

**Protection in Practice:
The Minorities Section of the League of Nations Secretariat, 1919-1934**

Senior Thesis
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12 April 2010

Contents

I.	Introduction	3
II.	“Nothing More Likely to Disturb the Peace of the World”: Minority Rights at the Paris Peace Conference, 1919	10
III.	The Minorities Section and the Creation of the Minority System, 1919-1925	20
IV.	“The Refuge and Protector of Minorities”: From Germany's Entrance to the End of Reform, 1926-1928	37
V.	The Collapse of the League System, 1929-1934	51
VI.	Conclusion: Beyond the League of Nations	57
VII.	Bibliography	62

I. Introduction

“The Secretariat, I found, was a league in miniature. Never, surely in the world's history has such a cosmopolitan group been gathered under one employer [...] These are the people on whose skill and devotion rests ultimately the success of the League.”

—Sara Wambaugh, writing in 1921 of her experience working with the Minorities Section of the Secretariat¹

In April of 1921, the Dutch jurist Joost van Hamel circulated a memorandum to the Secretary General of the League of Nations and the directors of its various sections. He lamented the present status of the League in the face of increased skepticism of the Great Powers and greater passivity of the lesser states. The seeming decline of the League's prestige and power in international relations and public opinion alike made van Hamel observe, “If this goes on it can hardly be doubted that the League will disintegrate, or carry on a passive, bloodless existence.”² Confronted with this disheartening reality, van Hamel saw one remaining possibility to resuscitate the League and to make it a meaningful force in international relations: the International Secretariat. He called upon the Secretariat to be “the saviour of the League of Nations [...] if experience shows that no one else cares enough for the idea created by the Covenant, that part of the crew that is left on the bridge has the practical obligation of trying to do what it can.”³ Over—and in many ways against—the language of morality that pervaded Wilsonian internationalist rhetoric, van Hamel demanded increased pragmatism and proactivity on the part of the League's one permanent organ. Though the Secretariat had no executive power, he charged it to work through through the flawed system of the Covenant to create a meaningful framework for resolving international disputes.

1 “American Woman Who Was Attached to Secretariat Tells How Questions Are Handled,” *The New York Times*, August 14, 1921.

2 Minutes of the Directors' Meetings, *League of Nations Documents and Publications, 1919-1946* (microfilm), (New Haven, CT: Research Publications, 1991), April 21, 1921, 1-4. All subsequent references from the Directors' Meetings are drawn from this microfilm collection.

3 Ibid.

Perhaps no other part of the Secretariat answered the call of van Hamel as completely and as well as the Minorities Section. Caught between acting as apologists for the League and utopians envisioning a better ideal of international order, the Minorities Section took an active role in shaping and enacting a practical and efficient system. They created a procedural and bureaucratic structure that untangled the League's exceedingly ambiguous mandate of guaranteeing the rights of some twenty-five million racial, religious, and linguistic minorities in the newly enlarged or created states of Eastern Europe. In doing so, they balanced a wide array of competing interests on the part of the Great Powers, the minority states on whom the treaties were placed, the minorities themselves, and their kin-states. Their procedure managed to satisfy the demands of these diverse groups enough to ensure that the minority protection system remained workable for most of the League's active life. This closely guarded system brought about the resolution of minorities questions in a quiet and depoliticized way. Beyond this, they worked as proactive advocates for the League's system, who not only closely monitored minorities questions, but actively met with the governments of minority states and the leaders of minority groups. By engaging in back-room diplomacy, seemingly against the openness that characterized the Covenant, they advanced and secured the interests of the League.

This thesis will demonstrate the consolidation of the Section's activity and how it reconstructed the League as a proactive institution that was the nurturing ground for later ideas of international organization. It will take as its starting point the system's nascence during the final hours of World War I to its implosion in 1930s when Germany and Poland dismissed the system and effectively killed it before the League's official demise. From the very inception of the League, the presence of large numbers of minorities in the successor states to the Habsburg,

German, Russian, and Ottoman Empires threatened the fragile peace of Versailles. To protect these minorities from violence and to ward off irredentist sentiments, the Minorities Section found itself choreographing the creation of procedure in an ad hoc and pragmatic matter. They sought to successfully juggle the ideals of world peace, equally sovereign states, and national self-determination with the reality of Great Power interests, international intervention, and pluralistic, multiethnic states. The Section was able to overcome many of the systemic inequalities of the minority treaties and the limitations present from their origins. However, the wholesale deterioration of international relations in the 1930s thoroughly cracked plaster that the Section applied on the faulty foundation of the Paris Peace Conference, and a mass destruction of minority populations ensued during World War II. Nonetheless, the Minorities Section was surprisingly able to keep myriad minority problems from tearing Europe apart far sooner. The reasons that it has been able to do so have yet to be fully understood, and this thesis aims to fill a gap in this knowledge.

Bafflingly enough, there exists very little extant scholarship on the bureaucracy of the League and the functioning of one of its most novel and enduring organs, the Secretariat. In his massive and largely unsurpassed history of the League of Nations, F.P. Walters, one of its former Undersecretary Generals, recognizes that the creation of the Secretariat “in its structure, its spirit, and its personnel was one of the most important events in the history of international politics.”⁴ The Secretariat and its Minorities Section had no official function besides preparing agendas and acting as a liaison between the League and its members, and for this reason it seems that historians have eschewed careful analysis of it. Doing so elides the important role that the Secretariat and its Minorities Section carved out for themselves and the consequences of their

4 F.P. Walters, *A History of the League of Nations* (New York: Oxford University Press, 1950), 76.

development.

As part of a study of international organization published by the Carnegie Endowment for International Peace at the end of World War II, Egon Ranshofen-Wertheimer, another former employee of the League, wrote a wide-ranging sociological account of the Secretariat; yet, no other study has been attempted in the past sixty-five years.⁵ In the particular domain of minority protection, this void is particularly puzzling: many historians, political theorists, and international lawyers have acknowledged the important role that the Section played from the interwar years on, but have largely treated the Section as a side story and fail to recognize its vital activity in creating the system and the system's persistence in the modern era. The only scholar to attempt to understand the bureaucratic role of Minorities Section has been the anthropologist Jane Cowan. Her recent essay “Who's Afraid of Violent Language?: Honour, Sovereignty and Claims-Making in the League of Nations” analyzes the files of the Minorities Section to write an ethnography of the Section, paying special attention to their standards of “violent language” in petitions relating to Macedonia. Her narrowly-focused study is one of the only to show how the Section created a set of norms and bureaucratic procedures at the international level.⁶

If there has been very little attention paid to the role the Geneva-centric bureaucracy of the League, there has been a veritable outpouring of accounts written about the actions and interactions of states and particular minority groups. Of these, the most comprehensive is Carole Fink's study *Defending the Rights of Others*, which examines and evaluates attempts to protect Jews in Eastern Europe from the Congress of Berlin in 1878 to the Munich Pact of 1938. In

5 Egon Ranshofen-Wertheimer, *The International Secretariat: A Great Experiment in International Organization* (Washington, DC: Carnegie Endowment for International Peace, 1945).

6 Jane Cowan, “Who's Afraid of Violent Language? Honour, Sovereignty, and Claims-Making in the League of Nations,” *Anthropological Theory* 3, no. 3 (2003): 271-291.

placing the League system in a genealogy with prior forms of minority protection, Fink implicitly—and, at times, outrightly—suggest that the League system represented more of a continuation of earlier Great Power policies than a clean break with them. Written from the archives of European states, the League, and numerous Jewish organizations, Fink denounces the League's system. She finds it shrouded in secrecy and ultimately favoring the interests of the minority states themselves rather than expressing a true interest in protecting minorities. While deeply indebted to Fink's thorough account, this paper will argue against many of her assertions: it was, in fact, the secrecy of the League system that made it politically workable at the international level and the creation of a corps of experts to handle minorities questions ushered in a new era of protection and, more importantly, international organization.⁷ Another critical account of the League system, Christian Raitz von Frenzt's *A Lesson Forgotten*, comes to a similar conclusion to Fink through the opposite path. Rather than arguing that too much secrecy marred the League, Raitz von Frenzt revives the position take by two former Section directors in arguing that secrecy was the condition of the League's moderate success.⁸ His account focuses on the German minority in Poland, and he argues that the system became too politicized in the late 1920s, and that this allowed room for German leaders to exploit and undermine it from the outside.⁹

In light of these accounts, this thesis offers an hitherto unexplored narrative about the Minorities Section, which focuses on its unique role as the first international bureaucracy to

7 Carole Fink, *Defending the Rights of Others: The Great Powers, the Jews, and International Minority Protection, 1878-1938* (New York: Cambridge University Press, 2004).

8 Erik Colban, "The Minorities Problem," *The Norseman* 2, no. 5 (1944): 309-317; Pablo de Azcárate, *League of Nations and National Minorities: An Experiment*, trans. Eileen E. Brooke (Washington, DC: Carnegie Endowment for International Peace, 1945).

9 Christian Raitz von Frenzt, *A Lesson Forgotten: the German Minority in Poland* (New York: St. Martin's Press, 1999).

supervise and monitor the protection of minorities throughout the European continent. It does not attempt to offer a balance sheet of the League's successes and failures in minority protection, but rather to explore how the League forged an international regime for rights protection and its effects. At the time of the League's existence, its great experiment in international organization was the subject of much attention. In recent years, however, this perspective has abated and it has been dissected through the lenses of particular national histories and international conflicts. In recognizing the signal role of the Section, this thesis places Geneva and the procedures, norms, and processes at the fore. By deepening our understanding of minority protection, it provides an avenue into the “spirit of Geneva” and excavates the way in which the world's first truly international bureaucratic organization functioned. In doing so, it overturns the conventional Weberian account of bureaucratic organizations and the standard account of the League either a forum for open discussion and resolution or as a Great Power playpen.¹⁰ Against these overly simplistic concepts, it shows that the procedure developed and implemented in Geneva helped to overcome many of the shortcomings of the initial articulation of the treaties and kept a diverse set of parties invested in the League system, even if they found it unfair or ineffective. Bureaucratic procedures, shrouded in secrecy and complimented by back-room negotiations, allowed the Section to depoliticize inherently political issues and keep minorities questions from tearing apart Europe's peace. More generally, it provides an account of how international organizations can keep their constituents invested in its aims—popular or not—by a carefully managed bureaucratic system that looks to advance the interest of the organization more than anything else.

¹⁰ For more on Max Weber's understanding of the role of bureaucracy in modern institutions, see Wolfgang J. Mommsen, *The Age of Bureaucracy: Perspectives on the Political Sociology of Max Weber* (New York: Harper & Row, Publishers, 1974).

Though contemporary discourse has largely shifted from minority to human rights, many of the problems that faced the League in the 1920s and 1930s continue to be vexing: international organizations continue to struggle to keep sovereign states committed to their aims and practices, while the status of minorities and their persecution is still a plague in Europe and elsewhere. Political theorists from Hannah Arendt to Giorgio Agamben have wrestled with these questions, and it is due time that historical inquiry has also turned its attention to them.¹¹ In offering the account of the Minorities Section, this thesis demonstrates how an international organization attempted to resolve these issues through the development of a procedural and proactive system. In a 1928 lecture, R.N. Kershaw, a member of the Section, explained the minority system and the larger League as “the somewhat surprising offspring of Justice and Diplomacy.”¹² The League may no longer be a live issue and minority rights may be largely subsumed by human rights, but the hybrid of justice and diplomacy that the Section pioneered has lasting effects. By better understanding the historical evolution of this unlikely marriage and its salient features, we learn not only how the League confronted these problems, but also can assess the legacy of the League's system in subsequent forms of international organization.

11 See the chapter “Decline of the Nation-State; End of the Rights of Man” in Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt Brace Jovanovich, 1973), 267-302 and Giorgio Agamben, “Beyond Human Rights,” in *Means Without End*, trans. V. Binetti and C. Casarino (Minneapolis, MN: University of Minnesota Press, 2000), 15-26.

12 R.N. Kershaw, “The League and the Protection of Linguistic, Racial, and Religious Minorities,” in *Problems of Peace: Lectures Delivered at the Geneva Institute of International Relations in 1928*, vol. 3, (London: Oxford University Press, 1929), 177.

