

Haunting Echoes: Transgenerational Trauma and the Quest  
for Reparative Justice in Post-Francoist Spain

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Word Count: 16950

## Acknowledgments

First of all, I would like to express my deepest gratitude to my supervisor, Ida Hansen, for encouraging me to embark in such a personal and complex project and for all the hours spent discussing how to shape it. Having you as a supervisor has been an incredibly inspiring journey.

Quiero agradecer también a mis padres, por haberme inculcado los valores que sustentan esta tesis y por haberme enseñado para defender las cosas en las que creo. Os agradezco, a vosotros, a Silvia y a Rosa, por ser mi fuente de apoyo, por muy lejos que estemos.

I would like to thank Paul, Carla, Paolo, Aina, Giorgio and Amparo, for their love and patience, and for having listened to me for months talking about ghosts.

Lastly, I also want to express my gratitude to all the teachers and students who have been part of the Gender Studies programme, for having contributed to create such a beautiful learning space. All your input will always stay with me in my personal, academic and professional life.

Para la yaya, con amor de su nieta Anna.

## Abstract

This thesis addresses transgenerational trauma from the Spanish Civil War and dictatorship within the current governmental framework of reparative justice. By analyzing the 2022 Democratic Memory Law and the 2011 Protocol for action in Exhumations of victims of the Civil War and Dictatorship through close reading, this thesis reveals how the governmental approach is rooted in positivist assumptions of truth and evidence. This focus side-lines the affective, transgenerational and embodied aspects of trauma, emphasising only empirically provable experiences of past violence. But, what about those forms of trauma that cannot be located in mass graves or identify through positivist methods? Employing Dream Work and autoethnography, this thesis argues for the necessity of an approach that acknowledges how unresolved trauma is reproduced through the affective and embodied experiences that are transgenerationally transmitted, manifesting as a ghost that haunts the collective psyche. The lack of recognition of these dimensions of trauma and its impact in the collective unconscious represents a failure to grasp the reality of Spanish post-dictatorship era, reproducing a form of institutional violence that renders absent the multiplicity of experiences that construct the social fabric. Therefore, by exploring the absences and silences within the official framework to reparative justice, this thesis offers a more comprehensive definition of trauma that considers its embodied, transgenerational and affective dimensions.

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## Chapter 1. Introduction

In Spain, the country I come from, many people in my generation have grown up with a “it is better if you don’t ask” comment, with a grandmother that prefers to not talk, that prefers to not remember. My dad always said my grandma was scared, and I would wonder, scared of what?

My grandma was about eight years old when the Spanish Civil War started, in 1936. The victory of the Francoist regime in 1939 established a 36-year dictatorship. But it is better to not talk about it, right? Democracy is all about conciliation, forget and forgive to create from scratch.

But my grandma was still scared.

In 2007, Spain marked the 32<sup>nd</sup> anniversary of the end of the Francoist dictatorship with the enactment of the Ley de Memoria Histórica (Historical Memory Law) under the socialist government of Jose Luis Rodriguez Zapatero. This Law represented the initial effort to address the legacies of the war and the dictatorship, signalling an official departure from the prevailing attitude initiated in the Democratic Transition (Molinero, 2010, p. 42). As it is expressed in the initial quote, the Democratic Transition (1975-1982) was led by the vision of “national reconciliation”, which highlighted the need to look forward, forget, and forgive the horrors of the war and the dictatorship in order to build a new democratic society. The central initiative taken during the Transition was the 1997 Amnesty Law or “Pact of Forgiveness”, which granted impunity over all political crimes committed before that year (Encarnación, 2014, pp. 1-2).

The first initiative came, as mentioned above, in 2007. However, in 2022 the government passed the new revised version of this law, creating the Ley de Memoria Democrática (Democratic Memory Law, henceforth referred as LMD). A key provision of the LMD, and the vision for national conciliation it expresses, is the opening of mass graves to identify individuals who were disappeared by the regime. This focus on exhumations as part of the recuperation of historical memory began in 2000, with the opening of the first mass grave in Priaranza del Bierzo, León (Ferrándiz Martín, 2007, p. 11). This early exhumation was conducted by individuals operating independently from governmental procedures, which were non-existent at the time. As a result, exhumations became a political issue, prompting broader

discussions about the unofficial forms of violence perpetrated during the Francoist period and the need for society to confront them. As Victoria Sandford (2003) explains, “excavating mass graves means excavating memory” (p. 17). Thus, these measures are crucial for those families affected by loss as well as for society as a whole, as they allow the descendants of victims the opportunity to locate and bury their loved ones appropriately and create a space to grieve the past's pain—a process hindered by the silence of the Transition Pacts (Molinero, 2010, p. 34).

More importantly for this research, this civil-turned-governmental effort to open up mass graves has disrupted, what Francisco Ferrándiz Martín (2007) refers to as the “intergenerational uncommunication”, experienced by many in the third and fourth generations following the Spanish Civil War (p. 15). The fact that the first exhumations were carried by non-governmental and civil initiatives indicates the silencing and repressive impacts of the “Transitions Pacts” and their persistence in today’s generations. Thus, these civil efforts to connect with a traumatic and violent past have been crucial for those who lost their loved ones but also for encouraging a more governmentally institutionalised approach to reparative justice. In fact, these early civil initiatives were pivotal in laying the groundwork for the later Historical Memory and Democratic Memory Laws, which formalized the processes and regulations regarding exhumations and other forms of reparation.

However, this research emerges as a response to the causal connection that, I propose, takes shape in the LMD between the excavation of bodily remains and trauma. The official legal documents that set out the guidelines for reparations, in other words, define a model of reparation that hinges on the recovery of the physical body of the deceased. This focus renders less visible, even absent, those living bodies that carry a unique form of trauma that extends beyond the violence endured by the deceased thus perpetuating a legacy of silence and the unseen trauma. The alive body, such as my grandmother’s, who survived but never spoke about their experiences, is not addressed within these procedures of reparation, but their trauma still lives on across generations without processing (Gómez Marín & Hernández Jiménez, 2011, p. 438). This thesis thus understands trauma, not only as a concept that stretches transgenerationally, but also as an embodied experience that is transmitted and reproduced through physical, affective, and psychic responses and interactions, and I thus proceed in search for a more comprehensive concept and account of trauma than is given authority in the LMD.

This search starts by looking at how the official legal documents that prescribe excavation processes define trauma and its repair in connection to the physical bodily remains of the deceased. Then, it continues to read for a transgenerational body of trauma, which is inspired by Grace M. Cho’s work on haunting, and which will be created by looking at the

absences and silences produced and reproduced by the legal documents that set out the guidelines for exhumations and, more broadly, reparative justice. From this outline, two research questions are identified:

*How do official documents regarding reparative justice from the Spanish Civil War and dictatorship define trauma and its potential repair in relation to the bodily remains of the deceased?*

*What figure of the transgenerationally traumatized body emerges from a reading through its absence and silencing in the official documentation?*

A project like this, that sets out to explore a more comprehensive concept of trauma, is relevant at this moment in time because, after many years of silence, the Spanish democratic government has initiated a more exhaustive process towards reparative justice, led by the LMD. As above remarked, these initiatives present a shift in the official approach to restorative justice, signalling a move towards acknowledgment and action. Yet, this thesis proposes that this shift risks reducing a reparative framework to the finding of bodily remains and with that it neglects how trauma transfers transgenerationally and resides in living bodies and in embodied ways that continue to impact Spanish society. Until recently, official governmental policy left families and communities to navigate traumatic experiences without institutional recognitions and support (Aguilar Fernández, 2018, pp. 293-296). Which is to say that the official shift toward recognition, action and conciliation that is embodied in the LMD also offers an opening to define a comprehensive reparative framework that takes into account both the physical and emotional legacies of the violent past and how they are reflected in the social fabric of Spain today.

Thus, this project seeks to contribute to scholarship on the Francoist dictatorship by offering a transgenerational and embodied perspective on trauma in the form of a close reading and analysis of the legal documents that are central to the shift toward a new reparative framework. In this regard, it is crucial to note that the transition to democratic governance was framed by concepts such as forgiveness, reconciliation, and amnesty, which, according to Ferrández Martín (2007), created a sense of a “false closure” with the dictatorship (p. 7). Moreover, not only the years comprising the Transition were marked by a lack of attention to the issues of reparative justice, but also the new democratic structures showed for many years a very similar attitude, by still holding to the same values of reconciliation and forgiving (Molinero, 2010, p. 48). Following this line of thinking, the new approach to reparative justice,

considered as the period since the first Historical Memory Law in 2007 and especially since 2022 with the LMD, might be perpetuating a different form of violence than the Francoist regime, but a violence nevertheless, by adopting a framework that renders absent how people continue to experience trauma from an embodied and transgenerational perspective.

Moreover, scholarship on the Francoist regime and the Spanish Civil War has traditionally emphasized the physical toll of conflict, focusing on killings and other forms of visible violence (Renshaw, 2020, pp. 15-16). However, the effects of war and repression on bodies extend beyond the binary of life and death, encompassing a range of repressive practices such as humiliation, segregation, and persecution, among others (Giacaman, Abu-Rmeileh, Husseini, Saab, & Boyce, 2007). This focus on bodily remains has perpetuated violence towards those forms of repression that cannot be provable through exhumations. Unconsciously, I propose, this lack of closure and recognition has allowed for a ghost to emerge, embodying all the traumatic experiences that were never addressed, prosecuted, or even openly discussed by the institutions that rebuilt the democratic system. As Encarnación argues, the past has become taboo, and this thesis explores how the LMD and the approach to reparative justice it is embedded in partake in the reproduction of the silence around traumatic events of the past (2014, pp. 3-4).

Furthermore, this thesis draws from memory studies, aiming to look for the silenced voices within a hegemonic narrative. Therefore, the relevance of this project also lays on its contribution to the current conversation about reparative justice by highlighting the limitations of a legal framework through the employment of a memory studies perspective. According to Marianne Hirsch, mobilising memory means to find a dynamic potential for transformation against the hegemonic narratives of the past (2019, p. 3). This thesis thus follows Hirsch (2019) when it aims to practice “memory by listening, building solidarity, embracing unknown, accepting failure – all these enable us to invite proximate and distant others into the affective experiences that acts of mobilising memory can elicit” (p. 3). Additionally, the use of feminist approaches to affect as part of the theoretical framework brings embodied perspectives into the domains of forensics and law to so as to open the possibility for a discussion regarding trauma that has not been widely explored (Renshaw, 2020, pp. 19-21). According to Renshaw, it is necessary that archaeology, among other fields working in the recuperation of memory, pay attention to the affective and imaginative traces of the past, because affects also work as a mediator for memory transmission (2020, p. 4).



## Chapter 2. Methodology

As I highlighted in the introduction, I position this research project within the broader context of existing scholarship in the Francoist dictatorship as well as in memory and trauma studies. More precisely, as this chapter will elaborate, I draw on feminist theories of affect and embodiment, connecting them with a literary method of close reading to examine legal documents and a methodology for reading forth the ghosts that haunts the reparative justice framework. This chapter starts by describing the main materials I work with as well as the methods that I employ for this research. Furthermore, this Chapter will also explain the main fields in which this thesis is embedded, as well as the main concepts and theories that I work with.

### Legal documents: the Democratic Memory Law and the Exhumations Protocol

This thesis's main site of inquiry comprises two sources of primary material regarding the topic of reparative justice and exhumations, namely, the aforementioned "Ley de Memoria Democrática" or Democratic Memory Law (LMD) from 2022 and the "Protocolo de actuación en exhumaciones de víctimas de la Guerra civil y la Dictadura" or Protocol for action in Exhumations of victims of the Civil War and Dictatorship (henceforth referred as "Exhumations Protocol") (BOE, 252, of 10th of October of 2022; BOE, 232, of 27 of October of 2011)<sup>1</sup>. The first document, the LMD, is the main law currently applied in the context of reparative justice in Spain, and it deals with the War and the Francoist dictatorship. The second document, the Protocol for Exhumations, establishes the requirements for a mass grave to be exhumated, as well as it elaborates on related items such as necessary materials, specialists who undertake the exhumation, and further actions regarding the transportation, identification, and burial of the body. This document belongs to the Boletín Oficial del Estado (Official State Bulletin, henceforth referred as BOE), which is the official gazette of the Spanish State and functions as the platform for publication of laws, provisions, and mandatory acts. This document belongs to Section 3: "Other Provisions" of the BOE from the 27<sup>th</sup> of September 2011. This document appeared in the BOE because the Ministers of Justice and the Presidency ordered its official publication, which shows the attempt to institutionalise this Protocol (Exhumations Protocol, 2011, p. 101916).

