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A Past that Does Not Die Out: Coping with the Memory of the Spanish Civil War

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Abstract: What does 'doing justice to the past' mean when we have to deal with societies that are haunted by the memory of their traumatic history? Should justice in this case mean paying homage to the victims and restoring their dignity, or rather healing the emotional damage inflicted upon the survivors? Do consensual strategies enjoy in this context a moral superiority over more confrontational approaches? The so-called Law on Historical Memory, which was passed in Spain in 2007, has shown the difficulties of applying the principles of transitional justice to the politics of memory in practice. This paper portrays how the narratives of recent Spanish history have been transformed by the social and generational changes which occurred in the last decade. These changes have not only altered the normative perception of the transition to democracy that took place in the late 70's, but also the political culture that emerged from it. Additionally, the paper differentiates the therapeutic, the moral and the political dimensions of historical memory, and how they could function as a resource for social reconciliation.

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The collective identity of every society, together with the meaning attributed to their political institutions, are ingrained in their cultural perception of historical time. These notions are usually expressed in historical narratives that provide a reference for the individuals to collectively identify with the past of their country. This is also the way in which we can eventually come to accept some degree of responsibility for what the former generations did. As is known, the Spanish transition to democracy that was initiated in 1977 was based upon an implicit agreement between the main political forces that drove it. The creation of a new institutional template after Franco's long dictatorship was carried out without looking backwards. Nobody took responsibility for the crimes of the past, and no one demanded it either. Unlike other transitional experiences in the world, in Spain there were no truth commissions, no reports on the crimes of the dictatorship, and no symbolic reparations to the victims.[2] Economic compensation for those who had suffered imprisonment or some type of reprisal under Franco was delivered with considerable

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[2] Barahona de Brito, Alexandra, Carmen González Enríquez, and Paloma Aguilar, eds. *The Politics of Memory: Transitional Justice in Democratizing Societies (*Oxford: Oxford University Press, 2001)

discretion. The fear of a political involution prevented democratization from including a symbolic or therapeutic dimension for the injuries of the past. Moreover, there was a generational gap between the victims of the civil war and the political actors that guided the transition to democracy. The opposition groups were eager to consolidate the institutional changes that would permit their access to power, and they were also aware of the social support that Franco's regime had developed with time. In such context, the vindication of justice for the past was seen as something less urgent than strengthening a political alternative for the future.

On the other side of the ideological divide, the right wing considered Franco's dictatorship as a collateral result of the Civil War, and this one –together with the atrocities that came along with it- as an inevitable consequence of the failure of the Second Spanish Republic. This was indeed an old idea that has been revamped by the revisionist literature on the causes of the Civil War.[3] Its ideological underpinnings are easy to recognize: Franco's regime was justified by the Civil War, and the war itself by the chaotic political environment that preceded it. Since both sides were responsible for committing atrocities during the war, there was nothing to be won by digging out the past, lest bringing old family demons to life. Accordingly, the best option was to leave things the way they were, and 'let the dead bury their own dead'. This is an option, however, that has become less and less plausible nowadays. The politics of memory has irrupted with force in the international political arena. Its consequences can be felt on a broad specter of issues, from international law to public ethics. Since the figure of the desaparecido (missing person) became internationally known in the 1970's through the military dictatorships in the Southern Cone, political initiatives like truth commissions, normative categories like transitional justice, and legal principles like universal jurisdiction for crimes against humanity have accrued the repertoire of public policies addressed to the reparation of harm.[4] The addressees of these types of policies have been in general victims of human rights abuses, their relatives and descendants, but the ultimate field where they are put to test is the moral conscience of the societies in which such violations were committed. This is how the demands for justice and symbolic restoration have entered the dimension of historical memory.

