

Abstract

Constitutional development of Spain in 19th century

I have chosen this topic in particular because I am interested in Spanish culture and history.

I have focused in my thesis on constitutional development of Spain in 19th century that was essential not only for Spain itself but also for the rest of Europe because Spanish constitution from year 1812 has become a paragon for many European countries. My goal was to capture political-social conditions on Iberian peninsula in 19th century and historical circumstances leading to acceptance of individual constitutions.

The thesis is divided into chapters, each of which refers to one constitution, or a draft of one, in a chronological order. Chapters are divided into sections that explain approach to outstanding topics such as scale and extent of individual state powers, monarch's power, political institutions, concept of suffrage and human rights and freedoms.

For Spanish society was typical social stratification and persisting feudalism, strong influence of the Church and the nobility. The whole 19th century was affected by conflicts between conservatives and liberals. While conservatives were defending their historical privileges and were denying attempts on revolutionary reform, the liberals were claiming equality of all citizens before the law, fundamental human rights, of which suffrage was the most essential and also they required restricted state power and separation of powers.

Persisting ideological struggle caused that it was extremely difficult to enforce reforms and military uprisings were quite an often display of political culture.

Ten constitutions, statutes or drafts had been composed during the 19th century and my thesis analyzes in particular concepts of constitutional principles, arrangement of political institutions and last but not least granting of human rights and freedoms, suffrage above all.

Bayonne Statute had become the first constitutional document. It was significant due to restrictions of monarch's powers and due to mutual control of individual state powers.

The largest space has been dedicated to the Cádiz Constitution from year 1812 that had become a symbol of constitutional development in 19th century and the liberals' unattainable goal. It was the first actual Spanish constitution and at the same time one of the most liberal constitutions of the era. The constitution was based on principles of nation's sovereignty, equality and separation of powers. It had essential influence on position of oversea colonies.

Subsequent constitutional document was the Royal Statute from year 1834. It had implemented bicameralism and hadn't contained any declaration of rights and freedoms.

The Constitution of 1837 further reinforced power of the monarch. For the first time the term of „judicial power“ had been used in a constitution. Important feature of this constitution was a shift to religious freedom, it had recognized other religions than catholicism.

„Moderate“ constitution from year 1845 was based on principles of shared sovereignty, the influence of conservative ideology is notable. Despite underlying principle of separation of powers, the autonomy of Parliament and human rights and freedoms had been restricted as opposed to power of the monarch. Confessional character of the state was restored.

There had been two attempts to reform the Constitution of 1845 however neither had come in force. The first one from year 1852 intended to even intensify the power of the Crown and reduce competency of parliament, exercise of suffrage and human rights and freedoms. Constitutional draft from year 1956 was based on progressive ideas such as religious tolerance, very detailed list of human rights, separation of powers and autonomy of the Parliament.

The Glorious Revolution Constitution from year 1869 is recognized as the first Spanish democratic constitution. Its most fundamental benefit is the implementation of universal male suffrage.

Aims of the draft of the First Republic Constitution from year 1873 were to preserve democratic freedoms, separation of powers and territorial division. It determined federal republic as a state system.

Constitution from year 1876 leads back to concept of the constitution from year 1845, yet it was more liberal. Stability of the constitution and monarchy should had been attained through system of alternation of two political parties, the liberals and the conservatives. However, this system had only lead to manipulation of election.

Conclusion of the thesis is focused on the end of the 19th century and outlining of crisis of year 1898 that lead to breakdown of the empire and inflicted the feeling of national humiliation. The dying years of the 19th century were affected heavily by political instability and social unrest.