Primo piano:
G. Vicente y Guerrero
Constitución y Revolución en los inicios del Estado nacional noruego

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OSCAR VERGARA

The book *Constitución y revolución en los inicios del Estado nacional noruego* (Constitution and Revolution in the Origins of the Norwegian Nation State), by Guillermo Vicente y Guerrero, aims to provide the Spanish-speaking public with a thorough study of the revolutionary process that took place in Norway in 1814 and which transformed the old absolute state into a new national liberal state by setting a Constitution. The book fills an important gap, as there is no monograph in Spanish that deals with such an important event in Norwegian history and, in general, in the history of parliamentarianism, since Norwegian democracy, due to its tradition of consensus and its egalitarian culture, has been internationally considered a paradigm of multi-party democracy.

Instead, in France it received early attention, through the still useful monograph by J.-P. Catteau-Calleville, *Histoire des révolutions de Norwège*, Paris, Pillet, 1818. In turn, it has received special attention in the Anglo-Saxon world since the second half of the last century, in which the monograph Th.K. Derry, *A History of Modern Norway (1814-1972)*, Oxford, Oxford University Press, 1973, is commendable.

The methodology used is remarkable, especially for the direct handling of Norwegian-language sources, both as regards the primary sources, which include the parliamentary records and the electoral records, the various constitutional drafts, the personal diaries of both King Christian Frederik and the Eidsvoll deputies, and their correspondence with their families and friends, as well as the extensive and well-selected secondary bibliography. The latter enables the author to develop independent opinions on the various controversial points and even, where necessary, to distance himself from the

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prevailing view. The insertion of the quotations in the original language is a success, since it allows comparing both versions and, even, for those who do not speak it, it gives the opportunity to learn some Norwegian, by virtue of its parallelisms with other languages of the same linguistic family. Based on this, it is possible to recognize the fidelity of the translation to the original.

It is not, therefore, primarily a popularized work, although it does bring this process to the attention of the Spanish-speaking public, but rather a monograph that explores the subjects in depth, particularly the transcendental historical, political and constitutional events that took place in Eidsvoll in the spring of 1814, which are treated and interpreted with rigour and meticulousness. The chronological order helps to organize the material and brings the reader closer to the events with admirable immediacy, being easier to read and understand, and familiarising the reader with the protagonists of the constituent process, whose actions can be followed practically as if the reader were personally attending the same sessions of the "Rigsforsamlingen" or Assembly of the Kingdom.

The first chapter deals with the genesis of the revolution, which is contextualised in the context of the Napoleonic Wars, in particular the Treaty of Kiel, by which Denmark cedes Norway to the King of Sweden. This fuelled Norwegian nationalist feelings, a fact that, for the author, is crucial in explaining the emancipation movement, wisely channelled by Prince Christian Frederik, cousin of the Danish King Frederik VI and royal representative in Norwegian territory as viceroy. He was the one who took the initiative of bringing together, first informally, a number of notables in Eidsvoll in order to ascertain their opinion, which enabled him to establish the Norwegian people's opposition to the cession imposed by the Treaty of Kiel and the need to convene a "Rigsforsamlingen" or Kingdom Assembly in order to give Norway its first constitution through the corresponding electoral process, which had the decisive support (both organisational and legitimising) of the Evangelical-Lutheran Church. Christian Frederik temporarily declared himself regent of the Kingdom of Norway.

The second chapter reports on the elected Kingdom Assembly, which met in Eidsvoll from 10 April to 20 May 1814 in a private residence, converted by Christian Frederik into a genuine revolutionary epicentre. This chapter presents in detail the most notable figures in the Assembly and their corresponding political positions, whether unionist or pro-independence. The opening of the Assembly and the April plenary sessions are reported in equal detail. At one of these, the "elleve Grundsætninger" or eleven fundamental principles, drawn up by the Constitutions Committee, were submitted for discussion and approval. The international situation, which is more favourable to Sweden, does not seem to be in tune with the Assembly's views, which are increasingly leaning towards pro-independence.

The third chapter focuses on the formation and activity of the Constitutional Committee, as well as the corresponding deliberations of the Assembly on the eleven fundamental principles. Of particular significance was the debate that arose from the first principle, which made it clear that Norway was to become a free, independent and indivisible Kingdom under a limited hereditary monarchy, which Christian Frederik would assume as King once he was freely elected by the representatives of the Assembly. Other interesting points discussed were the extent of religious freedom and compulsory and egalitarian military service. Under increasing external pressure,

the Constitutional Committee, once the eleven principles had been discussed and approved, set about drawing up a constitutional draft in a record time of eleven days. This draft was prepared on the basis of a series of previous outlines. The author argues that his careful analysis is essential to understand the different views on important political and legal issues in Norway in 1814. It thus enables him to enrich the historical debate with well-founded opinions. The possible influence of the Spanish revolutionary process on the minds of the Eidsvoll deputies is also considered.

