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"Amnistía" o Amnesia: The Regime a Country was Told to Forget

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Abstract

The "Amnesty Law of 1977" is a Spanish law that accompanied the reinstatement of democracy after the death of dictator Francisco Franco in 1975. Franco's regime, which lasted from the end of the Civil War in 1939 until his death in 1975, was the longest dictatorship in the history of Europe. The Amnesty Law was proposed as an initiative to facilitate Spain's transition from dictatorship to democracy. Under the law, the events of the dictatorship would not be spoken of or taught about in Spain; nor would political prisoners of Francoist Spain and former allies and members of Franco's Falange Party be prosecuted for any crimes they may have committed during his reign. The whole nation was simply expected to forget. This earned the Amnesty Law its common moniker, "The Pact to Forget" (*El Pacto por el Olvido*). In the last two decades, there has been a growing awareness of the suppression of the conversation about the war, about the Franco dictatorship, and about the Spanish citizens who suffered from them. Mass graves of victims are being exhumed all over the country. People who lived through these events--now nearing the end of their lives-- are coming forward to tell their stories. Lawsuits against former members of the Falange that cannot legally be pursued in Spain are being filed in foreign courts. The goal of this project was to try to investigate this growing "conversation" among Spaniards about the era of Franco. Fragments of testimony have been compiled from Spaniards both while still in Seville and here in Asheville, and combined with analyses of various films from, about, and produced since the time of the regime. Through this process, a chilling conclusion has been made: policy is only scratching the surface of this phenomenon, and Spaniards have both willingly participated in, and fought against the Pact to Forget in Spanish society since its initiation.

1. Body of Paper

The Spanish Civil War was a brutal three-year struggle from 1936-1939, between left-leaning Republicans fighting in favor of Spain's recently established democratic government, and far-right Nationalists led by General Francisco Franco and his Falangist party. The latter ultimately won, with Franco declaring himself the supreme leader, or *Caudillo*, and launching Spain into the longest dictatorship in the history of Europe. Numerous groups were subsequently marginalized and oppressed during Franco's rule, and it became commonplace for persons deemed enemies of the state to be imprisoned, tortured, disappeared, and killed. Many of the bodies of these prisoners were disposed of in unmarked ditches and mass graves all across the country, accumulating to the point that Spain is now the country with the second-highest number of mass graves in the world.[9] This information is only recently coming to the forefront of the public eye, and as it gains more recognition on the national and international scale is it important to grant these stories individual attention and connect them to a wider collective context.

It is essential that the avenues of sharing memory continuously evolve, so they may always serve as an effective means for silenced voices to heal from the trauma of attempted erasure. In this project, I will reconsider the approaches of memory as it relates to the Spanish Civil War and Francoist regime through film and media. I will do this by considering texts relating memorial narrative and suppression, including iconic Spanish film, the contemporary documentaries *Not Reconciled* (2009) and *El Silencio de Los Otros* (2018), as well as direct interviews with Spaniards.

After a generation of people who only knew life under the fascist rule of Franco, the dictatorship came to an end in 1975 when Franco died of old age. It was at this point that Spanish government officials found themselves in a precarious situation, having to decide how to transition into a post-Franco democracy and somehow try to reconcile all the tragedies that occurred under his rule. Their elected course of action materialized as "The Amnesty Law of 1977" (*La Ley de Amnistía*), a law in which all political prisoners of the Francoist regime would be freed and pardoned, but any and all former officials of the regime would also be pardoned of any human rights violations they had committed against the newly freed prisoners.[8] This was described by Spanish policymakers as "simplemente un olvido. Una amnistía de todos para todos. Un olvido de todos para todos," (simply forgetting. It is an amnesty of all for all, a forgetting of all for all), and passed in the Spanish parliament with a vote of 296 in favor versus two opposed.[6] Jill Daniels, a filmmaker and contributor to a journal titled "Rethinking History," remarks, "There was no Pact of Reconciliation, no Truth Commission, no purge of the army or the paramilitary Civil Guard and no assessment of the crimes of the regime."[4] The same institutions are still essentially in place even without Franco. The Spanish monarchy was even reinstated as part of his will.[6]

The wider societal implications of this law also fostered a nationwide culture of "forgetting" the war and regime, suppressing mention of it in the curriculum of any public and most private or religious schools, and discouraging any direct memory from the time period. This became known as "The Pact to Forget" (*El Pacto por el Olvido*).[8] In essence, this was nothing new. The Pact to Forget was preceded by an unspoken pact of silence instilled into the Spanish citizenry by means of intimidation and authoritarianism following the civil war. Survivors of this period in Spanish history described life during the regime as "a permanent state of terror,"[4] which facilitates using silence as a means to survive. Thus, trauma and pain became associated with the act of remembering the events that transpired during the war and under Franco's rule. As the past became synonymous with pain and chaos, it became increasingly easy for the state to advance a narrative that remembering meant reliving trauma even before the initiation of the Amnesty Law.[2,3] This association flattened any inclination of further consideration of the civil war for an entire generation in Spain.

