

Mass Graves from the Civil War and the Franco Era in Spain: Once Forgotten, Now at the Heart of the Public Debate

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Since October 2000, mass graves from the Civil War and Franco's dictatorship have become the most visible issue of the process of recovery of historical memory in Spain, as a metaphor for digging up the traumatic past. This paper offers a historical reading of this process, pointing out the importance of recovering the buried bodies to give them a worthy burial, to restore their memory, and to allow families to complete their mourning. Mass graves have been the subject of different interventions: they have been located, marked and dignified, in some cases opened and the human remains exhumed. The graves, previously symbols of silence and oblivion are now sites of mourning and memory. In addition, many forgotten memories have been recovered. The victims of the war and the dictatorship have returned to the heart of the public debate, although not without controversy.

1. Introduction

when a grave is opened up, they gather the remains and hand them to you, the world changes. You can return to a normal life. Because you have always felt as if something was missing. (Emilio Silva Santín, *El País*, 25 October 2010)

Societies emerging from conflict are confronted with the dilemma of whether to remember or to forget their violent past. This is a fundamental point, because whichever measures are adopted and enacted will depend on what is ultimately decided; policies of recognition and accountability will be chosen, commissions set up for uncovering the truth, judgments passed, purges carried out, and compensation (material and/or symbolic) awarded to the victims; or, if it is a question of forgetting and leaving the past behind, amnesia and a general reprieve of all responsibilities will be the course of action chosen.¹ During the Transition years in Spain, the political elite came to a tacit agreement not to use the contentious past of Civil War and repression for political ends, the memory of which was still very much present in Spanish society.² All political forces, and the

majority of Spanish society too, accepted the broad line that had been drawn under the past in the form of the Amnesty Law (1977), a sort of ‘full stop’, which prevented any future imputations of Franco-era leaders. There was no settling of scores in the courts, no truth commissions, no purging of the state apparatus, and any material compensation for the victims of the war and of the Franco regime proved very unsatisfactory.³ The democratic Spanish state did nothing to recover the bodies of those that had disappeared during the war and during the years of the dictatorship: those people who had been arrested, tortured, executed and buried in mass graves the length and breadth of the country, inside and outside of cemeteries. Only in recent times, more than 60 years after the end of the civil strife, and thanks to the determination of family members and remembrance associations, have the graves begun to be opened and the bodies recovered, identified and given a proper burial. This article gives a historical account of the process that has shifted the victims of the Franco era from a state of silence to the forefront of public debate in Spain, demonstrating the importance of recovering the buried corpses in the mass graves in order to give them a proper burial, of re-establishing their memory and of allowing their families to complete their mourning, all necessary steps in the process of closing up old wounds and moving towards true reconciliation.

2. Disappearances and Mass Graves: Instruments of Terror

Murders, summary executions, disappearances, rape, detention, degrading treatment, humiliation, all on an enormous scale, represent a pattern of behaviour that repeats itself in the wars of the twentieth century, the objective of which was not merely the military defeat, but also the annihilation of the enemy. The traumatic experience and memory of the violence left deep wounds, not only for the surviving victims, but also for the generations that followed. In civil wars, when victors and vanquished are condemned to coexist alongside each other in difficult post-war periods, these wounds endure for a long time in the collective memory of the society. Mass graves became silent witnesses to the atrocities committed during the wars and civil conflicts of the twentieth century. Finland, Russia, Spain, Korea, Vietnam, Cambodia, Guatemala, Chile, Argentina, Uruguay, Bosnia Herzegovina or Rwanda are just a few examples. Generally speaking these mass graves were the final destination at the end of a long journey, which passed by way of kidnapping, disappearance, torture and illegal or extra-judicial execution. The desire to get rid of the bodies corresponded to the need to make all evidence of the crime disappear, while simultaneously turning out to be a useful instrument of terror. Having people disappear has been used to spread terror and paralyse the enemy, in that their families do not know if they are still alive or not, what will have happened to them, what they will have suffered; they remain deprived of any official information, of a body to cry over, of a place to express their grief. The significance lies in the denial of burial, the result of a desire to deny peace and tranquillity to the dead, to their families and communities. If a burial marks the end of a conflict, a mass grave causes it to live on. They are an instrument of domination for the victimisers over their victims and their families. They are inadmissible as places of mourning and memory, and those buried

there are condemned to oblivion. As Antonius Robben has shown, mass graves invert the relation in cemeteries between territory and death: they are invisible, there are no rights of property, they deny any spiritual, religious or political meaning, they destroy individual and collective identities and deprive people of their funeral rites and of lasting memories.⁴

