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“Que mi nombre no se borre de la historia”

The stakes of including women's historical memory in Spanish politics
of memory

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ABSTRACT

Spain has had and continues to have problems in dealing with its dictatorial past, especially in the political sphere. Thus, the current Draft Bill on Democratic Memory, which is expected to be approved this year, has been one of the great advances in the field of memory policies. It includes the democratic memory of women as an achievement to remember their struggle for democratic values as well as for the violence they suffered both for their ideology and that of their companions and for not fitting into the gender role that Francoism had assigned them. In the light of these considerations, this thesis seeks to analyze what are the main stakes of including the historical memory of women in the politics of memory in Spain. To achieve this, the official Francoist narrative and the alternative collective memories supported by social actors will be examined, with special attention to the moment when women's memory is supported in the social agenda. Secondly, the circumstances surrounding the draft bill will be studied in order to review the arguments put forward by the government as well as the main opposition it encounters from relevant actors. The analysis has shown that the democratic memory of women is framed as a more advanced version of the current official narratives of historical memory, but the different social and political actors have different interests that may come into conflict due, on the one hand, to the desire to contextualize the figure of women as a fundamental and not just anecdotal part of Francoism, and on the other to the desire not to open wounds of the past.

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And lastly, to all the women that fought for their freedom. I will not let your names be erased from history.

LIST OF ABBREVIATIONS

ALMD	<i>Anteproyecto de Ley de Memoria Democrática</i>
AMNE	<i>Asociación Nacional de Mujeres Españolas</i>
ARMH	<i>Asociación para la Recuperación de la Memoria Histórica</i>
CEAQUA	<i>Coordinadora Estatal de Apoyo a la Querella Argentina</i>
CW	Civil War
ERC	Esquerra Republicana de Catalunya
LMH	<i>Ley de Memoria Histórica</i>
MRHM	Movement for the recovery of historical memory
PPM	<i>Patronato de Protección a la Mujer</i>
PRA	Political Responsibilities Act
PP	Popular Party
SF	<i>Sección Femenina</i>
PSOE	Socialist Party
TOP	<i>Tribunal de Orden Público</i>
TJRNR	Truth, justice, reparation and guarantees of non-repetition

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I. INTRODUCTION

“*Que no llores por mí. Que mi nombre no se borre de la historia*”¹. These sentences, which give name to the present thesis, were the last words that 19-year-old Julia Conesa wrote to her family in the early hours of 4-5 August 1939, as she was to be executed a few hours later, along with 12 other women, half of them minors². These 13 women were to be given a nickname, *Las Trece Rosas* (The 13 Roses). It is said that Ève Curie, daughter of Marie Curie, who led several protests in France denouncing the execution of the young women, was the one that popularized the name³. They had been found responsible for the crime of adhesion to the rebellion, for which they were sentenced to death. Julia was accused of having been a "tram conductor during Marxist rule"⁴. Indeed, they were tried for being part of the Unified Socialist Youth, the Spanish Communist Party, or for having served as a liaison with the Republican side during the Civil War (CW)⁵.

The story of Las 13 Rosas is a very popular episode among Spaniards. It is true that all the cultural pieces that have been created based on this group, of which there are several, have contributed to their mythification which indeed keeps their names from being erased from history. However, they represent the only known female names of Franco's resistance and repression that live on in the Spanish imagination today.

This situation is intended to change with the recent *Anteproyecto de Ley de Memoria Democrática* (Draft Bill on Democratic Memory, hereinafter, ALMD), in which the democratic memory of women is recognized and the Public Administration is expected to take action in this regard. Indeed, this is one of the star laws of the current Socialist government run by Pedro Sánchez, although many acts in the realm of memory have been passed since 2018 when the current government came into power after a successful motion of no confidence done against former President Mariano Rajoy. The most outstanding one was the removal of Franco's remains from *El Valle de los Caídos* (Valley of the Fallen, which will be renamed the *Valle de*

¹ Do not cry for me. Don't let my name be erased from history

² Tabea Alexa Linhard, 'The Death Story of the "Trece Rosas"' (2002) 3 *Journal of Spanish Cultural Studies* 187 <<http://www.tandfonline.com/doi/abs/10.1080/1463620022000013974>> accessed 15 July 2022.

³ Alyssa McMurtry, 'Spain Remembers Assassination of "13 Roses"' *Anadolu Agency* (5 August 2020) <<https://www.aa.com.tr/en/europe/spain-remembers-assassination-of-13-roses-/1932481>> accessed 13 July 2022.

⁴ Mercedes de Grado González, 'Represión de Género Franquista En Las Trece Rosas, de Emilio Martínez-Lázaro: ¿"Lugar de Memoria" o Banalización de La Lucha Política de Las Mujeres Republicanas?.' [2010] *Creatividad y Sociedad* 1 <<https://www.aacademica.org/mercedes.de.grado/2>> accessed 7 April 2022.

⁵ Linhard (n 2).

Cuelgamuros -Cuelgamuros Valley- with the bill's approval), a monument commissioned by him that was built with the slave labor of republican prisoners. But it is in fact the ALMD that is intended to be its flagship action. It was approved by the Council of Ministers in September 2021 and sent to Congress in October, where it was paralyzed after the proposition of amendments until July 6 when the Socialist Party agreed on certain amendments proposed by other parliamentary groups to seek its processing. It is expected to be approved by this Chamber on July 14 and forwarded to the Senate for its approval as a bill in September 2022.

Therefore, the reason and justification for this thesis come with the recent legislative developments that made it a current issue in the Spanish attempts to deal with its dictatorial past. As such, the inclusion of the democratic memory of women is much celebrated by the government, but it has been a long-wished claim of civil society, especially the movement for the recovery of historical memory (MRHM), or memorialist movement, and feminist groups. This bill intends to acknowledge the active role of women in the struggle for democracy, something that is said to be considered in a "cross-cutting manner throughout the law" as the explanatory statement says. Moreover, it establishes the necessary measures of reparation for the repression to which they were subjected. In this sense, the bill also accounts for a type of violence different from that suffered by their male counterparts, so that the women would have suffered double repression that would derive not only from their ideology or militancy, but from the fact that they were women, and specifically, for being women who did not fit the model of femininity established by the national-Catholic values that prevailed under the Franco regime.

Accordingly, the democratic memory of women would, theoretically, become part of the curricula to be added to the levels of compulsory education established in the ALMD. This is indeed where personal choice comes into play: I, the author of the thesis, have never studied Francoism in school - everything I learned came from small comments from my family, things I watched on TV, and mentions in books. Consequently, I decided to investigate the recent past of my country on my own, but it was at the university where I realized how much the dictatorial past has shaped today's Spain in different aspects: its political system, the quality of its democracy, the values of society. And it is particularly at the disruption of the values between the Second Republic and Francoism where I decided to investigate for this thesis until I reached the point that most directly affected me as a young Spanish woman: the repression and resistance of women in the CW and Francoism, which is not even covered in schools where Francoism is taught since it tends to be explained from a homogenizing and androcentric view. As such, the bill would aim to close the gap that exists in the educational curricula by expanding

the content to reflect the complexity of the Franco era in Spain, in which the repression and re-education of women were an essential part of the regime, and which still marks the current reality of Spanish women.

In light of these considerations, this thesis will set out to explore the following research question: what are the main stakes of including the historical memory of women in the politics of memory in Spain? To this end, the thesis will be divided into two main chapters. The first will review the historical memory and politics of the past, to examine when women's experiences were taken into consideration by the social groups that would later push this remembrance to the official or institutional level, as well as to study how they framed this exercise of remembrance. Therefore, we will also analyze the content of these experiences, i.e. women's repression and resistance, and how the current activation of memory can act to further invisibilize them or make them a fundamental part of history. To continue, the second main chapter will focus solely on the circumstances surrounding the ALMD to analyze why a revision of the past is being discussed in today's Spain and how political forces are pushing for the inclusion of women's memory. In addition, we will examine the actors who have a voice or opinion, because of their direct link to women's historical memory or because of an interest that stems from their position in society. This way, we can review the interests at stake in this bill and in particular the specific interests they have regarding the inclusion of women's historical memory.

Besides, the present thesis consists of a study that combines a sociological, political, and slightly legal analysis to collect all the information, amounting to a holistic approach that allows the research question to be addressed properly. In addition, it also draws from different sources such as academic, social groups blogs, groups debates and conferences, political communications and debates, and presentations to have a holistic approach that accounts for the main stakes. In this regard, the sources examined also came from different disciplines, as many of them are interested in the inclusion of historical memory of women in the ALMD. Consequently, the reader will find, beyond sociological and political sources, anthropological, forensic, historical, psychological, and feminist references throughout this study.

Regarding the limitations this thesis encounters, a few could be named. Firstly, being able to be physically present in Spain would have been desirable, although it is true that the pandemic has digitized us and allowed us to have better online connections. However, many of these associations work very locally and through non-professionalized networks, i.e., the work they carry out is not remunerated, but rather consist of voluntary activities for various personal reasons, which made it difficult to search for them and send messages to seek

information. Furthermore, the fact that there are not many professionals specializing in the recovery of women's democratic memory may have biased the thesis towards a unique direction instead of having many different interpretations of what today's Spanish society should work on to recover these memories.

Before beginning the research, it is important to consider that the reaction of the public to this official attempt at memory politics has been very distinct. In this sense, the analysis that has been done focuses on the social groups that have demanded the revision of the past in a positive manner, this is, requiring action from the government, i.e., some MRHM and feminist groups. However, and especially through social media platforms, there are many citizens that are very virulent in their expressions of discomfort regarding the bill, a polarization that has been aggravated by political actors covered later in this thesis. In other words, although we have been analyzing memorialist and feminist actors, in particular, the reader should consider social actors do not act in the same direction, and although we could not talk of a "social movement" itself of memory detractors, many individuals have expressed their firm rejection to this revision of the past⁶.

I. HISTORICAL MEMORY IN SPAIN: WHAT ABOUT THE WOMEN?

This first chapter will deal with the politics of memory in Spain and how it has connected to women's experiences. In this regard, we will first examine how history and memory have been used to make politics about the past and from which perspective the collective memory of women has been framed, as well as when, why, and by who. This would help us to know the first groups interested in this inclusion and how their interests have evolved, which is crucial to know what was demanded, which would undoubtedly later shape how this topic is included in the ALMD. Moreover, we will continue with the study of women's own historical memory, that is, the contents that are intended to reach the Spanish public so that it can recognize the role that women played under Franco's regime. In this sense, both the repression and their resistance would be reviewed since both are contemplated in the ALMD.

⁶ I have only found one association, Asociación por la Reconciliación y la Verdad Histórica which acts under the flag of "counterhistorical memory" as the logical response of a group of historians to the lies of Historical Memory. It is a historiographical trend that seeks not only to expose the lies of the pro-government but also to set new paths for the interpretation of our history. In addition, I have only found a newspaper article that states the convening of a demonstration that is expected the 14th of July, but could not find further information apart from this article, not even the organizers. Available at: <https://www.elconfidencialdigital.com/articulo/politica/manifestacion-congreso-ley-memoria-democratica-dia-aprobacion/20220706220824423178.html>

A. Coming to terms with the past: an unfinished work

There have been some attempts to make politics about the past in Spain from the beginning of La Transición (the Transition period, as it is commonly known in Spain) until now, with the recent Draft Bill of Democratic Memory expected to be approved this very year. This means that although forty-seven years have passed since Franco died and democracy was established in the country, the politics of memory that deal with their dictatorial past seem to be an unfinished work. In this regard, we will first analyze the different interests that come into play when carrying out politics of memory, to later examine the contested process of politics of the past in Spain from the death of Franco in 1975 to nowadays, including both a social and political perspective. Hereof, we will study how the process of collective memory recovery can be challenging as many groups can fight for their predominance over other collective memories. Consequently, we will explore the moment when women's memory gained popularity within the social agenda.

1. Using history and memory to make politics about the past

While history could be defined as events, data, and dates registration where truth is the main interest, memory deals with the experiences of those and how societies remember what happened⁷. Nevertheless, there is not a clear separation between both: Braudel described how history is still rooted in the views of the contemporaries that lived it, dreamed about it, had hopes, or felt anger in the present times, which led him to describe history as “the child of its time”⁸. However, still, the conception of objectivity is central to the construction of the discourse and one of the main aspirations of historians. On the other hand, memory lives as a representation of past events and creates a shared feeling among the group⁹. In this sense, memory would not only consist of remembering but also of creating memory, since it is a subjective process that arises from the act of remembering both individually and collectively¹⁰.

⁷ Nerea Aresti, ‘Evolución de las luchas de las mujeres: la irrupción del movimiento feminista’ (Represión y lucha de las mujeres en el tardofranquismo, Madrid, 23 April 2022) <<https://www.youtube.com/watch?v=TNxFuocawGw&t=189s>> accessed 10 May 2022.

⁸ Allan G Bogue and others, ‘On History’ (1982) 13 *Journal of Interdisciplinary History* 109 <<https://www.jstor.org/stable/203839?origin=crossref>> accessed 15 June 2022.

⁹ Wulf Kansteiner, ‘Finding Meaning in Memory: A Methodological Critique of Collective Memory Studies’ (2002) 41 *History and Theory* 179 <<https://onlinelibrary.wiley.com/doi/10.1111/0018-2656.00198>> accessed 14 July 2022.

¹⁰ Nicolas Russell, ‘Collective Memory before and after Halbwachs’ (2006) 79 *The French Review* 792 <<http://www.jstor.org/stable/25480359>> accessed 15 June 2022.

It is in the step from individual to shared memory by individuals where we find the collective memory theory, attributed to Halbwachs, although some claim that it could be traced back to Ancient Greek texts¹¹. He argues that the process of remembering happens within familiar and social groups, and it is these group interactions that mark how and what an individual would remember from a past even¹². However, is it distinct from historical memory or are they synonyms in the literature? Concerning this, Llona explains how collective memory belongs to socially active groups that reproduce and transmit such memory, while historical memory would be defined as the means by which collective memory survives and is preserved once the communities that carried it are extinct¹³. The differentiation in terminology is supported by Marie-Claire Lavabre, with a distinctive nuance: collective memory would be similarly described since it would be conditioned by lived experiences, but she categorizes historical memory from a strong influence of the "politics of the past"¹⁴. In this sense, the latter would mean the process by which present struggles and interests are reflected in history and how this is appropriated by the different actors in societies¹⁵. Nevertheless, some authors do not agree with this terminology and advocate for discourses with a broad interpretation of the concepts of historical and collective memory in which what it is understood to be the central elements (i.e., their link to different groups, lived experiences, and collective remembrance) are comprised and can thus function as interchangeable terms¹⁶.

For the purposes of this thesis, we will use "historical memory" as a synonym for "collective memory". However, and following the terminology in the context of Spanish memory wars, the first term will mostly be referred to in this thesis: civil society and national institutions normally refer to "historical memory" when they deal with it. Furthermore, the term "democratic memory" will also be used, especially with regard to recent attempts to put memory back on the political agenda. The connotation is thus somewhat peculiar: it attempts

¹¹ *ibid.*

¹² *ibid.*

¹³ Miren Llona, 'Memoria Histórica y Feminismo', *Granada treinta años después: aquí y ahora. Jornadas feministas estatales.* (Belviarte 2009) <https://www.feministas.org/IMG/pdf/Jornadas_Estatales_Granada_30_anos_despues_aqui_y_ahora.pdf> accessed 15 May 2022.

¹⁴ Pedro Ruiz Torres, 'Los discursos de la memoria histórica en España.' (2007) 7 *Hispania Nova: Revista de historia contemporánea* 30 <<http://hispanianova.rediris.es/7/dossier/07d001.pdf>> accessed 20 May 2022.

¹⁵ *ibid.*

¹⁶ Aranzazu Borrachero, 'Herramientas para la construcción de la memoria colectiva de las mujeres y el franquismo: los archivos de memoria digitales' (Conferencia de Aránzazu Borrachero Mendivil y Alejandro Peña Carbonell, Online, 11 2020) <<https://www.youtube.com/watch?v=zQRCp9uWQuo>> accessed 10 May 2022.

to frame AMLA as a more advanced version of historical memory in the name of democracy and values such as human rights or the rule of law¹⁷, as we will examine later in this thesis.

Notwithstanding the debates about the terminology to be used, we are particularly interested in the political side of memory. Indeed, we have seen how Lavabre has introduced this level already when conceptualizing historical memory. Indeed, memory, when reaching the political and public sphere, is full of pressures from many sides of society; for instance, many are the news in Spain that cover the political disputes over the change of street names, or the illegalization of certain associations linked to Franco's figure. But why engage in these fights? Borrachero suggests the fact that memory is crucial for the construction of identities and that political elites would be interested in constructing certain narratives to legitimize their position in the social-economic hierarchy¹⁸. This would be defined as the "official memory" (or even "official history") against which we could find, generally, memories from vulnerable or minority groups such as women's memory, Native Americans, or the LGBT+ community¹⁹.

Therefore, changes in the political power foster change in the revision of the past, since the political groups would balance forgetting and remembering from their own perspective of history and memory²⁰. According to Verovšek, the mobilization of the past is used as an instrument for the legitimation of politics in the present that acts in two directions: bottom-up, the interpretations of the past shapes identities and perception of political representatives; whereas the top-down influence operates through statements, speeches, and general discourses that penetrate in the public consciousness while the lack of others supposes a silence that could eventually lead to oblivion²¹.

When countries attempt to confront or deal with their past, the narrative of memory constructed or sustained by national institutions will become the "official memory", which in most cases has been characterized as hegemonic, androcentric, and totalizing²². Nevertheless,

¹⁷ Carme Molinero, 'LA TRANSICIÓN Y LA "RENUNCIA" A LA RECUPERACIÓN DE LA "MEMORIA DEMOCRÁTICA"' (2010) 11 *Journal of Spanish Cultural Studies* 33 <<http://www.tandfonline.com/doi/abs/10.1080/14636201003787626>> accessed 29 June 2022.

¹⁸ Borrachero (n 16).

¹⁹ *ibid.*

²⁰ Alejandro Baer, 'The Sins of the Fathers: Germany, Memory, Method' (2017) 4 *European Journal of Cultural and Political Sociology* 494 <<https://www.tandfonline.com/doi/full/10.1080/23254823.2017.1373931>> accessed 16 June 2022.

²¹ Peter J Verovšek, 'Collective Memory, Politics, and the Influence of the Past: The Politics of Memory as a Research Paradigm' (2016) 4 *Politics, Groups, and Identities* 529 <<http://www.tandfonline.com/doi/full/10.1080/21565503.2016.1167094>> accessed 16 June 2022.

²² Evin Scott Groundwater, 'The Divergent Archive and Androcentric Counterpublics: Public Rhetorics, Memory, and Archives' (University of Illinois at Urbana-Champaign 2020) <<https://www.ideals.illinois.edu/bitstream/handle/2142/107919/GROUNDWATER-DISSERTATION-2020.pdf?sequence=1&isAllowed=y>> accessed 13 June 2022.

that does not mean they do not face resistance from those other communities – the ones referred to by Borrachero as vulnerable or minorities - whose experiences do not correspond with the historical memory promoted by national institutions. The struggle for acknowledgment is one of the main developments in the Spanish societal arena, as we will review in the following section.

2. The official narrative of Francoism: from the pact of silence to the democratic memory draft bill.

We will now focus on the developments of historical memory carried out by different governments and civil groups in Spain since the Transition to study the evolution of their discourses, with special attention to the timing of the inclusion of women's memory and how it has been framed by the relevant actors. Indeed, Spain has had difficulties in creating memory processes that cover the period between the II Republic to the Transition, with voices claiming not to open past wounds whereas others demand justice. Even so, in 2022, several collectives hope for greater recognition as victims, the possibility of prosecuting criminals, more ambitious reparations, as well as investigations to uncover the truth of the CW, the dictatorship, and even the Transition to democracy, as we will see throughout the thesis.

First, it is important to analyze how Francoism portrayed its own regime in Spanish society since this memory would later play an important role in the current discourses of the extreme right that we will be analyzed in Chapter III. Indeed, after the Spanish Civil War (1936-1939), Franco legitimized his arrival to power and regime through many mechanisms, ranging from legislation to symbolic acts. A good example is the Political Responsibilities Act (PRA) of February 1939, which established sanctions and limitation of various rights to those who were considered to have corrupted the country to the point that war was the only solution to restore order²³. In this sense, the regime tried to legitimize itself by justifying the coup d'état for the sake of Spain and portraying themselves as the saviors of the country²⁴ while condemning the vanquished to be responsible for the state of misrule and assuming the cost of the reconstruction²⁵. They also referred to the coup d'état as *Alzamiento Nacional* (National

²³ Josep Maria Tamarit Sumalla, *Historical Memory and Criminal Justice in Spain: A Case of Late Transitional Justice* (Intersentia ; Distribution for the USA and Canada, International Specialized Book Services 2013).

²⁴ Fernando Peña Rambla, 'La aplicación de la Ley de Responsabilidades Políticas en la provincia de Castellón' (Universitat Jaume I 2008) <<https://www.tesisenred.net/handle/10803/669155#page=22>> accessed 17 June 2022.

