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PROPERTY, THE FORGING OF FRANCOISM AND COLLECTIVE MEMORY*

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INTRODUCTION

The confiscation of property by supporters of General Franco from political opponents during and after the Spanish Civil War of 1936-1939 stands out as one of the most testing issues from Spain's tortuous recent past. The confiscations were carried out against supporters of the democratically elected government of the Spanish Second Republic and on a huge scale with tens of thousands of people losing property, suffering fines or coming under extreme pressure to 'donate' money to Francoists. Little recognition, compensation or restitution has taken place, although historians have increasingly turned their attention to the property confiscations. These scholars, however, have concentrated on the institutions that carried out seizures and on the social profile of the victims (Mir et al, 1997; Alvaro Dueñas, 2006). By contrast, this article examines popular participation in the seizures. It also seeks to overcome the divorce in the historiography between seizures carried out by the Franco regime and the confiscations that took place in territory held by the Republican government during the conflict. It further aims to close the gap between the history of the seizures and their collective memory as well as to show that historians face serious obstacles when they try to bring the confiscations better into the public sphere and collective memory. The reluctance of those controlling the Spanish state to confront this dark history explains a good number of the difficulties confronting these historians.

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The article places events in the national context while also illustrating many of its points through a case study of Marbella in Málaga province in southern Spain. This micro-history throws into greater relief the local processes that underpinned property confiscations. The study shows that, in many cases, people who supported the Francoist seizures had themselves suffered the loss of property at the hands of government supporters. Their calamitous experiences brought greater cohesion to right-wing sections of society which were already knitted together through bonds of kinship, class interest and political belief. The horror at witnessing traditional property relations overturned led them to identify exceptionally strongly with a Francoist war culture that criminalised the defeated, demanded their punishment and ‘justified’ discrimination against them (Richards, 1998; Rodrigo, 2009; Preston, 2011). All these factors paved the road for Franco’s supporters to staff the local state and to carry out, as well as justify to themselves, the confiscation of property from their political enemies. Accordingly, by turning our attention away from institutions and towards the experience and meanings attached to the confiscation and restitution of property we can better appreciate how the Franco regime was built, and consolidated, from popular support. In this way, we hope also to contribute to the growing study of Francoist war culture: while historians in recent years have highlighted Francoist war culture (González Calleja, 2008; Richards, 1998, 2002), this article places the meaning of the loss of property at the heart of this culture.

The article continues by demonstrating that the confiscations represent one of the most difficult issues that confront present-day Spaniards working and campaigning to spread knowledge and stimulate debate about the country’s difficult past. One reason is that many supporters of the Republic who lost property to their Francoist neighbours suffered both the physical and symbolic dispossession of power, status and agency. The vast majority of this subordinated and dispossessed group, along with their heirs, have never received recognition or compensation and, in many ways, they remain both disempowered and cowed. The article

further shows that obtaining evidence on these losses remains a major challenge to scholars working to create an historical record of the long-silenced Francoist repression. Similarly, civil society activists campaigning to improve public memory of the Francoist repression find it difficult to press for justice on this issue. By contrast, political parties and organisations with more leverage in parliament have fared better. Accordingly, with heirs to confiscated property, historians and political activists all in a quandary, pressing for recognition of this dark past remains a tremendous challenge. In terms of the existing scholarship, however, by analysing these difficulties we can complement the growing body of work on historical memory which tends to concentrate on issues such as political violence (Anderson and Del Arco Blanco, 2014), exhumations (Fernández de Mata, 2016), the fate of Francoist monuments (Stockey, 2013; Del Arco Blanco, 2013) as well as issues of impunity (Míguez, 2015). This means that the literature on memory has paid relatively less attention to the property question (Barciela, 1996; Álvaro Dueñas, 1999; Riesco, 2006; Del Arco Blanco, 2008).

THE REPUBLIC AT WAR: PROPERTY AND THE FORGING OF FRANCOISTS

The suppression of the July 1936 rebellion in areas that remained loyal to the government led to mass confiscations of property belonging to individuals believed to have backed the revolt. In areas such as eastern Aragón, Catalonia, Valencia, Madrid and swathes of western Andalusia activists took up arms and became the de facto powers on the ground. The fragmentation of the state opened the door to violence behind the lines, as perpetrators turned to violence and acted, alongside other political, social and economic motives, in the belief they were creating a new and more just world (Ledesma, 2004).

In Aragón, for instance, new committees staffed by members of left-wing organisations filled the vacuum of power left by the fragmentation of the state. These local committees established around 450 agricultural collectives. As historian Julián Casanova has shown, many of these agricultural collectives came about through murder. In the town of Caspe, for example, eighty-four landowners were killed and their land collectivised shortly afterwards (Casanova, 1984, pp. 44-56). In Catalonia, historians calculate that 8,360 rightists had their lives taken (Solé i Sabaté and Villaroya i Font, 1989, p. xv). In this region, around 4,500 businesses came under the control of workers' committees and a further 2,000 were collectivised (Pagès i Blanch, 2007, pp. 141-145). A good number of these businesses belonged to owners who had fled, were murdered or beaten into submission by the violence.