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<sup>1</sup> In order to make the reading more understandable, from now on the Democratic Memory Law will be cited as (LMD, 2022) and the Exhumations Protocol as (Exhumations Protocol, 2011).

The LMD is an extensive document containing many different aspects of reparative justice including, for example, the prohibition of symbols and elements of Francoist origin, education plans on democratic values for secondary school or the sanctioning of political and legal organizations related to the regime (LMD, 2022, pp. 31-33, 44). It is organised in a first “Preliminary Chapter” (articles 1 and 2), which sets the goals and objectives of the law, and four other “Titles”, which cover the main areas of the legal framework: Of victims (articles 3 to 9), Integral Policies for Democratic Memory (articles 10 to 55), Memorialist Movement (articles 56 to 59) and Sanctions (articles 60 to 66). Within Title 2, there are four Legal Chapters which focus in different policy areas.

Therefore, the LMD is a very extensive document. Based on my focus on the triangular relation between trauma, repair, and the exhumation of bodily remains, I limit my reading to certain sections of the LMD that address these phenomena. Decisions regarding which sections of this vast material to include have thus been made based on the content of each section. Therefore, I have included in my material selection Title 1 “Of victims”, which explains who or under what circumstances a person is considered a victim. This title is crucial to exploring my first research question that asks how trauma is approach and formulated in the legal framework. Title 2, on Integral Public Policies of Democratic Memory, is partially included, analysing only Legal Chapter 1: The Right of victims to the Truth. This Legal Chapter includes two subsections: "Location and Identification of Missing Persons" and "Archives, Archival Documents and Other Information Resources for the Recovery of Democratic Memory". In total, this selection includes Article 1 to Article 27 (pages 1 to 29 of the document). An overview of the structure of the LMD can be found in the Appendix, in order to understand better how it is distributed and the decisions to add only certain parts of it.

I decided to include only Legal Chapter 1 of Title 2 for different reasons. First, due to the spatial limitations of this research, I assessed, based in part on my choice of close reading as method that this length was appropriate for an in-depth analysis, Secondly, the following Legal Chapters of Title 2 focus on issues such as economic reparations and granting Spanish nationality to people born in exile, the removal of Francoist symbols, the suspension of awards and titles associated with Francoism or the creation of memorial sites. These issues, even though they are also part of the broader framework of reparative justice, do not directly emerge from the relation between the body and trauma. Conversely, the Exhumations Protocol is an eight-pages document, divided in three sections: Introduction, Applications for work to be carried out, submission of the project and preliminary approval by management, and Action procedure. The latter one includes five sub-sections: preliminary investigations, archaeological

investigation (field work), forensic investigation (laboratory work), final report and final disposition of remains (Protocol for Exhumations, 2011). This document is analysed in its entirety since it is only eight pages long and all sections can contribute to this analysis.

### Methods: Close Reading, Dream Work and Autoethnography

The main concept that guides this analysis is the concept of trauma, since it is the traumatic episodes of violence during the Francoist regime that drive the production of the two legal documents analysed. Trauma is understood in many different ways depending on the field in which the definition is found. When talking about a form of trauma produced by violent periods such as a civil war, Martín-Baró argues that we are speaking of a psychosocial trauma (1990, p. 10). In this form of trauma, the pain is rooted in the society rather than in the person and it is nurtured and maintained by the individual relation with that social context. It is important to note that the field of trauma studies, within humanities, does not aim to apply a clinical perspective, but instead focuses on the psychic, affective cultural and social impact that the traumatic event has in an individual or a collective (Dutro & Bien, 2014, p. 12).

My primary materials are official legal documents, however, by examining them through a method of close reading and a theoretical framework that draws on feminist approaches to affect and embodiment, I adopt a poststructuralist approach to text and language (including legal language) as imbued with meaning (Haraway, 1998, p. 580). A poststructuralist approach entails a clear ontological departure from the positivist idea of scientific practice as an objective quest for truth, raising questions instead of “how meanings and bodies get made” (1998, p. 580). Therefore, close reading allows for a comprehensive analysis of how meaning is created and held in texts in ways that are not directly expressed or immediately discernible. This is to say that I am interested in exploring the assumptions that underlie and are given expression in texts and probing how they are influenced by different pressures, such as by their socio-political context (Lukić & Espinosa, 2012, p. 108). This involves seeking meanings that are less explicitly stated or that only emerge when looking at the textual absences and silences.

From this perspective, the legal texts I examine alter from, allegedly, neutral and objective accounts of reality, and become readable as producers of meaning, and therefore of power and violence. Close reading allows to explore not only what is said but also what is omitted, showcasing the state’s power to produce and reinforce particular interpretations of justice and power. This unpacking of the different layers of meanings within a text is what has given attention to this methodology within feminist theory (Calvo de Mora Mármol & Sánchez

Espinosa, 2021, p. 3). To read the LMD and the Exhumations Protocol for the meaning they create and hold explicitly but also in what they leave unsaid and render absent, I complement my overall method of close reading by relying on the methodology Grace M. Cho develops in *“Haunting the Korean Diaspora: Shame, Secrecy and the Forgotten War”* (2008). In this book, Cho explores the figure of the yanggongju, translated as “Yankee whore” “Western princess”, “GI bride”, or “Camptown prostitute”. The yanggongju is a figure that represents the transformation of the camptown women into the assimilated Korean mother who immigrated to the United States, after marrying a US soldier. Her work does not aim to provide an analysis of military prostitution during the Korean War, but to highlight how the silence surrounding these events has created a ghost that haunts the Korean diaspora, as it is the case of her own family.

Cho grew up in the United States and lived under the spectral presence of her mother’s silence regarding her previous life in Korea. As she explains, this is not an individual experience but rather a phenomenon imprinted in the collective psyche of the diaspora. According to Cho, haunting is an embodied experience that arises from the silence surrounding traumatic events, involving the affective presence of the past in the present (2008, pp. 31-45). Haunting can emerge in many different spaces, taking different forms and inhabiting different bodies; therefore, the use of a single methodology would not account for all the negative and positive spaces in which the dynamics of haunting emerge (p. 45). Based on this, she makes use of three different methods: Dream Work, autoethnography, and performance (2008, pp. 41-49). However, in this thesis I only use autoethnography and Dream Work, since I consider it the most appropriate strategies to highlight the unheard narratives of the Francoist violence.

According to David L. Eng (2001), the methods proposed by Cho are “radical methods of looking”, which encourage us “to see something else” (p. 198). They belong to a tradition of postpositivist criticism, that challenges traditional understanding of objectivity and questions the concept of authorised knowledge. By engaging with a ghostly figure, which cannot be perceived following empiricist methodologies, I aim to move beyond positivism as a framework for social science research, inviting the traumatised memory to be enacted through the remembrance of what has been violently repressed or made to disappear (Cho, 2008, p. 45). The ghostly figure, in this case, takes the form of the transgenerational body of trauma that is affective and embodied and transmitted between bodies, and that, I propose, the legal-forensic approach fails to capture. Moreover, Cho’s (2008) work relies on psychoanalytic theory, which she uses in order to “infuse intelligibility into that which is normally unspoken or unspeakable” and, consequently, “open up the creative possibilities of trauma” (p. 33). Relying on

psychoanalytic theory allows Cho (2008) to challenge the boundary between reality and fiction, which is especially seen when she advocates for the inclusion of psychic and hallucinatory phenomena as part of reality or as a way of thinking that presents “productive possibilities” (p. 22, 47, 164).

Dream Work, as defined by Cho, entails inclusion of semifictional vignettes that give expression to what has been made to disappear or what has remained unsaid (2008, p. 42). I use this method during the thesis to expand a concept of trauma beyond the positivist limitations set by a legal approach and to include also embodied and affective experience. I do this by mixing factual accounts with fictional narratives in the analytical chapters. The factual accounts are the primary materials analysed, the LMD and the Exhumations Protocol but also interviews with victims and descendants. Additionally, fictional narratives include creative work such as songs written by the new generations. These vignettes question the authorized voice of the legal approach to trauma and so they expand the concept of knowledge-producer by including a multiplicity of stories and voices that account for the narratives that are absent from or silenced in the legal-forensic framework. However, it is worth highlighting that there is an inherent paradox that I found when working with Dream Work. Trauma is in many cases transmitted through the unconscious, which implies that those who carry it might not be aware of it. Therefore, the inclusion of vignettes, even when aiming at listening to the invisible, it still remains within a certain sector of the population who is both aware of the trauma and willing to speak about it.

Similarly, I use Cho’s second method, autoethnography, to challenge to hegemonic stories of trauma that tend to focus on provable forms of physical violence. In this context, it is important to clarify that the use of autoethnography does not aim to rebuild a fixed narrative but rather to redefine the self as inherently intertwined with “other bodies and unconscious experiences”, offering an alternative to the legal-forensic narrative (Cho, 2008, p. 45). This relates directly to the concept of transgenerational transmission of knowledge or trauma, where “indirect memories”, as named by Alisa Lebow (2003) merge with one’s own ones to create new forms of understanding the present (p. 56). When I engage analytically with the vignettes, I use auto-ethnographic reflexivity to indicate my positionality and to make analytic use of my experience with the broader cultural, social, and affective context (Pillow, 2003, pp. 176-178).

This research is driven by my personal experience and by a feeling that I experienced growing up, therefore I use that as a source of knowledge in this thesis, as exemplified in the vignette that opens my Introduction. For this reason, I decided to also include notes from my

own experience, but also cultural references to the ways this topic was transmitted to me, for example, through songs. Therefore, this thesis's use of Dream Work and autoethnography is combined with my own memories and experiences and with both fictional and real experiences found in different sources around this topic, including academic works, interviews with first-hand survivors or descendants, and cultural productions, such as songs. It is important to mention that I collected these sources, as well as the legal documents analysed, in their original language, either Spanish or Valencian, and translated them into English. On the one hand, this implies that my knowledge of the language allows me to grasp the meanings of the texts, especially while doing close reading, including their tone, and the choice of vocabulary. On the other hand, this could be a limitation that needs to be mentioned since the wording might also carry some form of affective meaning attached to it which is difficult to grasp when addressing non-Spanish and non-Valencian speakers and therefore can get lost in the translation.

Broadly speaking, my methodology is grounded in Donna Haraway's concept of situated knowledge, which recognises the embeddedness of knowledge within specific social, cultural, and historical contexts (1998, p. 575). Furthermore, Haraway does not only advocate for the idea that knowledge is not neutral, but also highlights how embodied and subjective experience constitute legitimate sources to construct it (1998, p. 586). Therefore, my use of a multiplicity of voices that also include non-conventional sources of knowledge, such as artistic productions, serves as an intentional invitation to look and listen differently in order to access a form of knowledge that escapes the positivism and empiricism of the legal documents. Thus, it is that domination of certain epistemologies that has encouraged my decision to employ Cho's methodology in order to dive into the hidden and non-hegemonic narratives of the Spanish Civil War and Dictatorship.

As well as Cho's text, this thesis also starts from a personal standpoint, not focusing on Cho's figure of the yanggongju but instead on the transgenerational body of trauma produced by Francoist period and that now haunts Spanish society. Thus, it becomes essential for me to acknowledge and reflect on my positionality as a researcher, coming from a Republican Spanish family, whose story is closely linked to the topics discussed in this thesis. Even though I will not delve into my family history, which, as my opening vignette suggests, has also been characterised by a prevailing silence regarding the events between 1936 and 1939, it is important for me to acknowledge my personal and political involvement and connection with this topic. As Pillow explains, using reflexivity implies that I need to be critically conscious of how my self-location, position and interest have an impact in the research process (2003, p.

178). Following Linda Åhäll's (2018) words: "Affect sparks a feminist curiosity about gendered politics and practices" (p. 43).