²⁵ Tamarit Sumalla (n 23).

Rising) and the end of the CW as *Liberación*²⁶. In the fifties and sixties, the regime insisted on the peace installed in Spain that Franco had achieved as the cause of economic prosperity and modernization²⁷. Some of these measures are still attributed today to Franco's figure, such as the creation of many reservoirs throughout Spain or the Social Security system; nevertheless, the implementation of these kinds of measures is contested by some²⁸. Consequently, it was presented that prosperity came due to abiding by the Francoist principles, and as such this notion penetrated the consciousness of Spanish citizens²⁹.

This spirit was subsequently very much present in the Transition³⁰. Just two days after Franco died in November 1975, Juan Carlos was crowned King of Spain according to the Law of Succession of 1968, where Franco had appointed him his successor, and thus the restoration of the monarchy was done in compliance with the dictator's wishes³¹. The new King never condemned the dictatorship but expressed messages supporting reconciliation among Spaniards for the sake of a common future together without removing the past³². Indeed, in the general pardon of 25 of November 1975, Juan Carlos I expressed it was an "*homage to the memory of the egregious figure of Generalissimo Franco, architect of the progressive development in Peace that Spain has enjoyed in the last four decades (...)*"³³. Nonetheless, the percentage of released prisoners that accounted for political reasons was not more than 10%³⁴.

Indeed, one of the main claims in the Transition was amnesty to release political prisoners or other convicted due to repressive Francoism laws, which finally led to the Amnesty

²⁶ Jose Miguel Santacreu Soler, 'LA CAUSA GENERAL Y LAS VÍCTIMAS: LOS PROBLEMAS DE UNA FUENTE IMPRESCINDIBLE' (2016) [Núm. 2/2016] <https://rua.ua.es/dspace/bitstream/10045/74927/2/2017_Santacreu_Drets_esp.pdf> accessed 4 June 2022.

²⁷ Tamarit Sumalla (n 23).

²⁸ 'Franco no impulsó la creación de pantanos ni creó la seguridad social: un hilo en Twitter desmiente los supuestos logros del dictador', *La Sexta Noticias* (30 August 2018) <https://www.lasexta.com/noticias/nacional/franco-impulso-creacion-pantanos-creo-seguridad-social-hilo-twitter-desmiente-supuestos-logros-dictador_201808305b880a270cf2d895d48e8e82.html> accessed 17 June 2022.

²⁹ Tamarit Sumalla (n 23).

³⁰ The official date for the transition starts the 25th of November 1975 with Franco's death and officially ends for some part of the academic literature the day of the Constitution's approval, the 6th of December 1978. Nevertheless, there are other voices, especially in the sociology realm, which places the end the 23rd February 1981, after the failed coup d'état by Antonio Tejero in the Congress of Spain. It has been characterized as a dictator nostalgic that refused democracy and wished to impose a military junta. To see more, Roberto Muñoz Bolaños (2018) *An Incomplete Analysis of an Exceptional Event: The Historiography on the Coup d'état of 23F (1981-2014)*

³¹ Tamarit Sumalla (n 23).

³² *ibid.*

³³ Decreto 2940/1975, de 25 de noviembre, por el que se concede indulto general con motivo de la proclamación de Su Majestad don Juan Carlos de Borbón como Rey de España 1975.

³⁴ Luis Alejos, '40 aniversario de la amnistía: implicación del movimiento obrero' *ElDiario.es* (17 October 2017) <https://www.eldiario.es/euskadi/blogs/viento-del-norte/aniversario-amnistia-implicacion-movimiento-obrero_132_3120620.html>.

Decree of 1976³⁵. It granted amnesty “*as long as the criminal acts had not endangered and/or harmed human life or integrity or the economic patrimony of the Nation through monetary smuggling*”³⁶. Nevertheless, the restrictive interpretation granted to the literacy of the decree led to the popular Amnesty Decree of 1977³⁷, still enforced today, which had long been desired by society. Nevertheless, a final modification was to cover amnesty to “*crimes committed by public officials and law enforcement officers against the exercise of the rights of persons*”³⁸. At that time, very few were aware of the negative consequences they would have for the reparation of its victims³⁹, but it is today’s major source of conflict in the politics of memory for many groups and institutions such as victims’ and memorialist associations⁴⁰, political parties⁴¹ or international organizations⁴².

The Amnesty of 1977 and its consequences are very discussed in the literature. Teitel characterized the amnesty as “*an agreement to forget a distant past. It was broad an encompassing, reaching state and non-state actors, repressive dictatorship and civil war*”⁴³. According to Francisco Espinosa, this decree would mark the change in the stages of memory from “memory denial” (1936-1977) to “politics of oblivion” (1977-1981)⁴⁴. Indeed, some authors highlight the fact that during the transition process, there were many sectors and political groups interested in the oblivion of past atrocities, such as the Catholic Church⁴⁵. In this sense, the elites at the time always appeal to “reconciliation” as the main objective of the transition to ensure a democratic and peaceful future which finally led to the democratic transition without the accountability of Franco’s regime and thus permanence of many national institutions, such as the army or the judiciary after the Transition⁴⁶. As such, this model, the

³⁵ Eduardo Ranz Alonso, ‘La Ley de Amnistía, Puente a Libertad, y Soporte Para La Impunidad’ (2018) 23 Historia y Comunicación Social 307 <<https://revistas.ucm.es/index.php/HICS/article/view/62259>> accessed 14 July 2022.

³⁶ Ley 46/1977, de 15 de octubre, de Amnistía.

³⁷ Tamarit Sumalla (n 23).

³⁸ Article 2 (f)

³⁹ Guillermo Altares, ‘El dilema de revisar la Ley de Amnistía’ *El País* (Madrid, 18 November 2021) <<https://elpais.com/espana/2021-11-18/el-dilema-de-revisar-la-ley-de-amnistia.html>> accessed 17 June 2022.

⁴⁰ For instance La Comuna Asociación de presxs y represaliadxs por la dictadura franquista, CEAQUA, and Asociación para la Recuperación de la Memoria Histórica

⁴¹ Such as Esquerra Republicana de Catalunya “Rufián dice que ERC no apoyará la Ley de Memoria “si no se cambia” la Ley de Amnistía de 1977” available at <https://www.europapress.es/nacional/noticia-rufian-dice-erc-no-apoyara-ley-memoria-si-no-cambia-ley-amnistia-1977-20211128152925.html>

⁴² Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, Pablo de Greiff <https://digitallibrary.un.org/record/780680>

⁴³ Ruti G Teitel, *Transitional Justice* (1. issued as paperback, Oxford Univ Press 2002).

⁴⁴ Francisco Espinosa Maestre, *Contra El Olvido: Historia y Memoria de La Guerra Civil* (Crítica 2006) accessed 23 June 2022.

⁴⁵ Tamarit Sumalla (n 23).

⁴⁶ *ibid.*

“Pacto de Silencio” (Pact of Silence⁴⁷), was deemed to be the best solution at the time. It has indeed been a topic of discussion in the literature: some authors argue that instead of an act of forgetting, this formula was actively intended by the groups that wished to purposely ignore the regime’s violations⁴⁸, that it was a selective forgetting process that generated collective amnesia in Spanish history⁴⁹, and that it has not healed past traumas⁵⁰.

Therefore, from 1975 to the year 2000 we witnessed a period in which the official memory had been that of oblivion, either because it was actively pursued by the elites or because it was really thought to be the best strategy for advancing the consolidation of democracy. However, the turn of the century was accompanied by the explosion of the civil movement for memory, which began to receive attention from public opinion after the opening of the known mass grave of *Los Trece de Priaranza del Bierzo* in October 2000, where media coverage was essential to gaining the relevance it acquired⁵¹. The importance of this exhumation is present in various dimensions. On the one hand, many of the people present founded just two months later one of the most relevant memorialist associations in the country, the *Asociación para la Recuperación de la Memoria Histórica*⁵² (ARMH)⁵³. On the other hand, vindications to recuperate family bones spread all over Spain⁵⁴, causing the awakening of the *generación de los nietos*⁵⁵. Furthermore, it dealt not only with the identity of those men that were murdered and disappeared, but it was also a demonstration of “*the memory not deposited*

⁴⁷ It has also been referred as Pact of Oblivion in the English literature.

⁴⁸ Júlía Santos Díaz, ‘Echar al olvido: Memoria y amnistía en la transición’ (2003) 129 *Claves de la razón práctica* 14 <https://www.researchgate.net/publication/283153214_Echar_al_olvido_Memoria_y_amnistia_en_la_transicion_a_la_democracia> accessed 3 June 2022.

⁴⁹ Walther L Bernecker, ‘España Entre Amnesia y Memoria Colectiva: Guerra Civil, Transición, Reconciliación’ 0 *Estudios Políticos* 55 <<https://revistas.udea.edu.co/index.php/estudiospoliticos/article/view/17761>> accessed 19 June 2022.

⁵⁰ Reyes Mate, *Justicia de Las Víctimas: Terrorismo, Memoria, Reconciliación* (Fundación Alternativas; Anthropos Editorial 2008) accessed 19 May 2022.

⁵¹ Gonzalo Acosta Bono, Ángel del Río Sánchez and José Ma Valcuende del Río (eds), *La recuperación de la memoria histórica: una perspectiva transversal desde las Ciencias Sociales* (2. ed, Centro de Estudios Andaluces 2008).

⁵² ‘What Is the Association for the Recovery of Historical Memory (ARMH)’ (*Asociación para la Recuperación de la Memoria Histórica*) <<https://memoriahistorica.org.es/who-are-we/>> accessed 20 June 2022.

⁵³ Association for the Recovery of Historical Memory

⁵⁴ Jean-François Macé, ‘Los Conflictos de Memoria En La España Post-Franquista (1976-2010): Entre Políticas de La Memoria y Memorias de La Política’ [2012] *Bulletin hispanique* 749 <<http://journals.openedition.org/bulletinhispanique/2150>> accessed 20 June 2022.

Franco regime not only did not disclose the location of mass graves, but also prohibited visits to cemeteries, the laying of flowers at monuments, and even wearing black from time to time, which prevented widows and relatives of the victims from publicly mourning.

⁵⁵ Grandchildren generation. Actually, it was this generation the one searching in their own past both at the individual and collective level as there was a fracture in the transmission of information due to the parents generation that resorted to silence and did not speak out of fear. To see more, Ryan, Lorraine. (2011). *Familial Trauma in Democratic Spain: Memory and Trauma through Generations*.

anywhere”⁵⁶, in opposition to *les lieux de mémoire* which had been previously developed by Pierre Nora⁵⁷. Thus, this experience demonstrates that the restitution of memory promoted the social change that opened the door to the possibility of breaking with the Pact of Silence still imperative in Spain until then.

The memorialist movement that was starting to gain force in society forced the Popular Party (PP) government to take action in the political arena. Consequently, on the 20 of November 2002, and in coincidence with the anniversary of Franco’s death, the Spanish Congress unanimously condemned the military uprising against the legal republican government and agreed to collaborate with those in exile and with the exhumations, being the first time in the democratic era that victims of CW and Francoism were recognized⁵⁸. According to Arostegui, this meant the beginning of the memory of restitution, instead of the memory of reconciliation that was intended by the government at the time⁵⁹.

Hence, the memorialist movement started to consolidate in the country in the early 2000s, with the efforts of the *generación de los nietos*, plus a profile of young investigators that belong to the history domain that wished to open mass graves⁶⁰. This memory boom was thus focused on exhumations and the recuperation of family bones⁶¹. Indeed, other groups other than ARMH that emerged during that time were similarly interested in this type of memory recovery⁶². Widespread media coverage⁶³, the rise in cultural pieces that dealt with historical memory⁶⁴, and the overall mobilization of all these groups achieved a level of social attention

⁵⁶ Elisabeth Jelin, ‘Exclusión, Memorias y Luchas Políticas’, *Cultura, política y sociedad Perspectivas latinoamericanas* (CLACSO 2005) <<http://bibliotecavirtual.clacso.org.ar/ar/libros/mato/jelin.pdf>> accessed 27 May 2022.

⁵⁷ Pierre Nora, ‘Between Memory and History: Les Lieux de Mémoire’ (1989) 26 *Representations* 7 <<https://online.ucpress.edu/representations/article/doi/10.2307/2928520/82272/Between-Memory-and-History-Les-Lieux-de-M%C3%A9moire>> accessed 20 June 2022.

⁵⁸ Lloná (n 13).

⁵⁹ Julio Aróstegui and François Godicheau (eds), *Guerra Civil: Mito y Memoria* (Marcial Pons Historia : Casa de Velázquez 2006).

⁶⁰ Acosta Bono, Río Sánchez and Valcuende del Río (n 51).

⁶¹ Daniel Palacios González, ‘De La Señalización de Las Fosas Comunes a Su Representación En Las Calles.: Monumentos, Marchas y Grafitis Frente a La Memoria Histórica’ [2019] *Hispanismes* <<http://journals.openedition.org/hispanismes/327>> accessed 29 June 2022.

⁶² A great part of the associations had a regional or local focus in the beginnings of the memorialist association. We can find, for instance, El Foro Ciudadano para la recuperación de la Memoria Histórica de Andalucía, Asociación de Memoria Histórica de Aragón or Asociación Memoria de Mallorca. Among national associations we find Federación Estatal de Foros por la Memoria. They all focused on mass graves openings.

⁶³ Jacky Collins and others, *(Re)Collecting the Past: Historical Memory in Spanish Literature and Culture* (Cambridge Scholars Publishing 2016) accessed 29 June 2022.

⁶⁴ Jo Labanyi, ‘THE POLITICS OF MEMORY IN CONTEMPORARY SPAIN’ (2008) 9 *Journal of Spanish Cultural Studies* 119 <<http://www.tandfonline.com/doi/abs/10.1080/14636200802283621>> accessed 21 June 2022.

that was used by the Socialist Party (PSOE) to legitimate its discourse when they went back to the government in 2004⁶⁵.

Hence, although the spirit of the Transition which appealed to reconciliation still reigned during the first years of democracy, Santos Julia points out that we can already find the first times in which the past is used as a "weapon of war"⁶⁶. However, Aguilar maintains that this strategy intensified in the 1990s⁶⁷. In this regard, PSOE would have embraced the opportunity to campaign against PP based on the past and continued this practice after the 1996 elections⁶⁸. According to Fernández de Mata, this change in campaigning coincides with a moment of need for the PSOE to redefine itself and recover its discourses after a long stay in power⁶⁹, during which reformism and moderatism had been dominant⁷⁰. Thus, in the face of the unpopular policies of the PP government of José María Aznar, PSOE would see in the victims of Francoism its opportunity to rebuild itself through a reference to the historical party and its voters⁷¹.

Therefore, when they came to government in 2004, they would begin to put into practice these demands they made while being in the opposition, thus creating the Inter-ministerial Commission for the Study of the Situation of the Victims of the Civil War and Francoism that same year and consecrating 2006 as the "Year of Historical Memory"⁷². However, the final touch would come with the final approval of the commonly known *Ley de Memoria Histórica* (LMH) that was passed with the support of all the groups except PP and

⁶⁵ Palacios González (n 61).

⁶⁶ Santos Juliá, *Historias de Las Dos Españas* (Primera edición, edición revisada y ampliada a partir de la publicada en 2004, Taurus 2015) accessed 15 May 2022.

⁶⁷ Paloma Aguilar, 'La evocación de la guerra y del Franquismo en la política, la cultura y la sociedad españolas', *Memoria de la guerra y del franquismo* (Fundación Pablo Iglesias Taurus 2006).

⁶⁸ Daniel Palacios González and Miriam Saqqa Carazo, 'De La Exhumación a La Monumentalización: Una Perspectiva Interdisciplinar Sobre La Legitimación Política En España Desde El Año 2000' [2019] *Amnis* <<http://journals.openedition.org/amnis/4377>> accessed 29 June 2022.

⁶⁹ Ignacio Fernández de Mata, 'El surgimiento de la memoria histórica sentidos, malentendidos y disputas', *La tradición como reclamo: antropología en Castilla y León* (Junta de Castilla y León, Consejería de Cultura y Turismo 2007)

<https://d1wqtxts1xzle7.cloudfront.net/34555484/EL_SURGIMIENTO_DE_LA_MEMORIA_HISTORICA-1-with-cover-page-v2.pdf?Expires=1655840123&Signature=ToL9b5C6Xi94CchEFdyXaNhRhinselmUEPN35c8H5UJlcPKsf54hAqxtu4TqK4PhgVyWtPhWxWdmFOf8XZix7jGPXiDqHun6cS8P9iK7B5pFoshIPtuRtp6OWcojbRtqsf3JzDXJE13B8KAGKYQIomk6GwXyri5EOeaV6VEoGhP27JNrFk5KIBIFF3srM7XBrDIGQVdskfevUzzrf-5tnCU7HGmp190ED2mnv2-sfgleuCVhDKvbHTkZsfBp7G4X9Lq8ipflc2nF3MoA-u8o6V~fkb~AoV8bqvbyERNL05DWv1ZnFuhlZ6znalqJLwagIS09bKKqBom3pmEDtNhPw__&Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA> accessed 6 October 2022.

⁷⁰ Ibid

⁷¹ Palacios González (n 61).

⁷² Ulrike Capdepón, 'La Memoria de La Guerra Civil Española a Los Setenta Años de Su Comienzo' (2007) 25 *Iberoamericana* 184 <<https://www.jstor.org/stable/41676167>> accessed 30 May 2022.

Esquerra Republicana de Catalunya (ERC)⁷³. This bill repeals Franco's repressive laws, the State is required to promote the memory of the fight against Francoism, access to archives is designed to be simpler, and convictions during the CW and the dictatorship imposed for political, ideological or religious reasons are declared illegal⁷⁴.

Consequently, the LMH gathered within its articles only a part of the MRHM demands which gave rise to much criticism by those same groups that pushed for its approval⁷⁵. The lack of public funding for exhumations⁷⁶, the right of recovery of personal and family memory instead of a general reference to historical or collective memory⁷⁷, and the illegality declarations of Francoism of all judicial sentences imposed for political or ideological during the civil war and Francoism but not the nullification⁷⁸ were among the biggest critics. Besides, not even the Act outlaws Francoist ideology⁷⁹. According to Aragoneses, the LMH cannot even be described as a memory bill since it does not impose a particular vision of Francoism⁸⁰; in fact, although commonly known as Historical Memory Bill, its original name is Law 52/2007 of 26 December 2007 “which recognises and extending rights and establishing measures in favour of those who suffered persecution or violence during the civil war and dictatorship”. Anyhow, instead of resurrecting the reconciliation spirit of the Transition as intended by PSOE⁸¹, it achieved the opposite effect: the strengthening of memory wars in Spain⁸². The bill had intentionally moderated ambitions to achieve a consensus among the groups, but it failed

⁷³ ‘El Congreso aprueba la Ley de Memoria Histórica sin el apoyo del PP y de ERC’ *El País* (Madrid, 31 October 2007) <https://elpais.com/elpais/2007/10/31/actualidad/1193822222_850215.html> accessed 20 June 2022.

⁷⁴ Walther L Bernecker, ‘La Memoria Histórica En España: Un Pasado Más Actual Que Nunca’ (2020) 3 *Versants*. Revista suiza de literaturas románicas 55 <<https://bop.unibe.ch/versants/article/view/7253>> accessed 30 May 2022.

⁷⁵ Cirio Leal Mujica, ‘Más allá de la memoria recobrada’ (2007) 23 *Cuadernos del Ateneo* 103 <<https://dialnet.unirioja.es/servlet/articulo?codigo=2604968>> accessed 20 June 2022.

⁷⁶ Although it is set the government would contribute with public funding, it depended on the amount of money budgeted by each government, which in practice led to lack thereof, specially with PP’s legislatures. To see more: Juan Miguel Baquero, ‘Exhumaciones Privadas y La Falta de Financiación, Demandas a La Nueva Ley de Memoria Democrática’ *ElDiario.es* (7 June 2014) <https://www.eldiario.es/andalucia/alegaciones-exhumaciones-privadas-presupuesto-simbolico_1_4852957.html> accessed 1 July 2022.

⁷⁷ Rafael Escudero Alday, ‘Jaque a La Transición: Análisis Del Proceso de Recuperación de La Memoria Histórica’ [2013] *Anuario de Filosofía del Derecho* 319 <https://www.boe.es/biblioteca_juridica/anuarios_derecho/abrir_pdf.php?id=ANU-F-2013-10031900340> accessed 13 June 2022.

⁷⁸ AHRM, ‘La Lucha Por La Nulidad de Las Sentencias y Condenas Franquistas’ (*ASOCIACIÓN PARA LA RECUPERACIÓN DE LA MEMORIA HISTÓRICA*) <<https://memoriahistorica.org.es/1-la-lucha-por-la-nulidad-de-las-sentencias-y-condenas-franquistas/>> accessed 1 July 2022.

