

**Protest Repertoire:
Scenarios and Strategies of Transfer in the Spanish Historical
Memory Movement**

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ABSTRACT

This thesis explores Spanish protests following Franco's death in 1975 to present day. Expanding on previous analyses, I utilize performance studies and memory theory to analyze how past atrocities have manifested in the present, specifically through the actions of Spanish memory activists. The first chapter explores the role of Spanish memory activists in the discussion and assertion of "truth", emphasizing the significance of embodied knowledge. Chapter 2, using JL Austin's concept of "performative utterance", analyzes the extent to which language alone can be understood as a performance. Specifically, how the term "disappeared", which has legal roots in Argentina and Chile, acts as a significant catalyst in Spain's Historical Memory Movement. Chapter 3 expands on previous chapters to explore the influence of technology on memory strategies in a comparison with the Mothers of the Plaza de Mayo in Argentina. In Spain, mobilization of forensic evidence has proved an essential tool in combating the official silence in the public space. However, as memory is still linked to partisan conflict, where the momentum gained by this movement will go remains to be seen.

Key words: Collective memory, historical memory, performance studies, Spanish civil society, Spain, Franco, Spanish

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CHAPTER II

“My Grandfather was Also a Disappeared”

“It [disappeared] fits completely with what I saw in Argentina and Chile, no?” (Emilio Silva, 2019)

This chapter analyzes the victims of the Francoist reprisals from the perspective of language and law. Beginning with the 1936 coup, General Francisco Franco and the Nationalist rebels used ritual violence to instill terror and destabilize the Second Spanish Republic. In some cities, there was no traditional definition of war. There were no armies. In these towns, the coup was used as justification of a culture war and populations suspected of aligning with the Republic were immediately killed.⁶⁴ Impunity was rampant as mass killings and rape carried out by civilians were considered sanctioned by Nationalist rebel leaders before, during, and after the war.⁶⁵

This initial period of extrajudicial violence, referred to as the “hot terror” (1936-1943), set the foundation for the social and legal order of the Franco dictatorship.⁶⁶ When the war ended in April 1939, this heightened violence began a slow cooling process over the next decade as extrajudicial killings morphed into the mechanisms of state organized terror. However, the physical and arbitrary nature of the violence would continue until 1943. In the first months after the war, the new regime imprisoned more than 270,000 individuals.⁶⁷

With Franco as the official head of state, military courts and legislation ushered in the bureaucratic top-down violence that characterized Spain for the next 36 years. This new period is

⁶⁴ Graham, “The Memory of Murder: Mass Killing and the Making of Francoism.”, 33.

⁶⁵ Ibid, 50.

⁶⁶ Casanova, “The Faces of Terror: Violence during Franco’s Dictatorship.”, 101.

⁶⁷ Ibid, 91.

understood as a “state of terror.” While the literal number of executions carried out by the government appeared to slow in 1943, the mechanisms of terror continued. The threat of punishment and the occasional follow-through destroyed communities and fractured Spanish society.

...the dictatorship, which weathered so many decades and so many international contexts, was forged through a “pact of blood”; through the terror, which consisted greatly of paybacks, unity was achieved. The vanquished were paralyzed by fear and incapable of formulating any response to the regime.⁶⁸

With a successful institution of violence centering on public and private denunciations, paybacks, and arbitrary killings, the Franco dictatorship forged a new Spain eliminating and silencing anyone not part of the singular National-Catholic identity.⁶⁹

What is in a name?

This chapter analyzes the significance of the name used for the group of individuals who were repressed and killed by the Franco regime from 1936 to 1975. During the Franco repression, they were “Reds” in need of redemption.⁷⁰ This identification became the basis for the “otherization” of the Republicans that facilitated their mass execution. On April 26, 1940, a year after the war ended, Franco’s Ministry of Justice created a legal system for denunciations called the “General Investigation of Criminal Activities and Other Aspects of Life in the Red Zone from July 18, 1936, Until Its Liberation” or the *Causa General*.⁷¹ Its purpose was to allow

⁶⁸ Ibid. 101.

