

## **“Premature Resisters”. Spanish Contribution to the French National Defence Campaign in 1939/1940.**

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The number of Spanish refugees who were locked up in French internment camps reached more than 400.000 in the early days of February 1939; however, it gradually fell as the initial chaos subsided, and the camps started to be coordinated by French authorities. According to official data, some 173.000 Spanish nationals remained in custody in mid-June, by mid-November there were about 53.000 of them, and about 30.000 in April 1940. In view of such a dramatic fall, one cannot help but wonder: What might have caused such a considerable reduction in number in the course of a year? Despite the many factors that can be attributed to the drop in the population of Spanish inmates, there were five main options that were considered by the Spanish refugees as their way to leave the camps. They could be deported back to Spain; they could emigrate to a third country, mainly one that is located in Latin America; they could obtain an employment contract outside the camps; they could join foreign workers' companies (Compagnies de Travailleurs Étrangers, CTE) as contractors; or lastly, they could enlist in the military, whether it be with the French Foreign Legion or the Marching Regiments of Foreign Volunteers (Régiment de Marche de Volontaires Étrangers, RMVE).

This article is dedicated to the study of the latter two cases. I shall consider the condition of "premature resisters" of the Spanish workers and soldiers who fought against the German troops in the 1939/1940 campaign. I will connect their personal engagement and combat experiences with the shortcomings of the official definition of the Resistance French, and lastly I will assess the recognition process of subsequent resisters. For this paper, I shall meet a twofold objective. First, I will examine the Spanish contribution to the French national defence in the campaign, which was of crucial importance for thousands of Spaniards because this would be the first time that they would come into contact with the French discipline. Secondly, I will evaluate how, after decades of confrontation that pitted the Gaullists against communists' antagonist interpretations of the Resistance, the politico-commemorative battle resulted in a restrictive definition of the resister phenomenon. This phenomenon excluded from any of its categories not only contractors but also Spanish soldiers who faced the advances of the Wehrmacht between 1939 and 1940 while serving in the ranks of the CTE, the Foreign Legion or the RMVE. This problematic definition determines most of the French legislation that sanctions the formal recognition for the service provided by volunteers to the Resistance, and it has defined for more than seventy years how nationals' and foreigners' participation in the fight against the occupier and its allies was reviewed and recognised.<sup>1</sup>

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<sup>1</sup> “Décret n° 51-470 du 24 avril 1951 portant règlement d'administration publique, codifiant les règlements d'administration publique concernant les pensions militaires d'invalidité, les diverses pensions d'invalidité soumises à un régime analogue, les droits et avantages attachés à la qualité d'ancien combattant ou de victime de la guerre”, in: *Journal Officiel de la République Française (JORF)*, n°0101, April 27th, 1951, 4262.

In order to analyse the Spanish contribution to the French national defence in the 1939/1940 campaign, I shall first introduce the historical and legal framework in which it took place, how this framework affected the Spanish recruits in the CTE, the Legion and the RMVE. Then I will show how those recruits became “premature resisters” by choosing the options that would place them once more before German troops, most of them having already faced the Nazi armed forces in Spain (1936-1939) after leaving the French camps. I shall analyse the different ways in which the Spaniards had been able to join French ranks (CTE, LE and RMVE)- either forced or on a voluntary basis -, paying close attention to both the motives put forward by those who joined them, and their fighting itineraries. I shall also look into how these itineraries in turn determined the “post-war” destinations (after the Armistice) and the incorporation of those who had joined the CTE, the Legion and the RMVE ranks, to the Resistance. Next, I shall briefly introduce the French legislation that influenced the different administrative bodies that were set up to evaluate and recognize the services rendered by volunteers to the Resistance. Finally, I shall relate the Spanish participation to the 1939/1940 campaign with the French legislation to demonstrate how, considering its restrictive nature, it failed to recognize as “acts of resistance against the enemy” those undertaken by Spanish premature resisters (the members of the CTE, the Legion and the RMVE) who fought against Hitler’s troops in this period. This regulation was applicable to the foreigners who took part in one of these three structures since the legislation did not make any references to nationality.

## **1. Spanish Contractors**

The reception of Spanish refugees in its territory was first considered to be a temporary one. This made it possible to dismiss the possibility of including the refugees in the national economy, and to limit their contribution to the national defence such as their enlistment in the Foreign Legion. Nevertheless, the French authorities came to view the Spanish refugees differently in light of the ongoing political context and the looming world conflict; they reassessed the economic and military value that the Spaniards represented.<sup>2</sup> This translated into the development of a repertoire of regulatory frameworks to supervise the enlistment of Spanish refugees for the French war effort. This development was initiated by Interior Minister Albert Sarraut at the end of March 1939 by means of a notice addressed to the prefects of each French department and to the Algerian Governor General. In the notice, Sarraut requested for an elaborated report to compile the tasks that might be undertaken by the Spaniards interned in camps. He also encouraged the departmental authorities to specify in the report how and where the refugees could be put to use, and what forces might be needed to supervise them.<sup>3</sup> A few weeks later on 12 April 1939, the French government published a decree on 11 July 1938 that extended the duties enforced by law onto the rights of foreigners under asylum for the “general organisation of the

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<sup>2</sup> D. Peschanski, *Les Camps Français d’Internement (1938-1946)*, Thèse de doctorat d’État en histoire, Antoine Prost (dir.), Université Paris 1 Panthéon-Sorbonne, 2000, 3 vols. [N° national de thèse 2000PA010665], 227-228. A shorter version of this work was published in: D. Peschanski, *La France des Camps: l’internement, 1938-1946*, Paris 2002.

<sup>3</sup> «Circular de 31 de marzo de 1939, del Ministerio del Interior Francés, transmitiendo instrucciones de la presidencia del Consejo sobre la utilización de refugiados españoles», in: J. Rubio, *La emigración de la guerra civil de 1936- 1939: historia del éxodo que se produce con el fin de la II República española*, vol. 3, Madrid 1977, 840-841.

nation in war times”.<sup>4</sup> The text required of Spanish men between twenty and forty-eight years old to provide services for a duration equal to that of the French military service in times of peace, as it revealed the willingness of the French army to encourage the use of the refugee workforce in its territory.<sup>5</sup> Edouard Daladier, President of the Council of Ministers, derived his intention from the current decree to use units of mercenaries made up of Spanish refugees in national defence operations, and consequently notified the leaderships of the different military regions of his plan a few weeks later.<sup>6</sup> The only other option available to them was to join companies of Spanish workers that were at the disposal of the different military regions at the end of April 1939. In theory, this option offered the possibility for families to be reunited, but in practice it resulted in the subjecting of a great majority of Spanish refugees to a forced separation upon their arrival at the French territory.<sup>7</sup>

Directly dependent on the military authority, the CTE were composed of some 250 Spaniards supervised and policed by French soldiers, whose numbers decreased as the French authorities’ trust in the groups grew. At first placed at the disposal of the army, the bulk of the CTE was dispatched in zones close to the Maginot Line and the French border with Belgium, Germany and Italy for defensive operations. Nonetheless, it is worth noting that in Algeria, Morocco and Tunisia, twelve companies, pertaining to the Eighth Regiment of Foreign Workers, were set up and employed in the renovation of roads, the development of the coal mines and the construction of the Trans-Saharan railway line, with the latter requiring the employment of a third of the contractors assembled in north Africa.<sup>8</sup> The variety of areas of operations highlights the highly mobile nature that was displayed by a lot of the companies who, despite having been set up in internment camps, were deployed throughout the French territory.<sup>9</sup> Here the case of the third CTE might serve as an example. Created in November 1939 in the Saint Cyprien camp, it was placed at the disposal of the fourteenth military region, in particular that of the sixth army. It was also first deployed in the Basses Alpes Department, then transferred to the Hautes Alpes and Alpes Maritimes, and finally placed at the service of the fifth army.<sup>10</sup>

Despite the enlistment to the CTE being at first on a voluntary basis, it became mandatory after the declaration of war in September 1939, so that within the next six months forty companies of conscripted recruits joined the seventy-six CTE that has been set up before the beginning of the Second World War. They thus became at the disposal not only of the army; they were also made available to other ministries, regions, local institutions, armament and aerospace manufacturers, farms or corporations such as the SNCF or the Compagnie des

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<sup>4</sup> “Loi du 11 juillet 1938 sur l’organisation générale de la nation pour le temps de guerre”, in: *JORF*, July 13th, 1938, 8330.

