

Constitutional Politics and Religious Accommodation: Lessons from Spain

Abstract: *This article sketches the struggles over and the shifting role of Catholicism in the Spanish body politic. It begins by providing a brief overview of the deep historical ties between Catholicism and Spanish identity. It continues by recounting the dialectical process through which a serious social cleavage on the role of religion in politics emerged and percolated over the course of the nineteenth and early twentieth centuries. This cleavage ultimately pit a militant and reactionary brand of authoritarian Catholicism on the right against an equally militant group of secularist ideologues associated with both bourgeois-republican and revolutionary working class (mainly anarchist) political forces. Following Juan Linz, the article emphasizes the nefarious role played by constitution-makers who pursued a partisan secularizing agenda on questions of Church and state in the breakdown of democracy and tragic onset of Civil War. It then delineates the ideology and institutionalization of “national-Catholicism” under Franco, before turning to contrast republican-era constitution-making dynamics with those of the transition to democracy following Franco’s death. It concludes with a discussion of the content of post-transition conflicts over religion and politics, highlighting the constitutional resources for coping with the somehow new yet very old challenge posed by the presence of Islam.*

Introduction

This article gives an account of the struggles over and the shifting role of Catholicism in the Spanish body politic. It is intended as a contribution to the comparative literature on religion and politics, with special relevance for debates on secularism, constitutional politics, and democracy.

The case of Spain provides an important corrective to the simplistic but still influential “grand narrative involving secularism in the spread of modernization and in the historical path of Euro-American progress.”¹ More specifically, it demonstrates both how difficult and how important is the task of constructing “twin tolerations” between secular and religious institutions and authorities.²

The article begins with an overview of the deep historical ties between Catholicism and Spanish identity. It continues by recounting the dialectical process through which a serious social cleavage on the role of religion in politics emerged and percolated over the course of the nineteenth and early twentieth centuries. This cleavage ultimately pit a militant and reactionary brand of authoritarian Catholicism on the right against an equally militant group of secularist ideologues associated with both bourgeois-republican and revolutionary working class (mainly anarchist) political forces. In tracing the evolution of this ideological conflict, the article contributes to the comparative literature that seeks to understand and endogenize “state policies towards religion [as] the result of ideological struggles.”³

Recent scholarship has begun to re-evaluate the once “axiomatic” assumption “that modernization inevitably leads to ... secularization.” In the process, it has begun to recognize that “religion can sometimes play” a positive, even “fundamental role in issues of political representation and

¹ Craig Calhoun, Mark Juergensmeyer, and Jonathan VanAntwerpen, “Introduction,” in Calhoun, Juergensmeyer, and VanAntwerpen, eds., *Rethinking Secularism* (Oxford: Oxford University Press, 2011), p.6.

² Alfred Stepan, “The World’s Religious Systems and Democracy: Crafting the Twin Tolerations,” in *Arguing Comparative Politics* (Oxford: Oxford University Press, 2001), pp.213-254.

³ Ahmet T. Kuru. “Passive and Assertive Secularism: Historical Conditions, Ideological Struggles, and State Policies toward Religion,” *World Politics*, Volume 59, Issue 4, July 2007: pp 568 – 594. Quote from p.571.

legitimacy.”⁴ Yet less emphasis has been placed on the negative role that can be played by militant secularizing ideologues and ideologies in contributing to political polarization and to democratic instability.

The Second Republic in Spain (1931-1936) provides a very clear example of such a scenario. Following Juan Linz, this article emphasizes the nefarious role played by constitution-makers who pursued a partisan secularizing agenda on questions of Church and state. The separation of Church and State entrenched in the 1931 republican constitution ranks alongside that of the 1905 French Constitution – which it explicitly emulated – as one of the two most “hostile” such separations in the history of Western Europe.⁵ This hostile separation contributed directly to political polarization, the breakdown of democracy, and the tragic onset of Civil War.

In highlighting the role of republican law-makers in the process of clerical-anticlerical polarization, the article converges with the warning issued by more prudent voices in the recent comparative literature on religion and politics about how “legal processes and institutions” can produce “a hardening of boundaries and a sharpening of antagonisms,” indeed, about how law can participate in “the intensification of religious conflict.”⁶

In honing in on the militant secularism of republican law-makers in the *constitution-making* process more specifically, the article provides a negative example that serves to buttress recent emphasis in the literature on transitions to democracy and on constitutional design on the importance of “inclusive representation” and “broadly acceptable outcomes” for the success of constitution-making processes.⁷ This is a more general lesson, but one with particular relevance for questions of religious accommodation in democratizing societies with potential for deep sectarian divisions.⁸ The article thus simultaneously contributes to another recent turn in comparative politics and to recent demands to pay closer attention to the process of constitution-making and to “constitutional moments.”⁹

⁴ Jeffrey Haynes, “Religion and democratizations: an introduction,” *Democratization* Vol. 16, No. 6, December 2009: pp. 1041–1057. Quote from p.1042. Indeed, the entire special issue of *Democratization* is most valuable. See especially Mirjam Kunckler and Julia Leninger. 2009. “The multi-faceted role of religious actors in democratization processes: empirical evidence from five young democracies,” *Democratization*, Vol. 16, Issue 6, Dec. 2009: pp. 1058-1092. Particular emphasis in the emergent comparative literature on constitutions, religion, and democratization is given to questions of constitutional design and dynamics in the Muslim world. In this vein, see Tad Stahnke and Robert C. Blit, “The Religion-State Relationship and the Right to Freedom of Religion or Belief: A Comparative Textual Analysis of the Constitutions of Predominantly Muslim Countries,” *36 Geo. J. Int’l L.* 947, 2004-2005: pp. 947-1078; as well as Chibli Mallat’s incisive, *Philosophy of Nonviolence. Revolution, Constitutionalism, and Justice beyond the Middle East* (Oxford University Press, 2015).

⁵ Alfred Stepan, “Religion, Democracy and the ‘Twin Tolerations’,” *Journal of Democracy*, vol. 11, no. 4, Oct. 2000: pp. 37-57. Quote from p.42.

⁶ Tamir Moistafa, Matthew Nelson, Ben Schonthal, and Shylashri Shankar, “Is the Religious Law and Antidote for Religious Tension: The Promise and Peril of Judicializing Religious Freedom,” *American Behavioral Scientist*. October 2015: pp. 1-21. Quote from p.2.

⁷ Winluck Wahiu, *A Practical Guide to Constitution Building: An Introduction* (Stockholm: International Institute for Democracy and Electoral Assistance, 2011), p.16. More generally, see Juan Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation* (Baltimore, MD: The Johns Hopkins University Press, 1996).

⁸ See Hanna Lerner, “Constitution-Writing in Deeply Divided Societies,” *Nations and Nationalism* 16(1), 68-88.

⁹ See Jon Elster, “Forces and Mechanisms in Constitution-Making Processes,” *Duke Law Journal*, Vol. 45, No. 2, Nov 1995: pp. 364-396; and Tom Ginsburg, Zachary Elkins, and Justin Blount, “Does the Process of Constitution-Making Matter?” *Annual Review of Law and Social Sciences*, Vol. 5, Issue 5, 2009: pp. 201-223.

After recounting the tragic denouement of the Republican period, the article proceeds to delineate the ideology and institutionalization of “national-Catholicism” under Franco, before turning to contrast republican-era constitution-making dynamics with those of the transition to democracy following Franco’s death.

The post-transition constitutional order can be usefully described as embodying a “positive accommodation” of Catholicism and a “friendly separation” between Church and State.¹⁰ This friendly separation was facilitated as much by the demise of authoritarian Catholicism on the right as it was the disappearance of militant secularism on the left.

Contemporary Spain’s “positive accommodation” of Catholicism situates the country squarely within the norm among the twenty-seven European Union democracies – 89% of which “have religious education in state schools as a standard offering,” 44% of which “fund the clergy,” rendering it more secular than the 19% of which “have established religion.”¹¹

The article concludes with a discussion of the content of post-transition conflicts over religion and politics. It stresses that old debates about religion and secularism have become increasingly interwoven with new “questions about the scope and limits of a multicultural and multi-ethnic society,” as they have across much of Europe.¹² It highlights both the constitutional resources as well as ideological obstacles for coping with the somehow new yet very old challenge posed by the presence of Islam in Spain.

Spanish Identity and Spanish Catholicism

The question of the role of religion in politics has a profound and conflictual history in Spain, an Empire *cum* nation-state whose identity has long been intimately linked with Catholicism. Not unlike British identity in relation to Protestantism, where, as Linda Colley has argued, “[m]ore than anything else, it was [a] shared religious allegiance combined with recurrent wars that permitted a sense of British national identity to emerge.” According to Colley, Protestantism not only “coloured the way that Britons approached and interpreted their material life”; it also long “determined how Britons viewed their politics” and indeed provided “the foundation on which their state was explicitly and unapologetically based.”¹³

This shared religious basis for identification with the “body politic” was forged in Britain over the course of recurrent wars against a particular enemy, “other,” and projected foil, against which the alleged virtues of Protestant Britons were imagined to stand out in stark relief. The role was originally played by Catholic states and by Catholic subjects. The latter were rendered strangers, stigmatised, excluded and oppressed as suspicious, as a potential “fifth column.” In Colley’s words, there existed “a vast superstructure of prejudice throughout eighteenth-century Britain, a way of seeing (or rather mis-seeing) Catholics and Catholic states,” which originally emerged out of the Reformation and “was fostered by successive wars with France and Spain,” and which in turn relied

¹⁰ Alfred Stepan, “Religion, Democracy and the ‘Twin Tolerations,’” *op. cit.*, p.42.

