

“¿Usted, qué sabe?” History, Memory, and the Voice of the Witness

¿Quién tiene el derecho de hablar con autoridad del pasado, y qué tipo de conocimiento, experiencia o prestigio institucional confiere tal autoridad? En los muchos debates sobre la memoria histórica de la segunda república, la guerra civil, el franquismo y la transición – debates públicos que han sido tan intensos como poco productivos – estas preguntas han tendido a enfrentar a testigos (víctimas y sus parientes) a historiadores académicos, y a estos a otros productores de representaciones no académicas acerca del pasado. El primer propósito de las páginas que siguen es cuestionar la utilidad de la división entre “memoria” (testimonial) e “historia” (académica) como base para una jerarquía de discursos acerca del pasado reciente. El segundo es argumentar que un debate productivo acerca de la relación entre el presente y un pasado violento debería empezar por reconocer la importancia de las dimensiones morales, epistemológicas, judiciales y políticas de esa relación, y de distinguir claramente entre ellas. En este sentido resultan de gran utilidad las reflexiones de Manuel Reyes Mate, Beatriz Sarlo y Ricard Vinyes.

Toward the end of *Memòria per llei*, a 40-minute documentary on Spain's Law of Historical Memory produced by Montse Armengou and Ricard Belis and broadcast on Catalan television in January 2007, we witness a telling incident. It's October 2006, and the crew is in downtown Seville filming a group of young street performers as they reenact the first days of the Civil War. Dressed up as workers from the 1930s and brandishing Republican flags, they march through the streets singing “*A las barricadas*,” the hymn of the Confederación Nacional del Trabajo (CNT). Next, we see them hauling sandbags to build a barricade. At this point the camera captures a heated exchange among three casual bystanders. On the one side is a couple in their sixties – the wife with large silver-framed glasses, pearl earrings and a peach silk scarf; the husband with a thin greying beard, dark *gafas de sol*, a denim button-down shirt, and a beige leather vest. On the other is a sinewy, slightly older man in a black jacket and white shirt with the collar open. I'll try to transcribe their animated conversation, conducted in fast Andalusian Spanish, to the best of my abilities:

WIFE: Desde esta iglesia, recorriendo un entorno de 36 iglesias ... las quemaron todas, enteras, todas las iglesias.

INTERVIEWER: ¿Quiénes las quemaron?

WIFE: Esa, esa bandera. (*Points to the Republican flag the actors are carrying.*)

HUSBAND: ¡Los rojos! ... Los rojos que entran: socialistas, comunistas, y la CNT ... Esos fueron los que las quemaron. Los mismos socialistas que hay ahora, con otras caras (...) y los mismos comunistas. Todos estos nos quemaron las iglesias.

SECOND MAN: Se equivocaron. Porque mi padre lo dijo: las iglesias no, las iglesias no.

HUSBAND: ¿Te parece poco? Se equivocaron como se están equivocando ahora.

MAN: Las iglesias, no.

HUSBAND: Ah, las iglesias no, ¿y por eso hay que quemarlas? A mí no me gustan tú, me voy a tu casa y te la quemo. ¿Eso es democracia?

WIFE: ... y los conventos ...

MAN: Las iglesias, no.

HUSBAND (*Points to the Republican flag the actors are carrying down the street.*): ¡Esa bandera es ilegal!

MAN (*Indignant.*): ¿Ilegal? ¿Ilegal? ¡Es la única que hoy es legal!

HUSBAND (*Begins to walk away with wife, laughing, and makes a dismissive hand gesture.*): Jojojo ... ¿Usted qué sabe?

MAN: ¿Yo qué sé? ¡Más que usted! Yo, más que usted. (34:15)

The film then cuts to what appears to be a brief moment later, when the second man, now by himself, raises his fist and invites the other bystanders to join him in a heartfelt *¡Viva la república!* (35:20)

The exchange among the three is short but rich, and worth a closer look. The dispute appears to open with a disagreement over a point of historical fact. According to the couple no fewer than 36 churches were burnt down in the city. (That this number happens to be the same as the year in which the conflagration happened is interesting and a bit suspicious.) Their interlocutor disputes their assertion, referring to his father's insistence that the churches be left alone – although it is unclear whether he implies that his father's advice was actually followed or not. When asked by the interviewer who was responsible for the alleged church burnings, the woman simply points to the Republican flags that the street actors are carrying about, while her husband explains that it was the Reds: Socialists, Anarchists, and Communists. The discussion then moves on to an intricate legal point: the nature and legitimacy of Spain's constitutional monarchy. The husband reveals himself as a staunch monarchist by flatly asserting that the Republican flag is illegal. The second man counters indignantly that it's in fact the only legal one, implying that, in his view, the illegitimacy of the Franco regime clearly extends to the Restoration of 1975. The final point of disagreement concerns the very right to participate in a debate

about the past at all. The husband, while walking away, disqualifies his opponent by questioning his expertise – “¿Usted qué sabe?” – while the second man insists that his opponent has no right to doubt his knowledge: “¿Yo qué sé? ¡Más que usted!”

