Not recognizing the political: analysing Franco's long dictatorship through a genealogy of its prisoners

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Abstract

The article analyses Francoism through its prison system – from the mass incarceration of the 1940s (deployed as an instrument of overt political repression) to the gaols of 1960s developmentalist dictatorship, by which time the majority of prisoners were not activists but the 'ballast'/'excess' of high-speed industrialization/urbanization undertaken without any welfare safety net. The article discusses how the dictatorship conceived of the different groups it incarcerated, how it tried to manage them by 'divide and rule' and to what purpose. It explores prisoners' counter-strategies and the paradox of 'the political' in a Francoist prison system which never used the term, yet saw each and every inmate as posing a threat to the dictatorship's ideology of 'social peace' (i.e. societal stasis). The article charts a prison transition by the early 1970s, from totalitarian to emerging neo-liberal model, the latter still designed to 'contain' but no longer to 'sculpt' its inmates. Notwithstanding this key change, the article highlights core continuities in the prison system across forty years of Francoism: militarized discipline, rule by secret decree, 'divide and rule' strategies, and institutionalized abuse that was endemic and structural.

In the critical scholarly literature on prisons it is axiomatic that a penal system, and the profile of its incarcerated population, define the political measure of a society, and thus provide a forensic shortcut to illuminate its workings. But the analytical challenge is scarcely lessened because neither political measure nor penal system is ever fixed, and at certain points can become rapidly mobile, as happened in Spain under Francoism. The present article starts from the premiss that one effective way of bringing this process of change into focus is by evaluating how the 'political' qualifier was applied to—or denied—Franco's prisoners.

As specialist historians, we have framed our article with an interdisciplinary intent—to serve scholars working across the humanities/social sciences on prison systems in other geographies

and times. We begin with a comprehensive analysis of the changing but always ideologically-driven function of prisons under the long Franco dictatorship, indicating the perennially blurred boundary between state classifications of 'political' and 'common' prisoners. We then explore how in the context of increasing numbers of common prisoner across the 1960s, there occurred more visible moments of cooperation between them and political detainees in order to resist/mitigate abusive prison routines imposed on both (even though the authorities still sought to keep them separate inside the gaols). Such 'moments' were always fragmented and transient, but they had a cumulative effect, significantly through their transmission into common-prisoner lore/memory. We conclude with a discussion of the singular common-prisoner-led protest movement of the mid 1970s, COPEL, as the conscious inheritor of that lore. As historians, we would ideally have structured our article 'bottom-up', with the analysis emerging principally from micro-data on prisoners' daily lives deriving from both state and non-state sources. But while, as our footnotes indicate, we have excavated relatively extensive and qualitatively varied material, including on always-more-difficult-to-document common prisoners, there is still not enough, as we later discuss, to sustain a bottom-up structure throughout. Instead the article synthesizes micro- and macro-analysis based on prisoner testimony, judicial documentation and some institutional prison sources. Sources generated *beyond* Spain's official prison record remain crucial to researchers (especially for common prisoners) because of continuing state censorship of the post-1950 institutional record on Franco's prisons.

Francoism's penal exceptionalism

By the mid-1970s, the dictatorship stood on the threshold of self-dissolving, under pressure of both international and national politico-economic environments. But even as negotiators from its reform-inclined wing inched towards accepting a limited amnesty for 'prisoners of conscience' (i.e. anti-Franco activists who had not engaged in violent direct action), there remained a shining absence of any discursive adjustment of Francoism's permanent position—that in its gaols there were not, and had never been, political detainees, only a single, undifferentiated category of 'criminal'.[1] So, while giving ground strategically, Francoism kept in place—by omission—its founding legitimation from the 1940s. Such political sleight of hand was the hallmark of Spain's transition out of formal dictatorship, but, nevertheless, it is also striking that in exactly the same time frame, progressive political activists elsewhere, notably in France, were themselves saying that there was no such thing as a political prisoner. They argued that the concept was a red herring, of dubious utility either as an instrument for practical prison activism or as a means of furthering a theoretical understanding of what prison

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[1] While the term 'prisoners of conscience' had no currency inside Spain before the 1990s, it was used from the 1960s onwards by Amnesty International. The 1948 prison regulations (*Reglamento de los Servicios de Prisiones*), for internal consumption, made passing reference to segregating political detainees, but this reference had disappeared by the next edition (1956), and was always a matter of internal management. Isolating 'politicals' was also used to impose a tougher disciplinary regime, P. Oliver Olmo & C. Lorenzo Rubio, 'La construcción histórica de los conceptos de "preso politico" y "preso social" en la España contemporánea', *Millars. Espai i Història*, Vol. 46, No. 1 (2019), 211

systems were, at that very moment, in the process of becoming across the West.[2] The distance between Franco and Foucault is evidently vast, and yet in the definitional conundrum which orbits the 'political', there is a significant commonality to be teased out, and one which goes to the heart of understanding what we can term totalizing state practices.

Francoism is best defined as a single phenomenon across its existence precisely because it was a regime with a totalizing vision and practice, a highly interventionist system which never ceased aggressively defending its ideological project, which it called 'social peace'. By this was meant precisely what Francoism practised: the fending off of all change-bearing behaviours through the exercise of perpetual security surveillance over the bulk of its population, outside as well as inside prison. The political repression of the 1940s, which included mass imprisonment, created a 'bankable terror' whose 'investment yield' of dense social fear, the regime was able to live off for many years.[3] But supplementary strategies nevertheless came to be required, once Francoism, in order to survive as a regime, saw itself obliged to permit from the late 1950s a vertiginous programme of private-sector-led industrial and urban developmentalism which brought the accelerated, 'promiscuous' mass migration of millions from countryside to city, and thus risked undermining the control achieved through the repression.

Here the policies and politics of state confinement in its many forms would remain key. The fact that by the mid-1950s a new liberalized discourse of prison reform had appeared, with its language of prisoner rehabilitation—which even made its way into penal regulations – changed little about how prisons were run on the ground. Those speaking the new language were and would remain until the end of Francoism mostly the *old* prison managements—military, ex-military and, above all, the enduring presence of integrist religious personnel charged with education inside prisons, for whom there was no difference between prisoner 'redemption' (1940s) or 'reform' (post-1955).[4] Nor did they take notice of the scant new young university professionals (social workers, psychologists, etc.) making their hesitant entry to the service from the end of the 1960s.[5] Moreover, the main purpose of the discourse of reform was as camouflage, to placate international interlocutors once the Franco regime normalized relations

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[2] A suggestive analysis of this debate in L. Herrmann, 'Different Histories of the Present. On the Spanish reception of Michel Foucault's *Surveiller et Punir* and the issue of 'political' prisoners, *Le foucaldien* Vol. 4, No. 1 (2018), 1-21. The change in Western prisons was connected to the emergence of a neoliberal model of rule/'governance' in which political systems no longer seek to sculpt their populations, and in which prisons, concomitantly, come to fulfil a warehousing function for 'surplus'/'detritus'. See Lorenzo Rubio in this issue.

