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Exhuming Violent Histories: Forensics, Memory and Rewriting Spain's Past by Nicole Iturriaga, and: *Exhuming Franco: Spain's Second Transition* by Sebastiaan Faber (review)

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Human Rights Quarterly, Volume 45, Number 1, February 2023, pp. 161-166 (Article)

Published by Johns Hopkins University Press



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dramatically in many countries of Latin America and Asia that had been military dictatorships. Apartheid ended in South Africa, and a few other African countries made headway on rights. Of course, the period was deeply marred by the ethnic wars in the former Yugoslavia and by the genocide in Rwanda. Despite those horrors, it was the best period for rights in the period following World War II. Unfortunately, the world has seemed to go in the opposite direction in the past two decades.

What can be achieved by American government policies that promote human rights remains an open question. At the same time, it is clear that in the absence of such policies, there will be no significant momentum behind international efforts to improve the protection of human rights. In that respect, the institutionalization of an American government commitment to promote rights that took place during the Reagan era must be regarded as a great accomplishment. Whether it took place because of Congress, or through a broader combination of forces, it is worth celebrating.

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Exhuming the Violent Past in Spain

Nicole Iturriaga, *Exhuming Violent Histories: Forensics, Memory and Rewriting Spain's Past* (Columbia University Press, 2022), ISBN 9780231201131, 256 pages.

Sebastian Faber, *Exhuming Franco: Spain's Second Transition* (Vanderbilt University Press, 2021), ISBN 9780826501738, 286 pages.

William Faulkner's aphorism "the past is never dead, it's not even past" could not be more appropriate in suggesting how the past looms over contemporary Spanish politics. As Spain entered democracy in 1977, it pointedly and conveniently turned its back on the painful history of the Spanish Civil War (1936-39) and the ensuing dictatorship of Generalissimo Francisco Franco (1939-75).¹ The

1. See OMAR G. ENCARNACIÓN, *DEMOCRACY WITHOUT JUSTICE IN SPAIN: THE POLITICS OF FORGETTING* (2014).

most infamous chapter in this history is what historian Paul Preston has called the “Spanish Holocaust,” a killing campaign undertaken by Franco in the years following the Civil War to eradicate all left-wing influence in Spain.² It resulted in the execution of thousands of people because of their political beliefs. Thousands more were sent to concentration and labor camps. Most of these victims were supporters of the Second Republic (1931-1936), Spain’s first real experiment with democracy and the losing side in the Civil War.

“Let bygones be bygones” was the mantra of the architects of Spain’s new democracy. This overt lack of reckoning and accountability stood in striking contrast with the contemporaneous transition to democracy in Portugal and Greece, where the old regime was held to account for its political sins. In Portugal, those who had collaborated with the Salazar dictatorship were purged from their jobs in government, universities, and even businesses. Greece’s military junta regime was put on trial for a wide range of charges, including high treason and insurrection. Instead, Spain’s political elites embraced the so-called “pact of forgetting.” Contrary to what is implied in the name, the pact of forgetting did not entail actual forgetting or censorship. Rather, this informal agreement called for avoiding public policies that would rekindle the memory of the events that drove the country into a bloody carnage during the interwar years, which historians estimate cost the lives of close to one million Spaniards, and for staying clear of using the past as a weapon during political deliberations and campaigning.

The pact of forgetting also encouraged Spaniards to disremember the past and to focus on the future.

Driving Spain’s project of willful political amnesia following the demise of the Franco dictatorship was the desire to avoid confrontation and seek consensus while democratic institutions, including a brand-new constitution (enacted in 1978), were under construction. To that end, a newly elected Spanish parliament enacted a sweeping amnesty law in 1977 that was supported by all the major political groups, the general public, civil society organizations, and the national media. *El País*, a liberal newspaper, hailed the law as “the best possible of amnesties.”³ Remarkably, the pact of forgetting proved amazingly resilient, at least in the early years of the new democracy. Indeed, it appears that for many years after Franco’s death the only reason that merited talking about the past was to stress the need to not talk about it. In 1986, on the fiftieth anniversary of the start of the Civil War, there were no official public events to mark the occasion, save for a brief statement by Prime Minister Felipe González noting that the war’s “fratricidal character made it unsuitable for commemoration . . . the Civil War is history and no longer part of the reality of the country.”⁴

