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NATIONAL STATES AND NATIONAL MINORITIES

BY

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Unius linguae uniusque moris regnum imbecille et fragile est.

ST. STEPHEN, KING OF HUNGARY

OXFORD UNIVERSITY PRESS
LONDON: HUMPHREY MILFORD

Issued under the auspices of the Royal Institute of International Affairs

1934

OXFORD
UNIVERSITY PRESS
AMEN HOUSE, E.C. 4
London Edinburgh Glasgow
Leipzig New York Toronto
Melbourne Capetown Bombay
Calcutta Madras Shanghai
HUMPHREY MILFORD
PUBLISHER TO THE
UNIVERSITY

PRINTED IN GREAT BRITAIN

PREFACE

IT is my first and most agreeable duty to express my best thanks to the Council of the Royal Institute of International Affairs for permitting this work to be issued under the auspices of Chatham House. It is sufficiently well known that in doing so they accept no responsibility for any statements or opinions expressed here.

It may be well to make clear that the latter remark applies equally to the League of Nations Union. Since 1928 I have had the honour of acting as secretary to the Minorities Committee of the Union. It would be superfluous to emphasize the value, to a student of the problem of minorities, of hearing it discussed by such authorities as Sir Walter Napier, Lord Dickinson, Professor Gilbert Murray, and the late Mr. Lucien Wolf. To Sir Walter I am particularly indebted for much kindly help and valuable criticism on certain chapters. This book is, however, in no sense a statement of the League of Nations Union's policy; indeed, on one or two points, the views set out here disagree with those adopted by the Committee and the Union as a whole.

A few abbreviations have been used in the text or footnotes: these are, L. of N.: League of Nations; *L.N.O.J.*: *League of Nations Official Journal*; *H.P.C.*: *The History of the Peace Conference*, ed. H. W. V. Temperley; S.H.S.: the Kingdom of the Serbs, Croats, and Slovenes (now Yugoslavia); *P.R.* (standing for *Procedure Report*): the League document C. 8, M. 5, 1931, which contains the resolutions, &c., of the League Council and Assembly relating to minorities procedure. Finally, in one or two places I have used the word 'Russia' to apply to the territory once ruled by the Czar and afterwards developed into U.S.S.R., knowing that the term was incorrect but despairing of finding a substitute.

Where a book is cited in the footnotes by author's name or abbreviated title alone, the full particulars will be found in the bibliographical note at the end of the book.

As regards Chapter VII, I should like to point out that the material hitherto available on the drafting of the first Minority Treaties comes almost exclusively from American sources. Until Mr. Headlam-Morley's and Mr. Lucien Wolf's papers become available, or until the Foreign Office publishes its own records of the Conference, the main source for the historian must necessarily be Mr. Hunter-Miller's *Diary*. It is therefore almost inevitable that the resulting picture should lack perspective and should tend to over-emphasize the parts played by the United States Delegation, and by the American Jewish organizations. I hope that future historians will be able to rectify any distortion which may have occurred in my own narrative.

C. A. MACARTNEY.

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INTRODUCTION

MAN stands towards his fellow men in an almost infinite variety of relationships, and the business of all political and social, and of most domestic, activities is so to adjust those relationships as to secure an existence tolerable to some, at least, of the persons concerned. The comparatively crude end which most modern political thought has set itself to attain is that in matters of common interest the will of the majority should prevail. When this purpose has been achieved, the result is called 'democracy'—a result which our present age, in the face of cogent and increasing evidence to the contrary, yet likes to maintain and perhaps even to believe that it has successfully achieved. Few, however, would hold that the mere ruthless enforcement, down to the last detail, of the whole will of what may be only a bare numerical majority suffices to create a desirable state of society. On the contrary, perhaps the most important of all the tasks which face democracy, so soon as it becomes anything of a reality, is that of tempering its own rigour by a generous and considerate treatment of minorities.

In almost every aspect of social existence there will be found a majority and a minority. The present work, however, is concerned only with the special class known as 'national minorities'. The problem of national minorities in a not inconsiderable part of the world is one of recognized 'international concern' to-day. In that belt of states which stretches from the Baltic in the north to the Aegean and the Black Sea on the south, being bounded on the east by the Soviet Union, and on the west by the Scandinavian states, Germany, Switzerland, and Italy, and also in Turkey and 'Irāq, the national minorities enjoy a special right to international protection.

This system of protection was already in force, to a limited degree, before the War, in the Ottoman Empire and in those states which had freed themselves from Ottoman rule in the course of the nineteenth century, that is, in

Serbia, Greece, Roumania, Montenegro, and Bulgaria. After the World War, when the dissolution of the Ottoman Empire had made further progress, when the Austro-Hungarian Monarchy had crumbled into component parts, and large portions of their territory had detached themselves, or had been forcibly detached, from the German and the Russian Empires, it was extended. The new or enlarged states formed at the expense of the old empires, as well as some of the truncated remnants of those empires themselves, were induced to sign treaties or to make declarations pledging them to grant certain specific rights to the national minorities within their frontiers. These instruments were placed under the guarantee of the League of Nations, and the Council of the League was empowered, in case of an infraction or danger of an infraction of their provisions, to 'take such action and give such direction as it may deem proper and effective in the circumstances'—an extraordinarily wide provision, imposing in theory, since the mind of man is infinite, no limits whatever.

The particular problem thus presented is formidable enough. It affects directly, in their capacity of guarantors, the governments of all states members of the Council of the League, some fourteen in all, including His Britannic Majesty's Government, and has probably caused that august body, the Council, more heart-felt embarrassment than any other single question which has ever come before it, excepting that of disarmament and the Sino-Japanese dispute which broke out in 1931. It affects, as signatories of the Minority Treaties or authors of the declarations, the governments of sixteen states: Albania, Austria, Bulgaria, Czechoslovakia, Estonia, Finland, Germany, Greece, Hungary, 'Irāq, Latvia, Lithuania, Poland, Roumania, Turkey, and Yugoslavia. It deeply colours the day-to-day existence of all the minorities concerned, which on a conservative estimate amount to nearly thirty millions of peoples, speaking some thirty-six different languages. To many of these it is a matter of such vital and intimate concern as to occupy their thoughts, words, and actions to the

complete exclusion of reasonable spiritual activity upon any other public topic whatever. It is a matter of only slightly lesser concern to many of the majority populations which live in contact with the minorities. It is the cause of unsleeping political unrest throughout a large part of Europe and much of Asia, and is one of the major reasons for the feelings of insecurity and the war-mentality so prevalent to-day. Looked upon in any light—humanitarian, political, or philosophical—it is a problem of the very first importance. And yet it is only a part, if at the present moment the most urgent and difficult part, of a problem which is practically world-wide. Every state in the world contains minorities whose existence, even where it does not affect its international relations, must yet constitute a constant preoccupation of its domestic policy. A mere description of the League's work in connexion with the states at present bound by international treaty, however careful and detailed, would thus do no more than touch the fringe of the subject of minorities. It would not even satisfactorily explain the nature of the limited problem which it set out to discuss. For to show why that problem has become *especially* urgent at the present time, and in a certain area of Europe, it is necessary to compare present conditions in that area with those prevailing in other ages and other places. Only thus will it be possible to discern what are the factors and policies which make the position of national minorities in relation to their states in one case a matter of comparative indifference, or even of mutual benefit, in another an abiding source of suffering and embitterment, and to discover, below the confused and accidental phenomena of the day, the deep underlying principles which govern the relations of nations and states. For proper treatment of the subject, indeed, a survey of the whole world would be required, and of a substantial part of recorded history, with an exposition of much of the history of political science. Consideration for his own limitations and his reader's patience has compelled the writer to confine himself within much more modest bounds; but he has tried to make them wide enough for practical purposes,

and to disengage principles which, if valid at all, will be applicable without great modification in a broader field. Even this limited task involves some inquiry into the nature of 'nationality'; into the varying conceptions which have been held at different times and in different places, of the relations between nationality and the state; and—to make these inquiries intelligible—into the historical conditions which determined those conceptions.

What is a national minority? This is clearly the first question which any essay on the subject should answer, if it can. It is true that the League treaties and declarations nowhere use the phrase. They speak only of 'persons belonging to racial, religious and linguistic minorities' or of 'inhabitants of' a country 'who differ from the majority of the population in race, language and religion'.[1] Yet it is fair to say that the treaties were really devised for the protection of *national* minorities. The circumlocution adopted in the texts was the prudent work of the Joint Foreign Committee, which was guarding the interests of the east-European Jews at the Peace Conference. Well aware of the difficulty of defining nationality, the Committee put forward a form of phrasing which avoided the word, yet covered the chief forms under which it can be felt, manifested, or attacked; arguing with perfect sagacity that if you can prevent a Jew from being persecuted on the score of his race, his language, or his religion, you will have made it humanly impossible to get at him at all.

There is perhaps no conception of social and political life more difficult to define than that of nationality; the difficulty being greatly enhanced by the fact that those who write about it are not always thinking of the same thing. Thus it is possible for two acute thinkers to evolve results so widely different as Max Nordau's statement in his *Konventionelle Lügen* that 'nationality resides simply and purely in language', and Dr. Gooch's 'nationalism denotes the resolve of a group of human beings to share their fortunes, and to exercise exclusive control over their own

[1] Treaty of Versailles, Arts. 86 and 91.

actions. Where such a determination exists, there should be a state, and there will be no abiding peace until there is a state.'[1]

Midway between these two extremes of the purely physical and the purely political conceptions we get such definitions as that of John Stuart Mill, who lays the chief emphasis on the political aspect, but attempts to enumerate various natural influences which may give rise to the political sentiment which, in his view, constitutes national feeling.

'A portion of mankind may be said to constitute a nationality', writes Mill, 'if they are united among themselves by common sympathies which do not exist between them and any others, which make them co-operate more willingly than with other peoples, to be under the same government, and desire that it should be government by themselves, or a portion of themselves, exclusively. This feeling of nationality may have been generated by various causes. Sometimes it is the effect of identity of race and descent. Community of language and community of religion greatly contribute to it. Geographical limits are one of its causes. But the strongest of all is the identity of political antecedents, the possession of a national history, and consequent community of recollections; collective pride and humiliation, pleasure and regret, connected with the same incidents in the past.'[2]

On the other hand, Dr. Seipel, the late Austrian Chancellor, who, besides being an eminent statesman, was also a distinguished thinker on national problems,[3] believed that in part of Europe the sense of nationality was identical with 'enthusiasm for the State', in part, entirely independent of it.

'Europe', said Dr. Seipel, 'is divided by a line which separates two entirely different conceptions of the idea of the "Nation". On one side of the line are the peoples for whom the state is everything, and who also understand national sentiment as a great enthusiasm for the state to which they, of their own free will, belong. On the other side of that line of demarcation, the sentiment of civilization, of a com-

[1] G. P. Gooch, *Nationalism* (1920), p. 12.
[2] J. S. Mill, *Considerations on Representative Government* (1861), p. 287.
[3] See his book *Nation und Staat* (Vienna, 1917).

mon tongue and a common origin, preponderates, nor does this sentiment affect in the slightest the loyalty felt towards the state.'[1]

Dr. Seipel was perhaps somewhat too categorical in his division of Europe into two camps, although, as we shall see, it is quite true that western and eastern Europe regard nationality in very different lights. But it is not true to say simply that nationality means one thing in the east, another in the west. It is more accurate to say that the word nationality can refer to either one of two sentiments which in their origin and their essence are absolutely distinct, although in practice the one commonly identifies itself with the other. It is unfortunate that the accident of historical development in England has tended to make them, in fact, almost identical in that country, and the English language, reflecting the slovenly realism of its users, makes do with one term for the two. Nevertheless, nationality, meaning the feeling of appurtenance to a *nation*, is fundamentally different from nationality in the sense of membership of a state. They spring from different causes; and it is perfectly possible for them to be directed towards different objects.

The former, which may for convenience be called the sense of personal nationality, is founded on characteristics which are personal, often inherited, and usually objective. These characteristics exist in the individual quite independently of the locality in which he may be domiciled, whether the majority of its inhabitants share them or no, and independently of the political régime under which he may live, whether this be in the hands of persons possessing the same characteristics or no. The body of persons possessing these characteristics constitutes the nation. The knowledge which each man must possess that he belongs to some such community, which is linked together and differentiated from the rest of the world by common possession of these national characteristics, constitutes his national consciousness.

The characteristics on which this consciousness is based

[1] L. of N., *Records of the Ninth Assembly*, Plenary Sessions, Eighth Meeting, p. 67.

vary greatly, but, broadly speaking, they are covered by the trinity of the Minority Treaties: race, language, and religion. These between them comprise practically every aspect under which the sense of personal nationality can be apprehended and manifested. The importance attached to each of them varies, indeed, greatly at different times and in different places. In one man's mind religion may be the dominating factor, in another's race, language in that of a third. Usually, however, it is true to say that at any given moment most members of the same nation recognize at least one of them as the essential factor in their national identity.

Obviously none of them can be equated absolutely with nationality. Language, for instance, is the criterion of nationality most usually adopted to-day by central Europeans. The old Austro-Hungarian Monarchy, which of all governments of modern times was most deeply versed in national questions, classified its subjects by their mother tongue (*Muttersprache*) or their language of common use (*Umgangssprache*), and most central Europeans follow its example in counting themselves Czech or Magyar, Pole or German, according to their language. Most of the minority disputes in Poland, Czechoslovakia, Hungary, and Roumania to-day turn upon educational and linguistic questions, and the denial of the free use of their language is regarded by the members of national minorities as the most intolerable form of oppression.

Indeed, the importance of language as an element in nationality is difficult to over-estimate. Language is the key to all intellectual and a great part of spiritual life. A common language alone makes possible free and familiar intercourse between two human beings and creates of itself a bond between them. More than this: each language, with its choice of words, its turn of phrase, its every idiom and peculiarity, is a sort of philosophy which expresses the past history, the character, the psychological identity of those accustomed to use it. It is an instrument which, moulded by past generations, itself modifies the future. It is difficult for a foreigner to adopt the language of a

people without in some way also adopting their habit of mind, and a child sucks in a sense of nationality with the very rhymes which it learns in the nursery. It is small wonder that many nations have practically identified their nationality with their language, regarding as lost to them those who have ceased to speak it.

But to others, language is a mere personal peculiarity, while the essence of their nationality lies in their religion. In the old Ottoman Empire the ruling nation, in a very real sense of the word, was composed of the followers of the Prophet; whether their origin and speech were Turkish, Kurdish, Serb, or Albanian affected their national feeling as little as that of an Englishman is affected by his membership of the United Methodist or the Anglican Church. The unbelievers, again, were classed by their churches: Rūm, i.e. those who acknowledged the Greek Oecumenical Patriarch, the Bulgarian, Catholics (including both Greek, Armenian, and other Catholics), Gregorian (Armenians), and the like.

'A Catholic Armenian', as 'Odysseus' remarked, 'is in Turkish estimation not an Armenian, and not to be killed or at least not at the same time as his Gregorian brother'[1] —a remark the truth of which was amply proved during the frightful massacres and deportations of 1915–16, from which both the Catholic and the Protestant Armenians were spared. This distinction was not merely nominal, but genuinely corresponded, and still does so, to a large extent, with the feelings of the peoples themselves. This was interestingly illustrated in the recent Greco-Turkish exchange of populations.[2] The criterion for exchangeability then adopted was purely religious ('Turkish nationals of the Greek Orthodox religion established in Turkish territory and Greek nationals of the Moslem religion established in Greek territory'), and although the whole purpose of the 'exchange', from the Turkish point of view, was to eradicate Greek nationalism from Anatolia, Greek Catholics and Protestants were not expelled. At the same time,

[1] 'Odysseus', *Turkey in Europe* (1900), p. 297.

[2] See below, p. 444.

Turkish-speaking members of the Greek Church were sent to Greece, and were welcomed by the Greeks as true Greeks, and felt themselves to be such. Serbs, Russians, and even Arabs of the Greek Church shared the same fate, although less willingly accepted. Many of the Moslems exchanged from Greece were, on the other hand, Greek-speaking. Others were Albanian by origin and language, and when the Albanian Government protested to the League, urging that language and not religion should be made the basis of exchangeability, M. Politis, representing Greece on the Council, retorted that the language of the Albanian spokesman himself, Monsignor Fan Noli, was Greek, whereas the then President of the Greek Republic, Admiral Condouriotis, spoke Albanian in his home.[1]

As for race, it is, of course, hopeless to try to equate it with nationality, and few people attempt to do so to-day. It is true that Herr Hitler has attempted to found his new Germany upon a racial basis; but even he, while insisting continually that the Jews constitute a separate race, is frank enough to admit that the Germans of to-day lack a 'uniform racial core'.[2] Indeed, unless the word 'race' is used as a mere vague synonym for personal nationality—which is often convenient, owing to the political connotations of the latter word—then it must be taken in its strict anthropological meaning, when the absurdity of it will immediately become apparent. Even if we made the large and entirely unjustified assumption that the peoples even of two thousand years ago, such as the Germans described in Tacitus' *Germania* (the illustration chiefly favoured by the German *Rassenschützler*), were racially pure—whereas craniometry shows them to have been a sad mixture of brachycephalics, mesocephalics, dolichocephalics, and intermediates—yet the slightest knowledge of history will show that the migrations which have taken place even since that comparatively recent date, with their accompaniments of slave-raiding, rape, and intermarriage, have deprived every modern nation, except possibly the Eskimos, of the smallest

[1] *L.N.O.J.*, Oct. 1924, pp. 13, 14, 15.
[2] A. Hitler, *Mein Kampf* (1930), p. 427.

title to racial purity. There is no distinguishable anthropological difference between the northern French and the Germans, the Poles and Lithuanians, the Greeks and Albanians, or practically any other pair of nations between whom there reigns the liveliest and most genuine national antagonism. It is, moreover, notorious that the most vehement nationalists are often of foreign origin. Gambetta was of Italian stock, Cavour of French, Kossuth of Slovak, Mr. de Valera not of Erse. An interesting fact was noted at a Social-Democratic Congress held at Prague in 1913; the name of the leader of the Czech fraction was Németh (which is Czech for 'German'), while the leader of the German fraction was called Czech.

Nevertheless, there are certain nationalities, many members of which have adopted both the language and the religion of the peoples among whom they live while yet remaining easily distinguishable from them. Obvious examples are the negroes in the United States, and in Europe certain of the Jews and the Gipsies. The distinction in such cases can fairly be described as 'racial', and the Joint Foreign Committee acted safely when, with an eye to the interests of these Jews, it inserted the word 'racial' in its draft of the Minority Treaties.

Taken together, then, and taken in each case in their broadest sense, the terms race, language, and religion cover practically every form under which the fact of personal nationality can be apprehended. In themselves, it must be repeated, they are absolutely devoid of political significance. A German of Austria, Czechoslovakia, Brazil, or Honolulu is every bit as much a German as is a citizen of Berlin; and in olden times a German slave was no less German than his free brother. Moreover, although every one must possess a personal nationality, and nearly every one possesses an objective realization of what his nationality is, it is by no means necessary that he should possess what the Germans call a *Nationalbewusstsein*—an active sentiment of nationality, or active sympathy with his fellow nationals. It is very easily possible for him to accept his nationality with as neutral a sentiment as he

accepts his own stature or sex. He may even dislike or be ashamed of his origin and seek painfully to acquire the characteristics of another nation. As a rule, however, the member even of the least-regarded nation treasures his nationality as something dear to him and inalienable, and resents as unwarrantable tyranny any attempt to make him forget it. As a rule, too, a bond of strong sympathy unites the members of the same nation against all others. Yet it must be repeated that this natural sympathy can exist, even in a very active form, without any accompanying political aspiration whatever, as is easily seen from the attitude of most emigrants, who have voluntarily entered the country of their residence and desire nothing more than to become citizens of it in the fullest sense of the word, yet cling together for comfort, meet to sing the songs and retell the stories of their own nation, and often make great sacrifices, both to keep alive its traditions in a strange land and to support their fellow countrymen in the land whence they came.

Entirely different in its basis and true purpose is the state. The state is the organ by means of which the common affairs of a number of people are administered and (usually) protected; the people who collectively compose the state being, unfortunately, known in England by the same name of 'nation' as is also applied to the quite different natural unit discussed above. The extent to which their affairs are regarded as being of common concern, and thus falling within the competence of the state to regulate, varies enormously, not only from age to age but also from country to country. In some cases it goes hardly beyond defence; in others it covers most aspects of life beyond purely private relationships. It is, however, worth remarking that those cultural attributes which go to make up the idea of personal nationality are among the very last to which most states have turned their attention, and that even to-day they are largely considered as being no matter for state control. In Great Britain all higher education and all religion are to-day practically entirely private, and in many countries, particularly, to-day, in Catholic countries

which have experienced revolutions, they are not only independent of, but largely hostile to the state.

On the other hand, most of the duties performed by the state are entirely unrelated to questions of personal nationality. The defence of the common home, the maintenance of public order, the prevention and punishment of crime, the construction of communications, the preservation of the public wealth, the equal imposition and collection of taxes, are matters of equal concern to every inhabitant of the state, whether he acknowledge Christ or Mahomet, whether his mother tongue be English, Welsh, or Yiddish. All must contribute towards these political and social activities which are the true function of the state, and all alike benefit from them.

It is possible for a man to be a passive member of his state, as of his nation; but this, too, is rare, and by modern ideas unnatural. A tyranny requires of its subjects no more than an obedience dictated by fear; but the state that rests on tyranny is built on sand. To deserve the name of state, it must be built upon consent and upon co-operation, and its members should feel towards it that *patriotism* which 'consists of the development of the instinct of self-preservation into a moral duty which may involve self-sacrifice'.[1]

Indeed, this feeling of patriotism which every state desires to evoke in its members is a sentiment as deep and as natural in the heart of man as his feeling towards his nation. If the one is 'an extension of the family affections', the other is an extension of man's feeling towards his home; and that man is strange indeed who does not feel an active attachment to the scenes in which his childhood was passed, the soil whence he wrung his bread in the sweat of his brow, the streets where he passes on his business, the nave where his forefathers worshipped; and is not conscious of an active determination to guard these things against destruction and to build up among them a worthy and prosperous life.

This feeling, too, is essentially a communal one. The

[1] Acton, essay on 'Nationality' in *The History of Freedom and Other Essays* (1907), p. 293.

state is the creation of the community; it cannot, indeed, exist at all unless there is agreement between its members to maintain it, and the mere fact of this agreement implies a certain common tie. It may be purely utilitarian, and consist of no more than a common perception that the association will be to the advantage of all. But since men, however calculating, are of their inmost nature sentimental, the bond between all who are genuinely devoted to the same state will assuredly become a spiritual bond also. They will feel themselves drawn together by a shared emotion derived from the present or the past—what Mill calls 'the identity of political antecedents, the possession of a national history, and consequent community of recollections; collective pride and humiliation, pleasure and regret, connected with the same incidents in the past'. It may be added that this feeling is usually more poignant and compelling if the history has been unhappy than if it has been a mere smooth record of prosperity. As newspaper proprietors and politicians have found out, it is speedily and vastly enhanced by a common hatred or a common fear of other states.

It is this sense of common interest in and devotion to the state which constitutes the sense of political nationality —the sense of nationality in the usual English and French connotations of the word. This feeling, once again, is of its origin and its nature entirely independent of the sense of personal nationality. As men of the same nationality can live in a dozen different states without losing their sense of personal nationality, so can members of a dozen different nationalities live within a single state, and each of them regard it with equal and unalloyed devotion. The two feelings are not mutually antagonistic; they are different. In practice, however, they easily tend to become confounded. The impulse to seek a synthesis between political and personal nationality is very widespread. The existing state seeks to weld its inhabitants not only into a political but also a personal nation; the nation seeks to create for itself a political state. To a certain degree, this tendency is so natural as to be almost automatic. Personal

characteristics can hardly fail to be profoundly modified by political conditions. Prolonged cohabitation of different nations, with its consequent intermingling through marriage, will fuse the elements of old, disparate stocks into a new ethnic composition to which it would be pedantry to deny the name of race. The same cohabitation will often produce community of language, generally through one element adopting the language of the other with certain variations of accent, turns of phrase, and substitutions of certain words from its own vocabulary. Above all, there is likely to be religious assimilation, not so much, perhaps, in the narrower meaning of the word religion, but in its broader sense of traditional habit. And community of destiny naturally evolves, as a brilliant Austrian writer put it, a community of character which 'becomes operative on the one hand through the natural inheritance of the characteristics acquired through the common destiny of the nation, on the other, through the transmission of the cultural values whose peculiar nature is determined by the nation's destiny'.[1]

Thus even the political state which is founded without any regard whatever to the personal nationality of its inhabitants tends by the mere fact of its existence to create a unity of national sentiment among its inhabitants which is not entirely political, but in part personal also. This increased sense of kinship among the inhabitants of any state is all to its advantage and theirs, as leading them to co-operate more willingly with one another, and to understand each other's wishes more easily. It diminishes, not increases, the likelihood of antagonism between the different nationalities inhabiting its territory, because it diminishes the number and importance of the questions on which they feel differently.

Similarly, there is a very strong and natural tendency for a nation to seek to create for itself a state. This tendency has grown immensely in force and universality with the spread of democratic ideas during the past century,

[1] O. Bauer, *Die Nationalitätenfrage und die Sozialdemokratie* (1907), pp. 113, 135.

and is to-day so widely spread that many modern writers on nationality—as, for instance, Mill in the foregoing passage—regard it as an integral part of the idea of nationality, and deny the name of nation to any community which does not feel it. It seems clear that this is theoretically untenable, for even to-day there are nations imbued with very strong national feeling which do not desire 'self-determination'. The fact remains, however, that during the past century, and particularly during the past twenty years, the units which have attempted to achieve 'self-determination' have been almost exclusively 'nations'.[1] Among the ideas which dominate political life to-day, that of 'national self-determination' occupies not the least important place. Among the peoples whose aspirations are guided by it, it has proved itself of the sort which moves mountains. In virtue of it, peoples weak, ignorant, and obscure, whose very existence was denied by their masters, have proved strong enough to send the world's mightiest empires tottering to the ground in order that they should build up their pigmy edifices on their ruins.

