

The Spanish Socialists' “Blackguard” Law

Ida Mett

1931

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Are the socialists still democrats?

I recall a piece of graffiti that I read some years back on the wall of the Butyrki [prison] in Moscow, an inscription made a young female Russian Menshevik who had passed that way before me. It read: "Worker, democracy is the path for you."

That was during the icy winter of 1924. Right after Lenin died. The echoes of the recent Party discussions still hung in the air in Moscow. We were still young and the matter troubled us ...

That young Menshevik woman must, no doubt, have been banished to Siberia; would she still have been able to credit that one day her counterparts in other socialist parties would poke fun at "the path of democracy"?

Even as Russian socialists are still preaching the need for democracy, their counterparts in Spain have, without a word of objection or amendment, voted through the "Law for the Defence of the Republic" which, at the stroke of a pen, cancels all the most elementary democratic provisions to be found in any republic or bourgeois monarchy.

Here is the text of it, complete and verbatim:

ARTICLE FIRST

The following are to be deemed acts of aggression against the Republic and, as such, subject to the present law:

Incitement to disobedience of the laws and legitimate dispositions of the authorities.

Incitement to indiscipline or provocation of antagonism between different parts of the army, or between the latter and civilian organizations;

The spreading of reports which might threaten the credibility or disrupt the peace or public order.

Direct or indirect provocation or incitement to commit acts of violence against persons, things or properties on religious, political or social grounds.

Any word or act indicative of contempt for the institutions or organizations of the State.

Advocacy on behalf of monarchist rule or persons representing it, the displaying of emblems, insignia or distinguishing signs alluding to said regime or persons.

Unlawful carrying of firearms and possession of banned explosive substances.

The suspension or shut-down of industries or any sort of works without adequate reasons.

STRIKES NOT NOTIFIED 8 DAYS IN ADVANCE, UNLESS THE SPECIAL LAW HAS PROVISION FOR SOME OTHER PERIOD OF NOTIFICATION; STRIKES UNLEASHED ON GROUNDS OTHER THAN LABOUR ISSUES, AND THOSE WHICH HAVE NOT FIRST BEEN SUBJECTED TO ARBITRATION OR COINCILIATION.

Unjustified variations in crop prices.

Lack of enthusiasm or negligence on the part of public officials in the performance of their duties.

ARTICLE II

Those directly responsible for the actions listed in paragraphs 1 to 10 of the foregoing article, as well as any who may have incited them, shall be liable to DEPORTATION or BANISHMENT for a period not greater than the lifespan of this law, or hit with fines up to a maximum of 10,000 pesetas. Furthermore, depending on the circumstances, whatever may have been used in the commission of these things shall be confiscated or impounded. Those found guilty of the actions outlined in paragraph 11 shall be suspended from or deprived of their posts, or be downgraded.

ARTICLE III

The Interior minister is authorized to:

BAN PUBLIC GATHERINGS OR MEETINGS OF A POLITICAL, RELIGIOUS OR SOCIAL CHARACTER WHEN, BECAUSE OF THE CIRCUMSTANCES, THERE IS AN EXPECTATION THAT FOR THEM TO PROCEED MIGHT RESULT IN A BREACH OF PUBLIC PEACE.

DISSOLVE CENTRES OR ASSOCIATIONS DEEMED TO INCITE THE COMMISSION OF THE ACTIONS LISTED UNDER ARTICLE 1 OF THIS LAW.

Scrutinize the accounts and look into the origin and distribution of funds belonging to any organization listed under the law on associations.

Order the confiscation of weapons of any sort and of explosive substances, even those lawfully held.

ARTICLE IV

Implementation of the present law is entrusted to the MINISTER OF THE INTERIOR.

In the implementation of it, the government may appoint special delegates whose jurisdiction will cover two or more provinces.

If, come the dissolution of the Constituent Cortes, the latter fails to prorogue this law, the understanding shall be that it thereby done away with.

COMPLEMENTARY ARTICLES

The administrative arrangements set out in this law are no impediment to enforcement of the sanctions laid down in the criminal law.

Individuals liable to one of the sanctions cited above shall be granted the right to appear in their own defence before the Interior minister within the space of 24 hours, and associations that of appearing before the Council of ministers within 5 days.

Could not be any clearer. Such are the “full powers” accorded to the police. Such is a full-blooded regimen of “administrative justice”. No trials, no publicity, just a post facto appearance behind closed doors in front of the Interior minister, the supreme chief of police and any citizen is liable to be “deported”, meaning shipped off to some island or faraway colony, or banished. And all of it for an indefinite period, for however long the law remains in force.

