

IV. ANALYTIC SUMMARY

FOURTH SYMPOSIUM

Sayas Abengoechea, Juan José (Universidad Nacional de Educación a Distancia): El municipio de Vasconia en el Mundo Antiguo (Municipalities of vasconia in the Ancient World). (Orig. Es).

In *Iura Vasconiae*, 2, 9-46.

Abstract: A study is made of the way in which the ancient villages of Euskal - Herria had their territory organised prior to the presence of the Romans, and to the appearance in the Roman era of the *civitates* and the euristic procedures used in their identification. An analysis is made, especially, of the federated towns of the Tarracenses, and the acquisition by some of them of a privileged municipal statute, and the problems originated by literary documents when they assess as Vascon towns villages that originally were not Vascon.

Keywords: Pre-Roman era. Ethnic groups. Urbanization. Municipalisation. Historiography.

Jimeno Aranguren, Roldán (Universidad Pública de Navarra): El municipio de Vasconia en la Edad Media (Municipalities of Vasconia in the Middle Ages). (Orig. Es).

In *Iura Vasconiae*, 2, 47-86.

Abstract: After making some precisions about the concepts of town and municipality, I shall describe the main characteristics of the medieval municipality: the neighbourhood as a result of its statute, the market and the fortification. I will then describe the different families of local statutes and their evolution and/or perpetuation during the Middle Ages, together with the brotherhoods or late medieval groupings of municipalities, mentioning the latest historiographic contributions. Finally, there will be a brief description of the municipal organisation.

Keywords: Municipality. Vasconia. Middle Ages. Town. Local statute. Brotherhood.

Soria Sesé, Lourdes (Universidad del País Vasco/Euskal Herriko Unibertsitatea): Entre Derecho Tradicional y Derecho Recibido: las Repúblicas municipales de Vasconia durante la Edad Moderna (Somewhere Law: The municipal Republics of Vasconia during the Modern Age). (Orig. Es).

In *Iura Vasconiae*, 2, 87-114.

Abstract: The political relevance and representativity of Basque and Navarran municipalities from the ancient regime derived from the fact that they were

constituted as *republics* integrated by a community of juridical subjects, the connection of which with those republics was of a spatial character. Their autonomy, built up by the *ius commune*, is derived from Natural Law and is carried out by exercising the *iurisdictio*, which allowed for their own judicial instances and for the elaboration of their own set of legislation. As from the dissociation of that order, brought about as a result of written culture, in traditionally elaborated law and received law, it is possible to identify the fundamental characteristics of each.

Keywords: Municipality. Historical territories of Vasconia. Jurisdiction. Castile. Common law. Political community. Ancient Regime. Statutes.

Lafourcade, Maïté (Universidad de Pau y de los Países del Adour): Les Communautés Paroissiales en Iparralde sous l'ancien régime (Parish Communities in Iparralde under the old regime). (Orig. Fr).

In *Iura Vasconiae*, 2, 115-126.

Abstract: Basque society organised itself as from the family, symbolised by the house (*etxe*); houses were grouped in neighbourhoods. In each of them, the *etxe-jaunak* met, in a council, on Sunday, after mass, in front of the church, to deliberate on all matters of relevance to the community. Decisions were taken by majorities, and each *etxe* has a voice, however important that household was. Those decisions were legally binding for the neighbourhood. Every year, they would designate a Mayor and an agent for each quarter, who were in charge of executing the decisions taken by the *etxe-jaunak*. In Iparralde, the municipal regime was, within the Old Regime, a direct democracy based on the houses or families represented by the *etxe-jaunak*.

Keywords: Basque Society. Cottage. Neighbourhood. In front of the church. Councils. Municipal Regime. Iparralde.

Endemaño Arostegui, José María (Director de Política institucional y Administración Local del Gobierno Vasco): El municipio en la Comunidad Autónoma Vasca (The municipality in the basque autonomous community). (Orig.es).

In *Iura Vasconiae*, 2, 127-150.

Abstract: The author introduces the legislation that used to regulate municipalities at the time when the Autonomous Community of the Basque Country was constituted, followed by a description of how local regulations evolved in the three major sources of legislative production: the State, the Autonomous Community and the Historical Territories, special attention being paid to the

economic regime. The author then briefly describes certain characteristics on the size and population of Basque municipalities, together with the political configuration of town councils. The author then lastly proposes certain conclusions.

Keywords: Municipality. Local Regime. State Legislation. Autonomic Regulations. Statutory regulations and finance.

Alli Aranguren, Juan Cruz (Universidad Pública de Navarra): El municipio en la Comunidad Foral de Navarra. Historia, tradición y principios (Municipalities in the Statutory Community of Navarre. History, tradition and principles). (Orig.es).

In *Iura Vasconiae*, 2, 151-202.

Abstract: The medieval local regime was adapted to that derived from liberal uniformity as from the 1841 Law and, later on, from that derived of the Municipal Statute in the Royal Decree dated 4th November 1925. Both norms recognised a hierarchy for the Diputations over municipalities that took shape in the form of numerous acts of control, including the revision of municipalities' decisions by means of administrative action. The Regulation of the 1928 Municipal Administration was the code that regulated local life in which all the maintained historical peculiarities were reflected. This Regulation reflected the submission of local life to the superior authority of the Diputation. Based on Article 46 of the Navarran Law Regulating Statutory Action, a new regime based on the constitutional concept of local autonomy was established, regulated by Statutory Law 6/1990, dated 2nd July.

