

The Historiographical Myths of the Spanish Transition to Democracy and its Current Revisions

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I would like to begin by sharing part of the story of Ascensión Mendieta. In 2013, Ascensión resolved to locate and lay to rest the remains of her father Timoteo, executed in 1939 in the wake of Spain's bloody Civil War. Francisco Franco's fascist and ultra-Catholic dictatorship honoured its fallen with religious rites, ceremony and monuments. The victorious General ordered construction of the Valley for the Fallen, an immense monument where retrieved cadavers could be given Catholic burial, and dead fascist leaders honoured as martyrs. Nearly four decades after the bloody conflict, the dictator would himself be laid to rest in the space he had reserved for himself in great basilica. As an imprisoned combatant of the vanquished republican band, Ascensión Mendieta's father was not afforded such honours. His body was among thousands left in unmarked mass graves across the Spanish countryside. With little faith that the Spanish legal system would be willing or politically able to respect international human rights legislation to which it was a signatory, 88-year-old Ascensión travelled to Argentina where she appealed to a magistrate to investigate the crimes of Francoist repression and support her efforts to retrieve her father's remains before she herself passed.

The points of departure for this paper are the controversy surrounding efforts to exhume the mass graves of victims of Franco-era repression, and the legislation popularly known as the Historical Memory Law, passed by the José Luis Rodríguez Zapatero's Socialist government on 26 December 2007—six years before Ascensión Mendieta set off for Argentina to appeal directly to international law. However, I believe any attempt to explain the current state of historical memory in Spain *without* first developing an understanding of the political climate today and the characteristics of Spanish democracy since 1978 would be futile. I will demonstrate that both historical memory and the wider sociopolitical realities of the Spanish State are direct results of Spain's peculiar transition to democracy. Neither criticism nor judgment of the fascist and dictatorial past played any part in what is known simply as 'the Transition'. For this reason, I have selected the title: *The Historiographical Myths of the Spanish Transition to Democracy and its Current Revisions*

The first element of Spain's democracy that I would like to explore is its concept of legality. Curiously, both the *Fiscal General del Estado* (Attorney General) and members of the Constitutional Tribunal are appointed by the government and by the political parties. For example, the current president of the tribunal is a card-carrying member of the governing *Partido Popular* (Popular Party). This suggests clear infringement of the necessary division of powers lying at the heart of the democratic

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state. While nominations to the United States Supreme are put forth by the standing President, the justices maintain their role for life and are thus able to exercise their role with greater independence. Their position is not placed in jeopardy when they act contrarily to the interests of the party of the president who appointed them. In Spain, however, magistrates can find their career aspirations thwarted by political pressures.

This information seems particularly pertinent given that the successive governments of the past 25 years have violated as many as thirty-four resolutions of the Constitutional Tribunal. The European Union has identified the Spanish state as one of three countries most frequently in breach EU legislation and one of those least likely to take legal action, or, in the case that action is taken, take longer to do so. Consequently, 56% of Spanish citizens categorise the Spanish justice system as ‘poor or very poor’,² primarily due to a belief that judges and prosecutors typically bow to both political pressure and private business interests. These factors overlap with and exacerbate the erratic conditions in which judges carry out their duties making them more vulnerable, and by extension, more easily influenced. A clear example arose with the case popularly known as the ‘*Caso Gürtel*’ that has seen the *Partido Popular* accused, as a party, of corruption. Investigations have focused primarily on illegal party funding and kickbacks-for-contracts schemes. Until six weeks ago, the sole conviction and sentence—after seven years of investigation into the activities of thirty-four political figures and three magistrates—was that faced by the case’s first investigating magistrate. Accused by political leaders of perversion of justice and ideological bias on the basis of his alleged hatred for the *Partido Popular*, the magistrate was not merely removed from the investigation but disqualified from the judiciary. Only one conviction has been secured against a politician, and it recently came to light that prison time could be avoided for the modest sum of 15, 000 euros.

