

# Irregular adoptions and infrastructures of memory in Spain: remnant practices from the Franco regime

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## Abstract:

The irregular adoption of displaced children during the Spanish Civil War, the Franco dictatorship, and the early years of Spanish democracy remains silent, invisible and unrecognised. We propose that the difficulty in recognising these irregular practices is linked to remnant infrastructures of memory (Rubin, 2018) and the “law’s peculiar transplanting principles and acts” (Posocco, 2011) of the Spanish Civil War and the Franco dictatorship and the interplay of secrecy, fear, and silence. We suggest that timid efforts to recognise the irregular adoptions are emerging in Spain with a proposed law devoted to investigating the case of “stolen babies” and recognising them and their families as victims of the state (Spanish Stolen Babies Bill, 2020). We propose that the time to speak openly about irregular adoptions of forcibly disappeared children in Spain is arriving, and doing so could be a way of exposing a series of “unknown knowns” (Simmel, [1908] 2010; Bellman, 1981; Taussig, 1999).

## Introduction

We examine the continuity of practices of irregular adoptions in Spain during the Civil War (1936-1939), the Franco dictatorship (1939-1975) and the early years of democracy until the 90s. Doing so allows us to shed light on infrastructures of memory and the interplay of secrecy, fear, remembering and forgetting. Social anthropologists, demographers and historians have analysed the process through which Spain became a world leader in international adoption (Briggs and Marre, 2009; Leinaweaver, Marre and Frekko, 2017; Marre, 2009, 2010, 2011; Leinaweaver 2013, 2019; Leinaweaver and Marre, forthcoming 2021). However, fewer researchers have analysed domestic adoptions in Spain (Palacios and Amorós, 2006) and even fewer researchers have studied irregular adoptions through enforced displacement and re-placement of children (Marre, 2014; Roig, 2018; Vinyes et al., 2002).

Approaching this phenomenon broadly—that is, including appropriations, child displacement, stolen babies, missing children, and child laundering—we investigate why irregular adoption was still in practice in Spain until the end of the 90s and why it is still silent, invisible and unrecognised. Following Rubin (2018), we argue that this is so because institutional and material remnants of Francoism are still in use in Spain and contribute to keeping citizens and institutions silent. Silenced citizens and institutions help to keep public secrets—“unknown knowns”—(Simmel, [1908] 2010; Bellman, 1981; Taussig, 1999) that are very difficult to put into words. The anthropologist Linda Green has discussed the difficulties of representing and fixing terror in words, making fear an elusive social experience (Taussig, 1992; Green, 1994). The study of silence, fear, and their consequences presents ethical and methodological challenges. The ethnographer must experience fear itself and is exposed to how fear is expressed implicitly in institutionalised documents, legislation, recurrent media coverage, parliament and other political fora, and everyday interactions.

We start by describing why certain Francoist policies and practices—including irregular adoptions through the enforced displacement of children—remain a public secret shrouded in fearful silence. We then examine the laws from the post-dictatorship period and the early democratic period designed to prevent irregular adoptions. We continue with an explanation of our conceptual and methodological choices and our analysis of the material, to conclude by examining how nearly half a century after Franco’s death in 1975 some efforts try to provide social recognition to irregularly adopted children and their families through ongoing current legal reforms.

### **Public secrets in Spain**

Assuming that “the violation of human rights is not an internal matter of a single country and therefore the international community” (EC, 2005: DOC 10737, 2), the Council of Europe’s Parliamentary Assembly Recommendation titled *Need for international condemnation of the Franco Regime* recognised in 2005 that “the issue of the Franco Regime only recently become subject to serious in-depth public debate in Spain” (EC, 2005: DOC 10737, 3). According to the Council of Europe, this delay was related to the fact that dictatorship archives began to be

destroyed in 1965, in 1968 the Official Secrets Law (Law 9/1968) still in effect<sup>1</sup> was passed and that the post-Franco democratic government took action to protect them only starting in 1985, ten years after Franco's death. The Council also noted that investigations in Spain about irregular adoptions began timidly at the end of the 1990s (EC, 2005: DOC 10737, 10), when international adoption began in Spain.

Why did Francoist officials destroy the archives thirty years after the end of the Civil War? Why only ten years after the end of the dictatorship did the Spanish government take action to protect the archival resources? Why was it only at the end of the 90s, twenty years after Franco's death, that irregular adoptions began to be investigated? A preliminary answer can be deduced from a statement by the Council of Europe: "The return of democracy, ~~the~~ Spain's transition, was agreed by the Francoist elites in return for a de facto political amnesty, based on the 'pact of silence'" (EC, 2005: DOC 10737, 10).

