

Toxic Criminalities in Francoist Spain
The Making of a European Dictatorship

Ibai Atutxa

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Ibai Atutxa
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ABSTRACT

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This dissertation investigates the transformation undergone by the Francoist dictatorship (1939-1978) in Spain in the 1950s and 1960s, which occurred under conditions of neoliberal rationalities and petroleum toxicity –petrotoxicity. It addresses the transformation at three levels: the dictatorship’s criminalized bodies; the Francoist national political project; and early transnational attempts for European unification. By exploring an archive of laws, mass media, and intellectual dialogues, the dissertation contends that there was a shift in regimes of criminality that allowed the dictatorship in the south and Europe in the north to establish the initial form of their coalition.

The dissertation addresses processes of recognition of criminality by establishing a critical framework that examines the transition from a dominant paradigm of disease toxicity to one of petrotoxicity. In proposing that this transition took place together with the development of neoliberalism, the dissertation argues that the neoliberal regime operated during its period of consolidation by generalizing, at national and transnational scales, forms of exclusion and inclusion that were characteristic of what the text presents as the “petrotoxic regime of criminality.”

By conducting the analysis through the lens of the petrotoxic regime of criminality, the dissertation offers a fresh perspective to the debate within Spanish Peninsular Cultural Studies about the seemingly contradictory nature that the Francoist dictatorship acquired during this period; both anti-modern and modern; both Catholic fundamentalist and neoliberal capitalist. It allows us to shed light on a process of revaluation of the regime's toxic nature that resulted in a Catholic Fundamentalist Capitalist dictatorship.

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To Sej

Francoist Residues

After World War II, a different logic to identify people and collectives as criminals reproduced the paradigm of the petroleum-based toxicity, which itself linked inextricably the final optimization of the violence of the Francoist dictatorship in Spain (1939-1978) with the first scaffoldings of the coming European Union. This is, in a nutshell, the main argument of the present dissertation. Furthermore, I propose that this petrotoxicity¹ informs the logic of recognition of threats and calculation of risks that sustain the contemporary neoliberal rationality. Unlike before, it established an economy of revalorization and disposal of dangerous subjects; of recycling, reusing or reducing dangerous individuals.

I approach the paradigm of petrotoxicity as an economy of recognition of criminals that sustained the consolidation of neoliberalism. Petroleum toxicity, as the other side of the coin of petromodernity, established a distinct paradigm that made sense of the threats to life within the early neoliberal formations of the Spanish dictatorship and of Europe. More than just tropes and metaphors, petrotoxicity became an interpretive category that provides of an economy of recognition of criminal threats.

¹ I borrow the concept “petrotoxic” from the sparse critical work that has started to make use of this term to refer in a single word to the toxicity of petroleum and the elements that derive from it. For example Donna Haraway’s book *Staying with the Trouble* refers briefly to “the great new petrotoxic lakes of North America” (184), in order to talk about the unconventional oil deposits known as tar sands, which can be found in the Canadian region of Alberta. We find another example in Adam Romero’s 2017 talk “Manufacturing Petrotoxicity” in which he explored “the rationalization of oil as an economic poison across California and US agriculture.” Finally Lucas Bessire and David Bond refer to the term petrotoxic when they explain how tracing “thresholds of petrotoxicity in factories, cities, nations, and now the planet, shows how hydrocarbon problems have been instrumental in making the conditions of life visible, factual, and politically operable” (447).

I introduce four coordinates that delimit petrotoxicity as an interpretive category of criminality. Petrotoxicity does not refer to threats that come from the outside but to ones that were already there before exposing their toxicity. It describes economic entities, which following the rules of market economy, need to be either revalued or disposed of. It calculates the risk posed by threats at the molecular level of the dangerous agents. Finally, petrotoxicity refers to threats that are at the same time indispensable and poisonous for economic progress.

This petrotoxic economy of recognition of threats posed to life emerged hand in hand with the development of the neoliberal governing rationalities of the time. Understanding the entanglement of the dissemination of petrotoxicity and the consolidation of neoliberal rationalities requires a situated and detailed analysis of a change of paradigms. I situate the juncture for the emergence of the petrotoxic paradigm in the 1950s, within the transformation of the south-north relationship of Europe that occurred with the recognition of the Spanish dictatorship as a country enduring an economic crisis of underdevelopment. This period stretched to the 1970s before the oil crisis.

The change of paradigms, that I point to, shifts from the domination of disease toxicity to petrotoxicity. I examine this change at three different levels that I trace starting at the level of the bodies. I follow with the analysis by scaling up, first to the transformations in the dictatorship, and finally to the formation of Europe. At the level of the sovereign punishment of bodies, I examine the variation of the dictatorship's criminal legislation from the 1954 law of "*Vagos y Maleantes*" (Vagrants and Thugs) to the 1970 law of "*Peligrosidad Social*" (Social Danger). At the level of the Francoist political project, I refer to the neoliberal optimization that the dictatorship underwent

from the earlier Falangist control, to the later Opus Dei's technocratic government of the regime. I analyze this optimization by focusing on representations in mass consumed media and in the dictatorship's legal scaffolding. Lastly, at the level of the formation of Europe I call attention to the network of dialogues that was created between intellectuals in the south and in the north parallel to the creation in 1951 of the European Coal and Steel Community and in 1957 of the European Economic Community.

It is my belief that these different scales conditioned each other becoming interwoven under the dominating paradigm of petrotoxicity. Significantly, this argument is the fruit of research that was originally prompted by the questions that arose from my own personal experience. I believe it is worth sharing a brief account of this experience in this introduction as I hope it will provide this research with some connecting threads to some of the more contemporary pressing political concerns.

The lawyer that we met in a 2015 gathering of the grassroots association "*Plataforma de Afectados por la Hipoteca*" (Platform of People Affected by Mortgages, PAH) had a clear strategy in mind for our precarious financial situation. We had to approach our unpayable debt as if it were an oil spill from a tanker. This meant that we had to isolate the toxicity of the debt as much as possible by preventing it from spreading. We had to keep the toxic substance inside the tanker. We had to contain the toxicity of the debt away from our economies. By situating ourselves outside the reach of this toxic debt we could avoid becoming toxic criminals ourselves –insolvents and guilty of our own bankruptcy. In Spain, with no effective "fresh start" policies in place and a purely cosmetic "*Ley de Segunda Oportunidad*" (Second Chance law), which had been passed earlier that same year, petroleum toxicity was for this lawyer the

closest image to talk about the post-crisis criminalization of debt and debtors.

Unfortunately, in our case, his strategy was not going to work. I was already toxic.

Only a couple of years earlier the bank had informed a family member that the only solution to manage their debt was for another family member (myself, a jobless graduate student with a previous loan taken out to further my studies) to take out a personal loan. My own indebtedness was presented as the only solution to relieve the debt of others

What really struck me most in the meeting, even more than the precarious prospect of my future, was the sense of familiarity of the image of toxicity that the lawyer used to describe the criminal debtor. After all, for years, I had already become acquainted with a looming sense of anxiety in my everyday life that came along with an insolvent's lack of possibilities for any thriving life-project. This was nothing new. I couldn't however pin down the sense of familiarity of the toxicity of criminality.

Certainly, "toxic assets" had become more present in the media with the new language produced to make sense of the 2008 global financial crisis, but in my case, notions of toxicity fell somewhere closer. It was more situated, more specific, deeper seated. A search in the archive confirmed my intuition. The criminal recognition of armed organizations in general, and in particular *Euzkadi ta Askatasuna's* (ETA, Basque Country and Freedom) struggle for independence had been described by using similar paradigms of petroleum toxicity and pollution, at least since the 1970s.

In 1970, the article "*Tajante Dilema*" (The Categorical Dilemma) explained in the Spanish newspaper ABC that "*aún peor que la contaminación atmosférica es esta otra contaminación terrorista*" 'even worse than atmospheric contamination is this other *terrorist contamination*' (Gallego). It was not difficult to follow the expression "terrorist

contamination” in a chain of repetitions that reached the second decade of the twenty first century. For example, the same newspaper, in 2010, referred to three municipalities in the Basque country as being “*sometidos durante tantos años a la contaminación terrorista*” ‘subdued for so many years to *the terrorist contamination*’ (Pagola). This phrase had become commonplace during my lifetime. Having grown up and become active in a left-leaning social environment that sought the independence of the Basque Country, this was yet another criminal toxicity that interpellated me as an individual. One did not need to become a member of ETA to be recognized as part of the terrorist contamination –to be constantly stopped, questioned and frisked, considered a threat by the police authorities, or to be detained and tortured as happened oftentimes to too many people.

During this course of reflection, examples poured in of toxic depictions of criminalized collectives, which reached beyond my own personal account. Two of the most obvious illustrations were the LGBTQ and the migrant communities. In the US, terms like “gay plague” (Eaklor) that in the 1980s intrinsically linked a so-called “homosexual lifestyle” with what shortly after was going to be diagnosed as AIDS, showcased an instance of yet another criminalized collective imagined through a toxicity that this time was viral and contagious –rather than petrotoxicity presented by the previous examples. In the particular case of Spain, Alberto Mira’s referential work explains that, when in 1954 the category “*homosexuales*” (homosexuals) entered for the first time as a singled out “*grupo potencialmente peligroso*” ‘potentially dangerous group’ (180) in the Dictatorship’s criminal law; it did so by carrying older understandings of risk posed by homosexuals, which the law explained “*en términos de contagio*” ‘in terms of contagion.’

The parallels between a gay disease toxicity and contemporary depictions of migration encountered ordinarily in the European Union, were made explicit in Roberto Esposito's more theoretical work *Immunitas*, "immigration is [...] presented by the media as a potential biological risk to the host country, according to a model that pathologizes the foreigner" (8). A look into newspaper archives confirmed and complemented Esposito's assertion, insofar as the depictions of criminalized migrants did not only follow a disease logic of toxicity. The case of the 2007 article "*La Marea Negra Invisible*" 'The Invisible Black Tide' (Treceño) was maybe the clearest example among many in which irregular migration was characterized by referring to images of petrotoxicity. The description of migrants as "black tide" referred to the image of vast petroleum discharges that reached the coast, and which became popularized after the 2002 massive oil-spill caused by the shipwreck of the tanker *Prestige*. These references to oil-spills and viruses made apparent, at these early stages of the research, that paradigms of two different kinds of toxicity operated together by entangling logics of recognition of multiple of criminalized individuals and collectives.

Significantly, side-by-side, the same paradigms of toxicity that recognized collectives as criminal threats were embraced by the precarized collectives themselves. The most contemporary example of this phenomenon of "self-naming-as-toxic" was epitomized by the proliferation, after the financial-crisis, of gatherings in street demonstrations. The chosen designation was "*mareas*" 'tides.' Following the precedent of the oil-spill as "black tide," these protesting tides organized themselves in colors depending on their social demand. *Marea blanca* (white), *marea granate* (maroon) and *marea verde* (green) respectively confronted cuts to public health services, to public education, and denounced the precarious situation of young émigrés forced to leave

the country. The protestors appropriated the toxicity and the unruly propagation of a mass of oil that threatened the national territory, in order to refer to the gathering of great numbers of bodies that took over the streets, pressuring the state against the post-crisis privatizations of public infrastructures, by means of impure modes of organization. As the research work of Feenstra, Tormey and others have explained the impurity of these tides was “innovative in the way it [brought] together traditional structures and new dynamics. Traditional trade union tactics [were] adopted, but the mareas [were] more self-organized, inclusive, distributed and horizontal in their actions” (13). In other words, the same paradigm of petroleum toxicity that underlay the assemblies of those who suffered precarization after the crisis mirrored the toxicity that was assigned to criminalized collectives such as the irregular migrants and the insolvents.

The tides were not the first collectives that embraced toxicity as form of self-naming. Before then, for example, the punk band *Eskorbuto*, ‘Skurvy’ (sic) created one of the most significant Basque counter-cultural anthems of the 1980s, singing “*somos ratas de Bizkaia, somos ratas contaminadas*” ‘we are rats of Biscay, we are *contaminated* rats.’ This band, whose reputation travelled the Atlantic becoming of notable influence for Mexican and Chicax punk scenes (Feixa), included the song “*Ratas de Bizkaia*” ‘Rats of Biscay’ in their first EP titled “*Zona Especial Norte*” (ZEN, Northern Region of Exception), in 1984. In fact, the “northern region of exception” was the name of the plan that the, at that time, democratic Spain enforced in the Basque region in order to fight the terrorist contamination mentioned above. As I examined elsewhere (2011), this ZEN plan for citizen security, which later on was revealed to be partly anti-constitutional, declared a great proportion of the young population of the Basque

region to be a potential terrorist before proven guilty. If the Zen plan aimed to contain the terrorist contamination, *Eskorbuto* assumed a double logic of contamination as their own and their generation's primary trait. The name of the band claimed a pathologic toxicity as proper, while the "us" of the contaminated rats referred to a polluting toxicity. The conditions for this strategy of self-naming-as-toxic were laid in a heavily polluted industrial city like Bilbao, which at the time was undergoing a deep process of deindustrialization and precarization of workers, and heroin was becoming the staple counter-cultural drug, which led to an unstoppable dissemination of AIDS.

The unfolding proliferation of these and other examples that resulted from directing the initial steps of my research towards a mapping of toxic representations of criminalized collectives directed my queries towards lasting theoretical and critical debates. As I will address in the following section, for these debates, the toxicity that recurred in the accumulation of disparate case-scenarios surfaced as a paradigm, in other words, as an overarching economy of recognition, rather than just a collection of simple metaphors and tropes. This connection between the primary examples of toxic criminalizations and the theoretical debates gave the initial form to the main argument presented in my opening paragraph.

In the main argument, I situate the point of departure of my research during the early formation of the new paradigm of petrotoxicity, soon after WWII came to an end. The contemporary examples show that, both the age-old disease toxicity and the more recent petrotoxicity operate together in the processes of recognition of criminalized collectives. As it will become apparent in this introduction, the complicity of different paradigms of toxicity took place first at some moment during the Cold

War, once notions of petrotoxicity disseminated through the different social layers penetrating every one of them.

My research aims to map out this early period as a process of transformation. Firstly, during this process, the petroleum toxicity spread entangled with the development of neoliberalism after WWII, disclosing the initial signs of a distinct regime of power. Secondly, alongside this process, both toxicities became entangled affecting transformations at the street level of individuals and also at the level of political projects. To put it another way, they shaped criminalizations, while becoming intertwined too in the shaping the neoliberal political projects of national and transnational assemblages.

In order to decipher, in a nuanced non-generalizing manner, the specific characteristics and consequences of the paradigm of petrotoxicity as an economy of recognition of criminals that sustained the consolidation of neoliberalism, I decided to situate my research-work as precisely as possible. This is a work of precision with regard to multiple coordinates. Firstly, I laid out the theoretical and critical debates regarding toxicity and its relationship with different regimes of power. Secondly, I located and time-framed the work of research precisely –post-WWII crises of the Spanish dictatorship and early formations of the European Union. Finally, I clearly delineated the archive (legislation, mass media and intellectual discourses) which leads to the determination of particular criminal figures –the homosexual, the terrorist, and its apologist. In what follows, I will elaborate, in turn on the theoretical debates, the sociohistorical context and the primary archive all of which stitches this dissertation together.

The Paradigm of Petrotoxicity

As opposed to petrotoxicity, disease toxicity has been widely addressed from a theoretical perspective. Paradigmatically, Michel Foucault's work, from the 1960s to the 1980s, organized distinct regimes of power around multiple "diagrams of disease" in which contagion had been present since the middle ages (Allen, Carter et al.). Later on, Roberto Esposito proposed the concept "*immunitas*" (2002) as an interpretive category that served as a paradigm of modernity for the protective response against those that trespassed borders –in realms such as the social, the political and the legal. That response was framed as the threat and fears of contagion.

In turn, petroleum toxicity has been the focus of more recent research work, of which Paul B. Preciado's 2008 *Testo Yonqui* might be the most significant example. Picking up where Foucault left off, Preciado focused on reorganizations of notions of gender, sex and sexuality to explore the formation of a new regime of sexuality. This new regime lay on paradigms of toxicity produced by petroleum byproducts and nuclear energy right after World War II.

I engage with this theoretical debate in a twofold manner. Firstly, I aim to prolong Foucault's and Esposito's work by shedding light on a toxicity that is not viral. Secondly, I intend to complement Preciado's proposal by adding to their work notions of criminality focused on sex, gender and sexuality. In this section, I will expand on each of the theoretical explorations, I will bring to the surface the connections between them, and finally, I will trace the general outline of the particularities of the paradigm of petrotoxicity.

Since his earlier work Foucault established connections between paradigms of contagious diseases and the categorization of deviants. Already in 1961, his book *Folie*

et Dérailson: Histoire de la folie à l'âge classique (translated as *History of Madness*)² made apparent the spillage from the knowledge linked to the treatment of leprosy in the middle-ages to the scientific knowledge regarding the seventeenth- and eighteenth-century categorization of madness. As Foucault put it, “the true heir of leprosy [...] is madness,” and it was madness because both “elicit[ed] similar reactions of division, exclusion and purification, which are akin to madness itself” (8). This early work on madness put the contagiousness of leprosy at center stage insofar as it offered the foundation of the logic behind the deployment of relations of power.

There was a fully fleshed-out proposal of interdependencies between different “disease diagrams” and regimes of power when Foucault delivered his 1977-78 lecture published as *Sécurité, territoire, population* (*Security, Territory, Population*). Foucault determined that “in the domain of law, in the domain of medicine, and in other domains also [...] you can see a somewhat similar evolution and more or less the same type of transformations” (10). Within these transformations he identified three “general economies of power” (or regimes of power): sovereignty, discipline and security, which were dominated by sets of techniques that had been used to treat leprosy, plagues and smallpox respectively. The overlapping production of legal, medical, statistical and other types of knowledge went hand in hand with mechanisms of power and sets of techniques that were reproduced in the treatment of toxic contagious diseases.

These mechanisms of power that mirror diagrams of disease treatments have been spelled out, perhaps rather too neatly, by the collective work carried out by Steve

² When referring to and using direct quotes from critical work that has been translated into English, which is the case, for example, for most of Foucault’s work, I will use the translation into English rather than the original.

Hinchliffe, Nick Bingham, John Allen and Simon Carter. Nevertheless, they argue that “rather than one mode of ordering or [disease] diagram achieving dominance, there tend to be numerous orderings and materials that together produce the social world” (30). The entanglement of sovereignty and leprosy surfaced in banishments under the law insofar as they both shared techniques of exclusion and division. Discipline and plague connected within political economy through the measure of the quarantine, which operated by inclusions that organized and categorized. Finally, security overlapped with treatments of vaccination of smallpox, which operated by interventions and normalizations, overtaking public health discourses and actions. Despite presenting an order that feels too tidy, it proves helpful when pointing to the differences between contagious disease toxicities and petrotoxicity.

Significantly, this relationship between regimes of power and diagrams of disease, which Foucault referred to as “inheritance,” is not a just a matter of overlapping of techniques of treatment and regimes of power. Already in the 1960s, Foucault argued that it revealed “the relationship of a culture to the very thing that it excludes, and more precisely the relationship between our own culture and that truth about itself which, distant and inverted, it uncovers and covers up in madness” (543). Thus, the implications that the transformations of these moments of inheritance revealed were far-reaching, and signified profound social transformations.

Following Foucault’s approach disease toxicities operate by generalizing forms of exclusion and inclusion with the consequent formation of the community. The understanding of the toxicity of diseases, generalized forms of exclusion and inclusion, and the consequent formation of the community came together already under Foucault’s approach.

This is where Roberto Esposito's term "immunitas" intervenes. Esposito traces immunity back to classical Rome and Greece to elucidate the modern paradigm through which contemporary community is established, and argues that it "progressively extended to all sectors of modern society" (9). The fundamental coordinates of the immunitary paradigm that Esposito identifies as employed in the consideration of individual and political bodies, can be summarized in the image of the inoculation of non-lethal quantities of a virus that is taken in order to form antibodies to avoid contracting a contagious disease.

What is external and what internal; negation and affirmation; and exclusion and inclusion are reconsidered under this immunitary paradigm. What Esposito calls "the pathogenic matrix" (123) reinforces the division between the inside of the community that needs to be protected, and the external viral threat, "the pathogen was transmitted through the infiltration of a contagious element that was not engendered by the body." However, the formation of the community is not based on the simple negation of the external threat, instead it negates the negation by means of inclusive exclusions. In other words, with the controlled inclusion of the external threat the community's "identity is simultaneously affirmed and altered at the same time (177). This is, in short what the inoculation of a contagious virus produces and is, for Esposito, reproduced in the logics of formation of modern communities.

Another kind of toxicity, the toxicity of petroleum, was propagated after World War II together with the development of neoliberalism. Paul B. Preciado's work opens the critical path to argue that it was petrotoxicity that became predominant after the 1950s. Certainly, it did not make obsolete the social formations and power regimes that

were inheritors of viral or disease toxicities. As argued by Foucault, we should not think in terms of succession but in terms of an ongoing addition of types of power that inform new regimes. I borrow from those who have expanded on Foucault's work the name for the regime that became entangled with petrototoxicity; this is, the neoliberal regime.

From Foucault's 1978-79 lectures *Naissance de la Biopolitique* (translated as *The Birth of Biopolitics*) to Wendy Brown's *Undoing the Demos* and Judith Butler's *Notes toward a Performative Theory of Assembly*, both from 2015, the neoliberal regime has been extensively studied. Foucault proposed the notion of "neoliberal governmentality" (192) as a governing rationality that encompassed the configuration of states as well as the production of subjects. This governmentality demanded at every level "the return to the enterprise [...] or a policy of the economization" (242). The state as an "enterprise society" and the subject as "the entrepreneur of himself" (226) encapsulated the different social layers that the neoliberal regime circumscribed and also its modes of circumscription.

Brown follows Foucault when she conceives of "neoliberalism as an order of normative reason that [...] extend[s] a specific formulation of economic values, practices, and metrics to every dimension of human life" (29) and approaches the term "economization" from a more nuanced perspective. She argues that neoliberalism does not "literally marketize[...] all spheres;" instead it "configures human beings exhaustively as market actors" (31). Meanwhile, Butler points to the trappings of such a neoliberal regime: "neoliberal rationality demands self-sufficiency as a moral ideal at the same time that neoliberal forms of power work to destroy that very possibility at an

economic level” (14). This neoliberal regime lay its foundations before WWII, but had to wait until the war ended to fully develop.

Paul B. Preciado mentions three fundamental transformations that point to the entanglement between the neoliberal regime and petrotoxicity. Firstly, they refer to the inauguration of the “Plastic times,” after WWII, indicating the moment in which a myriad petroleum byproducts took over the material landscape of Europe and the US. As a close equivalent to Preciado’s term “plastic time,” I use, in the dissertation, Stephanie Lemenager’s widely accepted notion “petromodernity.” Secondly, they explain plastics as producers and product of the new “toxic environment” of the 1950s. Behind this toxic environment, plastic and nuclear toxicities surfaced as historically related, “DuPont, who pioneered the development of plastics from the 1930s on, was also implicated in nuclear research for the Manhattan project” (32). Both plastics and the multiplication of the manufacture of transuranic elements became part of the new highly toxic environment, however, as Lemenager argues decisively, today “petromodernity has enveloped the Euro-American imagination to the extent that ‘oil’ has become synonymous with the world” (68). Finally, Preciado addresses the domination of petrotoxicity to that of disease toxicity, when they indicate that after WWII, “infectious diseases in wealthy countries fell behind illnesses related to aging, the management of sexuality, [...] and the regulation of reproduction and the body’s immune system in highly toxic environments” (172). Among the rest of the toxicities, petrotoxicity started dominating, being researched by a new set of knowledges and demanding distinctive techniques of management and regulation, all the while penetrating hence constituting the neoliberal regime.

Both what I call the “petrotoxic regime of criminality” and Preciado’s “pharmaco-pornographic regime of sexuality” were consolidated after WWII. For Preciado, the post-WWII plastic environment of high toxicity is “the point at which the production and commercialization of synthetic hormones unveil their true pharmacopornographic function” (172). This regime of sexuality entails the government of sexual subjectivity through biomolecular and semio-technical processes, which are characterized by the introduction of the notion of “gender” and the consequent possibility to modify the body; and also by the techniques of social control filtering into this individual body (211). If the pharmacopornographic regime is a regime of sexuality, then the petrotoxic regime is one of criminality, both of which were formed under neoliberal conditions of petromodernity.

In order to examine the petrotoxic paradigm, which the regime of criminality inherits, I will focus on the set of laws passed under the Francoist dictatorship in Spain. It was during the 1960s that petroleum as a matter was regulated for the first time, either in the form of oil or in the form of byproducts (pesticides, dangerous substances...). Significantly, this set of laws was incorporated from international legislation and was presented as part of the Europeanization of the regime. Below, I will give the general account of the four main characteristics of this toxicity by showcasing the contrast with the disease paradigm of toxicity. This brief account will be fully fleshed out later in the dissertation, with the analysis of the legislation of the Francoist dictatorship imported from Europe.

Petrotoxicity reconsiders the division between the inside and the outside of the immunitary paradigm. It does not follow the movement of penetration delineated by either a disease-causing virus that enters the body, or the inoculation of the vaccine

that prevents it. Instead, petrotoxicity presents no outside. As explained by Tom Cohen, “toxic, it is waste when exposed, draping itself around life forms” (92). In other words, petrotoxicity is already there by the time it is revealed.

Secondly, petrotoxicity requires a set of technologies different to the ones applied to treat the diverse diseases interwoven with the overlapping regimes of power. Two main reasons require this divergence. Oil and petroleum byproducts are not contagious; and they are commodities, economized entities that operate within the rules of market economy. This means that within the market economy commodities unveiled as toxic are not banished, kept in quarantine, or used as vaccines; instead they are either revalued or disposed of –recycled, reused or reduced.

The third contrasting characteristic of petrotoxicity comes with molecular scientific knowledge that calculates risk. It is through a production of knowledge that operates at the level of the molecules, atoms and hormones that we see petrotoxicity acting. Preciado associates, at this very level, the production of plastic and the notion of the pharmacopornographic regime of sexuality. The former is the “artificial propagation of carbon atoms in long chains of molecules of organic compounds derived from petroleum, and whose burning is highly polluting” (32). The latter stemmed from to extraction of the “first natural molecules of progesterone and estrogens” (26) in the 1940s. Thus, after WWII, the categorization and manipulation of elements reached an unparalleled precision by classifying and calculating risks at atomic and molecular levels.

The last characteristic of the petrotoxic invokes the nature of oil and petroleum byproducts as both indispensable and polluting. Tom Cohen connects the idea of waste and the etymology of the term toxic, to the Greek “toxicon” and “pharmakon” (95) in

order to open a dialogue between the influential thinkers Paul de Man and Jacques Derrida. For us, this double meaning of cure and poison that the petrotoxic paradigm acquires insofar as petro-pharmakon, reveals itself under the calculation of market parameters and within the rationality of the neoliberal regime. Oil and petroleum byproducts are presented as the cure for economic progress, and at the same, their poison acts against the lives of self-entrepreneurs.

These four coordinates of the petrotoxic paradigm permeate every social field. As historicized by Timothy Mitchell, oil had been enveloping the planet since the late nineteenth century and the beginning of the twentieth. Oil reached Europe through a network of refineries, pipelines and oil tankers that traversed Iraq and the Gulf, and arrived to the Mediterranean through the Suez Canal. The development of the oil tanker allowed oil to be transported cheaply between continents, such that “from the 1920s onwards, about 60 to 80 per cent of world oil production was exported. So much oil was moved across oceans that, by 1970, oil accounted for 60 per cent of seaborne cargo worldwide”³ (37). Preciado consolidates this sense of lack of externality of petrotoxicity when considering non-recycled plastics.

Preciado refers to the “*Trash Vortex*, a floating mass the size of Texas in the North Pacific made of plastic garbage” (33), which was discovered in the 1980s. There is no way out from the worldwide network created by oil transportation and plastic

³ Timothy Mitchell’s *Carbon Democracy* and James Marriot and *Mika Minio-Paluello’s The Oil Road* trace both the geographical and political journey that oil makes from the wells into Europe, which has been rendered invisible. Both publications allow us to understand the multiple violences, the asymmetrical relations of dominations and the potentialities of resistance allowed by the historical transformations underwent in the energy production and distribution industry. Their work lies in the background of our dissertation insofar as those transformations and those relations of domination sustain the conditions of possibility of the criminal discourses regarding toxicity.

disposal. Not only are oil and petroleum byproducts already toxic before being detected and exposed; they are also part of a global circulation of commodities and residues. This circulation penetrates and transforms the individual at the atomic level.

As a series of articles published by *The Guardian* in 2017 explained, “Plastic fibres [were] found in tap water around the world” (Carrington). This “ubiquitous plastic pollution,” the article explained, became a health hazard because “plastics often contain a wide range of chemicals to change their properties or colour and many of these are toxic or hormone disruptors.” The indispensability of oil and petroleum byproducts encountered its toxic counterpart, not only in the harm to the environment but also in the threat to and transformation of individuals’ lives.

In the present dissertation I will address the dissemination of the petrotoxic paradigm, which developed entangled with the consolidation of the neoliberal regime. In order to do so, I will focus on the accumulation (instead of substitution) of the paradigms of toxicity that took place during the 1950s and 1960s under the Francoist dictatorship in Spain, while scrutinizing the different entanglement that petrotoxicity allowed between Francoism and the formation of Europe.

In a Specific Time and Place

The specific approach to the toxic criminalization of collectives from under Franco’s dictatorship in Spain (1939-1978) vis-à-vis the early configuration of Europe as a transnational unity (1947-1975) allows for a situated elaboration of a perspective of the neoliberal post-war period that developed conditioned by oil and petroleum byproducts. This perspective accumulates at least two different margins to look through and think from. Firstly, criminalized collectives were stigmatized and

condemned to living on the margins of society. Secondly, Spain and the rest of the Southern European countries endured what was referred to as the underdevelopment crisis, which led to the consideration of this zone as peripheral and marginal for the development of Europe.

Yet, I approach both processes of marginalization as central for the formation of post-war Europe. I will elaborate on criminals in the coming section of this introduction, which deals also with the different kinds of archive that I have examined to carry out my analysis. In this section, I will turn to the centrality that a Southern European dictatorship like the Spanish one acquires in the post-war formation of early transnational Europe. I will address this centrality together with the development of neoliberalism and the transformations with regard to the perception of oil in society.

To begin with, I follow Étienne Balibar's work on contemporary Europe to flip on its head the presupposed center-periphery logics of certain territories. The French thinker points to another one of the Southern European countries when he argues that, "If Europe is [...] the name of an unresolved political problem, Greece is one of its centers, [...] because of the current problems concentrated there" (2). Surely, the Spanish dictatorship operated as yet another of Europe's peripheral centers for the concentration of political, religious and economic issues, which as examined by contemporary Iberianist scholars, remain unresolved still today. Either by thinking it as a ghost story, as proposed by Jo Labanyi (2003); by linking the dictatorship and the democratic state at a macroeconomic and sociological level, as elaborated by Emmanuel Rofriguez and Isidro López (2010); or by pointing to continuities regarding depolitization and consumerism, as examined by Luis Moreno-Caballud (2015); the

unresolved character of the problems formed under Franco remain, still today, unresolved. In fact, I will argue that it was the active perpetuation of those problems, rather than the intention of a resolution, that consolidated the early forms of the European Union.

The unresolved political problem named Europe and the dissemination of a paradigm of petroleum toxicity are two processes that need to be addressed hand in hand. When, for example, Timothy Mitchell argues for the consolidation of the age of oil, he does so by thinking of it as an entangled phenomenon, “like twentieth-century democracy, twentieth-century economic expertise developed in a specific relationship to the hydrocarbon age” (123). Tom Cohen too refers to this entanglement when he thinks of oil as “the invisible core of hyperindustrial culture” (92). From this perspective, elements such as the increasing dependence on petroleum that accelerated in the 1950s; the staggering penetration of petroleum byproducts that took place during the late 1950s and the 1960s; the dissemination of a new petrotoxic paradigm; the dissemination the expansion of the neoliberal governing rationality after WWII; the transformations of political, religious and economic issues within the Francoist dictatorship; and the early formations of the European transnational project cannot be considered in isolation.

As will become clear throughout this section, the various different transformations that developed simultaneously after WWII give order to the present dissertation. Divided into two main parts, before and after the widespread dissemination of petroleum toxicity, this text assembles the multiple elements mentioned above in a single narration. At the same time, this narration sets the frame that sheds new light on the relations of domination deployed under neoliberal

rationality by means of the criminalizations of various collectives under the dictatorship.

To be sure, the importance of oil had been acknowledged in Spanish legislation before the Civil War (1936-1939) that led to the dictatorship, hence also before World War II, and before the point of departure of this dissertation. Since the 1920s two notions, oil and national sovereignty, had become increasingly intertwined in legislation. In 1927 and 1928 the government formed CAMPSA, an oil and fossil fuel state monopoly established in the name of national sovereignty and national security. CAMPSA coincided with the cartel formed by US and British major oil companies in the 1920s, which responded to the sudden abundance of oil. The formation of this monopoly led to the first aggressive promotion of the utilization of oil for transportation and byproduct manufacture.

During the Spanish Civil War the entanglement between the two notions, oil and sovereignty, became clear beyond legal texts and state institutions. Oil supply for the two sides reflected what would later be called the Cold War.⁴ The military coup and nationalist campaign for sovereign control of the territory was led by Franco, who, allied with Hitler's Nazi regime, Mussolini's Fascist dictatorship and Salazar's authoritarian Estado Novo, was sustained by U.S. oil corporations. In contrast, the republican side had its oil requirements met by the Union of Soviet Socialist Republics. Oil and sovereignty became entangled as the fundamental matter for waging war.

⁴The history of the oil supply during Spanish Civil War has been well documented in historiographical literature, as well as the active role taken by Thorkild Rieber –President of Texaco and Nazi sympathizer. Starting with the 1973 book *Capitalismo español: de la Autarquía a la estabilización (1939-1959)* and the 1994 *A New International History of the Spanish Civil War* oil supply is presented as a fundamental resource that conditioned the outcome of the war.

After both Franco's victory at the end of the Spanish Civil War in 1939 and the defeat of Franco's allies at the end of WWII in 1945, Spain became one of the political crucibles for continental Europe. In fact, While Winston Churchill, now considered one of Europe's founding fathers, uttered in his 1946 Zurich speech, "if we are to form the United States of Europe or whatever name or form it may take, we must begin now" Southern European dictatorships, such as the Portuguese and the Spanish, and later on, the Greek stood out as unanswered problems for any possible formation of a transnational unity. At this moment, it was oil that allowed the dictatorship to come up with solutions to international isolation and to the consequent autarchic policies.

In 1947, Franco's regime passed the first law of the dictatorship that addressed the pre-war state monopoly over oil, with the aim of reinforcing it. It was passed by the Falangist ruling family, which was notoriously close to the national socialist agenda, and during that time ran the administration. This law that "*Reorganiza el Monopolio de Petróleos*" 'Reorganize[d] the Monopoly of Petroleum' brought back to the center-stage the relationship between the two notions, oil and sovereignty. This time around, the legal text made a distinction. If during the Spanish Civil War oil products were "*vitales productos en el periodo de nuestra Cruzada Nacional*" 'vital products during our National Crusade' (Franco, 77); after WWII, oil was not related to a wartime sense of national defense anymore, but to the "*evolución del concepto de la soberanía estatal*" 'development of the concept of state sovereignty.' Along with providing a possible solution at a European level, this call for oil to sustain the development of sovereignty received a response from the US.

The 1953 Mutual Defense Assistance Agreement, also known as the Pact of Madrid, signed between the Harry S. Truman's administration and the Francoist

Spain shifted gears internationally with regards to the discourses produced about the dictatorship. This Pact allied the US and the dictatorship in their anti-communist quest. Part of this shared anti-communist agenda implied more than just the permission to build military infrastructure on Spanish soil. More significantly for us, it allowed the US to carry out oil explorations in the dictatorship's territory. In exchange for these oil-infused concessions, Spain was granted economic aid by way of credit acquisitions, and addressed, internationally, as an underdeveloped country in economic crisis.

The recognition of the dictatorship as a country enduring an economic crisis of underdevelopment sets the turning point for the beginning of our dissertation. Following Janet Roitman, "the term "crisis" serves as a primary enabling blind spot for the production of knowledge" (13). From this perspective crises become transcendental placeholders that allow and disallow the opportunity to pose particular questions about the territories in crisis. Hence, the classification of the Spanish dictatorship as an underdeveloped country in economic crisis, rather than, for example a country in political crisis because of the lack of democracy, framed the Francoist regime in purely economic terms, disallowing questions that addressed its political violence and the Catholic fundamentalism. Classifying the dictatorship as an underdeveloped country in economic crisis directed questions solely to fostering its capitalist-style economic progress.

Whilst living still under the dictatorship, the cultural critic Manuel Vazquez Montalbán unveiled the logic of domination implicit in the narration about the crisis of underdevelopment that required aid in the form of loans from international institutions. Montalbán explained in 1974 that Franco's regime endured, since the first

Pact of Madrid, in a state of dependence, which he named the American financial penetration of Spain (31). Following contemporary critics such as Wendy Brown, I understand this financial penetration through indebtedness, as a process of financialization, in which “States persist as non-sovereign actors” (2010: 23).

Meanwhile, the image of a new western military ally that was undergoing an economic crisis of underdevelopment began to overshadow the political problem of opening relationships with a non-democratic regime.

In this Southern European crucible of unresolved problems, where undemocratic practices were overlooked in the name of western alliances and so-called economic development, the presence of religion became apparent only a month after the Pact of Madrid. The Vatican and Franco’s dictatorship signed the Concordat in 1953. This was the second sign of international openness and support for the dictatorship. Meanwhile it gave the Catholic Church access to extraordinary privileges.

This “climax of the neo-catholic orientation” (185), as labeled by the historian Stanley Payne, reinforced the Catholic fundamentalist stance of the Francoist regime. Certainly, international recognition did not come without cost –a cost that further eroded the sovereignty of the dictatorship, this time, in favor of the Catholic Church. Among the many concessions numbered by Payne, the reaffirmation of “the confessionality of the Spanish state, [...] the right of presentation of bishops by the head of state [...] the juridical personality and independence of the Church [and] the restor[ation of] the legal privileges of the clergy” (186), which had been abolished before the dictatorship, stood out as sovereign concessions that the dictatorship exchanged for international acceptance. In this concatenation of agreements with the

US and the Vatican, the possibility of finding oil under Spanish soil should be recognized as one of the triggers that reconfigured problems concerned with the dictatorship's political sovereignty, economic financialization and religious dependency.

Alongside the new categorization of the dictatorship as an internationally accepted albeit underdeveloped country in crisis, oil and hydrocarbons also conditioned the wider transnational territorial configuration and its organization within a particular political and economic rationality. I am referring to the first forms of a united Europe and the consolidation of neoliberal rationality. I will address each of them in turn.

The centrality of oil did not become apparent in the first European treaty, but it surfaced shortly after, as a lack, rather than a possession. As showcased by the very name *Coal and Steel Community*, signed in 1951, the first treaties aimed at creating transnational Europe did not address oil. However, the treaties of Rome for the European Economic Community (EEC) and of the European Atomic energy (EURATOM), both signed in 1957, were written with an awareness of the dependency on oil that conditioned the Euro-American capitalist project for economic development. As argued by Timothy Mitchell, “the Marshall Plan and the construction of the Cold War in Europe [...] helped engineer a political and financial setup in Western Europe that was [...] increasingly dependent on oil and the dollar” (122). The Messina dialogues leading to the 1957 treaties, which took place among the members of the European Coal and Steel Community in 1955, worked “towards the setting up of a united Europe,” (Ministers of Foreign Affairs, 1955: 2), by addressing

the connection between the future economic project and the necessity to counteract the lack of oil. Hence, remarks on *“l'énergie au sens traditionnel”* (7-8) ‘energy in the traditional sense,’ *“l'énergie nucléaire”* ‘nuclear energy’ and *“l'intégration économique générale”* ‘general economic integration’ followed one another in Messina. If under Franco oil became entangled with sovereignty, for the European transnational project oil was intertwined with economic progress. Significantly, the Marshall plan was not implemented in Spain, but the Madrid Pact of 1953 with the US government served similar purposes. It aligned the dictatorship with the anti-communist west and introduced notions of capitalist style progress and wellbeing into the dictatorship.

Even bearing in mind that under the Francoist dictatorship in Spain oil did not take over coal as a source of energy until 1968, for the new future European union it was *“une tâche urgente de réaliser une coordination des principales formes d'énergie en Europe, à savoir, le charbon, l'énergie hydraulique, le pétrole et l'énergie nucléaire”* ‘an urgent task to coordinate the main forms of energy in Europe, namely, coal, hydropower, oil and nuclear energy’. Against the relentless growth of the consumption of oil and its prominence in comparison to coal and hydropower, the case of nuclear energy remained of particular importance for its potential to free Europe from growing hydrocarbon dependency. For this reason it carried *“non seulement une importance économique, mais encore une importance politique particulière au développement de la coopération dans le domaine de l'énergie nucléaire”* ‘not only economic importance but also particular political importance to develop cooperation in the field of nuclear energy.’ In other words, the lack of oil became the backdrop against which it was possible to take *“un pas en avant vers l'établissement d'un marché commun général”* ‘a step forward towards the establishment of a general common market.’ The amount of energy increasingly

produced by oil and the hope that nuclear energy could end this dependency allowed for the imagination of a European common market.

The position of oil as the invisible core behind Francoist sovereignty and European economic development was established hand in hand with the neoliberal rationality, which consolidated its frame of thought alongside the booming oil industry of the 1940s. Since the early 1920s, oil was understood as an infinite resource and this made it possible to turn economics into the neoliberal abstraction that rationalized every social sphere. Following Mitchell once again, “If oil played a key role in the making of ‘the economy’, it also shaped the project that would challenge it, and later provide a rival method of governing democratic politics: the ‘market’ of neoliberalism” (142). The first meeting of the Mont Pelerin Society took place on April 10th 1947 two years after the Bretton Woods system came into force. This meeting was a gathering of the many members (from the United States and Europe) of the so-called neoliberal thought collective.⁵ The following year, in 1948, the journal *Ordo* was born giving its name to the Ordoliberalists. As argued by Thomas Biebricher, the Ordos became the most influential neoliberal thinkers since the 1938 “Colloque Walter Lippmann” (where the term “neoliberalism” had been officially coined) and throughout the 1950s.⁶

⁵ I borrow the term “neoliberal thought collective” from Philip Mirowski and Dieter Plehwe’s 2009 *The Road from Mont Pèlerin*. They argue that “the central thought collective that has conscientiously developed the neoliberal identity for more than sixty years now. We will consider any person or group that bears any links to the Mont Pèlerin Society (MPS) since 1947 as falling within the purview of the neoliberal thought collective” (4). Franco’s technocratic government’s ties with this neoliberal thought collective might not have been one of affiliation, however, we should be able to speak, using Foucault’s own language (2008: 185), of neo-liberalism in its Spanish form.

⁶ Beyond Foucault’s analysis delivered in his lectures of 1978 and 1979, our dissertation also follows more contemporary analyses of Ordoliberalism such Pierre Dardot and Christian Laval’s *The New Way of the World* and Thomas Biebricher’s articles on the topic. The latter argues, “the first, and more authoritarian, strand of neoliberalism is best represented by one of its oldest varieties, namely German ordoliberalism. In the writings of Eucken, Rüstow and Röpke —three of the main figures of the

Certainly, the influence of the Ordos reached Francoist Spain. In 1956, two years before the dictatorship joined the Bretton Woods architecture by entering the OEEC, the IMF and the World Bank, and thus officially embracing capitalist economic growth and reinforcing its anticommunist stance, Rafael Calvo Serer published *La aproximación de los neoliberales a la actitud tradicional* (The Neoliberal approach to the Traditional Attitude), which dialogued mainly with Ordoliberal authors and particularly with Wilhelm Röpke. Calvo Serer's work became something of a precocious declaration of intents. It was a proposal to overcome the dictatorship's crisis of underdevelopment, by persisting as an "*estado fuerte*" 'strong state,' and bringing together, under the umbrella of neoliberal rationalities, European economic development and the regime's Catholic fundamentalism.

In less than eight months from the publication of *La aproximación*, in February 1957, the Opus Dei family of technocrats, which Calvo Serer was officially affiliated to, took over the control of regime's administration. They took it from the hands of the Falangist family that had been in power until then. These Opus Dei technocrats, who were, as anticipated by Calvo Serer's book, part of the neoliberal thought collective, became the elite that managed the economic and social policies aiming to modernize the dictatorship in crisis. Since then, a relationship of interdependence between oil, national sovereignty, economic development and neoliberal rationalities stitched the dictatorship together with the European project of economic integration.

movement— one can find a recurring concern about the rise of the masses and the formation of mass democracies in many Western countries" (2015: 257). In a latter interview he explained "throughout the 1930s, the 1940s and even early 1950s—the ordoliberals were probably the most influential members of the broader family of neoliberal scholars" (2016: 3).

After the formation of the European Economic Community and during the technocratic neoliberal rule of the dictatorship, petroleum's realm of influence reached unprecedented heights. The insistence on the relationship between oil as a commodity related to abstract calculations concerning the market and sovereignty remained unchanged, but the ever-increasing penetration of oil and petroleum byproducts that permeated the everyday lives of people during 1960s demanded a different approach to this matter. Always a step behind European regulations of the toxicity of oil and petroleum byproducts, the Francoist legislation begun to replicate, address and regulate the toxic effects of the pollution of these materials. Spanning from the law to the most popular cultural objects and mundane activities, the new "toxic environment" of the post-WWII "plastic times" examined by Preciado ultimately reached the Spanish dictatorship –while still enduring as one of the crucible of European unresolved problems.

