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Willie T. Reaves, Jr. April 7, 2012

Revealing the Atrocities: Collective Memory and National Identity in Spain, From the Franco Regime to the Present Democracy

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Abstract

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The purpose of this project was to explore how atrocities committed by the authoritarian Franco dictatorship have affected the collective memory and national identity of Spaniards. My research led to five principal findings. First, that democratic Spain made a deliberate decision to give political amnesty to past human rights abusers in an effort to move forward, rather than looking back. Second, that the Franco regime attempted to reconstruct history to create a unified social memory. Third, that there are significant generational differences in Spaniards' opinions of the Franco regime, as illustrated by my data. Fourth, that the national identity imposed upon Spaniards by the Franco regime has given way to an array of regional identities largely because the regime severely suppressed all non-conformist ideas and identities. Finally, this paper argues that Spaniards are only now learning about many atrocities of the past because the nation has reached the critical point at which nearly all of those citizens with first-hand experiences from the dictatorship have passed away.

In the same way that Spain experienced a transition to democracy in the late 1970s, the nation has undergone a gradual shift in memory of the past that has contributed to political discord in such areas as the Spanish National High Court. My analysis demonstrates that the creation or continuation of a national collective memory is integral to the stability of a national identity. While Spain is used here as a case study, many of my findings regarding collective memory and national identity may have bearing on other nations that have converted from authoritarian rule to democracy. This thesis details the way in which collective memory and forgetting can be legally and socially institutionalized, and how national identity hinges on a common conception of the past.

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AUTHOR'S NOTE

This thesis represents the increasingly interdisciplinary nature of undergraduate research through its untraditional methodology and its refusal to be constrained to one lens of disciplinary examination. My motivation for investigating this topic stems from an ardent passion for international human rights and a marked interest in the country of Spain, where I lived and studied among people who just several decades before had been governed by a dictator with an iron fist. These interests led me to take a course focusing on the Politics of Democratic Spain, a class that opened my mind to a host of investigative possibilities. The following summer, I had the opportunity to study abroad in Seville and Salamanca, Spain. As I spoke with Spaniards about their recollections of the past and thoughts about the future, I noticed that people were quite opinionated about the Franco regime. Whether these feelings were negative or positive, it became clear to me that Spain, as the only twentieth-century democracy not to call its former leaders to account for their political crimes, could provide an interesting case study for an examination of collective memory.[1]

An Introduction to this Study

Purpose

The purpose of this research project is to explore the way in which atrocities committed by the Spanish government regime of Francisco Franco have affected the collective memory and national identity of Spaniards. This paper will illustrate that the democratic Spanish

[1] I use Spain as a "case study" from more of a humanities standpoint than one of political science because I am not attempting to extrapolate the Spanish case to the rest of the world (in general).

[2] An example of a government-created truth is the personality cult surrounding North Korea's late leader, Kim Jong-Il. Various stories deifying the supreme leader and his father paint the men as mystical figures with supernatural powers.

[3] Durkheim repeatedly refers in his work to "Society" with a capital "S," while Halbwachs employs the term "groups." This is an important distinction, as numerous types of groups can possess a collective memory; this is not limited to states or civil societies. Throughout this paper, I adopt the Halbwachsian interpretation, and any mention of a society will refer to Spain, unless otherwise explicitly noted. Also, the French word *conscience* addresses both the English words "conscience" and "consciousness." It embraces moral and religious sentiments,

government made a conscious, deliberate choice to cover up Spain's bloody past by passing a political amnesty law that would bar the possibility of investigating crimes against humanity committed by Francisco Franco and leaders of his authoritarian regime. It will further show that the Franco regime attempted to forge a national identity centered around state loyalty, and that this identity weakened over time as Spain experienced a return to the type of regional fragmentation that it had seen in the Middle Ages. In the data analysis section, we shall discover that there are significant differences in Spaniards' sentiments toward the Francoist government among different age groups. Finally, this work will explicate the relationship between current events in Spain and the state-created collective memory of the Franco regime. Overall, this paper seeks to address the relationship between collective memory and national identity through the lens of Spain, a nation whose memory has been informed by the present as much as it has been colored by the past.

In Defense of Interdisciplinarity

The research that will follow is necessarily of an interdisciplinary nature, as it draws on practices from political science, history, sociology, and philosophy. However, it is worth noting that this research is not simply multidisciplinary, as it far surpasses the mere juxtaposition of multiple academic fields. I adopt methodological practices from both the humanities and political science, and value the theoretical difficulty that surfaces most clearly in the space between disciplines. It is often in this space that the deepest exploration, most critical thought, and most rigorous analyses occur. As cultural historian Joe Moran writes, interdisciplinarity allows for transformative discovery that produces new knowledge as the researcher engages with disparate disciplines (Moran 2010, Location 449). With regard to this specific project, a

purely scientific analysis of data would leave questions regarding collective memory unanswered, while an altogether historical inquiry would fail to demonstrate the very real and measurable sentiments of Spaniards who have experienced the Franco regime to varying degrees. The field of memory studies provides a canvas on which Spain's legal framework can be artfully but critically examined. To divorce this topic from any of the aforementioned fields would not only do the research injustice, but also provide an insufficient examination of collective memory in Spain. Interdisciplinarity has guided the author's research process, and has sewn the tapestry on which this paper is woven.

The Theory of Collective Memory

Origins of Collective Memory

This section will explore collective memory in Spain in order to demonstrate that societal transmission of memories varies among age groups and over time. Examples of events frozen in the collective memory of the United States include feelings of pride surrounding the landing of Apollo 11 on the moon and the harrowing recollections of September 11th. While French sociologist Maurice Halbwachs first introduced the term "collective memory," it owes its conceptual origin to his mentor, Émile Durkheim, who explores the concept with different terminology (Halbwachs 1992, 43). Durkheim discusses the way in which law is always a conscious creation of groups, while collective memory can, in some instances, be an unconscious product. More importantly, he views the past as the essential factor in creating solidarity, and although his work focuses specifically on the way in which the indigenous Australian population solidified their communal memory through rituals, Durkheim concludes

that people maintain traditions "to preserve the collectivity's moral profile" (Durkheim, Cosman, and Cladis 2001, 277). Although Durkheim never proffered a specific definition for "moral profile," it refers to the ethical standards and general moral code that a society follows in its daily actions. For Durkheim, societal stability is influenced by the collective consciousness, which is more thoroughly explicated below.

> The totality of beliefs and sentiments common to average citizens of the same society forms a determinate system which has its own life; one may call it the *collective* or *common conscience*…It is, in effect, independent of the particular conditions in which individuals are placed; they pass on and it remains…Moreover, it does not change with each generation, but, on the contrary, it connects successive generations with one another. It is, thus, an entirely different thing from particular consciences, although it can be realized only through them (Durkheim 1933, 70-80).

Sociologist Barbara Misztal writes about Durkheim's interpretation of "truth" as an image created from the ideas of many, rather than a version created by a government entity.[2] This common experience is passed down from generation to generation, whether through written works, oral transmission, or traditional practices (Misztal 2003, 11-13). These beliefs are transmitted through the *conscience collective*, a French term employed by Durkheim to describe "the totality of beliefs and sentiments common to the average citizens of the same society"[3] (Durkheim 1933, 38). Widely translated as "collective consciousness," this concept lies at the heart of modern conceptions of collective memory.

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[3] Durkheim repeatedly refers in his work to "Society" with a capital "S," while Halbwachs employs the term "groups." This is an important distinction, as numerous types of groups can possess a collective memory; this is not limited to states or civil societies. Throughout this paper, I adopt the Halbwachsian interpretation, and any mention of a society will refer to Spain, unless otherwise explicitly noted. Also, the French word *conscience* addresses both the English words "conscience" and "consciousness." It embraces moral and religious sentiments, as well as cognitive ones. Since translation into either usage might create confusion, I leave the term in the original French (cited in Jones 1986, 31).

I espouse Durkheim's view that the law plays a significant role in the formation of collective memory. He contends that the role of legal institutions is to systematize remembering and forgetting, while the place of the state is to sustain the authority of law as the "precondition of social cohesion" (Misztal 2003, 12). Many post-authoritarian nations establish legal precedents in the hopes of recreating social solidarity. Of particular interest is Spain's 1977 *Pacto del Olvido,*[4] *or* Pact of Forgetting.[5] Informally called the 1977 Amnesty Law, it legally releases from responsibility everyone associated with "all acts of a political nature" committed on both sides of the Spanish Civil War, leaving a virtually blank slate from which to begin a new, democratic Spain (El Gobierno de España 1977). Moreover, the law criminalizes legal investigation into political and war crimes committed by the Franco regime, which would later become a highly contentious issue. While political theorists applaud the Amnesty Law for expediting Spain's notably peaceful and expedient transition to democracy, its legal ramifications have left many to believe that the law was created primarily to hide the skeletons in the Spanish historical closet.