[3] G. Gómez Bravo and J. Marco, *The Fabric of Fear. Building Franco's New Society in Spain, 1936-1950* (Liverpool, 2023)

[4] For the major disciplinary role of religious personnel inside the prisons, see Gómez Bravo in this issue; also D. Rodríguez Teijeiro, 'Un recluso que busca la verdad en Dios, se fortalece con el pensamiento de ser útil a su Patria: La imposición del nacionalcatolicismo en las prisiones de posguerra', *Studia historica. Historia contemporánea*, (2017), 35, 471-96. The presence of religious orders in the prison system continued throughout the dictatorship

[5] E. Romero, *Autobiografía de Manuel Martínez* (Logroño, 2019), 39 for a graphic example of such clashes in the 1970s. Much of the general historiography 'forgets' the scarcity of budget pre-determining this scarcity of professionals: Helen Graham, interview with former prison legal adviser (*asesor jurídico*) and DGIP senior staff member, Joaquín Rodriguez Súarez, January 2019

with the Western bloc, of which it had become a client. But the reality of prison discipline, routines and personnel remained unchanged: throughout Francoism the prisons were militarized and run by secret decree, through which the regime retained tight, direct control— indeed the prisons remained militarized right until the end of the 1970s, i.e. throughout much of the political transition.[6] Francoism's prison practice thus operated outside liberal Western penal norms, just as its judicial practices contravened the legal codes/norms of Western constitutionalism. (Francoism's judicial equivalent of the secret prisons decrees being its numerous 'special jurisdictions', which were deployed to circumvent the relative protection that the West's public (and published) law and unitary legal system afforded defendants.[7]

Franco's state would also deploy confinement as a means of removing from circulation not only those who had breached its own highly restrictive laws and codes of behaviour, but also those who state officials believed might do so.[8] Francoism's increasingly labyrinthine system of preventive detention constituted one of the special jurisdictions and was used to investigate, process and imprison individuals who had committed no identifiable crime. It grew exponentially from the later 1960s onwards, when it was deployed widely against migrant populations and the 'marginal'— i.e. those not necessarily marginal to production at that time, but certainly to political power, thus at the sharp end of the economic 'miracle' and the ensuing 1970s recession.[9] Preventive detention was also deployed against diverse kinds of socially-dissenting persons, for whom there was no chance of being left alone to live outside the regime's narrowly-defined norms of life, or against its social, cultural and political dictates—one former (adolescent) detainee evoked this in a striking formulation: 'they came for those who told stories in the city'.[10] Time and again in the judicial sources we see police, as well as regime-employed medics and psychiatrists, deploying preventive detention to close down perceived

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[6] Militarization here means of prison discipline/routines, Romero, *Autobiografía,* 33, 56. The use of senior military personnel as prison directors was less by the later 1960s, but one of the principal demands of the prisoner mobilizations under COPEL from 1976 was precisely the demilitarization of prison space: see Lorenzo Rubio in this issue. On Francoism's use of secret decrees, A. Viñas, 'Natural alliances: the impact of Nazism and Fascism on Franco's domestic policies', in H. Graham (ed.) *Interrogating Francoism. History and Dictatorship in Twentieth-Century Spain* (London, 2016), 146-50; G. Gómez Bravo, 'Venganza tras la victoria. La política represiva del franquismo (1939-1948), in A. Viñas (ed.) *En el combate por la historia* (Madrid, 2012), 575-92

[7] Franco's Special Jurisdictions are listed and analysed in J.J. del Aguila, *El TOP. La represión de la libertad 1963-1977* (Madrid, 2020), 364-79. The TOP (Tribunal del Orden Público) was one of the most notorious; Viñas, 'Natural alliances', 145-50

[8] Usually such state officials were agents of judicial authority—police, public prosecutors, judges—but could also be other public officials, e.g. those who ran (sparse) urban homeless shelters. Non-state actors—family or neighbours—could trigger preventive detention (after police report and a magistrate's assent), but were less frequently involved by the 1960s

[9] This assessment is based on the cumulative evidence gathered by the authors from preventive detention case files for Barcelona (under longstanding and so-called 'anti-vagrancy' legislation up to 1970 (the *Ley de Vagos y Maleantes*) and thereafter the Law of Social Dangerousness (*Ley de Peligrosidad y Rehabilitación Social*, LPRS), whose proceedings ground on well beyond the democratic transition

[10] 'fueron a por ellos…la gente que hacía las historias en la ciudad', *Herencias del '36* (Ruth Sanz Sabido, documentary 2018) https://www.herencias1936.com/documental/

social as well as political 'dangers'.[11] The same pattern of swingeing state action was also observable in the face of gradually emerging collective social initiatives. However small-scale or 'ordinary' these were, the authorities remained on watch to isolate and atomize them, using for this purpose the armoury of the Public Order Tribunals, operating from January 1964. These netted not only more obvious anti-regime protests, such as those on university campuses, but also small, local protests: for example, when people gathered to protest a rise in local cinema seat prices, 'ringleaders' were tried for 'rebellion'.[12]

Viewed from a Western present, or even from the West of the late 1960s, such state action appears as what it was: a Canute-like battle 'against change', waged against the many and varied human subjects that historical change had already produced, as well as against the glimmers of potentially-emerging civil society. But if we want to understand what Francoism remained in its constant core, then we need to concentrate on this will to control—for the power it wielded at the end of the dictatorship, as at the beginning, still had the capacity to ruin, or remove, lives. Through its actions, the Franco state never ceased defining everything beyond itself as a 'political' category, and therefore 'dangerous'. Precisely because of this will to all-encompassing control, it saw in every transgressive act the same threat to 'social peace': in other words, the Franco state saw all of its judicial subjects as intrinsically the same. Rather than this signifying that every prisoner was criminal, it meant that the amalgam of Francoist laws, penal practices and prison routines converted every category of defendant and prisoner into a political being. This was most evident in the unfettered state violence of the 1940s, analyzed in section 2 of this article, and not least because of the highly visible carceral archipelago of camps and labour brigades all across Spain, as well as the huge expansion in actual prisons.[13] But this article's argument is that such a state of affairs, while becoming less visible, never ceased to be so under Francoism: it was the dictatorship itself that kept alive the political 'charge' by its determination to ensure that the new masses produced by accelerated industrialization and urbanization never turned into 'classes', i.e. politically educated, literate and aware subjects. In the obsessive and fear-driven Francoist imaginary, it was remembered that such 'classes' had endangered traditional forms of social order once before, in the 1930s.

