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Separation and the Tribunales Tutelares de Menores

Pilar Fidalgo penned her Spanish Civil War memoir shortly after benefiting from a prisoner-exchange scheme and crossing into France in the spring of 1937. Her story began in October 1936, when Francoist authorities imprisoned her as a kind of hostage because they could not capture her socialist husband. In the same prison in Zamora, the Francoists had jailed Amparo Barayón, a musician and activist who lived with the anarchist novelist Ramón J. Sender. Fidalgo left a moving account of Amparo's execution at dawn on October 12, 1936. Before she went to the firing squad, the prison administrator prised her eight-month-old baby from her arms declaring, "Reds had not the right to nourish their children".

Such separations in Francoist prisons have become notorious and historians often attribute them to a new Spanish and Francoist ideology which charged that 'Reds' corrupted their children and turned tomorrow's citizens into degenerates. But is it really so straightforward to argue that the idea of separating children from parents deemed dangerous to the nation came about with the arrival of Francoism? In fact, such ideas had gathered steam across the world from the start of the nineteenth century, and would later become embodied in in-

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stitutions such as the Tribunales Tutelares de Menores, founded in Spain in November 1918.

Growing Suspicion of Parents

Starting in the late eighteenth century, two contradictory processes would help foster the increasing suspicion of parents, especially poor parents, and this suspicion paved the way for ever-increasing state removal of children. On the one hand, enlightenment intellectuals such as Jean-Jacques Rousseau began to praise the innocence of children and their need for special protection if they were to flourish; on the other hand, industrialisation ushered in harsh living conditions that threatened to destroy the very conditions children were now deemed to deserve. We can see the growth of enlightenment ideas across nations. In the United Kingdom, William Cadogan, medical attendant of the London Foundling Hospital, published a work in 1748 railing against mothers who adopted superstitious practices, such as preventing fresh air from circulating, which led to high rates of infant mortality. In Spain Lorenzo Hervás Panduro echoed this thinking in a work of 1789 in which he claimed that for every 130 pregnancies, thirty children perished in the womb. As the canon of Pamplona Cathedral, Joaquín Uriz proclaimed in 1831 that these children could be saved for "religion, humanity and for the fatherland".

The nineteenth century brought significant deprivation that drastically undermined efforts to save children for the fatherland. We can sense the horror this produced in the words of the great late nineteenth and early twentieth-century campaigner for child protection Julián Juderías. In 1917, he lamented that "in our big cities, the home no longer exists". Experts like Juderías arrived at such despondent conclusions after studying the urbanisation in Spain and abroad that had ushered in overcrowding, poor sanitary conditions, bad diets, drunkenness, working mothers, child labour and growing crime. In Manchester, the world's first shock city of industrialisation, the doctor James Kay-Shuttleworth had led the way in 1832 by showing how he believed industrialisation helped destroy good parenting. In one revealing passage he denounced a drunk working mother "bearing a sickly and cadaverous-looking infant…wanting nutri-

ment…she is indeed offering it the breast, but it is flaccid and cold as marble...she is thin, pale, and badly dressed…her gown is filthy…she is happy once she has had a drink". Descriptions like these led the Spanish campaigner Ramón de la Sagra to declare that England was suffering the disastrous consequences of manufacturing fever and urged Spaniards to beware.

Spaniards were soon suffering their own plight and *casas de vecindad* promptly became a prime object of suspicion. We can grasp this in the writings of Dr. Phillip Hauser, a doctor and public health expert from Czechoslovakia who lived in Madrid between 1883 and his death in 1925. Hauser carefully studied Madrid's poorest inner-city areas (*los barrios bajos*) and described overcrowded housing blocks (*casas de vecindad*) with toilets that lacked running water and which accumulated "human waste even on stairways."

The threat lay not just in public health, but also with respect to morals. The great nineteenth century social reformer Concepción Arenal captured this in her reflections on the overcrowded housing blocks (*casas de vecindad*), about which she bemoaned, "there we can always find bad examples, evil temptations, no evil outrages people." In such places, for Arenal, bad parents simply bred more bad parents. As she noted, "to understand the behaviour of certain household heads, it is vital to remember that they were treated by the parents in the same way they treat their own children."