II. “Nothing More Likely to Disturb the Peace of the World”:

Minority Rights at the Paris Peace Conference

Before looking at the Secretariat itself and the protection system it helped design and safeguard, it is first important to understand the mandate for minority protection that was handed to the League of Nations by the Paris Peace Conference. Though the Minorities Section had considerable leeway in determining the ultimate shape and character of the minority protection framework, it did not act in a vacuum. Not only did the Section have to navigate the murky waters of relations between states, it had to do so within the framework that was supplied by the Paris Peace Conference in 1919, where the Covenant of the League and minority protection were first espoused and codified. The minority treaties, which eventually extended to cover fourteen newly created or expanded states sandwiched between Germany and Russia, emerged out a divisive set of concerns on the part of three Great Powers (Great Britain, the United States, and France), organized Jewish groups, and the states on whom the treaties were imposed.¹³ In exploring how these concerns were reconciled and resolved in the first minority treaty, signed between the Principal Allied and Associated Powers and Poland in June 1919 and whose language served as a template for the later treaties, this section will lay out the debates over sovereignty, states, and individuals and the diverse interests that pervaded minorities questions from the inception of the procedure. Additionally, it will consider the emergence of the League of Nations from a vaguely articulated idea in Woodrow Wilson's “Fourteen Points” to a living creature composed of three principle organs: the Assembly, the Council, and the International

¹³ Between 1919 and 1923, Poland, Czechoslovakia, Yugoslavia, Romania, Austria, Bulgaria, Hungary, Turkey, Finland, Albania, Lithuania, Latvia, and Estonia; Stanislaw Sierpowski, “Minorities in the System of the League of Nations,” in *Ethnic Groups in International Relations*, ed. Paul Smith (New York: New York University Press, 1991), 12.

Secretariat.

In the wake of World War I, the map of Eastern Europe was dramatically redrawn in what amounted to the largest expansion of sovereign states since the Peace of Westphalia in 1648. The three great empires of Germany, Austria-Hungary, and Russia were replaced with eight new or newly reconstituted countries: Finland, Estonia, Latvia, Lithuania, Poland, Czechoslovakia, Hungary, and Austria. In the Balkans, there was one new state, Yugoslavia, but Albania, Bulgaria, Greece, and Romania also underwent massive shifts in their boundaries.¹⁴ The creation of these states occurred in the context of the larger “Wilsonian moment” that held that the creation of equally sovereign, democratic “nation-states” would help to usher in a new era of diplomacy, where right would finally triumph over might. In the public discourse during World War I and the Paris Peace Conference, national self-determination was the chief concern. In a speech at the Conference in May 1919, Wilson explained that his plan for peace rested on eliminating “those elements of disturbance” by making “an equitable distribution of territories according to the race, the ethnographical character of the people inhabiting those territories.”¹⁵ By attempting to follow the principle of “one nation, one state,” Wilson and his followers hoped the ethnic tensions that had made Eastern Europe a volatile powder keg would cease to plague Europe and its peace.

Wilson's argument was more than rhetorical optimism or a chimera. With the new system of states created, more people than ever before were living under governments of their own nationality. However, this was only part of the picture: the Peace of Versailles gave sixty million

14 Zara Steiner, *The Lights That Failed: European International History, 1919-1933* (New York: Oxford University Press, 2005), 256.

15 Woodrow Wilson, “Speech at the Plenary Session,” May 31, 1919, in H. W. V. Temperley, ed., *History of the Peace Conference of Paris*, vol. 5, *Economic Reconstruction and the Protection of Minorities* (London: H. Frowde and Hodder & Stoughton, 1921), 130.

people a state of their own for the first time in history, but turned another twenty-five million into minorities.¹⁶ These minorities, set apart by their ethnicity, nationality, language, or religion, composed roughly one-fifth to one-fourth of the population of the states where they lived.¹⁷ Ambitious as it was, the attempt to redraw the map of Europe could never render states ethnically, linguistically, or religiously homogenous. The polyglot character of the recently collapsed empires left an enduring legacy of states with mixed—and in many cases, ambiguous—ethnic identities that no geographer or ethnographer could disentangle.¹⁸ Owing to this, Wilson argued in Paris that “Nothing, I venture to say, is more likely to disturb the peace of the world than the treatment which might in certain circumstances be meted out to minorities. And, therefore, if the great powers are to guarantee the peace of the world in any sense is it unjust that they should be satisfied that the proper and necessary guarantee has been given?”¹⁹ Wilson's comments, directed at the resistant minority-states, do more than merely summarize how pressing a concern minority protection was. They also draw our attention to the fact that resolving these questions and arriving a suitable mechanism of protection would be a difficult and contentious process.

The Paris Peace Conference officially convened on 18 January 1919.²⁰ Unlike prior conferences, it had a truly global reach, and representatives from thirty-two countries sought to establish a new world order and a new form of diplomacy.²¹ In minority questions, like most others, the hopes of these multitudes were quickly dashed. The vastly influential and largely

16 Mark Mazower, *The Dark Continent: Europe's Twentieth Century* (New York: Vintage Books, 2000), 41.

17 Inis Claude, *National Minorities: An International Problem* (Westport, CT: Greenwood Press, 1955), 13.

18 *History of the Peace Conference of Paris*, ed. H. W. V. Temperley, vol. 5, 121.

19 Wilson, “Speech at the Plenary Session,” May 31, 1919, in H. W. V. Temperley, ed., *History of the Peace Conference of Paris*, vol. 5, 130.

20 For general background on the Conference, see Margaret MacMillan, *Paris 1919: Six Months that Changed the World*, (New York: Random House, 2002).

21 Carole Fink, *Defending the Rights of Others*, 133.

secret Committee On New States handled nearly all minority questions. Initially formed to address questions related to the creation of an independent Poland, where pogroms against Jews in the city of Pinsk raised concerns from Jewish lobbying groups, the Committee was formally created on 1 May 1919.²² Its initial two members were the young American lawyer David Hunter Miller and the British historian and civil servant Sir James Headlam-Morley. Though the Committee eventually grew to include members from France, Italy, and Japan, its Anglo-American bias was indisputable: Miller and Headlam-Morley—later joined by the British civil servant E.H. Carr as secretary—began working before the arrival of the other members and remained the most active and committed representatives.²³ Despite the international context of Paris, H. W. V. Temperley observed that any issues relating to the new or enlarged states of Eastern Europe rested on “recognition of the Great Powers, who, in fact, though not in law, were, acting as the Concert of Europe, the final court and authority for dealing with all matters of general European concern.”²⁴ As it were, the Great Powers had won the war, created the new states, and rearranged the boundaries: the Peace of Versailles was their peace and they dictated the terms.

As both Mark Levene and Carole Fink trenchantly demonstrate, however, the primarily Anglo-American delegation did not do this alone. Throughout the sixty-four meetings the Committee held, its most influential members, particularly Headlam-Morley, were in constant dialogue with Jewish leaders, most notably Lucien Wolf of the Board of Deputies of British Jews. In his diary from Paris, Headlam-Morley reveals that protection of the rights of Jewish

22 For more on the issue of anti-Jewish violence in Poland and its relation to the Peace Conference, see Fink, *Defending the Rights of Others*, 171-208.

23 Mark Levene, *War, Jews, and the New Europe: The Diplomacy of Lucien Wolf, 1914-1919* (New York: Oxford University Press, 1992), 285.

24 H. W. V. Temperley, ed., *History of the Peace Conference of Paris*, vol. 5, 116.

citizens in the new states was the Committee's most important work. Jewish organizations like Wolf's sent numerous memoranda and petitions asking for special protection, and the Committee sought to deliver it.²⁵ At the same time as Headlam-Morley recognized the need to protect minority populations in the states that his Committee was essentially creating, he also recognized the need to protect the interests of Great Britain and, by extension, the other imperial powers of Europe. Before the Committee ever convened, proposals floated around Paris that the League of Nations should have the right to protect minorities in all countries. For Headlam-Morley this proposal was as dangerous as it was absurd. It would make the League into a sort of "super-state with the general right of guarding democracy and freedom throughout the world."²⁶ The danger here was not that the League would merely have the power to intervene in the affairs of newly created or expanded states, but that it would be able to intervene in *all* of its member states, including the right to "protect the Chinese in Liverpool, the Roman Catholics in France [...] even if it might lead to injustice and oppression, that was better than to allow anything which would mean the negation of sovereignty of every state in the world"²⁷ Headlam-Morley and his cohorts had relatively few qualms in creating specific and limited cases where the League could intervene, but outright rejected the idea of the League intervening in the internal affairs of the Great Powers. The League had a comfortable relationship with paternal imperialism, and this is made more than clear in Headlam-Morley's staunch defense of only placing the treaties on the new states.²⁸ By only placing the obligations on the Eastern European states, though, the minority

25 James Headlam-Morley, *A Memoir of the Paris Peace Conference 1919*, eds. A. Headlam-Morley, R. Bryant, A. Cienciala (London: Methuen and Company, 1972), 113.

26 *Ibid.*, 113.

27 *Ibid.*

28 For more on the relationship of the League to the British empire, see Mark Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations* (Princeton: Princeton University Press, 2009), 28-65.

treaties were able to carry great force: their limited nature was *the* condition of their power.

The impulse to create a system of protection for minorities was tempered by an equally strong impulse to limit minority protection to the new states in Eastern Europe. In the context of these two concerns, the Committee on New States tackled its most difficult task: determining the role of the League of Nations in enforcing the minorities treaties. In late May of 1919, this issue reached a head in the debates within the Committee and throughout the larger peace process. At this point, a proposal to allow minorities in Poland to appeal decisions directly to the League and the Permanent Court of International Justice, its judicial counterpart, was still on the table. This proposal, however, was strongly resisted by the French delegate on the Committee, Philippe Berthelot, who advocated for a strong Poland to act as a check on Germany's eastern border to provide French security along the Rhine.²⁹ Likewise, Headlam-Morley's tepid support for this measure steadily waned, as Eastern Europeans continued to protest the measure as an invasion of their sovereignty. In light of these complaints, Headlam-Morley returned to the text of the Covenant, which held that the League was a compact between sovereign states and, in his interpretation, only sovereign states should have immediate access to it.³⁰ These sentiments were posited against the more ambitious plans of the American delegation, which against the direction of Wilson, sought to expand the mandate of the League to include protecting minorities in *all* countries.³¹

These two divergent views marked an impasse in the work of the Committee, and, unable to resolve it on their own, the Committee sent two separate proposals to the Council of Four, the ultimate governing body of the Conference that was composed of Wilson and the prime ministers

29 Fink, *Defending the Rights of Others*, 243.

30 Headlam-Morley, *Memoir*, 141.

31 Fink, *Defending the Rights of Others*, 244.

of Great Britain, France, and Italy. After several weeks of deliberation, the Council issued a resolution on 17 June. Minorities would not have the right to appeal directly to the Permanent Court of International Justice. Instead, the council assigned sole responsibility for the treaty's enforcement to the members of the League of Nations Council. This decision reflected a compromise across many different parties and interests. By pushing the oversight for minority protection onto the Council, the Great Powers were able to remove their direct responsibility for protection while still maintaining a level of influence.³² At the same time, it managed to incorporate the largely Jewish demand for protection of minorities while not circumventing the League's construction as a body of sovereign states. By having no ability to appeal directly to the Permanent Court, minorities would not be treated as sovereign entities on their own. These questions would be purely political ones, rather than judicial, and the Council—actually composed of the League's member states—would be the only body with the power to send cases to the Court.³³

If the solution decided upon at Paris mostly satisfied the Great Powers and the Jewish minority groups, it achieved far less regarding the minority states. In the interwar years, the anthropologist Lucy Mair observed that the procedure marked “the greatest abdication of sovereignty which has been made by an independent State and since it has not been made universally, those States which have made it are in an inferior position compared to the rest.”³⁴ Mair's statement echoes the far more virulent attack of this decision that was made by the Polish Premier Ignacy Paderewski at the Conference itself. Paderewski railed against the compromise

32 Alan Sharp, “Britain and the Protection of Minorities,” in *Minorities in History*, ed. A.C. Hepburn (New York: St. Martin's Press, 1979), 184.

