

SPAIN'S HISTORICAL MEMORY LAW: A STUDY OF SUCCESSFUL
HISTORICAL RECONCILIATION

Ivo Tzvetanov Dimitrov

A thesis submitted to the faculty of the University of North Carolina at Chapel Hill in partial fulfillment of the requirements for the degree of Master of Arts in the Department of Political Science.

Chapel Hill

2011

Approved by:

Advisor: Dr. John D. Stephens

Reader: Dr. Milada Vachudova

Reader: Dr. Graeme Robertson

ABSTRACT

IVO T. DIMITROV: Spain's Historical Memory Law: A Study of Successful Historical Reconciliation

(Under the direction of Dr. John D. Stephens)

I explore the Historical Memory Law (Ley 52/2007) as a successful model of historical reconciliation. I argue that the HML can be conceived as a renewed source of legitimacy for the Spanish state and as a progressive model of reconciliation, applicable to democratizing countries. First, I address how the pacted transition has affected reparation and rehabilitation efforts. Second, I respond to the critics by extensively analyzing the legal framework and victim compensations from the onset of the Transition. Autonomous division of power and the legacy of the pacted transition emerge as limiting factors in HML implementation. Thirdly, I identify left-leaning regional parties as the key actor in the political effort and propose a comprehensive four-stage model that maps out the reconciliation effort (negation, amnesia, accommodation, reconciliation). I conclude that historical reconciliation will deal with memory recuperation (exhumations, symbols removal, sentences annulment) and depend on a new generation of post-Transition Spaniards.

ACKNOWLEDGEMENTS

I would like to thank the faculty at UNC-Chapel Hill for their guidance during the course of my graduate studies. I am grateful to my advisor, Dr. John Stephens, for his efforts in improving the thesis and his availability, despite the time difference. I am especially indebted to Liesbet Hooghe whose valuable insights on my IARO and Fulbright grant proposals undoubtedly contributed to their success.

The generous support of the J. William Fulbright Board and the EU Fulbright Commission enabled me to conduct my research in Barcelona as well as to finish my degree as a Fulbright-Schuman scholar. The cultural events organized by the Belgian and Spanish staff allowed me privileged access to EU institutions and truly enriched my experience.

I am proud to recognize the Ford Family Foundation, whose generosity made my tenure at Willamette University and UNC-Chapel Hill possible. The Ford Family's efforts and faith in me have inspired me to be a better scholar and active citizen.

Lastly, Sarah Hutchison has been an invaluable source of advice and assistance. Her kindness, professionalism and, most of all, unfailing sense of humor are rare qualities that I feel fortunate to have benefitted from.

TABLE OF CONTENTS

ABSTRACT.....	ii
LIST OF TABLES	v
LIST OF FIGURES	vii
LIST OF ABBREVIATIONS.....	viii
I. Introduction.....	1
II. Historical reconciliation: function, criteria, approaches.....	3
A. The function of memory and history in Spain.....	3
B. Criteria: right to remedies, knowledge, and justice.....	7
C. The Law as a source of renewed legitimacy.....	10
III. The significance of Law 52/2007.....	15
A. Does the HML matter? Responses to the critics.....	16
B. Analyzing the shortcomings: a compromise or an unreached stage?.....	25
IV. A Historical Reconciliation Model: political actors, forces, stages.....	36
A. Political steps: the forces behind the sequential reparation efforts.....	36
B. The four stages of historical reconciliation.....	43
V. Conclusion.....	52
APPENDIXES.....	55
BIBLIOGRAPHY.....	77

LIST OF TABLES

1	Grants made in the period 2006-2010, categorized by domain	35
2	Results of Congress of Deputies national elections (1977-2012).....	50

Appendix A:

1	Parliamentary initiatives approved during the 1 st legislature (1979-1982).....	55
2	Parliamentary initiatives approved during the 2 nd legislature (1982-1986).....	56
3	Parliamentary initiatives approved during the 4 th legislature (1989-1993)	57
4	Parliamentary initiatives approved during the 5 th legislature (1993-1996)	57
5	Parliamentary initiatives approved during the 6 th legislature (1996-2000)	58
6	Parliamentary initiatives approved during the 7 th legislature (2000-2004)	59
7	Parliamentary initiatives approved during the 8 th legislature (2004-2008)	60
8	Government measures that regulate the implementation of Law 52/2007	64

Appendix B:

1	Initiatives brought before the 1 st legislature.....	66
2	Initiatives brought before the 1 st legislature, by political affiliation.....	66
3	Initiatives brought before the 2 nd legislature.....	66
4	Initiatives brought before the 3 rd legislature	66
5	Initiatives brought before the 4 th legislature, by type	67
6	Initiatives brought before the 5 th legislature	67
7	Initiatives brought before the 6 th legislature	67
8	Initiatives brought before the 6 th legislature, by political affiliation	67
9	Initiatives brought before the 7 th legislature, by type	67

10	Initiatives brought before the 7 th legislature, by political affiliation	68
11	Topics of initiatives brought before the 7 th legislature, by political affiliation	68
12	Initiatives brought before the 8 th legislature, by type	68
13	Initiatives brought before the 8 th legislature, by political affiliation	69

Appendix C:

1	Questions raised before the 1 st legislature, by branch and status.....	70
2	Questions raised before the 2 nd legislature, by branch and status.....	70
3	Questions raised before the 4 th legislature, by branch and status	71
4	Questions raised before the 5 th legislature, by branch and status	71
5	Questions raised before the 6 th legislature, by branch and status	71
6	Questions raised before the 7 th legislature, by branch and status	72
7	Questions raised before the 8 th legislature, by branch and status	72

Appendix D:

1	Social Security fees paid by the Treasury during 1979-2005 as a result of prison time, as directed by Law 46/1977 and Law 18/1984.....	73
2	Analysis of 2006 economic reparations given as a result of prison time, as directed by Law 46/1977 and Law 18/1984	74
3	Beneficiaries of war pensions for 2006	74

Appendix E:

1	Beneficiary entities in the period 2006-2010.....	75
2	Grants made in the period 2006-2010, by amount.....	75
3	Grants made in the period 2006-2010, by domain.....	75
4	Grants made in the period 2006-2010, by beneficiary entities	76

LIST OF FIGURES

1	Government grants made in the period 2006-2010, categorized by amount of total funding.....	35
2	The four stages of Spanish historical reconciliation: key actors, legislation and major developments.....	51

ABBREVIATIONS

Phrases:

Appx.	Appendix
ARMH	Association for the Recovery of Historical Memory
EEC	European Economic Community
HML	Historical Memory Law, Law 52/2007
Prin.	Principle

Parties:

AP	Popular Alliance
CC	Canarian Coalition
CD	Democratic Coalition
CDS	Democratic and Social Center
CG	Galician Coalition
CiU	Convergence and Union
CP	People's Alliance (AP-PDP-PL)
EE	Basque Country Left
ERC	Republican Left of Catalonia
HB	Herri Batasuna (Unity of the People)
ICV	Initiative for Catalonia-Greens
IU	United Left
PA	Andalusian Party
PAR	Aragonese Party

PCE	Communist Party of Spain
PDPC	Democratic Agreement for Catalonia
PNV	Basque Nationalist Party
PP	People's Party
PSOE	Spanish Socialist Worker's Party
PSP-US	Popular Socialist Party-SU
UCD	Democratic Center Union
UV	Valencian Union

Introduction

In this thesis, I argue that the Historical Memory Law is successful legislation, in intent and application, conceived as a renewed source of legitimacy for the democratic Spanish state. Furthermore, it can be studied as a progressive model of historical reconciliation that is applicable to democratizing countries.

In Chapter 2, I examine the lasting impact of the dictatorship on the reconciliation agenda. I show how the prolonged presence of Francoism and the desire to safeguard the democratic transition limited reconciliation to the arena of economic reparations, in the form of pensions. Yet, after periods of memory negation, amnesia, and accommodation, the HML defined a public turn to moral reparation and public rejection of the fascist past. This reflected PSOE's newfound commitment to respect the rights of victims and to reinvigorate citizen support for state institutions by prioritizing autonomous rule of law, democratic values and social justice.

In Chapter 3, I respond to the major critics of the legislation. By analyzing the legal framework and government initiatives, I conclude that the HML is the most comprehensive historical reconciliation effort in Spain and I demonstrate how gradualism ('the ratchet effect') has sequentially expanded the scope and level of benefits. I interpret the shortcoming of the legislation (annulment of Francoist sentences, privatized exhumations, removal of fascist symbols) as the unreached stages of a process that is

limited by autonomous divisions of power and the desire to safeguard the sanctity of the pacted transition.

In Chapter 4, I turn my attention to the forces and actors that have pushed the reconciliation effort. Rather than amnesia and absent transitional justice, I credit Spain's functioning democracy on the specialization of societal forces that adopted unique roles to right the injustice of the old regime. In the legislature, regional left-leaning parties were the force behind economic reparations and memory recuperation. Researchers, victims' associations and international actors exposed the crimes of the regime and pressured PP and PSOE to adopt economic and moral reparation measures. Here, I offer a sequential model of the four stages of reconciliation that maps out the effort since the transition (see Figure 2).

In conclusion, I reiterate my support for the HML as an effort that honors victims and aims to eliminate the vestiges of Francoism in the modern Spanish state. Since its measures are legally-binding and institutionally entrenched, I believe that a new generation of Spaniards, guided by a democratic and European cosmopolitan consciousness, will adopt an even more critical stance towards the dictatorship.

Chapter II:

Historical reconciliation: function, criteria, and approaches

Spanish efforts to compensate victims, advance memory recuperation and eliminate the vestiges of fascism have always been influenced by the pacted transition. In this section, I examine how the Francoist legacy has socially structured historical reconciliation since the Civil War (see Chapter IV.B for legislative analysis). Secondly, I briefly outline standards of international jurisprudence that can be used to evaluate the reconciliation process. Lastly, I argue that the HML is a vehicle that bolsters, rather than competes, with the democratic legitimacy of the Spanish state and the Constitution: it affirms their values without being marred by the transitional compromises with the old regime.

A) The function of memory and history in Spain

In modern Spain, memory has played an essential role as a source of institutional legitimacy in the construction of the state.¹ After Franco's victory, fascists aggressively sought to cleanse the social spaces of remembrance – schools, workplaces, homes and plazas – of the brief existence of the Second Republic.² The regime legitimized itself and paved the way to the transition by portraying the republic as chaos and the Civil War as a

¹ For stages of memory analysis, Maestre (2003).

² Sanz (2006).

fratricidal conflict. Consequently, the dictatorship was the architect of authoritarian stability defined by ‘25 years of peace’ and the parliamentary monarchy was equated with progress and prosperity.³ The *negation of memory* characterized the period 1936-1977. Forced disappearances,⁴ summary arrests, torture and harassment relaxed in the 1950s, but repression was a defining trait of the government until the end.⁵ Up to 440,000 Republicans went into exile and as many spent time in prison or forced labor camps.⁶ An environment of overt discrimination curtailed education and professional opportunities for republicans and sympathizers. Conversely, reparation schemes, monuments, public holidays and rituals honored only Nationalists. Thus, “oppression, torture and labor camps were the most successful ways of enforcing the dictatorship”.⁷

During the *politics of amnesia* (1977-1981), the political class and Spanish society adopted a vow of silence in terms of the past, known as the *pacto de olvido*. The ruling elites eschewed any discussion on the abuses of the dictatorship. They approved an Amnesty Law that exempted from responsibility everyone who committed offenses of a political nature. It pardoned the repression of the regime, so that political prisoners could be released and the transition further consecrated.⁸ Concurrently, the UCD passed

³ Valcárcel (2010).

⁴ The standard figure is 30,000, but some estimate up to 80,000. See, Maestre (2003, p. 102), who cites the work of Jesús Núñez Calvo and Luis Castro. For a glance at Franco’s treatment of the disappeared, see Decreto nº67, de 11 de noviembre de 1936: “... a natural consequence of war is the disappearance of people, combatants or otherwise, victims of bombardments, fires or other such causes...” and the Orden de 1 de mayo de 1940 (BOE 9/5/1940) on “the exhumations and burials of corpses murdered by the reds.”

⁵ Aguilar (2001).

⁶ Preston (1990, pp. 40-43).

⁷ López and Hespanha (2008, p. 5).

⁸ Ley 46/1977 de 15 de octubre, de amnistía.

pension laws for republicans that provided economic reparation in exchange for moral recognition.⁹ There were no efforts to publicly affirm the continuity of the Second Republic. At his coronation, Juan Carlos swore loyalty to the principles of Franco's National Movement. The flag retained the fascist motto (*Una, Grande, Libre*) and symbols (the yoke and arrows). Despite the adoption of the 1977 Constitution, which legitimized Republican democracy in the face of an illegal military uprising, the pacted transition demanded public silence in terms of history.

The unsuccessful coup on February 23, 1981 showed that the repressive past was not far behind and ushered in *an accommodation period* (1982-2002) in terms of memory. The political class avoided contentious debates on the dictatorship, but reformed institutions in order to join NATO and the EEC. It extended pension coverage for republicans, compensated banned unions and political parties, and returned confiscated Catalanian archives. It appeased both sides. In 1986, on the fiftieth anniversary of the uprising, Felipe Gonzáles' government honored defenders of republican institutions as well as those "who, impelled by convictions other than those of democratic Spain, fought for a different society and to which many also sacrificed their lives."¹⁰ Paradoxically, both fighters for and against the Second Republic were honored in order to be re-imagined as martyrs for the transition.

In contrast, academic researchers assumed the contentious task of exposing the abuses of the regime and recuperating historical memory. Their effort was so successful

⁹ Decreto 670/1976, de 5 de marzo, regulates the pensions of invalids that cannot join the Cuerpo de Caballeros Mutilados; Ley 5/1979, de 18 de septiembre, on the recognition of pensions, medical-pharmaceutical aid and social assistance for widows, children and heirs of victims of the Civil War; Ley 35/1980, de 26 de junio, on pensions to republican ex-combatant invalids.

¹⁰ Pradera (2006).

that in 1996 Santos Juliá published a provocative article in which he denounced the “imagined pact of forgetting.” He insisted that “in the 20 years of democracy everyone has investigated whatever they wanted, benefitted from public funding to research and edit it, as well as abundant space in newspapers and periodicals to popularize it.”¹¹ Interest in reexamining history was also reflected by the high number of newspaper articles that dealt with memory, though the government did not prioritize any narrative.

By 2002, a period of historical reconciliation was approaching under pressure from victims’ associations and minority left parties. A Congress statement recognized the old regime’s repression, morally rehabilitated republican victims, and acknowledged IU demands for exhumations of gravesites.¹² A substantial increase in motions identified various victims: the disappeared, the summarily-executed, exiles, forced laborers, children of war, and fallen democrats. Despite the extreme reluctance of the PP to engage in memory recuperation, the Historical Memory Law was adopted in 2007. It recognized Francoist repression, condemned the dictatorship, regulated symbolic spaces, promised state aid in exhumation efforts, granted citizenship to International Brigadiers, and established further reparation measures.

Nonetheless, the political class did not dare debate the legacy of Francoism, namely the pacted transition and the institutions born during it (monarchy, non-federal autonomy statues, etc). The government refused to annul illegitimate tribunal sentences,

¹¹ “En los 20 años que llevamos de democracia cada cual ha investigado lo que le ha venido en gana, ha contado con ayudas oficiales para hacerlo y ha disfrutado de financiación pública para editarlo y de generosísimos espacios en periódicos y revistas para darlo a conocer. Roza ya el límite de lo grotesco insistir en un fantasmagórico pacto de olvido como explicación de supuestas lagunas en la historiografía de la guerra civil”. See, Juliá (1996). For an extensive rebuttal, Maestre (2007).

¹² Enmienda de modificación, *A la mesa del Congreso de los Diputados*, 19 de noviembre de 2002, Madrid.

to pressure the autonomies to remove fascist symbols, or to take full responsibility for the exhumation efforts. Instead, PSOE spokesman Ramón Jáuregui stated that the HML establishes “the right of all the citizens to recover their personal and familial memory” and asked whether this right should extend to only victims of *franquismo* or should include the Civil War.¹³ In recognizing the suffering of the other “side”, he noted, we strengthen the spirit of negotiated reconciliation, which is the base of transitional democracy.¹⁴ By rhetorically equating the factions and limiting the extent of the HML, this accommodation had one purpose: to safeguard the inviolable nature of the pacted transition, which could not be questioned for fear of destabilizing the foundational base of the democratic state.

B. Criteria to judge reconciliation: remedies, knowledge, and justice

There are various transitional justice mechanisms that aid societies to “come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation.”¹⁵ These include criminal investigations and prosecutions; truth-seeking mechanisms; memorialization efforts; reparation for victims; guarantees of non-repetition; and institutional reform. Investigating the past in the aftermath of a repressive regime is a controversial process. The former elites are in a privileged position: without lustration, defenders of the old guard dominate the courts and state institutions.¹⁶ Victims are unaccustomed to contesting the endured abuses.

¹³ “Pero si ese derecho se quiere extender a la Guerra Civil - y en mi opinión así debe ser - resulta obligado reconocerlo también a quienes sufrieron esas mismas circunstancias en el otro bando”.

¹⁴ Jáuregui (2006).

¹⁵ UN Secretary General Report, *The role of law and transitional justice in conflict and post-conflict societies*, S/2004/616, August 23, 2004.

¹⁶ Kritz (1995, p. xxxvi).

Consequently, sympathizers can deny that human rights violations took place; minimize the allegations; justify the abuses in a narrative against a larger threat; or use institutions and transition pacts (e.g. amnesty laws) to prevent investigations. Therefore justice advocates often cite international jurisprudence to establish criteria for successful reconciliation and to pressure governments into compliance.

The first standard is the *right to remedies*.¹⁷ Essentially, these are material reparations. ‘Rehabilitation’ reinstates a person to their professional position, prior to the repression of the regime. ‘Reparation’ entails any measure that compensates the victim in the form of benefits, indemnities, or special payments. ‘Restitution’ is the devolution of confiscated property either to the legitimate owners, their descendants or the institution that owned it. Although money cannot make up for egregious suffering, remedies can bridge intra-national divides. If sufficient and timely, they may aid families to mediate the material aspect of their loss.¹⁸ More importantly, they serve as official recognition of the injury between the nation and the victims. Thirdly, the moral and financial burden on the state may prevent recurrences of such abuses.¹⁹ Lastly, payments reflect the legal acceptance of state culpability, which may incentivize more generous programs in the future.

¹⁷ For definitions of rehabilitation, reparation and restitution, see Montero (2010, p. 85).

¹⁸ Kritz (1995, p. xxxvii).

¹⁹ This creates a double dilemma: (1) in penalizing the state, the remedies burden the successive democratizing government, rather than the perpetrators; and (2) if the remedies are substantial, they may create inflation and budgetary deficits, which may destabilize the government agenda and legitimize the reentry of old regime; or (3) if meager, the reparations may add insult to the injury suffered by victims.

The second standard is the *right to knowledge*.²⁰ Truth-seeking mechanisms were originally employed in criminal trials in order to map out the extent of past abuses and culpability. In models of transitional justice, like Spain's, where penalization is not the central focus, they serve a triple function. Firstly, it emphasizes that people have the right to know what occurred during the regime; victims must know why they suffered abuse; and both must remember it to battle against revisionism (prin. 2-5). Secondly, commissions must uncover and disseminate the repressed truth (prin. 6-13). Lastly, archives must be preserved and made available to the public to determine the violations of civil rights (prin. 14-18). Such recognition in the public space has a therapeutic role by incorporating the surreal reality of the persecuted into the common heritage of the nation. Also, it battles state monopoly on information (and power) by converting archives into public depositories of knowledge.

The third standard is *the right to justice*, based on investigations and prosecutions. Firstly, states must create the judicial framework necessary to report, investigate and judge cases of violations of human rights in a "timely, exhaustive, independent and impartial" manner.²¹ Secondly, the government must prosecute and punish crimes against humanity, such as genocide, torture, extrajudicial executions, and forced disappearances.²² Justice advocates battle against impunity (the exemption of perpetrators

²⁰ E/CN.4/2005/102/Add.1 of the Commission on Human Rights on February 08, 2005. "Updated set of principles for the protection and promotion of human rights through action to combat impunity."

