

⇒ Spain, Europe, Memory and the Recuperation of the Past

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The topic of the recuperation of the historical memory is one of the most relevant political phenomena in the recent debates in Spain, which refers not only to academia, but to the media and the public as well. Background of the debate is Spain's history in the 20th century: In 1936 a military uprising, directed to overthrow the legally elected democratic government of the Spanish Second Republic, started a three year Civil War that ended in the defeat of the Republican government. The insurgents around general Franco supported the preservation of tradition, and were aided in turn by the landowning, conservative elite as well as the Catholic Church who had controlled Spain and who feared the secularization and democratization of Spain by the Republic. At the end of the conflict Francisco Franco, strongly supported by the German and Italian army, assumed the leadership of the country, 500.000 Republicans went into exile and were interned in France under unspeakable conditions while Franco formed a long lasting dictatorship in the middle of Europe that lasted until his death in 1975.

This prolonged stay was the direct result of the politics (or lack of them) of a systematic suppression of the Spanish people. After Franco's death, during the years of transition, the body of a democratic state very slowly emerged from the slumber. Many Spanish intellectuals, artists and historians were finally able to come to terms with their muted past. But it was not until the decade of the 1990's that the real debate about the Franquist years started. In this context most of the reviewed books are placed.

The best-known examples of the transitional process are the trial of judge Garzón and the campaigns to open common graves to identify the remains of those extra-judicially murdered by Francoist forces both during and after the war, the campaigns for recognition and compensation by those used as forced labor by the regime and by the stolen children of Republicans who grew up adopted in insurgent families. The so called *Ley de extensión de derechos a los afectados por la Guerra Civil y la dictadura* (Extended law for the rights of affected of the Civil War and the dictatorship), also known as *Ley de Memoria Histórica* (Law of Historical Memory) that was passed by parliament on December 27, 2007 under the presidency of the socialist José Luis Rodríguez Zapatero is finally first time officially considering the victims of the Civil War of both sides. Despite the fact that the law is weak, incomplete, deformable, arbitrary and in compliant it is a first step in the right direction. Sure enough, the law is disliked by almost everyone: for the left it doesn't go far enough, for the right represented by the Partido Popular of the current president Mariano Rajoy it represents the opening of a dangerous conflict and prevents an obstacle in the democratic transition.

In the maze of the new debate in Spain and the general memory boom the small book *Diccionario de memoria histórica. Conceptos contra el olvido* (Dictionary of historical

memory. Concepts against oblivion) edited by Rafael Escudero Alday (Madrid: Libros de la Catarata 2011) is a valuable introduction or guide into the topic of the memory debate in Spain not only for academics but also for the interested general public. The aim of the editor shows already in the title “concepts” against the forgetting” and is clearly in favor of the ongoing recuperation of the historical memory. His goal is “the construction of a civic-social identity and a corresponding citizenship with the culture of legality, democracy and human rights, based on reevaluating the valor of the Second Republic and the memory of those who defended her.” In consideration of the fact that officially financed publications (5,8 million of Euros) like the *Diccionario Biográfico Español* of the *Real Academia de la Historia* are still partial in their approach, the clarification of the concept of historical memory is more necessary than ever. As opposed to Germany where the recuperation of the historical Nazi past is almost celebrated automatically, the Spanish case still has a great backlog demand and there remains a lot to be explored, clarified and discussed.

Thus, the editor gathered contributions of 19 specialists that deal with different aspects of the debate in order to provide a clear idea of the concept of the historical memory and its possibilities in the future. In four sections the book defines the context and the principles of the topic: (1) Pieces of memory, (2) Contexts of memory, (3) Politics of memory, (4) Memory and the fight against impunity. Historians, journalists, philosophers, lawyers, medical scientists and artists inform in short, clearly arranged and readable articles about their area of competence.

