

DIDACTIC UNIT 1

Julio María López Orozco:

A Life of Resistance

IES Tirant Lo Blanc, Elche, Spain

2014-2017

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1. INTRODUCTION

Title

Julio María López Orozco: A Life of Resistance.

Grades addressed

15-16 year-olds. In Spain, the Spanish Civil war is usually taught to students of this age, but we consider that in a different country (with maybe a more shallow treatment of a foreign war), the age of the students addressed could be up to 17.

Duration

10 sessions (50 mins. each)

Sources

- Prezi presentation with a summary of the historical background for the teacher's explanations.
- PowerPoint presentation with the biography of Julio María López Orozco for activities 1 and 2.
- Law 52/2007 of Historical Memory, of 26 December 2007.
- Law 46/1977 of Amnesty, of 15 October 1977.
- Link to Youtube video for **Activity 3**: https://youtu.be/M2Yta_9x664

Aims

1. Make the Spanish Civil War public through the biography of a specific character who suffered Francoist repression.
2. Raise awareness and foster students' critical thinking regarding the consequences of the Spanish Civil War.
3. Raise awareness of the importance of the analysis of legal documents used by the authorities as arbitrary mechanisms which modify the historical reality.

4. Get to know the Francoist system of repression, which intends to culturally and physically eradicate the democratic left-wing and the workers' movement through a legal system with unjust laws and/or the wrong law enforcement and judges' bias.
5. Foster the critical analysis of the law.
6. Consider the necessity of the existence of the necessary collaborators with the new regime.
7. Distinguish between what is legal, illegal, ethical and moral.
8. Identify the main features of the following moral categories: the hero, the indifferent, the villain (collaborationist), the indifferent and the victim.
9. Understand that the fact that Francoism and the Spanish Civil War are unfinished chapters and face this situation as a current event nowadays.

Methodology

The methodology to be used in this didactic unit is mainly active and contextualised. A methodology which tries to foster participation and the involvement of students in the learning process, as well as their assimilation of the historical events and their reflection on those events taking place these days and which are closely related to past events.

That is why most of the activities presented here will be worked mainly in small groups, since we think that in small groups students are more likely to express their ideas and reflections.

The **structure** of this didactic unit is conditioned by the methodology we want to follow and foster:

1. Section 3 (Historical Background) is a set of teaching materials for the teacher to prepare the didactic unit and the explanations. The teacher may use the information provided in this section, as well as the Prezi presentation and the PowerPoint presentation with the biography, to present the students with the contents.
2. Once the students have received the necessary background, the teacher divides them into 5 groups which will have to prepare a PowerPoint presentation to explain the rest of the class the part of Section 3 they had to develop.

We include an example of the PowerPoint presentation created by the Spanish students after the teacher presented the unit.

3. Students work on the activities of Section 5 (Activities) with the help and guidance of the teacher.

Other aspects

- **Classroom arrangements:** Students will be sitting in pairs and in small groups.
- **Groups:** Students will work individually, in pairs and in small groups.
- **Equipment:** A computer, speakers and a projector are needed for the Prezi presentation of the didactic unit, for the PowerPoint presentation of the biography and for the video used in Activity 3.

2. BIOGRAPHY RATIONALE

The Didactic Unit Julio M^a López Orozco “A life of resistance” has as its main aim to recover the direct testimonies that show how the winners developed a repressive and re-educational system in order to eradicate the anti-Spain attitude, as well as to recover the historical memory.

Regarding our first aim, the winners developed a repressive system organised from the top positions in those places where the military rebellion succeeded and which continued all through the 1940s. As Matilde Eiroa explains, we are facing *“the strengthening of a repressive system parallel to a re-educational task on the defeated, as the main aim of the repressive Francoist system was not so much to exterminate but rather to control and re-educate society according to the principles inherited from the traditionalist and Catholic thoughts.”*

The second aim is that of recovering the historical memory, not only legal or victim-and-executioner-related, but also the one which affects the world’s opinion, as oblivion or covering up of genocides lead to their repetition. Antonio Elorza claims that *“the role of memory is essential, as genocide violence tends to be shown as the spontaneous result of an action started by the victims themselves, if not invented by them, so it would not be necessary to keep their recollection.”* Moreover, the genocide practice, according to Miguel Macho, tends to a systematic denial and therefore *“they dig mass graves, they burn bodies, they try to cover up the facts and to intimidate the witnesses, they deny having committed any crimes and they usually blame the victims for what happened.”* In the case of Spain, the continuity of the dictatorial regime was the best guarantee of the systematic denial of the genocide practice, but it was the Transition and the Spanish society as a whole the ones which validated the model.

The case of Julio María López Orozco (1885-1970), republican, mason and deputy at the Constitutive Parliament of 1931, clearly exemplifies the ways of Falangists and it is meaningful because he lived the whole of the Francoist repression after being identified as opposing to the “social order”.

Julio López Orozco represents a group considered by the New State as contrary to the “social order”, on whom Francoist repression was especially important and whose aim was to extinguish the Red Communists. Following Julio Prada, in this idea of opposing to the “social order” we can include *“those social sectors which embraced power and social recognition and influence, and*

had identified with republican, working, left-wing and anticlerical positions, as well as those sectors which had actively taken part in the main conflicts during the republican period, which had resisted uprising or which had been members of the different bodies of power working in the republican area.” Finally, we can also include those who had belonged to freemasonry or Communism, glorifying the threat of a Soviet invasion, Judaism, the Judeo-Masonic conspiracy, and so on, to justify the large number of crimes committed. Thus, Mola or Queipo de Llano point at the will to finish with the social basis of the Republic or *“the wide range of left-wing republicans, lays, masons and all those who joined the rebel ranks, either elites, intellectuals or ordinary people,”* the will to dismantle the Republic’s democratic and secular principles, as they were incompatible with the rebels’ ideological stance, and the will to legally classify the republicans as criminals, in trials and sentences.

Julio López Orozco suffers a political and cultural genocide established by the Francoist State, since, as pointed out by Antonio Elorza, *“they tried to physically suppress a whole sector of the Spanish political field, the democratic left-wing and the labour movement, through the removal of their leaders and activists”* or those representing such stereotypes. As we have already mentioned, it is about the strengthening of a wide system of repression, made official and planned, that at the same time will be turning into a re-educational task on the defeated.

As stated by Matilde Eiroa, it was necessary to *“eliminate physically those elements more active, the exile of the surviving opposition, the purge of professional groups, the so-called cleansings, the fear of the established powers kept by force”* and the repeal of the republican laws. Moreover, death lists are created, lists of people to be immediately located and arrested, a discourse of dehumanization of the enemy is elaborated, relating the subhuman character of Red Communists, and the defeated were stigmatized or blamed in order to turn them into the “legitimate” aims of the repression in the eyes of public opinion, as the defence of the republican principles could be punished with death. We are facing an uprising whose aim is the political cleansing of the country through a massive crime, since, as pointed by Mola in 1936, *“it is necessary to spread the idea of terror. Every single open or secret Popular Front defender must be shot”, “We did not want any transactions with the enemy, but defeating them to destroy them”, “after creating the Movement and declaring the state of war, all political parties, societies or trade unions’ executives unattached to the Movement will be imprisoned, imposing severe penalty on such individuals in order to prevent rebellions or strikes.”*

As pointed by Matilde Eiroa, it was spread all over Spain “*the work of indoctrination as a task of ‘re-Spainification’ or the adaptation to the principles of unity and tradition of the nation. Repressing agents and social supporters had neither a unified program nor a single ideology, since they had their roots in traditionalism, centralist nationalism, Falangism or the ultraconservative Catholicism whose common factors were the reject of democracy and especially the resistance to lose privileges and to share the power with the working class.*”

In the case of Julio López Orozco, he is tried and sentenced in September 1939 by a Court of Political Responsibilities with 50,000 pesetas and 8 years of banishment; tried and absolved by a Military Court in 1940; sentenced in 1942 to 25 years of special imprisonment by the Court of Repression of Freemasonry and Communism, (later reduced to ordinary imprisonment of 12 years and one day by the Cabinet or Council of Ministers), held in Alicante, Madrid and Burgos between 24 October 1941 and 7 January 1945. He suffers a long process of cleansing after which on 28 September 1945 he is allowed to work as a doctor at home and, eventually, on 13 June 1946, he is allowed to work again, but only within the limits of the municipality of his hometown.

3. HISTORICAL BACKGROUND

3.1. INTERNATIONAL CONTEXT

Before 1914, democracy, respect for the law and defence of civil rights were scarce assets. They were present in countries such as France or Great Britain but absent in most parts of Europe. Moreover, in Russia, Italy, Germany or Spain, the Parliament was considered as an instrument of political management at the service of the ruling classes. This was due to corruption, restricted suffrage and the Kings' intervention.

