

THE UNIVERSITY OF CHICAGO

“THEY ARE NOT JUST BODIES”:

MEMORY, DEATH, AND DEMOCRACY IN POST-FRANCO SPAIN

A DISSERTATION SUBMITTED TO

THE FACULTY OF THE DIVISION OF THE SOCIAL SCIENCES

IN CANDIDACY FOR THE DEGREE OF

DOCTOR OF PHILOSOPHY

DEPARTMENT OF ANTHROPOLOGY

BY

JONAH S. RUBIN

CHICAGO, ILLINOIS

JUNE 2016

Table of Contents

List of Figures.....	vi
Acknowledgements.....	vii
Chapter 1. Introduction: The Politics of Remembering the Dead	1
The Uneasy Place of the Spanish Civil War in Spanish Memory.....	6
Transitional Justice without the State	9
Defining Historical Memory: The Practice of Relating to the Past	14
<i>First Tradition: Halbwachs and the yearning for collective memory</i>	<i>17</i>
<i>Second tradition: striving for objectivity.....</i>	<i>20</i>
<i>The practice of scientific history.....</i>	<i>24</i>
<i>Memory and Nationalism: two visions of a post-fascist memoryscape</i>	<i>26</i>
Forensic Exhumation as a Technology of Nation Making.....	31
What is the Historical Memory Movement? Some Methodological Considerations.....	38
Chapter Outline.....	44
Chapter 2. Historical Context: The Making and Re-Making of Spanish Identity through the Civil War Dead	48
The Spanish Civil War and the Mass Production of Death	49
First Wave of Exhumations: Building a Dictatorship through the Dead	52
Second Wave of Exhumations: Authoritarian Attempts at Reconciliation.....	59
Third Wave of Exhumations: Amateur Exhumations and the Pact of Oblivion.....	62
The Nineteen Year Pause in Exhumations and the Crumbling of the Pact of Oblivion	65
Fourth Wave of Exhumations: Transitional Justice comes to Spain.....	69
Conclusion	75

Chapter 3. In the Memory of Oblivion: The Temporalities of Forensic Exhumations.....	77
The Long Fascist Hangover: Spain’s Failure to Break with its Past.....	81
Re-Figuring the Dictatorship, Act I: The Spanish Holocaust.....	88
Re-Figuring the Dictatorship, Act II: Democratic Theory from the South.....	92
Transitional Justice Against the State.....	96
Law and Other Attempts to Force the State’s Hand.....	100
Struggling to Remember, Remembering to Struggle.....	108
Conclusion.....	117
Chapter 4. Bodies of Evidence? Human Remains and Narrative History.....	119
Evidence of What?.....	120
The evidentiary lives of dead bodies.....	126
<i>Oral Testimony</i>	132
<i>Archival Documents</i>	140
Creating a Forensic Counter-Archive.....	149
Conclusion.....	153
Chapter 5. Making Spain “Normal”: The Exhumation as Forensic Ritual.....	155
A Terrified Body Politic? The Ongoing Effects of the Franco Dictatorship.....	158
Making Dead Citizens: The Exhumation as a Rite of Passage.....	167
Setting the Scene: Designing a Space Set Apart.....	170
Ritual as an Art of Memory.....	181
Conclusion.....	186
Chapter 6. A Matter of Life <i>and</i> Death: Subject Formation at Mass Grave Exhumations	187
The Body and the Political Community.....	189
They Are Persons Just Like You and Me.....	191
First Mode of Identification: The Body.....	195

Second Mode of identification: Humanity.....	201
Third Mode of Identification: Kinship.....	207
Fourth Mode of Identification: Politics.....	214
Conclusion	219
 Chapter 7. Knowing the Grave, Knowing the Self: The Wounded Subject of Forensic	
Intervention	222
The Exhumation as Therapeutic Intervention.....	226
Seeing the Bones, Knowing the Grave	232
Shock and Awe	238
A Shockingly Auratic Experience.....	244
Conclusion	246
 Chapter 8. Rebuilding a Democratic Public Sphere: The Role of the Dead in post-Franco	
Politics	249
Building an Emotional Counterpublic	252
<i>Emotive Testimonies and the Hailing a Community of Feeling</i>	<i>257</i>
Joining With the Dead to Form a Public.....	260
Dead Persons, Living Democracies	263
<i>The Dignity of the Dead: The Liberal Philosophical Tradition</i>	<i>265</i>
<i>The Dignity of The Dead: The Liberal Legal Tradition</i>	<i>269</i>
<i>The Personhood of the Dead</i>	<i>270</i>
Conclusion	276
 Chapter 9. Conclusion: How Franco’s victims Re-Member post-Franco Spain	
Why the agency of Franco’s victims is so troubling, especially to anthropologists.....	285
<i>Hic Locus Est....: The Objectivity of the Dead Body.....</i>	<i>293</i>

... <i>Ubi Mors Gaudet Succurrere Vitae</i> : the Social Personhood of the Dead	299
When the Dead Re-Member the Living	304
Is Spain different? Comparative examples of the dead's agency.....	311
Coda.....	315
Bibliography	317

List of Figures

Figure 1. Locations of major research activities.....	41
Figure 2. A partially buried Francisco Franco.....	83
Figure 3. Zones of distinction at a mass grave exhumation.....	171
Figure 4. Life-size reproduction of a mass grave, Madrid.....	173
Figure 5. Comingled and overlapping remains.....	196
Figure 6. ARMH Archaeologist explains the mass grave.....	197
Figure 7. Assuming the position of recently removed corpses.....	199
Figure 8. “The wanted to bury us...”.....	261
Figure 9. The silenced skull.....	261
Figure 10. “I continue waiting for justice”.....	262
Figure 11. “we demand Truth, Justice, and Reparation.....	262

Acknowledgements

As Roland Barthes (1967) pointed out long ago, no text is ever written in isolation. This dissertation is no exception. Although I have neither the room, memory, nor space to thank everyone who has influenced the following thesis, I wish to express my gratitude to the following persons.

First, to my dissertation committee, whose advice guided me through every step of the process: Jean Comaroff inspired me to pursue anthropology as a means for interrogating the complex political realities of the present; Hussein Agrama, whose “small questions” have repeatedly forced me to think and rethink my analysis and belief; Jennifer Cole, who not only introduced me to memory studies, but who also pushed me to constantly become a better writer; Stephan Palmié, who challenged me to approach historical narrative and death in new ways; and James W. Fernandez, whose insightful feedback on the Spanish context have deepened my commitment and appreciation of the Iberian Peninsula. Although they did not serve on my committee, I also want to express my gratitude to Dain Borges, John L. Comaroff, Judith Farquhar, Renate Fernandez, and William Mazzarella for their influences on my thinking and writing.

A number of peers have read various portions of this manuscript and contributed their thoughtful critiques. I am particularly grateful to the wise comments I received from Beth Brummel, Michael Chladek, Claudia Gastrow, Erin Moore, Falina Enriquez, and Owen Kohl.

Both in the field and after a number of colleagues working on Spanish memory practices have provided support, encouragement, and prescient commentaries, especially Ulrike Capdepón, Lore Colaert, Marije Hristova, Julieta Olaso, and Lee Douglas. Special thanks are due to Francisco Ferrándiz, who provided critical support during the early days of this project and

who continues to organize an unparalleled intellectual community around the politics of memory in Spain and elsewhere.

Ethnographic research of any kind is deeply indebted to our interlocutors and friends who graciously allow ignorant anthropologists to spend time amongst them. I am grateful to the members of the Association for the Recover of Historical Memory in Ponferrada, Madrid, and Granada; the Aranzadi Scientific Society; the Forum for Memory; the Statewide Federation of Forums for Memory; the Platform Against Impunity for the Crimes of Francoism; the Associations of Relatives of Disappeared Republicans; Amical de Mauthausen; and the myriad local memory associations with whom I had the pleasure of interacting.

While I am indebted to far too many people from these organizations to thank here, I want to express my deep gratitude to the following individuals. The ARMH's forensic team's - including René Pacheco, Marco Antonio González, Nuria Maqueda, Ilhia Rey, Alejandro Rodríguez, François Palierne, Cristina Pando, Raul de la Fuente, Juan Carlos García Barrendo, Marina Redondo Martínez – dedication, warmth, and commitment serves as a personal inspiration and a model to the world. Special thanks as well to Emilio Silva, María Teresa Rivas, and Santiago Macías for welcoming me into the ARMH and for their thoughtful commentaries. Francisco Etxeberria, Lourdes Herrasti, Jimi Jiménez, Luis Ríos, Helena Ferrándiz, Berta Martínez from the Aranzadi Scientific society's professionalism and generosity provided me with an initial window into the world of forensic exhumations. Arturo Peinado, Silvia Maria Álvarez, Xulio García from the Forum for Memory provided me with a very different perspective on the memory movement and I am grateful to have shared in their passionate struggle. Guillermo Fouce, Mar Rojas, Carolina Aragüetes, Carlos Agüero Iglesias, Carmen Navarro, and Mayte Rodriguez of the ARMH-Madrid provided a warm and welcoming home

base in Madrid and a commitment to serving the needs of victims and their relatives. Through the Platform Against Francoism I also came to know a number of my closest interlocutors, including Fausto Canales, Fuen Benavente, Puri Gallardo Leon, Raúl Gómez, Remedios Palomo, Hedy Herrero, Alfonso Sobrino, and Maria. Each of them has had a profound impact not only on my scholarship, but also on my self. Finally, Óscar Rodríguez was a near constant companion on this journey, omnipresent in his dedication to exhumations, investigations, and political movements and always teaching me and all around him through his words and deeds.

Last, but far from least, I want to thank Michal Ran-Rubin, whose intellect, patience, and love is reflected in every word of this thesis. Both intellectually and emotionally, this thesis could never have been completed without your support. Thank you for putting up with the half-formed ideas, stilted writings, and multiple moments of crisis.

Any errors or misrepresentations that remain in the text despite the heroic efforts of everyone named above are entirely the author's fault.

This work is dedicated to all who lost their lives resisting fascism, and especially to the over 130,000 persons who remain in mass graves throughout Spain, waiting for their bodies and selves to be recovered. I am grateful to have learned from them and hope to continue to do so in the future.

Chapter 1. Introduction: The Politics of Remembering the Dead

In June 2014, King Juan Carlos I of Spain declared his intention to abdicate the throne in favor of his son, Felipe, now the VI. The announcement set off a minor Constitutional crisis. Although article 57 of Spain's 1978 Constitution established the principle of primogeniture, the document had no provisions to deal with a living monarch who voluntarily ceded power, simply stating that: "Abdications and renunciations ... shall be settled by an organic act," to be written at a later time. In the ensuing thirty-six years, legislators had yet to get around to the task. As the center-right dominated Congress of Deputies set about composing such a law, leftist activists of various stripes seized the moment to focus on the legitimacy of the Spanish monarchy itself. Juan Carlos, they pointed out, had only become head of state due to the 1947 succession law, which established him as the dictator, Francisco Franco's legal successor. Large rallies were quickly organized to advocate for a referendum on whether Spain should continue its constitutional monarchy or inaugurate a Third Republic.

However, for at least some, the calls for a referendum that followed the abdication of Juan Carlos missed the point. On Facebook, one prominent Madrid activist declared:

I'm a bit confused. A protest in favor of a referendum has been called for this Saturday... At any rate, there are persons who have not been taken into account, they cannot attend an assembly because they are dead. They were murdered with impunity by fascists, without the right to complain, which is what with impunity means. They are not going to go to the protest but we should bring them. Photos, photos, photos,... This will jog the memory [*Es para refrescar la memoria*], because memory has been on vacation since the very day the King abdicated.

The activist did not wait for the protest in order to begin bringing the dead into the public sphere. Accompanying this commentary was a photo of a few of the 4,500 bodies exhumed in 2010 from a mass grave in San Rafael Málaga, by the Association for the Recovery of Historical Memory

(*La Asociación para la Recuperación de la Memoria Histórica*, or ARMH), in collaboration with the University of Málaga and supported by municipal and regional authorities, the largest mass grave stemming from the Spanish Civil War. Although the size of this particular excavation is atypical, the activist's comments on the exhumation at San Rafael captures the thread that sutures together this diverse movement: the desire to recover the bodies of the disappeared, in the hopes that the reincorporated dead might, at last, give life to Spain's moribund democracy.

Since the first scientific exhumation was conducted in 2000, a loose coalition of civic associations has dedicated itself to locating, disinterring, and honoring the over 130,000 civilians murdered by fascist forces during and after the Spanish Civil War, and buried in a series of unmarked mass graves throughout the Spanish countryside.¹ “The historical memory movement,”² as these groups are collectively known, is united first and foremost by a commitment to facilitating the ability of family members to provide a decent burial for their loved ones. But, as the commentary on the occasion of the King's abdication indicates, at stake in the recovery of dead bodies is not just fulfilling the rights of kin. It is also about the resurrection of Spain's lost democratic project, itself half-buried in the mass graves that have become hallmarks of the fascist era. As one activist declared to a public assembly: “the destruction of memory makes the construction of democracy impossible.”

Certainly, it is not difficult to imagine why the existence of unmarked mass graves should pose an urgent public policy problem for any post-conflict society. In the aftermath of violent conflict, states have a clearly defined legal (as well as a moral) obligation to undertake measures

¹ During my fieldwork, I heard estimates ranging from 100,000 to 300,000 or more disappeared. The fact that the exact number of civilians murdered by the Franco regime is unknowable is in large due to the continuing failure to declassify both state and Church archives. Throughout this thesis, however, I follow the best existing estimate of 130,000, even as I quote a number of people who cite alternative figures (Aguilar 2013).

² What I gloss in English at the historical memory movement is known alternatively in Spanish as: *el movimiento para la recuperación de la memoria histórica* (lit: the movement for the recovery of historical memory) or *el movimiento memorialista* (lit: the memory movement).

of reparation towards families and communities that were directly affected by past human rights abuses. When such hostilities result in enforced disappearances and / or unmarked mass graves, states must help locate and identify the missing. This imperative is expressed most clearly in the International Convention for the Protection of All Persons from Enforced Disappearance, to which Spain is a signatory, which states that: “Each State Party shall take all appropriate measures to search for, locate and release disappeared persons and, in the event of death, to locate, respect and return their remains” (art. 24, sec. 3). As the United Nations, European Union, Argentina, and a host of local, national, and international NGOs have taken pains to point out, the Spanish state’s ongoing refusal to dedicate sufficient resources to recover the remains of Franco’s victims constitutes a clear abrogation of its international obligations.³

Despite this, it is not immediately self-evident why the Spanish state’s failure to locate the disappeared should call into question the possibility of grounding the polity writ-large. After all, by most international standards, Spain receives relatively high praise for its political system, even after the recent difficulties imposed by the Euro crisis (Freedom House 2014; Economist Intelligence Unit 2012).

And yet, seventy-five years after the start of the Spanish Civil War and thirty-five years after the death of the dictator, both supporters and opponents of forensic exhumations agree that the mere act of a citizen removing their grandparent from a mass grave and reburying their remains in a place of their choosing poses an existential threat to the existing political order. For the political right, the reappearance of the dead threatens to undo the foundational agreements of Spain’s democracy. Shortly after the passage of the 2007 Law of Historical Memory, one right-wing newspaper criticized the Socialist Prime Minister, writing: “the worst damage that Zapatero

³ Despite repeated reaffirmations of the state’s legal responsibilities, for technical reasons relating to the fact that these acts were mostly committed prior to the foundation of the United Nations in 1945, it is not clear whether these violations fall under the mandate of any competent international body (see Ch. 3; Rubin 2014).

has inflicted upon us is the reactivation of Civil War-ism (*guerracivilismo*), the exhumation of all that divides us and the devaluation of everything that unites us” (*El Semanal Digital* 2011). Meanwhile, for the left, the continued existence of mass graves testifies to the ongoing effects of the Franco dictatorship on Spanish society. As the coordinator of the ARMH-Madrid asked a group of prospective volunteers: “How is it possible to live as citizens in a country where there are more than 100,000 disappeared persons? ... How is it possible to have a political community with more than 100,000 disappeared persons? Is it even possible to have such a society? And if so, what type of society is it?” For supporters of the memory movement, the democratic rights of the living cannot be guaranteed so long as the rites of the dead go unfulfilled.

This dissertation emerges at the intersection of post-conflict democratic state building, new forensic technologies, and memory politics. While the 20th century has frequently been described as the “era of the witness” (Wieviorka 2006) for the way that it privileged victim testimonies from the Holocaust to South African apartheid (Felman and Laub 1992; Wilson 2001), the 21st century is shaping up as the “era of forensics” (Keenan and Weizman 2012; Comaroff and Comaroff n.d.). Recent advances in forensic anthropology and genomic science have effected a paradigm shift in international human rights law. With the rise of scientific exhumations and DNA identification, these new technologies increasingly allow experts to solicit evidence from “witnesses from beyond the grave” (Stover and Joyce 1991).

In this thesis, I argue that these recent transformations produce more than just an expansion of the available archives for re-narrating past human rights abuses. The scientists, relatives, and activists I worked with did not just regard the presence of human remains as bodies of evidence; in addition, they saw in the exhumed corpses of loved ones the existence of compatriots. For many of my interlocutors, the labor of exhumations had far less to do with

“giving a voice to the dead” than in training the living to be able to hear the disappeared, who, despite the best efforts of both the fascist and Constitutional governments, have never gone quiet. I therefore suggest that we must move beyond the tendency to see this kind of politics as merely a projection of the fantasies of the living onto the bones of the dead. Instead, my dissertation shows how the labor of the memory movement and its supporters fosters collaborative alliances between living and dead citizens of post-Franco Spain.

Over the course of the dissertation, I approach this topic on three distinct scales of analysis. First, I examine the impact of mass grave exhumations upon understandings of the past. Spain’s democratic transition – unlike subsequent Latin American and African post-conflict programs – did not entail any official process of reckoning with the past.⁴ As a result, in contemporary Spain, the techniques and technologies of transitional justice provide an authoritative means for contesting hegemonic interpretations of past crimes. Here, the scientific technologies of forensic science offer a putatively objective form for discerning the history of what continues to be one of the most controversial eras of Spanish history. Yet, as with all narrations of the past, the ones that emerge from forensic exhumations also entail ethical considerations of what it means to live as a democratic citizen in contemporary Spain.

Second, I look at the ways forensic exhumations act as a technology of subject-formation. Here, I examine the ways visitors to mass grave exhumations are trained to recognize the dead as “persons, just like you or me.” While relating to persons who died seventy-five years ago requires a certain disciplining of their often-unruly biographies, I demonstrate that this is not a one-way street. For, in becoming the sorts of beings with whom the living can identify, the dead suggest, compel, and occasionally even force the living to undergo dramatic physical, subjective, and affective changes.

⁴ On the multiple implications of reckoning in post-war Guatemala and beyond, see Nelson 2009.

Lastly, I look at the circulation of dead persons in the Spanish public sphere. As the protests following the abdication of King Juan Carlos I suggest, the influence of dead persons on public deliberations is far from over. The forensic exhumation here acts as a ritual process, transforming the disappeared into the types of beings who can – and according to the activist of the historical memory movement, eventually will – renew Spain’s democratic spirit.

Taken together, this manuscript contributes to an understanding of how both technocratic procedures and more spectacular forms of public remembering affect post-conflict democratic politics. Social scientists and humanities scholars have long recognized the importance of historical memory to the formation of national identity. More recently, transitional justice analysts have argued for the importance of recovering the corpses of the dead as part of broader programs of post-conflict reconciliation. And anthropologists have long documented the agency of ancestors in any number of non-Western countries. My dissertation, however, suggests that the role of dead people in the formation and maintenance of democratic politics has been vastly underestimated. In Spain as elsewhere, the dead are not merely passive fetish objects upon which the living project their political aspirations. They are political agents who affect the outcome of the difficult questions political communities struggle with in the wake of massive human rights violations. Like other political actors, their demands can at times be manipulated or even outright denied. But, by collaborating with scientists, activists, and relatives of the disappeared, their influence can also be profound.

The Uneasy Place of the Spanish Civil War in Spanish Memory

The idea that the historical memory of the Spanish Civil War would have to be “recovered” at all might strike the casual observer as rather odd. Walking down the street, an observant visitor to Madrid encounters constant reminders of the conflict. Passing through the

central plaza, the Puerta del Sol, a foreigner may be approached by a guide offering tours of notable battle sites from the siege of Madrid, including the still extant bullet-marked pillboxes in the Parque del Oeste. Bars in the center of town entice tourists to drink in the same watering holes once frequented by famous volunteers of the International Brigades, such as Ernest Hemmingway. And the Reina Sofia Museum dedicates a large portion of its second floor to the artistic works about the war, including Republican and fascist propaganda films, the photographs of Robert Capa, as well as a host of paintings in support of the struggling Second Republic from the likes of Alexander Calder, Joan Miró, Salvador Dalí, Luis Quinatnilla, and, prominently displayed in its own dedicated room, Pablo Picasso's *Guernica*, whose commemoration of its titular town's 1937 bombing by the Nazi Luftwaffe has become an icon of the horrors of war more broadly.

If that tourist happened to read Spanish, she might also take note of the ubiquity of the conflict in newspapers, magazines, popular books, and movies. During my fieldwork, the magazine *Historia*, included a "Newspaper of the Civil War," as a special premium insert. Dated from the corresponding month from 1936-1939, the broadsheet "reported" an even-handed account of the war's proceedings, dedicating roughly equal space to mourning deaths from both sides. Likewise, most bookstores and magazine shops are stocked with recent literary and historical works relating to the 1930s. In fact, so much recent literature explores the topic that, in 2007, the novelist Isaac Rosa (2007) cheekily entitled his own contribution, *Another Damned Novel About the Civil War!* satirizing those who complain about the growing volume of fiction dedicated to the era.

The term "historical memory," itself, is so omnipresent that it no longer even requires that its referent be specified. When I told Spaniards that I was studying "historical memory,"

they instantly understood that I was researching the Spanish Civil War and Francoist repression. The only thing I ever needed to clarify was that I was interested in the social movement more than in discovering additional historical details about the era. Similarly, at many exhumations visitors would simply ask, “are you guys from historical memory?” regardless of the specific NGO leading the effort. By contradistinction, when I began my preliminary research in Andalusia, I took note of several municipal and regional projects aimed at “recovering the historical memory of al-Andalus,” the period of Moorish control over the Iberian Peninsula. Whereas commemorations of other periods required some elaboration, the Spanish Civil War remains the unmarked category.

And yet, despite its ubiquity, conversations with Spaniards about “historical memory” can be extremely tense. When I told an old friend I had met in Toledo during an undergraduate study-abroad program about my research, she was taken aback and warned me to “be careful with this.” I often received similarly halting responses when I explained my work to friends and colleagues in Madrid who were not affiliated with the historical memory movement. While some people shifted to hushed tones as they informed me of their own family’s experiences of repression, others warned me to tread lightly, since exploring the topic could easily cause offense. This is a lesson I would soon learn firsthand, as I joined the Platform Against Impunity for Francoism’s (*Plataforma Contra la Impunidad del Franquismo*) weekly marches in the Puerta de Sol, where the mere act of carrying photos of the disappeared routinely provoked insults and occasionally even physical confrontations with strangers crossing through the busy plaza.⁵

⁵ When I began my field research, the Platform Against Impunity for Francoism was officially known as the Platform Against Impunity for the Crimes of Francoism (*Plataforma Contra la Impunidad por los Crimenes del Franquismo*). It was later shortened to indicate that Francoism itself constitutes a crime, much like Naziism does in

This, then, is the paradox of studying historical memory in contemporary Spain. To those who know how to look for it, the signs of the war are omnipresent. Even in Madrid, which unlike Salamanca, removed its last official public statue to Franco in 2005, an especially well informed *flaneur* might still notice any number of smaller monuments to the Civil War embedded in the urban landscape, from street signs still named for fascist figures, to plaques bearing the arrows of the Falange party, to the flag of the Second Republic that still exists in the dedication tiles at the entrance to the (in)famous bullring in Las Ventas.

But, unlike a South African visiting Robben Island or an Argentinian in the Plaza de Mayo, one cannot reasonably assume that another Spaniard will share in the memory of past state crimes. For all its availability for mass consumption, in many circles the Spanish Civil War remains a taboo topic. In some ways, I argue that the omnipresence of references to the past is a ruse, akin to Edgar Allen Poe's "purloined letter," which succeeds in concealing its secretive contents by "hiding in plain sight." Likewise, Spain's dead often appear to be absent from the public sphere, even, or perhaps especially so, at moments when they are paradoxically the most visible. Part of what this dissertation attempts to show, therefore, is that the process of learning to see, recognize, and forge ties with the dead is not simply a question of unearthing an ossified past from the grave. Rather, subjects must be trained to discern the presence of the disappeared through guided encounters with human remains, visual displays of trauma, and public debate.

Transitional Justice without the State

This is true nowhere more than in the halls of government. Historians tend to date Spain's democratic transition from the 20 November 1975, when the dictator Generalissimo Francisco Franco died peacefully in his sleep, to 28 October 1982, when the Socialist party took power in

Germany. For this reason, the Platform is also popularly referred to, including often by its own leaders, simply as the Platform Against Francoism (*Plataforma Contra el Franquismo*), a convention I adopt in the rest of this thesis.

the country's first democratic transfer of power since 1936. In the aftermath of Franco's death, both local and international observers feared that the long-repressed divisions over the Civil War would bubble up to the surface, leading to renewed violence.⁶ Therefore, following the best advice of contemporary international policy experts, Spain undertook a tacit Pact of Oblivion (*Pacto del Olvido*) by which the political elite agreed not to legislate, litigate, or discuss the past in the public sphere. By circumventing public discussions of the still divisive past, Spain's political elite hoped to concentrate on building a common future. But in undertaking these agreements, the Spanish Transition was also predicated upon a decision that foreclosed the possibility of any systematic effort to locate and identify Franco's victims. In effect, the founding compact of post-Franco Spanish polity relied upon the continued exclusion of Franco's victims.

Initially, this decision appeared to yield positive results. As living standards rose and peaceful elections became the norm, international policy observers hailed the country's successes. Spain quickly became an exemplar to be followed. When the Berlin Wall came down, a number of Eastern European politicians traveled to the Iberian Kingdom, hoping to gain insight how best to establish democracies back home (Alonso and Muro 2011: 1). By the early 1990s, political scientists elaborated a "Spanish model" of democratic transition (Linz and Stepan 1996; Gunther 1992; Przeworski 1991; Colomer 1991). Although their models rarely emphasized the Pact of Oblivion, within Spain, there was little doubt about what enabled such economic growth and political stability: "forgetting came to be seen as an essential ingredient of the project of modernizing Spain, especially incorporation into Europe" (Encarnación 2014a: 77).

I discuss the Pact of Oblivion in greater detail in the following chapter, as well as subsequent political and cultural developments that have led some commentators to proclaim its

⁶ Such fears were no doubt stoked by the recent memory of the 1973 assassination of Franco's heir apparent, Prime Minister Luis Carrero Blanco, by the Basque militant group ETA, as well as the uptick in state violence that marked the last years of the dictatorship and the first years of the Transition (Aguilar 2001; Piñuel 1986).

demise. At this venture, suffice it to say that – despite the increasing prominence of the Civil War in the public sphere – no Spanish government to date has prioritized a serious reckoning with past human rights violations. Moreover, in Spain, the foundational pacts of the Transition – including the collective decision to “forget” their bloody past – continues to have many devoted defenders.⁷ Particularly on the ideological right, historical memory inspires strident criticism from political elites as well as from many ordinary citizens.

But outside of the Iberian Peninsula, in the quarter-century between Franco’s death and the first forensic exhumation, prevailing wisdom of how democracies ought to relate to their violent pasts underwent a dramatic reversal. As Leebaw explains: “Although this was once a controversial claim, the idea that a durable peace requires countries to address past violence is now widely held and promoted by influential leaders under the broad heading of ‘transitional justice’” (2008: 96). This new field encompasses “the set of judicial and non-judicial measures that have been implemented by different countries in order to redress the legacy of massive human rights abuses” (ICTJ n.d.). Prominent transitional justice mechanisms include truth commissions, war crimes tribunals, material and symbolic reparations, public commemorations, and state apologies for past wrongs. In contrast to its predecessors, the transitional justice paradigm stressed the importance of historical reckoning to building a stable democracy in the wake of mass violence. As Henkin reports the consensus of the influential 1988 Aspen Institute Conference on State Crimes, transitional justice advocates believe that: “Truth telling... facilitates national reconciliation and prevents those who perpetrated and supported the violations from nourishing and perpetuating exculpatory versions of events that occurred” (1989:

⁷ For example, after a legislative attempt to modify the Amnesty Law in order to allow judicial investigations into the disappeared was defeated in 2011, the center-right MP, Jorge Fernández, quoted from Marcello Camacho, a Republican P.O.W. and former head of the Spanish Communist Party who played an important role in the Transition: “How can those of us who were not killing achieve reconciliation if we do not permanently erase this past?” (El País 2011).

5). Whereas once international policy experts widely viewed the past as threatening the cohesion of post-conflict states, with the rise of the transitional justice paradigm, proponents now view it as a necessary precondition to a durable political transition.

The Spanish historical memory movement draws its inspiration from this newer transitional justice model. Against the Spanish state's attempts to permanently defer an official narrative of its fascist era, the memory movement advocates a process of elaborating the truth of its violent past, undertaking justice against the perpetrators, and making reparations with the victims. In seeking to pressure the state to fulfill its legal and moral obligations, the memory movement has adapted technologies like forensic exhumations that drew widespread media attention as part of state-led post-conflict processes throughout Latin America and beyond.⁸

However, unlike forensic interventions conducted by their peers in the immediate aftermath of civil wars and dictatorships, these exhumations are not carried out in support of truth commission, war crimes tribunal, or any other juridical process. Instead, they are conducted entirely by civil society organizations, with hardly any support from the government. Although the legal categories and practices associated with transitional justice had come to Spain, they did so without the force of law, the backing of the state, or the support of international bodies. For many of my informants, the absence of state-actors in the organization of exhumations, reburials, and redress is deeply felt as a sign of the dead's continued exclusion from the Spanish public sphere.

As will quickly become clear in this dissertation, the ongoing refusal of the Spanish state to fulfill its legal and moral responsibilities towards its dead citizens and their living relatives represents a significant obstacle towards achieving justice for the victims of Francoist violence.

⁸ In this, Spain partakes of a recent trend of Europe increasingly resembling the Global South documented by Comaroff and Comaroff 2011.

No matter how responsive to the needs and desires of families, civil society organizations cannot provide the sort of official condemnation for past crimes that victims so desire. Moreover, considering the shoestring operating budgets of these organizations, a comprehensive search for the disappeared and a full disclosure of fascist crimes requires that the Spanish state mobilize its unparalleled organizational and financial capacities. Even as I have argued elsewhere in favor of an increased role for civil society organizations in the actual labor of forensic exhumations (Rubin 2014), it remains clear that achieving the goals of historical justice and democratic accountability require state action.

This fraught political reality, however, also affords an important analytic opening. Because of its focus on state-led programs, the overwhelming scholarship on transitional justice focuses upon the impact of legal processes. Teitel, for instance, describes her seminal work, *Transitional Justice*, as an exploration of “the role of the law in periods of radical political transformation” (Teitel 2000: 4; see also Shaw et al. 2010: 4). Here as elsewhere, “legal instruments...are attributed an almost magical capacity to accomplish order, civility, and justice” (Comaroff 2006: 133). Even as more recent transitional justice scholarship has tended towards “victim-centered” approaches, the focus remains on how best fulfill the need and desires of those directly affected by state violence, without compromising the legal requirements of political transformation (Robins 2011: 77; Stover and Shigekane 2004). As a result, “local experiences, needs, and priorities often remain subsumed within international legal norms and national political agendas” (Shaw and Waldorf 2010: 5).

But as the experience of Spanish civil society organizations demonstrates, transitional justice has become more than a set of laws and policy prescriptions to be adapted to various post-conflict countries; it is a set of ideals, ethical guidelines, and democratic principles toward which

victims and civil society organizations aspire. In Spain, the lack of state backing presents a serious obstacle to the realization of these aspirations. But at the same time, because Spanish activists do not have to balance these values against the legal and bureaucratic constraints that any state-led program necessarily entails, this study represents an important opportunity to explore aspects of transitional justice normally occluded by the overarching focus on legal processes.⁹

In the hands of Spanish memory activists, the techniques and technologies of transitional justice become a powerful means for contesting the state's preferred narratives of the political community's past, and the vision of citizenship that it implies. And while the memory movement's understanding of the past has yet to become hegemonic, the very fact that the Civil War and Franco dictatorship comprise *the* unmarked historical memory of Spain is indicative of the impact that this transitional justice-inspired movement has already had on public debate.

Defining Historical Memory: The Practice of Relating to the Past

In sharp contrast to its referential clarity, for both the activists of the memory movement and many of their scholarly observers, the epistemological grounds which the term "historical memory" occupies is far muddier.

Unfortunately, the existing academic literature on the Spanish memory movement has failed to bring much clarity to the term. As Ferrán notes: "if one reads a number of articles by scholars who have critically examined the problematic term 'memoria histórica' (historical memory) one finds that they often come to very different conclusions as to what kind of memory is to be studied when confronting the issue in Spain" (2012: 227). To give just a few examples:

⁹ Similar to other legal mechanisms (see Comaroff 2001; Comaroff and Comaroff 2006a; Rubin 2007), transitional justice holds out the promise – if not always the possibility – to allow everyday citizens to participate in the crafting of official histories and even the construction of the state itself. In the absence of effective state action, the memory movement is demanding the fulfillment of this promise.

Keller finds in historical memory a supplement which, “illuminates history’s dark edges” (2012: 79). Cramer and Boyd both call this definition into question, arguing that in contrast to historian’s “disciplinary autonomy,” memory is a process by which “a group constructs a selective representation of its own imagined past” (Boyd 2008: 134-135; Cramer 2012: 35). Building on this definition, Cardús i Ros maintains that, “the social function of memory is not to be truthful but to stimulate the creation of solid foundations for all those things that are as contingent and precarious as the exercise of power” (2000: 24-25). Espinosa-Maestre, meanwhile, denies the binary opposition between memory and history, arguing that the concept “includes those dimensions that not only have to do with efforts to know the past, but also with those activities that tend to evaluate it and rescue it from indifference.” (2013: xiii). In this vein, a number of scholars of contemporary Spain have argued that we should approach historical memory as being about people’s “consciousness of the past” (Colmeiro 2011: 21), their “sensory experience” (Resina 2000: 84), or “the way the past has been understood, talked about, and assimilated” (Richards 2006: 85).

In part, the confusion in the academic literature reflects the multiple ways that activists on the ground deploy the concept. Amongst memory activists, the term may be utilized in any number of seemingly contradictory ways. At times, it indicates a mode of history writing. For example, while overlooking ongoing excavation work in a small Castilian village, one of the earliest members of the ARMH explained to me that: “You guys are making History with a capital H.” For others, it represents more a means for contesting, rather than contributing to, history. A prominent Andalusian memory activist noted how historical memory circumnavigates traditional modes of approaching the past: “if you go according to history, you’d have to say that no mass graves exist. Because according to the archives, that is how it is.” It is only by relying

upon the oral testimonies of relatives – their memory – that one can approach historical truth. A third perspective holds that historical memory is not so much about discovering new facts as it is about building widespread historical consciousness amongst the citizenry. For instance, at the conclusion of the 2011 School of Memory, Forum for Memory President Javier Moreno explained: “What is historical memory? You may be from the Left or from the Right, but you know the historical truth.” Finally, some activists deny any connection with the past at all. Thus, at the inauguration of an education exposition at the Carlos III University of Madrid, Spain’s most prominent forensic scientist, Dr. Francisco Etxeberria, argued that: “Although it has the name historical memory, we are talking about remembrances [*recuerdos*] and feelings.”¹⁰ Even the *Dictionary of Historical Memory: Concepts Against Oblivion* – a work “written with the aim of contributing conceptual clarity to the stormy world of historical memory” – does not offer an entry on its titular concept (Escudero Alday 2011).¹¹

Given the diverse activities that the term inspires, any analytic attempt to define it is bound to sacrifice precisely the vibrant, polysemous qualities of “historical memory” that allows it to serve as the social movement’s central organizing concept. Therefore, instead of adding yet another static definition, in this dissertation, I approach “historical memory” first and foremost as an ethnographic object which unites different modes of relating to the past, present, and future under the same heading. At times, what is at stake in these debates are historical facts, while at other times it is about reforming the presuppositions that ought to undergird democratic

¹⁰ The subtle distinction Etxeberria draws here is between memory (*memoria*), more often used in reference to collective remembering, and a more individualized form of remembrances (*recuerdos*). While both *memoria* and *recuerdos* are most often translated in English as “memory,” I have chosen to use “remembrance” in this thesis for the latter term, in an attempt to highlight the significant distinction.

¹¹ The book also omits any explicit definition of the key term from its subtitle, *Concepts Against Oblivion*. I explore the conceptual terrain of oblivion in Chapter 3.

deliberation; sometimes it is about fostering public knowledge of the past, while at other times it is aimed more at the subjectivity of the living.

In taking historical memory as an ethnographic object, however, I do not seek to divorce it from its intellectual genealogy. To the contrary, the productive nature of the term is due to the ways it marshals several distinct intellectual traditions about the place of memory in individual subjectivities and collective identities. In this sense, the difficulties in defining historical memory in Spain reflect broader debates within the interdisciplinary field of memory studies. As Cubitt notes, within the academic literature:

‘memory’ itself can be understood in different ways. According to some of these understandings, memory is something essentially personal and individual; according to others, it is basically connected to social institutions and cultural forms; to some, it is a survival of past experiences; to others, it is essentially a reconstruction of those experiences from a present standpoint (2007: 4).

In developing an understanding of historical memory as a political project, it is worth briefly reviewing the literature on the different modes by which we moderns narrate the past.

First Tradition: Halbwachs and the yearning for collective memory

The first tradition attempts to distinguish memory from history on the basis of group identity. According to activists like Moreno and analysts like Cardús i Ros, the primary significance of historical memory lies less in its ability to provide accurate narrations of past events, than in the way it structures a collectivity around shared understandings of the past.

This is a move that can be traced back to the founding father of the sociology of memory, Maurice Halbwachs. For Halbwachs, memory “retains from the past only what still lives or is capable of living in the consciousness of the groups keeping the memory alive. By definition it does not exceed the boundaries of this group” (Halbwachs 1980: 80). By contrast, history functions to preserve the past when the significance of those events become “lost amid new

groups for whom these facts no longer have interest.... When this occurs, the only means of preserving such remembrances is to write them down in a coherent narrative, for the writings remain even though the thought and the spoken word die.” (Halbwachs 1980: 79). On this account, memory is the defining characteristic of social belonging: “It provides the group with a self-portrait that unfolds through time... and allows the group to recognize itself throughout the total succession of images” (1980: 86). Its relation to past events, however, is epiphenomenal; all that truly matters is whether the narrative is able to sustain the collectivity in the present.

These distinctions between memory as the defining quality of social identity and history as the recording of otherwise neglected facts would be further developed in the influential work of Pierre Nora. If Halbwachs distinguishes between the two poles chiefly as a means of highlighting the social dimensions of collective representations of the past, Nora argues that the two terms are “in fundamental opposition” to one another (1989: 8). Whereas “real memory” is “social and unviolated, exemplified in...so-called primitive or archaic societies,” history is “an intellectual and secular production” that is characteristic of modernity (Nora 1989: 8-9). As modern societies develop, Nora argues, the social structures necessary to support this authentic, primitive form of memory also fade. With “the end of traditional memory” what once naturally existed as collective unconscious, now requires “a scaffolding of external signs” – such as archives, monuments, and national holidays – in order to sustain any semblance of collective identity (Nora 1989: 13). In short, with modernity: “There are lieux de memoire, sites of memory, because there are no longer milieux de memoire, real environments of memory.” (Nora 1989: 6). Given his association of memory with “primitive” society, it is unsurprising that Nora sees a present crisis in the workings of memory.

Anthropologists have long been suspicious of these sorts of rhetorical strategies, which rely on bifurcating the world into the rational, modern “West” and the primitive, irrational, “Rest.” The ethnographic record documents an amazingly diverse array of strategies used around the world to understand the past. As Comaroff and Comaroff note: “If we allow that historical consciousness and representation may take very different forms from those in the West, people everywhere turn out to have had history all along.” (1992: 5).¹² Moreover, as Cole points out, these multiple modes of critically engaging with the past do not only break down along geographic lines. For in positing a Western world rich in history yet poor in memory, scholars such as Nora, “assume that some imagined entity (‘the West’) is a place where there is a way of relating to the past that everyone shares. Yet we know that such generalizations do not hold” (Cole 2001: 105). In the case of the Spanish historical memory movement, archival research, first- and second-hand oral testimonies, forensic data, and visual imagery comprise multiple, and sometimes competing, modes for apprehending the Civil War and Francoist repression.

Moreover, in their eagerness to separate out a distinct sphere for professional historical research, the Halbwachsian tradition also overlooks the ways that the diverse traditions they unite under the term “memory” are subject to their own standards of plausibility and conditions of felicity (Austin 1962). In the writings of Nora, these other ways of authorizing, debating, and critically evaluating the past are subsumed under the mantle of non-Western “primitive” societies.

Finally, the Halbwachsian tradition relies on some basic assumptions about the nature of society which are not borne out in the Iberian context. For Halbwachs, memory and group

¹² And, as Palmié argues, in many instances, these other modes of historical practices do not even seek the validation of Western experts: “It will not do to erect rhetorical barriers between history and its undisciplined, irrational Other, memory. This is so because African-American memory movements neither builds on nor seeks authorization from the historian” (Palmié 2002: 21).

identity are coterminous; social groups are defined by a common memory, which is the hallmark of a coherent social unit. As such, he does not provide us with the ability to account for a scenario in which the collective memory of the imagined community becomes the subject of intensive contestation.

Although the Halbwachsian tradition does not offer an adequate analytic for understanding the diverse modes by which Spaniards interact with their collective past, I argue that it does offer a compelling way of understanding the sort of memory towards which Spanish activists are striving. For the memory movement, the entire political sphere *ought* to coalesce around a shared understanding of the evils of the Franco dictatorship. As I document in Chapter 3, Spanish activists interpret the fact that frank reexaminations of past violence engender so much controversy as evidence that “Spain is tremendously backwards.” They yearn for countries like Germany or Argentina where (allegedly) the dictatorial past is both universally loathed and still present in the hearts and minds of the populace. In other words, Spanish memory activists crave a world in which the violence of the Franco regime can be made sacred, “social and inviolable.” In an ironic reversal of Nora, then, for these activists *millieux de memoire* are the hallmark of modernity. In other words, I argue that, in the Spanish concept of historical memory, Halbwachs has been transformed from an analytic account of the ways memory *does* work to a normative project on how it *ought* to work.

Second tradition: striving for objectivity

The second tradition attempts to distinguish memory from history by virtue of its method: whereas history allegedly strives to objectivity, accuracy, and self-critique, memory remains undisciplined, enslaved by contemporary social forces. This rhetorical strategy is particularly favored by both supporters and opponents of the historical memory movement who would like to

preserve the “disciplinary autonomy” of historians. The Spanish historian, Santos Juliá, for example, criticizes contemporary activists’ modes of writing about the Franco dictatorship:

Before, thirty years ago, we were interested in what happened during the Republic and the Civil War: establish the facts, interpret texts, analyze situations. Today, as a new generation of historians, literati, [and] cultural critics born around the transition has risen to prominence, they are no longer interested in what happened, but rather in their memory: not in the facts, but rather in their representations, which take on a kind of autonomous existence, independent of the facts that are represented (Juliá 2006: 7).¹³

For critics like Juliá, history is best left to historians, who, unlike activists, can divorce themselves from the corrupting influence of sentiment.

The distinction Juliá rehearses was perhaps best articulated by the philosopher and historian R. G. Collingwood, who argued that “memory is not history, because history is a certain kind of organized or inferential knowledge and memory is not organized, not inferential at all (1994: 252). For Collingwood, history is “scientific,” insofar as its method allows others to confirm or falsify the evidentiary path that allows the historian to “prove” certain historical truths. Memory, on the other hand, is simply the byproduct of social processes which may or may not have any connection to actual past events.

Like all professional fields, historians certainly maintain specialized norms of knowledge production that distinguish their craft from that of non-historians. To wit, we can read the positing of this distinction as a typical modernist attempt at purifying the putatively objective world of history from the subjective world of memory (Latour 1993: 10-11; Palmié 2013a).

But because it is a narrative convention, history writing is subject to many of the same social processes normally associated with “memory” (Lambek 1996: 242-243). In telling stories about the past, scholars do not simply produce history as “one damned thing after the other.”

¹³ As Faber points out, Juliá’s deictics also betray a certain angst at the crumbling of post-fascist Spain’s foundational pacts: “The subtle switch from first-person plural (“nos interesaba”) to the impersonal third person (“ya no interesa”) is telling here: Juliá feels out of touch” (2007: 181).

Instead, they curate, edit, omit impertinent information, and describe causes and correlations (Bloch 1992). Moreover, because history is never complete and the historian can never know the final results of the events she describes, history, no less than memory, is always oriented towards the present. For example, though one could record on 4 December 1892 that a boy named Francisco Franco was born, only the historian has the necessary perspective to write that on that date the dictator Franco was born (see Danto 2007:152). In narrating not just the facts, but also the relationship between several “distinct and time-separated events,” the historian necessarily situates past event with relation to the present (Danto 2007:152, 138). And, as the present changes – say, from a fascist dictatorship to a constitutional monarchy – these past events must once again be “re-described, and their significance re-evaluated in light of later information” (Danto 2007:11).¹⁴ Therefore, as Palmié argues: “both ‘memory’ and ‘history’ ultimately revolve around and in turn aim to fashion, authorize, and motivate specific definitions of moral community *in the present*. What they differ on...are the standards of plausibility in regard to which ‘pasts’ might convincingly underwrite what ‘presents’” (2010: 374)

In attempting to cordon off history from memory, these scholars too often overlook the ways that history also operates according to social conventions.¹⁵ There are any number of empirical and conceptual problems with pursuing what Ankersmit calls the “scientific delusion,” a belief that historians re-present an objective just-the-facts account of the past, using precise methods (2005: 191). Logically speaking, because historians cannot have direct access to

¹⁴ This is so not least of which because of the way our concepts shift: Danto points out that, in addition to any documentary evidence, historians rely on what he calls “conceptual evidence” (2007: 122). The mere act of labeling a person ‘an artist’ or ‘a soldier,’ “permits us, with some measure of plausibility, to apply a whole set of different and...*acceptable* or *possible*, sentences to that individual” (Danto 2007: 122, italics in original).

¹⁵ A number of historians have likewise questioned the utility of drawing such a strong distinction between the two means of knowing the past. Cubitt notes how the two terms “are proximate concepts, inhabiting similar territory (2007: 4). Santayana goes further when he argues: “History is nothing but assisted and recorded memory” (1912: 39). Hobsbawm notes how historians work to “compile and constitute collective memories of the past” (1997: 24-25). Similarly, Becker (1932) argues that every man is a historian because every man has a memory.

the past, their works are not subject to the same sorts of standards of falsification as the scientific practices to which they aspire. In other words, historians do not study the past in the ways that a biologist might study microbes, so much as they study archival sources about the past. When a historian's narrative is falsified, it is not the past objecting to misrepresentation, but other archival documents. Moreover, traditional historians inevitably run up against the problem of an archive that is not only selective, but which also necessarily reflects the view of the powerful states who curate the raw data of historical narration (Chakrabarty 2007; Comaroff and Comaroff 1992). In the end: "Sociologically speaking, no less than religion, history is, ultimately, an assemblage of collective representations positing realities that are – logically – beyond empirical proof" (Palmié 2002: 4).

The process of eliciting, recording, organizing, and distributing knowledge – whether at the grave or at the lab or the archive – is never separable from its social context. Likewise, history too must be situated in particular social convention and supported by, as well as generative of, particular modes of power (Foucault 1977: 27). At stake in the debate over whether the memory movement produces "history" or "memory," then, is not so much the accuracy of their claims, but the legitimacy of forensic exhumation, oral testimonies, and archival documents in narrating the past. In other words, as Comaroff has argued: "what happened is inseparable from conventions of meaning and power that shape the horizon of happening" (1994: 465). The historical memory movement, then, represents in large part a struggle over the sorts of evidence, methods, narratives, and standards of plausibility – in other words, over the specific social conventions – that structure descriptions of the Franco dictatorship in 21st Century Spain.

The practice of scientific history

To begin understanding what Spanish activists mean when they talk about historical memory, it will be helpful to shift our focus from the noun “memory” to the verb remembering. Social psychologists have long argued that memory – or rather, remembering – is best thought of not simply as a storehouse of information about the past, so much as an active process (Bartlett 1932; Cole 2001). By thinking about memory and history as practice, rather than as totalizing structures by which individuals relate to past events, we are afforded several important insights.

First, we see that we are dealing not simply with two *different* modes of relating to the past, but *several* distinct practices of historical narration, all competing for authority. History is here not defined by a single method of divining the past, so much as a range of techniques that expert historians deem acceptable (Rorty 1991). Moreover, these different methodological practices yield slightly different forms of knowledge about the past. As any historical archaeologist well knows, the history that can be narrated from unearthed objects differs from the past produced from archival documents, which in turn differs from the past produced by oral historians. Much like the doctors studied by Mol, here too: “while realities may clash at some points, elsewhere the various performances of an object may *collaborate* and even *depend on* one another” (1999: 83). Similarly, although I will detail the distinct logics animating recorded testimony of past crimes, forensic analysis of human remains, archival research, and other modes of knowing the past, historical memory emerges not out of the contradictions between these methodologies, but rather through the ways memory activists successfully orchestrate them into recognizable objects of knowledge. Facts, no less than beliefs, are not simply waiting out in the world to be discovered. They are actively constructed by scientists.¹⁶

¹⁶ Which is not to imply that these scientists are fully in control of the products they create. As Latour notes: “The scientist makes the fact, but whenever we make something *we* are not in command, we are slightly *overtaken* by the

As Mol points out, the ways these multiple forms of scientific practice relate to one another is itself a form of “ontological politics.” As she notes, “this suggests that the conditions of possibility are not given. That reality does not precede the mundane practices in which we interact with it, but is rather shaped within these practices” (1999: 75). From this perspective, the binary opposition of memory and history begins to look impoverished. For there are not merely two modes of building the past, but multiple, overlapping regimes of bringing this thing we call “the past” into being in a recognizable form. The struggle that the historical memory movement is engaged in, then, is not simply an ideological contestation between two different narrations of the past. Rather, it is a politics of linking and routing various entities – from individuals’ memories, to technologies of recording, and including the dead themselves – in ways that produce a different understanding of the past, relationship to the self, and capacities for action.

Once we adopt this view of historical memory as a form of ontological politics, the questions we can ask of the field of memory studies also shift. For memory is no longer just about the way that knowledge – whether referential or embodied – affects identity; it is also about the sorts of humans, nonhuman, and semihuman actors with which one can successfully associate. In some ways, memory studies scholars have long known this. Various forms of the “distributed” memory hypothesis – wherein memory exists intersubjectively, as well as between people and texts or technologies – are commonplace within the field (Wertsch 2002; Cole 2001: 29). But adopting a view of the memory movement as a form of ontological politics calls our attention to the fact that the nodes that comprise this distributed field are not pregiven, but are rather brought into existence through practice. In this dissertation, I argue that the Spanish historical memory successfully brings the dead person into being as a particularly important node

action: every builder knows that” (1999: 281)

within this network. Over the course of this thesis, I attend to both the work involved in transforming the disappeared into dead citizens as well as the labor on the living that allows them to recognize, associate with, and ultimately act in concert with their deceased countrymen.

From this perspective, the actions of the memory movement – from forensic exhumations, to protests with placards of the disappeared, to the less spectacular but no less important expositions and educational workshops – should be understood as technologies of memory making. Of course, these interventions are not Spanish inventions. In seeking to transform the historical memory of their fellow citizens, the memory activist consciously drew upon a set of transnationally circulating forms that had acquired global prominence in the democratic transitions of Latin America, Africa, and Eastern Europe. In order to understand the potential of these memory-technologies to reshape the terms of democratic belonging, then, we will have to draw upon scholars who have theorized the importance of collective remembering to the dynamics of political communities.

Memory and Nationalism: two visions of a post-fascist memoryscape

The debate over whether to exhume the bodies of Franco's victims is not simply a question of the rights of relatives and of the disappeared. It is also a clash between two distinct visions of a post-fascist democratic project. In seeking to understand the political stakes of this struggle to garner official acknowledgement of past crimes, I turn here to two of the foundational theorists of nationalist remembering: Ernest Renan and Benedict Anderson.

For liberal theorists of the nation, political communities are defined, in part, by a collective relationship to their past. As far back as 1882, Ernst Renan argued that nations were more than an assemblage of atomistic individuals who freely compacted to live together in order to safeguard their life, liberty, and property (cf. Locke 1988). For Renan, “the essence of a nation

is that all individuals have many things in common; and also that they have forgotten many things. No French citizen knows whether he is a Burgundian, an Alan, a Taifale, or a Visigoth” (1882). In other words, it was only with the birth of the French nation that all of these sub-national identities, each with their own distinct history, had to be forsaken – even disremembered – in order to allow for the emergence of a unified national identity.

Building on Renan’s analysis, Anderson argues that the rise of the modern nation-state led to a certain kind of amnesia, where the past was not so much erased as it was reconfigured to align with a state-based identity. In this version of the story, what at the time were conflicts between distinct groups are transformed into “reassuringly fratricidal wars between – who else? – *fellow Frenchmen*” (1991: 200, emphasis in original). In remembering *la Saint Barthélemy* (The St. Bartholomew’s Day massacre) as a key moment in the history of the French nation, for example, Anderson suggests that French citizens must forget their kinship with either Catholics or Calvinists. Instead, they must learn to recognize both groups as fellow French citizens: “the singular *French* noun ‘la-Saint-Barthelémy’ occludes the killers and killed – i.e., those Catholics and Protestants...who certainly did not think of themselves cosily together as ‘Frenchmen’” (Anderson 1991: 200). For Anderson as for so many latter-day theorists of transitional justice, the process of establishing a singular nation-state ultimately requires that both perpetrators and victims of mass violence become integrated into a single imagined political community.

Ironically enough, given subsequent historical developments, Anderson draws on the example of post-Franco Spain to elaborate this point:

In the 1930s people of many nationalities went to fight in the Iberian peninsula because they viewed it as the arena in which global historical forces and causes were at stake. When the long-lived Franco regime constructed the Valley of the Fallen, it restricted the membership in the gloomy necropolis to those who, in its eyes, had died in the world-struggle against Bolshevism and atheism. But at the state’s margins, a ‘memory’ was already emerging of a ‘Spanish’ Civil War. Only after the crafty tyrant’s death, and the

subsequent, startlingly smooth transition to bourgeois democracy – did this ‘memory’ become official (Anderson 1991: 202).

When Anderson first wrote these words in 1982, they represented a more-or-less accurate description of contemporary Spanish modes of relating to the past. The early Franco regime portrayed the conflict as a “glorious crusade,” a “second-Reconquista” against a “Jewish-masonic-communist” conspiracy, which together comprised an “anti-Spain” (Preston 2012; Márquez 2006: 70-90). By the late dictatorship and certainly by the time of the 1978 Constitution, however, the conflict was increasingly described as a “fratricidal war” between Spaniards, in which extremists on both sides committed excessive crimes (Márquez 2006).

This narrative of the Civil War as a conflict between brothers continues to enjoy mainstream legitimacy within Spain. For instance, a children’s history book I picked up at a convenience store during preliminary fieldwork explained that in the 1930s: “One thing is clear: Spain went crazy. All of Spain, the left just like the right. And the result was a cruel clash in which one did not only try to conquer the enemy, but to erase them, to annihilate them” (Fernández Álvarez 2008: 268). Not unlike the modern French citizen’s inability to identify with Visigoths or Burgundians, as the narrative of a “civil” war solidified, identifying with one or the other side became increasingly difficult, even for their most ardent supporters. As Hobsbawm writes of his own experience: “What Spain meant to liberals and those on the Left who lived through the 1930s, is now difficult to remember... It now seems to belong to the prehistoric past, even in Spain” (1996: 160). As Spain navigated towards a newly unified, democratic horizon of expectation, dominant narratives of 20th Century violence appeared to coalesce around a great national tragedy.

This helps explain why the Spanish state, like Anderson and Renan, focuses so much on the importance of forgetting. As Scott points out: “In tragic action... we see a collision of ‘ethical

powers'.... Each of these principles or powers exerts an equally valid claim, but they sometimes serve ends that are incompatible and irreconcilable with each other" (Scott 2014: 48). In reconstructing la-Saint-Barthélemy as a French national tragedy, the irreconcilable ethical projects of Catholics and Protestants fall by the wayside. In its stead, arise two variations on the theme of French patriotism. In a similar vein, the narration of the Spanish Civil War as a fratricidal conflict erases the diverse Leftist political projects for which various Republicans fought and died (as well as the fascist projects of the winning side), in favor of a narrative in which "Spain went crazy. All of Spain."¹⁷ Within Spain: "The transition to democracy was driven by the refusal to accept the history of the Civil War and Francoism as a moral legacy for post-Franco Spain" (Faber 2012: 127).

With the rise of the historical memory movement, this narration of the Spanish Civil War is increasingly contested in the public sphere. For the historical memory movement, the conflict in the 1930s was not a "fratricidal" affair, but a fascist uprising against a modern liberal democracy that resulted in grave violations of basic human rights. Tellingly, many memory activists even object to labeling it a "civil war," arguing that the events are best understood as an illegal coup d'état against a democratically elected government (see Ch. 3). Like the transitional justice scholars who inspired them, these activists argue that the Franco regime's past-violence endures in the present and demands redress (see Teitel 2000: 3).

Transitional justice theorists concur with Anderson and Renan that a common narration of events is crucial to the act of forging a nation. However, unlike the historians of the nation-state, for transitional justice theorists states have not only the ability, but also the responsibility to ensure their citizens understand the importance of the past (Méndez 1991: 583-584; see also,

¹⁷ One significant consequence of this narration is the way that it presents the Spanish Civil War as a purely internal affair, in the process ignoring the global forces that structured the conflict and drew so much international attention.

Weschler 1990: 4). Thus, in place of tragedy, transitional justice theorists favor historical narration in the genre of parable. In the process, Anderson and Renan's focus on forgetting is replaced in the transitional justice literature with a focus on "truth." According to its advocates, the purpose of truth telling is "to present to the people, who have been influenced and manipulated by propaganda under the dictatorship, a clear and unvarnished picture of the true character of the regime" (Herz 1989: 19). History acquires a didactic quality; the past teaches "a set of lessons about the past" which societies must learn as part of their healing process (Leebaw 2008: 109). Transformed into allegory, these tales can provide the social underpinnings of a proper democracy.

What is at stake in the debate over how to narrate the violence of the 1930s, then, is not just the emplotment of history. As sociologists and anthropologists of national belonging have pointed out, "these narratives are never undisputed or merely a matter of the neutral recital of facts" (Said 2000: 177). Like all historical narration, the ones that underscore political communities developed in the aftermath of mass atrocity display what White called a "moralizing impulse" (1981: 22; see also Wertsch 2002: 123-124; Lambek 1996: 248). Whether one conceives of the violence of the 1930s as a "civil war" or as a period of fascist human rights violations is thus also a question over the ethics implied by the historical genre and the political structures that these commitments imply.

And yet, as I highlighted at the beginning of this chapter, the seeming opposition between "truth-telling," that is, making the past visible in the present, and "forgetting," is never quite so clear cut. In Spain, where historical memory remains, paradoxically, both omnipresent and unspeakable, it not enough to assume that merely revealing the facts of what occurred during the war will effect a radical transformation of the politics of remembering and belonging. As I argue

in this dissertation, the project of *recovering* historical memory is not primarily a question of historical investigation. Nor is it simply about historical consciousness. In addition, it is about re-orienting the sensorial, ethical, and political capacities of Spanish citizens.

Such transformative processes, however, are not just an intellectual exercise. As I will demonstrate in this dissertation, they are the outcome of specific encounters, above all, between living and dead persons at mass grave exhumations, public protests, and through the media. In order to begin thinking through the importance of the dead in re-orienting the political and subjective horizons of the living, it will be useful to draw upon those who have theorized the particular power of exhuming dead bodies in re-constituting societies and polities.

Forensic Exhumation as a Technology of Nation Making

In some ways, the dead have always played a central role in the formation of national identity. Anderson is again exemplary. In detailing the ways in which we remember / forget past violence, Anderson pays careful attention to the ways the reworking of historical consciousness is accomplished through the manipulation of the dead, especially the heroes, martyrs, and villains who died in violent circumstances. For Anderson, the historian of the French Revolution, Jules Michelet, is the trailblazing figure when he writes:

Never in my career have I lost sight of that duty of the Historian. I have given many of the too-forgotten dead the assistance which I myself shall require. I have exhumed them for a second life...History...gives life to these dead men, resuscitates them...Now they live with us, and we feel we are their relatives, their friends. Thus is constituted a family, a city, shared by living and dead (Barthes 1992: 101-102 [Michelet 1872]; cited in Anderson 1991: 198).

In this metaphorical exhumation, Anderson vests all agency with the historian, allowing him to undertake the work of association and identity-making that these tropes afford (see Fernandez 1986). Michelet “insisted, with poignant authority, that he could say what they ‘really’ meant and ‘really’ wanted, since they themselves ‘did not understand.’ From then on, the silence of the

dead was no obstacle to the exhumation of their deepest desires” (1991: 198). Even if the Protestants and Catholics who died at la-Saint-Barthélemy could not have possibly conceived of themselves as Frenchmen at the time, in the hands of the modernist historian, the dead learn to speak on behalf of the national community. On Anderson’s account, the historian is fully in charge of the “second life” of the dead he has exhumed.

What, if anything, changed when the exhumation of the dead ceases to be a metaphor?

In answering this question, I strive to unite four different approaches to the ethnography of forensic exhumations. The first approach, favored by legal anthropologists and anthropologists of human rights, treats the dead body as a source of evidence about past crimes (Sant Cassia 2007; Bal 2005; Kovras 2008; Sanford 2003). For these scholars, the dead body functions as an alternative archive, yielding new kinds of historical evidence. A second approach conceives of forensic scientists less as technicians extracting data than as mediums, through which the dead themselves can be made to testify as to their fate (Stover and Joyce 1991; Keenan and Weizman 2012; Koff 2007). Importantly, while such an approach grants the dead a measure of agency, it remains confined to the narrow parameters of describing its own individual biography. This contrasts with a third approach that has emerged in recent years. Drawing upon older analyses of mortuary rites, these scholars have looked at the ways unearthing human remains functions to rework relationships amongst the living and between living and dead persons (Crossland 2009a; Rojas-Perez 2014). Finally, a fourth approach focuses on the corpse as an effective political symbol. Here, the focus is on how the display of dead bodies provides an opportunity for collectivities to rework the terms of national belonging (Gal 1991; Verdery 1999).

Perhaps the most influential recent work on the topic is Katherine Verdery's *The Political Lives of Dead Bodies* (1999). Verdery calls our attention to the importance of materiality:

“Bones, corpses, coffins, and cremation urns, are material objects. Most of the time, they are indisputably *there*, as our senses can confirm. As such, a body's materiality can be critical to its symbolic efficacy; unlike notions such as ‘patriotism’ or ‘civil society,’ for instance, a corpse can be moved around, displayed, and strategically located in specific places” (1999: 27).

