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### Archiving Heterosexism: An Investigation of Gender and Sexuality Politics in Spain's Transitional Justice Movement

Taylor Thompson

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Archiving Heterosexism:  
An Investigation of Gender and Sexuality Politics in Spain's Transitional Justice  
Movement

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School for International Training  
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## **Abstract**

This paper will investigate the ways in which the politics of gender and sexuality during the Franco Regime in Spain (1936-1975) manifest in the transitional justice movement in Spain today. Under the Franco regime, gender and sexuality were policed through a series of ideological and repressive state apparatuses which the current democratic government has attempted to repeal and demolish. Through those apparatuses, bodies were punished, immobilized, and impressed upon in order to sort the demographic into normative hierarchized binaries for the purpose of legitimizing the state and exerting power in the service of domination over the populace. While many of the apparatuses under the Franco regime were demolished by the new democratic government, we must still query the ultimate success of those repeals. For under the current government's negotiation of the past, and the 'pact of silence', as it were, I argue that we can see the re-animation and perpetuations of many of the systems of oppression the government seeks to dismantle. Queer and female bodies continue to be punished and immobilized in a larger hegemonic project of domination and state legitimization; this begs the question: whom does the pact of silence serve? More urgently, my research question: might the pact of silence established under the Transitional Justice Movement perpetuate the very systems of oppression it claims to dismantle?

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## Table of Contents

<b>ABSTRACT</b> .....	<b>2</b>
<b>ACKNOWLEDGEMENTS</b> .....	<b>3</b>
<b>TABLE OF CONTENTS</b> .....	<b>4</b>
<b>INTRODUCTION</b> .....	<b>5</b>
<i>METHODS &amp; ORGANIZATION</i> .....	5
<i>LITERATURE REVIEW</i> .....	6
<i>CONTEXT</i> .....	9
<b>PART 1: “THE CONTROLLING AND THE CONTROLLED”: FRANCOIST GENDER BINARY</b> ..	<b>13</b>
‘WOMEN’ .....	13
‘MEN’ .....	19
<b>PART 2: QUEER CODIFIED: FRANCOIST COERCIVE HETERONORMATIVITY</b> .....	<b>25</b>
<b>PART 3: SILENCED BODIES: SPAIN’S TRANSITIONAL JUSTICE MOVEMENT</b> .....	<b>31</b>
1. <b>MANIPULATION OF HOW PEOPLE UNDERSTAND HISTORY</b> .....	33
2. <b>MANIPULATION OF THE ARCHIVE OF HETEROSEXISM</b> .....	34
3. <b>SUBJECTIVITY PRODUCED THROUGH SILENCE</b> .....	37
4. <b>HETEROSEXIST LEGAL APPARATUSES</b> .....	37
<b>CONCLUSION: RESISTANCE (RE)MEMBERED</b> .....	<b>40</b>
<b>WORK CITED</b> .....	<b>44</b>

## Introduction

This paper should function as an investigation of the infrastructural systems of heterosexism laid by the Franco Regime. I work to expose the heterosexist infrastructure of the Francoist state because “the political projects embedded in infrastructures often outlast the regimes that construct them” (Rubin 215). As such, in the 21<sup>st</sup> century and well into the transitional justice movement in Spain, we continue to see the “submerged sediment of the past” heterosexist infrastructure begin to “resurface” (Rubin 215). The transitional justice movement is understood as the series of political actions and policies propagated by the Spanish state in order to establish peace and democratic ruling systems after the dictatorship of Francisco Franco. I argue that the ‘pact of silence’ propagated by the transitional justice movement in Spain protect and preserve many of those heterosexist systems. In order to articulate the potential longevity and survival of the heterosexist infrastructures of the Franco Regime, I intend to spend the bulk of this study investigating the intricate and intimate processes through which the hierarchized gender binary of the Franco regime was constructed. I will demonstrate how deeply heterosexist ideologies have been vested within the minds and bodies of the Spanish subject. Further I will demonstrate the ways in which the state has historically predicated itself upon the performances of the hierarchal gender binary of its constituency in order to constitute the Spanish government’s legitimacy as a powerful European state. I write from the position and understanding that that which is not contended with, or properly mourned, can and will haunt the present, a specter in the space between that which is and that which should be. As such, this paper endeavors to investigate historical systems of domination within the Franco regime and develop tentative conclusions around the possibility that their vestiges—their ghosts and memories—may haunt the larger project of justice, equality and democracy in Spain.

### *Methods & Organization*

This paper contains a great deal of secondary sources. Primary sources are difficult to find in terms of the archive of women’s, gender and sexuality in Spain, a circumstance I

will reflect upon later in this research paper. As such, the most frequently employed method of study used in this research study involves putting into dialogue the research of other scholars of the Franco regime and gender/sexuality. There is a personally conducted interview featured in the conclusion of this paper which should help us understand where current political activists implicate themselves in the larger movement for memory justice and democracy in Spain. The interviewee is faculty at University of Deusto and was recruited through my advisor. This interview was conducted in compliance with Human Subject Review bylaws.

The paper is organized into four parts: Part 1: “The Controlling the Controlled” presents the Francoist gender binary as well as its repercussions on the bodily safety of women around the country. I argue that the gender binary pushed narratives of normative family configurations in order to (re)produce and legitimize the state and that the project functioned as a larger mission of valorizing toxic masculinity in a country Franco believed to be under the threat of feminization. Part 2: Queer Codified, explores the ways that Franco criminalized queerness under his regime. I argue that the project of criminalizing queerness reveals another facet of Franco’s anxiety towards feminization of the state and its potential further marginalization in the European community. In the first two parts, I work to demonstrate how deeply rooted systems of heterosexism are planted within the political infrastructure of the Spanish state.

Part 3: Silenced Bodies: Spain’s Transitional Justice Movement will work through the proceedings of the transitional justice movement and the subsequent pact of silence. I explore the gendered repercussion of the pact of silence and the reiterations of heterosexism that we can see in the 21<sup>st</sup> century which mirror the systems of the 20<sup>th</sup> century. I conclude the project with Part 4: Resistance (Re)membered, a conclusion which will reflect upon art projects which have worked to contend with the institutionalized silencing of counter-hegemonic or queer narratives from the past as a way of (re)membering vital truths lost in time.

### *Literature Review*

In order to investigate Francoist heterosexist systems of oppression, as well as their surviving repercussions, this paper will contend with and be written through a lens of social

theory surrounding spectral evidence and body politics. A brief literature review of choice pieces by Sarah Ahmed, Michael Foucault, Freud and Louis Althusser will be employed in order to reason some of the language and larger conclusions presented in the paper.

The works of Foucault and Ahmed which I surface in this paper, specifically deal with the negotiation of bodies in space, particularly as negotiated under a larger state or domination mechanism of discipline. In “Discipline and Punishment” Foucault works through ideas of a new economy of the body under which punishment makes the body “docile”. This docility makes bodies malleable, such that they can be shaped in whatever way is most productive for the state, for “a body is docile that it may be subjected, used, transformed and improved” (Foucault 136). The state praxis of domination becomes a matter of “exercising upon [the body] a subtle coercion of obtaining holds upon it at the level of the mechanism itself—movements, gestures, attitude’s, rapidity: an infinitesimal power over the active body” (Foucault 137). Punishments can be wielded through larger praxis of torture, and more often, a series of small, tactically placed, punishments and surveillances which coerce the individual into whatever shape they “should be”.

Under Foucauldian terms we can understand discipline as the power wielded by the state controlling the ways bodies are able to move through space. The concept of a norm is produced and disseminated with the understanding that abnormality, identified through a series of surveillance mechanisms, will result in ostentatious punishment.

Ahmed’s theories around the body and the state meditate on concepts of ‘affective economies’ produced through punishment and surveillance. Through emotional manipulation, bodies, on an ideological level, can be shaped, pulled, pressed, shrunken, stretched. In their own words, Ahmed works to “explore how emotions work to shape the ‘surfaces’ of individual and collective bodies” (Ahmed, *The Cultural Politics of Emotion* 1). She uses notions of nationalism as an entry point to her discussion, remarking that the ways that people are taught to perceive nations as ‘hard’ or ‘soft’ on issues is a gendered and moderately Darwinist schema. For example, she argues that the “soft national body is a feminized body, which is ‘penetrated’ or ‘invaded’ by others”, in this way we can see “how emotions become attributes of collectives, which get constructed as ‘being’ through ‘feeling’” and can be impresses upon a national body” (Ahmed, *The Cultural Politics of Emotion* 1). The Darwinian opinion she refers to is the belief that certain emotions, or the

free-flowing of emotions, is a trait of primitive beings and a praxis from primitive times. As such within nationalist discourse, we often see the “return to the ‘risk’ of emotions positioned through attribution of ‘soft touch’ as a nationalist characteristic” in which “the risk of being a ‘soft touch’ for the nation and for the nationalist subject is...the risk of becoming feminine” (Ahmed 3).

