

RETHINKING RECONCILIATION AND THE WEST GERMAN LEFT WING

JANA STOKLASA

LEIBNIZ UNIVERSITÄT HANNOVER

Abstract

Discussion about reconciliation in post-World War II Germany usually centers on Hitler's Jewish victims or recently enacted programs of restitution for so-called marginalized victim groups. In this paper, I explore the largely neglected domestic reconciliation policy affecting the West German left wing in the postwar period. Initially, on a genealogical, micro-historical basis, I investigate the restitution claim files of former communist and social-democratic printing companies located in Hannover, Lower Saxony. In the light of recent nationwide discourse in Germany about anti-communist measures of the pre-unification Federal Republic of Germany, such as the so-called *Berufsverbote* (bans on employment of leftists), these sources document negotiations to right past wrongs and shed light on reconciliation policy during the German-German "cold civil war" that followed World War II.

Keywords: Germany; reconciliation; restitution; KPD; SPD; *Berufsverbote*

DOI: 10.14712/23363231.2018.3

I. Introduction

*The past, as we know it from history, is depicted as the only possible past because this serves to justify the present order, but this arrangement is never entirely stable.*¹

Jana Stoklasa is a research assistant and coordinator at the Institute of Didactics of Democracy, Historical Department, at Leibniz University Hannover. Address correspondence to Jana Stoklasa, Leibniz Universität Hannover, Institut für Didaktik der Demokratie, Historische Abteilung, Königsworther Platz 1, D – 30167 Hannover. E-mail: jana.stoklasa@idd.uni-hannover.de.

¹ Berthold Molden, "Resistant Pasts Versus Mnemonic Hegemony: On the Power Relations of Collective Memory," *Memory Studies* 9, No. 2 (2016): 125–142. Molden refers to the seminal work of Ernesto Laclau and Chantal Mouffe on post-Marxist hegemony theory. See Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics* (New York: Verso, 2001).

The Cold War did not just fade away, it was won – and lost. In Germany, both sides in the conflict were represented by geographic and political units for 45 years. In discussions about overcoming the legacy of the German-German “cold civil war” today,² massive and incontrovertible violations of human rights during the post-World War II period are being reinterpreted by organizations like the Federal Foundation for the Study of Communist Dictatorship in East Germany (*Bundesstiftung zur Aufarbeitung der SED-Diktatur*).³ As a constituent part of German post-1989 reconciliation politics,⁴ present-day discourse views communism as a perverted utopia and decries the evils of the totalitarian system. Consequently, victims of persecution in the German Democratic Republic (GDR) can claim rehabilitation by law, while rehabilitation is still being sought by former West German communists.

During the post-World War II period, in reaction to the despotic policies of the GDR towards its citizens, the formation of a West German identity was stamped with a political culture of anti-communism. The German-German political system resulted in concrete persecution of the left in West Germany by measures such as the *Berufsverbote*. In 1950, the first West German Chancellor, Konrad Adenauer, announced the so-called *Adenauererlass*, which mandated the dismissal of officials, employees and workers who were accused of promoting

² Unlike the Cold War, the German-German “cold civil war” is not a historical artifact. In recent works, the term rather serves as a metaphor expressing the interaction between the international and the national conflict in Germany. It is helpful to describe the social dimension of the political framework of the Cold War, in which Germans were pitted against Germans. See Josef Foscchepoth, *Verfassungswidrig! Das KPD-Verbot im Kalten Bürgerkrieg* (Göttingen: Vandenhoeck & Ruprecht, 2017), 18; Bernd Stöver, *Der Kalte Krieg 1947–1991. Geschichte eines radikalen Zeitalters* (München: C. H. Beck, 2007), 227–236. The analytical potential of the term was well stated by Major: “It was, after all, here, on the home fronts of both East and West Germany that one will find the casualties of the cold civil war. This is not an excuse for a victim-based history, but a plea for a broader socio-cultural sweep to what must, at heart, remain a political phenomenon. The interaction of politics, society, and culture only enrich the history of the Cold War.” See Patrick Major, *The Death of the KPD: Communism and Anti-Communism in West Germany, 1945–1956* (Oxford: Clarendon, 1998), 303.

³ Bundesstiftung zur Aufarbeitung der SED-Diktatur, <https://www.bundesstiftung-aufarbeitung.de/>.

⁴ The German terms *Vergangenheitsbewältigung* and *Aufarbeitung* relate to the whole range of reconciliation politics that serves to overcome the past and re-evaluate past wrongs. See Wulf Kansteiner, “Losing the War, Winning the Memory Battle. The Legacy of Nazism, World War II, and the Holocaust in the Federal Republic of Germany,” in *The Politics of Memory in Postwar Europe*, ed. Richard Ned Lebow, Wulf Kansteiner and Claudio Fogu (Durham: Duke University Press, 2006), 162. Since World War II, the first step in reconciliation has consisted of making material reparations or compensation and is necessary in order to acknowledge past wrongs and allow further dialogue about negotiating a societal reconciliation. In this contribution, I use the term “restitution” to describe the material dimension of *Wiedergutmachung*. The term reconciliation refers to a conciliatory approach to the past (*Versöhnung*).

national resistance from their posts in the public service. Adenauer's Decree on the Political Activity of Members of the Civil Service against the Democratic Order⁵ mostly targeted communists and served as the precursor for the professional bans of the 1970s and 1980s. The measure also affected former members of the resistance to Nazi rule.⁶

In 1972, as a protective measure against the propaganda activities of East Germany and the related fear of overthrow by the protest movement of the 1960s, German Chancellor Willy Brandt issued the Radicals Decree (*Radikalenerlass*).⁷ On the basis of that resolution, 3.5 million people were screened for their political orientation. Approximately 10,000 mostly leftist employees and candidates for office were removed or ruled out from holding public service positions.⁸ This left deep marks in German society that have only recently received any attention at all directed at reconciliation. Until now, the work of a representative for the rehabilitation of victims of the so-called Radicals Decree (*Landesbeauftragte für die Aufarbeitung der Schicksale im Zusammenhang mit dem sog. Radikalenerlass*) in Lower Saxony remains unique among the states of the Federal Republic of Germany (FRG).⁹

⁵ The *Adenauererlass* decreed a duty of loyalty to the German Constitution (*Verfassungstreue*) on part of public officials. In consequence, the *Berufsverbote* affected approximately 11,000 KPD members and their sympathizers.

⁶ The consequences of the double victimization of the KPD victims of Nazism remain unelaborated. Their descendants have mentioned neuroses, severe depressions, alcoholism and suicides. The "thinkable" is here indeed unsayable and requires first and foremost explicit legal responsiveness toward its victims.

⁷ The official title of the so-called Radicals Decree was Principles of the Issue of Anti-constitutional Forces in Public Service, German History in Documents and Images, http://ghdi.ghi-dc.org/sub_document.cfm?document_id=898.

⁸ "The systematical screening of all applicants for public service positions reveals a fundamental distrust of the West German citizen's democratic reliability [...]." See Jutta Rübke, ed., *Berufsverbote in Niedersachsen 1972–1990. Eine Dokumentation* (Hannover, Niedersächsische Landesbeauftragte für die Aufarbeitung der Schicksale im Zusammenhang mit dem sogenannten Radikalenerlass, 2018), 12. It was not the risk of a Communist overthrow that was the foundation for those political measures, but rather the demands for domestic reform by the protest movements of the 1960s. Not personally involved in Nazi crimes, the post-World War II generation provided a societal platform for questioning how the Nazi past was being handled. On the other hand, the fear of a Soviet invasion should not be underestimated, since Germans were separated into two ideologically opposed states. However, already in 1976, Brandt expressed regret for the issuance of the *Radikalenerlass*, which had led to a climate of anxiety caused by loss of social standing and inhibition of societal criticism.