In common parlance, this impulse has already become a 'right'. The exact limits of a 'right' in politics have not, perhaps, yet been defined. Even to-day we find it difficult to improve on the definition given long ago by the Athenians to the Melians: 'You know as well as we do, that right, as the world goes, is an issue only between equals in power, and that the strong do what they can and the weak submit.'[2] Nevertheless, while to allow complete liberty of self-determination to all who asked it would lead to complete anarchy, there is to-day a very widespread sympathy, amounting almost to recognition of a right, for

[1] Perhaps the most remarkable exception of recent years was the case of the 10,000 inhabitants of Holmes County, Ohio, who in 1926 requested that their county should be made into 'a free and independent State, to be known hereafter as Holmes County, America, which shall for evermore be the home of Liberty, geographical intelligence and democrats'. In the late eighteenth and the nineteenth centuries, on the other hand, nearly all the new states which came into being (the United States and the Latin-American States) had a political, not a national basis.

[2] Thucydides, v. 89.

any nation which claims to 'exercise exclusive control over its own actions'; and a state which refuses this to a nation within its boundaries is regarded, *eo facto*, by its enemies, if not by its friends, as tyrannous. Indeed, there is clearly very much in the demand for national self-determination which is absolutely consonant with true democracy. Its victories have usually, in fact, been victories of liberty over unjustifiable tyranny, and the sincere enthusiasm with which they have been hailed has not been mistaken. Nevertheless, the synthesis of state and nation brings with it a problem which is full of difficulties and dangers: the problem of national minorities.

Practically every state in the world, as has already been remarked, contains minorities. In several, the various minorities, taken together, even constitute more than half the total population of the state. In some a single nation which by virtue of its position should fairly be reckoned as a minority actually outnumbers the dominant nation.

But so long as the state confines itself to strictly political functions, thus serving equally the interests of all nations belonging to it, it is impossible to speak of a national minority in the true sense of the word. A minority becomes a national minority, properly speaking, only when its national aspirations conflict with those of the state. It may happen that a minority aspires to political expression, while the state is nationally neutral. Again, the minority may be nationally passive, while a dominant nationality or nationalities within the state have perverted the political machinery of the state to make it the exclusive instrument of their own national self-expression. Both of these situations have occurred many times in the past, and the latter is still found not infrequently to-day. Most frequently of all, under present circumstances, both the minority and the majority possess active national consciousness. Then the struggle is bitter indeed, and the problem of national minorities becomes one of the first political importance.

In such a case the rule of the majority, exercised, most often, under the title of democracy, is a true tyranny.

It is the worst which is the corruption of the best. For democracy seeks to govern the affairs which are of common concern to the community in the best interests of that community, and the wishes of the few must in justice be overridden by those of the many. But the majority in a state which seeks to impose its own national culture upon a national minority is misusing the machinery set up for the regulation of their common affairs to those affairs which, by definition, are not common. Thus, to quote Lord Acton again, nationality becomes

'the greatest adversary of the rights of nationality. By making the State and the nation commensurate with each other in theory, it reduces practically to a subject condition all other nationalities that may be within the boundary. It cannot admit them to an equality with the ruling nation which constitutes the State, because the State would then cease to be national, which would be a contradiction of the principle of its existence. According, therefore, to the degree of humanity and civilization in that dominant body which claims all the rights of the community, the inferior races are exterminated, or reduced to servitude, or outlawed, or put in a condition of dependence'.[1]

The lot of a member of a national minority is indeed a hard one. It is hard, firstly, because he has been denied that opportunity of self-determination to which most nations aspire to-day. He is prevented from creating his own national state, which he probably regards as the political formation to which it would be natural and desirable for him to belong. But if the state to which he is forced to belong is itself the national state of another nationality, then his position is doubly painful. He is, by definition, a stranger to all those special hopes and ambitions which went to the making of the community in which his whole public life must be conducted. It was founded to protect the liberty and to foster the development of a particular set of ideals; those ideals are not his. The more fully the members of the majority rejoice in the expression, through the state, of their national personality, the more bitterly he must feel his exclusion. At the best

[1] Acton, op. cit., p. 297.

he can only be a 'citizen of the second class', as Czarist Russia termed its Jews and some of the Siberian semi-savage tribes, cut off from the whole of one side of existence, and that not the least noble side.

And this situation is not only galling for the individuals placed in it; it is also an abiding source of international unrest. For the minority in one state is usually nationally identical with the majority in another, which is often its neighbour; sympathizes with its sufferings and is prepared to go to great lengths, sometimes even to the length of war, in order to right them. Where national minorities exist in large numbers, their existence thus gives rise to a very grave international problem. This is the case to-day, in particular, in central and eastern Europe. The causes which have made the problem particularly acute in this area are complex, and have their roots far back in history, and in conditions which may seem to have little bearing on the position in the twentieth century. Nevertheless, the historical development of the question is worth examining in some detail, not only in order to explain the situation of to-day, but also in the hope that the past may afford a clue to solve the problems of the present and the future.

PART I

THE DEVELOPMENT OF THE NATIONAL STATE

CHAPTER I

THE ORIGINS

IT is often said that the problem of minorities is one of modern times. It is said, too, that the national state is a modern phenomenon. Both of these statements need qualification. It is true that the nationalist struggles of the nineteenth and twentieth centuries followed a prolonged period during which the relations between nationality and state had been comparatively tranquil. It is also true that in a world which professes democracy the struggle of minorities for what they call their rights not only attracts more attention, because humanity is more generally disposed to admit the existence of those rights; it also has to contend against a resistance on the part of the majorities which could not be exercised so long as the majority itself was politically impotent. It is even true that in some respects the pressure exercised by the majority is more oppressive, as it is also more systematic and more refined, than anything known in earlier days.

Nevertheless, to ascribe the present national struggles merely to the advance of democracy would be to judge our own age too hardly. It would also ignore the fact that almost all the political formations of to-day originated in a form, crude and primitive, but still recognizable, of the national state.

The state as we know it to-day can hardly be considered without a stable territorial basis. If this be considered as an essential, then for most of Europe the state is a comparatively recent growth: not more than some two to three thousand years old even on its sheltered western fringe; one to two thousand years old in central Europe; younger still in Eurasia. But far older than this, reaching back into the misty dawn of pre-history, is the national community which, founded on the personal life of the nation, yet exercised most of the functions of the state.

The earliest records of history, even the traces revealed by archaeology, show this national community existing

almost everywhere, the primitive and perhaps the natural form of political association. Primitive life is still more than half nomadic, and even where closely attached to the soil it preserves the nomadic outlook. The home-tie is a later development than the family tie. When men band together, they do so in an association which is a personal bond between man and man, an extension of the family tie, a 'Blutgemeinschaft'. This community may fairly be called a nation. In so far as its members concert together to regulate their mutual relations, and to follow a common policy towards outsiders, it may also be called a state. It is, in fact, a national state.[1]

If such a community were at once purely nomadic and purely pacific, the problem of national minorities would not exist for it. There are, indeed, even to-day, a few shy and gentle wandering tribes who simple ignore the rare strangers settled in their camping-grounds, as irrelevant to their politics. Most of our early ancestors, however, were forced by sheer shortage of desirable land to come into closer contact with their neighbours. Battle ensued, and of two nations one emerged the conqueror.

The conquered nation might be exterminated wholesale; but for most men of an earlier age, work was a greater terror than death. The defeated people was therefore kept in subjugation, and there now came into existence a formation which may be called the aristocratic-national state; a formation in which two or more nations coexist, but not on equal terms, the one, as a body, retaining exclusive control over the state, while the others exist merely for the benefit of their rulers. Such peoples, even where numerically more numerous than their conquerors, are yet genuine national minorities.

Since humanitarian considerations are an innovation in

[1] This does not mean to say that every early national community was founded exclusively on the strict rule of blood-relationship. Associations of various national elements frequently co-operate together; individuals or small bodies frequently attach themselves to a nation not their own, as equals, by virtue of similarity of origin or community of interests. Still less does each community claim to include all those who share its national characteristics. This does not affect the true nature of these communities.

human affairs, the fate of these minorities in old times was assuredly no happy one. Their conquerors treated them with a single eye to their own advantage. And since the state was thus composed of two elements, one of which enjoyed all the advantages, while the other bore all the burdens, it was natural that the conquerors should be at pains to make the dividing-line between the two classes as clear-cut as possible. For if it became blurred, some of the inferiors might slip across it into the pleasant pastures reserved for their betters, while some of the conquerors, on whom the defence of the state rested, might slide down into degradation and be lost to the nation. Hence the normal policy of the aristocratic-national state towards its minorities was one of rigid segregation, conquerors and conquered living side by side, perhaps for centuries, yet remaining entirely distinct.

This form of the nation-state seems to be the natural one for most early communities. Probably almost every state in Europe can trace its ancestry back to some such origin, except the few which a single nation has founded on a soil so inclement as to tempt no rivals. Although the subsequent developments in eastern and in western Europe have differed so widely, it is hardly likely that these differences existed in an age when population was everywhere sparse and national units small. When land was more plentiful than it is to-day, and house-moving less expensive, even districts which now appear as though they had been immemorially settled were once the scene of extensive migrations and conquests.

Yet before written history began, eastern and western Europe had already begun to go different roads. Why this should have been so cannot, of course, be stated quite certainly. It is possible that the reason is to be sought in some obscure psychological difference which is still discernible to-day, under quite different circumstances, in the different attitude adopted by their remote descendants towards their colonial empires. The man of Germanic stock moves among his subjects like a demigod, sometimes oppressive, sometimes benignant, but always aloof. The Latin mingles

with them readily, perhaps exploiting them even more freely for his personal benefit, but with a man-to-man air which makes him less respected, but sometimes less disliked.[1]

Most likely, however, this distinction, which has become ingrained to-day, was due originally to geographical conditions, which in the one case encouraged the survival of the aristocratic-national attitude, in the other brought about a forced modification of it.

In the great Eurasian spaces of northern and eastern Europe which have been from time immemorial the highways of migrating nations man is, even to-day, more the slave of Nature than her master. In the springtime the vast rivers overflow their banks and spread watery desolation for many leagues around. In the summer, if the sky withholds its rain, drought may turn an area thousands of miles square into an uninhabitable desert, forcing man and beast to flee from it in search of bare nurture. In winter, the snows and the bitter east wind paralyse all human activity, driving men far afield in search of kindlier conditions. The genius of the country militates against all settled conditions, and imposes on men a nomadic existence. Even to-day, when man, under the pressure of increasing population, has driven his roots so deep into the soil, has ploughed and sown, built houses and churches, organized for himself forms of communal existence and a settled government—even to-day a great national disaster like the famine in the Volga area in 1921 can force uncounted millions to return to something like the nomadism of their forefathers.

To compensate for the frequent desolation of huge tracts of homeland, which renders impracticable any truly consecutive and ordered life, there are few natural boundaries set to migration. Impassable mountains are rare; arid

[1] Cf. the interesting remark by M. Calderon, Peruvian Government delegate to the Sixteenth International Labour Conference (*Records of the Conference*, vol. i, p. 127): 'L'Espagne conquérante, poussée par de profonds sentiments d'humanité et de nobles doctrines, au lieu de détruire l'Indien, s'est mêlée à lui et a tenté de l'assimiler.'

steppes offer small terrors to the hardy horses of the nomad, even when yoked before a ponderous Scythian chariot. The huge, sluggish rivers which labour their way through the plains are channels of communication rather than obstacles and are easily crossed in winter when the ice is hard. On the other hand, if Nature facilitates the movement of one nation, she is equally generous to all. Thus, there is a constant ebb and flow of population. Nation hurls itself against nation, conquering, destroying, or driving away in headlong flight. In olden times, before the progress of civilization and the development of agriculture encouraged stability, such migrations of population were constant, and even normal. Whole nations would leave their homes, rendered uninhabitable by some unusual severity of winter in the north, or some desiccation of feeding-grounds in the far east, and journey extraordinary distances in search of more hospitable conditions; and each, as it moved, impinged upon others, often setting them in motion in their turn, so that the repercussions of a struggle in Mongolia might be felt as far afield as the plains of the Tisza.

In Eurasia the nomadic or semi-nomadic national community has flourished from time immemorial, and here its philosophy—all too slightly adapted to modern conditions (since political thought changes more slowly than the events which inspired it, and the institutions in which it is expressed alter more tardily yet)—still flourishes to-day. But for nations living on the edge of the civilized world, whence further migration is impossible, there is bound sooner or later to come a time when the actual soil which they inhabit is the supremely important factor in their national existence. The essential for them is not to preserve the purity of their race but to defend the integrity of their frontiers. Now the political or territorial factors in national sentiment gain the upper hand and, where more than one nationality is present, assimilation sets in between them.

The *process* of assimilation is a natural one. When there is close and prolonged association of various national elements, they tend naturally to fuse into one. Frequent

intermarriages confound the original stocks, one language —the most useful, or the most commonly spoken—tends to supplant the others. In particular, if one national civilization is obviously superior to the others native to the same country, it tends automatically to supplant them. This natural tendency is so strong that to counteract it a definite and conscious policy is necessary. Almost any race of conquerors will probably begin by following such a policy; yet if the association is very prolonged, the old sense of distinction between conquerors and conquered is bound with time to grow weaker in relation to the political sentiments of unity derived from common territorial and economic interests and a common history.

Finally, if a high state of civilization is reached and a complicated administrative and military machinery evolved, there will be definite and conscious efforts towards assimilation, to ensure the smoother working of that machinery, especially for purposes of defence. The last-named consideration is probably the most powerful of all. A migrant people remains fundamentally military. War is the principal preoccupation of the free citizen, his chief source of profit and of honour, and he reserves it to himself, turning over the laborious pursuits of peace to the subject minorities. But a sedentary people which has learned to appreciate the delights of civilization and has discovered that the road to wealth lies even more surely through trade and industry sees less romance and far less comfort in a soldier's life. The defence of distant frontiers is gladly left to rude and barbarous men, such as minorities; but as it is essential that they should fight for the state, and not for their own private nationality, assimilation of them becomes desirable.

This was the policy followed by Rome to an extent without precedent in recorded history. Rome herself adopted it only gradually, and in the face of considerable resistance. The ancient institutions of the *populus* and the *plebs* are a significant reminiscence of an older policy of differentiation; nor, when Rome began empire-building on a large scale, was the change-over to assimilation either

speedy or systematic. Many of Rome's rulers, down to Augustus and his immediate successors, held to the principle of 'Rome for the Romans', and Latin literature contains ample record of the dislike with which the old Romans viewed their new, exotic fellow citizens. In her earlier conquests Rome left quite intact the language, manners, and institutions of the peoples which she subdued; to do otherwise would, indeed, have been quite beyond the powers of the comparatively small number of conquerors. But the very magnitude of these conquests made it necessary to extend the privileges of the mother city more and more widely, in order to create a nucleus to carry on the work, while the disproportion between rulers and subjects was reduced by the casualties suffered by the latter in the campaigns which they were forced to undertake. So Romanization spread outward, ever farther, from its first centre, until, as time went on, bringing with it one prodigious success after another, the idea was born of unifying the whole civilized world—the οἰκουμένη—under the sceptre of Rome. 'Italy', wrote Pliny, 'has been selected by God to collect dispersed power, to soften customs and to unite, by the communion of one language, the diverse and barbarous dialects of so many peoples, so that all the races of mankind should have one fatherland.' Marcus Aurelius dreamed of 'a polity in which there is the same law for all, a polity administered with regard to equal rights and equal freedom of speech'.

The ideal of equal rights was not realized, even approximately, throughout all classes of society; but that of *national* equality was approached. Thereafter the national unification of the Empire went on apace under the centralized government of the Emperors, particularly after the idea of the political unification of the inhabited world under one emperor had been reinforced by the ambition of its religious unification in a single Church which was also Roman. Considering the complete absence of that most powerful of all means of assimilation—state-controlled education—the speed with which the Empire was Romanized is amazing. Politically the process was practically

completed by Caracalla's extension of the citizenship to the provinces. Religious unity lagged somewhat behind, for it was not until Christianity became the official religion of the Empire that official Rome abandoned its old, easy-going acceptance of the principle of national gods. Linguistically, the unification was never indeed wholly accomplished, even in western Europe. Non-Roman languages survived in the Basque countries, in Cornwall and Wales, and in Illyria, as in other smaller islands of population, while the Latin acquired by the majority assumed very different dialectical forms according to the various influences exerted on it by the languages which it replaced. In the east, especially in Greece, the linguistic unification made small progress for there precisely the important factor of inferior culture was absent. Civilized Greece was never tempted, like the barbarian nations of the west and the north, to merge her individuality in that of the conqueror.

The assimilation seems to have been largely painless, after the first savage resistance of the barbarians had in each case been broken. There is record enough of rebellions against Roman rule, and especially against the harsh tributes imposed and the conscription of man-power for foreign service in the legions. There is, however, little evidence of any tenacious struggle for the retention of national individuality as such. The main reason for this is that with Rome assimilation was only a means to an end. The right on which she based her titles was that of conquest. Having extended her frontiers to include more and more barbarians, she was satisfied, politically, with securing their loyalty. She cared very little what language her new subjects spoke, or what customs they followed, provided that they did not rebel, and their assimilation was due less to any systematic denationalization than to the automatic effects of the centralized Roman administration, the Roman army, and the superior Roman culture. Forcible assimilation, in its own sphere, was left to the less tolerant Church Militant. In fact, however, by the time that she collapsed under the impact of the barbarian invasions,

Rome had bequeathed to western and southern Europe a large degree of national unity, a legal tradition based on the *jus soli*, and a standard of settled civilization which made a permanent relapse into the conditions of semi-nomadism for ever improbable.

CHAPTER II

POLITICAL NATIONALITY IN WESTERN EUROPE

1. *The Medieval Period*

THUS the rival national philosophies of assimilation and segregation were already in force in eastern and western Europe respectively when they were brought into strong and active conflict by the fall of the Empire beneath the pressure of immigrant hordes from the east and the north. For a while it looked as though the sedate and well-ordered world which Rome had built up had perished irretrievably. Barbarous Goths, Huns, and Sarmatians overran the countryside, sacked the cities, slaughtered the populations. The world was once again a mere welter of contending nations, human life once again a thing 'solitary, poor, nasty, brutish and short'. All Europe seemed confounded in a common fate.

Nevertheless, as soon as the first turmoil began to subside, the east and the west began to go their different ways, which have led them directly to the very different positions in which they stand to-day. The invaders were sons of the steppe, or not far removed from it, and the states which they set up were everywhere founded on the principles which they had brought with them from their homes: politically, they were the national states of the immigrant conquerors, from which the subject populations were rigidly excluded. In most of western Europe, however, except Britain, the Roman tradition had only been submerged, not destroyed. The invaders of Italy, Gaul, and Iberia were comparatively few in numbers; most of them were, moreover, no strangers to Roman ideas. Many were Christians, others had lived within the Roman frontier as *foederati*, and some came less as destroyers than as preservers of a decaying tradition. They therefore brought with them, or they quickly acquired, a readiness to modify their own institutions to a greater or lesser degree in

order to adapt them to the Roman framework which they found.

This tendency was naturally strongest in Italy, where Theoderic kept practically intact the old administration, reserving for his own people the duties of defence. He even took the unique and decisive step of formally abandoning the principle of personal law. 'We do not permit', he wrote in A.D. 510, 'that Goths and Romans should live under separate laws (*discreto jure*), while we unite them in the same affection.' And thus his successor Athalaric, in his address to the Roman people on ascending the throne, said: 'With us, the rules of law are the same for all, Goths or Romans. The only difference between the two is that the Goths assume the military duties in the common interest, in order that you, Romans, may enjoy in peace the benefits of Roman civilization.'

As a result, the two nations were not long in blending, and the resulting compound was almost purely Roman, thus making possible the restoration under Justinian. The later invasion of the Lombards could not alter this situation, particularly in view of the growing power of the Papacy.

Elsewhere the Germanic ideas survived much longer. The Lombard, Visigoth, Burgundian, and Salic codes alike differentiate sharply between the German conquerors and the Roman subjects. Thus, in the Burgundian code, a Roman convicted of rape paid for his crime with his life; a Burgundian could compound with a money payment. A Burgundian who had arrested a compatriot without due cause paid only a fine of 24 sous, while a Roman was liable to exile, imprisonment, or forced labour. On the other hand, divorce by mutual consent was permissible for the Roman but not for the Burgundian. The law of inheritance was different for the two nations. Among the Franks the distinction was even more marked. Homicide, involuntary arson, theft of a slave or even of cattle exposed a Roman to capital punishment, while a Frank was liable only to a fine and to the payment of limited damages. On the other hand—a very significant provision—a free Roman woman who married a slave was treated

as a concubine; a Frank, for the same act, was reduced to slavery and even outlawed and denied asylum if the slave had been her own. The primitive care for the purity of the race appears very clearly here.[1] The Visigoth code contains similar provisions. In fact, practically all Germanic states founded on Roman soil forbade intermarriage between Germans and Romans.

Thus, for a time, the new Germanic states show a curious duality which afterwards almost disappeared from the west. Here too, however, as in Italy, the national distinctions gradually vanished. By the end of Gondeband's reign (478–516) the assimilation, although not complete, was already far advanced among the Burgundians. Among the Franks, it took place somewhat later, but it took place at last. The last vestiges of the Visigoth system in Spain disappeared with the Arab conquest. It is true that afterwards, when the Franks conquered the Burgundians and the Visigoths of France, the latter maintained the personal principle, and claimed the exercise of their own systems of law; but the fact that these nations were now settled and partly consolidated was sapping the idea that law was exclusively a *jus sanguinis* and attaching it gradually to the soil.

Only in Britain was the position somewhat different, for here the invaders wiped out every trace of Roman institutions and the Latin tongue. We find no traces of any 'Romani' suffered by their conquerors to live under the old law, and can only suppose the complete disappearance of the Roman tradition. The effect of this was, however, counteracted by the very completeness of the ethnographical change. The Romans disappeared altogether, the Celts fled westward into Wales and Cornwall. The Germanic new-comers were all of approximately the same stock. Tribal differences were not so deep as to prevent the formation of a common language and a common law, and by the time of King Offa, at the end of the eighth century, practically all England seems to have been fairly homo-

[1] Cf. also the very similar legislation enacted by St. Stephen of Hungary, *Decretorum Liber I.* 28, 29 (Endlicher, pp. 318 ff.).

geneous in law and in language. The arrival of the Danes naturally altered the situation again, but not permanently. Differences arose, but they were local rather than personal and represented a system of small gradations rather than a single sharp distinction. The influence of the Norman conquerors of England, in turn, made not for further diversity but for unification. The Norman invasion was a conquest, not a national immigration, and Norman kings readily adopted much of the existing English law, while their own efforts were directed towards centralizing the administrative system and unifying the nation.

Thus even where the Roman tradition had disappeared, the conditions which had given birth to the Roman system continued to operate, and with much the same effects. There was, indeed, one important difference. The great Roman world empire, with its unified system and centralized administration, in which all roads led to Rome, had disappeared for ever. The ideal might be recovered later, but never the practice which cast all southern and western Europe in the same mould. None of the Germanic nations was at that time strong enough to aspire to world power, and instead the old Empire dissolved into its great natural units, within which the modern nations—even if they had to wait long for their political unification—were bound to evolve.

For the superimposition of the different Germanic tribes upon the different native peoples had laid the solid foundations of the nations of the future. These could have been overthrown only by more prolonged and more extensive national migrations, and from these most of western Europe was spared. Spain and southern Italy were indeed overrun by Moors and Saracens, Scotland and Ireland by Danes, and precisely in these countries the formation of the nations was longest delayed, so that their development lagged for centuries behind that of their more fortunate neighbours. Elsewhere, however, the migrations were much less important, and where they occurred, as in Normandy and in England, the new-comers soon blended with the native populations.

Important, too, is the fact that western Europe was now definitely established on a settled basis. Nomadism had ceased, and the very idea of it, never so strong among the Germans as among the Turki nations, soon disappeared. With the advent of settled conditions, natural assimilation soon began to do its work. In England and France in particular, the difference between the various peoples, where they did live intermingled, was not usually great, either as regards origin, culture, or even language. Thus while it is true that the same settled existence and localized life also tended to produce minor differences of dialect, habit, and the like which probably had not existed at an earlier date, yet these developed along a different line of cleavage. In each geographical unit the population tended to become homogeneous, even if it differed increasingly (although in a minor degree within the great national boundaries) from area to area.

Now, minority problems only arise when peoples of different nationality are united in the same political unit, and in particular when they are the rivals of one another within it. But these cases arose very rarely in medieval western Europe, owing to the new administrative systems which developed there. The feudal system which took the place of the great centralized, bureaucratic Roman Empire was organized on quite different lines from its predecessor.

Firstly, the new administrative divisions which sprang up tended to coincide with the actual ethnographical conditions. The boundaries of our own counties, for instance, commonly mark the limits of the settlements of the various invading clans of Jutes, Angles, or Saxons. Secondly, even within the larger areas, which included settlements of different nationalities, there was an almost infinite subdivision, under a system of delegated authority, so that where the people came into direct contact with authority it was usually in small, uninational groups. One valley might be inhabited by Celts, another by Germans; but each would be under its own local overlord, who administered its affairs, and it would have little or no contact with its neighbour. And the affairs of the people had

become now almost exclusively local. The old free national communities were gone. The masses were *adscripti glebae*, in law and in fact. Settled on their peasant holdings, they seldom moved afield, seldom saw even a strange face, were cut off altogether from the current of national affairs. What happened outside their own immediate neighbourhood had ceased to concern them.

And even if they had felt that it concerned them, they could have done nothing to affect it. A national minority, by definition, implies a majority. Now, within the larger units, majorities still existed in the physical sense, but not in the political. Under the feudal system all the peoples were equally disfranchised, and thus, with the best will, incapacitated from oppressing one another.