During the Spanish Civil War and post-war period between five hundred thousand and one million people were killed through brutal mass executions perpetrated by both sides, and many women experienced sexual assault in police stations "in the name of the Francoist concept of redemption" (EC, 2005: DOC 10737, 8). Thousands of people were "re-educated" as slave labourers in concentration camps, the army or private enterprises. The right to kill one's adversaries and certain categories of citizens not integratable into the new social system during the Civil War was later transformed into other forms of extermination, such as the loss of identity. Many thousands of working-class children were sent to state institutions because the regime considered their Republican families "unfit" to raise them. Child refugees were kidnapped from European countries by the regime's external "repatriation" service and placed in Francoist institutions. Numerous babies and young children, the so called "lost children" of Francoism, were taken from their imprisoned mothers, given new names, and adopted by regime families (EC, 2005: DOC 10737, 9).

In 2008, Baltasar Garzón, a judge from the Spanish National High Court, ratified the EC's recommendation. According to Garzón, the events at the end of the Spanish Civil War included

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<sup>1</sup> Amnistía Internacional ha señalado que la ley "entorpece todo tipo de procedimientos de **verdad, justicia y reparación**, desde la **exhumación de fosas** hasta el esclarecimiento de los **casos de bebés robados**" (su negrita Amnistía Internacional, 2021). A principios de 2021 el gobierno propuso iniciar la reforma de esta ley para que sea aprobada antes del final de la legislatura en noviembre de 2023, una reforma que el Partido Socialista, actualmente en el gobierno, y el Partido Popular con quien se alternó en el gobierno de España desde el final del Franquismo, han bloqueado sistemáticamente desde entonces (González, 2021).

one of the biggest, longest-lasting abductions of underage people, loss of custody by biological families and loss of identity in Occident, a crime against humanity with perduring juridical consequences (Garzón, 2008). According to the judge, the systematic disappearance of the children of Republican mothers (who had been taken prisoner, executed, exiled, or simply disappeared) between 1937 and 1950 was very similar to the one implemented later in Argentina (1976 - 1983). However, unlike in Argentina, it took place “under the cover of an apparent legality” and, because of it, “its effects were more long-lasting and harder to detect and stop” (Garzón 2008: 73). It was, Garzón (2008) said, a “peculiar Spanish form of ‘legal’ disappearance of people during the Civil War and post-war period through a pseudo-juridical system that gave ‘legal’ cover to the systematic abduction of children” (p. 51).

In September 2014, reports of the *Working Group on Enforced or Involuntary Disappearances* (UNHRC, 2014a) and the *Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence* (UNHRC 2014b) were presented to the United Nations Human Rights Council. They were the result of two missions to Spain carried out in 2013 and 2014. Amnesty International also presented a statement agreeing with the reports, as did members of the victims’ associations (CEAQUA, 2014). The Spanish ambassador at the time, Ana Menéndez, opposed the reports, saying, “The Spanish transition to democracy is a unique case of national reconciliation without criminal justice, agreed upon by the vast majority of parliamentary political forces [...] [They were] convinced that only thorough forgetfulness, amnesia and forgiveness was reconciliation possible” (UNHRC, 2014c).

Both UN reports referred to enforced disappearances during the Civil War (1936-1939), the post-war period and the Franco dictatorship (1939-1975), and the transition and the restoration of democracy (1976-1990), pointing to victims of enforced disappearances, those whose bodies are still in mass graves waiting for exhumations, and the children systematically abducted and stolen “with the knowledge or involvement of certain authorities or officials during the Civil war, the Franco dictatorship and, afterwards, the restoration of democracy” (UNHRC, 2014a). According to these reports, hundreds of babies were stolen from hospital maternity wards and illegally offered for adoption in exchange for money, in many cases with the knowledge or involvement of authorities or officials.

To carry out these thefts, the perpetrators convinced the biological parents that their children had died shortly after birth or they simply snatched the babies under threat (UNHRC,

2014a: 5). The reports indicated that the only efforts to investigate these enforced disappearances in Spain were carried out by victims' families or civil society. The state did not participate in these efforts. It has not contributed to the search for victims of the enforced disappearances, nor has it permitted access to information contained in state archives. Pablo de Greiff, Special Rapporteur of the Human Rights Council of the UN General Assembly, pointed out that the relevant files remain classified on the basis of national security and the secrecy of official acts (Law 9/1968). There is no state policy aimed at discovering the truth, and at the same time, research by other entities is blocked<sup>2</sup> (UNHRC, 2014b: 10-12).

Children were taken through a more “benevolent” form of necropower, the intention of which was “to save the people from themselves” (Mbembe, 2003: note 38, 22), that is, to “save” children from their parents or “to actively expiate the ‘sins of the fathers’” (ECDOC, 10737: 10). Their identities were erased through fake death records and birth certificates that allowed them to be reborn into “suitable” families. To use Mbembe’s phrase, it produced a new and unique form of social existence in which vast populations were subjected to conditions of life that conferred upon them “the status of living dead” (p. 40).

