

## Contesting Silence, Reclaiming Historical Memory in Contemporary Spain

In 2007 several groups of families and associations submitted the cases of victims of Francoist violence to the Spanish National Court (*Audiencia Nacional*). A year later, in 2008, Judge Baltasar Garzón, who had become well-known internationally for the extradition of Augusto Pinochet in 1998, declared himself competent to investigate these complaints. Some of these cases included those of victims, which had been arrested and killed in extrajudicial executions and buried in mass graves during the Spanish Civil War (1936–1939). Others spoke of victims who had been killed in executions by firing squad resulting from death sentences in summary trials in the immediate postwar period. The complaint concluded that over 113,000 people had been killed in actions away from the battlefield—though, as many authors have argued, these crimes continued until the end of the Franco regime in 1975 (see Aguilar 2013). The judge’s investigation became a landmark event because, for the first time, a Spanish court accepted cases connected to the violence perpetrated against Republicans in the period that spanned from 1936 to 1952. Moreover, the proceeding openly challenged the long-established Amnesty Law of 1977, which, during the transitional period to democracy and after Franco’s death, granted freedom to left-wing political prisoners but provided full impunity to Francoist crimes (Aguilar and Ferrándiz 2016). Drawing from international human rights law, Garzón qualified these crimes as acts of enforced disappearance in the framework of crimes against humanity

(Ferrándiz 2010; Closa 2013; Golob 2008; Escudero 2014), arguing that amnesty could not be applied as long as the bodies of the victims remained unfound (Closa 2013, 462).

Garzón's investigations were soon truncated. In 2009, the Director of Public Prosecutions of the National Court, accused the judge of overstepping his authority to conduct the inquiry and, in 2010, Judge Luciano Varela, from the Supreme Court, began a formal proceeding to trial the magistrate. In 2012, the Supreme Court judged Garzón on the ground of prevarication when pursuing the examination of Francoist crimes. The accusation had been promoted by the far right groups *Manos Limpias*, *Libertad y Dignidad* and *Falange Española y de la JONS*—the party that governed Spain during the Franco regime. The trial was tense, as it brought the heirs of different ideologies connected to the conflict to the same public arena. Nevertheless, it opened a new public forum where relatives of Republican victims, activists and also historians would testify to Francoist crimes for the first time since the Civil War ended in 1939. Witnesses of the defence, from second and third generations described the way in which their relatives had been detained, how they had been killed and, if they knew, the place where their bodies had been buried. In their testimonies, they coincided on the motivations to submit their complaints to the Spanish National Court: to press for an official investigation into Francoist crimes and to make these crimes known to the rest of society (*para que se sepa lo que pasó*). These collectives did not only campaign for the search for, location and exhumation of the corpses buried in known and unknown locations. They also demanded the dissemination of their stories of violence publicly and the recognition of these crimes by the Spanish state and judiciary.

Since the first exhumation occurred in the year 2000—organized and led by civil society groups—a more extensive *movement for the recovery of the historical memory* has emerged, which has broken with the silence that existed in public and official milieus about past Francoist crimes. During the Franco regime, crimes committed by Republicans were investigated and trialled, with thousands of suspects sentenced to life imprisonment or death. Judicial procedures such as the *Causa General* (General Cause)—discussed later on—would compile detailed information about Republican suspects and constitute an archive to carry out the repression against the country's presumed left-wing enemy. The regime would provide Francoist victims with compensations and symbolic

reparations, enabling, on many occasions, the search for, exhumation and commemoration of those who were killed by Republicans. Conversely, the mass graves of those who endured Francoist violence would remain untouched and the suffering of their families would be relegated to a private and secretive milieu. In the transitional years, as some have noted, a pact, which some have termed of silence or *pacto del olvido*, was forged between Francoist political elites and the new opposition (Aguilar 2008a), with the aim to leave the war past behind in order to attain a much awaited democratic order. This would further place the stories of Republican survivors in a marginal social space. Decisions such as the Amnesty Law of 1977; the scarce economic and symbolic reparation measures given to those who lost the war (Closa 2013; Aguilar 2008b); or the lack of an official exhumation programme to help to return human remains to Republican families rendered their experience imperceptible nationwide (Labanyi 2009).

When in 2012, Garzón was trialled, the stories of the victims of Francoist violence became the subject of strong media and political reactions worldwide, which translated Republican experiences into the language of international human rights discourses. During the trial, for example, Amnesty International stated that it was “scandalous that a magistrate was being judged for investigating human rights violations” (Lázaro 2012). The United Nations Human Rights High Commissioner, moreover, declared that “amnesty should not be provided to those responsible for crimes against humanity” (*El País* 2012). Despite the pressure exerted from international circles and the energetic backing that historical memory associations provided to Garzón nationally, in 2012, the Supreme Court dismissed the judge on the basis of a different wiretapping case for which he was also being trialled. As Rafael Escudero has observed (2014, 124), in Decision 101, in which the Supreme Court considered the authority of Judge Garzón to inquire into Francoist crimes, though the Court declared the judge not guilty of the charge of prevarication, it firmly ascertained the impossibility of inspecting “gross violations of human rights committed from 1936 to 1952” in Spain. On the one hand, the Court reminded that the Amnesty Law of 1977 was a fundamental pillar of Spanish democracy that impeded the judgement of these crimes in the present. On the other, according to Escudero (*ibid.*), the Court also argued that it was “legally impermissible to investigate disappearances with respect to which ‘the right to know the historical truth is

not part of a criminal process.” With this statement, the Supreme Court confirmed its unwillingness to facilitate an investigation into Francoist violence, shattering the expectations of relatives and historical memory associations, and turning its back to the recommendations of international organizations.

The decision of the Supreme Court revealed the strenuous relation that the judiciary and other state institutions—as discussed later on in this chapter—have, still today, with the Civil War past and the dictatorship. In this complicated interplay, the figure of the missing, of those killed and buried in mass graves during and after the conflict, has become central to the mobilization of new legal, political, scientific and historical claims. Since the year 2000, the corpses of these left-wing Republican have been the subject of media reportages, academic study, literary writing, films, legal debates, scientific reports, political campaigns and commemorative events. Anthropologist Francisco Ferrándiz (2011, 532) has argued that the return of these bodies to the Spanish public realm is deeply marked by their “*radical anachronism*,” as they reappeared in a society profoundly transformed by ongoing globalising and technological processes (ibid.). In Ferrándiz’s words, they have erupted in a kind of “late modernity,” characterized by the fast-spreading and immediate flow of information of a more complex and interconnected knowledge society. Their ubiquitous presence has thus prompted the emergence of new social meanings around their past, present and future, and pushed for the reconfiguration of politics and the law in local and national contexts.

### SEARCHING FOR THE RECOGNITION OF FRANCOIST CRIMES

In October 2000, Madrid-based journalist Emilio Silva travelled to his father’s village, Pereje, in northwest Spain, to gather information about the effects of the war in the area as part of a book he planned to write. Sixty-one years had passed since the end of the war, when Silva visited his grandmother’s village with a special interest in collecting the stories of the people who, fearing death, had to flee the place and seek refuge elsewhere (other villages, other towns still under Republican rule, other countries) at the wake of Franco’s military uprising. As Silva would recall later in one of his books (see Silva 2003), his own grandmother was one of the people forced to leave her house with her six children, after her husband had been executed with twelve other men in the nearby village of Priaranza del Bierzo, in 1936, in the region of Castilla y León.

