
DUSTIN STALNAKER*

German Veterans of the Spanish Civil War and the Struggle
for Recognition in West Germany

Intersections.EEJSP

6(1): 68-83.

DOI: 10.17356/ieejsp.v6i1.616

<http://intersections.tk.mta.hu>

* [d.e.stalnakergmail.com] (Department of History, Rutgers
University)

Abstract

This paper challenges the recognition paradigm through a historical case study that shows recognition struggles to be ideologically embedded and their success subordinated to, and thus contingent upon, the political priorities of recognition-granting authorities. To this end, the paper explores how Cold War ideological considerations shaped the ways in which the West German state processed recognition claims made upon it by two distinct groups of German veterans of the Spanish Civil War: German antifascists who fought as non-state actors in defense of the Spanish Republic and other Germans who fought in support of the Nationalist rebels at the behest of the National Socialist regime. Showing that the West German state's ostensible commitment to recognition of historical injustice in connection with the National Socialist past was subordinated to the aim of self-legitimation in the Cold War present, the paper calls for a broader sociopolitical contextualization of recognition struggles.

Keywords: *recognition, legitimation, Spanish Civil War, Cold War, totalitarianism, antifascism.*

1. Introduction

The decades since the collapse of state socialism have witnessed the redistributive projects for which societies of this kind had long offered a moral impetus become increasingly eclipsed throughout the world by projects of recognition. Optimistic commentators on this phenomenon identify in this shift no cause for concern, interpreting the redistributive projects of yore as a subcategory of the social dynamic that is now satisfied by a more generalized human need for recognition (Honneth, 2003). Some have interpreted this shift towards recognition and away from redistribution as an outcome associated with the growing hegemony of neoliberalism, which can better accommodate the former than the latter (Fraser, 2003). Still others have proposed that projects concerned with recognition are no mere feature of the neoliberal order but actually play a crucial role in endowing it with the moral legitimacy that it would otherwise lose as a consequence of its abandonment of redistribution (Michaels, 2007). This more critical perspective concerning neoliberal recognition dynamics raises questions about the nature of the relationship between the project of recognition and its legitimating function for the sociopolitical systems by which recognition is conferred. For instance, to what extent is the conferral of recognition contingent upon a convergence of interest between the recognizing authority and the recognized? What would a symbiotic connection of this kind imply about the role that recognition can play in mediating the boundaries of inclusion and exclusion in a given society? Are such dynamics unique to the neoliberal order in which they have been identified, or are they indicative of a property more fundamental to recognition dynamics? In short, what is the nature of the relationship between recognition and legitimation?

To answer these questions, it is useful to explore the dynamics of recognition outside the historical context in which these observations originated. Aiming to establish properties that are not peculiar to the neoliberal age, this paper investigates recognition dynamics through a historical case study in the context of the Cold War. Focusing on West Germany in particular, it explores the response of the West German state to a variety of recognition claims made upon it by Germans who fought in the Spanish Civil War between 1936 and 1939. Namely, it compares the response of the West German state to claims made upon it by Germans who fought on opposing sides of the conflict: German antifascists who fought in defense of the Spanish Republic, as non-state actors, in units such as the International Brigades; and other Germans who fought in support of the Nationalist rebels at the behest of the National Socialist regime. The nature of the claims made upon the West German state by these two groups were in many ways qualitatively distinct and thus difficult to compare on their own terms. However, because the West German state's response to the claims of each group rested upon its official view and value judgments concerning each group's role in a common historical event, the recognition paradigm offers an ideal metric by which to evaluate the political dimensions of the recognition struggles in which the two groups became engaged. Juxtaposing the outcomes of these struggles for

recognition, this paper sheds light on the politics of recognition in Cold War West Germany.

This paper begins by offering a brief historical overview of German involvement in the Spanish Civil War. It then sketches the renewed significance acquired by this history in Germany during the Cold War and considers two forms of recognition claims that were made upon the West German state in this context, exploring the role that Cold War-era political considerations played in shaping the outcomes of these recognition struggles. Finally, the paper draws on insights derived from the sociology of knowledge to show the embeddedness of these particular, localized struggles within the broader conceptual struggles of the Cold War. Taken together, the paper demonstrates that the West German state subordinated its ostensible commitment to recognition of historical injustice in connection with the National Socialist past to the aim of self-legitimation in the Cold War present. It proposes, for this reason, that recognition struggles must be evaluated more broadly to account for their function within the totality of the sociopolitical systems in which they unfold.

