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RIVERSIDE

Facies Hippocratica: Transitional Justice, Amnesty, and Denial in Contemporary Spain

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by

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For Margarita. Always.

ABSTRACT OF THE DISSERTATION

Facies Hippocratica: Transitional Justice, Amnesty, and Denial in Contemporary Spain

by

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In post-dictatorial societies, there is a need to re-imagine the nation and constitute a new experience of citizenship. The traumatic recent past and social conflicts that arise from dictatorial rule may be strategically neutralized to construct a democratic collective identity, which entails a lack of political representation and promotes an idea of democracy based on fear of conflict. Nation-building is an ongoing and dynamic process, but what are the political conditions necessary to inscribe a legacy that resists being identified with the nation?

My dissertation examines the political and social dynamics of nation-building in 21st Spain. Entitled *Facies Hippocratica: Transitional Justice, Amnesty, and Denial in Contemporary Spain*, my project posits that the contemporary Spanish legal system as a cultural expression of the State perpetuates a politics of oblivion that results in the narrowing and depression of the channels of political representation. My dissertation is broken up into three chapters, each of them consists of two distinct sections. The first shows how the legal system and its conception of citizenry clashes with democratic

principles of truth, recognition and justice. Then, in the second section, my work analyzes contemporary grassroots practices of citizenship that resist the hegemonic national narrative: literature, documentary, graffiti, memorials, theatre, and tours to historic sites. I follow an interdisciplinary approach that combines cultural studies, legal studies, psychoanalysis, political philosophy, and critical pedagogies.

These practices of citizenship point at political subjectivities that have been excluded from historical narrations. This way of understanding politics accounts for political expectations of subjects in transformation, for their production of language and especially for the way in which emerging political subjects think of themselves in the process of representing a change in temporality. The practices of resistance I analyze appeal to the invention of new democratic ways of life, to a citizenry that exists beyond prevailing institutions. Amidst the current crisis of political and democratic institutions globally that contributes to the global deterioration of democratic regimes in the 21st century, these issues concerning citizenship, community, and culture across multiple fields are urgent.

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Preface

By Way of Beginning

When I first left Spain, a lot of the people I met in London – my new city at the time – would ask about my country; they wanted to know about the nice weather, the sunny-all-year-long beaches, our cuisine – meaning, mainly, paella –... I would quickly see the disappointment in their faces once they discovered that their stereotypical image of Spain did not speak to my experience growing up in Torrelavega. I was raised in Cantabria, in Northern Spain, a rural area with “more cows and goats than people,” as I like to introduce it. Torrelavega is humid and cold, filled with non-stop rainy days that contribute to its gloomy atmosphere. The arrival of summer does not quite bring an increase in the number of sunny days, but, as children, we would try to make the most of our school’s summer vacations. Many days, we would catch a train to Liencres, a beautiful beach close to Torrelavega. There is a short walk from the train stop to the beach, and most days we would take a brief detour and hike to a mountain peak called “La picota.” We enjoyed playing there, not only because of its beautiful views – you can see a good stretch of the Cantabrian coast –, but because there were some strange earthwork constructions made of stones, where we would hide and throw pebbles at each other.



Photograph 1 – Two trenches and a small pit at the top of La picota. November 16th 2019 © Judit Palencia Gutiérrez

We did not know what a trench was.¹ At the time I did not know why there were trenches on La picota; I was completely oblivious to the fact that some decades before there had been a Civil War in Spain that led to a brutal dictatorship, which lasted for almost forty years. My parents grew up in the Dictatorship, and my grandparents in the Civil War, but I did not know about it because they did not talk about it at home. Nor did I learn about it in school.

In my early teenage years, I discovered punk music, which aroused my interest in politics and history. I was fascinated by the Second World War, so I would go to the last chapters of my history textbook to read about it – we would never make it to the end of the book in class. One day, I found a chapter on the Spanish Civil War and the Dictatorship. Uneasy, with a sense of shock and dread, I returned home and asked my mother about it; she briefly told me about her childhood during Francoism and her

¹ On the top of La picota there are also bunkers, anti-aircraft tranches, ammunition depots, machine gun secret stores, and small pits used as housing and munition dumps. For a further details, see Fraile López (2004).

adolescence during the transition². Little by little, I learned more about Spain's recent past and how it had affected my family – my communist great-grandfather “disappeared” one day without a trace and was never seen again; my paternal grandmother, as a child, would go up the mountains to hide in caves with her parents. She remembered hearing the loud blasts of bombs and thinking that they were thunderclaps. My maternal grandmother described using salt to pay for food during the post-war period.

I started challenging my teachers: why could we not jump to the end of the book and study Francoism? How come we never studied this in class? I was confused, upset, outraged; my questioning teachers was an indictment of the prior, un-knowing me. I blamed my absence of knowledge but decided to address it; my ignorance was activated, but I turned it into a political tool. A youth anti-fascist collective from Torrelavega caught my attention, and I decided to join them – two years later, I also became a member of another anti-fascist organization from Santander. We called for demonstrations, organized marches, held public talks in our headquarters, worked closely with the student union... My experience of militancy with them taught me how to find alternative ways toward (political) representation, to avoid institutional obstacles and how to challenge official narratives. How can we make ourselves heard? How can we represent our dissent? How can citizens challenge a country's official historical

² I do not capitalize the word “transition”, as commonly agreed on, since I intend my work to contribute to its demystification of the so-called ‘official discourse’. This orthographic choice is informed by Labrador (2009): “la transición se presentó como un proceso luminoso, como el tiempo radiante en el cual sus actores supieron ponerse de acuerdo, dialogar, pactar, negociar y construir un futuro en el que todos los sectores de la sociedad pudieran reconocerse. Ahora, este ciclo de la memoria, que es a su vez ciclo generacional, se cerró con el fin del milenio, instalando este relato en un esquema más amplio en el que España cierra por fin sus deudas con la Historia y se sitúa en una dimensión europea, posmoderna, actual, acorde con el signo de los tiempos (65).

narrative? Little by little, I became more and more fascinated by the Spanish case of politics of oblivion, and my interest – and life experiences, which I have only briefly described – materialized in this dissertation.

The anomalous case of the Spanish transition is a widely analyzed cultural phenomenon. The critical notion of the current Spanish democracy as a continuation of the Francoist regime is not at all a new one. A vast number of academics, scholars, writers, etcetera, in different fields such as Sociology, History, Psychology, Literature, ... have focused their works on this issue. The remarkable list of names includes Eduardo Subirats (2002), Gregorio Morán (1991), Jo Labanyi (2002), Paloma Aguilar (2008), Rosi Song (2016), Joan Ramon Resina (2017) – and just keeps going. Pioneer studies such as *El mono del desencanto* (Vilarós 1998) opened up the space for discussing the continuity of the Francoist apparatus in post-dictatorial Spain. For the last three decades, scholars from different fields have contributed to this critical viewpoint, the so-called sociological Francoism, positing that the conflicts of memory that derive from the Francoist regime and democratic transition to continue in the present are the source of contemporary Spain's political issues – see, for example, Labrador Méndez (2009), Borja (2018). Some scholars have focused on the 1977 Amnesty, claiming that this mechanism of “transitional justice” suspends the possibility of working through the national traumas inherited from the Francoist regime and that it is the source of the political issues of contemporary Spanish democracy – for instance, Cristina Moreiras (2004), Aguilar (2008), Valverde (2014). For some authors – López Lerma (2011; 2015), Clavero (2014), Messuti (2020) –, the politics of oblivion installed by the transition is concealed by the

widespread discourse of the transition – as a successful, consensual, and peaceful process –, and is supported by Spain’s contemporary legal system, which constantly justifies the lack of accountability for Francoist crimes, while re-inscribing a heroic historical narrative.

My dissertation is informed by these scholars. Every chapter is structured around two axes: first, I analyze a law, to then focus on a counter mechanism – counter-memory, counter-narrative, counter-space. These are not to be understood as a necessary consequence of the law, nor do I imply that they are directly opposed to the law of each chapter; instead, I think of them as cultural objects that provoke in tension some of the central premises of the laws with which I work.

In this dissertation, the different laws that I analyze work as expressions of the state. This power sustains itself through the law, which I understand as the product of the sovereign people, as a practical language that the state uses to acquire the authority to authorize. Through the law, which works as an instrument of coercion that allows those in power to impose their meaning-making, social rules are normalized and spread; laws regulate culture and constitute social realities, generating prohibitions and legitimations. The ruling power renders a legal translation of their conceptualization of culture, rather than understanding culture as a negotiated realm. As such, the Spanish state constructs a historical, cultural, political narrative about how citizens should understand the nation, which implies an institutional construction of “us” – the collective Spanish identity, which is the result of the (de)legitimization of some identities. In other words, law is

partially constitutive of the individual and collective self-understanding, and it presents itself as a legitimate source of meaning and authority.

To analyze these laws, I follow an interdisciplinary approach that combines cultural studies and (critical) legal studies. Critical legal studies scholars depart from a belief that legal claims are a form of power, rather than a form of knowledge, and thus the truth of legal declarations rests in the power relationships that support them. They are interested, then, in the ways law is constitutive of a group, of their individual and collective identities and values. On the other hand, cultural studies see law, not as something abstract or isolated, but as a site of social conflict and the institutional rhetoric and resources that are part of the social conflict of specific situated subjects. Scholars of culture analyze the materiality of law; that is, how law is the translation of the interest(s) of certain groups and how it embodies and shapes those interests – and, by extension, the identities of the members of said groups. As such, law is a historical and social product, deeply contextualized, and linked to other cultural products.

Against the law's rule, the counter mechanisms that I analyze configure different dynamics of political action, understood as an order of politics, antagonistic to the rule of law, which aim to create new meanings; more specifically, particular meanings related to the specific contextual situation, rather than the law's abstraction. These counter mechanisms address the ambiguities and cultural operations of the legal system, as a key resource to contest hegemonic processes. If Spanish laws claim to serve transitional justice, then they must transform the status quo to reconstruct the nation and its culture. Reformation is then highly unlikely to occur through the persuasion of those in power

who benefit from institutions and heroic, transitional narratives. Instead, transformation will come from resistance and a recovery of political representation and agency, which is what these counter mechanisms point at.

In my analysis of these two axes – laws and counter mechanisms – I focus on the articulation of memory-space-narrative, theoretically and historically. This triptych works as the cardinal points for the dissertation. The interrelated and multivalent bond between these multidirectional factors has a history; my work analyzes the ideology and effects of this historical link in contemporary Spain. The traumatic past created a gap in the nation's social fabric; to rebuild the social fabric we need to reflect on our past and generate new democratic, collective identities. Stories about the past, narratives about origin, belonging, and collective trauma, are a crucial component of this regeneration process. Given the importance that the symbolic and the cultural acquire in the experience of common space, spatiality and our use of social (and memory) spaces play a key role in the critical elaboration of collective memories that will also provide an emancipatory narrative for the present.

In the case of the Spanish state, this triptych (un)folds, reshaping into a quadriptych: memory-space-narrative-masochism. Following Deleuze's work on sadism and masochism – by which masochism relies on contractual relationships while sadism is configured through a pacting disposition – I posit that the masochist contract is a point of suture between memory-space-narrative. In other words, the Spanish State that is self-produced through the laws, is a combination of these four points and the relationship that obtains between them. This structure does not have to be democratic. Indeed, I posit that,

in the Spanish State articulation, democracy is excluded from these four points, which offers a definition of democracy against this four-part relationship. The laws I analyze work as masochist fetishes that sustain the heroic, national fantasy of the Spanish State as a mature democracy – the discourse of the transition –, while negating the (traumatic) past, the impunity of the Francoist crimes, and the politics of oblivion that result in a limited access to channels of political representation.

Public space is a – physical and symbolic – product of embedded practices and interrelations, wherein human beings paradoxically coexist in our individuality and difference. The city, the citizen and the political regime are related in such a way that the nature of citizenship shows the nature of a city, and the city reveals the nature of a regime. Thus, the process of community construction has both a spatial and a political facet, which converge in the question of the politicization of space. In contemporary Spain, the metamorphosis of public space relates to problems of visibility of political dissent inherited from the Franco dictatorship.

Laws, central to the hegemonic power, have a cultural expression in space; that is, they institutionalize boundaries – in symbolic and real senses, shaping and constructing public space to constitute the state and dominate culture, co-opted as part of the institutional discourse. In contrast, the counter mechanisms that I analyze break with the masochist contract. They make an intervention in and on space, transforming it from a place of oblivion and silence, into a place of memory and democratic dialogue, which contain the promise of alternative forms of political recognition and representation, thus challenging the discourse of the transition and its historical narrative and highlighting the

democratic deficit in the post-dictatorial country. They seek the possibilities of creating a culture of memory, recognizing the signifying potential of political (civil society's) agency for (historical) representation.

These counter mechanisms' articulation of memory-space-narrative is democratic; faced with the impossibility of completely inclusive political representation, they seek the inclusion of dissenting voices through an openness to dialogue and to the dynamic nature of (collective) memory. As popular actions, these counter mechanisms point to a model of citizenship from below, antagonistic to the Spanish State's traditional understanding of citizenship, which ignores social struggles, movements, cultural citizenship and diverse identities. Thus, these practices of citizenship also configure a source of political identity.

This dissertation is divided into four sections: an introduction and three chapters. The introduction explores the 1977 Amnesty as the cornerstone of the (culture of the) transition; my main point of departure is the mechanisms according to which this law works as a sort of social contract that establishes the limits and boundaries of institutional political praxis and the legal system in contemporary Spain. In conjunction with the 2018 documentary *Silence of Others* and political slogans from the 2011 Spanish protests, I explore the difference between pact and contract in legal/political terms, and how they follow two different mechanisms of political representation.

The three chapters depart from different 21st century Spanish laws. In the first, I analyze the 2007 so-called Law of Historical Memory, focusing on the abstract notion for which it is named – Historical Memory –, its construction and its legal implications. I analyze monuments, memorials, and what I call “anamnesic memorials,” which are

organic projects that move past superficial engagements with a traumatic past to recover the past through narration. In the second chapter, I focus on the 2015 so-called Gag Law, which limits the possibility of dissent and protest in the street. As a response, I study graffiti – namely post-15M graffiti – as a democratic tool for thinking beyond a paradigm of classical hegemony. Graffiti creates a certain vernacular logic and semantics typical of an-other-city and can recover the past through inscription. The last chapter analyzes the 2020 law of education (the LOMLOE), which ambiguously claims the need to study episodes of Human Rights violations, such as the Holocaust, but without addressing the national unawareness of and misinformation around the Francoist regime among Spanish youth. In this chapter I also study Tanttaka’s 1996 theatrical adaptation of *El florido pensil* and guided visits to Castuera’s concentration camp, as well as the annual homage to its victims, to understand the possibilities of a traumatic past’s representation and its articulation with pedagogy. These counter mechanisms allow us to think about the politics of representation.

The undemocratic nature of contemporary Spain, in its legality, spatiality, memory culture and narrative, is a very broad topic. While my dissertation aims to convey a coherent study of the topic, it leaves untouched several dynamics and factors that constitute the issue. However, I believe it is worth mentioning that a key element in the scope of further research would be the concept of regionalism – geographically, culturally, symbolically. The suppression of regionalism and alternative forms of nationalism is embedded in the 1978 Constitution, as we can clearly see emerge from the issues around the Catalan Procés Constituent of 2017-2018. The concept of region,

articulated with law, space, memory and narrative, offers an interesting addition to any problematization of Spain's (masochist) undemocratic nature when thinking about the politics of space as embedded in the 1978 Constitution. The sense of (b)ordering constitutes a law, a transgression, but also the possibility of transgression.

I would like to end this preface with a quick note about my writing. Over the last years, I have received formal education in different fields – Hispanic Studies, Cultural Studies, Literature, Comparative Literature, Linguistics, Education and Pedagogy, Philology, European Studies... – and countries – the United States, Ireland, and Spain, each of them with their own academic idiosyncrasies. As such, my work manifests an interdisciplinary nature. However, this also comes from a conscious decision to engage in multiple disciplines to distance us from the circularity of traditional non-cross-disciplinary approaches. For instance, I believe that a spatial approach to memory studies can take us away from the circularity of the melancholy-mourning conversation. As such, my dissertation deploys a theoretical framework informed by cultural studies, legal studies, political philosophy, critical theory, critical pedagogies, and aesthetics. Besides this, I consider that, in the study of (post-dictatorial) nations, there is an imperative for interdisciplinary work that responds to the lack of integration between research on different fields and topics, such as those that conform the triptych of this dissertation – memory-space-narrative – political representation, and trauma studies.

Introduction

Facies Hippocratica: The *Pact of Forgetting* in the Spain of the Transition and its Effects

“In allegory the observer is confronted with the
facies hippocratica of history, a petrified primordial landscape”
Walter Benjamin

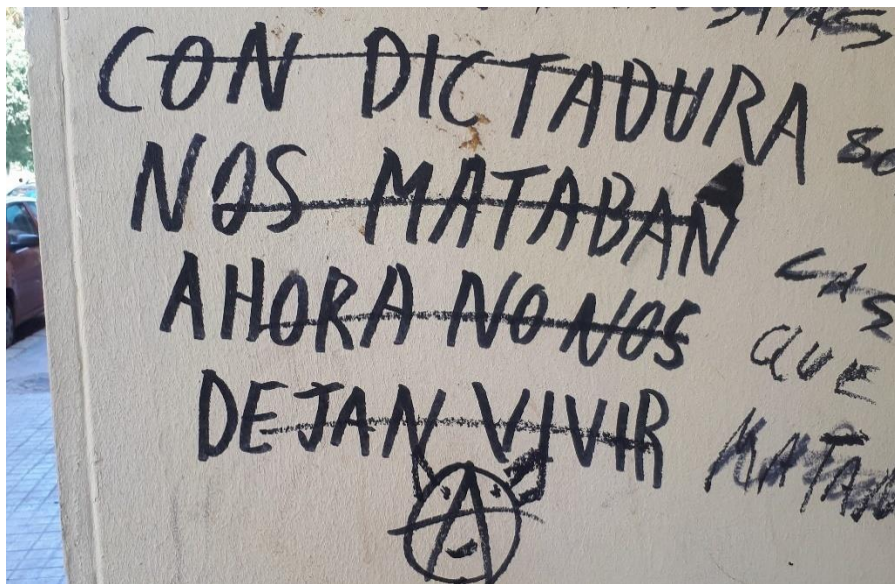
“El olvido está lleno de memoria”
Mario Benedetti

“Creéis que todo tiene un límite, y así estáis todos, limitados”
Eskorbuto

In the summer of 2019, I traveled to Valencia, Spain, to present a paper at a conference. One evening, after a whole day of attending public talks, I decided to become a tourist, for a little bit, and go for a walk around the beautiful city. Heading towards the *Lonja de la seda*, I found an interesting sentence painted on a building’s wall: “con dictadura nos mataban ahora no nos dejan vivir” – “with [the] dictatorship they killed us now they do not let us live”. The graffiti immediately caught my attention. I read it and quickly identified the social and the cultural situation it referred to. Understanding its message, I felt interpellated. The graffiti worked as a vehicle for social unity.

No commas, no periods, one message articulated in two seemingly different historical frameworks: the dictatorship, and our present. In the former they killed; in the latter, they do not let people live. The juxtaposition of two different levels of violence, different forms of oppression. The main difference is of methodology: for now, the government does not actively kill us, but they also do not let us live. The use of the deictic “now” designates a reality, the present, that is contextualized by its spatio-

temporal opposition to the dictatorship, the past. The crucial link between these two historical moments hides behind the double-bind meaning of “nos”: in the first instance, “nos” implies an inclusive plural subject, a community shared by the graffiti artist and potentially also by the person reading the graffiti; or those directly oppressed during the dictatorship, and those oppressed nowadays. Secondly, if there is a “nos”, there is a dichotomously opposed “them”, that is in conflict with the “nos”.



Photograph 2 - graffiti in Valencia. June 27th 2019 © Judit Palencia Gutiérrez

The graffiti echoes a critique of a utopian democracy yet to come, and it offers a criticism by subverting the polarized discourse constructed by the Spanish elites during the transition; a discourse articulated through a Manichean dichotomy between a good “we” – the elites – and a bad “they” – those who do not adhere to their power. The message points at a collective frustration, in that the “we”, the people in the street suffer “their” consequences, those of the elites, who exercise their power and oppress people,

denying them the possibility to live. As a consequence, the graffiti challenges social apathy and conformity, by rejecting participation in and acceptance of the elite discourse.

The collective identity behind the “nos” necessarily implies an exterior to its collectivity; it needs an antagonist in order to construct itself. It is here where we find that “nos” is the direct object of both violent verbs: *mataban* and *dejan*. The direct object, represented by and representing the oppressed collectivity, is presently suffering the consequences of these actions. Implicitly, the subject – they – are behind the violence experienced by “nos”, a visibly oppressed collectivity. Ultimately, we (“nos”) are denied the possibility of a better life, a greater life only accomplished by those behind the repressive actions. In other words: the Subject(s) in charge of the actions is (are) not directly present in the message, although their actions are the cause of the message, and the cause of the “nos” being visible as an oppressed collectivity. We (“nos”) are denied the possibility of life, which is restricted to a few: to those behind the actions. The symbolism behind the syntax is brutal.

What is implied in the historical link? Oppression, we said. The specific contextualization for the first part of the message is given in reference to the dictatorship; the second part contextually triggers the “ahora”, the present, democracy. A democracy that does not actively kill people but does not allow their citizens to live, either. In both cases, there is evident an oppressive “they”, controlling the living possibilities of the “nos”.

Why would someone living in 21st century democracy identify their malaise with the living conditions of the dictatorship? The answer to that has to be an implicit

continuum of the dictatorship; a historical continuity of a way of thinking and feeling politically (Labrador Méndez 2014 54). What are the historical contexts? The graffiti makes a direct reference to the Francoist dictatorship and our present. More than forty years apart, an evident sense of malaise is still palpable in today's Spanish society. But, if the dictatorship ended in 1975 with the democratic transition, which meant a rupture, a break³, and Spain allegedly has been a democratic country since then, what made the graffiti artist link both moments? Was the transition an actual transition - a continuum - or a rupture?

If we take a second look at these verbs- *mataban* and *dejan*- we see that they are conjugated in different verbal tenses; past in the former, present in the latter. More specifically, *mataban* is conjugated in the imperfect [imperfecto]. But, can we conjugate the verb “matar”, to kill, in the imperfect so as to signal the same meaning of the present tense “dejan”, to let- but a past verbal tense? There is an implicit glissando in the “nos” of the graffiti, as if the first and the second “nos” – the one in the past, and the one in the present – were the same. However, the pronoun refers to two different (dynamics of) collective subjects: *nos dejan*, a repetitive, ongoing action in the present that can occur on a personal and on a collective level, and *nos mataban*, which can only be experienced collectively, that is, *nos mataban* means “they used to kill us”, as a repetitive action. The sense of repetition, of continuity in the present, cannot occur in the same way in the past,

³ Joan Ramon Resina, for instance, refers to the transition as a transmission (Resina ghost 242), and Clara Valverde refers to the transition as a transaccion (Desenterrar 59).

since you can only kill a person once. We cannot conjugate “matar” in the plural unless we consider it a collective action.

The graffiti, then, points at violence; not only the obvious violence of the assassinations during the dictatorship, but also a violence at a different level, one that emerges from the continuity of the use of the pronoun “nos” to represent both a collectivity that cannot be experienced on an individual level and another that can be. A homogeneous pronoun that hides a heterogeneity.

There is, as we can see, a problem in the use of the pronoun “nos” as a continuum that does not adequately represent, that does not capture, the different dynamics of repetition implied in the verbal tenses. At the level of the written message, there is a notion of continuity between the dictatorship and the present; at the same time, at the semiotic level of analysis, it symptomatically captures a misconception between the notions of continuity and rupture.

The present Spanish democracy can be traced back to the 1977 democratic elections, but we could say that it symbolically starts on December 6th 1978, when, in a national referendum, the Spanish population ratified the new democratic constitution – hence the label “the 1978 regime”. In an article published in *Público* in October of 2019, journalist Romero Tejada analyzes some relevant 20th century Spanish laws – namely from the 2nd republic until the transition – to defend this thesis: Spain is a state that was “born to kill”, that was meticulously, even malevolently, designed. Romero Tejada goes back in time to explain how Spain’s current Constitution has not changed since 1978, when it was approved. This Constitution is the result of an accumulation of rules created

to repress, and thereby to assure continuity of the (cultural) presence of Catholicism, the presence of a nationalist military power, and to keep the power in the hands of the same few powerful people.

Romero Tejada proposes a taxonomy of the timeline of Spanish history from the Civil War until the present: 1. From July 17th 1936 through April 1st 1939 – Francoist dictatorship, Military stage, Extreme violence; 2. April 2nd 1939 through November 20th 1975 – Francoist dictatorship, Political stage, Armed surveillance, Institutionalization of the regime; 3. From November 21st 1975 through December 29th 1978 – Francoist dictatorship, Political stage, Armed surveillance, The snake changes its skin (transition⁴); 4. From December 1978 until today – neo-Francoist democracy⁵, political stage, constitutional armed surveillance.

⁴ It is particularly difficult to establish an “official” date for both the beginning and the end of the transition, given discrepancies between the official discourse of the transition, constructed by the elite and supported by the media, and research on the issue. For example, scholars such as Santos Juliá claim that the transition started in 1937 (*Transición: historia de una política española, 1937-2017*). On the other hand, the closure of the process is problematic, given its own temporal aspect – its characteristic future-projection, without a specific temporal entity other than its symbolic imagination –, which makes it difficult to set a specific date for its end.

⁵ Problems arise when, in a post-dictatorial state, democracy is traversed [atravesada] by the heritage of the dictatorship. Scholars Idelber Avelar and Willy Thayer, for instance, entertain that dictatorships never end; but rather, they are perpetuated in different ways, they are supported by a display of institutional apparatuses. A sort of Foucauldian logic that understands that war is not politics, but politics as being part of war, politics as appropriating violence.

Willy Thayer also understands the transition as dictatorship: the idea that coup d'états are processes of transition, of the installation of neoliberal regimes as permanent state of exception. Therefore, democracy as an extension of the dictatorship.

Following these arguments, we could say that the Francoist contract was never undone – let us think of the Spanish 2013 “Citizen Safety Law” (explained on page 38), the dismissal of judge Baltasar Garçon, the still present statues and monuments to Franco, streets named after Francoist figures, or the reluctance of the Spanish government and institutions to exhumation of bodies from mass graves – which the Spanish 52/2007 Law (popularly known as the Historical Memory Law) does not recognize. We could then, think of democracy as a ghost, as something inhospitable, as a specter that will never happen, but that will remain a demand.

The last stage, the *neo-Francoist democracy*, is of most interest for my dissertation. According to Romero Tejada, the last stage “officially” starts in 1978, when the Constitution becomes effective. The Constitution of 1978 is popularly claimed to be crucial for Spain’s development by instigating laws that shifted the country from a dictatorship into a democracy. However, its configuration entailed legal complexities, given the lack of a constitution during the dictatorship. The *leyes fundamentales*⁶, effective during the dictatorship, worked as a constitution, but were not a constitution. Therefore, the dictatorship lacked a “constitutional norm” (Rodríguez López 130). As a consequence, there was a lack of means to facilitate institutional reform during the transition: the Constitution did not follow a constitutive process⁷ – the complexity of the *transición* comes from the lack of a political model to follow.

How was the position of power transferred from the dictatorship to the democracy? What pacts or contracts are required for a society to make such transversus occur? Is a pact the same thing as a contract? How do they create community? To answer these questions, I cautiously analyze different factors, such as psychic, social, historical or ideological, through the Deleuzian paradigm of sadism and masochism.

⁶ During the Civil War and Franco’s dictatorship, the *Leyes Fundamentales del Reino*, were instituted: eight Spanish laws that organized the State in the same trend a constitution does. However, these laws concentrated all the power in Francisco Franco Bahamonde, the *Caudillo* of Spain.

⁷ Significantly enough, there is a popular saying often used to describe the transition from the dictatorship into the democracy: “de ley a ley”. Torcuato Fernández Miranda, Law professor and main adviser for king Juan Carlos I, orchestrated the transition into the Constitution, hiding the violent imposition of the Constitution – the de facto elimination of the legal infrastructure from the dictatorship –, alongside the king and politician Adolfo Suárez.

1. The pact and the contract

In traditional political theory, contractualists (such as Hobbes – absolutism –; Locke – universal rights –; or Rousseau – general will) believe that the state begins with the social contract/social pact.⁸ We define a norm, and that norm is meant to leave the state of nature.⁹ The new society, then, starts with a contract that frames its limits. In Hobbes, for instance, there is a contract with the king that cannot be broken. On the other hand, there are political theorists, such as Machiavelli or Spinoza, who oppose the social contract.

The difference between them could be thought of as the opposition between necessity and contingency. While for contractualists, the social contract is necessary

⁸ For a further study on the concept of “social contract”/ “social pact” Etienne Balibar, in his *Jus-pactum-lex: On the Constitution of the Subject in the Theologico-Political Treatise*, aims to clarify Spinoza’s reflection on the “profound contradictions of the very idea of contract and bourgeois juridical ideology” (171) in Spinoza’s *Theologico-Political Treatise* - where Spinoza reflects on the amalgamation of theology and democracy in the establishment of a civil society -, through the articulation between *jus* – right – and *lex* – law –, to analyze the passing from natural law to civil law in the politico-theological imaginary. While the theological aspect is not of interest here, Balibar explains the pact - Spinoza’s *pactum* - as the constitution of a civic state - “the pact, or the constitution of the civil society” (Balibar 178). In order to expand Spinoza’s definition of the pact, Balibar, introduces the notion “dialectic”, since an abstract definition of the pact needs to be concretized by its specific historical context, which would lead to making its terms explicit.

Spinoza writes about three definitions of “pact”, which are increasingly more complex in how they work towards the construction of a state: “first, as a simple *conspiratio in unum*, in view of the common utility; next, as an absolute transfer of the *juria uniuscuiusque* and constitution of the *imperium*, which poses the double problem of force and law and conditions of obedience; finally, as a complete organization of the juridical order” (Balibar 175).

For the social contract to constitute a civil society, it implies two levels: utility and imaginary representation, which imply a continuous process of power; therefore, the “permanent split of a unity and the unity of a double activity” (Balibar 182). The new state, through the figure of the social contract, of the pact, creates a series of transpositions of power that work to constitute and preserve the empire. In other words, the pact does not define its development, but rather, its application.

Balibar’s explanation of Spinozian terms help us to understand basic notions of the role of the pact – as the social contract – in the constitution of a civil society; how it creates mechanisms and dynamics of powers, how it retroactively works to define its civilians, how it perpetuates and deals with unity and split, how it defines its application, etc., and the need to dialectically define the specificities of a contract. It is important to bear in mind that Spinoza does not differentiate between a pact and a contract.

⁹ The state of nature as animality, as an outside; following Socrates’ notions.

because human beings necessarily sign a contract, their nature necessarily leads them to a make a social contract; for Spinoza and Machiavelli¹⁰, who are materialists, the social contract is the consequence of certain practices that need it – more people die in the state of nature than in a political organization.

The difference between the necessary and the contingent has Greek roots and is brutal, because the necessary tends towards an idea of teleology – metaphysical thinking. The necessary responds to a theological matrix: if I think there is something necessary, I think that it has always been necessary, thus that there is a cause that makes that thing necessary. Instead, the contingent takes you toward materialistic thought. Why? Because social conditions are what allow things to happen. There is no god, force, energy, etcetera, that determined this is the way things will be. What is contingency, then? The singular condition of movement. The epochal-temporal specific condition; conditions are contingent, the contingency is what is happening.

Thus, pacts create momentary responses for the contingencies of a given moment and circumstance, they do not institute nor constitute. On the other hand, contracts try to minimize, to eliminate dispute. This is the fantasy: the idea that any contingency is contemplated within the limits of the contract, the limits of the Constitution. The contract erases the violence of its constitution, of its foundation. For instance, to justify police forces: for traditional politics it is *necessary* to use police forces – politics seek to expel

¹⁰ For example, Machiavelli thinks of contingency by reflecting on fortune. In the Renaissance, the concept of fortune is iconographically represented with a wheel, pointing out its arbitrariness. Fortune, for him, is a modality. Through the example of the flood in Florence, he entertains that the prince, the sovereign, has to be prepared for what may potentially happen, but understanding that he cannot ever anticipate when something is going to happen.

contingency from political expression.¹¹ It is not contingent, but is part of its constitution, part of the established violence in which democracy is founded – democracy being founded on the basis of original violence; the foundational myth of politics based in the idea that there are no previous politics and that we have to create them.

The social contract sets the limits of the state – which is precisely immobile, because otherwise we would have to change the Constitution. The Constitution, as a contract, establishes a response model for universal contingency, it frames certain norms for all possible contingencies.

Thinkers of hegemony¹² Ernesto Laclau and Chantal Mouffe, following the Machiavelli-Spinoza route, are interested, not in theological need, but in contingency. For

¹¹ Also, the violence of “contingency”: its ephemeral value.

¹² Hegemony is a loaded word. It is generally used in a very superficial way, as a synonym of “supremacy”; however, this naturalized reductionism ignores its potential richness for studying political phenomena. Here the contribution of cultural hegemony theorist Antonio Gramsci is crucial. Starting his analysis in Russia – Russian revolution –, to then contextualize it in what he calls *occidental states*, Gramsci thinks hegemony with regards to those countries with institutions that naturalize a certain order within society, a certain vision and distribution within society. This order, in as it is naturalized, is consensual for both the ruling and the ruled class. The critical notion is that said naturalization does not come from violent coercion, but through ideological non-explicit persuasion; the ideology of those who have power is maintained through ideological legitimacy. Hegemony, thus, is a concept that allows us to understand the power forces and their (ideological) mechanisms of establishment and perpetuation. For Gramsci, populism arises in times of crisis, of a crack in the hegemony, which becomes a crisis of representation. At that point it is very easy for a force to be constituted.

Laclau and political theorist Chantal Mouffe published, in 1985, *Hegemony and Socialist Strategy: Towards a radical democratic politics*, a crucial work where they analyze the notion in depth. They entertain that the left can also elaborate their own hegemonic narrative, a discourse – the story we mentioned earlier – to achieve social change – hegemony as a suture concept, if we like, a political articulation. This story, as we said, is based on a dichotomy, it needs an antagonistic figure that highlights the naturalized power dynamics that produce subordination. However, Laclau and Mouffe claim that this story needs some sort of connection with the bigger, already-existing hegemony.

Laclau, in *On Populist Reason*, says that hegemony is like a synecdoche:

I have asserted that, in a hegemonic relation, one particular difference assumes the representation of a totality that exceeds it. This gives clear centrality to a particular figure within the arsenal of classical rhetoric: synecdoche (the part representing the whole). It also suggests that synecdoche is not simply one more rhetorical device, simply to be taxonomically added to other figures such as metaphor and metonymy, but has a different ontological function.” (72)

them, the problem of states is thinking that there is a pre-established idea of democracy that can be applied to all political forms – the teleological movement implied by the idea that politics channel contingencies of any kind towards the final goal, democracy; and thinking of democracy as reconciliation from one moment to another. We could even say that democracy has suffered precisely because of that difference.¹³ Take, for instance, political speeches: they follow a logic of teleological movement; political discourses and political *projects* consist in assuring that, from the present, “we will get to this point”. They project where they want to go, under the assumption that democracy is right there, waiting to be found. But actually, it is supported by a whole spectrum of ontologic and epistemic principles.

So, again, what is different between a pact and a contract?

While, at first, it may seem evident what both concepts are, the relationship between them is complex. What is the difference between them? Pact, from Latin *paciscere* – to agree –, or *pactum* – something agreed. A pact is an informal modality of a

The synecdoche is a trope by which one refers to a totality through naming only one part. The part chosen to represent the totality is central. By analogy, Laclau points up hegemony as the construction of social order from an individual or group of individuals’ perspective, embodying the universal.

One of the most important consequences of the hegemony is the ideological formation of the possibilities – and not-possibilities – of negotiation; the scope of the exercise of negotiation: who gets to negotiate what and under what conditions. Social conditions do not have political significance by themselves, but they acquire one when inscribed in a discourse, an axis that determines who benefits from it and who does not – who the antagonistic figures are.

Laclau and Mouffe also introduce, in *Hegemony and Socialist Strategy*, a very important distinction: “oppression” versus “subjugation”. While both refer to unequal power relations, in the former people question that inequality, but in the latter they do not. We introject a lot of norms and rules throughout our life, some of them we never question, but sometimes we come across something that seems unfair to us, and we challenge it. There are a lot of factors involved in this – such as age, for instance –, and they depend on culture and time.

¹³ If we understand the difference between the pact and the contract in terms of the stability of the latter – the contract is more factual, it follows a more stable logic –, the crisis of democracy has precisely to do with the fact that democracy does not move. Democracy does not adequately respond to political times. At some point we might think that the logic of the pact can provide plasticity, movement, adequacy to a specific time and space.

contract. Contract, from Latin *contractus* – past participle of *contrahere* – which is made out of *con* – with, together – and *tract* – to draw. Contract, to draw together.

On the one hand we could think of the difference between both concepts in terms of magnitude: the difference between the pact and the contract is an intentional formalization of the parameters of a compromise – the contract is a step further in that both parts consciously indicate their relation and intentionality; while the pact does not implicate the parts up to that level of explicitation. The pact has an element of possible explicitness between the parties. Why do I choose to agree on something, to pact on something, and not make a contract out of it? So as not to commit myself in the “presence” of a third party, not to give power to an external institution. That is, when I pact with another person, we agree that there is no contract. The contract cannot be dissolved in a non-legal way, while the pact may not be subject to legality and its institutions. Thus, the pact seems to want to suppress the power of an external institution that normalizes the relationship between the parties of that agreement. Hence why the modality of the pact is chosen, so as to escape the logic of the contract as a legal commitment. In the same way, the pact does not follow the logic of the contract – stable and factual. The pact is momentary, and it responds to a specific contingency, while the contract is immobile, it frames the limits.

However, if this was the case, if the difference were merely magnitudinal – in terms of the contract being a formalization of the pact –, then we would say that we move from a pact to a contract by explicitly stating and making transparent the intentional

relationship(s) pertaining to each party. But this does not seem a sufficient explanation.

There is *something else* that this explanation does not encapsulate.

To explore the difference between a pact and a contract in qualitative terms, I will turn to Deleuze's *Masochism: Coldness and Cruelty*¹⁴, where he explores the contradiction of sadomasochism as an entity of the same perversion with two different possibilities of channeling the drives, resulting in an alleged dialectical unity. How do we resolve the contradiction of these two phenomena – sadism and masochism – that are *qualitatively* different; an apparent continuum that does not exist.

Following Deleuze, I would like to develop two perversion paradigms, sadism and masochism, with a characterization of each as explored via several notions – for instance, language function, and negation –, beginning with their different conceptualizations of legal exercise and law. This will help us to think the difference between a pact and a contract in qualitative terms through an analogical movement, a methodological proposal of the metonymic movement between different levels of argument that comes, precisely, from what Deleuze does. An analysis of the characterization of sadism and masochism, respectively, on different levels, will help us to analyze in depth the difference between the pact and the contract. On a second level, the sadism-masochism analysis will conform a theoretical paradigm to analyze different phenomena that my dissertation will explore, in order to answer the questions that we posed in the first pages of this introduction.

¹⁴ Interesting enough, the English translation of the original title - *Presentation de Sacher-Masoch, le froid et le cruel* – seems to favor masochism over sadism, falling within a logic of erasure of sadism that Deleuze tried to avoid at all times.

Deleuze analyzes the distinction between sadism and masochism using a literary approach. Given the distinction between clinical psychoanalysis and literature, psychoanalysts downplayed his contributions and criticism of Freudian notions on the sadism-masochism paradigm (Laplanche 297). We should remember, however, that psychoanalysis originated with short stories, as Freud states in his *Studies on Hysteria*¹⁵.

Masochism, as a sexual perversion, was coined for Leopold von Sacher-Masoch, an Austrian writer. It consists of pleasure derived from feeling humiliated or mistreated. On the other hand, sadism, as a sexual perversion¹⁶, was coined for French aristocrat Donatien Alphonse Francois, the Marquis of Sade. It designates pleasure derived from practicing cruel acts on another person. Usually linked in the word *sadomasochism*, Deleuze points at their impossible reconciliation: sadism is not masochism *dado vuelta*¹⁷. If we think of sadism and masochism as an entity, as a sort of continuum, we would be ignoring qualitative changes in each paradigm's psychological structures, dynamics and dispositions.

¹⁵ "I was trained to employ local diagnoses and electro-prognosis, and it still strikes me myself as strange that the case histories I write should be read like short stories" (Freud 1895, 160)

¹⁶ Sadism does not necessarily have to be sexual. However, Deleuze does analyze the term in the sexual terrain.

¹⁷ I use "dado vuelta", in Spanish, for lack of a good translation into English, with this specific connotation. "Dado vuelta" points out at the movement from masochism to sadism and the other way around. It points out at the exchange of both practices, at practicing one and the other, and the movement from one praxis to the other. In the original source: "por su parte, Deleuze, al encontrarse con Guattari, no tiene la misma familiaridad que este último con las obras de Freud y de Lacan, pero ya ha hecho algunas incursiones en el campo del psicoanálisis. La primera es en 1961, cuando publica su primer escrito sobre Sacher-Masoch, que más tarde le dará cuerpo en su *Presentación sobre Sacher-Masoch*. Este último estudio es elogiado por Lacan en persona durante uno de sus seminarios, e incluso desafiaba a sus discípulos a efectuar un análisis de una intensidad semejante. El psicoanalista Jean Laplanche, en su curso del 23 de enero de 1973, reconoce que Deleuze ha atacado los puntos débiles de Freud, el de las perversiones manifiestas: "muestra con facilidad (y cómo no estar de acuerdo con él), que el sadismo no es un masoquismo dado vuelta y *viceversa*" (235 Dosse).

In *Three Essays on the Theory of Sexuality*, Freud claims that sadism and masochism are two different aspects of the same perversion- and he understands perversion through the clinical lens of neurosis. Deleuze radically attacks this notion, insisting on the non-compatibility composability of sadism and masochism, entertaining that sadism and masochism are not opposite symmetric versions of a perversion caused by neurosis but, rather, two combinations of very different symptoms caused by neurosis. They are qualitatively different.

The unity of sadomasochism – a semiological monster – comes from two different procedures. On an etiological level, there is a simplification of both perversions, ignoring some of their main characteristics in pro of a superficial unity; for instance, the role of the super-ego.¹⁸ On a symptomatological level, the different symptoms that conform the masochist and sadist perversions, respectively, are held together to maintain the unity of *sadomasochism*, which implies a necessary reduction of both syndromes.

One of the main differences is the contractual aspect of the masochist versus the sadist's rejection of any legality. In masochism, the contract is presented as the ideal form and necessary condition for the sexual relationship; by means of it, the masochist is

¹⁸ “The masochistic ego is only apparently crushed by the superego. What insolence and humor, what irrepressible defiance and ultimate triumph lie hidden behind an ego that claims to be so weak. The weakness of the ego is a strategy by which the masochist manipulates the woman into the ideal state for the performance of the role he has assigned to her. If the masochist is lacking in anything, it would be a superego and not an ego at all. In projecting the superego onto the beating woman, the masochist appears to externalize it merely in order to emphasize its derisory nature and make it serve the ends of the triumphant ego. One could say almost the opposite of the sadist: he has a powerful and overwhelming superego and nothing else. The sadist's superego is so strong that he has become identified with it; he is his own superego and can only find an ego in the external world. What normally confers a moral character on the superego is the internal and complementary ego upon which it exerts its severity, and equally the maternal element which fosters the close interaction between ego and superego. But when the superego runs wild, expelling the ego along with the mother-image, then its fundamental immorality exhibits itself as sadism” (Deleuze 124).

humiliated, ridiculed, victimized, etcetera. The masochistic contract does not only express the need for consent from the victim, but also the pedagogical and juridical effort by the victim to educate the torturer. It generates law, even when the law overflows the initial conditions and refutes them. The masochist thinks of the contract, of the law, as a punitive process; through its application, the application of the punishment, the masochist paradoxically experiences pleasure. In the movement contract-law, the masochist makes the law even more severe, to compensate the tendency of the law to forget its origins – the foundational myth of politics, an ideal that becomes norm, which explains the mythical aspect in the relationship contract-law. From contract to myth, through law.

As we see, the laws overstep the masochistic contract, but this consequence is not considered in the first document. This is due the principal function of language for the masochist: to persuade and educate. Deleuze entertains that Sade's and Masoch's writings are not pornographic, but "pornology" (1991, 18), given that their erotic language exceeds its descriptive functions. The key to understand the difference between sadism and masochism is in the respective literary styles from Sade and Masoch – following a sort of Lacanian understanding by which language sustains the symptom.

Masoch's language persuades and convinces. His language, the language of contracts, has a pedagogic and dialectic function: the victim needs to train the torturer so they can form an alliance and materialize the perversion. While in his language – threats, contracts –obscene descriptions can be present, they are not necessary. Masochism is justified by diverse reasons; its obscenity is not explicit. In this way, the masochist is an educator: he persuades the victim until they sign the contract and, while there is a

descriptive function, descriptions are misleading, they displace “either from the object itself to the fetish, or from one part of the object to another part, or again from one aspect of the subject to another” (Deleuze 1991, 34).