<sup>5</sup> “Décret relatif à l’extension aux étrangers bénéficiaires du droit d’asile des obligations imposées aux Français par les lois de recrutement et la loi sur l’organisation de la Nation en temps de guerre”, in: *JORF*, April 16th, 1939, 4910.

<sup>6</sup> Service Historique de la Défense (SHD)/GR, 7N 2475; SHD/GR, 12P 293.

<sup>7</sup> M.-C. Rafaneau-Boj, *Los campos de concentración de los refugiados españoles en Francia (1939-1945)*, Barcelona, 1995, 195; S. Serrano, *La última gesta. Los republicanos que vencieron a Hitler*, Madrid 2005, 112.

<sup>8</sup> A. Grynberg / A. Charaudeau, “Les camps d’internement”, in: P. Milza / D. Peschanski (eds.), *Exils et Migrations. Italiens et Espagnols en France. 1938-1946*, Paris 1994, 152.

<sup>9</sup> SHD/GR, 34N 375.

<sup>10</sup> Ibid.

Eaux et Forêts.<sup>11</sup> Such varied uses resulted in the highly mobile nature of the companies as well as the diversity of actions undertaken by its members that were directly dependent on the groups' governing bodies. And, just like their actions, the conditions of exploitation of the companies were similarly varied in nature depending on where and for whom these units were deployed. Therefore, as a general rule, those who were enrolled in those companies that were stationed far from the internment camps were able to enjoy better living conditions, with the notable exception of the dozen of northern African companies that had to endure not only harsher weather conditions but also a stricter set of control and monitoring rules.<sup>12</sup> However, for those CTE that remained assigned to an internment camp, the condition of supervision prevailed in line with the rules of those centres, even if the contractors were not considered to be refugees any more.<sup>13</sup>

Around 55.000 Spaniards were supervised in 230 companies between 1939 and-1940.<sup>14</sup> They were distributed as follows in May 1940: ninety-three companies were put at the disposal of the army, fifty-two of them were placed under the orders of the different corps of the territorial army, eighteen were attached to the artillery, seventeen to the air force, four to logistics, one to engineering and another to the British base of Savenay (Loire-Atlantique); forty-three were at the service of the Minister of Armaments, twenty-three were attached to different forest services, twenty to different powder mills and explosive factories, sixteen to the French regions, seven to several departments' agricultural services, five to the Compagnie des Eaux et Forêts, four to the SNCF, one to the Chamber of Commerce of Saint Nazaire (Loire-Atlantique), and fourteen others that had unspecified designation. However, it is worth noting that a detailed analysis of the documentation from the Service Historique de la Défense (SHD) highlights that out of the 230 CTE examined, the 251<sup>st</sup> CTE was mainly manned by Portuguese workers, the 252<sup>nd</sup> CTE by Germans, the 253<sup>rd</sup> CTE by Italians, and the 254<sup>th</sup> CTE by Yugoslavs.<sup>15</sup>

It helps to consider the entities which benefited from the work of these companies to make it clear that the work undertaken by the Spaniards underwent an important diversification process. Those who were employed as Spanish contractors in the companies attached to the armed forces, and those who were at the service of other ministries and/or corporations, were not only involved in the operations aimed at reinforcing the national defence – such as the digging of anti-tank trenches, ammunition dumps, tunnels, trenches and the construction of aerodromes on landing strip. They were also used mainly to perform the maintenance of roads, forest clearing, coal mining and the building of public works and warehouses. This implies that both the set of rules regulating the supervision imposed on the Spanish contractors and the geographical location of their units were subject to alterations that led to, as previously mentioned, a gradual easing of their control and removal from the Maginot Line and/or the border respectively. However, owing to the geographical location assigned to the

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<sup>11</sup> SHD/GR, 34N, 375-378.

<sup>12</sup> A. Bachoud, "Les républicains espagnols en Afrique du Nord", in: A. Bachoud / B. Sicot (dirs.), *Sables d'exil. Les républicains espagnols dans les camps d'internement au Maghreb. (1939-1945): Exils et migrations ibériques au XXe siècle*, 3 "nouvelle série", Paris 2009, 11-36.

<sup>13</sup> Grynberg / Charaudeau, "Les camps d'internement", 152-154.

<sup>14</sup> D. G. Celaya, *La guerra continua. Voluntarios españoles al servicio de la Francia libre. 1940-1945*, Madrid 2015, 150-153.

<sup>15</sup> SHD/GR, 34N, 375-378.

dozens of companies that were employed in French border sections, thousands of Spaniards - unexpectedly and mostly involuntarily, since they had been appointed as contractors whose sole task was to work, not to fight -, became resisters overnight in order to save their own lives; they were equipped with nothing else but out-of-time armament that dated mostly back to the First World War when the German troops invaded France.

Thousands of them lost their lives or were made prisoners and interned in prisoner-of-war camps (Stalags) together with other prisoners of war, a status that they were given for working as military contractors' and despite being civilians. They shared their sentence with namely French and British soldiers, although they were also confined with other foreigners who had served French interests. At first, all of them could benefit from the international treaties that regulated the treatment of prisoners of war.<sup>16</sup> However, a few months after the Spaniards had been made prisoners, the German armed forces relinquished the management and custody of the Spanish inmates to the Gestapo, which separated them from the rest of the prisoners. The Gestapo gathered intelligence on their origin and political and military actions in Spain and France, and finally deported them to the Mauthausen camp.<sup>17</sup>

Although it remains a mystery as to how the decision to deport the Spanish prisoners was reached and who decided it, we know that on 25 September 1940, a notice from the Gestapo addressed to the authorities of the Third Reich in occupied Europe specified how they were to proceed regarding the Red Spain fighters or *Rotspanienkämpfer*, which was designated not only to prisoners of Spanish nationality but also those who had come from other countries but who had served the interests of the Spanish Second Republic. This notice, which in some cases came into effect two months prior to its publication, officially stripped the Spanish prisoners of their prisoners-of-war status; they thus lost their protection under the Convention of Geneva of 1929. Such measures ratified their deportation to Nazi camps without raising any claims of responsibility from the Government of Franco because it concerned Spanish civilians. Neither did the Vichy Government react to the measures, since the Spaniards had been arrested in French uniforms. Thus began in August 1940 the first wave of deportation of Spanish nationals, a wave that would last until 1942 and in which the concentration camp of Mauthausen (Austria) and its Spanish "residents" played a major role. The latter, despite being integral contractor members of the CTE, were denied the title of Deported Interned Resister (Déportés et Internés résistants, DIR) by the French legislation, even though they fought against Hitler's troops as part of a French unit and were later made prisoners.<sup>18</sup>

## **2. The French Foreign Legion and RMVE**

Ever since the bulk of the Spanish exiles reached the French territory in early 1939, the possibility to enlist in the French Foreign Legion - and thus to leave the internment camps - remained constant for all these Spanish refugees who were

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<sup>16</sup> "International Humanitarian Law. Geneva Convention Prisoners of War 1929", <https://www.icrc.org>.

<sup>17</sup> Spanish deportation phases in B. Bermejo / S. Checa, *Libro memorial. Españoles deportados a los campos nazis. 1940-1945*, Madrid 2007.

