt its system of pre-liberal Government to the provisions of the Law of 1839, by virtue of that of 1841. However, the councils of the «exempt provinces» had not followed suit, and this situation was addressed by the Law of 21 July 1876. The Navarre Government reacted to attempts to extend the law to its territory by defending its regime, but conflicts over economic affairs and taxation culminated in a larger contribution to the State, as stipulated in subsequent treaties.

Key words: Own regime. Quota. Economic treaties. Taxation. Provincial conflicts.

Aranburu Urtasun, Mikel (Eusko Ikaskuntza / Sociedad de Estudios Vascos): **Evolución de los Concierptos y Convenios Económicos hasta 1936. Una perspectiva comparada** (Evolution of the Economic Agreements and Treaties up to 1936: A Comparative View). (Orig. es).

In *Iura Vasconiae*, 10, 219-278.

Abstract: The Economic Treaty or Agreement is a constantly evolving tool, and the different versions that have been employed at various points in the history of the Basque Country were the combined product of political tensions, the inertia resulting from the delay in their implementation, various *faits accomplis*, and, above all, the consensus between the parties. The unusual evolution of the agreements and treaties has been marked by the involuntary yet fruitful mutual protection afforded by both instruments in the eyes of the State. Thus, the seed that was sown by the Law of 1841 paved the way for the Treaty of 1877, which laid down solid foundations for the Agreement of 1878, that was enriched by subsequent renewals and finally consolidated in the Regulation of 1926, a forward-looking text that was copied a few months later by the Navarre Treaty of 1927. Both survived on equal terms during the republican period and up to General Franco's abolition of the regime for Bizkaia and Gipuzkoa.

Key words: Economic agreements. Economic treaties. Basque taxation. Quota. Tax harmonisation. Navarre. Basque provinces.

Ayerbe Iríbar, M^a Rosa (Universidad del País Vasco / Euskal Herriko Unibertsitatea): **Las Ordenanzas de la Chancillería de Valladolid (1531): ¿unas Ordenanzas castellanas para Navarra?** (The Bye-Laws of the Chancery of Valladolid (1531): Castilian Bye-Laws for Navarre?). (Orig. es).

In *Iura Vasconiae*, 10, 671-758.

Abstract: The existence in the General Archive of Navarre of the only known copy of the Bye-Laws of the Chancery of Valladolid of 1531 (the immediate precedent to the great compilation printed in the 17th century) leads the author of this article to examine the possibility that they may have been used as a model in the attempted Castilianisation and standardisation that Navarre institutions suffered under the new Government of Castile. The bye-laws are transcribed in full and preceded by a brief introduction on the historical reasons that may justify their presence in the Archive of the Old Kingdom.

Key words: 1531. Bye-laws. Chancery of Valladolid. Castilianisation of Navarre.

Campo Guinea, Juncal (Archivo Diocesano de Pamplona): **Las fuentes eclesiásticas para el estudio de la Familia. El Archivo Diocesano de Pamplona y Tudela** (Ecclesiastical Sources for the Study of the Family: The Diocesan Archive of Pamplona and Tudela). (Orig. es).

In *Iura Vasconiae*, 10, 661-670.

Abstract: This article offers a brief summary of the ecclesiastical sources that have been used, and continue to be used, in studies of the family. It focuses specifically on the sources available to researchers at the Diocesan Archive of Pamplona and Tudela. The most interesting source, in terms of the information it provides, its length and its state of conservation, is a legal document: the hearings at the Episcopal Court between the 16th and 19th centuries.

Key words: Family. Sources. Diocesan Archive. Hearings. Episcopal Court.

Castells Arteche, José Manuel (Universidad del País Vasco / Euskal Herriko Unibertsitatea): **La aplicación del Estatuto de octubre de 1936: la acción institucionalizadora del Gobierno Vasco** (The Application of the Statute of October 1936: The Institutional Initiatives of the Basque Government). (Orig. es).

In *Iura Vasconiae*, 10, 491-513.

Abstract: The first Basque Government was created at the outbreak of the Civil War in 1936, despite the fact that the enemy occupied most of the coun-

try. The Government embarked on the commendable task of rebuilding national identity, which was ultimately aborted following the military defeat. This article describes that adventure, paying particular attention to the regulations and administrative documents published by the Basque Government.

Key words: Autonomous Government. Statute of Autonomy of the Basque Country. Civil War. Process structuring and institutionalization. Autonomy. 1936.

Jordà Fernández, Antoni (Universidad Rovira i Virgili, Tarragona): **Federalismo, regionalismo, nacionalismo: el restablecimiento de la Generalitat y el Estatuto catalán durante la Segunda República** (Federalism, Regionalism, Nationalism: The Reinstatement of the Generalitat and the Catalan Statute during the Second Republic). (Orig. es).