This striking example is not the only case worth considering. In 2014, the Supreme Court disbarred Judge Elpidio Silva for a period of seventeen years. Silva was the investigating magistrate in the so-called ‘Bankia Case’. In recent years, the Madrid-based financial institution ‘Bankia’ has come to symbolise the intimate tie between Spain’s political and economic forces. Presiding over an embezzlement case, Judge Elpidio Silva sentenced a former Bankia Group chairman to protective custody, declaring him a flight risk and citing the likelihood of evidence tampering due to the former executive’s substantial ongoing influence within the organisation. The sentencing unleashed a de facto crisis within the *Partido Popular*, which swiftly responded with accusations against Silva. The magistrate found himself temporarily suspended and ultimately disbarred for causing ‘malicious delay in the administration of justice’.

In turning our attention to the party system, I will begin with a brief evaluation of the governing *Partido Popular*. A useful starting point is the recent scandal that emerged after recordings were leaked of a meeting held at the office of the Minister of the Interior. The former could be heard conspiring with the chief of the Catalan Anticorruption Office to fabricate evidence that would implicate political rivals in corruption scandals. In short, the highest authority of a key institutional body

² REPORT FROM THE COMMISSION: *Monitoring the application of European Union law*, 2015 Annual Report, pp. 21-24; 35-36.

responsible for prosecuting cases of corruption was unmasked as corrupt magistrate despite presenting himself in the recorded meeting with the minister as ‘but a humble agent in your police force’. Naturally, neither the judge nor the minister resigned. The Catalan Parliament—which was responsible for appointing the magistrate to the Anticorruption Office—removed him from the post, yet his position on the judiciary remained firmly intact. Meanwhile, the minister was simply subbed out upon formation of the new government. The former minister later declared in a newspaper interview—which is curiously no longer available online—that ‘I used to pray every Sunday in the Valley of the Fallen [destination of pilgrimage among Spanish fascists]’, and that he had a Guardian Angel named Marcelo who helps him with parking his car. It is worth recalling here that ultra-Catholicism is a principal characteristic of Spanish fascism. Notable accomplishments achieved by the minister throughout his tenure include bestowment of a medal for merit in policing upon the Virgin Mary and—far more gravely—developing the so-called ‘Gag Law’ which criminalises a wide range of activities including filming or taking photographs of police. Upon passage of the legislation, *The New York Times*³ called on the European Commission to condemn a law that “disturbingly harkens back to the dark days of the Franco regime” before the United Nations.

These shocking and incredible cases are far more numerous than one might expect. In far more recent history we encounter curious incidents such as that of the group of fascists who stormed an official building of the Catalan autonomous government in Madrid, physically assaulting several Catalan deputies to the Spanish Parliament, filling the space with capsicum spray, and displaying fascist insignia. After the assailants were identified and detained, it was revealed that they were leaders and militants of registered far-right political parties. One of the assailants, 58-year-old Iñigo Pérez de Herrasti y Urquijo, had previously served a prison sentence for plotting to murder the family members of imprisoned members of Basque terrorist ETA. What is perhaps most striking about the participation of this particular individual is his astonishing network of family affiliations. The fascist agitator was cousin to the standing Minister of Defence; brother to the general secretary of the National Intelligence Centre; and brother-in-law to the Secretary of State for the European Union. Each individual is responsible for his or her own actions; and not those of family members. However, time and again when we scratch the surface of contemporary Spanish fascism, direct connections with the mainstream right become apparent.