In Málaga province, the violence in government-held territory claimed fewer lives with the still considerable number of 2,607 perishing at the hands of political enemies (Preston, 2011, p. 818). Confiscations and collectivization also took place, if not with the quiet same degree of intensity as in eastern Aragón. In the city of Málaga, factories and a wide range of business were confiscated and turned into collectives or fell under the control of workers' committees. For instance, the Portillo Bus Company came under workers' control and the Café Comercial passed from private hands into collective ownership (in Málaga, Gobierno Civil 12507). In the wider province, a number of agricultural collectives also sprang up and in many other cases land was confiscated from those identified as 'rebels' (Nadal, 1984, pp. 233-235, 245-246; Anderson, 2016, pp. 70-73).

In Marbella too, the suppression of the revolt led to the violent seizure of property. Here the Civil Guard opted to remain in barracks rather than support the Falange in the uprising against the government. This decision allowed an assorted group of leftists, including members of the

socialist UGT, the anarcho-syndicalist CNT and the socialist youth group the JSU, to set up a range of committees that took control of the town. Members of these organisations seized weapons, removed items from all the buildings owned by the Church and set fire to the church of Marbella parish of San Pedro de Alcántara on three occasions. Prominent members of the right-wing community, such as the leader of the Agrarian Party in the town, Juan Lavigne, similarly saw their houses put to the flames (Prieto Borrego, 1998, pp. 37-83). Murders also took place, with five rightists from nearby Istán killed on 9 August 1936. An additional eleven rightists were murdered between the end of August and early September. Six priests from Marbella also died in the autumn after they were hauled from Málaga prison by a mob and murdered (Prieto Borrego, 1998, pp. 73-85).

Across government-held territory, after the violent suppression of the revolt and the establishment of ad hoc committees, over time a series of government decrees led to the eclipsing of the committees and the placing of the confiscations on a more formal and legal footing. On 10 August 1936, for instance, the Ministry of Agriculture issued a decree allowing for the confiscation of land from owners who had either fled or who were failing to cultivate their land. At this early stage, it fell to local committees staffed by representatives of Popular Front (the alliance of centre and left groups that had come together in a coalition for the elections of February 1936 and supported the reformist government challenged by the July coup) organisations to carry out the confiscations (Casanova, 1985, p. 129). In September 1936, the government tried to win back control of the justice system by setting up Popular Tribunals run by representatives of Popular Front organisations (Preston, 2011, pp. 329-331; Prieto Borrego and Barranquero Texeira, 2014, pp. 101-102). A decree of 27 September 1936 allowed for the confiscation of urban businesses from rightists condemned by these Tribunals for their support of the rebellion. Meanwhile, on 7 October 1936 the

government passed a decree allowing for the expropriation without compensation of land belonging to those who had ‘fomented and participated’ in the rebellion (Sánchez Recio, 1991, pp. 24-36). A significant change occurred on 9 October 1936, town councils more responsive to the central state began to replace the local committees set up in the immediate aftermath of the coup and under the decree on land these local councils could create special classification boards to decide who should lose property (Pozo González, 2012, p. 17; Sánchez Recio, 1991, p. 37). The more formal confiscations carried out by these bodies often followed due process and were frequently conducted to redistribute resources to those most in need at a time of war. Despite this, the confiscations deeply embittered right-wing property owners who suffered losses and regarded all the civil-war confiscations as both a travesty and an affront.

The loss of loved ones and property during the suppression of the revolt bred an even deeper sense of cohesion among already tightly knit communities of rightists. We can see this clearly in the wake of the Francoist occupation of Marbella. With the decisive help of Franco’s Italian allies, Marbella fell on 17 January 1937 and by 8 February the provincial capital of Málaga lay under occupation (Prieto Borrego, 1998, pp. 117-129; Barranquero Texeira, 1994, pp. 21-22). The historical record reveals several ways in which in the wake of the occupation the rightist community in Marbella demonstrated kinship links, shared economic and political interests, an acceptance of Francoist war culture as well as a belief in the restoration of traditional property relations. Rightists also demonstrated they believed they enjoyed the right to confiscate the property of their enemies.

In terms of kinship, the case of Alfonso Muñoz Martín proves instructive. He worked for the postal service in Marbella and in 1938 married María Romero Conde. Muñoz took an active

part in testifying in military tribunals against colleagues and denounced their behaviour during what he described as the 'Marxist domination'. His wife similarly named Republicans she accused of having murdered her father (who had held the post of mayor in 1930) and of having entered and searched her uncle's home. Individuals like this could flourish under Francoism and Muñoz would be appointed the Falange's Head of Education and Leisure in the town. He also moved from holding a temporary position in the postal service to enjoying a permanent contract (in Málaga, 1937, caja 677; Anon. 1938; Anon. 1942, 18 March; Anon. 1942, 17 March; in Marbella 282-H).