This is all connected to beliefs about the relation between the living and the dead, the rights of the latter and the duties of the former. The transition from life to death is violently hindered, and the dead, sometimes themselves mutilated, are condemned to wander in limbo. The living cannot fulfil their duties towards their dead, cannot keep vigil over them, bury them and remember them as their beliefs demand of them, and their grief, incomplete as it is, is weighed down with guilt because of this.⁵ The dead are often pronounced guilty of multiple, and despicable, accusations, and therefore do not deserve respect, for which reason any public memory of them becomes obstructed or indeed forbidden. Those families who challenge the rules of the state risk being themselves accused of treason as well. It is the revival of the Greek myth of Antigone, the conflict between ‘divine law’ (the duty to bury and honour our dead) and the ‘human law’ of the state (which forbids the burial of those deemed enemies of the city). Antigone buries both her brothers, violating the decree of the government, and is subsequently condemned to death.⁶

Terror, incomplete mourning and enforced oblivion are three complementary components of the social trauma that afflicts those that have been defeated, which is perpetuated and inherited by their descendants. Often, the memory of suffering cannot be extinguished until the corpses are retrieved and are given a worthy resting place. Exhumations allow the bodies to be recovered so that they then may be buried in accordance with the beliefs and funerary rites of their families, who only then can follow through with their grieving process. The families of those who have disappeared experience the relief of being reunited with their loved ones and of being able to fulfil the duties that they (and indeed sometimes the generation that came before them) could not. They feel that their dead can definitively rest in peace in the afterlife. These burials restore the social fabric, which lay in tatters, rehabilitates the victims socially and politically and reconciles those families that had previously been divided by bitter memories.⁷ Alongside this there exists a political dimension of the process, given that mass graves were originally an instrument of political terror, and that their excavation, and the subsequent exhumation and reburial of the bodies within them are a manifestation of political transformation.⁸

3. Graves from the Civil War and the Franco Regime in Spain. Varied in Type, Differing in Treatment

To begin analysing the case of Spain, we must start with a general consideration. The Civil War (1936–1939) and the first years of Franco’s dictatorship left behind a great variety of mass graves, which, aside from their common status as grave sites and the trauma they caused for the families, came about as a result of differing contexts and involved different victims and perpetrators, scattered widely throughout Spain, depending on the circumstances and progress of the war.⁹

The military coup of 18 July 1936 unleashed widespread repression from both the nationalist and republican rearguards in the form of open extermination, carried out in the heart of communities.¹⁰ In those territories where the military coup failed, a revolutionary movement was sparked, which proved too much for the political institutions in place, and gave power to revolutionary parties and labour unions, mostly anarchists and communists. Many right-wing people, Catholics, or those simply deemed contrary to the revolution were arrested and murdered by those elements labelled 'uncontrollable'. The revolutionary violence was markedly determined by class, carried out against rural landowners, industrialists and landlords, at the same time as having a profound anticlerical and iconoclastic component, leading to the murder of many members of the clergy and to the destruction of places of worship. The bodies of these victims were buried in ditches, forests, wells, mines, and were sometimes burned. The establishment of the People's Courts in August 1936 seemed to be a first attempt by the government at controlling the violence via pseudo-legal means, although this did not guarantee those accused full legal protection. These courts passed judgments and condemned people to death, and those who were executed were buried in mass graves, often in the same cemeteries where they had been shot. It is estimated that around 50,000 lost their lives as a result of revolutionary violence.¹¹

In addition to the two principal grave types of the republican rearguard, both inside and outside of cemeteries, it is worth mentioning the mass graves where the prisoners from the labour camps of the Military Investigation Service, in place from 1937 onwards, were buried, as well as the civilian victims of the republican army in retreat, buried on the spot where they were murdered. Moreover, the soldiers who died in the rearguard's military hospitals were interred in mass graves in the cemeteries, with or without an inscription.

