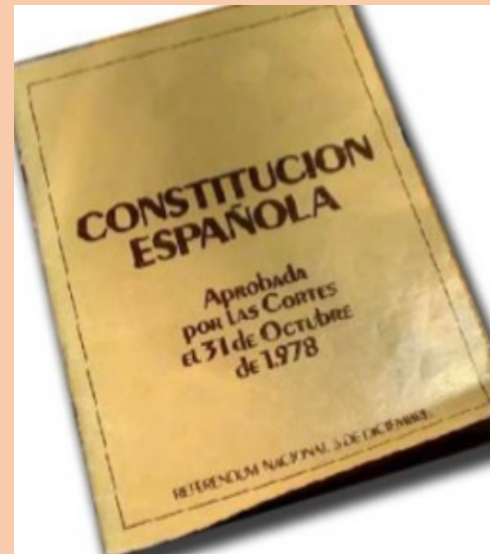


CONSTITUTIONALISM in the AGE OF DEMOCRACY

On the 20th century

SPAIN CONSTITUTIONAL MONARCHY



SPAIN

Overview of Spain's political system

Constitutional monarchy



Government: Unitary parliamentary constitutional monarchy

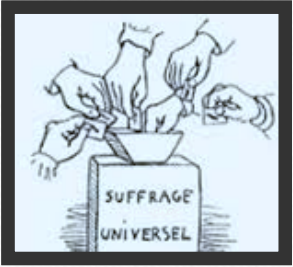
King: Juan Carlos I

Prime Minister: Mariano Rajoy

Deputy Prime Minister: Soraya Sáenz de Santamaría



Overview of Spain's political system



Constitutional monarchy



It's a representative democracy

Legislature: General Courts

Upper house: Senate

Lower house: Congress of Deputies

On the 20th century

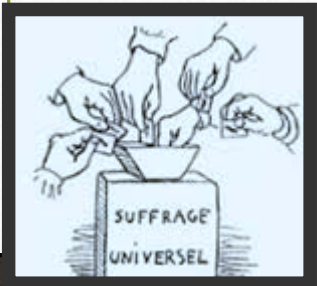
CONSTITUTIONALISM IN THE AGE OF **DEMOCRACY**

Overview of Spain's political system

SPAIN'S FORM of GOVERNMENT

Parliamentary monarchy

Members of the Congress of Deputies are chosen through proportional representation; the government is formed through the party or coalition that has the Congress' trust, generally the party with the biggest number of seats.



Democratic Constitutional Monarchy

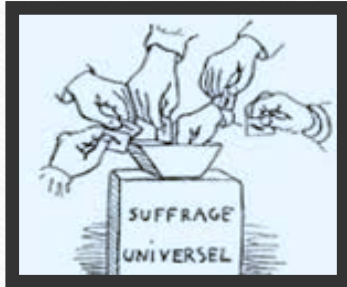
Where **the Head of State** is the MONARC
And the PM (President of the Gvt) is the **head of Govt**

The Govt which includes PM, deputy other Ministers – Cabinet of Ministers) exercise executive powers

On the 20th century

CONSTITUTIONALISM IN THE AGE OF **DEMOCRACY**

Overview of Spain's political system



SPAIN'S FORM of GOVERNMENT **LEGISLATIVE POWER**

it is vested in the **<<Cortes Generales>>**

A BICAMERAL PARLIAMENT

Represented by the CONGRESS OF DEPUTES and the SENATE



JUDICIARY POWER

SUPREME COURT of Spain

It is higher than all than Constitutional Issues

CONSTITUTIONAL COURT of Spain

Overview of Spain's political system

On the 5-7th century

- ❑ **The laws of the Visigoth** invaders of Spain in the 5th to 7th centuries had the earliest major influence on Spanish legal system development.

On the 11-15th century

- ❑ The **Christian Reconquest of Spain** in the 11th through 15th centuries witnessed the development of **customary law**, which combined canon (religious) and Roman law.
- ❑ During several centuries of **Hapsburg and Bourbon rule**, systematic recompilations of the existing national legal system were attempted, but these often conflicted with local and regional customary civil laws.