The first part introduces the reader into the philosophical and historical background of the concept of historical memory. The first subchapter by the philosopher Reyes Mate considers memory as a moral debt and contextualizes the origin of “moral debts” within the work of Walter Benjamin, Nazism and Auschwitz, Theodor Adorno, and finally Primo Levi. It traces the debts within the suffering and the holocaust to construct a society free of barbarism. The second subchapter by the lawyer José María Sauca Cano “The right to memories” (*Derecho a la memoria*) justifies the existence of enforceable laws to citizenship against the public powers by categorizing four basic rights: the right to moral reparation, the recuperation of individual and family memory, the general declaration of the illegal structure of repression in Franquism, the right to property restitution and the right to know what happened to disappeared family in the form of access to information in archives, registers etc. Francisco Ferrándiz, cultural anthropologist, explains the historiographical concept of “Places of Memory” that was invented by Pierre Nora and defines some places of memory like the *Valle de los Caídos*. The last subchapter by Mirta Núñez builds up on the former chapter, makes a recourse to the (short) history of the attempts to recover the historical memory in Spain, analyses the “Law of Historical Memory” and describes the form the process has taken in theater, music and cinema for example.

The second part (Contexts of memory) is explaining concepts like “Repression” (by the historian Francisco Espinosa Maestre), “National Catholicism” (by the legal historian Sebastián Martín), “Transition” (Ariel Jerez), “Amnesia” (by the lawyer José Antonio Martín Pallín), “Impunity” (by the judge Ramón Sáez Valcárcel) and “Movement to recuperate the memory” (*Movimiento memorialista*) (by the journalist Emilio Silva Barrera). They include the definition of concepts like exhumations, disappeared persons, transitional justice etc. that are commonly used in the debate and explain the reasons for

the shortcoming of the legal situation as well as the background of the historical and social acceptance of the Law of Memory or the missing reparations for victims of the Civil War as well as the arbitrary treatment of the “reparation cases” in the limited form as the reparation is provided by the law.

The third chapter is dedicated to the public and political manifestation of memory. The forensic doctor Francisco Etxeberria Gabilando dedicated his article to the exhumation in a scientifically and legal respect. The editor himself treats the process of nullifying the sentences of courts and military courts in the dictatorship that violated human rights, even though the right is often not much more than a symbolic gesture that reestablished the dignity of the victims. The next article by the historian Luis Castro Berrojo treats the question how Franquist symbols like street names, statues etc. are treated in the democratic Spain and recommends the introduction of new laws to regulate the cases, since every single decision is too often highly controversial. The archivist Antonio González Quintana researches the so called “pact of silence” and how it contributed to the forgetting and sometimes the disappearance of historical sources about the repression in the Franquismo and thus deals with the principle right to have access to information in these cases.

The last bloc of the four chapters is dedicated to the fight against impunity and thus covers the legal situation of international law. The lawyer for international law Javier Chinchón Álvarez talks about the transitional justice. Based on the *Ley de Amnistía en la Transición* a legal possibility for starting a process of transitional justice theoretically existed. But according to the author the processes never gained the momentum to rehabilitate the former victims and to keep them from being forgotten. Neither penal persecution nor the South African model of the truth commissions work(ed) in Spain, thus the process of the transition to democracy functioned as one of the few countries in the world without the instrument of transitional justice. The attorney Hernando Valencia Villa contradicts the thesis in stressing that the victims of crimes against human rights are clearly recognized by the international law. On the other hand he does agree with Chinchón that in the light of international law great defects remain in the Spanish case. The last three subchapters by Margalida Capellà, Carmen Pérez González and finally the journalist Montse Armengou focus on the analysis of special crimes, the ones against humanity, against the practice of letting people disappear and finally against the theft of children in Franquism. They treat the history and the legal background of these grave crimes and also stress that the Spanish society is still in the process of transition and appears to be not yet ready to accept the full extent of the crimes committed in Civil War and the following dictatorship.

In this sense the dictionary appears to be an instantaneous inventory of a process of coming to terms with its past in a country that is partly still hesitant to face its own past. The plurality of the contributors and their different, especially legal perspectives on the topic make the dictionary a versatile tool into understanding the process or the hindered process of uncovering the historical memory in Spain as first introduction into the topic.