Therefore, following feminist critiques of objectivity, and Haraway's concept of situatedness specifically, I consider my personal connection to the topic not as a bias to be neutralised but rather as the source that allowed me to imagine this project to begin with and to explore an alternative understanding of the embodiment of trauma and silence in the specific context of Spain. My methodology is therefore embedded in the notion that knowledge cannot be separated from corporeal and affective experience, thus arguing for an embodied approach to knowledge production and against the notion of the Cartesian split of mind from body that has widely dominated social science research (Naples and Gurr, 2013). This methodological dislodgement from Cartesian dualism further informs how I conceptualise the body of trauma. I propose that it is an important aspect overlooked by the government's current model for reparative justice when it connects trauma's repair to the finding of bodily remains, thus sidelining experiences of violence that go beyond death and are stored in living bodies.

#### [Key Concepts and Theoretical Framework: Memory, Trauma and Affects.](#)

The use of feminist theories of embodiment and affect is crucial for the creation of a more comprehensive concept of trauma that, as I noted before, moves beyond Cartesian dualism, which situates corporeality and embodiment as hierarchically inferior to the mind. To start, it is essential to mention that the term "trauma" is not explicitly mentioned in neither of the legal documents I analyse. However, there are different reasons why I decided to approach the effects of the Franco regime through a lens of trauma. First of all, the events and acts of violence described in the legislation are approached from a reparative perspective, which means that there is inherently something that needs to be healed. These forms of violence are mentioned at different points through the text, varying from physical to economic or moral violence and they resonate with the kinds of events and actions that are usually involved in trauma studies. For example, in the introduction to the law itself appears a reference to executions, arbitrary detentions, rape, internment in concentration camps and torture, among others, as forms of repression committed by the Francoist Regime (LMD, 2022, p. 7).

Looking back at the previous definition of trauma, the law showcases that there is still a feeling of pain ingrained in Spanish society which, even though is not conceptualised as trauma, it transmits the same idea from the previous definition. For example, the LMD (2022) speaks about the "overcoming of the serious and deep wounds that Spanish society had suffered during the War and the forty years of Franco's dictatorship" (p. 8). Secondly, there is a wide

range of literature on the effects of the violence in Spain during this period that refers to it as trauma, both in reference to the people who experienced it first hand and their descendants, thus also applying the concept of transgenerational trauma. Among this, we find the work of Anna Miñarro and Teresa Morandi (2014) María José Palma Borrego (2009), Rafael Pérez Baquero (2021), Inmaculada Gómez Marín and José Antonio Hernández Jiménez (2011). Other scholars working in the field of memory and trauma studies support this approach to violence and its legacies through the prism of trauma, such as Grace M. Cho (2008), Marianne Hirsch (2001, 2008), Eva Hoffman (2004, 2017), Sharon Crozier-De Rosa and Vera Mackie (2022)

Furthermore, drawing from the work of Cho and Lisa Blackman, I invoke in this thesis a concept of the body that is affective and embodied, that is dynamic and embedded in its context and that is transmitted and shared across individual bodies. This entails a conceptualisation of the body as a site of transgression, going beyond established norms and boundaries, “mapping the un-nameable” (Hickey-Moody & Willcox, 2020, p. 3). Therefore, this conceptualisation challenges the traditional understanding of the body as a discrete and bounded entity, that separates clearly what is the self from what is the other (Blackman, 2010, p. 1). My second analytical chapter in particular aims to showcase how bodies are “open, connected to others, to the land, to ancestors, to spirits and energies...” (2010, p. 8). Consequently, the intergenerational body of trauma entails a living body that defies individual boundaries and the metaphysics of presence and absence. It is a traumatized body marked by the presence of a haunting force that forces it to live the present through the lenses of the past (Pérez Baquero, 2021, p. 101). This definition is also built upon Cho’s work on the yanggongju which, as she defines, is the embodiment of a trauma or a secret (2008, p. 14).

In my home, as in so many others, the past broke through in the sounds of nightmares, the idioms of sighs and illness, of tears and acute aches that were the legacy of the damp attic and of the conditions my parents endured during their hiding (Hoffman, 2004, pp. 9-10 as cited in Hirsch, 2008, p. 112).

This short quote shows how the past emerges in the present, in a process known as haunting. This process encourages a rethinking of individual bodies through a lens of relationality so that individual bodies are part of a collective body that entangles presence and absence with present and past (Gordon, 2008, p. 29). It is a collective phenomenon that connects affectively people with very different initial experiences. In this case, the haunting effect is transgenerational, and it emerges as a result of an unresolved or disregarded violent past in the history of Spain.



Moreover, once the traumatic events acquire a collective nature, the haunting transcends generational bounds, extending across family lines (Cho, 2008, p. 29). Haunting is manifested in society through the emergence of ghosts, which reside at the intersection of various forms of violence: social, familiar, psychic, and epistemic (2008, p. 31). Ghosts constitute the unresolved trauma that “searches for bodies through which to speak” (2008, p. 40).

Thus, haunting needs to be understood as a deindividualized process that navigates the collective unconscious (2008, p. 39). The origin of a ghost is difficult to trace, making the concept of postmemory important for my theoretical framework. Postmemory is understood as “the relationship of the second generation to powerful, often traumatic, experiences that precede their births but that were nevertheless transmitted to them so deeply as to seem to constitute memories in their own right” (Hirsch, 2008, p. 103). The case of the Spanish Civil War and the subsequent dictatorship presents a very interesting case of postmemory, since it has been mainly the third generation the one who has responded to the initial trauma, rather than the second one (Minero, 2014, p. 425). According to Hoffman, as the previous quote shows, the family has been the centre for this traumatic transmission, even though the collective imaginary is entangled with it and therefore, also contributing to the transmission (2008, pp. 9-10). Moreover, Hirsch (2001) argues that postmemory links the person to the experience or source not “through recollection, but through representation, projection and creation” (p. 9). This allows unofficial understandings of history become present in the narrative, mixing fictional and non-fictional narratives as well as official and unofficial ones, which connects to the use of Dream Work in this thesis.

Therefore, in order to understand haunting, it is essential to understand affects as the regulating embodied force that drives and grounds these experiences. Quoting O’Sullivan (2001): “Affects are... the stuff that goes on beneath, beyond, even parallel to signification. But what can one say about affects? Indeed, what needs to be said about them?... You cannot read affects, you can only experience them” (p. 126). This quote showcases the need to understand trauma and haunting as a phenomenon that goes beyond what can be proven empirically, therefore, rejecting empiricism and its domination in research. For example, bell hooks narrates in her text “naked without shame: a counter-hegemonic body politic”, the lasting effects of historical patriarchal and racial discrimination in her body self-perception (1998). This showcases the lasting effects of violence and discrimination, which are manifested through the embodiment of shame in relation to one’s own body.

## Chapter 3. The Physical Remains: Trauma and Repair in Legal-Forensic Perspectives

This first analytical chapter undertakes a close reading of my two primary materials, namely, the “Ley de Memoria Democrática” or Democratic Memory Law (referred to from now on as LMD) from 2022 and the “Protocolo de actuación en exhumaciones de víctimas de la Guerra civil y la Dictadura” or Protocol for action in Exhumations of victims of the Civil War and Dictatorship (referred to from now on as “Exhumations Protocol”). As noted in the introduction, these texts belong to the governmental efforts to provide reparative justice to the victims of the Spanish Civil War and the subsequent dictatorship. These materials are the sites where I explore my research questions by looking at how these official documents envision and define trauma and what forms of reparations are proposed based on this definition.

As noted earlier, the concept “trauma” is not mentioned in any of the documents. However, in the introduction of the LMD it is clear that the State acknowledges the violence suffered by the Spanish population: “As the aforementioned report of the Council of Europe indicates, in Spain there were systematically forced disappearances, extrajudicial executions, arbitrary detentions, concentration camp policies, forced labour, torture, rape and even mass kidnapping of new-borns under a eugenic-inspired policy” (LMD, 2022, p. 7). Furthermore, there is extensive literature covering the effects of such forms of violence, which define the lasting effects as trauma. Therefore, based on these two accounts, this thesis approaches the effects of the Francoist regime as trauma. Secondly, the use of the concept of reparations or reparative justice is understood as the broad framework in which this law is embedded. The propositions for how to act upon this repair will be explained further.

A notion of victimhood is key for this thesis since the materials analysed are legal documents that aim to address the issue of reparative justice. In order to propose reparations, it is needed to conceptualise who is the subject of such initiatives by establishing who was, or still is, the victim of the violence that aims to be repaired. Therefore, the phenomenon of the traumatised body is embedded in understanding this body as a victim of the violence and repression exercised by the Francoist regime. As articulated in Title 1 “On Victims”, Article 3, a victim is defined as:

Any person, regardless of nationality, who, individually or collectively, has suffered, physical, moral or psychological harm, pecuniary damage or substantial impairment of their fundamental rights, as a result of acts or omissions that constitute violations of International Human Rights and International Humanitarian Law during the period of the

coup d'état of July 18, 1936, the subsequent war, and the dictatorship, including the period up to the entry into force of the Spanish Constitution of 1978 (LMD, 2022, p. 19).

The paragraph continues to explain that the relatives of those who suffered the aforementioned circumstances, including partners, people linked through an affective relation, descendants, and ascendants up to fourth degree are also included in the category of victims (LMD, 2020, p. 19). This point matters because the LMD includes the notion of intergenerationally-oriented reparations and shows the governmental acknowledgment of the lasting imprints that violence leaves in individuals and communities. This also implies an act of recognition of the affective dimensions of reparative justice. Thus, looking at the notion of victimhood, one could observe that the formulation of the body in this law is one who has suffered from any form of violence, whether it is physical, moral, or material, including the symbolic violence of an inherited trauma. Moreover, based on the broader trauma studies approach of the secondary scholarly literature this project is situated within, it becomes possible to observe how the law assumes that a body that has experienced violence is a body who inherently carries some form of trauma and thus, is deserving of repair.

However, the LMD (2022) establishes “un deber de memoria” (a duty to remember/a duty of memory) with regard to the victims of the Francoist Regime (p. 23). Upon reading the law, there is a repeated emphasis on the necessity of breaking with the prevailing silence and forgottenness in order to establish a framework for repair and healing. Consequently, the body formulated in this law evolves from just a victim or a violated body to a body that needs to be remembered and honoured because of the violence it endured. Then, the duty to remember connects with the clear imperative to uncover the truth of said violence, centring the human body as a site of violence as a base for reparative efforts. This principle, “the right to the truth” was established in 1970 as an international principle within the field of transnational justice and has led other reparative efforts in cases such as Bosnia, Chile and Argentina (Colaert, 2015, 108). In the LMD, this principle is found in Article 15, which emphasises the right of the victims and their descendants to seek information, acknowledge the suffering endured and honour the memory of those affected (2022, p. 23).

For the purposes of this law, it is recognised the right of the victims, their families and society in general, to the verification of the facts and the full and public disclosure of the motives and circumstances in which the violations of International Humanitarian Law or serious and manifest violations of International Human Rights norms occurred during the

War and the Dictatorship and, in the case of death or disappearance, of the fate of the victim and the clarification of his whereabouts (LMD, 2022, p. 23).

Thus, the pursuit of the truth regarding the events that occurred under the Francoist regime inherently entails a form of reparation that requires the acknowledgment and awareness of the violence exercised upon individual bodies. Therefore, the body depicted in this law is not just a body of victimhood to be remembered, but a body that is remembered through the tracing and recovery of the evidence of the violence it endured. These experiences appear as proof of a truth that can be exposed through the finding of the violated body or other forms of documentation that empirically prove the violence exercised. Illustratively, the legal Chapter in the LMD concerning “Right of the Victims to the Truth” determines that:

With the aim of fostering the scientific knowledge essential for the development of democratic memory in the terms defined in this law, the General State Administration will promote research into all aspects relating to the War and the Dictatorship, as well as the memorial processes that have taken place in the country (LMD, 2022, pp. 23).