To return to the discussion around shaping bodies, Ahmed further argues that emotions shape bodies and that “emotions are the feeling of bodily changes” (Ahmed 5). Nations work to pull from the body, or elicit from the body, certain emotions towards national pride, love, and fear; the normative national subject feels all these things and therefore their very bodies-- the space they take up, the actions they are allowed to perform, the way they move through space-- are negotiated by and through the state, under the threat of punishment. Conceptually, Ahmed also builds her arguments upon Judith Butler’s work around normativity. In discussing the ways in which bodies learn normativity, beyond punishment, Judith Butler articulates that normativity is performed as a result of “the repetition of [those] norms”. That through those norms “worlds materialize, and the ‘boundary fixidity and surface’ are produced” (Butler quoted by Ahmed) (Ahmed 12). It is also important to understand that Butler reasons that it is only through the concealment of the work of repetition that norms “appear a form of life” (Ahmed paraphrasing Butler) (Ahmed 12). This theory will be employed in the context of the ways in which gender performances are taught and assumed and new collective memories a created.

The larger conversation surrounding the haunting of Spain’s past will work off of some of the ideas presented by Freud in his theorizing of melancholia: a state of pathological mourning which manifests when the individual is not able to fully work through the loss of object or abstraction. Under such a system, the individual is unable to ‘let go’ of this lost subject and maintains it, spectrally in their cognitive landscape, somewhere in-between life and death-- somewhere in-between being a positive thing which they want to hold, and a negative thing that brings them immense devastation that they wish to void themselves of. In describing the paradigm, Ann Anlin Cheng paraphrases Freud writing that the “melancholic eats the lost object” attempting to nurture themselves in their mourning and that “by taking in the other-made-ghostly, the

melancholic subject fortifies him-or herself and grows rich in impoverishment” such that “the history of the ego is thus the history of its losses” (Cheng 8). In this way the melancholic is haunted, continuously choking on the forgotten, lost object—just out of reach, held forever in the mind’s eye and in the suffocated throat of the mourner (Cheng).

The last theory-based evidence I employ in this paper can be found within the language is used to describe the technologies constructed by the state under the Franco regime—I refer to them, often as State Institutional and Repressive Apparatuses, a theory developed by Althusser in the mid 20<sup>th</sup> century. “The state apparatus, as Althusser describes it, is a multi-leveled system of control consisting of a superstructure (composed of Repressive and Ideological state apparatuses) and a substructure, (which constitutes the means and relations of production of the state). The superstructure is made out of institutions and projects which corral people repressively (through the threat of the Police, prisons system, army, the legal system) or ideologically (through education systems, religion, media) into hierarchized normative and stereotypical binaries, such as gender, race, nationality, ethnicity, class, religion etc. The substructure is made as a regulator of sorts which ensures the production of the superstructure through the existence of class hierarchies, systems of capital accumulation, commercialism, urban planning—anything that can engender social and culturally based cleavages in a society upon which to perpetuate hierarchy and subjecthood.” (Thompson).

### *Context*

The Franco regime was born out of a rapidly changing Spanish political landscape. In the 10 years prior to the Franco coup, Spanish constituents had already seen the reign of two separate political paradigms—a dictatorship, led by Primo de Rivera (1923-1931) and a democratic government known as the Second Republic (1931-1939). The Second Republic worked to modernize Spain through series of liberal political campaigns. For example, under the regime, women had the right to vote, stand in congress, file for divorce and be in public office (Carbayo-Abengózar 78). the Second Spanish Republic, those who had supported the dictatorship, including de Rivera’s very sons, continued to conspire against the government. In 1933, Jose Antonio Primo de Rivera developed the political organization *La Falange*. Jose Antonio Primo de Rivera was the son of Primo Rivera and

an avid believer in his father's fascist political regime. Through *La Falange* he attempted to reassert the major principles of Fascism, emphasizing national tradition, Christianity and unity (The Columbia Encyclopedia (8th ed.))

Upon the elections of 1936, the major conservative party of the Second Republic lost, and the far-left party took the victory. When the far-left party won the elections, the conditions proved volatile and ripe for a right-wing uprising. Fascist forces staged a coup in 1936 which failed ultimately but culminated in a Civil War championed by Francisco Franco. When the Spanish Civil War ended in 1939, Franco was one of the last leaders of the coup standing and became dictator of Spain.

The general notion of Francoist political ideology was to craft Spain in such a way that it reflected signs of tradition, Catholicism, homogeneity, patriarchy and ultimate government control. If those ideas sound identical to the ideals set by *La Falange*, it's because they are; in fact, *La Falange* only grew in its importance under the Franco regime, it became a staple ideological management system when Franco made *La Falange* the only legal party under his regime (The Columbia Encyclopedia (8th ed.))

When Franco won the war, the project of creating a new Spain was afoot and that meant, for his regime, that all state actors who did not approve of or were opposed to the Franco regime were constructed by the state as (dis)eased subjects in need of extinction. (dis)eased actors included everyone from suspected liberals, to communists, Spanish republicans, freemasons and non-Catholics. The elimination of any potential (dis)ease from counter-political social actors was facilitated through a series of detention camps, torture practices, "disappearing's", and corporal punishments. For example, during and after the civil war, based on their opposition to the Franco regime, over 200,000 people were killed by death squads (Freedland). Furthermore, to date Spain is second only to Cambodia in the world for number of missing people due to the disappearing's of the Franco regime (Burgen). The statistics of violence, killings and torture facilitated during the Franco regime is difficult to obtain as post-Franco. What we do know of the human rights violations from the Franco regime is from what individuals have brought forward about their experiences and their loved ones lost during the regime through new truth and memory commissions. For example, in 2002 the Association of the Recovery of Historical memory was established in Spain and in 2007 a Law on Historical Memory was passed by the Spanish

government. These two movements have helped in garnering support to bolster the archive of historical memory of the Franco regime and work to establish truthful historical memory as a right.

The larger patriarchal system of control established under the Franco regime meant for the subjugation of women as reproductive technologies and property. During the Franco regime, women's rights previously upheld during The Second Republic were stripped. Physical and epistemological violence against women during this period was egregious and often state led. Ideological apparatuses were employed in order to impress upon women's bodies and minds a complacent formation of normative femininity and repressive state apparatuses were employed in order to coerce women into Francoist feminine performativity. Through the discourse of Francoist femininity and masculinity, we see that the greater project of creating a new binary along which the populace had to cleave was vital to Francoism in the early years of the dictatorship because it symbolized and facilitated a new malleable Spanish culture.

In 1975 Francisco Franco died. His death acted as a catalyst for a transition towards democracy in Spain. In order to facilitate a smooth transition, what historians now call "a pact of silence" was enforced throughout the land. This pact refers to the systemic abnegation of any federally sanctioned reflection or investigation of the crimes of the Civil War or Franco regime in totality. It refers to the unspoken social contract developed by politicians leading the transition to evade, avoid and dismantle any and all narratives surrounding the human rights violations under the Franco regime. Many argue that the political decision was made due to "the desire for democracy, economic development and integration in[to] Europe or, in other words, the determination not to dwell on the past but instead 'look forward'" (Fernández and Olga 535). The theory there was that "the new project of modernity demanded the exorcism of the past" (Colmeiro 24). The judicial cornerstone of this pact is the 1977 Amnesty Law which grants amnesty to all those individuals who committed crimes against humanity under the Franco regime. As such, the law establishes a statute of limitation of sorts which makes it illegal to try individuals for crimes committed under Franco's orders. The law also provides amnesty for any and all political prisoners under the Franco regime.

The law was established with the public front that it was to benefit and grant justice for those falsely imprisoned, however, as we can easily surmise, the fact that it also completely pulls culpability from all those who have committed crimes against humanity means that the law could not have solely been for those in need of justice, but is also there to suspend any sort of justice. In fact many scholars have argued that the Amnesty Law gives extremely incriminating evidence that the “the transition to democracy was not a balanced agreement between dictatorial and democratic forces” and that rather the “process created a democratic government and democratic laws which favored the conservative structure inherited from the dictatorship (Reñé 50). This argument is based in the fact that while a democratic constitution and laws and apparatuses were being sanctioned, there were still known Francoist politicians in the government and the extreme right wing of the army. Which is to say, “Despite a democratic willingness among reformist politicians, the provisional government was still dominated by Francoist politicians and generals who did not allow effective democratic laws” (Reñé 52). The Law not only acquitted everyone involved in the Franco regime for their crimes against humanity, it also barred hundreds of thousands of people from potential access to justice in terms of a) finding their loved ones who had been ‘disappeared’, b) receiving some type of compensation or reparations for crimes committed against them c) the ability to share narratives of historical trauma as a means of liberation. As I will argue later, individuals have a right to justice and it is my belief that the Amnesty Law, in many ways has robbed individuals from that. It is also important to keep in mind that the Amnesty Law is still enforced. Quite concisely:

In the democratic times, those bodies forgotten during the Franco period continued in their oblivion; the survivors existed in society in the regime, but to date have not been acknowledged in the public sphere. Conversely, having not been obliged to enact performances of guilt the bodies of the repressors have remained intertwined in Spanish political and social life (Reñé 57).

This paradigm of incredible national trauma, and the refusal to reconcile with it is the very subject we contend with in this study. What are the potential repercussions of such a violent patriarchal system on a state which, on an ideological and political level, refuses to evaluate or reconcile with those systems? The next section will contend with the construction of the patriarchal system and the violence it propagated.

