COLLECTIVE MEMORY OF THE SPANISH CIVIL WAR: THE CASE OF THE POLITICAL AMNESTY IN THE SPANISH TRANSITION TO DEMOCRACY

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Introduction[1]

A number of important lacunae exist within the vast body of academic literature on the transition to democracy in Spain. One of the most prominent of these is the virtual absence of research on the many and varied types of mobilizations which took place in this period.[2] The relatively short space of time between the death of Francisco Franco in November 1975 and the approval of the Constitution in December 1978 saw the emergence of various social movements which, although often weak and enjoying an only ephemeral existence, were nonetheless capable of giving impetus to a wide variety of collective actions[3] and of mobilizing, if only briefly, a significant part of Spanish society.

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[1] This Working Paper is derived from papers presented at the 21st meeting of the Social Science History Association (New Orleans, 12 October 1996) and the annual meeting of the American Political Science Association (Chicago, August-September 1995). It is part of a broader research project on Spanish collective memory of the Civil War (1936-1939). Most of it has been recently published in my book: *Memoria y Olvido de la Guerra Civil Española* (Memory and Oblivion of the Spanish Civil War), Madrid, Alianza Editorial, 1996. A former version of this paper was translated by Justin Byrne and this version has been revised by Andrew Richards.

[2] According to Sidney Tarrow, there are two fundamental gaps in the new literature on transitions to democracy. On the one hand, the study of "the strategic choices that mass publics make in inducing elites to move either towards democracy or in some other direction"; on the other, the analysis of "how the solution to this problem conditions the nature of the emerging democratic system and its consolidation". S. TARROW: "Mass Mobilization and Regime Change: Pacts, Reform and Popular Power in Italy (1918-1922) and Spain (1875-1978), in R. GUNTHER, N. DIAMANDOUROUS and H.J. PUHLE: *The Politics of Democratic Consolidation. Southern Europe in Comparative Perspective*. The Johns Hopkins University Press, Baltimore; 1995, p. 207. One of the few studies of the transition to and consolidation of democracy in Spain that focuses on the mobilizations of this period is the doctoral thesis of R. ADELL: *La transición política en la calle. Manifestaciones políticas de grupos y masas. Madrid, 1976/1987*. Universidad Complutense de Madrid, 2 volumes, Madrid: 1989. I would like to thank the author for kindly letting me consult the impressive archive on mobilizations in Madrid which he has compiled over the years.

[3] According to Tarrow, collective action is the type of activity underlying all social movements and it can take very different forms. It becomes belligerent, which obviously does not mean violent, "when it is used by people who lack regular access to institutions". S. TARROW: *Power in Movement. Social Movements, Collective Action and Politics*. Cambridge University Press, Cambridge: 1994, p. 2. This author defines social movements as "collective challenges by people with common purposes and solidarity in sustained interaction with elites, opponents and authorities". *Ibid.*, pp. 3-4.

This paper focuses on some of the most important mobilizations in this period, those which called for a full amnesty for the political prisoners of the Francoist dictatorship, a demand which in many cases was accompanied by the complementary one for a labor amnesty, that is, the readmission of those dismissed for political motives or for participation in illegal union activity. It will be argued that calls for a political amnesty were always linked to the desire for reconciliation among the Spaniards that had been impossible during the dictatorship. They represented, therefore, an attempt to reconstruct the peaceful coexistence which had been dramatically shattered during the Civil War (1936-1939), the fracturing of which had been deliberately perpetuated by Francoism. The collective actions in favor of an amnesty, which began even before Franco died, were closely linked to the collective memory of the Civil War which it was now hoped would not be repeated.[4] Experiences of the war and the post-war period had played a decisive role in the configuration of Spanish political culture, and they would have a crucial influence on the transition process and the character of mobilizations during this process. The traumatic memory of the fratricidal conflict is one of the factors which best explains why Spaniards persistently gave priority to values relating to peace, order and stability.[5] These memories also account for the obsession of the collective actors who participated in mobilizations with

[4] The collective memory of the Spanish Civil War acted, mainly, in two different although complementary ways. On the one hand, it dissuaded the main political and social actors from engaging in confrontational politics. On the other hand, it also persuaded actors to reach agreements and to embrace consensual politics. I think that these two logics coincide with those described in J. K. OLICK's paper on "Collective Memory and Cultural Constraint: Holocaust Myth and Rationality in German Politics", paper presented at the Annual Meetings of the American Sociological Association, Washington, D.C., August 1995.

[5] The preference for these values was revealed in a number of polls carried out by the *Instituto de Opinión Pública*, above all between 1966 and 1976. For these data see, among other studies, R. LÓPEZ PINTOR: *La opinión pública española del franquismo a la democracia*. CIS, Madrid: 1982; FUNDACIÓN FOESSA: *Informe sociológico sobre el cambio político en España: 1975-1981*. Euramérica, Madrid: 1981; S. AGUILAR: *La legitimidad del sistema democrático en la transición política española*. B.A. Dissertation. Facultad de Ciencias Políticas y Sociología, Universidad Complutense de Madrid: 1986.

convincing authorities that these actions would be *peaceful*, and that their own stewards would assume responsibility for ensuring that they did not threaten public order. It was fundamentally in these types of cultural values that the political learning of the transition manifested itself.[6]

Since democratization processes are always "the result of the interplay between elite strategies and mass mobilization and opinion"[7], this paper is divided into two sections. First, after outlining the central points of the argument developed here and briefly tracing the antecedents of the pro-amnesty mobilizations during the dictatorship, the strategy adopted by the elites will be analyzed in relation to the pressures they received from those on both the right and left of the political spectrum. Second, I will describe the mobilization and demobilization processes sustained by the principal social movements and the role played by the collective memory of the Civil War in relation to them.

I understand "collective memory" to mean the memory that a society, either directly or through transmission via multiple sources, has of crucial recent events in the life of the country. Subsequent historical deformations are usually added to this memory and eventually merge with it. With the passage of time, the lessons derived from the past merge with the memory of the past itself. On the other hand, since there are multiple sources of memory (family, school, occupation, the state, etc.), we may take "collective" memory to refer to the common elements in the memory of a society composed of different sub-identities and age groups. Due to its very nature, when this consensus version exists[8] - some societies are so fragmented

[6] According to Nancy Bermeo, "political learning is the process through which people modify their political beliefs and tactics as a result of severe crisis, frustrations, and dramatic changes in environment". N. BERMEO: "Democracy and the Lessons of Dictatorship". *Comparative Politics*, 24: 1992, pp. 273-91, p.274.

[7] S. TARROW: "Mass Mobilization...", p. 216.

[8] I defend here the usefulness of the analytical distinction between "hegemonic memory" and "dominant memory". The latter is the narrative about the past more preminent in public discourse,

that they do not have a single hegemonic interpretation of the past-[9], it is usually simple and mythical in character as, indeed, was the case in Spain. Collective memory does not so much retain concrete historical facts as the lessons derived from these. Thus, in Spain, a consensus historical memory of the Civil War emerged[10] in which, firstly, *all those involved were equally guilty* of the atrocities

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that is, in politics and in the main mass media. The former is the most widespread in society, that is, among the many social memories we may find with respect to different variables (age, class, education, etc.), the hegemonic one. In the following note we discuss the possibility, and consequences, of not having a hegemonic memory in society.

[9] As, for example, in the former Yugoslavia, where the past has clearly played the opposite role to that which it exercised in Spain. In the Spanish case, the memory of the fratricidal war clearly deterred confrontation, in the former Yugoslavia, in contrast, the memory of the civil war which broke out during the Second World War has fuelled the subsequent violence. Various factors account for the different reactions of these two countries in a period of political transition. One of the most important of these is the different type of predominant political culture in both countries. The pioneering study edited by A. Brown and J. Gray in 1977 on the political culture of the communist countries includes a chapter by D. Dyker on Yugoslavia which is highly illuminating in this respect. He argues that, in contrast to what happened in most communist countries, in Yugoslavia no political cultures eclipsed the rest of the existing cultures. Dyker found pronounced cultural fragmentation which made this country one of those with the greatest potential for instability and political polarization. This also signifies that there was no dominant collective memory of the past, and that directly related to this, peaceful coexistence among the various cultures would also prove difficult. In Spain, despite the existence of a problem of national integration, a dominant political culture did exist along with an historical memory which was shared by the overwhelming majority of society as well as a project for coexistence accepted by nearly all Spaniards. D. DYKER: "Yugoslavia: Unity out of Diversity?" in A. BROWN and J. GRAY: *Political Culture and Political Change in Communist States*. The Macmillan Press, London: 1977, chapter 3. Also, in the most recent book by J.J. Linz and A. Stepan, these authors argue that: "Despite the passage of more than forty years, the most commonly used descriptions by Croats and Serbian enemies, and vice versa, are the names of the major contending factions in the civil war, the Croatian *Ustasas* and the predominantly Serbian *Chetniks*". J.J. LINZ and A. STEPAN: *Problems of Democratic Transition and Consolidation*. The Johns Hopkins University Press, Baltimore: 1995, p.88. Finally, some historians specializing in the study of civil wars have reached the following conclusion: the probability of repeating a civil war is higher when the conflicts are based upon identity and religious issues, as was the case in Yugoslavia. R. LICKLIDER: "The Consequences of Negotiated Settlements in Civil Wars", *American Political Science Review*, 89: 1995, pp.681-90.