The book *Represión política, Justicia y Reparación. La Memoria Histórica en Perspectiva Jurídica (1936-2008)* edited by Margalida Capellà and David Ginard (La Palma: Edicions Documenta Balear 2009) is also directed towards the academic and the general public and thus altogether designed to be accessible and readable but leads deeper into the topic than the above-mentioned dictionary does. The authors are interdisciplinary

and inform in six chapters about the historical and legal background of the current debate in Spain, the Second Republic, Civil War, dictatorship and the transition. As opposed to many publications that claim interdisciplinarity, this anthology does its job well, it combines the competence of historians and the necessary practical approach of lawyers. Historians provide the historical background with the newest available data and sources, while the lawyers do manage to write without legal terminology and explain legal concepts and processes clearly and understandable. As opposed to the more simple outlay of the above mentioned dictionary of Rafael Escudero Alday it does also provide a summary of the amount of new titles and literature that is appearing constantly (and that is a blessing) in the area of the process of coming to terms with its past. Thus this book serves the academic public maybe better than the introduction of Escudero Alday.

The first and third chapters on “The Franquist repression during the Civil War” and “Memory and Forgetting of the Civil War” are by the historian Pelai Pagès, professor at the university of Barcelona. In the first chapter he describes the apparatus of repression Franco created and manages well to cover the amount of literature recently published while carving out the newest thesis and opinions in this area. In his second contribution he builds up on the work of Paloma Aguilar who has worked memory from early on in Spanish academia¹ and researches the Catalan collective memory.

The second chapter by the historian David Ginard analyses the repression of the defeated based on his earlier book on the same topic.² In his chapter he refers among other things to the memory studies by referring to some places of memory like concentration camps and prisons for example and gender specific questions as well as the small movement of resistance as well as to the reasons why a strong resistance did not develop.

The fourth chapter by Alfons Aragonesé opens the second part of the book that is dedicated to the legal aspects under the repression. He analyzes the law in the time of Franquism and its development until 1978. He stresses how the law was instrumentalized to create the dictatorship, which he characterizes as a rule of injustice in a permanent state of exception that is still extended into the missing recognition of the Spanish system of justice and politics until very recently (p. 124) and still finds nowadays in the limitations of the *Ley de la Memoria Histórica*.

As opposed to the above-mentioned dictionary of Escudero Alday whose authors could build up on already existing work, the author of the next chapter, Margalida Capellà is doing pioneering work by contextualizing the legal perspectives within the international law. She describes the legal situation of the international law in terms of human rights from 1936 through 2006 and thereby stresses the instruments it provides for the solution of the transitional process to democracy, the reparations and the general recognition of the victims.

The last chapter by Javier Chinchón also is pioneering into a new area; he compares the models of criminal persecution and transitional justice within the Latin American context. He stresses the great importance of the examples of transitional justice on the

¹ Paloma Aguilar Fernández: *Memoria y olvido de la Guerra Civil*. Madrid: Alianza, 1996; idem: *Memory and amnesia: the role of the Spanish Civil War in the transition to democracy*. New York: Berghahn, 2002.

² David Ginard i Féron: *La represión contra los vencidos y resistentes en la posguerra española (1939-1948)*. Palma de Mallorca: Documenta Balerar, 2006.

American continent for the process in Spain by analyzing the three legal categories of factual impunity, amnesty and acts of grace.

While the single chapters are very strong, a stronger introduction of the editors would have been appreciated in order to bring together the results of the single chapters in a bigger picture. But despite this the book is an excellent work of reference for academics and everybody interested into the process of the recuperation of the historical memory in Spain, not only from a political or historical perspective, but also a legal and international one.

Nina Elsemann dedicated her historical thesis *Umkämpfte Erinnerungen. Die Bedeutung lateinamerikanischer Erfahrungen für die spanische Geschichtspolitik nach Franco* (Frankfurt/M./New York: Campus Verlag 2011) to the process of recuperation of the Spanish Republican memory and the memory of the defeated in an international context. Instead of viewing the process of letting people disappear only in the national context, the author compares the practice basically between Spain and Argentina and thus goes once again one step deeper into one specialized field than Javier Chinchón has done in his pioneering chapters as mentioned before.

The author's main thesis is that the discourse about the wide spread use of the word *desaparecidos* started in Argentina, was transferred to Spain and mainly influenced the historical debate on memory in Spain in the last decade. In fact, the Spanish debate, so Elsemann, was less originated by an original debate within Spain but by the Latin American process of coming to terms with its past and the practices used to overcome it. By the analysis of the use of the term *desaparecidos* in five Spanish newspapers in between 2000-2010 she points out how the term was transferred, used and adapted to the Spanish context and thus places the Spanish debate within the international, global dimension.