⁶⁹ Ibid.

⁷⁰ The Franco government was a collection of political parties with a variety of motivations. A full delineation of this theme is beyond the scope of this thesis, however, it is significant to note that these different factions consolidated during the early years of the Franco dictatorship into the *Movimiento Nacional* for “the salvation of La Patria (fatherland)” (Box 375). Franco formed the “new Spain” under this prevailing ideology of National Catholicism which combined the desire for the reinstatement of the Church and an economic and political restructuring. Redemption alludes to the marriage of religious and political ideology in which those who fought for the Patria fought to redeem and reclaim Spain’s previous glory.

⁷¹ Casanova, “The Faces of Terror: Violence during Franco’s Dictatorship.”, 105.

Nationalist rebels and sympathizers to bear witness to the violence of the “red terror” that took place during the war by denouncing their neighbors.⁷² Through these denouncements, Spaniards were able to protect themselves and show loyalty to the Franco regime. This legislative practice solidified the collective memory that characterized the “Reds” as violent from the beginning of the war and confirmed the social divide.⁷³ Simply implying an individual was “Red” set in motion the entire institution of violence.

During the transition from dictatorship to democracy after Franco’s death in November 1975, these institutions were dismantled. However, political prisoners were still considered detainees of a legitimate legal system. The main product of the transition, the 1977 Amnesty Law, was not the result of a debate over Franco’s human rights violations but the result of a demand by victims’ families for the release of the political prisoners of the Franco regime.⁷⁴ The categorization of those who were killed or those who were associated with the dead has continued to evolve alongside the power structures and successive governments in Spain.

However, a significant shift occurred in September 2000 when Emilio Silva published the article “My grandfather was also a disappeared”⁷⁵ in the *La Crónica de León* gaining local and international attention, as the term explicitly reframed the relationship between the past and the present and implicated international human rights law. Emilio Silva, after years of searching, located his grandfather in a mass grave in Priaranza del Bierzo with the remains of twelve other

⁷² The “red terror” was used by Franco to describe the gruesome killings by Republican supporters against more traditional factions of Spanish society during the Spanish Civil War, notably religious clergy. However, the scale of the violence was much smaller than Nationalist rebels. Additionally, while the Second Spanish Republic denounced these killings it was perceived by historians that a lack of institutional control due to the coup prevented accountability.

⁷³ Ibid. 96.

⁷⁴ Graham, “The Memory of Murder: Mass Killing and the Making of Francoism.”

⁷⁵ “*Mi abuelo también fue un desaparecido*”

men. Today, they are known as “*los trece de Prianza*”, all of whom were Republicans or leftists killed by the Franco rebels on October 16, 1936.⁷⁶

This chapter analyzes “My grandfather was also a disappeared” as a performative utterance and the resulting implications for social and legal progress. Furthermore, it analyzes the extent to which language alone can be understood as a performance. Coined by J.L. Austin, a British philosopher of language, in 1955, a “performative utterance” or “performative” refers to situations in which “the issuing of the utterance is the performing of an action.”⁷⁷ Performatives have two characteristics: “First, they do not describe or “constate”⁷⁸ anything at all and are not true or false; second, to utter the performative sentence is not merely to say something.”⁷⁹ Austin clarifies this with examples, one of which are wedding vows: “I do (sc. take this woman to be my wedded wife)’ --as uttered in the course of the marriage ceremony.”⁸⁰ This is to show that a performative does not describe in the sense that it does not explain what is happening, it simply does. “When I say, before the registrar or altar, &c., ‘I do’, I am not reporting on marriage: I am indulging in it.”⁸¹ By asserting that his grandfather is a disappeared, Emilio Silva is not describing his grandfather, but is actively placing him under the legal category in the same way that when a couple says “I do” they are not describing the action of marrying but are implicating the larger ceremonial and legal notions of that phrase.

