**HESP**
**Law and Dictatorship**

**Short description**
This course will show the development of Spanish and European Law during the 20th Century’s dictatorships. Its goal is to provide tools to analyze legal cultures from the past or the present with an authoritarian element. It will focus on Spanish dictatorship but from a comparative perspective. It will also approach dictatorial and illiberal democracies today.

The goals of this course are:

- Understand the development of Spanish and European history in the last Century.
- Ability to identify and understand legal norms in their context.
- Ability to understand different legal cultures.
- Ability to think critically about other political and legal systems.

**Calendar**

**Session 1: Law and dictatorship: introduction**
Introduction. Presentation of the course. Methodology. Dictatorships today.

**Session 2: What is a dictatorship? Dictatorship and Law.**

**Session 3: Spain in the 20th Century: between republic, monarchy and dictatorship**

**Session 4: Spanish Civil War and the foundation of “Franquismo”**
Session 5: Law as a tool of building and legitimating political Power


Session 6: What does Genocide have to do with Law?

Political and legal background of the Holocaust. The racial question in Germany, Italy and Spain. National homogeneity and genocide. The Spanish deportation to nazi concentration Camps. The Concentration camp as paradigm of the modernity. Homo sacer yesterday and today.

Session 7: Economy and labour in Southern European dictatorships


Session 8: Criminal Law and social control

How can Law be illegal? Criminal Law under Dictatorships. Liberal criminal Law. Criminal Law under national socialism. Criminal Law under Franco. “Ley de responsabilidades políticas” (Regulation of political responsibilities); “Ley de represión de la masonería y el comunismo” (Regulations against Free Masonry and Communism”). Religion as source of criminal Law?

Session 9: Private Law under Franco

The Republican revolution and the fascist counterrevolution in Private Law. Saint Thomas of Aquinas is back: the new conceptions of individual, woman and family. The unchangeable contract law.

Session 10: Change of paradigm of the sixties: from charismatic power to technocracy

Economy and Society under transformation: tourism, migrations and social behaviours’ changes. The political opposition to the “Franquismo”. The “Stabilization Plan”. Opus Dei Ethic and the Rise of Spanish capitalism. Economic GDP as a tool of
legitimisation. Economic liberalism without political liberalism. The celebration of “25 Years of Peace”. What is technocracy?

Session 11: Transitional processes from dictatorship to democracy


Session 12. Political and legal transition in Spain

From the 20th of November of 1975 to the 6th of December of 1978. The legal and political reforms prior to the Spanish Constitution. The Spirit of the “Transition” and Law.

Session 13: The struggle for memory. Is there a right to remember?


Session 14: Dictatorship in our post-modern times


Session 15: Dictatorship is not beautiful: the rise of illiberal democracies and neo-authoritarianism

Bibliography


**Evaluation:**
1) Student’s homework: 30%. Three assignments (10% each)
2) Active participation in class: 10%.
3) Final Assignment /essay: 20%.
4) Midterm exam: 20%. Students will comment a document. They can consult their documents.
5) Final exam: 30%. Students will comment a document. They can consult their documents.

**Methodology**
Not only Law books or norms contain legal culture. Other kinds of written and unwritten documents can also help us to analyze social, political and legal phenomena. In this course we will approach Law in its broadest meaning studying written texts (Statutes, Jurisprudence…) historiographical or philosophical texts but also literary works or cinema.

The course will combine theoretical lessons, seminars, films and probably a visit to some buildings in Barcel