The whole conversation takes less than a minute but encapsulates all the major issues at stake in the Spanish debates about historical memory: What exactly happened between 1931 and 1975? Who is to blame for what happened? What is the relation between the Spain of the past and that of the present? How do the events of the past impinge on the legality of Spain's democratic structures today? Who has the right to make statements about these questions? What is the importance of objective knowledge of the past compared to the memories handed down through the generations? What is the role of *fictional* representations of the past? What are citizens to do when they disagree on any of these points? What shape should their exchange take? And what is the proper role in all of this of the news media?

In what follows I wish to focus on the fifth and sixth of these questions: Who is entitled to speak with authority about the past, and what kinds of knowledge, experience, or institutional status actually confer this authority. In the many debates in Spain about the historical memory of the Second Republic, the Civil War, Francoism, and the Transition – public debates which have been as intense as they have been unproductive – these questions have tended to pit witnesses (primarily victims and their family members) against academic historians, and academic historians against non-academic sources of representations of the past, including journalists, politicians, and other citizens. The main purpose of what follows is to question the usefulness of these divisions, particularly as a basis for a hierarchy of discourses about the past, and to argue that a productive debate about the present's relationship to a recent violent past should clearly distinguish between – but give equal weight to – the moral, epistemological, judicial, and political dimensions of that relationship. Of course, this is easier said than done.

RETURNS OF THE REPRESSED

The fragment from *Memòria per llei* is entertaining and instructive; but it is also strange. Something seems to be profoundly wrong here. The bystanders are not only reacting to a street performance as if it were real, but they don't seem to grasp that what they are seeing happened more than seventy years ago – when, in all likelihood, none of them were alive. In addition to misrecognizing the representational, reconstructed nature of the scenes they witness, in other words, their reactions fail to acknowledge the sheer *pastness* of the past – the fact that the world has changed since the 1930s. For one man, the Republic of 1931 remains the only legitimate Spanish government. For the other, the church

burners of 1936 are “los mismos socialistas que hay ahora, con otras caras ... y los mismos comunistas” (34:30) who are moreover making the same mistakes as their predecessors. On the face of it, this is nonsensical: Who in their right mind would claim that to be a Socialist or Communist in 2006 has anything to do with being one at the outset of the Civil War?

And yet the episode is representative of its moment. In the wake of the Socialist return to power in 2004 and the debate about what, after several years of negotiations, would become the “Ley por la que se reconocen y amplían derechos y se establecen medidas en favor de quienes padecieron persecución o violencia durante la guerra civil y la dictadura” – adopted in December 2007 and better known as the “ley de memoria histórica” – Spain’s public sphere witnessed a series of curious phenomena that had all the trappings of eerie returns of the repressed: exhumations of seventy-year-old mass graves followed by emotional reburial ceremonies; scores of historical novels, movies, documentaries and television programs dealing with the Republic, the Civil War, and Francoism; the frequent appearance of both Francoist and Republican flags at political rallies and other public events; an “obituary war,” with newspapers on the Left and Right publishing ever-larger death notices for people killed in 1936; and the reemergence into the limelight of Spain’s fascist party, Falange Española, as a plaintiff in one of the three cases brought against Judge Baltasar Garzón, the investigative magistrate who in 2008 initiated a legal investigation of crimes against humanity committed under the Franco regime. This barrage of blasts from the past was accompanied by intense and sometimes violent debates around three basic questions: What is the relation between Spain’s democratic present and its past of Civil War, dictatorship, and exile? How should that past be represented? And who is entitled to do the representing? Disputes around these issues filled the opinion pages of newspapers, radio and television, scholarly journals and conferences, the chambers of parliament, the internet and the blogosphere. As it turned out, the discussions they were not all that different in tenor and tone from the Seville street quarrel captured by Armengou and Belis.

Predictably, the sharpest disagreements occurred between representatives of the Right, who generally held that there was no need to revisit the past at all – although conservative media conglomerates produced a good number of best-selling books on the Republic and the war that gave the basic premises of Francoist historiography a new lease on life – and those of the Left, many of whom believed that the Transition of the mid-1970s had left important *cuentas pendientes*, in particular with regard to the victims of Francoism and their family members. More interesting for our purposes, however, are the differences of opinion that emerged *within* the Left. From the beginning of the grass-roots swell calling for the “recovery of historical memory,” a small but

powerful sector of politicians and intellectuals associated with the Socialist Party decisively rejected not only the critiques of the Transition that accompanied the historical-memory movement, but also the increasing importance granted to the voice of the *witness* in the representation, reconstruction, and moral assessment of Spain’s violent twentieth century.