This period points to the establishment of the conditions of possibility that allowed for the paradigm of petroleum toxicity to disseminate the dictatorship's culture. As will become clear in the following sections, this dissemination affected too the economy of recognition of criminals.

At this moment, we see multiple coinciding transitions happening at once, and they all depended on each other. The dictatorship changed hands from the Falangist rule, to the Opus Dei technocrats. Their neoliberal governing rationality deepened the financialization of the dictatorship while keeping the political violence and Catholic fundamentalist principles in place. As argued by Tatjana Pavlovic and Justin Crumbaugh one consequence of the process of financialization was that international corporations had access to the dictatorship's territory allowing for oil and petroleum

byproducts to envelop the regime. It was this wrapping of the mundane in plastic that brought the dissemination of a new notion of a threatening petrotoxicity.

If under the Falangist ruling family, Franco's dictatorship accepted loans from the US Government, under the technocrats that relationship of dependency increased. The dictatorship kept acquiring a succession of international loans of over a billion dollars from credits given by the US, European Institutions, Eximbank and the International Bank for Reconstruction and Development.⁷ As the historian Stanley Payne argues, the growing international recognition was closely associated with the loans assumed by the dictatorship. If in 1950, still under the Falangists "a loan of \$62.5 million was approved [by the US], and [...] by the close of 1950 [under the technocrats] the most severe aspects of the international ostracism had come to an end" (1986: 383); later during the 1960's "more than a billion dollars in additional funding was made available from foreign sources through various loan and credit devices" (1987: 474). This increasing process of financialization and consequent loss of sovereignty came hand in hand with the dissemination of a world of oil and plastics.

The connection between the process of financialization and, let us call it following Stephanie LeMenager, the "petromodernity" (68) of the dictatorship, was made evident in the thorough account given of the "*penetración económica*" 'economic penetration' in 1974 by Vázquez Montalbán. He detailed the many corporations that settled in the dictatorship during the process of growing international consent towards the heavily indebted regime. They reached the dictatorship and penetrated the regime's

⁷ The process of indebtedness of the Franco regime during the 1950s, 1960s and 1970s has been well documented. Authors from different fields of inquiry such as Payne, Raymond Carr, Juan Pablo Fusi, Manuel Vázquez Montalbán and Nicos Poulantzas agree with the loss of sovereignty that this national indebtedness produced from credits given by the US, Europe, Eximbank and the International Bank for Reconstruction and Development.

territory either by purchasing local companies' capital or by establishing their own branch offices. From our perspective, it is possible to organize these corporations as related either to the financial sector, or depending heavily on the production and trade of oil and petroleum byproducts. Bank of America and Deloitte were two of the most recognizable names of the financial institutions. Monsanto, General Motors, Coca Cola, Firestone, Unilever, Shell and many other's activity was tightly related to oil and petroleum byproducts, insofar as they developed pesticides; they created, assembled and painted cars and car parts; they depended on oil for distribution and on plastics for labeling; they produced tires; they marketed self-care products, detergents and soaps based on petroleum byproducts; or they were, put simply, international oil corporations.

The petro-modernization of the dictatorship meant that plastics, varnishes, synthetic fibers, paints, pesticides, plastic-packaging, detergents and other petroleum byproducts were being used for the first time for the myriad commodities that arrived to the stores and households. It also meant that imported oil was progressively becoming the main source of energy and transportation of the dictatorship. Finally, and most importantly, it meant that the toxicity of oil and petroleum byproducts took over the dictatorship's collective imagination. Petrotoxicity and petromodernity became two sides of the same coin.

A search for the term "toxic" in the archives of the two newspapers with the highest circulation during the dictatorship, *ABC* and *La Vanguardia*, confirms the widespread dissemination of this new kind of petroleum toxicity. The research reveals that during the 1940's and 1950's, the notion "tóxico" appeared in *ABC* just over 260 times, while in *La Vanguardia* it surfaced over 670 times. In the following two decades,

during the 1960's and 1970's the references to the toxic, more than doubled in *ABC* with over 590 results and multiplied for over one and a half times in *La Vanguardia* with more than 1170 outcomes. More significantly, the object that the notion of "toxic" referred to varies significantly with the passing of time. The former uses of toxic were connected to cases such as health problems related to uric acid and medications to alleviate them; non-dangerous properties of phosphorus extracted from vegetable seeds (La Vanguardia, 1940); or terms linked to "toxicómano" that referred to individuals that consumed alcohol in excess (ABC, 1959). Contrastingly, the later uses of toxic referred to the infinite proliferation of petroleum byproducts that can be arranged in groups such as the many pesticides, varnishes, cooking gases, paints, and also to the environmental pollution of toxic gases produced by car emissions.

Petrotoxicity took over the dictatorship's collective imagination to the extent that influential newspaper writers started using this new model of toxicity to make sense of the dangers that threatened the dictatorship. The 1970 article "*Tajante Dilema*" (The Categorical Dilemma) mentioned earlier was written by Vicente Gallego, one of the founders of EFE the Francoist international news agency. In his text published in *ABC* he argued, "*no parece que la sociedad civilizada sepa defenderse del terrorismo internacional*" 'it seems that the civilized society does not know how to defend itself from international terrorism" and sentenced "*aún peor que la contaminación atmosférica es esta otra contaminación terrorista*" 'even worse than atmospheric contamination is this other terrorist contamination.'" Ten years earlier, in 1960, the renowned Falangist writer and journalist José del Río Sainz wrote for *La Vanguardia* the article "*El Principio de las Nacionalidades y el de la Autodeterminación*" (The principle of Nationalities and of Self-determination). Here he argued, "*Si Francia muere algún día de muerte que no sea la natural*

[...] *la mataron dos de las palabras de efecto tóxico* [...]. *Esas dos palabras* [...] *son ‘el principio de las nacionalidades y la autodeterminación’ de los pueblos*” ‘If France ever dies from an unnatural death [...] two words of toxic effect killed her [...]. Those two words [...] are ‘the principle of nationalities and self-determination’ of people.’ Petrotoxicity and the representation of the risk to live, both individual and national, became entangled between the 1960s and the 1970s, which is the same period when the period when the dictatorship and Europe became integrated.

The first form of official integration between the Francoist regime and the European Economic Community took place in 1970 by means of a Preferential Commercial Agreement. The agreement was signed with the consolidation of the transitions that entangled the accession to power of the technocratic family of the Opus Dei and their neoliberalizing rationality; the financialization of the dictatorship that burdened it with unplayable debts, which resulted in the loss of national sovereignty; the petromodernization of the regime due to the penetration of international corporations in the territory; and the dissemination of notions of petrotoxicity expanding the utilization of this toxicity as paradigm to describe threats that put at risk the lives of both the population and the dictatorship. In other words, this partial integration of the dictatorship in the EEC needs to be thought in relation to the entangled transformations that took place for the previous ten.

In 1959, two years after the European treaties were signed in Rome, the Organisation for European Economic Co-operation (OEEC) published a report regarding the admission of Spain. Following the footsteps of the 1953 Pact of Madrid with the US, the OEEC’s report disregarded issues related to Francoist undemocratic politics and problems linked to its religious fundamentalism. It instead addressed the

territory as an underdeveloped country in crisis that was short of international aid. Narrations of economic crisis allowed, once again for Francoism to be framed as an economic problem alone. As “an under-developed economy” Spain needed “to prepare the ground for a successful effort to solve the longer-term problems of the Spanish economic development” (134). In this respect, the OEEC could “contribute to the sound economic development of the country” and the analysis by the dictatorship in the report agreed with the Organization that there was a “*necesidad de incrementar los créditos para el desarrollo de los países atrasados*” ‘necessity to increase the credits for development for under-developed countries’ (534). Under this financializing umbrella, the OEEC argued that by 1950 the Spanish economy had transitioned from the previous stages of “abnormality” to a situation of “relative normality.” The “basic longer-term problem” for its development was “modernizing” (209) the economy, which would happen by becoming indebted.

As a response, the technocratic Francoist regime passed, later in 1959, the decree-law of “Ordenación Económica,” (Economic Order) also known as the Plan of Stabilization. This law explained that after the “*Guerra de Liberación, la economía española [...] se veía retardada*” ‘war of liberation, the Spanish economy [...] was underdeveloped,’ (Franco, 10005) but that, by then, Spain had already achieved the “*nivel de vida de los países de Occidente*” ‘life standards of western countries.’ The consonance between the OEEC’s report and the dictatorship was notable in their understanding of what the problems were and of what normality meant. The dictatorship was catching up with development, and the proposals for any possible solution took the form of acquisition of credits from international financial institutions and on-the-spot investment of foreign companies that eventually plastified the

dictatorship. Still in 1959 the concept “war of liberation” that the dictatorship could not let go of, with their sense of crusaders, gave away the Catholic fundamentalist sublayer that the financializing Europe concealed under discourses of economic crisis of underdevelopment.

In 1963, the International Bank for Reconstruction and Development (IBRD) published *The Economic Development of Spain*. This was one year before the Francoist technocrats launched the first “*Plan de Desarrollo Económico*” (Economic Development Plan), which continued to deepen the financialization of the regime and foster access of international corporations with their world of oil and petroleum byproducts. The text of the IBRD argued, again, for a normalized dictatorship, celebrating that “the forces of competition [had] emerged again” (1963: 47). A year earlier, the Dictatorship had applied for the accession of Spain as a full member to the European Economic Community but had been rejected, following the democratic political character that the Birkelbach report acknowledged to the EEC and as a result of the intense campaigns against this accession from European activists, media and communities of exiles.⁸ For example, the National Catalan Council in exile had to remind the Union about the non-democratic character of Francoist Spain by presenting a memorandum that dealt with the “*le Génocide contre les Nations Catalane, Basque et Galicienne*” “The Genocide against the Catalan, Basque and Galician Nations’ (1964: 2). Sometimes, the

⁸ The Birkelbach report argued, “*La garantie de l'existence d'une forme d'État démocratique, au sens d'une organisation politique libérale, est une condition à l'adhésion. Les États dont les gouvernements n'ont pas de légitimation démocratique et dont les peuples ne participent aux décisions du gouvernement ni directement ni par des représentants élus librement, ne peuvent prétendre être admis dans le cercle des peuples qui forment les Communautés européennes*” “The guarantee of the existence of a democratic form of state, in the sense of a liberal political organization, is a condition for accession. States whose governments have no democratic legitimacy and whose peoples do not participate in the decisions of the Government either directly or by freely elected representatives cannot claim to be admitted to the circle of the peoples forming the European Communities’ (1961: 8).

concealment of the dictatorship as one of the crucibles of European political and religious problems behind discourses of underdevelopment and the need for economic progress became object of resistance.

The 1963 IBRD report aimed to respond directly to the EEC's rejection of the dictatorship based on undemocratic practices. This report argued that for Spain to be "equipped to play her part in the European scene" the answer was not democracy but "the transition toward a freer economy, [...] development and modernization." This combined response of the dictatorship and the IBRD was successful to a certain extent. In 1964 the European commission and the regime opened conversations deciding to establish by 1970 a Preferential Commercial Agreement that progressively eliminated barriers between the two territorial entities. During these years, the Opus Dei technocrats further implemented two more Economic Development Plans, the latter of which was interrupted by the 1972 oil crisis. Somehow, the end of the Dictatorship's underdevelopment crisis was declared in 1970, with the Preferential Agreement and conditional membership of the EEC. However, this narration of underdevelopment crisis, which served to conceal the centrality that the unresolved problems of the dictatorship acquired for the unity of Europe, led to yet another crisis.

Thus, between the 1957 accession of the technocrats to the control of the dictatorship, which coincided with the formation of the EEC, to the 1970 Preferential Agreement and the 1972 oil crisis, the hefty penetration of oil and petroleum byproducts disseminated a new kind of toxicity based on petroleum-based pollution. This toxicity established a distinct paradigm that made it possible to make sense of the threats to life inside the neoliberal formations of the dictatorship and of Europe. More than just semantics, petroleum toxicity became an interpretive category that provided

an economy of recognition of those threats. For example, it was this new petroleum toxicity that allowed the newspaper writers mentioned earlier to explain, for instance, the right to national self-determination and revolutionary armed action for national liberation. Finally, this economy of recognition of the toxic threats to life came hand in hand with the development of the neoliberal governing rationalities of the time. With the beginning of the oil crisis, the present dissertation ends.

Criminal Archives

I examine mainly three kinds of archive, which were produced in the twenty or so years that span from the recognition, early in the 1950s, of the Francoist dictatorship as an underdeveloped state in crisis, to the early 1970s oil crisis. Firstly, I critically approach Francoist legislation, penal and otherwise. Secondly I search for representations in the mass media that dialogue with the logics that surfaced in the legislation. I focus mostly on cinema, newspapers and newsreels. Thirdly, I examine the most significant intellectual discourses of those who put together the scaffolding of Europe after WWII.

The wide-ranging scope of the primary archives responds to an analytic necessity, while being as thorough as possible in trawling archival resources. The reading of a far-reaching body of cultural texts is fundamental to map, in the extended social field, the capillary reverberations and the social, cultural and political implications that arise through the different paradigms of toxicity and their inheritance in the recognition of criminals. I argue that the widespread cultural objects studied in this dissertation aligned with the emergence of the petrotoxic paradigm.

The law, the mass media and the intellectual discourses present critical differences in their dominant characteristics depending on whether petrotoxicity had already taken over the Euro-American imagination or not. Their representations and effects varied. They became a productive part of a change that developed under the expansion of neoliberal rationalities. Below, I elaborate on the critical approach I adopt toward each kind of archive and on the shifts that each of them underwent.

The Law

In 1954 and 1970, two criminal laws brought to the surface two different paradigms of toxicity. The former reproduced the paradigm of the toxicity of a virus, and the latter introduced petrotoxicity to the recognition of criminals. This shift, which follows the expansion of neoliberalism, the financialization of the regime, and the petromodernization of the everyday, reiterates the transition that took place from the Falangist control of the Francoist dictatorship to the Opus Dei's technocratic management; from the creation of the Coal and Steel Community to the European Economic Union.

As has been widely argued (Pérez-Sánchez, Mira, Mora, Baidez), the 1954 amendment of the 1933 law of "*Estados Peligrosos*" (Dangerous States) also known as the law of "*Vagos y Maleantes*" (Vagrants and Thugs), showcased a disease paradigm of toxicity, and recognized the criminal categories included in the law as contagious. Notably, the same researchers have called attention to the fact that, together with this contagious disease toxicity, the text incorporated, for the first time in Spanish penal legislation, two new dangerous groups. They were the "homosexual" and the "apologist of terrorism."

The 1970 law of "*Peligrosidad Social*" (Social Danger) repealed the law amended in 1954. As I argue, this revocation of the previous law came hand in hand with the introduction, in the new text, of the petrotoxic paradigm, which for over ten years had been penetrating the imagination of the dictatorship. This time, the law preserved the category of the homosexual as a dangerous state, however it let go of the apologist of terrorism. Significantly, the "terrorist" as the criminal category that was summoned in the very name of the apologist of terrorism, persisted in the multiple antiterrorism laws since 1947 through the criminalizing of different collectives across the years. Anti-terrorism laws mutated from addressing communist, anarchist and other anti-Francoist political parties and disident organizations in the 1940s and 1950s, to interpellating revolutionary anti-capitalist anti-imperialist thirdworldist social movements of the 1960s and 1970s.

Under the new light shed by the framework built upon Preciado's perspective of the "plastic times" and the formation of new "toxic environments," LeMenager's "petromodernity," and the notion of "petrotoxicity" I propose here, previously ignored differences have become noticeable. The 1970 law did not apply, as the previous one did, a protocol to put in quarantine the so-defined contagious "psycopathology," which was considered a threat that penetrated the dictatorship from the outside. Instead it put in place an economic and moral task of either revalorization or disposal of "bio-psycopathologies," which as with petroleum residues and dangerous substances, their threat was calculated at the molecular scale of chemical and hormonal transformations. Accordingly, these dangerous states were not regarded as external threats; instead, as with plastic and petroleum waste, it was an action of exposing a sovereign menace that was already inside. Finally, the dangerous states in 1970 were not contagious.

This critical focus allows us to understand the escalating effects that the different criminal toxicities exerted both at the level of the dictatorship and at the level of Europe. Michel Foucault's work is one of the most productive theoretical productions that can help in this respect. As argued by legal scholar Bernard Harcourt, one can find a "political theory of criminal law" (28) in Foucault's lectures "*Théories et Institutions Pénales*" (translated as Penal Theories and Institutions), "*Société punitive*" (The Punitive Society), and "La Vérité et les Formes Juridiques" (Truth and Juridical Forms) delivered between 1971 and 1973. One of the components that Harcourt distills from this political theory of criminal law is that for Foucault "penal law can only be understood as a weapon in a social struggle" (29). This component bears a heightened significance in the case of a dictatorship, such as Franco's in Spain, which imposed its law after a civil war, and was trying to make room internationally by becoming part of a transnational Europe.

Francoist penal practice was a weapon that revealed the process of production of knowledge effects. These effects surfaced in the inclusions and exclusions in penal law of dangerous groups, such as the homosexual and the apologist of terrorism, and their varying recognition throughout the years by way of different toxicities. Penal law did not only repress. Instead it became, as argued in "*Penal Theories...*" a "scène où se nomme une vérité" '*scene where truth emerges*' (198, translation by Harcourt) and also a scene where truth was transformed.

Ultimately, when *Truth and...* states, "in the concept of crime [...] The infraction [...] was an [...] injury done by an individual to order, to the state [...] to sovereignty" (43), we can inversely interpret that it is in the categorization of crime and criminals as "social enemies" (54) of the state that a definition of sovereignty can

be found. Following this line of thought into Foucault's *The Punitive Society*, we understand that "the transformation of penalty does not belong just to a history of bodies; it belongs more precisely to a history of the relations between political power and bodies" (261). In other words, the political project of the dictatorship revealed itself in the unstable categorization of the punished bodies; in the reason to include the homosexual and the apologist, in the rationale behind excluding the apologist later on, and also in the transit from a viral toxicity to a petrotoxicity. Indeed, this political project was one with an ever-growing entanglement with the European transnational enterprise, which makes the transformations in the penal law, as defining of the former as of the latter.

Following the dialogue with Foucault, authors such as Harcourt, Wendy Brown and Janet Haley, Chandan Reddy, and Siobhan Somerville have addressed in different ways⁹ that criminals are indeed the effects of the law with a particular world-making force, instead of mere reflections of a previously existing reality. In the present dissertation too, I address the world-making force of inclusions and exclusions; and of the domination of divergent paradigms of criminal toxicities. They permit us to

⁹ As Bernard Harcourt argues in *Illusion of Order*, there is a theorization of law in Foucault's 1975 book *Discipline and Punish* (1972-1973), which can be traced back to the French philosopher's lectures collected in the book *The Punitive Society* (2015). In Harcourt's words, the "positive functioning" (Foucault, 2015: 145) and productive work of law and of punishment is revealed in the creation of subjects; "power produces; it produces reality [...]. The individual and the knowledge that may be gained of him belong to this production" (Foucault, 1995: 194). Harcourt follows Foucault's lead in order to argue, "punishment has fundamentally altered the subject's self-understanding, habits, emotions and desires" (144). Like Harcourt, other contemporary scholars that critically address the law have dialogued with Foucault's productive hypothesis. Wendy Brown and Janet Halley, for example explain, "law has a penchant for hiding itself in background rules so minute that they facilitate or activate regulatory regimes that seem immune from legalistic effects" (2002: 11). Chandan Reddy argues that the law "is not a passive domain in which differences, [...] can be found, extracted, and restored to their fullness, if necessary. It is the active technique by which sexual, racial, gendered, and national differences[...] are suppressed, frozen, and redirected as the occasion for a universal knowledge" (2005: 115). Finally, Siobhan Somerville takes "a genealogical approach [...] with an eye to the legislative production of the law [...] the unacknowledged logic [...] that ties constructions of race and homosexuality together within the same legal history" (2005: 347).

decipher the connections between the neoliberal optimization of the dictatorship's violence, and the formation of a transnational Europe.

The Mass Media

The mass media opened up to the population the productive relationship that existed between the penalized bodies and the configuration of the dictatorship's political project. This was not a unidirectional relationship of production of knowledge. If the law affected mass representations, mass culture too affected legal frameworks of knowledge and encodings. Importantly, the mass media created a space for readers of newspapers and cinema spectators to decode the meaning of images and narrations that permeated the dictatorship. In other words, the mass media multiplied the sites of production of effects of truth regarding criminalized collectives, and pointed to the reticular formation of Francoism and of Europe.

During the 1950s and 1960s, among North American and European states, Spain was second only to the US in number of cinemas per person, making it the ultimate sphere for consumption of mass popular culture. As Aurora Bosch and M. Fernanda del Rincón explain, "cinema was cheap, warm in winter and cool in summer. There were movie theaters in every neighborhood of the large towns, and at least one in most of the rural villages" (1988: 113-114). The dossier of articles published under the umbrella of the research project *An Oral History of Cinema-Going in 1940s and 1950s Spain* collected accounts of cinemagoers that recounted the intense cinema consuming

activity, which was reinforced outside the theaters by orally retelling plots and scenes.¹⁰

Cinema's dominance in mass popular culture surfaced in different ways. One good example materialized when the dictatorship's statistical work calculated that, in 1960, only one percent of the population owned a television.¹¹ The dominance of cinema as a mass culture phenomenon became perhaps more clear in the fierce work of the Superior Censorship Committee. Their work, carried out since 1937, included decreeing, in 1941, the dubbing of foreign films. This allowed the dictatorship to control and alter what was said in the original films to make it more appropriate for the dictatorship's politics. The committee made cinema one of the battlegrounds for the production and proliferation of narrations that brought a world in transformation into being. Hence, the intimate connection between mass-consumed cinema and the dictatorship's political project.

However, cinema consumption was more nuanced than mere indoctrination. As part of the project *An Oral History...*, Eva Woods and Jo Labanyi agree when they distance themselves from more orthodox studies that understand cinema under Franco as plain escapism, an experience "politically neutralizing at best and highly supportive of the Franco regime at its most powerful" (Woods, 126). Instead, as argued by

¹⁰The exact number provided by Aurora Bosch and M. Fernanda del Rincón are the following, "In 1947, Spain, with a total of just over 3,000 movie theatres and an average capacity of 525 seats, was second in the Western world behind the United States in terms of cinemas per head of the population — one for every 8,666 persons as compared to 7,277 for the US" (1988: 113-114). More recently Manuel Palacio and Kathleen M. Vernon referred in their chapter "Audiences" of the 2012 *A Companion to Spanish Cinema* to more contemporary work regarding cinema going under Francoism. Palacio reads box-office statistics to establish "cinema-goers as the largest audience for any form of public entertainment" (473).

¹¹ Regarding the number of television owners in Spain, the Third Plan of Development explains that "*El número de televisores por mil habitantes, que era 5 en 1960, pasa a 70 al final de la década*" "The number of televisions for every thousand inhabitants, which was 5 in 1960, increases to 70 at the end of the decade" (Franco, 1972: 8248).

Labanyi, spectators could “use their practices so effectively as an aid to social and emotional survival” (2005:107). Woods adds that if cinema-going meant disconnecting, this act should be interpreted as a “tactic [that] allow[ed] them to read film and star texts across class, ethnic, political, and sex-gender boundaries” (126-127). Cinema was not only one of the preeminent spaces for the dissemination of the Francoist political project, which included representing criminality. It was also a space of negotiation between the institutional production of knowledge and the spectator’s work of decoding that knowledge in order to survive.

Between the mass consumption of cinema and the scant readers of the law, there was a diversity of mass media. In this dissertation I examine the dictatorship-controlled *Noticiarios y Documentales* (“news and documentaries”) or “*No-Do*” newsreel, and newspaper current affairs sections and opinion articles. Different kinds of mass-media archives demand a divergent approach. If films aimed to be singular productions, the pieces of news became sequences of narrations that were consistently duplicated. I have modeled the selection and examination of these cultural objects accordingly.

No-Do newsreels were required to air in cinemas before movies, which made them as mass consumed as films. With regard to the press, taking into account the high rates of illiteracy, which as studied by Antonio Viñao (72), were around the 15% of population during the 1950s and 1960s, the impact of the written word was less than that of the moving image. Moreover, a strict control of information was first, “juridically defined by a tough [...] press and censorship law introduced on April 22, 1938” (*The Franco...*, Payne, 181), and later, in 1966 with a second press law, which “eased restrictions” but that still imposed “a variety of sanctions, such as stiff fines,

suspension, confiscation, or even arrest, could still be imposed on those publishing material damaging to the state, religion, or general mores” (512). Hence, the *No-Do* and the written press combined generated an effective machine of duplication of information that aimed to consolidate the dictatorship’s political project.

Under these conditions, what became significant was not so much the novelty of news, but the constant repetition and drilling of the same pieces of information. Alejandro Quiroga explains that with the combination of written press and *No-Do* “*la Dictadura podía mantener un partido de fútbol (y la narrativa nacionalista que conllevaba) durante semanas en la mente de los españoles*” (206) ‘the dictatorship could keep a soccer match (with the nationalistic narration that it entailed) for weeks on, in the minds of the Spaniards.’ In contrast with the diversity and specificity of films that reached the cinemas, these news outlets aimed to establish a homogeneous controlled discourse about the dictatorship.

With cinema I have tracked the box-office control, which began in 1966, in order to identify the particular movies that both impacted and focused distinctly on notions of social enmity, deviant criminality, or exemplary representations of the Spanish man and woman. For the movies that were released during the years that the box office control was not in place the approach has been different. I identified the films that became long-term successes, which ended up being shown for over a decade, well into the 1960s –hence appearing in the box office control. As a result, the selection of films was based on their ability for widespread repetition and variation of certain effects of truth, which could also be found in the penal law. Hence, I approach films unlike the press and the *No-Do*, as I examine them in their singular force to reproduce and question the dictatorship’s political project.

With regard to news outlets, I have examined trends of repetitions, and selected the most paradigmatic examples related to criminality, the formation of Europe, petromodernity of the regime, and petrotoxicity. I dug into the archives of *ABC* and *La Vanguardia*, for being the two highest-circulating newspapers of the dictatorship, and also into the archives of the *No-Do*. More than the singularity of the cultural object, these articles and short documentaries represent the everyday life of the dictatorship and positions of the regime that were constantly drilled –which showed changes under the management of different administrations and were conditioned by a transforming material landscape.

Three crucial concepts, “encoding/decoding,” “processes of performative repetitions,” and “precarity” provide the tools necessary to understand the productive work of dissemination and proliferation of effects of truth undertaken by the mass media. The former refers to the classic text “Encoding/Decoding” written by the member of the Birmingham Center for Contemporary Cultural Studies, Stuart Hall, and published first as a stenciled occasional paper. For the latter two I follow the work that connects research focused on women, gender and sexuality, with a wide range of relations of domination. This is the work undertaken by Judith Butler, Paul B. Preciado and Isabell Lorey to name just a few. A combined reading of the three concepts makes it possible to analyze the transformation of criminalizing paradigms of toxicity in the process of dissemination of popular culture.

Processes of criminalization appear closely associated with the notions “precarity” and “performative repetitions”. Following Lorey’s definition, “Precarity involves social positionings of insecurity” distributed “in relations of inequality” (12). Precarity is the induced sense of insecurity; the vulnerability that is inflicted with

violence and distributed differentially to the extreme of producing disposable lives. From this perspective, criminalization and precarization are to be understood as processes that went hand in hand when the new categories “homosexual” and “apologist of terrorism” entered the penal law in 1954. Butler follows up on this connection between precarity and criminalization, “By asking who will be criminalized [...], who will be treated as a criminal, and produced as a criminal [...]; who will fail to be protected by the law or, more specifically, the police [...]? Who will become the object of police violence?” (34). If as mentioned earlier, penal law is the scene of emergence of the effects of knowledge; this is a scene shared with popular culture. Mass consumed cultural objects too encoded and decoded violent precarizations of collectives in the form of criminalizations.

However, if the precarity of criminalized collectives and individuals is to be understood as a social positioning of insecurity and inequality, then a multiplicity of repetitions of discourses on criminality that stream from different outlets becomes necessary. Following Preciado on the units of specific knowledge, “it’s possible to assemble an entire collection of discourses and performative practices” (117). This collection of discourses and practices is what “performative repetitions” refers to. Taking into account that performativity is the “characteristic of linguistic utterances that in the moment of making the utterance makes something happen or brings some phenomenon into being” (28), criminalizations too respond to what utterances bring into being. They are product of knowledge effects established by legal, scientific, media and other utterances; and also, as the entire collection of repetition of discourses and practices that negotiate, vary and affect each other.

Stuart Hall's "encoding/decoding" provides a frame to situate these precarizing performative repetitions within particular historic and social determinations. With this notion Hall refers to the limits of the repetitions and variations. Repetitions are always different from each other because they can never use codes that are "perfectly symmetrical" and cannot "constitute 'immediate identity'" (4). Repetitions are conditioned by socio-historical conditions, which in our case applies to the Francoist dictatorship; the European transnational unit; and the shift of toxicities, from virus to petroleum. Hence, following Hall's proposal, I understand processes of criminalization as acts of encoding and decoding that varied in each act of repetition.

For example, the 1954 law of Vagrants decoded earlier medical discourses, which had been encoded following the "framework of knowledge" (4) that thought of homosexuality and communism as contagious diseases; and encoded them again as dangerous groups under the penal law. The 1970 law of Social Danger decoded, instead, paradigms of scientific models of petroleum toxicity of plastics and oil when encoding the dangerous states within this new framework of knowledge. The mass media open up these processes of coding and decoding by including the wider public and popular knowledge into these practices where frameworks of knowledge varied. Inside the chain of performative repetitions, the dictatorial aim to tightly control processes of encoding and productions of knowledge, contrasted with the survival acts of decoding performed by the population as spectators and readers –which produced their own encodings of criminals; and also of men and women that fell into the norm.

Intellectual Discourses

By examining the discourses produced by key intellectuals that dialogued with each other, I address two types of connections. One establishes the critical connection between ideas about the modern European north and the underdeveloped south – between the early administrative formation of a transnational unit and the dictatorship. The second points to the interdependence between the legal punishment of bodies and the European political project for unity and economic development. In other words, the analysis of intellectual discourses focuses on the shifting asymmetrical character, which the European project acquired built upon either a disease or a petrotoxic criminality, through notions of modernity, petromodernity and capitalist development while trying to resolve the conflicting relationship between the south and the north.

This approach introduces the examination of the south-north network of intellectual dialogues in a longstanding critical debate within Spanish peninsularist cultural studies. The debate interrogates the seemingly contradictory formation of a Catholic fundamentalist dictatorship, which came to operate under neoliberal rationalities. Examining the intellectual dialogues through the perspective of petromodernity and petrotoxicity sheds additional light and brings a different standpoint from which to approach this critical discussion.

One of the latest contributions to the debate about modernity and Francoism is Luis Moreno-Caballud's 2015 *Cultures of Anyone*. In this work, Caballud traces back his main interlocutors to two different critical traditions. Firstly he identifies the seminal 1995 work *Spanish Cultural Studies. The Struggle for Modernity* introduced and edited by Jo Labanyi and Helen Graham. Secondly, he establishes bridges with

Spanish political thinkers such as Emmanuel Rodríguez and Isidro López and their work. This critical triangle provides crucial interpretations of Francoist modernity.

Graham and Labanyi point to the transformation of Francoism into an anticommunist Western ally, after WWII, in order to understand the dictatorship's modernization. It was during this period that a "cleavage within modernity [...] was institutionalized as the basis of the dictatorship," between an "anti-modern, anti-rationalist official culture" and becoming a "consumer society in the making" (17). What is significant to us is that Graham and Labanyi did not approach the relationship between the official anti-modern culture and the regime's capitalist modernization as contradictory, but instead as dependent on each other.

Rodríguez makes the link between the dictatorship's incorporation of capitalist style progress and consumerist modernity, referred to by both Graham and Labanyi and the manufacturing of subjects of the regime through hegemonic forms of domination. As they explain, the significance of consumption under Franco was related to its force of "*subjetivación*" 'subjectification,' because "*el consumo se convirtió en el criterio determinante de 'pertenencia' a la sociedad en sentido lato –y no a una clase particular, como la clase obrera*" 'consumption became the defining criteria of 'belonging' to society in a wide sense –instead of a particular class, such as the working class' (72). Rodríguez's proposal allows us to approach the Francoist sense of capitalist modernization as operating simultaneously at the level of the political project and at the level of the subjects. Capitalist modernization permitted the dictatorship to create new international alliances while establishing widespread forms of domination at the level of the subject –preserving unaltered the Catholic fundamentalist principles.

Moreno Caballud adds nuance to the debate, by referring to the cultural shift instigated together with the capitalist implementation, which had been examined mostly in economic terms. Caballud understands Opus Dei's particular technocratic neoliberal project as a work of a reduced elite that created a "pre-established order that it would then impose biopolitically on society" (42). In the case of the dictatorship's technocrats the control of the productions of knowledge and the subsequent exercise of power became particularly acute. As elaborated by Caballud, what distinguished "technocratic ('modern') reasoning from other forms of cultural authority is the very small space the former leaves for any other intelligence or production of meaning" (50). Thus, the technocratic tight control of the sources of production of knowledge with regard to capitalist consumerist modernity and other fields was the factor that permitted the Francoist project to preserve power in the form of "anti-modern" Catholic fundamentalism.

I argue that by opening up the question to both European intellectual discourses and to notions of petromodernity and petrotoxicity, we can keep working on the critical knot of an anti-modern Catholic fundamentalist regime that develops neoliberal capitalist policies in original ways. Petromodernity and petrotoxicity expand on the understanding that the Francoist modernization operated simultaneously at the level of the political project and at the level of the individual. Indeed, approaching the petrotoxic economy of recognition of criminals and the neoliberal petromodernity as two sides of the same coin establishes that relationship of interdependency from the start. It was not only consumerism that was able to establish hegemonic forms of domination under Franco. It was petrotoxicity that operated as the interpretive

category for the deviants against which the neoliberal Catholic consumerist norm was defined.

Opening up the discussion to a wider European intellectual circle proves necessary when we understand that the immunitary disease paradigm and the petrotoxic paradigm are different forms of organizing the national community. They differ with respect to modes of arranging the relationships of the inside and the outside; of inclusions and exclusions. The immunitary and the petrotoxic paradigms operated distinctly through notions of Catholicism and capitalism that were being deployed by the dictatorship in the south, and also from the transnational unit designed in the European north.

In order to complement the peninsularist critical debate, I map out the dialogues of four intellectuals. In these dialogues the asymmetrical relations of power between the developed north and the underdeveloped south blended with productions of knowledge that situated the preservation of a shared Catholic European spirit. I argue that these productions of knowledge and relations of power transformed with the shift in the domination paradigms of toxicity (from disease to petroleum), which made the first form of accession of the dictatorship to the European administration possible, in the form of a preferential agreement. Briefly, if the immunitarian paradigm organized the dictatorship and Europe as being external to each other; the petrotoxic paradigm, which presented no outside, allowed the dictatorship and Europe to think of each other as parts of the same unit, both capitalist and Catholic.

The close relationship of two European thinkers traverses the dissertation. On the one hand there is the Russian-born transplanted French Hegel scholar turned bureaucrat, Alexander Kojève. On the other hand, his long lasting interlocutor was the German legal scholar condemned to oblivion in Europe while remaining a referent in Spain after WWII, Carl Schmitt. Their intellectual exchange gives us access to the transformations of the European discourse in the north, with links to the south.

Under Franco, two political figures and jurists established connections with Kojève's and Schmitt's works. Still under the Falangist government of the dictatorship, the Opus Dei member Rafael Calvo Serer's work gave a precocious form to the neoliberal optimization that Francoism was going to undergo. Later on, Manuel Fraga, who was at odds with some of the technocratic principles of the dictatorship's administration, acted, nevertheless, as one of the main designers of the renovated relationships between the Dictatorship and Europe –referred to as "*apertura*" (opening).¹² Through Calvo Serer and Fraga, Kojève's and Schmitt's designs encountered their counterparts in the Francoist south.

The four-sided intellectual dialogue was open to multiple influences. Three other important interlocutors that will emerge in this dissertation are the Falangist intellectual Pedro Laín Entralgo, one of the chief jurists of the dictatorship, Francisco Javier Conde, and one of the leading German Ordoliberal economists Wilhelm Röpke. The connections between the discourses of all the intellectuals mentioned above took place at different moments of the domination of the paradigm of disease toxicity and

¹² For Justin Crumbaugh "Fraga was, without a doubt, Franco's most high-profile official and the figurehead of the new politics of *apertura* in the 1960s. During his tenure as minister of information and tourism, Fraga became a mass culture icon, appearing frequently in the Spanish news media and featured regularly in the foreign press" (2009: 11). As Tatjana Pavlovic examined, *apertura* did not bring democratization, "Fraga's intricate politics of *apertura* was designed both to strengthen the Franco regime and to assimilate Spain into a Western democratic 'normality.'" (2011: 14).

the emergence of the petrotoxic paradigm. They related differently to the dissemination of petromodernity. These dialogues worked through notions of economic progress, Catholicism, modernity and backwardness addressing and solving in different ways the seemingly contradictory anti-modern modernity (as in Catholic fundamentalist neoliberalism) of the dictatorship, while attempting to resolve what the place was of Francoism in Europe.

Structure and Chapter Layout

The two-part structure of the dissertation responds to the two types of toxic paradigms of criminalizations that dominated the formation of the Francoist dictatorship and its relationship with Europe after WWII –disease toxicity and petrotoxicity. Part One, comprised of Chapters One, Two and Three, focuses on the domination of the disease toxicity and its immunitary paradigm at the levels of criminalized bodies, of the Francoist project and of the European transnational unit. It spans from the consideration of the dictatorship as a country in a crisis of underdevelopment, to 1957 when the Opus Dei technocrats took over control of the administration of the Francoist regime, and also when the European Economic Community was created. Part Two (made up of Chapters Five, Six and Seven) in turn, focuses attention at the domination of the petrotoxic paradigm in the same threefold scaling-up social layers, stretching from 1957 to the 1973 oil crisis. Between the two parts the connecting Chapter Four “Petrotoxic Transition to Petromodernity” acts as a connecting chapter that transits from one part to another –from the domination of one toxicity to another. Significantly, in both parts, the bigger the social scale, the less the inheritance of the toxic paradigm became a matter of semantic spillages, as was the

case with the processes of criminalizations. For the Francoist dictatorship and for European unification it became more an issue of inheritance of neoliberal technologies of power that were present in the petrotoxic paradigm. In what follows, I briefly address the content of each chapter.

In Chapter One titled “Contagious Vagrancy” I focus on the Francoist 1954 amendment of the law of Vagrants and Thugs. By drawing comparisons with the amended 1933 law passed during the previous Republican government two main differences surface. One is the addition of the homosexual and the apologist of terrorism as two new dangerous categories; and the other is their recognition as being contagious. These two particularities allow my analysis to present the main characteristics that the Francoist immunitary paradigm acquired after WWII, and the way in which this immunization operated by overlapping different regimes of power against threats to Catholic morality and economic progress.

In Chapter Two, “After Innoculation,” I focus on the political project that the dictatorship was able to build, which was sustained by the new criminalizations that inherited the paradigm of disease toxicity. In order to do so, I examine the married woman and the national man. They were the two categories that the law manufactured as lives to foster. Immunized against the homosexual and the apologist, the central subjects of the regime became the anti-bodies, circumscribed under distinct relations of domination. It was mandatory for the Catholic married woman to reproduce the nation biologically, and the modern man was defined by homeownership, which involved forms of subordination through indebtedness. Finally, by examining the mass consumed *No-Do* newsreels and films, together with the work of censorship, I direct my analysis to the places in which openings for political dissidence and emotional

survival occurred within the tight repetition of the discourses that perpetuated the dictatorship.

“Intellectual Immunizations” is the third and last chapter of Part One. Three intellectuals and their proposals become entangled in this chapter. They are Alexandre Kojève, Carl Schmitt and Rafael Calvo Serer. The first mirrored at the level of Europe the relation of immunization that the dictatorship established against dangerous groups such as the homosexual and the apologist. At the European level, however, it was the Francoist dictatorship that was referred to by using notions of vagrancy and idleness. Meanwhile, Carl Schmitt’s fundamental notions of enmity were incorporated and tweaked within the dictatorship’s understanding of disease toxicity in a way that thought of the enemy, not only as public, but also external to the Catholic fundamentalist dictatorship. These contrasting approaches between the north and the south began to be resolved with the incipient petroleum-influenced technocratic discourse of Calvo Serer, who made use of neoliberal rationality in order to put together ideas of capitalist modernity and Catholic fundamentalism.

In “Petrotoxic Transition to Petromodernity,” which is the fourth chapter and operates as the transition to Part Two, I address the penetration of petrotoxicity and petromodernity in the dictatorship before its domination. The first legal regulations of oil spills and petroleum byproducts during the 1960 offer us access to the introduction of the petrotoxic paradigm in the law, before it was inherited by the criminal legislation of the dictatorship. In this chapter I also point to the dissemination of petroleum images before the establishment of the petrotoxic regime of criminality. I examine, indicatively, some of the anti-Francoist resistance groups that had begun to perform petroleum-based acts of self-naming.

Part Two opens with the fifth chapter “Residual Threats.” In this section I focus on the 1970 law of Social Danger, which repealed the 1954 amendment of the law of Vagrants in the name of modernization. I examine how the traits of the petrotoxic paradigm were inherited by the 1970 text, and how this transformed the regime of criminality and punishment of bodies. The prostitute, the porn dealer and other figures joined the homosexual, while the apologist fell out of the legal code – instead it would be referred plainly to as terrorist. The calculation of the threat of each one at a molecular level, the economic condition of the criminal as one to be either revalued or disposed of, the usefulness of these criminals for the dictatorship’s to Europe, hence identifying them as both poisonous and necessary were all signs of the petrotoxic regime of criminality.

Chapter Seven, “Petrotoxic Iterations of the Nation,” goes back to the figures of the national man and the married woman which survived the transition to the new toxic environments and cultures. The persistence of these figures allows us to discern the variations in the manufacturing of the lives that the dictatorship aimed to foster. This shows more an optimization rather than a complete rupture in the dictatorship. In a fully economized reality, the married woman had to remain as the exceptional non-economized body for the preservation of the Catholic fundamentalist principles of the regime. Contrastingly, the configuration of the national man as a market actor went beyond indebtedness and was framed as stakeholder of the nation. These were petrotoxic iterations of the older figures of the man and the woman. Their manufacture depended on the exposition and disposal of the criminal residues. Beyond the perpetuation of the dictatorship’s doctrine, mass-consumed cinema gave the spectator

access to the petrotoxic blind spot of the dictatorship, which was inhabited by toxic residues.

The dissertation ends with the chapter “Slick Intellectuals.” Kojève, Schmitt and the dictatorship’s technocratic project kept dialoguing with the arrival of petromodernity, while introducing Manuel Fraga Iribarne as the new main Francoist interlocutor. I argue that the dictatorship’s solution to its categorization as underdeveloped functions as a revaluing, sustained by the petrotoxic regime criminalization. This solution emerged from the response to Kojève’s proposal to solve southern European crisis of underdevelopment by means of credit acquisition, and from the petrotoxic threat of Schmitt’s new notion of oil fueled petrotoxic enmity, which made of Spain the guardian of a common European Catholic spirit. In the form of a Catholic fundamentalist *and* capitalist spirit, the Francoist solution was finally able to revalue its underdeveloped toxicity

PART ONE
Disease Toxicity

Chapter One

Contagious Vagrancy

In this first chapter I will start by focusing on the 1954 Francoist amendment of the pre-dictatorship 1933 law of “*Vagos y Maleantes*” (Vagrants and Thugs). This amendment allows us to recognize the particular shifts in the dictatorship with regard to its sense of immunity and the different regimes of power that inherit disease logics of toxicity. To put it another way, the 1954 text reveals a Francoist immunitary paradigm, within which technologies of discipline, sovereignty and security operate simultaneously in the recognition and punishment of criminality. Because the amendment it is a tweaked version of the earlier law in response to the singular conditions of the dictatorship’s political project of the moment, it allows us to identify the distinct blend of regimes of power that the Francoist dictatorship put together, once it had been categorized as an underdeveloped country.

The 1954 amendment introduced two new dangerous groups, which were identified as contagious. These groups were the “*homosexual*” (sic.) ‘homosexual’ and “*los que inciten a la ejecución de delitos de terrorismo [...] y los que públicamente hagan apología de dichos delitos*” ‘those who incite the realization of crimes of terrorism [...] and who publicly make apology of such crimes’ (Franco, 1954: 4862) –from now on the ‘apologist of terrorism.’ Besides, the “apologist of terrorism” is not a category that can be approached in isolation, but one that summons yet another criminal figure, the terrorist, which was legislated by the dictatorship in 1947 in order to act against the political dissidence of the time. The additions of the homosexual and the apologist,

together with the summoning of the terrorist, create a triangle of criminality that, by being examined together, makes it possible to discern the dictatorship's particular combination of regimes of power and its use of the disease toxicity. The knowledge produced in the punishment of the new dangerous groups, with regard to their contagious character allows us to grasp the immunitary paradigm of the regime.