After 1914, the fall of autocrat empires led to a new stage of parliamentary democracies and liberal and republican constitutions. However, in spite of that apparent victory of democracy, those governments were not able to solve the political, social and economic problems of the inter-war Europe. There were difficulties in the creation of new States in central and Eastern Europe, based on the principles of nationality, but with the inherited problem of national minorities inside and outside their borders. There were difficulties because of the national, linguistic, religious, ethnic or class division which led to a system with lots of political parties but weak. There were difficulties because of the economic crisis of the 1930s, which caused an increase of unemployment, a resurgence of conflict and a threat of revolution after the Communist regime settlement in Russia, the Communist revolutions break out in Hungary and Bavaria and a wave of strikes and workers' demands between 1919 and 1920. That environment frightened the middle class and contributed to the generation of a counter-revolutionary spirit.

In the background of the economic crisis and the social upheaval, France, the United Kingdom, Belgium, the Netherlands, Switzerland and Scandinavia, all of them countries with a strong Parliamentary tradition, managed to consolidate Parliamentary democracy by the integration of the growing socialism into the system (by means of big political alliances) and the isolation of the radical political parties.

In Central, West, Balkan and Mediterranean Europe, where the liberal-parliamentary system had little tradition and liberal or conservative parties were helpless against the economic crisis and the social upheaval, authoritarian regimes were established. Basing on the need to stop revolution, they defended heated and aggressive nationalism, totalitarianism and the single party: Italy with

Mussolini in 1922, Spain with General Primo de Rivera's dictatorship in 1923, Hitler's rise to power in 1933 and Franco's military uprising in 1933. That way, by 1940, over half of the European political systems (such as France, Holland or Belgium's) were authoritarian or had decommissioned democracies after being invaded by the German army.

The Spanish Civil War: Internationalisation of the conflict (1936-1939)

The outbreak of the Spanish Civil War had great international impact due to the tense situation Europe was living, mainly owing to the expansionist policies of Italian Fascism and German Nazism. In the foreign political arena, Spanish Civil War became one more link in the chain of crisis which led to the outbreak of World War II, as well as the battle field of Fascism, Communism and Democracy.

Within the conflict of those three ideologies, and the intention of not worsening such tense situation, the USA pursued a policy of isolationism, whereas England and France pursued a policy of appeasement before Germany. This country was already back on track after its rearmament policy in 1932-33, but it also accepted the annexation of the Saar in 1935, as well as the remilitarisation of Rhineland in March 1936.

That way, when the Spanish government of the Republic asked for support to France on 19 July 1936, England notified France that if they took actions in Spain, England would not support the French foreign policy in facing up the German threat, as the important thing was to avoid the spread of the Civil War all over Europe. Thus, France, seeing Hitler and Mussolini's support to Franco on 25 July 1936, moved from supporting the Republic to leading the non-intervention agreement between France and England. 27 more countries, among which we find Germany, Italy, Portugal and the USSR, signed that agreement.

Despite this agreement, Spanish Civil War was marked by a foreign intervention and non-intervention. The **Nationalist faction** received the support of Italy and Germany, which allowed the relocation of the army from Africa to the peninsula on 24 July 1936. This support was almost unconditional until the end of the war, since if the military coup succeeded in Spain, a pro-French regime would be substituted by an opposite regime, whereas if a left-wing revolution succeeded a possible France-Spain front of Popular Front, together with the USSR, would threaten the development of the German foreign policy.

Salazar's Estado novo was also at the Nationalist Front's disposal from the very beginning, providing them with far-reaching logistical support and bringing the whole weight of its diplomacy to foster the victory of the rebels.

In December 1936, the Holy See made regular contacts with Burgos, in 1938 they interchanged ambassadors and the international Catholic influence took Franco's side. Moreover, Germany and Italy provided Franco with credit and made several compensations in the form of commercial-economic mechanisms.

In the **Republican Faction**, the Soviet support was a major contribution in the defence of Madrid in November 1936, but unlike the supplies of the Axis, the Soviet supplies had several problems: the piracy of Italian submarines, the marine control of Spanish shores imposed by Franco and the more or less strict Pyrenees border controls on war materials transport. The direct Soviet intervention coincided with the beginning of the International Brigades, set up thanks to the collaboration of European communist organisations with 60,000 volunteers of over 60 nationalities. From the very first moment, the Mexican government tried to help the Republicans and understood the war as one more example of external aggression to weaker countries. Regarding the initial little French supplies and the first purchase of weapons abroad, bypassing the non-intervention agreement, they were financed thanks to the sale of a quarter of the Spanish Gold reserve to the Bank of France, as well as to the Soviet support.

By the end of 1938, Franco had consolidated his situation and the only option for the Republic was to resist, hoping that it would not take long for other democracies to respond. However, the appeasement policy and the non-intervention agreement continued even when Hitler strengthened his actions in 1938, after the annexation of Austria and the Sudetenland. This situation was confirmed after the Agreement between British and Italians, which meant that both parts would respect the Status Quo of the Mediterranean. Just the Nazi coup in Prague on 15 March 1939 eventually triggered the diplomatic revolution that the Republicans had been waiting for nearly three years, although it was too late.

Franco's dictatorship during World War II (1939-1945)

With the Republic defeated in April 1939, an international situation quite favourable to fascism contributed to the consolidation of the violent counter-revolution which had already started with

the support of this same fascism. Meanwhile, Spanish attitude towards war wavered between ambiguous neutrality and not belligerency, as the country was a debtor with Germany and Italy.

At the beginning of World War II (September 1939) Franco announced the country's neutrality “forced” by the domestic political situation and the economic crisis. In any case, that neutrality implied the French and British acceptance of the Spanish territorial integrity if the war spread, and so, some agreements were signed with France and Portugal.

In the summer of 1940 Franco saw the weakness of France and England and moved from neutrality to not belligerency in a Germanophile atmosphere which encouraged the entry into the war. For Germany and Italy it was all about Spain's geostrategic situation, both Atlantic and Mediterranean, and so they explored the possibility of Spain's entry in the conflict since the summer of 1940 through a series of interviews and bilateral meetings, such as the one in Hendaye between Franco and Hitler in 1940 or the one between Franco and Mussolini in Bordighera in 1941. Franco accepted a war pact as long as Hitler accepted several territorial claims in Gibraltar, the French Morocco, Oran, some Saharan lands and the Guinea Gulf, as well as the shipment of military supplies and provisions. Thus, a secret pact was signed, in which Spain was committed to support the Three-Power Pact (Germany, Italy and Japan) and to go to war against Great Britain on a date to be specified by the Spanish government. On the other hand, Great Britain tried to soften Spain's image as a supporter of Fascist countries and to keep Spain's neutrality through the economic agreement of April 1941, which guaranteed food and raw materials supply.

From the spring of 1941, the upward trend of the Allies made Franco move back to neutrality. The German invasion of the USSR in June 1941 triggered a more pragmatic alliance with the Axis but Franco's caution advised an indirect confrontation with the Communist regime through the “Blue Division”, consisting of Falangist volunteers from October 1941 to November 1943. In December 1941, the USA entry into the war and the country's condemnation, together with Great Britain, of the intervention in the Russian front implied a modification of the pro-Nazi momentum of the Spanish government in 1942 as well as a pro-West turn of the Regime.

In October 1943, the war started to be unfavourable to the Fascist powers, and so the British and American governments required Spain the retreat of the Blue Division and the explicit abandonment of the non-belligerency attitude. So Franco eventually defined Spain's position as “alert neutrality” in October 1943. Facing the Allies' threat to block oil supplies and to cut off

wheat and rubber supplies unless wolfram exports to Germany were cancelled, Franco accepted the Blue Division retreat (November 1943), the cancellation of the mineral exports (1944), the dispatch of the Italian warships which were still in some Spanish ports, the dismissal of the Axis agents operating in Spain and the removal of the German consulate in Tangier.

After the German defeat in 1945, and the subsequent reorganisation of the world, the Allies started an international boycott of Franco's government, which kept diplomatic relations with the nuncio, Portugal and Switzerland. Francoism left behind the most clearly fascist aspects of the regime and presented itself as a Catholic, conservative and anti-communist regime, bastion of the western civilization against the communist enemy.

3.2. NATIONAL CONTEXT

Dictatorship of Primo de Rivera, Second Spanish Republic and the Spanish Civil War (1923-1939)

At the beginning of the 20th century, Spain was living a great political upheaval due to the crisis of 1898, which forced the ruling parties, monarchial, liberal or conservative, to adopt a reformist policy that even so did not manage to modernise the political life of the country.

Despite all this, the Spanish society started an important economic development and a social modernisation featured by the higher classes, the intellectuals and the appearance of the mass print media. The impact of World War I increased the political and social problems: political unrest, social tensions and military issues in Morocco, which were an excuse for an authoritarian solution in September 1923, the **dictatorship of Primo de Rivera**.

Dictatorship, which lasted for seven years, established two ways of government: the Military Directory (1923-1925) and the Civil Directory (1925-1930). The first one, on an interim and reformist basis, had a strong populist part supported by King Alfonso XIII to avoid monarchic and military responsibilities in the Disaster of Annual. Dictatorship influenced by the rise of Fascism all over Europe was presented as a way of political regeneration, but without a clear ideological programme and with a single party, Unión Patriota (Patriotic Union), able to bring together authority, military defence and Catholic orthodoxy.

During the Civil Directory, Primo de Rivera tried to make his regime official by means of a plebiscite which put to the vote his domestic and foreign policies. He carried out a nationalist policy of government dirigisme, the promotion of public works, the granting of specific monopolies and state interventionism in labour regulations which caused a State debt seven times higher in 1929 than in 1924.