⁹ In recent research on the *Berufsverbote* in Lower Saxony, the suffering of the persons affected by the professional bans and court proceedings is given voice and is linked to the social stigmatization of Communists within West Germany. Based on evaluation of critical sources, a hypothesis has been advanced that in Lower Saxony, the *Berufsverbote* were part of a broader counter-reform

The banning of the Communist Party of Germany (*Kommunistische Partei Deutschlands*, KPD) made the impact of these measures tangible. In 1951, the West German government began to seek a ban on the KPD, which was finally realized in 1956. Recourse to history was made in order to denounce political enemies and critical voices and to satisfy hegemonic interests. Overturning of the KPD ban, which was unique in Western Europe, only began in 1968 with the emergence of the German Communist Party (*Deutsche Kommunistische Partei*, DKP). A generational break took place in the early 1970s, when the West German government's New Eastern Policy (*Neue Ostpolitik*) was adopted, and the restitution proceedings analyzed here were closed down.

In this paper, I examine the restitution claims resulting from Nazi suppression of the printing companies run by the former KPD and the Social-Democratic Party of Germany (*Sozialdemokratische Partei Deutschlands*, SPD). Those printing companies were the main assets of the KPD and SPD before the rise of national socialism in Germany, and the treatment of claims for their restitution provides evidence of the efforts at internal post-World War II reconciliation in West Germany. This paper aims to demonstrate that the restitution claims of the West German left wing and its former labor organizations were a discursive platform in the German-German cold civil war that preceded the *Berufsverbote* of the 1970s and 1980s.

Mainly due to the politics of remembrance, the process of internal restitution for the KPD and SPD in recompense for their persecution by the Nazis remains *terra incognita*.¹⁰ Nevertheless, two different perspectives dominate the research that has been done on the SPD and KPD printing companies. In the case of the SPD, the research was commissioned mainly by the party itself. Although the SPD's studies reconstruct the history of the party's assets, they also reflect a *post hoc* canon of glorification of the party.¹¹ In opposite fashion, and due to the complexity of defensive property transactions, the history of the

movement. Willy Brandt sought to discredit supporters of reform by "attesting their proximity to terrorist sympathizers and enemies of the constitution." See Rübke, *Berufsverbote in Niedersachsen*, 10 and 15.

¹⁰ Hans Günter Hockerts, "Wiedergutmachung in Deutschland. Eine historische Bilanz 1945–2000," *Vierteljahreshefte für Zeitgeschichte* 49 (2001): 171.

¹¹ Detlev Brunner, *50 Jahre Konzentration GmbH. Die Geschichte eines sozialdemokratischen Unternehmens 1946–1996* (Berlin: Metropol, 1996); Andreas Feser, *Der Genossen-Konzern. Parteivermögen und Pressebeteiligungen der SPD* (München: Olzog, 2002); Uwe Danker, Markus Oddey, Daniel Roth and Astrid Schwabe, eds., *Am Anfang standen Arbeitergroschen. 140 Jahre Medienunternehmen der SPD* (Bonn: Dietz, 2003); and Friedhelm Boll, *Die deutsche Sozialdemokratie und ihre Medien. Wirtschaftliche Dynamik und rechtliche Formen* (Bonn: Dietz, 2002).

KPD printing companies resists all attempts at its reconstruction. Its property transfers can be seen as precursors of the party's time in illegality under the Nazi regime and after the KPD ban.¹²

In recent years, based on newly available sources, critical research on the SPD and the KPD restitution policies has slightly opened up the discourse about the links between national restitution and the politics of memory, which had been frozen during the German-German cold civil war.¹³ Rigoll reveals that the motives for denying the parallels between the persecutions of the two parties that took place following the *Adenauererlass* in the 1950s and those that followed the *Radikalenerlass* in the 1970s cannot be blamed exclusively on the international conflicts of the time. Rigoll argues that they lie also in the personal interests of reintegrated Nazis who wished to purge the public service to prevent witnesses and victims from raising their voices against the reintegration of their former oppressors.¹⁴

In the following part of this paper, the restitution proceedings of the KPD and the SPD are contrasted, so as to demonstrate how relations between the parties shaped the restitution process. I evaluate the course of the restitution process with the help of Elazar Barkan's *theory of restitution*.¹⁵ I argue that the knowledge uncovered in the archival sources is helpful in order to pull together two opposing historical perspectives of communism – as a perverted utopia and as a shared ideology.

¹² Herbert Girardet, *Der wirtschaftliche Aufbau der kommunistischen Tagespresse in Deutschland von 1918 bis 1933, unter besonderer Berücksichtigung der Verhältnisse im Regierungsbezirk Düsseldorf* (Doctoral Dissertation: University Essen, 1938); Johann Wachter, *Zwischen Revolutionserwartung und Untergang. Die Vorbereitung der KPD auf die Illegalität in den Jahren 1929–1933* (Frankfurt am Main: Peter Lang, 1983); and Christa Hempel-Küter, *Die KPD-Presse in den Westzonen von 1945 bis 1956. Historische Einführung, Bibliographie und Standortverzeichnis* (Frankfurt am Main: Peter Lang, 1993).

¹³ Meyer has shown how for the SPD the national handling of the Nazi past depended on the realignment of the political constellations of the Cold War in the 1970s and the marginalization of the anti-Nazi resistance and domestic restitution by the leadership of the SPD. See Kristina Meyer, *Die SPD und die NS-Vergangenheit 1945–1990* (Göttingen: Wallstein, 2015). Foschepoth's publication analyzed recently opened sources on court proceedings that resulted in the KPD ban. Foschepoth dismantled the dominant contemporary historical research on the Federal Constitutional Court. In view of the pressure exerted on the Court by the German federal government, the contention that the Court's practice during the 1950s and 1960s was liberal and democratic is no longer sustainable. See Josef Foschepoth, "Verfassungswidrig!"

¹⁴ Dominik Rigoll, *Staatsschutz in Westdeutschland* (Göttingen: Wallstein, 2013).

¹⁵ Elazar Barkan, *The Guilt of Nations: Restitution and Negotiating Historical Injustices* (New York: W. W. Norton, 2000).

II. On the Restitution Experience of the West German Left Wing

Supporting Anti-Communism with Reparations for Nazi Persecution?

The elimination of the German labor movement, which was quite strong until the advent of the Nazi regime, was a key goal of Nazi ideology in the early years of that regime. Both the KPD and SPD were declared hostile to the Reich and outlawed in 1933. The funds of the SPD and KPD invested in their printing companies had up to then supported the propagation of a free press. A Nazi publishing monopoly was built up throughout Germany with the confiscated property of the printing companies that had belonged to the SPD and KPD. Ironically, the Nazis called this process “uniformization” of the press. It started in 1931–32, when pressure on communist and social-democratic newspapers increased, but before the KPD and SPD printing companies were ultimately liquidated.¹⁶ It was precisely in this period of semi-legality that the companies’ resilience had a transformative impact on society.