Marriages between Francoist property-holding families closely interwoven with the local political elite proved frequent and enduring. In April 1944, for instance, Isabel Valderrama Lara married Juan Rivera Trujillo in Marbella. Her father owned a significant number of farms and boasted long service in right-wing politics. He had run the town's Smallholders' Brotherhood and had represented the right on the local council before the war. Juan Rivera owned a shoe shop and he became a town councillor in 1945. His brother, José, worked as a school teacher under the Franco regime, had been a member of the Falange from at least the first days of the Civil War and had won the confidence of his political bosses who judged him 'competent, honourable, morally upright and a practising Catholic' (Anon. 1944; in Marbella Sig. 337; in Marbella Memoria de seis años; in Marbella Exp. 106 15/12/1938; in Málaga 1948, caja 12855).

On conquering Marbella, the Francoists installed a new council (Alcalá Marín, 1988, p. 246). Importantly, those selected to serve on the new council hailed from those kinship groups which had suffered both in the violent suppression of the revolt and the re-distribution of property. An analysis of the council members' backgrounds demonstrates the point. Fifty-

nine percent had business and commercial interests and forty-one percent were small or medium landholders. Thirty percent had worked in a variety of professions that included medicine, education and the law (Del Arco Blanco, 2007, pp. 125-126).

The personal history of some of the members of the new council further reveals the importance of the restoration of property relations in uniting the local Francoist elite. After the conquest of the provincial capital, Eugenio Lima Chacón took over as the new head of the council. A member of the Radical Party (a centre-right party that had formed a coalition government with the anti-Republican Confederación Española de Derechas Autónomas), in 1934 he joined with right-wing forces and became mayor until January 1936 (Alcalá Marín, 1988, pp. 173, 263). When the Civil War began, he was working as a finance officer for the local council but, he complained, the authorities ‘dismissed’ him from his post. He also declared that in the first months of the war he suffered ‘extreme persecution and that his home was set ablaze and destroyed’ (in Marbella 1934 23-H; in Marbella 1937 23-H). His brother, Adolfo Lima Chacón, became another member of the council. He was both a doctor and the owner of various farms in the area and he would participate in military tribunals against a range of his left-wing neighbours (in Marbella 1940, 507-H; in Málaga 1945 11918; in Marbella 1940 23-H and 24-H). Similarly, Francisco Cantos Gallardo would become a mayor of the town after the Francoist occupation. In the violence that followed the coup his brother, a priest, was murdered. Cantos also testified in military trials against his political enemies that the town’s revolutionary committee had threatened to take away his property. Similarly, the landowner Enrique Belón Lima became head of the Marbella Falange and had lost a brother in the front-line, had suffered the confiscation of property and proved embittered enough to testify in military prosecutions of his political opponents (in Málaga,

Juan Toro, 677; in Málaga, Antonio Sánchez, 522; Anon. 1938; in Málaga, José Añón, 382; in Málaga, Antonio Guerrero, 266).

This close community united by kinship, conviction and experience found meaning and solace in Francoist war culture. There are many examples of this community's active promotion of this war culture. On 1 April 1940, for instance, Francisco Cantos Gallardo and Enrique Belón Lima organised a day of festivities that included marching bands, a theatre production and a solemn mass. All of this was crowned with a series of speeches extolling the way in which Spain had been saved during the 'Crusade' against the Republic (Anon. 1940). The post-war period witnessed a heavy bout of such ceremonies that highlighted the victory on the battlefield and were used to legitimise a regime which had come to power through conquest (Del Arco Blanco, 2009, pp. 245-268; Hernández Burgos, 2011). During these ceremonies, the regime's supporters never grew weary of repeating that victory had brought a welcome return to the old order after the terrible destruction carried out under the Republic (Cenarro, 2003). The ceremonies could strike a deep chord with strongly bonded communities that had suffered together during the Civil War. In May 1946, for instance, one of the richest business owners in Marbella, José Otal Ferrando, passed away. Thousands of loyal Francoists came out to honour a man who had sat on Marbella council and had testified in military court cases against his political enemies (Anon 1946; in Marbella 1938 Sig. 1064-H-9; in Marbella 1938 Libros de Actas; in Málaga, Miguel Criado, 405).

Fury at the violation of property lay at the heart of the war culture that united local-level Francoists. Manuel Ballesteros, for instance, was a priest at the Church of the Incarnation. In a missive in his own handwriting he railed against the 'considerable damage' done to the church dome, the roof, artwork and all other goods and chattels of any value (in Alcalá de Henares,

3909). Given this bitterness within the Francoist community, it is not surprising that Ballesteros attended many ceremonies that celebrated the Franco regime and its ideals. On 18 July 1943, for instance, he celebrated a mass at the outset of a ceremony celebrating the anniversary of the ‘Glorious National Rising’ (Anon. 1943).

Meanwhile, those who participated in anti-clerical actions stood out as firm enemies to the right-wing community. The local authorities in Marbella, for example, compiled a report for the military authorities on the former councillor Escolástico Martín Sánchez. With considerable disdain, they alleged that he had ‘voted in favour of the impounding of buildings belonging to the Church’. They further charged that he had examined the property of the local priest to prepare for its confiscation (in Marbella, 170-H).

