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Historical Memory in Post-Franco Spain: Remembering a Purposely Forgotten Past through Memorialization at the *Valle de los Caídos* in Cuelgamuros

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A Thesis in the Field of History

for the Degree of Master of Liberal Arts in Extension Studies

Harvard University

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Abstract

The Valley of the Fallen, built within the mountains of the valley of Cuelgamuros, in Madrid, Spain, represents both the monumentality and decadence of dictator Francisco Franco's thirty-six-year regime in Spain. Newly renamed to *Valle de Cuelgamuros*, the Valley of the Fallen parallels Spain's politicized collective historical memory through an exhibition of highly curated sculptures and statues throughout the complex, including the world's largest cross.

Following Francisco Franco's death in 1975, newly democratic Spain initiated the *Pacto de Olvido* (Pact of Forgetting), an informal agreement between both political sides to "forget" Franco's legacy of repression and the acts of atrocity committed under the regime. As a result, Spain's political parties enacted the 1977 Amnesty Law that exonerated those who committed political crimes or violence during the Spanish Civil War and Franco's dictatorship.

The Amnesty Law was envisioned as a way to overcome divisions of the past, but the historical amnesia caused problems of its own for Spain. The Valley of the Fallen is still a reminder of Francisco Franco's forced historical narrative. There he was entombed for forty-four years (until his exhumation in 2019), and over thirty thousand Republicans and Nationals remain buried there. In the year 2000, the "grandchildren" of Francoism began to seek answers and search for the bodies of their loved ones killed and buried throughout Spain in unmarked mass graves. Spain's response was a series of memory laws to reconcile its forgotten past. While the Historical Memory Law (2007) and the

Democratic Memory Law (2022) officially condemned and delegitimized Franco's regime, these laws came with flaws and did little for transitional justice. Condemnation of Franco's regime resulted in additional erasure of the past with the removal of any symbol or statue in exaltation of Franco. This thesis examines the physical space of the Valley of the Fallen, studies the controversy over political amnesia and reconciliation of Spain's past, considers the strengths and weaknesses of the Law of Historical Memory (2007) and the Law of Democratic Memory (2022), and interrogates the current removal of Francoist symbols in order to demonstrate the problems of Spain's desire to reconcile a past of collective amnesia, as a result of culturally embedded silencing, with a current erasure of a past without any pedagogical element.

Frontispiece



Photo taken by Jennifer Hahn in June 2023

The picture shows the Plaza Mayor in Salamanca, Spain during the festival of San Juan de Sahagún depicting festivities in the foreground. Visible in the background are effigies carved between pillars in the pavilions of the plaza of those who have had a significant impact on the city. The empty medallion in the middle once held the effigy of Spanish dictator Francisco Franco but was removed in 2017 due to the Historical Memory Law. Currently, the medallion sits empty with no indication of its previous tenant.

Dedication

This is dedicated to my soulmate, Nathan Daman. For all the hours I spent talking about research ideas, reading page after page to you, and writing by your side, this is dedicated to you. For the days you acted as my barista sending endless cups of caffeine my way, the nights you refused to sleep until I finished a page, and how proud you were to talk about my work, this is dedicated to you. Your energy helped me to get through the research and the writing, your laughter and silliness helped when I got frustrated. For your complete support and so many other reasons, I dedicate my work to you. Every piece that you left with me is put into this work. I love you more than life, my dearest husband. You left this world too soon, but you will live on in all that I do.

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I would like to acknowledge those who made this thesis possible. To my family, who gave me unwavering support, I appreciate the sacrifices that were made to enable my continued studies, from my husband for his excitement and support, my children for being patient while I have been writing, and my mother for her support of my work.

Additionally, I would like to acknowledge the professors who challenged me further to become a better student, a better researcher, and a better writer. Thank you to Dr. M for checking up on me, sometimes weekly, for her encouragement and push to get things written when I felt like I did not have anything left in me.

Finally, I would like to acknowledge my thesis director, Raquel Vega-Durán, for her patience with me as I completed the thesis writing process. I am so grateful for your constant feedback and suggestions, your time, and most importantly your enthusiasm for the work. When I was not feeling confident, you gave me such wonderful words of encouragement and believed in me. I am so grateful for your collaboration and guidance throughout the process.

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Chapter I. Introduction.

Spain's Historical Memory

In 1977, two years after dictator Francisco Franco's death, Spain passed the Amnesty Law based on an informal bipartisan agreement popularly known as the *Pacto de Olvido* (the Pact of Forgetting), granting amnesty, and exonerating all who had committed political crimes during Francisco Franco's thirty-six-year fascist dictatorship and the Spanish Civil War.[1] Law 46/1977, de Amnistía (Amnesty Law) grants amnesty to "all acts of political intention, whatever their result, classified as crimes and misdemeanors committed prior to the fifteenth of December of 1976."[2] Political crimes, torture, and executions were judicially erased as if they never happened. Spain officially transitioned into a democratic constitutional monarchy focusing on uniting the nation through democratization. Initially, Spain's attempts at rebirth and renewal meant ignoring a traumatic, collective past as a political maneuver to move the country forward.[3] The Amnesty Law, however, marginalized the victims and changed the dominant narrative to erase the atrocities and trauma from Spain's historical past. The new narrative unintentionally memorialized Franco. Even though the goal of the law was to create a

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[1] Ley de Amnistía (Ley 46/1977 de 15 de octubre), Ministerio de Justicia, Gobierno de España, «BOE» núm. 248. Referencia: BOE-A-1977-24937.
[2] Ley de Amnistía (Ley 46/1977 de 15 de octubre), Ministerio de Justicia, Gobierno de España, «BOE» núm. 248. Referencia: BOE-A-1977-24937.
[3] Omar Encarnación, *Democracy without Justice in Spain the Politics of Forgetting* (Philadelphia: University of Pennsylvania Press, 2014), 55. "Remarkably, Spain underwent the transition to democracy without calls for justice against the old regime from the democratic opposition— not even a formal condemnation of its evils was demanded. During the 1977 elections the issue of justice against the Franco regime generated virtually no attention."

new beginning for Spain, the new narrative that was created ignored an almost half-century shared history of violence and terror and ended up memorializing Franco, who was buried in the *Valle de los Caídos* for forty-four years. Democratic Spain has only recently begun to take down Francoist symbols, but the symbolism of the victors is still present with no transitional justice due to the Amnesty Law and no real atonement for the victim's tribulations.

Due to the heavy censorship of the Francoist regime, Spain's culture was fraught with repression and filled with fascist propaganda; Spanish literature was dictated with specific social and cultural requirements as a means to socially engage citizens in political issues, and almost forty years of culture was dictated by political and economic means.[4] However, towards the end of the twentieth century, two events drew attention to Spain's hidden past. First, in 1998 Spanish Judge Baltasar Garzón indicted Chile's General Augusto Pinochet for human rights violations against political opponents.[5] The resulting extradition caused an uproar in the perceived contradiction in prosecuting a foreign war criminal and the failure to do so to Spain's own. Secondly, Spanish journalist Emilio Silva set out to find his grandfather, one of thirteen Republicans executed and buried in a mass grave during the Civil War.[6] The exhumation and identification of victims brought Spain's skeletons out of the closet, and a civil movement ensued

[4] Alberto A. de Carvalho and A. Monteiro Cardoso, "Press Censorship in Spain & Portugal," *Index on Censorship* 1, no. 2 (1972): 55, https://doi.org/10.1080/03064227208532174.
[5] Pablo Fernández Jiménez. "Post-Transitional Justice in Spain: On the Struggle for Memory and the Role of Generational Change," *International Journal on Rule of Law, Transitional Justice and Human Rights* 7 (2016):167-177, https://www.ceeol.com/search/article-detail?id=726045.
[6] Nicole Iturriaga, "At the Foot of The Grave: Challenging Collective Memories of Violence in Post-Franco Spain," *Socius: Sociological Research for a Dynamic World* 5 (2019): 1-16, https://doi.org/10.1177/2378023119832135, 2. "Republican" in Spain refers to those that favored the democratically elected Second Republic of Spain before the Spanish civil war.

questioning Spain's forgotten historical past after an almost twenty-five-year mark of post-Franco freedom.[7]

The politics of memory and collective historical memory in Spain became challenging to define due to the Franco-era repression and forced social, cultural, and political identities that split a nation into submission. Two years after Francisco Franco's death, the 1977 Amnesty Law served as a function of collective memory to legitimize the monarchy's democratic political institution. Spain's new prime minister, Adolfo Suárez had been appointed in 1976 by King Juan Carlos. Suárez clearly exemplified the moment in transition, since he was known to have, as stated by historian and political science professor Omar Encarnación, "intimate knowledge" and "deep familiarity with the structures of the Franco regime."[8] Suarez requested an amnesty policy that Encarnación states was "a central theme of the eventual democratic transition: the usefulness of forgetting as a way to overcome the divisions of the past and embark on a peaceful democratic future."[9] However, the original function of historical amnesia brought on by the law no longer serves Spain. Instead, recalling the traumatic Franco-era history and acknowledging a new narrative now serves to distinguish between modern, twenty-first-century Spain and the "other." Reconstructing a purposely forgotten past rife with censorship and a controlled narrative relies heavily on first-hand accounts. However, with the temporal distance between Franco's regime and the modern day and the prolonged repression of memory, recollecting historical memory has unavoidably become

[7] "Journalist Emilio Silva: Unearthing Spain's Forgotten Civil War Victims," NBC Universal News Group, January 19, 2015, https://www.nbcnews.com/news/latino/journalist-emilio-silva-unearthing-spains-forgotten-civil-war-victims-n288891.
[8] Encarnación, *Democracy without Justice in Spain the Politics of Forgetting*, 53.
[9] Encarnación, *Democracy without Justice in Spain the Politics of Forgetting*, 53.

fragmented. The politicization of Spain's historical memory also hinders the realistic collective memory and lacks historical fidelity. Acknowledging Spain's traumatic past began as a civil movement that begs the question, why did the Spanish government not revisit Spain's past to atone for the crimes committed against humanity?

In 2007, as a response to the civil society-based movement of the late 90s, King Juan Carlos enacted the Historical Memory Law that gave rights to reparations to victims of the Civil War and Franco's regime, delegitimized and condemned Francoism, making it unlawful to exalt the Civil War or Francoism politically in any act or commemoration.[10] The law forbids public symbols and monuments in exaltation to the protagonists and it included the exhumation of Francisco Franco's body from the *Valle de los Caídos* and to reconsider the space of the Valley into a memorial to the victims.[11] The law also established the creation of national documentation archives encouraging historical research.[12] However, only four years later, funding for mass grave exhumations was halted by the newly elected conservative party, and efforts were privatized.[13] Spain was still clearly divided, resulting in the distinction between the two ways of dealing with the past, with the center-right *Partido Popular* (Popular Party) and the left *Partido Socialista Obrero Español* (Socialist Party) with opposing views. At the end of the twentieth century, we could still witness two different Spains with two different historical memories, a fact that only further divided the nation. In these Spains, a younger Spanish

[10] Ley de la Memoria Histórica (Ley 52/2007 de 26 de diciembre), Ministerio de Justicia, Gobierno de España, http://leymemoria.mjusticia.gob.es/cs/Satellite/LeyMemoria/es/memoria-historica-522007#a1, accessed February 10, 2023,
[11] See Chapter IV for further discussion.
[12] Ley de la Memoria Histórica (Ley 52/2007 de 26 de diciembre).
[13] Manu Fernández and Joseph Wilson. "Spain Faces Its Past in Mass Graves Bill. Will It Be Enough?" *Associated Press*, November 19, 2021, https://apnews.com/article/europe-spain-franco-guadalajara-6df5eb517e65cd605ed7ef7f35a5f562.

generation (known as los nietos de franquismo or the grandchildren of Francoism) called for more answers to the disappearance of their family members and crimes committed, while others called for the reinforcement of the Amnesty Law.[14]

While the Historical Memory Law was intended to reconcile its forgotten and traumatic past, it came with flaws, since it did not manage to alter the Amnesty law, and some organizations argue that the law was too weak. Organizations such as the United Nations Human Rights Committee (UNHRC) and the United Nations Committee Against Torture (UNCAT) have subsequently called for the Amnesty Law to be repealed.[15] Moreover, the initial 1977 *Pacto de Olvido*, which was essentially a compromise between the two parties suggesting that each side was mutually responsible for the trauma and violence during the Civil War and Franco's regime (even though a number of Republicans openly opposing Franco's regime were subsequently tortured and/or executed up until Franco died in 1975) still coexisted with the new law.[16] Thus, even though the Law of Historical Memory was passed in 2007, it did not manage to erase the politically controlled narrative under Franco as a powerful and dominant narrative, while not completely collective. The Historical Memory Law focuses more on controlling a successful democratic narrative of Spanish unity, vaguely condemning unjust acts but still never explicitly acknowledging nor prosecuting the perpetrators.[17] Critics on the political left have opposed the monopolization of the Nationalist historical memory while also criticizing the lack of collective justice. PSOE members in the 1980s recognized the

[14] Rafael Escudero, "Road to Impunity: The Absence of Transitional Justice Programs in Spain," *Human Rights Quarterly* 36, no. 1 (February 2014): 128, https://doi.org/10.1353/hrq.2014.0010.
[15] Escudero, "Road to Impunity," 146.
[16] Paul Preston, *The Spanish Holocaust Inquisition and Extermination in Twentieth-Century Spain*, 1st American ed. (New York, NY: W.W. Norton & Co., 2012), xvii.
[17] Encarnación, *Democracy without Justice in Spain the Politics of Forgetting*,160.

sensitivity of demanding justice and chose to defer the topics on ethical grounds for the time being. However, after the 1989 PSOE election loss, a petition to the government was published in *Diario 16*, a daily newspaper in Madrid, in which a group of socialist activists urged the González administration to not let economic and social issues "diminish the importance of ethical problems left unattended by the previous government, especially the issue of 'moral reparation' for those victimized by the past.[18] Emilio Silva states that the limitation of the law hinders the "democratic culture" due to the lack of a more bipartisan national narrative that would be useful in promoting a more educated and empathetic society.[19] Conversely, *Partido Popular* spokesman Manuel Atencia stated that "the badly-named historical memory is an attempt by the government to use history in a partisan way. For the PP the keyword is reconciliation not memory."[20] Atencia challenged the revisionist history implicated by the law. Contextualizing the Historical Memory Law alongside the Amnesty Law through a cultural, social, and political analysis of Spain in the past ninety years will allow a more thorough understanding of collective historical memory.

