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WARTIME AND POST-WAR RAPE IN FRANCO'S SPAIN*

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ABSTRACT. *By examining the experience of rape in Spain in the 1930s and 1940s, this article explains how the Spanish Civil War and Franco's dictatorship dramatically increased the likelihood of women becoming victims of sexual assault. Contrary to what historians often assume, this phenomenon was not the result of rape being deliberately used as a 'weapon of war' or as a blunt method of political repression against women. The upsurge in sexual violence was a by-product of structural transformations in the wartime and dictatorial contexts, and it was the direct consequence, rather than the instrument, of the violent imposition of a fascist-inspired regime. Using archival evidence from numerous Spanish archives, the article historicizes rape in a wider cultural, legal, and social context and reveals the essential albeit ambiguous political nature of both wartime and post-war rape. The experience of rape was mostly shaped not by repression but structural factors such as ruralization and social hierarchization, demographic upheavals, exacerbation of violent masculinity models, the proliferation of weapons, and the influence of fascist and national-Catholic ideologies. Rape became an expression of the nature of power and social and gender relations in Franco's regime.*

Sometime in late November 1940, the mayor of a small rural town in the Spanish province of Zaragoza beckoned a 17-year-old girl into his town-hall office. The mayor, who was also the local leader of the fascist party Falange, would provide her with a flour voucher, which her parents needed as bakery-owners. On entering the dimly lit office, the falangist closed the door behind the perplexed girl, knocked her down, and raped her. Afterwards, he handed her the flour voucher and let her go.[1]

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[1] Archivo Histórico Provincial de Zaragoza (AHPZ), Audiencia, 4074. This case was not exceptional; see Archivo de la Universidad de Navarra (AUN), Fal Conde, 133/187, 6 Huelva, 'Higuera de la Sierra'.

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The event exemplifies the harrowing ways in which the Francoist dictatorship, led by an amalgamation of fascists, military men, and Catholics, ruled Spanish society after the Civil War. In the brutal post-war context of hunger, repression, and subordination, the tyrannical power of Franco's regime was felt in the most intimate spheres of life, even in remote corners of the country.[2] Yet it is not only the rape which captures the effects of Francoist dictatorial rule. What happened after the assault is also revealing of the nature of power in Franco's regime.

It was only later that the teenager, who was now pregnant, told her parents about the ordeal. Both illiterate, her parents struggled to initiate a legal action against the mayor, the most powerful man in the village. The mother appeared at the local headquarters of the Civil Guard (*Guardia Civil*) to report the assault. The guards misleadingly told her to present the complaint to the local court instead. At this court, the judicial secretary refused to take her complaint unless she submitted it in writing – which was impossible. Other members of the local council, Francoist veterans affiliated to Falange, warned the family that 'if they did not shut up about what they resented the Mayor for, other measures would be taken against them'. Ignoring these threats and despite lacking resources, the father managed to commence criminal proceedings, being assigned a public defender and an attorney. One of these lawyers was an influential member of the Catholic bourgeoisie that rivalled Falange for power in the province. In April 1941, one month after the summary proceedings started, the provincial falangist chief, following orders from the governor, appeared in the town to oust the rapist – his party subordinate – from office. He was preventatively jailed. However, weeks later the girl gave birth to her rapist's child and the father's lawyers renounced their representation of him. Meanwhile, the rapist gathered support from a rich landowner in the town who paid the hefty bail. The new local falangist leader, the parish priest, the judicial secretary, and a Civil Guard officer readied to testify in the rapist's favour. This was a microcosm of the Francoist reactionary coalition that had won the Civil War. Against such colossal enemies, the family had a slim chance of success. In January 1943, two weeks before the trial hearings were scheduled to start, the family 'pardoned' the defendant, voluntarily ending the prosecution of the crime.[3]

Rape stories have always inhabited the narratives of the Spanish Civil War and the Franco regime, but the wider history of rape in twentieth-century Spain has never been written.[4] Historicizing rape is a recent scientific endeavour; the most authoritative accounts have demonstrated its constructedness and variability

[2] Michael Richards, *A time of silence: Civil War and the culture of repression in Franco's Spain, 1936–1945* (Cambridge, 1998).

[3] AHPZ, Audiencia, 4074; Archivo Municipal de Sos, 014, Libros de Actas; Archivo General de la Administración (AGA), 44/2534; Ángela Cenarro, *Cruzados y camisas azules: los orígenes del franquismo en Aragón, 1936–1945* (Zaragoza, 1997).

[4] For a literary account, see Víctor Zabildea, *El delito sexual en España, 1944–1974* (Madrid, 1975).

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over space and time.[5] Since the 1990s, the growing study of wartime rape has produced numerous interpretations.[6] Rape in the context of the World Wars and the Holocaust has received substantial attention.[7] Yet rape experiences under authoritarian regimes and post-war contexts remain unexplored. The Spanish Civil War needs to be incorporated into a global history of sexual violence in armed conflict. Historians of Francoist repression have rarely examined rape, mostly understanding it as another atrocity committed by the regime against left-wing women.[8] Historical statistics demonstrate that the number of rape prosecutions in Spain almost tripled between 1935 and 1940,[9] but the reasons for this dramatic increase cannot be attributed to political repression. While other modalities of gendered violence in Spanish society have been examined, rape has remained largely undiscussed.

This article scrutinizes rape from a broader historical perspective in order to understand the ways in which the Spanish Civil War and the Franco regime influenced the meaning, levels, experiences, and consequences of rape in Spanish society. By analysing 'wartime rape' and 'post-war rape', this article argues that this form of sexual violence, as a complex cultural construct and intensively social event, reflected the changing nature of political power and gender relations in 1930s and 1940s Spain. I will show how political power was articulated through sexual violence, and how social conditions, wartime practices, and new political structures dramatically transformed the experience of rape for women and men. I draw on the close analysis of a substantial body of evidence retrieved from fourteen Spanish archives located in five different regions. Culture, social relations, politics, and laws hindered the reporting

[5] Susan Brownmiller, *Against our will: men, women and rape* (London, 1975); Georges Vigarello, *Histoire du viol (XVIe–XXe siècles)* (Paris, 1998); Joanna Bourke, *Rape: a history from 1860 to the present day* (London, 2007); eadem, 'A global history of sexual violence', in Louise Edwards, Nigel Penn, and Jay Winter, eds., *The Cambridge world history of violence*, IV: *1800 to the present* (Cambridge, 2020), pp. 147–67.

[6] Christopher W. Mullins, 'Sexual violence during armed conflict', in Ross McGarry and Sandra Walklate, eds., *The Palgrave handbook of criminology and war* (London, 2016), pp. 117–31; Sara Meger, *Rape loot pillage: the political economy of sexual violence in armed conflict* (New York, NY, 2016).

[7] Dagmar Herzog, ed., *Brutality and desire: war and sexuality in Europe's twentieth century* (Basingstoke, 2009); Sonja M. Hedgepeth and Rochelle G. Saidel, eds., *Sexual violence against Jewish women during the Holocaust* (Waltham, MA, 2010); Mary Louise Roberts, *What soldiers do: sex and the American GI in World War II France* (Chicago, IL, 2013); Gaby Zipfel, Regina Mühlhäuser, and Kirsten Campbell, eds., *In plain sight: sexual violence in armed conflict* (New Delhi, 2019).

[8] Ángeles Egido and Jorge J. Montes, eds., *Mujer, franquismo y represión: una deuda histórica* (Madrid, 2018); Paul Preston, *The Spanish Holocaust: inquisition and extermination in twentieth-century Spain* (New York, NY, 2012); Helen Graham, *The war and its shadow: Spain's Civil War in Europe's long twentieth century* (Eastbourne, 2012), pp. 35–6, 114–15.

[9] *Anuario estadístico de España* (Madrid, 1946–7), pp. 1180–1. In the early 1940s, official statistics recorded some 2,400 'crimes against decency' (including rape) annually in the entire country, yet these figures represented an extremely small portion of the reality of sexual violence.