A similar horror at the violation of property comes across in a report by the Francoist mayor of Marbella, Rafael Benítez Aria, issued on 30 August 1938. Benítez hailed from a social background typical of many from the deeply interwoven Francoist community who staffed the local state: he owned land in the area, held business interests in olive oil production and through the 1940s was a member of the Brotherhood of Smallholders and Livestock producers (in Alcalá de Henares, 4061). His words reveal how for many rightists, in areas first held by the government, the loss of their property became entwined with the memory of violent collapse of order, the destruction of human life and a war against the Faith. In short, their world was turned upon its head and strong proof of this lay in the loss of property. He declared that on 18 July 1936:

“Bakeries and bread shops came under attack...the Marxist elements persecuted those who defended public order, confiscated weapons and ammunition and

proceeded to set alight the parish church and other buildings. Churches and private addresses were looted. The Marxists then set up committees which exercised total power, ordering the confiscation of food and other articles which they distributed in any way they pleased. A few days later they ordered the imprisonment of as many supporters of public order as they wanted. In mid-August the killings started...and continued until the town was liberated (in Marbella, 1938, 106).

Francoist officials bestowed great authority on such testimony. They did this even though many of the assertions voiced by grass-roots supporters relied on little more than rumour. In this regard, it is important to note that the military court records, where much testimony originates, reveal little effort on the part of the authorities to establish the veracity of the allegations levelled by the individuals guided clear political and economic interests who provided testimony. (Gil Vico, 2010, pp. 296-302). Significantly, the perspectives revealed by Francoists at the local level chimed with the regime's interpretations of the Civil War. Enrique Belón Lima, for instance, complained that a group of militia men searching for fifth columnists and ammunition had threatened him with a pistol and proceeded, in his expression, to 'loot' his home (in Marbella, 280-5). His choice of word closely matched the discourse shared between the regime and its support base that presented supporters of the government as 'Red criminals'.¹ Many grass-roots rightists also echoed Francoist sentiments when they represented the confiscations they suffered as part and parcel of a murderous revolution that had turned their worlds upside down. The right-wing neighbours of a member of the CNT in Marbella, for instance, declared he had not only been involved in 'looting' but had also 'induced the mob' to carry out killings (in Marbella, 282-4).

¹ An example in Carballo (1939, pp. 152-153).

THE FRANCOIST CONFISCATION AND RETURN OF PROPERTY

The Francoist community drew on the regime's war culture to justify their participation in the confiscation of property from their local political enemies. In many cases, they understood their actions both as helping to bring back the natural order and as acts of justice against supporters of the heinous Republic. Accordingly, they became involved in the huge system of expropriation led from above.

The rebel and then Francoist (Franco became supreme leader of the insurgents in the early autumn of 1936) seizure of property started with the military rebellion and very often came on orders of the rebel authorities. In Andalusia, for instance, General Queipo de Llano instructed that his military columns should, if necessary, provision themselves with supplies seized from locals (Feria Vázquez, 2013, p. 329). In many cases, local rightists identified their political opponents to the conquering forces. Once known, the authorities could impound the possessions of left-wing activists that the rebels had executed. This process took place across Spain, as demonstrated in Huelva province where in Moguer the rebels executed the republican Manuel Mora and then confiscated his horse (Feria Vázquez, 2013, p. 332).

Leftists who fled the Francoist occupiers to safety in other parts of the country or abroad also lost property. For instance, in August 1936, in Teruel, in Aragón province, the rebel mayor ordered the immediate confiscation of the property of those who had fled (Cenarro, 2014, p. 34). Historians have shown that the goods seized were often deeply personal items such as underwear and in a good number of cases end up being auctioned in public (Cenarro, 2014, p. 34; Langarita, 2016, p. 44). For historian Carlos Barciela, many of the rural seizures

constituted an 'agrarian counter-revolution'. He argues that by confiscating land, cattle, seeds, fertilizers and supplies the Francoists settled accounts with those who had pushed for agrarian reform under the Republic (1996, pp. 357-361).

The freshly triumphant rebels also expropriated large amounts of money in the form of 'donations' (De Prado Herrera, 2007, pp. 190-199). All citizens came under pressure to 'donate' money, but those from the left were extremely vulnerable and suffered very particular exploitation. In Huelva province, for instance, at a time of mass killing, officials compiled lists of people who declined to donate money and suggested the sums that 'Reds' should hand over. Fines were imposed on many individuals who did not donate or did not donate enough (Feria Vázquez, 2013, pp. 288-311).

Over time, the confiscation of property became centralised through the emerging rebel state. Infamously, the rebels issued a decree on 28 July 1936 that defined all those who supported the government as military rebels. The effect was to place beyond the rebels' law all those who supported the Republican government and Popular Front organisations. In Andalusia, this soon had repercussions and on 18 August General Queipo de Llano ordered the confiscation of goods belonging to 'rebels' (government supporters), propagandists and those who 'encouraged violence'. Crucially, it fell to the local authorities to propose who should lose goods and the value of property to be confiscated.² A further significant development came about on 13 September 1936 when the rebel Junta de Defensa Nacional issued Decree 108. The measure cleared the path for the confiscation of goods from both from members of Popular Front organisations and the organisations themselves. In an extraordinary twisting of

² Numerous examples for Western Andalucía in Francisco Espinosa Maestre (2000) and Feria Vázquez (2013, pp. 347-348).

reality, the rebels decreed the Popular Front organisations held ‘criminal’ responsibility for the conflict (Cenarro, 2014, p. 34).