Overview of Spain's political system

Feudal Age (8th–12th centuries)

The system of *Cortes* arose in The Middle Ages as part of feudalism

- ❑ A "**Corte**" was an **advisory council** made up of the most powerful **feudal lords closest to the king**.
- ❑ The Cortes of León 1188 was the first parliamentary body in Western Europe.
- ❑ **Prelates, nobles and commoners remained separated in the three estates within the Cortes.**
- ❑ The king had the ability to call and dismiss the Cortes,
- ❑ but, as the lords of the Cortes headed the army and controlled the purse, the King usually signed treaties with them to pass bills for war at the cost of concessions to the lords and the Cortes.

❑ CONSTITUTIONALISM IN THE AGE OF **DEMOCRACY**

Rise of the bourgeoisie (12th–15th centuries)

- ❑ In the 12th century, **a new social class** started to grow: **people living in the cities** were *neither* vassals (servants of feudal lords) *nor* nobles themselves: Spanish burguesía, from *burgo*, city, who had the money and thus the power.
- ❑ So the King started **admitting representatives** from the cities to the Cortes in order to get more money for the Reconquista.
- ❑ At this time the **Cortes already had the power to oppose the King's** decisions, thus effectively vetoing them.
- ❑ In addition, some representatives (elected from the Cortes members by itself) were permanent advisors to the King, even when the Cortes were not.

Rise of the bourgeoisie (12th–15th centuries)

the "Fueros",

grants of autonomy to the cities and their inhabitants.

(forum), an open space used as market, tribunal and meeting place.

It has meant a compilation of laws, especially a local or regional one;

□ a set of laws specific to an identified class or estate (for example *fuero militar*, comparable to a military code of justice or *fuero eclesiástico* specific to the Roman Catholic Church).

□ In the 20th century, Francisco Franco's regime used the term *fueros* for several of the fundamental laws.

□ **The term implied these were not constitutions subject to debate and change by a sovereign people, but orders from the only legitimate source of authority**, as in feudal times.

Catholic Monarchs (15th century)

Isabella I of Castile and Ferdinand II of Aragon, the Catholic Monarchs, started **a specific policy to diminish the power of the bourgeoisie and nobility.**

- ❑ One of the major points of friction between the Cortes and the monarchs was **the power of raising and lowering taxes.**

It was the only matter that the Cortes had under some direct control; when Queen Isabella wanted to fund Voyages of Christopher Columbus, she had a hard time battling with the bourgeoisie to get the Cortes' approval.

On the 16-17th century

CONSTITUTIONALISM IN THE AGE OF **DEMOCRACY**

Imperial Cortes (16th–17th centuries)

- ❑ The role of the Cortes during the [Spanish Empire](#) was mainly to rubberstamp the decisions of the ruling monarch. However, they had some power over economic affairs, especially taxes.
- ❑ **The [Siglo de oro](#), the Spanish Golden Age of arts and literature, was a dark age in Spanish politics**
- ❑ The Netherlands declared itself independent and started a war, while some of the last [Habsburg](#) monarchs did not rule the country, leaving this task in the hands of [viceroys](#) governing in their name, the most famous being the [Count-Duke of Olivares](#), [Philip IV](#)'s viceroy.
- ❑ This allowed the Cortes to become more influential, even when they did not directly oppose the King's decisions (or viceroys' decisions in the name of the King).

On the 19th century

CONSTITUTIONALISM IN THE AGE OF **DEMOCRACY**

Overview of Spain's political system

The idea

a **national constitution** for Spain arose from the **Declaration of the Rights of Man and of the Citizen** initiated as a result of the **French Revolution**.

