

WSU Libraries
Student Research Excellence Award

LIBRARY ADMINISTRATIVE OFFICE

MAR 11 2010

Application Cover Sheet

WASHINGTON STATE UNIVERSITY

Name Kathenne Rempe

Title of Paper/Project Legislating Memory: A review of Spain's Ley de la Memoria Histórica

Class standing Senior

Major Microbiology / Spanish

Contact information for faculty member supporting this application

Faculty member's name Dr. Ana Maria Rodríguez Vivaldi

Faculty member's department Foreign Languages and Cultures

Name of course for which work was completed Honors thesis

Department and course number LH 450

When course was taken Fall 2009

If I win the Award, I agree to contribute materials to an exhibit on my research for display in the WSU Libraries. I also agree that this paper will become the property of The Libraries; winning papers will be added to the WSU Research Exchange (online research and publication repository).

Signature Kathenne Rempe Date 3 10 2010

Katherine Rempe

10927988

Until last summer, the Holland-Terrell library at the Washington State University reminded me of a labyrinth in that upon entering the stacks, it would most likely take me at least 10 minutes to figure out how to get out again. My time schedule for trips to the library would include a built-in 15 minutes for me to get lost. It all seemed hopelessly confusing. This perception, however, changed once I began to use the Holland-Terrell library to research my Honors thesis topic.

Though I am a microbiology major, I completed my Honors thesis on the implementation of the Law of Historical Memory in Spain. This meant that the liberal arts collection at Holland-Terrell was an essential resource. My science degree had made me somewhat comfortable with the layout of Owen Science library but left me completely lost when surrounded by books on the fiscal records of Finland or Native American culture. My first few forays into Holland-Terrell were timid, but I soon found that it was not nearly as confusing as I thought it was.

Stack 212, where books on Spanish culture and History are located, became very familiar to me during the summer of 2009. I was in Pullman taking classes and doing the background research for my thesis. The variety of the books available that pertained to my thesis made it easy to gain a broad base of understanding of my topic. Spain's Law of Historical Memory was implemented in an attempt to right some of the wrongs committed during the Spanish Civil War and dictatorship of Francisco Franco. Therefore, it was essential that I understood the causes, events, and results of the Civil War as well as the policies and activities of Francisco Franco. The library provided me with the resources to do just that, and at one point I had over 20 books checked out.

The law itself was not passed until 2007 and so there are not yet many books on its implementation or effectiveness. Therefore, when it came to researching this part of my thesis, the library's on-line journal collection became invaluable. I was able to search for articles related to my thesis and read them on-line for free wherever I was. This flexibility in where I could conduct my research meant that I could

take advantage of down time I had throughout the day to read without needing to spend the time to go to the library.

What I found in the journal articles lead me to news articles that were essential in my final thesis presentation. These news articles allowed me to assess the Spanish public's opinion of the law and therefore evaluate its success. While what I found on news sites provided the basis for my written thesis, I would not have been able to analyze and understand the views expressed in such articles had it not been for the extensive background research I had done using the library system.

By the end of the summer of 2009, I was completely at home in the Holland-Terrell library. I now understand the organization of the stacks and no longer have to give myself time to get lost. I have realized how useful the library is and have not been afraid to use it in researching the projects I have completed this year. The completion of my Honors thesis not only allowed me to learn about the implementation of the Law of Historical Memory in Spain but also how to use the great resource that is the Washington State University library system.

Katherine Rempe

Legislating Memory:

A review of Spain's Ley de la Memoria Historica

Introduction

A member of the European Union since 1986, the nation of Spain is considered to be a western country fully integrated into the European community. However, this nation's seemingly stable democracy is built on over a quarter century of silence pertaining to its history of civil war and fascism. The Spanish Civil War was fought between 1936 and 1939 and transitioned the country from the democratic Second Republic into the dictatorship of Francisco Franco, which lasted until the leader's death in 1975. Though it was motivated by complex historical reasons, in the interest of brevity we will say that the war itself was a conflict between Republican and Nationalist forces: the Republicans fighting for a progressive democratic government and the Nationalists faithful to more conservative views. Sparked by a military coup on July 17, 1936, the war was a direct result of the Republican government's attempt to modernize Spain by reforming the armed forces and removing the influence of the Catholic Church from state politics. The proposed changes to the military included promotion based on merit rather than birth as well as the loss of all judicial functions. This, along with the declining role of the Church which had a long history closely associated with the Spanish government, threatened the conservative values of many devout Catholic generals who had gained their rank through nepotistic means. The coup quickly escalated into a civil war in which most of the Spanish military was loyal to the Nationalist generals while the Republican government drew on

a few faithful troops as well as civilians to defend its position.¹ Especially bloody, 500,000 people were killed in the conflict over the three year period.²

Originally, General Sanjurjo led the Nationalist troops and was expected to head the Spanish government in the case of a Nationalist victory. However, in the first few days of fighting, General Sanjurjo was killed in a plane crash. Power was passed through the other top generals, eventually being given to General Francisco Franco. The youngest general of his rank, Franco had been stationed in the Spanish colonies in North Africa after his ideals had differed slightly from those of the leaders of the Spanish military. Though not a brilliant strategist, his continuous victories allowed him to gain power in the Nationalist Party. At first Franco was considered only head of state for the duration of the war. However, almost immediately after the war ended with the fall of Madrid in 1939, he referred to himself as the head of the “Spanish state” - a title he would keep as the leader of a conservative dictatorship that would last for over 30 years.³ Franco’s victory allowed for the free expression and acknowledgement of Nationalist sentiments after the war while criminalizing opposing views. In the years directly following the Civil War, more than 40,000 enemies of the state were murdered and tens of thousands of others forced either into exile or concentration camps. By the 1960’s many of the repressive policies enforced by the regime had been lifted; however, retribution for actions contrary to the state’s ideals was still feared. Upon Francisco Franco’s death in 1975, the country began a swift transition to democracy. The government was reorganized as a parliamentary monarchy with

¹ A. Durgan, The Spanish Civil War (New York: Palgrave MacMillan, 2007) 6-9; 31-32

² “Spanish Civil War,” Encyclopedia Britannica Online 2009, 4 Oct. 2009
<<http://www.britannica.com/EBchecked/topic/558032/Spanish-Civil-War>>

³ F. Riberiro de Meneses Franco and the Spanish Civil War (New York: Routledge, 2001) 51

King Juan Carlos as head of state and an elected prime minister as head of government in a multiparty system. The first parliamentary elections were held in 1977.⁴

Since these first parliamentary elections, Spain has been ruled by a stable democracy and has been welcomed into the modern Western world. Today, the political institutions of Spain resemble those found in other Western European countries. Power has been passed peacefully between the Socialist Workers' Party (PSOE; 1982-1996) whose views are opposite to those of Franco's Nationalists, to the Popular Party (PP; 1996-2004), which could be considered to share many ideals with what Franco espoused. The majority returned to the PSOE after elections in 2004. This is evidence of the stability enjoyed by the Spanish government barely 30 years after the end of a repressive dictatorship.

In order to facilitate such a rapid change in leadership, the atrocities of the Civil War were largely kept quiet. This reluctance to redress past crimes has allowed Spain to develop what has been referred to by sociologists and historians as historical amnesia.⁵ Such amnesia has been avoided in Latin American countries such as Argentina, Chile, and El Salvador, which also underwent civil war-like struggles and emerged from dictatorships in the early 1980's and 90's. Through the work of Truth Commissions chartered to seek out and rectify wrongs committed during the periods of dictatorship, these countries have reconciled with their pasts or are actively involved in this process, something Spain has yet to do. Argentina's National Commission on the Disappeared was formed in 1983, the year the dictatorship in the country ended. The National Commission for Truth and Reconciliation was formed in Chile in 1990, and El Salvador's Commission on the Truth for El Salvador in 1992; both were formed the same year as

⁴ "Spanish Civil War," Encyclopedia Britannica Online

⁵ Victoria Burnett "Spain undergoes wrenching awakening from 'amnesia'," The New York Times 24 Oct. 2007, 4 Oct. 2009 <http://www.nytimes.com/2007/10/24/world/europe/24iht-spain.4.8039804.html?_r=1>

the end of the dictatorships in their countries.⁶ This immediate move to rectify the past did not happen in Spain.