Increasingly, experts grew ever more suspicious of such parents. A strong example can be seen in the case of Manuel de Tolosa Latour who qualified as a medical doctor in 1878 and became involved in a vast number of projects to improve the health and lives of children. Among his many achievements he became Director del Asilo de Huérfanos del Sagrado Corazón de Jesús in Madrid as well as Secretario de la Sociedad Protectora de Los Niños de Madrid. In 1916, he gave a speech in the Ateneo de Madrid which revealed how his medical concerns overlapped with his desire to protect children from dangerous, and often poor, parents. He noted that while in Norway 350 infants per 100,000 died, in Spain the figure stood at 825 per 100,000. Part of the blame lay with parents who saw in their children "means to make money and objects to exploit." He also spoke out against the morally corrupt children, *los golfos*, who had been abandoned by their parents. Consequently, he admired foreign child protection campaigners such as Dr. Barnardo in the United Kingdom who had rescued children from poverty and placed them in children's homes. In fact, Tolosa had long argued that Spain needed to join the international mainstream, and in 1900 he bemoaned that Spain was a country where "society is not properly bound together, where moral laws are not followed on a daily basis within the family, where

families do not bring up, educate and teach children following healthy and well considered principles." His efforts to place Spain within the European mainstream led him to attend international child protection conferences in Antwerp (Amberes) in 1890 and Geneva in 1896.

Across the world, and in Spain too, doctors increasingly sought to improve the life of children by treating their parents as part of the problem that needed to be solved. In the United Kingdom, George Newman, lecturer in public health at St Bartholomew's Hospital in London, argued in 1906 that "infants perish under the neglect and mismanagement which their mothers' occupation implies". He complained that mothers working in factories were absent from home all day long and that they hired out the care of their children to nurse girls of seven or eight. Mothers in cities too fed their children "pap, made of bread and water, and sweetened with sugar or treacle". He even claimed that some mothers were pleased when an infant died as it released them from their toil.

To combat situations like this, experts devised schemes that mobilised state power to reform parents. In St. Helen's, near Liverpool, in 1900, public health professionals set up a milk depot to oversee the way in which mothers bottle-fed their children. In Spain, social Catholics in particular began to exert increasing pressure on mothers to bring up their children correctly and to carry out charity work to ensure that others did so too. As the dean of Oviedo Cathedral wrote, a poor upbringing brought "nearly every lamentable aspect in the relations between men, from those in the most intimate heart of the family up to those between nations."

Such beliefs led Catholics to take up social work. In 1917, the Carlist Narciso Sicars y Salvadó complained of the huge rise in juvenile delinquency in Spain and that "corrupt parents breed corrupt children." But he believed that with repentance could come reform. What was needed was a form of social work that could overcome the problems of industrialisation. He was clear that social workers could teach children to love God, but if that failed "the law should show no mercy and seize the child from the arms of its parents, suspending their right to guardianship for having forfeited their right to it."

Through the nineteenth and twentieth centuries demands grew not just to separate children from dangerous parents but also from corrupting adults in general. In the United States, many reformers had become deeply concerned by the criminal justice system which condemned children to share cells with hardened criminals and had moved to separate children from adults. As early as August 1835, the Spanish polymath Ramón de la Sagra toured the Philadelphia House of Refuge which cared for children "sentenced by courts, leading a vagrant life or neglected by their parents or for other factors that could lead them into a life of crime". The staff at the House of Refuge placed the emphasis not on the punishment but the reform of the child. To achieve this they organised play, education, training and loving care. Crucially for De la Sagra, through such efforts the staff won back the innocence of the children robbed from them by their parents or other adults who had corrupted them. As he put it: "The behaviour that these children adopt when they are in the House, proves that they would not have committed their crime if they had not been taught or directed to do so…they were the victims of their fatal circumstances."