<sup>18</sup> Bermejo / Checa, *Libro memorial*, 13-20; and B. Bermejo, *El fotógrafo del horror. La historia de Francisco Boix y las fotos robadas a los SS de Mauthausen*, Barcelona 2015, 54-56. See also D. W. Pike, *Spaniards in the Holocaust: Mauthausen, Horror on the Danube*, New York 2000, 11-13.

ready to commit to the French Foreign Legion for five years at first, and then for the duration of the whole war.

Created in 1831 as a unit opened to foreign volunteers who, after the uprising of 1830, were banned from joining the regular French army, the French institution became a refuge in the interwar period to numerous political exiles who fled the authoritarian regimes in their respective countries, and represented an important multicultural addition to the corps. At the forefront of this multicultural contribution were Italians who were opposed to Mussolini, anti-Nazi Germans, Hungarians who were threatened by Horthy, Bulgarians who were being persecuted by Boris the Third, as well as Austrians and Czechoslovakians who had fled the German *Lebensraum* in 1938. From 1939 onwards, they were joined by thousands of Spaniards and Poles who had escaped the civil war and the German invasion respectively.<sup>19</sup> The sustained influx of legionnaires over a period of more than twenty years forced the Legion to reorganise and restructure to adapt to a new political landscape in which the European anti-fascist activists, particularly the Spanish, played a leading role. In fact, the list of enrolled legionnaires in 1939 proved as much: Of the 8465 new recruits who joined the Legion in that same year, 36 per cent were Spaniards, more than 9 per cent were Czechoslovakians, almost 8 per cent were Italians, and more than 7 per cent were Poles. In comparison, Austrians, Germans and Russians each comprised less than 5 per cent of the Legion.<sup>20</sup>

Contrary to what happened with Italian and German recruits who joined the Legion in large numbers since the end of the First World War, the massive influx of Spaniards took place between February 1939 and June 1940.<sup>21</sup> This development had its roots in the flight of Republicans from the civil war that was taking place in Spain, and their consecutive confinement in internment camps, where they were encouraged by the French authorities to first enlist in the Legion and then in the RMVE where some 2700 Spaniards served.<sup>22</sup> Both alternatives, together with the enlistment to the CTE, made up the three options from which Spanish refugees could choose to leave the internment camps, thus once more taking up the fight that most of them had joined in Spain against international fascism in 1936. However, the admission of Spanish recruits to the Legion and RMVE were first made conditional due to the explicit refusal from the Joint Chiefs of Staff to create independent Spanish units. Such conduct reflected the desire of the French to maintain cordial connections with the Francoist government that was then based in Burgos and with whom they were negotiating the Bérard-Jordana bilateral agreements that would regulate the bilateral relations between both countries until the end of the Second World War.<sup>23</sup> However, it is worth noting that this veto did not apply equally to the members of other groups of foreigners present on French soil. After the declaration of war in 1939, the Czechoslovakian and Polish refugees could choose to enrol in the Legion, in the

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<sup>19</sup> P. Montagnon, *La Légion étrangère. De 1831 à nos jours*, Paris 1999.

<sup>20</sup> S. Leroy, "La Légion Etrangère creuset des différences. L'institution face à l'évolution des problématiques et motivations d'engagement (1920-1940)", unpublished paper presented at "Journées internationales de l'institut Universitaire de Technologie Charlemagne", Nancy, November 22, 2011, author's courtesy, 4; D. Porch, *La Légion étrangère, 1831-1962*, Paris 1994, 517.

<sup>21</sup> Montagnon, *La Légion étrangère*, 137.

<sup>22</sup> Leroy, "La Légion Etrangère creuset", 4; Porch, *La Légion étrangère*, 517.

<sup>23</sup> P. Barruso Barrés, "Los acuerdos de Jordana-Bérard y el regreso de los exiliados españoles", in: VV.AA, *La España exiliada de 1939: Actas del Congreso "Sesenta años después" (Huesca, 26-29 de octubre de 1999)*, Zaragoza, Huesca 2001, 141-160.

RMVE or in a list of (national) foreign regiments in which they could fight under their countries' respective flags, but which were nonetheless integrated to the French regular army.<sup>24</sup> It is interesting to note the apparent discrepancy between this particular instance and the Spaniards' case, considering that a note from the Joint Chiefs of Staff (JCS) of the French armed forces dated on 16 February 1939 described the creation of regular Spanish or Czechoslovakian units as "contrary to the status of the Legion". As we have previously seen, such an issue was finally resolved rather more inequitably for some than for others: The veto on the creation of independent Spanish units was maintained whereas it was eventually allowed for Czechoslovakians after the declaration of war.<sup>25</sup>

It is true that the decision of the French JCS accentuated the withdrawal of many Spaniards who were reluctant to join the Legion, given that, according to the words of Spanish refugee José Pàmies "the Legion did not match our ideals [...] we were fighters but not mercenaries".<sup>26</sup> Among those who objected to swelling the ranks of the Legion, it is worth highlighting the case of the Spanish communist militants who, in line with the guidelines of the Spanish Communist Party (PCE), would only contemplate the possibility to add its military capital to the French ranks provided that its addition would take place in units of the French regular army on a voluntary basis, while enjoying the same conditions as would the French population and being recognised as political exiles.<sup>27</sup>

Nevertheless, beside these factors, others such as the inimical reception on the part of the French authorities, the family separations, the internment in the camps, the fatigue after three years of war in Spain, the fear of dying in new battles, the inability to identify with the new conflict, the renouncement of the longed-for family reunification and/or the immersion once again in military life, thereby forfeiting their civilian one, played a part in the Spaniards' reluctance to join the Legion. A good example of this is the case of Rafael Gómez (Almería, 1921), a cyclist police officer from the Republican Treasury Department, who had fled to France in February 1939, was confined to the Saint Cyprien camp (Pyrénées Orientales) and who later recounted that "the first four weeks [in the camp] were quite an ordeal. We would go about barefooted, we would drink dirty, soapy water, the same we had used to wash ourselves [...] They would feed us very little [...]" However, despite the organisation and the living conditions at the camp having improved after a few weeks, one routine remained immutable: the weekly visit to the camp by a group of gendarmes to recruit men for the Foreign Legion. "Many left. Others didn't. I didn't want to go to the Legion," writes Rafael, who decided to remain in Saint Cyprien in the hope of being reunited with his father.<sup>28</sup>

Thanks to these recruitment campaigns taking place in the camps, thousands of Spaniards directly enrolled in the Legion from the camps in which they were confined. In fact, a report from the colonel of the First Foreign Infantry Regiment

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<sup>24</sup> J. Hallo, *Monsieur légionnaire: l'homme et ses traditions*, Lavauzelle 1994, 76; J.-L. Crémieux-Brilhac, "Engagés volontaires et prestataires", in : K. Bartosek / R. Gallissot / D. Peschanski (ed.), *De l'exil à la Résistance. Réfugiés et immigrés d'Europe centrale en France 1933-1945*, Paris 1989, 96.

<sup>25</sup> "Note du 16 février 1939, EM de l'Armée du Terre concernant à l'organisation de la Légion étrangère", SHD/ GR, 7N1021.

<sup>26</sup> Testimony of José Pàmies Beltrán, in: F. Merchán Tejero (ed.), *Memorias del olvido: la contribución de los Republicanos españoles a la Resistencia y a la Liberación de Francia: 1939-1945* Paris 1996, 42.

<sup>27</sup> Serrano, *La última gesta*, 131; A. D. Printer, "Spanish Soldiers in France", in: *Nation* CLV (1943), 489-490; Porch, *La Légion Etrangère*, 518-519.