It is suggested that a right-wing alternative has emerged on the Spanish political landscape, in recent years, that is untainted mainstream conservatism’s intimate ties with the fascist past. *Ciudadanos* emerged in Catalonia as a cohesive force among ‘anti-catalanist’ groups. In order to understand the growth of this party, it useful to consider its counter-weight on the ideological spectrum: the anti-system party, *Podemos*. *Podemos* emerged to capture support and votes from traditional supporters of the mainstream left represented in the socialist PSOE; the significant population of demobilised citizens accustomed to abstention; and—to a far lesser extent—non ‘politicised’ voters, disillusioned with the PSOE who voted for the Partido Popular to

³ The New York Times, *Spain’s Ominous Gag Law*, April 22, 2015. https://www.nytimes.com/2015/04/23/opinion/spains-ominous-gag-law.html?_r=1

avoid a new socialist government. Within this context, media outlets loyal to the establishment began actively participating in a process of reshaping the image of *Ciudadanos* in order to achieve aims suggested by the director of a major bank: ‘Perhaps what we need to create is a *Podemos* of the right, because it is *Podemos* that we must fear...that is where our interests lie’. The idea is that the creation of a new party would temper the extent to which a protest vote against the traditional parties for their part in the economic crisis, austerity and corruption would exclusively benefit the anti-system *Podemos*. The threat to the *Partido Popular* was negligible, as lost votes were split between opposing forces rather than shifting directly onto the traditional opposition in the two-party system. The Newspaper ‘El Mundo’ is illustrative of the way that media outlets loyal to the establishment threw support behind *Ciudadanos*⁴. The conspicuous absence of professional ethics is intrinsic to the functioning of the mainstream press in Spain which is astonishingly quick to paint the oppressor as the oppressed and the oppressed as the oppressor. While the aims and functions of *Ciudadanos* are clear in Catalonia—where it operates as a ‘Spanish’ party committed to resisting Catalan nationalism—its objectives make little sense at the State level. Without a Catalan nationalist enemy to oppose it is left with the sole function of insulating the establishment from the *Podemos* threat. In this context, electoral failure was inevitable ().

Party leader Albert Rivera was elected alphabetically at the *Ciudadanos* inauguration. Rivera had previously been a member of the *Partido Popular*’s ‘New Generations’,⁵ a fact he regularly denied before the newspaper *El Confidencial* published evidence undoubtedly leaked by the *Partido Popular* itself. The *Ciudadanos* political programme is straightforward. Each point is utterly maximalist—‘put an end to corruption’, ‘make Spain a more significant global force’, ‘develop equality among Spaniards’—because the party was not created with the intention of entering government, but to challenge the bipartisan system in a carefully controlled manner, managing the extent to which the protest vote might embolden the anti-capitalist left. It is precisely for this reason that, in distinct regions of Spain, *Ciudadanos* is able to establish coalitions with either one of the major parties. It is perhaps worth briefly reflecting on some of the ways the formation has bolstered the culture of shocking and incredible practices within the Spanish political system. On 10 October 2013, *Ciudadanos* and the *Partido Popular* renounced their seats in the Catalan Parliament under the pretence of procedural discrepancy in order to avoid voting on a resolution that expressly denounced ‘any declaration or activity that suggests exaltation, trivialisation, apologism or denial of Nazism, Francoism or other fascist regimes’. In Catalonia, the focus of these rightist parties lies squarely on opposing ‘Catalanism’. As a consequence, these formations have captured the far-right vote and to publicly denounce fascism would thus contradict their interests in Catalonia. In 2014 the *Ciudadanos* leader and fellow deputies is seen photographed with an ultra-right social media troll who was later found to have deliberately planned, filmed and a shared footage of a racist attack on the Barcelona

⁴ *El Mundo*, November 30, 2015 (comparing with the actual results in the Elections of December 2015). <http://www.elmundo.es/espana/2015/11/30/565b54b022601ddf648b45d5.html>

⁵ *El Confidencial*, April 11, 2015.

http://www.elconfidencial.com/espana/2015-04-11/los-documentos-que-prueban-que-albert-rivera-se-afilio-a-nuevas-generaciones_757566/

subway.⁶ The politicians logically argued that they couldn't be held accountable for the actions of strangers with whom they are photographed on a daily basis. However, culpability lies not in allowing themselves to be photographed, but in shaping a political discourse—in this case, the virulently anti-Catalan narrative the party promotes in Catalonia—that is ideologically appealing to the ultra-right.