²¹ SEAI (2005, p. 40).

²² See Isa (2006, p. 44). Also, the Convention on the Prevention and Punishment of the Crime of Genocide (1948), which Spain acceded on Sept. 13, 1968. Paragraph 6 states: "persons charged with genocide ... shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction." The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), which Spain signed on Feb. 4 1985 and ratified on Oct. 21, 1987, demands the trial and or extradition for trial of accused (articles 4 and 7).

of violations from punishment) for legal, reparation and ethical reasons. Legally, impunity weakens the assurances of civil rights: if citizen protection and the social contract are violated without consequence, few will trust in them. Without prosecutions, one cannot deliver punishment that is deserved, deter future offenses or incapacitate dangerous criminals. From a reparation viewpoint, impunity is a roadblock because it robs victims of the ability to make legal demands against a guilty party. Not least of all, impunity may aggravate victims' suffering by denying them justice and recognition of their hardships. Collectively, these theoretical standards can act as a benchmark for successful reconciliation in societies transitioning from repressive regimes.

C. The Law as a source of renewed legitimacy

When the Memory Law was debated, the Popular Party denounced it strongly:

to legislate so-called historical memory is a big mistake...this project is a torpedo aimed at the waterline of our political system... this law is misleading and hypocritical because it disguises itself as an initiative of harmony when in reality it is nothing more than a step towards a rupture with the coexistence pact between Spaniards, embodied in the transition and the Constitution...Mr. Rodríguez Zapatero breaks the pact, betrays this pact, and betrays the position of the PSOE during the last 25 years.²³

While the speech of the conservatives attacked the legal, social, and ethical dimensions of the law, their insistence that it was a serious threat to the Constitution and cohesion between Spaniards was most striking. Indeed, a similar motion denouncing Franco had passed in 2002 when the conservatives were in power,²⁴ along with initiatives for moral

²³ BOE, núm. 222, de 14 de diciembre de 2006. Manuel Atencia Robledo: "legislar la llamada memoria histórica – constituye un gran error. Este proyecto supone un torpedo en la línea de flotación de nuestro régimen político (11259)... esta ley es falsaria e hipócrita, porque se disfraza de iniciativa de concordia lo que en realidad no es sino un paso más en la estrategia de ruptura del gran pacto de convivencia entre los españoles que fue la transición y la Constitución (11260) ... el señor Rodríguez Zapatero rompe el pacto, traiciona aquel pacto, traiciona la posición del PSOE durante 25 años".

²⁴ BOE, núm. 448, de 29 de noviembre de 2002.

acknowledgement (IU),²⁵ moral reparation (PSOE),²⁶ exiles acknowledgement (PSOE),²⁷ exhumations (IU),²⁸ and dignity for relatives of executed (joint).²⁹ Why then did PP frame the Historical Memory Law as a challenge to the legal and social institutions that underpinned Spanish democracy? More importantly, what impelled PSOE to adopt such legislation on historical memory?

Firstly, an important distinction is the legal status of the adopted measures. The PP document was passed with all political parties voting in favor. Its classification (*proposición no de ley*) had two implications: it was a motion proposed by the legislature and it had no legal binding power.³⁰ It was just under two pages with four articles, reiterating the need for societal amnesty and moral acknowledgement of the victims of violence. The HML, on the other hand, is a legally-binding law of over seven pages with 31 articles that established an overarching program of measures that engaged state, regional and local governments. Unlike the PP motion, Law 52/2007 required much negotiation³¹ and was blocked by the conservatives and the ERC.³² Thus, while the

²⁵ BOCG, núm. 376, de 24 de junio de 2002.

²⁶ BOCG, núm. 412, de 30 de septiembre de 2002.

²⁷ BOCG, núm. 412, de 30 de septiembre de 2002.

²⁸ BOCG, núm. 423, de 22 de octubre de 2002.

²⁹ BOCG, núm. 444, de 25 de noviembre de 2002.

³⁰ The term *proposición* deals with legislative initiative, i.e. with who proposes a draft to be passed by the Parliament. If it is the government (via executive power) it is called a *proyecto* or if by Members of Parliament (even from the opposition parties), it is called *proposición*. The term *no de ley* has to do with the content of the draft. The motion proponed by Members of Parliament can refer to a legislative enactment (*proposición de ley*) or to something that is not meant to be legally binding, if passed (*proposición no de ley*).

³¹ Díez and Cué (2007).

³² EFE (2007).

measures dealt with a similar topic, the PP initiative was merely symbolic; reflected the minimum consensus of the Congress; and did not purport to have a noticeable effect on administrations or the public space.

Secondly, the Memory Law is a vehicle to stabilize and reinvigorate Spanish patriotism and coexistence (*convivencia*). Many factors complicate the expression of Spanish patriotism. The country is a multinational state;³³ the civil war had a polarizing effect on society; and the most injurious effect was the monopolization and abuse of patriotism discourse under Franco. Nonetheless, Spaniards are patriotic.³⁴ They identify closely with each other³⁵ and peripheral nationalism is not strongly divisive.³⁶ As a result, most politicians have adopted ‘constitutional patriotism’ to unite citizens and to avoid complications with expressing national pride.³⁷ For the right, this means associations with Franco and for the left, the need to protect alliances with autonomies.

This approach is acceptable because the Constitution binds legitimately through consensus. It prizes justice and is a ratification mechanism that allows the state to self-

³³ For a superb analysis on plurality and its effect on Spanish nationalism, see Lacasta-Zabalza (1998).

³⁴ In a 2000 survey, 65% of participants saw themselves as Spaniards, first and foremost, and as Europeans; 7% saw themselves as Europeans and then as Spaniards; and only 20% identified as only Spaniards. See, Eurobarometer (2000).

³⁵ 90% of Spaniards feel very close (*bastante cercano o muy cercano*) to their fellow countrymen. This is a bit higher than the percentage that feel close to their autonomous community (87%) and close to that of those who identify with their home city (92%). Translated from Spanish, Jiménez (2004).

³⁶ “Although Basque and Catalan nationalist discourses strive to problematize the compatibility of regional identity (nationalist) and national (Spanish), the Basques and Catalans do not have difficulty identifying as Spaniards. According to data from the survey conducted for this research, 93 percent of Catalans feel close to the rest of Spanish countrymen, while 88 percent feel equally close to their region and the nation. In regards to the Basque people, 81 percent of Basques feel close to the Basque Country and Spain.” Translated from Spanish, Jiménez (2004, p. 3).

³⁷ The authors propose a more critical interpretation: “on the other hand, the left displays such an instinctive negative reaction to concepts such as patriotism and nationalism that it is unable to find a natural way of dealing with these questions.” Aguilar and Humlebæk (2002, p. 141).

reinforce in the face of growing EU pressures for internationalization and peripheral nationalism. Yet to be embraced as a binding institution, the Constitution must be seen as legitimate. This relies on the perceptions of its contents and origins, and is made more difficult by the diversity of the Spanish state. Consequently, “history has become the preferred terrain for disputes on constitutional legitimacy and national pluralisms have fractured the past into the common history of Spaniards and the unique ones of the constituent nations.”³⁸

Since there was no clear break with Franco’s regime, but gradual reform, the transition pact and the Constitution risk being tainted by a discredited regime. The Memory Law seeks to preserve these accords by disassociating them from a narrative that overemphasizes a compromise with Spain’s anti-democratic legacy. It replants them into the domain of inviolable citizen’s rights and the supremacy of democracy. It portrays the modern Spanish state as the progressive antithesis of the Civil War and the Dictatorship. The HML approach is hostile only to the legacy and memory of *franquismo*. Rather than legislate the past, it establishes the direction of the state: rule of law, victim remembrance and social justice – values that resonate with a Spanish public for whom the pre-transition past plays a diminishing role.

Thirdly, the HML is strongly motivated by the political calculus of the socialists. On the one hand, it allows them to ‘catch up’ by assuming a more authoritative position on the past after their prolonged *period of accommodation*. On the other hand, it is a response to the PP framing of the discourse on memory, which prioritizes Civil War victims and sanctifies the transition but turns a blind eye to the illegal coup, the

³⁸ Amado (2008, p. 52).

dictatorship and the executioners. This explains the 1999 PSOE campaign to condemn “the fascist military coup against republican legality.”³⁹ Additionally, such efforts build goodwill with autonomies, the most vocal of which is Catalonia, by prioritizing them in the historical narrative. Though less recognized, it also serves to decrease the legitimating discourse of the Catalan independence movement, which used the historical oppression rhetoric as a rallying point (before it switched its focus to taxation).⁴⁰

In sum, the Historical Memory Law is the product of the gradual evolution of Spanish society and the maturation of democratic identity. It is based on international legal standards in order to signal that the modern Spanish state prioritizes democratic and human rights. The initiative is ideologically-driven, but it is not an example of destructive historical revisionism. Rather, it is a response to the demand of autonomies for a fairer reflection of history and the need of the state to meet its obligations to victims of Francoist repression. It strengthens the legitimacy of political and legal institutions by conceptually distancing the state from its pact with the old regime.

³⁹ On the political use of memory, Maestre (2003, pp. 116-125).

⁴⁰ The “Espanya ens costa 60 milions d'euro cada dia!” (Spain will cost 60 million euro every day) and “Bye bye Spain - Adeu Espanya” campaigns featured prominently in public spaces in Barcelona in 2010.

Chapter III:

The significance of Law 52/2007

Since its inception in 2006, major political players, Amnesty International, victims associations, and legal scholars have attacked the Historical Memory Law as insufficient, anti-constitutional or irrelevant. These reactions are puzzling since the critics represent both sides of the political spectrum and because they are often the main beneficiaries of the legislation. By contrast, I defend the Law as a worthwhile product in the Spanish context and as a model that can be applied to democratizing societies with past repressive regimes. In this section, I show that gradualism (the ‘ratchet effect’) has directed the evolution of Spanish historical reconciliation legislation.¹ Progress was initially slow and limited, but has moved in one direction: toward expansion of the scope and remuneration of benefits (see Appxs. A, E). Secondly, I argue that the major shortcomings of the HML - privatized exhumations, annulment of execution sentences, and Francoist symbols removal - can be explained as the yet unreached final stages of a process that challenges the pact of forgetting (*pacto de olvido*), which was the foundational base of the transition.

[FIGURE 1 AND TABLE 1 ABOUT HERE]

¹ The ‘ratchet effect’ refers to a mechanism where path dependence operates. Once a policy has been adopted, and its benefits recognized by the public, its constituency expands and it is very difficult for successive governments to reduce or eliminate it. Huber and Stephens (2001, pp. 322, 334) use the concept in analyzing the rapid growth of support for welfare state policies after their introduction.

A) Does the HML matter? Responses to the critics

Amnesty International has consistently criticized Spain's historical reconciliation efforts for not meeting its international obligations. In 2005, the organization accused the state of ignoring human rights abuses in regards to forced disappearances and egregious crimes such as rape, military tribunal executions and civil rights infringements.² It charged that Spain does not provide victims with economic reparations or access to archives and has neither investigated nor prosecuted crimes against human rights. Therefore, it had not respected the rights to remedies, knowledge and justice set out by the UN Human Rights Commission. In 2008, Amnesty reiterated these failures in an article titled "One year after the 'Historical Memory Law' the victims of the Civil War and Franquismo have little to celebrate."³ It demanded that the judiciary advance truth-finding efforts and prevent the destruction of evidence. It insisted that the Attorney General (*el Ministerio Fiscal*) allow victims to view their records, bring lawsuits and seek prosecution for crimes perpetrated during the Civil War and the Dictatorship. Lastly, the human rights organization urged Spain to collaborate with the UN Working Group on Forced and Involuntary Disappearances, as well as to establish an expert-led truth commission.⁴

Refuting this criticism of inaction is useful for two reasons: firstly, it shows that the HML is the most comprehensive historical reconciliation effort in Spain. Secondly, it underscores the progressive pathway of the legislation. One of the major flaws of the

² SEAI (2005: pp. 9, 25, 53).

³ Translated from Spanish, SEAI (2008).

⁴ SEAI (2005, p. 61).

Amnesty critique is its overreliance on broad international norms. Whereas the Commission on Human Rights has consistently stressed standards for restitution, compensation, and rehabilitation, these have always been articulated as signposts, rather than concrete benchmarks. As guiding principles, the documents impel the state to act, but do not specify how it should act. Whereas autonomies like Navarra, Cataluña and Andalucía were originally hailed as pioneers in the reparation efforts, the measures of the central administration compare favorably and are complimentary in nature.⁵

Moreover, calls for punishment of human rights abuses ignore the reality of Spanish jurisprudence. The Amnesty Law of 1977 prohibits the retroactive prosecution of crimes on a political basis.⁶ Despite the insistence of international resolutions that human rights abuses cannot be amnestied, there is no political will to reopen that chapter of the past. Indeed, the opposite may be true: the internationally famous judge Baltasar Garzón was indicted on charges of abusing his power when he launched an investigation on executions and disappearances.⁷ Regardless, those who were “maximally responsible” for

⁵ Ley 4/1990, de 29 de junio, allowed citizens who had been imprisoned for three years to receive a one-time compensation. Since only 60,479 of 103,000 applications met the conditions, the autonomies set up their own compensation schemes: Andalucía (Decreto 1/2001, de 9 de enero; Decreto 333/2003, de 9 de diciembre; Decreto 35/2006, de 21 de febrero); Aragón (Decreto 100/2000, de 16 de mayo); Asturias (Decreto 22/1999, de 29 de abril; Decreto 21/2000, de 2 de marzo); Canarias (Ley 9/2002, de 21 de octubre); Cantabria (Decreto 77/2002, de 28 de junio; Decreto 44/2002, de 22 de mayo); Castilla La Mancha (Decreto 31/2002, de 26 de febrero; Decreto 9/2004, de 3 de febrero); Castilla y León (Decreto 171/2001, de 14 de junio; Decreto 115/2003, de 2 de octubre; Acuerdo 7/2003, de 16 de enero); Cataluña (Decreto 288/2000, de 31 de agosto; Decreto 330/2002, de 3 de diciembre); Las Islas Baleares (Orden de la Consejería de la Presidencia de 27 de diciembre de 2001); La Rioja (Orden de la Consejería de la Hacienda y Empleo de 13 de febrero de 2005); Madrid (Decreto 39/1999, de 11 de marzo; Decreto 47/2000, de 23 de marzo; Orden 981/2000, de 3 de abril); Murcia (Decreto 81/2004, de 23 de julio); Navarra (Decreto 75/1995, de 20 de marzo); el País Vasco (Decreto 280/2002, de 19 de noviembre; Decreto 75/2004, de 4 de mayo; Decreto 22/2006, de 14 de febrero); Valencia (Decreto 210/2005, de 23 de diciembre).

⁶ Other government acts have complemented Amnesty Law 46/1977, among which are the Real Decreto 2940/1975, de 25 de noviembre, the Orden Ministerial de 5 de diciembre de 1975, the Real Decreto-Ley 10/1976, de 30 de julio, de Amnistía

⁷ Minder (2010).

these crimes are now deceased.⁸ The Spanish state does comply with most international norms. Yet, competing values and institutional arrangements that serve as the cornerstone of the pacted transition limit the implementation of principles advanced by the Commission on Human Rights.

Most importantly, there has been a consistent effort to provide greater protection for victims (see Appx. A, Tables 1-6). Such initiatives have recognized economic rights, retroactively rewarded public service, extended healthcare benefits, returned property to political parties and aided former republican military and civilian personnel, victims of the war and repression, as well as their families. The first of these measures benefitted republican members of the military and public order at the very onset of the transition.⁹ During the first legislature (1979-82) measures targeted republican ex-combatants by retroactively granting pension rights,¹⁰ whereas some families of victims of the Civil War also received pension, pharmaceutical and social assistance.¹¹ During the second legislature (1982-86), the remedies were expanded anew and the Social Security administration began to count time spent in prison for political reasons as working years.¹² Although no new legislation was adopted by the next four legislatures (1986-96), the state approved certain motions to promote historical reconciliation. These included the return of Catalanian archives, symbolic recognition of fallen republicans like Manuel

⁸ For a sample list of these Falangists, Álvarez (2008, p. 6).

⁹ Real Decreto-Ley 6/1978, de 6 de marzo; Real Decreto-Ley 43/1978, de 21 de diciembre.

¹⁰ Ley 5/1979, de 18 de septiembre. Ley 10/1980, de 14 de marzo (military personnel during the civil war); Ley 35/1980, de 26 de junio (ex-combatant republican invalids); Ley 6/1982, de 29 de marzo (civilian invalids of the war).

¹¹ The laws on the state budget (Leyes de Presupuestos Generales del Estado) have regulated these benefits since 1981: Ley 5/1979, Ley 35/1980 and Ley 6/1982.

¹² Respectively, Ley 37/1984, de 22 de octubre, and Ley 18/1984, de 8 de junio.

Azaña, restitution of property, granting citizenship to International Brigadiers, and recognizing the status of war exiles.

The record reflects the significance of these initiatives. There was a gradual granting of pensions to civil servants, military members, and invalids that would cover up to 513,000 people (see Appx. D, Tables 2, 3). By 2005, professional military were paid €2,508 million; non-professional military received €7,113 million; the relatives of 110,000 deceased or disappeared victims were granted €3,345 million; and invalid pensions amounted to €3,000 million.¹³ €396 million were awarded for prison time for political reasons. In sum, more than €16.361 billion have been paid to compensate republican victims. This reparation effort has been complemented by pensions for amnestied public functionaries, as well as compensations of trade unions¹⁴ and Catalanian, Basque and left parties.¹⁵

In terms of archives, Amnesty and researchers incorrectly charge that there has been widespread destruction and deliberate roadblocks to accessing documents.¹⁶ A comprehensive study by the 2004 Interministerial Commission found that there is an

¹³ Comisión Interministerial (2006, pp. 36-57).

¹⁴ The UGT trade union had 39 properties returned and received €24,905,941 in compensation for 492 properties. The CNT, a confederation of anarcho-syndicalist labor unions, received 7 properties and €1,490,510 in compensation for 38 properties. Comisión Interministerial (2006, p. 62).

¹⁵ Political parties received €6,676,030 in economic compensations through administrative channels and €21,163,105 in economic remedies through judicial channels in the period 2002-2004. For a detailed breakdown of the restitution for political parties, see “Restituciones y compensaciones efectuadas en la vía administrativa por acuerdo de consejo de ministros” and “Compensaciones económicas otorgadas a los partidos políticos en vía jurisdiccional”. Comisión Interministerial (2006, pp. 65, 67).

¹⁶ A 2005 Council of Europe report also reiterates these charges. In point 79 of “Dismantlement of Francoism,” it states: “convoys of trucks removed the ‘judicial’ records of the repression. As well as deliberate destruction of archives, there were ‘inadvertent’ losses when some town councils sold their archives by the ton as waste paper for recycling. Despite these losses during those crucial twenty years, enough has survived to allow for a reconstruction.” See, Brincat (2005).

enormous quantity of preserved material related to the Civil War and *franquismo*.¹⁷ It concluded that “neither the conflict, nor the transition to democracy, resulted in a massive destruction of documentation.” Generally-speaking, the location of funds was known, but they were often dispersed, badly-catalogued and not digitalized.¹⁸ If researchers had problems accessing them, then the difficulty resulted from problems related to cataloging, storage and staff shortages, rather than a concerted effort to limit access. Nonetheless, the report acknowledged that many had complained of the lack of standardized access procedures. This was exacerbated by the fact that the public agencies and private entities that guard the documents each have their own administrative cultures. Consequently, eligibility requirements, schedules and rules for consultation made research in civilian, military, ministerial, and state archives difficult. Yet, it is unfair to portray the disarray of the thousands of funds in a decentralized framework as a premeditated obstruction against the ‘right to knowledge.’ What is more, as a result of the public debate on historical memory and the HML stipulations on archives, there have been great advances in localization, conservation and catalogization at the Spanish Civil War Archive in Salamanca and throughout the country.¹⁹

On the other hand, demands for unrestricted access to archives run counter to concerns about privacy and security, which jurisprudence prioritizes. The Spanish

¹⁷ Comisión Interministerial (2004, p. 46-47).