<sup>28</sup> Personal record of Rafael Gómez, SHD/GR, 16P 262307. Gómez's testimony, in: E. Mesquida, *La Nueve. Los españoles que liberaron París*, Barcelona 2008, 182.

(1<sup>st</sup> FIR) on the Legion's frame of mind, dated April 1939, can help us to understand how important these campaigns were, since on this particular date, the number of Spaniards enlisted in the Legion through the ordinary procedure, that is in recruitment centres that were not situated in the camps, reached only 290, whereas the enlistments in internment camps during the same period yielded more than 1000 recruits.<sup>29</sup> These campaigns could be divided into three phases: in the first phase, the enlistment would be advertised to the inmates; in the second, there would be a focus on fighting the counterpropaganda relayed by the refugees in an attempt to warn the audience against the risks and disadvantages that an enlistment in the Legion would imply; and the third was articulated around the recurring visits of the gendarmes to the camps and aimed at convincing those who were still undecided, so as to enrol them instantaneously and thus reduce their reflection time to a minimum.

Just like the crossing of the border, these methods would leave an indelible mark on many an inmate's memories. In fact, many of them remember the camps being equipped with loudspeakers that advertised the recruitment or informed the inmates, after their rations had been reduced, about how much food the legionnaires would receive. They also recall the pressures they were put under by the French authorities to join the Legion, whereas others evoke how the Legion was advertised as a way to discover new horizons.<sup>30</sup> However, most testimonies seem to agree on the dilemma between enlistment and repatriation; a choice that would be encapsulated in the famous expression "to Spain or to the Legion"<sup>31</sup>, which Antonio Soriano quotes from two gendarmes in charge of the enlistment to the Legion in the camp of Bram (Aude), and to which he answered: "Neither Spain nor the Legion, what we want is to be soldiers, soldiers of the French army just like you are, but as part of republican units. [...] We are no legionnaires, we are an army with an ideology."<sup>32</sup>

Despite the variety of works and testimonies that attest to the fact that the Spanish refugees were both encouraged and coerced into joining the Foreign Legion from the moment they reached the French territory<sup>33</sup>, the fact is that the analysis of the different pressure tactics used by the French administration to promote the enlistment of Spaniards to the Legion present varying degrees of intensity depending on the French national defence policy as well as the current international setting, both taking roots from the declaration of war on 3 September 1939. This date cleaves the enlistment period into two parts that might have pursued the same objective – the enrolment of new recruits – but did so within

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<sup>29</sup> "Rapport sur l'état d'esprit de la Légion (1<sup>er</sup> REI)", Avril 1939, SHD/GR, 1N70.

<sup>30</sup> A. Vilanova, *Los Olvidados: los exiliados españoles en la Segunda Guerra Mundial*, Paris 1969, 319; Rafaneau-Boj, *Los campos de concentración*, 201; M. Maugendre, *De l'exode à l'exil. L'internement des républicains espagnols au camp du Vernet d'Ariège, de février à septembre 1939*, Mémoire de Master II, Université de Bordeaux 3 Michel de Montaigne, 2007, 186.

<sup>31</sup> "Des fois, ils ne te posaient même pas la question, il y avait un tableau avec deux colonnes: Franco ou la légion. Nous on disait non. Par contre nous avons eu des compatriotes qui se sont inscrits pour la légion", in an interview to Cristobal Robles, Elne (Pyrénées Orientales) 1998, in: F. Guilheim, *L'obsession du retour, les républicains espagnols, 1939-1975*, Toulouse, 2005, 140.

<sup>32</sup> Antonio Soriano's itinerary, reconstructed thanks to J. L. Morro Casas, "Antonio Soriano: los libros, su vida", in: A. Altet / M. Aznar (eds.), *Literatura y cultura del exilio español de 1939 en Francia*, Salamanca 1998, 391-404; Soriano's testimony, in: A. Altet, *La voz de los vencidos*, 86. Interview with Soriano, in: A. Altet / B. Bermejo (dirs.), *Exilios. Refugiados españoles en el Mediodía de Francia: éxodo, acogida, campos*. [Documentary film], 43 min, Madrid, 1997.

<sup>33</sup> Serrano, *La última gesta*, 128; L. Reyes, *Españoles en la Segunda Guerra Mundial*, Madrid, 1990, 21; E. Pons Prades, *Republicanos españoles en la Segunda Guerra Mundial*, Madrid, 2003, 376.



very different historical and legal climates, giving rise to distinct politics of recruitment, as we shall see presently.

### 3. Turning Point

The declaration of war had a considerable effect on the living conditions of the Spanish refugees in France, so much so that after the order that called for the general mobilisation of troops, the recruitment of Spanish contractors that were intended to create new companies became mandatory and completed the training of forty new CTE. The compulsory nature of the recruitment derived from two texts: the decree of 12 April 1939, which modified the law of 11 July 1938 on the general organisation of the nation in times of war; and a series of secret measures adopted in April too by the French JCS that aimed at completing previous legislative texts.<sup>34</sup> These measures stipulated that, in case of a general mobilisation, male foreigners between seventeen and fifty years of age should be assembled, in as short a time as possible, in internment camps for foreigners so as to be employed by the military regions or the public services. In other words, they would be supervised in new CTE and be placed at the disposal of the army and/or the different ministry to work mainly in the industry or in farming, so as to make up for the loss of French workforce, which was a consequence of the call for general mobilisation and who were now contributing to the national defence. However, it is worth mentioning that the status of “contractor” was specified a few months later in a decree dated on 12 December 1939.<sup>35</sup>

Although none of the documents mentioned previously ever considered the mandatory nature of the foreigners’ military enlistment in the French ranks at the commencement of hostilities, its publication triggered several alterations in the way foreigners were recruited. In fact, via the decree of 12 April, foreigners who had been residing in France for at least ten years were authorised to enlist in the regular French armed forces.<sup>36</sup> Although it is true that the bigger alteration was the creation of new units designed to accommodate those Spanish refugees who had refused to join the Legion: the RMVE..<sup>37</sup> Those who joined these units did so as *engagés volontaires pour la durée de la guerre* (EVDG), received the status that was defined in the decree of 27 May 1939, and which reads as follow: enlisted volunteer for the duration of the war, and therefore freed from any military obligation when it ended in June 1940 with the signature of the armistice. Meanwhile, those who had joined the Legion prior to the declaration of war, had, in general, signed a five-year contract and therefore remained mobilised at the end of the conflict, provided that their contract was not completed. It is nonetheless worth highlighting that, following the declaration of war, these enlistment requirements for those who joined the Legion were also modified since the French legionnaire Corps adopted the EVDG status.<sup>38</sup>

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<sup>34</sup> “Décret-loi du 12 avril 1939 relatif à l’extension aux étrangers bénéficiaires du droit d’asile des obligations imposées aux français par les lois de recrutement et la loi sur l’organisation de la nation en temps de guerre”, in: *JORF*, April 16th, 1939, 4910; “Instruction sur l’organisation et utilisation des travailleurs étrangers”, SHD/GR, 7N 237.

<sup>35</sup> Crémieux-Brilhac, “Engagés volontaires et prestataires”, 96; P. Gaida, *Les étrangers en surnombre. Les Groupements de travailleurs étrangers (GTE) sous le régime de Vichy*, Paris 2016, 33.

<sup>36</sup> “Décret-loi du 12 avril 1939...”.

<sup>37</sup> Leroy, *La Légion étrangère*, 9.

<sup>38</sup> “Décret du 27 mai 1939 engagements souscrits pour la durée de la guerre par les étrangers”, in: *JORF*, 9 June, 1939, 7285.

On 16 September 1939, Édouard Daladier decided on the creation of special units, separate from the Legion, of foreign volunteers.<sup>39</sup> And weeks later, by means of a note dated on 5 October 1939, he informed the leaderships of the different military regions of his decision to extend the enlistment of Spanish refugees to the RMVE.<sup>40</sup> However, it must be underscored that when it came to publishing these enlistments, the French authorities opted for ambiguous expressions that rendered the RMVE's integration to the Legion difficult, and which prevented the withdrawal of those who, during the February-September 1939 period, refused to join it.