### **Irregular adoptions in Spain of forcibly displaced and re-placed children**

To re-place children who had been forcibly displaced during the Civil War, new legal procedures had to be produced. Six months after the beginning of the war, in December 1936, general governor Luis Valdés issued an order to prepare the “rapid and adequate attention needed to handle the considerable number of children who have been orphaned or abandoned [and], who we will find when we occupy Madrid” (Order 30, December 20, 1936: 11). Foreseeing that they would not be able to absorb so many children, they turned “to the indefatigable Christian charity of the Spanish people [...], which [...] is ready to be victorious in this Holy Crusade” (Order 30, December 20, 1936: 11). To accomplish this task, in each municipality, there was a council

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<sup>2</sup> The UNHRC reported in detail the main elements of the block: “There are no official censuses of victims, or data or official estimates of the total number of victims of the Civil War and the dictatorship. Furthermore, several subjects are still under-explored, such as the forced labour of prisoners, bombing deaths, stolen children, the consequences of war and different forms of repression, including violence against women, and the responsibilities of private companies for their active participation or complicity in the perpetration of human rights violations [...] Free access to archives is not permitted [...] on the grounds of national security and the Official Secrets Act [Law 9/1968], historical documents and major military and police archive collections remain classified [...], which restricts the scope of investigations [so] there never was any State policy established to seek the truth” (UNHRC, 2014b: 10-12).

composed of the mayor, the priest and the most senior teacher to identify families that were appropriate, in terms of their customs, religion and morals, to take care of these children. Four months later, a new order (Order April 1, 1937) established two kinds of fosterage, temporary and permanent, and left processing in the hands of local administrations.

The displacement and re-placement of children and babies during this time was justified and encouraged initially based on the theories of Vallejo Nájera (1889-1960), a military psychiatrist who, at the end of World War I was assigned to work for the Military Commission of the Spanish Embassy in Berlin where he visited asylums, hospitals, and German concentration camps as a representative of a neutral country. Unlike French or German biologists' thesis of the time, for Vallejo Nájera race was a cultural acquisition resulting from a social environment that could help or hinder racial development. The race in question for him was *Hispanidad* (Hispanicity), a distinctive spiritual feeling made by suitable emotional complexes (religiosity, patriotism, and moral responsibility) that could degenerate because of external factors. Racial Hispanicity therefore had to be protected by positive, non-geneticist eugenics. This approach involved early detection and segregation of degraded children, whose purification would be overseen by the state.

Laws surrounding the orphaned and abandoned children continued to be issued after the war and during the Franco regime. The 17 October Law issued by the Franco government in 1941 established norms and procedures to adopt children from institutions. Children needed to be adopted by families considered adequate because of their "morality and honour" (Law of October 17, 1941). Regarding children's identities, a law approved two months later established that if it were not possible to know children's names and surnames and birth dates "common surnames will be used stating that filiation is unknown, which does not imply a presumption of illegitimacy" (Law of December 4, 1941, art. 6).

A few years later, in 1949, The Falange Tradicionalista y de las J.O.N.S, the only political party permitted during the dictatorship, reported that 20,266 children, from the 32,037 children expatriated during the war by their families to protect them from the advance of Franco's troupes, were repatriated (Falange Española Tradicionalista y de las J.O.N.S, 1949). After that, many of them were sponsored by *Auxilio Social*, a charity inspired in Nazi's *Winterhilfe* (Cenarro, 2009) and institutionalised in 1936. While some of the children remained there throughout their youth, others were re-placed into adoptive families through the automatic

transfer of parental rights to the state. Most of these children were adopted without the knowledge or consent of their biological families (UNHRC, 2014a). Something similar happened with the children of women imprisoned in *La Prisión de Madres Lactantes (The Prison of Breastfeeding Mothers)* in 1940. They were children of prisoners whose surnames were modified to allow their adoption. As with the children who were repatriated and placed, afterwards, in institutions or new families, these actions were carried out in the name of the “protection of the children” (Garzón, 2008) from their Republican families, which were deemed “inadequate” for their upbringing.

In August 1953, Spain signed a new agreement replacing the 1851 agreement with the Catholic Church. The agreement made national-Catholicism the official ideology of the state (Julià, 1999). In the ensuing years, strict guidelines for public and private moral conduct were imposed on Spanish society through legal procedures. The broadest modification of the civil code regarding marriage, adoption and the legal capacity of women was introduced by a new law in April 1958. Due to the “very frequent adoption” of children, the new law introduced two types of adoption. While the new law retained the simple form (*menos plena*), it also introduced full adoption (*plena*), devoted exclusively to orphans whose filiation was unknown. According to article 178, “The Civil Register will not publish, after the adoption, the surnames given to the adopted child on his birth certificate or any information that reveals his origin” unless the adult adoptee requests it (Law of April 24, 1958). This provision—whose wording was retained until the next reform in 1970 (Law 7/1970, art. 175)—kept adoptions secret. A new law issued in November 1958 modified the Civil Register Law requiring that babies’ deaths occurring more than 24 hours after birth be registered as deaths and those produced less than 24 hours after birth be registered as miscarriages (Decree November 14, 1958).