The two books under review in this essay document and explain in separate but complementary fashion the unraveling in recent years of the pact of forgetting, and the emergence of the memory of the past as a prominent feature in contemporary Spanish politics. More specifically, these books deal with the two major political blows to the pact of forgetting. Iturriga’s

2. PAUL PRESTON, *THE SPANISH HOLOCAUST: INQUISITION AND EXTERMINATION IN TWENTIETH CENTURY SPAIN* (2013).

3. ENCARNACIÓN, *DEMOCRACY WITHOUT JUSTICE IN SPAIN* 53 (2014).

4. *Id.* at 83.

Exhuming History deals with the first and most significant blow: the Law of Historical Memory. Enacted in 2007 by the Socialist administration of José Luis Rodríguez Zapatero, this landmark law condemned Franco's assault on democracy in 1936 and branded the institutions of the Franco regime illegitimate. It also called for the removal of monuments to Franco and his authoritarian regime from public view; granted Spanish citizenship to descendants of the estimated 500,000 people forced into exile because of the Civil War; established the creation of a center for the study of the Civil War; and offered financial and moral reparations for those prosecuted for their political beliefs following the end of the war. Reparations were also extended to those prosecuted because of their LGBTQ status. These reparations were the first of their kind for any country in the world.⁵

In particular, *Exhuming History* offers an ethnographic examination of how Spanish human rights activists have used forensic science to challenge Francoist historical narratives, to forge a new collective memory about the past, and, ultimately, to impact public policies about the past. Among the notable contributions of this slim but insightful volume is to recreate the rise in the early 2000s of the Association for the Recovery of Historical Memory (ARMH) by journalist Emilio Silva. His successful search for the remains of his grandfather, who was executed by a Francoist militia during the Civil War, launched the association. The discovery of the remains of Silva's grandfather in a mass grave that contained the remains of twelve other men in the northwestern town of Priaranza del Bierno marked the first time that the remains of civil war victims were exhumed in accordance with

international protocols for post-conflict exhumations. This discovery launched a network of mostly volunteer organizations devoted to locating Civil War mass graves. Although the precise number of unmarked graves is unknown, according to Iturriaga between 120,000-140,000 civilians lost their lives in extra-judicial killings, with their remains buried in clandestine graves throughout Spain.

But just as important, if not more, was the political project launched by Silva. As Iturriaga makes clear, the ARMH has always been a two-winged movement: the technical team responsible for the location and exhumation of mass graves, and the political side of the organization in charge of making and negotiating political demands. It is due to the ARMH's political efforts that Spain was compelled in 2007 to enact the Law of Historical Memory. As noted previously, that law dramatically overturned many of the terms of the pact of forgetting. In pressing for the law, Silva relied on classic human rights strategies, especially shaming. He argued that Spain's failure to address the suffering of the victims of the Civil War and the Franco dictatorship—a suffering that was compounded by the silence on the past imposed by the pact of forgetting—was a stain on the new democracy. But it is important to note, as Iturriaga does, that the law was also limited in its scope. Much to the disappointment of human rights activists, the law did not revoke the amnesty enacted in 1977 that protected the members of the old regime from prosecution. Keeping the amnesty in place likely closed the door to any future prosecution of the surviving members of the Franco regime. Nor did the law call for a truth commission to document the human rights abuses of the Franco

5. See OMAR G. ENCARNACIÓN, *THE CASE FOR GAY REPARATIONS* (2021).

regime. Standing in the way of a more vigorous law was Spain's leading conservative party, the Popular Party (PP), and the Catholic Church. Both were opposed to any revisiting of the past, claiming that it erased history.