Naturally, the situation was different for the politically active class of knights, barons, princes, and kings. But here too the introduction of feudalism had altered the whole problem. When the old free national communities lost their sovereignty, the *raison d'être* of a national policy had, for the time, vanished. Sovereignty now proceeded from above, and it was consequently unconnected with questions of nationality. The ultimate source of sovereignty, God, was multi-national—or un-national, as you prefer it. Equally so, in theory, were his two vicars on earth, the Pope and the Emperor, who claimed authority (in what relationship to one another is immaterial to our purpose) over the Realm Universal of humanity. From them the system of delegated authority spread downward, but each man always held his office in virtue of power conferred from above; a point was never reached where this power was invalidated by the principle of nationality.[1] Thus there was nothing illogical in any man's ruling over subjects who were alien to him. Germans lorded it in Italy, Frenchmen in Spain, Englishmen in France, with

[1] It is true that even some of the very early writers on political theory ascribe sovereignty, or a part of it, to the people, and both John of Paris (c. 3) and Marsilius (*Def. Pac.* iii. c. 17) argue that the existence of states is compatible with the principle of unity; but this is still a long step from the modern theory of the 'self-determination of nations'.

complete equanimity and limpid consciences; even such bizarre spectacles as English or Flemish knights installed in charge of Greek, Bulgarian, or Armenian communities in the Balkans were part of the natural order of things.

Where the foreign nationality of his subjects was no theoretical bar to his domination of them, the ruler was naturally not interested in denationalizing them, even if he had been in a position to do so, which was seldom the case; for real denationalization, to be effective, must be systematic and thorough and requires both a complicated administrative system, and, ultimately, the co-operation of the people. But the feudal system, by depriving the masses of an active political existence, had excluded precisely the possibility of such co-operation.

Finally, another very important factor was constituted by the exclusively ecclesiastical character of medieval culture. Nearly all schooling was in the hands of monks, who, firstly, used as medium the 'universal' language of Latin, and, secondly, were interested mainly in theological questions unrelated to national problems. Thus 'culture', to-day the strongest stimulant to national feeling, was during the Middle Ages essentially universal. This fact did much to retard the development of nationalism.

In the absence, then, of definite reasons to the contrary, western Europe as a whole, throughout the entire Middle Ages, regarded the national question with a toleration born of indifference, and pursued no conscious policy towards its national minorities, either of differentiation or of assimilation. It was only with the age of the Renaissance that the national question again became one of the first importance.

2. *From the Middle Ages to the French Revolution*

Throughout the long era of the Middle Ages geographical influences had been doing their work. The great natural divisions of Europe had marked out as clearly distinct from one another certain areas within which the forces of natural assimilation had led to the formation—crude as yet, and with innumerable local differences of

dialect and custom—of recognizable nations. Within these areas there were certain minorities, such as the Bretons and the Welsh, who were clearly and uncompromisingly different from the majorities and defied assimilation. These had been subdued savagely enough, where need be. Indeed, eastern Europe offers no story more grievous than that of the English rule in Ireland, where, interestingly enough, the policy of segregation had to be adopted and carried through in the face of a strong tendency among the conquerors to grow assimilated to their victims. The Anglo-Norman settlers of the Pale parcelled out the land among themselves, 'till in title they were owners and lords of all, so as nothing was left to the natives'. The latter, however, could not be exterminated, as they were required to cultivate the land for their new masters; but to prevent the settlers from merging into the Irish and acquiring their rebellious mentality, they were forbidden all trade or intercourse with the Irish, or the use of their dress, language, or laws. When, despite all precautions, one generation after another of settlers compromised with the 'Irish enemy', recognized the Irish system of land tenure, employed Irishmen in positions of confidence, and even themselves adopted Irish dress and language, new reinforcements of uncorrupted men were sent over from England.

But such extremes of severity as were practised by the English upon the Irish were not usually necessary; they were forced upon the English, in this particular case, by the fact that the conquest of Ireland was an attempt dictated by lust of spoil and conquest, to join together what geography and history had decreed should be separate. The case of the Bretons and the Welsh was different. Here Nature indicated their incorporation in the larger political unit. The Bretons struck a bargain with the French king, becoming politically a part of France, while their local usages and privileges were to be kept intact. The Welsh were rather less fortunate, but they, too, were spared any attempts at forcible denationalization. The 'Statutum Walliae' enacted by Edward I, on assuming sovereignty

over Wales, reveals a genuine attempt to respect Welsh usages, in so far as was consistent with 'due order to the Honour and Praise of God and of Holy Church and the Advancement of Justice'; and it was, indeed, preceded by a thorough inquiry into Welsh laws and customs—'which being diligently heard and understood,' says the Statute, 'we have . . . abolished certain of them, some thereof we have allowed, and some we have corrected; and we have likewise commanded certain others to be ordained and added thereto'.

Gradually the Middle Ages passed away, and a new form of economic life took the place of the old, narrow feudal system. The main trade routes of the world shifted to the west, in which fresh sources of wealth were opened up. Cities sprang up, a middle class came into being, culture and learning grew. But the interests of the new bourgeoisie were far different from those of the countrified landowners. The feudal noble stood for immobility, particularism, restriction, privilege; the capitalist demanded simplification, mobility, unification; and his influence began to work, smoothing over local customs, withering up little-used dialects, hastening on incomplete processes of unification.

Now, too, the medieval universalist theories began to crumble. While in Germany and Italy the tradition of them was destined to linger on for centuries, greatly retarding the national unification, yet even here, and particularly in Italy, a genuine national sentiment was born. In France and England (the development in Spain had been retarded by the Moorish invasions) it grew far more rapidly, largely as a reaction against universalism, which had tended in practice to centre political power in Germany and spiritual authority in Italy. The leaders of the reaction against these theories were the national monarchs.

They had a twofold warfare to wage. On the one hand, they were fighting the universalist Papacy and Empire, on the other, the feudal régime of delegated authority and particularism. Against both they opposed the theory of a unified and unlimited national authority, owing no

allegiance above and unhampered by any restriction below; and the obedient political philosophers, never at a loss to provide a theory to fit the facts, duly evolved the fiction of absolute national sovereignty, vested in the monarch, who was like unto Leviathan: 'There is nothing on earth to be compared with him. He is made so as not to be afraid. He seeth every high thing below him; and is king of all the children of pride.'

This theory of national sovereignty, it is important to observe, was a purely political conception. It was formulated to fit actual circumstances, which were those of kings who were ruling over territories which were not racially homogeneous. Hobbes's *Leviathan* contains no single word hinting at any impropriety in an English king ruling over Welsh or Irish subjects; Hobbes does not, indeed, discuss the question of how the political community should be defined and bounded over which his sovereign monarch shall rule. Thus, although the monarchs of France and England were the great unifiers of their nations, they worked, not in order to create any theoretical right to their position, but to strengthen their practical grip upon it. It is only quite occasionally that the idea occurs of a 'natural' right based on national considerations in the modern sense of the term; as when Machiavelli claims for his 'prince' all the land in which the idiom of Dante is spoken, or when the Protestant princes in 1551 incite Henry II to 's'impatroniser au plus tôt dans les villes d'Empire [viz. the three Bishoprics of Metz, Toul, and Verdun] qui ne sont pas de langue germanique'.

The primary considerations of the monarchs, in their work of domestic unification, were political. They were anxious, that is, to break local authority which impeded and rivalled their own, and their efforts were directed quite as much against the great feudal lords of their own nationality as against the chieftains of the minorities. If, for example, the Estates of Brittany had to complain of repeated violations of their original pact with the King of France, the Estates of other, purely French, provinces suffered no less heavily. It was true, of course, that the

minorities, where they were still imperfectly subdued, were particularly rebellious and recalcitrant, thus necessitating special measures against them. Thus Henry IV had been obliged to decree that no Welshman should 'be armed, nor bear defencible armour to Merchant Towns, Churches nor Congregations in the same'; that victuals or armour should not be imported into Wales nor Welshmen own castles; and finally even that Welshmen should not bear office in Wales, except bishops, this prohibition extending also to Englishmen with Welsh wives; and that the castles there should be 'purveyed and stored sufficiently of valiant English persons, strangers to the seigniories where the said castles and towns be set'.

The real turn of the minorities came when the power of the nobles was broken, and the process of systematic centralization began. The unified national institutions which now came into being were, naturally, modelled on those of the majority, and the minorities were required to bring their own customs into line. It is worth noting that in some cases, at least, this was not done as a repressive measure against the minorities, but rather by way of removing exceptional disabilities under which they had been placed. The whole ideology is set out very clearly in Henry VIII's preamble to his great 'Act for Laws and Justice to be administered in Wales in like Form as it is in this Realm', which is worth quoting in full, both for its substance and also for its eclectic and savoury diction:

'Albeit the Dominion Principality and Country of Wales justly and righteously is and ever hath been incorporated annexed united and subject to and under the Imperial Crown of this Realm, as a very Member and Joint of the same, whereof the King's most Royal Majesty of meer Droit, and very Right, is very Head King Lord and Ruler; yet notwithstanding, because that in the same Country Principality and Dominion divers Rights Usages Laws and Customs be far discrepant from the Laws and Customs of this Realm, and also because that the People of the same Dominion have and do daily use and speak nothing like, nor consonant to the national Mother Tongue used within this Realm, some rude and ignorant People have made Distinction and Diversity between the King's

subjects of this Realm and his subjects of the said Dominion and Principality of Wales, whereby great discord variance debate division murmur and sedition hath grown between his said subjects; His Highness, therefore, of a singular real Love and Favour that he beareth towards his Subjects of his said Dominion of Wales, minding and intending to reduce them to the perfect Order Notice and Knowledge of his Laws of this his Realm and utterly to extirp all and singular the sinister Usages and Customs differing from the same . . . hath . . . ordained enacted and established, That his said Country or Dominion of Wales shall be, stand and continue for ever from henceforth incorporated united and annexed to and with this his Realm of England; and that all and singular Person and Persons, born or to be born in the said Principality Country or Dominion of Wales, shall have enjoy and inherit all and singular Freedoms, Liberties, Rights, Privileges and Laws within this his Realm, and other the King's Dominions, as other the King's subjects naturally born within the same, have enjoy and inherit.'

The intention of this formidable document was, as has been remarked, not oppressive, and did not constitute an attempt to eradicate Welsh nationality as such. Some of the linguistic provisions, e.g. the prohibition of Welsh in the Courts, were indefensible according to modern ideas. On the other hand, to grant the Welsh representation in the English Parliament was a great advance on the previous age, when they had had no representation at all. And throughout, it was only the 'sinister usages' which were being attacked, while a commission was envisaged to inquire into and recommend the retention of any 'laudable customs'. In fact, one of the first effects of the changes was a great influx into London of Welshmen, many of whom accumulated large fortunes, and certainly regarded the new régime as a blessing.

The monarchs of both France and England conferred considerable benefits on their national minorities. The point on which they went astray was really that on which all rulers of other peoples fail; on a question of taste. It is the deep-rooted proclivity of most men, and of all Englishmen, to regard their own customs as 'laudable' and the usages of all foreigners as 'sinister', and the idea that an inhabitant of our little isle, set in its silver sea, should

not wish to speak, dress, think, and eat like the usual standardized Englishmen seems to him unreasonable and perverse.

The age of the two monarchs practically wiped away the differences in law and status between the majorities and the national minorities. It did not, oddly enough, extinguish the minority languages, thus preserving till the present day the basis for a national revival. The general indifference to linguistic questions seems strange to-day; it was, no doubt, largely due to the fact that the upper and middle classes of the minorities, with whom the monarchs had mostly to do, were already half-assimilated. The Breton Estates, for example, transacted their business in French, and outside the Estates, in the absence of an educational system, there was little public life at all. The 'Act of Union for the defence of the Liberties of Brittany', of 1719, while enumerating a long list of Breton grievances, does not refer in any way to linguistic questions, which also do not figure among the complaints of the peasant spokesmen. In Wales, Queen Elizabeth actually reversed the trend of her father's legislation by enacting the translation of the Bible and Prayer Book into Welsh and ordaining that Divine Service should be held in Welsh in all Welsh-speaking districts—an action which, as a modern writer puts it, 'vitally influenced the religious and literary life of the Welsh nation; gave a new stimulus to the continuance of the Welsh language; produced a demand for education; and laid the foundations of the modern national movement in Wales'.[1]

This action of Queen Elizabeth's was due to no special tenderness for the Welsh tongue. For England and France, however, the languages of their minorities—poor, small nations, inhabiting the remotest recesses of their territories and not identical with any nations under the rule of another sovereign[2]—were in no sense whatever a matter of international concern. What was international was the

[1] Bowen, *The Statutes of Wales*, pp. lxxxvi, lxxxvii.

[2] An exception is formed by the Alsatians in France, who were usually treated with peculiar consideration.

question of religion, especially in the form of the universalist Catholic Church, and it was in the national struggle against this that Elizabeth's real interest lay, as we see from the explanatory note which accompanied her decrees. The Bible and Prayer Book were to be translated in order that the Welsh who, understanding no English, were therefore 'utterly destitute of God's Holy Word, and do remain in the like or rather more darkness and ignorance than they were in the time of Papistry', might partake of the same 'unspeakable joy' with which the English had received the Prayer Book in 'the vulgar English tongue'—and undergo, of course, the same political reactions.

Almost everywhere the worst excesses of the Renaissance period (and, in such cases as that of Ireland, well on into the nineteenth century) were directed not against languages but against religions. The darkest stain on the name of Renaissance France is the massacre of the French Huguenots. In Spain, where the minorities had for centuries enjoyed a golden age of toleration, the state suddenly turned against them. Many attempts were made to assimilate by force the large Jewish population, and when these failed, and the Inquisition reported that even nominal converts were secretly practising their ancestral religion, they were expelled as a hopelessly bad job. The Moslem 'mudéjares', who had previously been well treated and allowed the public practice of their religion, were confronted with the same alternative of expulsion or conversion; and when the converts (now known as Moriscos) were suspected of insincerity in their new religion, harsh penal ordinances were first issued against them, then, after a debate which had wavered between the alternatives of general massacre, of sending them to sea and scuttling the ships, or of shipping them off to work in the mines in America, the vast majority of them were expelled, in circumstances of great brutality.

It was reserved for the methodical Germans to lay down the principle of state sovereignty in religious matters in the famous formula *cujus regio, ejus religio*—perhaps one of the most cynical phrases in history. It served its immediate

end; it broke the power of Catholicism as a universal religion and for a short while, perhaps, it did give each state a national feeling based on religion. Ultimately, of course, it simply eliminated religion as a national influence altogether.

Thus, after centuries of struggle, the old universalist theories of the Middle Ages were broken down, and in their place was set up the new idol of the sovereign state; and those states which had led the revolt—England and France—had by the eighteenth century achieved a very high degree of political and administrative concentration. They had not by any means attained to national unification in the narrower sense of the word, and this for a reason of some historical importance. The national kingdoms had crystallized outward, by slow processes of accumulation, from central nuclei. These centres had not been chosen at hazard. They had chosen themselves, in virtue of their advantageous economic situation. The national life, gravitating naturally to the sources of wealth, had clustered round them. Proceeding outward from these centres, the unification became ever less complete. The minorities which had formerly existed near the centres had long since disappeared, and only those on the periphery, in extreme and inhospitable corners of the land, survived. Even among these the middle and upper classes had become assimilated. Those who still retained a distinctive national life were peasants and mountaineers—that class which is most tenacious of its language, customs, and religion, but least interested in an active political life. In fact, pending the coming of democracy, the national political life of the minorities in England and France was almost non-existent.

On the other hand, if one considers the second, or political, group of factors which go to create a sense of nationality, both France and England had been nationally unified for centuries. Their frontiers, with small and unimportant exceptions in the case of France, had long remained unaltered, and all the influences of geographical association and common historical recollections had long been

operative to produce an overriding sense of political nationality, which is well illustrated by the remarkable resolution passed by the Breton Parliament at Rennes on June 2nd, 1788:

'Considérant que . . . les changements préparés dans la constitution française ne pourraient être opérés légalement que par la nation assemblée dans les formes anciennes, en états généraux . . . la cour . . . déclare . . . dénoncer au roi et à la nation comme coupables du crime de lèse-nation ceux qui . . . ont osé concevoir, proposer et faire exécuter des projets qui tendent à la subversion fatale de l'ordre civil.'

Again, the majority nationalities of the French and English had no burning and unsatisfied 'national' grievances; the French and English communities living under foreign political sovereignties were small, and, with the trivial exceptions of Le Comtat and Avignon, seemed generally to recognize the existing political situation, and to desire no change in it.

Thus it was the 'political' and not the 'personal' theory of nationality which predominated in western Europe, and particularly in France, when the most important change in political philosophy came about. This was the transference of sovereignty from the absolute monarch to the 'nation' itself.

The theory evolved, or revived[1] to fit the facts, was, this time, born in England, when the revolution of 1688 substituted one dynasty of monarchs for another. The only justification which could be found for this was that the

[1] This theory was not, of course, new. The old, primitive national communities clearly regarded sovereignty as residing in the assembly of free men or elders representing the nation. Traces of this conception are to be found in the elective character of the monarchy of nations which preserve the 'aristocratic-national' character of their origin, e.g. in the Hungarian constitution, except as limited by the Pragmatic Sanction. It could exist even where the power of the monarch, once installed, was absolute and unlimited, and many medieval writers maintained both the limitation of the monarchical power by natural law and the right of the people to choose a new head in case of necessity. Thus the *translatio imperii* or transfer of the Empire from the east to west acquired a theoretical justification.

ultimate sovereignty rested in the nation, which was thus able to transfer it from one ruler to his successor. This doctrine of the sovereign nation was elaborated in America where the colonists needed a theory to justify their secession, and in France, first by Rousseau, then by the thinkers of the French Revolution, who, first in Europe, made any far-reaching practical application of it.

The political conception of nationality was absolutely predominant in France when the Revolution broke out. The revolutionary thinkers, therefore, simply ignored the question of the geographical limits of the nation. They took as their starting-point the existing political community, within its existing geographical limits, and devoted their whole attention to the question of where, within that community, sovereignty resided. Nothing could be clearer, on this point, than Sièyes's famous attack on the privileges of the Estates. Replying to those earlier theorists who held that the Estates alone constituted the 'nation', and pointing out that the Tiers État represented the whole French *nation*, except for some 200,000 nobility and clergy, Sièyes goes on:

'Who then will dare to say that the Tiers État has not in itself all that which is necessary to form a complete nation? . . . If the privileged Order were removed, the nation would not be something less, but something more. . . . *What is a nation? A body of associates living under one common law and represented by the same legislature.* Is it not very certain that the noble Order has privileges, exemptions, even rights separate from the rights of the great body of citizens? In that way arises the common order, the common law. Thus its civil rights already make a people apart from the great nation. It is truly an *imperium in imperio*. . . . It is foreign to the nation by its principle, since its mission does not come from the people, and by its object, since it consists, not in defending public interest, but private interest. Thus the Tiers embraces all that which belongs to the nation; and all that which is not the Tiers cannot regard itself as being of the nation. . . .

'It is necessary that Gothic absurdities should disappear.

'The noble and the priest must have no other interest except the common interest, and they must enjoy, by force of law, only the rights of simple citizens.'

So, too, Lafayette's Declaration of Rights:

'The principle of all sovereignty resides in the nation; no body, no individual, can have authority which does not emanate expressly from it . . .

'The laws ought to be clear, precise, uniform for all citizens. . . .'

Based on this was the final Declaration of Rights:

'All men are born, and remain, free and equal in rights; social distinctions cannot be founded except on common utility. . . .

'The principle of all sovereignty resides essentially in the nation, no body of men, no individual, can exercise authority that does not emanate expressly from that source . . .'

In other words, the French revolutionaries were not concerned with 'national' questions in the narrower sense of the word at all. The hopes entertained by the Court that national, or even regional, interests would divide them, were disappointed.[1] They found no reason to discuss the relations of the French with the Bretons, Alsatians, or Flemings, and the only occasion on which they concerned themselves with the position of the national minorities was when, at practically the last sitting of the National Assembly in 1791, they admitted Jews to complete equality with other citizens. The establishment of the same treatment for all appeared to them to meet the whole case; the suggestion that a minority might wish for differential treatment does not seem to have arisen.

The idea of national self-determination in the modern sense of those words seems also to have passed them by lightly enough. Their principle of no conquests and no

[1] 'La cour croyait sans doute que ces élus de tant de peuples divers, porteurs de mandats vagues ou discordants, souvent chargés de faire prévaloir des privilèges locaux, de province ou de ville, seraient irrémédiablement divisés par des tendances particularistes, et que, par exemple, entre ces Provençaux et ces Bretons, entre cette nation provençale et cette nation bretonne, il y aurait rivalité et querelle. Et les cahiers faisaient prévoir ces divisions.

'Il arriva au contraire que . . . à se regarder, à se parler, à se toucher la main, ces mandataires de peuples différents se sentirent citoyens d'une seule nation, Français avant tout,—et ils le dirent, et on le vit, et le sentiment d'un patriotisme unitaire commença à se répandre en France.' A. Aulard, *Histoire politique de la Révolution française*, 5th ed. 1931, p. 32.

annexations would in its purest form have meant a maintenance of the existing historical frontiers. The Constituent Assembly even hesitated, for this reason, to receive Le Comtat and Avignon when they rose in rebellion against the Pope, but there, for the first time, the Left advanced the modern claim of the 'nation' by asking whether the Revolution was more timid than the Monarchy, and whether it would refuse to 'complete France'. The other side of the question did not arise, since the inhabitants of Alsace and Lorraine shared enthusiastically in the fortunes of the Revolution, and made no attempt to free themselves from France. Merlin of Douai, presenting the report of the Comité Féodal on October 2nd, 1790, remarked: 'The Alsatian people has united itself to the French people because it willed to do so; it is then its will alone and not the Treaty of Münster that has legitimized this union.'

There was thus no need to trouble over details of frontiers, and Danton, in June 1792, was able to dismiss the question in summary fashion enough, by a reference to the 'natural frontiers' of the Rhine, the Alps, and the Pyrenees. The matter became, of course, far more complicated when the theories of national self-determination were exported outside France.

Here, too, the French revolutionaries seem to have conceived the existing political discussions of Europe as 'natural' enough. Without doubt, they realized the existence and sympathized with the aspirations of certain historical nations, then temporarily submitted to a foreign sovereignty, such as Poland and Hungary. They believed, however, that justice would be satisfied if such states were restored their liberty, and if, within each political unit, the sovereignty were transferred from the monarch to the 'nation'. It was in this sense that, on November 19th, 1792, following an appeal from the City of Mainz, the Convention approved the declaration of M. Ruhl, Deputy of the Bas Rhin, that 'in declaring the sovereignty of the French nation, you have recognized the sovereignty of all other nations', and made the solemn and famous declaration that 'France will extend help and fraternity to all

peoples wishing to recover their liberty'. Another decree, dated December 15th, gives instructions to generals in countries abroad to abolish ancient rights and constitutions, to promise the peoples peace, help, liberty, fraternity, equality, to proclaim the principle of national sovereignty, and to convoke the citizens for the election of their magistrates.

In fact, however, central and eastern Europe were faced with a far more complex problem than this. This is the problem which must now be described.

CHAPTER III

PERSONAL NATIONALITY IN CENTRAL AND EASTERN EUROPE

1. *Conquerors and Conquered*

IN western Europe the more important national migrations ceased, except in Spain, Scotland, and Ireland, with the arrival and settlement of the Germanic tribes—the 'Great Migrations' usually so called. In central and eastern Europe, on the other hand, they have hardly closed to-day. One very remarkable expansion of one nation at the expense of others is going on under our very eyes—the extraordinary movement of the Russian stock westward across Siberia. In the classical direction of migration, east to west, Europe has, it is true, seen no great immigration for several centuries past, although it is only three hundred years ago—a mere yesterday in history—since the immigration of the Osmanli Turks reached its farthest point. But in considering national migrations, account must be taken of the ebb as well as the flow, the action as well as the reaction. From this broad point of view, the whole story of eastern Europe during the last three hundred years consists largely in the reaction of earlier populations—Slavonic, Greek, Albanian, Roumanian, Finnish, Lithuanian—against the weakened and retreating invaders. The most recent and obvious manifestations of this have been the Balkan Wars of 1912 and 1913, which freed Macedonia and western Thrace from Turkish rule, and the compulsory exchange of Greek and Turkish populations conducted since the World War, which cleared Macedonia of its Turkish population. When Roumanians or Yugoslavs deny to children with non-Magyar names the right to attend Magyar minority schools, this, too, in the eyes of the governments concerned, is simply a return to the earlier conditions rudely upset by previous alien immigrations. The Slovene or the Italian who attempts to eradicate the German from his midst puts forward the same

justification; the question here being immensely complicated by the fact that agreement has not yet been reached (and probably never will be reached) between the learned of the different parties on their respective claims to historic priority.

It would be beyond the scope of this work even to attempt to recount all the innumerable migratory movements which have made the ethnographical map of eastern Europe the amazing patchwork quilt that it is. Confining ourselves as far as possible to the area covered by the Minority Treaties and Declarations, and limiting ourselves to the broadest possible outlines, we may divide the population (apart, that is, from the colonists, to whom we shall return later) into three main groups.

Firstly, there is the assorted group of small nationalities which appear to be truly indigenous; to have maintained their footing since earliest historic times in approximately the areas (although not necessarily within the exact limits) which they now inhabit. These nationalities have, of course, undergone certain changes, owing to amalgamation with later immigrants; but they have preserved throughout a recognizable national type. They are comparatively few in Europe: the Greeks, Kutzo-Vlachs, and Albanians in the Balkans; the Roumanians in the Transylvanian Carpathians;[1] and, along the Baltic seaboard, the Finns, Estonians, Latvians, Livonians, and Lithuanians.