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and prosecution of sexual aggression, restricting documentary trace of rape. Silence and the social death of women were inherent to sexual violence in the context of war and dictatorship. Yet, examining hundreds of judicial procedures initiated for cases of rape by both military and civilian justice in wartime and post-war Spain will provide an extraordinary insight into the social and political dynamics involved in the experiences of sexual violence.

I

The history of rape in the Spanish Civil War and the Franco regime needs to be situated in a longer social and cultural history of sexual violence. Rape is a symbol that encapsulates societal beliefs about sexual violence and abuse. These representations translate into laws, following juridical traditions embedded in specific contexts. In western modernity, conservative, liberal, and feminist traditions have defined and redefined this crime.[10] This convoluted process transformed rape from being a crime against male property, to a crime against decency, and then a crime against sexual liberty. Spanish penal codes reflected these developments. While the English word 'rape', from the Latin *rapina* (act of robbery), remains in use, the Spanish equivalent *violación* was a modern innovation of the 1848 Penal Code. *Violación* differed from the crimes of *rapto* ('robbery' of a person for 'indecent' purposes) and *estupro* (a non-violent loss of virginity, through trickery or false marriage promises). *Violación* entailed no connotations of kidnapping and abduction but rather of violence and profanation. Pre-modern cultural legacies persisted in law and jurisprudence: rape was categorized as a crime against 'decency' (*honestidad*) in every Spanish Penal Code until the 1980s.[11] Force or intimidation was needed for rape to exist, and customary understandings often added virginity to the equation. As a nineteenth-century Spanish dictionary defined it, rape was the 'violent deflowering of a virgin lady' (*desflorar violentamente alguna doncella*).[12] Thus, its prosecution aimed to compensate the violent loss of virginity. Visible traces of a recently torn hymen, certified by medical examination, were often the sole forensic evidence to prove the crime. Yet some visions of femininity considered virginity as a moral, rather than biological, state.[13] Commentators highlighted the 'accentuated presumption of decency' of Latin women.[14] As a consequence, a complainant's perceived moral behaviour could be used to disprove

[10] Keith Burgess-Jackson, *Rape: a philosophical investigation* (Aldershot, 1996), pp. 43–64.
[11] Miguel Polaino Navarrete, *Introducción a los delitos contra la honestidad* (Seville, 1975).
[12] José Caballero, ed., *Diccionario general de la lengua castellana* (Madrid, 1855), *ad nomen.*
[13] V. Suarez Casañ, *Conocimientos para la vida privada* (Barcelona, 1903), I, pp. 205–6. See also Victoria Bates, 'Forensic medicine and female victimhood in Victorian and Edwardian England', *Past & Present*, 245 (2019), pp. 117–51.
[14] Guillermo Uribe Cualla, *Los delitos sexuales ante la Medicina Legal* (Bogotá, 1944), pp. 5–8; Iwan Bloch, *La vida sexual contemporánea* (Madrid, Berlin, and Buenos Aires, 1924), p. xi.

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any physical traces of forced intercourse.[15] The inclusion of prostitutes as potential victims of crimes against 'decency' in the 1928 draft Penal Code was controversial.[16] Rape was a breach of the hegemonic Catholic morality which policed gender and sexual relations in early twentieth-century Spain. According to the law, only marriage between the perpetrator and the victim quashed penal responsibility for the crime. However, 'pardoning' the defendant rather than marriage became an increasingly acceptable settlement. Jurists argued that this legal precept became a 'source of negotiations and chantage' by the accusers,[17] yet in reality it led to the accused exerting pressure over the victims to avoid prison sentences of up to twenty years.

If language and culture shaped legal codification, myths and beliefs determined jurisprudence and law enforcement. The legend of a queen who disproved a woman's rape complaint by showing that it was impossible to sheath a sword into a 'vibrating scabbard' circulated in modern Spain. European manuals of forensic medicine throughout the nineteenth and twentieth centuries reproduced this narrative attributed to Voltaire.[18] Yet Cervantes's *Quixote* (1615), a Spanish cultural marker, already contained an earlier version of this rape myth.[19] In the 1920s, myths about false rape accusations, disseminated through publications,[20] were common currency in Spanish society. When a draft Penal Code was published in 1928, the Civil Guard's official journal instructed law enforcement agents regarding the Code's article on rape. In their commentary, the journal editors, citing the Voltairean rape legend, alerted readers to the unlikeliness of a truthful rape accusation.[21] In 1933, a married man posing as a medical student in Madrid premeditated the rape of a minor who he was dating by reading medical texts on the hymen and 'virginity'. After a long judicial process, he was absolved of both *violación* and *estupro*, while the judge condemned him for the misdemeanour of using a false identity.[22] By 1931, when the Second Republic endeavoured modernizing changes in Spanish society, deeply rooted misogynist views pervaded the attitudes of rape perpetrators, police agents, and judges.

[15] José Ibáñez Mario, *Violación supuesta: defensa de un capitán acusado de tal delito leída ante el Consejo de Guerra de Oficiales Generales* (Madrid, 1900).

[16] *El Sol* (Madrid), 13 Jan. 1928; *Heraldo de Madrid* (Madrid), 17 Mar. 1928.

[17] *Soller* (Mallorca), 22 Nov. 1913.

[18] Bourke, *Rape*, pp. 21–49; Mateo Orfila y Rotger, *Tratado de medicina legal* (Madrid, 1847), I, pp. 150–1.

[19] *The second part of the history of the valorous and witty knight-errant, Don Quixote of the Mancha* (London, 1620), p. 299.

[20] José García Rico, *El médico forense: compendio de medicina legal, toxicología, frenopatía y antropología* (Allende, 1923), pp. 52–3; Sydney Smith, *Medicina forense* (Barcelona, 1926), pp. 272–90; numerous books by the author Martín de Lucenay, including titles on 'how to fake virginity', popularized flawed sexual knowledge in the early 1930s; see Ángel Martín de Lucenay, *Cómo se imita la virginidad* (Madrid, 1933).

[21] *Revista Técnica de la Guardia Civil*, 225 (1928), p. 591.

[22] AGA, Justicia, 41/761, sumario 90.

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Historians have depicted 1930s Spain as a European country at the crossroads of modernity and tradition, revolution and reaction. Changing gender relations, shifting masculinity and femininity ideals, and women's status in society reflected the tensions of modernization.[23] Women gradually entered the public sphere, increased their education, organized feminist movements, embraced anarchism and communism, and obtained voting rights in the Constitution of 1931. Falling birth rates demonstrate women's increasing capacity to control their bodies. The democratic Republic legalized divorce in 1932, overcoming the opposition of Catholic parties. Since the late 1920s, the hypermasculine ideal of *Don Juan*, the irresponsible and disrespectful womanizer, was subjected to scathing public critique. A new masculinity model, based on values of industriousness, compromise with family and fatherhood, self-control and sexual moderation, emerged.[24] Simultaneously, however, conservative and anti-feminist groups strived to drive women back home. Catholic morality dominated non-industrial regions of Spain. After 1933, women sustained the conservative Catholic reaction against the Republic. In 1934, the fascist party Falange Española created its Female Section (Sección Femenina), rallying together more than 2,000 women by mid-1936.[25] Misogynist views were common, particularly among conservative and military groups. 'Africanista' military officers such as Francisco Franco, glorifying their 'virile' experience in the 1920s Rif War, cultivated a heroic-aggressive masculinity which made the physical abuse of prostitutes a routine part of the troops' leisure.[26] During the October 1934 socialist insurrection of Asturias, which was crushed by Franco's troops, stories and accusations of rape came from both the political left and right.[27] Rape, however, was rarely a matter of public discussion, even if sexual violence was a feature of everyday life.

