



## Janus in the Metropole: Moroccan Soldiers and Sexual Violence Against Women in the Spanish Civil War

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### Abstract

Approximately 80,000 Moroccan men fought on the side of Franco in the Spanish Civil War. When the colonial wars ended, those men were recruited from very poor villages (some of them at the age of 16). Although the core collective memory that remains about those Moroccan troops ('the Regulars') concerns absolute cruelty, particularly towards women, they also form part of the history of the Spanish colonisation. During the Civil War, Franco's General Queipo de Llano promised that the 'castrated' Republican soldiers' women would know about the 'virility' of those Moroccan troops. Departing from fragmented historical data, this contribution presents a brief critical victimological analysis of grey zones and 'Janus' characters to better understand the complexities of victim and victimiser that overlap in the contexts of victimhood, accountability, colonisation, war and violence against women.

### Keywords

Spanish Civil War; sexual violence; colonial Morocco; victimhood; accountability.

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## Introduction

Having fought in the Republican army and been a prisoner during the Spanish Civil War, and later having suffered repression during the first years of Franco's dictatorship (1939–1975), my grandfather did not talk much about those experiences during the rest of his life. Only when dying at the hospital, I remember him dreaming out loud about the battlefield. As an indirect testimony, my mother, a historian herself, remembers him saying: 'seven centuries to expel "the Moors"<sup>1</sup> and Franco brought them back to Spain to kill us' (Martínez 2020). Still today, in the collective memory of older generations, the stigma of the Moroccan soldiers as rapists remains; simultaneously, younger generations continue associating Moroccan male migrants with criminality and, specifically, with the victimisation of women.

For many years, Spanish society was silent about the victims of the Civil War and Francoism (Beevor 1982). Moreover, those decades continue to be a source of political controversy in terms of victimhood, accountability, reparation and reconciliation (Tamarit 2011). After contextualising general sexual violence against women during war, this contribution approaches the role of the Moroccan troops in that kind of violence during the Civil War. Based on a literature review of the scarce historical and anthropological bibliography on this concrete matter, it presents an analysis of the Moroccan soldier as falling into a grey zone and taking on the role of a Janus character in relation to victimhood and accountability. Within a critical victimological approach, this paper aims to reopen part of this chapter of Spanish history to reflect on current global issues related to the cultural understanding of women's victimisation during war, peace and colonisation.

## Meanings of Sexual Violence Against Women in the General Context of War and International Criminal Law

The topic of violence against women during war is relatively recent in the fields of history, medicine, law or victimology (Amnesty International 1993; Brown 2005; Brownmiller 1975; Buss 2009; Ewald 2002; Koos 2017; Malik 2020; McCormick 2001; Nordstrom 1996; Swiss and Giller 1993). Sexual violence can be viewed as a tool of control wielded by certain human beings over others. Although many male victims exist, this domination has always worked in a continuum with the general violence against women in pre- and post-war societies. This fact does not diminish the specific characteristics of rape during wartime: public occurrence, group character, prolongation as sexual slavery and its use in ethnic cleansing (Hagen and Yohani 2010). In the context of war, we can understand rape as a gendered process where the audience or bystanders play a key role (Joly 2012: 112).

Rape during war, predominantly committed by armed agents against civilians, can be defined as mass victimisation due to the number of victims affected and the magnitude of the abuse of power. Women's bodies are used as a 'ceremonial battlefield' (Brownmiller 1975: 38; Lamb 2020) to compensate fighting men, humiliate the enemy, express revenge and transmit terror. Turshen (2001) referred to the political economy of rape during war in relation to its long-lasting effects on the victims, their families and their communities, particularly the loss of their status in cultural terms, which brings intertwined political and economic consequences. In patriarchal societies (and legal systems), rape is traditionally associated with experiencing dishonour (Neill 2000). This dishonour is augmented if women become pregnant, which can cause social rejection, risky abortions, shame and depression and committed or attempted suicide (Mochmann 2017).

Customary laws about war prohibited systematic rape, but there was a common understanding that rapes were a by-product of war violence.<sup>2</sup> Notwithstanding the historical accounts of the Second World War<sup>3</sup> and other previous armed conflicts, a clear legal recognition of this problem occurred only after the war in the former Yugoslavia (Engle 2005; Stiglmeier 1994). After the United Nations (UN) admitted the widespread use of rape as a military and political strategy,<sup>4</sup> more legal evidence of this kind of victimisation was produced in the case of Rwanda (Human Rights Watch 1996) and Sierra Leone (Menzel 2020). Finally, Article 7.1 g) of the 1998 Rome Statute of the International Criminal Court included it in crimes against

humanity. Sexual offences were also considered war crimes (Article 8), independently of the international nature of the conflict.

Moreover, the United Nations Security Council Resolution 1325, adopted on 31 October 2000, aimed to end violence and abuse against women during war and bring women's voices into peace talks. In 2008, Resolution 1820 recognised sexual violence as a war tactic and called for the intervention of the Security Council to provide safety for women. In 2009, the UN Security Council Resolution 1888 urged prompt action to protect civilians, including women and children, from all forms of sexual violence. This Resolution established an Office on Sexual Violence in Conflict to coordinate different UN entities to approach sexual violence in conflict and support the Special Representative of the Secretary-General on this topic. This Resolution acknowledged the significant impact of this sort of victimisation not only on victims but also on communities and future peace. On its webpage (The Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict n.d.), the Office objectives are defined as 'converting cultures of impunity into cultures of justice and accountability through consistent and effective prosecution ... [by] fostering national ownership and leadership for a sustainable, survivor-centred response' and 'addressing the root causes of conflict related sexual violence'.

Despite international criminal law reforms to make sexual violence against women during armed conflicts preventable, punishable and repairable, impunity persists (Dowds 2020). This is partly because possibilities of prosecution are rare in the chaos of war and the fight for mere survival. Besides, many women, family members and witnesses are killed or suffer permanent terror. Further, cover-ups happen under the law of silence in military corporatism. Additionally, some rapes are considered less serious than others depending on the geopolitical situation and who the perpetrators and the victims are (Gebhardt 2016), including cases of peacekeeping forces committing sexual crimes (Myrtilinen 2020). Taking into account secondary victimisation in the traditional criminal justice system, some authors have argued for access to transitional and restorative justice (Braithwaite 2020).