[10] It is true that some minor groups within Spanish society disagreed with this version, but most of the people behaved as if there was a total consensus in this respect. The disagreement came, mainly, from both the radical right and the radical left of the political spectrum. As a consequence of their questioning of the consensual procedure, both of these groups excluded themselves from the negotiated process of the transition to democracy. None of these groups were inclined to reconciliation and rejected the idea of a "common guilt".

that had taken place during the war and, secondly, the tragedy must *never again* be repeated.[11] All this explains why one of the principal obsessions of the social groups which mobilized during the transition was that collective actions should be peaceful, in contrast to the violent protests which took place during the II Republic which had contributed, along with other factors, to the creation of a polarized climate ripe for civil war. The most important lesson of the political transition can be summed up in the Spanish maxim "he who avoids the occasion, avoids the danger". It was believed that if circumstances similar to those of the thirties were not reproduced, the fratricidal confrontation which had brought that decade to a close might be averted.

Whilst I focus above all on collective action in demand for an amnesty, this took place in the context of widespread mobilizations which we cannot consider here in detail. Further information about these may be found in the literature on the labor movement in the transition[12] and on new social movements in Spain.[13]

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[11] For a more detailed study of the concept of historical memory in general as well as the argument developed in this paper concerning the influence which this played in shaping the particular form of the transition in Spain, see my book: *Memoria y Olvido...* (Memory and Oblivion...). J. J. OLICK and J. T. ROBBINS have written a very good summary of the main theoretical approaches towards the concept of "social memory" which is going to be publised in the 1988 number of the *Annual Review of Sociology*. Its title will be: "Social Studies of Memory: A Literature Review".

[12] The following are some of the most interesting contributions to the study of the labor movement in the transition: R. FISHMAN: *Working-Class Organisation and the Return to Democracy in Spain*. Cornell University Press, Ithaca: 1990. J.Mª. MARAVALLL: *La política de la transición*. Taurus, Madrid. 1981. V. PÉREZ DÍAZ: *La primacía de la sociedad civil*. Alianza, Madrid: 1993.

[13] Amongst the works on the subject see, L.E. ALONSO: "Los nuevos movimientos sociales y el hecho diferencial español: una interpretación", in J. VIDAL-BENEYTO: *España a Debate*. Tecnos, Madrid: 1991. J. ÁLVAREZ JUNCO: "Movimientos sociales: del modelo tradicional a la modernidad postfranquista", in E. LARAÑA Y J. GUSFIELD: *Los movimientos sociales. De la ideología a la identidad*. CIS, Madrid: 1994. J. GARCÍA DE LA CRUZ: "Los nuevos movimientos sociales", in S. GINER: *España: Sociedad y Política*. Espasa, Madrid: 1990.

Antecedents of the pro-amnesty mobilizations during the dictatorship.

Worker and student protests became increasingly frequent in Spain during the course of the dictatorship, and above all from the 1960s onwards. At first, labor disputes were not overtly political, but tended to focus on demands for improvements in wages or working conditions. However, one of the effects of the repressive nature of Francoist labor legislation was to give a political dimension to mobilizations which had not originally been conceived as such. On the other hand, as time went on, explicitly political or solidarity strikes multiplied and there was a dramatic increase in the number of working hours lost through labor disputes.[14] Student demonstrations also started to become more common. These also tended to be more openly political as, to the disgust of the regime, some universities emerged as forums for open debate and the struggle for democracy. Both types of mobilizations revealed the obsolescence of Francoist labor legislation, the education system, and hence of the regime itself.

It is difficult to pinpoint the precise moment when demands for an amnesty first appeared. Calls for a labor amnesty appear to have been a characteristic feature of trade union protest from an early date. As we have already seen, by contesting the existing pattern of labor relations and the criminal law which permitted unrestricted dismissal for political or ideological motives, the labor movement saw its protests transformed into political demands.[15] Representatives

[14] Among the studies including data on the number of working days and hours lost through strike action, see J.Mª MARAVALL: *Dictadura y disentimiento político*. Alfaguara, Madrid: 1978, and in the article by J.F. TEZANOS: "Los conflictos laborales en España". *Revista de Estudios Políticos*, 38: 1974, pp. 93-110. Another important study of the labor movement during the dictatorship is J. FOREWAKER: *Making Democracy in Spain: Grassroots Struggle in the South, 1955-1975*. Cambridge University Press, Cambridge: 1989.

[15] "Solidarity strikes and demands for the readmission of sacked workers are a historical constant which define the very identity of the labor movement". E. DE LA VILLA y A. DESDENTADO: *La amnistía laboral. Una crítica política y jurídica*. Ediciones de la Torre, Madrid: 1978, p. 22.

of the Comisiones Obreras (CC.OO- or *Workers Commissions*), the clandestine labor organisation which developed from within the Francoist vertical union, declared that "since 1966, the demands, programmes and manifestos of the committees of the Workers Commissions have systematically embraced the Amnesty as an inevitable starting point for the democratization of the country".[16] Equally, Miguel Castells, for example, affirms that in the general strike which shook the Basque Country between 2 and 11 of December 1974, "the principal demand was freedom for political prisoners. Since then there have been a large number of important strikes (...). One of the demands of all of these has been freedom for the political prisoners (*presoak kalera* or "prisoners on the street")".[17]

However, the first significant collective actions which we have unearthed in the struggle for a political amnesty did not come from the unions. Nor were they the work of the clandestine political parties. Rather, they were promoted by the Christian organisation, *Justicia y Paz* (Justice and Peace) and its leader Joaquín Ruiz-Giménez. In 1974, a year before the death of Franco, this organisation took an important step in this campaign when it collected 150,000 signatures, complete with Identity Card Numbers, in favor of an amnesty. The signatories were drawn from a wide range of social backgrounds. The single largest group came from the Basque Country, whilst at some distance behind came those from Catalonia and Madrid in second and third place respectively.[18]

The immediate precedents of this petition are to be found in the texts which Ruiz-Giménez had published in the early 1970s in the journal *Cuardernos para el Diálogo*. As early as 1970 he had declared in an article entitled "Amnesty" that

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[16] *Ibid.*, p. 204.

[17] M. CASTELLS: *Los procesos políticos. (De la cárcel a la amnistía*). Fundamentos, Madrid: 1977, p. 158.

[18] For this petition see the first part of the *Historia de la Transición* published by *Diario 16*. Madrid: 1983-1984.

this "now constitutes a universal cry, almost an echo, of very wide sections of Spanish society. The daily press has constantly testified to hundreds of texts, petitions, letters from thousands of Spaniards (...) in favor of a broad amnesty for all those who suffer any type of discrimination for activities which are not considered criminal or illegal in the legislation of other democratic countries". He went on to argue that an amnesty would also represent "an important step towards the reconciliation of all Spaniards".[19] In October of 1970 the "wifes, mothers and family" of political prisoners sent a letter to the vicepresident of the Spanish government asking for the total amnesty of their relatives.[20]

After publishing a number of other articles on the subject, in early 1975 the president of *Justicia y Paz* wrote a piece entitled "Amnesty and reconciliation" in which he explained the petition mentioned above. That initiative had provoked the anger of the right, which had begun an orchestrated campaign of abuse and defamation against *Justice and Peace* in various newspapers. Ruiz-Giménez reported that this organisation had sent a letter to the archbishop of Madrid, Cardinal Tarancón, as a means of ensuring that this reached the Head of State. In this letter they requested a political amnesty desired by tens of thousands of signatories as well as by other "religious and professional" organizations.[21] Ruiz Giménez insisted that they did not seek to "foment impunity, and still less to encourage violent acts in the future, but rather to contribute to the eradication of the roots of hatred and open the way towards peaceful coexistence".[22] In this way he publicly expressed his desire to contribute to the reconciliation of the Spaniards

[19] J. RUIZ-GIMÉNEZ: *El camino hacia la democracia. Escritos en "Cuadernos para el Diálogo" (1963-1976).* Centro de Estudios Constitucionales, 2 tomos, Madrid: p. 414.

[20] M. CAMACHO: *Confieso que he luchado.* Ediciones Temas de Hoy, Madrid: 1990, p.295.

[21] *Ibid.*, p. 210.

[22] *Ibid.*, p. 210.

and to the task of overcoming the trauma of the Civil War.

Generally speaking, the Catholic Church in Spain favored the concession of an amnesty, even if it usually abstained from giving an opinion on the thorny question of whether this should include those political prisoners who had committed crimes involving bloodshed. The Church could justify its attitude to the regime on the grounds that this had the backing of Rome. Very appropriately for Spain, in 1973 the Vatican decided to commemorate the tenth anniversary of the II Vatican Council by declaring 1975 "the Holy Year of Reconciliation". In the opinion of the Church and many Spaniards, a wide and generous amnesty was essential if there was to be sincere and deep-rooted reconciliation between the victors and vanquished in the conflict and their respective ideological heirs. It was this belief which lay behind the decision taken by a Plenary Assembly of the Spanish Bishops' Conference on 30 November 1974 to call on the government to "review the penal situation of those who have been imprisoned due to the restriction of rights which now tend to be more fully recognized".[23] The Church repeated similar appeals over the course of the next few years. These included a statement issued in early 1977 in which, in response to the violent incidents which had taken place in January that year, the bishops exhorted "those who have greater responsibility in political life - those in government and leaders of political groups- to surmount all traces of *past conflict* in our community life through the widest and most generous possible pardon for politically motivated acts".[24]

The influence of the pro-amnesty mobilizations on the government's

[23] J. IRIBÁRREN (ed.): *Documentos de la Conferencia Episcopal Española*. Biblioteca de Autores Cristianos, Madrid: 1984: p. 342.