Three key political coordinates presented in the introduction give context to the amendment of this law of Vagrants passed by the Francoist "Cortes"¹³ in 1954. The first is the Falangist party's rule, which even though its power diminished after WWII would be in charge of the dictatorship's administration until 1957. Secondly, there was the establishing of the Coal and Steel Community, which was inaugurated in 1951. Finally, there were the international agreements signed between the dictatorship and the US and with the Vatican, which signaled the first openings and inclusions of the dictatorship to western politics. The amendment of the law of Vagrants and its contagious disease toxicity sustained and responded to these political conditions that coincided with the categorization of the dictatorship as a country in an economic crisis of underdevelopment.

During this period, the Francoist dictatorship was not an exception in its criminalization of the homosexual and left-leaning political associations. The dictatorship was not an exception either in the categorization of these threats as contagious. Geoffroy Huard examines the criminalization and the contagious character of the homosexual in France. Alison Blunt and Jane Wills refer to a similar case

¹³ The historian Stanley Payne explains that the Spanish Cortes, established in the 1943, " was a new corporative parliament, called after the spanish custom the Cortes. [...] the function of the Cortes would be more technical than political. It would provide a covering of legitimization and support to the regime, but it would have the right to pass on legislation introduced by the government. [...] The first Cortes would show itslef totally subservient to the government in every way" (323-324).

scenario in the 1950s England under the 1885 Labouchère Amendment to the Criminal Law Amendment Act. Finally, Priscilla Wald has examined the contagious representations and the criminal legislation created in the US against the homosexual and Communism during the Cold War. Thus, Francoism was part of a wide international wave of categorization of threats through the lens of contagious disease toxicity. The dictatorship's particular version was its way of resolving the new place that the regime was beginning to occupy among other western capitalist countries. From this perspective, we can identify different rationalities behind each one of the new contagious dangerous groups.

With regard to the figure of the homosexual, Gema Pérez-Sánchez refers to the need of the dictatorship to exclude the embodiment of the long lasting feminization of the South. It was the anxious response of the regime to the opening up of relationships with institutions and nations internationally. As explained by Pérez-Sánchez, "in a dictatorship so concerned with rigidly fixing proper gender roles and heterosexual practices, men who did not seem acceptably masculine, [...] dangerously literalized both Francoism's feminization of the population and the regime's position with respect to the rest of Europe" (22). Hence, after the Pact of Madrid and the Concordat, the addition of the homosexual in the criminal legislation should be read as responding to anxieties of the dictatorship with regard to the need to preserve fundamental notions of masculinity "modeled on the Catholic, aggressively heterosexist macho, a stereotype reinforced through institutions such as the military service and upheld by compliant, conservative women;" and to the perception of it by Europe.

In relation to the apologist of terrorism, Jorge Marco's examination of the early post-Civil War armed resistance of the anti-Francoist guerrillas is revealing. 1952 was

the year when the anti-Francoist dissidence ceased their armed action with official demobilizations of guerrilla groups commanded by the “*Partido Comunista de España*” (Spanish Communist Party) and the anarcho-syndicalist “*Confederación Nacional del Trabajo*” (National Confederation of Labour). As explained by Marco, “the armed resistance cannot be understood without the backdrop of the war, and, above all, without the process of political cleansing” (342). Until 1952 the dictatorship performed this political cleansing by applying the 1947 anti-terrorism law against the guerrillas. However, after the armed activity ceased, the 1954 law of Vagrants became the tool to maintain the work of political cleansing under the new anti-communist coalition with the US. The new amendment permitted the prosecution of populations that were under surveillance without them breaking the law.

In this chapter, I will first introduce the 1954 amendment, to then continue with the analysis of the overt presence of the contagious disease toxicity. I will begin this analysis by examining the new immunitary paradigm that the law disclosed. I will complete the analysis by establishing the connections between the sovereign, disciplinary and securitarian regimes of power with the disease-based categorization of the new dangerous groups as contagious.

Vagrants Refigured

The 1933 law of Vagrants was passed during the Second Spanish Republic (1931-1939) and designed by, among others, the socialist politician and jurist Luis Jiménez de Asúa. The law defined “*medidas de seguridad*” ‘measures of security’ (Azaña, 1933: 874) for “*estados peligrosos*” ‘dangerous states’ considered to be “*ante-delictuales*” ‘pre-criminal.’ As examined by Igancio Tébar (103-107) this law, which became the

first of this kind at an international level, was accepted unequivocally by the Spanish republican parliament and sustained a dualist approach distinguishing measures of security and punishments.

Under this law an array of collectives became categorized as groups to be targeted by the law. The categories included “*vagos*” ‘vagrants,’ “*proxenetas*” ‘pimps,’ “*mendigos*” ‘beggars,’ “*ebrios*” ‘drunkards,’ “*toxicómanos*” ‘drug addicts,’ “*los que ocultaren su verdadero nombre*” ‘those hiding their real names,’ “*los extranjeros que quebrantaren una orden de expulsión*” ‘expelled foreigners who refuse to leave’ and “*los que observen [...] inclinación al delito*” ‘those inclined to commit a crime.’ None these groups had committed a crime; however, they were considered to be internal threats to the social life of the state.

Luis Jiménez de Asúa argued that the design of the law aimed to respond to the fact that “*la mayor parte de las grandes ciudades se limpian de sus malvivientes por métodos policíacos a extramuros de la ley*” ‘most of big cities clean their thugs by police methods that act outside the law’ (635). Sebastián Martín (924-928) explains that this attempt to bring within the realm of the law acts of police brutality against the most precarized groups of society had, in practice, acute repressive consequences, apparently unforeseen by Jiménez de Asúa. As explained by Tébar, to the surprise of Asúa, “*la prensa publicó que sólo en Barcelona los jueces podrían aplicar la ley sobre 6000 individuos*” ‘the press published that only in Barcelona the judges could apply the law to over 6000 individuals’ (107). For both Martín and Tébar, an enemy criminal law¹⁴ is revealed in

¹⁴ Carlos Gómez-Jara Díez summarizes Günther Jakobs’ first characterization of the “enemy criminal law” as the “provisions that are not aimed at law-abiding persons (that he generically termed as “citizens”), but at potential dangerous individuals (that he broadly identified as “enemies”). In the latter case, sanctions are not imposed retrospectively, i.e., punishing prior wrongdoing, but prospectively, i.e.,

this repressive turn of the law of Vagrants, in which it operated by categorizing the political and social enemies of the state.

The law of Vagrants endured the military coup against the Second Republic led by Franco, and also the Spanish Civil War. After the war, it was applied during the Francoist dictatorship until it was repealed by the 1970 law “sobre Peligrosidad y Rehabilitación Social” (regarding Social Danger and Rehabilitation). The examining magistrate of a Special Court of Vagrants and Thugs Domingo Teruel Carralero, explained in his 1949 handbook about the 1933 law that not only was the republican law a “*magnífico instrumento de gobierno*” ‘a magnificent tool of government;’ he argued further by explaining that “*podría tachársela de tímida*” ‘it could be described as modest’ (5). In fact, the Francoist additions of new dangerous groups to the Republican law responded to this alleged modesty.

The homosexual and the apologist of terrorism embody the intensification of the repressive character that the dictatorship gave to the law of Vagrants. This intensification did not only refer to the addition of new categories, which allowed wider ranges of the population that had broken no laws to be targeted. As argued by Martín, during Francoism the notion of danger put forward by the law of Vagrants became the “*estatus que englobó a todo aquel superviviente que de un modo u otro, próximo o remoto, tenía lazos de unión con el bando derrotado*” ‘status that encompassed every survivor of the war, who in one way or another, either from a close proximity or from afar, had connections with the defeated side’ (916). Hence, within the notion of the enemy criminal law, the homosexual and the apologist of terrorism epitomized those within the territory of the regime who lost the war and their values. The contagious disease

preventing future harms” (531).

toxicity emerged along with this intensification of the repressive character of the law of Vagrants, which targeted those considered to have lost the war.

A New Immunitary Paradigm

In the 1954 law of Vagrants the disease diagrams ceased to be just inherited patterns of regimes of power. Instead, disease toxicity became a prevailing characteristic proper to the bodies that belonged to the new dangerous groups recognized in the law as bodies to be punished. That they were toxic diseases was a constitutive part of the figuration of these threatening bodies against which the Francoist community needed to become immune. To put it simply, the law addressed the homosexual and the apologist of terrorism as contagious.

The Francoist amendment to the law of vagrants addressed two seemingly non-related figures, the homosexual and the apologist of terrorism. However, the law connected them by arguing that both of them produced “*hechos que ofenden la sana moral de nuestro país*” ‘offenses to the moral health of our country’ (Franco: 4862). Hence, there was a need for the “health of our country” to become immune to both dangerous groups. The Francoist immunitary paradigm became more apparent when the law explained that the existence of these dangerous groups “*justifican la adopción de medidas para evitar su difusión*” ‘justif[ied] adopting measures that avoid their *diffusion*.’ The scientific term “diffusion” referred to the contagious character of both the homosexual and the terrorist. This common logic of contagion was a mode of representation that was absent in the 1933 Republican law of Vagrants.

The work of the psychiatrist Antonio Vallejo Nágera was published some years before the Republican law of Vagrants and the Francoist amendment. As explained by

Aurora Morcillo (45), Vallejo Nágera's prolific work produced a body of texts in which racial regeneration, Catholic nationalism and the Francoist political project became entangled. His 1937 *Eugenesia de la Hispanidad y Regeneración de la Raza* (Eugenics of Hispanism y Regeneration of the Race) is a paradigmatic example of the taxonomization of both the homosexual and the communist as contagious threats to the dictatorship within the framework of the early Francoist political project.¹⁵

In this text, Vallejo Nágera argued referring to homosexuals that "*la importancia que tienen para el porvenir de la raza las psicopatías sexuales y la difusión de las perversiones sexuales. Su profilaxis es trascendente desde el punto de vista racial*" 'the importance that sexual psychopathies have for the future of the race and the *diffusion* of sexual perversions. Their prophylaxis is transcendent from the racial point of view' (1937: 135). With regard to Marxist ideas and the communist virus he explained that "*son los jóvenes quienes deben dar un ejemplo que no puede esperarse de una masa social contaminada por los virus democrático y marxista*" 'the youth need to give an example that cannot be expected from a social mass *contaminated* with the democratic and Marxist virus' (6). Either as diffusion or as contamination, the notion of threat of the dictatorship's political project surfaced in the form contagion. As analyzed by Morcillo, for Vallejo Nágera the tool for immunization, "the most powerful racial 'disinfectant' was religion" (48) and the objective was, as explained by Francoist psychiatrist, the "*profunda*

¹⁵ As Alberto Mira (301) and Aurora Morcillo (57) remind us, before and during the Civil War Spanish psychiatrists found in their German counterparts the models to think about eugenics and the Hispanic race. Vallejo Nágera's 1932 article "Illicitud científica de la esterilización eugénica" (Scientific illicitness of Eugenic Sterilization) and the 1937 work *Eugenesia de la Hispanidad y Regeneración de la Raza* [Eugenics of Hispanism y Regeneration of the Race] are examples of this relationship, in which the abnormal, aberrant and pervert character of the homosexual and sexual deviants is made clear. Victor Mora's *Al Margen de la Naturaleza* (2016: 43-45) follows Vallejo Nágera's work after the war and points out that homosexuality is considered to be manifested in gestures and acts of the contrary sex, which consolidated an epistemology of sexual dimorphism.

recristianización de la sociedad” ‘deep re-Christianization of Society.’

Importantly, the double approach of Vallejo Nágera blended eugenics and Catholic fundamentalism. This double approach dialogued with different political trends within Falangism, which were in dispute before the end of WWII. As explained by the historian Ismael Saz, the National-Catholic front and the fascist front were “two contradictory ideological and nationalist agendas [that] came together within Franco's regime, each of which embraced a different political project” (349). By 1941, Saz explains that preceding “the turning of the tide in the Second World War, [...] [and] the country's agreements with the United States” (356) the fascist agenda was defeated by the Catholic fundamentalist position.

Numerous studies have addressed the significance of Vallejo Nágera for the characterization as contagious of the homosexual and of the groups that fell under the umbrella of terrorism. These works have also addressed the persistence of the characterization of the contagious disease toxicity during the Catholic Falangist rule. It was during this period that the Francoist court passed the 1954 amendment to the law of Vagrants.

For example, Alberto Mira and Victor Mora explain that the pathologization of homosexuality had long been disseminated before 1954, which influenced the amendment. Just before the Spanish Civil War, the psychiatrist Antonio San de Velilla argued, unsuccessfully, for including “homosexuality” in the penal code. Since the end of the 19th century, the term had been taxonomically classified as a contagious psychopathology and consolidated as such in Spain by the influential scientist Gregorio Marañón, among others. In the early years of Francoism Vallejo Nágera, following

Marañón's work, inscribed the representations of contagiousness within the psychiatric production of knowledge of the Hispanic race blending eugenics and national-Catholic fundamentalism.

With regard to the post-WWII use of the contagious disease toxicity in the 1954 law of Vagrants, Mira explains that, "*no se castiga el acto [...] sino el hecho de que pueda [terminar] [...] 'contaminándoles.' El peligro de la homosexualidad está en su visibilidad [...] [que] aparece en términos de contagio*" 'what is punished is not the act [...] but the fact that it can [end up] [...] 'contaminating' them. The danger of homosexuality is its visibility [...] [which] surfaces in terms of contagion' (186). Thus, the contagious character of the criminalized collectives emerges as one of the immunitary paradigm's most significant traits. Significantly, this characterization entered the regime of criminal legislation during Catholic fundamentalist Francoism, after World War II.

The representations as contagious diseases of the early anti-Francoist political dissidents have been addressed by Joan Ramón Resina and Antonio Polo among others. As explained by Resina, notions such as "psychic contagion" introduced by the discipline of crowd psychology made it possible to establish a connection between the pre-dictatorship work of the philosopher José Ortega y Gasset and Vallejo Nágera. As argued by Resina, "In Spain, this doctrine led to the belief that political forms [...] such as communism or syndicalism, were cases of mass contagion" (233). Polo refers to "*contagio psíquico*" 'psychic contagion' as part of a medical production of knowledge that categorized as mental illness "*aquellos que mostraran una tendencia a 'padecer' ideas marxistas [...] o bien aquellos otros que se dejaran contagiar de tales ideas por la debilidad que sus sistema inmunitario*" 'those who displayed a tendency to 'suffer' from Marxist ideas [...] and those others who became infected by the same ideas due to the weakness of their

immunitary system' (109). In this case, political opposition fell into the category of "*enfermedad ideológica*" "ideological sickness."

The legal scholars Igancio Tébar and Sebastian Martín agree when they make the connection between Vallejo Nágera's work and the Francoist amendment to the law of Vagrants. The former explains that theories such as Vallejo Nágera's "*servieron para sustentar con mayores dosis de cientificidad algunos puntos de vista criminológicos*" 'served to sustain with greater doses of scientificity some of the criminological point of views' (92). The latter argues further that against "*el vaporoso concepto de comunismo [...]* *abogaban por el establecimiento de un derecho penal preventivo basado [...]* *en la peligrosidad de los agentes. [...] para ello autores [...] desde la ciencia médica [en referencia a Vallejo Nágera] estigmatiza[ban] al disidente*" 'the hazy concept of communism [...] they advocated for the establishment of a preemptive penal law, based [...] on the danger of the agents. [...] For that, authors [...] of the medical science [referring to Vallejo Nágera] stigmatized the dissident' (919). Under the 1954 law of Vagrants, notions of contagion, homosexual, terrorism and its apologists appear entangled informing the formation of the Francoist sense of immunity after WWII.

A particular immunitary paradigm becomes apprehensible in the critical reading of the 1954 amendment of the law of Vagrants. This paradigm goes hand in hand with the post-WWII classification of the dictatorship as a country in an economic crisis of underdevelopment, and the fundamentalist understanding of Catholicism as the ideal disinfectant. At the level of the punished bodies, this paradigm was an entanglement between the contagious pre-criminal character of the apologist of terrorism and of the homosexual. The punishment of these bodies connects with the

necessity of openness announced by the Pact of Madrid with the US and the signing of the Concordat with the Vatican –which brought the first processes of financialization of the dictatorship, and the climax of the neo-Catholic orientation of the regime.

The continuity that Antonio Sabater Tomás gave, in the late 1950s and early 1960s, to the psychiatric work of Vallejo Nágera paradigmatically displays the main coordinates of the refurbished Francoist immunitary paradigm. In Sabater's 1962 *Gamberros, Homosexuales, Vagos y Maleantes. Estudio Jurídico-sociológico* (Vandals, homosexuals, Vagrants and Thugs. A Psychological-Juridical Study) the duplicity was not so much about eugenics and Catholicism any more, but about Catholicism and notions of progress. In the text, homosexuality was an uncontrollable desire, an "*anomalía del instinto sexual*" 'anomaly of the sexual instinct' (Sabater Tomás, 1962: 180) that posed a threat to fundamental Catholic "*barreras éticas*" 'ethical barriers' and notably, also to the crucial "*progreso de la humanidad*" 'human progress.' This sense of progress was framed, during that period, as economic and European.¹⁶ To put it another way, the criminalization and confinement of the contagious homosexual, and by extension of the apologist of terrorism, embodied the dictatorship's necessary immunity against a desire that was not only wrong in term of Catholic morality, but also, acted against development. The threatening virus-like dangerous group operated, since its legal birth, as the node sustaining at once capitalistic modernity and Catholic fundamentalism.

¹⁶ Both Gema Pérez-Sanchez and Victor Mora refer to this passage and address Francoist discourses regarding the threat that the homosexual instinct posed to progress. Pérez-Sanchez, for example, explains "homosexuality became a site of crisis and disruption of the regime" (2007: 24), however none of them develop on the encounter between threats to desire, progress and morality that the category homosexual present against the Francoist project of modernity as a whole.

The need to protect, in the words of the law, the healthy morality of the dictatorship against contagious dangerous groups that threatened Catholic morality and economic progress revealed a particular pathogenic matrix. The inside of the dictatorship needed to be protected from the contagious elements that the regime's body did not engender –homosexuality and marxism were not natural to the Catholic spirit of the nation. Protection happened by means of imprisonment and isolation, which did not mean just negating the contagious threat. Instead the acknowledgment in the law, and the confinement of the dangerous groups reveal an inclusive exclusion –inclusion in the law and in labor camps, and exclusion of public and social life. Through this pathogenic matrix of immunity the identification of the dictatorship was simultaneously affirmed and altered.

The homosexuals and the apologists of terrorism affirmed the dictatorship's Catholic fundamentalist nationalism, while bringing alterations to economic progress in a crisis of underdevelopment. The Francoist regime's endurance during the crisis of underdevelopment was contingent on the preservation of the Catholic fundamentalist morality of the dictatorship, while at the same time, it depended on its realignment with the side of the victors of WWII and their capitalist sense of economic progress. The disease toxicity of the homosexual and the apologist of terrorism sustained these two seemingly conflicting narratives. In other words, the crisis of underdevelopment enabled the emergence of the first signs of a production of a particular immunitary paradigm. This was a paradigm that allowed narrations of capitalist-style economic progress and Catholic fundamentalist morality to be framed as non-contradictory. After 1957, the technocratic government of the Opus Deis would optimize this immunitary paradigm under the conditions of petrotoxicity.

Disease Toxicity and Regimes of Power

Sovereignty, discipline and security, the three overlapping regimes of power put forward by Foucault as inheriting the treatments of different disease toxicities (leprosy, plague and smallpox) acquired a distinctive form under the dictatorship. These regimes consolidated the Francoist immunitary paradigm. Precisely because under Franco the new dangerous groups were understood to be contagious viruses, the regimes of power were not veiled forms of disease-treatments. Instead, they were exercises that actually aimed to protect public health. The homosexual and the apologist of terrorism conflated the three regimes of power for their threatening contagious character.

The law argued that it had a *“finalidad doblemente preventiva, con propósito de garantía colectiva y con la aspiración de corregir a sujetos caídos al más bajo nivel moral. No trata, esta Ley de castigar, sino de proteger y reformar”* ‘doubly preemptive purpose, with the aim of collective assurance and with the aspiration of correcting the subjects fallen to the lowest level of morality. This law does not aim to punish, but to protect and reform’ (4862). In this brief statement, traits of security, discipline and sovereignty surface in the form of normalization, correction and exclusion.

The contagious character made the new dangerous groups a matter of public health. Their treatment was directed to the main objective of the securitarian regime. In other words, it made power operate through the fostering of the life of the population by intervening and normalizing. The channeling of the treatment of the dangerous groups through the penal system of the dictatorship put in motion the disciplinary power. Following what the law argued, labor camps and isolations aimed to correct and discipline the bodies into succumbing to the Francoist Catholic norm.

Finally, even if unacknowledged by the law, sovereign power became present for those who could not be corrected. They were excluded from public life, in the form of death encountered in labor camps or death sentences –as was the case of those categorized as terrorists. Below, I will expand on this continuum between Francoist mechanisms of security, discipline and, sovereignty.

In order to think of Francoist security, it is important to address the fact that the law of Vagrants did not punish a criminal act. Instead, it punished the natural tendency of some bodies to commit crimes in the future and their contagiousness. As such, it operated as a mechanism of security insofar as it was the population in its totality that became the target. Everybody could potentially be part of a contagious dangerous group. The way to discern ended up focusing on individual conducts.

As decided during the 1950s and 1960s by the dictatorship's psychiatrists such as Pérez Argilés and Sabater Tomás, it was precisely homosexuals' responsibility towards this risk of contagion that made them a matter of legal punishment, instead of just a matter of public health.¹⁷ The scholar Ignacio Tébar explains that "*bastaba la delación de un vecino para que el homosexual fuera procesado por escándalo público*" 'the accusation of a neighbor was enough for the homosexual to be tried for public scandal' (111). In the case of the apologists of terrorism, the fear was to be accused of "*significarse*" 'signification' as a political enemy of the regime. As explained by the

¹⁷ Germ theories of harm and responsibility come together when Sabater Tomás refers to Pérez Argilés' work in order to build up on their position against Marañón's arguing "*tampoco el tuberculoso es culpable de su tuberculosis; pero tendrá una grave responsabilidad cuando [...] desinteresado del riesgo de su contagiosidad [...] se dedique a la siembra de esputos bacilíferos*" (1962: 180) 'neither the tuberculous is guilty of his tuberculosis; but his responsibility will be important when [...] dismissing the risk of his contagiousness [...] he dedicates himself to spreading bacilliferous phlegm.' Victor Mora (2016: 79-86) explains in depth Sabater Tomás' notions of spirit and instinct, regarding the need for man to dominate his instincts by means of the strength of the spirit.

historian Fuensanta Escudero, the network of solidarity created between neighbors, family members and old militants that did not agree with the dictatorship “*les llevaba a ‘significarse,’ a estar en el punto de mira, porque una persona que ayudara a un ‘rojo’ corría el riesgo de ser acusado de ayudar al enemigo*” ‘led them to ‘signify’ themselves, to be targeted, because a person that helped someone ‘red’ ran the risk of being accused of helping the enemy’ (106). In other words, the supposedly natural tendency for criminality was displayed in the individual behavior of the dangerous groups.

The Francoist fundamental Catholic norms of conduct had already been transcribed into the first post-war laws by the 1938 and the 1945 legal codes “*Fuero del Trabajo*” (Code of Jobs) and “*Fuero de los Españoles*” (Code of the Spaniards). These laws, which I will examine in more detail in the coming chapter, had two objectives. Firstly, it aimed to “*perfeccionar la salud física y moral de los españoles*” (Franco, 1967: 5251-5253) ‘perfect the physical and moral health of the Spaniards.’ Secondly, they aimed to “*salvaguard[ar] la moral y el orden público*” ‘safeguard the public morality and order’ by professing the Catholic religion. It was the behavior of homosexuals and apologists that the dictatorship had to immunize against, in order to carry out the biopolitical work of perfecting the moral and physical health of the population.

Once the individual behavior was deemed dangerous by the Francoist court, disciplinary mechanisms segregated the discrete elements of contagion. They were different kinds of “*sujetos caídos al más bajo nivel moral*” ‘subjects fallen to the lowest moral level’ (Franco, 1954: 4862). For each of them, the 1954 law set out distinct mechanisms of confinement. In contrast with the apologist, the homosexual’s confinement had to take place “*con absoluta separación de los demás*” ‘with absolute

separation from the others' (Franco, 1954: 4862). The different disciplining mechanisms of imprisonment made apparent that the homosexual and the apologist virus presented differentiated cases of disease toxicity.

I argue that desires were crucial for the segregation of different contagious dangerous states in distinct spaces of confinement. As explained before, scientific discourse defined homosexuals on the basis of their desires as an 'anomaly of the sexual instinct.' When referring to the apologists, it was the terrorist who defined their desire –as the criminal that the dangerous category summoned. In this entanglement of desires we see discipline and sovereignty surface as dependent on each other.

If homosexuals had instincts, then apologists and terrorists had "*impulsos*" 'impulses' (Franco, 1947: 2686). According to the 1947 law "*Sobre Represión de Terrorismo*" (Regarding Repression of Terrorism), terrorists were "*las más graves especies delictivas de toda situación de postguerra, secuela de la relajación de vínculos morales y de la exaltación de los impulsos de crueldad*" 'the most grievous criminal species of the whole postwar situation, consequence of the relaxation of moral ties and the exaltation of impulses of cruelty'. Due to these impulsive desires they "*requieren especiales medidas de represión, cuya gravedad corresponda, a la de los crímenes*" 'require[d] special measures of repression that should correspond to the seriousness of the crimes' (Franco, 1947: 2686). In other words, terrorists were punished with death.

By punishing terrorist impulses with the death penalty and by intending to reform homosexual instincts with isolated confinement, each figure was allocated a different position with respect to the regime. By taking the life of "terrorists," the sovereign regime expelled them from any kind of management of life. Meanwhile, the discipline of the homosexual situated them in the verge of still inhabiting the inside of

the Francoist political project insofar as their lives had to be either first corrected to then foster, or disallowed during treatment. The apologist of terrorism bridged both spaces of discipline of bodies and sovereign death.

The regime could define its inside and outside depending on the knowledge produced about disease toxicities, desires and behaviors of the dangerous groups. It could decide on who was part of the Francoist “we,” and who was instead the enemy – who fell into the group of the victors of the Civil War and became the lineage of the defeated. It was this work of a regime in an underdevelopment crisis that became part of the efforts to become a member of an outside modern Europe that the dictatorship was not yet part of. Simultaneously, this work of re-ordering and manufacturing dangerous groups in a new social sphere allowed the reproduction of an inside in the form of the fundamentalist Catholic rule of law. The birth of the homosexual and the apologist disease toxicities in the law and the violent precarization of their lives and desires showcased the new constituting force of the dictatorship.

Chapter Two

After Innoculation

In this chapter I will focus on the Francoist political project that the Falangist administration built upon the disease toxicity of criminality. Specifically, I will examine the Francoism that the regime put together by means of the immunization of the dictatorship's "we" against the contagious character of homosexuals and apologists of terrorism. The main categories that informed the "we" of the new political project that was emerging under conditions of economic crisis of underdevelopment were the "national man" and the "married woman." These categories served as antibodies that affirmed and altered the dictatorship due to the controlled inclusion in confinement of homosexuals and apologists of terrorism.

The *Fundamental Laws* of the regime characterized the men and women that comprised the population of the dictatorship. Theirs were the lives that the dictatorship aimed to foster. The 1938 law "*Fuero del Trabajo*" (Code of Labour) made the following distinction between the woman and the married woman, "*El Estado [...] en especial prohibirá el trabajo nocturno de las mujeres y niños, regulará el trabajo a domicilio y liberará a la mujer casada del taller y de la fábrica*" "The state [...] will especially forbid night jobs to women and children, will regulate the work made from home, and will free the *married woman* from the workshop and the factory' (Franco, 1967: 5255). This approach to womanhood as an evolution from children-like women, to married woman established a teleological understanding of who the Spanish woman was and what her functions were. Women existed, in short, to be purposed for the biological

reproduction of the dictatorship in the form of the “married woman.”

The 1945 “*Fuero de los Españoles*” (Code of Spaniards) refers to the man as follows, “*la comunidad nacional se funda en el hombre, como portador de valores eternos, y en la familia; como base de la vida social; pero los intereses individuales y colectivos han de estar subordinados siempre al bien común de la Nación*” ‘the *national* community is founded on *the man*, as carrier of eternal values, and in the family; as foundation of social life; but the individual and collective interests need to be subordinated always to the common good of *the Nation*’ (Franco, 1967: 5251). What I summed up as “national man” is this particular subject of the dictatorship, on which the national community is founded and who is, at the same time, subordinated to the nation’s common good.

As antibodies, these two categories became immunized, after 1954, against the contagious threat of the homosexual and the apologist of terrorism. Consequently, because of this 1954 immunization they also transformed from previous Francoist definitions. As explained in Chapter One, the threat posed by both toxic diseases was twofold. Firstly, they acted against the Catholic fundamentalist ethics of the regime. Secondly, they put barriers against notions of development that at the time were being framed in terms of the economic progress that the dictatorship desperately needed in times of crisis.

I argue that each of these antibodies responded more clearly to one of the different threats posed by the criminal diseases. The married woman appeared connected to the threat to Catholic morality, while the national man responded more to the threat against economic progress. The assemblage, against the threat of toxic diseases, of these categories informed the Francoist political project that after WWII was just being accepted by the international community.

Below, I will first examine the two categories and their representation in the law. Then I will scrutinize the mass consumption of the embodiments of the national man and married woman in films and in the *No-Do*. In these cinematic incarnations viruses and antibodies gather together –the married woman, the national man, the apologist of terrorism and the homosexual encounter each other in the mass media. In this range of archives I will point to the chains of performative repetitions that sustained the reformed post WWII Francoist political project. The legal and filmic production of knowledge dialogued with decodings and encodings in different platforms that in turn could allow for messy processes of consolidation, contestation, and survival within the dictatorship’s doctrine.

Nationalist Bodies as Antibodies

The contagious disease criminality became one of the realms for the dictatorship to resolve new contradictions, once the dictatorship let go of the most clear eugenicist position, and the Falangist administration became a stronghold of national Catholicism. The categorization of the dictatorship as a country in an economic underdevelopment crisis allowed for the regime to be able to rethink itself in economic terms, while preserving its Catholic fundamentalist rule. Below, I will examine in turn the positions that the married woman and the national man occupied as antibodies in the solution that the Francoist political project found before the 1957 neoliberal optimization of the dictatorship.

The Married Childbearing Woman

The dictatorship had laid out a clear agenda for the married woman. The plan was to “*liberar [...] a la mujer casada del taller y de la fábrica*” ‘free the married woman from the workshop and the factory’ (Franco, 1967: 5255). With the newly acquired freedom, the woman would be free to fulfill her natural duties. As extensively studied by Aurora Morcillo, under the dictatorship “motherhood represented the main and only natural destiny for Catholic women. [...] Motherhood [was] at the center of women’s patriotic duty in Franco’s Spain” (160). What Morcillo also makes clear is that because “Vatican precepts weighed heavily on Spanish political and moral consciences [...] The rationalization of motherhood was imbued with Christian values” (158). Hence, the liberation of the married woman from the factory had one function, which was to put in place a compulsory motherhood constrained by Christian morality.

Three more theoretical conceptions allow us to develop connections between Francoist Catholic fundamentalist nationalism and the Christian monopolization of the woman as a childbearing wife. Gayatri Spivak elaborates on the link between women’s subordination and imagined nations as follows, “Nationalism is the product of a collective imagination constructed through remembrance [...] temporizing toward a future that will fall due is of women as holding the future of the nation in their wombs” (288-289). Silvia Federici’s work, which proposes “that women have been the producers and reproducers of the most essential capitalist commodity: labor-power” (8), becomes key to understanding the underlying signification of the dictatorship’s term “freedom” when referring to women. Finally, Lee Edelman argues that “if [...] there is no baby and, in consequence, no future, then the blame must fall on the fatal

lure of sterile, narcissistic enjoyments [...] responsible for the undoing of social organization” (13). This last theoretical approach brings the figure of the homosexual and the apologist to the understanding of the category of woman. These proposals makes possible to keep examining links between the position of antibody that the category of the married woman acquired within the dictatorship threatened by contagious dangerous groups.

The law itself imagined the nation in terms of rememoration and temporization based on the nation’s biological reproduction. The Code of Spaniards explained that the nation was “*constituída por las generaciones pasadas, presentes y futuras*” ‘constituted by past, present and future generations’ (Franco, 1967: 5251). Likewise, when the law of Vagrants referred to the healthy Christian morality of the nation, it argued that this morality had been “*fielmente mantenido en la sociedad española*” ‘faithfully kept by the Spanish society’ (Franco, 1954: 4862). This invoked the same imagination based on rememoration and biological reproduction of the nation. The compulsory Christian motherhood of the dictatorship situated the woman in the position of sustaining the endurance of the nation through biological reproduction.

The man-producing function of the woman was also introduced in this Christian temporality of rememoration of the nation. The Code of Spaniards referred to the national man as being the “*portador de valores eternos*” ‘carrier of eternal values’ (Franco, 1967: 5251) of the nation. As such, the law allocated distinct positions of identification. If the man carried the eternal values, the woman produced and reproduced him who carried the eternal values. The law not only subordinated the woman to the man by making him the sole carrier of the national spirit. The law also erased any sense of personality of the woman by situating the family as the unit that

was subordinated to the common good. The married childbearing woman, “freed” from the factory, became herself the factory of the Spanish national man, by Christian, moral and natural duty.

Finally, under Francoism notions of sterility and narcissistic enjoyments became entangled with the threats against which the married woman needed to be immunized. Sterility was related to the figure of the apologist of terrorism and the political dissidents that the concept terrorism included. As examined by Enrique Gonzalez Duró and Maud Joly, during the Civil War and the first of the dictatorship women signified as dissident and republican were systematically raped, had their hair shaven off and were obliged to ingest castor oil for their vulnerated bodies to then be paraded in public. These scholars explain that the spectacular display of sovereign power signaled the infertility of the republican women, while dividing friends from enemies –victors from vanquished. Later on, as explained by Victor Mora, narcissistic desires became entangled with plague-like homosexual instinct and non-reproductive excessive sexual desire. The truth about the godly reproducibility of the Francoist antibody-woman, and hence of the vaccinated dictatorship, was consolidated first by rendering the terrorist enemy’s female body diseased, toxic and sterile, and then by confining the homosexual contagious virus in isolation.

The Indebted National Man

If the married woman dialogued clearly with the threat that the homosexual and the apologist posed against the fundamentalist Catholic morality, the national man responded mainly to the risk that the dangerous groups presented for human progress, which was paradigmatically economic and European. In that respect, the “eternal

values” bestowed upon the national man by the fundamental laws meant too that, by law, he was the only subject that could be administrator of private property. As examined by Emmanuel Rodríguez and Isidro López, it was the accessibility of homeownership particularly, which disguised as progress, economic development and the population’s wellbeing, “*estaba destinado a someter al creciente proletariado urbano al valor de la propiedad*” ‘was destined to subdue the growing urban proletariat to the value of the property’ (239). As they conclude, property became since then “*una forma hegemónica de dominación*” ‘a hegemonic form of domination’ (270). As such, the national man was made an antibody against the economic threat posed by contagious dangerous states.

This man was manufactured under the dictatorship as a homeownership indebted man and at the same time as the carrier of economic progress. During the 1950s, parallel to the categorization of the dictatorship as a country in crisis of economic underdevelopment, the most prominent policies directed to the national man were heavily aimed to foster home-ownership through credit acquisition. The economist José Luis Naredo (17-18) has analyzed the backstory of this making of the Francoist indebted man, which he divides in three different stages. First, the laws consolidated and reinforced the Francoist oligarchic families in power by putting the private sector in charge of the construction and execution of public housing.¹⁸ Secondly, against

18 In his analysis José Manuel Naredo refers to “la presión de los más poderosos para beneficiarse de las oportunas recalificaciones de suelos” and to the enforcement, by law, of “el deterioro de los edificios arrendados para conseguir el *expediente de ruina* que les permitía expulsar a los inquilinos y demoler o reconstruir el edificio aumentando el volumen edificado para su posterior venta” (2010: 18). As Emmanuel Rodríguez and Isidro López explain, “salió reforzada la fórmula de la subvención pública de los operadores privados. A partir de entonces, se construyó masivamente vivienda de protección oficial, pero no era el Estado, sino un emergente sector privado quien se encargaba de su ejecución. [...] la promoción inmobiliaria y la expansión del crédito a la construcción permitieron la acumulación de

European trends, the dictatorship dismantled the pre-Civil War model of social housing, which was based on renting instead of buying.¹⁹ Finally they addressed the urban overcrowding in slums of the most precarized population of the dictatorship with privately invested to-buy public housing.

Rodríguez and López conclude by pointing to a divergent process of formation of subjects related to accumulation of wealth, or lack thereof. On the one hand, there was “*la acumulación de inmensas fortunas*” ‘the accumulation of huge fortunes’ (274) for the oligarchic families. On the other hand, this process was sustained by the subjection of the national man by means of acquisition of debt.

The character of antibody that the national man acquired, when entangled with home-ownership and mortgage acquisition, can be examined by analyzing the more than 90 laws directed to housing policies between 1940s to the early 1960s. This allows us to identify the overarching narration of wealth, wellbeing and economic progress that the dictatorship used to disguise relations of domination. The early legislation, which was directed to the consolidation and reinforcement of the oligarchic class of the

inmensas fortunas y la formación de un pujante grupo de grandes empresas que tienen continuidad hasta la actualidad” (2010: 274).

19 Jose Manuel Naredo’s 2010 “El modelo inmobiliario español y sus consecuencias” and the 2011 *El Modelo Inmobiliario Español*, and Isidro López and Emmanuel Rogriguez’s 2010 *Fin de Ciclo* and 2011 “The Spanish Model” present in depth studies of the transformations of the Spanish housing policies since Franco’s dictatorship. Precisely, all of their point of departure is the Francoist U-turn under the Falangist ruling family. Naredo explains, “en lo que concierne al peso mayoritario del alquiler en España, el *Censo de edificios y viviendas* de 1950 acredita que en ese año más de la mitad del stock de viviendas se encontraba en régimen de alquiler, y este porcentaje alcanzaba cerca del 90 % en las grandes ciudades, como Madrid (94 %), Barcelona (95 %), Sevilla (90%), ... o Bilbao (88%). Como es sabido, esta situación se invirtió drásticamente [...] la nueva política mostró clara preferencia por la vivienda en propiedad, como vacuna contra la inestabilidad social” (2010: 17-18). López and Rodriguez argue further, “Todavía en 1950, la propiedad no era el régimen de tenencia mayoritario, y en las grandes ciudades, como Madrid y Barcelona, este porcentaje descendía hasta el 5 % y el 6 % respectivamente. [...] Para la dictadura, la generalización del acceso a la vivienda de protección oficial en alquiler, podía suponer la aparición de múltiples focos de conflicto político en la interlocución directa entre inquilinos y Estado. En consecuencia, la política de vivienda intentó deshacerse, desde muy pronto, de este tipo de problemas mediante la generalización de la vivienda en propiedad” (2010: 270-272). Renters were, for the dictatorship, a source of unruliness and potential political struggle, hence the need for the disciplining force of mortgage indebtedness.

dictatorship argued that it was carrying out “*una contribución directa a la tarea reconstructora de los daños causados por la guerra liberadora, con la siguiente creación de riqueza*” ‘direct contribution to the work of reconstruction of the damages caused by the war of liberation, with the subsequent creation of wealth’ (Franco, 1944: 8959). When during the 1950s, the dictatorship needed to address the overcrowding of the urban peripheries by the new working class,²⁰ the law proposed that having access to homeownership and credit acquisition was the solution for “*el escaso poder económico de las familias que integran este núcleo [...] situado al margen de los beneficios de la protección que el Estado*” ‘the reduced economic means of the families that form this core [...] situated in the margins of the benefits that come from being protected by the state’ (Franco, 1954: 4094). Finally, by the time that the Francoist legislation addressed housing policies in the early 1960s, it did so by arguing that it was responding to “*la constante aspiración de las gentes a aumentar su bienestar*” ‘the constant aspiration of people to increase their wellbeing’ (Franco: 5091). From the 1940s on, Francoist legal epistemology worked incessantly to connect narratives about homeownership, credit acquisition, wealth accumulation, economic development, wellbeing and desires in the form of “aspiration,” all of which informed the antibody character of the national man.

Two critical articulations allow us to develop links between the Francoist early

²⁰ Luis Moreno Caballud and Emmanuel Rodriguez have analyzed accurately this double process. Caballud’s 2010 dissertation *Topos, Carnavales Y Vecinos* explained “los demógrafos habían proporcionado ya ciertos datos sobre las dimensiones del cambio: entre 1955 y 1975 seis millones de españoles (el 20% de la población) se mudaron de provincia; de ellos, dos millones emigraron a Madrid, un millón ochocientos mil a Barcelona y un millón y medio a Europa. Desaparecieron así del campo el 60% de los pequeños agricultores y el 70% de los jornaleros” (4). In 2015, Caballud’s book *Cultures of Anyone* elaborates further, “hundreds of towns were drowned under Francoism’s reservoirs, and others were deserted due to massive emigration. Despite being used by Francoist propaganda to symbolize Spain’s roots, hundreds of thousands of rural peasants had to be ‘transplanted’ to the cities, and faced serious problems in trying to adapt” (46).

project for economic development and the making of the indebted national man. Maurizio Lazzarato elaborates on Foucault's biopolitics, while Laurent Berlant introduces the notion of cruel optimism. Lazzarato focuses on the reconfiguration of biopolitics under conditions of debt and the work on the self demanded of the indebted subject, "the beneficiary as 'debtor' is not expected to reimburse in actual money but rather in conduct, attitudes, ways of behaving, plans, subjective commitments, the time devoted to finding a job, the time used for conforming oneself to the criteria dictated by the market and business, etc." (104). Berlant elaborates on a sense of optimism that goes against the optimistic subject herself, which connects optimism and situations of precarity. She refers to this sense as "cruel optimism" arguing that it "is the condition of maintaining an attachment to a significantly problematic object," (24) which is an attachment based on pursuing "fantasies of the good life" (27). These proposals make it possible pursue the analysis of the production of assemblages of individual desires of a good life and acquisitions of debt, which gave the character of antibody to the national man, thereby vaccinating of the Francoist economic project of development under economic crisis against the contagion of dangerous groups encoded in the law of Vagrants.

Under Franco, the work on the self demanded by debt and the problematic object, which the indebted man got attached became clear in the execution of public housing policies. As collected by Emmanuel Rodriguez from a resident of a working class neighborhood in the city of Bilbao "*Aquí construyeron casas nada más*" 'Here they built houses and nothing else' (205). As Rodríguez develops "*la política productivista en materia de vivienda no se acompañó de una inversión pública siquiera modesta: ni equipamientos, ni transportes, en ocasiones ni la urbanización propiamente dicha de los nuevos barrios*" 'the

productivist policies in matter of housing was not accompanied by public investment, not even a modest one: [there were] no equipment, no transport, and sometimes not even the urbanization of the new neighborhoods' (207). Hence, the wellbeing promised by getting access to homeownership through the acquisition of debt encountered a problematic reality. The poor working conditions together with the poor living standards delivered by the Francoist public housing project encountered the self-work demanded by the newly acquired debt obligations. This was the process of domestication and domination of the new urban populations that hid behind the illusion of the homeownership national man.

A critical approach to the speeches by the Falangist Housing Minister José Luis Arrese makes it possible to establish links between the immunization against dangerous groups and the national indebted man. Arrese famously declared in his 1956 inaugural speech as Minister that the regime wanted “*un país de propietarios no de proletarios*” ‘a country of proprietors and not of proletarians.’ He argued that homeownership would guarantee that workers build families far from dangerous habits. A year later, in the 1957 presentation of the “*Plan de Urgencia Social*” (Social Urgency Plan), Arrese followed the same line of thought when he argued that “*el hombre, cuando no tiene hogar, se apodera de la calle y [...] se hace subversivo, agrio, violento*” ‘The man, when he does not own a home, takes over the street [...] and becomes subversive and violent.’²¹ Arrese’s reference to the politicized term “proletarian” suggests that the political threat of those included under the umbrella of terrorism was linked with the

²¹ I have borrowed these references to José Luis Arreses Speeches from José Manuel Naredo’s and Emmanuel Rodríguez’s work. The former argues, “con la retórica falangista del momento, el nuevo ministro percibió el problema de la vivienda como un problema de orden público a resolver [...]” (Discurso de Arrese ante el pleno de las Cortes, presentando el *Plan de Urgencia Social*)” (2010: 18). The latter explains, “‘Queremos un país de propietarios no de proletarios’, gritó el falangista J. J. Arrese en su discurso de investidura como ministro de la Vivienda en 1956” (2015: 73).

mismanagement of the self of the indebted man.

Arrese's words implied that the domesticating aspiration of homeownership was the vaccine to immunize against the contagious character of the terrorists' and its apologists' impulses. Under the category of the national man, precarized populations living in urban slums had to either own a home, hence learn how to conduct their behavior following the disciplining time-constraints and everyday life obligations assumed with the mortgage, or risk falling into criminal figures such as "terrorist," which the term proletarian evoked. Here proletarian as potential apologist of terrorism merged with older figures related to unemployment and bankruptcy such as "*vagos*" 'vagrants,' and "*mendigos*" 'beggars.' Indeed, if the "instinct" defined the homosexual, and the "impulse" defined the terrorist and its apologist, the new Spanish national man's character of antibody was determined by his "aspiration" to possess, which became the taming vaccine against threatening desires.