⁷⁹ Alfons Aragoneses, ‘Legal Silences and the Remembrance of Francoism in Spanish Law’, *Law and Memory: Addressing Historical Injustice by Law* (Cambridge University Press 2016) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2861468#> accessed 27 June 2022.

⁸⁰ *ibid.*

⁸¹ Bernecker (n 74).

⁸² Carolyn P Boyd, ‘The Politics of History and Memory in Democratic Spain’ (2008) 617 *The ANNALS of the American Academy of Political and Social Science* 133 <<http://journals.sagepub.com/doi/10.1177/0002716207312760>> accessed 24 June 2022.

to satisfy, on the one hand, nationalist and left claims, more alienated from the memorialist group ones; and on the other, PP wishes, which rejected the bill, accusing Zapatero's government of discrediting the democratic transition⁸³. Moreover, this war of memory at the political level was now transferred to the general public, which had divided opinions⁸⁴.

However, the few achievements of the memorial movement captured in the law were not even carried out due to the non-implementation of the bill by conservative governments from 2011 onwards⁸⁵, which also dismantled some of the structures like Office for Victims of the Civil War and Francoism⁸⁶. Furthermore, it is in 2012 when Judge Garzón, who tried to investigate crimes under Francoism repression, was almost expelled from the judicial career for investigating such crimes, which was seen as a defeat by those social actors⁸⁷. However, unlike the national political action of the time, the MRHM experienced an explosion in numbers and claims being pursued, driven by the support of some of the autonomous communities, which had assumed legal powers in this regard and enacted lines of assistance and support to associations and municipal corporations working in this direction⁸⁸. Hence, more groups, associations, and networks were created, with a particular interest in topics that had not been previously tackled neither in the movement nor in bill⁸⁹. They were also more varied in their members since they comprised many more people other than direct or indirect victims⁹⁰. This explosion also led to much cooperation between groups for coordination of lobbying activities or organizing joint events⁹¹.

⁸³ *ibid.*

⁸⁴ *ibid.*

⁸⁵ CCHSCSIC, *El Movimiento de La Memoria Histórica* (2012) <<https://www.youtube.com/watch?v=QQIbs8ymMug>> accessed 16 June 2022.

⁸⁶ Pablo García Colmenares, *La memoria histórica en España: del movimiento memorialista a la conciencia histórica* (Universidad de Valladolid 2021) accessed 17 June 2022.

⁸⁷ P Burbidge, 'Waking the Dead of the Spanish Civil War: Judge Baltasar Garzon and the Spanish Law of Historical Memory' (2011) 9 *Journal of International Criminal Justice* 753 <<https://academic.oup.com/jicj/article-lookup/doi/10.1093/jicj/mqr027>> accessed 21 June 2022.

⁸⁸ García Colmenares (n 86).

⁸⁹ There are many that are included here. For instance, Asociación de Descendientes del Exilio (2010) created with the purpose of consolidating memory of those that had to exiliate themselves, Colectivo de Victimas Invisibilizadas to recover a different type of victim rather than just the republican man; La Comuna de Presxs del Franquismo, to recover the – in some cases still living – memory of late Francoism repression instead of civil war and post war period.

⁹⁰ This is more noticeable if we look into the new generations of activists, historian or forensics which do not identify themselves as victims but commit themselves to the cause. Some examples can include Matías Viotti, historian and researcher for the association *Todos los bebés robados son también mis niños* (for the stealing of children) and participant in El Encuentro; Yenny Adriana Espinosa, social worker and human rights activists, interested in the forced disappearance of children in Francoism; or Clara Gutiérrez, sociocultural anthropologist and PhD student in Gender Studies and activist in the women's group of *La Comuna*.

⁹¹ Such as El Encuentro Estatal de Colectivos de la Memoria Histórica y Víctimas del franquismo, that since its first meeting in 2015 they have fought for the recovery of the democratic and anti-fascist memory, to end the impunity of Francoism and to guarantee the rights to Truth, Justice and Reparation to all the Victims of the Franco Dictatorship.

At this point, it is crucial to consider how the memorialist movement was conceived from its beginning to the LMH approval. Although the development of the MRHM has changed over time to include further claims in recent years, the mobilization in the early 2000s was mainly concerned with the forced disappearances and locating⁹² and opening mass graves as has been mentioned before. Accordingly, their demands were mainly related to exhumations and reparations for the victims of enforced disappearances⁹³, some mention of exiles and descendants⁹⁴, as well as the derogation of the Amnesty Law which would allow the possibility of prosecuting criminals who were still alive⁹⁵. Therefore, and in contrast to the lack of officially recognized memory at the time, the main alternative was the collective memory offered by the movement that recovered the stories and experiences of those who were shot, their families, or the ones that had to flee because they belonged to the vanquished side. As such, the timeframe was also constrained to the period where the widespread shootings were being performed as a form of repression, namely the CW and the early years of Franco's regime⁹⁶. Hence, this was the prominent collective memory in the movement agenda, consequently, other claims that we could find today to different extents such as women's memory, LGBTQ+ community, or Roma people were not represented in this "hidden" Spanish memory that the movement wished to recover in the 2000s.

In the advanced range of topics covered by the movement after the LMH, we start to find repression of women as a recurring notion within old and new groups that wish to include their memory for various reasons. On the one hand, there are some groups solely focused on the recovery of their memory either through direct survivors or through academic settings from a documentation perspective such as *Mujer y Memoria*⁹⁷; ASYS project (*Anticoncepción, Sexualidad y Salud durante la dictadura y la transición democrática*)⁹⁸ and *Mujeres bajo*

⁹² The government released a web page with information on the location of the graves of the Civil War in Spain in 2011 in application of the law, until then the location of the same had been carried out by the autonomous communities and associations. for more information see: <https://memoriahistorica.org.es/el-mapa-de-fosas-dibuja-una-espana-repleta-de-historia-sin-justicia/>

⁹³ Pablo García Colmenares, 'La Memoria de La Represión de La Guerra Civil En Palencia (1936-1939)' [2005] *PITTM* 121 accessed 14 June 2022.

⁹⁴ This is, for example, the main focus of the association Guerra y Exilio (War and Exile) founded in 1998

⁹⁵ Marije Hristova, 'The Struggle for Historical Memory in Spain: Beyond Genealogy and Generations' (2000) 38 *Peace in Progress: WHERE ARE THE MISSING? TRUTH AND JUSTICE AS A REQUISITE FOR PEACE* <<https://www.icip.cat/perlapau/en/article/the-struggle-for-historical-memory-in-spain-beyond-genealogy-and-generations/?pdf>> accessed 10 June 2022.

⁹⁶ Paloma Aguilar Fernández, 'Memoria y transición en España. Exhumaciones de fusilados republicanos y homenajes en su honor' (2018) 39 *Historia y política: Ideas, procesos y movimientos sociales* 291 <<https://dialnet.unirioja.es/servlet/articulo?codigo=6381285>> accessed 16 June 2022.

⁹⁷ Available at: <https://mujerymemoria.org/web/>

⁹⁸ Contraception, Sexuality and Health during the dictatorship and the transition to democracy. Available at: <http://historiadeanticoncepcion.ugr.es>

*Sospecha*⁹⁹. On the other hand, there is no creation of separate networks that only cope with this type of specific repression from a lobbying perspective rather than just a raising-awareness issue. Nevertheless, the limits between the documentation perspective and advocacy are blurred, as both work towards the recognition of women's historical memory by the public, either through institutional means, this is, with its inclusion in the legislative development, or through a self-directed awareness-raising effort, as the archives are accessible to the public. Moreover, they all engage in collaboration networks among themselves, thus working for the same goal, each one with its own methodology¹⁰⁰. Besides, many groups, and especially those created after the LMH such as *La Comuna*, include women's historical memory from their beginnings while advocating for other collective memories as well¹⁰¹. If we look at the groups prior to the LMH, most of them have consistently taken women's memory into account in their claims while maintaining their main focus as originally conceived¹⁰². Thus, we see that it is mainly women who are interested in or at least lead the work on this topic. Moreover, there is no specific characterization of them but we can observe that their interest in historical memory or the way in which they approach it is diverse: we find some who fit into the status of victim/survivor like Ana García, thus fitting more into a profile that comes from the memorialist movement, others who belong to the historical field like Laura Oliván and Ángela Cenarro, from the forensic field like Laura Muñoz, from the political field like the Spanish Feminist Party while others come from the feminist movement, especially from active leaders during the Transition, like Justa Montero. In addition, we can also find psychologists such as Anna Miñarro and journalists such as Olga Rodríguez and Llum Quiñonero. Once again, this categorization is not strict, and there may be some overlapping: for instance, Montero is normally invited to women's historical memory conferences in different platforms organized

⁹⁹ Women under suspicion Available at: <http://www.mujeresbajosospecha.com>

¹⁰⁰ For instance, Mujer y Memoria has been closely cooperating with El Encuentro to provide testimonies to support their activities with evidence

¹⁰¹ In *La Comuna*'s manifesto they explicitly mention: "*In particular, we demand the recognition of the role of women who fought against the dictatorship, who suffered, in addition to repression as fighters, humiliation and humiliation by the repressive forces and the most backward and sexist sectors of Franco's society, in particular the Catholic Church*" available at: <https://www.lacomunapresxsdel franquismo.org/manifiesto/quienes-somos/>

¹⁰² As it has been the case for ARMH: the first blog entries on issues related to the repression of women date back to 2011, after the passage of the law <https://memoriahistorica.org.es/luz-en-el-pozo-de-las-mujeres/>. Since then, they have been publishing different blog entrances that relate to the historical memory of women but their main focus is still concerned about the search for victims.

by the MRMH as a feminist to cover the topic¹⁰³, whereas she is also invited to feminist circles as a feminist interested in the recovery of their memory¹⁰⁴.

If we look at the movement from an external perspective, we could observe that there are some collectivities that lead the movement or, as such, want to be perceived. We can appreciate this by analyzing collaborative platforms such as the *Coordinadora Estatal de Apoyo a la Querella Argentina* (CeAQUA)¹⁰⁵, which brings together more than 150 associations from all over Spain or *El Encuentro por la Memoria*, which has 160 member groups¹⁰⁶. Consequently, the groups that make up the platform represent a large representation of the groups involved in the MRHM, and by cooperating they have managed to give voice to different collective memories that share a common and unified identity: to be the alternative to the hegemonic memory. Therefore, these groups present themselves as the bearers of the “true historical memory”, and as such, they behave in public acts. However, this strategy of collaboration and unified movement may also leave other collective memories that are not represented within them, like those focused on the LGBT+ community or Roma people’s memory, which received little attention. Nevertheless, women’s historical memory is found within this agenda pursued within these collaboration strategies as an urgent matter as demonstrated, for instance, by the request for the extension of the Franco case to investigate the crimes committed against six women because they are women in the Argentinian lawsuit¹⁰⁷ or the debates or the *El Encuentro* organized round tables about women and Francoism¹⁰⁸. In this sense, it is claimed that the situation of women in Francoism is essential for understanding the regime and the foundations on which it was built, which would be analyzed in the next section.

¹⁰³ Like the conferences *Mujer y Franquismo: Resistencia y Represión. Perspectivas ante la nueva de Ley de Memoria Democrática* organized by El Encuentro or *Evolución de las luchas de las mujeres: la irrupción del movimiento feminista* organized by La Comuna

¹⁰⁴ Like the conference *Recuperar la memoria feminista para construir un feminismo del 99%* organized by Instituto de Mujeres

¹⁰⁵ State Coordinating Committee in support of the Argentinean lawsuit against Franco's crimes. Its mission is the dissemination and promotion of the Argentinean lawsuit, an open case against the crimes of Francoism that has more than 9000 denouncers. Available at: <https://www.ceagua.org>

¹⁰⁶ ‘Quiénes somos’ (*Encuentro por la Memoria*, 2021) <<http://www.encuentroporlamemoria.org>> accessed 18 June 2022.

¹⁰⁷ Marta Borraz, ‘Interponen En Argentina Una Querella Histórica Por La Represión de Franco Contra Las Mujeres’ *ElDiario.es* (16 March 2016) <https://www.eldiario.es/sociedad/interponen-ampliacion-argentina-cometidos-franquismo_1_4108649.html> accessed 10 July 2022.

¹⁰⁸ Encuentro por la Memoria, ‘Mesa Redonda En Streaming “Mujer y Franquismo: Resistencia y Represión. Expectativas Ante La Nueva Ley de Memoria”’ (*Encuentro por la Memoria*, 20 February 2021) <<http://www.encuentroporlamemoria.org/2021/02/20/mesa-redonda-en-streaming-mujer-y-franquismo-resistencia-y-represion-expectativas-ante-la-nueva-ley-de-memoria/>> accessed 10 July 2022.

On the other hand, the interest of the feminist movement is shared in terms of contextualizing the repression of women but goes beyond framing the historical memory of women has been as a feminist issue that operates in two reciprocal directions: on the one hand, it has been claimed that recovering their memory needs a feminist perspective to account for the specific gender repression suffered during the war and the dictatorship. This would be the strict memory dimension¹⁰⁹. Joan Scott's "*On the Judgment of History*" argues that there is no transcendental guarantee that history will become the definitive arbiter of truth¹¹⁰. In this sense, the idea that "history will judge us", although a legitimate hope, means that there is no other history than the one we make, which is why she highlights the importance of the battles of memory so that the victims of patriarchy receive just reparation¹¹¹. On the other hand, there are also voices demanding that the historical memory of women is needed for the feminist movement to continue its fight, constituting the genealogy dimension¹¹². This would imply a retrospective identity of feminism for the creation of subjectivity of individual and collective recognition, understanding every feminism within its time and place context¹¹³. As such, it would not just be needed for truthful construction of the narratives and thus a recognition of their sufferings and discrimination by present generations, but for those memories to active present (feminist) action.

Therefore, the fact that social groups may possess a collective memory of great value does not necessarily mean that they have the power to incorporate these experiences into the category of historical memory and that they are recognized as such by official organisms – thus becoming official memory – or by the ordinary Spanish citizen. This step does not depend on the events or trauma that memory holds nor on its intrinsic value but on some politically and culturally establish criteria that decide what is legitimized to endure over time and thus become an interesting object for society¹¹⁴. Hence, in order to bring to light aspects of the past that have been silenced and buried, it is vital to assist the projection of various collective memories. In this sense, we have reviewed that some groups are pushing for the recognition of the memory of women to account for a more ambitious official historical memory than the currently

¹⁰⁹ Aresti (n 7).

¹¹⁰ Joan Wallach Scott, *On the Judgment of History* (Columbia University Press 2019) <<https://www.degruyter.com/document/doi/10.7312/scot19694/html>> accessed 3 July 2022.

¹¹¹ *ibid.*

¹¹² Aresti (n 7).

¹¹³ Teresa Vera Balanza and Rosa María Ballesteros García, 'Genealogías Feministas Ibéricas: Itinerarios Desde La Comunicación y El Activismo En Torno a Sororidades Compartidas.' (2021) 1 RIHC. Revista Internacional de Historia de la Comunicación 529 <<http://www.tandfonline.com/doi/full/10.1080/21565503.2016.1167094>> accessed 23 June 2022.

¹¹⁴ Llona (n 13).

supported by the LMH. It is therefore the fact that memorialist associations, in conjunction with feminist groups, decided to include these demands in their social agendas that today the historical memory of women has become one of the biggest claims in terms of what the ALMD should include. On the contrary, if the new groups that emerged after the LMH, and especially the collaborative platforms, had not defended its recognition as a fundamental part, today we could be talking about a so-called ALMD in which this collective memory might not be included or would be done in a different manner.

B. Challenging the official memory: the historical memory of women

In this part, we will focus on women's experiences of historical memory in order to analyze how it has differed from the male experience and, therefore, why it should be accounted for differently from the way it has been done so far. To do so, we will review both women's repression and resistance, since both are claimed by social actors and, therefore, also included in the ALMD. In this sense, the work of certain social actors, and especially the interweaving of feminist and memory recovery groups, has been key to making visible the gender-specific repression of women and, therefore, to transcend the conception that women would only be repressed as ideologically positioned women. Therefore, in the following subsections, we will focus on this type of oppression, on women's resistance, and how it is intertwined with today's generations' current activation of memory.

1. Women as specific targets under Francoism

In this first part of the analysis of the historical memory of women, we will examine the violence and discrimination they suffered, which would be different from that experienced by men since there would be a gender component in the repression. To this end, we will study the model of femininity imposed by Franco upon his arrival, what role women would play in this regime, and the instruments used for this purpose of reeducation. Consequently, not being re-educated, women would face the active repression of the regime, which would be analyzed in two different periods: the one lived during the CW and the first Francoism, and the one carried out during the fifties and sixties when the active search for republicans (or any ideology that contested the dictatorship) ceased. This distinction is made because the methods used to repress women were also different, although related and sometimes the same.

a) Franco's repression of women as a response to the liberties of the II Republic

Although some women's organizations already existed at the beginning of the 20th century, it was during the 1920s that they began to incorporate progressive demands such as it was the case of the *Asociación Nacional de Mujeres Españolas* (AMNE)¹¹⁵. These had different theoretical backgrounds: socialists, which have to face working-class men that still supported a traditionalist view of women regarding labor¹¹⁶; anarchists, which maintained that sex equality should be accompanied by a change in societal structures¹¹⁷, and from the right-wing, which thought conveniently to create its own movement that accounted for a catholic conservatism¹¹⁸. This is why, when King Alfonso XIII went to exile and consequently the II Spanish Republic (1931-1939) was established, many women saw it as the perfect opportunity to acquire and consolidate the rights they fought for¹¹⁹. Indeed, the social struggle led to demands such as education for all men and women or a separation State-Church¹²⁰. Therefore, in this context, women's rights were pushed onto the Republican agenda by the feminist movements, the first achievement being in 1931 with the right to be elected - but not to vote¹²¹. Consequently, the women's rights activists Clara Campoamor, Victoria Kent, and Margarita Nelken were elected deputies in Congress. After their inclusion in politics, a space that was still perceived for a great part as an exclusive man's realm¹²², further topics were also strongly debated such as women's right to vote, which was finally approved in October 1933¹²³. Besides, in the Republican Constitution (1931), formal equality between both sexes was established¹²⁴ and several improvements in the overall situation of women were achieved by

¹¹⁵ Geraldine M Scanlon, *La polemica feminista en la España contemporanea: 1868 - 1974* (2. ed, Akal 1986) accessed 19 June 2022.

¹¹⁶ Ana Aguado, 'Citoyenneté Féminine Sous La Seconde République: Entre Le Réformisme Social et La Démocratisation' [2014] Cahiers de civilisation espagnole contemporaine <<http://journals.openedition.org/ccec/5153>> accessed 3 July 2022.

¹¹⁷ Scanlon (n 115).

¹¹⁸ Julio Prada Rodríguez, '« Mujeres Contra La Revolución ». La Movilización Femenina Conservadora Durante La Segunda República Española y La Guerra Civil' [2008] Amnis <<http://journals.openedition.org/amnis/599>> accessed 3 July 2022.

¹¹⁹ Mercedes Yusta, 'La República : Significado Para Las Mujeres' (2006) 4 Ed. Cátedra 101 <<https://hal.archives-ouvertes.fr/hal-01677838/document>> accessed 2 July 2022.

¹²⁰ Jessica Dutranoit, 'Clara Campoamor - La Mujer Olvidada : Sous-Titrage Commenté' (Université catholique de Louvain 2019) <<https://dial.uclouvain.be/memoire/ucl/en/object/thesis%3A20866>> accessed 1 July 2022.

¹²¹ Aguado (n 116).

¹²² Aresti (n 7).

¹²³ Feminists such as Victoria Kent were against it since they maintained that their election would be biased by the Church and their husbands, fearing a conservative win. Others suggested that only women over 45 should be able to do so, as they would reach the era in their lives when they are no longer fertile and therefore, they would be more reasonable without the hormones. To see more: Dutranoit, (n 120).

¹²⁴ Constitución de la República española 1931.

recognizing further rights such as divorce – and allowing them to keep parental authority afterward-, abortion, and contraception, abolishing prostitution and crimes such as adultery, as well as encouraging the culturalization and access to education for women¹²⁵.

Consequently, the II Republic is known for being progressive and undergoing several reforms which changed how many people, particularly women, could occupy the public and political space. Apart from Campoamor, Kent, and Nelken, the other women that are publicly honored in today's Spain – at least in anti-Francoist circles - as women rights activists under the II Republic are Dolores Ibárruri alias *La Pasionaria* and Federica Montseny¹²⁶, and memory related them with specific conquests such as the right to vote to Campoamor, or the right to abortion to Montseny. According to Bergerot, a specialist in memory policies, this appreciation of the feminist movement during the time as a victory – or loss – of individual women indeed makes women's memory invisible. In this sense, she argues that these achievements are narrated as individual rather than collective wins because “*that today could teach us from those who preceded us to learn that if we make a collective and feminist struggle, we could achieve a fairer and more egalitarian society*”¹²⁷. It was indeed in the collective action of feminist associations where the claim for social, civil, and political rights for the female population was defined and structured¹²⁸. Associations like ANME, the Lyceum Club, the *Juventud Universitaria Femenina* or the *Cruzada de Mujeres Españolas* were very active, wrote in the press, demonstrated in the streets and their requests for social, civil and political rights for women were sent to the Government and other Commissions, multiplying the presence of women's organizations in public life¹²⁹.