¹¹ Alfred Stepan, “The Multiple Secularisms of Modern Democratic and Non-Democratic Regimes,” in Calhoun, Juergensmeyer, and VanAntwerpen, eds., *Rethinking Secularism*, *op. cit.*, pp.114-144. Quote from p. 117..

¹² Philip Schlesinger and François Foret, “Political Roof and Sacred Canopy? Religion and the EU Constitution,” *European Journal of Social Theory* 9(1), 2006: pp. 59–81. Quote from p.64.

¹³ Linda Colley, *Britons: Forging the Nation: 1707-1837* (New Haven: Yale University Press, 2009), p.18.

upon and reinforced a sense of collective superiority, “encourag[ing] many Britons, irrespective of their real income, to regard themselves as peculiarly fortunate.”¹⁴

In a similar vein, historians of Spain have long insisted upon the Catholic basis of Spanish identity. Writing in 1966, Oxford Don Raymond Carr would argue in his magisterial overview of “modern” Spain that the influence of the Catholic Church “depended upon its penetration at every level of social life,” and that “Catholicism was, and is, not merely a personal faith but the formal sign of belonging to Spanish society.”¹⁵

That same year, the renowned Spanish historian Ramón Menéndez Pidal, touted at the time by his English-language publishers at Norton as “the great patriarch of humanism in the Spanish world,” would insist in *The Spaniards in their History* upon the centrality of the struggle against Islam in the forging of Spanish identity, over the course of the so-called *Reconquista* (or “Reconquest”). According to Menéndez Pidal, in the centuries following the “Moslem invasion,” rather than “feeling themselves estranged from the rest” of the Iberian peninsula “which was solidly Islamized,” and in stark contrast to “other Ancient provinces of the Roman Empire ... which had fallen prey to the Moslems,” the “northern kingdoms” of the Iberian peninsula reacted. These “northern kingdoms” were united around a commitment to a “religious ideal as well as with patriotic resolve.”¹⁶ Indeed, they allegedly displayed a “pure unfettered religious spirit,” managing to “fus[e] into one single ideal the recovery of the Gothic states of the fatherland and the redemption of the enslaved churches for the glory of Christianity.”¹⁷

Spanish identity was, thus, a unity first forged around commitment to a religious cause, in the course of a centuries-long struggle against an enemy, an “other,” a foil. The virtues of the Spanish *reconquistadores* were long portrayed and imagined to stand out in relief against the projected vices of an Islamic foe. These imaginings still matter today. For as Marx so eloquently and rightly insisted, “[t]he traditions of all the dead generations weighs like a nightmare on the brains of the living.”¹⁸

Menéndez Pidal proceeds to explain that the “zenith” of “the Spanish religious spirit” would be reached “in the sixteenth and seventeenth centuries” – which witnessed a “magnificent outburst of enthusiasm” for the Counter-Reformation, for which Spain allegedly “devoted her entire life and energies to urging on Europe the Catholic movement of reconstruction.” According to Menéndez Pidal, in the wake of the Renaissance, which “strengthened the spirit of nationality in the modern states” and thereby “caused each of them to look exclusively to their own interests without any consideration for the spirit of Catholic unity upheld by the Middle Ages but now cracking and splitting asunder,” only Spain stayed true to “its inveterate mediaeval purpose.” Spain was the only Kingdom that continued to identify its own “aims with the universal aims of Christianity.”¹⁹

Menéndez Pidal’s account is, of course, both illuminating and contentious. It is contentious insofar as he speaks of “Spain’s aims” or “its commitments.” To do so is to engage in a highly questionable anthropomorphism, and an even more questionable anachronism.

¹⁴ Ibid., p.38.

¹⁵ Raymond Carr, *Spain 1808-1975. Second Edition* (Oxford: Oxford University Press, 1982), pp.45-46.

¹⁶ Ramón Menéndez Pidal, *The Spaniards in their History* (New York: Norton & Company, 1950), p.84.

¹⁷ Ibid, pp.41-42.

¹⁸ Karl Marx, “The Eighteenth Brumaire of Louis Bonaparte,” in Robert C. Tucker, ed., *The Marx-Engels Reader. Second Edition* ((New York: Norton & Company, 1978), p.595.

¹⁹ Menéndez Pidal, op. cit., p.42.

It is certainly a distinctive characteristic of the Spanish legacy, perhaps even decisive in determining its part in “early Modern” European history, the success of the Counterreformation among the nobility and the clerics in the lands controlled by the Spanish Crown.

But to speak of Spain’s “aims” and its “commitments,” much less “its religious spirit” or especially its “patriotic resolve” is an anthropomorphism reflective of a nationalist imaginary. It is to impute a single and conscious will corresponding to the collective Spanish “body politic.” It is to mistake an accurate depiction of ruling class *ethos* for a manifestation of a general will. This despite the absence from the historical record of the voices of the vast majority of disenfranchised inhabitants of the lands under the feudal jurisdictions of the legal entity that has come to be called Spain.

Moreover, it is an anachronism even to refer to those feudal jurisdictions as “Spain,” since the territories under the control of the Crown and at the vanguard of the Counter-Reformation also included the lands of the Austrian Habsburgs, Portugal, and Italy as well, not to mention the “Spanish” colonies in *ultramar*.²⁰

Nevertheless, the historical record is definitely replete with evidence of a good dose of “religious zeal,” at least in terms of legitimating rhetoric and artistic manifestations, amongst the ruling class and those organically linked to the Courts of the Habsburg Monarchy over the course of the Counter-Reformation. Menéndez Pidal proudly refers in this regard to the prominent role played especially during the so-called “Golden Age” by a “ruling minority of the highest worth.” These included not only “theologians who were able to intervene decisively in the Council of Trent and serve as leaders of learning in the European universities;” but also “mystical writers, ascetics and scripturists who were of the greatest produced by any country,” as well as “poets who succeeded in interesting the whole people in the deepest problems of grace and free-will, in the most recondite questions of scholasticism as well as in the most subtle allegories of religious history.”²¹

Menéndez Pidal does not emphasize some of the less admirable features of this “religious zeal,” such as the early expulsion by the so-called “Catholic Kings” of the Jews, the subsequent forced conversions and cleansing of the remains of Islamic presence, followed by the religious-cum-racist promulgation of “blood purity” statutes that equated ancestry “uncontaminated by Muslim or Jewish blood” as proof of “orthodoxy” and “personal honor.”²²

Indeed, the Holy Office of the Inquisition, approved by the pope and created under the auspices of the “Catholic Kings” in 1482, had as its primary task “to make certain that *conversos* had sincerely converted to Catholicism and were not continuing to practice the Jewish faith behind closed doors.” First Jews then Moors were forced to convert or be cleansed. Moreover, “[a]dherence to strict religious orthodoxy and isolation from ‘foreign’ influences was reinforced during the reign of Felipe II.” And “in 1609 Felipe III, out of fear the [Christianized] *moriscos* might undermine at home Spain’s

²⁰ Juan Linz, “Religión y política en España,” in José Ramón Montero and Thomas Jeffrey Miley, eds., *Juan J. Linz. Obras Escogidas. Volumen 7: Historia y sociedad en España* (Madrid: Centro de Estudios Políticos y Constitucionales, 2013), pp.429-430.

²¹ Menéndez Pidal, *op. cit.*, p.42.

²² Pierre Vilar, *Historia de España* (Barcelona: Crítica, 1999), pp.43-44. Also see the entry for “Limpieza de sangre” in the on-line *Encyclopedia Britannica*, <http://www.britannica.com/topic/limpieza-de-sangre>. For a bibliography of recent research on the subject of the “blood-purity” statutes, see <http://www.oxfordbibliographies.com/view/document/obo-9780195399301/obo-9780195399301-0101.xml>.

military campaigns against Islamic Turks abroad, initiated a massive expulsion of more than a quarter million *moriscos*.”²³

In sum, the persecution of all signs and suspicions of religious dissidence, the eradication and extirpation of religious diversity, across a peninsula previously characterized by religious mix and hybridity. The “religious zeal” of the ruling minority was thus marked by a “passion for unity” that was simultaneously and stridently exclusionary and exclusivist, willing and even eager to “cleanse.”²⁴

Nor can it be forgotten that, in addition to and alongside this European plot, overseas colonial expansion was undertaken and largely justified in missionary terms. The recent long overdue apology delivered by Pope Francis in the name of the Catholic Church for its complicity in the sins of colonial exploitation and oppression, pillaging and plundering, only serves to underscore the continuing resonance and even surging consciousness of grievances associated with this sordid legacy, especially given the recent rise of *indigenista* movements across Latin America.

Catholic Beliefs and their Relation to Secular Millenarian Projects

Though most of the historical record concentrates on and communicates the perspective of the “ruling minority” and therefore of official religion, though it is indeed notable that millenarian movements prevalent in other parts of Europe largely bypassed Spain during the so-called “Middle Ages.”²⁵

The historian José Álvarez Junco has argued that anarchism, with its notable appeal among peasants in the nineteenth and early twentieth centuries in many parts of Spain, is best interpreted as a secularized, political religion, the ideological content of which reflected and continued a deep tradition of commitment to millenarian Catholic beliefs.²⁶ If Álvarez Junco’s most suggestive interpretation is correct, the militant atheism expressed in Spanish anarchism would constitute but an instance of Nietzschean transvaluation, the very vehemence of the negation revealing a continued subjection to perceptual schemas and categories of vision and division built into the worldview which is rejected and denied.