Yet even as “their corporality makes them important means of localizing a claim,” for Verdery as for Anderson, the dead do not participate in the process of meaning making (1999: 27-28). To wit, their silence aids in their symbolic efficacy: “Dead bodies have another great advantage as symbols: they don't talk much on their own” (Verdery 1999: 28). Much like the dead persons metaphorically exhumed by Michelet, for Verdery, the “second life” of the physically exhumed continues to be largely subject to the whims of the living. On this account, the dead body essentially acts as a fetish object. The living invest it with the ability to rewrite their own collective biography. But the corpse itself is only significant insofar as our own culture has, more or less arbitrarily, vested these objects with powers they do not inherently possess. Like all fetish objects, the corpse is: “Something that is nothing in itself, but simply the blank screen onto which we have projected, erroneously, our fancies, our labor, our hopes and passions” (Latour 1999: 270).

It is significant to note that Verdery's study looked at political exhumations directed by state authorities in the former-Soviet Union, shortly after gaining their independence. In contrast to the sorts of unburials that inspired the Spanish historical memory movement, these were not forensic efforts, designed to discover and disseminate new information about past crimes. Those who have studied *scientific* exhumations have produced a substantially different account.

For scholars of transitional justice forensic exhumations, the act of unearthing dead bodies constrains narrations about past violence, far more than it enables them. For instance, Sanford argues that in post-Civil War Guatemala: “Denial that those killed had been unarmed civilians remained plausible only as long as the mass graves were untouched.” By uncovering evidence of past crimes, forensic exhumations eventually yielded “a new national and international understanding of La Violencia” (Sanford 2003: 48). Here, scientists produce “witnesses from the grave” who testify to the circumstances of their death. As the pioneering forensic scientist Clyde Snow put it: “Bones make good witnesses. Although they speak softly, they never lie and they never forget” (Stover and Joyce 1991: 144). As its etymology would suggest, forensic science is a process of converting these material objects into convincing arguments about the nation’s past: “Derived from the Latin *forensis*, the word’s root refers to the ‘forum,’ and thus to the practice and skill of making an argument before a professional, political, or legal gathering” (Keenan and Weizman 2012: 28). In analyzing forensic processes, then, the focus shifts to the ways experts mobilize or “translate” the object in the service of arguments about the past.

Whereas Anderson and Verdery focus on the plasticity of dead bodies, forensic scientists are quick to emphasize their objectivity. Contrary to the more sensationalist mass media representations, this does not mean that the scientific analysis of human remains can grant us direct access to past events. Rather, as Latour points out: “Objectivity does not refer to a special quality of the mind, and inner state of justice and fairness, but to the presence of objects which have been rendered ‘able’ (the word is etymologically so powerful) to object to what is told about them” (2000: 115). Much like the laboratory experiments analysed by Latour, the forensic exhumation is a procedure designed to transform objects into necessary components of

authoritative statements about reality. In the Spanish case, forensic scientists – in collaboration with relatives of the disappeared, visitors to mass grave, and the broader Spanish public – construct the conditions under which skeletal remains can object to those who would deny the history of fascist violence that produced them.

While this perspective highlights the importance of the dead bodies' materiality, understanding how these long-deceased persons become significant political actors requires us to look beyond their contributions to narrating the nation. For, as Michelet noted in a portion of the quote omitted from *Imagined Communities*, we exhume the dead not only to tell stories about them, but also to forge ongoing relationships with them: "Now they live with us, and we feel we are their relatives, their friends."

While this insight may have been surprising for Anderson, the idea that our relationships with the dead do not cease at the moment of their expiry is central to anthropological approaches to death. As anthropologists have long noted, rather than occurring in a single moment, death is most often experienced as a drawn out process (Bloch and Parry 1982; Hertz 1960). For structural and functionalist anthropologists, the problems posed by death extended beyond the body itself: "Death does not confine itself to the visible bodily life of an individual; it also destroys the social being grafted upon the physical individual" (Hertz 1960: 77; see also van Gennep 1961). Because human beings exist in a web of mutual obligations, the death of the person represented a disruption of the normal workings of society. As Radcliffe-Brown, drawing on Durkheim, explained: "After the death the society has to organize itself anew and reach a new condition of equilibrium" (2013: 285; see also Goody 2013). Mortuary rites, on this account, are rituals designed to heal a society damaged from the loss of the person (van Gennep 1961). As Malinowski explained, foreshadowing the work of van Gennep, "The ceremonial death...

counteracts the centrifugal forces of fear, dismay, demoralization and provides the most powerful means of reintegration of the group's shaken solidarity and the reestablishment of its morale” (Malinowski 2004: 22). In their analysis of the ritualistic management of death, these classical anthropologists highlighted the importance of the ways we treat the deceased for the social group’s self-perceptions and modes of power.

Such rituals, however, are not a means for ending the relationships that the living maintain with the deceased, so much as transforming them. As Hertz wrote: “The final ceremony thus profoundly alters the condition of the deceased: it awakens him from his bad sleep and enables him to live a social life again.... This transformation does not differ essentially from a true resurrection” (1960: 74). The funeral, ritual exhumation, and second burial transforms the dead into ancestors, spirits, saints, or other entities with whom individuals must maintain ongoing relationships. Neglecting this realm of social life, these scholars argue, could have grave consequence. Often, those not subjected to the appropriate rituals: “are the most dangerous dead. They would like to be reincorporated into the world of the living and since they cannot be they behave like hostile strangers toward it” (van Gennep 1961: 160). As I will argue in this dissertation, in contemporary Spain, no less than in the small-scale societies analyzed by these anthropologist, the un-mourned dead make powerful claims upon the living, demanding to be reincorporated into the world of the living. The exhumation of human remains is thus not only a scientific act; it is also a procedure for redefining the relationship of the living to their deceased kin and ancestors.

While Hertz and his successors largely saw such rituals as reflecting the status of the dead at the moment of death (1960: 76; Bloch and Parry 1982: 76; van Gennep 1961: 148), social archaeologist have drawn our attention to the ways that “funerary rites and monumental

architecture of death do not simply reflect the status of the dead but are part of the active creation of social relationships” (Crossland 2000: 147; see also Pearson 1982). Much like interactions between living persons, post-mortem rituals become a means for reorganizing our relationships with the dead and, through them, between the living as well. This is no less true of post-conflict excavations. As Crossland observes Argentine forensics: “Through excavation the dead are effectively brought back into the realm of the living, and the ways in which they are perceived may be transformed as relationships within and between the living community and the dead are constructed and negotiated” (2000: 147).

Building upon these insights, this dissertation approaches the recovery of historical memory as an ongoing negotiation over the place of dead in the political community. As the classic anthropological literature on ritualizing death suggests, the forensic exhumation works to transform the status of the disappeared, allowing them to finally “rest in peace.” In contemporary Spain, forensic exhumations are not the only technology for renegotiating the place of the dead, even if they remain the most prominent. Over the course of this dissertation, I also examine the ways the living establish relationships with the dead through public protests, archival research, pedagogical initiatives, artistic productions, and especially everyday conversations both at the mass grave and beyond. Many of these activities are designed to generate and popularize authoritative narratives of the nation’s past. Yet I argue that it would be a mistake to limit our analysis of dead bodies to the relatively small contributions they make to knowledge production. As with Verdery’s analysis of former-Soviet Republics, post-Franco politics also plays out in large part through these “continual struggles over meaning, or signification” generated by the sudden reappearance of Franco’s victims in the public sphere (1999: 24).

But this is no one-way street. In contemporary Spain, rebuilding “the group’s shaken solidarity” requires as much work upon the living as upon the dead. In order to properly interact with the deceased, the living must undergo the sort of historical, sensory, and affective training that allows them to recognize decayed human remains as sharing with them a common body, humanity, kinship, and political project. In so doing, the living are transformed through their interactions with the dead as much as the reverse.

What is at stake in these interactions, however, is not just the social status of the living and the dead. Whether at the forensic exhumation itself or in bringing the dead to a public assembly, coalitions of living and dead persons are far more capable of transforming the Spanish polity than either could on their own.

What is the Historical Memory Movement? Some Methodological Considerations

The historical memory movement is best thought of as a loose network of relatives of Franco’s victims and their supporters, united in the common goals of locating the disappeared, exhuming their physical remains, and honoring their legacies. The vast majority of these organizations, and especially their volunteers, are composed of descendants of people who were forcibly disappeared by the Franco regime. This is not to say that those working under the banner of the memory movement are demographically, geographically or politically representative of the broader population of those directly affected by Francoist violence. In my experience, volunteers and organizational staff tended to be younger, more urban, and more likely to hold leftist political views. Nonetheless, during my time working with these organizations, I was impressed by how much their attitudes, discourses, and actions concerning the recovery, treatment, and reburial of human remains reflects those of the people they serve. Nonetheless,

the nature of studying a social movement that is spread across a vast geographic and ideological network presents a number of significant methodological challenges.

First, the network is highly decentralized, both geographically and ideologically. The oldest and most well known NGO associated with the movement, the Association for the Recovery of Historical Memory, based in Ponferrada, León, had only four full-time employees during my field research. They dedicated the vast majority of their time to researching and conducting forensic exhumations on behalf of victims, though their activities also extended to educational initiatives, conferences, theatrical performances, legal complaints, press releases, social media campaigns, and proposals for new laws.

Yet it is far from alone. The ARANZADI Scientific Society, led by Dr. Francisco Etxeberria, is the most active forensic team, exhuming and identifying more bodies than any other group. The leftist, Statewide Federation of Forums for Memory also conducts a significant number of forensic exhumations. Beyond these three major forensic teams, a number of smaller organizations conduct excavations with varying degrees of regularity. Often, these forensic efforts are carried out in collaboration with smaller, local memory associations, such as the Association of Relatives of the Valdenoceda Exhumation or the Association of the Relatives of those Shot, Killed, and Disappeared in Navarra in 1936.

It would be a mistake, however, to limit the historical memory movement to its most visible activities. All of these groups also dedicate significant time and resources to various legal, political, and especially educational efforts. In this, they are joined by any number of additional organizations. Some, like the Platform Against Impunity for the Crimes of Francoism, a weekly protest in Madrid's central plaza, are likewise dedicated to pressuring the Spanish state to acknowledge the broad principles of truth, justice, and reparation. Others, like the Association of

ex-Prisoners of Carabanchal, are more narrowly focused on a specific subset of victims. Still others, such as the Statewide Committee in Support of the Argentine Lawsuit Against the Crimes of Francoism work primarily on a single issue, such as the ongoing lawsuit playing out in Buenos Aires against surviving Franco-era officials.

The bewildering array of organizations and activities presents a significant logistical challenge to any study of the historical memory movement. Although much has been written about the sudden reappearance of the past in the Spanish public sphere, this scholarship has mostly been confined to single activities or groups. In both English and Spanish, there now exists excellent studies of the ways the historical memory movement has manifested in literature (Resina 2000), film (Labanyi 2008; Faber 2005), textbooks (Márquez 2006), politics (Encarnación 2014a; Aguilar Fernández 2002), and, of course, forensic exhumations (Silva 2005; Ferrándiz 2014; Renshaw 2011; Colaert 2015). Despite the significant insights of each of these authors, few have attempted to look at the historical memory movement holistically.

In undertaking this project, I decided against focusing exclusively on any one organization or activity. Instead, I chose to move between manifold sites and actors to the greatest extent possible. In addition to conducting research at forensic exhumations, this also entailed ethnographic work in national and local archives, educational events, public protests, museums, traveling expositions, NGO offices, participatory assemblies, and conferences. Moreover, as with any 21st century social movement, this study required me to not only keep abreast of relevant news, but also participate in online social media discussions.



Figure 1: Locations of major research activities. Diamonds represent exhumations. Squares represent reburial ceremonies. Pins represent other major research activities (eg. educational events, protests, office work, interviews, archives).

Although my research activities were diverse, they were hardly comprehensive.

Even for a whole team of investigators, let alone a solo doctoral student, studying every node in the diffuse network of actors dedicated to “recovering historical memory” would prove unfeasible. Even amongst the select organizations with whom I worked closely, I often had to choose between

attending an educational event by the Forum for Memory, working in the office of the ARMH-Madrid, or participating in a forensic

exhumation. Naturally, the resulting study reflects a certain degree of chance that is the handmaiden of all anthropological inquiry. I worked most closely with those organizations that required an extra body to answer phones or carry heavy equipment, a researcher to visit the archives, or an interviewer to talk with victims. And while I worked with many of the largest and most influential organizations associated with the memory movement – including, in varying degrees, all of the ones named thus far, this research cannot be said to fully represent the diverse and complex views of the movement. The extent to which they do so will have to be borne out by future researchers.

The challenges of studying the historical memory movement relate not only to scope and diffuseness of the network, but also to its geographic variability. As is well known, Spain is characterized by significant regional and linguistic variation (see Fernandez 1983; Fernández

McClintock 2009). Unsurprisingly, these differences are also reflected in the ways memory politics play across Spain. High quality studies of regional Spanish memory politics have been written on Galicia (Ceasar 2014a), Navarra (Urla 2012), Extremadura (Araguete 2013), Cataluña (Cramer 2012), and Andalucía (del Rio 2013).

Although I certainly witnessed several distinct local inflections of memory politics, this thesis tends to downplay these regional differences. In part, this is a matter of convenience: due to financial limitations, relatively few forensic exhumations take place in any given year. Because I wished to participate in as many of these interventions as possible, I attended excavations throughout Castilian Spain, from Bierzo and Burgos in the north to Ciudad Real and Andalucía in the south. In between forensic exhumations, I was largely based out of Madrid, where the density of organizations and activities provided ample opportunities for ethnographic research beyond mass grave exhumations (see fig. 1).

But this decision to downplay regional variations also reflects my desire to focus on the assemblage of scientists, activists, bodies, and relatives that comprises the core of the memory movement. And while even these actors certainly brought with them markers of regional difference, those associated with the memory movement were united not only by a common set of ideals, but often also through the creation of an alternative public sphere, forged by reading the same articles, watching the same movies, participating in the same Facebook groups, and occasionally even attending the same exhumations, public assemblies, and conferences. The historical memory movement can thus be conceptualized as a debating counterpublic.

However, the existence of this rich sphere of debate engendered a third methodological challenge. The question of how the living ought relate to the dead inspires passionate and at times even strident disagreements amongst the various organizations and individuals that

comprise the movement. At perhaps the lowest moment in the two organizations' relationship, circa 2004, Forum for Memory President José María Pedreño accused the ARMH of trying to "hide political assassinations and present them as mere familial acts" (Pedreño 2004). A number of scholars have taken these occasionally bitter disputes as evidence of the irreconcilable visions of body politics and the politics of the body (e.g. Renshaw 2011).

Nonetheless, by the time my primary field research began in 2010, these tensions had largely subsided, even if they had not entirely disappeared (see Ferrándiz 2013a). Mr. Pedreño, for example, continued to argue that the key difference between the ARMH and the Forum for Memory was that his organization "respected their [the dead's] ideas as well," as evident by the prominence of Republican flags and hymns at their exhumations. ARMH activists countered that the Forum for Memory manipulated the true history of the victims in accordance with their own political agendas. Stories about the communist-party linked Forum for Memory not being willing to exhume graves of socialists, let alone Francoists, or of pressuring family members into services they did not want are marshaled as evidence. Because they see the dead first and foremost as kin, rather than as political actors, the ARMH argues that it is the Forum for Memory which truly disrespects both the dead and their kin.

Although the occasional grumble about the other's politics remained during my fieldwork, bitter recriminations had largely been replaced by an atmosphere of general respect and support. Both ARMH President Emilio Silva and Forum for Memory President José María Pedreño repeatedly denied any bad blood remained between their respective organizations. Having worked with both organizations, I believe that the differences between the two are often overstated in the scholarly literature. Ultimately, these are disagreements of degree rather than of kind. The Forum for Memory, in this case, continues to exhume mass graves only when living

kin can be located. And it is not by coincidence that the ARMH's logo is colored in the red, yellow, and purple of the Second Republic. Whether in pursuing international legal remedies or in organizing conferences, the ARMH likewise displays a relationship with the political projects of the dead. When examining the activities of each group, rather than published writings that emerged in a brief period of heightened tensions, one sees far more similarities than differences. On a practical level, this also meant I had the opportunity to navigate between the once-feuding organizations, allowing me to experience different strategies for recovering bodies, memories, and politics.

This dissertation approaches the historical memory movement as a distributed network of actors, united by a common thread that ties them to the bodies of Franco's victims. Far from risking the coherency of the movement, the debates over how best to realize this commitment to locating, exhuming, and honoring the victims of the dictatorship are constitutive of what it means to work towards historical memory. Ultimately, these disagreements represent different angles on the same problem: how to orient Spain's public towards a new horizon of expectation while remaining responsive to the needs of relatives.

Chapter Outline

This dissertation follows the historical memory movement, from the forensic concepts that inspired its search for the missing, to the effects of exhuming dead bodies on those who witness mass grave exhumations, and back out to the effects of such scientific interventions on the public sphere.

The first two ethnographic chapters look at the ways Spaniards adopted international ideas about the place of memory in reconstituting democracies. In Chapter 3, I show how the memory movement adapts the discourses and technologies of transitional justice to a country that

refuses to locate the disappeared or account for its violent past. I argue that, in the Spanish context, transitional justice has become more than just a set of laws and policies which countries may apply in the aftermath of violent conflict: it is a set of ethical precepts and democratic principles towards which victims and their supporters aspire. The Spanish state's ongoing failure to abide by these internationally recognized norms here becomes evidence of a crisis in Spanish modernity.¹⁸ As I argue in Chapter 4, the memory movement posits forensic exhumations as the solution to this crisis. In these scientific unearthings of mass graves, Spanish activists see an authoritative means for narrating the past. In contrast to popular ideas of scientists extracting truth directly from bones, I argue that forensic analysis acts as an authoritative supplement to other forms of remembered testimonies. Careful attention to the actual forensic process, however, reveals that the content of the narration continues to come more from oral testimony and archival documents than from evidence extracted from bones.

Mass grave exhumations aspire to do more than just narrate the past. They also seek to change those who come in contact with the dead. Therefore, over the course of the following three chapters, I look at the mass grave exhumation as a technology of subjectification. First, in Chapter 5, I analyze the ways the exhumation sets up a ritualized space in which taboos on confronting the still controversial past are, at least temporarily, suspended. In approaching the uncovering of human remains as a forensic rite of passage, I describe the transformation of the excluded disappeared into dead persons, who are now members of the political community. While this analytic is essential to understanding the changes that Franco's victims undergo in their interactions with forensic scientists, surprisingly, visitors to excavations do not undergo a series of parallel rituals, nor is their behavior or speech particularly constrained in the ways

¹⁸ As Roitman (2013) suggests, the memory activists' assessment of the Spanish state is part of a broader global trend towards an increasingly common perceptions of crisis.

classic anthropological theory would suggest. Therefore, in Chapter 6 I turn towards analyzing the process by which the living learn to identify with the dead on the basis of shared body, humanity, kinship, and ideology. In making those who died seventy-five years ago commensurate with those living today, the dead must undergo certain representational shifts. Yet, in this chapter, I show that this is not a unidirectional process. For once the dead are properly disciplined into the type of subjects with whom the living can identify, I show how they also provoke changes in the ways those viewing their remains think of themselves and their place in the political community. However, this provocation does not just operate along rational means. Therefore, in Chapter 7, I analyze the forensic exhumation as a psycho-social intervention. Here, I show how learning to properly interact with deceased compatriots provokes dramatic affective, bodily, and political changes. I pay particular attention in this chapter to the moment of shock, through which visitors to the mass grave are transformed into the sorts of subjects capable of constituting a truly democratic Spain.

The final ethnographic chapter of this dissertation moves away from the excavation site in order to follow the effects of recovering the disappeared on the Spanish polity. In Chapter 8, I look at the specific ways the dead enter into the broader Spanish public sphere as “persons with dignity.” Here, I show how liberal ideas of personhood open up specific avenues through which the dead become capable of participating in the public sphere. In so doing, I develop an approach to the dead not merely as objects, but as the sort of beings who continue makes obligations upon other persons and express political desires.

In the Conclusion, I consider the different modes of agency expressed by Franco’s victims in contemporary Spain. In discussing the dead as argentic beings, I draw upon theorists who describe agency not as a substance possessed by individuals, but as a property that emerges

out of certain sorts of relationships. From the political structure to the subjective linkages forged through mass grave exhumations, I argue that the deceased persons' ability to affect the living is neither an inherent attribute of dead bodies nor a clever displacement of the livings' wills.

Rather, it is an effect of the same sorts of power relations that structure all forms of political agency. The interactions I describe at mass grave exhumations are best thought of as a form of distributed memory. However, it is a form of re-membling that operates not only at the level of narrative, but also as an ontogenetic practice, one which brings into being new entities and opens up new possibilities of democratic action.

The historical memory movement is not the first time that dead bodies became central to Spanish politics. Indeed, ever since the Civil War subsequent Spanish governments have sought to manage the dead in accordance with their own political desires. It is to this history of managing the dead that I now turn towards in the following chapter.

Chapter 2. Historical Context: The Making and Re-Making of Spanish Identity through the Civil War Dead

To those not familiar with Spain, the fact that the various initiatives that fall under the heading of “historical memory” should generate so much controversy can be quite surprising. After all, what kind of modern-day King Creon of Sophocles’s *Antigone* could possibly object to families recovering the remains of their loved ones in order to provide them a dignified burial in a local cemetery?

Yet within Spain, the uncovering of Franco’s victims continues to be hotly disputed, even seventy-five years after the Civil War and thirty-five years after the death of the dictator. To give just a few examples: The congressional leader of the center-right People’s Party recently decried historical memory initiatives as being: “unnecessary and inconvenient, because of how much they reopen old wounds” (La Razon 2009; see also Pallerés 2014). The party’s spokesman has extended this criticism of the movement to a character attack on the families of the disappeared: “the relatives of the victims of Francoism only remember their loved ones when there is public financing available” (Nueva Tribuna 2013). These statements are by no means limited to the arena of professional politics. At the weekly Platform Against Francoism protests, hecklers regularly called us “reds,” murderers, and even hoped that we would soon join Franco’s victims in mass graves. Once or twice, these confrontations disintegrated into physical confrontation (see also Ferrándiz 2013a). While these sentiments are most commonly found on the political right, some leftist intellectuals are likewise perturbed by the sudden reappearance of Franco’s victims. The prominent center-left historian Santos Juliá, for example, criticizes the very idea of “recovering historical memory” as “typical of authoritarian regimes or totalitarian utopias” (2006: 11).

Spaniards recognize that there is much at stake in whether and how the bodies of the defeated are recovered. After all, those who died in the Spanish Civil War and Franco dictatorship have been central to the workings and reworkings of Spanish national identity throughout the past seventy-five years. In fact, disinterment and reburials of human remains from the Civil War and associated repression have occurred with such frequency that the Spanish anthropologist Francisco Ferrándiz describes his country as “an exhuming society” (2011a). In this chapter, I argue that various projects of constructing and contesting what it means to be a Spaniard have turned on the question of how the state governs those killed during and after the Spanish Civil War. Whether through their sacralization or through their neglect, those who died in the 1930s have long been central to what it means to be a Spanish citizen. From a longer-term historical perspective, then, the work of the memory movement represents less a new focus on these victims, than the latest in a long series of attempts to re-form the ethics of citizenship through the relationships we maintain with the victims of Franco.

But before analyzing the management of mass graves, we would do well to briefly revisit the acts that produced them in the first place.

The Spanish Civil War and the Mass Production of Death

On 17 July 1936, coordinated military uprisings took place throughout Spain, seeking to topple the country’s first national democracy, the Second Republic.¹ The preceding five years

¹ Naturally, the Second Republic was not the origin-point of Spain’s democratic traditions. For centuries, Spanish politics vacillated between conservative and liberal factions. During the Napoleonic invasion of Spain (1808-1814), the *Cortes de Cádiz* met, initially to coordinate local resistance efforts. Eventually, liberal factions within the legislative body passed the Constitution of 1812, establishing a limited Constitutional Monarchy and basic rights for all peninsular males in the Spanish Empire. While the document greatly influenced Latin American constitutions, its impact in Spain was short lived, as Fernando VII refused to recognize it upon reassuming the throne in 1814. The short-lived First Republic later emerged in 1873, following the abdication of Amadeo I, in the midst of three simultaneous civil wars. Lasting less than a year, the First Republic was characterized by political and social instability. There were also numerous experiments in local democracy that preceded these national experiments, the

had been a time of rapid change. Following the abdication of King Alfonso XIII in 1931, the first elected government in the history of Spain set about passing a series of reforms, including extending suffrage to women, establishing freedom of expression, implementing free universal education, secularizing state institutions, and carrying out a limited land redistribution program. Alienated by these policies, a coalition of right-wing interests – including fascists, monarchists, the Catholic Church, and large landowners – grew increasingly disillusioned with the democratic process, until the point where they attempted a coup d'état against the elected government. As the army continued its assault, General Francisco Franco quickly emerged as the rebels' leader.

Expectations of a swift military takeover, however, proved overly optimistic. While the uprising quickly took control over large swaths of territory in the south and northwest, the Republic initially managed to maintain control over the majority of the country. Rushing to defend this increasingly prominent international symbol of progress, some 35,000 leftists of all ideological stripes – including such eminent modernist figures as George Orwell, Ernest Hemingway, and Simone Weil – rushed to Spain in an effort to defend the beleaguered beacon of progressive ideals (Scott 2005: 24-25).

As the war stretched on, however, the Republic grew increasingly desperate before advancing fascist armies. The shaken Madrid government was unable to exert centralized control over its various official and semi-official militias and police forces. As a result, leftist street gangs were able to extirpate any perceived “fascist elements” from areas still loyal to the Republic. By the end of the war, Republican-affiliated forces had murdered up to 50,000 Flange-

most prominent of which was the 1520 Revolt of the Comuneros, whose legacy yielded, amongst other things, the purple bar of the Second Republic's flag.

party activists, yellow union leaders, and Catholic clergy away from the front lines (Ledesma 2010).²

These atrocities, however, would pale in comparison with the brutality of Franco's repression. Due to the continued lack of access to historical records, the exact number of civilians killed by Franco will likely never be known. However, most historians estimate that over 130,000 civilians were either summarily executed by the army and fascist paramilitary forces or killed after show-trials lasting mere minutes (Aguilar 2010).³ This includes some 20,000 persons murdered after the conclusion of hostilities (Tremlett 2006: 62). The repression of these perceived leftist elements was especially severe in those areas that immediately fell to the rebelling army and in which no active battles took place (Preston 2012: xiv).

Today, most historians write about the 1936-1939 conflict as a "Civil War," a fraternal conflict between competing visions for the future of the Iberian Peninsula (see Anderson 1991: 202).⁴ For the victors, however, the war was less a battle between brothers than a campaign of purification. Franco and his supporters spoke of their victory as a "glorious crusade" and a "second Reconquista." Everywhere, Franco's conquests were followed by brutal purges, "cleansings" [*limpiezas*] that were intended "to flush out 'internal enemies'" (Vincent 2007: 151).

Fascist forces made no distinction between those who took up arms in defense of the democratic Second Republic and civilians: secular teachers, bakers who gave their leftovers to

² As Preston, notes, the Republican government undertook some limited measures to control and even punish these extrajudicial murders (2012: xix).

³ Notably, Preston comes up with a higher estimate of civilian casualties than most, arguing that: "it is unlikely that such deaths were fewer than 150,000 and there could be more" (2012: xviii). This number includes estimates of those disappeared whose records either never existed or were lost or destroyed and therefore do not enter into most estimates of the Francoist terror.

⁴ A narrative that, for reasons I will elaborate on in Chapter 3, memory activists often reject for providing what they see as a false equivalency between a "military uprising against a legitimate democratic government" and "those who defended the legitimate order."

the poor, doctors, atheists, trade unionists, and others who represented liberal ideals were all subject to arrest and execution. For the advancing armies: “The defeated carried the germ of ‘anti-nation’, a form of degeneracy that, if not cleansed to the last trace, would contaminate the healthy body of Spain” (Graham 2004). They saw their opponents not as fellow countrymen, but rather as a foreign element, “viruses” that had to be driven out in order to restore the Spanish nation to health and glory (Richards 1998: 47).

The repression targeted not only Republicans, but also their families. Through both the 1939 Law of Political Responsibilities as well as informal blacklisting, the fascist state confiscated the property of “reds” and denied survivors access to regular employment. In villages throughout the country, widows had their heads shaved in the public square and their children were mercilessly bullied at schools.⁵ The widespread hunger and poverty that marked the post-war years also disproportionately affected the families of the defeated.

By killing those who possessed the “red gene,” and repressing their loved ones, the Franco dictatorship sought to silence the ideas that they represented once and for all (Graham 2004; Preston 2012). Yet these tactics could not have failed more spectacularly. For over seventy-five years now, those who died in the Spanish Civil War and its aftermath have continued to play an integral role in organizing, inspiring, and directing Spanish politics.⁶

First Wave of Exhumations: Building a Dictatorship through the Dead

Outside of Spain, the Civil War is most often narrated as one of the great tragedies of the 20th Century (e.g. Esenwein 2005; Carr 1977). Still today, many refer to it as a “dress rehearsal for World War II,” in which the forces of progressivism and liberalism were defeated by a rising

⁵ For more on the repression and resistance of women under the Franco dictatorship see Richards 1998: 52-66; Nash and Cifuentes 1999.

⁶ For more on the ways defeated constitutes communities of memory and imbues them with potentials for challenging dominant historical narratives, see Cole 1998a; Koselleck 2002: 76-83.

fascist tide that would soon suck in the rest of the world, culminating in the deadliest conflict in the history of the planet. The songs of the Republic, and especially of the International Brigades, became emblems of the global left, popularized in the English-speaking world by folk legends such as Pete Seeger, Paul Robeson, Ernst Busch, and Christy Moore. And its images – from the photographs of Robert Capa to Picasso’s *Guernica* – are still today privileged representations for the horrors of modern warfare.

Within Spain, however, the new dictatorship set about constructing an official memory of its “liberation” from the foreign-Soviet threat. Even as the economy collapsed and hunger became widespread in the years following the conflict, the fascist government dedicated significant resources towards imposing its own understanding of the past upon a war-weary country. State symbols were altered, making explicit parallels between the new regime and the Catholic Monarchs (Circi 1977). Textbooks were rewritten to reflect the dictatorship’s understanding of the war as a “national uprising” against foreign forces, the latest in a long history of “wars of liberation,” that included the Reconquista and the anti-Napoleonic wars of the 19th Century (Márquez 2006; Álvarez Osés et al 2000: 57-70). And town halls, urban plans, and cathedrals damaged in the war were rebuilt to reflect the National-Catholic worldview (Viejo-Rose 2011: 45-100).

Immediately upon seizing power, the fascist government sought to exert its domination not only over the living, but also over the dead.⁷ Just four months after the conclusion of the war, the Franco government decreed its own monopoly on the legitimate forms of commemoration: “In order to provide a unity of style and meaning to the perpetuation of the events and the people of the History of Spain, and especially to the memorials of the war and in

⁷ While those who died for the fascist cause were the most prominent dead persons mobilized for this effort they were hardly alone. Throughout the 1940s and 1950s, the Franco dictatorship deployed archaeology as a means for bolstering its claims of an essentialized Spanish national history (Viejo-Rose 2011: 72-73).

honor of the fallen, and to avoid that the enthusiasm, often justified, may capriciously take over these types of initiatives” (BOE 22-8-1939). The effects of this proclamation can still be seen in small towns across Spain today, where stone crosses, often in the central plaza, record the names of the “Fallen for God and for Spain” from that municipality.

Franco’s regime was invested not only in reordering the built environment, but also in ensuring that the living emulate a new ethics of fascist citizenship, learned from the “martyrs.” As Crumbaugh notes: “the proliferation of the dead was expressly intended to administer human lives in a distinctly governmental manner” (2011: 422). This can readily be seen in the fascist party’s anthem, *Cara al Sol* [Facing the Sun], which became a mainstay of public gatherings in large cities and small town alike. The lyrics situate the singer as simultaneously a member of two communities, one living and the other dead: “Facing the sun in my new shirt that you embroidered yesterday,⁸ that’s how death will find me if it takes me and I won’t see you again. I’ll take my place alongside my companions who stand guard in the heavens, with a hard countenance, they are alive in our effort.” While the song is addressed to living friends and family, the singer also anticipated their future amongst the dead in heaven and works in service of goals he shares with the latter. Cultural production in the post-war years likewise focused on the martyrs, from movies analogizing Franco’s fallen to Christ, to poets extolling the dead as the salvation of the fatherland, and including novels focusing on their sacrifices for the true Spain (Crumbaugh 2011: 421).

These commemorative efforts found their apex in the construction of the Valley of the Fallen, a giant mausoleum erected to “perpetuate the memory of the fallen in our Glorious Crusade” (BOE 2 Apr 1940). Built using the slave labor of over 20,000 Republican prisoners, it

⁸ A reference to the characteristic blue shirts which, like brown shirts in Nazi Germany, were a symbol of membership in the fascist Falange party.

remains a testament to the outsized dictatorial ego of the Caudillo: the monument includes a basilica originally deigned to dwarf that of St. Peter's in Rome,⁹ with a stone cross towering 150 meters above the hill, intended to “defy time and oblivion” (BOE 2 Apr 1940). In the architecture of the monument: “The dead are enshrined so as to overpower the living, rendering observers passive and helpless, forced to experience their own obliteration” (Crumaugh 2010: 420). Upon completion, the Valley would become the final resting place for those who died in the service of the dictatorship, including, eventually, Francisco Franco himself.

As the Valley of the Fallen foreshadowed, exhumations would be a key mnemo-technology throughout the dictatorship. Three days after the declaring their final victory over the Republic, the new government exhumed the remains of José Antonio Primo de Rivera, founder of the fascist Falange party, who had been executed in 1936 together with five co-conspirators caught plotting to overthrow the Republic. The evening news carried images of his jail cell and the laying of flowers in the spot where he was executed.¹⁰ Primo de Rivera would first be buried in a small, televised ceremony in the municipal cemetery of Alicante, before later being carried on the shoulders of Falange-party activists to El Escorial, where he would await the completion of his final resting place, in the Valley of the Fallen. In this way, the transfer of Primo de Rivera's remains sought to re-order the socio-political dynamics of the nation, elevating the founder of Spanish fascism from common criminal to patron father of fascist Spain.¹¹

At the same time, the regime also mobilized dead bodies in an attempt to prove the “red barbarity” [*la barbarie roja*], and hence the necessity of their own military salvation of the

⁹ As a result, the Vatican refused to sanctify the entire interior, leaving the official basilica just smaller than that of the iconic Vatican chapel.

¹⁰ “Primera Exhumación de los Restos de José Antonio Primo de Rivera,” last modified June 11, 2009, accessed 28 August 2015. <https://www.youtube.com/watch?v=BRDgRNt24GQ>.

¹¹ A similar lavish exhumation and reburial was afforded to the original leader of the coup, General José Sanjurjo (Preston 2007: 10). The intent of the Franco regime closely parallels those of the post-Soviet exhumations of former Presidents and national icons described by Verdery 1999.

nation. Eight months after the conclusion of the war, the government led an exhumation of the most infamous Republican massacre: the mass execution of several thousand prisoners of war during the Battle of Madrid.¹² From 7 November through the 4 December 1936, seven graves were exhumed and ninety-six bodies identified by relatives of the deceased (Vidal 2005: 215). A large cross installed on the hill overlooking the cemetery is still visible today from the Madrid-Barajas airport. This event became so central to the right's self-understanding that one of the most frequent heckles of the weekly Platform Against Francoism remains: "What about Paracuellos?"

The desire to document the crimes of the Republic culminated in the publication of *La Causa General*, an attempt to gather evidence of crimes committed by the "red domination." As part of this project, investigators gathered information about the cadavers located within each municipality's limits. In hindsight, the *Causa General* looks like a modern Truth Commission's disfigured doppelganger.¹³ Organized into a series of supposedly exemplary case-studies, the document seeks to paint a picture of the Republic as depraved and violent. The preface to the first edition declares that the report:

does not try to remove the wounds that must heal... It is the duty, however, of a State repeatedly strengthened by pain, victory, and the wise management of an insubstitutable Chief, to document the true occurrence of the events that brought mourning and shame to the Fatherland. We are driven by the obligation to clarify / prove [*dejar sentada*] the guilt of those who produced or facilitated the criminal environment that took over Spain. (Aunós Pérez 2008: 22).

¹² Although the Franco regime regularly declared that 12,000 prisoners had been marched from their jail cells in Madrid to their deaths in the suburb of Soto de Aldoveda, most modern historians place the number between 2,000 and 5,000 (Thomas 2001; Ledesma 2010).

¹³ This is all the more so due to a linguistic coincidence: the forms used to gather information included asking for the names of persons who were "disappeared" in a given town. On the difference between this notion of disappearance and the modern category of forced disappearances see Rubin 2015.

In this way, the Caudillo sought to establish his own legitimacy by producing an ordered, archive of the deceased, tailored to fit its own historical narratives.

On the one hand, the loose evidentiary standards of the investigation made this a vehicle for settling scores. As many historians have pointed out, the report was in actuality less an unbiased investigation than a post-hoc fabrication, designed to bolster the legitimacy of the fascist regime. It “permitted anyone with a personal score to settle or who coveted someone’s property or wife to smear their enemies,” often with deadly consequences (Preston 2007: 10). On the other hand, the requirement for some documentation – however permissive fascist officials were in their standards – also limited the ability of this report to confirm fascist narratives. While Franco’s speeches frequently claimed Republicans had executed over 600,000 persons, the massive archive gathered by the investigation yielded a figure of just 85,940, itself an extraordinary overestimate of the actual number (Espinosa-Maestre 2005: 16).¹⁴ Hence, even as the dictatorship exerted unprecedented control over which dead persons could enter the public record and how, they still encountered difficulties when attempting to marshal the support of victims who did not exist.

At the same time as the dictatorship mandated how their own martyrs were to be remembered, they also sought to repress any commemoration of those it killed by fascist forces. Whereas family members of Nationalist victims were given a space to mourn their kin within the structures of the state, relatives of Republicans were forced to maintain their silence. In some parts of the country, they were even legally prohibited from donning mourning clothes (Preston 2012: 217). Even small acts like bringing flowers to unmarked mass graves had to be done

¹⁴ Part of the reason for this still inflated number is the fact that some relatives of the disappeared took advantage of the Causa General to register the names of their loved one and the location of mass graves in the official archives of the state. In a historic irony, seventy years later, these documents can prove crucial in identifying the remains of Franco’s victims.

privately and often in secret. The appearance of the defeated would have constituted a grave threat to the regime's public mortuary practices, an admission of the war crimes committed by the dictatorship. The violence which was brought to bear on those the regime had murdered was perpetuated through their ongoing disappearance.

Yet many families refused to accede to the regime's demands to forget their kin. In hushed tones, in kitchens and in walks in the field, stories were whispered through the generations. Although widespread repression made the expression of these sentiments in public difficult, if one looks carefully enough the defeated too made their presence felt between the cracks of the dictatorship's authoritarian controls. For instance, Sieburth convincingly argues that Conchita Piquer's *Tatuaje* (Tattoo), one of the most popular songs of the post-war years, contains within it a number of oblique references to the disappeared (2014: 123-131).¹⁵

Similarly, Fernandez shows how village carnivals became occasions for criticizing the regime and revitalizing democracy (2003: 37-38). Thus, while dead leftists, like their living kin, were largely suppressed from participating in the post-war public sphere, they remained in the background, an unspoken force whose potential was clearly understood as a threat to the new regime. Like all totalitarian governments, the Franco regime sought to isolate the Republican dead, disappearing not only their physical traces, but also their social bonds (Arendt 1953). Yet their efforts were, at best, only partially successful.

In fact, by the 1950s, the National Catholic paradigm of approaching the Civil War dead either as martyrs of the nation or as internal enemies of Spain collapsed under the pressure of world historical events. Following the defeat of its Nazi allies in the Second World War and the

¹⁵ The lines "I wander, looking for him at every port; I ask the sailors about him, and no one tells me if he is alive or dead and I continue, in my doubt, looking for him faithfully" and "until I found you I'll look without resting" seem especially likely to have been interpreted by many families as referencing the disappeared, regardless of the singer's and composer's original intentions.

disastrous failure of its own autarchic economic policies, Franco's Spain quickly remodeled itself as a bastion of anti-communism in the Cold War. And, as it set about reworking the meanings of Spanish citizenship, it once again sought out new ways to govern the Civil War dead.

Second Wave of Exhumations: Authoritarian Attempts at Reconciliation

By the time the Valley of the Fallen was inaugurated in 1959, the narrative of the 1936-1939 conflict as a glorious crusade of national liberation was increasingly fading into the background. To be sure, it never fully vanished from official discourse. At the inauguration of his mausoleum, Francisco Franco himself reiterated that: "Our war, clearly, was not a civil war, but rather a true Crusade" (Franco 1959).¹⁶

Yet increasingly, this older National-Catholic discourse was superseded by one that sought to incorporate the dead from both sides into the metaphorical and material pantheon of the nation. Thus, in an official documentary released to coincide with the Valley's inauguration, the narrator describe it as:

a monument to all those that fell in the Civil War that, between 1936 and 1939, bloodied the fields of the nation; to absolutely all that fell on one side and the other of the trenches, to those that were with the victorious or with the defeated, because uniting them in a single ossuary is the expression of the pure desire that the misunderstanding that once confronted them disappear forever (Ochoa 1959; cited in Viejo-Rose 2011: 84).

Here, Spanish citizenship continues to be defined by Catholicism and fealty to *la Patria*.

However, for the first time, those who had died "mistakenly" supporting the Republic could be publicly acknowledged as members of the political community (Aguilar Fernández 2002: 78-79).

As with earlier attempts to cement state ideology, the Valley of the Fallen sought not only to rearrange the discourses and symbols of the dead, but also their bodies. Both mass graves and

¹⁶ On Franco's complex and often-contradictory sentiments regarding the meanings of the Valley of the Fallen, see: Aguilar 2002: 79-80; Franco Salgado-Araujo 2005.

formal burials from the Civil War were exhumed and some 70,000 bodies were transferred for reburial alongside José Antonio Primo de Rivera and, eventually, Francisco Franco. The scope of this exhumation project was massive. One report from the time describes how:

Day and night the funerary processions come, always with the same cargo, bones and sepulchers, which are piled in the galleries... There are times when the workers and monks charged with receiving the remains collapse from exhaustion and fatigue. (Sueiro 1977: 268; quoted in Crumbaugh 2011: 424)

Unlike the exhumations that followed the original coup, these reburials were not limited to those who died in the service of National-Catholicism. Any Spaniard who had been “patriotic” and “Catholic” could be reburied in the national crypt, even if they had erred in supported the losing side.

Nevertheless, this heavy-handed attempt to bring about national healing was no less authoritarian than the previous incarnation of state-controlled mortuary politics. Despite gestures towards reconciliation, the fascist regime refused to acknowledge the crimes committed by its armies during the Civil War, much less the existence of a coherent and legitimate political project on the part of the defeated. Although those who supported the democratic and legal government of Spain could be incorporated into the pantheon, they could only do so on the condition that they acknowledge the superiority of Franco’s political project and admit their own mistakes. Although official textbooks and public discourses increasingly presented the Civil War as a great national tragedy (Álvarez Osés et al. 2000: 192-197), the regime continued its tight control over the acceptable bounds of public mourning.

Even when the bodies of the defeated could be successfully disciplined in accordance with Franco’s dictates, they were still denied the rights and privileges claimed by other dead citizens. Whereas the dictatorship’s “martyrs” were identified and named in official documents, Republicans and leftist civilians remained largely anonymous. Further, exhumations of

Republicans were frequently conducted without the permission or even the knowledge of their kin. Their reburial alongside the founder of Spain's fascist party represented another attempt to tame their legacy, rather than a recognition of their contributions to a national project. Even to this day, the fascist state's governance of the dead continues to impact the families of the defeated.

In order to understand just how violent these initial mandates for reconciliation were, it is useful to consider the case of Fidel Victorino Canales, a Republican killed by Falangist militias on 20 August 1936 and buried in an unmarked mass grave in Adaja, Ávila, together with six other members of the local *Casa del Pueblo* (a Socialist-party affiliated meeting hall). In 2003, Fidel's son, Fausto Canales, organized an exhumation of the initial burial site with the help of the ARMH, but hardly any human remains were found. Analysis of the gravesite indicated that it had been disturbed and the bones transferred to an unknown location (Ferrándiz 2014: 277-278). Subsequent archival research revealed that the mass grave had been secretly exhumed in 1959 and the bodies transferred to the Valley of the Fallen without the knowledge or consent of the victims' relatives (Ferrándiz 2014: 278-282). To this date, despite several court cases, Fausto Canales is unable to have his father's remains transferred out of the dictator's mausoleum.

As Canales's case exemplifies, Franco's newfound commitment to unilateral reconciliation was not entirely successful. Despite their heavy-handed control over public mourning, "the official version was unable to impose itself on the general consciousness, and the Valley of the Fallen is remembered as an ostentatious and inopportune pantheon, built by Franco for himself and the winning side of the war" (Aguilar Fernández 2002: 85). Once these centralized state controls over public mourning began to collapse, however, new strategies for managing the dead would have to be found by the post-dictatorial government.

Third Wave of Exhumations: Amateur Exhumations and the Pact of Oblivion

When Franco finally succumbed to illness on 20 November 1975, Spain began what at that point in history had been a rarity: a peaceful political transition from authoritarian dictatorship to liberal democracy. Together with Portugal's Carnation Revolution and Greece's Metapolitefsi, Spain inaugurated what Huntington (1991) would soon coin, the "Third Wave of Democratization."

Franco's death, however, was not accompanied by a complete collapse of the authoritarian state. Instead, this transition would be conducted according to the legal codes and through the political institutions of the dictator's regime (Encarnación 2014a: 24; Gunther 1992). Two days after the death of Franco, in accordance with the 1947 Law of Succession, King Juan Carlos I was crowned the new head of state and, shortly thereafter, the King appointed Adolfo Suárez as Prime Minister. The new political leadership set about dismantling the dictatorship from within, using its own legal codes and procedures (Encarnación 2014a: 54). Democracy thus came to Spain not through revolution, but through pacts between political elites (Linz and Stepan 1996). Major political and economic reforms were undertaken through negotiations between Franco's successors, and the recently-legalized Socialist and Communist Parties.

In a country wherein individuals still bitterly disputed whether the Franco years embodied the tragic defeat of a utopian-democratic project or a modernizing national crusade against an insurgent communist threat, political elites succeeded in making the case that the past was a subject best avoided (Aguilar Fernández 2002: 34). Therefore, following then-contemporary ideas of best practices for democratic transition, Spain undertook a tacit Pact of Oblivion (*Pacto del Olvido*, sometimes also translated as "Pact of Forgetting," also known as the Pact of Silence, see Ch. 3). The Pact ensured that the political elite would not legislate, litigate,

or discuss the past in the public sphere (Aguilar Fernández 2002). The agreement would find its legal form in the 1977 Amnesty Law, preventing prosecutions of past crimes.

In recent years, a number of scholars have questioned the existence of this Pact of Forgetting. Perhaps most prominently, Santos Juliá has insisted that the transition entailed not a decision to forget the past, so much as an effort to “voluntarily remember a past with the intention of closing it, so that it does not impede the ability to make the necessary decisions in the present in order to open up paths to the future” (2011: 223; see also La Nueva España 2015; Ledesma 2009; Labanyi 2009).

Examining the words of contemporary politicians, however, it is difficult to see the Pact as anything but an attempt to forget an uncomfortable recent history. Indeed, in the immediate aftermath of the dictatorship, one did not have to go to etymology to see the close relationship between amnesty and amnesia: “during parliamentary debates, almost all groups praised the [1977 Amnesty] law precisely because it was an instrument of ‘national reconciliation,’ intended to ‘close the past,’ ‘forget,’ and ‘start a new phase’” (Aguilar 2001: 103). This decision was by no means limited to the old guard.¹⁷ Santiago Carrillo, leader of the recently-legalized Communist Party declared in 1975 that: “In Spain there is only one way to reach democracy, which is to forget the past”¹⁸ (Encarnación 2014b). Similarly, an editorial in *El País*, a newspaper with close ties to the Socialist Party, maintained that: “Democratic Spain should, from now on, forget the liabilities and the facts of the civil war, [and] block out the forty years of the dictatorship” (1977). The political consensus at the time was most succinctly put by Xulio

¹⁷ In fact, the little opposition to the Amnesty Law that was expressed in public came from the extreme-right, intent on continuing strict application of law against increasingly militant trade unions and regionalist groups (Aguilar 2001: 194-195; Encarnación 2014a: 73).

¹⁸ Carrillo likely had a personal stake in ensuring the passage of the Amnesty Law as well, given his own probable involvement in the massacre at Paracuellos (see Preston 2007: 184-186).

Arzallus, leader of the Basque National Party: “the amnesty was from everybody to everybody, a forgetting from everybody for everybody” (cited in Aguilar 2001: 103).

Like the resignification of the Valley of the Fallen during the later-half of the Francoist regime, the democratic state attempted to impose political reconciliation from above. However, unlike the dictatorship, the democratic government’s mandates no longer carried an implicit threat of violence against dissenters.

As a result, quietly, with little press coverage and no scientific expertise, some families set about exhuming and reburying their abandoned kin (Ferrándiz 2010; Hristova 2007). The extent of this phenomenon is unknowable due to the private nature of these affairs and the general reticence of most national news media to cover them.¹⁹ Nevertheless, the few media and academic reports from this time do allow us to make some tentative comments about this wave of mass grave exhumations.

One of the few exceptions to this informal media censorship was the weekly news magazine *Interviú* (Giménez Plaza 1978; Mendiluce 1980). The two articles, published in 1978 and 1980 respectively, indicate that families saw the recovery of their relatives’ bodies as a natural extension of democratic politics. One Navarra man explained:

Naturally, there are people who are bothered that we brought back the remains of our relatives, but we do not aim to agitate. Forty-two years of anguish and terror without daring to speak is enough, as though we were the bad guys and they, the guilty, ruled everything and made our lives impossible... And we couldn't say half a word, because if you raised the ikurriña [the Basque flag], you are doing politics and “you can't politicize!” And in the fiestas we were inundated with Spanish flags, ah, that is not politics! And it wasn't for forty-two years nor was the murder of so many people in nineteen thirty-six (Giménez Plaza 1978).

Despite the man’s protestations that the exhumation was not intended to “agitate,” the recovery of these remains is clearly presented as a corrective to an unjust history, which includes the

¹⁹ Though this phenomenon appears to have been most prominent in the Northeastern region of Navarra.

denial of the political nature of the repression.²⁰ Similarly, the 1980 article described the exhumation of 211 bodies from the cemetery of Torrero, Navarra as “the minimum justice possible,” indicating at least a hypothetical desire for further reparations (Mendiluce 1980; see also Hristova 2007: 35-37. This interpretation is further supported by the gatherings that took place in some towns outside of executioners’ homes, in which relatives of the disappeared would demand justice for past crimes (Humblebæk 2007: 9).

Due to a lack of historical sources, the extent to which these accounts are representative of the broader phenomena that marked these years is not knowable. Regardless, although the democratic regime could no longer stop those families with the means, knowledge, and desire from recovering their loved ones, it continued to limit the reach of these actions to the broader Spanish public sphere. Receiving little support from national media, political parties, or civil society, these isolated efforts to recover the dead were hardly a match for the powerful forces intent on forgetting.

Whether this nascent movement to recover the deceased might have had the potential to develop into a national movement, we will never know.

The Nineteen Year Pause in Exhumations and the Crumbling of the Pact of Oblivion

On 23 February 1981, a group of military officers led by Colonel Antonio Tejero burst into the Congress of Deputies as they were voting on a new Prime Minister and announced on live television their intention to overthrow the state. Within 18 hours, the attempted coup had failed, King Juan Carlos receiving widespread praise for denouncing the officers in a nationally

²⁰ We see a similar effort at a 1980 reburial service in Calahorra, where families marched through the streets carrying Republican flags and a banner reading: “In memory of those who died, vilely murdered by fascism for defending liberty, peace, and justice” (Hristova 2007: 38).

televised address.²¹ But the chilling effects on Spanish memory politics would be felt for far longer.

In the decade following the *Tejerazo*: “fears of a military coup succeeded in casting a pall over nascent efforts by civil society to recover Spain’s historical memory” (Encarnación 2014a: 110). Polling data indicates that 61.5 percent of Spaniards believed that a renewed civil war was a serious possibility in the aftermath of the aborted military uprising (Encarnación 2014a: 119). Politicians reacted by renewing their commitment to the tacit Pact of Oblivion, upon which the post-Franco democracy had been founded. The election of a Socialist government in 1982, the first since 1936, subsequently pursued a semi-official policy of *desmemoria*, actively avoiding any engagement with the past (Encarnación 2014a: 78; Tremlett 2006: 22; Graham and Labanyi 1995: 313).

The renewed hesitancy to confront the legacy of the Civil War was also evident in the cultural and academic spheres. During this period: “Few films and almost no fiction writing dealt with the subject” (Labanyi 2007: 95). One of the few movies to broach the topic, *Rocío*, was censored in theaters; a scene in which an actor reads the names of the ninety-nine men and one woman executed in 1936 in Almonte, Huelva was replaced in theaters by a black screen bearing the message: “Suppressed by sentence of the Second Chamber of the High Court on April 3, 1984” (Espinosa-Maestre 2013: 8-9). The historian Francisco Espinosa-Maestre reports being prevented by his advisor from pursuing research on the military uprising (2013: 9). And an academic conference coinciding with the fiftieth anniversary of the Civil War had its poster “unofficially, but effectively banned” for its visual references to the Republican flag (Preston 2012: 8-9). Whether in the ivory tower, the screens of local cinemas, or the halls of government,

²¹ How much the King knew, when, and his exact relationship to various military officers was a hotly contested and controversial subject amongst activists of the memory movement.

explicit references to Franco's repression became increasingly difficult to find throughout the 1980s.

Yet despite these massive efforts at directed forgetting, the past stubbornly refused to vanish. Throughout the 1980s and especially in the 1990s, Spain experienced a slow but steady crumbling of the Pact of Oblivion. The fiftieth anniversary of the Civil War provided the occasion for the halted beginnings of a national discussion about the past. Despite its best efforts, even the Socialist government was forced to acknowledge the half centenary, issuing an official declaration paradoxically declaring that there was nothing worth acknowledging:

First, because of its fratricidal nature, a civil war is not an event that should be commemorated....Second, the Spanish Civil War is definitively history, part of the memory and collective experience of Spaniards. But it no longer has – nor should it have – living presence in the reality of a country whose ultimate moral conscience is based upon the principles of liberty and tolerance (Gobierno de España 1986).

Although they refused to commission any new statues to mark the occasion, in the lead-up to the anniversary, King Juan Carlos rededicated a Madrid monument to the anti-Napoleonic uprising of 1808 to “Honor all those who gave their lives for Spain,” a widely understood reference to the victims on both sides of the Civil War (Encarnación 2014a: 82-83). Albeit tepidly, not even the government of Spain could ignore the compulsion to recognize the contributions of the dead to the nation.

Although the government acknowledged the anniversary only reluctantly, reaction in the broader public sphere was more pronounced. As the center-left newspaper, *El País* observed:

The commemoration of the 50th anniversary of the Spanish Civil War this year may be silenced in Spain, but it cannot be ignored. A dozen new books about the Civil War have made their appearance in the market. Newspapers are publishing series about the war. The government television station is preparing a program on the subject for the end of the year (El País 1986).

Despite ongoing efforts to censor the past, by 1986: “ordinary Spaniards’ apparently insatiable curiosity about the war was satisfied by a deluge of popular publications, television programs, and films” (Boyd 2008: 136).

By the 1990s, novelists and directors increasingly turned towards the Civil War and Franco dictatorship, albeit more often as a background for humanistic stories than as a genre of moralizing or litigating against past crimes (Labanyi 2000; Faber 2005; Faber 2006). And the television series *Quién sabe dónde* (Who knows where), which reunited “disappeared persons” separated from their families during the Civil War, became one of the most popular Spanish television shows of the decade (Tremlett 2006: 62). By the end of the decade, some were even taking direct aim at the Pact of Forgetting. José Luis Cuerda, for example, expressed his hope that his influential 1998 film, *Butterfly’s Tongue*, would “increase [spectators’] knowledge about an era and of some facts which it would be absurd and unpardonable to forget and that we have contributed something...to restore the dignity to those other ‘fallen’” in the Civil War (Azcona et al. 1999: 39).

Yet despite the growing presence of the Civil War in popular culture, the physical remains of the victims were present only in their absence throughout the 1980s and 1990s. From the *Tejerazo* until 2000, not a single exhumation of Civil War victims is known to have taken place.

In hindsight, we can identify a slow and steady crumbling of the Pact of Forgetting, as academics, artists, entertainers, journalists, and everyday people increasingly dared broach this once taboo subject. However, by 2000 the Pact of Oblivion remained, at least nominally, intact. So, when a young journalist named Emilio Silva successfully located the remains of his deceased grandfather in a mass grave outside of Priaranza del Bierzo, León, and, with the help of a team of

forensic doctors, archaeologists and geologists led a public exhumation, shockwaves rippled throughout Spain (Silva and Macías 2005). Inspired by tremendous demand from other relatives of the disappeared to organize similar interventions, Silva founded the ARMH shortly thereafter. Similar organizations, such as the communist-party linked Forum for Memory (Foro por la Memoria),²² soon sprung up. Together with smaller groups, these organizations formed a loose network, comprised almost entirely of unpaid volunteers, that have sought out, exhumed, and publicly commemorated the disappeared. At first the movement struggled to gain recognition in the national media: even after articles appeared in *The New York Times* and *International Herald Tribune*, the Spanish press was slow to report. Silva's persistence and journalistic skills, however, soon paid dividends. By the middle of the decade, the historical memory movement became one of the most reported on and controversial topics in Spain.

In order to understand the endurance of the historical memory movement, we must examine not only the internal dynamics of Spanish memory practices, but also how it converged with a global move towards a new model of post-conflict governance.

Fourth Wave of Exhumations: Transitional Justice comes to Spain

Initially, Spain's transition to democracy garnered the country widespread international praise (Przeworski 1995; Gunther 1992; Linz and Stepan 1996). As Spanish living standards rose concurrently with the consolidation of democratic institutions throughout the 1980s and 1990s, the country quickly became an archetype for successful democratic transitions, and remained so for decades to come.²³

²² The Forum for Memory would later schism into two similarly named organizations – the Statewide Federation of Forums for Memory and the Forum for Memory – the former officially independent and the latter maintaining its official ties to the Communist Party.

²³ As Rigby argues it is significant that the Spanish Transition was carried out prior to the rise of civil society as a renewed category in democratic theory (2000: 78).

Although the Pact of Oblivion did not feature prominently in political-scientific models, within Spain it was viewed as a lynchpin of the transition. In practice, this meant that in contrast to the later democratic transitions of the 1980s and 1990s:

No military trials of the like those that took place in sister military dictatorships such as Argentina, Greece, and Chile to account for human rights abuses were staged in Spain. Nor did the Spaniards see fit to organize a fact-finding and truth-telling commission to chronicle the political crimes of the previous regime, as was done in South America, Central America, and South Africa during the 1980s and 1990s... Finally, there were no bureaucratic purges (so-called lustration) in Spain of the kind that accompanied the dismantling of Communist regimes in Central and Eastern Europe during the 1990s intended to cleanse the political system of the vestiges of the old regime (Encarnación 2008: 437).

In effect, if not always explicitly in their models, proponents of the “Spanish model” favored a model of democratic transitional that called for ignoring, or at least temporarily tabling, any reckoning with past human rights violations.

But on the periphery, a new model of transitional justice was emerging. This model was based not on the principle of elite pact making and amnesty, but rather on public remembering, accountability, and reparations for past crimes. In the 1980s and 1990s a series of prominent semi-judicial truth commissions – including Argentina’s 1984 National Commission on the Disappearance of Persons, South Africa’s 1994 Truth and Reconciliation Commission, and Guatemala’s 1997 Commission for Historical Clarification – sought to produce authoritative narrations of past conflicts and human rights abuses, in an effort to forge together fractured nations around new collective biographies (Wilson 2001; Robben 2000). Beginning in the mid-1990s, policy makers and theorists of transitional justice sought to supplement or sometimes even supplant Truth Commissions with criminal prosecutions, starting with the special International Criminal Tribunals for Rwanda and the former Yugoslavia and culminating in the 2002 establishment of the permanent International Criminal Court (Subotic 2012; Mamdani

2002). With these developments, scholars and practitioners of transitional justice soon consolidated a new dominant theory of democratic transition, based upon the principles of truth, justice, and reparation. By the turn of the millennium, the Spanish model of democratic transition, with its emphasis on amnesty for and public silence about past crimes appeared anachronistic.

Ironically enough, Spain played a prominent role in the development of this new push for transnational accountability. In 1998, Judge Baltasar Garzón made headlines around the world, when he indicted the former Chilean dictator Augusto Pinochet for the disappearance of over 3000 persons in the course of his 1973 coup d'état. Mass rallies were held throughout Spain to demand the extradition of Pinochet from England, where he was receiving medical treatment, and newspapers covered every detail of the legal drama, running hundreds of articles on the subject (Davis 2005; Encarnación 2014a: 140).

The influence of transitional justice on the emergence of the latest wave of historical memory can already be seen in the very first forensic exhumation in October of 2000, as captured in the documentary film *The Steps of Memory*. There, Emilio Silva can be seen sitting on the side of the excavation site, while forensic scientists and archaeologists work excavating the remains of his grandfather, Emilio Silva Faba, along with those of twelve other civilians murdered by fascist forces and hastily buried in an unmarked common grave on 16 October 1936. Making explicit reference to the internationally acclaimed human rights investigations of Judge Garzón, Silva commented: “It seems that we are projecting ourselves into countries like Argentina or Chile, when in our ditches and beneath our orchards in places all over Spain, we have evidence that there are thousands of people” buried in mass graves.²⁴

²⁴ “Los Pasos Por La Memoria,” accessed 28 August 2015. <https://vimeo.com/7225833>.

Shortly thereafter, Silva published an article in the small, local paper, *La Crónica del León*, entitled “My Father was also a Disappeared” (Silva Barrera 2000). The use of the term “disappeared,” a legal category inspired by the experiences of Cyprus and Argentina, to refer to a group of people more often euphemistically described by Spaniards as “*paseados*” (lit. those who went for a walk) or “*asesinados*” (murdered) is further evidence of the influence of international legal norms.²⁵ In the following decade, Spaniards became intimately familiar with these terms, especially as the country’s generous universal jurisdiction clauses made it the venue of choice for holding Latin American dictators to account in the 1990s (see Encarnación 2014). As Francisco Ferrándiz has documented, the entextualization of these new legal categories allowed many people to reconceptualize their own family histories in new ways (2010).²⁶ As one filmmaker explained to me at one weekly protest of the Platform, “My father is a disappeared. My uncle as well. Just like those in Argentina or Chile.” What originated as a legal category and later rose to global prominence through the actions of social movements in Latin America here becomes a new frame for understanding the actions of the deceased (Rubin 2015).

To contemporary observers, it seemed as though the Pact of Oblivion had suddenly crumbled before a surge of highly public commemorations. Within a few years, the Spanish public sphere was awash with controversies about the Civil War and Franco dictatorship.

²⁵ The applicability of the term “disappeared” in Spain has inspired some controversy, eg. in Gatti (2006). The term was popularized in Latin American contexts, where the fate of the victims was unknown. In Spain, by contrast, the disappeared are assumed to be dead. Nonetheless, and I have argued elsewhere and as attested to by the United Nations and human rights organizations, those buried in mass graves throughout Spain meet the legal definition of enforced disappearance (Rubin 2015; see also Ferrándiz 2010; WGEID 2003).

²⁶ Ferrándiz prefers the term “downloading” to describe the influence of transitional justice norms on the Spanish historical memory movement. While I appreciate the ways that his description productively highlights the networked reality of human rights claims, the metaphor of a local groups accessing an unchanging category stored on some anonymous international server does not seem to me to be the best description of this situation. As Shaw and Waldorf (2010) point out, local interpretations of transitional justice also transform internationally circulating ideas of best practices (see also, Rubin 2014). For this reason, I prefer Silverstein and Urban’s (1996) concept of entextualization, which emphasized the ways concepts take on new meanings as they are decontextualized, say from an international legal policy manual, and recontextualized, in this case in the service of a critical civil society movement.