An updated memory law was passed in October of 2022 (*Ley 20/2022 de Memoria Democrática*) that recognizes the violence, torture, executions, and incarceration of victims while also acknowledging the moral democratic duty to confront the truth and provide justice.[21] The purpose of the updated law is to promote knowledge of the historical democratic stages, to defend the rights of citizens, and to preserve the

[18] Encarnación, *Democracy without Justice in Spain the Politics of Forgetting*, 81.
[19] Encarnación, *Democracy without Justice in Spain the Politics of Forgetting*, 175.
[20] Encarnación, *Democracy without Justice in Spain the Politics of Forgetting*, 171. Manuel Atencia was the Grupo Popular Andaluz Spokesman from 1993-1999. Additionally, in the Congress of Deputies, he served as the Grupo Popular Deputy Spokesman from 2005-2007.
[21] Spain, Boletín oficial del Estado, Disposiciones Generales, *Ley 20/2022, de 18 de octubre de 2022*, 17099, Núm. 252 Sec. I., 2022.

memory of the victims of the Spanish Civil War and the Franco dictatorship.[22] The new law establishes archival centers for Civil War and Francoist documents for research. Additionally, the law makes it obligatory to teach about both the Civil War and Franco's regime in secondary school as well as education on democratic transition, principles, and values.[23] Spain is making attempts to reconcile its past, instill trust in its political institution, and ensure that history does not repeat itself. However, the 1977 Law of Amnesty is still in effect and does not allow for prosecuting perpetrators of violent crimes under Franco.[24] Seemingly, the Spanish government will not change the laws to allow punishing crimes committed between 1936 and 1975.

Current scholarship has largely focused on historical memory and reconciliation with the most recent law responding to criticism surrounding the education of the Civil War and Franco-era history, although the educational narrative has yet to be determined. The new law's formation of documental archives is also encouraging new scholarship. The laws, however, still have not acknowledged transitional or collective justice. Some scholars, such as writer Antonio Muñoz Molina, even go so far as to say that the past "should be 'left to the historians and not the judges and the politicians.'"[25] The

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[22] Spain, Boletín oficial del Estado, Disposiciones Generales. *Ley 20/2022, de 18 de octubre de 2022*. 17099, Núm. 252 Sec. I. Página 142368, 2022. "Frente a esta experiencia histórica, esta ley tiene un doble objetivo. Por un lado, pretende fomentar el conocimiento de las etapas democráticas de nuestra historia y de todas aquellas figuras individuales y movimientos colectivos que, con grandes sacrificios, fueron construyendo progresivamente los nexos de cultura democrática que permitieron llegar a los acuerdos de la Constitución de 1978, y al actual Estado Social y Democrático de Derecho para defender los derechos de los españoles, sus nacionalidades y regiones."

[23] Spain, Boletín oficial del Estado, Disposiciones Generales, *Ley 20/2022, de 18 de octubre de 2022*, 17099, Núm. 252 Sec. I, Página 142398, 2022, Article 44. "El sistema educativo español incluirá entre sus fines el conocimiento de la historia y de la memoria democrática española y la lucha por los valores y libertades democráticas, desarrollando en los libros de texto y materiales curriculares la represión que se produjo durante la Guerra y la Dictadura. A tal efecto, se procederá a la actualización de los contenidos curriculares para Educación Secundaria Obligatoria, Formación Profesional y Bachillerato."

[24] Ley de Amnistía (Ley 46/1977 de 15 de octubre), Ministerio de Justicia, Gobierno de España, «BOE» núm. 248. Referencia: BOE-A-1977-24937

[25] Encarnación, *Democracy without Justice in Spain the Politics of Forgetting*, 176.

politicization of Spain's historical memory has caused shifting narratives and the erasure of a collective past through the democratic transition.

The Historical Memory Law is but a mere band-aid to please the marginalized resulting in a more developed Democratic Memory Law in 2022. Drafted specifically to appease international pressures in response to the Parliamentary Assembly of the Council of Europe, the memory law is used to lay the foundation for "promoting democratic memory," proclaiming the unjust nature of crimes committed during the Civil War and thereafter.[26] The Spanish democratic government has acknowledged the traumatic memory but failed to fully reconcile Spain's past with only the acknowledgment of the victims and no accountability for political crimes and abuses. Why will Spain not overturn the 1977 Amnesty Law for war crimes committed to allow for prosecutions? Spain diverges so much from surrounding European countries in reconciling their violent pasts (Germany prosecutes men/women in their 90s for crimes committed in Nazi concentration camps); why does Spain continue to avoid transitional justice even in the name of democracy?[27] For the past few decades, the criticism has stemmed more from the lack of acknowledgment of the atrocities committed. Spain has slowly built in acknowledgment through the Historical Memory Laws, beginning with the Historical Memory Act in 2017. Additionally, the Democratic Memory Law added provisions in

[26] Ley de la Memoria Histórica Ley 52/2007 de 26 de diciembre 2007, Ministerio de Justicia, Gobierno de España.

[27] There is no statute of limitation under German law for the prosecution of former Nazi guards who were an accessory to murders in concentration camps. Many cases have been put forward as precedents in charging those responsible for crimes against humanity during Nazi occupation. One such case is the 98-year-old German man who was a former SS guard indicted with 3,300 counts of accessory to murder for crimes. The oldest camp guard charged so far is 101-year-old Josef Schuetz. See article for further information: "Former SS Guard, 98, Charged as Accessory to Murder at Nazi Concentration Camp," *CBS News*, September 1, 2023, https://www.cbsnews.com/news/ex-ss-guard-charged-accessory-murder-nazi-concentration-camp/.

2022 providing educational and scholarly opportunities with the opening of national archives and the obligation of secondary schools to include the teaching of the Civil War and Franco's regime in the curriculum to better understand Spain's historical memory. The implication of reconciliation is a broader, more universal issue of understanding the polarization of controlled historical memory and uncovering a historically faithful collective memory.

To uncover Spain's historical memory and seek answers for the lack of transitional justice, the *Valle de los Caídos* is a relevant space as the anchor and backdrop of Spain's collective memory. The valley, largely built by Civil War and Republican political prisoners assigned to forced labor, holds approximately 30,000 buried victims and took approximately 19 years to construct.[28] In English, its name means "Valley of the Fallen," an ironic memorial erected that was initially said to commemorate those who had died during the Civil War but instead visually pays homage to Spain's dictator. The only place markers for the dead belonged to Francisco Franco, buried in the mausoleum's center, and Falangist founder, Primo de Rivera. This thesis will follow the Valley's rise and fall parallel to Franco in addition to the post-Franco memory laws' handling of Franco and his grandiose valley. A discussion on the Amnesty Law, the Historical Memory Laws, and the Democratic Law will detail the progression of Spanish historical memory further, while also showing that the specific legal language all but refrains from seeking transitional justice for Falangist crimes committed.

[28] The Contested Histories Initiative, "The Valley of the Fallen in Spain," *Contested Histories Case Study #144* (March 2022), https://contestedhistories.org/wp-content/uploads/Spain_-Valley-of-the-Fallen-in-Madrid.pdf.

Methodology and Sources

In order to fully reconcile Spain's past, it is essential to understand Spain's history as it diverges from historical memory. I will focus on the politics of place, or how the spatiality of a location is connected and/or influenced by political matters, at the Valley of the Fallen specifically and how the valley has been memorialized, evolved, and renamed to the *Valle de Cuelgamuros*. As the original burial grounds of Francisco Franco, the Valley of the Fallen is a significant and telling memorial that serves as a metaphor for the decadence of Franco's time as dictator. The original *Valle de los Caídos* will serve as the anchor in discussing the historicity of Franco's regime as a project of the regime itself with a shift in purpose like a pendulum swing as a place of commemoration for those fallen during the Civil War, built by Republicans who were sentenced to harsh physical labor, to a monument to Franco himself later exhumed and now stripped of its original name. Using a qualitative method with primary sources, such as architect Diego Méndez's book detailing his plans and purpose for the valley, will aid in understanding the justifications of Spain's monumentality, or rather explain Franco's projection of his fascist architectural ideology through monuments. Diego Méndez's book *El Valle de los Caídos: idea, proyecto, y construcción* details the constructive process of the valley from the second architect's point of view giving a first-hand account of the symbolic function of each element.[29] The paradigms of monumentality during Franco's regime followed a fascist ideological structure exalting the Spanish dictator rather than memorializing the

[29] Diego Méndez. 1982. *El Valle de los Caídos: idea, proyecto y construcción.* 1a ed. Spain: Fundación de la Santa Cruz del Valle de los Caídos.

Civil War victims. Guidebooks for tourists of the valley from the 1970s and early 2000s issued by the Patrimonio Nacional also provide a glimpse into how the Spanish government portrays the symbolic function of the valley, not as a memorial but as an architectural feat with no mention of its contextual history. The guidebooks continue to reflect the political, government-controlled narrative of Spain's history in its delivery of the valley's presentation with only a single page of its sixty-something pages mentioning in a few single sentences those who died for the Spanish cause during the Civil War.

Democratic Spain is devoid of its traumatic past, and the Spanish government very lightly shows light on a fragmented trauma without any accountability. Chapter III and Chapter IV will discuss the language and actionable progression of the Law of Amnesty, the Historical Memory Law, and the Democratic Memory Law of 2022 as it relates to accountability and memorialization in public places. There is no doubt that the fascist regime was violent and tragic. While Spain passed laws for reparations, the laws were broadly written with no indication of punishment for those who committed crimes, especially with the Amnesty Law still enacted. From a social-historical perspective, Chapter III will discuss the implications of Spanish law on Spain's collective historical memory. Primary sources and interviews will give a glimpse of the realities on both sides of the coin of Franco's regime.

Historiography

The Pact of Forgetting was enacted as the 1977 Amnesty Law to establish the legitimacy of the new democratic monarchy, to unite Spain with the idea of Spanish exceptionalism and nationalism, and to modernize and solidify Spain to the European hegemony. Historian Carolyn P. Boyd states, "European nationalisms have typically

resorted to the national past, real or 'invented,' to establish the legitimacy of their claims in the present and future, especially where they have to contend with strong particularist loyalties and cultural traditions."[30] Thus, the reinvention of a new Spain could be interpreted as the beginning of a cultural project for shaping the nation into a new, modern "imagined community."[31] Boyd suggests that the Historical Memory Law is a response to the present "memory wars" in Spain, adding that history's "moral authority comes from its regard for truth-seeking and its social utility from its power to explain and interpret."[32] She reminds us that Spain's law opens the doors for interpretation but is not intended to aid in the re-creation of a solidified collective historical memory. Instead, the law's purpose is to give closure to those who were victimized.

The new Spanish democratic government needed to separate from Franco's regime, understanding that diverting through condemnation could be detrimental to unification. Many of Franco's constituents remained in position as they spearheaded the reformation of Francoist political structures.[33] Adolfo Suárez, who worked closely with Arias Navarro in 1975 as the "Ministro-Secretario del Movimiento" (Minister of the Falangist Movement), was appointed prime minister of Spain in 1976 and met with leaders to establish trust in democratization efforts through what historian Omar Encarnación states as "full democracy for the historic opposition to the Franco regime led by the communist and socialist parties and constitutional continuity for Francoist

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[30] Carolyn P. Boyd, *Historia Patria: Politics, History, and National Identity in Spain, 1875-1975* (Princeton, NJ: Princeton University Press, 1997).
[31] Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London, UK: Verso, 2016).
[32] Carolyn P. Boyd, "The Politics of History and Memory in Democratic Spain," *The ANNALS of the American Academy of Political and Social Science* 617, no. 1 (May 2008): 133-148, https://doi.org/10.1177/0002716207312760.
[33] Encarnación, *Democracy without Justice in Spain the Politics of Forgetting*, 52.

authoritarians."[34] To avoid potential conflicts amongst the opposing political parties during the Transition, party leaders avoided the language of condemnation and retribution against offenses committed during the Civil War and the subsequent regime. The focus of democratization efforts was to move forward and transition as smoothly as possible without political or civil disruptions. In doing so, the Law of Amnesty provided a platform for the dissolution of the previous repression found under Franco without retribution. Throughout the transition, only one small group argued for public condemnation of past atrocities. The *Partido Socialista Popular* (PSP), a small socialist party formed illegally in the 1950s, pleaded to acknowledge those who suffered the consequences of the past.[35]

Spaniards spent thirty-six years under Franco's control; in some cases, that is a lifetime and the only known way of life. Prime Minister Adolfo Suárez, appointed in 1976, was born in 1932 to parents who supported the Republicans during the Civil War.[36] Too young to understand the war, Suárez only knew Franco's Spain, a Spain heavily guided by the censorship of media and press and Francoist propaganda. A sober reminder, too, that those who opposed Franco's Spain during his regime were swiftly punished to varying degrees including torture, rape, and execution.[37] Opposition to Franco's fascist regime was never a common public narrative because of the fatal consequences. Additionally, the longer duration of the regime, spanning over three and a

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[34] Encarnación, *Democracy without Justice in Spain the Politics of Forgetting*, 53.

[35] The *Partido Socialist Popular* represented only 4.5% of the 1977 general election results for the Spanish Congress. "Election Resources on the Internet: Elections to the Spanish Congress of Deputies - Results Lookup," Election Resources on the internet: Elections to the Spanish congress of deputies. Accessed February 23, 2023. http://www.electionresources.org/es/congress.php?election=1977.

[36] "Spain's Democracy Man," *The Economist Newspaper*, March 29, 2014, https://www.economist.com/obituary/2014/03/29/spains-democracy-man.