I should mention at this point that these examples do not suggest that the right-wing parties of Spain are inherently fascist or actively committed to dismantling democracy. However, the socio-political realities of contemporary Spain are fundamentally shaped by the fact that none of those responsible for the crimes of the Franco regime has faced charges; a significant proportion of the population shares an ideological affinity with fascisms (though the extent to which citizens are self-aware in this regard varies); and political discourse is shaped by a willingness to pander to tendencies and ideas with which fascist groups identify. In Spain, one frequently comes across individuals euphemistically referred to as 'nostalgics', identified by a tendency to repeat the well-worn clichés: 'With Franco, life was easier', '*that* didn't happen when Franco was around'. Typically used to reinforce social stratification, such nostalgia resonates with a mainstream right that has repeatedly displayed high levels of tolerance for fascism and neo-Nazism. In 2013, for example, a representative of the Spanish Government officially attended an act commemorating Spanish volunteers that fought alongside the Nazis in the Second World War.⁷

As I argued above, many problematic tendencies within Spanish political culture arise from the failure of 'the Transition' to assimilate a critique of fascism. On the contrary, the process was marked by an ongoing justification of atrocities on the basis that Franco's rebellion stymied the advance of both international communism and Basque and Catalan nationalisms in the 1930s. Economic development in Franco's later years inspired reimaginations of the regime as essentially technocratic, and idealisation of a process by which its so-called 'organic democracy' was able to emerge. This whitewashing of the fascist past is apparent in popular culture. For example, a recent mini-series emitted on private network Telecinco titled '*Lo que escondían sus ojos*', that is, 'What lay behind his eyes', presents Franco's brother-in-law—Ramón Serrano Suñer—as a mere victim of the puritanical society in which he lived. Yet, Serrano Suñer (who was in many occasions pictured alongside Henirch Himmler) was responsible for the post Civil war repression of vanquished republicans and a key promoter of the relation between Franco Spain and Nazi Germany. Indeed, it was Serrano Suñer who brokered the historic Meeting at Hendaye between Franco and Hitler in October 1940. A curious reminder of this historical relationship is ongoing inclusion of Spain in the continental time zone when, geographically speaking, it would seem to align with the United Kingdom/Greenwich mean Time. As a gesture of friendship toward Nazi Germany, Franco wished to place Madrid in the same time zone as Berlin and after nearly four decades of democracy, the anomalous positioning of Spain within the time zones persists.

⁶ *La Gaceta*, June 30, 2014. <http://gaceta.es/noticias/involucran-albert-rivera-ataque-racista-metro-30062014-1728>

⁷ *Vilaweb*, May 16, 2013.

<http://www.vilaweb.cat/noticia/4115774/20130516/llanos-luna-lhomenatge-combatents-espanyols-lexercit-nazi.html>

Up to this point, my paper has primarily focused on right-wing political cultures in Spanish society today. I would like to briefly turn our attention to the left. Before doing so, I must note that the woes of Spain's parties of the left are common across Europe and arise largely due to the failure of traditional parties of the left to adapt their political discourse in the wake of the fall of the Berlin Wall. Nevertheless, there are several characteristics of the Spanish case worth noting.