The earliest document recognized as such was **La Pepa** passed in 1812 as a result of the **Peninsular War** (1807–1814), which was a **military conflict** between:

- ❑ the **First French Empire** and
- ❑ the allied powers of the **Spanish Empire**, the **United Kingdom of Great Britain and Ireland** and the **Kingdom of Portugal** **for control of the Iberian Peninsula during the Napoleonic Wars.**

On the 20th century CONSTITUTIONALISM IN THE AGE OF **DEMOCRACY**

Cortes in Aragon and in Navarre

Cádiz **Cortes** (1808–14) and three liberal years (1820–23)

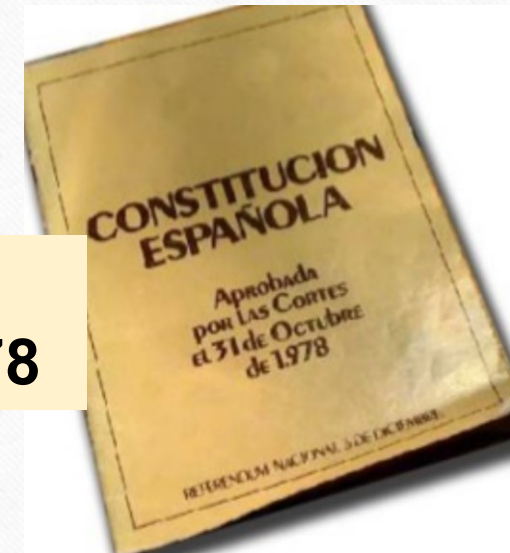
First Spanish Republic (1873–1874)

Restoration (1874–1930)

Cortes Generales
under the Constitution of 1978

Second Spanish Republic (1931–1939)

Franco's dictatorship: the **Cortes** Españolas (1939–1977)



On the 19th century

codification

- ❑ Legal system development for most of the 19th century concentrated on formulating a national civil law system, which was finally enacted in 1889 as the Spanish Civil Code.
- ❑ **Several sections of the code** have been revised, the most recent of which are the penal code in 1989 and the judiciary code in 2001.
 - ❑ The Spanish Civil Code separates public and private law.
 - ❑ Public law includes constitutional law, administrative law, criminal law, process law, financial and tax law, and international public law.
 - ❑ Private law includes civil law, commercial law, labor law, and international private law

On the 20th century

CONSTITUTIONALISM IN THE AGE OF **DEMOCRACY**

Overview of Spain's political system

- ❑ A type of civil law, often referred to as the Spanish Civil Code,
- ❑ *it is the present legal system of Spain and is the basis of legal systems in 12 countries mostly in Central and South America, but also in southwestern Europe, northern and western Africa, and southeastern Asia.*
- ❑ The Spanish Civil Code reflects a complex mixture of:
 - ❑ - customary,
 - ❑ -----Roman,
 - ❑ -----Napoleonic,
 - ❑ -----local,
 - ❑ -----and modern codified law.

