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**DISSERTATION**  
**Spanish Civil War, its origins and its atrocities**

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## **ABSTRACT**

The Spanish Civil War (1936-1939) broke out on July 18, 1936, when a group of right-wing officers under the leadership of General Francisco Franco launched a military uprising in an attempt to overthrow the left-wing coalition government *Frente Popular* (Popular Front), which was previously elected. The purpose of this diplomatic work is to highlight what instigated the Spanish Civil War, the social and political background at the time, and the role that the Great Powers played, along with the consequences of foreign intervention, or deliberate non-intervention, for Spain. Moreover, the existing legal framework will be discussed in order to investigate the crimes that were committed at that period of time.

*Key words: civil war, atrocities, legal framework*

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## INTRODUCTION

To begin with, I believe that it is essential to clarify the term “war” and to distinguish the different categories of war. Several philosophers tried to clarify and analyze this term. So, according to the Roman philosopher Marcus Tullius Cicero (106 - 43 B.C.), war is a type of dispute and “there are two ways of settling a dispute: first, by discussion; second, by physical force; and since the former is characteristic of man, the latter of the brute, we must resort to force only in case we may not avail ourselves of discussion”. At the same time, the Chinese military classic Sun –Tzu (403 - 221 B.C.), defines war as “armed contest” and “a vital matter of state.” Like Cicero, he characterizes war as a last resort. Centuries later, Prussian strategist Carl von Clausewitz (1780 -1831) wrote in much the same vein. He defined war as “a branch of political activity...a continuation of political intercourse, with the addition of other means.” According to Clausewitz, war is an act of force to compel the enemy to do our will. This two fold definition of war as both the military manifestation of conflict and as one of many policies actors can pursue could be applied to the use of force among individuals, groups, and states. In practice, however, scholars distinguish among these types of violence. Armed conflicts among individuals are crimes. Armed conflicts among groups within a state are civil wars. Armed conflicts among states are interstate wars (Thomson, 1996).

The term “civil war” comes from the Latin phrase “bellum civile”, which translates to “war of, or pertaining to civilians,” and was first used to describe the Roman civil wars of the 1<sup>st</sup> century BCE<sup>1</sup>. Today, international law recognizes two types of war: the inter-State wars (waged between two or more states) and the intra-State wars (civil wars conducted between two or more parties within a single State) (Dinstein, 2001:5).

History categorizes civil wars as a whole and does not separate them according to their causes. Civil wars can be distinguished according to whether **they are identity wars** if they refer to national or religious characteristics as in the Yugoslav wars, or to civil war with **non-national characteristics**. The case of Spain belongs to civilians with non-national characteristics and, more specifically, the political causes were those that led Spain into the civil war.

National wars differ from civil wars in the fact that civil wars usually break out in countries that are large, poor and have recently become independent. Moreover, national wars last longer, while civilian wars are shorter<sup>2</sup>. The significance of the issue is revealed in the fact that civil wars have stood out in the nationality of states and their basic characteristics. The civil war also reveals the rawer human nature and demonstrates the extent to which man is prepared to reach in order to support his political ideas and fight his opponents.

The importance of this research is based on the fact that many countries have experienced conflict and civil wars continue to break out even in recent years

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<sup>1</sup> *What is a Civil War?* Available at: <https://www.civilwar.org/learn/articles/what-civil-war> (Access 27/01/2018)

<sup>2</sup> Fearon, J. *Ethnic Mobilization and Ethnic Violence*. Available at: [www.oxfordhandbooks.com.view/10.1093/oxfordhb/9780199548477.001.0.001](http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199548477.001.0.001) (Access 20/11/2017)

and the fact that the Great Powers, in an effort to solve local problems, intervene in the internal affairs of the countries, something that does not always bring about the desired outcome. In this respect, the research question on which the present study is based is the reason(s) that led Spain to a civil war and the structure of the work is divided in two sections. In the first section, an attempt is made to indicate the root causes of the Spanish civil war and to record all rivalries taking place between 1936 and 1939 that led to Franco's establishment as the Head of State. Furthermore, the influence of the Great Powers and their undisputable impact on the course of the war will be discussed. The second section refers to the crimes that were committed during the Spanish civil war and the legal framework that existed during that period which could have protected the people of a country at the brink of a civil war. The epilogue will summarize what has preceded and provide answers to questions that were raised throughout the dissertation.

## PART A

### 1. The origins of the Spanish Civil War

#### 1.1 The way to the civil war

By the 20<sup>th</sup> century, Spain's golden age in the 16<sup>th</sup> century was a distant memory. The Spanish colonial empire had long since disappeared. For at least a century and a half, the nation had been increasingly torn by social tensions marked by occasional outbreaks of violence. A crisis of immense proportions was taking shape, and no one seemed to be able to prevent it<sup>3</sup>. Searching for the causes of the Spanish civil war that killed **500,000**<sup>4</sup> people between 1936 and 1939, we find that there were long-term and medium-term causes. The division of Spain in political, economic and social foundations that had taken place for more than a century in the Iberian Peninsula and of course, the prominent role of the Church and the Spanish Army are regarded as the long-term causes. The notorious political battles, not only between the left *Frente Popular* and the right *Confederación Española de Derechas Autónomas - CEDA* (*Confederation of Autonomous Right-wing Groups*), but also their internal political frictions (especially within the leftist parties coalition) are considered as the medium-term causes.

To begin with, the Spanish civil war was fundamentally rooted in, but not exclusively caused by, these profound social divisions between the wealthy, privileged few and the masses of poor rural and industrial workers. The desire to improve the conditions of the workers, through political action and demonstrations, led to conflict with those who were opposed to such change. There existed extreme polarization of wealth in many rural areas of Spain between the landlords and the landless laborers. This was particularly so in southern Spain where the agricultural system consisted of huge estates, called "*latifundia*" which were owned by a few wealthy landlords and worked by laborers hired by the day. This system kept the laborers poor because (a) the hiring of labor by the day gave no financial security and unemployment was common, (b) the operation of one-crop farming meant that the availability of

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<sup>3</sup> Shaw R., *Catholic Persecution in the Spanish Civil War*. Our Sunday Visitor [online]. Available at: <https://www.osv.com/Article/TabId/493/ArtMID/13569/ArticleID/1794/Catholic-persecution-in-the-Spanish-Civil-War.aspx> (Access 27/01/18)

<sup>4</sup> "Available information suggests that there were about 500,000 deaths from all causes during the Spanish Civil War. An estimated 200,000 died from combat-related causes. Of these, 110,000 fought for the Republicans and 90,000 for the Nationalists. This implies that 10 percent of all soldiers who fought in the war were killed. It has been calculated that the Nationalist Army executed 75,000 people in the war whereas the Republican Army accounted for 55,000. These deaths take into account the murders of members of rival political groups. It is estimated that about 5,300 foreign soldiers died while fighting for the Nationalists (4,000 Italians, 300 Germans, 1,000 others). The International Brigades suffered heavy losses during the war. Approximately 4,900 soldiers died fighting for the Republicans (2,000 Germans, 1,000 French, 900 Americans, 500 British and 500 others). Around 10,000 Spanish people were killed in bombing raids. The vast majority of these were victims of the German Condor Legion. The economic blockade of Republican controlled areas caused malnutrition in the civilian population. It is believed that this caused the deaths of around 25,000 people. About 3.3 percent of the Spanish population died during the war with another 7.5 percent being injured. After the war, it is believed that the government of General Francisco Franco arranged the executions of 100,000 Republican prisoners. It is estimated that another 35,000 Republicans died in concentration camps in the years that followed the war". Simkin, J. *Spanish Civil War: Casualties*. Available at: <http://spartacus-educational.com/SPcasualties.htm> (Access 27/01/18)

work was highly seasonal, often representing only 200 days' work per year and (c) wages were low. Most rural unrest took place in southern Spain where rural hardships were most severe. Left-wing unions, which organized strikes and demonstrations against exploitative landlords, appealed to the laborers. Particularly popular was the socialist union, the *Unión General de Trabajadores* (UGT), and the anarcho-syndicalist *Confederación Nacional del Trabajo* (CNT), the latter of which, by 1918, had over 700,000 members. Attempts to improve conditions through strike action, however, were rarely successful, because landlords frequently brought in alternative laborers from outside the region to do the farm work instead. The strikes of 1931 were great in size and in 1931 the strikes of the workers and the CNT (worker's movement) were proverbial. The role of the Police was catalytic, since they were moving in every case against the workers and the rebels, and many having as a goal to cause victims on the revolutionary movement.

Another important factor was the role of the Church. Of all the problems that the Spanish Republic had to confront, that of religion was the most alarming. The Church was a great thorn that had to be faced, since the separation of state and church was a demand that was never satisfied and the first leftist government of 1931 did not manage to solve. This problem, of course, started centuries ago. Spain was a nation-state born out of religious struggles between Catholicism and, in turn, Islam, Judaism, and Protestantism. After centuries of the Reconquest, in which Christian Spaniards fought to drive Muslims away from Europe, the Inquisition<sup>5</sup> sought to complete the religious purification of the Iberian Peninsula by driving out Jews, Protestants, and other non-believers. The Inquisition was finally abolished in the 1830s, and even after that, religious freedom was denied in practice, if not in theory. Catholicism became the state religion in 1851, when the Spanish government signed a Concordat with the Vatican that committed Madrid to pay the salaries of the clergy and to subsidize other expenses of the Roman Catholic Church. The Spanish Church had very close relationships and interactions with the conservative and right-wing political parties of the country and played the role of the guardian where matters of cultural, religious and moral values and traditions of the country were concerned.