[37] Preston, *The Spanish Holocaust Inquisition and Extermination in Twentieth-Century Spain*, xvii.

half decades, provided a more consistent compliance with the fascist dictatorship. Franco aligned himself with Adolf Hitler and Benito Mussolini, but while both died in 1945, Franco continued his regime for another thirty years until 1975. The result of the Pact of Forgetting was turning the past into a taboo subject, making it inappropriate for discourse on the violence and the Civil War, a complete diversion from other fascist regimes such as in Germany.[38]

However, the Transition became the exemplar for other democratic transitions in dealing with the least worst of possibilities conflated with reconciliation and democracy. There was no desire to fully face the realities of crimes during Franco's regime while transitioning to a democracy, a fully political decision rather than an ethical one. Stephanie Golob states, "Spain cannot have it both ways—its democratic government cannot claim to be a model European democracy embracing Europe's universalist view of states' human rights obligations and then also claim an exception from those same obligations in the name of democracy."[39] Additionally, while the Law of Amnesty served to move Spain forward, it had a detrimental and converse effect in that "Spain's identity as a democracy was diminished by impunity and enhanced by confronting the past."[40] The idea of Spanish exceptionalism puts the Transition in a more positive view, while Spanish Political Science professor Paloma Aguilar asserts that the Transition was successful due to the underlying fear of uncertainty and the pessimistic view of the main

[38] Encarnación, *Democracy without Justice in Spain the Politics of Forgetting*, 6.
[39] Stephanie R Golob, "(De) Criminalizing the Past: Spain's Legal Response to History, Memory, and Historical Memory," in *Memory Laws and Historical Justice: The Politics of Criminalizing the Past* (New York, NY: Palgrave Macmillan, 2022), 45-72.
[40] Golob, "(De) Criminalizing the Past," 45-72, 65.

actors.[41] The fear created caution with a strong sense of risk aversion. Memories of the last democratic transition during the 1931 Second Republic of Spain activated fears of conflict, especially since the Second Republic ultimately ended in a civil war. While the Transition was seemingly smooth and peaceful, Aguilar states, "it is easy to forget its violent elements."[42] Aguilar adds, "The absence of measures of political justice and even of public debate about such measures cannot be explained without taking into account social and political perceptions strongly affected by the traumatic memory of a fratricidal conflict, and an obsessive desire to avoid its repetition."[43] The Pact of Forgetting focused on the peaceful transition to democracy, ensuring the unification of political parties and positions constantly at odds rather than polarizing the traumatic political and social past. Scholars disagree on the Spanish government's viewpoint on the push for democracy, whether it is a positive outlook as Spain becomes a more modern European actor or whether Spain's Pact of Forgetting was a more civil way of turning the cheek to the atrocities committed under the Franco regime in order to move on as if the past did not exist.

The Historical Memory Law of 2007 was the government's response to the civil movement seeking justice for the victims of the Civil War and Franco's almost 40-year regime. Other factors that contributed to the push for victim reparations include the Socialist Party's (*PSOE*) rise of membership of Civil War grandchildren, the initiatives initially promised during Rodriguez Zapatero's tenure as Prime Minister from 2004-2011, and significant dates (the 70th anniversary of the Civil War and 75th Anniversary

[41] Paloma Aguilar, "Justice, Politics, and Memory in the Spanish Transition," in *The Politics of Memory Transitional Justice in Democratizing Societies* (Oxford: Oxford University Press, 2001), 92-118, 94.
[42] Aguilar, "Justice, Politics, and Memory in the Spanish Transition," 97.
[43] Aguilar, "Justice, Politics, and Memory in the Spanish Transition," 97.

of the proclamation of the Second Republic of Spain).[44] However, the government was only concerned with the image of transitional justice to seem aligned with European counterparts. Moreover, the lack of atonement for the sins committed by the Falangist movement does not align well with the atrocities and violence. Historian Paul Preston wrote an almost 500-page historical monograph discussing in gruesome detail the Falangist violence against humanity where he states, "I could find no word that more accurately encapsulates the Spanish experience than 'holocaust,'" and so his book, *The Spanish Holocaust* sheds light on the violence invoked not by an external force, but on innocent Spaniards by Spaniards with the intention of extermination.[45] Preston's book focuses on the extremes of Falangist actions as the violent norm and states that the actions, while they cannot be equated to Germany's occupational holocaust, are part of Spain's historical memory. He also argues that during Franco's regime, Franco's subsequent brainwashing of public memory and propaganda through educational textbooks and religion created a collective memory that does not acknowledge the Republican's shared experience.[46] After the Pact of Forgetting, Spain had a revisionist shift in historical memory to ultimately erase almost four decades of singular historical memory propagated by Franco. Spain's paradox lies in the Transition to democracy through the Pact of Forgetting, unifying a nation by forgetting a contentious past in the attempts to modernize as part of the European hegemony when the broader context of the

[44] Paloma Aguilar, "Transitional or Post-Transitional Justice? Recent Developments in the Spanish Case," *South European Society and Politics* 13, no. 4 (2008): 417-433, https://doi.org/10.1080/13608740902735000, 428-429.
[45] Preston, *The Spanish Holocaust Inquisition and Extermination in Twentieth-Century Spain*, xi.
[46] Preston, *The Spanish Holocaust Inquisition and Extermination in Twentieth-Century Spain*, 520.

European experience requires transitional justice, something that Spain has systematically forgotten.

Additionally, Spain diverges significantly in the process of reconciling a highly polemic political and tragic past from other fascist regimes. The Spanish government does more to cover the past than to acknowledge and condemn those who committed crimes, almost becoming more of a protectorate for the Falangists. Spain's case also diverges in the Francoist longevity, which many Spaniards view positively due to the almost four decades of propaganda. There is no doubt that the Transition caused the Spanish government to use their words cautiously so as not to create division between political parties and civilians. Almost forty years later, the Spanish government continues to tiptoe around the topic, putting most of the onus on civilian non-profit organizations to exhume and reconcile on their own. Journalists Emilio Silva and Santiago Macias founded the *Asociación para la Recuperación de la Memoria Histórica* (ARMH) in the year 2000 to aid in reuniting family members with the disappeared.[47] The ARMH's aim is "dignificar nuestro pasado, pedir justicia a los que la merecieron y no la tuvieron, y profundizar nuestra democracia."[48] The organization serves as a reminder of the Spanish government's lack of accountability and condemnation of those who specifically aided in conducting violence. The aim also suggests that to strengthen democracy is to understand the past fully. Omar Encarnación agrees with Silva's assertion that the Historical Memory Law lacks collective justice and "deprives the nation of an official narrative

[47] "Inicio," Asociación para la Recuperación de la Memoria Histórica, accessed March 7, 2023, https://memoriahistorica.org.es/.

[48] "¿Qué Es La Asociación Para La Recuperación De La Memoria Histórica (ARMH)?," Asociación para la Recuperación de la Memoria Histórica, accessed March 7, 2023, https://memoriahistorica.org.es/que-es-la-asociacion-para-la-recuperacion-de-la-memoria-historica-armh-2000-2012/. ¿Quiénes somos? (who we are) the aim, as stated on the website, translates to "to dignify our past, seek justice for those who did not have it, and to deepen our democracy."

about the political abuses of the past."[49] Without a collective narrative, Spain battles with ignorance and apathy over the past horrors, with the newer generation of Spaniards unaware of the previous sacrifices.

When Judge Baltasar Garzón, who served on Spain's *Audiencia Nacional*, attempted to investigate in the year 2008 the disappearance of 114,000 Spaniards and violent crimes under Franco, he was indicted in 2012 on charges that he failed to comply with the 1977 Amnesty Law and subsequently disbarred.[50] Some called for the law to be revoked on account of transitional justice and that it is against international human rights law. On September 15, 2021, a victim of Francoist torture on three separate occasions in 1964, 1967, and 1974 was barred from investigation and prosecution under the Amnesty Law, and because the events happened more than 40 years ago, they were beyond the statute of limitations.[51] Spain continues to uphold historical amnesia and refuses to hold those accountable.

Another issue that arises is the constant shift in political control between the left and the right. The *Partido Popular* (PP) is the right-wing political party that tends to express the desire to move forward, while the left-wing *Partido Socialista Obrero Español* (PSOE) argues for more legislation to reconcile the past in due part to the Spanish Republican's association with liberalism and the Nationalist associated with conservatism. The subsequent laws are bipartisan collaborations that have slowly evolved based on the political party in power and, due to the collaboration, may never seek

[49] Encarnación, *Democracy without Justice in Spain the Politics of Forgetting*, 175.
[50] Betsy Reed, "Baltasar Garzón Cleared over His Franco-Era Crimes Inquiry," *The Guardian News and Media*, February 27, 2012, https://www.theguardian.com/world/2012/feb/27/baltasar-garzon-cleared-franco-crimes.
[51] Spain, Boletín oficial del Estado, Tribunal Constitucional, *Auto 80/2021, de 15 de septiembre de 2021*. Recurso de amparo 5781-208, No. 251 Sec. TC. Page 128154, 2021.

prosecution or allow for punishment for those responsible. Carolyn Boyd states that "this transactional formula, which ensured the necessary consensus between the nationalist right and the democratic left, left many questions deliberately unanswered."[52] Furthermore, based on a 1981 study of Spanish and regional stereotypes, Boyd states that Spanish national identity is generally attributed to negative characteristics of nationalism and repression while regional characteristics and subgroups are described in more positive terms.[53] Boyd states that the dissociation between individual and national identity is suggestive of a lack of consensus with historical memory and a lack of public framing of the historical narrative that has been largely politically narrated. Omar Encarnación also agrees with Boyd that the political motivation of the narrative has been a push towards a project of modernization and less aligned with retribution, a way to reimagine Spain's people by forgetting the past in a push to move forward.[54] The politics of place in the framing of Spain's national narrative at the Valley of the Fallen suggest that the monuments in their immense scale, dramatic direction, and influence of the Catholic Church exhibit the power of a totalitarian, fascist regime. The memory laws attempt to redirect the narrative with a focus on a modern Spain, diminishing the violence of the past.

[52] Boyd, *Historia Patria*, 304.
[53] Boyd, *Historia Patria*, 305.
[54] Encarnación, *Democracy without Justice in Spain the Politics of Forgetting*, 24.

Chapter II.

Building of the Valley-The Dominant Politicized Narrative of Power

Construction of the Valley: Franco's Ultimate Obra Maestra (Masterpiece)

On April 1, 1940, a year after the end of the Spanish Civil War, Francisco Franco presented the idea of erecting a pharaonic monument commemorating his victory over the battlefields and honoring the heroes who died for the cause.[55] According to Daniel Sueiro in his book *La verdadera historia del Valle de los Caídos*, Franco presented the idea in the Palacio de Oriente at a lunch where he sat between the German and Italian ambassadors.[56] As Franco's ally during the war, Franco was heavily influenced by the German and Italian totalitarian regimes and wished to follow the architectural ideology of monumentality.[57] Immediately following the lunch gala commemorating the first anniversary of the end of the Civil War, Franco took the diplomats and higher officials to the site of the Valley of Cuelgamuros in the Sierra de Guadarrama where under-secretary of the *Presidencia del Gobierno* (Presidency of the Government), Valentín Galarza, read the 1940 decree officially inaugurating the site of Cuelgamuros for the use of a basilica, monastery, and youth. The decree was echoed by the cries of "*España, ¡Una! ¡Grande! y ¡Libre!.*"[58] From its conception, the valley was presented as morally and physically

[55] Daniel Sueiro, *La verdadera historia del Valle de los Caídos: la cripta franquista* (Madrid: Editorial Tébar Flores, 2019), 27.
[56] The *Palacio de Oriente* is another name for the Royal Palace in Madrid, specifically referring to the eastern side of the palace facing the *Plaza de Oriente*. The plaza is lined with forty-four statues of Spanish kings ranging from the Gothic period up to the sixteenth century originally sculpted to be placed on the top of the palace.
[57] Alfredo González-Ruibal, "Excavating Europe's Last Fascist Monument: The Valley of the Fallen (Spain)," *Journal of Social Archaeology* 22, no. 1 (2022): 26–47, https://doi.org/10.1177/14696053211061486.
[58] Sueiro, *La verdadera historia del Valle de los Caídos*, 28.

necessary, as stated in Franco's decree, "in order to perpetuate the memory of those who fell in our glorious Crusade."[59] However, the architecture suggests that Franco used the valley to exalt himself and his regime with constant imperialistic rhetoric at the center. The valley is reminiscent of imperial Spain with the centricity of the Catholic Church. The decree focused on the crusade ideology, echoing a quasi-religious mysticism that translated into the valley's architectural features.

According to Daniel Sueiro, the memorialization of victory was Franco's obsession idealized before the Caudillo's victory over the Republic.[60] Franco was obsessed with the neoclassical tradition and architecture, since it exemplified a rhetoric of imperialism and echoed the same universal values as the Catholic Monarchs, King Ferdinand and Queen Elizabeth, at the height of Spain's power. Franco wanted a pharaonic pyramid to symbolize his immense power and victory over the Civil War battlefields as a way to put him at the physical and metaphorical center of those who lost their lives in the pursuit.[61] Pyramids historically served as the religious ceremonial center of a civilization where people gathered to worship their gods, provide sacrificial offerings, and learn as a center of knowledge. They were also the central force for governing and religion for its civilization. Memorializing Franco's victory in the Civil War meant combining the idea of a pyramid with neoclassical traditional architecture to evoke sentiments of early imperial Spain. The origination of a Nationalist victory monument was first published in September 1940 in the Falangist magazine, *Vértice,* by

[59] Álex Bueno, "Valle de Los Caídos," *Memory and Cultural History of the Spanish Civil War: Realms of Oblivion,* 93 (2014):51–109, https://doi.org/10.1163/9789004259966_004; Decreto de 1 de abril de 1940. *Boletín Oficial del Estado* número, 93. Translated from: *"perpetuar la memoria de los caídos de nuestra gloriosa Cruzada."*
[60] Sueiro, *La verdadera historia del Valle de los Caídos*, 21.
[61] Franco was physically buried in the center of the basilica at the valley, surrounded by the remains of the fallen buried in the walls.

three Nationalists -sculptor Manuel Laviada, architect Luis Moya, and viscount of Uzqueta -as a conceptualized memorialization of Nationalist victory.[62] The sentiments were echoed by Franco in the subsequent search for a national monument for the cause, suggesting a memorial to Francoism and Nationalist victory rather than a dedication to a united national front that openly and fully included the opposition.