THE VOICE OF THE WITNESS

The emergence of the witness as a prominent figure in the public sphere has perhaps been the most remarkable feature of Spain’s changing relationship with its past since the late 1990s. The majority of the hundreds of media productions around the so-called recovery of historical memory place witnesses – specifically, the aging victims of Francoist repression and their immediate family members – front and center, giving them ample space to tell their story. In the groundbreaking documentary work by Armengou and Belis, for instance, including *Els nens perduts del franquisme* (2002) and *Les fosses del silenci* (2003), witness testimony is key not only for helping viewers understand and empathize with the suffering of the victims of the Civil War and Francoism; it is also mobilized within a quasi-judicial framework as incriminating evidence against the representatives of the Franco regime as well as the architects of a Transition to democracy that prevented the guilty from being tried and punished. As Gina Herrmann writes, “By imagining alternative theatres of justice on the screen, the documentaries create a stage on to which members of the televisual audience can project themselves, seeing their own experiences, beliefs and legal fantasies reflected in the roles of victim, perpetrator, accomplice or bystander” (203).

It is this remarkable emergence of the witness that most obviously supports the perception that the end of the twentieth century marked a belated break with the “pact of silence” that lay at the basis of the Spanish transition to democracy; by the same token it seems to indicate that such a *pacto del silencio* or *pacto del olvido* did indeed exist. But while the notion of the pact of silence continues to play an important role in Leftist critiques of the transition – as well as in much of the work done by Anglo-American Hispanists on the cultural representation of the past, more about which in a moment – prominent critics from different camps have argued that the concept is not, in fact, the most appropriate to define Spain’s engagement with its violent twentieth-century past during the first 25 years of democracy. The historian Santos Juliá, for instance, has been arguing for over a decade that the numerous publications of all kinds about the Civil War and the dictatorship that began to flood the Spanish public sphere from the moment Franco died, simply render ridiculous any suggestion of “silence” or “oblivion” with regard to the past. What characterized the transition, according to Juliá, was rather a collective decision

to “echar al olvido” (“Bajo el imperio” 16) the political divisions of the past: a generalized refusal, that is, to let the conflicts of the Civil War shape the political and social present and future of the country; a conscious rejection of the Civil War and Francoism as a legacy of any kind. Jo Labanyi, who agrees with Juliá on this point, speculates that the “pact of oblivion” may have become “such a commonplace because it allows the Transition to be seen as a break with the past, masking – conveniently for both political Right and Left – the fact that it was effected by politicians from within the former Francoist state apparatus” (94). “It was crucial,” she adds, “for the interested parties to see the transition as a break with the past, not only in order to claim that Spain was freeing itself from nearly forty years of dictatorship, but also in order to claim that the country was making a ‘leap’ into modernity” (94). Germán Labrador, for his part, suggests that the pact of forgetting has in practice become a cultural-critical cliché, a “fábula crítica” (381) that is in dire need of revision. “Quién, cuándo y dónde y con quién y a cambio de qué firmó ese pacto,” after all, “es algo que no ha podido ser establecido en términos concretos” (381). Rather than fall back on the conspirational notion of a pact, scholars would do better to try to explain with some sense of rigor and precision “las condiciones de visibilidad e invisibilidad de las representaciones del pasado franquista y de su violencia fundacional” (381). For Labrador, in fact, “Lo más interesante del pacto de silencio como fábula crítica son las razones simbólicas que nos llevan a imaginar la transición como el triángulo de las Bermudas” (381).

But if the notion of a pact of silence is mythical at best or, at worst, un-rigorous and misleading, then how *does* one productively and accurately describe or assess the changes that have occurred over the past decade and a half in the way that Spain collectively engages with its twentieth-century past? No one can deny that things are different now from, say, twelve years ago. But how exactly have they changed? And has this change been for the better? Unfortunately, here the public debate hits a wall: The sheer weight of interests and investments of participating groups and individuals seem to make a productive discussion all but impossible. Rather than a real give-and-take, the exchanges among disagreeing parties have largely consisted of a repetition of moves interspersed with personal insult.¹

HISTORY VS. MEMORY

Leaving aside the Right, which has by and large refused to engage in the debate at all, in the discussions among the Left the one of the most prominent voices has been that of Santos Juliá, a historian and public intellectual affiliated with the Universidad Nacional de Educación a Distancia (UNED). Juliá stands out both for his visibility – he is a regular contributor *El País* and publishes in opinion magazines such as *Claves de Razón Práctica* and *Revista de Occidente* –

and the tenacity with which he has defended a set of basic points. In addition to his general rejection of the leftist critique of the Transition based on the idea that it was based on a pact of silence that left important moral and legal accounts unsettled, Juliá has insisted on a strict distinction between “history” and “memory.” History, for Juliá, is the objective knowledge about the past produced by academic historians within a scholarly context. The concept of memory, by contrast, covers all other representations of the past, ranging from individual witness testimony to state-sponsored monuments and commemorations. For Juliá these other representations are not illegitimate in and of themselves; but he is adamant that they are fundamentally flawed in epistemological terms. In contrast with the rigorous, objective, totalizing, fact-based accounts of the past produced by academic historians – such as his own groundbreaking *Víctimas de la guerra civil* (1999) – other representations are bound to be partial, moralizing, subjective, or politicized. History, for Juliá, is fundamentally disinterested and autonomous; it concerns itself with “buscar la verdad ... de [un] pasado inmodificable”; “busca conocer, comprender, interpretar o explicar y actúa bajo la exigencia de totalidad y objetividad” (Juliá, “Presentación” 17, 19). The concerns of memory, by contrast, include “legitimar, rehabilitar, honrar, condenar” (17) the past. This is why memory “actúa siempre de manera selectiva y subjetiva” (Juliá, “Presentación” 17; see also Faber, “Debate” 177–80).