A decidedly less apparent factor in reckoning with the past in Spain is the considerable ambivalence that Spaniards feel towards Franco. For many years after the democratic transition, Spaniards were of the view that Franco was responsible for both good and bad things. This ambivalence reflected the cynical socialization of the Spanish people under Franco's myths, especially the notion that his nationalist crusade had saved the country from the chaos of the Second Republic. Consequently, since the democratic transition, there has never been much appetite among Spaniards for political trials or for a truth commission. These peculiarities about Spain explain why, as Iturriaga's analysis suggests, movements like the ARMH are more concerned with recovering the lost historical memory and correcting the historical record than with demanding retribution against the Franco regime.

Faber's *Exhuming Franco* deals with a second and more dramatic blow to the pact of forgetting: the decision in 2019 by Socialist Prime Minister Pedro Sánchez to remove Franco's remains from *El Valle de los Caídos*, or The Valley of the Fallen, Franco's resting place since his death in November 1975. As Faber makes clear, fewer monuments in the world are more shrouded in infamy. *El Valle*, as the monument is universally known, was inaugurated in 1959 to commemorate 20 years of peace since the end of the Civil War. This was a gross distortion of history. Franco provoked the Civil War, and more people were likely killed after the war ended, as a consequence of Franco's revenge killings, than were killed

during the war itself. References to Spain's imperial conquests and the country's Catholic heritage feature prominently in the monument's architecture and ornamentation; most prominent of all is the tallest cross in Christendom, which tops the monument. This is all suggestive of the symbiotic relationship that developed between church and state under Franco. Former political prisoners were also employed in erecting the monument, and many of them were buried on the site without their permission, or that of their relatives, in an ill-conceived attempt by Franco to turn the monument into a memorial for the victims of the Civil War. As if this was all not offensive enough, the monument's crypt houses the remains of José Antonio Primo de Rivera, the father of Spanish fascism, who was executed by the Republicans at the onset of the Civil War in 1936.

One of the most contentious aspects in the debate surrounding the Law of Historical Memory was the question of what to do with *El Valle*, by far the most visible and controversial public monument associated with Franco's regime. Just prior to the exhumation of Franco's remains, the monument was virtually unchanged since Franco was buried there in 1975. As such, the monument unintentionally stood as a shrine to Franco and his nationalist crusade, and as an affront to the millions of Spaniards victimized by his dictatorial regime. When the Law of Historical Memory was debated, human rights activists called for contextualizing the monument by providing visitors with a sense of the monument's sinister role in the history of the Franco regime and his nationalist crusade. But even that modest proposal was opposed by conservatives and the Catholic Church, which happens to have a basilica and a monastery on the site. *El Valle no se toca* (The Valley will not be touched)

was the rallying cry for those opposed to any tinkering with the monument. In the end, an exemption was carved out that spared the alteration of any monument with historical significance.

In a suite of elegantly written short chapters, *Exhuming Franco* tells the story of the exhumation of Franco's remains as part of the ongoing work of reckoning with the past started by the Law of Historical Memory. A pivotal figure in the struggle is that of Prime Minister Sánchez. In 2018, a mere three weeks into his rule, Sánchez announced his intention to exhume and remove Franco's remains from *El Valle*, claiming with an utmost sense of urgency that Spain could no longer afford to have symbols that divide the country. He successfully managed to get the Spanish parliament to approve the operation, overcoming considerable opposition from the leading conservative parties: the PP and Ciudadanos (Citizens). Both parties accused the prime minister of wanting to rewrite history. Sánchez also had to contend with the Franco family, which took the government to court to stop the exhumation—the family lost.

On the day of the event, October 24, 2019, Sánchez noted that the exhumation of Franco's remains ended the moral shame of extolling a dictator in a public space. But as Faber makes very clear, despite the rhetoric of reconciliation, justice, and morality that hovered over the event, Franco's exhumation overflowed with political considerations. This is a pointed reminder that coming to terms with the past is a political process as much as it is an ethical undertaking. For one thing, the exhumation was a campaign promise by Sánchez intended to address complaints by human rights

activists that Spain was dragging its feet on the issue of historical memory. Organizations like ARMH saw the Law of Historical Memory as the beginning—not the end—to the process of restoring the historical memory of the Civil War and the Franco dictatorship. Sánchez was also following in the footsteps of previous Socialist leaders in the post-transition era who have found it politically advantageous to separate themselves from the political amnesia of the transition era. Faber's casting of Franco's exhumation as a "second transition" recalls Zapatero's policies between the years 2004 and 2011. Zapatero transformed Spain not only by breaking with the pact of forgetting, but also by legalizing same-sex marriage and relaxing abortion and divorce laws.⁶