¹⁸ The report identified further challenges. The documentation is in a precarious state because the files are incomplete, contain erroneous information or do not exist. Certain funds are poorly conserved. Yet, it is difficult to generalize about the state of the archives because of the great variety of situations, in terms of conservation, identification and guardianship of the funds. Translated from Spanish, (“Informe sobre archivos,” Comisión Interministerial (2004, p. 46).

¹⁹ Comisión Interministerial (2004, p. 49). Also, refer to the HML: Art. 20 creates a documentation center of historical memory an archive of the civil war in Salamanca; Art. 22 established the legal right of access to funds from public and private entities; and the first additional provision authorizes the government to carry out the necessary actions to organize and restructure the General Archive of the Spanish Civil War.

Historical Heritage Act prohibits consulting documents that may affect the security of persons, their honor, the intimacy of their private and family life or their public image.²⁰ This stipulation was likely adopted to protect former functionaries who suppressed civil rights, as well as those who suffered repression and chose to forget it. Indeed, of 884 registered funds, 412 identified victims.²¹ Nonetheless, the law grants relatively easy access to involved parties and, twenty-five years after their death, the public at large can access the documents.²² Spain has not adopted a freedom of information act, yet such legislation may strike a compromise between greater access and data protection by eliminating personal details prior to the release of documents. Until then, the state errs on the side of caution.

The adoption of the HML during the eighth legislature (2004-2008) was the most comprehensive and ambitious effort of historical reconciliation. It institutionalized measures that expanded the economic rights of victims, returned confiscated goods, regulated and preserved archives, removed fascist symbols and condemned the legitimacy of the execution sentences. Since it was adopted, the legislation has had far-reaching and increasingly expansive implementation. The consular offices had to extend the period to petition for Spanish citizenship by an additional year after they received

²⁰ Article 57.1.c of Ley 16/1985, de 25 de junio, del Patrimonio Histórico Español de 1985 prohibits consultation unless express permission by all parties has been given. Otherwise, the documents enter the public domain 25 years after the death of all parties involved or 50 years after the event, if the dates of death are unknown.

²¹ Comisión Interministerial (2004, p. 32).

²² According to the law, access is not very restricted. Article 235 of the Ley Orgánica 6/1985, de 1 de Julio del Poder Judicial, permits consultation of the judicial administrative archives (Archivos Judiciales de Gestión) to those who have been party to legal proceedings *or* hold legitimate interest. Art. 1º of the “Instrucción de 4 de noviembre, de la Dirección General de los Registros y del Notariado, sobre acceso a la consulta de los libros de defunciones de los registros civiles” stipulates that academic researchers on the Civil War, *franquismo*, exile and the transition, as well as anyone who has received institutional aid, have legitimate interest. See, B.O.E., núm. 285, de 26 de noviembre de 2008.

over 520,000 requests, despite only originally estimating 310,000.²³ Responding to public pressure, the state eased access to civil registries²⁴ and modernized and opened the Military Judicial Archives, ensuring that the sentences of the military tribunals became publicly available.²⁵ It introduced special pensions for the families of those deceased because of the Civil War, established minimum remunerations²⁶ and advanced reconciliation by offering €135,000 to the heirs of those who fell in the fight for democracy.²⁷ It secured the right of International Brigadiers to Spanish citizenship by abolishing the need to renounce their former nationality²⁸ and allowed children of exiles to obtain citizenship as well.²⁹ Amendments to the HML provided homosexuals, who had been imprisoned for their orientation, with moral and economic reparation.³⁰ New

²³ BOE, núm. 72, de 24 de marzo de 2010. 95.5% of the 161,463 petitions received during the first year were from Latin America and Miami. 56% of the 520,000 applications were from Cuba and Argentina.

²⁴ BOE, núm. 285, de 26 de noviembre de 2008.

²⁵ BOE, núm. 13, de 15 de enero de 2010.

²⁶ BOE, núm. 309, de 24 de diciembre de 2009.

²⁷ BOE, núm. 276, de 15 de noviembre de 2008.

²⁸ By December 2010, 21 Brigadiers were awarded citizenship. For the legislation, see BOE, núm. 277, de 17 de noviembre de 2008.

²⁹ BOE, núm. 285, de 26 de noviembre de 2008. The citizenship right is given via parents or grandparents. One must petition within two years of the publication of the law. Children of applicants can receive citizenship only if minors.

³⁰ Homosexuals were judged in accordance with Ley de 15 de julio de 1954, por la que se modifica la Ley de Vagos y Maleantes de 4 de agosto de 1933, and Ley 16/1970, de 4 de agosto, sobre Peligrosidad y Rehabilitación Social modificada por la Ley 43/1974, de 28 de noviembre. Victims are able to receive up to €4000 for internment between 1 and 6 months; €8000 for internment between 6 months to 3 years; €12,010.12 for three years or more; and €2402.02 for every 3 years completed after an internment of three years. If the victim is deceased, their partner can claim the benefit as long as they were in a relationship for two years prior to the death or had children together (descendencia en común, en cuyo caso bastará la mera convivencia). See, Presupuestos Generales para 2009 (D.A. 18ª), Indemnización a expresos sociales. BOE, núm 309, de 24 de diciembre 2008. By December 2010, the Commission examined 143 applications and resolved the status of 138: 82 were approved; 44 were rejected; 13 were not admitted; and 4 are pending. Ministerio de la Presidencia (2010).

institutions were also created to implement the measures. A technical commission of experts would judge the proper removal of Franquist symbols³¹ and an Office for Victims would coordinate and popularize the expanding historical reconciliation efforts.³² Collectively, these measures establish a significant increase in the scope and depth of efforts that the state has taken to advance the symbolic and economic reparation of victims. Additionally, they demonstrate how implementation of the HML has required the increased involvement of the state on matters, which had previously been delegated to the autonomies. Even where initially modest, the trend toward greater state participation in historical reconciliation is clear.

Yet, victims' associations dispute this conclusion. They have criticized the state for insufficient funding, lacking a coordinated state policy, and 'privatizing' exhumations by delegating responsibility for them onto the families and associations.³³ To a certain extent, such an evaluation is accurate. The exhumation debate became more pronounced only in 2002 after a UN Working Group on Enforced or Involuntary Disappearances included Spain on its list of countries that had not addressed forcible detention.³⁴ Even then, it was an NGO (the Association for Recovery of Historical Memory) that spearheaded the effort in October 2004 without any assistance from the center-right government of José María Aznar. Under PSOE, such initiatives have been state-supported, but not state-led.

³¹ BOE, núm. 51, de 28 de febrero de 2009.

³² BOE, núm. 309, de 24 de diciembre de 2008.

³³ See, Díaz (2008). Some major organizations are Foro por la Memoria, Equipo Nizkor, Juristas por la Memoria Democrática, la Asociación para la Recuperación de la Memoria Histórica (ARMHC), Associació per la Recuperació de la Memòria Històrica de Catalunya, RECUPERA, Asociación de Amigos de las Brigadas Internacionales.

³⁴ Davis (2005, p. 858).

However, the situation is complicated by the fact that gravesites are located all over Spain; no one knows the exact number of victims (though 40,000 is commonly cited); and there are no standardized guidelines on exhumations. Nor do associations demand the same thing: some press for localization, exhumation and return of bodies, whereas others only require that the sites be recognized and commemorative monuments be built.³⁵ There are also those, like the family of Federico García Lorca, who prefer that their relatives not be exhumed. Thus a common solution is not possible because of the multiplicity of judicial, historical, administrative and ethical factors. Exhumations must currently be undertaken and directed at the local level to ensure that the efforts are appropriate and sensitive to the needs of the parties affected.

This, however, does not mean that the state has rejected responsibility for the recuperation of historical memory. In fact, PSOE has undertaken a complete reversal of the policy of non-involvement of José María Aznar by subsidizing and providing logistical support for activities related to victims of the Civil War and the Dictatorship. Between 2006 and 2010, 642 projects valued at €19,475,985 were sponsored, the most important of which were exhumations, followed by reburial and improvement of gravesites, the production of registers of the disappeared, and partnerships with universities in the investigations (see Table 1).³⁶ The average annual subsidies have ranged around €4 million and are expected to increase to around €6.5 million in 2011.³⁷ This confirms the trend of higher annual allotments begun in 2006. Since 2010, half of

³⁵ Comision Interministerial (2006, pp. 81-83).

³⁶ For a record of the subsidized projects since adoption of the HML: BOE, núm. 76, de 29 de marzo de 2010; BOE, núm. 290, de 2 de diciembre de 2009; BOE, núm. 183, de 30 de julio de 2008.

³⁷ Ministerio de la Presidencia (2010).

these subsidies are legally designated for exhumations, where many projects have received close to the maximum amount of €60,000.³⁸ The rest has been divided among projects that build memorial monuments, produce indices of the disappeared, compile and conserve oral history and testimonies, and protect and diffuse the cultural heritage associated with the Civil War and the subsequent political repression (see Figure 1, Table 1). In sum, these subsidies represent a radical reversal of the state's refusal to engage in historical memory recuperation and demonstrate that PSOE has recognized the salience of such efforts in partnership with victims' associations and autonomous and regional administration.

B) Analyzing the shortcomings: a compromise or an unreached stage?

Nonetheless, the socialist government has failed to use the HML to advance historical reconciliation in three areas: annulment of sentences, public exhumation efforts, and the thorough removal of Francoist symbols. As a response, some have commented that the specter of Francoism is still strong and directs the affairs of the state.³⁹ While such a conclusion is too extreme, these shortcomings are the result of Spain's unique path to democracy. I argue that (1) the division of power between the central state and the autonomies and (2) extolling the pacted transition have imposed certain limits on the state in terms of recuperating historical memory. These will be overcome only when there is a broader consensus among the regions and greater willingness to condemn Francoism unequivocally on the part of the people.

³⁸ See Article 2, sub-point 2 and Article 4 of BOE, núm. 76, de 29 de marzo de 2010.

³⁹ Politically, the ERC is most vocal. Vicenç Navarro is a strong academic critic of the Transition. Also see Alday, "La sombra del franquismo es alargada," (2008, pp. 33-60).

As of now, the socialist government has failed to use Law 52/2007 to annul all the execution sentences of Franco's military tribunals.⁴⁰ These are widely regarded as illegitimate because they were politically motivated show trials and the *Consejos de Guerra* and *Tribunales Populares* did not respect the concepts of due process or impartiality.⁴¹ Most organizations involved in the recuperation of historical memory have demanded the annulment of the sentences, which they interpret as incompatible with the principles of the rule of law. They have pointed to the elimination of the Nuremberg judgments as an exemplary effort to dismantle the Nazi state. The Republican Left of Catalonia (ERC) voted against the HML, stating that the socialists had buckled before the “most reactionary military forces” and accepted Francoist jurisprudence that parodied justice.⁴²

PSOE was undeterred by these criticisms. It responded by stressing that Article 3 of the HML strips the tribunal decisions of their legitimacy. The vice-president of the government argued that denouncement was superior to invalidation because it applied to cases where no sentence was passed.⁴³ She criticized the opposition for overemphasizing the legal nature of the tribunal judgments and, therefore, implicitly legitimizing them. The legislation, she stressed, was an unprecedented act that went further than annulment because it allowed individuals to reconstruct their personal memory and public image for

⁴⁰ For a thorough analysis, Alday, “La declaración de ilegitimidad,” (2008, pp. 209-235).

⁴¹ Errandonea (2008). Alday, “La declaración de ilegitimidad,” (2008, p. 210).

⁴² Diario de Sesiones del Congreso de los Diputados. Pleno y diputación permanente: VIII Legislatura, núm. 222. Sesión plenaria núm. 206, celebrada el jueves, 14 de diciembre de 2006, pag. 11262-11263.

⁴³ Diario de Sesiones del Congreso de los Diputados, *op.cit.*, pag. 11269.

the first time since the transition.⁴⁴ Thus, PSOE presented the Historical Memory Law as an affirmation of solidarity with the victims,⁴⁵ while downplaying its potential judicial relevance.⁴⁶

In fact, this conflict is motivated by three concerns: legal certainty (*seguridad jurídica*), reparations and transitional legitimacy. Although the first two have been used as arguments against annulment of sentences, neither is valid *per se*. The Popular Party cites *seguridad jurídica* as the cornerstone of the legal system. It charges that any retroactive revision would endanger the constitutional arrangement of the state.⁴⁷ The concept itself can be found in article 9.3 of the Constitution, but it is rarely portrayed correctly.⁴⁸ Rather than safeguard the inviolable nature of Spanish jurisprudence, *seguridad jurídica* aims to protect individual rights from political aggression, as perpetrated under Franco. What is more, the sentences do not form a legal precedent in jurisprudence, so that they can easily be removed from the codex without affecting any other acts. The second concern, which is hardly cited, deals with possible reparation

⁴⁴ “La ley hace lo que no había hecho nunca una ley en la historia desde la transición de la democracia de este país: esa declaración, solemne y general, y abrir un procedimiento individual para que, en nombre de la soberanía, la persona que lo considera oportuno pueda tener esa declaración personal de justicia y de inocencia en su expediente personal, en su casa, que le sirva para reconstruir, consigo y con los suyos, su biografía personal e individual- Eso es lo que hace la ley. Va más allá de la nulidad”. Diario de Sesiones del Congreso de los Diputados, *op.cit.*, pag. 11269.

⁴⁵ In fact, Rafael Escudero Alday mentions briefly that the legislator does not have the right to establish whether a sentence is legitimate or not. That is the domain of the judicial branch.

⁴⁶ The socialists emphasized that it does not interact with the Penal Code, although in fact the declaration of illegitimacy has judicial relevance because it can serve as the legal basis (i.e. the cause of action) for the Ministry of Justice to take further measures on the part of the victims.

⁴⁷ Diario de Sesiones del Congreso de los Diputados, *op.cit.*, pag. 11260.

⁴⁸ “La Constitución garantiza el principio de legalidad, la jerarquía normativa, la publicidad de las normas, la irretroactividad de las disposiciones sancionadoras no favorables o restrictivas de derechos individuales, la seguridad jurídica, la responsabilidad, la interdicción de la arbitrariedad de los poderes públicos.”

claims.⁴⁹ Yet, the Amnesty Law pardoned crimes of political nature for both prisoners and state functionaries. Consequently, the annulment of sentences would not give the families of victims the legal ground to bring lawsuits against the state.⁵⁰

Therefore, sentences annulment is not impacted by judicial or economic considerations, but by social ones. They have not been declared invalid because to do so could imperil the legitimacy of the pacted transition. Such concerns are most clearly articulated by PP, which regards the Constitution as the only legitimate frail that binds Spaniards and the *pacted* transition between the old regime and democratic opposition as the only viable source of *coexistence*. Thus any action that questions the terms of the transition or emphasizes the legitimacy of the Second Republic over that of the Constitution of 1978 is regarded as a threat. To a certain extent, Spaniards have internalized this viewpoint. In a 2002 survey, 37% of youth thought a dictatorship might sometimes be necessary, whereas in 2000 more than 80% of surveyed thought the transition was done in the best manner possible and 81.3% supported the monarchy without reservations.⁵¹ Such results demonstrate high popular regard for institutions born out of a deal between fascists and democrats. More importantly, these viewpoints have made the need to reexamine the compromises of the transition less salient.

⁴⁹ Errandonea (2008, p. 6).

⁵⁰ The Ministry of Justice has emphasized this point in relation to Article 4 of the HML, which allows victims to petition a declaration of moral reparation and personal recognition. By 2011, there were 1203 applications of which 855 received the corresponding title. However, the statement does not imply any recognition of responsibility on the part of the State or any Public Administration, nor does it permit the petitioners to seek any economic or professional reparation. Still, it is fully compatible with any other form of reparation under the law. Ministerio de Justicia (2010).

⁵¹ Maestre (2003, p. 117).

In any case, it is possible to wholeheartedly support the pacted transition and coexistence between Spaniards, while calling for the repeal of the sentences. Other than PP, most political players did so. The source of contention is implicit. Pressing to annul the sentences supposes that their condemnation was not just and that the accused republicans and democrats were acting lawfully in the face of an illegitimate force. It affirms the legitimacy of the Second Republic in opposition to the military regime that toppled it. This risks a historical debate that a majority of the public seemingly does not want. Moreover, such a discussion would impel society to reevaluate the legitimacy of the institutions born of the pacted transition: the monarchy, the charters of autonomy, and the non-federal political structure of the state, all of which are contentious compromises.

A similar pattern emerges in terms of exhumations, which are currently conducted by private associations, but with state assistance. When the vice-president introduced the HML, she was careful to present it only as an act of solidarity with the victims. She stated that “the government has never aimed to reconstruct or to institute a memory” unlike the dictatorship which “prevented many millions of Spaniards of surviving even in the memories of their loved ones.” The Historical Memory Law helped citizens to “rehabilitate the name of their relatives so that they may recuperate their honor and the dignity of their public identity.”⁵² Therefore, it was also the duty of the state to aid families in recovering the remains of relatives as part of a process of moral recognition of the victims. Yet the socialists refused to have the state act as the main regulator of

⁵² Diario de Sesiones del Congreso de los Diputados, *op.cit.*, pag. 11258.

memory. They placed the accent on self-empowerment of victims with the aid of the government, which facilitated the exercise of their rights.

Nonetheless, the state has been unwilling to take full responsibility for righting the extrajudicial executions. Although such acts were perpetrated by Franco's forces, his supporters would form the backbone of the state during the dictatorship. It was government functionaries who perpetrated the suppression of memory during almost four decades of Francoism. By privatizing the exhumations the socialists did aid the efforts of families, but they also gave them no choice in the matter. Whereas the government hailed privatized exhumations as empowerment, many see them as yet another unfair burden placed on victims.

I would argue that by rejecting to take greater initiative on exhumations, the state reaffirms the narrative of the two warring factions of the Civil War and the 'two Spains'. This interpretation bolsters a skewed version of history because it equates the two sides under a common denominator of shared guilt. It ignores the significant asymmetry of repression and violence between Franco's forces and the Republic. It turns a blind eye to unfairness: if the state apparatus perpetrated repression, it is the duty of the state to repair the caused damage. By delegating responsibility onto the families, the government blames one faction for the executions in order to safeguard its own neutral position and the legitimacy of the institutions that underpin it. Without the societal and political willpower to acknowledge the effects and vestiges of Francoism in contemporary Spain, it is unlikely that the state will truly fulfill its role in memory recuperation. Likewise, it will fail to restore the trust of those who were repressed and see the modern Spanish state as an extension of Franco's work.

The last shortcoming deals with the limited removal of Francoist symbols from public and private spaces. The implementation of this initiative should be the least contentious. For one, there is a sharp incompatibility between the state's commitment to democracy and the preservation of monuments that glorify a military coup. Secondly, the persistence of symbols can be understood as the survival of the regime's ideals, memory and values; their existence affirms one of the fundamental goals of the dictatorship: to last.⁵³ Finally, it is a visual reminder for victims of the abuse they suffered on the part of the regime, which is thus legitimized in the public space.⁵⁴ And yet, fascist markers still exist. They are inscribed on the walls of churches. Equestrian statues of Franquist leaders grace the plazas of Santander, Toledo, Valencia and Ferrol. Franco's bust is engraved in Salamanca's 256-year old city square and streets and public sites abound with regime references in many parts of Spain.⁵⁵

To a large degree, the failure is rooted in the vagueness of the law, which does not specify who is entrusted for implementation and what they must do. Article 15.1 of the HML mandates the removal of "shields, insignia, plaques, objects and commemorative mentions, whether individual or collective, that exalt the military uprising, the Civil War or the repression of the Dictatorship."⁵⁶ However, the law establishes regulations without specifying the responsible party for carrying them out. There are no benchmarks and no

⁵³ Sanz (2006, p. 8).

⁵⁴ Capellà i Roig and Ginard (2009, p. 244).

⁵⁵ Sanz (2006, pp. 23, 25-26, 28).