The same can be said for anticlericalism more generally in Spain, which displayed many of the very same tendencies towards fanaticism that it so rightly decried in its adversary, Spanish Catholicism.

²³ Richard Gunther, José Ramón Montero, and Joan Botella, *Democracy in Modern Spain* (New Haven: Yale University Press, 2004), p.52.

²⁴ Linz, “Religión y política en España,” op. cit., p.429; and Pierre Vilar, op. cit., p.43.

²⁵ Edward E. Malefakis, *Agrarian Reform and Peasant Revolution in Spain* (New Haven: Yale University Press, 1970), p.138.

²⁶ José Álvarez Junco, *Ideología política del anarquismo español 1868-1910. Segunda edición* (Madrid: Siglo XXI, 1991). According to Jerome Mintz, this interpretation has a long pedigree, which can be traced back to the work of Juan Díaz Moral’s classic 1929 study, *Historia de las agitaciones campesinas andaluzas* (Madrid: Revista de Derecho Privado, 1929). See Mintz, *The Anarchists of Casas Viejas* (Chicago: University of Chicago press, 1982), p.5. Gerald Brenan, who follows Díaz Moral’s interpretation of Spanish anarchism as a form of secularized millenarianism, recounts the following story told by Díaz Moral: “‘Señorito, when will the great day come?’ a poor man asked a senator in 1903. ‘What day?’ ‘Why the day on which we shall all be equal and when the earth will be divided up equally among all.’” See Brenan, *The Spanish Labyrinth* (Cambridge: Cambridge University Press, 1998), p.198. For a fine overview of the historiographical debates about Spanish anarchism’s links to millenarianism, see Martha Grace Duncan, “Spanish Anarchism Refracted: Theme and Image in the Millenarian and Revisionist Literature,” *Journal of Contemporary History*, Vol. 23, 1988: pp.323-346.

As Gerald Brenan would perspicaciously note in his highly influential account of the Spanish Civil War:

“If the Spanish Church is to be described as fanatical, the same word must equally be applied to many of the anti-clericals. And since fanaticism leads to credulity, on each side there grew up a firm belief in the power and the wickedness of the occult forces of their adversaries; in the one case of the freemasons and supposed Russian agents and on the other of the monks and the Jesuits. Of all the many antagonisms that during the last forty years have flourished in Spain, none was more bitter or envenomed than that between the Catholic Church and its opponents. The Civil War has shown to what tragic consequences it could lead.”²⁷

Polarization around the question of the role of religion in politics and society was indeed an important factor of instability and violence, contributing to the breakdown of the Second Republic and the outbreak of Civil War; moreover, the military uprising was legitimated and justified in explicitly religious terms as a Crusade. However, the intensity of the conflict over relations between Church and State in the Republican period and over the course of the war represented but the culmination of a long historical process stretching back at least to the late-eighteenth century in which, “[r]ather than serving as a unifying force, as it had during the first several centuries following the Reconquista,” religious issues had come to constitute a source of deep division and “cleavage” even among the ruling minority.²⁸

The Origins of the Clerical-Anticlerical Divide

As Juan Linz has stressed, the Imperial decline and concomitant pervasive sense of decadence of Spain in the Eighteenth Century, followed by the crisis generated by the French Revolution, the Napoleonic invasions, along with the loss of most of the colonies, all contributed to the marginalization of Spain in the course of the nineteenth century. Resistance to Napoleon generated simultaneously a liberal minority that aspired to the political and social “modernization” of the country, as well as a populist reactionary response most frequently protagonized by rural clerics. These two forces would continuously confront one another on successive occasions over the course of the century, but neither was strong enough to dominate the other. Their conflicts gradually gave way to a relatively long-lasting compromise between liberals and conservatives in the Restoration Monarchy established in 1875.²⁹ Even so, the profound confrontations with anticlerical forces in the first half of the century left an indelible mark on the Spanish Church. Particularly the frontal attacks on Church property and on particular religious orders, such as the Jesuits, left “deep scars” and pushed the Spanish Church “in an ultra-reactionary direction.”³⁰

The main successive stages of this long historical conflict between the forces of anticlerical “modernization” and the forces of clerical “reaction” have been ably summarized by Linz’s followers, Gunther, Montero, and Botella, who trace the “clerical-anticlerical” cleavage in Spanish politics and society back to 1773, with the expulsion of the Jesuits by the enlightened absolutist monarch, Carlos III.³¹ The successive stages of the conflict have something of the shape of a pendulum that swings,

²⁷ Gerald Brenan, *The Spanish Labyrinth* (Cambridge: Cambridge University Press, 1998), p.54.

²⁸ Gunther et. al., op. cit., p.52.

²⁹ Linz, “Religión y política en España,” op. cit., p.430.

³⁰ Juan Linz, “Tradition and Modernity in Spain,” in H.E. Chehabi, ed., *Juan J. Linz. Robert Michels, Political Sociology, and the Future of Democracy* (New Brunswick, NJ: Transaction Publishers, 2006), p.126.

³¹ See also Stanley G. Payne, *Spanish Catholicism: An Historical Overview* (Madison, WI: the University of Wisconsin Press, 1985), especially chapters 3-5.

albeit with sudden spurts and lags in momentum. The cause of liberalism would initially be further advanced after the Napoleonic invasion, when, inspired by Enlightenment ideals, Joseph Bonaparte abolished the Inquisition. Gunther and his collaborators, however, rely on Cazorla's interpretation to argue that Bonaparte's liberalizing action ultimately "strengthened the forces of reaction," by rendering opposition to liberalism synonymous with "liberation from French Imperialism." They next turn to refer to Artola's account of the period subsequent to the restoration of Fernando VII to the Spanish throne, which they depict as "a first reactionary period, in which the Inquisition was restored, Jesuits returned from exile, all previous reforms were revoked, liberal members of the clergy were purged, and persecution of Freemasons began."³²

According to Linz, Fernando VII's policies set an important precedent for Spanish Catholicism in the nineteenth and twentieth centuries, since his "reactionary interpretation of the Restoration relied on the most unenlightened elements of the Church, and on a populist sentiment that had identified patriotism and religion against the Napoleonic armies."³³

Soon the pendulum would again swing the other way, beginning in 1820, with a "liberal *pronunciamiento*" restoring the 1812 Constitution, abolishing anew the Inquisition, and expelling again the Jesuits, as well as "seiz[ing] some church properties, and clos[ing] more than half of Spain's monasteries." But action ever leads to reaction, resulting in a "civil war (1822-1823) between reactionary and liberal Catholics, which ended with the restoration of Fernando and the initiation of an even harsher period of reactionary repression."³⁴

Gunther and his colleagues continue, this time relying on the account of Tomás y Valiente, that with the death of Fernando in 1833 and the accession of Isabel II, the pendulum would swing the other way yet again. Liberalizing governments in Madrid demonstrated "hostility to the church reinforced by the civil war against the reactionary Carlists," and attacked the church with "policies design to weaken greatly" its power. These included not only the expulsion of the Jesuits for a third time, the closure of "all convents and monasteries housing fewer than twelve monks," as well as, most importantly, "a radical program of *desamortización*: the confiscation and sale of Church lands." Alongside these legal attacks came the birth of a brand of militant anticlericalism, including episodes of anticlerical violence, too.³⁵

There were, of course, solid economic reasons adduced by the liberalizing state in its confiscation of Church property. As Linz suggests, "liberal economic policies ... required the mobilization of landed property and therefor the sale of the Church mortmain." Moreover, the financial problems of the state would be compounded by the costs of the Carlist wars, which triggered a "wholesale expropriation of the Church and the closing of most convents in the 1830's." However, the unintended consequences produced by these attacks would have far-reaching consequences. Not only would the "numbers of the clergy fall drastically before the middle of the century," but also the end of the Church's largesse would lead to the "destruction of the welfare activities of the Church" – activities that had previously "tied the poor to it." This, alongside the "recurrent expulsions of the Jesuits" and the incipient "persecution of monks by mobs," weakened the Church considerably,

³² Gunther et. al., op. cit. p.53. The accounts referred to are José Cazorla Pérez, "La cultura política en España," in Salvador Giner, ed., *España: sociedad y política* (Madrid: Espasa Calpe, 1990); and Miguel Artola, *La monarquía de España* (Madrid: Alianza Editorial, 1999).

³³ Linz, "Tradition and Modernity in Spain," op. cit., p.148

³⁴ Gunther et. al., op. cit. p.53.