Paradoxically, Nadj (2018) has contended that international criminal tribunals and legal narratives have constructed women in passive terms—victimhood and motherhood. That construction might exclude other controversial and multi-gendered identities or subjectivities in wartime and separate them from relations of power. Feminist studies have highlighted why certain kinds of victimisation and experiences are silenced and how these processes relate to different interests and structures of power. By taking the reader back to the context of the Spanish Civil War, and to the participation of men from colonial Morocco, I will demonstrate that many elements of this current discussion in international criminal law is already present there and that their analysis would benefit from further intersectional research (Peterson 2007).

### **Legacies of the Spanish Colonies: The Role of Moroccan Troops in the Civil War in Relation to Violence Against Women**

The geography of the Iberian Peninsula and the Islamic Maghreb, separated by 14 kilometres of the Mediterranean, explains their reciprocal historical relations (Stenner 2019): from the medieval al-Andalus to the Spanish interest in northern Africa and the current migratory pressure. While Latin American colonies continued collapsing, the Hispano-Moroccan War began (1859–1860), and Spain competed with the French and British economic interests in that region. In 1912, the Spanish protectorate over the northern Rif mountains was established. The colonial wars against the northern African tribes ended in 1926 and, in 1936, the military coup began in that colony. During the subsequent Spanish Civil War (1936–1939), approximately 80,000 Moroccan men fought on the side of Franco's National Front against the Republic.

Moroccan soldiers had already been used by the Republic for the repression of mineworkers in Asturias in 1934. During the Civil War, Moroccan troops were granted the right to loot and pillage. From Seville Union Radio, Franco's General Queipo de Llano promised that the 'castrated' Republican soldiers' women would soon know about the 'virility' of those Moroccan troops.<sup>5</sup> In the collective memory of several generations, those soldiers have remained either 'beasts' or 'Moors', a scorn-filled view that dates back to

the Spanish Reconquest in the Middle Ages and the alliances with Catholic religious and political power. Franco himself can be understood as a military product of the Spanish colonies in northern Africa. He fought in the colonial wars and was a member of the African Army, created in 1911 and comprising Spaniards and so-called indigenous troops (also known as Regulars). Due to the intervention of that army and the massive recruitment of Moroccans, at the end of 1936, most territories in the west of Spain were under the rule of the National Front. When the Civil War ended, approximately 20,000 Moroccan soldiers had died<sup>6</sup> and many others had been wounded (Wright 2020). With the advent of the dictatorship, the remaining soldiers were discharged from the army and repatriated to the Spanish protectorate in northern Africa. During the dictatorship, only some remained to fight the resistance guerrillas and, later, a few remained as personal guards for Franco (Bárbulo 2008).

Recruited Moroccans were 16–50 years old and came from very poor villages where the action of local Moroccan authorities was marked by different forms of colonial corruption. However, the propaganda projected in the cinemas during the Civil War claimed that ‘all Muslims of our Protectorate in Morocco, full of love and culture provided by Spain, come immediately to help, after listening to the bugles calling from the West ... Nothing but volunteers by command of the heart’ (Bárbulo 2008: 3). In contrast with this paternalistic and colonial perspective, on the Republican side, the image of the ‘the brutal enemy’ (Joly 2012: 104) or ‘the spectre of the ‘Moors’ (Ribeiro de Menezes 2018: 131) was created—although, as mentioned above, the Republic also used these troops in 1934.

The sexual violence committed by those troops under Spanish command has been documented by historical sources, usually by alleged witnesses. However, as described in the first section, hidden victimisation remained, and many real victims never told their stories of what happened (Bahamonde 1938: 108; Cases 2014; Sánchez 2009; García Márquez 2012; Solé and Díaz 2014; Saiz Viadero 2017). According to Joly (2012):

The historian relies almost exclusively on various accounts and images, sources of immediacy, created by men and women who have not raped or suffered rape but who have witnessed these acts; these rapes have left no traces of legal, police or medical proceedings. Some military documents testify to the application of punitive sanctions against the rapists, but they remain marginal to the extent that the majority of rapes were perpetrated in a broad context of impunity ... the essentially intimate nature of the violence neutralises the words of victims, then and now. (104–105)

In the autumn of 1936, the Moroccan troops passed by the town of Navalcarnero where they were met by American journalist John Whitaker. In 1942, he declared to the journal *Foreign Affairs* that the National Front commanders never denied that they had promised white women to the Moors after entering Madrid; further, only some commanders supported the idea that those women were still Spaniards despite their leftist ideas. Whitaker himself said that the Moroccan official El Mizzian encouraged the rape of two young women by 40 of his men in that town (Tur 2017).

Women were objectified by individual soldiers exercising sexual control—and also by Spanish commanders—as part of the war strategy whereby women were first demonised as Republicans (Reds) and then as perverse (atheist and sexually active). In this way, they could be further denigrated because they were already considered dishonoured (Negri 1937: 17–19). Beyond rape and other sexual aggressions, there occurred killings, persecution and public scorn of these women by members of their own communities.

### **The Metaphor of Janus in Relation to Victimhood and Accountability: Grey Zones and Collective Memories of Colonies and War**

Using critical victimology to consider cases of victims and victimisers enables overlapping popular and legal assumptions about victimhood to be questioned (McGarry and Walklate 2011). In relation to receiving and causing unjust suffering, the concepts of innocence (usually associated with passivity) and

revenge (associated with agency and guilt) emerge. In addressing both concepts, collective memory tends to omit ambiguities, particularly when they cast doubts on deserving public acknowledgements or legal compensation.