The investigation into the stories of other people led Emilio to stumble upon the story of the life and death of his grandfather, Emilio Silva Faba. In *Franco's Mass Graves* (2003), Silva retells how his encounter with a friend of the family, Arsenio—a communist militant who had experienced the severe repressive reality of postwar prisons and helped him to find witnesses to the killings—marked a turning point for his search into the history of the area and into his own family's past.

After he had lunch with him one afternoon, he reminisces, “there was a moment when he told me something about the place where my grandfather's body had been abandoned and buried with twelve or thirteen other men. He also told me how they killed him and who could have been responsible for his death” (Silva 2003, 23). That day, as Silva describes, a last minute change of plans in his interview schedule led both men on the search for the mass grave where his grandfather and the other men were buried. Hours later, and after travelling around different villages and towns—to clandestine burials and cemeteries—asking elders about the existence of the mass burial, the two friends found the person who would tell them where the site was. Soon, after so many years, they would be confronted by it in person. The man pointed Silva towards a tree near the crossing of two roads. “I felt an immense emotion”, writes Silva, “I walked to the tree and rested my hands on its trunk, as if in that way I could communicate with those men” (Silva 2003, 25). After locating the site, Emilio Silva and his uncle Ramón initiated the process of recovering the remains of their relative and the other corpses in the mass grave. Following an appeal to the village local authority, they received help from the town hall and soon obtained the consent of the owner of the property.

Driven by the intention to find other families who could have relatives buried in the mass grave, Emilio Silva wrote an article in the local newspaper *Crónica de León* entitled “My grandfather was also a disappeared” (*Mi abuelo también fue un desaparecido*). In it, Emilio retold the story of the detention and murder of his grandfather and expressed his intention to open up the mass grave. The article proved successful, as it allowed Emilio to find other relatives of the men in the mass grave. It also, however, raised awareness of the reality of these deaths, in a landscape of noncommittal political views around the remembrance of the war. Some authors have remarked that, throughout the decades of the 1980s and 1990s, the memory of the war, recalled publically as part of the 50th and 60th anniversaries of the conflict, was mainly imbued with

the strong messages of reconciliation and consensus over the past that formed at the core of the transitional process. Gálvez Biesca (2006, 33), for instance, has called the period from 1982 to 1996, when the Spanish Socialist Workers' Party (PSOE or Socialist Party from now on) governed the country, as the years of the "great silence" and of the "non-memory," for the question of the victims of the Civil War and the dictatorship disappeared from the party's political agenda (ibid.). In 1996, the ascent of the right-wing to the government stirred the memory of past events, making history an active tool available for political action. With the election of the conservative Popular Party (PP from now on)—some of whose members had held positions during the Franco regime—the recognition of Francoist violence became a recurrent theme in the political motions of the left-wing opposition (Humblebaek 2004).

The recovery of the human remains of Emilio's grandfather and the twelve other men buried with him in Priaranza del Bierzo made the claims for acknowledgement gain further momentum nationally and prompted an unprecedented search for the human remains of the Republican missing. Many have argued (Ferrándiz 2014, 2010; Golob 2008; Gatti 2016; Rubin 2014; Fernández Mata 2007) that this new interest in addressing the past was also entangled with broader human rights discourses and practices, which circulated transnationally at the end of the twentieth century. Among these scholars, Stephanie Golob (2008, 133) has spoken of how the development of a transitional justice consciousness worldwide, used as democratizing tool in the aftermath of conflict, also impacted on the emergence of new human rights debates in Spain. Golob (ibid.), moreover, identifies the extradition order that Judge Baltasar Garzón issued on 1998 against Augusto Pinochet, as a definitive event that "thrust Spain into the international spotlight as the very site of the globalisation of justice." The process that Judge Garzón initiated, implemented universal jurisdiction for crimes against humanity, triggering the possibility of trialling Pinochet and promoting truth-seeking in Chile. This, had also a direct effect on the collectives that began to pursue the recognition of Republican victims in Spain at the end of the 1990s, as many questioned why the Spanish judiciary had not initiated a similar procedure to investigate the human rights violations that had taken place during and after the Civil War in Spain.

In an interview with scholar Jo Labanyi (2008), Emilio explains how the Pinochet event had certainly influenced him. Reflecting back to the article he wrote in the *Crónica de León*, Emilio describes to Labanyi how

his newspaper piece had aimed to show that in Spain, as in Chile, there were also “disappeared” (*desaparecidos*), for whom neither the judiciary nor the state had ever taken responsibility (Labanyi 2008b). In this way, as some have noted (Ferrándiz 2014; Rubin 2015; Gatti 2016), Emilio’s article connected the Spanish Republicans killed and buried in mass graves, to the global category of victims, which emerged in relation to the crimes of enforced disappearance committed, in the ’70s and ’80s, in conflicts throughout the Southern Cone. More concretely, Ferrándiz (2014) and Rubin (2015) have noted how the word “disappeared” in the title of Silva’s article resonated strongly with the experiences of victims in Argentina, where the term *desaparecido* referred to the abduction, confinement and disappearance of left-wing militants by the military *Junta* that ruled the country between 1976 and 1983. In this regard, Gabriel Gatti (2016) has further argued, when tracing the circulation of the term from Argentina to Spain, that the reference to the “disappeared” in Spain helped to legitimize the experiences of victims of Francoist violence, who had never been recognized as such before. In so doing, the category of “disappeared” placed those affected by Franco’s violence in a global community of mourners (ibid.) and connected their suffering to that of others across post-conflict milieus.

At national level, the use of the term “disappeared” was further reinforced as more exhumations began to take place in other areas and a community around the Republican killed started to emerge. Faced with the demands of multiple families, who had also relatives buried in mass graves, Emilio created, together with Santiago Macías, a writer and activist, the *Asociación para la Recuperación de la Memoria Histórica* (Association for the Recovery of Historical Memory—ARMH from now on) in the year 2000. Two years later, in 2002, moved by the international media attention and an increasing need for logistic support, the association decided to take the case of Spain to the High Commissioner of Human Rights in the United Nations to demand the investigation of cases like Emilio’s grandfather’s killing by the Spanish state. After consulting with Spanish high profile human rights lawyers who had overseen claims of a same nature in Chile and Argentina, Emilio and the association compiled the cases of 75 Spanish families and a list of North American *brigadistas* who died fighting in the war—provided by the Lincoln Brigade—to present them to the UN Working Group on Enforced or Involuntary Disappearance (WGEID) at the end of that year (see also Silva 2003). As Silva recounts, the intention behind this move

was to “make the problem international” (Silva 2003, 117), to increase pressure on the Spanish government and invoke their responsibility to implement an active memory politics before the United Nations. At the same time, the move exposed these cases, for the first time, to an international organization and further framed them within international definitions of enforced disappearance.

The international dimension that these cases acquired in the context of a potential UN inquiry, prompted the organization of other associations at national level, such as the *Federación Estatal de Foros por la Memoria* (Forum for Memory—Foro from now on), formed by various groups linked to the Communist Party. It also triggered the creation of regional associations and groups in places such as Extremadura or Valladolid (Labanyi 2008), and progressively all around the country. As Rubin (2015) has observed, identifying the Spanish Republican missing as “disappeared” had a powerful mobilizing effect. The entanglement of national discourses on Francoist violence with the transnational legal categories that had emerged connected to international covenants such as the Inter-American Convention on the Forced Disappearance of Persons (1994) or the 2007 International Convention for the Protection of All Persons from Enforced Disappearance (Gatti 2016) had enabled a fertile ground for action in the country. Throughout the years, international definitions of enforced disappearance were “downloaded,” in the words of Francisco Ferrándiz (2010, 2014), and adapted to vernacular experiences of death and clandestine burial in Spain. These definitions were indeed decisive in the investigation that Judge Garzón launched in 2008, as they enabled the judge to argue the non-applicability of statutory limitations to these crimes, which he categorized in the framework of crimes against humanity.