³⁵ Ibid, p.53. They refer here to Francisco Tomás y Valiente, *El marco político de la desamortización en España*. 3ª Edición (Barcelona: Ariel, 1983).

significantly narrowing its social base, and therefore ended up “pushing it further into the hands of Carlist reaction.”³⁶

Even so, the assent of the right-wing faction of the liberals, the so-called *Moderados*, brought with it a considerable deceleration of the swinging of the pendulum, and thus “a more conciliatory stance ... reflected in the first Concordat with the Vatican in 1851,” according to which Catholicism was re-established “as the sole religion of the state,” religious instruction was rendered “obligatory at all levels of education,” some religious orders were allowed to return, and church property was guaranteed and protected. For its part, the Church for the first time “acknowledged the right of the government to participate in the appointment of church officials,” and accepted the bulk of previous property confiscations as consummated and irreversible facts. Moreover, in exchange for “its confiscations of the church’s own sources of income,” the state began to “contribute subsidies to church-run educational institutions,” and, crucially, to pay “the wages of the clergy.”³⁷

But the compromise proved incapable of channelling the Church decisively towards a more moderate, pragmatic posture towards status quo in Spain, much less the “modern world.” Despite having acquired state subsidies sufficient for survival in the compromise, the legitimization of “the acquisition of Church property by the bourgeoisie and the nobility” nevertheless left the Church with a bitter taste of “political defeat,” rendering it susceptible to “the most literal interpretations of the denunciations” of the “modern world” contained in Pope Pius XI’s 1864 *Syllabus of Errors*, in which the ultraconservative pontiff lashed out against liberalism and secularism. Despite the attainment of significant guarantees in the Concordat, and the Vatican’s seal of approval, “much of the clergy and many sincere believers could not accept it,” and an “undercurrent” of militant “anti-modernity” was reinforced, whose dialectical counterpart and mirror image was an equally strong undercurrent of militant anticlericalism, increasingly spreading out from its initial middle class intellectual core to infect much of the working class with hostility towards the decidedly reactionary Church.³⁸

With the abdication of Isabel II in 1868 came a brief new surge of a strengthened anticlerical impulse. In the turmoil surrounding the declaration of the short-lived First Republic, much of the Concordat would be revoked, and the Jesuits expelled yet again – for a fourth time – before being reinstated, along with the Concordat, under the Restoration Monarchy.³⁹

The 1870’s would witness an important inflection in Spain’s intellectual life, with the emergence for the first time of an important trend of secularization, “led by the Spanish followers of the German idealist philosopher Karl Christian Friedrich Krause,” who flourished especially during the First Republic but whose influence continued long thereafter, managing to put “the Catholic intellectuals on the defensive” even within Spain.⁴⁰

This defensiveness, verging on collective paranoia, evident in the attitudes of the Catholic intellectuals in late nineteenth century Spain, especially during interims or pendulum swings of liberal assent, should not be underestimated. As reflected in the thought of conservatives and traditionalists alike, their defensiveness was a clear manifestation of a Spanish Catholic mentality that found itself besieged by the forces of the “modern world,” responding to a threatened sense of worth, doubly imbued with the motivational force of *ressentiment*. Into the open wound of Imperial decline and the concomitant pervasive sense of decadence and marginalization of their contemporary Spain within capitalist Europe, was added the salt of the domestic penetration of

³⁶ Linz, “Tradition and Modernity,” op. cit., p.148.

³⁷ Gunther et. al., op. cit., p.54.

³⁸ Linz, “Tradition and Modernity,” op. cit., p.148.

³⁹ Gunther et. al., op. cit., p.54.

⁴⁰ Linz, “Tradition and Modernity,” op. cit., p.148.

“foreign,” secularizing ideals propagated by the most prestigious and well known figures in Spanish intellectual life. *Ressentiment* induced by the decline of Spain and of Catholicism on the world stage of great power politics, combined with *ressentiment* induced by the failed pursuit of prestige in the public sphere and especially University settings, from which theological studies were excluded altogether, on the domestic front. Power-political plus petty-political *ressentiment*, a most potent and explosive combination and reactionary concoction.

Thus the continuing appeal of Carlism, and of its various “traditionalist” splinter groups and derivations, its ability to survive and to reactivate and utilize particular perceptual schema on multiple occasions, to reconstruct and re-mobilize memories never forgotten amidst the dense fabric of myths, symbols and rituals surrounding Carlism, to ever anew reproduce and revive the organicist social imaginary reflected in the strident counter-revolutionary hymn, “For God, for country, for King fought our fathers. For God, for country, for King shall we fight, too.”⁴¹ The staying power of this thoroughly reactionary appeal served to siphon off creative potential away from the development of more “pragmatic” or “progressive” forms of Spanish Catholicism, hindering the emergence of a moderating, modernizing organizational subculture such as those that emerged via the mobilization of lay Catholics by the Church hierarchy in Germany, Belgium, or France. The vacuum of Catholic social organization in turn “reinforced the dependence of the Church hierarchy on state support,” contributing to an intensification of “the desire for identification between state and religion in the external manifestations of both institutions.” At the same time, the close identification between Church and State partly backfired, frequently reinforcing alienation from both, ultimately sealing a high dose of hostility towards the Church among large portions of the lower classes.⁴²

The emergence of working class hostility towards the Church would in turn further strengthen the anticlerical convictions of the urban middle-class liberal intellectuals. It is important to stress the material bases of this development, underpinning the diffusion of anticlericalism at the level of working class consciousness. As noted above, the confiscation of Church property led to major changes in the operation of the Church, which came to rely on state subsidies for survival. This situation of financial dependence upon the upper social strata in control of the state inclined the Church to be more supportive of these privileged strata.

Gunther and his collaborators draw the contrast in rather stark terms. In the eighteenth century, “a financially independent church served as an important levelling institution in Spanish society, often defending the interests of the poor and performing important educational and social welfare functions,” a point on which interpretations as ideologically diverse as the likes of Brennan, Payne, Cazorla, or Cuenca Toribio have all concurred. By contrast, “[w]ith the loss of its lands, and therefore its financial independence,” came a clear “decline in the church’s concern with the plight of the poor or the broader interests of the working classes.” This disengagement was quickly translated into disaffection and soon ripened into full-fledged hostility among large segments of the toiling masses – especially among the most severely dispossessed, the landless agricultural laborers in the South of the country, not to mention among the urban working classes as well, particularly in Catalonia.⁴³

An onset of successive outbursts or waves of anticlerical violence soon enough ensued, which served predictably to exacerbate the fears and paranoia of the privileged and the devout. The result – a polarization of sentiment along an increasingly unidimensional axis in which class and religious conflict came to be conceived as inextricably intertwined, a heated ideological climate in which

⁴¹ Jordi Canal, *El carlismo* (Madrid: Alianza, 2000), p.24.

⁴² Linz, “Tradition and Modernity,” op. cit., p.149.

⁴³ Gunther et. al., op. cit., p.54.

increasing numbers would eventually succumb to the Manichean temptation to glorify and identify entirely with one of the “two Spains,” while demonizing the other.

Reactionary, thoroughly “anti-modern” interpretations of Catholicism, on the one side, militant anticlericalism among the more liberal sectors of the bourgeoisie and the workers’ movement bleeding into even a sort of “anti-religious fundamentalism” amongst the anarchists, on the other, had percolated. Two existential enemies had been conjured into being, each of whose projected vices, deep-seated fears and unspoken murderous fantasies, in many ways mirrored the “other,” as such Manichean imaginings and constructions nearly always do.

The fall of the Restoration Monarchy in 1923, as a result of the severe social tensions and military crisis triggered by the country’s floundering colonial adventurism in Morocco, and the subsequent eight-year dictatorship of General Miguel Primo de Rivera, led to a certain consolidation of extremely high stake, life-or-death existential terms perceived and employed by both sides of the “two Spain’s” in struggle. The close identification of the Church with the dictatorship reinforced and ratcheted up hostility to the Church among the enemies of the dictatorship, thereby setting the stage for the anticlerical enthusiasm unleashed with the birth of the Second Republic.⁴⁴

Religion and Politics in the Second Republic

Throughout the period of the Second Republic, the fears and hostilities expressed by each side of the divide were mutually reinforcing and strikingly similar. For the anticlerical camp, Manuel Azaña most prominent among them, the Catholic religion was portrayed and perceived as the source of nearly all of Spain’s woes, looming behind virtually every “impediment and practical obstacle to the modernization” of the country, in a word, the “incarnation of anti-modernity.” Indeed, as we shall see, anticlerical ministers such as Azaña spoke passionately, eloquently, and openly about Catholicism as a “counter-revolutionary force” that needed to be thoroughly – even violently – “uprooted from the consciousness of the masses.” Likewise, the Catholic right came to see Republican secularising policies as manifestations of the “anti-Spain,” working to undermine and eradicate the very identity of the Spanish nation, since that identity allegedly could not be separated from the Catholic tradition. In their eyes, the Republican forces were not only “godless” but “without a country,” the expression and product of a “foreign cultural invasion.” As Gunther and his colleagues evocatively put it: “modernizing Republicans were called ‘Frenchified’, and the revolutionary Republicans were defined as ‘Bolsheviks’.”⁴⁵

Constitutional politics played a particularly destructive role in the bloody denouement of this antagonism. The democratic opening of the Republican period proved a failure in forging a stable third way or middle ground between the two existential foes; instead, moderates and middle-of-the-roads were increasingly pulled into the gravitational fields of diametrically-opposed extremes. But this was by no means a forgone conclusion, much less an instance of over-determination. To the contrary, there was plenty of contingency and especially political irresponsibility involved. Among these, Linz has famously emphasized strategic errors committed by the Republican leadership in framing the new democratic constitution. In particular, the substantive political agenda of anticlericalism was enshrined in the Republican constitution – and this “created deep resentments that mobilized large sectors of the population who had initially felt apathetic or expectant about the new regime rather than actively negative.”⁴⁶

⁴⁴ Linz, “Religión y política en España,” op. cit., p.431.

⁴⁵ Gunther et. al., op. cit., pp.55-56.