Additionally, between the years 1937 and 1943, fascism had greater sway in Spain and was materialized in monuments through the landscape of memory.[63] The year 1937 marked the addition of Italy into the Anti-Comintern Pact, effectively an agreement against communism that already included Japan and Germany.[64] With the support of Germany and Italy on the Nationalist side of the Spanish Civil War, Spain also joined the pact exhibiting allegiance with fascists forces on the day that the Republicans surrendered in 1940. After the signing of the Anti-Comintern Pact, the Axis powers staged commemorative events, performed at an unprecedented national level through media, and campaigned heavily for the new world order.[65] Franco was heavily influenced by his alliances with contemporaries Benito Mussolini and Adolf Hitler, both of whom built imposing classical structures that served as central areas of gathering for political speeches and performances for cultural propaganda and national unity.[66]

The Valley was constructed under the direction of two architects, Pedro Muguruza and Diego Méndez. The architects "designed the Valley of the Fallen to become an eternal metaphor of the regime's ideology, aiming thereby to infuse the

[62] Bueno, "Valle de Los Caídos," 53.
[63] See Chapter V for further discussion on the spatial memorialization around Spain outside of the valley.
[64] Reto Hofmann, "Fascism in World History, 1937–1943," in *The Fascist Effect* (Ithaca, NY: Cornell University Press, 2016), 109–35, https://doi.org/10.7591/9780801456367-007.
[65] Hofmann. "Fascism in World History, 1937–1943," 111.
[66] Bueno, "Valle de Los Caídos," 61.

monument with a temporal dominance over Spanish history."[67] Pedro Muguruza was appointed the Director General of Architecture by Franco in 1940 to present a design at the National Exposition of Architecture.[68] After almost a decade of work and an illness, Muguruza had not yet completed the construction of the valley, causing Franco's displeasure and the subsequent appointment of Diego Méndez as the official architect to complete the construction. Diego Méndez was a famed architect known for his restoration of the *Palacio del Pardo,* Francisco Franco's official residence until his death—a palace administered by the *Patrimonio Nacional* as the official residence of the Spanish royal family dating back to the 15th century—amongst other notable architecturally significant construction of the time.[69]

The exaltation of Franco is evident in the very location of the valley. Franco was very particular in his placement of the monument and meticulously chose the area for its position along the stream of Tejos, a direct path to the village of San Lorenzo de El Escorial, a significant grandiose mausoleum, monastery, and center of education signifying the wealth and power of the previous Spanish monarchs from the 16th century.[70] The valley also presented itself as a natural place to envelop the Catholic church and proved to be a high point to emblazon an imposing cross that can be seen from approximately twenty miles away. According to the 1974 tourist guidebook for the valley issued by the *Patrimonio Nacional* for tourists who visit the national monument in Spain, the geographical location was chosen to symbolize a "monument to all

[67] Rodriguo Delso, Atxu Amann, and Federico Soriano, "Time, Architecture and Domination: The Valley of the Fallen," *Heritage & Society* 11, no. 2 (2018): 128, https://doi.org/10.1080/2159032X.2019.1670534.
[68] Diego Méndez, *El Valle de los Caídos: idea, proyecto y construcción.* 1a ed. (Spain: Fundación de la Santa Cruz del Valle de los Caídos, 1982), 21.
[69] Sueiro, *La verdadera historia del Valle de los Caídos*, 115-119.
[70] Sueiro, *La verdadera historia del Valle de los Caídos*, 19-29.

Spaniards."[71] It further states that the monument is "in memory of all those who lived up to their ideals in the name of Spain" and then continues to expound on the location to be "acknowledged as one of the finest examples in the world of a monument harmonizing with its natural surroundings," naming Franco as the sole conceptor, a testament not to the Spaniards who gave their lives, but to the constant exaltation of Franco.[72] The 2002 tourist guidebook, published by the *Patrimonio Nacional* of Spain, continues with the conception of the valley as, "su origen, su creación, e incluso, en muchos detalles, la forma de este proyecto se deben a Francisco Franco, Jefe del Estado."[73] The guidebook for visitors focuses not on the historical context of the valley, but on the architectural feats and craftmanship fit for a king. The guide boasts that the purpose of the Patrimonio Nacional as the administrative organization over the state's property is to captivate the valley's "symbolic value" of Spain's historic legacy as an artistic treasure and its "influence on the cultural identity of Spain."[74] The valley portrays Franco's ideology aligned with the Catholic church, subsequently named Santa Cruz del Valle de los Caídos.

On May 20, 1939, a day after the Nationalist's victory parade, Generalísimo Franco attended a service in Madrid and preached at the altar, stating,

> Lord, benevolently accept the effort of this people, which was always Thine, which, with me and in Thy name, has vanquished with heroism the enemy of the truth in this century.

[71] Patrimonio Nacional, *Santa Cruz Del Valle de Los Caídos Tourist Guide-Book*, 10th ed. (Madrid, Spain, 1974), 6.
[72] Patrimonio Nacional, *Santa Cruz Del Valle de Los Caídos Tourist Guide-Book*, 1974, 9. "Its origin, its creation, and even, in many details, the shape of this project is due to Francisco Franco, Head of State."
[73] Patrimonio Nacional, *Santa Cruz Del Valle de Los Caídos Tourist Guide-Book* (Madrid, Spain, 2002), 8.
[74] Patrimonio Nacional, *Santa Cruz Del Valle de Los Caídos Tourist Guide-Book*, 2002, 7.

> Lord God, in whose hands rest all right and all power, lend me Thy assistance to lead this people to full imperial liberty, for Thy glory and that of Thy Church.
>
> Lord, may all men know that Jesus is Christ, the living son of God.[75]

In Brian Crozier's biography of Franco, Crozier states that the prayer suggests an "underlying assumption of the Generalísimo's 'Crusade'—that the National Movement was carried out in God's name; and it describes the defeated half of the Spanish people as 'the enemy of the truth.'"[76] In the prayer, Franco asks to be the leader of the Spaniards, positioning himself as the "savior" of the Spanish people thereby justifying a new Spanish Crusade. In this prayer, Franco has positioned himself as the leader along with his followers, the Nationalists, against the enemies of truth, or rather those who opposed the Nationalist cause. Franco asks for God's assistance to lead his people and situates himself as the chosen one. The term "crusade" often refers to the medieval Spanish Catholic military campaign, an imperial endeavor to reconquer and consolidate Spain to a conservative, Christian ideology. Franco's regime focused heavily on the purification and redemption from the immorality engendered by the New Republic and thus the Nationalists, on the side of Franco, propagated a national moral crusade in Spain.[77] In 1940, the *Historia de la Cruzada Española*, the canonical piece that functions as a Catholic defender of falangist propaganda, was published as a collaboration with the Head of Information and Propaganda Service depicting the vision of the victors. Additionally, writer and contributor José María Pemán wrote a children's edition titled

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[75] Brian Crozier, *Franco: A Biographical History* (Boston, MA: Little, Brown and Company, 1967), 294.
[76] Crozier, *Franco*, 294.
[77] Richard Cleminson and Claudio Hernández Burgos, "The Purification of Vice: Early Francoism, Moral Crusade, and the Barrios of Granada, 1936-1951," *Journal of Spanish Cultural Studies* 16, no. 1 (2015): 95–114, https://doi.org/10.1080/14636204.2015.1041317.

Historia de España contada con sencillez where he referred to the raising of the Falangist Spanish flag, "bearing the burden and arrows of the Catholic kings."[78] The push for the new Spain and her crusade was evident. It is worth noting that Spain's Republic in 1931 was anti-clerical and in 1936, Pope Pius XI gave Franco his blessing and confidence for a new Catholic Spain. With the publication of the collective pastoral of the Spanish Episcopate in 1937, a letter written by the Spanish Bishops on the approval of Franco's purification of the national Spanish spiritual consciousness against the anti-Catholic Republic struggle, the position of Franco and his war against the Republicans was sanctified.[79] Franco had the support of the Catholic church and full power in Spain.[80] With Generalísimo Franco's rise to the top of his military career, from his military endeavors in Morocco and his success in fighting against the anti-clerical Second Republic, it is not surprising that Franco owed his successes as *the* Spanish leader appointed by God.[81]

The valley's structures were built largely by Republican prisoners with physical labor. Prisoners who had sentences of thirty years were allowed to exchange their labor for a lessened sentence as a form of retribution for their "red crime," while those who were condemned to death did not have the option for physical labor.[82] Initially, laborers could decrease their sentence by two days for every day worked; later, the reduction was extended to 6 days for every day worked. The contributions to labor and death are notable in that the most grandiose of Franco's projects was built on the backs of Republican

[78] José María Pemán, *Historia de España contada con sencillez* (Madrid: Biblioteca Homo Legens, 2008), 437.
[79] *Joint Letter of the Spanish Bishops to the Bishops of the Whole World: the War in Spain* (New York: The American Press, 1937).
[80] Sueiro, *La verdadera historia del Valle de los Caídos*, 23.
[81] Crozier, *Franco*, 27-85.
[82] Sueiro, *La verdadera historia del Valle de los Caídos*, 55-60.

prisoners. The idea was that this opportunity was given by the grace of God for Republicans to atone for their sins, that they would unify with Franco's project, for their faith, and their mother country.[83] The working conditions were very harsh, and inevitable dangers such as amputations, physical defects, explosions, landslides, electrocutions, respiratory issues from breathing dust particles without proper protection, and death were common.[84] While the perceived focus on the valley is on those who had fallen during the Spanish Civil War, only those who were Catholic were allowed to be interred in the valley. Notably missing from mention in all the tourist guidebooks up through the turn of the twenty-first century are those who built the valley and hollowed out the mountain, the Republicans, and labor camps. Additionally, the only mention of the Civil War victims is in the valley's original name as the "fallen." The guidebooks themself begin with the conception of the valley as an idea conceived before the Civil War had ended, a tribute to ideals, the ideals of Francoism.[85] In the April 2, 1940 decree, Franco outlines the purpose,

> La dimensión de nuestra Cruzada, los heroicos sacrificios que la victoria encierra y la trascendencia que ha tenido para el futuro de España esta epopeya, no pueden quedar perpetuados por sencidos monumentos con los que suele conmemorarse en villas y ciudades los hechos salientes de nuestra Historia y los episodios gloriosos de sus hijos.
>
> Es necesario que las piedras que se levanten tengan la grandeza de los monumentos antiguos, que desafíen al tiempo y al olvido, y que constituyan lugar de meditación y de reposo en que generaciones futuras rindan tributo de admiración a los que les legaron una España mejor.
>
> A estos fines responde la elección de un lugar retirado donde se levante el templo grandioso de nuestros muertos que, por los siglos, se ruegue por los que cayeron en el camino de Dios y de la Patria. Lugar perenne de peregrinación, en que lo

[83] Sueiro, *La verdadera historia del Valle de los Caídos*, 52.
[84] Sueiro, *La verdadera historia del Valle de los Caídos*, 224.
[85] Patrimonio Nacional, *Santa Cruz Del Valle de Los Caídos Tourist Guide-Book*, 1974, 5. "The monument to all who fell in the Spanish Civil War, the erection of which was considered while the war was still in progress and decided upon when it ended, should be regarded by all Spaniards as a just tribute to the memory of all those who gave their lives for their ideals."

> grandioso de la naturaleza ponga un digno marco al campo en que reposan los héroes y mártires de la Cruzada.[86]

The monument was to be built for the victory of the Spanish Crusade, for those who fought for the ideals of Spain, the ideals of Francoism. The structures would be built with longevity in mind, built to outlast Franco's regime, "for the centuries" beyond, so "that they defy time and oblivion," and built to memorialize what was perceived as the pivotal historical Spanish acumen of the twentieth century, so that the regime may be admired for generations.[87] The decree's use of words such as "epic," "undisturbed," "glorious episodes," and "greatness" in the first paragraph amplifies the ambitiousness and grandeur of the monument. The final paragraph of the decree states that the monument would be erected as a place of pilgrimage and prayer for those who died as heroes and martyrs, suggesting that the contrary are enemies of the state and the church, implicitly suggesting forced compliance for the Republicans. The valley doubled as a monument and as a place of religious order with the Catholic Church. Adding the Church to show Franco's power and influence with religion and state and actualizing Franco's image of a pharaonic pyramid further cements the valley as the "*templo grandioso*" of Franco's Spain. Franco's Spain encouraged pilgrimages to the valley as the central location of God and country in reference to the valley as the "*lugar perenne de peregrinación*." Those who died on the nationalist side were considered martyrs, fighting in the name of God and those who were Republican, upon atonement of their sins against God and Spain and with their commitment to their Catholic faith and country, could also

[86] Decreto de 1 de abril de 1940. *Boletín Oficial del Estado* número, 93.
[87] Decreto de 1 de abril de 1940. *Boletín Oficial del Estado* número, 93.

be interred at the valley. Nevertheless, Franco continued to exalt himself as the "savior" of the Spanish people.[88]

Memorialization through the Physical Space

The valley acts as a site and symbol of an architectural typology conveying Franco's ideology as the leader of the new Spanish crusade for "God and for History."[89] The monument consists of a church carved out of the side of the mountain, a monastery, a basilica, a crypt, and a center for studies and a *Cuartel de Juventudes* (a boarding school since 1966 for the humanistic education of the Benedictine Order of future generations).[90] The work began in 1940 under the direction of architect Pedro Muguruza, the Director General of Architecture. As previously mentioned, after a decade of work and Franco's growing impatience, Diego Méndez was entrusted to complete the monument with the crypt and to erect the largest crosses in the world.[91] The cross, standing over 150 meters from the bottom of the base to the top, created a liturgical purpose that crowned the entire valley in its natural setting. The cross, the Christian symbol for redemption and forgiveness, symbolizes the victory over death, purposefully erected to be seen for miles

[88] "The dimension of our Crusade, the heroic sacrifices that victory entails, and the transcendence this epic has had for the future of Spain cannot remain perpetually commemorated with simple monuments, as those which commemorate in towns and cities the salient events of our history and the glorious episodes of its sons.

It is necessary that the stones to be erected have the greatness of the ancient monuments, that they defy time and oblivion, and establish a place of meditation and repose in which future generations would give the praise of admiration to those who bequeathed to them a better Spain.

To these ends corresponds the selection of a remote site where the grand temple of our dead would be erected, so that for centuries we pray for those who fell on the path of God and of the Fatherland. Perennial place of pilgrimage, in which the greatness of nature would place a mark of dignity upon the field in which rest the heroes and martyrs of the Crusade."

[89] Crozier, *Franco*, 495.

[90] "Objetivos de La Escolanía," Valle de los Caídos, Noviembre 26, 2020, https://valledeloscaidos.es/escolania/objetivos-escolania/.

[91] Sueiro, *La verdadera historia del Valle de los Caídos*, 115.

as Franco's monumental victory in the Civil War. The basilica below, also grandiose in scale, was carved out of the mountain, hollowed out from the surrounding natural environment. Franco fashioned the valley into what Daniel Sueiro refers to as his own personal "pyramid," a religious ceremonial center serving as the educational foundation and ideological base of the surrounding community marked by human sacrifices.[92] As part of the valley, the Center of Social Studies was established to develop and indoctrinate social thought "based upon Christian social justice."[93] Designated as the "patron to the society" in the *Patrimonio Nacional* 1974 guidebook, Franco's fundamental goal for the center was to maintain proper standards and to "pursue the up-to-date evolution of social thought in the world, its legislation and manifestation."[94] The center would preserve Franco's standards for generations to come and continue to perpetuate the historic memory of Francoism.