Before, during, and after the 1936–9 war, the most common experiences of rape in Spain were relatively unpolitical. As a largely rural country, the living conditions of the countryside shaped experiences of sexual violence. From the 1930s to the late 1950s, there was a clear predominance of 'rural rape'. Rural rape was not merely sexual assault committed in a non-urban space; it was an aggressive act committed in connection with the working routines and social relations of agricultural life. In the rural household economy, women

[23] Elisa Garrido et al., *Historia de las mujeres en España* (Madrid, 1997), pp. 417ff; Mary Nash, *Defying male civilization: women in the Spanish Civil War* (Denver, CO, 1995), pp. 7–42.

[24] Nerea Aresti, *Médicos, donjuanes y mujeres modernas: los ideales de feminidad y masculinidad en el primer tercio del siglo XX* (Bilbao, 2001); eadem, *Masculinidades en tela de juicio* (Valencia, 2010).

[25] Ana Aguado and Teresa María Ortega, eds., *Feminismos y antifeminismos: culturas políticas e identidades de género en la España del siglo XX* (Valencia, 2011); Kathleen Richmond, *Women and Spanish fascism: the Women's Section of the Falange, 1934–1959* (New York, NY, 2003).

[26] Daniel Macías Fernández, *Franco 'nació en África': los africanistas y las campañas de Marruecos* (Madrid, 2019), pp. 317–52.

[27] Preston, *Spanish Holocaust*, pp. 82–90.

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conducted nearly the same tasks as men.[28] Contrary to contemporary vilification of urban life as immoral and corruptive, women were not safer in villages than in cities. Indeed, modernization and urbanization contributed to reducing the perceived likelihood of assault. In 1906, when a small Aragonese village installed nocturnal electric lightning, women celebrated the innovation with relief: leaving home before dawn to bake bread no longer involved the same risks.[29] Yet as contemporary analysts believed, rural rape was the most common form of sexual assault in fundamentally agricultural societies such as Italy, France, or the Iberian Peninsula.[30]

Women and girls from small localities who partook in daily agricultural labour routines were often the victims of sexual violence by family members, neighbours, and strangers alike. In 1930, in Codo (Zaragoza), a 30-year-old married man housed a 15-year-old girl who worked with his family during harvest. One night the man sneaked into her room and threw himself on top of the girl. Forcibly silenced, the girl was sexually penetrated.[31] Rural women who went deep into surrounding fields, forests, or hills, through footpaths, roads, or tracks, also risked assault. In September 1940, a 41-year-old widow, while 'collecting firewood in the forest called Plain of Hell', close to the mountainous Catalan village Esterri d'Àneu, was assaulted by 'her village neighbour', a 17-year-old farmer who arrived and 'without saying a single word…jumped on her', as she later reported.[32] The care of livestock and domestic animals by women and girls offered innumerable occasions for men to corner their victims. In early 1936, in an olive grove near Seville, a male day-labourer sexually abused an 11-year-old girl, who 'was roaming around in search of some pigs'.[33] In 1944, a 24-year-old woman left her home to deliver a goat to a shepherd on the outskirts of Maluenda. On arriving, the shepherd asked her to lead the goat to his hut further away. Once there, their interaction ended in a rape.[34] Women suffered rapes and attempted sexual assaults, while 'filling up hay sacks inside a hay hut',[35] while 'returning alone after working with father in a field',[36] while 'cleaning beetroots',[37] whilst she was

[28] Timothy Rees, 'Women on the land: household and work in the southern countryside, 1875–1939', in Victoria Lorée Enders and Pamela Beth Radcliff, eds., *Constructing Spanish womanhood: female identity in modern Spain* (New York, NY, 1999), pp. 173–94.

[29] Miguel Plou, *Historia de Letux* (Letux, 1989), p. 285.

[30] Ángel Martín de Lucenay, *Los delitos sexuales* (Madrid, 1934), p. 32.

[31] AHPZ, Audiencia, 4529.

[32] Arxiu Històric de Lleida, Govern civil, Ordre public, 673, exp. 66.

[33] Archivo Histórico Provincial de Sevilla (AHPS), Sala 2 Penal, L-3120 (1937). A similar case in 1940 in Archivo Histórico del Tribunal Militar Territorial Segundo de Sevilla (AHTMTSS), legajo 101, no. 1807.

[34] AHPZ, Audiencia, 5162.

[35] Ibid., 4904.

[36] Archivo del Juzgado Togado Militar 32 de Zaragoza (AJTMZ), 2580/21.

[37] AHPZ, Audiencia, 4448.

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'looking after her father's cattle',[38] when her 'purpose was to collect grass…and after some argument…about misplaced cabbages, they went to a nearby pear field'.[39] Rapes in the context of local festivals slowly also emerge in the sources,[40] but cases in the context of everyday female rural labour were significantly more common.

In Spanish urban life, sexual violence showed specific characteristics. In September 1931, a 26-year-old attorney called a 17-year-old manicurist to his domicile in central Madrid, telling her that she would be doing the nails of 'a mother and her daughter'. When she arrived, he claimed that the manicure service was for him. She immediately tried to leave, but the man blocked her way, dragging her into a room where he 'deflowered' her.[41] But cases where both victim and perpetrator belonged to urban bourgeois socio-professional groups were rare. Most urban rape victims were domestic servants (*sirvientas*), young women from a poor rural background, who lodged in the houses of the families they served.[42] Unwanted pregnancies of *sirvientas* were typically the result of seduction and assault by any men living in the house.[43] A servant in the small city of Martos (Jaén), was violated by the son of her employer in early 1942, two years after she started the job.[44] An 18-year-old maid from a village spent only twenty days serving a bourgeois family in the city of Zaragoza during Christmas 1944 before she was attacked. At the first occasion they were alone, the young gentleman (*señorito*) of the house violently tried to force himself on her.[45] These women were targeted by not only host family members, but neighbours, other domestic employees, occasional guests,[46] or opportunist rapists.[47] These realities led to illegal abortions, infanticides,[48] and loss of employment, which usually resulted in 'dishonoured' women initiating themselves in the sex trade.[49] In the early twentieth century, between 30 and 75 per cent of registered prostitutes in Spanish cities were former domestic servants, while the portion of the urban female population employed as domestic servants oscillated between 1 and 14 per cent.[50] The Civil War and

[38] Archivo Histórico Provincial de Huesca (AHPHU), J2599, Libro de sentencias 1936–41, Sentencia 9.

[39] AHPHU, J2601, Libro de sentencias 1943–4, Sentencia 18.

[40] AHPZ, Audiencia, 4894.

[41] AGA, Justicia, 41/1018, legajo 764, sumario 1133.

[42] Eider de Dios Fernández, *Sirvienta, empleada, trabajadora de hogar: género, clase e identidad en el franquismo y la transición a través del servicio doméstico (1939–1995)* (Malaga, 2018).

[43] AHPS, Audiencia, Sala 2 Penal, L-3131 (1944), Sentencia 238; AHPZ, Audiencia, 4863.

[44] AHTMTSS, legajo 241, no. 4023.

[45] AHPZ, Audiencia, 4473.

[46] AHTMTSS, legajo 41, no. 2044; AHTMTSS, legajo 132, no. 4629.

[47] AJTMZ, 1820.

[48] AHPHU, J2600, Libro de sentencias (1942), Sentencia 8.

[49] An example in AHTMTSS, legajo 527, no. 7704; see also AHTMTSS, legajo 33, no. 1695, and legajo 122, no. 2234.

[50] Jean-Louis Guereña, *La prostitución en la España contemporánea* (Madrid, 2003), pp. 317–19; Jesús Mirás Araujo, 'Rasgos básicos y transformaciones en el servicio doméstico en una

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the post-war regime, by provoking ruralization and social hierarchization,[51] increased these realities. Between 1938 and 1955, less than 20 per cent of rape court cases in the province of Zaragoza happened in the capital, while the city accounted for over 40 per cent of the total population of this persistently rural province.[52] Structural factors, rather than the use of rape as a repressive instrument, were behind the higher levels of rape perpetration in wartime and post-war Spain.