Newspapers, movies, bookstores, magazine shops, and online forums frequently featured vigorous debate on the subject. By the middle of the decade, the newly elected Socialist government had declared 2006 the “Year of Historical Memory” and passed a “Law of Historical Memory” the next year.²⁷ Although the law continued to treat exhumations as a private, individual effort, it did make limited state funds available to civil society organizations conducting exhumations (Moreno 2006).

By December 2011, this “historical memory movement,” as these NGOs and individuals became collectively known, had exhumed over 303 mass graves, containing some 5,911 persons killed during the Spanish Civil War and ensuing Franco dictatorship.²⁸ Significantly, unlike those conducted by Spaniards in decades past, this new wave of exhumations is led by forensic doctors and archaeologists, using protocols developed for post-conflict transitional processes around the world.

Yet, unlike forensic interventions conducted by their peers in the immediate aftermath of civil wars and dictatorships, these exhumations are not carried out to furnish evidence for a truth commission, war crimes tribunal, or any other juridical process. Rather, they are implemented entirely by civil society organizations, with hardly any support from the government. Though the legal categories and practices associated with transitional justice have taken root in Spain, they did so without the force of law, the backing of the state or the endorsement of international bodies.

The way transitional justice ideas and practices influenced Spanish memories of the disappeared will be analyzed in greater detail in the following chapter. For now, what is

²⁷ Law 52/2007, popularly known as the “Law of Historical Memory” is officially titled “Law 52/2007 of 26 December, which recognizes, expands the rights of and established mechanisms in favor of those who suffered persecution or violence during the civil war and the dictatorship.”

²⁸ Listado de Exhumaciones llevadas a cabo en España desde el año 2000, accessed 10 July 2013. Available at: <http://politicadela memoria.org/es/actividades-del-equipo/154-listado-de-exhumaciones-llevadas-a-cabo-en-espana-desde-el-ano-2000-.html>.

important to note is that, by the time I began my primary field research in 2010, the historical memory had successfully put forth a new mode of understanding national belonging and rights through practices of relating to those who died in the Spanish Civil War and Franco dictatorship.

Importantly, like the previous confluences of memory and mortuary politics, Spanish civil society adaptations of transitional justice did not simply replace previous modes of relating to the dead. Instead, they provided another framework, which competed against the still-extant interpretive schemes of previous eras.

This became readily apparent in the 2006 “war of funeral notices.” On 17 July, one day before the 70th anniversary of the start of the Civil War, a half page paid obituary commemorated three members of the Frente Popular killed by “Francoist terrorism.” Drawing on transitional justice tropes,²⁹ the notice provocatively argued that: “as a result of a pact of silence that is unacceptable in any democratic society, Spain remains indebted to the justice, truth, and memory of the victims of these seditious groups” (Cejudo 2013). In response, funeral notices began appearing in right-wing newspapers commemorating the martyrs of National Catholicism who were “murdered...by Marxist barbarism” or “Fallen for God and for Spain” (la Cal 2006). Still others lamented the whole affair. An editorial in the right-wing newspaper ABC asked rhetorically: “Had we not intelligently agreed upon [*pactado*] a transition – that we put forth as an example for the rest of the world – that we called Concordia, in which agreed with one another to turn the page, leaving our dead in peace?” (ABC 2006). In the war of funeral notices, as in Spain more generally, the Nation-Catholic project, the Pact of Silence, and the historical

²⁹ Chief amongst these is the slogan “truth, justice, and reparation,” which I will return to several times throughout this dissertation. Each of these three terms indexes a host of post-conflict policies that memory activists would like to see applied to Spain. As Fernandez (1986), would predict, metaphor also becomes a key strategy by which people make sense of their lives, especially in periods of rapid political change. In Spain as elsewhere, activists frequently invoke images of the healing the polity, closing wounds, and achieving catharsis to conceptualize the body politic. As I will return to later in this thesis, especially in post-conflict societies where forensic science achieves prominence, exhumations too become a key metaphor for talking not only about the recovery of human remains, but also of documents, testimonies, and even less concrete objects, like legacies, memory, and even democracy itself.

memory movement competed for legitimacy within with public sphere, each seeking to bolster their claim to define the contours of Spanish national belonging. Rather than displacing one another, these modes of relating to the dead coexist uneasily as irreconcilable memory practices – and, as will become clear in subsequent chapters, ethical and political projects as well – remaining in tension within the broader Spanish public sphere.

Conclusion

While many observers have commented on the seemingly sudden collapse of the Pact of Forgetting and the reappearance of the disappeared in Spain, the longer historical perspective developed in this chapter allows us to recognize that the management of the Civil War dead has been a defining feature of 20th and 21st-Century Spanish politics. Whether dictating the remembrance of National-Catholic martyrs, imposing reconciliation from above, or challenging official attempts at forgetting, attempts to remake Spanish national belonging have played out as much over the bodies of the dead as those of the living. Moreover, exhuming those killed during and after the Civil War has been one key technology in these efforts to redefine Spanish citizenship. In fact, the nineteen years between the failed coup and the first scientific exhumation are notable precisely for the *lack* of such exhumations. It is the absence of dead bodies from Spanish politics, rather than their presence, which is the exception.

This is the reason that the project of historical memory in Spain remains so controversial. Recovering the victims of Franco is never a purely private affair (regardless of what the 2007 Law of Historical Memory may declare). For in providing a space within which the children and grandchildren can mourn their relatives, the historical memory movement is posing nothing less than a fundamental challenge to the ways Spanish citizenship is constructed. Those who continue to support a Spain oriented towards National-Catholicism, a forced reconciliation, or the Pact of

Forgetting are quite right to perceive a threat from this social movement. After all, a narrative that acknowledges the crimes of the dictatorship is incompatible with one that sees the Fallen for God and for Spain as martyrs who saved the nation from an existential Jewish-Masonic-Soviet threat. The question of how everyday Spaniards remember and maintain ongoing relationships with their dead is fundamentally a debate over the contours of Spanish citizenship.

In this chapter, we have seen the ways that Spanish governments have sought to organize national projects of memory and forgetting. However, in contrast to previous projects of national reform, this time definitions of citizenship are emerging from below, rather than emanating from the centralized government in Madrid. The meanings of recovering the dead are being developed not by politicians, but through collaborations between relatives, scientists, everyday Spaniards and, as I will argue in subsequent chapters, the dead themselves. In the next chapter, we begin this project by looking at the ways this social movement conceives of the place of memory itself in national belonging.

Chapter 3. In the Memory of Oblivion: The Temporalities of Forensic Exhumations

On the 2 June 2011, some 250 victims of Francisco Franco's repressive policies and their supporters gathered in the Puerta del Sol to celebrate the one-year anniversary of the Platform Against Impunity for the Crimes of Francoism (*Plataforma en Contra de Impunidad por los Crímenes del Franquismo*, commonly referred to as the Platform Against Francoism). Explicitly modeled off of Argentina's Mothers of the Plaza de Mayo, the Platform Against Francoism meets every Thursday in Madrid's central plaza to march counter-clockwise, against the flow of time, carrying photos of the disappeared and demanding "truth, justice, and reparations" for those who were killed, imprisoned, tortured, or otherwise oppressed by the Franco dictatorship.¹

By sheer coincidence, shortly before the anniversary, Spain's Royal Academy of History² completed its 12-year, 6.4 million euro project of compiling the first edition of its Biographical Dictionary of Spain. The new work quickly drew widespread condemnation for its sympathetic portrayal of Spain's former ruler. Composed by Luis Suarez, a historian affiliated with the Francisco Franco Foundation and the Valley of the Fallen, the entry omits any mention of the El Generalissimo's violent repression of perceived leftist sympathizers; praises his wisdom in avoiding entanglement in the Vietnam War; and describes him as the "head of state" of an "authoritarian but not totalitarian" regime, rather than as a dictator.

¹ The plaza is not only central to the geographic imagination of Madrid, but to all of Spain. The Puerta del Sol is formed at the intersection of six streets which quickly become the six major public highways stretching to the corners of the peninsula. For this reason, Sol is sometimes referred to as "Kilometer 0," as all highway marker refer back to this point of origin.

² Founded in 1738, the Royal Academy of History exists in the tradition of grand national historiography, as described by Anderson (1991). As such, it has been critiqued for its focus on mythic history (Zabaltza 2007).

As a result, the Platform Against Francoism's gathering became both a celebration of the previous year's actions as well as a protest against this whitewashing of history. Before the gathered crowd, the leaders of the Platform read aloud from a pre-circulated press release:

We consider it a grave insult, not just to the victims of Francoism, but also to the entire Spanish democracy, which appears to be in the hands of the direct inheritors of the dictatorship, like Luis Suarez, a historian linked to the Francisco Franco Foundation, who [also] presides over the Brotherhood of the Valley of the Fallen. Anyone who doesn't mention the words "autarchy" or "dictator" hides the repression and uses the dictionary as Francoist propaganda.

The situation of institutional neglect and oblivion [*olvido*] of the victims of Francoism requires urgent judicial, political, and ethical measures to rectify the debt owed by the democratic state to the thousands of persons who were repressed, tortured, and killed by the dictatorship. To that end, it is necessary that history be told objectively and that the lying not continue, because we already know that fascist propaganda is based on "a lie repeated a thousand times is transformed into truth" (Paul Joseph Goebbels, Nazi minister of propaganda).

The leaders of the protest concluded their reading by adding that "we do not want to, nor are we capable of forgetting the relatives of the victims of Francoism," noting that this action was "first and foremost for them."

A number of relatives gave short speeches in quick succession. One elderly woman concluded her remarks by speaking about the need for the state to fulfill its obligations towards her father, who had been murdered during the war: "As long as they [the disappeared] don't have the truth; as long as they [the state] don't do justice; they continue screaming out to me. Because they did not have a trial, nor a lawyer, nor a sentence. Until when?"³

Following the speeches, those gathered marched on the Royal Academy of History, chanting: "More history, fewer lies!" and "against your history, we have our memory." Leaders

³ The line she quotes at the end of her talk was popularized by a 2010 short film, directed by Pedro Almodóvar, on the occasion of the tenth anniversary of the first forensic exhumation. In the film, actors dressed in black speak in the voice of the dead, repeating in the first person: "I had no trial, nor a lawyer, nor a sentence. My family continues searching for me. Until when?" (Junquera 2010). The line quickly became a popular refrain for relatives of the dead, albeit usually in the third-person as in the example above.

of the organization also modified the usual chants of “The crimes of Francoism, must be judged,” to include: “we must also judge the President of the Royal Academy of History.”

In discussions after the protest, activists marveled that Spain could still feature a prominent historical association named after the fascist dictator. Imagine, one of my friends beseeched me, if this were Germany: “there, it would be a crime... there, a Hitler foundation would be illegal. But here we have a Francisco Franco foundation.”

At first glance, the Spanish historical memory movement appears to be yet another example of the increasingly global trend of framing disputes about the past through the idiom of memory. Co-terminus with the end of the Cold War and the rise of the transitional justice paradigm, anthropologists and other empirical social scientists began to note the ways subaltern groups increasingly turned towards memory as the privileged idiom in which to press their claims upon the state (Cole 2001; Shaw 2002; Osiel 1999; Bloch 1998; Antze and Lambek 1996; Zelizer 1995; Rappaport 1990). At the same time, cultural history itself was undergoing what Klein (2000) coined a “memory boom,” in which the authority of the archive was suddenly and forcefully challenged before a wave of post-colonial criticism (Nora 1989; Comaroff and Comaroff 1992; Chakrabarty 1992; Palmié 2002; Ricoeur 2004). In both the academic and the grassroots focus on memory, oral testimonies are usually treated as a counter-archive, a new resource for describing the past from the perspective of those who did not leave behind written records. As a result, political and academic struggles revolved increasingly around issues of representation and identity, as groups once violently excluded from both school textbooks and academic tomes demanded inclusion within and recognition from the nation-state.

This idea of memory as an alternate archive is certainly one feature of the protest against the Biographical Dictionary, as reflected most prominently in the chant “against your history, we

have our memory.” In the following chapter, we will explore in greater detail the means by which the memory movement attempts to suture together remembered testimonies with forensic data and archival documents in order to challenge the hegemonic narrations of the past that emerge from powerful institutions, like the Royal Academy of History.

And yet, this protest is not only about the exclusion of leftist voices from an otherwise well-established historical narrative. The gathered are not posing the sort of critique of naïve historicism that is by now commonplace within the anthropology and philosophy of history (e.g. Comaroff and Comaroff 1992, Chakrabarty 1992, Danto 2007, Palmié 2010). To the contrary, their chosen remedy for combatting the ongoing effects of the Franco dictatorship are “more history” and a “history that is told objectively.” As one speaker that day noted, the problem with the Biographical Dictionary is not that it displays the sort of institutional biases that inevitably result from relying on archives produced by the victors. Rather, she accused the Royal Academy of History of malicious intent, seeking to “hide the monstrosity that was history.” In this context, what is needed, according to the Platform Against Francoism, is “more history, fewer lies.” If we are to understand the demands of the memory movement, then, we will need to seek out new ways of understanding this modernist yearning for an adequate telling of the state’s history.

In this chapter, I analyze this protest as a microcosm of the broader political goals of the historical memory movement. Through an extended analysis of this protest, I argue that Spanish activists are attempting to reorient the temporal grounding that characterizes membership within the political community. What is demanded here is not only a better narration of the recent past; in addition, there is an attempt to question the foundations of the political community itself. Whereas the Transition sought to achieve a definitive break with the past through a policy of directed forgetting, these memory activists work to reincorporate those who died in the Civil

War and Franco dictatorship into the common biography of the nation. In doing so, they rely on a variety of scientific, legal, and memorial strategies designed to reorient the ways Spaniards encounter their past.

This is not merely a question of historical employment (cf. White 1978; Koselleck 2004). In the process, they redraw the temporal lines of inclusion, incorporating new dead persons into the polity's pantheon of ancestors who comprise the first-person plural of the political community. In other words, the memory movement illustrates that the national "we" is a community comprised not only between people above the ground, but also with those below it. Through their actions, the memory movement spins new webs of signification around Franco's victims, in the process transforming "the dead" into "our dead." In undertaking this mission, the tools of transitional justice have proven particularly effective.

Before delving further into how the memory movement's proposals for relating to the problematic history of state violence, however, we must first examine their critiques of the current political system.

The Long Fascist Hangover: Spain's Failure to Break with its Past

For the protesters against the Royal Academy of History, the Biographical Dictionary is just the latest evidence of Spain's troubled embrace of democracy. The tome is not only a work of bad history writing, but also "a grave insult...to the entire Spanish democracy, which appears to be in the hands of the direct inheritors of the dictatorship." While there is little doubt in activists' minds that the current era is a dramatic improvement over the open repression of the dictatorship, they point to a number of continuities between the old regime and the current political system.

Their accusation that the dictatorship's influences continue to affect Spain strikes at some of the re-birthed nation's founding myths. The Transition was governed by "a desire to break with the past" (Labanyi 2007: 89). Spain's 1978 Constitution, together with its 1977 Amnesty Law and its tacit Pact of Oblivion, were meant to establish a definitive historical rupture between its fascist past and its democratic future. To do this, the (im)morality of the Franco dictatorship became a taboo subject (Faber 2012: 127). In a country where, four decades on, interpretations of the Civil War are still bitterly divided between those who saw a tragic defeat of liberal democracy at the hands of a fascist uprising and those who considered it a glorious and modernizing national crusade against a communist threat, both national political elites and international policy experts agreed that the past was a subject best avoided. Contemporaries believed in "avoiding confrontation with the past, with the goal of looking forward and concentrating on the construction of a new democratic system," unencumbered by the weight of the past (Capedón 2007: 186).

In the ensuing decades, however, international policy experts largely abandoned the Spanish model of democratic transition, as post-conflict states in the Global South successfully pursued other paths. In its place, transitional justice theorists now emphasize precisely the sort of public reckoning with the past that Spanish politicians shunned. Taking inspiration from these more recent democratic transitions in Latin America and elsewhere, the Spanish historical memory movement argues that in the absence of a public reckoning, breaking with the past is impossible. As the common saying goes: "in order to turn the page, you must read it first."

In the absence of such a program of historical reexamination, memory activists argue that the legacy of the Franco dictatorship continues to live on within the democratic system. During one education event, a man in the audience lamented the "sociological Francoism that transmits



Figure 2: A partially buried Francisco Franco trips up the advancing Spanish nation, here represented by Judge Garzón's frustrated attempt to investigate forced disappearances.

fear and has infected this country.” At another event, an activist from the Forum for Memory complained about the “ideological Francoism in our country,” as evident in the refusal of public authorities to facilitate exhumations. And on several occasions, activists talked about a “psychological Francoism” that continues to rule the collective unconscious of the populace, making them unwilling to openly discuss their personal and familial histories of complicity, resistance, and repression.

Regardless of its exact mechanism, Franco’s death was not the end of his influence on Spanish politics and

society (see fig. 2).

The remnants of the Franco regime, however, are not limited to the political institutions of the state. For the ongoing effects of the dictatorship are imprinted upon both the urban and rural landscapes. Despite the 2007 Law of Historical Memory, which was meant to do away with most physical remnants of the fascist past, the streets in both major cities and small towns alike continue to bear the names of fascists great and small. These boulevards, plazas, and alleys commemorate everyone from the Garcia Noblejas brothers, five front-line volunteers for the fascist Falange Party, all the way to the fascist party founder José Antonio Primo de Rivera and even El Generalissimo himself.⁴ At weekly Platform Against Francoism protests, participants returning from vacations in small Castilian villages would marvel at the names read out by their GPS units: “José Antonio Street, General Franco Street...What type of a country is this? In any

⁴ In 2004, Madrid alone had no less than 360 streets named for Francoist figures. Up until its removal in 2005, these included a state of Franco in the Plaza de San Juan de la Cruz (Encarnación 2014: 48).

other country in the world, this would be impossible,” one man complained to me upon returning from a weekend getaway.

These streets are not just a symptom of Spain’s failure to disentangle itself from its fascist era; they are also the means by which that past continues to affect the present. At one exhumation in a small La Mancha town, an ARMH volunteer marveled at the streets we passed, named for fascist Generals: “How are villages like this going to change?” he asked. Here, the streets not only reflect the ongoing presence of the dictatorship. They continued to project its powers, preventing democratic change from reaching the villages (see Ch. 5).

Monuments to fascists present a similar dilemma, especially as their crumbling façades force municipalities and the national government alike to decide whether to maintain these urban landmarks or let these eyesores crumble away, hopefully taking their legacy with them. During one exhumation, several volunteers for the ARMH questioned the warm welcome we had received from most villagers, after they saw what appeared to be a brand new stone cross to the “fallen for God and for Spain,” as the inscription to the soldiers of Franco’s armies reads throughout the country. This village’s situation would soon repeat itself on a national scale as the Valley of the Fallen required state aid, lest its 150 meter-high stone cross risk toppling over. To the bitter complaints of the memory movement, in 2013 the right-wing government budgeted 214,000 euros to the restoring the infamous monument, at the same time as they cut state funds for forensic exhumations (El Confidencial Digital 2013). Whether on the national or the local level, the ever-changing urban landscape forces public authorities to confront the past that they so tried to ignore.

Street names, however, are not the only physical remnants of the Franco regime, or even the most potent form in which fascist power continues to operate in Spain today. For while a

street may be renamed – as many were following the 1978 Constitution and again following the 2007 Law of Historical Memory – mass graves are not so easily recontextualized. Though less visible than public monuments, the memory movement argues that they are even more pernicious. As the social anthropologist and frequent collaborator with the memory movements, Francisco Ferrándiz argued at one conference: “The graves of the defeated were the central axis in the Francoist strategy of sewing terror. And the fact that today it is still so controversial to open them means that, in some sense, they are still effective in doing so, they continue to function as a threat.” The refusal of post-Franco Spanish governments to locate and exhume those who were killed in the Civil War is not simply evidence of politicians’ unwillingness to face their fraught history. It is also the means by which the political leaders of past eras continue to terrorize the citizenry.

Even Generalissimo Francisco Franco, who (as the old Chevy Chase skit reminds us) is still dead, continues to persecute his political enemies. One newspaper report on the 2011 committee of experts convened by the government to discern the fate of his remains recommended that: “it would be a good thing to prevent the cadaver of the dictator in the Valley of the Fallen from continuing to torment the relatives of the Republicans buried there” (Martín 2011). Death is here no barrier to Franco’s continuing crimes. For as long as the Spanish state does not take action against his remains, his reign of terror continues to wreak suffering upon his victims and their descendants.

Such remnants of the *ancien régime* are detectable in more subtle registers as well. As one local activist complained while overlooking an exhumation, even “our language has been damaged [*estropeada*].” Andres Crespo, a long-time ARMH volunteer and high-school teacher heartily agreed, citing the example of “nationalists,” the term commonly used by historians to

describe the Francoist armies of the Spanish Civil War: “The [real] nationalists were the Republicans,” he argued, who defended the legitimate government of Spain. With an ironic chuckle he added: “The Nationalists won and Spain lost.” The local activist heartily agreed: “They accused my father of rebellion. Rebellion against what?” she asked rhetorically, noting that her father was defending the legal government of Spain against a military uprising. This was a type of “revisionism,” she argued: “you falsify the language and then you falsify history.” Even seemingly mundane descriptions such as “Civil War” (“It was not a civil war, it was a military coup against a legitimate, democratic government!”), the Transition (It was not a transition, it was a transaction”), or “the previous regime” (“the Franco dictatorship!”) were at times lambasted by memory activists.

Of course, as the very existence of the memory movement proves, the forces emanating from monuments, mass graves, and language itself are not all-powerful. To the contrary, these embedded legacies only remain salient in the present due to the complicity of contemporary actors. Hence, the problematic historical vernacular, like the physical remnants of the dictatorial past, are evidence of broader failures to socialize a democratic citizenry. Hence, perhaps the strongest sign of the continuing legacy of the Franco dictatorship, according to my informants, is the lack of reforms to school curricula.

From weekly protests of the Platform Against Francoism to forensic exhumations, the complaint that the Spanish Civil War and Francoist dictatorship are simply not taught in schools is omnipresent.⁵ This was so important, that when one ARMH-Madrid coordinator cited the

⁵ In my experience conducting ethnographic research in two Madrid high school history classrooms, as well as in talking with the high-school and college aged children of my informants, I found that schools devote quite a bit of time to covering the Spanish Civil War. I suspect that statements about its absence relate more to the educational experiences of my informants during and after the Transition. Even so, except in high schools led by memory activists, the most common narration of the war remains the “two Spains” thesis, whereby two bands of extremists, one fascist the other communist, terrorized an innocent Spanish nation with disastrous consequences (Rubin 2009). The Franco dictatorship was less well-covered. In the Catholic high school where I did field work, history classes

quantifact that only 2% of school history texts had been rewritten since the end of the dictatorship, he quickly tapped on my ever-present field notebook and added “for your thesis.”⁶ The result, they argue, is a public ignorant of even the most basic historical facts. At one point, ARMH founder Emilio Silva complained to me that the new “Education for Citizenship” (civics) textbooks features a discussion of dictatorships – including case studies and pictures of Pinochet, Hitler, and Mussolini – but not one mention of Franco. As a result, too many Spaniards think that wars, dictatorships, and forced disappearances only happen in other countries, he concluded.

The lack of proper education, the memory movement argues, makes Spaniards particularly vulnerable to manipulation. The president of a minor memory association saw this bad education as a crisis in the next generation’s psychological capacities: “They teach things in history textbooks that didn’t happen” and as a result “their minds are already in a different form than in other countries.” The lack of adequate historical awareness, memory activists argue, affect the ability of the next generation of citizens to properly understand the world around them.

This can be more clearly perceived in my own interactions with the Forum for Memory. In May 2012, I was asked to give a talk situating Spain in the global context of post-conflict reconstruction. The request read in part:

We would like you to speak about the differences between transitions in other countries and that of Spain. Although you have not been in other [countries], as a foreigner you were surely taken aback [*chocar*] by the impunity here. It would be ideal if you spoke in denunciatory tones about the need for truth, justice, and reparation and the politics of how backwards we are when it comes to these issues.

devoted two full weeks to the Spanish Civil War before jumping over the dictatorship entirely and going straight to the Transition. Even in a classroom I observed led by a memory activist, time constraints and state curriculum requirements prevented much time from being dedicated to the dictatorship. Informants from other schools report similar experiences. And many textbooks still contain euphemistic and misleading accounts of the Civil War (see Andaluces Diario 2014).

⁶ Like the crime statistics that inspired the term, quantifacts about the percentage of history texts that have been rewritten are valuable less for their precision than for the way “they render inchoate forces of disorder into concrete, communicable ‘facts,’ conjuring up citizens, moral communities, the nation. Herein lies their ‘politics’ in the lower case: their capacity to contrive or reproduce meaningful social categories.” (Comaroff and Comaroff 2006b: 224).

For the Forum for Memory, simply juxtaposing the Spanish model of transition to others necessarily produces a condemnation of the former. But it is especially important that I, as a foreigner, do so. Because I was neither socialized nor educated in its schools, the Forum assumes that I must be especially cognizant of Spain's "anachronistic" politics. It is therefore self-evident that I would be shocked, taken aback [*chocar*, lit. to collide], by the levels of impunity in Spain. For this reason, my condemning "how backwards we are on the issue" is especially valued, even as it is taken as axiomatic. However problematic this rhetorical positioning of Spain as temporal Other may be (see Fabian 1983), the message succeeds in conveying a vision of the country as haunted by its fascist past whose dead weight prevents modernity's promise of perpetual progress.

Whether in an encyclopedia entry written by a Francoist historian, the maintenance of monuments and mass graves, or the lack of serious education reform, the historical memory movement accuses the democratic state of never having truly disentangled itself from its fascist legacy. They see Spain as an outlier, stuck in the past to such an extent that any foreigner would be aghast at "how backwards we are on this issue." In order to understand what about Spain's policy is so offensive, then, we will have to look at the distinctions memory activists draw between their own experiences and those of other countries. In seeking to understand their place in the world, the two locales which most often serve as the basis of comparison are Germany and Latin America.

Re-Figuring the Dictatorship, Act I: The Spanish Holocaust

For the Platform Against Francoism, the publication of the Biographical Dictionary was just the latest symptom of a more general problem. Something went horribly amiss on Spain's path to modernity. Whereas countries like Germany had dealt with past state crimes against

humanity, such that there “a Hitler foundation would be illegal,” Spain had somehow failed to achieve this moral and historical separation between the *ancien régime* and the post-fascist state.

That the Platform should choose Germany as its privileged point of contrast is itself highly significant. The remembrance of the Holocaust more than any other event has shaped the development of the grassroots memory boom (Rothberg 2009; Hirsch and Spitzer 2009; Novick 2000). Spain is no exception to this trend. The activists of the historical memory movement rely heavily upon the tropes that first emerged in reference to the Nazi genocide. Especially following the publication of the British historian Paul Preston’s *The Spanish Holocaust* (2012), memory activists increasingly referred to the repressive policies of the Francoist dictatorship using the words “genocide” and “Holocaust.” In Spain as elsewhere, the Nazi genocide has provided a language to describe the tragic events that took place within its own borders.

In the Spanish context, however, the connection with Germany is not merely by way of analogy. After all, as memory activists often point out, Hitler and Franco were ideological, diplomatic, and militarily allies. One woman at the Platform Against Francoism’s weekly protest highlights this fact by carrying a sign bearing portraits of Franco, Mussolini, and Hitler, together with their respective fascist flags. The purpose is to remind everyone who sees it of fascist Spain’s close alliance with what has become potent signs of absolute evil in post-war Europe.

Within the movement, people frequently attempt to rank these three villains in order of their maleficence. Though most end up ranking Franco second – slightly below Hitler-level evils, but a tad worse than Mussolini – one speaker at a Platform Against Francoism public assembly argued that: “Francoism was worse than Nazism, because here they were the teachers of the Nazis,” a reference to the ways that air lifts, blitzkriegs, and concentration camps were first

deployed in the Spanish Civil War before finding their apotheosis in the Third Reich.⁷ And while nobody ever seemed particularly invested in the ordering of Europe's most notorious mass murderers, all were adamant about the validity of the association. By pointing out these historical ties between the European fascists, the memory movement can effect a powerful condemnation of their own past in a country where prominent historical associations still bear the name of the dictator.

This critique is all the more salient when one considers the importance of Holocaust memory to emerging pan-European identities (see Eder 2009). For many in the historical memory movement, Spain's failure to emulate German policies of historical redress speaks to an inability to inhabit a European identity. For example, at a conference on women's experiences of Francoist violence one man asked panelists: "Today in Spain, the Civil War weighs heavily upon people... The silence, the occlusion. Today, we appear to be normal – we are Europe, we are calm – but underneath this superficiality, why is the Civil War so difficult to discuss?" Lurking beneath Spain's European façade is still the ugly monster of fascism. One ARMH-Madrid volunteer put the matter even more directly. At a workshop for potential volunteers, she contrasted Spain with "civilized Europe," arguing that "Spain is the only country in Europe that continues to have unopened mass graves." Such statements undercut the narrative of the country's successful post-Franco European integration. Here, old stereotypes of Europe as the peak of civilization and Africa beginning at the Pyrenees are redeployed as a means of questioning the democratic status of a state that refuses to aid victims of past violence.

⁷ These sentiments are by no means exclusive to Spain. Especially in places such as Spain, where violent conflict featured key technologies that would later be utilized in the Nazi genocide, insufficient commemorative practices can often be interpreted as a hallmark of failed modernity. For example, Stanley (2006) looks at the ways Holocaust memory influences the memory of the Boer War, the first conflict in which concentration camps, operated by British colonial forces from 1900-1902, were utilized. As Rothberger (2009) notes, these "multidirectional memory practices" do not necessarily devolve into competitive suffering. To wit, for the Spanish historical memory movements, a proper Iberian commemoration of the Holocaust should entail a recognition of the wrongs committed by the Franco regime.

What separates Spain from its “civilized” European neighbors is its failure to properly disentangle its present from its fascist past. During one conversation I had with ARMH President and founder Emilio Silva, he complained that, in Spain, “few people criticize their parents.” This was not normal, Silva said, contrasting it with Germany where children of Nazis were willing to condemn the views of their elders. As with so many of Silva’s reflections, this rhetoric resonated with others in the memory movement. A few weeks later, one woman at the Platform Against Francoism expanded upon this line, arguing that Spaniards didn’t want to confront their past because “they are afraid that their parents, their uncles are the murderers.” She then contrasted this with Germany where they understood that “you can say that your parents were Nazis without worrying that you yourself are a Nazi.”⁸

Here, the current generation of Spanish citizens is both too close and too distant from its ancestors. On the one hand, the historical memory movement accuses Spaniards of distancing themselves to the point where they refuse learn about their families’ pasts, out of fear – possibly a subconscious fear stemming from a “psychological Francoism” – of discovering their complicity in past crimes. On the other hand, the failure to criticize the past marks a continuity with their fascist policies and affects, as evidence in the failure of the state enact political reforms, and make proper reparations to victims. In this context, Germany provides a useful counterpoint, regardless of how widespread the phenomenon of individual Germans confronting their parents’ complicity with Nazi crimes may be. The point of the criticism is clear: Spain has

⁸ Whether this phenomenon of children and grandchildren easily admitting to their family complicity in the Nazi Holocaust is as widespread as the memory activists claim is besides the point. The existence of popular television series such as “Our Fathers, Our Mothers” as well as the widespread education around the Nazi era indicates a country far more comfortable with discussing its problematic past in both the public and private spheres than Spain. Of course, this was not always the case. During the 1980s, the questions about the legacy of the Holocaust for German citizenship played out both through controversial films like *Heimat*, as well as in the *Historikerstreit*, an academic debate amongst historians that dominated the latter years of the decade.

failed to properly condemn the past in the way that “normal” or “civilized European” countries do.

As Holocaust studies scholars have indicated, Germany’s relationship with its past serves as a broad conceptual model for how Spaniards feel individuals and governments ought to relate to their past. Like Germany, these activists argue, Spain must enact a clear separation between its fascist past and its democratic present, such that no one would dare name a respectable academic institution – much less a street or a plaza – after figures of such a repugnant regime. At the same time, they must foster a broad public knowledge of the past, such that its crimes are widely known. And these principles of historical consciousness and an epochal break must be combined, such that children are willing to criticize the wrongs of the preceding generation, in the course of establishing their own democratic bona fides.

Given the ways that the German experience plays such an important role in structuring the broad contours of what an ethical relationship to fascist periods entails, it is surprising that the historical memory movement does not look to its European neighbor for much specific policy advice. While its northern European colleague may have provided influential memory schemas for post-fascist Spaniards, it is the experience of the colleagues in the Global South, especially those of its former colonies, which serves as a model for how to fulfill them.⁹

Re-Figuring the Dictatorship, Act II: Democratic Theory from the South

The protest against the Royal Academy of History was not the first time that I had encountered worries over the continuing effects of the Franco dictatorship upon the

⁹ There is an interesting parallel here between the dynamics of the Global North and South and that of the European North and South. Especially as the euro-crisis worsened, many of my interlocutors complained about the “colonial” influence of Germany, whose insistence on tight financial policy and austerity budgets became the de-facto policy of all European governments in the late-2000s and early-2010s. The fact that Spain found inspiration in the transitional justice policies of the Global South, however, predates the current economic policies of the European Union and should thus not be interpreted as a parallel postcolonial strategy, despite the affinities.

constitutional monarchy. Early in my field research, I attended a seminar for prospective volunteers in the basement of the Madrid offices of the ARMH. At the end of the presentation, one of the participants began asking a question that referenced Spain being first world. Before he could finish, the facilitator interrupted: “in some ways yes, in other ways no. When it comes to human rights, Spain is not [even] third world – it is *maybe* fifth world, while Argentina is first-world.”¹⁰ Though Spanish memory activists may look up to Germany as a moral compass, it is Latin America which dominates discussions of Spain’s place in the world as well as the specific policies the state must adopt.

This juxtaposition with Argentina is obviously not intended to evaluate the relative development of Spain with its former colony in the same way that GDP rankings do.¹¹ Rather, what is at stake here is demonstrating how Spain, as a first world country, is out of sync with modernity. Similarly, memory activist frequently point out that, “after Cambodia, Spain is the country with the most unopened mass graves in the world.” But whether compared with its European peers, the Latin American countries whose post-conflict experiences inspired the movement, or with other countries around the world, the diagnosis of the historical memory movement is clear. As one long time volunteer for the ARMH argued, fascist violence “happened all over the world, in Chile, in Yugoslavia, in Cambodia [but] Spain is tremendously backwards!”¹²

¹⁰ The then vice-President of the ARMH, Santiago Macias, sounded a similar note when he declared at a reburial service: “I have seen countries that are almost underdeveloped that have memory politics more advanced” than that of Spain.

¹¹ According to the World Bank, by that measure, Spain’s economy (US\$1.349 trillion) in 2012 was roughly three times bigger than Argentina’s (US\$474.9 billion), despite the devastating effects of the ongoing European economic crisis (World Bank, 2012).

¹² On several occasions, I pointed out to interlocutors that these represent very different models of post-conflict justice. They universally responded, however, that such distinctions were irrelevant in a context where Spain refuses any kind of historical reckoning.

There is a clear idea here of the sorts of actions that constitute a modern democracy. On the one hand, there is a general claim about how “civilized countries” ought to relate to the dead as such. Thus, at one exhumation the grandson of a victim explained that state aid in recovering the dead is part and parcel of its responsibilities to its citizens: “When there is a plane or a train accident, the first thing you do is search for the bodies,” adding that the state needed to do the same when it came to the victims of Franco. Many memory activists likewise complain of the “double standard” (*dobla moral*, lit. double morality) of the state, contrasting their efforts on behalf of those who lost a relative in terrorist bombings with those who lost a relative due to the “state terrorism” of the Franco regime. As the ARMH stated when asking the Congress of Deputies to issue an official condemnation on the 75th anniversary of the coup: “What moral standing does a state have to demand condemnations / punishments [*condenas*] for violence if it is not capable of doing so with the greatest act of paramilitary and State terrorism in our history?” Here, the state’s inability to criticize its own criminal past calls into question the legitimacy of its own monopoly on forms of violence.

These analogies are quite telling. Plane crashes and terrorist attacks represent failures in the capacity of the state to safeguard its subjects. At these crash sites, not unlike at a mass grave after seventy-five years of decomposition, bodies are often unrecognizable (see Ch. 6). The state must therefore find strategies for making sense out of the horrific jumble of human remains and forensic evidence.¹³ Investigations, official reports, commemorations, findings of liability and criminality, and reparations are just some of the technologies that governments use to tame the excess of such tragedies and insert them into recognizable schemas: national martyrs, accidents, terrorist acts, crimes, or gross negligence. By contrast, the state’s refusal to intervene into the graves of Franco’s victims marks these deaths as unexceptional. Rather than classify these

¹³ For more on the idea of horror as it relates to the shattering of human remains, see Asad 2007: 68-73.

corpses as the product of a massacre, war, or criminal act, the state prefers to leave them in a conceptual limbo.

On the other hand, there is also a more specific claim about the moral obligations of a post-fascist society to the victims of state violence. At one exhumation in August of 2011, ARMH volunteers were joined by Raul,¹⁴ a social anthropologist from Guatemala. Following excavations one evening, a Spanish activist commented to Raul that, in Spain, “the government does not do it here like in other countries.” When Raul objected that his country continued to face many problems stemming from their own civil war, he was roundly dismissed: “sure, but Guatemala is just much more advanced than Spain.” After all, as the vice-president of the association later pointed out, thanks to state- and international-funding, the Central American team could undertake not only the sort of physical-anthropological analysis that was to follow this excavation, but also “historical studies, dental studies, ballistic studies, social-anthropological studies, psychological studies,” creating a far fuller understanding of the mass grave. “So who is more advanced?” he asked rhetorically, “Guatemala or Spain? Who is Third World?” Echoing the sentiments of the workshop facilitator in Madrid, the ARMH vice-president once again noted Spain’s failures to meet international norms of historical redress. This time, however, the remedy is clearer: a post-conflict state is morally obligated to facilitate the location and exhumation of the dictatorship’s victims. Failure to do so is evidence of anti-modern attitudes.

Naturally, the argument here is not that the average Guatemalan maintains a higher standard of living than the average Spaniard. Rather, the rhetoric of Spain as a third-world country highlights the failure of the state to bring its disciplinary apparatus to bear on the bodies of the dead and the minds of the living. The diverse knowledge-production that surrounds

¹⁴ Pseudonym.

Guatemalan exhumations makes the dead knowable in new ways. Only a state has the necessary financial, educational, and official capacities to definitively alter the social status of these dead persons. In its absence, civil society can only approximate its authoritative force by emulating and adopting the transitional justice forms that have been so successful elsewhere.

If comparisons to Germany sought to highlight Spain's failure to enact an adequate narrative distinction between its fascist past and its democratic present, then these contrasts with Latin American transitional justice processes focus our attention on the ways states must rethink the dead in the wake of mass violence. For achieving a break with the past is not just about official acknowledgement of wrongdoing. It also involves the cultivation of different relationships with those whose were previously excluded from the body politic and killed as a result.

In seeking to combat these ongoing effects of the Franco dictatorship, both the protest against the Royal Academy of History and the broader memory movement look to forms of politics capable of rupturing these continuities between the democratic and fascist states. And in pursuing this mission, they have increasingly invoked the legal discourses that have emerged from the field of transitional justice. In order to understand the ways the memory movement attempts to disrupt the political structures that bind the current state to its fascist past, we must take a closer look at how these internationally-circulating theories of democratic transition are being adapted, adopted, and reconfigured by Spanish activists on the ground.

Transitional Justice Against the State

The Platform Against Francoism, like much of the memory movement, is an attempt to import successful elements of transitional justice programs from elsewhere. In this case, the counterclockwise march featuring placards with photos of the disappeared is an explicit

reference to the famous Argentine Mothers of the Plaza de Mayo, whose counterclockwise marches in the central plaza of Buenos Aires are widely credited with bringing down that country's military dictatorship (see Taylor 2001; Navarro 1989).

The influence of international legal norms can be seen most prominently in the adaptation of the forensic exhumation to the Spanish context. In the context of political transitions, forensic exhumations were originally designed to produce evidence for a truth commission, war crimes tribunal, or other juridical process. Despite not taking place in the context of such a juridical process, Spanish exhumation teams follow the strict legal protocols developed for these contexts. Even before the establishment of a national exhumation protocol in 2011 (BOE 2011), virtually all Spanish forensic teams voluntarily adopted the sorts of professional standards utilized by forensic scientists around the world to analyze mass graves (see Ríos et al. 2010; Etxeberria Gabilondo 2011; Ríos et al. 2012).

At first glance, Spanish forensic exhumations appear remarkably familiar to anyone who has followed the circulating images and videos of similar initiatives in Latin America, Africa, and Southern Europe. So similar, in fact, that at one ARMH exhumation, two foreign forensic and one social anthropologists who had previously worked on forensic projects in Central America had no trouble whatsoever fitting in with the procedures and practices of the experienced Spanish team.

On closer inspection, however, several small though significant differences begin to emerge. First, at nearly all exhumations, forensic scientists are accompanied by a “social team” comprised of anthropologists, historians, filmmakers, journalists, and others seeking to record interviews with relatives of the disappeared.¹⁵ Prior to the exhumation too, and often times after

¹⁵ My own work as a member and sometimes leader of the social team at various exhumations was largely conducted as part of a larger project led by Dr. Francisco Ferrándiz of Madrid's Center for Human and Social

it, researchers frequently conduct additional archival work, both regarding the specific grave at hand as well as other local cases of forced disappearance. These social reports and archival documents are then incorporated into the final exhumation report for distribution at the reburial service. In some instances, they also serve for the basis of books or documentary films that circulate after the forensic encounter (e.g. López García and Ferrándiz 2006). We will explore the documentary import of these practices more in the next chapter. For now, it is sufficient to note that the organizers of Spanish forensic exhumations use this mechanism as an occasion to conduct the sort of fine-grained historical analysis and archive-building that, in other contexts, might be carried out by a Truth Commission or a national reorganization of state records.

Slight differences likewise emerge upon closely examining the archaeological methods of forensic experts. At one exhumation, a foreign forensic anthropologist turned to me and complained about the prodding pace of the Spanish team. Whereas her experiences elsewhere entailed more quickly removing human remains from the grave for later laboratory analysis, the Spanish forensic teams painstakingly uncovered and cleaned remains, allowing for not only the technical photography required by forensic specialists, but also a more aesthetic variety, producing the sorts of images that could circulate in mass media and be preserved by relatives of the disappeared. In this way, exhumations are meant not only as processes of discovering remains, but also as a means for symbolizing and publicizing the unaddressed injustices of Franco's repression.

Though subtle, this goal of producing widely circulating reports on their efforts can at times produce a profoundly different scientific practice. For example, a recent article on best

Sciences. Some of the results of this project can be seen at www.politicasdelamemoria.org. These efforts were supported and/or duplicated in function by all of the major organizations associated with the historical memory movement. See also Ferrándiz and Baer 2008; Ferrándiz 2014; Ferrándiz 2015b.

practices for forensic exhumations warns scientists about the importance of being reserved in their statements:

All field notes will be court-admissible documents so there should be absolutely no comments outside those directly related to the excavation. Any notes taken should be very clear. They should omit any language that contains implications beyond the archaeologists' expertise. For instance, a skull may contain a circular defect, but the pathologist will determine whether the cause of that defect is a gunshot wound (Haglund et al. 2012).

By contrast, during a recent exhumation in Urbasa, Navarra, Dr. Francisco Etxeberria explained to the press precisely what those circular defects on the victims' skulls signified: "the remains presented clear signs of violent death. In two craniums there were shots from a small caliber pistol, with an entry and exit wound" (Junquera 2013). Of course, Dr. Etxeberria does not have to worry about the effects his statements might have on future court proceedings, as the exhumations conducted by the Spanish historical memory movement lack judicial backing. As such, his comments were directed to a different kind of court, that of public opinion. In Spain, the only opportunity for anything resembling the authoritative decree that precedes the judge's gavel comes when the scientific expert addresses the camera.

The value of this sort of performance of expert knowledge for victims and their relatives cannot be underestimated. Especially when accompanied by the naming of the victims, scientists can provide some much appreciated official acknowledgment of their decades of suffering. As Adriana Fernández put it at the exhumation of her grandfather: "This is a type of social recognition." One visitor to the mass grave in Loma de Montija elaborated on this sentiment in the visitors' book: "Aranzadi, thank you for your work. We are so happy that, at last, the topic of historical memory is gaining some traction and we are gaining some recognition." The first reason why the adoption of transitional justice mechanisms has proven so effective in Spain, then, has to do with the ways that it allows local activists to draw upon internationally-circulating

legal and scientific discourses in order to make authoritative decrees about the past that provide at least some measure of comfort to the victims whom exhumations are meant to serve.

For the memory movement, however, these pronouncements are a poor consolation. Scientists may be able to provide some measure of affirmation for the descendants of victims and their authoritative voices may carry additional weight for journalists. But they do not approach the power of official state proclamations. At the reburial service for three anti-fascist guerrillas, ARMH vice-president Santiago Macias remained adamant that, even as this was “an act of justice,” it did not change the fact that “this is not the obligation of [civic] associations or the people. It is for the state.”

In seeking to compel the state to take up its ethical responsibilities to the dead and their living relatives, memory activists, like so many other civil society movements, have turned towards the power of law.

Law and Other Attempts to Force the State’s Hand

For all of the diverse ways that transitional justice concepts have influenced Spanish exhumations, it is worth noting the one that protesters against the Biographical Dictionary favored as the most direct remedy: criminal justice. The publication of such an offensive tome should be a “crime,” as would be its Germany analogue. In their marches they demand not only that “the crimes of Francoism must be judged” but also – only somewhat facetiously – that the President of the Royal Academy of History be judged as well.

From the beginning, the memory movement has sought the involvement of national and international judicial forces in their exhumations and other activities. As early as 2002, the ARMH submitted sixty-four cases to the United Nations Committee on Enforced and Involuntary Disappearances (Silva and Macias 2005: 105-109). The committee determined that,

though all sixty-four cases met the legal definition of an enforced disappearance, only the two cases dating from after the foundation of the United Nations in 1945 fell under its mandate. The victims of Franco met a similar fate when Rights International Spain sought to bring their demands to the European Court of Human Rights. In December 2012, the court ruled that Fausto Canales Bermejo's complaint against the state was inadmissible, as the case was not brought "without undue delay" (Márquez and Melón 2012).

For a brief moment from 2008-2010, it seemed the memory movement had succeeded, as Judge Baltasar Garzón launched an investigation into the fate of the disappeared. But this effort was halted long before it could come to fruition, following a complaint filed against Judge Garzón by the neo-fascist group *manos limpias* (lit. clean hands) for "abuse of power." Although Garzón would later be acquitted on the grounds that the misinterpretation of his jurisdictional reach was not intentional, the court still ruled that he lacked the authority to launch such an investigation.¹⁶

The memory movement continues to "forum shop," seeking out a judicial venue willing to admit their claims (Comaroff 2001). The current Argentine case, N.N. s/ genocidio (no. 4.591/2010) – which has already requested and been denied the extradition of several low-level Franco officials for crimes against humanity – seems particularly promising. But at least for now, no legal body has found itself competent to rule on the Spanish state's legal responsibilities for investigating its past crimes. And yet, as evident in the chants of the Platform Against Francoism, the memory movement continues to demand the application of international legal principles, even as the bodies charged with implementing that law have repeatedly rejected their requests as untimely, out of their jurisdictions, or preempted by Spain's 1977 Amnesty Law.

¹⁶ By the time of this ruling, the point was moot; Garzón had already lost his position in an officially unrelated trial, which many of my informants interpret as roundabout retaliation for his investigation of mass graves.

What such an application of international criminal justice in Spain would entail, however, is a bit harder to imagine. The principles of transitional justice are designed for societies emerging from periods of massive human rights violations. Newly democratic states attempt a historical break from past regimes by undertaking a series of exceptional measures. When properly accomplished, transitional justice theorists maintain, these measures hold the potential to reconstitute a more inclusive nation (Wilson 2001; Teitel 2000; Nagy 2008).

By contrast, Spain completed its successful, if by current standards anachronistic, transition to democracy thirty years prior and the mass atrocities in question took place, for the most part, some four decades before that. The passage of time makes the implementation of the criminal justice processes particularly vexing¹⁷: while some elderly small-time criminals could be made to account, those most responsible for past crimes have long since passed on. Why, then, have legal forms become such a large component in the memory movement's actions?

First, it is important to note that the memory movement is participating in a far wider trend toward adjudicating historical disputes. As Comaroff and Comaroff point out, Spanish activists are far from alone in their strategy of “forensic history making” (2011: 138):

More and more are differences of *all* kinds being dealt with by means of the law, whether they involve private freedoms or public resource, access to medical treatment or title to territory, cultural knowledge or civic authority, the physical and fiscal entitlements of rulers or the property, liberty, and well-being of their subjects, religious tolerance or ethnic aspirations. Also, *in extremis*, life and death, and states of exception. What once happened primarily in parliaments, street protests, and other political theaters now finds a new—or, to be precise, a parallel, expanding—terrain of contestation. (Comaroff and Comaroff 2009: 55)

While the Spanish memory movement certainly participates in this broader trend toward lawfare, the Iberian case differs from other recent attempts to adjudicate history in several significant respects. First, in the post-colonial contexts that inspired Comaroff and Comaroff's writings –

¹⁷ Although not impossible. See Nagy 2013; Winter 2014.

and in the increasing number of Euro-American states that have followed suit (Comaroff and Comaroff 2011, Rubin 2008) – the recourse to law has resulted in “a celebration of the past as privatized, democratized, as a species of recollection that lays partisan claim to the tendency to treat it as a direct, unmediated mode of knowledge.” (2011: 136). By contrast, the activists of the historical memory movement are, for the most part, not mobilizing the law in the service of sub-national identity politics.¹⁸ Although Spanish activists too talk of “the memory of the defeated” or a “Republican memory,” their goals are more ambitious than simply carving out room for it within the cacophony of other sub-national identities. They wish to fundamentally alter the terms for all national belonging, rather than to make space for their particular form of difference within a policultural polity (Comaroff 2006; cf. Comaroff and Comaroff 2011: 34). The memory they seek to adjudicate ought to form the basis for collective belonging.

It is for this reason that, especially the more humanitarian-oriented groups, are enthused by the participation of center-right politicians and individuals in their events. At one ARMH exhumation, the forensic team was particularly impressed when a local politician from the right-wing People’s Party declared that the Republic was her legacy as well, citing the right-wing government that ruled from 1933-1935. She was a living exemplar of what one speaker from the Civic Unity for the Republic stated at an event commemorating the defense of Madrid: “truth, justice, and reparations are not a question of the left, the right, or the center. It is a question of fascism or liberty.” Javier Moreno sounded a similar tone at the Forum for Memory’s School of Memory: “What is historical memory? You can be from the left or from the right, but you know the historical truth.” Such statements indicate a desire to alter the shared historical memory upon which subsequent sub-national political and identitarian differences can be debated.

¹⁸ This is in part due to my research focus on its Castilian elements. As Cramer (2012) notes, in Barcelona, historical memory has at times intersected with those advocating for independence from Madrid.

Memory activists adopt a variety of methods in order to hail the state and remind it of its responsibility. Not all of these are legal forms. For instance, several leaders of the memory movement have proposed transforming the Valley of the Fallen into a public museum, akin to the Nazi concentration camps. More provocatively, the Forum for Memory has covered up fascist street names with posters re-naming the street for Republicans.¹⁹ And busts to Franco and Primo de Rivera have been repeatedly defaced, sometimes forcing municipalities to remove them (Ferrándiz 2006). Like the crumbling statues discussed above, these acts of political graffiti and public performances require authorities to decide whether or not to maintain fascist symbols.

In the process, they also oblige national and local governments to decide whether they value the past that such monuments represent enough to restore them. In one of their most talked about actions, the Platform Against Francoism placed a fake plaque on the Presidency building – formerly the General Security Services building – commemorating “all of the persons who were detained, imprisoned, tortured, and murdered here during the Franco dictatorship for defending liberty, democracy, and social justice.” When, predictably enough, police quickly removed the unauthorized poster from state property, the organizers complained about how public authorities refused to make the right choices: “you see how we are in this country? Who does this bother?” The expedient removal of the sign was evidence that the Madrid municipality would not countenance recognition of its past crimes. Instead, it valued an architectural façade that provides no context for the horrible crimes that took place within its walls.

With only minimal state support, the memory movement has succeeded in subtly transforming urban and rural landscapes alike. Many forensic exhumations now end with the inauguration of a plaque, either in the cemetery or where the grave once stood. The one placed to

¹⁹ These provocations appear to have been successful. In 2015, the newly elected left-wing mayor of Madrid announced an initiative to change street names in the capital city named after significant Francoist figures, in accordance with the 2007 Law of Historical Memory (El Mundo 2015).

commemorate three anti-fascist guerillas killed in Saceruela declares that the victims were: “killed on the 5 of December 1936 for defending the values of justice, liberty, and democracy. Their bodies were recovered in May 2010 by the ARMH and buried in this spot on 19 March 2011.” Slowly but surely, these monuments to Republicans and civilians are altering the landscapes of cemeteries and cities throughout Spain. Moreover, the defacement of one monument to the International Brigades the day after its inauguration in 2011 suggests that – at least for those most passionate about defending the dictatorship – these markers will continue to be a site of contestation.

The legal tactics that the memory movement adopts tend to parallel their strategies of hailing the state through monuments and street signs. In recent years, all of the major exhumation teams have begun filing criminal complaints with the civil guard whenever a mass grave is found. When doing so, they refuse to pronounce the provenance of the grave in question, instead preferring the passive construction: “human remains have appeared with signs of violence.” The responsibility for determining the perpetrator, they insist, remains with the state. As ARMH lead archaeologist René Pacheco noted: “the cause of death must be established and a judicial complain must be filed in order to say that these were murder victims. Truly, they were murdered.” Much like the crumbling monuments, vandalized statues, and altered street signs, these legal complaints dragoon state officials to make a ruling; either proclaiming its sovereignty over the dead or, far more often, continuing their exclusion from the political community. Although these official crime reports are almost always immediately archived by local judges, who lack the legal authority to investigate these crimes, they still compel a state official to declare the site as a mass grave stemming from the Civil War or Franco dictatorship. Even in the state’s refusal to investigate these crimes, it can be compelled to rule on the facts. And having

ruled this to be a violent crime, their inability to investigate the perpetrators further embarrasses the state.

The Platform Against Francoism follows a similar logic. As the Madrid coordinator for the ARMH noted, the Platform is “an attempt to confront the Spanish public” with its responsibility to the dead and show that Spain was not “a country incapable of memory.” A communiqué from the Relatives of Disappeared Republicans Association (AFAREDES), one of the smaller memory associations involved in founding the Platform Against Francoism, likewise explained that the goal of the weekly protest: “was very modest, direct, and, for us, basic: to place a mirror before the legislative incompetency of the Government that does not assume its responsibilities to provide adequate measures in searching for, locating, and exhuming the more than 115,000 disappeared persons who embarrass us as a country before the international community” and to call for: “A dignified application of the United Nations’ provisions regarding the disappeared.” If the criminal complaints filed by forensic teams are designed to spur the authorities into some form of action, the protests are designed to highlight to the general public the state’s failure to abide by its international obligations and, as a consequence, their political community’s as yet incomplete modernity.

By adopting a legal framework, the forensic exhumation transmutes longstanding social complaints and moral harms into sharp criticisms of a state that is unwilling to fulfill its international legal obligations. Having been shut out of both national and international court systems, these transitional justice-inspired performances provide a new avenue of “turning authority back on itself.” (Comaroff and Comaroff 2006a: 33). The common usage of forms developed by the UN Working Group on Enforced and Involuntary Disappearances to collect basic biographic and historical details adds to the atmosphere of officialdom. And, as the foreign

anthropologists commented, the actual practice of Spanish exhumation teams is often even more rigorous than those of their international peers, even if they may lack the financial capacity to conduct the more comprehensive analysis. In this context, forensic exhumations, not unlike the contestations over public space examined above, take on a certain performative dimension.

Spanish activists and many relatives of the disappeared place particular emphasis on the power of criminal prosecution not only to reveal the truth, but also to make such truths authoritative. At one exhumation conducted by the Forum for Memory, an activist reacted to news of the recent conviction of two Guatemalan Generals for crimes committed during that country's civil war, passionately arguing that Spain needed to do the same: "We have to judge them and declare them guilty! And the people should know. And it should be written in the history books that they are guilty." Here, a guilty verdict provides not primarily a sanction against the responsible party, nor even a deterrent against future actions, but first and foremost a fast-track into the history books.

We see a similar logic at play even amongst the minority of memory activists who do not value criminal prosecutions. One long-time volunteer with the ARMH, himself a relative of a victim, expressed frustration during one forensic exhumation at the prospects of the Argentinian investigation: "I don't want to judge anyone! What good will it do to judge Franco or José Antonio [Primo de Rivera]? What I want is for them to recognize the evil that they have done. Here, there was a total Holocaust! And they killed teachers, engineers, workers, etc. How can you build a country like this, without education?" For this volunteer, the criminal justice components of transitional justice were less relevant after seventy-five years of impunity. He placed more stock in a different legal mechanism, forensic exhumations and perhaps some form

of reparations.²⁰ But though he may have disagreed with his colleagues on tactics, both believe that the any such program must result in a widespread reeducation of the public.

Regardless of the specific mechanism, the law in general has become the privileged language through which the memory movement contests the state's refusal to aid in locating and exhuming the disappeared. However, in order to understand the particular appeal of transitional justice, we must delve deeper into the ways this body of knowledge is utilized by Spanish activists to combat *olvido*, oblivion.

Struggling to Remember, Remembering to Struggle

The Platform Against Francoism press release on the Biographical Dictionary begins by denouncing “the situation of institutional neglect and oblivion of the victims of Francoism.” This phrasing may strike English speakers as rather odd. Though discourses about how public institutions neglect adequate measures to address a certain problem are by no means extraordinary, we generally would not talk of this lack of action as “oblivion,” a complete erasure of a population from our common memories. In order to understand how transitional justice mechanisms seek to alter the Spanish polity, then, we must begin by unpacking the subtleties of the Spanish term *olvido*.

Conventionally, the word *olvido* is translated as “forgetting” or “oblivion.” In English, the term “oblivion” is most often used as the antonym of memory.²¹ Certainly, it can be employed in a similar manner in Spanish. For example, one visitor to a mass grave declared that, “the worst death that exists is oblivion.” Likewise, one long-time ARMH volunteer noted that being buried in a mass grave “is like dying twice. Because of the silence and the oblivion.” If a

²⁰ Though he did not name it as such, this formula clearly parallels the logic of truth commissions (see Wilson 2001; Hayner 2011).

²¹ A notable exception exists in the field of memory studies scholars, whose scholars frequently note the interdependence of memory and forgetting (Connerton 2008; Cole 1998b; Battaglia 1992; Anderson 1991).

bullet can end someone's life, then oblivion and silence can terminate the memory of a person, by cutting off the deceased from their social networks.

However, in Spain, *olvido* is also commonly used as a synonym for neglect. Thus, amongst the definitions of the word listed by the Royal Spanish Academy is: "Disregard for something that should be present."²² Invoking the term *olvido* therefore also carries with it a normative demand for making the absent present. Hence, when Doctors Without Borders put on a public exhibition about humanitarian crises around the world, the title they chose was "Witnesses Against Oblivion." As its introductory text explained, the name alluded to the organization's hope "that these profound dramas do not remain in the limbo of oblivion." The forgotten do not disappear forever; they remain in a purgatory, awaiting further action.

The memory movement's discourse likewise approaches oblivion as a sort of "outside" of memory, not quite forgotten, but also not sufficiently present or recognized. Insofar as it is comprised of a resource that can be redeployed against powerful pressures of erasure, *olvido* closely parallels Ricoeur's "reserve of forgetting" which "designates the *unperceived* character of the perseverance of memories, their removal from the vigilance of consciousness" (Ricoeur 2004: 440). But unlike Ricoeur's descriptive concept, the normative *olvido* implies that the neglected will not always remain forgotten. Hence, in the visitors' book for a 2011 exhumation in Urzante, Navarra, Lara Barrios writes that: "Our only desire is to close this chapter of oblivion." Oblivion is here a determinate period of time which, sooner or later, will come to an end, as the next chapter of history unfolds. As Barrios indicates, what is at stake in the use of the term is not only what information will be remembered, but also how we conceptualize, periodize, and relate to the past. *Olvido* is thus a way of talking about the temporalities of Spanish

²² Although the Oxford English Dictionary's definition of oblivion as an "Intentional overlooking of an offense, esp. a political one" maintains the sense of neglect, it still lacks its normative dimension and minimizes the sense of the recoverable.

citizenship. From this perspective, what unites the Franco period with the post-dictatorship era is not only the ongoing failure to meet international legal obligations, but also a common strategy of neglecting a past that ought to undergird national belonging.

Bringing an end to this period of oblivion requires a distinctive set of memory practices, designed to reorient the relation of the present to the past. For instance, the musician Lucia Socam sings:

In a mass grave
In the memory of oblivion
They want to erase your name
As if you never existed.

The memory of oblivion is not here a contradiction in terms. Instead, it is a way of highlighting that which lacks institutional support, but which persists in being remembered nonetheless.

Although the state may wish to render those who died resisting Franco invisible, the song insists that “All of the men and the women have a name and a surname” that we ought to recall.

Socam’s song therefore triumphantly concludes by resisting the second death of oblivion:

You hopes have not been killed
You remain in my memory
May your body now rest in peace
But your soul has never died.

Socam here contrasts the individual’s ability to remember the past (“you remain in *my* memory”) with the institutional neglect of the political community (“*they* want to erase your name”) which renders such memories elusive for most people. In so doing, she highlights the ways individuals can resist the temporality favored by the Spanish state, in which the dead become anonymous and irrelevant, in favor of one where the spirits of the deceased continue to inform the democratic aspirations Spanish citizens in the present.

While individual remembrances of the dead may indeed be enough for their bodies to finally rest in peace, it is this broader social remembering which the memory movement desires.

We see this in a poem written by Maria Angeles and Pilar Liñan, two activists from a small Andalusian memory organization, in the visitors' book of a 2011 exhumation in Alcalá del Valle:

Our oblivion is their death
Our memory is their life
Remember in order to know
Know to remember
Struggle and live to not forget
Struggle and don't forget in order to live
Truth, Reparation, and Justice!

In this statement, individual remembering is the first-line defense against the complete erasure of the past. Like in Socam's song, it is Angeles and Liñan's memories that keep the dead alive, even if they must struggle in order to do so. In turn, it is their own battle against oblivion that gives them life, or at least a meaningful one. But in the end, it is only the principles of transitional justice – truth, justice, and reparation - that can definitively surmount the always-looming threat of oblivion.

In the context of a Spanish state that enacts a Pact of Oblivion, personal memories become sites of resistance. Thus, at one exhumation Óscar Rodríguez, a volunteer photographer with a background in sociology, explained to a group of children that we were able to find this grave because a local shepherd “wanted to remember for many years.” Such agentive remembering in the face of social pressures to forget or be silent is not an easy or comfortable task. As Ana Pereda explained during the exhumation of her grandfather Gaspar: “other families prefer to live in oblivion [*vivir en el olvido*] because it is less painful...I want to be with my

grandfather and his colleagues.”²³ Ms. Pereda is trapped between the social obligation to ignore the dead and her familial obligation to maintain a relationship with her deceased grandfather. The exhumation seeks to harness the power of such familial obligations in order to alter social taboos on recognizing victims of fascist repression.