The Spanish experience in this field has several peculiarities. The consensual urge with

[3] See, for instance, Pio Moa, Los mitos de la Guerra Civil (Madrid: La Esfera de los libros, 2003).
[4] Since 1973 there have been more than 32 truth commissions in 28 countries. See "Truth Commissions" http://www.amnesty.org/en/international-justice/issues/truth-commissions accessed October 31, 2014. The notion of transitional justice seeks the recognition of the victims and to promote reconciliation, peace and democracy in societies that have experienced authoritarian regimes and massive violation of human rights. The principle of universal jurisdiction claims legal liability for certain crimes regardless of the place where they were committed and the nationality and country of residence of the persons accused.

which the transition to democracy was legitimized, and the moment when this happened – i.e., before the demands for transitional justice proliferated all over the world - prevented the Spanish society to base its historical reconciliation on a therapeutic approach to its own past. For this reason the transition to democracy in Spain is often associated with a pact of silence or with some sort of programmed amnesia. The records nevertheless show that the remembrance of the Spanish Civil War has been a leitmotif of Spanish culture during the democratic period. Since the death of Franco in 1975, the amount of cultural productions, films and essays on the Civil War, and to a lesser extent on the dictatorship, is insurmountable. This avalanche of materials has gone through different stages. The initial interest in all things concerning the war gave way to the curiosity of the new generations on the conditions of everyday life under Franco, to a debate with the revisionist historians on the causes of the war, and eventually to disclosing the real dimensions of the repression during and after the war. All of this has led to the current debate on the public recognition owed to the victims.

Since the Civil War was the result of an unsuccessful military coup and of the popular reaction against it, all of this in a context of bitter social divisions, most of the reprisals took place in the rearguard, not on the war front. Massive repression was the result of revolutionary violence on one side and of a planned strategy by the fascist rebels that dotted the Spanish landscape with countless mass graves. The abundant research done on the war and on the repression has not prevented the recurrent accusation of the official circles having overlooked this traumatic episode of the national history, what has come to be known popularly as the debate on the historical memory of the Civil War. Some historians have warned against an epistemological confusion and an organicistic bias underlying this public debate.[5] The question is if societies really do have something like a historical memory, and if this can be reduced to an addition of individual recollections or is it rather the result of some type of collective elaboration. According to these critiques, remembering and knowing are two different cognitive functions. In fact, one individual can only remember what he/she has individually experienced. Strictly speaking then, no one can have a historical memory but individual recalls. Only history, as a scientific discipline, can recover the past as a form of knowledge. This is the reason why history is learned, not remembered.

Whereas historical knowledge aims at achieving objectivity by using the instruments of critique, there are as many memories as there are individuals, no matter how many of them may share (by means of celebrations or indoctrination) identical memories of an event that

[5] Santos Juliá, "Memoria historia, política de un pasado de guerra y dictadura," In Memoria de la guerra y el franquismo, edited by Santos Juliá (Madrid: Taurus, 2006), 27-77.

they have lived. Only in this sense can we speak of collective memory.[6]

This view seems to ignore that memory also has a social dimension. The intergenerational transmission of memory is narratively mediated, and therefore implies some kind of emotional relation with the past. Taking into account the numerous studies on the epistemology of historical research, to deny the capacity of memory to produce knowledge seems at least a bit daring.[7] Memory allows for the representation of the past, and it is an essential part of collective identities. The debate that has captured the Spanish media during the last few years does not really have to do with the increase or the accuracy of historical knowledge, but with the political meaning of collective recollection. The assimilation of a traumatic past is something that affects all the societies lacking a guiltless view of their own past. What is at stake, on the one hand, is the symbolic reparation to the forgotten victims by exhuming them, identifying them, and burying their remains in a dignified way. On the other hand, the issue is what should be done so that the citizens of Spain can finally reconcile with the recent history of their country. Up until now, the predominant strategy consisted in avoiding the issue altogether. According to the canonical interpretation, the Spanish transition to democracy was not based on amnesia but on amnesty, i.e. on legal forgetfulness. It was the result of a political agreement in order to consign to forgetfulness the conflicts of the past without calling anybody to account for them. This was done so that a new system of social coexistence could be erected.[8] The 1977 Amnesty Law, which was issued by the Spanish parliament after the first democratic elections, together with the pardon granted by the King on his accession to the throne, tried to cancel, from a legal and political perspective, the consequences of the Civil War and the subsequent dictatorship. This law not only benefitted those who had clandestinely fought for democracy under Franco, but also those accused of committing terrorist acts, and the regime officials responsible for the violation of human rights. Unlike the contested laws of amnesty in Chile and Argentina, the cancellation of penal responsibility for past crimes went on with a considerable degree of social consensus in Spain, or at least without provoking meaningful protests.