II

Rape stories went into immediate circulation after the coup d'état by a group of anti-Republican officers between 17 and 19 July 1936, which led to the outbreak of the Spanish Civil War. Rebel General Gonzalo Queipo de Llano, an exponent of the africanista military sub-culture, became notorious for having allegedly encouraged the rape of left-wing women in his sadistic propaganda speeches given on radio from Seville.[53] Queipo's broadcasts repeatedly incited the murder of 'Marxists'. In late August 1936, he jokingly made a repugnant veiled allusion to the rape of militiawomen by Moroccan indigenous troops (regulares).[54] Journalist Arthur Koestler reproduced a stylized version of Queipo's words – wrongly dated on 23 July – which has been uncritically reprinted on numerous occasions since.[55] Queipo did allude to rape in one of his broadcasts on 23 July. He did so, however, to claim that a republican general had ordered the Popular Front militias to 'rape the women of the fascists' in Seville.[56] These calumnies were only the beginning of a long war of atrocity propaganda,[57] in which both sides denounced rapes by the enemy.

Historians have tried to determine whether the Republican representations of raping 'moors' correspond to a reality or to racial stereotyping.[58] Republican propaganda depicted the regulares' sexual violence as part of a

ciudad periférica. A Coruña, 1900–1960', *Cuadernos de historia contemporánea*, 27 (2005), pp. 197–221, at pp. 207–9.

[51] Carlos Barciela, ed., *Autarquía y mercado negro: el fracaso económico del primer franquismo, 1939–1959* (Barcelona, 2003).

[52] AHPZ, Audiencia Penal, Inventarios 181 to 183.

[53] Paul Preston, 'The psychopathology of an assassin: General Gonzalo Queipo de Llano', in Peter Anderson and Miguel Ángel del Arco Blanco, eds., *Mass killings and violence in Spain, 1936–1952* (New York, NY, 2015), pp. 23–58.

[54] Ian Gibson, *Sevilla, verano de 1936 (con las charlas radiofónicas completas)* (Barcelona, 1986); *ABC* (Seville), 30 Aug. 1936.

[55] Arthur Koestler, *Spanish testament* (London, 1937), p. 31; Guillermo Cabanellas, *La guerra de los mil días* (Mexico, 1973), pp. 399–401; Gibson, *Sevilla*, pp. 84–5.

[56] *ABC*, 23 Jul. 1936; see also *El Sol*, 24 Jul. 1936.

[57] Hugo García, 'Seis y media docena: propaganda de atrocidades y opinión británica durante la Guerra Civil Española', *Hispania*, 226 (2017), pp. 671–92.

[58] Ali Al Tuma, *Guns, culture and moors: racial perceptions, cultural impact and the Moroccan participation in the Spanish Civil War (1936–1939)* (London, 2018), pp. 110–16; Francisco Sánchez Ruano, *Islam y Guerra Civil Española* (Madrid, 2004); Maud Joly, 'The practices of war, terror

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broader criminal behaviour that included looting and pillaging. There is a kernel of truth in this portrayal. The brutality of Francoist troops was a continuation of the realities experienced in the Moroccan protectorate.[59] Advancing towards Madrid, africanista commanders, such as Yagüe and Castejón, gave their troops the opportunity to plunder villages and towns. The violation of women ensued. Massacres provoked the exodus of civilians seeking refuge in hills, fleeing to Madrid, or crossing the Portuguese border. A Portuguese witness remembered the arrival of naked Spanish girls, rape victims, covering their genitals 'with straw and a napkin' (*com estevas e um lenço*).[60] The Portuguese were fearful of offering assistance, with Portuguese authorities recommending avoiding raped refugees for fear of infection from venereal disease.[61] In late August 1936, during the few hours the rebels controlled Peguerinos (Ávila), the regulares combed the village, chasing out hiding women from cellars and subjecting them to 'horrendous assault'.[62] Several foreign journalists reported that rebel officers routinely handed captured militiawomen to the 'moors' in the province of Toledo.[63] In this context, the primary function of rape was rewarding mercenary troops. Yet scrutinizing the behaviour of Moroccan soldiers only yields an incomplete picture. While oral testimonies have attributed rapes to the 'moors', contemporary written sources attributed them to falangists.[64]

While it is debatable whether the tolerance of rape by rebel commanders corresponds to a strategy of using rape as a 'weapon of war',[65] sexual violence against women was a common occurrence in the context of a bloody campaign of extermination of the left. Andalusia and Extremadura under Queipo's rule were the scene of the most extreme violence.[66] Most documented instances of wartime rape in Francoist Spain occurred in these southern regions in the first months of the war, with falangists, traditionalist militiamen (*requetés*),

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and imagination: moor troops and rapes during the Spanish Civil War', in Raphaëlle Branche and Fabrice Virgilli, eds., *Rape in wartime* (Basingstoke, 2012), pp. 103–14.

[59] Sebastian Balfour, *Deadly embrace: Morocco and the road to the Spanish Civil War* (Oxford, 2002).

[60] F. E. Rodrigues Ferreira, 'Os barranquenhos e a memória da Guerra Civil', *História*, 18 (1996), pp. 40–51, at p. 48.

[61] Luis Cunha, *Memória social em Campo Maior* (Lisbon, 2006).

[62] *La Voz*, 9 Sept. 1936.

[63] Preston, *Spanish Holocaust*, pp. 333–4.

[64] Juan Carlos Collado Jiménez, *La Guerra Civil en El Casar de Escalona: del paseo militar a la resistencia planificada (1936)* (Toledo, 2008), p. 55; *El Luchador* (Alicante), 3 Jul. 1937.

[65] According to Meger, *Rape loot pillage*, pp. 54–71, wartime opportunistic rape for 'recreation' purposes should be distinguished from the use of rape as a 'weapon of war'. For a dissenting view, see Regina Mühlhäuser, '"You have to anticipate what eludes calculation": reconceptualizing sexual violence as weapon and strategy of war', in Zipfel, Mühlhäuser, and Campbell, eds., *In plain sight*, pp. 3–29.

[66] Francisco Espinosa Maestre, *La columna de la muerte: el avance del ejército franquista de Sevilla a Badajoz* (Barcelona, 2017); Pura Sánchez, *Individuas de dudosa moral: la represión de las mujeres en Andalucía (1936–1958)* (Barcelona, 2009).

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legionnaires, and regulares brutally crushing left-wing resistance and murdering thousands. In northern regions under rebel control, the extermination of the left was implemented with similar methods, but there is limited evidence of rape. Nevertheless, everywhere leftist women became the target of repression. Hundreds were assassinated. Although rumours surrounding the rape of leftist women before their murder circulated since the war, a close analysis of cases provides an ambiguous picture.[67] Few killings were preceded by sexual violence. Rather than raping women through a repressive logic of political violence, rebels sometimes murdered women 'for the exclusive purpose of rape'.[68] Most female victims of Francoist repression were not raped but publicly humiliated through gender-specific punishments, such as having their head shaved off and the forced ingestion of castor oil.[69]

The few court-martials that followed the rebels' sexual crimes show their opportunistic nature and how rape crimes were silenced. Most perpetrators followed a common modus operandi. Under the pretence of conducting police tasks, they accessed and isolated their victims.[70] In mid-September 1936, a unit of mounted volunteers (*caballistas*) occupied the small village of Cuevas de San Marcos (Málaga). Soon a rumour circulated: some *caballistas* had abused a 17-year-old girl. A *caballista* had raped her at knifepoint during a house search, while another blocked the door. The perpetrator then told the girl that 'if she said anything about it, they would kill her'.[71] The lawsuit was settled after the girl 'pardoned' the defendant. However, since the whereabouts of the raped girl's father were still unknown, the provincial gazette announced the 'ongoing lawsuit for rape' under her name, making her sexual assault public. The investigation revealed that, in the same village, *caballistas* had also raped a 35-year-old woman whose husband had fled. Three men raped her in a house where she had sought refuge. Interrogated, the woman declared that she had not reported the assault because she was 'afraid and also because she was a married woman…so that her husband wouldn't find out'.[72] The military judge dismissed the lawsuit, believing the perpetrators' claim that the victim had willingly had sex with them, and citing negative reports about the woman's moral behaviour. In Loja (Granada) in October 1936, falangists used similar methods to rape two teenagers. But the falangist chief and author of the rapes was the brother-in-law of the military auditor who dismissed the

[67] Laura Muñoz-Encinar, 'Unearthing gendered repression: an analysis of the violence suffered by women during the Civil War and Franco's dictatorship in southwestern Spain', *World Archaeology*, 51 (2019), pp. 759–77.