The question then becomes how does this period of Spanish history become reconciled to the people of Spain after so long, and is it even possible? Is there a desire for reconciliation? There are no simple answers to these questions because it is impossible to generalize about all Spaniards. As is the nature of a civil war, some Spaniards were on the side of the existing Republican government and some sided with Franco, and these divisions persist today. I have had a variety of conversations with various Spanish citizens, both abroad in Sevilla and here in the United States, and attitudes towards discussing the civil war range anywhere from complete openness to casual dismissal to ignorance. During an interview with three Spanish professors, Dra. Elena Adell, and professors Maria Idoia Cebriá and Andrea Forcada, I gained further insight into the varying experiences and attitudes of the general public in Spain. Cebriá explained to me that generations that experienced the horrors of the war and regime directly are not very forthcoming, and there is a general consensus that they simply wish to move on. Most of what Cebriá has heard of the war comes from her parents, born after the war, but not directly from her grandparents, who lived through it themselves. This sentiment was echoed in another conversation I had with a professor while in Sevilla, who seemed confused why I would even be interested in the civil war or Francoist regime. She didn't have much direct information to give me, citing that she was only a toddler when Franco died and the regime ended, and after explaining my motivations to her she concisely replied, "well, it's in the past."[11]

This represents another key aspect of how memory projects towards this subject have developed over time. There are wide and evident generational disparities in knowledge and approach to the topic of the civil war and regime. This is partially due to an organized censorship of education and media that evolved overtime from the final years of the dictatorship through the following decades. Forcada, Adell, and Cebriá note their differing experiences in public education in Spain. Forcada, going through the Spanish education system later, mentioned that she was taught some about the civil war in her schooling, while it was not included at all in Cebriá or Adell's primary or secondary curriculum. It was "skipped over," and Adell remarked she feels that she is still learning about it.[1]

It is important to note that institutions cannot be exclusively charged with consolidating memory. Some relics of Franco's rule persist under the radar even after his death, but it also opens an opportunity for Spanish citizens to critique these relics. How do they want to carry memory into the future? Drawing from the sentiments expressed by Cebriá about her grandparents, some survivors are so accustomed to the culture of silence that they simply wish to try and keep memory at bay in the past. This response is not necessarily wrong. Trauma molds the actions of each of its carriers differently. However, regardless of the personal decisions of some, the memory of this dark time in Spanish history is very much still evident in the present. All over the country there are streets, plazas, and monuments dedicated to Franco and his subordinates that exist in full view of those their namesakes' persecuted. *El Arco de la Victoria* in Madrid.[1] *Valle de los Caídos*, the former resting place of the general until his exhumation just last year. There is even a Franco Foundation dedicated to the memory of the dictator.[6] All of this is to say that to some degree, a total amnesia

for all is not possible when institutions are pushing a singular perspective of memory that serves their own interests. The alternative to this is storytelling in a manner that contextualizes history with valued and diverse lived experiences, connecting past and present in a useful fashion for the purpose of healing. As validity is placed back on individual stories, memory can be processed, which facilities in it being let go rather than suppressed. As Elizabeth Jelin notes, "Working through is no doubt a form of repetition, yet modified by interpretation."[7]