Between the end of the 50s and the 90s, when Spanish families started adopting internationally and several laws regarding adoption were put in place, another group of an unknown number of children, but estimated between 200,000 and 300,000 (Adler, 2011; UNHRC, 2014a; Roig, 2018), were placed in adoption without the knowledge or consent of their birth families. Law 21/1987 was considered “the starting point of modern adoption law” in Spain. Through it, adoption ceased being an arrangement between private parties, in recognition of the fact that private adoption had “sometimes permitted the odious practice of child

trafficking” and “other times resulted in an inadequate screening of prospective adopters” (Law 21/1987).

The law was passed several years after the press had denounced several cases of irregular adoption in the late 70’s (Adrover, 2018) and early 80’s (El País, 1981; Iglesias, 1982a, 1982b, 1982c; Gómez Mardones, 1985). The press described a system of “commercial circulation” of babies led by obstetrician Eduardo Vela and Sister María Gómez Valbuena. One article included a two-page photograph of a baby’s corpse. The journalists report that the baby’s corpse was kept in a freezer and shown to families who were told that their babies had been stillborn or had died shortly after birth. This revelation did not result in political or legal repercussions for obstetrician Vela. On the contrary, Vela continued to work as an obstetrician. When asked in 2008 about the 1981 events, Vela reported that “those women decided to give up their baby” and reported that “it will be very difficult [to find any information because] all of the documentation was destroyed by order of the Juvenile Court” (Duva, 2008).

During the 60s, 70s and 80s, numerous babies were taken, not because their families were Republican, but because their mothers were single, or, in the case of married couples, because the couple was poor, illiterate, young or already had several children. According to some testimonies, most of these babies were born via “twilight birth” in hospitals and clinics when the practice of home births was abandoned in Spain. All of these babies were declared to have been stillborn or to have died after birth and been buried immediately by the hospital. A victim’s family interviewed by Marre in 2012 told her that this practice was possible because the birth families of these children were “simple people, without resources or education. Because of that, until now they—and my parents—could be intimidated” (Marre, 2012).

### **Infrastructures of memory and fear in Spain.**

In the period extending from the death of Franco (1975) to the ratification of the new Constitution (1978), several legislative and judicial actions not only retroactively consolidated earlier institutionalised practices but also extended their projection into the future. In October 1977, an amnesty for all acts with political intent, regardless of their outcome, was granted by law. It included “crimes and mistakes that authorities, functionaries, and agents of public order might have committed [and] crimes committed by public functionaries against the rights of persons” (Amnesty Law 1977: 22766; UNHRC, 2014b). These legislative acts defined what



Spanish people had to forget (Renán, 1882) and what they had to “remember to forget” (Mookherjee, 2006). In fact, the amnesty laws (1976, 1977) are commonly referred to in Spain as the “Pact of Forgetting”.

In producing ethnography about mass graves and restored Francoist monuments in Spain, Rubin (2018), following Latour (2005), uses the concept of “infrastructures of memory”—the network of buildings, institutions and social and political narratives that force Spanish citizens to locate the coercive effects of the dictatorship’s policies in their daily interactions. Historian Nora (1989) has explained that the location of memory is always produced in both material and immaterial spheres of life. In Spain, Rubin’s “infrastructures of memory” are embedded in a discursive understanding of Francoism constructed through the intertwining of amnesty and amnesia. Indeed, etymologically, amnesty and amnesia have the same Greek root (*a-* “not” + *mn, mneme* “memory”). The word in ancient Greek to refer to both forgetfulness and forgiveness was *amnestia*, but in Latin this word came to have a specialised sense of “forgetting wrongdoing”. ~~However, in Spain, the concept has been used to refer only to forgetfulness, with no reference to wrongdoing.~~ The Spanish amnesty laws promulgated on the post-Francoism years were inspired in the argument that amnesty should be understood to include both forgetfulness and forgiveness.

The reconstruction of the nation started with a socio-political agreement about what had to be forgotten (Renán, 1882) through the rationale that the transition to democracy would be impossible if the Franco regime were held accountable for its actions. The rhetoric was—and still is—that in order not to repeat the past, it is necessary to forgive and forget. A few years later, in other cases of post-military-dictatorship regimes, such as Argentina, the rhetoric was constructed under the opposite logic: in order not to repeat the past, it is necessary not to forgive and forget (*Ni olvido, ni perdón*).

Spanish social memory, where chronic, collective fear is located, has helped to maintain public secrets—the “unknown knowns”—(Simmel, [1908] 2010; Bellman, 1981; Taussig, 1999) about different forms of repression, including those directed at children during the restoration of democracy. As Green (1994) has discussed in her research in Guatemala, fear is elusive, like pain or sadness. It is often overwhelmingly obvious to the person experiencing it, but it may be barely noticeable to anyone else, as it is silenced and almost defies objectification (Green, 1994).