The liberals (leftists) were already in opposition to this reality and political thought since the middle of the 18<sup>th</sup> century. The liberals were narrowly based elite. They supported that the state was the sum of the individuals living within it and that it could only recognize and protect the rights of those individuals, not the rights of corporate institutions, such as the Church. As nothing should impede the development of the individual, so nothing should impede the state in guaranteeing the rights of the individual. So, when the liberals managed to gain the elections, through the declaration of the Second Republic, they renounced the aforementioned pact in 1931 and imposed a series of anticlerical measures

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<sup>5</sup> "After the Roman Church had consolidated its power in the Middle Ages, heretics came to be regarded as enemies of the society. The crime of heresy was defined as a deliberate denial of an article of truth of the Catholic Faith. Pope Gregory IX instituted the papal inquisition in 1231 for the apprehension and trial of heretics. A second variety of the Inquisition was the infamous and notorious Spanish Inquisition, authorised by Pope Sixtus IV in 1478. This inquisition survived to the beginning of the 19<sup>th</sup> century and was permanently suppressed by a decree on July 15, 1834." [http://galileo.rice.edu/lib/student\\_work/trial96/loftis/overview.html](http://galileo.rice.edu/lib/student_work/trial96/loftis/overview.html) (Access 31/01/2018)

that threatened the church's very existence in Spain and provoked its support for the Franco uprising five years later (Solsten & Meditz, 1990).

There are two dominant political thoughts and opinions about this reality. The first one argues that the Church hierarchy and Catholics in general, did everything in their power to live peacefully with the Republic, while the Republic itself, from the very beginning, systematically persecuted religion in Spain with the express aim of eradicating it. The second, on the contrary, asserted that the Republic began without any intention of religious persecution and that it was the Church itself which, from the very first moment, tried to undermine and even sabotage the regime - a regime which had, after all, been established legally.

In my opinion, many actions on behalf of the newly elected (leftist) government advocate for the adoption of the second opinion. The burning of convents on 11 May, 1931 (during which the government, as the Minister of the Interior himself recognized, exhibited a lack of energy in its failure to prevent them, but of which it was neither the instigator nor, still less, the author), followed by these two expulsions not long afterwards, gave the enemies of the Republic more than enough arguments to persuade Catholics that the Republic was persecuting the Church. One might also add the sectarian tenor of Articles 26 and 27 of the Constitution<sup>6</sup> and, to make matters worse, some later laws that deeply affected the feelings not only of the hierarchy, but even of the ordinary faithful, such as the decree dissolving the Society of Jesus and the impounding of its goods through the application of the constitutional precept of 23 January, 1932; the Cemetery Law (30 January); laws on divorce and civil marriage (2 March and 28 June) and, the most controversial of all, the Law on Confessions and Congregations (17 March, 1933). In later historiography, however, a single remark by Prime Minister Azaña in a famous speech in the Parliament had the greatest effect of all the above measures. Azaña stated in that speech that "Spain has ceased to be Catholic" and this was considered as the final proof of a policy deliberately carried out against the Church by the Republic. Azaña made it abundantly clear to everyone that Catholicism had lost the place it had once held in Spain and that, therefore, the new constitutional order had to be adapted to this reality.

Of course, the Church reacted and tried to defend its traditional position, the basic Catholic thesis – that is to say, that a Christian state was a Confessional State officially professing the Catholic religion, which must be maintained whenever political circumstances are in place. The Church, of course, could not change by its own the prevalent conditions and did not have the means to prepare and trigger the military coup either. As a consequence, it started to establish close relations with the right-wing parties because they shared common values and perceptions (political and social). At the same time, they realized that the only institution which had the means and probably the will to face this government and to support the Church's intentions was the army. It is

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<sup>6</sup> "A Constitution was drafted up that was to replace the previous Constitution of 1876. The new Constitution provided equal rights for all citizens and granted freedom of speech, and association Articles 26 and 27 greatly limited the power of the Church. They barred the Catholic Church from getting involved in education, which meant the dissolution of the Jesuit order in Spain and the prohibition of nuns, brothers, and priests from teaching under any circumstances". (Smith, 2009:190-195)



safe to say that in the tense atmosphere of that era, almost all the bishops wanted an intervention by the Army, so as to put an end to this state of affairs because they believed that the only people who could give the coup any likelihood of success were the professional military officers.

All the aforementioned facts cannot be challenged due to the fact that, after the end of war, the Church acclaimed Franco as a messenger or instrument of God, or as though he were God-given. The Church thought that the war had been providential because it had offered them the chance to reChristianize Spain in both its public institutions and the private lives of the people. For its part, the Catholic Church baptized the Spanish civil war as a “crusade” and thus legitimized Franco's action in the civil war, since the civil war gave new momentum to Catholic power in the events of Spain. In other words, the Catholic Church, in this period, confirms its hegemony in the Spanish culture. For Franco, the support of the Church was an opportunity to impose total policing on the thinking of the Spaniards, arguing that there are no honest Spaniards who do not believe in God, nor good Catholics who were not absorbed in the military<sup>7</sup>. Azaña had dared to say that “Spain has ceased to be Catholic” and they proclaimed that Spain was becoming Catholic again (Raguer, 2007).

The role and the interaction that the Spanish Army had with the political system were also significant. During the 16<sup>th</sup> century, when Spain was the most powerful nation in Europe, the Spanish armed forces enjoyed a formidable reputation. The military decline that set in during the Thirty Years' War (1618-48) brought an end to Spain's ascendancy. During the nineteenth century, the ineffectiveness of the Spanish armed forces was demonstrated repeatedly. The Spanish armed forces had been burdened by an inflated officer corps and had had infrequent military challenges. The professional military was preoccupied with its status and its privileges. Promotions were slow, and they were based on seniority rather than on merit. A decadent monarchy and the weak and corrupt civil governments of the time cemented the military's involvement into the domestic politics. The situation became worse for the army daily life and reality after 1931, when the Second Republic was established. The new regime challenged the army's privilege and tried to impose several contradictory measures, such as the minimization of the army's annual budget, the wages, and the intervention into the system of promotions (Solsten & Meditz, 1990:4-60).

These facts, of course, alarmed the military personnel who prepared their reaction. No one can claim that all the army worked and acted in favour of the right-wing. A significant number of the officers remained to fight in the Republican forces, as an act that derived much from a sense of obligation to the legitimate government as well as a sense of ideology. The somewhat more conservative officers tended to join the Nationalist forces of the rebellion. Subsequently, the latter together with the support of the right-wing parties, the Catholic Church as I mentioned above, and of course, with the contribution of their foreign allies (as I will elaborate later) were the forces that launched the

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<sup>7</sup> Evwoods (2011) Envisioning Spain's Border: Franco and The Catholic Church. Available at: <http://pages.vassar.edu/envisioningspainsborder/?p=382>

military uprising, in order to sustain, as they claimed, the political, cultural and religious order and framework of Spain.

Due to this intricate and tense political and social background, instability was what primarily characterized Spanish politics in the early twentieth century. Until 1923, Spain was governed by a constitutional monarchy, although matters of government were largely carried out by the elected *Cortes* or Parliament. This political system was unpopular among the ordinary people, primarily because it failed to introduce reforms to improve their lives. As protests increased, those on the political right, alarmed by the prospect of a left-wing government, turned to Miguel Primo de Rivera, a military official who promised to end the unrest in Spain. Primo de Rivera came to power as the result of a military coup. He established himself as a dictator, while, although a virtually powerless monarch, King Alfonso XIII remained the Head of State.

So, Primo de Rivera tried within this distressing environment to introduce a number of reforms. In fact, the reforms themselves proved divisive; they were simultaneously too much for the right and too little for the left. These reforms included arbitration committees to manage disputes between industrial workers and their employers, government investment in a program of public works to increase job opportunities, such as the construction of the first trans-Pyrenees rail link between Spain and France, as well as proposals to reform the army and a reduction of the army budget. Not only did the reforms fall far short of what was necessary to resolve Spain's serious socioeconomic problems, but they were also quite costly, alienating both reformers and the conservative elites, who resented the increased financial burden. Primo de Rivera became increasingly unpopular, prompting King Alfonso XIII to request his retirement. Primo de Rivera stepped down on 28 January, 1930. After the end of Primo de Rivera's dictatorship, King Alfonso XIII once again hoped to favor popular support for a continuation of his monarchical rule. He arranged for an election to be held on this issue. Contrary to his expectations, the results were an endorsement for a democratic republic<sup>8</sup>.

The Second Spanish Republic was proclaimed on 14 April, 1931(led by the left-wing parties<sup>9</sup>). The mass electorate's expectations for social reforms, land redistribution and regional devolution went far beyond the realistic abilities of the new Republican government, which inherited a bankrupt and politically polarized state, without functioning democratic institutions. In pursuit of many social and regional agendas, different interest groups formed a political spectrum stretching from the extreme right to the extreme left and a powerful anarchist movement. In an atmosphere of such deep uncertainty, these factional hatreds could very likely spark murderous violence.

So, when the government of Athania (first left-wing government) attempted to create a Republic in Spain similar to that of Weimar, the effort proved fruitless

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<sup>8</sup> [https://limun.org.uk/FCKfiles/File/Spanish\\_Civil\\_War\\_Source\\_1.pdf](https://limun.org.uk/FCKfiles/File/Spanish_Civil_War_Source_1.pdf) (Access 28/01/2018)

<sup>9</sup> The June 1931 elections were a resounding triumph for the left-wing parties. Of the 470 seats in the parliament, the Spanish Socialist Party, the Partido Socialista Obrero Español (PSOE), won 116, making them the largest party represented. This, however, was insufficient to ensure the passage of legislation, necessitating they form a coalition government. They joined other left-wing parties including the second largest party, the Radical Party led by Alejandro Lerroux, to form a government. The moderate Niceto Alcalá-Zamora was chosen as President. The right-wing parties held only 41 seats. (Solsten & Meditz, 1990)

and the promises that were given fell into a vacuum. Agrarian reform was never implemented, and the separation of Church and State had anomalous results<sup>10</sup>.

At this point, the third cause of this civil war should be discussed, which was previously referred to as the medium-term one, and relates to the intensive political frictions. The opposition that this government faced, both from the extreme left and from the conservative right political parties, was significant.