In those parts of Spain where the coup succeeded, relentless violence ensued, the manifestation of a premeditated plan by the military to consolidate a future authoritarian regime. The terror and extermination had to be intimidating in nature, thereby adhering to a preconceived plan of social and political cleansing.¹² The military, and their Falangist and Carlist supporters, committed their crimes with the vehemence of a Church with a thirst for vengeance and little patience for mercy. In the provinces that have been studied to date, 130,199 victims have been identified; once all investigations have been completed it is unlikely that the final number will be below 150,000.¹³ Among the victims, the majority are peasants and industrial workers. For the bourgeoisie and the rural landowners, confronted with the strength gained by the worker and peasant movement during the course of the previous years, this repression was their way of demonstrating the recuperation of their power.¹⁴ A significant number of these victims had been arrested, murdered and interred in mass graves, or thrown into chasms, mines and wells, in the sea, or burned. This terror spread as the nationalist armies advanced. With the help of civilians, who turned in their neighbours and those considered 'enemies', the military eliminated men and women, young people and old, in the occupied territories, without prejudice, and buried them in mass graves outside of cemeteries.

The exterminations did not end with the war; in fact the conflict continued long afterwards. Twenty thousand republicans were executed through the summary military

trials once the war had finished, mainly between 1939 and 1942. The majority were buried in mass graves in the cemeteries of the provincial capitals, where the prisons were and trials were held and condemned prisoners were executed. There were also secret burial sites connected to the extensive penal culture that existed in the post-war era, in the same way as the concentration camps that proliferated at the end of the war. Prisoners here were often taken out and illegally executed, and the bodies buried in mass graves in the vicinity of the very same camps. This happened in the Castuera concentration camp (Badajoz), in operation between April 1939 and March 1940, where four graves were discovered, two of which were excavated and their contents exhumed in 2011 and 2012. Many survivors have told of how hundreds of prisoners, who died as a result of hunger, poor living conditions, torture and execution, were thrown into the well of a nearby mine.¹⁵

To this broad range of mass graves and clandestine burial sites must be added the graves of those soldiers killed on the front during the war. The scenes of clashes such as the Battle of the Ebro (during which, due to its sheer length and bitterness, a great number of soldiers died), were undoubtedly strewn with the individual and collective graves of republican and nationalist soldiers.

This shows the extent of the heterogeneity of mass graves created during the Civil War and the Franco era in Spain. It should be noted that, over the period from their creation onwards, not all of them, or the bodies they contained, were handled in the same way. The narrative of the Civil War reads like a Holy Crusade of true Spaniards versus non-Spaniards, the political culture and memory of whom had to be removed from the national consciousness. This was the version that became the ‘official truth’, in which the defeated had no place. The Victory and those who had fallen ‘for God and for Spain’ were the two most important myths for the symbolic and political plan of the new regime. The victims belonging to the winning camp were elevated to the status of ‘martyrs’, keepers of the legitimacy of origin, officially honoured and commemorated, and their families compensated financially. The public mourning in memory of these martyrs had a prominent role in post-war Spain, with the Church playing a significant part in dignifying them. Their names were inscribed on the walls in places of worship, incorporated into the nomenclature of cities and recalled during all political holidays.¹⁶ Alongside the enormous task of the *Causa General* of documenting all the crimes allegedly committed by the reds, the exhumation of the remains of nationalist victims buried in mass graves soon began. Various decrees stated that the families of those martyrs ‘murdered by the Marxist hordes’ were entitled to recover from the authorities their remains and rebury them in cemeteries.¹⁷ The remains of the martyrs were retrieved and moved to cemeteries where they were given a proper burial; many of the graves within cemeteries, if their remains were not exhumed, were marked and converted into worthy mausoleums. Crosses, mausoleums and monuments were erected inside and outside of cemeteries, creating a memorial topography to ‘the Fallen for God and for Spain’, on which sites political tributes and commemorations took place. The exhumation of José Antonio Primo de Rivera, shot in Alicante in November 1936, and the subsequent relocation of his remains to the Escorial monastery was one of the most symbolically charged acts of the first years of Franco’s regime. The excavation of