Cinema and Censorship as Viral Encoding

Spanish cinematic productions and newsreel documentaries, which preceded every film session showed in cinemas, infused bodies with categories such as national man, married woman, apologist of terrorism and terrorist –the homosexual, as we will see, had a harder time getting through censorship. Disease toxicity permeated and traversed the representation in the films as well as the decision to censor them. They all became entangled in the immunitary paradigm of the dictatorship, in a chain of repetitions and differentiations that had no outside, only acts of encoding and decoding. It was in these acts of decoding that possibilities of emotional survival surfaced.

Below I focus first on the dictatorship's *No-Do* newsreel for being a privileged space for the indebted national man to be embodied. Then, to consider the national man, I examine the 1955 film *Congreso en Sevilla* (Congress in Seville) in which the spectator encountered one of the early representations of what has been called the Francoist Cinderella motif of the development years. This motif situated the woman in the position of the protagonist. The relationship of these central figures of the dictatorship and the contagious dangerous states was messier in the mass media than what was presented in the law. The dividing line between antibody and virus became blurry.

With regard to the dangerous states, I examine first the strict work of censorship imposed on homosexual desire in the 1950s and I compare it to the possibility of representation that opened up for political dissidence in hybrid noir films, such as 1956 *Los Ladrones Somos Gente Honrada* (We Thieves are Honorable People). In all these productions the categories did not appear in isolation but in contact with each other. These gatherings between the spectators and the different bodies, which were categorized distinctly in the law, created the potentiality for the Francoist immunitary paradigm to be reconsidered.

Homeowners

The *No-Do* newsreel was aired in cinemas before every film session. This made the Francoist newsreel as mass consumed as the films themselves. As explained Vicente Sánchez-Biosca, “NO-DO had no ideological diversity, no rough edges. [...] NO-DO had a hugely powerful role to play: that of providing Spaniards with knowledge of a previously codified reality in a visually attractive manner” (528-529).

In order to provide what was codified by the housing policies in the law, several sections throughout the 1950s insisted on Arrese's ideas of modernity and homeownership. Paradigmatically, in 1959, two of these short documentaries focused on the Social Urgency Plan.

The first one was aired on January 1st and the second one on June 29th. These short documentaries inform the production of the national man as antibody, beyond what was established in the law. They do so by bringing notions of Catholic fundamentalism into narrations of economic development. What the law presented as separated, the mass media was able to blend.

The piece of January 1st focused on modernity, development and homeownership. It explained that the buildings were made of a "*línea moderna y ágil*" 'modern and agile line,' it referred to "*modernos rascacielos que llevan al espacio esveltas estructuras*" 'modern skyscrapers that introduce slender structures into the space,' and described the "*moderno y limpio poblado de Entrevías*" 'modern and clean Entrevías town.' Francoist modernity and progress were reflected in the modern architecture itself, enabling the architecture to represent the end of a war-filled past. As the newsreel explained "*al terminarse nuestra cruzada y Guerra de liberación [...] para dar la batalla decisiva contra este cinturón de miseria y albergues infra-humanos Franco creó el ministerio de vivienda*" 'when our crusade and the War of Liberation ended [...] in order to fight decisively against this belt of misery and infra-human shelters Franco created the Ministry of Housing' (Noticiarios, 1959). This architecture of modernity indicated the separation between the Spanish Civil War, or as it was called, 'War of Liberation,' and the Francoist present.

In this Francoist present the enemy could be found in the slums. As the

newsreel kept explaining, it was in the “*chavolismo donde anidaba la desesperación y el odio*” ‘slums where desperation and hatred nested.’ The defeat of this enemy was the final aim of the “*gloriosa empresa del hogar*” ‘glorious endeavor of home-building’ and the construction of new “*albergues dignos*” ‘dignifying shelters.’ Arrese’s speeches that opposed homeowners and terrorist proletarians resonated in the hatred that the short documentary found in the slums. So far, we see duplicated the legal characterization of the national man.

The short documentary aired on June 29th introduced Catholic fundamentalism as the other face of this process of Francoist modernization –which was not so clearly stated in the legal texts. This time it was a short documentary that showed the inauguration of the Social Urgency Plan in the city of Bilbao. As the voice-over explained, the presentation took place together with the 22nd anniversary of the “*liberación por los ejércitos nacionales*” ‘liberation by national armies’ (Noticiarios, 1959). The images of the event blended a popular mass in a public square “*en la presencia del ministro de la vivienda el señor Arrese y otras autoridades*” ‘with the presence of the minister of housing mister Arrese and other authorities,’ a military march on the streets by officials from the dictatorship making the Roman salute, and the inauguration ceremony presenting sketches of the future modern buildings, where Arrese proclaimed that, out of the fifty thousand homes planned for Bilbao, four thousand were going to be built right away.

Now we can argue that the double threat posed by the contagious homosexual and apologist of terrorist to *both* a Roman Catholic fundamentalist morality and to senses of progress and modernity operated as mass consumed in the backdrop of Arrese’s Social Urgency Plan. The Spanish national man did not only immunize

against economic backwardness but also against anti-Catholic threats.

Noir Dissidence

Representations of the “despair and hatred that nested in the slums,’ that was mentioned in the No-Do took a potentially dissident twist in noir cinema. In contrast to No-Do’s duplicating repetition of the Francoist doctrine, noir films became a mass consumed phenomenon that allowed for messy and not so veiled representations of political dissidence against the dictatorship. This presence allowed for potential dismantling decodings of the contagious character that the vagrant threat posed under the different figures.

As explained by Francesc Sánchez Barba (2007), noir cinema experienced unprecedented prominence in Francoist Spain during the 1950s and 1960s, which is, significantly, the period that we cover in this dissertation. To be more precise on the historical context, Jo Labanyi refers to the 1940s and 1950s and argues that if “the murky world of *noir*” allowed Hollywood to “express [...] the paranoia of persecuting political right and persecuted political left in the McCarthyite era of anticommunist witch hunts;” this was “a paranoia that was even more keenly felt in the politically repressive climate of 1940s and 1950s Spain” (265). Thus, once the 1954 law of Vagrants extended the legal punishment of political dissidence from criminal acts to pre-criminal behaviors and political “significations,” noir cinema became more timely, if possible, in the dialogue between this genre and the heightened anti-communist Francoist paranoia.

Los Ladrones somos Gente Honrada (We Thieves are Honorable People) was the noir film staying the longest period in cinemas, which was released between the

Francoist amendment of the law of Vagrants and the configuration of the new government of the Opus Dei technocrats. Following Sánchez Barba, it was the fifth longest exhibited Spanish noir film under Franco (90), it followed the aesthetic and thematic consistencies of the “*cine de delinquentes*” ‘criminal cinema’ (173) and reproduced the type of the “*golpe perfecto*” ‘heist movie’ (220). It was based on the 1941 Enrique Jardiel play of the same title, and its original author labeled it as a “*comedia casi policiaca*” ‘an almost police-mystery comedy.’ This subheading announces for us the impurity of the uses of the noir of the time. To this respect, it should not be surprising that the combination of these two highly successful genres took over the box-office of cinemas during the 1950s.

Despite being a comedy *Los Ladrones* engaged directly with noir themes, which allowed the film to be a crucial terrain for representation of those punished by the 1954 law of Vagrants. As explained by Labanyi, Spanish noir “focused on the dark underbelly of society, revealing the moral rot of postwar Spanish society, contradicting the illusion of wellbeing that Francoism attempted to instill into its citizens” (261). The comedic aspect lightened up the darkness of noir, and granted the film with a morally comforting ending. However, the dark underbelly of Francoist society and “the dark side of human subjectivity” were present in the movie, sometimes obliquely, sometimes in the silences, sometimes as a parody, but always insistently present.

The film starts by presenting three vagrants, el Castelar (José Luis Ozores), el Tío Galbán (José Isbert) and el Pelirrojo (Antonio Garisa) enduring in poverty and trying to deceive the citizens of Madrid as low-life confidence tricksters –and always failing to do so. When the leader of the crew of thugs Daniel el Melancólico (Carlos Miguel Solá) returns from exile they design a heist, with the aim to steal a valuable

piece of jewelry from a mansion in the city. Three characters live in the mansion. Herminia (Encarna Fuentes) the step-daughter with concealed working class origins; Don Felipe Arévalo (Rafael Bardem), the head of the household who hides his questionable past from the rest; and Teresa (Isabel Pallarés), Herminia's wealthy stepmother who is planning to steal her stepdaughter's inheritance. The heist fails to come through when Daniel el Melancólico and Herminia fall in love, and all the baseborn characters ally, sending Teresa to prison. In the end, Daniel and Herminia marry and relocate to Latin America bringing all the members of the crew of vagrants with them.

The reviews of the movie were generally positive. All of them referred to its theatrical original version and to the laughter of the audience. A review in ABC explained first that "*Coello y Escrivá han reaflizado una inteligente y acertada adaptación cinematográfica de "Los ladrones somos gente honrada"*" 'Coello and Escrivá have produced an intelligent and polished film adaptation of 'We Thieves are Honorable People' (40). The text ended by addressing that "*el público salió muy complacido de la proyección, en cuyo transcurso rió alborozadamente repetidas veces*" 'the audience left very pleased from the projection, throughout which they laughed ecstatically in repeated occasions.' I argue that this laughter allowed looking through the illusion of development produced by the dictatorship. It allowed an act of decoding of emotional survival that undermined the disease toxicity imposed to dissident collectives in the law.

The comedy allows the film to be built upon silences. The spectator is not told why, but the three vagrants, having committed no crime, run away terrified every time they come across a police officer –always represented as kind and helpful. The spectator does not know why, but the leader Daniel had to flee the country. The

spectator does not receive all the information about Herminia's adoption process, only that the biological mother has been trying to reach out and wants to help her. The spectator briefly gets to know about Don Felipe's humble origins when he deters Daniel from explaining his own past –in none of the cases do the spectators receives any information.

In all these silences a potentiality emerges. This is a potentiality for the moral rot of postwar Spain to surface; and for the illusion of Francoist wellbeing to be contradicted. The silences point to the fact that the three tricksters may elude the police because of legislation like the 1954 law of Vagrants that punished profiles instead of acts. They open up the possibility that Daniel had to escape Spain during the Civil War and having returned with no protection of the dictatorship, permit the understanding that he was not on the side of the victors. The silences create the probability for Herminia's adoption to point to the widespread practice of the dictatorship that transferred newborns from the dangerous groups to Catholic households. They allowed the spectator to imagine that Don Felipe hid his origins in order to avoid signifying himself against the dictatorship.

All these possible interpretations of the silences of *Los Ladrones...* point to what Labanyi has referred to as the “continuous process of ideological and aesthetic negotiation between the demands of the internationally operative mode of address and the idiosyncrasies of Spain's political environment” (261). This was a negotiation between the non-conforming representation of pre-criminality of some noir films and the ongoing work of censorship. This negotiation allowed the spectator to question the dictatorship's immunitary paradigm.

A final feature of the film forwards this potential work of questioning. Unlike

other noir films, *Los Ladrones*... offers a morally comforting and normative ending to the spectator. The romantic love story between Herminia and Daniel ends in Catholic marriage. However, this time marriage offers a line of flight from the dictatorship's moral and social rot that becomes too clear for those who, like in the movie, do not profit from the narrations and discourses of development. Not only are Herminia and Daniel able to flee Francoism, but so too is every other character.

Productive Censorship of Maricones

It was harder for homosexuals to make their way on to the big screen. By focusing on the presence of the figure of the homosexual and their desire in the mass consumed cinema during this period, we immediately encounter the intense work of censorship by the dictatorship. The dictatorship's censorship apparatus directly targeted representations of homosexuality. It attempted to address the many "*vicios contra natura*" 'vices against nature' through dubbing films, demanding cuts and imposing prohibitions.

Roman Gubern, who has extensively examined censorship during the dictatorship, explains that in "1946 the Censorship Board was given the sanitized name of Junta Superior de Orientación Cinematográfica (Higher Film Guidance Board), with the Church censor granted a veto" (395). This enhanced presence of the Catholic Church became more prevalent in 1951 with "the establishment of the Ministerio de Información y Turismo (Ministry of Information and Tourism), under Gabriel Arias Salgado, whose Catholic fundamentalism was reinforced by the 1953 Concordat with the Vatican." The connection was unambiguous between one of the signs of international openness of the dictatorship, such as the Concordat, and the treatment of

homosexuals in cinema. By the time the homosexual was added as a dangerous group in the law, the Ministry of Information and the Guidance Board had been banning representations of homosexuals in cinema for some years.

The censors' preoccupation with the figure of the homosexual and their capacity of contagion became present in their notes. The historiographical and archivist work of Alberto Gil brings examples of the cases of the censorship of this dangerous group, which give access to the reasoning of the censors. Some were simple and straightforward. Others establish a clear rationality for censoring a piece.

The evaluation of the 1959 comedy *Some Like it Hot*, in which the main characters Joe (Tony Curtis) and Jerry (Jack Lemmon), have to disguise as women, hence the deviance, in order to hide from the mob in an all-women band led by Sugar Kane Kowalczyk (Marilyn Monroe) was brief. The censorship aimed to "*subsistir la veda de maricones*" 'make the ban on faggots last.' Contrastingly, the argument to forbid the 1959 action movie *Tarzan's Greatest Adventure*, in which the half naked male body of Tarzan (Gordon Scott) had to fight diamond thirsty British Villains, was detailed. The censor was able to spell out the way that contagion worked in homosexuality: "*la admiración física hacia el arquetipo puede dañar psíquicamente a los adolescentes poco diferenciados [...] desviando peligrosamente su atención de la sexualidad femenina*" 'the physical admiration of the masculine archetype [could] psychically harm non-differentiated teenagers dangerously [...] deviating their attention from feminine sexuality.' To put it another way, the censor addressed the way in which the young spectator became infected of homosexuality.

Judith Butler's critical work on censorship allows us to point to the productive work of effects of truth and knowledge that occurred in these repressive Francoist acts

of censorship. The dictatorship's was an obviously explicit form of censorship, which aimed to silence what it stated. As explained by Butler, it was in this contradictory act of uttering what was meant to be suppressed that the production and proliferation of effects of truth took place. In her own words, "the effort to constrain the term culminates in its very proliferation –an unintended rhetorical effect of legal discourse" (131). The unspeakability and unrepresentability of the term homosexual was not absolute but limited to the contexts that the dictatorship deemed inappropriate.

Even if the chain of decodings and encodings had to be cut off in the realm of mass consumed filmic productions, it proliferated in the legal realm. As examined in the previous chapter, the law had just introduced the figure of the homosexual as contagious, which allowed the work of censorship to be carried out, together with previous medical treatises. The silence in cinema only revealed the proliferation of discourses regarding the contagious disease toxicity of the homosexual. Within this context, Francoist censorship was designed not to silence, but to monopolize the proliferation of discourses. The regime, its administration and its sanctioned media put in place a sense of a contagious desire of the homosexual, which in the scientific and legal literature entangled with threats against Catholic morality and economic progress.

Cinderella Women

With regard to the figure of the woman and mass consumed cinema, the Cinderella motif was one of the most successful formulas that situated a woman protagonist in the center of the plot. What Jorge Pérez (139-147) has referred to as the Francoist Cinderella motif of the development years, rose as one of the most

consumed popular cinema of the 1950s and 1960s, together with the first international signs openness. Prominent figures of the dictatorship's star system such as Marisol and Rocío Dúrcal led these types of stories in the 1960s. We encounter one of the most notable early forms of this development-years Cinderella recipe in the 1955 film *Congreso en Sevilla* (Congress in Seville).

The significance of *Congreso en Sevilla* becomes apparent in Pepe Coira's analysis, which refers to the successful shift of careers that the film brought to both director Antonio Román and main star, Carmen Sevilla. The director had become notorious for his work on what has been called "*cine de cruzada*" 'crusade films' with productions such as "*Escuadrilla*" (Squadron) and "*Los Últimos de Filipinas*" (*Last Stand in the Philippines*) which, as explained by Núria Triana-Toribio became "undoubtedly emblematic in the construction of a national cinema and national identity after the Civil War" (47). The protagonist Carmen Sevilla, described by Coira as "*una de las grandes estrellas del cine español, si no la mayor en aquella época*" 'one of the biggest stars of Spanish cinema, if not the biggest of that period' (180) had been working on roles that embodied the "*típica imagen de folclórica*" 'typical folkloric image.' With *Congreso en Sevilla* both Román's and Sevilla's careers made a U-turn. As elaborated by Coira, this film implied for the director to work with big stars, and new and shallow popular comedies, while for the actress it meant to act roles that lived in a modern developed world. Hence, with the make over of what Coira calls the "new Carmen" and "new Román" they became associated with previously unexplored themes of modernity and blockbuster narratives, which became characteristic of the regime's Cinderella motif of the development years. Thus, in this film we get a glimpse of the early emergence of the post-WWII Francoist political project in a mass consumed cultural platform. More

importantly, the body of the woman acquires a central role in this emergence.

The Cinderella motif of *Congreso en Sevilla* situates the main character Carmen Fuentes (Carmen Sevilla) in a modern developed Stockholm. She is however, a émigré who is unable to sustain her Spanish restaurant. Indebted and her restaurant seized by the bank, incapable to thrive as an entrepreneur outside the dictatorship, she decides to return to Francoist Spain. In order to afford the plane ticket she impersonates the Swedish doctor Petersen who was invited to attend a scientific congress in Seville but is unwilling to travel to backwards southern Europe. Once in Seville, the premise of the comedy develops when she is forced to keep up with the farce during the scientific conference, while sharing the secret with the attractive Swedish doctor Kroll (Fernando F. Gómez). The happy ending leads the romantic love story between the Spanish Carmen and the Swedish doctor, to Catholic marriage.

The relationship between Carmen and Dr. Kroll, as an affair between Sweden and Spain, responds to Aurora Morcillo's examination of the confluence between the representations of women's bodies and the body politic of the dictatorship. In this case, Carmen's body as the body politic of the dictatorship proposes a shift in the international relations in which the regime is accepted, by means of romantic Catholic marriage, in Europe. By nationalistically inscribing the marrying woman's body, and by making international men fall in love with her, the isolating political barriers were presented as melting away by the nationalistic woman's own doing. Europe would fall in love with the dictatorship.

This encounter of bodies that points towards a union between the south and north of Europe is also present in the stereotyping dialogues that sustain the comedy. In these dialogues the dictatorship is defined by the gaze of the northern European

characters and their contrasting affirmations about the dictatorship. If Dr. Petersen explains that “*La ciencia termina en los Pirineos*” ‘Science ends in the Pyrenees;’ Dr. Kroll defends that “*ese congreso en Sevilla es lo que le va a quitar a cualquiera la angustia existencial, no los medicamentos*” ‘the congress in Seville will heal the existential anguish to anybody.’ This shift that presents the perspective of northern Europeans as thinking of the Francoist regime to be the healing force of northern Europe is wrapped up when the Dr. Petersen shouts “*No me llames Petersen, llámame Lola*” ‘Don’t call me Petersen call me Lola’ in reference, probably, to the Flamenco and cinema star Lola Flores.

This gaze allows for the cynical laughter to surface. Justin Crumbaugh proposes the term cynical laughter in order to refer to a mechanism that perpetuates the dictatorship’s political project through self-mockery. Crumbaugh examines this cynical totalitarian laughter to explain the *landismo* phenomenon, during a later period of the dictatorship and explains that, “by lampooning the macho ibérico’s defiance of official ideology, by parodying his puerile rebelliousness, the representation of transgression may easily serve to neutralize subversiveness” (2009: 110). As Crumbaugh develops, this laughter became one of the central and most consumed technologies for the anti-modern dictatorship, to tame the population by using modern tropes. In the case of *Congreso in Sevilla*, we see shy traces of this kind of laughter flaring up in statements such as ‘Science ends in the Pyrenees,’ which provokes laughter only to reverse its effect and make Spain the solution to European anxiety.

This normalizing reading was confirmed by the newspaper reviews of the film. After the 1955 premier of *Congreso en Sevilla*, a press note described the international affair as “*los hombres [europeos] de ciencia que se derriten como el hielo al contacto del caluroso folklore [español]*” ‘the [European] men of science [...] melt[ed] like the ice with the

contact of the hot [Spanish] folklore' (P.V.B, 1955: 21). As such the marrying modern woman's desire and her sexuality were explained as effectively solving one of the most significant political issues of the regime. This was the normalizing response that Spanish-made mass cinema gave to the spectators' desires for well being.

This fictional normalization, however, proposed a legal impossibility and this is where the potentiality of a decoding for emotional survival might have taken place. The law made clear that a woman marrying a non-national would lose her Spanish nationality. The 1954 reform of the Civil Code made it clear that "*La mujer española que hubiere perdido su nacionalidad por razón de matrimonio, podrá recobrarla, una vez, disuelto o declarada la separación judicial a perpetuidad*" "The Spanish woman that would have lost her nationality for reasons of marriage, will be able to regain it, once the marriage is dissolved or having it declared a judicial separation to perpetuity' (Franco: 4833). From this perspective, the film did not solve the political isolation of the dictatorship. Instead, it offered a juridical line of flight from the regime, to the married woman. Like in *Los Ladrones...* marriage could become, as such, a way out rather than simple tool of domination.

In this early Cinderella motif it is not the married, but the marrying woman, not traditional childbearer of the law, but young and modern, who is brought to the center stage. Enmeshed with the potentiality of decodings for emotional survival, this new figure of the modern times of openness to come allowed the dictatorship to resolve in the mass media representations of its relationship with Europe. This makes of the marrying woman yet another antibody against the homosexual and terrorist contagious threat against Catholic morality and economic progress, which was able to operate,

possibly, in more effective ways than the national man and the married woman. In the following chapter, I will address the ways in which intellectuals aimed to perform the same act of immunization that the marrying woman was able to perform in the mass media.

Chapter Three

Intellectual Immunizations

This last chapter of Part One focuses on how the Francoist political project and the emerging European transnational unity tried to converge, unsuccessfully, under conditions of immunization. These efforts of unification were theoretically outlined in north-south connections between intellectuals, which gave philosophical grounding to the early attempts of unification. At this broad social scale, the inheritance of the toxic paradigm became less a matter of semantic spillages than an issue of inheritance of technologies of inclusions and exclusions that were present in the paradigm of disease toxicity. I argue that there is an immunitary relationship of interdependence; of inclusive exclusions that circulated both ways, between the Francoist dictatorship and the early work of scaffolding of the transnational European project. I aim to examine this relationship of interdependence that did not allow for an organic unification through the critical dialogues of intellectuals.

I will examine the network created between three thinkers who spoke from different geographic and political positions in Europe. The three interlocutors are the notorious philosopher and bureaucrat Alexandre Kojève from France, proponent of European unification; the German jurist and political thinker Carl Schmitt, who was then defamed in Europe and celebrated under the Francoist dictatorship; and Rafael Calvo Serer from Spain, outspoken historian and philosopher who advocated in favor of the Opus Dei's project during the final years of the Falangist rule. The critical approach to this network will allow me to establish connections between immunitary paradigms, which the Francoist dictatorship constituted in the south; and which the

European project was developing in the north. It was Francoist technocratic neoliberal thought that was able to propose the first signs of a solution to this entanglement of immunizations.

Briefly, I claim that we encounter two mirroring and entangled immunizing logics acted by resisting unification –both of which operated by silencing violent precarization of bodies behind discourses of economic progress. European discourses were able to think of a renewed collective continental project by including the dictatorship as part of a shared continental Catholic spirit, only to exclude it for twisting that shared spirit into laziness and backwardness. In short, Europe immunized itself against Francoist vagrancy. In the face of this immunitary exclusive exclusion, the Francoist project itself was in the process of reforming itself by becoming immune against the dangerous groups made explicit in the 1954 law of Vagrants. As examined earlier in Part One, the cure for the contagious viruses that threatened Catholic morality and economic progress was a cure for the dictatorships political project. Consequently, the solution for the Francoist political project to become part of Europe was not going to be ceasing anti-democratic political practices, but instead, developing economic policies to stop being a vagrant.

The Francoist “Cortes” passed the 1954 amendment of the law of Vagrants in the midst of the intellectual dialogues I examine in this chapter. The 1954 law was enforced side-by-side the first administrative formations of Europe and the establishment of western capitalist economic order in the dictatorship. With regard to Europe the intellectual dialogues surfaced from the remains of WWII, and followed the 1951 constitution of the European Coal and Steel Community. During this period,

the financial architecture, the Bretton Woods system was put in place to foster international capitalist economic growth, which reproduced the Cold War division of the world in economic coordinates.²² Significantly, Francoist Spain did not become part of the Bretton Woods system until 1958. It did, however sign the Pact of Madrid in 1953, which aimed to start ending the years of autarchy in Spain, and to become a US ally in the Cold War. Necessarily, the logic of immunization that emerged in intellectual discourses was conditioned by and informed all these encounters and assemblages.

In this chapter I first address first the connections between the three intellectuals and I will present the texts I will examine. This will lead my analysis to a closer reading of the texts from Kojève, Schmitt and Calvo Serer. In each of the readings, I will draw attention to the ways in which the Francoist and European immunitary paradigms became intertwined, leading to an early Francoist draft of a neoliberal cure to the excluding north-south acts of immunizations.

²² David Harvey's *The New Imperialism* situates the Bretton Woods architecture as part of the post-War America Hegemony "an international framework for trade and economic development [...] was set up through the Bretton Woods agreement to stabilize the world's financial system, accompanied by a whole battery of institutions such as the World Bank, the International Monetary Fund, the International Bank of Settlements in Basle, and the formation of organizations such as GATT (the General Agreement on Tariffs and Trade) and the OECD (Organization for Economic Cooperation and Development), designed to coordinate economic growth between the advanced capitalist powers and to bring capitalist-style economic development to the rest of the non-communist world. In this sphere the US was not only dominant but also hegemonic in the sense that its position as a super-imperialist state was based on leadership for propertied classes and dominant elites wherever they existed" (2005: 54-55). The underdeveloped and semi-peripheral Francoist Spain would have to wait until the 1953 Madrid pact with the United States to become part of this international network of organizations.

Three Intellectuals on the Spanish Condition

Published before oil took over the Euro-American imagination, the text written by Alexandre Kojève that I focus on in this chapter is *Outline of a Doctrine of French Policy*.²³ Kojève wrote it in August 27th 1945, 25 days after Hiroshima had been bombed by the United States with the nuclear weapon “Little Boy.” In this text, Kojève presented the design of a European transnational union and referred to the difficulties that the Francoist dictatorship presented for this process of unification.

Kojève was an influential figure. Earlier, during the 1930s, he had taught a seminar on Hegel’s *Phenomenology of Spirit* at *l’Ecole Pratique des Hautes Etudes*. In that seminar he had been the professor of some of the most influential thinkers for the forthcoming European production of philosophy, psychoanalysis and literature, such as, Georges Bataille, Jean Hyppolite, Maurice Merleau-Ponty, Jacques Lacan and André Breton. Between 1945 and his death in 1968, Kojève was appointed to the *Direction des Relations Économiques Extérieures au Ministère de l’Economie Nationale* (Administration of foreign economic relations in the ministry of national economy) as a *chargé de mission* ‘ad-hoc assignment manager,’ which granted him significant authority inside the *Direction*.

The extent of direct influence that he could have exercised over particular policies aimed to the formation of Europe remains unclear. Nonetheless, his *Outline* reflects the main concerns and expectations of the *Direction* regarding a European union. Significantly, this text gave those administrative concerns a strong theoretical

²³ Kojève’s “Esquisse d’une doctrine de la politique française” has been translated by Erik de Vries as “Outline for a French Doctrine.” In this dissertation we have used the original French as archival source and de Vries’ translation as a source of quotations for the text. De Vries’ 2002 dissertation *A Kojevian Citizenship Model for the European Union* offers also the most interesting reading of Kojève’s doctrine and his model for Europe.

and philosophical grounding.²⁴

Carl Schmitt's realm of influence was different to Kojève's. In September 1945, less than a month after Kojève wrote his outline, the U.S. detained Carl Schmitt due to his active alignment with the Third Reich. He was held until 1946 and re-arrested in 1947 when he was released, without charge, after the Nuremberg trials.²⁵ By then, Schmitt was already a referential thinker for the Francoist class of intellectuals and lawmakers. His works such as the 1928 *Verfassungslehre (Constitutional Theory)* and the 1932 *Der Begriff des Politischen (The Concept of the Political)* had been translated into Spanish. He had visited the country in 1929, before the Spanish Civil War, and during the dictatorship in 1943 and 1944 before his incarceration.²⁶ Once released, he returned to Spain in 1951 a year after the publication of *Der Nomos der Erde (The Nomos of the Earth)*. *The Nomos* is the text by Schmitt that I examine below.

The connections between Kojève, Schmitt, and Francoist intellectuals should not be surprising. Kojève himself employed the work of Carl Schmitt, and his friend-enemy division, in his 1943 *Esquisse d'une phénoménologie du droit (Outline of a Phenomenology of Right)*, only two years before the *Outline of a Doctrine of French*

²⁴ Robert Howse's "Europe and the New World Order: Lessons from Alexandre Kojève's Engagement with Schmitt's 'Nomos der Erde'" and Christoph Kletzer's "Alexander Kojève's Hegelianism and the Formation of Europe" are examples of the different positions that argue for a more or less direct effect that Kojève's work had on the formation of Europe. In any case, they both agree that Kojève gave a strong theoretical grounding to the European project.

²⁵ For a more detailed account of Schmitt's incarceration, Joseph W. Bendersky's "Carl Schmitt's Path to Nuremberg: A Sixty-Year Reassessment" narrates the different events that led to Schmitt's imprisonment and to the latter interrogations during the Nuremberg trials. Bendersky accompanied his text with the transcript of the second interrogation of Schmitt conducted by M. W. Kemper. The other three had been published by in 1987.

²⁶ The ongoing presence of Schmitt and the influence of his work in Spain before, during and after the Francoist dictatorship has been addressed by both Spanish and American legal and peninsular scholars. Although with divergent perspectives Jerónimo Molina Cano and José Antonio López García published different articles that gave an accurate (even if politically contrasting) account of the intellectual relationships that surrounded Schmitt in Spain. Justin Crumbaugh, Lena Tahmassian, and Luisa Elena Delgado expand on these relationships and offer a more solid theoretical and critical approach for our analysis.

Policy.²⁷ These concurrent intellectual discourses did not happen in the work of the French bureaucrat alone. Under the dictatorship, Schmitt's work was the backbone of the curricula of Spanish law schools.²⁸ The Francoist class of intellectuals, jurists and politicians widely accepted and disseminated his definitions of the political, understood as the antithesis between friend and enemy (internal or external), detached from any connection with the private and personal.

The Francoist class of intellectuals did not refer to Kojève's work directly. Nevertheless every consideration regarding the place of the dictatorship in Europe, even if unacknowledged, was already dialoguing with the design presented in the *Outline* –for the *Outline* was pertinent for what was being implemented by the *Direction des Relations Économiques Extérieures au Ministère de l'Économie Nationale*. That was the case, for example, of the proxy intellectual debate that took place in 1949 between the Falangist and the Opus Dei political families for power. The European project was at the center of the book *España como Problema* (Spain as a Problem) written by the Falangist Pedro Laín Entralgo. The Opus Dei member Rafael Calvo Serer, whose work I read below, responded right away with the publication *España, sin Problema* (Spain, with no Problem). This debate was permeated by Kojève's ideas insofar as it

²⁷ *A Kojévian Citizenship Model for the European Union* by Alexandre De Vries explains in detail (2002: 190-208) the way Kojève used the work of Schmitt and more specifically the friend and enemy division in his 1943 *Esquisse d'une phénoménologie du droit*.

²⁸ As Molina Cano explains "Por Orden de 27 de diciembre de 1941 del Ministro de Asuntos Exteriores se publicó el temario de Derecho político 'para las oposiciones de aspirante a la Carrera Diplomática.' [...] encontramos [...] las categorías típicamente schmittianas: el decisionismo, el concepto existencial de Constitución, el Estado total y la interpretación española (Estado, movimiento y partido) de la configuración trimembre de la unidad política, desarrollada por Schmitt en *Staat, Bewegung, Volk* (1933). Esta inclinación schmittiana no es un caso aislado, sino que representa una suerte de estado mental característico en los juristas y altos funcionarios de aquella época" 'the order of December 27, 1941 of the Foreign Office published the Political Law curricula for the public examinations to apply for a career in Diplomacy. [...] we find [...] typically schmittian categories: decisionism, the existential concept of Constitution, the Total state and the Spanish understanding (State, movement and party) of three-membered constitution of the political unit, developed by Schmitt in *Staat, Bewegung, Volk* (1933). This schmittian inclination is not an isolated case, instead it represented a characteristic state of mind of jurists and high state officials of the time' (2009: 274-275).

revolved around notions of European modernity and a shared Christian lineage. For the Falangist writer, the burden of underdevelopment was on Spain, as it had been unable to incorporate European traces of modernity. In contrast, for the Opus Dei member, Europe was to blame for having abandoned the traits of its fundamental Catholic spirit, which had been preserved in Spain.²⁹

Rafael Calvo Serer's 1956 *La aproximación de los neoliberales a la actitud tradicional* (The Neoliberal approach to the Traditional Attitude), which is the last text that I examine in the present chapter, needs to be addressed as an early attempt to depart from previous Falangist outlines defining the dictatorship's relationship with Europe. It was published already under signs of plastification of the dictatorship but still with the technocrats not yet in control of the dictatorship. More clearly than in Calvo Serer's previous *España, sin Problema* (Spain, with no Problem) and ahead of its time, this text makes connections between the Francoist political project of immunity, Kojève's and Schmitt's proposals and economizing frameworks for the crisis of the dictatorship.

Calvo Serer's short essay originated in the lecture series "*Tendencias Actuales del Pensamiento Europeo*" (Contemporary Tendencies of European Thought) which already gave away the geographical and political unity presupposed for Spain by the author. In the text, Serer established a direct dialogue with Ordoliberal thinkers such as Wilhelm Röpke. For Calvo Serer, Röpke was not selected at random. The German's work allowed Serer to present unquestioned the main transformations that the neoliberal

²⁹ Antoni Raja i Vich elaborates on this early Francoist debate about what it meant "being of Spain" and about the place Spain occupied internationally. Following Raja i Vich we argue that the consequences of this debate had effects well beyond the mere controversy and affected the eventual configuration of the Francoist regime itself.

“*tercer camino*” ‘third way’ involved, while making the case for the need for the Catholic fundamentalist dictatorship. In less than eight months from the publication of the book, in February 1957, Calvo Serer’s group of power within the dictatorship, the Opus Dei technocrats, officially joined the regime’s administration as the elite that would manage the economic and social policies aiming to modernize the dictatorship in crisis.

European Catholic Spirit and the Vagrant South

Kojève’s *Outline of a Doctrine of French Policy* established a European immunitary paradigm by giving a Hegelian account of the Cold War. In this account he introduced the notion of the Latin Empire –a project for a transnational unit comprised of France, Portugal, Spain and Italy. Following the text, the dialectical overcoming of the confrontation between the Anglo-American and the Slavo-Soviet Empires (without a fight to death but through recognition) would only be possible if a Latin Empire created a space in which aggression would not be feasible, thereby securing peace.³⁰ Led by France, the Latin Empire was to be a “buffering, peaceful, global third” (2004: 11) empire united by an already existing “spiritual kinship” (15), that is, Catholicism.

In particular, with respect to Spanish Catholicism, Franco’s regime was

³⁰ Kojève explains the world as follows, “if one does not want to leave the political world divided between the reciprocally hostile and antagonistic forces of the Slavo-Soviet and Anglo-Saxon Empires – if one wants to complement these two powers and civilizations– with a buffering, peaceful, global third one, it would not fall to one *Nation*, and not specifically to France, to coordinate them” (2004: 10-11). This understanding of the world mirrors, problematically, his reading of Hegel, “in order that the human reality come into being as “recognized” reality, both adversaries must remain alive after the fight. Now, this is possible only on the condition that they behave differently in this fight. [...] he must “recognize” the other without being “recognized” by him. Now, “to recognize” him thus is “to recognize” him as his Master and to recognize himself and to be recognized as the Master's Slave. (1980: 8). Kojève describes a world in which neither the Anglo-saxon nor the Soviet empires were going to occupy the position of the slave. Thus, making apparent the need for a third buffering empire.

explained to be “delay[ed] in evolution” and needed to be replaced with a “Francophile Government” (27) –as in favorable to the French. This delay did not refer openly to the non-democratic character of the Spanish dictatorship. Spain, like other Southern European countries, “degenerate[d] into laziness” (16) the “art of leisure” that was “the fundamental unity of the Latin mentality,” hence their delay in evolution. This art of leisure was most clearly reflected in Catholicism, which “above all sought [...] to organize and humanize the ‘contemplative,’ or even inactive, life of man” (17). Thus laziness became entangled with Catholicism as an unethical deviation from religious contemplation. Here Kojève’s immunitary project for Europe becomes apparent. The inoculation of Francoism for the shared Catholicism was the grounds for its vaccinating exclusion due to its laziness.

Entangled with notion of Catholicism, laziness needed to be understood too in economic terms. Eight months after Kojève had written the *Outline*, on December 27th 1946, the financial architecture of the Bretton Woods system was ratified. Since 1944, notions of national idleness and laziness were being transformed under an anti-communist system that aimed “to assist in the reconstruction and development of territories of members by facilitating the investment of capital for productive purposes, including the restoration of economies destroyed or disrupted by war” (1945: 531). Francoist Spain did not become part of the Bretton Woods system until 1958. It did, however sign the Pact of Madrid, mentioned earlier, in 1953. It was going to be years after Kojève’s *Outline* that against the laziness of the dictatorship, processes of financialization and national indebtedness of the dictatorship started ending the years of autarchy in Spain.

The 1954 amendment of the law of Vagrants too refers to notions of laziness

and idleness while interweaving, like Kojève, threats to Catholic morality and economic development. Hence, a mirroring logic surfaces between this 1945 doctrine for Europe and the forthcoming 1954 Francoist legislation that included the homosexual and the apologist of terrorism. Neither of the immunitary paradigms excluded the vagrant and lazy (the homosexual and the apologist of terrorism). Instead they included them in order to constitute, in the form of vaccination, the new Francoist and the new European “we.”

Under this double immunitary logic that negates the negation by including the excluded, full accession of the dictatorship to the European unification was unlikely. Francoism remained as the vagrant virus that needed to be inoculated. However, this double work of immunization opened up the path for the neoliberal petrotoxic solution. From the north, the Catholic design that Kojève envisaged for Europe explained that the only reason for the dictatorship and the Latin Empire to clash was Franco's regime's delay in evolution. Meanwhile, the Bretton Woods system allowed for this sense of delay to be framed solely in economic terms. In the south, the new criminals' contagious double threat to Catholic ethical barriers and human progress allowed the consolidation of a norm that was simultaneously modern European and Catholic fundamentalist. Within this frame, the dictatorship's internal politics of life and death that led to the violent precarization of vulnerable collectives after the Spanish Civil War could be overlooked.

The Francoist *Inimicus*

In Schmitt's works such as *The Concept of the Political* and *The Nomos of the Earth* the state was the political community that could wage war and decide upon the enemy –which made enmity the fundamental term of politics. The spiritual existence of the state and the constitutive characteristics of this national community were only understandable “in terms of concrete political existence” (1996: 85). The nomos, the “measure by which the land in a particular order [was] divided and situated; it [was] also the form of political, social, and religious order determined by this process” (2003: 70), was precisely the name for that spiritual existence and the constitutive characteristics of the political community in the form of state. These were the legal theoretical grounds that the dictatorship adjusted in order to establish the immunity paradigm examined in previous chapters.

Legal scholars such as José Antonio Lopez Garcia and Ignacioa Tébar explain that Schmitt's theories were considered accurate to the reality of the state. The former refers to this Francoist approach to Schmitt as a “realistic” (143) approach and argues that the appropriation of Schmitt's theories led the Francoist state to assume the distinction between friend and enemy in all its radicalness. The latter explains that “*los autores franquistas aceptaron [...] esta militarización el sentido de la política que supone la división schmittiana*” ‘the Francoist authors accepted [...] the militarization of the sense of politics represented by the schmittian division’ (77) between friend and enemy.

Francisco Javier Conde, referred to by Tébar as a *kronjurist* (chief jurist of the regime) argued that Schmitt's concepts “*son conceptos políticos genuinos, es decir, conceptos en los cuales ha sido comprendida la situación política tal como es*” ‘are genuine political concepts, this means that they are concepts with which the political situation has been

understood as it is' (1944: 193). Through Conde, who had been Schmitt's student in Germany, the law incorporated Schmitt's theoretical and political formulas in the dictatorship's law. The Francoist legal epistemology became the space to declare friends and enemies and to ground the traditional nomos. It operated as the main terrain of the political for national self-production.

There were some important adjustments to Schmitt's theoretical proposals. Significantly, that was the case of the distinction between "*hostis*" and "*inimicus*" as different kinds of enemy (Schmitt, 1996: 26-38). In the words of the German thinker, "the enemy [*inimicus*] is not [...] the private adversary [*hostis*] whom one hates. [...] The enemy [*inimicus*] is solely the public enemy, because everything that has a relationship [...] to a whole nation, becomes public by virtue of such a relationship" (1996: 28). Between them there was a relationship of degree and intensity rather than of nature. Hence, *hostis* was the kind of enmity that acquired the level of public and collective.

The distinction of enmity on the basis of intensity did not work for Conde. He argued together with the official line of the dictatorship that the "war of liberation" had expelled the enemies from within the limits of the new state. As examined earlier, expulsion was the rationality behind the punishment of the terrorist with death penalty. Hence, for Conde the distinction between *hostis* and *inimicus* was one that followed the division between external and internal, and between them the difference was of nature rather than of intensity.

As Conde explained, "*el error es patente. Entre lo que el hombre hay de 'naturaleza' y lo que en él hay de 'espíritu,' no cabe, desde el punto de vista ontológico, continuidad alguna. Ambas dimensiones son irreductibles*" 'the mistake is self-evident. Between what there is in man of

'nature,' [private] and of what there is in him of 'spirit,' [public] there is no continuity from an ontological perspective' (1944: 75). I agree with López García when he argues that "*lo que Conde trata de evitar es que los actos privados pudieran tener un estatuto político*" 'what Conde wants to avoid is for *private acts* to acquire *political status*' (1996: 145). However, I argue that the effects of this nature-based distinction between the internal-private and external-public enemies shaped the dictatorship's immunitary paradigm, hence its position towards Europe.

Following Conde's framework when the homosexual and the apologist of terrorism joined the other vagrants and miscreants, they were cases of internal enemies. By nature they could not be read as *hostis* but as *inimicus*. Hence, behind narrations of disease toxicity and contagiousness we encounter processes of depolitization of the "private enemy." Homosexuals and apologists were regarded as a problem of uncontrollable desires instead of political life and death encounters.

Conde's approach established a frame for a legal discourse in which apologists and homosexuals needed to be included in their punishment, instead being expelled or killed like the figure of the terrorist. After the "liberation" of the Spanish Civil War the internal enemy could only be a delinquent, who following the Christian morality, should be reformed. It was following this logic of inoculation that the double threat of the new vagrants against Catholic morality and capitalist progress could act as mechanisms to alter the dictatorship. In other words, it was adding the threat to capitalist progress to the older risk against Catholic morality that triggered the new immunitary process of the dictatorship's vaccination.

At this point, it is possible to begin discerning some of the ways in which the dictatorship's appropriation of Schmitt's work and Kojève's project for a Latin Empire

started to dialogue with each other. Calvo Serer's work allows us to apprehend the first neoliberal logics of optimization for this geopolitical entanglement that engages the criminalization, recognition as contagious diseases, and punishment of bodies under Franco.

The Neoliberal Cure

The dialogue that Rafael Calvo Serer's short essay *La aproximación de los neoliberales à la actitud tradicional* (The Neoliberal approach to the Traditional Attitude) establishes with the neoliberal thought collective brought an approach to market activity that was not so clearly present in Kojève and Schmitt's texts. Kojève argued that "an adequate economic foundation" (2004: 33) was indispensable for his imperialistic project. The German jurist believed that the "non-state sphere of economy [was] permeating everything: a global economy" (2003: 235). However, it was Calvo Serer who was able to respond to these concerns by articulating them as an organic part of the immunitary solution for the dictatorship. From his perspective the dictatorship as a political project, a shared Catholic spirit, notions of European modernity and neoliberal thought, far from presenting any contradiction, would naturally complement each other.

Calvo Serer aligned himself with the "'tercer camino,' que propugna Willhem Röpke" "third way' that Willhem Röpke advocates for' (1956: 10). For Röpke "the most urgent need of our time is to find, instead of the sterile alternative of either laissez-faire and collectivism or reactionary interventionism, that Third Way which will provide a solution on a new plane, which is not 'mere compromise'" (1942: 152). As Dardot and Laval have argued, "this 'third way', [...] has to meet a much larger

challenge than mere economic malfunctioning. It must offer a remedy for a ‘total crisis of our society’” (2014: 223). This interpretation can also be applied to Calvo Serer’s proposal by adding the Christian fundamentalist approach characteristic of Francoism. As explained by Calvo Serer, “*las restauraciones cultural, social y política, son inseparables. Y, como hemos dicho, tienen primacía sobre la económica, pues aun en las mas difíciles circunstancias materiales es posible la realización [...] de una perfección cristiana del hombre*” ‘the cultural, social and political restorations are inseparable. And, as mentioned, are more important than the economic restoration, because even in the most difficult material circumstances, the accomplishment is possible [...] of a Christian perfection of man’ (1956: 36). Within this framework Calvo Serer welcomed the economic rationality presented by Röpke, that is, the enterprise-like self-government of the individual, who operated as a unit of production that competed against others. The entrepreneur of the self became complementary to the Christian perfection of man.