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[11] Much has been written on the use of preventive detention to repress gay men – and especially (under the LPRS from 1971) those not conforming to conventional masculine gender norms: see B. Chamouleau, *Tiran al maricón. Los fanstasmas queer de la democracia (1970-1988)* (Madrid, 2017), 141-236; A. Díaz, 'Los "invertidos" : homosexualidad(es) y género en el primer franquismo', *Cuadernos de historia contemporánea*, Vol. 41 (2019), 333-53 and Javier Fernández Galeano, 'Is he a "social danger"? The Franco Regime's Judicial Prosecution of Homosexuality in Málaga under the Ley de Vagos y Maleantes', *Journal of the History of Sexuality*, Vol. 25, No. 1 (2016), 1-31; G. Portilla, *Derecho penal franquista y represión de la homosexualidad como estado peligroso* (Madrid, 2019), *passim*. But there is nothing looking at how preventive detention was used to manage the 'fall-out' of mass rural to urban migration without any safety net. The increasing 'gap' here between what we know of LPRS as an instrument of sexual and gender repression and what (little) we know of its also brutal use against other more 'amorphous' social, economic and racial groups, is in important part about differential levels of archival access, and the thorny issue of gaining consent in an era of data protection and privacy law

[12] https://www.65ymas.com/sociedad/primera-sentencia-top-ano-carcel-hombre-borracho-dijo-me-cago-en-franco_32029_102.html. This was still the language of the post-war repression, when military courts sentenced and executed civilians for 'rebellion'

[13] All kinds of buildings were pressed into service as prisons – including barracks, monasteries/convents and empty factory space

Thus it was not solely, or even principally, the subjects of confinement who conferred on themselves the quality of 'being political' (although certainly all activists did), but rather the state project itself.

Inside the gaols, the dictatorship's will to all-encompassing control produced a set of enduring disciplinary practices whose object was to foment and maintain divisions between prisoners—differences of origin/provenance, age, life experience, horizons of opportunity, individuals' degree of awareness about the conditions that determined their lives and imprisonment. All were divisive 'grist', aimed at consolidating the system's rule over its changing constellations of inmate as the social and economic fabric of Spain rewove itself vertiginously, almost out of recognition.

Nevertheless, the regime was not consistently successful: indeed we can tell a prison story of how episodes of regime loss of control from the 1950s onwards can be traced precisely to the impact of its own disciplinary practices. These had the effect of eliciting co-operation, even sometimes more significant initiatives or alliances, between prisoners who often perceived little in common with each other, except one substantive thing: the shared experience of a prison regime where militarization increased the arbitrary and erratic infliction of violent authority, and in which prison 'routine', corruption and abuse blended seamlessly into the daily round. All such forms of prisoner cooperation began in encounters within gaol. In the years before 1944–45, the Franco state sought to keep its then-minority of common-law prisoners segregated from its vast numbers of civil-war political detainees, for fear the former would become 'contaminated', i.e. acquire political self-awareness.[14] The sheer unprecedented scale of the early 1940s political imprisonment made this separation relatively more possible than it would be in succeeding decades when it became progressively harder to prevent such dangerous 'mixed' encounters in prison. The resulting reciprocal observation between detained political activists and 'common' prisoners generated useful knowledge and understanding for the prisoners themselves. These encounters were always easier between younger inmates – on one side, common prisoners who had not yet acquired old lag culture (or even had some political nous, whether acquired on the streets, or from their family stories, which were not infrequently striated by the repression)—and on the other side, younger generations of activist detainee, who, by the 1960s, came from the new wave of trade unionism and from the burgeoning groups of the new left. This article explores how 'mixed' encounters happened, and with what accumulated strategic wisdom—for it was not only the state and prison system which learned. But what the authorities did learn—of the utility of redoubling processes of categorization and segregation—afterwards occluded the historical substance of these encounters, and dispersed the strategic knowledge they had once produced.

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[14] In April 1943 less than a quarter of prisoners were common-law: *Boletín de la Dirección General de Prisiones* (BDGP) July 1943

2. Against the mayhem of a violently sculpting state: survival as resistance

At the start of the 1950s, seventeen-year-old José Vicente Ortuño was sentenced to six years in a forced labour brigade for his part in an armed robbery.[15] A child during 1936-39, his family was hit hard by the ensuing repression and when his mother died, his politically-targeted father escaped to join the guerrilla, eventually managing to reach France. José was left behind to cope alone, as so many youngsters from Republican families had to do, when parents and/or other close relatives were executed, imprisoned or forced to flee for their lives. He did his best to survive the integral economic misery inflicted by the regime's repressive autarkic policies, and to dodge the political revenge inflicted by the new Francoist authorities, often in the name of the old powers, which, in Albacete in central Spain, where José came from, were mostly large landowners.[16] All basic resources for survival were in the hands of regime insiders who used them to offer favours, promote dependence, or punish and exclude by withholding them. Finding even minimal amounts of food was a daily challenge for all those who did not have such connections, and in villages or smaller urban centres gaining access to any kind of paid work required approval from someone in good standing with the victors. The deadly twin pressures of near-starvation and what was for many people total social exclusion made it impossible for large swathes of the population to live unless they committed crimes, usually petty theft of some kind. This picture is reflected, page by page, in the case files from the ordinary courts, the juvenile court records, and those of preventive detention.[17] It was often arbitrary whether one got by, or at least got lucky in avoiding detection.

The learned experience of the repression was intended by its architects to inculcate submission, which in some circumstances it did. But it just as often bred anger or desperation, and a rage that could be sullen, or sometimes explosive, precisely because the imposed impoverishment was gruellingly total, and the engineered social exclusion hermetic: in Vicente Ortuño's words, 'I have no family but my hatred, no companion but my knife'.[18] He was sentenced as a *preso común* (common-law prisoner), but the arc in his memoir crosses the boundaries and complicates the categories of what was and was not political, and speaks to a whole world of experience where the fallout from the political repression directly produced 'ordinary' offending. In the forced labour brigade (engaged in dam-building) he endured brutal conditions,

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[15] José Vicente Ortuño, *Mémoires de ma Haine.* Tomo 1 *Les racines amères* (Mulhouse, 1971); English translation *Bitter Roots* (New York, 1978), Spanish version *Las raíces amargas* (1980). There were no subsequent volumes

[16] 'Everything is forbidden except praising the masters…Only the hymns of the victor are sung. You can see nothing, hear nothing, say nothing. He who has not fought with the Caudillo has no right to work. School is neither compulsory nor free, so there is no school for the poor. The people are paying dearly for their defeat. Now they know what they were fighting for.' Vicente Ortuño, *Mémoires*, 37-8. On Albacete, M. Ortiz Heras, *Violencia política en la II República y el primer franquismo: Albacete, 1936-1950* (Madrid, 1996)

[17] On the juvenile courts see Nuq in this issue; on the ordinary criminal courts, e.g. C. Mir, *Vivir es sobrevivir. Justicia, orden y marginación en la Cataluña rural de posguerra* (Lleida, 2000), and J. F. Gómez Westermeyer, 'Delincuencia y repression en Murcia durante la posguerra' in M. Ortiz Heras (coord.), *Memoria e historia del franquismo: V Encuentro de investigadores del franquismo* (UCLM, 2005), 272**.** State sources also observed the explosion of petty crime in big urban areas: Memoria elevada al Gobierno Nacional …el 16 de septiembre de 1942, por el Fiscal Supremo, 44

[18] Vicente Ortuño, *Mémoires* (subtitle)

living alongside many other prisoners who had been convicted by Francoist military courts for their political profile. After serving his sentence, he got out to France where he made contact with Spanish Communist Party networks in the south, and years later found his father. Was Vicente Ortuño a migrant or a political exile? How does his story define him? How did the labour brigade produce him? The first edition of his memoir was published in 1971 in France and made clear the political terrain it had emerged from, as do other later testimonies by *comunes*, whether written or oral. Much later, a former ETA prisoner remembered how more than one Republican-identified member of his family, having been reduced to penury by the post-war repression, then did time as a *preso común* for acts of theft born of hunger and the desperate will to survive.[19] These lives indicate the artificiality of the categories themselves – political prisoner, common prisoner.

