

Francoist Dictatorship and Transition to Democracy

Code: 103956
ECTS Credits: 6

Degree	Type	Year	Semester
2500258 Labour Relations	OT	4	2
2500786 Law	OT	4	2

Contact

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Use of Languages

Principal working language: catalan (cat)
Some groups entirely in English: No
Some groups entirely in Catalan: Yes
Some groups entirely in Spanish: No

Teachers

Daniel Valles Muñoz
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Prerequisites

It is not necessary any kind of prerequisite to take this course.

Objectives and Contextualisation

The subject provides theoretical knowledge related to the construction of the political, legal and social system of Spain during the Franco dictatorship and the democratic transition.

The objectives of the subject, therefore, are:

- 1) Have theoretical knowledge of the stage corresponding to the Franco dictatorship and understand the analysis of historical facts.
- 2) Understand the past realities as critical investigation methods.
- 3) Understand the legal concepts as well as the institutions created within the framework of each of the historical stages studied.
- 4) Demonstrate the acquisition of theoretical knowledge through written and oral reflection.
- 5) Introduce the concepts of legislative technique so that students improve in the use of legal terminology.
- 6) Explain the legal and sociological concepts in the field of transitional justice.

Competences

Labour Relations

- Clearly expressing ideas or facts in a compelling way.
- Contextualising the social events from a (geographical, historical, economic, ecological, sociopolitical or cultural) global point of view.
- Identify the foundations of the main legal and organisational areas in the field of human work.

- Identifying, analysing and solving complex problems and situations from an (economic, historical, legal, psychological, and sociological) interdisciplinary perspective.
- Properly analysing the specific situations of reconciliation of work and family life, and implementing the corresponding regulations.
- Verbally communicating and defending a project.
- Working autonomously.
- Working effectively in teams.

Law

- Contextualizing the several forms of creation of law in its historical evolution and its current situation.
- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Identifying, knowing and applying the basic and general principles of the legal system.
- Integrating the importance of Law as a regulatory system of social relations.
- Students must be capable of communicating their points of view in a compelling way.
- Students must be capable of demonstrating a critical awareness of the analysis of the legal system and development of legal dialectics.
- Students must be capable of demonstrating the unitary nature of the legal system and of the necessary interdisciplinary view of legal problems.
- Students must be capable of producing initiative, creative and innovative knowledge, as well as new ideas.
- Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Learning Outcomes

1. Analysing the situation by comparing several collective agreements and watching the historical evolution of these situations.
2. Clearly expressing ideas or facts in a compelling way.
3. Critically distinguishing the Law in all its fields (legislation, implementation...) and comparing it with legal systems of other eras and other countries.
4. Defining how the legal concepts and the action of the institutions are managed and operated within the concrete cultural models, which make those understandable.
5. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
6. Explaining the historical evolution and legal regulation of the applicable rule.
7. Explaining the historical evolution and legal regulation of the applicable standard.
8. Interpreting the dialectics between unity and plurality in Law. Accepting the interdisciplinarity as conception and instrument of Law.
9. Interpreting the social events as mechanisms that affect rules and current legal institutions.
10. Knowing the foundations of the legal areas of industrial relations in the specific scenario of Francoism and the Spanish transition to democracy.
11. Knowing the foundations of the legal areas of industrial relations in the specific scenario of industrial relations during the Francoism and the Spanish transition to democracy.
12. Knowing the mechanisms that must be applied in every situation.
13. Students must be capable of communicating their points of view in a compelling way.
14. Students must be capable of producing initiative, creative and innovative knowledge, as well as new ideas.
15. Verbally communicating and defending a project.
16. Working autonomously.
17. Working effectively in teams.
18. Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Content

1. Antecedents of the Franco regime. II Spanish Republic and the Civil War.
2. The creation of the 'New State'. Interpretations of Francoism and Falangism within European fascisms.
3. Initial phase of the Franco regime:

1. Repression
2. The Political Responsibilities Law
3. Indoctrination and school
4. Women and gender(s).
5. Autarky and economic thought.
4. The phase 'Economic Development':
 1. Economic change, political change?
 2. The new workers' movements and labor legislation
 3. The TOP: The Public Order Court.
5. End of the Franco regime and the democratic transition:
 1. Democratic political movements (unions, catholic church, Assembly of Catalonia, labor and neighborhood movement: special reference to the struggle in the Baix Llobregat and the Valles cities).
 2. The Political Reform Law
 3. The Amnesty Law
 4. The Constitution of 1978 and the Copu d'État of 23th February 1981.
 5. Transitional justice: definition and measures, the UN criteria.
6. The Historical Memory Law and the Legal Reparation Law of the Generalitat de Catalunya (2017).