Performatives are not to be evaluated on the dichotomy of true or false but rather, "only for a general dimension of being a right or proper thing to say as opposed to a wrong thing, in

⁷⁶ La Asociación para la Recuperación de la Memoria Histórica, “Que es la asociación para la memoria histórica?”

⁷⁷ J.L. Austin, *How to Do Things with Words*. 2d ed. (Cambridge, MA.: Harvard University Press, 1975), 4.

⁷⁸ Merriam-Webster defines constate as “to assert positively”

⁷⁹ Austin, *How to Do Things with Words*, 5.

⁸⁰ *Ibid*, 5.

⁸¹ *Ibid*, 6.

these circumstances, to this audience, for these purposes and with these intentions."⁸² The value or evaluation of a performative, if one is to be done, is based on "your knowledge of the facts and the purposes for which you were speaking."⁸³ It is not necessary that a statement is "true" rather, what is significant is how this performative resonates and utilizes the knowledge and context of the audience to result in a performative that affects the audience. And Silva, in this article, does just that.

The term "disappeared" places the Spanish victims within an international context which Emilio Silva is acutely aware of. When asked about his choice of the word, Silva notes a personal connection and makes a direct reference to the legal work carried out by Spanish Judge Garzón for victims in Argentina and Chile, implying his dissatisfaction with the lack of judicial remedy in Spain:

In 1997 I knew some of the lawyers who worked on the trials in Spain about the disappeared in Chile and Argentina...and others who worked on the principle of universal jurisdiction in the Spanish Supreme Court. I was "familiar"...through talking with them with the terminology that has to do with the disappeared. That's why...I chose disappeared...because it fits completely with what I saw in Argentina and Chile.⁸⁴

Silva's article is cited by many theorists and experts as a catalyst for the modern Historical Memory Movement in Spain. Inspired by the domestic and international response to the article, Silva formed the Association for the Recovery of Historical Memory (ARMH) which has combined with smaller groups in the last decade to form a network of primarily unpaid volunteers that search for, document, and exhume these victims.⁸⁵

⁸² Ibid, 145.

⁸³ Ibid.

⁸⁴ Emilio Silva (founder of the Association for the Recovery of Historical Memory) in discussion with the author, January 23, 2019.

⁸⁵ La Asociación para la Recuperación de la Memoria Histórica, "Que es la asociación para la memoria histórica?"

In 2000, and still today, there was a significant critique of the adoption of the term “disappeared” for the Spanish victims. Javier Pradera, considered the term to be an inadequate imitation of the Latin American experience as he, and other critics, prefer more vernacular terms such as *paseados* and *fusilados*.⁸⁶ In Spain, there is a differentiation between kinds of missing persons. *Paseados* were individuals taken from their homes and later assassinated in groups. The term originates from *paseos* meaning long walks but, in practice, victims were driven away in cars or trucks. These killings were unofficial, in that they did not appear on registers or in archives but they were largely known to have occurred--contributing to the “public secret” of mass graves previously explored in Chapter 1. They began in Granada and Aragon in 1936 and were used in killing thousands of individuals.⁸⁷ The *paseados* were the result of a “savage repression of quasi-public dimensions” deriving from hate and intolerance.⁸⁸ There are stories and town rumors of children directly witnessing their parents being taken down the road and hearing gunshots in the distance. It was precisely this vague knowledge that was used as a further control through terror.

The term “disappeared”, specifically in the Latin American context, refers to individuals who disappeared in a more literal definition. In Argentina, victims were often taken from their homes in the middle of the night by clandestine paramilitary groups with unmarked cars, no uniform, and secret funding.⁸⁹ Victims were often taken to secret torture centers in which they were either never recorded or arbitrarily listed as released when they were in fact tortured for

⁸⁶ Ibid, 18.

⁸⁷ Casanova, “The Faces of Terror: Violence during Franco’s Dictatorship.”, 91.

⁸⁸ Ferrándiz, Francisco and Emilio Silva. “From Mass Graves to Human Rights: The Discovery of Forced Disappearances in Contemporary Spain.”, 18.