The Francoist ideology was manifested in the fascist-like architecture signifying the new totalitarian Spanish ideal. Fascist architecture often mimicked neoclassicism with large, imposing structures, Roman columns, and symmetrical structures. German fascist architecture was characterized by its intention to express religious and social order as a response to heightened scientific and technical development.[95] The German fascist centers were used for indoctrination and metaphysical central centers of education with overarching neoclassical elements suggesting the sheer power and prestige of the regime. The valley exhibits elements of the same neoclassic tradition found in Italian and German

[92] Sueiro, *La verdadera historia del Valle de los Caídos*, 21.
[93] Patrimonio Nacional, *Santa Cruz Del Valle de Los Caídos Tourist Guide-Book,* 1974, 29.
[94] Patrimonio Nacional, 1974.
[95] Marek Antoszczyszyn, "Functional Detachment of Totalitarian Nazi Architecture," IOP Conference Series: Materials Science and Engineering, 245, 082033 (2017), https://doi.org/10.1088/1757-899X/245/8/082033.

architecture of the time. The intention of fascist architecture was an ideological levitation of power constructed to show the regime's power and longevity across generations, such as with the colossal German Nürnberg Rally Grounds and Congress Hall built like a Roman colosseum.[96] The valley was constructed in the same fashion. Diego Méndez described the purpose of the cross as the base of the Spanish religion comparing it to antiquity alongside the Tower of Babel, with the cross as incomparable to the craftsmanship of the pyramids of Egypt, the Empire State Building, and the Eiffel Tower.[97] Méndez states that the project was to be Spain's "world wonder.[98]" The cross was made with granite stone with a metal interior to withstand climate changes, wind, and its own weight.[99]

Méndez often attributed the difficulties in construction to the sheer size and the enormity of each structure. Each structure shores up the sense of the materiality of cultural and national identity meant to "unify" post-civil war Spaniards. However, the material structures objectify the power of the regime and ignore those who made sacrifices for the cause- both those on the side of the Nationalists and the Republicans by ultimately negating those who built the site and those who died for the cause. The guidebooks, both before Franco's death and after, focus on the grandiosity and craftmanship of the valley and hardly mention the actual war or fatalities and sacrifices as a result. The guides describe the religious symbolism, the tapestries from the 16th century depicting religious canon, the 16th-century monolithic *Juanelos* (statues carved under the

[96] See Marek Antoszczyszyn. "Functional Detachment of Totalitarian Nazi Architecture," for a list of German structures constructed with the same intentions.
[97] Méndez, *El Valle de los Caídos*, 178.
[98] Méndez, *El Valle de los Caídos*, 178.
[99] Méndez, *El Valle de los Caídos*, 178.

direction of Italian engineer Juanelo Turriano), the enormous Evangelist figures at the base of the cross, the gigantic cross itself, the crypt flanked by "classic arcades," the monastery, the library, the center for studies and so on.[100] The guides focus on what the regime propagated to build into the collective memory and historical consciousness, a monument to a grandiose regime rather than a memorial to those who suffered. The valley, dedicated to "the fallen," seemingly ignores those who suffered and died due to the Civil War and its aftermath.

Franco's Valley portrays a historical consciousness that recognizes his contributions to material culture, his desire to defy "time and oblivion," and his metaphysical presence in Spain's history. The valley is an exhibition of power alluding to the Spanish imperial power and glory days of the 16th century. The memorialization and glorification of Franco's regime was completed with the transfer of remains from mass graves around Spain to the valley. Upon realizing that there were not enough Nationalist bodies to fill the space, they began to inter Republicans to also keep with the idea of unifying the people better.[101] According to José María Calleja, the franquistas were moved from outside graves to the valley accompanied by military honors and religious ceremonies while the Republicans were transported quickly without family consultations or authorizations up to 4 days before the inauguration.[102] There are over 30,000 bodies buried in the valley, the victims lying with the victimizers, although the number varies due to unreliable documentation and discrepancies in full skeletal counts with fragmented

[100] Patrimonio Nacional, 1974, 17: Patrimonio Nacional, 2002.
[101] José María Calleja, *El Valle de los Caídos* (Pozuelo de Alarcón, Madrid: Espasa, 2009), 112-127.
[102] Calleja, *El Valle de los Caídos*, 113.

remains.[103] Sometimes the Republican bodies were exhumed from mass graves and interred in the valley without the permission or knowledge of their families.[104] It seems ironic to unify a country through the continuous disrespect to victims and abuse of power. The purpose of the valley seems twofold, the memorialization not only of Franco's regime into the historical consciousness but also the memorialization of a regime perceived as iconic and powerful as those of Imperial Spain, a regime worthy of praise for generations and of God.

Site as a Symbol of Franco's Spain

A telling portrayal of Franco's valley is exhibited in the foreign press. Since the late 1930s, Spain initiated heavy censorship and regulation with fully totalitarian press laws. The Spanish press was very limited in what they were able to publish, and Franco did not want to release information on the building of the monument until completion. In a 1954 article in the *Irish Times*, a journalist published his observations of the valley while also noting the lack of publications in the Spanish press as a means of guarding the details until full completion.[105] The journalist first describes the entrance with the cross "plainly visible ten miles away," continuing with the impressive site of the "bigger than life" statues that are "strikingly masculine and realistic."[106] He observed the pride in the Spanish library, the chapel, the memorial church, and more tellingly describes the principal bedroom as equaling "the standard of a first-class hotel." He completes the

[103] Andrea Hepworth, "Site of Memory and Dismemory: The Valley of the Fallen in Spain," *Journal of Genocide Research* 16, no. 4 (2014): 472, https://doi.org/10.1080/14623528.2014.975948.
[104] Calleja, *El Valle de los Caídos*, 115.
[105] John Culmer, "The Valley of the Fallen," *Times Pictorial (1941-1955)*, Dublin, Ireland. July 17, 1954, http://search.proquest.com.ezp-prod1.hul.harvard.edu/historical-newspapers/valley-fallen/docview/529451168/se-2.
[106] Culmer, "The Valley of the Fallen."

article by stating "It is said that General Franco intends to be buried in El Valle de Los Caídos. He could have no more magnificent resting-place." Additionally, in March of 1955, the *Chicago Daily Tribune* published an article calling the valley an "open secret" heavily guarded by the Guardia Civil not allowing anyone to pass without a special permit. The journalist described the valley as "Franco's colossus" referring to the enormous limestone, gigantic cross, gigantic underground chambers, enormous monastery, and again, mentions the crypt in the floor as a possible contender for Franco.[107] He states, "Some insiders believe the crypt near the entrance is intended as Franco's own tomb. Whether his remains rest here or not after his death, the monument he is erecting will go down thru the centuries as 'The Incredible Memorial of Franco.'"[108] While it is not clear who the "insiders" are, it is presumed to be those responsible for giving the tours who are naturally privy to more concrete executive information. It would seem odd to add a crypt with no initial burial intentions.

A month later, an article in Minneapolis compares the basilica to St. Peter's Cathedral, the largest cathedral in the world, and compares the cross to the Washington Monument, a memorial in the shape of an ancient Egyptian obelisk built as the tallest building of its time.[109] The journalist also states that the valley is a monument to the Nationalists' lives lost during the Civil War with no mentions of the Republican victims.[110] In 1956, the *New York Times* published that the sanctuary and tomb of

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[107] William Yates, "Franco's Colossus: Spain's Gigantic Mausoleum and Cathedral is Topped by a Cross 500 Feet High," *Chicago Daily Tribune* (1923-1963), March 27, 1955, http://search.proquest.com.ezp-prod1.hul.harvard.edu/historical-newspapers/francos-colossus/docview/178841486/se-2.
[108] Yates, "Franco's Colossus."
[109] "Franco Builds Huge Memorial to War Dead," *The Minneapolis Morning Tribune*, April 24, 1955, 11, http://search.proquest.com.ezp-prod1.hul.harvard.edu/historical-newspapers/april-24-1955-page-11-234/docview/1859578648/se-2.
[110] "Franco Builds Huge Memorial to War Dead," 11.

Francisco Franco were nearly completed with a November 20 inauguration date on the twentieth anniversary of Falangist leader José Antonio Primo de Rivera's death. The journalist was permitted to visit the valley and compared the valley with Egypt's pyramids mentioning that the valley was "originally conceived as a resting place for General Franco and a few important figures on the Nationalist side in the Spanish Civil War."[111] The stories with each journalist seem to be the same in exalting the architectural feat, Franco's pyramid, as a memorial to Franco's regime, to the Nationalist cause, and to himself.

[111] Herbert L Matthews. "4th Franco Tomb Near Completion." *New York Times* (1923-), Aug 14, 1956, http://search.proquest.com.ezp-prod1.hul.harvard.edu/historical-newspapers/4th-franco-tomb-near-completion/docview/113746226/se-2.

Chapter III.

Historical Memory at the Valle de Cuelgamuros

On Thursday, November 20, 1975, thirty-nine years to the day of Falangist leader José Antonio Primo de Rivera's death, Caudillo Francisco Franco died from heart failure at the age of eighty-two. By Sunday, Franco was lowered into a large tomb at the center of the Valley of the Fallen's mausoleum surrounded by approximately 200,000 supporters, dignitaries, family, and the newly appointed King of Spain, Juan Carlos and his wife.[112] Franco's monument became a political, cultural, and social representation of space through the ironic juxtaposition of the power of man pegged against nature. The natural environment of Franco's tomb centered in the Sierra de Guadarrama seems properly located to blend in with the beauty of the space, so much so that it is often forgotten that the space was strategically cultivated and reforested with over two million new trees, according to the Patrimonio Forestal del Estado bulletin in 1964.[113] In Spanish fascist architecture, spatial representation is formed harmoniously with its natural landscape because at the center of natural creation, is the Divine.[114] The irony of the reforestation being manmade suggests a sort of forced exaltation of Franco and serves as a metaphor of a carefully curated national narrative. The valley was carefully crafted, and

[112] Jacques Leslie, "Franco Buried in Spain's Giant 'Valley of the Fallen,'" *Los Angeles Times* (1923-1995), November 24, 1975, http://search.proquest.com.ezp-prod1.hul.harvard.edu/historical-newspapers/franco-buried-spains-giant-valley-fallen/docview/157864744/se-2.
[113] Gonzalo Madrazo García de Lomana, and Estér Sáez Pomba, "Escenarios de la Memoria y el Poder: La construcción del paisaje de el Valle de los Caídos," *Geocrítica* 22 (2018), https://doi.org/10.1344/sn2018.22.21928.
[114] Katherine O. Stafford, "Fascist space and film: spatial practice and ideology in *El Valle de los Caídos* (1963) and *La Sombra de la Cruz* (2013)," *Journal of Spanish Cultural Studies* 23, no. 2 (2022): 270, https://doi.org/10.1080/14636204.2022.2107755.

the terrain prepared to fit the narrative of Franco's ideological pyramid. The spatial representation of Franco's tomb at the center of the valley's natural landscape and structures puts Franco at the center of Spain's largest Francoist structure surrounded by thousands of fallen soldiers. Franco's heavily militarized state funerary ceremony at the valley became a performative and representational event, a symbol of Franco's regime and the subsequent space for annual pilgrimages in the name of the Francoist state. Dressed in his captain-general uniform, Franco was led into a procession heavily attended by a crowd chanting the Falangist anthem and was placed into the tomb that according to King Juan Carlos was "designed for that purpose." In a letter addressed to the abbot of the basilica of the Santa Cruz del Valle de los Caídos King Juan Carlos requested for them to "os encarezco los recibáis y los coloqueis en el Sepulcro destinado al efecto, sito en el Presbiterio entre el Altar Mayor y el Coro de la Basílica" ("receive and place them [Franco's remains] in the sepulcher intended for this purpose, located in the Presbytery between the High Altar and the Choir of the Basilica).[115]

Spain's historical memory of the Franco era is a politically framed structure enforced through the valley's physical space. The valley's politics of place creates a narrative of the past through commemoration, monumentation, and archives. As Benedict Anderson's "imagined communities" reshape their national consciousness, the valley exemplified a perceived universal fight against the left-socialist Atheists that was used to ultimately rationalize the Civil War violence as a means to an end, thereby perpetuating the conscious efforts to forget the justified atrocities.[116] Anderson states, "all profound

[115] Jaime Noguera, "Cuando Juan Carlos I Mandó El Cadáver de Franco Al Valle de Los Caídos Para Que Fuese Enterrado," *Público*, August 26, 2018, https://m.publico.es/columnas/110588610584/strambotic-cuando-juan-carlos-i-mando-el-cadaver-de-franco-al-valle-de-los-caidos-para-que-fuese-enterrado/amp.
[116] Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, 202.

changes in consciousness, by their very nature, bring with them characteristic amnesias."[117] He continues to say that the historical framework of the imaged community has a sociological setting in order to solidify a national narrative, a national consciousness, and a national identity. With the largest cross in the world, the valley signifies not only a grandiose historical memory of Franco-era Spain, but it sends a global message as a location of power and prestige.[118] Spain's national narrative is solidified in the spatial representation of the valley with Franco as the foundation supported by the Catholic church.