For all those thus targeted the goal was quite simply this—survival. It was the blanket and unremitting force of state repression and exclusion in the 1940s which blurred, virtually to the point of extinguishing, any meaningful distinction between survival and resistance. This was true even for those 'simply' facing the extreme economic impoverishment produced by autarkic polices: survival was resistance because it required going head-to-head with the state—either by breaking the law over autarky, by stealing, or by eluding police controls to migrate.[20] For those caught in the web of direct political repression it was of course more immediately brutalizing. Moreover, the regime's direct political repression enveloped not only activist cadres but entire social sectors—the 'masses' that the regime felt had in some obscure way been 'responsible' for the war and thus inherently 'enemy' potential. The Francoist military courts sentenced well beyond the ranks of activist cadres and the politically conscious, enmeshing tens of thousands of lowly individuals whose political connection to the Republic was highly contingent – war workers, soldiers, village women who were arraigned in lieu of a son or husband, or because their neighbours had denounced them for having 'modern ideas' and/or voting for Republican parties. (Denunciations which were often self-interested in some way.) It was the military court process itself, and subsequent imprisonment, which would for many actively fix in them the identity that the new ruling order so feared and abhorred. But even greater for Francoism was the temptation to make order by naming, configuring and categorizing, the better to control. Those processed by military courts then became the civil dead. But not all of those being so configured were inside physical gaols: there were those in the guerrilla, like Vicente Ortuño's father. The guerrilla was largely constituted by those who had fled the repression in their towns and villages, joined by some who had escaped from gaol or, more frequently, from the forced labour brigades and work camps which pitted Spain's landscape.[21] The guerrilla was 'just' the most incendiary category of the civil dead produced by the regime. And for the guerrilla too it was all about survival, a harsh alternative to the even

[19] Interviewed by Helen Graham, Madrid, 19 November 2019

[20] Cf. M. Richards, *A Time of Silence. Civil War and the Culture of Repression in Franco's Spain, 1936-1945* (Cambridge, 1998), 139; also Richards' article in this issue for the crucial point that already in the 1940s, the dictatorship was using old legislative categories of 'anti-vagrancy' to 'contain' the new large-scale migration its own repressive actions had triggered

[21] See Gómez Bravo in this issue. Camps existed well into the 1960s, a report in the DGIP *Memoria* for 1967. Labour detachments (*destacamentos penales*) continued both for state and private sector up to 1970

harsher ones of prison or death. Irrespective of the lifting (formally at least) of the state of war in Spain in 1948, as far as the Francoist state was concerned, the space occupied by guerrilla groups remained, just like the gaols, a grey zone of extreme violence—including torture and extrajudicial killing. The long-established state practice of shoot-to-kill (*ley de fugas*) was deployed systematically against both escapee prisoners and captured guerrillas, further blurring the distinction between 'convict space' inside and outside the gaols.[22]

The civil 'irregularity'/civil death produced by state action was itself frequently an enduring category: we see in Vicente Ortuño's own profile how families broken apart by state repression produced the economic destitution of the next generation which then led on to a criminal career. It was a 'conveyor belt' leading from reformatory to adult prison. Miguel García, a veteran anarchist prisoner, recalled:

> When they had been in the gutter a year or two they might be picked up
> as hardened delinquents…Later I was to discover this 'generation of criminals'
> throughout the prisons of Spain. Their parents had been hard-working, self-
> sacrificing, self-respecting craftsmen who had disappeared under bullets or
> into prison.[23]

It was a trajectory which often went via rural to urban migration, with its new forms of marginalization on the harsh urban frontier of the 1960s cities, producing yet further fodder for Franco's judicial machine. José Vicente Ortuño himself did at least manage to get out.

In view of the complicated picture delineated here, it is therefore striking that so much of the extant historiography on Franco's prisons still draws an improbably clear line, indeed virtually a binary distinction, between 'political' and 'common-law' prisoners. In doing this, it reflects the perspective found in the best-known and most plentiful corpus of published prisoner memoir and life-history testimony, namely that written by activists from the communist movement (PCE) which formed the backbone of the clandestine anti-Franco opposition inside Spain in the 1940s and 1950s.[24] That optic—and memory—was formed in part under the immense pressure of the prison system itself, with its unceasing deployment of strategies for segregating activists (even while denying their political identity to the outside world), and for fomenting divisions between them, and above all for stirring up divisions between activists and *comunes*.

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[22] J. Marco, 'States of War: "being civilian" in 1940s Spain' in Graham (ed.) *Interrogating Francoism*, 170-72; A. Fernández Pasalodos, 'La "ley de fugas" durante la lucha antiguerrillera en España (1936-1952)', *Historia social* Vol. 101 (2021), 125-43; on the *ley de fugas* Graham, 'When was the war in Spain?' in this issue
[23] *Franco's Prisoner* (London, 1973), 23
[24] Overview in C. Feixa & C. Agustí, 'Los discursos autobiográficos de la prison política' in C. Molinero *et.al.* (eds) *Una inmensa prisión* (Barcelona, 2003), 199-229; R. Fisher, *Women Political Prisoners after the Spanish Civil War* (Eastbourne, 2021), 32-86

The PCE prisoner memoir trait of thus differentiating is not found to anything like the same degree in prison memoirs from other activist currents.[25] By the later 1960s, prisoners from younger, less gaol-institutionalized activist cohorts would also cooperate with *comunes.* But these points of connection had also happened in earlier decades too, right back to the 1940s when anarchist prisoners cooperated with *comunes*, including on gaol breaks/escapes (*fugas*), in which the PCE's imprisoned cadres did not usually participate.[26] This is not to say that ordinary rank-and-file communists hadn't ever made escape attempts, especially from the camps and forced labour brigades in first years of the 1940s. But the PCE activist cadres of clandestine post-1939 resistance obeyed the party codes which ruled out escape on numerous grounds of discipline and also the potential damage to those left behind in gaol. For their part, anarchist inmates probably found it easier to identify with the *comunes* because the prison authorities treated them virtually as if they were *comunes*.[27] The communists' sense of themselves as a 'prisoner-class-apart' doubtless reflected their different treatment by the authorities, but it was also the result of a larger, enduring old-guard communist culture, which, for veteran prisoners, was reinforced down the years by their exchanges with the clandestine PCE machinery outside (via smuggled correspondence), and other no less dense psychological factors. Sustaining an activist identity in this way, by telling the story of 'politicals' and their 'others', would help old-guard communists survive prison intact on their own terms. But it would also increase their isolation as an inmate group.

