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The thousands of Spanish National Police and Guardia Civil sent to Barcelona in order to prevent the referendum legislated by the Catalan Parliament on the 6th and 7th September 2017 raised major questions about the fragility of Spanish democracy. The subsequent display of police violence on 1st October, and the imprisonment and criminalization of political opponents for the archaic offences of ‘rebellion’ and ‘sedition’ looked even less ‘democratic’. Indeed, those events in Catalonia constitute a remarkable moment in recent European history.

This paper uses the literature on ‘post-fascism’ (developed in this journal and elsewhere) to analyse this remarkable moment and develop its social connections to the parallel re-emergence of fascist violence on the streets and the appearance of fascist symbolism in mainstream politics in Spain. The literature on post-fascism identifies contemporary fascism as a specifically cultural phenomenon, but generally fails to identify how the conditions which sustain the far-right originate inside the state. In order to capture this historical turn more concretely as a process in which state institutions and processes of state craft are intimately involved, we argue that the Spanish state is postfascist. The paper offers a brief critique of the way the concept of post-fascism has been deployed, and, through an empirical reading of the historical development of Spanish state institutions, it proposes a modified frame that can be used to understand the situation in Catalonia.
Postfascism in Spain: the struggle for Catalonia

Ignasi Bernat, University of Girona, Girona, Catalunya, ES
David Whyte, University of Liverpool, UK

Abstract

The thousands of Spanish National Police and Guardia Civil sent to Barcelona in order to prevent the referendum legislated by the Catalonian Parliament on the 6th and 7th September 2017 raised major questions about the fragility of Spanish democracy. The subsequent display of police violence on 1st October, and the imprisonment and criminalization of political opponents for the archaic offences of ‘rebellion’ and ‘sedition’ looked even less ‘democratic’. Indeed, those events in Catalonia constitute a remarkable moment in recent European history. This paper uses the literature on ‘post-fascism’ (developed in this journal and elsewhere) to analyse this remarkable moment and develop its social connections to the parallel re-emergence of fascist violence on the streets and the appearance of fascist symbolism in mainstream politics in Spain. The literature on post-fascism identifies contemporary fascism as a specifically cultural phenomenon, but generally fails to identify how the conditions which sustain the far-right originate inside the state. In order to capture this historical turn more concretely as a process in which state institutions and processes of state craft are intimately involved, we argue that the Spanish state is postfascist. The paper offers a brief critique of the way the concept of post-fascism has been deployed, and, through an empirical reading of the historical development of Spanish state institutions, it proposes a modified frame that can be used to understand the situation in Catalonia.

Keywords

Postfascism, political repression, far-right, democracy, state power, Catalonia, Spain.

Introduction: A Scene from Spain’s Dark Past?

In the weeks running up to the independence referendum on the 1st of October 2017, spontaneous demonstrations broke out across Catalonia. The people on those demonstrations chanted anti-fascist slogans "No Pasaran" and "We are not afraid", alongside well known anti-Francoist resistance songs. It seemed to outsiders as if the crowds were using a misplaced nostalgia: surely they weren’t comparing the struggle for Catalan independence with the struggle against fascism in the Spanish civil war? Yet in the aftermath of the referendum, a number of visible instances of state violence and clear manifestations of far-right violence made it seem as if there might be a material connection to be made between the darkest days of Franco and the present moment in Spanish politics.

Garrisons of Spanish National Police and Guardia Civil (estimated at a total of 10-12,000) were sent to Barcelona after the Catalanian Parliament had passed two laws on the 6th and 7th September (one to confirm the referendum and the other to make the result binding). The subsequent violent scenes of the Guardia Civil and the Spanish Police beating, dragging and shooting plastic bullets at voters on the 1st October provoked many to ask if this was a return of the darkest days of Franco’s Spain. In this context the words of Pablo Casado (who is now President of the conservative Partido Popular (PP) but was then Deputy) in the days following the referendum contained a remarkable threat: “if Puigdemont declares independence from
Spain, he may end up like Companys.” Casado backtracked quickly, saying he was ‘only’ threatening to jail the President. But the symbolism of this statement is powerful. Companys was the Catalan President who was executed by Franco in 1940.

The referendum and its aftermath has brought to the surface some apparent examples of the residual Francoism and fascism in the police and the military. There have been a number of publicised cases of police officers displaying Francoist symbols, and even giving the fascist salute in public. At the end of July 2018, a group of 180 retired Spanish army personnel signed a Manifesto demanding an end to attacks on “Franco and its legacy” in the midst of the debate about whether it was appropriate that he was still lying in state at the monument of Valle de los Caídos. Although such cases are anecdotal and do not tell us anything definitive about the general character of the Spanish army, the national police or the Guardia Civil, the frequency and intensity of such incidents does raise questions about the presence of fascist sentiments and allegiances deep inside in the military and the police.

On the streets, there has been an ongoing series of cases in which fascists have attacked pro-independence supporters, or even simply people that are assumed to be Catalan. Thugs claiming the mantle of Franco’s Falange party – the heirs of Franco’s one-party state who have barely been seen in public for 40 years – marched in Zaragoza on the day of the Catalan referendum. In Barcelona, Spanish unionist marches have been followed by violent attacks against journalists, migrants, and left political activists. It has been reported that between 8th September and 11th December there were 86 recorded incidents of physical violence by Spanish nationalists in Catalonia (Borràs, 2018).

The struggle of independence in Catalonia and the repression unleashed in the wake of the referendum has apparently given some momentum to the far right, and even to the resurgence of a residual pro-Franco sentiment. This residual sentiment is beginning to emerge in mainstream politics, most clearly in the success of the fascist VOX party in Andalusia. VOX is an explicitly Francoist political party, indeed, the first to emerge since Franco’s Falange Party. The regional elections in Andalusia in 2018 left VOX in a strong enough position to enter a power sharing deal with the PP and populist right wing party Ciudadanos. The most prominent of the manifesto promises made by VOX was the abolition of Catalan autonomy (the party has regularly held demonstrations ‘against Catalonia’). VOX also promised the repeal of laws tackling gender violence and laws that recognise the status of the victims of Franco, along with the mass deportation of all non-regularised migrants.