In masochism, descriptions and commands are displaced, in pro of more a transcendent function of language – persuasive, dialectical and mythical. These functions are disavowed through a process of denegation, crucial in masochism. Deleuze mentions three different psychoanalytical mechanisms of negation – *Verneinung*, *Verleugnung*, and *Verwerfung* (Deleuze 1991, 31)¹⁹. Given the notion of suspension, the splitting of the ego, and the creation of a fetish, I entertain *Verleugnung* would be the most adequate denial mechanism to define the process of denial in the masochist. This denegation, a suspended dialectical negation, operates on a double level: part of the subject is aware of the reality, but suspends this knowledge, holding on to his fantasy. Thus, the masochist neither negates or destroys the world, nor idealizes it; it is about disavowing it, about suspending it – the masochist “questions the validity of existing reality in order to create a pure ideal reality, an operation which is perfectly in line with the judicial spirit of masochism” (Deleuze 1991, 34).

¹⁹ However, he does not explain their differences. Rather, he seems to gather all of them under the notion of “disavowal”, which seems too much of an abstract word to capture the differences between them. For instance, differences in *Verleugnung* and *Verneinung*. Both operate within the paradigm of the problem between reality and pleasure; they deny reality to get pleasure. In *Verleugnung*, there is a splitting of the self [*Ichspaltung*] and a fetish that replaces what is being denied. It is precisely by the creation of this fetish that the subject can deal with the denial of reality. On the contrary, *Verneinung* implies a denial of what the subject has unconsciously repressed. The basic difference between both processes is that with the *Verleugnung* there is a feeling of insecurity, confusion, while with the *Verneinung* the feeling that the subject has is an absolute certainty that it is simultaneously wrong. In fact, it is not so rare to confuse both processes if we consider that Freud himself, when he wrote about denial, named the article “*Die Verneinung und Verleugnung*”, to finally cross out “und *Verleugnung*”.

Moving now to an analysis of sadism, beginning with notions of contract and law as we did while analyzing the masochist, the contractual aspect of the masochist is contrasted to a complete rejection of legality in sadism. Masoch looks for contractual bonds and follows an aesthetic route; but Sade hates the law, because it creates leaders, hence, tyrants. He feels an anti-aesthetic drive, which leads to the need of “institutions”.²⁰ The sadist republican institution follows a very different dynamic compared to “traditional” legal institutions, since it dismisses laws, and replaces a system of duties and rights with a dynamic model of action, power, and authority (Deleuze 1991, 77).

²⁰ Here it is crucial to understand the notion of “institution”. At first it could seem that Deleuze is contradicting himself, in that the institution, in a “traditional” sense, is what protects the contract. However, the key here is to understand the relationship between the (creation of) law, the institution, and the contract: “But even more significant is the difference between the contract and the institution with respect to what is known as a law: the contract actually generates a law, even if this law oversteps and contravenes the conditions which made it possible; the institution is of a very different order in that it tends to render laws unnecessary, to replace the system of rights and duties by a dynamic model of action, authority and power” (1991, 77). The contract generates law, even if the law eventually overflows the limits of the contract. On the other hand, the institution can annulate laws in pro of a more dynamic power of action – an understanding of “institution” in a republican way, which Deleuze does never explicit or explain when he introduces the term.

Oddly enough, Deleuze, in the original text in French, maintains the ambiguity in the concept of institution (“traditional” versus republican, in a historical way); literally the last paragraph: “le sens “institutionnel” de j’un, le sens contractuel l’autre” (Deleuze 1967, 134) – in the English version translated by Jean McNeil, however, the quotation marks are not in the text: “sadism is institutional, masochism contractual” (1991, 134). Through Deleuze’s use of the quotation marks he emphasizes the distinction between the sadist sense of institute (as in *to set up*, or institutions in a republic), and traditional institutions in the political jargon, which the sadist would actually stay away from because of their relation with the contract and the sadist’s preference for pacts: “This is why advertisements are part of the language of masochism while they have no place in true sadism, and why the masochist draws up contracts while the sadist abominates and destroys them. The sadist is in need of institutions, the masochist of contractual relations.” (Deleuze 1991, 20). This comes from Sade’s opposition between institution and law, and the institutional foundation of the republic as opposed to the contractual foundation: “There is a profound political insight in Sade’s conception of the revolutionary republic as an institution based on opposition to both law and contract; but this conception is ironic through and through because it is sexual and sexualized, as if deliberately to challenge any attempt to think of politics in legalistic or contractual terms” (1991, 79).

Therefore, from now on, unless stated, my categorization of the sadist by a reluctance to involve an external institution comes from an understanding of *institution* in a “traditional” sense, which is the opposite of Deleuze’s uses of the term throughout the book, excluding the above quote with his uses of the quotation mark.

Rejecting contractual bonds, the sadist looks for pacts: in terms of a relationship with the institution that explicitly states the terms, and in terms of the intentional structure of the subject. That is, when I make a pact with another person, we agree on the absence of the contract; we are in an antagonistic relationship with the contractual institution, and we also are in a situation of antagonism with an intentional subjectivity. In other words, when we pact something we agree on what we are saying, but the pact we have is not subject to external, institutional regulation, or to the transparency and idealism of a person who has awareness of the relationship with the institution, with the eternal, with the eidetic [εἰδός], with the neutrality of ideas.

This awareness comes from the sadist notion of negation. In the literary work of Sade, there is a constant negation, in its deepest sense. However, there are two levels of negation: “negation (the negative) as a partial process and pure negation as a totalizing Idea. These two levels correspond to Sade's distinction between two natures” (Deleuze 1991, 26-27). The second nature [partial negation] is subject to its own rules, its own laws. The negative is ubiquitous, but not everything is negated. Destruction is just in an antagonistic position with creation. Thus, the negative is everywhere, but merely as a partial process of death and destruction. On the other hand, there is the concept of original nature [pure negation]. This nature transcends all laws, it's a timeless chaos; it “needs no foundation and is beyond all foundation, a primal delirium” (Deleuze 1991, 27). As a consequence, this primary nature cannot be *given*, only the secondary nature can take place in the world of experience, so only partial negation (the negative) can be given.

This notion of the two dimensions of negation and nature is present in Sade's language. The main functions in sadist language are description and commands, which carry a personal element. In Sade's work, descriptions are obscene; they have a provocative element that works to demonstrate. Rather than convincing, Sade wants to show how his own reasoning is violent, in that he can describe, calmly and with apathy, the identity between violence and demonstration. Paradoxically, he does so by using the language of the victims, in that only they can describe torture. Thus, the repetitive commands and descriptions transcend towards a demonstrative function, with an impersonal element. This corresponds to the sadist configuration of the double nature: the personal element of descriptions and commands correspond to the secondary, partial nature; it is *given* in experience. Through violent acts, the sadist can imitate, through experience, the primary, pure negation; nature which corresponds to the impersonal element of demonstration.

Deleuze's extensive study helps us to understand the difference between a pact and a contract and their relationship to law. His text demonstrates how sadism and masochism are not opposite symmetric versions of the same perversion, but two different syndromes. Analogically, the pact and the contract do not express two magnitudinal levels of involvement with the institution, with the law; two different moments in the movement pact-contract-law. Rather, they are two different qualitative approaches to law. To think of a pact as an informal form of the contract, not reducible to a scheme of intentional subjectivities, produces hegemonic effects in that the contract, the relationship pact-contract, is forgotten.

2. El pacto del olvido

With this sadism(pact) - masochism(contract) paradigm, let us return now, to the graffiti and one of our initial questions: how was the position of power transferred from the dictatorship to the democracy? The Constitution of 1978 is articulated under one of the most important concepts of the transition: the 1977 Amnesty, a pre-constituent law. It was approved on October 15th, 1977, and, two days after, passed in B.O.E.²¹ number 248. The Amnesty (law 46/77) was part of the political project of the transition, and it was created following the idea of socially reconciling the country after 40 years of dictatorship. Therefore, the transition had to operate through a mechanism of oblivion. Amnesty in exchange for amnesia.

The Amnesty gave legal basis and institutionalized the so-called *Pact of Forgetting* [Pacto del Olvido]: an unstated social agreement not to discuss or risk facing up to the violence committed under Franco's dictatorship. The *Pact of Forgetting* denied every possibility to prosecute war and dictatorial crimes, resulting in a state that enhances oblivion and impunity.

The state had to execute a rhetorical sleight of hand in order to convince the population that this was something reasonable and fair, given that political crimes committed before 1976 would not be prosecuted. How did they justify passing the law?

The law granted amnesty to those political prisoners (mostly members of the Basque organization ETA) who had actively (and violently) opposed Francoism since the 60s and 70s. But most importantly for our present concerns, the law also exonerated all "authorities, officers and agents of public order who, prior to December of 1976, committed crimes and misdemeanors against the exercise of people's rights" (Article 2). (López Lerma, 2015, 194-195)

²¹ Boletín Oficial del Estado [Official State Gazette].

Justified by referencing the urgency of the country's re-unification, the *Pact of Forgetting* denied every possibility of prosecuting war crimes and those of the dictatorship, resulting in a new democratic national identity built on oblivion. The pact was, allegedly, to heal the wounds from the dictatorship – and from the Civil War, for that matter. Thus, the Amnesty was to be effective both for those who actively fought the dictatorship, and also as concerns crimes committed by Francoist figures of power. While it is true that the Amnesty was beneficial to adversaries of the regime, the number of crimes committed by the authorities during the 40 years of the dictatorship dwarfs anything done by its adversaries. In other words, the Amnesty was built on the false premise of symmetry between victims and executioners. So, even though the law was approved to “unify” the country, its common ground is a hidden disproportion of benefits.²²

Besides, the Amnesty also forbids instances of clarification – which includes transitional justice measures such as Truth and Reconciliation Commissions²³, one of the most common means of seeking reconciliation after civilian unrest –, as stated at the end of its second article. It is significant to mention that, at the end of the same article, it states “los delitos cometidos por los funcionarios y agentes del orden público contra el ejercicio de los *derechos de las personas*” (emphasis added). The wording here is crucial,

²² Following Michael O'Loughing “such reductionism [diminishing existential understanding of an experience in pro of a more “quantitative” analysis] risks not only diminishing human suffering, but, by eliding complexity, it also blunts arguments about reclaiming historical memory and redressing historical injustices” (O'Loughing 55).

²³ Spain is the only country in the world in which, after the dictatorship, the Spanish government did not take responsibility for the exhumation of the victims of the Civil War and Franco's regime. The country's situation is also unique in that there were no – and there has not been up to today – trials for those who committed crimes against human rights, no truth commissions, no reconciliation institutional bodies...

since it avoids using the term “human rights”, but “rights of the people”.²⁴ The Amnesty – and the Constitution –, which involved an exercise of forgetting as the condition for its own mobilization, anticipated the claim of the right to mourn and expressly denied it. However, forgetting triggered for traumatic reasons follows a sort of oblivion *dispositif*, configured via other, previous traumas.²⁵

We mentioned that the *Pact of Forgetting* was an unstated social agreement. Who stated it and how? The *Pact of Forgetting* and the Amnesty were privately agreed upon and did not follow a constitutive process. Rather, it was a sort of – hegemonic – negotiation(s). They manipulated the text, hid information, and relied on a *future contingent* logic.²⁶ Despite the morally dubious beginnings, the Spanish transition is commonly considered an exemplary model. This was the consequence of the hegemonic construction of the discourse of *consensus*²⁷, which had – at least – three objectives: the mythical construction of the “success” of the “peaceful” transition, and the erosion of the (violent) imposition of a continuation between the dictatorship and the democracy on an

²⁴The play with words was brought up in 2008, when Spanish judge Baltasar Garzón “took the unprecedented decision of authorizing a criminal investigation into crimes committed during Franco’s regime, categorizing them as crimes against humanity and hence not shielded by the Amnesty Law of 1977” (Lopez Lerma, 2015, 193-194). However, they alleged that Francoist crimes were considered “ordinary crimes”, which are not under the scope of crimes against humanity.

²⁵ Paloma Aguilar follows this logic in *Memory and Amnesia: The Role of the Spanish Civil War in the Transition to Democracy*.

²⁶ In classic logic, proposals can never be true *and* false; just one. However, there is a category of statements that are still neither true nor false, in that the value of the statement cannot be determined at the moment of its articulation – the vagueness of a sentence such as “estamos luchando por el futuro”.

²⁷ Transition scholar Gregorio Moran, in *El precio de la transición*, claims that the transition was constituted by the consensus, which was the result of a series of agreements based on economic pacts between political and economic elites (97)

institutional level, and the erosion of any semantic trace of the idea of defeat²⁸ – which is the parallel discourse of the critique (Ros Ferrer 152).

The *Pact* meant a denial of memory's relevance, motivated by political will (Resina 15). Now, is the *Pact of Forgetting* a pact or a contract? As we have seen, pacts are momentary decisions that respond to the specific contingencies of a given moment and circumstance (reunification in the transition). If we think that this was the case, and the Pact was indeed a pact, its momentary aspect no longer holds, given that it is still effective forty-five years after its passing. We could think, then, that its long-term application, alongside its formal explicitation of the terms and involvement with a third part, implies that the pact *became* contract. However, this would imply that the pact and the contract are two different moments in the movement pact-contract-law- a notion we rejected. Hence, we arrive at the conclusion that the *Pact of Forgetting* is a (social) contract.

As Deleuze entertains, the history of medicine follows two different logics: the history of illness – clinical realm –, and the history of symptomatology – a history of attribution of signs. How do these logics operate? There are two possible options to combine symptoms and syndrome. The history of illness follows a logic in which symptoms appear and they are evaluated as part of an already existing combination of symptoms, a syndrome, “which may disappear, become less frequent, reappear or alter their form according to the state of the society and the development of therapeutic methods” (Deleuze 1991, 15). This entails a sort of projection, a teleological movement.

²⁸ Gregorio Morán, in this matter, claims that “había que garantizar que nadie pudiera utilizar el pasado para desentrañar el presente” (87).

On the other hand, in the history of symptomatology, which Deleuze entertains as artistic (1991, 14), a given combination of symptoms does not completely match a known syndrome. As a consequence, the doctor creates the name of a new disease; a new paradigm to define a “new” combination of symptoms under a new term – “the doctor does not invent the illness, he dissociates symptoms that were previously grouped together, and links up others that were dissociated. In short he builds up a profoundly original clinical picture” (Deleuze 15)²⁹.

This etiological train of thought could work as a great analogy for the issue with the *Pact of Forgetting*. What is the logic of the *Pact of Forgetting*? The concealment of the choice of one logic instead of the other. The term “pact” refers to a specific, already given logic and paradigm – syndrome – of negotiating operations; the teleological movement in the logic of the history of illness. In naming it “pact”, in naming this symptom “pact”, I refer to an already constructed case. It should follow a different logic. A logic in which, to avoid defining the gesture, defining the *Pact of Forgetting* as a “pact” before putting it into operation, the measure is adopted, put into operation, and then named. The “pact of forgetting” – as an abstract name, a category of Politics of Oblivion – should be the result, not of the preexisting concept of “pact”, but of that action later understood as pacting.³⁰

²⁹ Deleuze further explores this logic in *The Logic of Sense*: “from the perspective of Freud’s genius, it is not the complex which provides us with information about Oedipus and Hamlet, but rather Oedipus and Hamlet who provide us with information about the complex” (Deleuze 1990, 237).

³⁰ Contrary to Masoch’s movement: “Masoch remarked that we must proceed from the "schema" to the "problem"; from our starting point in the obsessive fantasy we must progress to the theoretical framework where the problem arises” (Deleuze 1991, 53).

If psychoanalysis holds, and every choice is symptomatic, the choice of the name “*Pact of Forgetting*” could be read as an operation that tries to hide, tries to cover the intention behind the Pact: to hide its contractual nature. The “Pact” leads us to a false impression of contingency, instead of the contract’s non-mobility. It also tries to erase the compromise with an external institution: to present the “Pact” as a pact so as to hide the level of commitment to the institution, and to hide its institutional and contractual modality. The “Pact” of Forgetting erases its configuration as a hegemonic project that depended on its misuse of the term “pact”.

How can we characterize the *Pact of Forgetting*, as a (masochist) contract? First, given its contractual aspect – the contract as the ideal form. Law derives from it, but it is a law that overflows the initial conditions and refutes them, forgetting their origin. This oblivion is enhanced by an arrangement of institutional, amnesiac *dispositifs*. Said forgetting implies a certain mythical aspect of the relation between contract and law. Second, given its dialectical function – which persuades and educates through the contract and its misleading descriptions. Especially in the disposition according to which the *Pact* has to create community and society.

What kind of “nos”, of community, does the *Pact of Forgetting* create? There is a *Pact of Forgetting* to preserve the social relationship, through an abstraction of content. The *Pact* is an institutionalization of social conventions, of social dynamics, of psychic dispositions. In creating a contractual, institutional relation, the *Pact* participates in the intentional subjectivity created by the institution. Said subjectivity is the result of an external regulation based on an ideal. Thus, in a masochist disposition, the *Pact*

neutralizes reality, and suspends the ideal in the pure interiority of the fantasy it constructs and to which it clings.

What would this fantasy be? The fantasy of consensus.³¹ In *La nación singular: Fantasías de la normalidad democrática española* (2014), Elena-Luisa Delgado analyzes what she defines as *fantasies of democratic normalization*. According to her, contemporary Spain and its national imaginary is based on a fantasy of *singularity*. This fantasy comes, firstly, from non-resolved issues of the dictatorship, and secondly, from the transition and its inefficient stratagems for dealing with those issues. It works as a substitute speech that covers up lack; at the same time, it channels desires towards a specific goal – in this case, the creation of community in post-dictatorial Spain.

The discourse of consensus is another fantasy. The logic of consensus axiomatically assumes the homogeneity of the population, and the inclusion of every sector of society in the existent mechanisms of political representation. It is an institutional narrative construction; its logic understands the community as the natural result of being in common, and the only way of being in common is through identification with an intentional political subjectivity. Thus, it affects political practices – especially those related to the configuration of the state –, but also approaches to the past – whether from a legal, historical, literary, etcetera, perspective (Delgado 19).

The fantasy of consensus makes transitional constructions of identity coherent, but this coherence implies a negation or neutralization of the symptom – the element that

³¹ I do not intend to propose that the transition was widely accepted. Following Maria Angeles Naval (2016), there is a sort of general believe that the idea of the transition and its discourse was something that everyone accepted. There was, indeed, an institutional construction of an ideological and hegemonic discourse on the transition and its consensus, but current criticisms that try to unmask it often depart from the false premise that, at the time, the transition was not discussed.

interrupts the fantasy and that points out to the *real*³² (Delgado 21). In this case, the *Pact of Forgetting* is the symptom³³, which, with a masochist disposition, becomes the way of life and manifests itself in political ideas. As a symptom, it mythologically represents absence, emptiness, lack of the possibility of the construction of a “nos” that represents everyone. The *Pact*, masochistic, does not reject reality, but suspends it, and holds on to the fantasy of consensus it creates. Thus, the construction and representation of a “nos” in the *Pact* manifests its lack. Its manifestation shows its limitations.

How can we dismantle the fantasy of consensus?

This is precisely the main objective of the 2018 documentary *Silence of Others*³⁴, a documentary that de-mythicizes the *Pact of Forgetting*. *Silence of Others* offers a contemporary perspective on the consequences of the Francoist regime and its legacy up to today. The film follows the development of an international lawsuit through judge Servini, an Argentinian judge, because the Spanish legal system would stop any lawsuit

³² Following the Lacanian term.

³³ In his *Further Remarks on the Neuro-psychoses of Defense*, Freud analyzes the compromise-formation, which makes reference to the result, as well as the process, of the conflict between the unconscious – pushing towards satisfaction –, and the censorship aspect of the ego, as disapproving and repressive; a compromise between repression and the repressed. This struggle can be gain manifestation in the form of dreams or symptoms – or even the whole production of the unconscious.

“The two forces which have fallen out meet once again in the symptom and are reconciled. It is for that reason, too, that the symptom is so resistant: it is supported from both sides. We also know that one of the two partners to the conflict is the unsatisfied libido which has been repulsed by reality and must now seek for other paths to its satisfaction.” (Freud 1963 358–359)

The formation of symptoms is the result of the compromise-formation, of the struggle between the wish for fulfillment and the repressive aspects of the psyche. Since both forces *partially* reconcile, the symptom is (one possible) expression of the encounter. In other words, compromise-formation is the creation of channels, of representations, to bring the unconscious to consciousness. However, these representations – either dreams or symptoms – are fictional: they are distorted and do not explicitly manifest the origin of the issue. Their decoding, then, is crucial.

³⁴ Released in the US on May 8th 2019, directed by Almudena Carracedo and Robert Bahar, produced by Pedro Almodóvar, and with assistance of scholars such as Dominick La Capra, Paloma Aguilar, and Joan Ramón Resina

against crimes that took place during the dictatorship by referring to the 1977 Amnesty. Following the parameters and legal grounds of universal justice, a notion that holds that this kind of crime cannot be proscribed, judge Servini tries to overrule the Amnesty under the scope of international law.³⁵ The lawsuit started with a few plaintiffs but now it has escalated to more than 300 people.

Silence of Others documents other current issues derived from the *Pact of Forgetting* and the Amnesty, such as exhumations, mass graves, and the “disappeared children”, contrasting them with public videos recorded at the moment of the transition, including Prime Minister Arias Navarro announcing Francisco Franco’s death on TV in 1975. The documentary links past and present, pointing at the cause of current issues. This sort of framing makes the past meaningful, that is, past events are linked to the present, personally experienced by the viewers. The documentary play a role in creating this intimate connection, which contributes to an understanding of how experiences become memory (Song 119).

As Joan Ramon Resina claims, “political changes have much to do with the ways history is coded and re-coded, and with the territories opened to memory or sunk into oblivion” (244). *Silence of Others* seeks to expose some of the lies of the regime,

³⁵ This is a model that, ironically, Spanish judge Baltasar Garzón used in 2005 to take legal action against Chilean dictator Augusto Pinochet. Garzón’s case can also illustrate how the *Pact of Forgetting* was a contract. In 2007, after the passing of the Law of Historical Memory in 2007, he decided to investigate political crimes during the dictatorship and the Civil War in 2007. Ironically, not only was his investigation dismissed claiming that the crimes committed during the dictatorship were “ordinary crimes”³⁵ – contamination between facts and fiction³⁵ –, but he was accused of breaking the Amnesty and suspended from his position at the Spanish National Court. The resolution of the legal case against judge Garzón adheres to the mythical construction of the transition as a success, and to the defense of the Amnesty as a cornerstone, an “essential, irreplaceable, and necessary pillar to overcome Francoism and what it stood for” (Sebastian Faber 77). Garzón’s case shows how the *Pact of Forgetting* does not operate under a logic of contingency; rather, it frames the limits of the state.

encouraging revisionism. In this way, it creates social awareness, and stresses the necessity of revising the historiography and legacy of the dictatorship, which could be translated as an exhortation for political change.

Documentaries can help to symbolize trauma. However, given the huge emotional load bound up with the experiences of those who survived the regime, it is usually a third generation³⁶ which makes visible and – to some extent – brings to consciousness what prior generations could not, showing evidence of transmission. In this way, the documentary works as a symbolic outlet, and contributes to the quest for justice, given its role in obtaining symbolic recognition (Resina 243). How does this work?

In *The Juridical Unconscious: Trials and Traumas in the Twentieth Century*, Shoshana Felman analyzes Dreyfus's and Nuremberg's, O. J. Simpson's and Adolf Eichmann's trials to explore the relation between law and trauma on a structural level. She entertains that law and legal practices not only cannot resolve trauma, but that their structure reinforces repetition of the trauma.

The law is, so to speak, professionally blind to its constitutive and structural relation to (both private and collective, cultural) trauma, and that its "forms of judicial blindness" take shape wherever the structure of the trauma unwittingly takes over the structure of a trial and wherever the legal institution, unawares, triggers a legal repetition of the trauma that it puts on trial or attempts to cure. (146)

The purpose of the law is to translate trauma into consciousness. However, it fails to do so. Law cannot capture trauma; it actually reenacts and repeats it. Felman refers to this phenomenon as "judicial blindness", a phenomenon that she analyzes in 20th century trials. The Spanish case, given its lack of trials, offers insight into *the Juridical*

³⁶ Following transgenerational trauma jargon. See, for instance, Abraham and Torok's *The Shell and the Kernel*.

Unconscious, given the new perspective of “judicial blindness”. The *Pact of Forgetting* and the Amnesty did enhance repetition of the trauma, because it was never properly dealt with.

Given the limitations of law, Felman emphasizes the importance of art and literature, as they capture trauma via fictionalization. Traumatic experiences may be unspeakable, but they can be represented in fictional forms. Literature and art work as symbolic manifestations of unconscious marks, full of latent signifiers; they express the “expressionless” aspect of trauma. Decoding its cryptic messages can help us to understand psychic mechanisms and cultural aspects of reality.

Documentaries and graffiti, as visual arts, offer a sensitivity that draws attention to the subjects of history: the traumatized, those who do not have a voice – or who are, themselves, symptoms of a history that was never completely theirs. They grant the *unthought knowledge*³⁷ symbolic representation (Schwab 7). Thus, I entertain that visual arts create a “literary justice” that compensates and bears witness to the abyss of legal justice and trauma.

In creating “literary justice”, making the past meaningful, and recoding history, *Silence of Others* creates a certain social unity with the spectator. What kind of “nos” does it create, then? The documentary challenges the discourse of consensus and its inherited social order, historiography, legal system, etcetera. It actively seeks to reject the institutional discourse of consensus and the contractual relation of the *Pact of Forgetting*. In this way, we could characterize the documentary as a (sadistic) pact, given that it is in

³⁷ See Christopher Bollas’ *The Shadow of the Object*.

an antagonistic relationship with the institution and with its intentional subjectivity. However, we could also argue that it has a pedagogic and dialectic function, as in a (masochistic) contract. My goal here is not to make a pact(sadist) - contract(masochist) taxonomy to resoundingly classify materials and ideas, but to study the *Pact of Forgetting* through that paradigm in order to offer an in-depth analysis. *Silence of Others* ultimately reflects on transitional justice and political representation.

Deleuze's characterization can help us reflect on (political) repetition and desire, notions that the documentary explores in a great sequence. Within the first ten minutes, there is a fast juxtaposition of short scenes of protests in the streets in pro of an amnesty, and people celebrating the passing of the dictator. The rhythm and intensity of the sequence keeps building up: it starts with the slow path of the protesters for the amnesty, and the song *Grito de la amnistía*, by Jose Luis García – “El zorro” – in the background [photograph. 3].



Photograph 3 - Silence of Others (5:42)

Through a voice over, the narrator explains that they were fighting for an amnesty to release political prisoners, and, *in crescendo*, we hear the voices from the actual recordings, the protesters shouting “amnistía” [amnesty]. The narrator, creating suspense, says that they thought they had succeeded in achieving the amnesty. These are real images recorded at the moment of the transition, not *a posteriori* reconstruction. As noted by Labrador Méndez, during the transition, video recordings of political protests were generally filmed with a static camera, building a non-participative place for the viewer (*Ciudadanos...22*).



Photograph 4 – Silence of Others (5:40)

Following that, there is a cut, and two shots of hundreds of people in the streets; smiling, jumping, shouting, and hugging each other, and people shouting “venceremos” [we will defeat], while raising their fists and jumping around [photograph 4]. Movement accumulates, music loudens, and we see slightly blurry shots of moving bodies, dispersed in public space – big and narrow streets, and squares –, but close enough as to look like

one big multitude, which makes it difficult for the viewer to distinguish one body from another [photograph. 5].



Photograph 5 – Silence of Others (5:57)

The sequence ends with a final scene that disrupts the rhythm of the fast accumulation of short scenes: contrasting the growing enthusiasm of the people in the streets, there is a long shot of the congress of deputies, where they are voting for the 1977 Amnesty [photograph 6]. The contrast between the scenes, emphasized with a smash cut, is brutal; emphasized through a change in volume, in rhythm, colors, movement ... The music stops and there is a deadly silence, with no sound other than a deep and solemn whistle, similar to the sound of a French horn. The color-scheme transitions from warm and bright colors, to cold ones. There is no movement, either, and everyone is seated wearing dark suits, in contrast with the vivid colors of the clothes from the protestors. The angle of the shot changes, too- eye-level angles are replaced by a distant bird's eye view.



Photograph 6 – Silence of Others (6:07)

The narrator then explains how the new Amnesty was also applicable to all the crimes of the dictatorship – the *Pact of Forgetting*, as Xabier Arzalluz Antia, Basque Nationalist Party leader, explains at the congress of deputies: “es simplemente un olvido. Una amnistía de todos para todos. Un olvido de todos para todos. Una ley puede establecer el olvido. Pero ese olvido ha de bajar a toda la sociedad. Hemos de procurar que esta concepción del olvido se vaya generalizando. Porque es la única manera de que podamos darnos la mano sin rencor”. What does it mean to forget? Forget what? What historical time should we forget? As Jo Labanyi points out, “lack of discussion in the public sphere is not the same thing as forgetting” (23).

The sudden and abrupt cut between the street and the Congress of Deputies could be read in an allegorical way: the formal, filmic cut aesthetically points at a violent caesura between people and institutional bodies of political representation. The smash cut becomes a reflection on representation – cinematographic and democratic. It opens a space for reflection, to think about that which escapes the image, representation. The

documentary creates an image of something un-image-nable: unrepresentable, inconceivable. In this way, it offers a “literary justice” that points at the “judicial blindness” of the *Pact of Forgetting*: not everyone is represented within the discourse of consensus. The fantasy of consensus is built on the axioms of homogeneity of the population and its complete inclusion in political representation, which define its political praxis. As a consequence, it does not allow for surplus, for dissensus.

Silence of Others represents a rupture with the illusion of reunification between the represented and the representative in discourses of consensus. This affective rupture with the discourse of consensus, with the *fantasy of democratic normalization* in the transition, grew in visibility with the impact of the 2008 crisis³⁸ (Ros Ferrer 5) and its aftermath. Namely, with the 15M³⁹, a movement of renovation, an active mass advocating for change⁴⁰. For the first time in Spain since the transition⁴¹ there was an emergence of new political parties. Political groups actively attempting to revolutionize

³⁸ A crisis that, on the other hand, was not merely economic; following Castells et al: “The crisis of global capitalism that has unfolded since 2008 is not merely economic. It is structural and multidimensional. The events that took place in its immediate aftermath show that we are entering a world with very different social and economic conditions from those that characterized the rise of global, informational capitalism in the preceding three decades. The policies and strategies developed to manage the crisis - with mixed results, depending on the country - may usher in a sharply different economic and institutional system” (1). This is, of course, on a general level, and we would need to look into Spain’s specificities. However, it is important to keep in mind the crisis not coming only from the economic sphere.

³⁹ I refer to the movement as “15M” instead of the hyphenated 15-M, for two reasons: i) they refer to themselves in their own publications as 15M; ii) I conceive 15M as the movement that originated in an event (Alberich 275). To assume a date as the name of a movement implies that the event is more important than its identity (Fernández-Savater 334).

⁴⁰ We could think of the birth of movements such as *Mareas* or *PAH (Plataforma de Afectados por la Hipoteca)*, which came to life after the 2008 crisis and advocate for the defense of rights, such as the right for a decent housing.

⁴¹ I also adhere to Violeta Ros Ferrer’s conceptualization of the transition as a *locus* “La Transición ocupa, hoy, la función de un locus, de un enclave imaginario en el marco político, social y cultural de la España contemporánea, que parece situar en ella el origen del malestar para con el presente” (1)

the Spanish political landscape⁴², led by young people dissatisfied with the status quo and tired of the PP-PSOE⁴³ binomial, a bipartisan politics known as *bipartidismo imperfecto* (imperfect bipartisanship)⁴⁴.

The 15M emerged in 2011. Given the distance between the Spanish political praxis and the notion of a “real democracy”, people *started*⁴⁵ to question the foundational myth of 1978 and its narrative (Labrador Méndez 2014, 26). Let’s recall, for example, one of the most important mottos of the *indignados*⁴⁶ movement: “democracia real ya”. The interruption of the 2008 crisis created an opportunity to reflect on the political scene and the heritage of the political parties that orchestrated the transition – as a consequence, some people, such as Monge Lasierra, entertain the idea of a second transition.⁴⁷ Following this line of thought, the influence of the crisis was experienced as a broadening of an existing hole (Peris Blanes 217). However, it should also be noted that the perception of said hole as a temporary phase that would eventually pass, with everything going back to “normality”, soon changed.⁴⁸ Rather, the 15M was the symptomatic manifestation of a general distrust in Spanish political praxis, demanding “institutional

⁴² “El 15-M como evento no puede entenderse sin esa explosión de nuevas voces que someten a crítica y desdoblamiento el lenguaje político constituido.” (Labrador Méndez 2014 22)

⁴³ The two main political parties in Spain, the conservative *Partido Popular* (People’s Party), and the socialist *Partido Socialista Obrero Español* (Spanish Socialist Workers’ Party). It is noteworthy to mention that the *Partido Popular* was founded by the Francoist politician Manuel Fraga, who was one of the key figures in the design of the transition.

⁴⁴ Rafael Reig, among others, points at the 19th century Bourbonic Restoration as the origin of the bipartisanship, with the alternation of power between Sagasta and Cánovas.

⁴⁵ “For the first time since the end of the dictatorship, the popular sectors and the middle classes came together politically (the first time was during the transition to democracy). Their common mistreatment has allowed them to recognize and reinvent themselves” (Monedero 52).

⁴⁶ Colloquial term to refer to components of the 15M. From Spanish *indignado*, an indignant person.

⁴⁷ Monge Lasierra, Cristina. “Segunda Transición.” *infoLibre*, 2018.

⁴⁸ As Violeta Ros Ferrer entertains, one of the most evident consequences of the crisis was a sort of interruption or de-naturalization of the teleological notion of time, which was “directed” towards a notion of progress (6). I would add that neoliberalism and its discourse did also play a huge role in the construction of that teleological notion of time.

regeneration” (Zahonero 66). With the 15M emerges a different approach to understanding the political experience of transition: as a process of popular struggle against an imposed “democracy” (Labrador Méndez 2014 47).⁴⁹

Symptomatically, in 2013 the government passed a “Citizen Safety Law”.⁵⁰ This measure criminalized protests by the 15M, such as “camping in public places; passive resistance to the police; recording law enforcement, especially the riot police; demonstrations at political headquarters, both parliamentary and party headquarters; hanging posters in public places; insulting authorities” (Monedero 41), to name just a few. The passing of this law showed the potential threat that 15M posed for the authorities.

The movement was successful in bringing to light issues of Spanish politics. In doing so, not only did it emphasize the multidimensional aspect of the crisis – an articulation of the general social malaise after the crisis –, but it also pointed out a crisis of political representation, a crisis of the 1978 regime. Following Zahonero:

During regime crises, many of the most solid convictions break down: the old systems of representation lose efficacy and there tends to be a dispersion of identities, disaggregation of collective constructions into their particles, as well as a dissolution of the organizations linked to them. Under these circumstances, it is necessary to *create* different norms, rules, words and forms, in order to allow the reconstruction of the entire political terrain. (67, emphasis added)

⁴⁹ Alvaro Fernández, in his article Fernández, A. “La mirada histórica. Estrategias para abordar la cultura de la transición española” claims: “por un lado, existe una producción teórica que aborda críticamente el proceso de la transición española, pone en cuestión la superación del pasado franquista y subraya continuidades históricas y silencios que pesan sobre la sociedad española contemporánea” (224). Criticism of the mythological discourse of the consensus, built it not something new – contrary to what some works, such as the *CT: Cultura de la Transición* (2012, ed. Guillem Martínez) claim. However, the 15M phenomenon took that criticism, reserved for a “marginalized” sector within academia, to the popular sphere.

⁵⁰ Popularly referred as to *la ley mordaza*, the gag law, which I explore in depth in the second chapter.

The aforementioned critique of the bipartisan model for the Spanish political praxis – inherited from the transition –, implied an urgency to create, to propose an alternative. The search for a *real democracy*. One of their main mottos is *no nos representan* [“they don’t represent us”] –, present in numerous social protests. The motto condemns their lack of political representation and points at the obsolete political representative machineries in 21st century Spanish politics. It refers to the political system inherited from the transition and the discourse of consensus: allegedly, politics based on democratic representation, which is, at the same time, based on recognition – a basic axiom of representative democracy.⁵¹ Searching for new mechanisms of representation, the motto evolved and was reconfigured in different ways; a popular one, slightly more radical, is *nadie nos representa* [“no one represents us”] [photograph 7].



Photograph 7- “Nadie nos representa”

⁵¹ Citizens of a larger group have to somehow recognize themselves and their set of political interests in the people that represent them.

The protest banner *nadie nos representa* condemns Spanish representational democracy, wherein representation is actually the elimination of the group of people who are represented. To say that nobody represents us implies either trying not to be eliminated, or looking for representatives who represent but that do not eliminate.⁵² The indignation of the *Indignados* – forgive the repetition – was “not against politics, but against bad politics. Not against the principle of representation, but against specific representatives” (Santiago 142).

Representation, in politics, is usually linked to speech. In a performative gesture, the two people pictured are covering their mouths, implying that they do not have a voice. Their representatives, the group of people that allegedly represents them, do not listen to them. They are excluded from representation, therefore from democracy. The gesture also signals how they are being silenced: the democratic regime, the *neo-Francoist democracy*, makes it impossible to speak against it.

3. Political Representation

The use of “nadie” in the protest banner echoes the nominalization of Polyphemus in Homer’s *Odyssey*, where “nadie” receives a positive value. “Nadie”, no one, could be everyone. “Nadie” represents us; “nadie” is the best representative in that it is universal and represents the concept of a universal search. Therefore “nadie” does not only represent me, but it represents everyone. “Nadie” means everyone. However, if someone

⁵² With regards to this, philosopher Willy Thayer, speaking about the post-dictatorial society in Chile, writes: “las criticas representacionales, simples, frontales, son necesarias siempre. Son la ley de rigor y la urgencia moral, la urgencia política” (20).

says, “I am *nadie*, I represent all the interests, I am the leader, the people, and the state”, this would become a totalitarian gesture. To affirm the universality of “*nadie*” could immediately become a general *dispositif*: we all look for that person and we share that universality, a particular social force that would assume representation of a totality (Laclau and Mouffe *Hegemony* 11)⁵³. Thus, this universal “*nadie*”, could be an absolute sovereign. We clearly see the problem involved in this reasoning. We would then need to look for a concept of the “*nadie*” that is both positive and negative. A “*nadie*” that has universal elements but that resists the possible universalization of the interests of the group in or by one person.

“*Nadie*” could work as an *empty signifier* (Laclau). “No one represents us” means that “no one”, the empty signifier, represents us. “*Nadie*” works as a metaphorical category that could bring participants in the 15M, the subjugated people, together in a collectivity made out of different political identities, and sectors of the population, such as students, retired people, families with low income, unemployed people, working class and middle-class people were affected by the 2008 crisis... A narration that would consider all of these different struggles equally important – a chain of equivalences –, in order to bring people together in a contingent fashion and foster social mobilization against the Spanish government. These different groups experience struggles, but they come together in a particular demand: recognition and political representation – “*nadie*” encapsulates their respective and common exclusion from these two realms. Their desire

⁵³ This would be an example of what Laclau and Mouffe define as *relación hegemónica*: “una cierta particularidad asume la representación de una universalidad enteramente incommensurable con la particularidad en cuestión” (13)

for recognition is universal, common, so their logic of differential relations is interrupted by a logic of equivalence. They take a particularity as something universal.

The chain of equivalences – as defined by Laclau, following his theory of hegemony – comes from an agreement of the different parts, the different political identities, to be represented in the empty signifier – empty enough to represent all of them, given that “todo sistema significativo está estructurado en torno a un lugar vacío que resulta de la imposibilidad de producir un objeto que es, sin embargo, requerido por la sistematicidad del sistema.” (Laclau 1996, 76).

According to Laclau, these operations would reinforce democracy, rather than weaken it. However, the *empty signifier* could also become a universal significant that carries the name of the people – hence the power of left-wing populism in Laclau. This hegemonic pact would give enormous power to the politician, or a political group.

The empty signifier constitutes the field of symbolization and hegemony, and can only be given if there is a negative concept, an excluded concept. Thus, the unity operates through negation, through a certain kind of violence between the individual and the collectivity: for the different political identities to come together as a “nos”, they would have to exclude some of their particular demands, and act collectively following a political strategy. In other words, the union of that group of citizens follows the logic of the *people*, versus the *multitude*.⁵⁴ Thus, the empty signifier is a signifier of the cancellation of difference and ignores particular demands of the groups. These negations

⁵⁴ This differentiation comes from the Spinozian distinction: in the category of the *people*, the mass is one, homogeneous; the *multitude* refers to a mass formed by separate individuals. Chantal Mouffe, in *The Democratic Paradox*, develops this distinction, calling the *people* the *demos*.

are dissolved in the chain of equivalences. The “nos”, in the protest banner *nadie nos representa*, is empty, then. It does not represent anyone – hence its name. The empty signifier refers to something unnamable.

The violence implicit in the cancellation of difference entails a *différend* (Lyotard), an inexpressible, non-negotiable personal or social heterogeneity. Contrary to a litigation, a *différend* should be understood as an irreducible plus of difference:

a case of conflict, between (at least) two parties, that cannot be equitably resolved for lack of a rule of judgement applicable to both arguments. One side’s legitimacy does not imply the other’s lack of legitimacy. However, applying a single rule of judgement to both in order to settle their *différend* as though it were merely a litigation would wrong (at least) one of them (and both of them if neither side admits this rule). (Lyotard xi)

Different genres of discourses⁵⁵ follow their own logic to choose appropriate phrases and their linkage. *Différends* take place when we link phrases of different discourses, which is unavoidable. How to link them, though, is contingent (29). No matter what, given the lack of a “supreme” genre to judge heterogeneous linkages, they will be deemed inappropriate. As a consequence, one discourse will silence the other, given that “inside a genre of discourse, the linkings [sic.] obey rules that determine the stakes and the ends” (29). Thus, the referents of the silenced discourse(s) would be subordinated to the instances of the hegemonic discourse, its stakes and ends – a notion that echoes Felman’s “judicial blindness”.

The lack of foundation in the *différend* comes from the lack of a sovereign “nos” recognizable by the different parties. Usually *différends* are treated as litigations, so the

⁵⁵ Lyotard mentions several examples of discourses, such as economic, academic, interrogative, or narrative.

conflict is regulated through an idiom that does not account for the heterogeneity of the discourses – what may be a legitimate solution for one of the parties, may not be for the other one(s), since they are incommensurate languages. The politics of the *différend*, then, reject the homogenization and equivalence of phrases and discourses, since this would create a phrase regime that would violently silence the other(s). Precisely, Lyotard entertains that “a universal cannot be concluded from a particular” (27), which is in radical opposition to the logic of the empty signifier. The empty signifier treats the *différend* as a litigation, and its chain of equivalences and elimination of differences creates a regime that silences the different discourses that are violently included in it, assuring its monopoly of signification.

Politics should not be understood as a genre, but as a multiplicity of genres that consists in the question of linkage (Lyotard xiii, 138). As such, “it bears witness to the nothingness which opens up with each occurring phrase and on the occasion of which the *différend* between genres of discourse is born” (141). Thus, in the necessary exclusion of genres, it leaves a sort of remaining residue that cannot be regulated and that always returns (142). Especially in ideas such as that of a nation, given the lack of procedures to establish their knowledge, their reality.

Lyotard offers a concept of justice and law that is based on this residue, that could be understood as an irreducible plus of difference in the determination of a pact and of a contract. The pact and the contract are based on a *différend*, which, in philosophical matters, is a residue, an excess in any instrument, tool, method, that can be used to *paciscere* or *contrahere*, and that is irreducible. We could argue that the pact and the

contract are two different ways of dealing with the *différend*. They both approach the irreducibility of the *différend* in a dispute. The pact insists on the possible subsequent repetition of the dispute – which would be called contingency. The contract, in contrast, is looking, precisely, to channel, to minimize, to eliminate the *différend*. Both are ways of reacting to what would be an irreducible difference, in legal terms. There is, however, a difference that arises from a dissymmetrical relationship with the institution.

We could think of *Nadie nos representa* as a complaint against a system where the process and mechanisms of representation have failed. If we turn around the expression, the *Pact of Forgetting* could be thought as an answer to the failure of representation: it is not a pact that two people make not to talk about a certain thing, but it is the pact made *by* forgetfulness itself. It is a way of bringing oblivion into the realm of representation. The *Pact of Forgetting*, then, is a pact made by oblivion, which, in so far as it is a pact, is re-presented. Thus, the *Pact of Forgetting* represents a nothingness, the impossibility of arriving at a concept, a sovereignty wherein everyone feels represented; the impossibility of a “nos” that represents everyone.

So, if on the one hand, “nobody represents us”, on the other hand we – where I would include me, and you, dear reader – are the forgotten ones. We are not represented; we do not feel represented. However, there is a function of the oblivion of the pact, which acts as a mechanism of representation. In other words, there is a deficit in the representational aspect of the “nos”, but there is this kind of compensation that is what oblivion offers as a pact, as a possibility of agreeing.

