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THE POLITICS OF MEMORY IN CONTEMPORARY SPAIN

This issue was compiled to coincide with the debates in Spain surrounding the Ley de Memoria Histórica (as it has come to be known in the media) proposed by the PSOE government initially in 2004; first published in July 2006 to outcries from the Partido Popular and the right-wing media; finally approved by Congress on 31 October 2007 after last-minute revisions to secure the support of Izquierda Unida; and implemented on 26 December 2007.¹ The fact that the often vituperative media exchanges—an intensification of debates going back to at least the late 1990s²—died down almost immediately after the law was passed indicates how much they were driven by the political Right's attempt to score political points; it seems significant that the issue of "historical memory"—I deal later with the specific meaning of this term—barely figured in the election campaign leading up to the 9 March 2008 general elections. No sooner had 2008 begun than a series of books started to appear about rural guerrillas, but this time from the War of Independence against the Napoleonic invasion, the two hundredth anniversary of whose start is the official topic of commemoration for 2008. The flood of novels set in or after the civil war also seems to have abated; even before the 2008 commemorations of the War of Independence could swing into action, Arturo Pérez-Reverte had brought out his latest fictional blockbuster on the Dos de Mayo. This tells us much about how memory has become an industry generating public interest for economic ends. It also shows how media interest is subject to fashion, and how prolonged media debate—such as that which accompanied the passage of the Law of Historical Memory through parliament from July 2006 to October 2007—risks reaching a saturation point, as Francisco Ferrándiz notes in his article in this issue: symptomatically, in spring 2007, Isaac Rosa published a novel entitled *¡Otra maldita novela sobre la guerra civil!*

Nonetheless, the debates on the historical memory of the civil war and its repressive aftermath were not just a matter of political and editorial engineering. If the media interest generated a series of clichés—phrases such as "recuperación de la memoria histórica" and "reconciliación nacional" became banalized by unreflective over-use; Ferrándiz observes that the graveside testimony became a media sub-genre—what was at stake were real issues affecting real persons. Ángel Loureiro notes in his essay that what matters about the past is its effect on the present. The civil war and its repressive aftermath undoubtedly affect today's Spain in a way that the War of Independence does not. This is partly a matter of time-scale: the need to gather oral testimonies of the civil war and immediate post-war period is made urgent by the fact that there will soon be no remaining living eye-witnesses. This also makes urgent the need for recognition of the stories of victims, so that their pain—while it cannot be erased by any amount of legal redress, as Gina Herrmann notes in this issue—may at least be articulated in the public sphere. In his interview in this issue, Emilio Silva—co-founder and president of the Asociación para la Recuperación de la Memoria Histórica—observes that a major problem in the Law of Historical Memory

is its preamble which insists that memory is a private matter. This signally fails to acknowledge that “historical memory” is a form of collective and not personal memory, quite apart from the fact that citizens have the right to express their personal memories in the public sphere. As Silva notes, this contentious relegation of memory to the private sphere allows the Law to duck the major question of the teaching of history in the education system.³ Indeed, the key issue at stake is that memory of the violence of the civil war and dictatorship has been forced to remain a private matter until very recently, thanks to repression under the dictatorship and a lack of interested interlocutors at the time of the transition. The Law of Historical Memory—despite its preamble, and for all its flaws, discussed by several contributors to this issue—was a major step in forcing the issue into the public sphere.

The contributions that follow are not primarily concerned with the already much-studied literary and cinematic representations of the civil war and post-war period (though these are touched on by Loureiro), nor with the now voluminous historiography on the Francoist repression. The focus is rather on public debates and practices. For this reason, the only representations that are included for detailed discussion are documentaries, particularly those made for television, which have played a leading role in media debates. I have become increasingly uncomfortable at the number of studies of representations of the civil war and its repressive aftermath that engage in textual analysis with little or no mention of the public debates inflecting the texts’ production and reception. Furthermore, to appreciate what is at stake in these debates, we need to look at what citizen groups and institutions are doing to come to terms with the violent past (in the case of institutions—specifically, museums—it is largely a matter of what is not being done but could be, as Antonio Monegal notes in his essay). To this effect, the issue includes interviews with the political activist Emilio Silva and the television journalist Montse Armengou, and reproduces photographs taken by the installation artist Francesc Torres of the exhumation of a mass grave in 2004, conceived as a political intervention. It opens with an article that frames the debates in Spain in terms of a globalized “transnational justice culture”. This article shows the importance for cultural analysis of an understanding of legal debates and practices. The value of harnessing legal and cultural analysis is also shown in Herrmann’s examination of television documentaries through the lens of the new interdisciplinary field of law-and-film, until now mostly limited to work on English-language courtroom dramas. By bringing together—as objects of study—law, television documentary, museums, and political and cultural activism, with limited attention to cultural representations and historical studies, this volume aims to offer a critical intervention into the current debates on historical memory in Spain that goes beyond existing work. The volume is titled “The Politics of Memory” because it is, above all, concerned to show that culture—in its many manifestations—cannot be understood in isolation from the political.