According to some historians, this system did not intend to finish the outdated system of the Restoration, but to avoid the democratisation of the Spanish political system. The dictatorship was unable to find the way towards a constitutional system, and so King Alfonso XIII withdrew his trust in him in 1930. After a short period of time, known as “the Dictablanda” (a softer dictatorship), the opposition began to get organised. The Republicans, the left-wing pro-Catalan parties and PSOE (Spanish Socialist Workers’ Party) signed the Pact of San Sebastian, in which they committed to provide an alternative to monarchy, creating a Revolutionary Committee that would later become the temporary government of the future Second Republic.

In 1931, the last government of the Monarchy took the task of calling for local elections on 12 April and they became a plebiscite for or against Monarchy. The republican powers won the elections in most large cities and, before this situation, King Alfonso XIII renounced to the throne and left the country. That new regime was acclaimed by the Spanish society in the hope of creating a new framework for a democratic coexistence, of updating the new State and of carrying out a program of important economic and social reforms.

The Second Republic, which was the first democratic regime in Spain, can be divided in three distinguishing parts:

- a) The First Biennium (1931-1933)
- b) The Black Biennium (1933-1936)
- c) The victory of the Popular Front and the preparation of the military coup (February to July 1936).

The First Biennium (1931-1933). After the local elections of 1931, a temporary government had been established by the liberal republican right-wing, the left-wing republicans, the radical republicans, the pro-Catalan and the pro-Galician nationalists. The right-wing monarchists, the Basque nationalists, the communists and the anarchists were outside that coalition.

The new Republic had to face social conflicts, the unrest of industry entrepreneurs, land owners and the Catholic Church hierarchy, as well as the impact of the international crisis of 1929, although to a minor extent, due to the little importance of foreign trade in the Spanish economy.

In the summer of 1931, democratic elections were held, with a government consisting of left-wing republicans and socialists. They introduced a set of military reforms to update the army and to put an end to the top-heaviness in the official positions, which caused some kind of uneasiness among those military officials, especially the Africanists, who had the intention of ending up with the order established by means of a military coup. The country's social life was secularised in order to avoid the influence of religion and a Constitution was elaborated in order to establish the non-confessional nature of the State, religious freedom, divorce, civil marriage and secularisation of graveyards. That triggered the protest of the Catholic Church against the religious reform.

Another key aspect was the land reform: Spain, a mainly agricultural country, needed to find a solution to the situation of farmers and the poor performance of agriculture. Its main aim was the expropriation of the large estates and the settlement of farmers, which divided the conservative powers of the country and the farmers, who, disappointed by the complete ineffectiveness of the reform, moved towards more revolutionary and violent attitudes.

Other autonomy-oriented reforms were passed, such as the Catalonia case, with regional autonomy and economic, social, educational and cultural competences. The Basque Country and Galicia were preparing their autonomy reform, but it was interrupted by the outbreak of the Civil War.

The labour conditions were improved: a 40-hour working week and higher wages. The educational labour was extraordinary: 10,000 schools were built, 7,000 new teaching posts were created and the model of co-educational, secular, compulsory and free school was adopted. We want to highlight the Pedagogical Missions, aimed at the spreading of culture in rural areas, as is the case with García Lorca, who collaborated in theatre performances nationwide.

The Black Biennium (1933-1936). All these previous reforms focused the political life, and so, the opposition of entrepreneurs, the Church, the Army and the land owners reorganised the monarchic right-wing and other authoritarian and coup-supporter organisations. On the other hand, workers fostered a wave of social conflicts encouraged by both the increase of unemployment and the harsh field-working conditions.

The country's monarchic powers moved to anti-democratic positions, some intellectual groups armed ideologically the right-wing and presented the Monarchy as the staunch defender against social revolution. Furthermore, there were some coup-oriented political parties and fascist nationalist-socialist small groups (inspired by the Italian fascism which defended direct action, fists and guns) willing to fight left-wing activists.

In 1931, new elections were held and the centre-right parties won. They dismantled all the reformist work of the previous two-year period, which caused the increasing radicalism of PSOE (Spanish Socialist Workers' Party) and of UGT (General Workers' Union). Those parties suggested not negotiating an agreement with the middle class and fostered social revolution, whereas the moderate sectors intended to stabilise the Republic and to go in-depth on the reforms introduced in the previous period.

The large amount of strikes and struggles favoured the right-wing move towards fascist positions and the entry of CEDA (Orthodox Catholic and fascist party) activists into the Black Biennium government. Henceforth, the general strikes made the government hastily declare a state of war, especially in Asturias and Catalonia.

Asturian miners fostered a social revolution in 1934, which set the stage for the Spanish civil War. The Spanish Legion had to take action and for ten days every single insurgent was defeated, killed or arrested. Such revolution caused a government crisis, worsened by corruption and misappropriation of funds scandals which forced President Alcalá Zamora to call for elections in February 1936.

Victory of the Popular Front and preparation of the military coup (February-July 1936). Two opposing groups appeared and the Spanish political life was divided into right-wing and left-wing. The latter grouped together as the Popular Front, which defended amnesty for the victims of the reprisal after the Revolution of October 1934 as well as the streamlining of the reforms already introduced during the First Biennium in 1931.

The victory of the Popular Front was not accepted by the country's reactionaries, who started a conspiracy against the Republic. Azaña was appointed President of the Republic and the new government resumed the reformist process stalled during the Black Biennium.

Some coup-plotters were removed from power and sent to different places (Franco was sent to the Canary Islands and Mola was sent to Navarra). However, some sectors of the right-wing considered the idea of the military coup d'état as the only solution for the stoppage of the democratic reforms. They tried to obtain German and Italian aids and to establish a military dictatorship without making it clear if Spain would become a Republic again or a Monarchy. The military uprising took place in Morocco, on 17 June, and the next day it spread throughout the nation.

The lack of a democratic culture, the political instability, the social conflict and the intransigence of its enemies, led the Republic towards social struggles of which the enemies of democracy took advantage in order to put an end to it.

We can consider **the Spanish Civil War** as the most important event in Spain during the 20th century. Many European, North American and Spanish historians consider the study of the Civil War from a double perspective: first, as the result of the Spanish social and political dynamics, and the tensions rising in Europe after the appearance of Fascism in Italy and Nazism in Germany; and second, as the hard economic circumstances in the Europe and the USA of the 1930s.

Neither the conspiracy against the Republic, in July 1936, nor the Republican authorities and political parties took into account the possibility of a war. The failed military coup turned into a civil war because both the rebels and the legal republican government were supported by other countries despite the non-intervention Committee.

The uprising started in Melilla, and Mola, the director of such uprising, also rose up in Navarra. From North to South, the most important cities in Andalusia, Castile and Galicia were taken. However, Madrid and Barcelona resisted. The coup failed in the rest of the country and so the civil war broke out.

In the legal Republican area the Popular Militias appeared. As they were not supported by France or England (due to the non-intervention agreement), they asked for the USSR support and so the International Brigades were created.

In the rebel area, Franco was appointed Generalissimo and the war almost turned into a religious crusade. Hitler and Mussolini supported the nationalists with soldiers and weapons. Franco had

the intention of winning the war, of getting rid of any dissidents opposing the dictatorial ideals, of re-educating and of “ideologically cleansing” the Spanish nation.

The reprisal of coup-plotters remained all through the war by means of war proclamations and trials without any legal guarantee, like the execution of the poet Federico García Lorca. The documentation referred confirm this reprisal: “...reprisal must be encouraged to spread fear and to paralyse the opponent.”

It took time for the Republican government to organise the State security forces and it was unable to avoid that several despicable people committed atrocities against right-wing and religious Spaniards. But the difference lies in the fact that the Republican government did not encourage such offensive practices, it pursued them and brought the operators to justice.

Due to the external support that the rebels had and their military superiority they won the war on 27 March 1939, imposing a dictatorial regime and appointing Franco as the Leader of Spain. Shortly before, within the Republican Party, they ended up with the Negrín government and a National Defence Council was created. It was directed by Colonel Casado, Besteiro from the Socialist Party and the anarchist Mera. They reported by radio to be in contact with Franco in order to reach an “honourable peace”, where “those who did not have blood on their hands” would have nothing to fear and should rely on “the Leader’s magnanimity”.

However, Franco did not recognize any agreement and this caused a climate of hostility based on the systematic repression and the assassination of all those Spaniards who took part in the defence of the legal order democratically established by the government of the Republic.

This active repression during the long Francoist dictatorship, the silence of the Spanish democratic Transition and the delay of the Spanish governments when passing the Historical Memory Act, requires on the academics’ side the need to clarify what happened to all those people missing, assassinated or buried in over 30,000 mass graves, apart from the 120,000 people assassinated during the Civil War and Franco’s Dictatorship.

The historian Francisco Espinosa claims that *“the historical memory simply represents the recollection of the history of those who lived it first-hand,”* adding: *“Historians know that nearly every single documentation in the files is the memory of the winners, we must carefully pick the*

memory of the defeated, of the ‘nobodies’, whose voice does not usually appear in the story... We must pick the living memory from the lips of those who suffered it.”