Juliá’s strongly worded arguments have sparked equally vigorous retorts. Many representatives of victims’ organizations such as Emilio Silva’s Asociación por la Recuperación de la Memoria Histórica (ARMH), balk at Juliá’s defense of the Transition, his critique of “memory” as fundamentally subjective and unreliable, and his explicit questioning of the motives driving “los profesionales de la memoria” (“Por la autonomía” 11) – positions which they interpret as a clear lack of support and understanding for the victims and their demands. (When faced with these charges, Juliá has always insisted on his defense of victims’ rights.)² But fellow historians, too, have clashed with Juliá. Francisco Espinosa, Pedro Ruiz Torres, Pablo Sánchez León, and Jesús Izquierdo Martín, among others, have contended that Juliá’s clear-cut, binary definitions of history and memory are simplistic and outdated. Juliá, they argue, strangely seems to ignore the fact that historians and the knowledge they produce are subject to the same kinds of pressures and constrictions that he identifies for the case of “memory.” For Sánchez León and Izquierdo Martín, in fact, Juliá’s very concept of the position that Spanish academic history should adopt in relation to the Civil War and Francoism is itself a product of a very specific view of Spain and its history – one that includes an interpretation of the Civil War as “collective mistake” – whose origins can be traced to late Francoism. They have also argued that the grass-roots demands for the

“recovery of historical memory” represent a fundamental change in the sensibilities of Spanish civil society, which in turn has sparked a desire for different *kinds* of stories about the past – narratives that allow for a more affective relationship with individuals, for instance, one based on compassion or solidarity – that cannot easily be satisfied by traditional academic historiography (Sánchez-León 97, 117–18, 130; Izquierdo Martín and Sánchez León 48–64).

As said, these discussions, though intense, have been singularly unproductive, in the sense that they have failed to yield any significant change in participants’ viewpoints. If anything, in fact, the tendency has been toward exacerbation and retrenchment. What can be done to break the stalemate? The single most important step necessary to advance the debate, I would argue, is to modify its fundamental terms. As long as the discussion is framed by hierarchical pairs of binaries – objectivity vs. subjectivity, interestedness vs. disinterestedness, truth vs. falsity, or autonomy vs. dependency – there is little hope for any real insight or progress. To achieve this change of terms, three steps seem indispensable. First, it is necessary to resist any exceptionalist temptations and carefully place developments in Spain in a wider international and historical context. Second, the approach to the issues at hand should be as multifaceted – that is, interdisciplinary – as the issues themselves. Careful distinctions should be made in particular among the moral, epistemological, judicial, and political dimensions of a community’s relation to its past – in this case, the relation of today’s Spain with the Second Republic, the Civil War, and Francoism. Third, it is imperative to acknowledge that the scholarly engagement with what, for lack of a better term, we could call domestic recent history – that is, the representation or reconstruction within a particular community of that community’s recent past – is fundamentally distinct from other scholarly enterprises. Not only because scholarly reconstructions of the recent communal past coexist – and potentially compete – with citizens’ personal memories of that past or passed-on memories only one or two generations removed; not only because the domestic academic historian’s own biography is inevitably tied up in her scholarly subject matter; but also because, in a democracy, civil society has a legitimate stake, and should therefore have a voice, in the ways that past is publicly represented.

THE INTERNATIONAL RISE OF MEMORY

It is important to keep in mind that developments in Spain over the past decade and a half are part of wider international trends, and that developments elsewhere – specifically, other democratic transitions – have in turn changed the way in which Spaniards and the rest of the world look at the country’s processing of its dictatorial and civil-war past. Recent years have seen an

increasing judicialization of history, for example, especially in terms of human rights; an increased focus on victimhood; and a widespread interest in the memorialization of past suffering. Santos Juliá is not the first or only academic historian to observe these trends with a sense of unease or alarm; nor is he the only one to invoke the distinction between “history” and “memory” as a means to defend the importance of the critical, fact-based, peer-reviewed knowledge production of academic historiography in the face of state-, politics- or media-driven representations of the past. In 2005, for instance, the great Pierre Nora spearheaded a protest from French historians against a set of “memory laws” adopted by the French Parliament – including the controversial “loi Gayssot” (2001), which recognized the Armenian genocide, and the “loi Taubira” (2005), which retrospectively branded slavery as a crime against Humanity. Laws like these, they contended, constitute a threat to historians’ academic freedom. “Dans un État libre,” Nora and a group of colleagues wrote in a manifesto entitled *Liberté pour l’Histoire*, “il n’appartient ni au Parlement ni à l’autorité judiciaire de définir la vérité historique” (Azéma *et al.*). As Nora stated more recently,