Röpke’s work allowed Calvo Serer to give theoretical elaboration to the legal immunization of the double threat that the homosexual and the apologist of terrorism posed against both Catholic morality and capitalist progress. For both authors the crisis and weakness of liberal democracy was just a symptom of a total crisis of their societies. Both of them argued that the social could not be reduced to the economic. Finally, for neither of them was it the market that failed but the supporting social and moral framework.

Since a democratic state was unable to solve any issue at a spiritual level, Calvo Serer proposed his own political tool, particular to Spain. By referring to neoliberal formulations such as the “*Estado fuerte*” ‘Strong State,’ Serer distinguished a totalitarian tyranny from an authoritarian dictatorship. Here too Calvo Serer approached Röpke’s

work by including his own Francoist Catholic fundamentalist stance. Röpke argued “Just as a free economic system needs a market police, with strong state authority for its protection and maintenance –in complete contradiction to the views of *laissez-faire* liberalism– so is the same state intervention necessary in other spheres of economic life—for economic as well as for non-economic reasons” (1942: 281). Calvo Serer elaborated, “*al servicio de la fe es posible poner medios adecuados para construir un Estado fuerte, que luche contra el comunismo y logre la victoria espiritual*” ‘at the service of the faith it is possible to create adequate means to build a strong State that fights against communism y accomplishes spiritual victory’ (1955: 42). Following Calvo Serer’s interpretation of the strong state, the authoritarian dictatorship was a regime of exceptional authority that allowed “*que la sociedad y el Estado puedan superar una crisis y volver a su desenvolvimiento libre y normal*” ‘society and the state to get over a crisis and return to its normal development’ (1956: 39). Defending, as did Kòjeve, the European Christian Spirit, and criticizing, like Schmitt, the rationalistic foundation of liberalism, Calvo Serer imagined a government of elites that would lead the healing process of both the European spirit and the Christian perfection of man.

We see that this formulation began to part ways with the immunity paradigm, and started incorporating economies of petrotoxicity. Serer’s strong state would repair the moral and social crisis that was disintegrating, not only the dictatorship, but also Europe. Following his proposal of *España, sin Problema* (Spain without Problem), where he dialogued with Kojève’s notion of the Spirit of Europe, the crisis was not Spanish but European. It was this alleged European loss of values that allowed a narration of a crisis, permitting Calvo Serer to approach and inherit ordoliberal economic rationalities. Inheriting the petrotoxic paradigm, instead of controlled

inoculations of external threats, Calvo Serer presented no outside to the unit formed by the dictatorship and Europe. As it will become clear in Part Two, this followed a characteristic trait of petrotoxicity in which toxic residues were already there, waiting for their toxicity to be exposed. It was going to be in those terms that the Francoist dictatorship would have to revalue itself from being a toxic residue in Europe.

TRANSIT

Chapter Four

Petrotoxic Transition to Petromodernity

This chapter serves as the transit from a world conditioned by a disease paradigm of toxicity to another dominated by petrotoxicity. In this toxic transit I will scrutinize the main characteristics of the petrotoxic paradigm as they surfaced in the Francoist dictatorship. This paradigm fully penetrated the dictatorship during the 1960s, together with the neoliberal financialization of the regime and the plastification of its material landscape. Thus, petrotoxicity and petromodernity became two sides of the same coin.

I will focus on the seven laws that addressed, for the first time, the toxic materiality of petroleum and its byproducts before the Francoist “Cortes” approved the law of “*Peligrosidad Social*” (Social Danger) in 1970. These seven laws present the initial infiltration of the petrotoxic paradigm into the law. They provide us with the possibility to apprehend the composition that the paradigm of toxicity assumed within the law, before it was inherited by the legal economy of recognition of criminals.

During the 1960s, the growing penetration of the petrotoxic paradigm into the dictatorship was also revealed in the ways dissent against Francoism began to be imagined. The Francoist imagination was progressively being enveloped in petromodernity, which allowed the population to reconsider forms of resistance. Oil, plastics, paints, packaging, pesticides, and the proliferation of petroleum in multiple

other forms that became part of gadgets and appliances penetrated the country, and carried with them both the image of modernization of the regime and also the paradigm of petrotoxicity. In short, by the time the Cortes passed the law of Social Danger the petromodernization of the regime conditioned and dominated the understanding of popular resistance against the dictatorship. In this sense, a petrotoxic resistant counter-imagination preceded the petrotoxic regime of criminality.

These elements give form to the two sections of this Chapter, which bridges Part One and Part Two, showcasing the transition from the domination of disease toxicity to that of petrotoxicity. The two sections refer respectively to the shape that the petrotoxic paradigm of toxicity assumed within the law; and to the way petrotoxicity informed the understanding of resistance against the regime.

A Paradigm of Oil Spills and Dangerous Substances

The Petrotoxic paradigm was decoded from the scientific production of knowledge³¹ and encoded into Francoist legislation. This act of decoding and encoding took place through seven laws that were passed in the 1960s. The seven laws were translations and adaptations of international laws that had already been applied in

³¹ Max Liboiron examines the continuities and discontinuities between different models of harm that were linked to disease toxicities and to petrotoxicity “before the late nineteenth century, disease was perceived to be caused by ‘bad air,’ or miasmas. By the turn of the twentieth century, the miasmatic model of harm had been replaced by germ theory” (2013, 134). This germ theory presented coinciding foundations with the petrotoxicity that was going to come later on, “Within 40 years, a model of pollution developed that privileged linear causal links between a discrete pollutant and its pollution, and the quantification of harm.” The scientific community utilized this pollution model of harm to quantify linear damage between discrete pollutants and its pollution, which both the germ theory and petrotoxicity came to share, however, “Pollutants and germs were not and are not synonymous” (138). The linear causality that is presented by environmental toxicity and the toxicity of dangerous substances operated unlike “theories of disease, such as contagion or infection” (136). Hence, petrotoxicity and disease toxicity diverged significantly in the ways they acted with respect to the body they harmed.

Europe, which pointed to the increasing entanglement of the transnational project with the dictatorship. As they were passed when petromodernity was taking over the Francoist regime, they addressed, for the first time, the toxic materiality of oil-spills and of substances derived from petroleum. By the time the 1970 law of Social Danger inherited the petrotoxic paradigm for penal practices, petrotoxicity dominated the Francoist and European culture.

The 1962 law that created the “*Comisión Nacional para evitar la contaminación de las aguas del mar por los hidrocarburos*” ‘National Commission to Avoid the Pollution of the Sea by Hydrocarbons’ was the first law addressing oil-spills. This law ratified the 1954 International Convention for the Prevention of Pollution of the Sea by Oil (OILPOL), which had been amended that same year. Within this law petrotoxicity was able to connect with different foundations of the dictatorship in the form of risk. It threatened the main economic engine of the regime “*al obstruir [...] la industria turística*” ‘by obstructing [...] tourism’ (Carrero Blanco: 8436). It threatened life of the dictatorship, as it “*ocasiona la destrucción y muerte*” ‘causes destruction and death.’ Finally, when it argued that due to the increasing severity of oil-spills, the government “*desea en el menor breve plazo posible ratificar el Convenio*” ‘desire[d] to ratify the Convention in the shortest period possible,’ it made manifest that the petrotoxic threat allowed the dictatorship to further incorporate itself in the international setting, which had not been too welcoming only a few years earlier.

Already in this germinal law, some of the most relevant characteristics of the petrotoxic paradigm became entangled with the Francoist political project. Firstly, petrotoxicity suspended the division between the outside and the inside. By becoming

part of the Convention that had been enforced since 1954, the dictatorship aimed to lose its character of outsider from western geopolitics. Petrotoxicity, by means of the global circulation and transportation of oil, affected the dictatorship as much as it did any other country –democratic or not. Petrotoxicity did not attack from the outside, instead it showcased that there was not such thing as outside for the globalizing market.

Secondly, the techniques to cope with the deathly toxicity of petroleum that the OILPOL convention proposed were different, for example, to the techniques deployed to prevent the contagion of leprosy, the plague or the smallpox. When the OILPOL argued that “a ship shall be required to be so fitted as to prevent, as far as reasonable and practicable, the escape of oil into bilges” (IMO, 1981: 8),³² the objective was neither to exclude, to contain, nor prevent from contagion. It did not divide; include or normalize. Instead, oil-spills were framed as economized commodities that deviated from the rules of the market economy. As such, oil that spilt needed to be either revalued or disposed of.

This economization of the toxic matter was not limited to the oil. The tankers too were presented as market actors that had to behave responsibly in their work of prevention. Finally, from this perspective the dictatorship was also configured as a market actor when it identified itself through tourism.

The second law that addressed the toxic materiality of petroleum aimed to regulate pesticides. The Francoist Cortes passed the law “*Sobre venta y empleo de*

³² The Spanish legislation translated this passage as, “todo buque [...] deberá estar provisto de dispositivos que permitan evitar en la medida que sea razonable y posible el escape de fuel-oil o de diesel-oil pesado hacia las sentinas” (Burriel, 1967: 14806).

productos fitosanitarios” ‘about the sale and utilization of pesticides’ in 1965. Unlike the mass media and popular culture, which produced conceptions of materials such as plastics attached to modernity alone, the law defined this other petroleum byproduct with a duplicity that was going to become a constant feature for all petroleum-based products: pesticides were both necessary and toxic for economic development.

This was a characteristic of the petrotoxic paradigm that the regulation of oil-spills did not state. Pesticides “*son de uso necesario, teniendo en cuenta su eficacia y los beneficios*” ‘[were] of necessary use taking into account their efficiency and benefits’ (Carrero: 3286). At the same time, they posed a risk against life due to their “*toxicidad* [...] *para el hombre, los animales domésticos, las plantas cultivadas y hasta los vegetales útiles*” ‘toxicity [...] for men, domestic animals, grown plants, and useful vegetables.’ This new definition of a toxicity was linked to “*la aparición en el mercado de nuevos productos*” ‘the emergence of new products into the market.’ And the emergence of these new market actors were carriers of a petrotoxic paradigm that was as life threatening as economically necessary. Pesticides were presented, in the end, as both the cure and the poison of the Francoist dictatorship that endured in an economic crisis of underdevelopment.

By adding different characteristics, the following five laws enforced by the dictatorship that addressed the toxic materiality of petroleum further developed this distinct encoding of the petrotoxic paradigm. They did so by drawing attention to the twofold scale that the contaminating action occurred. Firstly, they endangered the invulnerability of the life at the level of the dictatorship as an enterprise society. Secondly, they were a threat against the life and health of individual self-

entrepreneurs.

The threats against the dictatorship were organized around the toxicity of oil-spills. Three more laws regulated oil-spills after 1962. Two were enforced in 1967, dictating “*las normas sobre prohibición de vertidos al mar de productos petrolíferos o residuos contaminados procedentes de fábricas o industrias de todas clases*” ‘the norms regarding the prohibition of spills to the sea of petroleum products or polluted residues of factory origin or any other kinds of industry’ and establishing “*medidas para evitar la contaminación de aguas y playas por accidentes en los terminales de tuberías de carga y descarga de productos petrolíferos*” ‘measures to avoid the pollution of seas and beaches by accidents in the terminals of petroleum-products loading and unloading pipes.’ The third law was enforced in 1969 establishing “*medidas para combatir los derrames de hidrocarburos*” ‘measures to combat the spills of hydrocarbons.’ These laws segregated oil-spills as the forms of petroleum that threatened a nationalistic conception of “our” territory, while legally framing this territory as market actor in the form of an international touristic economic venture.

What was particular to these three laws is that they animated the spills treating them as if they had agency and presented the national territory as being vulnerable to their action. This vulnerable sovereignty needed to be protected by “*combatir los derrames de hidrocarburos*” ‘combating against spills of hydrocarbons’ (1969: 13194). In other words, it needed to be defended by, in fact, declaring war against these unruly commodities that when becoming spills deviated from their trade-routes.

In turn, life and health at the level of entrepreneurial individuals was threatened by petroleum-byproducts. At this level, new characteristics emerged for the

paradigm of petrotoxicity. After the 1965 regulation of pesticides and before the 1970 law of Social Dangerousness, these byproducts were regulated two more times, both of them in 1967. The first of these laws, the “*Código Alimentario Español*” ‘Spanish Food Code,’ regulated the potentially toxic plastic packaging of food. The second law adopted the European directive “*en materia de clasificación, embalaje y etiquetado de las sustancias peligrosas*” ‘in matters of classification, packaging and labeling of dangerous substances’ or Dangerous Substances.

The Food Code was in charge of the regulation of plastic packaging. These substances had to be classified as either “*recuperables*” ‘recoverable’ or “*no-recuperables*” ‘non-recoverables’ (Carrero, 1967: 14183). In other words, they were revalued as commodities; or disposed of because their toxic risk of harming entrepreneurial lives – after losing both their exchange and use values and becoming residues. If the first law against oil spills established this technique for the treatment of the undefined matter that “attacked” the nation, the Food Code brought this treatment of petrotoxicity down to the level of consumer goods of individuals.

In turn, the law of Dangerous Substances proliferated toxic forms at the atomic level of the molecule. It included an annex detailing further the classification of the substances “*en fonction du numéro atomique de l’élément*” (Van Elslande, 1967: 55) ‘according to the atomic number of the element.’ Fifty-five different dangerous substances fell into the categories of “*hydrocarbures*” ‘hydrocarbons’ (91) and “*Dérivés halogènes des hydrocarbures*” ‘Halogenated derivatives of hydrocarbons’ (94). Unlike oil spills, petroleum byproducts were multiple and singular.

In their toxic incarnation, the separate byproducts that were categorized to a microscopic level were organized along an axis of danger. On their petrotoxicity, these

materials spanned from “*inocuos*” ‘innocuous,’ to “*moderadamente peligrosos*” ‘moderately dangerous,’ and finally to “*muy peligrosos*” ‘very dangerous’ depending on their “*toxicidad y fitotoxicidad*” ‘toxicity and phytotoxicity’ (Carrero Blanco, 1965: 3286). More deeply ingrained than before, at the atomic level of the molecules, there was no non-petrotoxic outside for the vulnerable individual that had to conduct himself as a market actor.

These seven laws shaped the encoding of the petrotoxic paradigm within the Francoist legal epistemology. To put it another way, they make apparent the form that the four main traits of the petrotoxic paradigm, which I examined in the introductory chapter, acquired under Franco. Indeed, this petrotoxic paradigm reveals, firstly, that Francoism and the individuals that lived under Franco entered a global network of market economy that presented no outside. There was no outside to shared global oil routes, and neither had an outside the market of petroleum byproducts that reached the market in the form of consumer goods. Secondly, the new dominating toxic threat, in the form of spills and petroleum byproducts became mainly and primarily a threat of commodities; of economized beings that had the potentiality to go array, or acted in a way that they should have not. These toxic commodities became disposable residues when they lost their use and exchange values. Thirdly, the petrotoxic paradigm heightened the process of production of knowledge and subsequent categorization of risk, which had to be scientifically exact down to the material and molecular composition of each one of the dangerous substances. Finally, the law appointed these commodities with a double bind: they were the reason for the economic modernization of the underdeveloped dictatorship, and at the same time, their toxicity put at risk this

same modernity, by attacking the lives of entrepreneurialized governments and individuals.

Two parallel transitions reached the dictatorship alongside the penetration of this paradigm of petrotoxicity. One was related to neoliberalism, the other one was linked to the recognition of criminality. As with the emergence of neoliberalism the production of the scientific knowledge of petrotoxicity can be traced back to the late 1930s and early 1940s. Like neoliberalism, the petrotoxic paradigm had to wait for the end of WWII to disseminate across the different social fields. Side by side, the scientific knowledge that established the model of harm that made sense of petrotoxicity was built upon the germ model of harm, which lay behind the disease paradigm of toxicity. Similarly, as I argue, the regimes of criminality transited from being dominated by disease toxicity to petrotoxicity. In the seven laws examined above the penetration of both transitions into the dictatorship becomes apparent.

Slick Resistance

The petrotoxic paradigm permeated the way that anti-Francoist social movements imagined protest and resistance. This process happened during the same years that the petrotoxic paradigm penetrated the law. On April 6th 1962, during the first massive miner strike against the dictatorship's precarious working conditions, only three months before the law regulating oil-spills was enforced, the workers used the image of a "*mancha de aceite*," an spreading industrial oil-slick, to think about resistance.

Emmanuel Rodríguez recounts the following announcement from the Worker's Commissions (Comisiones Obreras) of Madrid in the 1960's "*Nuestro camino es la huelga general [...] Concebimos la huelga general como la extensión y generalización de una serie de conflictos parciales, que pueden [...] irse extendiendo como una mancha de aceite por todo el país*" 'Our path is the general strike [...] We conceive the general strike as the extension and generalization of a series of partial conflicts, which can [...] keep extending like an oil slick throughout the country' (32). The slow advance of an industrial oil slick helped imagine how a multiplicity of protests could disseminate and assemble escalating to a general strike.

A search in newspaper archives for the concept "*mancha de aceite*" reveals a multiplication in the use of this expression, and more importantly, a shift in the semantic utilization of the term. In both *ABC* and *La Vanguardia* the use of the expression oil slick more than doubled – from the 1950s to the 1960s, it went from 58 to 128 in the former and from 45 to 92 in the latter. In this proliferation of the use, the meaning of the term moved from understanding it first through the lens of disease toxicity to later be fully framed under notions petromodernity and petrotoxicity.

In the 1950s, oil slicks and diseases operated in a similar fashion and could be use interchangeably. A 1952 article that reported about the foot-and-mouth disease that affected livestock explained "*desde el país vecino ha penetrado en España esta nueva variedad, que [...] se ha extendido con rapidez y como mancha de aceite por [...] la gran difusibilidad que presenta esta enfermedad*" 'this new variety has penetrated Spain from the neighboring country that [...] has spread rapidly and like *an oil-slick* due to [...] the high capacity of diffusion that this *disease* presents' (*La Vanguardia*, 13). Six years

later, in 1958, an article that explained the agonistic moment that the French Fourth Republic endured, explained that government asked for the “*intervención a De Gaulle para que interrumpiera la mancha de aceite de contagiosas sublevaciones*” ‘*De Gaulle’s intervention to interrupt the oil-slick of contagious uprisings*’ (4). These examples represent a normalized utilization of notions of diseases, contagion and oil-slick as if they operated in a similar fashion.

The decline of the usage in which representations of diseases and oil-slicks collapsed happened gradually. In 1958, for example, we see both types of representation surfacing the newspapers. Nine days before the example of the contagious uprisings mentioned above, the oil-slick acquired its own petrotoxic paradigm, “*hoy la delincuencia de los pequeños es una mancha de aceite que se va extendiendo sin que haya nada que la detenga*” ‘today underage crime is an oil-slick that is extending in a way that there is nothing to stop it’ (5). At some moment with the beginning of the new decade, the disease paradigm of toxicity and the image of an oil slick stopped sharing the same semiotic fields. In 1961, the petrotoxicity dominated in the following article that revisited the Spanish Civil War, “*el Ejército llamado republicano se extendió como una gigantesca mancha de aceite sobre un suelo resbaladizo*” ‘the so-called republican Army spread like a giant oil-slick over a slippery surface’ (3). By 1964, the image of the oil-slick acquired the inflammable character of the petroleum byproduct, “*si el terrorismo se extiende por el Sur de África como una mancha de aceite, no tardará en aparecer en las Rhodesias [...] han creado todo lo necesario para un buen incendio*” ‘if terrorism spreads in southern Africa like an oil-slick, it will not be long until it reaches Rhodesia [...] they have created everything necessary for a good fire’ (13). The slippery surfaces and the flammable character of the image used in the 1960s consolidated the petrotoxicity and

let go of the disease paradigm.

By the time the slick of petroleum became the threading image for ongoing mass strikes, it referred to a petromodern world. It became an appropriation of a petrotoxic term that allowed an act of resistant self-naming. Mass strikes kept increasing in intensity during the 1960s and 1970s, leading to a peak in 1976, less than half year after the death of the dictator Francisco Franco in November 1975. As Rodríguez explains “*la ‘mancha de aceite,’ metáfora industrial para un tiempo presidido por la centralidad obrera, servía para describir un patrón común a casi todos los conflictos*” the “oil-slick’ was an industrial metaphor led by the workers centrality, and could be used to describe a common model for almost every conflict.’ The “*mancha de aceite*” became the cultural phenomenon under which the struggle took place as form of collectively taking over the streets. This was not a linguistic performativity, but a bodily performativity³³ that took over the toxicity of oil to operate by gathering in mass protests, which presented not externality but transversality, convergence and entanglement of bodies. What this example characteristically reveals is that, by the time that the law of Social Danger repealed the law of Vagrants in 1970, the petrotoxic paradigm had taken over the Francoist imagination and was inherited, from the law to social movements, by the different domains of production of knowledge.

³³ I borrow this notion of bodily performativity from Judith Butler’s *Notes Toward a Performative Theory of Assembly*. Butler argues “the gathering signifies in excess of what is said, and that mode of signification is a concerted bodily enactment, a plural form of performativity” (2015: 8).

PART TWO

Petrotoxicity

Chapter Five

Residual Threats

In this chapter, I will move forward from the penetration and domination of the petrotoxic paradigm explained in the previous chapter, to the inheritance of petrotoxicity in Francoist criminal law and the formation of the petrotoxic regime of criminality. I argue that the 1970 law of Social Danger became a case that paradigmatically characterized this inheritance. Having analyzed the domination of disease toxicity, the law of Social Danger allows us to apprehend, in contrast, the changes that the petrotoxic paradigm brought to processes of criminalization.

The transformations undergone by the dictatorship and Europe before the publication of the law underscores the prevalent position that this law acquires for our analysis. Three substantial shifts set up the stage for the 1970 law of Social Danger. The first one is the dissemination of petromodernity and petrotoxicity throughout the dictatorship and Europe. The second is the accession to power, in 1957, of the Opus Dei's technocrats with their neoliberal project for a strong state, which replaced the previous Falangist project –responsible for the 1954 law of Vagrants. Thirdly, the same year, the Treaty of Rome was signed establishing the European Economic Community, which accelerated transnational unification that aimed to include Spain as a part of it. The law of Social Danger, with its inherited petrotoxicity, sustained and responded to these transformations of the different political projects.

Importantly, unlike the 1954 law of Vagrants that followed the European trend of the repressive punishment of homosexuals, the heightened repressive character of the 1970 law moved against the new prevailing western tendencies that began to

exclude the homosexual from the penal action of the law. As examined by Nathan Baidez (38-39), Germany, the U.S. and the INTERPOL started promoting the social integration of homosexuality. Geoffroy Huard makes the case for France, arguing that the 1960 sub-amendment to fight against “homosexuality” did not increase the police and juridical repression of gays (80-81). In Britain too, the 1967 partial decriminalization of male homosexuality, as examined by Brian Lewis, followed the same trend (211). As Argued by Huard (100) and Mora (118), it was precisely the British approach to decriminalization that the Spanish legislation used as a counter-example in order to enhance the repressive character of the dictatorship’s legislation.

The law of Social Danger introduced an opposing approach to that of Europe, with the objective of becoming part of the European Unification. It knowingly legislated against the trends of international penal legislations. At the same time, it argued that this law provided proof of the modernization and Europeanization of the regime. In this seemingly contradictory position surfaces the petrotoxic regime of criminality that makes the political projects of Europe and the dictatorship converge through the punishment of bodies.

In this chapter, I will first introduce the 1970 law, then continuing with the analysis of the capillary presence of the petrotoxic paradigm in its text. To do so, I will trace petrotoxicity’s four traits that have been compiled in the previous chapter. Finally, following the analysis in Part One, I will study the way in which the 1970 law dialogues with the new anti-terrorism laws of the moment.

The Modernity of Social Danger

The 1970 law of Social Danger repealed the 1954 law of Vagrants and Thugs arguing that a revision was necessary. There was a “*necesidad de defender a las sociedad contra determinadas conductas individuales*” ‘need to defend society against particular individual conducts’ (Franco: 12551). This necessity to defend society linked to another, that was to modernize society –to bring penal law into European modernity. In other words, this text brought together notions of the Europeanization of the dictatorship, and the defense of society through penal practices. Criminalization and neoliberal modernization of the regime could not be thought as separate processes. Within this frame, traits of the petrotoxic paradigm surface as already accompanying narrations of modernization.

The change of name itself, from “*Vagos y Maleantes*” (Vagrants and Thugs) to “*Peligrosidad Social*” (Social Danger) was presented as “*en línea con la terminología moderna*” ‘in line with modern terminology’ (12552). The text followed up with this notion arguing that “*la pena y la medida de seguridad vienen así a coexistir en las legislaciones modernas*” (12551) ‘the penalty and the measure of security come to coexist in modern legislations,’ which was a feature that distinguished the law of Social Danger from the previous text. For the sake of modernity, Francoist penal law no longer dealt only with punishment, it also aimed to prevent. This insistence on modernization, the law argued, brought together anthropology, criminology and psychiatry as the objective and totalizing disciplines that made it possible to create new foundations to understand criminality.

Modernization meant that there was a shift with regard to the categories introduces by the law of Vagrants. The 1970 law explained that even with “*los retoques*

parciales introducidos [por la ley de 1954,] apare[ce] hoy, al menos en parte, un tanto inactual" 'the partial tweaks introduced [by the 1954 law, it now] appeared [...] somehow outdated' (12552). As examined in Part One, these "tweaks" introduced by the 1954 law were the introduction of two new dangerous groups to the 1933 law of Dangerous States –the homosexual and the apologist of terrorism. By withdrawing the apologist of terrorism the out-of-date character of the law was modernized.

By critically reading this withdrawal from the 1970 law, it becomes noticeable that the "homosexual," is left as the one "partial tweak" that was introduced and still remained since the previous law. This incidental condition of persistence in the law made of the homosexual the earliest dangerous group that embodied the "*la aparición de algunos estados de peligrosidad característicos de los países desarrollados*" 'the appearance of some dangerous states that were characteristic of developed countries.' What becomes noticeable at first sight is that the law did not refer to logics of diffusion any more, but of appearance; of coming into sight. This was indeed one of the traits of the petrotoxic paradigm. As examined earlier in the dissertation, petrotoxic residues became such when exposed, which points to the understanding of the dangerous states as residues instead of contagious diseases.

The addition of the contagious homosexual in the 1954 law took place under the Falangist rule of the dictatorship, and it endured under its technocratic control transformed into a petrotoxic residue. This draws an uninterrupted but optimized line of the dictatorship between Falangist autocratic Francoism and technocratic neoliberal Francoism. From this standpoint, the category of the homosexual can be approached as the figure revealing the linkages and transformations of the different Francoist rules and also, as the figure, which was first exposed as a petrotoxic dangerous state that

was “characteristic of developed countries.” This approach allows my analysis to question the legal categorical separation of the different “dangerous groups.” It permits us to approach the new residual dangerous groups by using the homosexual’s preceding Europeaness in order to understand their interconnectedness.

With the introduction of the category of the prostitute as a dangerous state, the regulation of women’s bodies and their compulsory desire for biological reproducibility persisted undisguised; however, this time the harmful relationship between sex and economic transaction surfaces in the text of the law. Female prostitution, male prostitution and homosexuality were punished under the same article, with confinement directed to the deviant’s readjustment and potential revaluation (12552-12553). They were all part of the same non-reproductive sexual deviation, which now operated in a fully economized reality.

Another new category was the porn-dealer or “*los que promuevan o fomenten el tráfico, comercio o exhibición de material pornográfico*” ‘those who promoted, traded or exhibited pornographic materia’ (12552). This followed the booming porn industry of the *Playboy* magazine in the United States and in Europe since the 1950s, which Preciado (2014) examines in their work. Following the figure of the prostitute the economic transaction of sex was brought into the law of Social Danger, however it was neither the producer nor consumer who was punished, but the individualized entrepreneur.

The “*toxicómano*” (drug-addict) was one of the enduring categories from the 1933 pre-Civil War law of Dangerous States. Significantly, in the 1970 update, the law referred for the first time to “*drogas tóxicas, estupefacientes o fármacos que produzcan análogos efectos*” ‘toxic drugs, narcotics and pharmaceuticals that produce analogous

effect' (12553). By doing so, the penal law addressed the capacity of toxic substances³⁴ to act –they were not presented as inanimate objects, instead it was the substances themselves that produced effects. In this description, the petrotoxic dangerous substances examined in the previous chapter and the dangerous states that inherit the petrotoxic paradigm encountered. Following the petrotoxic regime of criminality a similar toxic capacity was acknowledged to both substances and states.

Controversy surrounded the modernization of the law from before it was passed. As early as 1961, the university professor Juan del Rosal published an article that referred to concerns regarding the notion of social danger. For Rosal any concern could be solved by the knowledge produced by criminological expertise. One year after the law passed, a seminar offered on the law of Social Danger by the Institute of Criminology of the University of Valencia revealed that the problems presented by Rosal persisted throughout the years.

Rosal argued that the first problem of the formula “dangerous state” surfaced *“ya precisamente en el intento de conciliar las dispares opiniones que se han vertido para explicar qué es y qué representa esta expresión”* ‘already precisely in the attempt to reconcile the disparate opinions that have been expressed to explain what this expression was and what it represented’ (395). Nevertheless, his conclusion was that by the time he was writing, the experts on criminology had accomplished a clear definition *“la expresión ‘estado de peligrosidad’ denota claramente [...] un modo o condición de ser de ciertas personas”* ‘the

34 Mel Chen elaborates on the linguistic conception animacy, in order to understand how, like in this case, non-living “stuff” is animated and assigned agency in language, intersecting with discourses on race, gender, disability, class, sexuality and so on. She refers to this effect of animating a non-living matter through language as animacy: this is “a means of conceptual and affective mediation between human and inhuman, animate and inanimate, whether in language, rhetoric, or imaginery” (2012: 10), which often appears biopoliticized, entangled into discourses of race and sexuality among others.

expression ‘dangerous state’ clearly denotes [...] a mode or a condition of being of some people’ (398). He elaborated further: the dangerous state was defined “*por los factores de disposición y de ambiente, en su mutua conpenetración, el individuo constituya potencialmente un ser con probabilidades de delinquir o, al menos, de turbar el orden social*” ‘due to factors related to disposition and environment, each conditioning the other, the individual constitutes, potentially, a being with probabilities of committing a crime or, at least, of disturbing the social order.’

It was this new notion of the internal potentiality that needed to be exposed, and that was characteristic of petrotoxicity replacing notions of diffusion and contagion, that modernized the law. Rosal explained that it was necessary to “*señalar en su favor, indudablemente, una cierta revigorización del frente contra la delincuencia*” ‘point out on its favor, unquestionably, certain revigorization of the front against criminality’ (395). This revigorization dialogued with ‘*la armónica conciliación de las dos funciones –represiva y preventiva– [que] es una solución que está en la línea de pensamiento del penalista católico*” ‘the armonic conciliation of the two functions –repressive and preventive– [which] is a solution in line with Catholic penalist thought’ (407). To put it another way, the law allowed for the indiscriminate punishment of anyone that could presumably question the Catholic social order of the regime.

The professors that lectured in this 1971 seminar presented contrasting perspectives. The Dean of the University of Deusto explained that the law confused social danger and criminal danger and Professor Vives from the University of Valencia argued for the “*imposibilidad de determinar de manera científica la peligrosidad social en una determinada persona*” ‘impossibility to determine, in a scientific manner, the social danger of a particular person’ (618). Contrastingly, Rosal explained that it should be the

criminologist who fulfilled the “*función de concretar y fijar la peligrosidad*” ‘function to specify and fixate the danger’ (618). Professor Fairén from the University of Valencia, claimed that “*la peligrosidad sin delito [es] algo que está ahí y, por tanto, sobre lo que hay que trabajar*” ‘the danger with no crime [is] something that is there, hence, it is something to work on’ (620). Like with the petrotoxicity of residues, the anti-Catholic danger with no crime was something that was already there and needed to be exposed. In the work of theorization of the law, like in the law itself, signs blended of the modernization of the dictatorship as a political project, of the modernization of the dictatorship’s regime of criminality, and finally of the penetration and dissemination of the petrotoxic paradigm.

Petrotoxic Residues

The law of Social Danger inherited the petrotoxic paradigm together with the enhancement of its repressive character. A different set of techniques and economies of recognition dominated over the ones enforced by the previous legislation. To put it another way, I argue that there was an emergence of petrotoxic technologies within mechanisms that were concerned with security, discipline and sovereignty.

These technologies mirror the traits of the petrotoxic paradigm that have surfaced in the previous analysis. These variations, organized from the most micro to the more macro fields of the social, are the following: the production of knowledge that measures risk at a molecular level; the economization of every social field and consequent categorization of elements as subject to revaluation or disposal; the double bind understanding of the dangerous agent as both the cure for economic progress and its poison; and finally, the reorganization of the surroundings and the national

community and the exposure of social risk with a lack of outside. In what follows, I will address the way in which each one of these petrotoxic traits transformed Francoist criminal law.

Molecular Risks

The law of Dangerous Substances and the law of Social Danger coincided in their production, at a molecular level, of knowledge about risk. The former aimed to create provisions for the “classification, packaging and labeling” (Van Elslande, 1967: 234) of materials. It did so by creating a list of substances and classifying them “*en fonction du numéro atomique de l’élément*” (55) ‘according to the atomic number of the element.’ Calling for a production of molecularly detailed scientific knowledge, it took the existing need of technologies of power to categorize, and added a hitherto unseen precision.

The 1970 law of Social Danger reproduced the new level of production of scientific knowledge. As it argued, the work of technicians needed to go beyond the 1954 law of Vagrancy and obtain “*un conocimiento lo más perfecto posible [...] del presunto peligroso*” ‘the most perfect knowledge possible [...] of the suspected dangerous subject’ (12552). This time, the “atomic elements” of the criminals were to be found in their “*personalidad biopsicopatológica*” ‘biopsycopathological personality.’ This term attached the prefix “bio-” to previous notions such as “psycopathology” and it had been borrowed from the Francoist social and scientific discourses. The prefix “bio-” brought with it, following Preciado’s work, notions of biochemical and biomolecular hormones and their synthetic development. In other words, it brought the molecular level of production of knowledge and exercise of power that was characteristic of the

petrotoxic paradigm.

As the one legal “tweak” introduced by the 1954 law of Vagrants that persisted criminalized in 1970, the category of the homosexual allows us to increase our understanding of the transformations that the prefix “bio-” carried between the previous law and the law of Social Danger. The work of Antonio Sabater, who became one of the designers of the law of Social Danger, offers some of the evidences to interpret this addition.

Sabater introduced the prefix “bio-” in his later work such as the 1965 *Juventud Inadaptada y Delincuente* (Maladjusted and Delinquent Youth), adding it to the double threat against Catholic morality and economic progress. It did so in the form of treatment. Isolation and exclusion was not enough any more. Instead what was needed was an intervention that penetrated and vulnerated the body at the molecular level of the hormone, “*la homosexualidad deberá recibir un tratamiento hormonal con propionato de testosterona*” ‘homosexuality will have to receive a hormonal treatment with testosterone propionate’ (291). The production of this new knowledge of bio-vulnerability of the body was entangled with the knowledge produced about the vulnerability caused by petrotoxic dangerous substances.

As with dangerous substances, the 1970 law of Social Danger exercised an allocation of categories. Within this frame, the addition of the prefix “bio-” to the “psycopathological” personality became a sort of periodic trend. It classified from the perspective of this new vulnerability of the body, the “*Vagos*” ‘vagrants,’ “*proxenetas*” ‘pimps,’ “*homosexuales*” ‘homosexuals,’ “*prostitutas*” ‘prostitutes,’ “*Toxicómanos*” ‘drug addicts,’ “*los que realicen el ilícito tráfico de drogas*” ‘drug dealers,’ “*los que promuevan el tráfico de cualquier material pornográfico*” ‘porn dealers,’ “*mendigos*” ‘beggars’ and

“insolentes” ‘insolents,’ which took their allocated place in a *“cuadro de clasificación”* ‘classification table’ (12553) of dangerousness. The law through the term biopsycopathology connected, at a the molecular level, the different dangerous groups.

Revalue or Dispose

The process of the law of Social Danger mirrored the regulation proposed by the Food Code mentioned in the previous chapter, for plastic packaging. The Food Code referred to *“envolventes recuperables”* ‘recoverable packaging’ in order to talk about the packaging that were *“susceptibles de higienización antes de ser nuevamente utilizados, siempre que [...] conserven las condiciones exigidas en este Código”* ‘liable of decontamination before using them again, whenever [...] they preserve the conditions demanded in the Code’ (Carrero, 1967: 14183). The *“Envolventes no recuperables”* (Carrero, 1970: 14183) ‘non-recoverable packaging’ was a material that was considered *“perdido”* ‘lost.’ Due to it’s toxicity it lost any use or exchange value and became residue that could not be revalued, but needed to be disposed of.

Inheriting this same petrotoxic trait, the law of Social Danger did not speak about threats of pandemic contagion anymore, but about economized beings and their economic valuation. This economizing approach responded to a dictatorship-wide transformation. During the technocratic government, the dictatorship’s legislation redefined the “public order” in economic terms –which affected the petrotoxic inheritance of the criminal penal law.

The 1963 law of *“represión de prácticas restrictivas de la competencia”* ‘repression of restrictive practices against competition’ provided legal formulation to the

“economized” reality of the Francoist dictatorship. The text argued that competition transformed the “*orden público*” ‘public order’ into a “*orden público económico*” ‘public-economic order’ (Franco, 1963: 11146). It situated the private enterprise and the market at the center of the dictatorship’s social focus.

An older understanding of public order had to be debunked arguing that it put limits to the “*relaciones inter-privadas*” ‘inter-private relationships’ of the people. Thus, individuals were defined by law as market actors. Following this transformation, the categorization of dangerous groups too took place in an economized public space in which every actor was already an economic being. At a criminal level, very much like the petrotoxic plastic packaging, individuals needed to be recovered and revalued or disposed.

“*Prostitutas*” ‘prostitutes’ (male and female), and “*los que promuevan el tráfico de cualquier material pornográfico*” ‘porn dealers,’ were the new additions to the 1970 law of Social Danger that more clearly introduced the economic character of the dangerous states. The twofold threatening instinct established by the figure of the homosexual in the 1954 vagrancy law, against Catholic fundamentalist morality and against economic progress, was present in these two new criminal figures. However in 1970, as both categories were actors in the public-economic order, they implied the need to punish any sex and desire that was understood as a market transaction.

As Calvo Serer explained in his dialogue with the Ordoliberalists, which I examined in Part One, the economic crisis was primarily a social one. Hence, even under the new technocratic conditions of the dictatorship, sex had to be preserved as the act for compulsory biological reproduction of the regime. Sex and sexuality were the one place that capitalist-style progress should not penetrate. If capitalist progress

was to penetrate sex and sexuality, the actors became part of dangerous groups that lost any “public-economic” value for the dictatorship’s public life, in the same way that commodities lost their value.

For the non-recoverable materials, the Food Code needed to put in place “*servicios, defensas, utillaje e instalaciones adecuados [...] para garantizar la conservación de los alimentos [...] y su no contaminación por la proximidad o contacto con cualquier clase de residuos [...] y materias extrañas*” ‘appropriate services, defenses, tools and installations [...] in order to guarantee the preservation of food [...] and their non-contamination due to the proximity and contact with any kind of residues [...] and strange materials’ (Carrero: 14181). The law of Social Danger operated accordingly.

It was necessary to first isolate in order to decontaminate and finally recover. As explained by the law of Social Danger, it was necessary to “*apartar temporalmente de la vida social al peligroso [...] con el fin de [...] lograr su readaptación*” ‘temporarily remove the dangerous agent from social life, in order to [...] achieve their readjustment’ (Franco, 1970: 12552). The law used the terms “*readaptación*” ‘readjustment’, “*rehabilitación*” ‘rehabilitation,’ “*reeducación*” ‘reeducation,’ and “*reintegración*” ‘reintegration’ (12552) which reproduced the same idea of “revaluation” of plastics that we encounter in the Food Code.

The question remained unanswered for those who, voluntarily or not, would not and could not leave the residual margins to be reintegrated –recovered and revalued. The law linked to the notion of revalorization its “*fines humanos y sociales [...] no limitados a una pragmática defensa de la sociedad*” ‘humane and social objectives [...] not limited to a pragmatic defense of society.’ To put it another way, the law aimed for “*la plena reintegración de los hombres y de las mujeres que, voluntariamente o no, hayan podido quedar*

marginados de una vida ordenada y normal” ‘the full reintegration of the men and women who, voluntarily or not, might have been marginalized from an ordered, normal life.’ However, not every residual man or woman in the margins could be reintegrated, revalued. There, like in the case of plastic packaging, non-recoverable individuals that became residues. This was, too, what the law of Social Danger called the “*defensa pragmática de la sociedad*” ‘pragmatic defense of society.’

The pragmatism of the law takes us to the convergence of the petrotoxic regime of criminality with other regimes of power. Here, notions of the “bio-,” the “-psyco-” and the “pathological” need to be addressed as a confluence of regimes. Once again, the homosexual surfaces as the transversal category that allows us to recognize continuities and differences from the previous law.

If sovereign power was plainly reflected in the act of incarceration, which works as a form of banishment from society, discipline was reflected by the distinct facilities for each kind of danger that the law built. Even if it was not against contagion, they were designed to contain the toxic force of the dangerous states, preserving and defending the ordered and normal life from the proximity and contact with any kind of residues. A year after the 1970 law had passed, a legal extension argued for the necessity of distinct facilities for each kind of danger –this time it was not only the homosexual that had to be isolated.

In the particular case of the homosexual, the dictatorship built two different facilities which, following the dictatorship’s medical discourses, aimed to separate the “passive” and “active” kinds. During the three years prior to the enforcement of the law, the Observation Center of the Carabanchel prison facility created a specialized

“Centro de Observación de Homosexuales” (Centre for Observation of Homosexuals) and studied 200 convicted cases. It was this work of observation that the law later referred as the *“most perfect knowledge possible.”* This perfect knowledge had been based on the work of *“observación”* ‘observation,’ *“clasificación”* ‘classification’ and *“tratamiento”* ‘treatment’ (12552-12553) in the prison of Carabanchel.

In these compounds, the bio-psycho-pathological became a work of security and politics of life. The character of the dangerous states mirrored the body of neurologists, psychiatrists and endocrinologists, which overtook discourses of public health and treated the subjects’ predisposition and probability to be a risk. Interventions and normalizations were necessary to foster the lives of those threatened by these dangerous states, or as the law put it, those that put at risk the *“vida social”* (12552) ‘social life’ of the dictatorship. Hence, the petrotoxic regime of criminality, added its own distinct technologies to the sovereign, disciplinary and securitarian mechanisms that were already in place in the dictatorship.

Exposing the Toxic

The law of Social Danger introduced in two seemingly unrelated areas of the dictatorship’s political project a petrotoxic reality that lacked an outside and where toxicities did not penetrate, but preexisted on the inside previous to the act of discovery. One was at the level of the individual, in which the dangerous character of the individual was not acquired by an inoculation of an external element. The other one was at the level of Europe, in which the dictatorship did not endure somewhere outside of European modernity.

Following the toxicity of dangerous substances that was measured in their

atomic number, the criminal law referred to the “*evidente predisposición delictiva*” (12552) ‘obvious criminal predisposition,’ of the dangerous states. Hence, it was proposing an approach to risk in which the dangerous individual was already such, but it had to be exposed. The groups that inhabited the law of Social Danger had been dangerous before they acted according to their particular risk.

The text made this clear when it established “*unas normas que [...] no integra[n] una ley penal construída objetivamente sobre hechos y tipos de delito, sino una serie de preceptos en función de determinadas categorías subjetivas de peligro*” (12552) ‘some norms that [...] do not put together an objectively constructed penal law based on facts and types of crime, but a series of precepts depending on subjective categories of risk.’ This subjective character of risk was why the law needed to acquire the most perfect knowledge in order to calculate “*su probabilidad de delinquir*” ‘their probability to commit a crime’ (12552). The work of criminology became about calculating the probability to act on this internal toxic predisposition that was already there.

With regard to the dictatorship this trait of the petrotoxic paradigm allowed the law to situate Spain at the same economic evolutionary stage as Europe. For this law, the dictatorship was not outside European modernity; it was not behind in evolution. As explained at the beginning of this chapter, following the law, the dangerous groups signaled the advent of European modernity. Indeed, the dangerous states were “*característicos de los países desarrollados*” ‘characteristic of developed countries,’ which made of them carriers of modernity.

If toxic substances are residues when exposed, then the very existence of these toxicities efficiently demonstrated that Franco’s regime was, by then, part of European modernity. Their character of residue revealed that the same modern toxicity could

appear anywhere else in Europe. It was one single “we,” Francoist and European, which was under threat from the same petrotoxic dangerous groups that could be found anywhere inside developed Europe.

Petro-Dependent

The double bind relationship towards modernity and toxicity, operated on top of categorizations, economizations, punishments, preventions and revalorizations. As exemplified earlier with the examination of pesticide regulations, these petrotoxic materials were of “*uso necesario*” ‘necessary use’ for their “*eficacia y los beneficios*” ‘efficiency and benefits’ (Carrero: 3286) and they were threatening for their “*toxicidad [...] para el hombre*” ‘toxicity [...] for men.’ The 1970 law of Social Dangerousness mirrored this logic.

The toxicity of the dangerous states was present in the risk they brought to the “social life” of the regime. Meanwhile, when the law argued that their appearance and exposition responded to the modernization and Europeanization of the dictatorship, it acknowledged the necessity for these dangerous groups. To put it another way, homosexuals, prostitutes, drug-dealers, porn dealers and other toxic states were the first signs and living proof that the dictatorship’s crisis of underdevelopment was coming to its end. Unlike the virus-like vagrancy, the polluting dangerous states presented for the dictatorship’s crisis of underdevelopment the same cure-poison duplicity that had been attributed to petroleum byproducts.