Over time, a large movement developed that advocated the creation of reformatories where children could be rescued from the reach of corrupting parents and contaminating criminals. The movement achieved a measure of success in Spain in 1883 with legislation that paved the way for the founding of the Santa Rita reformatory in Madrid. In theory, the children were placed in groups known as families; each family enjoying its own bedrooms and washing facilities. In Barcelona, the social Catholic Ramón Albó helped set up the Toribio Durán reformatory.

Growing Intervention

By the late nineteenth century, the developing confidence of the state and charity workers that institutions could make up for poor parenting or corrupting adults led to growing intervention in family life. In the United Kingdom, Thomas Barnardo, the child protection figure so deeply admired by Tolosa Latour, helped lead the charge against the legal sovereignty of the parent over the child (*patria potestad*) that made it so hard for the state to remove

children from parents deemed dangerous. In particular, he despised a court ruling in the 1880s which established the principle that no philanthropic motive could provide justification for taking a child away from its parents. In response, he argued that he felt it his duty to break the law and "abduct" these children. In 1885, he published an article in which he admitted he had taken forty-seven children against their parents' wishes because the guardians were leading "infamous or immoral lives". He went on to state, "As I write, I have four children in hiding from their unnatural guardians, and efforts are constantly being made by these people to trace their whereabouts".

In the United States too, demands grew for children to be separated from parents deemed dangerous to their children and so to the nation. One example comes in the treatment of the children of first-nation groups, in particular over whether they should be kept on reservations. Captain Richard Henry Pratt argued that reservations prevented native Americans from mixing with whites and instead advocated the complete assimilation of "Indians" in order to "bring about their civilisation". As he put it in a charity talk in 1892 "kill the Indian in him, and save the man". His method for achieving this was to take children from reservations, place them in boarding schools where they could become possessed of "civilised language and habits". Generations of children entered his school, and others like it, and had their cultural identity excised from them.

In Australia similar ideas flourished. A. O. Neville worked as Commissioner of Native Affairs for Western Australia in the early twentieth century and believed that mixed race children needed to be removed and placed in children's homes and a white environment because he feared that the bad habits of the aboriginal parents and grandparents "are bequeathed to the children". If the state failed to do this, he argued the children would "develop into weedy, undernourished semi-morons with grave sexual appetites". As in

the United States, generations of children were removed from their parents and suffered the erosion of their family culture and heritage.

Tribunales Tutelares de Menores

In many countries the developing belief that the state should separate children from dangerous parents, corrupting adults and the pernicious criminal justice system became encapsulated in the demand for juvenile courts ("tribunales tutelares de menores"). The juvenile court movement arose first in Chicago in the United States of America. It came about through the joint efforts of groups such as the Chicago Visitation and Aid Society, which brought together charity workers, the Children's Aid Society of Chicago and prison reformers such as Hastings H. Hart. A central contention of all these groups was that the state should "take a child away from an evil environment and place it where it could develop in a healthier atmosphere".

The reformers created courts which operated in three areas: removing children from the adult criminal justice system, prosecuting parents and adults accused of abusing or neglecting children and the protection of children at risk. Under Article Nine of the 1899 legislation creating the Chicago Juvenile Court, the judge could make children wards of the state and commit the youngster to the guardianship of a charitable society or an individual or place it in a family home.

Defenders of the court prized this power. In 1899, Albert C. Barnes, the Assistant State Attorney of Cook Country (which included the city of Chicago) declared that the state should step in to take and exercise guardianship over children living in conditions that could lead to crime. He also argued that the state should not wait until the child committed a crime and then send it to a reformatory. Instead, it should "seize upon the first indications of propensity'" as evinced by neglect or delinquency. Other parents in the sights of the juvenile courts created by the reformers' legislation included those judged as cruel, unable to support their children and who kept homes where minors were likely to grow up as dependent upon charitable support.

The juvenile courts proved a rapid success. In total between 1899 and 1909 courts were founded in in forty-nine states in the U.S.A. The system also took root in, among many other countries, Russia, Belgium, France, Portugal and Spain.