#### **4. Why and Where to Enlist?**

The idea of taking up arms against fascism tempted only a few refugees. Among the many reasons that prompted the Spaniards to join the Legion or the RMVEs, the main reason was to leave the camps. In fact, all those who signed a military enlistment were aware that in doing so, they might be subjected to a strict military discipline, but they would also be granted a certain degree of freedom, which would then be complemented by leaves. However, it is worth stressing that for most of those Spanish volunteers who had relatives on the French territory, their integration into the French army helped their loved ones to leave the camps and shelters. In fact, a foreigner's voluntary enlistment to the French army would automatically allow his family to settle in France. It would cover the rent of their new home, and, once deduced from the recruit's allowance, it would provide them every day with 10 Francs for their maintenance. Although it is true that there were those who, without any relatives in France and cut off from their loved ones, saw the enlistment as the opportunity to escape the tedium and apathy that reigned in the camps, to be active and receive wages for it.<sup>41</sup>

With or without families, those who integrated the Legion or the RMVEs, as well as the CTE, hence swept aside the threat of repatriation to Spain at the stroke of a pen, while undergoing a change in the way they were perceived by the French authorities – from prisoners and refugees to soldiers and/or workers for the national defence. The same authorities did not hesitate to appeal to the antifascist sentiments that they assumed all of them shared in order to promote post-declaration of war the military enlistment as a new opportunity to oppose in armed combat those who had defeated them just a few months before. Such a message had a profound effect on many Spanish refugees who saw in their new military adventure as an occasion to continue the fight against fascism that they had initiated in 1936, as expressed by Enrique Ballester:

“For me, this war was the continuation of the Spanish war; that's why, despite having no inclination for war, I would rather face the risks of a soldier in campaign than the humiliating condition of a refugee surrounded by wired fences. The vast prospect of the battlefield to the limited space of a concentration camp; the brotherhood of the soldier than the intriguing animosity of the companion in misfortune. And when the war ends, if I live, being able to shout at the top of my

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<sup>39</sup> “Note du 16 de septembre de 1939”, SHD/GR, 7N 2475.

<sup>40</sup> “Note du Président du Conseil du ministres, ministre de la Défense nationale et de la Guerre à Monsieur le général gouverneur militaire de Paris, les généraux commandant les régions militaires de Paris, 1 à 9, 11, 13 à 18 et 20. Objet: Engagement des espagnols”, SHD/GR, 7N2475.

<sup>41</sup> A weekly wage that amounted to 12 Francs for the three months of training, and two daily from that moment, to which has to be added 500 Francs as the enlistment Premium. Serrano, *La última*, 132; Rafaneau-Boj, *Los campos de concentración*, 103.

lungs that I won my freedom with a rifle in my hand rather than bowing my head down when someone asks me what I did meanwhile by remaining inactive.”<sup>42</sup>

Despite the difficulty in specifying the complex relations maintained between the RMVEs and the Legion,<sup>43</sup> the fact is that a range of significant differences existed between the two, and that these differences had a direct influence on the enlistment, supervision and service provided by the Spaniards in their ranks. The differences were so significant that those who enlisted in the Legion did so without interruption between February 1939 and June 1940. The enlistment in the institution continued for five years after the declaration of war, and there were those who enlisted for the duration of the conflict, thus sharing the EVDG status with the RMVE recruits. It also spared the Legion the controversy and consequent withdrawal that a commitment to the five-year contract might have provoked.

What emerges from the individual study of the personal records of hundreds of Spanish recruits is this: The most common itinerary, which was followed by those who joined the French Foreign Legion between 1939 and 1940, had its origins in the internment camps of south-eastern France where they were recruited. This itinerary was further practised in the Perpignan recruitment centre where the great majority of them formalised their enlistment, then proceeded towards the Foreign Legion Headquarters in Sidi Bel Abbès; and concluded in the Dépôt Commun des Régiments Étrangers (DCRE) whence, after receiving instructions and training, they were placed at the disposal of the Legion's different units in which they were incorporated.<sup>44</sup> However, we ought to add to this itinerary a second route as described by those Spaniards who joined the Legion after the declaration of war and the creation of the Dépôt métropolitain de la Légion Étrangère in Sathonay – a metropolitan recruitment centre for the Legion affiliated to Sidi Bel Abbès's DCRE, which was first established in the fortress of Vancia, north of Lyon (Rhône), but which - after experiencing a notable increase in recruits - had to see its facilities expanded to the military camps of Sathonay (Rhône) and La Valbonne (Ain). Nonetheless, it is important to note that, despite both itineraries coexisting between September 1939 and June 1940, a detailed analysis of Spanish enlistments in the Legion during the whole of the 1939/1940 campaign establishes that 77 per cent of Spaniards regularised their contract between February and September 1939 - that is to say before the declaration of war, and therefore followed the first of the two aforementioned itineraries - and also because the Sathonay centre was not built before 2 September 1939.<sup>45</sup> However, as mentioned earlier, Spanish refugees who remained in internment camps were offered a new way to enlist after the declaration of war: to join the 21<sup>st</sup>, 22<sup>nd</sup> and 23<sup>rd</sup> RMVEs.<sup>46</sup> This meant that, much like what happened with the CTE and the Legion, the said camps became once more makeshift recruitment centres for those who would join the RMVEs after having formalised their enlistment at the Perpignan recruitment centre, from which they were then taken to the Barcarés camp (Pyrénées Orientales), where the Dépôt Commun des

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<sup>42</sup> Testimony of Enrique Ballester Romero, in: A. Vilanova, *Los olvidados*, 319.

<sup>43</sup> Montagnon, *Histoire de la Légion*, 212-214; S. Leroy, “Les exilés républicains espagnols des Régiments de Marche des Volontaires Étrangers. Engagement, présence et formation militaire (janvier 1939-mai 1940)”, in: *Cahiers de civilisation espagnole contemporaine* 6 (2010), <http://ceec.revues.org/3285>; Porch, *La Légion étrangère*, 514.

<sup>44</sup> SHD/GR, 16P.

<sup>45</sup> Celaya, *La guerra continúa*, 182.

<sup>46</sup> Leroy, “Les exilés républicains”, 3.

Régiments de Marche de Volontaires Étrangers (DCRMVE) was established in September 1939. Following the signing of the armistice, the three regiments were dissolved, and the soldiers manning them were demobilised thanks to their EVDG status. However, in addition to these three regiments, another unit was created in the Barcarès camp in March 1940: the 1<sup>er</sup> Bataillon de marche de volontaires étrangers (1<sup>er</sup> BMVE), which was sent to French Levant in April of the same year, mainly in Baalbek, to the east of Beirut, and which was ultimately integrated to the 6<sup>e</sup> REI, thus changing its name to 11<sup>e</sup> Bataillon de volontaires étrangers (11<sup>e</sup> BVE). And, unlike those who were demobilised upon the dissolution of the RMVEs, the Spaniards who belonged to the 11<sup>e</sup> BVE remained in their unit after the armistice. This is because despite their EVDG status, once they had been transferred to the 11<sup>e</sup> BVE they remained assigned to the 6<sup>e</sup> REI, which came under control of the Vichy government with the rest of the French Levant troops, when the 11<sup>e</sup> BVE being dissolved on 4 July 1940 after the British attack on the French Navy base of Mers el Kebir and marking the overturn of the French troops in the Levant. This is when the Spaniards who composed it were then integrated into the 1<sup>st</sup> Group of Foreign Workers in the Levant (1<sup>er</sup> Groupement de travailleurs étrangers du Levant, 1<sup>er</sup> GTEL), which came under control of Vichy's civilian authorities.<sup>47</sup>