[1] Students of the history and politics of central Europe will observe that I have assumed here that the Roumanian contention in the great 'Vlach controversy' is correct. Transylvania was Romanized under Trajan and his successors, but Aurelian withdrew the legions, which were accompanied by the 'Roman citizens'. From that date (A.D. 272) until the series of Hungarian documents begins in the twelfth century there are no historical references at all to Transylvania from which the existence or otherwise of a Latin-speaking population could be deduced. The earliest Hungarian documents do not mention such a population, but references occur as soon as the documents grow rather more numerous. The Hungarian contention is that the whole Latin-speaking population withdrew with the legions, the 'Vlachs' of the medieval documents being later immigrants from the Balkans; they can adduce, in support of this, proof of several later immigrations, which undoubtedly increased the relative proportion of Roumanians as against the other nationalities of Transylvania.

All of these are comparatively small and weak nations. All of them owe their survival, at least in part, to the difficult and inhospitable character of their territory, or to the inability of their conquerors to adapt themselves to the method of life natural to that territory. All of them, moreover, have passed many centuries under alien rule, during which time they only constituted national minorities within a larger empire. Nearly all of them, however, which survived that rule, without the complete extermination which overtook the remaining primitive races known to the classical geographers, have to-day recovered their independence, and formed sovereign national states of their own.

In Asia the indigenous nationalities have been less fortunate. The Kurds are divided between Turkey, Persia, and 'Irāq; and of the seventy nations of the Caucasus (this was the computation of the medieval geographers) all are now included in the giant Soviet Union, with varying degrees of autonomy.

Secondly, there are two other great national groups: the Germans and the Slavs. Each of these may be regarded as genuinely indigenous within certain limits, which are not, however, those of to-day. Our early records show Germans holding, not only the present Germany, but also the valley of the Vistula and that of the Upper Dniester. The Slavs at this time (i.e. about the birth of Christ) were somewhere in the region of the Pripet marshes, and were probably a united people. Since that date, the two races have advanced and retired in an extraordinary alternation. In the third century A.D. Germanic Goths held the Black Sea coast, and their cousins were encamped in Transylvania, Bohemia, and Moravia. By three or four hundred years later, on the other hand, the Germans had evacuated all the territory which up to 1918 formed the Austro-

The Roumanians contend that only the well-to-do citizens retired, the peasant and shepherd population lingering on in the mountains, obscure, wild, sparse, and uneducated, but still existent. I have here accepted their view, which seems to me the more probable on the balance of the evidence, and is now accepted by some of the younger generation of Magyar historians.

Hungarian Empire, except perhaps part of Bohemia. Following on their heels, the Slavs began a great period of expansion which lasted till about the ninth century. In the modern Russia they colonized all the belt immediately north of the steppe zone, as far east as the line of the Don. They invaded all the Balkans, except the extreme south-east, the mountainous belt along the Adriatic coast, and the Greek seaboard, advancing in the north-east as far as the present Slovenia. Farther north, they reached the line of the Elbe in modern Germany, filled Bohemia, Moravia, and Slovakia, and what is now west Hungary and eastern Austria.

From the ninth century onward, it was again the Germans who were advancing, the Slavs who retreated. The Germans gradually recovered the modern Austria, pushing into the edges of Slovenia, and strengthening their numbers and position in Bohemia, in which, from the seventeenth to the late nineteenth centuries, they acquired such a predominance as to make it seem almost a Germanic state. North of the mountains, they colonized or re-colonized all the east of modern Germany, absorbing the whole Slavonic population except for the island of Wends, or Lusatian Sorbs, in Saxony. In Posnania and what is now the 'Polish Corridor' they never became the sole possessors of the soil, although after the partitions of Poland they were politically dominant. Farther east still, in what is now East Prussia, the Germans exterminated, after a fierce struggle, the original Prussian race of the Borussi (a nation akin to the Lithuanians) and occupied their land; but in Courland and Livonia they were only conquerors, feudal landowners, and traders, not the actual tillers of the soil.

The nineteenth century saw the beginnings of another Slavonic revival. The Slavs had already been gaining ground at the expense of the Finnish nations in northern and eastern Russia and southward towards the Black Sea and the Caspian, and even colonizing Siberia. They had also definitely split into several distinct nationalities. Now a national revival took place among their westernmost

branches. Independent Slavonic states were formed in the Balkans. In Austria and Hungary the subject peoples began to dispute the authority of their masters, until, after the World War, they threw off the yoke and formed independent Slavonic states. Poland, too, recovered her independence, and in the last ten years Posnania and the Polish Corridor have largely changed their appearance, as numbers of Germans have left them to migrate back to Germany.

The existence of this perpetually swaying, ever-debated frontier line between Slav and German is responsible for many of the most difficult and dangerous minority problems of to-day. It is at points such as this that the minority problem merges into what is going to be one of the greatest questions with which the League of Nations will ever have to deal—for one day it will have to face it: the question of how far existing political frontiers can be maintained in view of the problems of population which arise out of the differing birth-rates in neighbouring countries. Where the racial border-line is thus constantly changing, the frontier can naturally never be devised which should satisfy the historical claims or the political aspirations of both parties, nor, since there is inevitably much intermingling on the border, do full justice to the ethnographical situation at any particular moment. Thus there will always be a minority problem, and that of the most difficult kind, with all the highest political interests of the states involved standing behind every dispute, no matter how apparently trivial.

Third among the national groups of eastern Europe, and a very important group, is that of the true immigrant conquerors—nations who have arrived, sometimes from a great distance, and settled among and over the earlier peoples, as politically dominant, even though numerically they have often been in a small minority as compared with their subjects. The great open road for such immigration into Europe leads all the way from Mongolia and the Gobi Desert, through Chinese and Russian Turkestan, round the north end of the Caspian, and along the north coast of the Black Sea. Having reached so far, some of the

invaders have turned south into Bulgaria; others have crossed the Carpathians and entered Hungary—their extreme limit for settlement. A second, less frequently used route had led south of the Caucasus and across Anatolia.

For all their enormously important national movements, the Slavs have never, and the Germans only rarely, played the part of conquerors. The Slavs when migrating are always said by their champions to have settled in their new homes peacefully—an assertion which may perhaps be questioned in the light of the stories which Byzantine chroniclers have preserved of their cruelties. It is perhaps nearer the mark to say that owing to their notable lack of cohesion or of political ability they have never been able to found states at the expense of an important native population. When immigrating they have rather settled among or on top of the earlier inhabitants like a feather-bed, crushing them or assimilating them by sheer weight of numbers. In the Balkans, for example, they wiped out the native populations of the plains altogether; it was only the Albanians and Vlachs of the mountains who survived their coming. The Germans, too, have completely extirpated the earlier populations along the borders of their original homes, where they colonized *en masse*—in this case, less by weight of numbers than by their painstaking, methodical character and organizing ability. Thus they have turned Austria and Germany east of the Elbe, including East Prussia, into almost purely Germanic territories. In Slovenia, Courland, and Livonia, on the other hand, they were a conquering minority, encamped in the feudal castles and the merchant cities, while the earlier population remained to till the fields.

Both Germans and Slavs are, however, agricultural peoples; and an agricultural people, when it migrates, takes all the land which it can for itself, driving out rival claimants to possession. It was far different with that group of nations which form the most numerous of these immigrant conquerors, the lordly Turki and allied peoples who since the dawn of history have come riding out of the

violent east to plague the softer inhabitants of Europe. History records the appearance of thirteen such peoples of major importance: the Scythians, whom Herodotus describes two thousand five hundred years ago; the Sarmatians, Iranian knights in heavy armour, the only race of these invaders, except the Magyars, who were not of pure Turki stock; Attila's Huns; the Avars; the Bulgars; the Magyars; the Petchenegs; the Uz (a branch of the Seljuks); the Cumans, of whom the chroniclers of the Crusades have so much to tell; the Seljuk Turks, who came south through Anatolia, and never crossed into Europe; the Tatars or Mongols, the most dreadful of all; and lastly, the Osmanli Turks, who were besieging Vienna only two and a half centuries ago.

Most of these nations have disappeared from the map of modern Europe, leaving hardly a trace behind; for it has been a characteristic of their empires to reach colossal dimensions under a single conqueror of genius and to crumble away with inconceivable rapidity after his death. In A.D. 450 Attila, the Scourge of God, was probably the most powerful ruler of Europe; the Greek and Latin chroniclers have not even recorded the perishing of his Empire after his death, except in a single sentence. The Avars, a hundred and fifty years later, were little less powerful; and their dreadful fall was so sudden and complete as to become proverbial in half a dozen languages—'to perish like the Avars, without leaving a trace'. Of the Cumans and Petchenegs, nothing at all remains except a few place-names, showing where their sparse survivors settled, and here and there a surname.

Only three of these nations have succeeded in forming states which have survived to the present day; and, of these three, one—that of the Bulgars—belongs to this category only in name; for the original Bulgars were so completely absorbed by their Slavonic subjects that not a single word survives in the modern Bulgarian language which can be traced back to the people which first bore the name. The other two, however—the Magyars and the Osmanli Turks—succeeded in founding enduring states. In each

case a national centre was formed; by the Magyars on the Middle Danube, by the Turks in Anatolia. Here, in these centres, the alien population was gradually so diminished or assimilated as practically to disappear. In addition, however, these two nations ruled as conquerors over far larger areas, which were mainly inhabited by other races, the conquerors living among or above their subjects as military chiefs, administrators, or landowners, while the subjects, as a rule, tilled the land as serfs. The Kingdom of Hungary retained this essential character until its dismemberment under the Treaty of Trianon in 1920. The Ottoman Empire had begun to crumble as early as the eighteenth century, and its dissolution proceeded apace during the nineteenth; but it, too, was only reduced to something approximating its national centre after the World War.

Yet another race of eastern conquerors exercised a similar empire until quite recent historic times, and still survives as a recognizable, although not a sovereign national entity; these were the Tatars, who after overrunning all eastern Europe in the thirteenth century founded an empire on the Volga, whence for some centuries they ruled all Russia, as well as many other peoples farther east. The Russian rulers of Muscovy turned the tables on them, and their glory is reduced to-day to the modest dimensions of an 'Autonomous Tatar Republic' within the Soviet Union, while fragments of their nation live obscurely and peacefully in other parts of the Soviet Union, in Poland, Roumania, and Bulgaria.

To complete the tale of the indigenous nationalities of eastern Europe, we must mention one other which, however, unlike all the others, has never attempted to found a state of its own, but has been content, it appears, to live in an eternal diaspora. These are the gipsies—a race not unknown, of course, in other parts of the world, but by far most numerous in Hungary, Roumania, and the adjacent countries.[1]

[1] It is possible that the gipsies should be classed in the category of colonists which I discuss below; but the pen refuses to attribute to this race the solid and settled qualities implicit in the word 'colonist'. I have

2. *Personal Nationality*

All this unresting movement, with its advances and retreats of national border-lines over vast areas and its periodical and cataclysmic inroads of fresh ethnic elements, brought about an intermingling of population such as the more settled west early ceased to know. Here an island of primeval population would have maintained itself intact in some inaccessible mountain or marshland; there a forgotten remnant of some past invading wave had remained behind when their fellows had retreated or been slaughtered. Here, where plain met mountain, a race of agriculturalists might have taken up the open land, while a different race, herdsmen by national tradition, roved over the highlands; there a few conquerors would be encamped full in the midst of a majority whom they had subjected.

Naturally, whenever a certain stability could be achieved, the normal forces which make for assimilation operated here, as they did in the west. In particular, two great blocs which stood on the edge of the highroads of migration, the Germans in the west and the Russians in the east, began to define themselves out as homogeneous nations. Each of these two nations, and to a somewhat lesser degree the Poles, who formed a third, if smaller, bloc, assimilated large quantities of population along their borders: the Germans, the whole of the present Austria and most of the modern Germany east of the Elbe; the Russians, very large areas to the north of their original national centre. The Slavs of the Balkans assimilated much of the earlier Thraco-

generally taken as 'colonists' those peoples who had entered the organized state of another party upon certain terms, whether imposed or negotiated, their life thenceforward being regulated in relation to that state. From some points of view, the gipsies fall within that class, and I accordingly quote some of the measures applied to them under that heading; but they are more truly an immigrant nation which accommodates itself to the needs of others by renouncing any claim to territory of its own and any participation, active or passive, in public life. The gipsies have, incidentally, been the least truculent of all the minorities under the aegis of the League, as they have never once appealed to its protection. Perhaps they have not yet heard of it.

Illyrian population, which had itself been partially Romanized, and a little later were able completely to absorb the immigrant Bulgars. Conversely, the Germans who colonized Poland very extensively in the thirteenth and fourteenth centuries became in time completely Polonized. The Cumans, Petchenegs, and Székely were Magyarized.

Usually, too, after one nation had invaded and conquered another, social considerations brought about a large assimilation of the ruling classes of the subjugated people to their conquerors. The old Austrian colonizers of the Ostmark seem to have admitted a certain number of Slav nobles to their number, and certainly the Magyar nobility, even in early times, included men of Slavonic, Wallach, or other origin. At a later date, the Ruthene aristocracy of East Galicia became completely Polonized in language, religion, and sentiment. It is well known, too, that many of the converts to Islam in the Balkans were Bosnian or Bulgarian nobles, who succeeded by their apostasy in preserving their estates and their position.[1] Assimilation was, in this case, greatly facilitated by the peculiar theocratic basis of the Ottoman state, which required of its novices no change in language or manners, but only religious conversion. The rule that Mahomedans alone might fight in the army (the giaour paying a capitation tax instead) also necessitated, by the enormous wastage of man-power incurred in Turkey's numerous wars, a constant recruiting to the ranks of the conquerors. Forced conversions of adults were comparatively rare, although large communities such as the Pomaks of the Rhodopes were occasionally 'converted' as the only means to stop their rebellious depredations; but the institution of the Corps of Janissaries, whereby young Christian children were taken from their parents and brought up as Moslem warriors, is notorious.

[1] Most of the other voluntary converts also changed their religion from social motives, although they belonged to the other end of the social scale. These were the Bogumils, an Adoptionist sect with communistic tendencies, who had suffered cruelly from the hostility of the Catholic and the Orthodox Churches alike.

In the true area of mixed population, however, assimilation was the exception and not the rule. This was due partly to the pure physical fact that the frequency of the migrations prevented the establishment of the requisite settled conditions, but partly, also, to deliberate policy.

Of all this region, only the Balkans, Austria, and parts of the old Hungary had ever belonged to the Roman Empire. Roman tradition was weak, and was soon swept away. The new invaders, on the other hand, Turki and German alike, retained, and have largely retained to this day, the primitive, nomadic conception of nationality.[1] Nationality, for them, resided in the blood-tie, not in the territory, and, like his nationality, the law under which a man lived was personal, always attaching to him, in virtue of his origin, and irrespective of his domicile. It is no mere chance that the supreme head of the German people, up to 1918, was not the Emperor of Germany, but the German Emperor.

Turk and German alike followed in national questions the policy of differentiation normal to all peoples with this outlook. A side-light of some brilliance is thrown upon it by the fact that the Germanic word for slave (*Sklave*) is ethnologically identical with that of Slav (*Slawe*). Far from wishing to assimilate their conquered peoples, the Germans distinguished them sharply from their own nationals. The Teutonic Knights of the Baltic coast, and the traders of the Hansa towns, for example, not only forbade the Lettish or Estonian serfs to follow their professions or live in their towns, but actually refused to let them learn their language, themselves taking the pains, instead, to master the difficult local languages.[2] Only in the matter of religion, which in the Middle Ages was universalist and not national, was assimilation, generally by force, the rule; in all other matters the principle of distinction was enforced. Where the conquerors were German, this policy was peculiarly oppressive, by the very

[1] The primitive political institutions of the Slavs are practically unknown to us; but in historical times they followed closely those of the Germans.

[2] Up to a short time ago, at least, exactly similar restrictions were enforced by the Dutch colonists in the East Indies.

fact that the German civilization was by far superior to that of the native inhabitants, who were thus deliberately kept in poverty and backwardness.

The Turks followed the same policy. The giaour was exempted from military service, which in Turkey's heyday was a calling little, if at all, more dangerous than that of the civilian, and much more lucrative; instead, he had to pay a crushing capitation tax. In the courts, the word of a single believer outweighed that of any number of Christians. The distinction was also enforced by many picturesque outward signs. The house of the Christian had to be lower than that of the believer, his church lower than the local mosque (a rule which accounts for the peculiarly squat character of ecclesiastical architecture in Bulgaria to this day). His very clothes were differentiated, certain styles and colours being forbidden him, and did he meet a Moslem on the road, he had to dismount, if he was riding, until the representative of a nobler creed had passed by.

This universal policy did not, however, mean that the conquered population was deprived of all rights. They simply did not share in the privileges of their betters, but they were normally allowed to use their own customary law, which sometimes corresponded far better to their real needs than that of their overlords. One of the earliest Turki states of whose institutions we have any record—the Khazars, who maintained a state on the Volga from the eighth to the eleventh century A.D.—maintained seven judges; two each for the Jews, the Christians, and the Mahomedans, and one for the pagans. The Slavs of Austria had their *stara pravda*, or old law, which they valued so greatly as to revolt in defence of it in 1515. Similarly, the Slovaks, Ruthenes, and Wallachs of Hungary, the Ruthenes of Galicia, the Vlachs of the Balkans,[1]

[1] In the medieval Serbian kingdoms the Vlachs were placed under the suzerainty of landowners (usually monasteries), but allowed self-government in internal affairs. As the free, wandering life of the Vlach was more attractive than that of the burdened Serbian serf-cultivator, Serbs were forbidden to intermarry with Vlachs and thus to render more of the population eligible for Vlach status.

lived under their several dispensations. In some cases, where complete conquest had seemed too arduous a task, the self-government left to the subject peoples was very considerable, and included the right to organize themselves into a *natio* or national community, subject only to the sovereign or his representatives, but otherwise standing apart altogether from the national life of the majority people. No example of this has survived in predominantly German areas, but in Hungary the Székely of Transylvania formed a *natio* or *universitas* of this type until the later Middle Ages,[1] and there are indications that certain Vlach communities, in Fogaras and at the south-eastern extremity of the Carpathians, occupied a similar position at an early date. This, however, they afterwards lost, and the more numerous Vlachs who immigrated into Transylvania at a later date were refused the right, for which they petitioned Leopold II in 1791 in their *supplex libellus Valachorum*, to form such an organization.

In Bohemia (if we assume the German contention of their autochthony to be correct)[2] the Germans not only lived under their own law, known as the *jus Teutonicorum*, *libertas Teutonica*, or *lex et justitia et consuetudo Teutonica*, but they were specifically recognized as a *natio* in a famous decree issued by Duke Sobieslav II of Bohemia (1173–8) as follows:

'I, Sobieslav, Duke of the Bohemians, make known to all present

[1] The Székely, or Széklers, who inhabit the eastern valleys of Transylvania, are now completely Magyarized, but it is most probable that they are in origin a pre-Magyar Turki people (perhaps Avars). In the Middle Ages they were free peasants, preserving their own constitution, which was tribal and closely akin to that of the early Magyars, and subject only to the Székely-gróf, or Count of the Székely, who was directly responsible to the Crown. They also, however, paid certain dues to the Archbishop of Esztergom, and were largely called upon for military service, particularly as frontier guards. They lost most of their privileges in the Renaissance period.

[2] Czech historians argue that the Germans of Bohemia are of the colonist class described below; the Germans themselves claim to be descendants of an earlier, pre-Slavonic, population. It seems impossible to answer this question with certainty. In any case, Germans have been in Bohemia since the beginning of its recorded history.

and to come, that I do take the Germans who dwell under the citadel of Prague into my grace and my protection, and I will that these Germans shall remain a separate people (*natio*) from the Bohemians, as they do also differ from them in their law and custom. Therefore I authorize these Germans to live according to the law and the justice of the Germans, which they have enjoyed since the times of my grandfather, King Wratislaw.'

Among the provisions of this Privilege are:

The Germans are not bound to participate in any campaign outside Bohemia, but only when a war is in defence of the fatherland (*pro patria*). When the Duke is abroad on a campaign, they have to guard the citadel of Prague. They are exempt from all duties towards guests, foreigners, and new arrivals. 'Ye shall know that the Germans are free men.'

Most commonly, this right of self-government was a concession to the valour or importance of the community in question; but not always. The gipsies of both Hungary and Poland enjoyed—and enjoy, unofficially, to this day—a large degree of autonomy under their voivodes, or 'dukes', who were often very magnificent persons.

The system was carried farthest, and was maintained longest intact, by the Osmanli Turks, who found in it peculiar advantages. For while the Germans, in particular, were able and anxious themselves to exploit every field of human activity, the Turkish invaders who rode into Europe out of the barren east in the Middle Ages remained up to the days of Mustapha Kemal soldiers and nothing more. They combined to the last a pronounced taste for luxurious living with a gentlemanly disdain of the homely labours necessary to reach that end. Their more intelligent rulers, and notably the Sultan Mahommed II, the captor of Constantinople, had the acumen to realize the limitations of their own national psychology. Mahommed had hardly taken Constantinople before he perceived the impossibility of carrying out his original intention, and supplanting its civilization by his own. He invited, and even bribed, the fugitive Greeks to return to the city; promised them freedom of worship, and supervised their

election of a new patriarch, whom he crowned with his own hand. Presenting this dignitary with a diamond-studded sceptre as symbol of his temporal power, he invested him not only with full spiritual authority but also with the temporal rule of all Greeks within his frontiers, and endowed him magnificently with a bodyguard of janissaries, a prison, and a torture-chamber of his own.

Out of this principle developed the well-known Turkish millet system, which survived, thanks to its many virtues and to the blandly immutable mentality of the Turk, practically up to the present day.[1] It was ultimately extended to embrace all the larger communities, as distinguished, true to the Turkish system, along religious, not national lines. The millets came to comprise, besides the Islamic community (which was to all intents and purposes a millet, although not technically described as such, and embraced all Moslems, of whatever race and language), the Millet-i-Rūm, comprising all members of the Orthodox Church who acknowledged the authority of the Oecumenical Patriarch—a motley confusion of languages and races whose variety sorely misled many Balkan experts from the west—the Katolik, or Catholics (principally Armenians), the Ermeni (Gregorian Armenians), Musevi (Jews), and Prodesdan (Protestants). The Bulgarians became a separate 'recognized religion' in 1870, after a long struggle with the Greeks rather than the Turks. The Serbs had been one from 1557 to 1766, but in the latter year their patriarchate was abolished, at the instigation of the Greek community in Constantinople.

These millets enjoyed very wide freedom. The head of each, the 'Millet-Bashy', was accredited to the Sublime Porte, and wielded not only ecclesiastical but also some civil authority. His community enjoyed entire autonomy in religious and scholastic matters and a measure of communal autonomy. The Millet-Bashy registered the births, deaths, marriages, and wills of his flock; maintained law-

[1] This system, in the form in which we know it, really came from Persia. Its rudiments can be traced in the Achaemenian and Sasanian Empires; it was systematized under Islam and inherited by the Osmanlis.

courts to decide cases of personal status as between them, and even to deal with ordinary civil legislation between two members of the same millet; and raised taxes for these purposes.

It is hardly necessary to add that the Turks made no attempt whatever to eradicate the language of their subject nations. On the other hand, the more sophisticated Greeks, especially in the nineteenth century, spared no pains to destroy the literature, historical records, and other national monuments of their fellow Christians, and particularly of the Bulgarians, with disastrous results for modern scholars.

The hardship of the Turkish system lay in the absence of security for life and property which characterized at least its closing centuries. Rebellions, or even suspected rebellions, were put down with frightful savagery. During the earlier golden age of Turkish conquest the Turks were far less harsh masters than the Christians. There are many cases on record of communities which had fled before the invader returning voluntarily under his rule. In 1454 a German Jew actually wrote to the congregations of Styria, the Rhineland, Moravia, and Hungary inviting them to emigrate to Turkey. After enumerating what he had heard of the persecutions to which the Jews were subjected in Germany, he wrote:

'Brothers and teachers, I, Isaac Zarfati, proclaim to you that Turkey is a land where nothing is lacking. If ye will, all shall yet be well with you. The way to the Holy Land lies open to you through Turkey. Is it not better to live under Moslems than Christians? Here every man may dwell at peace under his own vine and his own fig-tree.'

Not only were the Turks, in their way, tolerant, but, owing to their contempt and ignorance of money-making, they often allowed the non-Moslem nationalities to establish themselves in a singularly favourable position. Commerce, banking, and industry, not to mention arts and letters, were entirely in non-Turkish hands throughout the Ottoman Empire. Even in the administration non-Turks often played a very important part. The Dragomans of the Porte and Fleet, throughout the eighteenth century, were

invariably Greek, and there were several Grand Vizirs of Greek origin. The most famous instance of all is the Phanariot régime in Moldavia and Wallachia, which provinces were governed for some two centuries exclusively by Greeks. The post was practically put up for auction and the purchaser, if he paid heavily for his post, much more than recouped himself at the expense of the wretched native peasantry.

So much for the effects of the system of personal law, as applied throughout eastern Europe. Itself the consequence of the more prolonged character of the national migrations, it perpetuated and reinforced the consequences of that fact by preventing the natural force of assimilation from coming into play in the areas of mixed population. Instead of the different nationalities blending within the political units, they continued to live side by side, each under its own dispensation, and with comparatively little intercourse, while such movement as there was towards assimilation, usually came, not as in western Europe from above, as the expression of a desire to consolidate the state, but from below, in the ambition of the subjected nationalities to share the privileges of the conquering nation.

For although in exceptional circumstances the effects of this system might actually prove more favourable than that of the west to the conquered nationalities, yet in general the line of cleavage remained clear between the conquerors, whose national institutions were a symbol of power and privilege, and the conquered, whose nationality was a badge of servitude. And if we ask how it was possible for such a system to be maintained for centuries without perpetual national wars, the answer must be sought in those circumstances to which we have referred in commenting on the curious indifference to nationality characteristic of the Middle Ages in western Europe. The same localization of interests and decay of the true national spirit had operated through the east upon the conquered peoples, and perhaps to an even greater degree, since with few exceptions they were reduced almost entirely to serf status. Such of their nobility as survived the conquest

deserted to the enemy camp and changed their nationality; the middle classes (far less developed in the east than in the west, owing to the more backward state of economic life) were composed again of the conquerors, more frequently of the colonists; only the remnants remained to represent their nations with all the tenacity, but also the passivity, characteristic of the peasant.

