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Forensic Turning Points: Exhumations, Dignity, and Iconoclasm*

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ABSTRACT

Between 100,000 and 130,000 people were murdered during the war and dictatorship in Spain from 1936 onward. Thousands of bodies were buried in mass graves which were then monumentalized decades later. Since the year 2000, the commemorative practices surrounding the victims of the war and dictatorship changed radically: hundreds of exhumations took place and the rhetoric on human rights and dignity was generalized in the discourses. This phenomenon is associated with the idea of the “forensic turn”. However, the situation presents a double crisis: that of the popular forms of memorial based on honour and the monument, threatened by the scientific paradigm, and the lack of social recognition of the victims, of which the exhumations are not part of a judicial process, and how the ratios of identifications are low in the current model. Therefore, by means of an interdisciplinary approach to the context, this article contributes to the debate on the current crisis of the memory policies in the Kingdom of Spain demonstrating the limits of the “forensic turn” and the exhumation-based model promoted by the government of Spain.

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Keywords: Francoism; human rights; monuments; necropolitics; science.

1. INTRODUCTION

In April 1931, the Spanish Republic was established for the second time in history. This signified a break with the tradition of Spanish politics, which had always yielded to monarchical and clerical powers (Álvarez 2012). Nevertheless, a military coup took place in 1936, firstly, taking the country into a war and afterwards a state of systematic repression by the new Spanish State headed by Francisco Franco. The victims are estimated to be between 100,000 and 130,000, and as a testimony of this repression, there were hundreds of mass graves around the country (Juliá 2006; Preston 2008; Espinosa 2010).

Those mass graves have been the object of memorial practices since the post war period. Widows and relatives continue to bring flowers and organize remembrance services, both in secret and in public (Palacios 2021). And from the transition after Franco's death in 1975, hundreds of mass graves were monumentalized, or the bodies were exhumed and buried in collective vaults (de Kerangat 2020). A rhetoric on honour was linked with the monuments built by the local communities, and some were remembered as "martyrs of freedom" (Rodrigo and Ledesma 2006). Nevertheless, despite people's obstinacy on resisting and keeping their memories, the Spanish governments adhered to a "pact of silence", not developing any kind of memorial policy on the war and dictatorship, looking for a political consensus that allowed the left-wing PSOE (Spanish Socialist Workers' Party) and the right-wing PP (Popular Party) to rule the country whilst hiding the crimes of the dictatorship (Jimeno 2018).

The situation changed radically in 2000, when the exhumation took place of thirteen people murdered by Falangists in 1936 in Priaranza del Bierzo, with the participation of forensic doctors and archaeologists (Etxeberria *et al.* 2002). This event was "shaking the foundations of society" (Yusta 2014), bringing back the "ghosts of the civil war" (Ferrándiz 2006), or making the past "resurface" through those graves according to different authors (Aguilar and Payne 2018). Priaranza transformed this into a "myth", and since then, hundreds of exhumations have been executed throughout the country. This marked the arrival of the internationally popularized "forensic turn", as a globally unfolding turn towards forensic science as a means of unearthing, addressing,

collecting, preserving and presenting “war crimes”, and “human rights violations” (Dziuban 2017). The deployment of forensic science, exhumation and reburial in the aftermath of atrocities and mass death that gave rise to proclamations about the emergence of the ‘forensic turn’ become ‘normalized’, according to the theories of Élisabeth Anstett and Jean Marc-Dreyfus (2015). A “turn” whose aesthetics also become popular in the Kingdom of Spain (Ferrándiz 2015). A context where exhumations and forensic science are the main way of relating with the legacies of the war and dictatorship led by Francisco Franco (Ferrándiz 2014).