Spain's decision to close the door to its past is not entirely unique. However, as Paloma Aguilar and Carsten Humlebæk note below, the democracy's relationship with the previous dictatorship was a tense one.

All new democratic regimes have to dissociate themselves from their predecessors in order to make it clear that a different period is being inaugurated. Even before approving the new rules of the game, the new elites feel compelled to abolish certain elements inherited from the previous regime, such as the commemorative dates directly linked to the legitimacy of the old regime. In Spain, the first commemorations that were abolished by the new democracy

[4] The law is formally known by the Spanish government as "Ley 46/1977, de 15 de octubre, de Amnistía."
[5] All language translations throughout this paper are mine, unless otherwise specifically noted.

were directly linked to the memory of the Civil War and Franco himself (Aguilar Fernández and Humlebæk 2002, 124).

The quote above explains that it is expected for a new government regime to move away from the former rulers. While the authors go on to discuss holidays and other forms of public commemoration that changed between the Franco regime and the new democracy – topics beyond the scope of this paper – the overriding point is that Spain's use of law to advance a particular collective memory is notable.

On National Memory

Sociologist Paul Connerton's *How Societies Remember* takes the concept of collective memory a step further to distinguish between social memory and the reconstruction of history. I argue that the Franco regime attempted to reconstruct history in order to create a unified social memory. History transmits the memories of the past, and has generally been construed to be a national creation. One has no problem locating a book on "French history" or "United States history" because these nations have woven stories that are largely independent of the stories of other countries – this separation of one nation's history from that of another allows for a corporate or collective consciousness that expands its reach with each generation. Countries will selectively remember those things that coalesce with the desired national image and forget those that do not conform to this conception. In the case of Spain, opting to "forget" the crimes against humanity that occurred during Francisco Franco's rule provided a stronger reflection of the nation's newborn democracy. It is this process of remembering and forgetting that frames the Amnesty Law and the discussion on Spanish solidarity. Although Durkheim focused on collective memory, it is Spain's act of collective forgetting that more clearly frames its political transition.

Durkheim also takes up the concept of solidarity by differentiating between mechanical and organic societies. I contend that Spain established the Amnesty Law in part to build mechanical solidarity by creating a sense of sameness – all Spaniards were to share the same image of pre-democratic Spain, whether that picture came as a complete landscape or a shattered mosaic of memories (Jones 1986). While mechanical solidarity is traditionally considered to be more primitive than the organic variety, the rendering of collective authority (in the form of the authoritarian Spanish government) as absolute falls under the former category. Mechanical solidarity is associated with repressive legal sanctions, a notable example of which is the Spanish National High Court's decision to remove internationally renowned judge Baltasar Garzón from his judgeship in 2010.

Judge Baltasar Garzón, who served on Spain's National Court,[6] was indicted in April 2010 for "exceeding his authority" by initiating an investigation of crimes against humanity committed during the Spanish Civil War and Franco's subsequent rule (Human Rights Watch 2010). [7] Garzón gained worldwide acclaim in 1998 for issuing an international arrest warrant for former Chilean president Augusto Pinochet, who orchestrated many atrocities and acts of terrorism in Chile and abroad. While Garzón pursued this and a number of other legal actions without recourse, he was struck down when he attempted to follow suit in his own country.

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[6] This national court, the *Audiencia Nacional* (National High Court), claims jurisdiction over the entire country and is only superseded by the *Tribunal Supremo* (Supreme Court) of Spain.

[7] The term *delito de prevaricación*, whose direct translation to the English "prevarication" would hint that Garzón acted in a deceitful or evasive way, does not exactly capture the meaning of this accusation. A better translation is that he may have "breached his duties as a judge." Investigations of justices for *prevaricación* are extremely rare in Spain, a testament to the unusual nature of its investigation of Garzón (Human Rights Watch, "España: Proceso contra Garzón supone una amenaza para los derechos humanos," http://www.hrw.org/es/print/news/2012/01/13/espa-proceso-contra-garz-n-supone-una-amenaza-para-los-derechos-humanos (accessed 13 January 2012, 2012). Human Rights Watch, 2012).

Beyond problems that this poses for Spain's legitimacy, this sanction itself was illegal under the International Covenant on Civil and Political Rights (ICCPR), which Spain ratified in 1977. The ICCPR, a measure adopted by the United Nations General Assembly, explicitly states that signatories are obligated "to ensure that any person whose rights or freedoms…are violated shall have an effective remedy" (Office of the United Nations High Commissioner for Human Rights 2004). These crimes were technically covered in the 1977 Amnesty Law, although Garzón argued that crimes against humanity should not be included in this designation due to an international obligation to protect human rights. Organizations including Amnesty International and Human Rights Watch have called upon Spain to end the amnesty law, citing its detrimental effects on international human rights.

Just how deeply have Spaniards negated their memories of the past's atrocities? While repression seems to be a simple concept on its face, it is developed fully in psychoanalyst Sigmund Freud's *The Unconscious*. Freud asserts that repression is not a permanent solution for the eradication of memories; that is, one must continually exert at least minimal psychic force to hold back a memory. The various stages of repression work together to avoid what Freud calls "unpleasure," which is a combination of fear, anxiety, and physical pain that leads to repression and forgetting (Freud and Breuer 1893). Primary repression, which denies an idea access to consciousness, provides a buffer for secondary repression to cover up related concepts. However, Spain took the additional step of negating some aspects of its political history, deliberately glossing over details of its painful past. This negation simultaneously forced the country to acknowledge the repressed by creating a law, but not to accept the memories of

those things that were supposed to have been forgotten. By attempting to forget the past and codifying a new history, Spain moved toward a brighter but challenging future.

Political and Historical Memory in Spain

Why Spain Merits Examination

Given that any twentieth-century authoritarian regime could be cited as a case study, what makes Spain worthy of an independent examination? As Spanish political scientist and sociologist Juan José Linz points out, there is an increasing consensus that the Spanish move to democracy should be regarded as the paradigmatic example of rapid democratic transition.[8] Spain is the only twentieth-century democracy not to have called its former leaders to account for their political wrongdoings. While some might categorize Portugal and Greece under this label, an important distinction lies in the fact that Spain's authoritarian regime did not experience defeat or near-defeat in war around the time of the transition (Linz and Stepan 1996, 87-88). Furthermore, Spain's rulers did not face a severe economic crisis, as seen in the Communist nations of the Soviet Union and Eastern Europe (88). Unlike many nations – among them, an array of South American, African, and Asian countries – Spain has never attempted to establish commissions for truth or reconciliation to resolve past conflicts. Although this is a relatively new legal tradition that was birthed from nations with significant ethnic conflict, it is one that has been adopted by over 30 nations since 1974 (Amnesty International 2012). Furthermore, the legal repercussions of laws passed during the Franco regime still exert force

[8] For an excellent and thorough analysis of the unique characteristics of the Spanish transition to democracy in the 1970s, see Linz and Stepan 1996, 87-96.

on the populace because Franco-era laws remained in effect until they were explicitly removed, an unusual move that some political scientists argue aided the nation in its peaceful transition to democracy. The Spanish Supreme Court's decision to strictly interpret an amnesty law passed during the democratic transition led to the 2010 indictment of Judge Baltasar Garzón, who has promoted the legal doctrine of international jurisdiction by indicting such human rights violators of Osama bin Laden (Tremlett and Webster 2010). Judge Garzón was indicted for initiating an investigation into over 100,000 cases of Franco-era forced disappearances and executions because these acts were covered by the amnesty law, which was designed to allow Spain to move forward to a new government without looking back. These aspects, when considered individually, paint Spain as a merely interesting case. When taken collectively, however, they illustrate that Spain is a politically and historically unique nation that merits a stand-alone examination.