## **Part 1: “The Controlling and the Controlled”: Francoist Gender Binary**

The following two sections of the paper work to articulate to the reader how deeply gender normativity and heterosexism were engrained into the minds and bodies of the populace as well as the institutional state apparatuses of the Franco regime and why. The transition into the Franco dictatorship necessitated a change in the way that gender, and the gender binary, was understood. Franco, of course, did not construct the gender binary in Spain, rather he worked off of the binary which preexisted during the Second Republic and worked to further hierarchize it. Franco’s hierarchized model was developed with the explicit purpose of producing and then reproducing a new Spanish Francoist state. The hierarchized model infiltrated all parts of the individual’s life. In order to facilitate that Franco employed normative and epistemologically violent technologies under which the pure Spanish race “in the form of future generations—be[came] bound up with the reproduction of culture through the stabilization of specific arrangements of living” (Ahmed, *The Cultural Politics of Emotion* 144). The specific arrangement of living that Ahmed refers to in the passage is “the family” as a unit of cultural reproduction. Which is to say, reproducing the hetero-normative “family” became a state mandated duty under the Franco regime and the axis point around which the gender binary rotated. While it may go without saying, identifying anywhere along the gender spectrum and outside of the binary was not only non-viable on an ideological level in Franco’s regime, but was also legally out of the question as queer identities and homosexuality in totality was ruled a criminal offence. In the next section, we will see that through the obsessive construction of the new, Spanish family and heteronormative gender norms, Franco’s gendered state apparatuses pushed individuals into Manichean performances of gender in order to propagate, the pure Spanish race, its history, and its new values.

### *‘Women’*

Women’s position within the regime was made to be a subjugated frame against which men could base their identity. Women’s bodies were pressed into particular “womanly”, delicate and clean frames able to reproduce the body of the worker as well as the home of the worker. In many ways they became both “the controller and the controlled” (Carbayo-Abengózar 81). Tasked with creating the material conditions of the society while

also being controlled by those very material conditions. Franco transformed the pre-existing binary by stripping women of many of the rights they held during the Second Republic, such as rights to birth control, divorce and the choice to work.

People's interpolation into femininity was often performed through a number of mediums propagated by the female branch of *La Falange*. The female branch of *La Falange* was called *Sección Femenina* (SF). The SF was run by Pilar del Primo de Rivera, the daughter of dictator Primo de Rivera. The SF had "control over women's education and leisure activities through mandatory social service for women" (Winchester, *Constructing Normativity: A Historiographical Essay on the Codification and Regulation of Gender and Sexuality in Franco's Spain*). As such, they produced school curriculums, textbooks on physical education, cookbooks, and magazines for public consumption.

A great deal of the media produced pushed narratives of reproduction and the production of the home. Magazines featured time table suggestions for women to rear a household, clothing options for different parts of the day within the household and advertisements as to how to keep the household clean. In many ways, the household stood as the incubator for the new generation of Francoist citizens and thinkers. Women stood as the reproducers of the pure Spanish race in both literal and ideological terms. For example, the first cookbook published by the SF was José Sarrau's *Ciencia Gastronómicas*, published in 1942. In their dissertation on the SF's food politics Suzanne Dunai argues that Sarraue's cookbook was specifically aimed at "reform[ing] the domestic habits of women" post-Civil War. A particularly informative article that Dunai pulled from one of the SF's magazines on cooking was entitled "Typical Easter Dishes". The article espouses the "most popular dishes across Spain" and informs its readers that women across Spain favor the dishes over all others (Dunai 48). Duani points out that the article itself has no denoted author and does not reveal where its data on the 'most popular dishes in Spain' comes from. The SF worked to manipulate a woman's taught desire to perfect, and thus normalize, their household in such a way that by telling women that *everyone* was doing something, they coerced women into performing the thing, regardless of whether it was actually a wildly popular or perfect practice. Dunai writes on the subject:

A major component of the Sección Femenina's ideology—one that desired mass mobilization through consent and coercion—made women believe that they were acting of their own free will when they were following the prescribed femininity of the organization (Dunai 48).

Dunai goes on to speculate that:

Since the Sección Femenina wanted to create new traditions for Spanish women as part of their ambitions to form a “new Spanish woman” and “new state”, part of the efforts to establish new traditions required building a consensus (Dunai 48).

What is important to pull from this speculation is that, if the goal was to develop new traditions for the new Spanish women and the new state, the SF magazine had to have functioned as an important normalizing institution for the project of Francoism

Another medium the SF used in order to indoctrinate women was through the education system. The SF's physical education department was established in 1939 by SF member María de Miranda. In their dissertation about the SF's physical education department, Inbal Ofer pulled quotations from de Miranda's published agenda for the department that I would like to highlight in this section. Ofer quotes:

The aim of this national department is to create strong, healthy women, capable of bringing forth a race of titans... Women's physical education must be brought under our total control. (Ofer 1007) (Ofer quoting María de Miranda)

The primary idea I would like to pull from this quotation is the way in which the first ostensive goal of the program was about ensuring reproduction of the race. This concept is an almost constant refrain within the SF.

I argue that another, more straight forward, agenda of the SF's physical education regime was, in fact, physical education. In schools that would accept physical education (PE) instruction into the curriculums, PE was taught Kindergarten through Highschool, often by the same instructor each year. The instructor taught everything from teaching kindergarteners how to use their buttons and zippers, to instructing older students about hygiene. The lessons were, of course, infused with certain fascist sentiments, but many scholars argue that certain degrees of the SF's work at large *was* about getting women into

political and self-sufficient spaces from which they could influence the world (Winchester, *Constructing Normativity: A Historiographical Essay on the Codification and Regulation of Gender and Sexuality in Franco's Spain* 105).

The potential empowerment located in PE under the SF troubled many more conservative institutions. We know that the Catholic Church and the teachings of the church were also centrally located within the SF as well as the Franco regime at large. The concept of physical education for women was offensive for the church and deeply misogynist Catholics within the period. To, in any way, teach about a women's body and potentially her sexuality was often deemed impure and inappropriate, especially within a school. I would also argue that a great deal of the difficulty the SF had in their PE regime had to do with them encroaching upon a male sphere of society—physical fitness and sport. In a separate internal document written by María de Miranda in 1941, de Miranda “reflects the rhetorical acrobatics necessary in order to settle down the contradictions between a totalizing political ideology and a Catholic worldview” (Ofer 994):

In giving us this marvelous body God provided us with an immeasurable gift. Abandoning such a gift, not taking care of it using the best measures offered to us by science, constitutes ingratitude. And while the mission we are called to fulfill is not solely a moral one... we are obliged to comply with our Christian duty...(since) the essence of falangism is: religion and militia, spirituality and discipline (Ofer 994) (Ofer quoting María de Miranda)

The department faced many challenges from the church and the state. While its teachings were not radical and mostly had to do with hygiene and physical fitness the department was at times seen as a threat. For example, when sports education was also worked into the curriculums, female sports in their entirety were banned by law within the years 1940 and 1963 for it was rumored that it would make women more “mannish”.

I argue that what we are also seeing in the rebuttal of women's sports and physical education is anxiety surrounding the potential power that women would have had over their bodies. Patriarchal governmental frames depend on the immobility of women's bodies through space. The threat of violence against women as a normalizing punishment is crucial to patriarchal, misogynist frames of government. So not only does the possibility of women becoming more “mannish” jeopardize constructions of toxic masculinity, it also aligns women upon the “mannish” side of the false, gendered binary of strong/weak. And a free

woman, is a dangerous woman—which is why, during the Franco regime, women were punished through a series of technologies, in order to normalize them.

The state sanctioned terrorism on and against women living under the Franco regime was frequent and diverse in its methods. It stood as a punishment for divergence and also as a deterrent against non-normative behavior. The idea that one was punishable, that one's body could be freely manipulated, just on the basis of one's womanhood was ideologically impresses upon women, with the state agenda to make fear conform and shrink women's bodies in space. Today, against the wishes of the state, women are coming forward and, in collaboration with international resources and legal systems, attempting to reveal some of the larger terrorist actions perpetrated by the state and by misogynist men during the regime. In Sam Jones' article in the Guardian, a significant number of those violence's are revealed and investigated. Jones denotes that the particular crimes and violence's brought to bear by the current movement of women include "sexual assault, murder, forced abortion and the theft of children" (Jones). The particular narratives that people are attempting to bring to light include:

- 1) A case under which over 300,000 women had their infant children stolen by gynecologists who reasoned that those children needed to be raised by good, Francoist citizens and not suspected Republicans. "Among those women targeted were single mothers, those with "degenerate" political views or those from poor backgrounds" (Jones)
- 2) A case under which women, as punishment for deviancy, "had their heads shaved, were forced fed castor oil so they would lose control of their bowels and suffer public humiliation" (Jones)
- 3) The narrative of activist and politician Lidia Falcón in which, "after an Eta bomb exploded in Madrid on 13 September 1974, she was taken to the directorate general of security in the capital and held for nine days. Her hands were bound, and she was hung from a hook on the ceiling and beaten" In her own words, she told Jones in an interview that "I'd had a bit of a liver infection and I was naive enough to tell the doctor there about it," said Falcón. "That's why the first blows were to my liver. Then they started hitting my abdomen and my belly, shouting: 'You're not going to give birth any more, you whore!' That happened day after day and I blacked out a few times." (Jones)
- 4) A case in which sisters Daria and Mercedes Buxadé, 22 and 18 were brutally murdered by Falangists for undisclosed reasons while traveling and working as nurses in Mallorca a month after the civil war began.