the graves at Paracuellos del Jarama (Madrid), where more than 2500 prisoners had been buried, having been removed from the prisons in Madrid and shot between November and December 1936, had a political purpose far beyond merely memorial significance. The photos taken of the process were published in official state media and even sent abroad.

The *Valle de los Caídos* (Valley of the Fallen), in the Cuelgamuros Valley (Madrid), was the memorial site *par excellence* of this cult of the fallen. Here, the remains of the martyrs of the Crusade were to rest, and the place became a perennial site of pilgrimage. This hugely ambitious project was built over the course of 19 years using the forced labour of republican prisoners, an unconfirmed number of which died. From the time of its opening on 1 April 1959 until 1983, a total of 33,847 bodies (and probably many more), exhumed from military graves from battle fronts or from civilian graves, were relocated to the crypt. They were for the most part the remains of ‘heroes’ who had fallen in battle or ‘martyrs’ who had been murdered during the republican rearguard action; some with the express wish of their families, the vast majority without the families’ knowledge. The remains of some soldiers from the republican army also found their way into the crypt.¹⁸

In contrast, republican families during the course of the dictatorship could not publically mourn their victims; they could do so only in private and within the family circle, in a climate of fear and silence. The republican dead, designated as criminals and responsible for the war, were condemned to oblivion. The mass graves containing republican victims, inside and outside of cemeteries, were dealt with in a very distinct and discriminatory manner compared with those of the ‘martyrs’. Generally speaking, families were not allowed to mark the burial sites of their relatives; they were only permitted, in certain places, to erect very discreet wooden crosses, inscribed with the name or the initials of the deceased, with no mention of the cause of death. In many cases, they were not permitted to lay flowers on the graves, not even on designated dates such as All Saints Day, when the graves were watched over by law enforcement officers. Even though people knew where these graves were (because it was a public secret, because some of the perpetrators would boast about them, because witnesses would inform the families...) the families could not carry out their mourning since they were paralysed by the climate of terror and panic of the post-war era. There were those who resigned themselves to this enforced state of oblivion, who fought to overcome the trauma that they relived every time they encountered the murderers, and who put all their efforts into material survival. Other families did not resign themselves, and fought for the dignity of their victims. There are cases of graves being exhumed clandestinely, sometimes by bribing the gravediggers; cases where graves were marked in contravention of the law; cases of flowers being laid in full knowledge of the fact that they would be removed immediately, etc. This repressed state of mourning holds a central position in the private narratives that these families bequeathed to their descendants. These acts of defiance demonstrated the attitudes of resistance that were manifest in the sphere of memory. One example of this is the mass grave at La Barranca (la Rioja), which for many years was a symbol of silent resistance against Franco’s regime.¹⁹

4. Victims of the Franco Regime: From ‘the Pact of Silence’ to the Retrieval of Historical Memory

This imposed disparity of mourning practices continued throughout Franco’s dictatorship, with few changes. The attempts to dignify the mass graves within the cemeteries ran into government opposition at every turn. Upon the death of the dictator in 1975, the process of establishing democracy in Spain was based on the idea of ‘national reconciliation’, which marked the responsibility of both camps during the tragic events of the past and the need to cast off this legacy of confrontation in order to progress along the path of democratisation. This process was not free from conflict or political violence, as the high number of fatalities at the hands of both right-wing and left-wing terrorism can bear witness, as well as the actions of the state security forces. The desire for the traumatic past of the Civil War not to interfere in the political process was shared by the representatives of the anti-Franco movement and those members of the old regime who were party to the agreed reforms. The army, for the most part against the road to reform, was by no means removed from the process; it was for this reason that the Amnesty Law of 1977 did not only mean freedom for political prisoners but also gave iron-clad legal protection to the perpetrators of the regime in the face of any accusation of criminal responsibility for the offences committed during the dictatorship. Reconciliation, consensus and forgetting the past were the foundations on which the first democratic governments in Spain constructed their politics of remembrance.²⁰