Petrotoxic Terrorism

So far I have referred to the paradigm of petrotoxicity that derived from dangerous substances and petroleum byproducts in order to understand the economy of recognition of precriminals put forward by the law of Social Danger. Contrastingly terrorist criminality, inherited the petrotoxic traits of oil-spills. With the disappearance of the “apologist of terrorism” from the 1970 law of Social Danger, a clear bridging figure between internal and external threats against the regime was withdrawn. Hence, with regard to terrorism, in 1970 there was no in-between space between the criminal act and the dangerous state.

Like with the oil of the spills, which was transported in tankers that were part of a global network of commerce and trade encompassing the planet, the new anti-Francoist movements were represented as being part of an overarching planetary strategy. Like oil spills, the terrorist threat was not directed at individuals but at the Francoist regime as a whole. Finally, like oil-spills the definition of terrorism referred to an undefined collective mass.

This time around, the anti-terrorism law could refer again to armed groups that resisted the dictatorship by using violent actions. The 1954 law of Vagrants was a reaction to the cessation in 1952 of the armed resistance of post-war communist and anarchist guerrillas. In the 1960s, the dictatorship manufactured a renovated discourse of terrorism on top of the actions of *Euskadi Ta Askatasuna* (ETA, Euskadi and Freedom), along with other armed groups of anti-Francoist resistance such as the *Frente Revolucionario Antifascista y Patriota* (FRAP, Revolutionary Antifascist and Patriotic Front), the *Grupos de Resistencia Antifascista Primero de Octubre* (GRAPO, First of October Antifascist Resistance Groups), and non-armed collectives like the *Frente de*

Liberación Popular (FLP, Popular Liberation Front).

These groups were transporting notions of anti-capitalism, anti-imperialism, armed struggle, revolution and anti-colonialism into the dictatorship. Kostis Kornetis³⁵ explains this new turn of the anti-Francoist left by examining the “*tiermondisme*” (thirdworldism), which was the “embrace of anti-Americanism, centre-periphery theories and resistance against neo-colonialism, [...] by radical activists” (2015: 488), and also to the “*experiencia sincrónica del 68*” ‘synchronic experience of May 68’ (2003: 98) that took place between Spain and France.

As with oil spills, the definition of terrorism was not individual but hazy and collective. The 1960 decree that “*recoge los preceptos [...] que parece aconsejable conservar*” ‘compile[d] the precepts [...] that seemed adequate to keep’ (Franco, 1960: 13405) from the 1947 anti-terrorism law, explained that it aimed to “*reprimir eficazmente actuaciones subversivas o reveladoras de peligrosidad [...] por motivos [...] terroristas o simplemente por impulsos de singular criminalidad*” ‘repress efficiently actions that are subversive or revealed *dangerousness* [...] by terrorist motives or simply by *impulses* of singular criminality.’ These actions, always in the plural, referred to group organizations and collective activities.

As with oil spills, the target of terrorism was not individuals but the nation as a whole. The 1968 decree-law of “*represión del banditaje y terrorismo*” ‘repression of banditry and terrorism,’ explained that “*recientes acontecimientos han puesto de manifiesto tendencias y acciones encaminadas a atacar la seguridad de la Patria*” ‘recent events

³⁵ Kostis Kornetis traces this concept of “*tiermondisme*” and the influence of May 68 into the Spanish and Greek contexts in his articles “‘Cuban Europe’? Greek and Iberian tiersmondisme in the ‘Long 1960s’” and “¿Un 68 periférico? reflexiones sobre un análisis comparativo de la resistencia estudiantil de los regímenes autoritarios de la Grecia de los coroneles y de la España tardofranquista.”

expose[d] tendencies and actions directed to attack the *security of the Fatherland*" (Franco: 12191). Those "recent events," addressed one particular action that took place only fourteen days before the enforcement of the law. It was the first assassination by the anti-Francoist group of national liberation ETA of Melitón Manzanas, police chief of the *Brigada de Investigación Social* (Brigade of Social Investigation) and a known torturer.³⁶ As was made explicit by the law, this action operated like the action of oil spills, which attacked not individuals but the dictatorship.

Finally, the lack of an outside realm became apparent when in 1969, the dictatorship declared the first regime-wide state of exception as a response to the actions of the new anti-Francoist groups. The decree-law that declared the state of exception explained that "*acciones minoritarias, pero sistemáticamente dirigidas a turbar la paz de España y su orden público, han venido produciéndose en los últimos meses, claramente en relación con una estrategia internacional que ha llegado a numerosos países*" "reduced actions, but systematically directed to disturb Spain's peace and its public order, have been taking place in the last months, in clear relationship with an international strategy that has reached many countries' (1175). Like the oil of the spills, the new anti-Francoist movements created a global network that encompassed the planet.

³⁶ Melitón Manzana's role as the dictatorship's infamous torturer has been well documented in historiographical and critical works such as Iker Casanova's *ETA, 1958-2008: Medio Siglo de Historia* and Pau Casanellas' *Morir Matando: el Franquismo ante la Práctica Armada, 1968-1977*.

Chapter Six.

Petrotoxic Iterations of the Nation

Following the examination of the petrotoxic regime of criminality, in this chapter I will analyze the formation of the neoliberal notion of the Francoist “we.” I argue that this optimization developed on top of petrotoxic punishments of bodies. In order to do so, I will focus on the persistent categories of the “married woman” and the “Spanish national (indebted) man.” Preserved throughout the 1950s and 1960s, they were the categories for whom the dictatorship was meant to be built, and who, in turn, supposedly held the dictatorship together.

The preservation of older categories was stressed with the consolidation, in 1967, of the fundamental pre-technocratic legislation of the dictatorship, such as the “*Fuero del Trabajo*” (Labor Code) and “*Fuero de los Españoles*” (Code of the Spaniards) mentioned earlier in the dissertation, which asserted the actuality of the Catholic fundamentalist principles of the regime.³⁷ Even the 1961 law regulating the “*derechos políticos profesionales y de trabajo de la mujer*” ‘the political professional and employment rights of the woman’ that contended to suppress “*discriminaciones basadas en situaciones sociológicas que pertenecen al pasado*” ‘discriminations based on sociological situations that belonged to the past,’ referred “*únicamente a la mujer casada*” ‘only to the married woman,’ to argue that “*el matrimonio exige una potestad de dirección que la naturaleza, la religión y la historia atribuyen al marido*” ‘the matrimony demands an authority to

³⁷ The Decree “779/1967, de 20 de abril” merged the different fundamental laws of the regime, which included the 1958 “Ley De Principios Del Movimiento Nacional,” the 1945 “*Fuero De Los Españoles*,” de 1938 “Fuero del Trabajo,” the 1967 “Ley Organica Del Estado,” the 1942 “*Ley Constitutiva De Las Cortes*,” the 1947 “*Ley De Sucesion en La Jefatura Del Estado*,” and the 1945 “*Ley De Referendum Nacional*.”

command bestowed by nature, religion and history to the husband.’ The law concluded, once again, that the “*norma programática del Estado español*” ‘the programmatic norm of the Spanish state’ was to “*liberar a la mujer casada del taller y de la fábrica*” ‘free the married woman from the workshop and the factory.’ Hence, amid allegedly modernizing laws the categories of the married woman and the Spanish national man appeared as figures of continuity within the dictatorship.

I examine these two categories in relation to the paradigm of petrotoxicity inherited by the dangerous states. By doing so I propose that, in their character of toxic residues, the dangerous states operated as constitutive blind spots of the technocratic order. Sometimes obliquely and sometimes openly, these residual blind spots were exposed in different legal texts such as the plans of Social Development of the 1960s and 1970s, and also in objects of popular culture such as cinema and the press. If petrotoxic criminals became marginal residues when exposed, then even unexposed, their latent toxic presence conditioned the Francoist political project. It was this petrotoxic residual blind spot that transformed the categories of the married woman and the national man.

The reemergence of older Falangist terms and laws within the technocratic rule makes it hard to talk about a break between the two managements of the Francoist dictatorship. An imprecise reading of the more established historiography about Francoism might lead one to believe that there was a rupture between the Falangist autocratic control of the dictatorship and the Opus Dei’s technocratic neoliberal management of the regime. Santos Juliá, for example, explains that with the accession of the Opus Dei technocrats into the Francoist administration “*la política del régimen*

había cambiado de dirección, sino de naturaleza” ‘the politics of the regime had changed of its direction, if not of its nature’ (187). Raymond Carr argues “Francoist culture [...] could not –in the long run– resist the influence of the Europe it was the ambition of the technocrats of Opus Dei to join” (163). Hence, a simplistic approach might establish an illusion of a clear before and after logics between Falangists and Opus Dei technocrats.

By pointing to the dissemination of the petrotoxic paradigm, I argue that the reemergence of “the married woman” and the “Spanish national man” as part of the technocratic rule of the dictatorship point, certainly, to the change of direction of the regime (explained by Juliá), but not to a change of nature. Likewise, this reemergence under conditions of petrotoxicity does not reveal that the dictatorship had to transform due to the exhaustion caused by the European influence, as suggested by Carr; rather it displays the ability of the Opus Dei to make the dictatorship endure under new European conditions. As I will elaborate below, petrotoxic criminality emerged as the dictatorship’s residual blindspot that sustained its neoliberal optimization.

This chapter refers to the Opus Dei’s political project as a neoliberal optimization³⁸ influenced by the ordoliberal thought and built upon the petrotoxic regime of criminality. In order to elaborate on that idea I will examine first the toxic

³⁸ Already Foucault, in *The Birth of Biopolitics* thought of neoliberal governmentality as an optimization from previous regimes of power. Foucault explains that this was “a society in which there is an optimization of systems of difference, in which the field is left open to fluctuating processes, in which minority individuals and practices are tolerated, in which action is brought to bear on the rules of the game rather than on the players, and finally in which there is an environmental type of intervention instead of the internal subjugation of individuals” (2008: 259). As will become apparent in my analysis, the Francoist strong state as optimization followed a different pattern to the conclusions that Foucault put forward.

residual blindspot that sustained the technocratic project. This analysis follows in turn the examination of different positions that the “married woman” and the “national man,” occupied in this optimization. The chapter continues with an analysis of the most popular cinema. In mass consumed cinema the legal categories of the married woman and the national man met with dangerous states that inherited the petrotoxic paradigm. If legislation tried to preserve categories separated from each other, cinema blurred limits when decoding and encoding the discourses and images of the categories that surfaced in the law. This allowed spectators to potentially perform their own acts of decoding, through which, within the restrictions and conditions of petromodernity and the petrotoxic paradigm, they could distance themselves from the optimized Francoist political project.

The Regime on a Petrotoxic Blind Spot

It is the law’s reference to the concept of the margins of the “*población Española*” ‘Spanish population’ (1972: 8246) that allows us to access the realm of the petrotoxic regime of criminality in the form of a residual blind spot. For example, the 1972 law that approved the “*III Plan de Desarrollo Económico y Social*” (Third Plan of Economic and Social Development) explained that the term “population” was not representing every individual that inhabited the territory of the dictatorship. The “*factores sociales del desarrollo*” ‘social factors of development’ were measured with modern “*indicadores de bienestar*” (8246) ‘indicators of wellbeing’ but were not able to “*reflejar todos los aspectos de la realidad social*” ‘reflect every aspect of the social reality.’ One of those aspects that the indicators could not address was the “*población de caracter marginal*” ‘population of a marginal character.’

In this reference to the margins of the dictatorship the 1972 Development Plan that aimed to foster the population encountered the 1970 law of Social Danger, which aimed to punish it. The 1970 law defined the dangerous states by referring to the margins. Those categorized following the petrotoxic regime of criminality were the ones who “*hayan podido quedar marginados de una vida ordenada y normal*” ‘might have been *marginalized* from the ordered and normal life’ (Franco, 1970: 12552). The 1972 Development Plan created a picture of the modern dictatorship by actively hiding the population in the margins from sight –these margins became a blind spot of the regime. Meanwhile, the 1970 law of Social Danger shed light on this blindspot by revealing its petrotoxic character. In this encounter, the petrotoxic blind spot was established as a necessity. The dictatorship’s plans for progress and development needed non-recoverable prostitutes, homosexuals, beggars and the rest of dangerous states to be disposable.

Ultimately, the Opus Dei’s technocrats built the sense of European modernity against this blind spot consisting of petrotoxic criminal residues. By concealing and still addressing this petrotoxic blind spot, the regime was able to elaborate input-output tables offering “*información estadístico-económica*” ‘statistical-economical information’³⁹ (Franco, 1963: 18286). This statistical work showed the growth of the GDP and compared it with developed countries from the European Economic

³⁹ The Francoist success story was translated into numbers. The law presented input-output tables offering “statistical-economical information” referring to these issues and others. Child mortality was lower “*55.5 por 1.000 niños menores de un año en 1960 a 20.7 en 1970*” ‘35.5 for every 1000 children under one year old in 1960 to 20.7 in 1970’ (Franco, 1972: 8247); regarding illnesses, the law explained that there was a “*Morbilidad cualitativamente diferente: prolongación de la edad media de vida, retroceso de enfermedades incurables, y aumento de accidentes en edades jóvenes*” ‘qualitatively different morbidity: longer average life expectancy, decrease of incurable illnesses, increase of accidents in younger ages’ (8247). The living standard was presented through a multiplicity of signs, such as growth of the population, education, illiteracy, social mobility, hospitals, doctors per head of population, construction of households, and public infrastructure (8247-8251).

Community. The growth in average incomes and the reduction of the general unemployment were compared as well. For the first time, indicators such as child mortality, growth of the population, education, illiteracy, social mobility, hospitals, doctors per head of population, construction of homes and public infrastructure were accounted for in order to explain the alleged success of Francoist planning. Following the 1972 Plan of Development, “*la economía española ha registrado [...] un proceso de crecimiento sin precedentes. [...] indica la transformación da una economía [...] subdesarrollista en otra más industrializada y dinámica*” ‘Spanish economy registered [...] an unprecedented process of growth. [...] It present[ed] a transformation from an economy of underdevelopment to a more industrialized and dynamic one’ (Franco, 1972: 8249).

If the crisis of underdevelopment was presented as being over, it was because those criminalized under the law of Social Danger inhabited a petrotoxic blindspot. As residues they were always present inside the dictatorship, they were disposable when exposed and at the same time, as made clear by the law of Social Danger, they were the evidence of the dictatorship’s Europeanization.

The Exceptional Married Woman

Against the new petrotoxic blindspot the technocratic optimization of the dictatorship maintained the previous aim to “*liberar a la mujer casada del taller y de la fábrica*” ‘free the married woman from the workshop and the factory’ (Franco, 1967: 5255). This was still justified not only by referring to threats to the nation’s biological reproducibility and by constituting the woman’s body as a factory of production of nationalistic men –reasons which were established under the Falangist rule. Under the

technocratic optimization, the woman's body also became the exception to an economized everyday life.

Making sex an economic transaction, instead of an action for biological reproduction was the defining characteristic of the threat posed by petrotoxic dangerous states that entered the 1970 law of Social Danger. Female prostitutes, male prostitutes (who could be, by definition, only homosexual), porn-dealers and porn consumers were all figures that emerged in 1970. Thus, the failure of these new dangerous states lay not in the market economy principles they enacted, but in the threat to the essential moral values of the Catholic fundamentalist dictatorship.

As explained in the previous chapter, the public sphere had been transformed into a public-economic order, imposing economic rationality on every social field. However, it was a woman's own moral failing that would be made apparent if she made sex a market activity. The married woman could not be a market actor. This legal formulation comes to the forefront as a repetition of the proposals that the Francoist technocrat Calvo Serer formulated when agreeing with the Ordoliberal thinker Wilhelm Röpke. As Calvo Serer explained, the sign of the moral crisis of western societies, represented by the new dangerous states, was not the failure of the market, but the decline of the supporting social and moral framework –a decline that I have termed petrotoxic.

Prostitutes operated as the point of contrast to married women. Certainly, prostitution had been regulated earlier under Franco,⁴⁰ but the legal necessity to send

⁴⁰ For a more extensive analysis on prostitution during the dictatorship, Aurora Morcillo's extensive work on the situation of woman under Franco addresses extensively the formation of the category and

“los que habitualmente ejerzan la prostitución” ‘who commonly practice[d] prostitution’ (Franco: 12553), to reclusion and recovery was part of the 1970 optimization of the technocratic dictatorship which added porn consumers and dealers to the sequence of criminal categories. For example, the 1956 decree-law *“sobre abolición de centros de tolerancia y otras medidas relativas a la prostitución”* (on the abolition of centres of tolerance and other measures related to prostitution) ordered the *“clausura y desalojo”* ‘closure and evacuation’ (Franco: 1617) of brothels, two years after the enforcement of the vagrancy law and a year before the Opus Dei technocrats took over the administration. Before then, the objective of the 1952 law *“sobre organización y funciones del Patronato de Protección a la Mujer”* (regarding the organization and functions of the Board for the Protection of Women) was the *“regeneración de las mujeres caídas”* ‘regeneration of fallen women’ (Franco: 6272), some of which were prostitutes.

Both the 1956 and the 1952 laws made the case for the protection of a Christian fundamentalist morality. As the 1956 law argued, the *“la absoluta ilicitud de la prostitución ante la teología moral y ante el mismo derecho natural ha de tener reflejo obligado en el ordenamiento positivo de una nación Cristiana”* ‘absolute illicitness of prostitution in moral theology and in the natural law compulsorily needs to be reflected in the legal system of a Christian nation’ (1617). However, the response of both laws was not the punishment of the woman, but instead they argued for the *“protección de la moral social [...] y la dignidad de la mujer”* ‘protection of social morality [...] and the dignity of the woman’ (1956: 1617) and to *“adoptar medidas protectoras [...] [para] la dignificación moral de la mujer”* ‘adopt measures of protection [...] [for] the dignification of the morality of

the punishment of the prostitute. I have drawn the general ideas for my specific analysis from both her *En Cuerpo y Alma* (238, 242-244) and *The Female Body and the Francoist Body Politic* (chapter three “Fallen Women” and chapter six “Strangers in the Dark”).

women' (1952: 6271). That is, like the fundamental laws of the dictatorship that aimed to free the woman, this time too, the "*objetivo ultimo*" 'final objective' was to accomplish the "*redención de la mujer*" 'the redemption of the woman' (1956: 1617), not from the factory however, but from her own misdesires. In other words, the woman had to be vaccinated from external contagious dangerous threats.

Under the 1970 law of Social Danger it was the woman who could be exposed as a toxic residue. The 1970 law decreed that, given woman's so-called moral natural desires, she needed to be freed from the factory and also from misdesiring. This meant punishing any female conduct that implied making those desires into an economic activity. Following the petrotoxic paradigm, the toxicity of the woman who became a market actor and traded with her sex had to be deemed worthy of revaluing or disposal.

The married woman's compulsory sexuality and sexual desire, as the exception to the necessary economization of every other social field, made women the guardians of a Christian morality that was, for the neoliberalized Francoist rationality, in crisis in western societies. Hence, the figure of the "married woman," insofar as it preserved the natural Catholic morality and made the national spirit endure through biological reproduction, allowed for Catholic fundamentalist principles and neoliberal rationalities to complement each other, instead of establishing a relationship of exclusion.

A Stakeholder in the Nation

The Spanish national man became the central figure of economic entrepreneurialism, management of the self and investment in a financialized Francoist political project that assessed danger in terms of valuation and disposal. This contrasted with the valuable body of the “married woman,” which became the realm for morally solving the (so-called by both technocrats and ordoliberalists) social crisis of the west. The national man and his wife complemented each other in the Francoist political project.

“Todo español es accionista de la empresa nacional del desarrollo” ‘every Spaniard is a stakeholder in the national enterprise of development’ (8268), explained the 1972 Social Development Plan. As a “stakeholder” in the national project, the place that the Spanish national man occupied in the technocratic translation of global processes of financialization became clearer. As explained by the plan of Social Development, this financialized role of the man as a stakeholder aimed to create *“cohesión social [...] del modo más eficaz posible”* ‘social cohesion [...] in the most efficient way’ (Franco, 1972: 8245). It was this “every (male) Spaniard” who was situated at the economic center of the Francoist neoliberal project, while being defined against the petrotoxic blind spot of the ‘population of marginal character.’ The man’s conduct divided the petrotoxic residue from the Francoist entrepreneur.

The Francoist technocratic regime did not distance itself from founding the dictatorship on the family unit like the Falangists did before. However, the family was not addressed as a monochromatic unit. This time it revolved around the conduct of the individualized man. As the Third Plan of Social Development made clear, this individualized man became a fully financialized subject as a stakeholder in both the

Europeanizing neoliberal modernity and the dictatorship's Catholic rule. Men were stakeholders and the nation was an enterprise; hence, the attributes and desires of this Spanish national man were always, first and foremost, the attributes and desires of an investor.

Home-ownership remained one of the distinctive ways for this man to invest in the nation. As explained in Part One this ended up as a wide-spread form of domination in the form of conduct domestication through mortgage ownership and debt. The optimization of the Social Development Plan insisted that it was "*evidente que se está aún lejos de satisfacer la necesidad de viviendas destinadas a los sectores de menor capacidad económica*" 'obvious that we are still far from *satisfying* the necessity of homes for the sector with the lowest economic capacity' (8263). The law equated home-ownership with the notion of "*clase media*" 'middle-class,' and indebtedness with possession. In part, it was this entanglement of the privately built to-buy public housing that made the nation an "enterprise." Likewise, this enterprise was transforming the Spanish indebted national man into a "stakeholder," who was trying to fulfill his own constituting desire. The logic of domination that came with the production of indebtedness became constitutive of the optimized Francoist national project.

On the Petrol Screen

In cinemas, men, women and dangerous states became entangled under the conditions of the petrotoxic paradigm. Below I examine first *No Desearás al Vecino del Quinto* (You Shall not Covet the Neighbor on the Fifth Floor, 1970), and the highbrow art-house drama *Mi Querida Señorita* (My Dearest Señorita, 1972), which situate at the center of their plot notions of petrotoxic criminality and pharmaco-pornographic

sexual deviancy. I also analyze the 1965 *Historias de la Televisión* (Television Stories) and the 1969 *Las Leandras* as two box office hits that paradigmatically dialogued with the optimized construction of the married woman, by interweaving it with ideas of a unified Europe that seamlessly included the dictatorship.

All four films gather bodies that the law would categorize as “national man,” “married woman” and different “dangerous states.” All of their plots present what I have referred to as the petrotoxic blindspot of the dictatorship. The stories establish the potentiality of exposing the characters in the movies as toxic residues to be disposed of and condemned to the margins of society or revalued, which the different movies deal with in distinct ways.

Sexual Deviancy

Two contrasting huge box office hits are paradigmatic examples of the ways in which Spanish film productions reproduced the petrotoxic blind spot of residues that sustained the regime’s understanding of Francoist population. The crass screwball comedy *No Desearás al Vecino del Quinto* (You Shall not Covet the Neighbor on the Fifth Floor) took second place in the 1971 box office after *Airport*. Secondly, the highbrow art-house drama *Mi Querida Señorita* (My Dearest Señorita) reached eleventh position in the 1972 box office.

Both films approached deviant sexualities, categorized by the law as homosexual, and made them dialogue with categories of the married woman and the national man. This representation differs from the monopolization of desires that the Falangists aimed to accomplish by means of censorship. This time, under the

administration of the Opus Dei technocrats, the films did not censor the homosexual body and desire; instead they staged the petrotoxic blind spot as what Eve Sedgwick theorized as the open secret space inhabited by sexual deviants. Films transformed the legal blind spot into a cinematic open secret.

Both movies begin by putting in place the structure of an open secret in which every spectator was able to identify and expose the toxic residue before it was named. The main characters are not labeled as gay, however they display visible and invisible markers that the social norm defined as homosexual. This is briefly what Sedgwick defined as the open secret structure of the glass closet,⁴¹ which informs the entanglement between ignorance and power, rather than knowledge and power.

Sedgwick explains “the position of those who think they *know something about one that one may not know oneself* is an excited and empowered one” (80). In *Both Mi Querida...* and *No desearás...* we do not find a glass closet as such. There are not acts of coming out and outing. However, the open secret structure does function to make sense of the petrotoxic blind spot. The spectators as well as the characters of the films, apart from the protagonists who inhabit the inside of toxic blindspot, become part of this structure of the open secret. However, each one of the movies deals in different ways with this structure.

No desearás al Vecino del Quinto establishes the blind spot of unexposed residues by bringing to the forefront two entrepreneurial men that work with women, in a

⁴¹ Eve Sedgwick explains in *Epistemology of the Closet*, “in a culture where same-sex desire is still structured by its distinctive public/private status, at once marginal and central, as *the* open secret, discovers that the line between straining at truths that prove to be imbecilically self-evident, on the one hand, and on the other hand tossing off commonplaces that turn out to retain their power to galvanize and divide, is weirdly unpredictable. In dealing with an open-secret structure, it’s only by being shameless about risking the obvious that we happen into the vicinity of the transformative” (1990: 22). As we will see in the movies, the open secret structure became a fundamental tool to represent same-sex desire under Franco, for both conservative and transformative discourses.

provincial capital: Antón the tailor (Alfredo Landa) and Pedro the gynecologist (Jean Sorel). The toxicity of the blind spot becomes the reason for their contrasting success in their enterprises. The straight, candid and handsome Pedro's practice is empty. The other men in town do not trust their wives, daughters and their sisters to the hands of an attractive heterosexual Spanish man, even if he brings the most modern European techniques in his field to the clinic. Contrastingly, Antón's shop is packed with women. His flowery jackets, hair ornaments, the little dog that he carries in his arms, and the stereotypically flamboyant voice and language set up the open secret toxicity preventing the other men from seeing him as a threat. Antón is presented at first as a toxic inhabitant of the blind spot, who has not been exposed as residue yet.

From the beginning, the film inserts these two protagonists inside the frame of the arrival of modernity to the provincial world of old prejudices and traditions. Furthermore, the film reproduces, almost word for word, the idea explained in the law of Social Danger, that the homosexual is the sign of the regime's European modernity. This parallelism takes place when Jacinta (Ira von Fürstenberg), Pedro's young chaste fiancé (waiting to being married before getting naked in front of her husband) explains that the existence of "*un tipo como Antón*" 'a guy like Antón' in the municipality can only be understood by taking in to account the arrival of modernity. Antón's toxicity surfaces as both the cure and poison of the regime's modernization.

The comedy starts unfolding when the toxic but unexposed Antón, the neighbor on the fifth floor (that, as the title explains, shall not be coveted), asks Pedro to visit him in the apartment and check a sudden toothache. At this moment the threat shifts directions. Instead of the wives, daughters and sisters, it is Pedro's masculinity

that is at risk once he enters in contact with Antón's private space. Antón's homosexual petrotoxicity is staged much like the dangerous substances, which following the law, could penetrate the skin involving serious and acute risks to life. Accordingly, in the film, Pedro's contact with the skin of a homosexual body threatens his future marriage with Jacinta –it threatens Catholic marriage itself, one of the backbones of the social life of the Francoist dictatorship. Pedro and Jacinta's families' response to this toxic contact is to become suspicious, pray for his safety and get scandalized.

The twist of the film comes halfway through the movie when Pedro attends a conference in Madrid, a symbol of modernity that, as explained by Pedro's mother, is the place of temptation. At a nightclub, Pedro encounters Antón and the open secret structure shatters. However, it does not confirm the secret shared by spectators and characters of the film alike, but instead unveils the farce. In Madrid, Antón is a playboy enjoying non-committed sex with foreign women. At this point, the petrotoxic regime of criminality and the pharmaco-pornographic regime of sexuality, put forward by Preciado, converge.

As Pedro joins Antón, Madrid's modernity unfolds as the Spanish "pornotopia."⁴² Borrowing Paul Preciado's term, Madrid becomes a kind of an erotic utopia for Spanish national men, where their male sexuality is redefined in their appropriation of the domestic sphere. There, male sex ceases to be confined to its reproductive function commanded by Catholic morality.

⁴² Preciado explains *Playboy's* utopia as follows, "lo singular de la pornotopía que *Playboy* inventa y pone en marcha en los años cincuenta es que puede comportarse al mismo tiempo como un 'contra-espacio,' desafiando los modelos tradicionales de espacialización del poder que propone la casa heterosexual como núcleo de consumo y reproducción en la cultura americana durante los años cincuenta-sesenta, y como una espacialización de los regímenes de control sobre el cuerpo propios del emergente capitalismo farmacopornográfico" (2010: 129). For this dissertation I have used both the English and the Spanish versions of the text as they present significant differences.

This was only months after the 1970 law of Social Danger punished “*material pornográfico*” ‘porn’ and “*los que promuevan el tráfico de cualquier material pornográfico*” ‘porn dealers.’ Still, *No Desearás...* reproduced a multiplicity of pornographic commonplace markers established and disseminated since the 1950’s by Hugh Hefner’s *Playboy* magazine. The bachelor pad, the female playmate, the Playboy club, even the consumption of *Playboy* magazine and the use of the dressing-gown, which identified with Hefner, surface across the cinematic geography of the modern Francoist city.

The bachelor pad, Antón’s apartment in Madrid, expels the married woman from her traditionally assigned social sphere in order to become the male nightclub-like domestic realm of compulsory heterosexuality. There, a new sex-consumer capitalist masculinity detached from transcendental notions of a Catholic fundamentalist nation is manufactured. This bachelor pad allows the Spanish playboy not to be the “carrier of eternal values” of the nation any more. As Antón calls it, this apartment is a refuge. It becomes an extension of the club at home; it creates a domestic space for the man to cook breakfast dressed in a dressing-gown (like Hefner) or to read the current *Playboy* magazine on the sofa. It also becomes a tower from which he can spy on the girls living next door.

Following Hefner’s pornotopia, the girls-next-door are presented as complementary figures of the consumerist capitalist playboy. However, as is made clear at the beginning of the movie, these complementary girls could be neither wives, nor daughters, nor sisters. Addressing any of these female categories as girls next door would make the Francoist woman into an economized subject, undermining the technocratic preservation of the woman’s body for Catholic biological reproduction. At this moment, *No desearás...* brings to the forefront the figure of the foreign woman such

as the Swedish air stewardess –“*las Suecas*.” It is hard to read these foreign women as real subjects. In the film they do not speak Spanish and barely any other language, they are passed from one man to another, and they do not have an agency of their own to decide if and who they want to have sex with. Following the structure set up by *Playboy*, the real subject of the movie is the male gaze. It is through the male gaze that everyday life is resexualized, represented in the movie by a phallic telescope used to spy on the foreign women.

Finally, the nightclub, where the protagonists meet, operates very much like a Playboy club. It camouflages with modern interior design and disco music the connection that these consumer-client based spaces of erotic utopia have with the, at the time, illegalized brothels. The nightclub in the movie is presented as the extension of Antón’s apartment where sexual labor is transformed into unpaid male’s sexual entertainment with foreign modern women that lack any agency and where Francoist sovereign Catholic morality is suspended.

All of the pornotopian elements mentioned above were sustained by the petrotoxic blind spot presented in the law and operated by further consolidating the capitalistic consumerist neoliberal side of the technocratic Europeanizing modernization of the Francoist regime. In the movie, the presence of all of these elements was made possible only by keeping the petrotoxic blind spot of unexposed residues in place. It was Antón’s unexposed residual toxicity that allowed him to enjoy Francoist neoliberal pornotopia.

One final comedic twist, revealing that the playboy Antón is actually a married man with children, brings back the position of Catholic fundamentalist morality to the movie. It does so by returning to the figure of the married woman. Both Pedro’s fiancé

and Antonio's wife get their husbands back by sneaking into the foreign women's apartment and making their unsuspecting husbands believe that they are the new foreign girls next door. The sexually arousing male fantasy brings their husbands back to them. To put it another way, the movie is resolved when the married woman, the exception to the neoliberal economization of every social field and the keeper of Catholic compulsory biological reproducibility, takes on the erotic characteristics of the playboy's playmate, the consumerized erotic entertainment lacking any agency. Here too, it was the potential petrotoxicity of the married woman that sustains her Catholic reason of being.

This was a non-conflictive ending that entangled Catholic fundamentalist morality and the neoliberal economization of every social field. It was an ending in which the unexposed petrotoxic criminality of residues operated as the constitutive blindspot of Francoist modernity. The film ends by both Antón and Pedro deciding to maintain the farce of the homosexual open secret. It is their potential residual character that allows them to economically sustain their entrepreneurial activities, which reproduces the cure-poison duplicity of petroleum byproducts. Like pesticides, plastics and dangerous states, Antón and Pedro reproduce the doublebind relationship in which they are perceived as toxic and life threatening to Francoist masculinity, and at the same time, their deviance is necessary to keep their economic activity thriving insofar as they do not present a risk for the married or marrying women.

Mi Querida Señorita followed *No Desearás...* in the representation of a petrotoxic deviant sexuality. In this film too, at first sight, the main character would be categorized as homosexual in the law. Similarly, both films fulfill a journey from a

provincial town to the capital city of Madrid –from the traditional Falangist Spain to technocratic modernity. In *Mi Querida Señorita* too, it was in the modern world that the toxic element could be exposed as a residue voicing the open secret. However, this time the film produces a different outcome.

Like in *No Desearás...* the film sets up the glass closet structure at its opening sequence. Different photographs show the recognizable face of the (at the time) famous actor José Luis López Vázquez inhabiting a female body. The female body with the recognizable male's face gets older with every picture until the present day of the movie. López Vázquez is the protagonist, Adela, a respected 43-year-old single woman living in a small town.

Adela's toxic abnormality is increasingly introduced but not named (exposed) in the first fifteen minutes of the movie. First she is referred to as a "*adefesio*" 'hideous' woman. Then she displays unusual strength when kicking a football. Finally the spectator sees her shaving in front of the mirror. Significantly, this open secret structure is placed, like in *No Desearás...*, in a provincial municipality where modernity and tradition clash. Priests act as referees in soccer matches and young girls wear short skirts and colorful bellbottoms. Returning marines salute the Francoist flag and older women dress with traditional black *peinetas* and *mantilla* veils.

The act of exposing the residual character of the petrotoxic element as the open secret follows the path from a traditional setting to a modern environment. Adela's first resource for solace is religion. However, her reality is finally revealed by science. First, she talks with the priest confessing that she is not a "normal" woman, revealing that she shaves, explaining that she never felt sexually attracted to men, but that, "of course," she had never been sexually active with women either. The priest

recommends Adela to visit a doctor, shifting the power and knowledge relationship imposed in confession to the one instituted between doctor and patient. In the clinic there are no questions, instead she comes out from a test-room to hear the truth from the doctor, who concludes that Adela has a pathology of both mind and body, which even if it is “not a serious condition,” needs to go through a simple intervention. As an illness of both body and mind, this medical study brings to the film the term bio-psycho-pathological that could be found in the law of Social Danger. Like the law, the filmic reference to the intervention points to a pharmacological procedure of hormonal treatment at a molecular level and surgery. Thus in this movie, we see the pharmacologic side of the pharmaco-pornographic regime being represented on the big screen. Following this logic, it is the doctor who exposes the open secret: Adela is not a woman.

The next time the spectator sees Adela he is already Juan. He has already gone through the process of revaluation. The ellipsis between the medical production of truth effects and the violent making of the male body is staged in the film with a train coming out from a tunnel. In this ellipsis the post-WWII pharmaceutical society has worked its magic. This undoing of the open secret structure and exposure of the petrotoxic blind spot perpetuates a binary separation of gender insofar as the subject has been defined as a man at the molecular level of the hormone. It showcases the violent reinforcement of the older categories of sex that took place during the 1950s, that Preciado examines in their work.⁴³ We see the perpetuation of the sex-binary

⁴³ Paul Preciado traces the formation of the term “gender” and its relationship with the concept “sex.” Preciado argues, “to the rigid nineteenth-century categorizations of sex, John Money opposed the malleability of *gender*, using social and biochemical techniques. When he used *gender* as a name for ‘social role’ or ‘psychological identity,’ he was essentially thinking of the possibility of using technologies [...]

system in the revaluation of Adela's residual toxicity into a non-toxic Juan.

At first, the film presents the congested modern city as a territory for Juan to inhabit anonymously, offering him a chance to start over. However, soon the urban space becomes a place of marginalization. Juan, educated to be a married woman, cannot find a job. Having his bank accounts under the name of Adela, he cannot access them in order to become an entrepreneurial man. Even his body performs woman after a life of disciplining mechanisms.

Through these scenes the film presents the life of the criminal residue trying to come out of the margins of society –inhabited by residues. To put it another way, against the petrotoxic paradigm, even the revalued Juan loses all his value. As a new man he is not an indebted Spanish national man who is in part of the market, and neither he is a reproductive married woman preserving morality. The work of revaluation becomes a question. Is Juan a recoverable toxic substance able to return to the public-economic order, or is he a non-recoverable toxic residue that needed to be isolated and disposed of.

Unable to fully perform as a man, Juan decides to behave as a woman and sew in secrecy to earn a living. At this point, the movie displays this secret space of unexposed residues. The constitutive petrotoxic blinds pot of the Francoist “we” comes to the surface. The film indicates that Juan can only strive and become part of the

to modify the body or to produce subjectivity intentionally in order to conform to a preexisting visual and biopolitical order, which was prescriptive for what was supposed to be a female or male human body” (2013:100). However, Money's first approach did not get consolidated as the one sanctioned by the scientific community, “instead of collectively producing an alternative (multimorphic) epistemology for understanding bodies and desires, the 1950s medical, biological, and political discourses decided to directly intervene within the structures of living beings to artificially construct sexual dimorphism using surgical, prosthetic, and hormonal techniques supported by the pharmacological, medical, and food industries” (104). *Mi querida Señorita* moves in between these two positions with respect to sex and gender.

normal and legal definition of the Spanish population by embracing petrotoxicity.

While struggling to come to terms with a medical-pharmacological decision imposed into his body, Juan encounters two women in the city. In these encounters yet another open secret structure is set up. In this case the shared open secret is that the spectators know that the revalued Juan used to be the residual Adela. However neither do Feli (Monica Randall), a prostitute that shares a hostel with Juan on his arrival to Madrid, nor Isabelita (Julieta Serrano), Adela's maid in the provincial town with an intense affective attachment to her, who later becomes a bartender in the city.

Feli, as a prostitute, is herself a toxic dangerous state. As such, she shares space in the secret underworld of unexposed residues of Francoist society. In this underworld that they cohabit, Feli becomes Juan's nonjudgmental ally, lending him money when needed. However, this alliance between different dangerous states that inhabit the constitutive blind spot of the regime put forward by the law is interrupted in cinema when, instead, the romantic love story unfolds with Isabelita.

The film builds up to a happy ending by recovering Juan institutionally, parallel to the love story. Juan decides to go to school and become educated through the dictatorship's institutional apparatus. Meanwhile he manages to get a hold of his past possessions and decides to become indebted with a ten-year mortgage on an apartment, fulfilling the "natural aspiration" of the man to own.

In the end, Juan is unable to have sex with the prostitute Feli –hence preserving the woman's body as the place for biological reproduction. Instead, he makes love with Isabelita. In this final scene, presented with another ellipsis, the movie ends by undoing the second open secret structure, when Isabelita reveals that she was aware of Juan's revalued toxicity, and calls him "my dearest Señorita" asserting the

recoverability of the residual dangerous states.

In *No Desearás al Vecino del Quinto* and *Mi Querida Señorita* the modern city appears, in the former, as a pornotopia, and in the latter, as the space for pharmacological intervention. Both mass consumed filmic representations, together, offer the very particular form that the Euro-American pharmaco-pornographic regime of sexuality took on when it became entangled with the Francoist sovereign regime, and its petrotoxic regime of criminality. The allocation of subject positions that was singular to the regime occurs under conditions of petrotoxicity, sustaining the dictatorship's project of the strong state and the neoliberal optimization of the Falangist violence performed by the technocrats.

Within this frame, both films perpetuated, to certain extent, the Francoist political project. In *No Desearás...* the eroticized girl next door could not be a national woman. The Spanish playmate could not be a sister, a wife or a mother. That is why, under Franco, the pornographic next door was inhabited by foreign women. The figure of the foreign Swedish woman in *No Desearás...* dialogued with the dictatorship's necessity to bring European capitalist modernity into the territory, while safeguarding untouched Catholic fundamentalist morality. A similar logic is presented in *Mi Querida...* when the priest's religious faith and the scientific production of truth of the physician are presented as being in a convivial relationship. The film established connections between a Catholic dictatorship and the discourses of scientific and economic progress. This encounter stands out as a particularly technocratic formula of the time.

Film reviews too offered a decoding of the movie that reproduced the dictatorship. A review explained that *No Desearás...* discovered in the city “*un sinvergonzón que se hace pasar por invertido, cuando en realidad es un juerguista y un empedernido mujeriego*” ‘a cheeky individual that passed himself off as inverted, when in reality he [was] a partier and a womanizer’ (A.M.T, 1971: 47). This passage presupposed a relationship of sympathy towards the “cheekiness” of the protagonist, while saturating the category “inverted” with shame. The “*las carcajadas de los espectadores, ruidosas y frecuentes*” ‘the guffaws of the spectators, loud and frequent’ made clear the success of the comic revelation of the open secret structure. We see how Crumbaugh’s notion of “totalitarian laughter” becomes pertinent again with *No Desearás...* when Antón, the short, chubby and unattractive playboy parodies the long lasting popular figure of the “*Macho Ibérico*” ‘Iberian macho.’ This was a parody of one of the central figures of the masculinity of the dictatorship. Convincingly, Crumbaugh argues that even if the parody of the dictatorship’s central figures, such as the Iberian male, might have a subversive appearance, in reality it fostered “a more deeply ingrained identification with official ideology” (110). The parody becomes totalizing when laughter at the deviant behavior in the provincial capital is revealed to be a successful market strategy of an entrepreneur. This was a cynical laughter, which gave endurance to Falangist anti-modern positions that were meant to be outdated in the technocratic modernity by giving them a façade of transgression.⁴⁴

⁴⁴ Justin Crumbaugh (2009) and Barry Jordan (2003, 2004, 2005) have extensively analyzed Spanish film comedies produced under Franco. Jordan points to the ambivalence of these films adopt “on the one hand, it offers a fairly sympathetic portrayal of the effeminate gay stereotype, but it is forced to counter this with the device of the *deus ex machina*, involving mafioso Corleone and an absurdly violent reimposition of fascist order” (2005: 102).

Unsurprisingly, reviews of *Mi Querida Señorita* aimed to shut down the uncertainty and ambivalence of the movie mentioned above. Instead, they reinforced a binary pathologizing division of the protagonist's gender and sexuality. An opinion article described *Mi querida...*'s main character, Doña Adela, as a "*bien considerada solterona que vive en una pequeña población de provincias*" 'respected spinster living in a small town' (A.M.T, 1972: 54). The shaming and sexist term "*solterona*" 'spinster' was followed by the explanation of the biological side of the pathology as Adela, "*desde muy joven ha sentido trastornos muy extraños. [...] a partir de los 17 años le ha nacido barba, y tiene, secretamente, que afeitarse*" 'felt very strange disorders since very young [...] she had bear since she was 17 and had to shave in secret.' Then, the particular deviation was further made clear by insisting on the psychological side of the pathology as Doña Adela "*siente repulsión física –pero no moral ni social– hacia los hombres, y admira tímidamente a las mujeres; sobre todo si son bonitas*" 'felt physical (neither moral, nor social) repulsion of men while she timidly admired women, especially if they were pretty.' The review ended by reinforcing the violent truth production into gender categories, "*la verdad estalla [...] Doña Adela no es una mujer*" 'the truth exploded [...] Doña Adela was not a woman.' Another journalist reiterated this violent pharmacological production of sex when he summarized the film, amid laughter, during a showing of a selection of Spanish movies in the URSS. He joked about *Mi Querida...* by referring to the title of another Spanish movie, "*aunque la hormona se vista de seda*" 'you can put lipstick on a hormone...' (Jordan, 1973: 49). This episode showcases the capacity and insistence that performative repetitions had to perpetuate the dictatorship's technocratic scaffolding by making it part of the Euro-American political and social transformations. For these reviews, Doña Adela and her hormones affixed an allegedly

natural preexisting western order of the division of the sexes and, in the case of Spain, their particular Francoist desires.

However, perpetuation and reproduction of the regime was not all that the film allowed. Underlying these Francoist appropriations and translations of the pharmacological and the pornographic realms, the films offer access to the constitutive blind spot of toxic elements that have not been exposed as residues yet. Whilst the film repeated the dictatorship's more normative positions, it also opened up places for ambivalence, making room for acts of survival decodings. As Sally Faulkner argues, the film falls "somewhere in-between [...] the film's 'biting criticism' in political terms, and [...] its failure in feminist terms" (146). For example, when Juan had to secretly use the knowledge he learnt as Adela to make it as a man in the modern urban space, this allowed for a questioning of the rigid notions of the Francoist categorization of subjects. Similarly, the access to the petrotoxic blind spot did not lead to the realm of dangerous subjects. Instead the spectator encountered a zone where criminal residues endured and allied in uncertain categories. Even if the law presented the Francoist order as a perfect order, like a machine in which different figures assembled as connecting but separate elements, popular culture messed up this flawlessly arranged engine. Petrotoxic bodies could respond neither to the assigned gender nor to their assigned functions in society. By using the same petromodernity that bolstered the Francoist technocratic regime they opened up potentialities of emotional survival.