The SPD printing companies belonged to one SPD-controlled holding company, Konzentration AG. Since 1925, it had coordinated more than 100 printing companies with an estimated value of 90–100 million Reichsmark (RM).¹⁷ The KPD controlled three holding companies in 1924, which coordinated the assets of approximately 34 printing companies with an estimated value of 34 million RM.¹⁸

After the war, the confiscated printing equipment of both the KPD and SPD was supposed to be restituted to the parties by the post-World War II German state in a measure of reconciliation.¹⁹ In their restitution claims, representatives

¹⁶ Heinz-Dietrich Fischer, *Parteien und Presse in Deutschland seit 1945* (München: Schuenemann, 1981), 30. For the Nazi press monopoly, see Oron J. Hale, *Presse in der Zwangsjacke 1933–45* (Düsseldorf: Droste, 1965), 25–46.

¹⁷ Detlev Brunner, *50 Jahre Konzentration GmbH. Die Geschichte eines sozialdemokratischen Unternehmens 1946–1996* (Berlin: Metropol, 1996); Andreas Feser, *Der Genossen-Konzern. Parteivermögen und Pressebeteiligungen der SPD* (München: Olzog, 2002); Danker et al., *Am Anfang standen Arbeitergroschen*; and Beate Häupel, “Das Vermögen der sozialdemokratischen Bewegung. Aufbau, Enteignung und Wiedergutmachung,” in *Frau. Macht. Zukunft*, ed. Helga Grebing et al. (Marburg: Schüren, 2001), 359–374.

¹⁸ Hempel-Küter, *Die KPD-Presse in den Westzonen*, 21.

¹⁹ After the unconditional surrender of Germany, the territory of Germany was divided into four occupation zones. In each zone, the reconstruction of the press was subordinated to the authority of the occupying power. Military Law No. 191 of May 1945 dictated who would control the press in the three western zones. For the politics of the allied occupation powers with regard to the press in early post-World War II Germany, see Harry Pross, *Deutsche Presse seit 1945* (Bern: Scherz, 1965).

of the KPD and SPD had to describe to the allied occupiers' as well as to the local German restitution authorities how their property was confiscated, in order to prove the extent of their damages and that they were due to Nazi persecution. However, a relatively sudden break in the discourse of the time occurred at the end of the 1940s and beginning of the 1950s. The ensuing narrative about the German past was then reflected in West German domestic restitution policy.

According to Barkan, homeostasis is unlikely to serve as a guiding principle for resolving conflicts.²⁰ For the restitution claiming party, the mental image of *status quo ante* guides morally the negotiations. For this same moral reason, in October 1945, the central Nazi publishing company Eher Verlag was liquidated along with 61 other Nazi organizations by order of the Allied Control Council's Law No. 2.²¹ The publishing house had functioned as the holding company for the Nazi press (*Gaupresse*) since 1934.²² The seizure and sequestration of property the Nazis had earlier confiscated was mandated by the American occupation authorities' Military Law No. 52. These assets were an important macroeconomic factor because of their large extent. Discriminatory Nazi laws were abrogated in order to restore human rights and preserve the interests of the victims of persecution.²³ Military Law No. 52 was the precursor of later restitution laws, which were applied differently in the three western zones.²⁴ Nevertheless, as evidenced by the events in Hannover, the legal framework was ignored in the processing of claims for restitution of the formerly communist printing companies in West Germany.

Following the example of American occupation authorities, in May 1949 the British administration enacted Restitution Law No. 59 for Lower Saxony,²⁵ where the city of Hannover is located. The purpose of this law, which concerned the restitution of property identifiable to victims of Nazi oppression, was to effect the speedy restitution of property (tangible and intangible) to the widest

²⁰ Barkan, *The Guilt of Nations*, 327.

²¹ The law was based on the declaration of the victorious nations. In order to define the control of public and private property that had been illegitimately confiscated by the Nazis, the Allied Control Commission in Berlin issued Proclamation No. 2 on September 20, 1945.

²² The NSDAP controlled the world's largest press corporation, which had an 82.5 % share of the national market. See Norbert Frei and Johannes Schmitz, *Journalismus im Dritten Reich* (München: C. H. Beck, 1989), 38.

²³ Hans Döle and Konrad Zweigert, *Gesetz Nr. 52 über Sperre und Beaufsichtigung von Vermögen. Kommentar* (Stuttgart: C. E. Pöschle, 1947), 1–2.

²⁴ Walter Schwarz, *Rückerstattung und Entschädigung. Eine Abgrenzung der Wiedergutmachungsformen* (München: C. H. Beck, 1952), 25–28.

²⁵ Walter Schwarz, *Die Wiedergutmachung nationalsozialistischen Unrechts durch die Bundesrepublik Deutschland. Rückerstattung nach den Gesetzen der alliierten Mächte* (München: C. H. Beck, 1974).

extent possible. It benefited individuals and legal entities who had been unjustly deprived of their property between January, 30 1933 and May 8, 1945 for reasons of their race, religion, nationality, political views, or their opposition to national socialism.

Even before the KPD was banned and Restitution Law No. 59 was issued, in practice in the British zone no communist organization was recognized as eligible to claim restitution rights on behalf of the KPD. Because of so-called “uncontestable acts of state” of the British authorities, the KPD continued to lack legitimacy. This allowed the Hannover reparation authorities to ignore the KPD’s status as a victim organization of the Nazis.²⁶ Somehow, the strategic interests involved in East-versus-West politics were put above righting of past wrongs. The representatives of the communist printing company protested against being excluded from restitution: “This would mean that exactly those who experienced in the Nazi state the biggest injustice would have the lowest protection, because the Nazi state triggered not only the sale of property to another party, but even misappropriated this property for itself.”²⁷

In 1957, based on the banning of the KPD by the Federal Constitutional Court (*Bundesverfassungsgericht*), the West German state confiscated the property of all communist printing companies that had been built up on West German territory after 1945, using materiel brought in from the GDR.²⁸ This confiscation included the restitution rights of the West German communist printing companies that had claimed damage by Nazi persecution. In that way, the property of the former communist printing companies was confiscated a second time and placed under the control of the Federal Minister of the Interior. The Federal Constitutional Court’s ban on the KPD was overturned in 1963, when the Federal Ministry of the Interior verbally retracted its decree of seizure. However, this retraction did not put any property back into the hands of the Communists.

²⁶ Before the issuance of British Restitution Law No. 59, restitution of the property of formerly suppressed labor movement organizations was regulated by Decree No. 159 of the British Military Government. In 1948, in order to implement the speedy restitution of the confiscated property of the organizations, the occupation authorities established the General Organizations Committee in Celle (Allgemeiner Organisationsausschuss Celle). The AOA Celle took no responsibility for resolving the restitution claims of KPD organizations, while an entire section of the AOA Celle was responsible for restitution of SPD organizations’ property in Lower Saxony.

²⁷ Reparation file, Collection Nds 720 Hann Acc 2009/126 No. 1520/1–3, 66–69, Niedersächsisches Landesarchiv, Hannover.

²⁸ After the German federal government requested the German Federal Court to ban the KPD in November 1951, the KPD began another campaign to conceal its property. This time it did so in such a way that there was practically nothing left to confiscate. See Hempel-Küter, *Die KPD-Presse in den Westzonen*, 70.