Keywords: Municipality. Statutory Community of Navarre. Contemporary History. Statutory Diputation of Navarre. Local Regime.

Ahedo Gurrutxaga, Igor (Universidad del País Vasco/Euskal Herriko Unibertsitatea): El municipio en Iparralde (Municipalities in Iparralde). (Orig.es).

In *Iura Vasconiae*, 2, 203-256.

Abstract: In this work the author attempts to describe the characteristics of municipalities in Iparralde within the French constitutional framework, observing its implications in two and different dynamics that have determined political life in this territory since the 1990s: development strategies and the demand for local institutionalisation. In parallel, the author analyses the weight of such dynamics in the reinforcement of Basque identity and as a community vertebrator in festive expressions in Iparralde.

Keywords: Municipality. Iparralde. Public policies. Social movements. Identity.

Agirreazkuenaga Zigorraga, Iñaki (Universidad del País Vasco/Euskal Herriko Unibertsitatea): La doble oficialidad lingüística en el municipio de Vasconia (Linguistic double officiality in the municipalities of Vasconia). (Orig.es).

In *Iura Vasconiae*, 2, 257-283.

Abstract: The fundamental principles in linguistic matters are, without doubt, those related with artificiality and nondiscrimination because of language. Other complementary principles can also be considered, like the duty to know Spanish together with the particular language of a Community. This work is about how the right to language is exercised in a bilingual community, in which an official languages only known by part of the population. This work also deals with the principle of linguistic nondiscrimination with all its gamut of possibilities. Obviously, the need for a linguistic planning in Basque public administration is directly related with its socio-linguistic reality.

Keywords: Statutory Community of Navarre. Autonomous Community of the Basque Country. Linguistic officiality. Castilian. Basque. Linguistic rights.

VARIA

Manso Porto, Carmen (Académica correspondiente de la Real Academia de la Historia. Directora del Departamento de Cartografía y Artes Gráficas): El Diccionario Geográfico-Histórico de España de la Real Academia de la Historia (*Geographical-Historical Dictionary of Spain* by the Royal Academy of History). (Orig.es).

In *Iura Vasconiae*, 2, 287-336.

Abstract: The *geographical-historical Dictionary of Spain* of the Royal Academy of History was conceived as a work for public utility to learn geography and history. The idea of improving its rules and making it exhaustive, and the change of method in 1797 (general alphabetical of all the kingdoms and provinces instead of particular alphabetical), delayed its publication. In 1799 the first section was prepared focused on the area of which most complete information was hold: the kingdom of Navarra, the domain of Vizcaya and the provinces of Álava and Guipúzcoa.

Keywords: Royal Academy of History. “Numerarios” Academicians. “Correspondientes” Academicians. Academic board. Dictionary board. geographical Dictionary. Voices. The Enlightenment

Gorostiza Vicente, José Miguel (Universidad de Deusto): La troncalidad en Bizkaia: una concepción original de propiedad colectiva familiar (Line of inheritance in Bizkaia: an original conception of collective family property). (Orig.es).

In *Iura Vasconiae*, 2, 337-362.

Abstract: The institution of the line of inheritance has been and is the most noteworthy peculiarity in the Civil Law of Bizkaia. Its profound social acceptance as reflected in the 1526 New Statute and is now reflected in Law 3/1992 as approved in the Basque Parliament. Its effects have constituted an original conception of property qualified as collective or trunkal property: the titled area has complete dominion and use of the real estate that is not able to freely sell such properties without previously respecting his family's preferential right of acquisition. The objective is to maintain and the unity and continuity on the family heritage, guaranteeing the rights of the family on the real estate, although the current legislator, together with current doctrine and jurisprudence, are attempting to limit its most radical effects, and acting the institution to the demands of current society.

Keywords: Civil Law of Bizkaia. Statutory Civil Law of the Basque Country. Line of inheritance. Statutory compilations. High Court of Justice of the Basque Country.

Goikoetxea Oleaga, Lorenzo (Universidad de Deusto): Función social del Derecho de Propiedad y carácter familiar del patrimonio en la vigente Ley 3/1992 de Derecho Civil Foral del País Vasco (Social function of the Law on Property and the family character of patrimony in the current Law 3/1992 on statutory Civil Law of the Basque Country). (Orig.es).

In *Iura Vasconiae*, 2, 363-398.

Abstract: Law 3/1992 on Statutory Civil Law in the Basque Country maintains a special conception and protection of the family character of the Patrimony. Its concretion is a consequence of a determined historical model of family and property organisation in a society that was radically different from that in our times. Family and property models have undergone a noteworthy evolution, although both family and property law still have a fundamental social

function. The author reflects on the reasons for maintaining the rights of certain relatives on the family patrimony and on the current regulation in civil law reference to property law in its individual, family and social aspects. A future proposal may be the to discard family lines of inheritance and bestow a solidary character on property: from family lines of inheritance to solidarity.

Keywords: Statutory Civil Law of the Basque Country. Patrimony. Family. Property. Lines of Inheritance. Law on successions. Family property.