It is clear that political decision-making bodies have the right and indeed the duty to take an interest in the past in order to orientate and position the collective memory, this clearly lying within their province. Yet they do not have the right to make use of laws which qualify the facts of the past and dictate history. It is up to the politicians to commemorate, to pay homage and to organise compensation, it is up to them to honour the victims. It is up to the historians to do the rest, to establish the facts and to propose interpretations of these facts, restricted by neither constraint nor taboo. In short, to practice what Marc Bloch called their “*métier d’historien*.” (Nora, “History, Memory”)

Since the mid-1990s, critics have been taking note of the West’s increasing taste for monuments and memorialization. Raphael Samuel, in *Theatres of Memory* (1994), spoke of a “preservation mania” and a “historicist turn in national life” in Britain (quoted in Sarlo 11). Andreas Huyssen’s *Twilight Memories* (1995) analyzed “obsessions with memory in contemporary culture,” which among other things helped explain “the surprising popularity of the museum and the resurgence of the monument and the memorial as major modes of aesthetic, historical, and spatial expression” (3). “We are living through an era of commemoration,” Tony Judt wrote in 1998 (*Reappraisals* 197), while later, in the epilogue to his *Postwar* (2005), calling attention to the “cult of the ‘victim’ in contemporary Western political culture” (828) and the doubtful tendency to consider “all forms of collective victimhood [as] essentially comparable, even interchangeable” (829). In the face of the rise of state-sponsored memorialization and the increasing focus on particularist

victimhood, Judt emphasized the importance of history as a scholarly discipline: “Unlike memory, which confirms and reinforces itself, history contributes to the disenchantment of the world” (*Postwar* 830). Along similar lines, the Canadian historian Margaret MacMillan has called on professional historians to take their public duties more seriously; “It is particularly unfortunate,” she writes in *Dangerous Games: The Uses and Abuses of History* (2008), “that just as history is becoming more important in our public discussions, professional historians have largely been abandoning the field to amateurs” (35). In 2011, David Rieff published a manifesto, *Against Remembrance*, in which he argued that societies’ perceived “duty of memory” is a recipe for conflict, and that episodes of violence should in many cases not be remembered, but forgotten as soon as possible. The British historian Richard Evans, meanwhile, set off a polemic in the *London Review of Books* when he argued that the scholarly proponents of the new Tory-sponsored national history curriculum, meant to foment British national identity, “are confusing history with memory” (12). Evans pointed out that

History is a critical academic discipline whose aims include precisely the interrogation of memory and the myths it generates. It really does matter to historians that there isn’t any evidence that Alfred burned the cakes, or that Nelson and Wellington weren’t national heroes to everyone. For those in power, this makes history as a discipline not only useless but dangerous too. (12)

Juliá, Nora, Judt, MacMillan, Rieff, and Evans are right to maintain that victim-centered, self-serving, institution- or state-sponsored forms of memorialization should be approached with a degree of skepticism. They are also right, of course, to insist on the irreplaceable value of the critical, inherently revisionist engagement with the past that is the hallmark of modern historiography as an academic discipline. Still, to return to the Spanish context for a moment, there are several problematic aspects to Juliá’s defense of academic history as an enterprise whose objectivity, disinterestedness and autonomy render it fundamentally different from, and superior to, other representations of the past. Among other things, I would argue that his vision impedes a productive understanding and appreciation of the role of the witness in a post-dictatorial democracy.

In a recent essay in *Claves de Razón Práctica*, Juliá described the professional historian as a modest artisan with an “austera pasión por el hecho, la prueba, la evidencia,” who “no pretende servir a ningún señor, sea el Estado, la Justicia, la Política, el Partido, la Clase, la Identidad Nacional, la Memoria” (“Por la autonomía” 10, 18) The single objective of historical work is the pursuit of truth: The historian “va austeramente, con la intención única de que el

pasado hable” (18) and won’t allow for interferences, pressures, or interruptions of any kind. His vocation, in fact, immunizes him against all ideologies, interests, and “últimas modas”; “No se siente prisionero de ningún paradigma ni obligado a seguir la dirección impuesta por el último giro” (19).

The obvious idealization that underlies this description of the historian’s work would be less problematic if it were not combined with a decidedly disenchanted view of the representations of the past produced by agents who are not affiliated with a university and not in possession of a Ph.D in History. As I have argued elsewhere, Juliá not only naively brackets the institutional, interested, *historical* nature of academic historiography, but his vision of academic historians’ role is belied by his own use of historical knowledge in his frequent interventions as a public intellectual (Faber, “Debate”). A second weak point in Juliá’s position is that he barely acknowledges the interdisciplinary nature of memory studies – indeed, their very existence as a scholarly field – and feels free to bypass whole bodies of sociological and philosophical research on the nature and dynamics of collective memory, including the ways in which societies process episodes of communal violence. Finally, he also skirts any serious reflection on the dissemination and social or pedagogical *uses* of the objective or disinterested knowledge produced by academic historiography.