⁵⁶ Art. 15.1: "Las Administraciones públicas, en el ejercicio de sus competencias, tomarán las medidas oportunas para la retirada de escudos, insignias, placas y otros objetos conmemorativos de exaltación, personal o colectiva, de la sublevación militar, de la Guerra Civil y de la represión de la Dictadura. Entre estas medidas podrá incluirse la retirada de subvenciones o ayudas públicas."

central institution that ensures compliance. There is no explicit punitive mechanism to guarantee the removal of symbols. Until 2009, there was no commission to judge whether monuments could be preserved on artistic, architectural or artistic-religious grounds. The ambiguity of this legislation, which was envisioned as an act of solidarity with the victims, ensures that implementation of the law is voluntary, rather than mandatory.

More importantly, the division of power between the central state and the autonomies prevents the application of the law even further. Rather than serve as a binding legal instrument, the vagueness of the HML may convert it into principle-based soft law. As Rafael Escudero Alday notes, “these norms do not impose a particular solution *per se*, but rather seek and require agreement between different parties, often with opposing political interests, for their goals to take effect.”⁵⁷ To be sure, legal instruments do exist. Articles 15.1 and 15.4 permit the withdrawal of public aid and grants for those public administrations and private owners who preserve outlawed symbols. Additionally, the central government could bring city halls to court for non-compliance.⁵⁸ Yet, in practice, implementation has been left in the hands of the autonomous communities and city administrations. Some, mainly in the Basque Country and Catalonia, were very effective at cleansing their public spaces much earlier than the adoption of the HML, whereas in other regions and smaller cities application has not been a priority. The wide degree of latitude in self-administration coupled with lack of political will has led to the uneven application of state law.

⁵⁷ Alday, “La sombra del franquismo es alargada,” (2008, p. 56).

⁵⁸ Alday, “La sombra del franquismo es alargada,” (2008, pp. 56-57).

In a way, this reflects the logic that guides the Historical Memory Law: in terms of memory recuperation, it is often reactive, rather than proactive. The legislation provides assistance to right injustice, but does not penalize; it removes symbols, but does not institute new ones; it preserves archives, but does not eagerly disseminate their contents. The monument at the *Valle de los Caídos* (Valley of the Fallen) is a good example. Envisioned as a “national act of atonement” by Franco, it is supposedly dedicated to all the victims of Civil War, whether civilian and military Republican or Nationalist. In reality, this pharaonic monument had become a pilgrimage site for right-wing groups as it houses the remains of the *Caudillo* and Jose Antonio Primo de Rivera, founder of the fascist Falange. Article 16 of the HML forbids political manifestation at the site and orders that acts of remembrance and education take place. Yet, there are no plaques or expositions that show that the basilica was built by up to 27,000 Republican prisoners, many of whom lost their lives.⁵⁹ The state has had difficulty to re-conceptualize this monument. Instead of converting it into a museum, the administration has limited the venue of events and even closed it.⁶⁰ This amounts to a missed opportunity to recuperate memory and to project a fairer account of national history.

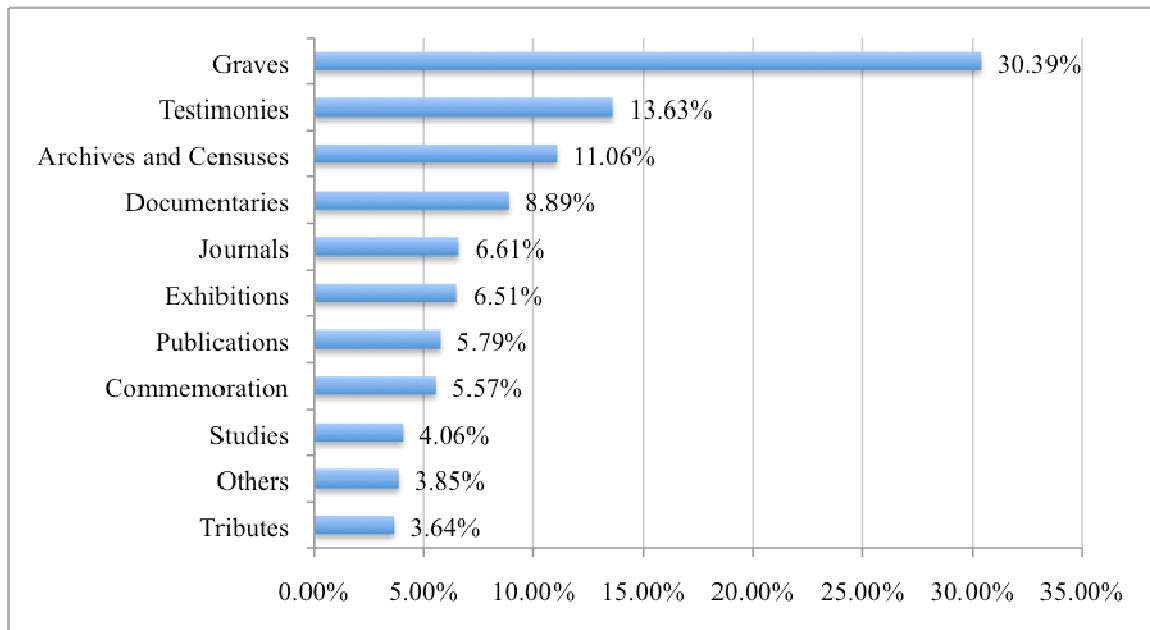
In sum, shortcomings in annulment of sentences, public exhumation efforts, and the removal of Francoist symbols are the result of political factors. To a certain degree, the autonomy given to the regions has empowered them to advance pensions, memory recuperation, and eliminate the vestiges of Francosim. Simultaneously, it has removed the pressure from those municipalities that do not wish to adopt such measures. More

⁵⁹ Aguirre (2002, p. 20). Torres (2002) estimates 20,000.

⁶⁰ Rather, the monument was closed in November 2009 “for renovation” and re-opened in November 2010 after public criticism mounted.

importantly, reconciliation efforts are limited by politicians who eschew a comprehensive reexamination of the transition. The *pacto de olvido* was a political process that deliberately avoided dealing with the legacy of fascism. Yet, Spanish institutions are still marred by their association with the old regime. Politicians hail the 1978 Constitution and the pacted transition as holy grails that legitimate the state and bind Spaniards. In seeking to protect their undisputed legitimacy (sacredness), the political class has made compromises that can be righted only when the vestiges of Francoism are confronted and judged honestly and openly.

Figure 1: Government grants made in the period 2006-2010, categorized by amount of total funding.



Source: Self-made with data from Ministerio de la Presidencia (2011), "Datos por presupuesto."

Table 1: Grants made in the period 2006-2010, categorized by domain.

Domain	2006	2007	2008	2009	2010	TOTAL
Archives and Censuses	394,882.58	435,132.72	376,423.70	263,206.93	684,371.35	2,154,017.28
Documentaries	138,440.00	275,278.00	478,985.00	450,484.20	388,810.46	1,731,997.66
Commemoration	507,524.93	259,502.00	118,000.00	71,456.57	128,058.58	1,084,542.08
Studies	50,000.00	139,000.00	82,881.05	153,588.96	366,096.19	791,566.20
Exhibitions	158,013.34	270,012.00	323,170.00	229,000.00	287,589.30	1,267,784.64
Graves	725,175.01	549,673.10	1,070,595.31	1,397,405.28	2,175,457.34	5,918,306.04
Tributes	190,000.00	64,180.00	223,570.00	44,136.80	186,199.00	708,085.80
Journals	207,455.00	312,135.13	295,552.60	273,815.74	198,709.25	1,287,667.72
Others	154,500.00	88,759.00	120,450.00	140,500.00	245,700.08	749,909.08
Publications	88,600.00	146,250.00	273,260.00	311,405.50	307,952.00	1,127,467.50
Testimonies	385,409.14	477,063.00	545,112.08	535,000.00	712,056.45	2,654,640.67
TOTAL	3,000,000.00	3,016,984.95	3,907,999.74	3,869,999.98	5,681,000.00	19,475,984.67

Source: Self-made with data from Ministerio de la Presidencia (2011), "Datos por presupuesto."

Note: In the original document, the calculation of the totals is erroneous. It is corrected in my table.

Chapter IV:

A Historical Reconciliation Model: political actors, forces, stages

Popular discourse credits collective amnesia and inaction in terms of transitional justice for Spain's functioning democracy. By contrast, I believe that the success of the conflict-free transition lies in the specialization of societal forces that sought to right the injustices of the former regime. Firstly, I show that the political class, impelled by regional left-leaning parties, adopted reparation measures that rewarded victims with pensions and later with moral recognition. The contentious task of exposing the abuses of the regime and recuperating historical memory was the responsibility of academia, victims associations and international actors. This division of labor strengthened coexistence as well as contemplation efforts. Secondly, I analyze the four stages of the historical reconciliation process (negation, amnesia, accommodation, reconciliation), arguing that each successive one represents a stronger rejection of Francoism.

[TABLE 1 ABOUT HERE]

A) Political steps: the forces behind the sequential reparation efforts

During the First Legislature (1979-1982), the vast majority of initiatives benefitted widows, invalids, former soldiers as well as relatives of civilians who had died during the Civil War. The goal of the government was to end the existing situation of inequality between the two factions by extending financial compensation to all victims,

regardless of political affiliation. In practice, this took on the least controversial form of reparations - pensions - and favored republicans, who had been excluded from Franquist welfare arrangements. Furthermore, two aspects of the legislation were noteworthy. Firstly, most of the adopted initiatives were legally binding bills (*proposiciones de ley*), which demonstrated the government resolve to end the overt discrimination against the losing faction. Secondly, the initiatives dealt with economic benefits because pre-constitutional legislative acts already regulated amnesty law and reparation legislation on the Civil War. Thus, the goal of the initiatives was to modify these legislative acts by expanding their coverage, rather than to supplant them.

An analysis of the six adopted bills reveals that they had strong parliamentary support, as they were approved unanimously or with the backing of more than 95% of the members of Parliament. This is equally valid for the two non-legally binding motions, which amended pensions for soldiers and recognized prison time for political reasons as working time in estimating Social Security payments. In light of such support, it is striking that most of the initiatives were introduced by left-leaning minority parties, rather than a majority group. Of the 13 presented, the Catalanian socialists were the most active with six proposals; the communists presented four and the Socialist Group presented three. Respectively, half of these were approved, while the rest were not debated, and none was rejected (see Appendix B, Tables 1, 2).

During the Second Legislature (1982-1986), fewer initiatives were presented and these were almost exclusively pension-related. Law 37/1984 targeted those who participated in the republican army, but were not members of the armed forces or police during the Civil War. Law 18/1984 recognized prison time for political reasons as

working years in terms of Social Security. These pieces of legislation resulted in a significant increase of applications, which promoted further initiatives to speed up processing time and accelerate the payment of pensions. Once again, the most active parliamentary group was left-leaning and had minority status. A Mixed Group, dominated by the communists, presented 50% of the initiatives; the Congress accepted one of them and rejected the other. On the other hand, the Socialist Group presented 20% of the initiatives, all of which were approved.

The Third Legislature (1986-1989) was unusual in that no initiatives were either debated or approved. Nonetheless, a Mixed Group (United Left and the Initiative for Catalonia) presented various initiatives to compensate those who had suffered prison terms, as regulated by the Amnesty Law. This marked the first (unsuccessful) non-pension attempt to recognize the right to economic and moral reparation for victims of the dictatorship. Moreover, the return of confiscated assets to parties, political associations, and trade unions dominated 70% of the agenda and resulted in two laws on the issue.¹ In May 1989, the Congressional Commission on Culture and Education rejected a non-binding motion by the Catalan Minority Group for the return of archives to Catalonia, which had been seized during the Civil War. The trend of politically-active minority parties was strengthened under this legislature as well. A Mixed Group of the Christian Democrats and the United Left Group represented 65% of presented initiatives, whereas the remaining 35% was the product of the Basque and Catalan Minorities.

¹ Two laws for the return of property and compensation of unions and parties were adopted during this time. These are La Ley 4/1986, de 8 de enero, de Cesión de bienes del patrimonio sindical acumulado (developed by Real Decreto 1671/1986, de 1 de agosto) and La Ley 43/1998 de 15 de diciembre, de Restitución o compensación a los partidos políticos de bienes y derechos incautados en aplicación de la normativa sobre responsabilidades políticas del período 1936-1939 (developed by Real Decreto 610/1999, de 16 de abril).

During the Fourth Legislature (1989-1993), there were important debates related to the 18th additional provision of the national budget, which established compensations for those who had suffered three years of prison time on political grounds (see Appx. D, Table 1). Simultaneously, it approved a motion by the Catalan “Convergence and Union” to return the “Commissariat de Propaganda” archives, which had been confiscated during the Civil War. Lastly, the government adopted its first symbolic act of historical memory recuperation by commemorating the fiftieth anniversary of the death of Manuel Azaña who was the first prime minister of the Second Republic. A minority Basque Group was the most active force with 42% of the proposed initiatives, although all were rejected. For the first time, there was increased attention paid to historical reconciliation by commemorating Azaña and recognizing the “children exiles” (*los niños de guerra*). Yet, pensions and economic compensations accounted for 50% of the presented initiatives, demonstrating the continuous importance of economic reparation.

During the Fifth Legislature (1993-1996) the question of archives became more prominent, as Mixed Groups (ERC and the United Left/Initiative for Catalonia-IU/IC) brought several motions and written questions before the Congress. The Senate approved a motion that urged the government to solve the question of the *niños de guerra*, especially in regards to their pensions. Finally, a joint effort by the Socialist Group, the United Left/Initiative for Catalonia, and the Basque PNV introduced the right of Spanish citizenship for the volunteers of the International Brigades. It is noteworthy that all three aforementioned initiatives were adopted with the full backing of all parliamentary groups. In terms of proposed initiatives, regional parties were once again the most active. The United Left, Basques, and Mixed Group (ERC) proposed 90% of the initiatives, of which

30% dealt with returning confiscated property during the Civil War, 40% with returning of archives to Catalonia from Salamanca, and the remaining 30% with economic compensations for victims.

During the Sixth Legislature (1996-2000), a Mixed Group (ERC) once again raised the question of archives recuperation, whereas the Socialist Group, the United Left, Convergence and Union, the Basque PNV, the Canarian Coalition and a Mixed Group commemorated the 60th anniversary of the end of the Civil War by condemning Franco's regime. At the request of the ERC, attention was brought to the court martial of Lluís Companys, the 123rd president of Catalonia who was executed after the Civil War. This symbolic act was accompanied by an initiative by the United Left for the rehabilitation and recognition of Spanish guerrilla fighters, which expired without being debated. On the other hand, efforts to expand the benefits of republican nurses and to return confiscated property at Cervas-Ares were both successful. The socialists, Catalans, United Left, and Mixed Group accounted for 18 of the proposed initiatives, the other one being the product of the People's Party (see Appx. A, Table 5; Appx. B, Table 8).

At last, under the Seventh Legislature (2000-2004), the emphasis changed from economic reparation for victims of the Civil War and Dictatorship to recognition of their dignity, moral reparation and recuperation of historical memory. Five unsuccessful initiatives signaled this reorientation. In 2001, all groups except for the PP voted to condemn the 1936 military uprising. Two initiatives proposed to convert the Valley of the Fallen into a memorial for the victims, whereas two others proposed to annul the execution sentences of Franco's tribunals. By 2002, a successful joint motion expressed moral recognition of the victims of the Civil War and those who were repressed during

the Dictatorship. Similar initiatives demonstrated unanimous support for the rehabilitation of Spanish guerilla fighters; prisoners turned forced laborers; exiled Spaniards; and repressed democrats. A motion by the socialists urged exhumations as vehicles to restore the dignity of the disappeared, whereas the Basques supported a similar initiative for executed persons during the regime. In June 2004, the Congress approved a motion, which urged the government to complete a thorough study about the damages of the Civil War and the Dictatorship. This resulted in an interministerial commission that studied historical reconciliation efforts in detail and recommended many of the initiatives that would form the Historical Memory Law.

This unprecedented number of initiatives was brought to the front of the legislative agenda by minority and left-leaning parties (see Appx. B, Table 10). The United Left and the Mixed Group advanced 70% of the proposed acts. In the Mixed Group, 40% of them were the work of Basque EA; 20% were advanced by the ERC, and 25% by the Initiative for Catalonia Greens-ICV. The different political formations focused on distinct topics. The United Left was preoccupied with moral reparation and public recognition of victims in 55% of its initiatives and examined economic reparation through the other 40%. The Catalan Group was mostly interested in the return of archives and confiscated property to Catalonia, a concern shared by other Catalan parties like the ICV and the ERC.

Under the Eighth Legislature (2004-2008), there was a very significant growth in both the number and scope of initiatives relating to historical reconciliation. Law 3/2005 provided a one-time reparation payment to those who were exiled from Spain as children and Law 13/2005 modified the cultural heritage Law 4/1986, which permitted the return

of archival units to Catalonia. In 2004, a military tribunal sentence was annulled for the first time when Lluís Companys' name was cleared. Two years later, the Year of Historical Memory was declared. Finally, the adoption of Law 52/2007 resulted in a marked increase in initiatives and presidential acts. These served to translate the intentions of the HML into concrete actions, to establish regulatory and technical commission for its implementation, and to expand its application through successive royal decrees of the Ministry of Justice and the Presidency (see Appx. A, Table 8).

An analysis of 81 initiatives from the Eighth Legislature reaffirms the trend in historical reconciliation legislation: they were predominately not legally-binding and the product of minority and left-leaning parties (see Appx. B, Tables 12, 13). 66 were non-binding motions (*proposiciones no de ley*), though only 15 were approved. Rather than rejection, most of the rest expired without being debated. Once again, the most active parliamentary groups were the ERC and the Group United Left/Initiative for Catalonia Greens, which respectively presented 25 and 24 of the studied initiatives. The rest were the efforts of Catalan, Basque and Mixed groups, whereas PSOE and PP presented only 4 initiatives each by themselves.

In sum, it is clear that Spanish historical reconciliation has been a gradual process. Contrary to general criticisms that a pact of forgetting has invalidated or slowed the effort, we can see that reparation measures have commanded the attention of policymakers since the first legislature. Furthermore three patterns define the process. Firstly, proposed initiatives (whether motions or legally binding acts) are usually the product of minority or regional parties. This is not surprising as many of the beneficiaries were victims from the regional autonomies, repressed by Franco. Secondly, the vast

majority of these are left-leaning parties, establishing political ideology as a relevant cleavage and a stable predictor of support for the advancement of historical reconciliation. Lastly, most initiatives have dealt with economic reparations (i.e. pensions) and there has been a gradual willingness to engage more contentious topics as Spaniards distance themselves from the Francoist regime.

[FIGURE 2 ABOUT HERE]

B) The four stages of historical reconciliation

The effort to face and account for the legacy of the Civil War and the repressive regime can roughly be divided into four stages. The absence of a radical break with Francoism ensures that there is certain continuity across these periods. This risks overshadowing the differences in policies adopted by the eight legislatures and the activity of civil society, which has most vocally challenged the legacy of the dictatorship. Nonetheless, gradualism and the aforementioned “ratchet effect” explain the speed and function of the legislation. Progress was initially slow and limited, but has consistently moved toward expansion of the scope and level of benefits. Whereas earlier efforts focused on economic reparation, essentially pension-related, after 1996 these initiatives became secondary due to numerous extensions of the legislation and a marked decrease in beneficiaries. In turn, time passage, a gradual replacement of societal values and pressures from international actors have impelled politicians to take stronger measures in tackling the vestiges of the regime.

The first stage of the process was the *negation of memory* (1936-1977), which developed under four decades of Francoism. Rather than reconcile the division between Spaniards, the government monopolized social institutions and public discourse in order

to self-legitimize. This took on several forms. The fascists eliminated the symbolic presence of the Second Republic by removing all monuments and references to the democratic period. This was accompanied by the institution of Nationalist symbolic discourse, which firmly implanted the regime in the public consciousness. New collective rituals such as fascist songs, public affirmations of loyalty, oaths, extended arm salutes, Catholic rites, and stenciled slogans on walls reminded citizens of the permanence of the dictatorship.² Street and plaza names were replaced to celebrate noted members of the National Movement. There was widespread repression of any suspected republicans, regional cultural identities, and left-wing trade unions. The prison population in 1940 swelled to 300,000 out of 25.9 million, almost a ten-fold increase in comparison to January 1936.³ Republicans and sympathizers were extremely limited in employment opportunities and their children were prevented from attending university. Welfare aid was reserved for supporters of the regime, which punished the losing faction and exacerbated the divisions among citizens.