Just as Latin American countries have faced the need for addressing the memory of abuses committed during civil strife, a recent history of violence and repression is not unique to the Spanish nation within Europe. Both Portugal (António de Oliveira Salazar, 1932-1968) and Italy (Benito Mussolini, 1924-1943), two other states in Southern Europe, experienced dictatorships during the mid-1900's.⁷ Yet, these two states have not struggled with historical amnesia related to that time period. An important difference in the regarding the dictatorships in these three countries is that the dictatorship of Francisco Franco followed a civil war. After Franco's death there was not one ideal of Spanish nationality with which to rebuild the state, and democracy was created without finding a resolution to the differences and conflicts between Republican and Nationalist worldviews that had led to the Civil War itself.⁸ This predicament was not shared by Portugal or Italy because their dictators had risen to power out of political office.⁹ Though Mussolini's appointment as Prime Minister was the result of a coup, his rise to power was still relatively peaceful.¹⁰ Another significant difference is that both dictators of the non-Spanish countries were overthrown while the dictatorship of Francisco Franco did not end

⁶“Resources and Tools” United States Institute of Peace < http://www.usip.org/resources-tools/latest?page=2&filter1=**ALL**&filter0=**ALL**&filter2=2222&filter3=**ALL**&filter4=>

⁷“António de Oliveira Salazar” Dictator of the Month: January 2007 Jan 2009 4 Oct 2009 <<http://www.dictatorofthemonth.com/Salazar/Jan2007SalazarEN.htm>>

“Benito Mussolini” Encarta Encyclopedia 2009 4 Oct 2009 <http://encarta.msn.com/encyclopedia_761553773/Mussolini.html>

⁸“Spanish Civil War Memory Project” <<http://orpheus.ucsd.edu/speccoll/scwmemory/>>

⁹“Antonio de Oliveria Salazar”, “Benito Mussolini”

¹⁰ “Benito Mussolini”

until his natural death.¹¹ Therefore, Spaniards had neither a common hatred of their dictatorship nor the common experience of overthrowing the dictator to unify them. In fact, the transition to democracy after Franco's death was a relative surprise to the nation. King Juan Carlos had been appointed as heir by Francisco Franco and was thereby expected to preserve the Dictator's ideological direction. However, instead of abusing the powers left to him by the dictator, King Juan Carlos initiated the shift to democracy immediately after Franco's death.¹² While the actions of the king are commendable, there is an irony in that they refused the Spanish population the unifying experience of demanding a move to representative government. The lack of common struggles or experiences for Spaniards regarding the government has led to the continuing confusion about the legality of the actions taken both during and after the Civil War. This general confusion is not seen in Italy or Portugal, where the population on a whole agreed on the need to overthrow their dictators. A widely held consensus of wrong-doing made it easy to acknowledge the suffering experienced by victims of the regimes of Salazar and Mussolini. The citizens of Spain did not enjoy a universal conviction of wrong having been done; therefore, the issue was avoided in national discussions, postponing coming to terms with it.

The historical amnesia seen in Spain regarding the Civil War and Franco dictatorship is facilitated by the Spanish population that lived through these times. After so many years under Franco in which it was dangerous to remember anything that criminalized the government, silence became habit and the stories of the repression suffered were not shared with the younger generations. In a poll of Spaniards 18 and over, only 5.0% said the civil war was discussed

¹¹ "Francisco Franco" Encarta Encyclopedia 2009 4 Oct 2009
<http://encarta.msn.com/encyclopedia_761572941/francisco_franco.html>

¹² "Spain's fast-living king turns 70" BBC News 4 Jan. 2008 4 Oct. 2009
<<http://news.bbc.co.uk/2/hi/europe/7171971.stm>>

“much” in their households growing up, while 43.6% reported that “little” was said about the war and 30.5% claimed that it was “never” spoken of. The statistics relating to the Franco era are similar with 6.6% responding that it was “often” discussed, 41% reporting a “little”, and 28.6% reporting “none”.¹³ In a similar strain, most Spanish history classes merely mention the civil war and fail to study its causes or the atrocities committed by the Franco government. Of students that attended high school or college, 44% said that “little” attention was paid to the Civil War in their education, 28.5% responded that no attention was given to the Civil War, and only 4.3% reported “much” attention given to the subject. Once again, the poll gave similar numbers when the same question was asked regarding the Franco regime – 40.4% received “little” instruction, 7.5% “much”, and 22.0% “none”.¹⁴ These numbers suggest that, in an attempt to ensure that Spaniards coexist peacefully and preserve the image of a progressive nation, Spain is not engaging in an exploration of its own past.

After declaring 2006 the Year of Historical Memory, a tentative step towards acknowledging crimes carried out under Franco was taken by the Spanish government in 2007 in the passing of *La Ley de la Memoria Histórica* (Law of Historical Memory).¹⁵ This law expresses the state’s support for the right of all its citizens to their memories, recognition of those harmed during the Civil War or Franco dictatorship, granting of Spanish citizenship to those exiled during these times along with their children, and regulations against the portrayal of only Nationalist victories in public art. The passing of this law suggests that the Spanish Civil

¹³ “Distribuciones de frecuencia marginales del estudio 2760 cuestionario 0 muestra 1” <http://www.cis.es/cis/opencms/-Archivos/Marginales/2760_2779/2760/e276001.html>

¹⁴ “Distribuciones de frecuencia marginales de estudio 2760 cuestionario 0 muestra 1”

¹⁵ Jose M Gonzales “Spanish Literature and the Recovery of Historical Memory” *European Review* Aug. 2009, Oct. 4 2009 <http://journals.cambridge.org/download.php?file=%2FERW%2FERW17_01%2FS1062798709000647a.pdf&code=7371d4733c4bd4847fc0936b8a4b398c>

War and the Franco dictatorship are still largely unresolved issues for a majority of the Spanish public. While these issues still create divisions in Spanish society, a recent poll stated that 70% of Spaniards “agreed with the investigation of the Civil War and the rehabilitation of the victims.”¹⁶ This public support for the recovery of memory correlates to legislation such as the Law of Historical Memory. The question of how the memory of the war and dictatorship is affecting Spaniards today, as well as how it is being addressed by the government, is an area of increasing interest to historians, politicians, and the general public.¹⁷

A timely subject, the topic of the restoration of historical memory to the citizens of Spain is being explored by the national and international media.¹⁸ News stories chronicle the implementation of government policies as well as controversies that surround them. At this time few scholarly articles or books are available as resources due to the fact that the realization of the goals set out in the Law of Historical Memory is still in progress, though it is only a matter of time until they are published. However, the few studies and articles that have covered this issue are informative, as are online articles and web-based blogs and other web-based discussions sites which have become ubiquitous in world media as a means for popular opinion to be expressed. Expression of popular sentiment has also taken place through artistic media such as film, photography, and music. For example, a 2000 film by Gonzalo Suárez titled *El porter/The Goalkeeper*, directly address the years after the war, and portrays the continued divisions in Spanish society imbued in a sport-themed allegory. A similar statement could be made of

¹⁶ Gonzalez

¹⁷ Based on the number of news articles on the subject – a Google news search for “Historical Memory Spain” gives 65 articles in the past month, including articles from such papers as the New York Times, El Mundo, and El Pais, the last two being respected Spanish newspapers

¹⁸ Based on the number of news articles on the subject

Guillermo de Toro's riveting film, *El laberinto del fauno/ Pan's Labyrinth* (2006), where the blend of fantasy and reality does not obscure the cruelty of the war's aftermath.¹⁹ Another excellent example is the powerful 2004 exhibit by Barcelona-based photographer Francesc Torres which documented the unearthing of mass graves dating from the Franco era as well as their relationship to political violence and the war.²⁰ The emotional confusion over this period of the 20th century can even be felt in music, such as a song entitled *Como voy a olvidarme* (2007) by Victor Manuel which juxtaposes the very real memories of those who lived through the Civil War and dictatorship with the societal pressures to forget these events.²¹ The existence and content of these artistic expressions, amongst many other contemporary pieces, are important in that they express feelings in a way the written word cannot. However, due to the fact that art appreciation is very personal, it is hard to quantify its impact and present it as data, so while recognizing their existence and importance in promoting national dialogue and reconciliation, we have chosen to focus on scholarly publications, newspaper articles and other written media as the basis for this research.

A Right to Memory

Mr. Giles Tremlett, a British-born Spanish citizen, is an investigative journalist. His unique position in which he lives in and understands Spanish society without having Spanish heritage allows him to observe events in Spain without the bias of one whose family was involved in the Civil War. In his book, *Ghosts of Spain* (2007), Tremlett relates the story of his

¹⁹ Dr. Ana Maria Rodriguez-Vivaldi, personal interview, 20 Oct. 2009.