To define effective storytelling, it must accomplish the following: acknowledge memory not as something existing exclusively in the past but rather part of one continuous and relevant presence, acknowledge the unique perspectives of survivors as both subjective and valid at the same time, and be allowed to evolve its methods with the times so as to not become repetitive and stale. One of the first well-known products of civil war memory, long before the Amnesty Law was passed, was Picasso's *Guernica* (1937), a massive mural detailing the bombing of a town in the Basque region of northern Spain. Painted while the war was still raging, it gives a powerful visual to the terror experienced in that period. *Guernica* cannot be charged with recounting the full suffering of all Spaniards however. Once Franco's Falange seized unopposed hegemony of the nation, they used their own interpretation of Picasso's painting to their advantage. Asín highlights that "Picasso's canvas was a key to the regulation of the events of 1937, making them as part of a National Heritage to be commemorated but not relived."[3] Without denying the "truth" of the event, it is skewed once again to intensify trauma and promote silence, which is a dangerous compromise. This "skewing" also continued in a different form once the nation began the transition to democracy, with the government utilizing the painting as a document of the past, depicting outdated barbarity from an unspecified and supposedly vanquished foe.[3] This process outlines the limitations of the storytelling abilities of *Guernica*, as it can be continuously reinterpreted to suit the current power without a clear link to why it is still relevant today. Asín also remarks that *Guernica* has historically overshadowed other cities and towns destroyed in the war as well, especially in the Basque, Catalan, and Valencian regions, and this selectivity is usually linked to the political leanings of the victims who once inhabited the settlements.[3] This is the danger of overestimating the capabilities of one perspective of a story, and why additional testimony and context must continuously contribute to the wider narrative. As Asín puts it, we must be dedicated to "connecting it to a broader narrative interested in offering new understandings of the war."[3]

1.1. Public Perception and Cinema

Following Franco's death, a certain degree of censorship was also lifted from various content-creating communities, propagating an explosion from various artists to express long-restrained narratives of their own. This had a significant impact on Spanish cinema, which had previously been used even by Franco himself to spread propaganda,[2] but was quickly reclaimed to serve those who had been previously oppressed. Archibald expresses that "[t]his artistic freedom, coupled with a desire to cinematically re-represent a repressed and distorted history, has ensured that the country's recent past has become a rich historical seam for Spanish filmmakers to mine."[2] Like other methods of storytelling, filmmaking has its subjectivities as well and has had to evolve through the years since the transition. Even as Spaniards developed this new freedom of expression, the culture of silence still persisted in the national psyche. Archibald elaborates, "there have been many films made that were (supposedly) about the war, or about the tough times during the dictatorship. But the treatment of the topic was mediated by some form of indirection."[2] An iconic example of this is *El Espíritu de La Colmena*, directed by Victor Erice and released in 1973 in the last years of the Franco regime. Set in 1940 in a rural Castilian village, "El Espíritu de La Colmena" is not necessarily a war movie, but presents the wider setting of a devastated Spain trying to recover from the conflict throughout the film. With a six-year old girl (portrayed by Ana Torrent) as its main protagonist, Erice's period piece can dance around the theme of the war because its perspective is from someone who can be easily dismissed as immature, uncomprehending, and hyperbolic. This appeases the systems in power, appearing non-threatening, but also provides the audience with some underlying commentary about the political and economic environment of the Spanish State in the 1940's, where defeated Republican soldiers are still being hunted down and mercilessly shot on sight.[5] As many critics have noted, *El Espíritu de la Colmena* is laden with multiple enigmatic metaphors representing facets of civilian, political, and national Spanish realities and shared experiences. The film's perspective of how to consolidate memory with trauma is most evident in the penultimate scene, as the local doctor comforts Ana's mother after the child is found traumatized and mute following her running away. He consoles her, saying, "Ana es todavía una niña. Está bajo los efectos de una impresión muy fuerte...Pero se le pasará. Poco a poco, irá olvidando. Lo importante es que tu hija vive. Que vive." (Ana is still a small child. She has suffered a great shock. But she will recover. Little by little, she will forget. The important thing is that she is alive. She's alive).[5] Considering this advice a supra-metaphor for the nation, when the doctor mentions Ana, he is really referring to Spain. This then acts almost as a precursor for the Pact to Forget, suggesting that forgetting the trauma of the war is the way to a healthier national psyche.

