Democracy, Justice, and Forgetting

The title of this book, Democracy without Justice in Spain: The Politics of Forgetting, neatly summarizes its principal theme. When referring to the politics of forgetting, Omar G. Encarnación, professor of political studies, focuses on the Pact of Forgetting, enacted in Spain in the wake of dictator Francisco Franco’s death in 1975. According to Encarnación, “no one [responsible during the dictatorship] was put on trial for the political crimes of the old regime or disqualified from playing a role in the politics of the new democracy, since the pact was accompanied by a broad amnesty law that granted immunity for all political crimes committed prior to 1977” (p. 2).

The book frames Spanish exceptionalism as a unique trait that allowed democracy to flourish without transitional justice’s legal tools. The author analyzes the roots of this situation, paying special attention to the dictatorship and its consequences for Spanish society. Moreover, he emphasizes the irony that despite being a democracy built on the Pact of Forgetting, Spain is a leader in human rights, expanding the rights of sexual and ethnic minorities and also prosecuting former despots from around the world. Encarnación addresses the shift that took place during the Socialist government of José Luis Rodríguez Zapatero (2004-11) with the passing of Law of Historical Memory in 2007. Comparisons with other similar cases, especially in Latin America, take on new meaning. Drawn from press accounts, interviews, and scholarly literature, Encarnación’s book provides a meticulously detailed overview of twentieth-century Spanish politics, the origins of Spain’s exceptional situation, and the consequences for the contemporary world.

In chapter 1, Encarnación summarizes the history of the Spanish Civil War and the subsequent repression, stemming from the “violent and vengeful” nature of the Francoist regime. Republican prisoners were punished repeatedly. Some were enslaved, others subjected to harsh punishment and long terms of imprisonment, while still others were separated from their children. The dictatorship also suppressed the separatist desires that might threaten “Franco’s myth of a culturally homogeneous Spain,” as was the case in the Basque Country (p. 40). Encarnación describes Francoist political socialization, which, to achieve its purposes, cynically manipulated Spanish history. The Republicans, for instance, were blamed for the 1937 German bombing of Guernica. Even though this type of propaganda was eased during the 1960s to improve Spain’s image abroad, it was always done in a manner that put the repressive regime first.

In chapter 2, the author describes the transitional political processes that led to the so-called era of forgetting. This period runs from 1977 to 1981. At that time, the political goal “was not to punish the old regime but to get democracy off the ground in as swift and nonconfrontational manner as possible” (p. 50). That is, a politics of consensus based on “forgetting” was embraced by almost all political parties, including those of the Left. This consensus included the king of Spain, Juan Carlos de Borbón, chosen specifically by Franco to come after him as head.
of state. Encarnación asks: why did the Left, repressed and banned during Franco’s reign, accept this consensus? The answer: they did it for strictly pragmatic reasons. This pragmatism was based on two main factors: the trauma of democracy’s collapse in the 1930s and the political environment of violence during the transition. Thus, the politics of consensus, supported by Right and Left parties, was intrinsically linked to the politics of forgetting, and “the linchpin of the politics of consensus was a comprehensive amnesty law” approved in 1977 (p. 71).

The amnesty resulted in “a period of intense cooperation between the government and the opposition in crafting democratic institutions” (p. 74). Some important compromises were achieved: the acceptance of the monarchy, a resolution to address the separatist demands of the Basque Country and Catalonia, and the Pacts of Moncloa (a series of agreements signed by some left-wing and right-wing parties and by some unions in order to alter political and economic conditions in the late 1970s).

In his analysis of the transition, Encarnación pays special attention to the ideological changes that took hold within the Socialist Party (PSOE) during the 1970s. At that time, the party redefined itself and presented the forgetting as an essential part of the project to modernize Spain. Actually, PSOE wanted to erase Spain’s long history of being referred to as a backward country. In chapter 3, Encarnación focuses on the era of PSOE rule from 1982 to 1996, the years of “disremembering.” The disremembering was a response to the threat of a coup that the newborn democracy feared from the armed forces. The Socialist government followed a policy of letting “bygones be bygones” in order to ensure its electoral victory and open enough political space to cope with other problems, such as the difficult economic situation and the Catholic Church’s power. The Pact of Forgetting also let the PSOE create a new historical narrative that positioned Spain’s place within an increasingly collective European identity. To complete this narrative, it was thought best to obscure the true history of the civil war and the legacy of Francoism, historical episodes that distanced Spain from the emerging European ideal. Thus, events that occurred in 1992, such as the 1992 Olympic Games, Expo ’92, and Madrid’s designation as a European Capital of Culture, were presented as evidence of a democratic and modern Spain.