2. Germany, Germans, and the Spanish Civil War

In the summer of 1936, the Second Spanish Republic became the first geopolitical casualty of the triumph of National Socialism in Germany. Though the Spanish Civil War was a product of deep divisions that were organic to Spanish society, Germany played a role in this conflict that was, from the very first weeks, fundamental. Namely, the National Socialist regime created the conditions of possibility for what initially appeared likely to prove an abortive coup attempt by Spanish generals to transform into a full-fledged civil war that ravaged Spain and its people for nearly three years. Moreover, it was precisely fascist intervention in Spain, initiated by Nazi Germany and its partner, Fascist Italy, that inspired a remarkable display of international solidarity with the Spanish Republic throughout the world, thereby expanding the geographic scope of the conflict. Often relying on logistical support from various party organizations, such as the Communist International, tens of thousands of foreign volunteers ventured to Spain in defiance of home governments that had almost invariably adopted a policy of non-intervention in the face of this overt display of fascist aggression. In this sense, the internationalization of this nominally civil conflict in Spain derived in large part from the foreign policy machinations of Germany's National Socialist regime. The regime's declared aim of extirpating the forces of 'Bolshevism' in Spain corresponded to the project that it had launched already in Germany, through its all-out assault against the Communist Party of Germany and other domestic forces of political internationalism upon its rise to power.¹ Perhaps unsurprisingly, in view of these circumstances, thousands of German antifascists,

¹ Struggle against an imagined 'Judeo-Bolshevik' menace was not only a defining feature of National Socialist ideology but also a central feature of contemporary anti-communist politics more generally. See Hanebrink (2018).

including many who arrived from lives in exile, numbered among the multitudes of foreign volunteers who descended on the Iberian Peninsula after 1936, in the hope of counteracting the influence of fascist military intervention.

The largest contingent of German combatants to fight in Spain was the Condor Legion, which was deployed there by the National Socialist regime itself. This unit was comprised of members of the regular German military who agreed to involve themselves in what was an unknown mission, for most, at the conflict's outset. While the veil of secrecy that surrounded the mission prior to these soldiers' embarkation for Spain makes their motivations difficult to evaluate, a wide range of factors have been proposed, including the prospect of adventure, the opportunity to earn a supplemental income, and especially the sense that participation was not truly voluntary (Schüler-Springorum, 2010: 105–111). However, soon after their departure from Germany, they were informed of the deeply ideological nature of the project in which they had become engaged: to confront and defeat the forces of 'Bolshevism' that the National Socialist regime understood to be threatening Spain. Over the course of the ensuing conflict, some 19,000 Germans were to pass through the ranks of the Condor Legion in the service of this cause. Though most widely remembered for its notorious role in the destruction of the Basque city of Guernica on April 26, 1937, the unit also played a constant and essential role in the conflict by providing vital air support to the rebel Nationalist war effort under the leadership of Francisco Franco, which ultimately emerged victorious. Suffering a casualty ratio of less than one per cent in the course of combat operations (Schüler-Springorum, 2008: 224), the Condor Legion fared quite well in this famously brutal conflict that took a devastating toll on its Spanish participants. Through the combat experience that they gained in Spain, the German soldiers of the Condor Legion became a great asset to the ambitions of Nazi Germany following the regime's instigation of the Second World War, which erupted less than six months later. The utility with which this combat experience endowed them was to prove less auspicious for the former Condor Legionnaires themselves; fewer than one-fifth of the unit's pilots are estimated to have survived this second, general conflagration that ultimately led to the downfall of both Germany and its National Socialist regime (Schüler-Springorum, 2008: 233).

In stark contrast with their adversaries of the Condor Legion, most German antifascists who ventured to Spain to fight in defense of the Spanish Republic between 1936 and 1938 arrived there in connection with an enduring plight that had begun years earlier, in the immediate wake of the 1933 triumph of National Socialism in Germany. Henceforth referred to as 'Spain-fighters' (based on the contemporary German designation, *Spanienkämpfer*), these German socialists, anarchists, and — above all — communists who joined antifascist military units in Spain had generally experienced considerable persecution at the hands of the National Socialist regime, including arrest, various forms of physical harm, and extended periods of extra-legal confinement in concentration camps. Beginning in 1933, many of those affected had fled into exile or embarked on a life underground as a means of escaping the long arm of the German secret police, or Gestapo, often continuing their antifascist political struggle thereafter by nonconventional means.

With the aid of their exiled party organizations, some 3,000 German antifascists made their way to Spain following the outbreak of the Spanish Civil War to fight in defense of the beleaguered Spanish Republic. On the basis of imperfect records, it is estimated that roughly one quarter to one third of the Spain-fighters were killed over the course of the conflict (Uhl, 2004: 53–57). Those who remained in Spain upon the collapse of the Spanish Republican war effort were forced to flee across Spain's northern border, into France, where French authorities confined hundreds of them to internment camps. Some managed to dodge or escape French captivity, and certain of these, in turn, joined either the French Resistance or the Allied war effort during the Second World War. However, hundreds of others were recaptured by the National Socialist regime in the wake of its occupation of France. Regarding their activities in Spain as a continuation of the political activity for which it had already taken action against many of them in 1933, the National Socialist regime consigned virtually all of the so-called 'Red Spain-fighters' that it captured to various prisons and concentration camps, where most languished until the collapse of the National Socialist regime (Mühlen, 1983: 299–307).