- 5) The narratives of Daria and Mercedes Buxadé, then aged 22 and 18, who travelled to Mallorca to work as Red Cross nurses in August 1936, a month after the civil war broke out. “After being examined by a doctor to determine whether they were virgins, the Buxadés were raped repeatedly before being shot. Their bodies were burned, and the remains covered in quicklime and excrement” (Jones).

While these cases may seem like disparate occurrences, at play was a larger system of terrorism against and upon women propagated by the Franco regime. Furthermore, little to no legal parameters were afforded to women that might protect them from violence or give them rights over their bodies. For example, women were not protected under any law against domestic violence as women’s bodies functioned as property for possession. Furthermore, a significant number of women were barred from bringing cases of rape to a criminal court as the illegality of their being raped was contingent upon their virginity and age. Women also had little control over their physical bodies in terms of self-care. The Franco regime made birth control illegal. “The penal code strictly prohibited the use, manufacture, or sale of contraceptives with imprisonment and fines as punishments” and Providing information about contraceptive methods was also forbidden” (Winchester, *Constructing Normativity: A Historiographical Essay on the Codification and Regulation of Gender and Sexuality in Franco's Spain* 110). As such, we can see women’s bodies, under the Franco regime, as being produced through the threat of violence constantly looming before them.

Coercing women into accepting subordination and the threat of violence was part of the ideological project of the Franco regime. A sentiment disseminated through one of their major magazines was that:

The life of every woman, despite what she may pretend, is nothing but a continuous desire to find somebody to whom she can succumb. Voluntary dependency, the offering of every minute, every desire and illusion is the most beautiful thing, because it implies the cleaning away of all the bad germs -- vanity, selfishness, frivolity -- by love (Carbayo-Abengózar quoting *Semanario de la SF* 1944)

Making the female body docile, as it were, was an important project to *La Falange*. In the passage above, we also see the narrative of women’s bodies being hyper-emotional, ruled

by a “continuous desire” and in that way they were closer to nature, forever attempting to become cleaner.

This section has worked to articulate the ways in which women, under the Franco regime, were pulled into a few different directions in how they were to perform womanhood. Womanhood was deeply contingent upon reproduction and subjugation. Reproduction and particularly, reproduction within the heterosexual Spanish home was vital and much of womanhood was shaped around it. Understanding that there was a preoccupation with ensuring the reproduction of the man, we must ask the question: If the women’s role was to reproduce the worker, what *type* of male worker were they to produce?

#### ‘Men’

Masculinity was defined under the Franco regime by the parameters set for it historically. Many historians argue that Francoist manhood grew out of Carlist, Falangist and Catholic masculinity archetypes, all in the service of legitimizing the Franco regime (Vincent). From Catholicism, masculinity took a “crusading spirit of martyrdom”. From Falangism masculinity developed violent performances of masculinity (Winchester, *Constructing Normativity: A Historiographical Essay on the Codification and Regulation of Gender and Sexuality in Franco's Spain* 107). One of the most powerful technologies in interpolating men into this archetype was conscription.

Men had to take part in two-year compulsory active duty under the Franco regime and while that was not the first time that mandatory military service was demanded in Spain, the service did change in its objectives. The conscription process functioned as a gendered educational ideological apparatus more than anything else. While participating in the military or (*la mili*) men were taught to conform to the previously mentioned performances while consuming the narrative that “Bravery in combat, living morally, acting chivalrously, and possessing a heterosexual identity all remained static markers of manhood” (Winchester 74). On the subject, Ian Winchester argues that “The strict boundaries of the military’s gendered code of honor ensured that men could attain

masculinity both as individuals and as members of the collective.” (Winchester, *Constructing Normativity: A Historiographical Essay on the Codification and Regulation of Gender and Sexuality in Franco's Spain* 74)

The language surrounding conscription was consciously staked in the concept that only through conscription, only through active participation in the militia, could boys become men (Winchester, *Constructing Normativity: A Historiographical Essay on the Codification and Regulation of Gender and Sexuality in Franco's Spain* 74) The military had the power to reach into the lives of men not only participating in active duty, but also men soon to participate in it, and those who had in the past. The military published books, magazines, pedagogical materials and advertisements. Accessing the publications is really difficult at this level however through Ian Winchester’s dissertation on Conscription, I have been able to access some of the more salient quotations from the publications. Those that Ian pulls out that I believe would be particularly important for our study here include the following:

- “One could say that one day you guys will be that which is the greatest in this world: A MAN” Sevilla’s R.E.S. publication *Diana*.
- “It is without a doubt that a soldier has to be, before anything else [,] a whole man as popular knowledge accurately proclaims” Military ideology book from 1972.
- “The army does not only make soldiers for war, but also men for peace, men educated in discipline, sacrifice, valor and effort” Private Juan Ojeda Sanz in the *Diana*, 1970.
- “The army taught me to be a man” A corporal writing in *Santa Ana* an R.E.S. publication.
- ‘A recruit’ “can be assured that each day you will be more of a man, you will find your body and soul to be stronger, and you will acquire knowledge that you were far from possessing when you arrived, with consequent advantage for your family, for you, for your society” *Manual de recluta* Germán Rodríguez (Winchester, *Hombres Normativos: The Creation and Inclusion of Martial Masculinity during the Franco Regime in Spain (1939-1975)*)

Winchester also draws on the ways in which “military publications utilized contrasts between men and women to establish gender norms” (Winchester 259). Winchester pulls a comic from 1967 in the R.E.S. publication *Simancas* in which the polarization of women

and men's identities is utilized in order to excite men into willingly entering into active duty:



Image 1.1: (Humor)

In the comic above, the idea is that only through participating in the military will women find you attractive as a man, and as was taught in the cultural narrative, only through engaging in a heterosexual relationship could men become fully men—as such participating in the military was the first step in becoming a “whole man” The state was attempting to ensure that boys *wanted* to enlist (regardless of whether it was compulsory) because otherwise, their masculinity was on the line. Men were supposed to find a completeness in fighting for their country, in participating in the militia and through participating in heterosexual relationships. What we can glean from the quotations and advertisements is that the military functioned as a sort of production system for men.

We can understand the military service as a production system more than a national defense system because, as we look at the “discourse, educational materials, and print publications paid little attention to the nation’s need for a military or the specifically military benefits of mandatory service” (Winchester, *Hombres Normativos: The Creation and Inclusion of Martial Masculinity during the Franco Regime in Spain (1939-1975)* 48) The narratives propagated through the military curriculum had a great deal to do with impressing upon men the importance of rearing a clean family. One of the most important reasons for men to participate in conscription was that it was only through conscription that

men could pass on militaristic values. For example, one military manual from 1960 in specific stated:

Military spirit is not the exclusive heritage of the soldier; every citizen, before coming to [military] service, must love the Army; and when, completing their [active duty], they return to their home and start a family, it will be inculcated in their children, who, educated with that spirit, will make worthy citizens, who will honor their parents, their pueblo, and their patria (Winchester, *Hombres Normativos: The Creation and Inclusion of Martial Masculinity during the Franco Regime in Spain (1939-1975)* 63).

The centrality of being able to run and rear a family was particularly strong within the narrative of military values as well as the larger legal apparatus within Spain. For example, in Juan José Ruiz-Rico's work around Spanish Jurisdiction under the Franco regime, he articulates the many ways that "the legal system codified men as being *macho* such that normative men could be good fathers" emphasizing notions of "protective masculinity" which would, through its aggressive masculinity, be able to protect a family in need (Winchester, *Hombres Normativos: The Creation and Inclusion of Martial Masculinity during the Franco Regime in Spain (1939-1975)* 48) (Winchester, paraphrasing Ruiz-Rico).

Beyond the production of the family we can see that the subject matter taught within the military and propagated through the military's publication spanned from historical knowledge, to economic theory and foreign policy, to colonial history and culture (Winchester, *Hombres Normativos: The Creation and Inclusion of Martial Masculinity during the Franco Regime in Spain (1939-1975)*). One piece of the military curriculum I would like to pull out for brief further examination is the hygiene portion of the curriculum. It was a part of the behavioral pedagogy of the military which espoused the idea that virtues and performance were not enough, and that the way men took care of themselves mattered.

I think that this piece of the curriculum is really important because it is one of the only pieces of the curriculum which overlapped with women's practices. Cleanliness was central to masculinity as well as femininity. We can recall that for women, cleanliness had to do with piety and virtue. For men, cleanliness meant professionalism and legitimacy. Winchester tracks a manual for conscripts in 1944

which stated, “It won’t do you any good if you possess all the virtues [of] a good education if your exterior appearance is unpleasant and repulsive” (53). Winchester writes that mandatory military service taught men that they should shower every day, keep their hands and face clean and make sure to be smoothly shaven for, as the publication *Para el soldado* stated “the Shaved face is a revealing indicator of the cleanliness of the modern and civilized man; you must shave each morning when you wake up” (Winchester, *Hombres Normativos: The Creation and Inclusion of Martial Masculinity during the Franco Regime in Spain (1939-1975)*)

Winchester connects this obsessive preoccupation with cleaning, under both the male and female gender binary interpolation systems, to “the Franco regime’s desire to regenerate the nation in a pathological sense” (Winchester, *Constructing Normativity: A Historiographical Essay on the Codification and Regulation of Gender and Sexuality in Franco’s Spain* 53). Winchester draws upon Historian Michael Richard’s arguments that the Franco regime used “biologically coded ideology” around cleanliness to articulate the thought that Spain, prior to the dictatorship, had been sick and that under Francoism, it needed to be “cleaned and purified”. Winchester writes:

Cleaning and presenting themselves as hygienic, soldiers performed their manliness. Corporeally clean soldiers and men comprised important components in the solidification of the nationalist victory in building a modern nation (Winchester, *Hombres Normativos: The Creation and Inclusion of Martial Masculinity during the Franco Regime in Spain (1939-1975)* 54).