The judges in Spain were delighted with the new power to suspend guardianship. In Bilbao the judge Gabriel María Ybarra rejoiced that the courts brought together what before 1918 had been three difficult-to-enforce laws on suspending guardianship (*patria potestad*). In Barcelona, the judge Ramón Albó declared that this the old system "was lengthy, costly and difficult which meant that the courts rarely managed to suspend the right to guardianship…the juvenile courts…in practice frequently suspend the right to guardian-

ship from parents who have proved they do not know how to exercise that right properly."

These tribunals removed children from parents deemed dangerous during the early Franco regime. By studying their operation, we can better gauge the

argument that the Francoist removals constituted a new Spanish and Francoist practice. We have already seen that the courts themselves emerged from a transnational child-reform movement rooted in enlightenment ideas of child protection, fears about the dangerous parents created by industrialisation and urbanisation and the belief that the state could protect children by separating them from corrupt adults. It is also important to note that despite some purges, the Tribunales saw a continuity of staff in Francoism. In Barcelona, Ramón Albó became judge once again and noted that "the social workers based in the courts before the Civil War, responded to the call for their return."

What the judges during the early Franco regime wanted to see most of all was children protected by the faith and the Church. In Madrid, Ramón Alberola Such declared in 1940 that he felt horror (espanto) to see "children between ten and fourteen years of age….lacking all religious strength….who are totally ignorant of God's existence…children of communists and socialists…have engrained in their hearts the negation of God."

A study of the court documents from post-war Madrid supports the idea that removals took place because of intense political dislike of 'Reds', but most of all because 'Reds' represented a threat to the Catholic moral beliefs that Tribunal staff had long felt could save children from corruption. In 1942, a man denounced his wife with whom he had political disagreements because "she was a leftist who does not practice the Catholic faith and therefore she risks damaging the child." A Tribunal agent commented that the wife had "very liberal ideas and showed few scruples in terms of morality and religion and she could never offer the children the

careful education that the paternal grandparents could."

In another case, the threats of left-wing antecedents, poverty and lack of faith combined. It concerned the family of a man dismissed from his post in the Madrid council and jailed for "his activity in the red zone." The loss of income left the family living in "very poor housing, made up of one single room and a kitchen…the family sleeps on the floor without sheets or blankets to cover themselves…the children…their clothes are all worn out and they have hardly eaten." According to the court social worker (*delegada*), the daughter showed "ignorance of religious instruction to the point of not knowing what the Sign of the Cross was".

Conclusion

To conclude, historians have argued that Francoism brought a new Spanish and ideological vision to child removal. This view, however, overlooks the way in which the idea of separating children from dangerous environments had developed from the late eighteenth century. At the heart of this idea lay the notion that children deserved special protection if the nation was to flourish. The industrialisation of the nineteenth century, however, turned many parents, in the minds of reformers, into a threat to their own children. Adults were also increasingly accused of exploiting, abusing, neglecting and abandoning children. As the state developed its own institutions, such as reformatories, its agents became increasingly keen on removing children from dangerous environments in order to save them for the nation. The Francoists inherited this tradition, these institutions and many of those who staffed them. Certainly, the Civil War exacerbated the hatred of 'reds', but what condemned 'reds' most of all in the eyes of tribunal staff was their rejection of the dominant faith, and therefore the only means to protect children from corruption.

ABOUT THE AUTHOR OF THE TEXT

Peter Anderson

Peter Anderson is Associate Professor in Twentieth-Century European History in the School of History at the University of Leeds. He is the Director of the Centre for the History of Ibero-America at the University of Leeds and a co-editor of European History Quarterly. He has published widely on the history of Spain and his publications include *¿Amigo o enemigo? Ocupación, colaboración y violencia selectiva en la Guerra Civil Española* (2017) and, as a co-editor with Miguel Ángel del Arco Blanco*, Lidiando con el pasado. Represión y memoria de la guerra civil y el franquismo* (2014). He has also published in a wide range of journals including *Historia Social, The Journal of Contemporary History* and *The Bulletin of Spanish Studies*. The research for this article was funded by a British Academy Mid-Career Fellowship for which he is working on a monograph about child removal in early twentieth-century Spain. He is also co-editing a book on hunger in 1940s Spain.