⁸⁹ Esparza, Marcia. *State Violence and Genocide in Latin America: The Cold War Years*. (London: Routledge, 2009), 109.

long periods of time and later killed. The location of these individuals, their bodies, and even the centers were relatively unknown at the time and many continue to be disappeared today.⁹⁰

Among the most horrific circumstances, political prisoners were taken onto airplanes, drugged, and thrown into the Atlantic Ocean or Río de la Plata while still alive.⁹¹ Unlike Spain in which there was a general knowledge of what was occurring, in Argentina, these operations were much more clandestine and the location of bodies more difficult to uncover.

Critics cite this main difference in the mechanisms of political terror as the reasoning for the lack of transferability for the term “disappeared.”⁹² They believe the difference between the disappeared as a “public secret” and the disappeared as “unknown” is too strong for a transfer and application of terminology from Argentina to Spain. Critics assert the importance of the specificity of Spanish victims preferring terminology like “*paseados*” to indicate the complexity of the Spanish history. By using the term “disappeared”, Emilio Silva and the ARMH challenge this notion of specificity in the legal dimension, underlining the importance of international law.

The original search for the “disappeared”

“My grandfather was also a disappeared” was a catalyst for the Historical Memory Movement in Spain as it demanded a reorientation in society’s view of the dead by directly implicating them as victims of international crime. However, Emilio Silva’s motivations for the

⁹⁰ Ibid, 142.

⁹¹ In an account given by Adolfo Scilingo in 1996 to Pagina 12, an Argentine newspaper, and later covered and translated by the *New York Times*, Scilingo was the first navy official to discuss publicly the manner in which hundreds of bodies were disposed. “In his account, which was published this month in the Argentine newspaper Pagina 12, Mr. Scilingo said that he took part in two of the “death flights” in 1977 and that most other officers at the Navy School of Mechanics in Buenos Aires, where he served, were also involved in such flights. He estimated that the navy conducted the flights every Wednesday for two years, 1977 and 1978, and that 1,500 to 2,000 people were killed.” (Sims 1995)

⁹² Ferrándiz, “From Mass Graves to Human Rights”, 20.

publication of this article were not unique. This was not the first time Spanish civil society had researched Franco's atrocities.

An initial wave of exhumations took place from 1976 to 1982 immediately following Franco's death. These exhumations were distinct from the current exhumation as they were organized by family members on the local level in the hopes of giving their family members a proper burial.⁹³ They were carried out without any forensic or anthropological protocols and independent of any regional or national memory strategy. The exhumations took place at the local level for six years in tension-filled political environments and in some cases were covered in *Interviú*, a popular sensationalist magazine.⁹⁴ These initial exhumations and reports were "successful" in that they documented publicly, for the first time, the extent of the Franco repression.⁹⁵ However, these exhumations declined quickly as an attempted coup in 1981 led to increased fear of another dictatorship.⁹⁶

The initial exhumations from 1976 to 1982 and other initiatives around Spain indicate that the existence of these mass graves and atrocities was never a secret to the Spanish public. However, the performative "My grandfather was also a disappeared" set the foundation for Spanish society to reorient the way in which these victims were viewed in the social conscience. This performative forced Spanish society and the Spanish government to place the Spanish victims under international law.

⁹³ Aguilar, Paloma and Francisco Ferrándiz. "Memory, Media, and Spectacle: Portraying Civil War Exhumations in the Early Years of Spanish Democracy." *Journal of Spanish Cultural Studies* (2016), 2.

⁹⁴ *Ibid*, 2.

⁹⁵ *Ibid* 3.

⁹⁶ *Ibid* 9, On February 23, 1981, Lieutenant-Colonel Antonio Tejero led 200 armed Civil Guard officers into the Congress of Deputies during the vote to elect the new Prime Minister and held them for almost 24 hours. This attempted coup silenced reports and slowed exhumations nearly to a halt as tension and violence bred the fear left over from the dictatorship.