The decree instituted the systematic confiscation of property from political enemies. At the municipal level, officials drew up lists of those they judged liable for fines and compiled inventories of their possessions which could be confiscated. It is at the local level where we can best catch sight of the mass participation in the confiscations. In Montefrío, in Granada province, for instance, twenty-eight people identified as supporters of the Republic suffered the seizure of their property after the Francoist occupation. Similarly, in the emergency summary military trials of Franco’s opponents that followed in the wake of occupation, local Francoists played an active role by denouncing neighbours and by identifying goods that could be seized from their victims (Anderson, 2010). In a significant number of cases, such supporters also gained control of properties; in other instances, they proved able to purchase properties at knock down prices (Del Arco Blanco, 2008, pp. 111-132).

On 10 January 1937, the seizures became more institutionalised when the Francoists issued a decree that set up confiscation commissions at the provincial level. These commissions relied on information supplied by the local council, the municipal civil guard and the parish priest. Those under investigation could have their property and bank accounts embargoed while people later found guilty suffered fines. If these could not be paid, the authorities put up for auction property confiscated from those they had convicted (Langarita, Moreno and Murillo, 2014, pp. 41, 47-49). In the case that a convicted individual had died, or had suffered execution, relatives became liable for fines. The decree exercised dramatic effects and across Spain the confiscations grew in scale. After the decree was passed, in Guipúzcoa province

alone the provincial commission took over 1,476 rural estates and 497 urban properties (Alvaro Dueñas, 2006, 1999).

On 9 February 1939, the Francoists enacted the Law of Political Responsibilities. The law aimed to punish those who by ‘acts or omissions’ had helped forge ‘the red subversion’. It also broke all legal norms by retroactively declaring responsibility for such acts to date back to 1934 (the year of a left-wing revolt that Francoists chose to single out as the start of the Civil War) (Alvaro Dueñas, 1990, p. 144). A stipulation rendering relatives responsible for the fines imposed on the dead formed another legal travesty and one which, as we have seen, followed on from the example set by the provincial confiscation commissions. By 1941, in nineteen provinces nearly 230,000 cases had been opened under the Law of Political Responsibilities (Alvaro Dueñas, 1990, p. 161).

Even relatively small fines under the legislation could prove crippling. Agustín Vicastillo, for example, from Uncastillo, in Zaragoza province, earned 9.30 pesetas a day but could only find work for 200 days a year. Accordingly, his 150-pesetas fine represented the equivalent of his monthly income (Langarita, Moreno and Murillo, 2014, pp. 68-69). As a comprehensive study of the operation of the law in Andalusia shows, the large number of cases under the Political Responsibilities legislation illustrates the important role of ordinary members of society in identifying those for punishment (Gómez Oliver, 2015).

The same process played out in Marbella. On 26 February 1937, the Civil Governor of Málaga province, issued a decree ordering those that those who ‘had property, clothes, furniture that did not belong to them’ should return them. The order came accompanied by the chilling warning that those who retained property would ‘face the consequences’. To

ensure the return of property, the Civil Governor created a special organisation - the Junta Oficial de Recuperación y Restituciones de Málaga - (in Málaga, Gobierno Civil, 12323). The occupation authorities in Marbella went further still by setting up a special court to deal with the 'civil responsibility' (meaning the imposition of fines and the confiscation of property) of individuals associated with the political parties that had backed the Popular Front and who had also taken part in the seizure of property (in Marbella, 171). In early 1937, the freshly installed council promptly embarked upon the confiscation of property. The local confiscation committee placed twenty-nine locals under investigation and took away all their goods, leaving their families bereft.³ At the same time, a new restitution committee took charge of searching for and impounding property that the 'Reds' had 'looted'. Once located, this material would be stored in warehouses before being returned to those who could identify themselves as the rightful owners (in Málaga, 12323). The new authorities similarly set up as special Junta for Livestock Recovery (in Marbella, 171). This institution too would be staffed by the social and economic groups who had lost out during the revolution. Across Spain, Francoist local authorities went to similar lengths to return property to grass-roots supporters.⁴

By creating local institutions charged with recovering property, the Francoist state provided plentiful opportunities for its grassroots supporters both to benefit from and to identify more closely with the new regime. Following Francoist occupation, a school inspector from Málaga, for instance, requested the return of a radio he said a group of 'criminal' militia men had taken from him in August 1936. He had also suffered arrest for listening on the radio to a speech by the rebel General Queipo de Llano. The authorities invited him to visit one of their

³ See data for Marbella contained in the CD-ROM in Gómez Oliver, Martínez and Barragán (2015, pp. 58-59).

⁴ Various examples from Manresa can be viewed at <http://www.memoria.cat/franquisme/es/content/recuperacion-de-propiedades-o-materiales-perdidos-robados-o-confiscados-durante-la-guerra>. Visited 23-8-2016.

warehouses to see if he could recover his radio (in Málaga, 1232). In Marbella too, the historical record reveals the role of grass-roots Francoists who recovered their property or took that of others. In July 1937, a woman living in Lobatas Street, for instance, denounced a neighbour whose home stood three streets away on Aduar Street. She told the municipal police that she knew her neighbor had six of her seats that had been ‘robbed from her home’ at the start of the war and which her neighbour had refused to return (in Marbella, 1937,170-H).