In this way, we can see that securing masculinity, and the gender binary at large, functioned as a tool for legitimizing the Franco regime and its victory. What’s more, after looking at the placement and duties of womanhood, as well as the military, we can begin seeing the ways in which Francoism required multiple technologies in place in order to reproduce masculinity and by extension, as I will shortly argue, the new state. For we must remember then, that the Francoist state was new, it was young, and it was in need of replacing all of the liberal models of government in place during the Second Republic, the gender models were in place in order to reproduce and legitimize the regime. In this way,

Peoples normative gender performance became a way of being a good citizen. Patriotism and gender normativity became co-constructive.

I want to argue here as many scholars have argued, that masculinity and the corporeal male form stood ideologically as the central sign of the state (Carbayo-Abengózar). The ways in which Masculinity was taught had a lot to do with promulgating and legitimizing Francoist epistemology. At the same time, Femininity was mobilized as a way of producing and reproducing the worker and statesman for the regime. Both genders were tasked with the duty of cleansing the state of all abnormalities beyond the Francoist epistemology and political life—cleansing the state of any last remnants of the liberal models of politics. As Gisela Brinker Gabler and Sidonie Smith (1997) state eloquently:

‘In times of national trauma, the nation is a masculine body sapped of its lifeblood, corrupted by contaminating influences, weakened, stripped of its independence and autonomy, emasculated. In such times, threats to healthiness and purity of the body politic are identified with the ‘‘foreign’’ or ‘‘alien’’ within.’ In the most pure, racist and exclusive way, the superiority of Spanish race is based upon the exclusivity of its members (Gisela and Sidonie 15)

Which is to say, hierarchy-based membership was integral to the propagation of the new Spanish state. The ‘alien-within’ paradigm was used to unite the ‘new Spanish race’ of people against a common, deviant, internal enemy. Those identities housed at the bottom of the hierarchy were actively seen as an ‘alien within’ for frequently, marginalized identities were non-normative ones which threatened the purity of the Spanish race under Francoist ideology. The broader conclusion I have come to within this section of the study is that within the construction of the Francoist gender binary, gender (and by extension, sexuality) were mobilized in the service of legitimizing the state and engendering social reproduction of Francoist culture.

In the next section we will look at the ways in which sexuality was militarized specifically in the service of legitimizing the New Spanish State in the eyes of the global community. I make this claim understanding that Spain’s political life in the context of the global community during the Franco Regime was marginalized by other European nations.

Due to its marginalization we see the Franco regime attempt, violently, to centralize its position and facilitate its own upward mobility in the global political schema. I will argue that Francoist logic assumed that Spanish political mobility was contingent upon the immobility of its subjects. Queer movement, which is to say non-normative movement, threatened the normative performances that Franco situated the legitimacy of his State upon. I argue that that is one of the reasons we see the construction of such stringent and (hetero)normative gender binaries.

This is all to say that power, at least in the context of this paper, becomes a matter of mobility. Fascist orientation of power bases itself in the mobility of the state actors and the immobility of citizens (Ahmed). A fascist orientation of power bases itself upon normative and hierarchized binaries: free/unfree, man/women, up/down, heaven/hell, strong/weak, head/heart, society/nature. And what of the subjects who move queerly within the space? Who transgress boundaries and binaries, who build beyond? Beyond performance, what might it mean for subjects who *feel* queerly? And what might a queer survival praxis look like within a regime of obsessive normativity? The next few sections of this paper seeks to investigate the ways Francoist normative gender behavior was queerly disrupted in the service of self-exploration and liberation. In the next section of this paper, we will investigate the ways in which the state attempted to eradicate the potential queer contamination of the Francoist state.

## **Part 2: Queer Codified: Francoist Coercive Heteronormativity**

Beyond the construction of a culturally enforced heterosexual gender binary, the codification of queer lives was facilitated by three major legislative bodies: The Law of Vagrants and Thugs (1933 and 1954), The Law of Social Danger and Rehabilitation (1970), and the Codes of Military Justice (1936). The Law of Vagrants and Thugs of August 4, 1933 originally did not including the illegality of homosexuality, however on July 14, 1954, articles 2 and 6 of the law were modified in order to declare homosexuality an act performed by “dangerous subjects” and an act subject to “security measures” (Pérez-Sánchez, Franco's Spain, *Queer Nation?* 375). Those security measures included:

The homosexuals [sic], ruffians, pimps and professional beggars and those who live by the begging of other, exploit minors or are mentally ill or handicapped, the following measures will be applied so that they fulfill them in succession:

- a) Confinement to a work camp or an agricultural colony. Homosexuals [sic] who are subject to this security measure will be confined to special institutions, at all costs, with absolute separation from the rest
- b) Prohibition from residing in certain designated palaces and obligation to declare their domicile
- c) Submission to the surveillance of delegates (Pérez-Sánchez, Franco's Spain, Queer Nation? 380)

The modification to the original Law of Vagrants and Thugs produced a rhetoric in which a national entity or identity “threats to healthiness and purity of the body politic” and as such, “are identified with the “foreign” or “alien” within”. By virtue of the fact that those identified within the narrative need to be “confined”, “separated” and shuffled into “special institutions” they become a kind of contagious entity in need of quarantine. They become what Pérez-Sánchez calls “a particularly infectious brand of dangerousness” (Pérez-Sánchez, Franco's Spain, Queer Nation? 381). In this way, the Franco regime was actively attempting to produce dangerous bodies against which the normative public could define themselves.

The Law of Social Danger and Rehabilitation of 1970 restructured the law against homosexuality as well as its “economy of punishments” (Foucault). The law was meant to “reinforce” and “actualize” the punishments of against ‘vagrants and thugs’ (Pérez-Sánchez). The Law of Social Danger and Rehabilitation brought into fruition a warped restorative justice system and was brought about through the request of judges under the Franco regime who wanted more stringent laws against homosexuality (Pérez-Sánchez). The logic behind the Law of Social Danger and Rehabilitation was that the state could “reeducate and return man to a fuller social life” (Pérez-Sánchez 381). Pérez-Sánchez points out that this law not only changed the way in which the state worked to negotiate the ‘economy of punishment’ but also necessitated the expansion of state punitive powers and the repressive state apparatus such that it would rear an overt punishment and incarceration apparatus and as such, a ‘rehabilitative’, normalizing apparatus. The institution developed

for the ‘rehabilitation’ of ‘active’ homosexuals was called ‘Huelva’s Center for Homosexuals—it was specifically made to incarcerate males. Another reeducation center was called Badajoz where ‘passive homosexuals’ were incarcerated. Reeducation at Huelva’s was based upon ‘aversion therapy’, under which there were two manifestations:

... emetic and electric. The former forced the patient to regurgitate by injecting him with or forcing him to ingest substances that would induce vomiting (apomorphine or emetine) at the same time that he was exposed to homosexual stimuli, such as porno-graphic magazines (Pérez-Sánchez, *Queer Transitions in Contemporary Spanish Culture: From Franco to LA MOVIDA* 30) (Quoting Arturo Arnalte)

**Comentado [TT1]:** There’s a Title here because it is a different PérezOSánchez source

The work done under these therapy models were posed as rehabilitation and generous of the state. The punishment models were both punitive mechanisms and also a deterrent mechanism to keep people firmly immobilized within a hegemonic gender identity, petrified by the possibility of ‘rehabilitation’.

We can look briefly to the work of Antonio Sabater, a Francoist Judge who wrote “*Gamberros, homosexuales, vagos, y maleantes: estudio jurídico-sociológico*” — a text which worked to codify and villainize homosexuality and which greatly reflects the judicial system’s ideological basis under the Franco regime. In the text, he names homosexuals, primitive, dangerous and deviant. He writes that gay men possess a “feminoid nature” and an overly “strong link with their mother”. He writes that a sign of lesbianism in women is when they are “economically self-sufficient” (Pérez-Sánchez 365). While he writes that he is worried lesbians are insufficiently rehabilitated and overlooked by the law, he believes that lesbianism may arise due to “the manner in which specific women are victimized by being abandoned by men” who are attracted to other men. “As Carmen Alcalde explained to U.S. feminists in the early 1970’s, in Spain”:

[T]here is no criminalization of lesbianism; it’s not contained in an article [or the Penal Code]/ They don’t consider lesbianism, they think it’s nothing, that it’s a game, they don’t take it seriously... They don’t understand, they don’t understand that a woman would like another woman. There is no room for this in their ego, in their narcissism (Pérez-Sánchez 365) (Pérez-Sánchez quoting Carmen Alcalde)

Pérez-Sánchez, in quoting this cite, considers the ways in which, of course, the Law of Social Danger, did assume the illegality of lesbian relations as well as gay relations under the umbrella of homosexual. However, what she is able to glint from the quotation above is that female desire was extremely difficult to conceptualize for homophobes. Above all, she writes “unable to think female sexual pleasure independent of male heterosexual pleasure, lesbianism was erased from the sexual horizon of late Francoism (Pérez-Sánchez 386). This is not to say that men automatically faced greater hardships than women under the ban on homosexuality, but Pérez-Sánchez does seem to argue that men were subject to more overt repressive state apparatuses. Women were held to heterosexual performativity by social laws and the threat of ostracism by peers and the community. As it were, there were also literally more laws in place under which men could be subject to incarceration and punishment for homosexual behavior.