[68] AHTMTSS, legajo 170, no. 7385.

[69] Enrique González Duro, *Las rapadas: el franquismo contra la mujer* (Madrid, 2012); Julio Prada Rodríguez, 'Escarmentar a algunas y disciplinar a las demás: mujer, violencia y represión sexuada en la retaguardia sublevada', *Historia Social*, 87 (2017), pp. 67–83.

[70] AHTMTSS, legajo 162, no. 6590 (8000).

[71] Ibid., legajo 109, no. 3122.

[72] Ibid., legajo 108, no. 3109.

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lawsuit.[73] In the same town the following month, four women, wives of hiding leftists, reported a number of sexual assaults by the local leader of a Francoist militia.[74] The man had molested them in the course of searches, threatening the women with being shot. Yet, the women made the complaint only after being imprisoned together. Rape victims typically were the wives and daughters of local leftists who were either hiding, already assassinated, or imprisoned; often illiterate, these women were isolated and in highly vulnerable situations.[75]

The Francoist failure to conquer Madrid in November 1936 led to a long war. Strategic and contextual changes had an impact in the modalities and levels of wartime rape. Francoists intensified their propaganda to gain international and national prestige and took measures to reduce the brutal conduct of their troops. Rape was rarely a cause of explicit concern, but after one year of war, commanders implemented punishments and court-martials for soldiers accused of sexual assault. They also attempted to prevent sexual violence. When the Francoist army conquered the town of Bronchales (Teruel) in July 1937, Moroccan soldiers from the 52 Division plundered the village and raped some of the few women that had not previously fled.[76] The case of a 'decent' woman (i.e. not a 'red') who had been raped, 'apparently in the presence of her husband', was brought to the attention of General Ponte, the Francoist commander of the region.[77] Considering these 'grave facts' inacceptable, Ponte suggested to the 52 Division commander to impose an exemplary and public punishment upon the perpetrator of the 'atrocity' (*salvajada*) and 'discretely' offer the victim economic compensation. Ponte acknowledged the 'efficacy' of 'moor troops'. However, he ordered that theretofore they were not to participate in the occupation of villages, but instead they were to be deployed in nearby strategic locations. There were other soft measures to prevent rapes. In late 1938, a soldier mistakenly accused of rape explained that he would never have done that, particularly as 'commanders had warned them much against it'.[78] The proliferation of brothels in rear-guard cities catered to the soldiers' demands for sex, although the boom in sex work was probably an outcome of the previous wartime surge in sexual violence. While it is unclear whether rape by soldiers decreased, the abuse and rape of prostitutes was common.[79] In fact, the 1938–9 Francoist offensives in Aragón and Catalonia produced new cases of rape attributed to regulares. The perpetrators

[73] AUN, Fal Conde, 133/187, 5.

[74] AHTMTSS, legajo 134, no. 4724.

[75] More examples in Francisco Espinosa Maestre, *La justicia de Queipo: violencia selectiva y terror fascista en la II División en 1936* (Barcelona, 2000), pp. 223–6; AUN, Fal Conde, 133/187 and 133/188; Enesida García Suárez, *Mi infancia en el franquismo: Tiraña, Asturies, 1938* (Oviedo, 2018).

[76] Román Molada, 'Mis recuerdos: historia de Bronchales' (Castellón, 1990).

[77] Archivo General Militar de Ávila (AGMAV), C. 2161, 4.

[78] AHTMTSS, legajo 203, no. 9367 (8000).

[79] Guereña, *La prostitución*, pp. 410–14. For a transnational discussion on soldiers' sexual behaviour as a mode of dominance, see the Book Forum introduced by Judith Surkis,

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were, however, roaming gangs of uncontrolled Moroccan soldiers who, pretending to search for weapons and hiding 'reds', broke into farms and family houses with criminal intentions.[80] This was an extension of behaviours earlier tolerated by the rebels. The increasing flight of refugees, mostly women and children, from Francoist advance was the prime cause in the decrease of frontline rape cases.

Total war mobilization meant that women faced another type of sexual violence that can be defined as rear-guard rape. In areas with stable frontlines or far from the fronts, military units were stationed in villages, where civilians billeted the troops and provided them with food and services. Romantic and sexual relations with soldiers were common. On occasions, however, soldiers approached women with other intentions in mind.[81] In August 1938, in a village near the Catalan front, a sergeant approached a house he had been frequenting. He found the daughter of the family and asked her 'if she had any melons'. As soon as he realized the parents of the 23-year-old were absent, he tried to rape her in the melon field.[82] In October 1938, in Caspe (Zaragoza), a 22-year-old soldier who had just been on furlough after eighteenth months at the front, crossed paths with a 28-year-old woman. Without saying a word, he brutally assaulted her, tying his belt around her neck and dragging her to a field. After raping her, he ran away. The doctor who assisted the woman reported the crime, thus initiating a lawsuit. Before the military judge, the rapist declared his will to marry the woman. She declined the marriage offer, but 'pardoned' him for the crime.[83] Not only soldiers, but also civilians took advantage of the fact that men, massively drafted into the army, left female relatives unaccompanied. In a tiny village inside Francoist-held territory in 1938, a 49-year-old man broke into the house of a woman whose husband was at the front. She warded him off, but he retreated saying: 'you are courageous…but to no avail, because I shall have a shot at all the women who have their husbands away'.[84] Rather than its instrumentalization by the occupying Francoist army, sudden demographic disorder provoked by wartime mobilization had a higher incidence over the experience of rape.

After the initial 'hot' repressive wave, Francoist zones experienced 'cold' types of terror.[85] Women were subjected to new varieties of sexual violence and rape. Throughout the war, falangists used fascist methods to obtain sexual gratification. At 2.30am on 9 June 1937 in Coín (Málaga), a group of

'Introduction: what gender historians do', *Journal of Women's History*, 26 (2014), pp. 129–33, on Roberts, *What soldiers do*.

[80] AGMAV, C. 1562, 62; C. 1563, 17; C. 1748, 7.

[81] AJTMZ, 2569/10.

[82] Ibid., 1956/16.

[83] Ibid., 2580/21.

[84] AHPZ, Audiencia, 4052.

[85] Julián Casanova, 'Del terror "caliente" al terror "legal"', in Santos Juliá, ed., *Víctimas de la Guerra Civil* (Madrid, 1999), pp. 159–77.

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local falangists came to the house of a 19-year-old woman who lived with her mother. Claiming that neighbours had denounced her, they brought the teenager to a building allegedly to be interrogated. There, they showed her a copy of the alleged complaint. In front of her, they shredded the document. The group said she would be shaved bald and imprisoned unless she had sex with the four of them. Scared, she complied.[86] One night in June 1938 in Morón de la Frontera (Seville), a group of falangists pounded the door of a family's house where two sisters aged 17 and 22 – daughters of a woman murdered in 1936 – lived alone. 'In the name of Falange', under the threat of a revolver, and with no clear explanation about why the girls were taken away, the men walked them to a grove in the outskirts. The girls must have been terrified, since this was exactly the falangists' method of murder, the so-called *paseos*. In the grove, however, they attempted to have sex with the two girls before setting them free.[87] Not only women and girls in vulnerable positions or relatives of leftists, were the targets of sexual violence; others also were subject to the falangists' abuse. In February 1937, after a dance party in Parauta (Malaga), a falangist boss (*jefe de centuria*) and his subordinates approached two young women and invited them to come along to another ball in a nearby town. The ladies refused to go with those unknown men so late in the evening. Immediately, the falangist threatened the girls with his gun and ordered one of his men to go and bring castor oil. Intimidated, the women entered the falangists' car. They drove to another town, where they lodged in a hotel. During the night, two of the falangists broke into the girls' room and at gunpoint raped them.[88] In these cases, men instrumentalized firearms and the terror Falange inspired to obtain sex rather than to achieve political ends.