By the time of the National Socialist regime's collapse in 1945, the Spanish Civil War had been rendered a distant memory for its German combatants, whose experiences in the intervening years tended to be no less and oftentimes even more harrowing than those connected with Spain. The majority of veteran Spain-fighters who retained an ongoing commitment to politics after 1945 made an effort to settle in the Soviet zone of occupation that was later to become East Germany. There, many became enthusiastic supporters of, and sometimes even prominent players in, the establishment of a socialist state (McLellan, 2004: 43–56). For veterans of the Condor Legion and even for many other antifascist veterans, returning home – to whichever zone of occupation where that home happened to be – held the highest priority. Gradually, antifascist veterans who had been fortunate enough to evade recapture by the National Socialist regime returned to Germany from various lands of exile or upon their release by the Allied military units to which they had attached themselves during the Second World War. For many veterans of the Condor Legion, return was possible only after release from prisoner of war camps. In a postwar world in which the future would be determined by narratives connecting the past to the present, the legacy of Spanish Civil War was to retain far more significance for the fates of German veterans of the conflict than most could have predicted at that time.

3. The legacy of the Spanish Civil War in Cold War West Germany

3.1 Spain as a symbol in Cold War Germany

In the context of the Cold War, postwar Germany's division into two ideologically hostile states imbued its idiosyncratic past, in connection with the Spanish Civil War, with lasting and highly contentious symbolic value. Naturally, this circumstance proved highly consequential in shaping the postwar fates of German

veterans of the conflict. Following the founding of the East German and West German states in 1949, the two states became engaged concurrently, as competing successor states of a defeated Germany, in the pursuit of legitimacy in the eyes of the international community. The distinct approaches that the two German states pursued to this end informed memory of the German past in relation to Spain in a manner that was to have direct implications for the Germans who had fought there. The East German state endeavored to cultivate a triumphal attitude towards the German past by appropriating the legacy of the German antifascist resistance. As a result, the legacy of German antifascist resistance in Spain became a vital source of pride in East Germany, winning the Spain-fighters considerable prestige in East German society (Uhl, 2004: 330–498; McLellan, 73–95). By contrast, West Germany adopted an outwardly repentant posture towards the past and sought to build legitimacy on the world stage through various forms of public atonement, which tended to be concerned with victimhood to a far greater extent than resistance. However, because National Socialist crimes in Spain had not been perpetrated against the government of Francisco Franco that had since established dominion there, the Spanish legacy amounted to a mostly unusable past for West Germany and was thus scarcely thematized in the West German public sphere.² Consequently, the West German state's posture with respect to this facet of the national past found expression chiefly through obscure channels—above all through the legal stances that it adopted towards West German citizens who had fought there.

3.2 The Spain-fighters

During the early stages of postwar transition, staunch opponents of National Socialism, including many of its surviving victims, were recognized by occupying forces as reliably hostile to the vanquished regime, facilitating their entry into provisional positions of authority within emerging institutions throughout occupied Germany. In the Western zones of occupation, these authorities oversaw the implementation of a variety of reparations initiatives consistent with what has since become known as transitional justice. Because successful reparations initiatives combine symbolic recognition of victimhood with indemnification recognizing its concrete material impacts, this project demanded that the emerging social order in what later became West Germany not only reassess former boundaries of inclusion and exclusion but also provide material compensation that might place former victims on more equal footing with their fellow citizens (Verdeja, 2006). To this end, the authority exercised during the immediate postwar years by former victims of the National Socialist regime contributed to the writing of reparations guidelines that were attuned to, and thus capable of recognizing, the recently lived realities of a wide variety of victim demographics within German society.

² Especially during the 1950s, West German diplomacy toward the regime of Francisco Franco actually manifested in limited forms of memory cultivation in connection with the Condor Legion. See Lehman (2006).

German antifascists who had ventured to Spain after 1936 numbered among the categories of political victims of National Socialism that were deemed eligible for reparations in this context. Indeed, early postwar guidelines published in a 1947 edition of the *Manual of Reparations* identified the Spain-fighters explicitly as a category of persons who were persecuted under National Socialism. In response to the question, 'Who can be recognized as a person persecuted by fascism?' the manual divided persecuted persons into what were termed 'Victims of Fascism' and 'Activists against Fascism,' and it included among the latter group 'the Spain-fighters who fought in the International Brigades'.³ In addition to being identified by this clause, the Spain-fighters also satisfied more general standards of the activist classification, which extended also to 'all antifascists who went into political emigration to escape the grip of the Gestapo, and, from there, continued to engage demonstrably in struggle against the Hitler regime alongside resistance groups.' Pointing to the causal connections between political circumstances in Germany and those in Spain, legal appraisals of this kind reflected a concrete awareness, on the part of personnel within the West German reparations bureaucracy, of the particular challenges and hardships that antifascists who became Spain-fighters had faced under the National Socialist regime.