In *Iura Vasconiae*, 10, 355-393.

Abstract: The current State model, designed in Part 8 of the Spanish Constitution of 1978, is largely based on the political and institutional traditions that had emerged decades earlier. A cursory reading of the Statutes of Autonomy presently in force, which not only contain semantic variations but differences of content, sheds light on how they are regarded by the autonomous communities of Spain, in terms of their relationship with the State. This text examines two aspects in particular: the salient characteristics of the reinstatement of the Generalitat de Catalunya in 1931, in the light of the political and legal phenomena that had emerged in the 19th century in connection with the federalist, republican and regionalist projects; and the legal and institutional framework adopted in 1932 in the form of a Statute of Autonomy.

Key words: Catalonia. Generalitat. Commonwealth of Catalonia. Catalan constitution projects. Statute of Autonomy of 1932.

Larrazabal Basáñez, Santiago (Universidad de Deusto): **La disolución de los cuerpos de gobierno de Álava, Gipuzkoa y Bizkaia, la implantación del servicio militar y el nacimiento de los Concierdos Económicos** (The Dissolution of the Governing Bodies of Alava, Gipuzkoa and Bizkaia, the Introduction of Military Service and the Birth of the Economic Agreements). (Orig. es).

In *Iura Vasconiae*, 10, 193-217.

Abstract: The text examines the legal framework of Araba, Gipuzkoa and Bizkaia in the period between the enactment of the law of 21 July 1876, abolishing Basque *fueros* or special charters, and the approval of the First Economic Agreement by Royal Decree of 28 February 1878. It focuses on three aspects in

particular: the replacement of the provincial political institutions founded under the auspices of the *fueros* by a common regime of provincial political institutions; the abolition of the Basque military system and the introduction of compulsory military service; and the abolition of the Basque tax system and the central government's initial attempt to bring tax collection in the Basque territories into line with all the other crown territories, leading to the birth of the so-called Economic Agreements for the Basque provinces, a system that has survived to the present day and constitutes one of the most important distinguishing characteristics of the Basque Country.

Key words: Suppression of the *fueros*. Provincial institutions of Alava, Gipuzkoa and Bizkaia. Military service. Local regime. Economic Agreements.

Mees, Ludger (Universidad del País Vasco / Euskal Herriko Unibertsitatea): **Tras el fracaso de Estella: las pautas y claves del Estatuto de 1936** (After the Failure of Estella: Patterns and Key Aspects of the Statute of 1936). (Orig. es).

In Iura Vasconiae, 10, 461-490.

Abstract: Following the abolition of the *fueros* or special charters, the recovery of the self-government system lost in the 19th century was widely proclaimed throughout the Basque Country. Although this demand transcended party boundaries, it was the nationalist politics founded by Sabino Arana that pursued the goal most vociferously and energetically. The article examines two previous failures and then identifies three basic conditions which, if not met, would largely determine the failure of the autonomist movement, and, if met, would contribute to its success: internal cohesion, the choice of a politically expedient ally «at home», and the support of a substantial section of the Central Government. The assembly of Basque municipalities held in Pamplona in June 1932 was crucial in paving the way for the disengagement of Navarre from the Basque autonomous process, but was also instrumental in precipitating the political process that caused the Basque Nationalist Party to abandon its right-wing stance and move towards the centre of the political arena. In 1936, this swing allowed the party to meet the three aforementioned conditions and, with the help —occasionally unenthusiastic but ultimately decisive— of the left, to bring about the first autonomous Basque Government.

Key words: *Fueros*. Autonomy. Basque nationalism. Basque socialism. Second Republic. Spanish Civil War.

Mentxaka Elexpe, Rosa (Universidad del País Vasco / Euskal Herriko Unibertsitatea): **Nota mínima sobre algunos modelos familiares en los tres**

primeros siglos del Imperio Romano (Brief Note on Some Family Models in the First Three Centuries of the Roman Empire). (Orig. es).

In *Iura Vasconiae*, 10, 517-542.

Abstract: This article is based on a lecture that offered a simplified explanation of certain aspects of the «Roman family». I therefore concentrate exclusively on Roman Law during the first three centuries of the Empire, ignoring that of other periods, and try to summarise the salient aspects of the agnatic family, cognatic family, *patria potestas*, *manus* and marriage. I also refer to other family models adopted in the Roman world, specifically the marriage of Jews and Christians and marriage in Roman Egypt.

Key words: Agnatic family. Family cognatic. *Patria potestas*. *Manus*. Marriage. Divorce. Bigamy. Incest.