⁴⁶ Juan Linz, “From Great Hopes to Civil War,” in Juan Linz and Alfred Stepan, eds., *The Breakdown of Democratic Regimes. Europe* (Baltimore: The Johns Hopkins University Press, 1978), p.153. For a similar

According to Linz, the optimal constitutional scenario for facilitating democratic consolidation and regime stability is one that manages to incorporate as broad a coalition as possible. To achieve this often elusive end, it is most prudent to abstain from substantively-loading the founding constitutional document with controversial partisan-programmatic aims. Constitutional compromise is the best the policy; where impossible, silence or even apocryphal formulations compatible with vastly different programmatic interpretations or applications is advisable. The founding Republican coalition pursued neither such strategy with regard to the extremely divisive issue of the relations between Church and State.

To the contrary, the birth of the Second Republic “was linked closely with the triumph” of one side over the other, specifically, “of anticlericalism over the established Church” – predictably producing as a result “a drastic polarization of the religious cleavage.” As Gunther and his co-authors succinctly summarize, “the provisional government of 1931 indicated its anticlerical intentions even before the constituent process began.” Indeed, very soon after the abdication of Alfonso XIII in April, the provisional government “issued a series of decrees that in effect abrogated the Concordat of 1851.” Not surprisingly, these “provoked a strong reaction from Catholic forces,” crucially including the “publication of a pastoral letter by the primate of the Catholic Church praising” the by-then “defunct monarchy and urging Catholics to unite in defense of the Church.” As if impelled towards a spiralling dynamic of provocation and reaction, the new Republican authorities responded by expelling the primate from the country. Such official government policies were accompanied by “waves of anticlerical violence” which “swept the country in mid-May,” including the burning of convents.⁴⁷ These violent acts were perpetrated by small groups, but, as Linz points out, the Republican authorities were initially either unable or unwilling to stop them. This, alongside the provisional government’s effort to “secularize the society by decree” produced another counterpoint in the spiral of provocation and reaction, mobilizing “a mass Catholic reaction against the new regime.”⁴⁸ Throughout the regime’s first few months of existence, the tendency towards intensifying hostility and mutual suspicions never ceased to gain momentum.

Nor were the new Republican authorities successful during the constituent period in shoring up support amongst those who constituted in some ways the new regime’s “natural” constituency, the previously dispossessed workers and peasants. According to Linz, the “honeymoon of the new regime” – “a time that could have been used to promote policies creating a strong basis of support” – was virtually wasted. The Republican leaders were not adept at strengthening the bases of their support by setting the agenda in a way that magnified their appeal among their “natural” constituency of the lower classes. Rather than focusing their energies on pressing class issues such as agrarian reform, unemployment and underemployment, or the need to improve the financial capacity of the state, all of which stood to benefit tangibly the lower classes, the Republican coalition spent way too much time during its “honeymoon” wasting its political capital waxing eloquent about the urgency of secularization. It thereby confirmed the worst fears of and infuriated a most powerful opponent, without placating the crucial material demands and needs of the lower classes or the movements representing them. In Linz’s memorable formulation: “Once the immediate emotional gratification that [anticlerical] policies provided the regime-supporters had

interpretation, see also chapter six of Payne, op. cit. For a more recent and exhaustive analysis of the question of Church-State relations in the Republican period, very much in line with Linz’s argument, see Manuel Álvarez Tardío, *Anticlericalismo y libertad de conciencia* (Madrid: Centro de Estudios Políticos y Constitucionales, 2002).

⁴⁷ Gunther et. al., op. cit., p.55.

⁴⁸ Linz, “From Great Hopes to Civil War,” op. cit., p.153.

passed, they did not bring tangible benefits to the masses, and in fact appeared only as a bourgeois diversion from more immediate and pressing social demands.”⁴⁹

The debates of the Constitutive Assembly are particularly revealing of the prominence and passion associated with the issue of Church and state relations. In his classic account of the demise of the Republic and the Civil War, Gabriel Jackson would describe the issue as “[t]he most important conflict in the elaboration of the Constitution.” As the reader will recall, the Concordat of 1851 had recognized Roman Catholicism “as the official religion of Spain,” but the provisional government of the new Republic had almost immediately “proclaimed religious liberty by decree.” This proclamation would be consolidated and enshrined in the draft for Article 3 of the new Constitution, which “declared that the state had no official religion.” But this was not the crux of the issue. The Church of course vociferously protested against this measure, claiming it constituted a “unilateral violation of the Concordat;” but the formal separation of Church and state on its own might well have been negotiable. Indeed, Jackson insists that “a large proportion of Catholics themselves favoured it.” However, the anticlerical measures enshrined in the Constitution went much further than the formal separation of Church and state, and “critical dissension arose over the many restrictions that were to be placed on all aspects of the Church’s activity.”⁵⁰

Article 48, which established a single system of public state-run schools, was a matter of particular objection, since the Church had long enjoyed a near-monopoly over education. Meanwhile, the debate surrounding Article 26, which “terminated state subsidies to religious organizations and threatened religious orders with confiscation of property,” was perhaps the most vehement of all.⁵¹ Jackson refers to it as nothing short of “the first revolutionary conflict in the history of the young Republic.”⁵²

The intervention of Manuel Azaña in the debate on the floor of the Constitutive Assembly over Article 26 is illustrative of the force of intellectual rejection of Catholic dominance over Spanish cultural life, as well as the extent to which such dominance was blamed by anticlerical forces for the country’s political and economic secular decline among the ranks of “Great Western” nations.⁵³ In his rhetorically powerful speech, Azaña unequivocally identifies as simultaneously Spaniard and European in rendering a harsh verdict on the pernicious influence of the Counterreformation as the hermeneutic key for understanding Spain’s secular decline. The Black Legend contained a kernel of truth after all. The Counterreformation had forged negative and intolerant attitudes towards “modern culture” and “modern science.” And so, Spain’s Catholicism was ultimately to be blamed for its tragic descent from glory, its post-Imperial decadence, its relative backwardness. Nevertheless, there was hope for Spain still, since after all, Azaña would famously declare, “Spain has ceased to be Catholic.”⁵⁴

What could such an affirmation possibly mean? Azaña insisted that his judgment was objective. By using the very same criteria employed to characterize Spain in the past as Catholic, his argument

⁴⁹ Ibid., p.153.

⁵⁰ Gabriel Jackson, *The Spanish Republic and the Civil War, 1931-1939* (Princeton, NJ: Princeton University Press, 1972), p.48.

⁵¹ Gunther et. al., op. cit., p.56

⁵² Jackson, op. cit., p.48.

⁵³ Manuel Azaña was one of the emblematic politicians of the Republican period. Leader of *Acción Republicana*, he would serve as the Republic’s first Prime Minister after the resignation of provisional government’s Niceto Alcalá-Zamora in October 1931. Azaña would serve as Prime Minister until 1933, and again for a brief period in 1936. He would also be the second and last President of the Republic (1936-1939).

⁵⁴ Quoted in Linz, “Religión y política en España,” op. cit., p.433.

went, a dispassionate observer of the present would be forced to conclude that the country was no longer Catholic. Azaña readily admitted that in the sixteenth and seventeenth centuries, when Spain was “at the peak of its genius,” when it was “a creative and inventive people, it created a Catholicism in its own likeness and image.” But now, he proclaimed, “the situation is exactly the inverse.” While it is an undeniable fact that “for many centuries, speculative activity and European thought took place” within the parameters dictated by the One Holy, Catholic and Apostolic Church, it is no less true that this has not been the case for centuries. Indeed, for the past few centuries, “thought and speculative activity in Europe have ceased to be Catholic” altogether.

Here Azaña identifies with and draws on a European “civilizational” narrative, indeed wields it most effectively though no doubt infuriatingly for devout Spaniards. He pushes the point further, asserting hyperbolically that “all superior movements of civilization” have long been erected not only outside of but directly against Catholicism. Even more painfully for the ears of the devout, he would go on to mention, “in Spain, despite our diminished mental activity, Catholicism stopped being the expression and guide of Spanish thought last century.” Indeed, he would highlight, his point has nothing to do with the fact that there remain millions of believers in Spain. This he was more than willing to admit, he refused to dispute. Nevertheless, he would insist, the “*ser religioso* (religious being) of a country, of a people, of a society is not simply the numerical sum of beliefs or believers,” but rather, is constituted by “the creative force of its [collective] mind, the direction of its culture.” A provocative and eloquently-put point, no doubt, though disturbingly elitist.

From this quasi-metaphysical point of departure about the “religious being” of the country, its inextricable association with the currents of Culture with a capital C (a.k.a. European civilization), Azaña would turn to elaborate the principles, constitutional policies, and “organizational form of state” he regarded as appropriate “for this new historical phase of the Spanish people.” As he saw it, the constituent assembly had a dual obligation: an “obligation to respect freedom of conscience,” one the one side, which nevertheless had to be balanced with the obligation to keep the Republic and the State safe, on the other. Unfortunately, as the high drama and passion surrounding the issue reflected, the two principles necessarily come into direct conflict and collide, at least such was Azaña’s contention. The constituent assembly is thus forced to take a side; and the higher obligation must be upheld, which for “we, *laicos*, servants of the State and governing politicians of the Republic,” is most certainly “the principle of the health of the State.”