On the one hand, the opposition from the extreme left had as a consequence the failure of the social reforms, an intensive internal political friction which led to the failure of the government and finally to the loss of the 1933 general elections. More specifically, the government's defeat in the November 1933 elections was in significant part due to the loss of support from elements of the more extreme left that had formerly backed the government. These included anarchists and the left-wing faction of the PSOE, which was led by Largo Caballero. To these groups, the government's reforms did not go far enough to address Spain's socioeconomic problems. In consequence, their opposition grew. One of the main reasons why the November general elections were called, was because of a breakdown in cooperation between, and within, the coalition parties which made an effective and stable government almost impossible. This persuaded President Alcalá-Zamora to use his power to dissolve the parliament and call new elections. The breakdown of the coalition was prompted by the reform program, in particular, the agrarian reforms. The Radical Party favored more gradual reform and the defence of property rights, law and order. They employed blocking tactics in the parliament to slow the passage of the reforms. This angered members of the PSOE, especially Largo Caballero's more extreme left-wing faction, who demanded an even more radical program of reforms. Additionally, anti-clerical reforms also caused difficulties within the left-wing coalition government.

On the other hand and on the opposite end of the political spectrum, the reforms also provoked hostility from the conservative right. From their perspective, many of the reforms represented an assault on the traditional social and religious order in Spain, which they fiercely defended, and an undesirable increase in the intervention of the state in economic and social affairs. They feared that both marked the first steps towards more radical, socialist reforms. These anxieties were given credence by the increase in militant protest that seemed to accompany the reforms. The conservative right opposition included a significant number of military officers and the military also opposed many of the recent reforms. They feared that these were a prelude to a more substantial purge of the traditional military hierarchy. However, there was only one, abortive, military coup in the period 1931–3, led by General José Sanjurjo in August 1932. General José Sanjurjo tried to overthrow the government of Prime Minister Manuel Azaña, but the bulk of the armed forces remained obedient. The growth of the conservative right opposition was manifested in the formation, and popularity of the *Confederación Española de Derechas Autónomas* (CEDA), a right-wing party established in February 1933, by José Maria Gil-Robles. It was essentially a union of right-wing opposition groups whose proclaimed agenda was the defence of law, order, property and the Catholic Christian religion. They presented themselves as the protectors of religion, family, and property rights

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<sup>10</sup> RACOR, P. (1996) *The Spanish Civil War*, p. 18-45.

against the radical ambitions of the left. In 1933, the CEDA won a general election, and put a brake on popular reforms.

## 1.2 Towards 1936

So, this was the political framework of that era and the main causes which led to the outbreak of the war. But which facts followed after CEDA's winning elections in 1933?

In the November 1933 elections, CEDA became the largest party in the parliament with 115 deputies. They worked closely with the second largest party, the Radicals, who had shifted considerably to the right since 1931. The period of the right-wing government saw the reversal of much of the legislation passed by the earlier left-wing government. Their actions included (a) the repeal of the Law of Municipal Boundaries in May 1934, (b) a refusal to enforce most of the agrarian and industrial reforms, including undermining arbitration committees which led to the eviction of peasant farmers who had recently received land from the reforms police searches of trade union premises, (c) the authorization of force to break up strikes and (d) a refusal to enforce laws that separated the Catholic Church from the state, allowing it to take control of education.

Although the leftists did not abandon their political dreams and aspirations for political and social reform, trying to outline the situation prior to the outbreak of the Spanish civil war, their origins seem to be attracted by the anti-fascist uprisings of December 1933 and the endless social upheaval. The workers' movement, which was not satisfied with the quality of democracy and struggled for the socialism of equality and freedom, is an important part of the history of the Spanish civil war. Scholars add to the causes the Spanish people's cultural and political background, meaning that they did not accept submission to Catholicism and showed their love for freedom and independence. Also, the revolutionary movement considered that real freedom (freedom of thoughts, of values, of political aspirations) can be established only through social equality, so it is easy to conclude that the revolutionary movement supported a kind of libertarian socialism<sup>11</sup> for Spain.

The left-wing parties and their supporters were alarmed by the reforms of the right-wing government. Left-wing protests against the government increased. The most serious uprising took place in Asturias, in October 1934. The revolt was intended to be part of a larger national socialist uprising to remove the government, but poor planning meant that the one in Asturias was the only one of significance. The Asturias was predominantly a mining region that had suffered severely from the effects of the Great Depression. Hundreds of mines had been closed in the 1920s, resulting in high unemployment. The agenda of

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<sup>11</sup> "Libertarian socialism is a political philosophy advocating only minimal state intervention in the lives of citizens coupled with an economic system which advocates that the means of production, distribution and exchange should be owned or regulated by the community as a whole. Libertarian socialists advocate for decentralized structures based on direct democracy and federal or confederal associations such as libertarian municipalism, citizen's assemblies, trade unions and workers councils. Is a term essential synonymous with the word "Anarchism". Available at: <https://freeblr.org/faq/resource/politics/what-is-libertarian-socialism>

the far left therefore held a significant appeal. During the revolt of October 1934, many of the workers succeeded in establishing an independent workers' republic exercising control over one-third of the province and 80 percent of its population. There was violence, with revolutionaries burning 58 churches as well as taking hostages, 31 of whom they killed<sup>12</sup>.

In this context, Catalonia proclaims its independence from the rest of Spain, denouncing at the same time the government of Madrid. Churches and government buildings were burned down and the rebels occupied the mines, while in towns and villages' rebels organised a food distribution<sup>13</sup>. Violence in Catalonia emerged when the left militia carried out violent acts. Indirect violence was brought about by the bombing of the nationalists and the aim was to occupy the area by the Republicans<sup>14</sup>. So, the leftists and generally the lower and medium class of the society started to increase the intense of their resistance against the right-wing (which had a positive tense to the fascism) government.

The reaction of the right-wing government was brutal and within two weeks, the revolt was ended with 1.335 killed and almost 3.000 wounded; most of these were from the Asturias. Government suppression continued, and broadened, even after the surrender of the Asturian rebels on 19 October, 1934. Catalan autonomy was suspended and thousands of left-wing activists were arrested throughout the region.

After this turmoil and as result, the Left were organised and the *Frente Popular* was finally established, which brought together the Socialists, the Self-Employed and other independent parties. The birth of the *Frente Popular* created two rival groups and at the same time, gave inspiration to the Right to establish its own alliance, to exclude centrist parties and to make the Right Alliance the rival of the *Frente Popular*. The *Frente Popular* wins the 1936 elections (February 1936) and proves that the country is divided because the two opposing factions possessed the same number of voters, confirming the thirst of the winners for revenge, while the fear of the losers focused on the outbreak of the civil war<sup>15</sup>. More specifically, in the February 1936 elections, the CEDA-backed government was narrowly defeated by the Popular Front of left-wing parties, within which moderate Republicans had responsibility, yet little control. And this came as a result of the internal political frictions between the left-wing parties. Left-wing and Anarchist trade unions followed an autonomous political course and staged widespread strikes, and in Catalonia, the Marxist and Anarchist groups competed for power. Poverty-stricken rural peasants seized land from wealthy estate-owners, and many churches were burned down with impunity<sup>16</sup>. The issues that now needed to be answered were the renewal of mass action, the autonomy of Catalonia and the excessive power that the Spanish army had in its hands.

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<sup>12</sup> Ragner H. G. (2007) *Gunpowder and Incense, The Catholic Church and the Spanish Civil War*. p. 1-100

<sup>13</sup> Ranzato, G. (2006) *Spanish Civil War*. p. 57-67.

<sup>14</sup> Balcells, L. (2012) *Violence and Displacement in Civil War. Evidence from the Spanish Civil War (1936-1939)*, Barcelona GSE Working Paper Series (n° 603). Available at: <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.418.1034&rep=rep1&type=pdf> (Access 12/11/2017)

<sup>15</sup> Ranzato, G. (2006) *Spanish Civil War*, p. 57-67.

<sup>16</sup> De Quesada, A. (2014) *The Spanish Civil War 1936–39 (1): Nationalist Forces (Men-at-Arms)* p. 5

Of course, the Right prepared and made its movement. The Right was preparing a coup which would give rise to a fascist movement, but it lacked a leading figure, similar to Mussolini and Hitler. The Right believed that only a military leader who would feel safe with the army would be capable of this position. Thus, Franco, with the help of his family relations with the Masonry and the Roman Catholic power, revolted against the *Frente Popular*, and took over power. More specifically, in the ensuing atmosphere of crisis, on 13 July, a leading right-wing politician, José Calvo Sotelo, was assassinated by the government's Assault Guards. Right then, the hopes and resources of a conspiracy arose by the *Unión Militar Española* - UME (Spanish Military Union), which was founded in 1933, in order to form a military dictatorship. On 17–18 July, senior officers led mutinies in all the main Spanish garrison towns, with varying degrees of success. General Franco, who had been sidelined by appointment as commander in the Canary Islands, quickly flew to Spanish Morocco. At Tetuán, on 19 July, he overthrew the civil authorities of the protectorate, and after a number of judicious executions the great majority of the officers and troops rallied to him.

The civil war begins with a General Strike led by the CNT and the UGT, which was directed against the military revolt, and their attacks on the soldiers destroyed the army. However, in Morocco, the army acted promptly and passed into Spain, moving against the *Frente Popular* with the coup of July 17, 1936<sup>17</sup>. It was the beginning of the civil war. A civil war, where women had a protagonist role such as "La Pasionaria" Dolores Ibárruri from the Basque region, who abandoned Catholicism and joined the Spanish Communist Party, displaying strong resistance against fascism. It was not only women who took part in the Spanish civil war, but also Jews, Yugoslavs, British, Scots, Irish, Polish and Greek volunteers fought against Franco's fascism in Spain. Additionally, the Spanish civil war was the first modern war facing internally and externally displaced people, and Catalonia has received a large number of refugees from other places, such as Andalusia and the Basque country. It is said that 1 million refugees fled to Catalonia until 1938. Those who left Catalonia did it in two phases; (a) between 1936-1939 heading to other countries; and (b) the exiled leftists<sup>18</sup>.