This article reveals how the advent of this exhumation-based model is not without its problems: the biomedical process has been linked to the idea of “dignity” and this has been confused with that of “dignified burial”. Individualism has thrown the traditional rhetoric of honour into obsolescence, and monuments that were part of the memory of war and dictatorship are being destroyed to exhume the bodies buried beneath them. However, the situation presents a double crisis: that of the popular forms of memorial based on honour and the traditional monument, not by counter-monuments and para-monuments (Stevens *et al.* 2012), but threatened by the scientific paradigm, and at the same time the forms of memorial linked to the “forensic turn”, as they are linked to a process full of social, legal, and even scientific dissatisfactions. Therefore, the objective of the present text is to uncover the current crisis of the memory policies in the Kingdom of Spain, with a critical understanding of the different implications of the “forensic turn” beyond acritical scientific positivism.

2. “DIGNITY” AND “DIGNIFIED BURIAL”

The year 2000 started with a PP government presided over by José M^a Aznar. This is the moment when the PSOE tried to reclaim its image as a “left-wing party”, after widespread criticism of its long stay in power. The opposition in Congress started mentioning war crimes and Franco in plenums, trying to make visible links between the dictatorship and the leaders of the government (Aguilar 2006). It is in this context that the opposition put forward a Non-Legally Binding Position Statement declaring and urging the public authorities to make “moral reparation” to the victims of the war who were murdered and to recog-

nize the right of relatives and heirs to recover their remains, name and “dignity”. The proposal has certain relevance, as it officialises the use of the concept of “victim”. In addition, priority is given to the recovery of “remains” as well as to the recovery of “dignity”. This vocabulary, eminently connected to the mass graves, shows a political drift of redefinition and reaffirmation as “left”. José Luis Rodríguez Zapatero, the leader of the PSOE at the time and the future Prime Minister (2004-2011), imposed in his party the “Nueva Vía” (New Way). This was a simple adaptation of Anthony Giddens’ “Third Way” (2013).

In parallel, the concept of “dignity”, present in the 2002 Non-Legally Binding Position Statement was not new although officialised at the time. Its use had already become widespread two years earlier. It formed a fundamental part of the communicational narrative that came hand in hand with the first exhumation at Priaranza del Bierzo in the year 2000 and the aims of ARMH (Association for the Recuperation of Historical Memory). Additionally, in the newspaper archives we find an abundance of the term, continuing to the present day, when the PSOE once again began a media campaign to make its work in “Historical Memory” visible under the slogan “For Dignity and Memory”. It is in this context that today most associations of remembrance or descendants of the murdered consider themselves to be “victims of Francoism”. This is how they are viewed by the media and by the 2007 Law itself, even without official responsibilities. Despite the benefits of the mediatisation of an issue that has been absent from political debate for decades, its reintroduction under the concept of “dignity” and “victims” is particularly debatable. In a certain sense, being given the identity of a “victim” trapped those involved in the memory practices in previous decades, excluding them again from any claims to social recognition. The hierarchical social recognition based on honour has been progressively abandoned in favour of “dignity”, presumably universal and based on “human rights” imposing a liberal model, that should not be overlooked.

The concept of universal “dignity” that underlies the claims for recognition was described by Francis Fukuyama in the context of current political demands. In his latest work on the notion of “identity”, Francis Fukuyama argues that conflicts nowadays are driven by what he calls the “politics of resentment”. This particularly applies to cases in which he argues that political leadership mobilizes its followers to confront the loss of the group’s “dignity” in cultural terms, making it a much more emotional than economic issue (Fukuyama 2018). Going back to the year 2000 in Priaranza del Bierzo, passing the Law of Memory of 2007

was allegedly intended to “restore dignity to the victims of Francoism”, but its character can perhaps be better understood as part of a “politics of resentment”.

Paradoxically, despite the significance of the murdered as subjects without “dignity”, which must be re-established for their re-entry into liberal democratic society, they have not actually made this re-entry. In this sense, it was implemented of a memory policy, not only based on classical liberal discourses of “dignity”, but also on a model of minimal State intervention for its enactment based on private initiative. Thus, in addition to the lack of recognition, this is one of the main problems for one of the largest memory associations in the country: the Federación de Foros por la Memoria (Federation of Memory Forums). Its President, Arturo Peinado, stated:

