Memory Politics in Spain: The Law of Historical Memory and the Politics of the Dead
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Introduction
“All narrative of the past implies a selection. Memory is selective; complete memory is impossible.”
--Elizabeth Jelin

Memories are the materials we use to construct our lives. They are not unlike the planks of wood we use to build our homes. From all the trees in a forest, one selects the strongest and healthiest to cut down, avoiding those which have rotted or are of a weak temper, which might compromise the stability of one’s dwelling. We are given a forest full of memories, but select only a few by which to define ourselves. In this way, we construct our essence and actively choose how to perceive our past, how to live our present, and what we expect of our future.

Memories give us meaning; yet, there are no intrinsically defined meanings inherent within particular memories. It is we who must divulge unto our memories this meaning—this power—which, by nature, binds us as captives to our own subjective perceptions. The stimuli and narratives we encounter in our environments are stored in our consciousness (and subconsciousness) and serve as building blocks in the construction of memories. Yet, we do not always make conscious decisions as to which stimuli nor to which narratives we are exposed. As memories are constructed from stored stimuli (which come from personal experience, are the result of communication, or are simply imaginary) as well as from the narratives to which we are exposed, and as our lives are in many ways constructed by memories, it follows that the particular stimuli and the narratives we encounter in our environments play a large role in defining who we are.

This essay will focus on the importance of personal and shared memory in contemporary Spain. Immediately after Franco’s death in 1975, a phenomenon of willful amnesia afflicted Spanish society with respect to the civil war and the oppressive years under Franco. This phenomenon is known as the
‘pacto del olvido’ [pact of forgetting, or pact of silence], which is argued by some as being essential for the peaceful transition to democracy, and became increasingly obsolete as the years passed. Most recently, many Spaniards have begun to call attention to the rotted planks of wood that have been holding together their communal house. They are demanding that the old boards be torn down and replaced with new, stronger wood. However, others fear the house might collapse if the old planks are removed.

In Spain today we see an ongoing struggle between multiple and competing memories, each attempting to construct its own vision of the ‘Spanish house’ using carefully selected and many times aggrandized memories. These “emprendedores de la memoria” [entrepreneurs of memory] actively edit stimuli, affecting the environment in which Spaniards reside, while also working to change the ways in which these stimuli are perceived. They change and create vehicles of memory in an attempt to propagate their particular narratives. These vehicles of memory are not memories themselves, but rather objectifications of memory or things that give materiality to memories. They can be anything from movies and literature to street signs, monuments, and graves.

This essay identifies and examines the various ways in which memory is used by social actors in contemporary Spain in order to forward their particular agendas. Competing discourses are addressed and the specific ways in which they express their ideologies, or visions of the past, present and future, are made apparent. This exploration of the uses, abuses and importance of the concept of memory (with particular emphasis on its physical manifestations) in contemporary societies is essential in the acknowledgment and understanding of the power struggles that take place within this most intimate area of consciousness and perception.

**Literature Review**

The first part of this essay establishes a framework with respect to memory which is essential in examining the contemporary discourse on memory in Spain. This includes defining the nature of
memory, the different ways in which it manifests, and the methods by which it is used, specifically by social actors. By first analyzing the arguments and thoughts on memory in general, this essay is then able to examine in detail and explain the current conflict in Spain within these parameters.

**Memory**

Memory is not a concept easily explained briefly, nor is it a term that can be used without proper definition. There exist various manifestations of memory and the distinctions among these versions are pertinent to the understanding of the current situation in Spain as discussed in this essay. Salvador Cardús I Ros defines memory as “a set of narratives resulting from the social interpretation of reality.”\(^3\) In other words, there are narratives, generated by various social actors, which define reality for the individual as well as for the collective.

Yet, reality is not an inherently fixed concept. This is because memory itself is always changing and never remaining stagnant. Elizabeth Jelin explains this sentiment well with her description of “el trabajo de la memoria” [the labor of memory], a supposed trait of the human condition in which the individual and society are in an active and productive state, constantly involved in a process of transformation with respect to memory and identity.\(^4\) However, this evolution almost never leads to one exclusive product. Instead, as memory is not a historical phenomenon but rather a subjective process, multiple outcomes are generated.