The Origins of Franco's Spain

To gain a clearer understanding of Spain's political present, we must first seek to comprehend its tumultuous past. The Second Republic of Spain, which lasted from 1931 until 1936, was one of two periods of democratic rule before the present democracy, which was established in 1977 (Gunther and Montero 2009, 20). The first democracy, commonly called the First Republic, lasted only eleven months during 1873 and 1874 (Gunther and Montero 2009, 24). This short-lived democratic period suffered from significant parliamentary party fragmentation, social and cultural cleavages, and ideological polarization that contributed to its swift dissolution (21). These issues paved the way for the Spanish Civil War, in which Generalísimo Francisco Franco would benefit from the Fascist support of Italy's Benito

Mussolini and Germany's Adolf Hitler (27). The authoritarian regime was born from the dirty remnants of this war, which began on July 17, 1936 with a *coup d'état*[9] led by Franco. The military leader assumed control of the Nationalist Party and overthrew the republican government to establish a new, conservative regime built on loyalty to the Roman Catholic Church and to the Spanish state.

The Nature of the Atrocities

While the human rights violations committed during Franco's regime are often strictly associated with the Civil War, countless crimes took place during the 36-year dictatorship. During the last stages of the war, completely destroying the vanquished was Franco's number one priority. While Nationalist forces freely murdered politically opposing Spaniards throughout the war, the killings increased in the last provinces to be conquered by Franco's army. After the smoke had cleared and the "new" society had begun, an onslaught of torture, mass executions, and imprisonment ensued. Spanish historian Julián Casanova, who would later be named as an expert in the first criminal investigation into the Francoist crimes, has performed significant research concerning the numbers of executed and detained Spaniards (Junquera 2008). Junquera cites the many unrecorded execution walks[10] that resulted in the deaths of thousands of Spaniards; on the whole, however, the regime was quite intent on keeping detailed records. Over 270,000 prisoners were interned at concentration camps throughout the country, while

[9] It is often incorrectly posited that the Spanish Civil War began with a *pronunciamiento,* which occurs when a group of military officials publicly declare their opposition to the current government. They differ from the more classic *coup d'état* in that they are not organized or executed stealthily. However, Franco suddenly staged a *coup* to overthrow the socialist parliament of 1936.

[10] The linguistic significance of the term *paseo* should be noted. In Spanish, a *paseo* is a short walk from which one will soon return; thus, the term was frequently employed to refer to a typical occurrence. Under Franco, however, victims were removed from their refuges by armed guards and taken to the edge of their town, where they would be shot and killed.

over 35,000 executions were carried out in the postwar period. Altogether, there were *at least* 50,000 executions in the decade following the war, not including deaths due to starvation, disease, and poor camp conditions (2008).[11]

Although the statistics on executions in Spain reveal somewhat of a political machine, even more systematic was the top-down institutionalization of fear. The repressive nature of *franquismo* appears throughout the legal codes created during the middle of the twentieth century. As Casanova points out, Franco's state of terror submerged quotidian life with continual threats of punishment, threats whose execution was swift, painful, and public. The court system, led almost entirely by Franco loyalists, legalized unreasonable measures of punishment in order to expedite the swift doling out of death and prison sentences. Judicial proceedings lacked proof, and even defense attorneys were members of Franco's circle whose job was "precisely to do nothing." The Caudillo[12] began creating a series of laws that would quickly disenfranchise and penalize those who had contributed to the subversion of Franco's military order. The Law of Political Responsibilities of 1939 extended to political and social opponents of Franco, their allies, and anyone who at any point had ever opposed the Nationalist movement. Those found guilty of these crimes – meaning essentially everyone that was charged – would face the "absolute loss of their rights as citizens of Spain and the complete loss of their property." In only two years, 200,000 Spanish citizens would suffer the injustice of having their belongings expropriated because their government considered them to be "animals" (Jerez-Farrán 2010, 95; Richards 1998, 49-50). War crimes judge Rafael Díaz Llanos y

[11] It should be noted that statistics regarding executions and disappearances perpetrated during the Franco regime are historically debatable.

[12] *Caudillo* refers broadly to a commander of an armed troop, but was also the title specifically used to refer to Francisco Franco. When used in this paper, the term will refer only to Franco.

Lecuona adds that this law labeled many Spaniards as "noxious elements [of] society," and discusses the limitations on freedom of residence, economic penalties, and exile that would meet those found guilty of political dissidence in the biased courts (Jerez-Farrán 2010, 93-94).

Given that Franco was obsessed with creating a "pure" Spanish state, it may seem strange that he facilitated the execution and wrongful imprisonment of his countrymen. However, his conceptualization of purity focused on unanimity of mind and action, which could be clearly embodied by undying loyalty to his (the State's) ideals. While the state took many actions to limit freedoms from an administrative perspective, the *Caudillo* called upon all Spaniards to denounce individuals that might be Leftists or "Reds" – anyone who could be even tangentially tied to opposing political thought[13] (Jerez-Farrán 2010). The involvements

The Development of Spanish Identity

An Introduction to Identity

As Susana G. Kaufman and Elizabeth Jelin have discussed, memories are far from unified among the numerous sectors of Spanish society. Even within a single individual, there are various layers of memory that act in conjunction to form opinions (Jelin and Kaufman 2001). Many hoped for a brighter future after Franco's death, while others still vow that Spain experienced its best years under his rule.[14] Regardless of where an individual Spaniard falls on this scale, a general feeling of fear seems to have been left behind by Spain's bloody past. I

[13] Spaniards could be arrested for possessing and expressing thoughts that in any way operated contrary to the standing regime; taking actions such as joining opposing political parties was seen as an extra step that made one even more culpable.

[14] This paper is primarily concerned with the first half of Franco's rule – the period before the economic boom of the late 1950s.

argue that this fear was not only legally institutionalized over several decades, but also that it served to reinforce the impression that the identity of Franco's Spain was to become the *only* identity of the nation. This discontinuity of national identity would later resurface as those who lived during the dictatorship began to learn shocking truths about their pasts. Altogether, the Francoist attempt to forge a new national identity experienced some success during the dictator's rule, but this "inherently Spanish" identity would later weaken as Spain experienced a return of regional fragmentation. The "problematic attitude [toward] Spanish national identity" is based in a complicated mixture of generational differences and political transformation; notwithstanding, it is most thoroughly explained by the Franco dictatorship's use of patriotism and nation, as covered earlier in this paper (Aguilar Fernández 1997).

Legal Repression

The most salient example of the institutionalization of fear can be seen through actions perpetrated by the Column of Order and Police of the Occupation,[15] a government-led military group that killed thousands of Spanish prisoners. On the first day after the Civil War ended, the Column established denunciation centers that would allow citizens to report neighbors who might be sympathizers for the political left. Lengthy queues immediately resulted for this "purging" process, as people attempted to "save themselves" by pointing out others who could be tied even loosely to a politically dissenting mindset (Jerez-Farrán 2010, 102-103). Citizens were instructed to keep a "relentless" lookout in executing the work of good Spaniards, which

[15] *La Columna de Orden y Policía de Ocupación* is the full Spanish translation of "The Column of Order and Police of the Occupation." In this sense, *columna* refers less to a physical column and more to a metaphysical maintainer or supporter of the social order. Also, *ocupación* in this sense refers not to occupation, but to a monitoring of the activities of Spanish citizens. Note the way in which the Franco regime utilized language to convey a sense of popular support and power.

was to denounce "any person who might have committed any crime" (103). Moreover, to withhold knowledge about potential crimes was to commit the crime of concealment, which would be punished to the fullest extent of the law.[16] This procedure was extended from the home sphere into work environments, where Spaniards were supposed to report delinquents who worked in their departments, providing details of suspicious activities in order to maintain their jobs. This process of denouncing one's neighbors was designed to reinforce the idea of loyalty to Franco, and simultaneously, to the Spanish state. Spanish collaborators kept the Francoist machine well-oiled by helping to expose "undesirable" men and women who "threatened" larger society (102). When one's neighbors suddenly disappeared, passersby stayed quiet for fear of being accused of cooperating with political dissidents.

Although blowing the whistle on one's comrade or co-worker was a sign of loyalty to both government and country, it was not sufficient simply to turn in people yet remain impartial in other areas. In fact, maintaining neutrality assured punishment almost as swift as that which would have been issued for speaking out against the ruling regime. Luis de Galinsoga, the Franco-appointed director of the popular newspaper *Vanguardia Española*, believed strongly in polarization. He writes, "It is a crime in our day and age for a Spaniard to be neutral regarding Spain and life in Spain. One must be for or against…[the nation] that we call

[16] As Julián Casanova notes (in Jerez-Farrán 2010, 102-103), the regime labored arduously to break bonds between "loyal" Spaniards and suspicious people, with the overall intention of preventing the spread of anti-Franco sentiments. The Francoist government insisted that citizens take an active role in reporting their neighbors, as this was touted as the moral and upstanding work of "good patriots" assisting with the establishment of the "New Spain." Thus, turning in one's neighbors became one of the foundations of social justice – with almost the effect of vigilante justice.