The socialist PSOE has traditionally represented the mainstream left in Spain. The historic party emerged as the leading alternative to Francoism during the Transition and went in to govern for fourteen consecutive years (1982-1996). Nevertheless, it has since established a pattern of involvement in serious cases of corruption; from the 'dirty war' against domestic terrorism, to the creation of a network of shell corporations through which it was found to have laundered money and peddled influence. It is therefore unsurprising that, since the 1990s, the party has seen its electoral base erode. Indeed, it was only the *Partido Popular's* appalling attempts to manipulate the media in the wake of the gravest terrorist attack in Spanish history that permitted the Socialists to re-enter government in 2004. Just days before a general election, Al-Qaeda operatives set off bombs in several trains, killing over 200 people. It benefitted the right to misleadingly suggest that the attacks were the result of domestic terrorism. The deception mobilized the disillusioned former Socialist voter, securing a surprise victory for the party. The percentage of votes lost by the *Partido Popular* relative to the previous election is fairly minor, however, the PSOE clearly managed to win votes from those who had previously abstained. The illusion of Socialist Party popularity was revealed to be just that and after seven years of centre-left governance, the right returned, securing an absolute majority in the general election of 2011. Voters and observers were recently reminded of the lugubrious state of Spanish socialism when the party ousted its leader to make way for a leader amenable to the establishment of a right-wing government. The decision was widely viewed among the traditional voter base as an act of treachery and capitulation to *de facto* powers.

These factors have added fuel to a historiographical interpretation traditionally suppressed—or confined to academic circles—which reevaluates the Transition as but a second phase of Bourbon Restoration. According to this interpretation, the Spanish democracy of today is a revised version of the 'Canovist system'; a fiction constructed by the previous regime's powers that be in order to safeguard their control over state institutions. It is not, therefore, a real democracy.

Growing acceptance of a revised understanding of the Transition helped usher in a new political force that I have already mentioned: The anti-system *Podemos*. Born from diverse civil protest movements and led by young university professors, *Podemos* embodies the decay of the post-Transition political order. *Podemos's* public denunciations of the major parties' subservience to economic forces are distinguished by the party's classification of the current democratic system as a 'caste system'. The establishment has responded with a strategy referred to in Spain as a '*cordón sanitario*', a quarantine barricade. The metaphorical barricade places the party in complete isolation and ensures that attacks from rivals and the press are constant. Primarily devised to demoralise the voter, the strategy has so far proved ineffective. On the contrary, the role of the press in attacks on the party has heightened public distrust of

the media, fuelling belief that mainstream outlets deliberately misinform in order to bolster the artificially constructed system. As a result, consumption of news has transformed with the voting public seeking more direct access to information and testimony, as well as more active and visible roles in questioning versions of events presented on television and in newspapers. Logically, the shift has largely taken place across social media platforms. What is perhaps most interesting about this shift—at least from the point of view of the historian—is that it has markedly changed the ways citizens receive and respond to information about history. In particular, public interest has grown in information and testimony derived from individual memory.

It will come as little surprise that in the current socio-political climate, digging up mass graves of victims of Francoist persecution is a priority for neither the government nor the traditional parties of the post-Transition period. Over the past four decades media representation of the Transition and its terms has been rigidly controlled. It is only recently, as traditional media outlets lose their hold on a virtual monopoly, that public discussion about the exhumation of mass graves has been able to turn official discourse—one that essentially justifies the crimes of Spanish fascism—on its head, presenting the general public with empirical and irrefutable evidence of the brutality of the Franco regime.

In 2007 the Socialist Party government announced amid a media storm that it would bring about a ‘historical memory law’ to restore the dignity of those who fought to defend democracy. Many suspected the law would take a shape that pleased everyone and no one: a merely ‘cosmetic’ initiative that would appease elements of the Spanish left that had lost confidence in the Spanish democratic system *without* stepping too firmly on the toes of those who would inevitably oppose it. The *Partido Popular*, in opposition at the time, presented the issue as an absurd attempt to erase or manipulate the past in order to indoctrinate a new generation of Spanish citizens. Ten years after the legislation was passed, and six years after the PP returned to power the law has not been repealed. Instead, the State simply rescinded the funds needed to apply the law, while continuing to annually direct €150,000 of public funds to the Francisco Franco Foundation. The reason the governing *Partido Popular* hasn’t bothered to repeal a law that it claims ‘manipulates the past’ to ‘indoctrinate youth’ is that it is not the so-called ‘historical memory law’ that regulates the exhumation of mass graves. In a recent article for *The New York Times*,⁸ Dan Hancox ponders Mariano Rajoy’s opposition to the exhumations, concluding that the Spanish President’s reticence simply reflects the fact that it was the governing party that absorbed the keepers of the dictator’s legacy.