A period of amnesia (1977-1981) defined the early transition after Franco's death. Rather than abruptly break with fascism, politicians adopted a pacted transition and eschewed discussion on contentious topics of memory and repression. In exchange for this political silence, two measures served to advance the compromise: the 1977 Amnesty Law and pensions. The former allowed political prisoners to be released and reintegrate into society in return for legal safeguards that state functionaries and members of the public order would not be prosecuted for violating citizen rights. On the other hand, the

² Reig-Tapia (1999).

³ Brincat (2005).

political class employed pensions for republicans as a form of monetary reparation and as a convenient vehicle for historical reconciliation. Regional autonomies saw them as the overdue benefit owed to their discriminated people. A politically-sensitive central government could frame them as an earned social entitlement for citizens. Either way, socially disadvantaged individuals received deserved state support whereas the meaning of the action was left to individual interpretation. The failed military coup in February 1981 reminded the political class that the transition was far from over. It encouraged policymakers to concentrate on solving immediate social problems, such as a 20% unemployment rate, difficulties in advancing regional government and responding adequately to ETA violence. In short, this was not the moment to expose the violations of the old regime, especially as many citizens and the army were skeptical of the competence of the democratic government.

An accommodation period (1982-2002) defined the next two decades of the Spanish transition. Under the auspices of the socialist government, several pensions laws benefitting republicans were passed. These ended discriminatory practices in estimating state benefits for former military members and they ensured that time spent in prison for political reasons could be counted as working years in estimating Social Security payments. Although the five legislatures did not adopt any legally-binding bills to advance historical reconciliation, a number of actions demonstrated the increased willingness of the political class to tackle questions of memory and social justice. Among these, notable examples were the commemoration of Manuel Azaña, the revision of Blas Infante Perez's tribunal sentence, the extension of citizenship to International Brigadiers, the return of confiscated property to trade unions, and denouncing the old regime on the

60th anniversary of the Civil War. In 2002, more sensitive topics emerged on the agenda. There was official recognition of forced laborers, war exiles, and democrats repressed under the dictatorship. Socialists and Basques equated exhumations of disappeared and executed persons with dignity recuperation (see Appx. A, Tables 2-6).

Indeed, legislative interest could be observed even when initiatives were not approved. A detailed analysis of the questions raised in parliament shows that the return of confiscated property of political parties and trade unions was raised as early as 1979. Yet, no legislation was adopted until 1986 (see Appx. C, Table 1).⁴ Similarly, concerns about documents and archives, removal of fascist symbols, revising tribunal trials and sentences were expressed far earlier than the HML draft. These are markers of the interest of left politicians in historical reconciliation legislation (see Appendix B). Judging from this information, we can see that there were numerous attempts to recuperate historical memory and to recognize victims before the legislation of 2007. Thus, we should interpret these expired or non-debated initiatives, non-binding motions and raised questions as the precursors to the Historical Memory Law.

Nonetheless, this demonstrated attention and legislative acts should not overshadow the very significant role of civil society, academia and international institutions. During the 1980s there was a marked increase in disseminated academic works on the Civil War and the Dictatorship. Although their findings were not immediately recognized by the legislature, they served to change the societal outlook on

⁴ The relevant legislation for the return of confiscated property is: Ley 4/1986, de 8 de enero, de Cesión de bienes del patrimonio sindical acumulado that was developed by Real Decreto 1671-1986, de 1 de agosto and Ley 43/1998, de 15 de diciembre, de Restitución o compensación a los partidos políticos de bienes y derechos incautados en aplicación de la normativa sobre responsabilidades políticas del período 1936-1939 that was developed by Real Decreto 610/1999, de 16 de abril.

the old regime and bolster support for democratic institutions. The popularization of victim narratives has been an essential part of the healing process. It also legitimizes state funding for memory recuperation and exhumation initiatives. Accordingly, victims and civil associations have engaged the legislature, offered testimonies, and advanced proposals to ensure that reconciliation remain on the political agenda.⁵

International actors have bolstered the effort by popularizing the issue in the media and by putting pressure on domestic politicians. Amnesty International's news headlines shone light on limited government efforts to respect rights to moral and economic reparations. The preamble of the HML cited the condemnation of the Council of Europe as an impetus to perform an act of solidarity with the victims. Reports by the UN Working Group on Enforced and Involuntary Disappearances spurred Spain under PSOE to assist its citizens in exhumation efforts. Even though such acts are not legally-binding, they have enabled or forced politicians to engage in politically contentious policymaking.

The last stage of the process has been the *advancement of historical reconciliation* since 2002. This year is significant because citizens organized to pressure the state to confront the legacy of Francoism, reflected in the mass graves.⁶ Also, it marked the first instance when taboo subjects such as the disappeared and executed dominated the focus of the historical reconciliation agenda. Despite the extreme reluctance of the People's Party to advance memory recuperation efforts, previous legislation had paved the road for

⁵ The inter-ministerial commission recognizes 36 associations that have maintained consistent contact with the government. See Comision Interministerial (2006, pp. 13-14).

⁶ Contrary to popular academic citations, the United Nations did not include Spain on a list of offenders, but rather responded to petitions from the Association for the Recuperation of Historical Memory. See, Tremlett (2002). Also, UNWGEID (2011).

a more thorough examination. Pensions could not appease the public as there were fewer beneficiaries and the legislation had been extended to its limits.⁷ However, the recuperation of regional archives and the removal of fascist symbols provided a different terrain to symbolically confront the old regime and reassert the autonomy of the regional communities. The exhumation efforts and the annulment of tribunal sentences were an especially important new frontier. In contrast to pensions, they were highly symbolic and emotionally-charged issues. The protagonists have been the families of the victims and they have mostly had no direct contact with the dictatorship. As such, a younger generation that grew up with the values of democratic Spain has had the ability to direct the reconciliation process. More interestingly, their involvement has served as a barometer of the willingness of Spaniards to prioritize democracy and dismantle the vestiges of Francoism.

As I argued in Chapter III, the adoption of the Historical Memory Law was the most significant pinnacle of historical reconciliation legislation. Unlike previous initiatives that regulate memory and moral reparation passed during the period of accommodation, it is a legally-binding bill.⁸ Because it is a national law and it can withdrawal public aid for entities that do not comply with it (Art. 15.1 and 15.4), the HML has provisions to pressure administrations to comply with it. Its area of competence is unprecedented. In the few years since its adoption, the central administration has struggled to fully implement it. In granting citizenship, this was due to the popularity of

⁷ The number of beneficiaries has been decreasing both because of welfare consolidations and because of the drop in recipients. In 2005, there were 105,019 and in 2006 there were 95,943. The average pension for a recipient is €708, whereas relatives receive around €400. Comisión Interministerial (2006, p. 57).

⁸ Here, I reiterate the distinction between *proposición de ley* (a legally-binding bill proposed by Members of Parliament) and *proposición no de ley* (a motion not proposed by the government and without legal binding power).

its provisions;⁹ in regards to symbols removal, this resulted from limited political will to enforce the law. Nonetheless, the creation of technical commissions and regulatory institutions, and the expansion of annual subsidies have demonstrated the state's commitment to democratic and balanced memory recuperation. Moreover, these initiatives are now institutionally and legally entrenched. They will likely benefit from the fading of memory of older generations that were reluctant to engage the legacy of the Civil War. A collective sense of guilt will no longer act as a roadblock. Societal values, grounded in democracy and European cosmopolitanism, will encourage younger generations to adopt a more critical stance towards the dictatorship. Gradualism, even under slow tempos, has allowed Spaniards to right the injustices of the old regime and to successively reject the compatibility of Francoist vestiges with modern society.

⁹ By October 31, 2010 Spain had approved 151,400 applications for citizenship.

Table 2: Results of Congress of Deputies national elections (1977-2012): party, percentage won, seats.

Suárez - UCD
MINORITY GOVN.

1	PSOE	29.32%	118
9	PCE	9.33%	19
7	PSP-US	4.46%	6
7	Other	2.43%	6
-	PNV	1.62%	8
1	UCD	34.44%	166
9	AP	8.21%	16
7	PDPC	2.81%	11

González - PSOE
MAJORITY GOVN.

1	PSOE	39.60%	175
9	IU	9.07%	17
8	HB	1.06%	4
9	PNV	1.24%	5
-	Other	3.60%	10
1	PP	25.79%	107
9	CiU	5.04%	18
9	CDS	7.89%	14

Zapatero - PSOE
MINORITY GOVN.

2	PSOE	42.59%	164
0	ERC	2.52%	8
0	IU	4.96%	5
4	Other	1.72%	5
-	PNV	1.63%	7
2	CC	0.91%	3
0	PP	37.71%	148
0	CiU	3.23%	10

Suárez / Calvo-Sotelo - UCD
MINORITY GOVN.

1	PSOE	30.40%	121
9	PCE	10.77%	23
7	PSA-PA	1.81%	5
9	HB	0.96%	3
-	Other	3.82%	5
1	PNV	1.65%	7
9	UCD	34.84%	168
8	CD	6.05%	10
2	CiU	2.69%	8

González - PSOE
MINORITY GOVN.

1	PSOE	38.78%	159
9	IU	9.55%	18
9	Other	3.32%	6
3	PNV	1.24%	5
-	CC	0.88%	4
1	PP	34.76%	141
9	CiU	4.94%	17

Zapatero - PP
MINORITY GOVN.

2	PSOE	43.87%	169
0	ERC	1.16%	3
0	Other	6.72%	8
8	PNV	1.19%	6
-	PP	39.94%	154
2	CiU	3.03%	10

González - PSOE
MAJORITY GOVN.

1	PSOE	48.11%	202
9	PCE	4.02%	4
8	Other	5.01%	6
2	PNV	1.88%	8
-	CP	26.36%	107
1	CiU	3.67%	12
9	UCD	6.77%	11

Aznar - PP
MINORITY GOVN.

1	PSOE	37.46%	141
9	IU	10.54%	21
9	Other	3.10%	7
6	PNV	1.27%	5
-	CC	0.88%	4
2	PP	38.79%	156
0	CiU	4.60%	16

González - PSOE
MAJORITY GOVN.

1	PSOE	44.06%	184
9	IU	4.63%	7
8	HB	1.15%	5
6	PNV	1.53%	6
-	CP	25.97%	105
1	CDS	9.22%	19
9	CiU	5.02%	18
8	Other	1.94%	6

Aznar - PP
MAJORITY GOVN.

2	PSOE	34.16%	125
0	IU	5.45%	8
0	BNG	1.32%	3
0	Other	3.00%	5
-	PNV	1.53%	7
2	CC	1.07%	4
0	PP	44.52%	183
0	CiU	4.19%	15

Source: On party positioning, Liesbet Hooghe (2010). On elections, Congreso de los Diputados (2004).

Figure 2: The four stages of Spanish historical reconciliation: key actors, legislation and major developments

	Negation of Memory (1936-1977)	Politics of Amnesia (1977-1981)	Accommodation Period (1982-2002)	Historical Reconciliation (2002-)
ACTORS	Falangists: fanatics and bureaucrats. Collaborators. Opportunists. Conformists. Catholic Church.	UCD, PSOE for Amnesty Law. Catalonian socialists and Congress communists.	Academia. Minority/regional left-leaning parties.	Victims' associations. PSOE for HML and implementation. Minority/regional left-leaning parties.
LEGISLATION	<ul style="list-style-type: none"> - decretos benefitting Nationalists - anti-masonry/communism tribunals - organic Laws concentrate power - Pacts of Madrid: US aid to Spain - Amnesty Law of 1977 pardons political prisoners and state functionaries 	<ul style="list-style-type: none"> - pensions for republicans: widows, invalids, former soldiers (around €17 billion disbursed by 2005) - prison time counted as working time for Social Security 	<ul style="list-style-type: none"> - extends pensions for republicans - patrimony law to protect archives - returns archives to Catalonia - returns union and party property - compensations for prison time - recognizes <i>niños de guerra</i> - all parties denounce the regime - Lluís Companys sentence revisited - recognizes forced laborers 	<ul style="list-style-type: none"> - establishment of Interministerial Commission - 2002: Asturias and Catalonia support exhumation initiatives - payment to forced exiles - Historical Memory Law - Office of Victims established - technical commission on symbols
POLITICAL ACTS	<ul style="list-style-type: none"> - merging all right-wing parties under the Falange (FET) - 1947 Law of Succession: Franco rules the newly-made monarchy - elimination of autonomy statutes - Juan Carlos dismantles Franco's institutions: revival of pol. parties 	<ul style="list-style-type: none"> - Constitution of 1978 adopted - 23-F 1981: military coup attempt - Juan Carlos defends the transition 	<ul style="list-style-type: none"> - 1982: Spain joins NATO - 1982: PSOE wins sizeable majority - United Left formed by communists - 1986: PSOE returns properties and pays restitutions to unions - 1986: Spain joins EEC - 1996: Aznar enters power - 2000: People's Party wins majority 	<ul style="list-style-type: none"> - UN Working Group criticizes Spain for ignoring mass graves - 2004: PSOE wins elections - Council of Europe condemns the Franco regime - parties receive €21 million in economic compensations
SOCIAL ACTS	<ul style="list-style-type: none"> - executions of Republicans - suppression of regionalism, left-wing unions, liberal politics - trade union consolidation - civil rights curtailed; censorship - trade unions property confiscated - opposition groups form 	<ul style="list-style-type: none"> - <i>pacto de olvido</i> adopted - Spain reaffirms democracy path 	<ul style="list-style-type: none"> - significant increase in publications on repression - public debate on the legacy of the dictatorship emerges - victims testimonies emerge - 1980: ETA kills 118 people 	<ul style="list-style-type: none"> - emergence of memory recuperation groups (ARMH) - clean records of gays, reparations - exhumation of mass graves - removal of symbols and statues - Baltasar Garzón indicted

Conclusion:

The Spanish historical reconciliation process has served a dual role: to compensate the victims of the Civil War and Dictatorship and to reject Francoism. This effort, which is the basis of the Historical Memory Law, is contentious not because of its moral and economic reparation initiatives, but because of its symbolic significance. Conservatives in the PP reject it as a threat to the pacted transition, the constitutional arrangement of the state and for fear of examining old wounds (many caused by their own fathers). Researchers, victims' associations and regional left parties have been the backbone of the effort for reparations and memory recuperation. Yet, they have often criticized the government, whether PP or PSOE, for insufficient action and making concessions in terms of the fascist legacy. Because of its politically sensitive nature, the reconciliation effort is often portrayed incorrectly. Critics seek to vilify its intent or emphasize its uselessness, whereas supporters frame it as a mere act of solidarity with victims.

In fact, the HML and the economic reparations that preceded it are political statements. Despite claims that the state did not respect the right to compensation, over 16.361 billion euro have been paid to republican victims; and this has been complemented by 391 million euro for imprisonment on political grounds. Since the adoption of the HML, the state has expanded the initiatives to cover homosexuals who suffered repression because of their orientation, exiled Spaniards and their descendants,

forced laborers, and the ‘children of war’. It has restituted the property of unions and parties and returned confiscated Catalanian archives. PSOE has spent over 5 million euro annually on hundreds of initiatives that recuperate historical memory through exhumations, exhibits and publications. The budget has grown steadily since 2006. These acts, some of which were adopted at the onset of the transition, show the financial commitment of the state to aiding the victims of fascism. Even when not framed as reparation, their intent is clear: to make amends for the injustice of the old regime.

Secondarily, the effort has been gradual because of political considerations. At the onset of the transition, the frailty of democracy and the threat of a military coup silenced the political class. There was need to sanctify the transition and the Constitution, as the unifying forces that bind Spaniards in the different autonomies. Consequently, it imposed restrictions on facing the past. Until the state’s unity and democratic identity had been established, memory recuperation on the political level risked destabilizing debates on the monarchy, the autonomy statutes, preferential taxation policies, and the institutional remnants of the old regime. Thus reparations were delivered quietly as pensions, whereas researchers in the 1980s and victims’ associations tackled the Francoist legacy in the public arena.

Under the impetus of regional left-leaning parties, the government was pressured to make amends for past repression. This followed a stable trajectory: pensions, restitution of union and party property, moral rehabilitation of victims, and finally reconciliation advancement, which tackled the institutional legacy of the regime and recognized victims’ right to knowledge, compensation and limited justice. Whereas economic concerns defined the reconciliation policy at the onset, memory recuperation

became more important at later stages, as retributive emotions no longer threatened the cohesion of the nation.

Despite the unprecedented achievements of the HML, the reconciliation effort is far from complete. A wholehearted rejection of Francoism is the challenge facing Spanish society. In practical terms, the government must ensure that all autonomies comply with the legal obligation to remove fascist symbols; it must take greater responsibility for the exhumation of mass graves; and it must annul the tribunal sentences of the regime. These actions are highly symbolic acts that would force the state to reevaluate its complicity with the old regime and ensure that it remains accountable to all its citizens. Yet a new generation of Spaniards, raised in democratic and European Spain, can ensure that the gradual process of reconciliation reaches its end.

Appendix A: Parliamentary initiatives adopted since the Transition.¹

Legend: PEN = widows, pensions and economic compensations; AMN = amnesty; RES = confiscated property restitution; ARCH = documents and archives; SIM = removal of symbols; MEM = historical memory recuperation and reparation; JUS = trials, sentences and justice

Table 1: Parliamentary initiatives approved during the first legislature (1979-1982).

TITLE	DATE	TYPE	PURPOSE	POLITICAL ACTOR	OTHER
PROPOSICIONES DE LEY GRUPOS PARLAMENTARIOS CONGRESO	23-03-1979	PEN	RECONOCIMIENTO DE PENSIONES, ASISTENCIA MEDICO-FARMACEUTICA Y ASISTENCIA SOCIAL A FAVOR DE LAS VIUDAS, HIJOS Y DEMÁS FAMILIARES DE LOS ESPAÑOLES FALLECIDOS EN LA GUERRA CIVIL.	CONGRESS SOCIALISTS	
PROPOSICIONES DE LEY GRUPOS PARLAMENTARIOS CONGRESO	23-3-1979	PEN	PENSIONES A LOS MUTILADOS EXCOMBATIENTES DE LA ZONA REPUBLICANA.	CONGRESS COMMUNISTS	
PROPOSICIONES DE LEY GRUPOS PARLAMENTARIOS CONGRESO	21-06-1979	PEN	MODIFICACION DEL REAL DECRETO-LEY 6/78, DE 6 DE MARZO, SOBRE SITUACION DE LOS MILITARES QUE INTERVINIERON EN LA GUERRA CIVIL.	CATALONIAN SOCIALISTS IN CONGRESS	
PROPOSICIONES DE LEY GRUPOS PARLAMENTARIOS CONGRESO	23-03-1979	PEN	CONCESION DE PENSIONES A LAS VIUDAS, PADRES Y HUÉRFANOS DE LOS COMBATIENTES DE LA REPUBLICA, MILICIAS POPULARES Y FUERZAS DE ORDEN PUBLICO.	CONGRESS COMMUNISTS	
PROPOSICIONES DE LEY GRUPOS PARLAMENTARIOS	29-04-1981	PEN	MODIFICACION PARCIAL DE LA LEY DE PENSIONES DE MUTILADOS DEL EJERCITO DE LA REPUBLICA.	DEMOCRATIC COALITION	
PROPOSICION NO DE LEY CONGRESO	21-06-1979	PEN	MUTILADO EJERCITO REPUBLICANO	CATALONIAN SOCIALISTS IN CONGRESS	APPROVED UNANIMOUSLY
PROPOSICION NO DE LEY CONGRESO	10-12-1981	PEN	REAL DECRETO-LEY 6/1978, DE 6 DE MARZO, SOBRE SITUACION MILITARES QUE TOMARON PARTE EN LA GUERRA CIVIL.	CATALONIAN SOCIALISTS IN CONGRESS	APPROVED WITH AMENDMENT
PROPOSICIONES DE LEY GRUPOS PARLAMENTARIOS CONGRESO	10-12-1981	AMN	RECONOCIMIENTO COMO AÑOS TRABAJADOS A EFECTOS DE LA SEGURIDAD SOCIAL DE LOS PERIODOS DE PRISIÓN SUFRIDOS COMO CONSECUENCIA DE LOS SUPUESTOS CONTEMPLADOS EN LA LEY DE AMNISTIA, DE 15 DE OCTUBRE DE 1977.	CONGRESS COMMUNISTS	EXTENSION OF PREVIOUS LEG.