2. The 'war' to control prison space

Francoism's war to categorize and exert close spatial control over 'dangerous' populations was waged all across Spain, as the material in this special issue indicates. What occurred inside the gaols was not then qualitatively distinct from what occurred outside, above all not in the 1940s, but it was of a particular brutal intensity. For the regime, a prisoner's gaol entry was the beginning of further categorization. Inmates were separated into 'politicals' and *presos comunes* not only to prevent 'contamination', but also because the act of separation into different prison wings increased regime control over all prisoners. In 1939, the officially declared population of Franco's gaols was 270,719, the vast majority of whom were 'politicals', as would be the case until 1943. (Official prison statistics, especially for the 1940s, are only baselines as they exclude forced labour brigades/camps, and because there is always a great deal of imprecision over (i.e. not counting of) remand prisoners and other short-term detainees.) In 1940 233,373 inmates were officially declared and by 1942, 124,423. The pre-war average prison population in Spain for 1931-34 had been under 10,000.[28] But the very fact of vast political incarceration produced massive overcrowding to the point that the regime soon

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[25] A summary of the attitudes towards *comunes* of old-guard anarchist prisoners in A.Quintero Maqua, 'El eco de los presos. Los libertarios en las cárceles franquistas y la solidaridad desde fuera de la prisión, 1936-1963', PhD thesis (Universidad Complutense de Madrid, 2016), 68

[26] Quintero Maqua, 'El eco de los presos', 219

[27] Ibid., 108

[28] Numbers increased after the mass political detentions following the October 1934 revolutionary strike. Usual estimates for January 1936 are in the low 30,000s (no official statistics exist for 1934-39). Spain's population in 1936 was c.23 million. Franco prison statistics from *Anuario Estadístico de España* 1946-7, vol. II

came to understand it as a security issue (see aforementioned escapes) which threatened its own capacity to enforce internal prison discipline. This concern became critical as the gaol population increased as more and more political detainees were coming in under the raft of hefty new state security legislation rolled out across the 1940s. (These were all special jurisdictions – such as the 1940 Law for the Repression of Freemasonry and Communism, the 1941 state security law, and in 1947 the Law against Banditry and Terrorism, all of which would be renewed or replaced by similar legislation from the end of the 1950s.)

To reduce the pressure on gaols, the regime started issuing pardons (*indultos*) between 1943 and 1945, including to some of the wartime 'politicals'—i.e. those who had been processed by military courts for 'crimes' related largely to the battlefield war years of 1936-39. Many more in this political category were also released, but not into normal circulation. Instead they entered another form of close state/police surveillance under the system of 'conditional liberty' (*libertad condicional*). This was a highly punitive form of parole where prisoners' place of residence was set, only limited forms of (manual) work could be undertaken, and regular and frequent reporting to the police was required—which itself further problematized finding, and keeping, a job. Any infraction, as determined by the reporting authorities, could result in a return to gaol. The system remained embedded throughout Francoism—the popular refrain ran, 'if you're not already a prisoner, they're looking for you', as the regime's institutional war ran on.[29] Between 1943 and 1945, as a result of these combined measures, wartime 'politicals' became dramatically reduced in number inside the gaols, until by June 1945 there were more *comunes* than political detainees (just over 33,000 and 18,000 respectively).[30]

There were still some old-guard activist prisoners from the 1936-39 wartime cohort, but after 1945 most were cadres of the clandestine post-war anti-Franco opposition who had, in their own lexicon, 'fallen' in police raids, and been sentenced, in the lexicon of the regime, for 'later crimes' (*delitos posteriores*). A majority here belonged to communist networks but there were anarchists too, if fewer. By the 1950s activist prisoners, of whichever chronological cohort, constituted a clear minority of the overall 'intra-mural' prisoner population, which thus reversed the situation of the early 1940s. It was now the activists who the regime sought to segregate, in separate prison wings (*galerías*), and in some cases by confining them in specific separate gaols under particularly tough discipline (for example, Burgos or El Dueso (Santander) or San Miguel de los Reyes (Valencia)—the latter had a particularly high concentration of anarchist prisoners). Political detainees were also moved between gaols in what inmates colloquially called prison tourism—transferring prisoners, often without any prior warning and

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[29] 'El que no está preso, lo andan buscando'. For 'conditional liberty', G. Gómez Bravo in this issue and also Gómez Bravo and Marco, *La obra del miedo*, 295-306

[30] 1943 is the pivotal (post-Stalingrad) year which sees the conclusion of the mass wartime political detentions and when the number of *comunes* thus begins to rise proportionally. Cf April 1943, total prison population of 114,958, comprised of 92,447 wartime 'politicals' and 22,481 *comunes, BDGP*, July 1943; see also Ortiz Heras, *Violencia política*, 312. This was the direction of travel thereafter (even in the later 1960s when the number of 'politicals' increased again)

sometimes at dead of night.[31] As a specific tactic against activist prisoners, this became more widely used after the 1940s. But it remained a double-edged sword: on the one hand it could potentially break up a functioning gaol network/prisoner committee, but on the other it allowed for easier communication between activist cohorts across different gaols and thus could facilitate prisoners' campaigns in other ways, as discussed below. But total separation was always an aspiration rather than a reality. In many prisons there would remain a mix of activist and other types of inmate, including among the always-large population of remand prisoners. There was a prisoner mix in most provincial gaols, but also in prominent gaols such as Madrid's Carabanchel or La Model in Barcelona which were deployed as first-destination prisons.

Given the limitations on segregation, this redoubled the strategic importance for the authorities of fomenting discord between different categories of prisoner as a matter of policy. A role that would become pivotal here was that of the *cabos* (Kapos), prisoners appointed to help warders administer aspects of prison routine and daily life. This system has had—and still has—a generic usage and notoriety far beyond Franco's Spain of course, but the same conventions applied there: the prison authorities tended to confer the power of *cabo* on the most corrupt, venal and violent—in sum the most 'feral'—among the *comunes*, who were then free to exercise erosive and destructive sub-regimes of tyranny to build their own corrupt networks of power, while also serving as informers.[32] Nor was there ever a clear dividing line between the *cabos* and prison warders, many of whom connived in and benefitted from *cabo*-centred networks of graft inside the gaols. These were the cogs of brutality which fitted into the main wheels generated by the prison system itself, instrumentalized through the militarized discipline imposed by the prison regime, all of which was geared to the subjection and humiliation of inmates. Random violence was an institutional constant—physical and mental abuse, arbitrary beatings, or the unprovoked infliction of punishment in isolation cells.[33]