This extract from the LMD exemplifies how the main methods suggested by the legal framework in order to bring forward reparations are based on a scientific method, which is seen as the essential base for research. The scientific method, embedded in the positivist-empiricist ontology, aims to recover memory through the finding of evidence regarding the violence exercised. The legal Chapter specifying the Right to Truth contains two sections which further exemplify this. The first one “Location and Identification of Missing Persons” shows how, in Spain, the appearance and tracing of the violated body has been approached mainly in its most literal sense: through the exhumations of mass graves (2022, pp. 24-26). Articles 16 to 22 are dedicated to the subject of exhumations, presenting a methodological guide similar to that of the Exhumation Protocol, which will be later explained in detail. However, this legal Chapter also highlights the emergence of diverse initiatives and organizations which work in the replacement of this physicality, in the event that there is none, by other ways of empirically proving the injury or violence. For example, the creation of Banco Estatal de ADN de Víctimas de la Guerra y la Dictadura (State DNA Bank of Victims of the War and Dictatorship), which collects and stores DNA profiles of the victims and their relatives, not only aids in identifying bodily remains but also supports other reparative measures, including efforts to locate individuals affected by the abduction of new-borns (LMD, 2022, p. 26).

This first section of the legal Chapter, “Location and Identification of Missing Persons, underscores the urge to create and find proof, especially physical proof, as exemplified by the forensic collection and storage of DNA profiles (2022, p. 26). This section dedicated to the DNA Bank, encompassing Article 23, shows how people affected by Franco's violence, with emphasis on people affected by the abduction of new-borns, can turn to this organization to find answers about their biological parents or children. Likewise, the Bank also keeps records of forensic findings in the exhumations of mass graves. The method that is employed to this end of empirical fact finding relies on and enforces a positivist-empiricist approach to truth through methodological objectivity (Lather, 2003, p. 207; Ryan, 2006, p. 13). Positivism is based on the idea that knowledge is derived from sensory experiences, which can be replicable (Naples & Gurr, 2013). This approach to truth and knowledge differs widely from the feminist approaches to embodiment that this thesis aims to bring forward, since the affective responses produced by trauma cannot always be accounted through the senses or empiricist methods.

The second section of the Legal Chapter “Archives, Archival Documents and other Information Resources for the Recovery of Democratic Memory”, focuses more on other forms of documentation that do not imply strict physicality, however, they do imply the need of historically proven knowledge. For example, the creation of the Centro Documental de la Memoria Histórica (Documentary Centre of Historical Memory), is an organism in charge of collecting, recovering, analysing, and distributing authentic documentary and bibliographic materials, alongside oral testimonies, and other pertinent resources, covering the historical period from 1936 to 1978 (LMD, 2022, p. 27). The distinction created in these two sections lays the groundwork for conceptualising “traces” to include not only the physical bodily remains but also the broader framework of truth-seeking rooted in positivist-empiricist principles, provided that it can produce physicality in the place of a corporeal body. For example, Article 26 establishes that:

The General State Administration will approve, a program of agreements and other legal instruments for the acquisition of documents referring to the coup d'état, the War or the subsequent political repression that are in public or private, national or foreign archives, whether originals or copies that can be archived and make known or reproduce facts, words, data or figures with fidelity to the original (LMD, 2022, p. 27).

This shows how the literal physicality of a body can be substituted for the empirical proof obtained by archival and historical research. This is further illustrated in Article 27 establishes

that anyone shall have the right to access all available information in the documents that confirm or may confirm their status as victims (LMD, 2022, p. 28). These two articles, 26 and 27, when read together, exemplify the use of empirical research to prove the existence of violence and victimhood, and therefore, guarantee access to reparations. The physical body of the disappeared, and in its absence the forensic data that stands in place of the body, serves as proof that violence has taken place and thus becomes the base on which trauma can be claimed. These physical and forensic traces appear to be necessary for this legal framework to acknowledge and pay tribute to the victims and to recognise them within the framework of reparative justice. Trauma and its repair thus appear to be intertwined with factual and tangible proof of violence that is reachable through empiricist scientific methods.

The importance given to empirical knowledge collection and production can be seen in the measures in which the government aims to uncover the truth and honour and remember the victims, as it has been shown in the last section regarding Legal Chapter 1. However, this positivist approach to truth is better exemplified by looking at the second legal document chosen for this research: the Exhumations Protocol. This document establishes a procedure aimed to be used as a “methodological and procedural guide” for the “search for, recovery and identification of missing persons” (Exhumations Protocol, 2011, p. 101916). This way of approaching truth appears as an unquestionable procedure imposed by a scientific method, established in five steps, these being: “Preliminary investigations”, “Archaeological intervention”, “Forensic investigation of human remains”, “Final report”, “Final destination of the remains” (Exhumations Protocol, 2011, p. 101918). An example of how empiricism grounds its truth claims of the existence of violence in objective facts can be seen in the description of the step 3: Forensic investigation of human remains. This step describes the laboratory research of the human bones found. It describes how this forensic investigation is needed to clarify the truth regarding the victims found in the mass grave. In this case, the truth is understood as “identification, diagnosis of death, medico-legal aetiology, date of death and circumstances of death” (Exhumations Protocol, 2011, p. 101922). Therefore, the affective and embodied narratives that cocreate this version of the past remain invisible in this notion of truth.

Moreover, the document describes the scenario needed for the exhumation to take place, including the required legal and bureaucratic procedures, the needed professionals, such as historians, archaeologists, and forensic specialists, as well as the role of the relatives within the process, among others (Exhumations Protocol, 2011, pp. 101916-101923). The description of this scenario of fact finding, using forensic and judicial terminology and procedures to

establish proof of violence, produces a limited formulation of past traumatic events and how such manifest in the present. The truth that is sought by this approach to evidence is a factual truth that fulfils directly the “right to know” or the “right to the truth” (Colaert, 2015, pp. 33-34). For example, before the exhumation, “the basics of the excavation procedure in terms of metric references, orderly extraction, soil screening, sampling, soil removal, observation of trench profiles, site protection, must be taken into account” (Exhumations Protocol, 2011, p. 101921). However, there is no mention to the need of existing established procedures that address and take into account how an exhumation can affect family members or communities who are still healing the violence that the mass grave represents. This dichotomy shows how an empirical approach disconnects the past from its impact in the present.

This way of understanding evidence and truth from a factual and empirical point of view is also evident in the preliminary investigations to the exhumation of mass graves. As this section points out “the objective of this phase is to know, as accurately as possible and with the collaboration of documentalists, interviewers and psychologists, the identity of the missing person, the history of the case and the local historical context (Exhumations Protocol, 2011, p. 101918). Therefore, in order to start the process of exhumation, whether it is by relatives or Historical Memory associations, there needs to be a formal petition to research on a specific case (2011, p. 101918). This evidence includes personal information from the person doing the petition; personal information from the missing person, including official documentation if possible; information regarding the disappearance of the person (date, time, place...); circumstances of the disappearance (cause, witnesses...) and information regarding available and alive relatives for possible ADN identification tests (2011, p. 101919).

Interestingly, and in contrast to how forensic work has contributed to other countries, such as Chile or Argentina, in Spain exhumations have aimed to provide closure and repair, rather than judicial justice (Maystorovich Chulio, 2022, p. 410). This is due to the time passed since the War, which makes it difficult to establish guilt and conviction (Colaert, 2015, pp. 154-156). This is important because, as it was said before, it shows how the exhumation of a body carries an immense affective weigh for the people involved, such as relatives, as well as for the community where the grave is located (2015, pp. 155-156). Therefore, it seems paradoxical the little attention to the affective responses that an exhumation can evoke in those present, particularly relatives, and the expertise required to address them. In the same scenario, being the mass grave opening, there are both dead and alive bodies who are constituting the “affective atmosphere” (Ahmed, 2010, p. 36). However, the focus is oriented towards the dead body that needs to be honoured. Transposing this insight to the professionals required for the

excavation procedures, it is worth noting how the focus is largely on the treatment of the dead body, without mention of how or who would handle the emotional labour that an exhumation requires.

There is therefore an inherent question to be posed: whose body matters? This question is inspired by Judith Butler's work "Bodies that Matter". In an interview, Butler discusses how bodies that "do not matter" are bodies that "are not intelligible (an epistemological claim) nor do they have legitimate existence (a political or normative claim)" (Meijer & Prins, 1998, p. 279). The answer to Butler's question, "whose body matters", when applied in the case of this thesis, seems to incline towards the body that can reconstruct the past with the purpose of closing it off through empiricist fact finding and determination of past violence. This would position the body that the legal-forensic framework renders the basis to proof violence and move towards repair less as an effort to acknowledge traumatic experience and more as a biopolitical tool in a governmental project of healing. Following Foucault, this legal-forensic approach might be seen as a form of biopower, because it undertakes a shaping of life that is a domain over "which power has taken control" (Foucault, 1997, pp. 57-74 as cited in Mbembe, 2003, p. 12).

A legal approach to trauma may thus be seen to prioritise moving society past historical injury towards a perceived healthy future (Ahmed, 2010). Viewed from this perspective, the legal-forensic approach overlooks how this past is manifested in the present of the living bodies depending on the "baggage" they carry, assuming that the affective atmosphere is the same for everyone (Ahmed, 2010, p. 36 in Åhäll, 2018, p. 40). A focus on the dead body or physical remains reproduces a definition of trauma that undermines the embodied experiences of the relatives and the communities in which the violence took place, focusing purely on the provable violence that lies in the mass grave. One would assume that the opening of a mass grave inherently helps to end the process of haunting, however, it is possible that that same process, if carried out without a comprehensive approach to trauma, ends up reproducing the violence, anger and pain that initially nurtured the ghost.

In closing, I want to note briefly on this unintentional nurturing of the ghost that haunts the official governmental approach. Title 2 of the LMD, "Integral Policies of Democratic Memory", Article 11, makes a special mention of the democratic memory of women. The article establishes the need to recognise and address the historical injustices against women during the war. This involves acknowledging their active role in political and intellectual spheres and in promoting democratic values as well as addressing the specific gendered



violence and discrimination they faced (LMD, 2022, p. 22). Efforts will also focus on repairing unique forms of repression or violence experienced by women, including those penalized for offenses like adultery or voluntary pregnancy termination (2022, p. 22). However, this is the only Article within the Chapters analysed in this thesis that mentions specifically the gendered dimension of Francoist repression.

During the war, men were often forcibly taken from their homes, in what were known as “paseos” (walks), only to be later assassinated (Renshaw, 2020, p. 5). In the case of women, these paseos were not directed so much to murder them, but to create a space in which to terrorize them through violent acts, sexual assault, and humiliation, among others (2020, p. 5). This shows how the female body appeared as a receptacle for punitive violence, both psychologically and physically, becoming a battlefield, where aggression can be exercised to humiliate and obliterate the opposing group (Joly, 2008, pp. 91-95). These forms of violence are more difficult to locate and prove, as they do not always leave physical evidence, but are instilled in the individual and collective memory of their victims through fear and trauma. For this reason, it is more likely that the physical bodies and bodily remains that are found in the mass graves, that remain the basis of the official governmental effort towards reparative justice, and that are addressed in the LMD, are male bodies (Renshaw, 2020, p. 20).

Those bodies, female or otherwise, that are not implied in this framework that focuses on the body that can be forensically traced, are left to carry the burden of a trauma that is unrecognised or even erased from the official governmental and legal approach. However, it is important for me to make it clear that the exhumation project has great political as well as social and affective value, and that this analysis is not intended to discredit the efforts made to uncover the truth regarding the mass graves or the affective experiences of the individuals involved. I do not aim to contest that violence is still taking place, instead I am trying to show how the empiricist approach that the legal framework adopts proceeds with a very limited concept of trauma.

To conclude, this chapter has delved into the legal-forensic framework proposed by the Spanish government regarding trauma and repair in relation to the Spanish Civil War and dictatorship. The analysis of the two primary materials, the Democratic History Law and the Protocol for Exhumations, shows the imperative of uncovering the truth regarding the violent past of the country. This truth is however approached merely through empirical research, such as the exhumation of mass graves or the creation of a DNA Bank, which highlights the focus on physical evidence and the use of the scientific method in order to validate past violence. Other measures that do not imply physicality are also considered, such as the Centre for

Historical Memory. Nonetheless, these measures still require proven historical evidence in order to be considered as valid. Therefore, the legal forensic approach inadvertently side-lines the affective and embodied aspects of trauma. As an example, this chapter also shows how the positivist approach ignores the gendered dimension of Francoist repression, being men more likely to be found in mass graves. Furthermore, by applying a positivist approach to truth, there is an individualisation of the trauma, neglecting the ways in which these events endure in the collective psyche of a community. Lastly, it is important to recognise how this approach also leaves unheard the transgenerational dimensions of trauma, overlooking how the perpetuation of silence and the erasure of specific pasts from the memory landscape can create or reproduce the trauma itself (Crozier-De Rosa & Mackie, 2022, p. 904). Considering this, the following Chapter will focus on reading the emergence of the transgenerationally traumatised body through reading the absences and silences in the official legal documents, therefore, will focus in the second research question of this thesis.