Drawing on extensive historical information to document his plea, Judge Garzón argued that acts of enforced disappearance had been “systematically used [by Franco’s regime] to hinder the identification of the victims and to impede judicial actions to the present day” (Ferrándiz 2010, 167). In so doing, Garzón relied on testimonies, historical analysis and archival materials that provided local meanings to the crimes Republicans had endured. His “legal reasoning” (*razonamiento jurídico*) meticulously described the legal instruments that Francoist rebels had used to justify the so-called *alzamiento nacional* or Nationalist Uprising, to depose the democratic government of the Second Republic (1931–1936) and to validate the repression against left-wing Republicans. On



the one hand, the text attempted to demonstrate that “the actions carried out by those who rebelled and took part in the armed uprising of 18th July 1936, were illegal and put at risk the government” at the time, violating the principles of the constitution of 1931 (Decree 399/2006 V, 2008). On the other, the judge used historical interpretations from well-known historians and quoted key military orders to demonstrate that these killings were “consciously planned” (Closa 2013) and part of a strategy to exterminate Republican supporters. The judge referred, for instance, to the words of General Mola—who helped to plan the coup with General Franco and others—when he stated that “anyone who openly or secretly defend[ed] the Popular Front [had to] be executed” (Garzón 2008: 11, Decree 399/2006 V 2008). He also referred to the words of General Queipo de Llano—who helped advance the uprising from the south—when he said that “political leaders who escaped, would not save themselves,” as he, himself, “would unearth his bodies and killed them again if they were dead” (ibid., 12).

The unsuccessful attempt of Judge Garzón to trial Francoist crimes provoked a new movement of victims’ demands from national to international realms. Some of those who submitted their complaint to the Spanish National Court in 2007 referred their cases to international courts such as the European Court of Human Rights (ECHR), with the help of Spanish lawyers and legal organizations committed to the historical memory project, after Garzón was dismissed. Others groups, disappointed with the inaction of the Spanish judiciary and the equal limitations of administrative measures (further explained below), filed a complaint for the investigation of Francoist crimes, this time, in Argentina, appealing to the principle of universal jurisdiction. In 2010, the Federal Criminal and Correctional Court No. 1 in Argentina, led by Judge Maria Servini de Cubría launched the first transnational inquiry, commonly known as the Argentinian Complaint. In Spain, a new activist platform, the *Coordinadora Estatal de Apoyo a la Querrela Argentina* or CeAQUA (Coordination Group in Support of the Argentinian Complaint) formed to administer the demands of relatives and associations, which submitted over 200 cases to the Argentinian Court. Vincent Druliolle (2015) has noted that one of the most significant aspects of the Complaint is that it opened the scope of the inquiry to include crimes committed between the start of the war in 1936 and the first years of the transition to democracy in 1977. This meant that the investigation would not only consider crimes of extrajudicial and judicial executions

and disappearance but also, as Druliolle observes, those related to the persecution, torture, abuse and murder of left-wing activists during the second half of the Franco regime. The Argentinian Complaint would also draw on the extensive collection of testimonies from families and also survivors, some of whom would testify in Argentina in 2013 and in the Spanish National Court in 2014. The Complaint would also extract information from the *Archivo Histórico Nacional* (National History Archive) and that of the previous *Dirección General de Seguridad* (General Directorate of Security) during the Franco regime, to document, once again, human rights violations.

The Complaint, however, exposed new divisions inside the Spanish judiciary, where, though some judges have begun to collaborate, other higher judicial institutions have continued to obstruct the investigation into past Francoist violence. For instance, when Serviñi visited Spain in 2014, she praised the disposition of some judges in the Spanish National Court or in courts in the Basque Country and Andalucía, who had readily compiled testimonies from victims and wrongdoers. That judges were collaborating, she added “was a sign that something was profoundly changing” and that the end of impunity was soon to arrive (Torrés 2016). Nevertheless, in the last years, judges from the Supreme Court and other tribunals, have firmly opposed Serviñi’s orders to extradite several members of the Franco regime, for instance. Moreover, in 2016, the *Fiscalía General del Estado* (Office of the Public Prosecutor) issued an extraordinary declaration that warned judges about investigating these crimes in the light of the Amnesty of Law of 1977 and reminded them of the fate of Judge Baltasar Garzón, when he initiated his own inquiry. Indeed, the adverse reaction of a great number of judges in Spain has also been the subject of critiques from international human rights actors such as Pablo De Grieff, the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, who stated his concern with the great “shortcomings” he had observed in the field of justice after visiting Spain in 2014. In his report, De Grieff (2014) reminded Spanish judges—a great number of who denied that disappearances had ever taken place in the country—of the international obligations of the country to fulfil victims’ right to *justice* but also, significantly, their right to *truth*. He also urged the government and right- and left-wing parties to implement an active politics of memory that also enabled, among others, the clarification of past violent acts outside of the judicial realm.

## THE POLITICS OF HISTORICAL MEMORY ENDEAVOURS

Since the historical memory movement began to take place at the beginning of the twenty first century, associations have demanded the reparation and recognition of Republican victims also from distinct Spanish governments. When Emilio Silva and the ARMH took the abovementioned cases to the UN Working Group on Enforced and Involuntary Disappearance (WGEID), the group requested more national institutional infrastructure to exhume and identify the corpses of the defeated; the disclosure of state files and opening of military archives; the removal of the remaining Francoist monuments; and, as Silva (2003, 189) describes in his book, the official commemoration of “all people who fought for democracy against Franco [...] so these families [could] recover their trust in politics” (Silva 2003, 189). In 2002, confronted by such appeals inside and outside of Congress, the governing leader of the conservative Popular Party (PP) at the time, José Maria Aznar, positioned his party on the issue by saying that “there was a need to leave behind the ghosts from the past, because Spaniards wanted to look to the future” (Silva 2003, 113); this is a position that the party has, to a great extent, maintained until today. Nevertheless, after much pressure from ARMH and the national and international media,<sup>1</sup> the Spanish Congress condemned Civil War crimes and crimes from the Franco regime on 20th of November 2002—a symbolic date that at once commemorated the deaths of the dictator General Francisco Franco and the death of the founder of *Falange Española*, José Antonio Primo de Rivera. As Silva recalls in his book, this was an important step towards the moral recognition of the families that suffered not only the loss and death of relatives but also all those whose lives were affected by the dictatorship’s violent rule (i.e., life-sentenced prisoners, forced-labour workers, exiles, or abused women, to cite but a few examples).

Over the years, the demands expressed to the UN working group formed the common objectives for the historical memory movement, which strengthened the aim of creating a new social reality for those affected by the history of defeat in the country. As Sergio Gálvez Biesca (2006, 36) has pointed out, these common objectives were consolidated over time to include (1) the moral, judicial and economic reparation of the victims by national institutions; (2) the nullity of all Francoist judicial procedures; (3) a final solution to the exhumation of mass graves; (4) the eradication of “the Francoist nomenclature and symbolism” in

villages and towns and (5) the creation of an archive of the Civil War and the dictatorship. After much campaigning, many of these initial demands for restoration on the part of associations such as ARMH, the Foro, and other regional and family groups finally obtained a response when the Socialist Party was re-elected in 2004. Stephanie Golob (2008) and Paloma Aguilar (2008b), for instance, have noted that during the socialist mandate from 2004 to 2008, Spain witnessed the first initiatives that dealt with the suffering of Republican victims in the form of “post-transitional justice” mechanisms. Moreover, these authors also explain how such initiatives developed in connection to particular interests inside the party to reform the democratic status quo. Golob (2008, 133) observes that restorative measures were created as part of a political programme that intended to redefine Spanish citizenship by “expanding rights for groups either historically ignored or treated unequally by the central government.” Moreover, Aguilar (2008b) has further argued that some of the symbolic reparations that PSOE envisioned were proposed not only by the group but also by its president, José Luis Rodríguez Zapatero, whose grandfather was a Republican officer killed by Francoist supporters (*ibid.*; Golob 2008).