When you look for victims, you end up asking about perpetrators. The Law of Memory explicitly denies the right to justice of the victims and their families and decides to privatize and subcontract the management of exhumations, subsidizing families, organizations, and professionals. Nowadays, the victims of Franco’s regime continue to be treated as an exception by the State, which does not recognize their existence and keeps them in a legal limbo where the usual judicial processes are not applied. Thousands of people extrajudicially executed and made to disappear by force are treated as archaeological remains instead of victims of serious human rights violations. (Peinado 2021)¹

The unease expressed in Arturo’s words is understandable in the face of a process of exhumations, initiated in 2000, which, under the pretext of “dignity”, has led to the exhumation of mass graves, which represent for many evidence of crimes against humanity, without criminal investigation. His unease is therefore not only that these people do not have “dignity” as citizens of a liberal democracy in the terms defined by Fukuyama, but also that the possibility of attributing it to them has been privatized.

But this is a private model with minimal governmental involvement, which also confuses the concept of “dignity” under the liberal canon with that of “dignified burial” under the Christian canon linked to funerary practices. In this sense, the Code of Canon Law, the fundamental body of ecclesiastical laws for the Catholic Church, is the one that regulates and recognizes that deceased members of the Christian

¹ References and interviews in Spanish have been translated into English by the author.

faithful must be given funerals, acknowledging this as a right for them and emphasizing the importance of the burial of the corpse (Rodríguez 2018). As an illustration, in 2008, only one year after the approval of the Law of Historical Memory, a debate on public television was held on these topics. The debate included as participants Manuel Fraga, one of Franco's old ministers and founder of the PP; Santiago Carrillo, Secretary General of the Communist Party of Spain during the transition; and Juan Carlos Rodríguez Ibarra, President of Extremadura for more than twenty years for the PSOE. At a time when more mass graves were being opened and more monument practices were being enacted throughout the country, Fraga once again argued that the past should be left behind, but not before accusing the Republican government of crimes. The former minister of the dictatorship's reluctance to review the state repression was unsurprising, given that he himself ratified death sentences as part of Councils of Ministers. What was revealing were the positions of Carrillo and Ibarra, when the former claimed that the actions being taken today were intended to match those taken after the dictatorship when those murdered by alleged Republican violence were given a "Christian burial", considering "victims" to "perpetrators" as the dictatorship did when it created the figure of the "Fallen for God and for Spain" attributed to coup plotters and combatants in the insurgent army (Saqqa 2021).

"A 'dignified' burial does not necessarily recover the dignity of the victims, nor does it bring them justice", Arturo Peinado points out speaking on behalf of the Foro por la Memoria (Peinado 2021). His position argues that the murdered can be recognised by the State, can be given burial, can be attributed the status of "victim" in accordance with the law, but that this "dignity" limited to the possibility of exhuming the bodies, locating them, identifying them and naming them has little to do with that of social recognition through the political agency of these people. This is something that coincides with the explanations that Xulio García Bilbao, also a member of the Foro por la Memoria, gave me in an interview at Guadalajara. In the mass grave in the Catholic cemetery, more than 370 people were buried in a large grave, which has now disappeared, according to data from the Foro por la Memoria. The real reasons why some of them ended up in one place or another in the cemetery are unknown. Some testimonies gathered by the Foro por la Memoria indicate that those who decided to confess before being killed were thrown into the mass grave in the civil courtyard and those who refused to do so were thrown into the civil cemetery. But Xulio showed

me many other graves where the murdered had been buried: either in family vaults or in individual graves. This was a situation of which I was unaware, and Xulio explained to me in a way that contributed fundamentally to the formulation of this analysis around “dignity”. At the time of the murders, some relatives were able to pay to take the bodies to their family vaults or to bury them individually. An unofficial practice that was widespread in those years. So Xulio asked me and provoked me: “Is dignity something you get from where you are buried in the cemetery?”².