In the KPD restitution case in Hannover, the Supreme Court of Restitution annulled all prior decisions of the Regional Courts that viewed the restitution claims by KPD as unsubstantiated. Its justification read: “The contested decision is based on an error of law.”²⁹

Behind the façade of the legal disputes over the publishing houses lay fundamentally divergent worldviews. Despite the recommendations of the Supreme Court of Restitution, nothing in fact changed regarding the KPD’s restitution claims in Hannover. The situation was one of a *probatio diabolica*, where the local restitution authorities demanded production of evidence forty years after the KPD property was confiscated by the Nazis.³⁰ Nevertheless, the Interior Ministry’s verbal retraction of the KPD seizure notification allowed the KPD’s representatives to push the limits of what was sayable:

Reading words like concealment of Communist property, property displacement and transfer, one feels as if going back in time, when combatants against the Nazi state were attacked in this way. If the claim defendant [SPD] presumes that the claimant’s transfer happened only in order to protect Communist property, then the question must be asked, what can be actually objected to this?³¹

In the relations between social-democrats and communists in West Germany, Jens Schultz has observed an irrational component of anti-communism on the part of the SPD. This anti-communism was a reaction to repression that ex-communists who had turned their back on communism experienced in the Soviet zone. To legitimize the need for protection against communists, the social democrats pointed to the cases of emigration, banishment, persecution and detention going on behind the iron curtain.³² The disrepute of the GDR, combined with restrictive acts by the West German state, resulted in communism being personified as evil itself. In pursuit of their interest in restitution,

²⁹ Reparation file, Collection Nds. 720 Hannover Acc. 2009/126 No. 1520/1 to 3, 301–306, Niedersächsisches Landesarchiv, Hannover.

³⁰ Reparation file, Collection Nds. 720 Hannover Acc. 2009/126 No. 1520/1 to 3, 394–398, Niedersächsisches Landesarchiv, Hannover.

³¹ Reparation file, Collection Nds. 720 Hannover Acc. 2009/126 No. 1520/1 to 3, 397, Niedersächsisches Landesarchiv Hannover. In this restitution claim, the SPD was defending against the KPD, who claimed restitution of a former KPD printing press that the British authorities assigned to a post-WWII SPD printing company in Hannover.

³² Jens Schultz, *Sozialdemokratie und Kommunismus. Die Auseinandersetzung der SPD mit dem Kommunismus im Zeichen der Neuen Ostpolitik 1969–1974* (Doctoral Dissertation, University Mannheim, 2009), 20 and 43.

the representatives of the then-banned communist organizations had somehow to deal with this “red paranoia.” In 1989, the German historian Gotthard Jasper condemned the denial of reparations to the Communists, aptly describing them as the “disqualified victims” of the Cold War.³³

Property Transactions, Concealment and Coping Strategies: Righting Past Wrongs

In order to understand the transfers of communist property before the rise of national socialism, we must retrace the history of the communist printing companies.³⁴ The German Communists’ real estate was owned by the company Bürohaus Vulkan. By 1932, this corporation had no funds left to pay its creditors, which resulted in decrees of foreclosure against its assets. However, its assets were transferred abroad just in time and served to finance the Nazi resistance from exile. The shares of the printing companies themselves were the property of the holding company Papiererzeugungs- und -verwertungs-AG (PEUVAG), which owned the KPD-affiliated printing company in Hannover. The entire property of PEUVAG was gradually transferred to different companies. PEUVAG, along with Bürohaus Vulkan, was liquidated just before the seizure of its assets took place in 1933. By early 1931, some funds had already been transferred to Switzerland, including the equipment of the German communist printing companies. The printing companies became the property of a Swiss company, Diligentia AG.³⁵ As such, they were assumed to be safe from seizure by the Nazis. In postwar restitution claim litigation, the restitution authorities interpreted this transfer of the KPD’s property to its disadvantage, undermining its argument for reparation for Nazi persecution.

The KPD printing company in Hannover, Fortschritt AG Hannover, became part of Diligentia and reflected the pattern of concealment before the Nazi

³³ Gotthard Jasper, “Die disqualifizierten Opfer. Der kalte Krieg und die Entschädigung für Kommunisten,” in *Wiedergutmachung in der Bundesrepublik Deutschland*, ed. Constantin Goschler et al. (München: Oldenbourg, 1989), 361–384.

³⁴ In 1938, a doctoral dissertation was written as part of a Nazi governmental investigation to clarify the property movements of the KPD. See Herbert Girardet, *Der wirtschaftliche Aufbau der kommunistischen Tagespresse in Deutschland von 1918 bis 1933, unter besonderer Berücksichtigung der Verhältnisse im Regierungsbezirk Düsseldorf* (Doctoral Dissertation: University Leipzig, 1938). The dissertation’s archival research is based on confiscated documents and protocols of interrogations of KPD members. Today, these documents have been lost. See Hale, *Presse in der Zwangsjacke*, 73.

³⁵ Direct contacts between Diligentia and PEUVAG were always denied. See Reparation files, Collection RY 60/25, Bundesarchiv Berlin.



Figure 1: The building am Klagesmarkt 21, Hannover, 1926 or 1927.

Source: Courtesy of VVN-BdA Niedersachsen e.V.

Note: KPD Hannover resided in this building since 1922. The printing company of the communist newspaper of Hannover *Niedersächsische Arbeiterzeitung*, later *Die Neue Arbeiterzeitung* (NAZ), was located there along with the publishing company Niedersächsischer Zeitungsverlag AG.

seizure in 1933. In 1932, the printing presses of Fortschritt AG Hannover were relocated to two different sites. Fortschritt A.G. was moved to a new location in Hannover, Andertensche Wiese 6, in May 1932. Another printing company, Staberow & Co., remained at the old location, Am Klagesmarkt 21.³⁶ The communist newspaper was no longer printed there, but at the new location. When the companies separated, a number of the printing presses and much of the companies' other equipment were moved to secret locations in order to save them from Nazi confiscation and allow them to print illegal leaflets. Between March and November 1933, the central press organ of the KPD, *Die Rote Fahne*, was printed in at least six different places.³⁷

According to details provided by Diligentia representatives to the Restitution Office of Hannover (*Wiedergutmachungsamt beim Landgericht Hannover*) after the war, printing presses and other equipment with an estimated value of 140,000 RM were saved from confiscation, out of a total estimated value of 190,000 RM.³⁸ Activities at both the old location on Am Klagesmarkt and the new one on Andertensche Wiese ended in May 1933, when the Nazis seized the property there.³⁹ In 1951, in view of the Federal Government's claim for a KPD ban in West Germany, it became obvious that no organization would be able to claim restitution for Nazi persecution damages for the KPD. As a reaction to the restrictive practices by the restitution authorities in Hannover, Diligentia combined the restitution claims for the two printing companies into one.⁴⁰ The resilient tactic of separating the KPD printing company into two locations prior to May 1933 went unremarked in the restitution process.

Limits on publishing were tightened after 1931 and the printing houses were in a critical economic situation. The communist printing company in Hannover was divided up as part of a larger effort in 1932 to conceal the full extent of the Communists' assets. In Hannover, according to information in the restitution files, the move to two separate locations allowed printing to continue until the

³⁶ It is unknown if the company Staberow & Co. existed before the move. See Reparation file, Letters from September 28, 1964, November 20, 1964, and January 12, 1965, Collection RY 60/44, Bundesarchiv Berlin.

³⁷ Hermann Weber, *Kommunistischer Widerstand gegen die Hitler-Diktatur 1933–39* (Berlin: Gedenkstätte Deutscher Widerstand, 1990), 9.