The coup d’état of 23 February 1981 demonstrated the fragilities inherent in the fledgling democracy and frustrated the initiatives of family members and militant associations (former republican combatants, former political prisoners, and so on) in their fight to commemorate the victims of the Franco regime. In Torremejía (Badajoz) – as well as in Lerma and Torresandino (Burgos) and other towns in Palencia, La Rioja and Navarre – the left-wing mayor heard the petition of the families asking to recover the bodies of those who had been shot and buried in a mass grave in 1936. On 17 and 18 August 1979, 33 corpses were exhumed, which were then solemnly buried in the local cemetery, and a monolith erected in their memory. These acts bore high personal costs for those who took on the cause of memory: condemnation, threats, sabotage.²¹ At the individual and collective level, crosses, tombstones or monuments were placed, bearing names and family names, and often the cause of death, on top of some mass graves within cemeteries and also outside of them. In the Paterna cemetery (Valencia), where the majority of those who had been executed in Valencia had been buried, the families laid ceramic tiles with their names on them and the word ‘shot’; these have remained throughout all of the different commemorative acts that have taken place in this cemetery.²² Some organisations, such as the *Pro-memòria als Immolats per la Llibertat de Catalunya* Association, founded in 1976, had a particularly prominent role in the organisation of protest activities and in pressuring the various institutions. The move to restore and dignify the Fossar de la Pedrera, in the Montjuïc cemetery, where the majority of the victims of the Franco era from the Barcelona province were laid to rest, officially inaugurated in 1985, was one of the first and most important steps to be taken in the whole of Spain. The existence of a few militant associations did not, however, imply the

existence of widespread social demand or that of a cohesive movement dedicated to finding the truth and recovering memory in this period, which can be explained, among other reasons, by the weakening of civil society that was achieved in the course of the dictatorship.²³

The socialist governments between 1982 and 1996 had no interest whatsoever in developing an active policy of remembrance with regard to the traumatic past. Proof of this was the official statement of the Spanish government in 1986, in the context of the 50th anniversary of the beginning of the Civil War, which put the victims of both camps on the same ethical level and expressed a desire to relegate the whole thing to the field of academic history. This suspension of memory meant the survival of the one-sided memory inherited from the Franco era. The task of managing the material remains of the past was left to the autonomous communities and local councils, as a result of which many dedicated Francoist memorial sites persisted in streets, squares, churches and cemeteries. Some local councils moved crosses to the cemeteries and changed the inscriptions or erected new monuments, now dedicated to all the victims of the war.

At the end of the 1990s, a series of circumstances occurred in parallel, which explains the reasons for this shift in the paradigm of memory regarding the Civil War and the dictatorship: a resurgence of remembering, and the appearance of a restorative memory. Alongside the progressive disappearance of the war's protagonists, due to age, and of their experiences and memories, their grandchildren's generation was coming of age. It was a generation that was extremely critical of the Spanish model of transition, especially towards the institutionalised silence and impunity. Grandchildren only encountered silence in answer to their questions about the past. In addition to this demand to know the truth, there was the desire to do justice. Consciousness regarding the universality of human rights was far more deeply rooted than it had been in the 1970s. The 'Pinochet affair' sparked by Judge Baltasar Garzón, and the subsequent international debate, had a profound impact on Spanish society, which was more inclined to acknowledge the right of families to know the fate of their loved ones, to recover their bodies and to restore their memories. Why, in Spain, had it never been possible to charge Francoist perpetrators for their abuses and crimes against human rights? It became widely felt that the state had done little to find the 'desaparecidos [disappeared]' (a new category that had been borrowed from the comparable scenarios in South America), had not done enough to make amends for injustices, or to acknowledge those who had fought against the dictatorship. The social movement for the restoration of memory, which arose in the wake of this, formed by family members and activists, spread wide thanks to the use of the Internet. Although it has often been politicised, it has not so much engaged in political discourse as it has with civic and humanitarian affairs, with its demands to know what happened, for moral justice, and for compensation for the damage and inequalities of the past.