## Chapter 4. What Haunts the Official Approach to Reparative Justice?

By closely reading the legal documents, chapter 3 proposed that the physical body and bodily remains form the basis of the official governmental approach to justice and reparation. Chapter 4 will proceed to explore the unspoken, silenced or absent narratives in the official legal documents that constitute the body of transgenerational trauma. It does so by invoking Cho's (2008) method for reading the so-called "concentration of silence" (p. 15). Chapter 4 will begin to contour a more comprehensive concept of trauma and illustrate some of the insights this approach offers. In so doing, this chapter will address the limitations of the empiricist approach of the LMD by invoking alternative and creative sources to highlight the affective and embodied qualities of trauma and to reveal its impacts. Secondly, it will explore the interplay between absence and presence, to illustrate how the LMD overlooks certain emotional and psychic dimensions, especially those related to third and fourth generation. Drawing from Cho's work about the yanggongju and Hirsch's work on postmemory and the Holocaust, I show how the absence of a story and the silences that have been woven into the fabric of family and community history can nurture the presence of a ghost. These absences are what this Chapter aims to read in order to create a more comprehensive account of the intergenerational body of trauma. Lastly, the Chapter will analyse the gendered dimension of trauma, demonstrating how certain experiences have been omitted from official narratives and documentation due to its positivist-empiricist approach.

Therefore, this Chapter does not aim to look at specific pasts, instead, it offers a concept of trauma developed from Cho's work that entails a comprehensive notion of embodiment that goes beyond the physical body or the bodily remains. This concept of embodiment will connect the past and the present through physical but also affective and psychic terms, blurring the lines between the different experiences that nurture and reproduce trauma. Therefore, there is a challenge of the boundaries of the individual body, allowing us to see how experiences and trauma are transmitted across bodies and generations, obscuring the distinction between past and present, and between presence and absence. As Maystorovich Chulio (2022) argues, even after the end of the Francoist regime, survivors maintained their silence, driven by the "survival habits during the Franco years" (p. 413). Therefore, similarly to the personal experience of Cho herself, the descendants of the survivors grew up in an environment that perpetuated fear and silence which, writes Cho (2008), "came to define [the] daily fabric" (p. 1). Therefore, haunting is not always produced by the traumatic experience itself, but also by the fact that it is kept hidden (2008, p. 11). The LMD's approach to truth overlooks this.

*Calla, no remuevas la herida*

*llora siempre en silencio*

*no levantes rencores*

*que este pueblo es tan pequeño*

*eran otros tiempos*

*(...)*

*y ahora yo*

*logro oírte cantar,*

*si no curas la herida duele, supura,*

*no guarda paz*

*Shut up, do not stir the wound*

*cry always in silent*

*don't lift resentments*

*because this town is so small*

*they were different times.*

*(...)*

*and now I*

*I achieved to hear you sing.*

*if you don't heal the wound, it hurts, it festers,*

*it keeps no peace.<sup>2</sup>*

- (Rozalen, 2017).

This extract from the song “Justo”, by the Spanish singer Rozalen, recounts the story of her grandmother’s brother, who disappeared during the Spanish Civil War at age eighteen. In her song, she reflects on growing up in a household marked by an unhealed wound, and how that creates a climate dominated by silence and fear, as it can also be seen in the first part of the song. This first part portrays her grandmother’s reluctance to “stir the wound” or to show any form of public grieving or pain. This fear of public grieving is rooted in the oppressive tactics used by Franco's Regime, which confined Republican Memory to the private domain, for instance, by banning any form of public mourning (Colaert, 2015, p. 163). This enforced silence contributes to the hesitation that many descendants still feel when it comes to mourning publicly. Importantly, here the notion of a wound is understood as something non- or beyond physical, that is, as something linked to the embodiment of a trauma or violence exercised, mediated through affects. Listening to this song is not merely an act of hearing; it is about tuning into a deeper layer of understanding, and emotional resonance with the suppressed narratives of trauma. In this context, singing becomes a form of expression that allows for a more nuanced engagement with the reality of those who lived through the Civil War and its aftermath. For example, the lyric "because this town is so small" can be taken to reflect the pervasive fear during that era of being reported by neighbours, and even by family members (Aranda Tabueña, 2021, p. 6). This sense of distrust was a common experience for those who

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<sup>2</sup> Translated by me

lived through the period, and it can also be seen as a wound that resides in the body as a reminder or even the continued presence of the feeling of insecurity and deprotection.

The use of this song as part of the Dream Work invites a reflection on what counts as proof of violence when aiming to create evidence of trauma and its effects. Unlike empiricist epistemologies that, as chapter 3 illustrates in the context of the legal approach, rely on documentation, verification, and objective evidence, the act of listening to a song like “Justo” requires getting attuned to its affective dimension, listening to the ghost that stars the narrative. This song, together with other cultural and artistic productions of descendants, make up a “speaking wound”, “a trauma borne by an Other that speaks to the wounds of the hearer” (Caruth, 1996 as cited in Dutro & Bien, 2014, p. 12). By listening to the voice of trauma through the singing wound, I suggest that we can move towards new ways of connecting, understanding, and ultimately healing to acknowledge and share, Dutro and Bien note, pain within a broader community (2014, p. 13).

Moreover, as Rozalen states in an interview for Cadena Ser, one of the most listened radio stations in Spain, “the pain is inherited”, suggesting that trauma does not disappear when the person who experienced it passes away (Justo, 2021). Instead, it develops a life of its own, surfacing from the hidden places where secrets are buried (Cho, 2008, p. 6). Many people raised in Republican families often share similar stories: a general lack of information that creates a sense of anxiety in future generations, even if they are unaware of why (Gómez Marín & Hernández Jiménez, 2011, p. 483-485). Indeed, according to Miñarro and Morandi, Spain is a country where the great-grandchildren of the participants in the armed conflict are still suffering from the psychological effects, showcasing the lasting repercussions of unaddressed trauma (2009, as cited in Gómez Marín & Hernández Jiménez, 2011, p. 485).

This reading of Rozalen’s song thus proposes what Cho (2008) names, “a concentration of silence”, which can also be a message by itself, a form of speaking that transcends the verbal, rather focusing on the affective experiences of growing up within a specific silencing environment (p. 15). Here, the notion of a concentration of silence transcends the production of silence in the legal documents analysed, making visible what the silence bears and expresses, if one is able to listen to it. As Eva Hoffman (2003) remarks on the context of transgenerational transmission of trauma within the family, “they also spoke”, referring to the ghosts that haunt new generations and that remain within the households (pp. 9-10 in Hirsch, 2008, p. 112). With this statement she challenges the notion that survivors remained completely silent, rather, she suggests that they actually spoke in “the language of family”, which manifests as nonverbal and noncognitive acts, often in the form of symptoms, normally within the family space

(Hirsch, 2008, p. 112). Therefore, in many cases these symptoms are produced and received in an unconscious manner. This unconscious is defined by Cho (2008) as “a hole”, “an unhappy wind”, “an intangible force” (p. 11). The “language of the family” might then also be seen as the already mentioned speaking wound.

The concept of postmemory was extremely enlightening for me when I first read it. I started questioning, did I also unconsciously receive some trauma? If so, how? Through what means? Through whom? And then I thought, why did I always feel so much weight on my shoulders? Why did I feel like we had the responsibility of changing things since such an early age? Why did we all feel it? We, us, a generation born too long after the events to have experienced them, yet close enough to still carry its burden. Then I started thinking of all those winks, those clues that my dad always offered me growing up. A question that should not be asked but a story should be told. This an extract of a song my dad showed me when I was around twelve years old.

*I quan la foscor em venç  
acaricie en soledat  
Un record en blanc i negre,  
el motiu del meu combat*

*And when darkness overcomes me,  
I caress in solitude  
a black and white memory,  
the reason for my fight*

*I si demà no tornara  
Al lloc on et vaig deixar  
Vull que recordes que  
un dia joves com nosaltres vam marxar a  
lluitar  
Armats d'amor i coratge  
I un clavell roig amagat  
Combatrem fins l'últim dia  
sota bandera de la llibertat*

*And if tomorrow I should not return  
to the place where I left you  
I want you to remember that one day  
young people like us went off to fight  
armed with love and courage  
and a hidden red carnation  
we will fight until the last day  
under the flag of freedom.<sup>3</sup>*

- (Obrint Pas, 2011)

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<sup>3</sup> Translated by me

The song, “I si demà no tornara” (“And if tomorrow I should not return”) written in 2011 by the ska-rock Valencian band Obrint Pas, shows that even three generations after the Spanish Civil War, creative work continues to feel and explore its impact. As Hirsch explains, creative work has become crucial for political action, emerging as a mobilising force to create other forms of knowledge and alternative approaches of intervention in national narratives and cultural imaginaries (2019, p. 4). Hence, the transmission of knowledge is connected to the object “thorough projection, investment, and creation”, which according to Hirsch (2008) is what makes post-memory an especially powerful form of memory (p. 107).

This lyric refers to a “black and white memory”, indicating that even memories absent of direct experience can persist within a new generations’ consciousness. This aligns with the concept of an absent memory, where the echoes of a trauma lingered in those who never lived through the original events but are still deeply affected by them. In her study about the transgenerational trauma of the Holocaust, Hirsch (2008) delves into the complex emotions experienced by the children of Holocaust survivors, including confusion, a sense of responsibility, and a need to repair, since in many cases there is a consciousness that their own existence could be a way to compensate for the “unspeakable lost” (p. 112). This idea influenced the choice to include the song in this research. The song’s line “Young people like us went off to fight” draws a parallel between those who fought against the Francoist regime and those who still carry their struggle for freedom nowadays . The song conveys the message that the loss of these young people should inspire new generations to honour their legacy and continue fighting for their ideals.

The two songs discussed in this Chapter illustrate the complexities of intergenerational trauma as also explored by Cho. The first song transmits the enduring impact of the pain passed down through generations by using a personal story. The second song addresses the inherited and collective responsibility that new generations willingly embrace to honour their ascendants. However, both songs navigate the tension between the inherited prohibition of knowledge that haunting creates, together with the need to make that ghost public. There is an unconscious drive to “speak the unspeakable”, even if that entails “betraying the person who has transmitted the secret” (Abraham & Torok, 1994, p. 167 as cited in in Cho, 2009, p. 36). This example demonstrates that memories and trauma can be transmitted in subtle ways, through unconscious messages. This often makes it difficult for individuals to find concrete answers, which might explain the drive for exhumations to bring closure (De eso no se habla, 2020). As discussed in the previous chapter, Spain's Exhumation Protocol—the core of the LMD—requires prior

knowledge of key events in the person's life, such as where they disappeared or the cause of death. The stories of violence where there is information missing lack the necessary evidence to meet this state-driven approach to establishing truth, limiting their access to the reparative efforts outlined by the law.

“My father survived prison and was almost shot several times. When he married my mother, I don't think they ever talked about it. He was a distant man, quiet and serious. Very cold... I didn't find out what had happened until after his death, from an uncle of mine. My mother knows something about my father, but she doesn't want to talk. She is 83 years old and is very well in her head, but if she found out that I had come to this workshop and that I was talking about this, she would kill me!”<sup>4</sup>

- Extract from an interview (Valverde Gefaell, 2016, p. 29 as cited in Barros, 2016, p. 30).

“When my grandmother listened to her children, my father and his siblings, talking about the past and remembering things from when he was little and she sensed that at some point they might talk about their father, she would bang on the table. In the kitchen there would be silence and it would take a few seconds for them to change the conversation, [...]. Because there was a territory there that could not be talked about. [...]