³⁸ Reparation file, attachment to letters from May 12, 1955 and June 21, 1954, and attachment C to reparation claim from June 1954, Collection RY 60/44, Bundesarchiv Berlin.

³⁹ Reparation file, Letter from the company Diligentia to the Police Department of Hannover of May 8, 1933, Collection RY 60/44, Bundesarchiv Berlin.

⁴⁰ Reparation file, Collection Nds 720 Hann Acc 2009/126 No. 5896/1 and 2, Niedersächsisches Landesarchiv Hannover.

last legal Communist printing press was sealed up on May 12, 1933.⁴¹ Hannover still commemorates February 28 as the anniversary of 1933's oppressive measures, the *Gleichschaltung* of the Communists, because on that day the KPD's party office was occupied and the first of several hundred communists were arrested.⁴²

The conspiracy to conceal their assets allowed the Communists to maintain secret printing places for use in the resistance to Nazism that followed.⁴³ Based on research into the KPD's restitution claims in Hannover and Diligentia's restitution claims on a federal base, it is estimated that up to three-quarters of the communist printing company's equipment was saved.

In 1933, an unknown percentage of Diligentia's property was confiscated, in total amounting to an estimated value of 6 million RM. This property was effectively confiscated a second time when the FRG rejected Diligentia's claims for reparations. All claims for restitution by the Swiss corporation Diligentia AG were declined for various reasons, most of which were related to the KPD's lack of legal standing in the FRG to claim any compensation for Nazi persecution damages. The arguments of the restitution authorities completely avoided any discussion of the need to right a historic injustice. Restitution policy was influenced more by the political culture of anti-communism than by a desire to rehabilitate victims damaged by Nazi persecution.

In 1933–1938, the German secret police were speculating that the three founders of Diligentia were Swiss communist agents collaborating with the Soviets. Based on the paper record of the Nazi seizure of Diligentia's assets in Germany, the restitution authorities found that the contracts between Diligentia and PEUVAG were shams, entered into in order to conceal the Communists' assets. The founders and shareholders of Diligentia had French and Swiss nationality, and insisted on several occasions that they were not communists. Their names were never made public in spite of the pressure from the Nazis and later from the West German restitution authorities.⁴⁴

After twenty years of legal proceedings, Diligentia was finally liquidated in 1968. It waived all its rights to restitution of property with an estimated value of

⁴¹ Reparation file, Collection RY 60/ 44, Letter of the company Diligentia to the Police Department of Hannover, May 8, 1933, Bundesarchiv Berlin; Observation reports, Collection Hann. 180, MF 751 MF, fol. 1368, Niedersächsisches Landesarchiv Hannover.

⁴² Herbert Obenaus et al., eds., *Widerstand im Abseits Hannover 1933–1945. Beiträge zur Ausstellung* (Hannover: Historisches Museum Hannover, 1992), 15.

⁴³ Until 1935, the Communists distributed an estimated one million leaflets per year. See Weber, *Kommunistischer Widerstand*, 9.

⁴⁴ Reparation files, Collection RY 60/25, Bundesarchiv Berlin.

60 million German marks (Deutsche Mark, DM).⁴⁵ The same year that Diligentia lost all its rights to restitution in the course of its liquidation, the West German government allowed the German Communist Party to be reconstituted (intentionally under a different name: *Deutsche Kommunistische Partei*, and not the *Kommunistische Partei Deutschlands*).⁴⁶ How much property the Communists had managed to conceal before the KPD was banned in 1956 and was able to save in the course of the liquidation of Diligentia AG remains unknown.

The fate of the SPD printing company, EAH Meister & Co., which was located in Hannover's trade union house,⁴⁷ can give us an idea of the interplay between political constellations in the politics of reconciliation after the war. Before the relaxation of Cold War tensions in the 1970s, in light of the historical-political collision between reconciliations on the international and national stages, how flexible were domestic restitution politics?

In April 1933, the Nazis confiscated Meister's building. Thereafter, Meister's printing equipment was used to print Hannover's Nazi newspaper, *Niedersächsischer Beobachter*. In July 1934, the Nazi publishing company NS-Gauverlag Südhannover-Braunschweig GmbH moved out of the trade union house, taking some of the former SPD printing company's equipment to a bigger location at Georgstrasse 30–33. The biggest Nazi newspaper in northern Germany began publishing there. Part of the SPD-owned equipment confiscated from Meister was sold to Nazi publishing companies in other cities or to private printing companies, and printing presses from other German cities were received in exchange at the new location on Georgstrasse in Hannover. In contrast, none of the confiscated communist printing presses remained in Hannover.⁴⁸

⁴⁵ Reparation files, Collection RY 60/44, Bundesarchiv Berlin; Reparation files, Collection Nds 720 Hann Acc 2009/126 No. 1659, No. 5896/1 and 2, No. 1520/1–3, No. 549, No. 1330, Niedersächsisches Landesarchiv Hannover. Hempel mentions that some of the compensation demanded was granted to the Drupa company in Stuttgart after long negotiations, but gives no archival source. See Hempel-Küter, *Die KPD-Presse in den Westzonen*, 72.

⁴⁶ Georg Füllberth, *KPD und DKP 1945–1990. Zwei kommunistische Parteien in der vierten Periode kapitalistischer Entwicklung* (Heilbronn: Distel, 1990).

⁴⁷ A picture of the trade union house appears on several web pages. In 1983, several newspapers published a report on the placement of a memorial plaque with an inscription commemorating the Nazi suppression of the labor movement in Hannover on the building of the former trade unions (*Hannoversche Allgemeine Zeitung*, March 31, 1983, and April 5, 1983). See Klaus Mertsching, *Die Besetzung des Gewerkschaftshauses in Hannover, 1. April 1933* (Hannover: Offizin, 1983; reissue 2008). Mertsching dates the Nazi occupation of the official printing place of the KPD newspaper to the same day as the occupation of the trade union house, i.e. April 1, 1933.

⁴⁸ Reparation files, Collection Nds. 720 Hann. Acc. 2009/126 No. 1520/1, 235–236; and Collection Nds. 720 Hann. Acc. 2009/126 No. 1520/1, 237, Niedersächsisches Landesarchiv Hannover.

In July 1946, the British Military Government in Hannover began the process of making reparations to the printing companies by officially transferring the premises of the former Nazi newspaper in Georgstrasse to the social-democratic newspaper *Hannoversche Allgemeine Zeitung* (HAZ).⁴⁹ In 1952–53, without questioning the origin of the property, the reparation authority Allgemeiner Organisationsausschuss Celle (AOA Celle) decreed that the moveable property that remained in the Georgstrasse location would also be transferred to HAZ, which had been legally recognized as the successor of the suppressed printing company Meister & Co.⁵⁰

Among the printing equipment of the former Nazi newspaper that was transferred to HAZ was one printing press formerly belonging to the communist newspaper *Rote Fahne*. By agreement with the British military government, the trustee holding the property confiscated from the Nazi publishing company NS-Gauverlag Südhannover-Braunschweig GmbH was authorized to turn the Communists' former property over to HAZ, without regard to Military Law No. 52. The local reparation authorities in Hannover considered this transfer to be required by the mandatory regulatory act of the British military government, precluding the Communists' right to restitution.⁵¹ A bitter twenty-year fight between the SPD and KPD printing companies over what was in fact an old, useless printing press was ended by the forgery of a serial number on the press. It remained SPD property.⁵²

Besides the restitution of its so-called identifiable property, the SPD in Hannover was granted compensation of 1.125 million DM in 1968 for the deprivation of its right to publish its newspaper.⁵³ In 1968–69, the SPD was granted

⁴⁹ Production of the British newspaper *Neuer Hannoverscher Kurier* was stopped at the same time. This British newspaper was published after May 1945 under the supervision of the social-democratic journalist Walter Spengemann. The history of the location under the Nazis was neglected. See Elke Schröder, *Parteipresse im Wandel. Die Hannoversche Presse von 1946 bis 1958* (Bielefeld: Verlag für Regionalgeschichte, 1996), 36.