While early reparations law offered grounds for optimism that transitional justice might be achieved, the intensification of the Cold War at the close of the decade had significant ramifications for the evolution of reparations law in West Germany. This heightening of East-West tensions, as well as the growing paranoia that accompanied it, precipitated a reassessment within relevant West German institutions concerning the political qualities that were appropriate in persons tasked with the writing of reparations law. This politically motivated reassessment led to the purging of communists, such as the esteemed Jewish lawyer Marcel Frenkel, who edited the *Manual of Reparations*, from the legal bureaucracy that oversaw the administration of reparations law (Spernol, 2009). In Frenkel's case, this affair was facilitated by the ongoing circulation of antisemitic tropes in West German society, suggesting a link between Jews and communism. By eliminating personnel who were deemed unreliable on the basis of the very qualities for which they had been persecuted under National Socialism, conditions arose for transitional justice efforts to be subverted and, instead, yield transitional *injustice* (Loyle and Davenport, 2016: 133–134). That is, such restriction of access to participation in legal opinion-making not only drastically decreased the likelihood of positive legal outcomes for applicants but also had the effect of effacing the record of certain forms of National Socialist crimes.

Amid these Cold War conditions, the homogenization of personnel and political views within those state institutions responsible for the administration of reparations law proved highly consequential for the fortunes of the Spain-fighters. With sympathetic and knowledgeable commentators like Marcel Frenkel removed

³ While early reparations guidelines varied among the various Western zones of occupation, all zonal guidelines in which the Spain-fighters were mentioned explicitly identified them as a category of persons persecuted under National Socialism. Here, see 'Anerkennungsfragen: Richtlinien vom 8.11.1947' (Frenkel et al., 1950: vol. 8, II, 2).

from the ranks of the West German reparations bureaucracy, reparations guidelines were gradually revised in accordance with the legal perspectives of the unsympathetic and even hostile bureaucrats who replaced them. As early as 1949, new reparations guidelines began to be published that contradicted earlier appraisals theretofore recognizing the persecution of the Spain-fighters at the hands of the National Socialist regime. These new appraisals rejected the notion of a causal connection between political phenomena in Germany and those in Spain, despite their involvement of a common set of actors. One new guideline focusing on physical injuries sustained by Spain-fighters during their time in Spain now stipulated that ‘Spain-fighters who suffered physical harm in the struggle against Franco [...] have no claim to restitution because their injuries are not a consequence of National Socialist persecution measures’ (Wilden and Klückmann, 1950: 26). By the following year, new and contrary guidance printed in the formerly sympathetic *Manual of Reparations* now rejected the legitimacy of their claims by attempting to disaggregate their struggle in Spain from the wider struggle against National Socialism. It read: ‘The Spain-fighters are not active participants in an effort to eliminate the National Socialist regime but rather [...] participants in the fight against fascist rule in Spain’ (Frenkel et al., 1950: vol. 19, V, 1). Later guidelines continued to elaborate on these inauspicious reappraisals, endeavoring through inscrutable logic to disentangle the German and Spanish pasts. One particularly puzzling legal opinion conceded that that German members of the International Brigades were later persecuted as political opponents by the National Socialist regime, but it nonetheless maintained that ‘Participation in the Spanish Civil War itself was, by contrast, no struggle against National Socialism as such, but rather a struggle for the existence of the Spanish Republic’ (van Dam and Loos, 1957: 56). The National Socialist regime’s past prosecution of the Spain-fighters for the crime of ‘preparation for high treason’ — a category of offense directed unambiguously at the government form in Germany — went virtually unacknowledged by these emerging legal opinions. Instead, West German justice officials substituted their own, discrepant standard for that of the National Socialist regime, which had recognized the Spain-fighters as resisters and persecuted them on that basis.⁴ By failing to acknowledge how National Socialist repressive measures had targeted the Spain-fighters as a group, the West German state effectively revoked the symbolic recognition that had once been conferred upon this group by early postwar reparations guidelines (Verdeja, 2006: 455). Naturally, this change in the criteria for recognition was accompanied by the evaporation of any material obligation towards the Spain-fighters by the West German state. It was under these adverse legal circumstances that hundreds of veteran Spain-fighters were to submit applications for reparations during the early postwar decades. While some veteran Spain-fighters challenged unsatisfactory application outcomes by engaging in appeals that sometimes lasted decades, virtually all were denied reparations linked in any direct way to their antifascist struggle in Spain.

⁴ Legal theorist Carl Schmitt rejected the possibility of any such third-party evaluation. See Schmitt (1976: 27).

Even as the West German state disqualified the period of the Spain-fighters' participation in the Spanish Civil War from eligibility for reparations, it also exploited knowledge of many Spain-fighters' past and often enduring sympathies for communism to their lasting detriment. During the early 1950s, this presumed affiliation inspired the Federal Office for the Protection of the Constitution (Bundesamt für Verfassungsschutz) to surveil many former Spain-fighters, whom it – like the National Socialist regime before it – tended to refer to as 'Red Spain-fighters' (NW 490 Nr. 141). This suspected and oftentimes actual political affiliation became especially significant in connection with the ongoing efforts of many Spain-fighters to secure reparations following the passage of the Federal Supplementary Law (Bundesergänzungsgesetz) in 1953, which made eligibility for reparations for all applicants contingent upon their noninvolvement in communist political activity. These restrictions, which were implemented at the instigation of anti-communist elements within West German society, applied retroactively to anyone who was deemed to have conducted themselves in a manner hostile to the 'free democratic basic order' after the passage of the Basic Law in May of 1949 (Spornol, 2014). The West German Ministry of Justice aimed, in this way, to deny reparations to anyone whom it regarded as an 'adherent of a totalitarian system.' Under suspicion of continued communist activity, the Spain-fighters were also surveilled at a local level – sometimes in direct connection with legal proceedings associated with their pursuit of reparations. The Cold War lens through which the West German state looked upon the Spain-fighters thus encouraged authorities to punish the very citizens who appealed to the state in search of justice. In this way, the Nazi-era exclusion of the Spain-fighters was effectively perpetuated in West Germany in a novel form.