On the 20th century

CONSTITUTIONALISM IN THE AGE OF **DEMOCRACY**

Overview of Spain's political system

Constitutional monarchy



CONSTITUTIONAL COURT

There are 12 judges



THE SENATE

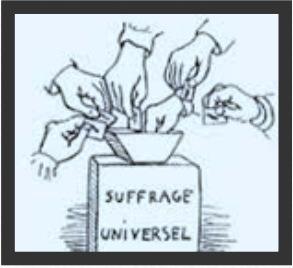
There are 264 members



THE CONGRESS

There are 350 members

Overview of Spain's political system



Constitutional monarchy

Juan Carlos I

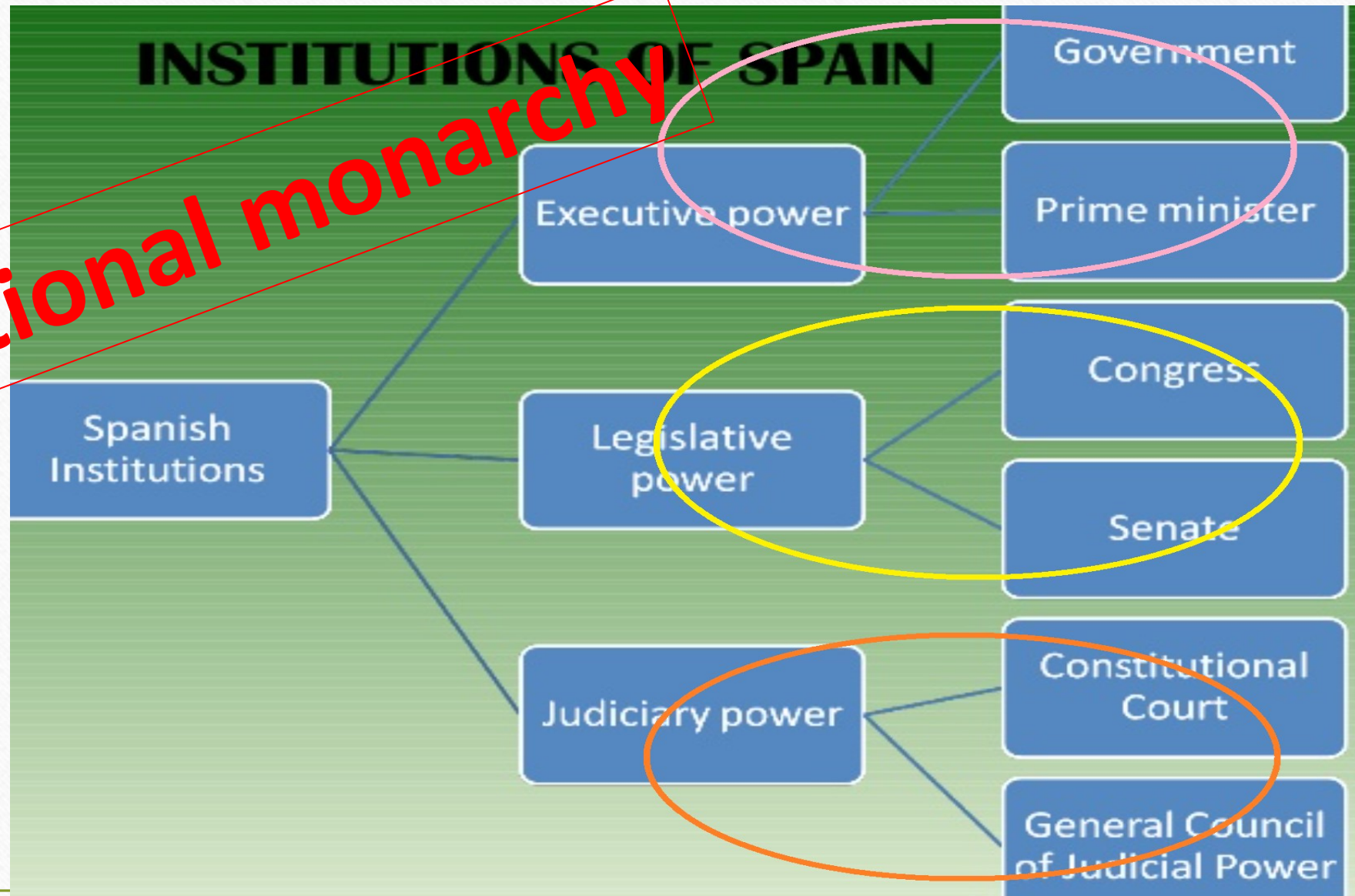
Current King of Spain, since 22 November 1975.

Was named by General Francisco Franco as the next head of state, in 1969; became King on 22 November 1975, two days after Franco died, making him the first reigning monarch since 1931.

The monarch, as said by the Spanish Constitution, is the head-of-state and commander-in-chief of the Spanish Armed Forces and additionally plays a role in advancing Ibero-Americans, the "nations of its historical community".