At the same time, global public opinion was monitoring the events and the Great Powers were re-constituted. The Soviet Union was preparing a blockade against the fascist forces, while France had already prepared its resistance against Hitler. The Soviet Union helped Spain in this period, while the Roman Catholic world believed that the Spanish rulers were seeking to rescue the country from a communist onset.

In summary, the main causes that led to the outbreak of the civil war were the economic hardships of the lower economic classes, the conservative forces of Spain supported by the Church that did not pursue reforms and as a consequence poverty further sparked the tense climate. But above all, and in my opinion, the most significant reason for the outbreak of the war was the internal

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<sup>17</sup> RACOR, P. (1996) *The Spanish Civil War*, p. 18-45.

<sup>18</sup> Balcells, L. (2012) *Violence and Displacement in Civil War. Evidence from the Spanish Civil War (1936-1939)*, Barcelona GSE Working Paper Series (n° 603). Available at: <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.418.1034&rep=rep1&type=pdf> (Access 12/11/2017)

political friction within the Left-wing Parties Coalition which started from the early 30s but had its pick after the winning elections in 1936. The frictions of the moderate leftists, on one side, expressed by Manuel Azaña, who wanted to develop social reforms through peaceful and democratic means and, on the other side, the most extreme republicans and anarchists expressed by Largo Caballero, who wanted and believed that social reforms and justice could only take place through intensive social battle (even with the use of force and arms), led as a physical consequence to the resistance of the Right. Simultaneously, the international conjuncture with the rise of fascism and Nazism nurtured Franco's ascent to power.

## **2. The operations establishing Franco's regime**

### **2.1 The period from 1936-1939**

It would be a serious omission not to mention the events that established Franco as *The Leader (El Caudillo)*, as he was called, in his attempt to enforce his power over Spain. Initially, Franco was banished in the Canary Islands and hesitated in his support of the military conspiracy. His decision was taken when the police killed J. C. Sotelo, a leading figure of the radical right. The insurrection on July 17, 1936, coming from the military side, had no particular doctrine, but the enemy existed. The coup d'état did not have a clear picture of the form of the government that would be created, but their aim was to establish a centralized regime that would have elements of the monarchy (Beever, 2006:169). Following the 1936 uprising, the military coup had justified their actions as a whip of the Communist coup, though the excuse was wicked because the Communist Party had weak influence in Spain at that time (Ranzato, 2006:57-67).

Franco's role was to go to Morocco and transport troops to the mainland, and his contacts with Germany and Italy were aimed at securing arms. Germany and Italy recognized Franco as the Head of the Spanish state in 1936 and with the end of the civil war (1939) Great Britain and France had also recognized the Franco regime. The Franco regime was projected to be non-fascist, but in reality it was a stagnant new-conservative regime, which had no commitment to create a national community (Forrest, 2000:112-120). However, it is clear that this regime displayed fascist preferences, both ideological and institutional. The Axis powers were those who assisted Franco in the occupation of the Basque lands and Asturias in 1937 and 1939, and the victory of the nationalists became a reality, after they had occupied Barcelona, which was the heart of the revolutionary republicans. Thus, the external support of the Great Powers certainly strengthened Franco's position. In addition, the outline of his personality as a charismatic leader, ready for war and peace, and as a leader who was primarily interested in providence was another element that led to Franco's establishment in power. So, we can easily conclude that both Franco's personality and foreign support were significant factors that led to the establishment of his sovereignty.

But, clearly, internal political upheavals were also what prompted Franco to power. The republicans' weaknesses were those that led the nationalist wing to surface and take advantage of the current situation. For example, as I already

mentioned, the republicans had been politically divided (Caballero vs. Azaña). The moderate leftists and anarchist-republicans had different political goals. Also, military and economic problems were crucial on the republican front. In the military, there was no room for anarchists and communists to fight together. For this reason, there was no coordination in terms of the movements of the army. Besides, there was no strong military leadership, as in the case of the nationalists, where the warriors were under the command of General Franco. Moreover, economic problems arose from the lack of resources because the areas under the authority of the anarchists had given away the management of factories, the means of transport and public goods, to the labour movement. As for the countryside, peasant collectives had been established, thus leaving the republicans practically unsupported. The foreign forces did not provide the assistance that the republicans had hoped for, as only the Soviet Union was in favour of the insurgents, but without, in fact, sending human resources. They had only provided military aid (tanks, planes).

In the above-described situation, the nationalists took advantage of the opponents' weaknesses and managed to exploit the existing situation (political and military), which was what had helped them to prevail. Economic strength arose from the control of the agricultural and the industrial areas and in conjunction with that, the nationalists enjoyed political unity within their groups, and a military supremacy that was sustained by both the African army and the Axis' assistance.

## **2.2 The period between 1939 and 1975, maintaining Franco's regime**

The direct results of the civil war were the huge number of casualties, with the exiles and the homeless. Clearly, the bitterness and the mood for revenge had not been eliminated after three years of atrocities. Politically, Franco consolidated his dictatorship that lasted until the end of his life in 1975 and the constitution seemed more like a military dictatorship that had the support of the Church.

In World War II, although Spain had declared neutrality, Franco moved Spain from neutrality to nonbelligerency, which reflected unambiguous sympathy for the Axis and this is translated from Spain's cooperation with the Axis. As a result, Spain signed the Steel Pact in 1940, the political-military pact that Germany and Italy had signed in 1939<sup>19</sup>. This would mean strong cooperation between the Spanish police and the Gestapo, better information, better cooperation of high-ranking officials, and generally, reinforcement in the military and diplomatic field. Clearly, Spain's neutrality following this agreement was lost. For many, Spain was infected by fascism and Nazism and in World War II, it was expected that the analogy would continue. The isolation that followed the end of the Second World War for Spain was its "punishment" for its cooperation with the Axis countries.

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<sup>19</sup> Marquina, A. (1998) *The Spanish Neutrality during the Second World War*. American University International Law Review, Vol. 14 (1). p. 171-184. Available at: <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1304&context=auilr> (Access 12/11/2017 )



The isolation of Spain broke out with the Cold War, and then Spain's anti-Communist Franco turned to the US and created a customer relationship<sup>20</sup>. That is because the United States supported the Franco regime and so, his dictatorship remained in power because Franco was the one who united his anti-communist forces with the US. Therefore, Spain's reputation as an Axis ally began to fade.

The economy of Spain was in stagnation until the end of the 1950s and Franco, in the early years of his authoritarian rule, had imposed bans on the creation of trade unions and as a consequence, the market and international trade in general were affected. As a result, the black market was booming and inflation was rising rapidly<sup>21</sup>. The economic growth observed since the 1950s, had been supportive of the dictatorship and the black market had disappeared, inflation had been slashed, tourism had been boosted, and FID was now easier to do<sup>22</sup>. Great Britain was the one on which Spain was dependent on economic activity in terms of commercial activity, and since it had established relations with the United States, old practices had been "forgotten". Spain had a high level of cooperation with the Axis forces on the exchange of information, and so did the USA<sup>23</sup>. All these facts, of course, derived from the cooperation between Spain and USA and proved the strength of their relations, but above all, these facts proved the omnipotence of the United States.

The United States, on their part, did not consider Franco to be a threat, since the competition that arose from the western democracies was very pressing for Franco and so, the latter was recognized as an ally of the United States. The United States considered that the Franco regime was not internally threatened, and that was beneficial to US security because a probable revolt would result to the proletariat being brought to power. As for the political correlations that could develop alongside Franco's dictatorship and overturn him, asserting power in other ways, the CIA conducted a thorough investigation.

In case of a possible restore of the Popular Front, the CIA considered that the Spanish people were already being reversed because it was responsible for the outbreak of the civil war and they possessed a diffused sense of anti-imperialism. In addition, Franco, through the opposition law that he instituted, stipulated that the political components of the Popular Front were illegal and those who cooperated with them, were illegal alike. The communist front was thought to be able to hold a coup against the Franco regime and if it was successful, it would be due to the support of the Soviet Union. However, the Spaniards did not find it very likely because the Soviet Union did not sufficiently support the Communist Party in the civil war, let alone a possible coup. Finally, the coalition between the monarchists and the left-wing parties in a centrist party

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<sup>20</sup> *History of Spain* (2014). p. 416-7. Available at: [http://www.lincoste.com/ebooks/english/pdf/history/History\\_Spain.pdf](http://www.lincoste.com/ebooks/english/pdf/history/History_Spain.pdf) (Access10/10/2017)

<sup>21</sup> Prados de la Escosura, L., Rosés, J.R., & Sanz-Villarroya, I. (2011) *Economic Reforms and Growth in Franco's Spain*, Universidad Carlos III de Madrid, Working Papers in Economic History (WP 11-07) Available at: <https://e-archivo.uc3m.es/bitstream/handle/10016/11810/wp%2011-07.pdf;jsessionid=DB97B61B6FFE169B7279B4F6CF1A7E8F?sequence=1> Access 28/09/2017

<sup>22</sup> *History of Spain* (2014) [eBook]. p. 416-417. Available at: [http://www.lincoste.com/ebooks/english/pdf/history/History\\_Spain.pdf](http://www.lincoste.com/ebooks/english/pdf/history/History_Spain.pdf) (Access15/09/2017)

<sup>23</sup> Marquina, A. (1998) *The Spanish Neutrality during the Second World War*. American University International Law Review, Vol. 14 (1). Available at: <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1304&context=auilr> (Access 12/11/2017)

seeking to overthrow Franco was possible, but not feasible, because internal voices of opposition had no basis in any foreign aid, for even the Soviet Union would not accept this coalition. In addition, policing with Franco's status was proverbial and communication between the parties would be difficult, adding to the lack of security that prevailed.

What should not be contested is the role of the army. It is true that no other regime could have emerged because it would not have the support of the army, since it would be quickly repressed<sup>24</sup>. Additionally, the army would not allow Franco to be overthrown if a new alleged government did not guarantee that it would "forbid" the financial aid from the foreign forces and would not accept military equipment coming from abroad.