This paper does not explore the victimhood and agency of women victims in the Civil War (Pennell 1987; Rodríguez López 2020) because these issues sit outside the general scope; rather, it addresses the victimhood and agency of some perpetrators. In this section, I will question the monolithic interpretation of some perpetrators as pure victimisers, not to justify their crimes but rather to understand how those crimes can be contextualised partly in colonialism and how they were used in the context of war. By using a broad concept of victim—beyond legalism—it may be said that many Moroccan soldiers who committed sexual violence against Spanish women were placed in a grey zone or exhibited a Janus character.

Bilbao (2009) has distinguished between the concept of grey zones and the metaphor of Janus. Primo Levi (2004) described the grey zone in his reflections on Holocaust survivors. According to Levi, the grey zone is the space between the good and evil poles where diffuse victimisation and crime processes coexist regarding implicated bystanders. In the original concept of the grey zone, these implicated bystanders are considered so because they have collaborated with their victimisers, but always after being victims themselves and due to an insurmountable fear or state of need imposed by the victimisers. For example, this is the case for Jews who collaborated with the Nazis or child soldiers in different armed conflicts, such as the Civil War.

According to Judt (2001):

Thanks to Primo Levi and Václav Havel we have become familiar with the ‘grey zone.’ We understand better that in conditions of extremity there are rarely to be found comfortably simple categories of good and evil, guilty and innocent. We know more about the choices and compromises faced by men and women in hard times, and we are no longer so quick to judge those who accommodate themselves to impossible situations. (26)

In Roman mythology, Janus is the god of transitions and duality, usually represented as having two faces. The metaphor of Janus refers to a different context in which victims might have been or will be victimisers, but causing harm to others is not justified by an insurmountable fear or state of need. In the Janus case, there is no (ethical or legal) justification for harming others. An example of a Janus character is when someone is a victim and later becomes an offender or vice versa; such a situation might be related to revenge processes in collective violence. For that reason, following Bilbao (2009), in ethical terms, memorialisation in public spaces shall deal only with the acknowledgement of the injustice of a given victimisation.

There is insufficient historical evidence to determine how many Moroccan soldiers might fall into a grey zone or be conceived of as Janus characters. Despite their racist representation as savages, a significant number were victims first because they were minors when recruited and, beyond the legal concept of victim, all of them suffered during the context of the political and economic abuse of power inherent to the colony. Further, some witnessed the encouragement of brutality against women by Spanish National Front officers. This brutality formed an element of a Civil War in which atrocities were committed on both sides; however, the National Front used the rape of women in its strategy to humiliate and eliminate its enemy and provoke terror in the general population.

In any case, unless conditioned by insurmountable fear or a state of need related to their own previous victimisation, all Moroccan (and Spanish) soldiers who raped women (and those officers who promoted them) should be considered accountable because, in ethical or legal terms, that violence cannot be justified by due obedience. Another different question regards their legal consideration and the possible prosecution, after so many decades, of their acts as international crimes.<sup>7</sup>

### *From the Process of Recruitment to the Grey Zones*

Even if the Moroccans' victimisation caused by forced recruitment or the recruitment of minors cannot justify rapes committed by them later, there are some traces of grey zones in this situation. Historians have attempted to explain why so many Moroccans (predominantly in the Rif zone) became soldiers for the National Front during the Spanish Civil War. By contrast, only approximately 700 men from Morocco and other Arab countries fought for the Republic in the international brigades (Mechbal 2011: 70; Ramsis 2018), including some who deserted from the National Front.

Reasons that might explain this massive recruitment for the National Front include the economic situation of some northern African tribes and the promotion of religious and political propaganda. As Muslims, Moroccans were told that they would fight against evil people who did not believe in any God. Possibly, this idea was a kind of self-justification beyond the material need for money and resources to survive. Simultaneously, the local population, particularly those in favour of ending the colony, were unhappy with Republic rule and its indifference towards Moroccan independence. Ultimately, Franco's Spanish National Front manipulated these independence expectations, also feared by France in relation to its colonies. This could explain why some representatives of the North Moroccan independentist movement sympathised with fascism (Madariaga 2002).

For Mechbal (2011: 30), the correct question to ask regarding this massive recruitment is not the why, but the how. He highlighted the corrupted system of *caïdes* or military controllers, created in 1927. During the Civil War, they recruited in very poor towns at regional and local levels. Sometimes, tribal leaders who opposed recruitment were threatened and executed (Benjellon 1988; Bolorinos Allard 2016). Madariaga (2002) considered Moroccan soldiers who were mercenaries to have found in the army a way of living for them and their families (Bárbulo 2008). However, Mechbal (2011: 34) indicated that those potential soldiers were people placed by colonial and local authorities in a context of social disorganisation that conditioned people's structural misery, independently of the natural conditions such as harvests and droughts. As years passed, the number of people recruited fell, and there is evidence of some Moroccan soldiers advising their family and friends in Morocco not to be recruited in a war described as 'hell' (Pueyo Mur 2020: 3).

The filmmaker Driss Deiback Mimun (2005) interviewed some of those former soldiers for his documentary *Los perdedores (The losers)*. At the time of the interviews, they were old men. One, Mimou Mohammedi, stated that they were put 'like cats in a bag', set free in Spain and told 'shoot or die' (Bárbulo 2008). Moreover, even if, officially, the minimum age for recruitment was 16 years, we may wonder to what extent this was enforced and free of pressure, due to the economic situation at that time in that region (Mechbal 2011: 23). After the war, only some of those soldiers received minor subsidies.<sup>8</sup> According to Driss Deiback Mimun (2005), they were used, manipulated and then forgotten.

Regarding this alleged victimisation, some groups of former Moroccan soldiers and their families, with the help of the Moroccan association Common Memory and Future Centre (Mechbal 2011: 1), claimed compensation and reparation from Spain. However, they faced criticism from political parties and historians for pretending to be victims and sowing confusion between civilian and military victims (Pueyo Mur 2020).