The direct association between the Franco regime and the Partido Popular is uncontroversial—the party was founded Manuel Fraga, a minister of the dictatorial regime whose own bloody-stained past was common knowledge—yet this explanation does not fully address the underlying historical realities. The refusal to exhume mass graves is underpinned by revulsion of the past. Not of the brutality of war, but of the violent repression that followed. Exhumations have produced the cadavers of executed prisoners, children and pregnant women: evidence which irrevocably destroys an image that crucially defined the terms of the Transition of the Franco regime as a soft

⁸ *The New York Times*, December 8, 2016.

https://www.nytimes.com/2016/12/08/opinion/the-ghosts-spain-tries-to-ignore.html?_r=0

dictatorship that saved Spain from communism. Dan Hancox attributes this passive complicity to legacy of fascism within the *Partido Popular*. However, while the Socialist Party has governed Spain for a total of 21 years (1982-1996/ 2004-2011) since the democratic period began in 1978 and the *Partido Popular* for 14 (1996-2004/ 2011-today), the attitude toward mass graves has remained the same.

Nevertheless, the *Partido Popular* undoubtedly faces additional pressures. Restitution of the dignity of the dead is undoubtedly important for those on the right. Indeed, it is for this reason that fascists sought to retrieve the bodies of executed participants in the right-wing coup of 1936-1939, bury them with ceremony, and elevate such figures to the status of martyrs. Were the Spanish right to accept similar acts of ceremonial memorial for their ideological antagonists, a significant proportion of its voter base would view such permissiveness as a betrayal not merely of trust but of their vision of the nation and its history. The winners of the war would no longer seem to be the winners. For this reason, the United Nations pressured the Spanish government to exhume mass graves on four separate occasions during 2015. Commenting on the issue, the PP government's press secretary, Pablo Casado, explained: "I am sure that the immense majority of young Spaniards support the *Partido Popular* but just don't know it yet. In the twenty first century it can no longer seem fashionable to be left-wing...They are stuck in the past: On and on about their grandfather's war...about the grave of someone or other, about historical memory..."

It is clear that political authorities underestimated the capacity of citizens affected by their reticence to circumvent Spanish law in order to achieve their goals. The creation of the Association for the Recuperation of Historical memory in 2000 and its appeals to international law have secured the exhumation of a large number of mass graves. In the absence of official support, this association has relied on international solidarity to carry out archeological digs. Contributions range from those of self-funded students volunteers who participate in projects to retrieve remains to the donations of a wide variety of associations and NGOs that fund the excavations. For example, a trade union of Norwegian electricians donated €6000 to the ARMH after discovering that the overwhelming majority of victims were trade unionists. In 2012, the association revealed that it had been able to set up archeological projects at the site of 332 of the 2000 mass graves acknowledged to exist by the government. It is believed that these graves contain the bodies of 114, 226 victims of Francoist violence making Spain the country with second largest number of 'disappeared' victims of state violence, after Cambodia. While 332 projects in twelve years might seem modest, this is quite an achievement when we consider that the lack of public funding and hostility the association receives from legal and political authorities, and from a considerable proportion of the Spanish population.

In this regard, I would like to offer several paradigmatic examples of the way Spanish society responded to this associations efforts to exhume the bodies of citizens murdered amidst the Francoist repression, before and after the Law of Historical Memory was passed in 2007.