[24] *Ibid*., p. 406. The emphasis is mine.

political agenda.

Franco consistently refused to accept any measure which would have signified the rehabilitation of the vanquished or the recognition of the justice of their cause. Much of the legitimacy of the regime, what might be called its source legitimacy, came from its victory in the war. Throughout the dictatorship, the regime had promoted a suitably distorted memory of this.[25] It is hardly surprising, therefore, that the most inflexible elements within Francoism, with the dictator himself at their head, paid scant attention to the 150,000 signatures which *Justice and Peace* had managed to collect in the midst of the wave of repression which followed the assassination of Admiral Carrero Blanco in 1973.[26] Predictably too, they also ignored the calls for clemency from a Church which for some years had been distancing itself from the regime and, in a number of cases, openly proclaiming its dissent. The only partially reconciliatory measures approved by the dictatorship consisted of twelve pardons, if we include that granted by King Juan Carlos I on 25 November 1975. Whilst the scope of these varied, they were, quite clearly, totally inadequate.[27]

The differences between a pardon and an amnesty are crucial for any understanding of the intentions of those who concede them and their political consequences. Both are "manifestations of the *right of clemency*, that is, of the

[25] According to the definition we gave in note number 8, this manipulated version of the past was the dominant, but not the hegemonic, memory -at least during the two first decades of the francoist regime. With respect to the ability of societies to resist the attempts to manipulate the past during dictatorship see the work of J. SCOTT: *Domination and the Arts of Resistance. Hidden Transcripts*. Yale University Press, New Haven: 1990.

[26] Carrero Blanco was prime minister and Franco's chosen successor as Head of State. A leader of the most immobilist elements within the regime, his assassination by the Basque terrorist organisation ETA opened a succession crisis.

[27] A list of all the pardons conceded between 1936 and 1975 can be found in E. LINDE PANIAGUA: *Amnistía e indulto en España*. Tucár, Madrid: 1976, p.208.

right which the State has as the sole institution with the right to punish, to totally or partially forsake the imposition of a punishment, or if this has already been imposed by the courts, the requirement that this be fulfilled".[28] Whilst a pardon only affects the punishment, an amnesty refers to the offence itself. It is the "*pardon or oblivion of the crime*"[29] which implies the elimination of the punishment as well as of all the consequences that may derive from this. The idea of pardon and oblivion are highly significant in this context, since many people indirectly worked for the mutual pardon between the opposing sides in the Civil War and their ideological heirs. And it was agreed that this could best be achieved though oblivion. It is no mere coincidence that amnesty and amnesia share a common root and that the transition was to a large extent constructed around a silenced and domesticated memory of the past which gave the false but nonetheless reassuring impression of amnesia.[30]

On the other hand, the demand for an amnesty revealed the contradictions of outdated legislation which still decreed imprisonment for "offenses" - such as participation in certain types of collective actions - which were precisely those most susceptible to be amnestied. As a result of the successive reprieves conceded during the dictatorship, above all that issued in 1969[31] which Manuel Fraga Iribarne saw as serving to bury "the remains of the old divisions" and "bring a definitive end to the last civil war", the prisons were emptied of all those convicted

[28] J.Mª RODRíGUEZ DEVESA: *Derecho Penal Español*. Gráficas Carasa, Madrid: 1981, pp. 638-69.

[29] *Ibid.*, p. 641.

[30] It is obvious that the Civil War was not forgotten. On the contrary, because it was so much alive many people thought that, in order to avoid the repetition of the conflict, a public debate on it should be avoided. At the same time, it was such an important topic for Spanish society that it was very much present in films, novels, history books, memoirs and exhibitions.

[31] *Boletín Oficial del Estado*, 1 April 1969, p. 559.

during the war itself.[32] However, those who had been imprisoned until then still had a police record. And even more importantly, the vast majority had not been able to return to the jobs which they had lost as a result of the extensive labor purges carried out in the immediate post-war period. The first step towards the reinstatement of these ex-political prisoners had to be an amnesty which would wipe out their criminal records and reestablish the employment and social security rights which they had lost as a result of these.[33] It was necessary not only to empty the jails of political prisoners, but also to rehabilitate the vanquished[34] as well as their ideological heirs, and hence the opponents of the regime in general.

According to Manuel Castells, the application of a broad amnesty, with all that implies in terms of the elimination of criminal records and the removal of subsidiary civil responsibility, is a highly political act since it is very likely to indicate that a change of regime is in progress.[35] Thus, the more profound the political transformation in progress, the more complete and genuine the amnesty will be. If merely political reforms are involved, the amnesty will only be partial. However, Castells also notes that a partial amnesty may pave the way for a full amnesty, as the amnesty may be either the cause or the consequence of political change. In a process of gradual change, there will first be incomplete amnesties which differ little from reprieves. Once the resistance to political change has been

[32] Fraga was then Minister of Information and Tourism and a prominent figures in the more reformist sectors of the regime. These declarations can be found in the book by L. LÓPEZ RODÓ *Memorias. Años decisivos*. Plaza Janés/ Cambio 16, Barcelona: 1991, p. 474.

[33] Only in the 1980s would the political prisoners of the dictatorship be specifically compensated for the years they had spent in prison.

[34] Some famous cases of workers purged from their jobs during the war and immediate post-war period came to light in the transition. These included a worker who had been sanctioned in 1937 for having participated in the province of Alava in a one day strike in protest at the military rising. He was amnestied in 1978 when the State assumed the responsibility for paying his social security contributions (*El País*, 31 May 1978).

[35] CASTELLS: *Los procesos...*, pp. 157 ff.

overcome, these will be followed by a genuine amnesty. This is exactly what happened in Spain. The social mobilizations which helped to bring about the crisis in the cabinet led by Carlos Arias Navarro[36] forced the second government of the Monarchy to act.

Only after the death of Franco was there any chance that the widespread desire for an extensive and sincere amnesty for the political prisoners would be satisfied. The first act taken by the King just three days after his coronation was to decree the reprieve "of the punishments and sanctions consisting of the loss of liberty, freedom of movement or economic penalties which may be or have been imposed for crimes and offenses established in the Penal Code, the Code of Military Justice and the special laws, for acts committed before 22 November 1975".[37] The preamble to this decree sought to associate the monarchy with the Spaniards' desire for reconciliation, as it attributed to the King the desire that the monarchy should "signify a reaffirmation of the goals of solidarity and peaceful coexistence among all Spaniards" and that the principal objective of the monarchy was to secure the "irrevocable benefits of peace".

The importance of this first reprieve of the monarchy was more symbolic than real. As we shall see below, it did not satisfy the expectations of society as a whole, and still less those of the democratic opposition. On 4 December 1975 the King confirmed Arias in the premiership and charged him with the formation of a new cabinet. This he did a week later. However, little could be expected from a government which, although it included reformists such as Fraga, José Mª de Arielza and Antonio Garrigues, accepted the legacy of Francoism as a beneficial inheritance. It was this lack of confidence in the Arias government's ability to bring democracy, and even of its will to do so, that encouraged the opposition to

[36] Arias was Prime Minster when Franco died.

[37] Decree of 25 November 1975, nº 2940/75, *Boletín Oficial del Estado*, 25 and 26 November 1975.

reaffirm its objective of a rupture with the previous regime and to promote popular mobilization as the principal means of achieving this. Nevertheless, a number of very different collective actors had anticipated the main opposition political and union organizations in the use of collective action to put pressure on the government. The demand shared by nearly all these organizations, and one which was invariably accompanied by other particular objectives, was that of a full amnesty for those prosecuted on political grounds.

It is true that the Arias government wanted to give the impression of breaking with the past, and that it sought to establish the reformist credibility it needed if it was to be able to direct the process of change. However it soon became apparent that the government's commitment to democratization was weak, that its members were extraordinarily vulnerable to pressure from the extreme civilian and military right, and that the intransigence shown by Fraga Iribarne in his capacity as Interior Minister scarcely made him the candidate most likely to resolve peacefully the serious problems of public order which then existed. Whilst Garrigues, the Minister of Justice, did appear to favor an amnesty, the strong internal resistance this encountered confirmed, once again, the limitations of a government inherited from the dictatorship.[38] Garrigues[39] states that as early as February 1976 he publicly expressed his intention to introduce an amnesty which would exclude crimes involving bloodshed, and that work on the draft of the act had virtually been completed when Adolfo Suárez unexpectedly replaced Carlos

[38] According to Fraga, democratizing measures such as the amnesty were not only resisted by the extreme right but also by more reformist elements within the government itself. These included Adolfo Suárez (Secretary General of the Movement) and the next Interior Minister, Rodolfo Martín Villa (Minister for Union Affairs). Fraga suggests that both ministers did as much as possible to block these reforms in a bid to force a change in government which would enable them to emerge to receive the credit as the definitive architects of democracy. M. FRAGA IRIBARNE: *En busca del tiempo servido.* Planeta, Barcelona: 1987.