### ***Janus Characters in the Deliberate Promotion of Brutalisation During the Civil War***

If the how of the recruitment may be associated with the notion of victimisation for grey zones, the deliberate promotion of brutalisation during the Civil War can be linked to the creation of Janus characters. As previously mentioned, and despite the paucity of war statistics, Paul Preston (2011) has discussed the systematic persecution of women by the National Front. According to him, systematic murder, torture and rape were specific punishments for women who were considered enemies, sometimes just because they promoted the first steps towards gender equality during the Republic. Women in general (including foreign women who volunteered for the international brigades) suffered abuses of power and sexism in both the National and Republican zones (Antequera 2020; Tremlett 2020). However, despite the brutality of the Soviet influence upon Republicans (Mesa 2004), historical evidence has shown that the command for brutality was more explicit within the National Front under the idea of eradicating the Red enemies of

Spain, whether men or ‘their’ women (Joly 2012; Madariaga 2002). There also occurred tolerance of, complicity with, and even promotion of, systematic abuses. The so-called ‘Causa General’, a judicial investigation initiated by Franco’s Ministry of Justice in 1940 into the crimes committed during the ‘Red domination’, only documented one case of a brutal rape of a nun by the Republicans; however, there were probably many more (Preston 2011).

During the Civil War, dehumanising the enemies and treating them as invaders was a key strategy that was used in a contradictory way in the Spanish case. Having learned from other tribal conflicts at home and the previous colonial war against Spaniards—during which, according to military archives, chemical weapons were used by Spain in the Rif’s war (Stenner 2019)—some Moroccan soldiers were encouraged by high-ranking officers to use violence against women. Mechbal (2011) highlighted how Moroccan soldiers were thought of as naturally or intrinsically violent, corresponding to a tribal structure prone to anarchy and revenge. Some authors have suggested that they might have enjoyed the context of war and brutality; however, this idea should be revised using historical evidence and from an anti-colonial perspective. As previously quoted, Franco’s General Queipo de Llano contrasted the brutality of Moroccans against the ‘sissy character’ of Republicans. This brutality was particularly described in relation to sexual violence against women (Bolorinos Allard 2016). Again, it was part of a political and psychological strategy to spread terror using the ancestral fear of ‘Moors’ that had recently been experienced in the 1934 repression of the miners in Asturias. That terror was particularly focused in small towns, against rural women, as Moroccan soldiers were predominantly deployed in the countryside and rarely fought in cities.<sup>9</sup>

### **Discussion: Myths Regarding Identities in Frameworks of Interpersonal, Structural and Cultural Violence Under Decolonial Perspectives**

Having departed from a general overview of the international legal evolution of sexual crimes against women in war, we could conclude with a pessimistic view regarding how things might have been different if the recent legislation referred in the second section of this article had existed during the Civil War. This pessimism arises from the evidence that, despite such legislation, impunity continues today. Notwithstanding the recognition of advancements in this field, equality during both wartime and peace is not only a question of law, international criminal tribunals or truth and reconciliation commissions, where a necessary intersectional framework of analysis might be out of focus. As we have illustrated using the case of the Moroccan soldiers, such an intersectional framework is needed to question the reinforcement of stereotypical and patriarchal legal ideas regarding female identity and ethnic identities. In this regard, Nadj (2018) has questioned the displacement of identity boundaries in ethnic, national, gender, religious and cultural terms to ultimately elaborate war narratives using only pure aggressors and pure victims.

We have seen how the alleged brutality during the Civil War was linked to the role of masculinities in the construction of the enemy (González-Allende 2010). For Republicans, the masculinity of the rebels was ‘wrong’ because it was brutal and unable to control its instincts. For the National Front, the masculinity of the Republicans, identified as cowards, was wrong for being non-existent. At the same time, they also considered the Moors to be uncontrollable and sexually savage (Bolorinos Allard 2016). Despite real victimisation, negative images of the Moroccan soldiers—long culturally rooted—were used by some to reinforce the idea of brutal enemies of the nation and by others to spread terror and oppose their masculinity as heroic soldiers facing cowards who could not defend ‘their’ women. Simultaneously, both sides used positive images to promote the idea of ‘brotherhood’ to fight together, although they were rarely treated as equals in practice (Alcolea 2012). Masculinity and gender issues formed part of this self-imagined identity (Martín-Márquez 2004) where ‘fantasies about the savagery and hypersexuality of the Moor’ helped demasculinise the enemy men and defame enemy women (‘their women’) (Bolorinos Allard 2016: 6).

Further, in the Civil War, the concept of race played a central role; Franco and the fascists interpreted the good and true Spaniard to coincide with their own social, religious and political ideology. However, at the same time, Franco appealed to that brotherhood using Moroccans. Regarding this confusing and contradictory interpretation of race, Southern perspectives (de Sousa Santos 2019) and anti-colonial

criminology (Diagne and Amselle 2020) might broaden the perspective and enlarge the debate to include the treatment of Moroccan men and women under colonial rule. In this way, we could create new frameworks for future research to assess the cultural, social and legal context of the recruitment of Moroccan soldiers for the Civil War.

A nomadic theory, that considers flux subjectivity that is open to otherness, particularly to others who are thought to be radically different academic and political agents (Braidotti 2013), might allow us to include peripheral considerations usually excluded from public knowledge. Within these decolonialised and decentralised thoughts, that go beyond identity essences of any kind (Balcells 2012), the perspective of the Moroccan soldiers themselves (and their families), investigated by Moroccan studies rather than only Spanish or Western ones, could enrich the debate regarding intersectionality, victimhood, colonialism and international law. International law is linked to the legitimisation of the social and economic exploitation of the colonies (Theurer and Kaleck 2020) and includes racist and patriarchal beliefs. This consideration may be extended to the historical and current development of international criminal law and its influence on internal law.

In this sense, this paper is not about the past but about how the past conditions the present situation of violence against women. To avoid political manipulation,<sup>10</sup> we need contextualised public debate about violence and its legacies, although historical research offers contradictory conclusions and limitations (e.g., regarding the exact number of Moroccan men who participated in the Civil War, their socio-demographic profile and the process of their recruitment). Moreover, there are few direct testimonies from perpetrators and victims, and most testimonies are constructed from the Metropole and by men (Garcia-Ramon et al. 1998; Muñoz-Encinar 2020; Palma Borrego 2009; Romero 2008). For example, we need to study why Spaniards do not know much about the stereotypes and images of themselves in the northern African colonies and their contrast to historical evidence, including sources from oral history (Fraser 2007). Bolorinos Allard (2016) has discussed maurophilial and maurophobic representations of the Moor that were present in Spanish culture before the Civil War, but were exacerbated during that period, as a mirror for self-representations of the Spanish national and political identity, but including contradictions in the propaganda discourse on both sides.