Examination of political activism—of what is being done—is crucial if one is to avoid the pitfalls of a public discourse based on victimhood, such as that which has emerged in Spain since the late 1990s. Such a discourse, for all its ethical merits, runs the risk of constructing history as something done to people, negating individual agency. In her interview, Montse Armengou expresses the hope that, in future television documentaries, it will not be necessary to ask the victims of Francoist repression to testify to their experiences of suffering, but that, once the extent of that

suffering has become public knowledge, they can be depicted as the historical agents that they were before they were made into victims against their will. In his essay, Ángel Loureiro expresses anxiety about the appeal to sentimentality in the public airing of victims' suffering; here he is in tune with Susan Sontag's argument, in her last book *Regarding the Suffering of Others*, that we should eschew empathy for rational detachment, lest we be engulfed by emotion at the expense of political action. Running throughout this issue is a debate on the place of emotion in our understanding of history, with different contributors taking different positions. Francesc Torres, for example, takes an avowedly emotional stance. Antonio Monegal advocates the importance of conserving and exhibiting material remains from the war, since objects that were there at the time can convey the tangibility of history by appealing not so much to our emotions as to the senses. My own position would be to regard it as paramount that those who have suffered from political repression be able to articulate that pain in the public sphere, if they so choose, and that their pain be publicly acknowledged. In this sense, the exhumation and reburial of the remains of those killed by the Francoist repression and left lying in unmarked mass graves since that time has a major therapeutic value for the relatives concerned, in addition to fulfilling an ethical obligation to honour the victims of injustice. The ethical impulse to bear witness is represented most forcefully in this issue by the photo essay of Francesc Torres, whose images confront viewers with the materiality of past repression, as well as documenting the process by which relatives honour the dead.

If I have included only limited discussion of recent historiography in this issue, it is not only because it is already well represented in academic debate, but also because of a tendency on the part of many Spanish historians (and some non-Spanish historians of Spain) to see memory as inimical to the study of the past, on the grounds that memory is personal and unreliable while history is concerned with objective fact. This construction of a binary opposition confronting memory and history is problematic in several ways. For a start, it conflates history in the sense of the study of the past with history in the sense of what happened in the past; the study of the past can never, however scrupulous it is in its use of documentary sources, get beyond narrative constructions of the past to reach a realm of pure factuality (though it has a major role to play in helping to correct misinformation). More importantly for the questions discussed in this volume, such an opposition conceives of memory in purely private terms, as something that individuals engage in. This negates the existence of collective memory as a bridge providing a continuum between personal memories and what happened in the past—for the two do not, and cannot, exist in isolation from one another. Indeed, without the “social frameworks” (Halbwachs's term) provided by collective memory (the sum of understandings of the past that circulate in any given society), individual memories could not be recounted, since narration requires the insertion of data into a narrative structure (or mix of narrative structures) drawn from an available repertoire. It is true that collective memory is very different from private memory in that no actual remembering—in the sense of the recall of a lived experience registered in the brain—takes place in it: not only is there is no such thing as a collective psyche, but collective memory concerns events that were not experienced by many members of the group and often are too remote to have been experienced by any of them. The term “collective memory” is, however, appropriate since the shared (and contested) understandings of the past that comprise it do

connect individuals with the past, and are transmitted across generations in the same way that private memories are.⁴ What is at stake in this negation of collective memory by certain historians is an unwillingness to accept that history—in the sense of the study of the past—is itself one of the many different understandings of the past that comprise collective memory, insofar as historical studies are accounts of the past that enter the public domain, and that contribute to the public perception of the past in a particularly privileged way since they have the authority conferred by their authors' membership in the academy (which, in the case of Spain, is supported by the state).⁵

Scholars of the history of subjectivity—a form of historical enquiry that has in Spain been limited largely to literary rather than historiographical study—argue that we should be attentive to the emotions revealed or betrayed by even the most unlikely historical documents, as well as considering other, more personal kinds of evidence such as family photographs, diaries, letters or testimonies, if we want to understand history as experience rather than as a succession of events (see, for example, Stoler 7; Merridale 414). While memory does not give us reliable information about what happened in the past, it does record experiences that are mostly absent from official documents and, above all, it can play a central role in historical understanding by allowing us precisely to see how the past affects the present. For memory is always constructed from the vantage-point of the present. To reject memory as an unreliable witness to the past is to miss the point, for what memory reveals is present-day attitudes to the past. Such attitudes, always emotionally charged, need to be understood if the different members of society—whose conflicting vested interests mean that they will never agree—are to live together. This, I would argue, is what national reconciliation means, rather than the pursuit of an impossible consensus.