²⁰ "Dark is the Room Where We Sleep a project by Francesc Torres" International Center of Photography <http://www.icp.org/site/c.dnJGKJNsFqG/b.2876525/k.9FC1/Francis_Torres.htm>

²¹ hoseba003, (Jan. 15, 2009) Victor Manuel *Como voy a olvidarme* Ley de la Memoria Historica. Youtube. <<http://www.youtube.com/watch?v=UTTm1ZDbesM>>

visit to the village of Poyales de Hoyos in the province of Ávila in central Spain. He was there to witness the exhumation of a grave dating back to the years following the Spanish Civil War that was unmarked along the side of a country road and contained the bodies of three women. These women were suspected of being Republican sympathizers by fellow Nationalist villagers and were therefore beaten, shot, and left along the side of the road. Their bodies were later stumbled upon and buried by a local farmer.

Although the existence of the grave was well known in the village, it was not exhumed until 2002, more than 60 years after the end of the Spanish Civil War. In fact, it was not mentioned to outsiders for nearly a quarter century after the founding of the present democracy in Spain. This reluctance to discuss the events of the Civil War and the Franco dictatorship is habitual amongst Spaniards who lived through these periods. The dictatorship immediately following the war inhibited healing between the factions involved in the conflict and led to a culture in which a *pacto de silencio* (pact of silence) was central.

The story told by Tremlett could be applied to many villages around Spain as it is expected that there are 30,000 or more bodies buried in unmarked graves throughout the country. The largest of these graves, located near Mérida in West-Central Spain, is suspected to contain more than 3,500 opponents of the Franco regime. The movement to unearth such graves is fairly new and, until recently, was funded mainly by the families of victims and other private parties. The graves hold victims of the Nationalist forces from both during and after the Spanish Civil War, with most being from the immediate aftermath of the war when thousands of Republican sympathizers were massacred per the order of the dictator.²² While both Nationalist and Republican forces were slaughtered during the Civil War, the Nationalist regime following the war allowed for the respectful burial of Nationalist soldiers while pits of Republican bodies

²² Giles Tremlett *Ghosts of Spain* (New York: Walker & Company 2007) 17-42

were left untouched.²³ Therefore, the majority of those asking for the unearthing of the mass graves are families with historic Republican alliances.

The movement to unbury the mass graves took off in the first part of the 21st century. In 2002 the creation of a truth commission to investigate war crimes committed during the Spanish Civil War was demanded by relatives of the dead at the United Nations headquarters in New York.²⁴ That same year, the first mass grave was unearthed using private funding. The grave was in the North-Central Spanish region of León and contained less than 20 victims. The victims were identified using modern forensic technologies in which DNA extracted from the corpses was compared to that of surviving family members.²⁵ While many were at first reluctant to identify themselves as relatives of the dead found in the mass graves, relatives were more likely to come forward once the graves were opened. The campaign to locate and open the graves has been a priority of the *Asociación para la recuperación de la memoria histórica* (ARMH). This group of over six thousand members was founded in 2002 and had been influential in the exhumation of over 26 graves containing 570 cadavers by 2003.²⁶

The opening of the graves has been and continues to be controversial throughout Spain. Generally supported by those whose families identified with the Republicans during the Franco era and therefore may be related to those buried, the opening of the graves can be seen as a chance to unbury hidden Spanish history by allowing the dead from the losing side of the Civil

²³ Matthew Campbell "Spain stirs its civil war ghosts" Times Online 26 Oct. 2008, 4 Oct. 2009 <<http://www.timesonline.co.uk/tol/news/world/europe/article5014625.ece>>

²⁴ Giles Tremlett "Spain poised to seek the graves of Franco's disappeared" The Guardian 23 Apr. 2002, 3 Aug. 2009 <<http://www.timesonline.co.uk/tol/news/world/europe/article5014625.ece>>

²⁵ Vicky Short "Spain: excavation of Franco's mass graves demanded" World Socialist Web Site 16 Oct. 2002, 3 Aug. 2009 <<http://www.wsws.org/articles/2002/oct2002/espa-o16.shtml>>

²⁶ "Spain" EAAF Annual Report 2005 <http://eaaf.typepad.com/ar_2005/11Spain_138-143.pdf>

War to receive a proper burial. However, descendants of Francoist supporters contend that neither side is innocent and, thus, the Republicans should not be held in such high esteem.

This division in public opinion is best represented in the controversy surrounding the opening of the grave containing the body of poet Federico Garcia Lorca. An artist rather than a politician, Lorca was shot and killed on August 19, 1936 by Nationalist troops.²⁷ The location of the grave in which his remains lay with those of three others, on a grassy hill under a tree, is and has been widely known.²⁸ Since the beginning of the 21st century, there has been a popular movement to exhume his body and provide a proper burial. This movement was opposed by the poet's family, however, who wished not only for his lowly grave to serve as a reminder of the violence attributed to Nationalist forces, but also did not wish to disturb the remains feeling that it was most respectful to let them lie.²⁹ Nonetheless, in September of 2008, the exhumation of Lorca's body was ordered by a judge in the National court. The order was later rescinded when the ability of the judge to issue such an edict was questioned; however, the poet's family decided they would not oppose the order.³⁰ This change of opinion and resulting lack of opposition reopened the debate and has brought additional attention to the desire of the public to resolve such issues pertaining to the Civil War.

The Law of Historical Memory articulated the support of the Spanish government for the location and exhumation of victims with consent from the proper authorities and with the

²⁷ Giles Tremlett "Exhumation may let a poet's bones speak" The Guardian 6 Sept. 2003, 4 Oct. 2009 <<http://www.guardian.co.uk/world/2003/sep/06/books.spain>>

²⁸ Tremlett "Ghosts of Spain" 35

²⁹ Giles Tremlett. "Spain braced for opening of civil war's mass graves." The Observer 21 Sep 2008 3 Aug 2009. <<http://www.guardian.co.uk/world/2008/sep/21/spain.warcrimes>>

³⁰ "Spain orders Franco victims exhumed" UPI.com 13 June 2009 5 Aug 2009 <http://www.upi.com/Top_News/2009/06/13/Spain-orders-Franco-victims-exhumed/UPI-70031244899865/>

provision that all dead be re-buried respectfully. Though no monies were allocated for such activity, the law does grant eminent domain for the retrieval of victims, perhaps the strongest statement of support in the bill.³¹ Since the passing of the law public support for the unearthing of mass graves has increased. In June of 2009 a petition to change the law making it the responsibility of the state to exhume and identify victims was presented to the parliament by over 60 organizations. This not only showed increasing public support for the bill, but also the desire of many citizens for the government to do more to address the issue.³²

As a new generation comes of age in Spain with no personal memories of either the Civil War or the Franco era, the desire to explore these times in Spain's past has been expressed. Instead of growing up under a repressing dictatorship, Spaniards born after 1975 have experienced a stable democracy. However, this democracy is based on a 1977 amnesty law which is the legal representation of the *pacto de silencio*.³³ In the immediate aftermath of Franco's death, it was decided that the transition to democracy would be easier if the atrocities of the Franco era were forgotten. Therefore, official reconciliation between the victims of Franco's policies and those who carried them out was never accomplished. The Law of Historical Memory is a legal attempt at beginning this process stating that its purpose is "to promote moral repair and the recovery of personal and family memory".³⁴ In order to remember something it must be acknowledged that there is an event to remember. As evidenced in Mr. Tremlett's story,

³¹ Congreso de los Diputados. Ley de la Memoria Histórica. Madrid 31 Oct. 2007

³² Pablo Garcia "65 asociaciones piden en La Moncloa cambiar la Ley de Memoria" El Pais 8 July 2009 3 Aug 2009
<http://www.elpais.com/articulo/espana/65/asociaciones/piden/Moncloa/cambiar/Ley/Memoria/elpepiesp/20090708/elpepinac_21/Tes>

³³ "Spanish Civil War Memory Project"

³⁴ "Ley de la Memoria Histórica"

the Spanish generations that lived through Franco's regime are often hesitant to recall their experiences, having been conditioned to publicly recall only those occurrences consistent with the history Franco's government wished to promote. By guaranteeing the right of all citizens to their memories, the government attempts to reverse the restriction on discussing the atrocities of Francisco Franco. The identification of the victims of Francoist policies is important as it acknowledges that a crime took place, thereby acknowledging there is an event to be remembered.