Wendy Brown (1995) has criticised situations in which, when protecting so-called vulnerable groups (e.g., women or native populations), the state legitimises its legal intervention by transforming real harm (and a sense of woundedness) into a sense of an identity that can be manipulated in exclusionary terms. Brown has highlighted that people placed in vulnerable conditions need power to be shared and not only to be regulated on the basis of protection. Within this set of ideas, anti-colonial perspectives that question the unequal distribution of power are critical in relation to the topic of this paper. Specifically, Moroccan soldiers placed in the grey zones and interpreted as Janus characters may be thought of in critical victimology as ‘the undetermined’—in need of a radical imagination to question how colonial myths produced the reality of violence against women in the Civil War and how the glorification and justification of violence in masculinity terms was used to spread terror.

With no voice of their own, the ‘Other’, whether women or colonised subjects, must stick to the script created for different reasons by the imagination of the one in power. To question traditional representations, Komporozos-Athanasiou and Bottici (2017) have evoked the ideas of libertarian Marxism, as discussed by Castoriadis (1994), when talking about the imaginary as a social context, rather than the imagination as an individual faculty. A radical imagination goes beyond subject-oriented imagery and towards sociohistorical imagery because society is historical, multifaceted and always changing—it is not a given but is constantly instituting itself. By thinking about the nature of radical imagination, we can think of an alternative logic to think the undetermined in terms beyond friend/enemy, Catholic/Muslim, man/woman, victimiser/victim or past/present. This may provide more emancipatory meanings, based on real experiences and history, to respond to experienced injustice and to look for individual and social accountability.

Again, this paper does not aim to establish a hierarchy of victimisation or justify political violence against women. Rather, it concerns acknowledging violations of human rights in colonial and war contexts, both

defined by concrete ideas of masculinity and where ‘the silence of survivors is not solely the consequence of indescribable psychological and physical pain but rather a combination of individual pain and social representation that dehumanizes and humiliates survivors’ (Grossman 2020: 46). In this line of thought, we should question pre-existing social and cultural conditions that foster abuses of power of women and male victims.

Although people situated in the grey zone or resembling Janus characters might be part of a minority in relation to mass victimisation in a given context (e.g., the Civil War in Spain), reflecting on them might provide a broader scope of the complexities of a coherent defence of human rights and the critique of violence. Questioning an essentialist and antagonist view of pure and impure victims (defined differently according to every community of reference or ‘side’ in a war) does not entail relativism towards social and individual injustice. Historically contextualised polyphonic memories seem more coherent with the causes of human rights and emancipation. In a world where the deep roots of fascism remain, the words of Primo Levi and their nuances and reinterpretation in other contexts, perhaps within grey zones and Janus metaphors, continue to be illuminating in studies of victimhood. Finally, identity is not a monolithic or fixed construct, as some sought to make it during the Civil War. Today, Moroccans constitute the second-largest immigrant community in Spain, reversing the patterns of mobility of the colonial era (Stenner 2019: 14). Spanish society still holds many prejudices against the ‘Moor’ (Flesler 2001), and Janus characters and grey zones remain in various ways within persistent, and unequally distributed, global violence against women.

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<sup>1</sup> This term comes from the Roman term for the Berbers of North Africa. It was traditionally used in Spain during the Civil War (Bolorinos Allard 2016). For this reason, it will be used in this article.

<sup>2</sup> See the 1864 Geneva Convention and the Hague Conventions of 1899 and 1907 on the Laws and Customs of War on Land; there was no particular concern regarding violence against women.

<sup>3</sup> After the Second World War, Article 27 of the Geneva Convention (in relation to the protection of civilian persons in times of war), 12 August 1949, described rape in the following terms: ‘women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault’. Additionally, Article 4 of the Additional Protocol II, 8 June 1977, stated the prohibition of ‘rape, enforced prostitution and any form of indecent assault’ against civilians. However, those provisions did not recognise sexual offences as a grave breach of the Geneva Convention, and it was necessary to force interpretation to understand those offences as torture and cruel treatment. In 1969, the Commission on the Status of Women discussed the vulnerability of women in armed conflicts (Meron 1993).

<sup>4</sup> Rape is mentioned within crimes against humanity in Article 5 of the 1993 Statute of the international Criminal Tribunal for the former Yugoslavia and, within crimes against humanity and war crimes, in Articles 3 and 4 of the 1994 International Criminal Tribunal for Rwanda Statute, where judges have interpreted rape as an instrument of genocide (Dowds 2020).

<sup>5</sup> As quoted in Joly (2012: 107), he stated the following: ‘our brave Legionnaires and Regular troops have taught the Reds what it is to be a man. At the same time, they taught their women too who, now, have finally known real men and not castrated militia men. Kicking and shouting will not save them.’

<sup>6</sup> See the Spanish Act 52/2007, known as the Historical Memory Act, and the 2020 proposal for a Democratic Memory Act. According to some authors (Bolorinos Allard 2016), the Moroccan casualty rate was twice that of the Spanish rate: one in every five Moroccans was killed in the Civil War. There were Civil War Islamic burial sites in some Spanish cities, but with no identification. Their remains were not allowed in the Valley of the Fallen, thought to be only for Catholic Spaniards (and where Franco was buried until 2020).