33 Claude, *National Minorities*, 17.

34 Lucy Mair, *The Protection of Minorities; The working and scope of the minorities treaties under the League of Nations* (London: Christophers, 1928), 29.

for designating Poland “as a nation of inferior standards of civilization [...] ignorant of the conception of the duties of a modern State.”³⁵ Beyond this, he also denounced the fact that minorities would have the right to appeal—whether politically or judicially—to an outside group, which would “fatally provoke excitement against the minorities and become the cause of incessant unrest.”³⁶ He argued that this solution denigrated the sovereign status of Poland and would also only make minority treatment in his country worse. Set off as a distinct group, minorities would become a target of resentment within Poland, which would only further reinforce the minorities' perception of themselves as distinct from the nation at large. Finally, Paderewski lamented the fact that the policy was short-sighted to not demand a treaty to be signed with Germany for the protection of the Polish minority therein. Most emphatically, and perhaps to retain some political capital, Paderewski argued that it was not the minority protection that angered him, so much as the fact that these stipulations were not universally obligatory for all members of the League.³⁷ If the League were truly to be a body of equally sovereign states, the obligations would need to apply to all members or to none at all. Anything else would be claiming some higher degree of sovereignty for some states at the expense of others.

Though the Committee made some minor appeasements to Paderewski, Headlam-Morley argued for it to stick to the original plan. On that course, the Committee drafted the treaty to be signed by Poland and the Principal Allied Powers. In order to appease the Jewish lobbying groups, the treaty contained several clauses guaranteeing their right to observe the Sabbath and to educate children in Yiddish. These clauses were often not repeated in the later treaties signed with the other thirteen states. However, two clauses in particular were repeated verbatim (or

35 Quoted in Fink, *Defending the Rights of Others*, 248.

36 Ibid.

37 Ibid.

close to it) in all subsequent treaties. The first of these is the stipulation that Polish nationals who belong to “racial, religious, or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Polish nationals.”³⁸ This vague language was a direct attempt by the Committee to not recognize the minorities as distinct nationalities. The couching of minorities in such language reveals much about the ultimate intent of the guarantee, which was not to ensure the continued existence of the minority group as a national minority, but to have them ultimately assimilate into the nation at large. This sentiment never left the League throughout its life, and it resounds in a 1925 statement by a Brazilian delegate in Geneva: “The goal of the treaties is not to perpetuate a state of affairs in which certain groups in society saw themselves as constantly alien but rather to establish the conditions for a complete national unity.”³⁹

The second repeated part of the Polish treaty was Article 12, which read that the obligations to protect these minorities:

constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. [...] Poland agrees that any Member of the Council of the League shall have the right to bring to the attention of the Council any infraction, or danger of infraction, of any of these obligations and that the Council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances.⁴⁰

This ambiguous stipulation placed supervision of the treaties under the direction of the Council of the League, which was to be one of its three organs, the other two being the general body Assembly and the permanent International Secretariat. Under the Covenant of the League, which was adopted in April 1919, the Council would consist of five permanent members, one drawn from each of the Principal Allied and Associated Powers, and four other members chosen at large

38 Text of the Polish Minorities Treaty reproduced in Temperely, ed., *History of the Peace Conference of Paris*, vol. 5, 441.

39 Quoted in Mark Mazower, “Minorities and the League of Nations,” *Daedalus*, 126, 2 (1997): 53.

40 Temperely, ed., *History of the Peace Conference of Paris*, vol. 5, 441.

by the Assembly. The Council would be convened to meet as issues arose that required its attention. Distinct from the Council, the Assembly would contain representatives from all members of the League and would meet annually to discuss and pass resolutions on all matters that might affect the work of the League.⁴¹ Placing supervision under the Council was a means for the Great Powers to retain much influence over the supervision process. At the same time, such a resolution having any effect at all was predicated on the members of the Council taking initiative in addressing minorities treaties. As will be shown in the section to follow, this was often not the case, and the Minorities Section of the Secretariat gained a great deal of indirect power and influence over the Council.

In Hannah Arendt's estimation, the peacemakers in Paris “belonged to a generation formed by the experiences in the pre-war era, so that they never quite realized the full impact of the war whose peace they had to conclude.”⁴² Through imperial and paternalistic assumptions, the Great Powers created an unequal minority rights regime that was intended as a stop-gap measure and a way to maintain peace and order in the volatile milieu of interwar Eastern Europe. Unlike earlier minority protection treaties, though, the League of Nations assumed the role of overseeing minority rights supervision.⁴³ Though the Powers might not have fully realized it, placing minority protection under the domain of the League opened the door to a new form of international order. The Minorities Section of the League became the first international civil service to monitor and uphold rights enforcement. Though hampered by the old-world baggage from Paris, they managed to forge a new system of organization with lasting effect.

41 Walters, *A History of the League of Nations*, 44.

42 Hannah Arendt, *The Origins of Totalitarianism*, 270.

43 For a succinct discussion of the Paris treaties and their relation to prior forms of minority protection, see Jennifer Jackson Preece, “Minority Rights in Europe: From Westphalia to Helsinki,” *Review of International Studies* 23, no. 1 (January 1997): 75-92.

III. The Minorities Section and the Creation of the Minorities System, 1919-1925



Figure 1: The Minorities Section in Geneva. Colban is standing in the center; Azcárate on the far right.⁴⁴

As Poland was signing the Little Treaty of Versailles with the Allied Powers to ensure the protection of minorities, accounts were circulating through the Western press and exposing pogroms against Jews and atrocities against Lithuanians in Poland. On 27 June 1919, the very day before the treaty was signed, Poland was removing armies from the Ukraine after a brief war over territories in Eastern Galacia. In July of that year, an American visitor in the disputed city of Lviv, which now was a part of the Second Polish Republic, was shown the damage of the freshly ended war: “You see those little holes? We call them here 'Wilson's Points.' They have been made

⁴⁴ *League of Nations Photo Archive*, http://www.indiana.edu/~librcsd/nt/db.cgi?db=ig&do=search_results&details=2&ID=1178&ID-opt==.

with machine guns; the big gaps have been made with hand grenades. We are now engaged in self-determination, and God knows what and when the end will be.”⁴⁵ As self-determination was attacked, so was Poland's treatment of Jews, particularly in the city of Pinsk. Western Jews visited Poland and reported of the disasters in the papers. These journalists criticized more than just Poland, and extended their censures to the League itself. In a particularly outspoken piece, one journalist from the *Manchester Guardian* wrote: “The League of Nations, we are told, will impose certain obligations on the Polish State ... To place minorities (be they German or Jewish) under Poles and Czechs and then to imagine that all will be well because some magic League of Nations will watch over them is a pitiable self-deception.”⁴⁶

As stories such as these circulated in newspapers, the nascent League of Nations found itself under attack. The freshly hired director of the League's Minorities Section and a Norwegian diplomat, Erik Andreas Colban fretted over such stories destroying the prestige, sanctity, and ultimate effectiveness of the League and its protection of minorities before it ever got off the ground.⁴⁷ In August of 1919, Colban complained that the “Press seemed often not to realize the difference between the duties of the League and those of the Allied and Associated Powers.”⁴⁸ For the two months that followed, Colban continually raised concerns about reports of violence in Eastern Europe and their effect on the League. In weekly meetings with other directors of Secretariat sections and Sir Eric Drummond, the Secretary General, Colban lobbied for the Secretariat and the Paris Conference to make clear to the press that the League Council had yet

45 Context and Quoted from Mazower, “Minorities and the League of Nations in Interwar Europe”: 50.

46 "The Jewish Problem in Poland: How to Solve It." *The Manchester Guardian*, July 19, 1919.

47 As it became clear the League would definitely be entrusted with the role of the protecting minorities in Eastern Europe, it hired the forty-three year-old Colban on 12 June 1919 to serve as the director of the Administrative Commissions and Minorities Section of the Secretariat. For more biographical details, see, Fink, *Defending the Rights of Others*, 275.

48 Minutes of the Directors' Meetings, August 20, 1919.

to come into being and assume its duties of protection.⁴⁹ If the League, as of yet, was powerless to protect the minority populations in Eastern Europe, it had to protect itself—otherwise it would lose legitimacy for future actions. In a stance he would take in his reflection on minority protection during World War II, Colban's concern was not humanitarian.⁵⁰ The League was concerned with creating a stable peace in Europe, and Colban feared that premature attacks on the League would make minorities “feel that the League had failed to do its duty toward them.”⁵¹ Throughout this early crusade to clear the name of the League, Colban's underlying mission was to ensure that the violence in Eastern Europe would not taint the name of the League and spoil its effectiveness with the minority states moving forward.

It is fitting enough that the first role Colban assumed as Director of the Minorities Section was not to protect minorities, but rather to protect the League of Nations itself. As will be shown, protecting minorities themselves was only a small part of the Section's larger aims, which revolved around maintaining the status of the League so that international disputes would be mediated and resolved through its channels and not through confrontations or wars between states. As the League was a voluntary association of sovereign states that gained much of its effectiveness through the willing participation of its members, its mission could only be effectively carried out by the active participation of both the Great Powers of Western Europe and the minority states of Eastern Europe. As Colban's colleague and director of the Secretariat's Political Section, Paul Mantoux, explained in a 1926 essay: “The League is no supernatural being hovering about in space. It consists of Members, each of whom is a sovereign State. Therefore the action of the Council cannot be automatic, because the Council cannot meet if not

49 Ibid.

50 Erik Colban, “The Minorities Problem”: 311.

51 Minutes of Directors' Meetings, August 20, 1919.

summoned and cannot be summoned except by the initiative of the Members of the League.”⁵²

Thus, the effectiveness of the League rested primarily on states deciding to act through it, rather than their own devices.

Mantoux's concerns rang especially true with minority protection, and, though the Council assumed its obligations to uphold minority protection in February 1920, it remained unclear how it would fulfill these duties. Sir Arthur James Balfour presided over the first working meeting of the Council in London that month. The Council contained representatives from four Great Powers (Britain, France, Italy, and Japan), three European members (Belgium, Greece, and Spain), and one Latin American member (Brazil). With this original composition, the Council formally accepted one of the League's most pernicious and ominous duties: the protection of minorities.⁵³ As Article Twelve of the Polish Minorities Treaty stipulated, only members of the Council would have the ability to bring to the attention of the Council any infraction or danger of infraction of minority protection obligations. From this, the Council would be able to consider the infractions and, by majority vote, decide to take action and give direction to the government of the minority state. If the Council's directives were not complied with, the case would be sent to the Permanent Court of International Justice, which was in the process of being formed.⁵⁴ In questions of the minority protection, functional power was granted to the Council and ultimate power resided in the Court.

In accepting the Council's role to oversee and enact minority protection, Balfour, in

52 Paul Mantoux, “On the Procedure of the Council of the League of Nations for the Settlement of Disputes,” *Journal of the British Institute of International Affairs*, 5, 1 (1926): 17. Mantoux's essay echoes his call in 1921 for the League to explain that it cannot take action apart from its individual members, Minutes of the Directors' Meetings, March. 18, 1921.

53 League of Nations, Official Journal (1920), 49-59. Hereafter, the Official Journal will be abbreviated as LNOJ.

54 Text of the Polish Minorities Treaty, quoted in C.A. Macartney, *National States and National Minorities* (New York: Russell & Russell, 1968), 514.

particular, was dismayed. Solemnly, he observed that the “Covenant and the Treaties which provided for the protection of minorities laid a thankless and difficult task upon the Members,” and he even went so far as to suggest that the Council might refuse to assume its role in minority protection.⁵⁵ This task was doubly burdensome for the Council. In overseeing minority protection, the Council would have to make the greatest known intrusion in the sovereignty of the minority states. Balfour dreaded the role of having to accuse another state of improper behavior and then to investigate these charges. Doing so could only serve to antagonize minority states and worsen or even break diplomatic ties.⁵⁶ At the same time, the Council could not afford inaction. Dismissing minority concerns would lead to public outcries from Jewish lobbying organizations and anti-League propaganda within Germany, a state that the League needed to join to ensure its future significance. This procedural dilemma left the Council with its hands tied, and it was augmented by logistical challenges. Before the League assumed its permanent location at the Palace of Nations in Geneva, the Secretariat was based in cramped quarters in London, while the Council met at irregular intervals in cities throughout Europe.⁵⁷ From its inaugural session in January 1920 to December 1923, the Council met twenty-seven times in six different European capitals.⁵⁸ From its very first meetings, the Council found itself unwilling and unable to make good on minority protection.