Despite the great effort required to remember, activists insist that memory is never a purely individual phenomenon. At times, the collective character of all memory is the result of a shared historical experience. As one social psychologist put it during an exhumation: “the entire [village] was affected by the war...there does not exist a private memory. All memory is public.” In other instances, it is more of an additive phenomenon. At one Platform Against Francoism event, a woman told the packed auditorium that: “your memory, together with others, forms the memory of our country.” And sometimes, it is a matter of tradition. At the book launch for the *Dictionary of Historical Memory*, the event’s emcee declared that: “all memory is collective” since “you can remember something that you haven’t lived through, but it is still memory.” Regardless of the exact mechanics of this collective memory, though, the effect of such statements is to link the individual struggles to remember the dead with the wellbeing of the broader socio-political community.

In thinking about the complex interplay between, on the one hand official state memory and, on the other hand, the individuals resisting these forces, it is helpful to draw upon Cole’s distinction between “official” and “unofficial memory.” Taking inspiration from Volosinov’s (1987) writings on the unconscious, Cole distinguishes between a type of memory that “is expressed in words that are part of developed ideologies shared openly with others,” versus an unofficial one, which is “a bit like a subterranean brook that runs its course without anybody

²³ Note the co-presence between the living and the dead achieved in this statement. Ms. Pereda does not merely wish to remember her grandfather and his colleagues, but also to inhabit the same space with them in the present. We will explore this dynamic in greater detail in Chapter 8.

paying too much attention, until a person stumbles upon a place where the brook wells up through the earth” (2001: 281-282). From this perspective, we can think of the forensic exhumation in part as an attempt to make the unofficial memory explicit and authoritative. However, this is not a stumbling upon unofficial memory so much as a self-conscious attempt to find and name precisely the subterranean matter which the political community has chosen to ignore. In digging up the grave, assigning scientific and legal categories to the remains, and circulating narratives of the deceased, forensic exhumations weave thick webs of signification around the bodies of the dead.

This usually implicit goal became explicit at the conclusion of one prospection effort that did not succeed in discovering the location of a mass grave. Despite the inability to locate the disappeared, local memory activists nonetheless remained positive: “I still think it is a good thing. Because the people had this in oblivion [*lo tiene en el olvido*] or something. People’s memories are starting to get reactivated a bit.” Even without the appearance of a mass grave, the presence of forensic scientists in the village still compelled many to retrieve the information they had neglected. Through mass mediation of the movement’s actions, activists hope to inspire a similar awareness amongst the broader public.

Importantly, this is not a matter of filling up the empty space of oblivion with new information about the past, so much as it is about recontextualizing the dead. As Ana Pereda presciently noted: “Oblivion [*olvido*] is a type of memory designed not to protect the victims, but the murderers. A country cannot do this. It must construct a memory of the victims.” At stake in this question of how Spain will remember its history is nothing less than its democratic status. Hence, a bit later on, Ms. Pederá argued: “A democracy that leaves its dead forgotten in a grave

[*olvidados en una fosa*] is not a real democracy.” A true democracy, she argues, must properly care for the dead as well as the living.

In part, this obligation to the dead is about proper treatment of the body. As one religious Catholic visitor to a mass grave exhumation put it: “little by little, they can rest in peace. Because like this, they cannot rest.... They cannot rest in peace until they know what happened to them.” Until the forensic scientist authoritatively pronounces upon the grave, not even the dead can finish their life narrative. The state, in turn, has an obligation to provide this opportunity for its dead citizens to receive their final rites.

But it extends beyond the body’s corporeal remains to encompass public recognition of state violence as well. After all, these are not just individual deaths, but people who died in the service of a democratic project. Thus, at one Platform Against Francoism assembly, a man commented: “until we recognize the victims of the coup-ists, we are not a democratic country.” For as long as the ethos of fascism with regards to its victims reigns, Spain cannot claim to be a proper democracy.

Importantly, undoing the legacy of the dictatorship requires not only the pronouncements of experts and the recognition of the living. It also entails listening to the voices of the victims themselves. As one article in *El País* put it:

It is certain that, the muscles, the skin, the viscera, in short, all that we denominate as the meat, disappear, the skeletons take on the dignity of a [work of] creative writing. It gives the impression as if each bone had been relocated to a word and as a whole the text of a denunciation.²⁴ A text without periods or commas, without pauses, without caesuras, a sort of flow of consciousness, of a mental discourse, which should be read as a ballad, as it was written over the course of the seventy-five years that its composition lasted” (Millás 2011).

Here, the dead participate in their own resignification. As they wait in the limbo of oblivion for the living to re-member them, they continuously compose their own funeral dirge, updating it as

²⁴ *Denuncia*, in Spanish, has legal connotations, as in a police or judicial complaint.

present circumstances shift. The forensic exhumation is a reciprocation of their efforts, in which the living finally learn to listen and read these vital texts.

We see the synthesis of the physical remains of the dead and their rescue from *olvido* most clearly in discussions over reburial practices. During one exhumation in Burgos, several families initially expressed a preference for individual reburials. Over the course of the exhumation, however, they collectively decided that only a joint reburial could properly pay tribute to them. One granddaughter who traversed this path explained at the end of the exhumation that: “We have to bury them together, because separately...the people will forget about it...It would be as if they never existed.” For this reason, it was especially important to her to “build a monument in the cemetery...because the people go to the cemetery.”²⁵ Once properly exhumed and reburied, the dead could serve as a reminder to the living of their import to the current democratic society. Doing so entails not merely transforming the ways people narrate Spain’s historical eras, but reintegrating the dead in the Spanish public, bring them out from oblivion, and reincorporating them back into the fold of the *demos*.

To others, the mandate to bury the dead together was as much about the obligations to the deceased as it was about their utility to the living. One visitor to an exhumation told me of how important it was to him that his own father be buried together with his comrades since: “they lay together for sixty-nine years. We’re not going to separate them now.” Whatever bonds the dead may or may not have had during life, seven decades of repose in a shared grave has bound them inextricably, to the point where separating the group would do them harm. The burial must reflect the ongoing social life of dead persons.

²⁵ The experience of families at this exhumation is described in greater detail by my colleague on the social team at this exhumation, María Julieta Olaso (2015).

More than anything else, this is about the way people in the present relate to the dead. We see this at the workshop in the Madrid offices of the ARMH. The coordinator told the potential volunteers: “The bones are not simply bones. They imply something greater. Ask yourselves about the difference between an exhumation of remains from thousands of years ago and those of the Civil War. The difference is obvious, no?”

At the time, early in my fieldwork and before I had attended any exhumations, I was confused. The difference was anything but obvious to me, especially as some of the forensic scientists I had spoken to during preliminary research had insisted that they use the same tools and methods when handling ancient Roman remains as they applied to those that came from Civil War graves. It was only later that I understood this distinction had little to do with the formal techniques of the exhumation and everything to do with the substance of its ethical and political commitments, which aimed to uncover not only the human remains of Civil War victims but also the social relationships with them that are in the limbo of *olvido*. In contrast to the anonymous graves from thousands of years ago, which comprise the pre-history of the nation, the legacy of the Republican and civilian dead is an integral part of Spain’s neglected history.²⁶ It is for this reason that, as one leader of the Platform Against Francoism put it at an assembly: “the destruction of memory makes the construction of a democracy impossible.” Because for the memory movement, a true democracy requires the realization of one’s links to previous democratic generations, as much as it does the distancing from the era of dictatorship.

²⁶ There exists disagreement within the memory movement about whether this requires the foundation of a Third Republic or not. This disagreement is indicative of a temporal split within the memory movement. Some who see the Third Republic as a necessity believe the current constitutional monarchy to be a part of the exceptional Franco era, which must be excised from the collective biography of the nation. Others interpret the current system as part of an ongoing transitional phase from Franco to a true democracy. Regardless, all agree that by coming to terms with the value of the Second Republic to the present, Spain can finally achieve the critical distance from its dictatorship that would allow it to become a “civilized,” “normal,” or “first-world” nation when it comes to human rights.

Conclusion

In this chapter, I have explored the scientific, legal, and memorial practices required to establish what those in the memory movement call “a truly democratic state.” Crucially, this is not merely a question of *what* one remembers, but also about *how* one relates to both past and present. For transforming unofficial memory into official memory alters the temporality of the polity. To acknowledge, as the Platform Against Francoism demands, the “debt owed by the democratic state to the thousands of persons who were repressed, tortured, or killed by the dictatorship” is to understand the exhumed as the precursors, if not the founding mothers and fathers, of the state in its ideal form. In contrast to the Pact of Oblivion, which sought to locate the beginning of the political community in the 1978 Constitution, the temporality proposed by the memory movement insists that a truly democratic state can only be realized by acknowledging its unpaid obligations to those who died defending Spain’s previous democratic government. Moreover, by linking the current Spanish democratic era with its Republican predecessor, the Franco dictatorship is rendered a dark period of Spanish history, a forty-year interruption of democratic biography of the nation.

Understood thusly, the memory movement’s goals of rescuing the dead not only from mass graves but also from the purgatory of oblivion shares much in common with transitional justice programs that also aim to alter the living’s relationships with their past. Rather than construe a brand new democratic nation, Spanish forensic exhumations utilize the techniques of transitional justice in order to critique and transform the temporal orientations of Spain’s imperfect democracy. As scholars of democratic transition have predicted, dead bodies are crucial components of overhauling Spaniards’ temporal orientation. The reappearance of the bones, bodies, and faces of the disappeared makes present the absent memory of fascist violence,

demanding recognition from the public. What were once anonymous dead are now posited as progenitors of a democratic community.

However, as we have already begun to see, the dead here are not simply instruments that the living may use to rewrite the nation's biography as they so please. In this chapter, we saw some of the ways that victims continue to develop a rich social afterlife. For the memory movement, extending the temporal bounds of the political community to encompass this society of the dead holds out the promise of democratic renewal. In large part, this project of revitalizing the polity entails a more faithful retelling of history than that coming out of institutions like the Royal Academy of History. In order to see how the bodies of the defeated contribute to altering authoritative narratives about the past, in the next chapter I turn towards examining the forensic making of "historical facts."

Chapter 4. Bodies of Evidence? Human Remains and Narrative History

On a hot summer's day, Mauricio¹ and I stood overlooking an excavation, as a team of archaeologists and volunteers from the Association for the Recovery of Historical Memory (ARMH) uncovered the remains of five anti-fascist guerrillas killed in 1941 and buried in an unmarked common grave in the non-sanctified section of the cemetery. The middle-aged ARMH activist had traveled over 200 kilometers from Madrid to the small village of Puebla de Don Rodrigo, so he could witness the exhumation. Mauricio explained the reason he made the journey to me: "Until the bones come to light, they do not exist. They are just a legend." Motioning towards the ongoing work, he continued: "These guys are making facts." "And this," he added a few minutes later as we continued to talk about the exhumation unfolding before us, "is historical memory. This is why we do everything we do."

As this exchange exemplifies, forensic exhumations are fundamentally about the production of factual knowledge about the past. That is to say, in Spain as elsewhere, exhumations are about more than their humanitarian imperative to allow relatives *To Know Where He Lies* (Wagner 2008). As Mauricio aptly commented, these facts go beyond the narrow mission of identifying bodies, to encompass broader historical claims about the Civil War and Franco dictatorship.

There is a sense amongst the historical memory movement that there remains a great deal of research to be done about the conflictive recent past. As a sympathetic recent headline proclaimed, the Spanish activists insist that: "When it Comes to the History of the Spanish Civil War, there Remains Oceans to Tell" (Viñas 2012). These oceans are filled in by forensic

¹ Pseudonym.

exhumations. As one local activist who helped organize an exhumation in Loma de Montija, Burgos explained to me, “exhumations are a way of writing another page of History and closing a page of family history.”

In this chapter, I begin analyzing how the forensic exhumations “makes facts.” This involves not only a close reading of the ways experts extract information from testimonies, documents, and bones, but also attending to how this information is arranged into narratives about the Spanish Civil War and Franco dictatorship. On the one hand, this is a question of method: by what means does the exhumation produce evidence about the past. On the other hand, it is a question of epistemology: what sorts of knowledge is produced in the course of the forensic exhumation. In contrast to prevailing accounts within the post-conflict literature, which suggests that bones provide a new archive of information about the past, close examination of scientific practices reveals that human remains contribute relatively little new information about the past. However, this does not mean they are unimportant. To the contrary, I argue that the uncovering of human corpses breathes new life into long-neglected testimonies, allowing them to achieve the status of historical truths.² As Mauricio suggests, the exhumation is best thought of not as a process of revealing past crimes, so much as a practice of making facts.

Before exploring the forensic efforts in Spain, however, we must return once again to the historical context of forensic science’s rise in human rights investigations.

Evidence of What?

According to Thomas Keenan and Eyal Weizman, we are currently in the midst of “what can now be seen as a third narrative in war crime investigations – not that of the *document* or the *witness* but rather the birth of a *forensic* approach to understanding war crimes against humanity”

² In other words, exhumations are a technology that transforms counter-memories into candidates for official memory (Foucault 1980).

(2012: 12-13). In order to understand the significance of this epistemological shift, we must first understand the evidentiary regimes that preceded it.

The rise of forensic science represents a paradigm shift in the approach to human rights violations. At the onset of modern human rights prosecution in the Nuremberg Trials, the document was the pinnacle source of evidence for crimes against humanity. United States Prosecutor Robert H. Jackson based his case against Nazi war criminals primarily on the millions of Nazi documents captured by Allied forces in the conquest of Germany. All told, some 3000 tons of records were submitted in the course of the trial (U.S. Holocaust Museum 2015; see also, Conot 1984: 36-38). Though highly effective at building a legal case against those in the docket, the reading of document after document became an exercise in tedium for the journalists who covered the proceedings (see Wieviorka 1995).

The standards and procedures for war crimes prosecutions first defined in the Nuremberg trials continue to influence the practice of human rights to this very day. Fifteen years later, the prosecutors at the trial of Adolf Eichmann likewise recognized the value of written documentation. Prosecutor Gideon Hausner explained that: “There is an obvious advantage in written proof; whatever it has to convey is there in black and white. There is no need to depend on the retentive memory of a witness, especially many years after the event. Nor can a document be browbeaten or broken down in cross-examination” (Hausner 1966: 291). Much like traditional view of history (see Ch. 1), prosecutors at both Nuremberg and Jerusalem saw the document as an unchanging crystallization of past events that could undergird an objective historical narrative.

However, the prosecutorial team in Jerusalem wished to accomplish more than just a guilty verdict: “For the first time, a trial set out explicitly to provide a lesson in history. For the

first time, the Holocaust was linked to the themes of pedagogy and transmission” (Wieviorka 2006: 389). As such, lawyers made their case not only with documents attesting to Eichmann’s guilt, but primarily through a series of witnesses who “against all odds, are precisely *writing their own history*” (Felman 2002: 126, emphasis in original). Importantly, what was valued in these testimonies was not simply the witnesses’ ability to speak accurately about past events, but also their performance of the effects of these acts on display for justices and journalists alike. It is precisely the silences and breakdowns of the witnesses on the stand – even more so than the content of their testimony – that so dramatically conveyed the horrors of the Holocaust.

Crucially, despite their newfound prominence, survivors do not replace documentary evidence of past crimes. Instead, as Wieviorka notes, witnesses still required the validation of other experts to attain their status as privileged narrators of the past: “The witnesses’ words attained a social dimension because they were uttered before judges whose responsibility it was to acknowledge the truth they contained and because they were relayed to the media of the entire world” (2006: 390). As witnesses traveled outside of the courtroom, a host of other experts – including archivists, filmmakers, psychologists, NGO workers, curators, and, of course, anthropologists – would join the judge, the historian and the archivist in validating and framing oral accounts of genocide and other human rights crimes (see Fassin 2008).

While the witness proved quite effective in conveying affective messages to a broader public, they still had two large drawbacks. First, as Prosecutor Gideon Hausner indicated, the witness could at times be an unreliable narrator of history. And while the silences and breakdowns of witnesses successfully performed the devastating impact of massive human rights violations, they still required documents in order to corroborate their accounts. Second, even when survivors are capable of accurately remembering and relating information on past crimes,

they can only ever tell part of the story. As Primo Levi famously observed: “There is a lacuna in every testimony: witnesses are by definition survivors and so all, to some degree, enjoyed a privilege...No one has told the destiny of the common prisoner because it was not materially possible for him to survive” (1997: 215-216; cited in Agamben 2002:19). The true witness of massive violations of human rights are those who died as their result; but they cannot testify on the stand. Agamben calls this “Levi’s paradox”: “Whoever assumes the charge of bearing witness in their [the dead’s] name knows that he or she must bear witness in the name of the impossibility of bearing witness” (2002: 34). The true stories of horror suffered by those who perished cannot possibly be embodied in the living.

The rise of forensic science starting in the mid-1980s proffered a resolution to both of these shortcomings. First, proponents maintained that these new methods brought to bear on the bodies of the dead could resolve the unreliability of witnesses: “Forensic evidence collected from mass graves helps not only to establish truth, but to maintain it; whereas documents may be reinterpreted and people’s memories are less than perfect, the bodies in the graves speak very strongly for themselves, in ways that do not easily change with time” (Pearlman 2008: 5). Like the document before it, the bones seemingly furnished an objective, uncontestable crystallization of the past. Moreover, forensic science promised to overcome the postmodern and postcolonial critiques that have thrown the objectivity of documents into question in the years since Nuremberg.³ Clyde Snow, one of the pioneers in applying forensic science techniques to human rights crimes, called this the “osteobiography”: each skeleton contains “a brief by very useful informative biography of an individual...if you know how to read it” (Weizman 2011: 63). In

³ Uli Linke suggests a similar overcoming of postmodern doubt through the supposed tangibility of the corpse in her analysis of the Body Worlds exhibit: “the non-virtual presence of corpses in the museum seems to accommodate a yearning for a thingness of thing – the permanent, the tangible, the concrete. This sensory access to corpses might thus nourish a late modern longing for an authentic reality, a perceptual realism without simulation or copies” (2005: 15).

this way, forensic scientists sought to revitalize the dual meaning of the Latin *corpus*, as both a body and a collection of facts (Crossland 2009a: 74).

At the same time, proponents of forensic science also proposed the method as the solution to Levi's paradox. Rather than accessing only those privileged few who survived the atrocities, forensic science appeared to allow the dead to testify directly. As Snow explains:

I'd say that to be effective as an expert witness, you have to learn that in a way you're translating the skeletons themselves. *The bones are the ones telling the story. Bones make wonderful witnesses: they don't forget, they don't lie.* You have to present evidence in an objective and scientific manner, and that's rather cold, but you're not talking to lawyers or your scientific peers. You're telling a story, or letting these victims tell their stories to the jury or the judge (Weizman 2011: 72, emphasis added).

As Snow exemplifies, modern forensic science recognizes that dead bodies are not only the objects of scientific inquiry, but also the subjects of legal processes. As Crossland observes: "the metaphorical discourse of 'bodies as evidence' attributes the dead with agency...The dead are presented as speaking from beyond the grave, challenging those responsible for their deaths through the evidence of their physical remains, while the detached forensic observer records their testimony without intervening" (2009a: 75). In positing the forensic scientist as a mere reader of the facts recorded onto the physical remains of the deceased, the transitional justice paradigm here elevates the dead to the central actor in condemning human rights violations.

Yet the corpse's testimony goes beyond the recitation of facts imprinted on its skeletal remains. Like the living witnesses they increasingly supplant, the dead enter the courtroom as a storyteller. As Snow recounts his own experience in Argentina:

Statistics can be very valuable in a forensic investigation, but when you're giving testimony, you want to tell a story. So instead of talking about all our cases, we decided that we would pick a couple. In the case of the young woman, Liliana Pereyre, we picked her not only because she was quite a beautiful girl, but also because she was one of several hundreds of young women who happened to be pregnant at the time they were detained...And with her skull, we went through all the slides showing identification stages and then the last slide was this beautiful young woman. That was the end of my

testimony. One could say it made a big impression on the judges and also the spectators. They told me later that many of the news-men up in the balconies were crying. (Weizman 2011: 72).

Like a lawyer's selection of eyewitnesses, the forensic scientists puts in the dock those dead persons who can best tug at the heartstrings. To be sure, the statistics generated by forensic science prove invaluable in human rights prosecutions. But the witnesses from the grave, not unlike the survivors they increasingly supplant in the courtroom, are effective precisely when they are the most affecting for the juries of the courtroom and public opinion alike.

It not immediately clear how forensic science can deliver on its promise to offer both the objectivity of the document and the affectivity of the witness. After all, as both Felman and Levi argue in different registers, it is precisely the inability of the witness to tell a coherent narration of events that allows them to be effective transmitters of the traumatic events. It is the gaps, silences, and breakdowns that live witnesses so dramatically offer in the courtroom that makes them effective at demonstrating the damage wrought by past human rights abuses. It is for this very reason that testimonial evidence does not come to replace documentary and expert historians in the courtroom, so much as it supplements them. Yet, in the era of forensics, dead bodies are marshaled in the service of both, seemingly contradictory goals.

If we are to understand how the era of forensics has changed the narrations of past human rights abuses, we must examine how scientists construct their claims about the past in interactions between the living, the dead, and the document. The Spanish historical memory movement holds particularly rich potential to shed light on these issues. As we have seen in the previous chapter, although legal concepts influence the practice of forensic science in Spain, the lack of a competent forum to decide such cases removes the burdens of evidentiary procedures that limit what forensic scientists are allowed to say about uncovered human remains, while at

the same time imposing upon them the necessity of making the sorts of historical statements usually reserved for judges and lawyers. Therefore, Spanish forensic scientists will be far more explicit about the ways they construct narratives about the past than their international peers. It is with this in mind, that I now turn toward a thick description of the ways Spanish forensic teams “make facts.”

The evidentiary lives of dead bodies

While prospecting in the municipal cemetery of Alcalá de Valle, Andalusia, in search of an unmarked mass grave, two women showed up to observe the ongoing work. Both were wearing T-shirts emblazoned with the red, yellow, and purple colors of the Second Republic, identifying them as members of a smaller memory organization from a village about an hour’s drive away. There, they were trying to implement education programs about Franco’s repression for local youths. The pair asked to take pictures of the scene, “in order to publicize it on Facebook.” As they did so, one woman turned to me and commented: “this is the confirmation that what we have been saying is the truth.” Before leaving, she picked up a handful of dirt from a large pile of removed earth, placed it in a plastic bag as “a memory.”

Spanish forensic exhumations are first and foremost about returning the physical remains of a loved one to their kin. Only on rare occasions will the largest groups associated with the historical memory movement conduct exhumations if at least one living relative cannot be located. As we shall see shortly, this is not a devaluation of the unidentifiable, but rather a decision on how best to utilize scarce resources.

And yet, as the two Andalusian activists make clear, the exhumation accomplishes far more than the fulfillment of last rites: rather, it is a profound historical statement both about the individuals who were killed in a given place as well as about broader interpretations of the Civil

War and Franco dictatorship. As the prominent philosopher Reyes Mate argued at a conference a few months earlier, while directly addressing forensic scientists:

By your own work and prestige, you have become privileged readers of the past, no? You are the ones who understand the eloquence of the bones, which is great, and in this way you have become the great fighters against the naturalization of history, by recovering from the ruins and the debris, everything there is of life.

For Reyes Mate, even more clearly than for the two Andalusian activists, forensic science provides the ultimate historical proof.

* * *

As these two examples indicate, for the memory movement, exhumations represent an important method for discovering information about the past. “These bones carry History,” one elderly man from Villanueva de Valdueza commented, upon witnessing the remains of Antonio Fernández González on the outskirts of his village. That very night, Mauricio (who had likewise driven to this event) congratulated the exhumation team for “making History with a capital H.” On a separate occasion, a Madrid-based activist told the ARMH that “the earth is talking and you guys know how to listen.” Echoing forensic science advocates, for these activists, the bones are the touchstone of truth. Hence, the forensic scientist Francisco Etxeberria argued in a public lecture, once the bodies are discovered: “it is no longer a myth. It is truth.”

The clearest way in which an exhumation might “make facts,” then, is by providing positive identification of skeletal remains found in a gravesite. The first and often hardest step in this process is locating the burial site. The general whereabouts of a grave can only be derived from testimonial, and on rare occasion documentary sources. Once an approximate location is established, the arduous task of narrowing down a precise location for excavation begins. Well-funded exhumations will employ geo-radar scans to detect changes in soil density that may indicate an interment. More typically, exhumation teams contract backhoes or use picks and

shovels to dig parallel trenches, hoping to encounter the “first indicators” of a mass grave. Once the grave is found, its contours are excavated with heavy machinery or shovels. Then begins the slow and tedious process of removing dirt from the skeletons, using spades, chopsticks, paintbrushes, and other small tools. The entire grave must be exposed, photographed, and documented before any bones or other objects can be removed from it.

Oral testimony and the documentary record combine to produce what forensic scientists often refer to as a “hypothesis” for who might be in a common mass grave. However, as the forensic scientists are fond of reminding people, “until you open up the grave and see, it is all just theories.” Many times, those taken out of a single village or prison as one group would be buried in several different graves; other times, additional persons from neighboring villages were added to execution lines, resulting in the discovery of more bodies than oral testimony predicted.

Once the number of bodies has been established, the two-tier identification process begins. First, forensic scientists conduct anthropological analysis of the remains. Provided that the skeletal remains have been well-preserved, laboratory analysis can derive much information: intact hip joints or skulls can reveal the gender of the deceased; a femur can provide an approximate height; spines may reveal workplace stresses, for example through the fused discs of miners; skulls and teeth can be analyzed and compared with photographs or detailed descriptions of the deceased. In some cases, distinguishing physical characteristics – like an amputation or a gold tooth – can make identification particularly plausible.

In recent years, Spanish forensic teams have adopted the international standard of using genetic tests to confirm the identities of the deceased, whenever possible. To do so, one must locate a living relative of the victim, preferably along the maternal line.⁴ These genetic tests are

⁴ Identifying human remains by analyzing mitochondrial DNA, which is passed along the maternal line, is significantly cheaper than Y-chromosome analysis, which can be done for paternal descendants.

the definitive proof of identity and are becoming increasingly necessary for the pursuit of legal claims.⁵

Beyond confirming the identity of the deceased, exhumations can uncover significant details about their final moments. Entry and exit wounds reveal the precise manner in which they were killed. Especially if one recovers bullet casings in the course of the exhumation, ballistic analysis can also establish the caliber used. Ideally, the latter can indicate if the executions were carried out by the regular army, the national guard, or by fascist gangs. The layering of the physical remains can also signal the order in which the deceased were thrown into the grave.

At times, these data add up to significant information about the victims' final moments. A forensic scientist who has worked with both the ARMH and the Forum for Memory told me of her experience exhuming one grave in which all three skeletons featured legs that were dislocated at the knee joint. This meant, she explained, that the knees had been hit with the butt of a gun prior to them being shot. "It is important to collect these sorts of data." When the grave is well preserved, she said, "it allows you to reconstruct a bit of the scene and so you can't say that these people were killed in an attack on the village," as an act of war.

Unfortunately, these sorts of ideal exhumations are a rarity. In a significant number of cases, the individuals exhumed from the grave cannot be positively identified. Many times, this is because over the course of the seventy-five years that have passed between the interment and the exhumation, physical remains have deteriorated beyond the point where significant anthropological or even genetic data can be extracted from them. This is especially the case when remains are discovered in humid or acidic soil. Other times, particularly when exhuming larger graves, there simply is not enough information on who might be buried in a grave to form

⁵ In genetic tests, the different standards of scientists and legal scholars become particularly clear, since DNA analysis results in percentage chance of a match, while legal claims are binary. Thus, an 80% match may become a positive, i.e. legal, identification, even if there remains 20% chance of error (see Keenan and Weizman: 22-23).

a hypothesis for scientific testing. There is an element of randomness in all of this. Soil acidity and humidity are as determinant actants in narrating a grave as are bones, forensic scientists, and oral testimonies.

Although the Spanish NGOs generally devote their limited resources to exhuming the graves most likely to yield positive identifications, they nonetheless still value each and every person that they can rescue from oblivion. The very first exhumation I participated in was of a grave in Villalba del Duero, Burgos that had been discovered by chance when prospectors looking for another interment had happened upon it. Although archival work by local activists had yielded plausible guesses on the identities of the victims, there was not nearly enough information to form testable hypotheses for anthropological comparison. Nor could any living relatives of the disappeared be located to offer genetic material for comparison. Upon returning to Madrid, Fausto Canales – a prominent memory activist and son of a victim (see Ch. 2) – asked me about my experience. I informed him that it was positive, although in this case identification would prove impossible. He responded that, while it is a great shame for their families, “the most important thing is that you find them.” For the historical memory movement, the unidentifiable dead also deserve a proper burial.

But even when identifications are possible, the sorts of data that can be extracted from skeletal remains is of minimal historical import. An exhumation can, under ideal circumstances, establish beyond the shadow of a doubt the precise location of the grave, the physical characteristics of those buried in the site, and the traumas that resulted in the person’s death. When enough anthropological and genetic information exists, scientific methods can also positively identify those buried in a given location.

To be sure, this information is highly valued by those who maintain an affective link to the individuals buried in the grave, be they related by kinship or ideology. At one exhumation in Loma de Montija, Burgos, a relative recalled how, as a child, he would come with his mother every November 1st (Day of the Dead) to leave flowers at the entrance of the farm where the grave had been discovered. A friend of his marveled at the precision of the families' memories. The relative, however, took offense at the suggestion that an approximate location was good enough: "No! It was not exactly where the grave was!" he insisted, noting that the actual grave being exhumed was a good five meters from where they would leave the flowers. Similarly, when leading a tour of the photo exhibition "Exhuming Graves / Recovering Dignities," Fausto Canales cited the precise location of the mass grave as one way that the exhumation yields new historical evidence about Francoist repression.

And yet, forensic analysis cannot produce the sorts of biographical and historical information that families and activists value most. While an exhumation can tell you who was murdered and thrown in a mass grave and may even provide evidence of who the culprits were, it cannot reveal *why* a person was killed. Those sorts of stories about those who died defending democracy, or because they were part of a labor union, or because they refused to go to Church, or simply because of a personal feud with the wrong person – in short, the narratives that comprise both the local and the national histories of the Spanish Civil War – can only be extracted from the testimonies of those who remember the dead.

Here, it is particularly important to pay attention to the careful wording of forensic scientists in their exhumation reports. Even when exhumations go as planned, as was the case with grave number 1 of A Fonsagrada, the scientific claims that can be made in official forensic reports are rather limited: "The evidence found, as well as the analysis of the grave as a whole,

allow an interpretation of the grave that is in consistent with the testimonies of the relatives before and during the exhumation” (Crespo Prieto 2008). The forensic exhumation cannot, strictly speaking, confirm the stories families tell about their loved ones. It can only yield evidence that “permits an interpretation of the grave” along the lines of what they have said. The exhumation, then, certainly yields quite a bit of evidence as to the identity of the disappeared. Yet, in most cases, it is not clear how much this evidence is dependent upon the scientific character of the exhumation.

Therefore, in contrast to much popular writing on forensic exhumations, it is not precisely correct to refer to the bones as an embodiment of history. The physical remains of the deceased do act as an index, but the reference is a past to which they can provide access. Rather, they point to the testimonies of families who are capable of illuminating the meanings that these physical objects encompass. The materiality of the bones provides indisputable proof that *something* has happened. But in order to know what that something was, one must return to the memories of the victims and their relatives.

As we shall see over the coming chapters, dead persons’ roles are not limited to the way they contributes towards the verification of historical narratives. Still, the corpse’s value in providing new facts about the past is severely limited. Therefore, if we are to understand how such narratives are constructed, we will have to take a close look at the ways oral testimonies contribute to the production of forensic knowledge.

Oral Testimony

Spirits were low in La Toba, Guadalajara as the Forum for Memory neared the end of their third day searching for the grave of Severiano Clemente González, a baker and sympathizer

of the leftist Popular Front, killed by *requetés* on 17 November 1936.⁶ A large backhoe continued digging trenches across the roughly square kilometer field, hoping to encounter some sign of the informal burial. But so far, only a few hunting shells and some animal bones had emerged. Several activists began to wonder aloud when to give up the search.

As the day wore on, more people came by the ongoing prospection to corroborate the original testimony of González's five children and confirm that the victim had, in fact, been buried in this location. But the terrain had undergone significant changes in the ensuing seventy-five years, erasing the once familiar landmarks by which people navigated the area. Gone was the wall that once separated what had been two smaller fields, rendering the testimony that Mr. González was buried at its corner less useful. Likewise, the dirt road leading out of the village to this field, along which Mr. González took his final steps, had been erased by the passage of time.

A social psychologist tried to prepare the relatives for what was increasingly looking like a disappointing scenario: "Whether we find it or not, we know the facts. What is important is the history, and that much we know." The sentiment seemed to reassure one of Mr. González's sons, who replied that, at least thanks to newspaper and television reporting, "in the village, they know it all."

I sat down with the social psychologist and the lead social anthropologist to conduct an interview with two of Mr. González's sons. Regardless of whether the grave appeared, the activists of the memory movement wanted to document their remembered accounts of their father's life and death, as well as their own experiences growing up without him throughout the Franco dictatorship.

⁶ *Requetés* were a Carlist militia, mostly stemming from the region of Navarra, who participated on Franco's side of the Civil War. By April 1937, they were unified with the fascist Falange de los JONS militias.

Just as I hit the record button on my audio recorder, however, an excited shout came from across the field: “Bones have appeared!”

Cheers rang out as people enthusiastically ran over to the backhoe which, at long last, had encountered human remains. The dozen or so historians, journalists, media liaisons, social psychologist, and anthropologists who comprise the social team sprinted over to the six archaeologists who had made the find. Tears welled up in the eyes of Mr. González’s sons and grandson as they gave emotional hugs of gratitude to all around.

As the initial excitement passed and the forensic team got back to work, one of sons turned to the social psychologist and commented “what a joy!” Then, recognizing the awkwardness of expressing happiness at finding the skeletal remains of a father who had been violently murdered for his political beliefs, he added: “well, it’s a joy, but it’s not a joy.” The social psychologist reassured him: “yes, it is a joy because it confirms the history.” A daughter of Mr. González added: “Yes. Because now we know that we have found him.” The social psychologist agreed, adding “now we need science to confirm it.” A few months later, science did just that as anthropological and genetic analysis confirmed the identity and cause of death of Mr. González.

* * *

As the exhumation in La Toba indicates, in order to understand the forensic exhumation in Spain, we must pay close attention to the ways testimonies are discussed, gathered, and acted upon. Such oral accounts – comprising everything from autobiographical memories, to stories related by neighbors and relatives, and including rumors whispered through village gossip – are central to all phases of the exhumation, from the initial discovery of the burial site, to the identification of the people buried therein, and the crafting of authoritative narratives of those

persons' lives and deaths. If we are to understand how, in Mauricio's words, the memory movement is "making facts" in the era of forensic science, we must, ironically, turn back towards testimony.

For the historical memory movement, oral testimony is central to the production of new information about the past. First, there is the pragmatic reality that the vast majority of graves are identified only when someone – most often a relative – comes forward to testify about its existence and location. Without this initial account of the rough location of and persons buried in a grave, the sorts of archival and physical-anthropological methods discussed below would have no referent against which to work.

But beyond their critical role in locating and identifying human remains, oral testimony is a valuable source of historical knowledge. As a fellow volunteer explained one night while working the intake desk of the ARMH-Madrid's offices, "testimonies greatly help us know what really happened in this country."

On the one hand, this statement should be read as placing great faith in the historical accuracy of victims' memories. During one conversation about the different ways of locating mass graves, a veteran volunteer with the ARMH turned to me and said: "There is no better source than the testimony of an old man." A local memory activist quickly agreed, but added: "you have to distinguish between a person who was sixteen or seventeen when they saw it, and someone who was four or five." The veteran volunteer, however, objected: "But this is not something that you forget!"

This sort of folk ideology of a "flashbulb memory" – a particularly vivid and long-lasting remembrance that, unlike regular memories, are less subject to change or forgetting – is a

frequent feature of much of the memory movement's discourse (Brown and Kulik 1977).⁷ Early on in my fieldwork, I expressed skepticism after conducting an interview with a woman who claimed that her grandfather was killed by Falange-party activists in 1935, a full year prior to the outbreak of the Civil War. The archaeologists, however, refused pass judgment, gently rebuking me and reminding me that such events, though rare, were possible. Unless hard evidence existed to refute her testimony, the benefit of the doubt was always to be given to the veracity of victims' memories. As ARMH vice-president Marco González often reminds volunteers: "until the bones come to light, all versions are valid."

On the other hand, the idea that testimony is the only way to know the truth about the nation's past should also be read as a powerful critique of more established historical methods. Echoing the sentiments of post-colonial critiques of the archives (e.g. Comaroff and Comaroff 1992, Chakrabarty 1992, Palmié 2002, Danto 2007), the activists of the memory movement argue that documents produced by the fascist state cannot be trusted to give an accurate representation of their own repression. This critique was made explicit during my first meeting with the Andalusian anthropologist and historical memory activist, Angel del Río Sánchez: "memory is much closer to the truth than history," he argued. History, he explained referencing the methodologically conservative tendency that dominates the Spanish academy, was necessarily reliant on an inaccurate documentary record. "If you go according to history only," he explained, "you would have to say that no mass graves exist. Because according to the archives, that's how it is." Only in the remembered accounts provided by victims, relatives, and neighbors do the mass graves encountered by forensic scientists figure. Therefore, he concluded, the latter are clearly a better source of information about the past.

⁷ Ironically, several studies have called into question the accuracy of flashbulb memories (Bohannon 1988; Talarico and Rubin 2003).

Such criticisms of existing state archives, however, should not be understood as a broader critique of historians' methodologies. To the contrary, one frequently cited goal of the historical memory movement is not deconstruct the archive, but to supplant it. For instance, one activist I interviewed echoed his Andalusian colleague when he complained that the state archives only reflected the official view of the dictatorship. However, his solution lay not in oral testimony, but rather in the creation of alternative archives, comprised of letters and other non-official documents to counterbalance the shortcomings of official documents.

This was not just a hypothetical proposal. The activists of the memory movement place enormous emphasis on recording and archiving the testimonies of victims' relatives. Oral history archives of one sort or another exist, to name just a few, at the ARMH, the Forums for Memory, ARANZADI Scientific Society, the Center for Human and Social Sciences, and the University of California at San Diego, not to mention through various popular YouTube channels maintained by some of the movement's most prominent members.⁸ As one volunteer for the ARMH's social team explained to an interviewee, these projects are explicitly oriented towards future historians: "The official version doesn't speak of this. You all are starting to speak. History is beginning to have access to this side...Until now, they have only had access to the other side." Rather than seeking to supplant "history," the goal of these projects is to convert oral testimony into the type of raw materials that traditional historians can recognize.

Partly, this zeal for recorded testimony is about the passing of the generation who lived through the Civil War. As ARMH-Madrid coordinator Carlos Agüero Iglesias explained at a workshop: "every year so many people die and with them goes the memory that allows us to say what happened in this country." On another occasion, he was even more specific, noting that if a

⁸ See for example, the YouTube channels of Carlos Melchor (http://www.youtube.com/channel/UCBKSi2E96kIS3dB_yWtKrg) and Fuencisla Benavente (http://www.youtube.com/channel/UCh1TWq7pxQhLvT4v5b5_HEQ).

person dies off prior to providing recorded testimony, “we don’t just lose the location of the grave, but also part of the history of this country.” At times, social scientists can place even tremendous pressure on those more reluctant to give account, sometimes dogging them with a recorder for days on end. As one videographer explained to me after a particularly difficult day of interviews: “You just have to say to them that either you talk or we lose this history, and that way they understand.”

Exhumation teams frequently speak of “two worlds” at the exhumation: those inside the grave, doing the digging and the social team, whose primary responsibility is recording the testimonies of relatives of the disappeared. And while the scientific intervention of those inside the grave is the *raison d’etre* of the exhumation, the work of social scientists around them is still highly valued. As Mr. Agüero Iglesias explained, “what happens outside of the grave is more important.” Hence, by the time I began my primary fieldwork in the fall of 2010, it had become standard practice among all of the leading exhumation teams to bring along cultural anthropologists, social psychologists, or historians as part of a social team whose primary mission was the collection of oral testimonies preferably on video and usually for public consumption.

And yet, for all of the urgency in collecting and storing these remembered accounts of the dictatorship, the memory activists also express great skepticism about their historical precision.

For one, oral accounts are rarely accurate enough to locate a grave without some corroborating evidence. Often times, they are second- or even third-hand, conveyed to a relative of the deceased by an eyewitness. Even firsthand testimony, though, frequently rely upon long-erased landmarks, as was the case in La Toba, or imprecise referents, such as “by the bend in the

road” or “in this field.” As a result, conflicting claims as to the precise location of the interment often complicate the forensic team’s search for the grave.

These small inaccuracies can, at times, call into question the historical value of remembrances more generally. Thus, Javier Moreno explained to the Forum for Memory’s School of Memory that the problem with the testimony of relatives is that they are laden with emotions which can “confuse the truth.” (As we will see in Chapter 8, this “problem” is in fact an integral and highly valued part of the exhumation.) Therefore, the job of the historian is to “define and clean up the testimonies in order to say where the grave is.”

While testimonies provide important information about the past, lacking objective corroborating evidence, they remain mere hypotheses. As ARMH lead archaeologist René Pacheco explained to visitors at one exhumation: “testimonies are good, but until you confirm it with fact you just can’t know.” Although the historical memory movement places their faith in the testimony of relatives, they also recognize that, alone, it lacks the authority needed to contribute to wider debates about the past. Insofar as the forensic exhumation is an activity of history-making, then, it implicitly structures testimonial evidence as needing scientific confirmation. In the end, the testimony is not enough. As the social psychologist from the Forums for Memory put it, “we need science to confirm it.”

In order to see just how science confirms it, I now turn to a more detailed analysis of the ways the memory movement brings evidence to bare to confirm the hypotheses derived from oral testimonies. Surprisingly, in analyzing the ways testimonial evidence is buttressed, tested, and confirmed, we have to start not with DNA tests and skeletal analyses, nor even with shovels and spades. For before any dirt has been touched, the exhumation process typically takes its first steps not in the field, but in the very archives the movement criticizes.

Archival Documents

A few months after I began volunteering at the intake desk of the ARMH-Madrid, I was offered the opportunity to join the investigations team. Working at reception, I had already learned how to cull long and often unfocused testimonies for the sorts of information that would help investigators locate a mass grave. At the intake desk, we used this information to fill out forms developed by the United Nations Working Group on the Disappeared. Although the body had ruled that, owing to their occurrence prior to the foundation of the United Nations in 1945, the vast majority of Spanish forced disappearances did not fall under its mandate, the forms remained a convenient way of gathering relevant biographical information in an efficient manner. Implicitly, they also offered a sort of condemnation that, regardless of the rulings of international and national authorities, these were cases of forced disappearance.

Tonight, however, I was to learn what happened after I passed on these newly created documents to an investigator. The head of the investigations team walked me through the process: The first task was to once again speak with the relative, returning to the oral testimony to confirm all of the received information. This act is also an emotional and symbolic intervention. As the director explained to me, although testifying to these acts can be “tremendously painful” for the families, they are often deeply grateful for such an opportunity: “For years, nobody listened to them.” Now, at least, they can see that someone took them seriously.

Next, you set off for the archives, trying to gather as much information as possible about the deceased. At the civil registry, one can request birth and death certificates, which were vital “to prove that the person existed.” The latter especially may contain important, if frequently inaccurate, information, such as a cause of death or approximate location of burial. If the person

was disappeared after 1937, the General Military Archive usually contained the proceedings of the kangaroo courts which sentenced thousands of people to death for the crime of “rebellion,” as they called the defense of the Republic. And requests to the Interior Ministry archives could yield prison records that might reveal where and when a person entered the formal penitentiary system and, with a bit of luck, when where a person exited it.

Any documents we gathered, she emphasized, were to be photocopied twice. One copy was given to the families, who often pour over them time and again. The other copy was to be preserved in the Association’s archives.

The most rewarding part of this work, she explained, was that, when successful, we could “reconstruct a part of their lives with papers.” This work was especially important since, “often times, the family has no idea.” She told me of one case involving “a granddaughter whose mother never told her anything about the imprisonment [of her grandfather]. The family had no idea,” until her investigation had revealed what had happened during those months in prison. “For us, they are just papers,” she explained, “but for the family it is the life of a relative.” The director took note of the irony of using fascist archives in the service of their victims: the very people who “stole their lives away” were now, in some small way, “giving back their histories.”

Other times, she lamented, the work was less successful. She told me of another case when the archives yielded no documents: “nothing emerged,” she sighed. “It’s as if they did not exist.” She reflected: “I never wanted to time travel, but if I could I would go to the disappeared and ask them ‘Where are you?’” And even in such cases, the ARMH still writes up a detailed report for the complainant and the association, listing the archives consulted and the information provided by the victims’ relatives.

Over the next year, I spent far more time than I had planned in various archives in Madrid and around Castilian Spain: I regularly visited the General Military Archive and the Interior Ministry's archives, made requests to the General Archive of the Spanish Civil War in Salamanca, and made numerous inquiries at local civil registries, cemeteries, and municipal halls. Although these efforts were not without their rewarding moments, overall, I found the experience tremendously frustrating. Documents were frequently misfiled, out of place, or not listed in the archival registry. At times, I was able to recover hundreds of pages, constructing a relatively coherent story of the fascist state's relationship to a prisoner. Other times, not a single document emerged. As the head of the investigation team had predicted, though, all of the relatives on behalf of whom I investigated these cases expressed tremendous gratitude, regardless of how much information I could retrieve from state archives.

Despite this, most of the cases I investigated did not yield specific enough information to lead to an exhumation. Families who had left their villages and moved to Madrid lacked the testimonial sources that might provide the location of a grave and none of the documents I retrieved yielded actionable information. In fact, the only case I investigated that led to an actionable hypothesis was based not primarily on documentary sources, but on the testimony of former residents of the village.

* * *

The memory movement invests a great deal of energy into both discovering and producing documentary evidence about the disappeared. Here, we can identify three distinct ways in which documents are mobilized by the memory movement.

First, these records have an instrumental use, as both a forensic and a juridical tool. A birth or death certificate, as I was told, is "proof that someone existed." As I found out in my

introduction to the investigations team, archival documents can provide crucial data for a forensic identification. Birth certificates, military service records, marriage licenses, and death registries can yield information about a victim's height, weight, age, and distinguishing physical characteristics, against which anthropological analysis of skeletal remains will later be compared. Military court and prison records often contain lists of people judged and executed together. In the event that oral testimonies do not name all of the people in a grave or that more skeletons than expected emerge, these lists can be critical in forming hypotheses about the identities of those discovered, especially when their next of kin cannot be located.

On rare occasions, the location of the grave may also be listed at the end of a tribunal ruling or death certificate. At the very least, an approximate location such as the name of a highway or a town can corroborate testimonial evidence. Even inaccurate and erroneous documents can sometimes be read productively. On my very first visit to the forensic laboratories of the ARMH, Marco Antonio González trained me in how to do this. Taking a copy of the civil registry of their home district off a shelf, the future vice president of the ARMH highlighted the field labeled "cause of death," pointing out several certificates in which "cerebral hemorrhage" had been written, omitting that the bleeding head had been caused by a bullet. He also called my attention to "out of place" death certificates, those that had been filed with the civil registry years after the person had died. These, he explained to me, were often created in order to sell property or claim a pension from the state. Soon thereafter, I began putting these skills to practice in municipal archives throughout the region.

And yet, only on rare occasions does documentary evidence allow for any sort of identification – positive or conjectural – for those who do not already know the probable gravesite of their kin. As an experienced researcher and archaeologist from the ARANZADI

Scientific Society put it, “the only way to locate the grave is to place it between testimonies and documents.” The cruel irony here is that those families who already have the most information about their disappeared relatives are the most likely to benefit from these investigations.

Despite this reality, documents have value beyond their utility in locating mass graves. As the ARMH-Madrid investigations director said, the best part is “when you can reconstruct their lives with papers.” Such feelings of discovery are occasionally shared by the people receiving the documents as well. When successful, an archival investigation can allow a person to know not only their deceased relatives, but even oneself. For example, Adriana Fernández explained to me that when she read the documents sent to her by ARMH investigators from her grandfather’s military tribunal, “it was like discovering my roots.” She quickly incorporated this new information into her personal biography, explaining that she now understood where her own leftist politics must have come from.

Such cases, however, are a rarity. More often, even when documents can be retrieved, they produce far more limited biographical information. One long-time volunteer for the ARMH told me about the moment he received the archival documents relating to his grandfather, who had been an anti-fascist guerrilla. He was mesmerized, pouring over the documents one by one. He wanted to write a narrative history of his grandfather based on this information, to share it with his family. And yet, the documents ended up provoking more anxieties. What he could never understand, he said, was why his grandmother had never told him anything about her husband, even on her deathbed when she had nothing left to lose. Here, the documentary record is highly valued for its potential to reveal new information about a relative. And yet, the narrative remains partial, provoking a longing for more substantive oral testimonies.

The problems with deriving biographical information from the archival record are legion. For one, the documents contain numerous factual errors: Sometimes, less educated local officials riddled their reports with errata. Other times, rushed and overwhelmed bureaucrats copied the same charge, “auxiliary to rebellion,” across numerous identical forms. In still other cases, soldiers who received a monetary bonus for each incident wherein they killed “reds” responded to these perverse incentives by changing the dates on incident reports, in order that they may receive additional payments.

Beyond these factual errors, the narratives of a fascist movement that treated everyone from the heads of political parties to members of certain clubs and unions to bakers who gave away bread to the poor as part of a vast anti-Spanish conspiracy cannot be trusted. Indeed, whenever documentary evidence contradicted what someone’s relatives had told them, the activists of the memory movement did not doubt but that the latter was more accurate.

The problem, as one granddaughter explained to me at the exhumation of her grandfather, is that “the documents lie.” This is so not only because they reflect the point of view of the victors, but also due to the poor bookkeeping of the state, which often retroactively filed paperwork years after the fact, many times misspelling the names of the victims or listing incorrect dates. In her case, a document about her grandfather purporting to be from the 1940s used the word “photocopy,” which she claimed had not entered into Spanish parlance until the 1950s.⁹

Memory activists frequently interpret these errors – from the mundane spelling mistake to the offensive historical category – as evidence of a more general shortcoming in the documents left behind by the dictatorship and, by extension, any historical work derived from them. A few

⁹ Although the word photocopy does appear in several dictionaries prior to the Spanish Civil War, its use was not common, making her account highly plausible. I am grateful to the H-Net Spain community for their help confirming this account.

weeks after participating in an exhumation at Loma de Montija, Burgos, I visited Esperanza López, who was unable to make the journey to witness the recovery of her grandfather, in her Madrid apartment. After recounting how her grandmother was murdered so that those she had lent money to would not have to repay their loans and how her father was imprisoned for being a teacher in the Second Republic, Ms. López proceeded to show us a file containing all of the documents she had retrieved about her relatives. The thick folder contained documents from both the Archive of Historical Memory and from the Education Ministry, which Ms. López had retrieved shortly after the passage of the 2007 Law of Historical Memory. She leafed through her father's records page by page, laughing aloud at each of the outrageous charges leveled against him: "'anti-religious and a Mason' 'He lived without God' 'Action with the Popular Front' 'He sympathized with paranormal mediums' All of this just for defending the legal order," Esperanza marveled, adding that the real charges against him were his socialism, his membership in the teachers' union, his purchase of liberal newspapers, and a whole bunch of propaganda. Ms. López greatly valued the documents, which she had invested a great deal of time and energy in retrieving from the archives. But she clearly did not value them for their historical accuracy.

Here, the errors in the documents produced by the fascist state become more than just amusing anecdotes of its incompetence. Rather, they become continuing insults from the current state, which has never vacated these verdicts. One regular participant of the Platform Against Impunity for the Crimes of Francoism, for example, walks around each week with a placard displaying photograph of her disappeared father on one side and the military tribunal ruling sentencing him to death on the other side. Carefully highlighted on the document are all of the errors, from the names of those convicted to the absurd charges filed against him. She recounted

to me how difficult it was to retrieve these documents: when she first started making requests in the early 2000s, the documents were not forthcoming, as they had been filed not under her grandfather's name, but rather under the name of a co-defendant. It was only with the reorganization of the archives following the passage of the 2007 Law of Historical Memory that she had been able to retrieve the documents.

Whereas Ms. López reacted with amusement to the errors in her father's records, this granddaughter reacted with outrage. She emphasized to me that the ruling was still valid in the eyes of the state: despite the end of the dictatorship, the passage of the 1977 Amnesty Law, and the inauguration of a democratic regime, no government had yet to vacate the military tribunal's decisions. And, while the 2007 Law of Historical Memory did declare such rulings "illegitimate," it did nothing to affect their legal status. Her grandfather, according to the state, was still guilty of rebellion. Brandishing these documents every week was thus a way of condemning the state for its continuing complicity in the crimes of the previous regime. In so doing, she also questioned any historical narrative that could be based upon such faulty records.

The documents collected by the historical memory movement in the course of their investigations lend credence to the remembered accounts of victims and their relatives in multiple ways. On the one hand, these documents can reaffirm their accounts by confirming everything from the name and birthdate of the person to the date, place, and sometimes even the reason for their execution. And while the documentary record alone can never disprove a remembered account in the eyes of the memory movement, the existence or lack of documents can alter what the movement is willing to state in public. At one exhumation, the victim's children were reluctant to name the person responsible for their father's death in any recorded medium, since he lacked official records: "Don't put that the mayor was responsible. We know

it, but we cannot be sure. Actually, we are sure but my mother had the paper in which they were accused of being criminals, signed by him, but she burned it” in a moment of panic. Although no one doubted the accuracy of this account, the social team followed his request. In the absence of the written word, the testimony was unable to circulate beyond this informal conversation.

On the other hand, documents lend credence to oral testimony by undercutting the claims of the state that produce them. From the simple spelling mistake to the absurdist logic of the fascist state, these papers constantly undercut their own credibility. In this way, the document can be read as containing the basis of its own deconstruction. At times, as with Ms. López this is a source of great amusement while at other time, as with the woman from the Platform Against Francoism, this is a source of great pain. Regardless of the affective reaction provoked, these errors are clear indications that the document, and by extension any historical narrative based upon it, is not to be trusted.

Gathering documents about the deceased, then, is not simply about the rare potential they offer to shed light on the lives and deaths of the disappeared. In addition, they are about creating the sort of counter-archival practices that demonstrate both the injustice committed by the fascist regime as well as the continuing wrongs of the post-Franco state, which has the documents in its possession, but refuses to do anything about it. Hence, at the commemoration service for the mass grave at La Pedraja, a local memory activist showed aerial photographs of the area from 1946 and from the early 1950s, which he had retrieved from the archives. The images clearly displayed a large barren patch of land in the middle of a forested area, where the mass grave has been dug. This, he proposed, was proof that the army knew about the site and that it could have been exhumed at any moment since then.

Moreover, the gaps in the narrative that emerge out of these official accounts mean that the documents point beyond themselves, at least for those who can read and recognize such gaps. After all, many times the most valued sorts of information cannot be found in the state archives. As Eva Verato wrote in the visitors' book for an exhumation in Abenojar: "In the history books, where they make us study what happened, it appears that the people suffered hunger, misery and that there were high mortality rates....But it does not tell us what these victims suffered and are still suffering because they are afraid." The full story – including the experience of the victims – can only be filled in through testimonial evidence.

Nonetheless, as we have already seen, the activists of the memory movement express concern over the ways testimony lacks objectivity. On rare occasions, such testimonies can be confirmed through the deployment of the fascist state's own archival record. More often, though, if one is to objectively confirm testimonial accounts, it must be done by means of another method. In this section, we have seen the ways that documents are brought to bare in order to support the testimonial narratives of victims about the past. But these archives rarely contain the definitive proof that these testimonies call for. For that, we have to look at the ways forensic scientists extract historical information from human remains.

Creating a Forensic Counter-Archive

Forensic science represents not only a methodological innovation in fact-finding, but also a transformation in how we approach the world as a repository for potential evidence of wrongdoing. As Keenan and Weizman note, the advent of forensic science:

did more than introduce new forms of evidence—they did nothing less than shift the conditions by which that evidence become audible and visible, the way juridical facts were constituted and understood. So their respective innovations did more than affirm the forum in which they were presented, but altogether transformed them (2012: 12).

Indeed, forensic science has become an indispensable tool, widely expected in the narration of human rights crimes by juries and publics alike.

And yet, forensic science does not offer the sort of straightforward reading of the past directly from the bones of victims that popular representations of exhumations profess. Rather, we find that forensic scientists continue to be reliant upon documentary and especially testimonial evidence in order to successfully narrate the past. Much like the “era of the witness” still emphasized the importance of documentary evidence in the courtroom, the “era of forensics” supplements, rather than replaces, other forms of address. As Derrida has argued, the supplement works by revealing an originary lack in the thing being supplemented (1998). With the rise of forensic science, the testimony and the document on their own become insufficient to “making facts.” That is to say, while the content of the historical narratives that emerge from exhumations are primarily derived, as we have already seen, from testimonies and documents, their force as historical utterances depends in large part of the successful scientific intervention.

Of particular importance, then, are the ways the Spanish historical memory movement reacts to lacks that inhere in testimony. As highly competent, experienced, and critical practitioners, the activists of the memory activists recognize that they derive the lion’s share of historical information about the past from oral testimonies. That said, these activists also recognize the limits of people’s memories. Having carefully reviewed the process by which narratives about the past are constructed, we can now state that these limits extend beyond the inevitable gaps in survivors’ abilities to recall events after seven decades have passed. Rather, the addition of forensic science now highlights, even creates, the originary lack of authority in the testimonial and archival forms that it aims to assuage.

For its part, although the memory activists can readily mobilize forensic evidence and survivor testimony in support of their own interpretations of the past, without the support of archival documents the narratives they produce cannot achieve hegemony. Recognizing this, the memory movement produces vast amounts of documentation produced by the memory movements, even in the course of a single exhumation: UN forced disappearance forms are filled out and filed, oral testimonies video-recorded and archived, visitors books created and digitized, government documents retrieved and organized, and detailed forensic reports sometimes running hundreds of pages are compiled and published. After the exhumation too, many communities continue this process by writing commemorative books documenting the local history of the Civil War. Both short and feature-length documentary films of the exhumation are also frequently produced, either by independent filmmakers or by the forensic teams themselves. In this way, the exhumation process can be understood in large part as an exercise in converting remembered testimonies into a form that is more recognizable by the state and international bodies.

It is truly difficult to underestimate just how much these memory activists value the written word. Thus, Spain's leading forensic scientist, Dr. Francisco Etxeberria, responded to the criticism that, lacking proper judicial backing, exhumations destroyed proof by pointedly asking: "is destroying proof is finding thousands of documents, preventing these issues from being lost in filing cabinets, placing the elements of proof on the table?" Generating the documentary record is here synonymous with providing a moral, and perhaps eventually a legal condemnation of past crimes.

Those served by the memory movement likewise emphasize the importance of creating a documentary record through the exhumation process. As the granddaughter of one victim said at

an exhumation, “my mother always told me that if it is not written down, it doesn’t count for anything.” The written reports generated by the memory activists are even valued by those who do not believe their testimonies will lead to successful exhumations: One child of a disappeared, skeptical that his testimony might lead to any concrete results, commented: “After seventy-five years, something symbolic is a lot...At least we’ll have it written down.” As Juan Pedro Esteban, a prominent memory activist in the region of Ciudad Real who has successfully investigated several graves and written several books on the individuals exhumed from them has said, the goal of the exhumation is to “leave all of this a bit more written up.”

One of the goals of the exhumation, then, is to create precisely the sorts of archives that historians and state officials currently lack. In the process of generating, organizing, cross-referencing, and archiving hundreds of pages of documents for each exhumation, the historical memory movement creates precisely the sort of material that both historians and state officials consult when reckoning with the past. In large part, the exhumation can be understood as a practice designed to convert the sorts of remembered accounts that are the object of suspicion into the sort of putatively objective raw material which can serve as the basis for disciplined study. The subjective narrative is here alchemized into “truths,” or at the very least the basis thereof.

As we have seen in this chapter, the memory movement is quite suspicious of state archives in their current form. But in some ways, this is a temporary aberration. As Miguel Ángel Muga, a prominent activist with the Statewide Federation of Forums for Memory explained at one commemoration: “I am sure that many years from now, people will come to search the archives and they will say that we tried to do these things [exhumations and other historical memory work] and others did not.” Even if their work is not currently supported by the

archives of the fascist state, the memory movement remains oriented towards shaping the archives of the future.

Conclusion

As Keenan and Weizman (2012) surmise, the era of forensics fundamentally altered the ways experts construct facts about the past. However, in contrast to much popular and even some scholarly writing on the subject, the ability to extract information from human remains does not magically yield unimpeachable truths about past crimes. Much like the rise of the witness in the 20th Century did not supplant documentary evidence of human rights violations, the increasing prominence of exhumations in the 21st Century does not imply a corresponding decrease in testimonial forms. To wit, forensic scientists can provide relatively little information about mass graves, when living relatives and archival documents cannot be located.

However, this does not mean that dead bodies are unimportant. To the contrary, they are essential to work of “making facts.” As I have argued in this chapter, dead bodies provide an authoritative supplement to remembered testimonies. The forensic exhumation – both as scientific process and as a social occasion for recording testimonies – concretizes long-silenced accounts of Franco’s repression. The resulting assemblage of oral testimonies, archival documents, and human remains comprise an object capable of contesting, and perhaps eventually supplanting, the problematic accounts that emerge from state archives.

Naturally, forensic scientists are well aware of both the promise and the limitations of their craft. As Spain’s most prominent forensic scientist, Dr. Francisco Etxeberria, cautioned the audience at a conference marking the tenth anniversary of the memory movement:

Some times, in a minority of cases, are we able to achieve individualizations [i.e. identification]. But don’t think that this is an easy task...It is a very complicated matter. And we cannot maintain false expectations. We cannot even attempt a technical analysis

on all of the skeletons that we are recovering. The important thing is the symbolic value of these types of exhumations.

The discovery of human remains is essential to contesting entrenched narratives about the Civil War and Franco dictatorship. But, as Dr. Etxeberria surmises, the power of the dead to affect the polity extends well beyond their contributions to the historical record. In order to understand how the excavation of the graves of the defeated challenges and transforms the Spanish polity, then, we must take Dr. Etxeberria's advice and attend to the ritualized aspects of these scientific interventions.

Chapter 5. Making Spain “Normal”: The Exhumation as Forensic Ritual

In January of 2011, some 100 people from the town of Saceruela, Ciudad Real gathered in their town’s municipal hall to pay their last respects to Honorio Molina Merino, also known as “*el Comandante*”; José Méndez Jaramago, “the One-Armed Man from Agudo”; and Reyes Saucedo Cuadrado, alias, “the Vine.” The three anti-fascist guerrillas were killed by the Civil Guard on 12 March 1949 and buried in an unmarked mass grave in the non-sanctified portion of Retuerta del Bullaque’s cemetery, usually reserved for suicides, pre-baptized babies, and other non-Christian deaths (Díaz Díaz and Esteban Palmero 2010). Sixty-one years later, the Association for the Recovery of Historical Memory exhumed and subsequently identified their bodies, using internationally recognized juridico-scientific methods.

As the reburial ceremony began, three members of the ARMH marched down the center aisle, carrying the same large plastic tubs that the forensic team had used to transport the remains from the grave to the laboratory one year earlier. Now, though, a photograph of the deceased was affixed to each box, signaling the successful identification of the corpses. They laid the makeshift coffins on a table at the front of the hall, surrounded by the Republican flag and flowers in the corresponding colors. As they did, the crowd rose to its feet, providing the dead with a standing ovation.