Female prisoners and detainees also became victims of sexual violence. Terror led to a sharp increase in the number of female prisoners and, in turn, horrific prison conditions. Available evidence suggests that the motivation of perpetrators was sexual rather than political, and that sexual aggression took place during arrestation and transportation or in irregular detention centres rather than inside prisons.[89] Prison guards and authorities singled out young female detainees, brought them out of their cells, pressured them for sex, and sometimes raped them. Very often, the motivation behind arrests of women was not related to their subversive potential, but rather to sex. The mayor and the local commander of the Civil Guard in Brenes (Seville) for months harassed a group of women who were sisters. The men told one: 'You being so pretty, if you want your sisters to be released from prison the only condition for you is to be docile (*complaciente*) to us'; she was invited to 'succumb

[86] AHTMTSS, legajo 184, no. 8136.
[87] Ibid., legajo 199, no. 3471.
[88] Ibid., legajo 112, no. 3286.
[89] Carlota O'Neill, *Trapped in Spain* (Toronto, ON, 1978), pp. 42–3, 49; Juan Ortiz Villalba, *Del golpe militar a la Guerra Civil: Sevilla 1936* (Seville, 2006), pp. 312–13.

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amorously' to their advances.[90] The mayor summoned another of the sisters; then he brought her to a house where he forced her to have sex. In a detention centre in Montijo (Badajoz), a falangist targeted a woman in the local detention site. He 'insisted every day in his intention of sleeping with her'. After she yielded to his pressure 'to avoid her cousin having her head shaved off', he 'promised that if she would do it again, he would ask the Governor to free her from prison'.[91] Rather than using rape as an instrument of repression, perpetrators of sexual assault sought to exploit the opportunities created by incarceration to access women.

The case of Calanda (Teruel) in 1939 is notorious.[92] In a context of revenge, abuse, and murder of leftists, the falangist local leader and the council secretary attempted and committed rapes against female detainees, some of whom were also killed.[93] The key events coincided with the Francoist victory celebrations in March and April 1939. One night, a female detainee was fetched from her cell to a room in the town hall. There, the secretary threatened her with a firearm, telling her that 'if she did not agree to what he desired' she would be executed. She did not submit to this threat and wrestled to avoid a forced coitus. The secretary also arrested a 21-year-old woman and pressured her to confess to having been a communist propagandist, which could not be proven. The man then took her hands and propositioned her. She reprimanded him for this conduct, pointing at the crucifix presiding over the office. On a different occasion, the falangist chief followed the same method, bringing another detainee to his office. He started touching her, but she fainted. When she regained consciousness, the man told her 'how beautiful she was'; he urged her 'not to say anything about what had happened' and ordered her to return the next night at the same time. Sexual desires, rather than political hatred, appear to have been the men's key motivation, but their assaults were only possible given the women's condition as political prisoners and the men's position of power. The fact that Francoist authorities pursued a lawsuit for this case is exceptional, but some falangists felt genuine repulsion for the sexual abuse. A party memorandum about the events argued that previous massacres committed by the 'reds' during the Republican domination 'justified to a certain point' the subsequent crimes committed against leftists, but they could 'never' (*jamás*) justify those crimes of 'moral nature that had taken place'.[94] Murder of 'reds' was more tolerable than the rape of 'defenceless women'.

What was the experience of rape in the Republican zone? Historians underline the continuity of Republican legality, with its emphasis on women's rights and emancipation, as well as the revolutionary equalitarianism unleashed by

[90] AHTMTSS, legajo 104, no. 1869.
[91] Ibid., legajo 187, no. 8354.
[92] Preston, *Spanish Holocaust*, p. 450.
[93] AJTMZ, 1401/1.
[94] Archivo Histórico Provincial de Teruel (AHPT), Gobierno Civil, 2159/73.

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the outbreak of the war, to explain the lower incidence of wartime rape in Republican Spain.[95] Gruesome stories about revolutionaries raping nuns and girls were mostly pure invention of Francoist atrocity propaganda. In documented cases of rape by Republican militiamen, non-political motivations emerge, even if victims were right-wing women who were executed after the assault. Some imprisoned rightist women were raped during the first months of the war.[96] This phenomenon, however, differed from the Francoist-held zones in essential ways. Rapes took place in a revolutionary context. When the gang rape of local rightist female detainees became known in Bellvís de Jara (Toledo) in September 1936, a group of women protested in the town council and demanded the liberation of the prisoners.[97] Such demonstration would have been inconceivable in Francoist-held territory. Yet the politization of rape followed patterns similar to those observed in Franco's Spain. Rapists appropriated the violent practices of war and revolution to facilitate their crimes. Under the pretext of performing searches and interrogations of alleged suspects, Republican militiamen sexually abused women. In January 1937 in Bilbao, a biscuits factory worker was stopped by an armed militiaman. Claiming that he had information provided by spies in the factory 'that she was fascist', he said he had 'orders to kill her on the spot' but 'he did not want to'. He started frisking her, forcing her to undress. Finally, he raped her and robbed her of all her valuables. Days after, the victim received a visit from a woman who claimed to be the rapist's wife. The wife begged for her husband not to be killed but instead given a harsh punishment – 'he had done the same with her, but they had married afterwards'.[98] The context of war and revolution severely affected the legal prosecution of these crimes. In September 1937 in Madrid, a city under siege, a man charged with the rape of a 16-year-old girl was asked about his political affiliation by a juror of the Popular Tribunal. He belonged to the socialist UGT. Despite overwhelming evidence against him, he was absolved.[99] As in Francoist territory during the war, in Republican Spain contextual transformations shaped the perpetration, experience, and prosecution of rape.

III

After the official end of the war, repression of the vanquished continued and the accompanying sexual violence persisted. The 1939 Law of Political

[95] Preston, *Spanish Holocaust*, p. xix; Julius Ruiz, *The 'red terror' and the Spanish Civil War: revolutionary violence in Madrid* (New York, NY, 2012), p. 139.

[96] Adriana Cases Sola, 'La violencia sexual en la retaguardia republicana durante la Guerra Civil Española', *Historia Actual Online*, 34 (2014), pp. 69–80; Archivo Histórico Nacional (AHN), Causa General (CG), 1341, exp. 6.

[97] AHN, CG, 199, exp. 46.

[98] Centro Documental de la Memoria Histórica, PS Santander, Tribunal Popular de Euzkadi, 16, exp. 5.

[99] AHN, CG, 200, exp. 1.

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Responsibilities imposed economic sanctions on former Popular Front supporters, with thousands of women fined.[100] In some regions throughout the 1940s, the regime combated the anti-Francoist guerrilla with counterinsurgency methods. The abuse and rape of female suspects of collaboration with the *guerrilleros* prolonged patterns of the Civil War.[101] The anti-Francoist press in exile pointed at falangists' abuses in Franco's Spain, particularly inside prisons; 'in the basement of the Minister of Government in Madrid', they denounced, women were 'tortured and raped'.[102] In historians' investigations into Francoist women's prisons, however, other kinds of humiliation and punishment, generally implemented by female guardians, were more prevalent than rape.[103] Moral-religious 'redemption' of 'corrupted' women was the official objective of the Franco regime. Falangist and Catholic anti-feminist policies aimed to 're-educate' women in religion and social conformity, reinforcing traditional gender roles.[104]

However, the country was rife with sexual extortion at the hands of new political powers, adapting wartime methods to the new situation. After the Francoist occupation of Madrid, the streets were 'filled with strangers and legionnaires harassing girls'.[105] In June 1939, a woman from a small village near Huesca complained to the governor that the mayor had made 'indecent' proposals to her. The mayor had reminded the woman that a court-martial had condemned her brother for his activities during the 'red domination'.[106] Women 'on their own',[107] such as widows, orphans, and relatives of convicts struggling to survive, were subject to such extortions. The boundaries between consensual sex, sexual bartering, prostitution, and rape blurred. Men in positions of power, including Catholic chaplains,[108] took advantage of the situation

[100] Ana Aguado and Vicenta Verdugo, 'Represión franquista sobre las mujeres: cárceles y tribunales de responsabilidades políticas', *Hispania Nova*, 10 (2012).