The phrase “recuperation of historical memory” has been critiqued—including by myself (“Los lenguajes”)—as wrongly suggesting that memory of the past lies buried in some kind of time-capsule, waiting to be brought to light like the material remains interred in the mass graves currently being excavated. I would now argue for a different reading of the phrase, based on the specificity of the term “historical memory”, which has come to be used concretely in relation to those forms of memory work that take place in transitional justice contexts. In this sense, the “recuperation of historical memory” signifies an attempt to rewrite the transition to democracy in Spain, which, as Stephanie Golob puts it, was a “transition without transitional justice”. That is, today's demands to remember the Francoist repression represent an attempt to “recover” (reactivate) the demands for transitional justice that were sidelined at the time. Indeed, the memory of the Francoist repression that has been articulated and contested so heatedly during the last few years is at least as much a struggle between competing views of the transition as it is a struggle between competing views of the civil war and Francoist dictatorship. Golob's essay argues that transitional justice is an ongoing project, which does not end with the re-establishment of democracy, but is reactivated by subsequent events. As she and other contributors note, the transitional justice processes in Argentina and Chile—themselves still ongoing—were crucial in reactivating Spain's own unfinished business. In this sense, as Golob stresses, transitional justice needs to be understood in a global context: it is neither legally nor politically a purely national matter.

Loureiro argues in his essay that we are currently experiencing a global shift to a new concept of history as grievance, which is reflected in the current memory debates

in Spain. Tony Judt has likewise commented that the reorganization of memory in Europe since 1989 has led to an unhelpful kind of identity politics based on “comparative victimhood”, whereby the victims of Fascism and the victims of Communism vie for the status of “greater victim”. Something similar has happened in Spain with the recent arguments by bestselling pro-Franco writers such as Pío Moa that—contrary to the statistics—the Right, and not the Left, were the greater victims of civil war. A bizarre example was the “obituary war” that followed the publication in the national press, on 17 July 2006, of an *esquela* to the first Republican officer shot by the rebel troops, submitted by his daughter on the grounds that obituary notices to Republican victims had been banned during the dictatorship; this provoked a flurry of *esquelas* commemorating victims “vilmente asesinados por las hordas rojas”, countered by further *esquelas* on the Left, until the hostilities petered out in 2007. The most unproductive and unpleasant development of this exercise in “comparative victimhood” has been the political Right’s championing of the victims of ETA terrorism as a counter to the Left’s defence of the victims of Francoist repression (alluded to by Ferrándiz).

Judt observes a converse phenomenon whereby “Holocaust recognition is our contemporary European entry ticket” (803): if the Polish and Romanian Presidents were required, when courting entry to the European Union in 2004 and 2005 respectively, to publicly acknowledge their countries’ role in the extermination of the Jews (Judt 803), recognition of the Armenian genocide has now become a condition of Turkey’s admission to the EU. This was decidedly not the case when Spain was admitted to the European Community in 1986, in recognition of a democratic transition process achieved precisely by leaving to one side—not “forgetting”, I would insist—any discussion of political responsibilities for past political (rather than ethnic) cleansing. No one in Spain today is asking for perpetrators to be put on trial (Herrmann notes that Armengou and Belis’s indictment of Serrano Súñer for complicity in the sending of Spanish Republican refugees to Mauthausen, in their TV reportage *El comboi dels 927*, was made possible by the fact that Serrano Súñer had recently died). Under pressure from Izquierda Unida, the final version of the Law of Historical Memory dropped the clause requiring the names of perpetrators to be withheld from victims’ relatives seeking information about their murder from official bodies (which are now required to facilitate such information). However, the discourse of victimhood, which has been a necessary stage in achieving public recognition of the suffering previously articulated only in the private sphere, has not been accompanied in Spain by any public soul-searching—as has taken place, for example, in Germany and, more recently, France and the Netherlands—about the extent of civilian involvement in or complicity with the repression. Nor, apart from the condemnation of the Franco dictatorship by all parties in Congress on 20 November 2002 (the anniversary of Franco’s death), has Spain’s political Right—much less the Spanish Catholic hierarchy—been willing to dissociate itself from or apologize for their predecessors’ support for the extra-judicial murder of civilians (see, however, the heartening small-scale examples of individuals wanting to make reparation recounted by Silva). It must also be noted, as Loureiro indicates, that the political Left has not sufficiently tackled its responsibilities for extra-judicial killings during the war, beyond admitting the statistics. For left-wing historians to seek to identify those responsible for extra-judicial killings on the Republican side would be a

painful process, but it seems a necessary step, if the Right is being asked to acknowledge its crimes.