In October of 2008, the investigative judge Baltasar Garzón issued a 68-page edict in which he called for the investigation into the mass killings that occurred under Franco. Judge Garzón is a member of the National Court of Spain and is best known for his broad interpretation of Spanish law, believing it to allow jurisdiction over criminal acts worldwide. Under this assumption he has tried and found guilty Chilean General Pinochet, a protégé of Franco. The goal of Garzón's edict was to prosecute Franco and 48 other members of the regime involved in the killings, mostly posthumously. This was the first time a major Spanish court had investigated Civil War crimes, and the edict called for the release of 130,000 names of those killed as well as documents pertinent to the mass graves to be handed over by state bureaucrats and the Roman Catholic Church.³⁵ A month later his edict was retracted as the Spanish state prosecutors questioned whether Judge Garzón had jurisdiction in such issues due to the 1977 amnesty law.³⁶ The attention Garzón brought to the issue, however, prompted many regional governments to invest more time and resources into the identification of victims of Franco's repressive policies. In June of 2009, the Catalan government passed an act stating that the funds

³⁵ Tremlett "Spain braced for opening of civil war's mass graves"

³⁶ Short

for the exhumation of 179 graves identified in the region would be provided by the Generalitat (regional government of Catalonia).³⁷ As the first region to officially provide such funds, it is hoped that others will follow their example.

Recognition of Suffering

The acknowledgement of criminal events alone does not bring justice to those involved. Article 4 of the Law of Historical Memory seeks to recognize that actions taken by Nationalist forces and the Franco government were illegal and caused suffering to many innocent citizens. The law offers “moral reparations” to those who can prove distress, whereby a “Declaration of Reparation” will be issued to victims, their families, or a public institution to which they belonged.³⁸ While these documents will be compatible with any redress under the law, they fail to say the state was responsible in any way for the affliction.³⁹ This unwillingness to take responsibility on the part of the state further exemplifies the lack of political healing over Spain’s recent civic history. The idea that only Republican sympathizers suffered during this period, which seems to be espoused by the Law of Historical Memory, is controversial in a country where families still feel loyal to the side they supported during the war.⁴⁰

The distribution of Declarations of Reparations is facilitated by the Ministry of Justice. The document must be requested in writing and requires proof that the person it recognizes

³⁷Bertran Cazorla “La Generalitat pagará en Cataluña la localización de fosas” *El País* 18 June 2009 5 Aug 2009 <http://www.elpais.com/articulo/espana/Generalitat/pagara/Cataluna/localizacion/fosas/elpepiesp/20090618/elpepinac_11/Tes>

³⁸ “Ley de la Memoria Histórica”

³⁹ “Ley de la Memoria Histórica”

⁴⁰ lopiensoloescribo “La ley de la memoria Histórica: pasado y presente” *Mi Blogtelera* 10 oct. 2007 4 Oct 2009 <<http://lopiensoloescribo.lacoctelera.net/post/2007/10/10/la-ley-la-memoria-Histórica-pasado-y-presente>>

experienced suffering as outlined by the Law for Historical Memory. Reparations are given to those who were prosecuted due to membership in political groups, labor unions, religious or military institutions, ethnic minorities, secret societies, Masonic lodges, or resistance groups, or for belonging to differing cultures, linguistic groups, or sexual orientations than those supported by the government. Those punished by the Franco regime by means of imprisonment, deportation, forced labor, loss of rights, or employment at internment camps may also be recognized under the law.⁴¹ Largely symbolic, these documents only serve as recognition by the government. There are no legal benefits tied to the Declarations and, as the law only illegitimizes trials by Franco's courts but does not annul them, the documents do not serve to clear the names of those for whom they are issued.⁴²

The annulment of trials during Franco's regime would require revisiting all cases in question, a daunting task that the current administration does not want to undertake. However, due to laws protecting against double jeopardy, the annulment of the original ruling would be the only way to clear the names of hundreds of Spaniards with cases in which no new evidence can be introduced.⁴³ This unwillingness to clear the names of those unjustly punished during the Civil War and Franco government once again suggests that the current government is hesitant to delve so deeply into Spain's past. A mass executive pardon by the Council of Ministers could address this issue by clearing the names of the Spaniards unfairly punished without requiring each case to be re-examined; however, this action has not been taken by the government.

⁴¹ "Ley de la Memoria Histórica"

⁴² Paul Hamilos "Spanish MPs vote on law recognising Franco's victims" The Guardian 11 Oct 2007 3 Aug 2009 <<http://www.guardian.co.uk/world/2007/oct/11/spain.international>>

⁴³ Hamilos

The ineffectiveness of this act can further be seen in the number of applications and granting of reparations. As of May 2009, only 630 applications had been submitted and none of them acted on by the government's review board.⁴⁴ The clause in the act stating that inaction regarding a request for a period longer than six months defaults to an approval will allow some Declarations to be granted. However, a Declaration by default rather than by approval suggests a lack of dedication on behalf of the Ministry of Justice. This measure also falls short in the fact that, while it serves to show the presumed innocence of those unfairly prosecuted, it does not seek to prosecute the perpetrators.

While the main intention of the law is to acknowledge the victims of Nationalist policies, the wording does not explicitly exclude those who suffered at the hands of the Republicans. The phrase "...recognizes and declares the nature of all the radically unjust convictions, penalties and all forms of personal violence caused by...religious beliefs..." contained in the law can be applied specifically to many Catholics, both ordained and not, who were killed by Republicans because of their connection to the Church. As a measure of recognition for some of these men and women, in October of 2007 the Catholic Church beatified 498 martyrs of the Spanish Civil War.⁴⁵ All victims of Republican forces, the motivation for their slaughter was the Roman Catholic Church's collaboration with the Nationalists. The conservative views of the Nationalist movement supported the traditional role of the Church in Spanish society, including the moral authority of its teachings. This undermined the progressive ideals of the Republicans and therefore made the Church and its representatives a logical target for their aggression. These

⁴⁴ Natalia Junquera "10.010 nuevos españoles gracias a la Ley de Memoria Histórica" El País 6 May 2009 3 Aug 2009 <http://www.elpais.com/articulo/espana/10010/nuevos/espanoles/gracias/Ley/Memoria/Histórica/elpepiesp/20090506elpepinac_18/Tes>

⁴⁵ John Thavis "No sign of clogging: Saint-making pipeline's flow never slowed" Catholic News Service 12 Oct. 2007 3 Aug 2009 <<http://www.catholicnews.com/data/stories/cns/0705826.htm>>

deaths at Republican hands were condemned afterwards during the Franco administration, yet no action has been taken towards addressing them directly by the current democratic government. The risk of apparent support for Franco's dictatorship and policies seems to be too great. While it is true that the Republicans had been held accountable by the Nationalist administration for the crimes they committed during the Civil War and therefore should not have to again endure criticism, the current government's bias against Nationalist crimes both during and after the war does not facilitate the recognition of wrong done by both sides that is needed for national healing.

Granting of Spanish Citizenship to the Exiled

In contrast to the few applications filed for Declarations of Reparations, the option to regain Spanish nationality lost by an exiled parent or grandparent had been sought by over 40,000 people as of May of 2009.⁴⁶ The eighth provision of the Law of Historical Memory offers Spanish nationality to those who can prove that their parents or grandparents were of Spanish nationality and were forced to flee Spain during either the Civil War or the Franco dictatorship. A similar decree was passed in 2002, but it only allowed for the descendants of Spanish exiles to gain Spanish citizenship and live in Spain. However, this citizenship could not be passed down to their children.⁴⁷ The new provision grants full Spanish nationality and guarantees all rights of Spanish citizenship, including the ability for inherited citizenship.