<sup>7</sup> In relation to juridical evidence for the legal framework, the former magistrate Garzón’s attempts in 2008 to judge the international crimes perpetrated by Franco were unsuccessful. Both the death of Franco (1975) and the 1977 Amnesty Law have been interpreted as obstacles. In any case, the initiated investigation has never been interpreted in terms of transitional justice (Fernández-Pacheco, 2018). In January 2019, a complaint was filed before the United Nations Human Rights Council, based on violation of the International Covenant on Civil and Political Rights, questioning the lack of consequence for two enforced disappearances that occurred in 1936. However, there was no concrete reference to sexual violence against women (Fernández Paredes 2016). At the time of finishing this article, a supplemental complaint is still pending, submitted by *Women’s Link Worldwide*, in Argentina, under the universal jurisdiction principle.

- <sup>8</sup> According to Driss Deiback Mimun (2005), Bárbulo (2008) and Bolorinos Allard (2016), Muslim soldiers or their widows encountered difficulties in obtaining pensions that, in any case, were very meagre.
- <sup>9</sup> Since October 1936, the Regulars were incorporated into larger brigades with Spanish volunteers (Bolorinos Allard 2016).
- <sup>10</sup> See, for example, at [https://twitter.com/guerra\\_civil\\_/status/989535038428639233](https://twitter.com/guerra_civil_/status/989535038428639233), a 2018 debate on social media regarding the role of the Moroccan troops in the Civil War. The debate is apparently predominantly among men, concerning masculinity and national identity; violence against women during war is omitted from the discussion.

## References

- Alcolea J (2012) ¿Moro invasor o hermano revolucionario? Las imágenes de los marroquíes durante la guerra civil en el diario cenetista de Valencia Fragua Social. *Cahiers de Civilisation Espagnole Contemporaine. De 1808 au Temps Présent* 1. <https://doi.org/10.4000/ccec.4047>
- Amnesty International (1993) Report: Bosnia-Herzegovina: Rape and sexual abuse by armed forces. <https://www.amnesty.org/download/Documents/188000/eur630011993en.pdf>
- Antequera J (2020) El ejército franquista practicó la violación de mujeres de forma “sistemática” y como “arma de guerra”. *Diario 16*, February 24. <https://diario16.com/el-ejercito-franquista-practico-la-violacion-de-mujeres-de-forma-sistemática-y-como-arma-de-guerra/>
- Bahamonde A (1938) *Un año con Queipo de Llano (memorias de un nacionalista)*. Buenos Aires: Ediciones Republicanas.
- Balcells L (2012) The consequences of victimization on political identities: Evidence from Spain. *Politics and Society* 40(3): 311–347. <https://doi.org/10.1177/0032329211424721>
- Bárbulo T (2008) Los moros de la ‘cruzada’ de Franco. *El País*, March 2. [https://elpais.com/diario/2008/03/01/babelia/1204329979\\_850215.html](https://elpais.com/diario/2008/03/01/babelia/1204329979_850215.html)
- Beevor A (1982) *The Spanish Civil War*. London: Peter Bedrick.
- Benjellon A (1988) La participación de los mercenarios marroquíes en la Guerra Civil española. *Revista Internacional de Sociología* 46(4): 527–542. <https://doi.org/10.4000/amnis.1487>
- Bilbao G (2009) *Jano en medio del terror. La inquietante figura del victimario-víctima*. Bilbao: Bakeaz.
- Bolorinos Allard E (2016) The crescent and the dagger: Representations of the Moorish other during the Spanish Civil War. *Bulletin of Spanish Studies* 93(6): 965–988. <https://doi.org/10.1080/14753820.2015.1082811>
- Braidotti R (2013). Nomadic ethics. *Deleuze Studies* 7(3): 342–359. <https://doi.org/10.3366/dls.2013.0116>
- Braithwaite J (2020). Many doors to international criminal justice. *New Criminal Law Review: An International and Interdisciplinary Journal* 23: 1–26. <https://doi.org/10.1525/nclr.2020.23.1.1>
- Brown M (2005) Review essay women and warfare: Recent literature and new directions in research. *Feminist Review* 79(1): 172–175. <https://doi.org/10.1057/palgrave.fr.9400214>
- Brown W (1995) *States of injury: Power and freedom in late modernity*. Princeton: Princeton University Press.
- Brownmiller S (1975) *Against our will: Men, women and rape*. New York: Simon and Schuster.
- Buss D (2009) Rethinking ‘rape as a weapon of war’. *Feminist Legal Studies* 17(2): 145–163. <https://doi.org/10.1007/s10691-009-9118-5>
- Cases A (2014) La violencia sexual en la retaguardia republicana durante la Guerra Civil Española. *Historia Actual Online* 34: 69–80. [https://rua.ua.es/dspace/bitstream/10045/41692/1/2014\\_Cases\\_HAO.pdf](https://rua.ua.es/dspace/bitstream/10045/41692/1/2014_Cases_HAO.pdf)
- Castoriadis C (1994) Radical imagination and the social instituting imaginary. In Robinson G and Rundell JF (eds) *Rethinking imagination: Culture and creativity*: 136–154. New York: Routledge.
- Deiback Mimun D (dir) (2005) *Los perdedores*. Barcelona: Zip Films. Documentary film.
- de Sousa Santos B (2019) *El fin del imperio cognitivo: La afirmación de las epistemologías del Sur*. Madrid: Trotta.
- Diagne SB and Amselle JL (2020) *In search of Africa (s): Universalism and decolonial thought*. Cambridge: Polity.
- Dowds E (2020) *Feminist engagement with international criminal law: Norm transfer, complementarity, rape and consent*. London: Bloomsbury Publishing.
- Engle K (2005) Feminism and its (dis)contents: Criminalizing wartime rape in Bosnia and Herzegovina. *The American Journal of International Law* 99(4): 778–816. <https://doi.org/10.2307/3396669>
- Ewald U (2002) Victimization in the context of war. Some aspects of a macro-victimological research project. *European Journal of Crime, Criminal Law and Criminal Justice* 10(2): 90–97. <https://doi.org/10.1163/157181702401475287>
- Fernández Paredes TC (2016) The importance of including a gender-based perspective when dealing with the past: Sexual and gender-based violence committed during the Franco dictatorship in Spain. *International Journal on Rule of Law, Transitional Justice and Human Rights* 7(7): 93–107.
- Fernández-Pacheco C (2018) Obstacles to the prosecution of crimes committed during the Civil War and dictatorship in Spain. *Diritto Penale Contemporaneo* 4: 230–239.