In 1920, Erik Colban and his small staff stepped into this vacuum and devised an ingenious solution to the problems in front of the Council. In doing so, they created a system that gave unforeseen and unheralded power to the international civil service of which they were a

55 Quoted in Azcárate, *National Minorities*, 97.

56 The Western powers, most notably France, were keen to support Poland and Czechoslovakia as strong eastern buffers against German and accordingly attempted to remain close ties with them.

57 Sarah Wambaugh, “American Woman Who Was Attached to Secretariat Tells How Questions Are Handled,” *The New York Times*, August 14, 1921.

58 Fink, *Defending the Rights of Others*, 275.

part. With the assistance of one staffer, Helmer Rosting of Denmark, and one secretary, G. Lippestad of Norway, Colban began to investigate a solution to this problem of minority protection in the Council.⁵⁹ By the fall of 1920, the Section had created a two-part solution to the dilemma. They instituted a petition system, whereby minorities—as individuals or organizations—could send complaints or grievances to the League and a committee system to govern how the Council would investigate petitions. These two procedural innovations formed the backbone of the League system, and their genesis and implications deserve careful attention. They became the lynchpin of an administrative system for handling minorities questions that sought to resolve inherently political issues without much fanfare or complaint.

Over the course of the Section's first year in operation, it developed the petition system as a means to give the minorities redress to the League while not elevating them to the status of sovereign states and drawing the ire of minority states in the process. Though this system was not formally adopted by the Council until 22 October 1920, when the Italian delegate Tommaso Tittoni presented a report calling for it, it was engineered primarily by Colban much earlier.⁶⁰ Under the system, minorities were entitled to send petitions to the League Secretariat, which would then be forwarded to all members of the Council and to the government of the state concerned. These petitions did not carry any type of judicial or legal weight; they were regarded merely as information for the Council to consider and, if it deemed necessary, to act upon.⁶¹ Though the Tittoni report did not explicitly mandate it, the Secretariat was also allowed to

59 Sierpowski, "Minorities in the System of the League of Nations," 21.

60 Reminiscences of Pablo de Azcárate, Edouard de Haller and W. Van Asch Wijck (February 19, 1965), on page 81 in the Columbia University Oral History Research Office Collection (hereafter CUOHROC).

61 League of Nations, *Protection of Linguistic, Racial, or Religious Minorities by the League of Nations* (C.24.M.18.1929.I), 5-6 in *Minorities 1919-1940* (reels 16-40) in *League of Nations Documents and Publications 1919-1946* (microfilm), (New Haven, CT: Research Publications, 1991). All subsequent references to this source are drawn from this microfilm collection.

forward these petitions to *all* members of the League. Colban and Drummond earnestly advocated for this practice, since it allowed for the full effect of public opinion. In their estimation, petitions were only effective “so long as they were known to the interested country and so long as that country knew they had been circulated to the other members.”⁶² The petition procedure created a way for the minorities to access the League and gain the full force of public opinion, while still limiting their complaints to informational documents that the League need not act upon.

The petition procedure created a stable means for minorities to access the League, but it did nothing to address the problem of the Council taking action on minorities issues. In response to this problem, the Section instituted a Committee of Three system, wherein the Council President and two other members selected by him would examine if a treaty violation occurred and, if so, what action should be taken by the League. Much like the petition system, the Committee of Three procedure was formally introduced to the Council by a Belgian member, Paul Hymans, on 25 October 1920, but the idea and practice originated with Colban and the Section.⁶³ The Committees of Three solved the problem identified by Balfour of having individual states raise minority problems to the Council. The system shifted the burden from an individual Council member to the three-member committees. By having the members of the committees rotate and not be permanently assigned, each individual Council member would still retain their responsibility for overseeing minority protection, while never having to individually act.

The implications of this new procedure cannot be understated. As Colban himself

⁶² Minutes of the Directors' Meetings, October 7, 1920.

⁶³ Reminiscences of Pablo de Azcárate, Edouard de Haller and W. Van Asch Wijck (February 19, 1965), on page 82 in CUOHROC. For the text of the Council resolution of 25 October 1920, see League of Nations, *Protection of Linguistic, Racial, or Religious Minorities by the League of Nations* (C.24.M.18.1929.I), 6.

remarked, in questions of minority protection “the procedure and the substance of the matter were indistinguishable and equally important.”⁶⁴ This new procedure, then, was precisely so important because it introduced a stable way for minority questions to be introduced to the Council that fulfilled the minority obligations without expressly involving Council members invoking complaints directed toward other League members. In this way, the Section created an administrative system that allowed for the successful introduction of minority petitions that was not overly politicized, but still managed to fulfill and discharge the duties of the League.

What is more, however, the Tittoni system created a great deal of space for the Minorities Section to engage in political maneuvering from Geneva and to exert influence beyond its official administrative role. By placing the Section as a buffer between received petitions and the Council, the procedure did more than just fill the responsibility gap concerning who should bring petitions to the attention of the Council. It placed the members of the Section and ultimately the Secretary General in a privileged position: they were able to decide which petitions were genuine and ought to be forwarded and which were spurious and to be disregarded. The Committee of Three system did even more to expand the Section's influence. Committees met in hurried circumstances (mostly during Council sessions) in Colban's office in Geneva. Colban and other members of the Section were present during these informal and entirely secret meetings. The Council members were no experts on minorities and often deferred to the politically neutral and largely Scandinavian and Spanish staff of the Section to advise on how petitions should be handled.⁶⁵ In a friendly and clubby atmosphere, the committee and Section members discussed the memorandum relating to the petition drawn up by the Section and decided on one of three

64 Minutes of the Directors' Meetings, February 22, 1923.

65 Sierpowski, “Minorities in the System of the League of Nations,” 22.

courses of action. The petition could be done away with, it could be placed on the agenda of the Council, or it could lead to private negotiations with the concerned government.⁶⁶

In most cases, the committees opted for the third option, and the Section was usually charged with conducting the relevant negotiations, occasionally with guidance—but no direct involvement—from the members of the committee. Either meeting in Geneva or in the capital of the concerned states, Colban would work to insure the basic minimum of concessions or reforms from the state, so that the question could be resolved without public discussion in the Council. Public debate about minorities questions was not beneficial to the League's prestige, but it was much more detrimental to the minority states.⁶⁷ Pablo de Azcárate, who joined the Section in 1922, argued that Colban was able to use the threat of publicity to bring about “moral pressure which was real and effective,” and the issue would generally be laid to rest through these secret negotiations.⁶⁸ From an imperfect palette of options, these negotiations became the method of choice for the Council and the Section. By engaging in direct negotiations, the Section kept minorities questions from devolving into acrimonious debate before a global audience.

In the early years of the League, the Minorities Section established a procedure for dealing with minority protection that successfully engaged the investment of all relevant parties. In the face of otherwise open hostility from minorities, minority states, and the Great Powers, it devised a framework that addressed the League's unenviable obligation to oversee the fulfillment of the minority treaties that did not provoke public outcry or an outright breakdown of the system. Rather, it created a process where minority violations could be addressed through quiet and secret channels. For obvious reasons, the Great Powers, occupying permanent seats on the

⁶⁶ Azcárate, *National Minorities*, 112-17.

⁶⁷ *Ibid.*, 125.

⁶⁸ *Ibid.*

Council, were partial to the system. At Paris in 1919, they had created the new European order that necessitated minority protection, and the international bureaucracy pioneered by the Section absolved them of the most onerous particulars of protection. However, minority states and minority advocates, each in different ways, found the system lacking. Minority states largely accepted the Committee of Three system for its secrecy, but found the petition procedure an intolerable assault on their sovereignty. Minorities supported the petition process for the access it provided to the League, but attacked the Committee system as mired in secrecy and state interests. Faced with these two complaints, the Section orchestrated the further development of the system in such a way as to keep all parties invested and to increase its own power.

Regarding petitions, minority states charged that the League system treated minorities too generously. In the Council, Czechoslovakia and Poland were the most outspoken critics of the system. As early as 1921, these governments began a campaign to modify the petition process. Colban, however, was in constant contact with these governments. In March of 1921, he alerted Drummond and the other directors to a possible protest against the Secretariat's circulation of petitions to all League members. In response to this anticipated action, Colban and Mantoux devised a possible solution: when a petition was received it might first be communicated to the concerned government for comment and, upon receiving these comments, the Secretariat would forward the petition and the government's remarks to all members.⁶⁹ A few months later, the Czechoslovak and Polish protest emerged in the Council. With great indignation, the Czechoslovak representative Valda Girska complained that it was "beneath its [Czechoslovakia's] dignity to enter into a controversy" over petitions that were spurious.⁷⁰ To

⁶⁹ Minutes of the Directors' Meetings, March 23, 1921.

⁷⁰ Girska quoted in League of Nations, *Protection of Linguistic, Racial or Religious Minorities by the League of Nations* (C.24.M.18.1929.I), 14.

remedy this, the Czechoslovak and Polish governments issued a joint proposal to modify the petition procedure. Literally echoing the Secretariat's own ideas for reform, the proposal called for the Secretariat to first send the petition to the government in question and to give it three weeks to notify the Secretariat if it had additional comments to provide. If so, the government would have two months to supply the comments, which would then be sent to all League members. The Council approved this resolution in the case of the Czechoslovak and Polish governments and offered to extend it to other minority states.⁷¹ With the Council's resolution, the minority states scored a victory: they would no longer be subject to the scrutiny of the international community without first having the opportunity to give their side of the story. At the same time, this decision also proved a bonus for the Minorities Section. The Section would have increased contact with the governments of the minority states and the elongated process would give more time for negotiation.

Two years after this reform, Czechoslovakia and Poland once again led the charge to reform the petition procedure and sent reform proposals to the League. Wishing to deal with this question once and for all, Colban suggested that the League actively solicit proposals from other minority states.⁷² Edvard Beneš, the Czechoslovakian Foreign Minister, took the lead on creating a proposal to set strict criteria limiting the receivability of petitions, and he remained in close contact with Colban as he tried to secure the support of Romania and Yugoslavia.⁷³ By the summer of 1923, these four governments submitted three procedural reforms to the Council, all of which were passed. The new procedure included tighter rules regarding receivability of petitions, granted longer periods of time for the minority states to prepare their commentary on

71 LNOJ, (1921), 235-6.

72 Minutes of the Directors' Meetings, April 5, 1923.

73 Ibid., June 6, 1923.

petitions, and restricted the circulation of petitions to Council members alone.⁷⁴ The latter two changes to the system certainly worked in the favor of the minority states. In particular, limiting the circulation of petitions to the Council alone would lessen the effect of public opinion. That said, the Section still would be able to threaten placing a minorities question on the Council during a Committee of Three negotiation and, in this way, its main negotiating tool remained intact.