Beyond legislative achievements, there were also some milestones interests within the movement concerning women's sexuality, particularly sexual pleasure and sexual education¹³⁰. Moreover, homosexuality ceased to be legally considered a crime, leaving the door open to the

¹²⁵ Yusta (n 119).

¹²⁶ Susanna Tavera, ‘La Memoria de Las Vencidas: Política, Género y Exilio En La Experiencia Republicana’ (2005) 4 *Ayer* 197 <<https://www.jstor.org/stable/41324907>> accessed 21 May 2022.

¹²⁷ Julia González Úbeda, ‘Tenemos Que Tratar La Memoria Histórica Con Perspectiva de Género: Nos Empodera Como Mujeres y Como País’ *Público* (Brussels, 30 November 2017) <<https://www.publico.es/politica/tratar-memoria-historica-perspectiva-genero-empodera-mujeres-pais.html>> accessed 20 May 2022.

¹²⁸ Luz Sanfeliu, ‘LA ENSEÑANZA DE LO PÚBLICO. EL ASOCIACIONISMO FEMINISTA PROGRESISTA DURANTE LA II REPÚBLICA’ [2015] *Fundacion Instituto de Historia Social* 149 <https://www.jstor.org/stable/43867466?casa_token=JIt7dQqT6NsAAAAA%3A8k0XMt1mPsweriojtVekhiQWbCyHLL0IAWv9bIR0ikyjv_POFEP-XCgqwdiB42yocYvduHsTAjsg913_UmfNMTUB56r_Zahi5jQ-MXdRSgnOtfOxbmTA&seq=3> accessed 2 July 2022.

¹²⁹ *ibid.*

¹³⁰ Rafael Huertas and Enric Novella, ‘Sexo y Modernidad En La España de La Segunda República. Los Discursos de La Ciencia’ (2013) 189 *Arbor* <<https://arbor.revistas.csic.es/index.php/arbor/article/view/1892/2092>> accessed 1 July 2022.

free manifestation of homosexual feelings, an opportunity that some women took advantage of to publicly identify themselves as lesbians in spite of a still reticent Spanish society¹³¹. Furthermore, there were some ground-breaking vindications coming from anarchists' feminist movements such as *Mujeres Libres* (Free Women) which aimed to free women "*from the triple slavery to which they have been and continue to be subjected, slavery of ignorance, slavery as women and slavery as producers*"¹³².

However, with the triumph of the coup d'état and the arrival of Franco, all the advances in equality, autonomy and citizenship achieved during the Second Republic were dismantled. The dictatorship committed itself to redefine the model of women based on traditional values and to impose it from the very first day of the CW in the occupied zones until the end of the dictatorship. Thus, Franco's regime meant for women to go back from the political and public sphere, considered male's space, to the domestic and private one, deemed to be their natural place¹³³.

The imposition of this role model was, first, enshrined in the regime's regulations. On the one hand, Franco restored the Civil Code of 1889 where women were legally discriminated against¹³⁴: the new legislation stated that married women could not give consent, equating them to insane or demented people¹³⁵. On the other hand, they could not exercise parental authority over their children or be guardians, the husband had to give marital permission to the wife for any work or administrative management¹³⁶. Furthermore, the Labor Code of 9 March 1938 "prohibited night work for women, regulated homework and freed married women from the workshop and factory"¹³⁷. They were also excluded from certain occupations such as lawyers

¹³¹ Elizabeth Fernández López, 'Las Invisibles: Aproximación a La Historia de Las Lesbianas En España Durante El Régimen Franquista (1936-1975).' (Universidad de la Laguna 2020) <<https://riull.ull.es/xmlui/handle/915/20077>> accessed 1 July 2022.

¹³² Mary Nash and Susanna Tavera, *Las Mujeres y Las Guerras: El Papel de Las Mujeres En Las Guerras de La Edad Antigua a La Contemporánea* (Asociación Española de Investigación Histórica de las Mujeres and Asociación Española de Investigación Histórica de las Mujeres eds, 1. ed, Icaria Editorial 2003) accessed 17 June 2022.

¹³³ Luis Gómez Encinas, 'MUJER Y DICTADURA FRANQUISTA' (2006) 26 *Revista de Ciencias Sociales* 1 <<https://www.redalyc.org/pdf/4959/495950221001.pdf>> accessed 7 April 2022.

¹³⁴ Ismael Idrissi-Ghlimi Cao, 'La Situación Jurídico-Civil de Las Mujeres Durante La II República y El Franquismo' (Universidad de Valladolid 2019) <<https://uvadoc.uva.es/bitstream/handle/10324/38505/TFG-D-00889.pdf?sequence=1&isAllowed=y>> accessed 7 March 2022.

¹³⁵ Real Decreto de 24 de julio de 1889 por el que se publica el Código Civil [206]. Art. 1237

¹³⁶ Jessica Davidson, 'Women, Fascism and Work in Francoist Spain: The Law for Political, Professional and Labour Rights' (2011) 23 *Gender & History* 401 <<https://onlinelibrary.wiley.com/doi/10.1111/j.1468-0424.2011.01645.x>> accessed 4 July 2022.

¹³⁷ Pere Ysàs and Carme Molinero, 'Productores Disciplinados: Control y Represión Laboral Durante El Franquismo (1939 - 1958)' (1993) 3 *Cuadernos de Relaciones Laborales* <<https://revistas.ucm.es/index.php/CRLA/article/view/CRLA9393220033A>> accessed 4 July 2022.

or doctors¹³⁸. Lastly, divorce was prohibited¹³⁹, abortion was criminalized¹⁴⁰, and adultery was typified as a crime with prison sentences only for women¹⁴¹. Thus, the Francoist regime establish a whole legal system to promote this recoding of female identity and to relegate women from active public participation in society as opposed to the model of a free and socially active woman popularized by the previous regimes¹⁴².

Secondly, this re-educational work was also firmly pursued from the Francoist institutional machinery: the *Sección Femenina* (SF), the Women's Section of the Falange¹⁴³, was the most important weapon of indoctrination to promote a traditional model of women that was homely, passive, believing, practicing, and submissive to men¹⁴⁴. Although created in 1934 by Pilar Primo de Rivera¹⁴⁵, Franco's regime integrated it into the state institutions as the instrument for the diffusion and promotion of this feminine archetype that would reeducate women in the principles of the regime¹⁴⁶. This organization would set up countless training and socio-educational centers and programs, mostly outside the formal school system¹⁴⁷. Not only the SF but also the Catholic Church would be in charge of the education system, thus regaining the protagonism in education that it had lost with the Second Republic¹⁴⁸. Therefore, both were responsible for teaching the Francoist ideology of national Catholicism¹⁴⁹. In this sense, values

¹³⁸ Davidson (n 136).

¹³⁹ Celia Valiente, 'Implementing Women's Rights in Spain' in Jane H Bayes and Nayereh Tohidi, *Globalization, Gender, and Religion* (Palgrave Macmillan, a division of Nature America Inc 2001) <<https://link.springer.com/book/10.1007/978-1-349-66347-7>> accessed 4 July 2022.

¹⁴⁰ *ibid.*

¹⁴¹ Temma Kaplan, *Taking Back the Streets: Women, Youth, and Direct Democracy* (University of California Press 2004) accessed 15 June 2022.

¹⁴² Carmen Agulló Díaz, Universitat de Valencia, and Departament d'Educació Comparada i Història de l'Educació, 'La educación de la mujer durante el franquismo y su evolución en Valencia (1951-1970)' (Universitat de Valencia, Departament d'Educació?? Comparada i Història de l'Educació 1994).

¹⁴³ Spanish political party of fascist ideology.

¹⁴⁴ Heliodoro Manuel Pérez-Moreno and Juan Carlos González Faraco, 'The "women's Section" of the Spanish Falange and Its Role in the Education of Rural Women during the Dictatorship of General Franco' (2014) 9 Edizioni Università di Macerata, Italy 529 <https://www.researchgate.net/publication/279322584_The_%27women%27s_section%27_of_the_Spanish_Falange_and_its_role_in_the_education_of_rural_women_during_the_dictatorship_of_General_Franco> accessed 7 April 2022.

¹⁴⁵ She was the sister of Jose Antonio, the founder of Falange's political party, and daughter of former Spanish dictator Miguel Primo de Rivera.

¹⁴⁶ Luis Suárez Fernández, *Crónica de La Sección Femenina y Su Tiempo* (2. ed, Asociación 'Nueva Andadura' 1993).

¹⁴⁷ Pérez-Moreno (n118)

¹⁴⁸ Claudio Lozano Seijas, 'La Educación En España 1945-1992', *Historia de la Educación Iberoamericana*, vol 1 (Miño y Dávila Editores 1995) <http://www.epedagogia.com/articulos/educacionenespana1945_92.htm> accessed 7 March 2022.

¹⁴⁹ António Gomes Ferreira and Erika González García, 'Libros de Texto y Nacional-Catolicismo En Las Dictaduras Salazarista y Franquista' (2021) 47 Educação e Pesquisa e238548 <http://www.scielo.br/scielo.php?script=sci_arttext&pid=S1517-97022021000100751&tlng=es> accessed 4 July 2022.

that were identified as Christians such as submission and abnegation were deemed to be the perfect women's ones¹⁵⁰, as illustrated in many publications of *SF*'s magazines such as *Medina*:

*"The life of every woman, in spite of how much she wants to pretend - or dissimulate - is nothing more than an eternal desire to find someone to whom to submit herself. Voluntary dependence, the offering of all the minutes, of all the desires and illusions, is the most beautiful state, because it is the absorption of all the bad germs - vanity, selfishness, frivolities - by love."*¹⁵¹

SF was responsible for engraving in the minds of Spanish women their clear position as second class and, therefore, inferior to that of men¹⁵². They defended that the work of the housewife, and the education and care of children, was a glorious task for Spain¹⁵³. Indeed, their roles as mothers were of much importance to the regime, and accordingly, Francoism developed a natalist ideology to increase the birth rate in a country with a depleted population after the Civil War as well as to counteract the high mortality of the time¹⁵⁴. In this sense, women were appreciated for their reproductive capacities, and consequently, their sexuality, labour, and education were configured to achieve their expected ultimate realization goal, this is, motherhood¹⁵⁵. Thus, that was their social function, their service, and duty to the homeland¹⁵⁶. This speech precept from Pilar Primo de Rivera in 1939 summarizes SF's tasks:

¹⁵⁰ Sergio Blanco Fajardo, 'Broadcasting the "Spanish Woman". Nationalism and Female Radio Programmes During the Franco Regime' (2019) 22 *TMG Journal for Media History* 61 <<https://www.tmgonline.nl/article/10.18146/tmg.598/>> accessed 4 July 2022.

¹⁵¹ Adrian Vogel and Gran Wyoming, *Bikinis, Fútbol y Rock & Roll: Crónica Pop Bajo El Franquismo Sociológico (1950-1977)* (Foca 2017).

¹⁵² Laura Muñoz-Encinar, 'Unearthing Gendered Repression: An Analysis of the Violence Suffered by Women during the Civil War and Franco's Dictatorship in Southwestern Spain' (2019) 51 *World Archaeology* 759 <<https://www.tandfonline.com/doi/full/10.1080/00438243.2020.1740775>> accessed 4 July 2022.

¹⁵³ Llum Quiñonero, 'La Represión Nacionalcatólica: La Iglesia, "Robo de Bebés" y Patronato de Protección a La Mujer' (Represión y lucha de las mujeres en el tardofranquismo., Madrid, 22 April 2022) <<https://www.youtube.com/watch?v=hLEyjbzQ-Do&t=2620s>> accessed 27 May 2022.

¹⁵⁴ Josep Bernabeu-Mestre, 'Madres y enfermeras. Demografía y salud en la política poblacionista del primer franquismo, 1939-1950' (2002) 20 *Revista de Demografía Histórica* 123 <<https://www.adeh.org/revista/2002,%201/Bernabeu%20Mestre%20p.123-144.pdf>> accessed 2 July 2022.

¹⁵⁵ Mary Nash, 'Pronatalism and Motherhood in Franco's Spain', *Maternity and Gender Policies. Women and the Rise of the European Welfare States, 1880-1950s* (London : Routledge 1991) accessed 18 May 2022.

¹⁵⁶ *ibid.*

“We will teach women how to take care of their children, because it is unforgivable that so many children who are God's servants and future soldiers of Spain die of ignorance; we will instill in them housekeeping, a taste for craftsmanship and music”.¹⁵⁷

When their role as mothers could not be achieved, as was the case for single women or widowed women without children, they were required to do the *Servicio Social* (Social Service), understood as the military service for women, also controlled by the SF¹⁵⁸. It was represented as their patriotic duty in the service of Spain, consequently, the *Servicio Social* acted as an ideological and legitimizing weapon of Francoism¹⁵⁹.

Therefore, national-syndicalism, anti-liberalism and anti-Marxism, and joy in sacrifice were, among others, the key to the ideological and sentimental magma of the SF and the Franco regime¹⁶⁰. Nonetheless, according to Carmen Agulló, it was mainly Catholicism and the Falange that substantially nourished its ideological configuration¹⁶¹. The SF adhered with enthusiasm and determination to National Catholicism, promoting two models of woman: one, for a select elite (that of the Falangist women consecrated to the service of the Regime) and another, for the female mass¹⁶². The former led a series of educational actions aimed at the latter, for which they were mobilized enormous human and material resources and achieved an important social presence in the generality of Spanish geography¹⁶³.

As Rosario Sánchez remarks, the training of women was needed to impact three spheres: ideology, religion, and family¹⁶⁴. With the dictatorship, more than ever, the private became political, which is why one of the characteristics of gender is the public and political appropriation of women's morals and bodies. In this regard, the gender perspective memory would need to work on identifying rights and liberties owned by women before the war and

¹⁵⁷ DMAX España, *Así Era La Sección Femenina y El Modelo de Mujer Que Definió. Franco. La Vida Del Dictador En Color* (2020) <<https://www.youtube.com/watch?v=mWpaHv6l7o0>> accessed 6 May 2022.

¹⁵⁸ Suárez Fernández (n 146).

¹⁵⁹ Àngels Ferràndiz i Civil, ‘La “Sección Femenina de FET y Las JONS” a Sabadell, 1939-1945’ [2010] Arraona: revista d’història <<https://raco.cat/index.php/Arraona/article/view/202759>> accessed 3 July 2022.

¹⁶⁰ Rosario Sánchez López, *Mujer Española, Una Sombra de Destino En Lo Universal: Trayectoria Histórica de Sección Femenina de Falange (1934-1977)* (Universidad de Murcia 1990) accessed 15 June 2022.

¹⁶¹ Agulló Díaz, Universitat de Valencia, and Departament d’Educació Comparada i Història de l’Educació (n 142).

¹⁶² Roberto Monjas Aguado and others, ‘La Labor Formativa Desarrollada Por La Sección Femenina de La Falange En La Preparación de Los Mandos e Instructoras Durante El Periodo Franquista’ [2008] *Historia de la educación: Revista interuniversitaria* 347 <<https://dialnet.unirioja.es/servlet/articulo?codigo=3010165>> accessed July 2022.

¹⁶³ Pérez-Moreno (n118)

¹⁶⁴ Rosario Sánchez López, *Entre la importancia y la irrelevancia Sección Femenina: de la República a la Transición* (Editora Regional de Murcia 2007) accessed 15 June 2022.

stressing how they were deprived both legally and culturally¹⁶⁵. In addition, it would also mean foregrounding how women's bodies and morals were instrumentalized for the service of Francoism, being their relegated position in society a crucial tool for the maintenance of the regime in various manners such as to regenerate the country with new generations that were aligned to the regime or to resist the modernization process that was internationally prevailing.

b) Women and Republicans, double the infamy, double the punishment?

Indeed, Francoism acted in two ways on women: re-education and repression. For this reason, women who did not fit the ideology would be sought out and repressed, especially during the CW and the first years of Franco's regime, although this would continue throughout the dictatorship. During this time, women suffered a specific type of repression other than the ideological one, the so-called "gendered repression"¹⁶⁶. This concept refers to the use of violence to attack the biological and social concept of femininity, i.e., a specific type of repression for being a woman that would manifest itself by attacking women's physical and cultural attributes and that would represent the annulment of female citizenship¹⁶⁷. Hence, and although both men and women were targeted by the regime, there would be a gender element in the repression of women. This specificity was given by the idea that women had contributed to the destruction of Spain by not adhering to traditional gender roles under the auspices of the Second Republic¹⁶⁸. Therefore, in this part, we will analyze this concrete gendered repression suffered by women as well as the arguments put forward by different social and academic actors regarding the need to recover the memory of the repressed women from this gender perspective.

Franco's repressive apparatus not only contemplated the physical elimination of people, but also included a complex mechanism of psychological punishment that was applied from the outset through insults, segregation, persecution, harassment, imprisonment, seizure of

¹⁶⁵ Manuela Bergerot, 'Sobre La Memoria Histórica' (80 Años Fin de Guerra, Madrid, 1 April 2019) <<https://www.youtube.com/watch?v=AFxq8Xje90I&t=1655s>> accessed 23 May 2022.

¹⁶⁶ Muñoz-Encinar (n 152).

¹⁶⁷ Laura Muñoz-Encinar, 'Análisis de La Violencia Ejercida Sobre Las Mujeres Durante La Guerra Civil y La Dictadura' (II JORNADAS de MEMORIA HISTORICA SIERRA NORTE MADRID, Buitrago del Lozoya, 11 June 2021) <<https://www.youtube.com/watch?v=wWO2uyg4Yrw>> accessed 23 April 2022.

¹⁶⁸ Teresa Fernández Paredes, 'The Importance of Including a Gender-Based Perspective When Dealing with the Past: Sexual and Gender-Based Violence Committed during the Franco Dictatorship in Spain' (2016) 7 *INTERNATIONAL JOURNAL OF RULE OF LAW, TRANSITIONAL JUSTICE AND HUMAN RIGHTS* 93 accessed 28 April 2022.

property, or purge processes¹⁶⁹. Among the many facets of Franco's repressive apparatus, there was a specific procedure applied to Republican women, this is, there is a conceptualization of how that violence had to be exerted on women based on Franco's theorists, either because they had been politically active during the Republic¹⁷⁰ or because they were the wives, mothers, sisters or relatives of Republicans or women sympathetic to the Popular Front¹⁷¹. The new regime wanted to give exemplary punishment to all those women who had been visible in public spheres, the traditional space of men, consequently, public repression of women would be used both to punish them and serve as an example to others of what would happen to them if they transgressed the domestic and private space¹⁷². Therefore, these repressive mechanisms, in the case of women, would have a double purpose: not only political antipathy to the new regime would be punished, but also the transgression of the traditional social and moral order. In this regard, Vallejo Nágera tried to demonstrate the existence of the *gen rojo* (red gene) or Marxist gene which had poisoned the authentic Spanish race¹⁷³. In this regard, he argued that:

“To understand the very active participation of the feminine sex in the Marxist revolution, it is necessary to consider her characteristic psychic lability, weakness of mental equilibrium, less resistance to environmental influences, insecurity of control over her personality and tendency to impulsiveness, psychological qualities which in exceptional circumstances lead to abnormalities in social behavior and plunge the individual into psychopathological states. If women are usually gentle, sweet, and kindly in character, it is due to the brakes which act upon them; but as the female psyche has many points of contact with the infantile and animal psyche, when the brakes which socially contain women disappear and the inhibitions which restrain instinctive impulses are released, then the instinct of cruelty is awakened in the female sex and overcomes all intelligent and logical

¹⁶⁹ Muñoz-Encinar (n 167).

¹⁷⁰ Women who participated in strikes, protests, or rallies organised by the left as well as those who actively or passively supported the resistance to the coup d'état were punished, as were those who had a direct or indirect connection to a trade union or left-wing political group. To see more: Irene Abad Buil, Iván Hereida Urzáiz and Sescún Marías Cadenas, ‘Castigos “de Género” y Violencia Política En La España de Posguerra. Hacia Un Concepto de “Represión Sexuada” Sobre Las Mujeres Republicanas.’, *No es país para jóvenes* (2012) <<https://dialnet.unirioja.es/servlet/articulo?codigo=4715104>> accessed 6 June 2022.

¹⁷¹ Muñoz-Encinar (n 167).

¹⁷² Abad Buil, Hereida Urzáiz and Marías Cadenas (n 170).