[39] A. GARRIGUES DÍAZ CAÑABATE: *Diálogos conmigo mismo.* Planeta, Barcelona: 1978, p. 170.

Arias as prime minister.[40]

The conciliatory intentions shown by Garrigues, who also emphasized the need to overcome the cleavages of the Civil War in his memoirs, were subsequently corroborated by Miguel Herrero de Miñón. Appointed Principal secretary of the Ministry of Justice by the new minister, Landelino Lavilla, on 16 July 1977, Herrero de Miñón affirms with respect to the amnesty that, "despite the interest which, judging from the documentation which had been prepared, the minister Garrigues and his illustrious under-secretary, Marcelino Cabanas, had shown in the matter, the Arias government had been incapable of taking on such a question".[41] The new government, however, was determined to demonstrate a different attitude in order to convince the opposition that it was a credible interlocutor and public opinion that it was genuinely advancing towards democracy. The first important gesture, and one with a high symbolic content, was to approve the Amnesty Act of 30 July 1976[42]. Once again the testimony of Herrero de Miñón, who was one of the key figures in the negotiation and drafting of the bill, is an invaluable source. In his memoirs he states that "the first major issue which I found on my desk when I took office as Principal Secretary was the amnesty for politically motivated crimes. This was not a demand of the opposition but, more importantly, of public opinion, and one which only a few weeks earlier I myself had described in the press as the "collateral" for the great pact of national

[40] Suárez's democratic and pacifying credentials were to a large extent derived from the way in which he handled two crucial events whilst acting, in the absence of the minister, as Minister of the Interior during the first government of the monarchy. The serenity and moderation he displayed in response to the violent incidents in Vitoria and Montejurra, described below, not only contrasted with the attitude shown by the minister, Fraga, but also made Suárez into one of the natural candidates for prime minister in the new government.

[41] M. HERRERO DE MIÑÓN. *Memorias de estío*. Temas de Hoy, Madrid: 1993, p. 75.

[42] Royal Decree-Act 30 July 1976, nº 10/76. *Boletín Oficial del Estado*, 4 August 1976.

reconciliation".[43] Obviously, no one refers to reconciliation where a profound social cleavage has not existed. And the obsession with reconciliation among Spaniards, which was shared by political elites [44] and by collective actors, reflected the existence of a collective memory of fratricidal conflict which had left an indelible stamp of conflict and polarization in the country's political culture. This now gave rise to the constant desire to avoid confrontation at all cost and to do everything necessary to ensure a pacific and negotiated transition to democracy.

Herrero de Miñón gives a very detailed account of the process behind the drafting of the bill and the resistance which had to be overcome before this was approved. He himself drew up the first draft after discussion with the under-secretary of the ministry, Rafael Mendizábal, and the Prosecutor of the Public Order Court. Completed in July, a week later this was discussed with representatives of the army. Despite two full days negotiations on 27 and 28 July, the government and military failed to reach a consensus satisfactory to both parties. Their disagreement was basically centered around two questions, the situation of the members of the *Unión Militar Democrática* (UMD- Democratic Military Union)[45] and of those who had served in the Republican forces.[46] The military refused to yield on either issue, rejecting the idea of readmitting both groups on the grounds that to do so would contravene the provisions of the Code of

[43] HERRERO DE MIÑÓN. *Memorias...*, pp. 73-74.

[44] In an interview published in *El País*, the Minister of Justice, Landelino Lavilla, declared that "the amnesty is intended to be an effective and sincere measure of reconciliation to promote complete national coexistence. *El País*, 12 August 1976.

[45] The U.M.D. was a clandestine organisation formed in August 1974 by 12 junior army officers who favored democracy and whose members were arrested and imprisoned a year later.

[46] These were the soldiers who had supported the Republican cause during the Civil War and who had lost all their rights after expulsion from the army. They now demanded their reincorporation into the armed forces or, given that the majority had reached retirement age, the recognition of their right to a pension corresponding to the rank which they would have held if they had not been purged from the services.

Military Justice. Moreover, the army justified their refusal to reinstate the members of the UMD, then still in prison, by invoking what they considered had been a dangerous precedent for the armed forces: the Amnesty law of 1934.[47] In doing so they provided further evidence for the crucial role played by the dissuasive factor *par excellence* of the transition, the memory of the II Republic, which was directly associated in the collective mind with that of the Civil War.

The military's opposition was responsible for the limitations of the new Act that effectively crippled the amnesty and "and maintained the question open until the more polemical and notably deficient amnesty of 1977, which ran into the same problem that would only finally be resolved ten years later".[48] Nevertheless, according to the same source, "the amnesty of 30 July in fact constituted the first sign that the political transition was, this time, seriously under way."[49] According to the deputy prime minister, Alfonso Osorio, "the first step towards national reconciliation and concorde among all the Spaniards had already been taken with the amnesty".[50]

It was certainly not in the interests of the new government to transmit an image of intransigence. Yet at the same time, one of its principal concerns was to avoid giving the impression that the steps it took towards reconciliation were a consequence of its incapacity to resist the intense pressure coming from the streets. On the one hand, the government did not want the right to accuse it of weakness in dealing with the masses. It could ill afford to lose the confidence of both the political elites and the Francoist forces of law and order which, harassed as they were by terrorism, above all that of ETA and GRAPO, might succumb to

[47] Act of 24 April 1934.

[48] HERRERO DE MIÑÓN: *Memorias...*, p. 78.

[49] *Ibid.*, p. 79.

[50] A. OSORIO: *Trayectoria política de un ministro de la Corona*. Planeta, Barcelona: 1980, p. 161.

the temptation to seize power.[51] On the other hand, if the government appeared excessively compliant to the demands of the social actors, these would continue to use widespread mobilization as a means of furthering their aims. And it was precisely this situation which had to be avoided if the military, employers, and society itself were to be convinced of the government's strength and resolve and its ability to establish the social peace that so many desired. Equally, however, the government could not afford to be too inflexible with respect to the demands made by the democratic opposition. Firstly, because it was well aware that there was widespread public support for many of these demands, including the amnesty. Secondly, because the collaboration of the opposition was essential if the government was to obtain the democratic legitimacy it so urgently needed.

One indication of the concern which the ongoing popular mobilizations provoked in the Arias Navarro government was the fact that as early as January 1976 it ordered a poll on the amnesty to be carried out in Madrid, Barcelona and Seville.[52] Despite the high level of abstention among those polled, the results left little room for doubt as to the wishes of the majority of the population. More than 62% favored the "promulgation of a general amnesty for politically motivated crimes, excluding those involving bloodshed and terrorism", and almost 53% considered that the "amnesty would help to pacify the political climate and further national reconciliation". The very wording of the question revealed what the Act, if approved, was meant to symbolize. Nevertheless, the fact that only 32% believed that the Act would be passed during the course of 1976 confirmed the general public's lack of confidence in the Arias government's will and capacity to bring

[51] ETA (*Euzkadi Ta Askatasuna*) is a radical Basque terrorist organisation founded in 1959. GRAPO (*Grupo de Resistencia Antifascista Primero de Octubre*) is an extreme left wing terrorist organisation created in 1976.

[52] Instituto de Opinión Pública (IOP), now the Centro de Investigaciones Sociológicas (CIS). Study nº 1,093. "Indulto y Amnistía (1)". January 1976. Number of interviews: 1,250.

about reconciliation.[53]

Confirmation of the importance which the new cabinet attached to these questions came in July 1976, when the second government of the monarchy commissioned another poll designed to offer a more accurate picture of the public's reaction to the recently enacted amnesty and its limitations.[54] The poll was carried out in the same cities, although this time Bilbao in the Basque Country was very wisely added. The level of abstention remained high. Whilst 51% declared themselves to be satisfied with the new Act and 14% considered it unsatisfactory, 23% did not answer the question. Of the 14% of the population which did not agree with the Act, 76% considered that it was too narrow. Finally, some 40% believed that the amnesty would contribute a great deal or quite considerably "to achieve true national reconciliation", whilst 18.5% considered that it would only help "a little". Almost 9% stated that it would be no help at all, and a significant 32.5% expressed no opinion on this subject.[55]

After this first Amnesty Act, and in the light of its undeniable inadequacies,[56] and continuing popular pressure, in early 1977 the government met with representatives of the Church. This had emerged as a firm supporter of an amnesty which it saw as a means of bringing about reconciliation. According to the Minister of the Interior, Martín Villa, the government was then already

[53] The results are even more conclusive if we omit those who abstained and only take into account the responses of those who actually answered the questions cited in the text. More than 84% of those who responded to these favored a general amnesty which excluded crimes involving bloodshed, whilst 77% thought that this could help to pacify the political climate and further national reconciliation.

[54] IOP-CIS. Study nº 1,105. "Indulto y Amnistía (2)". July 1976. Number of interviews: 1,438.

[55] In the same way as for the previous poll, if we omit those who did not answer the questions and again calculate the percentages on the basis of the answers obtained, 66.5% agreed with the Act and almost 60% declared that it would help to bring about true national reconciliation.