Mikelarena Peña, Fernando (Universidad de Zaragoza): **Navarra entre el Estatuto Vasco y un Estatuto singular para Navarra** (Navarre between the Basque Statute and a Unique Statute for Navarre). (Orig. es).

In *Iura Vasconiae*, 10, 395-459.

Abstract: This article examines the issues surrounding a statute for Navarre during the Second Republic. It focuses in particular on the following aspects: the dual statutory process of 1931, the statutory process of 1931, the autumn initiatives of 1932, the talks held at the Ateneo of Navarre cultural centre between February and May 1935, the statutory process and the left, the boycott strategy adopted by Eladio Esparza and Hilario Yaben towards any statute throughout the entire period, and the statute-improvement controversies of December 1935 and the spring of 1936

Key words: Navarre. Second Republic. Statutory process. Ateneo of Navarre. Eladio Esparza. Hilario Yaben.

Monreal Zia, Gregorio (Universidad Pública de Navarra / Nafarroako Unibertsitate Publikoa): **La Ley abolitoria de Fueros de 21 de julio de 1876 (antecedentes y paso por el Congreso)** (The Law of 21 July 1876, Abolishing the Basque Charters (Background and Passage through Parliament)). (Orig. es).

In *Iura Vasconiae*, 10, 39-192.

The *Fueros* of Alava, Bizkaia and Gipuzkoa persisted between 1844 and 1876. The Spanish Liberalism used a hypothetical link between the Basque foral institutions and the Carlist insurrection to extend constitutional unity, undertaking drastic reform of military service, taxation, and reducing the powers of the General Councils and Councils. In the reform, the Prime Minister Cánovas

sought to follow the procedure laid down in the 1839 *Foral* law by summoning the commissioners of the Basque Provinces, without any result. The new law's draft provoked a strong division in the Spanish liberalism between constitutionalist minority which was for Jurisdictions' total abolition and the Canovas' party's liberal-conservative majority who pursued to maintain, after a negotiation, some singularities in fiscal and administrative order. The Government's project was altered in the Senate. There was an intense debate in Congress between the Basque deputies, the Constitutionals, and the ruling party. The Law of July 21, 1876 ended with a centuried Basque self-government.

Key-words: Foral Law of 1876. Constitutional unity. Basque and national military service. Economic contribution to the State. Carlist war. Pacts with the Crown.

Nausia Pimoullier, Amaia (Eusko Ikaskuntza / Sociedad de Estudios Vascos): **El usufructo de viudedad navarro como recurso de supervivencia para las viudas (siglos XVI y XVII)** (The Navarre Widow's Right of Usufruct as a Mechanism of Survival for Widows (16th-17th centuries)). (Orig. es).

In *Iura Vasconiae*, 10, 573-596.

Abstract: This article offers an overview of the widow's right of usufruct in Navarre, with a special focus on the legal aspects and social repercussions. The institution, its importance for widows of the 16th and 17th centuries, and their defence of their rights in Navarre's courts of law are examined in the text. This right of usufruct, coupled with the right to claim back their dowry, was one of the principle guarantees of survival for widows in the kingdom of Navarre.

Key words: Right of usufruct. Widows. Widowhood. Women's survival mechanisms. Royal Courts. Social history.

Poumarède, Jacques (Université Toulouse I): **La familia pirenaica: un estado de la cuestión** (Pyrenean family : a state of the question). (Orig. es).

In *Iura Vasconiae*, 10, 543-556.

Abstract: The state of the question about Pyrenean family from a historical and legal perspective is analyzed. The most notable historiographical contributions since the nineteenth century to the present are reviewed, focusing on the romantic myths configured around the house, the lines of inheritance and the only heir, that have been dragging along the twentieth century and have been banishing by new directions of research conducted in recent decades. The article is a translation from the original French Castilian published in 2001 and republished in that language in 2011.

Key words: Historiography. Pyrenean family. Home. Lines of Inheritance. Only heir.

Poumarède, Jacques (Université Toulouse I): **Familia y propiedad en los Pirineos de la Edad Media al siglo XIX** (Family and property in the Pyrenees from the Middle Ages to the nineteenth century). (Orig. es).

In *Iura Vasconiae*, 10, 557-572.

Abstract: From the development of research on the history of Pyrenean family structures Pyrenees in the late seventies, the traditional thesis on the stem family, primogeniture, family wealth, the successions and matrimonial economic regimes, changing in time and space, are critically reviewed. The article is a translation from the original French Castilian published in 1979 and republished in that language in 2011.

Key words: Pyrenean family. Home. Lines of Inheritance. Primogeniture. Only heir.