How do we explain such a rapid re-emergence of open acts of fascist violence and the apparent mainstreaming of Francoism in politics? The next section of the paper refers to a growing literature which tries to explain the rise of the far right, particularly in Europe, but also in North America, as a ‘post-fascist’ phenomenon. This paper will argue that those analyses that generally seek to distinguish the European fascism of the 1930s and 40s from the contemporary far right are missing one crucial focus of analysis: the state. Recent work on ‘post-fascism’ identifies contemporary fascism as a specifically cultural and political phenomenon, but fails to identify that the conditions which sustain the far-right originate inside the state. In order to capture this historical turn more subtely, we argue that the Spanish state is postfascist. It is our understanding of how this concept can be applied that the next section of the paper develops. In the following section of the paper we offer a brief critique of the way the concept of post-fascism has been deployed, and propose a modified frame that can be used to understand the situation in Catalonia.
Postfascism

We place the Francoist legacy of the contemporary regime of power in Spain and its practices of government at the centre of our analysis. We are well-aware of the tendency of the left to overuse the term fascism to refer and to condemn the authoritarian practices of Western governments. However, from the Second World War until now, of the countries that were ruled by fascist forces including Germany, Italy, Greece and Portugal or Spain, it is only Spain that we can apply this term to. As we argue in this section of the paper, the term postfascist applies to Spain because of its particularities. On the one hand, Italy and Germany passed through different processes of expelling fascism from institutions and practice of government as a direct result of military defeat. Greece and Portugal because of their political economy and longstanding fascist regimes are more comparable to the situation in Spain. Yet in the end, for very different reasons, those two dictatorships were exposed to processes of reparation, memory and indeed criminal trials that helped expel fascism from the system of government. Even these attempts in these four countries were not fully successful were legally and institutionally lead. This is not the case at all in Spain. In Spain the regime of power was never challenged intrinsically. That is, the state process which started after the fascist military victory in 1939 was never ruptured by the constitutional settlement after Franco’s demise, and continues to reproduce similar forms of state power.

The is some debate in the research literature on the precise nature of Francoism. Some argue that we cannot understand Spain as a typically Fascist state (Saz, 2004; Griffin, 1993; and Tusell, 1988). According to Payne (1985) for example, in both Italy and Spain the basic structures of an authoritarian government didn’t emerge from a radical fascism on the streets but from an authoritarianism that was more institutional in nature. But it is important to highlight that both Franco and Mussolini used state Fascist parties to organise the social power they needed to rule. Those Dictatorships combined fascist ideology fascist with non-fascist elements to enable power to be concentrated in the figures of el Caudillo and el Duce. At times, both subordinated the national sindicalist priorities of fascist militants to the wider regime interests (Payne 1992). In 1937 Franco adopted the 27 points of the Spanish Falange and created a unique new Traditionalist Spanish Falange Party that aimed at bringing all of the right-wing forces in Spain closer to the centre of power, including the Catholic Church and the Monarchy (Payne 1985). The Spanish model of dictatorship certainly had more in common with the Italian Fascist state than Italy had with the German Third Reich. One effect of the outcome of the Second World War on the European alliances meant the Spanish regime masked some of its fascist features, and needed to create more broad-based support for the regime across civil society, to gain international respectability.

It is this process that has led some to argue that Spain was not a purely fascist state. Payne (1992) characterise Franco as a “semi-Fascist” because of his ability to consolidate and bring into the centre of power social forces that may have been right wing but did not explicitly articulate fascist ideology. However, as we have noted, the incorporation of non-fascist elements in Franco’s regime was always done to strengthen the rigid authoritarianism of the regime, to strengthen the one-party state, and to keep power concentrated in the military and the coercive apparatuses of the state. For this reason we argue that although Franco tried to portray his regime differently, his regime always bore the key hallmarks and characteristics of a fascist state.

There is a growing literature that deploys a concept of post-fascism to understand the resurgence of the far-right across a number of disparate political contexts. Some of this
literature seeks to develop an understanding of a new populism that has seemingly common features across a range of different national contexts: the rise of Trump, the racialised and racist political debates around ‘Brexit’ in the UK, the resurgence of the far right in European states such as Italy, Hungary and Poland, as well as in the complex politics of Catalonia’s bid for independence. Some authors use post-fascism as a way of identifying a resurgence in right-wing populism. This type of analysis is that post-fascism is taken to describe the rise of a particular form of popular sentiment: one that is nationalist, nostalgic, xenophobic and racist. Rasmussen (2018: 2) for example, locates the problem of the rise of right wing, populist movements in “post-fascism.” For him, post-fascism operates at the level of cultural superstructures; it is “a broader culturalisation of economic struggle and society.”

In this literature, the origin of the problem of post-fascism, by and large, is located at a cultural level, in popular sentiment. Post-fascism is explained as a phenomenon that owes its salience to ease with which the masses are on over by manipulative arguments, rather than locating the problem in any deeper institutional or structural cause. From this perspective, post-fascism is a cultural expression of an underlying political economy. As Rasmussen (ibid.) argues, right-wing ideologies can not necessarily be challenged simply by reconnecting them with the economic base. Economy itself is not sufficient in order to explain the ‘true’ cause of post-fascism. This may be the case, and the seductiveness of right-wing ideas under conditions of perpetual political and economic instability may mean that such ideas can develop some internal momentum and relative autonomy. For other authors, an understanding of post-fascism at a cultural level – specifically re-drawing and re-purposing of its Utopianism - can instruct us on the most effective form of challenge to the new right (el-Ojeili, 2018). Yet in many of those accounts, the state and its institutions are generally absent: post-fascism is too often discussed as a purely cultural phenomenon.