⁵⁰ The decree by AOA Celle was a formality, when all the printing equipment was already being used by the precursor of HAZ. In contrast to Diligentia, private companies received compensation for returning the printing equipment to HAZ as decreed by the local reparation authorities. See Reparation files, Collection Nds. 720 Hann Acc. 2009/126 No. 1618, No. 1897 and No. 1898, Niedersächsisches Landesarchiv Hannover.

⁵¹ Reparation files, Collection Nds. 720 Hann Acc 2009/126 No. 1520/1–3, Niedersächsisches Landesarchiv Hannover.

⁵² Reparation files, Collection Nds. 720 Hann Acc 2009/126 No. 549, Niedersächsisches Landesarchiv Hannover.

⁵³ The authorities who negotiated this compensation were the German Federal Minister of Finance and the board of the SDP of Germany. Reparation files, Collection B126-68611, Bundesarchiv Koblenz.

compensation in the amount of 20 million DM. In all, reparations of approximately 40 million DM were paid to the SPD.⁵⁴ Pursuant to Article 1 of Restitution Law No. 59, title in the tangible property was legally restored to the SPD. The restitution authority's files on the SPD are not referred to in SPD publications and are inaccessible for further historical research.⁵⁵ Might this material shed light on conditions imposed on the SPD in connection with restitution?⁵⁶

The transfer of the shares of the SPD-linked Konzentration AG to the Swiss company Züricher AG für Zeitungsunternehmungen, shortly before the Nazi confiscation, was described in postwar official discourse as a failed attempt at resistance to the Nazis. The transfer of the SPD's financial reserves, estimated at 1–2 million RM, allowed the exiled SPD board of directors, SOPADE, to pursue political opposition to the Nazis.⁵⁷ In contrast to the restitution claims of Diligentia, the SPD's concealing of assets is not discussed in the post-World War II restitution proceedings. Its transfers of funds and their exact amounts remain secret.⁵⁸

Behind the scenes of the restitution proceedings involving the political parties that are analyzed in this paper stand negotiations to restore the destroyed relationships between the SPD and KPD, which were so-called collective actors in West German post-World War II society. The controversies in these negotiations are symbolic of the escalation of post-World War II Cold War conflicts. They reveal how historical guilt and dissenting opinions of the former labor movement organizations were suppressed in West Germany.

Based on evaluation of critical sources, I have found evidence supporting the assumption that during the post-World War II rehabilitation of the pre-war German labor movement organizations in West Germany, restitution was used to promote one particular discourse above all others.

⁵⁴ The total compensation included nearly 1 million DM in interest. See Reparation files, Collection B126-68611, Bundesarchiv Koblenz.

⁵⁵ A recent request by the author to view the so-called reparation files of Konzentration AG revealed that those archival sources have been moved to the Willy Brandt Center in Berlin and remain closed to further research.

⁵⁶ Restitution allowed the SPD a great head start. In 1973, the SPD had approximately 500 million DM at its disposal. See Karl-Heinz Seifert, *Die politischen Parteien im Recht der Bundesrepublik Deutschland* (Berlin: Heymanns, 1975), 31; and Miroslav Angelov, *Vermögensbildung und unternehmerische Tätigkeit politischer Parteien* (Berlin: Duncker & Humblot, 2006), 62.

⁵⁷ Marlies Buchholz and Bernd Rother et al., eds., *Der Parteivorstand der SPD im Exil. Protokolle der SOPADE 1933–1940* (Bonn: J. H. W. Dietz, 1995), XXVII.

⁵⁸ Kurt Lichtenstein, *In Sachen Kriedemann* (n.p.: Bösmann, 1949).

III. Memory Politics: Post-History vs. Restitution

In the second part of this paper, contextualization of restitution policy is required in order to illustrate the wider societal conditions in which West Germany's proceedings to correct past wrongs took place. Elazar Barkan states that the modern concept of restitution was born from the unique need in West Germany to reestablish the country's political and moral legitimacy after World War II.⁵⁹ Consequently, in West Germany, the legal process of restitution for the crimes committed under Nazism led to new possibilities for international relationships. Under U.S. influence, Germany's efforts to reconcile German-Israeli relations included the payment of reparations and are considered today by many to be exemplary.⁶⁰ In contrast, restitution for the domestic political resistance to the Nazis was neglected in West Germany. Its rehabilitation on the international scene had priority. A strategic realignment of the young FRG's rehabilitation policies was required.⁶¹

The year 1948 marked a break in the solidarity between the two formerly politically persecuted victims of national socialism, the SPD and KPD. The SPD's rejection of any prospect of an alliance with the KPD meant that members of the SPD could not join the Organization of Persecuted Victims of the Nazi Regime (*Vereinigung der Verfolgten des Nazi Regimes*, VVN).⁶² Partly influenced by the rising tide of anti-communism in America and partly by internal conflicts in West German society, the VVN was accused of being a communist

⁵⁹ In hindsight, the forced admission of war guilt at Versailles undermined the chances for reconciliation. Therefore, after World War II, the innovative phenomenon was that there was no longer a demand for reparations against Germany as the perpetrator of war and war crimes, which facilitated its self-rehabilitation through compensating its victims of its own volition. See Barkan, *The Guilt of Nations*, 308–314 and XXIII.

⁶⁰ Lily Gardner Feldman, *Germany's Foreign Policy of Reconciliation: From Enmity to Amity* (Lanham, MD: Rowman and Littlefield, 2012); Ronald W. Zweig, *German Reparations and the Jewish World: A History of the Claims Conference* (London and New York: Routledge, 2013); and Jan Surmann, *Shoah-Erinnerung und Restitution. Die US-Geschichtspolitik am Ende des 20. Jahrhunderts* (Washington, DC: Franz Steiner, 2012).

⁶¹ In the immediate aftermath of World War II, the defeated German enemy had to be won over as an ally when the United States reoriented itself and declared that the Soviet Union was its principal adversary. See Surmann, *Shoah-Erinnerung und Restitution*, 262–264.

⁶² The VVN was founded in the first place to represent the interests of former concentration camp prisoners regardless of their political orientation. See Regina Hennig, *Entschädigung und Interessenvertretung der NS-Verfolgten in Niedersachsen 1945–49* (Bielefeld: Verlag für Regionalgeschichte, 1991), 52.

organization infiltrating Soviet influence into West Germany.⁶³ The two victims of political persecution by the Nazis were separated by the reality of politics. In fact, there was little respect for the multi-vocality of the German victims of Nazi persecution and their experiences of resistance in the West German Society. By distancing itself from the KPD, the SPD imported the border between East and West Germany into West German restitution policy.