ABOUT THE AUTHOR OF THE IMAGES

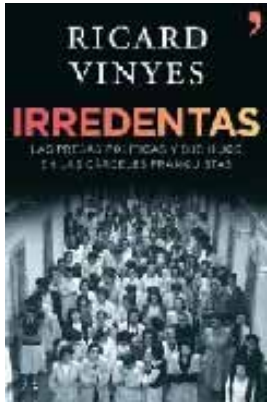
Juan Clemente

Juan Clemente is a native of Barcelona. His professional trajectory is intertwined with the art world, where he has worked in one of the city's most famous galleries. A fan of photography, he loves traveling and being in nature, and he is passionate about discovering new corners of the world. The photographs presented in this newsletter feature "abandoned" and "hidden" places in Barcelona, such as inviting streets that remain untraversed due to the accelerated rhythm of urban life.

FURTHER READING

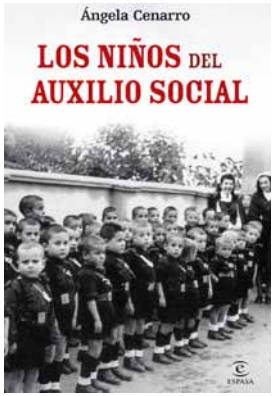
Vinyes, R.; Armengou, M. & Bellis, R. (2005)
Los niños perdidos del franquismo
Barcelona: RBA

This book documents the theft of children from their families of origin during the Franco dictatorship, which has been compared to the situation of "The Disappeared" in Argentina between 1976-1983. During the Spanish Civil War, thousands of babies were separated from their mothers under the auspices of the patronage of Our Lady of Mercy, which in 1943 alone "protected" over 12,000 children. The majority of the girls taken were held in a convent in order to "purify" them; that is, to prevent contact with their communist mothers. Children were often isolated and subjected to physical and psychological abuse, according to a declaration of the European Council issued in 2006 and condemning Francoism. The authors make comparisons to Nazism, unsurprising given that these institutions were inspired by similar ones in Hitler's Germany, which was also site of the education of Antonio Vallejo-Nágera, a psychiatrist who justified the separation plan in Spain on the basis that republican parents were mentally deficient.



Vinyes, R. (2010)
Irredentas: Las presas políticas y sus hijos en las cárceles franquistas
Madrid: Planeta

In post-war Spain, political prisoners were something more than simple captives: they were required to withstand a premeditated assault on their humanity that reached the level of extreme cruelty. In this book, the author uses prodigious and until now unpublished data to tell the story of the little-known world of female prisons during the Franco dictatorship. These eloquent, first-person testimonies from protagonists reveal a collective of women who, despite the suffering inflicted on them by a brutal penal system, managed to hold onto the one thing that kept them alive: their identity, both human and political.



Cenarro, A. (2009)
Los niños del Auxilio Social
Madrid: Espasa

Dining halls for children and adults, soup kitchens, and assistance to refugees were just some of the achievements of the ambitious aid project begun in the midst of the Spanish Civil War, a project which would end up focusing on care for disadvantaged children through a network of homes and schools belonging to the aide organization "Auxilio Social". Starting in 1939, the "children of the red" lived with the "children of misery". The influx of children to these home can be seen as evidence of the repression and autocracy that gave rise to new forms of social exclusion at the end of the Civil War. The goal was to create citizens of the "New Spain", while at the same time undoing the innovations in pedagogy that the liberal, republican movement had engendered. And, if the desired end was the rehabilitation of Spain's smallest citizens, the means were discipline and the teachings of the Roman Catholic church. This book collects testimony from some of these "Social Aide Children".