Taking a different but equally critical tack, the Catalan historian Ricard Vinyes rejects Juliá’s dismissal of public policies related to the representation of the past such as those included in the “ley de memoria histórica.” For Juliá, the State simply has no business legislating about the past at all; doing so, he argues, only risks the undemocratic imposition of a single reading of the past on a society that necessarily remembers that past in many different ways. In a country like Spain, Juliá maintains, government interference in matters of historical memory is a surefire way to incite further conflict and controversy. The best position for a State to adopt vis-à-vis the public representation of the past is to have no policy at all.³

Vinyes presents two counterarguments. First, he writes, it is impossible for any State *not* to transmit a particular version of the national past in its laws, declarations, and rituals, even if it has no official policy in that regard. The first governments of post-Franco democracy, for instance, made quite clear what they considered to be the “proper” way to look back on the Civil War and the dictatorship.⁴ Second, it can be argued that it is the responsibility of a democratic state clearly to acknowledge the historical roots of its democratic values and institutions – “reconocer en qué se basa el sedimento ético de las instituciones que tenemos, del sistema de convivencia que nos hemos dado” (“Memoria” 57) – and to acknowledge these roots as a *legacy* to be accepted, transmitted, and transformed across generations:

Es el reconocimiento de este patrimonio y la demanda de trasmisión de este patrimonio, su valoración positiva, lo que *constituye* la memoria democrática con toda su pluralidad, y la instituye en un derecho civil – no en un deber moral – que funda y basa un ámbito de responsabilidad en el gobierno. Y el deber político generado en la administración es garantizar a los ciudadanos el ejercicio de este derecho con una política pública de la memoria, no instaurando una memoria pública. (“Memoria” 58)

For Juliá, researching and reconstructing the past is the academic historian’s job, while the role of regular citizens – including victims and their family members – is limited to the freedom to make private decisions with regard to their own kin (for example to give them a proper burial). For Vinyes (“Memoria” 39, “Presentación” 16), by contrast, one of the most nefarious consequences of the long-time refusal of democratic Spanish governments to set up *políticas públicas de la memoria* has precisely been that the responsibility to know and understand the past has been relegated to the private and academic sphere.

THE VALUE OF THE VICTIM’S VOICE

If historians’ unease with the rise of non-academic representations of the past is not limited to Spain, the emergence of the victim as witness is not an exclusively Spanish phenomenon either. The rise of the witness can be linked to contemporary culture’s fascination with the confessional, but also to the large number of democratic transitions the world has seen since the 1980s, ranging from the Southern Cone to Eastern Europe and the Middle East – transitions that, contrary to the Spanish democratization process, have often demanded and encouraged testimony from victims and perpetrators as a key element in judicial reckoning as much as communal healing.⁵ (The South African Truth and Reconciliation Commission is a good example.) Still, the details and success rates of different transitional processes have varied a great deal; and one of the main challenges faced by societies emerging from periods of internal violence continues to be precisely what place and value to grant to the voices of the victims. Among the most nuanced reflections on this problem are those from the Spanish philosopher Manuel-Reyes Mate and the Argentine cultural critic Beatriz Sarlo; it is with their contributions that I wish to close this essay.

In “Tierra y huesos: reflexiones sobre la historia, la memoria y la ‘memoria histórica,’” Reyes Mate (154-55) contends that the debate on historical memory in Spain is at bottom concerned with three different issues: the *nature* of collective memory, the epistemic and political *scope* of memory, and the *morality* of memory. With the help of Maurice Halbwachs and Walter Benjamin, Mate theorizes the relationship between history and collective memory as one of complementarity, mutual dependency, and cross-

fertilization. Memory – that is, the subjective experience of the past as lived by individuals or groups – feeds history; it is what propels historians to constantly modify contemporary constructions of the past. But memory also provides a necessary counterweight to history’s tendency to privilege “la autoridad de lo fáctico” (159): “La historia, en la medida en que se atiene a los hechos, tiende a identificar facticidad con realidad. Para la memoria, por el contrario, lo que no ha llegado a ser también forma parte de la realidad. ‘La memoria,’ dice Benjamin, ‘abre expedientes que la ciencia da por archivados’” (159).

For Mate, history and memory are different but mutually complementary ways of looking at the past. Unlike Juliá and Judt, however, he welcomes the blurring boundaries between the two categories. Mate underscores that the subjective nature of memory does not mean it cannot also produce valid knowledge of the past. Similarly, the *private* nature of memory does not mean it cannot also be a collective phenomenon, and therefore public and political. Whether they realize it or not, he writes, the grassroots groups calling for a recovery of historical memory are demanding more than the mere right to identify and rebury the remains of victims of Francoism. Their activities, insofar as they are public, also constitute an *indictment* of Francoism and the transition.