By returning property, the Franco regime satisfied not just a material interest, but also provided a degree of moral solace for bitter emotions stirred by the impoverishment inflicted on those who suffered confiscations during the Republican period. In this way, grassroots supporters could rely on the local Francoist state to help ease profound loss and humiliation. The historical record also shows that state officials identified strongly with those ordinary right-wing citizens who had suffered property loss under the Republic and worked to ease their suffering. The result was a sense of moral certainty that allowed both members of society and the state to believe they enjoyed the moral right to benefit from property seized from political opponents. We can see this in the way of Civil Guard officer described the war-time experiences of a teacher from Casares in Málaga province. The policeman declared the teacher was:

‘a supporter of public order who deeply believed in the National Cause [the Franco regime]. During the Red domination [Republican rule in the early months of the Civil War] he had to flee and hide. During this period, his house was looted as was his clothing shop. Both he and his family were left in a lamentable state with not an item to their names’ (in Málaga, 12326 27/4/1937).

The Francoist authorities ordered that this victim should receive the furniture and possessions of Lorenzo Montoya López, another teacher from the town. The Francoist authorities claimed that Montoya López was ‘one of those who held most responsibility [for the violence in the Republic] and an advisor to the Red hordes who is currently imprisoned’ (in Málaga, 12326 4/5/1937).⁵

The Franco regime also encouraged its local supporters to participate in the punishment of those who had overturned traditional property relations. Members of the Republican Committees in Marbella that had taken power in July 1936 suffered special persecution and the confiscation of property stood out as a prime charge against them. The Francoist authorities singled out the town’s leader of the Social Party, for example, because he had ‘threatened and demanded money from decent people [Francoists]’ (in Marbella, 217-H). Another Socialist Party member stood accused of taking part in murders, thefts and arson attacks. He was specifically charged with attempting to steal the funds of the municipal council shortly before the Francoists took over the town (in Marbella, 104, Núm. 3).

The case from Marbella of the UGT and prominent Committee member Esteban Guerrero Gil who helped re-distribute property during the war is also revealing (Prieto Borrego, 1998, p. 44). During his Francoist military tribunal case, ten of his right-wing neighbours participated in his prosecution. All those who took the stand against him held property interests. The testifiers’ backgrounds ranged from landowners, to business proprietors and members of the professional classes. All the witnesses bemoaned the heavy losses they had suffered in the war (in Málaga, Esteban Guerrero, 266). The businessman Antonio Amores Lima, for example, declared he had suffered the confiscation of goods he calculated to be worth 25,000 pesetas.

⁵ Further examples in Archivo Histórico Provincial de Málaga, Gobierno Civil, 123247, Núm. 102.

For his part, the landowner and the first mayor of Marbella after its conquest, Diego Jiménez Martín, complained of losses of 12,000 pesetas (in Marbella, 1923, Libros de Actas; in Marbella, Sig. 1064-H-9). While Salvador González Gálvez, a smallholder, a future leader of the Brotherhood of Smallholders and Francoist councillor, railed against the loss of milk and vegetables that he valued at 3,000 pesetas (in Alcalá de Henares, 4061; in Marbella, 1946, 24-H). Their hostile testimony helped earn Guerrero a thirty-year jail term (in Málaga, Esteban Guerra, 266).

THE LEGACY OF THE FRANCOIST PROPERTY CONFISCATIONS

At the local and private level Francoist power relations continue to shape how subsequent generations remember the past. Research shows that relatives from the second and third generations remember the theft of intensely personal items such as suits from the dead. In some cases, the flagrant wearing of clothing by those responsible for the murder of a relative is also remembered (Miñarro and Morandi, 2012, p. 67). Lalya Renshaw has shown (2011, pp. 92-99) recalling such events maintains the sense of catastrophe and utter loss of power experienced by families. Many relatives remain fearful of the consequences of speaking out and tend to explain the thefts as the settling of personal scores. The effect is to keep systematic and political nature of the confiscations out of the public sphere. The consequence is that the role of right-wing members of the community who identified strongly with the Franco regime's values towards property, benefited from restitution, and participated in the confiscation of property from supporters of the Republic as well as their broader punishment, remains camouflaged.

The 'Pact of Silence' that accompanied the transition from the Franco regime to democracy provides part of the explanation for difficulties in discussing the property confiscations.⁶ The Pact refers to the fact that by the early 1970s important groups on both the left and right shared the idea that Spaniards should bury their differences by forgetting the past. The tactic paved the road to the transition to democracy that followed General Franco's death in 1975 (Molinero, 2010, p. 37; Aguilar, 2002). Crucially, however, all groups accepted that both sides stood equally responsible for the horrors of the war (Richards, 2013, pp. 268-269). In relation to property confiscations, the discourse of equal guilt fitted easily into the history of appropriations carried out by both sides, but with the consequence that the Francoist confiscations remained little discussed in the public sphere and the victims remained criminalised.