In 2004, when PSOE was elected, an Interministerial Commission was created to “repair and restore the dignity and memory of the victims of the Civil War and the dictatorship” (Macé 2012, 765). According to the government’s online platform on historical memory,<sup>2</sup> the goal of the commission was to study their situation, in order to create a new law, to provide different forms of economic and symbolic reparations and to enable the access to archives. In a climate of divergent political positions in relation to the war past, the parliamentary debates surrounding the draft law were tense and convoluted. Analysing news items from this time, Jean François Macé (2012) has noted how the first recommendations of the Commission were soon strongly critiqued by the conservative Popular Party, who accused Rodríguez Zapatero of seeking revenge and aiming to divide Spanish people. The possibility that these crimes might be officially acknowledged and symbolically atoned shook the Spanish right-wing and its organizations profoundly. Macé (*ibid.*) has further explained how, around this period, representatives of some of the most traditional Francoist groups openly manifested their will to continue venerating the figure of the dictator and remained loyal to the memory of Francoism.<sup>3</sup> In view of these opposing positions, Rodríguez Zapatero reminded the country publically, in 2005, that Republican

victims should be acknowledged for they had suffered the effects of a military regime, in silence, over 40 years. Nevertheless, the work of the Commission also provoked the discontent of left-wing groups such as *Izquierda Unida* (United Left, IU) or *Esquerra Republicana de Catalunya* (Republican Left of Catalonia, ERC), which critiqued the legal project for its lack of ambition (*ibid.*).

In an effort to reassert the commitment of the executive to the recognition of the Republican past, the government of Rodríguez Zapatero declared 2006 the year of “historical memory.” Moreover, the same year, the Permanent Commission of the Parliamentary Assembly of the Council of Europe unanimously condemned the Franco regime and demanded that its victims were recognized by the government and the country’s political elites (Aguilar 2008b; Escudero 2014). Amnesty International would also exert pressure on the Spanish government through several reports in 2005, 2006a and 2006b (Aguilar 2008b), which denounced the lack of aid to Republican victims, the concerns of the organization with regards to the draft law and the situation of state archives, respectively. In 2007, a year after Spain signed the UN International Convention for the Protection of all Persons from Enforced Disappearance, the Spanish parliament finally passed the Law 52/2007, technically known as the “*Law of 26<sup>th</sup> of December through which the rights and measures in favour of those who suffered persecution or violence during the civil war and dictatorship are recognised*,” with the abstention of PP and ERC. The new measure legislated and provided funding for the exhumation of mass graves and the identification of human remains; regulated the heritage and memorialisation of the conflict in the country, addressing the issue of Francoist monuments<sup>4</sup> and the future of the Valley of the Fallen, the funerary complex where Franco and over 34,000 corpses from both sides of the conflict remain buried today; amplified the economic compensation given to victims during the transition to democracy; and issued official moral recognition declarations to those who endured the violence of the war and the Franco regime.

Once it was put into force, the much-awaited law met with the objections and disappointment on the part of many associations (Ferrándiz 2013) and some human rights organizations. As the response of the director of Amnesty International in 2007, Esteban Beltrán stated, “the law constituted a timid move forward in the long fight against the forgetting of victims of Francoism and the Civil War” and added that,

“without truth and justice the debt will never be settled” (Amnesty International 2007). Most analysts (see Chinchón 2012: 36; Martín Pallín 2011; Escudero 2011) have also agreed that the law falls short in relation to the moral reparation and rights of families and survivors, as it does not consider Franco’s repression from a judicial perspective. The law, for instance, does not deal with issues of accountability and the court investigation of the crimes committed. In fact, the legal text asserts that the law does not seek to sanction the crime of enforced disappearance but instead to promote knowledge of the past “within the framework of the spirit of reconciliation” (Law 52/2007, 96, cited in Ferrándiz 2010). In addition to this, the act did not annul Francoist sentences, as historical memory collectives had demanded, and instead declared them “unjust” and illegitimate (Macé 2012, 770; Ferrándiz 2014). In this context, many of these groups felt, as Francisco Ferrándiz has argued, that the measure never fully complied with their requests for “truth, justice, and reparation” and the “dismantling of the ‘Spanish impunity system’” (Ferrándiz 2013, 45).

Moreover, with regards to truth-seeking practices such as exhumations, for instance, the state would provide only limited administrative assistance and funding for the location and excavation of mass graves, addressing vaguely aspects about the unearthing and treatment of human remains. In essence, the law established what Francisco Ferrándiz (2013, 45) has termed as a “human rights outsourcing system” that made associations and family groups responsible for the organization of archaeological interventions and the ensuing identification of corpses. Indeed, the law 55/2007, most commonly known as Law of Historical Memory, facilitated the funding of multiple exhumation and identification projects but also activities connected to the compilation of historical material, the elaboration of a census of victims, the dissemination of historical studies through publications, the production of films and the organization of conferences, seminars and exhibitions (Ministry of Justice 2007). Nevertheless, it derived all responsibility for these endeavours to families, local associations and to some of the institutional projects that had been created regionally since the exhumation movement had begun in the year 2000. Throughout the years, institutional projects of different nature had emerged in places such as Extremadura, Andalusia, the Basque Country, Catalonia or Galicia, in which families’ demands for the location and exhumation of missing relatives and historical research about the killings were dealt with by regional administrations, with the

support of experts and academics (Ferrándiz 2014, 81). This, of course, was not the case in all regions. Instead, one could say that the lack of a consistent response from the central state has created an uneven landscape of practices, research infrastructure and exhumation resources in the last two decades.

In 2011, with the return of the Popular Party (PP) to the government, the provisions made by the Law of Historical Memory, including the grants for exhumations, were gradually dismantled. In 2012, the new government cut the funding for historical memory initiatives from 6.5 million to 2.5 million euros per year. In the new budget, as the government of the Popular Party argued, the funds would be entirely dedicated to the exhumation of mass graves, eliminating the sum of money provided for other historical research and dissemination activities. Considering that the socialist government of Rodríguez Zapatero had destined 1.3 million to the development of exhumations, PP presented the new budgetary adjustment as a positive change, as more money would be accordingly dedicated to the location of victims in mass graves. Nevertheless, that year, no calls for exhumation projects were issued in the *Boletín Oficial del Estado* (Official Bulletin of the State), leaving family groups and historical memory associations without resources for the excavation of war and postwar mass burials (Junquera 2013). Moreover, in 2012 the PP government also closed the Victims' Office that the Socialist Party had opened to deal with the demands and queries of families and survivors in 2008. In 2013, PP Minister of Justice, Alberto Ruiz-Gallardón, explained to the press that funding had been cancelled due to budgetary restraints—in the light of the economic crisis and ensuing recession that the country had experienced since 2008. The minister also stated that support had been eliminated because most major exhumations had already been carried out during the Socialist Party's term in office (Junquera 2013).