Soon after, in 1996, the PSOE lost the elections and the Conservative government came to power. This year also started a rollback of “disremembering,” a period in which the Pact of Forgetting started to be questioned, mostly by the Socialists. This is explained by the new Conservative government’s project to reinvent the history of the civil war and Franco’s dictatorship, popular sentiment against the Pact of Forgetting, and pressure from the liberal media for a debate over the issue of historical memory. In fact, in 1996—the fortieth anniversary of Franco’s coup against the republic—the Left tried to introduce legislative initiatives questioning the Pact of Forgetting and reclaiming the memory of the republic.

In chapter 4, the author analyzes the role of civil society in the forgetting. During the Spanish transition, grassroots movements in general did not demand a retroactive justice toward Francoism. By doing so, they were acknowledging their acceptance of the pact. On this point, Encarnación provides an interesting analysis on how certain emotions played a role in this decision. Specifically, he emphasizes the role of fear and shame among those who opposed the dictatorship. Fear of the past—deepened by the failed 1981 military coup against the new democracy—led many to support the process of forgetting. Shame had been internalized by some of Francoism’s victims, who had suffered years of ongoing repression, surveillance, and public humiliation. This was reinforced by the “Myth of Equal Culpability,” the assumption that “both sides in the Civil War bore equal responsibility” (p. 113). The remembrance of Francoism was an intensely complicated issue for Spanish society.

This situation also had roots apart from the democratic changes of the 1970s. One of the most important was the economic boom of the previous decade. As a consequence of significant economic and social improvements, the Spanish population was encouraged to distance itself from the past. During the transition, these varied factors influenced people’s behavior in contradictory ways. While the transition ensured a peaceful and orderly transition to democracy, it was detrimental for building a strong civil society. Rejecting the “rupture” thus led to a “tactical demobilization” (p. 123).

Chapter 5 analyzes one of the most important reasons for the waning of the Pact of Forgetting: the 1998 indictment of Chile’s former dictator, General Augusto Pinochet, by the Spanish judge Baltasar Garzón. This affair destabilized the consensus on the Pact of Forgetting because it prompted a repoliticization of the past when it reopened the debate on unresolved memory. In chapter 6, Encarnación examines what can be called “the second transition,” that is the second Socialist government headed by Zapatero (who belonged to a new generation of Socialist leaders). The Law of Historical Memory of 2007 attempted to restore the actual history of the repub-
In the last chapter, Encarnación underlines the lessons to be learned on how to deal with the past. Firstly, the Spanish transition was an example of how “domestic circumstances can take precedence over international human rights norms in shaping how states settle a dark past.” Secondly, the “Spanish experience suggests the seldom-acknowledged ambiguous relationship between transitional justice and democratization.” Finally, “coming to terms with the past is not as static or formulaic a process as the transitional justice movement would suggest” (pp. 187-188).

On the whole, Democracy without Justice in Spain is an intriguing and suggestive study of the Spanish transition and the politics of forgetting. Encarnación provides a detailed overview of Spanish history since the civil war, and he stresses the uniqueness of Spain as a country that encouraged a politics of forgetting in order to create and solidify democratic institutions. On one point, however, more could have been written. Encarnación does not emphasize enough the important social and intellectual movements of the last decade, especially the last five years which have seen new demands to update more fully the memory of the republican era. The new voices question the accepted view of the transition and the supposed usefullness of the forgetting, while reclaiming forgotten aspects of the past and raising the issue of reparations. An example of this is the debate around “El Valle de los Caídos” (Franco’s tomb), where thousands of the republic’s supporters are buried in a mass grave. For those who question the forgetting, this place should become a memorial. Those opposed, however, want it to remain as it is. This ongoing debate is evidence that the politics of forgetting remains controversial for Spanish society.

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