Spain…"[17] (Jerez-Farrán 2010, 104). Such unifying language conveys an image of a solidly Spanish identity; indeed, the country had become largely unified in both political and religious terms in only a short few years through the systematic persecution and removal of "Marxist elements" (104). However, the process of reporting dissenters became simpler in 1940, when Spain's Ministry of Justice established a General Investigation commission[18] whose purpose was to investigate everything about any type of crime, especially those that affected the national patrimony.[19] Most significantly, the General Investigation concretized the collective memory surrounding the pervasive horror about the "Red terror" instilled by the government.

Total Control under Franco

Notwithstanding the severe punishment imposed upon those who did not profess loyalty to the regime, many Spaniards' loyalties were divided or had little fondness for politics at all. For these people, the 1940s was a period of adjustment and acquiescence to Francoist policies. By 1949, general acceptance of the political situation characterized a great portion of the population, which elevated the name of Franco from a military victor to the leader of a regime (Vincent 2007, 161-162). While adults simply tolerated Francoist policies, Spanish children were being raised, educated, and indoctrinated in the ways of the dictator. Regime values were stamped on children by a strictly controlled educational system in which the state exerted complete control over textbook production (Vincent 2007, 163). While this mandate

[17] This quote captures the overwhelming feeling of Francoists that their work was not in support of a regime, but rather in favor of a common national Spanish identity. Furthermore, the use of "this day and age" implies that individuals not following the regime's policies were backwards or somehow seriously misguided.
[18] The "General Investigation of Criminal Activities and Other Aspects of Life in the Red Zone from July 18, 1936, Until Its Liberation"
[19] Numerous scholars have illustrated that the officials leading these investigations unsurprisingly called upon false evidence to convict people, sentencing them to long prison terms or execution.

was established in 1857, well before Franco began his rule, the regime used the power of publication to produce a generation of children that would be friendly toward Franco – a generation out of which many people would come to find life under Franco positive several decades later. In any case, the many instances of governmental repression were veiled by a silence, a muteness embodied through evasion, averted eyes, and a societal fear of knowing too much about what was happening to one's fellow citizens.

Although the above military and social tools are but a mere sprinkling of the many codified methods of social control exhibited by the Franco regime, they all illustrate that the *caudillo's* laws were created to perpetuate the idea of pure Spanishness, of what it meant to be an *español*. While linguistic subtleties constantly reminded citizens of their integral slice in the corporately Spanish pie, formal measures such as the Charter of the Spanish People[20] established that human rights were only to be valued insofar as they did not conflict with fundamental state principles (Donnelly and Howard-Hassmann 1987). The Charter, approved in 1945, dictated that prisoners must be freed or turned over to the court system within 72 hours of arrest. However, this code was a sham, and these regulations were blatantly ignored by the government. Prisoners were held for weeks at a time, and tortured and humiliated as they starved and died of disease. It must be noted that these procedures were only effective because the general population was highly cooperative in submitting to the demands of the government. This collaboration of common people and controllers was essential in the

[20] *Fuero de los Españoles* is often translated as "Charter of the Spanish People," but we must pay special attention to the word *fuero*, which has a deeper historical meaning. In medieval times, *fueros* were "charters of privileges and some self-government rights that were granted to regions, towns, and medieval corporate entities" (Gunther 2009, 12). By adopting this term, Franco cleared it of its regional associations and utilized it to support the idea of a centralist state. (Hazel Gold, written message to the author, 7 March 2012)

transformation of Spanish society into what some might liken to a squadron of government spies. To be sure, there were dissenters who refused to cooperate with the rules of procedure; these nonconformists were met with the usual responses of exile, imprisonment, or execution. All in all, Franco and his carefully crafted mandates had created a culture where safety and acceptance were commodities in limited supply, purchased only with acquiescence and cooperation.

Francoist Propaganda: Solidifying Identity

While this impression of Spain was stamped upon the nation during the Franco regime, a lack of unanimity about Spanish identity led to national fractionalization. While loyalty and positive sentiments toward a nation can certainly be solidified through government-supported mass terror, the type of genuine identity that typifies a nation arises more organically. Despite the quick adaptation of the Spanish populace to Francoist policies, Spaniards quite clearly adapted to this image of the "New Spain"[21] out of an interest for self-preservation. While the topic of Francoist propaganda is beyond the scope of this paper, the regime constantly stamped the new Spanish identity onto the country through media and disinformation. Figure 1 shows Francoist propaganda designed to solidify a national identity. The image depicts Franco in his typical military uniform, brandishing a baton as he is superimposed over a map of Spain. The slogan "One Fatherland, One State, One Leader" reminded Spaniards that their nation was inextricably bound up with its leader, who painted himself as a savior (Basilio 2002, 70). Figure 2 provides an illustration of Spanish currency in the 1950s (Smithsonian National Museum of

[21] *España Nueva*, or "New Spain," was a term that rang throughout the streets of Spain during the dictatorship. It was used by the regime to imprint the new Spanish identity onto citizens.

American History: Kenneth E. Behring Center). It depicts a coin with the label "Francisco Franco, the *Caudillo* of Spain by the Grace of God." This "monarchical formulation" had been inscribed on the coins by the previous king of Spain, Alfonso XIII (Vincent 2007, 164). Queen Isabel II, who ruled Spain in the mid-nineteenth century, had been "queen of Spain by the grace of God and the constitution." Franco chose not to limit his sovereign authority with a legal document; he wanted to convey the message that his conquest had been possible because God had willed it (164). From coinage to posters lining every street and shop window, the surge of propaganda that filled Spanish streets served not only to present a unified Spain, but also to erase the public memory of any Republican presence in the country.

Franco's use of propaganda extended beyond simple postering tactics; the regime believed that public spaces formed consciousness, and proceeded to recreate the essence of Spain by inundating citizens with images to remind them of what it meant – in Franco's eyes – to be Spanish. Radio broadcaster Bobby Deglané describes the walls of the Spanish city of Lérida, which were littered with posters praising Franco. He writes that propaganda was "the best vehicle through which to reach the people, that is, the 'masses'" (Basilio 2002).[22] While Franco's name and visage were emblazoned everywhere from postage stamps to the tops of apartment buildings, the dictator maintained a relatively elusive presence in order to emphasize that his distance only strengthened his hold over the nation. Herbert Matthews, a *New York Times* journalist who reported from Spain during the Civil War, writes that "there [was] no alternative to Francisco Franco, at least no viable alternative. As long as his position

[22] It should be noted that Deglané, a popular Chilean radio broadcaster who experienced great career success in Spain, was involved with the Falange political party, which was responsible for developing an ideology for Franco's regime. He was a Franco propagandist, and as such, this quote offers the "inside" perspective of someone who was a part of the media machine.

[was] not attacked and the nation's affairs [functioned] smoothly, he [kept] hands off" (Payne 1976). Franco's ever-present but shadowy identity over time framed the nation, but this infrastructure soon faded.

Legalized Kidnappings

The fragmentation of Spanish identity proceeded on a deeper level – that of the family. In efforts to separate loyalists from political dissidents, the Franco regime implemented a systematic plan to kidnap children born to parents whose political or social ideologies were not aligned with those of the "new" state. This process of illegal adoptions of *niños robados*[23], which lasted roughly from 1940 until 1990, allowed for the confiscation of an estimated 300,000 Spanish children, who were immediately taken at birth from the arms of "undesirable" parents and placed with "approved" families (García 2011; Williams 2011). The operation targeted young, poor, unwed mothers, who were told that their children had suddenly died due to various complications, although the bodies were never produced. Birth certificates were forged with the new names of the parents, and records were altered or destroyed to conceal the truth behind this baby-stealing operation, which was orchestrated by physicians, nuns, and priests across the country. The National Association for People Affected by Irregular Adoptions, an organization that has partnered with the Spanish Ministry of Justice, is pursuing legal action on behalf of many Spaniards who are unable to research their medical records or family histories.

For these citizens, life itself has been a lie; their names, places of birth and parents have all been part of an intricate trafficking machine designed to sterilize anti-Francoist sentiments.

[23] *Niños robados* is the commonly used Spanish term, which translates to "stolen children."