Thus even as late as the eighteenth century it was possible to divide the population of the mixed areas into two quite distinct classes: the conquerors—Magyars, Germans, Swedes, Turks, Poles—and the conquered—Czechs,[1] Slovaks, Slovenes, Vlachs, Ruthenes, and White Russians, the Finnish and Lithuanian nations of the Baltic, and the non-Turkish races of the Balkans; and of these, only the former were politically active and nationally self-conscious, while the latter were 'nations without a history' whose nationality was passive and defensive.

3. *The Colonists*

These two categories of conquerors and conquered do not, however, exhaust the ethnographical list of central and eastern Europe. There is yet a third, which must be described in some little detail, owing to the great importance of the part which it has played, and still plays to-day, in the national question. This is the class of colonists.

The importation in bulk of alien racial elements is not a practice confined to eastern Europe. It has been done all over the world. In the British Isles, for example, Ulster was colonized with Scots at the end of the seventeenth century.[2] More lately still, the United States imported large numbers of negroes as slaves. Both of these examples

[1] The Czechs had been reduced to this situation after the Battle of the White Mountain (1620) and the Counter-Reformation. Before that date they had been nationally active.

[2] There were also some small German colonies in south Ireland, described by Arthur Young in his *Travels in Ireland* (Oct. 5th, 1776), in language curiously reminiscent of that used by British travellers of the German colonies in Hungary and Roumania. There were German ('Dutch') mining communities in Westmorland at one time, but these small groups have become absorbed in the surrounding population.

show, incidentally, that where the west has to face problems similar to those which occur in the east, it finds them at least as difficult as does the east itself. The descendants of the Ulster settlers brought the so-called United Kingdom to the verge of civil war in 1914 and may yet do so again; they may certainly claim the melancholy distinction of having presented Ireland with the only problem more dangerous to that island than its addiction to neat whisky. In the United States the colour problem is more enduring than that of the gangsters and even, one must hope, than that of war debts.

In eastern Europe, where sudden and extensive depopulation, owing to invasion and other causes, has been more frequent, the custom of colonization has always been exceedingly common, and the descendants of these colonists are responsible for a large number of the minority complexities of to-day.

Although foreigners, and thus belonging from the first to the notoriously unfortunate class of national minorities, the colonists were yet, as a rule, far more advantageously placed than the conquered peoples, often, indeed, being privileged beyond the native majority of the states of which they formed part. It is true that immigrants sometimes entered a state at their own risk, as fugitives or, under compulsion, as prisoners of war. If they were few or weak, they might then be condemned to slavery or to some harsh form of serfdom. The gipsies of Moldavia and Wallachia, for example, were legal slaves until their emancipation in the nineteenth century, and although they were more fortunate farther west, they were universally regarded as outcasts, ranking even below the serfs. In Bohemia, to mark their status, each of them had his right ear cut off; in Moravia (by a nice distinction) his left ear. In Hungary, until the eighteenth century, Jews, Armenians, and members of the Orthodox Church were ineligible to become nobles, or even burghers of the free cities, and as early as 1222 King Andrew of Hungary was forced, much against his will, to agree that no Jews or 'Ishmaelites'[1] should be

[1] The 'Ishmaelites' are usually explained as Mahomedan Bulgars from

chamberlains, or employed in the mint, salt monopoly, or customs service. In an age, however, where the great and perennial difficulty was not, as to-day, that of over-population, but that of defencelessness, owing to a too sparse population, anybody capable of serving the state effectively could make good terms on entry. Most commonly the immigrants undertook the obligation of military service, either binding themselves to serve directly under the sovereign (who was often at a loss for troops of his own, especially when the feudal system was highly developed and the great barons powerful and unruly), or else to guard the frontiers against all aggressors. In either case, the usual compromise was liberty, land, and exemption from all feudal dues against military service, and its effect was the establishment of an alien population along the state frontiers (precisely the territories which modern governments are so inordinately anxious to reserve for their own patriots). Thus a party of Petchenegs which had been captured by a king of Hungary outside Belgrade in 1071 recovered their liberty by undertaking to repel a marauding Austrian duke—a task which they accomplished with signal success, for the mere sight of their truculent mustachios, which they wore long and drooping, was sufficient to frighten him away (*tristis reversus est ad propria*, the chronicler has it). The Cumans, a much more powerful and very ferocious Turkish race, who were driven westward by the Mongols and entered Hungary in large numbers in 1238, at a time when Hungary was badly in need of man-power, were able to make very advantageous terms, which were embodied in their two compacts with the Crown, the one dated 1238, the other 1279. The latter *constitutio de Cumanis* regulated their status in the following fashion: They were granted a large tract of land (part of which still to-day bears their name) between the Danube and the Tisza. This was reserved for them; but they were not allowed to live elsewhere. They were granted 'one and the same liberty as the nobles of

the state of Bolgar on the Kama. In some documents, however, the name is certainly used with another signification.

Hungary'. They were under the direct jurisdiction of the Palatine of Hungary; only cases of blood-feud between two 'noble Cumans' were settled by themselves, according to their ancestral habits, unless one party took refuge with the king. Even in such a case, the king could inflict no severer punishment than banishment. Further, the Papal Legate was authorized to inquire among them, and to bring before the ecclesiastical courts cases of violence against Christians. All the Cumans were to receive baptism and to adopt a Christian mode of life; this involved abandoning their tents in favour of fixed abodes, and renouncing certain habits, among which were specified 'devastations and ambushes, and killing Christians and shedding their blood'. They were, however—on this point they had insisted—to keep their national dress (a sort of dressing-gown) and coiffure (the head shaven, with the pigtail, and long beards and mustachios). They were to surrender all their Christian slaves; in return, the king promised in his own name and that of his nobles not to harbour any fugitive non-Christian slave belonging to a Cuman. All Cumans were liable to military service under the king.

Some of these privileges lapsed automatically with time; but the Cuman community, even though it had become racially indistinguishable from the surrounding Magyars, retained its preferential status up to the unifying movement of the nineteenth century.

Naturally, where colonists entered a state upon invitation, their position was even more favourable, especially when they did so in bulk. Such immigration was frequent in eastern Europe until recent times, especially after some Oriental raiders—Turkish or Tatar—had wrought devastation and depopulation. A great part of southern and eastern Hungary (within the frontiers of 1918) was populated in this way. The Serbs of the Banat migrated into that district, 36,000 families strong, in response to a proclamation issued to the Christian population of the Balkans on April 6th, 1690, by Leopold I of Austria, promising them protection, the free exercise of their religion, and the privilege of electing their own voivode. The Imperial

charters issued to the Serbs in 1690 and 1691 actually assured the immigrants their full recognition as a national community (*natio*), the free exercise of their religion, national customs, and Church calendar; the right to elect their patriarch and voivode, and to control their own administration. Substantial privileges were enjoyed also, by the Serbs, Croats, and Vlachs of the 'Military Frontier' which was established by the Austrian emperors along their southern border as a barrier against the Turkish invaders. These settlers were not recognized as a 'nation', but were exempted from the authority of the Estates, whether Austrian or Hungarian, and were placed directly under the Ministry of War in Vienna. They were given free land and allowed wide autonomy, being governed, under military discipline, by their own officers. In return, they had not only to guard the frontier, but to undertake any other form of military service, and for centuries they formed, in fact, the backbone of the Austrian military forces. The frontier was not dissolved until after the Austro-Hungarian Compromise of 1867, when it was incorporated partly in Croatia, partly in Hungary proper.

The Austrian Military Frontier, although the best known of its kind, was only one of many. The system, which is certainly of very ancient origin, was widespread in eastern Europe. The early Russians maintained along their exposed southern frontier a screen of 'friendly pagans'—broken remnants of old attacking hordes such as the Uz and the Petchenegs, to whom were added adventurers or fugitives from the interior of Russia. Their duty was to guard the frontier; their reward, liberty, a share in any booty which came to hand, and the protection of their overlord against any other Russian princelet who should encroach upon their liberties.

Direct descendants of these pagan adventurers were the Cossacks who afterwards defended the same frontier in the service of Russia and Poland. They were entirely free, owning no obligation beyond that of military service; in addition, they had often to be rewarded very substantially for their services. In many cases, indeed, they were so

nearly independent that they could hardly be described as subject to the jurisdiction of Poland or Russia at all. At this later date, the national distinction between the Cossacks and the settled inhabitants of the inland districts had largely vanished; although the former must have retained by far the higher percentage of Turkish and Tatar blood. Even behind the Cossack line the Vlach cattle- and sheep-breeders, who migrated into Poland in the fifteenth and sixteenth centuries and colonized the frontier, were exempted from serfdom and allowed self-government under their own law and local chieftains.

A large proportion of the apparent anomalies in the modern ethnography of eastern Europe probably have their root in applications of this system in the forgotten past. Some writers believe the western outposts of the Slavs to have been settled in this way by the Avars. It is known that the Bulgars, on taking possession of the Dobruja in the seventh century, transplanted the Slavs whom they found there to their frontiers. The Armenians of the Maritza Valley, on the other hand, were planted there by Greek emperors to guard the frontier against the Bulgars, and some of the excessive truculence of the modern Macedonians may be due to the mixture of the blood of various Petchenegs and other wild tribes, who were settled there to bear the brunt of the Norman attacks.[1]

While engaged on the present chapter the writer received a brochure from a Circassian committee containing the following passage:

[1] One must not, however, be unjust to the Petchenegs. The *difficile* character of the Macedonians has been notorious since an early date. Nicephorus Bryennius, a Greek historian of the twelfth century, speaks of a certain warrior as 'swaggering about with true Macedonian truculence'. Much earlier Latin writers tell of prisoners from the mountains near the present Petritch biting their iron fetters in fury, and describe them as 'notorious even among brigands for their brigandry', including comprehensively under the name 'brigands' the entire population of the Balkan peninsula. Macedonia has of course always been a country of mixed population. It was largely colonized at one time by Celts; but so were other parts of eastern Europe which enjoy a more peaceable repute. It is interesting to note, as foreshadowing modern controversies, that it is

'The territory of the North-Caucasian Republic contains 4,211,420 inhabitants. Of these, the native Circassians constitute over 70 per cent., and the remaining 30 per cent. are foreign elements colonized there, and divided between Ukrainians, Cossacks, Russians, Germans, Estonians, Greeks, and Poles.'

Of all the nationalities which, in various places and at various dates, filled the part of colonists, two, however, far surpassed all the rest in numbers and importance and have bequeathed to modern times far greater problems than all the others combined. These are the Germans and the Jews.

The German colonization of eastern Europe has been one of the dominating factors in its ethnographical history since the earliest medieval times. Even if we exclude from the category of colonists the Germanic inhabitants of Bohemia and Moravia, of parts of western Poland, of East Prussia and the Baltic, and of Slovenia,[1] we are yet left with central Poland and Russia, Hungary, within her frontiers of 1918, and the old Roumania, in all of which districts there survive to-day the descendants of German settlers whose ancestors arrived in their present homes within historic, although often very early historic, times, while medieval records tell of substantial colonies, which have since disappeared, farther afield still: in Serbia, and probably in Bulgaria also.

impossible to say with certainty whether the tribes inhabiting northern Macedonia in classical times belonged to the Illyrians of the west or the Thracians of the east, and whether the south Macedonians were Greek or not. Probably brochures as violent and disingenuous as those of to-day were being written on the subject 2,500 years ago, and will be 2,500 years hence.

[1] The origin of the Germans of Bohemia and Moravia is disputed (see p. 62). The Germans of the western fringe of Poland did not come there by invitation of the Polish state, but rather established themselves at a time when the country in question formed part of a German political state or states. The original invitation to the Teutonic knights to settle in East Prussia was extended to them by a Polish sovereign, but they soon made themselves independent, and entered Courland and Livonia, not as colonists, but as conquerors. It seems most likely that they entered Slovenia in the same way, as conquerors, although here, too, their historians claim historical priority for part of the population.

Many of these German colonists—almost all those, in fact, among whom a peasant as well as an urban population is to be found—were called in for purposes analogous to those of the Slavonic or Turkish races mentioned above: to occupy vacant land and provide for the defence of frontiers. Even so, however, the Germans could not be, and were not, considered on an equal footing with the barbaric, wholly or partly nomadic nations of the east, whose one virtue resided in their stout arm. The German early ceased to be a nomad, and became an orderly and respectable citizen, a settled cultivator of the land, a drinker of beer rather than of brandy, to some extent a self-conscious embodiment of the bourgeois virtues, and already, as is easily to be seen from the ancient documents, imbued with the sturdy and somewhat arrogant self-satisfaction and contempt for his neighbours which characterizes his descendants to-day. Such a man took no risks; he demanded, and received, ample guarantees before exchanging the staid hills of Luxemburg or the Rhineland for the marish plains of Poland or the wild forests of Transylvania, infested with the bear, the aurochs, and the marauding Tatar or Wallach.

Moreover, the German was not only a cultivator, whose methods were far more advanced than those of his neighbours; he possessed other accomplishments. He understood mining, and he was acquainted with city life.

Slav and Turk alike appear to have been practically ignorant of the act of mining. The important mining industry of the Balkans, which flourished in classical times, fell into desuetude on the arrival of the Slavs; only the salt-mines of Transylvania seem to have been exploited throughout the Dark Ages. It was reserved for Germans to reopen the mines at Rodna in Transylvania, in the Zips and Orava districts of the northern Carpathians, and in the central Balkans, whither they were invited by Serbian Czars. Some of them paid dearly for their skill; Batu Khan, the Mongol conqueror, carried a whole community of them away from Rodna into central Asia, where later travellers found them, alive but despondent.

Much more important still was their aptitude for an

ordered civic life. Whether such an aptitude actually is, or was until recent times, lacking in Slav, Magyar, Turk, or Vlach, may be a point open to dispute; at any rate, such was the almost invariable opinion of their own rulers. It does appear that the earliest Slavonic states possessed few towns worthy of that description, but only castles and markets, the latter being held at regular or irregular intervals and without any special organization. The Turkish races (and here we must again include the Magyars) frankly despised the civic life. For them the ideal was that of the country gentleman-warrior. Until modern times it was held disgraceful for a Magyar gentleman to engage in trade, and the Turk looked with equal contempt upon what a more prosaic age describes as 'earning an honest livelihood'.

On the other hand, the need of such towns was generally recognized by East European rulers, and they usually supplied it by importing German colonists, who were endowed with privileges corresponding to their usefulness. The more difficult the cities were to found and maintain, the greater, as a rule, the privileges. Thus the German settlers of eastern Europe were accustomed, for many centuries, to a position which was inferior, indeed, to that of the nobles of the countries in which they resided, but far superior to that of the serfs who formed most of the population. The peasants received at least free land, exemption from all obligations of serfdom, rights of pasturage, fishing, woodfelling, &c., very commonly exemption from all military service outside the frontiers of their homeland, and the right to be judged by their own law and their own justices. Only in cases of serious crime was the local justice, as a rule, applicable to them. Similarly, the miners of the Balkans had their own liberties, courts, notaries, &c.

The rights of the cities were more far-reaching still. In Poland, for example, they almost invariably enjoyed the German law in one or other of its forms (Magdeburg, Neumark, Breslau, &c.: the Magdeburg law was the most usual system), according, often, to their own place of origin, and in many cases they corresponded with the

home city in the case of important or knotty points. They usually enjoyed self-government under their own 'Vogt' and Council, who were responsible directly to the sovereign, and most commonly elected their own priests, to whom they paid tithe according to their own system. They were in possession of market and trade rights, exemption from octroi, &c. In Hungary, where the later Angevin kings had been especially generous to the urban element, they enjoyed similar privileges. They were exempt from the jurisdiction of the Courts and the Palatine, paid limited dues, and elected their own judges, assessors, and priests. They could retain their ancestral law and customs, but not adopt a new foreign system.

The larger and more compact German communities were allowed to organize themselves as a whole into a 'nation' or *universitas*. In Transylvania the *universitas* of the Saxons took part in the public life of the principality on an equal footing with two other similar communities: those of the Magyars and of the Székely. The Germans of Bohemia (whether original inhabitants or colonists) also constituted a 'nation', but this privilege was not granted to the later settlers in the Banat and the Bukovina, nor to the large numbers of Germans who entered Poland in the later Middle Ages. Here the Polish element, which for a time had been almost swamped, gradually reasserted itself, and the Germans were eventually absorbed. In Bohemia, on the other hand, after the Czech nobility had been crushed in the seventeenth century, the German element reigned supreme until the Czech national revival some two hundred years later.

The practice of settling German colonists on waste land on exceptionally favourable terms continued practically until yesterday. The large German colonies of the Dobruja, Bessarabia, southern Russia as far east as the Volga, and even Siberia, are mostly the creation of the nineteenth century, and the idea that the German is entitled to particularly good conditions is still present in the minds both of the Germans themselves and of the governments concerned. In Dobruja after the World War, for example,

the German settlers were exempted from the Roumanian agrarian reform under which the Bulgars of the same district suffered severely, and were allowed their own schools and their own mayors. In March 1930 the Soviet Government exempted the German colonists of Russia from the edict of expropriation which had fallen upon the native *kulaks*.

While in certain cases, as in Transylvania, the land on which the towns were built was granted to the German community, and other elements might not encroach upon it without their permission, yet elsewhere the privileges accorded to the burgher were, theoretically, not national but social. There is no reason to suppose that the cities of Poland and Bohemia did not contain a native element, and the German law was sometimes granted by the sovereign to communities which were certainly not German (thus in 1526 by Alexander of Poland to distant Kiev, with the object 'of improving the situation of the devastated regions of Russia and advancing the prosperity and population of the city of Kiev'). There is a case of a village in Bohemia exchanging *jus Bohemicum* for *jus Teutonicum*, 'for greater justice and the better profit of the village and its inhabitants'. Cities under German law were founded in Poland until well into the eighteenth century, by which time the population was certainly mainly Polish or Polonized, and the *Magdeburger Recht* only disappeared in Russian Poland in 1831. That the German law, with all its manifold advantages, was not more widely spread was due entirely to the opposition of the feudal nobles to any restriction on their supply of cheap and docile labour.

In practice, the social distinction was very largely a national one. In Poland, Bohemia, and Hungary alike, as well as in the Slavonic districts of south-eastern Austria, the towns were for many centuries exclusively German. As late as the seventeenth century Magyars were forbidden to hold office or even to buy houses in the royal free boroughs or the mining towns of Hungary or in the Slavonian towns. Well into the nineteenth century Pest itself, and all the larger towns of Hungary, were essentially

German. Thus in a mixed district such as the outlying parts of Hungary, where the conquering nation was non-Germanic, we get a threefold national and social distinction: the upper classes, the urban classes, and the serfs belonging to three different nationalities.

In the Turkish Empire there is often a similar threefold composition of the population, the rulers being Turks, the peasantry Slavonic, the traders and artisans Greeks, Armenians, Vlachs, or Italians. All of these enjoyed their own special status, but this need not be described in detail. A further word must, however, be devoted to the Jews.

Jewish colonies have existed in the Balkans, in Asia Minor, the Caucasus, and along the northern shores of the Black Sea since a very early date; and particularly in the last-named areas Jewish influence was strong enough in the early Middle Ages to bring about the conversion to Judaism of one important potentate—the Khagan of the Khazars—and several lesser rulers in the Caucasus. This singular situation did not, however, endure for long. Only a part of the Khazars were converted, and many, if not all, of these afterwards accepted Islam. Judaism on the north coast of the Black Sea was again confined to a few small Karaite communities, mainly in the Crimea. Meanwhile, however, Jews had spread from the west into Germany, Austria, and Hungary, where they lived under conditions very similar to those which prevailed everywhere in western Europe. Then came the Crusades, and the severe persecutions of the Jews in Germany during the twelfth and thirteenth centuries, and they began to migrate in great numbers into Poland, where only small communities of them had previously existed. Here, as it happened, they encountered several rulers who were favourably disposed towards them, notably Boleslav the Chaste in the thirteenth century and Casimir the Great (who had a Jewish mistress to whom he was greatly attached) in the fourteenth. One of the rulers of Lithuania, the Grand Duke Vitovt, was also particularly friendly towards the Jews. The favour of these rulers enabled the Jews to establish themselves firmly in Poland and Lithuania both

before and after the union of those two realms; the comparative peace in which they lived attracted ever fresh immigrants from the west, and they were established throughout the great Polish kingdom, including the Ukrainian districts in the south which it presently acquired. They were prevented from journeying farther east still by the uncompromising and unvarying hostility of the Muscovite grand dukes, who, on religious grounds, refused to admit them within their borders. 'The Muscovites', said a Russian Ambassador in 1526, 'dread no people more than the Jews, and do not admit them within their borders.' 'It is not convenient', wrote Ivan II a little later, 'to allow Jews to enter Russia with their merchandise, since many evils result from them. For they import poisonous herbs into our realm, and seduce the Russians from Christianity.' When Russia began to gain territory from Poland in the west, she found herself, perforce, saddled with a Jewish population; but she regularly refused to admit them into the interior of Russia, and, although some of her rulers allowed small colonies to establish themselves in Russia proper, others drove them out again. The Empress Elizabeth, for instance, in 1744, even expelled the Jews from Livonia and Little Russia, where they had been settled long before Russia annexed those provinces. After the partition of Poland, the Pale, or area in which Jews might live in what was now Russia, was fixed at thirteen governments: two in Lithuania, two in White Russia, two in Little Russia, the governments of Minsk, Volhynia, Kiev, and Podolia, and three in New Russia.

Thus for many centuries past a comparatively small area on the fringe of eastern and central Europe has contained what, at least until the great emigration to the United States began, was by far the largest part of the Jewish population of the world. Throughout almost the whole area covered by the existing Minority Treaties, the Jewish problem is, indeed, much more important than it is in the west; for the Jewish population of the Pale has slopped over into Hungary, where Jews were also for long very liberally treated, and into Moldavia and Wallachia, while

since the partition of Poland the Jewish communities in Vienna, Prague, and other cities of the old Austria have been strongly reinforced by immigrants from Galicia. Jews are, indeed, numerous also in the Balkans, particularly Salonica; but these belong to a different branch of the race, the Sephardim, being descendants of the old Spanish Jews and still speaking a Spaniole dialect. They do not present so peculiar a problem as the Ashkenazim, or Polish-German Jews.

In Poland, Lithuania, and Roumania the Jews constitute the main urban class. Under Russian legislation they were in many districts forbidden to live in the country, or even in villages; in others, only one or two Jews would be allowed in each village, to fill certain positions, e.g. that of innkeeper. Some of the more important towns also obtained, at various times, Privileges *de non tolerandis Judaeis*, i.e. the right to exclude Jews altogether, or to confine them to special quarters, within or without the city walls. Many of the smaller towns are, however, 70, 80, or 90 per cent. Jewish, and in general a very high proportion of the finance and commerce in these countries, with many of the professions and much of the industry, has been for centuries in Jewish hands. Where, therefore, the German colonization ceases the Jewish takes on and again fulfils the role of a middle class, both nationally and socially different from the surrounding population.

The status of the Jews has been usually less favourable than that of the Germans. They have been subjected at times to awful massacres, and throughout its history the Catholic Church has ranged its forces against them. Sometimes attempts have been made forcibly to convert them, but where this has failed, or has not been attempted, the Church has always stood for a policy of rigid differentiation, extending to their trades, their houses, and their dress, e.g. a horned hat, or 'a bonnet, hat, or some other headgear of yellow cloth'. The commercial restrictions imposed upon them at various times have been innumerable. On the other hand, several of the Polish and Lithuanian rulers favoured them greatly, one 'privilege', in 1454,

evoking from the Archbishop of Cracow the protest that 'It is not meet that infidels should enjoy greater advantages than the worshippers of Our Lord Christ, and slaves should not be entitled to better status than sons.'

The difficulty of deciding whether any particular piece of legislation is more of a privilege or a disability is rather well shown by the fact that Sigismund I, in 1506, included in the code of organic Polish laws the original charter granted to the Poles by Boleslav the Chaste, in 1264, 'as a safeguard against the Jews', i.e. to defend the Christians against them; the charter having originally been granted for precisely the opposite purpose, to safeguard Jews against Christians.

The details of these privileges and restrictions are not very important to-day except in so far as they have left behind a tradition of separation and a feeling of bitterness on both sides. The cultural and social autonomy enjoyed by the Jews[1] is, however, interesting. It began on a modest scale. The king was the supreme overlord of the Jews, but lawsuits between Jew and Jew were tried, not in the municipal courts, but by a special royal functionary, the 'Judex Judaeorum', who was a Christian of high rank, but held his court in the synagogue or other place agreeable to the Jewish community, the beadle of the synagogue acting as a process-server. The Charter of 1551 greatly increased this autonomy. All considerable Jewish communities had their own elected 'Kahal' boards, the elders of which assessed, collected, and remitted taxation, regulated education, the cemeteries, and other communal institutions, organized the affairs of charity, commerce, and the handicrafts, and appointed the rabbi, who had unrestricted authority in religious affairs. The rabbis and Jewish elected judges dealt with legal questions in accordance with Mosaic law, being empowered, in conjunction with the Kahal elders, to sentence offenders to such punishment as Jewish customs prescribed. In case of recalcitrance, appeal to the king was allowed; and the king's officers had to lend their help in the enforcement of the

[1] It was also granted at one time to the Tatars, Ruthenes, and Armenians.

decisions of the rabbis and elders. These organizations existed intact for several centuries, during which they were highly esteemed by the Jews and the public authorities alike. The study of them is of great interest for any inquiry into the minorities problem of to-day, and the memory of them exercised an important influence on the demands made at the Peace Conference of 1919 by the more radical Jewish organizations.[1]

4. *The Absolute Monarchs*

The examples quoted in the previous section may have given some idea of the inconceivable racial intermingling which came to characterize all Europe from the line where the solid bloc of German population ended to that where the solid Russian bloc began—a confusion which was the product of prolonged and frequent national migrations, combined with widespread practice of colonization, while the differences thus engendered were kept alive by universal application of a system of personal law.