In 1957, two years before the inauguration of the valley, the valley's foundation, or the *Fundación de la Santa Cruz del Valle de los Caídos* was established by Generalísmo Francisco Franco designating the monument as the representation of Spain's crusade of liberation, as a "sentiment of forgiving" for those who gave their lives for their country.[119] The sentiment of forgiving through the Catholic church illuminates Spain's historical memory as a religious vindication while giving the valley a double purpose: first, for religious order as a place of worship and secondly, as a center for studies under the instruction of the Benedictine Abbey for the educational support for the future generations. The *Fundación* established funding under the *subscripción nacional*, a funding campaign from the Civil War consisting of jewelry, gold, or monetary

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[117] Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism,* 204.
[118] "Earlier this year, the Guinness World Records recognized the basilica's cross as the world's largest free-standing cross." Estefanía Aguirre, "Why the World's Largest Cross and Its Custodians Are under Imminent Threat," *Catholic News Agency*, December 29, 2023, https://www.catholicnewsagency.com/news/252021/the-largest-cross-in-the-world-under-imminent-threat-in-spain.
[119] "Agencia Estatal Boletín Oficial Del Estado," Decreto-ley de 23 de agosto de 1957 por el que se establece la Fundación de la Santa Cruz del Valle de los Caídos, accessed December 5, 2023, https://www.boe.es/buscar/doc.php?id=BOE-A-1957-11830. "El sagrado deber de honrar a nuestros héroes y nuestros mártires ha de ir siempre acompañado del sentimiento de perdón que impone el mensaje evangélico."

contributions that were either voluntarily donated or taken through coercion to aid Nationalist forces. The *Fundación* sends a message of Nationalist power through both the religiosity and funding of the construction with Franco at the center because the valley's "patronage and representation correspond to the head of state."[120]

In order to uphold the political historical narrative of Franco's regime, Spain initiated the *Pacto de Olvido*, an informal agreement between both political sides to ultimately ignore or "forget" Franco's legacy of repression and the acts of atrocity committed under the regime. As a result of the agreement, Spain's political parties enacted the 1977 Ley 46/1977, de Amnestía (Amnesty Law) that exonerated those who committed political crimes or violence during the Spanish Civil War through the following years up to the sanction of the law in 1977.[121] The year 1977 also saw the legalization of the repressed Socialist party and in 1982 the PSOE won the general election with Felipe González elected as Prime Minister. However, with the continued support for the democratization of Spain, González focused more heavily on moving Spain forward than digging up a contentious and controversial past. The 1986 Declaration of the Governing Party states:

> A government statement is not the place to analyze the causes of an event of the magnitude of the Civil War, nor to assess the consequences that derived from it. The government wants, however, to bring a double conviction to everyone's minds. First, due to its fratricidal nature, a civil war is not an event to commemorate, even if for those who lived and suffered it constituted a determining episode in their own biographical trajectory. Second, that the Spanish civil war is definitely history, part of the memory of the Spanish people and their collective experience. But it no longer has – nor should it have – a living presence

[120] "Agencia Estatal Boletín Oficial Del Estado," Decreto-ley de 23 de agosto de 1957 por el que se establece la Fundación de la Santa Cruz del Valle de los Caídos, accessed December 5, 2023, https://www.boe.es/buscar/doc.php?id=BOE-A-1957-11830. "*Su Patronato y representación corresponde al Jefe del Estado.*"

[121] Ley de Amnistía (Ley 46/1977 de 15 de octubre), Ministerio de Justicia, Gobierno de España, «BOE» núm. 248. Referencia: BOE-A-1977-24937.

> in the reality of a country whose ultimate moral conscience is based on the principles of freedom and tolerance.[122]

González acknowledged the impact of Spain's tumultuous past as part of its shared history but denied the appropriateness of its memorialization. Memorializing a divided country and a victory over the divided "is not an event to commemorate." The irony, however, of declaring that "a government statement is not the place" lies with the fact that the Spanish narrative has been politicized since the Civil War, and a government statement is the exact point at which a public condemnation of events and promises of justice should reside. Additionally, the declaration only mentions the Civil War and fails to acknowledge Franco's thirty-six-year dictatorship. Moreover, the "collective experience" had never had a "living presence in the reality" of Spain previously.[123] In fact, this is where Spain had failed to deliver transitional justice and education surrounding the peripheral history. Under González' direction, the Valley of the Fallen was kept as a monument to the fascist dictator, and the horrors surrounding Franco's regime were essentially ignored. To maintain a neutral tone and to not ruffle feathers only a decade after Franco's death, it is understandable that González focused on the economic stability and forward movement of Spain as a unified nation by not bringing in the government's own analysis and perception of past events.

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[122] "Declaración del gobierno de la nación con ocasión del 50 aniversario del comienzo de la Guerra Civil," Asociación para la Defensa del Valle de los Caídos, May 29, 2013, https://www.elvalledeloscaidos.es/portal/?p=3470. "Una declaración gubernamental no es el lugar para analizar las causas de un acontecimiento de la magnitud de la guerra civil, ni para valorar las consecuencias que de ella se derivaron. El gobierno quiere, sin embargo, llevar al ánimo de todos una doble convicción. Primero, que por su carácter fratricida, una guerra civil no es un acontecimiento a conmemorar, por más que para quienes la vivieron y sufrieron constituyera un episodio determinante en su propia trayectoria biográfica. Segundo, que la guerra civil española es definitivamente historia, parte de la memoria de los españoles y de su experiencia colectiva. Pero no tiene ya – ni debe tenerla- presencia viva en la realidad de un país cuya conciencia moral última se basa en los principios de la libertad y la tolerancia."

[123] "Declaración del gobierno de la nación con ocasión del 50 aniversario del comienzo de la Guerra Civil," Asociación para la Defensa del Valle de los Caídos, May 29, 2013.

Meanwhile, the valley continued to receive bodies for interment in the continual glorification of the historical monument of Spain's past with the last burial taking place eighteen years after Franco's death in 1993 under González's term.[124] González's affective amnesia of the dictatorship was a conscious effort to nationalize and unite Spain with the valley serving as the centerpiece in a long-withstanding political statement on the historical memory. On the 50th anniversary of the Civil War, the González government made a statement to effectively "seal the reconciliation of the Spanish people." However, the Valley was left practically untouched with González's only achievement relegated to "avoid sending more corpses to the Mausoleum." González served as Prime Minister of Spain from 1982 through 1996 and the historical memory of the valley showed no significant changes, continuing to uphold the Francoist principles in its spatial memorialization and as a site of knowledge production under its Center for Studies.[125]

Following González' term in 1996, Prime Minister José María Aznar was elected prime minister as a member of the Popular Party. Aznar's grandfather was Cuba's ambassador under Franco's rule and with his familial ties to Franco, Aznar chose to disassociate from the past.[126] He stated, referring to the Pact of Forgetting that "there were implicit and explicit agreements. One was that we Spaniards don't want to look to

[124] María Serrano, "El Valle de Los Caídos Acogió Su Último Entierro En 1993 Bajo El Gobierno de Felipe González," Todos Los Nombres, October 24, 2019, https://todoslosnombres.org/el-valle-de-los-caidos-acogio-su-ultimo-entierro-en-1993-bajo-el-gobierno-de-felipe-gonzalez/.
[125] Serrano, "El Valle de Los Caídos Acogió Su Último Entierro En 1993 Bajo El Gobierno de Felipe González."
[126] Michael Kimmelman, "In Spain, a Monumental Silence," *The New York Times*, January 13, 2008, https://www.nytimes.com/2008/01/13/arts/design/13kimm.html.

the past."[127] Aznar remained as prime minister until 2004 when José Luis Rodriguez Zapatero, a member of the PSOE, was elected. Conversely, Zapatero's grandfather was a Republican who was executed in the Civil War in 1936.[128] Zapatero vowed to pay homage to the victims of the war despite conservative opposition to "opening old wounds." The consensus among the Socialist Party was that those who benefited from Franco's regime clearly had no wounds nor should locating the missing among the mass graves be considered a wound.

[127] Giles Tremlett, "Is Spain Too Late to Apologise for Fascism?," *UnHerd*, January 30, 2023, https://unherd.com/2023/01/is-spain-too-late-to-apologise-for-fascism/.
[128] Leslie Crawford, "Zapatero to Honour Civil War Victims," *Financial Times*, October 9, 2007, https://www.ft.com/content/2f6cc7ac-7687-11dc-ad83-0000779fd2ac.

Chapter IV.

Controversy over Political Amnesia and Reconciliation of Spain's past

At the turn of the twenty-first century, Spain experienced two pivotal events that would shine a light on Francoist victims: the arrest of Chilean General Augusto Pinochet and the civil movement brought on by Spanish journalist Emilio Silva Barrera concerning the execution and mass burial of civil war and Falangist victims. In October 1998, Spain indicted General Pinochet for his role in the Chilean military coup that resulted in crimes against humanity such as torture and the disappearance of approximately 200 victims.[129] The irony of Spanish Judge Baltasar Garzón bringing such charges on the Chilean General without the acknowledgment of Spain's own crimes against humanity during Franco's regime did not go unnoticed. The charges only fueled a further discussion of the morality of the Amnesty Law. Additionally, in the year 2000, Spanish journalist Emilio Silva Barrera sought to learn more about his grandfather, who was a victim of the war.[130] His petition led to the subsequent exhumations of thirteen Republicans, one of whom was Silva's grandfather, in Ponferrada, Leon. This event led to a national movement led by activists who sought to exhume other victims and bring Francoist victimhood to the national consciousness, something that was ignored for over half a century.[131] The cultural actors involved in bringing forward the national consciousness forced a political dialogue to challenge the national historic memory from the erasure of the Republican

[129] "The Pinochet Prosecution: The End of Impunity?" Human Rights Watch, accessed November 8, 2023, https://www.hrw.org/legacy/campaigns/chile98/index.htm.
[130] Tyler J. Goldberger, "Memory Surrounding a Mausoleum: Transforming Spain's Valley of the Fallen into a Site of Conscience," *Space and Culture* 25, no. 2 (2022): 234, https://doi.org/10.1177/12063312211065563.
[131] "Association for the Recovery of Historical Memory (ARMH)," *Missing Persons Global Response*, missingpersons.icrc.org/index.php/directory/association-recovery-historical-memory-armh.

suffering manifested through the institutionalized amnesia of Spain's past that continues to be propagated by the Amnesty Law of 1977. The dialogue further shines light on the valley's importance as a site of national collective historical memory.

Emilio Silva's inquisition into retrieving his grandfather's remains became the impetus for the creation of the *Asociación para la Recuperación de la Memoria Histórica* (ARMH) in October of 2000.[132] Silva's grandfather was a Republican executed by Falangist forces and his case served as a precedent in recovering more victims buried in mass graves all around Spain. Silva's purpose in creating the association was to not only reunite families with previously disappeared victims of Falangist violence but also to voice the "desmemoria" of Spain's *Transición* through the legal framework surrounding the *Pacto de Olvido*. The association serves as a non-governmental platform to give voices and restore dignity to those who disappeared and publicizes the lack of accountability for those who committed crimes against humanity.[133]

The movement spread internationally with international organizations such as the Parliamentary Assembly of the Council of Europe, a European council specifically designated to hold governments accountable for human rights violations, calling in 2006 for condemnation of Francoist crimes, a full examination of crimes committed, transitional justice, and a public awareness to avoid similar mistakes in the future.[134] Additionally, the Parliamentary Assembly specifically advised Spain to convert the *Valle*

[132] "What Is the Association for the Recovery of Historical Memory (ARMH)," n.d. *Asociación para la Recuperación de la Memoria Histórica*, accessed November 8, 2023, https://memoriahistorica.org.es/who-are-we/.
[133] "What Is the Association for the Recovery of Historical Memory (ARMH)," n.d. *Asociación para la Recuperación de la Memoria Histórica*.
[134] Leo Brincat, "Doc. 10737. Need for International Condemnation of the Franco Regime," Parliamentary Assembly for the Council of Europe, November 4, 2005, https://pace.coe.int/en/files/11217.

de los Caídos into a permanent public exhibition complete with literature on the truth surrounding the valley's construction by Republican prisoners.[135]

Due to international and civil pressure, Spain passed the Historical Memory Law (Ley 52/2007, de 26 de diciembre, por la que se reconocen y amplían derechos y se establecen medidas en favor de quienes padecieron persecución o violencia durante la Guerra civil y la dictadora) in 2007 changing the historical narrative to explicitly condemn the Franco regime and acknowledge the suffering of victims while still ignoring those who committed the acts of violence. The law acknowledges its purpose as a response to the Parliamentary Assembly of the Council of Europe report in Paris on March 17, 2006, and more importantly, echoes the purpose of the *Transición* in moving forward in the name of democracy.[136] The law focuses on the democratization efforts through the Transition while falling flat in transitional justice for victims due to the Law of Amnesty still being enacted. The verbiage paints a vivid picture of Spain as a constitutional model of democracy with the purpose specifically laid out to further honor the democratic Transition, condemning the Franco regime but refraining from identifying perpetrators of the crimes committed during the Civil War and dictatorship. The *Exposición de Motivos,* or the Explanatory Statements detailing the specific purpose and provisions of the law, signed by King Juan Carlos I refers to the democratic motives fourteen different times continuing into the *Objeto de la Ley* stating that the law "aims to

[135] Leo Brincat. Explanatory memorandum #97 "The Spanish government is to be encouraged to create a truth commission of historians; revise the way the civil war is taught in schools and consider setting up a permanent exhibition in the huge underground basilica at the Valley of the Fallen outside Madrid – where Franco is buried – explaining that it was built with the labour of republican prisoners."
[136] Leo Brincat, "Doc. 10737. Need for International Condemnation of the Franco Regime," Parliamentary Assembly for the Council of Europe. "The present Law assumes this Declaration as well as the condemnation of Francoism contained in the Report of the Parliamentary Assembly of the Council of Europe signed in Paris on March 17, 2006 in which the serious violations of Human Rights committed in Spain between 1939 and 1975 were denounced."

promote democratic values and principles" while naming Franco only once.[137] It becomes clear that the law has more to do with the promotion of democracy than it does with the condemnation of the dictatorship with the law as a forced afterthought given outside pressure. Thirty-two years after the dictator's death, Spain is forced to answer the atrocities that occurred and merely responds with a reminder of its democratic future with no accountability for the development and execution of a thirty-six-year repressive and violent fascist regime.