Regardless of if the Spanish victims qualified as “disappeared” in the legal definition, this performative calls on the “relative truth” to the audience previously established by Austin.⁹⁷ Spanish Judge Baltasar Garzón and the Spanish judicial system gained international attention in 1998 when he issued a warrant for the arrest of Chilean dictator Augusto Pinochet. Judge Garzón set international precedent for future indictments under universal jurisdiction as he used Spanish Penal Code 607⁹⁸ to employ universal jurisdiction and bring international charges of torture, extrajudicial disappearances, and other crimes against humanity against the previous dictator.⁹⁹ One year later, in 1999, Garzón again applied Spanish domestic policy to indict 98 members of the Argentine armed forces for crimes of genocide and terrorism.¹⁰⁰ Garzón held borderline celebrity status in Spain for his involvement in these cases and his later involvement in domestic terrorism cases. The Spanish public understood the concept of the disappeared as something a Spanish judge used against other countries in the defense of a higher moral ground. Before the publication of Silva’s article, members of Spanish civil society were already researching Franco’s atrocities, but unable to effectively ignite a national memory strategy. In contrast to 1981 when fear overshadowed investigation, it was through this later and more broad legal appeal that Silva constructed a memory strategy that served as the catalyst for the Historical Memory Movement.

Implications of the Spanish disappeared in international law

⁹⁷ Austin, *How to Do Things with Words*, 145.

⁹⁸ “Under its domestic law, Spain has universal jurisdiction over serious crimes such as genocide even when these are committed outside Spain by foreign citizens. An action may be brought in the public interest by any Spanish citizen and an investigating judge then gathers evidence and interviews witnesses to determine whether there is sufficient basis for the claims alleged in the complaint.” (Esparza 151).

⁹⁹ Esparza, *State Violence and Genocide in Latin America: The Cold War Years*. 1.

¹⁰⁰ *Ibid*, 47.

The term disappearance or “forced disappearance” emerged in international law as a result of the complaints filed from the Chilean coup in 1973. The Inter-American Commission on Human Rights formed the first mechanisms for prosecution in 1974 and later the first sentences in the 1980s. Similarly, the United Nations Commission on Human Rights established the Working Group on Enforced or Involuntary Disappearances (WGEID) in 1980 to specifically focus on the complaints in the 1970s from Latin America. It wouldn’t be until 26 years later, in 2006, that disappearances would be codified as crimes against humanity when the United Nations General Assembly adopted the International Convention for the Protection of All Persons from Enforced Disappearance.

Aware of these international legal systems due to Garzón and the Argentine case, Silva’s Association for the Recovery of Historical Memory (ARMH) began appealing to the WGEID in 2002 with the intention of placing Spanish victims in the international arena.¹⁰¹ However, due to the timing of the crimes, the UN only accepted two cases.¹⁰² The mechanisms of international law were not established until 1945 and the “hot terror” in Spain ended by 1943. The cases accepted by the UN took place after 1945 because technically those that took place prior to 1945 were not a crime as neither the crime nor international law existed.¹⁰³ While the WGEID was not able to accept the majority of cases that ARMH appealed, the two accepted cases allowed the WGEID to officially include Spain in their list of countries with active cases of international disappearance in 2003 placing Spanish crimes firmly in the international discussion and on the

¹⁰¹ Emilio Silva (founder of the Association for the Recovery of Historical Memory) in discussion with the author, January 23, 2019.

¹⁰² Ferrándiz, “From Mass Graves to Human Rights”, 14.

¹⁰³ The decision to accept or deny cases prior to 1945 is centered around the concept of “international retroactivity” which discusses whether or not international law can be used retroactively. In the sense, can a crime be prosecuted if it technically was not codified as a crime when it occurred.

“official record.”¹⁰⁴ Silva’s claim that implicated the international legal system now has practical application. While his own grandfather was not listed, other victims of this system of terror were.