Because all men had to go through at least two years of active duty, men were made subject to an extra set of legal parameters—those set by the military. Once men had participated in the military, the laws which newly applied to them within the military would continue to apply to them beyond their tenure (Winchester 206). Homosexuality within the military was legislatively outlawed through the Codes of Military Justice. In his dissertation ‘*Hombres Normativos*’ on the Conscription of the Franco regime, Ian Winchester explains that there were disentangling articles within the Code of Military justice with differentiated between “minor offenses (Articles 443-446), major (*grave*) offenses (Articles 431-442) and crimes (Articles 258-413)” (Winchester 208). The latter articles, which dictated crimes could carry the punishment of military prison “were organized into several categories: crimes against the security of the *Patria*, crimes against the security of the state and army, crimes against military discipline and crimes against the ends and means of the army”. Homosexuality was a crime against military discipline and a crime against military honor.

Article 352, an article within the spectrum delineating criminal offenses, is important to the study of gender and sexuality norms. This article mandates the punishment of those soldier participating in “dishonest acts with a member of the same sex” (Winchester 211). The law predated the Law of Vagrants and Thugs and had previously

been the only official legislation which mandated punishment for homosexual behavior (Winchester 220). The article wrote that it was a crime against honor and “carried a punishment from six months-and-a-day to six-years-and-a-day in prison and the option, at the discretion of the court, of a discharge from the military” (Winchester 220). But what constituted homosexuality? Did someone have to catch another person in the act of homosexual sex? In fact, as Winchester writes “Simply toughing another man’s body, or having one’s body touched by another man could result in charges of a crime against military honor”. Winchester uses the example of “a twenty-two—year-old artillery gunner second class” in 1953 who touched the body of another corporal “in an impudent manner” (Huelva) and was sentenced to three years in military punishment. “In this illustrative case, military justice codified “impudent” touching between two men as constitutive of a homosexual act” (Winchester 223).

While the length of this section does not allow me to go in to detail the varied punishments possible for homosexual behavior, it is important to understand that punishments for homosexual behavior varied from physical punishments, to public ridicule and surveillance, to incarceration. The punishments were varied and tactical, all meant to intimately scar the individual. The punishments were technologies which worked to produce normative masculinity through coercion and fear. The point was that fear of punishment might petrify individuals such that queer movement was not an acceptable or accessible choice.

Through these demonstrations, we have seen the way in which the Franco regime took on what Pérez-Sánchez called an obsessive “preoccupation with criminalizing homosexuality” (364). Beyond needing to socially immobilize and petrify its constituents and legitimize the new regime within the state, Franco’s regime also needed to legitimize the new government on a global scale. In this case, we can utilize Sarah Ahmed’s theorizations surrounding gendered perceptions of states and nationalism within a Darwinist schema. In Franco’s projects of de-marginalizing its position in Europe, we see projects of making sure that the Spanish state was ‘hard’ and masculine in the context of the affective economy of European politics. The trouble that Spain had in de-marginalizing its position within Europe had a great deal to do with its economy.

While the Francoist regime had succeeded in centralizing state power, within the context of Europe, Spain was not a powerful nation. In fact, it was quite marginal in the political schema. What I have worked to articulate in the paper thus far, is that within a matrix of oppression, within fascism, the binaries created, of powerful/weak, center/margin, are also aligned with a gender binary, male/female. For Franco, being marginalized within Europe meant being feminized—his country laid on the wrong side of the binary. Marginalization happened mostly through the economic struggles within Spain due to the Civil War and Franco's subsequent autarchic economic system. As Pérez-Sánchez brilliantly articulates, Spain first fell behind the rest of Europe economically after the second World War when they were excluded from the European Recovery Program; during this period, Spain's Fascist government was "ostracized by the Western European democracies and remained isolated from the international money market" (Pérez-Sánchez 265). When Franco rose to power, many of the European democracies were reluctant to aid Spain due to the fact that Franco had won the civil war with the support of terrorists such as Adolf Hitler and Benito Mussolini. That economic aggravator combined with the onslaught of World War II making necessary imports inaccessible, all but forced Franco's economic regime into an autarchic system. The economic system of attempted self-sufficiency was unsustainable though and led to what is now known as *los años de hambre* (Pérez-Sánchez). By the 1950's the Spanish Economic Depression was dire enough that Franco "gradually abandoned its autarchic model and its interventionist internal economic policies" (Pérez-Sánchez). The economy began integrating regimes of importation and exportation and also began opening to a tourism economy. The result was almost immediate economic development but also meant that a great deal of Spanish economy was dependent upon foreign capital. (Pérez-Sánchez). Pérez argues that while the economic development could have served as a mechanism for Spain's centralization in Europe, the fact that Spain became economically dependent upon foreign capital meant that it could still have become aligned with a feminized imaginary.

Pérez-Sánchez is able to brilliantly tie the paranoia around feminization of Spain through economic dependency and depression to the anxiety around homosexuality brilliantly when she writes:

I argue that, in the sexist imaginary of Franco's regime, Spain's marginality vis-A-vis Europe must have been perceived as a passive, feminized position—a position far from the self-aggrandizing version of the regime as a hyper-virile, legitimate government. Because the regime was not as normative and central as it wanted to be perceived as, the mere existence of non-heterosexual practices must have threatened Francoist legitimacy to its core (368)

Franco was ostensibly attempting to mobilize the normative sexuality of his 'constituents' to stave off against country wide feminization. If the male corporeal form and its performances functioned as a sign representing the health and virility of the state, homosexual conduct was punished and criminalized ultimately because it 1) threatened the normative (heterosexist/Francoist) reproduction of the state and pure Spanish Family paradigm and 2) threatened to 'feminize' the state and further marginalize it.

The case of Spain under the Franco regime aligns with the theorizations of Foucault and Ahmed greatly. In the past two sections I have worked to show that Francoist Spain dispatched a series of punishments and surveillances in order to normalize state subjects. The projects dispatched were developed to make people *feel* a sort of way about their gender. People were supposed to *feel* that it was their national duty to perform gender correctly. People were supposed to *feel* afraid and under the threat of harm in the case that they did not perform their assigned gender correctly. Thus, an affective economy was produced through the series of punishments. These affective economies effected the ways that people were able to experience the world, their bodies, their lives and their history in deep and longstanding ways. Further, as Foucault theorizes, through punishments and the threat of punishments, bodies did become malleable, transformed into their most productive forms for the Franco regime. Through small and violent punishments, the state was able to wield truly intimate power over people which interrupted and determined the way that people's bodies were able to move through space.

### **Part 3: Silenced Bodies: Spain's Transitional Justice Movement**

What I have spent the bulk of this paper working to assert is that the Franco era manufactured and employed an assortment of forceful and intimate state apparatuses in order to construct and sustain a heteronormative and hierarchized gender binary and I argue that it is folly to believe that the repeal of a law and the purging of all historical memory of

violence could reverse or dismantle the systems of oppression established in the 20<sup>th</sup> century. Rather, I argue that the systemic silencing and forgetting of institutionalized violence perpetuates the systems of oppression established in the infrastructure of the Franco regime.

In their article on “How Francisco Franco Governs, From Beyond the Grave” Jonah Rubin works to articulate an “infrastructural approach to memory politics in contemporary Spain”. This approach is important to the study of memory politics because it can help us imagine in a more visual and palpable manner the ways that political systems can outlive the governmental regimes that created them. Rubin explains that just as “chemical infrastructures resulting from industrial production may lie dormant in the environment for an extended period of latency, only resurfacing to disrupt human activities after the factories that produced them were abandoned” political infrastructures can also resurface into the public arena with great consequence (Rubin 215). Unless the site of those potentially life-threatening infrastructural nodes is properly excavated, they can and will continue to implicate themselves within the lives and livelihoods of those who build their lives atop them.

In the case of Spain, heterosexist systems of behavior, affects, politics and policies were vested deeply within the infrastructure of the country’s political arena as well as the psyches of the constituency. The normative technologies of Francoist Spain were ideologically and physically intrusive and punishing. The body, made docile and malleable through fear and the threat of death, became a palimpsest upon which normative performances of gender were foisted. Subjectivity was produced through obedience, normativity and the acceptance of both physical and epistemological violence. The Spanish government, by manipulating the archives and memories of the violence of the Franco regime, have resigned their constituency to a life of negotiating the intimate violence in silence—thus perpetuating the same system of epistemological violence they claim to dismantle.