There was, naturally, an infinite variety of gradation; but in the main, the populations in this area fell into three distinct and perfectly recognizable classes: the privileged, conquering races; the despised and humble serfs; and midway between the two in legal status, the colonists. The social division coincided with the racial, the conquerors occupying the position of landowners and administrators; the colonists supplying the urban and artisan classes, and in some cases the military, while the conquered tilled the land. And of these three the conquered, who were numerically the majority, were socially and legally in by far the least enviable position.

This situation endured throughout the Middle Ages, which in eastern Europe lasted until a far later date than

[1] The practice of granting a special status to the Jews was, of course, not confined to eastern Europe. Thirteenth-century England had, for example, a 'Presbyter omnium Judaeorum' at the head of the entire Jewish community; a Jewish 'Parliament' to advise with the king on the tallage of the Jews; and a special Jewish exchequer as a branch of the great exchequer of England.

in the west. Gradually, however, there arose here, too, a race of absolute monarchs comparable to the kings of France and England, and discernibly animated by the same ambition to break the power of the feudal lords and of the Estates, and to unify their dominions under a centralized, bureaucratic rule. The conditions with which they had to deal were, however, very different.

This was due to the influence of those nations which we have described as the conquering immigrants. One of these nations—the Magyars—had founded a powerful state on the Middle Danube in the tenth century. The effect of this had been to place the preponderant power among the German princes in the hands of that one of their number who guarded the eastern march against them: the ruler of Austria who, beginning as a vassal of Bavaria, gradually rose to be the suzerain of all the other German princes. After the Tatars had set up their tents on the Volga, a very similar process took place in Russia. The national resistance to the hated conquerors crystallized round the princes of Muscovy, who alone were able to offer any promise of liberation. The Muscovite princes, as defenders of the Russian land, gradually went on from strength to strength; they defeated the Tatars, and even annexed their old territory; but they were now also strong enough, not only to reduce the remaining Russian princes, but also to conquer new and vast regions on all sides, which were inhabited by an almost countless variety of non-Russian races. The core of their empire was still Russian; but in area, and even in population, the Russian part of it soon ceased to form a majority.

Even more confused was the situation between these two empires. The last great national immigration into Europe, that of the Osmanli Turks, resulted, once again, in the foundation of a great empire which held subject, to speak only of Europe, all the nations of the Balkans, with the Danubian principalities of Moldavia and Wallachia, much of what is to-day the Ukraine, and for a time part of Hungary, with Transylvania. The struggle against the invaders brought the Habsburgs into possession not only

of Bohemia and Moravia but of the rest of Hungary and Croatia: an area which they gradually extended as the Turks weakened, down to the 1918 frontiers of Hungary, and at times beyond it. Meanwhile, other circumstances brought them into possession of Italian, Flemish, and other territories. The vast acquisition of territory made the Habsburgs a mainly non-Germanic power, as the Tsar was in a fair way to becoming mainly non-Russian, and the Sultan had been from the first mainly non-Turkish. Finally, the Emperor and the Czar, with the King of Prussia, divided between them the Kingdom of Poland, the only remaining state in central or eastern Europe which approximated to a national state. Thus it came about that there was not in central or eastern Europe a single state which was national in the sense that France or England were national. There were, however, two monarchs who were in approximately the same situation as the kings of France and England had been many centuries earlier. These were the King of Prussia and the Czar of Russia respectively.

The King of Prussia was in much the same position as the earlier kings of France. As later events were to prove, he was destined to crystallize round him the German national state of the future. His difficulties were, indeed, exceptionally great. The Germanic petty princes defended their privileges as tenaciously as the feudal lords of France, and they had the immediate backing of the Austrian rulers, who tried by every means to thwart the rising power of Prussia. Moreover, since Austria was itself an important German state, as well as a still greater non-German empire, it would have to be destroyed before Germany could be united. Nevertheless, the policy of Prussia was essentially that of the western monarchs, and in particular her policy towards her Polish subjects was very much that of the early English kings towards the Welsh: a policy of denationalization.

The Czar too, possessed a solid nucleus of Russian territory, and most of the great rulers of Russia felt themselves in a very real sense Russian national monarchs.

They, too, worked in the direction of unification and assimilation of minorities. They did not, however, do so in any very systematic way until well on into the nineteenth century, for various reasons. The old Oriental tradition was strong among them. More important, perhaps, their frontiers, especially on the east, north-east, and south-east, had come to embrace a bewildering variety of minorities whose origin and manners were so utterly different from those of the Russians that it was very hard to conceive of them ultimately becoming united in one nation. It was obviously impossible to think of assimilating immediately all the Turki, Samoyede, and similar tribes on the Siberian border. In this direction Russia's new territories were really more of a colonial empire than an extension of her national frontiers, and the temptation was obvious, and seldom resisted, to treat the backward nations as the colonial Powers in Africa and Australia treated the natives, by segregating them and exploiting them for the benefit of the Russians. Again, there was a great dearth of efficient administrators, or even soldiers, among the Russians, and successive rulers found themselves obliged to rely very extensively on their more civilized non-Russian minorities, particularly the Germans of the Baltic provinces. This, again, with the attempted 'Europeanization' at which Peter the Great and his successors aimed, retarded the purely national development.

This special consideration with which the western nationalities were treated was, no doubt, partly responsible for the fact that the Czars kept the promises made towards them with comparative conscientiousness. On acquiring the Baltic Provinces, in 1710 and 1712 respectively, Peter the Great promised solemnly to their German rulers that the evangelical religion and German law should be left unmolested, and administration and justice 'for all times' by natives of the provinces and according to German law, and these promises were kept by him and his successors, the privileges being abolished only under Catherine the Great in 1782 and reintroduced in 1796, not being seriously infringed again until the late nineteenth century.

Similarly, when Finland was annexed, the Czar Alexander I, on March 15/27th, 1809, issued an 'Act of Assurance' promising to maintain intact its constitution and religion 'together with the privileges and rights which each class in the said Grand Duchy in particular, and all the inhabitants in general, whether high or low, have hitherto enjoyed according to the Constitution'.

The position of the rulers in the area of true mixed population—the Emperor of Austria and the Sultan—was, however, different. They, too, were animated by precisely the same ambitions of centralization and unification, but the methods which they were forced to employ were different, and led to very different results.

In Turkey, the line of 'absolute monarchs' is represented by Selim III, Mustapha IV, and Mahmut II, who reigned at the end of the eighteenth and beginning of the nineteenth centuries. It is one of the most blood-stained epochs even of Turkish history, and it is important to realize that its history did not, at bottom, consist of a combined assault by the monarch and the dominant nation upon the minorities. On the contrary, the latter had been so completely crushed that the real foe which the reforming Sultans had to dread was their own nation, represented by the mighty feudal lords, the Corps of Janissaries, and the fanatical Moslems living interspersed among Christian populations. Their various measures, culminating in the most drastic of all, the massacre of the Janissaries, were really so many attempts to weaken this overwhelming power by means which, in fact, if not in intention, involved strengthening the Christian nationalities. The protestations of loyalty made to the Sultan by the Serbs during their revolution were, for example, not altogether hypocrisy. They would have welcomed complete independence, but failing that, they saw their chief hope in a strengthening of the Sultan's central authority against the Mahomedan nations as a whole. And of all the revolts in Bosnia and the Herzegovina, by far the most ferocious was that of the Mahomedans, who rose in 1831 in protest against the Sultan's godless innovations.

Nevertheless, the ultimate aim of the reforming sultans was the creation of the state in which the Mahomedan element should, at least, predominate. It was the fault of circumstance that the means which they employed weakened that element and led to the gradual dismemberment of the Ottoman State. But the Austrian emperors were in a stranger position still, the structure of their realm being such that any powerful national movement might prove fatal to it.

Like the Czars, the Habsburgs were bound by a complicated network of obligations to respect the rights and privileges of their Estates. Indeed, since the Czars owed most of their territorial acquisitions to conquests, while the Emperors had accumulated their domains by the most various processes of conquest, marriage, barter, &c., the promises which they had had to make had been far more elaborate and extensive. True, they broke these blithely whenever opportunity offered; but their almost invariable condition of penury left the Estates with a considerable bargaining power, and the promises had, therefore, to be renewed frequently.

As the privileges of the Estates were largely national, the Habsburgs thus found themselves legally bound to respect the national institutions of their Magyar, Czech, Italian, and other subjects. Like the western monarchs, they undermined these institutions by all means in their power, and this led them, in fact, to strengthen the German element as the only one on which they could rely to form an efficient bureaucracy. Nevertheless, none of them thought to carry matters so far as to try to create a German national state (which would, indeed, have been a sheer impossibility). The point of view which necessarily guided them was put quite clearly, and quite fairly, by Joseph II, that monarch who has been most commonly accused of wishing to 'Germanize' Austria, and even Hungary, when he wrote that the German tongue was, within his dominions, 'the true national and mother tongue, in which a man can write not only philosophical syllogisms and moral essays, but also doctors' prescriptions; in law the

advocates already compose all their pleadings in it, and it is the tongue used by the Courts'. It was, indeed, in practice, the current language of administration, the Courts, the army, the aristocracy (even in Hungary, where the Magyar language was at that time at its nadir), and above all, of the rising commercial and industrial classes, which were largely German; this last fact being largely due to the contempt with which the Magyars, in particular, regarded the vocation of honourable trade.

It is true that a certain personal bond, closer than that felt by the Slavs, Magyars, or Roumanians, always seemed to unite the Emperor with his German subjects, but this was only so long as the Germans did not themselves feel nationally. When in the nineteenth century (slightly to anticipate our story) the chief danger to the Habsburgs seemed to threaten from German nationalism, they did not hesitate to call in the wild Serb and Croat legions of the 'Military Frontier' against Vienna.

The heaviest sins of the Habsburgs had been committed against the Czech and Magyar Estates. In Bohemia the Habsburgs of the seventeenth century practically wiped Czech nationality out of existence. Yet it was their successors of the next century, Maria Theresa and Joseph II, who first gave their Czech subjects a gleam of hope for the future by lightening the intolerable feudal burdens, reintroducing education in the vernacular, and providing a bureaucracy which could communicate with the local inhabitants in their own tongue.[1]

Here the monarchs seemed actually to be perpetuating and reinforcing national distinctions, in supporting a minority (for the Czechs, although numerically not very few, were politically a minority against the ruling nation).

[1] Thus in 1781 Maria Theresa issued an order that the magistrates in the patrimonial courts and the towns must be acquainted with the local language. For the Czech districts of Bohemia, she decreed that: 'in the absence of special reason to the contrary and *caeteris paribus*, no other *subjecta* are to be proposed for such posts, except such as speak and write Bohemian.' Primarily to supply the dearth of suitable *subjecta*, instruction in Czech was introduced in several schools and colleges, and at the University of Vienna.

In Galicia they pursued precisely the same policy, if less vigorously. Here, too, it was Joseph II who was the first to introduce education in Ruthene, which was at that time a mere peasant dialect.

In Hungary, the tendency of the monarchs to ally themselves with the national minorities against the dominant Magyars was still more marked. The policy was not, indeed, a modern innovation. A Magyar national revolt had broken out against King Andrew II because he loved certain immigrant Petchenegs 'more than was decent', as the chronicler has it, and there was repeated trouble of the same sort over the Cumans. The Transylvanian Saxons, whose seal bore the motto *ad retinendam coronam*, were frequent partisans of the Crown against the Magyar 'nation'. The Habsburgs brought this policy to a high art. The extensive colonization of southern Hungary with Germans, Serbs, Vlachs, and Slovaks under Ferdinand I, Charles III, and Maria Theresa was undoubtedly, in part, undertaken in order to weaken the Magyar element,[1] and Joseph II quite openly played off the Transylvanian Vlachs against the Magyars.

Thus while the absolute monarchs in central and eastern Europe proved a factor making for national unity in the districts where the population was already largely homogeneous, since by breaking down feudal privileges they paved the way for ultimate unification, yet in the area of genuine mixed population they actually perpetuated and intensified the existing national diversity by playing off the national minorities in each area against the dominant majorities. Their influence was, however, less important in the case of the serfs (few of them cared to tamper with the social system to so alarming an extent) than of the colonists, especially as representants of trade and industry.

[1] Not, however, altogether, since Hungary could hardly have been repopulated at all from the depleted Magyar stock, which had suffered terribly from the Turkish invasion, and it would have been quite contrary both to the military and the economic ideas of the age to leave the land empty. Germans were settled in large numbers during the same period in the Bukovina, which was not Hungarian but Austrian.

It was very largely due to their intervention that the colonists were preserved and even strengthened, when they would else have been gradually absorbed, as the Székely and the Germans of central Poland were absorbed, by the majorities.

To turn back once again from the sovereigns to their subjects: in the eighteenth century, when the national state was beginning to take shape in England and France, the sentiment of nationality, as an active force, had slumbered in eastern Europe for many centuries. The chains which lay upon the peoples were heavy. Nowhere was there any approximation to democracy. Two nations—the Germans and the Italians—had attained sufficient social development and differentiation to entitle them to the name; but both of these were split into innumerable political units which showed, at the time, small prospect of uniting. The Italian states were almost entirely under foreign rule. This was not equally true of the Germans, but the greatest and most venerable German state was at the same time an enormous non-Germanic power, so that it would have seemed equally impossible then, as it did in 1848, for Germany to unite with Austria, or without her. The Russians were in a much more favourable position; they were united under a national sovereign, and had practically no minorities outside their frontiers, but so backward was the state of practically the whole nation that, despite this, they stood aside from the European movement almost until the twentieth century. Two other nations—the Magyars and the Poles—possessed comparatively highly developed social structures. They were both deficient, it is true, in a middle class, but each possessed an aristocracy which was politically conscious to a high degree, and each had a tradition of national independence. Both were, however, subject now to foreign rulers. The Magyars had been subjected for three hundred years to the Habsburgs, who had done their best to crush their national spirit. The Poles had been more recently subjected, but were now under the sway of no less than three masters. The Greeks should perhaps be counted in this

category, as they possessed both upper and middle classes, the latter in superfluity. They, too, were servants of a foreign lord. The Turks themselves, although still rulers of a vast empire, were in decadence; a national revival was hardly to be expected from them.

As for the other innumerable races of eastern Europe, with hardly an exception they had sunk into, or they had never emerged from, the rank of 'nations without a history'. Czechs, Slovaks, Roumanians, Bulgars, Serbs, Albanians, Croats, Slovenes, Ruthenes, the races of the Baltic seaboard, the tribes of the Volga—these were mere unlettered peasants, tilling the soil in the sweat of their brow for an alien and oppressive master, hardly conscious of their nationality or their name, doomed, one might have prophesied, to inevitable, if gradual, extinction of their distinctive qualities, as administration improved and became more centralized and the east began to go the way of the west.

CHAPTER IV

THE AGE OF NATIONALISM

1. *The Basis and Theory of Modern Nationalism*

AS the event proved, the modern age was destined to see, not the final extinction of national feeling in eastern Europe, but its triumphant and irresistible rebirth. The forces of economic enterprise and intellectual discontent which were changing the face of the west penetrated more slowly and worked more feebly in the countries whose social structure was still mainly composed of the feudal baron and the serf. Yet they did penetrate, and the hope of liberty and equality towards which the French intellectuals were aspiring appealed no less strongly to peoples who had known but little of either blessing. The closing years of the eighteenth century saw the commencement of an extraordinary national revival which gradually swept over Europe until hardly one of her nations escaped it. It came not merely to the Poles, the fall of whose kingdom shocked them into a truer and more intense patriotism; not merely to the Magyars, whose leaders had been almost content to sell their birthright for Maria Theresa's pottage, till her less cautious son threatened their social order with their national identity together, and drove them into defence of both. It came almost as early to the Czechs, who had not yet forgotten the glories of their old state; to the Greeks, with their early intellectual life which their Turkish masters had never attacked; to the canny Serbian merchants waxing rich on the trade of the fat Hungarian lands. It came, hardly later, to the Roumanians, the Slovaks, the Bulgars, whose life brought them into intimate contact with the national aspirations of others. The longer a nation's servitude had been, the later was its renaissance. The Slovenes and Ruthenes hardly felt it before the middle of the nineteenth century, even later the Lithuanians, Letts, Estonians, and Albanians, whose burden had been heavier and their life more primitive still. Among a few,

such as the White Russians, the Lusatian Sorbs, the Masurians of East Prussia, the revival is even to-day tentative and uncertain.

But hardly any escaped it altogether. Each nation in turn felt that strange impulse which thrilled the Bulgarian monk Paissi when in his monastery cell in Mount Athos he read in an old, crabbed chronicle of the heroic exploits of the medieval Bulgarian Czars, forgotten since the day when every clerk in the Balkans had learned to call himself a Greek, and cried to his compatriots:

'Bulgar, be not deceived, learn, respect, honour thine own speech and thy race, the Bulgarian honesty and simplicity are better far than Greek falseness and guile. God loves better the simple, harmless peasants and shepherds. . . . When I saw Bulgars running after foreign nationality, foreign speech and foreign ways, I wrote this book and I call upon all to read it and to copy it, so that they may see whether the Bulgarian people deserves honour or not.'

The words of the monk Paissi may stand for what each nation felt. It was a renaissance not less strong than that through which the English and the French had passed, and fundamentally the ambition was everywhere the same. It was the aspiration of the individual to cast off the shackles of political institutions alien to him, which kept him in servitude; to raise himself from the position of inferiority into which he had been thrust and take his place in a free community of his equals.

But what was that community? Here lay the essential difference between eastern and western Europe—a difference which was the inevitable result of the different processes of historical evolution through which they had passed. The Breton or Provençal felt himself first and foremost a Frenchman, no less than the Parisian; it was of a liberated France that he dreamed. It was far otherwise with the Slovenes, who had never known a state of their own; with the Bulgars and Roumanians, whose states had undergone such vicissitudes that their ancient political boundaries had altogether ceased to correspond with their actual conditions; with the Slovaks, who were accustomed,

indeed, to the historic state of Hungary, but had never known the day when they had been anything better than underlings within that state.

The state, to most of them, was something altogether alien. But what they did possess (it was, indeed, almost the only possession of many of them) was the personal bond of their *nationality*. The very policy of deliberate differentiation to which they had been so long subjected had kept alive among them the consciousness of this tie. A Serb had never felt that he was a citizen of the Ottoman Empire; he was mere *rayah*, cattle. But he had known that he was a Serb. Now, when passive acceptance of his status had changed into pride and active ambition, all his hopes naturally were concentrated, not upon his state, but upon his nationality, and his first endeavour was to develop and strengthen that nationality.

In most cases, indeed, the national revival began as a purely cultural movement. Almost the only exception was that of the Serbs who, characteristically, fought before they thought. Elsewhere, nearly always, the first symptom of the new age was an eager delving into national history and philology; the collection of legends and folk-lore, the compilation of grammars and text-books. So harmless did these pursuits, conducted usually by a handful of intellectuals and priests, appear that the Austrian Government of the most reactionary period, under the Emperor Francis and Metternich, actually encouraged the embryonic national movements among the Czechs and 'Illyrians' (Southern Slavs) under the impression that they were thus diverting people's minds from dangerous thoughts of politics. Equally striking was the sympathy with which the efforts of the more backward nationalities to find their souls was regarded by foreign workers in the same field. The debt owed by Slavonic research to such German workers as Schlözer, Herder, Goethe, and Grimm is universally admitted. Not only did they, with their more exact methods, clear a path through jungles in which the untrained Slavonic thinkers were becoming hopelessly entangled; they warmly encouraged the Slavs in their

efforts and contributed greatly to the revival of national feeling towards which those efforts were directed.[1]

The purely cultural movement was, however, seldom more than a first stage. Almost everywhere it was accompanied by a political ambition. This did not, indeed, necessarily mean a demand for complete independence. For the submerged nationalities in the area of mixed populations simply to shake off the power of the monarch would often have meant getting rid of their chief protector and exposing themselves to the far more grievous tyranny of the dominant nationality. To the Estonian peasant, the real enemy was not the Czar but the Baltic Baron; to the Slovak, the Magyar landowner; to the Bulgar, the Greek monk. Against these more immediate enemies the submerged nations often combined with the monarch in the attempt to maintain the multi-national state, which was to some extent also super-national; and these two strange allies fought together against the attempts of the dominant nations to rid themselves of the monarch. It is this interplay of three, and sometimes four different forces (for the colonists were often there, to enter the struggle sometimes on one side, sometimes on the other), which makes the story of the modern national movement in eastern Europe so excessively complex.

But such alliances were temporary and pragmatical expedients. Even the submerged nationalities speedily came to entertain political ambitions of a sort. But unlike

[1] Nothing makes stranger reading to-day than the eulogies of the Slavs poured out by the Germans of the Romantic Age. These were due largely to the fact that the Slavs, preserved as they had been by their long bondage to alien masters in a state of nature, were thought to present the most admirable contrast to the *Gewaltstaaten* of the west, which Herder and his friends regarded with so much horror. The Germans felt that the future lay before their uncorrupted neighbours and that they would be able to avoid the mistakes and tyrannies of their predecessors, 'when ye', wrote Herder, apostrophizing them from a distance which lent enchantment, 'peoples fallen so far, once so industrious and happy, awakened out of your long, sluggard sleep, freed from your fetters of slavery, are able to enjoy as your own your fair lands from the Adriatic to the Carpathians, from the Don to the Mulde, and to celebrate therein your ancient festivals of quiet industry and commerce'.

the nations of western Europe, unlike, even, the historic nationalities of the east—the Poles, Magyars, and (in the later stages of their national movement) the Czechs, who took as starting-point the territory which they occupied, aspiring at political independence and unification within those limits—the submerged nationalities necessarily took as their basis the physical nation. Before long they had worked out a philosophical justification for their claim that each nation should have the right to constitute an independent political state.

It was German thinkers who first formulated this claim in reasoned terms. The Germans were not, indeed, a submerged nation, yet their position at the end of the eighteenth century resembled far more closely that of the Slovenes or Roumanians than that of the French or Magyars. True, few Germans, except comparatively distant colonists, were living under foreign rule. Nevertheless, a simple transference of political sovereignty would not have solved their problem. For the supreme German political authority was the Holy Roman Emperor—afterwards the Emperor of Austria—who was ruler over a multi-national state, to whose interests German interests and aspirations appeared regularly to be sacrificed. The state thus embodied was the enemy of German nationalism. Hardly less hostile were the thousand petty princes who shared the rule over the true German territory, each with his local prerogatives and jealousies, in the interests of which he strained every nerve to prevent the birth of a true national state, while the position of Prussia was at least equivocal since her large acquisitions of Polish territory. Thus to a German thinker the state necessarily appeared as the enemy of the nation, and any patriot dreaming of the liberation and unification of his race must reckon with a drastic modification of existing political units.

The father of the modern national philosophy of central and eastern Europe is Johann Gottfried Herder. A contemporary of the French revolutionaries—his famous *Ideen zur Philosophie der Geschichte* was written between 1784 and 1791—he started from much the same basic

premises and aimed at much the same final result. Like them, he believed in Rousseau's picture of uncorrupted natural man, the supposed first author of the *Contrat Social*. Like them, he felt that the historical development of past centuries had distorted the natural relationships between man and man, and sought to restore a political community in which those relationships should be on a proper footing.

In his revolt against the political systems of his day Herder was as revolutionary as Sièyes or Condorcet; in his direct appeal to the inherent right of the individual he followed the same path as they. But as the circumstances of the Germans differed from those of the inhabitants of France, Herder's interest was concentrated on a different aspect of the problem. He could not confine himself to the relations between the individual and the state; he was obliged to consider first the problem of the state itself in the light of the nation.

Herder's conception of the nation is simply an adaptation, trimmed with a little fashionable contemporary philosophy, of an idea which is as old as the nations of Europe themselves. It is, in fact, little else than the old Germanic *Blutgemeinschaft*. The nation, according to him, is the extension of the family, a natural unit, bound together by natural blood-ties. Such units have always existed; but in their primitive form they possess only an instinctive feeling of their own unity. This feeling, however, gradually becomes conscious, and when a tribe (*Volksstamm*) acquires this consciousness and aspires to political unity it becomes a nation in the proper sense of the word.[1]

The state formed by such a nation is its natural state, and every nation has the inherent right to form such a state, to be politically independent and self-governing, and to shape its policy and institutions in accordance with its own

[1] Idem, *Zur Philosophie der Geschichte*, c. 4: 'Die Natur erzieht Familien; der natürlichste Staat ist also *ein* Volk mit *einem* Nationalcharakter. Jahrtausende lang erhielt sich dieser in ihm und kann, wenn seinem mitgeborenen Fürsten daran liegt, am natürlichsten ausgebildet werden; denn ein Volk ist sowohl eine Pflanze der Natur als eine Familie, nur jenes mit mehreren Zweigen.'

national wishes.) Any other state, created by conquest or by any other conscious effort of the human will, is a *Gewaltstaat*, created by force, and as such repugnant to human liberty. Moreover, the more advanced that state, the farther it has, presumably, travelled from the primitive purity of the nation. This typical Rousseauesque idea largely accounts for, or is derived from, Herder's enthusiasm for the new and 'uncorrupted' Slavonic nations.

Herder's theory had, not unnaturally, an enormous success. It was an ideal which, to a thinker of his age and circumstances, must have seemed to reflect the most democratic aspirations of every German. (Every individual, however humble his status, was assured of his right to belong to his own national state, not because he was the subject of this or that ruler, inhabitant of this or that historic unit, but in virtue of his personal characteristics of nationality. This proclamation of an absolute human right, inherent in the individual, gave the philosophy an unprecedented democratic appeal and ensured its increasing popularity as the principle of democracy became an increasing force in politics.)