In parallel to the appeal to the international legal system, Spanish memory activists reframed their argument within the national Spanish judicial system and submitted to Garzón and asked him to declare himself competent. In 2006, Garzón accepted the case of “alleged permanent crimes of illegal detention in the framework of crimes against humanity” which included 114,266 individual cases from 1936 to 1951.¹⁰⁵ In his reasoning, Garzón classified these individuals as disappeared and asserted that the crimes of illegal detention were continuous in nature because the mechanisms of violence used by the Franco regime to disappear individuals were “systematically used to obstruct the identification of the victims and to prevent justice from taking action right up to the present.”¹⁰⁶ However, Garzón’s decision was strongly opposed by a significant portion of the judiciary, including a noted appeal by Javier Zaragoza, chief prosecutor of the Supreme Court.

Zaragoza’s critique highlights the main arguments responsible for the judicial stonewall that continues to this day. The central argument lies in the 1977 Amnesty Law which the judiciary interprets to mean that no judge can declare competence in any complaints or

¹⁰⁴ Ibid, 6.

¹⁰⁵ Ibid, 8.

¹⁰⁶ “Judge Garzón took into account that there had been serious violations of rights that could be considered to belong to the legal category of crimes against humanity during the Civil War and the Franco dictatorship. He maintained that, in the context of a crime against high organisms of the nation, the procedure of *forced disappearances* –proceeding from war edicts, summary court- martials, and the repressive architecture after 1945— was systematically used to obstruct the identification of the victims and to prevent justice from taking action right up to the present. Garzón appealed to Article 607 *bis* of the Spanish Penal Code, introduced in the year 2003, which deals with the enduring validity of crimes against humanity in accordance with international law, to the 1998 Statute of the International Penal Court, and to other precedents such as the Nuremberg Statute (1945) and certain decisions by the European Court of Human Rights in order to include these disappearances under the legal definition of permanent crimes of illegal detention without accounting for the victim’s whereabouts, equivalent to forced disappearance.” (Ibid, 8).

investigation into crimes of the Franco period. Furthermore, Zaragoza draws a clear distinction between Spanish victims and Latin American victims, stating, "...it is publicly known and notorious that the victims were executed at the time and, consequently, we are manifestly dealing with a crime of assassination..."¹⁰⁷ In contrast to the Argentine case, Zaragoza argued that because these crimes were public knowledge they were not continuous crimes under international law but common crimes under the jurisdiction of territorial courts.¹⁰⁸

In 2007, Spain signed and ratified the Convention for the Protection of All People from Forced Disappearances which defined "enforced disappearance" in Article 2 as follows:

the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.¹⁰⁹

This Convention is intended to prevent forced disappearance and define it in international law under crimes against humanity. By signing and ratifying the Convention, Spain is legally obligated to fulfill the protections within.

In 2007, following continuous international and internal pressure, Spain passed one of the only laws to address the victims of the Franco dictatorship under the leadership of Socialist Prime Minister José Luis Rodríguez Zapatero: the Historical Memory Law. This law was significant in that it recognized, extended the rights to, and established measures in favor of "those who suffered persecution or violence during the Civil War and dictatorship."¹¹⁰ However,

¹⁰⁷ Ibid, 9.

¹⁰⁸ Ibid.

¹⁰⁹ *International Convention for the Protection of All Persons from Enforced Disappearance*, 20 December 2006, [WGEID].

¹¹⁰ Ferrándiz, "From Mass Graves to Human Rights", 6.

significant portions of the Spanish public found the law unsatisfactory as the government explicitly listed the purpose of the law as follows:

the purpose of the Law is not to categorize and sanction the crime of forced disappearance, but rather to promote measures that can contribute to a knowledge of history and facilitate democratic memory, all within the framework of a spirit of reconciliation.¹¹¹

This purpose, combined with the omission of the recently signed and ratified UN Convention for the Protection of All People from Forced Disappearances, acknowledges the victims without ever having to place them within the international legal context. As a result, the Spanish government avoids legal prosecution and reparations required in the Convention. Furthermore, the practical application of this law only lasted four years as the law was stripped of all its funding in 2011 by conservative Prime Minister Mariano Rajoy citing economic priorities.