⁴⁶ Thavis

⁴⁷ "Medio millón de hijos y nietos de exiliados podrán adquirir la nacionalidad española" El Mundo 27 Dec. 2008 3 Aug 2009 <<http://www.elmundo.es/elmundo/2008/12/17/espana/1229505393.html>>

Spain experienced net emigration from the time of the Civil War until the 1960s at which time the economic situation began to improve as the Franco regime relaxed its autarkical policies.⁴⁸ The “Grandchildren’s law”, as the eighth provision of the Law of Historical Memory is referred to, acknowledges two distinct periods of emigration. If one’s ancestors were part of the first wave, from 1936 to 1955, the descendant needs to prove only that those that emigrated were Spanish nationals. It is assumed that because of the extreme persecution during this period, the vast majority of Spaniards who left were fleeing some sort of violence. The second wave of emigrants that are recognized are those who left between 1955 and the establishment of the democracy in 1977. The descendants of these Spaniards must prove that their grandparents (or parents) aided other Spaniards abroad or were persecuted by Franco’s policies in order to qualify for Spanish nationalism under the law.⁴⁹

In addition to the two groups of emigrants recognized by the time at which they left Spain, there are three additional groups of exiled Spaniards that may be granted nationality under the law. The first group consists of those whose mother or father was originally Spanish and had to renounce their Spanish nationality in order to receive citizenship in their country of exile. In order to apply for nationality, those in this category need only to supply a written application, their own birth certificate, and the Spanish birth certificate of their originally Spanish parent. A second group is composed of those with at least one grandparent of Spanish origin. The application process for this group is more involved and requires the application, birth certificate of the applicant, birth certificates of the applicant’s parents, Spanish birth certificate of the applicant’s grandparent, and documentation of the exiled or expatriate status of the grandparent.

⁴⁸ Nieves Ortega Pérez “Spain: Forging an immigration policy” Migration Information Source Feb 2003 4 Oct 2009 <<http://www.migrationinformation.org/feature/display.cfm?ID=97>>

⁴⁹ Giles Tremlett “Come home, war’s grandchildren are told” The Guardian 29 Dec 2008 3 Aug 2009 <<http://www.guardian.co.uk/world/2008/dec/29/spain-grandchildren-law-citizenship-cuba>>

The exiled status of the grandparent can be proved by documentation from the International Office of Refugees, the UN office for Refugees, or from public or private institutions associated with exiles. Expatriate status can be proved by a passport stamped for entry into another country, a certificate of registration from the Spanish embassy or consulate in the country to which they fled, a Civil Registration certificate, or a certificate of the local civil registry that shows acquired nationality. Descendants of those who fled between the start of the war and 1955 do not need to prove exiled or expatriate status. The third group of Spaniards to which this law applies are those who had gained Spanish citizenship under the 2002 amendment to the Spanish Civil Code. This group only needs to provide an application as they have already proved their exiled status in order to gain Spanish citizenship. The law provides a two year period in which applications for nationality may be submitted. This application period will end on December 28th of 2010.⁵⁰

The 40,000 applications for Spanish nationality submitted through the Law of Historical Memory are less than 10% of the half million expected.⁵¹ By the summer of 2009, 10,100 applications had been approved and only 1,000 denied by the Spanish government. All but 900 of the applications came from residents of Latin American countries for a very specific reason.⁵² While Spaniards had fled to Europe and North America as well as Latin and South America during the persecution by Franco, European and North American countries generally allowed exiles to keep their nationality of origin along with citizenship in the country to which they fled whereas Latin American countries required Spaniards to renounce their Spanish nationality in order to gain citizenship.⁵³

⁵⁰ “Ley de la Memoria Histórica”

⁵¹ Tremlett “Come home, war’s grandchildren are told”

⁵² Junquera

⁵³ Tremlett “Come home, war’s grandchildren are told”

While citizens of many Latin American countries have applied for Spanish nationality, the majority of applications are expected to come from Argentina and Cuba. Argentina, the country that is home to the most Spaniards outside of Spain, was projected to produce around 200,000 applicants.⁵⁴ However, in the first six months after the application opportunity opened, only 10,000 petitions had been submitted.⁵⁵ Most Argentines who applied for Spanish nationality did not plan on relocating to Spain. Rather, they planned to take advantage of a Spanish passport to travel within Spain and the rest of Europe. Some applied for nationality for the sake of their children whom they felt may prefer to live and work in Europe upon maturity. The recent economic downturn in Europe has lessened the appeal for some to apply for nationality or return to Europe, as it discouraged the hopes of those who had planned to return to Spain to find employment. Conversely, the Spanish embassy in Cuba, which was expecting to process 300,000 applicants, received over 25,000 applications in the first two months and had approved over 400 cases in the same time period.⁵⁶ A second passport is an attractive asset to many Cubans as it facilitates easier travel outside of Cuba. While the Spanish government may be surprised at the lack of enthusiasm surrounding the chance to obtain Spanish nationality in some parts of the world, this policy has elicited a larger response and affected the greatest number of people as compared to other provisions of the Law of Historical Memory.

As another way of recognizing those drastically affected by the Civil War and Franco's regime, the offer of Spanish nationality to exiles not only shows Spain's commitment to those

⁵⁴ Juan Ignacio Irigaray "Los nietos de la España peregrina" El Mundo 3 Jan. 2009 3 Aug 2009 <<http://www.elmundo.es/elmundo/2009/01/02/espana/1230936836.html>>

⁵⁵ Junquera

⁵⁶ Efe "Norberto ya tiene pasaporte español y sueña con su nueva vida en Valencia" El Mundo 5 Feb. 2009 3 Aug 2009 <<http://www.elmundo.es/elmundo/2009/02/05/espana/1233867016.html>>

that are rightfully her citizens, but is also consistent with the Geneva Convention's Right of Return. This right, explained in Rule 132, grants displaced persons the "right to voluntary return in safety to their homes or places of habitual residence as soon as the reasons for their displacement cease to exist."⁵⁷ Though this rule does not state that nationality must be granted, the offer of such by the Spanish government eases the transition back into Spanish life and seeks to repair heritage damaged by the war.

Even if it is the part of the law to inspire the most action, the eighth provision simply acknowledges that people left the country without calling on the government to take responsibility for the circumstances which forced Spanish citizens into exile. Therefore, unlike the provisions that grant the right to memory or to a Declaration of Reparations it is relatively uncontroversial and has been easy to enforce. The provision applies to anyone who left Spain during the specified times and, because the granting of Spanish nationalism does not require an apology from the government, the current administration is spared from having to express regret for any wrongs done to Nationalist expatriates and thereby appear to side with the policies of Franco's era. Nonetheless, even if the straightforwardness of this provision allows it to impact many people, it does not facilitate healing as it does not ask or answer any of the challenging questions Spain still faces about its own past.

The Case of Public Art

While Spain may be reluctant to address the difficult questions raised in its recent past, reminders of the war and dictatorship in the form of public art are still present, and the Law has made provisions regarding them. The first has to do with the mausoleum of Francisco Franco in

⁵⁷ "The Geneva Conventions: the core of international humanitarian law" ICRC 8 Feb 2009 3 Aug 2009 <<http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/genevaconventions>>

the *Valle de los Caídos* north of Madrid, an impressive landmark both for its size and political significance. Built over the course of nineteen years ending in 1959, the monument is made up of an underground basilica, a monastery, and a great square larger than the square of St. Peter's Basilica in the Vatican. While it was never claimed that the monument was Nationalist as it was meant to honor all who had fallen during the Civil War, the fact that its construction was announced on the anniversary of his triumph over the Republic (April 1st, 1940), left no doubt in anyone's mind that Franco's intent was to dedicate the complex to the victory of his quest to save Spain from non-conservative ideals.⁵⁸ Construction was completed by over 20,000 Republican prisoners of war who were only scantily compensated for their work. Fourteen of these laborers died during construction and many others were injured.⁵⁹

Due to the circumstances surrounding it, the majority of Spaniards have strong feelings on the subject of the Valley of the Fallen. The site hosted an annual celebration to commemorate the deceased fascist leader which was attended by those still loyal to him. These modern-day Francoists represented a cross section of Spanish society, though many were of the upper class - those most likely to benefit from a traditionalist approach to policy. Those who attended the celebration gathered for Mass in the basilica, shared stories and memories from the Franco regime, and joined each other in singing songs and chants that glorified Franco and his regime.⁶⁰ This annual tribute to Franco at the basilica in the Valley of the Fallen was forced to end in 2007 by the passing of the Law of Historical Memory. The law prohibits any political acts exalting either the Civil War or Francisco Franco from taking place at the monument. Furthermore, the monument is to be represented and administrated as any other place of public worship or

⁵⁸ Paul Preston, *Franco* (London: Harper Collins, 1993), p. 786.