Another strain of theorizing around post-fascism does foreground a shift in the state/institutional construction and location of political struggles. For authors like Traverso and Meyran (2019) and Ruzza and Fella (2009), the key shift in the structure of right-wing populism is the shift from an extra-parliamentary base (mass movements on the street, a strong paramilitary support, and opposition to democratic politics) to the use of political parties that channel nationalist aspirations through mainstream politics. Traverso (2017) uses the term post-fascism to establish a distinction between the political parties and movements that claim the mantle and the heritance of fascism. Those parties and movements typically dismiss or negate the atrocities of these regimes. Instead, post-fascism for him refers to the movements and parties that evolved from that tradition to obtain a wider support and legitimacy through a predominantly electoral strategy. Such post-fascist organizations can embrace, often counterintuitively, social movements that were the targets of the ‘old’ fascism (LGBT communities, or a diverse range of ethnicities and nationalities). Post-fascism can even incorporate diverse strategies of inclusion such as environmentalism and homonationalism (Puar 2014). Post-fascism at the same time retains a commitment to far-right traits such as white supremacy, racist policies on migration, an explicit Islamophobia and anti-Semitism, a strong nationalism and tough authoritarianism.

This perspective understands post-fascism as a formal political phenomenon, a core dynamic that Griffin (1995: 123) describes as democratic fascism. In Spain, the far-right is also capable of masking its fascism through a similar process. However, in this article, we are not concerned with the continuities between Francoism and far-right political parties. Rather we concentrate on the continuities between Franco’s state and the contemporary Spanish state. We would argue that the literature on post-fascism, because it is predominantly focussed upon ‘social
movement’ or ‘democratic’ fascism, has tended not to analyse the vulnerability of the state and its institutions to a process of post-fascism.

Again, in those accounts, there is no analytical focus on the state more generally. Politics appears as an autonomous sphere. This literature does not develop a comprehensive account of the state and the complexity of state institutions. An application of the concept of post-fascism that does foreground the state has been developed by Tamás (2000). Although he shares the core ideas of Traverso and Ruzza and Fella, that post-fascism “does not need storm troopers and dictators” and is “perfectly compatible with an anti-Enlightenment liberal democracy” (ibid.: 53), for Tamás, the positioning of the state in a purely legal sense, as the sovereign power is key to understanding post-fascism. A core feature of post-fascism from this perspective is the assertion that citizenship can and should never be universal and instead is always in the gift of the sovereign (ibid.: 53).

Despite its subtle analyses of culture and politics, one general point we would conclude about the literature on post-fascism: that there is little understanding of how the state organizes the spheres of culture, politics and economy. Indeed, there is no recognition that the state is necessary to materialize and concretise social relationship through those realms, and that as a consequence state institutions play an active role in making and reproducing those spheres of culture, politics and economy (Poulantzas, 2018: 311). In short, the concept of post-fascism in the literature tends to lack a historically or materially grounded analysis of how culture, politics and economy are shaped by social forces, and indeed how they can be or become post-fascist. This paper seeks to bring the state into the centre of our analysis of post-fascism in Spain. We therefore intend to explain with detailed reference to the institutions of the Spanish state, how ideas and practices are generated and maintained by state institutions in ways that foster a particular form of exclusionary nationalism and provide a frame for understanding the persistence of far right, Francoist, ideas and practices in Spain.

Brandariz García and Faraldo Cabana (2015) develop the beginnings of a more historically grounded argument around post-fascism in relation to the Spanish state, one that emphasises the centrality of state rationalities, practices, forms of organizing and so on. In studying the steep rise in imprisonment in post-dictatorship Spain, they argue that the inability of the current system to provide redress for the human rights violations of the dictatorship has created “inertias” in the criminal justice system that have left intact “the exceptionalist treatment of certain criminal acts, and the role of penalty in governing the sense of disorder arising from accelerated transformations” (ibid.: 16). As the transition to democracy was marked by an “accelerated” transformation because it was forced to adapt the logics and practices of a post-Fordist state at the point at which it had barely become a Fordist welfare state (Jiménez, 2017). Other authors pinpoint significant continuities between the Franco regime and the post-1978 democracy. Jiménez González (2018) sees the continuity of the legal exceptionalism as an ongoing feature of the Spanish political system as the form of dealing with all disruptive movements, whether domestic, or in Spain’s colonies since the late nineteenth century.

This paper takes a similar approach. An understanding of the failure of the post-1978 transition to develop a clear rupture between the periods of dictatorship and democracy is crucial for understanding the contemporary Spanish state. But we argue that this is not merely a question of legal or social control. A framework of postfascism can be used to understand the entire complexity of institutions, cutting across cultural, economic and political spheres, and incorporating Spain’s enduring form of legal exceptionalism.
We use the term ‘postfascism’ to state unequivocally that today’s Spain is clearly not fascist, but at the same time to stress that the remnants of Franco’s fascism in political, economic and cultural modes of power have not been completely eradicated. Following the key contribution made by the debates on postcolonialism and the coloniality of power (Quijano, 2018), what we learn from this debate is that the formal independence of ‘former’ colonial powers did not transform those societies or transforms the basic coordinates of colonial power that were developed over several centuries. The basis of colonialism remained in place, through an albeit wider range of (cultural, economic and political) mechanisms of power. The key lesson for us in the context of this paper is that you cannot change the basic structure of power relationships simply by changing the name of a state, by changing its flag and by changing its formal political structures. The coloniality of power has a historical and material basis that were slowly solidified over centuries and have continued to operate in a similar way (ibid.). Postfascism, then, is analogous to the “coloniality of power”: it reproduces the old forms of exclusion and violence with newly modified and veiled forms.