In the early 1950s, German Minister of Justice Thomas Dehler asserted: “We must sacrifice one freedom in order to guarantee liberty.”⁶⁴ This idea led to a national policy called “amnesty and amnesia.”⁶⁵ This policy was introduced by the first post-World War II West German Chancellor, Konrad Adenauer, and effectively supported reintegration of the former Nazi elite.⁶⁶ In 1954, an amnesty law known as the *Straffreiheitsgesetz* marked the end of the denazification carried out under the allied occupation forces. The law permitted the rehabilitation of roughly 400,000 persons.⁶⁷ In practice, their rehabilitation devalued the acts of resistance of the Nazis’ German victims. Former NSDAP members were allowed back into public office and various positions in the public service, while KPD members and their so-called sympathizers were removed from those positions. Paradoxically, in the propagandistic fight for Germans’ allegiance, West German reconciliation policies served the GDR as another instrument of propaganda and indoctrination.

The denazification process pushed its boundaries when it became obvious that nearly all German citizens were somehow tainted by Nazism. The political scientist Eugen Kogon described the problem, stating: “You can only kill them or win them.” In the young FRG, this meant that former members of the Nazi elite and their collaborators were amnestied and successfully reintegrated into

⁶³ Michael J. Heale, *McCarthy’s Americans: Red Scare Politics in State and Nation, 1935–1965* (Basingstoke: MacMillan, 1998); and David Oshinsky, *A Conspiracy So Immense: The World of Joe McCarthy* (Oxford: Oxford Press, 2005).

⁶⁴ Major, *The Death of the KPD*, 279.

⁶⁵ A prime example of the continuity of personnel between the Nazi era and the FRG is the figure of Hans Globke. Globke was an administrative lawyer in the Reich Interior Ministry and co-author of and commentator on the Nuremberg Racial Laws. In 1953 he became secretary to Chancellor Adenauer. See Jürgen Bevers, *Der Mann hinter Adenauer. Hans Globkes Aufstieg vom NS-Juristen zur Grauen Eminenz der Bonner Republik* (Berlin: Ch. Links, 2009).

⁶⁶ Between 1949 and 1951, some 800,000 West Germans were granted amnesty in this program. It still remains unknown today how many of them were former Nazi party members responsible for various crimes. Also unknown is how many of the 100,000 persons who began living under another identity were granted exemption from punishment after they voluntarily revealed their true identities to the police, before the deadline for doing so in March 1950.

⁶⁷ Norbert Frei, *Vergangenheitspolitik. Die Anfänge der Bundesrepublik und die NS-Vergangenheit* (München: dtv, 1996), 101.

society. According to the historian Norbert Frei, the politics of post-history were a form of resocialization that created a secure inner distance that West Germans enjoyed with regard to the ideology of national socialism.⁶⁸ Furthermore, for many Germans, the silence of large parts of the population that had suffered under Nazism facilitated forgetting and the displacement of memory.

In this atmosphere of denial and inability to mourn,⁶⁹ the emphasis shifted from the real need for denazification to anti-communism. Politically active communists were disqualified from holding public service positions, from the institutions administering reparations and from making restitution policy. This was supported by the construction of anti-communism internationally. Even before the German Federal Government demanded a ban on the KPD in the Federal Constitutional Court in November 1951, the first political measures leading up to the ban, such as the *Adenauererlass*, were introduced.⁷⁰ Later, in 1956, the Federal Constitutional Court declared that the KPD was an organization fighting against German democracy.⁷¹

That declaration still forms the legal basis for the post-World War II confiscation of an unknown amount of the property of West German communist organizations.⁷² The restitution claims that were retracted in the aftermath of the KPD ban cannot be raised again. Even in 2014, referring to the principle of separation of powers and the independence of the judiciary, the German

⁶⁸ Norbert Frei, *Adenauer's Germany and the Nazi Past: The Politics of Amnesty and Integration* (New York, NY: Columbia University Press, 2002).

⁶⁹ Alexander Mitscherlich and Margarete Mitscherlich, *The Inability to Mourn: Principles of Collective Behavior* (New York, NY: Grove Press, 1975); and Major, *The Death of the KPD*, 282.

⁷⁰ Re-integrated ex-Communists like Herbert Wehner somehow served to demonstrate that anti-communism was an ideology purely rooted in the intent to protect national security. In April 1957, the magazine *Die Zeit* proclaimed Wehner's experience as a communist to be of the kind now amenable to German democracy. At the same time, Wehner was supporting an amnesty bill for communists in the German parliament, speaking before an audience that included former Nazi party members and collaborators who were also deputies or even ministers.

⁷¹ Angelika Lehndorff-Felsko and Fritz Rische, *KPD-Verbotsprozess, 1954/56* (Frankfurt: Marxistische Blätter, 1981).

⁷² In 2006, the deputies of the left-wing party Die Linke directed a so-called "small request" (*Kleine Anfrage*) to the German parliament concerning the amount and the nature of KPD assets confiscated in connection with the KPD ban. Based on its correspondence from 1960, the German Federal Government estimated an amount of 4.5 million DM. The printing companies constituted the biggest part of the confiscated assets. The exact nature and use of these assets was not specified. See Dokumentations- und Informationssystem für parlamentarische Vorgänge, <http://dipbt.bundestag.de/extrakt/ba/WP16/27/2791.html>.

Federal Government still felt no reason to question the ban on the KPD or support the political, social and legal rehabilitation of persons affected by the *Radikalenerlass*.⁷³

After the KPD was officially banned in 1956, between 125,000 and 200,000 preliminary investigations of its members were opened and 7,000 to 10,000 convictions handed down. Furthermore, an unknown number of communists who continued their political activity were obliged to return money they had received as compensation for damages caused to them by Nazi persecution. This result can be traced back to a court decision codified in Article 6 of the Federal Reparation Law (*Bundesentschädigungsgesetz*, BEG). This law, which is still in force today, denied restitution not only to former members of the NSDAP but also to anyone in the FRG who was accused of having fought against the re-establishment of the liberal democratic order. National socialism and communism were both considered totalitarian ideologies that were consubstantial for purposes of the statute.⁷⁴

After the issuance of the *Radikalenerlass* in West Germany in February 1972, Article 3 of the German Basic Law, mandating equal treatment of all persons regardless of religion, national origin or political orientation, had no application in practice any more.⁷⁵ In West Germany, this fundamental principle of human rights was abrogated in view of the danger of dictatorship. Many, including European human rights organizations, identified its disregard as a human rights violation.⁷⁶ The *Radikalenerlass* now represents the most widely known symbol of the oppression of voices critical of the system in West Germany.

Twenty-two years after the closure of restitution proceedings concerning the KPD and SPD organizations, in 1990, the Prime Minister of Lower Saxony, Gerhard Schröder, nullified the *Radikalenerlass* in his state. In 1995, when the parliament of Lower Saxony belatedly decreed payment of a compensatory pension to victims of Nazi persecution, recompense to the communists, as the

⁷³ In 2014, the Die Linke deputies directed another request to the German Parliament concerning rehabilitation after the *Berufsverbote* and the rescission of the KPD ban. See Dokumentations- und Informationssystem für parlamentarische Vorgänge, <http://dipbt.bundestag.de/extrakt/ba/WP18/611/61118.html>.

⁷⁴ In the discourse of German historians, comparing national socialism to communism is presumed to be inappropriate. On this controversial presumption, see Detlef Schmiechen-Ackermann, *Diktaturen im Vergleich* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2002).

⁷⁵ "Die Grundrechte," Deutscher Bundestag, https://www.bundestag.de/parlament/aufgaben/rechtsgrundlagen/grundgesetz/gg_01/245122.