Rather than proposing one single definition of memory, Mate prefers to allow for several. First, again following Benjamin, he argues that memory can be described as a hermeneutical activity that aims to make the invisible visible – by vindicating the victim’s gaze, for instance, or adopting the perspective of the oppressed. Second, memory is justice. After all, “sin memoria de la injusticia no hay justicia posible” (168); hence, too, the need for subsequent generations to preserve the memory of the injustices suffered by their ancestors. This leads Reyes Mate to a third definition: memory not as knowledge but as a *moral duty*, based on the idea that we have to remember the injustices of the past in order prevent their recurrence. In the West, this notion is born from Auschwitz: It is really only after the Holocaust that the recognition of human suffering comes to be seen as a condition of all truth, including historical truth. History, in other words, cannot be written without acknowledging the pain of its victims. However, Mate adds, “la memoria del sufrimiento no es un fin en sí mismo, sino el inicio de un proceso que debe llevar a la convivencia en paz, esto es, una convivencia basada en la justicia” (173).

Mate closes his essay with a nuanced response to the well-worn argument – invoked with more or less insistence by Judt, Juliá, and Rieff – that an excess of memory, or too exclusive a focus on the victims of one’s own side, clan, or community, incites a cycle of revenge and thus constitutes a threat to social peace. For Juliá, in particular, the austere, disinterested objectivity of the historian functions as an aseptic buffer against resentment and therefore against

civil violence. "En la medida en que la memoria desplace a la historia," he recently warned, "estamos sembrando el camino de nuevos enfrentamientos" (Baltasar 29:18). David Rieff's plea "against remembrance" is based on the same premise. "El uso resentido de la memoria, sobre todo de la memoria colectiva, es un hecho," Mate concedes. But, he adds, "también lo es el uso irónico y reconciliador de otras muchas memorias, sobre todo individuales" (173). Recalling the case of Jean Améry, Mate argues that memory is most likely to spawn resentment "cuando la sociedad se construye a espaldas de su pasado, como si nada hubiera ocurrido; cuando el superviviente se convierte en una figura molesta a la que se hace el favor de dejarla vivir" (174). And even then, if the victim's resentment merely longs for the perpetrator to understand and acknowledge the immorality of what he did, this resentment can be categorized as "un ejercicio de la memoria moral" (175) that has little to do with a desire for revenge. Mate further points out that, for collective memory to open the way toward reconciliation, the memory has to concern the suffering of the Other.

If Reyes Mate, in the end, welcomes the witness's as a morally and epistemologically necessary complement to fact-based history, Beatriz Sarlo's short book *Tiempo pasado. Cultura de la memoria y giro subjetivo* (2005) focuses in more careful detail on its epistemic dimension. Contemplating the overwhelming predominance of victims' testimony in the reconstruction of the period of the Argentine dirty wars, Sarlo is baffled by the epistemological confidence granted to these individual narratives.⁶ How is it possible, she wonders, that we have come to place so much trust in the truth value of individual memories, after everything that structuralist and poststructuralist theory taught us about the ideologies of subjectivity and the constructed nature of narratives? Why is it that "se ha restaurado la razón del sujeto, que fue, hace décadas, mera 'ideología' o 'falsa conciencia'" (22)?

From the outset, Sarlo acknowledges the moral difficulty of submitting the individual testimony of extreme suffering – which, like all testimony, "pon[e] en primer plano argumentos morales sostenidos en el respeto al sujeto que ha soportado los hechos sobre los cuales habla" (47) – to the kind of critical questioning to which the historian is used to submit her sources. But Sarlo is also careful to distinguish "los usos jurídicos y morales del testimonio," whose legitimacy she does not question, from "sus otros usos públicos" (23), which she does believe should be susceptible to scrutiny. "La idea de que sobre un tipo de testimonio sea difícil, cuando no imposible, ejercer el método crítico de la historia, pone una restricción que no concierne a sus funciones sociales o judiciales pero sí a sus usos historiográficos" (48). However difficult it may be, "la crítica del sujeto y su verdad ... es necesaria" (48):

Es cierto que la memoria puede ser un impulso moral de la historia y también una de sus fuentes, pero estos dos rasgos no soportan el reclamo de una verdad más indiscutible que las verdades que es posible construir con y desde otros discursos. Sobre la memoria no hay que fundar una epistemología ingenua cuyas pretensiones serían rechazadas en cualquier otro caso. No hay equivalencia entre el derecho a recordar y la afirmación de una verdad del recuerdo; tampoco el deber de memoria obliga a aceptar esa equivalencia. (57)

The distinctions that both Mate and Sarlo make among the moral, judicial, and epistemological dimensions of the witness's voice – not one of which is any less *public* than the other – are as interdisciplinary as they are theoretically sound. As such, they may well provide a first step toward opening up the depressing Spanish stalemate in the Spanish memory debates. In any case, their nuanced reflections contrast with what, in Juliá and others, seems much too general a dismissal of "memory" in favor of "history." Vinyes, for his part, provides a solidly reasoned model for understanding the *political* dimensions of academic history, public history, and collective memory. His model is moreover built on the implicit assumption that recent national history is not like any other academic subject, and that the question of how to represent the recent communal past in a pluralist democracy is a one that legitimately and necessarily concerns the whole of civil society. Conversely, academic historians working on the recent communal past cannot afford to ignore the civic and political dimensions of their work – especially if they do so from within a publicly funded institution.⁷