The excavation of the grave at Priaranza del Bierzo (León) and the foundation of the association for the Recovery of Historical Memory (ARMH) in the year 2000, marked a turning point. From this moment on dozens and dozens of associations, entities and forums for remembrance were founded, regional or local, independent or affiliated with state organisations, giving shape and visibility to the increasing social demand for

memory, and pressuring political institutions to adopt public policies of remembrance. Until then, the actions taken by both the Spanish government and those of the autonomous communities had consisted of unsatisfactory material compensation to the victims of the Franco era, but not of political or moral restitution. Social pressure had its political consequences. Although the first political gestures, still very rhetorical in character, were made under Aznar's government, it was only with the arrival of Rodríguez Zapatero in power, in 2004, that various political and legislative initiatives in favour of remembrance materialised. In 2005 there were grants to fund activities related to the victims of Franco's regime, 2006 was declared the Year of Historical Memory, and, in December 2007, the famous 'Law of Historical Memory' was approved.²⁴

Majority opinion (including that of the remembrance associations) deemed this law as highly unsatisfactory when compared with the demands of society. The law extended certain compensatory measures to the victims of the dictatorship and introduced other and new ones; it established the illegitimacy of Francoist courts and their sentences (although it did not annul them) and it initiated a coherent policy regarding existing Francoist symbols. Not one institution was created that was given the task of carrying out these policies of remembrance, which undoubtedly affected their development and their effective implementation, given that it left the necessary course of action in the hands of other public or private institutions.²⁵ With regard to the excavation and exhumation of mass graves, the law stipulated that the state would facilitate any 'activities relating to the investigation, finding and identification of those who had been made to disappear under violent circumstances during the Civil War or the ensuing political repression, and whose whereabouts are unknown'. For the first time there existed legislation in connection with these corpses, but the chosen system, whereby the associations and groups of family members were subsidised so that they could carry out the exhumations themselves using their own means (essentially volunteers) and experts in the field, made it impossible, as Francisco Ferrándiz has pointed out, to establish standardised protocols for the exhumation of these corpses or for the political or funerary rites required to restore them to the fold of Spanish society.²⁶ This is something that remembrance organisations, such as the ARMH or the Forum for Memory had already been doing up until then in any case.

5. Exhumations and Acts of Remembrance on Mass Grave Sites

Mass graves have been at the forefront of the movement to recover Spain's historical memory: they are its most visible face, with the highest media profile (including abroad). They are, however, not the only element, given everything that is brought to the surface when one proverbially digs up the traumatic past of the Civil War and the Franco era, and when the victims are once more the focus of the public debate. In the last few years, various actions have been undertaken towards locating, documenting, exhuming and dignifying mass graves, all of which has involved archaeologists, forensic anthropologists, historians, sociologists, legal experts, journalists, and so on.

The task of making a census and locating the existing mass graves has been made possible by the coordinated efforts of work teams in which remembrance associations and university groups have participated, with the help of financial backing by the

institutions of the autonomous communities, some of which had enacted their own statutes before the Law of Historical Memory.²⁷ Some groups and projects, such as 'Nomes e Voces' (Names and Voices) in Galicia, 'Todos los nombres' (All the Names) in Andalusia and Extremadura, those of the History Departments in the Universities of Oviedo and Lleida, the Aranzadi Scientific Society in the Basque Country, and so on, have had significant and widespread success regarding their results. The majority of the recorded mass graves have been found thanks to oral testimony, for the most part from surviving family members and/or their descendants, or by people who witnessed the crimes in person. This gives an idea of how public a secret the graves were, of which many were aware but few talked about in public. It exposed a veritable geography of terror, a map of the wounds that still ran deep across the land. Nowadays, maps of the graves are available on various scales (regional, national): the maps of Andalusia, Cantabria, Catalonia, Galicia, Navarre or the Basque Country have been made available to the public at various instances since 2007. With information gathered in the autonomous communities, and with evidence of over 2000 graves, the majority inside cemeteries, a national map was created, which in 2010 was made available via the website of the Ministry of Justice.