Vice-president of the ARMH, Santiago Macias, took the podium to elaborate upon the importance of this reburial service: “I believe that this act that we are celebrating here is perhaps the most important part of this process because this is what normalizes everything...I believe this is an act that unifies us...an act that normalizes democracy.” Macias specifically acknowledged the participation of the town’s right-wing mayor in the service. Although the national People’s

Party generally opposes any public reckoning with the Franco dictatorship, local officials are often more amenable. As Macias made clear, for the more humanitarian groups like the ARMH, “this is an act to which representative of all parties can attend.”¹ Regardless of one’s present politics, they hold, the right to recover a disappeared relative and provide them with “a dignified burial” should be something all can uphold.

Macias was not the only speaker that day to tie the recovery of the disappeared to the question of democracy. The granddaughter of one of the victims also insisted that the reburial service was, in fact, “not the final act because they will never cease to be present in our memories and because democracy and freedom continue.” Another grandson maintained that, in contrast to the war makers of the past, these three anti-fascist guerrillas “fought for truth, justice, and reparation,” the three iconic principles of transitional justice. At the moment of their deaths, he maintained, they could be assured that their “immortality exists here, among us. They knew that immortality exists in our hearts. For as long as they are present in our thoughts and as long as we transmit their legacy and heroic deeds to our children and grandchildren, they are immortal...They sacrificed their lives for immortality and for dignity.”

In Chapter 3, I examined how Spanish memory activists criticize their country as for its failures to implement transitional justice policies designed to redress past crimes. Responding to deficient public policy, civil society organizations adapt techniques and technologies originally developed for state-led programs of post-war reconciliation to critique their own government for its obdurate refusal to locate the disappeared. As I discussed in the previous chapter, this reliance upon internationally-recognized scientific procedures is, in part, an effort to assemble

¹ The more politicized groups, like the Forum for Memory, are critical of the inclusion of right-wing politicians. The disagreement here lies less in their conception of politics, than in what a dignified reburial consists in. For the Forum for Memory, all politicians ought to be able to recognize the dignity of the dead too. But for them, recognizing this dignity entails the adaptation of a leftist political stance.

authoritative narrations of past human rights violations out of human remains, archival documents, and oral testimonies. Yet, as transitional justice scholars have pointed out, consolidating democracy in the wake of mass atrocity involves more than just establishing a definitive record of past crimes. Truth commissions, war crimes tribunals, public apologies, and forensic exhumations operate not only as investigative bodies, but also as public rituals, designed to inaugurate new social and political ways of life (Teitel 2000: 67; Finnström 2010).

In this chapter, I begin to analyze how forensic exhumations work to overcome the ongoing legacies of the Franco dictatorship and, in Macias's words, "normalize democracy." To do so, I consider the exhumation as not only a scientific endeavor designed to recover the bodies of those killed seven decades prior, but also as a ritual, aimed at transforming the social norms that make such interventions so controversial in the first place. Approaching the exhumation as a forensic ritual highlights the importance of managing the spaces in which they take place, the behavior of experts, and the ability of these individual interventions to address larger historical narratives. Surprisingly, however, it is not the living who are the primary objects of these ritualized endeavors. Instead, I argue that mass grave exhumations are most productively thought of as a rite of passage, through which the disappeared become the sorts of deceased persons capable of forging bonds with their compatriots and becoming (once more) participants in Spain's present democracy. In this way, the ritual can be approached as a memory practice that lays the groundwork for establishing new sorts of relationships between current and former citizens.

In order to understand how the exhumation might function to break the longstanding taboos on confronting the past, we must first examine the current Spanish context, which it seeks to transform. For it is not just Spain's political and legal institutions which bear the marks of the

Franco dictatorship, thirty-five years after its collapse. In addition, memory activists maintain, the norms that characterize the public sphere – particularly in rural areas – continue to suffer from its ongoing effects.

A Terrified Body Politic? The Ongoing Effects of the Franco Dictatorship

The head of the ARMH-Madrid's investigations team frequently tells the following anecdote to potential volunteers: She had been researching a mass grave from 1936 in Zaragoza, northeastern Spain. She emphasized that, "the war had not come to this region" until 1937, meaning these could not possibly have been combatants. Despite this, the forensic team was not well received by the village. Several people even passed by just to scold them. However, "little by little people came by." One person told her that: "the first few days, I was very embarrassed to come by," but as time went on, "the situation began to normalize." She concluded: "At the end, 1000 people, almost the entire village, came to the cemetery" for the reburial service one year after the unearthing. This meant that: "During this year, there was a change in the village, a tremendous recognition that here an injustice was committed." Prior to the exhumation nobody dared talk about the war, but now: "seventy years later they could verbalize what had happened. The village was greatly improved." As this anecdote indicates, exhumations are designed not only as scientific processes that play out across the bodies of the dead, but also as public interventions that work to address the ongoing effects of the Franco dictatorship, one village at a time.

This description of rural villagers paralyzed by pervasive terror, left over from the Franco dictatorship, is widely reflected in the scholarly literature on contemporary Spain (e.g. Renshaw 2011; Ruiz Torres 2007; Navarro 2005). For example, the Spanish historian Paloma Aguilar Fernández (2004) attributes the emergence of the historical memory movement at the turn of the

millennium to “the rise of a new generation free of fear and feelings of guilt.” Similarly, the Spanish anthropologist Francisco Ferrándiz reports that: “The screen of silence, fear, and self-censorship” that marks all of post-Franco Spain, “has been particularly strong in local, rural contexts” (2008: 177). Occasionally, these hostile dynamics have affected researchers as well. Reflecting on her 2004 field research in northern Burgos, anthropologist Layla Renshaw reports that she “encountered many manifestations of real, present-oriented fear in the course of the exhumations and interviews” (2011: 76). Those she talked to slipped out early and asked to be dropped off on the outskirts of the village, so as not to be seen by neighbors. For much the same reason, Renshaw was frequently invited to come to their homes only during the siesta hour, when others would be less likely to see them collaborating with these early efforts at unearthing the past. Such fears appear to have been justified: Renshaw reports receiving obscene emails from Franco-supporters after she participated in an online forum about the war (2011: 80).

Memory activists frequently report similar experiences with hesitant, fearful, and occasionally even hostile persons at mass grave exhumations. For instance, when two people within a victims’ support group sponsored by Psychologists Without Borders-Madrid and the ARMH-Madrid refused to have their sessions recorded for public distribution, organizers immediately speculated that it was “because they are afraid.”² And long-time memory activists still discuss the threats and insults they encountered during their early years working on exhumations. One activist recounted a visitor who picked up the shovel she was using and lifted it above his head in an aggressive manner. Though physical violence was narrowly avoided that day, the incident continued to mark the team nearly a decade on.

² Notably, this was not viewed as a reason to cancel the support group. When one person asked whether the group should continue if the ARMH-Madrid could not produce recordings of it, everyone instantly agreed that it should. The priority remained on helping victims of Francoist violence, even if the secondary goals of publicizing their narratives proved impossible.

Although the activists of the memory movement usually describe such fear as resulting from the terror that leftist families had to live through, at times this discourse also encompasses those on the opposite end of the political spectrum. For example, during one exhumation a supportive resident warned me: “If you pass through the village and talk to the old folk from the other side, nobody will tell you anything because of the fear that they have.” Surprised that even the supporters of Franco would still be frightened, I asked him to elaborate. “Because of the fear that the children of those they killed will come and look for them.” Regardless of one’s politics, rural villages are frequently discussed as spaces in which the past remains a dangerous affair.

While the memory activists and villagers I spoke to were rooted in the specific experience of Spanish fascism, their accounts often mirrored a broader history of totalitarian rule in Europe. As Arendt notes, the defining feature of these regimes was a desire to destroy not only public forms of debate and action, but also private associations. After all, to be arrested by such a regime meant not only certain conviction and likely death:

more, it was to be dropped off the face of the earth, to be erased from memory. For if anyone dared to ask why, if any loved one inquired as to what charge was made, that person was next. By terror ... the people are made incommunicado – atomized – afraid to bare their thoughts to their closest friends (1953: 323).

Ethnographic research in post-totalitarian contexts has shown that these feelings of suspicion and isolation often outlast the regimes that instilled them. Writing about her field research in East Germany just after the fall of the Berlin Wall, Spülbeck observes that, outside of their closest friends and relatives, “the villagers proceeded in such a way that the possibility of the other’s being an informer could never be excluded from the frame of reference” (2004: 67; see also Jasarevic 2012).

As the memory movement surmises, to a certain extent, this post-totalitarian isolation continues to exist in contemporary Spain. For instance, in an interview, the daughter of a

disappeared person admitted that, until recently, “it was a sort of self-defense to not talk about this, that is, to not remember it.” Similarly, memory activists frequently relate – if only in mocking tones – the warnings of their elderly parents not to engage in this controversial political work. During one excavation, a visitor told the team that his mother had warned him before coming to the dig site: “you should be careful, you should be careful,” he squealed in a high-pitch voice, caricaturing a nagging maternal tone. A volunteer sympathized: “My mother always says the same thing to me. My grandfather was a Republican, I don’t know if he was a communist or not. But every time I engage in politics, my mother says ‘you don’t know about the dangers.’” Or, as another activist related his own mother’s words: “Are you crazy? This is what they killed your grandfather for!” As in Arendt’s account, many who lived through the dictatorship still view the sharing of their personal opinions with neighbors as potentially dangerous.

Yet, to ascribe this aversion to engage with the past solely to the psychological aftershocks of the Franco dictatorship risks eliding the specific social and political mechanisms that sustain these taboos. For, undergirding the warnings of elderly parents, the qualms about discussing the past in rural villages, and perhaps even some of the impassioned resistance to forensic interventions, is a distinct form of life, one that differs significantly from that of the mostly-younger, mostly-urban memory activists. Therefore, if we are to understand the forensic exhumation as a social and political intervention, we must attend to the specific ways that the Franco dictatorship continues to structure post-totalitarian life, particularly in rural towns.

In contrast to their popular and scholarly representations, it is important to acknowledge that reluctance to collaborate with the memory movement does not always stem from an irrational belief in the possibility of immediate reprisals. Often, it is the result of differing

perspectives on what sorts of futures are possible. This comes out particularly clearly in another story an ARMH activist told me about the warnings he received before attending one exhumation: “My mother always says the same thing to me. ‘Although you may not believe it, another war can happen. You don’t know what a war is’... That,” he explained, “is what fear is. And it doesn’t go away from these persons.” Like the stories related above, the older generation continues to be represented as fearful. However, in this anecdote, these worries were more sharply defined. His mother dared not enter into politics because, even seventy-six years after the war and thirty-three years after the return of democracy, she still worried that expressing her opinions in public could lead to bodily harm. Even if the current government could guarantee her safety, the specter of a renewed dictatorship remained an ever-present possibility, looming just beyond the foreseeable future. Here, the dictatorship’s effects are manifest less in the forms of suspicion and isolation, than in a fear of what kinds of futures one can imagine as possible. Whereas the younger memory activist’s horizon of expectation presupposes continued democracy and stability, his mother anticipates a world that is more vulnerable to political upheaval (see Scott 2004).³ Insofar as rural villages are commonly associated with the elderly – and for good reason, given long term trends of youth emigration to cities (see Douglas 1971; Brandes 1975; Behar 1986) – these divergent generational horizons of expectation contribute to some of the tensions memory activist encounter in rural Spain.⁴

³ Even activists of the memory movement occasionally echoed these concerns. For the most part, activists expressed confidence in the stability of Spain’s political system. However, at one exhumation conducted by the Forum for Memory, several activists recounted how they had recently purchased firearms. Noting the renewed strength of fascist parties throughout the continent, they worried aloud that the Spanish Civil War could happen again. And while this may not have been a representative conversation, more than a few activists saw historical parallels between contemporary political events and the late-Republican era. This younger generation did not allow these occasional worries to interfere with their participation in the public sphere; to wit, taking inspiration from the Republicans of yesteryear, it only encouraged them further.

⁴ As Cole and Durham predict, here too generations are best approached not as an ontological category or age-set, but as an “essentially relational” term that allows people to situate themselves in a particular socio-temporal order with regards to others in their societies (2006:14-15). While scholars like Mannheim (2013 [1952]) highlight the

The reluctance to speak about the past that this temporality fosters is reinforced by the more general constraints on creating any kind of public scandal in rural villages. The divergence between rural and urban attitudes became evident to me when I returned to one Castilian village for follow-up research, a few months after the conclusion of an ARMH exhumation. Like many rural areas of Spain, the town's population swelled during the summer months, when excavation work had taken place. By chance, my return visit coincided with the local patron festival, which drew back many of those who spent the rest of the year in Madrid or Valladolid, the regional capital. There, I met up with Luis, a summer-dweller and one of the most vocal supporters of the exhumation and his friend, Gabriel,⁵ one of the few permanent residents of the village under the age of sixty. As the conversation turned towards those who refused to collaborate with the ARMH's efforts, Luis attributed this intransigence to: "people...who are afraid. They think that if they talk, people will come and kill them." Gabriel objected: "But for many it is not out of fear. It is to maintain calm in these small villages. You have to live with rightists too," he reminded us. In the big cities in which I, Luis, and most memory activists dwell, a political disagreement or even a passionate fight between friends can be shrugged off, in the worst case allowing for a few days apart to let cooler heads prevail. In a village of a few hundred people,⁶ however, there was little room for such luxuries. In order to function in a town with a single butcher or baker, one had to maintain at least the veneer of untroubled relations. Bringing up the uncomfortable fact that the butcher's father murdered the baker's grandfather was sure to lead to

importance of historical experience to forming generational identities, this suggests that such generations may revolve as much around common worldviews, ideologies, and expectations of the future as they do around formative experiences. One result of this, is that it is entirely possible that two people inhabiting the same age-cohort may fall under different generations, insofar as they inhabit different historical subjectivities and therefore relate differently to other members of their communities.

⁵ Both pseudonyms.

⁶ Officially, the town in question has a population of fewer than 400 residents. However, as many people who live day-to-day in large cities maintain legal residency in their native towns, it is likely that the functional population of the town is significantly smaller.

a breakdown in sociability.⁷ As one elderly resident explained to me in another village, although we could talk openly about the past in his home, “in the plaza, you have to have respect.”

Significantly, unlike Arendt’s description of totalitarianism, this did not necessarily entail a total abeyance in talk about the past. But it did require a skillful navigation of rural Spain’s sociopolitical landscape. For instance, when I asked one daughter of a disappeared person if she was able to talk about her father openly in her village in Burgos, she replied that she could, but only with certain people. “Everybody knows about everyone’s politics.... Everyone knows that this one is on this side and that one is on that side. So why talk?” Within groups of political allies, open discussion about the past occurred without incident.⁸

Finally, these structural barriers to discussing the controversial past are augmented by the ongoing failure of the state to make adequate reparations for past crimes. In the documentary, *Death in El Valle* (2009), the New York City-based filmmaker C.M. Hardt returns to Spain to research the assassination of her grandfather, Francisco Redondo, who was killed by the Civil Guard on 26 February 1948 for sheltering anti-fascist guerrillas in his home. Throughout the film – set in the 1990s, prior to the current wave of exhumations – her uncle strongly opposes these efforts to investigate their family history. Initially, it appears that his hesitancy to talk stems from a fear of broaching the taboo topic. After successfully locating one of the Civil Guardsmen who likely carried out the execution, however, her uncle drops his attempts to avoid the subject. Anger and frustration in his voice, he confronts his niece: “we are not interested in knowing this, because if we know this and we know where he lives, and we know where he is, and we know

⁷ Note that the form of Gabriel’s objection to Luis above performs the very social practice he is highlighting. Rather than confront Luis by declaring his friend to be mistaken, Gabriel couches his criticism by stating that “for many,” allowing a productive ambiguity as to whether the fear Luis describes is a widespread phenomenon or even if it exists at all.

⁸ These discussions were frequently enabled by the increased media reporting on historical memory initiatives and books about the past (Emilio Silva’s *Graves of Francoism* [2005] and Paul Preston’s *The Spanish Holocaust* [2012], being the two most cited works). Together with popular movies and news reporting, these media allowed many people to traverse local social taboos and participate in a broader counterpublic.

him, one day we may kill him! And this is what you cannot understand. Why can't you understand this?"

One regular participant in the Platform Against Francoism related a remarkably similar story to me. Just after the fall of the dictatorship, her brother returned to Spain and, unbeknownst to anyone else, successfully located their grandfather's killer. After studying his routine, the brother attempted but failed to drown the man during his daily swim. The brother was never caught and did not repeat his attempt at revenge. However, today, he opposes the historical memory movement, much to the bewilderment of my interlocutor. For at least some Spaniards, then, their unwillingness to confront the past stems not from an abstract fear, but rather from a visceral frustration with the political and legal limitations that characterize post-Franco Spain. Without the closure afforded by legal justice and state reparations, they see no point in reopening these painful processes.⁹

Thus, in contrast to both popular and scholarly descriptions of rural villages as wracked by terror and guilt, the legacy of the Franco dictatorship is made manifest not only through widespread traumas or the anachronistic fascist political ideologies of some of its residents. In addition, this reluctance to openly discuss the past must be understood in the context of certain pervasive conditions, including the temporalities that many older Spaniards inhabit, the particular social norms of rural life, and the political realities that make achieving justice in the immediate future seemingly beyond the reach of everyday Spaniards.

⁹ Although it is a minority opinion amongst the Spanish left, organizations such as the Association of Relatives and Friend of Second Republic Victims of Reprisals by Francoism (AfarIIRep, or *Asociación de Familiares y Amigos de Represaliados de la II República por el franquismo*) organize around this principle that forensic exhumations should not be conducted outside of an official legal framework. Although groups like AfarIIREP offer another facet of contemporary Spanish memory politics, for the purposes of this study, I do not consider them to be part of the broader "memory movement," as their goals and philosophy differ significantly from the basic principles I described in Chapter 1.

Although accounting for these structural barriers to discussing the past is essential if we are to understand the ongoing effects of the Franco dictatorship, particularly in rural Spain, they are not immutable. In fact, by the time I began my fieldwork, the violent incidents that marked the early years of forensic exhumations appear to have abated somewhat, even if they had not entirely vanished.¹⁰ Despite my participation in many exhumations and public forums, I thankfully never experienced the threats of violence that Renshaw had six years prior to my fieldwork and that many long-time activists confirm. And while not everyone wished to speak with me, I also encountered far less hostility to the presence of a foreign anthropologist asking impertinent questions about the past than much of the academic literature might suggest.

In large part, this is due to the success of the historical memory movement. As the number of exhumations increased, generating much positive media attention, more and more people are willing to share their own stories, or at the very least tolerate others who do so. And while the memory movement has yet to achieve its political ambitions, activists tell of a flood of interest and requests pouring into their offices following the passage of the 2007 Law of Historical Memory and the 2008 launch of Judge Garzón's investigation into crime against humanity. Slowly but surely, the current wave of forensic exhumations are reconfiguring the social and political strictures that discourage publicly examination of the Civil War and Franco dictatorship.

In order to understand how civil society groups unearthing the bodies of those who were murdered seventy-five years ago militate against the current political context, we need to examine the strategies forensic teams employ to manage and transform these social realities.

¹⁰ For instance, at one exhumation I did not participate in, the forensic team reports having had their hot water cut off, in what they suspected was a deliberate act of sabotage from the right-wing innkeeper.

Making Dead Citizens: The Exhumation as a Rite of Passage

Between panels at a conference in Madrid, I sat down for coffee with ARMH-founder and president Emilio Silva. Our conversation soon turned to the exhumation of his grandfather ten years prior. Although his was far from the first unearthing of a Civil War grave (see Ch. 2), the internationally-recognized scientific protocols employed in October 2000 at Priaranza del Bierzo, León inaugurated more than just a new method for extracting data from bones. According to Mr. Silva, it also instated a method by which everyday Spaniards could reconcile with their polity's violent past. Prior to the intervention, he recalled, there was a certain "indefinable quality" to village life; people simply could not talk about the past with their neighbors. Although Franco's rule had ended a quarter-century prior, its effects lingered on. "The dictatorship invaded the private," Mr. Silva explained. And they were aided by "the yellow press," who, when they dared broach the subject at all, spread misinformation about the past. As a result, there was "an impossibility of separating the public and the private in these villages" that maintained itself to this day. "This," he concluded, "is not normal."

For Silva, a normal death is a private, family affair. Granted, burials are structured by certain bureaucratic constraints, from the registration of a death certificate to the health and safety procedures that govern modern cemeteries.¹¹ But for the most part, when a person dies, they are buried in accordance with their family's wishes.

By contradistinction, as we saw in Chapter 2, the management of the dead was a central concern of the dictatorship's public policy. Recall that the Franco regime sought not only to kill its enemies but also to disappear them. For the fascists, the victims of the dictatorship were not

¹¹ The fact that the private space of mourning remains highly bureaucratized is not entirely surprising. As Agrama has shown in his examination of family law, the struggles over how and when to draw the line between the public and the private affairs is not an exception to liberal rule, but rather one of the central mechanisms through which liberal sovereignty manifests (2012: 30-31; 2010).

worthy of dignified, individual burials in local cemeteries. Stripped of any claim to political identity, the dead could be physically buried in unmarked mass graves and metaphorically interred in holes of oblivion.¹²

If the dictatorship excluded Franco's victims from the political community for their "crime" of resisting the military coup, the democracy continued to do so because acknowledging them was deemed too inconvenient for the nascent polity. On the one hand, with the return of democracy the dead were no longer a central concern of governmental policy. It is for this reason that, in the late-1970s, certain families were able to exhume and rebury their loved ones without causing much scandal. On the other hand, the specter of Franco's victims continued to haunt the constitutional monarchy. Unwilling to launch public initiatives to redress historical crimes, the transitional government implicitly reinforced the marginalized status of the disappeared. By continuing the exclusion of the disappeared from Spain's political community, the new government ensured that their eventual exhumation at the request of their living kin would shake the polity's foundational political accords. In post-Franco Spain, how the state governs dead bodies is not just about the social status of those who died in past wars. It is fundamentally a question about what form the modern state should take. By exhuming the defeated and reincorporating them into the political community, the memory movement challenges not only the social norms of Spanish villages, but also the operations of state power that seep through the fabric of everyday life.

¹² Riffing off of Agamben's (1998) notion of bare life, which describes living persons who are excluded from the political community, Comaroff (2010) and O'Neill (2012) have both productively described this form of exclusion as "bare death." As this concept also implies, under normal circumstances, liberal states continue to govern (most) bodies long after they have taken their last breath.

In thinking through the memory movement's attempts to transform the social standing of the disappeared and reincorporate them as members of the political community, it is useful to approach the exhumation as rite of passage.

While each exhumation includes an element of improvisation, the sequencing of excavation, identification, and reburial shares much in common with funeral rites elsewhere: namely, to transform the status of the dead and reorder the social world. Like the rituals described by van Gennep (1961), the recovery of the defeated can be broken into a tripartite structure: First, the forensic exhumation definitively establishes the whereabouts of the deceased. As we saw in Chapter 4, this a powerful moment, redefining mere "legends" as "facts," and thereby verifying narratives of forced disappearances that successive governments of Spain have sought to downplay. At the conclusion of the exhumation, these bodies – no longer anonymous disappeared, but also not yet identified as specific persons – are separated from the living and transported to the forensic laboratory. Following their separation from the living, the bodies enter a liminal phase as they await scientific verification in the forensic laboratory. Through a series of physical-anthropological and genomic procedures, the identity of the corpse is slowly narrowed down, until the remains can (ideally) be assigned a name and biography. Later, these deceased persons are returned to their loved ones in an *entrega de restos* (lit: handing over of the remains), where they are materially and symbolically reincorporated into the communities they came from.

If prior to the exhumation, the status of the disappeared was, by definition, uncertain, with the installment of a headstone, they are recognized as kin and kindred. After the reburial, the body gains new status as deceased residents of a particular village and dead citizens of Spain. In this context, the exhumation serves to "normalize" the personhood of the dead by reincorporating them as members of social world. At the same time, through the intervention of

forensic scientists, memory activists also assail the ongoing investment of the state in excluding these persons from the public sphere.

For the relatives of the disappeared, many of whom have never before had a socially-recognizable way of mourning their loved ones, the positive impact of reintegrating the disappeared and publicly acknowledging their killings is unparalleled. If we are to understand the broader impact of forensic exhumations upon villages and, ultimately, upon the democratic community itself, we will have to closely examine how workings of this rite of passage play out on the ground.

Setting the Scene: Designing a Space Set Apart

As a rite of passage, the forensic exhumation is marked as an extraordinary event, disrupting workaday routines while redrawing social, spatial, and temporal boundaries. For the week or two they are in town, memory activists set off a space in which people can break from their day-to-day concerns and enter into a different mode of contemplation. People come from near and far – sometimes driving hundreds of miles to witness an exhumation in a remote village – in order to be a part of this effervescent collective experience (Durkheim 1995). For some, this is a rare chance to openly discuss the ongoing effects of the Civil War and Franco dictatorship – still a taboo topic in many places throughout Spain. This includes people who wish to relate their own family histories, but who have never had a receptive audience. For others, it is a once-in-a-lifetime opportunity to “know the past” (see Ch. 7). Still others are not quite sure why they come. They simply feel that there is something “special” or “very important” happening and want to be a part of it. Regardless of their exact motivation for attending, the exhumation facilitates conversations and behaviors that could not otherwise occur, given the constraints outlined above.

For the performance of the exhumation to be effective, the forensic team must not only establish, but also zealously protect the social and spatial boundaries that mark off the excavation site. This process begins with their careful ordering of the physical space surrounding the mass grave.



Figure 3: Zones of distinction. ARMH archaeologist René Pacheco (in the grave) addresses visitors behind caution tape. Not pictured, an area for interviews is set up approximately 20 meters away. Puebla de Don Rodrigo, 2011. Photo by Óscar Rodríguez

At first glance, managing the layout of the exhumation appears to be a purely technical affair: Yellow or red caution tape marks off the dig site, designating a zone of technical work and preventing visitors from inadvertently interfering with

excavations.¹³ Most sites also feature a relatively private space, set somewhat away from the actual dig in which members of the social team can interview direct relatives and others who have experienced Francoist repression (see fig. 3).¹⁴

Such demarcation of space, however, is at least as much about managing the experience of the living who visit the mass grave as it is about facilitating the removal of the dead from it. Forensic teams invest a great deal of time and energy in shaping how individuals encounter their deceased compatriots. Thus, actions like the setting off of excavation sites can be read not simply as providing a cordon against unwanted intruders, but also as a means for establishing a viewing

¹³ Unlike in more bureaucratic exhumations, this offsetting of forensic workers is far from absolute. Close relatives, local activists, and others who have an established rapport with the forensic team often freely traverse these boundaries to get closer with the deceased and illustrate the forensic scene for onlookers above.

¹⁴ The distance from the mass grave is usually a function of how noisy excavations are. A quiet environment is essential for producing the sorts of recorded testimonies discussed in the preceding chapter. But the close presence of the mass grave can facilitate the production of the highly emotional testimonies I discuss in Chapter 8.

gallery from which visitors can witness the ongoing proceedings. Many exhumations also feature some sort of informal public gathering space – sometimes furnished with tables, chairs, and tarps blocking out the harsh summer sun – in which families and passersby alike may gather to chat and reflect upon their experiences. Within these spaces of viewing and contemplation, conversations that could never take place in the public squares of most small villages flourish.

Likewise, the aesthetic experience of the mass grave is not only about directing what one sees, but also about managing what is left unseen, the negative space of the visual scene – that which comprises the optical unconscious (Benjamin 2008: 37). For instance, when prospection for a mass grave unexpectedly encountered an ossuary, the ARMH rushed to remove the piles of bones before Saturday, when villagers customarily visit their local cemetery, so that, as the lead archaeologist put it, “it does not scandalize and so that people don’t think that this is what a mass grave is like.” Similarly, when, in another cemetery, the team encountered the unmarked grave of a young child, presumably buried in the non-sanctified portion of the cemetery because he perished prior to baptism, the remains were quickly yet respectfully documented, photographed, and reburied before the public could see this unexpected discovery. Such scenes of discordant human remains have the potential to distract from, even undermine, the process at hand. Insofar as they highlight the uncertainty inherent to every empirical undertaking,¹⁵ their presence is a reminder of the limits of science to determine its own outcomes.

At the same time, these unanticipated findings also threaten to detract from the true objects of contemplation: the uncovered bodies of Franco’s victims. For discussions in the presence of these deceased persons take on a distinct character from those that take place in their

¹⁵ As well as the “creative destruction,” wherein certain layers of the historical record must inevitably be destroyed in order to excavate the target stratification, inherent to any archaeological undertaking (Palmié 2013b; Dawdy 2006).

absence. During one unsuccessful search for a mass grave, for instance, a group of pre-teen girls came by to witness the prospection in progress. The explanation they received from Óscar Rodríguez, a semi-professional photographer and sociologist by training, began on familiar enough terms, if also inflected by the gender of the children. After the girls correctly answered that we were there looking for “victims of Franco,” Mr. Rodríguez told informed that this grave existed, “because a group of generals decided to launch a coup d’état against the Republic.” He expounded: “a Republic is a democratic system” and “a coup d’état is when you say that you oppose the Republic, but that you oppose it with arms and not with words and if you disagree with me, I kill you.” In the Republic, he continued, “they established rights for women for the first time.” Fascinated, the girls asked: “Are these them?” motioning towards some bones that had emerged from an unrelated and previously unknown ossuary. Mr. Rodríguez was forced to backtrack: “history is one thing; the technical reality is another thing,” he explained, before showing the visibly disappointed girls photographs of other exhumations. The narrative of the Spanish Civil War elaborated by this natural pedagogue was itself compelling. But without the presence of the mass grave, the story failed to convey the same affective intensity.



Figure 4: Life-sized reproduction of grave #4 at La Andaya in Madrid’s Puerta del Sol. Photo by La Memoria Viva

Inspired by the power of dead bodies to elicit different sorts of experience, memory activists occasionally bring simulacra of mass graves to other contexts. I witnessed one such attempt to harness the compulsive forces of encountering a mass grave during my first foray with the Platform Against Francoism

in Madrid. That Thursday, the weekly protest featured a life-sized photographic reproduction of mass grave number 4 from La Andaya, at the moment the bones are fully exposed, just prior to their removal (see fig. 4).¹⁶ If most madrileños could not be brought face-to-skull with an actual disappeared person, then they would come to Madrid, at least for one day.

A cordon of victims' relatives surrounded the fourteen-meter long by three-meter wide image, protecting it from being trampled by pedestrians passing through Madrid's busiest plaza. The physical presence of the mass grave had a visible effect on both the participants that week and those who happened to pass by while it was on display. As one elderly man yelled at anyone who got too close to the photo: "This is something symbolic! You have to respect it!" And many did. As evident in the increased attention to the protest that week paid by both people in the plaza and the mass media, the photographic reproduction of the mass grave in Madrid's Puerta del Sol made the event difficult to ignore.

At the same time, the two-dimensional rendering was incapable of engendering the same widespread sense of awe and veneration as the original. Too hurried to notice or too hardened in their political beliefs, several people nearly did trample on the dead before being scolded by their guardians. Though the life-size image shocked many who saw it, it only rarely inspired the sort of absorbed contemplation that characterizes people's experiences of actual mass grave exhumations (see Ch. 7).

By breaking daily routines and establishing a designated space in the presence of Franco's victims, memory activists enable conversations that would otherwise violate social taboos. At the most basic level, the discussions that occur overlooking exposed human remains relate to the facts of the case at hand. Visitors to the excavation site usually begin by asking the

¹⁶ I would later discover that this was the centerpiece of the traveling "Finding Graves / Recovering Dignities" exhibit co-organized by the ARMH and the ARANZADI Scientific Society.

essentials: who are the people being uncovered and what is known about them? As I later learned first-hand while investigating the location of mass graves, in a number of rural towns, these seemingly simple questions cannot be asked, at least not for those who wish to maintain ongoing social relationships. Especially for young children, the exhumation also often serves as an opportunity to review the basic facts about the Civil War and Franco dictatorship. As memory activists frequently affirm: “a mass grave is the best history book there is” (e.g. Baquero 2014).

However, talk of history at exhumations is not just about providing the necessary background information for understanding the forensic scene. For one, as each mass grave is the result of a particular local history of repression, exhumations allow individuals and communities to situate their regional experiences of the Civil War within a broader Spanish narrative. Hence, at exhumations in the north of the country one hears about the atrocities of General Mola’s armies. In the south, stories about anti-fascist guerrillas and Franco’s brutal Army of Africa abound. And around the mining region of Asturias, people frequently draw connections between the Civil War and the frustrated 1934 miners’ general strike (see Ruíz 2008). Insofar as each exhumation is not just another in a series, but also the unearthing of local people, documents, and stories, it can thus be thought of as an occasion for linking various towns and regions to broader historical narrative. In other words, the indexical qualities of the grave work both by providing a material referent for the broader injustices of the Franco regime as well as by localizing, particularizing, and personalizing these larger histories of fascist atrocities.

But the mass grave is more than just a social occasioning for re-telling the local history of a single incident in the Civil War. The uncovering of human remains points beyond the local, to encompass the broader history of the Spanish Civil War and ensuing Franco dictatorship. As a metonym of the political community, the mass grave signals the presence of thousands of other

massacres from Franco's legacy that might otherwise go unmarked. Thus, at a reburial service in Pol, Galicia, the ARMH began the ceremony by showing a short documentary about a seemingly unrelated intervention from El Bierzo. ARMH vice-president Marco Antonio González explained that although the film was about an exhumation roughly 100 kilometers from our present location, it still served to "summarize a bit the situation, how it began and how it ends...From this," he avowed, "you can extrapolate to any village in Spain." Likewise, many people I met described their own family histories as being "the history of this country," often noting not only their tragic end, but also their role in building a liberal democracy in the 1930s.¹⁷ Through these histories, participants in the mass grave exhumation define once more both the faults with the present political system, as well the alternative narrations of the past that can anchor a different type of democratic practice.

This re-categorizing the deceased also provides an opportunity to contest the place of specific mass graves within the broader national imaginary. As Durham and Fernandez argue: "It is in the realm of metonymic associations indeed, that conventions may be challenged, and hence metonymy is a trope most suitable for either asserting or challenging established hierarchies and conventions – for asserting and/or challenging worldviews indeed!" (1991: 198). The Spanish historical memory movement likewise sees these rituals as potentially disrupting the deeply ingrained narrative tropes that sustain the legacies of the Franco dictatorship.¹⁸ In positing specific graves or persons as standing in for the entire history of fascist repression, these tropes

¹⁷ Spanish, like most Latin languages, does not distinguish between a story and history, allowing for a certain productive ambiguity in the way people talk about their relatives. For example Isabel Fernández opened a speech about her experiences by telling the audience that: "The story [*historia*] of my grandfather is in a bit the history [*historia*] of this country."

¹⁸ We can think here of the ways that the exhumation attempts to reclassify "Reds," as many rightists still derogatively refer to the defeated, as "good people" and "democrats."

defy more conventional narratives of the Civil War as a national tragedy in which two extremist sides brutalized a helpless Spanish nation.

Insofar as mass grave exhumations enable new understandings of the past, they are also opportunities to recast the role that the dead played in those historic events. Over the course of the exhumation, the previous unmentionable disappeared are re-categorized as victims of fascist violence. As Danto notes: “Simply to identify someone as an artist, for instance, already locates that individual under a concept, and permits us, with some measure of plausibility, to apply a whole set of different and...*acceptable* or *possible* sentences to that individual” (Danto 2007: 122). By altering the status of the bodies that inhabit the specific mass grave, therefore, all other bodies buried in mass graves are also seemingly similarly altered.

In the process, the forensic encounter does more than just challenge conventional ways of narrating history. In addition, like all ritual encounters, it also reorders social relationships, in this case between the living and the dead. As with the Argentine forensic exhumations analyzed by Crossland, here too: “Through excavations the dead are effectively brought back into the realm of the living, and the ways in which they are perceived may be transformed as relationships within and between the living community and the dead are constructed and negotiated” (2000: 147). In the practice of elucidating the mass grave, rebels, leftists, and subversives become reclassified as human beings, victims, and heroes. Persons who were once the “anti-Spanish enemy,” later the tragic victims of a fratricidal conflict, and still later those the democratic polity sacrificed on the alter of oblivion, can now be reclassified using the techniques and technologies of international human rights law as the forcibly disappeared (see Rubin 2015). By locating the history of this particular mass grave within a broader historical, social, and

political context, attendants to the mass grave quickly learn to reevaluate their own positioning within their political communities as well.

Still, not all the lessons of the exhumation are conveyed through words alone. Beyond their command of the space, memory activists are well aware that their own behavior is essential for instituting a public sensibility of deference towards the dead. Therefore, forensic specialists and volunteers take great care to police their own emotional responses, especially when others are present. Over dinner one night, an ARMH volunteer noted the irony of the joking banter that frequently characterizes conversations during mass grave excavations: “it helps get rid of the drama a little bit,” making the work easier. However, he quickly noted, “you have to be attentive in case a relative passes by” and gets the wrong impression. Similarly, at the conclusion of an exhumation in Villalba del Duero, ARANZADI Scientific Society President Dr. Francisco Etxeberria took pictures of the forensic team, kneeling in the recently emptied mass grave. As he prepared to snap the photograph, however, he rebuked one volunteer for smiling too widely. We were dealing with serious matters, he reminded us, and the picture ought to reflect that. In order to be effective, forensic experts, volunteers, photographers, and social scientists must all perform themselves in accordance with the solemn sensibility that the recovery of dead bodies demands.

Relatives and passersby frequently express admiration at the way forensic specialists care for remains, which have been long neglected by the state. They laud the great “patience” displayed by forensic teams in conducting exhumations: “slowly, slowly...and then you sieve it so that you don’t lose even the smallest bones,” one relative praised. At another ARMH excavation, a visitor marveled: “What beautiful work! What patience! What morality!” In the eyes of many who visit exhumations, forensic work is not only a scientific and historic practice, but also an ethical one and even a thing of beauty.

The constrained behavior of memory activists models an alternative way of relating to subjects that are normally taboo. Returning to the first exhumation in Priaranza del Bierzo, Emilio Silva explained that at first people stood around watching nervously and expecting that some official would show up and put a stop to the exhumation. As they saw that nothing happened, though, they calmed down. The forensic intervention, had “normalized a great deal” [*normalizó mucho*]. Now, “the people are not as tense... They can talk openly about this in the public.”

Yet the behavior of forensic experts does more than just demonstrate the irrationality of local taboos. The respect shown to the bones through this patient practice makes the people who comprise the memory movement exemplars to be emulated. As Bevernage and Colaert also observe, Spanish forensic teams presents themselves as “living exempla... They stress that they too have gone through a process of ‘learning’ and ‘becoming conscious” (2014: 11). By witnessing the volunteers’ calm interaction with the remains of Franco’s victims, onlookers learn a new way of relating to the dead that are not accessible in the course of their daily lives. Ideally, the behavior of memory activists acts as a hail, compelling other to follow their lead. Thus, one long-time memory activist described her visit to what she called the ARMH’s “laboratory of hope and dignity,” writing: “It completely impacted me. There were the victims, treated with such care and respect that it causes all of one’s feelings to pour out.” If the conversations at the side of the grave serve to reevaluate the place of the dead in the history of Spain, the respectful behavior of memory activists towards these corpses inaugurates new modes of relating to them in the present.

To a certain extent, the behavior of visitors to mass graves is likewise constrained by the norms of the exhumation. For instance, in one village, local youths brought cold beer to help

pass the time, as they watched a dig unfold on a hot summer's day. The ARMH gently but firmly requested their local contact to intervene: "this cannot be a *botellón*," they insisted, referencing the often raucous assemblages of youth and cheap alcohol that can be found in many of Spain's plazas when the sun goes down (Baigorri 2004). But, unlike the occasional moral panic over the urban *botellón*, the concern here was not about drunk and wild teenagers. As far as I could tell, none of the visitors were inebriated nor was their behavior toward either the living or the dead anything but respectful. Beer drinking had to be banned not because of concerns over its misuse, but because this matter out of place profaned the site (Douglas 2002).

However, beyond certain baseline taboos, like drinking beer, relatives of the victims, local villagers, and others who come to see excavations are relatively unrestricted in their behavior. As Ferrándiz has also observed:

exhumations take place in a sort of social limbo and symbolic vacuum. Apart from certain rules laid down by the organizers and the technical experts in charge...there are no explicit guidelines governing the interaction of relatives with each other or with others present. Nor do the relatives' ways of relating to the unidentified bones follow any clear pattern. No available symbolic protocol can fully cover the exhumation's complexities (2008: 181).

Surprisingly, given the anthropological literature on funeral rites, although the journey of Franco's victims can be clearly analyzed according to its separation, liminal, and reincorporation phases, there is no corresponding tripartite structure for the living. In contrast to classic anthropological accounts of funeral rites (Hertz 1960: 61-64; van Gennep 1961: 146-165; Danforth 1982; Bloch 1991), we do not find in the Spanish exhumation a series of parallel rituals undertaken by close kin of the disappeared, let alone casual passersby.

To be sure, as we will examine in the following chapters, exhumations certainly are often transformative experiences for those who learn how to properly behold those within it. Yet the nature of the changes cannot easily be explained by analyzing the ritualized aspects of the

exhumation. Although those who witness Franco's victims reemerging from the earth often experience dramatic changes, they do not engage in "stereotyped sequence of activities involving gestures, words, and objects" (cf. Turner 1970: 1100). Likewise, because the language utilized by all participants – even forensic scientists – is largely informal and often extemporized, seeking out specialized ritual speech acts for deeper analysis, even if it could be accomplished, would require ignoring the bulk of people's experiences (cf. Bloch 1974; Silverstein 1992). This poses a significant challenge to any attempt to explain the ways mass graves can alter the social taboos and political structures that make these interventions so controversial in the first place.

Ritual as an Art of Memory

Spanish forensic exhumations clearly display many of the telltale elements of classical rituals. They are conducted in a space set apart from the normal rhythms of daily life (Turner 1967). Within these spaces, forensic teams "perform prescribed actions according to their secular roles" (Gluckman 1962: 24). And, as we have already seen throughout this dissertation, they are explicitly designed to provide "metasocial commentaries" about the sorry state of the Iberian Kingdom and the need for democratic change (Geertz 1977: 448). Both at the individual and the social levels, the unearthing of Franco's victims is designed to elicit "stories people tell themselves about themselves" (Danforth 1982: 29).

From an anthropological perspective, it is unsurprising that the uncovering and reburial of human remains should contain ritualized elements. From its foundation as a discipline, the discipline has approached ritual as a privileged means for managing the problem of death. Foundational figures, such as Tylor (1871), Bachofen (1967), and Frazer (1913) sought explanations for origin of all religion, and by extension all culture, in the coming to terms with our finite existence. Through remarkably diverse theoretical traditions, anthropologists continued

to approach mortuary ritual as a means for managing humans' fundamental inability to come to terms with the objective finality of dying. This is perhaps best exemplified in the work of Malinowski, for whom: "The savage...does not want to realize [death] as an end, he cannot face the idea of complete cessation, of annihilation" (1954: 50). Therefore: "Grasping at it, man reaches for the comforting belief in spiritual continuity and in the life after death" (1954: 51). This assumption of a universal ontology of death which culture obfuscates to protect its members would become a leitmotif throughout 20th Century ethnography – from Levi-Strauss's claim that death rituals, like all myths, are meant, "to provide a logical model of overcoming contradiction (an impossible achievement if, as it happens, the contradiction is real)" (1963: 229)¹⁹ to Geertz's analysis of Javanese funeral rites as a means for enacting a "final turning from the dead to the living" (1976: 72).²⁰ Despite their theoretical differences, functionalists like Malinowski, structuralists like Levi-Strauss, and phenomenologists like Geertz all continue to approach mortuary rites as means of dealing with the objective, universal reality of death.

In the Durkheimian tradition too, ritual is a means for dealing with the objective loss of life. However, given their focus on the operations of society as a whole, scholars in this tradition tend to focus less on the problem of coming to grips with mortality than the challenges posed by the sudden loss of a person who performs vital functions within a group. This is most clearly stated in the work of Radcliffe-Brown, for whom "death constitutes a partial destruction of the social cohesion, the social equilibrium is disorganized. After the death, society has to organize itself anew and reach a new condition of equilibrium" (2013 [1933]: 285; see also: Goody 1962;

¹⁹ Levi-Strauss's general approach to myth as the resolution of contradictions – an in the case of objective contradictions – is applied to the study of death rituals of a number of groups throughout *The Savage Mind* (1966), including in his analysis of: Fox Indians (31-32, 199n); Penan (195-198), Australians (236), and Aranda (237-244).

²⁰ In a later work on the death of a young Javanese boy, Geertz argues that the inability of the parents to achieve *iklas*, a detached or resigned state, is evidence of the ritual's failure (1977: 161). Here, the success of the ritual depends on its ability to enact a final separation with the dead.

Hertz 1960; van Gennep 1961: 164-165). It is a short leap from here to later scholars such as Maurice Bloch, who approach death rituals as fundamentally conservative affairs, seeking to rebuild society as it is following the loss of the person (1992; 1974).²¹

Spanish forensic exhumations, then, pose a number of challenges to classic anthropological approaches to mortuary rites. For one, these rites of passage are designed not to disentangle the living from the deceased, but rather to intertwine the fate of Spain's current citizens with those who died at the hands of the dictatorship. Crucially, these relationships are not only symbolic. As we will see in later chapters, by recovering the disappeared and reincorporating them into the political community, the exhumations enable new political alliances between living and dead persons. Here, the exhumation is anything but conservative; it is a ritual designed to fundamentally alter the nature of Spanish democracy

In searching for a better way to approach the ritualized aspects of Spanish forensic exhumations, it will be helpful to widen our analysis beyond mortuary rites of passage to consider more recent approaches to other kinds of rituals.

First, ritual practice does not take place in a socio-political vacuum. As Comaroff and Comaroff point: "ritual is never merely conservative... Under certain conditions, its power may be called upon to illuminate, interpret, and counter dissonance in the lived environment" (1991: 160; see also Comaroff 1985: 119).²² As I have been arguing throughout the past three chapters, understanding both the controversy and potentials of exhuming the defeated in Spain requires

²¹ Bloch argues that religion – and by extension all ritual practice – “derives from the fact that the vast majority of human societies represent human life as occurring within a permanent framework which transcends the natural transformative process of birth, growth, reproduction, ageing, and death” (1992: 3). Like Malinowski or Frazer, then, Bloch too distinguishes between the “natural” death and its cultural representation. Even if the latter is no longer discussed as a direct outcome of the “savage’s” inability to cope with reality, his approach to ritual continues to rely on an ontological assumption of death as a universal experience of finality. Ironically, his ethnography describes in striking a strikingly the markedly different ontology of death held by his Merina informants.

²² For a compelling ethnographic illustration of this point, see Cole 2001, especially pp. 194-198 and 208-213 and Comaroff 1985, especially pp. 118-120.

attending to the ways both the dictatorship and the post-Franco state established themselves in part through their governance of these bodies. In a context where democracy is founded upon an agreement to neglect these victims, providing them with even the minimal rites owed to any dead citizen has the potential to fundamentally alter the social and political world.

Second, rituals are also dense spaces for re-membering the past. As Young argues: “If societies remember, it is only insofar as their institutions and rituals organize, shape, and even inspire their constituents’ memories” (1993: xi; see also Connerton 1989: 40). As I have demonstrated throughout this chapter, forensic exhumations work to suspend conventional narratives about and taboos against discussing the past. Within the extra-ordinary space set up by memory activists, new interpretations of the past are forged and disseminated, as the presence of human remains provoke conversations that could not otherwise take place. In the Spanish context, then, we can think of the counter-memory practices inspired by these forensic rituals as a struggle against the narratives emanating from the official institutions of the state.

However, to understand memory activists’ investment in exhumations as a strategy for ridding the country of the “sociological Francoism” and “normalizing democracy,” the forensic ritual must be understood as more than a struggle over the symbols and narratives that ground the political community. Here, I find Asad’s reading of medieval monastic practices to be particularly helpful. For Asad, rituals are not coping mechanisms to deal with a cruel world; rather, “discourse and gestures are viewed as part of the social process of learning to develop aptitudes” (Asad 1993: 77). Importantly, in adopting this understanding of ritual, Asad abandons the dichotomy between the natural body on the one side and a secondary culture inscribed upon that universal form on the other. Instead, he approaches the body “as an assemblage of embodied

aptitudes, not as a medium for symbolic meanings” (1993: 75).²³ Ritual, then, is a medium through which subjects develop what Mauss (2000) called, *habitus*: “I think that Mauss wanted to talk, as it were, about the way a professional pianist’s practiced hands *remember* and play music being performed” (1993: 76, emphasis added).²⁴

Importantly, this is not the sort of narrative memory of past events that so many authors sought to contrast with History (see Ch. 1), any more than an experienced musician actively recalls each note and accompanying hand movement in the midst of a concerto. Rather, this is a type of memory that determines how we inhabit the world in which we live.²⁵ Just as remembering how to play the piano entails an ability to create music, through the forensic rite of passage, the dead are re-remembered as the sorts of beings who have the capacity to engage in social and political projects with the living. As we will see in Chapter 8, it is this capacity to forge publics that encompass both living and dead citizens that lies at the heart of the project to “normalize democracy.” But before we can examine those alliances, we must first account for the changes that the living undergo at mass grave exhumations in order that they may acquire the corresponding capacity for engaging in public action together with Franco’s victims.

²³ In this, Asad’s descriptions of memory closely parallel Latour’s (2004) description of the ways bodies become articulated, that is, how they acquire new capacities to discern ever more minute layers of difference in the sensible world.

²⁴ As Cole has argued, this understanding of memory as a social practice also “affords a way out of the dichotomy that sees memory as *either* locked inside people’s heads *or* available only in collective representations and embodied practices of ritual” (2001: 2, emphasis in original).

²⁵ We should highlight the central role of memory practices in learning to develop such aptitudes. The sorts of ritualized aptitudes discussed by Asad are exemplified in the anecdote of Heloise, who agrees to enter a monetary to protect her husband’s name. As described by Carruthers: “Heloise quotes from Lucan’s poem, *Pharsalia*, the verses with which Pompey’s wife, Cornelia, greets her husband after his shameful defeat in battle, offering to kill herself to placate the gods. In his study of the episode, R. W. Southern states the parallel: as Cornelia offers herself to death to save her husband at the moment of his greatest shame, for ‘[I]ong before Abelard had seen himself as the modern Jerome, Heloise had seen herself as the modern Cornelia.’ It was a natural thing to do, because these lines from Lucan were in her memory, they helped make up her experience. She read in the medieval way Hugh of St. Victor describes, she did not see herself as Cornelia in the sense of assuming or acting a role. Rather, Cornelia’s experience, given voice by Lucan, had been made hers as well – so much so that she can use it, perhaps, with irony, in such an extreme situation.” (Carruthers 2008: 223). Here, memory is not only about processing information, but fundamentally about subject-formation. It is telling that Asad goes to precisely the sorts of medieval monasteries that Heloise entered in order to derive the understanding of ritual that I draw on in this section.

Conclusion

In this chapter, I have examined the ritualized aspects of forensic exhumations, facilitating the transformation of the disappeared into dead persons. In so doing, I have concentrated on the spatial, behavioral, and narrative contexts that allow the dead to take on the status as deceased citizens. No longer excluded from the political community, these recovered persons also acquire new capacities: specifically, the ability to enter into substantive social and political relationships with the living.

Establishing these bonds, however, requires that the living undergo substantive changes as well. And while the lens of ritual can help explain the metamorphoses of Franco's victims, the relatively unconstrained behavior of those who witness mass grave exhumations makes extending this analytic to the living more difficult. Having briefly reviewed the literature on ritual, this may not be as surprising as it first appeared. After all, despite what over a century of anthropological research might lead us to believe, these rites of passage are not – first and foremost – about the living. They are focused on the recovery of the dead.

This is not to say that the living are unchanged by the forensic exhumation. To the contrary, overcoming the legacy of the Franco dictatorship entails fundamental shifts in what it means to be a Spanish citizen today. In order to see how the living who come from near and far to witness these exhumations undergo changes, in the next chapter, I look more carefully at the processes by which they learn to identify with the bones of the defeated.

Chapter 6. A Matter of Life *and* Death: Subject Formation at Mass Grave Exhumations

At the second exhumation I participated in April 2011, an anthropology professor from the Autonomous University of Madrid brought along some 18 Master's students – a number of them internationals – for a required field exercise, helping to exhume 22 Republicans killed by fascist forces and buried in a series of unmarked mass graves in southern Navarra, Spain. To my still under-socialized eyes, the students appeared to do their work diligently: they listened closely as members of the ARANZADI Scientific Society explained the historical context and technical challenges of the interments; patiently worked alongside more experienced members of the team uncovering human remains and their associated objects; and even obliged when asked to write down their reactions in the visitors' book, usually meant for non-volunteer visitors to the site.

But to my more experienced colleagues, something was missing: “For them, it is just a technical exercise,” complained one member of the social team, to widespread agreement. “This is not sufficient.” One of the members of the local Association of Relatives of those Shot, Killed, and Disappeared in Navarra noted that when his uncle “spoke of the Republic or exhumations, he cries,” adding that such feelings needed to be shared with these young students. In an effort to convey the emotional and ethical importance of our practice, the team hastily organized the screening of two short documentaries about previous exhumations for all to watch. But, despite the emotive testimony of an elderly daughter of a victim featured therein, this too failed to have the desired impact. A photographer who lingered after most left chalked it up to a failure of the video: “for young people it is very difficult” to understand this elderly rural woman's manner of speaking.

In Chapter 4, we explored the ways that forensic scientists construct authoritative claims about the past. Few were better suited to understanding the factual contributions of exhumations than these young practitioners. And yet, as the reaction of my colleagues makes clear, understanding the exhumation is more than a matter of knowing the history that resulted in these mass graves. It is also about establishing physical, affective, social, and political bonds with Franco's victims.

As we have already seen in the preceding chapter, establishing these connections across the mortal divide requires a good deal of both technical and ritualized labor. Yet once this labor is accomplished, the memory movement believes, it should not be particularly difficult to identify with the dead. After all, even if one does not share their particular leftist politics, even an international Master's student should be able to recognize the horror of being buried in an unmarked common grave and hidden away from kin and community. But as the forensic science students exemplify, this ability to identify with human remains anything but natural. Rather, it is the outcome of care and training.

In this chapter, I examine the process by which attendants at mass grave exhumations learn to relate to those who were murdered seventy-five years ago. As we would expect, given the great passage of time, Franco's victims undergo at times significant corporeal, social, and political changes to become the sorts of beings with whom the living can identify. Their often unruly physical remains and biographies must be disciplined in order to become recognizable as fellow human beings and citizens. However, this is not a unidirectional practice. To the contrary, I argue that the properly disciplined dead person can provoke, and sometimes even coerce, momentous changes in the ways that the living relate to their own bodies, humanity, kin, and political ideologies. In other words, I show how the apparently natural affiliation between the

victims of fascist violence and contemporary citizens is, in fact, the outcome of disciplinary processes that play out over both living and dead bodies.

In order to understand the local practices by which bonds of identification are established at the foot of the grave, however, it will be important to situate them within the broader literature on exhuming bodies in post-conflict societies.

The Body and the Political Community

As we have seen in the preceding chapter, in Spain as elsewhere, bodies – both alive and dead – become a privileged ground for struggles over the terms of national belonging. As Gal has shown: “Burials, and even reburials, are not uncommon in the symbolic armory of national identity, giving historical depth to ‘imagined communities’” (1991: 441). Since at least the late 1980s, exhumations have become a regular component of projects of national reimagining, democratic transitions, and various post-conflict reconstruction efforts around the globe. Whether in the exhumation and reburial of prominent political and cultural figures in the former Soviet Union (Verdery 1999; Gal 1991); the search for mass graves in the wake of genocide and ethnic cleansing campaigns in (amongst others) the former-Yugoslavia, Rwanda, or Cambodia (Wagner 2008; Koff 2007, Hinton 2004); or the more recent effort to definitively determine the cause of death for South America’s deposed leaders (Weizman 2014; Romero 2013), dead bodies have perhaps never been more active in national politics.

The rise of this new mode of thanatopolitics leaves analysts in a difficult position. On the one hand, the body appears as an irreducibly material thing in the world. As Verdery put it in her groundbreaking study on *The Political Lives of Dead Bodies*, the dead’s “corporeality makes them important means of *localizing* a claim.... They state unequivocally... ‘*Hic locus est*,’” this is the place where the body, and all that it symbolizes, is found (1999: 27-28). We have already seen in

Chapter 4 how important this appearance of irreducible matter is to the Spanish historical memory movement's project of narrating the past. Here, we can now add the ways that the cadaver becomes a tangible referent for an increasingly fractured national identity.

On the other hand, the efficacy dead body appears to be an effective political symbol precisely because it lacks inherent content and so can function as an empty signifier. As Verdery argues: "Dead bodies have another great advantage as symbols: they don't talk much on their own (though they once did)" (1999: 28). As a result, a complex human biography can seemingly be subsumed to the political projects of the moment. And yet, as we shall see below, those beyond the grave may still haunt the political horizons of the living in all sorts of unforeseen ways.

When theorists of the nation-state ignore such unexpected irruptions of the dead's agency, the cadaver itself becomes almost inconsequential. Taken to its logical conclusion (far beyond the very subtle and prescient analysis displayed by Verdery), the dead body in such analyses becomes nothing more than a mere fetish: "Something that is nothing in itself, but simply the blank screen onto which we have projected, erroneously, our labor, our hopes and passions" (Latour 1999: 270). Despite its alleged concrete presence in time and space, in the final analysis, it is revealed to be little more than a cultural curiosity, a *tabula rasa* for the living's self-projection.¹ Whereas once citizens invested their hopes in flags and anthems, now they invest those same affects of national belonging in the corpse. But for many scholars, the latter is as arbitrary a signifier as the former.

¹ There is an interesting parallel between the way certain scholars treat the dead body and some of those who emphasized the living body's social constructedness in the late 1980s and early 1990s. As Comaroff and Comaroff observed about the latter: "In their concern to show how the body is socially constructed, many scholars tend to treat the body as a type of *tabula rasa*." (1992: 71).

Such theorizations, as we shall see below, are insufficient to describe the relationship that the Spanish historical memory movement cultivates through mass grave exhumations. There certainly exists a rich debate between different memory organizations over how to properly relate to the dead. Nonetheless, I suggest that these differences of opinion are less the result of struggles over how to interpret a culturally powerful but ultimately impotent object in the world, than they are negotiations of the relationships between the present and past citizens that comprise imagined communities. The living may try to advance certain political projects in their interactions with the departed but, as we shall see below, they do not do so as they please. For, once properly disciplined, the dead can also weigh in upon the brains and bodies of the living, altering their affective, ethical, and political, dispositions.

In order to see some of these negotiations in practice, I now turn towards four different modes of identification between animate and exanimate bodies. Importantly, while different organizations and individuals associated with the memory movement hotly debate the proper balance between these various modes of identification (see González-Ruibal 2007; Renshaw 2011; Bevernage and Colaert 2014; Ferrándiz 2013a), each can be found in the daily practices of the entire movement. What we have, then, is neither a singular program for relating to the dead nor a bitter disagreement, so much as a simultaneous process for forging the terms of citizenship in the wake of state violence.

They Are Persons Just Like You and Me

Whenever young children came to an exhumation, I knew to pay attention. Six months into my field research, I had already overcome my initial surprise at their presence; Spaniards do not share the peculiar American belief that young children should be kept far away from such morbid scenes. In fact, many saw these face-to-skull encounters as critical to their child's

development as a proper citizen. Perhaps because their presence forced the memory activists with whom I worked to put their arguments about the necessity of exhumations in the simplest terms possible or perhaps because, like the children, I too lacked the Spanish upbringing and socialization that allows adults to pick up on all the layers of historical and ethical meaning embedded in everyday conversations around the grave, these inevitably turned out to be amongst the most revealing moments of my fieldwork.

So when a group of five boys, I guessed between the ages eight and twelve, came to see an ARMH-led exhumation of five *maquis* (generally, anti-fascist guerrilla) in their town's municipal cemetery (see Díaz Díaz and Esteban Palmero 2011; Serrano 2001), I stopped what I was doing and listened closely as Óscar Rodríguez sought to explain the scene being uncovered before their eyes.

“What is the worst thing that can happen in this world?” he asked the group. Much to my surprise, they immediately knew the correct answer: “A war,” one of the boys replied. “In a war, the army with the most power always wins. So who would win in a war between citizens and soldiers?” With all the mischief and brashness that can characterize boyhood, the youngest of the group shouted at the top of his lungs: “I would!” Óscar gently corrected him, noting that, as he was not a member of the police or the army, he would inevitably be on the weaker side and would thus find himself in grave danger.

Turning to the persons being exhumed, he now asked the children: “Were the people from the mountains,” a local euphemism for anti-fascist guerrillas, “good or bad?” One of the children answered: “they were bad. They killed [police or army] officers.” “Really?!” Óscar retorted. Another child in the same group offered, “they only killed to survive.” This met with the volunteer photographer's approval: “they were people just like you or me.”

The lesson, however, was not yet over: “Imagine if you shot me and you buried me very rapidly,” Óscar implored the boys. “My muscles, my clothes, my hair would disintegrate. But my bones and objects would remain. Later,” he continued, “someone would come to identify them [the remains]. So somebody would remember this person had a ring. So if somebody comes later you could say these are the people we are searching for.” The veteran volunteer then proceeded to repeat the exercise on each of the children, listing off the objects they had on their person – digital watches, shoelace caps, coins, etc. – which would likely “remain if they buried you [plural] right now.” He concluded: “That is how we would know who you are.”

As it turns out, amongst the objects recovered from that very mass grave were a spoon and a ring. And yet, despite the compelling testimonies that such objects provoked, they were not of much help in identifying these remains. In this case, there was simply too little premortem information about the dead and the remains had deteriorated to such an extent in the region’s humid and acidic soil that positive identification proved impossible.

But what is at stake in Óscar’s lesson is clearly not a detailed explanation of the forensic process. Rather, it is about fostering identification between the living children and the dead being exhumed before their eyes. The boys must realize that the dead “are people just like you and me.”

Establishing this reciprocal grounds between the living and the non-living can take shape in any number of ways. At the same exhumation, René Pacheco, the ARMH’s head archaeologist, took notice of the shirt one of the youngest visitors to the exhumation, no older than seven, was wearing. “You are with Atlético,” a Madrid based football team, he observed. “Well, I am with Barça. Now imagine, just so you’ll understand this, that there is a civil war. You have to think that some are of Barça and others are with Atlético.” After such a war, he

continued, “imagine that you have your father [buried] there on the side of the road, which we also encounter many times. What would you want to do?” After confirming that the boy would want to recover the body of his father who had died in this hypothetical Atlético-Barça civil war, the archaeologist concluded that the children must remember that “war is not just something that happens in other places. It also happened here.”²

Over the course of this one exhumation, we already see at least four different ways that children are taught to see themselves as like those in the grave. First, the living and the dead possess a similar kind of body, as evident by the fact that they are both subject to subterranean decomposition, leaving behind only bones and objects. Second, and perhaps more subtle in these examples, both animate and inanimate bodies invoke a universal humanity that goes beyond the material flesh. This is most clearly seen when René Pacheco implores the young visitors to recognize that war – with its concomitant mass graves – is an experience Spaniards share with other people around the world. Third, those who died in the Civil War, like the victims of any other conflict, are kin with families who continue searching for them. Finally, the dead may co-articulate overlapping political projects with the living, such that the anti-fascist guerillas were good people, caught on the weaker and poorer side of the conflict, and killed only to survive

In the remainder of the chapter, I explore each of these four modes by which the memory movement seeks to foster identification between the people who visit mass graves and the victims that lie in them. Of course, this distinction is a purely analytic schema: in practice, these identification processes occur simultaneously, across multiple levels. At times, these different strands are mutualistic while at other times they may be in tension. In fact, as we shall see towards the end of the chapter, the different organizations that comprise the memory movement

² Whether by coincidence or by design, like Mr. Rodríguez, Mr. Pacheco’s selection of the mighty FC Barcelona positions the child on the weaker side of the conflict.

hotly debate the precise manner through which those viewing the grave should relate to those in it. But the memory movement is united in its emphasis that a proper exhumation requires more than just an understanding of the relevant history that produced the mass grave; it requires identifying – somatically, affectively, ethically, and politically – with the dead.