Francoism

During Francoism, especially during its first years, the type of regime established by the Nationalist Faction during the war was consolidated: power gathering, censorship, reprisal, corporatism, etc.

Its intention was to “regenerate Spain”, banishing liberalism and democracy. Thus, its enemies (democrats, separatists, communists) suffered strong repression, as they were executed, sent to prison or exiled. The regime needed endorsement, task in which the Fundamental Laws of the Realm would have a key role. Some of these Fundamental Laws, such as the Law for Political Responsibilities, had been passed even during the war.

Franco Regime was a very long period, covering from the end of the war (1939) until the death of the dictator (1975). During its long existence, dictatorship was kept: although it adapted itself to the varying circumstances, the pillars of the regime stood still until the end, for instance the fierce repression against opponents.

When studying Franco Regime, most historians admit the existence of two stages: the first one, also known as Autarchy, up to 1959, and the second one, known as Developmentalism, characterized by development policies, up to Franco’s death. We will base on these categories, as they are the most widespread, as mentioned before.

Autarchy period, construction and consolidation of the Dictatorship: 1936-1959.

Political organisation of the State.

It was a dictatorial state of a totalitarian character, highly influenced by Italian and German Fascism, especially in its first years. The political and military power gathered around the person of Franco, who adopted titles such as “Caudillo” de España (“Leader” of Spain) or “Generalísimo de los Ejércitos” (“Generalissimo of the Army”). He was also the National Chief of the “FET de las JONS Party” (Traditionalist Spanish Falange of the National Unionist Offensive Body), the only legal political party after the unification of 1937.

Those considered as enemies of the system were repressed until they were completely silenced. From the power positions, they insisted on the idea of “regenerating” Spain so as to get it away from Liberalism, Democracy, Separatism or Communism. That is why political parties or trade unions were banned and all institutions, laws and organisms of the Second Republic were suppressed, including the Constitution or the Statutes of Autonomy. In this sense, we can consider Francoism a kind of involution, as from 1812, when the first Constitution was passed, there was a tendency towards a liberal and democratic system.

The structure was supported by the groups which showed affinity during the war, the ones which later made up the “National Movement”. These groups of influence were known as the “families” of the regime: the Church, the army and “la Falange” (the political party). The extent of the influence of such families depended on the evolution of the regime and the international circumstances.

As the Regime was the result of a war, its legalisation became a key task. In order to achieve that image of authenticity, the Fundamental Laws were passed:

- Fuero del trabajo. Highly influenced by the Italian Carta del Lavoro, it ruled the working relationships.
- Fuero de los españoles. It summarised the rights and duties of Spanish citizens, but with no grant of observance.
- Ley de Referéndum Nacional. According to it, the chief of the State could submit for enquiry those aspects which he considered relevant.
- Ley de Sucesión. It established monarchy as the succession to Franco Regime.
- Ley de Principios del Movimiento. It established the basic principles of the system and compelled civil servants to obey them.

As for the power institutions, we highlight: the government, chaired by Franco; the Single Party, also chaired by the dictator (this party was not subject to any type of legalisation, as there were no elections); the Courts, or house of citizen representatives, with a merely advisory character and members chosen from the power; Civil Government and General Captaincy, the institutions for territorial organisation, chosen from the power as well; Town Halls and mayors, local chiefs of the Movement chosen by a civil governor. We want to emphasize the dictatorial and centralist character of all these institutions.

We cannot talk about a clear political ideology, but about the ideological control of society, the lack of freedom became evident especially in private life. We were in an extraordinary conservative and puritan society, where the institutions and organisations, controlled by the State, classified people both politically and ideologically. Religious education was basic in the creation of the “National Spirit”. Catholic religion was the only one allowed. It became the basic ideology of the Regime and of the educational system. The role of women was totally pushed into a domestic field, where they became mothers and wives. This also involved a backward movement in relation to the years of the Second Republic, when women had had a remarkable participation in political life.

Opposition: exile, repression and resistance.

Repression’s basic aim was the negation of any type of opposition to the Regime (the enemies of Spain), achieved thanks to the Law for Political Responsibilities (1939), the celebration of military or civil trials or the general practices carried out during the war, such as the night walks. The end of the war did not imply the cessation of such practices, but a really strong repression carried out towards the defeated. This repression was controlled from the power, which allows us to speak about the Institutionalisation of Repression.

The Law for Political Responsibilities was completed with the Law for the Repression of Communism and Freemasonry in 1940. It allowed to exercise legal actions against the accused of defending ideas contrary to religion, homeland and the basic institutions. The directions were established from the power, while the army was in charge of putting them into practice. There was not an independent judiciary branch, which extended the defencelessness of the accused before the Court-martials.

Among the most usual practices, we can talk about working in roads and mines, confiscation of properties, purging of civil servants and professionals, dismissals and, of course, prison, executions and exile. Concentration camps were kept at the beginning of the post-war period, most of them improvised in headquarters, convents and even bull rings (for example, in Alicante). As for the figures, we can talk of about 50,000 people executed during the post-war era and of about 280,000 people under arrest. Many people took up exile, especially to France and Mexico, where they recovered the republican political action, with the celebration of Courts and the election of a government which remained until 1977.

Despite repression, there was a more and more minority opposition in this period, formed by groups of guerrilla fighters (maquis) who intended to conquer the peninsula from the Pyrenees. They did not get any international support and eventually gave up their activities. There were also groups of urban and rural guerrilla in several places all over the country.

Political opposition, still in secrecy, got unstructured little by little. It only remained in exile.

Economy.

War caused starvation, poverty and the dismantling of the Spanish economy. The Regime's response was late and inadequate. The main aim was the economic self-sufficiency, or autarchy. Its central concepts were the regulation of international trade (import and export controlled by the government) and the furtherance of national industry.

This autarchic policy, together with the post-war circumstances, caused starvation and poverty until the early 50s. There was a shortage of some products, smuggling and rationing. The international isolation contributed to the lack of food. The purchasing power of Spaniards was very low, which caused a drop in the demand, reduction of production, increase of unemployment and reduction of competitiveness.

The State inspected economy through price control, the furtherance of industry, especially of capital goods, or the creation of monopolistic public enterprises, most of them loss making (Iberia, Renfe, Endesa, etc.).

The result was a deep economic stagnation, made evident in the drop of production, consumption and standard of living, as well as a clear economic stagnation in relation to Europe, which was in fact recovering from war, partially thanks to the Marshall Plan aids.

International relationships.

We can see an evolution in the international relationships, related to the European circumstances. In this sense, World War II was the turning point which would determine the alliances of the Regime.

Just as in World War I, Spain did not take part in World War II. However, the attitude was not neutral now, as there was a clear alignment towards the Axis powers. We moved from impartiality

to belligerence. Due to the fact that the post-war situation did not allow any bigger participation, Spanish involvement was focused on diplomatic and economic support, as well as on the Blue Division, a body of volunteers who fought along with the German troops in the West front. After interviews with both Hitler in Hendaye and Mussolini in Bordighera, Franco claimed for economic and territorial compensations in the North of Africa.

The Axis defeat caused a change, not only in foreign politics (we come back to impartiality) but also in the Regime's own identity – Fascism lost its relevance, Falangists were set aside from the main power positions and the Regime was shown as Catholic, conservative and highly anti-communist.

Spanish alignment during the war years left the country internationally isolated from 1945 onwards. Spain was not accepted into the UNO, which also recommended its member states the recall of their ambassadors from our country. Spain was also out of the Marshall Plan and the NATO aids.

However, as cold war consolidated and the world's division in blocks becomes a reality, the country's geostrategic situation and Franco's clear anticommunism, made us attractive for the United States. During the 1950s, Franco's Spain was not internationally isolated any longer. In 1950, Spain was admitted into the UNESCO, in 1955 into the UNO, and in 1958 a new Concordat with the Holy See was signed. Also noteworthy on their own were the agreements signed by the US in 1953, in which Spain received economic aids in return for the establishment of American military bases in Spanish territory. The visit of President Eisenhower in 1959 confirmed the end of the isolation.

Economic development and social changes: 1959-1975.

It was during this period that great economic growth happened, which caused social changes. However, politics remained virtually as it had been during the first period: a dictatorship, with a complete lack of democracy and freedom; we were still apart from the rest of Europe (we were not part of the EEC); repression kept on being the only response to the demand for freedom and to opposition.

Economic changes let us call this stage “developmentalism”.

Economic growth.

Economy grew to a level never before seen, although more slowly than in other countries in Western Europe. This growth was a consequence of legal measures such as the “Plan for stabilisation” (end of Autarchy, furtherance of industry, external goods receipt and reduction of interventionism) and the “Plans for economic and social development” (four-year plans based on industrial development).

Industry was the wellspring of economic growth. Some foreign companies invested in Spain, such as car multinational corporations, attracted by low salaries and the lack of labour and union rights. The leading sectors involved in the technological progress were iron and steel, automotive, naval, textile, footwear or furniture industry, as well as chemistry. Regarding industrial areas, Biscay and Catalonia not only remained but grew; Madrid, Valencia, Alicante, Ferrol, Vigo o Valladolid became new industrial centres.