But if things really happened in this way, how can we interpret the current interest in retrieving the memory of the Civil War and the dictatorship? The main hypothesis points to the changes in the political culture inherited from the transition to democracy. The political hindrances that conditioned the transition forty years ago have now disappeared. The

[6] Santos Juliá, "Memoria historia, política de un pasado de guerra y dictadura," 18.
[7] See, for instance, the pioneering work by Maurice Halbwachs, The Collective Memory, translated by Francis J. Ditter, Jr. and Vida Yazdi Ditter (New York: Harper & Row, 1980).
[8] Juliá is a good example of this position. See Santos Juliá, "Echar al olvido: memoria y amnistía en la transición," Claves de la razón práctica 129 (2003), 14-25.

younger generations have lost the fears that filled their ancestors and have developed a new interest in those issues that their parents decided were better not to revive.[9] They are therefore the grandchildren, not the children of the victims, who are now vindicating the memory and the dignity of their grandparents. This has opened a public debate in the Spanish society that could no longer be postponed. What seems to be gone forever is the possibility of concealing the massive and systematic character of the political retribution under Franco. Such an attempt had turned the remembrance of the victims into what Francisco Ferrándiz has termed a discursive waste of the transition to democracy.

The narratives of defeat seem to be claiming a more central role in the current politics of memory in Spain. And not as objective and verifiable discourses on the past... or as a way for generating uncritical, homogeneous or caricaturesque modes of victimization, but as an indispensable basis for a more democratic system, one that can include such discourses without hiding, ignoring or denigrating them.[10]

The proclamation of the so-called Law of Historical Memory in 2007 has been the most conspicuous element in this process. In its foreword, the law declares that "it is about time that the Spanish democracy and the living generations that nowadays enjoy it, pay homage and regain forever all those who suffered injustice and grievances for political, ideological or religious reasons during that painful period of our history". This law was preceded by the declaration of 2006 as the Year of Historical Memory, and by the recognition of the Second Spanish Republic as the "most recent antecedent, and the most important democratic experience that we can recognize when looking back into our past". This law was deemed necessary in order to remember "with all its defects and virtues –in all its complexity and its tragic ending- many of the values, and the political and social principles that presided that [republican] period, and that have become true in our current social and democratic State of Law".[11] The Law of Historical Memory contains different types of measures: it generically recognizes the individual right to memory; it denies the legitimacy of the Francoist courts that violated fundamental rights, therefore repealing the validity of their norms and resolutions; it offers economic support for those excluded from former compensation programs, and sets a series of rules for the exhumation of mass graves and for the eradication of every form of apology of the Civil War and the dictatorship from the public space.

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[9] "Dossier: Generaciones y memoria de la represión franquista: un balance de los movimientos por la memoria," Hispania Nova 6 (2006) http://hispanianova.rediris.es, accessed October 31st, 2014.
[10] Francisco Ferrándiz, "Fosas comunes, paisajes del terror," Revista Española de Dialectología y Tradiciones Populares 1 (2009), 91.
[11] Law 24/2006, July 7th, declaring 2006 as the Year of Historical Memory. Boletín Oficial del Estado 162 (8 – 7- 2006: 25573).

The movement in favor of the historical memory has met, as was expected, strong opposition. The most frequent allegation is that only a few militant groups are interested in this issue or, somehow contradictorily, that it might arouse old hatred among the Spaniards. The Civil War and its consequences are certainly not a main concern for the bulk of the citizenry. The ideological alignment of their ancestors can no longer explain the political leaning of contemporary Spaniards. However, the events of the war and its outcome still linger on in the feelings of those who experienced it, and they are an essential element of the narratives with which the following generations have been socialized. The Civil War, so to say, has consolidated as a central reference for the Spanish historical imagination, i.e. an element that all Spaniards have had to place in their personal and family experience.