In the Spanish domestic context, the form of historical memory preserved by the state, the constitutional structure, the administration of politics, law, the police and the military, and a number of other crucial matters of state have prevented or blocked the complete severance and transition from the previous regime. The postfascist regime is the outcome of a process of state-making which started in 1939 across the key institutions of power (the police and military, the financial sector, the media, the cultural sphere and so on). The postfascist settlement secured immunity and impunity for Franco’s elites when the transition was supposed to signal the birth of a new relationship between citizen and state (Fontana, 2014). The retention of those elites in key political and business positions was a price that was paid for the state conceding basic civil liberties. Thus the grossly unequal social relations that existed under Franco went unchallenged in the transition to formal democracy. It is also important to recognise that Francoism was able to consolidate support for brutal political repression not only in the elites, but also among some section of the wider populace. This came about largely as a result of a relatively short period of Fordism between 1959 to 1973 that was able to improve the material conditions of some key sections of the working class (López and Rodríguez, 2010). In this sense, Franco’s regime in the 1960s and 1970s was sustained not only through fear of the violence of the state, but through a fascist corporatism that sought a broad popular support. Perhaps most significantly, through its public support for the regime, the Catholic church played an important role in cementing the popular acceptance of Francoism from the very beginning.

In the discussion that follows, we are primarily concerned with the continuities between Franco’s state apparatuses and the current forms that state institutions, or what in Marxist approaches are known as state apparatuses, have adopted. The paper therefore considers postfascism in the sense of the institutional continuity that stretches back beyond the formal ending of fascism. This is also a significant departure from the crude representation of Catalonia in international reportage and analysis as the response of a fragile state to a populist uprising (and this uprising, though is not characterized as a right-wing movement, has all of the elements of cultural utopianism, a revanchist and nostalgic nationalism and so on). If we place an understanding of the material role of the state at the heart of the analysis of this conflict, it does not look like a struggle that arises from a Catalan utopianism or even nationalism; it does not look like a new form of populism, but part of a long process of state crafting, with very clear historical continuities.
In classical Marxist accounts of the state there is a tendency to highlight the repressive apparatuses of the state (the army, police, courts, laws, administration or governments; Poulantzas 2018). According to Poulantzas the repressive apparatuses constitute the central core of state power and have an integral unity. The images of the police violence on 1st October 2017, and the trial of the political prisoners, shape the narrative of the Catalonia struggle. It looks, to an international audience at least, like the conflict is largely a struggle around the disproportionate use of the state’s repressive apparatuses.

However, from a Gramscian perspective the state must be understood in a more complex way (Gramsci, 1996). Hegemony - the authority to govern - can never rely on repression alone. The state requires developed economic apparatuses and ideological apparatuses in order to maintain its legitimate authority. Economic apparatuses are understood as the institutional features of the state that allows the social conditions of production to be maintained. The ideological or cultural apparatuses establish the dominant stories about how and why a society is governed in particular ways and in this narrative establishes the limits on any possibility for social change. Ideological/cultural apparatuses therefore transmit the values of the state. They include the Church, trade unions, political parties, schools and universities, and the media. Economic and ideological apparatuses have a relative autonomy from the state as many of them have a private nature. However, in a Gramscian sense, they must be considered as mutually reinforcing features of the state that provide the authority to rule. In the analysis that follows, we identify the elements of postfascism in the repressive, economic and ideological apparatuses of the Spanish state. Following the death of Franco and the transition to democracy, the post-1978 regime set out a very different basis for its own legitimacy. Rather than involving a complete rupture with the fascism of the past, the transition in fact preserved some important continuities in the Francoist system. Those continuities can be understood as having 3 broad dimensions: cultural, economic and constitutional/legal. It is those features of the postfascist regime that the next 3 sections of the paper consider in more detail in order to understand the conflict in Catalonia.

The Cultural Endurance of Francoism

Firstly, we need understand how the Franco era continues to shape cultural practices and continues to shape relationships across the different peoples and nations within the Spanish state. A starting point for understanding this legacy is to recognise how Spanish nationalist culture has marginalised and stigmatised the culture of the non-Spanish nations. The suppression of both Basque and Catalan language are perhaps the best known examples of this legacy (although Franco’s suppression of non-Spanish culture was universally applied).

The diversity of cultures and languages that exist on the Iberian peninsular are still not valued equally and therefore, they are not protected equally. This enduring hierarchy of culture has helped to homogenise the dominant ways of thinking and acting as a ‘state’, and has had two major effects. The suppression of non-Spanish culture in the Franco period was very clearly aimed at weakening popular resistance to the Dictatorship. In the post-Franco era it has provided the basis for an enduring Spanish unity. Today, cultural motifs are used as a means to homogenise cultural diversity: to ensure that the different peoples within Spain are viewed in cultural terms (Spanish first, and Catalan or Basque or Galician second). Catalan music and art, for example, becomes assumed as part of a larger ‘Spanish’ whole. A project of cultural homogeneity has therefore provided a basis for hegemonic power: it has strengthened ‘Spanish’ values and cultural motifs in education, the arts, music and in sport.
The association between the Francoist state and the key symbols of the nation are not easily dismissed. It is the red and yellow nationalist flag restored by Franco that remains the Spanish flag, not the republican tricolor. Spain’s national day is the 12th October, the anniversary of the arrival of Christopher Columbus in the Americas. This is Franco’s “day of the race” that he consecrated by decree in 1958 to celebrate “a system of principles and norms created to better defend the Christian civilisation across the Hispanic community of nations”. Under Franco, this national holiday explicitly celebrated the conquistador traditions of Spain and remains closely bound to a colonial, anti-republican nationalism. The ongoing public funding of the Franco Foundation, the preservation of the Duchy of Franco (a hereditary title gifted to the Franco family by King Juan Carlos), the statues of the Dictator or other important figures of the dictatorship in public places and the streets named after him, are all examples of the cultural endurance of the regime. Together those examples are testimony to a survival of the elements of the Dictatorship at the heart of the Spanish aristocracy and the Spanish state.