In the 1950s, the emergence of the EU encouraged Franco's political opponents in Spain, believing that if Spain wanted to play a major role in Europe, it was necessary to change its political status. Besides, exiles had concerned the European forums for a long time. The EU was the solution for economic, social and cultural reform and the initial rejection of the part of Franco was reversed in 1962, when the Spanish Government recognized this need and submitted a request to the EU<sup>25</sup>. The EU replied only in 1964 and in 1970 a protocol was signed on a preferential tariff policy between Spain and the EU. The EU did not accept the dictatorship within it and Spain was forced to apply for membership of the European family after Franco's death (1975). Ten years later, Spain became a member of the EU, in 1985, while a little earlier, Spain joined NATO in 1982.

To sum up, Franco's status following the victory of Nationalism and leading to the Spanish Civil War, was backed by the Axis throughout World War II, while during the Cold War, Spain's alliance with the United States was a fact. The alliance with the US was very helpful in rebuilding the economy of the Iberian Peninsula, and this was what kept Franco in power, without implying that there was no internal opposition to the European orientation. But which was the role of the Great Powers during the Spanish Civil War?

### **3. The influence of Great Powers to the Spanish civil war**

Spain, until the outbreak of the civil war, had not concerned Europe for three reasons. Initially, Spain was not an important agent that could actually influence the political situation at the time. Furthermore, Spain was not a decisive factor in shaping economic or cultural elements in the European area. Of course, when the civil war broke out, the Great Powers felt it was a problem that was not related to other countries, and each one acted accordingly.

The significance of the Spanish civil war was revealed when the economic motives unfolded. In other words, the ports and paths to the North Atlantic and

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<sup>24</sup> Central Intelligence Agency (1947) *The Political Future of Spain*. ORE 56, Copy No. 47 (Declassified and released for publication on 2013/05/20). Available at: <https://www.cia.gov/library/readingroom/docs/CIA-RDP78-01617A003000180002-7.pdf> (Access 29/09/2017)

<sup>25</sup> Diaz, C. S. (2016) *Franco's Spain and European integration*. Available at: [https://www.cvce.eu/obj/franco\\_s\\_spain\\_and\\_european\\_integration-en-481bb424-d791-48cf-8d54-7746982d42ec.html](https://www.cvce.eu/obj/franco_s_spain_and_european_integration-en-481bb424-d791-48cf-8d54-7746982d42ec.html) (Access 12/10/2017)

the Mediterranean shores were very enticing for the Great Powers. France and Britain were the first to realize the value of the region, but they were not the only ones, because Germany and Italy had the same aspirations. Let us not forget that Spain, apart from its geographical location, was rich in oil, citrus and raw materials. There was also a widespread perception and fear that the long-standing civil conflict in Spain could spread the tension to other regions as the impasse in Spain seemed impressive in the eyes of ordinary people and gave them the power to also fight against oppressive regimes.

More specifically, France and Great Britain had maintained a neutral stance, in order to avoid a direct conflict with the Axis forces. While Germany, Portugal and Russia were convinced that they would not participate in the civil war in Spain, they actually broke their promise and took a stance. The United States refused to take a stance on the Spanish civil war, although Roosevelt was friendly with the republican wing of warring Spain, but the internal pressure of the Catholic Church and the American political forces did not allow it (Esenwein & Schubert, 1995:188-207). Let us not forget that the US had chosen to be isolated at that period of time (from Versailles to Pearl Harbour - policy of non-intervention -policy of isolation), in terms of political interference in the interior of other countries.

The Latin American countries had kept their distance from the situation in Spain, despite the initial interest shown by Cuba and Peru. Only Mexico made the difference by trying to moderately support the republican regime of Spain.

It is noteworthy that no European state had turned to the League of Nations for the defence of the Spanish civil war. This was due to the fact that the League of Nations did nothing to stop the barbarity of the Spanish civil war. When France and Great Britain stated that they would not get involved in the question of the Spanish Civil War in 1936, the Non-Intervention Agreement was signed, which initially aimed to monitor the non-interference of external forces in Spain's internal affairs at that stage. Over time, the states began to take a stance on the issue, and so the Agreement was not actually in effect.

The Axis countries used Spain as a test animal to detect the resistance they might have encountered by the dissidents and use it to their advantage. What is not mentioned is that the pacifist sentiments in Europe had decreased in strength due to the fear of generalizing the war and the long-term consequences that would have existed in the Spanish civil war. Furthermore, the possibility of Bolshevization would be even more visible if the conflict continued, and it would seem like the end of the western influence on culture.

At this point, a brief analysis will follow, showcasing each of the Great Powers' reaction to the Spanish issue. France was the one that declared neutrality in the case of the Spanish civil war, but it was difficult to turn a blind eye to the tragic events (Esenwein & Schubert, 1995). The only justification that the French side could have advocated for this attitude could be the internal problems that tangled it at the same time. Mass demonstrations and strikes that took place in France at that time with the outbreak of the Spanish civil war, and the economic consequences of the 1929 Big Crisis, were two of the main problems in France. The Prime Minister of France considered that the involvement of France in the

Spanish civil war would be a good basis for generalizing the turmoil and a possibility of outbreak of civilian conflicts in his country. The result, the request for aid by the rebels of Spain from the French side was suspended because of the government's fear of marginalizing France. Yet, the result was that France accepted the status of Spain in 1939.

Great Britain, for its part, initially maintained a standstill, mainly due to the Non-Intervention policy. The goal was to maintain its territorial rights in Spain and to stand with the winner, whoever it was. It is a fact that Great Britain had exited the Mediterranean through Gibraltar and its economic interests from trade and investment should not, in any way, be affected. The ideological motivations that prompted Britain to remain impartial were its conservative regime that criticized the revolt in Spain, as well as the fact that Italy would probably remain busy in the Spanish civil war and would not form the fascist - Axis that was threatening to all of Western Europe. On the other hand, the National Council of Workers accused the British government, when they blocked aid to Republican Spaniards. Humanitarian aid was sent from their side and many Communist volunteers, obeying the National Council of Workers, fought alongside the Spanish republicans. The British press was supportive of the restoration of democracy in Spain by displaying images of civilian and religious despises and, over time, communicated the cruelty of the Nationalist Forces. Pro-republican weekly publications of the British press were a reality, but as the situation did not improve, Britain was convinced that non-intervention was the best way to go (Deacon, 2008).

The USA had chosen to abstain from the European affairs and politics a reality that was depicted in their absence from major meetings, such as the Lausanne Conference in 1932 and the Munich Conference in 1938. President Roosevelt signed a series of laws of neutrality in a series of events that included the Spanish civil war. Just over two decades earlier, in 1917, the USA had become directly involved in the fighting in WWI. The mistake of military intervention in an overseas war would not be repeated and as a consequence United States withdrew into isolationism and resolved to stay neutral in European disputes. (Th.Karvounarakis, 2012).

Mussolini's Italy faced the Spanish civil war as an opportunity for Italy to develop into a great and undefeated country that would be respected by all. It is obvious that the aid sent to Spain was intended for the nationalists, and the economic benefits that Italy was hoping to gain in the Mediterranean were based on Spanish cooperation. Italy's political and military aspirations for cooperation with Spain were also significant, and the political decline of the British influence in Spain was a challenge for Mussolini. Besides, on the Spanish side, if the rebellion in Spain was to be thwarted, then Spain would have contributed to the fight against communism in Europe that the Axis sought.

In the Spanish civil war, Germany was involved because it was pursuing the wide rise of fascism, and Franco was the opportunity that Hitler had waited for in order to attract the attention of the British and the French government and at the same time, to move away from Italy. The neutrality of the two countries was proof that Germany had the opportunity to "handle" these two countries in order to consolidate its external policy easier. In addition, during the Spanish civil war

many German soldiers were trained in order to be useful in the upcoming Second World War. The Legion of Condor was such a case proving in a way that the Spanish civil war had been considered as a general rehearsal of the subsequent battles that Hitler would give in his effort to prevail. Germany also benefited from Franco's request for help with armored units and airplanes, and Hitler sent Franco aid as he had hoped that Spain would act as a testing ground for the next airstrikes. The financial benefits that Germany hoped to gain were through the mines of Spain that would serve their military equipment. At a political level, Hitler was testing the point where the European forces were willing not to upset peace and resist, while at the same time, he believed that the Spanish civil war was a good opportunity to bring Italy closer to Germany. Hitler's ultimate goal was for the Axis to stop the Western European influence in Europe and, at the same time, to defeat Bolshevism.

For the Soviet Union, the Spanish civil war was a dilemma because it could not decide whether to help the Republicans or under the shadow of the Axis attack to remain unintended following the example of Western Europe. The decision taken by Stalin at the time was to support the Republicans of Spain. The main reason was the introduction of democratic forces into power and the halt of the advance of nationalism. In addition, Stalin would take advantage of the Spanish civil war in order to bring the aristocracy of Europe closer to the goal of obstructing the dominance of fascism (Esenwein & Schubert, 1995). But, in spite of Stalin's intentions, historical events prove that only two coherent revolutionary designs existed in Spain at the time and were derived from the extremist Communist parties (the Leninist POUM and the Stalinist PCE). They tried to exploit the Soviet Union and the Comintern in order to tackle the rise of fascism and to consolidate peace. The cooperation of the two extremist parties with Comintern was proof that the monopoly of the left would bring the much-needed changes to land ownership (confiscation) and proceed to the nationalization of industrial property (Payne, 2004:290-4). Thus, the aid that the Soviet Union sent to Spain was a fact and at the same time, it was not considered enough by Stalin to cause diplomatic episodes. The Soviet Union also accused the Non-Intervention of the League of Nations for the atrocities that were committed in Spain.

The result of the Soviet Union's intervention was to delay the nationalists crushing the Republican wing as the Soviet Union had superior equipment and made it available to the republicans. The relations between the Spaniards and the Soviet Union improved to the point that much gold was transferred to the Soviet Union for safekeeping and as a guarantee that the Soviet Union would be paid for the equipment (Esenwein & Schubert, 1995). The Spanish civil war, however, was not a mere rebellion against fascism, as the Soviet Union put it. On the Spanish side, the civil war was the strong reaction of the country's anarchist forces against the fascist forces, having as their ultimate goal social revolution in Spain.