We can contrast *El Espíritu de La Colmena* with a later period piece, *¡Ay Carmela!*, directed by Carlos Saura in 1990, which is set during the civil war. Saura's film, released a decade and a half after Franco's death, chronicles a trio of traveling performers who put on shows for Republican soldiers on the warfront, but who are later captured and imprisoned by Nationalist forces and forced to perform propagandized productions for them. Unlike *El Espíritu de La Colmena*, *¡Ay Carmela!* is unequivocally a war movie, albeit categorized as a comedy. The use of comedic elements in a film about the civil war has two central implications. The first is noted by Saura himself: "I would have been incapable a few years ago of treating our civil war with humor, but now it is different, for sufficient time has passed to adopt a broader perspective, and there is no doubt that by employing humor it is possible to say things that would be more difficult if not possible to say in another way."[2] In this way we see modes of storytelling developing and diversifying, but the characterization of *¡Ay Carmela!* as a comedy is also somewhat startling given its tragic ending. *¡Ay Carmela!*, while definitely having a more light-hearted tone at times, does not fit into the typical parameters of a comedy, but because it deals with a subject matter that has previously been taken so seriously, any inclusion of humor can be seen by both its Spanish and foreign audiences as a drastic shift. Additionally, this insistence of Saura to wait a certain amount of time to employ such techniques is precarious because it can disconnect past and present. Jelin underlines that "[o]nce sufficient time has elapsed to make possible the establishment of a minimum degree of distance between past and present, alternative (even rival) interpretations of that recent past and its memory occupy a central place in cultural and political debates."[7]

This hesitancy and caution with which such a traumatic subject is handled is understandable, and trauma itself plays a large role in addressing memory. Jelin further asserts that "[f]or the individual subject, the imprints of trauma play a central role in determining what the person can or cannot remember, silence, forget, or work through."[7] This creates a struggle for both those recounting memory and recording it, and a hesitancy rooted in questioning validity of the narrative takes form.

At this crossroads of caution and authenticity is where we see documentary come into play as a means of preserving and contributing to memory. A significant documentary on the subject of personal memory and trauma is *Not Reconciled*, released in 2009 by Jill Daniels, and which she further elaborates on in her contribution to the journal "Rethinking History" in 2014. This documentary is narrated by two fictionalized ghosts, Republican youths Carlos and Rosa, who were killed during the civil war. Throughout the film they reflect on their short lives and their current existence in a limbo-like state, and as this happens, various shots of Belchite, the real-life village in Aragon which was destroyed by Nationalist forces, rotate across the screen.[10] The nature and execution of storytelling in this documentary contribute to a unique commentary, which Daniels very deliberately developed. The use of ghosts as narrators is a powerful personification of memory. While the telling of their stories does not change the events of the past or bring them back to life, Carlos and Rosa will not know peace until their stories are told. They are hidden to the eyes of everyday people, but they still exist beyond sight. Daniels notes, "What appears to be invisible or in the shadows is announcing itself,"[4] a strong metaphor for the relegation of memory in Spanish culture. Although there is frequently an absence of visual manifestation of memory, it is still present and felt, perhaps unwillingly, like the disembodied voices of Carlos and Rosa that survey the ruins of Belchite. Subjectivity is again highlighted in *Not Reconciled* as Daniels makes note of Carlos' and Rosa's respective experiences, which although at times are contradictory, still provide a fuller image of the battle that took place. This method of fictionalized perspective in filmmaking outlines the essential connection between memory and humanity. Daniels insists that "[d]ocumentary does not rely on interviewees to act as witnesses to history, to provide incontrovertible veracity... Yet it is able to reveal uncertainty, distraction, and avoidance."[4] This is also echoed in Asín's assessment of projects related to *Guernica* as well, as she remarks, "[Survivors] speak neither as experts nor in the name of history, but rather as carriers of subjective and personal memories that help to constitute the collective narrative of the past."[3] The subjective aspect of memory projects is something that must be acknowledged and accepted, as they are projects about human experiences and the processing of trauma. Asín argues that "[t]rue memory is threatened with substitution by the archive, a broad term used to refer to the modern mechanical reproduction of the past."[3] The methodology behind *Not Reconciled* effectively accomplishes this in a new and efficient manner, with its very human emphasis on storytelling and bridging past and present as one continuous narrative.

The documentary *The Silence of Others*, released in 2018 and directed by Almudena Carracedo and Robert Bahar, chronicles the collection of testimonies from hundreds of civil war and regime survivors. Taking place over six years, it follows the survivors filing a lawsuit in an Argentine court in an attempt to bring Francoist persecutors to justice. Detailing a variety of unique stories from survivors across generations, the varying manifestations of oppression under the regime are on full display. One witness describes his involvement in a democratic student union and subsequent imprisonment and torture in the late 1960's. Since then, he has been forced to live as neighbors with his own torturer, who was granted impunity under the Amnesty Law. Another woman remembers being a small child during the war, when her mother was put in an internment camp and eventually executed and left in a roadside grave. The daughter