- Flesler D (2001) De la inmigración marroquí a la invasión mora: discursos pasados y presentes del (des) encuentro entre España y Marruecos. *Arizona Journal of Hispanic Cultural Studies*: 73–88. <https://doi.org/10.1353/HCS.2011.0041>
- Fraser R (2007) *Recuérdalo tú y recuérdalo a otros. Historia oral de la Guerra Civil Española*. Barcelona: Crítica.
- García Márquez JM (2012) *Las víctimas de la represión militar en la provincia de Sevilla (1936-1939)*. Sevilla: Aconcagua.
- García-Ramon MD, Albet-Mas A, Nogue-Font J and Riudor-Gorgas L (1998) Voices from the margins: Gendered images of 'otherness' in colonial Morocco. *Gender, Place and Culture: A Journal of Feminist Geography* 5(3): 229–240. <https://doi.org/10.1080/09663699825188>
- Gebhardt M (2016). *Als die Soldaten kamen die Vergewaltigung deutscher Frauen am Ende des zweiten Weltkriegs*. Munich: Pantheon.
- González-Allende I (2010) Masculinities in conflict: Representations of the other in narrative during the Spanish Civil War. *Hispanic Research Journal* 11(3): 193–209. <https://doi.org/10.1179/174582010X12659827458988>
- Grossman E (2020) *The silent aftermath of the second world war: Ethical loneliness of rape survivors*. Bachelor Thesis, Malmö University, Sweden.
- Hagen K and Yohani S (2010) The nature and psychosocial consequences of war rape for individuals and communities. *International Journal of Psychological Studies* 2(2): 14–25. <https://doi.org/10.5539/ijps.v2n2p14>
- Human Rights Watch (1996) *Shattered lives: Sexual violence during the Rwandan genocide and its aftermath*. New York: Human Rights Watch. <https://www.hrw.org/legacy/reports/1996/Rwanda.htm>
- Joly M (2012) The practices of war, terror and imagination: Moor troops and rapes during the Spanish Civil War. In Branche R and Virgili F (eds) *Rape in Wartime*: 103–114. London: Palgrave Macmillan. [https://doi.org/doi-org-443.webvpn.fjmu.edu.cn/10.1057/9781137283399\\_8](https://doi.org/doi-org-443.webvpn.fjmu.edu.cn/10.1057/9781137283399_8)
- Judt T (2001) On 'The plague'. *The New York Review of Books*, November 29. [https://www.nybooks.com/articles/2001/11/29/on-the-plague/?utm\\_medium=email&utm\\_campaign=Saturday%20Longread%20Tony%20Judt%20on%20The%20Plague&utm\\_content=Saturday%20Longread%20Tony%20Judt%20on%20The%20Plague+Version+A+CID\\_30fe3fab88fde846e11d43bd75723914&utm\\_source=Newsletter&utm\\_term=Keep%20Reading](https://www.nybooks.com/articles/2001/11/29/on-the-plague/?utm_medium=email&utm_campaign=Saturday%20Longread%20Tony%20Judt%20on%20The%20Plague&utm_content=Saturday%20Longread%20Tony%20Judt%20on%20The%20Plague+Version+A+CID_30fe3fab88fde846e11d43bd75723914&utm_source=Newsletter&utm_term=Keep%20Reading)
- Komporozos-Athanasidou A and Bottici C (2017) The radical imagination: Imagining the future in financial capitalism. *Public Seminar*. <https://publicseminar.org/2017/06/the-radical-imagination/>
- Koos C (2017) Sexual violence in armed conflicts: Research progress and remaining gaps. *Third World Quarterly* 38(9): 1935–1951. <https://doi.org/10.1080/01436597.2017.1322461>
- Lamb C (2020) *Our bodies, their battlefields: War through the lives of women*. New York: Scribner.
- Levi P (2004) *The drowned and the saved*. London: Abacus.
- Madariaga MR (2002) *Los moros que trajo Franco. La intervención de tropas coloniales en la guerra civil*. Barcelona: Martínez Roca.
- Malik NS (2020) Reflections on the continuity of violence against women amidst war and internal conflicts: Global perspectives. *International Research Journal of Management Sociology and Humanity* 11(1): 93–99. <https://doi.org/10.32804/IRJMSH>
- Martín-Consuegra L (n.d.) *Quiénes somos*. <https://mujeresmemoriayjusticia.es/quien-somos/>
- Martínez M (2020) War memories. Interviewed by G. Varona. 25 August, San Sebastián.
- Martín-Márquez S (2004) Performing masculinity in the Moroccan theatre: Virility, sexuality and Spanish military culture from the African War to the Civil War. *European Review of History: Revue Européenne d'Histoire* 11(2): 225–240. <https://doi.org/10.1080/1350748042000240569>
- McCormick R (2001) Rape and war, gender and nation, victims and victimizers: Helke Sander's "BeFreier und Befreite". *Camera Obscura* 16(1): 99–141.
- McGarry R and Walklate S (2011). The soldier as victim: Peering through the looking glass. *The British Journal of Criminology* 51(6): 900–917. <https://doi.org/10.1093/bjc/azr057>
- Mechbal A (2011) Los moros de la Guerra Civil española: Entre memoria e historia. *Annis. Revue de Civilisation Contemporaine Europe/Amériques* 2. <https://doi.org/10.4000/annis.1487>
- Menzel A (2020) The pressures of getting it right: Expertise and victims' voices in the work of the Sierra Leone Truth and Reconciliation Commission (TRC). *International Journal of Transitional Justice* 14(2): 300–319. <https://doi.org/10.1093/ijtj/ijaa011>
- Meron T (1993). Rape as a crime under international humanitarian law. *The American Journal of International Law*, 87(3), 424–428. <https://doi.org/10.2307/2203650>
- Mesa J de (2004) *Los moros de la Guerra Civil española*. San Sebastián de los Reyes: Actas.
- Mochmann IC (2017) Children born of war – A decade of international and interdisciplinary research. *Historical Social Research* 42(1): 320–346. <https://doi.org/10.12759/hsr.42.2017.1.320-346>