Agriculture also updated: there was an important furtherance of irrigation, mechanisation, rural migration, rise of productivity, diversification and regional specialisation. Latifundia and small farmsteads were kept, both scarcely productive, although the policy of lands concentration had good results in some areas.

We can also see a process in which the third sector (services) became more and more important, typical of a developed country. Means of transport, the communications system and foreign and domestic trade improved noticeably. In the services sector, we can highlight the development of tourism, especially sun and sand tourism, which became an important source of income for Spanish economy. There was a massive influx of tourists, mainly European, attracted by the weather, the beaches and cheaper services than in other inshore countries.

The consequences were basically the growth of GDP and of per capita income, the price decrease, the exports increase and employment. This led to greater purchasing power, which also contributed to increase demand and consequently to increase in production. However, we want to point out Spain’s external dependency on capital and on technology as a negative point. The new economic activities also caused the economic disequilibrium downtown-suburbs, as, with the exception of Madrid, the most populated and developed areas and the ones with greatest economic activity were placed on the coast.

Developmentalism also fostered the modernisation of society, due to the increase of urban population, to changes in professional structures and to contact with foreign tourists. This modernisation appeared with changes in consumption and cultural habits, characteristic of a modern society: fashion changes, customs, social habits, incorporation of women to workplace, drop of the Church's role in the mindset of population, reduction of illiteracy rate, etc. It is important to explain that all these changes were more obvious in coastal and developed regions, whereas rural areas lagged behind.

Politics: persistence of the Regime.

Economic and social modernisation did not affect, however, the Regime's institutions. We can talk about "ultra conservatism", as the concentration of powers around Franco remained, as well as the lack of political pluralism, rights or freedom. There were several slight changes:

In 1967, the Organic Law of the State was passed. Franco remained as the head of the State and the figure of vice president appeared (Carrero Blanco). The Law of Religious freedom was also passed this year. It was very restrictive.

In 1969's government there were no more Falange members. The most important group was the Opus Dei Technocrats, although there was disagreement between Falangists and technocrats, for instance the Matesa Case (corruption of some Ministers). In this same year, Juan Carlos of Borbón was appointed as Franco's successor, with the title of Prince of Spain (there was a law of 1947, according to which monarchy was the substitute for the Regime). Franco thought of him as a way to follow his Regime, and so Juan Carlos accepted and swore alliance to the principles of the movement.

Opposition.

In the last years, opposition to the Regime increased. Some crimes were considered as military rebellion and the state of emergency became a frequent resource. Detentions and police brutality also increased.

The Church (II Vatican Council) defended reformist hypothesis. Several catholic associations were used by anti-Franco youngsters (e.g. the so called JOC, Christian Working Youth), whereas other

types of organisations were banned. There was an increasing toughening of Christian core communities, of youngsters and of young priests.

There was also a workers' uprising, and a subsequent atmosphere of social conflict hidden during the first decades of Francoism. In the 60s, a new type of unionism appeared. The organisations previous to dictatorship had been muzzled. Just the UGT (General Union of Workers) kept its activity in hiding. CCOO (Workers' Committees) appeared. It was an independent trade union which fostered the labour struggle, through strikes and demonstrations, as well as the political struggle.

In 1970, death penalty was decreed on ETA activists, on the so-called Burgos Trial, which caused numerous social protests and international pressure. So Franco exercised the right to pardon, but kept turning to a systematic repression against opposition.

Regarding political opposition, there was a renovation of leaders in the traditional political parties and new opposing powers appeared, both left-wing and conservative. Political parties were still in hiding, so they acted clandestinely. We can mention PCE (Communist Party of Spain), PSOE (Spanish Socialist Workers' Party), Democracia Cristiana (Christian Democracy), nationalist parties such as the PNV (Basque Nationalist Party), CDC (Catalonia's Democratic Convergence), ERC (Catalonia's Republican Left-wing). We can also mention the appearance of terrorist groups such as ETA (Basque Country and Freedom), FRAP (Anti-fascist and Patriot Revolutionary Front) or GRAPO (First of October Anti-fascist Resistance Groups).

Regime's agony.

In 1973, Carrero Blanco was appointed President of the Government, the person in charge of granting the Regime's continuity and of ensuring the union of the several "families". This same year, he was assassinated by ETA. In 1974, Carlos Arias Navarro was named President of the Government. He intended to bring liberalising and ultraconservative positions closer, although his government clearly opted for the latter.

Opposition groups protested in the streets, with labour and students uprisings. The activism and brutality of terrorist groups also increased. Political opposition groups unified in the so-called Democratic Coordination.

Being the dictator ill, Morocco's occupation of Sahara took place. Morocco's King, Hassan II, organised a peaceful march, the Green March, consisting of the mobilisation of thousands of civilians. Facing the possibility of a military conflict in such challenging times, Spain recognised Morocco's occupation in the Madrid Accords.

A few days later, 20 November 1975, Franco died. Then the process of Democratic Transition started and ended with the passing of the current Spanish Constitution.

3.3. HISTORICAL MEMORY

When democracy started in Spain and after the Spanish Constitution was passed in 1978, a new process of revision and research on the consequences of the repression during and after the Spanish Civil War was started. However, this process was not apparent until the late 90s due to the Spanish Transition to Democracy, when the Amnesty law was passed in an attempt to forget the past. At the end of the 90s Republican victims' relatives claimed their right to know where their relatives had been buried in order to bury their mortal remains with dignity, as most of those missing during the SCW had been thrown to common graves.

During the struggle, human rights were violated systematically in both sides. The victims in the Republican side during the civil war were approximately 38.563, according to the Francoist version, carried out by Francoist Minister Eduardo Aunós Pérez as a part of a General Trial to judge the Red domination in Spain. Some Historians, as Ramón Salas Larrazábal, raise the number of victims to 70000, but in any case, the total amount does not seem to exceed 50000 murders. Most of the victims were conservative politicians, landowners and people belonging to the Christian Church as priests, monks and nuns. This last group of religious people was about 6832, according to the research of Antonio Moreno Moreno.

Regarding the total amount of victims in the Francoist side (the side that rose up against the Legal Republican Government by supporting General Franco), it is quite difficult to calculate it, because the facts were concealed not just during the war but also during Franco's Dictatorship. The research to understand the truth has been hard and complex. First of all, many murders and disappearances were not recorded. In addition, the access to the documents and files has been not

allowed for a long time. It was not until 2008, when the Spanish society started to get to know the first accurate and independent researches about the significance of the Francoist repression. In 2008, thanks to a bill of complaint lodged by the Association for the Recovery of Historical Memory of Majorca, Judge Baltasar Garzón started a research. The judge found and collected 143.353 names of missing people during and after the Spanish Civil War due to Francoist repression. According to the Spanish Association of Judges for democracy, “Spain is the second country in the world after Cambodia with most victims of enforced disappearance, whose remains have not been recovered nor identified yet.” The total amount is higher than the enforced disappearances in Argentina, Chile, Peru and Guatemala all together.

In both sides there was violation of Human Rights, but there is a crucial difference between both sides. The victims from Franco's side were compensated morally and materially. Their remains were buried with dignity. By contrast, the defeated were forgotten and in many cases their remains were hidden in mass graves whose location is nowadays unknown. The disappearance of corpses and the unknown whereabouts were used as repression tools by Franco's Government to punish not only victims but also their families, who could not bury their relatives' remains with dignity and had to live with uncertainty. In addition to enforced disappearances and extrajudicial executions, Franco's Government promoted the children enforced disappearance by stealing the children's identity, whose consequences the Spanish society is still suffering.

On 17 March 2006, The Parliamentary Assembly of the Council of Europe passed unanimously the condemnation of Franco`s Regime and the violation of Human Rights perpetrated in Spain from 1936 to 1975. The Parliamentary Assembly urged the Spanish Government to erect monuments to commemorate all victims.

The 27 October 2008 Human Rights Committee established in a report that the Spanish State should:

a) consider repealing the 1977 amnesty law; (b) take the necessary legislative measures to guarantee recognition by the domestic courts of the non-applicability of a statute of limitations to crimes against humanity; (c) consider setting up a commission of independent experts to establish the historical truth about human rights violations committed during the civil war and dictatorship; and d) allow families to exhume and identify victims' bodies, and provide them with compensation where appropriate.

This committee considered that the 1977 Amnesty Law, which amnestied a lot of crimes committed until 15 December 1976, and which so included enforced disappearances with extrajudicial executions, was unlawful and contrary to International Treaties signed by Spain, now that those crimes are considered as crimes against humanity and they do not expire.

On 31 October 2007, the Spanish Parliament passed the Law 52/2007, promoted by the Spanish Prime Minister, Mr. José Luis Rodríguez Zapatero, who belonged to the Spanish Socialist Workers Party (PSOE). It can be read "The Historical Memory Act acknowledges and broadens rights, and establishes measures, for those who suffered persecution or violence [...] during the civil war and the period of dictatorship, including the right to obtain a declaration of redress and personal acknowledgement as a form of redress for the victims of the Franco regime (including victims of torture)." This law dealt with the illegitimacy of the courts during the Spanish Civil War due to political, ideological or religious reasons, as well as the Tribunal for the Repression of Freemasonry and Communism, and the Tribunal for Political Responsibilities and Court-martials. Certain orphan's pensions and certain measures for the identification and location of the victims were established, as well as the withdrawal of the military uprising, the Civil War and the Dictatorship memorial. However, it did not include the opening of mass grave.