As these ethnographic vignettes demonstrate, seeing commonalities between the living self and the improperly buried requires a good deal of work. The complex and multi-faceted dead must be disciplined in all sorts of ways in order to inhabit contemporary understandings of universal humanity, kinship, and leftist politics. And yet, as we shall see below, this is not a one-way street. For in entering into dialogue with the deceased, the living, in turn, are also disciplined by them. In the process of negotiating affinities with the deceased, both parties undergo fundamental transformations as they are placed into new relationships. Ultimately, the formation of these partnerships requires a rethinking of the place of both parties in the larger political order.

First Mode of Identification: The Body.

As Verdery argues, dead bodies make particularly effective political symbols, in part, because we recognize them as sharing important qualities with ourselves: “because all people have bodies, any manipulation of a corpse directly enables one’s identification with it through one’s own body, thereby tapping into one’s reservoir of feeling” (1999: 33). We can certainly see the preoccupation with shared corporeality in the ways the memory movement entreats children and adults to identify with exhumed remains. As Óscar Rodríguez first demonstrates what would happen to his own body and possessions if he were to meet a sudden and unfortunate end, and then replays the exercise with each of the children, he teaches them to see themselves as vulnerable to the same forces of putrefaction.

Notably, these sorts of visualizing and pedagogical techniques are not just for children. Shortly after the discovery of a perfectly preserved pocket-watch at a different exhumation, Beatriz,³ a long-time ARMH volunteer repeated the very same exercise on herself: “Damn! After seventy-five years! I try to imagine what would remain of me if I were killed today? With what I have on me at the moment, practically nothing,” she exclaimed. Like the children, Beatriz attempts to project herself into the place of the deceased, envisioning how her carious post-mortem body would mirror those in the grave being disinterred.



Figure 5: Comingled and overlapping remains. Photo by: Mabel García. Source: http://elpais.com/elpais/2010/08/28/actualidad/1282983419_850215.html

Yet the very need to undertake such exercises, whose endpoint is the recognition of a shared corporeity, suggests that identifying with osseous matter is anything but a natural process. After seventy years of decay, even the best-preserved human remains no longer resemble the living in

any straightforward way. Recognition becomes even harder when particularly acidic or humid soil conditions accelerate deterioration, when new buildings or infrastructure have disturbed the gravesite, or when fascist forces piled human carcasses on top of each other, rather than in a neat row.

As a result, the comingled and often overlapping remains in various states of decomposition uncovered by the memory movement often appear confusing to the untrained eye

³ Psudonym

(see fig. 5). Particularly in graves where crania are no longer easily discernable, people's first reaction upon witnessing a mass grave is not sympathy, outrage, or even horror: it is incomprehension and despair. At exhumations where skeletons were less than perfectly preserved I, as well as others on the social team, found ourselves reassuring relatives and passersby about the forensic team's ability to separate, individuate, and, in many cases, identify what first appeared to be a pile of discombobulated remains.



Figure 6: ARMH archaeologist René Pacheco explains notable features of a mass grave to a group of children. 2011. Photo by author.

In response, the memory movement invests a great deal of effort to explain the forensic tableau to the uninitiated. At least once a day, the team leads what Bevernage and Colaert call “mobile seminars,” explaining an opaque burial scene to the uninitiated (2014: 5). The chief scientist invites relatives and passersby to gather around the grave, as he demonstrates the number and disposition of each skeleton, making certain that each of the observers can see for themselves

exactly how many bodies are present therein. He then proceeds to illustrate any visible perimortem trauma, such as entry and exit wounds, as well as anything else of note, such as found objects (see fig. 6). In this way, unfamiliar observers can come to scrutinize the bewildering forensic arena, eventually learning to discern within it a series of individuals who had been violently killed and hastily interred.

As Araguete also observed in her work with similar teams in the western region of Extremadura, such explanations provide relatives with new ways of relating to these bones:

“Families, neighbors and activists also began to adopt the idioms of scientific language, the descriptions of the space of the mass grave and the terms that emerged from the first pre-mortem analysis of bones and artifacts” (2013: 10). These individuals, in turn, elucidate the contents of the grave to newcomers, often utilizing recently learned technical vocabulary to illustrate the visible body parts, traumas, and positioning of uncovered remains. Learning this medicalized lexicon, then, allows visitors to both identify the bones before them as human and, in turn, acknowledge the shared corporeal grounds between themselves and those in the grave.

What is going on in this rapid forensic training, however, is not simply the recognition of an unchanging universal body. In fact, identification with the remnants of the dead occurs just as much through misrecognizing visible signs of violence on the skeleton as through their elucidation. Onlookers frequently mistake skulls shattered from the pressure of the earth as evidence of brutal mistreatment or jaws unnaturally agape after the deterioration of supportive soft tissue as victims screaming from beyond the grave. On the one hand, forensic scientists, whose authority rests on their ability to accurately assess mass graves, discourage such faulty interpretations. On the other hand, photos of shattered and unnaturally agape skulls become some of the most widely circulated images in both mass media and online social networks. Much like the scientific vocabulary acquired in explanations of the mass grave, these affective prints likewise allow people to recognize themselves through the body of the dead. After all, who wouldn't scream out in horror if shot and buried in this manner?

A similar attempt to illustrate the mutual corporeity of the living and the dead can be seen in the occasional practice at the end of excavations conducted by Dr. Francisco Etxeberria's ARANZADI Scientific Society. After the remains and found objects have been removed from the grave, Dr. Etxeberria convenes the relatives of those recovered, the volunteers who just

disinhumed the grave, and anyone else who happens to be present at that moment. He then selects a number of volunteers to re-enact the victims' final moments. Volunteers line up at the side of the emptied mass grave. One by one, they mime being "shot" by the forensic scientist, falling into the grave, and assuming the exact position of the recently removed corpse.



Figure 7: Volunteers from the ARANZADI Scientific Society assume the position of recently removed corpses in Barcones, Soria. 21 July 2013. Photo by Óscar Rodríguez

The effect, once completed, is to recreate the final scene of the victims, displaying a mass grave comprised not just of bones but of flesh as well (see fig. 7). The ceremony, Dr. Etxeberria acknowledges, "is very difficult for the families. But it

helps them too." If in the ensuing seventy-five years, the dead have become so unlike us that they are now difficult to recognize, then at least they can be simulated by extant bodies. In so doing, volunteers use their own flesh as a medium for re-creating the horrifying final moments before the viewer and the camera lens.

This overcoming of temporal distance can also occur in more subtle registers. During explanations of the exhumation, as the jumble of bones is becoming a series of individuals, onlookers often raise their arms, lower their jaws, or cross their legs, mimetically adopting the positions of the human remains. Mimesis, Taussig reminds us, is "the faculty to yield into and become the other" (1993: xiii). As the living often unconsciously adopt the positions of the departed they come to see their own bodies as fundamentally like those being exhumed, save for

a few of decades of decay. What started as a practical means for seeing the number and disposition of Franco's victims here becomes a method for the living relate to their own flesh and bones in new ways.

This attempt by the memory movement to approach, at least for a moment, the feeling of what it was like to have been in the Civil War can also be seen outside of exhumations. On a particularly hot day in July 2011, I attended a six-kilometer long historical walk, organized by the Friends of the International Brigades to commemorate the Battle of Brunete. The day was filled with fascinating lectures about the battle, complete with maps of the area, bombed out bunkers, and even the discovery of a spent mortar shell fired by Nationalist forces at the volunteers' position. But the most impactful part of the day remained the weather: "it gives you some idea of how the war could have been in that era," remarked one woman I met on the tour. In the end, it was her own body's discomfort which, subjunctively and tentatively, allowed her to approach some sort of conjoint ground with the deceased.

As these actions show, identifying with human remains is not a simple or natural process. Rather, it requires training, in terms of the knowledge gained through a proper education about the Civil War and Franco dictatorship; the skills to discern individual bodies amongst a crowd of bones; and capacity to feel oneself as sharing certain physical characteristics in common with the assassinated. Much like the children who learned what would remain of them if they too were shot and buried in that instant, these forensic scientists, their audience at mass grave exhumations, and the historical hikers in Brunete come to see their own bodies as possessing the same potentials as those of the dead.

Whether in the experience of physical discomfort, the spectacle of replacing dead bodies with alive ones, or the linguistically mediated explanations of the mass grave, these exercises do

more than simply illustrate the capacities of forensic science to extract information about the victims' final moments. By suffering the heat of summer marches, replacing the skeletons with a living body, or learning to visualize the human form amidst the piles of bones, these operations re-humanize the corpse, allowing the living to perceive themselves as being comprised of the same material qualities (see Ferrándiz 2009: 87; Rodrigo 2008). What once seemed inert matter is transformed into an experience of common embodied existence. This, in turn, provokes the living to feel, act, and think in new ways. In this sense, the exhumation can be thought of as a reverse *memento mori*; instead of reminding the viewer that they too will one day die, pedagogical exercises such as this teach the viewer that the dead share in the physical characteristics of the living.

Importantly, this shared corporeal terrain is a starting point for forging more robust relations with the deceased, not an endpoint towards which the movements stride. For after they learn to see themselves as sharing a vulnerable body with the deceased, the children must learn that the dead “are people, just like you and me.” And this realization requires more than just the acknowledgement of a shared body. It demands they learn to recognize the dead as human beings as well.

Second Mode of identification: Humanity

The fact that forensic scientists seek out opportunities to explain their craft, especially given the great controversy caused by these civil society initiatives in Spain, is not particularly surprising. Their presentations, however, are not limited to their own area of expertise; or rather, in Spain, their expertise extends far beyond their ability to analyze human remains. In contrast to the tight-lipped scientists that mark the state- and international- transitional justice exhumations

elsewhere (see Ch. 4), in Spain, forensic experts regularly speak not only to their technical competency, but also to the moral value in undertaking such efforts.

For example, after explaining the forensic scene to onlookers at one exhumation, René Pacheco beseeched those gathered to recognize that, “no one should be buried like this. They are human beings.” “And they were buried like dogs,” a woman chimed in, finishing the head archaeologist’s sentence. When one sees these bones, a third attendant later put it, one realizes that “these are human beings just like us.” Such statements go one step beyond recognizing a shared corporeal existence. After all, as the visitor correctly surmised, humans are not the only species with flesh and bones. In light of this, forensic exhumations such as this are designed, in part, to demonstrate that, “these are not the bodies of beasts; they did not ‘die like dogs’ outside of law and culture. Or rather, they did ‘die like dogs’ despite the fact that they were human...which is why it is so important subsequently to determine their identities and their histories” (Laqueur 2002: 92). After acquiring the capacity to see the remains as coherent bodies, visitors must then learn to abstract from the bones to recognize not only a shared material substance with the deceased, but also a shared incorporeal nature.

For the memory movement, this implies certain ethical commitments to the dead. As one person wrote in the visitor’s book for an exhumation in Chillón, Ciudad Real: “I Francisco Capilla Capilla, a relative [of one of the people being exhumed], also think that what is being done now is what should have been done long ago, inasmuch as they are human beings...and they have the right to rest just like all human beings.” Here, the mere fact of their humanity is enough to necessitate fulfillment of their basic rights to a decent burial.

At one conference I attended, Spain’s most prominent forensic scientist, Francisco Etxeberria, put the matter even more directly. As he projected behind him the image of a mass,

he proclaimed: “This could be from anywhere in the world. It is universal!” Before this sort of human suffering, he continued, “we cannot be neutral. Temporal or geographic distance doesn’t matter!” Dr. Etxeberria, a man who colleagues most often describe as “serious,” was not advocating abandoning strict forensic protocols. To the contrary, he often vociferously complains about how the lack of proper procedures amongst less experienced forensic teams can compromise the scientific value of their findings. Rather, as Dr. Etxeberria is fond of stating: “we are impartial, we are objective, but we are not neutral.” The common humanity shared by the living and the dead exert a powerful moral compulsion. Once this common humanity is recognized, Dr. Etxeberria argues, it is impossible to remain uninvolved.

Of course, as Marxists (Althusser 1969), post-structuralists (Foucault 2002), anthropologists (AAA 1947) and even certain liberal scholars (Arendt 1998) have all pointed out in various registers, ideas of “the human” are always inflected by historical and cultural contexts. One particularly stark example of this can be seen in the frequent reaction of more religious attendants upon witnessing disinterments. One woman, who identified herself as the granddaughter of a disappeared person, emphasized the importance of giving these bodies “a Christian burial, like all people deserve.” Though I am certain she intended no malice or offense, the implication that “all people” would desire Christian burial practices is self-evidently exclusionary.⁴ Here, the common humanity that forms the basis for identification with the dead is limited to one faith community. As critics of humanism have observed, the putatively universal category of mankind is always and everywhere the product of disciplinary power that smuggle in specific ideas about the human (Foucault 1977; Althusser 1969; Scott 2010).

⁴ A similar incident happened one week at the Platform Against Francoism. Upon learning that I am Jewish and enjoyed eating *iberico* ham, one elderly woman turned to me and, without any hint of irony, said: “You know Jonah, Jews, Muslims, and Christians... We may disagree on a lot of things. But we can all agree on some good *jamón iberico* ham and a nice *vino tinto* (red wine).”

Ironically, the humanism of the memory movement can, at times, make identifying with the dead more, not less, difficult. After all, it was not just the victims who were human beings. As one woman I interviewed during the exhumation of their grandfather realized, much to her shock and confusion, the killers too “were apparently normal people. How could they do such a thing?” Her sister, sitting by her side, reassured her that the killers must have been “culturally backwards” or “people without mental capacities.” If, as the memory movement insists, it is our common humanity that imposes universal ethical obligations upon us, then the only way to explain the actions of fascist forces who killed civilians is to declare them abnormal, that is, not subject to the regular forces that govern human action. As this exemplifies, maintaining an ethical commitment to the dead on the basis of a universal humanity necessarily presumes a particular kind of human. Paradoxically, those who violate the respect for life are here excluded from the universal category of humanity that grounds the very ethics they are guilty of violating.

Moreover, this emphasis on the universal humanity of the dead requires a certain flattening of history. This can most easily be seen in the common lamentation that, as a social psychologist from the Forum for Memory put it, the dead “are here for defending some ideas. It’s as if now the PP and the PSOE [the two largest political parties] started shooting people for being from the other one.” In another one of his graveside lessons, Óscar Rodríguez put the matter in starkly similar terms: “They were killed for ideological reasons. It is as if, because you think differently than I do, I kill you.” For those living in 21st century Spain, where liberal-democracy is the one and only possible horizon of expectation, it is extremely difficult to imagine a world in which such political commitments beliefs become matters of life and death.

By contrast, the Spanish Civil War was fought at a time of great uncertainty, when fascism, anarchism, and communism seemed just as plausible futures as the economic and political liberalism which ultimately triumphed. As a result:

the Republican War (as it is sometimes called) was an arousing and emblematic war, gathering and compressing in the ferocity of the three-year conflict all the ideological confrontations that were beginning to define – and disfigure – the twentieth century: the confrontation between Left and Right, capitalism and communism, fascism and democracy, tradition and progress” (Scott 2004: 25).

In this context, “ideas” were not mere political beliefs or identities. As contemporaries were well aware, they were the building blocks of very different possible worlds. For those who actively supported one side or the other in the Spanish Civil War, ideas such as fascism or democracy, socialism or capitalism, Catholicism or secularism, were well worth fighting and dying for.

For most Spaniards today, however, relating to an anarcho-syndicalist, for example, is nigh impossible. As Scott notes in the context of discussing C. L. R. James’s 1938 book, *The Black Jacobins*: “That moment of social, political, and ideological upheaval framed by the Spanish Civil War, the Moscow trials, and the emerging revolutionary anti-Stalinist and anticolonial movements defined ... a horizon of possible futures that are not, any longer, ours to imagine, let alone seek after and inhabit” (2004: 29). The radical incommensurability of what Koselleck calls the “former futures” of anarchism and fascism, communism and capitalism, or secularism and theocracy are here reduced to liberal party politics (2004: 3). As a result, political projects for which previous generations have died become mere “ideas,” equivalent to soccer rivalries.⁵

⁵ This is not to suggest that the project of exhumations becomes depoliticized. As I cover in this chapter and the rest of the dissertation, the exhumation is fundamentally oriented to reorienting both the terms of individual subjectivity as well as the meanings of citizenship. Here, I wish merely to note an alteration in the form of politics from one of grand political ideologies to a contestation over different modes of liberal belonging.

The only way to identify with the dead, given this experiential gulf, is to subjugate such political differences to the private sphere. As one woman explained to me while overlooking an exhumation in Puebla de Don Rodrigo, Ciudad Real: “Everyone had their own ideas. My father was a rightist, but I’m not.” A younger woman heartily reaffirmed: “everyone has their own ideas, but due to circumstances that you do not control.” Here, political commitments become epiphenomenal: rather than being the outcome of experiences, struggles, and debates, “ideas” are private matters, determined by contingencies beyond our control. It is precisely for this reason that the difference between a fascist and a communist can be so easily analogized to a football match between Atlético and Barcelona. Political ideology, much like football affiliation, is here more another facet of individual identity, rather than a project of collective future making.

Forging ethical and affective bonds with the dead on the basis of a shared humanity thus requires a certain disciplining of their often-unruly political identities. For, this bond can only be established once the incommensurable political difference has been domesticated, privatized, and reduced to a contingent feature of the dead’s identity. If “apparently normal” fascists are excluded from the category of humanity in order to maintain its coherence, then the political projects of communists, anarchists, and other leftists must also often be domesticated, lest they too eclipse the universal category of humanity

And yet, this process does not just affect the dead. In this section, we have already seen the ways that the living’s political beliefs are also privatized in conjuring this universalist shared terrain of humanity. Moreover, once this common humanistic ground is created, the general bonds of dignity espoused by the dead exert moral compulsions upon the living. As María José Palma put it at the opening of a conference on women’s experiences of repression: “the dead want and require a burial in a family tomb, not in an unmarked grave.” Making Franco’s victims

commensurable with a humanistic ethic thus enables the persons in the mass grave to demand accountability from the living. In response, they must fulfill the specific cultural, ethical, and political demands that inflect local invocations of universal humanism, lest, like the fascists, they too find themselves excluded from the “apparently normal” category of humanity.

For the dead to inhabit the category of “human,” then, they must undergo certain disciplinary processes. But once their incommensurable qualities have been successfully subjugated, the dead become capable of demanding specific actions from those disinterring them. If the living wish to inhabit the same category of universal humanity as the dead now do, they too must now become the sorts of ethical subjects capable of responding to the needs and desires that stem from the dignity of the dead. Hence, fashioning common grounds with the deceased on this basis requires not only laboring on the objects uncovered in the mass grave, but also on the self.

Third Mode of Identification: Kinship

Although these humanistic explanations are powerful and effective arguments for the exhumation, in and of themselves they seem to offer little in the way of relating specifically to the dead being exhumed from any given mass graves. It is perhaps for this reason that such invocations of universal humanity are so often immediately followed, as they were in the Atlético-Barça civil war, by a discussion of kinship links: if your father was in a mass grave, “What would you want to do?” Once again, these questions are not just for the young. At one explanation of a mass grave, René Pacheco expanded upon his usual statement that each of the bodies being exhumed “is a person just like you,” adding: “They are parents, grandparents, and siblings of people who have spent the last seventy years searching for them.” Even before the

identification process begins, these corpses have been rescued from oblivion and reinserted into kinship networks.

For the historical memory movement, the affective ties of consanguinity are natural and enduring. It is precisely for this reason that even the anonymous disappeared can be so easily re-categorized as a blood relative. As ARMH vice-president Santiago Macias declared at one reburial ceremony: “the truth is that it is always logical that a relative would want to recover the remains of a disappeared father, brother, or relative.” For memory activists, these associations are not only ingrained, but also universal. A local memory activist who invited the ARMH to search for a mass grave in his village’s municipal cemetery explained: “They say that in Alcalá [del Valle, Cádiz], people are not interested. It’s not true because a relative is always interested in recovering their loved ones. It is a politics that is carried in the blood.” Here, not only are the affects of kinship connate, but they are also the vehicle through which the living inherit political and ethical ideals from past generations. The violent disruption of family life necessarily provokes a yearning for a proper burial.⁶

Moreover, according to some supporters, such a bond may persist even if families are not cognizant. As one granddaughter of a victim explained it to me, “there are some people who suffer and they don’t know why. It is for their grandfather or their father.” Even those who are not consciously aware of their loss are nonetheless assumed to be deeply affected by it.

This affectively laden terrain certainly exists amongst the many relatives of the disappeared who regularly show up to exhumations, commemorations, and protests in solidarity with other victims. As one man explained to me, expressing solidarity with other victims was not the only reason he had traveled that day to a reburial service in Pol, Lugo: “I come to these

⁶ The strong link between kinship, burial, and politics provokes frequent references to Antigone amongst the more theatrically inclined supporters of the memory movement.

events whenever they happen as a way of remembering my own grandfather.” Here, recognizing the recovery of someone else’s kin is a way of forging deeper relationships with one’s own, even in the absence of their physical remains.

Notably, exhumed bodies often invoke the affect of relatedness, even when a direct kinship link is absent. As Harry Natowitz explained in the following note in the visitors’ book from a reburial service in Chillón, Ciudad Real: “I, as a victim of German Nazism, did not have the opportunity to say goodbye to my relatives, who were murdered in the concentration camps. Thus, today’s act in Chillón constitutes, in a way, a substitute for what I could not live.” The precise relation to the victim is here less important than the fact of their existence. In substituting his relatives for those being buried, Mr. Natowitz could reach at least some degree of closure for his own suffering as well. At its most successful, the bodies exhumed from one mass grave can thus come to stand in for other bodies that were victims of the same historical forces.

For some relatives of the disappeared, then, the forensic exhumation becomes less an outlet for expressing pre-existing affective bonds than its creation. For example, when I asked the grandson of a well-known anti-fascist guerrilla, to tell me about the exhumation of his grandfather by the ARMH one year prior, he responded: “I believe that it was an amalgam of very contradictory feelings.” On the one hand, “Logically, I can’t say that I love my grandfather, since he’s been dead for seventy years.” He later explained that his mother had fled the region alone shortly after giving birth and he only discovered his grandfather’s political activities when, out of curiosity, he typed his name into a search engine a few years back. “But it surprised me a great deal to see such a human team to whom I will truly be grateful for the rest of my life.” As he later explained, watching the ARMH work made him very emotional. Observing those who

have so successfully occupied the universal humanist ethic vis-à-vis the dead provides this grandson with one model for how to relate to his own kin.

But, for him, an even more impactful relationship emerged from watching how other relatives interacted with those buried in the same mass grave. He continued: “Also, it was very emotional, very moving, communicating with the other families. I think it created certain affective ties which, even though I probably won’t see them again for the rest of my life, will always remain.” Fighting back tears, he recounted how one person told him of how, as a nine-year-old, he narrowly escaped being shot by the National Guard when he refused to reveal the location of his father. His father was nonetheless killed and buried in the same mass grave as my interlocutor’s. Even though he had trouble cultivating an affective connection with his own grandfather, “when this man buried his father, seeing the emotion that he felt and seeing all of it reflected in his face was an experience that I am very glad to have seen. Because I think it made me grow as a person. For me it was ...a very moving experience. Very emotional too.” The affective bonds between one father and son are here contagious, providing a guide for this grandson to grow as a person and forge his own nexus with the past.

Notably, this feeling of identification on the basis of kinship relations is not limited to those who directly experienced such violence. As one exemplary visitor to the Joarilla de las Matas, León exhumation explained in the visitors’ book: “I have seen the grave and I have tried to put myself in the place of these persons, seeing how they point the rifle and seeing in their imaginations what they would leave behind, their sons, wives, loved ones. It gives me Goosebumps and some tears escape me.” For the historical memory movement, every visitor to the grave should be able to share in such experiences. After all, everyone is somebody’s child or

grandchild and therefore all should be able to project themselves into the position of someone who has lost kin.

Despite the presumed universality of such bonds, the memory movement finds that time and again people have great difficulty inhabiting the subjectivity of a victim. At times this lack of empathy can be dismissed as the result of right-wing political ideologies overwhelming or preventing otherwise natural kinship linkages. Hence, the most common response to the occasional hecklers, some of whom shout fascist slogans at the weekly protests of the Platform Against Francoism: “If it were your grandfather in a ditch, you wouldn’t think that.” As one granddaughter of a victim elaborated, those opposed to exhumation are “incapable of understanding ... If it were your mother or grandmother, what would you want to do? ... They don’t have the imagination to realize that this is not right.” By framing the dead as consanguine, the weekly protesters implore political opponents to alter the terms by which they relate to the deceased. Here, an exploration of the subjectivity of a relative who does not know the location of their kin’s remains becomes a sort of labor on the self.⁷

But even those who put in a good faith effort to understand the mass grave often fall short of understanding its horror. Thus, two visitors to an exhumation in Espinosa de los Monteros, Burgos in 2012 expressed their gratitude in the visitors’ book to the ARANZADI Scientific Society: “Thank you to Professor Paco Etxeberria for giving us this opportunity...It has awakened different feelings in us.” However, they continued: “Although interesting, it is also difficult to put yourself in the place of the families who finally know with certainty the whereabouts of the remains of their ancestors.” This inability to inhabit the subjectivity of a

⁷ This is one of the more effective rhetorical techniques utilized by the memory movement. Even many who believe that Franco’s repression was justified express sympathy for families searching for their disappeared relatives. However, such people still complain about the “politicization of historical memory.” The detachment of the political from kinship obligations illustrates both the potential and the inherent limitations of such an approach.

victim's relative is here clearly not the result of political ideology. Rather, as with the international Master's students from the opening vignette, it stems from an incommensurability of perspectives. Particularly for those who grew up after the return of democracy in Spain, imagining, let alone inhabiting, the loss of a relative in a bloody civil war is difficult.

To overcome these gaps between the current generation and their grandparents, the ARMH-Madrid organizes "sympathy workshops" at local universities in which, as the organizer introduced the event, participants would "learn to empathize with families." The workshop began by reading "real letters" from relatives to their disappeared loved ones, "so that you can see the sort of terms relatives use." They were then asked to "write a letter as if you had a disappeared victim" in your family. The goal, the students were told, was "to put yourself in the place of the other and try to feel." Much like with the 18th-Century literary sphere analyzed by Habermas, here too the letter ideally acts as a technology for facilitating "experiments with subjectivity" (1991: 49). By attempting to inhabit the perspective of a relative of a disappeared, participants become "persons capable of entering into 'purely human' relations with one another" (1991: 48-49). If the present generation cannot naturally sympathize with relatives of the disappeared, it seems that they can at least be trained to do so.

A similar attempt to force the living to reckon with the reality of Franco's repression was attempted on a larger scale in a 2013 online video produced by the Platform for a Truth Commission.⁸ The video opens in darkness. A scraping sound accompanies the gradual lighting of a textured brown surface, until it becomes apparent that the viewer is in a mass grave. Sharing a first-person perspective with the deceased, the viewer is extracted by forensic scientists, boxed, and transported to a laboratory where a whitecoat prods the screen with instruments,

⁸ "Campaña Comisión de la Verdad España." Fundación Internacional Baltasar Garzón. Las modified September 23, 2013. <http://www.youtube.com/watch?v=2TnODqFqrjo>.

pronouncing the viewer: “a very robust individual, male, age at death twenty-five to thirty-five years old. Cause of Death: there are two entry orifices from a projectile...” The bones are then repackaged in a cardboard box.

After a brief interlude in which actors recite facts about forced disappearances in Spain, we see that same box being handed over, presumably returned to its family. Then, the film once again adopts a first-person perspective, but this time taking us through a celebratory family dinner. The camera here holds our gaze on an overjoyed elderly woman, seated at the head of the table as younger family members hug, kiss, and eat. It quickly becomes clear that the viewer is still maintaining the perspective of the dead, this time reincorporated into the hearth of the family. But just as this realization occurs, the camera rapidly pulls back, leaving the house, traversing the laboratory, and returning to the mass grave, where the human remains of the viewer / deceased await their scientific recovery and recuperation into the domestic sphere.

Whereas the ARMH-Madrid’s sympathy workshop tried to make the living identify with relatives of the deceased searching for their loved ones, the Platform for a Truth Commission has the living directly adopt the perspectives of the dead, who yearn to be freed from their mass grave and reunited with their families. Here, becoming the object of the other’s gaze, allows the viewer to inhabit a different form of subjectivity.⁹ In both scenarios, however, the goal is to train the living to recognize themselves not only as sharing fundamental characteristics with the deceased, but also as sharing an emotional terrain with them and their kin.

When relatives of the disappeared attend reburial services as a means of mourning their own disappeared kin, when protesters beseech opponents to imagine a relative as disappeared, and when the memory movement attempts to teach diverse audiences to sympathize with those in mass graves, they are doing more than providing the ethical underpinnings of mass grave

⁹ I am grateful to Professor Richard Schweder for pointing this out.

exhumations. In imploring people to substitute themselves for the disappeared and their kin, they are inculcating the ethical and emotional foundations for a new sort of citizenship. Becoming an ethical subject requires one to be able to take on not only the perspective of other living citizens, but also that of dead ones. Such a perspective, as we have seen, can be quite difficult to adopt; even for many relatives of the disappeared, it requires concerted effort and training in order to be able to approach what first appeared to be the connate affects of kinship. But once successfully inhabited, this relationship yields new identities for both parties.

Fourth Mode of Identification: Politics

To be sure, this humanistic ethic has at times inspired bitter controversy. For the more explicitly politicized groups, most notably the Forum for Memory, such an emphasis on humanistic and kinship links risks eliding the political ideas for which these victims were killed. The question of how to balance the humanitarian ethics towards the dead, the kinship obligations of relatives, and the political legacy of Franco's victims probably constitute the most controversial debates within the Spanish historical memory movement. At the height of tensions between these groups, the President of the Forum for Memory, José María Pedreño, went so far as to argue that: "the ARMH does not deserve any sort of support from the left, as they do not purport, amongst their objectives, to recover historical memory of the anti-Francoist struggle and the repression, but rather the bodies of relative in order to give them 'a dignified reburial'" (2004).

By contrast, when Pedreño tried to imagine what he would want if put in the position of the deceased, he came to a markedly different conclusion:

I am a communist supporter, my parents are rightists, if one day someone kills me for my ideas, I would like to be buried under a red flag with a hammer and sickle, for my murdered be condemned in court, that what I thought, what my ideas were and my political practices as an activist, get remembered. If my parents bury me with a mass and

under a cross, without condemning my killer, omitting all of the above, they would be parents without dignity, they would not be recovering my memory, nor duly respecting my memory, simply they would be killing me for a second time, definitively burying the truth... This is what the ARMH is doing through the sons and grandchildren.

For Mr. Pedreño, it is the dead's politics which must be honored, even over and above the wishes of their relatives. To do anything less is to be complicit in their murder and disappearance.

By the time I began fieldwork, the tensions between the ARMH and the Forum for Memory had largely subsided. Even if such difficulties had not entirely vanished, bitter recriminations were replaced with a general atmosphere of mutual respect and support. When a journalist asked Mr. Pedreño about the ARMH in 2011, he allowed that the association “operates in a very similar manner to us, but are more about families.” Nonetheless, he emphasized, in contrast to the ARMH, the Forum for Memory was comprised of people “who do not just share their blood, but also their ideas.” Implicitly, at least, the criticism of the ARMH for depoliticizing exhumations remained.

Certainly, it is not difficult to find examples of the sort of depoliticization that Mr. Pedreño accuses the ARMH of fostering. At one ARMH reburial service I attended, a man insisted that his grandfather was apolitical, despite that he was a Republican-era mayor who named his children Lenin and Igualidad. For groups like the ARMH, giving relatives of the disappeared the chance to speak their own truth is itself an important act of healing and reconciliation. They insist that relatives of the disappeared must be the “true protagonists” of the event and every accommodation should be made for their sake.

And yet, it is not difficult to find ways that the allegedly humanitarian groups likewise seek to foster identification on the basis of shared politics. Thus, at that very same reburial service vice-president of the ARMH Marco Antonio González noted how the democratic seeds planted by the deceased were today bearing fruit. Likewise, we have already seen the ways that

Óscar Rodríguez encouraged children at one ARMH exhumation to think of themselves as belonging to the weaker, poorer sectors of society against the rich and powerful. Nor is it by chance that the ARMH's logo prominently incorporates the red, yellow, and purple colors of the Second Republic. The vast majority of activists and volunteers for the ARMH and ARANZADI Scientific Society do believe that exhumations will eventually help bring about the Third Republic.

More importantly, for our purposes, are the ways that the political ideology of the dead offers yet another potent site for identifying with them. For instance, I met several people at exhumations who referred to themselves as “political grandchildren” of the disappeared, using the kinship metaphor as a means for describing themselves as the inheritors of the political projects of the deceased. Similarly, Ana Pereda expressed admiration for her grandfather Gaspar Pereda during an ARANZADI-organized exhumation in Loma de Montija, Burgos, explaining to me that people like him: “were good people. They were progressive people. They were democratic people. In the 1930s they built a democracy.” Contrary to what much scholarly literature on the memory movement suggests, identifying with the dead on the basis of a common political project is thus not an activity limited to contemporary communist and anarchist activists.

As with the dead's humanity, the biography of the deceased can make such identification on the basis of shared politics difficult. At the concluding ceremony for the exhumation of Severiano Clemente González in 2011, Mr. Pedreño was forced to acknowledge that:

We know very little about Severiano, just that he was a person who sympathized at that time with the ideas of Popular Front. We are also here because we sympathize with those ideas. Because those ideas were the ideas of liberty and ideas of justice, ideas of progress, ideas of a better future for his children and grandchildren. These were the ideas that Severiano had and that is why he ended up here, with two bullets, murdered and buried just like thousands of Spanish patriots like him.”

Here, a lack of knowledge about the victim allows him to be placed into a mass of martyrs, all of whom are assumed to have died for the progressive values that contemporaries still hold.

Of course, lacking any knowledge of the victim's biography, such a narration is easy to contest. In fact, during this speech, a local villager with whom I had been talking excused herself, explaining that the explicit politicization of the commemoration "makes me sick." Instead of Mr. Pedreño's narrative, she offered a possible, if unlikely, alternative: "in a war, both sides kill. And not for ideas. Because he was from the rural country [where] one side or the other would [forcibly] take you." I point to this other narration of the deceased not as an endorsement of an admittedly improbable account, but rather to highlight the disciplinary practices necessary to present Mr. González either as part of the progressive cause or as a depoliticized bystander.

Nevertheless, this is not simply a process whereby the living project their own desires onto the deceased. For just as the living's political projects can discipline the legacies of the dead, so too can the political projects of the deceased affect the living. Already in this chapter, we have seen the ways the living work to inhabit the political traditions of the dead, be it through the idiom of fictive kinship, by mobilizing the symbols of the Second Republic, or simply by imagining oneself in a shared position of vulnerability against the rich and powerful. And, as we will see in more detail in Chapters 7 and 8, on many occasions, individuals who witness exhumations walk away with a renewed commitment to building a democracy which better represents the legacy of the dead.

At the same time, exhuming the dead entails risks. If one can disclose a Republican ideology by disinterring a Republican corpse, then one could potentially also unearth different ideologies by disinhuming different bodies. This potential of the dead to affect the living

becomes especially clear when examining the controversy over to exhume those few remaining mass graves in which Franco-supporters are buried.

For the more humanitarian organizations, the rights of the dead to a proper burial are absolute and inalienable, overriding all other considerations. As head archaeologist René Pacheco explained at one exhumation, the ARMH: “do[es] not belong to any [political] party. We aren’t from one side [of the civil war] or the other. If tomorrow, someone comes from the other [Francoist] side, we’d help them out as well, since they are also humans.”

These are not just empty words. In 2010 the ARANZADI Scientific Society, at the request of the Archbishop of Toledo, retrieved the bodies of 41 Franco-supporters summarily executed by Republican forces and thrown down a local well. The event generated substantial controversy. As the social anthropologist Francisco Ferrándiz, wrote of his experiences participating in that effort: “This exhumation, we perfectly well knew, was part of a right-wing ideological operation to bring to the fore the brutality of the Republicans in the war against civilians and religious clergy ... Due to this decision, we had to endure harsh accusations by the left-leaning associations we usually collaborated with, of radical betrayal to those civilians killed in Francoist repression and their political cause. We had crossed over to the *enemy*” (2013b: 20).

Significantly, the ARANZADI Scientific Society does not contest the political effects of the exhumation. Despite the fact that the existence of this grave had been known for quite some time, a forensic exhumation still recovered more than just bodies. As Ferrándiz writes, here too exhuming civilians murdered away from the front lines threatened to allow their political inheritors in the Catholic Church to concomitantly recover an ideology that memory activists find distasteful. For the ARMH and ARANZADI Scientific society, this unfortunate political consequence is less important than the ethical obligations to the improperly buried dead and their

kin. Moreover, they often point out, at times the Forum for Memory's political commitments can cause more conservative landowners to refuse an exhumation they would otherwise allow, condemning the victims to additional time in mass graves (see Ferrándiz 2013a).

By contrast, the Forum for Memory prioritizes political concerns over humanitarian and family relations, though, as we have already seen, they too conduct exhumations at the request of families and inspired by the principles of transitional justice. These tensions are thus a more a matter of *how* one ought to relate than *whether* one ought to forge a relationship to the dead. More importantly, for our purposes, is the ways these debates reveal the struggles involved in learning to listen to Franco's victims.

The ideal of honoring the political beliefs of the fallen at times lies in tension with the humanitarian and kinship linkages discussed in the previous sections. Like the living, the dead too possess contradictory layers within their personal biographies. The exhumation, in turn, can be seen as a disciplinary practice, wresting coherent identities – some political, some kin-oriented, and some simply rights-bearing humans – out of different biographical strands. The political bonds once again require that the dead be disciplined so that they can become the representatives of contemporary communist, democratic, or general leftist ideologies. However, this process, is not infinitely malleable, for the biography of the dead – or lack thereof – can object to misrepresentations made in its name. Moreover, once successfully transformed into a representative of this political ideology, the dead becomes a guide for the living, shaping their political discourses and actions.

Conclusion

In this chapter, I examined some of the ways the historical memory movement fosters empathetic links between the living and the dead at mass grave exhumations. What emerges

from all this is a picture of the dead that is markedly different from that offered by theorists of liberal politics. For scholars like Verdery, Renan, and Anderson, the dead are largely subject to the wills of the living who can choose both whether and how to remember them. Certainly, in examining the ways that the dead undergo changes in the course of their encounters with forensic science, we have seen how the present political projects of the living can and do affect them. In order to inhabit the category of body, human, kin, or comrade, aspects of the dead's identity undergo changes as they are inserted into new discursive regimes.

But these changes that the dead undergo are but one side of the coin. For although bodies, humanity, and family may appear to be universal categories, in this chapter we have seen the ways that the living must labor on themselves as much as on dead bodies in order to enter into these putatively natural relationships. This is all the more so when it comes to relationships based on political ideology, which can make no such claims to universality. In fostering bonds of identification, visitors to mass graves respond to the needs of the dead as much as the dead respond to those of the living.

Even more troublesome for liberal theorists, the dead are not simply inert objects awaiting the mental projections of the living. Those dead who are able to successfully claim to have bodies, dignity, families, and political descendants make demands upon the living and affect their actions and beliefs. Franco's victims demand to be buried as humans, rather than as dogs; they express their desires to be reunited with kin; and, as soon as the mass grave is opened, they advocate on behalf of their political legacy. These appeals can even be experienced as coercive when not heeded. One woman even expressed anguish at the way an exhumation had placed her in a difficult position: "I don't want to see it... I haven't gone, even though I know

that I have to go see it.” And indeed, compelled by the obligation to witness the exhumation, she showed up the very next day.

Although perhaps uncomfortable for political theorists, the idea that the relationship between the living and the dead continues to develop over time is not particularly new. As Crossland notes: “It is an axiom of the anthropological literature that the status of the body as corpse is not fixed at the moment of death, but develops procesually, through the interaction of the physical body and those who attend to it” (2009: 104; see also Hertz 1960; van Gennep 1960; Kaufman and Morgan 2005). In this sense, the forensic exhumation can be seen as a particularly dense moment of social reorganization, in which the relationships between the living and the dead that always undergird political belonging are suddenly open to radical redefinition.

We will return to the implications of this observation for our understanding of liberal democracy in the Conclusion. But before we tease out what such a redefinition of the relationship between living and dead citizens entails, we must continue to examine the nature of this bond. In this chapter, I have largely restricted myself to laying out the substantive content of those relationships. But these ties are about more than the formal similarities between those in the mass grave and those who view them. Ideally, cultivating the ability to recognize similarities with Franco’s victims should provoke subjective, psychological, and affective changes. I explore the nature of these changes in the following chapter.

Chapter 7. Knowing the Grave, Knowing the Self: The Wounded Subject of Forensic Intervention

I came to know Beatriz¹ through our work together on ARMH exhumations. Ever since the exhumation of her great-grandfather a few years earlier, Beatriz had become a frequent volunteer on the team, traveling with them around the country to help families who shared the tragic experience of losing a loved one to Franco's bloody repression. In this she exemplified the sort of gratitude and dedication regularly displayed by a great many relatives of those directly affected by Francoist violence to the activists of the historical memory movement.

I was particularly struck by the way that Beatriz described her grandmother's reaction to the exhumation. As she explained to me in an interview, her grandmother did not succumb to the silence that characterizes many families:

I know that in other houses, it is a taboo subject that family members can hardly talk about, that they forget, et cetera. But in my house, no. In my house we always talked about my great-grandfather. We always knew what happened. But always also with the caution [*prudencia*] not to talk about it with anybody else... I think because of fear that it could happen again.

And so, once Beatriz reached a certain level of maturity, her grandmother sat her down to tell her the story:

I was maybe twelve or thirteen years old. My grandmother told me one day, "[Beatriz] come, I'd like to tell you what happened to my father." At that young age, I had no idea who Franco was, nor that there had been a dictatorship, nor that people had been disappeared... So the truth was that I understood nothing. I didn't understand that he was not buried in a cemetery. When I talked to my grandmother, I asked her, "where is he?" and my grandmother said, "They took him, they killed him, and we knew where he was... but we couldn't go there or anything." So I went to talk with my mother and I said [...]: "If we know where he is, why don't we go and we bring him and bury him with my great-grandmother? Which is where he needs to be." And my mother said, "my daughter, it's that we cannot."

¹ Pseudonym.

When the memory movement began making national headlines in the early-2000s, Beatriz and her mother talked about their mutual desire to recover the remains of their loved one. But they dared not approach Beatriz's grandmother: "when the topic came up she didn't have any problem talking about it, but she suffered greatly when she did. When she talked about it, it was almost like she was reliving it in that moment. As though she were [still] thirteen years old."

Both Beatriz and her mother, however, yearned for the opportunity to recover his remains: "When the ARMH started doing exhumations, I said to my mother, 'look, there are people who are doing this.' But my mother always said that it was too painful for my grandmother. We didn't want to tell her. We didn't want to do anything that might cause her harm. So we let it go." Despite this, they both remained committed to recovering the remains: "I said to my mother, 'we are waiting until my grandmother dies.' I told her many times 'this is something that we have to do.'" But, at least for the moment, "it was complicated."

The issue was forced one day when a local historian investigating the case of his own relative, who happened to share a mass grave with Beatriz's great-grandfather, approached the family in order to gather more information. As chance would have it, he too wished to recover the remains of his loved one and was conducting preliminary research in preparation for a possible exhumation. Uncomfortable though it may have been, they would now have to approach Beatriz's grandmother for her permission to unearth the remains.

Much to their astonishment, she enthusiastically supported the idea: "to the surprise of everyone, my grandmother said 'yes, yes. This seems very good to me. And if we can do it, then we must do it.'"

The first couple of days of the exhumation provoked "great anxiety" as the team searched for the remains without finding anything. Once the bones appeared, however, the effects were

dramatic. For Beatriz's grandmother: "it was a tremendous catharsis... Before it was very difficult for her. When she spoke about this, she cried like she was a thirteen-year-old girl... Now, she talks about it with more distance, she talks about it like events that occurred seventy-five years ago." Although the murder of her great-grandfather still causes tremendous pain for the entire family, now the psychic trauma of the forced disappearance has been properly addressed and, Beatriz emphasizes, her grandmother is no longer trapped in the past.

Although Beatriz's story is extraordinary, both the level of detail and the nature of the changes undergone by her grandmother, it is far from unique. Hang around long enough at exhumations and you start to collect dozens of stories of people dramatically transformed through their encounters with the dead. There is the frequently related story of the large, macho man who, the second the bones appear, begins to uncontrollably weep. But asked the next day if he felt better having witnessed the horrific scene, he confirmed that he did indeed. Then there is the one about the man who brought his sleeping or anxiety pills to the exhumation (the malady differs depending on who is telling the story). Showing them off to all who would see, he remarked that today was the first day in decades that he did not feel the need to take them. In time, I even began to add my own stories whenever I returned from an exhumation, like the one about the elderly man who had been forced at gunpoint to bury the victims in an unmarked mass grave. When I asked him each morning how he was doing, he answered "bad," until the day we removed the bones from the grave when his answered changed to "good."

I focus on these tales of mostly elderly victims who are rejuvenated through their encounters with the mass grave because of their exemplary character, rather their exceptional nature. Such stories epitomize one particularly important aspect of mass grave exhumations: namely, their ability to rupture the daily habits of individuals and reorient their relationship to the

world they inhabit.

Although the psychological, somatic, and political alterations these persons undergo is more pronounced, the experience of the mass grave as a healing moment or a political awakening is open to all. Regular volunteers and experts insist that they too viscerally experience the mass grave. Late one night after a hard day of excavating, two members of the ARMH's forensic team reflected upon the day's work: "When you are digging, the work occupies you... But later you disconnect... and that is when it really hits you." Sometimes, one said, these feelings are so intense that you just want to start crying. For those who conduct them, maintaining the ability to feel impacted by the exhumation is itself very important. Thus, when a journalist speculated to one anthropologist from the Forum for Memory that, "you must be used to this, but to me, it still shocks," he was met with stiff denials. Similarly, at the very first reburial service I attended, a long-time ARMH volunteer took great pains to emphasize to me that "every reburial still shocks me." This ability to be shocked by the grave is one of the keys to its efficacy.

Nor are these shocks experienced only by those predisposed to receive them. As Spain's most prominent forensic anthropologist, Dr. Francisco Etxeberria explained, "there are people who have doubts about exhumations, but when they come closer they understand what we are doing." Or as one prominent ARMH activist, himself a relative of a victim, put it, once someone sees the exhumation in person: "either they are assholes with political hues, or they get it." According to its proponents, only the most hardened political opponent can resist the compulsions that emerge from properly encountering Franco's victims.

In the preceding chapter, I explored the ways that the memory movement seeks to foster new bonds of identification between the living and the dead on the basis of a shared body, humanity, kinship, and politics. Yet, as the stories above demonstrate, the forensic exhumation is

about more than recognizing formal similarities with Franco's victims. For, in cultivating these commonalities, those who visit mass grave exhumations – be they forensic specialists, relatives of the disappeared, or simply curious passersby – are meant to undergo fundamental changes themselves. For some, this entails a different mode of speaking, for others a political re-orientation, and for still others it manifests more in their affective states.² In this chapter, I explore the nature of these transformations. I argue that what unites the varying reactions to the exhumation is acquiring the capacity to inhabit a particular democratic tradition that includes Franco's victims. As we saw in Chapter 5, in part this is about overcoming the lingering social and political effects of the dictatorship that the memory movement sees as preventing a “normally” functioning political system. But, as these exemplary stories of transformation at the mass grave indicate, these remnants of the old regime are manifest not only in norms of public behavior and political structures; they are also imprinted upon both the bodies and minds of the individuals who lived through the Franco regime, as well as of their children who grew up after the dictator's death. In this context, the forensic exhumation acts as a shock to the system, realigning the subjectivities of those who properly witness the bodies of the defeated.

Before delving into the curative properties of forensic exhumations, however, we must first analyze the particular ailments suffered by the subjects of these stories.

The Exhumation as Therapeutic Intervention

The exemplary stories of dramatic transformation that circulate amongst the activists of the memory movement all begin with a subject who has been wounded by the violence of the Franco regime. The general principle is stated most clearly in the chant of the Platform Against

² In this, the practice of memory at Spanish exhumation had affinities with the Malagasy concept of *mahatsiaro*, which likewise unites discursive, emotional, and embodied dimensions of memory through the practice of forging reciprocal connections, including between the living and the dead, which in the Malagasy case, manifest as ancestors (Cole 2006).

Francoism every Thursday in Madrid's Puerta del Sol, that: "closed graves [are] open wounds" (*fosas cerradas; heridas abiertas*). There is an ironic reversal at play in this chant. Opponents of exhumations frequently accuse the memory movement of "reopening past wounds" that were supposedly dealt with during the transition (e.g. Gonzalez Solano 2011). By contrast, the memory movement insists that, as one grandson put it at the conclusion of his grandfather's exhumation: "you cannot re-open an open wound. Now," that the exhumation had been completed he concluded, "it is closed."

As Hacking explicates, the word trauma originally signified a physical wound and was only adapted to psychic pain by way of analogy in the late-19th Century (1998: 183). In invoking open wounds whose physical manifestation is the un-exhumed mass grave, then, the memory movement implies that they are sites of ongoing and unaddressed traumas.³ This link became explicit when a social psychologist from the Forum for Memory, reporting on her experiences at one exhumation, stated that: "throughout seventy years, they had been in a type of emotional limbo, [in which] suddenly this trauma could return to the head making them relive it," evidence, she concluded, of "a wound from a tremendous trauma." In the exemplary stories with which we began, these afflictions manifest as being stuck at the time of the original violence, terrified of recounting their experiences, and continuing to suffer from a form of arrested development. As one social psychologist and regular volunteer for the ARMH-Madrid explained to a gathering of university students, due to these traumas, many of the victims' relatives "have not been allowed to develop as persons. They have not been allowed to develop their truth. They cannot close this and say that we are in a democracy." Their attempts to come to terms with the past are thus

³ Importantly, the subject of this trauma remains somewhat unclear. The accusation that exhumations reopens old wounds is clearly aimed at a societal level: the transition, they allege, healed the wounded body politics of the bloody divisions left over from the Civil War. In response, the memory movement argues that each grave represents an open wound for the families. In declaring these graves open wounds, then, the memory movement instantiate a productive ambiguity: is it the relatives of the victims who are wounded or Spanish society as a whole?

always short-circuited in childish speech, pills, depression, or a simple inability to coherently narrate their past lives.

These descriptions of wounded relatives unable to lucidly recount their own life history closely parallel early psychoanalytic descriptions of traumatic events. Pierre Janet, one of the founding fathers of modern psychology, distinguishes between normal and traumatic modes of memory. For Janet, the latter “are not encoded like the ordinary memories of adults in a verbal, linear narrative that is assimilated into an ongoing life story” (Herman 1997: 37). His therapeutic interventions therefore aimed to inspire “an inward reaction through the words we address to ourselves through the organization of the recital of the event to others and to ourselves, and through putting this recital in its place as one of the chapters in our personal history” (in Herman 1997: 37).⁴ For Janet as for the historical memory movement, then, trauma is a problem of temporality, an inability to disentangle the present from the harmful influences of past violence.

This emphasis on successfully narrating the self was also the focus of the treatments developed by C.S. Myers and William McDougall in the wake of the First World War. Through hypnosis, the “shell shocked” soldier “could overcome his dissociated, fractured state and accede to a coherent narrative of his past life” (Leys 1994: 627). For them, “what mattered in the hypnotic cure was to enable the traumatized soldier to win a certain knowledge of, or relation to, himself by recovering the memory of the traumatic experience” (Leys 1994: 627). For the founders of modern psychology as for the memory movement, the ability to successfully narrate the past is an essential component of proper subject formation. By contrast, the traumatized individual is the person who cannot situate their own experiences into a broader historical

⁴ Janet’s theories substantially informed subsequent work by Sigmund Freud. Freud argues that many of the “shell shocked” soldiers returning from World War I were: “obliged to *repeat* the repressed material as a contemporary experience instead of, as the physician would prefer to see, *remembering* it as something belonging to the past (Freud 1967: 39). The goal for Freud’s psychoanalytic intervention as for the forensic exhumation is to allow participants to achieve a proper “degree of aloofness” from the traumatic act (Freud 1967: 40).

narrative.

To be sure, relatively few people who lived through the horrors of the Civil War remain alive today. As such, most of the exemplary stories focus on those who grew up in the decade or two following the war. Nonetheless, it is not only war that can cause these shell shock-like symptoms. For instance, addressing Madrid's Republican Workshop, Javier Moreno, President of the Forum for Democratic Memory and grandson of Joaquín Moreno – who was shot and killed at the walls of Madrid's Eastern Cemetery⁵ on the 31 October 1939 – complained that “we have suffered a politics of fear,” preventing a proper memory of the past from developing. Likewise, during one exhumation, a visitor to the mass grave bemoaned the fact that his aunt never told him about her husband, who was murdered for flying a Republican flag at his house. When I asked him why not, he explained: “Out of fear...Francoism did a lot of mental damage.” Consistently, memory activists identify the repressive policies of the Franco dictatorship as the source of these traumas. After all, the experience of war is not limited to bombs and ditches, but extends to growing up without a father, getting bullied for being the child of a “red,” or even being warned about the dangers of talking about the past in the public sphere.

In this context, the forensic exhumation acts as something akin to a therapeutic intervention. As the social psychologist Guillermo Fouce explained at a conference, exhumations “return the possibility of speaking” to victims rendered mute by such acts (see also Fouce Fernández 2008: 90). Through a sudden encounter with the exposed corpse, relatives and acquaintances undergo significant bodily, psychic, and affective alterations, in the process winning the ability to coherently narrate their personal encounters with Francoist violence.

⁵ The Eastern Cemetery, where thousands were executed by fascist forces, has since been renamed “Our Lady of Almudena.”

Although the debilitating effects of the Franco dictatorship are most acutely experienced by the generation who lived through the dictatorship, the memory movement is quick to point out the ways this affects younger generations as well. As a social psychologist from the Forum for Memory put it, there is also a “genetic fear” that is transmitted across generations.⁶ This genetic fear manifests in far subtler ways than that of the older generation, but its effects are no less pernicious.

At its most basic level, the younger generation is affected by a lack of proper education and socialization; their parents’ inability to discuss the past renders their own education incomplete. One particularly slow day at the ARMH-Madrid office, the investigations team coordinator explained that, “the parents shut up. They don’t talk about this... They think that it is not worth talking about or that it will open the wounds of the past, as the rightists say.” As a result, “the young people don’t know” about the past. Exasperated, the intake coordinator responded: “at least they should respect the dead!”

Yet this is not simply a failure to transmit factual information about the past, but also a certain democratic sensibility and moral sensitivity. During one assembly at Madrid’s Friends of UNESCO Club (CAUM), a man in his 50s commented: “If you ask a young person who is fifteen years old what Francoism is, they probably won’t know. They don’t know about the repression, the silence, etcetera.” This was a result of “the sociological Francoism that transmits fear and which has infected the society.” The president of the CAUM agreed: “Spain is the only government in the world which does not pay tribute to its democratic period.” Hence, the politics of fear enacted by the Franco dictatorship manifests not only through the mental traumas of the

⁶ Though rarely framed in genetic terms, a number of psychological studies have suggested that children of Holocaust victims can suffer forms of secondary trauma (eg. Baranowski et al. 1998, cf. van IJzendoorn). More recently, a group of biological psychologists have suggested that the chemical changes that occur in trauma victims can affect gene transmission to their offspring (Yehuda et al. 2015). For the memory movement, however, genetics serves mostly as a metaphor for describing the broader effects of the Franco dictatorship on subject formation.

elderly. While the younger generation does not display the same outward signs as their parents, according to the memory movement, they too suffer from a pernicious form of stunted development. But instead of manifesting in halted speech or medication, memory activists argue that the generation born after the fall of the dictatorship suffers from structural deficits in their capacities to inhabit a democratic tradition.

The mass grave exhumation, then, is not only a psychological intervention, but also a political one. As ARMH President and founder Emilio Silva explained during my first interview with him in 2008, the exhumation acts as “a process of catharsis in the villages”:

If someone shows their hand one day, and it is hit with a pole, it makes them be careful and they don't go outside without first looking if there is a stick, so they keep their hands to themselves. If a group of archaeologists comes and says: “listen, there is no stick here, put out your hand!” And nothing happens, then.... For me this is like a citizen who is born. I have seen citizens being born at seventy years old. They have never been free, including during twenty-five years of democracy, and when they see this, they are.

By witnessing the ways that forensic specialists interact with the dead, Silva argues, the living not only overcome their personal traumas. In addition, they are spiritually reborn as citizens, no longer encumbered by the traumatic fears that prevented autonomous action in the public sphere.

Importantly, it is left ambiguous in Silva's narration whether such healing is limited to the direct relatives of the victims being exhumed or the entire population of the village. Once again, the “protagonists” of the exhumation are exemplary, rather than exceptional. Though their rebirth as citizens may be the most dramatic, the exhumation is potentially a transformative moment for any who, as the ARMH-Madrid social psychologist put it, cannot “close this and say that we are in a democracy.” This applies equally to the great-grandmother who cannot speak with distance as it does to the macho man who cries or the political opponent who learns the value of recovering the disappeared.

The mass grave thus operates simultaneously as a psychological and political intervention, healing the ailments which stand in the way of full democratic citizenship. In order to understand how it does so, we must first gain a better appreciation of how, precisely, the memory movement envisions such democratic subjectivity. And for that, we must begin to explore the memory practices that characterize people's experiences at the mass grave.

Seeing the Bones, Knowing the Grave

In many of the exemplary stories with which we began, the key moment of personal transformation comes through seeing the exposed remains. For the memory movement, the exhumation is an intensely visual medium. At one exhumation, for example, a man expressed hesitancy about seeing the skeletal remains of his father. A social psychologist from the Forum for Memory gently urged him to reconsider: "if you see the remains, you will realize that they are there... They say that this sort of information really helps." By contradistinction, at an ARMH-led exhumation, someone arrived after all of the bones had already been removed but before the end of forensic activities. "You're not going to see anything," another woman told her. "It's just a hole." Simply being on-site was not enough. To effect the sorts of changes coveted by the memory movement, a person must see the bones with their own eyes.

This practice of uncovering and clearly displaying the entire mass grave goes beyond the immediate needs of scientists and photographers. At one ARMH exhumation, three anthropologists –two forensic and one social – who had previously worked on exhumations in Central America joined the Spanish team. At one point during the weeklong intervention, one of the foreign anthropologists turned to me and complained that "there is a lot of fussing about here." Her experience in Guatemala entailed more quickly and efficiently removing human remains in order to proceed with the scientific and legal analysis. By contrast the Spanish team

painstakingly uncovered and cleaned each bone in situ, revealing the entire forensic tableau prior to removing anything. This discrepancy reflects the greater emphasis placed upon onlookers' experiences by Spanish civil society groups, who have no recourse to the law. As ARMH vice-president Marco Antonio González summed up the next day's work at another exhumation: "tomorrow, we are going to teach them [*enseñarles*] about the grave. We have to bring the bones out a bit more first, so that we can show them how they are, because, as is, it is too difficult to understand." This allows visitors to the mass grave to witness the horrific scene and gain first-hand knowledge of it. The efficacy of the exhumation as a psychological, affective, and political intervention is dependent upon the ability of people to properly see the bones of the disappeared.

Witnessing the physical remains exposed at mass grave exhumations offers an important opportunity to educate people who may not know the history of Francoist violence. But the mass grave is more than just a convenient icebreaker for re-narrating the nation's history. Rather, it directly compels the viewer to enter into an affective relationship with their collective past, with implications for ethical action in the present. The connection between seeing the remains and properly remembering those within it comes through particularly clearly in one entry in the visitor's book for an exhumation at Espinosa de los Monteros:

It is impressive [*impresiona*⁷] to see first-hand the exhumation of the cadavers in these graves. It is as if the history of this war were once again present in our lives. All of the stories that our parents, uncles, relatives, have told us since our childhood are revived in the present and make us reflect [*nos hacen reflexionar*] about the hardships of the civil war for these families in our country and more so in our village. Our relatives lived bloody years of death, sacrifices, and [struggling for] necessities that we, reliving it today while seeing this work, should remember and try not to forget so that things like this may never happen again. (underline in original).

First the writer (whose signature is illegible) comes to see the bones. These physical remains quickly come to stand in not just for the people they once were, but also the entire history of the

⁷ Like the English "impress," *impresiona* entails both an affective mark upon the person as well as a physical imprint, such as with printing plates.

hardships wrought by the war and dictatorship, as told to the writer by his parents and grandparents. Ultimately, though, they symbolize not only a history of repression, but also a certain contemporary democratic ethics of memory.

Here, the grave is not simply an inert and arbitrary referent for people, historical narratives, and ethical compartments. Rather, it, or perhaps better yet the persons buried therein, “makes us reflect.” Whether it is the physical bones, the persons they index, or the resurgent stories that forces such meditations is left somewhat ambiguous in this passage. However, the sentence clearly positions the witness as the object, rather than the subject of the sentence. He is not merely reflecting on what he sees. Rather, the exposed corpses make impressions upon him, forcing him to contemplate the injustices of the past and their implications for the present. Beyond its semiotic content, the grave itself has an excessive quality, which compels to action the person who knows how to see it.

While anyone can lay eyes upon the forensic exhumation, properly seeing the mass grave involves learning how to open oneself up to these forces that emanate from it. As Beatriz, put it after one particularly raucous visitor to the grave: “Sometimes people pass by to know it [*conocerlo*] and that is good. But sometimes people pass by just to see bones and that is not.” What does it mean to “know it” rather than “just seeing bones”?

First, “knowing” the mass grave entails more than just learning about the Civil War and Franco dictatorship. When people come to an exhumation, they do not simply come to learn new facts and narratives about the country’s past. In fact, many people who attend these events are already quite knowledgeable about the past and usually favor a narration of that history that is sympathetic to the victims. Rather, encounters with the mass grave are most often discussed in terms of sense experience. Hence, the most response offered by memory activists, relatives of

victims, and passersby alike when asked about their experience witnessing human remains: “when you see the bones, it makes it more real.”

Naturally, the existence of the mass graves was never really in doubt, especially for regular volunteers or for relatives of those buried therein. Rather, as Beatriz stated, people come to the mass grave “in order to know it.” This discourse of knowing the mass grave is even more clear when talking to parents about the reasons they bring their young children to excavations. Whether speaking to a forty-year-old mother in Puebla de Don Rodrigo, a fifty-year-old father in Espinosa de los Monteros, or a couple in Joarilla de las Matas, the answers were remarkably similar: “I want my child to know the history” (“*Quiero que mi hijo/a conoce la historia*”). In understanding exactly what it means to “make it more real,” then, we will have to pay closer attention to the exact words used by people to describe their encounters with exhumations.

Like most Latin languages, Spanish has two words for the English verb “to know.” If the parents intended for their children to learn a series of specific facts – say, about the individuals interred in this grave or about a particular aspect of the Civil War – they likely would have used the verb *saber*. To be sure, there are a good many *saber* questions asked in the course of any exhumation. For instance, the sorts of factually oriented historical pedagogy with children examined in the previous chapter frequently begins by asking them “Do you know [*sabes*] what happened here?”