The new rules on petition receivability stipulated five things and amounted to a great increase in power for the Section itself. Rather than serving a clerical role in forwarding out petitions, the Section now was responsible for evaluating if petitions (1) were in accordance with the minorities treaties, (2) were not submitted with the goal of severing relations between the minority and the state it inhabited, (3) were from a known or authenticated source, (4) abstained from violent language, and (5) contained information that had not been included in an earlier petition.⁷⁵ Colban whole-heartedly supported these new criteria because “any possibility of malicious propaganda must be avoided.”⁷⁶ Petitions “which were not in all respects in conformity with the rules ... might throw discredit on some State if the document in question were published or commented on.”⁷⁷ Though they favored the minority states over minorities, these new criteria were accepted to filter propaganda out of the petition system and to ensure that only genuine petitions were taken up by the League machinery. As Jane Cowan argues, these criteria made the Section officials essentially the “gatekeepers” of petitions.⁷⁸ Colban gave the section detailed instructions on how to examine petitions and divided the Section members into

74 League of Nations, *Protection of Linguistic, Racial or Religious Minorities* (C.24.M.18.1929.I), 19.

75 Ibid.

76 Ibid., 17.

77 Ibid.

78 Jane Cowan, “Who's Afraid of Violent Language?": 275.

areas of geographic expertise.⁷⁹ The Section member responsible for a petition generated a ten to fifteen page memorandum that ultimately decided if the petition should be received. Pending Colban and Drummond's approval, this petition and the Section's commentary would be sent to the members of the Council.⁸⁰ To facilitate this task, the Section maintained files on all petitioners and subscribed to fourteen different minority newspapers.⁸¹ In a striking testament to the Section's power, Cowan cites examples where Colban passed along petitions that used violent language, but were still deemed to be genuine.⁸² With its monopoly on information and power, the Section not only had the exclusive privilege of judging petitions receivable, but also became coauthors of petitions and submitted their commentary and observations along with the original petition.

In response to criticism from minority states in the Council, the Section was able to deftly recalibrate its system and, in the process, its centralized bureaucracy expanded in influence and scope. Alongside this criticism, minority advocates submitted proposals to reform the Committee of Three system in the much more open setting of the League Assembly. In the small setting of the Council, Colban was able to carefully manage proceedings, but the open forum of the Assembly made it possible for “extravagant and exciting proposals” to be made “from the side of governments bound by minorities treaties and from the side of governments not so bound.”⁸³ Perhaps there is no greater example of this than the proceedings of the Second Assembly meeting in Geneva. In September of 1921, Professor Gilbert Murray, an Oxford classicist, called for the creation of a permanent minorities commission that would replace the ad hoc Committee of

79 Reminiscences of Pablo de Azcárate, Edouard de Haller and W. Van Asch Wijck (February 19, 1965), on page 14 in CUOHROC.

80 Cowan, “Who's Afraid of Violent Language?”: 275.

81 Raitz von Frenzt, *A Lesson Forgotten*, 113.

82 Cowan, “Who's Afraid of Violent Language?”: 284.

83 Minutes of the Directors' Meetings, June 15, 1924.

Three system. Aside from being a classical scholar, Murray was an ardent League supporter who was highly active in the British League of Nations Union.⁸⁴ Through his work in the Union, he met General Jan Smuts, the South African Prime Minister, an original proponent of the League and one of the twentieth century's most influential statesmen. Smuts and Murray shared the same expansionist vision of the League, in which it would harness public opinion in full view, and on the basis of this fellow feeling Smuts named Murray one of South Africa's delegates for the 1921 Assembly.⁸⁵ Murray was exactly the kind of “zealous humanitarian” that Colban explicitly feared.⁸⁶ During the Assembly, Colban met with Murray in private and convinced him that his proposal was unworkable in view of the restrictive nature of the minority treaties. The treaties called for the Council to examine minority questions and gave no license to create a separate body.⁸⁷ Murray's first proposal stirred a great amount of controversy in the Assembly; however, based on the successful lobby of the Minorities Section it was struck down and the Committee of Three system was reaffirmed.⁸⁸

Murray remained a South African delegate for the the Third Assembly in 1922, where he once again brought forward proposals to increase the size and public visibility of the minority protection system. After hard debate, Murray's proposal was passed. F.P. Walters, who was present at the meeting and one of the League's Under-Secretary Generals, assessed Murray's proposal as the most important guide for the League's action regarding minorities, save only the

84 Duncan Wilson, *Gilbert Murray*, (New York: Oxford University Press, 1987), 248-250

85 Ibid. 284-294.

86 Colban memorandum, February 4, 1920, quoted in Fink, *Defending the Rights of Others*, 277.

87 Reminiscences of Pablo de Azcárate, Edouard de Haller and W. Van Asch Wijck (February 19, 1965), on page 12 in CUOHROC.

Murray's proposal echoed the Permanent Mandates Commission which existed to examine petitions from mandate territories; yet, the Mandates Commission was explicitly called for by Article 22 of the Covenant of the League.

88 League of Nations, *Protection of Linguistic, Racial or Religious Minorities by the League of Nations* (C.24.M.18.1929.I), 75.

treaties themselves.⁸⁹ Murray's 1922 proposal was particularly seen as so influential by Walters (incidentally, Walters was one its main proponents on the Assembly floor) because it passed a resolution that the members of the League all had the obligation to protect minority rights and to “treat their populations with at least as high a standard of justice and toleration as is required by any of the Treaties.”⁹⁰ Murray's proposal and its subsequent adoption by the Third Assembly caused quite a stir at the time: for the prior three years, Colban's section was able to carefully manage minorities questions without their impacting the larger work of the League. In the Assembly, Murray launched the issue into the public sphere and generalized the obligations of the minorities treaties to all states. The resolution was largely a paper tiger, and it had no binding effect on the work of the League. If it impacted the spirit of Geneva for a few weeks, it made no lasting structural changes to the League. Once the Assembly ended, the Council and the Section were able to return to their largely happy partnership.

If Murray's two proposals failed to substantively impact the procedure of minority protection, they did have other positive effects for the Section. By calling attention to minority protection in such a public way, they helped to bring about an increase in the Section's annual budget.⁹¹ The budget of the Section increased in 1922 to allow for greater travel and the employment of more staff. Pablo de Azacarate was hired as a member of the Section this year in addition to several more secretaries from the Netherlands, Great Britain, and Latvia.⁹² With his increased travel budget, Colban began to visit the governments of most Eastern European countries in 1922 and 1923, where he cultivated congenial relationships with the their ministers

89 Walters, *A History of the League of Nations*, 212.

90 LNOJ (1922), 186.

91 Jacob Robinson, et al., *Were the Minorities Treaties a Failure?*, (New York: Instiute of Jewish Affairs of the American and Jewish Congress and World Jewish Congress, 1943), 126.

92 Sierpowski, “Minorities in the System of the League of Nations,” 21.

and foreign offices. In June of 1922, he met with the Czechoslovak government for six days in Prague, where he learned all the issues that concerned the Czechoslovak government regarding the League, met with Foreign Minister Edvard Beneš, and “made a deep impression on every one at Prague” with his “treatment of the Minorities questions.”⁹³ He followed this visit with trips to Romania, Poland, Greece, and Hungary, and in all countries he met with the highest levels of the government to advance the cause of the League and its minority system.⁹⁴ By the end of 1924, Colban and members of the Section had travelled to Belgrade, Sofia, Bucharest, Transsylvania, Athens, Bulgaria, Budapest, Vienna, and Prague multiple times, and Colban personally spent around six months each year abroad.⁹⁵ Though the section still could have used a larger budget to be more effective, Christian Raitz von Frenzt observes that this extensive travel allowed the Section to develop close contacts with the governments of minority states and to ensure their cooperation in its minority procedure.⁹⁶

In 1926, the Minorities Section grew to its mature size of between ten and eleven members. Colban's staff increased to include R.N. Kershaw of Australia in 1924, M.A. Cespedes of Colombia and W. O'Sullivan Molony of Ireland in 1925, and E.R. De Haller of Switzerland and A.H. Hekimi of Iran in 1926.⁹⁷ With the lone exception of the Iranian Hekimi, all of these members came from states without minority treaties or any vested interest in the minorities questions outside of the League's power, reputation, and ability to promote international peace. At this point, the Section was responsible for overseeing the protection of over twenty-five million minorities in fifteen separate states (including Germany's obligations in Upper Silesia,

93 Minutes of the Directors' Meetings, June 28, 1922.

94 Ibid., June 6, 1923.

95 Raitz von Frenzt, *A Lesson Forgotten*, 115.

96 Ibid., 112-3.

97 Sierpowski, "Minorities in the System of the League of Nations," 21.

which were handled by a separate protocol), and it was largely left to its own devices to do so. Between the years of 1920 and 1925, the Great Powers granted increasing authority to the League's system as their own interests moved elsewhere. At Paris in 1919, the Great Powers had envisioned minority protection to be carried out by the League Council that they dominated. Under Colban's careful direction, however, power over minorities questions shifted from the Council to the Committees of Three, and finally to the Section, which came to be the most important element in the League's minority protection. Through a combination of bureaucratic procedure and active diplomatic relations, the Section pioneered the role of an international agency in protecting rights and managed to overcome the limitations of the minority treaties to create a system that engaged all participants. In creating this system, open and public resolution played an increasingly small role, as the secret procedures of the Section grew in importance.

IV. “The Refuge and Protector of Minorities”:

From Germany's Entrance to the End of Reform, 1926-1928

In developing a system that privileged bureaucratic machinery over public discussion, the Section rarely needed to consider the reactions of minorities or kin-states. Minorities as collective groups or individual citizens were neither sovereign states nor members of the League and therefore did not participate in the system beyond their petitions, which the Section did consider seriously. Likewise, Germany, by far the largest kin-state, was not a member of the League and, therefore, could not directly influence the work of the Section or Council. Other kin-states, such as Hungary, were hesitant to attempt reform, since they were also bound by the minority treaties. In 1926, however, Germany, the self-styled defender of minorities, assumed membership in the League and a permanent seat on the Council. For the first time, the Section had to negotiate the interests of Germany along with those of the minority states and the Great Powers. Beyond this, the arrival of German delegates created a situation where the minority states and, to a lesser extent, their Great Power defenders took a more aggressive role in attempting to limit the scope of minority protection. Owing to these new interests, the Minorities Section positioned itself as a mediator between those who wished to expand the system and those who wished to restrict it.

Before Germany entered the League, it attempted to influence the minority system through indirect means. The Weimar Republic criticized Polish treatment of Germans, provided financial aid to minority groups, and assisted in the writing of petitions.⁹⁸ Most ethnic Germans living in the minority states enjoyed positions of privilege prior to the end of the First World War,

⁹⁸ Carole Fink, “Defender of Minorities: Germany in the League of Nations, 1926-1933,” *Central European History* 5, no. 4 (1972): 335.

and they used support from the German government to attempt to regain this position.⁹⁹ As the Locarno Pact was about to be ratified and German entry into the League appeared imminent, the German government provided generous financial support to help organize the first ever Congress of Organized National Groups in European States in October 1925.¹⁰⁰ Originally organized by the German minority in Estonia, the Congress, which colloquially became known as the European Minorities Congress, gathered leaders of minority groups from across Eastern Europe in Geneva. Though its official aim was to help secure the cooperation between majorities and minorities, it essentially functioned as a forum for minority groups to manifest grievances with their position and the League's system in a public forum.¹⁰¹ Lacking other means, the German government funded the Congress to help support the millions of German minorities in a place and a way that would draw the attention of the League. But German support for the Congress also served as a signal to its future role in the League. Just as the Congress did, Germany would come to advocate for minorities in a public and vociferous manner.

If Germany's stance toward the Congress foretold its future role in the League, Colban's response to the gathering foreshadowed the manner in which the Section would seek to guard and defend its system. From the very inception of the Congress, Colban and the Secretariat's upper-level staff were wary of it. Colban feared that the Congress would raise certain public apprehensions about the League's system and that this would unsettle and disturb the procedure. The week before the Congress was set to convene, Colban distributed a memorandum to the members of the Minorities Section and the Information Section, the Secretariat's public relations arm, advising them to exercise “extreme caution ... in any relations they might have with

⁹⁹ Claude, *National Minorities*, 43.

¹⁰⁰ Cristoph Kimmich, *Germany and the League of Nations* (Chicago: University of Chicago Press, 1976), 76; Macartney, *National Minorities and National States*, 394.