Once again, between the years of 2013 and 2016, the government assigned no budgetary allocations for Civil War exhumations. This led families and associations to rely on alternative sources of funding such as crowdfunding bids or donations from private and international benefactors. In his report, issued in 2014, the UN Special Rapporteur Pablo De Grieff lamented the government's inaction towards the demands of victims, which historical memory associations continued to receive. Indeed, the lack of funding and support impacted on the timings and procedures of historical memory projects. State inaction triggered the participation of

more families in the Argentinian Complaint (Ryan 2016). It also generated the drafting of new laws at regional level that aimed to secure the appropriate continuation of exhumations and to safeguard rights and reparation of those who endured Francoist violence. In 2013, for instance, the region of Navarra approved the Foral Law of Historical Memory, which, according to Lorraine Ryan (2016, 6), aimed to compensate for the “deficiencies” of the national law, covering the cost of exhumations, providing technical support and enabling the reburial of the corpses. Around the same time, a similar initiative was proposed in the region of Andalusia, where a new Law of Historical and Democratic Memory would be negotiated in parliament. In this case, the draft law established that the *Junta de Andalucía* (Government of Andalusia) would promote exhumations and also sanction any attempts to destroy mass graves or contravene exhumation projects. In both instances, both regional draft laws contemplated the cultural management of conflict heritage and proposed the formation of a DNA bank for the identification of missing victims.

The study of exhumations presented here focuses on a period during which governmental funding was still available. Many of the excavations I followed in Extremadura were indeed financed through the grants provided to local family groups and historical memory associations by the national government of the Socialist Party between 2009 and 2011. Nevertheless, the case of Extremadura is also relevant because, as explored in the following chapters, civil society collectives counted with the aid of an institutional project, which provided help with the search for, exhumation and identification of human remains and the historical investigation of these repressive acts. In Extremadura, one could also observe the micro-politics at play in the process of exhumation, as institutional agendas, party programmes and the goals and wishes of relatives and historical memory associations needed to be negotiated during each excavation project. Most certainly, as the next chapters show, the exhumation of mass graves and the memorialisation of the Civil War are contested terrains in which manifold actors promote divergent—though not incommensurable views—of what it means to recover the bodies of the Republican killed, today. A close look at the social dynamics of the exhumation process reveals how these corpses and their historical signification are entangled with different political aspirations that encompass those of individual actors, political groups and state agents. At the core of the exhumation project, one can observe how such political claims confer, interact and, on occasions, collide with one another as well as with the scientific expertise that has led excavations since the year 2000.



## EXHUMING THE HUMAN REMAINS OF THE REPUBLICAN DEFEATED

Generally, institutional and civil society initiatives have drawn from the experience of other post-conflict contexts to develop vernacular practices around the exhumation of human remains or the preservation and memorialisation of war and postwar heritage in Spain (Ferrándiz 2011, 2013, 2014; González Ruibal 2007, 2009; Viejo Rose 2011). Francisco Ferrándiz (2013, 2014, 17) has observed, for instance, that with regards to exhumations, scientific teams in Spain have used international guidelines on exhumation of human remains, following the method of operation of other established forensic groups such as the Argentinean Forensic Anthropology Team (EAAF) and others. From the start of the twenty first century, exhumation work has been guided, according to Francisco Etxeberría (2003), one of the leading forensic experts in Spain, by covenants such as the 1991 United Nations Manual for the Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions; the previous 1989 United Nations Principles for the Investigation of Extrajudicial, Arbitrary and Summary Executions; or the 1992 Declaration for the Protection of All Persons against Enforced Disappearances, among others. Speaking of memorialisation practices in Spain, González Ruibal (2009) has noted how forms of re-interpreting the cultural heritage of the conflict and the dictatorship can vastly draw from similar examples in post-Holocaust Germany or South Africa. Along the same lines, Viejo Rose (2011) has compared processes of social reconstruction in post-war and post-Franco Spain to those in countries like Bosnia, observing how the re-signification of previous forms of heritage is a varied exercise that contributes to the rewriting of dominant historical versions of past events.<sup>5</sup>

Nevertheless, in the vernacular processes of remembrance and of re-definition of the past that take place in Spain, conflicting views and disagreements have also emerged, at local level, among family groups and historical memory associations. In the early days of the exhumation movement and with the initial media fuzz (Ferrándiz and Baer 2008), issues around how best to interpret, record and remember the war past came to the forefront of disputes between members of grassroots collectives in Spain. On the one hand, images of the first archaeological interventions, which exposed corpses and the visible traces of violence on their bones, prompted a negative attitude towards the unearthing of human remains. As some authors have pointed out (Ferrándiz 2014: 61)

associations such as the Association of the War Archive and Exile (AGE) opposed the practice of unearthing the remains because it considered that exhuming these mass graves was like “erasing genocide” (ibid.). Likewise, other collective and individual voices defended a non-interventionist approach to the mass graves of the conflict, arguing instead for the memorialisation of such sites with monoliths or other markers. This proposed alternative treatment of the unmarked burial sites understood the inscription of these places as a way of making mass graves visible around the Spanish territory. For some, these markers acted as evidence (Ferrándiz 2007; Fernández de Mata 2011) of the executions committed by the Francoist rearguard—as one interviewee explained to me at the beginning of my fieldwork. Similarly, vestiges such as street names, monuments or the infamous Valley of the Fallen have also been the focus of strong controversies: Some have challenged their place in present-day Spain, others have demanded their re-signification, and revisionist voices have advocated their historical and sentimental value for the country (Aguilar 2008a; Macé 2012; González Ruibal 2009; Ferrándiz 2014).

As time went on, discrepancies also emerged between members of the pro-exhumation movement, especially with regards to the appropriate procedures and actions to follow “*below ground*” (Ferrándiz 2006, 2010, 2013, 2014), in relation to the exhumation and reburial of human remains. This is apparent, for instance, in the different views that the two main national associations, namely ARMH and the Foro, entertain of the exhumation process. For ARMH the reasons for the excavation and reburial of human remains have mainly been connected to the need for families to recover the corpses of their ancestors. In its approach, the association emphasizes the kinship bond of children and grandchildren with their disappeared relatives over the political affiliation of the dead, promoting the idea that exhumations have the potential to heal and offer closure on traumatic pasts (Bevernage and Colaert 2014). Conversely, the Foro aims to help families recover the human remains of their *militant* relatives, reclaiming, first and foremost, their political identities. This follows the founding ethos of the association, which, connected to the Communist Party, was born “clearly linked to the left-wing [...] with a strong conviction to fight against the forgetting of the defeated”—as stated on the website of the association. According to Bevernage and Colaert (2014, 6), who examine the divergent understandings of the exhumation process between both associations, the Foro does not place the same emphasis on the reparation of collective trauma. Instead, they

have what the authors acknowledge as a clear interest in the teaching of a political history through exhumations, with the hope that political realities like that of the Second Republic might regenerate in the future.<sup>6</sup>

Francisco Ferrándiz (2010, 2013, 2014) has observed that these disparities ultimately manifest in the “political and mortuary rituals” (Ferrándiz 2006) that each group employs in the location of burials, their excavation and in the reburial of corpses. As Ferrándiz notes, for ARMH, relatives “are autochthonous and definitive in the organization of mourning” (ibid., 9). In the exhumations and reburials of the Foro the politicization of these acts prevails and is apparent through the left-wing symbolism used, such as flags, songs and hymns, or the political speeches uttered (ibid.). To these contrarities, one has to add particular wishes for other types of remembrance and commemoration (e.g., religious) that might clash with the agenda of some associations. Such social and political differences have also, ultimately, conditioned and been conditioned by the scientific work and the other forms of historical knowledge production performed in connection to the mass grave. On many occasions, scientific practice has emerged as a tool for claiming authority between competing associations. For instance, according to Ferrándiz (ibid.), associations like ARMH and the Foro increasingly expanded their links with experts in the fields of forensic anthropology, archaeology and other social sciences in an effort to “defend themselves against reciprocal accusations of non-professional conduct and to give their exhumations a more ‘scientific’ and thus legitimate character” (Ferrándiz 2006, 9; see also González Ruibal et al. 2015). On the other hand, scientific and other activities such as historical research into archives, publications, presentations, or exhibitions have also served to disseminate information about the repression that the mass graves point towards, in order to contravene recent revisionist voices.