The story of Federico García Lorca always came up when discussing burial locations. While it is undeniable that he was murdered after the *coup d'état* in 1936 because of his sexual orientation, his political militancy, and his links to Freemasonry (Molina 2011), the place where his body was buried has always been the subject of debates. Although the most publicised place for his burial is the one indicated by Ian Gibson, the Fuente Grande in Alfacar (1987), excavations in 2009 did not uncover his remains. Again, there were attempts in 2014, despite the family's refusal. Perhaps the grave will never be found, or it is possible that the family, like many others, informally paid the killers to take the body. Less famous is the story of Jorge Sepúlveda, *bolero* and *paso doble* singer, who previously served in the Popular Army of the Republic during the war. He was condemned and shot in the cemetery of Palma de Mallorca. However, the gunshot failed in killing him, and when the assassins did not bury the bodies immediately, he managed to escape. That's why he asked to be buried in the mass grave where his comrades were buried before he died in 1983. Also, today, the mass grave of La Barranca, already mentioned as one of the largest monumentalized mass graves in the country, is the place where dozens of people have decided to deposit the ashes of their deceased loved ones (Aguirre 2010). In fact, returning to Guadalajara, in the opinion of the Foro por la Memoria, they consider it important to give “dignified burial” to the murdered. However, they consider that the “main indignity” committed is that their sentences are still upheld by law, and the courts that issued them are still considered to be legal. And this aspect seems to have been forgotten. In the Guadalajara cemetery, more than a hundred murdered people were buried in individual graves, because their families could afford to pay the bribery for an individual or family burial. Consequently, the indignity of their conviction is still valid, in the opinion of the Foro por la Memoria.

² Interview with Xulio García Bilbao in Guadalajara, January 11, 2019.

There is a contradiction, therefore, between the dominant discourse and the reality of the mass graves. It would be difficult to say that Lorca has no “dignity” if we cannot exhume his body from a mass grave and give him a “dignified” burial, and it is incoherent to think that Jorge Sepúlveda or the relatives and friends of La Barranca are opting for an “undignified” place for the final resting place of their bodies. The fact is that exhumation practices have become inextricably linked to the concept of “dignity”, which is linked to “victim” and this in turn is linked to “human rights”, and everything has been confused under the idea of a “dignified burial” as defined by “Canon Law”. Thus, where “dignity” is read in the context of “human rights”, it is translated into “dignified burial” according to “Canon Law”. But in addition, the essential point is that instead of a criminal investigation or a policy of public memory, the State decided to support the private recovery of bodies through forensic or archaeological methodologies with the objective of just reintering them. Thus, the only possibility of obtaining “dignity” appears to be by searching for and finding the bodies of the murdered, always blindly trusting that science will provide the answers that the State has failed to provide in eighty years.

3. THE INDIVIDUALISM OF THE “FORENSIC TURN”

When there are 10 people in a ditch. You know who they are. They belong to the community. That way when you go to them, in solidarity, everybody belongs to everybody. That happened in places like the Rincón area. When there are people from Navarre and La Rioja, they split the bodies up. Each community takes 12. You could only tell the difference when there is a woman or a boy or a lame man or someone carrying medicines... but they wouldn't take them separately either.³

Emilio Barco explained to me the particularities of the exhumation in which he took part in Alcanadre in the 1970s. The bodies were exhumed without asking for permission. There was no possibility of forensic or genetic identification and there was no attempt at scientific rigour. Emilio told me “I don't think people cared about that in the slightest. They didn't care if the bones belonged to my grandfather or not. They were all of them. It was something else”. These were also

³ Interview with Emilio Barco Rojo in Alcanadre, January 22, 2019.

Zoe de Kerangat's conclusions when she analysed the photographs in which the relatives after the exhumation arranged the bones collectively in coffins before taking them to the vault in the cemetery: "This reconstructed hydra-like body was a composite of the bones of several people put together in the same coffin, indicating in this way that it was the group of murdered people that was important, and so they were kept together" (de Kerangat 2019, 105). However, Emilio's statement that "it was something else" is because today we see the exhumations and monument practices of those years through a different lens, which ties in with David Le Breton's idea of the body, where modernity has heralded a retreat from popular traditions and in turn has led to the arrival of Western individualism, marking borders between individuals and leading to a withdrawal of the subject into himself (Le Breton 2013). That's why since 2000 I have started to see an increase in introspection.