It had, moreover, a strong idealistic and poetic appeal. It was anything rather than chauvinistic. It rejected all force, all imposition of a foreign will upon a nation. Herder's enthusiasm for the Slavonic nations has already been noted; and he was firmly convinced that the natural claims of nations could not conflict, nor even lead to war.[1]

Herder's theories, with certain modifications, very soon became the general national philosophy of all central and eastern Europe. The Rousseauesque cult of the primitive to some extent slipped into the background. The blood-tie was no longer regarded as the determining element in nationality, for as historical knowledge increased

[1] 'Cabinets', he wrote, 'may betray one another; political mechanisms may be driven against one another until one smashes the other. Not so do fatherlands advance against each other; they live peacefully side by side and help one another like families. Fatherland against fatherland in blood-strife is the worst barbarism in the human language.' (*Briefe*, v, *Sammlung*, No. 57.)

the hopeless impracticability of such a criterion became apparent. Only a few years after Herder, Schlegel suggested that the most appropriate principle for the definition of states was language, both as constituting the spiritual link between the members of a nation and as offering proof of common origin.[1] Even greater emphasis on the factor of language was laid by Fichte, who considered that 'whenever a separate language is found, there is also a separate nation, which has the right to manage its affairs independently and to rule itself';[2] and from Fichte's day until Hitler's, language became the commonly accepted criterion of nationality in Germany and the countries influenced by German thought, which include the territories of the old Austro-Hungarian Empire.[3]

The nation thus defined—and there have been, of course, innumerable varieties in the definition of it, according to the circumstances and wishes of the writer—there grew up as the basis of Herder's theories, and of the more inarticulate ambitions of the submerged nations for which he spoke, the doctrine so commonly described as the 'right of national self-determination'. The name is, of course, inexact. 'Self-determination' implies the consent of the members of the state to belong to it. It is a political conception; and the will to form part of a political state can be entirely independent of considerations of personal nationality. It cannot be assumed without question that membership of a nation necessarily involves the will to join the other members of that nation in forming a national state. The postulate is very often valid, but even Herder and Schlegel had only to look to Austria to find many Germans of whom it was demonstrably untrue, and it quite certainly has never been universally valid in any age.

[1] Schegel, *Vorlesungen von 1804–6*, ii. 357.

[2] Fichte, *Reden an die deutsche Nation* (*Samtliche Werke*, vii. 432).

[3] An interesting variety was Arndt's view that 'the first natural frontier that each country should get is the sea, the second is language' (*Germanien und Europa*, p. 384). Hence he deduced that if Poland were still a state it would have to rule over the Germans in Prussia and Courland 'because it would have to possess the maritime frontier there' (idem, p. 355).

To claim, therefore, that every nation must form an independent state is to substitute for true self-determination a very different thing, which should rather be called national determinism. Unfortunately, it was the latter idea which developed during the nineteenth century, with results which were often disastrous. It allowed nations to put forward claims to *irridentas* within their neighbours' territories entirely regardless of whether the population directly concerned really desired to change its sovereignty. In the last extreme it led to such aberrations as Treitschke's extraordinary argument in favour of the annexation of Alsace:

'In view of our obligation to serve the peace of the world, who will venture to object that the people of Alsace and Lorraine do not want to belong to us? The doctrines of the right of all the branches of the German race to decide on their own destinies, the plausible solution of demagogues without a fatherland, shivers to atoms in the presence of the sacred necessities of these great days. These territories are ours by the right of the sword, and we shall dispose of them in virtue of a proper right—the right of the German nation, which will not permit its children to remain strangers to the German Empire. We Germans, who know Germany and France, know better than these unfortunates themselves what is good for the people of Alsace, who have remained under the misleading influence of their French connexion outside the sympathies of new Germany. We shall restore them to their true selves against their will.'[1]

But even if it be assumed that political national feeling necessarily coincides with personal nationality, the theory of the national state brings with it great dangers. The authors of the theory seem to have assumed that the boundaries between the different nationalities were clear-cut and stable; once remove 'force' and the difficulty of disputed territory would disappear. Unfortunately, this is very rarely true in fact. Even if the small and isolated

[1] Cf. also *Politik*, i. 24: 'Es giebt Fälle, wo geradezu die Schatten der Vergangenheit angerufen werden gegen den verirrten Willen der Gegenwart und sich stärker erweisen als er. Wir appelliren in Elsass von dem verirrten Willen der Francillons von heute an Geiler von Kaisersberg und erwarten, dass dieser Geist wieder lebendig werde.'

minorities living within territory which is mainly homogeneous be disregarded, each racial area, in eastern Europe at least, blends with that of its neighbours through intermediary stages; in some cases two populations live together intermingled but distinct, while more often the border population is racially mixed, bilingual, and indeterminate.

When, therefore, a nation, a state *in posse*, puts forward a claim to independence, based solely on considerations of personal nationality, the position of these border populations becomes extremely difficult. The nation in question naturally claims all territory occupied by its own members, except for distant enclaves having no real connexion with itself. But if it is entitled to such territory, it is, conversely, not entitled to territory not occupied by its members. And since it appears to be an invariable although inscrutable rule of human nature that nations desire to be large, even more strongly than they yearn to be great, a conflict of national claims invariably arises throughout these border areas, each nation doing its best to stake out a claim for the widest possible extension of its future frontiers. The inhabitants of the disputed area must now decide with which of the two claimants for their favour they wish to throw in their lot, since it is not possible (except to a few extremely adroit spirits, who contrive to make a living out of it) for one man to belong to two nationalities. The body and spirit of each individual now become the prizes for which the rival nations contend. To gain them each will reinforce its culture by the multiplication of schools, churches, and newspapers, a laudable object in theory, but in practice less edifying. For human nature is so constructed that men put more faith in attacking their enemies than in letting their own virtues speak for themselves, and newspapers, schools, and even churches thus used too quickly become mere breeding-grounds of vile propaganda, where what is taught is venom and hatred, and silly, vicious chauvinism. And in the last instance, where all methods of spiritual persuasion have failed, even the comitadji's gun or the assassin's knife may be called in to

remove the recalcitrant adherent of a different culture into a sphere where the culture, we are told, is universal.

The second real danger of the theory of the national state arises out of the position of the minorities within it. This question seems quite to have escaped the earlier thinkers on the subject; indeed, it was natural that men whose nations had not yet achieved independence and unification should be interested rather in the struggle to create a state for their nation than in the relations between the nation and the state, once formed. The full theory of the national state developed very slowly, even in Germany, which was once again the pioneer. So late a writer as von Humboldt was still able to draw a clear distinction between state and nation.

'The constitution of the state and the national community,' he wrote in 1792, 'closely as they may be interwoven, should never be confused. If the state constitution imposes, either by superior power and force, or by custom and law, a certain relationship in its citizens, there is furthermore another relationship, freely chosen by them, infinitely multifarious and often changing. And it is really the latter, the free working of the nation in its members, which preserves all the benefits, the yearning for which leads men to form a society.'[1]

But von Humboldt was among the last to hold such a view. His successors came increasingly to identify the ideals of the state with those of the nation. This was, indeed, inevitable; for the state is, in fact, the organized expression of the nation, without which the nation can have only a passive and ignoble existence. French and English thinkers are at one with those of central Europe on this point, and the whole purpose of democracy is none other than to allow the nation to fulfil its ideals in the state. But—what do we mean by the nation? To western Europe nationality is a purely political conception, and the expression of it is, in consequence, equally political. Thus national self-determination comes to mean simply self-government, the realization of the political ideal of freedom. The national will is really a will to freedom, and questions

[1] *Ideen zu einem Versuch, die Grenzen des Staates zu bestimmen* (*Werke*, ed. Leitzmann, i. 236).

of personal nationality are irrelevant to it. Indeed, all personal bonds between man and man are comparatively irrelevant. For the German thinkers, on the other hand, it was freedom that was irrelevant—freedom, that is, as between the members of the nation. It was no hypocrisy that led many of their most fervent nationalists to prostrate themselves in a manner almost incredible to western thinkers before the physical force of Prussia and the authority of her deeply undemocratic form of government. For them the highest ideal was the unity of the nation (i.e. the personal nationality), and institutions safeguarding the liberty of the individual were far less important than those factors by which the unity of the race could be fostered. Thus the state assumes what is almost a mystical function. Its first duty is to develop the national character, the specific national *Kultur*. Treitschke, for example, specifically denies that the functions and nature of the state are exhausted by its political duties as guardian of order. The *Rechtsstaat* is not enough.

'The State', he says, 'is a moral community, and is called on to positive achievements for the education of the human race, and its last purpose is that in it and through it a people shall educate itself to a real character; for that is the highest moral duty, for a people as for an individual.'[1]

By this Treitschke does not mean that the state must inculcate in its members the highest doctrines of absolute morality, but that it shall develop what is specifically *national* in them—for a German, *Deutschtum*; a word for which, significantly enough, there is no English translation. The duty of the state is, as he says elsewhere, 'to permeate the peoples united in it with the like speech and culture'.[2]

The appeal of this theory to a people whose national development had never been allowed entire freedom, and one, moreover, possessed of so irresistible a penchant for mass action, is obvious. Yet it is clear that a state which identifies itself with the *Kultur* of its majority nation is committing a grave injustice towards its national minorities,

[1] *Politik*, i. 81.

[2] Idem, i. 269.

for whom that *Kultur* is something alien. Their position becomes anomalous in theory and dismal in practice. The cautious charity which 'tolerates a foreign nationality with certain special rights, if it deserves this'[1] is no substitute for the full and whole-hearted development of its national feelings which it might enjoy in its own national state, or even in an un-national state.

2. *The First Phase of Modern Nationalism*

The very era which saw the first burgeonings of the national spirit in eastern Europe witnessed the greatest violation ever committed against it in modern times, in the shape of the partition of Poland. The effect of this political crime was profound. It awakened widespread feelings of revolt; and, as wise observers prophesied at the time, it was destined to prove ultimately disastrous for its authors. For to the obscure complaints of Serb and Slovene was now added the voice of a great, renowned, and historic nation, powerful enough, even in its fall, to affect vitally the forces of international politics, a recruit of incalculable value to the ranks of the unfree nations. Even greater in its effects on the national question was the example of the successful revolution in France. It was clear that once the nations of Europe saw, or thought they saw, that one among them had achieved the blessings of liberty, they would not rest until they, too, enjoyed that obscure but desired state. In fact, the nineteenth century, together with the earliest years of the twentieth, which, politically speaking, must be classed with it, is commonly, and rightly, regarded as the age of nationality; not necessarily of nationality triumphant, since the forces working against it were still potent, but nevertheless that era in which the principle of nationality, conceived as a democratic aspiration, took its place as the foremost kinetic political force in the world. The example of the revolution, blowing like a wind through the dusty chambers of Europe, produced everywhere a stirring which half a century of repression failed to allay, while still stronger was the

[1] *Politik*, i. 281.

immediate, instinctive reaction felt everywhere against the imperialism of Napoleon's armies. The sudden and unexpected renaissance of Belgian national feeling was due mainly to the establishment in that country of the French legal system. The Netherlands reacted in the same way when a French king was placed on their throne. England had perhaps never felt herself so truly England as when the bonfires were guarded nightly along the line of the downs in expectation of a raid by Boney upon her shores. The heroic age of the Tyrol was the age when the Corsican meddled in its affairs, and even cosmopolitan, lackadaisical Vienna revolted at the presence of a foreign conqueror in Schönbrunn. But the greatest effect of all was in Germany. 'It was when Austria and Prussia had succumbed in battle', writes Arndt, 'that my heart began to love them, them and Germany, with a real love, to hate the Welsch with all the concentrated passion of a profound hatred.' For there is no such effective stimulant of brotherly love as a shared hatred and fear of a third party, and no single event could have done so much to accelerate the combination of all Germans in one Germany as the discovery that all Frenchmen had united in a single France.

If, however, the question had merely been one of the united revolt of some nation against a domestic or foreign aggressor the situation would have been easy. With the slow but irresistible spread of democratic ideas, such revolts must sooner or later have succeeded. For even an autocrat needs some measure of public opinion, at home or abroad, to support him, and not only was public opinion in every country becoming increasingly impatient of its own autocracies, but as each country gained its own liberty it grew more sympathetic to the ambitions of those people not yet liberated. We have already mentioned the genuine enthusiasm with which the leaders of the German *Aufklärung* regarded the aspirations of the Slavs. Many of the poets of France—Hugo, Béranger, Lamartine—were no less ardent, and not in favour of the Slavs alone; they were equally sympathetic towards the German national movement, confident (and how wrongly!) that the two nations,

once made masters of their own destinies, would have no quarrel with one another. English liberal opinion, always generously eager to impose upon the foreigner the standards of the English middle classes, hailed with warm and sincere delight the efforts of Greek, Italian, Pole, and Magyar to shake off the yoke of the sinister Metternich, the bloody Czar, and the terrible Turk; and English liberalism soon grew to be a force in international politics which did, in fact, play a considerable part in assisting the emancipation at least of the Greeks. The ball had now been set rolling, and slowly but surely the peoples of eastern Europe began to move towards the attainment of their ambition. What that ambition was has already been explained: the formation of the national state, as it was conceived by the German and other political thinkers.

The earlier victories of the principle of nationality during the nineteenth century were not, however, marked by the consequences to which the full application of the doctrine of the national state must lead. The doctrine itself was still imperfectly developed, nor were the peoples of Europe as yet politically so advanced as to be able to apply it logically. Most of the submerged nations were still, indeed, in a very humble state, and still to be satisfied with a certain minimum of protection and recognition. Secondly, it was only rarely that the peoples took their destinies into their own hands. Throughout most of the century the power was in the hands of men who were not particularly impressed by modern ideas. Napoleon I, when he wished to make use of the principle of nationality (in other cases he ignored or violated it cheerfully), cut across historical tradition happily enough; but Napoleon was a parvenu and a usurper. The statesmen of the Congress of Vienna and of the Holy Alliance who succeeded him saw in nationality, in the main, only a dangerous and subversive force. Certainly they rarely thought it worth while to go to the trouble of consulting the individual peasant by means of a plebiscite, or even of an exact computation of racial boundaries. Such changes as did take place in the political map of Europe in the direction of

national liberation were effected generally on broad lines, whole historic provinces being reassigned at a time. The method was incompletely democratic, as the historical frontiers usually corresponded only imperfectly with the ethnographical. Thus the number of minorities created or left in existence by the new frontiers was unnecessarily large. On the other hand, this very fact of the imperfect realization of the majority wishes made the position of the minorities less acute.

As a matter of fact, the first few successes of the national principle were not attended by any very disastrous consequences for minorities. The Serbian revolution was particularly modest, and was essentially a local and social revolt of the oppressed Christian peoples against their Turkish masters. It was by no means a war for national unification. Neither of its leaders ever attempted to seduce the Serbs under Austrian and Hungarian rule from their allegiance. Kara George, indeed, tried repeatedly to persuade Austria to take the Turkish Serbs under her rule, and later, Russia was asked to unite all the Balkan Slavs under herself, not to aggrandize Serbia, but to afford her protection against the Turks, even at the risk of submerging Serbian nationality in a Russian or a Pan-Slavonic empire. The area for which autonomy was claimed was not that inhabited by the Serbs, but that which had won its right to independence by force of arms. Within that area the Christian population of all nationalities, Serbs, Albanians and Vlachs, Greeks and Bulgars, fought shoulder to shoulder, and volunteers from other parts of the Balkans came in to help. The revolts in the Danubian provinces were analogous. The peasantry, it is true, turned against the Greeks, but this was because those Greeks, to whom the Turks had left the government of the provinces, were hated as social oppressors. The Bulgars resident in the Danubian provinces seem to have sided with the Roumanians.

The Greeks came nearer the modern attitude, for the 'Great Idea' which was afterwards to haunt the minds of their statesmen was early born, and although revolutionaries of the 'twenties did not claim Ionia, Thrace, or

Constantinople, they made a brave bid to get Albania included within their frontiers. Not even the Greeks, however, were sophisticated enough, or had so far shaken off the immemorial East European tradition of a multinational state, to embark on forcible assimilation of their minorities. Here, as elsewhere in the Balkans, outrages in plenty were committed upon the Turks who had remained behind; but these were rather acts of revenge than any part of a systematic national policy.

It was the same in Italy, a country which possessed the advantages of extraordinarily clearly-marked 'natural boundaries'. Within these limits the indigenous alien population was small, and had long been associated politically with the Italians. It was not surprising that Mazzini, the high priest of Italian nationalism and one of the most important figures in the whole history of the nationalist movement, arguing, like every theorist of nationality, from the circumstances of his own country, denied race to be an essential determinant of nationality and laid great stress on the factors of geographical determination and of subjective will. Here, too, once those elements which represented foreign *rule* had been ejected, the small non-Italian communities, German or Albanian, included within Italy's new frontiers were left unmolested. This situation was helped by the fact that all settlements of the Italian question, up to 1919, were unfavourable to Italy's aspirations. She had not received any large border-line population to which her moral claim was doubtful and which, therefore, she might feel impelled to Italianize swiftly, against a possible demand for restitution.

No important minority problem arose in connexion with the liberation of any of these states. Serbia was able to point out at the Peace Conference that the guarantee which she had been obliged to give in 1878 in favour of her minorities had never, in fact, been exercised.[1] Italy could

[1] For this proud record she had, indeed, to thank the facts that the Treaty of Berlin was concerned almost exclusively with religious toleration, and that the guarantee of the Powers was practically ineffective; for her

also state that her minorities had enjoyed full freedom.[1] Roumania's record was not, indeed, even nominally clean; but her troubles had concerned, not a frontier minority which she desired to assimilate, but her Jewish population, which she wished, on the contrary, to expel.

Strangely enough, the same thing could be said of Belgium, the constitution of which, while laying up the seeds of a difficult minorities problem in later days, represented at the time one of the century's most marked successes for the principle of nationality. Belgium had been handed over in 1814 to Holland: as the secret annex to the Treaty of Paris put it, 'the establishment of a just equilibrium in Europe demanding that Holland be constituted so as to be in a position to maintain its independence by its own resources'. The Flemish parts of Belgium were in fact closely akin, racially and linguistically, to Holland; but at that time French was universally spoken, even in Belgian Flanders, among the upper and commercial classes, who prided themselves on their French culture, and despised the rude native tongue as a mere patois. Moreover, any feeling of linguistic kinship was entirely submerged under a violent religious antagonism. Thus the attribution of Belgium to Holland had ridden roughshod over the national sentiments of the day—so obviously so that the Powers making the settlement had thought it necessary to stipulate for minority protection for the Belgians.[2]

policy towards her national minorities would have evoked protests enough under conditions of to-day.

[1] 'Statement of claims' by the Italian Delegation to the Peace Conference: "There need be no fear that Italy will create new forms of irredentism, which is always the result of injustice and persecution, since Italy's history gives assurance in this respect. The French-speaking citizens of the Valle D'Aosta, the Slavs of the Natisone, the Germans of the Sette Communi, have never felt that they were living under a foreign Government, because Italy has always respected their individuality.

'Europe, which has never heard any complaints or protests on the part of these long-standing citizens of the Italian State, will likewise never hear in the future of any injustice inflicted upon Germans and Slavs whom the course of events will now bring within the new Italian boundaries.' (Reprinted in M. Currey, *Italian Foreign Policy, 1918–32*, pp. 15 ff.).

[2] See below, p. 158.

As it happened, in the face of the violation by Holland of these stipulations, Walloons and Flemings were at one, and after the independence of Belgium had been recognized they settled down together happily enough. It was only at a later stage that religious and historical considerations gave way to linguistic and racial, and a fresh minority problem arose within Belgium.

In point of fact, it was not the newly liberated countries but France which led the way in the systematic attempt to wipe out national minorities; and the motive was precisely that which had animated the despots of an earlier century: the desire to unify, for political purposes. French thought has never accepted the determinist nationalism of central Europe. France's leading thinkers, even to-day, reject it and hold nationality to be essentially a matter of choice, a common will to live in accordance with certain political principles. But this theory itself led them now to adopt a policy extraordinarily similar to that of the Central European nationalists. The Jacobins of 1797, like the Soviet leaders of 1930, were the only representatives in the world of a particular political and social system which they wished to establish firmly in the spirits of their younger generation. To that end, they proposed to introduce universal state education, and this was to be in the French language, since those inhabitants of France who could not speak French could not properly appreciate the revolutionary doctrines. It may seem to us that it would have been wiser to translate those doctrines into the various tongues; but rightly or wrongly, the Jacobins felt that the non-French cultures of France were inherently hostile to the revolution.

'We have revolutionized', said Barrère, 'the government, the laws, the habits, the customs, commerce, and thought; let us also revolutionize the language which is their daily instrument.' 'Citizens!' he exclaimed in his report to the National Convention on behalf of the Committee on Public Safety in January 1794: 'citizens! the language of a free people ought to be one and the same for all; . . . free men are all alike, and the vigorous accent of liberty and equality is the same whether it comes from the mouth of an inhabitant of the

Alps, the Vosges or the Pyrences. . . . We have observed that the dialect called the Bas-Breton, the Basque dialect, and the German and Italian languages have perpetuated the reign of fanaticism and superstition, secured the domination of priests and aristocrats, prevented the Revolution from penetrating nine Departments, and favoured the enemies of France. You have taken away from these stray fanatics the empire of saints by establishing the republican calendar; take away the empire of priests by teaching the French language. . . . It is treason to the fatherland to leave the citizens in ignorance of the national language.'[1]

It is true that these measures were never carried into effect. The Jacobins were followed by Napoleon, who was no doctrinaire, and knew that the power of government has its limitations. He restored their religion to the peasants of France; and as for the Alsatians, when asked about their nationality, he replied simply that they 'felt French'. Yet the Jacobins and Napoleon were agreed in their main object, which was to weld the nation into a centralized, manageable state. The Jacobins cleared the ground in destroying the network of ancient customs and privileges; Napoleon built up the centralized system of government, the France *une et indivisible* which was to become a model for so large a part of Europe.

If Napoleon found the task of denationalizing the minorities of France too difficult to be worth attempting, and thought it wiser to concentrate on strengthening their political nationalism, the politicians of central Europe had far more reason still to shrink from so formidable an undertaking. Nevertheless, so strong was the conception of personal nationality among them that few of them could imagine any other ideal than a national state founded on the personal principle. It is with the struggle to create such states in the ethnographic patchwork, as created by centuries of migrations and perpetuated by the system of personal law, that the problem of minorities enters on its modern phase; a phase marked by increasing struggles on the part of the submerged nationalities to assert themselves,

[1] *Monitcur*, Jan. 28th, 1794, M. 519–20. (Tr. Carlton Hayes, *Historical Evolution of Modern Nationalism*, pp. 64–5.)

and an increasing determination on the part of those in power to prevent them from doing so.

In the two states of Russia and Prussia, in which national monarchies with almost absolute powers had survived the storms of the revolutionary period, the early nineteenth century saw simply a continuation of the policy of its predecessor. By the partition of Poland each of the monarchs in question had acquired a new and important national minority. They had, indeed, specifically pledged themselves at the Congress of Vienna to respect the national institutions of their new subjects, and each of them had, at first, respected his word. In Congress Poland, Alexander I began by leaving a large amount of local self-government, with Polish as the official language and a local administration which was largely in the hands of the Poles. In Prussia, although certain German-speaking districts were detached and incorporated in West Prussia under the Patent of Occupation of 1815, the remainder, constituted as the Grand Duchy of Posen, was placed under a Polish viceroy 'to communicate to the King the desires and needs of the Poles', and assured the maintenance of its national customs, the recognition of the Polish language, by the side of German, in public acts, and the admission of Poles to all public offices and dignities. After the Polish revolution of 1830, however, both monarchs altered their attitude. In Russia practically every vestige of liberty was abolished and Russian introduced as the official language. The King of Prussia took very similar measures, and a policy of wholesale Germanization was introduced in schools and administration alike.

Austria, too, continued her eighteenth-century policy. The Austrian Government was a despotism, and any political nationalism was forbidden, the German no less than the Slav. If the ruling bureaucrats favoured the Germans above the other nationalities, as representing the most reliable, as well as the wealthiest and best-educated elements, and the only one which, being dispersed through almost the whole of Austria, could give it a superficial appearance of unity, yet they were perhaps even more on

their guard against German nationalism than against any other, and some, like Count Kolowrat, even encouraged Czech nationalism as a counterweight to the Germans. Indeed, the literary and cultural phase through which the renaissance of the Slavonic peoples was passing seemed to them an actual safeguard, as drawing their minds away from politics.

The state of Turkey was still primitive. It was therefore reserved to Hungary to become the scene of the first really violent minorities struggle, just as it was in the same territory that many of the most difficult minority problems presented themselves in the twentieth century.

3. *The National Struggle in Hungary*

This unenviable distinction fell to Hungary partly in consequence of her extreme racial complexity. Partly, too, it was undoubtedly due to the peculiar national character of the Magyars. A fiery warrior people, intensely proud, impetuous, and always inclining to extremes, the Magyars preserved throughout their long struggle with their minorities an attitude of sovereign and unconcealed contempt, expressed in the frankest terms, which was peculiarly galling to their enemies. The violent tone of the Budapest press and of many speeches in the Budapest Parliament exacerbated relations to a singular degree. Even to-day this psychological factor remains one of the first importance. The Serbian national movement has done Hungary at least as much harm as the Slovak or the Roumanian; but the Magyar respects the Serb as a fighter, whereas he despises the Vlach, and relations between Hungary and Yugoslavia have, largely in consequence of this fact, remained comparatively non-inflammatory.

But the chief reason why the national struggle began, in its acute form, in Hungary, was that here, and here almost alone in the Europe of the day, the minorities were face to face with a genuine, nationally and politically active majority. The Habsburgs had reduced the Estates of their German-Austrian and Bohemian possessions to a condition of virtual impotence; but Hungarian constitutional

life, although battered, had weathered the storm of the centuries, and the Hungarian 'nation' was still in possession of narrow, but still very effective, rights.