More generally, the conclusion that emerges from the foreign intervention shows that the Spanish civil war was not only important for Spain but also for the whole of Europe. Diplomatic relations are perceived only when we look at countries that are capable of making a difference. In the case of the Great Powers, the succession of the events and the stance of the Great Powers led to the outcome

of history in that direction. It is a fact that the Great Powers are heavily involved in the crises that erupt from time to time and end up in a war of conflict. Clearly, there are voices that argue that wars which cause hunger and genocide are crimes against humanity, and the International community has to stop these wars. However, the League of Nations in the case of the Spanish Civil War did not intervene in the atrocities that were committed. Civil wars are not guerrilla wars and foreign aid affects local troops about the “enemy” stance. On the other hand, however, opponents of this view believe that any interference in the internal affairs of another country is a source of disaster, because the economic cost is great and eventually the result would be to risk their posterity globally and possibly cause greater harm through their involvement.

## **PART B**

### **1.The war crimes-atrocities during Spanish Civil War**

The 20<sup>th</sup> century was the century of war crimes<sup>26</sup> and crimes against humanity<sup>27</sup>, and this is evident from the genocide<sup>28</sup> of the Armenians (1915) and

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<sup>26</sup> The Statute of the International Criminal Court defines war crimes as, *inter alia*, “serious violations of the laws and customs applicable in international armed conflict” and “serious violations of the laws and customs applicable in an armed conflict not of an international character”. War crimes are breaches of rules of IHL. In order for a serious violation of IHL to become a war crime, it is necessary that the violation be criminalized (The International Crimes Database (ICD)). *War crimes*. Available at: <http://www.internationalcrimesdatabase.org/crimes/warcrimes>).

<sup>27</sup> The term “crimes against humanity” was used for the first time in 1915 by the Allied governments (France, Great Britain and Russia) when issuing a declaration condemning the mass killings of Armenians in the Ottoman Empire. However, it was only after World War II in 1945 that crimes against humanity were for the first time prosecuted at the International Military Tribunal (IMT) in Nuremberg. Both the Charter establishing the IMT in Nuremberg as well as that establishing the IMT for the Far East in Tokyo included a similar definition of the crime. The 1998 Rome Statute establishing the International Criminal Court (Rome Statute) is the document that reflects the latest consensus among the international community on this matter. It is also the treaty that offers the most extensive list of specific acts that may constitute the crime. More specifically, Article 7 states: For the purpose of this Statute, ‘crime against humanity’ means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: murder; extermination; enslavement; deportation or forcible transfer of population; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture; rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court; enforced disappearance of persons; the crime of apartheid; other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health. In contrast with genocide, crimes against humanity do not need to target a specific group. Instead, the victim of the attack can be any civilian population, regardless of its affiliation or identity. Another important distinction is that in the case of crimes against humanity, it is not necessary to prove that there is an overall specific intent. It suffices for there to be a simple intent to commit any of the acts listed, with the exception of the act of persecution, which requires additional discriminatory intent. The perpetrator must also act with knowledge of the attack against the civilian population and that his/her action is part of that attack. (United Nations Office on Genocide Prevention and the Responsibility to Protect. *Crimes Against Humanity*. Available at: <http://www.un.org/en/genocideprevention/crimes-against-humanity.html>).

<sup>28</sup> The ICTY stated and defined in Article 4 the term of Genocide : The International Tribunal shall have the power to prosecute persons committing genocide as defined in paragraph 2 of this article or of committing any of the other acts enumerated in paragraph 3 of this article. Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:  
(a) killing members of the group;  
(b) causing serious bodily or mental harm to members of the group;

the Pontians (1915-1916, 1920). The number of slaughtered Armenians amounts to about 600,000-800,000 and the corresponding number of Pontians is about 400,000 slaughtered. It is a fact that only the war operations change, because the outcome of the wars is the same regardless of whether they are national wars or civil wars. In addition to the genocide of the Armenians and the Pontians, the history of the 20<sup>th</sup> century also records other genocides. In 1904, the indigenous tribes of southwest Africa can not be forgotten because of the harms that were recorded, nor the 6 million Jews that were exterminated by the Hitler regime. No one can forget the Tutsi genocide in Rwanda by Hutu in 1994. In the Balkans, the 1990s were sufficiently bloody, and this is due to Bosnia's incidents, where Srebrenica records the genocide of 8,000 Muslim Bosnians by Bosnian Serbs. The Serbs have also tried and succeeded in extinction of 90% of the Kosovo Albanians (Ball, 1999:26).

The above examples support the perception that war crimes, and crimes against humanity have occurred during the 20<sup>th</sup> century. But did such crimes actually take place during the Spanish civil war?

Until today and for the majority of the world opinion, it is a common belief that during the Spanish civil war the oppressed working class, calling themselves republicans, rose up against a tyrannical aristocracy allied with the Roman Catholic Church. The people's revolution was brutally suppressed by a fascist military dictator named Francisco Franco, who was a puppet of the German Nazi regime. The whole affair was a dress rehearsal for Nazi tyranny. For decades following the war, this fascist dictator ruled Spain with an iron hand, invading private lives and suppressing individual liberties. The truth of the Spanish civil war, however, is that it was a diabolical terror that seized Spain. Spanish civil war real facts are shocking and soon after its beginning notorious were the atrocities committed both by the Republicans and the Nationalists, well known as Red and White Terror<sup>29</sup>.

To begin with, the victims of the Red terror in the Republican zone during the civil war rose to some 38,000 people, of whom almost half were killed in Madrid (8,815) and in Catalonia (8,352) during the summer of 1936. More specifically, the atrocities that were most strongly reflected in the minds of men are those committed by the "Reds" against the clergy, reviving scenes from the Middle Ages and the Thirty Years War. Many times, the corpses were abstruse as a warning and that was the result of the red forces, using as an aetiology that the bodies belonged to fascists (Beevor, 2006:87). It was the greatest period of clerical bloodletting since the French Revolution and on a larger scale. 7,000

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(c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group

(e) forcibly transferring children of the group to another group.

(Available at: <https://treaties.un.org/doc/publication/unts/volume%2078/volume-78-i-1021-english.pdf>)

<sup>29</sup> Terror is from the French word "terreur" and means "to frighten", is a policy of political repression and violence. The term was first used during the French Revolution, when the acts committed by the revolutionary movement were named as Red Terror and at the same time their counterparts as White Terror.(Moore, B., Friedman, E. & Scott, J.C., p.100-101). These terms are also used by many historians for the acts committed during Spanish civil war (e.g. Preston Paul).

priests, including 13 Bishops, and thousands of laymen and women, whose number will likely never be known were brutally martyred.<sup>30</sup>

Immediately after the beginning of the war among the first measures that were taken almost everywhere by the republicans, were the arrest and imprisonment of local landowners, disloyal army officers, bigwigs, and priests. Everybody, who was suspected of siding with the fascists, with the church, or the military insurgents, was rounded up and imprisoned. Then, in response to reports by refugees of terrible atrocities committed by the Nationalists, demands for the execution of prisoners came thick and fast. Prisoners were removed in batches from prisons or the basements of town halls where they had been held, and were killed by the dozen. A significant example took place in November 1936, as the war went against the Republic, the Government was evacuated from Madrid to Valencia; control of Madrid's police and prisons passed to the Communist Party, while the roads out of the city that remained open were in the hands of the anarchists. As Nationalists troops tightened their grip, digging-in less than two hundred meters from Madrid's main prison, the communist authorities feared that they might lose control of the situation; they were particularly scared by the idea that imprisoned army officers would stage mass breakouts. Consequently, on the 6<sup>th</sup> and 7<sup>th</sup> of November, they began the evacuation of fascist and rebel prisoners, and those who, by virtue of their social position or connections, were considered unreliable. They were marked down for "definitive evacuation" or "release". Over a period of weeks, roped together in twos, deprived of all their personal possessions, the prisoners were transported in convoys of buses and trucks through the anarchist lines to various villages on the outskirts of the city, where they were murdered and their bodies were dumped in hastily dug pits or disused drainage ditches<sup>31</sup>.

On the other hand, we had the White terrorism which was brought on by the side of the Nationalists, the forces of Franco. The White Powers regarded anyone who was fond of the progressive and liberal movements, as an enemy. The Nationalists felt the need to crush the enemy and all their democratic aspirations and so, killings were allowed indiscriminately with the consent of the Catholic Church. In addition to the prisoners of war, those who lost their lives were also local political leaders and mayors. Those who were legitimate or neutral passed through tribunal trials, but were often executed as rebels. Even on the suspicion that someone had voted in favor of the People's Front, they were candidates for execution. In the event that the Nationalists did not find persons for execution, then local prisoners were executed as a warning. The cities that tried most the violent acts of the Nationalists were Madrid, Seville, Badajoz and Granada. In Granada, the poet's Fr. Lorca execution proves the suspicion and disdain that nationalists fought towards intellectuals and artists. In particular, the death of Lorca was a matter forbidden for discussion until 1975, when Franco died (Beevor, 2006:149-168).

In many cases, propaganda cannot be distinguished from real violence because the aim of propaganda is to incite conflicting aspects of revenge and to turn

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<sup>30</sup> Check, C. (2013) *The Spanish Civil War*. Crisis Magazine [online]. Available at: <https://www.crisismagazine.com/2013/the-spanish-civil-war> (Access 31/01/2018)

<sup>31</sup> Miligan, D. (2012) *Review of Paul Preston, The Spanish Holocaust*. Available at:

[http://www.studiesinanti-capitalism.net/HISTORY\\_files/The%20Spanish%20Holocaust.pdf](http://www.studiesinanti-capitalism.net/HISTORY_files/The%20Spanish%20Holocaust.pdf) , pages 4-8.



public opinion in favour of victims of bullying. Of course, the fall of moral values reveals the cultural fall of a nation as the extent of its brutality can be ascertained. In the case of the Spanish civil war there had been no prisoners, since after the battle they were executed by the winners and the same happened with the injured in many cases. In an attempt to decipher the action of Nationalists and Democrats in the field of atrocities, one might think that the Nationalists had more militarized action, although the phalanxes often proceeded to “ethnic cleansing” that could not be controlled by the central authority. On the contrary, the opponents were more decentralized. In fact, the differences between the two opposing groups were small in terms of atrocities, because bloody conflicts were not merely repressive, but their main aim was the extinction of potential enemies who were considered to be such because of their social class.