Individualism is understood as part of the construction of neoliberal society and that has to do with José Luis Rodríguez Zapatero's "New Way" and the impact of these theories on society. This is understandable because Anthony Giddens is not only a sociologist but also a member of the Labour Party in the United Kingdom, and the main advocate of this political proposal. A sociologist who, together with Ulrich Beck and Zygmunt Bauman (2018), has been at the forefront of the theories of individualism (Cortois 2017). Giddens proposes the transformation of the self into a project of dismemberment of social ties in the process of globalisation which he calls "identity in high modernity" (Giddens 1991). But it is perhaps Ulrich Beck and Elisabeth Beck-Gernsheim's notion of an individualism based on a second reflexive modernity that may be more suggestive for thinking about the paradigm shift (Beck and Beck-Gernsheim 2001).

The mythical story of Priaranza begins with a grandson in search of his grandfather, murdered and buried in a mass grave in a place in El Bierzo. This fact leads us to recognise in the figure of the many other grandchildren who would begin to investigate and campaign exhumations, that they have made an introspection into their own self, into their family memory, and now decide from that self to begin a search for "their relative". Thus, they are appropriating their body and their legacy under the current canon, protected by the Law, as illustrated by the appeals to the UN by the ARMH or the so-called "Querrela Argentina" (Montoto 2017). And this is a fundamental point for which it is urgent to return to Fukuyama in order to understand the ideological dimension of the process: "The broadening and universalization of dignity turns

the private quest for self into a political project” (Fukuyama 2018, 37). This political project is synthesised around the 2007 Law of Memory, in which the relatives are the only ones in charge of searching and exhuming through private means. Therefore, this is both a consequence of an individualistic society and the product of a legal framework that is also supported by the media.

It is worth re-emphasizing that the “forensic turn” is associated with the arrival of forensic experts, physical anthropologists, and archaeologists at the scenes of mass violence to search for bodies, and that it is not confined to the local context but has an international dimension. This process, according to some of the forensic scientists, physical anthropologists, and archaeologists with whom I have had the pleasure of talking in various situations, has generated the aforementioned “CSI effect”. This could be witnessed in the film *El Silencio de Otros* (*The Silence of Others*, 2018). In a story based on reinforcing the concept of “victim”, it focuses on the exhumation of a mass grave in the Guadalajara cemetery, where they searched for the body of Timoteo Mendieta under a court order for the “transfer of remains” at the request of one of his relatives. The documentary shows a scene in which the grave is opened and in a close up shot we see the bones. A technician tells Timoteo Mendieta’s daughter “this is your father”. Science triumphs and the forensic expert outdoes himself, identifying the body by eye, without even any need for scientific protocol. Almost a million viewers watched this documentary broadcast on television in 2019. In my experience, when I spoke with friends and relatives who had seen the documentary on television in those days, they were moved and especially shocked by that scene. A scene that was, however, a fake as it was shown by the filmmakers. The bones shown in that shot and indicated by the ARMH technician were not only those of Timoteo Mendieta, but he was not even in that grave. The effect that this type of media product has on the population in general and on those who have a murdered relative, however, is that of trusting in a scientific methodology that, like the TV shows, can bring back the body of their loved one.

Therefore, people have high expectations of the forensic procedures as a consequence of the success of such methods in TV series in solving crimes: the “CSI effect” (Schweitzer and Saks 2007). In the absence of any other kind of recognition, all hope is pinned on a process that could offer reliable, and accurate data, brought to light after decades of disorientation and invisibility (Baeta *et al.* 2015). It is understandable that a need arises, faced with the possibility of recovering the body of

a murdered person from a mass grave, to identify the body as an individual. This was a need awakened by the advent of forensic protocols, the approval of the Law of Memory and the rise of a generalized individualism. Evidently this would have led to the fact that, unlike the exhumations of the 1970s and 1980s, instead of building a collective vault for all the exhumed bodies, the aspiration is to take the body to the family vault. As David Le Breton argues, little by little the traditional knowledge of the community about the body has been displaced by that of the “experts” in the biomedical field (Le Breton 2013).