## 5. Towards a Restrictive Definition of Resistance

The task of defining the Resistance in France has been, and still is, a complex one, given the diverse nature of the phenomenon and the heterogeneity of forms, movements, organisations, commitments and operations that it had adopted. However, thanks to the considerable progress made in the historiography of the Resistance in the last thirty years, new research has enabled us to rethink the traditional definitions that have been applied to the phenomenon.<sup>48</sup> We could thereby delve into its sociocultural aspects as well as in the lives of its combatants, thus exposing the definite influence of a whole generation of French historians in this evolutionary process.<sup>49</sup> This impact has been reflected in a series of recently published abstracts that tackle the study of the Resistance in France from an innovative outlook. This outlook is characterised by a permanent contrast between its history and its memory by means of which the debate related to the definition of Resistance has also been promoted.<sup>50</sup> Nonetheless, this definition, its limitations and those of the legal framework that French authorities had been using for decades in the post-war era to classify, evaluate and recognise the services rendered by thousands of volunteers - either nationals or foreigners, who partook in the Resistance phenomenon - have been closely linked to the evolution of the political and social contexts. A glaring example of this is the drafting and evolution of the different statuses that define the different classes and categories of resisters, and the statuses used by the French

<sup>47</sup> “Note du service n° 308/I du général du corps d’armée Massiet, commandant du Groupe de Forces Moviles du Levant”, April 22th, 1940, SHD/GR, 34N 318.

<sup>48</sup> P. Laborie, “Qu’est-ce que la Résistance?”, in: F. Marcot (ed.), *Dictionnaire historique de la Résistance*, Paris 2006, 33; F. Bédarida, “L’histoire de la Résistance. Lectures d’hier, chantiers de demain”, in: *Vingtième siècle, revue d’histoire* 11 (1986) 1, 75-90.

<sup>49</sup> A. Aglan, L. Douzou, O. Wieviorka, G. Piketty, J.-F. Muracciole, D. Peschanski, B. Leroux, S. Courtois, and D. Cordier, among others.

<sup>50</sup> L. Douzou, *La Résistance française: une histoire périlleuse*, Paris 2005; O. Wieviorka, *Histoire de la Résistance, 1940-1945*, Perrin, Paris 2013; L. Douzou / T. Lecoq, *Enseigner la Résistance*, Lyon 2016; O. Wieviorka, *Une histoire de la Résistance en Europe occidentale*, Paris 2017.

authorities to accredit an individual's belonging to any of them.<sup>51</sup> In fact, it has to be kept in mind that at the end of the Second World War, the new French administration needed to adopt legislation that would allow the recognition and classification of the services rendered by those who took part in the fight against the occupier and its allies.

In order to analyse and resolve the host of individual cases and their variety, the French authorities implemented a system of classification of the numerous forms of enacted resistance into a limited number of categories or classes. We can divide the categories into two groups: those of a civil nature that comprises the voluntary combatants of the Resistance (CVR), the refractory recruits of the Compulsory Work Service (STO), the political deportees and the refugees from the Alsace and Moselle departments; and those of a mixed (civil and/or political) nature that are characterised by the essentially military services rendered by their components – the French Forces of the Interior (FFI) consisting of *marquis* bands and militarised units, the members of the intelligence, action and evasion networks of the Fighting French Forces (FFC), the personnel of the Free French Forces (FFL), the members of the French Internal Resistance (RIF) whose services justified the payment of a military pension, and finally, the Deported and Imprisoned Resistance Fighters (DIR).<sup>52</sup> In the last seventy years, the task of evaluating and recognising the services rendered by resisters has fallen into the hands of a variety of commissions and administrative bodies whose composition has evolved, influenced by the political and commemorative battle that pitted the Gaullist against the communists for the control of the French memories in the post-war era. In this fight, both attempted to force their own interpretation of the recent past, putting forward their own commitment to the detriment of that of their political rival, each presenting themselves as the main protagonists of a Resistance not only censured by both but also by the political and international contexts of the Cold War that nobody could avoid.<sup>53</sup> In this respect, the differing legislative bills submitted by different parliamentary groups between 1945 and 1949 aimed at modifying the CVR status, or the very drafting of the two statuses of deported inmates (resister and political) are paradigmatic examples that shed light on the dispute. And while the French Communist Party (PCF) suggested a broader concept of the term “Resistance”, interpreting it as a multifaceted and patriotic movement in which combatants and victims are brought together into a single group and can be described as resisters, De Gaulle developed a more restrictive view of Resistance in which a military interpretation of the phenomenon took precedence over. He in turn minimized the role of the internal Resistance and emphasised that of the Free France.<sup>54</sup>

Such a restrictive, elitist, masculine and military definition, after being victorious in the political and commemorative battle to which I was referring, determined the study and recognition of those who fought against Nazi Germany and its allies

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<sup>51</sup> S. Barcellini, “Les résistants dans l'œil de l'administration”, in: *Guerres mondiales et conflits contemporains*, 178 (1995), 141-165; O. Wieviorka, “Les avatars du statut résistant en France (1945-1992)”, in: *Vingtième siècle Revue d'histoire*, 50 (1996), 55-66; D. G. Celaya, “Deportado Internado Resistente. Una mirada crítica a la Resistencia y deportación españolas a través de los archivos del Service Historique de la Défense”, forthcoming.

<sup>52</sup> *Bulletin Officiel des Armées* (BOC) volume 308, «Combattants de la Résistance», 1981.

<sup>53</sup> O. Wieviorka, *La mémoire désunie. Le souvenir politique des années sombres de la Libération a nos jours*, Paris 2010, 28-49, 62-66; R. Gildea, *Figthers in the Shadows. A New History of the French Resistance*, Harvard 2015, 1-19.

<sup>54</sup> Wieviorka, “Les avatars du statut résistant”, 60; idem, *La mémoire désunie*, 52-54.

between 1939 and 1945. Indeed, the prominent military nature of the Resistance phenomenon advocated by the Gaullist outlook can be appreciated through the text analysis of the ordinance of 3 March 1945 from General De Gaulle, and the law of 15 May 1946, in which the statuses of former combatants and voluntary Resistance combatants were defined after the end of the Second World War. And the fact is that they both amalgamate the fighters in the shadows with the soldiers, provided that, as stipulated in the 1945 legislation, it could be proved that they had acted on behalf of a French or Allied organisation, or that they had belonged to a unit or a group, clandestine or not, that had been recognised by the National Council of the Resistance (CNR).<sup>55</sup> Such a regulation was modified in the following year by the law of 15 May 1946, which exclusively defined resisters as members of the said groups or military organisations that had been recognised by the CNR. This nuance highlights once more how, through the definition of the Resistance as a military phenomenon, the legislators managed to fit the resisters in the former combatants' category, and to assimilate the secret fight to a military act, embracing the Gaullist conception once more. In turn, they rejected the definition put forward by the PCF, which advocated the concept of Resistance as multifarious, popular and indistinct and carried out by movements of civilian and/or political origins.<sup>56</sup>

Between 1945 and 1949, various parliamentary groups, amongst them the PCF, made legislative proposals that were aimed at modifying the abovementioned status of "resister", and which thus limited the Gaullist conception of the phenomenon. They all failed in light of the law passed on 25 March 1949 that reinforced once more the military nature of the Resistance.<sup>57</sup> This success, as mentioned earlier, can be appreciated through the development of the legal framework that the French authorities would use in the post-war era to assess and assign the services rendered by a volunteer, national or foreign, man or woman, to one or several of the classes of resisters; but above all, through the creation of, and the ulterior modifications to, the statuses of the different categories of resisters between 1940 and 1953. Such texts, based on the 1951 Code of Pensions, established the date of 16 June 1940<sup>58</sup> as the beginning of the Resistance period, except for the FFL status, which was postponed to 18 June 1940.<sup>59</sup> So that, those foreigners', specially Spaniards, who have been studied in this paper must be considered as "premature resisters" since Resistance period was not open on their duty time.