The symptoms of these changes are numerous and expressive. The TV serials that recreate daily life under Franco have been audience hits. One of the main best sellers in these last years has been a novel – Soldiers of Salamis, by Javier Cercas – that narrates the invented story of one of the founders of the Falange (the Spanish fascist party) after his failed execution during the final weeks of the war. The exhumation of old mass graves by voluntary groups has been pushed by a new social movement promoting the recovery of historical memory. With due respect to the obvious differences, this is a phenomenon not much unlike the overcoming of the racial issue in the United States, of Nazism in Germany, or of the military dictatorships in the Southern Cone. To tell where the parents or grand parents were, and what they did during the Civil War, as well as the personal position towards Francoism, are features that immediately reveal the different processes of socialization undergone by those who were brought up in Spain and those who have their origins abroad, and for whom the epics of immigration, and the effort to integrate into Spanish society, are probably the main biographic key. Beyond all these circumstances we can recognize a wider social development, namely the emergence of a new historical self-perception in Spanish society, with the subsequent erosion of the hegemonic memory that had been produced under Franco about the causes of the war, its historical consequences, and the role played by his regime.

Doing Justice to the Past

It is in this context that the political connotations of historical memory become more obvious, as well as the multiple meanings that we may attribute to expressions like doing justice to the victims or doing justice to the past. An ad hoc narrative of its origins and history supports the legitimation of every political system. Not even the most innovative and forward-looking societies can do without some kind of shared memory. This is so because, as social subjects, we share a cultural notion of time. This is not just a cultural

condition: the possibility of assuming responsibilities and making reparations equally depends on a moral conception of time. Such conception has an individual dimension - as a subjective perception of our own life - and a collective one - as is reflected in countless practices of ritual commemoration. This is what we mean when we talk about some strategies of memory being at the service of some political projects. In the Greco-Latin humanistic tradition, for instance, the study of the past was seen as a source for interpreting the present. In the same vein, during the nineteenth and twentieth centuries many historical studies and cultural policies were inspired by the purpose of creating new collective identities that were functional to the emerging nation-states. But such strategies have not been used exclusively by the nationalists. The collective remembrance of the deeds and sacrifices made in order to achieve a system of liberties is a key element in the representation of the civic nation. Ernest Renan even defended the strategic functionality of historical forgetfulness – or rather of selective memory - for the creators of nations.[12] This is the reason why the attempts at imposing hegemonic views of history have pressed professional historians to refuse historicism as a moral perspective. As Sir John Harold Plumb memorably put it, the past is nothing but a normative reconstruction of history in order to fetter it.[13]

In Spain, the long hegemony of a Francoist past, and the accumulated obstacles that prevented the establishment of a constitutional regime during the last two centuries, testify for the traditional weakness of civic nationalism as compared with Catholic nationalism and other types of political authoritarianism. To think that reconciliation constitutes the foundational myth of contemporary Spanish democracy is therefore a biased interpretation of what originally was a collective failure: the Civil War of 1936-39. The alleged symmetry of guilt, i.e. the idea that all Spaniards were equally responsible for the outbreak of the conflict, helped the reformist sectors in Franco's regime to evolve towards democracy and allowed the opposition groups to sublimate their option for a reform, rather than a rupture with the institutions received from the dictatorship.[14] However, the tacit agreement not to resort to memory has had a harsh effect on the political culture of Spanish democracy, which has been deprived of a solid historical or cultural reference to hold on to. The result has been the confusing impression that the democratic institutions owe their political pedigree as much to Francoism as to the demo-liberal tradition. If we were to accept this