The unpredictable, erosive violence of prison's wild frontier environment led imprisoned activists of the 1940s to form their first collectives (*comunas*), as a means of protection. The most active and longest-lived of these would belong to communists and anarchists by dint of these groups' extended presence and embeddedness in gaol, and also their clear, cohesive political identities. Each collective constituted between four and ten prisoners, and provided material and morale support because its members pooled their resources (e.g. food and parcels from outside) and also offered solidarity and help to each other in navigating life inside. In the years before 1945, the large presence of imprisoned activists meant the regime was obliged to use them in posts of responsibility inside the gaols (*destinos*) to cover the running of key services, such as the kitchen, hospital wing or prison co-op (*economato*)—because the prisons,

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[31] E. Martín García, 'El turismo penitenciario franquista', *Historia 16*, (1996), No. 239, 19-25; mention of transfers abound in memoirs

[32] M. Rodriguez, *Veinticuatro años en la cárcel* (Bucarest, 1976), 60; R. Rufat, *En las prisiones de España* (Puebla, 1966), 95

[33] Smuggled prison correspondence is replete with such references, Archivo del PCE, microfiche collection (JACQ); as illustrated in M. Martínez Zauner, *Presos contra Franco. Lucha y militancia política en las cárceles del tardofranquismo* (Barcelona, 2019), 265-69

like all Francoist institutions of confinement, were always run on the cheap. These were the years when communist and anarchist prisoners launched themselves into the struggle to achieve *destinos* in order to protect their own collectives by exerting influence in key areas of prison life. The fact that communists and anarchists competed with each other for control of the *destinos* produced additional forms of tension and fragmentation.[34] Nevertheless, the collectives were effective, not least in their ability to impose a greater group discipline on individual inmates, especially those who were informants or who otherwise acted against the basic common interests of inmates.[35] Indeed we could posit that the power of the *cabos* as an indirect weapon of the regime would become stronger over time, as the number of activist prisoners decreased substantially after the 1940s—another aspect, then, of how channelling activists into the above-described extra-mural system of 'conditional liberty' was a net gain for the regime in terms of tightening its micro-control inside the prison.

3. Difficult encounters, difficult bonds

But it wasn't only activist prisoners who suffered the daily arbitrary power and brutality of the *cabos* and of the prisoner routine writ large: many of those who were categorized as *comunes* suffered similarly, and in some ways even worse, because they had fewer defences. For both *comunes* and activists every gaol terrain was a site of battle for basic needs to be met: everything was weaponized by power – access to space, work, food, education, medical assistance. In all regards what counted was the arbitrary will of prison staff and management – 'grace and favour' was effectively always a primary technique of rule inside Franco's gaols, as beyond them.[36] The imposition of punishment was, in consequence, often arbitrary, with constant collusion between warders and *cabos*. But unlike activists, *comunes* had no external solidarity networks, and until the 1970s, rarely anything by way of a prison collectivity to support them.[37] What veteran PCE prisoners (and sometimes anarchist prisoners too) saw as the *comunes*' lack of solidarity, was itself a result of what their life experience outside gaol had taught them, that to survive they only had their own resources to fall back on.[38] Their rampant, ethically unattractive individualism, anathema as it was to many veteran activists, was as hard-learned a response as the activists' own culture of solidarity. By the mid-1960s the most usual *común* profile was of a young man under thirty. Lacking basic education or any job skills or

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[34] Quintero Maqua, 'El eco de los presos', 149

[35] Quintero Maqua, Ibid., 187; M. Martínez Zauner, *Presos contra Franco*, 181-195

[36] For the 1940s and 50s a graphic picture of endemic corruption and abuse emerges from the *expedientes gubernativos* (official reports on irregularities in individual prisons delivered to the Justice Ministry), Archivo General de la Administración

[37] In a suggestive inversion of the 1940s, one activist imprisoned in the 1970s in Barcelona's Model gaol noted that by then, although politicals could be severely punished 'the treatment they meted out to us was not the same as with the *comunes*…some of them were really beaten up. [...] there was a lot of beating, but [in prison] they never dared beat up a political', VV. AA.: *La Model: Cent anys i un dia d'històries* (Barcelona, 2004), 117, 121 (the implicit contrast here being with the 1970s police stations)

[38] Amongst the various vivid *común* testimonies on this, see V. Corral, *Evasion* (Madrid, 1974). The self-styled 'Spanish Papillon', Corral's prison career spanned 1935-73, revealing a self-perception of class marked by poverty, marginality and prison. Similar and better known is E. Sánchez, *Camina o revienta. Memorias de 'El Lute'* (Madrid, 1977)

training and sometimes functionally illiterate, their levels of recidivism were also predictably high.[39] They were sentenced for theft, often of motor vehicles, or robbery—not infrequently with violence, and the younger they were the more likely the occurrence of aggravated theft. Drawn from the poorest and most deprived sectors, they were also frequently urban migrants from families originating in the rural centre and south of Spain, and thus part of the accelerated migrations of Francoism.

The prison authorities themselves fomented almost Darwinian struggle between activists and *comunes,* as well as exploiting the real and grave frictions between prisoners generally caused by the stresses inherent to confinement—what one *común* later described in a perceptive memoir as a (literally) *dreadful* mix of tedium and high tension, of fear and sapping boredom.[40] But in spite of the authorities' divisive strategies, already by the 1950s, and much more in evidence by the 1960s, there would come to be moments of confluence and learning between activist and *común* prisoners, precisely because they were subject to largely the same forms of endemically brutalized prison routine—poor conditions, lack of food sometimes (including through corruption in prison intendancies), piecemeal brutality[41] and the aforementioned arbitrary and abusive imposition of punishment. Nor was this cooperation only about fending off or protesting abuse, sometimes it was about finding tricks and workarounds to make daily life less harsh – for example, collaborating on smuggling in, and hiding, useful but forbidden objects (shaving equipment), exchanging information on how to get notes in and out without passing through internal censorship, which warders were amenable to bribes, how to get cigarettes into punishment cells, on finding ways to improvise clandestine communication between cells, or to dissuade informers or distract warders' attention during patio time.

Comunes observed the ways in which activist prisoners' collectivities *resisted,* and how they organized against what were commonly-experienced abuses in daily prison life. In this way, *comunes* also learned which strategies were sometimes successful. This watching and learning was an uneven and intermittent process composed of a multiplicity of 'incidents', some as already described, but also many other similar ones which inevitably remain undocumented by historians but which, as we know from the oral testimonies of prisoners (including *comunes*) would remain in the collective memory of the prison, passed on as stories between cohorts and generations of inmate, along with more tangible things—such books and personal objects— bequeathed by those departing for the outside world.[42] Such a process of watching and learning occurred across the whole span of Francoism, even if it would yield more visible results by later 1960s and 70s. But for each and every decade this confluence depended on activist and *común* prisoners being able to encounter each other in spaces within the prison where, in spite

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[39] Cf. J. Rodríguez Suárez, *Los delincuentes jóvenes en las instituciones penitenciarias españolas (1969-1974)* (Madrid, 1976); A. Serrano and J. L. Fernández, *El delincuente español. Factores concurrentes (in-fluyentes)* (Madrid, 1978)