Overview of Spain's political system

Constitutional monarchy



Overview of Spain's political system

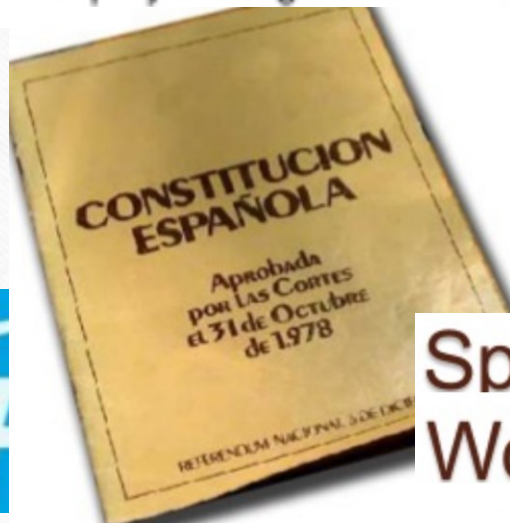


- The political structure of Spain is a **multi-party structure**, although two parties, since the 1990s, have been predominant in politics: the **Spanish Socialist Workers' Party (PSOE)** and the **People's Party (PP)**.
- Regional parties, chiefly the Basque Nationalist Party (EAJ-PNV-PNB) from the Basque Country, and Convergence and Union (CiU) and the Socialists' Party of Catalonia (PSC) from Catalonia, have likewise played large roles in Spanish politics.

People's Party



• Conservative political party in Spain.



Spanish Socialist Workers' Party



Overview of Spain's political system



Political parties in the Congress of Deputies

People's Party (*Partido Popular*, PP)

Spanish Socialist Workers' Party (*Partido Socialista Obrero Español*, PSOE)

United Left (*Izquierda Unida*, IU)

Union, Progress and Democracy (*Unión Progreso y Democracia*, UPyD)

Convergence and Union (*Convergència i Unió*, CiU)

Amalur (*Amalur*)

Basque Nationalist Party – PNV (*Euzko Alderdi Jeltzalea; Partido Nacionalista Vasco; Parti National Basque*)

Republican Left of Catalonia (*Esquerra Republicana de Catalunya*, ERC)

Galician Nationalist Bloc (*Bloque Nacionalista Galego*, BNG)

Canarian Coalition (*Coalición Canaria*, CC)

Initiative for Catalonia Greens (*Iniciativa per Catalunya Verds*, ICV)

Commitment Coalition (*Coalición Canaria*)

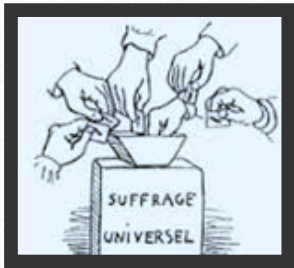
Asturian Forum (*Foro Asturias*, FAC)

Yes to the Future (*Gerora Bai*, GBai)

Navarrese People's Union (*Unión del Pueblo Navarro*, UPN)

Aragonese Union (*Chunta Aragonesista*, CHA)

Overview of Spain's political system



Constitutional monarchy

Official language(s): Spanish

- Recognised regional languages: Basque, Catalan, Galician, Occitan
- Partially recognised languages: Aragonese, Asturian, Leonese

With regard to the protection of language pluralism, art. 3 of the Constitution states:

1. Castilian is the official Spanish language of the State. All Spaniards have the duty to know it and the right to use it.
2. The other Spanish languages shall also be official in the respective self-governing Communities in accordance with their Statutes.
3. The wealth of the different linguistic forms of Spain is a cultural heritage which shall be especially respected and protected.

Overview of Spain's political system

Constitutional monarchy

Spain is a decentralized state



Regional government functions under a system called **the state of autonomies**, a highly decentralized structure of administration modeled off asymmetrical devolution to the "nationalities and regions" that make up the nation, and in which the nation, by way of the central government, maintains complete sovereignty.

Overview of Spain's political system

Constitutional monarchy

It is divided in 17 autonomous communities



Each community is divided into provinces

The form of government of every self-governing community and self-governing city is additionally modeled off a parliamentary structure, with the executive authority vested on a "president" and a Council of Ministers elected by and liable to a unicameral legislative assembly.

Overview of Spain's political system



The Valencian Country

Constitutional monarchy

Spain is a decentralized state



99 representatives
Proportional representation

He is elected by
confidence vote

Executive power
and administration