Thus, even the domination by one particular set of narratives does not eliminate the possibility of different narratives. Multiple narratives, and thus multiple memories, exist in the same spaces and often compete for popularity and influence. Elzbieta Halas describes the present as an era of “multiple temporalities—several ways of experiencing time—simultaneously interacting, without any order-setting structure, competing for the recognition of their attractiveness.”\(^5\) Analyzed with the awareness of an ongoing competition amongst narratives, memory itself can be defined in another way:
It is an invention that wishes to account for a specific conception of the individual or the group... an interpretation of a reality that, essentially, aims to justify the intervention of the main actors involved, and to rationalize the experience of those who create or impose memory itself. In other words, the use and manipulation of memory is essential in justifying the past with respect to certain present expectations. Memory is used as a tool by social actors in order to forward their particular agendas. This is possible, in part, because of the close association between the concepts of memory and truth. Michel Foucault argues that truth “is linked in a circular relation with systems of power that produce and sustain it, and to effects of power which it induces and which extend it—a ‘regime’ of truth.” Memories forwarded by the narratives of ‘entrepreneurs of memory’ are presented as truths. Thus, as memory can be perceived as truth, and as that which is accepted as truth holds a certain power, it follows that memory is a source of power. As agendas confront one another on the ideological battleground (as multiple narratives/memories interact), a conflict over memory ensues: “The space of memory is then a space of political conflict. It is in reality ‘memory against memory.’”

This competition between different narratives is a component of the overall politics of memory within a society, a part of ‘el trabajo de la memoria.’ The politics of memory refers to the actions taken by particular agents vying for power within the social realm, who employ memory as a device to consolidate their narrative within a given social context. “Memory is a struggle over power and who gets to decide the future.” Social agents—often times political actors—use memories of the past in order to affect the present. They relate distinct versions of the past, products of calculated scrutiny and editing, in order to build an argument of some nature which favors their particular agenda in the present. Max Penksy describes this relationship between the past and the present as a social construction and proclaims the past as “the site of political struggle and negotiation.”

A famous example of framing the past in a way that justifies the present is the way in which American history books present the atomic bombing of Japan during WWII as necessary in order to end
the war and save lives. The idea is that more lives would have been lost in the war if the bombs were not dropped. However, the notion that this was indeed the sole or even main motivation for the bombing is hotly debated. Some scholars argue that the rationale for the bombing came instead from the desire to test new technology, from the need to justify the massive amounts of money and resources spent on the Manhattan Project, or from the idea that the bombing could be used as a demonstration of power to the post-WWII world—asserting US dominance. These latter arguments are not displayed in children’s textbooks because they refute the dominant narrative.

In Spain, since the death of Francisco Franco in 1975, there have been movements against the prevailing discourse of history as recorded and taught under his regime. They contest the positive image of the Franco era and the sentiment that the conflicts of the past should be simply swept under the rug. This is the fundamental conflict over memory—between those who want to take another look at and reevaluate the past in light of the present and those who want to let it lie in its grave undisturbed (the sentiment expressed in ‘el pacto del olvido’).

**Vehicles of Memory**

The nature of the competition amongst narratives may vary depending on the social context, but there are certain discernable ways in which the conflict is physically manifested. In many cases, conflicting parties pursue political courses of action, attempting to ensure that their narrative is reinforced by the highest law of the land: the national government. Legislation is passed to sustain a particular viewpoint or remove traces of another. One such example is the recent Spanish law, commonly known as the “Law of Historical Memory,” presented by Spanish President José Luis Rodríguez Zapatero. The law’s purpose was to “correct the historical record” by rehabilitating a particular set of memories. It is a safe assumption that the law and the memories it sustains realize the particular historical narrative of Zapatero’s administration. This law is described in detail below.
In addition to political laws—one form of introducing a specific narrative into the public sphere—there are many other methods of embedding memory in the public consciousness. Halas describes how collective memory, which she defines as “a group’s memory of its own past,” can be transmitted as “public discourse and various forms of performative actions, most often in the form of commemorative rituals.” In referencing the collective memory of a group, one must also keep in mind that multiple collective memories exist within a given society. One must be aware that the ongoing competition among multiple contenders in this conflict of memory often results in contradictory expressions of memory, sometimes in the same spaces.