[56] Referring to the Act, Suárez himself told Osorio that "what we are really doing is granting a reprieve that we are going to call an amnesty". A. OSORIO: *Trayectoria política*...,p. 160.

preparing a second amnesty act, but was encountering fierce opposition from the extreme right which saw any further acts of clemency as an intolerable capitulation. As was to be expected, the representatives of the Church offered the government their full support. By doing so, they played a decisive role in winning support for the extension of the July 1976 Act from groups which "in principle were very reticent with regard to new amnesties". It is clear, therefore, that the Church made an enormous contribution to "the great task of peace-making among the Spaniards".[57]

The extension of the first amnesty Act constituted a qualitative leap forward with respect to the first. The Royal Decree Act of 14 March 1977 was intended to remove certain restrictions fixed in the 1976 Act. The clause "who had put others' lives in danger", which had prevented the application of the previous amnesty to many of those imprisoned, was now eliminated. The approval of the new Act, "made it possible to free most of the political prisoners, except for certain cases".[58] It was no coincidence that this major amplification of the Amnesty Law was approved only three months before the first general elections. It was during this period that the government made the concessions of most significance to the opposition. On the one hand, these were intended to ensure that the opposition did not obstruct the election process, and on the other, that their participation would endow these with full democratic legitimacy.[59] One month later, on 9 April 1977, the legalization of the *Partido Comunista de España* (PCE- Spanish Communist Party) removed the final obstacle to the celebration of truly democratic elections.

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[57] R. MARTÍN VILLA: *Al servicio del Estado*. Planeta, Barcelona: 1984, p. 164.

[58] J.E. SOBREMONTE: *Indultos y amnistía*. Universidad de Valencia, Valencia: 1980, p. 102.

[59] Apart from these considerations, the government was also aware of the need to introduce wide acts of clemency in order to pacify the increasingly tense situation in the Basque Country. According to Osorio, Suárez went as far as to say that either a new amnesty was passed in order to "calm the situation in the North, or the Basque Country would become like Belfast". OSORIO: *Trayectoria política...*, p. 265.

In exchange for this concession, the PCE would accept the monarchy and its flag[60], cease to systematically promote popular mobilizations to advance its political objectives and, once the election results were announced, begin to use the established institutional mechanisms to pursue its objectives.

After the first democratic elections, the new government led by Suárez in which, very significantly, Martín Villa and Lavilla continued at the head of the ministries of the Interior and Justice respectively, ordered the *Instituto de Opinión Pública* to conduct a poll prior to the amnesty which would be approved on 15 October 1977.[61] This survey was based on a representative sample in Spain as a whole and another specifically covering the Basque Country. The latter reflected the government's concern at the evolution of events in the region, as well as its awareness of the importance that the Basques attached to the issue. Given that the majority of political prisoners were Basques, the inhabitants of the region were highly sensitive to the question and particularly active in pro-amnesty mobilizations.

This third poll was intended to discover what Spanish society as a whole, and that of the Basque Country in particular, thought about one of the most sensitive aspects of the bill: the concession of an amnesty to those responsible for politically motivated violent crimes. The relative majority of the population (relative because abstention remained high - 40% overall, 32% in the Spanish poll and 47% in the Basque Country-), responded that the amnesty should be widened. Among those in favor of extending the law, 30% of the population in Spain as a whole and 65% of those living in the Basque Country stated that this should cover "all political crimes", that is, even those involving bloodshed, whilst 45% of all

[60] Through this act the PCE symbolically renounced its traditional republicanism.

[61] IOP-CIS. Study nº 1,139. "Indulto y Amnistía (3)". September 1977. Number of interviews: 476 in the Basque Country and 1,087 in Spain as a whole. This poll is discussed in *Revista Española de Opinión Pública*, nº 50, October-December 1977: pp. 265-85.

Spaniards and 32% of those living in the Basque country only favored extending the amnesty if this would not cover crimes resulting in bloodshed. The differences between Spanish society as whole and that in the Basque Country are highly enlightening as to the way in which attitudes to the question had evolved during the preceding twelve months.

When the new amnesty was eventually approved it did not take into account the consequences of politically-motivated acts, even when these had resulted in death or injury. One of the objectives of this amendment to the law was to symbolically put the victors and vanquished in the Civil War on an equal footing. For in 1939 the Nationalists had amnestied all those who, having committed any type of crime during the II Republic could demonstrate their loyalty to the Nationalist cause, and this amnesty had included acts causing bloodshed.[62] One of the objectives of this amnesty had been to delegitimize the Republican regime by contemplating any type of attack on this as legitimate and fully justified. During the transition, the approval of an amnesty for all criminal acts intended to contribute to the restitution of democratic liberties, even if these involved violent attacks on individuals and had been committed some months after the death of Franco himself, represented a similar delegitimation of the previous regime. The crucial difference was that, on this occasion, the amnesty also included the Francoists, since the institutions were not purged, nor were the police responsible for torturing political prisoners put on trial, etc...[63]

[62] Act of 23 September 1939.

[63] According to Luis Saiz del Moral, the left should offer oblivion and amnesty to those responsible for carrying out torture and repression during the dictatorship. He argued that only in this way would it be possible to speak of a total amnesty and advance towards a stable and peaceful democracy which would exorcise the spirit of the Civil War. This argument was based on the victors' fear of the revenge of the vanquished which was behind the wave of extreme right wing violence, and which could only be eased by guaranteeing immunity of the type the left demanded for itself. Finally, this author also called for a general demobilization and that the opposition should abandon the use of strike action. "We must all forget and we all need others to forget our past. We are all guilty." L. SAIZ DEL MORAL. *Amnistía también para la derecha*. San Martín de Villagroy,

Numerous jurists[64] criticized the deficiencies in both form and content of the October 1977 Act, shortcomings which also affected its application.[65]. Finally, it can be seen that the Act was the result of a process of negotiation between the government, which gave way on questions such as the labor amnesty in order to win the unions' support for the imminent Moncloa Pacts, and the opposition, which also had to renounce some of its objectives if, as its enormous symbolic importance required, the final text was to win the greatest possible degree of consensus.[66] Thus, the Socialists, Communists and Catalan and Basque nationalist parties had to accept the fact that the amnesty did not resolve the problems of the members of the UMD, nor those of the soldiers who had fought in the Republican army. The exclusion of both groups was further testimony to the strong opposition of the armed forces.[67] However, it should also be noted that neither of these two groups had received explicit mass popular support. Small in number, with little organizational capacity, they had proved incapable of exerting sufficient pressure on the government or ensuring that others did this for them. Moreover, as seen above, both the UMD and those who had served in the Republican army provoked

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Móstoles: 1976, p. 131.

[64] The following are some of the many legal analyses of this Act: G. DIÉGUEZ: "Ante una importante sentencia sobre amnistía laboral". *Revista de Política Social*, 118: 1978, pp. 131-43; J.E. DÍAZ TOVAR: "La amnistía del artículo 31 de la Ley 50/1977". *Civitas*, 40: 1983, pp. 537-48; M. IGLESIAS CABERO: "Breve comentario a la ley 46/1977 de 15 de octubre, sobre amnistía". *Estudios de Deusto*, 26: 1978, p. 133-45; LAN, ESTUDIOS JURÍDICOS: "Amnistía laboral: Una aproximación a su problemática". *Estudios Empresariales*, 41: 1979, pp. 36-9; F. SAINZ MORENO: "Efectos materiales y procesales de la amnistía". *Revista de Administración Pública*, 87: 1978: pp. 361-71; J.M. SÁNCHEZ-CERVERA: "La amnistía laboral en la Ley 46/1977, de 15 de octubre". *Revista de Política Social*, 117: 1978, pp. 197-211.

[65] As will be seen below, these were particularly significant in the case of the labor amnesty.

[66] In fact, only *Alianza Popular* (AP- the main right wing party) abstained, mainly because of its opposition to the inclusion of crimes involving bloodshed.

[67] In the words of Martín Villa: "Two questions remained completely unresolved and represented a legacy which we left to the socialists;: the members of the armed forces in the UMD and those of the Republican army". MARTÍN VILLA: *Al servicio...*, p.164.

the antagonism of the institution which had the greatest potential to put an end to democracy, and which, for this reason, could not be offended: the armed forces.

Although the approval of the amnesty was not seen only as a weapon in the fight against terrorism, it is nevertheless true that this extremely problematic factor was certainly a consideration when the Act was drafted. As Martín Villa recognized, despite these intentions, "the amnesty did not disarm terrorism. However, there can be no doubt as to its congruence with the democratic reform process. It restored the dignity of people who had been convicted of crimes of opinion by the previous regime and ended a period of painful exile".[68]

Parties, unions and social movements and the amnesty

In 1974, the main opposition parties were divided into two main coalitions. One, the *Junta Democrática* or Democratic Junta was led by the Communist Party, the other, the *Plataforma para la Covergencia Democrática* (Platform for Democratic Convergence), by the *Partido Socialista Obrero Español* (PSOE- the Spanish Socialist Party). Only in March 1976 would the two alliances merge in *Coordinación Democrática* or Democratic Coordination, a unitary body known as the "*Platajunta*". One of the principal motives behind the opposition's decision to join forces in this way was the wish to avoid the division and polarization which had contributed to weaken and delegitimize the democratic forces and the left throughout the II Republic. On the other hand, separately, neither the Communists nor the Socialists had sufficient strength or resources to put into practice their strategy of democratic rupture which was fundamentally based on mobilizations in the street. After a relatively unsuccessful general strike and the

[68] MARTÍN VILLA: *Al servicio...*, p. 164.

longest strike wave of the transition in January and February 1976 the opposition realized that joint action was needed against a government which did not seem to be moving towards democracy. Moreover, the left needed to be able to offer a different image to that which many remembered it had had in the 1930s, one which convincingly identified it with tolerance, dialogue and negotiation. The programmes of both the Democratic Junta and the Platform for Democratic Convergence included a general amnesty, and this would also be one of the main demands of the new Democratic Coordination.