Garzón, graphically described the scale of the silence surrounding displaced and replaced children by pointing out that they were “terrible happenings that have not been

investigated for more than sixty years” (Garzón 2008: 51) despite the fact that the “missing children”, now adults, are also victims of the Franco dictatorship. In conducting our research, we wondered how to ask participants—if they were willing to talk at all—about the taboos, “unknown knows”, and/or “common knowledge” surrounding the displacement and re- placement of children? How could we give voice to subalterns when they didn’t want to talk or felt they couldn’t, or when they, as subalterns, silenced during decades, still considered themselves to be what the elites told them they were? (Säid, 1978; Spivak, 1988).

### **The social life of the forcibly disappeared**

In 2008, a newspaper article (Duva, 2008) reported on the efforts of women born at the San Ramón Clinic of Madrid to find their biological mothers using the Internet. The women were 25-30 years old and, as reported in the 70s (Adrover, 2018) and 80s (Iglesias, 1982a, 1982b, 1982c; Gómez Mardones, 1985), had been given in adoption by the obstetrician Eduardo Vela and Sister María Gómez Valbuena. The nun was charged with the crime of illegal detention for the appropriation of three babies (two of whom were twin girls) born in 1981 and 1982 at the Santa Cristina Clinic of Madrid.<sup>3</sup> Although she was summoned before the judge, she repeatedly refused to testify. In January 2013 her congregation announced that the nun had died and that her funeral had been held “privately”. Victims’ associations requested further information about the nun’s death, but none was provided.

The fact that Sister Valbuena was charged was the consequence of a cascade of complaints about stolen babies following the Recommendations of the Political Affairs Committee (EC, 2005) and the Parliamentary Assembly (EC, 2006) of Council of Europe and judge Garzón’s ratification (2008). These were followed by more individual complaints in 2011 and joint complaints filed with the Office of the Attorney General in 2012. The joint complaints were driven by some of the 28 victims’ associations, 24 of which joined to form the state-wide Coordinating Federation X-24 in 2012. The associations asked to be able to allege crimes against humanity between 1936 and 1990 and not merely until the end of the dictatorship in 1975, arguing that child appropriation had been perpetrated in the democratic period by the same people and through similar procedures as during the dictatorship. As Posocco (2011) pointed out referring to Guatemala, this was possible

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<sup>3</sup> The cases reported, especially from 2006, were not limited to Madrid.

because the peculiar transplanting of principle and acts of diverse post-civil war and dictatorship after the end of Francoism.

Inés Madrigal was born at Madrid's San Ramón Hospital in June 1969, in Francoist post-war Spain. A few days after her birth, Inés was given in adoption by the obstetrician Vela, then the director of the hospital. Her adoptive parents registered Inés as their biological daughter (Junquera, 2019). When Inés was 18 years old, her mother explained to her that she was adopted; later, she suggested that she might have been one of the many babies stolen in Spain during the Franco regime. Her mother also gave relevant information for Inés to start a legal case against the obstetrician Vela. At the end of the trial, she discovered that she was not a stolen baby. Her biological brothers and sister, whom she found during her court battle, told her that their biological mother died in 2013 had told them that, when she got pregnant in 1968, she “decided” to give up the baby because she was single. While Inés was not a stolen baby, her adoption was clearly irregular.

Ana Pintado was born in July 1973 at Madrid's Santa Cristina Hospital, two years before Franco's death. She found out about her adoption in 2010, when her father passed away. However, she didn't look for more information until after her mother's death in 2014, when she found her adoption documentation. With the help of an association of stolen babies, she discovered her biological family—her mother, her father and two older brothers—who had never looked for her because a few hours after her birth her mother was told that the baby had died (Sánchez Garzón, 2019). She used this information to start a legal case against the gynaecologist who signed her birth certificate. He recognised his signature before the judge but said he didn't remember anything because the deliveries were handled by midwives, nurses, and nuns of the hospital. These and other reported cases show that irregular adoptions were an extremely frequent practice in Spain during the Franco dictatorship. They also illustrate that it took several years—sometimes decades—for the actors involved to locate the narrative of their experiences in a social memory built on the silence around Civil War and dictatorship policies and practices.

In 2014, a master's student in her mid-20s who lives in a small Catalan village contacted Marre to discuss possible topics for her master's thesis. In a prolonged conversation, she explained that she lived in a farmhouse in the Catalan countryside. According to her, there were still what she defined as “vestiges” of the Civil War period about that no one talked about in the village and in her family. Marre asked whether she would like to make this the topic of her thesis. She

immediately became tense and responded that she wouldn't be able to do this because she wouldn't know how to talk about the topic. She wouldn't know how to bring it up with her parents and certainly even less with her grandparents. And in any case, she said, if she did find a way to ask, they would avoid responding. When Marre asked her why she thought she wouldn't be able to ask and why she thought her parents and grandparents wouldn't respond, the student thought for a moment. Then she responded, "Because of fear". "Fear of what?", Marre asked. She responded: "Mmm, I don't know...I don't know exactly how to put it, but it's fear". Indeed, the power of fear lies in doubting one's own perception of reality. According to a survey of public opinion, 88.2 percent of Spaniards agree that Franco violated human rights and governed through fear (CIS 2008; Rubin, 2018).