[40] Romero, *Autobiografía,* 59

[41] Collective protests were also triggered by symbolic events, for example, in Burgos in 1970, by an official's attempts to make a prisoner crush a baby bird he kept as a pet, which had fallen out of his pocket during patio roll-call, M. Onaindía, *El precio de la libertad. Memorias (1948-1977)* (Madrid, 2001), 442-43

[42] C. Lorenzo Rubio, *Cárceles en llamas. El movimiento de presos sociales en la Transición* (Barcelona, 2013), 75-85.

of the segregationist ethos of the authorities, *de facto* control was less, or could be temporarily eluded – such as in the prison workshops, toilet block or hospital wing, or during 'patio time' where there was often in practice a mixed presence of activists and *comunes*.[43] There were also instances of activists teaching *comunes* trade skills in the prison workshops.[44]

By the later 1960s, there also emerged denser webs of prisoner-on-prisoner violence, as gangs and 'mafias' emerged to prey on other *comunes*, committing acts of theft, violence and extorsion often in collusion with warders who delegated to them, much as earlier they had to individual *cabos,* the maintenance of prison 'order'.[45] Sometimes this collusion was about individually corrupt officers, but much more generally, whether in earlier or later decades, it was driven by the endemic strategy of divide, abuse and rule. Over the decades, Francoism's goal of ideologically 'sculpting' its entire population would become hollowed out, but the regime's enduring will to control never slackened off, for all its greater pragmatism. Key here were the integrist religious personnel who remained present throughout in educative and disciplinary roles in both male and female prisons. Nor did highly ideologized warders disappear from the prison scene of the later 1960s and 70s. Indeed their continuing presence was assured by the privileged access to the service conferred from 1939 on Franco's young wartime, non-commissioned officer corps, the *alféreces provisionales*, who remained an *ultra* sector of warders to the end of the regime and beyond. But despite their presence, which in the period up to 1945 was a powerful driving force of violence against the Republican prison population, Spain's prison service as a whole remained somewhat 'piebald' under Franco. By the later 1960s it was other sectors of warder who came best to reflect the new disciplinary moment, including newer cohorts who, while broadly Francoist (the system had given them stable employment), primarily saw themselves as working a job, unladen by any layer of political meta. There was also always a cohort of warders who constituted the equivalent of prisoner 'old lags', and whose memory of service and clientelism inside the gaols was longer even than the Franco regime's. And here too endogamy as a pattern of intra-familial and intergenerational recruitment to prison jobs ensured the persistence of non-*ultra* sectors in the service. A lack of overt ideology did not of course preclude them deploying violence, whether randomly and/or in a short-term instrumental way—and of course this too served to perpetuate and sustain the integrally repressive project of Francoism.[46]

It was precisely the increasingly 'feral' nature of the 1960s prison environment, with its new mass of desperado *comunes,* that confirmed old-guard activist prisoners, especially those from

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[43] Quintero Maqua, 'El eco de los presos', 138

[44] Ramón Draper, *De las prisiones de Franco a las cárceles de la Democracia*, (Barcelona, 1984), 106-12 on how in the mid 1950s in Alcalá de Henares, anarchist prisoners had taught him and other *comunes*

[45] Letters from PCE activists in Carabanchel, Archivo del PCE, JACQ. 1182 (Sept. 1973), JACQ. 1193 (Dec. 1973); for Carabanchel also L. Puicercús, *Propaganda illegal. Itinerario de prisiones, 1972-1975* (Madrid, 2009), 81

[46] Aside from what prisoners' testimonies and memoirs can tell us about the anthropology of prison staff, sources here are interviews with warders working in the late 1970s, and also with senior DGIP staff. To the knowledge of this article's authors, there have been no interviews (certainly no archived ones), with warders working during the Franco regime itself, despite the Amnesty Law which from October 1977 until the end of 2021 protected all state personnel from prosecution

the PCE, in their aloofness and shunning of what was easily seen as an undifferentiated lumpen mass. But the custom and culture of reciprocal, almost anthropological, observation and encounter remained alive, as a new influx of activists came to the gaols, drawn from the union activism of the Workers Commissions and also from a range of the many small parties and groups of the emergent new (extra-parliamentary) left.[47] New-left activists in Spain, as across Europe, were taking on board (and sometimes contributing to) then expanding critical perspectives on the systemic injustices of justice systems across the West – from the extremeness of the US's prison industrial complex which had first sparked prisoners' rights campaigns out of the broader 1960s civil rights movement, all the way to Italy's antiquated gaols where a cycle of protests and rebellions in the late 1960s and early 1970s focused attention on how all prisoners in Italy were still devoid of constitutional and civil rights not only *de facto* but *de jure*. In Spain the spirit of 1968 existed ahead of that calendar year, in the major labour mobilizations and strikes of 1967. New-left activists saw *comunes* as social prisoners (*presos sociales*), a conceptualization reminiscent of anarchist thinking of the 1930s which saw all prisoners as equally victimized by punitive state discipline/policies, economic or otherwise. In August 1969, in the youth wing of Barcelona's Model prison, there was a joint action to protest an industrial accident in the prison workshops where a young *común* lost a finger in a mechanical sawing machine.[48] New-left activists also taught *comunes* to read – just as anarchist activists had done earlier – and were punished by the prison authorities for it. Others like Alicia Mur, a libertarian prisoner in Madrid's women's gaol (Las Ventas) wrote letters for their often illiterate co-prisoners. Not that everything was sweetness and light – as before, the gulf of experience and possibility between activists and *comunes* meant that at times 'we got thoroughly fed up with them'.[49] But instances of cooperation across the divide occurred, and in ways that supposed a greater risk for all involved, such as hunger strikes, which in turn suggests a level of cohesion and sense of common purpose was achievable. Even if the fabric of these temporary alliances remained taut and fragile, the fact that they occurred threw into relief the impoverishing, sometimes paralyzing effects of the prison authorities' relentless internal segregation.

It is noteworthy too that at the end of the 1960s there was also a parallel and unprecedented cooperation across politically sectarian lines, even between old-guard activist rivals, including on hunger strikes.[50] Prison cooperation with other politicals or *comunes* came more easily to the new generation of activists, but this also depended on their specific brand of politics.