3.3 The Condor Legion

Unlike the German veterans of the Spanish Civil War's antifascist military units, those veterans of the Condor Legion who were fortunate enough to survive the Second World War and settle in West Germany possessed no claim whatsoever to victim status there. After all, in stark contrast with the former group, the veterans of the Condor Legion numbered among the perpetrators rather than the victims of National Socialist crimes. And yet, it was precisely in connection with their role as agents of National Socialist geopolitical ambitions that veterans of the Condor Legion shared in the pensions that were guaranteed to all civil servants of the former Nazi state by the 1949 Basic Law – a benefit extending to all professional soldiers who had not been too thoroughly compromised through their military service under National Socialism (Diehl, 1993: 141–162). In fact, veterans of the Condor Legion also received an additional pension benefit for the time of their deployment to Spain (Pross, 1998: 45–46). In this sense, the very German soldiers who had participated in National Socialist militarism and foreign aggression at the earliest stage enjoyed the greatest benefits of all.

In view of these favorable circumstances, the recognition claims that veterans of the Condor Legion made upon the West German state were based not

on victimhood associated with the National Socialist era but rather with a different form of victimhood of distinctly postwar provenance. Namely, these claims were made by veteran Condor Legionnaires who had settled in the Soviet zone of occupation that later became East Germany. Over the course of the 1950s, numerous such veterans applied for asylum as political refugees in West Germany and also submitted applications to gain the pension benefits that West German citizenship afforded Germans of their professional background. In their applications, these veterans expressed concern for their safety in East Germany in connection with their personal histories as former combatants of the Condor Legion in Spain. Responses to these applications by the West German state offer further insight into the political dimensions of recognition struggles waged in Cold War West Germany.

Whatever their basis in reality, the claims of the veteran Condor Legionnaires were premised on deeply ideological assumptions that perverted justice in their very claim to seek it. In most cases, it was not due to historical membership in the Condor Legion itself that applicants sought asylum in West Germany but rather on the basis of fears associated with their failure to disclose this facet or their biographies when prompted to do so by zonal authorities at an earlier stage in the aftermath of the Second World War. The decision to withhold this information in the first place necessarily derived from some combination of the subjective desire to escape justice for crimes committed under National Socialism and the subjective view that authorities in the Soviet zone of occupation were not legitimate arbiters of justice. Indeed, some applicants — seemingly content to live in East Germany as long as any reckoning could be avoided — appear to have been inspired to seek asylum only after efforts at their recruitment by the East German state into the German People's Police, which they feared might prompt a more thorough investigation into their political biographies and thereby expose their nondisclosures. In effect, by concealing information concerning their roles under National Socialism, these veteran Condor Legionnaires transformed their complicity in National Socialist crimes into an ostensible form of victimhood in the Cold War present, which they in turn endeavored to construe as evidence of totalitarian repression.

Much like the asylum claims themselves, state recognition of the victimhood of veterans of the Condor Legion appears to have rested quite heavily on ideological considerations. Indeed, certain of the West German bureaucrats who processed the claims of the veteran Condor Legionnaires framed their appraisals in distinctly ideological terms. Betraying the persistence of anti-communist sentiment in West German society, the West German official processing the asylum claim of one veteran described his past in terms that might have been used by the National Socialist regime itself: 'In the years 1937 and 1938, he belonged to the Condor Legion, which was deployed to overpower Bolshevism in Spain' (NW 130 Nr. 127, Hoffmann, 1). Adoption of such blatant tropes from National Socialist discourse was supplemented by various biases connected more directly with the Cold War present. For instance, another West German official justified an applicant's attempt to conceal his past from East German authorities on grounds that he might

otherwise have been 'subject to sociopolitical vilification due to his participation in the Spanish Civil War,' elsewhere deeming the applicant's deception appropriate 'in view of the political outlook and methods of the Soviet zone' (NW 130 Nr. 127, Höhno, 3–4). Because the authority of the East German state was regarded as illegitimate by asylum-seekers and the West German state alike, shows of resistance to that authority acquired a paradoxical air of legitimacy.