Sabater Bayle, Elsa (Universidad Pública de Navarra / Nafarroako Unibertsitate Publikoa): **La casa navarra (a propósito de las Leyes 48 y 75 del Fuero Nuevo de navarra)** (The Navarre Home (A Propos of Laws 48 and 75 of the New Charter of Navarre)). (Orig. es).

In *Iura Vasconiae*, 10, 635-658.

Abstract: The Navarre Home is an institution of common-law origin contemplated in the Civil Law Compilation or New Charter of Navarre. Most of the other family and hereditary institutions are based on the general principle of the unity and continuity of the home, including the preservation of assets within the family. The «home» concept contemplated in Law 48 of the New Charter and the general principles set forth in Law 75 have raised a number of doubts, which are addressed and discussed in this article.

Key words: Navarre Home (the). Unity and continuity of the Home (principles). Donation *propter nuptias*. Hereditary law. Vested family rights of redemption. Freedom of testation.

Valverde Lamsfus, Lola (Universidad del País Vasco / Euskal Herriko Unibertsitatea): **La transmisión de la propiedad en Gipuzkoa en la Edad Moderna y su influencia en la conflictividad familiar** (Property Transfer in Gipuzkoa in the Early Modern Era and Its Influence on Family Conflicts). (Orig. es).

In *Iura Vasconiae*, 10, 597-634.

Abstract: The absence of Civil Law provisions in the Gipuzkoa charters created serious difficulties for the preservation of the single heir system, an essential condition for the continuity of ownership and the prosperity of the province. The people of Gipuzkoa therefore used the possibilities offered by the Common or Castilian Law to perpetuate the practice of indivisible ownership of property. However, despite the importance of the ideology of the home and the profound respect and observance shown by sons and daughters for paternal designs, there were serious hereditary disputes within families, as amply demonstrated in documentation that has yet to be studied.

Key words: Gipuzkoa. Fueros. Civil Law. Property transfer. Family confrontations.

Varela Suances-Carpegna, Joaquín (Universidad de Oviedo): **La Constitución de 1876 y la organización territorial del Estado** (The Constitution of 1876 and the Territorial Organization of the State). (Orig. es).

In *Iura Vasconiae*, 10, 11-37.

Abstract: The Constitution of 1876 and the political regime of the Restoration that it installed, largely thanks to the political acumen of Antonio Cánovas del Castillo, emerged in the context of a waning republic, brought to its knees by its failure to introduce federalism. By contrast, the long-deliberated Constitution of 1876 ushered in a highly centralised state, not only in mainland Spain, but also in its remaining overseas colonies, based on a very narrow idea of Spain as a nation, embodied by Castile. The new territorial organisation survived for the same length of the time as the validity of the Constitution that had introduced it (almost 50 years) or even longer, as Primo de Rivera's dictatorship openly violated it but never expressly repealed it. However, following the «Disaster of '98», and largely thanks to the rise of Catalan nationalism, centralism was derided by many very diverse alternative political projects.

Key words: Constitution of 1876. Restoration. Cánovas del Castillo. Centralism of mainland Spain and its overseas colonies. Nationalist and regionalist movements.

Varela Suances-Carpegna, Joaquín (Universidad de Oviedo): **La Constitución de 1931 y la organización territorial del Estado** (The Constitution of 1931 and the Territorial Organization of the State). (Orig. es).

In *Iura Vasconiae*, 10, 323-354.

Abstract: The «Catalan issue» marked the «Pact of San Sebastian» in the period immediately prior to the Second Republic and made its presence felt from

the very first day of the proclamation of the republic on 14 April 1931. Somewhat unexpectedly, it also marked the short but extremely intense constitutional process, when the debate on the new Fundamental Law in the greatly atomised Spanish Cortes (in which the nationalist parties, mainly of Catalonia but also of the Basque Country and even Galicia, vehemently defended their respective self-government regimes) ended up also being a debate of the Catalan Statute of Autonomy. The federal or unitary nature of the republic, along with the religious problem, was hotly debated in the constituent assembly. In the end, a hybrid, ground-breaking formula, unprecedented in the history of Spain, won the day: the so-called «integral state». The autonomy of Catalonia was articulated in the light of this formula, albeit in fits and starts, as was that of the Basque Country, on the eve of the Spanish Civil War, although the self-government of Galicia was aborted. However, opposition to the regional autonomies and the «integral state» that had permitted them was rife from the moment the republican constitution entered force, with demands for the reinstatement of the uniform state (the pillar of an exclusively Castilian Spain), by force if necessary. Indeed, this is precisely what happened following the victory of General Franco.

Key words: Constitution of 1931. Second Republic. Integral State. Regional autonomies.