¹ Source for tables: Self-made with data from Ministerio de la Presidencia, “Iniciativas parlamentarias relativas a la Guerra Civil y la Dictadura” (23 de junio de 2006): Annexes 1-8.

Table 2: Parliamentary initiatives approved during the second legislature (1982-1986).

TITLE	DATE	TYPE	PURPOSE	POLITICAL ACTOR	OTHER
PROPOSICION DE LEY GRUPOS PARLAMENTARIOS CONGRESO	20-12-1983	PEN	DESAPARICION DISCRIMINACION EN EL TRATO QUE RECIBEN POR LA LEY 46/77 DE 15 DE OCTUBRE, LOS MILITARES PROFESIONALES DE LA REPUBLICA RESPECTO DE LOS FUNCIONARIOS CIVILES.	CONGRESS SOCIALISTS	
PROPOSICION DE LEY GRUPOS PARLAMENTARIOS CONGRESO	20-12-1983	PEN	RECONOCIMIENTO COMO AÑOS TRABAJADOS A EFECTOS DE LA SEGURIDAD SOCIAL DE LOS PERIODOS DE PRISION SUFRIDOS COMO CONSECUENCIA DE LOS SUPUESTOS CONTEMPLADOS EN LA LEY DE AMNISTIA, DE 15 DE OCTUBRE DE 1.977.	CONGRESS SOCIALISTS	
PROPOSICION DE LEY GRUPOS PARLAMENTARIOS CONGRESO	20-12-1983	PEN	RECONOCIMIENTO COMO AÑOS TRABAJADOS A EFECTOS DE LA SEGURIDAD SOCIAL DE LOS PERIODOS DE PRISION SUFRIDOS COMO CONSECUENCIA DE LOS SUPUESTOS CONTEMPLADOS EN LA LEY DE AMNISTIA.	MIXED PARL. GROUP (Communist Party)	
PROPOSICION DE LEY GRUPOS PARLAMENTARIOS CONGRESO	25-05-1983	AMN	ADICION DE UN NUEVO ARTICULO A LA LEY DE AMNISTIA: "Los interesados podrán solicitar la aplicación de la Ley de Amnistía incluso cuando haya habido resolución judicial que declare la inadmisión del proceso por prescripción de la acción." (Allows interested parties to request the application of the Amnesty Law even when other judicial decisions prevent such action).	MIXED PARL. GROUP (Communist Party)	

No debate or voting initiatives were approved during the third legislature (1986-1989).

Table 3: Parliamentary initiatives approved during the fourth legislature (1989-1993).

TITLE	DATE	TYPE	PURPOSE	POLITICAL ACTOR	OTHER
MOCION ANTE EL PLENO DEL SENADO	28-02-1990	ARCH	DEVOLUCION A LA GENERALITAT DE CATALUNYA DE LOS FONDOS PERTENECIENTES AL "COMISSARIAT DE PROPAGANDA" DE LA MISMA DURANTE LA GUERRA CIVIL, Y QUE EN 1939 FUERON CONFISCADOS Y TRASLADADOS A LA BIBLIOTECA NACIONAL.	MIXED GROUP OF THE SENATE	YES - CIU YES - BASQUE YES - SOCIALISTS ABS – POPULAR
DECLARACION INSTITUCIONAL CONGRESO	23-11-1990	SIM	DECLARACION INSTITUCIONAL CON OCASION DEL 50 ANIVERSARIO DEL FALLECIMIENTO DE DON MANUEL AZAÑA.		
PROPOSICION NO DE LEY ANTE EL PLENO	25-02-1992	JUS	INTERPOSICION, POR EL FISCAL DEL TRIBUNAL SUPREMO, DE RECURSO DE REVISION CONTRA LA SENTENCIA DEL TRIBUNAL REGIONAL DE RESPONSABILIDADES POLITICAS DE 4 DE MAYO DE 1940 EN EL EXPEDIENTE SEGUIDO CONTRA DON BLAS INFANTE PEREZ.	MIXED GROUP OF THE SENATE	APPROVED UNANIMOUSLY

Table 4: Parliamentary initiatives approved during the fifth legislature (1993-1996).

TITLE	DATE	TYPE	PURPOSE	POLITICAL ACTOR	OTHER
PROPOSICION NO DE LEY ANTE EL PLENO CONGRESO	26-09-1995	PEN	REINTEGRO DE BIENES Y DERECHOS PATRIMONIALES, O EN SU CASO DE LA INDEMNIZACION ECONOMICA CORRESPONDIENTE, A LAS PERSONAS QUE SE VIERON PRIVADAS DE LOS MISMOS POR RAZONES POLITICO-SOCIALES EN VIRTUD DE UNA LEGISLACION EXCEPCIONAL EN LA GUERRA CIVIL.	UNITED LEFT CATALAN BASQUE MIXED	APPROVED UNANIMOUSLY
PROPOSICION NO DE LEY ANTE EL PLENO CONGRESO	28-11-1995	PEN	RECONOCIMIENTO DE LA NACIONALIDAD ESPAÑOLA POR CARTA DE NATURALEZA A LOS BRIGADISTAS INTERNACIONALES.	UNITED LEFT BASQUE SOCIALISTS	APPROVED UNANIMOUSLY
MOCION CONSECUENCIA DE INTERPELACION	06-04-1995	PEN	CONTINUAR CON CARACTER DE URGENCIA LAS ACCIONES ENCAMINADAS A DAR SOLUCION A LA PROBLEMÁTICA PLANTEADA POR LOS LLAMADOS "NIÑOS DE LA GUERRA" ESPAÑOLES, QUE EMIGRARON O FUERON EVACUADOS A LA URSS ENTRE 1936 Y 1942 POR LA GUERRA CIVIL ESPAÑOLA.	MIXED	APPROVED UNANIMOUSLY

Table 5: Parliamentary initiatives approved during the sixth legislature (1996-2000).

TITLE	DATE	TYPE	PURPOSE	POLITICAL ACTOR	OTHER
PROPOSICION NO DE LEY EN COMISION CONGRESO	27-05-1997	PEN	APLICACION DE LA LEY 37/1984, DE 22 DE OCTUBRE, A LAS ENFERMERAS REPUBLICANAS.	SOCIALISTS	YES - SOCIALISTS YES - CATALAN YES - UNITED LEFT YES - POPULAR
PROPOSICION NO DE LEY EN COMISION CONGRESO	18-09-1996	DEV	MEDIDAS PARA SOLUCIONAR EL PROBLEMA DE LA UBICACION DE LAS ORGANIZACIONES SINDICALES Y PATRONALES, CESIONARIAS DEL PATRIMONIO SINDICAL, SITAS EN LA CAPITAL DE GRANADA.	UNITED LEFT	YES - UNITED LEFT YES - POPULAR YES - SOCIALISTS Amendment by PP
PROPOSICION NO DE LEY EN COMISION CONGRESO	26-05-1998	DEV	DEVOLUCION DE PROPIEDADES INCAUTADAS EN 1936 AL "CENTRO DE INSTRUCCION, PROTECCION Y RECREO" DE CERVAS-ARES.	MIXED	YES - SOCIALISTS YES - CATALAN YES - UNITED LEFT YES - POPULAR
PROPOSICION NO DE LEY ANTE EL PLENO CONGRESO	28-05-1996	ARCH	DEVOLUCION A LA GENERALIDAD DE CATALUÑA DE LA DOCUMENTACION DEPOSITADA EN EL ARCHIVO HISTORICO DE SALAMANCA.	MIXED	YES - SOCIALISTS YES - POPULAR YES - CATALAN YES - BASQUE YES - CATALAN YES - UNITED LEFT YES - MIXED
MOCION ANTE EL PLENO SENADO	06-11-1996	ARCH	ELABORAR LAS DISPOSICIONES REGLAMENTARIAS NECESARIAS PARA LA ACTUALIZACION Y UNIFICACION DE LA NORMATIVA QUE REGULA LOS EXPURGOS DE LOS JUZGADOS Y TRIBUNALES Y PARA EL ESTABLECIMIENTO DE LOS CRITERIOS O DIRECTRICES DE LOS MISMOS, GARANTIZANDO LA MAS IDONEA CONSERVACION DE CUANTOS DOCUMENTOS PUDIERAN TENER ALGUN VALOR CULTURAL, HISTORICO, JURIDICO O ADMINISTRATIVO.	POPULAR PARTY	YES - SOCIALISTS YES - POPULAR YES - CATALAN YES - BASQUE
PROPOSICION NO DE LEY EN COMISION CONGRESO	14-09-1999	SIM	CONMEMORACION DEL 60 ANIVERSARIO DEL EXILIO ESPAÑOL OCASION DE LA FINALIZACION DE LA GUERRA CIVIL ESPAÑOLA.	SOCIALISTS UNITED LEFT CATALAN BASQUE CANARIA MIXED	YES - SOCIALISTS YES - UNITED LEFT YES - CATALAN YES - BASQUE YES - MIXED ABS - POPULAR
PROPOSICION NO DE LEY ANTE EL PLENO CONGRESO	09-03-1999	JUS	SOLICITUD DE CONSULTA PUBLICA DEL SUMARIO DEL CONSEJO DE GUERRA CONTRA LLUIS COMPANYYS. (APROBADA CON ENMIENDA TRANSACCIONAL DE LOS GRUPOS MIXTO. SOCIALISTA Y CATALAN. 10 DIPUTADOS DEL GRUPO POPULAR VOTAN EN CONTRA EN TANTO QUE 122 SE ABSTIENEN Y 3 VOTAN A FAVOR).	MIXED (ERC)	YES - SOCIALISTS YES - UNITED LEFT YES - CATALAN YES - BASQUE YES - CANARIA ABS - POPULAR YES - MIXED

Table 6: Parliamentary initiatives approved during the seventh legislature (2000-2004).

TITLE	DATE	TYPE	PURPOSE	POLITICAL ACTOR	OTHER
MOCION URGENTE CONGRESO	16-05-2001	MEM	POLITICA NECESARIAS PARA LA REHABILITACION A TODOS LOS NIVELES DE LOS COMBATIENTES GUERRILLEROS ESPAÑOLES.	UNITED LEFT	YES - POPULAR YES - SOCIALISTS YES - CATALAN YES - UNITED LEFT YES - CANARIA YES - MIXED
PROPOSICION NO DE LEY EN COMISION CONGRESO	20-11-2002	MEM	RECONOCIMIENTO DE BLAS INFANTE COMO PADRE DE LA PATRIA ANDALUZA.	MIXTO (Andalusian Party)	YES - POPULAR YES - SOCIALISTS YES - UNITED LEFT YES - MIXED
ROPOSICION NO DE LEY EN COMISION CONGRESO	24-10-2002	MEM	RECONOCIMIENTO DEL HONOR Y DE LOS DERECHOS DE LOS PRESOS POLITICOS SOMETIDOS A TRABAJOS FORZADOS POR LA DICTADURA FRANQUISTA	UNITED LEFT	YES - POPULAR YES - SOCIALISTS YES - CATALAN YES - UNITED LEFT YES - BASQUE
PROPOSICION NO DE LEY EN COMISION CONGRESO	20-11-2002	MEM	DESARROLLO DE UNA POLITICA DE ESTADO PARA EL RECONOCIMIENTO DE LOS CIUDADANOS Y CIUDADANAS EXILIADOS.	SOCIALISTS	YES - POPULAR YES - SOCIALISTS YES - CATALAN YES - UNITED LEFT YES - BASQUE YES - MIXED
PROPOSICION NO DE LEY EN COMISION CONGRESO	20-11-2002	MEM	RECONOCIMIENTO MORAL A TODOS LOS HOMBRES Y MUJERES QUE PADECIERON LA REPRESION DEL REGIMEN FRANQUISTA POR DEFENDER LA LIBERTAD Y POR PROFESAR CONVICCIONES DEMOCRATICAS.	UNITED LEFT	YES - POPULAR YES - SOCIALISTS YES - CATALAN YES - UNITED LEFT YES - BASQUE YES - MIXED
PROPOSICION NO DE LEY EN COMISION CONGRESO	20-11-2002	MEM	REPARACION MORAL A LAS VICTIMAS DE LA GUERRA CIVIL DESAPARECIDAS Y ASESINADAS POR DEFENDER LOS VALORES REPUBLICANOS Y RECONOCIMIENTO DEL DERECHO DE LOS FAMILIARES Y HEREDEROS A RECUPERAR SUS RESTOS, NOMBRE Y DIGNIDAD.	SOCIALISTS	YES - POPULAR YES - SOCIALISTS YES - CATALAN YES - UNITED LEFT YES - BASQUE YES - MIXED
PROPOSICION NO DE LEY EN COMISION CONGRESO	20-11-2002	MEM	DEVOLUCION DE LA DIGNIDAD A LOS FAMILIARES DE LOS FUSILADOS DURANTE EL FRANQUISMO	MIXED (Basque Solidarity-EA)	YES - POPULAR YES - SOCIALISTS YES - CATALAN YES - UNITED LEFT YES - BASQUE YES - MIXED

Table 7: Parliamentary initiatives approved during the eighth legislature (2004-2008).

TITLE	DATE	TYPE	PURPOSE	POLITICAL ACTOR	OTHER
PROYECTO DE LEY	18-03-2005	PCV	LEY 3/2005, DE 18 DE MARZO, POR LA QUE SE RECONOCE UNA PRESTACIÓN ECONOMICA A LOS CIUDADANOS DE ORIGE ESPAÑOL DESPLAZADOS AL EXTRANJERO, DURANTE SU MINORIA DE EDAD, COMO CONSECUENCIA DE LA GUERRA CIVIL, Y QUE DESARROLLARON LA MAYOR PARTE DE SU VIDA FUERA DEL TERRITORIO NACIONAL.	THE GOVERNMENT	Approved with 318 votes
PROPOSICION NO DE LEY ANTE EL PLENO CONGRESO	01-06-2004	PCV	RECONOCIMIENTO DE LAS VICTIMAS DE LA GUERRA CIVIL Y DEL FRANQUISMO.	SOCIALISTS	YES - SOCIALISTS YES - CATALAN YES - ERC YES - BASQUE YES - CANARIA YES - UNITED LEFT YES - MIXED ABS - POPULAR
PROPOSICION NO DE LEY EN COMISION CONGRESO	06-04-2005	PCV	MODIFICACION DE LA LEY DEL IMPUESTO SOBRE LA RENTA DE LAS PERSONAS FISICAS, AL OBJETO DE EXIMIR DE TRIBUTACION LA TOTALIDAD DE INDEMNIZACIONES PERCIBIDAS POR LOS CONTRIBUYENTES COMO CONSECUENCIA DE HABER SUFRIDO PRIVACION DE LIBERTAD EN LOS SUPUESTOS PREVISTOS EN LA LEY DE AMNISTIA.	CATALAN	
PROPOSICION NO DE LEY EN COMISION CONGRESO	06-04-2005	PCV	EXENCION DEL PAGO DEL IMPUESTO SOBRE LA RENTA DE LAS PERSONAS FISICAS A LOS EX-PRESOS POLITICOS ACOGIDOS A LA LEY 46/1977, DE AMNISTIA, QUE NO CUMPLIAN CON LOS REQUISITOS DE LA DISPOSICION ADICIONAL 18a DE LA LEY 4/1990, DE PRESUPUESTOS GENERALES DEL ESTADO.	UNITED LEFT	
REAL DECRETO LEY 13/2005,	28-10-2005	RES	REAL DECRETO LEY 13/2005, DE 28 DE OCTUBRE, POR EL QUE SE MODIFICA LA LEY 4/1986, DE 8 DE ENERO, DE CESION DE BIENES DEL PATRIMONIO SINDICAL ACUMULADO.	THE GOVERNMENT	Ratified
PROYECTO DE LEY	17-11-2005	ARCH	LEY 21/2005, DE 17 DE NOVIEMBRE, DE RESTITUCION A LA GENERALIDAD DE CATALUÑA DE LOS DOCUMENTOS INCAUTADOS CON MOTIVO DE LA GUERRA CIVIL CUSTODIADOS EN EL ARCHIVO GENERAL DE LA GUERRA CIVIL ESPAÑOLA Y DE CREACIÓN DEL CENTRO DOCUMENTAL DE LA MEMORIA HISTORICA.	THE GOVERNMENT	Approved with 193 votes in favor and 134 against from all groups, except PP

Table 7 continued on next page.

PROPOSICION NO DE LEY ANTE EL PLENO CONGRESO	18-05-2004	ARCH	PROCESO DE DIALOGO CON EL GOBIERNO DE LA GENERALIDAD DE CATALUÑA, CON EL FIN DE ALCANZAR UN ACUERDO QUE PERMITA RESOLVER EL CONTENCIOSO PLANTEADO EN RELACION CON LA DOCUMENTACION INCAUTADA QUE EN LA ACTUALIDAD SE HALLA RECOGIDA EN EL ARCHIVO GENERAL DE LA GUERRA CIVIL DE SALAMANCA.	SOCIALISTS ERC UNITED LEFT	YES - SOCIALISTS YES - ERC YES - BASQUE YES - UNITED LEFT YES - CANARIA YES - MIXED NO - POPULAR ABS - CATALAN
PROPOSICION NO DE LEY EN COMISION CONGRESO	10-11-2004	ARCH	MEDIDAS ENCAMINADAS A LA CONSERVACION Y CATALOGACION EN LOS ARCHIVOS CIVILES Y MILITARES DE LOS EXPEDIENTES Y SUMARIOS INSTRUIDOS CONTRA LOS REPRESALIADOS DE LA GUERRA CIVIL ESPAÑOLA.	ERC	YES - SOCIALISTS YES - ERC YES - UNITED LEFT YES - MIXED ABS - POPULAR
PROPOSICION NO DE LEY EN COMISION CONGRESO	18-05-2005	ARCH	TRASPASO A LA GENERALIDAD DE CATALUNA DE LOS FONDOS DE LA GENERALIDAD REPUBLICANA LOCALIZADOS EN LA BIBLIOTECA DEL INSTITUTO NACIONAL DE EDUCACION FISICA (INEF) DE MADRID.	CATALAN	YES - SOCIALISTS YES - CATALAN YES - ERC YES - UNITED LEFT YES - BASQUE ABS - POPULAR
PROPOSICION NO DE LEY EN COMISION CONGRESO	18-05-2005	ARCH	CONDENA DEL EXPOLIO BIBLIOGRAFICO PADECIDO POR LA COMISARIA DE EDUCACION FISICA Y DEPORTES DE LA GENERALIDAD DE CATALUÑA A MANOS DEL GOBIERNO DEL GENERAL FRANCO.	ERC	YES - SOCIALISTS YES - CATALAN YES - ERC YES - UNITED LEFT YES - BASQUE ABS - POPULAR
MOCION ANTE COMISION SENADO	29-03-2006	ARCH	GESTIONES OPORTUNAS ANTE EL PATRONATO DEL MUSEO NACIONAL CENTRO DE ARTE REINA SOFIA PARA GARANTIZAR LA CONSERVACION Y ULTERIOR TRASLADO DE LA OBRA "GERNICA", DE PABLO PICASSO, PARA SU EXPOSICION TEMPORAL EN UNO DE LOS MUSEOS DE LA COMUNIDAD AUTONOMA DEL PAIS VASCO.	MIXED IN SENATE	YES - MIXED YES - POPULAR YES - CATALAN YES - BASQUE YES - ENTESA NO - SOCIALISTS
PROPOSICION DE LEY GRUPOS PARLAMENTARIOS CONGRESO	07-02-2006	MEM	DECLARACION DEL AÑO 2006 COMO AÑO DE LA MEMORIA HISTORICA.	UNITED LEFT	YES - SOCIALISTS YES - CATALAN YES - ERC YES - VASCO Various - CANARIA YES - UNITED LEFT YES - MIXED NO - POPULAR

Table 7 continued on next page.