In October 2000 the mass grave at Priaranza del Bierzo (León) was the first to be excavated since the years of transition. In contrast to what happened on these earlier occasions, however, in this case the required scientific and technical protocols were followed. The remains of 13 people murdered and buried there in October 1936 were exhumed. Since then, another 348 graves have been excavated and the remains of 6420 people exhumed by the end of 2011. The majority of those graves that have been excavated and exhumed have been outside of cemeteries, in ditches and fields, on the initiative of the main remembrance organisations, the ARMH and the Forum for Memory, or the Aranzadi Scientific Society. In the mass grave in the San Rafael cemetery in Malaga, the remains of a total of 2840 people were exhumed between 2007 and 2009.²⁸ There are still many remains left to recover. According to numbers put forward by the investigation into the crimes during the Franco era, set up by Judge Garzón in 2008, the number of people made to disappear could amount to 113,000. It is worth noting that official involvement in the process of exhumation occurred at the municipal level, and occasionally at that of the autonomous communities, but it was not until 2006 that the Spanish government began to finance the excavations, reports, identification and commemoration of the victims.

Although the excavation of the graves and the recovery of the corpses seem to be the principal objectives of the main organisations and of many families, this is not always possible. In various circumstances this is made difficult, and is often hindered. In addition to those occasions when technical difficulties regarding the location of the exact burial site contradict oral testimonials, or when archaeological surveys come back with negative results, there are also the bureaucratic obstacles, be it in the form of landowners or of the relevant municipal permits needed for excavation in those cemeteries, which in many cases have expanded and where the graves lie several layers underneath new recesses. The legitimate wishes of other families who would prefer that their loved ones rest in peace where they lie must also be taken into account, as well as the problem of identifying the corpses (excavation does not amount to identification) and the high

economic cost of the whole process in question. Although many have been excavated, exhumation has not been the predominant course of action for those graves that have been located. In the majority of cases, graves have been dignified and monuments erected over them, turning them into sites of mourning and remembrance, without disinterring the bodies beforehand. These actions have fundamentally consisted of the erection of commemorative monuments, with the first and last names of the victims on them, with the aim of ending the 'disparity of mourning' that existed under Franco. This is the action that has been so vocally called for, since families needed to see the names inscribed and to mark the resting place in order to be able to complete their mourning. In recent years, thanks to the financial contributions of both the governments of the autonomous communities and the state,²⁹ memorials have been set up on the grave sites of battlefields (such as Camposines, the site of the Battle of the Ebro), and local councils have taken various courses of action themselves: modest ones in smaller municipalities, more monumental and artistic in larger cities. The memorials in the cemeteries of Paterna (Valencia), Zaragoza, Córdoba, A Coruña, Palma de Mallorca, Oviedo, Tarragona, Gerona and Lleida are worth mentioning, amongst others. In this last city, in October 2010, the marking and consecration of all the mass graves that contained the remains of victims of the Civil War and the Franco era, civilian and military, from one side or another, was made official in the form of an integrated memorial route along which they could all be found.³⁰

All of this has been done in a context of conflict of memories, with some groups on the right having denounced and hampered the entire process from the very beginning, accusing those involved of opening up and inflaming old wounds that had already long since healed over.³¹ The Catholic Church, while it has not yet publicly or collectively apologised for its part in the Franco era repression, has proceeded with the beatification of the 'martyrs' of the Civil War, 498 of who were formally beatified on 28 October 2007 in St Peter's Square in Rome. The so-called 'war of death notices' was another example of the conflict of memory that still exists.³²