¹⁷³ Military man, psychiatrist and ideologist of Franco's regime who carried out experiments on Republican men and women in concentration camps. To see more: Juan José Martín García and Marta Fernández Viejo, ‘Buscando El “Gen Rojo”’. *Los Experimentos Interesados Del Doctor Vallejo-Nájera Sobre Los Brigadistas Internacionales de Cardena* (2019) 50 *Historia Actual Online* 7 <<https://dialnet.unirioja.es/servlet/articulo?codigo=7133961>> accessed 7 May 2022.

inhibitions. (...) It characterizes female cruelty that is not satisfied with the execution of the crime but increases during its commission.”¹⁷⁴

The subordinate valuation of the female gender entailed the application of other types of punishments that did not always expressly involve death. Indeed, according to forensic scientist Laura Muñoz-Encinar, only about 4% of the remains found in mass graves are female¹⁷⁵, however, this field has provided some evidence from exhumations that supports the gender-specific component. In this sense, it has been observed through the disposition of the remains that women were usually the last people to be introduced into the graves¹⁷⁶, which would be related to the perimortem humiliating treatment to which women were subjected, mostly sexual violence¹⁷⁷. Therefore, forensic archaeology is helping to develop this narrative about women’s repression from mass graves evidence, either through their bones as we have seen or through other materials that can be found in the pits – like garters or the lack thereof¹⁷⁸. Muñoz-Encinar thus gathers in her studies, which draw from different sources, events that remain in the traumatic collective memory of certain villages, such as the case of Antonia Regalado, who was twenty-two when she was executed:

*“He put a man under [the body of] my aunt on top of her and the other man penetrated her from above, one from below and one from above [...] “she’s going to be satisfied” [...] the uncle told her about it, enjoying himself, laughing out loud [...] they made her run around the cemetery, they abused her and then they killed her and then this man buried her like this and told her: we buried her like a whore”.*¹⁷⁹

Rapes and sexual violence were also common in the context of city occupation, where women were treated as spoils of war and used to exhibit men’s superiority and control over women¹⁸⁰. Indeed, it was even encouraged by Franco’s generals¹⁸¹. Torture in jails or other

¹⁷⁴ de Grado González (n 4).

¹⁷⁵ Muñoz-Encinar (n 167).

¹⁷⁶ Muñoz-Encinar (n 152).

¹⁷⁷ Paul Preston, *El holocausto español: odio y exterminio en la Guerra Civil y después* (4. ed, Debate 2011) accessed 11 July 2022.

¹⁷⁸ Muñoz-Encinar (n 167).

¹⁷⁹ Gravedigger quote which was told to Muñoz Encinar by an anonymized testimony. Muñoz-Encinar (n 152).

¹⁸⁰ Enrique González Duro, *Las Rapadas: El Franquismo Contra La Mujer* (Siglo XXI de España Editores 2012) accessed 20 June 2022.

¹⁸¹ “Our brave legionaries and soldiers have shown red cowards what being real men means. And, at the same time to their wives. This is totally justified because these communists and anarchists preach free love. Now at

state institutions like police stations was also gender-specific and characterized, among others, by attacks on women's reproductive systems and sexual violence, with particular brutality towards pregnant prisoners¹⁸².

Women were often forced to consume enormous amounts of castor oil to induce vomiting and diarrhea before being shaved and paraded through the streets to be harassed¹⁸³. The aim was to strip women of the typically feminine qualities of cleanliness and attractiveness¹⁸⁴ and to make them ashamed as a way of symbolically destroying republican women¹⁸⁵. Moreover, they were occasionally brought in front of courts to be tried under these circumstances¹⁸⁶. Accordingly, this practice aimed to validate the new social structure, the dominance of the war winners, and their control over the bodies of women who opposed the new regime¹⁸⁷. Under Franco's philosophy, this form of punishment was meant to publicly humiliate and stigmatize women who disobeyed gender roles.

The annulment of motherhood was yet another repressive mechanism. Vallejo Nágera's theory on the red gene also served as a justification for eugenic policies¹⁸⁸. In this regard, he defended that Marxists were feeble-minded or antisocial psychopaths, and he described them generally as "abnormal"¹⁸⁹. For this reason, he proposed separating parents from their children in order to prevent abnormalities in future children and inserting them in places under the protection of the State or the Falange's Social Aid or in the hands of a family sympathetic to the regime to combat the degenerative progression of children brought up in republican environments¹⁹⁰. The abduction of children took place systematically from women in prisons, either because of their active participation or because of their relation to men, especially at the beginning of Franco's dictatorship¹⁹¹. In later decades, from the fifties onwards, clinics and

least red women will know what real men look like and not fags. They are not going to get rid of us as much as they scream and kick " radio speech by Gonzalo Queipo de Llano. Fernández Paredes (n 168).

¹⁸² *ibid.*

¹⁸³ *ibid.*

¹⁸⁴ *ibid.*

¹⁸⁵ Ana Pociello Sampériz, 'Inés y La Alegría: Women in the Resistance against Franco' [2013] *Mediterranean Journal of Social Sciences* <<https://www.richtmann.org/journal/index.php/mjss/article/view/1073>> accessed 14 July 2022.

¹⁸⁶ Fernández Paredes (n 168).

¹⁸⁷ *ibid.*

¹⁸⁸ Mikel Lizarraga Rada, 'Los Niños Robados En España: Del Exterminio Del "Gen Rojo" al Negocio' (Universidad Pública de Pamplona 2018) <<https://academica-e.unavarra.es/xmlui/handle/2454/31289>> accessed 5 June 2022.

¹⁸⁹ *ibid.*

¹⁹⁰ *ibid.*

¹⁹¹ Mónica Gruber, 'Cómo Denunciar Cuando Todos Callan: Los Niños Robados Por El Franquismo' [2020] *Cuadernos del Centro de Estudios de Diseño y Comunicación* <<https://dspace.palermo.edu/ojs/index.php/cdc/article/view/4050>> accessed 14 July 2022.

maternity wards would become the scenario for this theft¹⁹². Although it was not enshrined in the law as it was in the forties, the machinery that was set in motion at that time allowed the delegated authorities, namely doctors, nurses and nuns, who acted as tentacles of that power to continue to act with total impunity with the complicit silence and consent of the state¹⁹³. The victims were not Franco's prisoners anymore but women in vulnerable positions such as single, young, inexperienced, working-class women¹⁹⁴. The typology is varied but there is not a single known case of theft of minors under the dictatorship from wealthy families, or from ultra-Catholic or pro-Franco families¹⁹⁵. It continued to be, therefore, abduction of children from those who had power against those who did not.

In this regard, many associations such as “*Todos los bebés robados son también mis niños*” are advocating the gender perspective as an essential element to understand the stealing of babies¹⁹⁶. Soledad Luque, the founder of the association, stresses that by analyzing the type of woman constructed in the dictatorship, and the reproductive function of women within the project of a national restoration with new generations of regime supporters, there would not be a complete history of what happened and how¹⁹⁷. Therefore, women as subjects who are being denied their rights as well as a medical eager to exercise obstetric violence and an ecclesiastical structure that assumes as its own Francoist postulates about what a fit mother was would have to be acknowledged to understand the stealing of babies as a specific type of repression against women, first directed towards republican women and later to a large number of women who, due to their economic and social condition, would not be considered as fit mothers¹⁹⁸. Furthermore, in *Mujer y Memoria*'s project, Borrachero, when carrying out the recovery of memory for the archive “Stolen Maternities”, defends that the methodology of archives and information processing should be in line with the course of building memory of the victims of official memory in which proprietary and commercial tools that impose a single view on the contents are not included¹⁹⁹.

¹⁹² Soledad Luque Delgado and Maria José Esteso Poves, ‘El robo de bebés desde una perspectiva de género’ [2018] *Nuestra Historia* 169 <https://revistanuestrahistoria.files.wordpress.com/2018/07/nh5_sluque.pdf> accessed 23 May 2022.

¹⁹³ Soledad Luque Delgado, ‘Los Bebés Robados y La Memoria Histórica. Contexto y Futura Legislación’ (Mesas redondas sobre la situación de las víctimas del franquismo y de la memoria histórica en el Estado español, 9 April 2021) <<https://www.youtube.com/watch?v=zUNOH3pPc-0&t=3610s>> accessed 9 June 2022.

¹⁹⁴ *ibid.*

¹⁹⁵ *ibid.*

¹⁹⁶ Soledad Luque Delgado and Maria José Esteso Poves, ‘El Robo de Bebés Desde Una Perspectiva de Género’ (CEAQUA, 28 July 2018) <<https://www.ceaqua.org/el-robo-de-bebes-desde-una-perspectiva-de-genero/>> accessed 6 June 2022.

¹⁹⁷ Luque Delgado and Esteso Poves, ‘El robo de bebés desde una perspectiva de género’ (n 192).

¹⁹⁸ *ibid.*

¹⁹⁹ Borrachero (n 16).

According to Teresa Fernández, the repression of women was distinctive from that of men due to three factors: the type of punishment, the way in which re-education of women was carried out, and the fact that women were repressed not only for their active participation in politics but for being related to opposition members²⁰⁰. Therefore, we have analyzed how the repression that women suffered not only had to do with their ideological identities but there was an intrinsic gender component that needs to be taken into consideration in the revision of history and memory to account for different complexities and to construct an accurate narrative of facts and experiences of women during Franco's repression. Indeed, the role of memorialist and feminist movements, and particularly the intersection between them, has been key to spreading the knowledge of this specific repression by bringing survivors and relatives, as well as academics and other professional occupations interested in historical memory that can shed light on the experiences of these women.

Nevertheless, there is a gender gap in the representation of History and Memory in the digital environment, which is the most accessible tool and communication channel for information nowadays. Ángeles Egido and Matilde Eiroa argue that it can be appreciated in both authors of these digital formats since men still dominate this sphere and there is low participation of exclusive women authors; as well as in content, whose messages and stories refer mostly to men²⁰¹. Indeed, there have been some platforms that have contributed to further extending the knowledge about women's memory since 2017, the date in which the article was published, but these efforts seem to have been confined only to the spheres of historical memory and feminism.

c) Not a soft dictatorship: women's situation beyond the postwar period.

Some have considered Francoism as a soft dictatorship²⁰². This especially comes from the notion of the latest stages of the dictatorship, where some changes were observed due to several reasons such as international influence²⁰³. Nevertheless, associations such as *La Comuna* and some voices in the literature have been advocating for the recognition of

²⁰⁰ Fernández Paredes (n 168).

²⁰¹ Ángeles Egido and Matilde Eiroa, 'Redes Sociales, Historia y Memoria Digital de La Represión de Mujeres En El Franquismo' (2017) 27 REVISTA DE HISTORIOGRAFÍA (RevHisto) 341 <<https://e-revistas.uc3m.es/index.php/REVHISTO/article/view/3977>> accessed 6 July 2022.

²⁰² Per Stangeland, 'Extremismo Político Juvenil: Estrategias de Intervención Desde El Prisma Criminológico' [2004] cuaderno del Instituto Vasco de Criminología 73 <<https://addi.ehu.es/handle/10810/25116>> accessed 6 July 2021.

²⁰³ *ibid.*

repression during late Francoism to raise awareness about the violence suffered for the whole duration of the regime. Thus, the repression of women did not cease after the post-war period but manifested itself in different ways.

In this regard, the *Tribunal de Orden Público* (TOP) was established in 1963 as a form of political repression and condemned women for crimes that had to do with morals²⁰⁴. Lucía Vicente, a victim of this tribunal, tells that in the descriptions of the arrested persons that were with her at the moment of her detention, where they had to fulfill a "social behavior" category – that could range from very bad behavior to good behavior - one of the couples consisted of a married man and a single woman, yet the woman was categorized with poor conduct and the married man as irregular conduct, having different consequences in the final decision²⁰⁵. Therefore, we still appreciate the equation of sin with crime, especially when it comes to women.

Nevertheless, the institution that perhaps had the most prominent role in the repression of women was the *Patronato de Protección a la Mujer* (PPM), a key element in the construction of women's moral behavior. Its mission was to redeem fallen women and help those who were in danger of doing so, with the dissemination of a code of conduct constructed around the notions of decency, modesty, and chastity²⁰⁶. In other words, it was in charge of ensuring that women respected Catholic morality, which considered that the function of their bodies was only to be mothers²⁰⁷. They had, in fact, several centers all over Spanish geography run by dozens of religious congregations, which saw it as an opportunity to gain space, buildings and infrastructures²⁰⁸. Its initially preventive function soon proved to be coercive and was applied in two manners: state interventionism in privacy and the persecution and condemnation of *desviadas*, this is, deviant women²⁰⁹. Thus, the PPM engaged in two different controls of morality: on the one hand, the "hidden" one, concerned individual activities on women who were morally wrong such as prostitutes, single women, or homosexuals; on the other hand, the

²⁰⁴ Quiñonero (n 153).

²⁰⁵ Lucía Vicente, 'Y Las Cárceles En El Tardofranquismo: Lucha Política, TOP y "Delitos Específicos"' (Represión y lucha de las mujeres en el tardofranquismo, Madrid, 22 April 2022) <<https://www.youtube.com/watch?v=M9neVAHpYkE>> accessed 17 May 2022.

²⁰⁶ Carmen Guillén Lorente, 'El Patronato de Protección a La Mujer: Moralidad, Prostitución e Intervención Estatal Durante El Franquismo' [2020] Bulletin d'histoire contemporaine de l'Espagne <<http://journals.openedition.org/bhce/3117>> accessed 5 July 2022.

²⁰⁷ Universidad de Castilla-La Mancha, Pedro Oliver Olmo and María del Carmen Cubero Izquierdo, *De Los Controles Disciplinarios a Los Controles Securitarios* (Ediciones de la Universidad de Castilla-La Mancha 2020) <<https://ruidera.uclm.es/xmlui/handle/10578/25238>> accessed 5 July 2022.

²⁰⁸ Quiñonero (n 153).

²⁰⁹ Guillén Lorente (n 206).

"ostensible", which refers to the control and surveillance of public places and leisure establishments²¹⁰.

Although it was created in 1941, the year 1952 was a turning point as the number of female interns began to increase for two reasons: the legal reform that expanded the competencies on the legal status of young women and allowed them to propose legal reforms in the field of women's protection, as well as the social opening of the Francoist state in the 1960s²¹¹. New models of femininity that endangered the ideal of the Catholic woman were introduced as a result of the impending cultural upheaval brought about by economic and social changes; in reaction, the PPM increased its operations, which fueled the conflict between the two sets of values²¹². It thus sought to contain the onslaught of unstoppable modernization and to perpetuate traditional gender roles in a society where the imposition of the national Catholic ideal was becoming increasingly difficult²¹³. Indeed, the power of the PPM was immense, with more than 900 centers all over the country²¹⁴. As for the inmates, in the first year, that number included 427 women; in 1951, it amounted to 3.360. Only in 1965, 41.335 more women entered one of the PPM's centers²¹⁵.

Therefore, the exercise of memory that is made about this period has to do with the recognition of the continuous repression that women suffered because they did not fit the Francoist ideal of woman, not only during the CW and the postwar period, but throughout the regime. For this purpose, specific machinery was set in motion, i.e., the TOP and more specifically the PPM. Therefore, *La Comuna* claims this recognition no longer for the public and the institutions, but within the MRHM itself²¹⁶. Many voices in academia and activism are trying to build a more complete and faithful account of the dictatorship's repression and to include women's experiences, which, as traditionally in history, have been relegated to a second place. Although research and dissemination of the repression of women have increased in recent years, there is still a great lack of knowledge about the role they played in the last period of the dictatorship. Thus, not only were women judged on the basis of their moral behavior, which was always treated as a matter subject to public regulation as illustrated by the TOP, but they were sent to prison or other institutions to redeem them for this very reason. This

²¹⁰ *ibid.*

²¹¹ *ibid.*

²¹² *ibid.*

²¹³ *ibid.*

²¹⁴ Quiñonero (n 153).

²¹⁵ *ibid.*

²¹⁶ La Comuna Asociación de presxs y represaliadxs por la dictadura franquista, '¿Por Qué La Comuna?' (*La Comuna*) <<https://www.lacomunapresxsdel franquismo.org/manifiesto/por-que-la-comuna/>> accessed 20 June 2022.

is why there are some who claim that those interned in the PPM should be recognized as victims of Francoism, since young women who were considered wayward, disobedient or promiscuous were locked up without having actually committed any crime²¹⁷.

2. Trespassing the category of victim: women's resistance in the Civil War, dictatorship, and Transition

Now that we have analyzed the gendered repression of women and its importance for collective memory, it is also essential to recognize women's resistance during the CW and the dictatorship, as well as their predominant role in the Transition in order to account for the totality of women's experiences during this time. In this sense, women's agency was silenced to project notions of submission or framed to discredit them and maintain the idea that women could not occupy public and political space. Therefore, the work of recovery of historical memory should be oriented to reveal the real experiences of their resistance, contributions and losses, and thus complete and complexify the legacy left by the dictatorship.

During the CW and postwar period, many women pursued an active role to provide resistance to the regime. As such, they provided support networks to prisoners in concentration camps²¹⁸ or in rearguard positions²¹⁹. The magazine *Mujeres Libres* developed a crucial work in the involvement of women in the war by including slogans and insisting that women should replace men in their jobs in order to be able to march to the front²²⁰. In fact, the participation of women in the rearguard was due to traditional roles that still prevailed even on the Popular Front and aggravated by the consideration of war as an exclusively male space²²¹. This is illustrated by the experiences of *milicianas*, whose participation in the front first caused a great impression since it represented a total rupture to the idea of “home angel” portrayed by the national side but were soon driven out of the trenches and relegated to the rearguard²²².

²¹⁷ Montse Fajardo, ‘Mujer y Franquismo: Resistencia y Represión. Perspectivas Ante La Nueva Ley de Memoria Democrática’ (23 February 2021) <<https://www.youtube.com/watch?v=oG6cxtcOgI0&t=1476s>> accessed 20 April 2022.

²¹⁸ Muñoz-Encinar (n 167).

²¹⁹ Amalia Ugarte Gozávez, ‘Del Frente a La Retaguardia: Las Mujeres En La Zona Republicana Durante La Guerra Civil’ (Universidad de Zaragoza 2015) <<https://zaguan.unizar.es/record/32404/files/TAZ-TFG-2015-2143.pdf>> accessed 17 June 2022.

²²⁰ Laura Sánchez Blanco and Alexia Cachazo Vasallo, ‘Las Consignas de Mujeres Libres Durante La Guerra Civil Española’ <https://anarkobiblioteca3.files.wordpress.com/2016/08/las_consignas_de_mujeres_libres_durante_la_guerra_civil_espac3b1ola_-_laura_sc3a1nchez_blanco_y_alexia_cachazo_vasallo.pdf> accessed 7 May 2022.

²²¹ Therefore, women's political and military commitment was denied by both Francoists and Republicans. This shows that, although the Second Republic allowed some social and political progress, the gender division of roles was not really questioned

²²² Ana Martínez Rus, *Milicianas: Mujeres Republicanas Combatientes* (Catarata 2018) accessed 16 May 2022.

According to Ana Martínez, this relegation was caused by three motives: apart from the still remaining patriarchal Spanish society, women were also blamed for spreading venereal diseases in the trenches²²³. In addition, the discrediting of *milicianas* was later used by the Francoists, equating the militia woman with a prostitute, demonization of that perdured during Franco's post-war repression²²⁴.

Concerning their memory in today's society, while some authors claim that their figure has been magnified over time in the literature²²⁵, others argue for the remembrance of militia women as much more than anti-fascist paramilitaries, since they were examples of the struggle for gender equality. As such, documentaries like "*La doble represión de las milicianas*" are trying to fill the gap in CW's cultural pieces where their mention is overlooked since their activities are normally portrayed as anecdotal and secondary²²⁶.

Moreover, during the fifties and sixties, women played a crucial role in supporting the prisoners, what is commonly referred to as *Mujer de preso*, prisoner's wife/woman²²⁷. In this regard, they kept the political organizations on the outside in contact with the prisoners, carried and disseminated slogans, and organized support networks on the outside, as well as maintained the bonds of family cohesion that later would be the transmission channel of the culture of protest and resistance²²⁸.

However, some of the major works carried out on the recovery of women's historical memory in relation to their resistance are situated in the context of the late Franco era (from the 1960s onwards). In this sense, their role in the fights in factories, women's struggle in the neighborhoods, and the participation of women in student movements have received attention. Indeed, the 1960s marked a shift from individual to collective action, with clandestine meetings focusing on women's sexuality and birth control methods²²⁹. Besides, women demanded their rights in line with most of the working population but they also began to become aware of their specific situation as women and claim specific needs like rising in salaries to equate them to

²²³ *ibid.*

²²⁴ *ibid.*

²²⁵ Mar Ávila Espada, 'LA MILICIANA EN LA GUERRA CIVIL: REALIDAD E IMAGEN' (Universidad de Sevilla 2017) <<https://idus.us.es/bitstream/handle/11441/63244/La%20miliciana%20en%20la%20Guerra%20Civil,%20realidad%20e%20imagen%20MAR%20%20CIVILA%20ESPADA.%20ADRI%C1N%20HUICI%20M%D3DENES.pdf?sequence=1&isAllowed=y>>. accessed 7 June 2022

²²⁶ Carmen Tejera Pinilla, 'Historia y Memoria de La Miliciana: Su Imagen En El Cine Documental.' (2017) <<https://dialnet.unirioja.es/servlet/articulo?codigo=6202333>> accessed 22 May 2022.