has known the location of this grave for years but has still not been able to recover her mother's remains.[6] In addition to the numerous individual testimonies, the documentary also contextualizes the Pact to Forget and its role as a tool of oppression, and connects the issue to the contemporary resurgence of far-right movements in Spain. Scenes of crowds rallying in the streets with signs saying, "Make Spain Great Again," are interchanged with a direct interview with the director of Franco Foundation, who remarks, "Lo mas importante, en mi opinion, para recordar a Franco, es que no se equivocó nunca. Franco preserva a la civilización occidental y cristiana de la tiranía comunista." (In my opinion, the most important thing to remember about Franco is that he was never wrong. Franco saved the Christian Western civilization from communist tyranny.)[6] This is one of the most telling scenes in the entire documentary, as it is an efficient means of demonstrating not only Franco's lasting influence through his strategic placement in the national memory, but also how movements abroad can have a domino effect in other countries. There is a broader context outside of Spain. This method of documentary style focuses less on the potential subjectivity of the various survivors than in other storytelling techniques; it gives room for allowing varying memories their own space in Spain's current political climate. This puts less emphasis on the standardization of "valid" memories and instead establishes the presence of the "little stories" to be valuable in their own right. The focus is on the fact that these statements are being made, which in and of itself is important aside from the exact accuracy of each statement.

The importance of storytelling comes down to giving everyone space to share their own experience, thus giving them space to be human. There is a unique power dynamic that accompanies storytelling, which Franco and his regime were aware of and attempted to take advantage of by means of systematic oppression and the incessant reminder of trauma. These methods and institutions remained long after the death of the dictator himself. Dr. Adell remarked on this institution and dynamic by commenting that, "I think for me it's this thing which is power. Things that seemed so unlikely a few years ago start happening, it's not that we get used to them but we get used to dealing with them… There are ideas that people follow, but at the end of the day, I think we're seeing how power works, and how power is able and ready to do anything to remain, and how ideas are bent."[1] This statement also reflects Daniel's remarks about the ruins of Belchite, stating, "there is silence and absence in a place where history tells us that once there was the opposite."[4] It is a powerful dichotomy to assert that things haven't always been the way they are, and that just because they are one way now, that they have to remain that way for sake of consistency. Jelin notes, "There is a need to "historicize" memories, which is to say that the meanings attached to the past change over time and are part of larger, complex social and political scenarios."[7]

Memory has a place in the present and can lead to change. Change is already happening in Spain. The "Historical Memory Law" (*Ley de Memoria Histórica*)[9] was passed in 2007, legalizing, among other things, the exhumation of mass graves that dot the Spanish countryside,[6] but this is only one small step towards redress. In my interview, Cebriá, Adell, and Forcada all cautioned against the influence of the VOX Party in Spain, a contemporary far-right political party with allegiance to Francoist-style policies, and only one example of far-right resurgence in Europe.[1] Additionally, the court case at the center of *The Silence of Others* has met resistance every step of the way, and the Spanish ambassador to Argentina even halted video testimonials under threat that it would mean breaking relations between the two countries.[6]

This makes memory projects more relevant and necessary now more than ever, in an effort to, as Asín puts it, "grant the past a useful place in the present."[3] Each of the three professors interviewed expressed agreement with this sentiment and outlined why this work is significant. Forcada stated, "I think that one of the reasons why Franquismo is still alive in the society is because we still have people that fought in the war and people involved in the dictatorship alive. It's part of their lives and that's why it's so present."[1] This is a critical moment where many survivors are reaching the ends of their lives, and these unique perspectives will be lost forever if not collected now. If the relevance of this period is not preserved as a means from which to learn, eventually there will be a transition from memory to rigid legacy, permanently marooning these stories in a distant past.

Not only that, this can and has happened elsewhere as well. There is a broader global context of memory to which Cebriá commented, " I think what we can learn from one experience to the other is that you cannot just heal by burying things. We have to bring back the memory so the newer generations learn."[1] These events aren't new or old, they are consistently present, and the numerous voices that these conflicts and their instigators hurt must be given space to exist and heal. There are not two faces of the Spanish Civil War that are neatly organized into Republican and Nationalist, there are 25 million faces, each a Spaniard with unique experiences and perspectives. The only way to deconstruct the power dynamic of the single story that's been championed for so long is to make these alternative stories heard, because they exist and always have.

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