In a word, and in accordance with such a general ordering of principles, when it comes to the rights and status of religious orders, the criteria of “social utility and the defense of the Republic” trump. Azaña even employs the metaphor of the constituent assembly as a surgeon in this regard – a surgeon about to perform an operation on a man without anaesthesia, whose complaints about the pain of the operation are complicating things, threatening to render the procedure mortal. To which he would quickly add the warning, perhaps with a hint of malice – “mortal I’m not sure for whom, but mortal for someone.”

Moreover, with respect to the crucial issue of the role of religion in schooling, Azaña’s commitment to a militant, even exclusionary, secularism would come across unequivocally. According to Azaña: “[I]n no moment, at no time, will either I or my party allow for any legislative clause to continue to hand over to the religious orders the service of education. Just to be clear, he would continue: “I am very sorry; but this is the true defense of the Republic.” Indeed, the power of the religious orders over the consciences and consciousness of the youth is the “secret” behind the current state of decadence and backwardness in the country; and for this reason, “it is our obligation as Republicans – and not just as Republicans, as Spaniards” – to prevent at all costs the perpetuation of such a

travesty. As such, he would forcefully conclude: “Don’t come to me and say that this goes against liberty, because this is a question of public health.”⁵⁵

Juan Linz has elaborated a useful five-fold distinction mapping a universe of possible configurations of the relations between Church and State. Five points can be situated on a spectrum from (1) theocracy, to (2) politicized religion, to (3) a friendly separation of Church and State, to (4) an unfriendly separation of Church and State, to (5) a secular political religion.⁵⁶ Given his role as an emblematic figure of the Republic and especially his protagonism in the constituent assembly, Azaña’s speech renders abundantly clear that the separation between Church and State enshrined in the Constitution was far from friendly.

Azaña and his party were center-left Republicans. Notably, their main partners in the constituent assembly, the socialists, were initially loath to waste much energy on this issue, considering it a petit-bourgeois deviation from the real issues of “authentic class conflict.”⁵⁷ However, the socialists’ competition with the anarchist movement for the loyalty of the dispossessed caused them to adapt and to support their petit-bourgeois Republican allies’ anticlerical cause, so as not to appear soft on the clerics, whom the anarchists never ceased to vehemently condemn as bitter enemies whose final sacrifice was fast approaching, at the moment of impending revolution, when the reign of justice on earth (and thus the new secular political religion) was destined to commence.

The enshrinement of an unfriendly separation of Church and State in the Republican Constitution did not solve the issue; instead, as we have suggested, it served as a catalyst for the further deepening of the “clerical-anticlerical” divide, effectively alienating “a sizable segment of Spanish society from the new democratic regime at the time of its birth.”⁵⁸

During the constituent debates surrounding religion, one devout politician, among the minority in the constituent assembly, even called the Constitution “an invitation to Civil War.”⁵⁹ Perhaps more dramatically still, “[i]mmediately after the vote on Article 26,” the principle Catholic groups (the Agrarian, Basque, and Navarrese factions) all “stormed out of the chamber, accusing the Cortes of imposing a ‘violent and sectarian’ solution to the religious problem and thereby articulating a direct threat to the legitimacy of the new regime.” A sentiment reproduced almost exactly by the founder of the CEDA, Gil Robles, who would insist in no uncertain terms: “[R]eligious Spaniards ‘cannot accept this draft of the Constitution, and we declare ... that from the moment that a text of this kind is approved, we will proclaim the opening of a new constituent period.’⁶⁰

The Tragic Denouement of the Conflict between the “Two Spains”

The ascent of liberal, secular, modern European Spain over reactionary, Catholic, backward was destined to be temporary, and a tragic denouement of the Republican experiment with democracy awaited. Paul Preston makes the case persuasively – albeit with the benefit of historical hindsight –

⁵⁵ Ibid., pp.433-435.

⁵⁶ Juan Linz, “El uso religioso de la política y/o el uso político de la religión: la ideología-sucedáneo versus la religión-sucedáneo,” in José Ramón Montero and Thomas Jeffrey Miley, eds., *Juan J. Linz. Obras escogidas. Volumen 3. Sistemas totalitarios y regímenes autoritarios* (Madrid: Centro de Estudios Políticos y Constitucionales, 2009), p.587.

⁵⁷ Linz, “Religión y política en España,” op. cit., p.433.

⁵⁸ Gunther et. al., op. cit., p.56.

⁵⁹ Quoted in Gunther et. al., ibid., p.55.

⁶⁰ Quoted in Gunther et. al., ibid., p.55.

that the anticlerical bent of the constituent assembly ultimately played right into the hands of the oligarchic enemies of the Republic. In Preston's words:

"[T]he Republic's anti-clerical legislation would provide an apparent justification for the virulent enmity of those who already had ample motive to see it destroyed. The bilious rhetoric of the Jewish-Masonic-Bolshevik conspiracy was immediately pressed into service. Moreover, the gratuitous nature of some anti-clerical measures would help recruit many ordinary Catholics to the cause of the rich."⁶¹

In the wake of the military uprising in July of 1936, which would soon explode into a long and bloody Civil War, in the very first hours there was unleashed across most of the country an intense and violent, spontaneous persecution of priests and nuns, along with destruction of property, and burning and looting of Churches and convents, complete with elaborate ritualistic performances featuring the profaning of Church symbols. Such a phenomenon of spontaneous *clericide* was all too reminiscent of revolutionary Russia, and therefore all the more horrifying for the privileged and the devout, no doubt. Apocalyptic images and imagery, the rumours of which would be rapidly and ably exploited and the sacrileges magnified further in both range and recurrence by the propaganda machines at the disposal of the insurrectionist reactionary camp.

Even so, the propaganda machines didn't have to invent atrocities. In his excellent account of class culture and class conflict in Barcelona that includes the outset of the revolution, Chris Ealham provides a vivid description of the highly ritualistic and simultaneously spontaneous yet organized nature of the violent "creative destruction" that erupted in those fateful days in July. According to Ealham:

"Across almost all of Barcelona, the local revolutionary committees organised the initial offensive against the Church during the '*jornadas de justicia humeantes*' (or 'days of smoking justice') ... The destructive activity was centered principally around religious images and symbols used in mass. Many bonfires were organized by anticlerical crowds right across from the Churches, and religious images, paintings, and furniture such as the pews were burned. Even though some artistic treasures were destroyed, the profaning of murals and objects of art reflected the intense popular desire to eliminate what was perceived as the collective symbolism of an old, oppressive order."⁶²

Ealham is quick to point out that there was in fact a concerted effort by revolutionary committees to save valuable works of art; indeed, much of this art would be subsequently displayed in exhibitions for the public to view in revolutionary Barcelona. But be that as it may, the image of "smoking justice" all too easily played into and confirmed the very worst fears of the privileged and the devout. The Bolshevik demons of "anti-Spain" had risen up, as long predicted. What more proof was needed? The only solution, a Crusade to purge the country of its demonic enemies. And Crusade was the term that the reactionary camp explicitly invoked to legitimate its genocidal cause.

The term genocide is hardly hyperbolic here. Preston has documented in rigorous detail the extent of atrocities, even extermination, on both sides, but especially emphasises the long-denied, vastly asymmetric suffering of the adversaries and victims of the so-called Crusade, in his evocatively titled recent book, *The Spanish Holocaust*.⁶³

The Franco Regime and the Ideology of "National-Catholicism"

⁶¹ Paul Preston, *The Spanish Holocaust* (London: Harper Press, 2012), p.10.

⁶² Chris Ealham, *La lucha por Barcelona. Clase, cultura y conflicto 1898-1937* (Madrid: Alianza Editorial, 2005).

⁶³ Preston, op. cit.

The pendulum was thus destined to swing back again, this time perhaps decisively. The victorious Franco regime would reap ruthless vengeance against the sacrileges of the “anti-Spain,” and it would propagate and institutionalise a regime of “national-catholicism.” In both “its pronouncements and its legislation, the regime often referred to its Catholic inspiration.”⁶⁴

The logic and justifications entailed in these references strangely mirrored the arguments of their vanquished, secularist foe, Azaña. Such a “national-Catholic” inversion of Azaña’s diagnosis is evident, for example, in the words of Manuel García Morente, a known liberal who became a priest as a result of his experience in the Civil War. According to García Morente’s “national-Catholic” line of reasoning, if Spain was great during the sixteenth and seventeenth Centuries, this was as a result of its fervent commitment to the Catholic Cause. Therefore, if it wants to be great again, it needs to reaffirm that commitment. Indeed, in García Morente’s view, “the link between Catholicism and Spain is essential and consubstantial with the national person.” It would therefore be impossible to imagine a Spain without Catholicism. To break from Catholicism would require nothing less than breaking with the “Hispanic substance” of Spain. If such a break were to occur, “over the old ancestral home of the peninsula would live other men” – men who could not, “without abusing the term, be called Spaniards.”⁶⁵

Nor was national-Catholicism merely a matter of ideological justification; it was institutionalised in myriad ways, with concrete material effects.⁶⁶ Needless to say, the Franco regime not only “re-established the presence of religion in education,” but also “abolished divorce, authorized jurisdictions in marital cases to ecclesiastical courts, gave public funds to pay clerical salaries, and subsidized the reconstruction of churches and convents.” In addition, the symbols of the Catholic religion again came to dominate public spaces. Likewise, Church officials were present in positions of prominence in official government ceremonies, and the same was true vice versa. In sum, the state was practically converted, in many areas, into “the secular arm of the Church;” in exchange, *do ut des*, the church “contributed to the legitimation of the regime.”⁶⁷

Nevertheless, over the course of its four decades in power, the regime would preside over massive transformations in the Spanish social structure, transformations that were consubstantial with the definitive integration of the Spanish political economy into the core of global capitalism, a journey from semi-periphery to core. The revolutionary transformations in social relations that accompanied this journey, and the shifts in worldview that seem endogenous to the processes of urbanization and capitalist development in Europe, were striking and quick in a country that grew exponentially from the late fifties through the early seventies, which witnessed the birth of mass consumer society in Spain, and undoubtedly contributed to defusing the explosiveness of the clerical-anticlerical cleavage.