To this day, Spanish memory activists and the international community are filing complaints against the Spanish government and applying pressure to fulfill their obligations. In 2013, representatives from the WGEID and Pablo de Greiff, the UN Special Rapporteur on the Promotion of Truth, Justice, Reparation, and Guarantees of Non-recurrence, made independent visits to Spain. By 2015, both organizations published reports highly critical of the Spanish government citing the failure to fulfill its obligations to these victims under international law.¹¹²

In 2010, Argentine courts utilized universal jurisdiction to open an investigation into Franco era crimes. The case, as of January 2019 has 320 plaintiffs and is the subject of the recent documentary “The Silence of Others.”¹¹³ While the result of the investigation is ongoing, the

¹¹¹ *Ley de la Memoria Histórica*. 2007. (Ministerio de Justicia). Ley 52/2007.

¹¹² See Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. Mission to Spain.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/090/52/PDF/G1409052.pdf?OpenElement>

¹¹³ Stephania Taladrid, "Spain's Open Wounds."

legitimacy brought to the legal critiques of Spain's Amnesty Law by these international courts is significant.

In contrast to Latin America, where the term disappeared originated, the relationship between the disappeared in Spain and the judicial system is virtually non-existent. The analysis of "My grandfather was also a disappeared" as a performative reflects a legal reorientation in the social conscience of Spain that has taken place in the last decade as a result of and "Argentinization"¹¹⁴ of civil society strategies. This performative served as a catalyst in the Historical Memory Movement and was an essential contributor to the reinterpretation of the victim's identity in Spain. Despite Silva's intention of placing victims of the Francoist reprisals in an international legal scenario, Spain's distinct political context has blocked the recourse of justice for victims of political violence that has taken place in Argentina with the trials and imprisonment of perpetrators.

¹¹⁴ See Jonah Rubin.

BIBLIOGRAPHY

- Aguilar, Paloma. *Memory and Amnesia: The Role of the Spanish Civil War in the Transition to Democracy*. Translated by Mark Oakley. United States: Berghahn Books, 2002.
- Aguilar, Paloma and Francisco Ferrándiz. “Memory, Media, and Spectacle: Portraying Civil War Exhumations in the Early Years of Spanish Democracy.” in *Journal of Spanish Cultural Studies* 17(1), 2016.
- Austin, J.L. *How to Do Things with Words*. 2nd ed. Cambridge, MA: Harvard University Press, 1975.
- Box, Zira and Ismael Saz. “Spanish Fascism as a Political Religion (1931-1941).” *Politics, Religion, and Ideology*, 2011, 71-389.
- Casanova, Julián. “The Faces of Terror: Violence during Franco’s Dictatorship.” in Carlos Jeréz-Farrand and Samuel Amago (eds.), *Unearthing Franco’s Legacy: Mass Graves and the Recovery of Historical Memory in Spain*. Notre Dame: University of Notre Dame Press, 2008, 90- 120.
- Connerton, Paul. *How Societies Remember*. Cambridge: Cambridge University Press, 1989.
- Douglas, Lee. 2019. (anthropologist), in discussion with the author. January 20.
- Douglas, Lee. “Producing Historical Knowledge in a World of Absence: Forensic Science, Cultures of Documentation, and the Politics of Memory in Post-Franco Spain” Doctoral Dissertation, New York University, 2017.
- Esparza, Marcia, Huttenbach, Henry R., and Feierstein, Daniel, eds. *State Violence and Genocide in Latin America: The Cold War Years*. London: Routledge, 2009. Accessed April 21, 2018. ProQuest Ebook Central.
- Escudero, Rafa. 2019. (legal scholar), in discussion with author January 22.
- Ferrándiz, Francisco, 2019. (social anthropologist), in discussion with the author, January 21.
- Ferrándiz, Francisco and Emilio Silva. “From Mass Graves to Human Rights: The Discovery of Forced Disappearances in Contemporary Spain.” in *Missing Persons: Multidisciplinary Perspectives on the Disappeared*, edited by Derek Congram. Toronto: Canadian Scholars Press, 2016.