The graffiti, the smash cut, the protest banner, bear witness to a “juridical blindness”; they document the brutality of different moments of an ideology, the constitution of a community, and the fantasy of the construction of a community. They manifest that the *Pact of Forgetting* was a non-representative pact: what it agreed upon was to forget. The “nos” who allegedly says that we all want to forget, that we should all forget, is not a representative “nos”. Thus, the *Pact* as a symptom represents a nothingness, a “nadie”, and it points up a compromise: the impossibility of reconciling the desire for representation and the different mechanisms for constructing a “nos” – the “nos”, the community, is always involved in political praxes, but as a fantasy, a fantasy of what cannot be captured.

This compromise is a *différend* treated as a litigation, which creates a wrong, a damage: the forgotten ones cannot testify to the damage, because they do not have representation, their discourse has been silenced. It is subordinated to the regime of the discourse of consensus. As a contract, immobile and framing the limits of the society, the *Pact of Forgetting* seeks the elimination of the *différend*. (Affective) reactions, such as the 15M/*Indignados* signify the *différend*. This exclusion of representation comes from a desire to destroy potential acts of representation that go against the closure of meaning of an institution, entailing its maintenance and preservation. This kind of representation is seen as unpleasurable; thus, representation and the represented have to be destroyed (Davidoff 52), they have to be posited as meaningless. Piera Aulagnier, in *The Violence of Interpretation*, posits this destruction of representation as the death drive [Θάνατος], following Freud’s *Beyond the Pleasure Principle*: Θάνατος aims to return to the

inanimate state prior to representation and desire through the destruction of anything that arouses representation and desire (Davidoff 52).

The opposition between the Freudian Θάνατος [death drive, Todestrieb] and Ἔρως [life drive], given in the unconscious, responds to a bigger distinction: Θάνατος and the pure, abstract Death Instinct, the Instinct of Destruction, which is silent and not *given* in psychic life (Deleuze 1991, 30). Thus, we come to the crucial distinction between sadism and masochism, which is how the Death Instinct manifests:

The fundamental distinction between sadism and masochism can be summarized in the contrasting processes of the negative and negation on the one hand, and of disavowal and suspense on the other. The first represents a speculative and analytical manner of apprehending the Death Instinct - which, as we have seen, can never be given - while the second pursues the same object in a totally different way, mythically, dialectically and in the imaginary (Deleuze 1991 35)

There is a split in structural terms: sadism falls under an analytic and speculative understanding of the Death Instinct, given its negative/negation aspect; while masochism represents Θάνατος in a mythical and dialectical way, given its disavowal and suspensive character. Sadism and masochism, then, are qualitatively different in relation to the Death Instinct, they have different structures, not transformable functions.

Deleuze criticizes Freud's *Beyond the Pleasure Principle*, given that he does not reflect on how the death instinct operates. So, Deleuze analyzes how to think about the death drive, how to think of the transcendental principle that founds Ἔρως as an empirical principle. He concludes that Ἔρως – and the interaction with Θάνατος – is subordinated to repetition: “the "binding" action of Ἔρως, which is constitutive of the pleasure principle may, and indeed must, be characterized as " repetition" - repetition in respect of excitation, and repetition of the moment of life, and the necessary union -

necessary indeed even in the case of unicellular organisms” (Deleuze 1991, 113). Pleasure comes from the possibility of repetition; if no repetition occurs then it is not possible for the subject, either sadist or masochist, to experience pleasure. If, for instance, the sadist kills the victim, repetition is not possible, which entails an end to pleasure. The sadist does not take pleasure in inflicting pain on others, but instead from its combination with repetition. On the other hand, repetition in the masochist comes from suspension: pleasure is essentially delayed, and pain is anticipated as a condition for its arrival. Thus, pleasure comes from the ability to repeat both pain and pleasure, the repetition of the possibility of inflicting pain. In sadism and masochism, pleasure comes from the repetition of the union between Ἔρως and Θάνατος in their respective manners – taking into account that repetition is not exclusively positive, but negative actions are also repeated.

Aulagnier posits the death drive as the aim for destruction of representation and desire, and anything that arouses them. Thinking about political representation, and repetition, we could think of the impossibility of finding a concept or sovereignty where everyone feels represented as the Death Instinct, the “absolute negation” (Deleuze 1991, 30). Since sadism represents the Death Instinct in a speculative and analytic way, while masochism represents it in a mythical, dialectical, and imaginary way, their respective Eros-Thanatos interaction is going to be different. Their pleasure is obtained through two different dynamics of repetition. The repetition of the political gesture, then, is going to be different.

In a contract – immobile, that sets the limits of a society, and that minimizes the *différend* – with a masochist disposition, repetition comes from suspension. This suspension creates the possibility of pleasure. For instance, in the *Pact of Forgetting*, reality is de-negated, suspended (in oblivion); holding on to the fantasy, and living in the symptom. Masochist politics finds pleasure in the mythical representation of the Death Instinct: the creation of the (social) contract in its movement towards the law (enhancing oblivion of origin of the contract and the *différend*) creates a myth, a suspension of the reality of the, and a, fantasy, in line with its juridical spirit. Anything outside this fantasy and mythical construction would be regarded as meaningless and excluded.

On the other hand, in a pact – contingent, that contemplates the repetition of the *différend* – with a sadist disposition, pleasure comes from the possibility of repetition. The sadist rejects contractual relations and represents Thanatos in a speculative and analytic way. The structure of the double nature in the sadist – pure and partial – reflects the structure between the death instinct and the Death Instinct: since we can only experience a partial negation, a partial destruction, the sadist, in a rationalistic-spinozist demonstration, seeks repeated demonstrations. In the secondary nature, the negative is everywhere, but not everything is in denial. Destructions are also the reverse of creations or metamorphosis. Thus, sadist politics, such as the “*nadie nos representa*”, seeks for the possibility of repetition; repetitions that demonstrate and help to speculate about the Death Instinct, identifying with it, and seeking for change.

Chapter 1

Whose memory? Spatiality and the Spanish “Law of Historic Memory”

“Without memory, there is no culture. Without memory, there would be no civilization,
no society, no future”
Elie Wiesel

1. Tortosa’s monument and the demolition of memory

In November of 2019, the Tarragona delegation of the extreme right-wing political party Vox issued an official communication on their website. There, they condemn the demolition of the “Monumento conmemorativo de la Batalla del Ebro,” a monument with Francoist symbology – a soldier, an eagle carrying a victor⁵⁶ and a Christian cross,⁵⁷ alongside an inscription that praises those who “found glory” in the battle, i.e., Nationalist forces. The monument was erected in the city of Tortosa in 1964, 25 years after the battle it commemorates. It is highly visible, not only in terms of its spectacular materiality – it dramatically emerges from the river – but also in the controversy it raises. For over a decade, associations, commissions, and political parties have been arguing and legally challenging each other over the monument’s future. A paradigmatic issue of the un-resolved Spanish politics of memory and politics of oblivion.

⁵⁶ As part of a tradition that dates back to the 14th century, the victor is a symbol painted with a mixture of bull’s blood and red ocher on the wall of Spanish universities – for instance, the University of Salamanca and the University of Seville – to commemorate doctorate alumni (Alvarez Villar 1993, 205-208). At the end of the Civil War, the symbol became associated with the Nationalists and, by extension, their leader Francisco Franco (Navarro Oltra 2015 36)

⁵⁷ The Christian Cross was adopted by the Francoist regime as part of its symbolic rhetoric. It represented anti-Semitism (Preston 42), Christian education (Camprubí 54), redemptive Christian values (Yarza 60), and the discursive historiographical fantasy of Francoism as a crusade (Preston 118, 183, 198); all crucial axes of the regime.

In 2016, Tortosa voted in a referendum on the future of the monument. There were two options: to remove it and put it in a museum to promote historical memory or to keep it and re-contextualize it to promote historical memory (Ajuntament de Tortosa, 2017). The latter choice won, with 68% of the total responses. Proponents of keeping the monument justified their choice using various arguments; one of the most repeated equated monument demolition to history's erasure.⁵⁸

In 2019, the Government of Catalonia announced that the monument was to be torn down, following the application of the Law 52/2007 from December 26th, "by which Rights are Recognized and Expanded and Measures are Established in Favor of Those Who Suffered Persecution or Violence during the Civil War and the Dictatorship,"⁵⁹ commonly abbreviated as "Law of Historical Memory." Vox, in their online communication, denounces the disregard for the referendum's results. Part of the institutions that benefit from the official memory and the successful Spanish post-dictatorial state narrative, such as the Catholic Church, justify their opposition to the Law of Historical Memory by claiming it divides society through a selective use of historical memory (Silva 158).

In 2000, following an exhumation in the region of León, journalist and activist Emilio Silva, writer Santiago Macías, Palma Granados, and Jorge López Franco created the Association for the Recovery of Historical Memory (ARMH); an organization that has

⁵⁸ Every monument is material, and we cannot get away from the material object. That is why people get so scared when a monument is taken down - the idea that you always have to worship certain people. The other possibility is to understand that, in history, we can change the meaning of a monument, the way we think about it – there we are writing the moment.

⁵⁹ Original name in Spanish: Ley 52/2007, de 26 de diciembre, por la que se Reconocen y Amplían Derechos y se Establecen Medidas a Favor de quienes Padedieron Persecución o Violencia durante la Guerra Civil y la Dictadura.

played a crucial role in the compilation of testimonies from victims of the Civil War and the Dictatorship, as well as in the excavation and exhumation of mass graves.⁶⁰ In 2005, the Spanish Ministry of Culture approved the creation of the Documentary Center of Historical Memory,⁶¹ which entailed the introduction of the notion “historical memory” into the legislation (Aguilar 424). All of this served as a catalyst for conversations around the heritage of Francoism. Thus, in 2007, the government of José Luis Rodríguez Zapatero passed the Law 52/2007 as a political response to social demands – a strategy that ultimately advanced his political desire to receive more votes in the 2008 general elections. The law establishes economic compensations and proposes legal and symbolic measures that seek recognition and reparation for victims of the Civil War and the Dictatorship.

Article 15 bans praise of the dictatorship and Francoist symbols and monuments in public places. Following this, monuments that glorify the Civil War and the regime, such as the one in Tortosa, are not legal – the monument is the result of a dictatorship; conducting a referendum, a democratic vote on this issue, paradoxically legitimates a fascist regime. Vox demagogically claims that the Law of Historical Memory imposes a unilateral ideological vision of history, and they defend the conservation of the monument, since it pays tribute to the fallen on both sides of the war. But what exactly is a Law of Historical Memory and how does this concept translate, both into the legal arena and its social application?

⁶⁰ Spain has the second largest number of missing people in the world after Cambodia (Delgado 184).

⁶¹ Centro Documental de la Memoria Histórica

As mentioned before, Law 52/2007 is popularly known as the “Law of Historical Memory,”⁶² but it also carries this name on the official website of the Spanish government. The law does not explicitly define the term, neither does the Documentary Center of Historical Memory, nor the Law 24/2006, which establishes 2006 as the Year of Historical Memory (B.O.E. 2006). While the law lacks an explanation of this complex syntagma, its various articles and measures – economic, legal, symbolic, etcetera, in nature – follow the parameters of what we define as “historical memory.” For instance, the first section of article 2 establishes “the right of all citizens to moral reparation and recovery of personal and family memory” (Jefatura del Estado 5, my translation).⁶³ This notion of “recovery of memory” is tantamount to “historical memory.”

What kind of right is the right to memory? Where does it lie? Who holds the right to memory? The individual, the one who has lived that memory, or is the right to historical memory transferable? These questions cannot be answered in general, but rather by focusing on specific discourses and texts. In this chapter, I focus on the Spanish Law of Historical Memory through an analysis of monuments and memorials – a spatial approach to memory studies can maybe take us away from the circularity of the melancholy-mourning conversations. I propose the notion of anamnestic memorials, to offer a different insight on Historical Memory and its relationship to the state and to the individual. I read both monuments and what I refer to as amnesic memorials as devices of

⁶³ Original Spanish: “expresión del derecho de todos los ciudadanos a la reparación moral y a la recuperación de su memoria personal y familiar”

“the infrastructures of memory” (Rubin 2018):⁶⁴ state-created representations of the past put in circulation in the public sphere. This approach provides a means of reflecting on how material and institutional apparatuses shape our perception of the past and its role in the present (Rubin 224). Ultimately, in this chapter I trace a triptych between space, memory, and narrative, an articulation that I explore through historic and memorial sites (monuments and memorials). As I posit, this tripartite relationship can be operated (un)democratically – democracy can indeed be excluded from the relationship between these three points, which offers us the possibility of defining democracy against that relationship.

2. State-created representations of the past: monuments and amnesic memorials

Memory and history have been traditionally regarded as two disconnected spheres.⁶⁵ This antagonism entailed a lack of agency for different collectives within a society in the writing of its History, which accounts for the exclusion of their perspectives. As a result, the narrative from the elites, from those who had the power to write History, shaped the social perception of past experiences according to their interests. In *Memory, Forgetting, Silence* (1989), Michel Pollak criticizes Maurice Halbwachs’ concept of *collective memory*. While the latter emphasizes the positive role of a common memory in affective social cohesion, Pollak ponders the processes of domination and submission in the

⁶⁴ Rubin borrows the term “infrastructures” from Larkin (2013), who defines it as “the means by which a state proffers [...] representations to its citizens” (Larkin 335). By “infrastructures of memory”, Rubin means those “[infrastructures] that enable and constrain the circulation of past experience in the public sphere” (Rubin 215).

⁶⁵ There is an extensive amount of literature on the relationship of memory and history. See, for instance, Ricoeur (2003), Nora (1989), Schacter (1995), Terdiman (1993), Climot and Cattell (2002), Cubitt (2007), Klein (2000), Connerton (1989), DeLugan (2020).

construction of said memory. The official memory – the national memory – is the product of an *a posteriori* construction of past experiences as described by the historical narrative; a reconstruction framed by the interests of the state, not only in keeping social order, but in interpreting the past according to the interests of the present and future (Pollak 25). As a consequence, there is a group of oppressed memories whose histories – in plural, which points at multiple, different experiences of the past – have been ignored and excluded from official memory. Within this dichotomy of collective memory between the State and civil society, Pollak proposes the term “underground memories” to refer to those memories that undergo (symbolic) violence. His use of the plural form of “memory” alludes to the multiplicity of silenced, marginalized, and minoritized cultures under the scope of the term.

The caesura between the “official memory” and the “underground memories” stems from the limits of language – what can be said and what cannot. The credibility – and, thus, social acceptance – of the official memory depends on the organization of apparatuses and devices that support its narrative at the same time that they conceal its ideological construction (Pollak 24). Underground memories are silenced in order to avoid rupture in the order imposed by the state. Excluded from written History, oral testimony becomes the main source and vehicle of the oppressed cultures. If underground memories become visible in the public sphere, they can disrupt the hegemonic order by indicating gaps in the State’s partial construction of history. This can lead to diverse social demands (Pollak 19-20), such as a demand for what has been strategically excluded from the official memory.

I find Pollak's dichotomic concepts of "official memory" and "underground memories" highly productive for thinking about historical memory and the traditional rift between memory and history. The term "historical memory" is a rhetorical device that fulfills a social, political, and moral function.⁶⁶ It acknowledges the long-standing separation of what was traditionally regarded as memory – that is, individual – and history, and the supremacy of the latter in the creation of social cohesion. Thus, it proposes recovering those forgotten memories, those underground memories, in order to reconstruct history and study criteria for selecting facts for historical narration. In other words, historical memory tries to understand the way that we have understood history so as to recognize its gaps and mend them. Reconstruction of the past can solve problems of the present and shape ideas about the future. This historical reconstruction cannot be done only through traditional sources, but with analysis of interdisciplinary sources such as works of fiction, visual arts, architectural structures, or museum expositions.

Historical memory is crucial to constructing a society that rests on freedom, tolerance, and social justice. Historical memory, in the Spanish case, refers to the dismantling of the official memory of Franco's regime and the study and recovery of the underground memories of all those peoples who were condemned to oblivion. After the Civil War, Franco's regime had to lay the foundations for the new Spanish society. The regime's repression sought the establishment of social principles and traditions in line with those of the dictatorship. Thus, the State was responsible for establishing the

⁶⁶ Ruiz-Vargas (2008), a scholar in neurocognitive sciences, analyzes the concept "historical memory", "collective memory" and "social memory" from a psychological approach. He explains key neurocognitive concepts related to memory, such as autobiographical memory, to then arrive at the conclusion that the notion "historical memory" fulfills a social, political, and moral function, given its lack of psychological epistemological justification.

meaning of symbols, facts, and events, as well as creating a historical narrative⁶⁷ for the country – the one to be publicly disseminated by different apparatuses and devices. Anything or anyone that challenged these constructions was invisibilized and violently eliminated. Thus, the experiences of those who opposed the regime, or any sort of experience that fell outside of the regime's limits, were silenced, excluded from history and marginalized as individual memories (Sánchez Muñoz and Fernández Gallego 1440).

One of the mechanisms for the foundation of a new society that adhered to the principles of traditions given by Francoism was the use of space. Memory is intimately linked with spatial order. As Francis A. Yates demonstrates in *The Art of Memory* (1966), memory and architecture have been connected since ancient times. Indeed, Roman rhetorician Quintilian writes about the myth of the origin of memory in his *De Oratore*: Scopas, a nobleman of Thessaly, hired the poet Simonides of Ceos, to write a poem in praise of Scopas for a banquet he was hosting. Simonides complied with the request, but he also included a passage commending Castor and Pollux, the twin gods; Scopas, furious, said that he would only pay for half of the agreed amount. Soon after that, Simonides received a message that two men were outside and wanted to see him. He went outside of the house to meet them but could not find them anywhere. While he was looking for them, the roof of the house collapsed, killing everyone that attended the banquet. The poet did, however, remember where everyone was seated, which allowed him to identify the bodies. This myth identifies Simonides as the inventor of a technique of memorization based on space and order (Yates 1-2); the ability to order and retrieve

⁶⁷ For studies on Francoist historiography see, for instance, Herzberger (1995).

information, the ability to leave the room but yet remember, movement and visual imprinting are components of the myth of memory (Goldman 158).

Roman orators, such as Cicero, resorted to repository metaphors as a technique for remembering their speeches; an “Art of Memory”, known as the method of loci – to be precise, “loci” is the plural form for the noun *locus*, place. The person that wishes to remember something would associate an image with an idea, and then they would mentally place the images on an empty building or even around a table – the *locus*. Elements in the *locus* would be visualized as *topoi* or actual places. To retrieve the information, the “rememberer” would visualize the architectural space and retrieve the *imagentes*, the images associated with ideas, in the appropriate order. If they wished to reorder their rhetoric, they would recover the *imagentes* in a different sequence. In order to facilitate the process and avoid confusion, orators would avoid spaces and paths that were difficult to remember. Later in the Renaissance, the method of loci would also concern style, delivery, and literary theory – metaphor, metonymy, allegory, etcetera (Hollander 181-182).

The interrelationship between memory and space also operates at a social, collective level. In his famous work on collective memory, Maurice Halbwachs emphasizes the strength of the different points of reference that structure our memory and insert it into the memory of the collectivity to which we belong (Pollak 2006 17). Public space,⁶⁸ that collectively shared space where citizens coexist, is a place of events and

⁶⁸ Public space refers to the physical and symbolic realm of space where human beings paradoxically coexist in their individuality and difference. Aristotle, in ancient times, already reflects on the relationship between public space and politics: for him, city, citizen, and politics are intertwined in such a way that the dynamics of citizenship reflects and is reflected in the dynamics of the city, which also is connected to

reminiscences, where the episodes and ephemeris that shape the biography of a population – in a historical and spatial, urban sense – are collectively commemorated (Uriarte 101). Historical stories – how we arrange and think about history, about the collected memory⁶⁹ of a society – are spatially arranged by the material elements in the public space: buildings, plazas, inscriptions, monuments, etcetera, act then as cues that trigger collective memories. The question, then, is which memories, which stories are considered worthy of (material) presence – and thus commemoration – in the public space, and from what particular point of view.

“Monument” comes from Latin “monere” [to remind] and “mentum” [instrument]. The etymology points to its medium – its materiality –, and to its intent – the rigidity of memory. Ann Rigney defines monuments as “semiotic carrier[s] of meaning indicating a desire to invoke the memory of one set of events or actors rather than another” (1). In their public visibility, monuments commemorate certain public

political dynamics. Thus, the processual construction of a community, of a society has a spatial component as well as a political one, converging, both of them, in the issue of politization of public space; an issue of symbolic significance – what is common? who are the commons? The city is thus a space in constant transformation, and its study allows us to explore collective challenges.

⁶⁹ Following James E. Young’s term. “Part of our contemporary culture’s hunger for the monumental, I believe, is its nostalgia for the universal values and ethos by which it once knew itself as a unified culture. But this reminds us of that quality of monuments that strikes the modern sensibility as so archaic, even somewhat quaint: the imposition of a single cultural icon or symbol onto a host of disparate and competing experiences, as a way to impose common meaning and value on disparate memories - all for the good of a commonwealth. When it was done high-handedly by government regimes, and gigantic monuments were commissioned to represent gigantic self-idealizations, there was often little protest. The masses had, in fact, grown accustomed to being subjugated by governmental monumentality, dwarfed and defeated by a regimen’s overweening sense of itself and its importance, made to feel insignificant by an entire nation’s reason for being. But in an increasingly democratic age, in which the stories of nations are being told in the multiple voices of its everyday historians - that is, its individual citizens - monolithic meaning and national narratives are as difficult to pin down as they may be nostalgically longed for. The result has been a shift away from the notion of a national “collective memory” to what I would call a nation’s “*collected memory*”. Here we recognize that we never really shared each other’s actual memory of past or even recent events, but that in sharing common spaces in which we collect our disparate and competing memories, we find common (perhaps even a national) understanding of widely disparate experiences and our very reasons for recalling them” (Young 15, my italics)

figures or events from the past that play a significant role in the nation-state project; that is, they praise and evoke a shared historical narrative that operates so as to create an “imagined community” – to borrow Benedict Anderson’s term. This historical narrative is usually tantamount to the official memory; thus, it reflects the interests and values of the State. Monuments work as *dispositifs* of official memory; their materiality paralyzes a moment or attitude of something versatile, dynamic, and in this paralysis, they (ab)use and mobilize an image of the past.⁷⁰

The choice of what/who to remember and how, entails a choice of what/who to forget, as part of a hegemonic project of active forgetting.⁷¹ Echeverría Alvarado (2020) entertains that monuments are themselves a memory of oblivion. According to her, the images and narrative of the past that monuments construct do not merely work as a memory depository, but also as social compasses that establishes the parameters of a society – its past, its values, and the lives of its citizens (80). Echeverría works from the Derridean polysemic term “archive” as a term that refers to a chronological beginning, an origin; but also, to a historical, physical and ontological principle that installs an order (88). The function of monuments goes beyond their protection of collective memories: they also orchestrate the direction and limits of the social structures of past remembrance.

The Francoist dictatorship aimed at the monumentalization of space: everywhere people looked, they would find something that reminded them of the regime – street

⁷⁰ Francoist monuments generally commemorate people or historical events. Here, I intend to emphasize the multifaceted, fluid character of both of them, in contrast with their static monumentalization.

⁷¹ This concept, that broadly refers to “a mechanism or series of mechanisms to remove memories that become unused” (Davis and Zhong 490), has conatus in different fields – for instance, neuroscience (Medina 2018), biology (Fellner et al 2020), psychology (Anderson and Green 2001), philosophy (Nietzsche 1983 [1874])

names, plaques on a building, statues, and so forth. Those elements would eventually become something daily, thus assimilated in the “cultural landscape” (302 Queralt Solé y Xavi López). Consumption of the regime’s spatial expression aimed to mobilize affect. Francoist monuments sometimes include(d)⁷² a plaque with a brief explanation of the object they commemorate – that being a person or historical event. However, the information is presented in an ideological narrative that follows their agenda’s purposes; it was not produced as to provoke reflection, but rather passive normalization, acceptance, and, finally, defense. Some of the monuments did (do) not include a plaque, because the symbols and figures they included were considered self-explanatory in themselves. Present everywhere in the regime’s spatial expression, they had taken over the daily experience of life. Citizens were constantly bombarded with them to create the illusion of a common memory, articulated by these devices of common memory spaces – loci.

⁷² In the past, in the moment of their construction, and in their existence in present times.



Photograph 8 – Arco de la Victoria in Madrid

Monuments such as the Tortosa's Monument, the Arco de la Victoria (Madrid) [see photograph 8], the Puerta de Alcalá (Madrid), the Monumento a la Victoria (Tenerife), or the Pirámide a los italianos fascistas caídos en el Puerto del Escudo (Burgos) ideologically freeze memories; they call for a common narrative to gather citizens together, creating a continuity between past and present. They also monopolize public space, so as to occupy it and impose their own ideological construction of collective memory, leaving no room – physical or symbolic – for alternative, dissident historical memories. These monuments seek to homogenize representations of the past and to provide a naturalized locus for (collective) memory, where the regime's victories are commemorated, and the historical narrative is ordained. Configuring themselves as a natural part of the geographical topographies of memory, monuments cast the Francoist

nation's values and myths as being as truthful as the landscape of which they are a part. The monuments, then, sustain the regimen's ideological illusion. They are not a mere secondary reflection of the official narrative constructed elsewhere; instead, they construct nodes that can encourage or limit collective action. In this way, Francoist Politics of Space, with its project of memory-making and mnemonic chain reaction, and its use of public space for political objectives, follows Pollak's official memory logic.

Article 15 of the Law of Historical Memory bans praise of the dictatorship and Francoist symbols and monuments in public places. Following this, monuments that glorify the Civil War and the regime, such as the one in Tortosa, are not legal, because they are the result of a dictatorship. Why was a referendum conducted almost a decade after the enactment of the Law to vote on the future of a Francoist monument? Conducting a referendum, democratically voting on this issue, paradoxically legitimates the fascist regime. How is it possible, then, that fifteen years after the enactment of the Law there is still a huge number of Francoist monuments and commemorations to the regime, such as the over 1,000 streets that are named for it? As we have seen, Historical Memory acknowledges the oppression that part of the society suffered and their exclusion from the official memory. When used in law and the legal field, this concept translates into justice, victim's reparation, and punishment for the offender(s). How does the Law 52/2007 deal with the country's past/memories? What measures does Law 52/2007 propose to achieve this? How, then, does Law 52/2007 conceive of Historical Memory? How does it conjugate its nature as a Law for Historical Memory with the persistence of Francoist monuments?

In 1996, professors Peter Brooks and Paul Gewirtz published *Law's Stories: Narrative and Rhetoric in the Law*, a collection of essays that extensively explore storytelling in legal scholarship. Influenced by Critical Legal Theory,⁷³ the authors analyze trials, cases, and legal rulings through literary theory, literary criticism, and the tools they provide, focusing on the role of narration and rhetoric in legal arguments. Peter Brooks names this approach “legal narratology,” as the “the analytic study of the phenomenon of narrativity and its various discursive manifestation” applied to legal scholarship (Brooks 17).

How is storytelling related to law? There are different aspects and moments in legal procedures that include narration: confessions of the accusers, testimonies of the witnesses or the victims, judicial decisions, presentation of the facts, or a lawyer’s presentation of a case may be the most obvious ones. However, as Gewirtz claims “storytelling in law is narrative within a culture of argument. Virtually everyone in the legal culture—whether a trial lawyer presenting her case to a court or jury, a judge announcing his findings about what happened in the case, even a law professor writing an article—is explicitly or implicitly making an argument and trying to persuade” (Gewirtz 5). The purpose of storytelling is to argue and persuade. How stories get told is shaped by the receptor and the speaker’s intentions. As documents, laws, their justification, and the

⁷³ The 1970s movement and subsequent school of critical theory. Critical Legal Theory, or Critical Legal Studies (CLS), gained a lot of academic popularity and experienced its peak in the 80s. Even though it dissolved, and it is no longer given as such in law, it remained as a critical practice of legal studies. It proposes that the law is unavoidably intertwined with social problems, claiming the role of the law in the perpetuation of the political status quo. Thus, its proponents entertain that the law benefits those who create it. Regarding jurisprudence, CLS seeks to alter jurisprudence, since CLS proponents hold that it is not a rational system, but rather an ideology that allows for an unjust political system. As such, CLS scholars aim to debunk false claims on law’s neutrality and objectivity.

text itself, aim to persuade; they argue for their existence and application within a society. Thus, legal narratology offers a new way to study laws as cultural artifacts, examining how they are made, their complex application, their language, and other legal phenomena. As such, I will analyze the Spanish Law of Historical Memory through legal narratology.

The document of the Law of Historical Memory begins with an explanatory statement, the *exposición de motivos*. As the name suggests, this section justifies the enactment of the law by explaining its objectives, the issues it addresses, and how it proposes to link these two so as to offer a solution for the Spanish Historical Memory.

The last paragraph of the statement reads:

En definitiva, la presente Ley quiere contribuir a cerrar heridas todavía abiertas en los españoles y a dar satisfacción a los ciudadanos que sufrieron, directamente o en la persona de sus familiares, las consecuencias de la tragedia de la Guerra Civil o de la represión de la Dictadura. Quiere contribuir a ello desde el pleno convencimiento de que, profundizando de este modo en el espíritu del reencuentro y de la concordia de la Transición, no son sólo esos ciudadanos los que resultan reconocidos y honrados sino también la Democracia española en su conjunto. No es tarea del legislador implantar una determinada memoria colectiva. Pero sí es deber del legislador, y cometido de la ley, reparar a las víctimas, consagrar y proteger, con el máximo vigor normativo, el derecho a la memoria personal y familiar como expresión de plena ciudadanía democrática, fomentar los valores constitucionales y promover el conocimiento y la reflexión sobre nuestro pasado, para evitar que se repitan situaciones de intolerancia y violación de derechos humanos como las entonces vividas⁷⁴.

⁷⁴ In short, this Law seeks to contribute to the closure of wounds still open for Spaniards and to satisfy the citizens who suffered, directly or through their relatives, the consequences of the tragedy of the Civil War or the repression of the Dictatorship. The law wants to contribute to this from the complete conviction that, deepening the spirit of reunion and harmony of the transition, it is not only these citizens who are recognized and honored, but also the Spanish Democracy as a whole. It is not the task of the legislator to implant a certain collective memory. But it is the duty of the legislator, and the task of the law, to repair the victims, to consecrate and protect, with the maximum normative force, the right to personal and family memory as an expression of full democratic citizenship, as well as to foster constitutional values and promote knowledge and reflection on our past, and to avoid the repetition of situations of intolerance and violation of human rights such as those experienced in the past (my translation)

The rhetoric of the explanatory statement justifies the law with abstract concepts – such as to heal wounds or the right to memory – that do not have tangible application. The law seeks reparation for those who suffered the Civil War or the Dictatorship, directly or indirectly. Allegedly, recognition of these citizens will also benefit Democracy, because it will contribute to the perpetuation of the spirit of the transition. The statement praises the transition, characterized by reconciliation and concord, and conceptualizes it as a fundamental – understanding this adjective as essential but also as related to the basis of something – part of the Spanish Democracy. Thus, the Law is justified through its conceptualization as a democratic instrument that contributes to the only possible model of democracy for Spain: the one established by the transition.

The explanatory statement also claims that legislators and the law should promote Spain's constitutional values. Even though it does not specify what constitution they are referring to, the narrative of celebration of the transition and the Spanish Democracy leads the reader to understand that it cannot be other than the 1978 Constitution. While this may seem obvious, because that Constitution is the most recently ratified one, the statement seems to imply that said Constitution is the only one with democratic values. Moreover, in another section of the explanatory statement, the Law celebrates the 1978 Constitution as “the best constitutional model of coexistence in Spain's history” while completely ignoring the democratic achievements of the second Republic's Constitution – the birth of fundamental democratic rights such as freedom of speech or women's right to vote.

Both the invocation of the transition and the Constitution work as rhetorical precedents. Traditionally in law, citing a precedent is considered a move of *logos*, an argument to rationally convince.⁷⁵ However, proponents of legal narratology reject this idea, in that these invocations seek persuasion. Our interpretation of the function of the rhetorical precedents could follow either or both of these logical or epistemological options: a) the precedent is created to justify the Law, b) the Law is created to contribute to the precedent. We obviously know that the transition and the 1978 Constitution did take place in history, but the *exposición de motivos*' narration, which aligns Spanish democratic values with the transition and the 1978 Constitution, thus failing to recognize prior democratic regimes in the country, could have been created to justify the Law – what Brooks defines as hypothetical narratives, “formed to cover and explain events; they are narratives that themselves modify events, change their status, produce other events to fill the gaps, lend intention to action” (Brooks 17). On the other hand, the Law could have been created to specifically follow the purposes and logics of the precedents, to perpetuate the historical telos of the transition and the Constitution. Any of these possibilities aims at the preservation of the political status quo through its persuasive narration, which legitimates the official memory. The explanatory statement entertains that legislators should not impose a given collective memory. Paradoxically, that is what the Law does.

Sartre contended that narrative starts at the end of the story, at which point the speaker can transform events according to his/her intention and retrospectively make

⁷⁵ Whereas in non-legal arguments it could be regarded as move of *ethos* or *pathos* (Hollander 186).

sense of their finality (Brooks 18-19). The hypothetical narrative presented in the explanatory statement explains historical events according to the double intention of the Law: to validate its creation and the measures of transitional justice that it proposes, and to legitimate and reinforced the official memory of the transition. The storytelling of the Law is intertwined with the storytelling of the rhetorical precedents, creating the illusion that both are the only possible scenarios for constituting Spain as a post-dictatorial state and solving its historical memory issues. The hypothetical narrative of the transition is based on the conceptualization of the 1978 Constitution as a foundational text, as an ur-text.⁷⁶

The explanatory statement encourages knowledge and contemplation of our past. However, the committee that drafted the Historical Memory Law – who were ironically unaware of the number of disappearances and killings executed during the Civil War (Rodríguez Gallardo 30-31) – did not condemn Francoist crimes to avoid challenging the Francoist official memory. With this resolution, they ignored demands by the victims, which included vacating court martial sentences based on ideology and the state’s authorization of public exhumations. While the Law highlights the duties of the Documentary Center of Historical Memory,⁷⁷ such as the compilation of oral testimonies⁷⁸ in order to investigate the past, it demagogically fails to distance itself from the historical narrative of the official memory and its archival sources. As we saw earlier,

⁷⁶ The particle “ur” is a prefix that refers to the early stage of a cultural or historical phenomenon or entity.

⁷⁷ Centro Documental de la Memoria Histórica

⁷⁸ Article 20

the reconstruction of the official memory's partial version of history with the inclusion of underground memories' testimonies is a crucial function of historical memory.

Organizations for historical memory criticized the Law's insufficiency for transitional justice. The president of the Foro de la Memoria, for instance, denounced the Law's lack of recognition of the Civil War's and the dictatorship's victims and its pedagogic failure as regards the exposure of Francoist crimes (Moreno Díaz 248). It recognizes the "rights" of the victims, but it does not provide a clear definition of what, in this case, constitutes a victim.⁷⁹ It proposes administrative measures greatly distanced from measures of justice.

Moreover, the Law does not repeal the 1977 Amnesty. Thus, the measures for reconciliation and reparation proposed in the document are insufficient, as the crimes fall into the oblivion imposed during the transition. The 1977 Amnesty imposed on the past a measure of oblivion. In the following decades, Spanish politics avoided dealing with the past, which led to the common belief that a law of historical memory would divide the population and revive old confrontations (Valverde 66).⁸⁰ Thus, the enactment of the Law did not change the official memory of the regime, as it reproduces the transition's conciliatory discourse.

Public commemorations for victims of the Civil War and the Dictatorship increased in number after the 2007 enactment of the Law of Historical Memory. Symbols of reparation were installed in *sites of memory* – following Nora's famous term "lieux de

⁷⁹ For further reference on the figure of "victim" in the Civil War and Francoism, see Vicent Druliolle (2015).

⁸⁰ As Paloma Aguilar (2008) observes, fear of vindictiveness was a legacy from the Civil War's dichotomy between winners and defeated.

memoire”⁸¹ (1998) – throughout the country. These memorials are meant to contribute to the recognition of the victims, to the recovery of their underground memories, and to the visibilization and acknowledgment of the country’s past. Their inauguration is sometimes celebrated in a public event that can include poetry recitals, a commemorative dance performance, a speech by a political figure, or a speech by a victim’s relative, among others.⁸²

⁸¹ In the first half of the 20th century, Maurice Halbwachs starts exploring the opposition between history and memory and the spatial aspects of cultural memory – see *La topographie légendaire*. Halbwach’s work anticipates the extremely influential notion of *lieux de mémoire*, coined by Pierre Nora, key figure in the field of memory space and collective memory, in the 1980s. With *lieux de mémoire*, coined after the ancient and medieval rhetoric and mnemonic techniques – loci memoriae – explored by Frances Yates (1996) – for debates on the different translations and translatability of the term into English, see Pim den Boer (2008) –, Nora comes back to the complex relationship between history and memory in the (academic) French context; according to him, “every previous historical or scientific approach to memory, whether national or social, has concerned itself with realia, with things in themselves and in their immediate reality” (Nora 1989 23). These approaches produce projects of national history and national identity that rely on History as an objective, scientific discipline that transforms memory as an immediate, unspoken tradition that takes refuge in habits and gestures, into a “historized” memory – “voluntary and deliberate, experienced as a duty, no longer spontaneous; psychological, individual, and subjective; but never social, collective, or all encompassing” (Nora 1989 13). In this Gallic (academic) context, Nora holds that it necessary to develop a new type of history that does not abandon memory, the *lieux de mémoire*, which he defines as “any significant entity, whether material or non-material in nature, which by dint of human will or the work of time has become a symbolic element of the memorial heritage of any community” (Nora 1996 xvii). The study of the *lieux*, of those entities that crystalize memory and embody memorial consciousness, offers the opportunity to understand the construction of events over time, their effect, the (social) traces left by acts of commemoration and remembrance, the reemergence and disappearance of traditions, homages, anniversaries... phenomena largely ignored in the previous historical age. *Lieux de mémoire*, which are extremely ideological mnemotechnical devices, simultaneously operate on three different registers – material, symbolic, and functional – and are the result of an interaction of memory and history; however, contrary to history, which is concerned with continuity, “the most fundamental purpose of the *lieux de mémoire* is to stop time, to block the work of forgetting, to establish a state of things, to immortalize death, to materialize the immaterial [...] in order to capture a maximum of meaning in the fewest of signs” (Nora 1989 19). Although there are different types of lieux – portable, topographical, architectural, monumental, etc. – the main lieux is site (Nora 1996 xv-xvii), given that “memory attaches itself to sites, whereas history attaches itself to events” (Nora 1989 22).

⁸² See, for instance, events held for the inauguration of *El Bosc de la Memoria* in 2003, the *Muro de la Memoria en el Cementerio de San Rafael* in 2011, Eduardo Carretero’s monument *Piedad* at Granada’s cemetery in 2011, or the *Parque de la Mujer de Peralta* in 2020.



Photograph 9 – Plaque at the Castle of San Sebastian, Cadiz

Plaques are one of the most common formats. They usually include an inscription that identifies the importance of the site for the country’s historical memory, and a short message that gives information about what the plaque is commemorating. In the case of the Plaque at the Castle of San Sebastian [see photograph 9], the message reads “Lugar de memoria histórica de Andalucía. Castillo de San Sebastián. En memoria y reconocimiento a todos los gaditanos y gaditanas víctimas de la guerra civil [sic.] y la represión franquista. Diciembre de 2016. Junta de Andalucía.”⁸³ Between 1936 and 1944, those plotting the 1936 coup d’état murdered at least 45 people at the castle of San Sebastian – this site, designed by Rafael de la Cerda in 1908 and originally built as a lighthouse, became a military prison in July of 1936 (Romero Romero 292). However,

⁸³ Place of historical memory of Andalusia. Castle of San Sebastian. In memory and recognition of all the people from Cadiz and Cadiz victims of the civil war and Franco’s repression. December 2016. Junta of Andalusia.

the extremely brief text of the plaque does not provide any historical context. Why is the plaque in this specific location? Who is it commemorating? What happened to them? Why are they considered victims? Is it a group of victims that suffered from the War and the Dictatorship for the same reason? Or does the label “victim” work as an umbrella term to gather their heterogeneous social identities?

As James Young states in the context of Holocaust monuments and memorials:

A monument against fascism, therefore, would have to be a monument against itself, against the traditionally didactic function of monuments, against their tendency to displace the past they would have us contemplate, and finally, against the authoritarian propensity in monumental spaces that reduces viewers to passive spectators. (2002 96)

Young’s statement has implications when thinking about memorials. Let us remember that, while monuments commemorate an event or a person, memorials work so as to encourage collective remembering, welcoming new (hi)stories from different perspectives and identities, in order to remain “alive.” Memorials in themselves, as sites of remembering, are memory-making projects that recover underground memories – to borrow Pollak’s term – ; they bring these memories to the surface, into (public) space, and try to understand how we have understood history. As a memorial against fascism and repression, one would expect that the plaque at the Castle of San Sebastian would engage in a certain dynamic of memorial didacticism; not only teaching spectators about the historical event they commemorate, but also about how the process of memory making and memory recovery are shaped by narrative(s). However, the plaque, which as a “Lugar de memoria histórica” seems to recover certain memories, fails to do so, keeping the memories under-ground. The memorial portrays memories worthy of being

remembered, but also an avoidance of recovering memories of repression and inhumanity; that is, the plaque does not condemn the violent history of repression behind the Castle of San Sebastian. This ambiguity in remembrance allows perpetrators and victims to gain equivalence. Besides, it does not offer any sort of reflection on the dynamic nature of constructing collective memory(ies). The installation of the plaque seems to sufficiently recover a memory while sealing its process of retrieval – the historical story is now completed and concluded.



Photograph 10 - Tribute to the victims of the Franco regime in the Cuenca cemetery

Another common model of commemorative plaques are those that bear a list of victim's names. These are usually located in cemeteries, like the one installed at Cuenca's cemetery in 2011 [see photograph 10], which contains the names of the almost 500 women and men from the city that suffered Francoist repression after the end of the Civil War. Their names are engraved in this wall made of marble, a particularly resistant

material, which could be read as an affirmation of their unforgotten and indelible contribution to Spanish historical memory. Although it symbolically grants presence to these victims, through the carving of their names, the memorial does not provide any details about their story, the reason for their deaths, or any historical background at an individual or general level. As Judith Butler asks: “do these names really signify for us the fullness of the lives that were lost or are they so many tokens of what we cannot know, enigmas, inscrutable and silent?” (Butler 1988, 69).

Karl Figlio holds “remembering is caught in tension between recognition and rejection of reality” (149). Memorials show an intention of reparation; making-good, which refers to the process of reparation, entails work on the damaged object – the victims, the violent past. In post-dictatorial Spain, collective identity and the national narrative include a sense of nationalism based on magical restoration and democratic illusion – the past was properly dealt with in the creation of the new, successful democracy. This illusion implies, then, a rejection of reality; it fails to acknowledge the victims and the insufficiency of work on the traumatic past. The claim for national identity and narrative is then based on the fantasy of the discourse of the transition. Reparation of the damaged objects calls for rupture in the fantasy. What Spaniards generally know is a delusion of reparation. Far from bringing truth and reparation to space and visibilizing the delusion, this memorial makes un-known perpetuation and perpetration: the meaning of reparation and remembrance in Spain, as concepts operating under the Law of Historical Memory, are traversed by the limits set by the discourse of the transition.

Besides, cemeteries are not a highly frequented place for people other than those who already have a reason to visit – to mourn someone they lost, bring flowers to a deceased relative, etcetera. While the location of these types of plaques could make sense if we assume that each of the names corresponds to a corpse buried in the cemetery, there is no further information at the commemorative site to corroborate this. As such, if the purpose is to publicly recognize and acknowledge, there are locations that could contribute better to the visibilization of the victims. This contrasts with the still present Francoist monuments and symbols that are located in places with much greater public visibility, such as the Puerta de Alcalá or the Puerta de Moncloa in Madrid, or the Monument to the Fallen in Barcelona.



Photograph 11 - plaques at the Colonia Agrícola Penitenciaria in Tefía

Some of these memorials are not even coherent when considered alongside historical events, such as the plaques at the Colonia Agrícola Penitenciaria de Tefía.⁸⁴ Officially, this place used to be a prison, although, according to testimonies from its survivors, “concentration camp” would be a more accurate term. From 1954 to 1966, Tefía’s prison was the destination of those convicted by the Ley de Vagos y Maleantes, including homosexuals, the homeless, and anyone considered anti-social by the regime. There are two plaques at the site now [see photograph 11]. The one on the left was installed in 2004, 3 years before the enactment of the Law of Historical Memory. Its inscription reads “El cabildo de Fuerteventura en reconocimiento a la dignidad de aquellos que por razones sociales, políticas o de orientación e identidad sexual, sufrieron la aplicación de la Ley de Vagos y Maleantes en estas dependencias. Quede esta placa como reparación de la sociedad democrática a una injusticia histórica (1956-1966).”⁸⁵ The chronological timeline is inaccurate: the prison was in operation from 1954 to 1966. Furthermore, the plaque does not condemn the Franco regime, or the dictatorship. It does not even condemn the law, but the application of the law. The rhetoric of the text seeks commemoration of the victims, it portrays humanity, while it eludes acknowledgement of Francoist crimes and avoids memories of inhumanity – a sort of aesthetics of innocence.