Nor did the realization by West German authorities that the claims of certain veterans of the Condor Legion were dubious or even false deter the state from recognizing the applicants in question. Even after the allegations of repression by one veteran were determined to be spurious, West German authorities still chose to grant him asylum on 'grounds of discretion' (NW 130 Nr. 128, Lupp, Report on Rationale for Flight, 5). Moreover, applicants who encountered skepticism from West German authorities could appeal for support from anti-communist organizations such as the Combat Group against Inhumanity, which was funded by the American Central Intelligence Agency and thus did not hesitate to substantiate allegations of iniquity by East German authorities (NW 130 Nr. 127, Hoffmann, 3). Such corroborations seemingly encouraged West German bureaucrats to reconsider their prior reluctance to recognize applicants whose claims they had deemed invalid. Indeed, one such bureaucrat reasoned that, while persecution was not demonstrable, it was nevertheless 'thinkable,' or it could be 'assumed with probability bordering on certainty' (NW 130 Nr. 127, Hoffmann, 4). The establishment of such subjective evaluative criteria effectively empowered these alleged victims of East German state repression to recognize themselves as such, thereby securing both the asylum and the pension benefits that such recognition entailed. The recognition granted to the veteran Condor Legionnaires by the West German state thus functioned to integrate these former agents of the National Socialist regime into West German society even as the state's non-recognition of their antifascist counterparts perpetuated the ongoing exclusion of former resisters.

By all indications, the recognition conferred by the West German state upon veterans of the Condor Legion in this context derived far more from the common ideological hostility by the state and applicants towards the East German state than from any basis in historical reality. Indeed, in addition to the inconsistencies acknowledged in the application materials, existing scholarship documents no systematic persecution of German veterans of the Condor Legion in East Germany – including with respect to veterans known by authorities to have falsely denied their membership in the unit (Schüler-Springorum, 2010: 238–240). For the veterans of the Condor Legion, like the veteran Spain-fighters, Cold War considerations had thus tilted the scales of justice. However, for the veterans of the Condor Legion, unlike the veteran Spain-fighters, it had done so to their distinct advantage.

4. Recognition as legitimation in Cold War West Germany

As the preceding discussion has demonstrated, knowledge produced in West Germany concerning the German veterans of the Spanish Civil War tended to conform to the perceived exigencies of the Cold War and West Germany's particular coordinates within it. In this sense, knowledge about the past was produced in a manner consistent with the principles of what sociologists of knowledge have termed a 'symbolic universe.' Theoretical constructions devised to refer to a mode of legitimation serving to 'integrate different provinces of meaning and encompass the institutional order in a symbolic totality,' symbolic universes 'operate to legitimate individual biography and the institutional order' (Berger and Luckmann, 1967: 95–97). These properties of a symbolic universe explain the need for a convergence of interest between those seeking recognition and the recognition-conferring authority. In West Germany, such considerations encouraged the state to prioritize the struggle against communism in the present over its avowed aim of atoning for the National Socialist past. The state's inability to reconcile these tasks led to its selective and outwardly contradictory recognition of victimhood in connection with German veterans of the Spanish Civil War. Though this particular recognition struggle concerned only a relatively small number of West German citizens and thus never held more than a marginal place in the grander context of the Cold War, its foundational ties to the wider symbolic universe of the Cold War West suggest that it may nevertheless be understood as a microcosm of this grander struggle, simultaneously shaping that struggle and shaped by it through dialectical interaction.

To appreciate the legitimating function of the West German state's response to these recognition struggles, it is useful to consider these struggles' connections to key conceptual tools through which the Cold War was waged (Berger and Luckmann, 1967: 107–109). To this end, considering their relevance to the concepts of *totalitarianism* and *antifascism* is particularly instructive, as these concepts were fundamental to the legitimation struggles of the Cold War (Rabinbach, 2009: 7–25; 2006: 111–112). These struggle concepts were of vital significance in this context not only for their political content but also for their immanent temporality. Namely, both concepts linked the National Socialist past with the Cold War present in much the same way as did the recognition struggles in question. In early Cold War West Germany, totalitarianism became part and parcel of the 'conceptual machinery of [symbolic] universe-maintenance' (Berger and Luckmann, 1967: 108), in that it assumed from 'Bolshevism' the mantle of interwar and wartime anti-communism (Traverso, 2017: 101; Hanebrink, 2018: 200–236). The concept relativized fascist crimes by linking them with communist ones while also evoking the horrific crimes of the fascist past as a moral burden of the communist foe in the Cold War present. Offering anti-communists a powerful discursive cudgel with which to attack the communist East, the concept quickly acquired a sacred place within the symbolic universe of the Cold War West. Moreover, the concept of totalitarianism effectively negated the concept of antifascism, which had acquired a similarly sacred status in the symbolic universe of the Cold War East. Specifically, through its inherent allegation of an underlying synergy between fascism and communism, the concept of totalitarianism cast

doubt on the proposition that communism could truly be antifascist. In this way, validation of either the concept of totalitarianism or the concept of antifascism necessarily came at the expense of the other. Because these concepts played a vitally important role in the respective discursive arsenals of the opposing Cold War orders and were thus connected with the legitimacy of those orders as a whole, the stakes of recognition struggles of relevance to them transcended the stakes of the struggles themselves.