While this tactic proved largely successful during the Franco regime, Spain's recent attempts at investigating its past illustrate the formation of a new identity. The democratic government is experiencing mounting pressure to provide DNA tests as more and more Spaniards learn the truth.[24] This resurgence of formerly withheld information smacks of Freud's "return of the repressed," and reinforces my postulate that permanently repressing such large-scale crimes is impossible unless all individuals with memories of a particular event pass away without relating details of that occurrence. Moreover, the 1977 Amnesty Law still rears its head, barring efforts to investigate baby trafficking as a crime against humanity (Adler 2011). How could parents not think to question hospital staff? Manoli Pagador, a Spanish woman whose first-born son became a *niño robado* at birth, relates that she "couldn't accuse [doctors and nuns] of lying. This was Franco's Spain. A dictatorship. Even now we Spaniards tend not to question authority" (Adler 2011). This fear of the state's power still holds a death grip on some Spaniards, who have been too afraid to speak out until now. On the whole, the numerous kidnappings committed by the regime led to a destruction of Spaniards' individual identity, which has corrupted Spanish identity itself. The crimes of the Franco regime leave behind unsettled feelings and unanswered questions for the Spanish people. Since some experienced the atrocities much more intimately than others, the collective memory of the past in Spain has been fractured.

Why are Spaniards only beginning to learn of the kidnappings of decades past? One explanation is that since the last members of Spanish society who actually lived through *franquismo* are dying, they desire to pass on details of the past to their children. Maurice

[24] The Spanish government has taken no formal measures to establish any sort of DNA testing program, but has acknowledged the truth of accusations about stolen children. Ángel Núñez, a member of the Spanish Ministry of Justice, has confirmed that the trafficking operation took place with the assistance of the Catholic Church, which was closely bonded with Franco throughout the dictatorship (Adler, 2011).

Halbwachs writes that, “Society, by giving old people the function of preserving the traces of its past, encourages them to devote whatever spiritual energy they may still possess to the act of recollection” (Halbwachs 1992, 48). He likens the elderly to “guardians” of memories, and emphasizes their significance in protecting societal traditions (48). However, Halbwachs asserts that the most painful memories in a society are forgotten “because constraints are felt only so long as they operate,” and past constraints cannot be operational (51). I disagree with this interpretation and defer to Freud, whose theory of the return of the repressed elucidates the way in which memories subside but do not dissolve over time. That is, traumatic memories – whether induced by a repressive government or by a childhood accident – do not simply dissolve when the traumatizing event itself ends. If this were the case, then psychotherapeutic treatments for such conditions as post-traumatic stress disorder would be altogether useless. Halbwachs overlooks the possibility that the very same past constraints that cause negative memories can remain operational through memory itself.

The theme of familial control did not end with forced adoptions. The dictator sought to control families individually and corporately, such that Spaniards would become members of the state family and not only their biological families. This type of state-based system is clearly established in Book V of Plato’s *Republic*, where families are centered around the state, rather than around their individual members (Plato 1968). This shift away from divided loyalties can be seen in the Franco regime, although the dictator shied away from any hints at the communism that is present in *Republic*.

New Regime, Old Faces

If one follows the "traditional" path[25] of forging a democracy from a dictatorship that was experienced by a number of Spain's European and Latin American neighbors, one would have expected Spain to devise a new court system and set of laws (among other things) before transitioning to democracy. However, the Spanish case is highly unusual in that it left the vast majority of legal structures in place until they were specifically deemed to be inappropriate or unnecessary. For instance, Franco's Fundamental Laws, which served as much of the foundation for his mid-regime political excesses, were not removed from the books around the time of the writing of the new constitution in 1978. Rather, they remained in effect until they were explicitly removed. These codes regulated the economic life of Spain, set up the court system, laid out the duties of all Spaniards, and established Spain as a kingdom, among other things. There lay this set of exceedingly repressive codes that permitted hundreds of thousands of human rights abuses over four decades, and there it remained as politicians fiercely hammered out details of the 1978 Constitution after Franco's death. Why would a nation whose laws were so deeply wound up in dictatorial sentiments maintain those statutes as it attempted to move toward a brighter future? The answer: stability.

One of the first measures approved under the new democratic government was the 1977 Amnesty Law. This document had two primary goals: to legislate the release of political prisoners and to approve a "full stop" that would prevent regime members from being tried in courts of law. However, it quietly established a less publicized precedent that would prevent the prosecution of torturers and other abusers. As historian Paloma Aguilar points out, the

[25] I use the term "traditional" not to undermine the uniqueness of each individual country's transition to democracy, but rather to underscore the dramatic difference between Spain and all other nations with regard to this change. Portugal, Chile, Argentina, and South Africa are all relevant examples of societies that replaced previously existing legal structures before completing the switch to a democratic system of government.

Senate and Congress concentrated primarily on pardoning criminals and forgetting the past, rather than actively working toward the restoration of truth or historical memory (González Enríquez, Brito, and Aguilar Fernández 2001). While numerous other nations developed truth and reconciliation commissions to deal with issues of past trauma, Spain quickly rejected any formal measure that would bring transparency. Rightist media outlets praised the *Pacto* for pushing Spain toward a more stable future by forgetting the events of the Civil War and subsequent dictatorship.[26] The accord was championed by people of varying political ideologies as the first step in a process of national reconciliation that would close the past and seal the wounds. Thus, what has become the most significant and troublesome part of the *Pacto* is precisely the section that was overlooked during its inception.

Notwithstanding the Francoist laws and hazily worded amnesty agreement that succeeded the regime, the majority of governmental and civil leaders remained in power after the democratic transition. Certain arms of the law, such as the Social Investigation Brigade, were quickly eliminated due to their repressive presence.[27] While a number of these individuals moved to new positions and departments, virtually all of them retained some sort of official government position. Those who were especially violent during the dictatorship were given new assignments that would offer them little visibility, most likely for their own protection. New courts were set up to replace the Tribunals of Public Order that had been known for their markedly discriminatory justice, although cases were still being tried on the basis of old

[26] See footnote 36.

[27] *La Brigada Político-Social*, officially known as *La Brigada de Investigación Social,* was a politically repressive body created in 1941 by the *Ley de Vigilancia y Seguridad* (Law of Vigilance and Security). This group was responsible for the repression of democratic forces (See González Enríquez, Carmen, Alexandra Barahonda de Brito, and Paloma Aguilar Fernández, 2001, 109).

legislation. Despite the mere rotation of many legal officials throughout various posts, the democratic government took important steps to ensure that the most repressive legislation disappeared. The Penal and Military Justice Codes, which had permitted the dissolution of civil rights for people accused of terrorist involvement, were swept away with the new government. Interestingly, workers of the National Movement, the single regime party that sought to be the center of Spanish public life, were transferred without training to public libraries (Jerez-Farrán 2010). Is it merely a coincidence that leaders of the prior regime mysteriously ended up amongst the largest collections of public history in Spain? I think not.

After Franco's death in 1975, the country placed legal bandages over its past political excesses in order to foster a peaceful transition to democracy. In the process, however, Spain left gaping holes in its identity, a problem that would come to haunt the nation nearly four decades later. Partially as a result of the lack of organic unity among Spaniards during the regime, Spain has experienced one of the highest levels of regional fragmentation of all European countries. As historian Daniele Conversi notes, cultural fragmentation leads to differing opinions of national identity (2000, 268). While some might argue that Spain has not experienced cultural fragmentation because Franco promoted a unified image of the nation, it is important to note that Franco suppressed "regional" languages such as Catalán, Galician, and Basque[28] while attempting to eliminate all traces of regional difference. By creating language-focused schools that taught children in *castellano*, the official language of the state, Franco deemphasized cultural variance within Spain. Catalonia, Galicia, and the Basque Country are now three areas with their own co-official languages, customs, and traditions; this may be at

[28] *Catalán*, *Gallego*, and *Euskera* are the Spanish names of these languages.

least partially accredited to the suppression of their individual characteristics during the regime. Some Spaniards, when identifying themselves on social surveys, first identify themselves as "European" or "Basque," and *then* as "Spanish." This reflects precisely the opposite effect of what Franco sought to achieve. To what extend did the attempt to unify the New Spain end in ruins?

The Return of the Repressed: Spanish Regionalism

Breaking Ground on a New Identity

The fragmentation of Spanish identity has progressed steadily from the period of democratic transition in the 1970s until the present day. The relatively uniform image of the New Spain painted by Franco during his dictatorship gradually became tarnished, heterogeneous, and divided. Politically and culturally, Spain has forfeited much of the unity – as contrived as that harmony may have been – that it enjoyed immediately after the dissolution of the Second Republic. With increasing power being allocated to Spain's 17 autonomous communities, the central government is losing control, and with it, the ability to impose a consistent identifying stamp on its citizens. Before exploring the fragmentation of identity, we must first gain a deeper understanding of the construction of identity in general and uncover the way in which a strong national character existed before Franco assumed power.