The plaque on the right, installed in 2008, reads: “Gobierno de Canarias. Paulino Rivero. Presidente del Gobierno de Canarias. Conmemoró en este histórico lugar el primer acto autonómico de celebración del día 17 de mayo, como Día contra la

⁸⁴ Tefía’s Penitentiary Agricultural Colony

⁸⁵ The council of Fuerteventura in recognition of the dignity of those who, for social, political or sexual orientation and identity reasons, suffered the application of the Bums and Crooks Law in these dependencies. Let this plaque remain as a reparation for democratic society to a historical injustice (1956-1966).

Homofobia y la Transfobia. Tefia. 13 mayo de 2008.”⁸⁶ This plaque also fails to provide any historical background which would explain the relevance of this location as a historical place. In addition, the place is used as a pretext to commemorate the Day Against Homophobia and Transphobia, directing the attention of the visitor to an issue that, indeed, is related to the site, but that indirectly invisibilizes the traumatic experience of those who were convicted and tortured at the prison that were not homosexual or trans.

On the other hand, it may be worth mentioning that the mistaken chronological timeline from 2004 has not been fixed, which strikes me as symptomatic. The installation of the 2008 plaque could have been a good, pragmatic opportunity for this, since it entailed a process with the very steps necessary to fix the issue: the construction of a new plaque and its installation in the same location. The enactment of the Law of Historical Memory in 2007 and its encouraged “conocimiento y la reflexión sobre nuestro pasado” – stated in the explanatory statement’s section analyzed above – did not carry enough weight to fix a commemoration which has inaccurate information. The place now works as a hostel for groups and associations of young people, who use it for the organization of different events. One of the most common uses of the center is for educational trips. However, none of these educational trips has taken advantage of the historical, didactic opportunities that the center provides to explore the country’s past and fix the 2004 plaque.⁸⁷

⁸⁶ Canary Islands Government. Paulino Rivero. President of the Government of the Canary Islands. [He] commemorated in this historic place May 17th as the day against homophobia and transphobia in the first regional act of celebration of this day. My translation

⁸⁷ The Canary Islands’ guide official website defines the place as “es un alojamiento creado especialmente para jóvenes en la isla de Fuerteventura. Son muchas las asociaciones, grupos de jóvenes y centros escolares que lo utilizan para sus salidas con carácter educativo, practicar ocio activo, o para la

Shared features of these memorials lead me to the conceptualization of two different categories of memorials: anamnestic,⁸⁸ and amnesic. The latter category, which includes these 3 examples we just saw, is characterized by a passive consumption. Viewers are supposed to read brief plaques with superficial information that allegedly commemorates victims of the regime without further historical explanation of their traumatic experiences. Their messages do not invite people to critically reflect upon the country's past, because they fail to bring up new perspectives that challenge the official memory. Instead, they present frozen memories.

Contrary to monuments, memorials aim to honor the memory of an affected community, without commemorating the historical event. They encourage continuous

organización de distintos eventos Su ubicación es excepcional". The website does not acknowledge past uses of the location.

⁸⁸ The concept of anamnesis originates in Plato's epistemological and psychological theory of knowledge. In his Socratic dialogue *Meno*, he posits that all learning is recollection, because all that we can ever learn is innately already within us, even before we are introduced to it: "For inasmuch as all of nature is akin, and the soul has learned all things, nothing at all prevents someone who has recollected only one thing - which, indeed, humans call learning - from discovering for himself all the rest, if he is someone courageous and doesn't grow weary in the search; for to be searching and learning is therefore wholly recollection" (Plato 20).

Throughout the history of philosophy, several thinkers have engaged and revisited Plato's doctrine of anamnesis – Porphyry, Johannes Climacus, Kierkegaard, Kant, to mention a few. In a talk given at the opening of artist Bracha Lichtenberg Ettinger's exhibition – later published as an article named "Anamnesis of the Visible" –, Jean-François Lyotard addresses this term; although, as Anne Tomiche (2016) points out, his use of the concept does not refer to Plato's theory of innate knowledge. Rather, Lyotard reformulates anamnesis through Freudian psychoanalysis, namely in dialogue with the concept of working-through [Durcharbeiten] that Freud develops in his 1914 essay "Remembering, Repeating and Working-Through", where he is preoccupied with modes of recollection. Lyotard analyses the complicated temporal loop of Proustian narrative in *À la recherche du temps perdu*, articulated with Freudian psychoanalysis, to challenge the traditional forward, unidirectional understanding of anamnesis, to address the question of the immemorial. As he proposes, literature and psychoanalysis offer an alternative reading of anamnesis to think about the relationship between origin and destination in a way that challenges the sequential notion of chronology. Thus, Lyotard's anamnesis refers to an "unsettling achrony within a narrative organization that will establish the link between the first and the second blow, articulate the order of causes and effects within a chronological sequence of past, present, and future" (Gaillard 18). In this chapter, my notion of "anamnesic memorials" emerges from Lyotard's anamnesis, to think about the issue on a social level: on the one hand, what does it mean to socially remember something that was historically experienced but never collectively recorded? On the other hand, what happens when new historical information that lives in the past *and* in the present interrupts diachrony and narrative?

resignification in order to nurture the never-ending social process of remembrance of the past in relation to the present – memory as re-presentation (Huysen 10). This reconstruction aims for the recognition and commemoration of the victims, but it also has a didactic purpose: memorials create opportunities to study the past and analyze its dialogical relation with the present. However, amnesic memorials lack this didactic role. While they aim to recognize victims, they do not recover their past or present point of view on national past experiences. Reading a plaque that marks a place of historical memory, contemplating names on a wall, or finding out that some people suffered from the application of a law does not translate into knowledge of and reflection on our past. Besides, as we see in the Colonia Agrícola Penitenciaria de Tefía's memorial, the plaque engages in a rhetoric that ideologically mediates visitors' impression of the place, as well as their understanding of the state's responsibility for Francoist crimes against humanity. This disposition, this strategy for socially perpetuating the distortion of the past and the group identity that results from it, not only points to differences in the recollection of memories, but to the objective of suppressing part of them.

Amnesic memorials constitute a form of material presence in the public sphere that I propose to define as “consensual ornamentation.”⁸⁹ If they present information,

⁸⁹ I borrow this term from Rafael Schacter, although I slightly modify its meaning to think about memorials. In *Ornament and Order: Graffiti, Street Art and the Parergon* (2014), Rafael Schacter explores the interrelationship between visual arts – such as graffiti, street art – and order in public space, where he proposes the concepts “consensual ornamentation” and “agonistic ornamentation”. The former works towards “the realization of consensus through ‘communicative rationality’, a rationality aimed, at its very core, at reaching a dynamic plane of understanding with its public audience, at reaching a form of understanding with the entire city at large. It is thus a practice oriented toward the construction of a direct social relationship, constructed with its an overt desire to create a purposeful rapport with its requisite viewer that I believe is taking place here” (63). In opposition, agonistic ornamentation “discourages any attempt to settle disagreement and disputation through a regression to a ‘balanced’ consensus, it spurns the aspiration toward openly discursive means of action. And rather than the reformation of the Habermasian

amnesic memorials, being state-sponsored memorials, follow a misleading narrative that strategically benefits the discourse of the transition⁹⁰ and those in power – that being, concretely, those who designed the memorial, or indirectly any person, group, entity, etcetera, who profits from the creation and dissemination of said narrative. The apparent coherence of this narrative stems from its limited recollection of historical events; that is, the memorial presents past events according to one or few perspectives that do not contradict each other. As such, this type of memorial reinforces a national myth that works as a “root paradigm”– to borrow Victor Turner’s term⁹¹ – and recreates a distorted narration of the past. Amnesic memorials do not challenge the Spanish national myth; that is, the consensual discourse of the transition. They are ornaments that oppose discouraging consensus, seeking to minimize the space allowed to adversity in public.

Memorials imply a recovery of the past. However, this recovery can lead to a change of meanings: the normalized and socially ingrained epistemological structures of meaning are challenged by newly visibilized underground memories, traditionally excluded from the meaning-making realm. As such, since the struggle for power is the struggle for the mastery of meanings, the elite manipulates, imposes, and buries meanings (Silva 192). Finding expression for new narratives is a crucial aspect of memory

public sphere [...], Agonistic Ornamentation evokes a discourse constituted not merely through a ‘different or alternative idiom, but one that in other contexts would be regarded with hostility, or with a sense of indecorousness’ (Warner 2002: 424); working within the ‘space of the adversarial’, upon the ‘borderline between outside and inside’, upon the literal ‘surface of protection, reception and projection’ which mark the boundary zones of our cities (Bhabha 2004: 156), it thus treats artistic performance as a never-ending contest, as a site in which friction is not tolerated but advocated.” (114-115)

⁹⁰ As conceptualized in the introduction of this dissertation

⁹¹ A narrative that refers “not only to the current state of social relationships existing or developing between actors, but also to the cultural goals, means, ideas, outlooks, currents of thought, patterns of belief which enter into those relationships, interpret them, and incline them to alliance or divisiveness.” (Turner 1974, 64)

activism, but that will not be effective if there is not a disempowering of old narratives (Rigney 1), as is the case with amnesic memorials.

For instance, the 2004 Colonia Agrícola Penitenciaria de Tefía's plaque fails to acknowledge Francoist crimes and recognize those who were tortured in the location as victims of crimes against humanity. This rhetoric suits the Spanish state's politics of victimhood, which avoids using the judicial and political category of "crimes against humanity" in order to hide the state's crimes, and to modify the behavior of the victims, convincing society that they did not happen. Since this historical monumentalization does not involve a psychosocial politics that focus on guilt, confession, or responsibility, it only reinforces the politics of silencing and denial (Schwab 84).

In the introduction, we developed a sadism-masochism paradigm following Deleuze's *Coldness and Cruelty*. One of the aspects that Deleuze draws on to distinguish sadism from masochism is negation. As we saw, sadists conceive two levels of negation: the negative as a partial process and negation as an idea, pure negation. Since the latter is an idea, it cannot be *given* per se; the negative can only take place in the world of experience. Sadists try to understand the idea of negation through an analytic and speculative approach, exercising the negative in their mundane lives; from the negative as a partial process of destruction to negation as a total idea of reason (Deleuze 126).

Masochists, on the other hand, (de)negate reality and suspend it. In order to obtain pleasure, they question the legitimacy of reality and create an ideal reality. The actual reality is not only negated, but *denegated*, which implies a stronger and conscious process. The term comes from the translation of the German *Verleugnung*; there are

multiple words for negation in German, each with their specific connotations, and *Verleugnung* implies an active process of denial. The Freudian conceptualization of the term refers to a very specific sense of denial, which he developed from 1924 onwards. Within the Oedipus Complex, there is a moment in which the child is persuaded by the castration complex, repressing his incestuous love – desire – for his mother: when he sees the feminine body and realizes that it does not have a penis, that it has been “castrated,” he thinks that he is going to be castrated as well. The child, then, needs to substitute that desire with the “reality principle,” which Laplanche y Pontallis define as:

One of the two principles which for Freud govern mental functioning. The reality principle is coupled with the pleasure principle, which it modifies: in so far as it succeeds in establishing its dominance as a regulatory principle, the search for satisfaction does not take the most direct routes but instead makes detours and postpones the attainment of its goal according to the conditions imposed by the outside world (379)

When this moment takes place, the child modifies his behavior and, instead of wanting to substitute the father and possess his mother, the father turns into an ideal figure. Two important concepts arise here – *Verneignung* and *Verleugnung* – usually misunderstood. While both refer to a denial of reality to obtain pleasure, *Verneignung* negates that which is absent in the unconsciously repressed, creating a false feeling of self-assurance in the subject. However, in *Verleugnung*, the subject experiences a feeling of insecurity and confusion, which comes from the subject’s splitting of the ego – *Ichspaltung*. Masochists disavow reality, denying, thus, the source of the trauma. In this suspension of reality, the subject creates a fantasy, a pure ideal world as a form of ego-defense. Anything outside this fantasy and mythical construction would be regarded as meaningless and excluded. However, a part of the subject knows reality, it cannot completely ignore it, which leads

to a state of confusion. This leads to fetishism, an issue that Freud explores in his text *Fetishism*.⁹² According to him, the purpose of the fetish is to preserve the fantasy. The subject retains the belief in the traumatic experience of the castration but relinquishes it. The subject invests his/her psychic energy in a fetish that transfers attention from the traumatic reality and protects him/her against it. In other words, the feeling of confusion that emerges from the splitting of the ego is soothed by the fetish.

Reading Spain as a masochist state/subject – which does not presume viewing it as a subject with a collectively shared mind, but as a merging of individuals into an imagined unity –, amnesic materials' superficial commemoration and reparation fulfill a hidden objective: the camouflaged perpetuation of the fantasy in order to deal with the country's traumatic past. Their material presence works as evidence of intention: apparently driven by guilt, they intend to repair, contributing to a solution for the country's social issues. The content – its accuracy or coverage of historical/social

⁹² A very interesting text, wherein Freud performatively splits himself. Fetishism ends on the question of the division that causes the fetish, indicating to us: the fetish is not compensation, but creates division. Freud himself cleaves his "I", his own narrative. Freud writes:

When now I announce that the fetish is a substitute for the penis, I shall certainly create disappointment; so I hasten to add that it is not a substitute for any chance penis, but for a particular and quite special penis that had been extremely important in early childhood but had later been lost. That is to say, it should normally have been given up, but the fetish is precisely designed to preserve it from extinction. To put it more plainly: the fetish is a substitute for the woman's (the mother's) penis that the little boy once believed in and - for reasons familiar to us - does not want to give up. (1927, 1)

However, at the end of the essay he entertains that "in conclusion we may say that the normal prototype of fetishes is a man's penis, just as the normal prototype of inferior organs is a woman's real small penis, the clitoris" (Freud *Fetishism* 5). Throughout the essay, he talks about the penis as something abstract, as a symbol, and in the end, he inverts it and postulates that the normal fetish is the penis. Yet suddenly, in the final sentence of the essay, he claims something that contradicts the rest of the text. Freud takes a step back in his narrative and covers what he has discovered. What he has discovered is of such magnitude that he has to produce an *Ichspaltung*; a catachresis that Freud believes we could describe as *Verleugnung*, a split of the self that leaves traces in his essay and takes place to cover itself. A split that, on the one hand, has an inter-discursive function, in that it exemplifies with its narrative structures its own theory, and, on the other, a meta-discursive function, to speak of the discourse itself used to launch that theory.

information – is not important; what matters is the function of the symbolic presence.

This offers an explanation for the preservation of the 2004 plaque at Tefia’s memorial or other commemorative devices that were installed with mistakes, such as the misspelling of García Caparrós’s name on the plaque that marks his murder site.⁹³

Their incomplete and/or distorted historical content does not contribute to social conversations about historical memory and crimes against humanity. As Echeverría Alvarado entertains when thinking of monuments, amnesic memorials become themselves a memory of oblivion. Citizens get the false impression that amnesic memorials work as effective social outlets to tackle these issues, doing the memory-work for us. Their cathartic presence as spaces of commemoration, justice, reparation, and truth symbolically works as a soothing *dispositif* – they work as a band-aid on the surface of a wound that was never disinfected.

The Law of Historical Memory, following an amnesic memorial logic, also works as a fetish device. It socially reinforces a fantasy constructed by the elite that denies the source of trauma – the country’s violent past. This fantasy holds that Spain’s first Democracy, as a historical process, begins in the transition, and it is a model built on successful politics of reparation and memory; those who suffered the Civil War and the Dictatorship will be magically restored. As such, the Law falsely pretends to address issues of historical memory, shifting the attention away from the insufficient Spanish politics of memory. For instance, one of its measures of reparation includes a Certificate of Personal Reparation: an official document that recognizes that the applicant for the

⁹³ The plaque that commemorates the murdering of Manuel José García Caparros in 1997 reads “En recuerdo de Jose Manuel [sic.] Garcia Caparros. 4 de Diciembre de 2,002”

certificate is a relative of a murdered or disappeared person, or that the applicant spent time in jail. There is not a public act to deliver this document; rather, it arrives at the applicant's address in a private envelope. Following the same logic, the Law seeks social reparation, but it does not hold the state responsible for expenses related to public exhumations. The earlier quoted section from the explanatory statement defines the right to *personal and familial* memory as expression of full democratic citizenship.

The masochist's denial, as suspension, is a dialectical denial, because it does not reject the idea, but rather puts it on hold. It creates the fetish to sustain the fantasy but remains aware of that suspension. However, the interesting thing is not that awareness, but rather the way in which that inconsistency, that emptiness, is filled. This will manifest its limitations. This operates on two levels: how the Spanish Democracy deals with its traumatic past (through a masochistic merging of individuals into an imagined unity), and how it preserves itself as an institution (through social amnesia).

Amnesic memorials and the Law carry a – fantasy – political message: the Spanish Democracy is a strong institution that acknowledges the past and successfully deals with the violence of the Civil War and the Dictatorship. As masochist devices, they guard at their core a mythical responsibility to the event – anything outside the fantasy and mythical construction of the Spanish Democracy will be regarded as meaningless. In the process of constructing a new, post-dictatorial society, victims, perpetrators, and the country's past were defensively forgotten. As fetish devices, amnesic memorials and the Law disguise this oblivion and pretend to do the opposite. They manipulate the past in order to narcissistically organize memory and falsify it in such a way that the Spanish

state safeguards its projective democratic identity – which justifies its foundation. However, since memorials and the Law, as Historical Memory devices, do not elucidate the social contradictions derived from the recollection of the past according to the narrative of official memory – the fantasy –, when contrasted to recovered underground memories – the suspended reality –, the social sense of confusion and discomfort increases. In order to guarantee its survival as an institution, the Spanish Democracy has to hide the incoherencies and disputes that threaten its foundation and existence. As Mary Douglas asserts:

Institutions survive by harnessing all information processes to the task of establishing themselves. The instituted community blocks personal curiosity, organizes public memory, and heroically imposes certainty on uncertainty. In marking its own boundaries, it affects all lower-level thinking, so that persons realize their own identities and classify each other through community affiliation. (102)

As a political strategy, the Law makes memory something private, it pushes this conversation away from the public sphere, eluding acknowledgement of the country's past.⁹⁴ Amnesic memorials lead to a general public paralysis of historical memory advocacy, which ultimately serves the purpose of achieving social amnesia – hence the

⁹⁴ As Emilio Silva writes: “El “atado y bien atado” de Francisco Franco era una estructura social construida sobre la violencia, la corrupción y un aparato del Estado ocupado casi en exclusividad por adeptos y filofranquistas. Esa es la herencia que recibe la recuperada democracia y que la izquierda parlamentaria (especialmente el PSOE y el PCE, que nunca se han disculpado ni explicado) acepto prácticamente sin rechistar. Con el lote iban una falsa reconciliación y una amnistía relatada como una conquista de la oposición al régimen que sellaba la impunidad para los franquistas. En ese marco fundacional las víctimas del franquismo debían permanecer calladas hasta su muerte y su memoria tenía que haber permanecido en silencio hasta su extinción. Eran incomodas y sobre su sufrimiento se levantaron privilegios, grandes patrimonios y carreras políticas. Por eso el Estado nunca ha llamado a su puerta. Porque ha preferido desatenderlas sin mirarlas a los ojos, subvencionando pequeñas reparaciones, para que sigan muriendo con sus pequeñas memorias y sus grandes silencios. Y parece que, en esta ocasión, las políticas de memoria pretenden seguir la misma hoja de ruta, subvencionando atenciones casi asistenciales, pero sin poner clara y visiblemente al Estado de su parte” (245-246)

name. As institutional fetish devices, the Law and amnesic memorials seek the possibility of repetition—not of the conversation, but repetition of the possibility of social relationships. Thus, the Law and amnesic memorials work as *dispositifs* that institutionalize psychic dispositions towards social conversations and social dynamics. Its function is to preserve the social relationship, but through abstraction of the content, of the unsolvable social differences. This abstraction obviously entails loss of the concreteness of the social relationship.

Consequently, Spanish Democracy ignores the country's past and does not recognize guilt. This makes reparation impossible, since it calls for recognition of past crimes that were distorted in order to legitimize the foundation of the institution of Spanish Democracy. Reparation is here in conflict with itself, on two different levels: the masochistic denegation of reality does not allow for a truthful acknowledgement of the past, because this would entail a fracture and collapse in the pure ideal reality; and it will also discredit Spanish Democracy as, indeed, a democratic system. However, reparation and acknowledgement of the past are crucial aspects of Historical Memory. If, as we have seen, the function of the Law 52/2007 is to induce oblivion and neutralize social conversations about the past, what characterizes it as the “Law of Historical Memory”?

In *Troubling Confessions*, Peter Brooks questions the possibilities of truth in confessional processes. Drawing from psychoanalytical approaches, he analyzes cases of law and literature to explore the kinds of truth associated with legal confessions in Western culture. In the third chapter, which attends to the problem of voluntariness, he defines “consent” as an “amphibian.” Etymologically from the Greek prefix ἀμφί [both]

and noun βίος [life], Brooks metaphorically alludes to concepts with ambiguous applications. He entertains that the law has to deal with some amphibian terms, that are “half psychological and half legal” (71). For instance, “consent” refers to a psychological condition or state, but also to a legal threshold; without proper understanding of the first dimension its legal application cannot be successful (Brooks 81). Other amphibian terms, such as “voluntariness”, work in the opposite direction: as terms of legal art, their use in psychology carries some of the legal preconceptions (Brooks 71).

Procedures and use of language in the legal discourse were traditionally seen as disconnected from daily language. Determination of laws’ intentions and meanings belonged to dubiously exclusionary, allegedly self-sufficient legal structures of interpretation. This unquestionability of language installs a properly philosophical concept: an engagement with a disciplinary moment wherein there was adequacy between concept and discourse – a dangerous, romantic approach to language. However, Brooks questions the alleged hermetic nature of the legal use of language, rejecting the notion that lawyers and judges “work in reference to an objective standard or original intention that stands outside the rhetorical system” (Brooks 2000, 15).

I believe Brook’s characterization of “amphibian” terms can help us understand a crucial, problematic aspect of the Law of Historical Memory. This explains part of its unsatisfactory and insufficient approach to the country’s responsibility to the past. As we have seen, the term “historical memory” is a complex syntagma that combines specific theoretical conceptualizations of both history and memory, and their relationship. The meaning of the term hovers in a zone of vagueness and ambiguity that responds to the

manifold nature of memory, history, and their role in post-dictatorial societies. To claim that a law of reparations is a law of historical memory symptomatically ignores the complexities of transitional justice and recognition and reparation of victims. As such, the Law of Historical Memory moves in two contradictory spaces: its conceptual definition and the reparative measures it proposes.

Thus, the Law's rhetoric takes advantage of the amphibian term "historical memory" and justifies its reparative measures through a characterization of the syntagma's use of "memory" as limited to citizens' privacy. This entails that the memory of the victims is not a public issue; therefore, nor is it a political issue. Thereby, this limits the scope of the state's participation in publicly necessary conversations and invisibilizes its direct role in the country's past.

Stating that the reparative measures it proposes are effective in recognizing victims and their past, while negating the past through praise for the discourse of the transition or the continuation of the Amnesty, is an unethical lack of acknowledgement of the amphibian aspect of the term "historical memory" in its legal application. Rather than a psychological term, it is a rhetorical device that fulfills a social, political, and moral function. Thus, when used as a term of legal art, its ambiguity and its rhetorical nature need to be acknowledged so as to avoid importing ambiguities to the reparations proposed by the Law.

Institutional devices such as the Law sustain the ideologically constructed storytelling of the institution through their strategic ambiguities, which limit the space for public debate, and their alternative hypothetical narratives. The Spanish Law of

Historical Memory, with its rhetorical use of abstract concepts and its dubiously satisfactory transitional justice measures, seeks to minimize the content of social issues at the heart of Spanish Democracy and opportunities for their discussion, leading to a structural amnesia. Its nickname “Law of Historical Memory” is symptomatic: it points at the vagueness of the syntagma “historical memory” and its complex application to law and its praxis. After all, how can it repair anyone if it relies on a distortion of the past that blurs the definition of “victim” and “perpetrator”?

Every narrative exemplifies something. In the case of the Spanish Law of Historical Memory, the narrative marks a specific moment in the relation between individuals and the state. Namely, a post-dictatorial state and its lack of engagement with the truth of its totalitarian, violent past, a moment in which the institutions of Spanish Democracy seek to construct and control the epistemology of its citizens. However, it negates this; it negates its negation of the past. This exercise of denegation is sustained by institutional fetish devices, such as amnesic memorials or the Law itself, which protect the subject from reality, holding on to fantasy, at the same time they induce social amnesia. Their amphibian, ambiguous quality produces confused citizens, who follow the state’s intentional subjectivity, based on a vertical individual-state relationship.

Institutional devices such as the Law sustain the ideologically constructed storytelling of the institution through strategic ambiguities which limit the space of public debate, and their alternative hypothetical narratives. The Spanish Law of Historical Memory, with its rhetorical use of abstract concepts and its dubiously satisfactory transitional justice measures, seeks to minimize the content of social issues at the heart of

the Spanish Democracy and opportunities for its discussion, leading to a structural amnesia. Its nickname “Law of Historical Memory” is symptomatic: it points at the vagueness of the syntagma “historical memory”, an amphibian term.

How can we think of other models of institutionalization? How would a memorial that is not rooted in oblivion appear? In the following pages, I will analyze Sartaguda’s “Parque de la memoria” to develop my conceptualization of “anamnesic memorials.” This category accounts for places of commemoration that advocate for Historical Memory and its principles of recognition and reparation, but it also allows us to think of organic models of institutionalization.

3. Anamnesic memorials

In the southern region of Navarra, we find the towns of Sartaguda, Carcar, Lodosa, Mendavia, Funes, and Marcilla. Of the approximately 3,000 casualties of the Civil War inflicted in this region, 59% are concentrated in this area (Otaegi Imaz 64). Prior to 1936, the small town of Sartaguda, located on the banks of the Ebro River in Navarra, had a population of 1,242, but Francoist repression in the area was particularly ferocious, and 6.8 per cent of the town’s population were killed (Preston 184). Eighty-six working class male inhabitants were killed, including mayor Eustaquio Mangado Urbiola and five democratically elected councilmen. This episode of violent repression caused the town to be known as “el pueblo de las viudas” – “the town of widows”; widows who, after having their hair shaved and being publicly humiliated in various ways, suffered their house

being robbed, had to pay fines, and had their properties expropriated (Otaegi Imaz 63-64).

Since its inauguration in 2008, the farming village of Sartaguda, Navarra, proudly exhibits its “Parque de la Memoria”: a space to commemorate the victims of the Civil War and the dictatorship. This 64,583 square-foot⁹⁵ park includes statues, different types of trees, benches, and fountains (Lizarraga Rada 989). Visitors access the park through the sculpture “Atarien Besarkada” [Door of the hug]; an impressive 6-meter-high door made out of copper, designed by José Ramón Anda. The door’s structure symbolically embraces visitors, warmly welcoming them as they enter the reality that the park offers. The path leads to the center of the site: a circular plaza with three more sculptures – “Como hoz atávica y mortal”, “El muro de los nombres” and “Rincón de los escritores” – and a benched area that serves as a space for reflection.

“El muro de los nombres” is a 7-meter-long, 2.5-meter-high wall that includes the name of the 3,452 people from Navarra who were murdered in 1936. The names are organized by location – their Navarrese towns – and alphabetically. There is a feminine symbol next to the names of the 45 women who were murdered. The “Rincón de los escritores” includes informative signs with texts from writers Bernardo Atxaga, Jokin Muñoz, Castillo Suárez, Pablo Antoñana and Jimeno Jurio. These texts, meant to encourage visitors’ critical thinking, revolve around murder, the dreadful experience of civil wars, and the power of memory.

⁹⁵ 6,000 quadrat meters

Nestor Basterretxea's "Como hoz atávica y mortal" [see photograph 12] reproduces the execution of a man bound by a rope. His silhouette is carved in a wall made out of copper – a representation of a shooting wall –, which displays dozens of holes that emulate gunshots. To the left of the wall there is a sickle that represents the tool traditionally associated with Death as a mythological figure. "Como hoz atávica y mortal" offers a reflection on fascism, dictatorial symbolism, and its persistence in public space.



Photograph 12 – “Como hoz atávica y mortal”

After passing the plaza, a path to the right leads to “Reconstrucción,” a bronze sculpture by Madrid-born artist Rodrigo Romero. Two solid, detailed statues of a mother and her daughter stand next to 7 metal sheets that, when seen from the right angle, form the silhouette of the father. Romero used two different materials – bronze and metal – to contrast the corporality of the female characters with the absent father/husband. Added to

the memorial site in 2016, “Reconstrucción” brings a gendered perspective to the memorial, paying tribute to the women that suffered the coup.⁹⁶

Next to “Reconstrucción” there is an “árbol de Guernica”⁹⁷ and olive trees. To the left, we find “Los acribillados en la Santa Cruzada,” by Joxe Ulibarrena. This enormous sculpture – over 10 meters tall – was the first built in the park. It represents three young people at the precise moment of their execution. Their bodies are intertwined in a collective hug, turning their backs on their murderers. Several holes in the concrete – the material of the sculpture – mimic the gunshots. Ulibarrena himself witnessed this brutal scene when he was a child.

There is an audio guide available to visitors, with an explanation of the concept of the park and analysis of the sculptures. The contents of the guide are also available on the park’s official website,⁹⁸ in audio and text format. Irati, who lost her grandparents during the events of Sartaguda’s repression, narrates the audio guide. She welcomes visitors on behalf of the Asociación de Familiares de Fusilados de Navarra y de la Asociación Pueblo de las Viudas. Through the voice of Irati, the personal, interpersonal, political and social come together.

⁹⁶ We could argue that “Reconstrucción”, despite its commemorative purpose, offers a gendered perspective that yet falls within an ontology of the female subject in relation to the male – the widow, the orphan. This subjectivation produces female identities that do not have agency, but rather are melancholic subjects marked by male absence. This is a fairly complex issue that does not fall within the scope of my work. For further reference, specifically within the context of the Spanish Civil War, see María Laura Martín-Chiappe (2019), who analyzes the dominant narratives on the role and implication of women during the War and the dictatorship. Generally, she argues, women are represented as passive victims without political engagement or agency.

⁹⁷ The Tree of Gernika is an oak tree that symbolizes collective life and freedom for the Basque people. For further information, see Julio Caro Baroja’s *Ritos y mitos equívocos* (1989) – especially the fifth chapter of the second part, where he exhaustively researches the history of the Tree of Gernika in the Basque country as a political and legal symbol.

⁹⁸ <http://visitaparquedelamemoria.org/>

When visitors arrive to the park, the first thing they find is a plaque made out of copper with the name of the park in Spanish and Basque, and two informational signs. One of them includes a text about the importance of memory and its transmission. The other offers a brief historical background about the impact of the 1936 coup on Sartaguda, as well as a map of the village. Alongside local businesses, bars, restaurants, and public services, the map highlights the 11 stops of the “Paseo por la memoria,” a tour through Sartaguda’s overlapping memory spaces [see photograph 13].



Photograph 13 - Map of Sartaguda’s “Paseo por la memoria”

This initiative, which began in 2017, focuses on the recompilation of historical information that was ignored or hidden in order to return dignity to the victims of Franco’s regime. In the English version of their website, the government of Navarre

defines the “Paseo por la memoria” as an “interpretive trail.” The trail encourages intergenerational reflection around places of memory and their evolution through time: places that meant terror and violence in the past are places of daily coexistence in the present (Gastón et al. 193). It geographically expands the content of the park to other significant points, fostering historical interpretation *in situ* – history on-site.

Sartaguda’s memorial project proposes an interesting way to think about the articulation of narrative and space. Narratology⁹⁹ has traditionally been concerned with the chronological recounting of events, where temporality is fundamental while spatiality

⁹⁹ During the 1960s and the 1970s, theorists, especially those conducting research in French-speaking countries, shaped what became to be known as *narratology* – from the French *narratologie* coined by Todorov. Initially, this field of study was heavily influenced by Russian formalism and structuralism; narratology was then preoccupied with narrative form as organized analysis of discourse, applying structuralist tenets to the study of narrative account at the expense of less formalizable domains of narrative meaning. These authors are mainly interested in narrative line – chronology - in terms of its possibilities for signification, departing from the idea that the basic function of narrative is to situate things in time. They regard “language as the only semiotic code capable of translating all other types of meaning” (Ryan 334) Some authors, then, criticize narratology’s narrow scope and its emphasis on narrative as temporally structured communicative acts, since narratives “can also be thought of as systems of verbal or visual cues prompting their readers to *spatialize* storyworlds into evolving configurations of participants, objects, and places” (Herman 263).

Returning to Peter Brooks, once again: Brooks criticizes the narratological project of structuralist narratologists such as Barthes as “excessively static and limiting [...] [because] it has too much neglected the temporal dynamics that shape narratives in our reading of them, the play of desire in time that makes us turn pages and strive toward narrative ends” (Brooks 1984 xiii). In his book *Reading for the Plot*, Brooks is preoccupied with plot – “the design and intention of narrative, what shapes a story and gives it a certain direction or intent of meaning. We might think of plot as the logic or perhaps the syntax of a certain kind of discourse, one that develops its propositions only through temporal sequence and progression (xi)” – and plotting – “the activity of shaping, with the dynamic aspect of narrative - that which makes a plot “move forward”, and makes us read forward, seeking in the unfolding of the narrative a line of intention and a portent of design that hold the promise of progress toward meaning” (xiii) –, and he takes on this task through psychoanalysis, which “after all, is a primarily narrative art, concerned with the recovery of the past through the dynamics of memory and desire” (xiv), to analyze the text as a combination of desires, tensions, and resistances.

Brooks departs from Barthes’ *S/Z* and focuses on the proairetic (actions) and hermeneutic (enigmas) codes, claiming that plot is the result of the “overcoding” (18) of these two, by which the latter structures the former. However, contrary to the structuralist narratology of Barthes, he is not interested in exploding the boundedness of narrative, but rather he analyzes precisely literary works’ closure – what he names “grave plot”, understood as the ways a text orders, establishes limits. Thus, he focuses on the “dilatatory space” (18) of the plot and how that demarcates what was previously undifferentiated and organizes meaning; spatiality opens up the possibility to understand narratives.

is disregarded.¹⁰⁰ However, elements in the landscape can bring attention to key moments in a historical sequence, thus referring to an entire plot. Historical stories involve temporal sequences that underlie them. As such, memorial projects arrange and configure historical events in space so as to produce what Azaryahu and Foote (2008) term “spatial narratives”: spatio-rhetorical elements and an interpretive interface that mediates what is shown into a vision of history. These spatial narratives involve a configuration of locations and time in space, which entail an arrangement of geographical elements such as buildings or inscriptions in order to provide a spatial storyline – they share, then, features with certain forms of narration, such as comics or graphic novels, given that they are composed of sequential images that express chronology.

The design of spatial storylines in places related to history and memory effects their narrative structure. According to Azaryahu and Foote (2008), spatial narratives fall into three categories. The first entails narrating from a single point or place: similar to the narrative structure of a soliloquy or an epic poem, events are reduced to inscriptions and associated to a single, marked place, following a declamatory strategy that tends to simplify issues related to the process of signalization.¹⁰¹ The second strategy follows linear and sequential chronologies in order to link historical events and space. The narrative is clearly marked by a sequenced path associated with a notion of temporal progression that visitors have to follow in order to understand the historical content of every stop and, overall, of the visit. Finally, the third strategy includes complex historical

¹⁰⁰ See, for instance, W. J. T. Mitchell’s 1981 *On narrative*. In this collection of essays, several authors reflect on traditional narratology’s privileging of temporality over space.

¹⁰¹ We could argue that this is indeed the strategy that amnesic memorials follow, as they present events from the perspective of the discourse of the transition.

episodes over long periods or large areas, such as stories of large battles or events of major cultural, social, political transformations. In these cases, it is extremely difficult to effectively recreate the story through spatiality and, as a result, there is a simplification of the spatiotemporal elements. The historical sequence(s) can then be recounted through a geographical narrative of significant places –several perspectives are included, converging in highlighted sites, but with no strict chronological order. Events can also be told through a chronological narrative of significant moments – significant moments are presented in a chronological sequence –; or through a thematic narrative – weaving any form of theme, other than geography or chronology, into a spatial narrative.

The “Paseo por la memoria” proposes an interesting way of incorporating spatial elements into narrative, as a device for cultural production of the past that separates itself from the traditional chronological linear progression of storytelling – the one we find in children’s stories, some films and popular fiction (Kemp 394). Historical information and its referents co-exist in the landscape without chronological connection. Thus, in this memorial project, historical information is reconfigured onto a collection of synchronous spatial features to gather together events that took place in different times but that explain Sartaguda’s history of repression.

The “Paseo” assembles events and information that are not exactly part of a chronological progression. For the sake of organizing the historical information and mapping the events, it relies on a non-sequential linear strategy: the itinerary¹⁰² includes

¹⁰² The itinerary was developed by Sartaguda’s town council and by the Village of Widows Association [Asociación Pueblo de las Viudas] in 2017. The walk geographically expands the memory of the park with other related significant sites in order to allow historical interpretation from the place (Gastón et al. 198).

11 stops that go through the entire village; stops number 1 and 2 are located on the North side of Sartaguda and stop number 11, located at the local cemetery and concerning the importance of the recovery of bodies in mass graves, is located in the opposite side. The “Paseo” encompasses a total of 2 kilometers around the town’s sites of memory (Nora 1989). At each stop, visitors¹⁰³ will find an informational sign with (historical, social, political) background information and a QR code to access a part of the 96-minute-long audio guide.¹⁰⁴ The information at each of the stops, again, does not follow a chronological order; instead, they present information related to the spatial location without explicit reference to other informative signs. This audio guide serves to supplement the tour: it includes sounds – such as the town’s bells at the end of the Civil War –; voices of historical characters – such as that of the duke’s administrator –; and explanations, to recreate the history of Sartaguda. The information in the audio guide comes from different sources, which include academic research and testimonies from “alternative” sources, such as the diary of Sartaguda farmer Andrés Moreno. The main focus of the tour is the Civil War and the dictatorship, but some of the 11 stops go back to the 19th century.

Sartaguda’s double memory project highlights the relation of memory and public space and proposes an artistic approach to traumatic memories. As a dynamic and participatory project, Sartaguda’s memorial project generates a “living transmission” memory device that challenges citizens from public space and that functions as a catalyst

¹⁰³ The contents of these signs are available online at the official website of the tour.

¹⁰⁴ Following the initiative of Asteasu, a Basque town that developed an audio guide to get information about its business and services while walking on Muskerraren Bideak [the Lizard Trail], a two-kilometer tour of its downtown. The mayors of Sartaguda and Asteasu met in 2016 to discuss the success of the audio-guide and ways to implement the initiative in Sartaguda.

for a processual vindication of the right to memory and memorial transmission (Gaston, et al. 200). We could say that monuments and amnesic memorials are architectonic products of History, while anamnestic memorials are architectonic products of memory. Contrary to monuments and amnesic memorials, which communicate a static ideological vision of the past, anamnestic memorials such as the Sartaguda's memorial project are sites of collective remembering derived from the living and ongoing nature of memory as both a neurological process and a social construction. Hence, the memorial keeps changing and incorporating new statues, such as "Reconstruction," which was installed in 2016.

As devices of Historical Memory, anamnestic memorials aim to expand our knowledge of the past, welcoming new (hi)stories from different perspectives and identities to disempower existing predominant narratives. They create opportunities to study the past and analyze its dialogical relation with the present. These memorials are spaces open to active interpretation and sites of intervention that contribute to the visitors' political agency. For the sake of recovering and recognizing the past, anamnestic memorials rely on alternative sources, such as ethnographic writing, victim's testimonies – for instance, the diary of Sartaguda farmer Andrés Moreno that is part of the Paseo por la memoria. These sources provide an alternative to traditional and manipulated sources, and reconstruct past events within a broader, more inclusive perspective. As distinct from historical archives, orality is particularly crucial in this scenario, given that it accounts for written history's forgotten parts. For instance, the grandparents of the audio-guide's narrator were killed in the Civil War. She could not talk about this for years due to

political repression, but now she educates people and exemplifies the importance of vindicating the right to memory. Her experience is not particular to her alone; rather, it reconstructs what other people who were affected by the same events lived. At the same time, this could be read as a reflection on the urgent need to recover testimonies. As we saw, even though the Law of Historical Memory assigns the compilation of oral testimonies in service to investigating the past to the Documentary Center of Historical Memory, legal ambiguity and incoherent approaches to the past hinder the completion of this task. With the passage of time and the constantly deferred compilation of testimonies, there are few witnesses to the Civil War and first years of the Dictatorship, whose knowledge and experiences are crucial for the recovery of the past and reconstruction of the country's history. Their memories hold a critical role in fighting the state's oppression; first with brutal violence during the Francoist regime, and then with the erasure of evidence and the silencing of the past during the transition and democracy. Hence the urgency to interview those who have information about the country's history which was never written or was deleted. As a democratic state, Spain has the ethical duty to respect, recognize and listen to these witnesses (Silva 218).

In order to contribute to the re-writing and more inclusive reconstruction of the past, some memorial projects are using social media and new technologies, which expands their possibilities as devices of Historical Memory. Sartaguda's project has two websites with access to all the information and materials from the memorial – the Parque's website includes the complete audio-guide, maps of the site and explanation of the visit, and pictures of the statues; the Paseo's website includes PDF documents with each of the 11

information posts installed around the village, an explanation of the trail, and a list of the town's businesses. Moreover, for the memorial's 12th anniversary, the Memory Institute of Navarra¹⁰⁵ recorded a video of an aerial tour of the Parque and publicly shared it on YouTube. Digital platforms play a huge role in the dissemination of content related to Historical Memory, such as information on memorials, exhibitions, events, testimonies, or public vindications.

The construction of Sartaguda's memorial project is in itself a memorial process for increasing consciousness of the past. As reflexive and critical spaces, anamnestic memorials reflect on their own possibilities as a memory device; that is, as a network across heterogeneous elements – discourses, perspectives, institutions – with a specific strategic function, inscribed in power relations (Gastón, et al. 204). Following Huysen (2003), there cannot be a public sphere of memory without a multiplicity of discourses – discourses that stem from art, museums, media, autobiographies, etcetera. In Spain, a country where the national process of memory has been incredibly institutionalized and homogenized, it is vitally important to engage in practices of memory recovery imbued with a focus on memory's multiplicity. Sartaguda's memorial project seeks to apply this concept (in)to public space.

(Anamnestic) memorials fill a void with meaning and add new interpretative perspectives to a place. They are interventions that aesthetically grant a voice to the unspeakable: they try to elucidate the paradox of trauma's representability, i.e., the need to represent, symbolize, and speak about it in order to process it, at the same time that it

¹⁰⁵ Instituto Navarro de la Memoria

exceeds structures of knowledge and meaningful narratives of representation. Sartaguda's project celebrates the recuperation of testimonies and perspectives in search of a better, more inclusive picture of Sartaguda's history in the 20th century, rejecting the silence and amnesia imposed by the regime. For instance, the statues at the park make visible different underground memories and their experience of the past, such as those of widows, children, or young people. These three identities are examples of anti-heroic memories that represent an artistic strategy to surface historically repressed experiences. As artistic practices, they establish a dialogical relation with past events and open spaces for their understanding.¹⁰⁶ The statues raise questions about a traumatic past and its representation, and offer infinite possibilities for interpretation, which begin with the artist but continue in the observer as an active agent whose ability to interpretate and re-signify (Gastón, et al. 192) translates into greater agency as a critical democratic citizen.

Reconstruction of the past aims for the recognition and commemoration of the victims, but it also has a didactic purpose. As such, Sartaguda's project teaches not only about the past, but consciously about its relation with the present – for instance by encouraging intergenerational reflection, as we saw in the “Paseo por la memoria.” Its interpretive characterization points at the active engagement necessary to learn in a critical way. Instead of receiving all the information already processed, limited, and allegedly complete, as in the amnesic memorials, visitors to Sartaguda have access to various sources – informational plaques, audio-guide, informational posts, etcetera – that

¹⁰⁶ As Bonder holds, “neither art nor architecture can compensate for public trauma or mass murder. What artistic and architectural practices can do is establish a dialogical relation with those events and help frame the process toward understanding. Hence, it seems important to conceive of these projects as roadmaps, as spatial topographies, condensing voices, opening spaces for study, re-presentation, and dialogue with a measure of spatial clarity and architectural depth” (65).

complement each other by offering different perspectives and discourses. Furthermore, visitors are informed about other resources to later expand the knowledge they gain while visiting the village. Their active role in the recreation of the town's history translates into a deeper, more significant learning process. Elements such as the benches in rest areas create spaces for reflection and opportunities to spend more time pondering the sculptures or the literary texts.