[12] Ernest Renan, Qu'est-ce qu'une Nation? et autres écrits politiques (Paris: Imprimerie Nationale, 1996).
[13] John H. Plumb, The Death of the Past (London: Macmillan, 1969).
[14] Francisco Erice, "Combates por el pasado y apologías por la memoria. A propósito de la repression franquista," Hispania Nova. Revista de historia contemporánea 6 (2006) http://hispanianova.rediris.es/6/dossier/6d013.pdf accessed October 31st, 2014, and Paloma Aguilar, "Los debates sobre la memoria histórica," Claves de Razón Práctica 172 (2007), 64-8.

conventional view, the Spanish democracy would be a political system without deep historical roots. It would have climbed out of the dictatorship like Baron Münchhausen, pulling out his own hair, with no support or links to former history. Its institutional frame would be the result of a primeval act, the self self-funding pact of the transition, rather than of the restoration of an interrupted political tradition. This view has allowed the most conservative sectors of Spanish society to capitalize on the transition to democracy, even if they did not support it originally, presenting it as an outcome of the pacifying effects of Franco's regime.

However, the political effectiveness of this anamnestic syndrome has nowadays receded. In the zones where regional nationalism has become hegemonic, like in Catalonia and the Basque Country, the consensual metanarrative of the transition to democracy has been replaced by some version of historical victimization, which renders the nationalist parties much better political dividends. On the other hand, the conservative party gets on quite easily in the space shaped by political Catholicism, old-styled Spanish nationalism, and economic liberalism imported from the Anglo-Saxon world. With the dissolution of the old emancipatory references of the industrial society, it has been precisely the traditional left wing, which has suffered the consequences of a weak social memory. In an attempt to preserve their political work form historical critique, the resistance to revise the narrative frame of the transition to democracy has aligned side by side many of the conservative and the progressive politicians that originally drove it.

Collective memory is never monolithic, since it is conditional to the conflicts and changes in cultural hegemony. It is no surprise then that the Spanish Catholic Church and some conservative circles have strongly reacted against the attempts at developing a new approach to the traumatic past of the country. As with the efforts to reaffirm the secular character of the state or to introduce a new civic culture through the school syllabus, the movement for historical memory has been viewed as an attack against the implicit predominance of their cultural standards. But the battles for memory cannot be reduced to mere political calculation. The Spanish society needs to deal with the long-term consequences of the Civil War and a more solid base for historical reconciliation than one-sided reparation or strategic forgetfulness. The public debate on the remembrance of the greatest Spanish tragedy in the twentieth century had been delayed for over thirty years, and could not keep on excluding those who are mentioned in the preamble of the new law: the forgotten victims of the war, those who were shot and dumped on the roadside, and those who lost their freedom and properties, were sent into exile or fought for the restoration of democracy.

Obviously, the survivors and the descendants of the victims see the asymmetric management of the memory of the Civil War as being deeply unfair. The tacit agreement during the transition not to make a political issue of the past was based on a manifest inequality: the crimes committed in the republican zone were investigated by the so-called Causa General Informativa, which was carried out by the Ministry of Justice in 1940, immediately after the end of the war.[15] The victims of the nationalist side received public recognition as fallen for God and for Spain, and their families were compensated with the means that the country could afford at that time. On the contrary, the republican victims and the thousands of prisoners executed during the brutal repression in the post-war, were condemned to a double death – physical and symbolic - since not only were their names erased from the public memory, but in many cases their bodies and the mass graves in which they were dumped were never identified. It is a bitter irony that Spain, a country that feels pride in its contributions to international peacekeeping missions, has tens of thousands of missing persons who were anonymously buried in ditches and mass graves all over the country.