Sánchez also wanted to use Franco's exhumation to put his political opponents in a very difficult political spot. Most notably, he wanted to put the Right in a position of having to side with Franco by opposing the exhumation of his remains. Sánchez's main target was the PP, but he also went after Vox, an upstart far right-populist party that Sánchez was eager to paint as wanting to return Spain to its Francoist past. In 2019, Vox called for revoking the Law of Historical Memory, arguing it went too far. Most suggestively, however, Sánchez wanted to use Franco's exhumation to lower the political temperature in the separatist region of Catalonia, whose cultural and linguistic heritage was severely repressed by Franco. In 2017, the Catalan regional government threw Spain into its worst political crisis since the democratic transition by declaring Catalonia an independent republic. The declaration came after Catalan

6. See *SPAIN'S SECOND TRANSITION?: THE SOCIALIST GOVERNMENT OF JOSÉ LUÍS RODRÍGUEZ ZAPATERO* (Bonnie Fields ed., 2011).

separatists organized a referendum on independence that Spain's Constitutional Tribunal had already declared illegal. In response to the illegal referendum, the conservative administration of Mariano Rajoy rescinded Catalonia's home rule charter. Sánchez inherited the crisis from Rajoy, whose heavy-handed approach only served to exacerbate the crisis, and skillfully used Franco's exhumation to signal a new, conciliatory tone in the relations between Madrid and the Catalans.

By exploring the work of organizations such as ARMH and unpacking the politics of Franco's exhumation, Iturriaga and Faber have made a valuable contribution to the scholarship on the politics of memory in contemporary Spain. Taken together, these works highlight the titanic role of human rights organizations and activists in pressing politicians to take action on so many issues related to the past that were conveniently swept under the rug during the democratic transition. Spain's democratic transformation, often described by democratization scholars as "a miracle,"⁷ is owed in no small measure to the willingness of victims of political violence to put their demands for recognition on hold until democratic institutions and practices were fully consolidated. But the books by Iturriaga and Faber also contribute valuable insights into the global politics of coming to terms with the past that often go unnoticed or ignored. Above all, perhaps, they reveal the national peculiarities of reckoning with a dark and difficult history.

Despite attempts by the human rights community to depict the process of coming to terms with the past as a universal experience primarily intended to seek justice and accountability, the reality on

the ground often looks strikingly different. For a whole host of reasons—including Franco's cynical manipulation of history for partisan purposes and the deliberate repression of the memory of the past during the democratic transition—coming to terms with the past in Spain is less about seeking justice and accountability than it is about recovering and reconstructing history. This peculiarity about Spain does not make the country's coming to terms with the past any less interesting or worthwhile.

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Elliott Young, *Forever Prisoners: How the United States Made the World's Largest Immigration Detention System* (Oxford University Press, 2021), ISBN: 9780190085957 (hardcover), 280 pages.

"This book is about these [immigrant] butterflies and the cages we have built for more than a century to keep their wings clipped."¹

In *Forever Prisoners*, Elliott Young utilizes five immigrant stories to take the reader on a historical journey that reveals how discriminatory practices and policies spanning over a hundred years have ultimately resulted in the United States of America becoming the largest immigrant detention location in the world. With these five narratives, Young shows how,

7. ADAM PRZEWORSKI, *DEMOCRACY AND THE MARKET: POLITICAL AND ECONOMIC REFORMS IN EASTERN EUROPE AND LATIN AMERICA* 8 (1991).

1. ELLIOTT YOUNG, *FOREVER PRISONERS: HOW THE UNITED STATES MADE THE WORLD'S LARGEST IMMIGRATION DETENTION SYSTEM* 1 (2021).