(Anamnestic) memorials are projections of empty spaces. This assertion can have several interpretations – memorials represent something that has disappeared, something absent, something that was erased, or something that never was symbolized –, and it accumulates different meanings as we contemplate the two components of Sartaguda's project. On the one hand, when we think of the "Parque de la memoria", we are talking about a space that has no direct relationship to the events commemorated, as no significant episodes of violence and repression took place in this location. Rather, the space and its memorial significance come from an *a posteriori* signification, which projects memory and memory recovery onto this otherwise empty space. The subterranean memories that the park recovers were absent and absented in a politics of memory; however, the memorial seeks their representation and reflection in the traces of the invisible. As such, this memorial works as a spatial metaphor for the recovery of space – just as this space was filled by statues and other architectonic elements that were not previously there, and which configure a space for memory, commemoration, and reflection, the Spanish national biography can be modified so as to include these stories that were silenced.

Far from presenting the Parque simply as a repository of statues, the place is characterized as a dynamic, participative, and social place, which goes beyond aesthetics and participation by victims and their relatives: the text acknowledges the relationship between memory and space and entertains the contribution of historical sites of violence and commemoration in the development of a fair, democratic society. Memory is transmitted through diverse channels, including sites related to terror and violence, and memorials, which can acquire a role in the transmission of democratic values. Contrary to the projective identification of amnesic memorials, Sartaguda's project implies an introjective identification (Figlio 438), rooted in feelings of remembrance and reconciliation.

On the other hand, the "Paseo por la memoria" combines the itinerary through places historically associated with repression and violence, pictures from the information signs [see photograph 14], and audio information from the audio guide, so as to portray the historical events and help visitors understand them. The information that visitors receive reinforces a strategy of spatial and temporal displacement. Following Niebisch (2009), spatial enactment enhances cognitive understanding through the re-presentation of the virtual space of memory, which is intertwined with actual, material space. The walk aggregates information on different experiences of space in Sartaguda, so that visitors experience being *in place* and feel interpellated by the scene. They can thus assign historical meaning to (a) space(s) that bears no meaning or direct significance for those who did not experience the events firsthand, enabling us to individually insert ourselves into an impersonal, empty reality that exists outside ourselves. Just like these tools help

visitors live another historical experience, the “Paseo por la memoria” is an artifact of the cultures of memories, which re-constructs memory sites, strengthens the public spheres of civil society and teach us how we can incorporate other historical memories into our collective memory. Thus, Sartaguda’s memorial project becomes what Louis Bickford defines as “memoryscape”: “[devices] that contest official truths of the authoritarian era and give voice to its victims and survivors. [...] Memoryscapes recapture public spaces and transform them into sites of memory and alternative truth-telling about authoritarian past” (96).



Photograph 14 – Example of the Paseo por la memoria’s informational sign

Just beside the entrance to the “Parque de la memoria,” there is a plaque made of copper with the name of the park in Spanish and Basque, and two informational signs.

One of them includes a text about the importance of memory and its transmission:

La memoria es una herramienta imprescindible para avanzar en la construcción de una convivencia pacífica, superando el olvido al que fueron relegadas las víctimas del franquismo y proyectando su mirada hacia un futuro cimentado en libertad, tolerancia y justicia social. Una memoria crítica hacia todo proceso de vulneración de derechos humanos, también hacia quienes se alzaron contra la legalidad democrática de la II República y recurrieron a la violencia como medio de imponer su proyecto político. La memoria se transmite por muchos caminos; también a través de los lugares vinculados al terror y la violencia y de los memoriales erigidos en recuerdo de las víctimas del franquismo. La Ley Foral 29/2018, de Lugares de la Memoria Histórica de Navarra, busca su protección, señalización y divulgación, para que se conviertan en espacios de recuerdo y transmisión de valores de libertad, paz, justicia social y convivencia

The text clearly condemns the country’s violent past and its illegal nature – those who rose up against the legal democracy of the 2nd Republic and violently imposed their political project –, performatively emphasizing the importance of memory as a tool that criticizes any violation of human rights. In order to evolve into a peaceful society, proper knowledge of the past is absolutely necessary; we need to recover the erased victims’ version of history through their memory(ies). Therefore, the memorial situates itself, as a project, within an understanding of the intertwined relationship of history and memory.

The text captures the mission and nature of Sartaguda’s memorial project. Contrary to the State’s masochist denial – perpetuated in amnesic memorials –, this anamnestic memorial questions the national discourse of the transition, seeking disruption of the fantasy and revision of the collective memory – in the singular. We are speaking,

then, of an example of agonistic ornamentation.¹⁰⁷ The memorial casts doubt on the effectiveness of Spanish democracy when dealing with the past, with Human Rights, with truth, with justice, with exhumations. Through an exercise of historical revisionism that demystifies national mythology, the project reflects on the need for an existential “narrative shock.” According to Michael Rothberg (2009), narrative shocks lead to “multi-directional memory:” different forms of reactive memory, such as denial in some, soul-searching and acknowledgement in a few, nostalgic visions of the past in others. However, Sartaguda’s memorial puts its faith into the possibility of recognition of a traumatic past: if we demystify the narrative about Spain as a healthy and fair democracy, citizens can work together from this narrative shock, on the typology of memory-making practices and projects, so as to democratically re-configure the nation.

The discourse of the transition is embedded in our national symbolic structures, but the fact that that discourse overhauls the Spanish signifying regime is less visible.

Memorials then become blatantly visible, but the struggle over historical memory must

¹⁰⁷ As previously stated on footnote 89, I borrow this term from Rafael Schacter, although I slightly modify its meaning to think about memorials. In *Ornament and Order: Graffiti, Street Art and the Parergon* (2014), Rafael Schacter explores the interrelationship between visual arts – such as graffiti, street art – and order in public space, where he proposes the concepts “consensual ornamentation” and “agonistic ornamentation.” The former works towards “the realization of consensus through ‘communicative rationality’, a rationality aimed, at its very core, at reaching a dynamic plane of understanding with its public audience, at reaching a form of understanding with the entire city at large. It is thus a practice oriented toward the construction of a direct social relationship, constructed with its an overt desire to create a purposeful rapport with its requisite viewer that I believe is taking place here” (63). In opposition, agonistic ornamentation “discourages any attempt to settle disagreement and disputation through a regression to a ‘balanced’ consensus, it spurns the aspiration toward openly discursive means of action. And rather than the reformation of the Habermasian public sphere [...], Agonistic Ornamentation evokes a discourse constituted not merely through a ‘different or alternative idiom, but one that in other contexts would be regarded with hostility, or with a sense of indecorousness’ (Warner 2002: 424); working within the ‘space of the adversarial’, upon the ‘borderline between outside and inside’, upon the literal ‘surface of protection, reception and projection’ which mark the boundary zones of our cities (Bhabha 2004: 156), it thus treats artistic performance as a never-ending contest, as a site in which friction is not tolerated but advocated.” (114-115)

also be extended to the exceedingly subtle ways of embedded memory denial and silencing within the signifying regime. As Piedras Monroy highlights, the historiography on the Civil War did not play any decisive social role in the seventies, eighties, nineties, or later. The studies did exist, but they did not help shape public opinion on the matter (43). Memorials have significant potential to generate new symbolic formulations, to construct a shared historical memory and fight against forgetfulness, as they invent ways to earn recognition for silenced and denied experiences and give voice to those who have gone unheard. In that way, a new narrative finds expression; spatially – and let us remember Pierre Nora’s statement that “memory attaches itself to sites, whereas history attaches itself to events” (1989, 22) – they configure a symbolic grammar – which also visibilizes the previous, accepted symbolic grammar. Since the recovery of memory is a struggle for the meaning of the past, the recovery of historical memory produces, among other effects, a change of meanings. This has repercussions for how a society sees its present: what was accepted as normal, such as a democratic State asking families to defray the costs of a Francoist victim’s exhumation, is no longer seen as normal.

When visitors walk around the “Parque de la memoria” and the town of Sartaguda, they encounter spaces and spatial elements that materialize new nodes of historical and memorial thought. These are information about new historical experiences – individual stories and also collective, historical events – on one level, and broader notions about the construction of History and memory, on another. The spatial elements of Sartaguda’s memorial– sculptures, information signs, etcetera – recover underground memories from the private sphere and project them in(to) public space in search of an

expression for a new narrative, as they generate an interpellative *dispositif* for the citizenry. The occupation of public space – physically and symbolically – is a project of civil architecture¹⁰⁸ that calls for a reconfiguration of the national narrative through civic dialogue. This is a complex task that entails disempowering existing narratives, but also the construction of a new framework for debate and a new social formulation of (re)memory.¹⁰⁹ That is, acts of open acknowledgement of Spain’s violent past have to include a psychosocial politics (Schwab 84) that addresses the complicity, responsibility, and political deformation of culture; otherwise, they would only perpetuate the discourse of the transition’s politics of memory denial and silencing.

In the case of Spain, as Rubin posits, “regardless of whether Spaniards see in efforts to recover historical memory the promise of refashioning democracy or undoing it, both proponents and opponents agree that this form of historical remembering poses an existential challenge to the existing political order” (216). Every memorial project requires an (implicit) (explicit) political program, and in Spain, unlike other countries with a history of fascism, there is a continuous tension between the Francoist politics of memory and the insufficiency of the democratic (dis)memory. Sartaguda’s memorial project creates an opportunity for imaging alternative ways of fixing social issues. Once underground memories emerge on the surface and the memory taboo is broken, the possibility for revindication(s) opens. Memory emerges, then, spatially, to re-emerge in political discourses. Following Paloma Aguilar (2008), institutional memory, which is

¹⁰⁸ My use of “civil architecture” here is to be understood in two different ways. On the one hand, I refer to the art of constructing public buildings and elements in the public space. But, in a more abstract sense, this phrase points at the process of collective construction of symbolic structures.

¹⁰⁹ As Lupu (2003) points out in her study of 1980s and 1990s Germany, if counter-memorial projects do not suggest a new social formulation of memory, they will fail.

usually the “dominant” one in public space, can, in authoritarian contexts, monopolize it, thanks to the repression of dissent; however, when we talk about democratic regimes, institutional memory, even though it may continue to be dominant, must share this space with a plurality of memories that compete against one another. Anamnestic memorials exist so as to create the possibility of looking back, of thinking back, of talking back; the place of memory works as a catalyst for an intergenerational process of narrative (re)writing; a democratic process that is open, dynamic, active, caught in an exercise of constant (re)writing.

In the 18th Brumaire, Marx asks himself about political motivations for people in revolutionary instances, and the role of history in the emergence of political desire. He entertains that people write their own history, but without full control of the historical circumstances beyond their political acts. These circumstances are transmitted, which is where, for Marx, the problem lays. Consequently, when people try to propose a new understanding of the past, they conjure up its spirits, which limit and structure the people’s sense of freedom. When these past ghosts are conjured, they reverse aspirations for the future. Marx concludes that the living should not burden themselves with tasks of the past. However, with this conclusion, Marx discards the possibility of finding links of solidarity in past struggles.

Sartaguda’s memorial is the result of the initiative of the Sartaguda Town of Widows Association,¹¹⁰ the Association of Relatives of the Executed of Navarra (AFFNA36),¹¹¹ and the Association of Relatives of the Executed and Disappeared of Navarra as a result

¹¹⁰ Asociación Pueblo de las Viudas de Sartaguda

¹¹¹ Asociación de Familiares de Fusilados de Navarra

of the 1936 military coup.¹¹² With economic support from the Government of Navarra, the Spanish state administration, the city councils of 85 towns in Navarra, and private donations – facing opposition, too, from the Union of the Navarrese People (UPS)¹¹³ – the result was this 64,583 square foot¹¹⁴ park, a space donated by the local government.

Here we encounter a model of organic institutionalization; an alternative to the vertical individual-state relationship that the amnesic memorial offers. The members of these associations were not satisfied by plaques and symbols of commemoration that superficially remembered the country's past, because they desired their own histories' inclusion. Since they did not see their social and political desires sufficiently fulfilled, they decided to gather together and assume this initiative. They developed the memorial project, which was eventually approved by Sartaguda's townhall. Thus, this institutional consolidation resulted in the creation of an anamnesic space.

This organic institutionalization emerged from an negotiated emotional kinship, from an emotional reaction towards what they considered an insufficient political solution rooted in a partial understanding of history, which excluded their part. The amnesic approach to the past is tantamount to historical vacuums, which lead to political non-representation, in-visibility and exclusion. Thus, the associations created a space – not in a literal way, I am not talking about the park, but about political possibility – to re-historical terrain, include their discourses, and renew politics of memory.

¹¹² Asociación de Familiares de Fusilados y Desaparecidos de Navarra a raíz del golpe militar de 1936

¹¹³ Unión del Pueblo Navarro

¹¹⁴ 6,000 quadrat meters

Chapter 2

Let me Paint it (Black): The Spanish Gag Law and Graffiti

“El escuchar es lo más revolucionario que se puede hacer. Sin duda alguna. El escuchar y el escucharse. Porque escuchar el mundo que te rodea te permite saber cómo piensa el mundo que te rodea. En qué consiste el mundo que te rodea. ¡Cuánto eres de ese mundo!”
El Niño de Elche

1. 15M and the Spanish Gag Law

In 2011, there was a social uprising in Spain. Hundreds of people gathered in Madrid’s main plaza, *La puerta del Sol*, on May 15th to protest the economic austerity measures passed by the Spanish government in the aftermath of the 2008 global crisis. Gradually, more people joined the protestors in Madrid. Thanks to social media platforms, information about this event was widely disseminated and citizens from all over the country began gathering in their respective cities’ most important public spaces – such as Plaza Catalunya in Barcelona, Plaza de San Francesc in Valencia. This series of events started what is now known as the 15M,^{115 116} named after the first day that people from Madrid gathered in the *Plaza del Sol*. Initially motivated by the government’s deficient strategies for navigating the 2008 crisis, a critique of economic measures in the wake of the Great Recession became, in time, dissatisfaction with the contemporary Spanish state as a whole, which translated into critique of the monarchy, political practices, social reforms, and so forth.

¹¹⁵ Another colloquial term which refers to components of the 15M is the “indignados”, from Spanish *indignado*, an indignant person.

¹¹⁶ I refer to the movement as “15M” instead of the hyphenated 15-M, for two reasons: i) they refer to themselves in their own publications as 15M; ii) I conceive 15M as the movement that originated in an event (Alberich 275). To assume a date as the name of a movement implies that the event is more important than its identity (Fernández-Savater 334).

A movement of renovation began with the 15M, activated masses advocating for change.¹¹⁷ In Spain, for the first time since the transition,¹¹⁸ new political parties emerged. Political groups emerged which actively attempted to revolutionize the Spanish political landscape, led by young people dissatisfied with the status quo and tired of the PP-PSOE¹¹⁹ arrangement, a bipartisan politics known as *bipartidismo imperfecto* (imperfect bipartisanship).¹²⁰ People demanded a “real democracy”, *democracia real ya*.

In order to give visibility to the movement and their social demands, protestors re-appropriated public space. Sit-ins, public demonstrations, political performances, improvised billboards, etcetera, became common phenomena throughout the country. Public places such as plazas, government buildings, and parks became arenas for resistance and challenges to urban spaces – what Kurt Iveson’s defines as “micro-spatial urban practices” (Iveson 2013, 941). A series of initiatives escalated throughout the national territory. For instance, in September 2012, approximately 150,000 people gathered in Madrid to surround the Congress of Deputies to publicly protest – an event known as the “Occupy Congress” protest, *Rodea el Congreso*, or the 25-S protest.

As a response to the 15M campaigns, the Spanish government opted for repression. In 2012, the *Partido Popular* – the party ruling the government at the time –

¹¹⁷ We could think of the birth of movements such as *Mareas* or *PAH* (*Plataforma de Afectados por la Hipoteca*), which came to life after the 2008 crisis and advocate for the defense of rights, such as the right to decent housing.

¹¹⁸ I adhere to Violeta Ros Ferrer’s conceptualization of the transition as a *locus* “La Transición ocupa, hoy, la función de un locus, de un enclave imaginario en el marco político, social y cultural de la España contemporánea, que parece situar en ella el origen del malestar para con el presente” (1)

¹¹⁹ As previously mentioned, the two main political parties in Spain: the conservative *Partido Popular* (People’s Party) and the socialist *Partido Socialista Obrero Español* (Spanish Socialist Workers’ Party). It is noteworthy that the *Partido Popular* was founded by the Francoist politician Manuel Fraga, who was one of the key figures in the design of the transition.

¹²⁰ Rafael Reig, among others, points at the 19th century Bourbonic Restoration as the origin of bipartisanship, with the alternation of power between Sagasta and Cánovas.

announced a reform of the 1995 penal code (Oliver and Urda 84), which led to the creation of the so-called Gag Law,¹²¹ the *Ley Mordaza*, enacted in 2015 and still effective. This Law¹²² allows authorities to impose *discretionary* penalties on some forms of political dissent (Calvo and Portos 1), including occupation of public spaces such as buildings or monuments.¹²³ The Law also imposes traffic restrictions, controls and searches on public roads in cases of real or *foreseeable* alterations of citizens' security. Thus, the authorities hold the power to decide what constitutes or may constitute a threat to citizen security. Consequently, they also decide what is citizen security.

The government claimed the law was necessary to protect public safety in light of the climate of social dissent and public protests. As Calvo and Portos posit, securitization is a crucial part of the law's conceptual framework (2). Securitization refers to "the positioning through speech acts (usually by a political leader) of a particular issue as a threat to survival, which in turn (with the consent of the relevant constituency) enables emergency measures and the suspension of 'normal politics' in dealing with that issue" (McDonald 2008, 567). In order to preserve itself, the State argued that collective action is a trigger of social disorder. As such, it justified the need for the Gag Law's policing tactics.

On the other hand, the securitization of the law also has indirect implications for the use of public space: the narrative used by the state positions the use of public space for protests as a threat to Spanish democracy. To be precise, in order to justify the law, in

¹²¹ Its actual name is Ley Orgánica 4/2015, de 30 de marzo

¹²² The Ley Orgánica 4/2015, de 30 de marzo is constituted by a trio of legal norms: the Law for the Protection of Citizen Security, the reform of the Penal Code, and the Anti-Jihadist Law

¹²³ Organizations like Greenpeace or Amnesty International are known for protesting in buildings and monuments.

2012 Secretary of State Ignacio Ulloa argued that there was a need for the regulation of the proper use of public space.

The discourse around the Gag Law associates open social protest with political disorder. Thus, in order to preserve the state, social protest is eliminated from public space. The notion of a public sphere that is regulated and imposed by the authorities is an “a-political” one, where dissensus has no place. This social containment produces imposed collective identities and institutional models of citizenry.

Because of the repression of virtually all collective public protest, there was a gradual decrease in the social and political actions that were popularized by the 15M. However, there is a tool of protest that, I believe, has been widely disregarded as a tool for political dissent and resistance: the graffito. Even though graffiti with political content has been a common practice in Spain, especially during the dictatorship and after the democratic transition,¹²⁴ there was an upsurge after the 15M/*Indignados* phenomenon, challenging conditions of (in)visibility in the city. When the Gag Law was enacted, graffiti became an efficient tool of political protest, given its public visibility and its individual and ephemeral characteristics. It was widely used to protest against the new regulations [see photographs 15 and 16¹²⁵].

¹²⁴ As analyzed by Lyman G. Chaffee (1993)

¹²⁵ Pictures taken by street researcher Jonna Tolonen. Tolonen spent 3 years researching graffiti and political street art in Spain as part of her doctoral dissertation at the University of Lapland - *Madridin katujen kasvot: laiton graffiti osana Espanjan 15M-protesteja* (2016), currently published only in Finnish by Lapin Yliopisto. Tolonen was kind enough to share her materials with me. Even though online archives were not my initial approach, I had to re-formulate my study of graffiti because, given the current global pandemic COVID19, I could not travel to Spain to do field work as initially planned.



Photograph 15: “police out of our lives #withoutgags”. Madrid, 2015 ©Jonna Tolonen



Photograph 16: “every law is an instrument for the power to exert its power. Neither gag law nor any other”. Madrid, 2015 ©Jonna Tolonen

In recent years, street, public, and urban art has proliferated – see for example, murals on the façade of buildings in Los Angeles, Buenos Aires, Melbourne, and Lisbon.

Some of these murals are legally made by professional artists, who are financially compensated.

Legal street art¹²⁶ is not my topic, however. This chapter explores anonymous, precarious, illegal graffiti with (explicit or implicit) political content, that avoids institutional censorship and power in public spaces. I am interested in contemporary Spanish graffiti, which is, generally, characterized by textual messages; that is, similar to the graffiti that proliferated during France's May 68,¹²⁷ these paintings have a critical intention as regards the social and the cultural and are interested in words instead of images.

I see graffiti as a political intervention that documents and offers a sensitivity, a counter-hegemonic reading of the current political disappointment, not included in the official institutional discourse, in its supportive apparatuses, or in its mechanisms of political representation.

Graffiti explores a reconciliation of forms of life with history and appeals to the invention of new democratic ways of life, to a citizenry that extends beyond existing institutions. It points at political subjectivities that have been excluded from the historical narration of the city, which sheds light on a representational limit to civic inclusion in the elite cultural hegemony. Citizens may use it as a demand for social recognition and acknowledgement of urban experiences which are discriminated against, alienated and ignored (Zieleniec 198), or to manifest a lack of trust in or a total rejection of the system

¹²⁶ I use the term "street art" in opposition to "graffiti".

¹²⁷ Students at the French Sorbonne University wrote, during May 68, textual graffiti with philosophical and political content that sought the defense of social, civil and political rights (Beltrán 17-18).

– in this sense, choosing graffiti is already making a (political) statement.¹²⁸ Choosing graffiti as a protest tool implies challenging and defying the limits of political protest and resistance established by the State. Such a consideration necessarily also implies an approach to the means and mechanisms which forged said limits.

Unlike the memorials that we studied in the previous chapter, graffiti does not tell stories; that is, it is not a narrative. It is another type of intervention, one otherwise than the intervention of a narrative. For instance, when the graffiti in photograph 15 demands “police out of our lives” it implies a story, while still being a statement more than a story or a memorial. In chapter one, we claimed that memorials are related to narrative. Here, the claim is that graffiti has a relationship with the event or with the moment of inscription, which is different from the narrative; and this relation with inscription has *mnestic* effects. In this chapter, I describe how graffiti works, moving from a description of certain examples of graffiti to a more conceptual analysis. This graffiti allows me to think beyond Ranciere and a classic concept of hegemony.

2. Image and language

The work of Jacques Ranciere is key to the indissociable link between politics and aesthetics. Traditionally, politics is understood as a strategy of conflict resolution, as a production of order; as administration, as a management of order. In other words, politics understood as the kind of governmental population management that tries to appease

¹²⁸ As Waldner and Dobratz claim when thinking about graffiti and notions of property within capitalism: “one argument is that all forms of graffiti are inherently political because authority and capitalistic ideology is challenged. In other words, the action in itself is political” (379).

conflict.¹²⁹ That understanding of the political sees in the non-agreement – conflict, dispute, etcetera – an error that must be solved. On the contrary, Ranciere understands the concept as the agonal, conflictual struggle amongst socially and politically marginalized identities for their inclusion and recognition. That is, that which politics has to eliminate in a traditional understanding of the term – transgressions, litigation, agony, battles, etcetera – is precisely what *politics* is for Ranciere. Conflict is not a failure, an error, a breakdown of the political, but the very essence of what is called politics. The political is the difference, the disagreement:

Politics does not exist because men, through the privilege of speech, place their interests in common. Politics exists because those who have no right to be counted as speaking beings make themselves of some account, setting up a community by the fact of placing in common a wrong that is nothing more than this very confrontation, the contradiction of two worlds in a single world: the world where they are and the world where they are not, the world where there is something "between" them and those who do not acknowledge them as speaking beings who count and the world where there is nothing. (Ranciere, 1999, 27)

Distribution is contingent, not natural. As such, inequality is instituted, naturalized, and a certain sense of equality is fictionalized based on that inequality. In Ranciere's terms, again, contrary to a traditional notion, "police" refers to the configuration and preservation of order and society's fiction.¹³⁰ When socially and politically marginalized sectors of the population – the part without part – gain visibility, this entails a disruption of order, a shift in the paradigm of the distribution of the sensible [*le partage du*

¹²⁹ Politics of consensus

¹³⁰ "The police represent the institutional form of the maintenance of the division of the sensible, and indeed the policing of graffiti and street art operates to discourage people's aesthetic and political engagement with work on the walls" (Hansen and Danny 900)

*sensible*¹³¹]: this is a core concept in Ranciere's theory, which refers to how the dominant social order determines which identities are seen and recognized as having some form of political importance and having voices that are worth acknowledging. He defines it thus:

I call the distribution of the sensible the system of self-evident facts of sense perception that simultaneously discloses the existence of something in common and the delimitations that define the respective parts and positions within it. A distribution of the sensible therefore establishes at one and the same time something common that is shared and exclusive parts (2004, 12)

The distribution of the sensible is a concept that must be understood in its double meaning; that is, a paradoxical term that refers to both sharing and dividing. The system disseminates and organizes the conditions of common perception within a collectivity. Yet, it also splits that which is common and fixes the space and functions of bodies. The distribution of the sensible refers, then, to that vulnerable dividing line which creates the conditions of perception that make possible the existence of a political community and the emergence of disagreement.

When the distribution of the sensible meets dissensus,¹³² our previous classification of space and time no longer applies effectively. For Ranciere, aesthetic forms such as film, photography, or art installations point to dissensus, challenge our perception of reality and contribute to a reframing of our perception of our affects. Hence, artistic practices help transition from a given distribution of the sensible to another, placing subjects in another space.

¹³¹ Ranciere, Jacques. *The Politics of Aesthetics: The Distribution of the Sensible*, ed. and transl. by Gabriel Rockhill (2004)

¹³² "A specific type of conflict between sense, as sensory perception, and sense, as intellectual understanding, a particular kind of agonistic struggle between a sensory presentation and a way of making sense of it, or between several sensory regimes and/or 'bodies'" (Parsons 2017)

Ranciere distinguishes himself from traditional notions of art as a device of mimetic representation. Platonian mimesis falls within reproducibility; it does not confer a new distribution of the sensible – as we saw, a crucial component of art, according to Rancierian aesthetic theory. On the contrary, the potentiality of art lies in its possibilities for reconfiguring the distribution of the sensible through the sensible appearance of a guideline that will lead to emancipation.¹³³ Art needs to ultimately potentiate the entirety of its strength in the creation of a new time and a new spatiality, to redistribute the relations between the *visible* and the *sayable*. That is, art reconfigures the parameters of what can be rendered and, thus, be legitimately recognized in a society. The particularity of a given medium – in this case, graffiti – would be its relationship to both the visible and the sayable: the graffito as both visual image and linguistic inscription (both being crucial components in the power struggle over permission and entitlement).



Photograph 17: “All of this is ours”

¹³³ Emancipation is a crucial concept for Ranciere, and it refers to “the blurring of the boundary between those who act and those who look; between individuals and members of a collective body” (Ranciere 2009, 19).

Graffiti can be read as an artistic device within Ranciere's aesthetic theory, with the capacity to generate competition, to create new ways of looking and saying, and to reconfigure the properties of spaces. In this graffito, painted in the aftermath of the 15M, we see a direct statement averring the ownership of public space – “to esto es nuestro”, all of this is ours. The author paints on a wall to performatively re-appropriate public space. In the context of the Gag Law, where the State has taken control over public space to eliminate the presence of dissent, this graffito places corporeality in a new time and space, thus disrupting the distribution of the sensible that is imposed as a sensory field, in turn predetermined by the police field.

The visual component of graffiti, as a device that imposes itself within the public sphere, points to its function of showing, of making visible, of catching public attention; graffiti is an exhibitionist art: its desire to be looked at is prior to its materialization. The graffito “to esto es nuestro” encourages people to look at what should not be seen. It visually signifies the capacity to transcend the limits of representation and visibilize an excluded sensitivity and regime of representation. As such, it calls for the recognition of the un-recognized.

Through its linguistic inscription, its textual message, the graffito also makes an intervention in the order of the sayable. Let us remember that, for Ranciere, the symbolic constitution of the social defines the distribution of the ways of saying. In his work, he posits that, since Greek antiquity, human beings live in communities divided by those whose voice is socially recognized, and those condemned to their word being normally understood as noise or silence. This division is rooted in Aristotelean philosophy,

according to which human beings are speaking animals, but their ability to speak can fall under one of two categories: *logos* and *phoné*. The former refers to have a “memorial speech, an account to be kept up” (Ranciere, 1999, 22); that is, those who possess *logos* have the capacity to use language to express themselves in a community of subjects who understand it. Their word is accepted as such and, consequently, they can communicate what is just and unjust in a given society. On the other hand, *phoné* concerns a voice perceived as non-legible noise that mimics *logos* to indicate pleasure and pain. Those that fall within the realm of *phoné* have a voice that allows them to make noise and pronounce words that are not taken as true words by any other part of the community.

Logos is what differentiates human beings from animals and makes them political animals. Paradoxically, however, in a political community, even though human beings are speaking beings, society does not always deem their voice legitimate. The original distinction between humans and animals, between *logos* and *phoné*, which founds the political community, implies a movement by which a large number of speaking beings are displaced and situated within the sphere of animality. Thus, the dialectics *logos-phoné* mark a symbolic distribution in society that accounts for those who are seen and those who are not, those whose voice is understood as speech and those whose sonorous emission is disqualified and ignored. In other words, in every political community there is a part that does not have part of what corresponds to that community, which implies a distortion in the account of the parts of the community. This division, says Ranciere, is a characteristic of every political community and produces a certain wrong.¹³⁴

¹³⁴ Tort, which is the original French word that Ranciere uses, refers to damage, injustice, wrongdoing

Politics consists of the struggle for equality and recognition, to overcome the wrong that part of the society experiences – those displaced to the realm of *phoné*. To occupy a different space, those who suffer the linguistically-originated wrong have to make logical – related [pertinent] to the *logos* – arguments that demonstrate their belonging to the *logos*. This implies a rearrangement of the sensible configuration of the domains of *logos* and *phoné*, by which subjects escape their condemnation to silence, take the floor, and make themselves part of the community. When someone writes “to esto es nuestro,” they are stating their inclusion in a – linguistic – system of which they are part. Otherwise excluded, damaged bodies reinforce the anthropological equality that language grants them, such that they can be heard and considered part of the political community. However, does not the use of “nuestro” – our – imply the existence of a different collectivity, one opposed to *them*?

In *The Future of the Image* (2007), Ranciere tries to reconfigure a new critical art, one that confers a new distribution of the sensible, developing a concept of the image that shows the relationship of politics and aesthetics. As expressed in the first chapter of the book, Ranciere posits that image is not reserved for the visible: image is present in all artistic manifestations, not only in photography and cinema, but also in poetry, novels, and painting. Image is not only related to mimetic representation, but is rather a device that permeates all artistic practices and that signifies two things. The first is a sense of similarity to the original that does not ascribe any copy to it, producing, instead effects; and the second is the set of operations that produces what we call art in alteration with similarity. The future of the image, posits Ranciere, indicates a logical and paradoxical

intertwining between the operations of art, the modes of circulation of imagery, and the critical discourse that returns its hidden truth to the operations of one and the forms of the other.

Images refer to virtuality, assemblage, potentiality. In Ranciere's terms, there is a production of cliché images, which are made clichés; that is, they operate under the principle of the organization of imagination. It is a cliché because it is shared: there is an organization of the imagination in the sense that the interpretation of the image is relatively univocal. It is predetermined precisely by the assembly of the cliché, so, in that sense, the cliché is organized imagination. Etymologically, imagination comes from Latin *imaginatio*, which refers to the act of formulating a mental image; the concept refers the construction of images as a mental operation. The politics of imagination is an aesthetic expression in accordance with the political realm (Castillo 88).

In opposition to the cliché image, Ranciere contemplates the pensive image – a concept that runs through his entire work. An image that would not be an expression of an organized imagination, but rather would be an expression of the power of imagination.

In *the Emancipated Spectator*, Ranciere defines the term:

The expression 'pensive image' does not speak for itself. It refers to individual who are sometimes described as pensive. The adjective describes a curious condition: someone who is pensive is 'full of thoughts', but this does not mean that she is thinking them. In pensiveness the act of thinking seems to be encroached upon by a certain passivity. Things become complicated when we say of an image that it is pensive. An image is not supposed to think. It contains unthought thought, a thought that cannot be attributed to the intention of the person who produces it and which has an effect on the person who views it without her linking it to a determinate object. Pensiveness thus refers to a condition that is indeterminately between the active and the passive. This indeterminacy problematizes the gap that I have tried to signal elsewhere between two ideas of the image: the common notion of the image as duplicate of a thing

and the image conceived as artistic operation. To speak of the pensive image is to signal the existence of a zone of indeterminacy between these two types of image. It is to speak of a zone of indeterminacy between thought and non-thought, activity and passivity, but also between art and non-art (Ranciere, 2009, 107)

The pensive image fundamentally corresponds to taking away from critique the possibility of always determining when the spectator (of the image) is alienated by the hidden power of the image and, relatedly, when the image is functioning as a device of liberation for the spectator's conscience. Images, then, are always something more than a mere device serving a function of thought.¹³⁵ In other words, the pensive image is in tension with imagination insofar as it does not imply the political configuration and the structure of the cliché. This image establishes new paradigms in the relationship between gaze and word, creating new means of binding together words and things that will lead to the creation of a new political perspective. In this way, they are images that bring out something which is constantly repressed from the regime of visibility, something which works in the regime of the image as a regime of visibility, in the field of discourse as a discursive regime.

Ranciere thinks the pensive image in relation to politics, with what he calls the popular irruption or the irruption of that part of the *populo* without a part, whose voice was noise and now is speech, now becomes visible, whose images were subterranean and which now populate the city, populate the walls... During the 15M, the whole city was transformed into a great cinema, one that accounts for many of the realities that were

¹³⁵ As Boris Groys points out (2014) this produces a very interesting paradox: the great problem of the Soviet avant-garde consists on the one hand in showing spectators that they are being manipulated by images and bourgeois art, but to do so, the avant-garde has no option but to manipulate as well. It erases what it does in the very act of doing it.

absolutely repressed within the Spanish regime of media visibility: those denouncing violence, mocking authority, and transforming all reality into a kind of carnival of meanings. One based on something related to the bloody, martial scene of history, with violence. In that sense, graffiti, with a sort of potential (affective) contaminating force susceptible to bursting into an unthinkable and unthought time and space, carried the potentiality of the political revolt.

The images of different forms of life – students, evicted people, retired people, middle class people, feminists, etcetera – expressed a sort of identity politics, but balanced with a sense of the common different than the hegemonic account of citizenship. The abstraction of their differences was then splintered into the visibility of multiple forms of life, united in the revolt – as the meeting place of differences in a common struggle for life – against various oppressions. The writing on the walls expressed an explosion of popular imagination which, with the power of its images, disrupted the post-dictatorial imaginary – for instance, the bipartisan model of politics –, unquestioned by the majority of the population until then. In other words, this proliferation of images and explosion of popular imagination disorganized the regimes of representation that articulated the city's regime of visibility, both in the sense of the circulation of images and in the field of the occupation of the spaces to reveal them – the walls, the public space.

Contrary to the potentiality for disruption of the (pensive) image, for Ranciere, language relies on a certain retroactivity. For him, subjects situated within the domain of the *phoné* fight their political displacement when they demonstrate their ability to

produce speech in a situation of disagreement. This implies the belief in one common language that, although it divides society, is shared by all the members of a community. Marginalized subjects can only achieve emancipation through their inclusion in an existing linguistic system institutionally recognized as legitimate, given that this domain of language allows for common discussion and social reconfiguration. As such, in Ranciere's theory, language refers to questions concerning the very basis of the order of the sensible, and therefore of recognition and authorization; that is, meaning and the ability to attribute it. Thus, for language to be language, it has as much to do with the institutionalization of the sensibility of a thing as with the medium itself. It seems to me that, therefore, there is always a certain retroactivity prevailing in the determination of language and one ends up half-trapped within the established order.

We could think of graffiti, not as graffiti in singular, but as a broader system of reactions between graffiti, as something diachronic instead of synchronic.¹³⁶ A graffito that may seem absolutely tied to the contextual weight of its inscription, to its instantaneous moment, but it is also part of a system of mnemonic traces that sometimes recover pasts beyond the direct past to which they refer. The picture of the graffito "to esto es nuestro" was taken in the aftermath of the 15M and after the enactment of the Gag Law. It may seem that it is absolutely married to its referential and historical context. However, graffiti is illegal, not only in the present, but also in its past uses. These

¹³⁶ According to Saussure, studying language (*langue*) synchronously means studying it as it exists in a given time, as a "system." On the other hand, studying speech (*parole*) diachronically means studying over time, which does not allow for studying it as a system - diachronic linguistics selects a certain *facto f* language and tries to investigate its evolution as far as possible.

previous uses produce conventions that have a bearing on the conceptualization of graffiti as a medium, as a language.

In *Political Protest and Street Art. Popular Tools for Democratization in Hispanic Countries*, Lyman Chaffee explores the use of street art¹³⁷ in Spain, Argentine and Brazil during their dictatorships and democratic transitions. Chaffee analyzes the form and content of different forms of street art in their specific historical and cultural contexts. Thus, he studies how these tools were historically used in these countries during their dictatorial regimes and in their post-dictatorial societies, for different objectives, including protesting against authority, claiming the right to use forbidden languages, giving visibility to terrorist organizations, raising political consciousness, and advertising political parties, among other uses.

In Spain, graffiti and street graphics were commonly used to publicize strikes under Franco (Chaffee 42) and general strikes in post-Franco Spain, such as the December 1988 and spring 1992 strikes (Chaffee 14). Catalan, Basque, and Galician nationalists would write slogans in their regional languages to claim their right to speak it and diffuse its linguistic presence after decades of Francoist linguistic repression (Chaffee 11). Groups marginalized from the dominant media outlets, such as the Assembly of Women, would use street graphics to achieve sociopolitical expression (Chaffee 12). Street art was also aimed at fighting the dominance of a centralized Castilian culture over regional cultures (Chaffee 44).

Specifically as concerns graffiti, Chaffee claims that it was the primary medium

¹³⁷ Chaffee sees street art as “one medium” (Chaffee 25) that includes several art forms such as graffiti, murals, banners, posters, and stickers, amongst others (Chaffee 4).

in authoritarian societies, wherein the government dominated public space (Chaffee 9), and it became a popular tool to open space for political expression during the Franco era (Chaffee 41). Graffiti was used to communicate antisystem messages in working class neighborhoods, such as opposition to the N-20 celebration or opposition to the Falangist student union Sindicato Español Universitario (SEU) (Chaffee 42). Francoist graffiti was also common, with “Viva Franco” or “Viva España” slogans that would last for years, showing the visual presence of Falangists and, implicitly, state endorsement for Francoist propaganda. Graffiti was also common for raising the profiles of regional nationalists, to counteract street art, to paint the logo or acronyms of political groups and associations such as the Moviment de Defensa de la Terra (MDT) logo and the Bases Autonomas acronym (BBAA). Movements like the Okupación movement would choose graffiti to advertise themselves and communicate their concerns.

While dominant regimes tend to use street art for propaganda purposes – for instance, Spanish Falangists commonly used street graphics after the Civil War (Chaffee 15) – Chaffee entertains that such art is a form of popular protest that played a crucial role in the process of the democratization of Spain’s, Argentine and Brazil dictatorial societies.

Graffiti has a history; it is a language that, like every other language – musical, pictorial, written, and so forth –, is made up of uses in the present and of mnesic traces of previous uses to which any speech act refers in the present. Graffiti is a language like ours, and so it has this double component in its synchronic and diachronic context.

A language – linguistic, musical, pictorial, or any other sort of language – in its present is crossed by diachrony; its synchronic present is always crossed by diachrony. When I say “tree,” that word has a use in the present, in the specific context of its utterance, but it also has a relationship with previous uses, with conventions – and conventions always have to do with the past. In the same way, any synchronic use of graffiti in the present is crossed by its diachronic relationships: Chaffee’s historical archive of Spanish uses of graffiti, in their heterogenous uses, points to certain qualities that mark its choice as a tool for protest and democratization.¹³⁸ Chaffee argues that, in repressive regimes with limited uses of public space, street art forms social consciousness because of its possibilities to express dissident feelings. He writes:

[...] under authoritarian regimes, the underground production of street art connotes an activist, collective sense. In essence, it becomes a form of psychological warfare against the dominant culture and elite and reveals an emerging subterranean movement. This is threatening because it connotes a prelude to an organized opposition, or the existence of one. The repression of street art may not be directed at the message but at the symbol the act conveys (30)

Authoritarian regimes, in their quest for social homogenization and unification, pretend to ignore the existence of a culture of resistance. Street art’s re-appropriation of public space brings out that resistance, constantly repressed within the regime of visibility. As Chaffee entertains, this is dangerous for the State, because it symbolizes the possibility of its disassembling. Street art has an impact on the perception of who controls the public

¹³⁸ As we have seen, graffiti was the choice of street art when forms such as murals, or posters were not possible because the authors needed anonymity to protect themselves and speed in writing their message on the wall to avoid getting caught by repressive authorities. It is quickly executed and it has high visibility; it responds to a certain need to publicly communicate and express dissident opinions; it seeks social consciousness; contrary to journalism, it is a nonneutral, politicized medium that avoids institutional censorship; and because of its conflict with property rights, it is characterized by a dialectical tension between legality and illegality.

sphere, which is tantamount to street opinion. Consequently, in order to preserve itself, the State attacks street art. Not because of the literal messages it conveys, but because the act itself communicates the possibility of questioning and protesting the regime – this echoes Wilson and Kelling’s broken windows theory¹³⁹, which holds that every time someone breaks a window, the state has to fix it immediately, because otherwise citizens will realize that they can actually break windows and dismantle the State machinery. Graffiti works in a similar fashion: since they point to the possibility of opposing the state, graffiti must be defaced, eliminated. However, eliminating particular acts of graffiti is not enough, the state has to eliminate the very possibility of committing such acts.

Pleading the destructive collision of graffiti with contemporary dynamics of urban property, the State justifies its prohibition in the city. Thus, it labels graffiti vandalism¹⁴⁰ – understood as prohibited, uncivil, disruptive and malicious minor acts that lack any further meaning other than seeking disrespectful destruction. This euphemization of uses of urban space is the focus of symbolic manipulation. When citizens see graffiti through the lens of the State’s narrative and treat it as meaningless vandalism, they fail to apprehend its possibilities as a political tool for democratization and as a device for the

¹³⁹ It should be noted that the broken windows theory is a dangerous reference, as it is widely discredited in sociological literature and was used to justify the hyper policing of urban environments (e.g. and most famously in New York City).

¹⁴⁰ Iveson (2014) posits that the policing of graffiti and other forms of unauthorized work on a city’s wall is accomplished through its removal, but also through the categorization of such work as meaningless vandalism: “the policing of graffiti, as we have seen, takes a number of forms. These include attempts to repress graffiti, or to minimize it and contain it in its proper places. A variety of actors are involved in these policing efforts, including but not limited to the uniformed police. But these policing efforts share a crucial characteristic that makes them all ‘police’ in the sense I have used in this chapter. They all attempt to naturalize a particular form of authority over urban surfaces which denies and/or restricts graffiti writers a place on those surfaces. Those who pursue the repressive and harm minimization responses to graffiti attempt to naturalize property relations in the city, insisting that surfaces are inviolable because they are the property of private or statutory authorities” (Iveson 2014, 96).

communication of dissent. At the same time, they ignore the symbolic manipulation that they are subjected to, which strategically safeguards the interests of the State.

The State's production of graffiti as vandalism is a cliché image. This image is used so as to conserve the fiction of facticity. Its aesthetic implications entail a constructed political (police) sentiment and subjectivity – that which defines the process of subjectivation under the (police) discourse of those in power is not different from a production of cliché images.¹⁴¹ As such, those who control the production of clichés have the power to mobilize people. As Chaffee states:

[...] street art can shape and move human emotions and gauge political sentiments. Language and visual symbols help shape perception. Clichés, slogans, and symbols - the substance of political rhetoric - help mobilize people. Those who dominate political clichés maintain the edge” (4).

In this quote, there is an interesting aesthetic reading of street art and graffiti. Generally speaking, aesthetics is seen as the realm wherein our sense is framed and distributed. Sense, in this context, is the result of our perceptions and senses. The organization of sense entails the construction of a sensory framework that dictates what is perceptible (visible, audible, touchable) and what is not, which has political consequences. Chaffee sees the aesthetic possibilities of street art as a device that can move and shape human emotions, and he entertains that “language and visual symbols help shape perception” (4).

¹⁴¹ Cliché images both result from and inform the account of reality constructed by those who hold power. An understanding of graffiti as rash, purposeless vandalism is a cliché image that serves the interest of the State: passers-by will not contemplate the political possibilities of graffiti and will disregard its potentiality to disrupt society. In this sense, they are abiding by the State's fictional distribution of the sensible and, thus, becoming part of the State's intentional subjectivity, which discards order's disruption and seeks police preservation. This conceptualization of the cliché image echoes Guy Debord, who, in speaking on the possibility of the spectacle, recognizes that the spectacle also has to do with social relations. Images mediate social relationships; therefore, they have a mental and social realm.

This seems to imply a conceptualization of street art and graffiti as a device that can be defined as language *and* as image, which has implications in the discursive practice of aesthetics. We will come back to this notion in the next pages.