- Ferrándiz, Francisco. "From Tear to Pixel" in *Engaging the emotions in Spanish culture and history*. edited by Delgado, Fernandez, and Labanyi. Nashville : Vanderbilt University Press, 2016.
- Freeman, Mark. *Truth Commissions and Procedural Fairness*. Cambridge University Press, Cambridge, 2006.
- Graham, Helen. *The Spanish Civil War: A Very Short Introduction*. Oxford: Oxford University Press, 2005.
- Graham, Helen. "The Memory of Murder: Mass Killing and the Making of Francoism." in *The War and its Shadows: Spain's Civil War in Europe's Long Twentieth Century*. Sussex: Sussex Academic Press, 2012, 25-50.
- Hirsch, Marianne. "The Generation of PostMemory." *Poetics Today*, 29, no. 1(2008): 103-28.
- International Convention for the Protection of All Persons from Enforced Disappearance*, 20 December 2006, [WGEID].
- Jelin, Elizabeth. *State Repression & the Labors of Memory*. Minneapolis: University of Minnesota Press, 2003.
- La Asociación para la Recuperación de la Memoria Histórica, "Que es la asociación para la memoria histórica?" <https://memoriahistorica.org.es> Accessed October 2018.
- Ley de la Memoria Histórica*. 2007. (Ministerio de Justicia). Ley 52/2007.
- Minder, Raphael. "Spain's Prime Minister, Mariano Rajoy, Is Ousted in No-Confidence Vote." *The New York Times*. June 01, 2018. Accessed April 2019.
- Powell, Charles. "The Long Road to Europe: Spain and the European Community, 1957-1986." Madrid: Elcano Royal Institute, 2015.
- Preston, Paul. *The Spanish Civil War: Reaction, Revolution, and Revenge* New York: W.W. Norton and Company, 2006.
- Ríos, Luis. 2019. (biologist and Aranzadi team member), in discussion with the author. January 20.

- Rubin, Jonah. "Transitional Justice Against the State: Lessons from Spanish Civil Society Led Forensic Exhumations." in *International Journal of Transitional Justice* 8, no. 1: 99120, 2015.
- Silva, Berta Martínez. 2019. (physical anthropologist and Aranzadi team member), in discussion with the author. January 20.
- Silva, Emilio. 2019. (Founder of the Association for the Recovery of Historical Memory), in discussion with the author. January 23.
- Sims, Calvin. "Argentine Tells of Dumping 'Dirty War' Captive Into Sea." *New York Times*, March 13, 1995.
- Sontag, Susan. *Regarding the Pain of Others*. New York: Picador Press, 2003.
- Taussig, Michael. *Defacement: Public Secrecy and the Labor of the Negative*. Redwood City: Stanford University Press, 1999.
- Taladrid, Stephania. "Spain's Open Wounds." *The New Yorker*. January 10, 2019. Accessed April 2019. <https://www.newyorker.com/news/dispatch/spains-open-wounds>.
- Taylor, Diana. *Archive and the Repertoire : Performing Cultural Memory in the Americas*. Durham and London: Duke University Press, 2003. ProQuest Ebook Central.
- Taylor, Diana. *Disappearing Acts: Spectacles of Gender and Nationalism in Argentina's "Dirty War"*. Durham and London: Duke University Press, 1997.
- "The Silence of Others." Directed by Almudena Carracedo and Robert Bahar. Spain: Cinephil, 2018.
- Ugarte, Marina Montoto. "Un Viaje de Ida y Vuelta: La Construcción social de la "Víctima" en la Querrela Argentina Contra los Crímenes del Franquismo." Tesis Doctoral, Universidad Complutense de Madrid, May 2018.