Many facts Elsemann is describing are already known, especially through the work of Walther Bernecker, and in Argentina through an extensive amount of work on memory culture done in the last decades. More special is her work because she connects these debates and uses a comparative approach of the memory discourses in Argentina and Spain and thus avoids the national perspective most research on memory still relies on. In her first chapter she summarizes the short history of "letting people disappear" in the Latin American context and how the term developed slowly also into a legal term. She discusses the "case Pinochet" and its impact on the process of coming to terms with its past in Spain. The next chapter addresses how the Spanish society addressed its own past in light of the Pinochet case. The third chapter researches the new discourse of victims in the way how the past was finally addressed and dealt with in Spain and presents the central actors in the process of the Argentinean experience. The last chapter finally broaches the issue of the recent public Spanish debate on their Civil War Past and the Francoist dictatorship.

The book is well written and makes an easy reading, often it has more the touch of a political science than a historical dissertation, if nothing else because of the chosen contemporary time frame of the last decade and the newspaper database used for the research. The author considers well balanced the liberal and the conservative positions in the light of a necessary process of coming to its past in Spain. Welcome would have been a more extended study on the legal models used or not used within the process the author describes to round the picture.

The study is a good example of research on global issues and their interwindness of discourses. Elsemann proves not only influence, exchange and national adaption of dis-

courses around the *desaparecidos*, shows the reciprocal processes between Latin America and Spain but directs the reader to realize that on memory Latin American discourses and use have influenced understanding, processing and thought on memory in Europe. Furthermore the credit of Nina Elsemann's work is its interdisciplinary approach on area studies designed to open the historical science to current relevant debates in society.

The book *Memoria del Franquismo* by Ramón Cotarelo (Madrid: Akal 2011) is treating the same questions as the books mentioned above. Different than they do, the book is not written for the academic public.

Ramón Cotarelo is a political scientist of that generation who lived most of its youth under the dictatorship of Franco. His book does not offer anything new in terms of historical research (he does not claim to), but his single and rightfully angry thesis, that the dictatorship of Franco was never able to consolidate a lawful state, not even a government, helps to understand the nature of this necessary debate. Starting from this thesis, he explains that the repression led to a paralysation of the society. In this line the author follows the work of many historians and researchers of the last two decades, in fact David Ginard has explained the historical background better in his small chapter as mentioned above than Cotarelo managed it in his book.

The author does address the new data compiled about the systematic persecution, with the anonymous and infamous massive graves of the post-war years, with the regular kidnapping of the sons and daughters of the political antagonist, as well as with the not so lofty role of the Church and the endless masquerades used by the Franquist to perpetrate what he calls their clumsy state of power that, not really having anymore an enemy to annihilate, served only to stupefy the Spanish people.

The book serves to show how great the anger and the frustration of someone growing up in the dictatorship feel not only towards being robbed freedom in his youth but also about the sad situation of the Spanish process of transition. Though the anger is understandable and the reader does sympathize with the author, the book loses greatly in impartiality, which should at least be attempted by academics. Not only his writing style and the terminology used reflects any missing objectivity and does differ from usual academic standards, the author often raises an argument and instead of making it, he jumps to another topic. Thus the book loses not only greatly in coherence and organization but also loses its potential to convince the reader of his position. In the end, the book appears to be more the result of a TV or a media debate than an academic research product.

Also the name *Memoria del Franquismo* is in my opinion a misleading title for the book. More than a memoir of those years which probably would have been a better idea and more interesting in its subjectivity, the work of the author is a demystification of the years of the Franquist dictatorship directed against the apologetic attitude of those who do not want to stir the past because "the wounds should not be re-opened", than a book that could help to know which ones are really bleeding.

The anthology *War, Exile, Justice, and Everyday Life, 1936-1946* is not directly a book on the debate on the historical memory, though some articles also focus on memory of War and Exile. As opposed to all the books mentioned above it reaches thematically beyond Spain into France, Germany and England, though the bigger part of the contributions are dedicated to the Spanish, and more specifically to the Basque case.