The pace of change in the country between 1950 and 1975 should not be underestimated. Indeed, it would not be an exaggeration to say that the transformations that took place between 1950 and 1975 in terms of social relations were so great that the Spain of 1950 was in most respects more like

⁶⁴ Juan Linz, “Opposition in and under an Authoritarian Regime: the Case of Spain,” in Robert A. Dahl, ed., *Regimes and Oppositions* (New Haven: Yale University Press, 1973), p.238.

⁶⁵ Quoted in Linz, “Religión y política en España,” op. cit., p.433.

⁶⁶ For a comprehensive account of Spanish Catholicism under Franco, See Guy Hermet, *Los católicos en la España franquista* (2 Volumes) (Madrid: Centro de Investigaciones Sociológicas, 1985, 1986). On the ideology of “national-Catholicism, see Alfonso Botti, *Cielo y dinero. Nacionalcatolicismo en España (1881-1975)* (Madrid: Alianza Editorial, 1992); as well as chapter seven of Payne, op. cit.

⁶⁷ Linz, “Religión y política en España,” op. cit., p.437.

the Spain of 1850 than the Spain of 1975.⁶⁸ With this came an unprecedented degree of secularization of Spanish society, despite and even in no small part because of the desperate attempts of the Franquist authorities to impose their reactionary interpretation of Catholicism on the Spanish public.

The position of the state remained strikingly constant in its zealous commitment to a reactionary interpretation of Catholicism throughout this period. However, the Church itself, spurred on by the progressive opening of the Second Vatican Council, underwent its own process of complex transformation, a veritable *examen de conciencia*, represented emblematically in the decidedly liberalizing posture of Cardinal Tarancón, who in 1973 came out with a forceful defense of “the plurality of political options that could be derived from faith and commitment to justice.”⁶⁹ In the same year, at a joint consultative meeting of bishops and priests, a majority voted in favour of a resolution that “challenged the interpretation of the Civil War as a crusade” that had been infamously defended during the war in a 1937 collective letter of Spanish bishops, for which an apology was offered along the following lines: “We humbly recognize and ask pardon for having failed at the proper time to be ministers of reconciliation in the midst of our people, divided by a war between brothers.”⁷⁰ The Spanish Church’s interpretation of the war had thus shifted, from Crusade to fratricide. It thus participated in the reconstruction of the terms of collective memory, position itself as an agent of reconciliation, a prominent voice in the articulation of a refrain that would emerge as hegemonic over the course of the transition – “never again.”

Religion and Politics in the Transition to Democracy

In large part as a result of such profound changes, and in striking contrast to the proclamation of the Second Republic in the thirties, by the seventies, the death of Franco and the transition to democracy were not experienced by the hierarchy and the clerics of the Spanish Church, much less the faithful, as a trauma. Nor was the democratic opposition keen to pick a fight on the issue of the relations between Church and state. Though Spanish society had experienced a deep secularization since the mid-fifties, the militant secularism of the republican period was not revived. A fact attributable not only, but also, to the direct involvement in the democratic opposition of individuals and organizations associated with the Catholic Church.

Spain’s transition to democracy was for a long time touted in the so-called literature on “transitology” as a model of successful elite-led, pacted transition to democracy, in no small measure thanks to the canonical interpretation of the process advanced by Juan Linz. In recent years, coinciding and certainly influenced by the profound disenchantment triggered by the ongoing economic crisis and response of austerity, this hegemonic narrative of the transition has come under considerable attack. According to these revisionist, neo-Republican critics of the transition paradigm and the so-called Regime of 1978, the pacted nature of the transition has seriously damaged the quality of democracy in post-transition Spain. The so-called “pact of forgetting” was once a source

⁶⁸ José Ramón Montero, “Las dimensiones de la secularización: religiosidad y preferencias políticas en España,” in Rafael Díaz-Salazar and Salvador Giner, eds., *Religión y sociedad en España* (Madrid: Centro de Investigaciones Sociológicas, 1993), p.176.

⁶⁹ Quoted in Linz, “Religión y política en España,” op. cit., p.450. On the significance of Vatican II in comparative perspective, see Jodok Troy, “‘Catholic’ Waves of Democratization? Roman Catholicism and its Potential for Democratization,” *Democratization*, 16:6, 2009: pp.1093-1114.

⁷⁰ Quoted in Linz, Linz, “Opposition in and under an Authoritarian Regime: the Case of Spain,” op. cit., p.239. Also in Payne, op. cit., p.201.

of pride, seen as emblematic of a definitive overcoming of the Manichean vision of the “two Spains.” It is increasingly challenged, rendered as emblematic not of reconciliation, but of impunity of so many implicated in the crimes of the regime. It is at the same time seen as symptomatic of a certain post-fascist and/or lingering national-Catholic mist continuing to cloud and distort the terms of collective consciousness in contemporary Spain.

Regardless of the normative optic one espouses on the transition, it would seem undeniable that the crafters of the 1978 Constitution understood their primary mission to be to avoid what they conceived as the “mistakes” of the past. The refrain of “never again” was certainly never far from their minds. Indeed, it conditioned decisively a willingness to compromise on virtually all sides. One of the historical “lessons” repeatedly invoked by Constitutional lawyers and political activists on nearly all sides was the need for consensus, the need to avoid a partisan constitution such as the Republican one at all costs. This time around, all sides consciously shied away from fanning those old sectarian flames.⁷¹

The result in term of Constitutional provisions for the relations between Church and state can be considered one of friendly separation. Like the Constitution of 1931, the Constitution of 1978 establishes a formal separation of Church and state. Article 16.3 explicitly establishes that “[t]here shall be no state religion.” Even so, as Linz has insisted, “the specific norms and above all the spirit with which this principle was introduced are fundamentally different.”⁷² This different spirit, a spirit of compromise, is clearly conveyed in the very next sentence of Article 16.3, which goes on to declare in terms that would have infuriated Azaña: “The public authorities shall take the religious beliefs of Spanish society into account and shall maintain the consequent relations of cooperation with the Catholic Church and other confessions.”

Not that this compromise clause was supported unanimously. Tellingly, the socialists would vote against it in the congressional committee, leaving it up to the communists to tip the balance in favour of compromise.⁷³ Nor would the Church remain entirely on the sidelines as a passive spectator throughout the constituent debates. Instead, as Bonime Blanc documents in her meticulous monograph of the Constitution-making process, the Church maintained certain privileges and prerogatives, foremost among them, the prerogative to be consulted on problematic “issues of morality traditionally within its ‘jurisdiction’.” These issues included, more specifically, “[c]lauses on freedom of religion, education, divorce and abortion were debated at length and were complicated by the extra-parliamentary involvement of the Catholic Church;” as well as a host of other “moral” topics as diverse as “whether or not to constitutionalize the death penalty, the granting of trade union freedoms and the protection of the individual against arbitrary state power.”⁷⁴

As was the case during the Second Republic, education was perhaps the most complex of these issues, since “it involved...decisions on both the overall role of the Catholic Church and of the state in

⁷¹ In this vein, Richard Gunther and Roger A. Blough quote one of the framers of the 1978 Constitution, the UCD’s José Pérez Llorca: “We have broken with the pendular reaction and with the temptation to rewrite history. The prudence of the political forces has made it possible to stop the pendulum in the center” (p.380). See Gunther and Blough, “Religious Conflict and Consensus in Spain: A Tale of Two Constitutions,” *World Affairs*, Vol. 143, no. 4 (Spring 1981), pp.366-412. Of the 8 ‘framers’ of the 1978 Constitution, 3 belonged to the center-right, governing UCD, one to the post-franquist AP, one to the Catalan Nationalist minority group, one to the socialist PSOE, and one to the Communist PCE-PSUC.

⁷² Linz, “Religión y política en España,” op. cit., p.459.