Before turning to a more detailed analysis of the collective action in favor of a political and labor amnesty, we should briefly consider the general context in which this developed. We will concentrate on the labor movement and the overall evolution of its mobilizations.

Clashes between demonstrators and the police became increasingly frequent during the transition. Public events prohibited by the civil governors tended to be much more violent than those which finally obtained official authorization. A number of particular incidents resulting in death or injury among protesters had an enormous impact on popular mobilizations and influenced the changes introduced into the opposition's strategy.

In March 1976, Vitoria in the Basque Country was the scene of very violent clashes between the police and strikers who had occupied a church in order to hold an assembly.[69] Panic broke out when the police fired smoke bombs into the church in an attempt to force the workers out. Five people were killed in the chaos which followed these shots. The victims included both workers and demonstrators who

[69] As employers refused to allow workers to call assemblies in the workplace, these were often held in churches. Religious buildings were very often used for assemblies, meetings and occupations during the transition. This was partly because many of these collective actions were authorized, but also because the respect which sanctified ground was supposed to inspire in the forces of law and order guaranteed a certain degree of impunity.

had been amongst the hundreds who had witnessed the police action from outside the building. This was the tragic end to a series of strikes in the area that had begun two months earlier and which had been launched by workplace committees led, in most cases, by extreme left wing activists unconnected with the main union organizations.[70]

The alarm caused by the events in Vitoria provoked a reaction from both the government and the opposition. As we noted above, it was at the end of the month that Democratic Coordination was created, and it seems highly probable that the desire to avoid the repetition of similar incidents encouraged the different organizations to come to an understanding. The number of strikes also fell significantly, whilst those that did take place tended to be very different from the radical and revolutionary conflicts of the first three months of 1976.[71] The opposition's discourse became increasingly less radical as it tried to convince its supporters that, in practice, the rupture required moderation. The evolution of its strategy from rupture to reform was consolidated over the course of the year and eventually led to the signing of the Moncloa Pacts in October 1977.[72]

Although a large number of strikes were called during 1978, there was a marked decline in the number of working hours lost. Significantly, "these actions were not directed by political or union organizations, were economic in character,

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[70] According to Martín Villa, these actions had not been promoted by the "the large illegal organizations at the national level", but much more radical and maximalist "marginal organizations". MARTÍN VILLA: *Al servicio...*, p. 27.

[71] For the evolution of labor conflict during the transition, measured in the number of workers involved, see the graph in MARAVALLL: *La política...*: p. 29 This shows that participation in strikes fell notably between March and August 1976. Whilst it rose again in September, in general terms the downward trend continued until November 1977. A dramatic upturn began the following month and reached a climax in May 1978.

[72] For these processes see the very thorough study by J. TRULLÉN I THOMÀS: *Fundamentos económicos de la transición política española. La política económica de los Acuerdos de la Moncloa*. Ministerio de Trabajo y Seguridad Social, Madrid: 1993.

and may even be interpreted as an indication of the organizational weakness of the labor unions which often lacked strategic control of these actions".[73] According to the same author, whilst the parties and unions abandoned the strategy of mobilization, the number of workers who participated in strikes rose, even if these conflicts did not usually advance radical or maximalist political demands.[74]

Another incident which caused great alarm and which highlighted the potential for violence, in this case that of the extreme right, took place in Montejurra in Navarre in May 1976. During the traditional Carlist rally held in the town, violent clashes took place between followers of the two branches of Carlism, the left wing tendency led by Hugo de Borbón, and the highly reactionary variant headed by his brother Sixto. It was this group which began the violence which resulted in two deaths and a number of injuries.[75]

Meanwhile, the most dynamic and intense period of popular mobilizations in demand for an amnesty came in the first few months following the death of Franco. Different groups were responsible for a wide repertoire of collective actions which, in many cases, was the fruit of necessity, since protesters had to escape the constraints of the repressive legislation then still in force. Thus, alongside the classic forms of collective action such as meetings, assemblies, strikes, rallies, demonstrations, etc., this period saw the emergence of other types of protest which, in Spain at least, were much less familiar. These included the occupation of churches, long-distance marches, collective letters to the King, mass meals, hunger

[73] MARAVALL: *La política...*, p. 27.

[74] "The pressure from labor was always very intense, but there came a moment when it became largely disconnected from the strategies of the organizations and, moreover, hard for these to direct". *Ibid.*, p. 28.

[75] Carlism was a classic right-wing movement in Spain which rejected the liberal monarchy of Alfonso XIII in favor of the claims of the descendants of Don Carlos (1785-1855). Both before and after the Civil War, when the Carlist militia played an active role in support of the Nationalist cause, most of its strength was concentrated in Navarre.

strikes, etc.. On other occasions, protesters took advantage of major public events such as song festivals or local fiestas (such as those of San Fermín in Pamplona) to voice their demand for an amnesty.

The groups which promoted these actions were not always as cohesive as classical social movements, but often corresponded to what are now known as "new social movements".[76] In many cases, their initial enthusiasm was soon exhausted and their characteristic organizational weakness led to their eventual disintegration. These were groups which first appeared in the twilight years of the dictatorship which, although founded on strong ties of collective identity, proved incapable of surviving once certain political demands had been met. It appears that they needed to feed off a climate of constant mobilization in order to subsist, implying that they found it very difficult to survive the process of general demobilization, especially after May 1977. These were housewives' organizations, tenants' and neighbourhood associations, youth groups, and those formed by grass roots Christians, feminists, students, family associations, pacifists etc.. These and other *ad hoc* groups such as the *Gestoras pro Amnistía*, or Pro-Amnesty committees, mobilized, amongst other reasons, to win the freedom of all political prisoners.

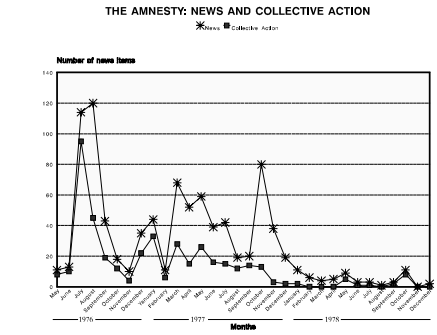
In many cases these groups defended the particular interests of their members as well as the general objective of a total amnesty. Some feminist and housewives' organizations demanded an amnesty for women condemned under the outdated and sexist Penal Code which allowed for women to be imprisoned for the crimes of adultery and desertion of the family home. Young people often demanded an amnesty for the conscientious objectors who suffered imprisonment. Many of the family associations consisted of relatives of political prisoners, and sometimes common criminals too, who sought an amnesty for the members of their families

[76] See the bibliography cited in note 10.

as well as changes in repressive legislation and improved prison conditions. The tenants' and neighbourhood associations which constituted one of the most active movements during the transition usually campaigned not just for an amnesty but also for more modest and concrete demands. These could include, for example, urban improvements in specific areas or measures to reduce the cost of living. Some of these movements, which would eventually join in the political mobilizations led by the main parties and unions, became very disillusioned when their individual causes were ignored and as they saw themselves displaced by political organizations which, after the first democratic elections of June 1977, no longer depended on their support. Equally, many of these groups lost their *raison d'être* when they achieved the objectives for which they had been created.

The first pro-amnesty demonstrations took place at the end of 1975. On 27 November the PCE called a public protest against the pardon and in favor of an amnesty. During the first few months after the death of Franco, the Communists, Socialists, neighbourhood associations and various other federations each convoked separate pro-amnesty demonstrations.[77] Given the rapid proliferation of political groups and social movements it was often also difficult to know who had convoked a demonstration or which political parties were behind which social movements.

[77] See the second volume of the thesis by ADELL: *La transición política*...: pp. 14-18.



Source: Author's own compilation of data obtained from the newspaper "El País".

The first two months of 1976 were the most active in terms of strikes and demonstrations in general, but not as far as pro-amnesty mobilizations were concerned. These reached a peak in July 1976, the same month in which the first

Amnesty Act was passed.[78] The demonstrations which took place in that month attracted much greater support since they were called jointly by the Socialists and Communists though Democratic Coordination and were backed at the local level by a number of smaller social movements.

The data contained in this graph has been compiled from the nine hundred plus references to reports on the amnesty which figure in the thematic indices of *El País* in the period running from the appearance of the paper in May 1976 to the approval of the Constitution in December 1978. The graph traces the evolution of news coverage of the amnesty in general, and within this, of those reports relating to collective action. It can be seen that the evolution of both indices is quite similar except in two periods, precisely those in which the Amnesty Acts were discussed and approved.

Regardless of whether they were organized by international organizations (Pax Christi, Amnesty International), neighbourhood associations, Christian movements (Justice and Peace), groups of lawyers or individuals[79], most of the first public acts in demand for an amnesty were forbidden by the local authorities (civil governors). Despite this, the organizers often attempted to carry out the planned protests. Given these obstacles, organizations frequently resorted to sending collective letters to the King setting out the reasons why they defended an amnesty. Protesters also took advantage of any event attracting large numbers of

[78] See Figure 1. For the data on the period up to May 1976 see, once again, *ibid*., II, pp. 14-30.