Thus, from the aforementioned facts, it is evident that atrocities had actually happened during Spain's civil war and in my opinion, these were crimes that could be categorised and named as crimes against humanity. But the question then is crucial. Why didn't the International Community do anything? It is then logical to wonder whether the International Community and the League of Nations had stood in front of the bloodbath that had taken place during those three years in Spain.

## **2.The Legal framework of that era concerning the war crimes-atrocities**

In order to answer this question, the legal framework that existed during that era should first be examined. The era of the Spanish civil war was earlier than the Geneva Convention in 1949, which was the milestone for the establishment of international law and international humanitarian law. But the legal framework that already existed was also considered important. Initially, the Geneva Convention of 1864 provided for the Wounded and Sick in Armies in the Field and was revised in 1906, in 1929 and eventually this treaty ended up being a precursor of the 1949 Treaty<sup>32</sup>.

In 1868, the Statement of St. Petersburg is the first agreement banning the use of certain weapons in the war. More specifically, this Declaration prohibited the use of explosive missiles below 400 grams of weight in wartime. The Declaration of St. Petersburg has led to the adoption of similar declarations in the Hague Treaties of 1899 and 1907<sup>33</sup>.

The Hague Convention (1899) consisted of four sections and three statements. The first part referred to the peaceful resolution of international disputes, the second part to the laws of the land war, the third part to the maritime hostilities, and the last part to the non-use of missiles and explosives through balloons<sup>34</sup>. The three statements accompanying the Treaty refer to the non-use of

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<sup>32</sup> *Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field. Geneva, 6 July 1906.* International Committee of the Red Cross. Available at: <https://ihl-databases.icrc.org/ihl/INTRO/180?OpenDocument> (Access 10/11/2017)

<sup>33</sup> *Declaration Renouncing the Use, in Time of War, of Explosive Projectiles under 400 Grammes Weight. Saint Petersburg, 29 November / 11 December 1868.* International Committee of the Red Cross. Available at: <https://ihl-databases.icrc.org/ihl/INTRO/130?OpenDocument> (Access 10/11/2017)

<sup>34</sup> *Regulations concerning the Laws and Customs of War on Land. Convention (II) The Hague, 29 July 1899.* International Committee of the Red Cross. Available at: <https://ihl-databases.icrc.org/ihl/INTRO/150?OpenDocument> (Access 15/11/2017)

asphyxiating missiles, they are easily extended to the body and more generally modern war technology that causes painful death was banned. In 1907, the extension of the original Treaty of The Hague took place, with 13 main divisions, and emphasis being placed on hostilities at sea. Two statements accompanied the Treaty and referred to the arbitration and the operation of aircraft<sup>35</sup>.

Then, in 1925, the Geneva Protocol, which prohibited the use of chemical and biological weapons in the war, was signed<sup>36</sup>. The Geneva Convention (1929) referred to the treatment of prisoners of war. This treaty introduced the non-use of reprisals and the prohibition of mass punishment and the organization of the work of detainees<sup>37</sup>. This Treaty does not apply today because it was replaced by the Geneva Convention in 1949. Article 3 of the Geneva Convention of 1949 refers to the protection of civilians in times of war, particularly non-international armed conflicts. In particular, Article 3 states that:

*In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:*

*(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed 'hors de combat' by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.*

*To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:*

*(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;*

*(b) taking of hostages;*

*(c) outrages upon personal dignity, in particular humiliating and degrading treatment;*

*(d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.*

*(2) The wounded and sick shall be collected and cared for<sup>38</sup>.*

The obstacles encountered by the application of the International Treaties were structural, meaning that Treaties due to their framework and structure were not able to deal and solve issues that potentially rose during a civil war. To be more specific, on the one hand, these conventions were intended for use in wars between states and not in civil wars, and on the other, there were many deficiencies in the application of international treaties by the states<sup>39</sup>. It is

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<sup>35</sup> *Regulations concerning the Laws and Customs of War on Land. Convention (IV) The Hague, 18 October 1907.* International Committee of the Red Cross. Available at: <https://ihl-databases.icrc.org/ihl/INTRO/195> (Access 10/11/2017)

<sup>36</sup> United Nations Office for Disarmament Affairs (UNODA) *1925 Geneva Protocol: Protocol for the prohibition of the use in war of Asphyxiating or Poisonous Gases, and of Bacteriological Methods.* Available at: <https://www.un.org/disarmament/wmd/bio/1925-geneva-protocol/> (Access 10/11/2017)

<sup>37</sup> *Convention relative to the Treatment of Prisoners of War. Geneva, 27 July 1929.* International Committee of the Red Cross. Available at: <https://www.icrc.org/eng/resources/documents/misc/57jnws.htm> (Access 10/11/2017)

<sup>38</sup> *Convention (IV) relative to the Protection of the Civilian Persons in Time of War. Geneva, 12 August 1949.* International Committee of the Red Cross. Available at: <https://ihl-databases.icrc.org/ihl/INTRO/380> (Access 15/11/2017)

<sup>39</sup> K. Chainoglou, J. Strawson, B. Collins, M. Phillips (eds.), *Injustice, Memory and Faith in Human Rights* (Routledge, Abingdon/New York, 2017)

reasonable that the army's military conflicts cannot be “civilized”, but the difficulty in the case of civil war lies also in the fact that respect for prisoners and prisoners is taken for granted by the independent judiciary authorities in a state. In any case, however, during a period of revolution, these institutions are not in effect due to the abolition of the State. Additionally, two opposing groups emerge in the civil war, each fighting for their own “justice” and while breaking all ties between the country and the government, the two opposing groups do not recognize common law but the need to confront their enemy. In many cases, civil wars end with the cooperation of the winners and the strongest party, and the warring parties are not accused of war crimes, but the crimes are exempted based on amnesty laws. Moreover, the deficiencies observed in the application of Treaties cannot be uncalculated, as none of the independent bodies of a state, mention circumstances that could undertake the application of the Treaties in a period of war (in particular, civil war) <sup>40</sup>.

In the case of the Spanish civil war, diplomatic authorities and military leaders were concerned about the meaning of Article 3 of the Geneva Convention, because for the first time in history, cities like Guernica were literally obliterated, and the civilians were treated as targets, especially in the case of Guernica, where the bombing of a civilian population acted as a training mission designed to test a new bombing tactic. Moreover, this civil war was the turning point in International Law and its interaction with civil wars (Solis, G. D. 2016: 85-86).

Furthermore I believe that it is essential to introduce and analyze the existing political framework of that era and more specifically, the role that the International community played through the established world organizations. The Spanish civil war took place in a period between the two World Wars, an era that was dominated by political, economic and military frictions, as well as instability between the states. This destabilised political framework was mirrored into the already existing political organization, the League of Nations. The League of Nations was founded on January 10, 1920 as a result of the Paris Conference which ended WWI. This League was actually an organization that served the interests of the winners of the Great War and more or less functioned in order to keep a balance (political, military, and economic) between the contracting parties and failed to lead the world in a peaceful environment. As a consequence we had the outbreak of the WWII.

In the Covenant of the League of Nations, it is evident that there is no reference made to civil conflicts, only reference to international conflicts and interstate wars. States did not want to deal with the internal affairs of a country, something that was depicted in Article 10, which stated that “the members of the League undertake to respect and preserve as against external aggression and the territorial integrity and **existing political independence of all Members of the League**”. This attitude was confirmed by the Non-Intervention Act which was signed in 1937 and was encouraged by France and Britain. It also depicted the will of the International community to not intervene to the Spanish War. Nevertheless, and despite the fact that the Covenant did not refer to interstate wars, a member could easily raise the Spanish issue through Article 23. This

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<sup>40</sup> Oeter, S. *Civil war, Humanitarian Law and the United Nations*. Max Planck Yearbook of United Nations Law, Vol. 1. p. 207-215. Available at: [http://www.mpil.de/files/pdf1/mpunyb\\_oeter\\_1.pdf](http://www.mpil.de/files/pdf1/mpunyb_oeter_1.pdf) (Access 12/11/2017)

Article provided for the respect of human rights and more specific stated that: “subject to and in accordance with the provision of international conventions existing or hereafter to be agreed upon, the Members of the League: (a) will endeavour to secure and maintain fair and humane conditions of labour for men, women, and children, both in their countries and in all countries to which their commercial and industrial relations extend and for that purpose will establish and maintain the necessary international organizations, (b) undertake to secure just treatment of the native inhabitants of territories under their control, (c) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children and the traffic in opium and other dangerous drugs<sup>41</sup>. Why wasn't that taken into consideration? Why didn't the International community deal with the humanitarian crisis in Spain? The reasons, as presented in the Non-Intervention Act, were political and each country had its own interests to serve and protect as I explained in the previous charter of this dissertation.

### **3. Possible Condemnation of Franco's Regime**

In my opinion it was difficult and not applicable to condemn the war crimes that came from the leftists. But this is not the case for the Nationalists and especially for Franco's regime. It is true that the aforementioned existed legal framework was not applicable for civil wars but some decisions that had to do with international law were there. From all the aforementioned notes and data, the question still exists. Was it possible to condemn the war crimes that took place during the Spanish Civil War?