## **6. "Acts of Resistance Against the Enemy"**

As has been demonstrated, during the 1939/1940 campaign and therefore prior to the dates of 16 and 18 June 1940 mentioned in the official texts, thousands of Spaniards actively contributed to the defence of the French territory, whether as contractors in companies of foreign workers or as soldiers in the Legion, RMVE or the 11<sup>e</sup> BE. However, despite their commitment to fight against Nazi Germany, their services in these units were not classified as "acts of resistance against the enemy" as conferred by the French legislation in the post-war era, thus impacting

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<sup>55</sup> "Ordonnance du 3 mars 1945", *JORF*, March 4th, 1945.

<sup>56</sup> Wieviorka, "Les avatars du statut résistant", 60-63.

<sup>57</sup> Ibid.

<sup>58</sup> The date when President of the Council of ministers, Paul Reynaud, resigned and when Philippe Pétain was appointed to the post.

<sup>59</sup> "Code des pensions militaires d'invalidité et des victimes de guerre", *JORF*, April 26th, 1951; FFL, FFI, FFC, DIR, RIF, STO, CVR Statutes in BOC, volume 308, «Combattants de la Résistance», 1981. All versions accessible on <http://www.legifrance.gouv.fr>.

the pension scheme as well as the statuses of the different classes and categories of resisters previously analysed.<sup>60</sup> Therefore, only those Spanish legionnaires and soldiers who had joined the FFL to continue the struggle against the Nazi troops and who thus integrated to a regular armed organisation managed to legitimise their participation to the Resistance of the exterior, and through the recourse to the FFL status in particular.<sup>61</sup> Altogether, more than 46 per cent of all Spaniards who provided services in the FFL had served in the Legion or the RMVE prior to the Armistice. This fact highlights how important this dual enlistment is, given that, for most of the Spaniards, it meant a first contact with the French discipline while it stresses the great degree of military continuity that more than 46 per cent of Spanish exterior resisters experienced from 1939 under the French flag. It is nonetheless important to point out that among those who later served in the Resistance of the exterior, most (86 per cent) were legionnaires, who overall were in greater numbers just as we have previously seen. Therefore, it is not surprising that the units that assembled the greater number of Spanish combatants and which later served in the FFL were the 1<sup>er</sup> REI, the 6<sup>e</sup> REI and the 13<sup>e</sup> DBMLE.<sup>62</sup>

The events related by Pablo Aventín and Guillermo Torne can serve as examples of the itineraries adopted by the Spaniards to reach the Resistance from one of these three units between 1939 and 1940. Aventín (Huesca, 1918) joined the French Foreign Legion in April 1939 after signing a five-year contract in the French corps, which was then ratified in Perpignan. Sent to Sidi-Bel-Abbès, he received training and was later placed at the disposal of the 1<sup>er</sup> REI, until he subsequently joined the 13<sup>e</sup> DBMLE in which he took part in the Norwegian campaign. Evacuated to England at the beginning of June 1940 after the French collapse, he signed his enrolment in the FFL in London on 1 July 1940 and was sent to the 14<sup>e</sup> half-brigade of Foreign Legion (14<sup>e</sup> DBLE) along which he proceeded to Dakar on 31 August 1940, where the French troop attempted and failed to convince the colony to commit to the Gaullist cause.<sup>63</sup> As for Guillermo Torne (Barcelona, 1916), he became a voluntary recruit of the RMVE on 22 November 1939 in Perpignan. Interned in the Barcarès camp, he was assigned to the 3<sup>e</sup> RMVE where he remained until 1 March 1940 when he joined the 1<sup>er</sup> BMVE along which he was sent to Lebanon in mid-April. There, in the Levant, the 1<sup>er</sup> BMVE was stationed in the military camp of Baalbek, and assigned to the 6<sup>e</sup> REI under the 11<sup>e</sup> BVE appellation as of 22 April. This unit was dissolved on 16 June, the day when Torne joined the ranks of the recently created 1<sup>er</sup> GTEL, where he remained until he managed to enrol in the Free France armed forces on 7 October 1941, in the Allied military base of Qastina (Palestine), once the Allied military campaign in Syria and Lebanon was over.<sup>64</sup>

As we know, the German conquest of France did not signify the end of the French Foreign Legion, given that it abided by the orders of the Vichy government. Besides, between the autumns of 1940 and 1942, thousands of Spaniards represented about 40 per cent of the new recruits – former contractors and demobilised fighters after the Armistice for the most part.<sup>65</sup> Many of these new

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<sup>60</sup> Ibid.

<sup>61</sup> BOC, volume 308, «Combattants de la Résistance», 1981.

<sup>62</sup> Celaya, *La guerra continua*, 155-184.

<sup>63</sup> SHD/GR, 16P 24380. Crémieux-Brilhac, *La France libre*, 87-89.

<sup>64</sup> SHD/GR, 16P 537855.

<sup>65</sup> SHD/GR, 12P 84.

Spanish recruits were transferred from the metropole to northern Africa to receive training in Sidi-Bel-Abbès, after having signed an enlistment contract that distanced them from the German troops, which they dreaded for fear of being deported or sent to work in Germany, as well as from the risk of a new internment.<sup>66</sup> In the ranks of the Legion, they happened to meet those compatriots who, after having served in Norway, had decided to return to Africa in July 1940, thereby honouring their five-year commitment to the Legion. However, regardless of whether their enlistment to the Legion happened prior to or after the Armistice, all those who did not regularise their enrolment in the FFL after 18 June 1940 and before 31 July 1943, as is stipulated in the FFL status, do not meet the conditions to be recognised as external resisters.<sup>67</sup> Although it is true that, if they finally reached the French Army or internal Resistance following August 1st, 1943, they could be considered as resisters. While those who "only" served in Legion, RMVE and CTE during 1939-1940 Campaign remained as "premature resisters" since they have not reached a Resistance structure following the Armistice, once the Resistance period was open.

As we have seen, thousands of Spanish contractors did not get the opportunity to describe their itinerary since they either died fighting against Hitler's troops on the border, or they were made prisoners and later deported. Nevertheless, given the nature of the said detentions and the code of pensions, and although the Spanish contractors were not recognised as resisters since their fight against the enemy began and evolved before 16 June 1940, it should have been possible to recognise them as internally deported resisters, considering that it was their very opposition to the enemy that had prompted their detention and deportation. However, as established in Article 2 of the law of 6 August 1948, the title of "internally deported resister" can only be assigned to those people who were "transferred by the enemy outside the national territory, and later imprisoned or confined in a prison or a concentration camp [...]" for acts of resistance against the enemy, as defined by the code and therefore in force after 16 June 1940.<sup>68</sup>

The example of Fernando Fernández Lavín (Quintana de Soba, 1914) provides us with a good instance of the restrictive application of the law. Captured alongside various CTE comrades by the German troops near the Maginot Line, interned in the Stalag V-D of Strasburg (Bas-Rhin), Fernández was then deported to Mauthausen on 13 December 1940 where he remained prisoner for more than four years and first took an active part in the creation of the Spanish Committee for National Union during the spring of 1944, in which people from all political persuasions were represented and which was led by members of the Spanish Communist Party (PCE), the Spanish Anarchist Federation (CNT) and the Spanish Socialist Workers' Party (PSOE). He was later involved in the composition of the International Committee of Mauthausen prisoners; and finally, in the founding of the International Military Apparatus (AMI) whose leadership he shared with a fellow Spaniard – Miguel Malle – and the Soviet general Andrei Pirógov. The latter transnational resistance organisation achieved a high degree

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<sup>66</sup> C. Levisse-Touzé, "Les espagnols dans la Résistance extérieure et dans l'Armée de la Libération", in: R. Bourderon (ed.), *La guerre d'Espagne. L'histoire, les lendemains, la mémoire*, Paris 2007, 167.

