

Democracy Without Justice in Spain: The Politics of Forgetting. By Omar G. Encarnación. Philadelphia: University of Pennsylvania Press, 2014. Pp. 256. US\$65, £42.50 Cloth and Ebook.

Although political theorists and policy experts alike once considered Spain's transformation from dictatorship to democracy exemplary, over the past two decades, the Spanish model of elite pact-making and public silence about past human rights violations has largely fallen out of favor. Through an examination of Spain's successful consolidation of democratic legitimacy, Omar G. Encarnación's new book challenges us to reconsider some of transitional justice's foundational principles. In seven chapters of meticulously detailed political history, Encarnación contests "the assumption that coming to terms with the past, through retribution and/or reconciliation, is a prerequisite or precondition for successful democratization" (16). Contrary to prevailing ideas of democratic transition, the book argues that local conditions may necessitate a politics of forgetting in order to achieve a stable and legitimate democracy in the wake of authoritarian violence.

The book proceeds chronologically from the political decisions that shaped the late-Franco period to the 2007 Law of Historical Memory. Chapter one provides a historical background of the Spanish Civil War and the Franco dictatorship's bloody repression. Encarnación carefully scrutinizes Franco's "manipulation of Spanish history, aimed to confuse and obscure the facts about the Civil War" (42). On the eve of the 1978 Constitution, he argues, the population had largely adopted the dictatorship's often-warped historical narratives.

Encarnación details the contours of the tacit Pact of Forgetting and situates it within the context of Spain's democratic transition in the second chapter. This unwritten agreement amongst political elites sought to eliminate public discussions of Spain's conflictive past, particularly in the political arena. Although he is not explicit about it, the wealth of historical data provided in this chapter runs against the grain of many Spanish historians, who have written about the Pact of Forgetting either as a pragmatic sacrifice of leftist politicians or as a collective decision not to forget the past, so much as to not let it effect the nation's future. By contrast, Encarnación convincingly demonstrates that socialist, communist, and regional leaders alike sought to achieve amnesia through political amnesties (70-73). He develops these insights into the political left's embrace of forgetting in chapter three, through an examination of the 14 years of "*la desmemoria*" (the disremembering) under Spain's socialist government (78). Coming to power shortly after an unsuccessful military coup in 1981, the Socialist Party focused its limited political capital on reforming the army, deepening democracy, passing social reforms, and forging a European identity. For the Socialists, reexamining the past was neither practical nor a priority. This avoidance of historical injustices was exemplified in the muted ceremonies that marked the 50th anniversary of the Spanish Civil War in 1986.

In chapter four, Encarnación examines the complicity of civil society in maintaining the Pact of Forgetting. Despite a post-dictatorship boom in civil society, and in contrast to most other democratic transitions, non-governmental groups played little role in shaping the secretive, elite-driven political process. Encarnación ascribes this peculiar feature of the Spanish transition to a mix of social-psychological, economic, and rational-political factors. In part, he attributes the curious absence of independent mobilization around past crimes to the internalized shame of victims and the perpetrators' fears of retribution (111-112). A second factor cited is the rising

standard of living that marked the late-Franco period. Finally, Encarnación weaves in the secretive pact-driven nature of the democratic transition to show the ways political decisions curtailed the rise of a more robust civil society.

Chapters five and six trace the dramatic collapse of this Pact of Forgetting in the late-1990s and 2000s. Encarnación identifies the attempted prosecution of Chile's Augusto Pinochet in Spain as the watershed moment. The parallels between the Franco dictatorship and the Chilean one are striking: both autocrats led military uprisings against democratically-elected governments, followed by a program of political repression and successful economic reforms. It is for this reason, that Encarnación understands the Pinochet affair as an act of "political projection" on the part of the Spanish left (134). Regardless of its conscious or subconscious cause, the controversial decision to issue an arrest warrant for Pinochet effectively shattered the Pact of Forgetting, catalyzing a wave of civil society movements from those seeking to apply the same standards of historical accountability within Spain. Most notable amongst these groups was the "historical memory movement," which seeks to locate, exhume, and honor the over 130,000 victims of Franco's repression still buried in mass graves.

The political results of this memory boom are examined in chapter six. The Zapatero administration's attempts to reexamine the four decades of dictatorship amounted to what Encarnación calls a "second transition" (206). The 2007 Law of Historical Memory was the culmination of a series of acts designed to alter the nation's relation to its past. Although, in light of developments since the completion of the manuscript, some of the claims made in this chapter – especially those about how the law would reduce the controversy surrounding historical memory in Spain – appear hasty (a risk inherent to writing about contemporary events), Encarnación's impressive analysis of national polling data nonetheless shows that everyday Spaniards find the issue significantly less troubling than do politicians.

The final chapter compares this case study to other late-20th Century democratic transitions. Encarnación argues that Spain's successes in ushering in a democratic state garnered it legitimacy amongst its citizens. This includes the decision amongst political actors to forget the past, rather than to pursue public reconciliation or retributive justice, which he argues was key to the transition's success. Therefore, he recommends that transitional justice principles ought to more often give way to domestic concerns. In some cases, he suggests, transitional justice can even be a hindrance to democratic consolidation.

While there is no denying this book's significant contribution to Hispanists and human rights scholars alike, there are areas that could have benefitted from a deeper engagement with recent transitional justice scholarship. For instance, the conception of democratic legitimacy presented in this book appears to be limited to whether or not the citizenry express approval of their founders. While he is quick to note the pain caused to victims who were prevented from exhuming and reburying their loved ones or the worrisomely large segment of Spain that maintains positive views of their dictatorship, these are treated more as unfortunate quirks than as challenges to the legitimacy of the Spanish state. Moreover, the book too often focuses narrowly on the "one-size-fits-all model promoted by the transitional justice movement" (207), rather than engaging with more recent trends toward victim-centered and locally inflected models of democratic transition. As a result, some of the important challenges this book raises

for transitional justice scholarship remain implicit within the text. But scholars within the field would still do well to engage with Encarnación's timely political and historical analyses.

Despite these minor flaws, those who enter with a solid foundation in recent transitional justice scholarship will find that the book troubles some of the field's most basic assumptions. Encarnación makes a convincing case that forgetting the past played a critical role in the Spanish transition to democracy and that the majority of Spaniards express approval of the process of democratic transition. Moreover, his careful attention to the intentions of the various actors involved in the Spanish transition constitutes a major contribution to understanding a period of history that remains controversial and subject to politically-motivated revisionist accounts. The very readable prose and clear argumentative structure of this book likewise make it a worthy addition to any syllabus that considers democratization. And the highly detailed account of the Spanish politics since the death of Franco make this a must-read for anyone interested in contemporary Spain, memory studies, and liberal politics.

JONAH S. RUBIN

The University of Chicago