The Popular Party, a conservative party, won the general elections in 2011. This party opposed to this law. The new Prime Minister, Mr. Mariano Rajoy, reduced the budget of the law so that it remained with no effect.

On 10 February 2012 the representative of the Office of the United Nations High Commissioner for Human Rights, Navanethem Pillay, requested Spain to abolish the 1977 Amnesty Law because it was contrary to the International Law on Human Rights.

4. BIOGRAPHY

There is a PowerPoint presentation about the biography of Mr Julio María López Orozco in the Sources section.

5. ACTIVITIES

The case of JULIO MARÍA LÓPEZ OROZCO is meaningful because he lives Francoist repression. He relies on his innocence and that is why after 18 July 1936 he does not run away from Elche, rather he starts a process of FIGHT/RESISTANCE, always through the legal channels.

During the three court proceedings he was involved in, we want to highlight:

1. The existence of unjust laws.
2. The wrong law enforcement and judges' bias.

Students are shown the PowerPoint presentation about Julio María López Orozco's biography.

5.1. ACTIVITY 1: Existence of unjust laws

Students read the following laws and decide if they could be considered constitutional nowadays.

Then they answer the following questions:

- If there is any law which could break the present-day laws, which one would it be?
- Do you think any of them could be passed nowadays?

- 1st. It is declared the political responsibility of both artificial or natural persons who, from 1 October 1934 to 18 July 1936, contributed to the creation or aggravation of the subversion of the internal order of the country, as well as those who, from the second date provided, have opposed or will oppose the National Movement with specific actions or serious indifference.
- 2nd. As a consequence of the previous statement, and as provided in the first article of the 108 Order, of 13 September 1936, all political parties as well as political and social groups which, since the 16 February 1936 elections, are part of the so-called Popular Front stay outside the law, including the political parties and groups allied to the Front just for the sake of it, separatist organisations and all which opposed the victory of the National Movement.
- Article 8. According to this law, the penalties to be imposed on those accused of political responsibility are the following: Group I — (Activity restrictive). — Complete disqualification, special disqualification. Group II — (Freedom of residence restrictive). — Banishment. Relegation to our African lands. Confinement. Exile. Group III. — (Economic). — Total loss of property. Payment of a fixed amount. Loss of specific property.
- Article 1 — It is offence, punished according to the legal provisions of the present Law, the fact of belonging to Freemasonry, Communism and other clandestine organisations referred in the following articles. The Government may add to the list of organisations the branches or auxiliary cores considered necessary, and may also apply the same legal provisions of this Law properly adapted.
- Article 36. Serious offences. 2. The serious disruption of citizens' safety, product of meetings or demonstrations opposite the lower house of the Spanish Parliament, the Senate and the Legislative Assembly of the different autonomous communities, even though they are not assembled, when it does not make it a criminal offence.

5.2. ACTIVITY 2: Wrong law enforcement and judges' bias

Students analyse the following documents about both of the processes and analyse if they were biased in their application.

They must indicate if, depending on the type of government, the judges are independent or biased.

Students are asked to justify the independence of the judiciary branch within a Democratic State.

a) FIRST PROCESS, RELATED TO THE LAW OF POLITICAL RESPONSIBILITIES OF 9 FEBRUARY 1939, STARTED ON 28 SEPTEMBER 1939 AND FINISHING ON 27 MARCH 1941, WITH THE PAYMENT OF 35.000 PESETAS.

The Provincial Judge MANUEL MINGOT TALLO sentences Julio María López Orozco's political responsibility regarding these sections of Article 1:

- **c)** *Having been an enrollee, by virtue of the inscription before 18 July 1936 to this date, to the political parties, groups and organisations referred in the previous section, except for the simple members of trade unions. He is considered to belong to the Republican Union.*
- **h)** *Belonging or having belonged to Freemasonry, with the only exception of those who quitted before 18 July 1936 by voluntary severance, by having broken up explicitly with it or by having been expelled from it due to actions against the principles in which it bases or the aims it pursues.*
- **k)** *Having carried out any of the actions aimed at fostering the situation of anarchy in which Spain was and which made the National Movement essential.*
- **l)** *Having opposed actively to the National Movement.*
- **Article 7.** *In order to aggravate the accused's responsibility, his social, cultural, administrative or political consideration will be taken into account whenever he can be considered as a prestigious conductor of the national, provincial or local life of his corresponding activity. In the case H of the article 4, having achieved any of the degrees between 18 and 33 (both included) will be considered as aggravating factors, as well as having taken part in the Assemblies of the International Mason Association, the National Assemblies of the Grand Spanish East, the Grand Spanish Lodge or other associations alike set in Spain.*

The judge considers the following political responsibilities: "The one in section C, as a member of the Republican Union. The one in section K, for the accused had been carrying out actions which include him in this section, such as his acts in December 1931 and others which are in the records. The one in section L, as he was a Deputy of the Republican Union, the Parliament which actively opposed the National Movement. The one in section H, for belonging to Freemasonry.

According to the Judges' opinion, the accused is an important element of the provincial politics to such an extent that there are men on whom he does not need to set responsibilities, as they are by themselves responsible, with outstanding and prolonged actions contrary to the principles that motivate this lawsuit which has caused so many martyrs and material damage in

in Spain. That is why we consider the accused reaches the highest degree of the aggravating factor of Article 7 of the Law of Political Responsibilities, due to the political significance he used to have in his province."

b) THIRD PROCESS, RELATED TO THE LAW OF REPRESSION OF FREEMASONRY AND COMMUNISM OF 1 MARCH 1940, STARTED ON 27 MAY 1940 AND CONCLUDED ON 6 JULY 1942, WITH A SENTENCE OF 25 YEARS OF SPECIAL IMPRISONMENT AND GENERAL DISQUALIFICATION.

In the process carried out by the Special Court for the Repression of Freemasonry and

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President of the National Court of Political Responsibilities. Let it be notified to the Prosecutor and the accused, and so by means of this sentence, we pronounce, we order and we sign.

However, **Mr Julio María López Orozco lodges an Appeal** on 17 April 1942, where he

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5.3. ACTIVITY 3: Resistance as a way of anonymous heroism

The aim of this first activity is the students to identify the main features of the following moral categories: the hero, the indifferent, the villain (collaborationist) and the victim, through a short video of a 21-year-old Spaniard who kicked and punched a 16-year-old girl in a train in Barcelona, insulting her with names such as “bitch” or “crappy immigrant”, all this before the impassive gaze of a young man sitting next to her.

First, students must classify the features of the categories already mentioned:

1. The teacher draws a square on the board, divides it in four parts and fills in three of these parts with definitions of “hero”, “villain” and “indifferent” for the students to comment and complete.

The first two squares are to be completed with definitions of a “hero”. The teacher mentions the ideas of F. Savater for the first square. According to the philosopher, the strength of a hero lies in *“not stepping back before what must and may be done, not submitting to what is strange or unjustly mean, not wishing to glorify him or herself through the humiliation of the other...”*¹.

For the second square, the teacher mentions Ortega y Gasset, for whom *“being a hero consists in being oneself. If we resist legacy, the present imposing specific actions, that is because we are seeking to settle the origin of our deeds on us, and only on us.”*²

In the third square, the indifferent and the villain are defined. The teacher mentions the concept of superficiality of the indifferent (and the villain), who reject their normative bias and refuse to think by themselves about moral values (Hannah Arendt).

After commenting all those values, the teacher writes down the students’ contributions on the fourth square.

2. Viewing of the video: https://youtu.be/M2Yta_9x664
3. After watching the video, the students identify the main characters: who is who?

They also answer the following questions: What would have been necessary for a hero? Who is the indifferent? How do you morally assess his behaviour? Is the indifferent a model?

It is interesting to talk about the features of each character first and then to check if, after watching the real facts, these opinions are still kept; since their opinion (and ours) very often

¹ Fernando Savater, *The Contents of Happiness*.

² José Ortega y Gasset, *Meditations on Quixote*.

change when facing the fact that moral troubles are those which we deal on a daily basis, that it may be us or our relatives the ones involved in these troubles.

4. Once the different categories are clear, the teacher proposes a short text analysis where students can use these categories in their speech, as well as give their opinion about the topic.

But when an existentialist describes a coward, he says that the coward is responsible for his cowardice. He is not the way he is because he has a cowardly heart, lung or brain. He is not like that as the result of his physiological makeup; he is like that because he has made himself a coward through his actions. There is no such thing as a cowardly temperament; there are nervous temperaments, or 'poor blood', as ordinary folks call it, or 'rich temperaments,' but just because a man has poor blood does not make him a coward, for what produces cowardice is the act of giving up, or giving in. A temperament is not an action; a coward is defined by the action he has taken. What people are obscurely feeling, and what horrifies them, is that the coward, as we present him, is guilty of his cowardice. People would prefer to be born a coward or be born a hero. (...) If you are born a coward, you need not let it concern you, for you will be a coward your whole life, regardless of what you do, through no fault of your own. If you are born a hero, you need not let it concern you either, for you will be a hero your whole life, and eat and drink like one. What the existentialist says is that the coward makes himself cowardly and the hero makes himself heroic; there is always the possibility that one day the coward may no longer be cowardly and the hero may cease to be a hero. What matters is the total commitment, but there is no one particular situation or action that fully commits you, one way or the other.