The result was that after Franco's death in November 1975, only a limited number of measures were taken to recognise the country's difficult past. A royal decree in 1976, for instance, quashed convictions passed under the Francoist 1939 Law of Political Responsibilities (Decreto 840/1976). Similarly, a law passed in September 1979 provided pensions of 8,172 pesetas a month for families that had lost a relative in the war through fighting or violence behind the lines. Relatives, however, had to document that they had lost loved ones; a task often far from easy when the Francoists often refused to allow deaths to be registered (Ley 5/1979).⁷ The state took no measures to compensate Republicans who had suffered confiscations at the hands of the Francoists.

⁶ See the excellent work by Michael Richards (2013), especially chapter 11.

⁷ A critique in Espinosa Maestre (2015, pp. 74-76).

When the Socialist Party (PSOE) came into power in 1982, it faced the problem of maintaining good relations with trade unions and ensuring protest remained peaceful and legal (Offe, 1996; Méndez Lago, 2000, pp. 232-237). This helps explain why in 1986 the Socialists made the first moves to restore property but restricted the restitutions to trade unions that had supported the Republic (Ley 4/1986). These restitutions also proved achievable without too high a political cost because many of the properties concerned had passed directly from the unions to the Francoist syndicates which with the demise of the dictatorship had been dismantled.

Nevertheless, the legislation on returning trade union property represented a significant and early attempt to address the difficult legacy of the Franco regime. Part of this significance stems from the size of the compensation paid to trade unions. The socialist trade union, the UGT, for example, reported having lost property worth around €200,000,000 (Vallejo 2008). The UGT finally benefited from the return of sixty-five properties and received compensation for the loss of a further 627 buildings. That said, many of the organisations concerned believe they are entitled to much greater compensation and that unduly restrictive demands for proof of ownership prejudice their claims.

These groups, however, have received privileged treatment and the importance of commanding political influence to help settle the issue of property seized from political organisations during and after the Civil War also comes across in a 1998 legislation enacted by the governing Popular Party (PP). At the time, the PP had grown keen to satisfy the demands of the Basque Nationalist Party (PNV) which held important power in the national parliament. The result was the Law for the Restitution and Compensation for Political Parties which aimed to return property seized from political parties during and after the Civil War

(Ley 43/1998). The act ushered in several significant compensation payments and by December 2005 the PNV had received €10,469,000, the Socialist Party (PSOE) €10,804,000 and the Communist Party (PCE) €1,025,000.⁸The relatives of the former socialist prime minister Juan Negrín have also received compensation. The Franco regime oversaw the confiscation of his estate, but with the arrival of the Socialist Party in power the family pressed the government for compensation. In 1995, relatives received compensation of 287,000,000 pesetas (1,724,906.24 in present-day Euros) for ‘the damage and losses caused by the confiscations’. The compensation received little media attention and the official announcement lay buried in an obscure Saturday edition of the official state bulletin (Real Decreto 1423/1995).

This measure, however, proved exceptional. The relatives of Virgilio Castilla, the former president of the Granada Regional Government (Diputación) murdered by the Francoist in August 1936, still await a government reply to their petition for compensation. They were inspired to make the claim after the Negrín family received its compensation for the loss of property and unjust fines (Munárriz, 2011). Other cases of prominent politicians’ families who have not received compensation include the former president of the Republic Niceto Alcalá-Zamora who suffered a fine of 25,000,000 pesetas and the Socialist deputy for Seville, Mariano Moreno Mateo, who had a 2,000,000 peseta-fine imposed upon him and lost a number of houses and land (Álvarez Rey, 2009, p. 95). In terms of ordinary citizens, the difficulties in tracing the documentary history of property transfers, and the power relations involved, mean that land, buildings and other confiscated assets rarely return to the heirs of the original owners. We can see the importance of the existence of a proper legal and

⁸ Figures given in senate debate available at <http://www.derechos.org/nizkor/espana/doc/debate2.html>. Accessed 22/05/2017.

historical record in an exceptional case in which the courts rather than the government returned property. On 5 March 1937, Álvaro Rodríguez López ‘donated’ to the Francoists 397,000 square metres of land in Hoya Fría in Santa Cruz de Tenerife. At the time, the land was valued at 22,188 pesetas but by 2007 was calculated to be worth €1.5 million. He donated the land because his nephew, the socialist activist Rubén Marchichal, had been imprisoned for trying to help an anarchist escape and Rodríguez López aimed to win the release of his relative. Exceptionally, the transfer took place through a legal contract. This stipulated that the land was to be used exclusively as a military camp, to be known as ‘Campo del General Franco’, and firing range. Now, however, the army, proposed to sell the land to property developers and this breach of the legal terms for the transfer gave the scope to make a claim for the return of the land (Lázaro 2007 and Millet 2015).