And for what offences? The law could have skipped the listing of them since the absence of all notification, all grounded findings, relieves those who will be determining the sentence from having to furnish the slightest justification. In fact, all whom the minister might feel like deporting or banishing are to be liable to deportation. The list in Article 1, however, does have this

going for it: that it shows against whom in particular, this law is intended to be enforced: against strikers (Articles 1 and 9). Against workers who may not have been willing to deliver their strike up in advance to defeat, by giving the employers eight hours' prior notification; against those who may have refused to surrender their demands to the whims of some arbitration panel; against those who may have seen a strike as their response to acts of government violence. Strikers are to be deported (Article II) and their unions disbanded (Article III, item 2).

Freedom of assembly itself is abolished entirely. Indeed, it will take only "reasons of circumstance" for the minister to "expect that ...etc." and for the gathering to be banned from taking place (Article III, item 1).

This is what the Spanish socialists have voted through!

HOW COME?

The Spanish Socialist Party had its entire parliamentary party vote for this law, a law under which any workers' organization at odds with the government can be outlawed immediately.

How come?

The Spanish Socialist Party claims that it is out to defend itself against monarchist and clericalist personnel.

Let us for the moment accept that that is its sole purpose.

Now let us ask ourselves whether real democrats are allowed to resort to emergency laws and carry out arrests on the say-so of the administration, without trials, without witnesses, without open and regular defence, and all for the protection of ...what? Democracy!

In which case, how come the Russian Mensheviks have been so vigorous in their protests against the Cheka and the GPU when the latter assuredly started out with protection against the right as their purpose? True, there has come to pass the queer circumstance that "defence against the anti-soviet parties" was a phrase devised by the Menshevik Dan before October and was employed by the Cheka after October. It did indeed start out by sweeping aside the right, only for the GPU to finish up pouncing on the left.

But the Spanish socialists do not have the Cheka alibi to plead for the law that they have just passed is, as of right now and as its wording demonstrates, directed primarily – if not exclusively – against the left, which is to say, in the current circumstances in Spain, against the National Confederation of Labour (CNT).

Bedazzled by this slick way of destroying the CNT's unions, these wretched Spanish socialists forget that, tomorrow, if not this very day, that law is liable to be turned on their own unions, as indeed is already the case in the more backward provinces.

But what part is played in all this by the poor democracy that is talked about everywhere but implemented nowhere?

THE FOREIGN SOCIALISTS' STANCE

How have the socialist parties elsewhere reacted to this "democratic" act?

People, the mouthpiece of the Belgian Workers' Party, has had the effrontery to be less than fulsome in its disapproval of the law. This is what it has had to say of Azaña, the [Spanish] prime minister: "In his haste to protect the Republic, he has gone a step too far and any socialist will be

reluctant to admit a ban on any political strike as well as any demonstration of hostility towards the institutions of the State”, but *Peuple* fails to mention that its brothers-in-ideas have, without exception, voted for this law. Furthermore, when a conference on the Spanish revolution was held in Brussels recently, the rapporteur Piérard, one of the leaders of the Belgian Workers’ Party, was fulsome in his praises of “Spanish democracy”, without saying a word about the “defence law”. True, he was critical of the young republic, but that was with regard to its “unduly radical” policy towards the Church!

Nor have we seen any vigorous objections raised by the French socialists; are they in agreement with their Spanish counterparts?

Finally, what will the Italian socialists say when they have particular grounds for being sensitive on that front! Whilst they may not have protested at the voting through of this law by the parliamentary Socialist party in the Cortes, are they not at least going to react once they learn the latest reports to the effect that three Italian antifascists, Bidoli, Cuffini and Delanté, having gone to Spain after they had been expelled from everywhere else, were dumped on the Portuguese border pending extradition to Italy and are presently, courtesy of Señor de los Ríos, the socialist Justice minister, in Mussolini’s clutches?

Is this the sort of democracy for which Matteotti died? And that young female Russian Menshevik, why should she be growing old in the wastes of Siberia or Turkestan?

Do socialists hold democracy as a principle, or is it merely a slogan for reeling in simpletons?

That question we pose to the leaders of the II International, but we should primarily like socialist workers to ponder it.

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PS – This article had just been completed when we found out that this “emergency” law which initially had been meant to live no longer than the Constituent Cortes, has just been written into the Constitution! This is such an enormity that in the absence of the socialists, those eager champions of arbitrary rule and administrative “justice”, some bourgeois jurists have spoken out. The Procurator of the Republic, no less, has cast his vote against the Constitution for this very reason and therefore been obliged to resign his post.

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