Economized Women

In 1969, *Las Leandras* restored the Cinderella motif of development years, which I have addressed in one of its first forms with the analysis in Part One of the 1955 *Congreso en Sevilla* (Congress in Seville). *Las Leandras* brought to this motif a dialogue with Francoist neoliberal rationality, which drew connections with another mass consumed film that situated a female character as the main protagonist. This was the 1965 *Historias de la Televisión* (Television Stories). Both movies were remakes of former Spanish productions. *Las Leandras*, was a screwball comedy that became the fourth most watched movie in 1969 and was based on a 1930s play of the same name. *Historias...* was the sequel to of the 1955 *Historias de la Radio* (Radio Stories), which became an immediate success and a long selling cinematic production. In both films the figure of the Spanish woman and petrotoxic categories such as the prostitute and the common beggar became entangled in the same storylines. Following the logic established by *Congreso en Sevilla*, the entanglements in these movies portrayed the relationship between the dictatorship and Europe. This time around this relationship was taking place under conditions of petrotoxicity.

In *Historias de la Television*, the unmarried female character of Katy (Concha Velasco) impersonated in 1965 the paradigmatic neoliberal subject. The gap between the marrying woman's modernity and the married woman's Catholic duty for biological reproduction became significantly more noticeable under technocratic rule. Responding to neoliberal optimization, Katy adopts a self-entrepreneurial, indebted and self-investing capitalist philosophy of life. As the gifted and hard working lead-singer of a pop band from a small Spanish town, she had to invest in herself in order to sing her own songs in the capital city of Madrid. The other side of the coin to Katy's

narrative is presented with the story of Felipe Carrasco (Tony Leblanc), a good-for-nothing son who thinks of himself as “*concurvista*” (someone who aims to make a living from going to television game shows) and that as a result of his poor performances in TV programs, gets into debt, putting his father’s wellbeing at risk.

The storylines of the two main protagonists get entangled with the character of Don Marcelino (Antonio Garisa), a loan shark that both Katy and Felipe become indebted to. This loan shark makes them participate together in yet another game show in order to be able to pay back their debts with comical results. What is actually at stake in this game show is the exposition of the main character’s residual toxicity. After her unsuccessful appearance in television and unable to pay back her debts, the loan shark threatens Katy with reporting her to the authorities. Her petrotoxicity is exposed and could result in her being legally declared bankrupt, a non-recoverable residue that took the name of “*mendigo habitual*” (common beggar) or “*vago habitual*” (common vagrant).

Tatjana Pavlovic argues that this film “captures the Spain’s tumultuous passage to modernity with its discourse of progress and consumerism that is both inscribed into and problematized” (89). As explained by Pavlovic, in the movie modernity appears tied “to the consumer frenzy and the emergence of the *generación ye-yé* (pop music generation) with concomitant rise of a star system.” In the end, this technocratic neoliberal modernization of the dictatorship operated on top of the petrotoxic blind spot by making every citizen potentially toxic.

The film’s version of the happy ending comes infused with debt acquisition. It is a bank director, Ricardo Elósegui (Tomás Blanco), who saves Katy. However, being saved in this film means not only to have paid back the loan-shark, but also to be tied

to a significantly bigger credit and getting a contract for her next ten music albums. Indebtedness was presented as not only unavoidable but desirable. This was the dictatorship's way of economic revaluation of toxic residues.

In this act of revaluation, the opposition between the recoverable self-managed conducts of the entrepreneurial hard-working Katy and the non-recoverable incompetent Felipe is mirrored with the antagonism created between the banker Ricardo Elósegui and the loan shark Don Marcelino. In other words, the apparent selflessness of Ricardo Elósegui, part of the technocratic elite of the newly reformed financial institutions of the regime, contrasts with the selfishness and predatory practices of the non-regulated loan shark Don Marcelino.

Due to technocratic "selflessness," toxic debt becomes part of Katy's identificatory modern traits, like her popular music tendencies. This formation of a new kind of subjectivity, for Pavlovic, "becomes an allegory for the profound changes that the country itself was experiencing," which also reveals "the problematic and contradictory role of women" (102). As an unmarried woman who, until she gets married, is permitted to work under the technocratic optimization of the dictatorship, Katy's forms of modern self-representation allow the spectators to renegotiate the enduring Catholic fundamentalist conception of women, opening up spaces for emotional survival. Even if Katy, still unmarried, became a figure of Spanish capitalist modernity and a self-entrepreneurial subject, once married her natural and moral duty would inevitably become to biologically reproduce the nation. During this stage prior to marriage, the body of the woman became, in the film, the contested space for decoding survival or submission.

The story of *Las Leandras* creates a narration led by two women that are misrecognized as a prostitute and a woman who runs the brothel. The movie was part of the so-called “Viejo Cine Español” (Old Spanish Cinema), which as explained by Nuria Triana-Toribio “is still dismissed by most critics as static, conformist and reactionary entertainment cinema” (75). *Las Leandras* was the most successful box-office hit among other movies that fell into the category of “pre-marriage comedies and musicals.” As examined by Jorge Pérez, “Rocío Durcal embodied a specific type of Cinderella of the Development years, modern yet decent, usually of low class origins, and who can move up in society through marriage if she proves her qualities (purity being the most important one)” (139). This Cinderella recipe seemed exhausted by the time that *Las Leandras* reached to the movie theaters. Against the approaches that perceive this mass consumed film as a static cultural object, *Las Leandras* allow us to pin down the optimization that the Cinderella motif went through under conditions of petrotoxicity.

In this movie, the separation between the women whose life the law aimed to foster, and the women who inhabited the petrotoxic blind spot becomes blurred from the start. The seventeen-year-old Patricia (Rocio Durcal) runs away from a boarding school in London to go back to Spain and see her mother Rosa (Celia Gámez), a forgotten vedette who lost all her money. Together they elaborate a plan. They decide to deceive Patricia’s wealthy uncle into her inheriting his dowry, saving the mother’s vedette company, and the mother’s exposition as toxic residue. In order to accomplish their objective, mother, daughter and the women in the dance company take over a modern boarding school aiming to make the uncle believe that Patricia is back to her studies, which is his condition for keeping the niece in his will. Comedy is triggered

when men mistake the false boarding school with a brothel.

Three kinds of men inhabit *Las Leandras*. The Spanish man with old Falangist money is the first one. The second type of man is the antimodern Spaniard. Finally, the film presents the modern European man. Significantly, the ideal “national man,” entrepreneur of himself, responsible debtor and stakeholder in the national project is nowhere to be seen.

The wealthy uncle owns banana plantations and is the figure of the pre-technocratic oligarchic power of the dictatorship. This man does not live in the modernizing city but in the Canary Islands –an archipielago in the fringes of the Spanish territory off the coast of Morocco. He is presented as unable to understand the young main character’s modernizing force.

Every other Spanish national man in the film is presented as the anti-modern figure of the rural “paleto” –as derogatory and with similar connotations to the American term “hillbilly.” As explained by Luis Moreno Caballud, after the rural areas had been ravaged during the war and the peasants were forced to migrate to the city, the paleto became “one of the main counter-models of the modern Spanish imaginary, and probably remains so even today” (46). This man is ridiculed in the film as he feels misplaced in modern Madrid and misbehaves parodically. Two of them, Tío Paco (Antonio Garisa) and Casildo (Alfredo Landa) arrive to Madrid from a small town in Salamanca and confuse the boarding school with a brothel and Patricia with a prostitute. The poor rural inhabitant of the regime does not fit in the Francoist project of modernity.

The British citizen Robert Wilson (Jeremy Bulloch) represents the last kind of man. He is a young and attractive English teacher that comes from Europe to educate

the Spaniards. He is hired to give classes in the state-of-the-art school taken over by the protagonists. In the absence of any national man that could become a stake holder in the Francoist project, the European man is the romantic prospect for the main character, Patricia.

Between these three men, the ownership of Patricia's body is contested, as if she were the national body. As argued by Morcillo (2010) the woman's body and the body politic of the dictatorship merged. Patricia is to be possessed either through the oligarch's old Falangist money; by making her part of the immoral sex-for-money transaction proposed by the Spanish men unable to adapt to modernity; or through the romantic love of the civilized European educator who brings modernity into the territory. The love story unfolds amid comedic confusions between Robert and Patricia. Disoriented by the Spanish paletos, Robert needs to make sure that Patricia is not an unexposed toxic prostitute.

In the union between the Spanish entrepreneurial non-toxic Patricia and the modern European Robert the ownership of the married woman's body becomes the terrain where the Spanish underdevelopment crisis appears to be solved. The happy ending of the movie is the result of the union between European male modernity and the marrying woman's entrepreneurialism and preservation of Catholic morality. This is the film's proposal for a neoliberal solution to the Spanish crisis of underdevelopment, which ended up in a romantic Catholic capitalist entanglement with Europe.

Even within the extremely constraining determining conditions of the neoliberal dictatorship, the film allowed for acts of decoding for emotional survival. Triana-Toribio for example, explains that the film does "not present their protagonists

solely obsessed with appearance and ways of catching a man. This makes them different in their sexual ideology from the romantic comedies of the late 1950s” (76). Pérez agrees and follows up with this line of thought when he expresses that “*Las jóvenes españolas podían soñar con copiar el ‘look Rocío Dúrcal’, [...] con la posibilidad de transgredir los niveles de decencia del modelo [Franquista] recortando sus faldas por encima de las rodillas*” (96) ‘young women could dream about copying the ‘Rocío Dúrcal look,’ [...] with the possibility to transgress the levels of decency of the [Francoist] model by cutting their skirts over their uncles.’ Both authors stress on the potential that this kind of movies unlocked for women to fantasize about slightly alternative realities, in which they were just little freer.

However, the reception in the press of these films repeated decodings that consolidated the technocratic optimization of the Europeanizing dictatorship. They showcased the way the dictatorship’s newspapers decoded the films mentioned above. In the case of *Historias de la Televisión*, the reviews referred to comedy and laughter. “*Hacer reír en grande a los espectadores*” ‘making the spectators laugh out loud’ (A.M.T, 1965: 29) was the way the regime’s sanctioned cinema could “*mantener a todos, en un estado de complacencia que oscila entre la risa y la sonrisa*” ‘keep everyone in a state of complacency that oscillated between laughter and a smile.’ This appears to be another exemplary case of “totalitarian laughter.” This laughter “allowed spectators to join in the arbitrary and inconsequential suspension of authority. Parody let spectators in on the perverse game of exposing the emptiness of authority without questioning it as such” (110). By situating the woman’s body at the center of mass cinema, comedy allowed the spectators’ lasting desires for wellbeing to receive a normalizing response of complacency and identification with official Francoist ideology.

A review explained to the reader that *Las Leandras* brought a typical Spanish musical theatre from the 1930's to contemporary cinema by "modernizing" the songs. Between theater and cinema there had been "*una completa variación en la mentalidad de las gentes*" 'a complete variation in the mindsets of the people' (Tarin Iglesias, 1969: 55). Drawing a comparison with *Congreso en Sevilla* examined in Part One, this time the main female character did not seduce the foreigner through nationalist folkloric appropriations, but instead did so by entrepreneurial "modernization" and the revaluation of the old. This was how Europe would fall in love with the dictatorship.

The review continued this train of thought by hinting at the way *Las Leandras* showcased the end of the crisis of the dictatorship, "*hay [en la película] una especie de filosofía de la vida que demuestra bien claro cómo se han borrado barreras que parecían insalvables*" '[in the film] there is a kind of philosophy of life that demonstrates clearly that seemingly insurmountable barriers have been erased.' Indeed, the barrier that separated the dictatorship from Europe is erased with the love affair between Robert and Patricia.

The philosophy of life that stemmed from this filmic encounter of romantic love was neoliberal modernity built on top of the petrotoxic blind spot put forward by the law. The toxic sexuality of the economized prostitute was the model against which the Catholic fundamentalist capitalism of the technocratic Francoist dictatorship defined itself. Surely, as I will examine in the next final chapter, this was the same solution that intellectuals were aiming to put forward for the dictatorship and the unification of Europe.

Chapter Seven

Slick Intellectuals

In this chapter I focus on the intellectual network established by three European thinkers that spoke from different positions. I argue that, under conditions of petrotoxicity, their discourses found a preliminary solution to the south-north divide made apparent in Part One of the dissertation. The three interlocutors are Alexandre Kojève, Carl Schmitt and Manuel Fraga Iribarne.

The former two create a bridge with Part One of the dissertation and allow us to identify the transformations suffered by the European political project under the new petrotoxic paradigm. The last, Fraga Iribarne, was appointed minister of Information and Tourism in 1962, and since then, even with outspoken disparities with the Opus Dei, became one of the most prominent political voices of the neoliberal regime built by the technocrats and also of the coming democratic state. In these dialogues the inheritance of the petrotoxic paradigm did not take place so much in the form of semantic spillages but as an inheritance for consideration of the European “we,” of a rationality of toxicity, economization, revaluation and disposal.

The exchange of ideas examined below runs parallel to the administrative transformations that took place in Europe between 1957 and 1970. As explained in the introduction, 1957 was the year that the Treaty of Rome was signed, establishing the European Economic Community (EEC) and the European Atomic energy (EURATOM). 1957 was also the year the Opus Dei technocrats took over the administration of the dictatorship. Once the treaties were signed, reports from the International Bank for Reconstruction and Development and the Organisation for

European Economic Co-operation, in 1959 and 1963 respectively, encouraged the addition of the Francoist dictatorship into the new European administrative, economic and political union. The Francoist administration followed with a succession of plans of stabilization and economic development. Finally, in 1964 the European commission and the regime opened conversations deciding to establish by 1970 a Preferential Commercial Agreement that would progressively eliminate barriers between the two entities.

In 1970, just over a month apart from each other, two laws acknowledged the transformation of the European north-south relationship. Firstly, the Preferential Agreement at the end of June, established the early form of the Spanish accession to a modern developed European unification. Secondly, as examined in Chapter Five, the enforcement of the law of Social Danger at the beginning of August acknowledged the Europeanness and modernity of the dictatorship by pointing out that the dangerous states exposed by the law appeared also in developed countries. Thus, in 1970, the end of the Dictatorship's underdevelopment crisis was declared twice.

In the intellectual dialogues, which span from the late 1950s to the early 1960s, the dissemination and penetration of the petrotoxic paradigm precedes both the enforcement of the 1970 Francoist of Social Danger with its petrotoxic regime of criminality and the Preferential Agreement allowing the dictatorship initial access to administrative Europe. For that reason I address this intellectual network as the theoretical groundwork that preceded the production of the texts that came afterwards, succeeding in declaring the Francoist dictatorship and the European project for unification part of the same economic, administrative and spiritual unit.

When analyzing these intellectual dialogues I will focus on two aspects. Firstly, I introduce the ways that the three authors became interconnected by addressing the manner in which the petrotoxic paradigm and the world of oil informed their discourses. Secondly, I point to the elements in their texts that resolved, by inheriting traits of the petrotoxic paradigm, the south-north divide of Europe in the form of acceptance of a Catholic fundamentalist capitalism.

Three Intellectuals on the Residual South

Alexandre Kojève's, Carl Schmitt's and Manuel Fraga's political projects for both Europe and the Francoist dictatorship dialogued with and referred to each other. They created a triangle of influences that messily reverberated in different social spheres. Alongside the technocratic rule of the dictatorship, the connection between Kojève and Schmitt became unambiguously personal, as they maintained a friendship through correspondence. From 1955 to 1960, these two European political voices discussed the new nomos of the earth, agreed on the Hegelian understanding of the state, shaped each other's thought, and solved their disagreements in a polite, intellectual manner.⁴⁵

Schmitt's and Fraga's friendship too became explicitly personal in 1962.⁴⁶ That year Fraga became a full member and Schmitt an honorary member of the Spanish

⁴⁵ For further reading regarding Kojève and Schmitt's relationship, both personal and intellectual Robert Howse's and Erik de Vries's work offer extended analyses on the issue. Howse's critical reading of their relationship through correspondence argues, "Kojève would appear to break away from his dependence on the Schmittian conception of the 'political' as constituted by violent struggle against a political enemy; nevertheless in the correspondence with Schmitt ten years later he reaffirms his agreement with Schmitt on the meaning of 'political' and of the 'state', disagreeing only on whether the political in this sense has any future" (2006: 102).

⁴⁶ Justin Crumbaugh (2009), Luisa Elena Delgado (2014) and Lena Tahmassian (2012) too have given account about this close relationship between Manuel Fraga and Carl Schmitt.

Royal Academy of Moral and Political Sciences. It was Fraga who gave the welcome address for the induction as a member of Schmitt –his “*noble amigo*” ‘noble friend’ (1962: 5). While both presented in the Auditorium of the “*Instituto de Estudios Políticos*” (Institute of Political Studies). Fraga was followed by a lecture of the German jurist, who made reference to his “*amistad y [...] vinculación sinceras*” ‘friendship and [...] sincere connection’ (1962:19) with the Spanish intellectual.⁴⁷

The relationship between Fraga and Kojève closes this circle of influences. This affiliation took place through references in their work. Kojève aimed to solve the problems of southern poor Catholic Mediterranean countries that reached maturity, such as Spain. Meanwhile, Fraga engaged with the work of Robert Schuman, the president of the lobbying association “European Movement” and one of Kojève’s frontbenchers for France’s work on Europe.⁴⁸

The connections between the three intellectuals led to the production of various texts, which I examine in this chapter. These texts are Kojève’s 1957 lecture “Colonialism from a European Perspective,” Schmitt’s 1963 book *Theorie des Partisanen* (Theory of the Partisan), and Fraga’s book *La Guerra y la Teoría del Conflicto Social* (War and the theory of Social Conflict) and his lecture “*Forma Política de la Unidad Europea*” (Political Form of the Unity of Europe).⁴⁹

⁴⁷ Fraga’s address and Schmitt’s lecture were later published as “Carl Schmitt: el Hombre y la Obra” and “El Orden del Mundo Después de la Segunda Guerra Mundial” in 1962.

⁴⁸ The front and backbencher relationship between Schuman and Kojève is made apparent in Christopher Kletzer’s text when he explains that Bernard Clappier, Kojève and Olivier Wormser formed a strong alliance in the French central government, while at the same time “Bernard Clappier [was the] head of Robert Schuman’s private office; Schuman’s closest advisor; mediator between Schuman and Monnet; followed Marjolin as the director of DREE [and became] Governor of the Bank of France” (2006: 136).

⁴⁹ For Schmitt’s references from *Theorie des Partisanen. Zwischenbemerkung zum Begriff des Politischen* published 1963 I have used the English version of *Theory of the Partisan*. For the Fraga’s references, the translations are mine.

Still during their corresponding friendship, Kojève personally visited the German legal thinker in 1957. This was the same year that the Treaty of Rome and the Euratom were signed under the awareness of their dependency on imported oil, it was also when the technocrats of the Opus Dei ruling family took over the Francoist administration implementing a government that followed the neoliberal rationality. During this visit, the French bureaucrat delivered, in Dusseldorf, the lecture titled “Colonialism from a European Perspective.” In his lecture, Kōjeve advocated for the end of world class struggle by means of implementation of Fordist economies and granting economic aid throughout the world. These were the economizing measures that, precisely, became central for the technocratic neoliberal project of revaluation through financialization for the dictatorship.

Starting on March 15th 1962, two years after Kōjeve’s last letter, Schmitt gave several lectures in Francoist Spain for the following two years. These lectures were compiled in book form in *Theory of the Partisan*. In this text, the German jurist studied the transformation of the category presented on the title, the partisan, starting with the traditional telluric defendant of the nomos, to its modern motorized actualization, aggressive, revolutionary and sustained by petromodernity. Within this frame, Schmitt opposed the Spanish traditional Christian partisan, who had confronted the modern Napoleonic invasion, to the revolutionary partisans’ action during the anti-imperial wars of the 1960s.

Wrapping up the texts examined in this chapter, Fraga’s book and lecture, became the Spanish contribution in these intellectual dialogues. The book *War...* was Fraga’s essay with which he was inducted into the “Real Academia de Ciencias Morales y Políticas” (Royal Academy of Moral and Political Sciences) as a full

member. Meanwhile, the lecture “Political Form...” was his inaugural lecture in this institution’s 1962-63 academic year. In both texts, Catholicism, which was the European Spirit for Kojève and the traditional nomos for Schmitt, was presented as the conclusive solution for the dictatorship’s political problems. With regard to Europe, Fraga argued that the dictatorship already shared its new economic and social structure, which allowed it to share the common European Catholic Spirit too.

All these discourses were entangled, in different ways, with the dissemination of a world sustained by oil and petroleum byproducts, which bore the petrotoxic paradigm. Kojève and Schmitt offered in their discourses an early awareness of the action of oil and petroleum byproducts. With regard to Fraga, it was tourism, his realm of governance that was the first industry to be directly threatened by the material toxicity of oil.

Kojève referred to the geopolitical frictions that emanated from the gap between approaching oil as matter and considering oil as an abstracted economic valorization. He argued that “underdeveloped countries [...] could not absolutely understand why [...] oil produced in the Middle East should cost almost half as much less than oil in Texas” (2001: 121). Significantly, in 1960, three years after Kojève’s Dusseldorf lecture, Venezuela, Saudi Arabia, Iraq, Kuwait and Iran created the Organization of Petroleum Exporting Countries (OPEC) as a reaction to the import quotas imposed by the US and the subsequent drop in demand of foreign oil.⁵⁰

⁵⁰ As Timothy Mitchell explains “in 1960, in response to the drop in demand for non-US oil caused by Eisenhower’s import quotas, Venezuela and Saudi Arabia – together with the other three large Gulf producers, Iraq, Kuwait, and Iran – set up the Organization of Petroleum Exporting Countries (OPEC). For Venezuela, where a revolution had overthrown the military government and brought an elected government to power, the aim was to imitate the collective arrangement among US states for restricting production, in order to negotiate an increased share of oil revenues and conserve supplies, and thus to allow an orderly process of economic growth and avoid a premature depletion of reserves.

Schmitt presented oil and its byproducts as active agents that affected the transformation of the understanding of enmity. The category of the partisan had to be thought differently in an age of “long-range fuel supplies, telephones, radios, and television” (2007: 68). This new oil-fuelled motorized and revolutionary version of the partisan-enemy was reinforced with plastic-made goods and was dependent on the transforming material formation of the world.

Fraga became Minister of Information and Tourism in July of 1962. A month earlier the first law to prevent oil-spills was passed by the Francoist courts. As the law argued, “*los serios perjuicios que la contaminación de las aguas del mar por los hidrocarburos causa [...] acarream graves daños [...] a la industria turística*” ‘the serious damages caused by hydrocarbon’s pollution in the seas [...] bring major harm [...] to the tourism industry’ (Carrero Blanco, 1962: 8436). Tourism was under Fraga the industry that sustained the Francoist economic project and was also the first economic activity that was affected by the new petrotoxic model of harm.

When in both Schmitt and Kojève’s work, oil and petroleum byproducts surfaced throughout the texts, even if off-centered, they preceded the Francoist legislation in their understanding that oil –not the economic abstraction, but the matter itself– conditioned the formation of the world they lived in. This understanding reached the dictatorship through Fraga’s policies on tourism. Their work anticipated and informed the Francoist legislation of dangerous substances and the deployment of the petrotoxic regime of criminality.

Initially the Middle East producers were trying to maintain their tax revenues from oil by increasing the volume of production. Only a decade later were they in a position to increase revenues by adopting the US method of limiting the volume of production” (2013: 167).

Revaluation of Colonized Residual Europeans

In the 1957 lecture “Colonialism from a European Perspective,” Kojève proposed the practice of “giving colonialism.” Implemented by Europe this giving colonialism needed to focus on “the entire area (and perhaps the only area) which lies around the Mediterranean” (120). This exposed the Francoist dictatorship as a toxic element, in need of Kojève’s colonialist project of giving capitalism. From the perspective of the petrotoxic paradigm, this was a project for the revaluation of residual Southern Europe.

Kojève argues that Fordism allowed for a depoliticized overcoming of the capitalist class struggle by creating a non-poor middle class in developed Europe and the US. Hence he concluded that Fordism would likewise operate in the underdeveloped countries. In order to trigger this Fordist overcoming that eliminated poverty, western capitalist countries and private capital flows had to start investing back the surplus value extracted from the colonized countries.

By investing in the form of loans, western countries would be “certainly, de facto, no longer taking anything, and [...] even giving something” (2001: 122). By directly referring to Schmitt, who was sitting in the audience, Kojève argued that this global Fordist model of “giving capitalism” or “giving colonialism” was the new “nomos of the Western Earth.” However, Kojève addressed Schmitt’s theoretical scaffolding to make it clear that what he proposed was “absolutely no criticism of Professor Carl Schmitt. For his division implicitly includes my ‘giving:’ [...] ‘to give’ perhaps sounds better than the ‘verb to take’” (123). For Kojève, giving and taking could be the same thing, insofar as his proposal was not so much about giving but about lending; not so

much about receiving but about borrowing and not so much about getting out of poverty but about becoming indebted. In other words, the Fordist solution to world poverty encountered, in the new nomos of “giving colonialism,” global processes of financialization and indebtedness.

Kojève explicitly disregarded the political aspect of the issue in hand. Instead he addressed the problem as “above all an economic problem” (120). Within this frame, poor countries, in the lecture, became clients. In fact, they were not only clients, but more importantly, bad clients –because, as argued by the French Bureaucrat “poor clients are bad clients.” Surely, the solution to being bad clients was “giving colonialism.” Traits of the petrotoxic paradigm that connect with the neoliberal economization of every social field and make of every agent a market actor become apparent. This giving colonialism was declaring southern bad clients toxic and residual; in need of a work of revaluation.

Under the name of giving colonialism the text proposed three ways to carry out this process of revaluation. Firstly, the Special United Nations Fund for Economic Development could be the institution in charge of granting the loans. Significantly this Fund ended up being controlled after 1959 by the United States dominated World Bank’s International Development Association. Second, it could be done by going beyond Commodity Agreements and by implementing direct contributions of “consumer goods.” Third, these direct contributions could also be carried out by “on-the-spot investments” (124). According to Kojève, out of the three options presented, two were viable in the case of the European south. Either the funding from international financial institutions, or the on-the-spot investments from private companies. Thus, neoliberal financialization and notions of national revaluation went

hand in hand for Kojève.

Regarding southern Europe, the French bureaucrat maintained some of the key ideas from his 1945 *Outline of a Doctrine of French Policy* examined in Part One and incorporated new ones. Like in 1945, and conforming with Schmitt's notion of the *nomos*, the Catholic spirit was a remarkable feature of the south, "this economic region [was] a region which has been blessed by God." However, this idea appeared in 1957 significantly thinned down and did not occupy the center stage of the project.

Another recurring notion from the *Outline...* was the understanding that Southern Europe was "backward." However, this time around, thirteen years later, the backwardness of the south was coming to its end. As he put it, "people [...] bec[a]me more serious, more adult [...]. Thus [...] the economic conditions of the Mediterranean region's economic unity ha[d] been restored." Hence, Kojève decided that these colonial residual Europeans were indeed recoverable.

However, the recoverability of the petrotoxic dictatorship was not guaranteed. Kojève's 1957 approach to southern Europe acquired urgency and unease, "if giving colonialism [was] not practiced [...] then the southern and eastern Mediterranean clients [would] remain [...] poor clients; and that also [meant]: bad or even 'dangerous clients'" (127). It was Schmitt who, later on, gave the name "motorized revolutionary partisan" to that non-recoverable danger that Kojève proposed to save his public from.

A Catholic Capitalist Response

Kojève's urgent plan to revalue toxic Southern Europe by means of debt and financialization resonated with the policies enforced by the Francoist Opus Dei technocrats. To be more precise, the Technocratic program mirrored the Fordism that

had to be implemented by acquiring credit from international financial institutions and receiving ad-hoc investments from private companies. More importantly, Kojève's economizing frame, which interpellated the dictatorship as a residual economic actor ("a bad client") permitted the categorization of the regime as a country in a crisis of economic underdevelopment. This categorization, in turn, made it possible to silence any political struggle.

The economic growth that came as a consequence of these practices acquired the name of "the Spanish economic miracle." This miracle is precisely what the dictatorship's Plans of Development, examined in the previous chapter, addressed with their "información estadístico-económica" 'statistical-economic information' (Franco, 1963: 18286). As expected, however, the plans did not address the inconsistencies of the miracle. The flaws of this model were directly linked with the characteristics of the new nomos of "giving colonialism" and also, to the disavowal of the politics invested in this model expressed by Kojève.

As examined in detail by Emmanuel Rodríguez and Isidro López, Francoist debt incumbency grew with the technocrats and their Fordist design depended heavily on foreign investment, on technology, on equipment and on oil. Meanwhile, the new union elections and the collective agreements that were meant to improve worker life conditions were designed to fail from their inception.⁵¹ They led to an increasing pressure from the workers under the precarized conditions of the dictatorship. It was

⁵¹ As Emmanuel Rodríguez and Isidro López study "Las elecciones sindicales, la ley de convenios colectivos de 1958 y las operaciones del Ministerio de Trabajo, bajo el mandato de Solís, durante los años sesenta trataron, torpemente, de vincular y subordinar el crecimiento salarial a la productividad. El fracaso de este tipo de estrategias fue en buena medida responsable de la escalada continua de la presión salarial y de la radicalidad obrera de los años posteriores. En definitiva, el fuerte componente de clase de la estructura del Estado mantuvo los niveles salariales muy por debajo de los topes salariales potenciales" (2010: 142).

actually Fraga's tourism and the remittances from émigrés that kept the glossy statistical numbers of the technocrats afloat. In the end, this Fordist "miracle" of Francoist revaluation became more effective in creating illusions and aspirations of a prefigured middle class population than in establishing an overall wellbeing of life-conditions and standards.⁵²

Fraga's approach to Kojève differed somewhat from the technocratic acceptance of the "giving colonialist" project. His 1962 lecture on the unity of Europe addressed Kojève's proposals by referring directly to the frontbench French politicians whose project for Europe had been based on Kojève's ideas. Fraga's delayed and implicit conversations with Kojève, led to a distinct Francoist appropriation of the European unification project.

While in 1957 Kojève actively dismissed the political character of colonialism and of Europe, Fraga referred to the "*forma política*" 'political form' (6) of "*la integración europea*" 'European integration' (7) right in the title of his 1962 talk. However, in his elaboration of the political character of the union, Fraga did not oppose Kojève.

Instead, he referred to the French bureaucrat's main ideas from back in 1945.

⁵² Emmanuel Rodríguez and Isidro López explain it as follows "en definitiva, a pesar de la espectacular evolución de las principales macromagnitudes, el 'milagro español' ocultó una serie de problemas que acabarían por estallar en la crisis de 1973. La enorme dependencia energética y la necesidad de importar masivamente bienes de capital y maquinaria –que conjuntamente suponían entre el 35 y el 40% del valor de las importaciones del periodo 1960-1973– correspondían con un modelo de crecimiento industrial típicamente periférico. De hecho, el déficit comercial fue un síntoma crónico de todo el ciclo: ni las tradicionales exportaciones agrarias, ni la relativa especialización internacional de la industria española en bienes intermedios, consiguieron compensar el constante deterioro de la balanza comercial. La entrada de capitales destinados a abrir nuevas instalaciones industriales, tras la relativa liberalización de 1959, y las remesas de los emigrantes españoles ayudaron a equilibrar mínimamente las balanza de pagos, pero nunca fueron suficientes como para compensarla. El elemento que permitió sufragar el déficit comercial, y que en general prefiguró el camino de la nueva especialización económica del territorio español, se encontró en una estrategia que en principio se consideró marginal y paliativa del verdadero objetivo: la industrialización. Se trataba, en efecto, del turismo y de los sectores adyacentes" (2010: 143-144).

Fraga's work resonated with both Kojève's previous approaches to the Latin Empire and to the Catholic Spirit. This became apparent when the Spanish politician understood Europe's original articulations inside "*del marco político del Imperio y del marco espiritual de la Cristiandad*" 'the political frame of the Empire and the spiritual frame of Christianity' (11). For both Fraga and Kojève Catholicism was not only about origins. More importantly, it was the "*substrato esencial*" 'essential sublayer' of Europe as a "*Comunidad de fe*" 'community of faith.' From this, Fraga concluded that the political problem of the European unity was "*nacionalismos, que socavan la unidad esencial europea, [y] nos retrotrae al dualismo religión-cultura*" 'nationalisms, that undermine[d] the European essential unity, and [brought] us back to the dualism religion-culture' (12). Finally, Fraga argued that the substantive political task for accomplishing European unity was to find unity in the diversity of nations. To this political problem, he argued that the common Catholic essential "*valores espirituales*" 'espiritual values' (32) offered a suitable solution.

In 1962, Kojève's 1957 project of economic revaluation of the toxic dictatorship had already been completed for Fraga. He argued once Spain had already "*avanzado [...] en lo económico*" 'advanced [...] with regard to economics' (8), the objective was to promote political unity on the basis of a common Christian Spirit. He explained that there had already been an "*establecimiento de la vida europea*" 'implementation of the European life' (30). When the lecture presented the evidences of this Spanish European life it referred to the remittances from Spanish émigrés and to predictions that the next economic miracle was going to be the "*milagro español*" 'Spanish miracle'

(34).⁵³ The technocratic accomplishments under Franco, which followed Kojève's Fordist giving colonialism literally, suggested that the Francoist toxic underdevelopment was over. The dictatorship was not a residue any more.

After the results of “giving colonialism,” Fraga’s proposal was to return to Kojève’s European Catholicism. For him it was decisive to acknowledge that economic integration brought more than just economic transformations, “*la idea política estaba oculta tras el aparato técnico que exigía la formación de un mercado común [...] en las consecuencias implícitas [...] y en la coordinación de las Comunidades*” ‘the political idea was hidden behind the technical apparatus that demanded a common market [...] in the implicit consequences [...] and in the coordination of communities’ (30). A single economic and social structure meant, for Fraga, to be able to “*aspirar a compartir la actual hora del espíritu europeo*” ‘aspire to share the contemporary form of the European Spirit’ (35). Revaluation, for Fraga, needed to happen at the level of the spirit.

Enmity and the Plastic Partisan

Schmitt theorized the revolutionary partisan addressing him as a new kind international enemy in world politics. I argue that this new kind of enmity responded to the petrotoxic paradigm. Being an oil-fueled and plastic-reinforced partisan was the sign of a time of withering states and a new nomos of the earth. Schmitt argued that

⁵³ With regard to the European character of Spain, Fraga argued that, “estamos directamente ligados al éxito del establecimiento de la vida europea sobre un cupo de instituciones nuevas [...]. Partamos de algo que está en 'la calle y en la vida diaria del pueblo español: la emigración a Europa. Un hecho de inmensas repercusiones en la mentalidad popular, en el futuro de nuestras costumbres y en la marcha de nuestra economía, que revela, con toda espontaneidad, como uno de los caminos que conducen a la elevación del nivel de vida; hoy, una aspiración general de todos los pueblos pasa por Europa. [...] Se ha llegado a escribir fuera de nuestras fronteras que el próximo milagro económico será el ‘milagro español’; esta perspectiva es posible gracias, precisamente, a la estructura europea del país, que ha potenciado los esfuerzos del régimen durante veinticinco años” (1962: 35).

this petrotoxic revolutionary partisan interrupted the European post-war accomplishment of bracketing war, and with it the decision not to criminalize the opponent.⁵⁴

Before the revolutionary partisan, the real enemy was one that had not to be eliminated, insofar as that enemy was the one defining the self through recognition –in a way that mimicked Kòjeve’s reading of Hegel.⁵⁵ Under the new petroleum-based revolutionary toxicity, the absolute criminalized enemy, which following Schmitt, should be decided by the state, had to be destroyed and treated as an “inhuman” (94). This was the way to prevent being the state itself declared an enemy and a criminal to finally be destroyed.

Within this narration of global conflicts, Schmitt wrote his own history of the Spanish Civil War. He argued that “Spain defended itself against a war of national liberation sponsored by the international communist movement” (2007: 56). Furthermore, he compared Franco’s national army on the Spanish Civil War with “premodern” Spanish partisans that in the 19th century resisted Napoleon’s modern army. By doing so, Schmitt presented the dictatorship as the enduring defendant of the telluric European nomos. In short, the Catholic Fundamentalist dictatorship preserved

⁵⁴ Schmitt wrote about a moment of transformation that however had not yet happened, “perhaps that all will change when the state ‘withers away.’ In the meantime, legality is the irresistible functional mode of every modern state army. The legal government decides who is the enemy against whom the army must fight. Whoever claims the right to determine the enemy also claims the right to his own new legality, if he refuses to recognize the enemy determined by the former legal government” (2007: 84). The partisan suspended what was accomplished with the “bracketing of war” of the states, “European humanity had achieved something extraordinary: renunciation of the criminalization of the opponent, i.e., the relativization of enmity, the negation of absolute enmity” (2007: 90). That is how “the theory of the partisan flows into the question of the concept of the political, into the question of the real enemy and of a new nomos of the earth” (2007: 95).

⁵⁵ The consonance between Kojève’s reading of Hegel and Schmitt’s proposal can be seen in the following reference from *Theory of the Partisan*, “the enemy defines us, [...] An enemy is not someone who, for some reason or other, must be eliminated and destroyed because he has no value. The enemy is on the same level as am I. For this reason, I must fight him to the same extent and within the same bounds as he fights me” (2007: 85).

this nomos from petrotoxic revolutionary destruction.

Schmitt's particular approach to Spanish and European history brings us back to Kojève's and Fraga's understanding of the common Catholic European Spirit. This spirit sustained, for Kojève, his project for the Latin empire. For Fraga, years later, it was a single social and political aspiration that went beyond the economic union.

Theory of the Partisan reinforced the imbricated perception of nomos and Spirit as the common constituting denominator of Europe. Thus, following the particular appropriation of Spanish history by Schmitt, there was a double proposal in *The theory of the Partisan*. It argued firstly that there was a global transformation of the sense of enmity, and secondly, that there was a local persistence of the telluric nomos under the dictatorship.

Petrotoxic Enemies in European Dialogues

Schmitt's essays and lectures allowed Fraga to distance himself from his technocratic counterparts by exhaustively working on the notion of the enemy. *War...* was framed by an introductory quote, "*Der feind ist unsere Frage als Gestalt*" 'the enemy is our own question as form,' (1962: 10) which Fraga borrowed from the German jurist's prison book *Ex captivitate Salus*.⁵⁶ The incorporation of what I have addressed as Schmitt's petrotoxic enmity imported into Fraga's essay notions of total war, revolutionary war, social transformations, which were conditioned by petroleum-based technical advancement, and more significantly, by the category of the partisan.

⁵⁶ Within *War...* Schmitt's understanding of enmity is directly addressed with the following quote from *Ex captivitate*, which Fraga translates himself, "*no hables ligeramente del enemigo. Te pones en cierta categoría por lo que reconoces como enemistad [...] toda destrucción es autodestrucción. El enemigo, en cambio, es lo otro*" 'do not speak lightly of the enemy. One categorizes oneself through one's enemy [...] all destruction is only self-destruction. The enemy, by contrast, is the other' (43).

Like Schmitt, Fraga too argued that “*los orígenes de la guerrilla, guerra partisana, guerra insurreccional o ‘guerre en surface’ son muy antiguos*” ‘the origins of the guerrilla, the partisan war, or ‘guerre en surface’ [were] old” (99) but instead of singling out the premodern Spanish partisans that fought against the modern Napoleonic army, Fraga maps a wide European territory looking for examples. Fraga connected the Roman dictator Fabius’ war against Hannibal, with the Spanish guerrillas against Napoleon, and the “*el famoso Lawrence de Arabia*” ‘the Famous Lawrence of Arabia’ who fought with the British Empire against the Turks (100). As such, the figure of the partisan extended and took over Europe before its appropriation by the communists. Like with Schmitt, there was no outside to the partisan.

In this respect, Fraga agreed with Schmitt that Mao’s revolution was the greatest example of the new partisanship as the “*doctrina política y militar de la guerra revolucionaria*” ‘political and military doctrine of revolutionary war’ (103). Hence, a binary division stems from Schmitt and Fraga’s work that opposes Christian Europe to the non-Christian world. The former’s traditional telluric nomos that originates in Spain and is preserved under the dictatorship, is distinguished in degree from the petrotoxic motorized oil-fuelled revolutionary partisanship as the latest embodiment of the non-Christian threat. This threat could be tracked back in history to Hannibal’s barbarians, and the Turkish Muslims.

Fraga situated the telluric partisan in Spain by, like Schmitt, rewriting Spanish history and making the dictatorship seem like a historical necessity. Schmitt’s explanation that the Civil War was in fact a Christian war of national liberation from communism was mirrored by Fraga’s text. The Spanish intellectual elaborated on this point by arguing that “*los españoles que lucharon hace un cuarto de siglo [...] quisieron*

dejarnos la base de unidad [...] para poder, sobre ella, seguir edificando una España” ‘the Spaniards that fought a quarter of century earlier [...] wanted to leave the foundation of unity to us [...] to be able to, on top of it, keep on building one Spain’ (135). The necessity of the dictatorship came with a justification of the sovereign power of the dictator Franco, insofar as peace had to be built on top of “*el magisterio del Héroe que acaudilló el Movimiento Nacional*” ‘the teachings of the Hero that led the national movement’ (136). As such, the Christian telluric partisan and its traditional nomos became spatially situated and the dictatorship was declared a necessity for the preservation of this nomos.

Christianity conditioned too the way to relate to the enemy. Fraga coupled the Christian faith and the war against the enemy by addressing the “*Divina Providencia*” ‘Divine Providence’ (133). For Fraga, divine providence illustrated that “*la paz hemos de merecerla, [...] en una permanente edificación social y política*” ‘peace need[ed] to be deserved, [...] in a constant social and political edification.’ This edification, insofar as “*el conflicto y la guerra, [...] durarán hasta la consumación de los siglos, tanto como la vida y el pecado*” ‘conflict and war [...] [would] last until the end of the centuries, like life and sin’ (134), required the dictatorship to always “*estar preparados para la defensa*” ‘be ready for defense.’ It was the traditional Christian partisanship that, at the same time, opened up the dictatorship to a worldwide commonality and opposed the petrotoxic revolutionary partisan’s communism.

Finally, Fraga’s conclusion was that the defense granted by a military organization and the armed forces gave political and social order to the regime. In other words, it was the dictatorship’s political project that created the division between the inside and the outside. A military dictatorship like Francoism was justified because

“hacia dentro, [...] toda la comunidad está en orden; hacia fuera, [...] es capaz de [...] mostrar la fuerza para no tener que usarla” ‘inside, the whole community [was] in order; outside, [...] it [was] able to [...] show force in order not to use it.’ For Fraga, the dictatorship created a world order based on the defense against enemies inside and outside. It was against the toxicity of an enemy built on petroleum that Fraga’s dialogue with Schmitt resituated Francoist Catholic fundamentalism as the common European spirit, which necessarily, had to be protected within the limits of the dictatorship.

Revaluing the Spirit of Catholic Fundamentalist Capitalism

Fraga’s was an expansion of, rather than opposition to, the technocratic project. In this political project Kojève and Schmitt get entangled in ways that the two European thinkers did not predict in their personal dialogues. For Kojève, his project of economic revaluation was the new nomos of the earth understood as giving colonialism; and Schmitt argued for the preservation of the traditional telluric nomos under the dictatorship against new global petrotoxic enemies. Fraga in turn, put together both approaches by resolving that the defense of the traditional telluric nomos (the European Catholic spirit) could only survive against the new oil-fuelled enemies by embracing the economic revaluation of the Fordist giving colonialism.

For Fraga, the technical apparatus of the economic union hid, within, the politics of the defense of the Catholic nomos. That was why *“un pensamiento [...] de simples expertos o tecnócratas”* ‘the reasoning [...] of simple experts or technocrats’ could not be *“la solución frente al embate de la Internacional marxista”* ‘the solution against the attack of the Marxist International’ (Fraga, *War...*: 133). Fraga, unlike the technocrats, distinctly thought of a common Christian spirit as the connecting element between an

understanding of enmity that dialogued with Schmitt's work and a conception of the unity of Europe that resonated with Kojève's proposal for a Latin empire. Fraga resolved the critical knot of an anti-modern modernity by finding a way to revalue the Francoist Catholic fundamentalist residual toxicity as the foundation of European capitalist neoliberal modernity.

By avoiding Spain being declared a toxic residual underdeveloped country and in the face of new global petrotoxic criminals, the common European Catholic Spirit underlaid the Fordist economic project of giving colonialism. This was, in short, Fraga's revaluation of the dictatorship as a Catholic fundamentalist capitalist regime. As such, the dictatorship's underdevelopment crisis was declared over twice in 1970, just over a month apart from each other. The Preferential Agreement declared it first; the law of Social Danger second.

CONCLUSION

Re-valuing Residues for the Formation of Europe

My analysis provides an alternative account of the formative phase of the European Union. By flipping the center-periphery logic between Europe and the Francoist dictatorship, the latter, which normally falls out of the common narrations of the process of the transnational unification, occupies the center stage as one of the crucibles of the Union's unresolved political problems. By displacing the focus towards the deep material transformation introduced by petromodernity after WWII, hitherto underexamined generalized logics of inclusion and exclusion are revealed as inheritors of what I have called the petrotoxic paradigm. It is in the shifting regimes of criminality that this new dominant toxicity is exposed, and is perceptible right from the level of punished bodies.

These two dislocations from commonplace narrations have allowed me to shed fresh light on current debates in both area studies and overarching critical thinking. I will address each in turn.

Within peninsular studies, I have argued that the dictatorship did not merely succumb to European democratizing forces. In fact, Francoist criminal legislation underwent an unprecedented repressive turn during the early forms of accession to the transnational unification in 1970. This reinforcement of the dictatorship's anti-democratic position was enabled, from the wake of WWII, by the dissemination of petromodernity, the development of neoliberalism, and the categorization of the regime as a country in a crisis of underdevelopment.