Von Hirschhausen and Leonhard define national identity as "the sum of collective conceptions and images shared by a nation…which is expressed in common cultural codes, value systems, beliefs and interests, stabilized and updated by institutions and symbols, and whereby nations identify themselves and legitimize their actions inwardly and outwardly"

(Kleiner-Liebau 2009, 30). As previously discussed, the Franco regime utilized a conception of Spanish essentialism to legitimize and enforce its policies and preferences. Those who did not fall in line with what an *español* was painted to be were viewed as outsiders, which was a strategy deliberately implemented by the Franco regime to stratify Spanish citizens. The Francoist ideology was obsessed with national unity, and attempted to smother regional identities altogether through legal suppression and other means. (Schrijve 2006, 84) Because the regime relied on a heavily regulated and strongly promoted image of Spain's past, it was able to manipulate the opinions of citizens who had no pre-Franco historical point of reference. Balfour and Quiroga posit a three-pronged defense of Spanish identity before the "age of nationalism."[29] (Balfour and Quiroga 2007, 18) First, Spanish citizens felt "intrinsically Catholic," and this passionate devotion to the Church helped Spaniards to differentiate themselves from encroaching Protestant beliefs from the north. Second, they considered themselves to be rulers of an empire, a historical carryover from the Hapsburg dynasty of the sixteenth and seventeenth centuries. Lastly, religious differences between neighboring nations contributed to the creation of "the Other," which was a psychological call to arms for Spaniards to define themselves against these outside forces. It is worth noting that these salient characteristics of a former Spain were still part of what Benedict Anderson would label an "imagined community" – that is, citizens' allegiance in fact lay more with the monarchy than to the nation itself. Their identity was framed around a religious and until then relatively ethnically unified group, rather than some strict allegiance to the nation-state. (Balfour and Quiroga 2007, 18) While Franco

[29] As proposed by Balfour and Quiroga, the "age of nationalism" is the period of time that started with the French Revolution and peaked in the late nineteenth century.

certainly aligned himself with the Catholic Church and used it as an instrument of control, liberal forces contributed significantly to the decline of the Church's influence on Spanish citizens. With the transition to democracy came a more progressive value system that favored the granting of social and political rights to strict government control, coupled with a seed of secularism that would flourish in succeeding decades as Spain moved toward a focus on its geographic regions.

Given that many ardent opponents of Francoism were advocates of regionalism, it is clear that Franco did not reach his goal of exterminating regional identities. In fact, public identification with regional identities has grown significantly since 1980. Table 1 depicts a set of surveys conducted by the Center for Sociological Investigation, which show that the group of "equal identifiers," those that identify both with the nation of Spain and with the Autonomous Community of which they are a resident, has grown consistently. This indicates that, for a growing number of people, self-assigned identity is as much about one's region as it is about Spain, or vice versa. The growth of this category has come at the expense of categories reflecting a strong sense of Spanishness, which have been on a steady decline since 1980. This trend reflects the gradual shift of power from the central Madrid government to governments of the 17 autonomous communities in Spain. I assert that this development is indicative of the growing regionalization that Spain is presently experiencing, a divide that springs in part from differences between Francoist identity and post-Franco Spanish identity. (Schrijve 2006, 96-97)

The rise of regionalism in Spain is not totally unique in comparison to the nearby French and Italian societies during the twentieth century. With reference to Spain, regional nationalism describes the attachment to and identification with an area within Spain. However, this

identification is not purely a geographic one, and rather exists in the minds of those who consider themselves part of a particular social group.[30] The politics of identity surrounding Spain have become increasingly complicated as individuals have begun to associate themselves with a multiplicity of social groups, all of which form part of a complex mosaic of personal identity. Dedication to the Roman Catholic Church and to the state were at one point virtually synonymous, but the gradual separation of the Church from the government provided new religious options with which to identify. Moreover, relationships with civil and social organizations, social classes, geographic territories, and linguistic groups are only several of numerous other types identifying characteristics.

Although Galicia lacked elected representation during the Spanish transition to democracy, it was fortunate to be included in the historic nationalities in the 1978 Spanish Constitution. This was critical, as it gave the autonomous communities certain legal powers that would no longer be held by the federal government. Notwithstanding, Galicia has seen a much weaker emphasis on regionalism than have the Basque Country or Catalonia. (Schrijve 2006, 124) These three areas have advanced arguments of cultural uniqueness that will further expedite the fragmentation of Spanish national identity.

Essentialist schools of thought hold that identity is a relatively unchanging, inflexible impression of the characteristics of an entity. However, this view has been rejected by most modern constructivist theorists, who assert that identity is fluid, constantly reacting to new information and changes in situations. (Kleiner-Liebau 2009, 28) The latter view holds true in

[30] The variety of regional nationalism experienced in Spain is significantly different from the regional alliances of, for instance, the United States. Spain's regions are marked by differences in language, traditions, and educational institutions, while those in other nations are marked by softer factors, such as subtle accents and variations in vocabulary.

the Spanish case, as exemplified by the diminishing of the significance of Roman Catholicism in the state. Religiosity has decreased in nearly all respects in Spain since the end of Francoism, as illustrated by Prime Minister José Luis Zapatero Rodríguez's swearing his oath of allegiance not on the Bible, but rather on the Spanish constitution. (Ham 2005) Church attendance is at an all-time low, and the percentage of Spaniards who consider themselves Catholic has shown a consistent decrease in a variety of social surveys. Whereas the pre-Second Republic Spain was strongly Catholic, from the practically universal church attendance to the close alliance of the Church with the ruling monarchy, the liberation of Spain from Franco's intense grip allowed citizens to depart from the traditional, highly religious model in favor of a more liberal, secular worldview. This occurrence is not a historical anomaly, but is rather closely related to previous liberalist theory.

While declines in Catholicism and characteristics that were previously tied to the Spanish state reflect a contemporary shift toward liberalism, this pattern is not completely new. Krausism, heralded as the most influential school of thought on nineteenth-century Spanish liberalism, tremendously impacted Spain in culture, politics, education, and law. (Holguín 2002, 20) Based on German idealist philosophy propagated by Karl Krause, Krausism helped to reform the postsecondary educational system in Spain, which was in severe disrepair in the early nineteenth century. The facets of Spanish identity that have already been discussed combine to illustrate that the country is experiencing the slow death of a nationalism that defined it for centuries.

European Identity

European liberal forces have affected Spain on not only an idealistic level, but also on a gubernatorial one. Although Spain's government is one in which many minority political parties exert a degree of influence, the country has been ruled by one of two political parties for the past twenty years. The People's Party[31] and the Spanish Socialist Workers' Party[32] (PSOE) have been the strongest contributors to the nation's political system. The PSOE, a center-left group, enjoyed political dominance in national elections from 1982 until 1996 and from 2004 until 2011, when they were defeated in a landslide election by the PP, a conservative party. In terms of agreement with the European Union, the PSOE has heralded the EU throughout history, while the PP has unsurprisingly opposed EU enlargement for fear of loss of national control. Despite this fact, the PP is a member of the larger European People's Party, which is a center-right group in favor of EU power. In this way, the PP has presented an inconsistent image of its opinion of the EU. Some scholars claim that the PP is attempting to avoid the proliferation of European identity in order to strengthen an increasingly weak Spanish national identity. For the past 35 years, Spaniards have been caught in the precarious position of attempting to move away from Francoism to find an identity not associated with the dictator, but are absorbing the label of "European," expanding the ever-growing web of identities with which Spaniards can identify.

Moreover, the European Union shares an unusual relationship with the autonomous communities in Spain that are favorably disposed to independence and self-determination. In fact, nationalist regions in Spain have bypassed the central Madrid government altogether on a

[31] *Partido Popular*
[32] *Partido Socialista Obrero Español*

number of issues, calling into question the necessity of a strong central government. The Basque Country, which has labeled itself as ardently intent on independence from the Spanish state, asserts the right to retain status as European Union members upon secession from the Spanish state, if such an event should ever occur. (Murphy 2007, 321) The Basque people, a group whose language has virtually no ties to any other Indo-European language, have maintained a unique identity from the rest of the Spanish state. Cultural practices, linguistic differences, and attempts at racial purity have marked Basque people for ages. The EU has no policies in place regarding whether states that gain independence from an existing EU member state may automatically carry over status in the European Union. However, to the extent that European regionalism is increasing on the whole, the supranational organization will soon have to decide how to treat new states that separate from their mother nations. Since the EU Commission is presently at full capacity with 27 member states – the maximum allowed under the Treaty of Nice – any Basque attempts to sidestep Spanishness by gaining independence would almost certainly be rejected by Spain, which would have to provide national approval for the ascension of any regionalist group's entry into the Union.