⁵⁹ Ralph Harrington "El Valle de los Caídos" 2005 <<http://www.greycat.org/papers/valle.html>>

⁶⁰ Tremlett "Ghosts of Spain" 44-47

cemetery would be.⁶¹ The goal is to make the site of the tomb of Francisco Franco as ideologically neutral as possible. To facilitate this, a visitor's center dedicated to presenting a comprehensive history of the Civil War has been erected at the site by the government. The center represents both Nationalist and Republican ideals and allows the public to further explore and understand the causes and consequences of the horrific events in the nation's recent past.

The Law of Historical Memory also incorporates a provision on the removal of Francoist symbols from public buildings and spaces. Indeed, the process of ridding Spanish towns and cities of public art, sites, or names alluding to Francisco Franco has been an ongoing process since his death in 1975. Statues commemorating Franco, streets named after the dictator or his accomplices, and even towns incorporating the fascist leader's moniker into their toponyms were common during the time of Franco's rule. Government buildings displayed the symbols of the regime carved into their walls and many monuments were built to acknowledge his victories. So, given their ubiquity and the fact that there has not been a government mandate nor consensus among the population as to the need for their removal, the process of ridding Spain of reminders of its past dictator has been slow. The last statue of Franco in Madrid was not removed until 2005, 30 years after his death and, in 2007 when the Law was passed, there were still more than 12 towns using at least part of his name or title as their own and 300 street names with fascist origins.⁶²

Through the Law, the government was granted the right to confiscate or ban anything that glorifies the military uprising, Civil War, or repression established by Franco's government.

⁶¹ "Ley de la Memoria Histórica"

⁶² "Madrid removes last Franco statue" BBC News 17 Mar. 2005 4 Oct. 2009 <<http://news.bbc.co.uk/2/hi/europe/4357373.stm>>

David Cesarani "Forgetting Franco" The Guardian 22 Nov 2007 3 Aug 2009 <<http://www.guardian.co.uk/commentisfree/2007/nov/22/forgettingfranco>>

This allowed them to remove the last statue of Franco on display in mainland Spain. This statue, of Franco riding a horse, was situated in Santander, a city on the north coast of Spain. Long acknowledged as the last city to publicly honor Franco, Santander removed the statue on December 17, 2008.⁶³ The removal was attended by both those who supported and opposed the action, thereby showing that controversy over the decision to remove Franco from Spanish popular culture continues to exist and providing further evidence of a national divide over what he represented. Since the removal of the statue in Santander, only one last effigy of Francisco Franco remains in Spanish territory. It is situated in the Spanish colony of Melilla in North Africa, the region from which Franco began his march to Spain to assist in the military coup that sparked the Spanish Civil War.⁶⁴

Some of those who oppose the removal of representations of Franco and his policies from public view are undoubtedly supporters of the Franco regime itself. However, there are also opponents of this legislation who justify their disagreement by reasoning that the memory of the Franco years provides a powerful incentive to not let a similar thing happen again. Such an approach does not necessarily condone the glorification of Franco through public monuments, but requires a description of the atrocities committed by his regime to be included in the education of Spanish children, something that is largely missing in Spanish society. This lack of instruction is shown by the fact that only 7.5% of Spaniards say the Civil War and Franco were given “much” attention in their education.⁶⁵

⁶³ Giles Tremlett “Spain removes last Franco statue from mainland” *The Guardian* 18 Dec. 2008 4 Oct. 2009 <<http://www.guardian.co.uk/world/2008/dec/18/franco-statue-spain>>

⁶⁴ Tremlett “Spain removes last Franco statue from mainland”

⁶⁵ “Distribuciones de frecuencia marginales de estudio 2760 cuestionario 0 muestra 1”

Reactions to the Law

An opinion poll from 2008 conducted by the Spanish *Centro de Investigaciones Sociológicas* reported that 62% of Spaniards aged 18 and older were aware of the Law of Historical Memory. However, of this 62%, only 39.7% liked the law “very well” while 17.1% were neutral on the subject, and 5.4% strongly disliked it.⁶⁶ Based on comments made regarding articles about the law, the general opinion seems to be that the provisions don’t go far enough in addressing the issues they were meant to resolve. The most common complaint in regards to the law is emphasized in this quote from Marcos Ana, who was jailed during the Franco regime: “La Ley de la Memoria Histórica es insuficiente porque no anula las condenas” (“The law of historical memory is insufficient because the sentences [given under Franco’s government] are not annulled”.)⁶⁷ The writer of a blog on len.es states that as the law is written it is “incompatible con la plena y definitiva rehabilitación moral y jurídica de las personas condenadas” (“incompatible with the full and definitive moral and legal rehabilitation of sentenced persons”).⁶⁸ The entry from which this quote was taken is well-followed with over 30 comments. Furthermore, the Catalan leftist party ERC, has drafted and submitted an amendment to the law which includes this point.⁶⁹ This sentiment is echoed by many Spaniards on blogs and

⁶⁶ “Distribuciones de frecuencia marginales de estudio 2760 cuestionario 0 muestra 1”

⁶⁷ “Marcos Ana: ‘La Ley de la Memoria Histórica es insuficiente porque no anula las condenas’”
[laopinion.es](http://www.laopinion.es) 29 Oct 2007 4 Oct 2009
<http://www.laopinion.es/secciones/noticia.jsp?pRef=2938_9_111159__Sociedad-Marcos-Memoria-Histórica-insuficiente-porque-anula-condenas>

⁶⁸ “Ley de Memoria Histórica” 6 Aug. 2006 6 Oct 2009
<<http://mas.lne.es/foros/index.php?showtopic=8033&mode=threaded&pid=83923>>

⁶⁹ “ERC presentará un proyecto en el Congreso para modificar la Ley de Memoria Histórica” [El País](http://www.elpais.com) 20 Nov. 2008 6 Oct. 2009
<http://www.elpais.com/articulo/espana/ERC/presentara/proyecto/Congreso/modificar/Ley/Memoria/Histórica/elpepuesp/20081120elpepunac_2/Tes>

comment sections that follow online news articles of important Spanish newspapers. The Declarations of Reparation offered by the law are not considered by these Spaniards to be adequate to reverse the decisions made historically. Annulment of the trials would send a much more definitive message that those prosecuted were innocent.

Other areas of the law have also elicited responses from Spaniards, both in Spain and exiled. The provision regarding the granting of Spanish citizenship to those who can claim exiled ancestors seems to be a source of confusion for many. Multiple on-line forums, such as the one at <http://nacionalidades.blogspot.com/2008/01/ley-de-memoria-histrica.html>, are dedicated to answering questions of those who believe they are eligible for citizenship under the law. Proving Spanish ancestry is a common theme throughout the inquiries, and the above website has a thread of more than 100 entries devoted to the topic. Questions such as “how can I get citizenship as a grandson if my grandfather lost his nationality?” are common and show a fundamental confusion over the provisions of the law. This confusion on what constitutes appropriate Spanish heritage and how to prove it may be one of the reasons the response to this part of the law has not been as strong as originally predicted. Regarding the removal of public reminders of the Nationalist victory or Franco regime, most citizens see the clause as unnecessary. This view is espoused in the blog of Mr. Jesús Plácido Iglesias, a middle-aged Spanish gentleman, who sees this demand as getting in the way of more important things cities should be dealing with. Mr. Iglesias writes that his town of Burela on the northern coast of Spain has many other problems that the government is not able to resolve because of its preoccupation with the removal of Nationalist and Francoist reminders. He feels that the law is a political maneuver to distract citizens and blame the opposition for being the “*malos de la película.*”, or

“bad guys”.⁷⁰ While this view is a bit extreme, it shows a Spaniard’s concern that the requirements of this law may be overshadowing more pressing issues. The general opinion gained from blogs and comments posted online is that the law is a good starting point, but does not go far enough to resolve the issues that still surround the Civil War and Franco dictatorship. However, since the resolution of these things will require a national dialogue and personal conversations, such a fix may be impossible to legislate.

Conclusion

While Spain has been successful in creating a stable society and democracy, the lack of social unity has inhibited the creation of a common agreement on the events of the Civil War and Franco dictatorship. Though this lack of a unified perception is a result of many separate factors, the failure of the state to address the divisions caused by Franco and the Civil War cannot be counted amongst the least of them. The problem continues as the thoughts and identities of younger generations of Spaniards, who do not have personal memories of the violence that occurred, are influenced by family histories, as evidenced in many blogs. A unified Spanish opinion of recent history cannot hope to be achieved without the investigation and acknowledgement of the nation’s recent past. The past 30 years in Spain could be seen as a demonstration that it is possible to build a successful state upon silence. However, silence is not the same as forgetfulness and this is a lesson that is important to remember. If the many states experiencing civil wars today hope to reunite in the future, it will be necessary that the horrors brought on by the wars are publicly discussed and forgiven.