With these considerations in mind, the outwardly paradoxical outcomes of the recognition struggles waged by veteran Spain-fighters in West Germany seem likely to have been a foregone conclusion. Unlike East Germany, West Germany had little to gain and much to lose from an honest reckoning with the details of German antifascist resistance in the Spanish Civil War. For this reason, acknowledgment of this historical phenomenon, which its East German adversary then touted as evidence of its superiority, would have constituted an unthinkable concession on the part of the West German state. The chicanery in which West German bureaucrats engaged to avoid recognizing the claims of the Spain-fighters thus reflected the harm that such recognition threatened to do in connection with contemporary legitimation struggles. Because the Spain-fighters comprised a distinct legal category of Germans whose pasts could be cited to validate the notion of communist antifascism, thus endangering the conceptual integrity of totalitarianism, the West German state endeavored to reappraise this history and thereby render it invalid.⁵ Once key personnel hindering this project had been expelled from the bureaucracy involved in the writing and implementation of reparations law, it became possible for the West German state not only to deny the veteran Spain-fighters recognition of their role in resisting National Socialism but also – in connection with the state's explicit exclusion of communists from eligibility for reparations – to reimagine these onetime antifascist resisters as aspiring perpetrators of totalitarian crimes in the context of the Cold War.

At the same time, the West German state's recognition of asylum claims by veterans of the Condor Legion rested on a priori assumptions of totalitarian repression. Allegations of East German persecution by veteran Condor Legionnaires satisfied narratives about the German past that then prevailed in West Germany. Namely, by sidestepping the matter of German guilt in connection with the National Socialist past, the allegations shifted attention to Germany's own victimhood at the hands of a foe by which Germans were defeated in the Second World War and suffered ongoing humiliation in the Cold War present: the Soviet Union (Moeller, 2003). While the defeat of National Socialism had precluded the continuation of armed struggle against the former 'Bolshevik menace,' this prior enmity had found a new lease on life in both the ideological confrontation associated with the Cold War as well as the perceived geopolitical threat stemming from Soviet hegemony over East Germany. These considerations facilitated the

⁵ Berger and Luckmann refer to such maneuvers as 'nihilation,' which they describe as a negative form of legitimation. See Berger and Luckmann (1967: 114–116).

recasting of veterans of the Condor Legion from historical perpetrators of National Socialist crimes into victims of totalitarian repression in the Cold War present.

As a consequence of the dynamics considered here, the recognition that the West German state conferred upon German veterans of the Spanish Civil War might be most appropriately described as *misrecognition*. The seemingly distorted outcomes yielded by these recognition struggles resulted from the fact that recognition was conferred in these instances not chiefly to satisfy either the needs of recognition claimants or any objective standard of justice but above all to legitimate the West German state – the recognition-granting authority. Excluding from the emerging social order those Germans who had been victimized by the National Socialist regime even as they included those Germans who had participated in its crimes, these instances of misrecognition reproduced fascist-era political fault lines in the post-fascist epoch.

5. Conclusion

To be sure, the recognition dynamics unfolding in Germany in connection with the Spanish past were in no way unique to West Germany. The abundant recognition that the East German state conferred upon its own veteran Spain-fighters, as prominent antifascist resisters, has been documented extensively by historians (Uhl, 2004; McLellan, 2004; Krammer, 2004). And yet, in spite of outward appearances to the contrary, the East German state's recognition of these antifascist resisters shared with the West German state's non-recognition of them the common goal of self-legitimation in the highly competitive dual moral economy of Cold War politics.

Further substantiating the findings of the research into the neoliberal recognition dynamics that inspired this line of inquiry, this historical case study of recognition dynamics in the context of the Cold War evidences the existence of a symbiotic relationship between bottom-up struggles for recognition and top-down projects of legitimation. Demonstrating a recognition-granting authority's acquiescence to demands made upon it to be contingent on a convergence of interest between the recognizer and the recognized, this paper has shown recognition struggles to be ideologically embedded and – as such – to operate firmly within the realm of the political. When examined in this broader context, recognition struggles can be found to have an instrumental, as opposed to meliorative, function within a sociopolitical system that has lamentably little to do with either justice or inclusivity.