That's where I felt ashamed for a long time. To think that we were guilty of something, well... When you are that age you don't know the dimension of what they are telling you or... And I didn't know many things about... I knew that there was a grandfather who died in the war, that's all.<sup>5</sup>

- Extract from an interview with Emilio Silva (De eso no se habla, 2020).

Looking at the first vignette, it suggests how the figure of the father, as well as his story, is somehow absent from the family history. His experiences of violence during the war were

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<sup>4</sup> Translated by me.

<sup>5</sup> Translated by me.



never addressed, neither with his wife nor with his son. However, it is also clear how the son, the interviewee, feels the legacies of this unaddressed violence by, for example, describing his father as a cold and distant person. This clearly suggests the presence of an invisible, ghostly figure that has marked the relationships of the interviewee with his parents and his own history. He is aware of the psychological sequels that the war had on his family, which can be seen through his determination not to tell his mother about his participation in the study to which the interview belongs. He is aware of the fear that his mother suffers, even though he does not completely know the story that produces it. Additionally, the second interview shows the same inherited silence, but extending to the third generation after the war. It reflects what also the previous vignettes show regarding the feeling of guilt and responsibility transmitted to the new generations. It is worth noting that the interviewee of the second vignette is the founder of the Association for the Recovery of Historical Memory, as well as the initiator of the first official exhumation in Spain (De eso no se habla, 2020). These are examples of a ghostly figure born through the concentration of a silence within a family structure, and they go to illustrate how empirical proof might not always be sufficient, indeed, necessary for detecting the haunting effects.

Moreover, these vignettes introduce a tension that is very present in the phenomena of haunting: the tension between presence and absence and visibility and invisibility. The interviewees' stories show how the absence of a story is able to create the presence of a ghost. Cho (2008) expresses a similar dynamic in her family history:

Despite the presence of my mother's family during much of my childhood, there was still an absence of a story about my mother's family and her life in Korea and the circumstances under which we had moved to the United States (p. 3).

In the broader national context and similarly to what Cho argues regarding the yanggongju, the figure of the Republican fighter has become hyper visible within the current Spanish political arena, while at the same time being, as Cho (2008) writes, a "shadowy figure hidden in the collective psyche" (p. 3). In other words, the LMD, together with the memorial movement, has made visible the existence of a specific body traumatized by Franco's violence, which in many cases has succeeded in advancing the nationwide project of reparative justice. However, this visibility has perpetuated the invisibility of the traumatized body beyond the mass grave. The subject traumatized by silence and lack of evidence has not been sufficiently included in the

legal framework for reparative justice, leading to an emergence of affective responses that find no outlet within the current discourse.

The apparent lack or absence of a comprehensive understanding of violence and trauma is therefore the result of another act of violence: erasure, which lies in the intersection of various kinds of violence, including social, familiar, psychic, and epistemic (Cho, 2008, p. 31). This convergence compels us to examine not only the historical processes that created the transgenerational body of trauma, but also the new dynamics that this complex blend of violence creates nowadays. I noted in chapter 3 how the embodied and affective responses of those who never managed to find bodily remains of their relatives are made invisible. However, the epistemic violence of erasure also includes the lack of mention to the concept of trauma as an embodied experience in the law. There is an assumption that the finding of bodily remains or the proof of any sort of violence will bring closure to that trauma. However, the narrow empiricist definition of trauma makes possible that the excavation and finding of bodies does not offer a proper healing of this embodied trauma, even if there is a body to grieve. Whether someone's story can be proven or not, the traumatic events that happened in the country are returning to haunt those bodies who are affectively connected (Cho, 2008, p. 34). Therefore, it is seen how the traumatised body navigates the lines of presence and absence and visibility and invisibility, exposing itself as a ghostly figure that takes over the spaces where the reparative justice efforts have failed to arrive. The vignettes show this tension between visibility and invisibility, being the silence or the absence of their relatives' stories what allowed the ghost to emerge. At the same time, the ghosts are nurtured by the lack of recognition of that form of trauma (transgenerational and embodied) within the legal framework of reparative justice.

Additionally, according to Cho (2008), a ghost should not be understood as a distinct individuated body. It is not linked to a "physic representation of the dead or repressed" (p. 40). Instead, it is a body formed by "different material and immaterial forces" (2008, p. 40). The empiricist approach that the LMD takes seems to perpetuate the conception that haunting is an individualised phenomenon linked to a material body, instead of part of a collective larger narrative of repression and violence. By focusing on the body that appears present through the process of exhumations and other forms of empirical research, mourning is perpetuated as a very individualised manner that is reserved for a specific and limited group of people – those who found bodily remains. This perpetuates the invisibility of the transgenerationally traumatised body in the public domain, relegating it to exist "in the seams of the hegemonic versions of the past" (Ferrándiz Martín, 2007). In the case of Spain, the "material and

immaterial forces” described by Cho are understood as the unacknowledged silences and stories that have remained in the collective psyche, and which are not address through the proposed reparations. Therefore, the ghost is a concept that demands visibility within the reparative efforts and acknowledgement of what has been erased and relegated to the invisible. Hence, the ghost needs to be addressed as a collective force, since its appearance is produced by a constellation of affective and embodied relations between those who transmit and receive trauma (Cho, 2008 p. 41).

Nonetheless, it is important to emphasize that haunting, although not linked to the individual, can present distinctions which can be grounded in the nature of the violence itself. In this next section, I will develop Renshaw’s argument regarding the erasure of gendered experiences in the reparative efforts (2020). As also noted in my third chapter, Renshaw points out how, for every bodily remain found, there is a body figuratively standing at the grave’s edge (2020, p. 20). This body is a gendered body. Moreover, it is important to consider how women have historically been placed in the role of “storekeepers of memory”, “as a result of a lifelong, transgenerational training in caring for and nurturing others and a lifetime of unequal power status” (Jansen, 2000, p. 35). For this reason, the erasure of women’s stories through the epistemic erasure that the legal approach enacts creates an important gap in the collective memory of the community (Thomas, 2020, p. 511).

As Chapter 3 described, the focus on exhumations overlooks the gendered differences in the violence suffered, being men more likely to be affected by murder and mass killing, therefore more likely to be part of the LMD’s empiricist truth-seeking approach. Conversely, the violence perpetuated against women was difficult to account for, due to the lack of physical evidence (Joly, 2009, p. 93). Testimonies of women during this period detail punishments aimed at dehumanising and objectifying them, achieved through physical and psychological violence (Minero, 2014, p. 424). These practices involved, for instance, shaving women's heads and displaying them unclothed, revealing the lasting impacts of starvation and violence (Quílez Esteve, 2018, p. 493). Additionally, there are also testimonies of women coerced into drinking castor oil and forced to walk through the streets of their villages until they experienced diarrhoea and vomits (Palma Borregro, 2009).

“Rape, they say, is lived in the face of the torturer, provokes hatred, and gives rise to a force called revenge against the rapist. If he has no identity, at least there is a face, but the shaving

involves gestures of self-humiliation in front of everyone, and in the end, we do not hate the one who cuts the hair, but our own face”.<sup>6</sup>

- Extract from an interview (Palma Borrego, 2009).

This testimony shows a side of Francoist violence that escapes the boundaries of the physical. The dehumanization and humiliation inflicted upon the gendered body becomes a tool for oppression that leaves no physical traces and remains that can be preserved in time. In the case of this interview, it is seen how the lasting effects of this violence are related to the self-perception of the individual because they are attempting to erase their “integrity of identity” (Joly, 2008, p. 97). The disgust evoked by this image increased the perception of the Republican women as a beast to be punished, which created a widespread narrative that stigmatised them both in the public and the private (Quílez Esteve, 2018, p. 488). It is important to consider here how the Spanish socio-cultural context, which was predominantly governed by Catholicism and puritanism over the female body, accentuates the psychosocial impact of these forms of humiliation (2018, p. 491). This stigmatisation also contributed to the marginalisation of these women within their communities, in many cases neglecting their access to social and cultural spaces, as well as making impossible their access to the job market. The children of those who experience this marginalisation and lack of agency grew with the feeling of loss and guilt, but also in many cases with the acknowledgement of the resilience and resistance of their parents (Renshaw, 2020, p. 17).

Additionally, these punitive practices associated with the animalization and stripping of femininity navigate the lines of the visible and the invisible in a manner similar to that which Cho presents with respect to the yanggongju. Through punishments such as the shaving of the hair, the individual identity of the woman is sought to be eliminated, she is reduced to "una roja", a submissive, animalized, and stigmatized being (Joly, 2008, p. 97). At the same time, exposing them publicly hyper-visibilitys them, creating a figure that serves Franco's moral propaganda and that creates a public demonstration of domination, as the following vignette shows (2008, p. 97).

“One day the nationals came in and called all the girls in town, my grandmother must have been one of the youngest, and they took them to the barbershop to shave their hair. And my

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<sup>6</sup> Translated by me

grandmother still says, "thank goodness they didn't give us castor oil". They shaved their hair and made them go around town singing "Cara al Sol". Behind them was a friend of mine, Antonia, who had had four family members murdered and she did not sing. My grandmother told her "Sing Antonia, sing. They are going to hit you" because they were hitting them with their guns (...). Maybe the trauma is greater in me, mind you. The trauma of knowing first-hand what happened. We are the grandchildren of those who lost the civil war, that's what marks us." <sup>7</sup>

- Extract from an interview with the granddaughter of a republican woman (Cejas Guerrero, 2012, p. 65)

This vignette illustrates the profound impact of non-physical wounds, emphasising the psychosocial and affective ones, that transcends generations. The act of forcing young women, including the interviewee's grandmother, to publicly adhere to Francoist rituals, for example by singing the "Cara al Sol", after having been humiliated and violated by them, is an example of subjugation designed to degrade and control. In this case, the granddaughter pointed out that her grandmother only started speaking when she was eighty years old (Cejas Guerrero, 2012, p. 66). This experience not only inflicted immediate harm, as it can be seen in the interview, but also planted the seeds of a lasting trauma, deeply rooted in the identification with the figure of "the ones who lost". Therefore, the trauma described here is more than a physical wound; it resonates through time shaping the identity-formation processes of the next generations. As Cejas Guerrero also collected in her interviews with grandchildren of survivors, these experiences marked not only their identity but also their political opinions and ideology, which is clearly reflected in the current political polarisation that Spain is experiencing since the end of the Transition (2012, p. 75).

Additionally, it is important to mention how some parts of the Francoist repressive apparatus were not dismantled once the democracy was established. For example, after the Civil War, Franco's Regime established a system of centres, being the most famous one "El Patronato", in which women who defy the notion of the "good women" were sent in order to be "corrected" (Guillén Llorente, 2020). These facilities targeted various groups, including communists, republicans, homosexuals, single mothers, prostitutes, and pregnant teenagers.

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<sup>7</sup> Translated by me

Systematic violations of women's rights occurred in the name of the public order, with hundreds of women subjected to extreme forms of institutional violence (Guillén Llorente, 2020). This is named by Renshaw as slow violence (2020, p. 15). Both vignettes have been extracted from the transcription of the series of interviews carried by the journalist Isabel Cadenas Cañon, as part of the Podcast “De eso no se habla”, translated as “that is not spoken about” (2023). The two interviewees were interned in the mentioned centres as teenagers, and only recently started speaking of their past. In the case of the second one, she was interned in the centre for pregnant teenagers and single mothers where, in many cases, republican women were forced to give their children to families who supported the regime (Musci, 2011, p. 3). This measure was part of what was known as “regeneration of the race” (2011, p. 3).

Then we made dolls for the bakeries. They were dolls like, like red elves and the body was filled with candy. This was sold to all the bakeries in Spain. We put paper inside the dolls' bodies. When we put the candy in, we would put a little piece of paper. "I am in jail, I am innocent. Padre Damian 52. Come and get me. We are more than 200. Please, I beg you". But this happened every day. So, I have always asked myself: "Wow! The people who bought the doll must have thought or said something, but they never said anything because the nuns would have found out. And nothing ever happened. I don't know how many cities in Spain have found that paper. If someone hears me, please, and found that paper sometime please tell me."<sup>8</sup>

- Interview to Consuelo, as part of “De eso no se habla: Perdidas. Cara A: Consuelo” (De eso no se habla, 2023)

That was La Dolorosa. We called that room that way. It was a cold room, that is, a room in which there was only an iron bed. I had a midwife who was called "La Bisturí" (the scalpel). She was very fond of making cuts [...].