The first case to draw widespread media attention set the precedent of hostile reactions to requests for exhumations from political authorities, while establishing the conditions

under which the Socialist Party would develop its Law of Historical Memory. In April 2004, an anonymous letter addressed to the mayor of Fontanosa contained the confession of an individual who, during his military service in 1941, took part in the extra-judicial execution of seven prisoners transported from a nearby prison (López García&Ferrándiz, 2010: 10). The soldiers were instructed to shoot the prisoners, including a child of not yet fifteen, and bury them in an unmarked common grave. Given that it was the first time that citizens had petitioned the municipality to excavate a mass grave, the mayor was unsure of how to proceed and consulted a range of local authorities, including the parish priest, who approved the excavation and began administrative procedures to carry it out. Local authorities—both legal and political—were initially astonished by the unprecedented request. As there was no formal position on the matter from political parties or legal guidelines on how to proceed, local authorities acted in accordance with their personal moral codes and/or political ideas and were met with few obstacles beyond occasional attempt from military authorities to dissuade them from the project. Despite having the support of political and legal authorities, permission to excavate did not come through until February 2006, nearly two years after the process began. The exhumation was financed by the Cabinet Ministry and the regional Government Office of Castilla La Mancha, and carried out by researchers attached to a range of projects supervised by archeologists and anthropologists.

As the case began garnering media attention and inspiring negative reactions from a part of Spanish society that opposed exhuming the graves of victims of fascism, political parties began adopting formal positions of opposition. To satisfy those who sought justice for the victims of fascism, the government began developing its relatively superficial initiative to honour the victims of fascist reprisal in legislation that expressly ignored the issue of mass graves.

From 2006, the work of the Association for the Recuperation of Historical Memory became more difficult. An interesting case study is that of the excavation undertaken in El Baldío, a village of Cádiz. On 18 September 1936, Remedios Partida Morilla (43); her son, José Rodríguez Partida (20) and his pregnant girlfriend Rosa (whose age and identity is unknown) were executed when rebel troops took the village. These killings came to light thanks to the testimony of Tobalina Rojas who at age fifteen saw the victims taken by car and executed near the family home. In 2015, 79 years later after the killings, the 94 year old overcame her fears and identified the exact location of the common grave where the victims were interred. Exhumation of the grave was made possible thanks to Spanish and international volunteers and financial support from the Norwegian trade union, Elogit and the Abraham Lincoln Brigade Archives (ALBA) of New York, whose contributions were used to pay for DNA testing undertaken in private laboratories.

The final paradigmatic case I wish to mention is that of Ascención Mendieta, who I mentioned at the beginning of my paper. Mendieta hoped that international law would oblige Spain to fulfil obligations laid out in human rights legislation to which it was a signatory. The signing of such legislation by Spanish governments was quickly revealed to be a purely superficial gesture given, as appeals for its application at the local level has been thwarted time and again. However, the Argentine magistrate before whom

Mendieta sat was now able to order the Spanish justice system to act in accordance with the treaties of which it was a signatory. Ascención Mendieta was able to locate and lay her father's remains to rest in 2016. The clear potential of the case to set a judicial precedent launched it into the public imagination, clearing a path for new campaigns to exhume mass graves in Spain.

The exhumation of mass graves is the element of discussions surrounding 'historical memory' that has had the clearest reverberations throughout Spanish society. There are, however, other elements of debate worth of consideration. Another issue that has captured the attention of historians in Spain and across the globe is the controversy surrounding the 'Salamanca Papers'. After Franco's troops took Catalonia in 1939, regime administrators arrived in pursuit of evidence that might be used to identify and prosecute republicans. They seized documents from public institutions and trade unions, as well as private material including soldiers' letters. The vast collection of seized material also included historical documents from a range of Catalan institutions, dating back to the nineteenth century. The material was sent to Salamanca, where the rebel military junta had established its headquarters. After the Transition, institutions and individuals began filing requests for the return of seized documents. In 1989, the Socialist government of Felipe González refused requests. However, in 1995—facing the looming threat of conservative victory—González curried favour among Catalan nationalists by ordering the handover of the archive. Set upon preventing the transfer, Gonzalo Torrente Ballester, a leading figure of twentieth century Castilian literature called for a social uprising on behalf of the victors of the Civil War 'to defend what is ours, in accordance with the legitimate terms of conquest'. Politicized considerably, the conflict remained unresolved until 2013 when the 'Salamanca Papers' were returned to their legitimate proprietors under judicial order.