References

- Berger, P. and Luckmann, T. (1967) *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*. New York: Anchor Books.
- Diehl, J. (1993) *The Thanks of the Fatherland: German Veterans after the Second World War*. Chapel Hill: The University of North Carolina Press.
- Fraser, N. (2003) Distorted beyond all recognition: A rejoinder to Axel Honneth. In Fraser, N. and Honneth, A. (eds.) *Redistribution or Recognition: A Political-Philosophical Exchange*. London: Verso. 198–236.
- Frenkel, M., et al. (1950) *Handbuch der Wiedergutmachung in Deutschland (Manual of Reparations in Germany)*. Koblenz: Humanität.
- Hanebrink, P. (2018) *A Specter Haunting Europe: The Myth of Judeo-Bolshevism*. Cambridge, MA: The Belknap Press of Harvard University. <https://doi.org/10.4159/9780674988569>
- Honneth, A. (2003) Redistribution or recognition: A response to Nancy Fraser. In Fraser, N. and Honneth, A. (eds.) *Redistribution or Recognition: A Political-Philosophical Exchange*. London: Verso. 110–197.
- Krammer, A. (2004) The cult of the Spanish Civil War in East Germany. *Journal of Contemporary History*, 39(4): 531–560. <https://doi.org/10.1177/0022009404046753>
- Lehmann, W. (2006) *Die Bundesrepublik und Franco-Spanien in den 50er Jahren. NS-Vergangenheit als Bürde? (The Federal Republic of Germany and Franco Spain in the 1950s. The National Socialist Past as a Liability?)*. Berlin: Oldenburg. <https://doi.org/10.1524/9783486702835>
- Loyle, C. and Davenport, C. (2016) Transitional injustice: Subverting justice in transition and postconflict societies. *Journal of Human Rights*, 15(1): 126–149. <https://doi.org/10.1080/14754835.2015.1052897>
- McLellan, J. (2004) *Antifascism and Memory in East Germany: Remembering the International Brigades, 1945–1989*. Oxford: Clarendon Press.
- Michaels, W. (2007) *The Trouble with Diversity: How We Learned to Love Identity and Ignore Inequality*. New York: Henry Holt and Co.
- Moeller, R. (2003) *War Stories: the Search for a Usable Past in the Federal Republic of Germany*. Berkeley: University of California Press.
- Mühlen, P. (1983) *Spanien war ihre Hoffnung, die deutsche Linke im Spanischen Bürgerkrieg 1936 bis 1939 (Spain was their Hope. The German Left in the Spanish Civil War from 1936 to 1939)*. Bonn: Neue Gesellschaft.
- Pross, C. (1998) *Paying for the Past: The Struggle over Reparations for Surviving Victims of the Nazi Terror*, trans. B. Cooper. Baltimore: Johns Hopkins University Press.

-
- Rabinbach, A. (2006) Antifascism. In Merriman, J. and Winter, J. (eds.) *Europe since 1914: Encyclopedia of the Age of War and Reconstruction*. Detroit: Thomson Gale. 106–113.
- Rabinbach, A. (2009) *Begriffe aus dem Kalten Krieg: Totalitarismus, Genozid und Geschichtsschreibung (Concepts from the Cold War: Totalitarianism, Genocide and Historiography)*. Göttingen: Wallstein.
- Schmitt, C. (1976) *The Concept of the Political*, trans. G. Schwab. New Brunswick: Rutgers University Press.
- Schüler-Springorum, S. (2010) *Krieg und Fliegen: Die Legion Condor im Spanischen Bürgerkrieg (War and Flying: The Condor Legion in the Spanish Civil War)*. Paderborn: Ferdinand Schöningh. <https://doi.org/10.30965/9783657767472>
- Schüler-Springorum, S. (2008) War as adventure: The experience of the Condor Legion in Spain. In Buameister, M. and Schüler-Springorum, S. (eds.) *'If You Tolerate This...' The Spanish Civil War in the Age of Total War*. Frankfurt: Campus.
- Spernol, B. (2014) Die 'Kommunistenklausel': Wiedergutmachungspraxis als Instrument des Antikommunismus (The 'Communist Clause': The praxis of indemnification as an instrument of anti-communism). In Creuzberger, S. and Hoffmann, D. (eds.) *'Geistige Gefahr' und 'Immunisierung der Gesellschaft': Antikommunismus und politische Kultur in der frühen Bundesrepublik (Intellectual Danger' and 'Immunization of Society': Anti-communism and Political Culture in the Early Federal Republic of Germany)*. München: Oldenburg. 251–273. <https://doi.org/10.1524/9783486781045.251>
- Spernol, B. (2009) Im Kreuzfeuer des Kalten Krieges: Der Fall Marcel Frenkel und die Verdrängung der Kommunisten (In the crossfire of the Cold War: The case of Marcel Frenkel and the exclusion of the Communists). In Brunner, J., Frei, N. and Goschler, C. (eds.) *Die Praxis der Wiedergutmachung: Geschichte, Erfahrung und Wirkung in Deutschland und Israel (The Praxis of Indemnification: History, Experience, and Impact in Germany and Israel)*. Göttingen: Wallstein. 203–238.
- Traverso, E. (2017) Totalitarianism between history and theory. *History and Theory*, 56(4): 97–118. <https://doi.org/10.1111/hith.12040>
- Uhl, M. (2004) *Mythos Spanien: Das Erbe der Internationalen Brigaden in der DDR (The Myth of Spain: The Legacy of the International Brigades in the GDR)*. Bonn: Dietz.
- van Dam, H. G., and Loos, H. (1957) *Bundesentschädigungsgesetz (Federal Reparations Law)*. Berlin: Franz Vahlen.
- Verdeja, Ernesto (2006) A normative theory of reparations in transitional democracies. *Metaphilosophy*, 37(3–4): 449–468. <https://doi.org/10.1111/j.1467-9973.2006.00440.x>

Wilden, H. and Klückmann, M. (1949) *Wiedergutmachungsgesetz (Indemnification Law)*. Stuttgart: W. Kohlhammer.

Archival Documents

State Archive of North Rhine-Westphalia

NW 130 Nr. 127

NW 130 Nr. 128

NW 490 Nr. 141