Mnesic traces are a fundamental part of the discussion around the image in relation to the organization of the imagination based on memory – the image in its mnesic dimension or in the dimension of the cliché.¹⁴² Within a society, there is a certain narrative that marks how people collectively think of a past event. Although there may be some exceptions, some individuals that disagree to different degrees, this narrative is accepted and shared by the population as a convention, as an *imago*. The narrative may have been constructed according to several political, historical, economic, etcetera, interests, but its general acceptance and circulation produces a convention, a cliché. Thus, mnemonic traces operate under a specific fiction that leads to a relatively univocal interpretation of the past: a collective memory.

Beyond the mnemonic question or the cliché question, there is the question of the openness, so to speak, of the image to its sensitivity. That is to say, the idea that the language of images, the language of writing, the language of graffiti not only allows for projecting a memory or cliché, but also allows for interrupting it – the question of the opening of that abyss of the imagination, the power of imagination beyond its organization in function of power. In other words, the common potentiality of

¹⁴² I do not mean to imply a contrast with my use of the disjunctive conjunction “or.” Rather, I am pointing at two different realms in the organizational relationship between image and memory. As vastly explored in the field of psychology – see, for instance, Anderson and Levy (2009); Anderson and Green (2001); Bjork (1998) –, memory is cue-dependent. Images are stimuli that can act as cues that trigger the remembering process. Yet, there is a political aspect in this relationship: the circulation of images that point to a collective memory is informed by a shared, therefore political, imagination.

imagination versus the organization of imagination by the official discourses and the administration of the spaces for its circulation, which has crucial implications when thinking of graffiti as a device of protest and resistance.

Graffiti, as art, as representation, refers to the genealogy of avantgarde art that brings into contention new forms of representability; they seek to break with known forms of representation. This genealogy bears witness to different moments of rupture of established artistic paradigms – see, for example, “The Persistence of Memory” by Salvador Dalí. Graffiti as image, as language, attests to past moments of breaks with the limits and possibilities of art. They have a relationship with the past, with history, with memory, that they make a connection with in order to exist, given that they exist as a reaction.

If images and language coexist, as Ranciere holds, in a dialectical relationship, in a dialectics, what can language “learn” from the pensive image? In other words, if images, as pensive devices, bear potentiality for disruption, since they exist in the indeterminacy between the active and the passive, how can we think of graffiti as language through pensiveness?

The present always has its genesis, but that does not mean that the future can be thought from that genesis, because genealogies tell us where we come from, not where are we going. Languages introduce difference, which is what constitutes the very contingency of history and its trembling movement – never a continuum but a kind of harmony in conflict. There are plateaus of stability and destabilization. In that way, language can be used in a conservative sense but also in an interruptive sense – for

instance, in discursive practices that have to do with this interruptive exercise, which puts into play an interruption of facticity. The State's conceptualization of graffiti exemplifies a conservative use of language because it operates on the organization of imagination in order to invisibilize the political possibilities of that medium as a device for protest and resistance. In this way, political rhetoric serves the Rancierian police interest of guaranteeing the current order of recognition.

There is a determination of the present by the past as a sort of gestation – there is a contingency there because language is also always differing. Therefore, the realm of possibility, so to speak, is not necessarily the future as a continuity of a past, but rather something like a future that cannot be given in advance because languages are always in *differance*. The encounter with contingency leads to a future that cannot be given in advance. This has various political implications, because languages of any sort – linguistic, musical, pictorial, ... – account for the past – past as a factuality, a history, a memory – while on the other hand, languages interrupt that continuum. For instance, graffiti, as a language, accounts for how the citizenry socially protests, which builds a memory: how they can protest, methods and tools they may use, the limits of social protest and uncivilized behavior. But graffiti can also interrupt that continuum.

So, on one discursive level, graffiti looks towards a future that is represented. But, on another level, the inscription – graffiti as a linguistic inscription and graffiti as an image – has the vocation of founding that future, it wants to produce it. It is performative.

Graffiti as performance has a different relation with genealogy. When someone writes a graffito on a façade, they are representing, but they are also working to change

the regime of representation in view of another regime of representation. Its inscription – both linguistic and visible – radically breaks with the continuum. The realm of possibility, so to speak, is not necessarily the future as a continuity of a past, but rather it is something like a future that cannot be given in advance. Revolutionary manifestos have a similar structure: they are interventions that seek the installation of a future that cannot be apprehended through a connection to its genealogy. Similarly, the inscription of a graffito is not understood within the previous regime of representation; instead, the graffito looks for its meaning in a future that it installs – it implies a gesture of futurity, of irruption.¹⁴³ Its power lies in its inauguration of unanticipated possibilities through the invention that comes from resistance. These two aspects of graffiti – graffiti as representation and graffiti as performance – have different genealogies: the notion of time and diachrony of the performative is not the same as the notion of time and diachrony of representation. In this sense, we could say that graffiti is an anamnestic device that recovers mnemonic traces beyond the direct past to which it refers.

It may seem like graffiti would be the perfect device for Ranciere, because it has a visible and an obviously political dimension – it has a doubly expressive quality, that of the textual message and that of the visual image. Image and language, image and inscription would then coincide, redistributing the relations between the visible and the sayable that are specific to the regime of the representative in the arts and which are exemplified by dramatic speech. However, Ranciere maintains a sloppy definition of language. He claims that words and political demonstrations, as images, have a certain

¹⁴³ This operation, however, is crossed by diachrony – how could we otherwise enter language in such a way that it formulates language otherwise?

poetic potentiality; as such, language participates in the redistribution of the relations between the visible and the sayable. But the imaginative potency of images collides with the retroactive institutionalization and authorization that reigns in the determination of language. As such, he is denying the imaginative potencies – puissance – of language.

Hence, the appearance of graffiti relapses – if political force is lacking, that is, force for the transition from noise to meaning – always to the established order of meaning, although the intention of the gesture is the opposite. Ranciere, seeking an equal democratization and abolition of aesthetic differences, translates every aesthetic experience to images, which are present in every form of art. This entails a limit in Ranciere's theory: a moment at which he is forced to identify inscription with image. If both language and image, as aesthetic forms, seek the visibilization of inequality and disagreement, as he posits, Ranciere's identification between inscription and language ignores two different genealogies that are in play, regarding the conjugation of the visible and the sayable in images and in language. This identification limits his theory and constitutes an internal limit to his thought, which comes from a traditional understanding of the concept of hegemony, which I will now criticize through examples of contemporary Spanish graffiti.



Photograph 18: “I exist because I resist”

The graffiti on photograph 18 echoes the Cartesian statement “*cogito, ergo sum*” with a certain vernacular violence – not so much I “think, therefore I am”, but rather I exist, I am, because I resist. The graffiti not only points to a sort of resistance to the traditional Cartesian figure, but to a classic notion of hegemony.

Gramsci’s conceptualization of hegemony – the one that Ranciere adheres to – refers to the domination of the ruling class through the means of both physical and symbolic production. Their control of material forces corresponds to their dominion over ideology and its artifacts – culture, the media, religion, etcetera –, which act to disseminate their values and secure their dominant position. In order to demystify and break the hegemony of the bourgeoisie, it is not enough for a group to defend their material interests: there is a need to produce a conceptual apparatus to replace the former hegemonic substratum of standards and codes of behavior socially legitimized and

defined from above. Subjects cannot, says Gramsci, overthrow an existing hegemony by themselves, but through an external agent – such as a revolutionary party – that assists the working class in the production of a new conceptual apparatus.

Classic theories of hegemony entail several problems. For one, they negate for subordinate classes their ability to demystify the dominant ideology, as they presumably need an external agency to provide a critical consciousness. Since these external agencies generally echo the vertical relationship of the production and dissemination of ideas between institutions and subjects – the external agency produces a conceptual apparatus to guide the political quest of the working class – they reproduce a certain legitimized structure of the process of sociopolitical change and values of the system of domination.

Secondly, they suppose that sociopolitical change can only take place through organized, collective action that seeks the visibilization of a counter-hegemony; that is, practices of social resistance are characterized by their public demystification of the ruling regime – materially and symbolically –, as well as by their dissemination of a new conceptual apparatus. This characterization of resistance as something public, organized and collective tends to overlook other acts of social change that are silent and anonymous, so as to protect the physical integrity of those committing the acts of resistance – for instance, in violent, oppressive regimes.

This notion of hegemony, which echoes Ranciere's theory, is static because it revolves around the necessary institutionalization of sensitivity – including realistic practices and devices of sociopolitical resistance and change –, at the same time it excludes the notion of individual, silent resistance as legitimate means of challenging the

hegemonic power. As such, classic theories of hegemony reinforce a certain type of ideological determinism. Language, as an ideological device, could then only exist as one common and continued system, to which subjects have to subject themselves in order to visibilize their questioning of the sociopolitical order.

If subjects are, historically, constantly deprived of language¹⁴⁴ – *logos* –, why would they return to such an institutional device and its (classic) hegemonic understanding in order to resist the dominant power? Why would subjects risk their (physical) integrity in an oppressive society, exposing themselves publicly while publicly opposing a regime as part of the visibility of a counter-hegemonic movement according to these classic hegemony theories?

The graffiti “*existo porque resisto*” encapsulates an urban dialectics between visibility and invisibility while pointing to a certain tension between resistance and hegemony. The State wants to kill *me*,¹⁴⁵ it wants to eliminate my existence by erasing my voice, my social visibility, my political agency. Since I resist the State’s intentions, I persist, I exist. My existence is not eradicated because I challenge the place that the State allocated to me and to which it commanded that I conform. I resist through graffiti, through painting in an act that gives myself existence, visibility, voice. Graffiti inscribes myself outside of the consensual, homogeneous mass that the State wants to create. However, I resist this hegemonic domination – the Gag-Law-State physical and symbolic production of the social – through a form of resistance that challenges the classic notion

¹⁴⁴ See Ranciere 2011 for further discussion

¹⁴⁵ I use the first-person singular conjugation to continue the choice of grammatical person in the graffiti – *I* exist because *I* resist. However, my usage of the first-person singular conjugation should be understood as a metonymy for a generic subject.

of hegemony. I choose graffiti to demystify the dominant ideology through anonymity, invisibility, and evanescence.¹⁴⁶ In doing so I resist, exist, and survive in the city, where I am a thinking subject existing within a dialectics of visibility and invisibility.

Following this logic, we could say that graffiti makes an intervention as a representational and as a performative element – when someone writes on the wall, they bring attention to their ability to speak and to participate in the realm of the sayable through the very act of performing the ability to communicate. But in addition to this, graffiti creates a certain vernacular logic and semantics typical of an-other-city. With my use of the adjective “vernacular,” I do not imply a description of how graffiti can make an intervention in a particular city, such as Madrid or Barcelona. Instead, this vernacular logic and semantics refers to the mechanism of graffiti as a stray element that helps us make an intervention in a current academic debate: what is, and how does political writing – or politics understood as an element of writing – work, which I expand on in the next section.

3. Vernacular logic and semantics

In *Weapons of the Weak* (1985), anthropologist James C. Scott studies agrarian peasants in Southeast Asia, focusing on the struggle between rich and poor in a village under the pseudonym of Sedaka. As a researcher of political resistance, Scott is concerned about traditional approaches to the study of rebellions and revolutions through

¹⁴⁶ As Freud reminds us, beauty is in the ephemeral, which is represented already announcing its loss, its lack.

organized, large-scale protest movements, because this perspective tends to ignore other forms of political activity.

He writes:

Real resistance, it is argued, is (a) organized, systematic, and cooperative, (b) principled or selfless, (c) has revolutionary consequences, and/or (d) embodies ideas or intentions that negate the basis of domination itself. Token, incidental, or epiphenomenal activities, by contrast, are (a) unorganized, unsystematic, and individual, (b) opportunistic and self-indulgent, (c) have no revolutionary consequences, and/or (d) imply, in their intention or meaning, an accommodation with the system of domination. These distinctions are important for any analysis that has as its objective the attempt to delineate the various forms of resistance and to show how they are related to one another and to the form of domination in which they occur. My quarrel is with the connection that the latter forms are ultimately trivial or inconsequential, while only the former can be said to constitute real resistance. This position, in my view, fundamentally misconstrues the very basis of the economic and political struggle conducted daily by subordinate classes - not only slaves, but peasants and workers as well - in repressive settings. It is based on an ironic combination of both Leninist and bourgeois assumptions of what constitutes political action (292)

The traditional understanding of resistance as an organized practice that responds to moral notions, which leads to revolution while ideally negating domination, necessarily implies the exclusion from this category of activities outside of this characterization. Consequently, activities that do not adhere to the categories of “real resistance” are dismissed and not considered in the study of resistance. Ultimately, this has implications in the conceptualization of what it means to resist and what are acceptable forms of resistance. In a Gramscian reading, following such a framework implies acceptance of an elitist discourse that exercises its symbolic authority to establish the limits of resistance on one level, while exerting and re-inscribing the repressive position on another.

The problem with this concept of resistance, says Scott, is not the absolute necessity that resistance deals with intentions, meanings and consequences, but the

opposition of individual acts as “self-indulgent” while collective actions are seen as principled. Using this opposition as a basic criterion for deciding whether an act of resistance is real or not, implies a complete misunderstanding of peasant politics (Scott 295). As a consequence, individual acts of resistance are dismissed as insignificant.

On the contrary, Scott entertains the importance of daily forms of resistance, those seen as token, incidental, or epiphenomenal activities and overall disregarded as acts of resistance. He is interested in how these everyday forms of symbolic resistance – what he names “weapons of the weak”– articulate with daily acts of material resistance. An analysis of such acts can teach us about models of resistance not centered on the state, formal organizations or open protests. As subordinate classes can rarely risk open involvement in organized political activity, their weapons of resistance are characterized by little coordination or political organization. Examples of everyday forms of peasant resistance include foot dragging, dissimulation, false compliance, pilfering, or sabotage, among others (Scott 29).

Contrary to the traditional definition of resistance, the weapons of the weak utilized by Sedaka peasants seem disconnected from each other, since they do not explicitly show their relationship with one another as acts of resistance. Neither do the weapons of the weak expose their intention to dispute the hegemonic system of domination. For instance, if a peasant steals farming materials from the property of a rich person so that he can continue working on his own farm to feed his family, is that an act of robbery or an act of resistance? Scott points at two problems in this scenario. First, how might we obtain evidence of the actor’s intentions? Because of the nature of such an

act, the actor most likely will not admit the action or explain what caused it (Scott 290). The other problem concerns broader conceptual issues. Since we usually think of resistance as activities that comprise some sort of sacrifice so as to obtain a benefit – for instance a strike or a boycott –, in cases like theft there is a combination of individual benefit and an act that could be interpreted as resistance. To judge between these two purposes and decide which one is decisive is an extremely complex task (Scott 291), which poses a challenge to traditional definitions of resistance.

If these sorts of acts are uncommon and isolated, they do not have much sociological interest. However, Scott claims, if they become a common pattern, they are resistance, even when unorganized (296). These activities may be individual actions, but that does not imply that they are uncoordinated. Regarding them as individual actions would be insufficient, as we would find ourselves immersed in analysis of a specific behavior. There is a larger realm in play here, and that is the meaning social beings give to their acts. These forms of peasant resistance are born, not only out of the social behavior of the peasantry and the meaning and consciousness they give to these activities, but also because of the nature and characteristics of institutional repression. Agrarian peasants of Sedaka undercut the moral authority of the rich by contesting their reputation and social prestige – two of the few resources over which the poor can exert some control. Actions such as gossip, jokes, or folklore songs help unite the village poor in a particular worldview that works as an obstacle to the wealthy class.

Scott posits that the weapons of the weak create a ‘hidden transcript,’ that is, a concealed way of behaving and speaking to resist ‘public transcripts.’ This latter term

refers to the accounts of experienced reality that enjoy high visibility and accessibility within the population. Usually shaped by the interests of the powerful and the hegemonic discourse, ‘public transcripts’ legitimize certain behaviors and ways of living, while condemning others.¹⁴⁷ Acts of resistance contest public transcripts in a subtle way, which works as a symbolic barrier to the dominant classes: since they are outsiders to the poor class and to its hidden transcript, they do not understand the mechanisms of resistance and contestation involved. This is particularly effective in oppressive societies, wherein violence is imposed to maintain the status quo and any act of resistance is severely punished. Thus, the weapons of the weak help peasants survive, which is the goal of peasant resistance: “the great bulk of peasant resistance is not directly to overthrow or transform a system of domination but rather to survive” (Scott 301).

Scott’s characterization of the “weapons of the weak” is an immensely productive conceptual device for thinking about resistance. Since his analysis takes place within the context of class struggles in Southeast Asian rural communities, the concept is limited to such settings. I am interested here in making an abstraction of the notion “weapons of the weak” to ponder resistance in an urban context. More specifically, thinking about graffiti as a weapon of the weak in the context of the Spanish Gag Law.

Given the dichotomic nature of Scott’s work, which follows a Marxist approach to class struggles, most of his theoretical tools are articulated in opposition to another (rich versus poor, public transcript versus hidden transcript, dominant versus subordinate,

¹⁴⁷ The hidden transcript is not particular to poor classes, neither is the public transcript specific to dominant classes. The adjectives ‘hidden’ and ‘public’ merely refer to their visibility and accessibility. However, in his analysis, Scott explores the hidden transcript of the peasant class in opposition to the public transcript of the rich class of Sedaka.

etcetera). However, in the case of Spain, we are not dealing with class struggle; in fact, the 15M protests that eventually led to the passing of the Gag Law involved heterogeneous actors such as students, middle class people, retirees, and so forth. As we saw, the Gag Law grants the State and its authorities the discretionary right to decide who is a potential threat to public safety. Ruth Simsa holds that this poses a “symbolic criminalization” (330), associating citizens and social protest with terrorism. On the contrary, under the law, police reports are also presumed to be truthful (Oliver and Urda 84). This State versus citizenry logic establishes the dichotomic framework that we will follow in our analysis, understanding the State as the dominant agent/body that exerts power and imposes its ideological construction of reality onto its citizens. Part of the graffiti that protests against the Gag Law follows this dichotomic narrative State-citizen [see photograph 19].



Photograph 19: “we don’t need permission to be free. Madrid, 2015 ©Jonna Tolonen

This graffito was made with a stencil. Stencils are common tools in graffiti: they are applied on the wall and the graffito writer sprays directly on them. The letter-shaped holes on the surface of the stencil leave an identical graffito every time it is used. One of the benefits of stencils is a decrease in time: the time needed to execute the painting is significantly less, as the author only has to put the stencil against the wall and cover all the holes without worrying about lines, format, style, etcetera. This entails faster production of graffiti, quite beneficial for those seeking optimization of time and distribution. The writer can strategically copy the message in different locations within the city to gain visibility and reach a wider audience. If the graffito is meant to foster political consciousness, stencils are helpful devices to disseminate the message publicly.

Stencils also protect the complete anonymity of the writer because their personal handwriting is not on the wall. Unlike tags and gang graffiti, politically themed graffiti and, especially, protest graffiti rely on anonymity in order to secure protection. This anonymity is particularly productive when challenging oppressive regimes, such as the Spanish State configured under the parameters of the Gag Law. Contrary to positions that understand the city as a disciplinary space of behaviors, some see the possibility of developing resistance in the fissures of an ineffective social, moral and urban order incapable of encompassing all the complexity enclosed in the production of space. Thanks to anonymity, the opportunities generated by the city are valuable for the development of a greater capacity for agency and new opportunities for political participation for individuals (Hernandez Quero, et al. 477).

In the text from this graffito, “we don’t need permission to be free” we find a collective subject, an “us” that rejects the need for permission to be free. This permission would be given by an external subject that is not part of the collective voice from which the graffito author writes. At the same time the us versus them/it – that not included in the “us,” whether singular or plural – echoes a vertical relationship: someone gives me permission to do something because they are in a superior position. The graffito challenges this vertical relationship: writing on the wall breaks laws regarding public use of space and commits an act of contestation. The act of writing the graffito seeks contestation of the State, of those in charge of regulating social relationships. The message explicitly states the performative intention of the act: we¹⁴⁸ can write, we can be free, without permission from the State. Writing without permission or approval is indeed the basis of graffiti as a practice, and the choice of this medium is a political statement in itself.

The text of the graffito states something obvious: indeed, what makes someone free is not having to ask for permission, otherwise we would find ourselves immersed in a paradox. The decoding of this message is linked to its use of space; writing a graffito on a wall implies contestation of rules regarding the use of spatiality. In the context of the Gag Law, as we saw, city space is conceptualized and managed according to the city’s legislated guidelines – elimination of social protest from the street. In order to challenge and escape these institutional impositions, the graffito in photograph 19 rejects the State’s

¹⁴⁸ I use the first-person plural conjugation to continue the choice of grammatical person in the graffito – *we* don’t need permission to be free. However, my usage of the first-person plural conjugation should be understood as a metonymy for a generic subject.

politization¹⁴⁹ of public space: claiming that we do not need permission to be free and writing it on the wall goes against the discourse around the “proper,”¹⁵⁰ legislated use of public space constructed by the Gag-Law-State. The message of the graffiti explicitly expresses this opposition to the State, but as an act, as a resistance act, it also performs said opposition.

In *Street Art, Public City. Law Crime and the Urban Imagination* (2014), Alison Young analyzes the intersections of street art, law and space culture in the city, based on the 64 interviews she carried out with street art/graffiti artists. Young proposes a very interesting way of reading the public space in the city. She entertains that every urban sphere consists of three different types of city – the legislated city, the uncommissioned city, and the public city. She defines the former as:

a space in which a particular kind of experience is encapsulated and produced through the regulation of space, temporalities and behaviors. Within the legislated city, citizens’ experiences are framed by discourses of cartography, planning, criminal law, municipal regulation and civility. The legislated city has mappability, it has aspirational qualities expressed through social policies, statutes, local laws and strategic plans. Such a city depends heavily upon law (whether criminal or civil) (41-42)

In this sort of city, the physical, geographical lines of the city’s cartography coincide with those drawn by the law. This model of a city’s organization responds to the institutional desire to control the space’s perceived disorder. The urban sphere is understood as a cartography of identifiable buildings, regulations and law. The city is constructed as a collection of places and things that follow the dominant capitalist discourse of property ownership – property rights as superseding community rights. Hence, the legislated city

¹⁴⁹ Eliminating political content from public space is a form of space politization.

¹⁵⁰ In an institutional sense.

licenses action in certain, permitted ways while criminalizing different behaviors (Young 43). In this city, citizens follow a discursive production that entails a sort of blindness: the approach to the city's map-ability as framed in the legislated city is a detriment to the visibility of other forms of places and things that do not fall under the scope of property, law and municipal regulation for definitional purposes.

However, this blindness can be undone. Contrary to the legislated city, Young talks about the uncommissioned city:

These other cities are founded peripatetically, nomadically and perambulatorily. They are built from repurposed materials as when skateboarders turn stairs into the launching base for a kickflip. They are founded when an artist uses discarded objects to create street sculptures or turns an alcove into a display site. Such interventions re-imagine the city as based on land that is 'neither owned nor occupied but rather crossed. [...] Such interventions mark the existence of *uncommissioned cities* coexisting in the space of the legislated city. Even though citizens may have learned not to see these other cities, at times they catch glimpses of forbidden architecture and hidden inhabitants. (Young 52)

In this city, places and objects are no longer subjected to the institutional discourse around property, law, etcetera. Instead, infinite new spatial possibilities become visible and possible: objects become interventions that re-imagine space and point us towards new ways of existing in the urban sphere. In the uncommissioned city, things point to multiplicities, to alternative representations that respond to temporally assigned values, needs or definitions. The city, then, works as a space of spaces – I use the word à la de Certeau¹⁵¹ – where different meanings are created, different interests, demands and needs

¹⁵¹ In his *The Practice of Everyday Life*, Michel de Certeau analyzes the difference between *place* and *space*: the distinction is based on the way one relates to site: "a place is the order (of whatever kind) in accord with which elements are distributed in relationships of coexistence, [...] an instantaneous configuration of positions. It implies an indication of stability" (117). In other words, the elements in a place answer to a necessity within urban planning; one would relate with it in an abstract or rational way. On the other hand, a "space is a practiced place" (117), with which one would hold an existential

are confronted. In these urban contexts people live and interact in heterogeneous forms for the organization of social life; social synergies and social practices are developed and contribute to the construction of a common civic culture (Ramirez Kuri 103). Every time someone builds an uncommissioned city, the creator (or creators) reveals a way of thinking about the city that allows for the re-configuration of space and for the creation of new urban and social paradigms within the public city.

The public city, Young entertains, is a third space that results from the simultaneous existence of the legislated and the uncommissioned city. This third space accounts for the intersection of several cities that co-exist together, even though they maintain their own different dynamics. Every street, building, and object exist somewhere else. Their meaning and function depend on how citizens look at them and how they establish themselves in relation to them. In other words, the interpretation of space is multiple and depends on the subject's position.

The text "we don't need permission to be free" identifies freedom with authorship over space. People can write on the wall as a way of exercising their freedom. In such an act, they are building an uncommissioned city that questions the one-dimensional representation of space imposed by the legislated city, which, in our analysis, is the experience of the city installed by the Gag Law. Iveson, who reads graffiti as means of enacting different forms of authority rather than confronting power, points out:

"[graffiti's] struggle over authorship is at the same time a struggle over authority" (2013,

relationship: this is where I grew up, this is where I met my partner, this is where my grandmother would take me as a kid, etc. However, this existential relationship does not imply that it is individual, but rather political, historical.

90). Freedom comes from the ability to write on the wall because in that re-appropriation of space they resist the authority by which they are subjugated in the legislated city. Graffiti inscribes an alternative representation of the (criminal) subjectivity that the Gag Law creates and installs for the citizenry.

Young's analysis of the city as a series of cities articulates the possibility that different readings of our social reality coexist in an original spatial manner. This possibility of multiple modes of existing, which depends on perspective and the way of looking (legislated vs uncommissioned), has important implications for thinking about graffiti as an urban weapon of the weak, and it takes us back to Scott's notion of public and hidden transcripts. While the former is transparent and clearly permeates a group's, a society's behavior and speaking, hidden transcripts are not available for everyone. Something like the Gag Law would be a clear example of a public transcript, as it is a public document that clearly establishes a way of behaving and speaking. At a correlative level of analysis, the Gag Law represents the legislated city, a space with an encapsulated production of space, temporality and behavior. The legislated city and the public transcript present themselves as the only possibilities of understanding our surroundings and acting in them, but citizens can exist in the public sphere outside of these imposed ways. Following the same spatial logic, the uncommissioned city could be read as the "hidden transcript" James Scott conceptualizes: it is that concealed space that remains invisible unless citizens stop looking at urban space through the filter of the legislated city, which is the same operation as escaping the public transcript's imposed ways of behaving and speaking.

A graffito is a criminal object in the legislated city, but at the same time it catalyzes, it creates an uncommissioned city *ex nihilo*. When someone writes “we don’t need permission to be free” on the wall, they are realizing an illegal use of space in the legislated city. However, they are *also* building an uncommissioned city through a spatial intervention. As such, graffiti transgresses these two spaces – the legislated city/public transcript on the one hand, and the uncommissioned city/hidden transcript on the other –, existing in both of them at the same time, although in different ways. This double ontology of graffiti – on the one hand, already existing in relation to a genealogy and an allusive language with its semantics and its own logic, but on the other hand that performative element of creating an uncommissioned city – points at two different relationships with violence. While a graffito is violent in the visible, legislated city – as we saw with Wilson and Kelling’s broken windows thesis, there is a discursive construction of violence,¹⁵² which is violent in itself¹⁵³ – the hidden city resists that violence, paradoxically, through violence.

In Scott’s agrarian weapons of the weak, there is an undeniable (romantic) element of familiarity: given their belonging to a common class and the reduced number of households in the village (56 in 1967 and 74 in 1979), peasants perfectly know each

¹⁵² We do not think of violence from the act of violence in itself, but from the very spectacular nature of violence, from the perception of that violence. It seems then that the issue has to do with the perspective from which violence forces us to respond. That which is violent is analyzed and transformed into a spectacular act, into a craft: committing violence implies representing a technique. This craft can be prohibited and persecuted, or it can be repeated, turning into terror. Violence would then be understood as the repetition of a logic of power, where the inside and the outside are defined from a much more structured idea of fear.

¹⁵³ In how it imposes itself – on one level, vertically through the institutions; on another level, without allowing space for additional interpretations. The State decides what is vandalism and terrorism, and this configuration works to define the exteriority of the State.

other and their families. In a larger urban space this is not possible. Urban public space is where citizens paradoxically co-exist in their individuality. The city is an agora of social interaction and confrontation of different interests: citizen's differences and anonymity are palpable in the urban sphere, where social ambiguity and tensions converge. To avoid these tensions and bring citizens together as part of a community – or an imagined community, to use Benedict Anderson's words –, different devices of social cohesion come into play, creating a fictional experience to move from the individual to the collective. These devices include constructed narratives, discourses, and imaginaries that affect different spheres of life, space being one of them. In the public transcript, a narrative about space is constructed so as to create a feeling of community: on one level, a notion of shared, common, phenomenological experience of space; on another level, a sense of familiarity with the urban space. These spatial dynamics permeate, inform, and legitimize the distribution of spaces and their acceptable use.

For the bourgeois individual who walks around and sees graffiti on the wall, there is a double violence. Graffiti, in its visibility in the public sphere, violently imposes itself, disrupting the public transcript's sense of urban familiarity. The graffiti that that person encounters is part of a discourse to which this person does not belong, and therefore there is a community that this person does not know. Anyone could have written it – the neighbor, the butcher, the banker, the old teacher... Not knowing who is the author of the graffiti, produces an effect of estrangement¹⁵⁴: suddenly, what seemed a familiar city to a

¹⁵⁴ This term was coined by writer, literary critic and theorist Viktor Shklovsky. As one of the most prominent figures associated with Russian formalism and the Prague School, Shklovsky's work revolves around art, aesthetics, linguistics, and semiotics. In his 1917 essay "Art as a Technique", he developed the concept "enstrangement" (or "defamiliarization"), one of his most well-known theoretical contributions.

resident passer-by, becomes a space where political subjects can be something else. The resident's relationship with people violently changes, because the graffiti points to an unknown world, history, and desires. In other words, it is not a static inscription, but rather it has that alienating effect of producing estrangement in the city. This is caused thanks to the intervention of a graffiti and its relationship with genealogy – the graffiti as a genealogical element that installs that other city.¹⁵⁵

However, estrangement can also lead to familiarity, to a different sense of familiarity, that of the hidden city. Regarding encounter with graffiti, Young entertains:

The encounter with the situational art provokes affective intensities within the spectator herself, due to the spectator's recognition of two things: first, the artist's desire to make unauthorised images in the face of their prohibition; and, second, the fact of trespass, in the transgression of lines drawing distinctions between 'your' property and 'mine'. Thus, the street artwork can never be encountered simply as 'an image', or even as 'an image in public space'. It is always encountered situationally: illicit, out of place, capable of re-purposing urban structures as settings for art, as a product of its situation. (Young 32)

When a citizen encounters a graffiti, the widely circulated institutional legislation – public transcript – regarding graffiti and its illegal character interferes in the citizen's

Shklovsky is concerned, in this text, with the phrase "art is thinking in images", a commonly disseminated idea when thinking and talking about art and its purpose. The problem springs from the emergence of abstract art and its uses of non-realistic images: how, in the light of new artistic trends, can the phrase "art is thinking in images" explain art in its different expressions – prose, poetry, painting, etc. Shklovsky writes: "the purpose of the image is not to draw our understanding closer to that which this image stands for, but rather to allow us to perceive the object in a special way, in short, to lead us to a "vision" of this object rather than mere "recognition"" (Shklovsky 10). Certain experiences can become habitual, such as daily routines. When something becomes habitual, it also becomes automatic; thus, we experience them unconsciously, without consideration. Shklovsky posits that this automatic thinking has become part of art; instead, art should make art unfamiliar, so that it helps people gain deautomatized perception and create "vision". Artist and authors should then adopt techniques to defamiliarize the familiar, that is, to estrange them: "by enstranging" objects and complicating form, the device of art makes perception long and "laborious". The perceptual process in art has a purpose all its own and ought to be extended to the fullest" (Shklovsky 6).

¹⁵⁵ This bourgeois person's phenomenological experience would be different than that of the person who knows who the author of the graffiti is. In other words, a gang tag has another phenomenology for the person who writes it and understands that it is part of a specific lexicon.

process of decoding. Since the painter had to be aware of that illegality— otherwise they would not have chosen to use graffiti —, the observer will understand the purposeful choice of that medium. The spectator, then, can understand the act as mere vandalism, as a cliché image, and keep walking, which reflects the outsider status of graffiti writers. But there is the possibility that the observer’s encounter with the graffiti encourages reflection upon urban structures: the painting emphasizes spatial habits which are set as the norm at the same time as it challenges them, violently disrupting the automatized perception of the public city and the structure of the cliché. If this is the case, the graffiti would situationally produce an effect of estrangement that would drive the spectator to see the city outside of the blinding lens of the public transcript, creating a sense of community with the unknown painter.

Other than its specific message, a graffiti is a statement of a group or social class that indicates their presence. Every time a graffiti appears, it phantasmatically says “we are here.” Paradoxically, the authors aren’t there, which is what makes the graffiti effective – it could be signed by anyone, as long as that person isn’t there. When the graffiti claims “we are here,” it is because it also says I, the author, am not here signing specifically for this inscription. The corporeity of the author can only be read through its absence and anonymity. This tension between the appearance¹⁵⁶ of a person and their lack of appearance¹⁵⁷ – a figure without figure – points at a form of violence, that of the contradiction of the logic of representation. Speaking through silence, showing through

¹⁵⁶ Understood as emergence, arrival.

¹⁵⁷ Understood as corporeality, physical figure.

invisibility. What we referred to as the vernacular logic and semantics of graffiti is characterized by this violent tension.

As a hidden transcript, the vernacular logic and semantics of graffiti are marked by secrecy. The aim of the graffiti writer is to make language invisible; that is, to create a new fabric of language in such way that language's traditional use as a system of meaning is left behind/surpassed. The accessibility of language as legible signs that are part of a univocal, shared system of meaning and thus recognized by those who can understand them is an understanding of language that remains at the surface of its deeper apprehension. Instead, graffiti points at a dynamics of political writing and the political as a discursive field that hides itself behind its apparent common accessibility. Graffiti is then read as a situational image, an image that uses a verbal text to sign (a) hidden, alternative city(ies), catalyzed by the pictorial text. We read, then, something that was never written: we "read" an image of a micro-spatial urban practice that we will not be able to "read" if we understand and explain it as a standard, shared language. To decipher the graffiti, the hidden transcripts, the hidden city(ies), we need to immerse ourselves in the vernacular logic and semantics announced and installed by graffiti. We are thus contemplating a political praxis that hides its political and affective potentiality behind the institutionalized, superficial understanding of graffiti as vandalism, the classic conceptualization of hegemonic resistance, and the Rancierian notion of a common language. Here lies the potentiality of graffiti: to build, to work, to resist from the shadows, disguising its potentiality as limitation. This disguise has a double function, in

that it both protects subjects from State oppression, and contributes to the awakening and emancipatory possibilities – even for subjects in marginal positions.

It is precisely this secrecy what creates a sense of familiarity that subscribes to the vernacular logic and semantics of the graffiti: a hidden-familiarity, we might say. Those that understand graffiti as resistance, those that read and write graffiti through the figure of the pensive language and envision its potential as political writing, become part of a hidden, anonymous community. It is a familiarity that connects invisible bodies, bodies that can imagine and preconceive the existence of other bodies within the hidden-familiarity, but without ever seeing their corporality.

Every foundation can lead to violence – the violence of exclusion, the violence of closeness, the violence of exteriority. Does this hidden-familiarity entail violence?

When graffiti finds its vernacular logic and semantics, there is implicitly a gesture of installing a logos-like order of language. That is, within the hidden city, graffiti is no longer displaced as non-legible noise. However, this *logical*¹⁵⁸ language does not try to make itself visible and accessible. In fact, it takes advantage of the hegemonic dichotomy *logos-phoné*, disguising itself as *phoné* and hiding from public recognition. In any constitution of the political subject, there can never be a total absence of violence, since language in itself is violence. Graffiti's vernacular logic and semantics does not seek the elimination of violence¹⁵⁹; rather, violence is channeled, transforming the enemy into an adversary. There is politics to the extent that there is no war; politics is not the continuation of war because it denies war, it transforms the enemy into a dialectical

¹⁵⁸ Understood as an adjective of logos.

¹⁵⁹ Given that violence is not dispensable, following Aristotelean thought.

adversary. In order to confront this adversary, graffiti resorts to a logos-like language, self-installed outside the hegemonic logos – a gesture that points at a moment of disruption. As such, graffiti’s vernacular logic and semantics self-validate this sort of subaltern language as legible language, which secretly positions “citizens” of the hidden city as dialectical adversaries of the public city.

In classic hegemonic thought, one hegemony is replaced by another. Hegemony is destroyed by a counter-hegemony, which eventually becomes hegemonic. Graffiti does not open one world to close the other, it does not destroy the other, but rather it suspends it. Through the political manifestation – understanding “manifestation” as display, sign, and appearance – of the logos-like order of language, subjects criticize their lack of political representation in the hegemonic order of logos-phoné. Graffiti phantasmatically announces “we are here,” but that is impossible in the public, legislated city because the graffiti is not legible and thus cannot be decoded as a statement of presence and representation. To read the hidden message of the graffiti, the public, legislated city has to disappear. Any element present in public space can install the vernacular logic and semantics of the hidden city, destroying the old city at the same time it founds a new one. This implies a certain basic violence: when I point at the hidden city(ies), I am destroying the world – the public, legislated city, which could have very problematic connotations in politics. However, in the logic of the vernacular logic and semantics of graffiti, the legislated city is not destroyed, but suspended. Both orders co-exist, without negating the existence of each other. The vernacular logic of graffiti is characterized by its

transgression, by its double-existence: it is visible *and* invisible, it is public *and* hidden, it is open *and* closed.

There is a certain kind of violence that comes from closure and exteriority: the State is violent in how it makes a distinction between what is exterior to it – what is vandalism, what is terrorism. On the contrary, graffiti is open: someone that is part of the public transcript, of the public city, can become part of it through its public, cliché logic, understanding it as phoné. It is open to that kind of writing.

Chapter 3

Why didn't we know this? Historical Representation and Pedagogy at Spanish Trauma Sites

“Fuiste de glorias florido pensil
hoy reverdecen a un impulso juvenil”

Old Spanish National Anthem

1. Difficult knowledge

Representations of a nation's history work as a powerful tool to consolidate a collective identity and build trust in the nation. School textbooks are ideological products that disseminate official ideas about a collective past and heritage; their depictions have an impact on shared understandings of a nation's history. However, what is included and excluded from the official historical narrative is selective (1 DeLugan's) and, in an authoritarian regime, where the government is in control of education, the curriculum is delegated to propagating the state's values.

In post-conflict societies with a recent past of intrastate violence and social fracture, there is a necessity for national reunification and collective identity. Depictions of the nation's history play a role in efforts towards reconciliation. Public institutions act as agents in constructing the narration of the country's traumatic past, thus controlling public display of trauma and having control over what is deemed essential to remember, and what is not. In this context, history teaching can promote a culture of silence around the violent past to the detriment of any visibilization of alternative, non-official historical experiences of events.

As explored by Cathy Caruth (1996) or Shoshana Felman (1992), trauma has a paradoxical structure; that is, there is a need to represent, symbolize, and speak about it in order to process it, but at the same time it exceeds structures of knowledge and meaningful narratives of representation. Genocides, wars, torture, or dictatorships are examples of forms of violence that exceed the limits of representation and our structures of experience. Yet, as Schwab entertains, they call for speech, testimony, and witnessing (48). Some psychoanalytically-informed scholars have pondered the relationship between trauma and pedagogy. The impossibility of the traumatic experiences' total symbolization is a crucial notion in psychoanalytic theories of pedagogy, given that understanding is a problem of symbolization. Deborah Britzman proposes the term "difficult knowledge" (1998) to think about the teaching of histories of oppression, trauma, and mass violence. These events are difficult because they involve unsettling knowledge about gross human brutality that collides with our understanding of civilized society.

Encountering representations of trauma in a pedagogical setting – by either the educator or the student in different roles and spaces – is a difficult moment. The individual unconsciously wants to protect the ego and can employ an array of affective responses such as denial, contestation, or repression. Previously held notions about the world, its functioning, or its relationship with the individual are disturbed (Garrett and Schmidt 192). Consequently, our existing structures of understanding are no longer sufficient. Learning about events such as genocides or wars undercuts what the subject knew as "history," which undergoes a process of revision known as "deferred knowledge" in psychoanalysis – the revision of old conceptualizations in order to adapt

them to new circumstances (Garrett 5). Thus, “difficult knowledge” refers to a double pedagogical dilemma: on the one hand, curricular representation of social traumas, and, on the other hand, the individual’s encounter in pedagogy – the outside’s crisis of representation meets the inside’s crisis of representation.

“Difficult knowledge” concerns dilemmas of representation in articulation with pedagogy. However, as Rose entertains, histories of social trauma and mass violence are “difficult” also because their interpretation involves certain associated personal and/or political risks (34). As a result, “difficult knowledge” tends to neglect politically driven or contained factors that play a role in the complexities of trauma representation (Zembylas 2014, 392).

Historian Eric Hobsbawm holds that the twentieth century was “without doubt the most murderous century we have record” (13). The last century is marked by historical events of massive violence such as global wars, genocides, or dictatorships. These traumatic events challenge our frameworks to understand what it means to live in a society. Yet, the study of such stories is crucial in the development of a citizenship rooted in human rights and democratic values – principles braided into constitutional democracies. In post-conflict societies, this entails further dynamics of engagement with a traumatic past which, considering temporal closeness, can elicit different affective reactions.

My intervention in this chapter is to invoke Britzman’s concept of “difficult knowledge” to explore the political aspect of historical denial and absence in curricula: crises of representation are also the result of processes of symbolization and narration,

which have a political configuration. As such, politics leave traces in pedagogy. If social trauma is circumscribed by the paradoxical structure of trauma, but also politically contained, how can the symbolic, material, and discursive limits of trauma representation become the point of departure for pedagogy? To address this issue, I analyze several pedagogical paradigms that deal with the “difficult knowledge” of Francoism: the LOMLOE law, the Tanttaka theater company’s adaptation of Sopena Monsalve’s novel *El florido pensil*, and the pedagogical activities organized by the memory association AMECADEC to teach about Castuera’s concentration camp. My analyses draw from theatrical, performative and/or political notions of representation.

2. LOMLOE – Heroic transitional silencing representation

In December 2020, the Spanish government published the BOE of its new Educational Law,¹⁶⁰ the LOMLOE law. Under the BOE’s section I, page 122931, which refers to section 92 of the Law’s only article, we read:

En el currículo de las diferentes etapas de la educación básica se atenderá al aprendizaje de la prevención y resolución pacífica de conflictos en todos los ámbitos de la vida personal, familiar y social, y de los valores que sustentan la democracia y los derechos humanos, que debe incluir, en todo caso, la igualdad entre mujeres y hombres, la igualdad de trato y la no discriminación, así como la prevención de la violencia de género y el acoso escolar o cualquier otra manifestación de violencia. Se recogerá asimismo el conocimiento de la historia de la democracia en España desde sus orígenes a la actualidad y su contribución al fortalecimiento de los principios y valores democráticos definidos en la Constitución española. [...] Se atenderá también al conocimiento de hechos históricos y conflictos que han atentado gravemente contra los derechos humanos, como el Holocausto judío y la historia de lucha por los derechos de las mujeres. (Boletín Oficial del Estado 2020, 122931)

¹⁶⁰ Ley Orgánica 3/2020, de 29 de diciembre, por la que se modifica la LOE de 2006 (LOMLOE)

Under the BOE's section I, page 122931, which refers to section 92 of the Law's only article, the rhetoric of the Law seems to define peace, equality, non-discrimination as crucial values for democracy and human rights. Education, regardless of the subject – math, geography, physics, languages... –, has to abide by these values, given that the purpose of education is to teach students – citizens – how to live in a society built on the concepts of democracy and human rights. For that, students have to learn about the history of Spanish democracy and its principles and values as defined under the Spanish Constitution – by implication, the 1978 Constitution. Historical knowledge of human rights and their violations is also posited as a goal/function of education and as a condition for understanding today's democratic society.

In 2010 the Spanish Center for Sociological Research¹⁶¹ [CIS] carried out a national poll on historical knowledge about Francoism – including both the Civil War and the Dictatorship. Almost 70% of the participants answered that they have been taught nothing or virtually nothing about the Spanish Civil War and more than 50% did not know when the Constitution was ratified (Faber 38).

Spanish historian Fernando Hernández Sánchez trains secondary school teachers in Madrid. In his 2016 book he talks about the results of a poll administered to one hundred university students with a focus on education, during the 2013/2014 academic year. Among other shocking poll responses, Hernández Sánchez mentions that 30% of the participants said that they did not know how long Franco was in power, 45% was

¹⁶¹ Centro de Investigaciones Sociológicas

unaware of what the *maquis*¹⁶² was, 79.5% did not know when the last executions in Spain had taken place. When asked about the names of central figures in the 20th century historical and political paradigm, half of the participants only recognized Felipe González (65%) and Adolfo Suárez (54%), and 80% did not know who Dolores Ibarruri, Jose Antonio Primo de Rivera, Juan Negrín or General Mola were (Hernández Sánchez 185-186). Just 27% of the participants said that they had studied the Second Republic, the Civil War, Francoism and the transition during their mandatory high school education [ESO] (Hernández Sánchez 187).