As the symbolic anchor of the fascist regime, the Valley of the Fallen's monumentality metaphorically portrayed Franco's grandeur with its ostentatious display of religion and power starting to crumble. In 2007, the fourth most visited site in Spain saw the crumble of one of its huge statue's arms falling to the ground.[138] Falling masonry required the site to be closed in 2008 and further deterioration caused criticism of its funding and upkeep. Without historical context surrounding the building of the valley, the memorialization of victims becomes obsolete, and the valley is relegated to merely a mausoleum. To combat the issue of memorialization, the memory law attempts to acknowledge victims while evading accountability. The main points of focus in the 2007 Historical Memory Law respond to a few of the recommendations of the Parliamentary Assembly's 2005 call for condemnation of Franco's regime such as creating an archival center for documents concerning the Civil War and regime due to the criticism of

[137] Ley de la Memoria Histórica Ley 52/2007 de 26 de diciembre 2007, Ministerio de Justicia, Gobierno de España.
[138] Pablo León, "The Valley of the Fallen - the Problem That Won't Go Away," *El País English*, January 23, 2015, https://english.elpais.com/elpais/2015/01/16/inenglish/1421412080_290015.html. "Visitors numbered around 240,000 last year, a seven-percent drop from 2013 but still making it the fourth-most-visited site managed by Spain's National Heritage Trust."

archival destruction in the 60s in Spain.[139] Additionally, the law recognizes the victims of heinous crimes allowing the request for locating and identifying the remains of the dead and providing monetary reparations for victims. The law also grants Spanish nationality to descendants of the exiled. For the physical landscape, the law bans public symbols commemorating or exalting Franco including the Valley of the Fallen. The law states that "the public administrations, in the exercise of their powers, shall take the appropriate measures for the removal of shields, insignia, plaques and other objects or mentions commemorating personal or collective exaltation of the military uprising, the Civil War and the repression of the Dictatorship."[140] The law, therefore, bans acts of a political nature including the annual November pilgrimage to the valley stating in Article 16, with relation to the Valley of the Fallen, that "nowhere on the premises may acts of a political nature be carried out or acts that exalt the Civil War, its protagonists, or Francoism."[141] The law does nothing to punish the perpetrators since the Amnesty Law remains. Furthermore, the law performs a sort of erasure of the past rather than fully reconciling with the removal of any physical objects exhalating Franco without the recommended public educational awareness or historical context. The law ignores the recommended truth commissions and memorials to pay tribute to the victims even going so far as to

[139] Leo Brincat, "Doc. 10737. Need for International Condemnation of the Franco Regime," Parliamentary Assembly for the Council of Europe, November 4, 2005, 10. Article 5: Dismantlement of Francoism, section 78 "In 1965 the process of destruction of archives started. Only in 1985, ten years after Franco's death, did the Spanish government begin to take belated and hesitant action to protect the nation's archival resources. Amongst the losses during those crucial twenty years are the archives of the single party, the Falange, with its personnel files on hundreds of thousands of members. The archives of provincial police headquarters, of prisons and of the main Francoist local authority, the Civil Governors also disappeared.": Ley de la Memoria Histórica (Ley 52/2007 de 26 de diciembre), Ministerio de Justicia, Gobierno de España
[140] Ley de la Memoria Histórica (Ley 52/2007 de 26 de diciembre), Ministerio de Justicia, Gobierno de España, Article 15, Public symbols and monuments.
[141] Ley de la Memoria Histórica (Ley 52/2007 de 26 de diciembre), Ministerio de Justicia, Gobierno de España, Article 16. Valley of the Fallen.

state that all Spaniards are entitled to their own personal historical memory, ultimately rejecting the idea of a collective historical memory, thereby negating the need to hold any individual personally accountable for their crimes against humanity. As the first law to acknowledge the atrocities and condemn Franco's regime, the law is a step in the right direction, however, the law does nothing in the name of accountability.

After Judge Baltasar Garzón indicted the Chilean General, Judge Garzón, an investigating magistrate at Madrid's national court, opened an investigation under expansive international rights law into the disappearance of 114,000 victims during the years 1936-1951 in the year 2008. Spain's supreme court asserted that the crimes are protected under the 1977 Amnesty Law and are beyond the statute of limitation, therefore declaring that Garzón is outside of his jurisdiction. Garzón was subsequently suspended and disbarred. International organizations such as Amnesty International and Human Rights Watch showed support for Judge Garzón's attempts and condemned the Spanish government's actions in refusing to hold perpetrators responsible for their crimes.[142] Garzón was claimed to become the "latest victim of Francoism" with the Amnesty Law still enacted and so closely tied to the peaceful Transition.[143] Additionally, it was argued that "it was not the court's job to pursue the 'historic truth' about the past" while acknowledging that "many events during and, especially after the Spanish Civil War would nowadays be classified as crimes against humanity."[144] Spain's courts continue to

[142] "Spain: Trial of Judge Baltasar Garzón 'a Blow to Human Rights,'" *Amnesty International*, August 17, 2021, https://www.amnesty.org/en/latest/news/2012/01/spain-trial-judge-baltasar-garz-n-blow-human-rights/.
[143] Giles Tremlett and Justin Webster, "Judge Baltasar Garzón Suspended over Franco Investigation," *The Guardian*, May 14, 2010.
[144] Giles Tremlett, "Baltasar Garzón Cleared over His Franco-Era Crimes Inquiry," *The Guardian*, February 27, 2012, https://www.theguardian.com/world/2012/feb/27/baltasar-garzon-cleared-franco-crimes.

maintain the historical amnesia of Spain's past through their commitment not to the victims or a historical truth, but the commitment to protecting the democratic cause that was fundamentally established through the Law of Amnesty.

While the Amnesty Law impedes full reconciliation of Spain's past, there were some additional figureheads, like Judge Garzón, who made attempts to shine more light on the victims of Falangist crimes. The 2007 Historical Memory Law was the initial promise and fulfillment of the Socialist Party headed by Prime Minister José Luis Rodríguez Zapatero (PSOE) during his tenure between 2004-2011. Before leaving office in 2011, President Zapatero ordered a Commission of Experts on the Future of the *Valle de los Caídos* with the intent to establish possible avenues of development in dignifying the dead and the conservation of the memorial.[145] The commission, consisting of a team of scholars, historians, political figures, and members of the church, considered an investigation and documentation of the valley's history and discussed the conservation and the explanation of the valley's historical significance. Additionally, the commission asserted that Franco's burial in the center of the basilica impedes the original purpose of the memorial as one dedicated to the victims of the Civil War since Franco was not a victim of the Civil War but the victor. The focus was the de-emphasize Franco's legacy and to promote tribute to actual victims. Despite the recommendations, new Prime Minister Mariano Rajoy, of the *Partido Popular*, had no plans to consider any of the recommendations presented through his years of office from 2011 until 2018 even

[145] *Comisión de Expertos para el Futuro del Valle de los Caídos* (Madrid, Spain: Ministerio de la Presidencia, 2011).

withholding funding for grants to aid in finding and exhuming victims.[146] However, in 2018, under the new leadership of PSOE politician and newly appointed Prime Minister Pedro Sánchez, the government announced its intention to move forward with the recommendation of exhuming Francisco Franco's body to relocate his remains. It was argued that Franco was entombed under the direction of the democratic King Juan Carlos and therefore should be exhumed in the name of democracy.[147] The decision was made due to the incompatibility with the democracy as a "pending debt to be paid."[148]

As part of Sánchez's campaign, the Valley of the Fallen would be restored to memorialize the victims of the Civil War and dictatorship and "to recognise and redress victims of the Spanish Civil War and dictatorship."[149] The narrative for the valley would no longer be an exaltation for Franco. While not explicitly stated, the restructuring of the valley to memorialize victims implies that the original intent, according to the 1940 decree to be a memorial for the fallen, did not fully actualize, rather, the valley was

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[146] Natalia Junquera, "Franco se queda en el Valle de los Caídos," *El País*, October 11, 2011, https://advance-lexis-com.ezp prod1.hul.harvard.edu/api/document?collection=news&id=urn:contentItem:540N-BR71-JCN5-52VV-00000-00&context=1516831; Natalia Junquera, "Spanish Government to Spearhead Efforts to Find Civil War Victims," *El Pais* English, July 12, 2018, https://english.elpais.com/elpais/2018/07/12/inenglish/1531388057_522551.html.

[147] Carlos E. Cué, "Franco será exhumado en tres meses," *El País*, August 25, 2018, https://advance-lexis-com.ezp-prod1.hul.harvard.edu/api/document?collection=news&id=urn:contentItem:5T3W-VDV1-F046-W1XH-00000-00&context=1516831.

[148] Cué, "Franco será exhumado en tres meses." "Al contrario, sacar a Franco no es solo una deuda histórica de la democracia, en La Moncloa están convencidos de que es una decisión con la que solo pueden ganar."

[149] Pedro Sanchez, "Investiture Speech by Candidate to Presidency of the Government in Lower House of Parliament," *La Moncloa*. 04/01/2020. Investiture speech by candidate to Presidency of the Government in Lower House of Parliament [President/Speeches], April 1, 2020, https://www.lamoncloa.gob.es/lang/en/presidente/intervenciones/Paginas/2020/20200104invest-speech.aspx. "And Honourable Members, last October, the State, with the involvement of its three powers, moved the dictator, Francisco Franco, from his mausoleum in the Valley of the Fallen. This symbolic act strengthened Spanish democracy, opened up a new era in the redress of justice and memory that should serve to start to finally close the division between Spaniards; and although some people were annoyed by this action it was not directed against anyone and was carried out with the respect that any human being deserves, even those who have systematically vulnerated human rights."

fashioned into a Falangist shrine. To restructure indicates modifying its purpose and in finally recognizing victims suggests that victimhood was not fully acknowledged previously. The Valley, in its entire ideology, had instead been a monument to Franco, not a memorial for the fallen. Sánchez's speech redirects the use of the Valley from Franco's as "his mausoleum" to a symbol of selective memory, or as sometimes called, selective amnesia.[150]

Forty-four years after his burial, Franco was exhumed from the basilica in 2019 and reburied in the Cementerio Municipal El Pardo in Madrid next to his wife.[151] The physical memorialization of the space now fully upholds the ideology of the *Pacto de Olvido* with the removal of the body without any physical mention of the role Franco or his regime played surrounding the building of the valley. The Valley's website provides a clear picture of the lack of memorialization and complete amnesia of its origination from the "History of the Abbey" section mentioning that it came to fruition from a "request" that was made, the "founding objectives" described as a part "conceived" from a war event, to the purpose of the Social Studies Center as a place of knowledge dissemination to "deal with the analysis of the social problems that had been the most frequent cause of the alterations recorded in coexistence within Spanish society and that would have had their last reflection in the civil strife."[152] There is absolutely no mention of the Valley's

[150] Pedro Sanchez, "Investiture Speech by Candidate to Presidency of the Government in Lower House of Parliament," *La Moncloa*, April 01, 2020.
[151] "Franco Exhumation: Spanish Dictator's Remains Moved," *BBC News*, October 24, 2019, https://www.bbc.com/news/world-europe-50164806.
[152] "Monumento a La Reconciliación." Valle de los Caídos, December 18, 2023, https://valledeloscaidos.es/. Centro de estudios sociales: "Su finalidad era el estudio y la difusión de la Doctrina Social de la Iglesia, como garante de la paz y de la justicia social en España. Esta institución debía ocuparse del análisis de los problemas sociales que habían sido la causa más frecuente de las alteraciones registradas en la convivencia dentro de la sociedad española y que habrían tenido su último reflejo en la contienda civil. Al mismo tiempo el Centro debería contribuir a la elaboración de los criterios inspiradores de las nuevas estructuras socio-económicas que impulsaran la participación y la justicia sociales."

conception from Francisco Franco's own ideological fascist monumentality, nor the construction built by prisoners, rather, to completely strip the monument of its historical remembrance to those who lost their lives, it offers a link for marriage ceremonies so that one could have a wedding in the basilica that once held Franco's body.

The lack of transparency goes a step further in the draft of the Democratic Memory Law (Ley 20/2022, de 19 de octubre, de Memoria Democrática) in 2020 which changes the name of the valley from the *Valle de los Caídos* to the *Valle de Cuelgamuros*, thus eliminating the only mention of the actual victims from the valley.[153] Article 54, concerning the valley, states "The name of the 'Valley of the Fallen' is modified to be called Cuelgamuros Valley, as a place of democratic memory whose resignification will make known the circumstances of its construction, the historical period in which it is inserted and its meaning, in order to strengthen constitutional and democratic values."[154] Additionally, the very name of the law indicates that the valley would uphold the values of democracy further politicizing a horrendous past rather than focusing on memorializing the forgotten voices of the victims. Exhuming Franco is a start in reconciling the past, however, the insistence on avoiding accountability hinders a full national reconciliation. The Historical Memory Law already states that everybody is entitled to their own memory further emphasizing the lack of collective shared memory of Spain's fascist past.

Pedro Sánchez's campaign fulfilled its promise to remember victims creating a Remembrance Day on October 31, the day the 1978 Constitution was passed, dedicated

[153] Ley de Memoria Democrática, Ley 20/2022, de 18 de octubre de 2022, 17099, Núm. 252 Sec. I., 2022.
[154] Ley de Memoria Democrática, Ley 20/2022, de 18 de octubre de 2022, 17099, Núm. 252 Sec. I., 2022, Article 54, Valley of the Fallen.

to victims of the military coup, and passing a new memory law to pick up some of the missing pieces from the first memory law. The finalized fifty-four-page Democratic Memory Law was passed in October of 2022 making significant progress in reconciling the past by allowing direct descendants of Spanish parents and grandparents to obtain Spanish nationality. The 2007 Historical Memory Law previously granted Spanish nationality to surviving members of the *Brigada Internacional* that participated in the Civil War from 1936-1939 if they renounced their previous nationality, as stated in Article 18.[155] Given that the law was passed nearly 70 years later, presumably, there would not be many survivors. In the seventh additional provision, the Historical Memory Law also granted Spanish nationality to children and grandchildren of those born in Spain who were forced to renounce their Spanish nationality as a conscience of being exiled.[156] The Democratic Memory Law extends the right to those of Spanish descendants born outside of Spain due to parents or grandparents being in exile, thus taking care of the new generation, or the "grandchildren" of the exiled. The 2007 Memory Law offered temporary provisions for seeking citizenship, thus the Democratic Memory Law extended the timeline and relieved issues with interpretation.[157]

The Democratic Memory Law also created a program to identify with DNA evidence victims buried in mass graves and obliges all secondary schools to implement a curriculum on the Civil War and Franco's regime.[158] The law extends monetary reparations and strips noble titles associated with Franco's regimes, but more notably

[155] Ley de la Memoria Histórica, Ley 52/2007 de 26 de diciembre de 2007, Ministerio de Justicia, Gobierno de España.
[156] Ley de la Memoria Histórica, Ley 52/2007 de 26 de diciembre de 2007.
[157] Ley de Memoria Democrática. Ley 20/2022, de 18 de octubre de 2022. 17099. Núm. 252 Sec. I., 2022.
[158] Ley de Memoria Democrática, Ley 20/2022, de 18 de octubre de 2022, 17099, Núm. 252 Sec. I., 2022.

focuses on the politics of democratic memory as it attempts to repair and redirect Spain's historical memory to disassociate from Franco's regime. In doing so, Spain continues to impart an erasure of the past by focusing on a new democratized national narrative for the future. Elements of erasure are glaringly obvious throughout the law with the elimination of any "symbol, element, or acts contrary to the democratic memory."[159] Erasing history becomes problematic when the truth is not apparent. Just as the repressive narrative was erased, erasing the dominant narrative without the truth can be equally problematic.