¹⁰¹ Macartney, *National Minorities and National States*, 394.

members of the Minorities Congress.”¹⁰² At best, the Congress would bring public attention to the League system and would erode the secrecy that its chief proponents thought necessary. At worst, the Congress would bring about a series of reform proposals that the Secretariat and Section would need to ward off. In keeping with the treaties, the Section interpreted the mandate to protect minorities in a restrictive sense, and therefore only officially responded to petitions. For Drummond, “the Minorities which attended such a Conference showed doubtful loyalty towards their new countries” and ought not to have any impact on the Geneva process, which only accounted for the sovereign states that composed the League.¹⁰³ The League and the minorities were diametrically opposed in understanding, and while the minorities claimed that they did not truly belong to their new countries, the League found them disloyal. To this end, Colban attended a few Congresses to gather facts about minority concerns, but his response was to protect his system by publicizing the recent activity of the Council, its minorities committees, and the questions that they resolved.¹⁰⁴

The different responses of the German government and the Section to the Congress were reinforced in their public actions leading up to 1926. As Germany prepared to enter the League, Stresemann outlined one of the chief goals of membership. Along with helping to revise the reparations question and the eastern frontier, League membership would be a way for Germany to ensure “the protection of Germans abroad, those ten to twelve millions of our kindred who now live under a foreign yoke in foreign lands.”¹⁰⁵ In response to nationalists and their view that German entry would amount to no more than kowtowing to the unfair Versailles settlement,

102 Minutes of the Directors's Meetings, October 7, 1925.

103 Ibid.

104 Ibid.

105 Gustav Stresemann to the former Crown Prince, September 7, 1925, in *Gustav Stresemann: His Diaries, Letters, and Papers*, ed. and trans. Eric Sutton, vol. 2, (London: Macmillan and Company, 1937), 503.

Stresemann saw that German membership would provide a platform to become “the refuge and protector” of all Germans. With Germany occupying a permanent seat on the Council, Stresemann argued that:

Poland, Czecho-slovakia, Jugo-Slavia, and Rumania [*sic*], who are all bound by international treaties to take care of their minority population, *ie* more especially the German minorities, would not so disgracefully ignore their obligations if they knew that Germany could bring all these derelictions before the League.¹⁰⁶

With a clearly set agenda, Stresemann prepared to enter Geneva as the defender of minorities.

Stresemann was not the only one to make preparations for German participation in the League. In the summer of 1925, the governments of Poland and Czechoslovakia introduced reforms to the minority procedure to retool it for German participation. As early as May 1925, Colban travelled to Warsaw and Prague in an attempt to modulate the response of the respective governments to the prospect of Germany examining petitions coming from their countries.¹⁰⁷

Seemingly ineffective, Beneš presented a reform proposal to the Council on 9 June. His proposal had three distinct parts: for minorities to exhaust all domestic means before petitioning the League, to restrict referrals to the Permanent Court of International Justice only to unanimous Council Decisions, and to make Committee of Three decisions binding on the Council.¹⁰⁸

Following the introduction of this proposal, the Council had two secret meetings, during which the British and Swedish representatives feared that such measures would jeopardize Germany's entrance and effectively blocked Beneš's proposal. Instead, the Council resolved to adopt new

¹⁰⁶ Ibid.

¹⁰⁷ Fink, *Defending the Rights of Others*, 296.

¹⁰⁸ “Protection of Linguistic, Racial or Religious Minorities by the League of Nations,” (C.24.M.18.I.1929), 27.

rules governing the construction of the Committees of Three on 10 June. The President of the Council and the two discretionary members could no longer come from the state where the minorities were subject, a neighboring state, or a state where the dominant population was of the same ethnicity as the minority petitioning.¹⁰⁹ Directly aimed at Germany, which had the largest number of kin minorities and was bounded by four minority states, the resolution managed to appease the German government, which recognized that its right to bring petitions before the Council would still be intact. By blocking German participation from the Committees of Three, this reform was supported by the minority states.

The new rules were a compromise constructed to mediate between the minority states and the German government, and the Secretariat worked hard to ensure that it would be passable for both parties. As *The New York Times* observed, it appeared that the League attempted to “settle the minorities question once and for all” in a way that would satisfy both the minority states and Germany.¹¹⁰ Keeping with this spirit of compromise, Drummond, advised by Colban, visited Stresemann in Berlin in the beginning of 1926. Meeting with him, Drummond found that he lacked a firm understanding of the League's minority procedure. Drummond explained the procedure and its recent changes to Stresemann and found that Stresemann—once he properly understood it—was amenable to the changes.¹¹¹

With the debate over procedure resolved, the League Assembly delivered a unanimous recommendation that Germany be admitted. This recommendation also carried with it the assumption that Germany would be receiving a permanent seat on the League Council.¹¹² The minority states, none of which had such standing, feared this and demanded a permanent seat for

¹⁰⁹ Ibid., 8.

¹¹⁰ *The New York Times*, December 10, 1925.

¹¹¹ Minutes of the Directors' Meetings, March 3, 1926.

¹¹² Fink, *Defending the Rights of Others*, 298.

Poland, while Spain and Brazil saw the reorganization as an opportunity to gain greater influence in the League and also demanded permanent seats. In response to this challenge, the Secretariat—with considerable support from France and Great Britain, who likewise feared a minorities champion in Geneva—orchestrated another compromise that would expand the size of the Council from ten to fourteen and that would give Poland a “semipermanent” seat. Owing to the action of the Secretariat, Germany would be able to enter the League with a permanent seat, while Poland would have practically the same. On top of this, the new rules governing the Council also guaranteed that one nonpermanent seat would be occupied by a member of the Little Entente, ensuring that there would always be one other minority state on the Council as well.¹¹³

In September of 1926, Germany assumed its seat at the Council, and Colban wasted no time tutoring Stresemann in minority affairs. A hopeful German government and public saw Stresemann's arrival at the Council as signaling a shift from a defensive to an offensive position on minorities. Germany would share the League's responsibility for overseeing minority protection and would be able to influence significantly the minority system. Fearing just such revisionist aims, Colban worked with Stresemann and the German delegation in Geneva to convince them to assume a sort of apprenticeship, where Germany would work within the League system without trying to change it for at least one year. The German consul Gottfried Aschmann—who by no means counted Colban a friend—supported his proposal and even went so far as to comment that this scheme would facilitate German reform attempts later on. In both 1927 and 1928, the German government reviewed its position vis-à-vis minority procedure and decided to withhold agitating for any changes. Throughout 1928, German governmental

113 Ibid.

consensus was that “the time for revision will come when Germany's chances to appear in the League as a successful advocate for minority rights have been improved.”¹¹⁴ Likewise, Germany—under the careful influence of Stresemann—abstained from raising any minorities issues in the open environment of the Assembly until 1930.¹¹⁵

With firm direction from Geneva, Stresemann worked to keep Germany from disturbing the minority procedure. Colban began to visit Berlin almost as regularly as he did the minority states.¹¹⁶ Working with the Germans, Colban managed to convince them that the League's system of secret compromise was effective and desirable. The method of early compromise benefited Germany, because it allowed the League and the other negotiators to exploit the minority states' fear of publicity. For the minority states, giving into moral and political pressure was often more desirable than having grievances against them aired publicly in front of the Council. Thus, the German government was more than content to continue funding minority groups and the Congress, encouraging petitions, and aiding petitioners in Geneva.¹¹⁷ Germany became a rather content participant in the League system, even to the point of encouraging minorities to use it to its full potential. In 1927, Colban proudly boasted that Germany's entry into the League “had changed nothing.”¹¹⁸ Faced with its most difficult challenge, Geneva's characteristic combination of exacting procedure and carefully managed compromise quelled the offensive aims of Germany and rendered the nation another participant in its system.

The unexpectedly smooth participation of Germany in the minority system began to

114 Kimmich, *Germany and the League of Nations*, 135-6.

115 Ibid, 136.

116 Fink, *Defending the Rights of Others*, 302.

117 Preserving the minority populations in Eastern Europe did, indeed fit into Germany's ambitions of territorial revision, and desire to use them as a fifth-column to force revision also factored in to Berlin's acquiescence to the League system. Kimmich, *Germany and the League of Nations*, 137.

118 Minutes of the Directors' Meetings, February 10, 1927.

collapse at the end of the 1920s. Rising nationalism and economic depression put the League's carefully constructed system under increasing levels of public attack. The German public and government grew restless with Stresemann's careful policy and perceived obsequiousness to the Geneva system. Beyond the regular reform proposals from the European Minorities Congress, the Reichstag Permanent Affairs Committee began to urge Stresemann to dedicate greater attention to the minority procedure of the League.¹¹⁹ This latent discontent manifest itself at the 1928 Council meeting in Lugano, where palpable tensions between Germany and Poland erupted. Seven petitions were due to be resolved at the meeting, and Colban—in one of his last acts as Director—negotiated a settlement that was favorable to both the Polish and German representatives. Nonetheless, when the settlement was reported to the Council by the Japanese Rapporteur, the Polish Foreign Minister August Zaleski broke into a tirade. He charged that the Germans were inundating the League with spurious and trivial claims, going so far as to accuse the petitioners of treason. Midway through this speech, Stresemann interrupted and defended the petitions as genuine. Stresemann pronounced that he planned to raise the entire problem of the League protection system at the next meeting in March 1929. The Council President and French Foreign Minister Aristide Briand resolved that the League would always uphold its “sacred obligation to minorities” and the Council agreed to consider reform proposals at its next meeting.¹²⁰

In the months leading up to the Council meeting of March 1929, tensions were running high among the invested parties. Though Stresemann formally took a moderated stance and proposed a study committee to examine and propose improvements, Germany also embarked on

119 Kimmich, *Germany and the League of Nations*, 139.

120 LNOJ (1929), 68-71.

a massive press campaign calling for a major expansion of the system. Stresemann was not alone in this suggestion, and the Canadian representative Raoul Dandurand joined him in demanding reform. In Czechoslovakia, Beneš threatened to veto even the slightest change of the system, while the Polish government took this opportunity to agitate for a universal system that would encompass Germany and all other League members. Among the Great Powers, England turned its efforts to reigning in the Canadian proposals and France to force Poland to retreat from demanding generalization.¹²¹

The Minorities Section and the Secretariat likewise took a keen interest in how the system could or should be reformed. In the beginning of 1929, Colban's successor Manuel Aguire de Carcer commissioned a study of the weaknesses of the League system. Carried out by Pablo de Azcárate, who would succeed Aguire de Carcer as Director in 1930, the study pinpointed three potential weak points.¹²² Azcárate found that the members of the Committee of Three had a very short time to study petitions during Council meetings. To overcome this weakness, Azcárate's report suggested the Council could appoint a committee of experts to study minorities questions between meetings. Second, Azcárate identified the lack of experience of Council members in minorities questions and suggested a permanent committee of senior and experienced Council members might be created to handle all minorities questions. Third, Azcárate found that the system was too hastily demonized because petitioners were left ignorant about the status of their petitions. Even when the petition was deemed acceptable and the government involved took favorable action, the petitioner knew nothing about this and could easily conjecture that the League made no notice of their complaint—even when it took deft and

121 Fink, *Defending the Rights of Others*, 310.

122 Minutes of the Directors' Meetings, January 16, 1929.

proper action. The obvious solution to this deficiency would be to instate communications with petitioners.¹²³

With these three vulnerabilities on the table, the Secretariat took stock of its options for reform. Very quickly, the first two suggestions were dismissed. Drummond, in particular, feared making any large changes to the procedure: such moves aroused opposition in the minority states and a strict legal reading of the treaties ruled out expansion beyond the Committees of Three system. Azcárate found both the first and second proposals troubling because they would diminish the important role of the Minorities Section. A body of experts appointed by the Council would politicize the existing structure and make the Section's own analysis and suggestions less influential. Creating a permanent Council body to deal with questions would also limit the role of the Section and only leave certain Council members responsible for minorities questions. Beyond this, a permanent body was not stipulated in the minorities treaties and would require the unanimous approval of the Council, something the minority states would never agree upon.¹²⁴ In Drummond's mind, this would contradict the Council-wide mandate to be responsible for guaranteeing the minority treaties and would allow certain governments to shirk their responsibilities and let others make all the decisions.¹²⁵ The Section and the Secretariat at large recognized these deficiencies in its present system. But limited by the restrictive nature of the treaties, the Secretariat decided that the only workable revision would be to increase visibility of petitions.