Based upon the Spanish political elite’s decision to uphold a ‘pact of silence’ surrounding the atrocities of the regime some of the larger political infrastructure of the Franco regime still stands, uncontended with, and yet to be dismantled—a metaphorical

city of patriarchal infrastructural ruins upon which the current Spanish state is built. The current manifestations of the state's transition to justice, as such, can often inadvertently function as extensions to Francoist patriarchal and oppressive institutions, which is why we still see a larger state justice project predicated upon the manipulation of the way its constituents are able to understand reality, history and the land upon which they live. We can see the perpetuation of those systems of oppression across 4 particular axes:

### 1. **Manipulation of how people understand history**

Memory, as a sight of ideological struggle is not new to Spain (Rubin). Following the Civil War, the Franco regime launched a series of censorship projects attempting to construct the history of the Civil War and the larger imperial history of Spain as a highly religious crusade with little collateral damage. Post-Franco projects to 'forget the past' perpetuated Francoist systemic state memory manipulation projects through many mediums, particularly the dissemination of dictionaries and textbooks. Two more salient demonstrations of this manipulated history include the first addition of the *Diccionario Biográfico Español's* coverage of the Franco dictatorship, as well as the ways in which public primary school textbooks portray the death of an assortment of Spanish artists brutally killed for 'rebellion' against the regime. The Dictionary actively omitted the violence against Spaniards during the regime and "describes [Franco] not as a dictator but as the "head of state" of an "authoritarian but not totalitarian" regime" (Rubin 214). Textbooks, for example, have covered up the death of artist Garcia Lorca's death at the hands of Francoist troops during the Civil War and subsequent burial in one of Spain's mass graves, refusing to explain any part of his death or rebellion against the regime. "This example, among others, reveals the strategy for manipulating memories that continued during the construction of democracy. In this way, the new democracy in Spain was constructed over manipulated and forgotten memories" (René 50) . In many ways, the pact of silence thus constructs the Spanish democracy as an "amnesiac democracy" dependent upon the ignorance of its constituency as to the violence of the past (René 49). We are once again talking about manipulative methods the state is taking up in order to reproduce a new society, a new norm.

The assumption there is that eventually, the generations that have real memory of the broader catastrophes of the Franco regime will die off and what will be left are hegemonic state archives which will be canonized in the minds of the people. For those who continue to hold what can now be understood as “marginalized memories” (Reñé 46), or what Foucault might call “subjugated knowledges” their bodies of evidence are removed or banned from the historical archives—not dissimilar to the ways in which the physical bodies of evidence of the Franco regime’s violence (thousands of bodies (crimes) buried in mass graves) remain uncared for by the state and undisclosed to national archives (Reñé 56).

Manipulating how people understand history is a matter of manipulating the histories that people tell themselves about themselves. It is frankly a quite similar paradigm as one that we saw in during the Franco regime under which people’s memories were manipulated by state narratives deployed in order to reproduce a new Spanish society. This time, the Spanish society is a more democratic and liberal one, but the function of state manipulation still stands. José Colmeiro tells us that collective memory and citizen’s identities are co-constructive, “that identity depends on memory, whether we mean by that a core self that remembers the earlier states or, post structurally, the narratives that construct (and deconstruct) identities by comparing ‘once upon a time’ and ‘here and now’”; Colmeiro tells us that “memory stands as the founding block of collective Identity (23). If one’s history informs their identity, the pact of silence is once again constructing a system under which people, through repetition of a false origin story are cornered into hegemonic identities. There is a new normative history, there is a new normative identity—the body that believes the myth. The body who let the other bodies be buried, didn’t bat an eye at ghost moan or spectral shiver. Once again, the docile body is the body that survives (history).

## **2. Manipulation of the archive of heterosexism**

And what of the bodies (of evidence) that do not survive history, the narratives that do not make it into the archives? For the manipulation of people’s understanding of history means for the manipulation of historical archives and moreover, as it pertains to the politics of gender and sexuality, it means for the manipulation of the archives of heterosexism. In

other words, the egregious historical violence against queer bodies and female bodies continues to go untried, unnamed and unarchived Post-Franco. This manipulation of people's abilities to archive heterosexism is another example of the perpetuation of Francoist oppression tactics. There are, of course, projects throughout Spain to uncover and recover narratives of violence in order to feed the necessary archive of heterosexism. For example, multiple NGO's including Women'sLink, have developed legal petitions to expose the many crimes against humanity directed at women during the Franco regime. On the subject, Women'sLink writes:

Enforced disappearances of Republicans (or individuals perceived to be) was a systematic practice during the Spanish Civil War and under Franco's dictatorship. Women were particularly at risk of such violence, either to stifle their own activism or in retaliation for their relatives' political opinions. Women perceived to violate the traditional female model upheld by Catholic nationalism were also at risk of reprisal usually consisting of sexual violence.

It is overall startling to believe that a government would refuse to contend with or allow formal archives of these violence's, especially a government namely attempting to promote equal rights to all of its citizens under a democratic government. Today, women have looked to the international community for reconciliation of violence against women during the Franco regime. An Argentinian judge, for example, "will examine cases of sexual assault, murder, forced abortion and the theft of children in Franco's Spain after widening her inquiry into the atrocities committed during the civil war and dictatorship to include crimes committed specifically against women" (Jones). The judge brings the crimes under investigation in Argentina because while it is illegal to investigate the crimes in Spain under the principle of universal legal jurisdiction, it is possible to investigate internationally (Jones).

By refusing to allow for the legal reconciliation or archiving of violence against women, the Spanish state reveals a conscious effort to rob people of an archive of heterosexism (a heterosexist act in itself). For "evidence of sexism is eliminated by sexism" (Ahmed, Evidence) . In this context the violence against women's bodies and queer bodies, and the memories and stories they share stand as evidence to the past, and by discrediting

their narratives, the Spanish government discredits people's living bodies of proof. For if we understand that the "evidence of sexism is eliminated by sexism" then we can further theorize that the state is able to "discredit the evidence by discrediting the provider of the evidence" (Ahmed, Evidence). In other words, even if that is not the objective, by relegating narratives of violence against queer and female bodies into the silence the state discredits and silences bodies of proof. The elimination of archives of heterosexism is another case of the ways in which the Spanish state continues the Francoist project of manipulating memories of the past to serve the larger project of state legitimization. Furthermore, it once again functions as a project of silencing and illuminating the voices of those bodies dis-eased by the Spanish state.

The ability to reference an archive of heterosexism is not only important for the purpose of legitimizing the archiver's narratives. Documents are useful as far as they can be read as anti-hegemonic narratives which allow the reader to re-calculate their understanding of history and as such, their understanding of the present. The archives of heterosexism can function as a point of mobilization for in the documentation of heterosexism collectives are able to "refuse to agree to...stay silent", they are able to "Rebel" and "transform silence into language and action", into change. In Spain, I argue that developing an archive of heterosexism can become a matter of "providing a space in which living and dead Spaniards may collaborate, through the construction of archives that challenge the authority of state institutions, or in the changes they enact on the built environment, Spanish memory work seeks to establish a new grounding for democratic belonging" (Rubin 223). It is a matter of understanding that in the hegemonic rendering of memory in Spain "some bodies as well as words, concepts or approaches become weeded out, at the same times that others are encouraged and given "places to go" (Ahmed, Evidence). As Ahmed argues, evidence is "what you accumulate when you are not given places to go" and it is integral to the survival of anti-hegemonic narratives to have somewhere to go, to be (re)membered. But the Spanish state has robbed people of the opportunity to archive the history of heterosexism and as Ahmed says "the removal of evidence is sometimes evidence of something" (Ahmed, Evidence). In other words, the very fact that the evidence is being

‘weeded out’ in the first place, I argue, is evidence of a larger systemic heterosexist issue within the Spanish Transitional Justice movement.

### 3. Subjectivity produced through silence

The pact of forgetting was posed as a benevolent systemic erasing of the past—to usher in a smoother, more comfortable democracy. In fact, Spain is often lauded for its transition being nonviolent and ultimately one of the smoothest in global history. But the comfort of some often requires the concealment of great labor by others. By which I mean, the silence required in order to usher this ‘comfortable’ transition was a labor of concealment. As I have previously argued, silence about the past became a normative identity performance due to the pact of silence. I argue that ‘the pact’ demands of those with strong memories, or those with the desire to access memories of the past, a great labor of concealment of their needs and their truths. As such, comfort and smoothness of the transition begins to “operate as a form of ‘feeling fetishism’” in which “some bodies can ‘have comfort’, only as an effect of the work of others, where the work itself is concealed from view” (Ahmed, *The Cultural Politics of Emotion* 149). This is not a new paradigm--concealed labor is most theorized within the context of women’s normative labor in society as well as the labor of queer bodies in the context of conforming to violently heteronormative cultures.

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In this way, those bodies which remain pressed and endangered by larger surviving systems of heterosexism are doubly silenced by this pact of silence (Reñé). In her dissertation on *Choreographies of silence and modern dance in Post-Francoist Spain*, Aymamí Reñé argues that “the collective amnesia as a way to keep certain bodies silent” (69). In this way, the only way to be a ‘good’ citizen is to become complicit in the silences, national subjectivity is produced through silence and the larger project of concealment. Perhaps that is why the mass graves of Spain are avoided by the State. Because unconcealed, bones battered by time and violence released and teeming with the signs of the past threaten the subjectivity of Spanish citizens. Lest they become aware of the haunting of the larger heterosexist infrastructure of the past.