Perhaps in this resistance against collective monuments we can see one of the last onslaughts of the spirit of the Enlightenment. It brought new needs to society, based on the possibility of accessing one’s own happiness. Heroes, battles, and cosmologies that gave a non-rational meaning to our lives and symbolic practices are left behind (Cosser 1975). From this perspective, it makes sense that the idea of producing heroic monuments is not generally included in political agendas, as it is seen as old-fashioned. Instead, the focus has shifted to restoring “dignity”, which is much more relevant in a liberal democracy. However, “dignity” has been consistently linked to the forensic process which enables a “dignified” burial. This would be the end of the story if we were able to trust the media’s account of the success of forensics and the narrative that exhumations genuinely restore “dignity”. The fact is that this is not the case. The situation is more complex in the field.

4. THE DESTRUCTION BEHIND “DIGNITY”

The exhumations of 2016 and 2017 in Guadalajara, popularised through the above-mentioned film, showed the complexity of the situation they generated. Several DNA samples were taken, one of them that of Ascensión Mendieta, daughter of the trade unionist murdered and buried in one of the mass graves in the old civil cemetery of Guadalajara. Marina Montoto (2019) points out the expectation generated around an exhumation that was ordered by an Argentinean judge. However, the media always ignored that those bodies were found in an environment where monuments had already been constructed and where remembrance services beyond family mourning were regularly carried out. They also concealed the fact that there was no consensus when it came to exhumation.

In 2019, I had the opportunity to meet María Ascensión Florián Reyes. Her grandfather had also been murdered and buried in the mass graves. Her father never told her anything about the repression, like so many children of those murdered, arguing that they were protecting the grandchildren: “They left him fatherless, took away their means of survival and fined them”. Ascensión’s father became hardened and never allowed himself to cry, his daughter told me. They didn’t acknowledge to Ascensión that her grandfather had been killed until she was 30 years old. Her grandfather was a trade unionist, and he was accused by a landlord who, after the coup, proclaimed in the streets “that he was the owner of the town”, walking around with a shotgun in his hands. Thanks to the help of Xulio García Bilbao, from the Foro por la Memoria in Guadalajara, they found her grandfather’s grave in the cemetery register, and since then she has regularly visited the mass grave where he was buried. Nevertheless, the exhumation of the mass grave where Timoteo Mendieta was buried affected the mass grave of Ascensión Florián’s grandfather. On that topic, she explained to me:

This lady [Ascensión Mendieta, daughter of Timoteo Mendieta] managed to get the grave opened with political backing. She went to the town hall to get them to contact the relatives of grave number 2 because in the cemetery accounts, he was listed as being buried in grave number 2. In January 16, mass grave number 2 was opened and twenty people were taken out. But when they did the DNA test, Timoteo Mendieta was not found. Then they sent another order from Argentina that grave number 1 had to be opened. Because he could have been one of the last ones. The grave was practically full, and as they couldn’t fit any more in grave number 2, what did they do? And Ascensión, thank God, she wanted the remains of her father, and they gave her the remains of her father. But when they opened grave number 1, which is the one they opened in 2017, I sent a letter saying that I was opposed to them opening the grave. Nobody here has the right to anything, in other words, I said to them: I recognise the rights of Ascensión Mendieta, I recognise them, because she loves her father, and as a human being, I recognise what she wants. It is logical, she is a 92 or 93 year old lady, who is already very old. She is probably ill, I recognise her rights. But my father has rights too. And what my father wants is for justice to be done. So what is the most important thing? Because it is as I was saying: here, this grave is as dignified as the grave of anyone who is there in the Catholic cemetery. Because it is not the cemetery that gives you dignity, dignity comes from the person themselves.⁴

⁴ Interview María Ascensión Florian Reyes in Guadalajara, March 12, 2019.