One type of apparent, physical manifestation of the conflict of memories is the monument or the memorial. De Brito, González-Enríquez and Aguilar argue,

The politics of memory engenders the politics of commemoration and monument building. Symbolic dates and commemorations become established foci of resistance...

Struggles are waged over the meaning and ‘ownership’ of symbols, commemorations, and monuments.

Memories can manifest as statues, museums, commemorative gardens or as countless other physical manifestations of memory, more broadly termed vehicles of memory. In his essay on the politics of memory and memorialization in South Africa, Marc Ross argues that cultural institutions and other physical displays of memory “both reflect and create images of the past” that are “sometimes at the center of conflicts over how the past should be represented and who controls the narrative and images associated with it.” This reflection is in accordance with de Brito, González-Enríquez and Aguilar’s thoughts on the contention associated with vehicles of memory.

Vehicles of memory, like memories themselves, are not devices that are necessarily static in significance. As narratives evolve over time, they tend to appropriate, modify, create and even destroy vehicles of memory to suit their needs: “Statues and memorials inscribe history, which each generation rewrites to suit itself.” This process demonstrates the elasticity of the concept of memory. In
November of 1985, Juan Carlos, the King of Spain, modified an already existing monument—previously dedicated to the rebellion in Madrid against the French on May 2, 1808—to act as a memorial, which now gives “honor to all those who gave their lives for Spain.” As Omar Encarnación points out, the meaning of “recycling the May 2 monument was twofold: to tie the memory of a very controversial event within Spanish society (the Civil War) to one that is universally cherished (May 2), and to mark the fiftieth anniversary of the Civil War with a monument that is barely there.” This action was intended to appease multiple groups of people with different views of the Civil War.

The Dead as Vehicles of Memory

Graves, as well as dead bodies themselves, can also serve as vehicles of memory or serve a political purpose. Katherine Verdery, in her book, *The Political Lives of Dead Bodies*, clearly expresses this sentiment, as she views “politics as a realm of continual struggle over meanings, or signification” and finds “dead bodies a particularly good vehicle” to represent or embody certain meanings or narratives. Dead bodies are markedly effective as vehicles of memory and there are two main reasons why this is so. First of all, “they don’t talk much on their own... Words can be put into their mouths. It is thus easier to rewrite history with dead people than with other kinds of symbols that are speechless.” Secondly, “because all people have bodies, any manipulation of a corpse directly enables one’s identification with it through one’s own body, thereby tapping into one’s reservoirs of feelings.”

It is not just the bodies themselves, but what is done with them, or the context in which they are presented, that also contributes to their efficacy as a vehicle of memory. For example, the process of exhumation (particularly of mass graves) can be an emotional experience, not only for those personally involved, but also for witnesses, whether they are physically present or are exposed to images of the event in the media: “graves have become vehicles of memory because they are being broadcast on TV, documentaries, etc.” Going further, it is possible to say that “in mass grave exhumation projects, recording video testimony is as important as the exhumation... In short, we might say that the document
becomes the monument.”

Focusing on the importance of digital media in the process of exhumations in Spain, Ferrandiz and Baer state that,

Exhumations of the victims of Franco’s repressive policies are cultural practices of tremendous heuristic value and allow for the analysis of the public emergence, circulation and consumption of traumatic memory in local contexts. The use of visual media to capture social action in the surroundings of the exhumations serves as both a recording and as a triggering device for this emerging social memory.

Exhumations, especially those which take place in a politically charged context, impart to the bodies some meaning beyond that which is inherent in the idea of death. As mentioned earlier, social actors attempt to influence the perception of the exhumation or the bodies involved. In some cases, the organizers of an exhumation give the bodies political significance in order to “institute ideas about morality,” “[assess] accountability and punishment” or further their agendas in other forms.

Exhumations also serve to give voice to the stories of the victims, normally through their relatives, who might also be considered victims depending on the circumstances. Thus, the exhumation acts as a vehicle for the dissemination of their narratives into “the public sphere...[principally] dominated by academics, journalists, policy analysts and government officials who interpret the experience of survivors...for the rest of the world.” Victoria Sanford stresses the importance of personal, witness testimony in the creation of new public spaces—or new narratives—which give agency and thus, power to narratives that are perhaps outside the dominant discourses. In this way, exhumations are inherently linked with the concept of memory and excavating graves “is literally ‘excavating memory.’” This is of particular importance in the Spanish case, as the locations of many mass graves containing Republican dead are unknown and have received little attention until recently.