⁷⁶ Gerard Braunthal, *Politische Loyalität und Öffentlicher Dienst: der Radikalenerlass von 1972 und die Folgen* (Marburg: Schüren, 1992), 9.

double victims of Nazi and postwar oppression, seemed possible. However, the state government of Lower Saxony rejected this idea.⁷⁷ Another 22 years later, in February 2017, the state government of Lower Saxony offered an apology to persons affected by the *Berufsverbote* that were issued in pursuance of the *Radikalenerlass*. In so acknowledging its error, the state government honored the suffering of the persons concerned. However, it still remains to establish a legal basis for compensating them.

At the time the *Radikalenerlass* was decreed, Willi Brandt, in 1970, performed his kneeling down in front of the monument to the victims of the Warsaw Uprising. Today, Brandt's gesture is considered a symbol of *Ostpolitik*. Dogmatic policies were relaxed. Rapprochement with the GDR and other East European countries led to the turmoil of 1989. The moral import of Brandt's gesture, which marked the first thawing of the Cold War, was at the time an exceptional signal that Germans recognized their own crimes. Brandt's act of apology received more attention internationally than domestically.⁷⁸ When Brandt, who paradoxically was a former member of the anti-Nazi resistance, fell on his knees in Warsaw, a descendant of German Chancellor Otto von Bismarck, the progenitor of the Anti-Socialist Laws of the nineteenth century, stood in the first row behind him. In view of German crimes against humanity and the desire to expiate them, did this constellation of personages indicate a normative transition by the West German left wing toward conservatism?

Brandt's act of reconciliation was in fact a denial of the anti-Nazi resistance experience. The marginality of the domestic West German Nazi resistance members and their descendants is reflected in the KPD vs. SPD restitution case study analyzed here. After Brandt's *Kniefall*, those who demanded acknowledgment of their Nazi resistance experiences gave up the battle.⁷⁹ Paradoxically, by devaluing the domestic resistance experience, righting past wrongs became feasible in West Germany. Somehow, the gap between the former Nazi resistance members and the followers of the NSDAP had to be closed. The interests of the social-democratic resistance members were subordinated to the interests of the SPD leadership.⁸⁰ As indicated by the results of the restitution proceedings,

⁷⁷ Rolf Gössner, *Die vergessenen Justizopfer des kalten Krieges. Verdrängung im Westen – Abrechnung mit dem Osten?* (Hamburg: Aufbau T., 1998), 12.

⁷⁸ Barkan, *The Guilt of Nations*, 11.

⁷⁹ Kristina Meyer, "Verfolgung, Verdrängung, Vermittlung. Die SPD und ihre Verfolgten," in *Die Praxis der Wiedergutmachung. Geschichte, Erfahrung und Wirkung in Deutschland und Israel*, ed. Norbert Frei et al. (Göttingen: Wallstein, 2009), 185–186.

⁸⁰ Meyer, "Verfolgung, Verdrängung, Vermittlung."

the pursuit of these interests influenced the reconciliation policies of the West German left.

Those policies first began to change at the end of the 1970s, after the importance of the social-democratic resistance was pointed out by numerous research projects.⁸¹ The transition from repairing international relations through reparations to silencing the voices of the domestic resistance is evidence of the clash between the international and the domestic politics of reconciliation. Rigoll underlines that in collective therapy for Nazi regime sympathizers, stories of collaborators, perpetrators and victims were regularly constrained by the limits of the “sayable.”⁸² The historical limits of the thinkable and “sayable” seem quite analogous to the limits of what can be remembered by society in the form of the politics of reconciliation.

IV. Concluding Remarks

In the late 1960s, the pre-World War II German labor movement’s claims to restitution tested West Germany’s politics of reconciliation. German restitution law did not apply to the formerly suppressed KPD printing companies in West Germany, whereas damage from Nazi persecution to similar SPD organizations was largely acknowledged, as investigation of the restitution claims in Hannover has shown. As part of the postwar devaluing of the domestic Nazi resistance, the resilience experiences of the left wing were effectively left out of the hegemonic political canon.

Barkan underlines that the precondition for restitution arrangements is reciprocity.⁸³ In this specific case, the left’s self-denial enabled the political conflicts of the German-German cold civil war to influence the disposition and redistribution of resources originally seized by the Nazis. The strategic alignment of West Germany with anti-communist forces in the political constellation during the East-West conflict guided internal reconciliation policy. That policy was further aided and abetted by silence about the history of the domestic resistance. Ambivalent relations with the past required successive revisions and the development of new perspectives that were supported by the gradual suppression of history.

⁸¹ Meyer, *Die SPD und die NS-Vergangenheit*.

⁸² Dominik Rigoll, “Grenzen des Sagbaren, NS-Belastung, und NS-Verfolgungserfahrung bei Bundstagsabgeordneten,” *Parlamentsfragen* 45 (2014): 128.

⁸³ Barkan, *The Guilt of Nations*, 86–87.

The intergenerational dialogue was warped by miscommunication. This was perceived as an opportunity by the anti-communists, who took advantage of it to impose socially stigmatizing measures like the *Berufsverbote*. The limits on what was “sayable” in the context of the historic burden of German-German miscommunication about the past, and the subjugation of discourse to the dominant view, have been made obvious in recent efforts to redress the effects of the *Radikalenerlass*. The opposing memories of the persons harmed by the *Berufsverbote* are tools for resisting former totalizing perspectives.

As Jacques Derrida stated, the task of the so-called “new International”⁸⁴ is to produce specific critiques of the nation, the state, international law⁸⁵ and as needed, reconciliation politics. However, in searching for a different historical understanding of Marxism, Derrida seeks to be “anti-political” – a stance that Czech President Václav Havel also sought to read into history.⁸⁶ The specter of life in a shared utopia and all its elements that might serve to emancipate the people is set up in opposition to the documented repressions of communism. In that sense, recent nationwide discourse in Germany about the *Berufsverbote* indicates the existence of conscious, unfinished business, which is being re-evaluated. Does this controversial attempt at reconciliation reveal a counter-voluntary desire to come to terms with left wing trauma arising from the German-German past?

Further historical research on specific regional restitution cases and the history of anti-Nazi resistance and subversion would help to explain the impulse for conciliatory engagement within the contemporary German left wing, i.e. those most affected by the *Berufsverbote*, and would help to support the premise of this paper.

⁸⁴ “It is on the ground of renunciation of social class, of ideology and its representations, of the idea of a superstructure, that the coming of a new International is announced. It [the new International] is an untimely link, without status, without title, and without name, barely public even if it is not clandestine, without contract, ‘out of joint’, without coordination, without party, without country, without national community, without co-citizenship, without common belonging to a class. The name of new International is given here to what calls to the friendship of an alliance without institution among those who, even if they no longer believe or never believed in the socialist-Marxist International [...], continue to be inspired by at least one of the spirits of Marx or of Marxism [...]. Barely deserving the name of community, the new International belongs only to anonymity.” See Jacques Derrida, *Specters of Marx* (New York: Routledge, 1994), 53 and 55.

⁸⁵ Aijaz Ahmad, “Reconciling Derrida: ‘Specters of Marx’ and Deconstructive Politics,” in *Ghostly Demarcations: A Symposium on Jacques Derrida’s Specters of Marx*, ed. Michael Sprinker (London and New York: Verso, 2008), 104.

⁸⁶ Jan Vladislav, ed., *Václav Havel or Living in the Truth* (London: Faber, 1986).