The fourth chapter is the longest and constitutes an insightful and analytical study of the Constitution of 1814, which was the main instrument for breaking with the previous absolutist political system, through its liberal nature, inspired by the principles of liberty and equality, although it lacked a specific declaration of natural or fundamental rights. It is undeniable, the author argues, that the popular element is also of fundamental importance in the constitutional text, which has led many jurists to claim that in the Norwegian Constitution the principle of separation of powers is consistent with the principle of popular sovereignty by privileging the legislative power over the executive.

However, the author completely departs from this opinion through a thorough historical, doctrinal and systematic analysis, which seems to me to be one of his main contributions, through which he shows that the effective distribution of power designed in the Constitution does not correspond to that principle, unless liberalism is confused with democracy.

Instead, what is designed in the Constitution is, in his view, a shared sovereignty between the king and parliament. With regard to the first, two of the most contested issues are analysed in detail: that concerning titles of nobility and that of compulsory military service without distinction of class. And, with regard to the second, a number of liberties granted in the text are analysed in the section on "Almindelige Bestemmelser" (General Provisions), which includes freedoms such as freedom of the press, freedom of trade, the prohibition of torture, the conditions for house searches, the principle *nulla poena sine lege,* as well as the non-retroactivity of laws. Also the protection of property and related rights. Finally, the author focuses on the critical and close analysis of the "(non) freedom of religion", which, as Guillermo Vicente shows, constitutes the biggest flaw in the entire constitutional text, and which a part of Norwegian historiography has traditionally tried to explain by referring either to the lack of time for debate or to vague editorial errors. The author does not agree, since he regards this as a deliberate move and in line with a series of factors that contributed to the final version of Art. 2.

The fifth and final chapter describes the work of the finance committee and its seven proposals, the adoption of the final text, as well as the election of Prince Regent Christian Frederik as king, his acceptance, the oath of the Assembly and its subsequent dissolution. Finally, the epilogue contains the inmediate episodes, which culminate with the union of Norway and Sweden under the king of the latter country. The positive fact for the Norwegians is that this was not done under the Treaty of Kiel, but under the Moss Convention, which allowed the Eidsvoll Constitution to remain almost unchanged, and whereby Norway joins Sweden while retaining its sovereignty, institutions and extensive autonomy. It should be added that the monograph includes a series of documentary appendices, translated into Spanish by the author, which are of great interest.

The reader finishes this book with the certainty of a fresh insight into a hitherto fairly unknown in the Spanish-speaking world and a surprising familiarity and closeness with that widely exemplary process, which laid the foundations of the modern constitutional system. In addition, the depth with which the topics are treated allows the author to take a critical stance on Norwegian historiography, which provides an external point of view, always so necessary when questioning one's own presuppositions through a dialectic that seeks to reveal the truth.

Certainly, the same analysis carried out in the monograph under review could have served K. Olivecrona, the famous Scandinavian realist, very well to test his theory of independent imperatives. According to the latter, there is no such thing as the will of the legislator, but rather an indeterminate aggregate of individual wills that contribute through the most varied intentions, or even without them, to the final result, which is the basis of his critique of legal positivism. Another interesting point of convergence concerns the reflection that the same author makes on the establishment of a new Constitution and, in particular, its connection with the religious phenomenon, something that his master Hägerström had already made clear. Note that Art. 2 of the 1814 Constitution makes the Evangelical-Lutheran religion a fundamental pillar of the state for a number of reasons that would not have surprised these authors. In turn, the concerns that the monograph attributes to the deputies of the Assembly could serve, in turn, to illustrate the social welfare method of Lundstedt, which Ross, on the other hand, considers chimerical, preferring to speak more scientifically of legal policy (*On Law and Justice*, Oxford, Oxford University Press, 2019, pp. 377 ff.).

In short, this is a thorough and reliable monograph, which deepens in the original sources, and which brings an important part of constitutional and parliamentary history, not so well known despite its relevance, to the Spanish-speaking reader, standing out for its historiographical, political, legal-constitutional and even legal-philosophical interest.