I am aware that some readers (and probably some of the contributors) will object to this last suggestion. The essays that follow are offered with the aim of contributing to debate, rather than closing it down. Too many of the publications on (and cultural representations of) the victims of Francoist repression end up catering to a kind of feel-good factor in their unanimity about the ethical need for reparation. I have wanted to avoid creating such comfortable feelings in the readers of this issue, since I do not find them politically helpful. The disagreements are real and need to be acknowledged. I do not claim to have represented all points of view: I have not wanted to include essays that defend Francoism, though I would argue that we need to understand the mindset of its defenders (that, however, would be another project). Three contributions (Silva, Torres, Ferrándiz) focus on the excavation of mass graves, but from different points of view: those of political activist, artist and anthropologist, respectively. In addition to the contributions by political and cultural activists, I have made a point of including work by academics from different disciplines: anthropology (Ferrándiz), political science (Golob), cultural critique (Herrmann, Loureiro, Monegal). In practice, Monegal writes from his experience as exhibition curator: his essay aims to correct the almost total lack of discussion of museographic strategy with regard to the civil war. The attention to television journalism is intended to elucidate the specificity of the medium: as Armengou stresses, her documentaries with Ricard Belis for TV3 are news reports and not *auteur* cinema, and need to be evaluated as such. I am particularly grateful to Emilio Silva and Montse Armengou for granting interviews; and to Francesc Torres for allowing us to reproduce the images in his photo essay.

Notes

- 1 See *Boletín Oficial del Estado* 310 (27 December 2007): 54310-16. Available online at http://www.boe.es/g/es/bases_datos/doc.php?coleccion=iberlex&id=2007/22296. The Law's full title is "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".
- 2 The immediate post-dictatorship period saw a rush of publications about the civil war and dictatorship which proved short-lived. While historical studies on the civil war and dictatorship continued to appear throughout the post-dictatorship period, and a number of novels and feature films on the civil war emerged from the mid 1980s on, together with a flurry of early Francoist memorabilia and related reminiscences in the mid 1990s, it was only in the late 1990s that historical studies, novels and documentary and feature films started to focus overwhelmingly on the wartime and postwar Francoist repression. A key text was Santos Juliá's 1999 edited volume *Víctimas de la guerra civil*, which established a paradigm for discussing the civil war and dictatorship in terms of victimhood. This emphasis on victimhood was given additional impetus by the exhumations of victims of the Francoist repression set in motion by Emilio Silva's first public excavation of a mass grave in 2000. From 2003, the debates took an increasingly acrimonious turn with a right-wing backlash in the form of bestselling publications, most notably by Pío Moa, defending the

- Francoist version of Spain's mid twentieth-century history. The PSOE government's announcement, almost immediately after its election victory in 2004, of its intention to put to parliament a law extending the rights of victims of the civil war and dictatorship, and dealing with the thorny issue of continuing Francoist symbols in public places, has to be seen in the context of these already polarized debates.
- 3 The Comisión Interministerial responsible for drafting the Law insisted repeatedly that it was not the job of government to interfere with citizens' memories, and that, for this reason, the term "memory" was excluded from the Law's title. The fact that the unofficial title of "Law of Historical Memory" stuck in the media nonetheless, even after the law was officially promulgated, shows that the issue at stake is very much that of memory—but in the sense of a collective memory that the Law does not adequately theorize. The aspects of the Law most vociferously attacked by the Right were, in fact, not the proposals for extending victims' rights but the clauses concerning the removal (or not) of Francoist symbols, such as street names, plaques, statues and monuments: most notably the Valle de los Caídos, to which a whole clause of the Law is devoted (see interview with Silva in this issue).
 - 4 The classic studies of collective memory are Halbwachs (translated in Spain, though only recently and not by a major national publisher) and Connerton (untranslated in Spain).
 - 5 I thank one of the anonymous peer reviewers of this journal issue for highlighting the role played by collective memory as a middle-ground between personal memory and the past, and the significance of its negation by historians. For an energetic rejection of the concept of collective memory, see Juliá (*Memoria* 15–26); for a heated debate on the topic, see Gálvez's special issue of the online journal *Hispania Nova*, referred to by Ferrándiz in this volume.

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