These examples reveal the importance of governments as well as the state in both recognising the past and ensuring the creation of a proper historical record. This too affects the historian whose choice of research topic is determined in good measure by the documentary record left by protagonists and the subsequent organisation and preservation of archives (Trouillot, 1995, pp. 1-30). It is at the grassroots and in towns such as Marbella where this problem takes its most severe form. Here no record remains of the auctions of property confiscated from government supporters. In the first instance, this is because at the time no documentary record was produced about the transfer of most properties. Even in cases where documents were produced they could be weeded with total impunity until as late as 1985 when the Spanish government passed the Law for Historical Heritage (Ley 16/1985).⁹ For the historian who still hopes to examine individual property transfer perhaps the only way forward is to study the property register and the notary archives. Examination of the property register, however,

⁹ See also Benítez de Lugo (1988).

proves virtually impossible because many of the goods lost, such as furniture and cattle, were never registered; partly because of the fee charged to register. In the case of property, such as houses, the names of the victims and those who took their properties would also need to be known.¹⁰ Meanwhile, access to the notary archives, where property transfers and sales are registered, remains closed for one hundred years.¹¹ The need to address such difficulties in confronting the past demonstrates why pressure from civil society matters so much. In Spain, however, the property question has not proved fruitful for associations campaigning on issues of ‘historical memory’. These associations emerged from the 1990s and denounced the silence over the Francoist repression while demanding both recognition and reparation for victims. Their work has, logically enough, prioritised the identification, recovery and dignified reburial of those murdered by the Franco regime and unceremoniously dumped in anonymous mass graves. These organisations have called for the end to impunity for Francoist crimes and for the annulment of military tribunal sentences against Republicans, but demands for the return of property have not featured at the top of the associations’ agendas.¹²

Moreover, the watering down of the associations’ demands by the government has meant that the legislation the associations have helped achieve in fact in some ways hinders the quest to provide compensation for confiscation property. In December 2007, for instance, the socialist government headed by José Luis Rodríguez Zapatero passed the popularly called Law of Historical Memory (Ley 52/2007). The law aimed to ‘heal wounds’, ‘acknowledge victims’

¹⁰ Resolución de la Dirección General de Registros y Notariado de 27 de julio de 2005. See: <https://www.registradores.org:444/propiedad/pags/condiciones/dgrn.jsp>. Accessed 26/08/2016.

¹¹ The Republican government determined that access would only be granted after one hundred years. Gaceta de Madrid 13/11/1931. Franco’s state renewed the ruling. Boletín Oficial del Estado 21/01/1939. On the nature of these archives see Pagarolas i Sabaté (2007).

¹² The most important goals of the Asociación para la Recuperación de la Memoria Histórica at <http://memoriahistorica.org.es/que-es-la-asociacion-para-la-recuperacion-de-la-memoria-historica-armh-2000-2012/>. See also the organisation Todos los Nombres <http://www.todoslosnombres.org/el-proyecto>. Important discussion in Espinosa Maestre (2004, pp. 205-207).

and ‘protect the right to memory’. It also specifically mentioned the confiscation of property.¹³ Many within the associations strongly criticised the law because, among other perceived flaws, it only declared ‘illegitimate’, rather than annulled, military tribunal sentences (Espinosa Maestre, 2015, pp. 310-316). Amnesty International went so far as to declare that the law imposed ‘legal restrictions that violated international law’ (Amnistía Internacional, 2006, p. 15).¹⁴ The failure to annul the military tribunal sentences meant that Republicans could only receive moral rehabilitation rather than the legal restitution that would have opened the door to compensation for losses sustained. Similarly, the law contained no measures to open the archival record in ways which would allow historians to unearth how some gained property at the expense of others. At the same time as the law was enacted, and in a move that provided a further illustration of the importance of political influence in achieving restitution, the government created new regulations that allowed political parties such as the PNV and the Catalan party the CIU new compensation for their losses (Ley 50/2007). These changes helped win the support of these parties for the law. The overall result is that the Francoist state ensured that many of its own supporters benefited from property transfers, while the democratic state, and largely during periods of Socialist Party rule, has overseen the compensation of political organisations. Meanwhile, many heirs of supporters of the Republic remain without compensation.

CONCLUSION

Scholars of the memory of the Spanish Civil War have devoted relatively little attention to property confiscations and when they have turned to their study they have centred their research

¹³ Preamble to Law 52/2007.

¹⁴ See: https://www.es.amnesty.org/uploads/media/No_hay_derecho.pdf, accessed 13/09/2016.

on the institutions and victims behind the confiscations. Moreover, historians tend to study the confiscations carried out under the Republic and by the rebels and Francoists as separate topics. We can gain a new perspective by turning to the experience of losing property and the ways in which demands for restitution and punishment through confiscation and prosecution in military tribunals helped give coherence to the right-wing community and the emerging Francoist state.

This article shows that the experience of the loss of property helped right-wing groups at the local level identify with the Franco regime and assisted in paving their way towards staffing the local state. It also helped drive their willingness to participate in the restoration of traditional property and power relations. In the process, they divested their local political enemies of power.

Scholars also tend to separate the history of the confiscations from study of the memory of the seizures. But the power relations established by the confiscations decisively shape the memory of the seizures and particularly in the private sphere. Following General Franco's death, governments limited themselves to returning property to trade unions and political parties and often with a view to achieving other political goals. This means that no meaningful measures have been taken either to pay compensation to the great mass of ordinary people who lost property or even to open archives in ways that would allow the proper writing of the historical record.

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