There has also been intense debate between the various remembrance organisations and between the families over the need to excavate the graves or not, whether to exhume the bodies, over whether the entire process should be handled at a more private and family level or more politicised overall. There have been families who have preferred to leave the bodies of their loved ones to rest where they lie, not wanting to stir up the trauma of their past, or expose themselves to the glare of the media. Some associations have considered it a 'whitewashing of genocide'. For these organisations, the graves should remain in place as a testament to the atrocities that were committed, and also to avoid the wave of 'media pathos'. They are amongst those who, for these reasons, proposed that the graves be properly dignified with the erection of monuments inscribed with the names of the victims, and with the creation of commemorative rites.³³

The mass graves that are dug up are different from the mass graves that were dug to begin with, in the same way that the society that excavates them will be different. The social repercussions depend, after all, on the political, social and cultural climate in which this occurs. The excavation of the graves, as Francisco Ferrándiz has noted, has revealed certain particularities and traits (be they political, judicial, scientific, media,

or organisational) which have slotted into contemporary Spanish society.³⁴ The entire process has uncovered a hidden and hushed up past of repression and trauma. Exhumation and the subsequent scientific analysis of the remains allow people to discover the circumstances in which the victims died, as a result of which the truth about certain murders is also uncovered, often calling into question the prevailing ideas about the past and sparking intense social debate about how to merge these new narratives with the old ones. Many people had previously kept their experiences of the war and its aftermath to themselves. Only when the social framework changes and these experiences are somehow legitimised by society and/or the state do these same people dare to tell their stories in public. When someone is willing to listen, the experiences rise to the surface, for it provides them with the chance to be freed from old traumas.³⁵

6. Conclusion

In Spain, unlike in any other country that has adopted policies of restitution for victims, the weight of these actions has essentially fallen on civil society, while the government has largely stayed in the background. The families, the associations and other engaged parties have assumed a role that normally corresponds to that of the state. On the basis that mass graves are the scenes of a crime, it falls to the state to investigate what happened there and to recover the bodies that had been forcefully made to disappear. Recently, on the International Day of Human Rights, a group of victims sent a letter to the President of the European Commission, José M. Durao Barroso, condemning the Spanish government for failing to fulfil its obligations to investigate the disappearance of more than 113,000 people during the Civil War and the dictatorship. On the same day, the ARMH filed a letter with the Congress of Deputies, demanding the establishment of a permanent human rights commission.³⁶ The Spanish state signed up to and ratified the International Convention for the Protection of All Persons from Enforced Disappearance, which categorised enforced disappearance as a crime against humanity. But on the judicial front, the barrier created by the Amnesty Law (1977) seems insurmountable, as evidenced by the accusations of prevarication made by the right-wing association *Manos Limpias* and the political party *Falange Española de las JONS* against Judge Garzón, when in 2008 he initiated the proceedings of a criminal investigation into offences committed during the Franco era. For this reason, in May 2010, Baltasar Garzón was provisionally suspended from his post as a judge. In late February 2012, the Supreme Court issued a judgment of acquittal, just a few weeks after the same court had dismissed Judge Garzón from the judiciary for prevarication over illegal wire tapping during the Gürtel case.

In 2012, the portion of the budget allocated for purposes of historical memory was reduced by half compared with the previous year. The People's Party (PP), in power since the end of 2011, announced that the €2.5 million available would be allocated exclusively to the process of exhuming the mass graves, but by August these funds had still not been amassed. In the general budget for 2013, approved in September 2012, the allocation for historical memory was left at zero, in spite of the fact that the 2007 Law of Historical Memory is still in effect. This will force the families and remembrance

associations to pay or find the necessary resources for the excavation of the graves themselves, as at the beginning of the process. The contention caused by the cost of it all combined with the need for cuts due to the economic crisis is playing in the PP's favour and giving cover to a party that always showed itself to be reticent when faced with the process of the recovery of memory. Something similar has happened in those other autonomous communities where the transfer of power to conservative parties has paralysed a good number of remembrance policies that had been enacted.

In the meantime, events honouring the dictator Franco continue to be celebrated, on marked days for the nostalgic, such as 20 November, and the Valley of the Fallen continues to be a shrine for the perpetuation of Franco's memory. The difficulty in reaching a consensus as to which course of action should be taken regarding it continues to be the perfect example of just how difficult it is to manage Spain's traumatic past.

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