<sup>67</sup> BOC, volume 308, «Combattants de la Résistance», 1981.

<sup>68</sup> Loi n° 48-1404 du 9 Septembre 1948, *JORF*, 10 September 1948, 8946-8947.



of visibility in particular during the last few days of the prisoners' captivity and the first few days of their release from Mauthausen.<sup>69</sup>

That being so, despite Fernández Lavín's contribution, his services did not enable him to receive the title of "internal deported resister" because his acts did not prompt his arrest and internment. It was his opposition as military contractor and his quality of "combatant of the Red Spain" that had caused both his capture and deportation. Moreover, given that both took place before 16 June 1940, neither was considered as acts of resistance against the enemy, as defined by the law of 6 August 1948; he was therefore denied the attribution of the title of internal deported resister.<sup>70</sup> However, it should be emphasised that the case of Fernández Lavín - the dismissal of his contractor status and considering his contribution to the creation and development of the AMI within Mauthausen - also highlights how all those who began their resistant pursuit after having been detained. It was certainly the case for Ignacio Iglesias, a member of the Workers' Party of Marxist Unification (POUM), a close associate of Andreu Nin, and the editor of the newspaper *La Batalla*, the POUM's central body, who went into exile in France in early 1939.<sup>71</sup> An active associate of the POUM's leadership in exile, he was arrested in 1941 by the Vichy police alongside other POUM leaders such as the Madrid-born Juan Andrade, the Catalan Josep Rodés and the Burgos-born Wildebaldo Solano. Prosecuted and condemned by a military tribunal, he was incarcerated in the Eysses prison situated in Villeneuve-sur-Lot (Lot et Garonne), where he was confined for more than two years until his deportation to the concentration camp of Dachau in June 1944 after having taken part in the prison riot in the said centre, which involved more than 1400 inmates, including dozens of Spaniards, who had managed to hold captive the prison governor as well as more than seventy prison officers and staff members on 19 February 1944.<sup>72</sup>

## 7. Conclusion

Thousands of Spaniards actively contributed to the defence of the French territory during the 1939/1940 campaign, whether as military contractors, or legionnaires or soldiers of the 21<sup>st</sup>, 22<sup>nd</sup> and 23<sup>rd</sup> RMVE. As the study of their contribution has shown here, three elements emerged as essential. The first is the French internment camps because these facilities appear as a key element in this analysis in the reception of Spanish refugees who had reached France in early 1939 as well as in the recruitment and integration of the latter in companies of workers and military units between February 1939 and May 1940. Leaving these facilities was in fact one of the main incentives put forth by those who regularly advertised the opportunity of enlistment to companies of workers, the Foreign Legion and the RMVE during this period.

The second element is the French EM's veto to the creation of Spanish autonomous units within the regular French armed forces. This is because, as well as preventing the accumulation of Spanish forces in the French armed

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<sup>69</sup> C. Hernández de Miguel, *Los últimos españoles de Mauthausen*, Barcelona 2015, 378-381; Portal de Archivos Españoles (PARES) <http://pares.mcu.es>.

<sup>70</sup> Loi n° 48-1251 du 6 Aout 1948, *JORF*, 8 August 1948, 7810-7811.

<sup>71</sup> Loi n° 48-1251 du 6 Aout 1948, *JORF*, 8 August 1948, 7810-7811.

<sup>72</sup> J. Sánchez Cervello / S. Agudo Blanco (dirs.), *Las brigadas internacionales: nuevas perspectivas en la historia de la guerra civil y del exilio*, Tarragona, 2015, 311-312; W. Solano, "Ignacio Iglesias, escritor y antiguo dirigente del POUM", in: *El País*, 24 de octubre de 2005; Ignacio Iglesias Suarez's personal record in "Españoles deportados a campos nazis (1940-1945)", in: PARES, <http://pares.mcu.es>.

forces, it also limited their military contribution to a sole option between February and September 1939: to enlist in the Legion. And it is important to remember here that, despite being under military control, the contractors' members of the CTE still kept their civilian status. Moreover, the EM's prohibition had a twofold effect on the Spanish refugees: It emphasised their refusal to enlist in the Legion, and highlighted the discrimination that they suffered at the hands of the French command. The discrimination is evidenced through the comparison between the case of the Spanish and that of the Polish or the Czechoslovakian: The creation of national autonomous units within the regular French armed forces in the latter case was granted. The third and last element is the event of the declaration of war on 3 September 1939. This event proved crucial for the analysis of the amendments made to the legislation that managed the recruitment of Spanish contractors and legionnaires; and in the creation of a new type of enlistment - that is for the duration of the war -, as well as the creation of the three new units that were to enforce it: the RMVE.

And the thing is that, despite the amendments, adjustments and evolution that the legislation underwent to promote the Spanish participation in the 1939/1940 campaign - no matter which shape it adopted (whether under the CTE, the Legion, the RMVE or the 11<sup>th</sup> BVE's) -, none was eventually recognised as "acts of resistance against the enemy" by the different bodies in charge of assessing and recognising in the post-war era the services of those who took part in the Resistance against Nazi Germany and its allies. This decision, as I have shown, was reached due to two interconnected factors: the political and commemorative fight that pitted Gaullists and French Communists to impose their own interpretation of the Resistance and its limits; and the development of a legislative arsenal influenced by the national and international context of the Cold War. A "long-lasting" (*longue durée*) dispute from which the restrictive, elitist, military (and masculine) interpretation of the Resistance, supported by Gaullism, emerged triumphant. This success in turn determined the drafting and passing of laws and statutes by the bodies in charge of assessing and recognising a combatant's acts of opposition against the enemy, and consequently setting up the limits of the "resister" concept, and those who could be included in. But it was also this limits which set up the context to name as "premature resisters" to whom that did not accomplish the necessary conditions to be homologated as resisters by French post-war laws, even if they have fought against German troops in 1939-1940.

However, relating this legislation to the Spanish contribution to the defence of the French territory during the 1939/1940 campaign reveals that, even though the law does not mention any criterion related to nationality when assessing the actions of a combatant, foreign or national, its restrictive implementation, the narrowness of the legal definition of Resistance and the severity of the commissions and evaluation bodies have determined for more than seventy years the studies of those who faced the Nazi troops, prior to and after the Armistice, whether as contractors, legionnaires, soldiers and/or resisters. That is what the study of such cases as legionnaires Pablo Aventín and Guillermo Torne, contractor Fernando Fernández Lavín and resister Ignacio Iglesias has demonstrated. Furthermore, besides those who took part in the campaign of 1939/1940, the acts of opposition of thousands of Spaniards, clandestine combatants and activists, enlisted in resistance organisations recognised by the code of pensions or in the various resister statuses, were also not considered to

be “acts of resistance against the enemy” by the legislator. This is either because they did not occur within a structure deemed competent by the law, or because the legislator considered that the driving force behind these actions was political. These arguments stress the lack of understanding by both legislation and those who implemented it of the context in which contractors, legionnaires, soldiers and resisters acted; their ignorance of their early opposition to the occupiers, and their constant refusal to opt for a collaboration with the Vichy government. I therefore believe that it has been shown how the attempt by the post-war French legislation to define and simplify the Resistance phenomenon in hermetic and quantifiable categories has contributed to biased knowledge and resulted in the lack of awareness regarding those who remained outside its limits more than seventy years ago. Such a heavy cloak of ignorance appears hard to shake off, given that most of its protagonists have passed away and therefore the compiling of new personal records is becoming a task ever more complex to accomplish.