Nationalism may call to mind the collective chanting of national anthems and patriotic feelings toward what one considers to be one's motherland (or fatherland, under Franco), but the term has a more significant historical meaning. In the case of Franco's Spain, pushing forward nationalist views meant forcing "[Spaniards'] identification with the Spanish state over all other forms of identification." (Holguín 2002, 6) *Franquismo* diminished the significance of the nuclear family and other social-civil bodies, as previously mentioned, in order to foster

allegiance almost exclusively to the Spanish state.[33] However, Spain's decision to join the European Union in 1986 has proved detrimental for citizens caught between identification as "European" and "Spanish," not to mention a host of other regional groupings.[34] The subsequent rise of the EuroZone solidified what would become not only a highly traded currency, but also the idea of an international European identity.

With a number of regional forces acting against a central Spanish essence and political oscillation in the Spanish Parliament, where does the nation stand in its memory of past events? The Spanish Civil War was colored by division and suppression, yet the country has resolved to lock away much of its bloody past in the closet. I have illustrated that generational differences in identity and religious association have occurred from Franco's time until now, and will proceed by showing that differences in memory have been most strongly affected by age. Political associations and regional identities aside, age has been the single most important factor in determining Spanish sentiments about the past.

Data Analysis

Background of the Data

Integral to this investigation of collective memory are questions dealing with differences in opinion of the Franco regime among generations of Spaniards. A statistical analysis of six years of social survey data collected by the Center for the Investigation of Social Reality

[33] However, the Franco regime used parents as an indoctrinating force. In this way, families were at once important to the regime and devalued.

[34] The decision to join the European Union has proved beneficial to Spain in a number of economic and social ways that are beyond the scope of this paper; however, the added identity of "European" further complicates the already nebulous picture of Spanish identity.

(CIRES)[35] in the 1990s illustrates that older Spaniards clearly feel more positively toward the Franco regime than do younger Spaniards. All data analyses were performed using SPSS version 19.0 (IBM SPSS Statistics for Mac 2011).[36] My analysis considered six separate years during which 1,200 Spanish citizens between the ages of 18 and 98 were surveyed regarding a variety of social factors ranging from political association to public policy beliefs.[37] While a host of intriguing questions were asked of respondents, two inquiries that were asked in each of these surveys pertain directly to feelings toward the regime. Consistently asked in the same order throughout the six surveys, these inquiries permit deeper exploration into Spaniards' perceptions of the authoritarian regime. The first question asks, "It has already been *x* years since Franco's death. In your opinion, was the work carried out by Franco in general very positive, positive, neither positive nor negative, negative, or very negative?" The second question asks more generally, "After these *x* years, what is your overall opinion of the Franco regime?" In both cases, *x* is equivalent to the number of years between 1975 – when the Franco regime ended – and the year in which the survey was conducted. The full Spanish text of these questions can be found in **Appendix A**. To obtain a more general picture of Spaniards' sentiments, I collapsed the "very negative" and "very positive" categories into "negative" and "positive," respectively.

The objective of this data dissection was to assess generational differences in feelings toward the Franco regime among Spaniards. Given that the CIRES has not conducted surveys on

[35] *El Centro de Investigationes Sobre la Realidad Social* in Spanish
[36] Table 1 is a result of data from *Center for Sociological Investigation,* not from my own data analysis. Full details are noted below the table.
[37] This 80-year span of ages was heavily biased toward having younger Spaniards as participants, so the analysis was weighted to account for inequalities amongst age groups.

social issues in Spain since 1996, the most current data were used. All cases where "No Response" or "I don't know" were selected on the survey were excluded from analysis due to the impossibility of gauging opinion without an expressed viewpoint. Three generational cohorts were created based upon historically significant periods in Spanish history. The youngest grouping, Spaniards between the ages of 18 and 35 at the time of the survey, comprised 37.7% of respondents. This class of individuals had attained the age of 18, the age of legal majority in Spain, before the start of the Spanish Civil War in 1936. (European Judicial Network 2005) The second cohort, aged 36-55 at the time of the survey, comprised 30.2% of respondents and reached legal majority between the start of the Civil War and Spain's reopening to the international community in 1955. The final group, aged 56-98, made up 32.1% of respondents and reached the age of majority during the period of economic liberalization or within three years before the ratification of the Spanish Constitution in 1978. These temporal classifications were selected to account for historically significant events in Spanish history, and provide a politically relevant context for a thorough understanding of the data.

Results

Chart 1 pictures an aggregation of Spanish sentiments toward the Franco regime between 1991 and 1996. 45.1% of the youngest age cohort felt negatively about the regime, compared to 29.4% of the middle age group and 25.5% of the oldest Spaniards. There was no significant difference among age groups for Spaniards who had neutral feelings toward Franco. Regarding those who thought positively overall of the regime, 20.7% were of the youngest age group, compared to 34.2% of the middle aged and 47.1% of the oldest citizens. This inverse trend in positive and negative sentiments toward the regime demonstrates that those who

were socialized under *franquismo* had notably more positive feelings toward the regime, whereas younger Spaniards who lived through little or none of the dictator's reign have a largely negative opinion. Per the sociological theory of generational memory, this is what we would expect in a nation in which the generation of citizens who lived through the most recent authoritarian regime has died off almost completely.

Table 2 provides a frequency distribution corresponding with **Chart 1**. Differences in political party affiliation and geographical identification proved unimportant, as the survey was conducted across the entire nation, including the areas of the Basque Country, Galicia and Valencia, with their strong regionalist sentiments. One might expect that those individuals who lived through what many consider the most difficult epoch of the Franco regime would harbor strongly negative feelings toward the dictator and his government. During this period, from approximately 1945 until 1955, Spain witnessed strict isolation from the broader global community as Franco's regime pushed an autarkic government. The data corroborate this prediction, and hint that it may indeed become easier for Spaniards to more closely examine Francoist atrocities when the oldest generation has completely passed away. At that point, which will arrive in the next decade, a generation inquisitive about the past may demand that closed chapters of Spain's history be reopened.

The Road to Redemption: Prosecuting the Prosecutor

Heralded as a champion of human rights who has helped ensure justice for victims of atrocities around the world, Judge Baltasar Garzón has established a reputation as a prominent but contentious defender of international human rights. At home, he has spearheaded

investigations into crimes committed by the Basque separatist group ETA (Minder 2012). While he awaited judgment on the case[38] regarding Franco-era human rights abuses, the justice was prosecuted in two other cases for authorizing wiretaps on lawyer-client communications in a corruption scandal and for accepting funds from Banco Santander, a popular Spanish bank (Human Rights Watch 2012). Many denounce the prosecutions, and allege that Garzón was accused in the Gürtel case in part because the scandal involves members of the right-wing People's Party,[39] which currently holds a parliamentary majority in Spain (Human Rights Watch 2012). Garzón himself is a member of a party in the parliamentary minority, the center-left Spanish Socialist Workers' Party.[40] The 2010 indictment for investigating crimes against humanity was issued by Luciano Varela, an investigating magistrate of the Spanish Supreme Court who generally offers a strict interpretation of the Spanish national law, even if that poses a detriment to human rights in the process (Barreiro 2010).[41] The charges were brought privately by *Manos Limpias* and *La Asociación Libertad e Identidad*, two right-wing groups that support the People's Party. Reed Brody, counsel for Human Rights Watch, provided the following comment regarding Garzón's case.

> What bitter irony that Garzón is being prosecuted for trying to apply at home the same principles he so successfully promoted internationally. Thirty-six years after Franco's death,

[38] In this paper, Garzón's "case" specifically refers to the case in which he was charged for exceeding his authority for investigating crimes against humanity, unless otherwise specifically mentioned.
[39] *Partido Popular*
[40] *Partido Socialista Obrero Español*
[41] Spanish media outlets have by no means reached a consensus on the legitimacy of the cases against Garzón. For example, Spain's highest-circulation newspaper *El País*, which is associated with the leftist party PSOE, has often supported Garzón publicly. In contrast, *La Voz de Galicia*, a publication that receives significant subsidies from the center-right People's Party of Galicia, has supported Judge Varela's indictment of Garzón, along with a strict interpretation of the 1977 Amnesty Law. The various newspapers and other media outlets in Spain must be considered in the context of their supporting political parties and organizations in order to gain a full understanding of media in Spain.