Methodology

The methodology is divided into two parts. In the first, the students will expose (individually or in groups of three, according to the number of registered students) academic readings about the Franco regime and the democratic transition. These articles relate to different historical moments of the dictatorship of General Franco, with repression, seizure of goods, the role of social movements as catalysts of change towards democracy, among others. The second part consists in the formation of "political parties" and, from the previous exhibitions as "assumptions in fact", in the drafting of a historic memory bill proposing solutions to the aspects examined, with total freedom in the content of the proposition. In addition, political parties must also have their own electoral program. This activity also introduces elements of legislative technique that are not studied in the Degrees of Law or Labor Relations. The creation of political parties allows the students to develop mechanisms for managing discrepancies in order to reach a consensus on a common position. The presentation of the bills by the political parties and subsequent evaluation has been carried out by the students themselves. The students themselves voted for the proposal that they liked most. Voting must be numerical (0-10) and justified, where only one valuation number can be assigned to each one of the proposals (for example, two proposals can not be voted with a 9), and the vote of the proposal presented by its own party. The most voted proposal for the students is the one whose candidates have obtained the best qualification. The professors will give sessions related to the historical-legal facts of the Franco regime and the Transition, will introduce the readings, detail the most important concepts of legislative technique and the theoretical and practical aspects of transitional justice.

Annotation: Within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Discussion in the classroom	5	0.2	15, 11, 2
Master class	5	0.2	11
Regulatory process	5	0.2	11, 2
Work in group	7.5	0.3	1, 11, 12, 9, 16
Type: Supervised			

Documentation and bibliography	7	0.28	1, 11, 9, 16
Individual assistance and optional lectures	8.5	0.34	1, 11, 12, 2, 9, 16
Personal work	7	0.28	1, 11, 2, 16
Type: Autonomous			
Exposure processing	40	1.6	1, 11, 12, 2, 9, 16
Preparing individual lectures	10	0.4	1, 11, 12, 9, 16
Searching specific information	10	0.4	1, 11, 12, 9, 16
Study papers assigned	40	1.6	1, 11, 12, 9, 16

Assessment

The students are advised to follow the continuous evaluation with class attendance (minimum of 80%) and carry out the activities programmed during the course (oral presentations in the classroom, readings, conferences, creation of political parties , etc.). An examination is scheduled as a reassessment for students who do not pass the continuous assessment. Students will have to present in the class an article on a specific theme of the syllabus, which will be assigned during the first class days. A group of two / three students will have to read this same article and have to ask questions to the students who orally present the article. Both the oral presentation and the questions asked by the group of students will be evaluated. The students will have to group by groups and create a political party (writing of statutes, electoral program, etc.) with which it will have to write up a proposal of law that improves or solves a problem of transitional justice within the present one legal order of the Spanish State.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Presentation in group	40%	2	0.08	1, 13, 15, 11, 10, 12, 4, 3, 6, 7, 2, 9, 8, 14, 16, 17, 18
Speech in class	30%	1	0.04	1, 13, 15, 11, 12, 4, 7, 2, 9, 8, 14, 16, 17
Work in group	30%	2	0.08	1, 13, 11, 10, 12, 4, 5, 3, 6, 7, 9, 8, 14, 16, 17

Bibliography

Bibliography required:

José BABIANO (Ed.) *Del hogar a la huelga. Trabajo, género y movimiento obrero durante el franquismo*, Madrid, Los Libros de la Catarata, 2007.

Eider DE DIOS FERNÁNDEZ, "Domesticidad y familia: ambigüedad y contradicción en los modelos de feminidad en el franquismo" en *Feminismo* 23 (2014).

Maria Jesús ESPUNY TOMÁS, "Aproximación histórica al principio de igualdad de género (II): el empleo femenino después de la guerra" en *Iuslabor* 1 (2007).

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Maria Jesús ESPUNY TOMÁS, "Aproximación histórica al principio de igualdad de género (y IV): de la Ley de contrato de trabajo de 1944 a las últimas disposiciones franquistas" en *Iuslabor* 1 (2008).

Bibliography recommended:

Carme MOLINERO, Pere YSÀS, *Productores disciplinados y minorías subversivas. Clase obrera y conflictividad laboral en la España franquista*, Madrid, Siglo XXI, 1998.

Carme MOLINERO, Pere YSÀS, *El règim franquista. Feixisme, modernització i consens*, Vic, Eumo Editorial, primera edició, 1992.

Carme MOLINERO RUIZ, "Silencio e invisibilidad: la mujer durante el primer franquismo" en *Revista de Occidente* 223 (1999).

Carme MOLINERO RUIZ, "Mujer, represión y antifranquismo" en *Historia del presente* 4 (2004).

Carmen SARASUA/Carme MOLINERO, "Trabajo y niveles de vida en el franquismo: un estado de la cuestión desde una perspectiva de género" en *Working Papers* (UAB). Unitat d' Història Econòmica 3 (2008).

Daniel VALLÈS MUÑO, "La privación de la libertad de los homosexuales en el franquismo y su asimilación al alta de la Seguridad Social, *Iuslabor* 1(2017).

Daniel VALLÈS MUÑO, "El TEDH no cuestiona la Ley de la Memoria Histórica, pero podría", *Indret* 4 (2015).

Daniel VALLÈS MUÑO, *Les reparacions econòmiques pels danys derivats de la guerra civil española*, tesi doctoral. Pot consultar-se al repositori.upf.edu/handle/10230/20496.

Software

None.