ARMH, the Foro, and their local and regional branches around the country have promoted most of the searches for the human remains of the missing, their reburial and appropriate tributes. In so doing, they have worked with different, often, interdisciplinary scientific groups comprised of archaeologists, physical and forensic anthropologists, biologists, historians and social anthropologists. Such is the case of the forensic team of the *Sociedad de Ciencias Aranzadi*, led by forensic scientist Francisco Etxeberriá and funded by the government of the Basque Country; the group led by biologist Luis Ríos at the Complutense University in Madrid; or the team managed by

archaeologist Réne Pacheco, as part of ARMH. Other examples include the team supervised by archaeologist Juan Montero Caminero in Burgos University; the team of Laura Muñoz Encinar, who was in charge of exhumations in Extremadura between 2005 and 2014; or the team of Alfredo González Ruibal in the *Instituto de Ciencias del Patrimonio* (Institute of Heritage Science or INCIPIT). All these teams, as Francisco Ferrándiz (2014) has pointed out, have also developed, throughout the years, specific methodologies that comply with international protocols and which address the needs proper to the Spanish context. The inconsistent memory politics of distinct left- and right-wing governments generated a lack of a unified approach to regulating the scientific activity in mass graves.

Over the years, the lack of an official scientific committee to endorse expert work in exhumations has also generated other problems for archaeological and forensic teams. González Ruibal et al. (2015) have pointed out, more recently, that this lack of support on the part of the state has complicated the work of archaeologists and other scientists, as the absence of regulation, makes some question the need for professionals to carry out excavation and exhumation work. Most certainly, the release of a national protocol in 2011—before the end of the Socialist mandate—meant the instauration of a general set of guidelines to be used in regions where local protocols had not yet been created. Such protocol also drew from the previous 1991 UN procedures but was, in the eyes of many, an insufficient measure, which came too late and years after well-developed methodologies had already been put in place by the most active teams. On the ground, however, as González Ruibal et al. (2015) explain, this has given place to tensions between those who demand excavation projects; those who, being trained as archaeologists, work in excavations for free; and professional teams that are paid to carry out these tasks. These collectives, as the authors observe, often clash in relation to the symbolic and economic value of the archaeologist's work, as those professionals who work on a voluntary basis look at paid archaeologists with suspicion, and other members of historical memory associations sometimes consider the cost of archaeological expertise too high (ibid., 123). In this situation, the authors have feared that the isolation of these practices by the central government and the disapproval of expert work in some local circles might lead to weakening “the impact of archaeology [and related scientific practices], hinder[ing] the dissemination of results, lower[ing] professional standards, and foster[ing] socio-political atomization” (ibid., 124).

Scientists have vindicated the need for expert knowledge and know-how in exhumations since the beginning of the exhumation campaign. In the year 2000, two of the exhumation experts that collaborated with Emilio Silva in the search for and excavation of the human remains of the thirteen men buried in Priaranza del Bierzo, archaeologist Julio M. Vidal Encinas and anthropologist Maria Encina Prada Marchos, published an article in which they expressed some early remarks about the aims and methods to be followed in relation to Civil War exhumations. In “An Archaeology of Reconciliation”, the two scientists express their commitment to exhumations in order to “comply with the yearnings of those who want to recover the bodies of their relatives” (2002, 1). In it, the authors further emphasize the importance of a painstaking methodology to secure, as they see it, a “professional” treatment of the mass grave and to avoid improper procedures that might destroy these interments. Scientists in general have been constant in their efforts to collect, organize and preserve evidence of these executions. In following years, Francisco Etxeberría has often reinforced this point in public presentations and in publications (2003, 2005). For the forensic doctor, the adherence to professional practice is paramount in order to produce adequate evidence of the acts of violence that took place during and after the war. He has written that disciplines such as anthropology and paleopathology should aim to “produce the maximum information for the clarification of truth” with a view to contributing to any possible future judicial process or a truth commission in the country (2005, 538).

The specific focus on the appropriate production of evidence has engaged scientists with a clear forensic approach to the exhumation of mass graves—even if exhumations do not take place in the context of a judicial investigation. Scientific objectives of exhumation work have remained circumscribed to attaining the ultimate official recognition of past crimes. As Adam Rosenblatt (2015) has observed, recently, contexts where human rights violations have taken place have transformed the nature of forensic work worldwide, as, on many occasions, such practices have occurred in the margins of official action and in precarious situations. In other scenarios, they have ultimately triggered processes of judicial inquiry in their aftermath (i.e., Argentina or Guatemala). Due to the decentralized approach to exhumations, in Spain, scientists have further warned of the need to appropriately collect historical information in archives and through testimonies and to follow informed approaches to the archaeological intervention in mass graves and the anthropological

study of human remains. Moreover, some have reminded to the need to write and store results in a thorough manner, in order to furnish future, yet uncertain, institutional processes (Etxeberría 2003; Leizaola 2006). Etxeberría (Leizaola 2006) has remarked, the significance of these two aspects, because “anything that is not written is as if it did not exist” (ibid.) and because new repositories should be created to accommodate the different analyses that emerge from the mass grave (ibid.). In a similar manner, Alfredo González-Ruibal (2009, 108) has spoken about the need to historicise the information that is being produced in the mass grave, to publicize the results and to make “a coordinated effort to provide Spain with a spatial and material memory culture.” In this view, the exhumation is a key place for remembrance but also for the production of “History, in capital case” (ibid., 110). A space that, in the view of the archaeologist, should be treated through a “total archaeological approach [...] that delves into the past, favours the preservation of its material footprints and contributes to disseminating history in a critical and comprehensive way” (ibid.). The argument of Francisco Etxeberría and Alfredo González Ruibal resonates with the approach that I encountered in Extremadura during fieldwork, where the information extracted from mass graves was treated as potential evidence for a judicial process but also for the historical investigation that the project with which I collaborated developed.

Both views of the exhumation process are illustrative of the importance that mass graves attained in the creation of knowledge about the Civil War and postwar past. These arguments also indicate a concern for the production of truth, even beyond the exhumation of mass graves. The unearthing of the human remains of the defeated has also been surrounded by the intense publication of academic but also non-academic works, many of which have been made available under the rubric of historical memory. Many have challenged the idea that some of these productions bring new information about the events that took place during the conflict. Some, as explained later on, have criticized them for their lack of rigour and, on occasions, for their sentimentalism (Aróstegui 2009; Fernández de Mata 2007; Juliá 1999, 2006), advocating the professional approach of the historian to carry out the research and writing of history. For others involved in the historical memory movement, exhumations and the knowledge production process that developed around them gave place to what some people I met during fieldwork saw as a democratization of the practice of history. Many felt that access to this past had been enabled through the historical memory venture,

making the exercise of history not only the task of professional scholars but also of non-university based historians and amateurs. The exhumation awakened the need for many to partake in the construction of new meanings about the past, especially as such troubled history was part of localized political, personal and social life histories. As González Ruibal et al. (2015, 133) have remarked, in this context, exhumations processes have unveiled wider social tensions in relation to who has the “right to produce knowledge” about past events and “under what circumstances.” They have enabled a public space in which narratives can be articulated, contested and re-shaped by the multiple voices that have begun to take part in the research of the Spanish contemporary past.