The Social Functions of Memory

Is there such a thing as a moral obligation towards the past? And if this is the case, how can justice be done to the victims? Is reconciliation possible without recalling what happened once? The Law of Historical Memory implicitly poses these types of hard questions. The moral standards of a given society can be evaluated in different ways, but a most telling one is the manner in which it deals with its victims. The new Spanish law is inspired by the notion of restorative justice and the belief that the eventual reconciliation of the Spaniards with their recent past depends on recognizing the dignity and honour of the forgotten victims. However, the notion of a just memory shared by all the members of the new generations is something unlikely. In a democratic system there will always be different political sensibilities and views of the past. Historical memory is therefore prone to become a field of ideological confrontation, since around it, different views about the present and the future are expressed. The hostility with which the conservative groups in Spain have received the new law proves that it still touches on a very sensitive social issue. There is, however, no proof of any revanchist intention among the social movements that have pushed the recovery of historical memory in Spain. In any case, there are no legal means by which to advance such a hypothetical revenge. What the judge Baltasar Garzón tried to do when he opened a judicial case for the crimes of the Civil War, was to force the state intervention in the exhuming of the mass graves. It makes no sense to demand penal

[15] Ministerio de Justicia, Causa general. La dominación roja en España. Avance de la información instruida por el Ministerio Público (Madrid: Ministerio de Justicia, 1943).

responsibilities for crimes that were committed over half a century ago. The criminals and their victims are dead long time ago. The question now is the public recognition that the Spanish democracy owes to all the victims of the war and the dictatorship.

At this point it is necessary to establish that the victims deserve our compassion and respect for their circumstance, not for their political ideas, which do not increase their worth or prestige by such circumstance. We therefore have to deal with two different types of issues: on one hand, the historical responsibility for the crimes committed; on the other hand, the symbolic reparation owing to the victims. Legislation addressed to deal with such a traumatic legacy, should try to advance a type of reconciliation based on the restitution of the dignity and the memory of the victims, but without necessarily giving up the establishment of historical or political responsibilities for what happened. Both types of processes are guided by different moral logics, but they are not incompatible. The Catholic Church, in its double condition as a victim and as one of the victimizers, was the first to draw conclusions. In April 2007, the Spanish Synod declared the beatification of 498 new martyrs of the Civil War. Its speaker, monsignor Juan Antonio Martínez Camino, explained that such an initiative was not addressed against anyone in particular. As he declared to the journal El País on April 28th, 2007, "The memory of the martyrs is not intended to blame anybody, but this doesn't mean that there exists no blame". Even if this decision, which was supported by pope John Paul II, can be perceived as a reaction of the belligerent Spanish Church against the Law of Historical Memory, the idea behind it is quite clear: one thing is the willingness to forgive and the wish for reconciliation; a different thing is the quest for truth and the establishing of the historical responsibilities. Knowledge, responsibility and reconciliation refer thus to three different dimensions of social memory, which can respectively deploy a didactical, a political and a therapeutic function.

The political dimension of memory transcends the private realm of personal recalling. The assumption or the determining of historical responsibilities presupposes a public knowledge of the role played by the persons and institutions in a certain context. The possibility of critically assuming the history of our own country and of recognizing ourselves in its current political institutions largely depends on the transparency and the fluidity of such processes. The therapeutic dimension of memory is connected to working through grief and loss. More concretely, it alludes to the possibility of redeeming the moral harm done by doing an exercise of anamnesis. Obviously, those who silently coped with the death of a relative or a friend never forgot the past, but the fear that seized Spanish society after the war prevented for a long time that the private mourning turned into public vindication. The inhibition of memory and the seeking of refuge in seclusion are a recurrent characteristic in the oral histories gathered from the victims and their descendants. Often it is only at the

graveside when the younger relatives discover, to their surprise, the existence of a missing person in the family.[16] The reprisals that Franco inflicted on those who he had defeated not only seek to impose a veal of silence on their memory, but to eradicate it altogether by dismantling the communities of recollection through which memories are socialized. The mute testimony of the mass graves, their character as a public secret, worked in this way as a peculiar pedagogy of terror. The purpose was to deprive the families and society in general of the control over the grief for the victims: what cannot be told nor transmitted to the next generations simply ceases to exist. Psychoanalytical practices have proved that in conflict-ridden contexts, where social repudiation of the victims or a pact of silence predominates, those who survive are left alone with their own traumas. The German historian Friedhelm Boll showed through a series of interviews with survivors of the Jewish genocide and victims of Stalinism how the attribute of incommunicability is related to the restrictions of the social environment. Suffering beyond words usually pushes the traumatized subject to seclude him/herself into silence, since there is the fear to be exposed again by narrating his/her own pain.[17]