To be sure, conceptual distinctions are important. Sarlo, like Reyes Mate, accepts the basic differentiation between history and memory; and like Juliá and Judt she credits history with an inherent critical value that memory in principle lacks. Thus, while testimonial narratives "están cómodas en el presente porque es la actualidad (política, social, cultural, biográfica) la que hace posible su difusión cuando no su emergencia" (Sarlo 79), the practice of history is marked by an inherent *discomfort* with the "doble temporalidad de su escritura y de su objeto" (79): "la disciplina histórica está perseguida por el anacronismo," but "uno de sus problemas es precisamente reconocerlo y trazar sus límites" (78). It's this discomfort that, for Sarlo, immunizes history against the kind of naïve epistemological self-confidence that characterizes testimony, "la confianza a esa primera persona que narra su vida ... para conservar el recuerdo o para reparar una identidad lastimada" (22). I would venture, however, that it is a very similar kind of confidence which informs Juliá's faith in the capacity of academic history to represent the past disinterestedly. If the credence granted to victim's testimony is rooted in a naïve faith in the narrating subject, isn't the notion of history as a fundamentally disinterested search for truth rooted in an equally

naïve faith in academic institutions? As Vinyes writes: “considerar que la historia es una construcción universal de verdad verificada es tan ingenuo y bárbaro como cualquier otra superstición” (“Presentación” 17).

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NOTES

- 1 For examples of some of the more aggressive and ad-hominem polemics, see Espinosa Maestre, Ruiz Torres, and Juliá “A los editores”; or Leguina and Grandes.
- 2 As Juliá wrote in response to an article of mine: “He defendido el derecho de los familiares a recuperar y enterrar los cadáveres de las víctimas, al tiempo que defiende el derecho de los familiares a mantener a la víctima en el lugar del crimen si desean que permanezca como lugar de memoria. Así me he vuelto a expresar hace unos meses en *El País* con ocasión del debate sobre la exhumación del cadáver de Federico García Lorca y en defensa de la permanencia de los restos de Manuel Azaña y de Antonio Machado en los lugares de su exilio que son, desde hace muchos años, lugares de nuestra memoria. La única crítica que he dirigido a algunos militantes de ese movimiento es su pretensión de que durante la transición España vivió una ‘orgía de silencio’ y que los españoles sucumbieron a una ‘amnesia colectiva’” (“Carta” 242).
- 3 In 2006, he wrote for example: “Nunca podrá haber una memoria histórica, a no ser que se imponga desde el poder. Y por eso es absurda y contradictoria la idea misma de una ley de memoria histórica. ¿Qué se legisla? ¿El contenido de un relato sobre el pasado? El empeño no solo carece de sentido, sino que revela una tentación totalitaria: no puede elaborarse un único relato sobre el pasado porque ningún pasado – menos aún el de luchas a muerte – puede conservar idéntico sentido para todos los miembros de una misma sociedad ... Reconocimiento moral de todas las víctimas de la guerra civil y de la dictadura: esa es la única declaración política posible sobre el pasado. Por lo demás, mejor será dejar al cuidado de la sociedad y fuera del manejo instrumental de los políticos la tan asendereada memoria histórica; mejor olvidarse de centros de la memoria y dotar con mayores medios archivos y bibliotecas; mejor renunciar a un relato consolador sobre el pasado y favorecer el conocimiento y los debates sobre la historia. Y si, a la vista del tumulto, es imposible pasarse sin una ley, mejor el plural que el singular: una ley de las memorias históricas, porque, como las personas, que son los únicos sujetos dotados de esa facultad, las memorias son muchas y casi siempre conflictivas” (“Memorias”).
- 4 “De hecho, comprobamos que el estado siempre ha generado y ha distribuido un relato propio, que bajo formas distintas tiende a establecer una simetría entre

dictadura y democracia en nombre de una interpretación sesgada y opinable de las expresiones ‘reconciliación’ y ‘consenso’” (Vinyes, “Memoria” 57).

- 5 “El testimonio es una institución de la sociedad, que tiene que ver con lo jurídico y con un lazo social de confianza ... Ese lazo, cuando el testimonio narra la muerte o la vejación extrema, establece también una escena para el duelo, fundando así comunidad allí donde fue destruida” (Sarlo 67).
- 6 “Historias del pasado más reciente, sostenidas casi exclusivamente en operaciones de la memoria, alcanzan una circulación extradisciplinaria que se extiende a la esfera pública comunicacional, la política y, a veces, reciben el impulso del estado” (Sarlo 12-13).
- 7 This issue was recently brought to the fore in the polemic that followed the publication of the first half of the *Diccionario Biográfico Nacional*. See Faber, Godicheau, Sánchez León and Izquierdo Martín.

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