The exhumation and the general use of the dead (and the space associated with the dead) to convey particular narratives is currently a thriving trend within contemporary Spanish society. This phenomenon is a component of the larger conflict of memory taking place within the country. The rest
of this essay analyzes how the multiple discourses involved in this conflict in Spain employ memory as a tool in order to further their particular narratives or agendas.

**Case Study**

**Manifestations of the Discourse in Spain**

In order to comprehend how memory is being used in contemporary Spain, one must first be aware of the peculiarities of the Spanish situation. Much literature exists on the *pacto del olvido* which is defined by Encarnación as an institutionalization of “collective amnesia about past political excesses, including the mass killings of the Spanish Civil War (1936-1939) and the repression of the Francoist era (1939-1975).” For the purposes of this essay, it is essential to understand that this pact has only recently been “ruptured” and it is only within the last decade that major efforts have surfaced to revive these repressed memories. What follows is an investigation of several particular manifestations of the conflict over memory which have arisen since the ‘awakening’ of these once-ignored memories.

The debate among narratives in Spain is manifested through both physical and legal means and is also present in the sayings or mottos that are commonly heard within the country. Within the physical domain, the various discourses can be subdivided under two headings: official and unofficial or ‘social’. Official means of discourse refers to monuments, memorials, graves/bodies and other objects directly maintained or affected by the government. Unofficial means of discourse includes protests and rallies, art, photos, literature, movies, the news media and also graves/bodies. This distinction is important because the two sections convey their narratives by different means, even if they are conveying the same narrative. Within the legal domain, discourse manifests through legal channels. This is also divided into two sections: national law and international law. National law is legislated by the Spanish government, while international law can come from many sources and almost always comes in the form of a recommendation rather than being inherently binding. Lastly, in Spain there exist several prominent mottos which communicate in a few words the general sentiment of a
narrative. For example, one heard frequently from Franco nostalgists is “vivíamos mejor bajo Franco,” or “we lived better under Franco.” Most popular up until recently was the disposition that “todos somos culpables” [“we are all guilty”], referring to the feeling of shared responsibility for the atrocities of the civil war and the Franco era. Within the last decade, however, the notion that the past should be addressed in an effort to make amends to the families of victims of Franco and his regime has become the most commonly expressed sentiment, in the media as well as in informal discussion.

One of the most publicized aspects of the conflict over memory in Spain is the battle over memorials, monuments and statues—remnants of the Franco era. The significance of this facet of the conflict cannot be overstated. These physical representations of memory are highly visible and serve as convenient rally points for ‘entrepreneurs of memory’, who imbue these structures with meanings that supplement their own narratives. 31 Petitioning the removal of these relics or supporting their presence has become a common method for social actors seeking power to gain political ground. Political actors respond to the desires of societies by crafting laws or supporting certain actions related to these desires. Voters will then, theoretically, reward these actors for their actions with votes.

Sidney Tarrow argues that “reform is most likely when challenges from outside the polity provide a political incentive for elites within it to advance their own policies and careers,” and a good portion of the public has raised concern over this issue. 32 According to a poll taken in July 2006, 40.9 percent of citizens believe that these monuments, statues, or streets signs should not be preserved as they are, or should be removed. 33 However, this does leave 43.1 percent who are in support of their preservation or 66.1 percent if you only look at PP (el Partido Popular, the main party of the political right) voters. 34 This has presented political actors, those among the Left in particular, with the chance to further their particular agendas. They have the support of half of the population of Spain, but this leaves the other half which is in opposition. Thus, any move to remove these constructions would be contentious.
The controversial past is still very present in the daily lives of Spaniards. As of 2001, “street names [had] been changed in only a few provinces” and “the great majority of monuments honouring the Nationalist dead of the Civil War [were] intact.”35 In Madrid, for instance, there still exists a street named “Caudillo” after Franco, as well as another in commemoration of the division of the Spanish army that fought alongside the Nazis in WWII.36 Overall, Madrid contains around 360 streets whose names reference acts or people associated with Franco’s regime.37 It is also telling that “only in 1995 were coins bearing the effigy of Franco withdrawn from circulation.”38 El Arco de Triunfo, another symbol of fascist victory in the civil war, still remains a part of the landscape in the capital city of Madrid.