⁷³ Andrea Bonime-Blanc, *Spain’s Transition to Democracy. The Politics of Constitution-Making* (London: Westview Press, 1987), p.103

⁷⁴ *Ibid.*, p.95.

subsidizing and expanding public education.” Moreover, as noted above, the constitution-makers were “well aware of the emotional and socio-political implications of the subject,” and perhaps especially of the nefarious consequences of the precedent of anticlerical provisions in the Republican Constitution. The result was again an ambiguous formulation that nevertheless ensured that a significant “degree of Church involvement would remain.” Moreover, it was agreed that even in public schools, “religious instruction would remain an important subject.”⁷⁵

With regards to other issues within the Church’s “traditional jurisdiction,” the Constitution-makers chose not to answer potentially divisive questions about abortion and divorce in their founding document, preferring to leave it up to majorities in the legislature to decide.⁷⁶

Overall, as Bonime-Blanc concludes, “[t]he political-ideological behaviour of the Constitution-makers on the issue of church-state relations was as pragmatic as could have been expected.”⁷⁷ Which is not to say that significant partisan differences could not be detected. In fact, there were points of disgruntlement on both flanks. Whereas the PSOE “remained dissatisfied with Article 16,” on the grounds that it implied a “subtle confessionality of the state,” the Post-franquist *Alianza Popular* were concerned that the solutions reached on education failed to guarantee in sufficiently unambiguous terms a significant enough degree of continued Church involvement. Despite such observable differences, thanks in large part to the conciliatory posture of the communists, the hegemonic middle-ground of consensus generally held firm.⁷⁸

Religion and Politics in Post-Transition Spain

What has been the nature of Church-state relations in post-transition Spain? Without a doubt, they have remained much friendlier than during the Republican period. As Linz observed in the early nineties, though “the Church as an institution and a large number of practising Catholics have not completely rejected the past regime,” precious few truly “desire a return of national-Catholicism.” The Church has certainly registered its discontent with laws like divorce and even managed to successively block more than a limited legalization of abortion, though it never openly advocated their revision, at least until this past year, when the Church hierarchy and some lay activists were involved in an albeit failed attempt by the conservative government to introduce more restrictive limits on reproductive rights.⁷⁹ In a similar vein, more conservative members of the Church hierarchy were quite vocal in their opposition to the legislation on gay marriage before it was passed in 2005 by the Zapatero government; however, they have not been successful or for that matter even vocal in advocating its revision since.⁸⁰

By far the most conflictual issues in the post-transition period have surrounded the subject of national unity, not the matter of relations between church and state. Because regional-nationalist movements themselves enjoy tight relations with the Catholic Church, the salience of the national question has not worked to revive the intensity of the old-clerical-anticlerical divide. Recent periods of PP electoral hegemony, in combination with the diffusion of conservative radio talk shows on

⁷⁵ Ibid., pp.95, 104.

⁷⁶ See also Gunther and Blough, op. cit.

⁷⁷ Ibid., p.104.

⁷⁸ Gunther and Blough, op. cit., p.380.

⁷⁹ Linz, “Religión y política en España,” op. cit., p.464.

⁸⁰ See Bonnie N. Field, “A ‘Second Transition’ in Spain? Policy, Institutions, and Inter-party Politics under Zapatero (2004-2008),” in Field, ed., *Spain’s ‘Second Transition’? The Socialist Government of José Luis Rodríguez Zapatero* (London: Routledge, 2013), pp.1-20.

Church-sponsored channels, have nevertheless no doubt led to more pronounced partisan divisions between practicing Catholics and believers versus non-practicers and nonbelievers, certainly more salient than in the not-too-distant past. But a repetition of Republican-era levels of polarization along this axes seems extremely unlikely, indeed even less likely than along the axis of class. Only the issue of the unity of the nation these days seems capable of still mobilizing and polarizing masses, and on that issue devout Catholics from different parts of the country profoundly disagree.

The past two decades in particular have witnessed a demographic transformation, an unprecedented onset of international migration that includes significant numbers of Muslims from Morocco, a country with whom Spain has a deep and conflictual colonial past.⁸¹ Which raises a whole host of very old and simultaneously very new questions for the relations between Church and state in Spain. The space of *Al Andalus* in the collective memory and imagination of a global Islamic community demonized and increasingly politicized in reaction to the ongoing Orwellian War on Terror, in which the Spanish authorities and successive governments have been complicit, on the one side, combined with anti-Islamic perceptual schema with deep historical roots in the Spanish past, on the other, makes for a potentially explosive conflict, to say the least. One that has exploded once already – in Atocha, in 2004.

Though xenophobic and Islamophobic backlash have thus far remain muffled. Tellingly, the conservative party attempted to manipulate the bombing for its electoral advantage by blaming it on ETA; but as it became clear that the culprits were alienated Moroccan migrants inspired by Al Qaeda, the electoral dynamic unleashed was one that did not cut in a reactionary direction; to the contrary, it rendered accountable the conservative party for Aznar's highly unpopular decision to participate in the criminal invasion of Iraq, helping to catapult Zapatero's socialists into office for two terms.⁸² The PP would not return to power until 2010, after the outbreak of the economic crisis and the onset of a bipartisan-sanctioned austerity regime, which has entailed painful cuts to social rights that have in turn provoked a great deal of damage to all the established parties in Spain's party system.

Thus far, however, no significant xenophobic, right-populist parties have surfaced. What's more, the PP has even refrained for the most part from playing the demagogic, Islamophobic card. But the potential is there, especially if we are to judge by the diffusion across the country of neighbourhood campaigns against the opening of mosques.⁸³ Here the ambiguous formulation of Article 16.3 may yet come in handy in ways perhaps unimagined by the drafters of the Constitution – since the mandate “to take the religious beliefs of Spanish society into account” and to “maintain consequent relations of cooperation with the Church *and other confessions*” should obviously extend to and

⁸¹ See Francisco Diez de Velasco, *Religiones en España: Historia y Presente* (Madrid: Akal, 2012); Francisco Diez de Velasco, “The Visibilization of Religious Minorities in Spain,” *Social Compass* 57(2), 2010: p.235-252; Héctor Cebolla Boada and Amparo González Ferrer, *La inmigración en España (2000-2007)* (Madrid: Centro de Estudios Políticos y Constitucionales, 2008); and Ana I. Planet Contreras and Jordi Moreras, *Islam e inmigración* (Centro de Estudios Políticos y Constitucionales, 2008). For treatments of religious diversity in Spain in regional context, see the publications of the *Fundación Pluralismo y Convivencia*: http://www.pluralismoyconvivencia.es/publicaciones/materiales/coleccion_pluralismo_y_convivencia/index_1.html.

⁸² See Robert Fishman, “On the Continuing Relevance of the Weberian Methodological Perspective (With Applications to the Spanish Case of Elections in the Aftermath of Terrorism)” *Kellogg Institute Working Paper #317* (February 2005) <https://kellogg.nd.edu/publications/workingpapers/WPS/317.pdf>; and Ignacio Lago and José Ramón Montero, “The 2004 Election in Spain: terrorism, Accountability, and Voting,” *ICPS Working Paper #253* (2006) <http://www.icps.cat/archivos/Workingpapers/wp253.pdf?noga=1>.

⁸³ Avi Astor, “Memory, Community, and Opposition to Mosques: the Case of Badalona,” *Theory and Society*, Vol. 41, Issue 4, July 2012, pp.325-349.

therefore provide a Constitutional basis for guaranteeing constitutional recognition, respect, and protection for Spain's minority Islamic community from the tyranny of a Catholic-cum-secular majority.

Conclusion

The trajectory of Spain as traced in this article has been characterized by pendular swings in ideological struggles amongst and against different institutionalized configurations relating Church and State. Over the course of the nineteenth and early twentieth centuries, the country witnessed a process of polarization between a right committed to the re-trenchment and propagation of a politicized, reactionary and authoritarian brand of Catholicism, on the one side, and a militant secularist center-left and revolutionary left, on the other. This ideological struggle constituted a major social cleavage that pit advocates of politicized religion against advocates of militant secularism, and worked to inhibit the construction of the "twin tolerations" between secular and religious institutions and authorities required for democratic stability.

State policies did not only reflect but also served to exacerbate ideological divides over religion. In the democratic experiment of the Second Republic, constitution-makers played a nefarious role in this regard, by pursuing and enshrining a partisan secularizing agenda into the constitutional order. Indeed, as Alfred Stepan has argued, the separation of Church and State entrenched in the 1931 constitution ranks alongside that of the 1905 French Constitution as one of the two most "hostile" such separations in the history of Western Europe.⁸⁴ Such hostile separation contributed directly to political polarization, the breakdown of democracy, and the tragic denouement of Civil War.

The unfriendly separation of Church and State institutionalized by the republican regime would be succeeded by a subsequent pendular swing in the direction of politicized religion, which would be institutionalised by the much longer-lasting Franquist project of "National-Catholicism."

Only after the death of Franco and the transition to democracy would the "twin tolerations" finally triumph. In the post-transition constitutional order, a relation of "positive accommodation" of Catholicism alongside a friendly separation between Church and State would be institutionalized.

The Spanish case thus highlights both the difficulty and the importance of the task of constructing the "twin tolerations," while demonstrating decisively that such difficulties are not exclusive to the non-Western world. The main protagonists and high dramas of Spanish politics up until quite recently were characterized instead by a "twin intolerance." Tolerance was long stifled on both sides of Spain's clerical-anticlerical divide, the extreme flanks of which successfully fed off one another. Toleration was effectively drowned out, swept away in ever-expanding waves of polarization between clerical and anticlerical forces.

By now, however, the "twin tolerations" are firmly entrenched. Even so, as is happening across much of the rest of Europe, old debates about religion and secularism are taking on renewed salience in Spain. These old issues are become increasingly interwoven with "new questions about the scope and limits of a multicultural and multi-ethnic society," especially with respect to the recent growth of Spain's Muslim minority community.⁸⁵ Spain's current constitutional order provides potential resources for accommodating the new yet very old challenge posed by the presence of

⁸⁴ Alfred Stepan, "Religion, Democracy and the 'Twin Tolerations'," *op. cit.*, p.42.

⁸⁵ Philip Schlesinger and François Foret, "Political Roof and Sacred Canopy? Religion and the EU Constitution," *op. cit.*, p.64.

Islam in Spain. However, perceptual schema and deep prejudices inherited from the past and propagated in the present against the backdrop of the global “war on terror” continue to work to effectively exclude Muslims from incorporation into the horizons of imagined belonging to the Spanish body politic.