With the spirit of reform in the air, the Section took a conservative position that was

123 Ibid.

124 This argument was later supported by the American political scientist Howard Calderwood in his article, "Should the Council of the League of Nations Establish a Permanent Minorities Commission?," *The American Political Science Review* 27, no. 2 (1933): 250-259.

125 Minutes of the Directors' Meetings, January 16, 1929.

inline with the treaties. In its understanding, if it was to do anything to protect minorities, the League and its system must first be defended. If Germany was to style itself the defender of minorities, the League became a defender of minority protection as such. To this end, the Secretariat moved forward with only one reform proposal: minorities ought to be able to know the status of their petitions. In making this decision, Azcárate and Drummond feared wrecking the system. Both worried that letting petitioners know the status of their petitions would raise protests from the minority states, who would see their sovereignty denigrated further and the minorities being put on equal footing with sovereign states in the League. Dancing around this issue, the pair agreed to adopt what they saw as the most agreeable compromise. In its annual report to the Assembly, the Council would include an annex of all petitions received and their result. A short account would be provided to explain and show what happened to each petition. Such a procedure would allow the minorities and the larger public to see the work of the League, while limiting any possible interference from the minority states.¹²⁶ Once again, the Secretariat fell back on its time-honored policy of compromise. Publishing annual statistics about petitions would no doubt be less satisfactory for minorities than making the Committee of Three meetings public or some other more farfetched proposals, but would still disperse some of the charges of secrecy and inaction that were commonly directed at the League.

Almost two months ahead of the Council meeting of 6 March 1929, the Secretariat and the Minorities Section had already set the course for reform. The Section would remain the main arbiter of minority questions and some transparency would be restored to the petition procedure to appease the German and Canadian delegates. When the Council convened in March, its proceedings were accordingly managed by the Secretariat. The discussion opened with

¹²⁶ Ibid.

Dandurand's proposal to expand the Committee of Three system and Stresemann's plea for a study committee to investigate if the petition procedure could be improved, if the Committees of Three could include neighboring states and kin-states, and if the League could expand its duties outside of merely responding to petitions.¹²⁷

Though Dandurand and Stresemann had the opportunity to publicly air their proposals, this appeared to be little more than a formality. After lunch, Zaleski and Chamberlain offered competing proposals and these were readily taken up by the majority of the Council. Zaleski proposed that instead of an independent study committee, the Council might form a committee including Britain, Spain, and Japan to examine the proposals. The Council sided with the Section and decided to guard its system of minority protection. In his argument in favor of Zaleski, Chamberlain made his alliance with the Section clear. Against Stresemann's charge that the Committee of Three system was ineffective due to its hurried meetings, its members lack of expertise, and its transitory and exclusive nature, Chamberlain argued that the Committees were able to work effectively and fairly because of the "information collected by the Secretariat." What is more, he made a point to declare "deep obligation to the Minorities Section of the Secretariat, and to Colban, who for so many years, and until quite recently was at its head."¹²⁸

The one resolution passed at the Council meeting was for the committee of Japanese, British, and Spanish delegates to consider proposals for reform. The committee received memoranda from fifteen governments, including minority states, kin-states, Great Powers, and others, and from twelve minority organizations.¹²⁹ In May of 1929, this committee and a large delegation from the Secretariat, headed by Azcárate, retired to London to review the proposals

127 LNOJ (1929), 511-520.

128 Ibid., 524.

129 Fink, *Defending the Rights of Others*, 312.

and draft what would come to be known as the “London Report.”¹³⁰ The one-hundred-plus page report consisted of three sections: a descriptive analysis of the minorities treaties, a brief outline of the League procedure, and a discussion of all the proposed reforms, with these reports attached in an appendix.¹³¹ Though the report included a detailed review of all reform proposals, its final verdict made the Section's influence exceedingly clear. Rather than expanding the mandate of protection or changing the system, the committee proposed that the Secretary General let petitioners know if their petitions were “non-receivable.”¹³² In his account of the proceedings in London, Azcárate praised the “assiduity, keenness, and goodwill” exhibited by the committee.¹³³ They were seemingly all of one mind and agreed to follow the course of action Azcárate first proposed in January. There would be more transparency regarding petitions, but otherwise the system would remain intact. Fearing the potentially disastrous effects of wholesale change, the committee advocated for minor and modest reform.

In June of that year, the Council convened in Madrid to discuss and take action on the proposals of the “London Report.” Anticipating a stormy session, the Secretariat orchestrated a secret meeting of the Council on 6 June, a full four days before the Council was officially set to meet. Seeing in the report the repudiation of his proposals, Dandurand recommended an adjournment until September, so that all governments could have adequate time to review the report. Stresemann was absent during the early stages of the meeting, however, and the German substitute did not agree to take an adjournment. The Council accepted the report as a working document and adopted the report's recommendations with minor revisions days later.¹³⁴ The

130 Azcárate, *National Minorities*, 107.

131 LNOJ Official Supplement 73 (1929). This supplement contains the entire text of the “London Report” along with details about its genesis and copies of all reform proposals received.

132 Azcárate, *National Minorities*, 108.

133 *Ibid.*, 106.

134 Kimmich, *Germany and the League of Nations*, 143-4.

Secretariat would inform petitioners if their petitions were deemed “non-receivable” and would publish statistics each year regarding the number of petitions received and their treatment by the League, while Council President could, in extraordinary circumstances, choose to invite four of his Council colleagues to serve on a minorities committee (creating Committees of Five, instead of Three).¹³⁵

When Stresemann arrived at Madrid, he found his hands tied and was forced to accept the Council resolution. Though he accepted the terms of the compromise as a modest improvement in procedure, Stresemann argued that it was flawed in principle. In an act of protest, he flaunted all minority procedure and demanded the Council examine a petition from Germans in Poland.¹³⁶ Stresemann entirely repudiated the Committee of Three system and the Section in taking a petition directly to the Council. His actions violated Council practice and the committee system, which evolved to avoid having individual states raise minority questions in the Council. If the Council would not do away with the committee system, Stresemann's gambit was, in the analysis of the *New York Times*, to “gain her [Germany's] essential goal by the method which is so much more drastic that it has been hitherto assumed that no nation would have recourse to it.”¹³⁷ Stresemann's move marked the first time in the nine years of the League's minority system that its procedures were openly flaunted. It was not so important in of itself, but it established a precedent and foreshadowed the breakdown to come. What began in late 1928 as the greatest opportunity to reform the League system ended in the middle of 1929 with a sinister twist: repudiation instead of reform.

135 Azcárate, *National Minorities*, 111.

136 Kimmich, *Germany and the League of Nations*, 144; Fink, *Defending the Rights of Others*, 315.

137 “Germany Demands Minorities Ruling,” *New York Times*, June 11, 1929.

V. The Collapse of the League System, 1929-1934

1929 was not merely a turbulent year for the League. If the 1920s can be seen as a decade of reconstruction and an attempt to forge a new kind of European and international order, the 1930s can just as easily be viewed as a decade of disintegration. Present since Versailles, the gaps in the European state system had been plastered over—by the League and others—but after a stormy decade, cracks were beginning to surface again. Deep economic depression, security anxieties, and ethnic nationalism all threatened internationalism in an increasingly pronounced way from 1929 onward.¹³⁸ The minority system of the League was in no way exempt from these tectonic shifts. In the wake of Madrid, the Minorities Section picked up the pieces as best it could, but its ability to mediate among increasingly intransigent states was severely hampered. In the second half of the year, Aguirre de Carcer and Azcárate made extended visits to Germany, Poland, and Lithuania, and in all places met with government officials and minority leaders. Reporting about their trips, they said that they found both parties hospitable and helpful in their fact-finding mission.¹³⁹ Likewise, the League machinery churned as always, and, in 1930, the first year that statistics were published, the League received 57 petitions, a number that swelled to 204 in 1931.¹⁴⁰

If the League system was functioning from the perspective of Geneva, tensions were mounting in the member states of the League. In Germany, Stresemann's death in 1929 led to his replacement by the far more brash Julius Curtius. Curtius's installment as Foreign Minister was indicative of wider changes in the Weimar Republic, as the new government took less stock of

¹³⁸ Steiner, *The Lights That Failed*, 635-6.

¹³⁹ Minutes of the Directors' Meetings, November 13, 1929.

¹⁴⁰ Jacob Robinson, et al., *Were the Minorities Treaties a Failure?*, 127.

international sensibilities after the Reichstag elections of 1930.¹⁴¹ Likewise the political climate in Poland became unstable after violence against the opposition during the November 1930 elections. In particular, German minorities in the West and Ukrainian minorities in the East were singled out and attacked.¹⁴² Incensed by the actions of the Polish government, Curtius—despite warnings to the contrary—followed on Stresemann's precedent and brought minority abuse charges in front of the League Council in early 1931. Azcárate was forced to arrange the difficult proceedings between the governments.

Though political tensions were at an all-time high in this minority case, Azcárate managed it exceedingly well. After three days of meetings, where Curtius and Zaleski traded charges of Polish terrorism and German irrendtism, the Council censured Poland for the violence against the German minority, asked it to report on its judicial proceedings, and dictated that Poland take measures to restore the minority's “feeling of confidence.”¹⁴³ Reporting from Geneva, *The New York Times* hailed the work of the League as a major victory. Due to carefully managed proceedings, “the clash between Germany and Poland did not come off.”¹⁴⁴ Owing to “the services of the League,” the two governments realized that “they must strike a bargain” at the Council table, even if they must “strike challenging attitudes and utter words of defiance for home consumption.”¹⁴⁵ Despite how politicized the lead-up to the proceedings had become, the result of the meeting and its imprint on public opinion suggested that the process still worked.

This verdict, however, was pronounced too soon. Both governments lost their earlier impetus to work through the League system and its method of compromise. The economic crisis

141 Kimmich, *Germany and League of Nations*, 145-6.

142 Fink, *Defending the Rights of Others*, 322.

143 LNOJ (1931), 237-8.

144 “The Geneva Atmosphere,” *The New York Times*, January 25, 1931.

145 Ibid.

continued to mount throughout Europe, and harsher demands were placed on governments to demonstrate toughness and resoluteness. The spirit of Geneva that accompanied earlier proceedings was seemingly all but gone, and in the May 1931 Council meetings Curtius failed to adopt Azcárate's censure of Poland. The German government worked hard to keep pressure on Poland, and the minorities case dragged on through September of 1931, when the German government finally accepted the censure of Poland.¹⁴⁶ The reason that this proceeding was protracted and acrimonious came not from a breakdown of League procedure per se, but rather from increasing pressure within Germany to see greater action taken. Compromise was no longer enough, and the prominent German paper, the *Deutsche Allgemeine Zeitung*, called for Germany's exit from the League. German dissatisfaction with the League and its minorities system was no longer merely espoused by the far right, and its more widespread acceptance was signaled by the Nazi gains in elections on the back of their anti-League slogans.¹⁴⁷

With Hitler's seizure of power in 1933, the minorities system became all but dead. In the League Assembly meeting in October 1933, Germany—which had for so long been the self-ordained protector of *all* minorities—denied the status of Jews as a minority in any country. When the French delegation proposed reaffirming the Assembly's 1922 resolution that all states ought to provide the same protection for minorities as those bound by the treaties (with certain caveats for the imperial interests of Great Britain, France, and Italy), Germany was the only state to dissent. In fact, the German delegation saw such a proposal as a direct affront on their treatment of Jews and killed its passing at sight.¹⁴⁸ Three days after the close of the Assembly, Hitler brought into fruition what had become expected: Germany withdrew from the League on

146 LNOJ (1931), 1144-50.

147 "Ask Curtius to Quit For Geneva Stand," *The New York Times*, May 21, 1931.

148 Hacking to Simon, September 11, 1933, Doc. 103, W 11824/191/98 in *British Documents on Foreign Affairs*, ed. P. Beck, Series J, vol. 10, (University Publications of America, 1995), 206-7.