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[47] Groups such as *Liga Comunista Revolucionaria, Bandera Roja, Partido Comunista Internacional, Partido Comunista marxista-leninista, Movimiento Comunista* among others, G. Wilhelmi, *Romper el consenso. La izquierda radical en la Transición española (1975-1982)*, (Madrid, 2016)

[48] X. Domènech, *Clase obrera, antifranquismo y cambio político. Pequeños grandes cambios. 1956-1969* (Madrid, 2008), 308

[49] Mur interviewed in Q. Solé, *A les presons de Franco* (Barcelona, 2004), 220. Clandestine correspondence and reports from political prisoners offer many instances of simultaneous cooperation and irritation, e.g. prisoner report from Barcelona Women's Prison (Trinitat), March 1975, Archivo del PCE, (Informes 39/5) 8-10, also indicating that by now the authorities' fear is more that the activists will 'contaminate' the common prisoners in a different way – with knowledge of their employment rights, i.e. that they didn't have to work a double shift just because an extra order has suddenly landed from a major contractor, 8-9

[50] See Thorne in this issue

Maoist and radical left groups were more open to cooperation than the radical Basque nationalists of ETA – and within ETA, the more open group were the *poli-milis*, who already favoured hybrid political alliances across the left to oppose Francoism, a strategy opposed from within ETA by its hardline military wing. We should also acknowledge that it is through the testimonies and perceptions of political activists that we mostly 'know' the *comunes*. There are *común* oral testimonies (male and female) from the Franco period. But their stories are relatively less available – *comunes* are harder to locate, and because of their life experiences tended to die younger. Smaller again is the body of written memoir by *comunes*, although there is material.[51]

For their part, activists, intellectuals, and those who were both, turned their gaze towards what the functioning of prisons (and asylums) revealed of the changing forms of state power and economy – the linkages between factory and prison discipline were prominent in the resulting analyses well before the beginnings of cyclical recession made these connections absolutely plain. Foucault's analyses, and more specifically perhaps, the activism in France of the *Groupe d'information sur les prisons* (GIP) of which he was a co-founder, inflected critical thinking about the situation in Spain too: the 1976 *White Book on Franco's Prisons*, which coincided with large-scale, *común*-led gaol protests, flagged Foucault explicitly in terms of its own bid to bridge the conceptual division between activists and *comunes*.[52] Published pseudonymously in Paris by the main anti-Franco publishing house, *Ruedo Ibérico*, which had first been established by anarchist exiles in the 1950s, the *White Book's* signal analysis chimed with ideas of *comunes* as social prisoners, arguing for them as an explicitly political category of prisoner in their own right. Indeed the *comunes*' status had become very much more visible and notorious by the 1970s because of the Franco state's expanding and extreme deployment of preventive detention as an instrument of social control. Under the new law of 'social dangerousness' (LPRS) many *comunes* would be engulfed for years (beyond Franco's death in 1975, through the transition period and after) in a suffocating system of detention, hearings and civil restrictions. The workings of the LPRS made evident the regime's permanent politicization of everything it deemed 'social dangerousness'. Conversely, LPRS also saw the coming to political awareness of numerous *comunes.* Among them was Agustín Rueda, who supported the clandestine resistance activities of the CNT in the 1970s and who, after re-imprisonment, would in 1978 lose his life in what became one of the most infamous, legally contested episodes of torture and lethal violence inflicted by prison staff.[53]

4. Conclusion: from encounters to dispersion

The repertoire of protest tactics learned by *comunes,* through long observing activist practice, came to be a common lore (in both senses) stored inside the prison. Encounters between

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[51] In addition to earlier-cited Corral, Sánchez, Draper, and Martínez, see Daniel Pont's testimony in the documentary *COPEL: una historia de rebeldia y dignidad* (2017). The published memoirs of women *comunes* under Franco are rare, we know only of Irene Palou's *Carne apaleada* (Barcelona, 1975)

[52] *Libro blanco sobre las cárceles franquistas* (Paris, 1976), 1

[53] C. Lorenzo Rubio, *Cárceles en llamas*, 246-58; D. Ballester, *Vides truncades. Repressió, víctimes i impunitat a Catalunya (1964-1980)* (Valencia, 2018), 326-37

diverse types of prisoner were a constant, and produced, if in fits and starts, episodes of shared action and initiative which came to have a greater visibility and consistency by the 1970s. Here the abusive practices of LPRS and of preventive detention itself could be hypothesized as a driving cause.[54] All these memories and experiences constitute the genealogy of what would become by the end of 1976, the COPEL (*Coordinadora de Presos en Lucha/Coordination of Prisoners in Struggle*). Headed up by activist *comunes*, COPEL constituted a loose network of contacts rather than an organization. Nevertheless, it impelled a series of continuing protest actions across several of Spain's major gaols, kicking off spectacularly in 1977 in Madrid's Carabanchel on the symbolic date of 18 July—the date of Franco's 1936 rising against the democratic Republic*.* COPEL's emergence had been spurred by the mass anti-Franco mobilizations in the streets of Spain's cities demanding an amnesty for imprisoned activists – the demonstrators' 'interlocutors' being the reformist Francoists then negotiating an exit from the dictatorship in the highly-charged months since Franco's death in November 1975.

COPEL's principal demand was for the inclusion of the *comunes* in any political amnesty. (They also sought abolition of the special jurisdictions and the demilitarization of the prisons.) They argued that, like activists, *comunes* had been victims of abusive state practice, because of the workings of preventive detention, and also subject to torture and violence, including lethally. These arguments found a substantial reverberation among those demonstrating on the streets – it was said that the screams of the tortured could be heard from the blocks of flats close by Barcelona's Model prison.[55] The call for prisoner amnesty was also made by opposition parliamentarians of both the social-democratic PSOE, and the PCE (legalized in April 1977), many of whom had been prisoners themselves. But in the end, the *comunes* remained excluded from the political amnesties granted across 1976-77 and the Law of Social Dangerousness remained 'activated' across the 1980s, not being abrogated until May 1996.[56]

A major goal of the reformist Francoists who drafted the key amnesty law of October 1977 was to protect *state personnel* from future prosecution. In extending the amnesty to anti-Franco activists still in gaol (provided not sentenced for violent direct action) they were able also to meet the international community's conditions for Spain's admission to the European economic community (EEC). But the amnesty did not imply any substantive concession in domestic policy terms. The Francoist project had for the most part relinquished the overt sculpting of its population, and in the case of prisoners, now merely 'warehoused' them, as the gaols in Spain transitioned to a neo-liberal model of incarceration. The amnesty, by removing experienced activists from the gaols, diluted and dispersed the 'contaminatory' flow of ideas and tactics to a nascent, politicizing COPEL, as well as, at a stroke, allowing the system to reinscribe the *comunes* as 'not political'. As Foucault himself had remarked, the arguments around naming

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[54] We still don't have a study of preventive detention as an 'integrated' system under Franco. To date, both academic and activist studies focus on Francoism's sexual/gender repression therein, as earlier mentioned.
[55] The testimony of a sixteen-year-old detainee, cited in J. M. García-Bores Espí, *La finalidad reeducadora de las penas privativas de libertad en Catalunya* (PhD, 1993), vol. 2, 33
[56] Cf. how the transition's arrangements also left many young people – especially women – confined in forms of abusive reformatory detention, M. Armengou and R. Belis, *Los Internados del miedo* (Barcelona, 2016); C. García del Cid Guerra, *Ruega por nosotras* (Granada, 2015) on the *Patronato de Protección a la Mujer*)

who was and wasn't a political prisoner always were, and are, tactical and contingent.[57] In retrospect, we could thus argue that the terms of Francoism's political amnesty constitute another case of not recognizing, indeed of deliberately eliding the political.

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[57] Herrmann, 'Different Histories of the Present', 14, 18