One modification in the erasure of Spain's past comes in the form of a name change for the Valley of the Fallen. In Article 54, the law changes the name to the *Valle de Cuelgamuros* to "strengthen constitutional and democratic values."[160] The new name refers to the valley's original name before the monument was erected, only further perpetuating the erasure of the valley's history with the regime. The one reference to lives lost is now erased. A few years ago, one could go to the valley's website to book a wedding, and a decade ago one could exchange vows next to Franco's tomb. Having a wedding alongside a fascist dictator in a seemingly somber memorial to Civil War victims suggests that either the public was ignorant or indifferent to the site as a memorial and/or the site itself did not exude its proclaimed intention to honor Civil War victims with its service as a place of matrimony. The Democratic Memory law is successful in a few ways. First, it establishes that only those who died due to the Civil

[159] Ley de Memoria Democrática, Ley 20/2022, de 18 de octubre de 2022, Artículo 34.
[160] Ley de Memoria Democrática, Ley 20/2022, de 18 de octubre de 2022, Artículo 54. "Se modifica la denominación del "Valle de los Caídos", para ser denominado Valle de Cuelgamuros, como un lugar de memoria democrática cuya resignificación irá destinada a dar a conocer, a través de planes y mecanismos de investigación y difusión, las circunstancias de su construcción, el periodo histórico en el que se inserta y su significado, con el fin de fortalecer los valores constitucionales y democráticas." Artículo 54. Valle de los Caídos

War may be buried in the valley returning the valley to a place of commemoration and reconciliation. Second, it establishes educational practices informing the public of its origination from Franco's regime including the background and approximate deaths associated. Approximately four months after the 2022 law was passed, the website began to reflect the changes with a memorandum of the law on the main webpage. Currently, the website states on its main page that the valley "was conceived by the dictator Francisco Franco to commemorate his military victory in the war (1936-1939), triggered after the coup d'état by the army against the democratic government of the Second Republic on July 18, 1936, and to bury his supporters."[161] The website corroborates that the monument was intentionally built to pay homage to Franco and the Nationalist victory. The small reference on the website is a start to informing the public but is minuscule in comparison to the lack of transparency or education surrounding the erasure of other symbols and elements around the country. Additionally, the erasure of names and public symbols with no accountability sends a clear message of Spain's role in curating a collective narrative.

With the core elements of the Amnesty law still enacted, however, nothing will be done to seek justice within the legal system. Impunity through amnesty will continue to impede justice and set a precedent in covering up a dark past. As long as the Amnesty Law remains, the inherent *Pacto de Olvido* will continue to overshadow any form of reparation, as in the name itself, the pact of forgetting is a pact to preserve the historical amnesia surrounding the horrors and violence of Franco's dictatorship.

[161] "Valle de Cuelgamuros," Patrimonio Nacional, accessed February 17, 2024, https://www.patrimonionacional.es/visita/valle-de-cuelgamuros-0.

Chapter V.

Beyond the Valley: Other Sites of Spanish Memory

The Valley of the Fallen serves as the site and symbol of Spain's historical memory surrounding Franco's regime. Situated on the royal path strategically placed between *El Escorial* and Spain's capital, Madrid, the valley is the culmination of a fascist regime supported and proliferated through the veil of religiosity with attempts to redeem the fallen and once grandiose nation of Spain. Used as a site to purify a nation, be a beacon of knowledge, and set the stage for the regime to be remembered through all future generations, the valley serves as a metaphor for the politicization of Spain's national narrative. The Democratic Memory Law sets the stage for further historical amnesia through name and physical erasure and does very little to acknowledge the torturous past. The censorship of its history only perpetuates a similar historical narrative of forgetting. The law does provide very few opportunities for education but misses the mark of taking accountability to ensure that history will not repeat itself.

The Democratic Memory Law is split into five main sections: the rights of victims, on justice, on reparations, the preservation of democratic memory, and a fifth section made of additional provisions and modifications.[162] The first section details the rights of victims of human rights violations which includes the search for those who disappeared during the Civil War and Franco's dictatorship under the *Administración General del Estado*. The rights of victims include an integrated map of locations, exhumations, and identification of bodies with a DNA bank of victims.[163]

[162] Ley de Memoria Democrática, Ley 20/2022, de 18 de octubre de 2022, 17099, Núm. 252 Sec. I., 2022.
[163] Ley de Memoria Democrática, Ley 20/2022, de 18 de octubre de 2022, 17099, Núm. 252 Sec. I., 2022

The disappearance of victims in Spain was coined as a "silent genocide" that was masked by a civil war with no battlefield.[164] Known as the collective "grandchildren" of the victims, those who pushed for the movement to locate their relatives began to ask questions not previously asked due to the panic of being terrorized for doing so. The new generation sought answers when there was no documentation of events and no justified truths. Spearheading the movement, Emilio Silva founded the *Asociación para la Recuperación de la Memoria Histórica* (ARMH) to help families locate loved ones buried in mass graves throughout Spain. Currently, there are different maps for each region of Spain, some more interactive than others. Most of the maps identify the gravesites found detailing the number of victims with some identifying the victims with name, age, occupation, and cause of death. Identifying bodies can be difficult due to the excessive time that has elapsed since their burial, the environmental factors, and at times the victims are not from the area in which they are buried. Additionally, many victims were reinterred at the Valley of the Fallen and are buried within the walls. Since the valley was not the original place of burial, often bodies were reinterred in fragments, making it difficult to fully identify the number of victims.[165]

The smallest section of the law relates to justice, and it consists of only four small paragraphs, giving the right to investigate human rights violations committed during Franco's regime, guaranteeing judicial protection from proceedings. One of the sections states, "Judicial protection will be guaranteed in the procedures aimed at the judicial

[164] Julio Ramiro Laterza, "'La Guerra Civil Española Es Un Genocidio Silenciado': Una Argentina Que Lucha Contra Los Crímenes Del Franquismo," Pulso noticias, December 27, 2023, https://pulsonoticias.com.ar/125484/la-guerra-civil-espanola-fue-terrorismo-de-estado/.
[165] "What Is the Association for the Recovery of Historical Memory (ARMH)," n.d. *Asociación para la Recuperación de la Memoria Histórica*.

declaration on the reality and circumstances of certain past events related to the victims."[166] The laws are in place to allow for truth-seeking without consequences for actions. Not much can be done under the Amnesty Law concerning seeking justice against perpetrators. The third section, however, deals with reparations by expanding the actions of the original memory laws for properties and goods forcefully seized and reparations for forced labor.

The fourth section expands on the duty to preserve Spain's democratic memory. The insistence in democratic memory serves as the political narrative for the unification of Spain rather than the reconciliation of Spain's past. The idea of focusing on the future of democracy relegates the pain of the past as a distant memory not worthy of remembering. The law states that the objective is to "preserve the collective memory of the disasters of the war and all forms of totalitarianism" yet it calls for the erasure of public historical symbols and elements without a conscious public awareness of the meaning and symbolism of the fact. The memory law already expounded on the issue even calling for the removal of Franco's body from the valley.[167]

In the *Salón de Plenos del Ayuntamiento de Salamanca*, Salamanca's town hall, a mural depicting Salamanca's history in twenty-seven vignettes showing Franco's head painted over the victor symbol, a symbol often historically associated with the University of Salamanca, the oldest Hispanic university, was partially repainted to cover up the effigy of Franco.[168] In Salamanca's Plaza Mayor Franco's medallion was taken down

[166] Ley de Memoria Democrática. Ley 20/2022, de 18 de octubre de 2022.
[167] Ley de Memoria Democrática, Ley 20/2022, de 18 de octubre de 2022, 17099, Núm. 252 Sec. IV, 2022.
[168] "Comienzan Los Trabajos Para Retirar La Imagen de Franco Del Mural Del Salón de Plenos Del Ayuntamiento de Salamanca." El Norte de Castilla, October 9, 2019. https://www.elnortedecastilla.es/salamanca/comienzan-trabajos-retirar-20191009123138-nt.html.

leaving a completely empty façade where his effigy once was.[169] In 2018 in Madrid, forty-nine different streets named after Franco-era figures were renamed to reflect their pre-Franco history, where possible.[170] Symbols of Franco were stripped throughout all of Spain from parks and communal spaces but what was left is the absence of any sort of memory of historical value and the absence of reflection. While the removal of any symbol exalting Franco is a step in the right direction, the lack of a public pedagogical piece with so many opportunities presenting themselves is a lack of full reconciliation. The collective memory, in this sense, becomes a collective amnesia with the removal of symbols that, in many cases, go completely unnoticed by the public eye with blank spaces absent of historical knowledge.

The lack of reconciliation lies in concert with the fact that Spanish civil society, as victims of a highly repressive regime, was largely removed from the Spanish Transition. Spanish civil society played little political role for decades due to Franco's regime and the lack of awareness and full understanding of the time period was a culturally embedded phenomenon perpetuated by the government. The lack of nongovernmental programs calling for transitional justice married with a society that sought to move beyond the unpleasantness of the past further compelled the government to instead focus efforts on endorsing policy that moved the country forward. The question, therein, lies with the obliged duty of the Spanish government to uncover and reconcile the past. The erasure of public displays that commemorated Franco was part of the response but only when confronted with international pressures as stated in the

[169] "Salamanca Retira El Medallón de Franco de Su Plaza Mayor." *El Mundo*, June 9, 2017.
[170] Sonya Dowsett, "Madrid Removes Franco-Era Place Names of Streets," Reuters, April 27, 2018, https://www.reuters.com/article/idUSKBN1HY29O/.

Democratic Memory Law. Spain's amnesia plays a different role when compared to other countries transitioning to democracy in that Spain's case extended through several generations, each with a completely different perspective. Those who lived through the atrocities of the Civil War had a different outlook than those who were born afterward during Franco's dictatorship and those born after Spain's Transition. With each generation, the collective memory equates to a sustained memory gap due to repression and censorship. The government's portrayal of its history through spatial memorialization with monuments, names of streets and plazas, plaques, and statues speak volumes, even more so with the removal and subsequent erasure of voices and its history.

The mere removal of statues does nothing in the form of atoning when it simply erases rather than confronts history. For instance, in Santander, an equestrian statue of Franco dismantled in 2008 was met with disgust, not because of the exaltation of Franco for the forty-four years that the statue has been erected, but because the statue employed a sense of nostalgia and pride in some of its citizens.[171] Some citizens responded with disdain explaining that the statue did not bother anyone and that if one did not like it they could look the other way. Several waved a Falangist flag and gave a salute while shouting "Long live Spain!"[172] Historian Miguel Angel Soya regarded the residents as 'indifferent' because of their "lack of a complete historiography" stating that "until a few months ago, we did not know, for example, that Franco's repression cost 2,500 lives in Cantabria until 1948. For many years, here we have only talked about the atrocities committed by the Republican side during the thirteen months that they maintained their

[171] Juan J. Gómez, "Santander Retira La Estatua Ecuestre de Franco," *Público*, December 18, 2008, https://www.publico.es/actualidad/santander-retira-estatua-ecuestre-franco.html#analytics-noticia:contenido-enlace.
[172] Gómez, "Santander Retira La Estatua Ecuestre de Franco."

rule. 'Franco's propaganda hid the rest'."[173] Soya echoes the lack of education on the matter as well as the censorship of a politicized history. The dismantling of statues and erasure of plaques that commemorated Franco, without proper education, creates a collective erasure of history that is clearly evident in societal responses to the removal of monuments.

The erasure of historical monuments can be problematic when the controversies of their existence are not confronted. It is not necessary to have a marker for everything that has been taken down to remind people what once was, but the lack of general awareness and public education of history in any form is an unfortunate miss. Take, for instance, the Citadel Museum in Berlin with its permanent collection of toxic and controversial statues and monuments. The museum serves as a historical archive and learning center for the very type of monuments that Spain is taking down and serves as a spot of conversation aiming to "contextualize the past, putting uncomfortable realities on display in productive, educational, and sometimes challenging ways."[174] The museum houses symbols of Nazi Germany, National Socialism, and even exhibits a sixty-foot statue head of Vladamir Lenin. Unlike most museums that seek to respectfully preserve their art, the Citadel encourages patrons to touch and play with the monuments in a way to "deflect any tendency to nostalgia" essentially eliminating its value in the

[173] Gómez, "Santander Retira La Estatua Ecuestre de Franco." "El historiador Miguel Ángel Soya, experto en la Guerra Civil en Cantabria, asegura que la mayoría de los santanderinos son en el fondo 'indiferentes' a lo que pase con la estatua porque 'el franquismo fue enterrado hace 30 años'. Para Soya, el conservadurismo de la ciudad se debe sobre todo a la falta de una historiografía completa. 'Hasta hace unos meses, no hemos sabido, por ejemplo, que la represión franquista costó en Cantabria 2.500 vidas hasta 1948. Durante muchos años, aquí sólo se ha hablado de las atrocidades que cometió el bando republicano durante los 13 meses que mantuvo su dominio, la propaganda franquista ocultó el resto', explica."
[174] Daniela Blei, "The Museum Where Racist and Oppressive Statues Go to Die," *Atlas Obscura*, August 20, 2020, https://www.atlasobscura.com/articles/museum-of-toxic-statues-berlin.

monumentality of its history.[175] The museum provides opportunities for discourse making history tangible and real in a way for the audience to get a sense of how the statues reflect its contextual story of power. In cities with a richer historical context of fascist Francoism, Spain lacks the type of discourse that could lend itself to a productive educational experience.

The oddity surrounding reconciliation in Spain comes from several factors including the temporal distance between Franco's Spain and current-day Spain, the length of time spanning multiple generations of the atrocities committed during the Civil War through Franco's tenure as dictator, the cultivated erasure of history as it happened with a lack of documentation of the disappeared, lack of knowledge of actual events through censorship, and repression of non-Franco drivers during the Franco regime. The Civil War began almost ninety years ago, and while the temporal distance brings up the divisive decision to "let bygones be bygones," many countries are tasked with facing uncomfortable truths. Tackling the issue of slavery in the United States saw the removal of Confederate Statues and the teaching of the unfortunate degradation of an entire community forced out of their own land and bound to a life of contained harsh labor; there are models of improvement for the Spanish society. Spain has much to do to confront its sordid past.

The Valle de Cuelgamuros is an underutilized example in its promotion of a collective historical memory providing very little in the way of informative context for visitors. The exclusion of the memorialization of the victims elucidates the continued erasure all around Spain. Taking down commemorative statues and plaques is a start in

[175] Blei, "The Museum Where Racist and Oppressive Statues Go to Die."

condemning Franco's regime but it is far from enough in confronting Spain's past. So much of what Spain is now reflects its history with the past as a tumultuous reminder of what not to do in the future. Spain's insistence on looking to the future is due to the grim past that divided the country and the clear want to separate Franco's Spain from modern-day democratic Spain. The separation of the two Spains is what keeps residents from not wanting to rehash the fascist days. However, by not confronting the days gone by, Spain is merely slapping the hands of the perpetrators of severe violent acts. What is to say that history will not repeat itself when parts of Spain remain ignorant of their own history and the government continues to avoid holding those responsible?

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