As I draw to a conclusion, I would like to point out that the reason Spain provides such a fascinating case for the study of historical memory is that the latter exists in a constant state of struggle with state institutions. It is a struggle that, in my opinion, historical memory is beginning to win due to the important roles that the Internet and social media have played in developing a wider social movement. The Spanish situation reminds us that memory cannot be severed from politics. This is particularly clear in a situation where silence has served as an accomplice to fascism, as is the case with the pact of silence that sealed the Transition, fortifying the notion that Spaniards simply maintain 'distinct memories', utterly irreconcilable and in a constant state of conflict that bolsters a Manichean narrative of victors and vanquished.

Allow me to introduce here the comments of an anonymous newspaper reader in response to an article suggesting that the Spanish right might suffer electorally from the exhumation of mass graves: 'It does not hurt them. It makes them anxious. The exhumation of our grandfathers exhumes theirs and that is what they dislike'. From my perspective, this comment illustrates perfectly the sense that historic restitution of the vanquished necessarily sullies the memory of the victors—a possibility that descendants of the victors are unwilling to accept. For the descendants of the victors, their parents and grandparents fought and died to save the nation from communism and political turmoil. Faced with this quandary, the parties of the Transition sought to sidestep the issue in the hope that with the passage of time and of those who lived through the events

of the twentieth century, all would be resolved. This naïve vision could not be further from the reality of what has unfolded. On the contrary, those who desire radical change or wholesale abandonment of the status quo have come to control the discourse.

This result is precisely that which has unfolded within the pro-independence government of Catalonia which, in 2016, declared the 15th of October the ‘Remembrance Day for the Victims of Civil War and Francoist Repression’. 15 October marks the day that Lluís Companys, president of the autonomous Catalan government during the Civil War, was executed by Francoists following his arrest by the Gestapo in France and delivery to Franco as a symbol of collaboration between Nazis and Spanish fascists. It is in light of these events that the autonomous government of Catalonia seeks to stake its position among the ‘vanquished’, allying itself with all those who continue today, to identify as victims of Spanish fascism.

The pro-independence parties of Catalonia are far from alone in their attempt to mobilise support from the movement for historical memory. In 2012, the young presenter of an online television programme dedicated to political debate (*La Tuerka*) assured viewers that ‘should the Catalans get their independence, they’d be leaving us behind with the Spaniards.’ ‘The Spaniards’, in this context, are the Civil War victors and the political parties that represent them: the *Partido Popular* and the Socialist Party. The presenter, Pablo Iglesias, is currently the leader of the ‘anti-system’ party, Podemos, which is committed to bringing about a comprehensive revision of the political terms of the Spanish Transition and the political system it established.

All this would seem to suggest that the problems that plague the Spanish system are far from resolved and indeed, require radical solutions—for some, radical reform; for others, wholesale dismantling of the state and its institutions. Indeed, it would seem that the situation could only worsen in coming months and even years. In my view, these grave problems were created by an irresponsible policy, developed and fortified by all major political forces since 1978, of turning away from historical memory and the need for reconciliation. Just this month in an act of commemoration for victims of the Civil War in Basque Country, a Basque Eurodeputy observed that ‘Spain is the only country in Europe that prefers amnesia over memory’ and exhorted the government to ‘radically change its position with regard to historical memory’. Ten or fifteen years ago, such a speech would have been unthinkable.

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