Spain is finally prosecuting someone in connection with the crimes of his dictatorship – the judge who sought to investigate those crimes (Human Rights Watch 2012).

In a turn of events that proved positive for international human rights in general, Judge Garzón was absolved of the accusation of *prevaricación*. In its sentence, the Spanish Supreme Court justices wrote that although Garzón did not overstep his authority by launching an investigation into Franco-era atrocities, he did misstep by arguing that those crimes were human rights abuses because the 1977 Amnesty Law does not categorize them in that way. However, the justice who has recently been called "the last victim of Francoism" was removed from the bench for 11 years for his conviction in the Gürtel case. (Tremlett and Webster 2010)[42] While Garzón's suspension has taken him out of focus in Spanish politics, he has assumed a position as a consultant for the International Criminal Court in The Hague (Minder 2012).

What does the Supreme Court's decision about Garzón say about Spain's desire to perpetuate its collective amnesia of the painful past? The ruling indicates that Spain desires to address human rights abuses from the previous government regime, but only insofar as they can be dealt with without removing the veil of collective amnesia placed by the 1977 Amnesty Law. As the famous judge has attempted to explore from *paseos* and exile, the trauma underlying contemporary Spanish society has resurged. Spain is still struggling to cement a national identity that acknowledges the existence of the Franco regime without recognizing specific acts that were committed by the dictatorship. This issue of identity is compounded by the tensions created by a number of alternate national identities within – or altogether separate from – the broader Spanish identity.

[42] While this bears little relevance to this paper, the charges in the case involving Banco Santander were also dropped.

Conclusion

The Garzón decision is illustrative of the return of the repressed with regard to the murky Spanish past, and further demonstrative of the way in which Spain's collective memory is literally shifting as the nation's oldest members die, leaving behind a younger generation that was not socialized under Francoism and that generally does not harbor positive feelings toward the regime. While the legitimacy of amnesty laws like Spain's is contested by human rights groups and by the international community, government proponents still argue that Spain's decision about what to do with the past was the most effective decision for the budding democracy at the time. The relationship between collective memory and national identity in Spain is one that has influenced contemporary legal decisions and that has brought worldwide attention for its ability to reflect on international law. As Spaniards become more aware of the past, I contend that the democratic government will be forced to uncover the truth – a sometimes painful veracity, but one that will strengthen the identity of the Spanish people.

Appendix A

First survey question asking about sentiments toward Franco

Han pasado ya “x” años desde la muerte de Franco. En su opinión, ¿la labor desarrollada por Franco fue en general muy positiva, positiva, ni positiva ni negativa, negativa, o muy negativa?

5. Muy positiva

4. Positiva

3. Ni positiva ni negativa

2. Negativa

1. Muy Negativa

9. NS/NC (No sabe/no contesta)

Second survey question asking about sentiments toward Franco

Después de estos “x” años, ¿cuál sería su opinión global sobre el régimen franquista?

5. Muy positiva

4. Positiva

3. Ni positiva ni negativa

2. Negativa

1. Muy Negativa

9. NS/NC (No sabe/no contesta)

Charts, Tables, and Figures

Figure 1 – Francoist Over All
This image, taken by Jalón Angel, is from *Estampas de la Guerra*, a commemorative pamphlet issued in 1937 by Franco's Delegation of Press and Propaganda.

Figure 2 – A Spanish Peseta: Franco's Badge of Pride
A 50 peseta coin in Spain bearing "Franco, the Caudillo of Spain by the Grace of God"
Source: Smithsonian National Museum of American History: Kenneth E. Behring Center. "Spain and Its Coins." In Google Image Search, ed. francocoin.jpg: The National Numismatic Collection.

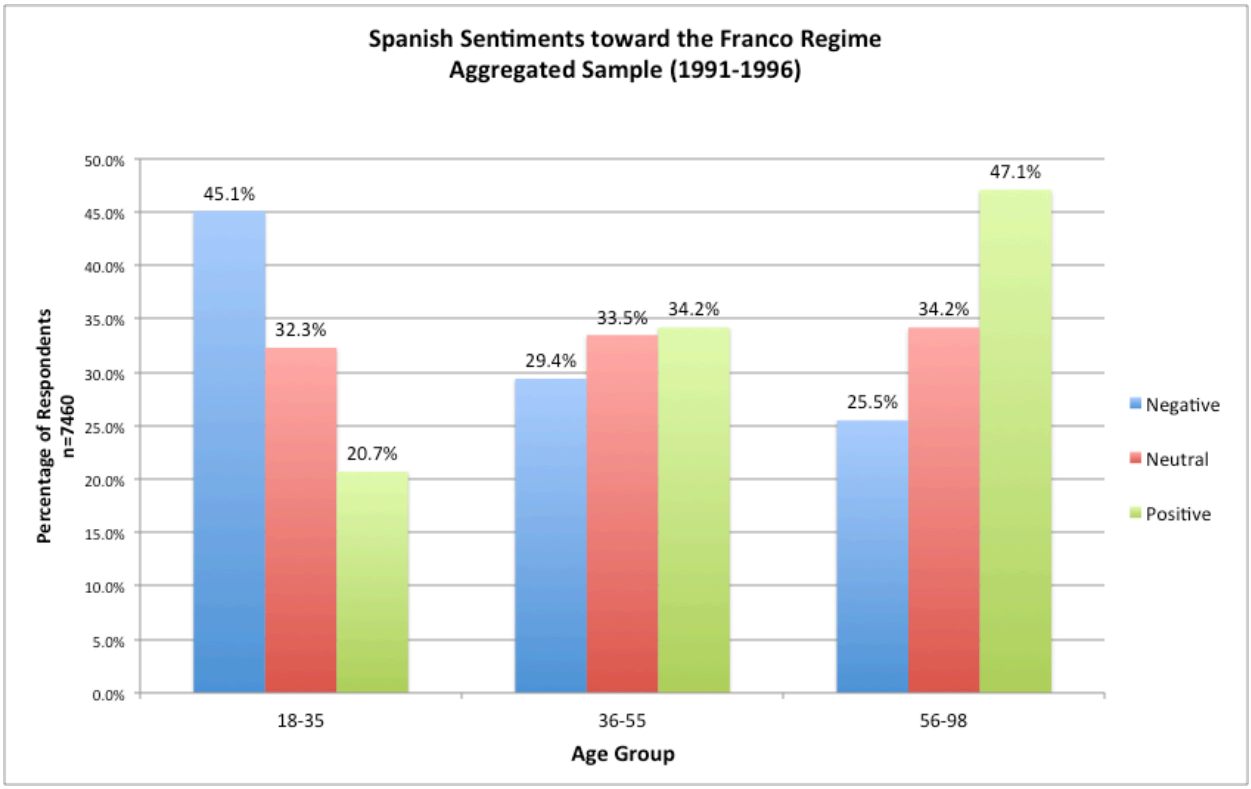

Chart 1 – Spanish Sentiments toward the Franco Regime, by Generation
Source: IBM SPSS Statistics 19.0

	1980	1989	1992	1996	1998	2002
Only Spanish	NV	NV	15.6	15.6	14.3	14.2
More Spanish than AC	31.6	24.6	9.5	11.4	8.1	8.5
Equally Spanish and AC	37.6	47.9	50.8	50.1	53.1	53.6
More AC than Spanish	23.8	22.7	13	16.3	15.5	13.8
Only AC	4.7	NV	6.5	4.8	6.2	6.4
Source: *Centro de Investigaciones Sociológicas* NV indicates that no data were collected that year for that self-identification category AC denotes Autonomous Community						

Table 1[43]
Spaniards' Self-Identification with National and Regional Identities, 1980-2002

[43] The Center for Sociological Investigation did not ask about exclusive Spanish identity until 1992 in all regions, which is why the table shows values of "NV." Table 1 as pictured above is a copy of the original chart that was created to avoid reproducing the strong graphical distortion (pixellation) present in the original chart. (Schrijve, 2006, 96)

Frequency Table: Overall Feelings toward the Franco Regime, 1991-1996					
		Age			
		18-35	**36-55**	**56-98**	Total
Overall Feeling toward the Franco Regime	Negative	1646	1071	931	3648
	Neutral	797	828	844	2469
	Positive	277	433	633	1343
Total		2720	2332	2408	7460

Table 2
Frequency Distribution of Spaniards' Feelings toward the Franco Regime
Source: IBM SPSS Statistics 19.0

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