The families of the victims of enforced disappearance, mainly women who are searching for their children, share both things—fear and secrets related to their privacy. Private realms are the areas of personal knowledge to which only intimates have direct access (Simmel, ([1908] 2010). However, fear and secrets appear not only in the context of enforced disappearances, the Civil War, and the dictatorship. They pervade other aspects of Spanish social life, such as those related to the victims of Catholic priests' sexual abuse or the difficulties people have in talking about problems, voicing dissent, or claiming their rights.

### **Concluding remarks: today and moving forward**

The case of Marre's student shows how the routinisation of fear allows people to live in "a chronic state of fear... with a facade of normalcy, while terror permeated and shreds the social fabric" (Green, 1994: 231). Fear and secrets—which can't be mentioned—also serve as organising principles for legal and illegal groups in society and provide "auspices for informal alliances between persons who share hidden information or knowledge" (Bellman, 1981:1). Simmel ([1908], 2010) pointed out that secrecy is the hiding of realities by negative or positive means—a practice of hiding public secrets that remains in Spain.

Spanish material infrastructures have been extensively modernised since the end of the dictatorship and the time Spain joined the European Union. However, Spanish infrastructures of memory have only begun to be renovated. Indeed, avoiding speaking openly about public secrets still underlies Spanish political discourse. In 2015, the leader of the conservative Popular Party declared, "In the 21st century it cannot be fashionable to be from the left. They are *carcas* (old

fashioned). They talk all day about the war of the old folks, the graves of I don't know who..." (Garrido, 2018). In contrast to this statement, families of victims of the Civil War and the Franco regime have started to use memory to make claims on the Spanish state (Rubin, 2018). Victims' families are seeking investigations and state recognition for their missing, executed, disappeared, or abused relatives. Several associations of victims of the war have been organised to locate and map mass graves and to create four DNA banks (in Andalusia, Catalonia, Basque Country, and Navarra) tasked with identifying human remains from the war. ~~The groups have initiated discussions about the need for a different meaning of the Valley of the Fallen, where Franco was buried in 1975 and removed in 2020, and the last executions carried out during Franco's regime.~~

We see the emergence of a new infrastructure of memory when, in February 2020, the then first vice president of Spain's new left coalition government announced that—after seven years of conservative government during which historical memory policies were set aside— “Spain and Spanish democracy cannot have disappeared persons. So, we must keep opening the graves of our compatriots...” (EFE, 2020). She was referring to the 114,226 unidentified bodies in more than 400 mass graves (Ferrandiz, 2006; Ceasar, 2016) located in Spain until now. Nevertheless, except for Inés Madrigal (who was eventually recognised as a victim of irregular adoption, but without legal consequences for the perpetrators), the state has not responded to, recognised, or administered justice to anyone. In particular the state has been silent in the face of women looking for the children they had to leave behind because they were single or poor or illiterate and, through the subterfuge of adoption, were re-placed to other families.

Nevertheless, some timid efforts to recognise irregular adoption through forced displacement and re-placement of babies and children seem to have begun. In June 2020, the Spanish parliament began debating a law devoted to investigating the case of “stolen babies” and recognising them and their families (Spanish Stolen Babies Bill, 2020). The text proposes the creation of a specialised prosecutor's office, the opening of archives, free access to DNA tests and exhumations, and the creation of an official, national DNA bank and census. It also stipulates the creation of a commission to guarantee the right of victims to receive free legal, psychological, and medical support. Unfortunately, the proposed text does not include explicitly the case of children left behind by their mothers for different reasons who were given in adoption.

The cases, reports, and testimonies we have selected illustrate the limits and consequences of forgiveness, forgetfulness, and public secrecy and why exposure instead of obfuscation is

needed. Following Benjamin, ([1963] 1977 cited by Taussig, 1999) truth is not about revealing the secret in order to destroy it. It is the revelation of the secret itself (not its destruction) that leads to justice, precisely because it is a *public* secret. Following Canetti ([1960] 1984), the most important form of social knowledge is knowing what not to know: we all know, and they know that we know; everyone knows of that which cannot be spoken (Taussig, 1999). Perhaps, it is time to speak openly and without fear about irregular adoptions of forcibly disappeared children in Spain.