²²⁷ First coined by Teresa Pàmies in her novel, *Dona de Pres* (Catalan).

²²⁸ Pilar Díaz Sánchez, 'La Lucha de Las Mujeres En El Tardofranquismo Los Barrios y Las Fábricas' [2005] *Gerónimo de Uztariz* 39 <<https://dialnet.unirioja.es/servlet/articulo?codigo=2173581>> accessed 7 May 2022.

²²⁹ *ibid.*

men's, paid maternity leave, the possibility of promotion at work, free childcare and schools or free legal and safe abortion²³⁰. Indeed, it was not until the 1970s that gender issues were taken on board, but from then on, a three-pronged struggle took place: political, trade union, and feminist²³¹. Besides, many of these demands were also fought for by the women's movement linked to neighborhood associations²³², which brought the feminism agenda to all popular sectors²³³. Indeed, those groups had to face neighbor associations and a part of the feminist movement, with whom they shared struggles but could clash sometimes: first, vindications were mostly framed from a male prototype which relegated women's demands since they were considered to be sectoral and partial, whereas middle-class feminists did not consider claims for kindergartens, schools, soup kitchens, and planning centers as feminists, accusing them to be reformist in nature²³⁴. Nevertheless, the collaboration points were mostly predominant, as the active participation of these associations in the preparation of the feminist conferences of the 70s demonstrates²³⁵. In this regard, the trade union and neighborhood struggles are even more clearly linked in the case of women than in the case of men. In fact, women who began a process of denunciation and struggle against the dictatorship, do so from their position as women and the role they represented in society; therefore, their starting point would be the domestic, the family, to continue beyond in the neighborhood and in the factory²³⁶.

On the other hand, some female students also joined the student movement of the 60s and 70s. Indeed, the modernization of these years and the demand for high-skill workers allowed women to attend universities²³⁷ but still broke the traditional role they were assigned in Francoism, further aggravated when they acted publicly in rallies²³⁸. In this sense, female students tried to incorporate the struggle for women's rights into the student movement, which led to the creation of numerous university associations to analyze different aspects of women's

²³⁰ Mayka Muñoz, 'Luchas y Represión de Las Mujeres En Las Fábricas: Protagonistas y Solidarias' (Represión y lucha de las mujeres en el tardofranquismo, Madrid, 22 April 2022) <<https://www.youtube.com/watch?v=zTG7QvCXD2s&t=943s>> accessed 10 June 2022.

²³¹ Díaz Sánchez (n 228).

²³² They started to exist after the Law of Associations of 1963.

²³³ Eva Fernández, 'El Protagonismo de Las Mujeres En Las Luchas de Los Barrios' (Mesas redondas sobre la situación de las víctimas del franquismo y de la memoria histórica en el Estado español, 20 April 2022) <<https://www.youtube.com/watch?v=dw5pH8jqGgA>> accessed 27 May 2022.

²³⁴ *ibid.*

²³⁵ Díaz Sánchez (n 228).

²³⁶ *ibid.*

²³⁷ *ibid.*

²³⁸ In which they were really participant as there was a general misconception that the police did not persecute women as well as men. Rosa García, 'Participación de Las Mujeres En El Movimiento Estudiantil Contra La Dictadura' (Represión y lucha de las mujeres en el tardofranquismo, Madrid, 22 April 2022) <<https://www.youtube.com/watch?v=OgfzWrvxSrs&t=8s>> accessed 13 June 2022.

social reality²³⁹. Besides, many of them would join feminist associations outside of academic spheres at the end of their studies²⁴⁰.

Therefore, women's struggles also helped to reformulate a new concept of citizenship, which gives greater social recognition to groups that until then had not been able to achieve it: women and young people, who configured the real shapers of the "protest culture" since the 1960s²⁴¹.

On the other hand, the feminist movement of the Transition became a political culture through a series of symbols ("*lo personal es político*", the great slogan of the time) and the use of unifying elements, which generated a feminist political identity that sought to place itself at the center of the elements of change²⁴². It is, therefore, through the negative construction of power, marginalization, and oppression that they achieved this public relevance: the fact of being a woman was so decisive that it became an identity, since all women were deprived of their rights²⁴³. In fact, the great and revolutionary projects of change in the Transition did not generally include the question of gender as a fundamental constituent part, which claimed its place and right to exist in the face of often leftists reluctant to lose the protagonists of social change, particularly the working class²⁴⁴. Thus, against all the rights and conflicts within the left, a new feminist dream, the political subject of "*woman*", appeared, making the singular an emblem of unity and political strength²⁴⁵. As such, the "unsubmissive feminism of the Transition" was the position that had the most power and was an active driving force in civil society²⁴⁶.

Concerning this, the difference between feminism in Spain and that of other countries is that the liberal roots of Anglo-Saxon feminism have nothing to do with the Spanish one. The latter was born in the heat of anti-Francoist struggles together with other movements such as the workers', neighborhood, and students' movements, which is inseparable from understanding the forcefulness of the criticism of the capitalist system that feminism

²³⁹ *ibid.*

²⁴⁰ *ibid.*

²⁴¹ Díaz Sánchez (n 228).

²⁴² Justa Montero, 'Evolución de las luchas de las mujeres: la irrupción del movimiento feminista' (Represión y lucha de las mujeres en el tardofranquismo, Madrid, 23 April 2022) <<https://www.youtube.com/watch?v=TNxFuocawGw&t=189s>> accessed 10 May 2022.

²⁴³ Aresti (n 7).

²⁴⁴ Mercedes Yusta, 'Las Mujeres En La Resistencia Antifranquista, Un Estado de La Cuestión' (Université de Cergy-Pontoise 2006) <https://todoslosnombres.org/wp-content/uploads/2022/05/Las_mujeres_en_la_resistencia_antifranqu.pdf> accessed 7 July 2022.

²⁴⁵ Aresti (n 7).

²⁴⁶ *ibid.*

established at that time, and which still shapes most of the feminist Spanish conception²⁴⁷. The Transition, a moment of crisis and change towards democracy, was used to promote a horizon of radical social transformation for an emancipatory project, which meant demands for change of economic structures or institutions of the patriarchal family²⁴⁸.

Therefore, and according to Justa Montero²⁴⁹, there are three key processes to understand the process of feminism in the Transition: 1) the explosion of women's desire for freedom, which came out as practices of civil disobedience; 2) the will to act collectively to change the existing system of prohibitions and therefore the need of organizations, which marked the proliferation of groups; and 3) the social and political projection that the movement managed to give to this processes, which mainly dealt with bringing the private sphere into the political process. For example, we can see how the amnesty for women was proposed, which questioned the dichotomies that had been established between the public and private, the political and the personal. At this point, feminists considered that this amnesty, firstly thought to be granted to political prisoners, should also be granted to women in jail for specific gender crimes like adultery, prostitution, and abortion²⁵⁰.

In this sense, the work of memory should also account for the big contributions of the feminist movement to democracy in Spain. Apart from the role in advocating the Amnesty Law, the feminist movement that had emerged in the last decade of Franco's regime presented a manifesto against the Constitution with very progressive proposals on the configuration of the family, education, and even abortion topics, contributions were rejected by PSOE and the Communist Party, who gave in to pressure from the Church and the right²⁵¹. What would have happened to women today if that manifesto with those progressive proposals had been incorporated into the Constitution is unknown, but reaching out to these demands could help, according to Bergerot, the feminist movement, which today could change the whole crisis that exists in terms of the macho violence suffered by women in Spain²⁵².

II. Converging on the Democratic Memory bill: same old, same old?

²⁴⁷ Justa Montero, 'Recuperar La Memoria Feminista Para Construir Un Feminismo Del 99%' (Ciclo de Seminarios 8M, Instituto de Mujeres, 17 March 2022) <<https://www.youtube.com/watch?v=a85Ysjq1Rm4>> accessed 7 May 2022.

²⁴⁸ *ibid.*

²⁴⁹ Montero, 'Evolución de las luchas de las mujeres: la irrupción del movimiento feminista' (n 242).

²⁵⁰ Aresti (n 7).

²⁵¹ González Úbeda (n 127).

²⁵² *ibid.*

As we have analyzed in the previous chapter, the historical memory of women that accounts for both repression and resistance has been a demand of social movements such as feminism, and the MRHM. It has also been covered in academia, including literature from many disciplines, and some spaces for this collective memory have been created specially in digital spaces or in cultural pieces. Indeed, all these demands have culminated in the ALMD, which has been put forward on the political agenda by PSOE's government after conservative legislatures. This bill includes women's memory as one of the main groundbreaking topics in the revision of the past, therefore aiming to become part of the official politics of memory. In this chapter, we will solely focus on the current legislative process for the approval of the ALMD, starting from the justification that has been seized upon to continue the politics of the past, i.e. the discourse of human rights and democracy, and how this relates to the democratic memory of women. We will later examine the motives of the Socialist Party for continuing the apparently unfinished work of memory in Spain as well as the social actors' reactions to the inclusion of the democratic memory of women in the bill to predict whether we should expect further action from them or whether they are satisfied with the way it has been included. Lastly, the opposition that this law encounters, namely the right wing in the political realm and the Church, an essential factor in the repression of women, will be also reviewed for a better understanding of the treatment of democratic memory at the political level, as well to analyze the interests and the challenges this draft bill faces. In addition, this would allow us to analyze how the opposition to the Draft Bill has been framed i.e. a rejection of women's historical memory as different from males, or if it is projected as a more general denial. In addition, studying all these reactions would give us a clue to possible changes in memory policies, which could be motivated by the extension of the current ALMD competences or by an abandonment of them.

A. Legal arguments: bringing the human rights and democracy discourse to justify the latest revision

The term democratic memory has been used, especially since the entry into force of the LMH, to refer to a more advanced process of recovery -or recognition- of memory by the Spanish public authorities²⁵³. In this sense, José Luis Muga, president of the Forum for Memory, would state that their role is to make democratic memory to keep bringing the

²⁵³ Manuel Sánchez-Moreno, 'Memoria e Historia : Una Aproximación Internacional Desde El Ámbito Jurídico' [2019] *Amnis* <<http://journals.openedition.org/amnis/4390>> accessed 8 July 2022.

democratic values of those who defended it in the Second Republic and who lost their lives for that defense²⁵⁴. Indeed, the concept of “democratic memory” is not exclusively for Spain and has been used to refer to democratic values such as equality or respect for human rights in other contexts²⁵⁵. As such, memorialist groups started to frame their claims under this term to identify this political agenda as a matter of democracy, and consequently, rule of law and human rights. This would therefore mean that, in order to comply with international standards, a revision of the past should necessarily include their demands in the official memory, as Spain would be called upon to act their obligations under international law and developing of international human rights law²⁵⁶. Furthermore, not only they have dotted their claims of moral force, but this framework has also favored the inclusion of human rights civil society in the struggle for the prioritizing of this agenda, which has played a significant role when it came to consultations with international and national authorities²⁵⁷.

In this regard, the principles that are appealed to are the right to truth, justice, reparation and guarantees of non-repetition, coinciding with the title of the Special Rapporteur, on whose reports many social collectives rely on and to which they report internationally to call the government to act. Concerning this, some groups advocate mechanisms to "officialize the truth", or to resolve the excessive fragmentation that characterizes the construction of memory in Spain²⁵⁸. In fact, the draft bill did not explicitly contemplate the possibility of judging Francoist crimes in Spain until this very July 4 due to the enforcement of the Amnesty Law; nevertheless, the Constitutional Commission voted in favor of an explicit mention where all-Spanish laws "shall be interpreted and applied in accordance" with International Humanitarian Law, which states that "war crimes, crimes against humanity, genocide and torture are considered to be imprescriptible and not subject to amnesty"²⁵⁹. Indeed, it was the human rights

²⁵⁴ CCHSCSIC (n 85).

²⁵⁵ Patricia Simón, ‘Las Lecciones Que Debemos Aprender de América Latina Para Construir Memoria Democrática’ [2019] La Marea <<https://www.lamarea.com/2019/06/29/las-lecciones-que-debemos-aprender-de-america-latina-para-construir-memoria-democratica/>> accessed 7 July 2022.

²⁵⁶ Madeleine Davis, ‘Is Spain Recovering Its Memory? Breaking the “Pacto Del Olvido”’ (2005) 27 Human Rights Quarterly 858 <<https://www.jstor.org/stable/20069813>> accessed 7 July 2022.

²⁵⁷ As for example, with the Special Rapporteur Pablo de Greiff or in public consultations for the present ALMD, where groups originally not interested in the topic started to join like Women’s Link Worldwide or RIS.

²⁵⁸ RIS, Women’s Link Worldwide and CEAQUA, ‘Respuesta al Cuestionario a Presentar Ante El Relator Especial Sobre La Promoción de La Verdad, La Justicia, La Reparación y Las Garantías de No Repetición Para Su Informe de Seguimiento Sobre La Visita a España’ <<https://rightsinternationalspain.org/wp-content/uploads/2022/04/Respuesta-al-cuestionario-a-presentar-ante-el-Relator-Especial-.pdf>> accessed 30 March 2022.

²⁵⁹ ‘La Comisión Constitucional Eleva al Pleno Del Congreso La Ley de Memoria Democrática’ *Crónicas de la Emigración* (Madrid, 7 June 2022) <<https://www.cronicasdelemigracion.com/articulo/cronicas/comision-constitucional-eleva-pleno-congreso-ley-memoria-democratica/20220706130111109362.html>> accessed 7 June 2022.

and democracy discourse embraced by civil society and the pressure from international mechanisms that allowed this legal loophole. However, it is still to see what the still enforcement of Amnesty Law would mean in practice.

Nevertheless, contrary to the complementary and mutually reinforcing character that one could expect from memory and democracy, they have not always acted as such²⁶⁰. According to Huyssen, “memory discourse is usually concerned with collective pasts and their effects on the present, but it lacks a strong normative juridical dimension that would lead directly toward individual or group legal rights claims”²⁶¹. However, she also points out the role of public memory discourses as the force that led to the trials of perpetrators in Argentina, a case from which we could draw an analogy to the Spanish case with the recent adoption of the amendment that would allow the crimes to be prosecuted.

It is therefore in the context of recognizing democratic values that the draft bill would specially mention the active role of women in Spain as protagonists in the struggle for democracy and the values of freedom, equality and solidarity, which have been made invisible over the years²⁶². In this regard, the democratic memory would also mean the inclusion of the experiences of Spanish women who played a unique role as active subjects in the intellectual, professional, political, and trade union life of the country, as well as the violations of their rights, analyzed in the previous chapter, during the CW and the dictatorship, for their public or political activity, for the mere fact of being women or for having been mothers, companions or daughters of persecuted, repressed or murdered people, as well as for trying to exercise their right to free personal development and for having transgressed the limits of traditional femininity²⁶³.

To this end, it is a bill that wishes to include a gender perspective by including women’s historical memory, as stated in the explanatory memorandum that accompanies it and as has been repeated on numerous occasions by its first promoter, Carmen Calvo, Socialist former Minister of the Presidency, Relations with Parliament and the Democratic Memory of Spain²⁶⁴.

²⁶⁰ Andreas Huyssen, ‘INTERNATIONAL HUMAN RIGHTS AND THE POLITICS OF MEMORY: LIMITS AND CHALLENGES’ (2011) 53 *Criticism* 607 <<http://www.jstor.org/stable/23133899>> accessed 6 July 2022.

²⁶¹ *ibid.*

²⁶² Ministerio de la presidencia, relaciones con las cortes y memoria democrática, Proyecto de Ley de Memoria Democrática 2022.

²⁶³ *ibid.*

²⁶⁴ Toni Caballero, ‘La Exministra Carmen Calvo Recibirá El Premio Memoria Histórica de Miranda’ *El Correo* (7 March 2022) <<https://www.elcorreo.com/miranda/exministra-carmen-calvo-20220307194414-nt.html?ref=https%3A%2F%2Fwww.google.com>> accessed 27 June 2022.

B. Women's memory in the draft bill: a win of the Socialist Party?

We have reviewed in the previous chapter how some authors sustain that the embracement of the Socialist Party of politics of the past in the early democratic years was a political strategy to look for an identity to which a part of the voters could recur, which finally led to the adoption of LMH. Furthermore, some newspapers have echoed the fact that the reactivation of the ALMD after months paralyzed in the processing of amendments has to do with the rearming of the Spanish left-wing after the landslide in Andalusia's elections²⁶⁵. Indeed, the ALMD promotion came just forty-eight hours after their loss and coincides with parliamentary partners' call to reactivate the more ideological agenda in response to what they claim was a "warning" given by the progressive electorate last Sunday at the polls²⁶⁶. In this part, we will analyze how the narratives of historical memory have been sustained by the party, and how the inclusion of women's repression and resistance in the CW and dictatorship has been framed as a matter of democratic memory promoted by socialism.

Indeed, the comeback of the Socialist government in 2018 meant the comeback of memory in the political agenda after years of LMH non-applicability by conservative power (2011-2018)²⁶⁷. In fact, all their national election programs have continued to include references to historical memory since 2011, first as a mere commitment to effective implementation of LMH and from the April 2019 elections as a commitment to reform the mentioned law²⁶⁸. To this end, their actions in government have had enormous significant value such as the creation of the Directorate General of Historical Memory in 2018 and the exhuming of Franco's remains from the Valley of the Fallen in October 2019, just a month before the elections that consolidate the current Socialist government²⁶⁹.

Therefore, they developed a narrative in Spanish politics where they portray themselves as the promoters and leaders of "one of the historical demands of groups that are very sensitive

²⁶⁵ María Galán Cuello de Oro, 'El Gobierno Impulsa La Ley de Memoria Democrática Para Recuperar La Iniciativa Tras El Desastre En Andalucía' (Madrid, 22 June 2022) <https://www.niusdiario.es/nacional/politica/20220622/gobierno-impulsa-ley-memoria-democratica-recuperar-iniciativa-desastre-andalucia_18_06814661.html> accessed 9 July 2022.

²⁶⁶ Guillermo Lerma, 'El Gobierno Desbloquea La Ley de Memoria y Acelera La de Vivienda Tras El Batacazo de La Izquierda En Andalucía' *Cadena Ser* (22 June 2022) <<https://cadenaser.com/nacional/2022/06/22/el-gobierno-desbloquea-la-ley-de-memoria-y-acelera-la-de-vivienda-tras-el-batacazo-de-la-izquierda-en-andalucia-cadena-ser/>> accessed 12 July 2022.

²⁶⁷ Materialized for example in the lack of public funding devoted in the general state's budget to exhumations.

²⁶⁸ PSOE, 'Programas Electorales' <<https://www.psoe.es/transparencia/informacion-politica-organizativa/programa/>> accessed 1 July 2022.

²⁶⁹ in coalition with Podemos

to the recent history of our country” as stated in their 2015²⁷⁰ and 2016²⁷¹ programs, after “7 years of inaction and neglect”²⁷². Furthermore, in both 2019 electoral programs, they have also embraced the concept of democratic memory to demonstrate their support for this advanced version of historical memory, which would mean “recognizing the memory of those who fought for freedom and democracy and banishing Francoism and all that it represented from our society once and for all, as the most forceful symbol of the denial of those values, or support forces which, by action or omission, show visible contempt for the victims of that fascist barbarity”²⁷³.

This rhetoric can be found in other discourses apart from their electoral programs such as in their public interventions. In this sense, Carmen Calvo has defended democratic memory as “a sign of socialist identity and the essence of our democratic rights and freedoms”, and the recovery of memory as a duty of the Socialist Party²⁷⁴. Moreover, the explicit references to the LMH and ALMD as promoted by socialist governments, first with Zapatero’s government and later Sánchez, are recurrent in their political communications²⁷⁵. Nevertheless, other political groups are very critical of this position: Gabriel Rufián, from ERC, suggests that this law is mere *postureo*²⁷⁶ since it does not really cope with truth, justice, reparation and guarantees of non-repetition demands – which are nonetheless put forward in the preamble as the principles of international humanitarian law around which the bill is constructed²⁷⁷. In this sense, Joan Tardà, historic leader of ERC has referred to this bill as a is a make-up of the one 14 years ago and accused PSOE of embarking on a moderate democratic memory law that does not question the role of the party in the Transition²⁷⁸.

²⁷⁰ PSOE, ‘Vota Por Un Futuro Para La Mayoría. Programa Electoral. Elecciones Generales 2015’ <https://www.psoe.es/media-content/2015/12/PSOE_Programa_Electoral_2015.pdf> accessed 5 July 2022.

²⁷¹ PSOE, ‘PROGRAMA ELECTORAL Elecciones Generales 2016’ <<https://www.psoe.es/media-content/2016/05/PSOE-Programa-Electoral-2016.pdf>> accessed 5 July 2022.

²⁷² *ibid.*

²⁷³ ‘PSOE’s Electoral Program, General Elections 2019’ <<https://www.psoe.es/media-content/2019/04/PSOE-programa-electoral-elecciones-generales-28-de-abril-de-2019.pdf>> accessed 7 July 2022.