Therefore, the objective of María Ascensión Florián Reyes was not the transfer of remains from one grave to another. She was seeking justice, and the exhumation implied the destruction of the monuments built over the graves decades before rather than any sort of justice. It was just a transfer of remains according to the law. Indeed, the town hall asked the Mendieta family for the transfer fees for operating inside a municipal cemetery and transferring bodies. Despite the great media coverage, there was no judicial resolution restoring the murdered man's innocence by overturning his sentence or investigating and condemning those responsible for the murder. Furthermore, Timoteo Mendieta had never "disappeared" as was reported in the media and by the ARMH. Everyone knew where he was, he appeared in the registers and had a tombstone in his name above the grave. Pedro García Bilbao stated back then:

Timoteo Mendieta was not a missing person. What is missing in the Mendieta case in almost all of what has been said and published, or in the actions taken so that he could have a personalised, family burial, is the fact that he was arrested, imprisoned, tried, sentenced, led, executed, and buried in accordance with the laws of the Francoist State. It is simply indecent to conceal the facts and call them what they are not. We know that it is difficult to accept that the legality of Franco's regime is not questioned where it should be, in the Official State Gazette (BOE), but it is something that should not be hidden. (García 2017)

For this reason, the objective of María Ascensión Florián Reyes and the Guadalajara Foro por la Memoria is to have the process brought to court.

"Dignity" is therefore, despite the media's narrative, not even considered from the point of view of the law of liberal democracy, as in other exhumations. The term is confused and associated only with the final burial of an exhumed body that is still serving a sentence given by a dictatorship. It is only from this point of view that we can understand what happened after the exhumation: the gravestones that monumentalized the graves were torn up and piled in a corner. The old vaults built over the grave were destroyed, and all that was left was a muddy mess. ARMH left and not even the access road to this part of the cemetery, also destroyed during the exhumation, was rebuilt. The bodies were also missing. Those identified were distributed among the relatives who wanted them and those who did not were kept for years in plastic boxes in the ARMH offices hundreds of kilometres away from the place where they were honoured every year around the monument. Despite this, Ascensión continued to bring flowers to the place where the grave used

to be and where, although there were no longer any bones, the flesh and blood of her grandfather, she explained to me, was still in the soil and had nourished the cypress tree next to the grave.

These situations show disparities between the sensibilities of the advocates of exhumation and other groups and make explicit the lack of regulation in this respect, a lack of protection and above all the imposition of one practice over the others. The exhumation process cannot be assumed as a process of restitution of “dignity”, since the legal guarantees do not exist. Even less can it be considered a symbolic restitution of “dignity” linked to burial when bodies are removed from a treasured environment where for decades they have been honoured and valued, to be stored in plastic boxes in a laboratory. In those actions there is a lack of respect and consideration for the community involved in the monument practices that have been carried out for decades at mass graves, when the media offers as the only possible perspective that “dignity” is being conferred through exhumations, as if their work to preserve memory had no value.

The prospect of the destruction of the monuments, has generated, still generates, and will generate vehement opposition to the possibility of exhumation. In Oviedo we find one of the first graves where the monument practice took material form in the 1960s in the context of the mining strikes and it was also where one of the first conflicts arose in the early 2000s with the arrival of the new movement to exhume mass graves, which was opposed by most of the relatives (Tyrastor y Vila 2012). But this conflict was not merely confined to the time of the first exhumation processes. Even today, the family members of AFECO (Association of relatives of those executed in the Ocaña cemetery), heirs of those who, despite suffering violence and harassment, did not stop going to the grave after the war, and of those who in the 1970s campaigned for the monument practices, told me that they would do everything possible to ensure that no one exhumed there⁵. In fact, “no exhumation of bodies” is one of their stated objectives. This is because the current legal model prevents such a situation and puts the wishes of whoever wishes to exhume over the wishes of the rest of the community. Moreover, the positive media treatment of any organization involved in exhumations has hindered any public critical debate. Thus, the question arises as to what would happen if a family or organization decided to put

⁵ Interview with Carmen Díaz Escobar, Julián Ramos Duro, Teófilo Raboso, and Celedonio Vizcaino Frutos in Ocaña, January 23, 2019.

their interests first in order to exhume some of the large graves where monument practices have taken place.