## References

- Adler K (2011) Spain's stolen babies and the families who lived a lie. *BBC News Magazine* 18 October 2011.
- Adrover M (2018) El primer caso de bebé robado salió en Mallorca. *Diario de Mallorca* 03.07.2018.
- Amnesty Law 46 (1977) *BOE* 248, 15 October, pp. 22765-22766.
- Bellman B (1981) The Paradox of Secrecy. *Human Studies* 4: 1-24.
- Benjamin W ([1963] 1977) *The Origin of German Tragic Drama*. London: New Left Books.
- Briggs L and Marre D (2009) Introduction: The Circulation of Children. In: Marre D and Briggs L (eds) *International Adoption: Global Inequalities and the Circulation of Children*. New York, NY: New York University Press, pp.1-29.
- Canetti E ([1960] 1984). *Crowds and Power*. New York: Farrar, Straus & Giroux.
- CEAQUA (2014) *Informe sobre las actividades realizadas en Ginebra del 10 al 12 de septiembre de 2014*, <http://www.ceaqua.org/informe-sobre-las-actividades-realizadas-en-ginebra-del-10-al-12-de-septiembre-de-2014/> (Last access November 2014).
- Ceasar RC (2016) Kinship across conflict: family blood, political bones, and exhumation in contemporary Spain. *Social Dynamics* 42(2): 352-369.
- Cenarro Á (2009) *Los niños del Auxilio Social*. Madrid: Espasa.
- CIS Centro de Investigaciones Sociológicas (2008) Memorias de la Guerra Civil y el franquismo. *Estudio* 2760. <http://www.cis.es/cis/open/cm/ES/2/bancodatos/estudios/ver.jsp?estudio=9220&cuestionario=10774&muestra=16345>.
- Connerton P (1989) *How societies remember*. Cambridge: Cambridge University Press.

Decreto de 14 noviembre (1958) por el que se aprueba el Reglamento de la Ley del Registro Civil. *BOE-A-1958-18486*, 296, 11/12/1958.

Duva J (2008) Hijos del Olvido. La llamada de la Sangre. *El País*, 30 nov 2008.

EFE (2020) Calvo se compromete a impulsar la memoria histórica como política de Estado. *El diario.es*, 11/02/2020.

Recommendation 1736 (2006). Parliamentary Assmby, *Need for international condemnation of the Franco regime*. París: Council of Europe.

Falange Española Tradicionalista y de las JONS (1949) Secretaría General, Servicio Exterior. *Informe Sobre La Labor Desarrollada Hasta La Fecha Para La Repatriación De Menores Españoles Expatriados*, Madrid, 1949.

Ferrándiz F (2006) The Return of Civil War Ghosts: The Ethnography of Exhumations in Contemporary Spain. *Anthropology Today* 22(3): 7–12.

Garrido JM (2018). Lo que Pablo Casado no cuenta de su abuelo. *El Plural*, 23junio 2018.

Garzón B (2008) *Auto*, vol. 532008 E, Madrid, Administración de Justicia, Juzgado Central de Instrucción n.º 5 Audiencia Nacional.

Gómez Mardones I (1985) El precio de un niño. La mitad de los bebés adoptados se legitima al margen de la ley. *El País*, 10 mar 1985.

Green L (1994) Fear as a Way of Life. *Cultural Anthropology* 9(2): 227-256.

Iglesias MA (1982a) La monja que trafica con niños. *Interviú* 298, 27 enero 1982.

Iglesias MA (1982b) Niños muertos en la nevera. *Interviú* 299, 3 febrero 1982.

Iglesias MA (1982c) La monja cambiaba niños como cromos. *Interviú* 301, 17 febrero 1982.

Juliá S (1999) *Un siglo de España. Política y sociedad*. Madrid: Marcial Pons.

Junquera N (2019) La mujer que llevó a juicio los bebés robados encuentra a su familia biológica. *El País*, 12 Jul 2019.

Latour B (2005) *Reassembling the Social: An Introduction to Actor-Network-Theory*. Oxford: Oxford University Press.

Leinaweaver JB (2013) *Adoptive Migration. Raising Latinos in Spain*. Durham, NC: Duke University Press.

Leinaweaver JB (2019) Papering the Origins: Place-Making, Privacy, and Kinship in Spanish International Adoption. *Genealogy* 3(4):50. [DOI: 10.3390/genealogy3040050](https://doi.org/10.3390/genealogy3040050).

Leinaweaver JB and Marre D (forthcoming 2021) Adoption and Fostering. In: Han S and Tomori C (eds) *The Routledge Handbook of Anthropology and Reproduction*. Abingdon, UK and Philadelphia, PA: Routledge.

Leinaweaver JB, Marre D, Frekko S (2017) 'Homework' and Transnational Adoption Screening in Spain: The Co-Production of Home and Family. *The Journal of the Royal Anthropological Institute (incorporating Man)* 23(3): 562-579.

Ley 21 (1987) de 11 de noviembre por la que se modifican determinados artículos del Código Civil y de la Ley de Enjuiciamiento Civil en materia de adopción. *BOE-A-1987-25627* 275, 17 noviembre 1987.

Ley 17 Octubre (1941) *BOE* 299, 26 octubre 1941, pp. 8336-8337.

Ley 4 Diciembre (1941) *BOE* 350, 16 de diciembre de 1941, pp. 9819-9820.