PROPOSICION NO DE LEY EN COMISION CONGRESO	03-11-2004	SIM	RETIRADA INMEDIATA DE LOS SIMBOLOS DE LA DICTADURA FRANQUISTA DE LOS EDIFICIOS PUBLICOS DEL ESTADO DONDE AUN PERSISTEN.	ERC	YES - SOCIALISTS YES - ERC YES - UNITED LEFT ABS - POPULAR YES - CATALAN
PROPOSICION NO DE LEY EN COMISION CONGRESO	03-11-2004	SIM	RETIRADA DE SIMBOLOS DE LA DICTADURA FRANQUISTA DE LOS EDIFICIOS PUBLICOS DEL ESTADO.	UNITED LEFT	YES - SOCIALISTS YES - ERC YES - UNITED LEFT ABS - POPULAR YES - CATALAN
MOCION ANTE COMISION SENADO	11-04-2005	SIM	RECUERDO DEL 60 ANIVERSARIO DE LA ELECCION DE DIEGO MARTINEZ BARRIOS COMO PRESIDENTE INTERINO DE LA REPUBLICA ESPAÑOLA, TRAS LA DIMISION Y FALLECIMIENTO DE MANUEL AZAÑA.	BASQUE IN SENATE	YES - SOCIALISTS YES - BASQUE YES - MIXED YES - CANARIA YES - CATALAN YES - ENTESA CAT NO - POPULAR
PROPOSICION NO DE LEY ANTE EL PLENO CONGRESO	28-02-2006	SIM	ADOPCION DE MEDIDAS RELATIVAS A ALEXANDRE BOVEDA IGLESIAS, VICTIMA DEL REGIMEN FRANQUISTA EN GALICIA.	MIXED	YES - SOCIALISTS YES - CATALAN YES - ERC YES - BASQUE YES - UNITED LEFT YES - CANARIA YES - MIXED ABS - POPULAR
PROPOSICION NO DE LEY ANTE EL PLENO CONGRESO	28-09-2004	JUS	ANULACION DEL CONSEJO DE GUERRA SUMARISIMO A QUE FUE SOMETIDO EL PRESIDENTE DE CATALUÑA LLUIS COMPANYS.	ERC	YES - SOCIALISTS YES - CATALAN YES - ERC YES - BASQUE YES - UNITED LEFT Various - CANARIA YES - MIXED ABS - POPULAR

Table 7 continued on next page.

PROPOSICION NO DE LEY ANTE EL PLENO CONGRESO	27-09-2005	JUS	MEDIDAS PARA LA ANULACION DEL CONSEJO DE GUERRA SUMARISIMO A QUE FUE SOMETIDO MANUEL CARRASCO I FORMIGUERA	CATALAN	YES - SOCIALISTS YES - POPULAR YES- CATALAN YES - ERC YES - BASQUE YES - UNITED LEFT YES - CANARIA YES - MIXTO
LEY 24/2006, GRUPOS PARLAMENTARIOS CONGRESO	08-07-2006	MEM	DECLARACION DEL AÑO 2006 COMO AÑO DE LA MEMORIA HISTORICA	UNITED LEFT (IU-ICV) Amendments by PSOE and CiU	YES - SOCIALISTS YES - CATALAN YES - BASQUE YES - UNITED LEFT YES - CANARIA ABS - ERC NO - POPULAR
LEY 52/2007, GRUPOS PARLAMENTARIOS CONGRESO	26-12-2007	MEM	LEY 52/2007 POR LA QUE SE RECONOCEN Y AMPLIAN DERECHOS Y SE ESTABLECEN MEDIDAS EN FAVOR DE QUIENES PADECIERON PERSECUCION O VIOLENCIA DURANTE LA GUERRA CIVIL Y LA DICTADURA	Socialists (PSOE), partnered with United Left (IU-ICV), Basque-PNV, Mixed, Galician Nationalist Bloque-BNG, Aragonese Council-Chunta Aragonesa, Canaria, Basque Solidairty-EA and Navarra Yes- NB	NO - POPULAR NO - ERC

Table 8: Government measures that regulate the implementation of Law 52/2007.

REAL DECRETO 1803/2008	3-11-2008	PEN	REAL DECRETO POR EL QUE SE REGULAN LAS CONDICIONES Y EL PROCEDIMIENTO PARA EL ABONO DE LAS INDEMNIZACIONES RECONOCIDAS EN LA LEY 52/2007 A FAVOR DE PERSONAS FALLECIDAS O CON LESIONES POR SU ACTIVIDAD EN DEFENSA DE LA DEMOCRACIA	MINISTRY OF JUSTICE	
ORDEN CUL/3190/2008	7-11-2008	SIM	POR LA QUE SE DICTAN INSTRUCCIONES PARA LA RETIRADA DE SIMBOLOS FRANQUISTAS EN LOS BIENES DE LA ADMINSTRACION GENERAL DEL ESTADO Y SUS ORGANISMOS PUBLICOS DEPENDIENTES	MINISTERIO DE CULTURA	
RESOLUCION DE 24 DE JULIO DE 2008	30-7-2008	MEM	POR LA QUE SE PUBLICA LA CONCECION DE SUBVENCIONES DESTINADAS A ACTIVIDADES RELACIONADAS CON LAS VICTIMAS DE LA GUERRA CIVIL Y DEL FRANQUISMO	MINISTERIO DE LA PRESIDENCIA	
REAL DECRETO 1791/2008	17-11-2008	JUS	SOBRE LA REGULACION DEL PROCEDIMIENTO PARA LA OBTENCION DE LA DECLARACION DE REPARACION Y RECONOCIMIENTO PERSONAL A QUIENES PADECIERON PERSECUCION O VIOLENCIA DURANTE LA GUERRA CIVIL Y LA DICTADURA	MINISTERIO DE JUSTICIA	
REAL DECRETO 1792/2008	17-11-2008	PEN	SOBRE LA CONCESION DE LA NACIONALIDAD ESPAÑOLA A LOS VOLUNTARIOS INTEGRANTES DE LA BRIGADAS INTERNACIONALES; EXIME DEL REQUISITO DE LA RENUNCIA A LA ANTERIOR NACIONALIDAD AL COLECTIVO INTEGRADO POR LAS BRIGADAS INTERNACIONALES	MINISTERIO DE JUSTICIA	
INSTRUCCION DE 4 DE NOVIEMBRE DE 2008	26-11-2008	ARCH	SOBRE ACCESO A LA CONSULTA DE LOS LIBROS DE DEFUNCIONES DE LOS REGISTROS CIVILES, DICTADA EN DESARROLLO DE LA DISPOSICION ADICIONAL OCTAVA DE LA LEY 52/2007	LA DIRECTORA GENERAL DE LOS REGISTROS Y DEL NOTARIADO, PILAR BLANCO-MORALES LIMONES	
INSTRUCCION DE 4 DE NOVIEMBRE DE 2008	26-11-2008	PEN	SOBRE EL DERECHO DE OPCION A LA NACIONALIDAD ESPAÑOLA DE ORIGEN PARA LAS PERSONAS CUYO PADRE O MADRE HUBIERA SIDO ORIGINARIAMENTE ESPAÑOL Y PARA LOS NIETOS DE QUIENES PERDIERON O TUVIERON QUE RENUNCIAR A LA NACIONALIDAD ESPAÑOLA COMO CONSECUENCIA DE EXILIO	MINISTERIO DE JUSTICIA	

Table 8 continued on next page.

MODIFICACION DEL ART. 33 DEL TEXTO REFUNDIDO DE LA LEY DE CLASES PASIVAS	24-12-2008	PEN	ACTUALIZACIÓN DE LA CUANTIA DE LA PRESTACION ECONÓMICA A LOS CIUDADANOS DE ORIGEN ESPAÑOL DESPLAZADOS AL EXTRANJERO. INDEMINZACIÓN A “EX” PRESOS SOCIALES HOMOSEXUALES	MINISTERIO DE LA PRESIDENCIA	
ORDEN PRE/3749/2008, DE 22 DE DICIEMBRE	24-12-2008	MEM	POR LA QUE SE DA PUBLICIDAD AL ACUERDO DE CONSEJO DE MINISTROS SOBRE LA CREACION DE LA OFICINA PARA LAS VICTIMAS DE LA GUERRA CIVIL Y DE LA DICTADURA	MINISTERIO DE LA PRESIDENCIA	
RESOLUCION DE 27 DE NOVIEMBRE DE 2009	2-12-2009	MEM	POR LA QUE SE PUBLICA LA CONCESION DE SUBVENCIONES DESTINADAS A ACTIVIDADES RELACIONADAS CON LAS VICTIMAS DE LA GUERRA CIVIL Y DEL FRANQUISMO	MINISTERIO DE LA PRESIDENCIA	
ORDEN CUL/459/2009	28-2-2009	SIM	POR LA QUE SE CREA Y REGULA LA COMISION TECNICA DE EXPERTOS PARA LA VALORACION DE LOS SUPUESTOS DETERMINANTES DE LA EXCEPCIONALIDAD EN LA RETIRADA DE SIMBOLOS	MINISTERIO DE CULTURA	
REAL DECRETO 710/2009	30-4-2009	PEN	POR EL QUE SE DESARROLLAN LAS PREVISIONES DE LA LEY 2/2008, DE 23 DE DICIEMBRE, DE PRESUPUESTOS GENERALES DEL ESTADO PARA 2009, EN MATERIA DE PENSIONES DE CLASES PASIVAS Y DE DETERMINADAS INDEMNIZACIONES SOCIALES	MINISTERIO DE LA PRESIDENCIA	
OREDEN PRE/1743/2009	6-6-2009	PEN	POR LA QUE SE AMPLIA EL PLAZO DE CONCESION DE SUBVENCIONES DESTINADAS A ACTIVIDADES RELACIONADAS CON LAS VICTIMAS DE LA GUERRA CIVIL Y DEL FRANQUISMO	MINISTERIO DE LA PRESIDENCIA	
REAL DECRETO 2143/2008	10-11-2009	ARCH	POR EL QUE SE REGULA EL PROCEDIMIENTO A SEGUIR PARA LA RESTITUCION A PARTICULARES DE LOS DOCUMENTOS INCAUTADOS CON MOTIVO DE LA GUERRA CIVIL	MINISTERIO DE LA CULTURA	
RESOLUCION DE 17 DE MARZO DE 2010	24-3-2010	PEN	SE AMPLIA UN AÑO EL PLAZO PARA EJERCER EL DERECHO DE OPTAR A LA NACIONALIDAD ESPAÑOLA RECOGIDO EN LA DISPOSICION ADICIONAL SEPTIMA DE LA LEY 52/2007	MINISTERIO DE LA PRESIDENCIA	
ORDEN PRE/786/2010	29-3-2010	MEM	POR LA QUE SE ESTABLECEN LAS BASES REGULADORAS Y SE EFECTUA LA CONVOCATORIA PARA LA CONCESION DE SUBVENCIONES DESTINADAS A ACTIVIDADES RELACIONADAS CON LAS VICTIMAS DE LA GUERRA CIVIL Y DEL FRANQUISMO	MINISTERIO DE LA PRESIDENCIA	
REAL DECRETO 1816/2009	15-11-2010	ARCH	POR EL QUE SE APRUEBA EL REGLAMENTO DE LOS ARCHIVOS JUDICIALES MILITARES	MINISTERIO DE DEFENSA	

Source: Self-made with data from Ministerio de la Presidencia, *op.cit.*, Anexo 8.; Boletín Oficial del Estado.

Appendix B: Reconciliation initiatives by type and affiliation.¹

FIRST LEGISLATURE (1979-82)

Table 1: Initiatives brought before the first legislature.

INITIATIVES	PROPOSICIONES DE LEY CONGRESO	PROPOSICIONES DE LEY SENADO	PROPOSICIONES NO DE LEY CONGRESO	MOCIONES SENADO
PRESENTED	11	2	4	1
APPROVED	6	-	2	-
REJECTED	-	1	-	1
NOT DEBATED	5	1	2	-

Table 2: Number of initiatives, categorized by the political affiliation.

INITIATIVES	GROUP SOCIALISTS OF CATALONIA	GROUP COMMUNISTS	GROUP SOCIALISTS
PRESENTED	6	4	3
APPROVED	3	2	1
REJECTED	-	-	-
NOT DEBATED	3	2	2

SECOND LEGISLATURE (1982-86)

Table 3: Initiatives brought before the second legislature

INITIATIVES*	PENSIONS AND ECONOMIC COMPENSATIONS	RETURN OF SEIZED PROPERTY	AMNESTY
PRESENTED	6	2	2
APPROVED	3	-	1
REJECTED	-	-	1
NOT DEBATED	3	2	-

*All initiatives were "Proposiciones de ley del Congreso".

THIRD LEGISLATURE (1986-89)

Table 4: Initiatives brought before the third legislature. (None were successful).

INITIATIVES	PROPOSICIONES DE LEY CONGRESO	PROPOSICIONES NO DE LEY CONGRESO	PETICIONES DE CREACIÓN DE COMISIONES DE INVESTIGACIÓN	MOCIONES SENADO
PRESENTED	6	3	2	1
APPROVED	-	-	-	-
REJECTED	6	3	1	-
NOT DEBATED	-	-	1	1

¹ Source for tables: Ministerio de la Presidencia, "Iniciativas parlamentarias relativas a la Guerra Civil y la Dictadura" (23 de junio de 2006)

FOURTH LEGISLATURE (1989-93)

Table 5: Initiatives brought before the fourth legislature, categorized by type.

INITIATIVES	PROPOSICIONES DE LEY CONGRESO	PROPOSICIONES NO DE LEY CONGRESO	PROPUESTAS RESOLUCIÓN	DECLARACIÓN INSTITUCIONAL	MOCIONES SENADO
PRESENTED	2	2	2	1	1
APPROVED	-	1	-	1	1
REJECTED	2	1	2	-	-
NOT DEBATED	-	-	-	-	-

FIFTH LEGISLATURE (1993-96)

Table 6: Initiatives brought before the fifth legislature.

INITIATIVES	PROPOSICIONES DE LEY CONGRESO	PROPOSICIONES NO DE LEY CONGRESO	MOCIONES SENADO
PRESENTED	2	5	3
APPROVED	-	2	1
REJECTED	1	2	1
NOT DEBATED	1	1	1

SIXTH LEGISLATURE (1996-00)

Table 7: Initiatives brought before the sixth legislature.

INITIATIVES	PROPOSICIONES DE LEY CONGRESO	PROPOSICIONES NO DE LEY CONGRESO	MOCIONES SENADO
PRESENTED	2	16	2
APPROVED	-	6	1
REJECTED	-	2	-
NOT DEBATED	2	8	1

Table 8: Initiatives brought before the sixth legislature, categorized by political affiliation.

GROUPS	PRESENTED	APPROVED	REJECTED	NOT DEBATED
SOCIALISTS	2	1	-	1
MIXED	8	3	1	4
CATALAN	3	-	-	3
UNITED LEFT	4	1	-	3
PEOPLE'S PARTY	1	1	1	-
SOCIALISTS, UNITED LEFT, CATALAN, BASQUE, CANARIAN COALITION AND MIXED	1	1	-	-

SEVENTH LEGISLATURE (2000-04)

Table 9: Initiatives brought before the seventh legislature, categorized by type.

INITIATIVES	PROPOSICIONES DE LEY CONGRESO	PROPOSICIONES NO DE LEY CONGRESO	MOCIÓN URGENTE CONGRESO	SOLICITUD CREACION COMISIONES NO PERMANENTES	MOCIONES SENADO
PRESENTED	3	42	3	3	3
APPROVED	-	6	1	-	-
REJECTED	2	9	1	1	2
NOT DEBATED	1	27	1	2	1

Table 10: Initiatives brought before the seventh legislature, categorized by political affiliation.

GROUPS	PRESENTED	APPROVED	REJECTED	NOT DEBATED
SOCIALISTS	4	2	2	-
PEOPLE'S PARTY	-	-	-	-
CATALAN	6	-	3	3
UNITED LEFT	18	3	4	11
MIXED	20	2	3	15
BASQUE	1	-	1	-
SOCIALISTS, CATALAN, BASQUE, CANARIAN COALITION AND MIXED	2	-	1	1
SOCIALISTS, UNITED LEFT, CATALAN, BASQUE, CANARIAN COALITION AND MIXED	1	-	1	-
UNITED LEFT AND MIXED	2	-	-	2

Table 11: Topics of initiatives brought before the seventh legislature, categorized by political affiliation.

TOPICS	G. SOCIALISTS	G. MIXED	G. CATALAN	G. BASQUE	G. UNITED LEFT
Pensions and economic compensations	1	2	1	-	7
Return of confiscated property	-	1	2	-	-
Return of documents and archives	-	5	3	-	-
Acts of recognition and moral reparation of victims	2	12	-	1	10
Trials and sentences	1	-	-	-	1
TOTAL	3	20	6	1	18

EIGHTH LEGISLATURE (02/04/2004-23/06/2006)

Table 12: Initiatives brought before the eighth legislature, categorized by type.

INITIATIVES	PROPOSICIONES DE LEY CONGRESO	PROPOSICIONES NO DE LEY CONGRESO Y MOCIONES	MOCIONES SENADO COMISION	SOLICITUD CREACIÓN COMISIONES NO PERMANENTES CONGRESO	SOLICITUD CREACIÓN SUBCOMISIONES Y PONENCIAS CONGRESO
PRESENTED	9	66	4	1	1
APPROVED	1	15	2	-	-
REJECTED	2	4	-	1	-
RETIRADAS	1	9	-	-	-
NO DEBATAIDAS	5	38	2	-	1

Table 13: Initiatives brought before the eight legislature, categorized by political affiliation.

GROUPS	PRESENTED	APPROVED	REJECTED	WITHDRAWN	NOT DEBATED
SOCIALISTS	4	2	-	-	2
PEOPLE'S PARTY	4	-	2	-	2
CATALAN	5	3	1	-	1
REPUBLICAN LEFT OF CATALONIA	25	5	1	2	17
BASQUE	4	1	1	1	1
MIXED	10	2	-	2	6
UNITED LEFT	24	3	1	4	16
SOCIALISTS, ERC, UNITED LEFT	1	1	-	-	-
ERC, IUNITED LEFT AND MIXED	1	-	1	-	-
ERC, UNITED LEFT, BASQUE AND MIXED	1	-	1	-	-
CATALAN AGREEMENT OF PROGRESS	1	-	-	-	1
BASQUE NATIONALIST SENATORS	1	1	-	-	-
TOTAL:	81	18	8	9	46

Appendix C: Questions raised in Parliament.¹

Legend: QUE = plenum questions; CON = written questions in congress; SEN = written questions in senate; COM = testimonies (*comparecencias*)

FIRST LEGISLATURE (1979-82)

Table 1: Questions raised before the 1st legislature, categorized by branch and status.

TOPIC	TYPE	FINALIZED	WITHDRAWN	REJECTED	EXPIRED
WIDOWS, PENSIONS AND ECONOMIC COMPENSATIONS	QUE	4	1	1	-
	CON	15	-	-	4
	SEN	24	-	-	3
RETURN OF CONFISCATED PROPERTY	QUE	2	-	-	-
	CON	1	-	-	-
	SEN	-	-	-	-
AMNESTY, LEGALIZATION AND RECOGNITION	QUE	1	-	-	-
	CON	1	-	-	-
	SEN	1	-	-	-
TRIALS AND SENTENCES	CON	-	-	-	1
	SEN	1	-	-	-
TOTAL		50	1	1	8

SECOND LEGISLATURE (1982-86)

Table 2: Questions raised before the 2nd legislature, categorized by branch and status.

TOPIC	TYPE	FINALIZED	WITHDRAWN	REJECTED	EXPIRED
WIDOWS, PENSIONS AND ECONOMIC COMPENSATIONS	QUE	2	-	-	-
	CON	4	-	-	-
	SEN	3	-	-	-
RETURN OF CONFISCATED PROPERTY	INT	1	-	-	-
	CON	1	-	-	-
AMNESTY, LEGALIZATION AND RECOGNITION	INT	1	-	-	-
FLAGS AND SYMBOLS	SEN	1	-	-	-
TOTAL		13	0	0	0

¹ Source: Self-made with data from Ministerio de la Presidencia, “Iniciativas parlamentarias relativas a la Guerra Civil y la Dictadura” (23 de junio de 2006): Annexes 1-8.