Sartre, Jean Paul, *Existentialism is a Humanism*, Yale University Press, New Haven, 2007.

5. Questions:
 1. What is the main idea of the text? What is it about?
 2. Summarize the text.
 3. Can you relate the text with the topics dealt in class?
 4. Personal opinion.

5.4. ACTIVITY 4: Historical Memory

1. Students read articles 3 and 4 of LAW 52/2007 of 26 December, promoted by José Luis Rodríguez Zapatero, president of the Government, belonging to the Spanish Socialist Workers' Party, to recognise and broaden rights and to establish measures in favour of those who suffered persecution or violence during the Civil War or the Dictatorship.

Questions:

- Up to what extent do you think these articles relate to the case of Julio María López Orozco?
- Do you consider it a fair or unfair law? Justify your answer.

LAW 52/2007

Article 3. Declaration of illegitimacy.

1. *The courts, tribunals and other criminal or administrative organs of whatever nature which were constituted during the Civil War to impose penalties or punishments of a personal nature for reasons of politics, ideology or religious beliefs, are hereby declared illegitimate together with all their decisions.*
2. *As they were contrary to Law and violated the most fundamental requirements of the right to a fair trial, the Court of Repression of Freemasonry and Communism, the Court of Public Order, the Courts of Political Responsibilities and the Courts-Martial, all of which were constituted for reasons of politics, ideology or religious belief are declared illegitimate pursuant to article 2 of this Law.*
3. *Also declared illegitimate herewith, given that they were defective in form and substance, are the penalties and punishments ordered for reasons of politics, ideology or religious belief by any court or administrative organ of whatever type during the Dictatorship against those who defended the previous institutional legality, attempted to re-establish a democratic regime in Spain, or tried to live pursuant to those choices afforded by the rights and freedoms recognised today by the Constitution.*

Article 4. Declaration of redress and individual recognition.

1. *The right to obtain a declaration of reparation and individual recognition is hereby acknowledged for those who during the Civil War and the Dictatorship suffered the effects of those decisions referred to in the preceding article. This right is fully compatible with the other rights and compensating measures recognised in preceding laws as well as the institution of any legal proceedings that may occur before the courts of justice.*
2. *Those persons affected, and, in the event that they have already died, spouses or persons with similar emotional nexus, their ascendants, descendants and collateral relatives to the second degree shall have the right to request the said Declaration.*

3. *Similarly the said Declaration may be requested by public institutions, subject to the prior consent of their appropriate government body, in respect of those who carried out a relevant office or activity within such institution but who did not have a spouse or a relative of the type referred to in the above paragraph.*
4. *The persons or institutions referred to above can require the issue of the said Declaration of the Ministry of Justice. To that end, they can bring all documentation relating to the facts or proceeding as is in the possession of the petitioners as well any relevant background information.*
5. *The Declaration referred to in this Law shall be compatible with any other indemnifying or compensating measure provided for in the legal system and shall not constitute an entitlement to recognition of patrimonial responsibility of the State or of any office of the Public Administration, nor will it give rise to any consequences, damages or reparation, whether economic or professional in type. The Ministry of Justice shall deny the issuance of a Declaration where the provisions of this Law are not complied with.*

2. Students read this paragraph in the preface of the Law and Article 2, which it refers, and answer these questions:
 - Do you think it is a matter of personal or family memory or, on the contrary, do you think we should speak about collective memory and responsibility?
 - What do you think this point tries to teach?

LAW 52/2007

Explanation of reasons:

Thus, the Law sets out the bases whereby public powers can implement public policies addressing the knowledge of our history and the nurture of democratic memory. The present Law begins with the consideration that various aspects relating to personal and family memory, particularly when they have been affected by conflicts of a public nature, form part of the legal status of democratic citizenship, and as such, are dealt with in the text. Thus, an individual right of each citizen to personal and family memory is recognised and its expression is found for the first time in the Law in the general recognition set out in article 2 hereof. In fact, there is in the said provision a general declaration of the unjust nature of all the convictions, punishments and expressions of personal violence which took place during the Civil War, for reasons which were unequivocally political or ideological, as well as those which, for the same reasons, occurred in the subsequent Dictatorship. This general declaration in article 2 is complemented by provision for a specific procedure to obtain an individual Declaration, rehabilitating and reparative in content, which will be available as a right to all those affected and which can be exercised by them or by their relatives.

Article 2. General recognition.

- 1. As an expression of the right of all citizens to the moral redress and the restoration of their personal and family memory, all convictions, punishments or other forms of personal violence which took place for reasons of politics, ideology or religious belief, whether during the Civil War or during the Dictatorship, are recognised and declared to be completely unjust in nature.*
- 2. The reasons referred to above include the membership of or collaboration with political parties, unions, religious or military organizations, ethnic minorities, secret societies, masonic lodges and resistance groups, as well as conduct connected with cultural or linguistic choices or those of sexual orientation.*
- 3. Similarly, the injustice caused by the exile of many Spaniards during the Civil War and the Dictatorship is hereby recognised.*

3. Students read Articles 1 to 6 of the Law 46/1977 of Amnesty, of 15 October 1977, and then read the fragments of both texts: the INTERNATIONAL CONVENTION FOR THE PROTECTION OF ALL PERSONS FROM ENFORCED DISAPPEARANCE and the CONVENTION ON THE NON-APPLICABILITY OF STATUTORY LIMITATIONS OF WAR CRIMES AND CRIMES AGAINST HUMANITY of the United Nations. They also read the article on a Spanish newspaper on the Government's position. After reading the three texts, they answer these questions:
 - Do you think conventions on Human Rights could be applied to the case of the Civil War? Why?
 - Are the Amnesty Act and the conventions you have read about consistent? Why?
 - How would you react if a relative of yours had been victim of enforced disappearance during the Spanish Civil War?
 - Do you reckon Spanish society has established true fair reconciliation and has healed historical wounds? Why?

LAW 46/1977

Article 1.

I. The following offences shall be subject to amnesty:

- a) All politically motivated acts, whatever the outcome is, defined as crimes and minor offences committed before 15 December 1976.*
- b) All acts of the same nature committed between 15 December 1976 and 15 June 1977, when in addition to the political motivation there is intent to re-establish the public liberties or demand of autonomy for the peoples of Spain.*
- c) All acts of identical nature and intentionality as those provided for under the previous paragraph and committed until 6 October 1977, except if they involved serious violence against the life or integrity of persons.*

II. The effects of subsumption provided for in any of the previous paragraphs, it is to be understood as the time of execution of the act that in which the criminal activity started. Amnesty will also comprehend the crimes and offences related to the previous section.

Article 2.

In any case, the following might be covered by the amnesty:

- a) The offences of rebellion and sedition, as well as the offences and minor offences committed on the occasion, defined in the Code of Military Justice.*
- b) The conscientious objection to military service, due to ethical or religious causes.*
- c) The failure to offer assistance to Justice through the refusal to reveal political facts, known in the professional practice.*
- d) The acts of expressing opinions through the press, printing or any other type of means of communication.*
- e) The offences and minor offences that could have been committed by law enforcement authorities and agents, charged with maintaining public order, when carrying out the investigations and prosecuting the offences included in this law.*
- f) The offences committed by law enforcement agents and authorities in violations of/against the rights of persons.*

Article 3.

The benefits of this Law spread through the breaking of those sentences imposed on amnestied offences, through those of banishment agreed on the commutation of other sentences and through the breach of the established conditions in specific pardons.

Article 4.

Legal offences, as well as administrative or those attacking the government, committed with a political intention, are also to be amnestied, with the only exception of tax offences.

Article 5.

This Law comprehends the labour and trade-union offences consisting in actions in the exercise of current internationally-recognised rights of workers.

Article 6.

The amnesty shall generally determine the extinction of the criminal responsibility deriving from the sentences imposed, or to be imposed, with a main or secondary nature.

INTERNATIONAL CONVENTION FOR THE PROTECTION OF ALL PERSONS FROM ENFORCED DISAPPEARANCE, Resolution of the General Assembly of the United Nations, Paris, 20 December 2006.

Article 1

1. No one shall be subjected to enforced disappearance.
2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for enforced disappearance.

Article 2

For the purposes of this Convention, “enforced disappearance” is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.

Article 3

Each State Party shall take appropriate measures to investigate acts defined in article 2 committed by persons or groups of persons acting without the authorization, support or acquiescence of the State and to bring those responsible to justice.

Article 4

Each State Party shall take the necessary measures to ensure that enforced disappearance constitutes an offence under its criminal law.