This context is acutely relevant to the situation in Catalonia. The current constitutional crisis has been encouraged by the revival of a Spanish identity that exploits the paraphernalia of Spanish cultural nationalism. In 2004 the Spanish conservative party, the PP developed a more explicitly nationalist-authoritarian position on Catalonia and on Spanish nationhood generally in order to destabilise the Socialist party (PSOE) in government and build voter loyalty through explicit appeals to Spanish patriotism. The PP’s renewed patriotism was part of a calculated effort to recover political ground after a series of unpopular policies that undermined its support base including Spain’s role in the 2003 invasion of Iraq, the sinking of the Prestige oil tanker and the terrorist attacks in Madrid in 2004. The PP’s renewed patriotism represented a calculated bid to shift the role of the state from being a welfare and social provider to being a guarantor of the Spanish unity. That is, this strategy sought a repositioning of the role of the state (and the allegiance of voters) from social to national issues (using a similar process that Beckett and Sasson 1999 refer to in the context of criminal justice in the US). A Spanish boycott of Catalan products, including Cava, was encouraged by the extreme right both inside and outside the PP. This boycott campaign – a clear manifestation of what has become known as Catalanophobia – sought to exploit an idealised and homogenised Spanish identity, and in doing so bolstered support for far right groups who claim the mantle of Franco. The boycott is perhaps the most extreme example of a Catalanophobia that has in the past few years seen a growth in the use of racialised jokes about the Catalans by comedians and in popular songs. There are also a growing number of petty cases of people being victimised for using the Catalan language in courtrooms, and in other forms of official communication (Bambery and Kerevan, 2018). The most striking evidence that the new Catalanophobia has had an enduring cultural impact is captured in the images published by Spanish news agencies of crowds chanting ‘Go get ‘em’ to the Spanish National Police in front of their barracks as they left to prevent the 1st October referendum. Those manifestations of Catalanophobia give coherence to a renewed Spanish nationalism that reinforces the Spain’s right to tell the story of all of ‘Spanish’ peoples (in a similar process to that articulated by Sayyid, 2014 in relation to the British state’s Islamophobia).

The Spanish national story is the universal narrative through which Catalan identity - and the national identity of everybody else under the Spanish Crown – must be defined. If they are not Spanish first, and Catalan, Basque, Galician or Andalusian second, then they remain “selfish” (Catalans), “backward” (the Basques and the Galicians) or “lazy” (the Andalusians). If they project themselves as anything else, the culturally distinct expressions of the peripheral nations become seditious acts against the rest of the nation. Any ‘national’ conflict now is also projected in ethnic terms (all peoples are Spainish and therefore must be incorporated into the
national story) and the formation of different identities and different collective desires is dissolved by the Spanish monopoly over the political sphere. Any deviation is expressed in highly militaristic terms as ‘insobordination’ or disobedience. Both the PP and right-wing populist party, Ciudadanos, have argued that Catalan claims are invalid because they have already been granted more autonomy than they deserve in financial, political and security matters. The insobordination they have shown demanded a restoration of the primacy of the Spanish nation. Acts that are perceived to be against ‘Spanish solidarity’ are easily reduced to acts of rebellion and sedition that warrant imprisonment and exile. In February 2018, the New York Times reported in relation to a cultural clampdown in Catalonia and the Basque country:

Whether by law or intimidation, Spain has become a country where the risks of free expression have quietly mounted in recent years. Puppeteers have been prosecuted for inciting terrorism. So have a 21-year-old Twitter user, a poet and some musicians, including the 12 members of a band. A much criticized law has made it illegal to film the faces of police officers on the streets, and sharply restricts public gatherings (Minder, 2018).

The desperate need to dominate and subjugate Catalonia culture has become grotesquely visible since the referendum. The spectacle of police confiscating yellow banners, ribbons and balloons from football fans and the banning of the use of the colour yellow by human rights activists is perhaps one of the most extreme and preposterous manifestations of the state’s complete pulverisation of any discussion of the political prisoners.

And yet, the ‘banning’ of the colour yellow in public places mirrors precisely the logic of the ‘78 regime which has officially erased the public memory of political repression. The 1978 post-Franco settlement ensured that the new Spanish state would not officially recognise Franco’s treatment of political prisoners, or even his mass graves (Rodríguez, 2015). Even now, the Spanish state actively works to oppose any efforts to record and recognise the bodies (Domínguez, 2018).

Subordinating Economic Independence

The postfascist regime has in parallel sustained the same form of economic relations, headed by the same elites that thrived in the Franco era. Those same economic elites have directly inherited the mantle of Franco’s state-established corporations (Jiménez, 2017). For example, construction corporations like OHL, Entrecanales and ACS expanded rapidly under Franco and today continue to play a key role in Spain’s economy. The banks played a key role through financing the coup d’état (Banca March) and the subsequent dictatorship (Santander) and continued to flourish after the transition (Juste, 2017). In failing to challenge the power of Franco’s oligarchy, the political transition represented a pacification of the previous ‘fascist’ accumulation regime, and its smooth incorporation into a ‘democratic’ economy. At the same time, this transition ensured that the link between the regime’s violence and social and economic power remained hidden. The post-Franco ‘democracy’ thus erased from its institutional memory the fact that the primary goal of Francoism had been to interrupt a process of social equality based on wealth redistribution.

This same intimate relationship between economic and political power has been an ongoing feature of contemporary Spanish politics. Whilst this continuity was probably more obvious under the PP governments (1996-2004), Franco’s economic elite was strategically protected by the PSOE governments that immediately followed the regime (1982-1996). Indeed, it was the privatisation of the former state monopolies, beginning in the 1990s, that opened a new
opportunity for that same business elites to consolidate their dominant position. This postfascist structure of political-economic power made Spain particularly vulnerable to large-scale corruption. In some of those privatised corporations, both ‘Socialist’ and Conservative politicians were given board positions. Other companies (such as Endesa, Telefonica, Argentaria, ADIF and Abengoa) became directly owned by politicians or civil servants.

It was the postfascist structure of political-economic power that had left Spain particularly vulnerable to the economic crisis of 2008. The new Spanish stock exchange IBEX-35, created in 1992, exemplifies this strong connection between political party and corporate elites that dominated politics, the economy and shaped industrial strategy (ibid.) and ultimately ensured the economy would be organised around the financialisation of major public ‘megaprojects’, the construction boom and the mortgage bubble (López and Rodríguez, 2010).