FOURTH LEGISLATURE (1989-93)

Table 3: Questions raised before the 4th legislature, categorized by branch and status.

TOPIC	TYPE	FINALIZED	WITHDRAWN	REJECTED	EXPIRED
WIDOWS, PENSIONS AND ECONOMIC COMPENSATIONS	COM	3	-	-	-
	QUE	6	-	-	2
	CON	70	-	-	3
	SEN	13	-	-	-
RETURN OF CONFISCATED PROPERTY	COM	1	-	-	-
	QUE	3	2	-	1
	CON	11	-	1	-
	SEN	15	-	-	-
DOCUMENTS AND ARCHIVES	SEN	2	-	-	-
FLAGS, ACTS OF RECOGNITION AND REMOVAL OF SYMBOLS	QUE	1	-	-	-
	CON	5	-	-	-
TOTAL		130	2	1	6

FIFTH LEGISLATURE (1993-96)

Table 4: Questions raised before the 5th legislature, categorized by branch and status.

TOPIC	TYPE	FINALIZED	WITHDRAWN	REJECTED	EXPIRED
WIDOWS, PENSIONS AND ECONOMIC COMPENSATIONS	QUE	3	-	-	-
	CON	8	-	1	10
	SEN	2	-	-	1
RETURN OF CONFISCATED PROPERTY	QUE	1	-	-	-
	CON	5	-	-	-
	SEN	1	-	-	1
DOCUMENTS AND ARCHIVES	QUE	2	-	-	-
	CON	2	-	-	-
TRIALS AND SENTENCES	CON	-	-	-	2
TOTAL		24	0	1	14

SIXTH LEGISLATURE (1996-00)

Table 5: Questions raised before the 6th legislature, categorized by branch and status.

TOPIC	TYPE	FINALIZED	WITHDRAWN	REJECTED	EXPIRED
WIDOWS, PENSIONS AND ECONOMIC COMPENSATIONS	CON	12	-	-	5
	SEN	4	-	-	1
RETURN OF CONFISCATED PROPERTY	QUE	2	-	-	-
	CON	13	-	-	1
	SEN	9	-	-	1
DOCUMENTS AND ARCHIVES	QUE	2	-	-	1
	CON	9	-	-	3
	SEN	7	-	-	1
FLAGS, ACTS OF RECOGNITION AND REMOVAL OF SYMBOLS	COM	1	-	-	-
	QUE	2	-	-	-
	CON	3	1	-	1
TRIALS AND SENTENCES	CON	2	-	-	-
TOTAL		66	1	0	14

SEVENTH LEGISLATURE (2000-04)

Table 6: Questions raised before the 7th legislature, categorized by branch and status.

TOPIC	TYPE	FINALIZED	WITHDRAWN	REJECTED	EXPIRED
WIDOWS, PENSIONS AND ECONOMIC COMPENSATIONS	CON SEN	18 3	1 -	- -	1 -
RETURN OF CONFISCATED PROPERTY	CON SEN	16 3	- -	- -	- -
DOCUMENTS AND ARCHIVES	COM QUE CON SEN	1 4 9 7	- 3 - -	- - - -	- - - -
FLAGS, ACTS OF RECOGNITION AND REMOVAL OF SYMBOLS	QUE CON SEN	5 12 6	- - 1	- - -	- - -
TOTAL		84	5	0	1

EIGHTH LEGISLATURE (02/04/2004-23/06/2006)

Table 7: Questions raised before the 8th legislature, categorized by branch and status.

TOPIC	TYPE	FINALIZED	WITHDRAWN	REJECTED	EXPIRED
WIDOWS, PENSIONS AND ECONOMIC COMPENSATIONS	QUE CON SEN	1 2 -	- 1 -	- - 2	- - -
RETURN OF CONFISCATED PROPERTY	CON	1	-	-	-
DOCUMENTS AND ARCHIVES	COM QUE CON SEN	12 12 46 14	- - - -	- - - -	- - - -
FLAGS, ACTS OF RECOGNITION AND REMOVAL OF SYMBOLS	QUE CON SEN	5 17 7	2 - -	- - -	- - -
TRIALS AND SENTENCES	CON	2	-	-	-
TOTAL		119	3	2	0

Appendix D: Pensions and Reparation for Political Imprisonment.

Table 1: Social Security fees paid by the Treasury during 1979-2005 as a result of prison time as directed by Law 46/1977 and Law 18/1984.¹

YEAR:	NUMBER OF BENEFICIARIES:	AMOUNT AWARDED:
1979	99	€ 47,746.67
1980	908	€ 1,116,722.57
1981	500	€ 648,441.67
1982	672	€ 996,895.02
1983	133	€ 211,446.70
1984	207	€ 384,944.71
1985	528	€ 188,160.21
1986	554	€ 597,109.37
1987	328	€ 263,361.55
1988	203	€ 248,928.72
1989	115	€ 93,036.29
1990	82	€ 82,038.54
1991	155	€ 143,944.17
1992	63	€ 3,508.99
1993	32	€ 17,132.29
1994	17	€ 9,719.67
1995	13	€ 9,848.14
1996	12	€ 35,402.09
1997	14	€ 3,937.21
1998	6	€ 1,119.85
1999	35	€ 13,385.14
2000	10	€ 2,474.46
2001	16	€ 6,895.48
2002	4	€ 1,067.15
2003	8	€ 3,411.16
2004	13	€ 6,956.14
2005	7	€ 2,711.86
TOTAL	4,734	€ 5,140,345.82

Source: Comisión Interministerial 2006, 49.

¹ In the original Spanish version, the table is labeled as “El número de beneficiarios (4.734) y las cuantías (€5,1 millones) ingresadas por la Dirección General del Tesoro en concepto de cuotas en la cuenta de la Tesorería General de la Seguridad Social durante el período 1979 – 2005 en aplicación de las Leyes 46/1977, de 15 de octubre, y 18/1984.”

Table 2: Analysis of 2006 economic reparations given as a result prison time as directed by Law 46/1977 and Law 18/1984.

Applications submitted:	103,000	
Applications recognized:	60,479 (58.71%)	
Total amount:	€ 391,000,000	
Basis for rejection: ²	38,094 (92.5%) 1,034 (2.5%) 683 (1.7%) 421 (1%) 930 (2.3%)	did not meet 3 year minimum requirement did not meet beneficiary requirements jailed for non-political offense did not meet age requirement various combination of above reasons

Source: Comisión Interministerial 2006, 50.

Table 3: Beneficiaries of war pensions for 2006.

GROUPS:	ORIGINAL BENEFICIARIES:	CURRENT BENEFICIARIES:
Civil servants	49,000	n/a
Professional military	60,000	3,251
Relatives of professional military		13,787
Non-professional military	140,000	10,180
Relatives of non-professional military		31,929
Deceased or disappeared	110,000	20,558
Ex-combatant invalids	55,000	3,918
Relatives of ex-combatant invalids	40,000	6,545
Civilian invalids	59,000	5,048
Relatives of civilian invalids		727
TOTAL	513,000	95,943

Source: Comisión Interministerial 2006, 58.

² The age requirement and the 3-year minimum requirement were amended after the passing of the Historical Memory Law, allowing for further compensations.

Appendix E: Grants and beneficiaries of reconciliation funding.

Table 1: Beneficiary entities in the period 2006-2010.¹

Entity	2006	2007	2008	2009	2010
Associations	36	61	66	94	113
Foundations	10	18	22	33	40
Family Groups	3	5	10	14	21
Unions	-	1	3	4	6
Universities	-	-	-	-	13
TOTAL	49	85	101	145	193

Source: Self-made with data from Ministerio de la Presidencia 2011, "Datos por entidad."

Table 2: Grants made in the period 2006-2010, categorized by amount.

Domain	2006	2007	2008	2009	2010	TOTAL
Archives and Censuses	394,882.58	435,132.72	376,423.70	263,206.93	684,371.35	2,154,017.28
Documentaries	138,440.00	275,278.00	478,985.00	450,484.20	388,810.46	1,731,997.66
Commemoration	507,524.93	259,502.00	118,000.00	71,456.57	128,058.58	1,084,542.08
Studies	50,000.00	139,000.00	82,881.05	153,588.96	366,096.19	791,566.20
Exhibitions	158,013.34	270,012.00	323,170.00	229,000.00	287,589.30	1,267,784.64
Graves	725,175.01	549,673.10	1,070,595.31	1,397,405.28	2,175,457.34	5,918,306.04
Tributes	190,000.00	64,180.00	223,570.00	44,136.80	186,199.00	708,085.80
Journals	207,455.00	312,135.13	295,552.60	273,815.74	198,709.25	1,287,667.72
Others	154,500.00	88,759.00	120,450.00	140,500.00	245,700.08	749,909.08
Publications	88,600.00	146,250.00	273,260.00	311,405.50	307,952.00	1,127,467.50
Testimonies	385,409.14	477,063.00	545,112.08	535,000.00	712,056.45	2,654,640.67
TOTAL	3,000,000.00	3,016,984.95	3,907,999.74	3,869,999.98	5,681,000.00	19,475,984.67

Source: Self-made with data from Ministerio de la Presidencia 2011, "Datos por presupuesto."²

Table 3: Grants made in the period 2006-2010, categorized by domain.

Domain	2006	2007	2008	2009	2010	TOTAL
Archives and Censuses	10	11	13	10	26	70
Documentaries	4	9	12	17	14	56
Commemoration	15	8	4	3	6	36
Studies	1	3	3	8	14	29
Exhibitions	5	6	11	10	12	44
Graves	19	18	25	36	52	150
Tributes	4	3	10	3	7	27
Journals	12	10	10	14	10	56
Others	4	2	5	6	8	25
Publications	4	8	10	18	14	54
Testimonies	14	13	18	20	30	95
TOTAL	92	91	121	145	193	642

Source: Self-made with data from Ministerio de la Presidencia 2011, "Datos por presupuesto."

¹ In the period 2006-2010, there were a total of 576 beneficiaries. Yet 295 were unique recipients that received funding for more than one project.

² In the original document, the calculation of the totals is erroneous. It is corrected in my table.

Table 4: Grants made in the period 2006-2010, categorized by beneficiary entities.

Domain	Associations	Foundations	Family Groups	Unions	Universities	TOTAL
Archives and Censuses	34	12	-	3	3	52
Documentaries	35	6	-	1	-	42
Commemoration	24	2	-	-	-	26
Studies	16	4	-	1	6	27
Exhibitions	22	11	-	2	-	35
Graves	46	4	40	-	1	91
Tributes	11	10	-	-	-	21
Journals	29	9	-	-	-	38
Others	14	4	-	-	-	18
Publications	35	10	-	-	1	46
Testimonies	42	18	-	2	3	65
TOTAL	308	90	40	9	14	461

Source: Self-made with data from Ministerio de la Presidencia 2011, "Datos por entidad."³

³ In the original document, the calculation of the totals is erroneous. It is corrected in my table.

BIBLIOGRAPHY

- Álvarez, Javier Chinchón. "Examen del Auto del Juzgado de Instrucción N. 5 de la Audiencia Nacional." *La Ley*, noviembre 12, 2008: 1-7.
- Álvarez-Fernández, José Ignacio. *Memoria y trauma en los testimonios de la represión franquista*. Barcelona: Anthropos Editorial, 2007.
- Aguilar, Paloma. "Justice, Politics and Memory in the Spanish Transition." In *The Politics of Memory: Transitional Justice in Democratizing Societies*, edited by Alexandra Barahona de Brito, 92-111. Oxford University Press, 2001.
- Aguilar, Paloma, and Carsten Humlebæk. "Collective memory and National identity in the Spanish Democracy." *History & Memory* 4, no. 1/2 (2002).
- Aguirre, Alberto. "Preston hace historia." *Arcadia*, mayo 2008.
- Alday, Rafael Escudero. "La declaración de ilegitimidad de los tribunales franquistas." In *Derecho y memoria histórica*, edited by Rafael Escudero Alday and José Antonio Martín Pallín, 209-235. Madrid: Trotta, 2008.
- . "La sombra del franquismo es alargada: el fracaso de la llamada ley de memoria histórica." In *Derecho y memoria histórica*, by Rafael Escudero Alday and José Antonio Martín Pallín, 33-60. Madrid: Trotta, 2008.
- Amado, Juan Antonio García. "Uso de la historia y legitimidad constitucional." In *Derecho y memoria histórica*, edited by Martín José Antonio Pallín and Rafael Escudero Alday. Madrid: Editorial Trotta, 2008.
- Brincat, Leo. *Need for international condemnation of the Franco regime*. Parliamentary Assembly, Council of Europe, PACE, 2005.
- Capellà i Roig, Margalida, and David Ginard. "Represión política y derecho internacional: una perspectiva comparada (1936-2006)." In *Represión política, justicia y reparación: La memoria histórica en perspectiva jurídica (1936-2008)*, 161-255. Madrid: Plural, 2009.
- Comisión de Derechos Humanos de Naciones Unidas. "Resolución 2005/35 sobre Principios y directrices básicos sobre el Derechos de las Víctimas." abril 19, 2005.
- Comisión Interministerial. "Informe general de la Comisión Interministerial para el estudio de la situación de las víctimas de la Guerra Civil y del Franquismo." julio 28, 2006: 1-93.

- Comisión Interministerial para el estudio de la situación de las víctimas de la Guerra Civil y del Franquismo. "Informe sobre archivos." Government Report, Madrid, 2004.
- Congreso de los Diputados. *Resultados electorales*. 2004.
<http://www.elecciones.mir.es/MIR/jsp/resultados/> (accessed March 10, 2011).
- De la Cueva, Julio. "Religious Persecution, Anticlerical Tradition and Revolution: On Atrocities against the Clergy during the Spanish Civil War." *Journal of Contemporary History* XXXIII, no. 3 (1998): 355-369.
- Díaz, José Antonio Moreno. "Perspectivas sobre la Ley de Memoria Histórica." *Entelequia. Revista Interdisciplinar: Monográfico*, septiembre 2008: 247-253.
- Díez, Anabel, and E. Carlos Cué. "La Ley de Memoria Histórica verá la luz." *El País*, octubre 9, 2007.
- EFE. "El Congreso aprueba la Ley de Memoria Histórica sin el apoyo del PP y de ERC." *El País*, octubre 31, 2007.
- Errandonea, Jorge. "Estudio comparado de la anulación de sentencias injustas en España." International Center for Transitional Justice, julio 18, 2008. 1-35.
- Eurobarometer. *Report no. 52*. Luxembourg: The European Commission, 2000.
- Huber, Evelyne, and John D. Stephens. *Development and Crisis of the Welfare State: Parties and Policies in Global Markets*. Chicago: University Of Chicago Press, 2001.
- Isa, Felipe Gómez. "El derecho de las víctimas a la reparación por violaciones graves y sistemáticas de los derechos humanos." In *El derecho a la memoria*, edited by Felipe Gómez Isa. Itxaropena: Alberdania, S.L., 2006.
- Jáuregui, Ramón. "Memoria, justicia y convivencia." *El País*, octubre 14, 2006.
- Jiménez, Antonia María. *Ciudadanos de España: Europeos orgullosos, españoles sin complejos*. EURONAT Project, junio 2004, 1-4.
- Juliá, Santos. "Saturados de memoria." *El País*, julio 21, 1996.
- Kritz, Neil J. *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*. Vol. 1, edited by Neil J. Kritz. Washington, DC: US Institute for Peace, 1995.
- Lacasta-Zabalza, José Ignacio. *España uniforme*. Pamplona: Pamiela, 1998.

- Liesbet Hooghe, Ryan Bakker, Anna Brigeovich, Catherine de Vries, Erica Edwards, Gary Marks, Jan Rovny, Marco Steenbergen. "Reliability and Validity of Measuring Party Positions: The Chapel Hill Expert Surveys of 2002 and 2006." *European Journal of Political Research*, no. 4 (2010): 684-703.
- López, Federico Fernández-Crehuet, and António Manuel Hespanha. "Recht und Fiktion im Franco-Regime." In *Franquismus und Salarismus: Legitimation durch Diktatur?*, 5. Frankfurt am Main: Vittorio Klostermann, 2008.
- Maestre, Francisco Espinosa. "De saturaciones y olvidos. Reflexiones en torno a un pasado que no puede pasar." *Hispana Nova. Revista de Historia Contemporánea* 7 (2007): 416-440.
- . "Historia, memoria, olvido: la represión franquista." In *Memoria y olvido: sobre la guerra civil y la represión franquista*, edited by Arcángel Bedmar, 101-139. Lucena, 2003.
- Minder, Raphael. "Spain: Noted Judge Charged With Abuse of Power." *The New York Times*, April 8, 2010.
- Ministerio de Interior: Dirección General de Política Interior. *Resultados electorales*. 03 10, 2011. <http://www.elecciones.mir.es/MIR/jsp/resultados/index.htm> (accessed 03 10, 2011).
- Ministerio de Justicia. *Declaración de Reparación y Reconocimiento personal*. 2010. http://leymemoria.mjusticia.es/paginas/es/declaracion_reparacion.html (accessed March 10, 2011).
- Ministerio de la Presidencia. *Datos sobre proyectos y entidades*. 2011. <http://www1.mpr.es/es/categoria/310/datos-sobre-proyectos-y-entidades.html> (accessed March 10, 2011).
- . *Intervención del Ministro de la Presidencia ante la Comisión Constitucional del Congreso*. December 02, 2010. <http://www.mpr.es/es/noticia/2293/intervencion-del-ministro-de-la-presidencia-ante-la-comision-constitucional-del-congreso.html> (accessed March 10, 2011).
- . *Prensa: Intervenciones*. December 02, 2010. <http://www.mpr.es/es/noticia/2293/intervencion-del-ministro-de-la-presidencia-ante-la-comision-constitucional-del-congreso.html> (accessed March 10, 2011).
- Montero, Prof. Dr. Carlos Closa. *Study on how the memory of crimes committed by totalitarian regimes in Europe is dealt with in the Member States*. EU Commission Report, Center of Human and Social Sciences, Institute for Public Goods and Policy, Madrid: CSIC, 2010, 1-390.

- Pickler, Ruth. *El derecho a la memoria*. Edited by Felipe Gomez Isa. Vol. 5. Barcelona: Giza Eskubideak Derechos Humanos.
- Pradera, Javier. "Hace setenta años." *El País*, julio 19, 2006.
- Preston, Paul. *The politics of revenge: fascism and the military in twentieth-century Spain*. London: Routledge, 1990.
- Reig-Tapia, Alberto. *Memoria de la Guerra Civil. Los mitos de la tribu*. Madrid: Alianza, 1999.
- Roht-Arriaza, Naomi. *Impunity and Human Rights in International Law and Practice*. Oxford: Oxford University Press, 1995.
- Sanz, Jesús de Andrés. "Los símbolos y la memoria del Franquismo." *Fundación Alternativas*, no. 23 (2006): 5-44.
- Sección Española de Amnistía Internacional (SEIA). "España: poner fin al silencio y a la injusticia." 2005.
- . "Un año después de la Ley de Memoria Histórica las víctimas de la Guerra Civil y el Franquismo tienen poco que celebrar." diciembre 2008.
- Todorov, Tzvetan. *Los abusos de la memoria: El arco de Ulises*. Madrid, 2008.
- Torres, Rafael. *Los esclavos de Franco: víctimas de la victoria*. Madrid: Oberon, 2002.
- Tremlett, Giles. "Spain poised to seek the graves of Franco's disappeared." *The Guardian*, August 23, 2002.
- UNWGEID. *Working Group on Enforced or Involuntary Disappearances*. January 13, 2011. <http://www2.ohchr.org/english/issues/disappear/index.htm> (accessed March 18, 2011).
- Valcárcel, Ramón Sáez. *Memoria y pasado: a propósito de la memoria histórica*. February 25, 2010. <http://baylos.blogspot.com/2010/02/memoria-y-pasado-proposito-de-la.html> (accessed January 15, 2011).