[101] Archivo Intermedio Militar Noroeste (Ferrol) (AIMNO), Asturias, Caja 347(II), 340/39; Jorge Marco and Mercedes Yusta, 'Irregular war, local community and intimate violence in Spain (1939–1952)', *European History Quarterly*, 49 (2019), pp. 231–49.

[102] *España democrática* (Montevideo), 18 Dec. 1940; *España popular* (México), 15 Aug. and 23 Nov. 1940, 6 Mar. and 23 Oct. 1942.

[103] Ángeles Egido, ed., *Cárceles de mujeres: la prisión femenina en la posguerra* (Madrid, 2017); Mirta Núñez, *Mujeres caídas: prostitutas legales y clandestinas en el franquismo* (Madrid, 2003).

[104] Carme Molinero, 'Mujer, franquismo, fascismo: la clausura forzada en un "mundo pequeño"', *Historia Social*, 30 (1998), pp. 97–117.

[105] Tomasa Cuevas, *Prison of women: testimonies of war and resistance in Spain, 1939–1975* (Albany, NY, 1998), p. 21.

[106] AHPHU, J1548, no. 10.

[107] Francisco Alia Miranda et al., 'Mujeres solas en la posguerra española (1939–1949): estrategias frente al hambre y la represión', *Revista de historiografía*, 26 (2017), pp. 213–36.

[108] Jaume Morey Sureda, *Artá: llarg camí cap el desastre* (Palma, 2016), I, p. 401. On sexual bartering as a reflection of power mechanisms, see Anna Hájková, 'Sexual barter in times of genocide: negotiating the sexual economy of the Theresienstadt Ghetto', *Signs*, 38 (2013), pp. 503–33.

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and demanded sexual favours from women. A clear distinction between political and unpolitical rapes cannot be drawn.

Revealingly, not only politically powerful men instrumentalized their position to surrender women to their sexual demands; violent methods were appropriated for the same purposes by men at large. In Madrid, in November 1940, two men posing as Security Agents stopped a woman in Arriaza street, demanding she should be interrogated. They took the woman to an 'office unknown to her', where they 'tried to abuse her, physically mistreating her'.[109] This modus operandi recalls the police terror implemented during the Civil War in both Francoist and Republican Spain. Pressure to withdraw accusations of rape also mimicked Francoist repressive methods. In November 1939, a young rape victim from a remote village of the Moncayo range was visited by the municipal judge and another unidentified man 'wearing a light suit'. Gravely, the unidentified figure said he had come from Madrid to inform her that she must 'pardon' her rapist. As she hesitated, the man 'insisted saying that if the pardon was not given, she would be taken to prison (*llevársela presa*), he had armed police forces to bring her to prison and she would have to be in jail and also pay'. She thought he was a policeman even if he did not show any credentials. They forced her to stamp her fingerprint on a document – she was illiterate and unable to sign.[110]

The availability of weapons and male entitlement among Francoist veterans were key factors contributing to a higher incidence of assault and new modalities of rape.[111] In July 1940, an infantry sergeant, a disabled war veteran, followed a 22-year-old woman to her hotel in Cordoba after having seen her in the Malaga express train. He offered to pay for their respective rooms. In the middle of the night, he knocked at her door, which she thoughtlessly opened. He said he wanted to sleep with her. 'As she said "no", the sergeant produced a pistol' and threatened to kill himself if he was not allowed to stay in her room. The situation was saved by the hotel doorman, who reprimanded the sergeant's behaviour. The sergeant replied: 'if you have ever been a man, remember', implying that he should be allowed 'to satiate his indecent purposes'.[112] Cases of this nature were extremely common. Shortly after the Francoist victory, a young woman had started a formal relationship (*noviazgo*) with a 20-year-old falangist in Madrid. One year and a half later, he brought her to his place, supposedly to discuss marriage with his father. However, they were met with an empty apartment. The man took out a revolver from his coat pocket and threatened her with death if they did not have sex right there. She rejected outright, but he 'brutally beat her, knocked her down the corridor,

[109] AGA, Justicia, 41/871, legajo 657, sumario 317.

[110] AHPZ, Audiencia, 4053.

[111] Archivo Real y General de Navarra (AGN), Juzgado Tudela, exp. 39 (1939). On Francoist veterans' post-war masculinity, see Ángel Alcalde, 'El descanso del guerrero: la transformación de la masculinidad excombatiente franquista (1939–1965)', *Historia y Política*, 37 (2017), pp. 177–208.

[112] AHTMTSS, legajo 5, no. 227.

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and managed to have forced intercourse'.[113] In 1944 in Zaragoza, a man who had served with the Spanish Blue Division at the Russian front put into practice his military training to attempt a rape: after breaking into the victim's flat, he 'shoved her against the wall with his knees on her knees so that she could not kick', he tied her wrists with a wire, then he 'covered her mouth with one hand while with the other grabbed her pants'.[114] Wartime violent practices reappeared in peacetime sexual aggression.

The key agent of Francoist repression in the long post-war period was the Civil Guard; their brutal methods left an imprint on the social experience of post-war rape. The Civil Guard, 'with its coercive character and bad-manners' as a defence lawyer in a rape case stated as late as 1955,[115] usually overstepped its legal functions in the treatment of rape cases. The Guards applied irregular methods that are reminiscent of anti-guerrilla warfare to deal with cases of rural rape.[116] For instance, in December 1942, a woman who lived in a desolate hut near Sástago (Zaragoza) was raped by a wanderer. The man had threatened her life with a knife. Even if she had a leftist past, the Civil Guard commander ordered his men to sweep through the hills to hunt the man. Once captured, they brought him to the woman, who was asked to recount her rape experience for a fourth time before identifying the rapist.[117] The Civil Guards' behaviour on many occasions was characterized by not only this callousness but also misogynism and sexual violence. In 1951, four Civil Guards serving at a coastal post in La Línea near Gibraltar encountered a woman with a mental and physical disability rummaging materials on the beach. These Guards routinely punished civilians for picking up lost merchandise brought to shore by the waves. As the woman later told her mother, the Guards brought her inside a lookout post and obliged her 'to perform coitus with them'. She became pregnant and contracted syphilis as a result. The newborn died. Even though a medical certificate proved that one of the Guards had syphilis, and though the woman recognized another Guard in an identification parade, the lawsuit was dismissed when two other men, 'spontaneously and voluntarily', declared that she was a prostitute and that they both had had sex with her in the past.[118] The fabrication of evidence and the physical abuse of suspects by the Civil Guard in rape cases was not unheard of at the time.[119] In cities, falangists also performed police functions to deal with sexual offences.[120] The transformation of Spain into a massive police state in the post-war era created the conditions for these realities.

[113] AGA, Justicia, 41/322, legajo 255, sumario 426. A similar case from 1942 in AHTMTSS, legajo 231, no. 3886.
[114] AJTMZ, 1820.
[115] AHPZ, Audiencia, 5156.
[116] AIMNO, Asturias, Caja 406, 201/42.
[117] AHPZ, Audiencia, 4778.
[118] AHTMTSS, legajo 790, no. 11226.
[119] AHPZ, Audiencia, 4889.
[120] AGA, Justicia, 41/1012.