[79] Individuals were responsible for some of the most famous and tenacious initiatives. These included the priest José Mª Xirinacs, who for months spent ten hours a day outside the Modelo Prison in Barcelona in protest against the imprisonment of political prisoners. His campaign attracted a great deal of attention and was even imitated by others such as Francisco Cuervo in Murcia. Xirinacs, who was elected to parliament in the first democratic elections, developed a novel form of protest, standing throughout each parliamentary session until the approval of the Amnesty Act of October 1977. For these two cases see S.F. BALBUENA: *Xirinacs*. Antonio San Román Yribas, Barcelona: 1978; and F. CUERVO: *Diario de un mendigo de la paz*. Ediciones 23-27, Murcia: 1977. Other individual initiative towards the amnesty was undertaken by the playwright Francisco Arrabal.

people, such as bullfights, different kinds of local festivities, etc., to hoist banners calling for an amnesty and publicize the motives for their struggle.

The amnesty was one of the demands made in the "March for Liberty" through Catalonia which went ahead despite having been denied the necessary authorization and which was marred by a number of incidents. Following Suárez's appointment as prime minster, uncertainty grew as to the extent to which repressive legislation would actually be applied, and authorization of a demonstration, meeting or assembly came to depend on the arbitrary decision of the different civil governors. Supported by a large number of social movements, Democratic Coordination began to organize acts of mass protest in July 1976. These included the "Pro-Amnesty week" in which a wide repertoire of collective actions took place.

On the other hand, the extreme right attempted to organize an anti-amnesty demonstration in the same month and, immediately after the approval of the first Amnesty Act, a number of attacks carried out in different parts of Spain expressed these groups' opposition to democracy and reconciliation. Initially at least, many people were satisfied with this first step towards reconciliation, as they considered that the political situation allowed for little more. It was recognized that the Act was insufficient, but as an editorial of *El País* noted, many considered it "the best law possible, even if not the widest desirable".[80] It is nonetheless clear that this law did not satisfy some of the groups which had most actively campaigned for it, notably the different Basque social movements (Pro-Amnesty Committees, associations of the families of political prisoners, etc.), since the majority of the prisoners excluded from the amnesty were accused of membership of the terrorist organisation ETA.

The protests continued, above all in the Basque Country. Here, even some

[80] *El País*, 31 July 1976, p. 6

local councils mobilized in support for an amnesty, this despite the fact that these were still in the hands of authorities nominated by the dictatorship. In the rest of Spain, mobilizations also became increasingly frequent as the attitude of the new government revealed the existence of much greater scope for democratic action.

The frustration in the Basque Country continued to give rise to demonstrations calling for a full amnesty, as many had expected this to have come with the March 1977 Decree. In both the Basque Country and Navarre, May 1977 was a particularly bloody month, as the second "Pro-Amnesty week" ended with a toll of four dead. These violent incidents led to a deterioration of the situation, as tension rose and fears which had previously lain dormant now began to stir.[81] In the same month the government offered to free the Basque prisoners through their extradition to other countries. Whilst this did not satisfy all those concerned, it did encourage the nationalist parties to reconsider their decision to boycott the elections. Various Basque groups threatened new mobilizations or other types of actions if the government did not liberate all the prisoners.[82]

It appears that the government, under pressure as it was from the right and the military, secretly promised the opposition that a much wider amnesty would be enacted after the formation of the first democratic government. This could only be achieved if the left and Basque nationalists contributed to cool down the

[81] This is hardly surprising if it is remembered that the first six months of 1977 were plagued by violent incidents. In January and February there were three mortal victims among pro-amnesty demonstrators, the first in Sestao (Bilbao) and the other two in Madrid. There would be a further death in March, the prelude to the four victims of protests of this kind which took place in May. On the other hand, January 1977 saw the assassination of five labor lawyers in their office in the Calle Atocha in Madrid. On various occasions it has been noted that the moderate and peaceful attitude of the PCE in the funerals for its murdered members was what convinced the government, and an important part of public opinion, of the democratizing and cooperative disposition of the Communists, who were legalized only three months later. Finally, it also should be noted that the police also suffered losses, as five policemen were killed in the same period.

[82] At least 65 Basque mayors threatened to resign if all the prisoners were not finally released, and the Pro-Amnesty Committees announced a new week of protest if the same objective was not obtained.

political climate and confer democratic legitimacy on the forthcoming elections. From June onwards most of the opposition withdrew their support from the new mobilizations called in the Basque country. In this way they sought to disassociate themselves from the radical nationalists as the elections drew near. Moreover, once the new democratic Parliament had been formed the opposition parties could hope to benefit from supporting the enactment of a bill as popular and symbolically charged as a full amnesty. The new "Pro-Amnesty Week" in the Basque Country attracted very little support and took place in the midst of constant calls for calm and peace from the parties and unions in the region.

The Pro-Amnesty Committees and other radical social movements did not back the calls for an amnesty made by the parties represented in parliament after the elections. In September 1977 the Communists[83], Socialists[84] and Basque and Catalan nationalists presented a joint motion proposing an amnesty. The *Unión de Centro Democrático* (UCD- the center-right party led by Suárez) government declared its willingness to discuss the motion, and presented its own amnesty bill the following month. This was much more limited than that proposed by the other groups since it did not include the labor amnesty or the reincorporation of members of the Republican armed forces and the UMD. The opposition was

[83] The PCE declared that it was "the first to raise, more than twenty years ago,...(...), the need for an amnesty for all the prisoners and exiles as well as for the elimination of all civil and criminal responsibilities for acts committed during the Civil War and afterwards by the two opposing sides. An amnesty for all political crimes, without exception, which would permit national reconciliation and the coexistence among all Spaniards and would definitely bury the hatreds of the civil war..." S. CARRILLO and S. SÁNCHEZ MONTERO*: Partido Comunista de España*. Albia, Bilbao: 1977, pp. 80-81.

[84] According to the PSOE, the amnesty "should be seen as reflecting the will to overcome past history, or in other words, the desire to overcome the civil confrontation which was dramatically made manifest in the Civil War". And it went on, "a delay in the concession of a full amnesty so widely demanded and desired by the majority of the people of Spain, and in particular by regions such as the Basque Country, so heavily affected by discrimination, each day threatens to lead to violent tensions in society as a whole". F. GONZÁLEZ and A. GUERRA: *Partido Socialista Obrero Español*. Albia, Bilbao: 1977, pp. 83-84.

initially undecided between initiating new mobilizations to put pressure on the government or continuing private negotiations on the bill. Eventually it opted for the second strategy, a decision which, above all in the case of the PSOE, led to clashes with some of the Basque Pro-Amnesty Committees. The Congress eventually passed the second Amnesty Act[85] in a vote in which only Alianza Popular abstained.[86]

With the new Act finally approved, nearly all the political prisoners were able to go free, even if those who had committed crimes involving bloodshed committed after the democratic elections were not affected by the amnesty. However, this did include the labor amnesty. Yet, as many union leaders and jurists complained, the wording of this part of the text was so vague that it was virtually impossible to put into practice. The issues raised by the application of the amnesty in the field of labor relations are too complex to consider in detail here. However, it should be noted that the Act did not establish fines or other sanctions which might have obliged employers to comply with a law which they had always vigorously opposed. The employers maintained that the obligation to readmit those who had been dismissed in accordance with earlier legislation constituted a violation of their contractual freedom. Equally, the Act did not resolve the question of what should be done with those had been taken on to replace sacked workers and who would now be superfluous to employers' requirements. Finally, they also

[85] For a description of the parliamentary debates on this Amnesty law see AGUILAR: *Memoria y olvido...*, cap.3.

[86] Public order and social peace, both understood in a rather narrow sense, were the principal priorities of the Spanish right. Although AP leaders declared that "peaceful coexistence in a democratic system could only come through national reconciliation", they were very worried by the possibility that an excessively wide amnesty might give rise to "belligerent" attitudes by those seeking "revenge". This was why they always opposed any amnesty which included crimes involving bloodshed, despite their awareness of the legal precedent set by the Francoist amnesty of 1939. On the other hand, they rarely disguised their hostility towards the pro-amnesty mobilizations, declaring that on some occasions these only sought to disturb public order. Moreover, they insisted that the amnesty could not come as "the consequence of weakness, blackmail, or the loss of control of the street". M. FRAGA IRIBARNE: *Alianza Popular*. Albia, Bilbao: 1977, p. 75.

argued that the serious economic crisis in which the country was immersed scarcely constituted the most appropriate moment to impose measures of this type.

One of the reasons why sanctions were not established for those employers who refused to comply with the Act was that there was a desire to avoid the climate of polarization and confrontation which had existed in the II Republic. In 1936 the Popular Front government[87] had approved a labor amnesty and, as De la Villa and Desdentado note, "the employers' opposition to the Decree of 29 February 1936 was absolute, and in order to overcome this the Government delegated its application to professional commissions and established a system of administrative sanctions. Yet the resistance continued and the Decree of 15 June 1936 already revealed the character of the confrontation between employers and the government (...). The following month the Civil War broke out".[88]

Very few workers were in fact readmitted to their jobs as a consequence of the October 1977 Act. Indeed, the government had only agreed to include this clause because it was aware that it would prove very difficult to apply and in order to secure the unions' support for the Moncloa Pacts, which were signed scarcely ten days after the new Act was approved. The cooperation of the unions was crucial if these Pacts were to be successfully applied, since they required major sacrifices from the workers. In exchange for these economic agreements, the Pacts offered the unions a series of political and social improvements, and the labor amnesty can be considered a down payment on these.