The categorization of Spain as merely an international market actor in need of economic aid allowed for both the dictatorship and Europe to disregard undemocratic practices and to frame neoliberal solutions as projects of modernization. In the name of modernization, Francoism deployed different plans of economic stabilization and development, which could boast economic progress only by recognizing some lives as pre-criminals in the law and thus potentially disposable. These lives, which troubled the narrations of Francoist modernity, were conveniently swept aside as margins that could not be captured by statistics. They were also recognized in the mass media, and it was there that the spectator was given access, albeit in a veiled form, to those hidden figures. Meanwhile, for European intellectuals, the dictatorship became the continent's guardian of its allegedly original Catholic spirit. In this entanglement of capitalist modernity and Catholic pre-modernity, under a European project drafted as "giving colonialism," the dictatorship became increasingly indebted to international credit institutions.

These were the main coordinates of the neoliberal optimization particular to the dictatorship, developed by the Opus Dei technocrats, addressed here as Catholic fundamentalist capitalism. This form of Francoist neoliberalism had been laying its foundations by dialoguing with Ordoliberal intellectuals since the 1950s and, only under conditions of petrotoxicity, were they able to put together a political project. In this project Catholic fundamentalism and neoliberal capitalism complemented each other.

Petromodernity's inherent toxicity, petrotoxicity, operates throughout this analysis as the dominant interpretive category that scaled up from criminalized bodies

to political projects. I use this overarching critical tool, that is, the historical generalization of logics of inclusion and exclusion generated by petrotoxicity, to read the European context with particular focus on the Francoist dictatorship.

In the European context the petrotoxic paradigm was not only reproduced in the mutations of the Francoist regime of criminality, but also in the transformations experienced by the relationship between the north and the south of Europe. This mirroring effect that followed WWII, between the micro level of bodies and the macro level of transnational projects, reveals petrotoxicity to be the dominant and pervasive neoliberal paradigm for inflicting inclusions and exclusions.

Under Franco, pre-criminals' potential social danger was categorized in terms fitting to petrotoxicity. Firstly, it reflected the toxicity of plastics. Contrary to previous legal practices, pre-criminal subjects were identified as marginal residues that were either recoverable as actors of the Francoist public-economic order, or non-recoverable. Men had to be revalued as stakeholders in the nation, and women as exceptional guardians of Catholic morality. Secondly, this social danger was categorized as if it were oil in a tanker, its toxicity exposed only when there was a spillage. Finally, it was presented as a pesticide; toxic for human life but necessary for economic progress. Pre-criminal subjects no longer represented some kind of external threat; instead they were part and parcel of the dictatorship social fabric. Once their toxic threat was exposed, pre-criminal subjects became indispensable for the dictatorship. The regime argued that their kind of danger was proper to European countries, hence their emergence became living proof of the Europeanization of the Francoist political project.

In the context of European unification, the dictatorship was subjected to the same logics of the petrotoxic paradigm. The country's potential economic threat was exposed as an internal toxicity, which needed to be revalued or disposed of. The Francoist regime was first exposed as an underdeveloped marginal country to then be revalued as an international market actor by means of debt acquisition –with the consequent loss of national sovereignty. Meanwhile, Francoist anti-democratic rule remained intact and it became the territory of exception that guarded European religious nomos –like a pesticide, both poisonous and indispensable. Once it was deeply financialized, the Catholic fundamentalist dictatorship ceased to be outside the European project, to instead carry the core identity traits of the transnational project.

The petrotoxic paradigm as a regime of criminality gives us the key to interpreting this mirroring development. Both pre-criminals under Franco and the Francoist regime under Europe became constitutive part of the larger political project in which they were marginalized. At different social levels, the petrotoxic logics of inclusion and exclusion mimicked each other, allowing the dictatorship and the transnational unification to optimize their violence together.

Bibliography

- Allen, John, et al. *Pathological Lives: Disease, Space and Biopolitics*. Wiley Blackwell, 2017.
- Alpert, Michael. *A New International History of the Spanish Civil War*. Palgrave Macmillan, 1994.
- A.M.T. "Historias de La Televisión." *La Vanguardia Española*, December 1, 1965, p. 29.
- . "Mi Querida Señorita." *La Vanguardia Española*, September 24, 1972, p. 54.
- . "No Desearás Al Vecino Del 5." *La Vanguardia Española*, February 11, 1971, p. 47.
- Armiñán, Jaime de (Dir.). *Mi Querida Señorita*. El Imán, 1972.
- Atutxa, Ibai. "Terrorista Euskaldunaren Eraikuntza Diskurtsiboa." *452F: Revista de Teoría de La Literatura y Literatura Comparada*, no. 5, 2011, pp. 63–73.
- Austin, John Langshaw. *How to Do Things with Words: The William James Lectures Delivered at Harvard University in 1955*. Oxford University Press, 1976.
- Azaña, Manuel. "Ley. Estado Peligrosos y Medidas de Seguridad." *Gaceta de Madrid*, no. 217, 1933, pp. 874–77.
- Baidez, Nathan. *Vagos, Maleantes... y Homosexuales: La Represión a Los Homosexuales Durante El Franquismo*. Malhivern, 2007.
- Balibar, Étienne. *We, the People of Europe?: Reflections on Transnational Citizenship*. Princeton University Press, 2009.
- Barrett, Ross, and Daniel Worden. *Oil Culture*. University of Minnesota Press, 2014.
- Bendersky, Joseph W. "Carl Schmitt's Path to Nuremberg: A Sixty-Year Reassessment." *Telos. Critical Theory of the Contemporary*, vol. Summer, no. 139, 2007, pp. 6–34.
- . "Interrogation of Carl Schmitt by Robert Kempner (I), (II), (III)." *Telos. Critical Theory of the Contemporary*, vol. Summer, no. 72, 1987, pp. 91–129.

- . "The 'Fourth' (Second) Interrogation of Carl Schmitt at Nuremberg." *Telos. Critical Theory of the Contemporary*, vol. Summer, no. 139, 2007, pp. 35–43.
- Bensaude Vincent, Bernadette. "Plastics, Materials and Dreams of Dematerialization." *Accumulation: The Material Politics of Plastic*, edited by Jennifer Gabrys et al., Routledge, 2013, pp. 17–29.
- Berlant, Lauren. *Cruel Optimism*. Duke University Press, 2011.
- Bessire, Lucas, and David Bond. "Ontological Anthropology and the Deferral of Critique." *American Ethnologist*, vol. 41, no. 3, 2014, pp. 440–56.
- Biebricher, Thomas. "Neoliberalism and Democracy." *Constellations*, vol. 22, no. 2, 2015, pp. 255–266.
- . "Return or Revival: The Ordoliberal Legacy." *Europe at a Crossroads*, no. 1, 2016, pp. 1–13.
- Birkelbach, Willi. "Rapport Fait Au Nom de La Commission Politique sur les Aspects Politiques et Institutionnels de l'adhésion Ou de l'association à La Communauté Par M. Willi Birkelbach Rapporteur." *Services Des Publications Des Communautés Européennes*, vol. Document 122, no. Assemblée Parlementaire Européenne, Documents de séance 1961-1962, 1961, pp. 1–29.
- Blunt, Alison, and Jane Wills. *Dissident Geographies: An Introduction to Radical Ideas and Practice*. Prentice Hall, 2000.
- Bolín, G. "Gran Vía: 'Los Ladrones Somos Gente Honrada.'" *ABC*, September 4, 1956, p. 40.
- Bosch, Aurora, and M. Fernanda del Rincon. "Franco and Hollywood, 1939-1956." *New Left Review*, no. 232, 1998, pp. 112–27.
- Brown, Wendy. *Undoing the Demos: Neoliberalism's Stealth Revolution*. MIT Press, 2015.

- . *Walled States, Waning Sovereignty*. MIT Press, 2010.
- Brown, Wendy, and Janet Halley. *Left Legalism/Left Critique*. Duke University Press, 2002.
- Burriel, Germán. “Convenio Internacional para prevenir la Contaminación de las Aguas del Mar por Hidrocarburos de 1954, Incluyendo las Enmiendas Adoptadas por la Conferencia de 1962.” *Boletín Oficial Del Estado*, no. 258, 1967, pp. 14805–11.
- Butler, Judith. *Excitable Speech: A Politics of the Performative*. Routledge, 1997.
- . *Frames of War: When Is Life Grievable?* Verso, 2009.
- . *Notes Toward a Performative Theory of Assembly*. Harvard University Press, 2015.
- . *Precarious Life: The Powers of Mourning and Violence*. Verso, 2004.
- Çalışkan, Koray, and Michel Callon. “Economization, Part 1: Shifting Attention from the Economy towards Processes of Economization.” *Economy and Society*, vol. 38, no. 3, 2009, pp. 369–98.
- . “Economization, Part 2: A Research Programme for the Study of Markets.” *Economy and Society*, vol. 39, no. 1, 2010, pp. 1–32.
- Calvo Serer, Rafael. *España, Sin Problema*. Ediciones Rialp, 1949.
- . *La Aproximación de Los Neoliberales a la Actitud Tradicional*. Ateneo, 1956.
- Campos, Ismael Saz. “Fascism, Fascistization and Developmentalism in Franco’s Dictatorship.” *Social History*, vol. 29, no. 3, 2004, pp. 342–57.
- Camprubí, Lino. *Engineers and the Making of the Francoist Regime*. MIT Press, 2014.
- Carr, Raymond. *Modern Spain, 1875-1980*. Oxford University Press, 1980.
- Carr, Raymond, and Juan Pablo Fusi Aizpurúa. *Spain, Dictatorship to Democracy*. Allen & Unwin, 1981.

- Carrero Blanco, Luis. "Orden de 13 de Junio de 1962 por la que se Crea la Comisión Nacional para Evitar la Contaminación de las Aguas del Mar por Los Hidrocarburos." *Boletín Oficial Del Estado*, no. 146, 1962, p. 8436.
- . "Orden de 21 de Agosto de 1967 por la que se Establecen Medidas para Evitar la Contaminación de Aguas y Playas por Accidentes en los Terminales de Tuberías de Carga y Descarga de Productos Petrolíferos." *Boletín Oficial Del Estado*, no. 202, 1967, pp. 11909–10.
- . "Orden de 23 de Febrero de 1965 sobre Venta y Empleo de Productos Fitosanitarios." *Boletín Oficial Del Estado*, no. 53, 1965, pp. 3286–87.
- . "Orden de 27 de Mayo de 1967 por la que se Dictan las Normas Sobre Prohibición de Vertidos al Mar de Productos Petrolíferos o Residuos Contaminados Procedentes de Fábricas o Industrias de Todas Clases." *Boletín Oficial Del Estado*, no. 130, 1967, pp. 7448–49.
- Carrington, Damian. "Plastic Fibres Found in Tap Water Around the World, Study Reveals." *The Guardian*, September 5, 2017, p. 20.
- Casanellas, Pau. *Morir Matando: El Franquismo ante la Práctica Armada, 1968-1977*. Catarata, 2014.
- Casanova, Iker. *ETA, 1958-2008: Medio Siglo de Historia*. Txalaparta, 2007.
- Chen, Mel. *Animacies: Biopolitics, Racial Mattering, and Queer Affect*. Duke University Press, 2012.
- Clavera y Monjonell, Joan, and Jacinto Ros Hombravella. *Capitalismo Español: De La Autarquía a La Estabilización (1959-1959)*. Editorial Cuadernos para el Diálogo, 1973.
- Cohen, Tom. "Toxic Assets: De Man's Remains and the Ecocatastrophic Imaginary

- (an American Fable).” *Theory and the Disappearing Future: On de Man, On Benjamin*, edited by Claire Colebrook et al., Routledge, 2011.
- Coira, Pepe. *Antonio Román: Un Cineasta de la Posguerra*. Editorial Complutense, 2004.
- Conde, Francisco Javier. *Introducción al Derecho Político Actual*. Escorial, 1942.
- . *Teoría y Sistema de las Formas Políticas*. Instituto de Estudios Políticos, 1944.
- Conseil National Catalan. “Mémorandum Au Conseil de l’Europe Sur les Droits de l’Homme et le Génocide National en Espagne.” *Centre Virtuel de la Connaissance Sur l’Europe*, no. Historical Archives of the European Union, Florence, 1964, pp. 1–22.
- Council of the OEEC. *Report of the Mission Sent to Spain in June 1959 of Spanish Government’s Stabilization Programme (First Draft)*. Organization for European Economic Co-operation, 1959.
- Crumbaugh, Justin. *Destination Dictatorship: The Spectacle of Spain’s Tourist Boom and the Reinvention of Difference*. SUNY Press, 2009.
- Dardot, Pierre, and Christian Laval. *The New Way of the World: On Neoliberal Society*. Verso Books, 2014.
- de Sousa Santos, Boaventura. “Estado e Sociedade na Semiperiferia do Sistema Mundial: O Caso Português.” *Análise Social*, vol. 21, no. 87/88/89, 1985, pp. 869–901.
- de Vries, Erik. *A Kojevian Citizenship Model for the European Union*. Carleton University, 2002.
- del Río Sainz, Juan. “La Delincuencia Infantil.” *La Vanguardia Española*, May 20, 1958, p. 5.
- Delgado, Luisa Elena. *La Nación Singular: La Cultura Del Consenso y La Fantasía de*

- Normalidad Democrática (1999-2011)*. Siglo XXI de España Editores, 2014.
- Duro, Enrique González. *Las Rapadas: El Franquismo Contra la Mujer*. Siglo XXI España, 2012.
- Eaklor, Vicki Lynn. *Queer America. A GLBT History of the 20th Century*. Greenwood Press, 2008.
- Edelman, Lee. *No Future: Queer Theory and the Death Drive*. Duke University Press, 2004.
- Editorial. "Cuestiones Agro-Pecuarías." *La Vanguardia Española*, July 20, 1952, p. 13.
- . "La Estrella de Moises Tshombe." *La Vanguardia Española*, August 23, 1964, p. 11.
- . "Los Acusadores Privados Hacen Suyas las Peticiones del Fiscal contra Jarabo." *ABC*, February 4, 1959, pp. 23–24.
- Engelhardt, Tom. *The End of Victory Culture: Cold War America and the Disillusioning of a Generation*. University of Massachusetts Press, 1995.
- Escudero Andújar, Fuensanta. *Dictadura y Oposición al Franquismo en Murcia: De las Cárceles de Posguerra a las Primeras Elecciones*. Universidad de Murcia, 2007.
- Esposito, Roberto. *Immunitas. The Protection and Negation of Life*. Polity, 2011.
- Euratom. *Treaty Establishing the European Atomic Energy Community (Euratom)*. 1957.
- Faulkner, Sally. *A History of Spanish Film: Cinema and Society 1910-2010*. Bloomsbury, 2013.
- Federici, Silvia. *Caliban and the Witch*. Autonomedia, 2009.
- Feenstra, Ramón A., et al. *Refiguring Democracy. The Spanish Political Laboratory*. Routledge, 2017.
- Fernández, Ramón. *No Desearás Al Vecino Del Quinto*. José Frade Producciones Cinematográficas, 1971.
- Fósforo Herrero (Dir.). "Juventud de Hierro con Fósforo Herrero." *La Vanguardia*

- Española*, January 27, 1940, p. 8.
- Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. Vintage Books, 1995.
- . *History of Madness*. Routledge, 2006.
- . *Security, Territory, Population: Lectures at the Collège de France 1977-1978*. Macmillan, 2009.
- . *“Society Must Be Defended”: Lectures at the Collège de France, 1975-1976*. Macmillan, 2003.
- . *The Birth of Biopolitics: Lectures at the College de France, 1978-1979*. Palgrave Macmillan, 2008.
- . *The History of Sexuality: An Introduction*. Vintage books, 2012.
- . *The Punitive Society. Lectures at the College the France 1972-1973*. Palgrave Macmillan, 2015.
- . *Théories et Institutions Pénales. Cours Au Collège de France. 1971-1972*. Éditions de l’EHESS, 2015.
- . “Truth and Juridical Forms.” *Power*, edited by James D. Faubion, New Press, 2000, pp. 6–89.
- Fraga Iribarne, Manuel. “Carl Schmitt: El Hombre y la Obra.” *Revista de Estudios Políticos*, no. 122, 1962, pp. 5–18.
- . *Forma Política de la Unidad Europea*. Real Academia de Ciencias Morales y Políticas, 1962, pp. 6–38.
- . *La Guerra y La Teoría del Conflicto Social*. Real Academia de Ciencias Morales y Políticas, 1962.
- Franco, Francisco. “Decreto 779/1967, de 20 de Abril, por el que se Aprueban los Textos Refundidos de las Leyes Fundamentales de Reino.” *Boletín Oficial Del*

- Estado*, no. 95, 1967, pp. 5256–71.
- . “Decreto 1794/1960, de 21 de Septiembre, Revisando, y Unificando la Ley de Dos de Marzo de Mil Novecientos Cuarenta y Tres y el Decreto-Ley de Dieciocho de Abril de Mil Novecientos Cuarenta y Siete.” *Boletín Oficial Del Estado*, no. 231, 1960, pp. 13405–06.
- . “Decreto de 14 de Febrero de 1947 por el que se Aprueba el Reglamento Hipotecario.” *Boletín Oficial Del Estado*, no. 106, 1947, pp. 2238–39.
- . “Decreto-Ley 1/1969, de 24 de Enero, por el que se Declara el Estado de Excepción en Todo el Territorio Nacional.” *Boletín Oficial Del Estado*, no. 22, 1969, p. 1175.
- . “Decreto-Ley 9/1968, de 16 de Agosto, sobre Represión del Bandidaje y Terrorismo.” *Boletín Oficial Del Estado*, no. 198, 1968, p. 12192.
- . “Decreto-Ley 10/1959 de 21 de Julio, de Ordenación Económica.” *Boletín Oficial Del Estado*, no. 174, 1959, pp. 10005–07.
- . “Decreto-Ley 10/1975, de 26 de Agosto, sobre Prevención del Terrorismo.” *Boletín Oficial Del Estado*, no. 205, 1975, pp. 18117–20.
- . “Decreto-Ley 20/1962 de ,7 de Junio, sobre Reorganización y Funciones del Instituto de Crédito de las Cajas de Ahorro.” *Boletín Oficial Del Estado*, no. 141, 1962, pp. 8112–14.
- . “Decreto-Ley de 3 de Marzo de 1956 sobre Abolición de Centros de Tolerancia y Otras Medidas Relativas a La Prostitución.” *Boletín Oficial Del Estado*, no. 70, 1956, p. 1617.
- . “Decreto-Ley de 5 de Abril de 1957 por el que se Aclaran Determinados Artículos de la Ley Reguladora del Monopolio de Petróleos.” *Boletín Oficial Del Estado*, no.

- 112, 1957, pp. 85–87.
- . “Decreto-Ley de 14 de Mayo de 1954 por el que se Encarga al Instituto Nacional de Vivienda la Ordenación de un Plan de Viviendas de ‘Tipo Social.’” *Boletín Oficial Del Estado*, no. 168, 1954, pp. 4094–95.
- . “Decreto-Ley (Rectificado) de 18 de Abril de 1947 sobre Represión de los Delitos de Bandidaje y Terrorismo.” *Boletín Oficial Del Estado*, no. 126, 1947, pp. 2686–87.
- . “Ley 1/1969, de 11 de Febrero, por la que se Aprueba El II Plan de Desarrollo Económico y Social.” *Boletín Oficial Del Estado*, no. 37, 1969, pp. 2137–42.
- . “Ley 2/1962, de 14 de Abril, sobre Bases de Ordenación del Crédito y de la Banca.” *Boletín Oficial Del Estado*, no. 91, 1962, pp. 5091–95.
- . “Ley 16/1970, de 4 de Agosto, sobre Peligrosidad y Rehabilitación Social.” *Boletín Oficial Del Estado*, no. 187, 1970, pp. 12551–57.
- . “Ley 22/1972, de 10 de Mayo, de Aprobación del III Plan de Desarrollo Económico y Social.” *Boletín Oficial Del Estado*, no. 113, 1972, pp. 8239–76.
- . “Ley 110/1963, de 20 de Julio de Represión de Prácticas Restirctivas de la Competencia.” *Boletín Oficial Del Estado*, no. 175, 1963, pp. 11144–52.
- . “Ley 194/1963, de 28 de Diciembre, por la que se Aprueba el Plan de Desarrollo Económico y Social Para el Período 1964/1967 y se Dictan Normas Relativas a su Ejecución.” *Boletín Oficial Del Estado*, no. 313, 1963, pp. 18284–86.
- . “Ley de 15 de Julio de 1952 Que Autoriza Al Instituto de Crédito Para La Reconstrucción Nacional para Conceder Préstamos Destinados a la Adquisición de Viviendas por sus Inquilinos.” *Boletín Oficial Del Estado*, no. 242, 1952, pp. 3923–25.

- . “Ley de 15 de Julio de 1954 por la que se Modifican los Artículos 2 y 6 de la Ley de Vagos y Maleantes, de 4 de Agosto de 1933.” *Boletín Oficial Del Estado*, no. 198, 1954, p. 4862.
- . “Ley de 15 de Julio de 1954 por la que se Reforma el Título Primero del Libro Primero del Código Civil, Denominado ‘De los Españoles y Extranjeros.’” *Boletín Oficial Del Estado*, no. 197, 1954, pp. 4831–34.
- . “Ley de 16 de Diciembre de 1954 sobre Hipoteca Mobiliaria y Prenda sin Desplazamiento de Posesión.” *Boletín Oficial Del Estado*, no. 352, 1954, pp. 8303–20.
- . “Ley de 17 de Julio de 1947 por la Que se Reorganiza el Monopolio de Petróleos.” *Boletín Oficial Del Estado*, no. 18 de julio, 1948, pp. 77–84.
- . “Ley de 20 de Diciembre de 1952 sobre Organización y Funciones del Patronato de Protección a la Mujer.” *Boletín Oficial Del Estado*, no. 357, 1952, pp. 6271–75.
- . “Ley de 25 de Noviembre de 1944 por la que Declara Aplicable la Reducción Tributaria Establecida por el Artículo 5 de la de 19 de Abril de 1939, Al Impuesto de ‘Plus-Valía’ en las Adquisiciones de Terrenos Destinados a la Construcción de Vivienda Protegida.” *Boletín Oficial Del Estado*, no. 332, 1944, pp. 8964–65.
- . “Ley de 25 de Noviembre de 1944 sobre Reducción de Contribuciones e Impuestos en la Construcción de Casas de Renta para la Denominada ‘Clase Media.’” *Boletín Oficial Del Estado*, no. 332, 1944, pp. 8959–64.
- . “Ley de 25 de Septiembre de 1941 de Creación del Instituto Nacional de Industria (INI).” *Boletín Oficial Del Estado*, 1941.
- . “Orden de 12 de Agosto de 1952, Conjunta de ambos Departamentos, para

- Ejecución de la Ley de 15 de Julio de 1952 que Autoriza al Instituto de Crédito para la Reconstrucción Nacional para Conceder Préstamos Destinados a la Adquisición de Viviendas por sus Inquilinos." *Boletín Oficial de La Provincia de Madrid*, no. 211, 1952, pp. 1–2.
- Franco, Francisco, and Luis Carrero Blanco. "Decreto 2484/1967, de 21 de Septiembre, por el que se Aprueba el Texto del Código Alimentario Español." *Boletín Oficial Del Estado*, no. 248, 1967, pp. 14180–448.
- Gallego, Vicente. "El Tajante Dilema." *ABC*, September 29, 1970, p. 3.
- García-Moncó, Faustino. "Orden de 28 de Julio de 1969 sobre el Establecimiento de Medidas para Combatir los Derrames de Hidrocarburos." *Boletín Oficial Del Estado*, no. 199, 1969, pp. 13194–95.
- Gil, Alberto. *La Censura Cinematográfica En España*. Ediciones B, 2009.
- Gómez-Jara Díez, Carlos. "Enemy Combatants Versus Enemy Criminal Law: An Introduction to the European Debate Regarding Enemy Criminal Law and Its Relevance to the Anglo-American Discussion on the Legal Status of Unlawful Enemy Combatants." *New Criminal Law Review: An International and Interdisciplinary Journal*, vol. 11, no. 4, 2008, pp. 529–62.
- Graham, Helen, and Jo Labanyi. "Culture and Modernity: The Case of Spain." *Spanish Cultural Studies: An Introduction: The Struggle for Modernity*, Oxford University Press, 1995.
- Gubern, Román, et al. "Censorship, Film Studies, and Production Companies." *A Companion to Spanish Cinema*, edited by Jo Labanyi and Tatjana Pavlović, Wiley Blackwell, 2012, pp. 391–433.
- . *La Censura. Función Política y Ordenamiento Jurídico Bajo El Franquismo (1936-1975)*.

- Península, 1981.
- Gubern, Roman, and Domenec Font. *Un Cine Para El Cadalso. 40 Anos de Censura Cinematografica En Espana*. Editorial Euros, 1975.
- Guillermin, John. *Tarzan's Greatest Adventure*. Paramount Pictures, 1959.
- Hall, Stuart. *Encoding and Decoding in the Television Discourse*. Centre for Cultural Studies, University of Birmingham, 1973.
- Haraway, Donna. *Staying with the Trouble. Making Kin in the Chthulucene*. Duke University Press, 2016.
- Harcourt, Bernard E. *Exposed. Desire and Disobedience in the Digital Age*. Harvard University Press, 2016.
- . *Illusion of Order: The False Promise of Broken Windows Policing*. Harvard University Press, 2004.
- . *Three Essays in Criminal Justice*. Scholarly Paper, ID 2668353, Social Science Research Network, 2015.
- Harvey, David. *A Brief History of Neoliberalism*. Oxford University Press, 2005.
- . *The New Imperialism*. OUP Oxford, 2005.
- Hawkins, Gay. "Made to Be Wasted. PET and Topologies of Disposability." *Accumulation: The Material Politics of Plastic*, edited by Jennifer Gabrys et al., Routledge, 2013, pp. 49–67.
- Howse, Robert. "Europe and the New World Order: Lessons from Alexandre Kojève's Engagement with Schmitt's 'Nomos Der Erde.'" *Leiden Journal of International Law*, vol. 19, no. 1, 2006, pp. 93–103.
- Huard, Geoffroy. *Les Gays Sous Le Franquisme. Discours, Subcultures et Revendications à Barcelone, 1959-1977*. Orbis Tertius, 2016.

- . *Los Antisociales: Historia de la Homosexualidad en Barcelona y París, 1945-1975*. Marcial Pons Historia, 2014.
- IBRD. *The Economic Development of Spain*. John Hopkins Press, 1963.
- Intergovernmental Maritime Consultative Organization. *International Convention for the Prevention of Pollution of the Sea by Oil, 1954: As Amended in 1962 and 1969*. IMO Publishing, 1981.
- Javier, Boix. "Cursillo Sobre: 'Estados Peligrosos y Medidas de Seguridad (La Ley de Peligrosidad y Rehabilitación Social).'" *Anuario de Derecho Penal y Ciencias Penales*, 1972, pp. 617–23.
- Jiménez de Asúa, Luis. "Ley de Vagos y Maleantes. Un Ensayo Legislativo Sobre Peligrosidad Sin Delito." *Revista General de Legislación y Jurisprudencia*, vol. 82, no. 163, 1933, pp. 577–635.
- Joly, Maud. "Las Violencias Sexuadas de La Guerra Civil Española: Paradigma para una Lectura Cultural del Conflicto." *Historia Social*, no. 61, 2008, pp. 89–107.
- Jordan. "El Cine Español Viajó a La U.R.S.S." *La Vanguardia Española*, July 13, 1973, p. 49.
- Jordan, Barry. "La Comedia Sexual Española de Principios de Los Setenta y El Film Reaccionario." *Res Publica*, vol. 13, no. 1, 2004, pp. 287–96.
- . "Late-Francoist Popular Comedy and the 'Reactionary' Film Text." *Studies in Hispanic Cinemas*, vol. 2, no. 2, 2005, pp. 83–104.
- . "Revisiting the 'Comedia Sexy Ibérica': No Desearás Al Vecino Del Quinto (Ramón Fernández, 1971)." *International Journal of Iberian Studies*, vol. 15, no. 3, 2003, pp. 167–85.
- Juliá, Santos. "Política y Sociedad." *La España Del Siglo XX*, edited by José Luis García

- Delgado et al., Marcial Pons Historia, 2013.
- Kletzer, Christoph. "Alexander Kojève's Hegelianism and the Formation of Europe." *Cambridge Yearbook of European Legal Studies*, no. 8, 2006, pp. 133–52.
- Kojève, Alexandre. "Colonialism From a European Perspective." *Interpretation*, translated by Erik De Vries, vol. 29, no. 1, 2001, pp. 115–130.
- . *Esquisse d'une Phénoménologie Du Droit: Exposé Provisoire*. Gallimard, 1981.
- . *Introduction to the Reading of Hegel*. Cornell University Press, 1980.
- . "L'Empire Latin (Esquisse d'une Doctrine de La Politique Française)." *La Règle Du Jeu*, no. 1, 1990, pp. 86–104.
- . "Outline of a Doctrine of French Policy: (August 27, 1945)." *Policy Review*, translated by Erik de Vries, vol. August/September, no. 126, 2004, pp. 3–40.
- . *Outline of a Phenomenology of Right*. Translated by Robert Howse and Bryan-Paul Frost, Rowman & Littlefield, 2000.
- Kornetis, Kostis. "'Cuban Europe'? Greek and Iberian Tiersmondisme in the 'Long 1960s.'" *Journal of Contemporary History*, vol. 50, no. 3, 2015, pp. 486–515.
- . "¿Un 68 Periférico? Reflexiones sobre un Análisis Comparativo de la Resistencia Estudiantil de los Regímenes Autoritarios de la Grecia de los Coroneles y de la España Tardofranquista." *Studia Historica. Historia Contemporánea*, no. 21, 2003, pp. 83–112.
- La Rosa, Tristán. "Nuevas Precisiones sobre 'El Gran Disfraz.'" *La Vanguardia Española*, March 22, 1961, p. 3.
- Labanyi, Jo. "Film Noir, the Thriller, and Horror." *A Companion to Spanish Cinema*, Wiley Blackwell, 2012, pp. 259–90.
- . "Introduction: Engaging with Ghosts; or, Theorizing Culture in Modern Spain."

- Constructing Identity in Contemporary Spain: Theoretical Debates and Cultural Practice*, edited by Jo Labanyi, Oxford University Press, 2003.
- . "The Mediation of Everyday Life: An Oral History of Cinema-Going in 1940s and 1950s Spain." *Studies in Hispanic Cinemas*, vol. 2, no. 2, 2005, pp. 105–08.
- Laín, Pedro. *España Como Problema*. Escelier, 1949.
- Lazzarato, Maurizio. *The Making of the Indebted Man: An Essay on the Neoliberal Condition*. Semiotexte, 2012.
- LeMenager, Stephanie. *Living Oil: Petroleum Culture in the American Century*. Oxford University Press, 2014.
- Lewis, Brian. *British Queer History: New Approaches and Perspectives*. Oxford University Press, 2015.
- Liboiron, Max. "Plasticizers: A Twenty-First-Century Miasma." *Accumulation: The Material Politics of Plastic*, edited by Jennifer Gabrys et al., Routledge, 2013.
- Lieberman, Sima. *Growth and Crisis in the Spanish Economy: 1940-1995*. Routledge, 2005.
- López García, José Antonio. "La Presencia de Carl Schmitt En España." *Revista de Estudios Políticos*, vol. January-March, no. 91, 1996, pp. 139–68.
- Lorey, Isabell. *State of Insecurity: Government of the Precarious*. Verso Books, 2015.
- Marañón, Gregorio. *La Evolucion de La Sexualidad y Los Estados Intersexuales*. Vol. VIII, Espasa, 1972.
- Marco, Jorge. *Resistencia Armada en la Posguerra: Andalucía Oriental, 1959-1952*. Universidad Complutense de Madrid, 2011.
- Marriott, James, and Mika Minio-Paluello. *The Oil Road: Travels from the Caspian to the City*. Verso, 2012.
- Martín, Eugenio. *Las Leandras*. Cámara Producciones Cinematográficas S.A.; Suevia

- Films, 1969.
- Martín, Sebastián. “Criminalidad Política y Peligrosidad Social en la España Contemporánea.” *Quaderni Fiorentini per La Storia Del Pensiero Giuridico Moderno*, vol. 1, no. 38, 2009, pp. 861–951.
- Martínez Allier, Guillem, editor. *CT o La Cultura de La Transición: Crítica a 35 Años de Cultura Española*. Penguin Random House, 2012.
- Ministers of Foreign Affairs of the Member States of the E.C.S.C. “Procès-Verbal de La Conférence de Messine (1er Au 3 Juin 1955).” *Archives Historiques du Conseil de l’Union Européenne*, no. Négociations des traités instituant la CEE et la CEEA (1955-1957), CM3, 1955, pp. 1–17.
- . “Resolution Adopted by the Foreign Ministers of the ECSC Member States (Messina, 1 to 3 June 1955).” *Archives Historiques du Conseil de l’Union Européenne*, no. Négociations des Traités Instituant la CEE et la CEEA (1955-1957), CM3, 1955, pp. 1–4.
- . “Treaty Establishing the European Coal and Steel Community.” *Publishing Services of the European Communities*, no. Treaty constituting the European Coal and Steel Community and Connected Documents, 1951, pp. 1–90.
- Mira, Alberto. *De Sodoma a Chueca: Una Historia Cultural de la Homosexualidad en España en el Siglo XX*. Egales, 2004.
- Mitchell, Timothy. *Carbon Democracy: Political Power in the Age of Oil*. Verso Books, 2013.
- Molina Cano, Jerónimo. “Sombra y Fama de Carl Schmitt en España.” *Razón Española*, vol. May-June, no. 155, 2009, pp. 271–301.
- Mora, Víctor. *Al Margen de la Naturaleza. La Persecución de la Homosexualidad durante el Franquismo. Leyes, Terapias y Condenas*. Penguin Random House Grupo Editorial

- España, 2016.
- Morcillo, Aurora. *En Cuerpo y Alma. Ser Mujer en Tiempos de Franco*. Siglo XXI de España Editores, 2015.
- . *The Seduction of Modern Spain: The Female Body and the Francoist Body Politic*. Bucknell University Press, 2010.
- Moreno-Caballud, Luis. *Cultures of Anyone: Studies on Cultural Democratization in the Spanish Neoliberal Crisis*. Oxford University Press, 2015.
- . *Topos, Carnavales y Vecinos. Derivas de lo Rural en la Literatura y el Cine de la Transición Española (1973-1986)*. Princeton University, 2010.
- Naredo, José Manuel. "El Modelo Inmobiliario Español y Sus Consecuencias." *Boletín CF+S*, no. 44, 2010, pp. 13–27.
- Naredo, José Manuel, and Antonio Montiel Márquez. *El Modelo Inmobiliario Español y Su Culminación En El Caso Valenciano*. Icaria, 2011.
- Noticiarios y Documentales Cinematográficos. *Noticiero 860 A*. Ministerio de Información y turismo, 1959.
- . *Noticiero 1175 B*. Ministerio de Información y turismo, 1965.
- . *Noticiero 1210 B*. Ministerio de Información y turismo, 1966.
- . *Noticiero 1355 B*. Ministerio de Información y turismo, 1968.
- . *Sesenta Mil Viviendas, Plan de Urgencia Social*. Ministerio de Información y turismo, 1959.
- Pagola, Javier. "Andoain-Hernani, el Corredor que ha Permitido a ETA Circular Libremente." *ABC*, August 8, 2010, p. 20.
- Palacio, Manuel, and Kathleen M. Vernon. "Audiences." *A Companion to Spanish Cinema*, edited by Jo Labanyi and Tatjana Pavlović, Wiley Blackwell, 2012, pp.

- 464–85.
- Pavlovic, Tatjana. *The Mobile Nation: España Cambia de Piel (1954-1964)*. Intellect Books, 2011.
- Payne, Stanley. *Spanish Catholicism: An Historical Overview*. University of Wisconsin Press, 1984.
- Payne, Stanley G. *The Franco Regime, 1936–1975*. University of Wisconsin Press, 1987.
- Pérez, Jorge. *Confessional Cinema: Religion, Film, and Modernity in Spain's Development Years, 1960–1975*. University of Toronto Press, 2017.
- . "Vestida para Medrar: Rocío Durcal y la Modernidad por Debajo de las Rodillas." *Un Hispanismo para el Siglo XXI: Ensayos de Crítica Cultural*, edited by Rosalía Cornejo and Alberto Villamandos, Biblioteca Nueva, 2011, pp. 81–101.
- Pérez-Sánchez, Gema. *Queer Transitions in Contemporary Spanish Culture: From Franco to La Movida*. SUNY Press, 2007.
- Plehwe, Dieter. "Introduction." *The Road from Mont Pèlerin*, edited by Philip Mirowski and Dieter Plehwe, Harvard University Press, 2009.
- Poulantzas, Nicos. *The Crisis of the Dictatorships: Portugal, Greece, Spain*. Verso, 1976.
- Preciado, Beatriz. *Pornotopia: An Essay on Playboy's Architecture and Biopolitics*. Zone Books, 2014.
- . *Pornotopía: Arquitectura y Sexualidad En Playboy Durante La Guerra Fría*. Anagrama, 2010.
- Preciado, Paul. *Testo Junkie: Sex, Drugs, and Biopolitics in the Pharmacopornographic Era*. The Feminist Press at CUNY, 2013.
- . *Testo Yonqui*. Espasa Calpe, 2008.
- Primo de Rivera, Miguel. "Real Decreto-Ley de 28 de Junio de 1927 Estableciendo El

- Monopolio de Petróleos." *Gaceta de Madrid*, 1927.
- P.V.B. "Los Estrenos. Congreso En Sevilla." *La Vanguardia Española*, October 11, 1955, p. 21.
- Quiroga, Alejandro. *Goles y Banderas: Fútbol e Identidades Nacionales en España*. Marcial Pons Historia, 2015.
- Raja Vich, Antoni. *El Problema de España Bajo El Primer Franquismo, 1936-1956. El Debate Entre Pedro Laín Entralgo y Rafael Calvo Serer*. Universitat Pompeu Fabra, 2010.
- Rajoy, Mariano. "Ley 25/2015, de 28 de Julio, de Mecanismo de Segunda Oportunidad, Reducción de La Carga Financiera y Otras Medidas de Orden Social." *Boletín Oficial Del Estado*, no. 180, 2015, pp. 64479–543.
- Ramírez, Pedro Luis (Dir.). *Los Ladrones Somos Gente Honrada*. Aspa Producciones Cinematográficas, 1956.
- Reddy, Chandan. "Asian Diasporas, Neoliberalism, and Family." *Social Text*, vol. 23, no. 3-4 84-85, 2005, pp. 101–19.
- Representatives of the EEC. "Treaty Establishing the European Economic Community." *Publishing Services of the European Communities*, no. Treaty establishing the European Economic Community and connected documents, 1957, pp. 5–183.
- Resina, Joan Ramon. "From Crowd Psychology to Racial Hygiene: The Medicalization of Reaction and the New Spain." *Crowds*, edited by Jeffrey Thompson Schnapp and Matthew Tiews, Stanford University Press, 2006, pp. 225–61.
- Rodríguez, Emmanuel. *Por Qué Fracasó la Democracia en España. La Transición y el Régimen del 78*. Traficantes de Sueños, 2015.

- Rodríguez, Emmanuel, and Isidro López. *Fin de Ciclo. Financiarización, Territorio y Sociedad de Propietarios En La Onda Larga Del Capitalismo Hispano (1959-2010)*. Traficantes de Sueños, 2010.
- . "The Spanish Model." *New Left Review*, no. 69, 2011, pp. 5–29.
- Roitman, Janet. *Anti-Crisis*. Duke University Press, 2014.
- Román, Antonio. *Congreso En Sevilla*. CIFESA, 1955.
- Romero, Adam. *Manufacturing Petrotoxicity*. University of Washington, 2017.
- Röpke, Wilhelm. *International Economic Disintegration*. W. Hodge, Limited, 1942.
- Rosal, Juan del. "Introducción Sociologica Al Problema Del Estado de Peligrosidad." *Anuario de Derecho Penal y Ciencias Penales*, vol. 14, no. 3, 1961, pp. 395–408.
- Sabater Tomás, Antonio. *Gamberros, Homosexuales, Vagos y Maleantes. Estudio Jurídico-Sociológico*. Editorial Hispano Europea, 1962.
- . *Juventud Inadaptada y Delincuente*. Editorial Hispano Europea, 1965.
- Sáenz de Heredia, José Luis (Dir.). *Historias de La Radio*. Filmayer, 1955.
- . *Historias de La Televisión*. Filmayer, 1965.
- Sainz del Río, José. "El Principio de Las Nacionalidades y El de La Autodeterminación." *La Vanguardia Española*, January 8, 1960, p. 5.
- San de Velilla, Antonio. *Sodoma y Lesbos Modernas. Pederastas y Safistas, Estudios en la Clínica, en los Libros y en la Historia*. Carlos Ameller, 1932.
- Sánchez Barba, Francesc. *Brumas del Franquismo: El Auge del Cine Negro Español (1950-1965)*. Edicions Universitat de Barcelona, 2007.
- Sánchez-Biosca, Vicente. "Newsreels, Documentary, Experimental Film, Shorts, and Animation." *A Companion to Spanish Cinema*, edited by Tatjana Pavlovic and Jo

- Labanyi, Wiley Blackwell, 2012, pp. 521–42.
- Schmitt, Carl. *Constitutional Theory*. Duke University Press, 2008.
- . “El Orden del Mundo Después de la Segunda Guerra Mundial.” *Revista de Estudios Políticos*, no. 122, 1962, pp. 19–38.
- . *Ex Captivitate Salus: Erfahrungen Der Zeit 1945/47*. Duncker & Humblot, 2015.
- . *Ex Captivitate Salus: Experiences, 1945 - 47*. Polity Press, 2017.
- . *The Concept of the Political*. University of Chicago Press, 1996.
- . *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*. Telos Press, 2003.
- . *Theory of the Partisan: Intermediate Commentary on the Concept of the Political*. Telos Press Pub., 2007.
- Schmitt, Carl, and Alexandre Kojève. “Correspondence.” *Interpretation*, translated by Erik De Vries, vol. 29, no. 1, 2001, pp. 91–115.
- Sedgwick, Eve Kosofsky. *Epistemology of the Closet: Updated with a New Preface*. University of California Press, 1990.
- Sentis, Carlos. “Lenta Agonía de la IV República Francesa.” *ABC*, May 29, 1958, pp. 15–16.
- Somerville, Siobhan B. “Queer Loving.” *GLQ: A Journal of Lesbian and Gay Studies*, vol. 11, no. 3, 2005, pp. 335–70.
- Spitz, Bob. *The Beatles: The Biography*. Hachette, 2012.
- Spivak, Gayatri Chakravorty. *An Aesthetic Education in the Era of Globalization*. Harvard University Press, 2013.
- Tahmassian, Lena. “Carl Schmitt and the Basque Conflict: From the Design of Francoism to Spanish Democracy.” *Journal of Spanish Cultural Studies*, vol. 13,

- no. 1, Mar. 2012, pp. 59–81.
- Tarin Iglesias, Manuel. “Las Leandras.” *La Vanguardia Española*, December 21, 1969, p. 55.
- Tébar, Ignacio. *Derecho Penal Del Enemigo En El Primer Franquismo*. Universidad de Alicante, 2017.
- Teceño, Jaime. “La Marea Negra ‘Invisible.’” *El Mundo*, July 17, 2007, p. 20.
- Teruel Carralero, Domingo. *Comentarios a la Ley de Vagos y Maleantes*. Sáez, 1949.
- Triana-Toribio, Núria. *Spanish National Cinema*. Routledge, 2012.
- United States. Congress. Senate. Committee on Banking and Currency. *Bretton Woods Agreements Act: Hearings Before the Committee on Banking and Currency, United States Senate*. U.S. Government Printing Office, 1945.
- Vallejo Nágera, Antonio. *Eugenesia de La Hispanidad y Regeneración de La Raza*. Editorial española, 1937.
- . “Ilicitud Científica de La Esterilización Eugénica.” *Acción Española*, vol. 1, no. 2, 1932, pp. 142–54.
- Van Elslande, Renaat. “Council Directive 67/548/EEC of 27 June 1967 on the Approximation of Laws, Regulations and Administrative Provisions Relating to the Classification, Packaging and Labelling of Dangerous Substances.” *Official Journal of the European Communities*, vol. 1, no. 196, 1967, pp. 234–56.
- . “Directiva Del Consejo, de 27 de Junio de 1967, Relativa a La Aproximación de Las Disposiciones Legales, Reglamentarias y Administrativas En Materia de Clasificación, Embalaje y Etiquetado de Las Sustancias Peligrosas.” *Diario Oficial de Las Comunidades Europeas*, vol. 1, no. 196, 1967, pp. 50–148.
- Vázquez Montalbán, Manuel. *La Penetración Americana En España*. EDICUSA, 1974.

- Viñao, Antonio. *Escuela para Todos: Educación y Modernidad en la España del Siglo XX*. Marcial Pons Historia, 2004.
- Wald, Priscilla. *Contagious: Cultures, Carriers, and the Outbreak Narrative*. Duke University Press, 2007.
- Wilder, Billy (Dir.). *Some Like It Hot*. United Artists, 1959.
- Woods, Eva. "Identification and Disconnect through Popular Melodrama." *Studies in Hispanic Cinemas*, vol. 2, no. 2, 2005, pp. 125–35.
- Wright, Alison. *The Spanish Economy, 1959–1976*. Macmillan, 1977.