The economic-political strategy followed by Spanish governments in the aftermath of the 2008 crisis represented a different type of revanchism, but one which sought the same outcome: the Spanish government strategy post-2008 was to shore up the interests of financial elites at the moment they were most vulnerable. The bank bailout in Spain was underpinned by the largest financial aid package in the Eurozone. This partly reflected the depth of the Spanish banks exposure, but it also reflected the need to prop up European, especially German investors who risked huge losses. The rescue package was therefore designed to bail out Europe’s financial class as much as Spain’s. Indeed, this international solidarity was to be repaid by the EU’s astounding failure to rebuke the Rajoy government after the violence of the 1st October 2017 (Bambery and Kerevan, 2018).

The lengths to which the Rajoy government were prepared to push its revanchist strategy is exemplified in the modification of the Spanish constitution in August 2011. This modification - introduced as a consensus between the ruling PSOE and the PP in opposition – came in the form of article 135 which amended the constitution to guarantee the prioritisation of the repayment of the public debt above any social spending. This economic ‘stability’ measure was key to ensuring the primacy of the interests of the Spanish banks and corporations and foreign capital investors as a matter of constitutional priority. The right to profit was effectively secured even when so many of the beneficiaries of this measure were widely known to have been routinely engaged in fraud in the run up to the crisis (Fontana, 2001; Bernat, 2018a).

Crucially for Catalonia, the burden of the financial crisis disproportionately fell on the peripheries and the regions. In a financialised economy there is a tendency for the state and the largest corporations to continually absorb resources centrally, drawing infrastructures, civil servants, corporations, banks and the financial activity of the peripheries ever closer to the financial centre. Moreover, because the largest corporations are impelled to seek influence over, and protection from, political power (through lobbying, inter-locking directorships, the revolving door and so on) this creates an impetus to relocate parent companies at the political centre of power. The deep financialisation of the economy has certainly produced a better outcome for Madrid than it has for Catalonia. Spain’s program of privatisation in the 1990s and 2000s saw some of the the most important public corporations privatised. These companies were in a perfect position to expand Spanish financial influence globally, in Latin America particularly, and facilitate the get-rich-quick rise of a Madrid-based financial class which historically had been less developed, than, for example the financial class in Barcelona or Bilbao (Juste, 2017; López and Rodríguez, 2010).

The effect of article 135 was therefore to intensify the financial centre at the expense of the periphery. More crude forms of public funding allocation intensified this process of economic
centralization. In 2010, regional governments were forced to cut their public deficit at a rate that was three times higher than central government (Manresa, 2018). The budget cuts have left those regional government systems in a highly precarious situation. This strategy was partly legitimised by the strategy of Catalanophobia outlined above. The Spanish government under the PP mobilized and shaped fears and tensions about the ‘problem’ of the regions, particularly Catalonia, in order to deflect from growing accusations about its mismanagement of the crisis and the corruption scandals it faced.

In sum, austerity policies sought a revanchism – a project that enabled financial elites to recapture their wealth - that targeted both the working class and the property owning class in the peripheral regions. It is at this moment that the sympathy of the latter in Catalonia for pro-independence ideas gained a renewed momentum. The financialisation of the economy had the effect of concentrating power, thus rendering the peripheral nations in a weak position in relation to the national economy. As a result, the allegiance to Madrid of the Catalan bourgeoisie became fatally weakened. If the former had been a stabilising force, which throughout the 19th and 20th centuries saw alliance with Spain (even fascist Spain) as a necessary evil (or at least a necessary market for its products), this was no longer the case. It was austerity that broke this historical compromise with Spain: the state could no longer guarantee the protection of the peripheral bourgeoisie as it opted to consolidate the hegemonic position of financialised Madrid. Here we can see a clear split within the ruling class between the the small and medium enterprises that largely supported independence as they did not see any further commercial advantage in remaining part of Spain. Only the ‘high bourgeoisie’, that is the more internationalised sectors of the business class, and the Catalan transnational corporations, remained largely in favour of preserving the Spanish union (Bambery and Kerevan, 2018).

Yet Catalanian elites are not secure in their support for independence, and neither are they unified in this changing political terrain. The channels of communication and collaboration between Catalan and Spanish capital remain open, especially in the financial sector. Indeed, some large corporations have worked against the independence movement, particularly in the wake of the general strike on the 3rd of October 2017, two days after the referendum (Font, 2015). The significance of this strike cannot be underestimated. The strike was organized to protest against the police repression. This was the first time that workers were mobilized around the question of self-determination. This mobilization - the biggest general strike in living memory - forced the King Felipe VI to appear on national television on the evening of the 3rd of October to underline Spain’s determination to stop the independence movement in its tracks. Felipe’s failure to mention the police violence on the 1st of October thereby legitimised the state’s response and opened the space for the application of the article 155.

The Endurance of the Francoist Constitutional Order

The role of monarch is of huge significance to a third aspect of postfascism that we highlight here: the lasting legacy of the dictatorship on Spain’s political and legal institutions. The position of the monarchy was re-established and significantly strengthened by Franco. As part of the 1978 settlement, the position of the monarchy was re-established in order to secure Franco’s legacy. There had been no monarch in Spain for 4 decades, but in 1969, Franco officially appointed Prince Juan Carlos, the grandson of the former king, Alfonso XIII, as his successor. In exchange for this appointment, Juan Carlos swore allegiance to Franco’s ‘Principles of the National Movement’. The 1978 constitution anointed the King officially as the head of state and the head of the armed forces. In the context of a clear political lineage between the Monarchy and Francoism that is universally acknowledged, and in far-right
circles, positively celebrated, this does not look like a benign or ‘symbolic’ monarchy, but one with significant constitutional and political force (Ewing, 2019).

When Felipe addressed his people on the 3rd October, he spoke of the indissoluble unity of Spain in his capacity as head of state and head of the armed forces. His explicit accusation of Catalonia and its institutions of disloyalty opened the political space for the application of the article 155 of the Spanish constitution. It is difficult to imagine any other Monarch in Europe playing such an overtly political role in a civil dispute. And it is impossible to imagine a monarch with a widely acknowledged fascist inheritance making such an intervention anywhere else in Europe.