The therapeutic function of memory runs in an opposite direction. It does not consist in suspending or cancelling the historical judgment, nor in feeding resentment and revenge, but in seeking reconciliation with the past through an exercise of remembrance that symbolically brings back the victims and does justice to them. When the relatives of the victims recover or recognize their remains after the exhumation of a grave, usually their feeling is of relief. In the words of Francisco Ferrándiz, an anthropologist who has witnessed dozens of exhumations from the Civil War, to the journal El País on October 3rd, 2009, "There is initially an enormous tension, but then there is peace and a sense of relief. And more important, I have not seen a single reaction of resentment or revenge. They simply want to bury their own dead with dignity". The history of persecution and suffering of the victims can thus be evoked, but the original traumatic experience, with its unbearable burden of pain, is not transferred to the successive generations. The possibility of historical reconciliation rests precisely in the therapeutic capacity of anamnestic rituals and in the loss of the pain that goes with the intergenerational transmission of memories.

The relationship of citizenship with the right to memory deserves an additional

[16] There is an abundant and disperse oral material concerning war experiences, the post-war repression and exile. An overview of the main audio-visual resources in this field, see Rafael Arias, "La Guerra Civil y el exilio. Testimonios audiovisuales," Página Abierta 179 (2007) http://www.pensamientocritico.org/rafari0307.html accessed October 31st, 2014. For the oral memory of the exhumations, Francisco Ferrándiz, "Cries and whispers: exhuming and narrating defeat in Spain today," Journal of Spanish Cultural Studies 9:2 (2008), 177-192.
[17] Friedhelm Boll, Sprechen als Last und Befreiung: Holocaust-Überlebende und politisch Verfolgte zweier Diktaturen (Bonn: Dietz, 2001).

consideration. The new Spanish law acknowledges that it is not the task of the legislator to implant a determinate collective memory, but "to bring justice to the victims, to enshrine and to protect the right to personal and family memory with the maximum normative zeal, as an expression of full democratic citizenship". In this context, the rights of the dead have been sometimes mentioned, probably as a distortion caused by the legalist rhetoric that impregnates contemporary political discourse. Unless one believes in the resurrection of the defunct or in the salvation of the souls, the only right that appertains to the dead is their right to inhabit our memory. The circumstances of such remembrance though, are a right of the living. Historical memory performs in this case a didactical function. Although the past never returns, and history does not repeat itself neither as a tragedy nor as a farce, the newer generations are socialized through views of the past that condition the perception of the future. Manuel Azaña, the last President of the Spanish Republic, made claim by the end of the Civil War for the imperative reconciliation of all Spaniards, and their need to learn from the tragedy that they had gone through. His words in an address to the Republic's representatives in Barcelona City Hall on July 18, 1938 can still stir up our emotion. He mentioned there the moral obligation to draw the best possible teachings from the war.

When the torch passes to other hands, to other men, to other generations, let them remember, if they ever feel their blood boil and the Spanish temper is once more infuriated with intolerance, hatred and destruction, let them think of the dead, and listen to their lesson: the lesson of those who have bravely fallen in battle, generously fighting for a great ideal, and who now, protected by their maternal soil, feel no hate or rancour, and who send us, with the sparkling of their light, tranquil and remote as that of a star, the message of the eternal fatherland which says to all its sons: Peace, Pity and Pardon.[18]

We can therefore conclude that we need memory, and not forgetfulness, to restore the harm done to those who still suffer for the past and to enhance the moral quality of our collective life. To have sympathy for the victims, to restore their dignity, and to place them in our memory: all of these are tasks whose adroit resolution determines the health and the civic vitality of a democratic community. However, there is no manual or compendium that can explain how to heal the injuries of memory. This is something that every society must learn by itself

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