And such intervention could happen, and I found it in Valladolid. Orosia Castán, member of the Asociación Verdad y Justicia (Truth and Justice Association), explains the problems derived from the fact that ARMH of Valladolid exhumed one of the mass graves in the El Carmen cemetery in 2016:

The grave was excavated. Naturally, remains were discovered and it became clear that the original mass grave was much larger and that new graves had been dug on top of it. Finally, the remains of 186 people were extracted, the grave was closed and to date, it has simply disappeared. The conclusion, not at all encouraging, is that a reference grave where relatives used to go has been destroyed to build another one in which the same remains will be reburied without identification and without the relatives ever knowing whether the remains thus transferred correspond to their relatives or not. (Castán 2017)

This is not encouraging, as the remains have been in the possession of the ARMH of Valladolid since then and the place where relatives could bring flowers has been turned into a plot of empty soil. But the story didn't finish there. The following year the ARMH of Valladolid excavated the mass grave known as "de Pablo Iglesias" a few metres from the previous one, which had a monument built by PSOE and UGT militants, who were given the land by the first socialist mayor after Franco's death. However, the ownership was not formalised, and this loophole was used by ARMH of Valladolid to again exhume a mass grave where for more than 40 years tribute had been paid to those murdered there. As with the other mass grave, the bodies disappeared in the possession of ARMH Valladolid.

The situation has been concealed by the city council, while the media have not reported on the conflict, giving a voice only to ARMH Valladolid. Castán states:

The absence of information, the use of the remains, the destruction of the graves, the lack of identification of the victims, the struggle to prevent the placement of the relevant ideological symbols, the contempt and disregard with which the citizens have been treated, are the real problems resulting from the intervention in the cemetery, and those demand an active solution that will certainly not be achieved through tributes or photos. (Castán 2019)

Despite the praise in the media for the exhumation processes, what I saw instead was that exhuming destroyed a monument, without identifying any bodies or contributing to a criminal investigation.

5. CONCLUSIONS: A MEMORIAL POLICY IN CRISIS

According to the latest reports, a total of 2,457 graves have been registered in Spain, and currently more than 700 graves have been exhumed, containing more than 8,000 bodies. Forensic experts estimate that there are still 20,000 individuals to be exhumed, but less than a third may be identifiable (Etxeberria 2020). Despite the evidence on the crisis of the “forensic” model, misunderstandings on the notion of dignity, lack of judicial recognition, and the destruction of monuments, the Spanish government still opted in 2021 to keep on promoting it.

The Deputy Prime Minister of Spain Carmen Calvo for the PSOE presented a new plan in May 2021, for exhumations that are not part of a criminal investigation and not linked to any monument that would house the bodies, continuing to state that the memory of the “victims” of the dictatorship “cannot have a political colour”. Consequently, the current model of exhumations could persist reproducing its unsatisfactory performance until the memory of the mass graves would be completely erased from the territory. Nevertheless, given the limitations of forensic science, monuments still re-emerge in society as a way of dealing with mass graves beyond scientific paradigms even if the “forensic turn” put them in crisis. Monuments are still built after the exhumations as a sort of pragmatic solution to house the exhumed bodies, but the rhetoric on honour survives in their structures despite the generalization of the concepts of “dignity” in the mass media and political agendas (Palacios 2021). This brings us to a final ethical consideration, as the aim of this article is therefore to contribute to problematising the current memorial policies model. On the one hand, there should be more awareness of the limitations of forensic science within the communities in which these processes take place. On the other hand, for the technical, scientific, and administrative actors involved in the promotion of exhumations, the monuments should not be understood as an impediment to access the mass grave, and their construction should be planned in advance, keeping in mind that their scientific procedures would not be as successful as the media has portrayed.

Science does not provide definitive answers alone. It is just an apparatus used by different agents in society. Thus, as David Le Breton argues, in these situations medicine distances itself from the recourse to the symbolic, and yet it could enhance its effects (Le Breton 2013, 134). If a reaction from those actors interested in promoting exhumations will happen in future, the iconoclastic character of the “forensic turn” would

be redirected, and this would not only imply a different criterion in terms of burial: but would encounter the whole necropolitical landscape of the Kingdom of Spain, where a dispute for the ideological significance of the mass grave is taking place.

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