El Valle de los Caídos [The Valley of the Fallen], a monument commissioned by Franco and dedicated to the victims of the civil war, is involved in a grand drama of its own. Part of the controversy lies in the fact that it was built with the use of forced labor by political prisoners under Franco’s regime.39 Various organizations call for at least some sort of tribute to its builders or an exhibition explaining the circumstances of its construction.40 Others hope to convert it into a research center, “intended to highlight the horrors of the Spanish Civil War and the Franco regime.”41 El Valle currently serves as the resting place for Franco, José Antonio Primo de Rivera (the head of the fascist party Falange Española until his death in 1936), and dead soldiers from both sides of the civil war. However, the addition of this last bunch of corpses was partly accomplished, by Franco’s orders, by unearthing the remains of murdered Republicans from mass graves and transporting them in trucks to their destination, where they were mixed with dead Nationalists—not exactly the most respectable of burials.42 El Valle is perceived principally as a monument to Franco and, consequently, his diehard supporters visit the site each year on the anniversary of his death to pay homage.43 Recent efforts to restrict this celebration of Franco’s anniversary at El Valle have been met with stiff resistance by those on the far-Right. The phrase, which once was accompanied by a brick through the window of a Leftist politician’s home, goes
“El Valle no se toca” [“The Valley is not to be touched”], expressing the intimate attachment Franco nostalgists have to the location.44

These structures—these vehicles of memory—are meaningful to various narratives because their presence can be perceived in different ways. As previously stated, conflicting and even contradicting memories do often occupy the same spaces. Thus, it is possible for one group to view El Valle as a memorial to a fallen hero who saved Spain from communism, while others regard it as a symbol of oppression. One faction visits the location to pay homage, while another looks for a chance to urinate on the tomb of a fallen dictator, despised by so many.45 Indeed, perhaps one of the easiest way to find a list of all the memorials to Franco and his regime is to search for groups who oppose their presence. One article entitled “Monumentos a Franco en España, o dónde sacar a mear al perro” [“Monuments to Franco in Spain, or where to take the dog to piss”] displays a list of locations of these structures throughout Spain.46

The question arises: “Is it best to leave the structures in their spaces, or would it be better to remove them?” Those in favor of the removal of these testimonies to the past argue that they only serve to “perpetuate the discrimination between winners and losers” of the civil war.47 Some also appeal for the construction of memorials as tributes to the victims of the civil war and the Franco era, as few exist.4849 On the other hand, some argue that it is essential for these objects to occupy their current spaces for the sake of remembrance and in the hope that the “same mistake” will not be made again in the future.50 The political Right generally opposes these propositions because it views these issues as nothing more than a “smokescreen” created by Leftist politicians to distract the public from the real issues and implant artificial problems that work to their benefit.51 Regardless, Spanish regional governments have decided the fate of many of these relics by legislating their removal or by simply extracting them in the dead of night. In Madrid in 2005, city officials had a statue of Franco removed from its place in a prominent location under cover of darkness, “under the pretext of renovating the
plaza on which it stood—ending a debate that had raged for years between the central government and the regional one over who had ownership of the statue” and “how to dispose of it.” Most recently, the last statue of Franco was removed from public display in May 2008 from Santander.53

The “Law of Historical Memory”

Analyzing legislation pertaining to these vehicles of memory provides one method of associating political maneuvers with their authors’ motives. The most important piece of legislation related to this theme was passed in 2007, proposed by the political Left and opposed by the Right. Commonly known as the “Law of Historical Memory,” it requires “the retirement of shields, insignias, plaques and other objects or commemorative forms of exaltation, personal or collective, of the military uprising, of the Civil War and of the repression of the Dictatorship” by all public administration in the spirit of reconciliation and in “the peaceful defense of all ideas.”54 The law suggests that these public symbols are objects of contention, offense and insult and thus, should be removed. PP criticizes the law as a mistake and claims that Zapatero is “attacking all that Spain’s transition to democracy represented,” and further insinuates that PSOE (el Partido Socialista Obrero Español, the main left-wing political party) is attempting to make a claim on a particular vision of history.56