14 October 1933.¹⁴⁹

Though Germany's departure meant that the Nazis intended to settle minorities questions on their own terms, it did not bring about the end of the system outright. In 1934, the League still received 86 minority petitions and handled them through secret committees and negotiations. Germany was not bound to the treaties, and her exit certainly diminished the prestige of the League and led to the League's loss of its primary minorities agitator, but it did not end the system. The true end of the system came in 1934, when the new Polish Foreign Minister, Jozef Beck, began to ally Poland with the Third Reich and sought to expand the power and influence of Poland. In April of 1934, Beck informed the League that he intended to bring the thorny question of generalization of the minorities treaties before the League Assembly that fall.¹⁵⁰ Yugoslavia and Romania sided with Beck's defiant claim, and Czechoslovakia, under the careful stewardship of Beneš, resisted it.¹⁵¹

In the Assembly on 13 September 1934, Beck delivered a vociferous and strongly-worded speech, calling for the generalization of minorities treaties to extend to all League members or the termination of Polish adherence. All equally fearful of such a measure, the British, French, and Italian delegates resisted and warned the Polish government against repudiating a treaty. In the debate that followed, the Great British delegation—true to the earliest attitudes of Headlam-Morely—struck down any attempt to generalize the system, proposing instead to strengthen the League system in less menacing ways. The effect of this was that in January 1935, the Polish council representative made good on Beck's declaration and left the Council room when

149 Fink, *Defending the Rights of Others*, 334.

150 "Draft Resolution Submitted by the Polish Government, April 14, 1934, Doc. 107, W 4299/289/98 in *British Documents*, 211-2.

151 Fink, *Defending the Rights of Others*, 339.

minorities questions were being discussed.¹⁵² No Council member nor the League's new Secretary General, Joseph Avenol, pushed the issue or censured Poland. Its position in the League was never called into question, and, seizing this precedent, all other minority states—save Czechoslovakia—abandoned the League system. By 1936, the League was merely receiving thirty-six petitions a year, of which only six were deemed receivable.¹⁵³ The League's great minority experiment was dead in the water.

From 1934 onward, the League minority system was only alive in word and not fact. For five more years, the Section carried out a limp and lifeless existence until, under the direction of Avenol, it was terminated by Council resolution on 20 January 1939.¹⁵⁴ By that point, the ultimate irony of minority protection had already occurred: Hitler, using the Germany minority in Czechoslovakia as a fifth column, had annexed the Sudetenland, while the League watched from the sidelines.¹⁵⁵ Czechoslovakia's territorial sovereignty was overrun by a state that denied Jews rights to the point of no longer even counting them a minority. Adding insult to injury, Mussolini commented on the annexation, "If Czechoslovakia finds herself today in what might be called a 'delicate situation,' it is because she was not just Czechoslovakia, but Czecho-Germano-Polono-Magyar-Rutheno-Rumano-Slovakia..."¹⁵⁶

Though the Section attempted to apply its fusion of procedure and negotiation—its interpretation of justice and diplomacy—to shore up minority protection in light of increasingly divergent German and minority state interests, this attempt failed. In particular, two factors stand out. The restrictive nature of the minority treaties that left the Section and the Council little room

152 Fink, *Defending the Rights of Others*, 342.

153 Robinson, et al., *Were the Minorities Treaties a Failure?*, 127.

154 Ibid., 128.

155 E.H. Carr, *International Relations between the Two World Wars*, (New York: Harper & Row, 1947), 272.

156 Quoted in Arendt, *Origins of Totalitarianism*, 270.

to enact substantive reforms and the wholesale deterioration of European politics and economics made what little reform the Section could deliver seem inadequate to the invested parties.

Likewise though the Section and Secretariat at large attempted to tutor the minority states and Germany about its practices and to secure their commitment, this practice was also met with failure. As nationalism was on the rise in Europe, the citizens of these states came to demand more visible and resolute action and secret negotiations and quiet procedures failed to satisfy these demands. For all of these reasons, the minority system of the League, which proved itself to be adroit and flexible in the early years, could not adapt to the changing circumstance from the late 1920s onward.

VI. Conclusion: Beyond the League of Nations

To recognize the ultimate failure of the League's experiment in minority protection is not to elide the important work done by the Minorities Section. The framers of the peace at Paris had an imperfect allotment of choices in 1919. From them, they chose to put in place a limited regime of minority obligations on the states of Eastern Europe. This choice entailed creating a system that was unstable from the start: minority states were resistant, the Great Powers showed a fleeting commitment, and minorities and their kin-states agitated for change. In the face of these divisive concerns, the Section showed great energy and verve in creating a system of protection that ameliorated these concerns and kept these interests committed to the League. Far more than acting as a coordinating liaison between the League and its members, the Section established itself as an independent variable that commands our attention. In creating the petition and Committee of Three procedures, the Section made the guarantee of minority rights workable for the League, and it served to safeguard this system and oversee all its modifications. It was only with the complete breakdown of normalcy in Europe in the 1930s that this system of depoliticization through bureaucracy, secrecy, and diplomacy proved too rigid to endure.

In common understanding, there are two reasons for the failure of the League. The first holds that it failed because of ill-conceived principles, and the second because of a deteriorating political situation on the continent.¹⁵⁷ As regards minority protection, it is clear that both of these

¹⁵⁷ F.H. Hinsley, *Power and the Pursuit of Peace: Theory and Practice in the History of the Relations Between*

factors were at work: a shaky foundation collapsed in the hurricane of the 1930s. What remains remarkable, though, is that the lesser storms of the 1920s did not destroy the system. The merger of justice and diplomacy that characterized the Minorities Section led to the creation of a carefully regulated procedure that depoliticized tense issues and a system of active negotiation that ensured the participation of all parties. In reviewing the history of the first international civil service, its successful innovation in creating a system that negotiated state sovereignty and international intervention cannot be understated.

If this is the case with more than seventy years of hindsight, it was not so in the years following World War II. Though Dandurand hopefully stated in 1929 that the participants in the League system “have thus contributed to the establishment in the world of new customs which will be regarded as an honor to the twentieth century,” this line of thought was forgotten in the postwar era.¹⁵⁸ In 1950, the Secretariat of the United Nations reviewed the minorities obligations from the League and determined that so many changes occurred from 1919 to 1947 that the obligations could no longer be binding. This moment marks the enunciation of a new movement in international affairs. The rights of particular groups were supplanted with the rights of individuals as enshrined in the Universal Declaration of Human Rights.¹⁵⁹ Observing this shift firsthand, Joseph Kunz was left to conclude:

At the end of the First World War international protection of minority rights was the great fashion: treaties in abundance, conferences, League of Nations activities, and enormous literature. Recently, this fashion has become nearly obsolete. Today,

¹⁵⁸ *States* (New York: Cambridge University Press, 1963), 309.

¹⁵⁹ LNOJ (1929), 518.

¹⁵⁹ Patrick Thornberry, *International Law and the Rights of Minorities* (Clarendon Press: Oxford, 1991), 53-54.

the well dressed international lawyer wears human rights.¹⁶⁰

Though the fashions of international law are subject to great change—and if recent trends are any indication, minority rights are again on the rise—its core concerns have remained the same since Immanuel Kant wrote his *Thoughts on Perpetual Peace* in 1795.¹⁶¹ International protection of minority or human rights deeply effects the relations of states and their citizens, and this leads Hersch Lauterpacht to argue it “implies a more drastic interference with the sovereignty of the State than the renunciation of war.”¹⁶² International organizations and their constituents are forced to consider the delicate relationship of state sovereignty and intervention today as well as in the interwar era. For this reason, it is important to remember not to throw the baby out with the bathwater. The role of the Minorities Section in creating, guarding, and enacting a system of protection demonstrates one way that an international organization can secure participation from sovereign states. The League was able to balance the two principles of sovereignty and intervention through its Committee of Three system that negotiated with states to secure reforms and through its petition procedure that gave minorities redress to the League. Rather than using public opinion and openness directly, the Section created a well-choreographed mixture of procedure and negotiation, reserving the threat of publicity to secure its aims.

If there are no direct carryovers from the League's protection of collective minority rights to the United Nations's espousal of individual human rights, this does not mean that lessons were

160 Joseph Kunz, “The Future of the International Law for the Protection of Minorities,” *The American Journal of International Law* 39, no. 1 (1945): 89.

161 F.H. Hinsley, *Power and the Pursuit of Peace*, 62.

162 Hersch, Lauterpacht, *An International Bill of the Rights of Man* (New York: Columbia University Press, 1945), vi.

not learned from the League's experiment. The very idea of an international Secretariat, of which the Minorities Section was a vital part, was wholeheartedly endorsed by the United Nations. Dag Hammarskjöld, the second Secretary General of the United Nations, argued that the League's independent and international Secretariat had a “marked impact on the United Nations.”¹⁶³

Perhaps this continuity of purpose and spirit brought Erik Colban and Pablo de Azcárate—like many other League officials—to the United Nations. With no minorities regime to help manage, Colban headed a United Nations mission in Kashmir and Azcárate one in Palestine.¹⁶⁴

Particularly in Azcárate's work Palestine, where he formed part of a “technical” committee to prepare for the end of the British mandate, the influence of earlier experiences in the League was pronounced. Forced to mediate between the British, Jews, and Arabs, Azcárate openly reflected on and drew from his experiences in the League. In a personal letter to Ralph Bunche, the Principle Secretary of the Palestine Commission, Azcárate reported on an international press conference he held in Jerusalem. In his remarks, he asked journalists to remain quiet and not to publicize the work of the Commission. He explained, “a rather long experience has persuaded me that for the success of this kind of job, the less fuss and publicity the better.”¹⁶⁵ Just as the Minorities Section had done, Azcárate lobbied for secrecy to better conduct private negotiations.

If the modus operandi of the Minorities Section lived on in the United Nations through personal agency, the strictly procedural system that it created has also persisted in other forms. From 1953 to 1998, the Council of Europe employed a human rights system that closely mirrored the Section's own creation. For eighteen states, the European Commission for Human

163 Dag Hammarskjöld, “The International Civil Servant in Law and Fact,” *The United Nations Political System*, ed. David Kay, (New York: John Wiley & Sons, 1967), 145.

164 Susan Pedersen, “Review Essay: Back to the League of Nations,” *The American Historical Review* 112, no. 4 (2007): <<http://www.historycooperative.org/journals/ahr/112.4/pedersen.html>>.

165 Azcárate to Bunche, March 9, 1948, Azcárate Correspondence, S-0455-0001-07, United Nations Archives, New York.

Rights examined petitions through an international bureaucracy. Like in the League, individuals could send petitions to the Commission, and its staff had the power to determine admissibility. These grounds left much room for the Commission to make its own judgements whether the petitions represented genuine concerns. If it deemed them passable, the Commission would enter into friendly negotiations with the concerned states. The Commission could also engage in a fact-finding mission, where it would work with the concerned government to investigate the charge. Only in the case of a breakdown in these negotiations would the Commission send the petition and its comments for consideration in an open forum or by the European Human Rights Court.¹⁶⁶ Though more amenable to the use of public discussion and courts—a byproduct of the Council's largely Western European and liberal-democratic membership—its human rights regime displayed stunning continuity with the processes engineered in Geneva. Petitions, negotiations, and bureaucratic power characterized it at almost every level.

For all of the seeming disjunctions between interwar minority rights and postwar human rights, these brief explorations demonstrate that the processes and norms pioneered by the Minorities Section had lasting effect. The lessons of the League's system endured in different forms. In 1924, Roth Williams, a liberal League proponent, called for a new understanding of the League's system. A description and analysis of the League “must show ... how policies are carried out through League machinery ... and how the nature of international relations is slowly being altered as the League and its machinery settle deeper and deeper into the life of the world.”¹⁶⁷ For reasons far different that Williams could have imagined, the League has made an impact on subsequent ideas and forms of international organization. Understanding how the

166 David Armstrong, *The Rise of The International Organization* (New York: St. Martin's Press, 1982), 127-8.

167 Roth Williams, “The Technique of the League of Nations,” *International Journal of Ethics* 34, no. 2 (1924): 127.

Minorities Section functioned and evolved is crucial to better understand international organization in other forms. It provides insight that the League did not always function through open discussion and demonstrates that the bureaucracy of the Section played a central role in creating minority procedures. Through a signature combination of procedure and negotiation, the Section managed to balance sovereignty and intervention ensure the feasibility of minority protection for much of its active life.

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