Conclusions

[87] The coalition of left wing and republican parties which won the last elections of the II Republic held in February 1936, four months before the outbreak of the Civil War.

[88] DE LA VILLA and DESDENTADO: *La amnistía*..., p. 29.

In general terms, after the approval of the first amnesty in July 1976 there was a significant fall in the level of mobilizations but an increase in the number of news reports on the subject. The same would be true after the enactment of the Amnesty Act of October 1977. The extension of the 1976 Amnesty Act in March 1977[89] marked the beginning of a consistently downward trend in collective actions in demand for an amnesty. This became more pronounced after May 1977 in the wake of the legalization of the PCE and the deaths of at least seven pro-amnesty demonstrators, including four in the month of May alone. These were the last fatal victims of pro-amnesty mobilizations.

Once the opposition had achieved democratic legitimacy and parliamentary representation, the incentives for popular mobilizations declined significantly. This was particularly true after the approval of the October 1977 Amnesty Act and the signing of the Moncloa Pacts in the same month. The opposition's principal concern then became to contribute to the creation of a social climate which would favor economic recovery and not provoke the armed forces, which was already sufficiently tense as a result of both the terrorist attacks they suffered and regionalist demands. This explains the consensus on the left to temper the demonstrations from December that year. One newspaper reported that both the PCE and the PSOE were convinced "of the need to avoid at all cost the tensions resulting from popular mobilizations and demonstrations, even if this means restraining them, although it is not expected that these restrictions will take the form of concrete measures."[90]

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[89] The average number of news items on the amnesty was 45.5 per month in 1976, 41 in 1977 and only 4.8 in 1978. Of the total of 913 reports or articles on the subject, 42.2% referred to different types of collective action. This figure was 59% in 1976, 31% in 1977, and 32% in 1978.

[90] *El País*, 10 December 1977, p. 9. These declarations were basically directed towards the extra-parliamentary groups which had not accepted the Moncloa Pacts and which, according to the PSOE and PCE, sought to "use the mobilizations to create a tense climate".

One might ask why this period saw the emergence of so many social movements capable of sustaining so many popular mobilizations. On the one hand, there were many Spaniards, above all among the most educated, who were unhappy with the Francoist dictatorship and who sometimes demonstrated their discontent publicly, even though it should be noted that wide sections of society were relatively satisfied with the regime. On the other hand, it is often the case that in periods such as transitions from an authoritarian to a democratic regime, characterized as they are by so many uncertainties, social actors are able to take advantage of the lack of definition of the rules of the game and the greater permissiveness of the political authorities. According to Sidney Tarrow, "ordinary people rush into the streets or stay at home in response to the political opportunities they perceive and the values they think will be gained by collective action".[91] And this author argues that regime changes are particularly appropriate moments for social mobilization, since "changes in the political opportunity structure create incentives for collective actions".[92]

Those who mobilize are always outnumbered by the people who stay at home.[93] Yet given that this period followed a dictatorship in which political apathy and fear of repression and political violence had predominated, is it highly significant that so many groups now managed to mobilize sectors of society which had traditionally abstained from public acts of protest.

The political amnesty was considered by many to be the *sine qua non* for the establishment of democracy in Spain, the foundation stone for the symbolic

[91] S. Tarrow: "Mass Mobilization...", p. 206.

[92] S. TARROW: *Power in Movement...*, p. 6.

[93] According to a poll carried out by the IOP-CIS in 1977, only 4% of the population stated that they had recently participated in "any congress, meeting, demonstration or lecture connected with a political party or politics in general". These figures are taken from *Revista Española de Estudios Políticos*, 48: 1977, p. 426.

reconciliation between the victors and vanquished. It represented an attempt to put an end to the repressive consequences of the dictatorship, not only by freeing the political prisoners and ensuring the restitution of their economic and employment rights, but also by modifying the labor and criminal legislation which had led to their imprisonment. Only then would the democratic opposition be convinced of the democratizing resolve of a government which had emerged from within the Francoist regime. In order to achieve an amnesty, the government had to overcome the opposition this aroused among the military and civilian right. It could count on the support not only of popular mobilizations, which produced more reticence than confidence in these two groups, but also on that of a significant part of the Catholic Church.

A number of factors explain the calls for demobilization issued by political parties and unions. They certainly should be seen as a consequence of the symbolic reconciliation brought though the October 1977 Act, and the opposition's overriding concern to consolidate a democratic process which was threatened by a serious economic crisis. However, even more important was the lesson derived from the memory of the constant conflicts during the II Republic. For these taught them that neither permanent mobilizations nor political intransigence helped to stabilize a regime threatened by a world economic crisis. The discourse of the left had initially been favorable to cautious, self-contained and peaceful mobilization but later supported demobilization. In addition, all this accorded with the interests of other collective actors who were equally obsessed with the possibility, however remote, of the Civil War repeating itself.

There can be no doubt that many gained from the demobilization. First, there was the government, whose capacity to control the situation had been questioned and whose legitimacy had suffered, logically, in a climate of profound social unrest. Second, as we have already noted, there was the left, and above all the PCE, which was anxious to demonstrate its conciliatory disposition in order to

avoid being marginalized in the political negotiations and to belie the fears it aroused among a large part of the population which, with greater or lesser success, had been socialized under the dictatorship. Third, there was the right, whose main priority has traditionally been to preserve public order and whose fears were confirmed by the political and labor mobilizations during the first months of the transition. Fourth, and for obvious reasons, were the armed forces as a whole, as it was they who suffered most directly from the terrorism of the period. Fifth, the employers and bankers, who were worried about how a climate of generalized mobilization might affect investors' confidence and hence the development of their businesses, above all in the midst of a profound economic crisis. Sixth, both the United States of America and the European democracies, who sought to avoid the repetition in Spain of a "Portuguese-style" transition. Finally, Spanish society as a whole benefitted from the demobilization. In both their political behavior (in demonstrations, in the referendum on Political Reform, in the first general elections) and in polls, the Spaniards had repeatedly demonstrated their wish for moderation, for the preservation of social peace, and for the progressive reformism of, rather than a radical rupture with, the Francoist system. Thus, the process of demobilization was to a large extent driven by fear, but it was also supported by the various political and economic actors who hoped to gain from it.

The collective fear which favored demobilization in this period can be broken down into three successive phases. The "immediate" fear was that which demonstrators felt when confronted by repression and police violence. Bearing in mind the number of deaths and injuries which occurred during the mobilizations in the first years of the transition, this fear would appear to be fully justified. The "short- and medium-term" fear consisted of the possibility that the army, feeling itself provoked by public disorder, terrorism and the peripheral nationalisms, would opt for a coup d'état, just as it had done so many times before over the course of Spanish history. Finally, the "long term" fear, which was the most

serious of all, was that the process would fail and that this would lead to another confrontation among Spaniards. Many people thought that if the mobilizations persisted further clashes would occur between demonstrators and the police that could arouse the extremist groups at both ends of the ideological spectrum, just as had happened during the II Republic. All this could have generated a climate of polarization and disorder in which the military would feel the obligation to intervene, so provoking a new civil war in Spain.

As a result of the profound processes of social and economic transformation which had begun in the previous decade, the structural conditions of the 1970s meant that a fratricidal conflict was much less likely than it had been during the II Republic. However, the actors had a very different perception of the situation, as the presence of a traumatic memory of the Civil War led them to act on the assumption that, if certain forms of behavior and institutions from the past were not avoided, the war might break out again.[94] It is true that this conflict had not

[94] A number of authors, including William Gamson and José Álvarez Junco, criticize those who attempt to explain variations in collective action in terms of structural conditions rather than cultural variables, W.A. GAMSON: "Political Discourse and Collective Action". *International Social Movement Research*, 1: 1988, pp. 219-44; ÁLVAREZ JUNCO: "Movimientos sociales...", *passim*.. In this paper I defend an intermediate position of the type Tarrow adopts with respect to this dilemma,

been the inevitable and automatic result of the mobilizations of the II Republic, but many perceived these to be the most immediate historical antecedents. And this perception played a crucial role in the deactivation of collective action during the transition forty years later.

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as I consider that not only are both types of explanations not necessarily contradictory, but that they may well be complementary. Structural conditions favor or inhibit public acts of protest, yet the particular form which these take is usually also influenced by the traditions existing in each society, its values, symbols and memory. On the other hand, it is also true that the fact that certain types of mobilizations take place and not others depends on the instruments available in each society at any given time and on the level of police repression, that is, on structural variables. Finally, although actors do not define their interests with total precision and exclusively on the basis of objective information, it cannot be denied that all individuals, social movements, interest groups, or political parties tend to act in accordance with what they perceive as bringing them the great possible benefit, this understood in a very wide sense. It is not surprising that governments, the armed forces, employers and bankers in all countries usually favor social demobilization.