To begin with, it is important to refer that after the end of WWII, the world community throughout the UN was concerned repeatedly with Franco's regime in Spain due to its close relationships with the already and recently condemned Axis Powers. Through my research I found that through several resolutions the UN (either the General Assembly or the Security Council) condemned and rejected the established political reality in Spain. To be more specific, Resolution 32(1) of the United Nations General Assembly dated 9th February 1946, stated:

#### **32(I). RELATIONS OF MEMBERS OF THE UNITED NATIONS WITH SPAIN**

1. *The General Assembly* recalls that the San Francisco Conference adopted a resolution according to which paragraph 2 of Article 4 of chapter II of the United Nations Charter “cannot apply to States whose regimes have been installed with the help of armed forces of countries which have fought against the United Nations so long as these regimes are in power”.

2. *The General Assembly* recalls that at the Potsdam Conference the Governments of the United Kingdom, the United States of America and the Soviet Union stated that they would not support a request for admission to the United Nations of the present Spanish Government “which, having been founded with the support of the Axis powers, in view of its origins, its nature, its

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<sup>41</sup> *Covenant of the League of Nations*. The Avalon Project: Documents in Law, History and Diplomacy. Yale Law School, Lillian Goldman Law Library. Available at: [http://avalon.law.yale.edu/20th\\_century/leagcov.asp](http://avalon.law.yale.edu/20th_century/leagcov.asp) (Access 01/02/2018)

record and its close association with the aggressor States, does not possess the necessary qualifications to justify its admission”.

3. *The General Assembly*, in endorsing these two statements, recommends that the Members of the United Nations should act in accordance with the letter and the spirit of these statements on the conduct of their future relations with Spain<sup>42</sup>.

Additionally resolutions 4 (1946) of the Security Council of 29<sup>th</sup> April 1946, and 7 (1946) of the Security Council of 26<sup>th</sup> June 1946, again addressed the Spanish question. The first of these resolutions provided for the creation of a sub-committee to examine the statements made before the Council concerning Spain and “to make further studies in order to determine whether the situation in Spain has led to international friction and does endanger international peace and security”. The 35<sup>th</sup> and 36<sup>th</sup> plenary sessions of the General Assembly of 24<sup>th</sup> October 1946 again addressed the Spanish question in the following terms:

### “The Spanish question”

“I cannot fail to draw the attention of the General Assembly to the Spanish question arising out of **existence in Spain of the fascist regime** which was imposed on the Spanish people with the armed intervention of the Axis Powers. The Spanish question has again and again demanded the attention of organs of the United Nations. I do not need to remind you of the resolution on this question which was adopted at the first part of this session of the General Assembly. Since then, the Security Council has discussed it in detail, and it has been discussed in connection with several items which have come before the Economic and Social Council. It is probable that other organs of the United Nations as well as of the specialized agencies will also be impeded by the Spanish question. In these circumstances, the General Assembly, at its current session, can do a valuable service by giving comprehensive guidance to the organs and to the Member States of the United Nations regarding their relationship with the Franco regime. **It is an unhappy fact that the fascist control of Spain has continued unchanged despite the defeat of Germany and Japan.** It seems to be clear that as long as the Franco regime continues in Spain, it will remain a constant cause of mistrust and disagreement between the founders of the United Nations. It is therefore my hope that those who gave us victory and peace may also find ways and means by which liberty and democratic government may be restored in Spain”.

So, the first step from the international community had been made. It had recognised Franco’s regime as a fascist one. And of course it was not the first one. Already the international Community had condemned the Axis Powers as fascists and simultaneously the war crimes that they had committed. Therefore, as a second step, the International community could be based on the decisions of the International Military Tribunal of Nuremberg. Especially its decisions which are well known as “Principles of Nuremberg” were a milestone in that era due to their contribution not only to the condemnation of the Axis Powers but

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<sup>42</sup> General Assembly, *Resolutions adopted by the General Assembly during its first session*. Available at: <http://www.un.org/documents/ga/res/1/ares1.htm>

also to the creation and to the establishment of the contemporary international humanitarian law<sup>43</sup>.

More specific on the 13th February 1946, the UN General Assembly recognised the definition of war crimes and crimes against peace and humanity through the adoption of the Resolution 3(1) in which it stated" taking note of the definition of war crimes and crimes against peace and against humanity contained in the Charter 6 of the International Military Tribunal, dated 08 Aug 1945"<sup>44</sup>.

The IMT was governed by what is known as the Nuremberg Charter or Charter of the International Military Tribunal. And the aforementioned Charter 6 specifically stated:

### **Article 6**

The Tribunal established by the Agreement referred to in Article 1 hereof for the trial and punishment of the major war criminals of the European Axis countries shall have the power to try and punish persons who, acting in the interests of the European Axis countries, whether as individuals or as members of organizations, committed any of the following crimes.

The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:

**(a) CRIMES AGAINST PEACE:** namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;

**(b) WAR CRIMES:** namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity;

**(c) CRIMES AGAINST HUMANITY:** namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated. Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes<sup>45</sup>.

The Secretary General of the United Nations, Trygve Lie, in his supplementary report of 21<sup>st</sup> October 1946, suggested that the Principles of Nuremberg be adopted as part of International Law. **In its Resolution 95(I) of 11th December 1946**, the General Assembly of the UN formally accepted the suggestion and

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<sup>43</sup> <http://www.derechos.org/nizkor/espana/doc/impuspa>.

<sup>44</sup> [un.org/doc/RESOLUTION/GEN/NR0/032/54/IMG/NR003254.pdf?OpenElement](http://un.org/doc/RESOLUTION/GEN/NR0/032/54/IMG/NR003254.pdf?OpenElement)

<sup>45</sup> *Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis, and Charter of the International Military Tribunal*. London, 8 August 1945. Charter-II: Jurisdiction and General Principles-Art. 6. International Committee of the Red Cross. Available at: <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=AB2411F0665BE7C9C12563CD00519F5>

“Affirms the principles of international law recognized by the Charter of the Nurnberg Tribunal and the judgment of the Tribunal”.

So I strongly believe that the International community could have made a link to these two elements and condemn Franco’s regime for the committed war crimes, not only during the civil war but also for his cooperation with the Axis and treated like a fascist regime. Unfortunately, as I have already elaborated, political reasons boosted the Great Powers<sup>46</sup> to change their perspective on Franco’s regime and to help him play a specific role in the global political scene.

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46 “Under its present government, Spain provides no current threat to US security because, however antithetic Franco’s political philosophy may be toward Democracy, he must presently favour the Western Powers as the only alternative to the Eastern, toward which he has demonstrated his antagonism”. Central Intelligence Agency (1947) *The Political Future of Spain*. ORE 56, Copy No. 47 (Declassified and released for publication on 2013/05/20). Available at: <https://www.cia.gov/library/readingroom/docs/CIA-RDP78-01617A003000180002-7.pdf> (Access 29/09/2017)

## CONCLUSION

Civil war by definition involves great violence, having as a result forced displacements of people, numerous injuries, as well as large numbers of casualties. State institutions are greatly harmed and the protection of individuals is minimized, ownership is changed, and social services are in decline. Private economic activity is hampered and in many cases, totally destroyed.

In this light, the Spanish civil war took place between two rival teams, the Nationalists and the Republicans. The main causes were not only political, but also social and economical. Anti-clericalism and external factors played their own role in the outbreak of the civil war, and certainly developments were influenced by the Great Powers. Only the Soviet Union stood by the Republicans, while the Axis favoured Franco. Great Britain and France remained neutral.

The Spanish civil war was very bloody and the atrocities committed were war crimes. However, amnesty of the crimes of the Spanish civil war was implemented through the adoption of a law in 1977. Of course, the Republic was established, but the families of the victims of the war were not completely satisfied.

The legal framework that existed at the time of the Spanish civil war was not indifferent, but could be characterized as rudimentary. This is also apparent in the Treaties that followed the Second World War. Nevertheless the Franco's regime could and should be condemned as I already explained through the established international law which derived from the Nuremberg Charter.

Franco, as a personality, is highly oppressive and disliked, and it is wondering how he managed to stay in power for so many years. The answer comes from the fear that the Spaniards felt about the outbreak of a new civil war, and Franco's strength was based both internally by the military and externally as outlined above. The main result of all these elements was that the Spanish people were not ready for the transition to a Democratic Spain.

Finally, the question of Catalonia can not be left unanswered, because the roots of certain modern phenomena are often dated back to past years. Regarding the outcome of the recent Spanish referendum, many believe that developments reveal Catalonia's micro-nationalism and in no way could it be compared to the great 19th century nationalist revolutions. This is based on the fact that the projects of the persecuted identity and the victim-nation are obsolete, while the aim is no more than small-scale political.

The resulting conclusion is that the oppressed classes of Spain wrote history with unprecedented power and passion. The Spanish civil war was the latest classical revolution of workers and peasants, not a controlled war by the military, a guerrilla war or a civil conflict aimed at national supremacy. It is true that the collectives appeared in the countryside because people there were influenced by the archaic collectivist tradition, so they were less vulnerable to the market economy. The significance that we have to attribute to the Spanish civil war is



concentrated in the fact that it is no longer possible to repeat something similar, because the modern era emphasizes into the individual development. The authenticity of the Spanish civil war could not thrive in the era of nuclear weapons, unmanned aerial vehicles and chemical gases. Clearly, its political and social conditions can not be compared to the present. Poor workers - peasants then represented the proletariat, which gave way to affluent workers who are fighting for better living conditions and not for material survival. The majority of citizens live in the city and not in the countryside, and collectivization is now difficult.

To sum up, the question that emerges from all of the above is why the Nationalists managed to win in Spain? Was it only the support of foreign powers and a better organization or other factors that also contributed to the cause? The nationalists had won the diplomatic war, which led to the recognition of the Franco regime by Germany and Italy as early as 1936. Nationalists also enjoyed the sympathy of the League of Nations. Moreover, the Nationalists enjoyed the full acceptance of the Catholic Church. On the contrary, on the part of the Republicans, action without an organized plan led to a failed military outcome. Above all, my opinion is that internal political and ideological frictions within the Frente Popular had as result the final predominance of the Right.

Research is never over and new questions are born as the study progresses. It would be very interesting in the near future to study the possibility that nationalism had been defeated in the civil war and the Soviet Union had created a "colony" in the Mediterranean. What would that mean for Great Britain and France?

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