Several chapters demonstrate the flight, evacuation, exile of Basque and Catalan people from the invading insurgent army and how they created new institutions and new

identities as a nation in exile abroad from Spain. The first four chapters (Xabier Irujo, Peter Anderson, Virginia López de Maturana and Mari Jose Olaziregi) treat the Basque case and the fifth chapter by Joan Ramon Resina the Calatan. They reach from the analysis of the strong impact of Guernica on the US-American press, a strong article on the bloody campaign the insurgents launched against “traitorous” Basque priests to the evacuation of Basque children to the French Basque country and the resettlement and education the Basque government provided in its own ideology. The last chapter analysis Basque literature after 1975 on the Spanish Civil War and the description and recovery of the Republican memory in order to form a new “shared remembering” of the traumatic past. The fifth chapter describes the exodus from Catalonia and the internment in French Concentration Camps through the use of literature in order to explore the status of historical truth in collective memory.

The next bloc of articles roughly treats the experience of exiled Spanish Republicans in France on one hand and the French war experience on the other. In September 1940 the Vichy government created the first Foreign Worker’s Groups that were stocked with former Spanish concentration camps internees. Scott Soo shows how fast these groups became invaluable for the French economy and thus the workers were practically excluded from the xenophobia of the French and later protected from the Germans in order to keep up the economy in the rural communities. The next chapter by Guillaume Piketty explores the experiences of the Spanish Republicans and de Gaulle’s free French in exile and their resistance in North Africa and England. By analyzing Mosco Boucault’s movie “*Terrorists*” in retirement Brett Bowles explores the foreign Jewish resistance in France and how the conflictive Communist resistance in France was remembered and mystified in the decades after World War II. Santiago de Pablo researches the cinema and literature produced in Nazi Germany about the Basque Country and demonstrates how the long standing German interest into the Basque starting with Wilhelm von Humboldt led to the characterization of the Basques as a valuable complement of the Aryan race in its supposed authenticity. While the Basques Nationalist Party’s interest in the German attempts to include them into their *Völkisch* order was not successful, the Bretons answered the appeal of the German attempt like Ludger Mees demonstrates in his article on a comparison of the Basques and the Bretons.

The next two contributions deal with the German-Austrian experience: Andrew Stuart Bergerson and Maria Stehle describe how the Austrian-born Rudi Mosaner used the latter’s memoirs of his frequent identity changes in the Nazi time in order to find the best possible situation for himself. Sandra Ott described in her chapter how the *Wehrmacht* officer Gustav Hammer was used in the French collaboration trials after World War II as an expert witness and how he accommodated his knowledge to his best advantage in this process.

Richard Vinen focuses on everyday relations between British soldiers and French civilians in the last war year in the Normandy and describes the Anglo-Franco relations during occupation as diverse but in general as relatively sympathetic. Shannon L. Foggs analyses the loss of property for the French society through the war as a whole but also the limited restitution and help by the French government in recovering Jewish property after the war. Sandra Fishman finally explores the gender relations in postwar France. As a result of the war gender relations had changed and women gained the right to vote in 1945. Like in Germany the postwar government thus tried to promote the ideal family

with a revival of the women's roles as mothers and housewives that was appealing to a big number of French women while at the same time leaving room for feminist ideas and willingness to reconsider gender roles.

Like it was described, the volume presents a rich and interesting picture of different war experiences all over Europe. Still, the anthology would have been greatly enriched by bringing this plurality together in a synthesis in the end and/or grouping the articles together in blocs under fitting themes. Though the editor has provided the historical background that brought together all the articles on either War, Exile, Justice and Everyday Life in one decade in her introduction, the topic was chosen so broadly, reaching from history, cinema, literature to ethnography, memorials etc. in different countries that the interesting lecture leaves a disparate impression. It remains unclear what the exact aim of the book was besides providing a kaleidoscope of different impressions on War and Exile.

The next and last book leads us further away from the original geographical starting point in Spain but therefore back to the topic of memory culture. The volume *Arbeit am europäischen Gedächtnis. Diktaturerfahrung und Demokratieentwicklung* edited by Volkhard Knigge, Hans-Joachim Veen, Ulrich Mähler, and Franz-Josef Schlichting is a new publication within the broad context of books that recently dealt with the memory of Europe.³ Different than the other publications on European memory this book is product of a congress that in turn was organized to finally open the debate about the planned establishment of the "House of European History" in Brussels in 2014 to the European public.