But what motivated PSOE to engage in such a controversial political maneuver? After all, the aims of the law could have been more easily achieved through the use of governmental decrees, or by “ensuring that existing legislation is used to achieve these ends.”57 Plus, although polls showed that the majority of the Spanish population wanted to investigate the civil war and rehabilitate its victims, the figures were not all that one-sided, and the majority also supported the preservation of these Francoist relics.58 The law was politically unnecessary, but its proponents’ objectives might have been more symbolic:

A law has a symbolic value which is particularly valuable and relevant when the content of that norm is precisely one of public reparation... A decree would, moreover, be an
exclusively governmental measure, whereas we all participate in a law. The more we support it, the more reparatory value the Law will have. In other words, the law was a direct appeal to the public, thrusting the issue into the collective consciousness of Spaniards. But since public opinion was split, the framing of the law was very important. The language of the document conveys the sentiments of human rights, asserting that its purpose is to denounce “the grave violations of Human Rights” and make amends for the damage done to civilians during the civil war and Franco era. It refers to the regime of Franco as totalitarian and “contrary to the liberty and dignity of all citizens.” The law’s message is that honor should be given to all victims of these events, yet, it only directly praises the efforts of the Republican soldiers who “fought in the defense of democratic values.” The document praises one side of the conflict and condemns the other. The posture of the law seems to be accusatory rather than reconciliatory. This widens the divide between the ‘victors’ and the ‘victims,’ as defined by the law itself.

This law serves as a paramount weapon in the conflict over memory for the political Left. In effect, it is institutionalizing a particular narrative or set of memories that is just one of several involved in the discourse in Spanish society. It calls directly for the cultivation of “democratic memory,” which presumably is positive, though not explained, and attempts to make the conception of democratic values inseparable from the Republican fighters with whom the Left is establishing an ideological and emotional connection. All this action is arranged under the banner of reparations for victims, the right to information and to the truth, and in the hope of healing old wounds that have yet to close after several decades. In the final paragraph of the introduction to the document, the authors declare that “It is not the task of the legislator to implant a determined collective memory.” Yet, this law itself is a symbol that has an undeniable impact on the collective thought of society. It is establishing a connection between the “unrecognized freedom fighters” who (as described by the Left) gave their lives for the ideals of freedom and democracy and the political Left which is ensuring their distinction and reverence in Spanish memory.
The Politics of the Dead

In addition to the battle among narratives that takes place at the political/legal level, the conflict also manifests in the public realm. In particular, the obsession with the dead is characteristic of the Spanish case at both levels. The political Left has addressed the issue of Republican civil war dead on a number of occasions, which the political Right has done its best to ignore or to adjourn the cases as quickly and as painlessly as possible.

The first real attempts to exhume the dead that had not been given proper burials took place in 1979-80 when several leftist local governments set to work exhuming Republican graves, a violation of the ‘pacto del olvido,’ in that people were beginning to address the issues of the past.64 However, in 1981 an attempted military coup took place, shaking the foundations of the young democracy and calling into question the legitimacy of digging up matters that would only divide the country. For almost two decades, these issues remained buried in the depths of the Spanish collective awareness. Finally in 2000, Emilio Silva, a journalist based in Madrid, endeavored to uncover the grave of his grandfather, who had been shot and killed in the civil war and buried with 12 others in a common, unmarked grave.65 He later co-founded the Asociación para la Recuperación de la Memoria Histórica [Association for the Recovery of Historical Memory], which has since helped relatives of victims locate and uncover the bodies of their loved ones. This phenomenon has been spotlighted by the media and “stories that had rarely been voiced, and then only in whispers, suddenly found, in the exhumations and the exposure of caches of bones, the resonating chamber they had lacked for over 60 years.”66