The parents, however, invariably used the verb *conocer*. *Conocer*, like its French cognate *connaître* or its English etymological cousin “recognition,” often expresses a more intimate familiarity with a subject rather than a factual knowledge of it. The implications of this form of knowledge becomes evident in the following entry in the visitors’ book from Espinosa de los Monteros: “Thank you to Professor Paco Etxeberria for giving us this opportunity. He has helped

us become more aware of the history of our country, of events that we already knew about but were not fully conscious of. They have awakened different feelings in us.” When parents talk of how important it is for their children to know (*conocer*) history, they speak less of teaching them a factual knowledge of the past than of inculcating a proper relationship with it.⁸

In thinking about the connection between seeing exposed human remains and knowing the mass grave, it will be useful to draw upon the lexicon developed by Walter Benjamin. For the memory movement, the proper way of interacting with a mass grave approaches what Benjamin calls an experience of aura. Although the most oft-cited definition of aura derives from Benjamin’s writing on artwork,⁹ for our purposes, it will be more useful to draw upon the description he offers in the essay “On Some Motifs in Baudelaire”:

If we think of the associations which, at home in the *mémoire involontaire*, seek to cluster around an object of perception, and if we call those associations the aura of the object, then the aura attaching to the object of a perception corresponds precisely to the experience [*Erfahrung*] which, in the case of an object use, inscribes itself as long practice (Benjamin 2006: 202).

In the first instance, aura represents a set of memories involuntarily provoked by a given object in those who are capable of properly perceiving it.¹⁰ We can think here about the ways the bones “make us reflect” about the hardships they endured throughout the dictatorship.

As its temporal complexity indicates, the memories conjured through aura are not simply a set of data about an individual’s or collective’s past. Rather, it is a matter of what Benjamin terms long-experience [*Erfahrung*], which “is the product less of facts firmly anchored in

⁸ Such relationship-building with the dead is not only accomplished by those who lack knowledge about the past. The exhumation can also be a space in which relatives of the disappeared strengthen the bonds with their kin. For example, during the exhumation of her grandfather in Villanueva de Valdueza, Adriana Fernandez recorded so much new information that she declared: “I came to know my grandfather here.”

⁹ In the Artwork Essay, Benjamin famously defines aura as “the unique apparition of distance, however near it may be” (2008: 23).

¹⁰ *Mémoire involontaire* is a reference to Proust’s *In Search of Lost Times*. In that work, he describes involuntary memory as a string of associations, triggered by a seemingly mundane sensation, such as the eating of a tea-soaked-cake (Proust 2013; see also Benjamin 1969: 210-215).

memory [*Erinnerung*] than of accumulated and frequently unconscious data that flow together in memory [*Gedächtnis*]" (Benjamin 2006: 172). We see a similar contrast elaborated in parents' distinction between a mode of learning facts about the past (*saber*) versus an embodied and intimate form of knowing (*conocer*). Put in a somewhat less psychoanalytic register, we can say that auratic experiences are central to processes of subject formation.¹¹

This reading of aura as being about subject formation finds additional evidence in Benjamin's citation of ritual as its originary force. For Benjamin, even the "*work of art always has its basis in ritual*" (Benjamin 2008: 24, italics in original). This is so because, at its base, "beauty is an appeal to join those who admired it in an earlier generation" (Benjamin 2008: 286n63).¹² In admiring the work of art or utilizing a ritual object the viewer situates herself in an identifiable tradition. Similarly, for the historical memory movement, beholding a mass grave ought to begin a chain of associations. While these memories must include the history of Franco's repression, it goes beyond the factual to encompass an appreciation for the democratic tradition shared with the persons in the grave.

In so doing, Benjamin argues, the viewer is forced to reconsider their own subjectivity: "Experience of the aura thus arises from the fact that a response characteristic of human relationships is transposed to the relationship between humans and inanimate or natural objects... To experience the aura of an object we look at means to invest it with the ability to

¹¹ Here, it is important to note that for Benjamin, these processes of subject formation necessarily occur beyond the threshold of conscious memory. It is the direct influence of auratic experience upon the formation of our subconscious that forms us as particular subjects (Benjamin 2006: 175-176).

¹² Like the mass grave, the materiality of the object in question is here key to its efficacy. We can see this in Benjamin's discussion of the paradigmatic auratic object, the work of art, which is characterized by its: "unique existence in a particular place... that bears the mark of the history to which the work has been subjected" (Benjamin 2008: 21). This embodied history is both a matter of the artwork's "physical structure" which "can be detected only by chemical or physical analysis" as well as its "changes in ownership" which "are part of a tradition which can be traced only from the standpoint of the original" (Benjamin 2008: 21). This description of the work of art has strong affinities with the analysis of the scientific treatment of human remains that I developed in Chapter 4. There, I showed how forensic scientists produce compelling facts by combining the physical and chemical residue of violence detectable in the mass grave with the narrative biographies of the deceased, located in chains of memory that manifest as testimony.

look back at us” (2006: 204).¹³ It is through the object of our gaze that we ultimately come to know something about ourselves. Similarly, we have seen how the persons buried in mass graves “make us reflect,” setting off a chain of memories that encompass both the history of Franco’s repression as well as our ongoing ethical obligations to the dead. As Sontag points out, the type of remembering envisioned here is not only about recalling past events: “Benjamin regards everything he chooses to recall in his past as prophetic of the future, because the work of memory...collapses time” (2013: 115). As in Benjamin’s autobiographical works, those who see the mass grave quickly slip from the past experiences of their forefathers to the ethics of democratic memory which presages a better future to come.

The mass grave thus acts not only as a psychological intervention which heals traumatized minds, but also as a sort of subjective training, which resituates those who learn to see it within Spain’s democratic traditions. Over the course of the exhumation, people learn to see and remember the disappeared in something akin to the way Benjamin describes auratic experiences. Yet the means by which they become capable of long-experience is markedly different from what Benjamin’s writings would lead us to expect.

Shock and Awe

The efficacy of the exhumation as a psychological, affective, and political intervention is clearly dependent upon the ability of people to see the bones of the disappeared. Yet this encounter is not just experienced through the eyes. In listening to people’s descriptions of their own encounters with mass graves, the language of physical sensation dominates. For instance, one middle-aged woman described her first time apprehending ossified human remains by telling

¹³ For Benjamin, the auratic object has the ability to recognize the viewer, in the Hegelian sense of providing a “certainty of self” (see Taylor 1975: 136-137). When it comes to the mass grave exhumation, then, it would then be the deceased who provide this self-certainty for the living, reaffirming and reconstituting their self-understanding of what it means to be a human situated in a particular time and place.

me that, “it is good to see it and to touch it and to feel that it is a reality.” Of course, the forensic team did not permit this unaffiliated passerby to come into physical contact with delicate human remains; doing so would compromise the scientific process and profane the grave. Despite this, her experience could only be characterized as a physical experience.

As this indicates, encounters with the grave are as much somatic experiences as they are cognitive or ocular. Hence, in attempting to explain how they feel, people often invoke two common phrases: *nos quedamos impactado* and *me emociona mucho*. Both the verb *impactar* and the noun *emoción* carry subtle connotations that translate uneasily into English. Thus, *me emociona* could be translated literally as: “it made me emotional.” However, as Labanyi highlights: “the Spanish ‘emoción’ comes closer to what is meant by ‘affect’ in its restricted English sense, since ‘emoción’ designates ‘excitement’; that is, a strong response to a stimulus” (2011: 224). Similarly, while the former phrase is most elegantly translated as “it affected it us greatly,” a more literal translation would be “it greatly impacted us” or even “it collided with us.” Both phrases, then, denote a certain physical confrontation provoked by beholding the forensic scene.

These physical experiences are essential to the transformations people undergo. Hence, one victim’s relative and regular volunteer on the ARMH forensic team explained: “There is something about exhumations. Whenever someone asks me about the subject of historical memory and they don’t understand and all that, I always tell them to visit a mass grave. I believe that the mass grave opens a pathway towards justice.” “Because it is just so obvious?” I asked. “Yes. It is a physical opening and, I believe, also a spiritual liberation.” Here, the viewer’s ability to not only see, but also feel the mass grave provokes precisely the sorts of psychological and subjective changes that I have been tracing throughout this chapter.

Lest one think that such language is actually just a metaphorical rendering of a purely mental experience or a local rhetorical flourish, we should note the frequency with which foreign observers of exhumations are jolted upon seeing the ways relatives of victims react to mass graves. For example, the prominent documentary filmmaker Gunther Schwaiger (2005) describes the moment he decided to start making his film *Santa Cruz, por ejemplo* (Santa Cruz, for example), in which an exhumation in the eponymous town comes to metonymically stand in for the broader phenomenon of Franco's repression: In 2003, he came to Spain without any intention of making a film. On a whim, he was invited to attend an exhumation that was happening in the region of Burgos. What they saw, he recalled at a 2011 screening of his film, "impacted us greatly" (*nos impactó mucho*). After seeing the faces of the relatives light up when the first bones appeared, they knew they had to make a documentary. Here, Schwaiger was awed not only by the sight of human remains, but also through the effects on those bodies as mediated by their living kin.

My own experiences closely mirrored that of Schwaiger's. At one of the first exhumations I participated in, I became deeply enthralled with one person whose father had been exhumed at a different intervention a year prior. Although several people – including family members, local activists, and those of us on the social team – attempted to engage him in conversation, his answers remained curt. He simply stood every day from morning to evening with his hand to his mouth, staring silently at the slow, ongoing excavation, occasionally commenting on how "there are hundreds of these" in this region alone. For this man, the encounter with the mass grave exhumation was not simply a visual or mental one: it was a bodily experience. And through his mediation of the victims, I was also able to not only believe in the importance of these interventions, but also start to know it on a visceral level.

As we have seen in both this and the previous chapter, properly seeing the grave is a reciprocal process: in coming to know the dead, the living are forced to rethink their own bodily, historical, and political positions as well. This can be a powerful and even disturbing experience; the grave “shocks” the viewer, “hits you,” and “impresses” upon them.

In attempting to describe this physical experience of a transformational shock, it will be useful to once again draw upon the lexicon developed by Benjamin. For in Benjamin’s theory, we can find a productive way of not only describing the debilitating effects of the Franco dictatorship upon contemporary Spanish citizens, but also a language for analyzing why and how the mass grave can address these ailments.

The notion of shock at play in Benjamin’s work, much like the one proffered by the memory movement, assumes a wounded psychoanalytic subject. Thus, Benjamin positively quotes Freud’s characterization of the individual psyche in *Beyond the Pleasure Principle* as a “protective shield” that safeguards the individual “against the effects of the excessive energies at work in the external world,” before adding: “The threat posed by these energies is the threat of shocks” (Benjamin 2006: 176). Capitalist modernity, for Benjamin, is characterized by an onslaught of such shocks ranging from the factory floor to dealing with traffic and from the striking of a match to the photograph (Benjamin 2006: 278, 190-191; see also Buck-Morss 1992: 17).¹⁴ Faced with an exponential increase in shocks that accompany capitalist modernity, the human sensorium prudently closes itself to the world: “The greater the shock factor in particular impressions, the more vigilant consciousness has to be in screening stimuli” (Benjamin 2006: 178).

¹⁴ These diverse activities each represent the replacement of traditional knowledge with “a single abrupt movement of the hand.” (Benjamin 2006: 190). While the abrupt hand movements do not have an obvious counterpart in the Spanish case, as we saw in Chapter 3, memory activists critique the post-Franco state’s neglect of Spain’s longer democratic tradition.

Despite their increased capacity for screening shock, both Benjamin and the memory movement identify groups of people no longer capable of fully participating in their communal life. Hence, Benjamin continues, “the more efficiently it does so, the less these impressions enter long-experience [*Erfahrung*] and the more they correspond to the concept of isolated experience [*Erlebnis*]” (Benjamin 2006: 178). Whereas sense experience once led to the buildup of the unconscious involuntary memory chains, now it is only capable of producing what Benjamin calls “isolated experience” [*Erlebnitz*]. The human is still capable of consciously recording the past – indeed, photography provides a compelling technological medium for extending voluntary memory (Benjamin 2006: 202) – but these remembrances are no longer capable of situating the self within the a rich tradition that allowed individuals to know themselves. Similarly, as the social psychologist from the ARMH-Madrid argued, although those affected by Francoist violence might be capable of recalling events that occurred since the disappearance of their relatives, “they have not been allowed to develop as persons.” Beyond simply affecting their personal development, the victims of the Franco regime cannot build up the long-experience needed to act as coherent political subjects: “They cannot close this and say that we are in a democracy.”

The result, according to Benjamin, is a “crisis in perception itself” (Benjamin 2006: 203). For Benjamin, “technology has subjected the human sensorium to a complex training” (Benjamin 2006: 191, 201). Human beings – or at the very least the industrial masses at the forefront of this tidal wave of shock – no longer see the way they used to. Whereas once the viewer could reflect upon the self and one’s situation in a given tradition by beholding a beautiful painting, now, the link between memory and sight has been severed, leaving the individual isolated. The memory movement sees such debilitating forces as emanating more

from the unchecked legacy of the Franco dictatorship than from new technologies. Yet, they too see a worrying impoverishment of the senses, exemplified by those who merely “see bones” rather than “knowing the mass grave.”

If left unchecked, Benjamin argues, these forces can even result in “dangerous tensions...tendencies which at critical stages take on a psychotic character” (Benjamin 2008: 38). Though the historical memory movement would never adopt such a stigmatizing language to diagnose those with whom they work, they too conceive of themselves as interacting with people whose ability to cope with the world has not only been ruptured by the violence of the Franco dictatorship, but who continue to suffer under the putatively democratic state that refuses to address ongoing injustices embodied in mass graves.

However, shock is not only the means by which modern humans lost their ability to fully experience the world. In true dialectical fashion, Benjamin argues that it also holds the potential to liberate people from their bonds. As Huyssen points out, Benjamin “saw shock as essential to disrupting the frozen patterns of sensory perception, not only those of rational discourse. They held that this disruption is a prerequisite for any revolutionary reorganization of everyday life” (Huyssen 1986: 14).

Just as shock conditioned the senses in ways that made long-experience impossible, film, in which “the perception conditioned by shock [*chockförmige Wahrnehmung*] was established as the formal principle,” could serve to retrain the senses (Benjamin 2006: 191).¹⁵ Importantly, this training is not simply a matter of sight, but also of feeling: “For the tasks which face the human

¹⁵ One way in which this retraining of the senses occurs is through the revelation of the “optical unconscious,” those hidden details of space and action that reveal information about our everyday lives: “film furthers insight into the necessities governing our lives by its use of close-ups, by its accentuation of hidden details in familiar objects, and by its exploration of commonplace milieu through the ingenious guidance of the camera” (Benjamin 2008: 37). Similarly, we find attempts at the mass grave exhumation to illustrate the remains in such a way so as to reveal their hidden contours as well as campaigns calling attention to those urban streets and monuments that conceal the legacy of the dictatorship in plain sight.

apparatus of perception at historical turning points cannot be performed solely by optical means—that is, by way of contemplation. They are mastered gradually—taking their cue from tactile reception—through habit” (Benjamin 2008: 40). Film, according to Benjamin, produces precisely this “physical shock effect” (Benjamin 2008: 39). As such, it is capable of producing the sorts of changes in the *habiti* of its viewers that are needed for revolutionary action. Like Asad’s analysis of ritual (Ch. 5), Benjamin’s film overlays new memories directly upon the bodies of participants, instilling in them new capacities for action.

The description of shock offered by Benjamin strongly resembles the reported experiences of those who properly encounter the mass grave. They too experience the grave as both the object of sight and of physical sensation. Like the urban proletariat watching the film, the exhumation is also capable of augmenting the viewer’s capacities, providing them with new abilities to speak, think, and feel about the past and act in the present. Yet the outcome of such shocking encounters with Franco’s victims remains distinct. For while the goal of creating democratic citizens capable of experiencing aura may indeed be revolutionary, it is certainly not so in the sense Benjamin imagined the term. After all, the memory movement’s goal is not to transcend modernity, so much as to achieve it.

A Shockingly Auratic Experience

Here, however, we encounter a problem. For within Benjamin’s theories, shock is supposed to destroy the capacity for aura. It cannot produce it (Hansen 1987: 183). To wit, under conditions of capitalist modernity aura is an increasingly rare experience.¹⁶ For Benjamin, it was

¹⁶ Rare, but not altogether gone. We see something akin to an auratic moment when Benjamin describes the process of unpacking his library. As Benjamin takes out his books, he experiences “a spring tide of memories which surges towards the collector as he contemplates his possessions” (1969: 60). These memories include both the intrinsic qualities of the object and the past it indexes: “[T]he period, the region, the craftsmanship, the former ownership” (2007: 60). Here, something like an auratic experience is attained through a combination of personal relationship with the object, the object’s material qualities, and the acquired knowledge about the object’s history.

precisely the abandoning of ritual, tradition, and memory that made the urban masses capable of revolution in the first place: “they long for a world in which they can make such pure and decided use of their [experiential] poverty...that it will lead to something respectable” (Benjamin 2005: 734). With the withering of aura, the tradition of all dead generations no longer weighed upon them like a nightmare on the brains of the living (Marx 1994).

However, the memory movement is not trying to eliminate the influence of past generations upon the living. To the contrary, the forensic exhumation is designed precisely to restore the possibility that the dead *can* weigh upon the brains and bodies of the living, not as a nightmare but as productive collaboration towards a shared political project. In this sense, the exhumation is more than just a convenient method for healing personal and national psychic traumas by narrating the past. It is a method for transforming both living and dead subjects into the sorts of actors who will be able to throw the post-Franco system of oblivion into upheaval and produce a future political community that is truly democratic.

There is nothing inherent to Benjamin’s theory of shock that necessarily produces either expected future.¹⁷ Shock is a medium of change rather than a determinant of its outcome. The historical memory movement, however, does not share Benjamin’s revolutionary horizon of expectation. The movement and the people it serves yearn not for a politics based upon the abandonment of memory but for one based on its individual and collective recuperation. Like Benjamin, the historical memory movement sees in shock the ability to retrain a damaged human sensorium, psyche, and politics. But for the latter, such retraining is aimed more at restoring the liberal-democratic subject than transcending it.

¹⁷ Indeed, as Comaroff and Comaroff point out in their study of ethno-commodities, the mixing of aura and shock is an ever-more common feature of an era where authenticity is increasingly established through the commodification of ethnic identities (2009: 26-27; see also Cattelino 2008).

Conclusion

In this chapter, I have focused on the experiences of individuals who are dramatically transformed in their encounters with mass graves. First, I looked at the subjects who undergo such transformations. The memory movement frequently describes these people as being deeply traumatized by the Franco dictatorship. Yet, I argued that this wounded state must be understood as more than just a psychic wound. Instead, I approached both phenomena like halted speech or medication as well as more subtle forms of arrested development, as material, social, and political problems. The common goal of these interventions, I argued, was to produce a subject that could inhabit Spain's democratic traditions. Understanding the power of the exhumation as a psychological and political intervention required attending closely to the way people described their encounters with the mass grave as one of physical sensation. Like Benjamin's concept of shock, the mass grave can re-train the senses, in the process enabling those who viewed it to challenge the existing political order. The nature of such changes, however, differ significantly from those described by Benjamin. For rather than throwing off the reigns of capitalist modernity, the shocks of the exhumation enable people to inhabit a liberal-democratic ethos. In part, this is a matter of learning the history of the Spanish Civil War and Franco dictatorship. Yet, more importantly, this is about teaching a method of relating to Franco's victims and remembering not only them, but also oneself, within a shared tradition.

In examining the curative potentials of Spanish forensic exhumations, I have by necessity focused on the ways forensic exhumations affect individuals. Yet, they are not the only – perhaps not even the primary – target of these interventions. As we have seen over and over again, memory activists are attempting to transform not only individual citizens, but also a fraught

democratic system. And their plans are more ambitious than a piecemeal healing of the residual traumas that manifest differently in each individual.

In fact, within the memory movement there is the occasional objection to applying the term “trauma” to victims of Francoist violence. For instance, one group of social psychologists, led by Psychologists Without Borders-Madrid President Guillermo Fouce, objects to the pathologizing implications of the label. As he argued at one conference “The individual is not sick. What is sick is the situation that they had to live through. And the people had very normal responses to abnormal situations. Therefore, what we have to question are the situations and what we have to diagnose as sick are the situations” (2011). Fouce prefers to think of those who experienced Francoist violence as “resistors” (*resistentes*) to oppressive forces.¹⁸ That is to say, in response to the massive and ongoing onslaught of physical and psychic violence, victims’ relatives developed greater defenses than most.

I bring up these occasional objections not to question the applicability or stigmatizing effects of applying the concept of trauma to Spanish survivors of Francoist violence.¹⁹ Rather, my interest lies in the ways that such critiques shift the focus of the mass grave exhumation *qua* psychoanalytic intervention from the internal mental processes of victim-patients to the socio-political contexts in which such people live. To be an effective therapeutic intervention, the exhumation must heal not only the individual victim of violence but also what Fouce indicates is the pathological and wounded society that produced them. What such nuancing of the term trauma highlights, then, is the memory movement’s conception of these wounded individuals as

¹⁸ This language of the victims as resisters extends to those who conceptualize the victims as traumatized as well. Thus, the social psychologist from the Forum for Memory quoted above noted that the relatives of those exhumed “are victims because they have suffered an enormous trauma, but the group of relatives in [the town] that we encountered have a much greater level of resilience than the average person...They are not victims. They are survivors.”

¹⁹ At one point, during a heated argument over his insistence that the “resisters” of Francoism not be unduly stigmatized, I even heard Guillermo Fouce admit that, in a limited technical sense, they were indeed traumatized.

a problem not only of individual patient-clients, but also for the entire political community.

In the final ethnographic chapter, then, we will have to account for the ways in which Spanish memory activists seek to create an alternative democratic counterpublic, one capable of healing not only individuals, but also the society that produced them. As with the individuals transformations examined in this and the previous chapter, this will require attending to the ways living and dead citizens join together to augment each other's capacities.

Chapter 8. Rebuilding a Democratic Public Sphere: The Role of the Dead in post-Franco Politics

In August of 2011, I attended the exhumation of Severiano Clemente González, conducted by the Forum for Memory in the town of La Toba, Guadalajara. Unique amongst the historical memory movement, the Forum for Memory holds a “first tribute” to the deceased in the open grave, immediately following the removal of the bones. The ceremony consists of a series of brief speeches, the playing of Republican ballads, and the laying of tricolor wreaths in the recently vacated pit.

As the grandson of Mr. González took the microphone, the scene unfolded along familiar lines. He recounted his experiences working with the Forum for Memory over the previous three years to realize the exhumation, as well as his joy at finally finding the remains of his grandfather. The exhumation, he noted, opened the possibility: “for my daughters to have knowledge of who my grandfather was, of what happened to him, since my generation and the preceding one were not so fortunate, because of the manipulated education we received.” He continued: “I want there to be reparation and recognition. Because in this, as in the majority of other cases, they [the disappeared] were not thieves, nor were they murderers, or anything [like that]. You,” he said, directly addressing his now exhumed grandfather, “were simply a baker who started to do good.” Overcome with emotion, the grandson stopped mid sentence, attempting to compose himself, as tears welled up in his eyes. As he paused to collect himself, the activists of the Forum for Memory shouted “Bravo!” and started loudly applauding. Those from the village soon joined in. As the grandson regained his composure, he concluded by asking the gathered to “briefly give applause to my grandfather, my father, my uncles, and to all of the colleagues from the Forum who, I am sure, and I am not mistaken, would have given their lives

in 1936 for my grandfather and for other wretched [*miserable*] people... You are an example for this country!”

Next to speak was José María Pedreño, President of the Forum for Memory, who would expand upon the same themes. Mr. Pedreño recounted the difficulty the organization had in locating this unmarked grave. Oral testimonies placed the interment somewhere in a large open field. But in the ensuing seventy years, all of the landmarks that people used to describe the site had been erased, as smaller fields were consolidated, dividing walls torn down, and dirt roads faded away. As a result, finding the grave took quite some time.

Mr. Pedreño, however, offered an alternative explanation for the delays:

At first we did not put up any flag that represented his ideas, and I think that he was saying “Let’s see if these people above me are the people who killed me, trying now to kill me once again.” As soon as we put up the tricolor banner [the flag of the Second Republic], I believe that Severiano must have said, “these are my people that have come to find me and I am going with them.”

Mr. Pedreño here attributes the difficulty in finding the remains not to the imprecision of testimonial and documentary evidence; nor to the inherent challenges of trying to locate an unmarked grave seventy years after the interment; nor even to the technological and financial limitations of civil society exhumations, conducted with hardly any state backing. Rather, he describes the challenge first and foremost as a crucible designed by the dead for the living. Mr. González wished to test the resolve and the political orientation of those searching for him. Only after he was satisfied, did the dead actively decide, albeit with some help from forensic scientists, to leave his grave and join his comrades.

Mr. Pedreño concluded his eulogy with a poignant reflection on what it means to listen to the dead. Recounting two of Mr González’s Republican neighbours whose fate remains unknown, the president of the Forum for Memory declared: “surely, if they were alive...they

would be here today with us and they would shout ‘long live the Republic!’” The gathered joined the dead, shouting in unison: “*¡viva la República!*”

Over the preceding two chapters, we saw that those who witness mass grave exhumations and learn to properly see the dead undergo at times dramatic subjective changes. In the process, I also discussed the ways that forensic exhumations potentially heal the living – whether they are suffering from psychological, affective, or political maladies – allowing them to inhabit a more robust democratic form of citizenship. Yet, as I hinted in Chapter 5, the forensic exhumation is not only about transforming Spain one person at a time. Ultimately, it is a method for overcoming the legacy of the Franco regime and building a renewed democratic public sphere. Having covered in the preceding chapters the changes both living and dead persons undergo over the course of the forensic intervention, in this chapter, I examine the ways these newly re-formed animate and exanimate persons come together, in order to forge an alternative democratic public sphere.

Already in the first tribute to Mr. González, we see three distinct ways of forging the type of public that includes both living and dead citizens. First, we have the emotional breakdown of a grandson and the corresponding gestures of encouragement from the audience. As we shall see in greater detail below, moments such as this are not only expressions of empathy for the suffering they perform. In addition, by learning to listen to the gaps and breakdown, audiences open themselves up to the pathos and ideals of the deceased through participation in a mourning public. Second, the eulogy for Mr. González features two distinct attempts to bridge space and time, extending our imaginations to envision a common guide to action. In the case of Mr. González’s grandson, this is accomplished by discussing how the memory activists of today would react had they lived through the Civil War. In Mr. Pedreño’s speech, the living think

about how the dead would react and then emulate the deceaseds' ethical example. Finally, in Mr. Pedreño's framing of the dead as actively choosing to go with the living, we see the disappeared emerge as semi-autonomous actors, demanding recognition from their audiences and at times appealing for broad political actions from other citizens.

We will examine each of these ways of connecting to the dead in turn.

Building an Emotional Counterpublic

Two weeks after coming back from an exhumation in northern Burgos, the head of the social team and I went to interview Eleanor¹ in her Madrid apartment. Due to her advanced age, she had been unable to attend the exhumation of her grandmother a fortnight earlier, but still wished to have her memories recorded and archived.² Although Eleanor had been too young to remember much about her grandmother, she was still able to provide a unique perspective on the early Franco days. During the years after the war, "There were no men because they were all part of the moral Republic, and afterwards, when the war was lost, they were all in prison." A young child at the time, "my first remembrances were of seeing the women in the kitchen talking and writing letters to those who were in the prisons," approximately 900 kilometers away in Puerto Santa María, Andalusia. She recounted visiting her father and uncles, local schoolteachers who were "arrested for teaching people in the village to read"³ and "for reading leftist newspapers."

¹ Pseudonym

² The vast majority of those who were killed by the Franco dictatorship were men. This reflects both the gender disparities in public life that remained under the Second Republic, despite their efforts to extend legal rights to women, as well as the fascist gendered politics that motivated the military uprising. Because the type of repression women faced was generally less visible – or at least left fewer documentary and forensic traces – the memory movement often struggles to highlight it. As a result, exhumations in which one of the recovered bodies is female frequently receive great attention from both memory activists and the broader public.

³ Under the Second Republic, childhood education was removed from the control of the Catholic Church as part of a policy to provide obligatory secular education to all children, free of charge. As a result, Republican schoolteachers were disproportionately targeted by Franco's repression. Eleanor emphasized in this interview that the new fascist mayor of her town clandestinely sent his children to her father to learn how to read, since the fascist education system that succeeded her father failed to properly teach literacy.

At the time, she didn't fully understand what was happening, since, as a young child, "at home, we never talked about these stories." At first, she explained, "us little children didn't have the feeling of being – as they say in the village – the defeated." As the war dragged on, however, her family was forced to house Italian and German troops, sent by Hitler and Mussolini to aid in the Spanish military uprising. The presence of these unwanted guests, she firmly believes, resulted in the death of her beloved family dog, who "no longer had the feeling he could protect the house." Combined with the taunts that she began to understand as she grew up attending fascist schools, "it gave me the feeling that, that my father was one of the guilty ones," leaving her with a tremendous "feeling of tragedy."

Despite the great repression, she emphasized, her home was never completely depoliticized. Especially "after the war in '45, it gave them the feeling that not all was lost." Following his release from prison, her father, banned by the fascists state from resuming his profession as a schoolteacher, was forced to leave the village in search of employment. Despite this, following the Allied victory in World War II, he became convinced that Franco too would inevitably fall. It was only a matter of time. Nonetheless, she recounted, the most important lesson her father taught her was to "not be violent...to control the violent tendencies... You have to defend yourself, but with arguments, using reason." Now, all she wanted was to recover the bones of her grandmother, give her a proper burial next to her grandfather, and allow her family history to become more widely known.

At first glance, this interview appears to exemplify precisely the sort of testimony that an exhumation is meant to unearth. Eleanor provided exactly the kind of detailed narrative that neither the fascist state archive nor the analysis of human remains is capable of yielding (see Ch. 4). From the recounting of how women would resist Francoist repression by transmitting

potentially dangerous information in the domestic arena, to her assessment of how she internalized the shame of being a “child of the defeated,” and including a rare glimpse into the ways at least one Spanish Republican understood the events of World War II, Eleanor’s portrayal of her growing up under the early dictatorship was one of the most detailed accounts I heard during my entire field research. Afterwards, I described the afternoon in my field notes as, “one of the most interesting interviews I’ve done so far.”

To my surprise, however, the head of the social team did not share these feelings. In fact, she appeared somewhat disappointed in Eleanor’s presentation. “It’s unusual to find someone so calm and optimistic,” she commented. Eleanor responded that she was able to relate the events so serenely because of her “family atmosphere,” as well the fact that she had left the town after completing grade school. In her small native village, she explicated, “the situation is more closed off. They are still harassing them.” As Eleanor’s son walked us down after the interview, the head of the social team continued to marvel that his mother had been “so calm and clear.” Others are “more emotional. She is more reflexive. It’s curious,” she remarked, with a distinct note of disappointment. Her son chalked it up to his mother’s career as a teacher, where she had to put complex ideas into easily relatable stories.

This yearning for emotional renditions of past crimes and demonstrations of ongoing suffering is a pronounced feature of the memory movement. In part, this is due to the conviction that individuals ought naturally to have highly emotional reactions to mass grave exhumations. In fact, one of the few times I witnessed a memory activist get angry with a visitor to the mass grave occurred when the latter instructed his friend not to cry. The person in question had been worried that his friend, who had been forced at gunpoint to bury the bodies we were exhuming, would become too hysterical to relate to us the crucial details of the events. The forensic team,

however, was more concerned with the man's psychological wellbeing. He is a "protagonist of history," Óscar Rodríguez remarked. He has "been made to keep these things inside for so many years" The forensic exhumation thus represented an opportunity for him to let out these emotions and begin the process of healing.

But the interest in emotional testimonies goes beyond providing space for victims to express their pain. At forensic exhumations and public events alike, the memory movement at times places great pressure upon individuals to produce highly emotive testimonies on camera. Late in my fieldwork, I met up with another American anthropologist, who had returned from participating in her first forensic exhumation. Hesitantly, she asked me if I was uncomfortable with the high-coercive tactics that members of the social team placed on victims to emote before the camera. I reminded her that in all of my follow-up research, I never met a person who expressed regret at providing testimony.

Nonetheless, the conversation took me back to my own initial reservations how persistent some activist could be. During the very first exhumation in which I actively participated, the leader of the social team dogged one relative with a recorder for days on end, constantly reminding him of the importance of testifying. Although the man had been the one to first contact the ARANZADI Scientific Society, and had subsequently worked first to gather historical information and then to locate the other families of the victims, at the exhumation itself he was reluctant to speak on camera. Privately, the head of the social team explained to me that it was not only a matter of recording his remembrances, but also of doing it in the right environment: you have to interview him "one on one," she informed me, rather than with his childhood friend who had accompanied him throughout the excavation, "because if not, he won't cry."

The rest of the social team followed suit. As another member of the social team and I sat down to interview the granddaughter of one victim, my more experienced colleague instructed her that “emotions are very important.” The prompting was successful and soon enough the granddaughter broke down in tears, as she recounted to us the pain of losing multiple relatives during the war. In stark contrast to the interview with Eleanor, this recording instantly grabbed the attention of the memory activists on hand. One of the forensic team’s leaders approached me to request that the video of the interview be played that evening, for all of the volunteers to see. This despite the fact that the interviewee could produce little data about her grandfather, since “my parents didn’t tell us anything.” But the highly emotive testimony ensured that it would circulate widely amongst the memory movement.

Such emphases on producing affective (and affecting) accounts extends beyond the testimonies taped at the side of graves. At a conference on women’s experiences of Francoist violence, a few women from the Relatives of Disappeared Republicans Association explained to the conference organizer their presentation plan: “we’d like to present the [case of] Poyales de Hoyo, first the burial and then the destruction of the tomb with bones [scattered] every which way.”⁴ The organizer answered that this was “good, but I also want you to talk about how it affects you, not just about what happened.” For the conference organizer as for the memory movement more generally, the emotional content of the speech was valued at least as much as its referential content.

⁴ In the summer and fall of 2011, the case of Poyales de Hoyo drew widespread media attention. In 2002, three women were buried in the cemetery, following an exhumation in the nearby village of Candeleda. They were later joined by seven additional persons in 2010, following a second exhumation in the same locale. In June 2011, the conservative mayor of the town ordered the exhumation of one of the ten persons buried in the tomb, at the request of one victim’s granddaughter, who could not be located at the time of the original exhumation. In the process, of exhuming the one body, the monument marking their burial spot and remembering them for “defending the values of justice, liberty, and democracy” was destroyed. The remaining nine bodies were subsequently transferred to the cemetery’s common grave, in what was widely interpreted as yet another act of violence against the recovered Republicans. See Ferrándiz 2013a.

The impassioned testimonies that result from these requests are frequently gripping, demanding the rapt attention of a sympathetic audience. Yet they are not valued simple for their ability to enhance otherwise well-constituted historical narratives. To appreciate the memory movement's emphasis on producing these emotive accounts, we have to explore their performative dimensions.

Emotive Testimonies and the Hailing a Community of Feeling

Emotional testimonies have the power to circulate well beyond the activists who comprise the historical memory movement. The case of Hilda Farfante Gayo is instructive. Hilda is the daughter of Balbina Gayo Gutierrez and Ceferino Farfante Rodriguez, both schoolteachers who were murdered between the 10th and 12th of September near the town of Cangas de Narcea, Asturias. Though she was a regular participant in the Platform Against Francoism from its inception, Hilda had great difficulty talking about her parents in public. After repeated requests from the group's organizers, she tried to read her poem, "The Scream," on several occasions, but inevitably broke down in tears after only a few verses. At each public recitation, a friend would have to finish the poem. When the Platform Against Francoism asked her to speak at a major assembly, she complained to me: "they couldn't find someone who is calmer? Every time I speak about them, I cry. Everybody knows this." But after repeated requests from the group's leaders, she relented and agreed to participate. Just as she had predicted, on stage in the large auditorium, after a few short verses Hilda was once again overcome with tears. As with Mr. González's grandson in La Toba, here too, Hilda's visible emotional breakdown drew a long applause from the audience. And eventually, it also garnered her family history the attention it deserved. She was asked to recite her poem more and more frequently and, following several media accounts, her story was later incorporated into the documentary, *The Teachers of the Republic* (Solano

2013). The film's trailer relays the projects goals: "From here, we want to recover their memory, because their educational and ideological legacy illustrates the path that we travel on today."

Three things stand out in considering the way Hilda's emotive performances call into being an increasingly large community around. First, like the victims' relatives at the exhumation, she too came under tremendous pressure to testify. Initially, Hilda felt unable to convey the story of her parents in the calm way that would facilitate transmission of their experiences to an attentive and sympathetic audience. Ironically, though, it was precisely her inability to produce this coherent narrative that made her such an in-demand speaker. As with the testimonies recorded at exhumations described above, here too it is the emotional breakdown which ensures that a testimony will circulate within the public sphere, rather than its content.

Second, we begin to see the ways others are able to interact with these narratives. Paralleling the "first tribute" in La Toba, here too upon seeing Hilda break down in tears, the crowd broke out into loud applause. In so doing, they are able to do more than just provide support for a woman in obvious pain. Instead, we see the first steps in the formation of a public organized not, as the classic liberal public sphere would have it (e.g. Habermas 1991), around rational debate, so much as around a community of feeling (Tambar 2011; Durkheim 1997). The public is here defined in part by those who are capable of empathizing with Hilda and, through her pain, recognize the wrongs committed by the Franco regime against her parents and the thousands like them.

In such events, clapping acts as something of a hail, interpolating those who participate into a community oriented around their mutual respect for the dead. Thus, at one reburial ceremony, ARMH vice-president of Santiago Macias instructed those of us carrying coffins to begin a loud round of applause as soon as we laid the boxes on the table at the front of the

municipal hall. The audience took up the social cue, joining in clapping for the dead. At other times, this organization of a public around a common reservoir of feeling is somewhat less subtle. At a Forum for Memory reburial service, the emcee instructed us to march in a silent funeral procession from the municipal building to the cemetery: “that way, we can demonstrate to the village our pain and also our happiness.” In this moment, the normally implicit orientation of the remembering public became explicit: we were those who felt pain and happiness when reburying the recovered corpse.

Finally, we should note the ways that Hilda’s inability to reproduce a coherent narration of her parents death eventually leads to a project of reorienting the politics of the living. Through Hilda, we come to recover not only a memory of who the deceased were, but also an “educational and ideological legacy” which provide a guide for our own action in the present. In this last moment, Hilda herself fades into the background. Her emotional performance becomes a medium through which the living come to learn what the dead want of them. This comes out particularly clearly in the way one woman reported on Facebook her experience listening to “The Scream”:

Hearing it recited by the voice of Hilda Farfante Gayo was something very emotional. Hilda began to speak this poetry and later she screamed and when Hilda screams it gives you Goosebumps, a lump forms in your throat, and tears in your eyes, because Hilda’s scream carried with it the scream of all the teaching persons [*personas docentes*] who were shot like her father and her mother, in the scream of Hilda is the scream of my grandfather and all of the innocent persons like him who were shot...the scream of all of the families and also my own scream, screaming with her from the bottom of my heart.

Hilda’s recital first gives this listener a window into the pain of one woman whose parents were both murdered by fascist forces. But through her emotional rendition, the listener also comes to hear other cries, first that of other educators, and later of all the innocent persons who died at the hands of Franco’s armies. Finally, Hilda’s performance acts as a hail, interpolating the listener as

a person who also screams “from the bottom of my heart.” Here, Hilda’s stirring recitation becomes a way of building a community of screamers that encompasses both the living and the dead.

As with the Forum for Memory’s “first tribute” in La Toba, the emotive testimony of a victim’s relative is critical to the formation of a counterpublic. The pain they perform and the support they demand provides opportunities for others to join together and express a common appreciation for the dead and a recognition of the continuing harm caused by their forcible disappearance, seven decades prior. The ability to call together such a gathering helps explain the memory movement’s emphasis on producing and circulating emotional testimonies. But such testimonies are not an end in themselves. In Hilda’s case as in La Toba, they provide a way for those unjustly murdered by the Franco dictatorship to guide the actions of the living. In the former case, this is accomplished through the production of a movie explicitly designed to teach living citizens to act more like the dead. This goal is accomplished equally well in La Toba, as the audience first remembers how Mr. González and his colleagues would react to their own emergence from oblivion and then mimics this reaction themselves. The emotional testimonies of the living are essential to constituting these alternative democratic publics. Yet, as both the first tribute in La Toba and the trailer of *The Teachers of the Republic* indicate, these publics are not comprised of living persons alone.

Joining With the Dead to Form a Public

Hilda’s scream provides some idea of how the highly coveted emotional testimonies of victims’ relatives enable the formation of publics that include both living and dead persons. However, as we have already seen in the first tribute to Mr. González, these relationships with the dead extend beyond the sentimental. In La Toba, the living were compelled to think through

how the dead would react to the ceremony, in order to determine how they too should respond. Similarly, the documentary film *Hilda inspired* presents Balbina Gayo Gutierrez and Ceferino Farfante Rodriguez not merely as tragic historical figures, but as “illustat[ing] the path that we travel on today.” Likewise, members of the Forum for Memory frequently insist that, as one activists declared to an assembly: “we do not propose to recover nostalgia. We do not propose to leave them in the past. They constitute true references for the struggle today.”

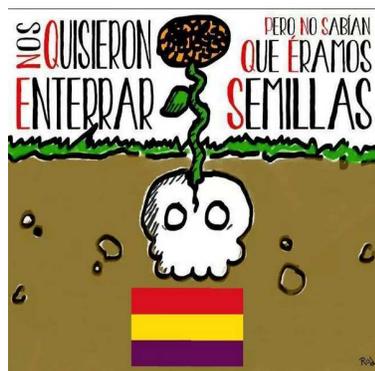


Figure 8: “They wanted to bury us...but they did not know that we were seeds.”

The notion that the dead ought to continue to guide the political actions of the living is a prominent feature in much of the memory movement’s public discourse. For example, Emilio Silva, founder and president of the ARMH, marked the 2012 International Day of the Disappeared on his Facebook page by noting that:

They made them disappear, but they were then transformed into seeds, into the DNA of ideas, into the look that beautifies the world, that humanizes it. They uproot you from the present but a root always remains, a seedling that sprouts new dreams that have beautified the world. Today is their day, today and all the others, but it is the day to scream that their fight for justice has not disappeared. (see also fig. 8)

Remarkably similar language can even find its way into the technical reports of exhumations teams. The psychological report from one Forum for Memory exhumation, for instance, notes

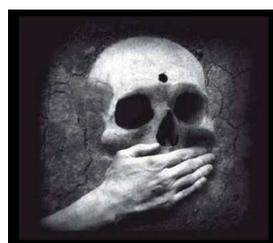


Figure 9: The silenced skull

how: “The blows to the skeletons scream to us that they were tortured; behind the politics, the laws, and the decades, these bones show what many have wanted to keep hidden. They reflect the need to do justice much better than words.”

In both Silva’s statement and in the Forum for Memory psychological exhumation report, the dead must deal with powerful opponents who would rather

ignore them. But in both accounts, public debate is not simply for the living. As with Hilda's poem, the dead find ways of crying out, demanding that their ideas be heard. Here, the counterpublic is defined not only by those capable of empathizing with the emotional turmoil caused by their murder and forced disappearance. In addition, the public is organized around those who recognize the dead's demands "to do justice."



Figure 10: "I continue waiting for a just government"

The notion that the dead contribute to public discourse can also be seen in the sorts of images that circulate amongst the activists of the memory movement, including through emails, social media, T-shirts, protest signs, and occasionally printed ephemera. One popular image shows a

skull, emerging from the ground, with an entry wound from a bullet squarely between the eyes. A hand has been digitally inserted into the image, covering the mouth of the dead, preventing him from speaking (fig. 9). Another illustration features a reclining skeleton, above the caption: "I continue waiting for a just government" (fig. 10). In both of these images, the dead are continuously making demands of the living, even as the living refuse to abide.



Figure 11: "On the International Day of Human Rights, we demand Truth, Justice, and Reparation." Photo by *Busame en el ciclo de la vida*.

Many of these contemporary images play off of Picasso's masterpiece *Guernica*, whose depiction of innocent Basque civilians suffering at the

moment of their death at the hands of Nazi bombardment subsequently became an international symbol for peace.⁵ In one such image from "Search for Me in the Cycle of Life," a popular blog

⁵ The Platform Against Francoism, for instance, frequently uses both the light bulb from *Guernica* and the screaming horse head on its fliers and banners.

that described itself as “a space of resistance against oblivion,” the illustrations of suffering humans has been replaced by skeletons, arranged in the same manner and style as Picasso’s original work (fig. 11). The caption reads: “On the International Day of Human Rights, we demand Truth, Justice, and Reparation.” Tellingly, whether it is the pictured skeletons making these demands or the memory blog is left productively ambiguous. Regardless of the illustrator’s intent, the force of the picture clearly stems from the combination of the two.

There is, of course, a normative dimension to these claims. Like other counterpublics, the one established by the memory movement is not just organized around a different understanding of the public sphere, but also seeks “to elaborate new worlds of culture and social relations” for the broader Spanish political community (Warner 2005: 57). In other words, it is not simply that the dead *can* put forth new ideas for the living, but that they *ought* to do so. As one memory activist put it on her own Facebook page:

Returning the light to the terrestrial bodies or rescuing our past from oblivion is the equivalent in the present of remembering that we have a political prisoner, that the public has been robbed from us, that equality has been erased from the map, such that I cannot say this morning that I live in a free country.

In this statement, the disappeared are imprisoned, not in state penitentiaries, but in unmarked graves. There, they are banned from participating in the public life of the nation. This is a violation of their fundamental rights to do so and, for this memory activist, places the state of Spain as a free country in question.

If we are to understand why it is that not listening to the dead should constitute a political threat, we will have to move on to examine the ways the dead become “persons with dignity.”

Dead Persons, Living Democracies

In March 2011, I attended the inauguration of the traveling exhibition “Exhuming Graves / Recovering Dignities” at the Carlos III University of Madrid. Francisco Etxeberria, one of the

exposition's designers, gave the opening address and a guided tour. Although the ARANZADI Scientific Society which he leads is on the more humanitarian end of the spectrum of memory associations, Dr. Etxeberria immediately emphasized the political nature of the project: "Behind all this there is a message. Democracy is made every day." Through exhumations, he continued: "We are building democracy and reforming values," and particularly those of "truth, justice, and reparation...the three pillars of human rights." Like other memory activists we encountered, Dr. Etxeberria argued that this work of building a democracy is more a matter of fostering emotion connections, than of holding rational debates about the Franco dictatorship: "Even though it has the name 'historical memory' we are talking about remembrances and feelings." But for this prominent forensic scientists, this went one step further than just learning how to hear their voices and inhabit their legacy. Ultimately, Dr. Etxeberria underlined, we must recognize: "They are not objects. They are persons with identities."

This was far from the first time I had heard the defeated referred to as persons. At a conference a few months earlier, Dr. Etxeberria explained that: "these skeletons are not just bones; they are not just objects; rather, they are persons with an identity" (2011). The sentiment is a common one, both in formal settings and in casual conversation. Presenting his research at a conference in Madrid, ARMH-Madrid coordinator Carlos Agüero argued that forensic exhumations convert the disappeared "from ghosts into persons with lives and histories" Similarly, one night over dinner, Beatriz complemented Óscar Rodríguez for the way he explained the mass grave to a group of children that morning: "We were all there, with one eye on you. And you always referred to them as persons."

Two key concepts that liberal philosophy has classically reserved for the living – dignity and personhood – are here extended to the deceased. Liberal political theorists and jurists alike

have cited both concepts as the *sine qua non* of human beings, distinguishing between the *homo sapiens*' capacities for politics from the world of beasts and inanimate objects (e.g. Arendt 1998). In order to understand how the dead participate in the Spanish public sphere, it will be necessary to interrogate what it means to extend these concepts to the deceased.

The Dignity of the Dead: The Liberal Philosophical Tradition

That the exhibit Dr. Etxeberria introduced should be entitled “Recovering Dignities” is itself rather odd. Although it is a common for lay supporters to talk about forensic exhumations as recovering the dignity of the disappeared, memory activists and professionals such as Dr. Etxeberria tend to reject this language. As the forensic scientist explained to a group of volunteers one night after dinner, exhumations “are not to recover the dignity [of the dead]; they never lost that.”⁶

This sentiment is by no means limited to the ARANZADI Scientific Society. At one exhumation, the vice-president of the ARMH explained to a journalist that the organization was trying to “recover a little of the dignity that these persons never lost.” Similarly, at a reburial service in Menasalbas, Toledo for 18 people exhumed by the Forum for Memory, activists from the more politicized memory group explained that their act was “not to recover the dignity [of the dead]. Those who lost their dignity are those who fought against democracy.” For all their differences over what constitutes proper treatment of the deceased, the leaders of the largest memory organizations are all in agreement that the dead continue to possess and inalienable dignity.

⁶ Indeed, this conviction is so deeply held that when, on the ride up to my first exhumation team, I told the head of the social team that I thought the forensic efforts were a positive way of returning dignity to dead bodies, she quickly warned me not to express such sentiments in front of Dr. Etxeberria, since for him they never lost their dignity.

The concept of dignity Spanish memory activists invoke plays a central role within the liberal political tradition. This is most famously stated by Kant, for whom dignity signifies a certain inalienable “inner self worth”: “In the kingdom of ends, everything has either a price, or a dignity...what constitutes the condition under which alone something can be an end in itself does not merely have a relative worth, i.e. a price, but an inner worth, i.e. dignity” (2012: 46). In other words, beings that have dignity ought not be instrumentalized by other actors. Rather, from a Kantian perspective, those who have dignity are capable of applying the universal moral law to themselves.⁷ Even as latter-day philosophers have largely abandoned Kant’s focus on universal morality and fully autonomous individualism, the concept of dignity continues to underscore the normative political philosophy of thinkers as diverse as Charles Taylor (1989), John Rawls (1999), and Ronald Dworkin (1978). For all of their nuances, liberal political philosophers continue to cite the intrinsic self worth as an ontological cornerstone of liberal politics.

By speaking of the dead as the bearers of dignity, then, the memory movement is claiming that they too are more than just instruments of the will of the living. The dead too have an intrinsic self-worth that demands respect from the living. And, to the extent that their dignity is legally protected by the state, the dead have certain rights as well, including the right to a decent burial (Smolensky 2009). We have already seen several examples in previous chapters where memory activists respond to opponents by telling them that “at least they should respect the dead.” As ends in themselves, the memory movement insists that the dead must not be instrumentalized to suit the will of the living.

Precisely what it means to treat the dead (or the living, for that matter) as an end in any specific situation, however, is a matter of frequent debate. The problem of figuring out how to

⁷ Though they may not have the sort of Kantian autonomy to choose the universal moral law, as we have already seen, the dead continue to have identifiable interests and desires of the sort that accord with more recent philosophical and legal conceptions of dignity (eg. Rosenblatt 2010).

treat the dead as ends in themselves came to the fore in the particularly bitter debates between the groups that comprise the Platform Against Francoism in the lead-up to the 2011 general elections. The electoral campaign season happened to coincide with the suspension of Judge Baltasar Garzón. Although the “superjudge” had officially been suspended for illegally wiretapping a conversation between a corrupt People’s Party official and his lawyer, most in the memory movement interpreted the decision as retaliation for daring to launch a judicial investigation in to the fate of the disappeared.⁸ Some groups within the memory movement wished to officially endorse the rally, in order to lend support to the one judge who sought to definitively break with the Pact of Oblivion.

While nearly all within the memory movement believed that Garzón’s suspension was unjust,⁹ a number objected to the idea of co-sponsoring the rally in his support. Some groups within the coalition refused to endorse the it, denouncing the rally as “an instrumentalization” of the victims. The rallies, they maintained were not truly directed to designed to support judicial action on behalf of the disappeared. Rather, citing the large number of placards and signs from the political parties sponsoring it, they argued that the dead were simply being “manipulated” in order to increase the vote share of certain political factions.¹⁰ In the end, these voices carried the day, if only to maintain the “unity” of the coalition. If a significant proportion of the group saw this as an instrumentalization of Franco’s victims to achieve ends other than those demanded by their intrinsic self-worth, then it was better to avoid the action. Nonetheless, the incident left a bitter taste in the mouths of many. Over the next few weeks, more than a few protesters

⁸ Although the courts ruled that Judge Garzón was not guilty of abuse of authority in his investigation into the victims of Franco, they maintained that his decision to launch such an investigation was erroneous.

⁹ The one notable exception being a small Basque memory group that participated in the Platform Against Francoism, who were offended by Garzón’s prosecutions against ETA. Their small numbers in Madrid, however, prevented them from playing a major role within this debate.

¹⁰ Afterwards, one speaker who opposed endorsing the event admitted to me privately that he would normally support such a rally, but that in the lead-up to the elections, one had to be extra careful when dealing with political parties, whose only reliable end was their own share of the vote.

complained about the Platform Against Francoism's decision not endorse a rally for the only judge in Spain who dared act on behalf of the victims. For them, the disappeared persons' demands for justice necessitated supporting those few officials who risked acting on their behalf. Although different factions within the weekly protest acerbically disagreed over whether or not to lend their name to this rally, the debate revolved less around the strategic interests of the coalition, than it over what course of action would truly represent the interests and desires of the dead.

To the extent that mass grave exhumations are designed to *recover* dignity, it is at least as much about safeguarding that of the living as that of the dead. Thus, the Platform Against Francoism frequently admonishes the public at the end of their weekly protest: "those who lose their memory, lose their dignity." There is, of course, an accusatory element to this statement. This became explicit in one public assembly, when one man concluded his diatribe about the lack of proper history education by declaring: "we have lost our dignity in this country." As a political community, Spaniards have refused to recognize the intrinsic dignity of the dead. As such, they have failed to abide by the Kantian categorical imperative, acting according to those maxims which could become universal law. If the dead are indeed the sorts of beings who possess dignity, then they too ought to fall under the purview of the moral law. Therefore, in privileging their rights of its living citizens above those of dead persons, the political community has proven that they are incapable of following the moral law, and hence unworthy of dignity. It is only by repenting and fulfilling their moral obligations to provide the dead with a proper burial – in other words, to recognize the dignity that the victims never lost – that the polity can recover its own dignity.

The Dignity of The Dead: The Liberal Legal Tradition

Before moving on, we should also take note of the ways that the memory movement's discourse on dignity references not only a liberal philosophical tradition, but also a parallel legal one. This is particularly true in Roman Law systems, such as Spain, wherein the concept forms the basis for the rights of personhood and status (Chaskalson 2002). Hence, Spain's 1978 Constitution cites "the dignity of the person" as part of the "foundation of political order and social peace" (title I, section 10).¹¹

Yet it is in international human rights law where we find the most detailed juridical development of the concept. The charter of the United Nations and the Universal Declaration of Human Rights, for instance, both reaffirm "the dignity and worth of the human person" in their respective preambles. The International Covenant on Civil and Political Rights is even more specific, declaring that the rights enumerated therein, "derive from the inherent dignity of the human person." Likewise, major human rights scholars have labeled dignity as "the foundational concept of international human rights law" and "the 'ultimate value' that gives coherence to human rights" (Donnelly 2013: 28; Hasson 2003: 83).

Despite its centrality to International Humanitarian Law, as Schachter notes, the concept is only rarely defined in legal documents (1983: 849). However, to the extent it is defined, the explanation provided by legal scholars of human rights tracks remarkably closely to the Kantian tradition. Donnelly, for instance argues that: "The claim of human dignity is...that there is an inherent worth that demands respect of all of us. Human rights can thus be understood to specify certain forms of social respect...implied by this dignity" (2013: 29). We can think of

¹¹ The other aspects that comprise the foundation include "the inviolable rights which are inherent, the free development of the personality, the respect for the law and for the rights of others."

international human rights as bringing the force of law to bare on this basic liberal philosophical principle.

Although most writers on dignity within both the philosophical and the legal liberal traditions conceptualize dignity as a (and sometimes *the* defining) quality unique to living human beings, it has occasionally been extended to the dead as well.¹² Both Israeli and German Courts, for instance, have ruled that the dead continue to possess dignity and are thus the bearers of certain legal rights (McRudden 2008: 707-708). Nor is this a particularly recent development: Hugo Grotius, whose influential writings on the laws of war are often credited with yielding the post-Westphalian international legal order (e.g. Bull and Kingsbury 1992), argued that even slain enemy soldiers deserved a proper burial, as a result of their continued dignity (Grotius 2005 [1625]; see also McCrudden 2008). Arguably, this commitment to respect those who died in wartime provided the foundation for the entire modern international legal order.

When the memory movement claims that each and every disappeared person has a right to a proper burial, then, they are in part putting forth a legal argument: Dead persons, they argue, continue to be the bearers of dignity and are thus able to make legal claims upon the state. Moreover, as forced disappearances constitute crimes against humanity, there can be no statute of limitations. In other words, Franco's victims may continue to demand justice for crimes committed against them for as long as it takes to realize.

The Personhood of the Dead

Ethnographically, legally, and philosophically, the concept of dignity is closely tied to that of personhood. So much so, in fact, that, in a recent interview, Dr. Etxeberria modified his usual dictum about dead persons to: "There, down in the graves, there are no objects nor

¹² As well as to other non-human subjects of the law, including chimpanzees (Nonhuman Rights Project 2015).

metatarsals, but dignities” (Sáenz 2014). This connection between personhood and dignity was state most succinctly in the reaction of one elderly visitor to a mass grave: “what’s important is this. That they [the dead] leave [the grave] and that they have dignity. Because they are persons.” Such direct statements of the dead’s dignity being the result of their personhood are relatively rare. But the broader parallels between the way the memory movement talks of the dead as possessing an inherent dignity and the dead as persons, rather than objects, further indicates that the two are intricately linked.

Note the tense. Although the people that are being discussed *were* killed seventy-five years prior, they *are* persons in the present day. As one elderly visitor to an exhumation put it, when you see the exposed corpses, “you realize that they *are* persons” (emphasis added). Death is here no obstacle to their continued existence as persons who can interact with other political entities.

Anthropological research on personhood has largely been concerned with different cultural understandings of the self as existing on a continuum between the bounded autonomous individual of Western philosophy and notions of the self as fundamentally comprised in relationship to other beings both human and non (Dumont 1992; Strathern 1988; Sahlins 2013; Comaroff and Comaroff 2001). While the memory movement’s discourse of the dead as persons may raise interesting questions about the extent to which Western notions of personhood are established intersubjectively (see Rose 1998), that is not my primary concern in this chapter. Rather, the notion of personhood that the memory movement is invoking is once again most directly related to the liberal political tradition.

Although debates over the nature of personhood are extensive, for our purposes, John Locke provides a useful snapshot of liberal personhood in his *Essay Concerning Human*

Understanding. For Locke, personhood is: “a forensic term...and so belongs only to intelligent agents capable of a law, and happiness and misery. This personality extends *itself* beyond present existence to what is past...whereby it becomes concerned and accountable, owns and imputes to *itself* past actions” (Locke 1998: 258, emphasis in original). There are several aspects of this definition that are central to understanding what it means to talk about Franco’s victims as persons.

First, personhood is a legal fiction. As Bryant Smith tautologically opens his review of the concept in the *Yale Law Journal*: “To be a legal person is to be the subject of rights and duties. To confer legal rights or to impose legal duties, therefore, is to confer legal personality” (1928: 283). Talk of personhood in the absence of a legal system is thus nonsensical. Whereas humanity is a social category denoting all beings who fall within our species, personhood is conveyed through an act of sovereign power.

Constituting a legal person – as the etymology of the word implies – results in a certain doubling or schism of the individual. The word ‘person’ derives from the Greek word (πρόσωπον, *prosopon*) for the masks actors wore on stage in order to distinguish between the character they performed in front of an audience and the subject they remained off-stage. This public persona, which is distinct from the individual performing it, remains central in the liberal idea of personhood. Thus, personhood, in contrast to its colloquial use, is only loosely connected to one’s status as a human being. As the classic legal text *American Law and Procedure* explains, “man and person cannot be synonymous, for there cannot be an artificial man, though there are artificial persons” (Andrews 1911: 158). The disconnect between personhood and humanity will be well-known to those familiar with debates over the U.S. Constitution, a document which originally counted African slaves as three-fifths of a person and which today is

interpreted as protecting the legal personhood of corporations. Although notions of corporate personhood are less common in the Spanish legal system, Iberian courts have been at the forefront of the movement to extend personhood to animals (Wise 1997-1998). Personhood, at least within the liberal political tradition, is not a claim about the ontological status of an entity so much as about how it appears before the law.¹³

The memory movement's claims that the dead are persons is thus, in part, a statement about their legal status. As I discussed in detail in Chapter 3, the memory movement insists that the state has a legal responsibility to locate and honor the disappeared. Moreover, while the memory movement prioritizes those cases in which a living relative can be found, they are adamant that the state's legal and moral obligations extends to each and every person in a mass grave. Hence, when one active member of the Platform Against Impunity was asked by a curious tourist to explain the weekly protest, he replied: "There are more than 300,000 persons in mass graves. We are asking help in finding them." Ultimately, it is their legal status as persons, rather than their cultural status as kin of specific individuals, which is the basis for demanding action from the Spanish state.

Second, for Locke persons are temporal beings, capable of accounting for their actions beyond the present moment. Strictly speaking, there is little need for the dead to account for their past acts in this case. As the memory movement stresses, the forced disappearances committed by the Franco dictatorship are crimes against humanity. Not just their legal status as persons, but their very humanity has been violated by these heinous crimes. Thus, the ARMH's lead archaeologist who affirmed that: "nobody should be buried like this... They are human beings."

¹³ Notably, this strict legal approach to personhood differs from the concept of personhood that is found in most anthropological debates, which certainly does touch on questions of ontology (see Comaroff and Comaroff 2012: 62).

Nonetheless, the memory movement does devote substantial energy to extending the abilities of dead persons to account for their past actions. For instance, the ARMH-Madrid's lead investigator who explained that "reconstructing a part of their lives with papers" is the best part of her job (Ch. 4). As we have already seen, the memory movement devotes significant resources to fleshing out the biographical details of the persons they are exhuming. Here, this biographical research not only helps explain the circumstances that led to this individual's death. Ideally, it also establishes a coherent account of the person, capable of testifying to the circumstances of their lives, the motives behind their unjust murder, and the methods of their execution.

Much like the legal personhood of the living, that of the dead is established through the documentary record. During the Forum for Memory's 2011 "School of Memory," one investigator held aloft some papers he had retrieved from the archives, declaring: "this document permits us to know who these persons were – with a name and a surname." In Chapter 4, we saw a similar emphasis placed on document that attested to major life-cycle events, such as certificates of birth, baptism, military service, or death. As an ARMH investigator put it, these documents constitute "proof that they existed." Naturally, skeletal remains unearthed in a mass grave are sufficient proof that a human being existed. Hence, what these truly documents attest to is the person's legal status as a citizen who maintains a certain relationship with the state.

Lastly, the liberal definition of personhood requires more than just a bundle of rights and obligations. After all, the law is capable of articulating the legal rights of other non-persons, such as lands or animals.¹⁴ For Locke, personhood requires the ability to express "happiness and misery." Strictly speaking, of course, we cannot know whether the dead experience such feelings. However, in invoking the notion of personhood to describe the incorporeal, the memory

¹⁴ Although both land (de la Cadena 2010) and animals (Lovvorn 2005) have, at times, been conceived of as legal persons for just this reason.

movement is adamant about the ability of the dead and disappeared to express their desires and dislikes to others who share in the same political community. As we have already seen in previous chapters, at its most basic level, the desires of the dead manifest in their objections to their resting places. However, dead persons do not just demand *that* they be unburied, but also provide suggestions as to *how*. In this chapter, we already witnessed one such instance when Mr. González tested the politics of the Forum for Memory before deciding to appear. At one ARMH-exhumation, it was not only the who, but the when. Explaining why she had chosen to schedule the unearthing of her grandfather on the seventy-fifth anniversary of his murder, Adriana Fernández explained: “I had the feeling that he wanted it. That is why I chose this day.” In this case, it was her deceased grandfather who specified the timing of his return.