⁷⁰ Jesús Plácido Iglesias “Ley de memoria Histórica” [Weblog entry] *A mina Voz* 10 Aug 2009 4 Oct 2009 <<http://vozblog.blogspot.com/2009/08/ley-de-memoria-Histórica.html>>

The attempt by the Spanish government to address the 20th century history of the state through the Law of Historical Memory is a courageous attempt to right many wrongs. However, while the law does articulate the state's support of the recovery of memories and recognition of suffering, it stops short of demanding actions that would require such recovery and recognition such as legislating funding for the exhumation of mass graves. The reception of the law by the Spanish public has largely shown that Spaniards are ready for such legislation and are willing to begin a discussion related to their country's recent history. This discussion is integral to the creation of a unified Spanish society and will go much farther than a legal declaration. Memory cannot be legislated; it must be respected and passed on. The healing of the Spanish population through the acknowledgement of harm done to past generations will have to be an ongoing project. Respect for the dead, recognition for the living, and neutralization of the country's public art as advocated by the Law of Historical Memory will allow for such healing to happen.

Works Cited

“António de Oliveira Salazar” *Dictator of the Month: January 2007* Web. 4 Oct 2009.

<<http://www.dictatorofthefmonth.com/Salazar/Jan2007SalazarEN.htm>>.

“Benito Mussolini” *Encarta Encyclopedia* Web. 2009

<http://encarta.msn.com/encyclopedia_761553773/Mussolini.html>.

Burnett, Victoria. "Spain undergoes wrenching awakening from 'amnesia'." *New York*

Times 24 Oct. 2007 Web. 4 Oct 2009.

<http://www.nytimes.com/2007/10/24/world/europe/24iht-spain.4.8039804.html?_r=1>.

Campbell, Matthew. "Spain stirs its civil war ghosts." *Times Online* 26 Oct. 2008

Web. 4 Oct 2009.

<<http://www.timesonline.co.uk/tol/news/world/europe/article5014625.ece>>.

Cazorla, Bertran. “La Generalitat pagará en Cataluña la localización de fosas” *El Pais* 18

June 2009 Web. 5 Aug 2009

<http://www.elpais.com/articulo/espana/Generalitat/pagara/Cataluna/localizacion/fosas/elpepiesp/20090618 elpepinac_11/Tes>.

Cesarani, David. "Forgetting Franco" *The Guardian* 22 Nov 2007 Web. 3 Oct 2009

<<http://www.guardian.co.uk/commentisfree/2007/nov/22/forgettingfranco>>.

"Dark is the Room Where We Sleep a project by Francesc Torres" *International Center of Photography* Web. 15 Oct. 2009

<http://www.icp.org/site/c.dnJGKJNsFqG/b.2876525/k.9FC1/Francesc_Torres.htm>.

"Distribuciones de frecuencia marginales del estudio 2760 cuestionario 0 muestra 1" Centro de Investigaciones Sociologicas Web. <http://www.cis.es/cis/opencms/Archivos/Marginales/2760_2779/2760/e276001.html>.

Durgan, Andy. *The Spanish Civil War*. New York, NY: Palgrave MacMillan, 2007. Print.

Efe. "Norberto ya tiene pasaporte español y sueña con su nueva vida en Valencia" *El Mundo* 5 Feb 2009 Web. 3 Aug 2009

<<http://www.elmundo.es/elmundo/2009/02/05/espana/1233867016.html>>.

"ERC presentará un proyecto en el Congreso para modificar la Ley de Memoria Histórica" *El País* 20 Nov 2008 Web. 6 Oct 2009

<http://www.elpais.com/articulo/espana/ERC/presentara/proyecto/Congreso/modificar/Ley/Memoria/Histórica/elpepuesp/20081120elpepunac_2/Tes>.

"Francisco Franco" *Encarta Encyclopedia* Web. 2009

<http://encarta.msn.com/encyclopedia_761572941/francisco_franco.html>.

Garcia, Pablo. "65 asociaciones piden en La Moncloa cambiar la Ley de Memoria" *El Pais* 8

July 2009 Web. 3 Aug 2009

<http://www.elpais.com/articulo/espana/65/asociaciones/piden/Moncloa/cambiar/Ley/Memoria/elpeiesp/20090708elpepinac_21/Tes>.

Gonzalez, Jose M. "Spanish Literature and the Recovery of Historical Memory."

European Review 17. (2009): 177-185. Web. 4 Oct 2009.

<http://journals.cambridge.org/download.php?file=%2FERW%2FERW17_01%2FS1062798709000647a.pdf&code=7371d4733c4bd4847fc0936b8a4b398c>.

Hamilos, Paul. "Spanish MPs vote on law recognising Franco's victims" *The Guardian*

11 Oct 2007 Web. 3 Aug 2009

<<http://www.guardian.co.uk/world/2007/oct/11/spain.international>>.

Harrington, Ralph. "El Valle de los Caidos" 2005 Web.

<<http://www.greycat.org/papers/valle.html>>.

hosaba003. "Victor Manuel Como voy a olvidarme Ley de la Memoria Historica"

YouTube Web. 13 Aug. 2009 <<http://www.youtube.com/watch?v=UTTm1ZDbesM>>.

Iglesias , Jesús Plácido . "Ley de memoria histórica." *A mina voz*. blogspot, 10 Aug 2009.

Web. 4 Oct 2009. <<http://vozblog.blogspot.com/2009/08/ley-de-memoria-Histórica.html>>.

Irigaray, Juan Ignacio. "Los nietos de la España peregrina" *El Mundo* 3 Jan 2009 Web. 3 Aug

2009 <<http://www.elmundo.es/elmundo/2009/01/02/espana/1230936836.html>>.

Junquera, Natalia. "10.010 nuevos españoles gracias a la Ley de Memoria Histórica" *El*

Pais 6 May 2009 Web. 3 Aug 2009

<http://www.elpais.com/articulo/espana/10010/nuevos/espanoles/gracias/Ley/Memoria/Histórica/elpepiesp/20090506elpepinac_18/Tes>.

lopiensoloescribo, . "La ley de la memoria Histórica: pasado y presente." *Mi Blogtelera*.

lacoctelera, 10 Oct 2007. Web. 4 Oct 2009.

<<http://lopiensoloescribo.lacoctelera.net/post/2007/10/10/la-ley-la-memoria-Histórica-pasado-y-presente>>.

"Madrid removes last Franco statue" *BBC News* 17 Mar 2005 Web. 4 Oct 2009

<<http://news.bbc.co.uk/2/hi/europe/4357373.stm>>.

"Marcos Ana: 'La Ley de la Memoria Histórica es insuficiente porque no anula las condenas'"

laopinion.es 29 Oct 2007 Web. 4 Oct 2009

<http://www.laopinion.es/secciones/noticia.jsp?pRef=2938_9_111159__Sociedad-Marcos-Memoria-Histórica-insuficiente-porque-anula-condenas>.

“Medio millón de hijos y nietos de exiliados podrán adquirir la nacionalidad española” *El Mundo* 27 Dec 2008 Web. 3 Aug 2009

<<http://www.elmundo.es/elmundo/2008/12/17/espana/1229505393.html>>.

Pérez, Nieves Ortega. “Spain: Forging an immigration policy” *Migration Information Source* Feb 2003 Web. <<http://www.migrationinformation.org/feature/display.cfm?ID=97>>.

Preston, Paul. *Franco*. London, England: Harper Collins, 1993. Print.

“Resources and Tools.” *United States Institute of Peace*. Web. 5 Oct 2009.

<http://www.usip.org/resources-tools/latest?page=2&filter1=**ALL**&filter0=**ALL**&filter2=2222&filter3=**ALL**&filter4>.

Ribeiro de Meneses, Filipe. *Franco and the Spanish Civil War*. New York, NY: Routledge, 2001. Print.

Rodriguez -Vivaldi, Ana Maria. Personal Interview by Katherine Rempe. 19 Oct 2009.

Short, Vicky. "Spain: excavation of Franco's mass graves demanded." *World Socialist Web Site*
16 Oct. 2002 Web. 3 Aug 2009 <[http://www.wsws.org/articles/2002/oct2002/espa-
o16.shtml](http://www.wsws.org/articles/2002/oct2002/espa-
o16.shtml)>.