### 4. Heterosexist Legal apparatuses

The major repercussion of the perpetuation of 20<sup>th</sup> century heterosexist infrastructures and political themes that I concern myself with are the larger heterosexist legal apparatuses which persist within Spain due to the lack of reconciliation. It is important also to note that while developing repeals and addendums to the Francoist legal apparatus, “the dominance of male bodies making political decisions...in particular the absence of female bodies in the negotiation of the new democracy is striking” (Reñé 68). The gender inequality in the room where major decisions were happening for the Spanish state is one of the many catalysts for misogynist legal apparatuses that persist in Spain today.

In her book “Los Nuevos Machismos” political writer and activist Lidia Falcón laments that “There is a majority belief that structural reforms during the transition to democracy resulted in the disappearance of all of the gender inequalities that had shaped feminist demands during the last two centuries” but in fact there are a plethora of “laws and structural practices that still perpetuate forms of inequality and have left women defenseless in the face of economic, political and labor differences” (Reñé 184). A prime example of the perpetuation of legal inequality is the infamous ‘Wolf Pack’ case of 2018 in Spain. The ‘wolf pack’ case refers to the incidents of a brutal rape, recorded and posted onto a group of men’s Whatsapp group chat named *manada*, wolf pack. In the video, the 5 men in the group chat repeatedly penetrate a woman lying on the ground of a lobby building. Previous to the rape, in the group chat, the men planned and conspired to purchase drugs to debilitate women for the expressed purpose of raping them. While the men in the group chat were sentenced to 9 years in prison, it was for sexual assault and not rape. Furthermore, after only a few years of sentence, they are expressed up for bail (Rosell). It is important to note that:

The verdict, handed down by the three judges (by a majority vote), stated that rape had not taken place—only sexual abuse, a lesser offense. It said that the young women had adopted “an attitude of submission and subjugation”. In Spain, only sex that involves violence or intimidation can constitute rape. One judge even claimed that what had taken place was entirely consensual sex. He added that these events had occurred in a “general atmosphere of fun and revelry” (Rosell) .

The decision by the legal system inspired widespread protest. Marching through the streets, petition-making and strikes ensued. This tragic and enraging node in the larger story of injustice in the legal system is, of course, other narrative for the archive of heterosexism but more importantly evidence of a misogynist legal apparatus that continued to persist beyond the Franco regime.

Later that year, *El Pais* came out with an article stating, “Spanish Justice System Admits it is Failing Victims of Gender Violence”. The article followed a week in September in which in just 7 days 5 women were brutally killed due to domestic violence. The highlighted narrative of the article featured a woman who had come to the police multiple times reporting that her husband was intending to kill her. Her pleas did not prompted response from the police force or the justice system until it was too late (Urra). Octavia Salazar, a Spanish legal expert, explains in the article that the larger problem we are seeing in this cases is that there is a “lack of credibility granted to women, which is part of a sexist legal culture that is still very much present among judges” (Urra).

The argument I am making here, in connection to the transitional justice movement is not to say that there is still misogyny and homophobia in Spain because of the justice movement or pact of silence, but rather that the transitional justice movement may be aiding a larger system of oppression which propagates misogyny and homophobia. Once again, we are seeing the longevity of a behavioral system of toxic masculinity contingent upon the immobility (sometimes literally) of women’s bodies through space. We are also seeing a legal system which will not properly support women’s mobility. I think that the transitional justice movement could have done more and should do more to plausibly disrupt and intervene in some of those systems which threaten the lives and livelihoods of some of its most vulnerable citizens. I argue that if there was a better reparational legal corpus around sexual assault under the Franco regime or if the legal apparatus of the state had worked in any capacity to investigate the history of state sanctioned violence against women, there would perhaps be a more mature Spanish justice system capable of protecting women and queer people’s bodies and rights.

## Conclusion: Resistance (Re)membered

What I have been most concerned within this study has been the silencing of marginalized groups in Spain, during the transition to justice, through a series of life-threatening technologies both in the past and the present. That is why I continuously chose to use the phrase ‘pact of silence’ in lieu of ‘pact of forgetting’ which is often interchangeably used to describe the evasive tactics of the transitional justice movement in Spain. I have been concerned with the dangers of silence about the past, and the dangers of silencing people with everything to say and so much to remember. The refrain that kept repeating in my head as I wrote this was Audre Lorde’s phrase: “your silence will not protect you” (Lorde). She writes this specifically in the context of articulating the objective necessity of “transforming silence into language and action” in the quest of staying human in a world ruled by what bell hooks calls the “Imperialist white supremacist capitalist CisHeteropatriarchy”. In concluding the paper, I would like to meditate on the importance of language and the “transformation of silence into language and action” necessary in making Spain’s transition fair and true. What is perpetuating so many of the systems of oppression that I problematize here has been the lack of language made manifest in the political arena surrounding the past.

I do not think I fully understood that critical language was the center of the problem I was concerning myself until a recently conducted interview with Dr. Fernando Bayón of University of Deusto. In the interview, we talked about what must come next in the project of (re)membering the past and producing art that might alleviate the potential crisis of culture propagated by forgetting the past. In the context of the ‘pact of silence’ which I have problematized in this paper, he pushed back against that axiom and suggested that a more fruitful framework to understand the transition with would be the ‘pact of forgetting’ or *el pacto del olvidado*. He argued that while there were certainty politicians and political elite parties which worked to silence narratives of the Civil War and of the Francoist regime, what is more problematic during this time is the forgetting that is happening in the lives of everyday people. To call it a pact of silence that *everyone* in Spain is observing, he said, makes it seem like there is a government conspiracy at play. In reality, he said, we see everyday people participating in an active practice of forgetting the past. This forgetting is

of people's own volition, it is born out of the refusal to speak with their parents, their grandparents about the past and vice versa-- elders not wanting to burden the youth with the problems of the past. The forgetfulness puts at jeopardy the progress of the future.

What I drew from the discussion is that when we consider the transition towards justice as constituted by a 'pact of silence', and therefore a larger conspiracy of the government or of the elite, it detracts from the agency that everyday people have in (re)membering the past; it detracts from the complicity that everyone has in the silence, it detracts from the responsibility that people have in the liberation of marginalized communities in Spain. In this way, we have to consider a paradigm in which, if one is not actively working to (re)member the past, they are actively forgetting.

The very fact that neither I nor any of the many scholars that I have studied this month did not, on record, think critically about the difference between what it means to say 'pact of silence' and 'pact of forgetting' reveals the importance of thinking critically about the language and dialect of the revolution necessary for memory justice in Spain. When Bayón made the argument that it was necessary to investigate the difference in the language employed, it changed my whole perception on the politics of silence and forgetting in the Spanish context. Bayón argued that we need to think carefully about the language we use to problematize the transition and he expressed that we need a "new language" around the subject of memory and history which can allow us to more aptly discuss, uncover and (re)member the politics of the past and the ways that it informs the present.

I think that there is truly radical potential in the work that artists do in producing and disseminating new language and lenses through which people can think and feel. When I asked Bayón about the potential of art, he lamented the ways that Spain has yet to be able to fully grasp a critical and reflective popular art form as many other countries have. He expressed that many countries such as France, Germany and the United States have been able to make reflexive movies and literature which question and investigate the past, honestly and sometimes brutally. For example, he brought up the way that the United States is able to develop widely consumed movies and literature about its own Civil War and the wrongs of its country's past. He did not know whether Spain had reached the ability to make that type of art for mass appeal or mass media.

I think then that what we are seeing today is a call to artists who can re-imagine and create new languages to understand the past and present through. By artists, I mean writers, and dancers and scholars, and thinkers, musicians, poets, political scientists—anyone who concerns themselves with developing honest (non-manipulative) language through which people are able to understand the world. Dr. Bayón urged that we understand memory as a social construct, as a cultural production and so I argue that Spain is in a position in which they need artists ready to produce and construct that language which makes accessible the memories of the past. Silence has protected no one and has in fact jeopardized the lives of thousands and produced Spain a haunted nation; artists have the potential to name, explore and reveal which may need to be realized, reconciled with and let go—it is the potential to “transform silence into language and action” (Lorde) that may just be Spain’s salvation.

### **Recommendations for Further Study**

Further research that could be conducted on the politics of the archive of heterosexism includes the study of the work of artists during and after the Franco regime negotiating the imposed silences of the state as it pertains to the politics of gender and sexuality. In my research, I came upon many examples which I wanted desperately to bring to light within this paper. Those works include: the Anthology *¿Entiendes?: Queer Readings, Hispanic Writings, Queer Transitions in Contemporary Spanish Culture* by Gema Pérez-Sánchez, *La Nave de los locos* by Cristina Peri Rossi and some of the modern dance sequences pulled from Reñe's dissertation on the Choreography of Silence.

### **Limits of Study**

This study was limited to secondary sources based upon the inaccessibility of a lot of archives surrounding the lives of women and queer folks in the 20<sup>th</sup> century Spain. Archives of magazines, newspapers, advertisements, even some laws were really difficult to find or physically inaccessible and that certainly barred me from in depth research on primary sources which could have bolstered the evidence brought to bear in this research paper . Furthermore, given more time, I would have been able to include a section written for the paper and cut for time which explored the legal apparatuses employed in the transition to justice which worked to repeal and nullify the gendered systems of oppression of the Franco regime.

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