The main reason for this common lack of historical knowledge is curricular: the Spanish history curriculum is heavily overloaded (Faber 40). Besides, the units on the recent history of Spain – Second Republic, Francoism and democracy – are usually at the end of the curriculum and the text books and, as we see in the responses to the 2013/2014 poll, teachers rarely have enough time to finish the syllabus (de los Reyes et al. 103-106; Arnoso 121). Educators, motivated by the standardized desire to cover the syllabus, cannot spend enough time on the topics of the curriculum. This leads in consequence to a standardized desire to cover the curriculum, resorting to hegemonic images and perspectives and ignoring other stories that the teacher does not have time to cover (Der Heyer and Abbott 631).

The absence of critical reflection perpetuates an outdated conceptualization of history as a neutral and objective discipline without fissures. In this context, Valls and Facal (2010) entertain the notion that the teaching of history in contemporary Spain is

¹⁶² Anti-Francoist guerrilla bands

characterized by the exhibition of finished historical contents that focus on a past decontextualized from the present. As a result, they hold, the history class prioritizes memorization: the historical teaching-learning process is seen as a memorization of dates and facts instead of a space for critical reflection (Valls and Facal 39). In its preamble, the law reads:

Asimismo, en la disposición adicional cuadragésima primera se añade la necesidad de que la comunidad educativa tenga un conocimiento profundo de la historia de la democracia en España desde sus orígenes hasta la actualidad. El estudio y análisis de nuestra memoria democrática permitirá asentar los valores cívicos y contribuirá en la formación de ciudadanas y ciudadanos más libres, tolerantes y con sentido crítico. El estudio de la memoria democrática deberá plantearse, en todo caso, desde una perspectiva de género, haciendo especial hincapié en la lucha de las mujeres por alcanzar la plena ciudadanía (Boletín Oficial del Estado 2021, 12)

Even though teachers can choose their pedagogical materials and history textbooks are not mandatory, schoolbooks do still have a great presence in education. How do they represent Francoism and its relevance in the present? Generally, they do not include information about the magnitude of exile and forced migrations, internal resistance, or Spaniards in Nazi concentration camps. They also invisibilize labor camps, the extent of political repression and executions between 1939 and 1975, the labor movement in Asturias, the Law of Social Danger, censorship, and moral and intellectual repression (Hernández Sánchez 2016, 194). Textbooks do not include enough information about the regime's confiscation of properties and its connection to the origin of some of the great fortunes in contemporary Spain. Overall, systematic repression, mass graves, and information about corpses in ditches are not included in most textbooks (Díez Gutiérrez

173-183).¹⁶³ There are certain taboo topics, such as the legitimizing role of the Church, or the “legal” mechanisms for seizing assets as a means of reprisal against Republican families (Díez Gutiérrez 33). Books also invisibilize the active involvement of a part of the civil society – the “winners” – in the repression, intimidation, and social exclusion of Franco’s regime (Díez Gutiérrez 33). The Law states that the study of democratic memory should be approached from a gendered perspective. Yet, women’s experience of Francoism is hardly included in the textbooks (Díez Gutiérrez 173). In addition, schoolbooks also do not include enough information about Francoist repression – the textbooks of 4th year of ESO dedicate an average of 14.3% of the pages on the Civil War and Franco regime to repression, while the books of 2nd year of Bachillerato¹⁶⁴ dedicate just 7.9% (Díez Gutiérrez 154).

With regard to the Civil War, most textbooks simply offer an account of the different battles that took place during the conflict and calculate human costs in global terms, avoiding possible controversies of interpretation. Implicitly, schoolbooks reinforce the myth of the Civil War as a collective tragedy equally caused by both sides (174 González Delgado; Díez Gutiérrez 149; Hernández Sánchez 34). In this sense, there is an insistence on the “equidistance or equalization theory” (Erice 2009) which sees everyone as guilty: both sides equally engaged in violence; as such, both are to blame. This vision of the Civil War, presented as a chronological, aseptic, closed discourse, with a false pretense of neutrality, is in reality inherited from the official historical narrative of the

¹⁶³ Díez Gutiérrez (2012) (2013) analyzes the history textbooks published by the most prominent editorial houses – Anaya, Oxford, Bruño, Vicens Vives. The legitimizing role of the Church only appears in half of the books from 2 Bachiller and 4 ESO. The “legal” mechanisms for the regime’s confiscation of properties only appears mentioned in page 325 of the 2 Bachillerato 2008 book *Crisol* from Vicens Vives.

¹⁶⁴ The Spanish post-mandatory high school education.

dictatorship, and it whitewashes the brutality of the regime from its origins, while at the same time depicting the Second Republic as period of uncertainty and conflict that deserved to end in a coup d'état.

The “equidistance or equalization theory” (Erice 2009) sets the conceptual grounds for making superficial judgements regarding the Civil War. These judgements are ultimately produced, not to understand the conflict, but rather to put distance between us – members of present-day Spanish society – and to deny the complex closeness that it has to our present. The Civil War and the authoritarian regime to which it led, are expelled from our reality: it is an external, past, and concluded event that we judge from a distance. From this position, we feel relief to see that such a violent conflict belongs to the past. As Primo Levi writes: “the history taught in schools is influenced by this Manichean tendency, which shuns half-tints and complexities: it is prone to reduce the river of human occurrences to conflicts, and the conflicts to duels” (1988, 37). Following the logic of the “equidistance or equalization theory” (Erice 2009), the Civil War was a conflict provoked by two “foreign”¹⁶⁵ national sides that has nothing to do with *our* present Spanish society. When we reduce the Civil War to this Manichean understanding, we replicate the Politics of Oblivion installed by Francoism¹⁶⁶ and later re-inscribed by the transition. We judge this historical event and establish a distance with it by, paradoxically, perpetuating its (epistemic) violence; as such, we restrict our collective

¹⁶⁵ I am not referring to “foreign” in terms of international relationships but epistemically.

¹⁶⁶ See Paloma Aguilar’s *Memory and Amnesia: The Role of the Spanish Civil War in the Transition to Democracy* (2002)

memory to a “screen memory.”¹⁶⁷ Through this evasion of our social responsibility with regard to the past, we are, precisely, implicating ourselves in the Civil War.

According to Hernández Sánchez, the transition discourse, which upholds that the Spanish democracy was created ex nihilo during the country’s transition, is losing credibility, so it is urgent to create a new collective narrative about Spain’s current democracy (Faber 39). While the discourse of the transition has indeed weakened in the last years – mainly as a result the 15M –, the widespread ignorance of the country’s recent history proves the success of the transition in installing a Politics of Oblivion. This is attested to by the textbooks’ information gaps with regards to historical memory: there is practically no reference to the existence of the Spanish historical memory movement,¹⁶⁸ its purposes, and its achievements (Diez Gutierrez 33, 168-173). Instead, all textbooks endorse the narration of the transition – a story associated with hagiographies of those characters and institutions that allegedly supplied an explanation which allowed for understanding the country’s traumatic past. Likewise, schoolbooks also reproduce the transition’s discourse of the consensus between political parties (Fernández Muñoz et al 103).

This textbooks’ significant concealment of the past entails a lack of basic knowledge of the recent past of Spain. As Fernández Muñoz, et al., show in their analysis of the teaching of the Civil War, Francoism, and the transition in the 2nd year of Bachillerato, young Spaniards will not be able to build a responsible citizenship in the

¹⁶⁷ Freud, Sigmund, James Strachey and Anna Freud. *The Standard Edition of the Complete Psychological Works of Sigmund Freud. Volume III (1893-1899). Early Psycho-Analytic Publications*. London: Hogarth Press, 1962

¹⁶⁸ The Spanish historical memory movement began in the early 2000s with the formation of the Association for the Recovery of Historical Memory (ARMH), which we studied in chapter 1.

future without acquiring a more complex and critical social representation of the historical process that made Spain move from a dictatorship to a democracy (99-100).

Even though the LOMLOE Law champions the importance of historical knowledge for Spanish democracy and human rights,¹⁶⁹ it does not introduce curricular reform to fix the general lack of information on the topics. Yet, the law claims that knowledge of the contemporary democracy and its origins is crucial for developing more critical citizens through a democratic education. But what determines a democratic education? The consensus derived from the transition? If we read the curriculum as a device that reproduces a form of knowledge, a sort of hierarchical organization of a subject's knowledge, we arrive at the conclusion that the law leads to the production of an a-critical subject.

Within the nomenclature of post-1945 German culture, the term *Vergangenheitsbewältigung* refers to the way Germans approach their history (1-2 DeLugan). In terms of the representation of the past, the education law's *Vergangenheitsbewältigung* resorts to silence, forgetting, and a Manichean heroic memory that operates behind the official historical narrative, without recognition of a supposedly authorless representation of the nation's history, central to the nation-state project. This desire to visibilize positive forms of identification – as the hagiographies of the transition do – occurs at the expense of engaging with a traumatic and difficult past: the trauma of Francoism, politically contained, is purportedly neutralized and engaged

¹⁶⁹ Very interestingly, the text symptomatically refers to the Holocaust as a historical example of human rights violations, instead of referring to Francoism. This rhetoric tries to associate violations of human rights with a foreign entity.

with in pedagogical settings, where the topic is adequately studied with absolute historical certainty. A (false) sense of “we” gets storied for pedagogical purposes. However, as Scott entertains, “the problem with our fantastic identification and ‘our’ imaginary intentions is that they are cracked” (Scott 2001, 291); as such, they create “gaps of meaning and intelligibility” (Scott, 2001, p. 291), that can be met with concealment or with exploration. The law, as we have seen, decides to ignore these gaps, so how might we explore the gaps of meaning and intelligibility of such traumatic past in a pedagogical setting? How can educators engage with events of social breakdown to understand them, but also to understand trauma’s relationship with pedagogy? To explore alternatives, I am going to analyze *El Florido Pensil* and *Castuera*, to focus on issues of (trauma) representation for educational purposes and their political implications.

3. *El florido pensil* – (passive) theatrical representational alienation

I begin this chapter with an epigraph that quotes the lyrics of an old Spanish national anthem (Gutiérrez Estévez, 350-351). This version of the anthem was included in the Álvarez Encyclopedia, written by the teacher Antonio Álvarez Pérez, and widely used in the national territory between 1945 and 1966 (González García 2020, 137). The epigraph shows the fragment that writer Andrés Sopeña Monsalve used as an inspiration when naming his 1994 book *El florido pensil. Memoria de la escuela nacionalcatólica*.

Sopeña Monsalve narrates the daily life of a group of young students through the reminiscence of the protagonist, now a grown man, who describes his past educational experiences as a small child in the Francoist period. The novel includes images and

quotes from cultural texts of the author's childhood, as well as a wide range of pedagogical material, including facsimile copies of children's homework from the time, to represent the educational experience of a whole generation.¹⁷⁰

El florido pensil portrays the educational system implemented in Spain during the dictatorship; a system that praised Francoist values such as National Catholicism and was based on a dogmatic pedagogy: discipline and authority permeated the classroom and content memorization equated education. Needless to say, there was no room for questioning or critique of the contents, nor of the educator. Instead, as the novel shows, students were forced to repeat mnemonic formulas, tunes, songs, anthems, or excerpts of textbooks – taken from 40s, 50s, and 60s schoolbooks. The book explores these pedagogical devices, together with other *dispositifs* – comic books, or the No-Do¹⁷¹ –, which were implemented to reinforced the values of the regime in early educational contexts. Ultimately, *El florido pensil* depicts how ideology becomes pedagogy: in authoritarian settings, education becomes a tool to indoctrinate subjects. Social oppression and events of massive violence, such as civil wars, are neutralized and justified through an official narrative constructed to the benefit of the government.

The book was later adapted for the theater by the Basque theater company Tanttaka Teatroa – active since 1983 – which, since 1996, has staged their production of *El florido pensil* throughout the Spanish territory for several seasons (Cerezo Manrique and Cerezo Manrique 57). Tanttaka's *El florido pensil*, through its staging of a

¹⁷⁰ On another meta level, as Harvey points out, this bibliography works as *aide mémoires*: cultural artifacts that point at a shared iconography and relive a collective past (Harvey 112).

¹⁷¹ The “Noticuario y Documentales”, popularly known as No-Do, was a Francoist, state-controlled news broadcasting service produced in Spain from 1943 to 1981.

democratic revision of a totalitarian past, allows us to think about the politics of (theatrical) representation and their relationship with pedagogy. While there is a very substantial body of scholarly literature on the history of theater – as a genre, its characteristics, rules, and theoretical approximations – I would like to briefly describe some approaches that are pertinent to our discussion.

In classic Aristotelian theater, which vigorously defends compliance with the classical rules of dramatic theater and mimesis as a crucial theoretical principle in the creation of art, there is a construction of a fictive cosmos. The stage becomes the representation of a self-contained, absolute, abstract world; spectators are then accomplices who accept the fictive time and space of the drama and the formation of illusion imposed on them – indeed, the play can only succeed as long as the audience accepts the fictional, imaginary incongruencies of representation. In other words, the audience's understanding of the fictionality of the real is a necessary prerequisite for making sense of the play. Anything external to the dramatic world is excluded, including the playwright and the audience, who are meant to silently observe the play. Spectators are meant to identify themselves with the characters, so as to allow a process of empathy and acquire *catharsis*; that is, an emotional release.

In his well-known study *Theory of the Modern Drama* (1987), Szondi describes a 'crisis of drama' at the end of the nineteenth century, when dramatists such as Chekhov, Ibsen, Hauptmann, Maeterlinck and Strindberg start diverging from the ideal organic closedness and timelessness of a form of drama that operates to the detriment of specific historical, social, economic and political issues. The Aristotelian imposition of an illusion

echoes a sort of dictatorial ethos: citizens become social subjects that have to agree to the fictional representation of the nation, to the official narration of its history, and to their ontologization as passive subjects – in opposition to the government, its branches, and its institutions, who are the actors and the audience. As Augusto Boal would put it, Aristotelian drama entails a “powerful system of intimidation” (470), and “a coercive system” (470) which “functions to diminish, placate, satisfy and eliminate all that is not commonly acceptable” (471).

In the 1950s, after more than a decade of right-wing sympathies rebuilding the country’s cultural infrastructure following Francoist ideology, the Spanish theatrical world starts opening up: international companies visited Spain, the nation receives exposure to theatrical innovations from foreign dramatists – whose texts were filtered into Spain through Latin-American editions (Sirera 188) –, different theatrical initiatives, e.g., the Festivales de España, tour across the country (Delgado and Gies 11). At this time, a Spanish alternative theater culture begins to emerge, with the establishment of university theater companies and *teatros de cámara* (chamber theaters).

In 1963, following a series of strikes and criticism of censorship, Manuel Fraga Iribarne is appointed as the Minister of Information and Tourism; that same year, official norms were established for censorship of cinema – a censorship committee of approximately fifteen members were entrusted with supervising compliance with said norms (O’Connor 282) –, norms that were applied to theater in 1964 (London 1997, 20-21). Some of these censorship rules forbade poor treatment of the Catholic church, its dogma and its worship, the State, and the head of the State (O’Connor 282). Three years

later, the Press Law, instituted by Fraga, was passed; this law abolished advance censorship for publication, even though theater still required prior authorization, which lead to uncertainty and more prosecutions (London 2012, 367).

In the 1960s, following the phenomena of the proliferation of university theater companies and *teatros de cámara*, a new theater culture emerged, the so-called *teatro independiente* (independent theater), which rejected commercial theater and the detrimental, intense labor of the theater industry – companies performed twice every night (London 2012, 368). The *teatro independiente* was influenced by late 1960s French theater companies who sought development of collective dramaturgical creation; it was an experimental theater, with a didactic agenda, and it explored the possibilities of the body, following Artaud and Grotowski (Delgado 445). It was inspired by international practitioners such as Bertolt Brecht, Peter Brook, Antonin Artaud, Konstantin Stanislavski, and Jerzy Grotowski – amongst these, Brecht was prominent. As London highlights “in 1967 the Living Theatre [sic.] visited Barcelona, but, by then, Brecht was in the ascendant. Often dogged by censorship, but given fringe and large-scale productions, Brecht was just as important for the influence his writing exerted on theatre [sic.] circles as for his direct impact on audiences” (London 2012, 369). Independent theater had/has a didactic agenda (London 2012, 369), was anti-Francoist, and it worked as a platform for actors and audiences opposed to the dictatorship to express on stage their social anxieties and dreams of a democratic society (Rodríguez-Solás 144), interlocking theatrical innovation with political agency.

With the transition, the theater finds a space to expose abuses of the regime, in what Francis Donahue calls the “now-it-can-be-told period” (Donahue 160). In 1978, the Centro Dramático Nacional is founded, and the actor-director Adolfo Marsillach, who promoted satirical theater, becomes its first director, thus playing a crucial role in the theatrical culture of the new democratic society. Between 1970 and 1990, independent theater groups proliferate; particularly in the Basque Country, groups like Tattanka, Areintza, Goaz, Intxixu, Legaleon or Taupada emerge (Feldman and Abuín 414). The theater critic José Monleón praised how *teatro independiente* “provoked the reflection [...] of the audience,” as “actors were on stage as representatives of the audience; actors said aloud what the audience had to silence, rather than treating them condescendingly from a privileged pulpit” (Rodríguez-Solás 144). As this very brief theatrical context shows, Tanttaka’s adaptation of *El florido pensil* is vastly influenced by Brecht. We will further analyze the Brechtian characteristics of the play in the following pages.

In the 1930s, Brecht coined the concept of “non-Aristotelian drama” to favor a form a theater that rejects the classical rules of dramatic theater and, mainly, the cathartic goal of classic drama, given that “the spectator was no longer in any ways allowed to submit to an experience uncritically (and without practical consequences) by means of simple empathy with the characters in a play” (Brecht 1995a, 113). In other words, Brecht posits the need for a theater that creates a distance between the audience and the characters/fictive world; this distance will allow spectators to separate themselves from the illusion of the stage so as to be critical of the historical, social, economic and political issues addressed in the play, where “all incidents between men must be noted, and

everything must be seen from a social point of view” (Brecht 1995b 116). As such, Brechtian drama – or “epic theater”, as he defines it in *his Notes to the Opera Rise and Fall of the City of Mahagonny* (1995c, 111) –, seeks to put viewers through a “process of alienation” (Brecht 1995a, 113). That is, an effect, “necessary to all understanding” (Brecht 1995a, 113) that prevents catharsis, so that the spectator’s acceptance or rejection of a play’s actions and utterances can happen consciously:

How is the actress to speak the mother’s sentence as she hands over such a very small case— ‘There, I guess that ought to do you’—in such a way that it is understood as a historic dictum? This can only be achieved if the A-effect is brought out. The actress must not make the sentence her own affair, she must hand it over for criticism, she must help us to understand its causes and protest (Brecht 1995b, 115-116)

Illusion stops when the actor/actress distances themselves from the character, so that they don’t automatically transfer emotions to the audience, and spectators can distance themselves from the stage.

In order to produce an effect of alienation, new methods of representation, Brecht says, we need new artistic principles and methods of representation that can isolate elements of the traditional Drama, already well-known to the public. This is achieved through a series of theatrical elements and strategies that Brecht defined as “estrangement effects.” As Szondi puts it:

Since it is expressly presented, the play no longer possesses the absoluteness of the Drama; it now refers to the newly uncovered fact of “representation” - becomes the object of this representation. The individual *dramatis personae* can estrange themselves by introducing themselves or by speaking of themselves in the third person (71-72)

Brechtian theater constantly reflects on the possibilities of representation. Estrangement techniques come into effect such that the opposition between subject and object – the

opposition between actor and *dramatis persona*, audience and stage, etcetera – becomes the main theatrical formal principle. “Estrangement effects” are not only produced through the actors, but through different scenic-epic elements, such as music and the setting. For instance, contrary to Aristotelian drama, which privileges unity of time, Brecht aims at logical and temporal cuts and jumps; when the narrated time and the narrative time do not correspond, the two *tempi* produce a digression that results in an estrangement effect. In theater, just like in life, time is experienced as inherent to actions; we don’t perceive it as an independent entity. However, as a consequence of this dissociation, time is experienced as something different, unfamiliar, fragmentary.

In *El florido pensil*, there are several estrangement techniques that contribute to the alienation effect. The play deals with two *tempi* – past and present – that are symbolized by the *mise-en-scène* and distribution of the scenography, divided in two: realistic elements, such as desks, a flag, and a piano, are arranged to signify an interior space/past (remembered) time within the world-of-the-play, and an exterior space/present time, located in the proscenium and wings. In that way, the play reflects on the (im)possibilities and limits on representation of the past. In the novel, the reader’s imagination can easily jump from one spatio-temporal context to another; in contrast, the material conditions that spring from the book’s dramatic adaptation set a limit on the possibilities of representation: the inconsistencies, such as adult actors representing children, point at a representational gap, a loss between original and copy, realization and intention (Arns 199). In this fragmentary structure of time, space and time become a continuum; the flow of time is spatialized in a non-realistic manner, choreographically

signifying the jumps in time. Characters from the past and from the present share the same stage simultaneously – the characters from the past are unaware of the ones from the present, but those from the present are observing their past dramatic personae and making comments about the actions taking place in their past temporality. As such, there is a contradiction between the spatial-temporal present and remembered past postulated by the scenography and performance, which results in a need to analyze the incongruity that derives from the fact that the present set of events dominates the past – that exists only as memories of the characters. The encounters on the stage produce a series of dialectical moments that point at a transgression of the past by the present.

However, this configuration of the stage changes, as characters from the present time begin speaking from places allegedly dedicated to symbolization of the past temporality. The change of temporalities is then marked by the audience: the adult actors impersonate the child characters to symbolize the past, but then they break the fourth wall – another estrangement effect, the breaking of the fourth wall precludes a division between the transcendental meaning and iconic elements – and talk to the audience, they become the adult characters from the present. The characters only address the audience from the present time, as we can see in their choice of past tenses – “pudiéramos,” “parecía,” “estábamos,” etcetera. This entails another rupture of the time frame of reference and its spatial symbolization. Present and past become even more confusedly entangled.

The stage is also defamiliarized through constant disassociations of its initial signification: in the 8th scene, students steal the commemorative medal of the physical

education teacher, who is a military veteran, and several students have private conversations with their families about the incident. The desks that initially symbolized the inside of the school gain a new significance and become the dining table of each of the students' private residences. The changes of scene, from one house to another, is marked by the rotation of the characters, who move from one chair to the next. The stage props do not change, they are the same material objects, but their iconicity is modified to represent different spaces. This spectacular interruption of the fictive world calls for a metatheatrical reflection on dramatical conventions.

Tanttaka's *El florido pensil* does not aim to realistically reproduce a school of the Francoist period on-stage; instead, adult actors represent child characters to satirically represent and comment on the contradictions of their totalitarian education. Despite the harshness of the authoritarian educational system, there is a comical aspect to the play (Puerta 300). The humor emerges from the childlike behavior of the characters, on two levels: at a more superficial reading, from the age discrepancy between the actors and characters – it is adult actors who represent child characters –, but especially from the use of the young characters' naïve, childish logic to describe the ideological education they received. The play appeals to laughter and ridiculousness as devices of critique to protest against the pedagogical and ideological values transmitted to the characters and, metonymically, to an entire generation – as Harvey puts it, “a form of exorcizing the past through laughter” (115).

Inspector

Muy bien, sentaos. ¿Cómo se llama el hombre destinado por Dios a salvar a España?
El inspector se encuentra en el lateral derecho, de espaldas a los niños. Estos se vuelven a girar los pupitres.

Niños

Francisco Franco.

Inspector

(*A Agirre, muy mosqueado.*) ¿Y qué más?

Agirre

Y Bahamonde.

Inspector

(*A Artola.*) ¿Qué Es España hoy en día?

Artola

Un estado... (*Agirre se lo chiva.*) totalitario.

Inspector

Totalitario, bien, pero qué más...

Artola

Totalitario, pero... pero que muy, muy totalitario.

Inspector

¡No, hombre, no! Totalitario, pero cri...

Artola

Cri... cri... ¡Criminal!

Inspector

¡Salvaje!

Artola

¡Criminal salvaje!

Inspector

(*Desencajado.*) A ver, ¿quién lo sabe?

Agirre

Totalitario, pero cristiano.

Inspector

Exacto. (*A Artola, echándola una bronca.*) Que es el bueno, el que conduce a la prosperidad de la patria y al bienestar de los individuos. No como el estado totalitario marxista, que rebaja a los hombres a la categoría de bestias a cambio de placeres sensibles, ¿estamos? (*Artola llora.*) Tranquilo, hombre, tranquilo, que no es para tanto. Un fallo lo tiene cualquier... ¡Tranquilo! ¡Tranquilo! (*Le da una bofetada en el cogote a Agirre.*) ¿Cómo conduce Franco el Estado? (*Va hacia la mesa del profesor.*)

Agirre

(*Al público.*) Ahí me había pillao. (Tanttaka 413-414)

On top of that estrangement technique, there is the non-stable characterization of the actors; occasionally, there is a doubling (and tripling) of characters. For instance, Briones, one of the students, puts on a long white coat and, interrupting his original role, becomes the teacher. This new characterization goes on until, without taking off the coat,

he puts on a shower cap, which marks his re-embodiment into his mother. This imaginative role-play strategy is used in the play to eschew the traditional theatrical model of characterization. That is, instead of committing to one single *dramatis persona*, actors can disassociate themselves from one character to become a different one, thus breaking with the fantasy of *mimesis*.

In the epilogue, the present-time main characters have a conversation about their shared past experiences and wonder about the current situation of the secondary characters, while also commenting on the absurdities of their (ideological) education – for instance, they mimic some of the sayings they had to memorize, such as “Franco es el enviado de Dios” (Tanttaka 422), “Franco es un regalo que nos hace la Providencia cada tres o cuatro siglos” (Tanttaka 423). In the revision of their fictitious past experiences, they begin to comment on the historical process of the Spanish transition and the legacy of the Francoist regime in contemporary Spain, mentioning the name of real historical figures such as Torcuato Fernández Miranda (Tanttaka 423) or Carrero Blanco (Tanttaka 423). To borrow Bennett’s vocabulary, the “outer frame”, understood as those “cultural elements which create and inform the theatrical event” (139), and the “inner frame” which “contains the dramatic production in a particular playing space” (139), come together. At this point, the division between the fictional world of the play and the non-theatrical real world is blurred; narrated time and extra-theatrical narrative time come together to create a complex theatrical reality, where fiction and the real world are intertwined.

These estrangement effects have political implications, as they point to different politics of representation and perception. In the theatrical world of the interior space/past time, the characters are drawn into a fictitious, mythical, ideological representation of Spain and its history, which they have to accept through their totalitarian education. Similar to the Aristotelian theater, where the audience accepts the symbolic understanding of (re)presentation as constructed by the playwright, the student dramatic personae have to accept the Francoist representation of Spain and its history, which stems from a mythical narration that justifies and embellishes the oppressive regime. Franco is depicted as a heroic figure, designated by God to save Spain from Marxism, and the students have no agency to re-negotiate this narrative.

In Tanttaka's production, however, there is an intention to disrupt the theatrical imposition of illusion. From the exterior space/present time, characters mock the illogical interior space/past time, reflecting on its representativeness. The iconic world-of-the-play – the Diegetic world – is disrupted, and the audience is reminded of its imaginary construction through the playing-in-the-world – which refers to refers to the material world and a play's use of its physical space - of Tanttaka's production. This marks the overcoming of mythical representations derived from historical-political circumstances – visible in their (ideological) educative model.

Only once the actors have reenacted their past education and exposed the hagiographic Francoist ideological education to the audience, do they break the fourth wall and jump to the present to criticize it. This re-examination of the past signifies a defiance of the regime that, had it been produced at the time, would have been met with

brutal violence. Instead, the characters reject the dictatorial ethos and shatter the theatrical illusion from the present: a safe space from which they can negotiate the incongruencies of both the fascist regime and theatrical representativeness. In other words, the play moves from a single dominant view – that of the regime – to multiple viewpoints – that of the characters in the present-time. In order to (re)present the trauma of Francoism and teach the audience about it, Tanntaka had to create a space for social reflection to address the representational limits of such a major historical episode. By staging the relationship between memory and place, the play reflects on memory as a negotiated process, instead of as a permanent monument.

The audience is confronted by the play, which is an object for their consideration and, even though the actors acknowledge them – when they address them that marks a change of temporality – they are not included in the play, they do not participate in it; instead, they sit and listen. In other words, in Brechtian theater the audience enters a liminoid space, where they can question the drama but without the resolution of a personal crisis. The estrangement in the depiction of such a massive traumatic episode – the Francoist dictatorship – through a satirical and humorous approach allows for the spectator to observe it from the outside, without experiencing it personally. In the following section, I analyze Castuera's concentration camp to reflect on a politics of representation that overcome this issue of (audience) passivity.

4. Castuera's visit – performative (imaginary) occupation

Castuera is a small village in rural Extremadura, Spain.¹⁷² Three kilometers outside of the town, there is a space known as *finca La Verilleja*, which served as a

¹⁷² Since this section builds on the relationship between space and memory, it is worth drawing a brief outline on the scholarly literature on “memory spaces,” which we touched on in the chapter on the Law of Historical Memory. In the first half of the 20th century, Maurice Halbwachs starts exploring the opposition between history and memory and the spatial aspects of cultural memory – see *La topographie légendaire*. Halbwach’s work anticipates the extremely influential notion of *lieux de mémoire*, coined by Pierre Nora, key figure in the field of memory space and collective memory, in the 1980s. With *lieux de mémoire*, coined after the ancient and medieval rhetoric and mnemonic techniques – *loci memoriae* – explored by Frances Yates (1996) – for debates on the different translations and translatability of the term into English, see Pim den Boer (2008) –, Nora comes back to the complex relationship between history and memory in the (academic) French context; according to him, “every previous historical or scientific approach to memory, whether national or social, has concerned itself with realia, with things in themselves and in their immediate reality” (Nora 1989 23). These approaches produce projects of national history and national identity that rely on History as an objective, scientific discipline that transforms memory as an immediate, unspoken tradition that takes refuge in habits and gestures, into a “historized” memory – “voluntary and deliberate, experienced as a duty, no longer spontaneous; psychological, individual, and subjective; but never social, collective, or all encompassing” (Nora 1989 13). In this Gallic (academic) context, Nora holds that it necessary to develop a new type of history that does not abandon memory, the *lieux de mémoire*, which he defines as “any significant entity, whether material or non-material in nature, which by dint of human will or the work of time has become a symbolic element of the memorial heritage of any community” (Nora 1996 xvii). The study of the *lieux*, of those entities that crystalize memory and embody memorial consciousness, offers the opportunity to understand the construction of events over time, their effect, the (social) traces left by acts of commemoration and remembrance, the reemergence and disappearance of traditions, homages, anniversaries... phenomena largely ignored in the previous historical age. *Lieux de mémoire*, which are extremely ideological mnemotechnical devices, simultaneously operate on three different registers – material, symbolic, and functional – and are the result of an interaction of memory and history; however, contrary to history, which is concerned with continuity, “the most fundamental purpose of the *lieux de mémoire* is to stop time, to block the work of forgetting, to establish a state of things, to immortalize death, to materialize the immaterial [...] in order to capture a maximum of meaning in the fewest of signs” (Nora 1989 19). Although there are different types of lieux – portable, topographical, architectural, monumental, etc. – the main lieu is site (Nora 1996 xv-xvii), given that “memory attaches itself to sites, whereas history attaches itself to events” (Nora 1989 22).

The term *lieu(x) de mémoire* was widely accepted and quickly became popular in different academic settings – the United States, Central Europe, Canada, for instance – preparing the ground for a new academic trend preoccupied with the relationship between memory and space. However, as Astrid Erll claims:

The ubiquity of the term cannot belie the fact, however, that the lieu de mémoire is still one of the most inchoate and undertheorized concepts of cultural memory studies. On the one hand it lends itself particularly well to the study of a wide array of phenomena [...] but it is precisely because of its sheer limitless extension that the term has remained conceptually amorphous, and it would be well worth initiating another round of scholarly scrutiny (10)

Although it is still considered a fundamental point of departure for the academic field of “memory spaces”, the ambiguity and versatility of the term has opened up exciting new vistas, thus scholars have developed other concepts that expand on Nora’s work and contribute to the interdisciplinary field. I offer here a very brief and, by all means, not definitive outline of the literature – this (irresponsible) taxonomy/summary does not pretend to imply that scholars focus on one single aspect, my mentioning of their names is just to give an example of someone that has contributed to an object of analysis/idea. The most vague, general category would be “sites of memory”, which comes from Nora’s term. Scholars on sites of memory focus

concentration camp for Republican war prisoners between March 1939 and March 1940.

As Conde (2019) highlights, its location was not accidental, because Castuera had

on physical spaces and their significance in a society's collective/cultural memory; as such they may work on monuments – Marc Silberman, Ann Rigney, Gavriel Rosenfeld –; counter-monuments – Noam Lupu –; memorials – Andrea Huyssen, Natasha Goldman, Susan L.T. Ashley –; mass graves – Berber Bevernage, Lore Colaert –; museums – Paul Williams; etc. We could highlight the contributions of renowned scholar James E. Young, with his prolific text *The Stages of Memory* (2016), where he, through the analysis of acts of commemoration, both spontaneous and permanent, develops the concept of “stages of memory” to think about the possibilities of formalization of a void, of articulation of loss, without intention of its reparation. Andrea Huyssen has also vastly contributed to the scholarship on “memory spaces”: his influential work addresses the politics of memory in post-conflict societies, which he explores through the analysis of cities such as Berlin, Buenos Aires, and New York, focusing on public memory issues in the context of social commemoration – monumentalization – and reconstruction. Regarding reconstruction, Louis Bickford proposes the term “memory scape” to define “[devices] that contest official truths of the authoritarian era and give voice to its victims and survivors. [...] Memoryscapes recapture public spaces and transform them into sites of memory and alternative truth-telling about authoritarian past” (96). Bickford, amongst other scholars, work on the intersection of memory and space in post-authoritarian societies, to think about the possibilities of social reconstruction through silenced and marginalized memories.

Some authors – Patrizia Violi – work on a narrower subcategory that focuses on trauma sites; heavily influenced by the tradition of trauma studies, (mostly in conjunction with psychoanalysis), texts on trauma sites are usually preoccupied with the possibility of representation of collective trauma – Karl Schögel –, or with the mechanisms of spatial remembrance of traumatic experiences – Robert Bernard. Scholars such as Laurie Beth Clark, Mark Pendleton, Julian Bonder and Brigitte Sion work on the intersection between tourism, trauma, memory and space – what Laurie Beth Clark calls “dark tourism” –; their research focuses on “disaster sites” or “trauma sites” to explore issues of (visual) (aesthetic) (ethical) representation of historic traumas and the ethical implications of visitors and curators when those places become associated with tourism – for instance, Villa Grimaldi in Chile, Rwandan memorials, Cape Town's District Six Museum, the memorial at the World Trade Center, etc. The act of remembering in mnemonic landscapes (Starzmann 9) is not only the result of official and unofficial memory; thus, some scholars, such as Griffin Epstein or Jonathan Burnstedt, have focused on how colonial and imperial legacies (re)shape the relationship between memory and space. Scholarship in the field of archeology has also opened up new possibilities to engage with memory spaces, producing what Starzmann describes as “archeological memory” (3); for instance, Alfredo González-Ruibal proposes the concept of “land of amnesia” to think of the process of remembering and forgetting in (post)colonial societies, where violent colonial practices are confronted with archeological work that uncovers a buried past. With regards to amnesia, memory spaces can also offer the possibility to understand the way memory secretes itself; as such, scholars have produced important literature on (social) amnesia/forgetting to understand how we collectively forget – either through institutional deliberation or “naturally” over time – see, for instance, Hans Ruin. As a paradoxical contradiction, Sendyka proposes the term “memory non-sites” to explore plots of land, now empty, that use to work as concentration camps or mass graves, a past only known by locals; these “memory non-sites” open up the question of reconstruction in the context of history/historiographical insufficiency. Part of the scholarship on memory spaces departs from the literal sense of “place” to focus on medial and literary representations. For instance, Christine Berberich, Neil Campbell and Roberts Hudson (2015) propose the concept “affective landscapes” to explore, through literature, a kind of (emotional) phenomenology of space. Affective landscapes are spaces that insight physical, mental, and emotional reactions; locations that produce phenomena in which the land transfers the emotional experience of a foreign time, place, and people, directly into the minds of the narrator, so the narrator does not use his memory, but a foreign one. They usually describe geographical locations but they can also include spaces that are designated culturally or even those that exist in the mind.

become the “red” capital of the La Serena front, a territory of republican resistance that stretched from the foothills of the Badajoz region to the border with the province of Cáceres.

In the early 2000s, following the appearance of the first associations for memory recovery,¹⁷³ historian and researcher Antonio D. López Rodríguez, author of the book *Cruz, Bandera y Caudillo* (CEDER La Serena, 2009), began a project of guided visits to Castuera’s concentration camp. López Rodríguez decided to arrange guided visits to the space to spread knowledge about its historical and social importance. Years later, he would meet history teacher José Ramón González Cortés and, in 2008, they formed the association AMECADEC [Asociación Memorial Campo de Concentración de Castuera]¹⁷⁴ to, among other objectives,¹⁷⁵ promote the dissemination and knowledge of the Castuera’s camp as well as other concentration camps of the region, and link knowledge of Castuera’s camp with the defense and dissemination of Human Rights (AMECADEC 2008). Thanks to the association’s fight for recognition and institutional

¹⁷³ Such as the Federación Estatal de Foros por la Memoria or the Asociación para la Recuperación de la Memoria Histórica.

¹⁷⁴ Castuera Concentration Camp Memory Association.

¹⁷⁵ As stated in the association’s website (<http://amecadec.blogspot.com/2008/>): to attend to the families of the victims who are still missing due to the Civil War and subsequent Francoist repression, as well as to listen to their proposals and requests, even when they are not related to the Castuera Concentration Camp; to find information about/for families of the victims; to promote the granting of compensation for ex-prisoners; to promote the dissemination and knowledge of what happened at the Castuera Concentration Camp and other concentration camps in the region of Extremadura; to promote the installation of a Castuera Concentration Camp Interpretation Center and the Francoist Concentration Camp system; to link knowledge of the Concentration Camp with the defense and dissemination of Human Rights; to create a “memory bank: with the testimonies collected from the people of the region and the region who passed through concentration camps; to promote projects that contemplate the promotion of the culture for peace and the dissemination of International Humanitarian Law, both in the educational field and in the rest of society; to promote projects that include activities to raise awareness and democratic culture in other international societies that have suffered repressive processes and violation of Human Rights.

protection, in 2009 the camp was designated as a Bien de Interés Cultural (BIC),¹⁷⁶ the only concentration camp in Spain that has received this denomination and recognition. This category implied a conservation policy and patrimonial recognition as a figure of urban planning; however, it did not generate any sort of symbolic institutional recognition (González García 27-28). The BIC category did not stop the space from remaining private property – as is still the case –; as such, there is yet no interpretation center. Due to the lack of institutional response to disseminate knowledge of the camp, throughout these years, AMECADEC has organized several events – such as the annual commemoration – and has produced what are, to date, the only pedagogical materials to study Castuera’s concentration camp, and, more generally, the systems of repression during the dictatorship, such as the penitentiary system.

Contrary to other concentration camps – Auschwitz, for instance, which could work as a paradigmatic reference –, Castuera’s camp does not conserve physical elements such as barracks [see photograph 20]. Rather, the space is a large terrain, slightly flat, with a certain inclination, and the only remains are a 3-story turret located where the cross of the fallen once was.

¹⁷⁶ “Site of Cultural Interest” is a Spanish judicial figure of protection of (material and immaterial) historical heritage.



Photograph 20 – Space where the concentration camp was located. 2015 ©Sergio González García

The lack of material traces¹⁷⁷ of the camp does pose a challenge to conveying the repression and violence carried out in the space some decades ago, which may also limit the possibilities for visitors to establish a link between space, historical events, and subjects. José Ramón González Cortés designed a didactic unit that works as a complement to the local high schools' guided visits to the concentration camp location: prior to their visit to Castuera's camp, students work on the unit, which includes findings of AMECADEC's research on the space. The unit, which also compensates for the lack of information and the curricular absence of the camp, includes a map and information about objects found in the space: daily objects used in the camp, such as dominoes, coins,

¹⁷⁷ As discussed, difficult knowledge poses complex representational and affective challenges in pedagogy. Its dilemmas of representation and disruptive affective force have serious repercussions for curriculum design and classroom management. In the case of Spain, the general lack of material traces – barracks, buildings, interpretative centers, research centers, museums, ... – further problematize the possibilities of engaging with difficult knowledge for pedagogical purposes. In this chapter, the two pedagogical proposals that I analyze – the visit to Castuera's concentration camp and AMECADEC's homage – address this issue which is particularly relevant in the Spanish society due to political, social, historical, etc., factors. The lack of material traces and their implications for difficult knowledge has not been scholarly addressed yet.

or last wish letters sent by the prisoners. These objects were collected in several archeological excavations carried out in the camp that seek better understanding of the space.

Museums, in traditional approaches, seek the creation of a sense of objectivity and detachment by displaying chronological narratives and empirical information that usually requires separating emotions and content so as to engage with rational thinking. They conceptualize the construction of historical knowledge as the acquisition of a true, static, and chronologically arranged past. Exhibitions include material objects – museum artifacts – that represent and work as evidence for the existence of a past, serving to “bring the past alive and offer an explicit lesson” (Trofanenko 481). Since these objects are involved in the telling of a story, that of the historical narrative constructed by the museum, we could think of them as actors that represent the historical and try to stabilize it. This form of museum practice, mediated through selective construction and representation, is based on a mastery of knowledge that echoes the coercive system of Aristotelian drama, where the playwright – the curator(s) – and the actors – the objects of the exhibition – convey a story – the museum’s historical narrative. The spectators – the visitors of the museum – submit to an experience uncritically: history is (re)presented as something recorded, explained and concluded; however, with the difference that, as we mentioned, the museum is preoccupied with fostering rational thinking over emotional involvement.

On the other hand, we have Castuera’s daily objects, which are introduced to visitors for two reasons: to supplement the lack of tangible objects in the camp/visit,

presenting contextual, specific objects that reject abstract and disconnected historical knowledge, and to foster emotional engagement. The presence of these everyday objects and the resonance(s) they can effect on visitors – the audience – appear to go against an understanding of historical reenactment insulated against “real life,” militating against the timelessness of objects. The objects – actors – are presented as random items collected in the archeological excavations; as examples of the very few recovered physical materials, which point at the non-conclusive, continuous nature of the historical (recovery and understanding) process. They are representative of daily life in the camp, bringing attention to an aspect of this space’s experience that goes beyond the violence, fear and terror directly associated with concentration camps. As such they bring attention to stories of the un-represented; they represent a projection of the experience of the victims, pointing at the gap between (re)presentation and the object, between absent and present. The objects are mute “actors” that bear witness to the unspeakable, to the unrepresentable, paradoxically making visible what is invisible and pointing at what is absent in the field of representations – in this way, and following Brown, “the artefact is symbolic of a traumatic rupture” (248), because it “is an analogue for traumatic repetition; it is symbolic of trauma’s literal return, which engenders and forestalls the materialization [sic] or dissolution of symbolic and political power” (Brown 250). This echoes Didi-Huberman’s *Images in spite of all* (2008), where he discusses how irrepresentability has worked as a shield to abandon the possibility of producing memory in this kind of contexts. Huberman posits that it does not matter how much is left of historical traumatic experiences such as the Holocaust, nothing will ever explain what

happened; the Holocaust images that he analyzes do not prove anything, they don't show anything, but they are images *in spite of all*. In the case of Castuera, these objects inform an educational approach: visitors do not visit the camp so that they can see what happened there, but precisely because the space points at the impossibility of seeing.

While these “actors” represent the historical, meaning comes from each visitor's associations that symbolize the interplay of emotion and thought needed in the production of meaning in psychoanalytically-informed historical education. These inanimate objects are introduced by the members of AMECADEC without them getting emotionally involved; a detachment that can have the paradoxical effect of heightening the emotional charge of the visit – according to Zembylas, adolescents use objects in multiple ways to sort through their psychic conflicts, thus affording the opportunity to “provide the challenge of personal confrontation that is crucial for learning” (2014, 396). Since the objects are not presented with a closed narrative, visitors have greater freedom to interpret – in a psychoanalytical way, that is, thinking with, through, and from emotional experience and subjective engagement – the painful events of the past and make their own associations. The artifacts are not self-contained but tangled up in a (traumatic) history that must be (re)imagined from the blurred boundaries between objective and subjective experience that characterize traumatic history.