Ley 7 (1970) de 4 de julio, de modificación capítulo V título VII libro I Código Civil, sobre adopción. *BOE-A-1970-735*, 161 7 de julio 1970

Ley de 24 de abril (1958) por la que se modifican determinados artículos del Código civil. *BOE-A-1958-6677* 99, de 25 de abril de 1958, pp. 730-738.

Marre D (2009) Los silencios de la adopción en España. *Revista de Antropología Social* 19: 97-126.

Marre D (2010) Entre el 'superior interés del menor' y el 'derecho al hijo' de las familias: los dilemas de la adopción en España. In: Villalta C (coord) *Infancia, justicia y derechos humanos*. Buenos Aires: Universidad de Quilmes, pp.135-162.

Marre D (2011) Cambios en la cultura de la adopción y de la filiación. In: Chacón F and Bestard J (dirs) *Familias. Historia de la sociedad española (del final de la Edad Media a nuestros días)*. Madrid: Cátedra, pp.893-952.

Marre D (2012). XXXX fieldwork

Marre D (2014) Displaced Children and Stolen Babies: State of Exception, Fear and Public Secrets in Contemporary Spain. *Annual Meeting of the American Anthropological Association*. Washington, DC, December 6.

Marre D and Briggs L (eds) (2009) *International Adoption: Global Inequalities and the Circulation of Children*. New York, NY: New York University Press.

Mbembe JA (2003) Necropolitics. *Public Culture* 15(1): 11-40.



Mookherjee N (2006) 'Remembering to forget': public secrecy and memory of sexual violence in the Bangladesh war of 1971. *Journal of the Royal Anthropological Institute (N.S.)* 12: 433-450.

Nora P (1989) Between Memory and History: Les lieux de mémoire. *Representations* 26 (Spring): 7-24.

Order 1 abril (1937) *BOE* 168, 6 abril 1937, pp. 907-911.

Order 30 diciembre (1936) *BOE* 74, 2 enero 1937, pp. 11-12.

Palacios J and Amorós P (2006) Recent Changes in Adoption and Fostering in Spain. *The British Journal of Social Work* 36(6): 921-935.

Real Decree 10 (1976) 30 julio, sobre amnistía. *BOE-A-1976-14963*, 186, 4 agosto 1976.

Renan E ([1882] 1992) *What is a Nation? Conference delivered at the Sorbonne on March 11<sup>th</sup> 1882*. Paris: Presses-Pocket.

Roig N (2018) *No llores que vas a ser feliz. El tráfico de bebés en España: de la represión al negocio (1938-1996)*. Barcelona: Ático de los Libros.

Rubin JS (2018) How Francisco Franco governs from beyond the grave: An infrastructural approach to memory politics in contemporary Spain. *American Ethnologist* 45(2): 214-227.

Säid E (1978) *Orientalism*

Sánchez Garzón T (2019) Ana Belén Pintado, 'bebé robada': "Quiero llegar hasta el final y que se haga justiciar porque hay muchos casos como el mío". *eldiario.es*, 15 octubre 2019

Simmel G ([1908] 2010) *El secreto y las sociedades secretas*. Madrid: Sequitur.

Spanish Constitution (1978) *BOE* 311.1, pp. 29315-29339.

Spanish Stolen Babies Bill (2020) Proposición de Ley sobre bebés robados en el Estado español. *Boletín Oficial de las Cortes Generales*. Madrid: Congreso de los Diputados, XIV Legislatura, Serie B: Proposiciones de Ley, Número 65-1, 6 marzo 2020, 1-8.

Spivak GC (1988). Can the Subaltern Speak? In Nelson C and Grossberg L (eds) *Marxism and the Interpretation of Culture*. Champaign, IL: University of Illinois Press, pp. 276-310.

Taussig M (1992) *The nervous system*. London and New York, NY: Routledge.

Taussig M (1999) *Defacement: Public Secrecy and the Labor of the Negative*. Stanford, CA: Stanford University Press.

UNHRC (2014a) United Nations Human Rights Council. General Assembly 27th sesión of the Human Rights Council Reports: *Report of the working Group on Enforced or Involuntary Disappearances. Addendum, Mission to Spain* (A/HRC/27/49/Add.1, 2 July 2014).

UNHRC (2014b) United Nations Human Rights Council. General Assembly 27th sesión of the Human Rights Council Reports: *Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff, Mission to Spain* (A/HRC/27/56/Add.1, 22 July 2014).

UNHRC (2014c) United Nations Human Rights Council. General Assembly 27th sesión of the Human Rights Council Reports: *Observaciones de España al informe del Relator Especial de Naciones Unidas sobre las promoción de la verdad, la justicia, la reparación y las garantías de no repetición, Sr. Pablo de Greiff, sobre su visita a España [Spanish State's Comments to the Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff's mission to Spain]* (A/HRC/27/56/Add.3, 17 September 2014).

Vinyes R, Armengoa M and Bellis R (2002) *Els nens perduts del franquisme*. Barcelona: PROA.