Article 12

1. Each State Party shall ensure that any individual who alleges that a person has been subjected to enforced disappearance has the right to report the facts to the competent authorities, which shall examine the allegation promptly and impartially and, where necessary, undertake without delay a thorough and impartial investigation. Appropriate steps shall be taken, where necessary, to ensure that the complainant, witnesses, relatives of the disappeared person and their defence counsel, as well as persons participating in the investigation, are protected against all ill-treatment or intimidation as a consequence of the complaint or any evidence given.
2. Where there are reasonable grounds for believing that a person has been subjected to enforced disappearance, the authorities referred to in paragraph 1 of this article shall undertake an investigation, even if there has been no formal complaint.
3. Each State Party shall ensure that the authorities referred to in paragraph 1 of this article:
 - a) Have the necessary powers and resources to conduct the investigation effectively, including access to the documentation and other information relevant to their investigation;

CONVENTION ON THE NON-APPLICABILITY OF STATUTORY LIMITATIONS OF WAR CRIMES AND CRIMES AGAINST HUMANITY, Resolution of the General Assembly of the United Nations, New York, 26 November 1968.

Article 1

No statutory limitation shall apply to the following crimes, irrespective of the date of their commission:

- a) War crimes as they are defined in the Charter of the International Military Tribunal, Nürnberg, of 8 August 1945 and confirmed by resolutions 3 (I) of 13 February 1946 and 95 (I) of 11 December 1946 of the General Assembly of the United Nations, particularly the "grave breaches" enumerated in the Geneva Conventions of 12 August 1949 for the protection of war victims;*
- b) Crimes against humanity whether committed in time of war or in time of peace as they are defined in the Charter of the International Military Tribunal, Nürnberg, of 8 August 1945 and confirmed by resolutions 3 (I) of 13 February 1946 and 95 (I) of 11 December 1946 of the General Assembly of the United Nations, eviction by armed attack or occupation and inhuman acts resulting from the policy of apartheid, and the crime of genocide as defined in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, even if such acts do not constitute a violation of the domestic law of the country in which they were committed.*

DIARIO PÚBLICO 15.04.2013. Article by Andrés Muñoz.

THE GOVERNMENT REFUSES TO SIGN THE UN CONVENTION AGAINST WAR CRIMES

They maintain the shield which avoids the investigation of Francoist crimes, when sentencing that the Amnesty Act can only be abolished by the Parliament and not by a judge or jury.

The legal prosecution in Spain against Francoist crimes will remain, for the time being, a chimera, according to the Government's plans. On the one hand, the Executive refuses, hiding behind legal loopholes, to sign the UN Convention that states that war crimes do not lapse; and, on the other hand, they state that the Amnesty Act of 1977 can only be abolished by the Parliament and not by a judge or jury.

The Government sets out its position, leaving no room for the investigation of such crimes, in the written answer sent to the United Left representative Gaspar Llamazares, who had shown the perplexity of the countries most advanced regarding human rights because of the fact of Spain not having started the accession process to the Convention on the non-applicability of statutory limitations of war crimes and crimes against humanity.

Likewise, the parliamentarian highlighted in his question to the Government that associations and NGOs such as International Amnesty had shown their concern for the slowness and the closure of files on plenty of enforced disappearances and crimes against international rights committed in Spain between 1936 and 1977, especially since the Supreme Court established in February 2012 the National High Court's inhibition for the District Courts.

The Government admits that the signing and ratification of the UN Convention about war crimes was a commitment of the previous legislature, within the National Plan of Human Rights. However, the "legal analysis" of the text sign, according to the Executive, "*has raised the possibility that several measures could be contrary to the principle of non-retroactivity of criminal law*". The result: a decision has not been made yet on the adherence to the Convention.

Regarding the advice of international organisations about the Amnesty Act of 1977, the Government points out that it was a measure adopted by the democratic forces, within the frame of the transition "*from dictatorship to democracy*", and "*a key instrument of reconciliation among Spaniards*". They refuse its description as an "*auto-amnesty or one-sided amnesty coordinated by a dictatorial power*", for the fact of having been passed after the first democratic elections of 1977.

The Executive goes on arguing that the Constitutional Court has supported the law, and adds: "*It had a sense of reconciliation when demanding all political forces to give in so as to achieve a pacific discontinuation of Francoism in order to foster a Social and Democratic Rule of Law*". The Amnesty Act was passed by the will of the Spaniards and so it is only the Parliament competent for its derogation, as no judge or jury may question the legitimacy of the process.

Next, the Government states that the obligation to pursue crimes against humanity contained in the Rome Statute, and signed by Spain in the year 2000, refers to those crimes committed after

Next, the Government states that the obligation to pursue crimes against humanity contained in the Rome Statute, and signed by Spain in the year 2000, refers to those crimes committed after its effective date, the same as the Pact for the Civil and Political Rights ratified by Spain in 1977. That is to say, they do not refer to the Francoist crimes.

The Executive admits that the Committee which ensures this latter Pact has provided comments to Spain on the derogation of the Amnesty Act, but the Government responds by saying that these are “*recommendations but not complaints for breach*”.

In relation to the International Convention for the Protection of all Persons from Enforced Disappearance, the Executive claims that the Spanish Criminal Law has content-related crimes. But they warn again that, due to the fact of coming into force in December 2010, this Convention is only competent on the enforced disappearances which started after its effective date. In other words, the Francoist crimes are still off.

In his question, Llamazares considered it not surprising that, given the sluggishness and inactivity of the Spanish courts, “*the victims have presented a Federal Criminal and Correctional Court number 1 of Buenos Aires*” in order to investigate the crimes and enforced disappearances committed in Spain between 1936 and 1977. The United Left representative also complained about the restrictive interpretation made by the judicial authority about the Amnesty Act, which prevents the fulfilment of Spain’s duty in investigating such crimes.

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Glossary of terms

The following glossary of terms should be photocopied and handed in to students who are not Spanish.

- **FUERO (regional code of law):**

Basic Law of the State enacted as a Constitution and granted by Franco. This kind of laws date from the Middle Ages when feudal lords granted a group of laws, rights or privileges for a given territory or social group. These laws were based on ancient written documents and customary rules.

- **FALANGE ESPAÑOLA DE LAS JONS (Spanish Phalange of the JONS):**

Fascist political party resulting from the merger of two different parties: Ramiro Ledesma's JONS (Committees of the National Syndicalist Offensive) and José Antonio Primo de Rivera's Falange Española (Spanish Phalanx). During the II Spanish Republic this party used violence as a part of social action, including bloody confrontations against Socialists and Communists. After the Spanish Civil War it became the only legal political party in Spain. Its ideology was based on National Syndicalism, Fascism and Anticommunism, as well as unyielding defence of National Catholicism. The party was dissolved by Prime Minister Adolfo Suárez after Franco's death during the Transition to Democracy.

- **PARTIDO REPUBLICANO RADICAL SOCIALISTA (Radical Socialist Republican Party):**

Spanish Political Party emerged in 1929 from a split up of Alianza Republicana (Republican Alliance). This party supports Anticlerical and Jacobin liberalism. The majority of its members came from Masonic lodges. It was part of the interim government of the II Spanish Republic and was involved in the San Sebastián Deal.

▪ **UNIÓN REPUBLICANA (Republican Union):**

Spanish political party emerged in 1934 from the split up of the Radical Democratic Party and the Radical Republican Socialist Party. It certainly played an important role before the Spanish Civil War. It was part of Popular Front together with Communists, leftist Republicans and Progressives. After the Spanish Civil War it became one of the most important Republican forces in exile.

▪ **GENOCIDE:**

According to the UN 1948 Convention, and following the Polish lawyer Raphael Lemkin, *“genocide is defined as the extermination of a nation or an ethnic group.”*

▪ **FREEMASONRY:**

It is an initiatory, non-religious, philanthropic, symbolic and philosophical institution based on a sense of brotherhood. They claim to pursue the quest for the truth, the promotion of the social and moral development of human being and social progress. The Free Masons are organized in basic structures called “lodges”.

▪ **NON-INTERVENTION AGREEMENT:**

It was an organisation founded in 1936, on the motion of France and supported by the UK, to avoid foreign participation in the Spanish Civil War and the internationalisation of the conflict at a time of greatest strain among democracies and dictatorships in Europe. Although many countries joined the pact, the agreements signed were not observed.

▪ **HERO:**

According to the philosopher Fernando Savater and from a moral point of view, *“a hero is someone who shows the virtue as strength and excellence through the example of his actions.”*

▪ **“RED”:**

A synonym of “republican” during the Spanish Civil War of 1936-1939. Applied to persons.

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AUTHORS

Didactic unit coordinators: Carmen García Alarcón and Ana María Ibáñez Lopera.

Historical context (Francoism): María Belén Delgado Chaparro.

Introduction, Biography rationale, International context, Activity 1, Activity 2: Carmen García Alarcón.

Glossary of terms: José Francisco Fernández García.

Introduction, Translation, Layout: María Salud García Zamora.

PowerPoint presentation for the teacher (JM López Orozco biography), Introduction, Historical context (Dictatorship of Primo de Rivera, Second Spanish Republic and the Spanish Civil War): Ana María Ibáñez Lopera.

Prezi Presentation for the teacher (Julio María López Orozco, a life of resistance), Historical Memory, Activity 4: Darío Martínez Montesinos.

Activity 3: Sofía Rojo Arias.