Finally, the dead are capable of making broader demands on the political community, unconnected to their own immediate interests. During one exhumation an activist from the Forum for Memory argued that their intervention constituted “a demonstration of the Francoist regime’s failure, because the regime thought that if you murder these persons, you will stop their ideas as well.” Although the dictatorship succeeded in ending the biological life of the person, their ability of their ideas to extend beyond the moment of their death allows them to continue being a part of public discourse today. We can think here of the ways that the legacy of Hilda’s parents “light the path” that the living must today follow.

The question is how best to make their legitimate claim upon the broader public a reality. Here, it is worth recalling the opening vignette from this dissertation. As leftist groups called for a referendum following the abdication of King Juan Carlos I, for many memory activists, the question of what should come next was not to be decided by the living alone, since: “At any rate, there are *persons* who have not been taken into account, they cannot attend an assembly because

they are dead” (emphasis added). This statement is not a lament for those tragically killed before their time. Instead, it is a call to action for all who know how to properly partner with the victims: “They are not going to go to the protest but we should bring them..” No longer serving only as exemplars to be emulated, here the person exhumed as well as those who have yet to be located join the living in formulating demands for a more democratic state. The resulting public is one comprised of both living and dead persons.

Conclusion

With the rise of new forensic technologies, highly mass mediated struggles over dead bodies have become an increasingly prominent feature of democratic transitions around the globe (Ch. 1). While scholars have developed sophisticated languages for analyzing the ensuing symbolic, political, and legal struggles that these dense moments of social reorganization frequently provoke, for the most part, they have confined themselves to treating the dead body as an object over which different groups of living people struggle.

In this chapter, I have sought to produce a different account of the ways exhuming dead persons affect the composition of democratic Spain. On this view, forensic exhumations are a process through which living and dead persons forge alternative counterpublics. These new counterpublics are often enabled by the highly emotive testimonies of victims’ relatives and organized around a common affective orientation. But such communities are not merely comprised of the living. When successful, the emotional connection with the dead enables new coalitions and counterpublics. In this account, the dead are not simply a convenient excuse for the living to realize their pre-existing political projects. Rather, through their collaborations with the living, they actively contribute to the formation of political projects that could not otherwise

emerge. In the end, Franco's victims operate as "persons with dignity," who demand recognition from the broader Spanish polity.

As with previous chapters of this dissertation, questions of the agency of the dead continue to pop up throughout this chapter. Whether in testing the forensic teams, suggesting dates for their exhumation, or participating in the public sphere, the dead are ascribed an ability to act seemingly on their own accord. Until now, I have purposefully avoided this question: my goal has been to describe ethnographically the way that the dead *do* operate prior to theorizing why and how. By way of bringing this thesis to a close, however, I will take up this question and offer a few provisional conclusions about the agency and ontology of dead bodies in post-Franco Spain.

Chapter 9. Conclusion: How Franco's victims Re-Member post-Franco Spain

This ethnography set out to understand a social movement dedicated to recovering the bodies and legacies of those killed in the Spanish Civil War and ensuing Franco dictatorship. At first glance, the efforts of the activists, scientists, and relatives of the disappeared who comprise this movement appear strikingly similar to those familiar with the growing importance of forensic science in post-conflict democratic transitions over the past three decades. From the excavation of mass graves to public protests by relatives and including demands for truth, justice, and reconciliation, Spanish memory activists are clearly taking part in a much larger trend in post-conflict societies.

Yet what has emerged from this analysis is a radically different account than the one offered in most scholarship on the sorts of practices that inspired the Spanish memory movement. As we saw in the introduction, studies of post-conflict forensic science most often revolve around questions of narration and reparation. Within the context of transitional justice programs, exhumations serve first and foremost to generate legally admissible evidence for a war crimes tribunal, truth commission, or other juridical process (Keenan and Weizman 2011; Haglund et al. 2009). To the extent possible within the bureaucratic constraints of the state, these interventions also work to identify the victims and return their remains to kin and communities, allowing them to bury their dead in accordance with local beliefs (Stover and Shigekane 2004; Rubin 2014).

Both of these goals remain a feature of Spanish mass grave exhumations. As we saw in Chapter 3, memory activists conceive of forensic interventions as a means for gathering and

publicizing historically accurate information about the Franco regime's crimes. In a context where the transition to democracy was based on a tacit agreement not to discuss this controversial past in the public sphere, Spanish mass grave exhumations are also a means for proposing an alternative future horizon of expectation for the post-fascist Spanish political community. At the same time, even for the more explicitly politicized organizations, locating the graves of the defeated is first and foremost about identifying and returning human remains to their relatives – the “protagonists” – for a proper burial.

However, in contrast to the state-led transitional justice processes that inspired them, Spanish forensic exhumations are conducted entirely by civil society organizations, with hardly any financial or organizational support from the state. Therefore, unlike the juridical processes that inspired Spanish memory activists, the evidence produced by forensic scientists is not destined for a war crimes tribunal, the documents gathered by researchers do not aid a truth commission, and the reburial of human remains is not accompanied by official apologies or reparations programs.

These political, economic, and logistical shortcomings impede the ability of Spanish activists to accomplish their goals. Due to limited resources, civil society organizations are only capable of exhuming a fraction of the graves they know about. Moreover, limited access to state archives and a lack of funding prevents more systematic investigation of forced disappearances. As a direct result of the state's failure to abide by international human rights norms, Spanish forensic exhumations have had only limited success in reorienting hegemonic narratives about the past. Even as newspapers increasingly dedicate column inches to “historical memory,” there still does not exist broad public consensus about the basic wrongs of the Franco dictatorship. Finally, civil society organizations can only provide a limited measure of acknowledgement; the

ongoing refusal of the national government to reckon with its past crimes denies families the satisfaction they deserve.

While the refusal of state to fulfill its legal and moral obligations has substantial negative consequences for the victims of Franco, it also has provided an occasion to examine some of the more subtle features of the search for the disappeared. In the absence of powerful legal and bureaucratic institutions exerting control over these processes, new actions and actors emerged to the fore. At each step in the process, the activities of the Spanish historical memory movement could not be properly understood by the intentions, plans, or even acts of the living alone. Over and over again, adequate explanation for what I have described required careful attention to the activities of those who died fighting Spanish fascism.

As previous studies of death and nationalism would predict, in Spain too the management of the dead has much to do with establishing official histories, fostering the ethics of citizenship, and constructing national identities. In Chapter 2, I showed how the changing character of post-Civil War Spanish citizenship played out in large part through the state's attempts to govern dead bodies. Here, we saw how the Civil War dead became privileged objects of memory, through which Spanish identity was defined and redefined throughout the 20th Century. Yet at the same time, we also witnessed the difficulty of governing the deceased, as they constantly resisted the totalizing efforts to define their legacy. This line of analysis continued in Chapter 3, as we examined the memory movement's attempts to re-orient Spanish identity in the 21st Century, through their own interpretation of the dead. There, I showed how the concept of oblivion [*olvido*] positions the still marginalized victims of Franco as the embodiment of democratic potential waiting to be actualized through the forensic exhumation. As with previous unearthings and reburials of Civil War victims, the memory movement hoped to transform the Spanish

public's ethical horizons by enacting a different set of mourning practices. As happened in other prominent exhumations, here too disinterring the dead becomes an occasion for reconsidering the terms of national belonging (Anderson 1991; Verdery 1999).

Yet even in this initial account of the deceased, we already saw how the dead were not just objects to be manipulated by the living. Whereas for scholars like Anderson and Verdery the dead are almost completely subject to the interpretations of the living, my ethnography revealed a more capacious life of the deceased in Spain. The social life of the dead did not end at the moment of their murder. Instead, they developed social bonds in the decades they spent buried in the same grave. This was true even in cases where the deceased did not know each other prior to their encounter in a fascist prison or at the edge of the ditch in which they would soon be buried. As a result, following their exhumations, many families feel that it is only appropriate that these fallen comrades continue their posthumous social life, being re-buried together in a single, common grave. Moreover, this community of the dead was not completely removed from that of the living. For the former also participate in their own re-signification, writing, as one editorial put it, "a text without periods or commas...over the course of seventy-five years" (Millás 2011). Even as the history of the nation progressed, for Spanish memory activists, the dead continued updating their own biography, waiting for the living to read their account and learn its lessons.

As I delved into the details of the forensic exhumation, we had to account for even more capacities displayed by the dead, extending our analysis well beyond what traditional studies on death and nationalism would encompass. In Chapter 4, I examined the ways that the dead participate in crafting the historical narratives that emerge out of scientific exhumations. As other studies of forensic scientists have noted, the analysis of human remains often requires accounting for a certain degree of agency embodied in bones and found objects. For instance, Clyde Snow,

founder of the influential Argentine Forensic Anthropology Team, maintains that: “to be effective as an expert witness, you have to learn that in a way you’re translating the skeletons themselves. The bones are the ones telling the story” (Weizman 2011: 72). Such an account may be useful in instances where specialists are called to the stand as part of a criminal tribunal. However, careful attention to the Spanish forensic process showed a rather different process by which narratives are constructed through civil society exhumations. Here, the content of historical narratives emerges far more from the oral testimony of survivors and, to a lesser degree, the official documents of the fascist state recovered from the archives, than it does from the osteobiography inscribed upon the bones of the disappeared. Nonetheless, locating the material remains of Franco’s victims remains essential in authorizing new narratives of the Spanish Civil War and fascist repression. Absent any judicial decree, the victims of Franco not only testified to the circumstances of their murder, but also certified narratives of the past that are largely based upon oral testimonies and archival documents. Insofar as they can certify the remembered testimony of others, the corpses of Franco’s victims are more akin to the forensic scientist than the witness on the stand.

Although the corpse’s contributions to the content of historical narratives may be minimal, it remains central to the memory movement’s mission of transforming the Spanish polity. In Chapter 5, we saw how the Spanish NGOs seek to overcome the social and political aftereffects of the Franco dictatorship, by creating a ritual space in which taboos on discussing the past can be suspended and where new ways of interacting with the disappeared can be learned. Surprisingly, however, the object of this ritual is not the living visitor to the mass grave, but the person being exhumed from it. By analyzing the forensic exhumation as a mortuary rite

of passage, we began to develop a language for explaining the transformation of the disappeared into a deceased citizen with whom the living could form productive relationships.

Forging such alliances, however, required not only changes to the status of the disappeared, but also to the sensoria and subjectivities of contemporary Spanish citizens. Understanding the dead's ability to convince their viewers required a substantial shift from approaching the corpse as a material object to analyzing the personhood of the deceased. Forging relationships with persons who look so different from the living is no easy task; overlapping and comingled remains in various states of decay can be difficult to recognize as "persons just like you and me." In Chapter 6, we saw the various mediations that the dead undergo in order to become the sorts of beings whom the living can recognize as sharing certain fundamental characteristics with themselves. Yet this was not a one-way street. As their often-unruly biography became increasingly disciplined, Franco's victims (now properly recognizable as such) became capable of compelling the living to reconsider their own bodies, humanity, kinship, and political ideologies.

The extent to which the dead are capable of changing the living became clearer in Chapter 7. Here, we saw the ways encountering a mass grave could provoke often-dramatic psychological and affective changes in the people who learn to properly see it. Through encountering the mass grave, visitors acquire new psychological, affective, and political capacities. In explaining these transformations, it was helpful to draw upon the language of Walter Benjamin. The encounter between the living and the dead is a shocking one, profoundly impacting the senses and psyches of living persons. These shocks fundamentally re-oriented the living, allowing them to approach the mass grave as auratic experience, through which they learn to inhabit a shared democratic tradition with the Franco's victims.

These political alliances became the subject of the final ethnographic chapter, which looked at the ways living and the dead Spaniards become capable of forging a common public sphere. At times, the desires of the living come to the fore, as when the memory movement highlights the continuing suffering of relatives of the disappeared and demands government action on their behalf. But at other times, it is the voices of the dead which are the loudest within these gatherings, suggesting, compelling, and sometimes even coercing the living to act on their behalf. The dead here are embodied in the voices of the living, in representations that circulate in the public sphere, and in political movements through which their claims on the polity are made compelling. For the historical memory movement, the dead “are not just bodies.” They are “persons,” and bearers of an inherent “dignity.” In putting forward this claim, memory activists maintain that the dead continue to express compelling interests which a liberal democracy must respect, if it is to be legitimate. If all democratic politics is a matter of action in concert (Arendt 1998), then the ongoing interests and desires of the dead, as much as the living, are an integral part of 21st-Century Spanish memory politics.

Given this wealth of ethnographic data, we cannot avoid the conclusion that the dead – long assumed to have been silenced under both the Franco regime and its democratic successor – retain the capacity to shape a wide variety of activities in contemporary Spain. From delimiting the narratives that can circulate in the public sphere, to shaping the ways individuals think about themselves, and including expanding the possibilities for effective political mobilizations against, the actions documented in this dissertation could not occur without the active involvement of the unearthed victims of Franco’s repression. In post-Franco Spain, the conduct of the dead are not reducible to the beliefs of the living: the forensic scientist cannot authorize narratives of the past without the dead body; the nearly-instantaneous somatic, psychological,

and affective transformations that visitors to mass grave exhumations undergo can only be explained by approaching the dead as beings that fundamentally resemble and interact with living individuals; and the political successes of the memory movement relies upon mobilizing not only the living, but also the dead, to speak in the public sphere.

If the past eight chapters have repeatedly chronicled the actions of the dead as an ethnographic fact, by way of conclusion, I wish to offer a preliminary theorization of the sort of agency being exercised by the dead in post-fascist Spain. As we have already seen, the dead do not act quite like the living; as the ongoing debates between memory groups attest, even for those acting in good faith, figuring out their needs and desires can be a tricky task. Yet their undeniable influence upon individuals and political movements requires further comment.

In approaching this final analysis, it will be helpful to once again approach the Spanish historical memory movement first as a scientific endeavor, then as a rite of passage for the dead, and finally as public memory practice. By drawing upon the resources developed within these three fields, I seek to describe the particular modes of action that characterize the Spanish Civil War dead. Although I will suggest that such a model of agency may be useful in explaining the activity of other post-conflict dead persons, the applicability of this theory to other contexts will need to be borne out by future ethnographers.

Before beginning this sketch of the dead's agency, however, I wish to address one of the most common criticisms of my attempts to explore the agency of the dead.

Why the agency of Franco's victims is so troubling, especially to anthropologists

In presenting initial findings from this dissertation at conferences and workshops, I have often been confronted with the objection that I grant "too much" agency to the dead. I have always found this a rather odd objection, especially when it comes from fellow anthropologists.

After all, for generations ethnographers have elaborated a rich body of literature on the ways that ancestors, spirit media, ghosts, zombies, and other (un)dead entities act in the different times and places in which they are found (e.g. Cole 2001; Palmié 2013b; Comaroff and Comaroff 2002; Palgi and Abramovitch 1984; Bloch and Parry 1982; Hertz 1960; Frazer 1913; Metcalf and Huntington 1991; Rosenblatt et al. 1976; Rosaldo 1989; Scheper-Hughes 1993; Danforth 1982; Mbembe 2001; Corssland 2014a; Gal 1991; Verdery 1999; van Gennep 1961). If anyone should be aware that what it means to be dead is far from universal and, therefore, the capacities of the dead to act must be investigated empirically, it should be anthropologists.

The weight of ethnographic evidence presented over the past eight chapter should be sufficient to call into question our conventional understandings of the place of the dead, at least in post-Franco Spain. By way of conclusion, however, it is worth dwelling for a moment on why this ethnographic account should prove so disconcerting, even to scholars familiar with societies in which the death is not experienced as the total annihilation of the self.

The apprehension generated by my descriptions of the ways Franco's victims act in contemporary Spain is, no doubt, in part due to well-established historical, sociological, and psychological studies elaborating the ways modern European societies privatize and even seek to deny death. From the establishment of "sanitary" cemeteries on the outskirts of towns to the more recent medicalization of dying, separating dead bodies from living ones has long been a priority of liberal reformers.¹ As Norbert Elias argues in his groundbreaking study, death in the West is often a lonely affair, marked by a slow disintegration of the dying person's social relations (Elias 2001; see also, Ariés 2008). Still, if we are to understand why pointing towards

¹ As O'Neill (2012) argues, in Guatemala as elsewhere, the liberal insistence on individual burial has recently been transformed through neoliberal intensification of market forces, such that the individual burial plot and monument requires an ongoing financial investment. In such places, we see an even greater emphasis placed on the separation of the dead from the living, and a corresponding deemphasizing of post-mortem social life.

the activities of Franco's victims should not only be surprising, but also disturbing, we will have to take account of the deep ontological assumption that ground both the internal logics of liberal politics, as well as scholarly critiques of those practices.

Reckoning with the potential of dead persons to affect the living in contemporary Spain, requires that we expand beyond the philosophical approaches to agency that undergird conventional approaches to the study of democracy, post-conflict or otherwise. Classic liberal politics is founded upon the idea of the autonomous individual (Rawls 1999; Colburn 2010). In other words, this ideal person of liberalism is assumed to be a more-or-less independent agent, defined as:

one who acts. In order to act, one must initiate one's action. And one cannot initiate one's action without exercising one's power to do so. Since nothing and no one has the power to act except the agent herself, she alone is entitled to exercise this power, if she is entitled to act (Buss 2013).

This classical liberal model attributes agency first and foremost to the individual. Here, the subject is the author of her own actions, conceived in the interior space of the mind and realized, more or less unencumbered, in the world. Moreover, as the *fons et origo* of action, the individual must be able to account for her own past actions and accept responsibility for their consequences.²

Clearly, the activity of Franco's victims presented in this dissertation pose a challenge to any attempt to locate agency solely within the living mind of individuals. Whereas the classic liberal subject acts independent of all constraints, the dead are utterly dependent upon a vast network of others, including their living relatives, forensic scientists, political allies, and possibly

² Hence the reason why autobiographical memory is so important within the liberal tradition. As the sole individual responsible for their own actions, liberal political philosophy demands that the agent be capable of giving a faithful remembered account of their own actions. We can contrast this emphasis on autobiographic memory and strict accountability for one's public actions with previous regimes of memory. Caruthers (2008), for instance, demonstrates how the medieval art of memory was designed not, first and foremost, to account for the self before others, but rather as a mode of imbuing habits onto the hearts and minds of the remembering subject.

even foreign ethnographers. Moreover, as far as empirical research can demonstrate, the dead do not maintain anything like the sort of mind which liberal philosophy assumes to be universal. Finally, while the ability of the dead to express their desires within the counterpublic created by the historical memory movement is undeniable, opponents fiercely contest the notion that Franco's victims should play any part in the political process. As liberalism is (at least theoretically) committed to neutrality between competing ontologies, the contested status of those who died fighting fascism presents unresolvable challenges within a liberal worldview (see Mulgan 1999).

But anthropologists and other social scientists have long pointed out that this classic liberal model of the autonomous agent is empirically unsustainable. As Comaroff and Comaroff argue: “‘the autonomous person’...describes an imaginaire, an ensemble of signs and values, a hegemonic formation: neither in Europe, nor in any place else in which it has been exported, does it exist as an unmediated sociological reality” (2011: 51-52; see also Comaroff and Comaroff 1991: 60-70). In fact, from its earliest conceptualizations social sciences were founded on the observation that human behavior is always already constrained by social and historical forces (e.g. Durkheim 1982). Rather than attempting to ascribe human activity to an isolated individual mind, over a century of sociology and anthropology has described how those choices are influenced by the individual's class, gender, sexual orientation, nationality, religious tradition, etc.

As social scientists, especially in the Durkheimian tradition, shifted away from explanations of individual behavior and towards a focus on social structures, they developed powerful new tools to account for the diverse roles dead persons played in myriad societies. As ethnographers quickly observed, in many non-Western societies, the dead figure prominently in

everything from the construction of kinship (Fox 1967; Levi-Strauss 1969) to law (Comaroff and Roberts 1986; Cohen and Odhiambo 1992); personhood (Munn 1976: 27) to politics (Metcalf and Huntington 1991: 133-188; Leach 1973); cosmology (Comaroff 1985) and collective identity (Bloch and Parry 1982; Hertz 1960). Yet even as anthropologists were elaborating new theories to explain the place of the dead in varying contexts around the globe, the overwhelming focus of the discipline remained on “how others die” (Fabian 1972).

Importantly, these scholars shifted the focus away from the question of the dead’s universal capacities and towards the specific structures of power that made their actions sensible. This, I believe, is what Evans-Pritchard was trying to get at when he described his field research:

I have often been asked whether, when I was among the Azande, I got to accept their ideas about witchcraft. This is a difficult question to answer. I suppose you can say I accepted them; I had no choice. In my own culture, in the climate of thought I was born into and brought up in, I rejected, and reject, Zande notions of witchcraft. In their culture, in the set of ideas I then lived in, I accepted them; in a kind of way I believed in them. Azande were talking about witchcraft daily, both among themselves and to me; any communication was well-nigh impossible unless one took witchcraft for granted (1976: 244).

For Evans-Pritchard, it was not merely that the British and the Azande held different beliefs.³

From the ethnographer’s point of view, the forces affecting similar actions – say, a granary building falling upon a person – are radically different, depending on whether they occurred in Britain or in the Sudan. Similarly, from a social-anthropological perspective, the question of a dead person’s capacities is less a matter of belief than of its situation within a specific context.

Later generations of social theorists, in part influenced by post-structural theories, likewise added to the critique of the atomistic, universal agent – so often imagined under liberalism to be the singular author of all her own actions – even as they failed to extend their

³ As Agrama elaborates, within liberal thought, matters of belief are usually presented as a form of “nonknowledge” and are therefore relegated to the private sphere (2010: 74-75). Another way to read Evans-Pritchard, then, is as testifying to the impossibility of relegating the difference between British and Azande forms of life to “belief” is since what is at stake here is not only two distinct interpretations, but two different ways of inhabiting the world.

critique to the agency of the dead. These scholars showed how operations of power do not only interfere with the ability of people to realize their wills in the world, but are also generative of the very subjectivities that form desires in the first place (Foucault 1977; Butler 2006; Bourdieu 1984). In other words, within this school of thought, “the set of capacities inhering in a subject—that is, the abilities that define her modes of agency—are not the residue of an undominated self that existed prior to those operations of power but are themselves the products of those operations” (Mahmood 2001: 17). We saw the generative potential of disciplinary practices in Chapters 5 and 6. Here, I showed how the forensic expert’s gaze transforms disappeared persons, with their often unruly biographies and confusing physical appearance, into the sorts of deceased citizens capable of forging productive partnerships with their living colleagues. At the same time, I elaborated the ways visitors to the mass grave acquire the capacity to visualize the dead as fellow human beings and citizens, in the process undergoing subjective and political changes themselves.

Yet even as critics of liberalism show how agency is formed through the operations of power, they still assume that these disciplinary forces played out primarily over the bodies of the living. This is especially clear in the writings of Michel Foucault, for whom the ultimate – and only – escape from the workings of power is death. For Foucault, the modern nation-state is characterized by a radical change in the political calculus of death. Classically, death is the ultimate expression of sovereign power (Foucault 1978: 142). It is only thanks to the benevolence of the sovereign that subjects may live, for it is within the King’s power and his alone to kill them (Foucault 2003: 240). However, beginning in the 19th Century, Foucault argues, we see the emergence of another mode of power through which life itself becomes the object of governance (Foucault 1978: 142-143). From interventions designed to increase birth

rates, to public hygiene campaigns, and the medicalization of dying, “the fact of living was no longer an inaccessible substrate that only emerged from time to time, amid the randomness of death and its fatality; part of it passed into knowledge’s field of control and power’s sphere of intervention (Foucault 1978: 142). If sovereign power was defined by the power to kill, biopolitics could be summed up as “the right to make live and let die” (Foucault 2003: 241). As Agamben (1998) and Mbembe (2003) respectively argue, biopower continued to rely upon the existence of populations who could be made killable. The fascist military uprising, for instance, exercised a lethal form of necropolitics when it designated supporters of the Republic as “anti-Spain,” a foreign element that had to be exterminated for the sake of the nation. Yet, even as scholarly attention focused on people placed beyond the care of the nation-state, the only people free from biopower were the dead. While post-structuralist scholars increasingly highlighted the importance to the modern state of maintaining populations who lack the right to live, for them too the power never crosses the River Styx.⁴

As anthropologists and other scholars have demonstrated, the state certainly could still make dead bodies the *object* of state power. Especially as corpses rose to prominence in the political transitions beginning in the late-20th Century, numerous studies have concentrated on dead bodies as potent symbols (Verdery 1999; O’Neill 2012), wellsprings of affect (Laquere 2002; Tarlow 2000), material objects (Linke 2005; Stover and Shigekane 2004), and linguistic signs (Bauer 2002; Crossland 2009b). Yet, this vast and diverse literature on the dead remains

⁴ And, for phenomenologists, this problem extends beyond governance to the meaning of life itself. Thus, for Heidegger, morality is only conceivable in relationship to one’s own death, an event lying beyond any possible human experience or understanding (2008). Contrast this idea of being-towards-death to the Aristotelean notion of *eudaimonia*, in which the behavior of the living can affect the happiness of the dead and therefore a proper morality ought to take account of the ongoing interests of the ancestors. In contrast to the phenomenological approach to death as the limit of the individual, *eudaimonia* “seems to cross the threshold of life and death, suggesting a kind of political agency in death itself, a power that might act on us to bind together or to sustain a living community in friendship and shared beliefs and values.” (Murray 2008: 206). One way of reading this ethnography would be to advance the notion that *eudaimonia* is not entirely absent from liberal political cultures.

dominated by the idea that the treatment of the dead is primarily about the governance of the living. Certainly, this dissertation provides ample evidence to support these approaches. Over the past eight chapters, we have seen the ways that the corpses exhumed from Spanish mass graves operate as powerful symbols of an alternative political project; as material objects capable of concretizing complex ideologies; as affective conduits, provoking intensive transformations in the individuals who encounter them; and as rich, polysemic symbols, mobilized for a variety of political projects.

Although these approaches have been essential to fleshing out the importance of the dead within the historical memory movement, they have not been sufficient to explain the impacts of exhuming the defeated that I observed in the course of my ethnographic research. In order to apprehend the ways the disappeared can transform individuals, express desires in the public sphere, and help organize political movements, we must develop tools for analyzing the not only as objects of power, but also as actors. In so doing, this dissertation challenges us to reach for new strategies for describing the ways personhood, agency, and democracy are constituted in post-Franco Spain.

It is perhaps for this reason that so many previous analyses of Spain's historical memory movement have walked up to the line of declaring the agency of the disappeared, but have refused to cross it. In studies of Spanish exhumations, the corpses of the defeated have been variously described as "recover[ing] their identity through the spoken words and bodily expression of those who remember them" (Ferrándiz and Baer 2008: 12), having "multiple affective potentials" (Araguete 2013: 9), being secular versions of Catholic relics (Ceasar 2014b), being "made to speak" (Douglas 2013: 234), and producing "a moment of identification, *as if* that man was present for a moment through his shoes" (Colaert 2013: 105, emphasis added).

Renshaw even acknowledges the ways memory activists “*assign* powerful agency to the remains of dead,” but refuses to either endorse or negate the idea herself (2011: 140, emphasis added).

Yet the simple idea that the memory movement may be correct that the dead are “not just bodies” is rarely taken up as a serious proposal for academic inquiry. For doing so would require a radical rethinking of how post-Franco Spanish democracy, and perhaps liberal democracy more broadly, operate.

Clearly, the dead are embedded in many of the same networks of power that define the modern nation-state, from the medico-legal gaze of the forensic scientist to urban plans that designate what spaces they may occupy, and including rich debate over the ethics of their past and present actions. Because they are inserted into these networks of power in different ways than the living, the dead do not have the same capacities as the living (any more than a child has the same capacities as an adult). Yet, these networks of power also generate the capacity for action amongst the dead. In order to enumerate the specific abilities that such disciplinary forces foster in Franco’s victims, we will have to interrogate the forensic exhumation first as a scientific endeavor, then as a ritual process, and finally as a practice of memory.

Hic Locus Est...⁵: The Objectivity of the Dead Body

Insofar as forensic exhumations are a scientific endeavor, it may not be entirely surprising that classic definitions of agency are not adequate to explain the actions I observed. In recent years, Actor-Network Theorists have maintained that our traditional ways of approaching human action are ill suited to describing scientific practices. The alternative characterization of agency that these scholars have developed helps elucidate *some* of the ways that the exhumed act in contemporary Spain.

⁵ “Here is the place...,” the first half on an inscription found on many morgues and university anatomy departments.

Drawing on empirical research in laboratories, Actor-Network Theory moves away from the classic liberal conception of action as an exclusive property of living humans, “limited a priori to what is ‘intentional’” (Latour 2005: 71). Rather than track down the origin-point of an act, scholars like Latour approach action as the outcome of multiple associated entities, cooperating together to produce a given outcome (Latour 1999: 182). Writing this paragraph, for instance, requires not only the mind of a doctoral candidate, but also the cooperation of a computer, word processor, and the books I am referencing, all of which contribute to the success or failure of the endeavor. From an ANT perspective, “*any thing* that does modify a state of affairs by making a difference is an actor,” collaborating with other actors towards an end they will mutually negotiate (Latour 2005: 71).

Working on forensic exhumations, one quickly learns how important it is to account for nonhuman participants. What one finds (or does not find) in excavating a mass grave is as dependent upon the humidity, acidity, and texture of the soil – not to mention the cooperation of machines and tools (something that cannot always be guaranteed, given the tight budgets of the Spanish NGOs) – as it is upon family memories and forensic plans. Bacteria, no less than human beings determine the possibility of making a successful identification.

This decentering of human agency is particularly useful for understanding the ways dead bodies enable claims to objectivity. Conventionally, science is described as an endeavor to discover entities that are “out there” in the world. The graves of the defeated simply exist and it is the job of the austere forensic specialist to reveal them for all the world to see. By contradistinction, from an Actor-Network perspective the goal of laboratory scientists is not produce a language that corresponds to the things being observed, so much as it is to place the

object of study in relation with as many other objects as possible.⁶ It is through these interactions – or “articulations” – with other entities that the object of study defines itself as a definitive thing in the world. Science, on this account, is about making entities more “articulate,” both in the sense of more connected to other entities and therefore also in the sense of being able to “speak” about its own circumstances of being (Latour 2004: 220). From this perspective: “Objectivity does not refer to a special quality of the mind, an inner state of justice and fairness, but to the presence of objects which have been rendered “able” (the word is etymologically so powerful) to object to what is told about them” (2000: 115).

Much like the laboratory experiments analysed by Latour, the scientific exhumation is a procedure designed to transform “mute” entities into the sorts of “talkative” beings which can object to misrepresentations made in their name (Latour 2004: 217). For instance, when the Royal Academy of History puts forth a historical narration that fails to account for the fascist violence, it is the dead bodies themselves who object to misrepresentations made in their name. In analysing these objections, it is not only the scientist and the witness who object. In addition, the artificial environment of the exhumation allows the bones themselves to come to the fore, testifying as to their identity and cause of death. Whereas the Pact of Oblivion sought to ignore them and fascist historiography denied their existence, the forensic laboratory articulates the bodies of the dead, allowing them to emerge as significant historical actors. It is only by establishing such connections between the disappeared, relatives, passers-by, scientific formulas, archival documents, oral testimonies, public protests, mass media, and many more entities that

⁶ For example, it does little good for Pasteur to simply label what he sees in his microscope a “lactic acid fermentation.” It is only by putting the object of study into contact with sugar, brewers yeast, boiling water, and later academic papers, conferences, and health professionals that the entity known as lactic acid fermentation can come into being (see Latour 1999: 140-144).

the memory movement's version of history may establish itself as "more real" than the one put forth by the state.

As useful as an Actor-Network approach is in explaining the ways dead bodies participate in their own re-signification, there are also significant differences between the way a field science, like forensic exhumations, operates and the sorts of laboratory settings analysed by Latour and most other science studies scholars. For one, there is the issue of scale. Laboratory sciences are designed not to illustrate the particular entities that happen to inhabit the scientist's petri dish, so much as the class of phenomena to which they belong. Pasteur, for instance, does not seek to elaborate the ways lactic acid fermentation occurs in Lille; rather, he sets out to show how "the yeast has become a full-blown entity in its own right, *integrated into a class of similar phenomena*" (Latour 1999: 116, emphasis added). By contradistinction, field sciences tend to resist the move to taxonomy. The forensic exhumation is designed not only to identify the class of person who died – most often, a civilian who supported the Republic to some degree – but rather the specific identity of that individual.⁷ It is the individual biography of the deceased that circulates in newspapers and television reports, not merely her status as a victim of fascist violence.

And yet, as we have seen throughout this dissertation, the victims of Franco still do seize, modify, alter, and possess the thoughts of the living, even if not quite in the way that science studies would expect. To the extent that the disappeared undergo articulation, becoming able to object to misrepresentations made about them, this process resembles not only the one described

⁷ Notably, the Spanish experience here contrasts with forensic exhumations that contribute to post-conflict legal processes. From a juridical perspective, establishing crimes against humanity most often requires this kind of taxonomy to prove, for instance, that a regime targeted a specific ethnic group. This is one of the reasons that so much of the transitional justice literature on forensic exhumations focuses tension between the legal need to establish patterns of killings and the families' desires for individual identification and return of remains (Stover and Shingekane 2004). As the Spanish efforts are not subject to any official judicial process, they do not encounter such tensions.

by Latour, but also the one schematized by Stuart Hall (1982). As Franco's victims emerge from the grave, they are able to object not only to historical narratives that ignore or deny them, but also to the dominant ideologies that rely upon their exclusion from the public sphere. By combining with forensic scientists, relatives, and activists, Franco's victims are able to disarticulate themselves from the Spanish Pact of Oblivion and rearticulate themselves within the globally circulating discourse of human rights. This is reflected most clearly in the recent linguistic shifts discussed in Chapter 3. Whereas prior to 2000, the victims of Franco were euphemistically referred to as "those who went for a walk" (*paseados*), the forensic exhumation has allowed them to emerge as "the disappeared" (*desaparecidos*). In so doing, the exhumed become articulate not only about the circumstances of their own deaths, but also about the legal and moral status of the acts that put them in the ground.

As articulated by Latour, Actor-Network Theory helps explain one very specific way in which the victims of fascist violence act. As material objects, human remains are essential participants in the event of the forensic exhumation. The objective scientific procedures of the forensic laboratory allow the dead body to become articulate, testifying to the circumstances of its demise. Like other scientific objects, once subjected to the artificial environment of the laboratory, the dead body becomes able speak back to propositions made about it. This is why its discovery acts as an authoritative supplement to the testimony of relatives. As the forensic exhumation report states, analysis of human remains "permits an interpretation of the grave" in accordance with these remembered testimonies (see Ch. 4). Implied in this statement is that they also reject other (mis)interpretations of the grave.

Yet Latour's focus on the laboratory makes his theory too materialist to fully encompass the activity of the deceased. In the laboratory, objects become articulate, but their speech is

largely limited to descriptive propositions. As Latour himself puts it, the goal of good science is to move beyond the “sterile repetition” of “A is A” to establish that “A is B, C, and so on” (Latour 1999: 143). Like the neoliberal reduction of all human activity to *homo economicus*, Actor-Network Theory takes a view of objects as self-maximizing entities, seeking to selfishly accumulate more and more connections with other entities in order to ensure their own existence in perpetuity.

While the dead body may also be redefined as a “disappeared person” or a “victim of fascist repression” in the course of the exhumation, their speech is not limited to expressions of their ontological properties. The forensic exhumation allows the dead to speak not only to its own circumstances, but also to those of the living who see them. In post-Franco Spain, recognizing the dead person as a victim of Franco also implies certain ethical and political commitments. In effect, the dead person speaks not only in descriptive propositions (*A is A, B, C, etc.*) but also in normative proposals (*A ought to be B*).

Of course, these propositions do not always come to fruition. But this is no great surprise. After all, as anyone familiar with grassroots movements already knows, achieving positive political change, not unlike achieving “good science is rare and when it occurs it is an event that should be cherished like a miracle, commented on and disseminated like a work of art.” (Latour 2004: 223). What we must explain, then, is not so much the reasons why the memory movement has yet to fully implement its vision for society, but rather the tremendous impact that these unearthings have already had on the ways Spaniards talk and think about their still-controversial past.

Actor-Network Theory provides a productive way of thinking through the agency of the corpse as a material object. But, as Dr. Etxeberria reminded us in Chapter 8, in post-Franco

Spain: “these skeletons are not just bones; they are not just objects; they are persons” Crossland makes a remarkably similar observation based on her research on Argentine exhumations: “This notion of the corpse as objectified evidence isolates the body from social context, and despite endowing it with some agency, it cannot fully encompass the person-ness of the dead body” (2009a: 75). If we are to understand the impact of the Spanish historical memory movement, then, we will have to seek out ways of describing not only the dead’s materiality, but also their personhood.

***...Ubi Mors Gaudet Succurrere Vitae*⁸: the Social Personhood of the Dead**

The agency of those who emerge from mass grave manifests not only in their ability to testify to their own circumstances, but also in the rich relationships they form with the living. As we saw in Chapters 6 and 7, these interpersonal bonds can affect the living in profound and unexpected ways, producing dramatic changes in the way they approach their bodies, subject positions, and political orientations. In explaining these activities of the dead, it is helpful to return to foundational sociological account of the personhood of the dead offered by Robert Hertz.

At first glance, Hertz may be an odd choice to look for resources to describe agency of any kind. As a student of Durkheim, Hertz’s primary focus was on the ways societies restore homeostasis after suffering the loss of a person. As such, his theories suffer from many of the drawbacks of his mentor’s approach. Notably, in focusing on the needs of the social as an independent system, Hertz’s analysis leaves little room for the exercise of agency by either living or dead individuals. Moreover, in taking “the social group” as the privileged unit of analysis,

⁸ “...where death delights in helping life.” The second half of the quote discussed supra n. 5.

Hertz does not appear to offer much in the way of analyzing something like the historical memory movement, which aims not at maintaining Spanish society, but on transforming it.⁹

Yet, a close reading of Hertz's analysis of Indonesian death rituals reveals important resources for analyzing the activity of Franco's victims. For Hertz, human beings are doubly-composed as both a body as well as "a social being grafted upon the physical individual" (Hertz 1960: 77).¹⁰ While the social person is bound to the body of the individual, biological death alone is not sufficient to end someone's social ties, since:

The brute fact of physical death is not enough to consummate death in people's minds: the image of the recently deceased is still part of the system of things of this world, and looses itself from them only gradually and by a series of partings. We cannot bring ourselves to consider the deceased as dead straight away: he is too much a part of our substance, we have put too much of ourselves into him, and participation in the same social life creates ties which are not to be severed in one day. The 'factual evidence' is assailed by a contrary flood of memories and images, of desires and hopes (Hertz 1960: 82).¹¹

As Bloch elaborates, the body and the person die at different paces. Whereas the former appears to be a sudden event,¹² a more drawn out process is required for people to come to terms with the inability of the dead to continue fulfilling their pre-mortem social roles (Bloch 1988). Hence the need for a series of rituals designed to disentangle the living from the social webs cast by the deceased.¹³

⁹ In this regard, Hertz shares some of the shortcomings in Halbwachs's approach to collective memory, as discussed in Chapter 1 (see also Cole 2001: 23).

¹⁰ The parallels between this description of humans as doubly-composed and the doubling implied in the liberal idea of personhood discussed in Chapter 8 is no coincidence. As Milbank argues, Durkheim's project can be understood as an attempt to socialize Kant (2008: 63-64).

¹¹ Though it is not my focus in this chapter, briefly, we should note how Hertz here opposes the "factual evidence" of death with the secondary social and emotional life. We see here yet another example from the 20th-Century anthropological cannon of what I critique in Chapter 5 as an assumed universal ontology of death as a final and objective end.

¹² Naturally, this perspective does not consider the ways modern medicine is increasingly transforming biological death into a more drawn out process as well. See: Lock 2002; Kaufman 2006.

¹³ Importantly, when such rituals are not performed – as is the case in an unmarked mass grave – the fate of the living remain inextricably bound up with the dead, who continue to haunt them, demanding a proper reburial.

Such mortuary rites, however, are not about banishing the dead so much as they are about transforming their social status (Hertz 1960: 81). For functionalist sociologists, funerary rituals are a rite of initiation, not entirely different from birth, marriage, or coming of age ceremonies (Hertz 1960: 80). Like these other rituals, they are processes through which the person sheds one social identity and acquires a new role within society. As we saw in Chapter 5, from the perspective of the deceased, the forensic exhumation mirrors the traditional tripartite structure of such initiation rites (van Gennep 1961; Turner 1970; Abramovitch 2014): First the dead leave behind their former resting place in the mass grave; they are then removed from the public gaze and sent to the forensic laboratory where (ideally) names are re-sutured to previously anonymous bodies; and finally, the dead are reincorporated into the community through a post-liminal reburial service.

However, the Spanish case differs from Hertz's account of Indonesian death rites and many of the analyses of death rituals he inspired in at least one significant way. For Hertz, death rites are designed to decouple the deceased person from the living and reintegrate it into a parallel "society of the dead" (Hertz 1960: 58-61). Freed from the "contrary flood of memories and images" that ties them to the recently deceased, the living can once again reintegrate themselves into society.

The Spanish forensic exhumation, by contrast, follows precisely the opposite logic. As we saw in Chapter 5, the recovery of the disappeared is designed to transform their murky ontologically status into that of a dead citizen, a member of the political community. The exhumed body thus moves from one that has been unjustly neglected by the political community to one of central importance to Spain's democratic politics. Far from seeking to disentangle the

dead from the living, unearthing the physical remains of the defeated deepens their relations with those they encounter, forging a social that encompasses both living and dead citizens.

The fact that death rituals in small-scale Indonesian society differ significantly from those of a post-conflict liberal democracy like Spain ought not be particularly surprising. As anthropologists have long pointed out, the ways living persons – and the accompanying modes of agency they may display – are constructed likewise differ across time and place. We should no more expect a scientist to be capable of organizing a forensic exhumation in the societies studied by Hertz (at least not without a U.N. mandate) than we would expect to see the death rituals of Indonesian tribes transposed onto rural Spain. After all, if, as Derrida surmises, mourning “consists always in attempting to ontologize remains...in the first place by *identifying* the bodily remains and *localizing* the dead” (1994: 9 italics in original), then it follows that there exist as many ontologies of the dead as there are modes of remembering them.¹⁴

Rather than attempt to apply Hertz’s writings on the ways dead persons acted 100 years ago in Southeast Asia to 21st-century Europe, then, I take Hertz more as a productive illustration of a problem space that has been largely neglected by contemporary social scientists: the mode in which the personhood of the dead is constructed. The question, then is how we think through the particular practices through which the dead acquire agency and personhood in post-fascist Spain.

In searching for an analytic vocabulary to describe these sorts of relationships, Hertz is once again enormously suggestive. As he notes, the way we mourn the dead – and consequently, the ability of the dead person to affect the living – differs depending on the status of the person. Just as death rites differ in mourning a chief or a child, a warrior struck down in battle or someone who dies of old age (Hertz 1960: 76, 83-86), so too does the process of relating to an

¹⁴ As Derrida goes on to observe: “Nothing could be worse, for the work of mourning, than confusion or doubt: one *has to know* who is buried where” (1994: 9). Certainly this observation is borne out in the suffering of relatives of the disappeared, both in Spain and elsewhere.

exhumed victims of Franco's repression differ from that of other dead persons. Those who died in the service of fascism were, for the most part, exhumed and reburied with full dignity, encountering minimal friction as they passed through the established Spanish rituals for dealing with the dead. By contradistinction, as we saw in Chapters 2 and 3, not only was the fascist state premised on the active denial of such culturally-specific rites to the dead, but the entire post-fascist democratic system was built upon an official policy of ignoring them. It is no wonder, then, that the sudden reappearance of those who died at Franco's hands should constitute such a potent political force. Providing these specific dead with the proper funerary rituals so long denied to them contravenes the foundational pacts of Spain, agreements which set out not only a system for governing the living but also the dead.

For all of Hertz's reliance on functionalist theory as an overarching explanatory framework, he also offers a remarkably detailed phenomenological account of the processes that tie the living to the dead. As Hertz observes, the biological death of the person is not sufficient to end her effects on the living persons since the dead person remains "a part of our substance, we have put too much of ourselves into him" (Hertz 1960: 82). In the absence of their physical presence, the living are "assailed by a contrary flood of memories and images, of desires and hopes" (Hertz 1960: 82). Society may indeed be disturbed by the loss of the individual, but for Hertz, such disruptions are made manifest through the memory practices of those individuals with whom the dead interacted.

So too in Spain, the practice of establishing relationships with the dead might best be thought of as a sort of memory practice, distributed between the living and the dead. After all, it is not by coincidence that this social movement labels itself one of "historical memory." In

illustrating the activities of the exhumed, then, it will be necessary to analyze the memory movements' modes of re-membering the deceased.

When the Dead Re-Member the Living

In the end, it is perhaps unsurprising that we should be able to analyze the historical memory movement as – what else? – a type of memory practice. By reading the memory studies literature in order to talk about agency, I believe we can find a way of uniting the benefits of the distributed model of agency put forward by science studies scholars with the account of social personhood found in sociological approaches.

In so doing, however, I am approaching the concept from a different angle than those discussed so far in this dissertation. In Chapter 3, we saw the ways that activists understand historical memory as a practice through which they could establish a true narrative about the Civil War and Franco dictatorship. Yet the nature of this truth produced by historical memory processes remained uncertain. For some, historical memory provides a supplement to professional historians, filling in details that the archive could not establish; to others, it is about raising historical consciousness by educating people about the past and their connections to it; and for a third group, it comprises an alternative archive, from which to challenge the hegemonic histories of a still “backwards” state.

Faced with this disagreement, in true anthropological style, I regarded “historical memory” as an ethnographic category and set out to analyze the diverse discourses and practices that fall under this label in contemporary Spain. This strategy seemed to resolve some of the difficulties analysts had in defining the movement’s titular concept. What first appeared to be irreconcilable definitions of historical memory are clearly just different facets of the movement to recover the disappeared. As an educational initiative, memory activists seek to popularize the

work of historians who have highlighted the fascist repression against Spanish civilians. At the same time, they invest a great deal of energy into building archives of testimonies, documents, and forensic data about the past that compliment such understandings of the evils of the dictatorship. Finally, when powerful institutions such as the Royal Academy of History seek to minimize the violence of the past, memory becomes an alternative archive, challenging the powerful and forcing them to recognize the corpses they would rather ignore.

Yet at the same time, we began to see all sorts of other activities that do not easily fit into any of these ready-made categories. As quickly became clear in the course of this dissertation, historical memory is not just a project about re-narrating past events. It involves a different way of apprehending the world. From the capacity to see a dead body as a human being, to the ethical import of providing a proper burial, all the way to the democratic political project that such commitments ought necessarily imply, the idea of historical memory extends well beyond its relationship to the work of professional historians. And at every one of these steps, we observed the ways that the dead participated in remaking the worlds of the living, whether in freeing them from the burden of daily medications, allowing them to see and hear persons they could not previously interact with, or in establishing a counterpublic that transcends the bounds of mortality. In analyzing this movement, then, we will have to draw on a definition of memory that moves beyond the questions of narrative and identity analyzed in the introduction.

Conventionally, we tend to approach memory as a matter of information storage and retrieval. Events are stored away on the hard drive of our brains, which are subsequently recalled, either through the active effort of an agent or via an external trigger. Not coincidentally, insofar as memory is imagined to be a substance located in the minds of individuals, it shares in many of the same assumptions as the classical liberal model of agency with which we began.

And, much like those models that ascribe action solely to the agent herself, social scientists (and much later, neuroscientists as well [Schacter et al. 1998]) have demonstrated time and again the empirical infeasibility of this popular understanding.

Instead, social psychologists and anthropologists of memory have shown how recalling the past is an active practice, in which events are reconstructed, even as they are recalled (Bartlett 1995; Wertsch 2002; Cole 2001). It is for this reason that many memory studies scholars prefer the verb “remembering” over the noun “memory.” As Cole explains, remembering is less an ability to recall stored data than a “process of reorganization and transformation (a literal dismemberment and re-membering)” (2001: 21).

Not only is memory an active process, but, much like the approaches to agency we examined above, it is also one which is not locatable solely within the minds of the remembering individual. While there have been a number of well-known attempts to elaborate the supra-individual forces that comprise even the most intimate spaces of recall (see Halbwachs 1980; Bartlett 1995), I find scholars who analyze memory as a distributed phenomenon to be a particularly helpful starting point for thinking through the practices of the historical memory movement.

In this approach, memory is distributed across at least two axes:

First, instead of being stored in the minds of individuals, distributed memory posits that “the representation of the past is distributed across members of a group” (Wertsch 2002: 23). As Cole elaborates: “Memory does not exist internally, nor does it exist only in collective representations, as most anthropological analyses imply. Rather, it exists intersubjectively, stretched across individuals and the wider cultural environment that they inhabit” (Cole 2001: 29; see also Cole 2006). This description accords well with the ways that the memory movement

produces authoritative accounts of the mass graves they exhume. As we saw in Chapter 4, even when all goes according to plan, the forensic report merely “allows an interpretation of the grave that is consistent with the testimonies of the relatives.” The actual process of narrating a mass grave is a collaboration between any number of living persons, including at a minimum: the relatives of the disappeared, the social scientists who interview them and search in archives for collaborating documents, the forensic scientists who plan the excavation, the volunteers who conduct the digging, the photojournalists who document the whole process, and the people who come to observe. We could easily extend this memory-network to include local and national politicians, journalists, the counterpublic forged by the memory movement, the broader Spanish public they seek to influence, and various international audiences, including foreign anthropologists. None of these actors can be said to control the image of the mass grave; instead, its meaning is shaped through the collaboration of these varying individuals and groups. In turn, the narratives that they elicit take on a certain independence, becoming the basis for the sorts of somatic, affective, and political trainings visitors and volunteers alike experience (Chs. 6 and 7).

Insofar as memory is distributed, however, remembering the past ceases to be the sole purview of living human beings. As Wertsch points out, it is distributed not only between human subjects, but also extends to nonhuman forces. For example, he points to a moment where he uses a search engine to help him recall the author of a certain book. At this moment, he:

was quite incapable of remembering the title of the book in question when operating in isolation – that is, without additional help from an external cultural tool. If I could have done so, I would not have turned to Amazon.com in the first place, an observation that perhaps Amazon.com should get the credit for remembering (Wertsch 2002: 11).

Wertsch labels technologies like search engines – together with narrative tropes, textual resources, and even language itself – “cultural tools,” which mediate human action.

Extending a similar analytic to Spain, we may observe the ways that bones and archival documents are critical components of narrating mass graves. We may also look to the importance of mass mediation in constituting the event. And this dissertation has repeatedly shown the ways Spanish memory activists draw heavily upon the narrative tropes developed by transitional justice practitioners (amongst others) to bolster their claims for justice.

Yet my own account of the Spanish historical memory movement calls for an even greater decentering of the locus of remembering. Even as Wertsch acknowledges the irreducible importance of things like search engines in memory practices, he maintains a strict a priori distinction between remembering subjects and the cultural tools they may use. Hence, he insists that, even if it was essential to the process of remembering: “Amazon.com is not an agent in its own right” (2002: 11). This may or may not be so in Wertsch’s search for the author whose name he cannot recall on his own. But it is certainly not the case in contemporary Spain, where the exhumed bodies not only have the capacity to suggest new ethical and political projects, but may even force certain people to accept propositions that they actively try to resist. While the forensic scientists may approach the mass grave in something like the way Wertsch approaches a search engine, with a defined query that the cultural tool may help answer, understanding the full scope of the memory movement requires that we broaden our analysis to the ways recovered persons help constitute an alternative Spanish democratic project. When those in graves actively decide to allow forensic scientists to locate them, compel changes in people’s daily habits, and make their voices heard at public protests, neatly dividing the “actors” from the “cultural tools” used to augment their wills proves impossible.

Ultimately, there is no empirical reason to draw such a priori distinctions between the “active (human) agent” and the presumably passive cultural tools available to her. After all,

when describing memory as distributed between different human actors, would we ever presume a strictly equitable distribution? It would be futile to attempt to quantify the ways in which memory practices are distributed between, say, a teacher and a student or, more to the point, a forensic scientist and a relative of the disappeared. Likewise, the question is not “how much” agency the dead have, as though agency were a quantifiable substance that could be measured in grams or meters. Rather, we must inquire into the specific modes of agency the dead display in post-Franco Spain. And from their ability to alter the lives of individuals to the ways their desires are expressed in the public sphere, this dissertation has described a series of actions undertaken by those killed in the Civil War and dictatorship, which are not reducible to the wills of the living.

In highlighting the active role of Franco’s victims, then, this study also suggests that we ought to expand the scope of memory studies. While memory studies scholars have convincingly critiqued popular models of memory as the simple retrieval of stored data, they generally still approach remembering as an informational problem. The question that dominates the discipline remains one of elaborating how past information is ordered and reordered in the making of narratives and identities.

To be sure, memory studies scholars have done important work showing how such narratives of the past are influenced by present concerns and are fundamental to the construction of our personal and collective sense of self (Antze and Lambek 1996; Zelizer 1995; Hutton 1993). And this dissertation has reaffirmed these insights into the connections between memories of the past and the ethics of citizenship. In Chapter 2, we saw how much effort the fascist state put into building a new memory of the Civil War as a glorious national crusade against a foreign threat. Similarly, we saw how attempts at directed forgetting in the wake of Franco’s death

sought to produce a new future-oriented political community. And, in Chapter 3, we saw how the memory movement sought to advance its own narrative of the past as part of its efforts to reform Spain's democratic project.

However, at stake in the memory movement's project is not only how Spaniards understand their past. After all, for these activists, it is not sufficient to understand the history of the Civil War and Franco dictatorship. In addition, one must learn to see, hear, and interact with the ongoing presence of the victims of that history. This is a memory that is concerned not only with advancing a specific historical narration. To properly remember in post-fascist Spain is to learn to live with and respond to the ongoing desires of those who died fighting fascism. Crucially, this is not just a matter of taking up their legacy, but also of recognizing them as participants in the democratic process. Memory is here a reordering not only of information, but also of the lived worlds that everyday Spaniards inhabit

Like Wertsch, then, I find it helpful to think of memory as a form of mediated action. But this mediation is not simply a detour for the "active (human) agent's" will. Rather, as Mazzarella argues, "social entities (selves, societies, cultures) are fundamentally constituted...through mediation" (2004: 357). And, as Hertz points out, dead persons are also social entities. The victims of Franco come into existence through the mediated actions of forensic scientists, relatives, activists, passersby, journalists, and even political opponents. Remembering, in other words, is an ontogenetic process, not entirely unlike the artificial laboratory environments examined by Latour. It is through the activity of remembering – that is, of associating with many different other sorts of beings in a distributed network – that the dead (or the living, for that matter) acquire their characteristics and abilities.

While this dissertation has focused on showing the various mediations through which the disappeared acquire their capacities to act in post-Franco Spain, there is reason to believe that such an analytic may be fruitful in analyzing other places around the world where the dead play an active role in the lives of the living.

Is Spain different? Comparative examples of the dead's agency

In 1933, Federico García Lorca, who would in short order become the most well-known victim of the Spanish Civil War (see Rubin 2009), wrote: “A dead man in Spain is more alive when dead than anywhere else on earth; his profile cuts like the edge of a barber’s razor” (2007). Over the past eight chapters, we have seen that those who died in the Spanish Civil War remain very much a part of the lives of many Spaniards. Yet whether they are *more* alive than anywhere else on earth remains questionable. For in looking at several recent and ongoing cases from around the world, we find that this dissertation’s findings may help illustrate the ways certain dead persons – particularly those who died in violent conflicts and are subsequently excluded in one way or another from an ascendant political regime – act in other places.

The activity of dead persons is easiest to observe in societies that already have long-established methods of relating to the deceased. For instance, Fontein (2010) shows how those killed in Zimbabwe’s *chimurenga* and buried in unmarked mass graves return as *ngozi*, spirits which haunt not only individuals, but also the state itself, as they press their demands for a proper reburial. Similarly, Kwon (2013) illustrates how the spirits of those killed in the Vietnam War can come back as a vital presence not only in the lives of their relatives, but also in that of the author’s. In a very different context of state violence Makley (2015) shows how Tibetan monks seek to enact a form of posthumous political protest by transforming themselves into *bodhisatvas*, through the act of cremation. Such violence does not necessarily have to emerge

from state institutions in order to activate the local potentials of dead persons. Johnson (2013) shows how abandoned high-rise buildings following the collapses of Thailand's housing bubble in 1997 and again in 2006 combine with anxieties over national progress to become a privileged site for ghost tales.¹⁵ In these diverse locales, preexisting local categories for describing the social lives of the dead are adapted to situations of mass death.

As I suggested in Chapters 3 and 4, the dead have acquired new capacities with the rise of the transitional justice paradigm. This also appears to be the case in other places that have undergone similar democratization programs. For instance, Rojas-Perez shows how the dead operate not only as symbols, but also as important interlocutors, participating in conversations over the fate of post-war Peru (2014). Crossland has similarly observed the ways dead bodies demand action from the living in post-dictatorship Argentina (2009b). These post-conflict reckonings with those who died in violent conflict may also become an important way of interpreting other kinds of death (see Ran-Rubin 2009). Echoing the calls of the Platform Against Francoism, feminist groups in Guatemala took to the streets to protest gender-based violence under the slogan: "We are not all here; the dead are missing" (*No estamos todas, faltan las muertas*). Independent of local schema for interpreting the dead, in many post-conflict societies, the language and categories of transitional justice appear to open up new possibilities for oppressed and neglected dead persons to act upon the polity.

As the Spanish case suggests, it may be well worth expanding our definitions of post-conflict well beyond the initial years of political transformation. In fact, the seventy-five years between the Spanish Civil War and the exhumations I observed is a relatively short time period when compared to Auslander's work on the ways African-American communities in the U.S.

¹⁵ Joshua Comaroff finds remarkably similar dynamics in a housing development project that never saw completion in Singapore (2007).

learn to hear their ancestors who died in the pre-Civil War South. In tours of a Georgia cemetery led by a local matriarch, he reports a remarkably similar pedagogical approach to the one I described in Chapters 7 and 8: “You just have to learn how to look, learn to see what they left behind, learn to hear what they are still telling you, after all these years.” (2011: 128). As in Spain, the living must reorient their understandings of the past and augment their sensory capacities in order to “discover a truth at once new and eternal: the dead, conjoined with the living, are saying something now” (Auslander 2011: 293). Here too, we find the emergence of radical democratic projects in the partnerships of living and dead citizens, that neither party could effectively advance in isolation.

As this dissertation suggests, when historical and social circumstances align, the dead are capable of forcing their desires even on people who resist them. In his study of slave revolts in colonial Jamaica, for instance, Brown shows how even white plantation owners – who did not “believe” in the spirits of deceased slaves – were forced to acknowledge their existence. In order to control living slaves, the colonial government of Jamaica set out to govern the dead, at times limiting and at other times seeking to harness their power to serve its own political projects (Brown 2008: 143, 151-152). This struggle to govern the dead remains a crucial component of managing colonial populations even today. When Israel ordered the demolition of the Bedouin village of Al-Arakib, Naqab (Negev), in 2014, it issued eviction orders not only for the living residents of town but also for those buried in the local cemetery (Rotem 2014). As in dictatorial and post-Franco Spain, colonial Jamaica and contemporary Israel both seek to define political belonging in part through the governance of dead bodies. Yet here too, the dead often resist these heavy-handed attempts to dictate their meanings.

Nor do dead persons necessarily require the sort of clash of mortuary cultures studied by Brown and others to suddenly burst onto the scene. Writing this dissertation in the United States, I received clear reminders of the ways that persons violently killed – often individuals whom the state would rather ignore – may, tragically, become more efficacious in death than they were in life. As I wrote these chapters, my own country was entranced by a series of police killings and extrajudicial assassinations of young African Americans. Numerous scholars and commentators have pointed out that Michael Brown, Eric Garner, John Crawford III, Rekia Boyd, Tamir Rice, Freddie Gray, Walter Scott, Sandra Bland, and far too many other people of color were killable precisely because of structural violence faced daily by people of color (Vargas 2015; Burton 2015). Yet in death, their words became slogans and hashtags, with thousands marching to chants of “I can’t breath” and “Hands up, don’t shoot” (see Bonilla and Rosa 2015). The #BlackLivesMatter movement, like the Spanish historical memory movement, may in fact be best thought of as a collaborative effort between living and dead persons seeking to change a political system that has yet to fulfill its democratic promise.

The extent to which any of these individual cases conform or diverge from the analysis of the Spanish Civil War dead that I have put forward in this dissertation will have to be established through future research. Insofar as funerary rituals, understandings of death and the afterlife, and local power dynamics vary across these different locations, it is likely that there exist significant differences in whether and how the dead are able to establish themselves as significant entities in these diverse times and places. Yet the sheer volume of cases in which the dead are emerging as an important force to be reckoned with suggests that this topic will endure, so long as certain kinds of deaths are treated as disposable.

Coda

As I concluded my primary field research in 2011, Spain's socialist government had just lost a national election. One year after the center-right People's Party took office, they cut all state funding for memory NGOs under the Law of Historical Memory, citing the ongoing European financial crisis (Martínez 2012).¹⁶ Without the minimal state funding, the historical memory movement was plunged into crisis.

Despite the ongoing difficulties, Franco's victims stubbornly refused to vanish. Although at a reduced rate, the ARMH, ARANZADI Scientific Society, and Forum for Memory continued to conduct forensic exhumations, insisting on fulfilling their ethical obligations to the deceased and their living relatives. At the same time, the defeated have found new and unexpected forums in which to make their voices heard. A judicial complaint filed in Argentina in 2010 continues making national headlines, as Judge María Servini has demanded the extradition of a score of Francoist officials for crimes against humanity, including forced disappearances (Junquera 2014). And the United Nations continues to demand Spanish action to recover the disappeared, even as they lack the legal authority to force action from the Iberian Kingdom (Europa Press 2012).

Thanks to the ongoing efforts of the historical memory movement, the disappeared remain part of the national political conversation. *Podemos*, a populist leftist party with strong poll numbers, has promised funding for forensic exhumations should it rise to power. After winning several municipalities – most notable, Madrid – in the 2015 elections, mayors affiliated with the new party launched initiatives to rid their cities of Francoist monuments and street names (Nueva Tribuna 2015). The new mayor of Barcelona went even further, forbidding a mass

¹⁶ The minimal state funding provided for exhumations under the Socialist government represented only a tiny fraction of the Spanish budget. As such, it is very probable that the cuts were motivated more by political than economic ideology.

for the “heroes and martyrs of the Glorious National Movement” on the anniversary of the coup (Antón 2015). The struggle over how to govern those who died on both sides of the Civil War continues to be as controversial as ever.

In 2015, as they were about to shutter their forensic laboratory due to lack of funds, the ARMH was awarded the Abraham Lincoln Brigades Association / Puffin Human Rights Prize (Sánchez Díez 2015). The \$1 million award has allowed the ARMH to renew their exhumation efforts at full force. A video created by the ARMH for the occasion recounts how:

Human bones have more memory than the earth. They are like clocks that forever mark the time of the crime. When a mass grave is exhumed, the men and women that are in it have the opportunity to tell us what was done to them. Their fractures received before death, the bullet holes, are frozen in time.¹⁷

With the much-needed injection of funds, the ARMH has continued its work unfreezing the remains of Franco’s victims, in the process allowing their voices to be heard once more.

Despite the many successes of the historical memory movement, the status of those who died fighting fascism remains hotly contested within Spain. Whether or not the memory movement will prevail in their efforts to gain recognition for these deceased persons remains to be seen. Yet it appears clear for the moment that – whatever effects this collaboration between the living and the dead produces – this conversation will continue to be an important one within Spain for years to come. If the past few years are any indication, how it plays out, will depend as much on the alliances forged between living and dead persons as it does upon who may win the next election.

¹⁷ “ARMH 15 años. La tierra tiene memoria. Subtítulos en castellano.” ARMH Memoria Histórica. Last modified, May 28, 2015. https://www.youtube.com/watch?v=pNH_fawO0Jk.

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