- Muñoz-Encinar L (2020) Unearthing gendered repression: An analysis of the violence suffered by women during the civil war and Franco's dictatorship in Southwestern Spain. *World Archeology* 51: 559–577. <https://doi.org/10.1080/00438243.2020.1740775>
- Myrntinen H (2020) Unexpected grey areas, innuendo and webs of complicity: Experiences of researching sexual Exploitation in UN peacekeeping missions. In Bliesemann de Guevara and B and Bøås M (eds) *Doing fieldwork in areas of international intervention: A guide to research in violent and closed contexts*: 243–256. Bristol: Bristol University Press.
- Nadj D (2018) *International criminal law and sexual violence against women: The interpretation of gender in the contemporary international criminal trial*. New York: Routledge.
- Negri C de (1937) *Tragedias de la retaguardia: Estampas vivas del dolor de España*. Madrid: Nuestro Pueblo.
- Neill KG (2000) Duty, honor, rape: Sexual assault against women during war. *Journal of International Women's Studies* 2(1): 43–51.
- Nordstrom C (1996) Rape: Politics and theory in war and peace. *Australian Feminist Studies* 11(23): 147–162. <https://doi.org/10.1080/08164649.1996.9994811>
- The Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (n.d.) Sexual violence in conflict. <https://www.un.org/sexualviolenceinconflict/>
- Palma Borrego MJ (2009) Violencia y cuerpos traumatizados: Duelo y melancolía en los testimonios orales de mujeres durante la guerra civil española (1936–1939) y la posguerra. *Nuevo Mundo Mundos Nuevos*. <https://doi.org/10.4000/nuevomundo.56118>
- Pennell CR (1987) Women and resistance to colonialism in Morocco: The Rif 1916–1926. *Journal of African History*: 107–118. <https://doi.org/10.1017/S0021853700029443>.
- Peterson VS (2007). Thinking through intersectionality and war. *Race, Gender & Class* 14(3/4): 10–27.
- Preston P (2011) *El Holocausto español*. Barcelona: Debate.
- Pueyo Mur R (2020) ¿Cómo fue utilizado el moro por los dos bandos de la Guerra Civil española? Una breve reflexión Universitat Pompeu Fabra. [https://repositori.upf.edu/bitstream/handle/10230/45174/TreballCPIS\\_Pueyo\\_Moro.pdf?sequence=1&disAllowed=y](https://repositori.upf.edu/bitstream/handle/10230/45174/TreballCPIS_Pueyo_Moro.pdf?sequence=1&disAllowed=y)
- Ramsis A (dir) (2018) *You come from far away*. Beirut: Screen Institute Beirut. Documentary film.
- Ribeiro de Menezes A (2018) The necropolitics of Spain's civil war dead. In Ribeiro de Menezes A, Cazorla-Sánchez A and Shubert A (eds) *Public humanities and the Spanish Civil War*: 115–137. Cham: Palgrave Macmillan. [https://doi.org/10.1007/978-3-319-97274-9\\_6](https://doi.org/10.1007/978-3-319-97274-9_6)
- Rodríguez López S (2020) Mujeres, agencia política y violencia contrarrevolucionaria en España (1934–1944). *Hispania* 80(265): 531–561. <https://doi.org/10.3989/hispania.2020.015>
- Romero Y (2008) La narrativa colonial española sobre Marruecos como fuente para el estudio de la mora-bestia: deshumanización y monstruosidad. *Feminismo/s* 31: 143–166. <https://doi.org/10.14198/fem.2018.31.07>
- Saiz Viadero JR (2017) *Mujer, república, guerra civil y represión en Cantabria*. Torrelavega: Librucos.
- Sánchez P (2009) *Individuas de dudosa moral: La represión de las mujeres en Andalucía, 1936–1958*. Barcelona: Planeta.
- Solé B and Díaz B (2014) “Era más la miseria que el miedo”. *Mujeres y franquismo en el Gran Bilbao: Represión y resistencias*. Bilbao: Asociación Elkasko de Investigaciones Históricas.
- Stenner D (2019) Mediterranean crossroads: Spanish-Moroccan relations in past and present. *The Journal of North African Studies* 24(1): 7–16. <https://doi.org/10.1080/13629387.2018.1459089>
- Stiglmeier A (1994) The rapes in Bosnia-Herzegovina. In Stiglmeier A (ed.) *Mass rape: The war against women in Bosnia-Herzegovina*: 82–169. London: University of Nebraska Press.
- Swiss S and Giller JE (1993) Rape as a crime of war: A medical perspective. *The Journal of the American Medical Association* 270(5): 612–615. <https://doi.org/10.1001/jama.1993.03510050078031>
- Tamarit J (2011) Transition, historical memory and criminal justice in Spain. *Journal of International Criminal Justice* 9: 729–752. <https://doi.org/10.1093/jicj/mqr029>
- Theurer K and Kaleck W (eds) (2020). *Dekoloniale Rechtskritik und Rechtspraxis*. Baden-Baden: Nomos Verlag.
- Tremlett G (2020) *The international brigades: Fascism, freedom and the Spanish Civil War*. London: Bloomsbury Publishing.
- Tur F (2017) *El abuso sexual de la mujer como arma de guerra en la zona nacional*. <https://serhistorico.net/2017/03/29/el-abuso-sexual-de-la-mujer-como-arma-de-guerra-en-la-zona-nacional/>
- Turshen M (2001) The political economy of rape: An analysis of systematic rape and sexual abuse of women during armed conflict in Africa. In Moser C and Clarke F (eds) *Victors, perpetrators or actors: Gender, armed conflict and political violence*: 55–68. London: Zed Books.
- Wright S (2020) Glorious brothers, unsuitable lovers: Moroccan veterans, Spanish women, and the mechanisms of Francoist paternalism. *Journal of Contemporary History* 55(1): 52–74. <https://doi.org/10.1177/0022009418778777>