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<sup>8</sup> Translated by me

I thought something was wrong. And then I call her, and I tell her “It hurts so much”. She looked at me again and said, “Well, it’s going to hurt a lot more. And for your sake, let me sleep, because if not, when the time of delivery comes, if I’m sleepy, we’ll see how it goes.”

I imagine that it is a normal birth, but I was 15 years old, I didn’t know anything about pregnancies, births, or anything else. And not me, specifically, they didn’t say that phrase to me, but the most normal phrase in that situation was “well, it didn’t hurt so much when you opened your legs”.<sup>9</sup>

- Interview to Loli, as part of “De eso no se habla: Perdidas. Cara B: Dolores” (De eso no se habla, 2023).

My decision to include these vignettes as part of the invisible experiences of the Spanish dictatorship is because they were only officially dismantled in 1985, ten years after the establishment of democracy (Guillén Llorente, 2020). Indeed, the second vignette belongs to a woman who gave birth in 1982. This is important to mention because it shows how the Transition to democracy did not establish a clear dissociation with the previous structures. Many women who were interned in these centres are still alive, and only now starting to talk about their experiences (De eso no se habla, 2023). Even as Spain embraced the new democratic values, the legacies of Franco’s deathly power, that is, what Achille Mbembe calls necropolitics, lingered, with the state still participating in the oppression of women and other marginalised groups (2003, pp. 25-29). Quoting Dolores’s words from the same interview as the vignette: “It is known that democracy did not arrive in that corner. It arrived when it shut down” (De eso no se habla, 2023). The persistence of this form of necropower raises questions regarding the effectivity of the reconciliation measures of the Transition. The Amnesty Laws aimed to forget the violence committed under Franco’s regime, but what about those forms of violence that still occur once it ended?

The vignettes presented showed different forms of violence exercised upon bodies during the war and the dictatorship that cannot be proven under an empiricist approach to truth. Looking through the prism of Cho’s notion of transgenerational trauma, I have sought to illustrate the way in which trauma can be converted into a ghost that haunts the new

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<sup>9</sup> Translated by me

generations. Yet, it is very difficult to locate why they are created and how they are reproduced. From the feelings of anxiety and guilt to the need to reclaim and honour the victims, it is seen how the new generations, the grandchildren of “the ones who lost” have embodied the experiences of their grandparents, making that loss in many cases part of their identity. According to Hoffman, these events can have such an impact in the identity formation of the new generations that sometimes can threaten to overshadow them (2004, p. 25). Therefore, the body of transgenerational trauma is the concentration of silence that the legal framework has left unheard or absent, it is the emotional and psychic impact felt by the descendants, produced by practices of silence and erasure, and mediated through affective responses within the family sphere but also within the community. It is an unresolved loss and grief that manifests through the reproduction of institutional violence. It is a multifaceted construct that encompasses affective and embodied experience produced by both visible and invisible forms of trauma. It requires a broader approach to justice, one that acknowledges and addresses the various ways in which trauma is transmitted and perpetuated across generations. Understanding the relevance of this intergenerationally traumatised body is essential to work towards the actual healing of the wounds that the war and dictatorship left in Spain.



## Conclusion

This thesis has sought to provide an analysis of the current official approach to reparative justice taken by the Spanish government in order to showcase the need for a more comprehensive understanding of trauma and its transgenerational scope, grounded in affect theory and embodiment. To do so, it has explored the multifaceted concept of transgenerational trauma by foregrounding and exploring the presence and impact of the past in the silences and absences that are embedded in the social fabric and reproduced in the official governmental efforts toward repair and conciliation. First of all, through a detailed examination using close reading of the Democratic Memory Law and the Protocol for Exhumations, I show how the legal-forensic approach to acknowledging and repairing the past through the recovery of physical remains and empirical evidence establishes a positivist-empiricist approach to reparative justice. This model's focus on physical remains and forensic documentation limits the recognition of violence and trauma to the body of victimhood, a body to be remembered and honoured, and, consequently, a body that serves foremost to prove the violence exercised upon it. Similarly, when speaking of transgenerational reparations, the traumatic experience of descendants and relatives are only addressed within this framework of repair when they can offer some factually substantiated tracing of their connection to violence, for example, through disappearance of family members.

This legal-forensic approach, however, overlooks the more complex and embodied dimensions of trauma that persist and are transmitted through generations, particularly in the absence of tangible proof of past violence. The authoritative focus in the official approach to repair on recovering physical remains to prove violence undermines, and even erases, how trauma resonates and lives on “transgenerationally” through bodies that go beyond the individual and the physical and thus entangle the present with the past, and presence with absence. This approach to repair fails to acknowledge and even reproduces trauma as a ghostly presence that continues to haunt the collective psyche of Spanish society today. Therefore, the objective of this research was to include a broader and more comprehensive concept of trauma that relies on its embodied qualities, in order to highlight how the effects of violence remain not only in individuals, but also in the social fabric of the country.

By employing a wide range of methods of analysis, this thesis aimed to bring to light some of these forgotten stories and experiences that conventional approaches to factual truth overlook, as illustrated in the legal-forensic approach as well as in conventional scientific method. The inclusion of accounts of personal experiences, together with cultural references

and creative works has aimed to demonstrate how trauma manifests in and animates the daily lives of individuals and communities, often transmitted through non-verbal affective communication. These stories underscore the importance of listening to the concentration of silences to understand the lasting effects of violence in bodies, which ultimately represent the body of transgenerational trauma, embedded in affective and embodied experiences transmitted across generations. As my second analytical chapter illustrates, the gendered dimensions of trauma represent one of the pitfalls of the empiricist approach to truth, due to the nature of the violence itself, which was less oriented towards killing but instead it took place in the form of public humiliation and domination. In other words, the focus on exhumation ignores the fact that violence against women took place in the symbolic, sexual, and psychological sphere, which does not leave physical traces but still carries a profound significance. Hence, this thesis aimed to include those non-hegemonic voices that have remained invisible within the legal framework, including experiences of non-provable violence, as slow violence and transgenerationally transmitted violence, as it is the inherited silence and pain. The inclusion of these stories therefore also aims to illustrate the necessity to provide a holistic reparations framework, where both physical and non-physical wounds are addressed.

In ending, I am compelled to note how the findings of this thesis point in the direction of further research not only at the intersection of law, forensics *and* trauma and memory studies but also from the perspectives of theories of necro- and biopolitics. The body of trauma is presented in the legal-forensic framework as a site of necro-power where violence can be exercised and reproduced. Necro- and biopolitics have been widely used in queer and feminist studies and aim to explore the notion of “who must live and who is let die” (Quinan & Thiele, 2020, p. 3). Neither life nor death is here understood only in a physical sense, also including a social dimension that encourages an analysis of more-than-human beings, such as ghostly figures that haunt our societies, which bring into the present those past experiences that were meant to disappear or die. Indeed, “Haunting [is] precisely the domain of turmoil and trouble, that moment (of however long duration) when things are not in their assigned places, when the cracks and rigging are exposed, when the people who are meant to be invisible show up without any sign of leaving, when disturbed feelings cannot be put away, when something else, something different from before, seems like it must be done” (Gordon, 2008, p.xvi as cited in Quinan & Thiele, 2020, p. 7).

On the one hand, and as noted in chapter 3, there is a form of biopower present in the legal-forensic framework that aims to heal the trauma received from the War. This can be seen

by the institutionalisation of reparative justice with the inclusion of the Exhumations Protocol in the BOE in 2011 and more importantly, with the creation of the LMD in 2022, and the shift that this entails from the past attitude of the Transition period. There is a visible aim to put forward a model that promotes the healing of the open wounds from the Francoist period. On the other hand, there is also a form of biopower that is deeply haunted by the necropower mentioned above. The lack of acknowledgement of the transgenerational and embodied nature of trauma shows how the governmental biopolitics are still haunted by the necropolitics of the past. The absence of recognition of the traumatised body who remains alive is not only a failure to grasp the reality of the Spanish post-dictatorship era, but also a reproduction of an institutional and state violence that creates the space for the trauma to become transgenerational and to continue haunting new generations. The current democratic state thus acts out a biopolitics in part as a “necropolitical entity” by erasing certain voices and experiences from the reparative justice efforts, including the voices of those ones who did not experience the events first-hand but that still feel their impact (Gržinić, 2023, p. 19).

Additionally, it is also important to mention that, even if there is a clear attempt to start the path towards healing and reparations, the issue of reparative justice has been subject to intense political debate since its origin in 2007, when the Ley de Memoria Historia (Historical Memory Law), the predecessor of the LMD, was created. This Law marked the first official attempt to shift from the established attitude of reconciliation and forgiveness to a policy of repair. However, as mentioned above, these initiatives have been linked to changes in the political landscape and the prevailing ideologies in government. In fact, the first Ley de Memoria Histórica was put on hold during the two legislatures of the Partido Popular (the main conservative-liberal party in Spain), between 2011 and 2018. During those years, in 2012, the Spanish Council of Ministers abolished the Office of Civil War and Dictatorship Victims, which coordinated the exhumation of mass graves, merging it into a more generic department within the Ministry of Justice (Baquero, 2018). The following year, Prime Minister Mariano Rajoy entirely eliminated the budget for Historical Memory, signalling a complete disregard for the victims of Francoism and effectively nullifying the legislation designed to address the country's historical trauma (Baquero, 2018).

This said, the fact that reparative justice is so linked to the political constellation of the government makes official efforts more vulnerable and more likely to be ineffective in the long run. This opens the conversation for connections to be explored in further research. The movement for the recuperation of historical memory has been led in many cases by non-institutional actors and grassroots movements. These have significantly contributed to the

collective memory and to processes of healing. Furthermore, due to their partial independency, they are able to challenge the power and authority exercised by the governmental-institutional approach. Therefore, the inclusion of non-state actors in the discussion will provide a more comprehensive analysis of the issue of reparative justice and how it is intertwined with the phenomenon of haunting. Furthermore, while I was written this thesis, the United Nations condemned the right wing and far-right wing parties Partido Popular and Vox for their attempt to pass the counter law for the LMD, known as Concordia Laws (Monrosi, 2024). This Law aims to derogate the current LMD which, according to the United Nations, was against the international legislation on preservation of historical memory as a human right. This shows, on the one hand, how the fact that Spain has a law like the LMD is partially a victory, considering the power of the right-wing and ultra-right political forces in the country, which have been trying for years to delegitimize and block the efforts to implement the LMD. On the other hand, it also highlights the need to apply a transgenerational perspective to reparations, as it is clear that the new generations are still victims of the attempts to erase the memory of our ancestors which, as already noted, only nourishes the ghosts.

## Reference List

- Aguilar Fernández, P. (2018). Memoria y transición en España. Exhumaciones de fusilados republicanos y homenajes en su honor. *Historia y política: Ideas, procesos y movimientos sociales*, (39), 291-325.
- Åhäll, L. (2018). Affect as methodology: Feminism and the politics of emotion. *International Political Sociology*, 12(1), 36-52.
- Ahmed, S. (2010). Happy Objects. In Me. Gregg and G. J. Seigworth Durham (Eds.), *The Affect Theory Reader*. NC: Duke University Press.
- Aranda Tabueña, R. (2021). *El caleidoscopio de la memoria: una aproximación a las vivencias de las personas anónimas represaliadas durante la dictadura franquista. Huídas, luchas, resistencias y traumas marcados por la estela de un duelo inconcluso*. (Published Master's thesis, Universidad Nacional de Educación a Distancia).
- Baquero, J. M., (2018, April 3). Rajoy repite con la Memoria Histórica: cero euros y olvido a las víctimas del franquismo. *ElDiario.es*. Retrieved from [https://www.eldiario.es/sociedad/rajoy-memoria-historica-victimas-franquismo\\_1\\_2195035.html](https://www.eldiario.es/sociedad/rajoy-memoria-historica-victimas-franquismo_1_2195035.html)
- Barros, D. E. (2016). El día que mi padre comenzó a hablar. Trauma y memoria de la Guerra Civil española en Un largo silencio de Miguel Gallardo. *CuCo, Cuadernos de cómic*, (7), 88-109.
- Blackman, L. (2010). Bodily integrity. *Body & Society*, 16(3), 1-9.
- Butler, J. (2017). Bodies that matter. In *Feminist theory and the body* (pp. 235-245). Routledge.
- Calvo de Mora Mármol, S., & Sánchez-Espinosa, A. (2021). Disinformation and public representations of identity. A feminist close reading of Margaret Atwood's *Alias Grace*. *REiDoCrea: Revista Electrónica de Investigación y Docencia Creativa*, 10.
- Cejas Guerrero, M. D. M. (2012). *Yo también perdí la guerra: retratos y testimonios de los nietos de los vencidos en la Guerra Civil*. (Published Master's Thesis, Universitat Politècnica de València).