²⁷⁴ Carmen Calvo speech in the conference *Somos Defensa de la Memoria Histórica* for PSOE Andalucía. <https://www.psoeandalucia.com/el-psoe-a-reivindica-la-memoria-democratica-como-sena-de-identidad-socialista-y-esencia-de-nuestros-derechos-y-libertades-democraticos/>

²⁷⁵ PSOE, ‘La Memoria Democrática’ (16 September 2020) <<https://www.psoe.es/el-socialista/la-memoria-democratica/>> accessed 7 July 2022.

²⁷⁶ A new concept that is used in informal Spanish to convey behavior and pose that is driven more by appearances or image than by actual motivation.

²⁷⁷ With the recent Bill changes ERC has moved from rejection to abstention since it better deals with these demands but they expect further action

²⁷⁸ Ángel Alonso Giménez, ‘El Cerebro de ERC En Memoria Democrática: “No Legitimaremos La Nueva Trampa Del Gobierno”’ *el Periódico de España* (20 November 2020) <<https://www.epe.es/es/politica/20211120/tarda-erc-memoria-democratica-legitimar-12873837>> accessed 7 July 2022.

Be that as it may, Socialists have included women's memory as part of that democratic culture that they promote. As such, the most prominent role in this regard has been played by Calvo, who has not only advocated the historical memory of feminism within the party but has explicitly mentioned that "this second socialist law is also going to clean up, with a gender perspective, what we contributed and the suffering and tragedy experienced by many women"²⁷⁹. Indeed, her identification as a feminist is something that has been brought up in a great majority of political communications as a Minister which implicitly demonstrates where this urgency to include the historical memory of women would come from. Furthermore, Félix Bolaños, current Minister of the Presidency, Relations with Parliament and Democratic Memory argues that it has been the "Government's proposal to devote specific attention to women, who occupy a transversal and very singular place throughout the law" in the Parliamentary debate where the government presented the draft bill to the Congress²⁸⁰. In this same session, García Gómez, the other PSOE congressman that participated stated that:

"We (PSOE) are very proud of the whole law, but what we are most proud of is that it recognizes the active role of women in the struggle for democracy. Our grandmothers, our mothers, had been part of the silent memory of the struggle against the dictatorship. As a result of this law, women - our mothers, our grandmothers - form part of it and the fighters for freedom emerge on an equal footing. I would like to pay tribute to those women fighters, like my grandmother, who had to raise their sons and daughters with great effort, from penury, banned from employment and benefits, with an atrocious fear of a knock on their door at night, because we know what that meant."

Therefore, PSOE, as the "leader of politics of memory" in Spain as they portray themselves, has appealed to the historical memory of women as an agenda that is worthy of recognition in the democratic memory due to their fight for democratic values as well as specific repression and the suffering, they endured because they were women. In this sense, it is interesting to appreciate the lack of mention in the democratic culture parts of their electoral

²⁷⁹ PSOE, 'Carmen Calvo: "Las Mujeres Somos Imprescindibles Porque Somos La Mitad de La Población. Las Mujeres Somos Imparables Porque Participamos En La Sociedad Ejerciendo Nuestro Poder"' (3 April 2021) <<https://www.psoe.es/el-socialista/carmen-calvo-las-mujeres-somos-imprescindibles-porque-somos-la-mitad-de-la-poblacion-las-mujeres-somos-imparables-porque-participamos-en-la-sociedad-ejerciendo-nuestro-poder/>> accessed 4 July 2022.

²⁸⁰ Cortes Generales, 'Sesión Plenaria Núm. 124 Celebrada El Jueves 14 de Octubre de 2021' (DIARIO DE SESIONES DEL CONGRESO DE LOS DIPUTADOS, Cortes Generales, Madrid) <https://www.congreso.es/public_oficiales/L14/CONG/DS/PL/DSCD-14-PL-130.PDF> accessed 23 May 2022.

programs there was not a mention to women's memory, not when they just referred to effective implementation of the LMH in 2011, 2015 and 2016, nor when they talk about its reform in April and November 2019, where most of their proposals were related to the exhumation and identification of remains.

C. Analyzing the inclusion of women's memory through the eyes of social actors' responses.

Once we have analyzed PSOE's urge to include women's memory in the ALMD, we shall look at the manner it is gathered and recognized in the bill as well as if it matches with the demands made by social groups, namely memorialist and feminist ones, since they are the ones that have been long pushing for their inclusion in the democratic culture of Spain, as previously covered.

In this sense, the draft bill explicitly mentions "women" in nine out of its sixty-five articles, and only four of those are references to acknowledge the special recognition of women's repression or resistance within bill²⁸¹, namely Article 3(5) that includes women's feminist associations, among others, to be subject of specific recognition and remedial measures; Article 11 that deals with the specific recognition of women's democratic memory accounting for both repression and resistance; and Article 46(2) that established that the Public Administration "will encourage research on the contribution of women in the field of democratic memory both as victims of specific repression and in terms of participation in political, social, economic and cultural life". In addition, recently added Article 48²⁸² states that the Public Administration "will promote the knowledge of the Spanish democratic memory through specific dissemination programs that will include the story of the victims *and specifically the memory of women*". Indeed, it is Article 11 that would be the most interesting provision within the law for the purpose of the present thesis:

"Article 11. Recognition of women's democratic memory

1. The public administrations shall adopt the necessary measures and actions for the recognition of the active role of women in intellectual and political life, in the promotion, advancement and defense of democratic values and fundamental rights.

²⁸¹ The rest are mere references to "men and women"

²⁸² In the versión approved in the Congress July 14

2. *The public administrations shall adopt the necessary measures and actions for the dissemination and knowledge of the educational, economic, social and cultural limitations and discriminations that women specifically endured during the dictatorship and recognize those who suffered them.*

3. *The public administrations shall adopt the necessary measures to repair the special forms of repression or violence of any kind suffered by women as a consequence of their public, political or intellectual activity, during the War and the Dictatorship, or as mothers, companions or daughters of those who were repressed or assassinated. Likewise, actions of recognition and reparation will be carried out for women who during the War and the Dictatorship suffered deprivation of liberty or other punishments as a consequence of the crimes of adultery and voluntary interruption of pregnancy.”*

The response from memorialist and feminist actors has been positive, but they have criticized that the bill has not gone as far as they believe it should. Therefore, although they recognized that it is a well-intentioned law, they criticize that it comes in 2022, that is, almost ninety years after the coup d'état, forty-seven years after Franco's death, and even forty-four years after the approval of the Constitution. Justa Montero stated “it is not enough with good intentions” and especially in the realm of women’s memory since she has the impression that just putting “women here and there within provisions is insufficient”²⁸³. In this regard, a comprehensive law that recalls the gender perspective all over the bill, a feminist view that goes through the whole text, is what she considers to be the main aspiration of the draft bill. Llum Quiñonero agrees with her: “what we want is that it has a gender perspective, that it is recognized in the text, in the language, that it names women and girls, and that it recognizes them as victims”²⁸⁴.

In this line, Montse Fajardo suggests that the category of the victim should be expanded to include women for many motives²⁸⁵. It is Article 3 that deals with this category, nevertheless, there are no specific references to women whatsoever, but mentions like “dead or missing persons” or “people who went into exile”. Therefore, she advocates their inclusion as victims

²⁸³ Justa Montero, ‘Mujer y Franquismo: Resistencia y Represión. Perspectivas Ante La Nueva de Ley de Memoria Democrática’ (Mesas redondas sobre la situación de las víctimas del franquismo y de la memoria histórica en el Estado español, 23 February 2021) <<https://www.youtube.com/watch?v=oG6cxtcOgI0&t=4s>> accessed 20 April 2022.

²⁸⁴ Llum Quiñonero, ‘Mujer y Franquismo: Resistencia y Represión. Perspectivas Ante La Nueva de Ley de Memoria Democrática’ (Mesas redondas sobre la situación de las víctimas del franquismo y de la memoria histórica en el Estado español, 23 February 2021) <<https://www.youtube.com/watch?v=oG6cxtcOgI0&t=4s>> accessed 20 April 2022.

²⁸⁵ Fajardo (n 217).

of not just women with a certain ideology (which could fall under Article 3(1)(L)), “persons who suffered persecution or violence for reasons of conscience”) but to include those in the same terms as Article 11 recognizes, this is “mothers, companions or daughters of those who were repressed or murdered” as well as those imprisoned for specific women’s crimes like adultery or prostitution²⁸⁶. Moreover, she also suggests the inclusion of women that did not suffer direct violence from their ideology or their male relatives but those who were ostracized in their communities i.e. they would not give jobs to them since they were marked as “reds” which in turn would have condemned them to prostitution and eventually end up in jail or other centers such as the PPM²⁸⁷. Indeed, the consideration that women could not just end up in jail but in order institutions that the Franco regime used to impose national Catholicism on women, like those women forced to enter the PPM, has been a vindication for this category of the victim as well²⁸⁸. In addition, and since much of the regime's control had to do with the control of women's bodies and sexual pleasure, they have also advocated for opening up the bill and recognizing reproductive violence, stolen mothers in childbirth or clandestine abortions²⁸⁹.

Indeed, the law gathers in Article 3 the consideration of *progenitores*, *progenitoras*, (male and female parents) as victims of stealing of babies. Concerning this, Borrachero argues:

“When the draft bill talks about the repression suffered by women, it refers to the consequences of their participation in their cultural, political and economic sphere during the dictatorship, that is to say, in traditionally considered public spheres. Therefore, we are transporting the framework of repression of men to the case of women and this is an exclusion that directly affects the theft of babies because the draft bill does not include reproductive, obstetric and gynaecological violence, which manifested itself not only in repression for the use and distribution of non-contraceptives, in the persecution of abortion, but also in the forced disappearance of minors and newborns”²⁹⁰.

In this sense, Luque defends the contextualization of Francoism throughout the bill since maternity was the political role demanded of women and was at the same time a function of utmost importance for the dictatorship for which consequently measures such as the

²⁸⁶ *ibid.*

²⁸⁷ *ibid.*

²⁸⁸ Montero, ‘Recuperar La Memoria Feminista Para Construir Un Feminismo Del 99%’ (n 247).

²⁸⁹ Montero, ‘Evolución de las luchas de las mujeres: la irrupción del movimiento feminista’ (n 242).

²⁹⁰ Aranzazu Borrachero, ‘Los Bebés Robados y La Memoria Histórica. Contexto y Futura Legislación’ (Mesas redondas sobre la situación de las víctimas del franquismo y de la memoria histórica en el Estado español, 9 April 2021) <<https://www.youtube.com/watch?v=zUNOH3pPc-0&t=3610s>> accessed 9 June 2022.

prohibition of abortion (considered a crime against race), and pronatalist measures were enacted²⁹¹. This is where the practice of baby stealing would arise since this regeneration had to be done in accordance with the values of the regime in order to be perpetuated over time²⁹².

In this sense, the concepts of victims, in addition to those stipulated in Article 3, should be present throughout the text to recognize that the repression of women was part of the backbone of the dictatorship since for the Franco regime women were a key instrument for the moral and ideological regeneration of their country²⁹³.

In addition, Fajardo also recalls the importance of the archives and access to documentation. Regarding this, she remembers the role of women as transmitters of memory because “there is no list of women who were shaved or raped, there are none, so oral memory is important because they were the ones who transmitted to their descendants what had happened to them or what lived in the collective memory of certain peoples”²⁹⁴. Therefore, this transmission of oral memory should be encoded to “get beyond the people who are still alive and can tell the story”²⁹⁵, accessibility that would require money to be injected.

Lastly, there are voices also claiming for trespassing women’s memory and the eventual reparations for the improvement of the daily lives of women that have been subjected to this repression. In this regard, Anna Miñarro supports the need to “include obligatory attention and adequate training of health and mental health professionals, because to mistreat by putting a diagnosis that may be incorrect, because a patient who presents difficulties due to torture or mistreatment will have serious difficulties in second, third, fourth generations due to intergenerational traumas”²⁹⁶. Indeed, in a more general line, Alejandro Torrús suggests the need for civil servants to be trained in this topic as they are now the representatives of the Public Administration and as such defenders of democratic values²⁹⁷.

These are the inputs that have been mostly done from advocacy associations towards the draft bill, nevertheless, since it is still a work in the project, it is still to see how and when

²⁹¹ Luque Delgado (n 193).

²⁹² *ibid.*

²⁹³ Montero, ‘Mujer y Franquismo: Resistencia y Represión. Perspectivas Ante La Nueva de Ley de Memoria Democrática’ (n 283).

²⁹⁴ Fajardo (n 217).

²⁹⁵ *ibid.*

²⁹⁶ Anna Miñarro, ‘Mujer y Franquismo: Resistencia y Represión. Perspectivas Ante La Nueva de Ley de Memoria Democrática’ (Mesas redondas sobre la situación de las víctimas del franquismo y de la memoria histórica en el Estado español, 23 February 2021) <<https://www.youtube.com/watch?v=oG6cxtcOgI0&t=1476s>> accessed 20 April 2022.

²⁹⁷ Alejandro Torrús, ‘Las Víctimas Del Franquismo Ante El Proyecto de Ley de Memoria Democrática’ (2 March 2022) <<https://www.youtube.com/watch?v=ANj5TK5Yf0M&t=22s>> accessed 19 May 2022. Nevertheless, the gender perspective is taken into account in the training plans of the Public Administration in the recent modification of July 14 (Article 47). It is the only article where gender perspective is mentioned.

it will be approved and in which manner it will be implemented since the law will require regulation for its effective implementation, where all these articles will be concretized in solid measures. Nevertheless, and although the most general urgent critics of the overall ALMD have been now somehow covered with the amendments introduced -such as the possibility of prosecuting crimes regardless of the Amnesty Law - critics that arise from women's memory have not been comprehensively tackled in these recent changes. Therefore, if the law to be enforced is the one considered on July 14^t at the Congress, the gender perspective much advocated would have not been applied in the light of these social actors' consideration, who nevertheless welcome the inclusion of democratic memory, in which the democratic memory of women should be raised, within school curricula according to Article 44²⁹⁸. Nevertheless, this provision does not explicitly mention it, but rather states in general terms that "the Spanish educational system shall include among its aims the knowledge of Spanish history and democratic memory and the struggle for democratic values and freedoms".

D. Opposition to the democratic memory by relevant political and social actors

In this last section we will study the contestation that this bill encounters by relevant actors, this is, the right-wing and the Church, to examine if the content concerning women's democratic memory is challenged since it could be argued there was only a ideological repression and deny the specific gender component, or whether the opposition comes from a whole rejection of this draft bill – or making politics about the past in general.

Regarding the ring-wing, the analysis will be mostly focused on the political party that is more virulent in their declarations and statements, as it better reflects the opposition the ALMD encounters. In this sense, the three big political parties in the right-wing spectrum in Spanish politics are VOX, PP and Ciudadanos²⁹⁹, with the former being the object of study. Therefore, although PP and Ciudadanos are less critical towards certain Francoism aspects³⁰⁰ they all share the idea that this bill intends to break with the spirit of reconciliation established in the Transition agreements and they speak of 'selective memory' in the law. This selective

²⁹⁸ Domènec Martínez, 'Las Víctimas Del Franquismo Ante El Proyecto de Ley de Memoria Democrática' (2 March 2022) <<https://www.youtube.com/watch?v=ANj5TK5Yf0M&t=22s>> accessed 19 May 2022.

²⁹⁹ Some voices claim it is center-approached, nevertheless, for the purposes of this thesis, it will be considered in this political ideology since their views on the bill are shared with PP.

³⁰⁰ They have acknowledged the need for exhumations

memory would be given by the fact that the Government would ignore the past of the terrorist group ETA, to which they refer in most of their interventions or statements on the ALMD³⁰¹.

1. Spanish right-wing's wishes to bury the past.

Indeed, the draft bill has not been well welcomed by the Spanish right, and especially VOX, the extreme-right party in the country that has been labeled as a post-fascist radical right³⁰². In this section, we will focus on their position on the politics of memory with particular attention to the public messages conveyed regarding their position to ALMD. In this sense, VOX has referred to these measures as liberticidal and dogmatic³⁰³, and although the party still does not publicly define itself in terms of Francoism and the dictatorship³⁰⁴, some authors have similarities in their demands, styles, symbols, and ideology³⁰⁵.

According to Reynares and Foa Torres, one of the most notable features of the new right that emerged in democratic systems with dictatorial pasts has been the rejection of the policies of memory and recovery of victims carried out by various progressive governments, as well as the defense of those military governments while they embed traditional conservatism³⁰⁶. As such, it would not belong to a new political category but following Álvarez Benavide they continue the line of parties that rose from the ashes of fascism, with features like racism, hostility towards minorities, and anti-communism³⁰⁷ which in the case of VOX is illustrated by its fight against the *dictadura progre* (progressive dictatorship) of PSOE and their partners. Additionally, VOX would include national Catholicism due to the relevance of Christianity in its ideology³⁰⁸. Indeed, its program includes the derogation or amendment of

³⁰¹ Marta Borraz, 'La Nueva Ley de Memoria Democrática Salva La Primera Votación En El Congreso y Enfila Su Aprobación Definitiva' *ElDiario.es* (7 April 2022) <https://www.eldiario.es/sociedad/nueva-ley-memoria-democratica-salva-primera-votacion-congreso-enfila-aprobacion-definitiva_1_9142597.html> accessed 10 July 2022.

³⁰² Gisela Pereyra Doval and Gastón Souroujon, *Global Resurgence of the Right: Conceptual and Regional Perspectives* (Routledge 2021) accessed 30 June 2022.

³⁰³ Javier Franzé and Guillermo Fernández-Vázquez, 'El Postfascismo de Vox: Un Populismo Atenuado e Invertido' [2022] *Revista Digital de Ideas Políticas* 57 <https://pensamientoalmargen.com/16/05_PaM16_Derechas_FRANZE.pdf> accessed 14 July 2022.

³⁰⁴ Juan Manuel Reynares and Jorge Foa Torres, 'La Franqueza Impune de Vox: Desfiguraciones de La(s) Memoria(s) En La Nueva Derecha Española' (2022) 9 *Clepsidra. Revista Interdisciplinaria de Estudios sobre Memoria* 70 <<https://ojs.ides.org.ar/index.php/Clepsidra/article/view/194/65>> accessed 12 July 2022.

³⁰⁵ Antonio Nicolás Álvarez Benavides, 'Elementos Para El Análisis de Una Nueva Extrema Derecha Española', *Movimientos sociales, acción colectiva y cambio social en perspectiva: continuidades y cambios en el estudio de los movimientos sociales* (2019) <<https://dialnet.unirioja.es/servlet/articulo?codigo=7135146>> accessed 7 June 2022.

³⁰⁶ Reynares and Foa Torres (n 304).

³⁰⁷ Álvarez Benavides (n 305).

³⁰⁸ *ibid.*

whatever they label as moral and political destabilizing elements in the sake of recovering Christian values³⁰⁹: they seek to derogate the Gender Violence Law³¹⁰, they consider minors must be protected from gender ideology³¹¹ or they describe the abortion as “eugenics of children with Down's syndrome”³¹².

In regard to their official position to memory, they call for the derogation of LMH in their electoral program since “no parliament is legitimized to define our past, and even less so by excluding those Spaniards who differ from its definitions. The past cannot be used to divide us; on the contrary, we must jointly pay homage to all those who, from different historical perspectives, fought for Spain”³¹³. In this line, Contreras Peláez argued in Congress:

*“Theologians say that not even God has the ability to change the past, to make what happened not happen. That is why despots of all times have always been tempted to rewrite history - that is to change the past and would elevate them above God - from that Chinese emperor who had all the old books burnt because they did not contain his name, to Stalin, who had the photos of the people he was shooting erased from successive editions of the Soviet Encyclopaedia, who disappeared from the old photos of the revolution”*³¹⁴

Because these procedures touch a divisive fiber at the very core of the Spanish country, the State cannot and should not get involved in specific processes that explore memory. It should therefore not encourage conflict over matters that have already been settled within the country or within each Spanish household, especially since those narrative reconstructions will only deal with a partial truth of past acts.

“To fix by decree a partisan interpretation of history and impose it on the whole of society using the coercive instruments of the state is typical of despots. In free countries,

³⁰⁹ In this regard it is representative the image with which they started their 2019 elections campaign: Santiago Abascal as Aragon in the Lord of the Rings, sword in hand, defends Spain from their enemies: feminism, LGTBI associations, communism, Catalonia and the mainstream media

³¹⁰ Point 70 of their electoral program: VOX, ‘100 Medidas Para La España Viva’ <https://www.voxespana.es/biblioteca/espana/2018m/gal_c2d72e181103013447.pdf> accessed 7 June 2022.

³¹¹ VOX, ‘VOX Contra El Adoctrinamiento de Género: “Dejen de Hacer Esclavos de Su Ideología a Los Niños”’ (3 September 2019) <https://www.voxespana.es/grupo_parlamentario/actividad-parlamentaria/proposiciones-no-de-ley/salud-jovenes-adoctrinamiento-20210309> accessed 7 July 2022.