The 1978 constitutional settlement preserved the continuity with Francoism in other, more hidden, but equally significant ways. The 1977 ‘Amnesty Law’ gave an official amnesty to Franco’s political prisoners (Salellas, 2015). The Amnesty Law also stipulated impunity for crimes related to the regime. In 2012 Office of the U.N. High Commissioner for Human Rights made a formal request to Spain to repeal this law because it prevents the prosecution and recognition of crimes against humanity. Civil servants who played a key role in the Franco dictatorship, along with judges and police officers (including those who had tortured civilians) quietly remained in place under the terms of the post-Franco amnesty. This continuity of personnel, coupled to the institutional amnesia relating to Franco’s mass graves ensured that the institutional culture of fascism went unchallenged inside the state (Hernández, 2019).

Of particular significance to the constitutional continuity of Franco has been the replication of the way that political control is exerted over the national courts. The Audiencia Nacional is the court responsible for initiating the prosecution of the 9 Catalan political prisoners before their cases are passed to the Supreme Court for trial. This court was created in the image of Franco’s notorious Public Order Tribunal. The judges are political appointees; the court explicitly deals with issues of conflict deemed to be ‘political’. The Audiencia Nacional has been condemned internationally for imprisoning Basque political leaders and for a string of highly controversial political convictions. It has, for example, convicted a group of activists who burned pictures of the Spanish king; and notoriously it was responsible for the false conviction of 11 Pakistani men who spent 6 years in prison for terrorism before they were finally released.

The politicisation of the national courts in the post-Franco constitutional settlement is also exemplified by the Spanish Constitutional Court. The Constitutional Court is regularly deployed routinely to reign in the various autonomous parliaments. Since 2006 more than 40 laws passed by the Catalan Parliament have been blocked by the Constitutional Court using the argument that the Parliament has no competency to legislate on such issues. In reality, the Court has been crudely and deliberately narrowing the boundaries of the Catalonian Parliament’s competencies (Bernat, 2018b). Most of the blocked laws were concerned with securing social rights, and protecting people against impact of austerity. The most striking of these blocked laws was passed in July 2015 to mitigate the worst effects of the crisis. This law banned the eviction of people before they were offered social housing and included a measure to protect the vulnerable against their water and electricity supplies being cut off. This law had cross-party support in the Catalan Parliament. Other interventions included the blocking of laws on gender equality and climate change. A pattern in the judgments of the court has been the protection of conservative and ruling class interests.

At one level, this is simply a manifestation of a coercive strategy to impose austerity that has been described at authoritarian neoliberalism (Clua-Losada and Ribera-Almandoz Olat, 2017).
From a longer historical perspective, the postfascist structure of power provides the apparatus that enables techniques of authoritarian neoliberalism to be implemented with ease. The Constitutional Court is not a jurisdictional body; it is not part of the judicial system nor is it regulated by the same law that regulates judges and magistrates. Its members do not have to be accredited judges and are chosen directly by the organs of government (the Spanish parliament, central executive and the administrative body for the courts). Between 2012-2017, it was presided over by Francisco Pérez de los Cobos, a member of the PP and the brother of Diego Pérez de los Cobos, who was in charge of coordinating the police operations on the 1st of October and had been a senior official in the PP government. Andrés Ollero, who previously spent 17 years as a MP in the Congress of Deputies representing the PP, is currently the magistrate of the court.

The ease with which Spain convicts political prisoners and forces politicians into exile is a mark of a model of a deeply politicised judiciary. The constitutional model adopted in the highest courts enables a form of political control of the legal system that has its origins in the Franco regime. Indeed the continuities run even deeper in a formal legal sense. The crime of rebellion used by Rajoy, and the current government to detain political prisoners was established in 1900 but crime was specifically revived by Franco to prosecute and execute thousands of opponents using his military courts. We are not claiming that the practice of imprisoning political opponents and forcing people into exile remotely resembles the scale of the Franco regime, but what we are claiming is that this practice reflects the modus operandi of the dictatorship very precisely.

The fall of Rajoy’s PP government in 2018 opened new opportunities for a more democratic response to the Catalan constitutional crisis in Spain. However, as we have signaled here, no government alone can change the nature of the political regime if it cannot precipitate a rupture with the postfascist structure of power. A change in government can’t precipitate a transformation of the state apparatuses on its own. To that we would add that whilst the Socialist Party PSOE is less implicated in the 2004 Spanish nationalist turn described earlier in the paper, is a political party that is organised around a commitment to Spanish unity.

Three recent examples illustrate how a change in government is unlikely to represent a softening in the Spanish government clampdown. First in the trial against the 9 political prisoners and other Catalan activists and politicians taking part in the Supreme Court, both popular accusation and the public attorney and the lawyer of the government are asking for the same punishment. Even though the popular accusation is initiated by the extreme-right wing of the party VOX which explicitly makes a claim to the Francoist political tradition. That is, the Socialist government and the public attorney are presenting the same charges as the extreme-right are in the trial against the Catalan political prisoners. Second, in the elections of April 2019 several Catalan political prisoners were elected as members of the Spanish parliament. The same week they were sworn in, the Spanish board of the Parliament controlled by the PSOE decided to suspend them, thus immediately shifting the balance of power in the parliament crucially to the right. Third, in early 2019, 16 activists were illegally detained by the Spanish police force in Girona. Among them there were two mayors from a radical leftist party. The Spanish Home Office avoided any public condemnation of the action even though they did not know the police raid was going to happen.