- Cho, G. M. (2008). *Haunting the Korean Diaspora: Shame, Secrecy, and the Forgotten War*. University of Minnesota Press. Kindle Edition.
- Colaert, L. (2015). *History from the grave: politics of memory in exhumations of mass graves from the Spanish Civil War* (Doctoral dissertation, Ghent University).
- Crozier-De Rosa, S., & Mackie, V. (2022). Mobilising affect and trauma: the politics of gendered memory and gendered silence. *Women's History Review*, 31(6), 903-913.
- De eso no se habla (2020, December 6). *Un agujero en el silencio [podcast]*. Retrieved from [<https://deesonosehabla.com/episodio-6-transcripcion/>]
- De eso no se habla (2023, October 22). *Perdidas. Cara A: Consuelo [podcast]*. Retrieved from [<https://deesonosehabla.com/transcripcion-perdidas-cara-a-consuelo/>]
- De eso no se habla (2023, October 29). *Perdidas. Cara B: Dolores [podcast]*. Retrieved from [<https://deesonosehabla.com/transcripcion-perdidas-cara-b-dolores/>]
- Dutro, E., & Bien, A. C. (2014). Listening to the speaking wound: A trauma studies perspective on student positioning in schools. *American Educational Research Journal*, 51(1), 7-35.
- Encarnación, O. G. (2014). *Democracy without justice in Spain: The politics of forgetting*. University of Pennsylvania Press.
- Eng, D. L. (2001). *Racial castration: managing masculinity in Asian America*. Duke University Press.
- Ferrándiz Martín, F. (2007). Exhumaciones y políticas de la memoria en la España contemporánea. *Hispania Nova: Revista de Historia Contemporanea* 7.
- Foucault, M. (2003). *"Society Must Be Defended": Lectures at the Collège de France, 1975-1976* (Vol. 1). Macmillan.
- Giacaman, R., Abu-Rmeileh, N. M., Husseini, A., Saab, H., & Boyce, W. (2007). Humiliation: the invisible trauma of war for Palestinian youth. *Public health*, 121(8), 563-571.

- Gómez Marín, I., & Hernández Jiménez, J. A. (2011). Revisión de la Guerra Civil Española y la posguerra como fuente de traumas psicológicos desde un punto de vista transgeneracional. *Clínica e Investigación Relacional: Revista electrónica de Psicoterapia*, 3(5).
- Gordon, A. F. (2008). *Ghostly matters: Haunting and the sociological imagination*. U of Minnesota Press.
- Gržinić, M. (2023). The Body in the Field of Tensions between Biopolitics and Necropolitics: Analyzing the Future of the Prosthetic Body in the 21st Century. *Filozofski vestnik*, 44(2), 19-52.
- Guillén Lorente, C. (2020). El patronato de protección a la mujer: moralidad, prostitución e intervención estatal durante el franquismo. *Bulletin d'Histoire Contemporaine de l'Espagne*, (54).
- Haraway, D. (1988). Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective. *Feminist Studies*, 14(3), 575-599.
- Hickey-Moody, A., & Willcox, M. (2020). Feminist affect and children's embodied trauma. *Matter: Journal of New Materialist Research*, 1(2), 1-26.
- Hirsch, M. (2001). Surviving images: Holocaust photographs and the work of postmemory. *The Yale journal of criticism*, 14(1), 5-37.
- Hirsch, M. (2008). The generation of postmemory. *Poetics today*, 29(1), 103-128.
- Hirsch, M. (2019). Introduction: Practicing Feminism, Practicing Memory. In A. G. Altinay, M. J. Contreras, M. Hirsch, J. Howard, B. Karaca, A. Solomon (Eds.). *Women mobilizing memory* (pp. 1-23). New York, United States: Columbia University Press.
- Hoffman, E. (2004). *After Such Knowledge: Memory, History, and the Legacy of the Holocaust*. New York: Public Affairs.
- Hoffman, E. (2017). *After such knowledge: A meditation on the aftermath of the Holocaust*. Random House.

- hooks, b. (1998). Naked without shame: A counter-hegemonic body politic. *Talking visions: Multicultural feminism in a transnational age*, 65-74.
- Jackson, A. Y., & Mazzei, L. A. (2008). Experience and “I” in autoethnography: A deconstruction. *International review of qualitative research*, 1(3), 299-318.
- Jansen, O. (2000). Women as Storekeepers of Memory: Christa Wolf’s Cassandra Project. In *gendered memories* (pp. 35-43). Brill.
- Joly, M. (2008). Las violencias sexuadas de la guerra civil española: paradigma para una lectura cultural del conflicto. *Historia social*, 89-107.
- Justo, D. (2021, December 15). “El dolor se hereda”: las lágrimas de Rozalén al recordar a su tío abuelo desaparecido que emocionan a Chicote. *Cadena Ser*. [https://cadenaser.com/ser/2021/12/15/television/1639550993\\_197717.html](https://cadenaser.com/ser/2021/12/15/television/1639550993_197717.html)
- Lather, P. (2003). Critical inquiry in qualitative research: Feminist and poststructural perspectives: Science “after truth”. In *Foundations for research* (pp. 219-232). Routledge.
- Lebow, A. (2003). Memory Once Removed: Indirect Memory and Transitive Autobiography in Chantal Akerman’s *Diest*. *Camera Obscura*, 18(1), 35-82.
- Ley 20/2022, de 19 de octubre, de Memoria Democrática. *Boletín Oficial del Estado*, 252, de 20 de octubre de 2022. <https://www.boe.es/buscar/act.php?id=BOE-A-2022-17099>
- Lukić, J., & Espinosa, A. S. (2012). Feminist perspectives on close reading. In *Theories and methodologies in postgraduate feminist research* (pp. 105-118). Routledge.
- Martín-Baró, I. (1990). La violencia y la guerra como causas del trauma psicosocial en El Salvador. *El Salvador: UCA Editores*.
- Maystorovich Chulio, N. (2022). Democratising Collective Memory Through Forensic Exhumations in Spain. *Australian Journal of Politics & History*, 68(3), 410-427
- Mbembe, A. (2003). Necropolitics. *Public Culture*, 15(1), 11-40.
- Meijer, I. C., & Prins, B. (1998). How bodies come to matter: An interview with Judith Butler. *Signs: Journal of women in culture and society*, 23(2), 275-286.



- Minero, M. C. R. (2014). Locks of Hair/Locks of Shame?: Women, Dissidence, and Punishment during Francisco Franco's Dictatorship. In *Memory and Cultural History of the Spanish Civil War*, 401-435.
- Miñarro, A., & Morandi, T. (2009). Trauma psíquic i transmissió intergeneracional. *Quaderns de Salut Mental FCCSM*, (5).
- Molinero, C. (2010). La transición y la “renuncia” a la recuperación de la “memoria democrática”. *Journal of Spanish Cultural Studies*, 11(1), 33-52.
- Monrosi, J. E. (2024, May 3). Naciones Unidas censura que las “leyes de concordia” de PP y Vox atenten contra la legislación sobre derechos humanos. *ElDiario.es*. Retrieved from [https://www.eldiario.es/politica/naciones-unidas-censura-leyes-concordia-pp-vox-atentan-legislacion-derechos-humanos\\_1\\_11337206.html](https://www.eldiario.es/politica/naciones-unidas-censura-leyes-concordia-pp-vox-atentan-legislacion-derechos-humanos_1_11337206.html)
- Musci, M. B. (2011). Niños adoptados, perdidos, robados en el franquismo: Las lecturas de la prensa española. In *II Congreso Internacional de Literatura y Cultura Españolas Contemporáneas 3-5 de octubre de 2011 La Plata, Argentina. Diálogos Transatlánticos*. Universidad Nacional de La Plata. Facultad de Humanidades y Ciencias de la Educación. Centro de Estudios de Teoría y Crítica Literaria.
- Naples, N. A., & Gurr, B. (2013). Feminist empiricism and standpoint theory. *Feminist Research Practice*. London: Sage, 14-41.
- O'sullivan, S. (2001). The aesthetics of affect: Thinking art beyond representation. *Angelaki: journal of theoretical humanities*, 6(3), 125-135.
- Obrint Pas (2011). I si demà no tornarà [Song]. On *Coratge* [Album]. Propaganda Pel Fet!
- Orden PRE/2568/2011, de 26 de septiembre, por la que se publica el Acuerdo del Consejo de Ministros de 23 de septiembre de 2011, por el que se ordena la publicación en el Boletín Oficial del Estado del Protocolo de actuación en exhumaciones de víctimas de la guerra civil y la dictadura. *Boletín Oficial del Estado*, 232, 101916-101923 de 27 de septiembre de 2011 <https://www.boe.es/buscar/doc.php?id=BOE-A-2011-15206>
- Palma Borrego, M. J. (2009). Violencia y cuerpos traumatizados: duelo y melancolía en los testimonios orales de mujeres durante la guerra civil española (1936-1939) y la

posguerra. *Nuevo Mundo Mundos Nuevos. Nouveaux mondes mondes nouveaux-Novo Mundo Mundos Novos-New world New worlds.*

- Pérez Baquero, R. P. (2021). Rethinking collective trauma in the 20th century: Memory, victimhood and the temporality of the Spanish Civil War. *Psychoanalysis, Culture & Society*, 26(1), 99-117.
- Pillow, W. (2003). Confession, catharsis, or cure? Rethinking the uses of reflexivity as methodological power in qualitative research. *International journal of qualitative studies in education*, 16(2), 175-196.
- Quilez Esteve, L. (2018). “Pelonas” y rapadas: imágenes-trofeo e imágenes-denuncia de la represión de género ejercida durante la Guerra Civil española. *Hispanic review*, 86(4), 487-509.
- Quinan, C., & Thiele, K. (2020). Biopolitics, necropolitics, cosmopolitics—feminist and queer interventions: an introduction. *Journal of Gender Studies*, 29(1), 1-8
- Renshaw, L. (2020). Unrecovered objects: Narratives of dispossession, slow violence and survival in the investigation of mass graves from the Spanish Civil War. *Journal of Material Culture*, 25(4), 428-446.
- Rozalen (2017). Justo [Song]. On *Cuando el Río Suena...* [Album]. Sony Music Spain.
- Ruiz-Vargas, J. M. (2006). Trauma y memoria de la Guerra Civil y de la dictadura franquista. *Hispania nova*, 6, 299-336.
- Ryan, A. B. (2006). Post-positivist approaches to research. *Researching and Writing your Thesis: a guide for postgraduate students*, 12-26.
- Sanford, V. (2003). *Buried secrets: Truth and human rights in Guatemala*. New York: Palgrave Macmillan.
- Thomas, K. B. (2020). Intersectionality and epistemic erasure: a caution to decolonial feminism. *Hypatia*, 35(3), 509-523.

## Appendix

Overview of the structure of the Democratic Memory Law.

- Preliminary title: general provisions
- Title 1. Victims.
- Title 2. Integral policies of Democratic Memory.
  - Chapter 1. Victims' right to truth.
    - Section 1. Locating and identifying missing persons.
    - Section 2. Archives, archival documents and other information resources for the recovery of the democratic memory.
  - Chapter 2. Justice.
  - Chapter 3. On the duty of democratic memory
    - Section 1. Symbols, elements, and acts against democratic memory.
    - Section 2. Awards and titles
    - Section 3. Knowledge and divulgation.
    - Section 4. Sites of democratic memory.
- Title 3. Memorial movement
- Title 4. Sanctioning regime
- Additional provisions

As it is explained in the methodology, my analysis is based on Title 1 and the first chapter of Title 2.