### HISTORICAL MEMORY AND THE RESEARCH OF THE CIVIL WAR PAST

Producing historical narratives about the forms of violence that left-wing Republicans endured has become a central tenet for those involved in exhumations and other forms of memorialisation because, for many years, the history of the conflict remained entangled with the dominant version of the past imposed by the Franco regime. For some historians (Preston 1999; Chaves Palacios 2000; Blanco Rodríguez 2007), historical production during the dictatorship was clearly relegated to serve the propagandistic aims of the fascist government. Others scholars such as Gil Vico (1998) have further highlighted how this propagandistic will was bolstered by judicial processes that were used to collect information on left-wing suspects after the conflict. For instance, processes such as the so-called *Causa General* (General Cause)—established by decree on 26th April 1940—aimed to amass details about the crimes committed by Republican left-wing militants and supporters and their political affiliation (Gil Vico 1998). In so doing, the investigation built an important registry that would later be used to carry out the persecution and repression of left-wing Republicans and to nurture the trials of Military Tribunals (see Chaves Rodríguez 2015; Aguilar 2013). Such an archive of personal, professional and political information about Republicans also constituted a fundamental technology of ideological persuasion which reminded Spanish people of the obligation to manifest an “open connection with the regime” (Gil Vico 1998, 179).<sup>7</sup> The *Causa General* and other military (Chaves Rodríguez 2015) and ordinary trials (Aguilar 2013) provided accounts that delineated the contours of a Republican

enemy, which the regime yearned to contain and eliminate. Gil Vico (1998, 179) remarks that the procedure helped the new state to create a narrative of domination, which extended a view of the Second Republic as a “loathsome regime of murderers” inside and outside of Spain.

Out of this process came publications of a historical character such as *La Dominación Roja en España* (Red Domination in Spain), published in 1943, and *Datos Complementarios para la Historia de España: Guerra de Liberación (1936–1939)* (Complementary Information for the History of Spain: Liberation War (1936–1939)), published in 1945 in Spain and a year later, for English and Latin American audiences. Both of these books, according to Gil Vico (1998, 183), sought to prove that the uprising was “providential,” reinforcing the narrative of liberation that Francoist followers had promoted during the war. According to Paul Preston (1999, 164), in the most immediate years after the struggle, the Francoist establishment elaborated a narrative that portrayed the war as a religious “crusade” (*cruzada*) that had restored a Catholic moral and hierarchical order against what they considered a Republican anarchic and atheist society. The message of the regime, as many have argued (Fernández de Mata 2007; Richards 2011; Preston 2011; Ferrándiz 2014), vindicated the salvation of Spain from the foreign Bolshevik, Masonic, and Jewish influence (Preston 2011; Richards 2011) that presumably operated in the country during the Second Republic (1931–1936). Moreover, it professed that the fundamental pillars of the nation, namely “Religion, Fatherland, Family, and Property” had been reinstated (Preston 1994, 41; Juliá 1979) after the war had ended. In this interpretation of the conflict, Republican families and survivors became known and classified as the anti-Spain and also as *reds*, (Fernández de Mata 2007: 202)—categories that rendered these groups second-class citizens in Spain’s postwar society. With time, Republican victims and survivors would feel, in the words of Ignacio Fernández de Mata (2007, 203), as the “Civil War forgotten”.

Historical works were, for many years, relegated to the writings of historians connected to the Franco regime. This created a difficult situation for the research and writing of a comprehensive history of the Second Republic, the Civil War and the dictatorship (Preston 1999; Juliá Díaz 2006). Santos Juliá (2006) has spoken of the lack of disposition to investigating this period and, especially, the history of defeat, in the 1950s, as many national historians avoided stepping into the ground of twentieth century events. During the ’60s and ’70s, strong censorship consigned



historical production to overseas academics (historians and Hispanists such as Hugh Thomas, H.R. Southworth or Gabriel Jackson, to name a few) who offered innovative accounts though with a tendency to generalize about the conflict (Blanco Rodríguez 2007). Authors such as Paul Preston (1999), Julián Chaves Palacios (2000) or Juan Andrés Blanco Rodríguez (2007) have noted that foreign researchers counted with invaluable media sources abroad as well as the testimonies of those that had exiled after the war, which enabled them to carry out their research. Nevertheless, at this time, national and local archives remained still extremely difficult to access. As these authors explain, only those who sympathized with the regime could use them for their state-sponsored research. Santos Juliá (2006) has reflected that for the generation of Spanish historians who grew up during the dictatorship and would later write more nuanced accounts of the conflict and the regime, Francoist versions of the Civil War soon became known as representations of the past based on “lies” and on the particular memory that “others” had imposed from above.

Historical studies by national researchers about the period of the Second Republic and the Civil War began to emerge, especially, after the death of the dictator (Juliá Díaz 2006). This new current of researchers pushed for the development of historical production towards more detailed inquiries of social, political and economic character. During the '80s and '90s, numerous publications appeared coinciding with the fiftieth and sixtieth anniversary of the beginning and end of the war; some information repositories in governmental institutions as well as in national, regional and municipal archives<sup>8</sup> (Blanco Rodríguez 2007) were opened to researchers; and new testimonies emerged. In 1999, historian Santos Juliá edited the book *Víctimas de la Guerra Civil* (Victims of the Civil War), which offered one of the first nuanced accounts of the deaths resulting from clandestine and extrajudicial killings perpetrated by Francoist forces during the Civil War (Chaves Palacios 2000). Other local studies at the time also contributed to creating new knowledge about the names and numbers of Republican victims that were killed in *sacas* or *paseos* (ibid.). Years later and after exhumations began in the 2000s, other important regional works emerged—some of which included exhaustive lists with information about those who had been killed in extrajudicial and judicial executions. In southern Spain, for instance, one of the most well-known publications of the kind was *La Columna de la Muerte* (The Column of Death) published by historian

Francisco Espinosa Maestre in 2003. Espinosa's work constitutes a meticulous study, village by village, of the advance of the Francoist army through Andalusia and Extremadura, and provides a detailed account of the killings that occurred in these localities.

Though the *Causa General* constituted a thorough inquiry that enabled the recording of the deaths of Francoist victims on civil registries, no state count exists to this date of the number of Republican victims killed in extrajudicial executions. This was one of the points raised by the UN Special Rapporteur, Pablo De Grieff, in the report he produced in 2014, which regretted the lack of "official censuses of victims, or data or official estimates of the total number of victims of the Civil War and the dictatorship" (2014, 10). The historiography of the regime had made constant efforts to address the question of casualties during the conflict but these numbers were often dissonant and imbalanced, and again, subject to the regime's agenda and doctrine. For instance, some of the most notable works realized by Franco's biographer and historian Ricardo de la Cierva, estimated that, during the Civil War, 100,000 victims had perished in both flanks and that 50,000 victims had been killed as a result of forms of extrajudicial repression. Of this number, according to the author, 8000 people would have been killed as a result of Francoist violence (Reig Tapia 1984, 80). Presumably, as some scholars have remarked later on (see Reig Tapia 1984), these figures had been "borrowed" from the inquiries of another historian of the regime, Ramón Salas Larrazábal, whose most renowned work, *Pérdidas de la Guerra Civil* (Civil War Casualties), published in 1977, offered the most systematic count of victims in both flanks until that date. The results of this work, as Chaves Palacios (2000) has noted, would soon be challenged later on by other studies in particular areas such as La Rioja, Almería or Extremadura.