These three cases show that the relatively recent change in government is unlikely to make a significant difference to the state’s response to the Catalan crisis. Central to Spain’s mode of power whether under both the PP and PSOE has been its readiness to resort to ‘exceptional’
measures. A hallmark of the fascist regimes of the 1930s was the imposition of state of emergency powers to legitimate extreme police powers and the militarisation of politics and the arbitrary use of force against civilian populations. This is the same logic we find in the imposition of article 155: an exceptional juridical solution – a state of exception - to restore order (ibid.). Governance now entails resorting to extraordinary measures as if the crisis that legitimises it emergency powers is now permanent. The sovereign power – Spain - has invoked the capacity to reduce its opponents to subjects with no rights. Once its opponents are excluded from the protection of the law, they can be beaten, denigrated and harassed (Agamben, 2015). It is barely recognised in public discussion, but we should not forget that article 155 was a constitutional provision that was demanded by the Francoist authors of the 1978 constitution and reluctantly agreed to by the non-Francoist ‘fathers’ of the constitution.

Conclusion: Resisting the Postfascist State

We reiterate that we cannot compare the scale of the repression of today directly with Franco. After all, according the the UN, the Franco regime disappeared 115,000 people, more than any other state in the 20th century with the exception of Cambodia. The current regime is neither Francoist or fascist, but is postfascist. As we have shown, the Catalonian crisis is shaped by many of the same rationales, the same values, and the same authoritarianism that existed under Franco. Postfascism shapes the struggle for Catalonia; its features are woven into the conflict between Spanish state and the movement for self-determination and therefore will not be easily erased.

If postfascism is the fabric into which the current conflict is woven, this is not to say that the movement for independence can be simplistically characterised as a ‘resistance to postfascism’. The struggle for independence has mobilised Catalanian nationalism; the decision to move to the referendum was achieved with the support and leadership of the political and business elites as part of a project for ‘Catalonia’. But this movement is by no means narrowly nationalist or apolitical. Indeed, the Catalonia independence movement has consistently defined itself as a popular mobilization against nationalism: against the explicitly nationalist authoritarianism of the Spanish state.

We are often told that in the context of modern democracies like the UK, Denmark or the Netherlands, the monarchy is merely a docile and harmless relic of a symbolic power. In the context of Spain, rejecting the monarchy means something quite powerful. It means the rejection of the authority of the King, the ultimate symbol of Spanish unity and authority. Resisting Spain’s autocratic power over Catalonia today also means resisting the mode of state power which guarantees that the same political-business-finance class keeps a tight grip on power. This is why the pro-independence left talk of ‘breaking’ the constitutional basis of the Spanish oligarchy and the dismantling of the 1978 settlement as the real prize in this struggle. To break the constitution of 1978 means something just as powerful as the rejection of the authority of the King. Indeed, it means precisely the same thing: it means opening up a new terrain for social transformation. The current conflict cannot therefore be dismissed by its opponents, or cherished by its supporters, as a purely ‘national’ or ‘cultural’ question (Robinson, 1983).

The argument we have set out here indicates that the Catalan question is not merely a narrow “national” or “cultural” question. Instead, the Catalan resistance represents a direct assault upon the postfascist Spanish state. And it is the postfascist nature of the current situation that opens space for transformation in cultural, economic and political spheres. Because the struggle
for national liberation is unavoidably a struggle against postfascism, this means it is also
unavoidably a struggle for economic and social alternatives: alternative ways of thinking about
where power lies and alternative ways of taking power (Bernat and Whyte, 2019).

Endnotes

1. The 1978 Constitution was a compromise between a range of political interests but was
ultimately written by a group dominated by right wing parties that were closely associated with
the Franco dictatorship. The Constitution asserts “the indissoluble unity of the Spanish Nation”
as “the common and indivisible homeland of all Spaniards”. Also, the Constitution “recognizes
and guarantees the right to self-government of the nationalities and regions.” This right
however is limited by article 155, that assert if a regional government doesn't comply with the
obligations of the Constitution “or acts in a way that seriously undermines the interests of
Spain” the national government can effectively annul its autonomy by imposing direct rule.
2. This quote is taken from Franco’s decree. Available at: https://theconversation.com/spain-
marks-its-national-day-but-not-everyone-is-celebrating-49012 (accessed 9th July 2019).
3. The Prestige disaster was an oil tanker spill that occurred off the coast of Galicia in
November 2002. It was probably Europe’s largest ever oil spill and a huge environmental
disaster. Spanish government ministers were accused by campaigners of negligence in a series
of decisions relating to the disaster response.
4. This call was revived on social media in the days following the 1st October referendum. In
the 2006 boycott, sales of Catalan cava are estimated to have fallen by 8%. Available at:
http://www.elperiodicodearagon.com/noticias/economia/cava-catalan-cae-8-culpa-
boicot_230214.html (accessed 9th July 2019).
5. For example, at the carnival of Cadiz, one performance featured the beheading of the Catalan
president in exile. Available at: https://www.elconfidencial.com/espana/andalucia/2018-01-
11/po-que-decapitar-a-puigdemont-en-los-carnavales-no-es-delito-de-odio_1504502/
(accessed 9th July 2019).
6. Those images of people supporting the police projected an image of popular support for
police violence that was targeted exclusively against the Catalan people. Available at:
https://www.antena3.com/programas/espejo-publico/noticias/al-grito-de-a-por-ello-
despiden-a-los-agentes-de-refuerzo-en-cataluna_2017092759cb5f380cf2b32f5946e7ab.html
(accessed 9th July 2019).
7. Police and security staff confiscated yellow t-shirts and scarves from FC Barcelona fans at
the Spanish Cup final with Seville on 21st April 2018. Days before the match, the Spanish
Home Affairs Minister, Juan Ignacio Zoido, announced that whistling at the Spanish national
anthem before a football match should be regarded as a violent offence and stated that the
Spanish government “without a doubt there will be modifications to strengthen the current
legislation.”
8. The Spanish electoral board ordered all shows of support using the colour yellow to be
removed from Barcelona fountains and public buildings during the election period in December
2017.
9. This law had cross-party support in the Catalan Parliament as it came from a ‘Popular
Legislative Initiative’. In this procedure, the bill is initiated by a petition of a minimum of
50,000 signatures before it is debated in the Catalan Parliament.

References


**For correspondence:** David Whyte, School of Law and Social Justice, University of Liverpool, Liverpool L69 3BX, United Kingdom. Email: whyted@liverpool.ac.uk