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Considering this context, it is not surprising that crimes against 'decency', including sexual crimes, statistically increased after the war.[121] Yet they remained under-reported. Francoist moral and religious policing did not encourage reporting and prosecuting sexual offences. The young, 'retarded' victim of a gang rape in September 1940 felt how 'everyone stared' at her during a funeral service in her village. 'Since *that* happened with [her rapists]', she 'felt much embarrassment', so she made another woman know that 'even if the men had entered her room, none of them had done anything to her'.[122] While this suffocating morality affected women, the post-war exacerbation of a heroic masculinity that exalted male brotherhood helps to explain the emergence of gang rapes that were previously rare occurrences.[123]

The morality of both victims and perpetrators, as well as their political and ideological background, were intensely scrutinized in post-war rape litigations. Even the 'morality' of the victims' mothers was examined. The political language and values of the Franco regime pervaded judicial documentation to an astonishing extent. When a defendant was depicted as a former 'red', the chances for conviction increased. In a 1944 rural rape case, the Civil Guard sent the customary report regarding the defendant's record to the prosecutor. The suspect had been a member of the socialist UGT, 'and a propagandist', participating in 'strikes and demonstrations'. A court-martial in 1938 had given him a twenty-year prison sentence; yet he had been released in 1944. For the Civil Guard he was 'a dangerous individual, because his attacks against property, his political ideology, and his morality: considering him in this case author of the rape'.[124] A prosecutor assessed the behaviour of a 19-year-old rape suspect in these terms: 'good conduct, but served voluntarily in the Red army'.[125] Conversely, loyalty to the regime, and particularly to Falange, was an asset. In late 1939, returning home from a festival, a 22-year-old farmer groped his 18-year-old neighbour. The girl's father denounced him for attempted rape. The accused declared that he believed the complaint was motivated by the fact he had 'served always during the movement in Falange's office, while the victim's father, although not an extremist, seemingly was of left-leaning tendencies'. The local leader of Falange's Female Section highlighted this suspect's 'irreproachable conduct, morally as well as religiously, his conversations having been with me, and with other girls as I overheard, very decent, never overstepping the

[121] Conxita Mir, *Vivir es sobrevivir: justicia, orden y marginación en la Cataluña rural de posguerra* (Lleida, 2000). In 1939, the rate of proceedings for 'crimes against decency' as a proportion of population was up to six times higher in regions that had been in the hands of the rebels since 1936, such as Galicia, Canary Islands, Balearic Islands, and Western Andalousia than in Republican areas such as Catalonia and Valencia. See *Anuario estadístico de España* (Madrid, 1943), p. 1073.

[122] AHN, Tribunal Supremo, Criminal, 7, exp. 1027.

[123] AGA, Justicia, 41/1117, legajo 829, sumario 53; Archivo Histórico de Defensa (Madrid), 6018, legajo 3743.

[124] AHPZ, Audiencia, 5162.

[125] AHPT, Audiencia, 667/3.

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mark'.[126] He was absolved. As late as 1952, the defence attorney of a child abuser thought it relevant to present the abuser's record of collaboration with the Falangist Sindicato Español Universitario (SEU) and the Youth Front, his falangist accreditation as 'adherent (*adicto*) to the Glorious National Movement' and Francoist ex-combatant and medal-holder certifications, among other supposedly exculpating evidence, to the court.[127] Men's individual political opinions had, in reality, little role in the likelihood they would commit a sexual offence like rape. It was rather the wider social and political conditions and power structures that accounted for the levels and characteristics of rape.

In fact, extreme repression against a wide sector of the male population with a leftist past contributed to the social exclusion, emotional and sexual deprivation, and challenged masculinity of these men. These realities most likely furthered the levels of sexual violence between vanquished men and women. In January 1940, a 31-year-old day-labourer, a former socialist, returned to his hometown after months in a concentration camp. Shunned by neighbours and family members, one day he 'got the crazy idea' of breaking into the house of his female cousin and asking her 'if she wanted to sleep with him'.[128] In July 1942, a political prisoner was serving twelve years in a forced labour detachment at a quarry near Coria (Seville). His wife arranged a meeting with him. The husband convinced his overseer (another political prisoner) to allow them to meet. The couple were able to have a picnic together near the quarry. But after the husband returned to work, the overseer approached the woman. The overseer had been leering at the couple from a distance. Now he 'wanted a kiss' from her. The woman later penned a tormented letter to her husband explaining how the overseer had raped her; she was most afraid of his threat: 'if you tell your husband and I hear about it, I'll send him directly to [illegible]'. She begged her husband to request a transfer to another penitentiary colony as soon as possible. However, the camp authorities intercepted the letter, and a court-martial ensued. The overseer, a former member of the anarchist CNT, was given a harsh sentene. The colonel who commanded the penitentiary detachment gave the sentence 'maximum publicity among the inmates, so that it will serve as a lesson and example'.[129] For the same reasons, levels of theft, fraud, and robbery rose dramatically in the postwar period; sex-motivated crimes increased as well.

Extreme social hierarchization and the loss of rights by the working classes placed working women in vulnerable positions. Employers' abusive and unchecked behaviour targeted female factory workers sexually. In 1947, after months of escalating sexual harassment by the manager in a footwear factory,

[126] AJTMZ, 1030/7.
[127] AHPZ, Audiencia, 4914.
[128] AHPZ, Audiencia, 4052.
[129] AHTMTSS, legajo 255, no. 4203.

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an apprentice refused to work in the storeroom where the manager had isolated her. Threatening her with dismissal and emphasizing that 'he was the one in charge', he forced her again to work there, continuing the molestation. At some point, after slapping the apprentice on the face and beating her repeatedly, he raped her. Another female worker witnessed several times how the apprentice left the room 'dishevelled, crying and with her apron torn'. The witness knew that 'the same happened with other female employees but they did not want to report it'. Only when the mother observed her daughter's decaying health and constant crying, the victim spoke.[130] Fear of unemployment, and managers' power in a country where strikes were considered 'sedition' by the regime (there was no significant post-war strike movement until 1946),[131] explain the apprentice's reluctance to report the crime.

IV

Investigating rape in Franco's Spain allows us to delve into the ambiguous political nature of rape and belies simplistic distinctions between political and unpolitical sexual assault. The Civil War and the subsequent dictatorship provoked an extremely high incidence of rape. Yet there is no reason to distinguish rape committed against left-wing women from the wider historical phenomenon of rape. Available evidence demonstrates that most instances of wartime and post-war rape in Franco's Spain served no conscious political or strategic purposes; they were not a weapon of war and repression but rather a direct consequence of these. In the initial stages of the war, rape was tolerated as a method of rewarding rebel troops. Rape was also part of the general criminal conduct of rebels operating at the local level. However, rape was accessory to the exterminatory methods implemented against both enemy women and men. Considered an atrocity by both sides of the war, rape offered no advantages in the conflict, but rather liabilities and embarrassment. Differently to gendered punishments such as head-shaving, rape was hidden from the public and perpetrated by individual initiative for personal reward. Unpolitical sexual and personal motivations most often emerged in the rapes of 'reds'.

At the same time, however, these crimes were a manifestation of power dynamics established by the Francoist regime. Military rebels and fascists, by destroying rights and legal guarantees, created the conditions for the persecution and oppression of broad sectors of the population. Rape thus articulated the power relationship between defeated women and victorious men. Yet not only the overturning of feminist achievements and imposition of fascist and military rule produced the recurrent sexual victimization of women by men. The extreme levels of wartime and post-war rape were the result of structural

[130] AHPZ, Audiencia, 4457.

[131] Álvaro Soto Carmona, 'Huelgas en el franquismo: causas laborales – consecuencias políticas', *Historia Social*, 30 (1998), pp. 39–61.

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transformations provoked by the war and Franco's regime. Ruralization and social hierarchization, the proliferation of weapons, the exacerbation of violent models of hegemonic masculinity, demographic upheavals, and the influence of fascist and national-Catholic ideologies had a most decisive effect over the experience of rape. These changes particularly placed lower-class, disempowered women at increased risk of sexual aggression, especially by socially and politically powerful men. As an expression of unequal power relations between gendered subjects, and responding to deep structural factors, the experience of rape in Spain transformed dramatically in these traumatic decades of the twentieth century.

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