"Spain orders Franco victims exhumed" *UPI.com* 13 June 2009 Web. 5 Aug 2009
<[http://www.upi.com/Top_News/2009/06/13/Spain-orders-Franco-victims-
exhumed/UPI-70031244899865](http://www.upi.com/Top_News/2009/06/13/Spain-orders-Franco-victims-
exhumed/UPI-70031244899865)>.

Spain. Congreso de los Diputados. Ley de la Memoria Historica. Madrid, Spain. 31 Oct 2007.

"Spain's fast-living king turns 70" *BBC News* 4 Jan 2008 Web. 4 Oct. 2009
<<http://news.bbc.co.uk/2/hi/europe/7171971.stm>>.

"Spain" *EAAF Annual Report* 2005 Web. <[http://eaaf.typepad.com/ar_2005/11Spain_138-
143.pdf](http://eaaf.typepad.com/ar_2005/11Spain_138-
143.pdf)>.

"Spanish Civil War Memory Project." University of California, San Diego, Web. 4 Oct 2009.
<<http://orpheus.ucsd.edu/speccoll/scwmemory>>.

"Spanish Civil War." *Encyclopedia Britannica Online*. Web.
<<http://www.britannica.com/EBchecked/topic/558032/Spanish-Civil-War>>.

Thavis, John. "No sign of clogging: Saint-making pipeline's flow never slowed" *Catholic News Service* 12 Oct 2007 Web. 3 Aug 2009
<<http://www.catholicnews.com/data/stories/cns/0705826.htm>>.

"The Geneva Conventions: the core of international humanitarian law" *ICRC* 8 Feb 2009 Web.
<<http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/genevaconventions>>.

Tremlett, Giles "Spain braced for opening of civil war's mass graves" *The Observer* 21 Sept 2008 Web. 3 Aug 2009
<<http://www.guardian.co.uk/world/2008/sep/21/spain.warcrimes>>.

Tremlett, Giles. "Come home, war's grandchildren are told" *The Guardian* 29 Dec 2008
Web. 3 Aug 2009 < <http://www.guardian.co.uk/world/2008/dec/29/spain-grandchildren-law-citizenship-cuba>>.

Tremlett, Giles. "Exhumation may let a poet's bones speak" *The Guardian* 6 Sept 2003
Web. 4 Oct. 2009 < <http://www.guardian.co.uk/world/2003/sep/06/books.spain>>.

Tremlett, Giles. "Spain poised to seek the graves of Franco's disappeared." *The Guardian*
23 Apr 2009 Web. 3 Aug 2009
<<http://www.timesonline.co.uk/tol/news/world/europe/article5014625.ece>>.

Tremlett, Giles. "Spain removes last Franco statue from mainland" *The Guardian* 18 Dec

2008 Web. 4 Oct 2009 < <http://www.guardian.co.uk/world/2008/dec/18/franco-statue-spain>>.

Tremlett, Giles. *Ghosts of Spain: Travels through Spain and its Silent Past*. New York, NY:

Walker and Company, 2006. Print.

WSU Libraries Student Research Excellence Award

Faculty/Instructor Letter of Support Cover Sheet

Faculty/Instructor Name Dr Ana Maria Rodriguez Vivacki
Date 3.10.2010
Department Foreign languages and Cultures
Student name Katherine Rempe

Please indicate on a signed attached sheet your comments regarding how this student's work meets the prize criteria. The panel is especially interested in your assessment of the originality and depth of this work, and the level of self-sufficiency demonstrated by this student in pursuing research.

Deadline for this letter of support is **March, 12 2010**. You may give your letter to the student for inclusion in his/her packet, or you may send it in campus mail to Beth Blakesley, 5610. You may email the letter to elindsay@wsu.edu to meet the deadline, but we will need a signed hard copy in addition to the electronic copy.

March 9, 2010

Selection Committee
Student Research Excellence Award
Washington State University

Dear colleagues:

I am writing on behalf of Katherine Rempe who is submitting her Honors Thesis on "Legislating Memory: A Review of Spain's *Ley de la memoria histórica*" to be considered for the Student Research Excellence Award. Katherine presented her thesis last (Fall 2009) semester to the Honors College, and it was unanimously awarded a ranking of 'Excellent.'

I've know Katherine for almost two years. I served as her Honors College Thesis' Advisor, which deals with Spain's 2007 Law of Historic Memory, a legislation that addresses unresolved issues at a national level that hark back to their Civil War (1936-1939) and the subsequent dictatorial government by Francisco Franco that lasted from 1939 to his death in 1975. Her interest in this topic derived from a personal experience when she studied abroad in Spain and witnessed first hand a certain reluctance to discuss issues that pertained to these moments in history, even after so many years have passed. She reacted with curiosity to the sense of self-censorship and hesitation, perhaps even fear of expressing themselves too openly that she perceived in her fellow travelers, but from that she went on to see this as an intellectual and scholarly pursuit, and did so successfully. I think that speaks highly of her quality and potential as a future researcher in any discipline; one that is intrigued by a seemingly unimportant detail, and through study and research, is able to arrive at a deep understanding and explanation of this behavior.

In the thesis, she explored the issues that led to the passing of the law, and its effect on the population, basing her research on scholarly data that has been produced before and after the passing of this law, but also incorporating elements of popular culture (from blogs to music) where a national dialogue on the war and dictatorship is being carried on actively, due in great part by the law. By navigating carefully between academically relevant sources and the developing social networks where individuals find alternate, and many time anonymous, ways of expression, she was able to produce an original, interesting and careful study that presents the complexity of the issue while preserving a balanced and fair view of all its components. The reviewing committee agreed in stating that it was very creative in the way it managed its sources, and brought forth a concise but accurate understanding of the topic to a lay reader. In particular, the committee pointed out her ability to synthesize such a wide array of research materials and identify solid trends and opinions.

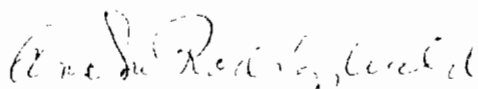
As I hope you'll see when you read the thesis, she has a very articulate and clear style of writing that reflects her way of thinking. She has an innate sense of logic and coherence and, while she can feel personal preferences for some of her subjects, she retains the objectivity and fairness of the critical thinker, and tries to convey that in her writing. It's not easy to deal with issues that have been effectively repressed by a nation, particularly when coming from our nation where freedom of thought and speech are rights we all take for granted.

This interest and desire to continue studying the law and its effects continues. At present, she is taking my Honors seminar on Latin American Hybrid Cultures, and she is one of the best students in a class of amazing students. She is an active discussant, and her interest on Spanish and Latin American Culture comes through quite clearly. As her research project for the course, she has decided to explore the effect of the war and dictatorships from the perspective of the exile communities they created in several Latin American countries, and how their presence may have influenced those countries. As part of the project, she is focusing on how their struggle has captured in film and narrative. This project provides her with the outside view of those who left Spain to complement that of those who remained and underwent the aftereffects of the war or the repressive measures of the dictatorship while continuing to live in Spain. I think this demonstrates quite well how her original project and her present scholarly endeavors evidence a "significant personal learning and development of a personal agenda of research and inquiry." This was part of the future directions for research that she proposed during her thesis presentation and I'm happy to confirm that she is already engaged in this pursuit.

She also serves as the president of the Honors college student association, and she has instituted a series of "world language nights" where the students meet and watch a film from Latin America, Germany, China, and other cultures, and eat food associated with that culture. They follow the film with active discussion in groups, depending on attendance. They may divide in two if there are enough target language speakers in the audience, to allow them to practice their language skills, or just carry on the discussion in English and explore issues of culture all together, led by those with more expertise on the subject. These are informal meetings, so students feel very comfortable, and have been highly successful. I mention this because I think it highlights how her scholarly interests carry over into other activities in her life, just as true scholars do. Knowledge can be gained from a variety of pursuits, from the serious to the mundane, and her ability to learn and apply her learning in diverse ways is to be commended.

Overall, she is the kind of person we can all feel proud of and that I'm sure you would like to reward for her commitment to research excellence and high standards of scholarship. I fully support her application and encourage you as well to consider her work seriously as one that merits your recognition.

Cordially,



Ana M. Rodriguez-Vivaldi
Associate Dean for Student Affairs & Global Education and
Associate Professor of Spanish and Film Studies