In recent years, the work of historians has become especially relevant in historical memory campaigns. Works such as Espinosa Maestre's have become widely read by families, activists and Civil War enthusiasts and referenced by other historians and academics. Blanco Rodríguez (2007, 25) remarked that with the search for the Republican missing the history of the conflict gained "an important social presence." Historical work shed new light over these killings, and most importantly, over the information held in civil registries, military archives and other sources. It also drew from multiple testimonies that began to emerge offering new accounts about irregular and institutionalized forms of repression,

the experience of prisons and concentration Camps, or stories from the war front. In the last two decades, families and historical memory activists have often engaged in a dialogue with historians in order to locate information about a person's life, death or disappearance. Likewise, archaeologists, physical anthropologists and forensic experts have also relied on the research of historians to analyse the context of the mass grave and the executions from which these mass burials resulted. Historical research also became central in the unsuccessful judicial processes that have taken place in the country. Some historians, for instance, participated in the trial of Baltasar Garzón and in the investigation of Argentinian Judge Maria Servini de Cubría. These legal processes have contributed, as some have noted of similar contexts elsewhere, to the judicialization of history in the context of trials for human rights violations. Historical analysis has thus acquired an active role in the quest for the recognition of these episodes and for the redress of those who suffered them.

Nevertheless, within the field of history, different debates have surfaced, in the last years, about the relationship that the discipline should have with the historical memory phenomenon. Indeed, some have challenged both the notion of "historical memory" and the involvement of historians in these campaigns. The emergence of new voices from generations which experienced the conflict indirectly or who feel a strong commitment to disseminating stories about the Francoist repression has given place to new written productions and historical works published under the rubric of "historical memory." Historians such as Santos Juliá (2006, 2010), for instance, have critiqued the use of this term widely, alleging that what has often been referred to, in recent years, as historical memory does not refer to memory but in fact history. Some have argued (see Colom González 2010) that, for Juliá, historical memory implies an epistemological confusion between "remembering" and "knowing." Santos Juliá (2006, 2010) understands memory as that which is confined to the realm of the individual and to a personal experience of past events. Influenced by historiographic debates on the uses of memory in twentieth century France (e.g., Nora (1989), Todorov ([1995] 2000)), the author associates historical memory—which he understands as a form of collective memory—to public discourses and practices of remembrance tainted by the desires and politics of those who promote them. Contrary to this idea, Juliá presents history as the only possible vehicle to know the past objectively and rigorously. In his approach to history, he also reclaims the

significance of the historical method and the ability of the professional historian, as the author (2010, 17) explains citing Marc Bloch, to retell how “things really happened”.

Other scholars such as Francisco Colom González (2010) have critiqued Juliá’s understanding of historical memory arguing that, though the term can indeed be problematic, Juliá undermines the value that it has gained for Spanish contemporary society. For Colom González historical memory has more to do with a debate around the “moral and political significance of collective remembrance” than with historical accuracy. Through the historical memory campaign, the author explains, Spanish people have aimed to face a past of traumatic events and to reconcile with it. In this respect, such concept is intimately connected to a desire for collective reparation, which is entangled with the political aspirations of some but also with a societal demand, on the part of those affected by Francoist repression, to have their experiences acknowledged publically. Historical work has become, in this context, an important means of expression and also, a source of knowledge in order to confront Francoist claims about past crimes. Such role has also been criticized by Santos Juliá (2010), who has reclaimed the autonomy of the historian in the investigation, documentation and interpretation of the past. The author has further argued that the treatment of evidence by a historian is different to that of a judge, a legislator or the police, who seek to impose a sentence, address a denunciation or prosecute the culprits of a crime. In Santos Juliá’s view, the historian ought to make sense of the past outside of frameworks that might constraint his or her vision of the past.

Historians, though, as I realized throughout my research in Extremadura, have become the motor of broader investigations into the extrajudicial and judicial killing and disappearance of Republicans and left-wing supporters in the region. Historians’ works helped many to find the name of long-gone relatives after many years of silence over their identities and fate. They have also incorporated the personal details and life story of these families and victims to particular historical studies, as mentioned before. Conversely, the testimony of those who experienced the conflict directly or indirectly and the new data emerging from mass graves have also advanced some of these studies and prompted the production of multiple regional investigations that sketch an intimate portrait of such repressive actions in local scenarios. Ignacio Fernández de Mata (2007, 202) has noted that the process that Spain has lived in the last decades has also provoked the “thematic expansion” and “democratization” of historical

works, which have allowed the assimilation of other “historical subjects” that were never part of common narratives about the conflict. These works, the author further argues, have helped many families realize a long-yearned desire: to incorporate their lives in a collective history from which they had been excluded (*ibid.*, 203). In this process of historical production, the exhumation milieu has surfaced as a space in which different forms of knowing the past coalesce, revealing the topography and idiosyncrasies of past Francoist forms of repression. In Extremadura, these actions gave place to specific political, scientific and historical realities, which gave the exhumation not only a humanitarian meaning but also turned it into a mechanism for the production of new truths about past individual and collective experiences of Francoist violence in south-western Spain.

## NOTES

1. See, for an example, the editorial “Spaniards at Last Confront the Ghost of Franco” in *The New York Times* (Sciolino and Daily 2002).
2. Website can be accessed at: <http://www.memoriahistorica.gob.es/es-es/LaLey/Paginas/index.aspx>.
3. Macé explains that the *Fundación Francisco Franco* (The Franco Foundation), an organization dedicated to preserving and promoting the legacy of the dictator, organizes still today a yearly event to commemorate the death of the dictator every 20th November. The event has a strong religious character and is attended by over 3000 people.
4. Since the beginning of the historical memory movement, the question of what to do with the monuments that celebrate the Francoist past has remained a pressing issue in political and social debates. The so-called Law of Historical Memory established in its Articles 15 the withdrawal of “coat of arms, emblems, signs and other, personal or collective, commemorative references that praise the military uprising, the Civil War or the repression carried out during the dictatorship [...], except if there are artistic, architectural or artistic-religious reasons protected by law” (Ministry of Justice 2007). Throughout the years, this has been done by some local and regional administrations but not others—as many have disagreed with the changes the legislation demands.
5. Recent institutional debates, for instance, around the fate of the Valley of the Fallen in Spain reassert this view. In 2011, an Experts Commission for the Future of the Valley of the Fallen, designated by the government of the Socialist Party (PSOE), advised the transformation of the site into a space of “shared memories” (Spanish Ministry of the Presidency 2011: 6) that transmitted the democratic values of post-dictatorship Spain.

6. This is not to say that ARMH does not have a political commitment or involvement in relation to exhumations. It is rather to point out how the main priorities of both associations have differed over the years (see Ferrándiz 2014 for an in-depth analysis).
7. Other important aims of the *Causa General* were the attribution of pensions for relatives of those who died fighting for the Francoist movement, the inscription of these victims on the Civil Registry and to obtain information about political exiles in order to repatriate them (Gil Vico 1998, 183–184).
8. Blanco Rodríguez (2007) states that depositories such as the Historical Military Service (Servicio Histórico Militar), the Civil War Section in the National History Archive in Salamanca (Sección Guerra Civil del Archivo Histórico Nacional) or the repositories of the Ministry of External Affairs and Finance (Ministerio de Asuntos Exteriores y Hacienda) were made available. Chaves Palacios (2000) also makes reference to the opening, in this period, of civil registries in local courts and town hall archives, which could not be accessed by researchers before.

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