Yet, the exhumations do not exist solely in the public realm, as governments tend to get involved in ways that benefit their agendas. As Ferrándiz states, “various autonomous regional authorities, depending on their political leanings, are moving either to block the exhumations as far as is in their power or to create and promote ‘memory recovery’ commissions and to legislate on the exhumations process.”67 For instance, former Spanish President Aznar’s administration (PP) met with
disdain the demands of citizens who wanted government assistance in identifying their relatives’ graves, protesting that the administration sees “no point in reopening old wounds that afflicted Spanish society,” which remains the stance of PP on the issue today.68 However, in a contradictory action, “Aznar had already paid millions to exhume and repatriate from Russia the corpses of several Spanish volunteers from the Blue Division, the battalion sent by Franco to buttress Nazi troops during World World II.”69 Today, the most vocal actor in calling for exhumations of the “forgotten” victims is Baltasar Garzón, a judge in Spain’s National Court. In a recent decision, he ruled to “allow the opening of 19 of the 2,000 mass graves located throughout Spain—the final resting place of thousands of Republicans murdered during the dictatorship.”70 However, this ruling was overturned and the issue is now being decided by local courts on a case-by-case basis.

This battle over the bodies of the dead, their graves, and their place in the collective memory of Spaniards extends deep into the fabric of society. This is largely a result of the channels by which Spaniards are exposed to these issues. The news media plays an invaluable role in informing the public of the exhumations and other occurrences and also serves as a vehicle by which individuals express their personal sentiments or views. In addition to conventional articles, obituaries published in newspapers have become unconventional weapons for expressing one’s point of view or narrative. It all began with one woman who published a half-page tribute to her father who was killed by the Nationalists in the civil war. Entitled “Terrorismo Franquista” [Francoist Terrorism], it declared the ‘pacto del olvido’ unacceptable and asserted that “Spain continues to be in debt with respect to the justice, the truth, and the memory of the victims of these seditious groups.”71 Since this publication, responses from both “sides” have been plentiful and they are usually manifested in the form of name-calling. Each side accuses the other of being “barbarians” and describes how their loved ones were “vilely assassinated.”72 “The obituaries are only an element, another symbolic space where the conflict between the opposing sides continues.”73 In this conflict of memory, narratives have found a new battleground.
Also within the public domain, individuals have access to various methods of expression by which to communicate their narratives, such as through art, photos, oral testimonies and blogging. Artists such as Francesc Torres use photography to capture the traumatic memories of exhumations and expose them to the public eye. As “pictures of excavated mass graves with human bones have become an unmistakable sign of human rights violations,” it is likely that the viewer associates these images with those of other human rights atrocities. This association emphasizes the fundamental immorality of the perpetrators’ actions.

Thus, dead bodies themselves as well as their digital and other media portrayals are used to frame selected memories or convey particular narratives. In the same vein, the authors of these obituaries are symbolically placing their relatives’ corpses on the front lines to defend the ideologies with which they are permanently branded. More than loved ones who have passed away, they are transformed into martyrs, present in the memories of the living primarily for taking part in a conflict 70 years in the past. Even in death they find no respite, no end to the war of ideologies that had them crossing swords and riddling their brothers with bullets. The dead are doomed to fight the wars of the living for eternity.

Some Final Thoughts

Some questions that arise from this research, relating to the surfacing and politicization of memory are: Why now? Why have these issues been openly addressed only within the last decade or so? What caused this explosion of memory revival to burst onto the political scene? The first question is beyond the scope of this essay, though is certainly a topic for subsequent inquires. As for the political question, it helps to chronicle the events leading up to the full-scale memory revival, trumpeted recently by the political Left. PP’s presidential pick Aznar was elected over PSOE’s pick in March 1996, PSOE’s first defeat after 14 years of dominance in the political sphere. In July of the same year, charges of crimes against humanity were brought up by a Spanish court against Pinochet for his atrocious treatment of his
own people. Widely supported by the Spanish population, this caused many to reflect on their own past under such a dictator: Franco.75*

It is very feasible to conclude that this judicial process involving Pinochet served to revive repressed memories amongst Spaniards, who wondered why one of their own courts would convict a dictator a world away of crimes against humanity, while similar crimes committed on their own soil were left ignored. PP and Aznar did their best to impede this case and cast a shadow on any further activity which would serve to revive memories of the civil war and the Franco era, including work by the ARMH (Association for the Recovery of Historical Memory), which came into being in December 2000 (nine months after the general election, which PSOE lost for the second time in a row). Many Spaniards found these actions on the part of the political Right disagreeable, which displayed an opening for a political stance promoting the revival of memory. Perhaps this is why, after almost two decades of ignoring the issue (and two lost elections), PSOE decided to make it a significant part of its electoral platform.