³¹² ‘Monasterio (Vox) Denuncia “El Plan de Exterminio Eugenesico de Niños Down”’ *La Vanguardia* (21 June 2019) <<https://www.lavanguardia.com/local/madrid/20190621/463018443959/monasterio-denuncia-el-exterminio-eugenesisico-de-los-ninos-down.html>> accessed 12 July 2022.

³¹³ Electoral program point n30 VOX, ‘100 Medidas Para La España Viva’ (n 310).

³¹⁴ Cortes Generales (n 280).

political power does not arrogate to itself historical omniscience, but allows citizens to freely come to their own conclusions on historical questions from their own reading, their own experiences, conversations.”³¹⁵

As such, the ALMD is seen as a “totalitarian law, a sectarian law, a civil war law that, first and foremost, attacks the freedom of speech of Spaniards, the academic freedom of historians, the foundation of the Constitution, the Transition, the communal embrace, harmony, and the forward-looking outlook that was a gift left to us by previous generations, in other words, an attack on peaceful and free coexistence”³¹⁶, and even threaten to appeal the law before the Constitutional Court if ever passed³¹⁷. Furthermore, they maintain that they will derogate the bill on its first day in the Government of Spain³¹⁸. Therefore, memory policies by the Spanish government are interpreted by VOX in two ways that seek to depoliticize them. On the one hand, we find memory's relegation to families, where rapprochement would have already occurred. Consequently, VOX calls for forgetfulness and denies conflict by attributing it to the complete overcoming of it in personal and familial life.

“These laws aim to burn into the minds of Spaniards the equation that the left is and always will be synonymous with democracy and freedom, and the right is synonymous with fascism and repression. In reality this is not so; in reality the essence of the left is social antagonism, dividing society into groups and pitting them against each other: rich against poor, men against women, whites against blacks. And what this law is about is to reopen the old, painful division of Spaniards into reds and blues. A division that had already been overcome at a social level in families and in the streets some twenty years after the end of our Civil War and which was institutionally overcome in our Transition.”³¹⁹

On the other hand, the demand to forget Franco that VOX defends, alleging the passage of time and thus justifying the party's supposed irrelevance to the figure of Franco, comes hand

³¹⁵ *ibid.*

³¹⁶ VOX Congreso, *Abascal: ‘Estamos Listos Para Construir Todo Lo Que Tumben, Incluso La Cruz Más Grande Del Mundo’* (2021) <<https://www.youtube.com/watch?v=-g8-hNj5lnk>> accessed 2 July 2022.

³¹⁷ ‘Vox Recurrirá La Ley de Memoria Democrática “Sin Verla” al “Vulnerar 5 o 6” Preceptos Constitucionales’ *El Español* (19 July 2021) <https://www.elspanol.com/espana/politica/20210719/vox-recurrira-ley-memoria-democratica-sin-constitucionales/597690818_0.html> accessed 7 June 2022.

³¹⁸ VOX, ‘«VOX Derogará La Ley de Memoria Democrática En Su Primer Día En El Gobierno de España»’ (13 July 2022) <<https://www.voxespana.es/noticias/vox-derogara-la-ley-de-memoria-democratica-en-su-primer-dia-en-el-gobierno-de-espana-2-20220713?provincia=huesca-teruel-zaragoza>> accessed 14 July 2022.

³¹⁹ Cortes Generales (n 280).

in hand with a reframing of historical narratives that makes it difficult to characterize Francoism as a simple dictatorship³²⁰. In this sense, Abascal, the leader of the party, has blamed the PSOE as responsible for the CW³²¹. Besides, he has also made declarations where they publicly praise some of the features of Francoism, especially the social order imposed:

“Public order in Spain during Franco's regime was, to tell the truth, exceptional. This is something that the right-wing sectors are extremely concerned about. That there was security, that there was peace. That there were no muggings (...). It's true that it was a very, very, very peaceful time. Where there was no politics, politics was restricted to the circle of power, and to the parties, or the forces, that had won the civil war. And until the very end of Franco's regime, people didn't... that is, they bought the newspaper, and they were interested in politics, but they didn't take part in it. So people were mainly concerned with prosperity, with doing business, with making money... especially in the second part of Franco's regime. It was the most prosperous period in the history of Spain”³²².

Therefore, the historical memory of women is not neglected as such by the ALMD as it comes from an overall rejection of politics of memory as well as the glorification of Francoism. Indeed, the only interaction that has come from the party was when Ortega Smith claimed that the 13 Rosas were engaged in "vicious torture, rape, and murder". Nevertheless, it does not deal with specific gender repression -or resistance- by women, as in fact, they do not believe in sexist violence or discrimination against women since they would only form part of the gender ideology the progressive dictatorship wishes to impose for its own benefit. Consequently, opposition to the law does not come from the inclusion of women's memory since the whole ALMD is contested. In this line, PP or Ciudadanos do not usually contest women's historical memory but they reject the bill since it would break with the compromise reached in the Transition, labeling it as pure propaganda to divide the Spanish people³²³. Only Ayuso, President of the Madrid Community, has directly address the historical invisibilization of women, labelling it as indoctrination: “To study diachronically the role that women have

³²⁰ Reynares and Foa Torres (n 304).

³²¹ VOX, ‘Memoria Democrática| VOX Exige al PSOE Que Pida Perdón Por Llevar a España a La Guerra Civil’ (14 October 2021) <https://www.voxespana.es/grupo_parlamentario/actividad-parlamentaria/memoria-democratica-vox-exige-al-psoe-que-pida-perdon-por-llevar-a-espana-a-la-guerra-civil-20211014> accessed 10 July 2022.

³²² Reynares and Foa Torres (n 304).

³²³ Galán Cuello de Oro (n 265).

played, silenced and omitted protagonists of history is viewed as authoritarianism and ideological agenda”³²⁴.

2. What about the responsibilities of the Catholic Church?

If we look at the present draft bill, we will notice there is no single mention of the Church in any of the provisions. Furthermore, it is only mentioned in the preamble to set that “the names of the “fallen” were inscribed on church plaques”. In memory debates by associations, their role in the CW and dictatorship is mentioned, whereas public ones do not name them. Nevertheless, as we have mentioned, it was central to the construction of the dictatorship since it is claimed that Franco would not have had power and control over society without the Church on his side³²⁵. Consequently, it would be necessary to be included regarding Spanish democratic memory but also in terms of the relations of Spanish democracy with the Vatican and their consequences in our political life³²⁶.

Certainly, from the first moment, the Church was on the side of the coup plotters. Enrique Plá y Deniel gave up his bishop palace to Franco for him to set up his first space for the government³²⁷. He was in fact the one who first called the CW a crusade for defending Spain from communism that had led to disdain and aversion towards God³²⁸. In addition, Isidro Gomá y Tomás, Cardinal Primate of Spain called the war "armed consultation"³²⁹. In 1937, on his initiative, a collective letter was published by the Spanish episcopate supporting Franco and was signed by forty-eight bishops whereas five refused to do so³³⁰. Besides, during the CW and early repression priests became part of the judicial apparatus of Francoism since the PRA made them informers and collaborators in the open cases of those who opposed the coup³³¹. According to Julián Casanovas, many of the 50,000 people shot between 1939 and 1946, was

³²⁴ Agustín Millán, ‘Ayuso Considera Que El Cambio Climático o La Invisibilización Histórica de Las Mujeres Es Adoctrinamiento’ *Diario16* (6 June 2022) <<https://diario16.com/ayuso-considera-que-el-cambio-climatico-o-la-invisibilizacion-historica-de-las-mujeres-es-adoctrinamiento/>> accessed 11 July 2022.

³²⁵ We will talk of the Church as institution

³²⁶ Montero, ‘Mujer y Franquismo: Resistencia y Represión. Perspectivas Ante La Nueva de Ley de Memoria Democrática’ (n 283).

³²⁷ Matías Viotti Barbalato, ‘Los Bebés Robados y La Memoria Histórica. Contexto y Futura Legislación’ (Mesas redondas sobre la situación de las víctimas del franquismo y de la memoria histórica en el Estado español, 4 September 2021) <<https://www.youtube.com/watch?v=zUNOH3pPc-0&t=3610s>> accessed 26 April 2022.

³²⁸ Laura Lara Martínez, *Simbología y Religión En La España Franquista Preconciliar (1936-1962)* (Liceus 2006) accessed 18 June 2022.

³²⁹ Viotti Barbalato (n 327).

³³⁰ *ibid.*

³³¹ Muñoz-Encinar (n 167).

due to the reports provided by the priests where one could read “fusilable” (to be shot), with some of them being present at the executions³³².

In this regard, the dictatorship found in the Church a fundamental source of legitimization from the very beginning, where it not only played an important role through the monopoly of education, but the religious orders held power in different institutions such as PPM, boarding schools, juvenile homes functions, prison, reformatories³³³. Furthermore, they were part of the censorship system, setting what could be seen, read, and listened to³³⁴. Therefore, the Church -or its conservative branch as Viotti explains³³⁵- acted as a fundamental instrument for the repression and reeducation of Spanish society. A strong focus on women was made to impose Francoism ideology through the Catholic family, which acted as a form of legitimization of the regime as well as the construction of political subjectivities that legitimized the regime's way of thinking about the world³³⁶. As such, some voices are very critical of the no mention of this institution in the ALMD, not only in terms of asking for forgiveness but in terms of contextualizing the role that the Church had in establishing the model of women and the control it exerted over their morality³³⁷.

Indeed, the Catholic Church has never been held accountable for its support and crimes during the dictatorship, not from the Spanish Church³³⁸ nor from the Holy See. In fact, this is one of the demands also pursued by the associations, which believe that it should also be accompanied by the opening of the archives and access to documentation by the Vatican, asking them to apply the same exercise of transparency that they have done with the files containing the requests for help that Jews sent to Pope Pius XII, most of which are now available on the Internet³³⁹. In this sense, although the motivation of the letter that the ARMH sent to the Nunciature in Spain requesting the publication of the documents is written in general terms to suggest that it could “help us to know what happened and even to know the

³³² Julián Casanova, *La iglesia de Franco* (Critica 2005) accessed 2 July 2022.

³³³ There are some like the one in Fernando de Hearnés that worked until 83 that were converted into maternity wards, which could have implications as these orders were part of the system involved in the stealing of babies as seen before.

³³⁴ Quiñonero (n 284).

³³⁵ Matías Viotti Barbalato, ‘Integrismo Católico y Apropiación de Bebés En La España Parlamentaria’ [2020] *VientoSur* <https://www.researchgate.net/publication/349768491_integrismo-catolico-y-apropiacion-de-bebes-en-la-espana-parlamentaria1> accessed 13 July 2022.

³³⁶ Quiñonero (n 284).

³³⁷ Montero, ‘Recuperar La Memoria Feminista Para Construir Un Feminismo Del 99%’ (n 247).

³³⁸ There have been some attempts, the most notorious one came with Cardinal Vicente Enrique y Tarancón at the Spanish Bishops' Conference in 1971, where he proposed ask for forgiveness, but the final votation could not reach the majority required. To see more: https://elpais.com/diario/1999/12/03/sociedad/944175601_850215.html

³³⁹ Fran Serrato, ‘Las Víctimas Del Franquismo Piden al Papa Que Abra Los Archivos de La Dictadura’ *TheObjective* (28 June 2022) <<https://theobjective.com/espana/2022-06-28/victimas-franquismo-papa-archivos-dictadura/>> accessed 12 July 2022.

whereabouts of some of the thousands of people who are still missing”³⁴⁰, Montero advocates a more detailed approach to account for what women were subjugated to, particularly in the centers run by religious congregations – and how crucial it would be, for instance, for the maternity wards and hospitals where baby thefts were taking place³⁴¹. Consequently, activists also defend the inclusion of the role of the Catholic Church in Francoism, the condemnation of the responsibility of Church³⁴² and go beyond to denounce the 1979 Concordat with the Holy See since they were signed not a month after the Constitution was passed – and therefore, would imply the negotiation outside of the constitutional framework³⁴³.

To this day, the official position of the Church in regard to the institutional support they provided in the CW and Francoism is silence. When asked about the Democratic Memory Law, Luis Argüello, Secretary-General of the Spanish Episcopal Conference, answered:

*“The Church has always actively participated in a proposal for reconciliation (...) The Church has been participating since 1956 through various entities and has lived with joy what the amnesty means. I am happy to be able to make this comment in Compostela, the place where we want to live the Jubilee of the great forgiveness. We have extraordinary challenges of the change of era that should summon us to work together in a Spain in color, not in a Spain in black and white to which the weakening of the Amnesty law returns us.”*³⁴⁴

III. CONCLUSION

In conclusion, this thesis set out to explore the research question: what are the main stakes of including the historical memory of women in the politics of memory in Spain? To answer it, we have reviewed the politics of the past in Spain and when the inclusion of women's

³⁴⁰ ARMH (27 June 2022) <<https://memoriahistorica.org.es/tag/114226/>> accessed 7 July 2022.

³⁴¹ Montero, ‘Mujer y Franquismo: Resistencia y Represión. Perspectivas Ante La Nueva Ley de Memoria Democrática’ (n 283).

³⁴² Also defended by ERC. In this regard, Rufián, in the Parliamentary debate said: “Would you, anti-fascist Members of this House, vote for a law of memory that does not dedicate a single line, not a single line, to condemning the responsibility of the leadership - not the base, the leadership - of the Catholic Church during Franco's dictatorship? The regime described itself as national and Catholic; national and Catholic. Ladies and gentlemen anti-fascists in this House, in short, would you really vote for a law of memory without memory? Would you really? You are going to do it because you have to, but it is a disgrace; fourteen years later it is a disgrace”. Cortes Generales (n 280).

³⁴³ Montero, ‘Mujer y Franquismo: Resistencia y Represión. Perspectivas Ante La Nueva Ley de Memoria Democrática’ (n 283).

³⁴⁴ ‘Argüello Sobre La Ley de Memoria Democrática: “La Iglesia Siempre Ha Participado Activamente En La Reconciliación”’ *Ecclesia* (19 November 2021) <https://www.cope.es/religion/hoy-en-dia/iglesia-espanola/noticias/arguello-sobre-ley-memoria-democratica-iglesia-siempre-participado-activamente-reconciliacion-20211119_1828552> accessed 9 July 2022.

historical memory took place, by whom and in what way, which would subsequently shape the way of including them in the political agenda.

Indeed, we have seen that the forms of physical and psychological punishment to which women were subjected were complex, since there was a specific procedure that was applied to them motivated by the Francoist conception of second-class citizens that have no rights of any kind and who are inferior to men, as demonstrated in Vallejo Nágera's theories. Indeed, the repression exercised on women had its own characteristics, whether physical, through execution, torture and widespread rape, during the war or in Franco's prisons; as well as psychological, through the stealing of babies or the elimination of the elements of femininity with the shaving of hair and the public parading of women. The violence that women suffered was implacable and based on the purifying concept of Francoism with the aim of dehumanizing anti-fascist women. This will be shown by mechanisms of sexed repression with a very high symbolic component to discredit the Second Republic. There is a lot of symbolism in the repression of women, as they were selected as a strategy of exemplification. This responds to the fact that Francoism did not aim at eliminating women since they have an essential role within the regime: to regenerate Spain with new generations. As such, the model of femininity imposed in the dictatorship and shaped by legislative acts and institutions such as SF and the Church was aimed to establish the role of good housewives and mothers. Accordingly, the main objective was re-education. In this sense, when they did not fulfill their obligation to be mothers and transgressed the domestic spheres assigned to them by Franco's regime, they were punished. Indeed, national Catholic values implied control over women's morals and bodies, which were now a public matter and therefore regulated and criminalized. Consequently, women were not only repressed due to their political implications but for the very fact of being a woman – just a woman that did not fit within this category.

Nevertheless, not only the repression is analyzed but the recovery of women's democratic memory has also fought for the remembrance of their agency from the very beginning of the CW until the Transition period. In this sense, they provided assistance in the armed conflict, they served as liaisons in jails, or they -clandestinely and later more publicly - met for demanding improvements in their conditions and rights as women, either in factories, neighborhoods, universities or as feminist themselves. Thus, women were protagonists in the struggle for democracy and the values of freedom, equality and solidarity. Indeed, the ALMD acknowledges the role they played in the resistance.

Therefore, we have seen how the memorialist and feminist movements are both interested in this recovery of memory for different reasons that may also overlap, as it happens among

their activists as well. On the one hand, the MRHM would have decided to include their experiences in a more notorious way after the LMH for expanding the politics of the past in Spain. Although first interested in exhumations principally, the movement would evolve to include women's memory as an important topic, especially after the approval of the LMH. Consequently, it was one of the claims that were socially pursued to advocate a more ambitious politics of the past agenda. In fact, the historical memory of women is now conceived as a fundamental part to understand the way Francoism was configured. In this regard these platforms have been working towards this acknowledgement. As such, the recovery of women's memory would become a fundamental part of the democratic memory in today's Spain, which would comprise to know their biographies, the characteristics of the repression, practices, instruments, punishments and violence, so that the introduction of this gender perspective enables a more global vision of the repression and resistance to Franco's regime. Indeed, we can talk today of the democratic memory of women because the MRHM decided to include it in their social agenda to further push the process of memory in Spain – how far the feminists interested in the historical memory of women would have gone if the MRHM had not accounted for the gender specificities is, certainly, unknown.

The stakes for the feminist movement can be different. It is interesting not only in terms of the role women played in the past, but also in terms of the power relations that create repression, injustice, and inequality as well as protests, resistance, and opposition movements. As such, the exclusion of women's history would respond to a patriarchal will that establishes that the official and homogeneous story that is transmitted to us from schools and institutes would be in reality a false image that diversity is modern. Thus, recovering memory for the feminist movement, just as the MRMH, works to put in place concrete facts and names of women who were silenced during the dictatorship. Furthermore, recovering its genealogy would be crucial to revise the debates that have crossed the feminist movement and contextualize its eruption in the public sphere in the Transition -shaped before by clandestine movements– as a moment of possibility of radical change that has a critical stance towards the political regime.

Furthermore, we have analyzed the discourse of PSOE in bringing forward memory into the political arena. Indeed, some authors have claimed an instrumentalization of the politics of memory by the political party to mobilize the left-wing vote of the electorate, therefore finding here their identity as the promoters of the – republican and especially socialist- remembrance in Spain. Therefore, it is in this promotion and transmission of knowledge that the bill intends that women's contribution to democratic memory should be included. Furthermore, their self-identification as feminists, as a party and as individual politicians, is something that has been

brought up in a great majority of Carmen Calvo's political communications, implicitly demonstrating where this urgency to include the historical memory of women would come from. It would be in this duty that comes with being a feminist that the gender perspective needs to be acknowledged in every political act, including the politics of memory, of which they also present themselves as promoters.

Nevertheless, when we closely look at the law itself, social actors do not agree with the fact that the democratic memory of women has been considered as a "cross-cutting manner throughout the law" as their mention is relegated to some specific articles that cover the topic at hand. In this regard, the bill would suppose a step in the right direction but not the finish line, as much advancement would still be needed to do in order to account for a non-androgenic memory. As such, these groups are expecting further action in this realm which could later lead to reforms in the politics of memory in the country. However, they do agree with the fact that this law is important for the democratic memory of women to get out of academic circles, where it is most debated, into the general public. In this sense, one of the main stakes of the bill would be the general acknowledgment by the public of the experiences of women which have been until now rejected in favor of a homogenizing discourse where the standard repressed person was a Republican man. In this sense, the role of training civil servants and the inclusion of democratic memory curricula in the education system, if done from this gender perspective, would be crucial.

Nonetheless, all these advancements in the realm of politics of memory are challenged by some relevant political and non-political actors like the ones studied in the present thesis i.e. the right-wing and the Catholic Church, which, although it is true that it may have lost weight in Spanish society, continues to play an important role in shaping the country's democracy. Indeed, we have examined how the opposition is not normally framed from a denial of the democratic memory of women – for instance, arguing there should not be any kind of differentiation between that of men and women – but a general contestation of not only the current ALMD but overall politics of memory or politics of the past. By examining VOX's political communications, the party that has more firmly demonstrated its opposition, we have been able to examine how they wish to keep the past in the past and they are determined to do so. The defense that memory should stay within families, the liberties of reinterpreting the past according to one's views, and the ties with Franco's ideology make them the greatest contestant of the ALMD, more than their right-wing political partners PP and Ciudadanos that although they still accused Sánchez's government of creating division among Spaniards, they seem to

not contest the need of exhumations. Anyhow, they have threatened with the derogation of the ALMD – if approved- as soon as they get to the government.

To sum up, different social and political actors have different interests in the recognition or the lack thereof of the historical memory of women, which are conflicting and cannot coexist. In this sense, we see how Spain is still dealing with Franco's open wounds and how women's experiences are part of this puzzle that is expected to be an unfinished work for now. In this regard, if any conservative party arrives at government and does as it promises now, this is, the derogation of the soon-to-be-passed ALMD, the memory of women will again be relegated from the political and public sphere to the personal and private one, as Franco himself did with women. Only academic and activists' settings will continue the legacy that Julia Conesa left us: to not let their names be erased from history.

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