Thus the book does include seven example chapters, the conference discussion and in an annex also the conceptual principles for the "House of European History". The conference was already dominated by critique on the concept and of the selection of the specialists (p. 176) that worked it out. It appears from the six chapters and the basic principles as if the specialists see the Second World War and the Holocaust as the basic principles of the European Union.⁴ While this approach especially to the history of the European Community can't be denied, it still is doubtful whether that does not mean that the European population does not have a common history and culture beyond our most recent history that maybe has influenced us more than our recent history as the historian Christian Meyer has stated in his work. As an European living abroad, I do believe it would be important to stress our common history and culture beyond the experiences of living in a dictatorship that seem to be the guiding idea not only of the "House of European History" but also of the general debate on the European memory.

³ Aleida Assmann: *Auf dem Weg zu einer europäischen Erinnerungskultur*. Wien: Picus, 2011; Pim den Boer/Heinz Duchardt/Georg Kreis/Wolfgang Schmale (eds.): *Europäische Erinnerungsorte. 3. Europa und die Welt*. München: Oldenbourg, 2012; Wolfgang S. Kissel/Ulrike Liebert (eds.): *Perspektiven einer europäischen Erinnerungsgemeinschaft. Nationale Narrative und transnationale Dynamiken seit 1989*. Münster: LIT, 2010; Kirstin Buchinger/Claire Gantet/Jakob Vogel (eds.): *Europäische Erinnerungsräume*. Frankfurt/M./New York: Campus Verlag, 2009.

⁴ Claus Leggewie: "Schlachtfeld Europa. Transnationale Erinnerung und europäische Identität." In: *Blätter für deutsche und internationale Politik* 54 (2009) H. 2, pp. 81-93; Claus Leggewie/Anne Lang: *Der Kampf um die europäische Erinnerung. Ein Schlachtfeld wird besichtigt*. München: Beck, 2011; Elisabeth Kübler: *Europäische Erinnerungspolitik. Der Europarat und die Erinnerung an den Holocaust*. Bielefeld: Transcrip Verlag, 2012; Harald Welzer: *Der Krieg der Erinnerungen. Holocaust, Kollaboration und Widerstand im europäischen Gedächtnis*. Frankfurt/M.: Fischer Taschenbuch, 2007.

The chapters by the seven experts are supposed to answer how European the national memory culture in selected countries is. Unfortunately the bigger part of them address countries in Western Europe, only Poland and Russia are also included while the entire Balkan for example is missing. Furthermore the only chapter that seems to really address European memory is the first extracurricular one by Etienne François. The other seven chapters unfortunately remain for the biggest part only with the national contexts. The European connections that they found might be summarized as follows: Eckart Conze and Heidemarie Uhl claim in the tradition of Claus Leggewie that the universalisation of the holocaust memory is the German and in a different way the Austrian participation to the common European memory. Robert Traba stressed that the end of the national master narrative especially in the Eastern European countries is still alive and implicitly European (p. 71). Gilbert Merlio (Sorbonne) argues the French case and identified the orchestration, ritualization and legalization of suffering as a common memory of European dimension. Günther Heydemann describes Italy as a country with deeply divided memories and sees Italy's participation to the European memory in the inheritance of the Resistenza in democratizing Italy. Walther Bernecker's article paints the Spanish case as an exception within Europe because the debate of coming to terms with its past developed only recently and remained strongly national. Alexander Vatlin's piece on Russia demonstrates how much the debate is still influenced by the positive reception of the former Stalinist historical research and that at the same time the European memory reaches to the Ural, which mostly is not considered when talking about Europe. While the chapters mostly remained with the national contexts, also the too brief introduction (5 pages) of Hans-Joachim Veen did not manage to find the red thread through the disparate chapters and did not show how they managed to argue the impact of some national memories for a common European memory.

This might be one of the problems of the entire concept of the "House of European History". To "communitarise" the memory cultures of all the disparate European countries is probably neither possible nor necessary. It is one of the special features of the European Union as compared to other confederations like the United States that the collective identity of the European nations is disparate, that they developed historically, culturally, socially, economically and linguistically different and thus a plurality of memories exist. With all the common features that the European people share, these memories differ naturally from each other or are "divided memories" which on the other hand is no obstacle to a political Union. But maybe it would help the process of growing together, if the common European history is not diminished onto the way how all countries came to terms with its own past of the 20th century, but to stress also the thousands of years of common bi- and transnational history Europe and the development that Europe has shared.

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