Ultimately, it is important to realize that this conflict over memory is just one facet of the ongoing political struggle taking place in contemporary Spain. The process of reviving memory is a means to an end for some; simply one tool pulled from an extensive toolbox and used by political operators in order to achieve greater goals.


http://javalles.lacoctelera.net/post/2006/01/01/monumentos-franco-espana-o-donde-sacarmear-al-perro


Figure 1

![Diagram showing official and unofficial memorials, protests, and legal frameworks related to memoria.]

2 Ibid.
3 Cardús i Ros, Salvador. “Politics and the Invention of Memory. For a Sociology of the Transition to Democracy in Spain.” *Disremembering the Dictatorship*. Joan Ramon Resina (ED.), 2000: 22
6 Cardús i Ros, Salvador. *Ibid.*., at 17-18
7 Ibid., at 23
12 The actual name, translated from Spanish: “The Law for recognizing and extending rights and establishing measures in favor of those who suffered persecution or violence during the Civil War and the Dictatorship.”


Ibid., at 29.

Ibid., at 33.


Ibid., at 1.


Encarnación, Omar G. “Reconciliation after Democratization: Coping with the Past in Spain.” Ibid., at 437.

For more general information on the pacto del olvido and its history, consult the following texts: Is Spain Recovering its Memory? By Madeleine Davis; Reconciliation after Democratization: Coping with the Past in Spain By Omar Encarnación; and Coming to Terms with the Past: Spain’s Memory Wars By Helen Graham.

Jelin, Elizabeth. Los trabajos de la memoria. Ibid., at 54-55.


http://www.elpais.com/articulo/espana/64/espanoles/quiere/investigue/Guerra/Civil/rehabilita/victimas/elpporesp/20060718elpEpinac_19/Tes

Ibid.

Barahona de Brito, Alexandra and González-Enríquez, Carmen and Aguilar, Paloma. The Politics of Memory: Transnational Justice in Democratizing Societies. Ibid., 111.

Kimmelman, Michael. “In Spain, a Monumental Silence.” Ibid.


Ibid.


Encarnación, Omar G. “Reconciliation after Democratization: Coping with the Past in Spain.” Ibid., at 454.

Kimmelman, Michael. Ibid.

Encarnación, Omar G. “Pinochet’s Revenge: Spain Revisits its Civil War.” Ibid., at 49.

Encarnación, Omar G. “Pinochet’s Revenge: Spain Revisits its Civil War.” Ibid., at 49. [Translation: The Valley is not to be touched.]


48 Council of Europe. Ibid.


51 Encarnación, Omar G. “Reconciliation after Democratization: Coping with the Past in Spain.” Ibid., at 452.


55 El Congreso de los Diputados. “Proyecto de Ley por la que se reconocen y amplían derechos y se establecen medidas en favor de quienes padecieron persecución o violencia durante la Guerra Civil y la Dictadura.” 1. [Actual text: “las graves violaciones de Derechos Humanos”]


58 El País. “El 64% de los españoles quiere que se investigue la Guerra Civil y se rehabilita a las víctimas.” Ibid.

59 El Congreso de los Diputados. “Proyecto de Ley por la que se reconocen y amplían derechos y se establecen medidas en favor de quienes padecieron persecución o violencia durante la Guerra Civil y la Dictadura.” [Actual text: “No es tarea del legislador implantar una determinada memoria colectiva.”]


68 Ibid., at 10.

69 Ibid.

70 Robertson, Laura. “Breaking the Silence, Rewriting History.” Ibid.

Las esqueletas no son sino un elemento, un espacio simbólico más donde continuar esta guerra de guerrillas.


75* In a recent development, the Spanish judge Baltasar Garzón is pushing to investigate six former US officials for human rights violations in relation to the torture accusations at Guantanamo Bay: http://www.elpais.com/articulo/espana/Obama/apuesta/investigar/responsabilidades/pasadas/Guantanamo/elpepuesp/20090416elpepuesp_3/Tes