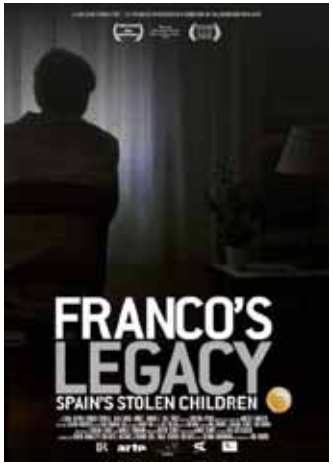
O'Neill, C. (2003)
Una mujer en la Guerra de España
Madrid: Oberon

This book serves, for various reasons, as a valuable, personal history of the Uprising of '36, the Spanish Civil War and the excesses of victory. Through a strong combination of literary and journalistic acumen, the author completely submerges us in the little-known and dark world of female incarceration in Franco's Spain by using her own experience and misfortune. What's more, her husband Virgilio Leret, a captain in the Republican Air Force and inventor of the turbojet, was captured and executed by the coup plotters after fighting in the war's first battle in 1936. Finally, O'Neill's vivid memories offer us an unprecedented view into the uprising in the protectorate of Morocco, a decisive moment of the war that remains little studied. Unpublished until now, this is the story of an extraordinary woman who saw her own life, as well as that of her husband, daughters, and the majority of Spaniards, ruined not only by a military coup but also by the resulting power and domination exercised against the republican population.

FURTHER VIEWING

Armengou, M. & Belis, R. (directors) (2002)
Els nens perduts del franquisme [documentary film]
Spain, 90 min

Twenty-five years after the death of Francisco Franco, a few families dare to speak up about the death of hundreds of children born in his prisons and the disappearance of their sons and daughters. The generation that lived through the Spanish Civil War is beginning to die off, and those on the losing side have not even had the chance to bear witness and share their side of the story. For the first time in Spain's democracy, this documentary collects the voices of victims of Francoism, who inform us about the deaths and disappearances of hundreds of boys and girls. The production is the result of a full year of investigation, contacts with dozens of people, and thirty interviews, archival searches in Spain and elsewhere.



Bremer, I. (2017)
Franco's Legacy: Spain's stolen children
[documentary film]
USA, 70 min

Throughout the Franco dictatorship and into the 1990s, thousands of children were taken from their parents shortly after birth and sold, often with the participation of doctors, nuns, priests, nurses and social workers. Enrique Vila is a lawyer in Valencia whose fight to obtain justice for the victims became his life's work. One of this victims, Alfonsa gave birth for the first time at age 14, but she was told that the infant was stillborn. More than 27 years later, her daughter suddenly appeared, alive. Alicia was searching for her roots, and when her adoptive father died, her adoption papers came to light. They showed that her parents had paid a lot of money to a nun for their daughter. How does life change when one's history and identity are suddenly ripped away by force? Thousands of Spaniards have found themselves in situations similar to Alicia's in recent years. They are Franco's "stolen children".

RTVE - Canal 24h (2008)
Miles de niños secuestrados por la dictadura de Franco
Spain, 10 min

Ricard Vinyes, author of *Los niños perdidos del franquismo* is interviewed about the information that appears in his book, quoted by the judge Baltasar Garzón in a judicial decree to denounce removals of children during Francoist dictatorship.

AGENDA

September, 4-6

XI AFIN International Conference

From 4 to 6 September 2019 the XI AFIN International Conference "Towards the (In)Reproductive Justice?: Mobility, Technologies, Jobs and Decisions" will take place, organized by the AFIN Group at the University of Granada (Spain). In this edition, the conference focuses on various aspects related to reproductive justice

Further information & registration

September, 7

Workshops for families & practitioners in Granada

After the XI International Congress AFIN, on Saturday, September 7, the workshops "Being diverse families today: some answers to the challenges of reproduction" will take place, with parallel workshops for practitioners, parents, children and adolescents.

These workshops will have a participatory and dynamic methodology, presenting real experiences and cases to facilitate the approach to their respective themes, which will include the 'origins' in adoption, the challenges of open adoption, affective-sexual education in childhood and adolescence, sexual diversity, and talking about death in childhood and in reproductive contexts.

Further information & registration