To (re)imagine this difficult knowledge, AMECADEC also relies on their archeological excavations.¹⁷⁸ The surface layer of Castuera's camp had barely been

¹⁷⁸ There is an emerging subdiscipline within archeology that studies patrimony and material traces related to violent events – wars, dictatorships, etc. This 21st-century subdiscipline is known as the archeology of conflict, and its approach to the past as well as the objects it analyzes – such as bunkers, military infrastructures, or forts – have considerable potential in pedagogy. The archeology of conflict helps

excavated. When archaeologists from the association dug through the terrain, they found changes of tonality in the earth, which indicate constructions or structures. The difference of color allowed them to mark the previous location of a barrack. AMECADEC took advantage of this space and incorporated it into the guided visits as a pedagogical tool: at the end of the tour, high school visitors are taken to the area where the barracks used to be - it is estimated that Castuera's camp had 80 barracks of 15.50 meters long and 4.5 meters wide (González Cortés 9-11). This is the most challenging part of the visit. As stated in the didactic unit:

Este es el instante más arduo de la visita. Dada la poca conservación de los elementos físicos del Campo, los alumnos deben realizar un notable esfuerzo de abstracción para imaginar cómo pudo ser el Campo y cómo funcionó. Para intentar subsanar este obstáculo, se delimita uno de los barracones y se les pide que se sitúen en el interior. Finalmente, acaban arremolinados los unos contra los otros y estas situaciones de hacinamiento les ayudan a comprender las difíciles condiciones de vida de los prisioneros. (page 11 of the guide)

Students get together and “occupy” what would be the space of a barrack. The guide then informs high school visitors about the daily living conditions of the prisoners: they had to share a very small place where they were confined and if they left the barrack without permission, they could be killed by a security guard. They sometimes did not get permission to go to the bathroom and had to relieve themselves in the barrack, which caused a nauseating stench. While the guide explains these conditions, high school

learners know about particular experiences which are part of a dialectics of local-general knowledge about Francoism. The objects they seek and study bear a relationship to the concrete, real human experiences of the camp and they point to a more tangible vision of history. Thus, not only do they contribute to the understanding of historical processes and abstract concepts such as repression or dictatorship, but they also bring up an affective register (Hernández Cardona and Rojo Ariza 164). Even spaces like this, without material traces of the building other than difference of color in the ground, can work as pedagogical tools. Precisely their lack of materiality offers very productive conceptual tools to think about the relationship between of pedagogy, trauma, and representation.

visitors are getting swirled against each other at the barrack (León Cáceres, López Rodríguez and González Cortés, 576-577). This exercise is intended to contribute to the development of a feeling of empathy, because students can imagine and somehow experience what it must have been like to be a victim, and makes this the part of the visit have the greatest pedagogical impact – generally, it is the moment when students and visitors show the deepest interest and involvement.

I choose the word “occupation” to reflect a certain theatrical/performative audience politics – that is, the politics of, in, and in response to the audience. As we saw, in Brechtian theater, the spectator is turned into an observer that submits to an experience critically. Although Brechtian techniques place politics on stage and interpellate the audience, they perpetuate simulacra and do not invite the spectator into the Dramatical staging; that is, they do not call for a (verbal, physical, intellectual, emotive) response. In that sense, we are speaking of a passive spectator that is foreign to the performance and experiences the re-enactment externally, not directly – or, as Bolton (1984) has called it, actors use a “one-way communication pattern” (128).

Other dramatists have considered the opportunities theater offers for interaction between audience and actors in a shared space, and the effects of co-presence. For instance, Augusto Boal coined the term *spect-actor* (2000) to refer to an audience which dialogues with and participates in the shaping of the play. Boal, who developed a participatory theater that promotes democratic and cooperative interaction, saw theater no longer as a spectacle, but as an accessible language – in a Rancièrian gesture, he wanted to eliminate the characters’ and playwright’s position of mastery over the transmission of

knowledge to others, removing authority from the stage. The audience, then, plays a double role that allows for both observation and participation in the performance. In Boal's words:

[The *spect-actor*] exists in the scene and outside of it, in a dual reality. By *taking possession* of the stage in the fiction of the theatre [sic.] he acts: not just in the fiction, but also in his social reality. By transforming fiction, he is transformed into himself. This *invasion* is a symbolic trespass. It symbolises [sic] all the acts of trespass we have to commit in order to free ourselves from what oppresses us (xi-xii, my emphasis)

The role and distance of the *spect-actor* in new forms of theater are closer to performance and Performance Art, especially considering the question of the blurred boundary between the reality and theatrical/performative practice. Contemporary conceptualizations of theater, such as Boal's, thus align more with performance art, which aims to foster audience mobilization through their inclusion in the performative process. In the case of Castuera's occupation of the barrack, contrary to the audience in Brechtian theater, visitors, in a double-bind, become performers; they both look at something and walk in something, combining observation and immersion so as to attempt to understand. When they occupy the stage position and become part of the representation, they intervene in the audience gap – who is in, who is out, and what can be said, seen, heard, allowed –; through their theatrical self-constitution, they become part of performance as a constituent space. The bodies of the visitors, fundamental parts of the recreation – without them there would not be recreation –, have a double function: to represent themselves and to represent the victims (the *dramatis personae* are not particular victims, but the thousands of victims that lived in the same conditions). As such, visitors in-rotate the experience of historically marginalized subjects: the

victims. They give them a new materiality through their body, but with an update - when they "revive" victims, they live history directly, and renegotiate it with themselves, thus they are changing something within themselves. This self-referentiality allows visitors to contemplate the value, limits, and issues of (traumatic, historical) representation. With their performative involvement, with their *invasion* of the stage position, come emotions lived directly in their flesh, in their materiality. They occupy the physical space of the "stage" to make visible, to live this immaterial past – first a physical space is constructed and then a psychological one – in a form of psychoanalytic learning of history. In a sense, what is being represented in Castuera's occupation of the barrack is not only a past experience of the space, but the learning of difficult knowledge.

When visitors "occupy" the imagined space of a barrack, their active participation becomes a necessary component for the experience of the visit. Their spontaneous enactment allows for an understanding of the space that would not be possible otherwise. They bring in a materiality to compensate for the absence of buildings that are no longer in the same place they once occupied. Visitors' corporality represents the historical, making it legible. Thus, their immediate presence, their intervention, bridges present and past and becomes a crucial pedagogical resource for learning *from* the place.

Following Freud's reflections on pedagogy,¹⁷⁹ Britzman's "difficult knowledge" entertains two different dynamics of learning: learning *about* and learning *from*:

Whereas learning about an event or experience focuses on the acquisition of qualities, attributes, and facts, so that it presupposes a distance (or, one might say,

¹⁷⁹ For further reference, see Felman (1982), who gathers psychoanalytical approaches to (the philosophy of) pedagogy.

a detachment) between learner and what is to be learned, learning from an event or experience is of a different order, that of insight. (1998, 117)

Traditional approaches to the teaching of history rely on mechanic memorization work as an example of *learning about*: the educator is seen as an all-knowing figure that passes on objective and neutral historical knowledge. This knowledge is closed, concluded; therefore, it claims total knowledge that will self-sufficiently answer our questions about human experience in a satisfactory manner. Following Britzman, there is a presupposed distanced between learner and information; that is, learning about new content does not provoke an affective reaction, it does not affect or cause any emotional responses in the learner. As expressed earlier, textbooks tend to present the Spanish Civil War as a foreign, concluded event. These textbooks exemplify the *learning about* dynamics of learning. Britzman continues:

But precisely because insight concerns the acknowledgement of discontinuity from the persistence of the status quo, and hence asks something intimate from the learner, learning from requires the learner's attachment to, and implication in, knowledge (Britzman 1998, 117)

Contrarily, the "occupation"¹⁸⁰ of the barrack during the visit to Castuera's concentration camp could be read as an example of *learning from*. The activity emulates a traumatic

¹⁸⁰ In this regard, my choice of the word "occupation" is also informed by Deleuze and Guattari's (1987) theory of affective assemblage, which provides two interesting notions: deterritorialization and reterritorialization. They write: "territorialities, then, are shot through with *lines of flight* testifying to the presence within them of movements of deterritorialization and reterritorialization" (55, my emphasis). Following Cahill and Dadvand (2021), the metaphor "lines of flight" can be used to "conjure the event of movement beyond the contained space of the assemblage" (3). In this way, Cahill and Dadvand propose to think of the learning process as a movement that cracks open new possibilities, moving from "the confines of one territory, to another via a process of deterritorialization" (3). When, in dealing with "difficult knowledge" (Britzman 1998), there is an interruption of the status quo, the movement of deterritorialization culminates in a re-territorialization: "deterritorialization must be thought of as a perfectly positive power that has degrees and thresholds (epistrata), is always relative, and has reterritorialization as its flipside complement" (Deleuze and Guattari 54). "Occupation" captures this spatial conceptualization of learning, according to which students move from one territory to another, occupying it, and learning *from* it.

experience of history, that of a concentration camp prisoner. Our exposure to such brutality offers insight into our understanding of history. Stepping away from the common pedagogical pose of mastery that assumes self-sufficiency, in this activity we learn from a ruptured space that has lost all its materiality and requires the intervention of bodies to link past and present. Even though the object – the barrack – represents the historical, making it legible, it does not give it meaning; that is, signification of History is ultimately an individual process that results from the association of our conscious and unconscious experiences. Thus, understanding of the past depends on one's own feeling regarding the connection between past and present: to *learn from* difficult knowledge, that is, traumatic knowledge, one has to implicate oneself in a history of rupture, of trauma; just as the students are implicated in the exercise, through their corporality, to create the barrack and be able to learn.

To *learn from* difficult knowledge, then, one has to acknowledge gross human violence that disrupted human understandings of what it means to live in a society. Consequently, the learner also experiences a rupture of their own knowledge and conceptual frameworks of understanding History:

This kind of implication in knowledge that Freud is after [insight, the learning move of *learning from*] begins when one moves toward the question of what difference can mean for one's present life. The learner must be willing both to confront outside knowledge as a mode of address that demands the learner's transformation of memory and to tolerate psychic or existential time, the time of the belatedness of understanding. Learning from demands both a patience with the incommensurability of understanding and an interest in tolerating the ways meaning becomes, for the learner, fractured, broken, and lost, exceeding the affirmations of rationality, consciousness, and consolation (Britzman 1998, 118)

Contrary to *learning about*, in *learning from*, the learner's reception of these topics entails complex emotions and affective responses that are unpredictable. Learners experience a disruption of their structures of knowledge which is internalized as a psychic loss, a process known as "loss in learning" (Rose 29) – a concept that echoes Sigmund Freud's work on mourning. Learners lose past strategies for thinking about the world, which can cause internal instability and have an effect on the learner's identity and how they relate to the world. Since loss in learning can generate anxiety for the learner, the individual may unconsciously want to protect the ego and can employ an array of affective responses such as denial, contestation, or repression. These resistances to insight develop as a response to the disturbance of the learner's memory and existing structures of understanding. In order to learn from difficult knowledge – such as the Spanish civil war and dictatorship – and develop a sense of historical empathy,¹⁸¹ which is the main purpose of the barrack-occupation activity, the learner needs to acknowledge that their held notions about the world, its functioning, or its relationship with the individual are disturbed (Garrett and Schmidt 192). The learner will not learn unless they accept that their existing structures of understanding are no longer sufficient, and learn from loss – loss of meaning, loss of the notion of social bond, loss of agency, etcetera. In the words of Shoshana Felman:

if teaching does not hit upon some sort of crisis, if it does not encounter either the vulnerability or the explosiveness of a (explicit or implicit) critical and unpredictable dimension, it has perhaps not truly been taught: it has perhaps passed on some facts, passed on some information and some documents, with

¹⁸¹ Endacott and Brooks (2013) define historical empathy as developing "understanding for how people from the past thought, felt, made decisions, acted, and faced consequences within a specific historical and social context" (41).

which the students or the audience – the recipients – can for instance do what people during the occurrence of the Holocaust precisely did with information that kept coming forth but that no one could recognize, and that one could therefore truly learn, read or put to use (1992, 53, emphasis in original)

Felman, who ponders the relationship of trauma and pedagogy, holds that this loss, this moment of fracture – what she calls “crisis” – is an essential condition of the learning process. Both Felman and Britzman propose that a significant learning process calls for rejection of banal memorization and repetition of facts. Felman, however, goes a little bit further and aligns teaching and learning with crisis. Crisis, she holds, is an essential component in *learning from* difficult knowledge, and such learning does not occur when *learning about*. As such, she posits the distinction between learning – *learning from* – and “passing on some facts” – *learning about*. Fracture, crisis, becomes a crucial pedagogical component of the educational process and a prerequisite for learning, since it confronts the learner with their own ignorance.¹⁸² The educator needs to provide opportunities to *learn from* the possibilities of the experience; the pedagogue, then, needs to write invitations to crisis, not to be gratuitous or vicious, but to reemerge and engage reality as a critical necessity of moving on (Felman 1992, 28). In other words, crises create the opportunity to gain insight from an event or experience and *learn from* it – or merely learn in Felman’s conceptualization/terminology/nomenclature.

Once the learner acknowledges their internal crisis, and does not resist insight, they would *learn from* difficult knowledge through an alternative structure of understanding in temporal terms: “the time of the belatedness of understanding”

¹⁸² For Felman, ignorance is “fertile – [it is] the one who teaches as well” (1987, 80) because it “becomes structurally informative” (1987, 83).

(Britzman 1998, 118). Indeed, deferred knowledge is a crucial component of trauma that is symbolized in the barrack activity. In the exercise of “occupation” during the visit to Castuera’s concentration camp, visitors quite literally learn *from* trauma, from the space that represents the traumatic experience. The activity does not necessarily teach traumatic experiences, but rather, it teaches the condition that makes it possible to learn the experience of trauma.

Since it is impossible to recover the physical building, the only way that visitors can have access and process it is through a “deferred” representation: the bodies of the high school visitors symbolize the building, and therefore the historical event to which it relates. Their present corporality allows for an understanding of the past that would not be possible otherwise. In other words, understanding of the past is only possible through its symbolization in the present.

As trauma scholar Caruth holds, building on Freud’s notion of deferred action – *Nachträglichkeit* –, the story of trauma is “the narrative of belated experience” (7). Caruth, who speaks on individual trauma, entertains that the original event is experienced too unexpectedly, and, as such, “not available to consciousness” (4). Access to trauma would only be possible through belated-ness. Trauma and the original event relate to each other through incomprehensibility. As I have argued elsewhere (Palencia Gutiérrez 2020), while trauma scholars such as Cathy Caruth claim that trauma is not representable, that is, that it cannot be captured in any meaningful narrative because it resists comprehension, I believe that traumatic experiences are unspeakable but can be represented in fictional forms.

The non-materiality of the barrack points at a category of experience that is not graspable, apprehensible; nonetheless, it calls for its recovery. When students represent the past to understand it, making visible what was invisible, they are accessing trauma in a belated fashion; the belated access to trauma that a subject experiences when they symbolize it. Yet, the total representation of traumatic experiences is something impossible (Zembylas 2017, 661). The irrecoverable aspect of the barrack exercise, the impossibility of a total retrieval of the material traces of the building, point at this dilemma of representation.

The exercise takes this issue of representation a step further. The barrack calls for a collective action: if students do not gather together to re-present the building, they will not be able to symbolize the historical trauma to which it is related. Students *learn from* this exercise not only through individual insight, but through collective engagement. This points to the internal dynamics of social trauma representation within “difficult knowledge.”

Genocides, wars, torture, or dictatorships are examples of social traumas, massive forms of violence that exceed the limits of representation and our structures of experience. Deferred knowledge, traumatic knowledge, operates at an individual level as well as collectively. Since, in deferred knowledge, past experiences and memories take new significations in our lives, learning from events such as genocides or wars undercuts what the subject knew as “history,” which undergoes a process of revision – “deferred knowledge.” Subjects revise old conceptualizations in order to adapt them to new circumstances (Garrett 5). There is a constant re-elaboration of historical narratives that

entails a departure from chronological understandings – cause-effect – of history that aligns with the psychoanalytical stance on history as something in motion – history is not quite about events, but rather, it is about how we narrate, order and contextualize them (Garrett 8).

The visit to Castuera’s concentration camp is contextualized in a historical event that, even if insufficiently, all students are aware of – the civil war. While the LOMLOE states the importance of studying episodes of massive violations of human rights, such as the Holocaust, students are aware of the concentration camps of the Holocaust, but they have no knowledge of the Francoist ones – a restriction of the collective memory to a “screen memory.”¹⁸³ When students are exposed to spaces like Castuera’s camp, they are also exposed to a different social narrative – both about the Spanish civil war and about the history of concentration camps. The new information does not easily fit their existing narrative frameworks, and it asks students to confront potentially unsettling knowledge. As any other crisis of learning, this is disturbing. However, it operates at another level; it disrupts how students relate to their nation – understood as an “imagined community” (Anderson 1983) – and to how their nation’s history is represented. As such, *learning from* Castuera’s camp demands a work of re-symbolization, not only at an intimate level, but also nationally (Rose 6).

The “occupation” of the barrack during the visit to Castuera’s concentration camp, as a site of history pedagogy, reflects on the possibilities of representation and

¹⁸³ Freud, Sigmund, James Strachey and Anna Freud. *The Standard Edition of the Complete Psychological Works of Sigmund Freud. Volume III (1893-1899). Early Psycho-Analytic Publications*. London: Hogarth Press, 1962.

teaching of traumatic histories. Rejecting claims to total knowledge, the activity takes on the possibility of making trauma pedagogical through its embrace of conflict. Thus, the occupation of the imaginary barrack space, and the occupation of the complete camp's location during the visits are practices of space and memory that seek conflict, disclosure of counter-narratives that conflict with mythical narrations of the space. The spatial practices of the visit work as invitations to crisis. Castuera's camp was a repressive space designed to impose silence, oblivion, and death brutally, and now seeks to provoke the emergence of conflicting narratives in order to make trauma pedagogical, offering a space for conversations about and questioning of the official version of history and marginalized experiences, while advocating for education, citizenship and memory.

As Farley (2007; 2009) and other scholars who write on psychoanalytically-informed-history-pedagogy maintain, the history classroom – or, I may add, other educational spaces – is a “site of conflict, rather than its solution” (Farley 2009, 538); a site that resists narrative closure and that is concerned with the activation of ignorance (Felman, 1987). History education, Farley holds, should reject the possibility of a complete certainty of the past; instead, it should be recognized as “fundamentally a psychical labor of symbolizing the internal conflicts that bot complicate and constitute our attachments to the world” (Farley 2009, 551). Uncertainty is a condition of history education, which now involves the creation of spaces for symbolization; and these, as regards national representation and public history venues, involve a social and political sphere. In this sense, psychoanalytically-informed history education privileges the re-symbolization, the re-working of historical narratives. Through the structure of deferred

knowledge, history changes, and this change also produces a change in the subject's present.

The exercise of the barracks follows a psychoanalytical logic in the way it proposes to approach the historical past. Through an invitation to crisis, student-visitors are asked to re-symbolize history, re-symbolize memories, re-symbolize affects and how we relate to them to *learn from* trauma. The activity produces new pedagogical possibilities, taking a stand against traditional models of history representation, and moving away from approaches to the past through memorization and certainty. As Farley would hold, this uncertainty is where new meaning can be created.

When Britzman asks “what happens when that other war, the war within, meets the conflicts and aggressions enacted in the world outside?” (1998, 119), she is not creating a dichotomy between psychoanalysis and society, but rather thinking from both – dilemmas of representation within the subject, and dilemmas of representation of social traumas (Zembylas 2014, 392). Britzman, in an aforementioned quote, states that, to learn from difficult histories, learners have to acknowledge a discontinuity from the persistence of the status quo (Britzman 1998, 117). However, it is important to highlight that Britzman refers to the pedagogical status quo, i.e., the subject's structures of knowledge. While one cannot deny the affective implications of difficult knowledge, this is where I think Britzman overstates her argument: she neglects the political status quo and the limitations of difficult histories' representation due to political factors. As Jansen (2009), who considers the psychic and also the socio-political components of trauma, explains:

It is not simply the master narratives of the official curriculum or the controlling ideologies of state examinations or the capitalist interests of the textbook industry

that are at stake in the critical classroom; it is also the people there, the bodies in the classroom, who carry knowledge within themselves that must be engaged, interrupted, and transformed. (258)

Pedagogical strategies that engage with difficult knowledge – or “troubled knowledge” in Jansen’s terms – have an affective impact in the development of a post-conflict society. These sorts of pedagogies can disrupt the difficult knowledge and its burden and thus interrupt underlying ideological, social, and psychic attachments. Since difficult knowledge involve power relations, the sorts of pedagogies that disrupt them are, in effect, political.

The notion of “occupation” is associated with a history of political activism and protest, which reflects my contention that “difficult knowledge” (Britzman 1998) is political in nature; in this case, to “occupy” the barrack’s space entails a disruption of a territory that precludes certain practices, while supporting others, thus aiming to interrupt the status quo and transform it. In the exercise of the barrack, visitors perform a re-enactment of the victim’s experience at the camp. As performers, they carve out real and imaginary spaces, traversing both of them to effect displacement and variations within them; they recognize and register the presence of an-other through their imagination. Imagination plays a crucial role in this transformative process, since we need to imagine ourselves and others otherwise, which allows the possibility of “becoming otherwise” (Butler 2004). As O’Neill posits, “the successful creation of an imagined world depends to a considerable extent on the degree to which participants can make links between the world of illusion and their understanding of the real world [...] they will be rearranging and transforming the components of the world they know” (1985, 161). When they

collectively enact those imaginaries, they open a territory of possibility. As there are no material traces of the camp to testify to those who went through the horrors of the site, the occupation makes visible the invisible, opening up a delimited sphere of appearance that excludes the fate of victims who have been silenced, disappeared, marginalized or have no being at all. As such, visitors engage with transformative shifts that point at new modes of reality that “[takes] place in part through the scene of embodiment, where the body is not understood as a static and accomplished fact, but as a [...] mode of becoming that [...] makes us see how realities to which we thought we were confined are not written in stone” (Butler 2004, 29).

When public history venues like Castuera disseminate information about silenced – politically contained – difficult histories, they take on political risks: they denounce the mark of forgottenness that erases history in order to construct a representation of the nation and a sense of collective identity that benefit the status quo. In this way, the absence of democratic memory from Spanish curricula is excused with the constant references to the discomfort produced by educational policies committed to vindicating historical memory (Reig Tapia 2009, 117). These excuses, it turns out, only seek the perpetuation of the status quo, the discourse of the transition, and the armor-plated protection of those who profit from the current long-held collective memories.

Historical sites such as Castuera’s concentration camp are conflicted spaces where contradictory historical narrations are staged. There, the possibilities for multiple narrations collide with the mythical narration of the space – and, consequently, of the nation – that circulated locally before Antonio D. López Rodríguez began his

investigations and, later, with AMECADEC, developed their guided visits and their pedagogical materials. The official narration of the nation – supported, as we saw, by the LOMLOE and by the textbooks – erases history; it hides experiences and events that can disrupt the discourse of the transition and the collective identity that springs from it. Since those in power benefit from these institutional constructions, we cannot expect them to disrupt the historical narrative that secures their privilege. Their constructed social identity and historical narration hinder the possibilities of alternative accounts of trauma’s signification, and consequently, of “working through”¹⁸⁴ the trauma.

As we saw, Hernández Sánchez holds that there is an urgency to create a new collective narrative about Spain’s current democracy (Faber 39). This new narrative, which would entail historical revision and historical justice, will not be achieved by persuading those in power and control of the current narrative to enact laws that bring into question their privilege. It would be self-defeating to them to enact an educational reform to inform citizens about the questionable origin of Spain’s 1978 regime. Instead, historical justice is achieved through the contestation of the official narrative and the understanding of citizens’ power to change that narrative through competing and alternative discourses.

The visit to the camp asks participants to engage critically with the space, with its official narrative, and with the purpose of that narrative. The work of re-symbolizing that Castuera’s visitors are invited to carry out includes a component of national identity. The negotiation and reworking of collective stories necessarily includes a political

¹⁸⁴ What Freud refers to as *Durcharbeiten*.

component. To signify such violence and process it, calls for a political project rooted in social action: the interpretation of difficult histories and disruption of long-held collective memories. As such, pedagogy carries the mark of the trauma it tries to work through: it seeks the disruption of a social identity and a representation of the nation constructed by the elite for their own benefit.

If difficult knowledge is marked by the uncertainty of history, but also politically contained, how can it play a role in the construction of a new narrative? How can trauma/pedagogical sites like Castuera contribute to a collective re-symbolization of the official historical narrative and collective identity that is, not only marked by the uncertainty of history, but also politically contained?

5. Castuera's homage – (political) *transitional space*

Lisa Farley engages with Britzman's *difficult knowledge* focusing on the possibilities of engaging with uncertainty in the curriculum. She entertains that a psychoanalytically-informed history classroom will necessarily find itself dealing with the complexities of the representation of historical trauma and the impossibility of total knowledge (Farley 2009). In other words, if difficult knowledge resists narrative closure and rejects the possibility of a complete certainty of the past, what are the possibilities of meaning-making in the history classroom?

In order to avoid reaching an impasse in the future of history pedagogy that could undermine the very study of the field, Farley resorts to D. W. Winnicott's theory of "disillusionment" and to Jonathan Lear's discussion of "radical hope." Both these notions

operate as conceptual tools that help Farley explain the process of becoming a ‘historical subject,’ which she explains as “a capacity to tolerate – and narrate – the disillusionment of encountering the otherness that history both references and provokes on the inside. It is a capacity that both requires hope and makes hope a radical project for history education” (538).

Winnicott was a prominent figure in the post-second-World-War psychoanalytic school of object-relations. In his extensive writings on the mother-baby relation, he developed the concepts of “illusion,” “disillusion” and “re-illusion” to refer to three different moments of this relation; movements of an emotional trajectory that are part of the baby’s grounds of meaning-making. Illusion refers to the “unconscious belief that one has created the world that is already there” (Farley 540), which is born from the mother’s action of breastfeeding the baby. The mother bears a total responsibility to address the child’s needs, and the infant, who does not differentiate the inside from the outside, believes that it has satisfied his own physical needs, leading to a sense of omnipotence. This feeling of total responsibility sustains the baby’s illusion of omnipotence, but also the mother’s illusion of childhood innocence. Such illusions, Winnicott entertains, are defensive and creative. They prevent anxiety while the infant develops reason, the point at which the illusions cannot continue (Farley 541).

The child, then, arrives at the moment of disillusionment. The illusions can no longer be sustained: the baby has to experience the loss, the failure of his omnipotence and confront the disillusionment of tolerating environmental disruption. At this point, the infant will develop the capacity to adapt to the world and to being a not-omnipotent, not-

omniscient human. The baby's expectations of the world have to be renegotiated so it can live within uncertainty (Farley 542).

Finally, there is the moment of re-illusion. Winnicott describes re-illusionment as the ability to symbolize, by means of words or concepts, one's relation to the world; a world that the baby did not choose. After disillusionment, one can only hope to find creative ways to live and think (Farley 543). Winnicott sees language as a mechanism that operates within the logic of re-illusionment: it is a *transitional space* that allows for symbolization of the uncertain reality, finding, then, a "solution" to a complete impossibility of engagement. In this way, re-illusion "allows us to transform the psychical losses of being into narrative form where they can be described, interpreted, and, if all goes well, tolerated" (Farley 2009, 544).

Farley thinks of the student/teacher relation through Winnicott's theory of disillusionment to reflect on the role of uncertainty and hope in the learning/teaching process. In doing so, she is responding to Britzman's conceptualization "difficult knowledge" and her own engagement with Winnicott's theory.

Similar to the moment of illusion in the mother/baby relation, Farley maintains that educators can have a sense of responsibility to provide a safe environment for their students. For instance, teachers may be concerned about how the Holocaust will disturb students' presumed sense of "innocence" – understood as an illusion. In a second moment, history education would have a disillusionment component. Disillusionment in this case refers to "encountering the ethical failure of environments past" (Farley 2009, 542) and to one's sense of helplessness and incapability to respond effectively to past

events or undo them. As Farley underlines, Britzman makes the case that both children and adults can experience this moment of pedagogical disillusionment: “It is painful to entertain the possibility that however one might try to pin down meanings by such stabilizing concepts as ideology, experience, identity, or culture, for instance, that one is still not in control of intentions, of the symbolic reach of representation and, of course, the unconscious” (2003, 126). Thinking about history pedagogy, Farley posits that one cannot control the reach of historical representation, or the conflicts it may invoke – which are a necessary component of the meaning-making component –, regardless of one’s intentions to attribute meaning through curriculum or pedagogy. In other words, responses to historical representation are unpredictable.

Teaching history means to expose students to a world that can disrupt the illusion of self and other in the world. The student’s weakness is met by the educator’s weakness, who can experience their own disillusionment when instructing others. When disillusionment takes place, attention is shifted to those points of old narratives where conflict, desire or uncertainty emerge. To experience historical knowledge, learners relate to whatever is causing their disruption, and need to tolerate the failure of certainty. Yet, the loss of certainty and the failure of representation that characterize disillusionment have to be surpassed by a certain optimism in the ability to represent (Farley 2009, 543-544).

The censorship of difficult materials – illusion –, and the brutal exposure of the student to the traumatic contents – disillusionment – both assume a disruption of experience and representation. “Re-illusionment” proposes a third outcome: a space

where “we might be curious about how words stand in for visceral experiences that we did not directly undergo and, in turn, the visceral experience of choosing language to describe events that always exceed our linguistic efforts” (Farley 2009, 545). In this third movement, the losses of disillusionment are transformed into symbolic form, so that the subject can contemplate them and re-signify them.

Thus, history education involves the creation of spaces for symbolization, where learners and educators can develop a meaningful narrative to reflect on their relationship with external conflict, internal conflict, and affect. The encounter with the outside world – historical knowledge – calls for a work of symbolization through the confrontation of the internal world – affects. As such, symbolization allows for a deeper experience of those conflicts provoked by the encounter with historical knowledge, which are initially experienced as a loss and which also disrupt the “desire for linear progression in learning and the lure of mastery in teaching” (Farley 2009, 549).

It is my contention that Winnicott’s concept of *transitional space* can operate as a conceptual tool to help us understand the possibilities of social and political change when engaging with difficult knowledge at a collective level.¹⁸⁵ Space, as a political concept, can work as the transitional object where symbolization happens.

¹⁸⁵ It would also be interesting to think of Spain’s national fantasies and national possible futures through Winnicott’s theory of disillusionment. At a national level, the 1978 regime is supported by a certain notion of protection. That is, coming from a dictatorship, the Spanish democracy had to face several political, economic, and social complexities that were seen as a threat to the new government. In addition, there were still echoes of the Francoist discourse on the un-democratic nature of the Spanish nation – thus justifying the dictatorial regime.

As discussed in the first chapter of this dissertation, when the 1978 began, one of the notions spread in the nation was the need to look forward, since looking at the past would wreak revenge. The 1977 Amnesty established the legal basis for and institutionalized the so-called *Pact of Forgetting* [Pacto del Olvido]: an unstated social agreement not to discuss or risk facing up to the violence committed during Francisco Franco’s dictatorship. Justified by referencing the urgency in the country’s re-unification, the *Pact of*

Since 2005, AMECADEC organizes an annual tribute to the victims of the concentration camp, a three-day tribute that takes place in the month of April and that includes activities such as talks, documentary screenings, and a homage march to the concentration camp (González García 12). The march re-presents the path that prisoners would follow from Castuera's court, where they would go to testify, to the location of the concentration camp – and thus hopes to collect, in some way, the memory of the victims, the memory of the families. This exercise of pilgrim memory has a memorial meaning connected to recreation in public space. Given the rural character of the area, this (political) occupation¹⁸⁶ of public space, covered in the press and radio, has a great impact: it vindicates a series of issues related to Castuera's space, such as the preservation of the space or the acknowledgement of the historical and cultural significance of that space. It also points at the recovery of memory at a regional and national level, making visible the State's inadequate response to these issues – for instance, in not locating those who were “disappeared.”¹⁸⁷

Forgetting denied every possibility of prosecuting war crimes and those of the dictatorship, resulting in a new melancholic, democratic, national identity built on an institutional orchestration of social amnesia. Winnicott's theory provides interesting tools to think about Spain's discourse of the transition as a (nationally protective) illusion still today culturally operating.

¹⁸⁶ Castuera's camp, as we have mentioned, is still a private space, even though it is included in the BIC (*Bien de Interés Cultural*) category. Visitors' occupation of the private space is a “concerted [action] of the body” (Butler 2015, 9) that disputes the political character of space; their bodies congregate, move, and speak (politically) so as to oppose the state's exercise of historical erasure, demand the public recognition of the victims, and lay claim to this space as public space, or, in Butler's words “they seize upon an already established space permeated by existing power, seeking to server the relations between the public space, the public square, and the existing regime” (2015, 85). The homage, which takes place in the private space of the camp and the public space of Castuera's town, entails an intervention in the spatial organization of power and its derived institutionalized historical discourse that restricts “who may become a subject of appearance” (Butler 2015, 86). In other words, through their bodily performativity, they question instituted contemporary notions of (historical) reality, occupying the norm, exceeding it, reworking it, and exposing the institutional reality as open to transformation.

¹⁸⁷ Arrested, detained, disappeared, is a way of saying murdered, but if there is no body there is no crime. ‘Disappeared’ defines a figure and a repressive practice. This designation was created to refer to the victims

Spaces like Castuera's camp are involved in the production of social relationships and political struggles of inclusion and exclusion (Morgan 273). Thus, space works as an element of contestation of imaginaries and narratives about the past and notions of identity that arise from them. As González García highlights, spaces like Castuera should be understood as conflictive social and political processes subjected to a constant quarrel between opposed narratives and imaginaries that assign to the space different meanings. This constant elaboration of space is an effect of the constant elaboration of memory, given that memory has a spatial domain – memory is reflected in space, and there is memory/memories of space. Collectives think of their past as a spatial form of knowledge of their world at the same time they relate their world to space as a means of appropriation, use, and control of space. Space becomes an element to discuss the collective past, its narrative, and the group's identity. Resistance to these narratives, imaginaries and identities is also spatialized, materializing an alternative form of

of the double crime of kidnapping and murder in the context of Latin America's Southern Cone – Argentina, Chile, Paraguay, Uruguay, Bolivia, Brazil – in the 1970s and 1980s. The meaning draws a dividing line with those disappearances that historically existed linked to deaths on the battlefield, anonymous burials, unknown soldiers – to mention only the use of the term in war contexts. This difference is made explicit in the construction of a compound noun 'detained-disappeared', or, in an abstract formula, forced disappearance followed by death, which jointly designate the victim of state terrorism, who after being kidnapped, locked up in clandestine detention centers, harassed and murdered, suffers the kidnapping of their body through the concealment and denial of death, thus sowing perpetual uncertainty in the family and society (Macchiucci 2). In the context of the Spanish Civil War and Francoist period, the concept *desapariciones forzadas* [detained-disappeared] is marked by the public, notorious and even spectacular nature of the crimes committed by the regime – the irruption of the (para)state violence was not hidden, but rather, it constituted a macabre staging. Even though there is no official number of disappeared in Spain (Davis 2005), Miguel Ángel Rodríguez Arias estimates that there are around 150,000 disappearances – extrajudicial execution and concealment, child disappearances followed by identity theft, and those disappeared in combat (López Arnal 134). These victims used to be referred to with the euphemism *paseados* – victims taken 'for a ride' – until Human Right activists, such as Emilio Silva, used the term *desaparecidos* in the early 2000s (Silva 222); with that, they assigned a legal and political category to those civilians illegally detained, tortured, disappeared.

inhabiting (in the Lefebvrian sense) and therefore an alternative memory (González García 12-14).

When participants occupy the public space during the homage march, symbolically they are asked to localize and re-present what has been forgotten—that is, the material traces of the past—, but also to re-enact a counter-memory banished from the public space, and thus, from the public imaginary. The exercise serves as a “memory intervention” (MacDonald 2009) that points to the possibilities of production of an alternative narrative and political identity. It seeks an updated version of the narration of the past, focusing on rendering visible a counter-memory and an understanding of the space that differs from the hegemonic version. These counter-memories are what Zembylas and Bekerman define as “dangerous memories” – “a memory that breaks through what is assumed to be ‘true’” (Zembylas and Bekerman 2008, 127), which, for Ostovich, are disruptive practices of and from memory (239).

The homage march fulfils a symbolic objective: space is contested through the representation of memories that have been silenced since the days of the regime; memories of the victims that were expelled from public space. The space of Castuera’s march is politically recovered to point at previous historical, memorial and spatial gaps of intelligibility. This act of resistance against the hegemonic politics of memory symbolically detaches the space from Francoist narratives and imaginaries that, to date, had not been politically contested. In this sense, the homage disrupts Winnicott’s illusion, which marks the transition to the stage of disillusionment. The concepts that were used to explain the world and our relationship with it are debunked, leaving the subject(s) with a

loss – of certainty, of agency, of a feeling of omnipotence... The spatial and historical illusions are no longer sustained. Participants in the march will then experience the sense of loss and come to terms with a notion of uncertainty.

Participants in the march occupy the actual location of the camp as well as the town. Not only does the march make visible the concentration camp and the spatial experience of its prisoners, but it also materializes a concrete experience of the space that challenges institutional recognition while opening up possibilities for a new understanding of the past and of the space (González García 13). The space is not occupied through monumentalization, such as statues or plaques, but through a theatrical performance¹⁸⁸ that engages with a traumatic experience – and an experience of the trauma.

¹⁸⁸ “[...] the word performativity carries an additional significance that theatricality does not. Performativity— literally, the quality of being performative— has been used in different and at times very particular ways, most notably by Judith Butler (1988) to assert that gender is constructed by the imposition of social norms through verbal and physical acts. Underpinning this is John L. Austin’s (1962) widely utilized understanding of the performativity of language, i.e., the capacity of some forms of language to “act”—to not only describe but also to effect social action.” (Johnson 169).



Photograph 21 – March participant raising the Republican flag

When the participants of the march arrive to the location of the concentration camp, they raise the Republican flag with the help of a flagpole attached to a 3-story turret located where the cross of the fallen used to be. Then they listen to the Republican anthem, and they read AMECADEC's manifesto. Finally, anyone is welcome to use the microphone to perform a song or a poem, share their thoughts, or anything along those lines.

Up to this point, those participating in the march were embodying Castuera's prisoners and re-presenting both their traumatic experiences, as well as the nation's traumatic past. Participants' self-resembling bodies that take part in this spatial performance also signify their own political engagement with a historical, memorial, and spatial retrieval. This polyhedral aspect of (re)presentation points at a blurring distinction between performer and performed.

However, these final activities of the march involve a differentiation in the use of space and in the nature of the performance: participants are no longer recreating prisoners

in a reenactment of their walk from Castuera's court towards the concentration camp. Understandably, once prisoners reached the concentration camp, they could have never raised a Republican flag or listen to the Republican anthem, given the Francoist regimen's control of the space and violent repression of elements associated with the Republic. Instead, march participants "become" themselves again and, through their actions, mark a rupture between past and present; that is, a discontinuity between performer and performed. Participants are now politically appropriating the camp to re-signify it as a space of victim's commemoration and historical justice in the present time.

In this doubleness between presentation and representation that characterizes the homage, symbolization emerges. The representational, that which is absent and is rendered through an imaginary product, – the silenced past of the prisoners –, is stressed through the presentational, understood as the physical immediacy of the acting, – the participants' embodiment of the prisoners. As such, Castuera's space is produced through the imbrication of the symbolic and the material; that is, the representation of space and its spatial practice.

In order to overcome the disillusionment caused by the disruption of the hegemonic politics of memory, Castuera's space operates as a transitional language that makes it possible to symbolize the uncertain reality. Even though this spatial language will always be marked by the impossibility of totally apprehending that reality, it offers a creative outlet to symbolize uncertainty, re-signify it, find a compromise with it, and move away from disillusionment. Castuera's space, characterized by its engagement with

trauma and pedagogy, its implications about political identity, and its lack of material traces, gives expression to different futures that open up a horizon of possibilities.

In *Author's Pen and Actor's Voice. Playing and Writing in Shakespeare's Theatre*, Weimann redefines the relationship between the (alleged) authority of the author's writing and the subjugated performance of the actors. In his spatial analysis of Shakespearean drama, he develops the concepts of *locus* and *platea*.¹⁸⁹ While the former is connected to imagined locations and marked by *mise-en-scène* elements that work as iconic signs and signifiers, the latter derives its strength from its spatial characteristic as an unlocalized playing area where actors are no longer embodying a character and thus can talk to the audience as themselves. When actors transition from the *locus* to the *platea* they perform "their own performing selves" (Weimann 193), and can thus break the fourth wall and talk to the audience as their own selves. In such transition, actors mount resistance to the terms of their characterization. In other words, they point at a discontinuity in the (otherwise apparently) seamlessly representational world.

Weimann entertains that, while presentation concerns the physical immediacy of melodramatic acting, representation "is vitally connected with the imaginary product and effect of rendering absent meanings, ideas, and images of artificial persons' thoughts and actions" (Weimann 11). However, Weimann posits that the actors' transition between *platea* and *locus*, understood as a resistance and discontinuity of representation, blurs the distinction between performer and performed, between presentation and representation. That is, it suggests the representational rupture between the self-resembling body of the

¹⁸⁹ Weimann develops the concept of *platea* and *locus* thinking of them as actual spaces of interaction between the actors and the audience.

performer and the character represented. As the *platea* does not align with pictorial approaches to representation, and, consequently, does not align with a unification of space, it precludes the closure of the *locus* and its *mise-en-scène* elements. In this sense, the *platea* is connected to the contestation of the authority of representation and the non-closure of representation: who gets to represent and how.

Weimann posits that the spatial distribution of the stage, and a play's material distinction between *locus* and *platea* respond to an intentional resistance or acceptance of the social convention of what is artistically and socially worth of being represented (Weimann 181). However, I believe that Weimann's *platea* and *locus*, in conjunction with Winnicott's disillusionment theory, are very useful conceptual tools to think about difficult knowledge's limits of representation and the possibilities of their political re-negotiation.

Castuera's transitional space allows for re-illusionment. It brings the possibility to engage with a disrupted collective project – the official historical narrative and the collective identity that results from it – and re-signify it. This space originates in a performance, the performance of Castuera's homage. Performers – citizens – act from a *platea*-like position, where they embody themselves and can negotiate the imaginary space of the world-of-the-play, which, in an analogical movement, can be understood as the historical narrative. This space creates the possibilities for the citizens to rearrange the elements of the *mise-en-scène* – the ideological state apparatus, understanding the term à la Althusser – and resist while bringing into question the alleged self-contained space of the *locus*, which gives authority and privileges who and what is rendered in the world-of-

the-play. The performance of Castuera's homage seeks the disruption of the *locus* as it inevitably privileges the performed. Instead, the performance situates itself in a *platea* position, which is connected to a reflection of the process of the performer performing and tends to preclude closure of the *locus*.

The *platea* is a place of disillusionment; following our analogy, citizens that act in this space understand the representational selectivity of the construction of a collective identity – what is included in a representation of a nation is selective –, and acknowledge the impossibility of total closure of (traumatic) historical and social representation(s).

When march participants raise the Republican flag and listen to the Republican anthem at Castuera's concentration camp, they resist representing certain aspects of the prisoners' experience. They do not represent the brutal violence and repression that Castuera's convicts suffered. Instead, they politically appropriate the space and use it to discontinue the reenactment of the past and bring visibility to the participant's homage to the victims in the present. The material elements of the world-of-the-play – the 3-story turret located where the cross of the fallen once was – no longer re-present the past; rather, they are now associated with the present's homage to the victims. Indeed, the turret is physically modified so it can support the flagpole, thus “disfiguring” their roles.

Weimann uses the term “disfigurement”¹⁹⁰ (Weimann 10) to refer to this effect of distortion and dynamics of resistance to representation, where the distinction between presented and presenter becomes central to the purpose of the effect (Weimann 83).

“Disfigurement” is a “presentational mode of performance that indeed (and necessarily)

¹⁹⁰ He takes the term from Shakespeare's *A Midsummer Night's Dream*'s famous phrase “to disfigure, or to present” (Weimann 10).

is ‘digressing’ from the matter in foregrounding the presenter in his social, cultural, and corporeal identity” (Weimann 83). Disfigurement is also rendering something non-figurative - disfiguring. In other words, from a position of disillusion – a presentational mode of performance, one that acknowledges the audience and theatrical illusion –, performers have the ability to contest what was represented in the play’s text, written by the author, and inscribe their own authority. Thus, “disfigurement” signals on the one hand, the rejection of a traditional hierarchical relationship between institution – the author’s text – and civil society – the performers – and, on the other hand, the individual’s capability to intervene and modify what is institutionally provided to them.

Narratives are made from specific contexts, and what is represented in a narrative may respond to unresolved conflicts. Meaning-making may then follow a dynamic of thinking of new conflicts through older situations. While the Spanish State is still addressing conflicts related to human rights, memory, and history through the lens of the discourse of the transition, as we have argued throughout this dissertation, Castuera’s homage’s performance, through its effect of “disfigurement,” rejects this dynamic of meaning-making. Instead, it brings attention to the present (and the not-presented) subject. This subject, once they have experienced the loss and uncertainty of disillusionment, can re-negotiate the authority of the institution and is aware of their own political agency. As such, the subject will see themselves as an active, bodily-present “audience,” with agency in and for the construction of a political identity.

Castuera involves the creation of spaces for symbolization to construct a meaningful relationship with conflict – internal and external – and with affect. Thus, in

the context of education, it offers an important theory of meaning-making that moves away from abstract notions of identity. Rather, the space, in its articulation of trauma and pedagogy, emphasizes identities as negotiated practices and performances that acknowledges the participation of individuals in a complex, post-conflict society, to learn *from* it.

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