Hungary had of old been a very pure example of the 'aristocratic-national' type of state. The Magyars who had conquered Hungary, and subdued the races they found there, had been a community of free warriors, owing, indeed, allegiance to their king, but all free and all equal among themselves. When Hungary was founded the privileged nation was probably almost purely Magyar,[1] the conquered races exclusively non-Magyar. In the course of time this sharp differentiation had been lost. Alien elements had swollen the ranks of the 'nation' or 'nobles' who monopolized the political power, pure Magyars had sunk into serfdom, and serfs of alien origin had been Magyarized. But although the distinction within Hungary had thus become blurred, in her relations with the outer world Hungary had continued to present the spectacle of an essentially Magyar national state.

Now, the Magyars had come to cherish less—some of their best patriots even half to forget—their Magyar racial characteristics. Yet these characteristics incorporated for them their social and international political ideals. In the eighteenth century Hungary had been extensively colonized with non-Magyar elements; and the Crown favoured these elements, not out of any preference for Serbs or Slovaks as such over Magyars, but to weaken the political power of the Hungarian nobility, on which, incidentally, their social and economic position rested. The granting of national privileges to the immigrants was, in fact, unconstitutional, as it infringed the unitary character of the Hungarian constitution which each newly-crowned Habsburg swore to maintain, and threatened the integrity of the Hungarian kingdom. When the Magyar national revival began, in the early nineteenth century, it was accompanied by a strong political reaction against the Habsburgs, as an oppressive and unconstitutional tyranny,

[1] Except for certain kindred tribes which had accompanied them on their wanderings.

and the great ambition of the Magyars was to recover their old position when, as leaders of a united Hungarian nation, they had been able to dictate terms to the sovereign.

The position of the Magyars was in reality nearer to that of the French than the Germans. They took as their starting-point the state, within its historic frontiers (they never attempted, for example, to lay claim to the Csángó population of Moldavia on grounds of racial determinism), but they thought it impossible to safeguard their state rights without ensuring the supremacy of the Magyar nation. Thus when they set about the assimilation of the minorities—a process which could not naturally appeal to a people steeped in the tradition of personal nationality—they did so in the name, not of the rights of nationality, but of the state; and this was the point of view that they maintained in their own minds to the end.

Very characteristic for this mentality is a speech made in 1840 by Count Zay, Inspector-General of the Lutheran Church, to an audience composed, incidentally, mainly of Slavs:

'Our common cause is the development of our nationality; and —as national life is impossible without a national language—the Magyarization of our country. . . . No one honours more profoundly than I the common and individual rights conveyed by the idea of nationality; as also the rights of every fellow citizen with regard to language; but above all, I honour the material and spiritual freedom of the nations, of the citizens as a whole, to which it is the sacred duty of every rational and immortal being to sacrifice even his native language. Remember that to impede the Magyarization of our country, even indirectly, and to strive for the development of any other language than the Magyar, is equivalent to sapping the vital forces of constitutionalism and even of Protestantism itself, and hence that the Magyar language is the truest guardian and protector of the liberty of our country, of Europe and of the Protestant cause. Let (the Slavs) therefore convince themselves that the triumph of Magyarization is the victory of reason, liberty and intelligence.'[1]

[1] Cit. R. W. Seton-Watson, *Racial Problems in Hungary* (1908), pp. 66 ff. It must be remembered that Zay was speaking at a time when the Magyar language was largely excluded from official use in Hungary itself.

To show how enduring is this point of view I may quote here a passage from a brochure written two generations later, and in very different circumstances:

'The most powerful weapon of Magyarism (*des Magyarentums*) is that, in contrast to the unclear whims of antiquated federalism and modern national consciousness, it aims simply at the sensible result, that its positive aim, the unitary state, even if its Magyar character be not recognized, answers to the common interest and the supreme law of modern development. Magyarism wants the unitary state, because the interests of such a state agree almost entirely with the interests of its nationality. . . . Modern consciousness knows nothing higher than the idea of the state, the conception of its greatness, its power, and the lofty aims of its development. . . . The modern man desires to feel in his heart the pride of his citizenship; only the Hungarian unitary state can offer him this satisfaction.'[1]

The first laws which the Diet of 1843 managed to extract from the Crown, enacting the compulsory use of Magyar instead of Latin in the law-courts and administration, were directed almost entirely against the Crown, not the minorities, and the subsequent provision that Magyar was to be the medium of instruction in all schools in Hungary proper is referred to by contemporary writers, in transparent innocence, as a measure taken largely in the interests of the minorities who, without it, would be unable to occupy any administrative posts. So, indeed, the minorities might have regarded it in an earlier age; but that day was long since past. They looked on these measures as oppressive and unjust, and the idea of a unitary Magyar state, even one so liberal as the progressive party in Hungary genuinely intended theirs to be, appealed to them less than recognition of their nationality under Habsburg rule.

There was as yet no thought of interfering with the free use by the minorities of their own languages in private intercourse. When, in 1848, Hungary practically shook off effective Habsburg control and was shaping her own

[1] Dr. S. Radó, *Das Deutschtum in Ungarn* (Berlin 1903), pp. 55 ff. (a vehement attack by a Magyar writer on alleged Pan-German support of the Germans of Hungary).

policy, the discussions between the Magyar leaders and the minorities turned, not upon this point, but upon the unitary character of the Hungarian state. A deputation of Slovaks waited upon Kossuth with a request for some autonomy for Slovakia, and received the reply that Kossuth could not find Slovakia on the map. This remark has often been held up to ridicule; but wrongly. Kossuth, who was himself of Slovak origin, could hardly deny the existence of the Slovaks, but a Slovakia, a territorial or political unit distinguished from Hungary proper, was a different matter and was, in fact, to be found in no historical atlas.

This, too, was the sense of his famous interview with the spokesmen of the Hungarian Serbs, who had declared that the Serb 'nation' regarded the recognition of its language as essential.

'What do you understand by "nation"?' asked Kossuth.

'A race which possesses its own language, customs and culture,' was the interesting reply, 'and enough self-consciousness to preserve them.'

'A "nation" must also have its own government', answered Kossuth.

'We do not go so far as that', replied the Serbs. 'One nation can live under several governments, and again, several nations can form a single state.'

Kossuth declared that the Hungarian Government would not interfere with the language of the home, and would even allow minor offices to be held by non-Magyars, but that no second race could be recognized as a 'nation' in Hungary. He expressed himself in very similar terms to a Roumanian deputation shortly after: 'Shall Hungary then not be a state? Shall each of the races inhabiting it demand a separate state on its own account? With such principles either Hungary will break up, or the sword will decide.'

The belief that the minorities would welcome assimilation with the progressive and unitary Magyar state was not justified. When an open conflict broke out between the Magyars and the Crown almost all the minorities, except the Germans of central Hungary, sided with the latter. Still more decisive was the attitude of the Croats,

against whom the Magyars had attempted to apply a series of measures which were not only oppressive but in direct conflict with Croatia's own historic rights. In the subsequent bitter racial war the Crown and the minorities, assisted by Russia, overcame the Magyars. There followed an interlude which, however, satisfied no one, since satisfaction was given neither to Magyar unitary nor (with some small exceptions) to Slavonic federalist ambitions, Hungary being ruled instead from Vienna by a centralized and Germanizing bureaucracy, which evoked from a witty Magyar the comment to a Croat friend that 'you have got as reward what we have got as punishment'. But this system proved untenable, and by the Compromise of 1867 Hungary again received what amounted in practice to a free hand in her domestic policy towards her minorities—leaving the question much where it had been twenty years earlier, with an added heritage of bitter memories.

Some of the Magyar leaders, even now, thought it possible—believed it, indeed, to be the only possible course—to leave the 'nationalities' in possession of their personal national characteristics, and to try to create in them a feeling of political loyalty to Hungary.

'By a policy of Magyarization', wrote Eötvös, 'we should no more succeed in robbing them [sc. the national minorities] of their individuality or enthusiasm for their races than others succeeded by the same means against the Magyar nationality. . . . The only result would be to divert the antagonism with which the Magyar nation now meets, against the Hungarian State and the unity of the country.'

Deák, in a speech in Parliament in 1872, said:

'If we wish to win over the nationalities, we must not seek at all costs to Magyarize them; this can only happen if we create in them love and attachment for Hungarian conditions. For two things are clear to me: to exterminate them would be a godless act of barbarism, even if they were not in any case too numerous for this to be possible. And to make them our enemies is not in our interest.'

Even such leaders as Eötvös and Deák, however, admitted the unquestionable preponderance of the Magyars in Hungary, and the leading role which they must play in

it. Even they conceived Hungary as a Magyar national state, and the more extreme elements among the Magyars thought that this could be effected only by a strict policy of unification. A long step in this direction had already been taken by the political centralization which had begun some time previously. Only Croatia received a separate status. Transylvania, on the other hand, had voted for union with Hungary in 1848, and this union was reaffirmed in 1865. In 1868 the special privileges of the various nationalities were abolished, with the single exception that the rights and privileges of the Saxon *universitas* were maintained, with certain derogations. In 1876, however, these rights were reduced to control over its property and the application of its income, but even then, only to strictly educational purposes: the administration was unified and the counties redistributed, making Transylvania an integral portion of Hungary. The old privileges and exemptions of the minor nationalities, boroughs, &c., in Hungary had vanished long since.

The administration of Hungary was, then, to be unitary and centralized, depending on the authorities in Budapest, who were, of course, Magyar. There remained the language question, which was regulated in 1868 by the Hungarian Law of Nationalities. This famous instrument declared in its preamble that:

'Since all citizens of Hungary, both in virtue of the principles of the Constitution, and from a political point of view, form a single nation—the indivisible unitary Magyar[1] nation—to which all citizens of the country, irrespective of their nationality, belong, and enjoy equal rights: since, moreover, this equality of rights cannot be qualified by special provisions regarding the official use of the various languages of the country, except in so far as is consistent with the unity of the country, the demands of administration and the prompt execution of justice; the equality of rights of all citizens of

[1] Certain critics have pointed out very strongly the ambiguity between the use of the word 'Magyar' for the ruling nation and for the political Hungarian nation, which contained many non-Magyars. Exactly the same ambiguity occurs, however, in France, in Spain, and in other countries; but there it has not aroused the same opposition, since the wider term is accepted by the minorities themselves. The difference is subjective.

the country remains absolute in all other respects, while the following rules will serve as basis regarding the official use of the various languages. . . .'

The law went on to declare that:

'Considering that, in view of its political unity, the language of the State of Hungary is Magyar, Magyar will be used in the discussions and business of the Hungarian Parliament. Laws will be drawn up in that language, but will be published with an authentic translation in the languages of all nationalities inhabiting Hungary. The official language of the Government in all Government services is and will remain Magyar.'

Under other provisions the language of all courts appointed by the government, the language of instruction at the university, and the language of the county assemblies was Magyar. Provision was, however, made for the use of other languages. In the county assemblies any speaker might use his mother tongue, and the minutes might be kept in a second language if one-fifth of the members desired. In the communal assemblies the rights were wider still, and when one came to the individual, he enjoyed in general the right to use his own language freely in private intercourse and in his relations with the local authorities and to receive primary instruction in it where the numbers of the minority justified this.

This law was not an illiberal one, granted the acceptance by the nationalities of the fundamental assumption upon which it was based: that Hungary was the Magyar national state. It was, indeed, far more liberal than most of the contemporary German legislation, not to speak of earlier laws of western Europe in the bad old days. The real difficulty arose from the fact that the nationalities rejected this assumption.

The historic factor upon which the Magyars laid stress, as justifying their claim, simply did not appeal to the minorities; nor were they at all convinced that the Magyar national state (particularly one which rested on the supremacy of a comparatively small class of large landowners) offered them any unusual social and political advantages.

A few of the Germans, a few of the Slovaks, and the Jews in very large numbers took a different view and assimilated themselves willingly—the Jews often with an enthusiasm enhanced by the fact that in their case the Magyars, in social relationships, did not always welcome the recruits to their nation with open arms. Those nationalities which enjoyed any backing from outside Hungary, such as the Southern Slavs and the Roumanians, proved, as a rule, quite obdurate; and it is, in fact, doubtful whether the government policy of pressure had any real effect in altering the character of the population. It is true that the percentage of Magyar-speakers (the census was taken on the linguistic basis) to the total population, as shown by the official figures, rose during the thirty years 1880–1910 from 46·65 per cent. to 54·5 per cent.[1] But it is very possible that the advantage was more apparent than real; for Dr. P. Balogh, a Magyar ethnologist who compiled a book on the subject for the Hungarian Government, came to the following conclusion:

'The Magyars have gained 261 parishes and lost 456; they have thus a loss of 195 parishes to show. Most of their gains have been at the expense of the Slovaks, most of their losses to the Germans of Baranya and, above all, to the Roumanians of Transylvania.

'Of the races of Hungary the Ruthenes show the greatest losses, after them the Magyars, then the Serbs. . . . The chief gainers on balance are the Roumanians, then the Slovaks, then the Germans.'[2]

There were frequent complaints that the Roumanians, in particular, were gaining at the expense of the Magyars; and altogether, to judge from the utterances of Magyar

[1] The official figures for Hungary (excluding Croatia and Slavonia) were as follows:

	1880		1890		1900		1910	
	Total	Per cent	Total	Per cent	Total	Per cent	Total	Per cent
Magyars	6,403,687	46 65	7,350,874	48 61	8,651,520	51 4	9,944,627	54 5
Germans	1,869,877	13 62	1,988,589	13 14	1,999,060	11 9	1,903,357	10 4
Slovaks	1,845,142	13·52	1,896,041	12 53	2,002,165	11 9	1,946,357	10 7
Roumanians	2,403,035	17 50	2,589,066	17 11	2,798,559	16 6	2,948,186	16·1
Serbs and Croats	631,995	4 60	678,747	4·48	629,169	3 7	656,324	3 6
Ruthenes	353,226	2 57	379,782	2 51	424,774	2 5	464,270	2·5
Others	211,366	1·54	243,795	1 62	333,008	2 0	401,412	2 2

[2] Cit. A. Popovici, *Die Vereinigten Staaten von Grossoesterreich*, p. 110.

nationalist politicians, the picture presented by the official statistics was far from representing the true state of things, or from showing a position satisfactory to Magyar nationalist ambition.[1] In any case, none of the nationalities (except the Gipsies, whose numbers are diminishing rapidly under modern conditions, owing to the inroads of tuberculosis and syphilis) showed any signs of dying out.

What did happen was that a bitter hatred came to reign between the Magyars and many of the minorities. Those whose national consciousness had once become active—most particularly the middle classes and intelligentsia—resented most deeply the alternative laid before them of either renouncing their nationality or else abandoning any prospect of public or even social advancement.

The Magyars, on the other hand, treated all those who refused to assimilate as traitors to the state, with the result that many of them ended by becoming so. The World War and subsequent dismemberment of Hungary proved how greatly the Magyars had miscalculated the balance of forces, and how weak was the argument of historic right compared to the modern ambitions of national feeling.

4. *The National Struggle in Germany*

If the Magyars presented the extreme example of the older type of national state in the nineteenth century, the Germans best represented the national state, new style. We have mentioned the genuine enthusiasm shown by the German romantic thinkers for foreign national movements, and the real sympathy of the German Liberals with Polish aspirations. That sympathy was still active in 1848, when the Frankfurt Diet met—the first institution which could be regarded as at all representative of the German *people*. The Frankfurt *Vorparlament*, which stood rather far to the Left, declared the partition of Poland to have been a disgraceful crime and the restoration of that country to be

[1] Cf. Popovici, op. cit., ch. v, *passim*. Popovici, who was a Transylvanian Roumanian (incidentally, as his name shows, of Slav ancestry), writes with a strong anti-Magyar bias, but his work is very interesting on this point of the impossibility of assimilating nationally conscious minorities.

the sacred duty of the German people. While prepared, however, to respect the historic rights of others and to repudiate annexation (and there were some who, on these grounds, desired the restoration of all territory, even the purely German, which had been part of Poland), they were not ready to abandon territory which they regarded on historic grounds as essentially German, i.e. all members of the old Deutscher Bund: the German-Austrian provinces, Bohemia, Moravia, and Silesia, Carinthia and Gorizia, and Schleswig as well as Holstein, on the ground that since 1460 the two provinces had been regarded as 'inseparable' and that Holstein was a member of the Bund, even though Schleswig was not. By this insistence on historic rights the constitution-makers of Frankfurt involved themselves in an irreconcilable contradiction with their new ideology of a 'national' state. The debates at Frankfurt are very interesting, as showing the difficulties in which this contradiction must infallibly involve the most conscientious and liberal-minded men. The first constitution for the future national state of Germany had defined that state as consisting of 'the members of the former Deutscher Bund, including the newly-acquired Prussian provinces' (i.e. those essentially German districts which had been detached from the Grand Duchy of Poland) 'and the Duchy of Schleswig', but excluding Posen, Galicia, Hungary, and the Italian possessions of Austria, including Istria. This was to form a definitely German state, but not an exclusively German one, and the word 'national' was dropped from the phrase of the first draft, 'the national unity of Germany' (*die Nationaleinheit Deutschlands*), on the motion of the Austrian representative, Sommaruga, 'in order to meet the Slav races'.[1] Later, however, the point was raised again, and a very interesting discussion took place.

'Sommaruga returns to the phrase "national unity". Dahlmann:[2] "Greatly as I honour national sentiment, yet I do not really

[1] *Aktenstucke und Aufzeichnungen zur Geschichte der Frankfurter Nationalversammlung*, aus dem Nachlass von F. G. Droysen (Deutsche Verlagsanstalt, 1924), p. 50.

[2] Prussian representative.

think that we want any qualifications of Germany's national unity; we want no oppression of the peoples, but we also want German national unity. I as a German take great exception if we are not to express this. Let the Czechs send their representatives to our Reichstag and speak German there." A not uninteresting discussion followed. Zacharia[1] wanted "a constitution guaranteeing unity". Gervinus[2] and Droysen opposed. Schmerling[3] said, very sensibly: "Either the Bohemians persevere in their folly, then let them secede; or they see the great safeguards for liberty contained in this draft, and recognize that it contains no dangers at all for their nationality. But there is nothing to be done with people who insist on speaking and thinking only in Czech; such extravagant ideas, although they crop up now, will gradually vanish." So Schmerling thinks it is right to say in plain German that the only basis of the present constitution is simply the feeling that the whole people is one, and must be one, if it is to found the new order.'[4]

In the end a clause (24 s) was inserted in the draft constitution, guaranteeing freedom of popular (*volkstümliche*) development, especially for the non-Germanic races (*Stämme*) through equal rights for their languages in respect of education and internal administration, and a declaration was adopted almost unanimously to the effect that:

'The constituent German National Assembly declares solemnly that it fully recognizes the right of the non-Germanic races on German soil to go unimpeded the way of their popular development and to enjoy equality for their language in respect of ecclesiastical affairs, education and internal administration and law, over the extent of their territories. . . . Free and united Germany is great and strong enough to afford the peoples of other tongues who have grown up in her bosom, without jealousy and in full measure, what nature and history attribute to them. And in future neither the Slav, nor any of foreign tongue who is joined to us, shall need to complain in his land that his national characteristics (*Stammesart*) are impeded, or that the German fraternal hand is withdrawn from him when it should be extended.'

There is no questioning the sincere benevolence of these sentiments, but, as in the case of Hungary, it was

[1] Hanoverian.
[2] Free Cities.
[3] Austrian (chairman).
[4] Op. cit., pp. 77 ff.

proved that the mere prospect of benevolent treatment will not induce any people to enter as a minority the national state of another. Palacky, the Czech leader, replied that he 'was not a German—at least, he did not feel himself such', and the Czechs and Poles refused to attend the Frankfurt meetings at all. The non-Germanic subjects of Austria, in alliance with the Crown, were able this time to nip the German national state in the bud, and it has not bloomed fully yet.

In Germany, as in Hungary, 1848 was followed by a return to despotism, in which the liberties of all subjects were strictly reduced. In Poland the concessions made during the revolution were revoked, and a period of renewed Germanization set in. After a few years, however, Prussian imperialism took the German nationalist movement under its patronage, and there followed in rapid succession the well-known stages of its advance: the acquisition of Schleswig-Holstein; the Austrian war, ending, indeed, in the exclusion, up to the present day, of the German-speaking districts of Austria from the German state, but also in the elimination of Austrian influence beyond her own frontiers; the annexation of Alsace-Lorraine, and the establishment of the German Empire. A great and powerful German national state had now come into being, which included a considerable number of national minorities, all of them, except the Lusatian Sorbs, being recently-acquired frontier minorities. The unfortunate minorities were now confronted by a singularly disagreeable coalition between the Prussian officer and the German political philosopher, each of whom brought out and flattered the other's worst points. The Prussian was by tradition a conqueror, a believer in the right of the sword and in the virtue of military methods. The German philosophical tradition was, on the other hand, liberal and pacifist. Yet even the German thinkers of the Romantic period, living in an age when Germany was the passive victim of foreign oppression, had consoled themselves with the thought that there was something in the German that set him apart from and above all other men. Schiller

wrote that 'Each people has its day in history, but the German's day is the harvest of all time'. Both Novalis and Schlegel see in 'Germanism' something universal which Germans possess in full, but other nations only in part. The mission of the German is to propagate this ideal quality. Fichte formulates this thought even more clearly:

'Every nation wishes to spread its own specific good as widely as possible and, so far as it can, to incorporate the whole human race in itself, in consequence of an impulse planted by God in man, on which are based the community of the peoples, their mutual contact and their development.'[1]

This very noble and generous, if slightly arrogant, belief gradually developed into a less amiable theory. Certain writers on politics observed the historical fact (which is actually only sometimes true) that a superior *Kultur* tends to absorb an inferior. Hence others came to conclude that an inferior *Kultur* had no right to exist at all.

'History', says Wilamowitz,[2] 'knows nothing of any right to exist on the part of a people or a language without a culture. If a people becomes dependent on a foreign culture, it matters little if its lower classes speak a different language: they, too . . . must eventually go over to the dominant language.'

It is true that the philosophers insisted, as a rule, on the necessity for allowing this process to take place peacefully and automatically. The statesmen were less pernickety.

'In the struggle between nationalities,' wrote Prince Bülow, 'one nation is the hammer and the other the anvil; one is the victor and the other the vanquished. It is a law of life and development in history that when two national civilizations meet they fight for supremacy.'[3] And given the militarism on which Prussian policy had traditionally rested since Prussia became a state, it was clear that the word 'fight' was no idle metaphor.

Thus specious philosophy and political desire for expansion went hand in hand, and Germany was never at a loss

[1] Weste, p. 423.
[2] *Speeches and Lectures* (1913), p. 147.
[3] *Imperial Germany*, p. 245.

for any argument in favour of annexing alien territory to her so-called 'national state'. Alsace-Lorraine was annexed, partly, indeed, with the invocation of an historic right dating some centuries back, but partly by virtue of the singular argument that the inhabitants were really Germans and ought to want to belong to Germany.[1] Schleswig and Prussian Poland were claimed, on the other hand, in virtue of historic right and in the case of the latter, in part, on grounds of national security.

These were reasons which were fully admissible in the nineteenth century; but they were entirely incompatible with the basis of the national state. Yet it was as a national state that the masters of Germany, or at least, of Prussia, insisted on regarding her. In September 1894 the German Emperor himself, speaking in Marienburg (East Prussia), declared that Germanism (*Deutschtum*) was the sole legitimate bond between all the subjects of the Prussian Crown. In June 1902, Prince Bülow, defending his Polish policy in the Prussian Diet, declared that:

'The Prussian state is a military state; the Prussian state is a German state . . . and its historical mission is to sustain and foster the development of the German spirit.'

Space would not allow a detailed account of German policy from 1870 to 1918. It was not always carried through with uniform rigour, considerations of domestic or foreign policy leading at times to concessions in favour of this or that minority. Materially, too, the German rule was often very favourable, particularly to the Poles, but the policy of cultural assimilation was, on the whole,

[1] See Treitschke's remarkable reasoning, quoted above (p. 100). It is worth remarking that neither Bismarck, the statesman, nor Mommsen, the historian, was really happy about annexing the French-speaking parts of Lorraine. Bismarck is reported to have expressed himself with considerable disquietude on the subject, adding that: 'The Emperor has too many foreigners for subjects as it is. We have had more than enough trouble with our Poles, though they have been benevolently enough governed, God knows! And we shall have still more with these Lorrainers, who hate us like poison, and will have, very likely, to be roughly handled.' (H. von Poschinger, *Conversations with Prince Bismarck*, ed. S. Whitman, p. 98.)

consistent. In Alsace and Lorraine the French language disappeared from the primary schools, except in certain purely French districts. Wherever a small German minority could be discovered or introduced into such districts, bilingual schools were immediately opened; but an absolute resistance was put up to the frequent demands for such schools in German districts. In the intermediate and higher schools the teaching of French was strictly limited and strongly discouraged, and the University of Strassburg was completely Germanized. Business signs and notices had to be written in German, special permission being required for the use of French. Even such words as *restaurant* had to be replaced by *restauration*, which, strangely enough, passes currency as a German word. A rigid passport system was introduced with the purpose of isolating the annexed provinces from France. Newspapers were repressed, associations dissolved, and restrictions imposed upon correspondence, the movements of excursionists, and the performance of French plays. In Schleswig the same policy was adopted. Large numbers of Danes were deported. After a period in which Danish had been left as the language of instruction and administration (Prussia had been anxious at first to treat the population mildly, for fear of a movement in favour of the Augustenburg dynasty) German was introduced, as a subject of instruction, into the primary schools in 1878, and a few years later became the exclusive language of administration and of instruction, except in religion.

In Poland it was the same story. Up to 1867 the relations between Poles and Germans had still been tolerable; but soon after an intensive campaign of Germanization was opened, to counteract the danger of what Bismarck termed 'a Polish-Catholic-Austrian policy abroad'. The Polish language was excluded from administration, the courts of justice, and even from any public use whatever; the schools were Germanized, instruction in Polish stopping altogether in 1887; the Polish immigrants from Russia were expelled; and in 1886 the famous Colonization Commission was set up to purchase Polish estates and

settle Germans upon them, large government funds being devoted to this purpose. An open social and economic war now developed between the two nationalities, the Poles retorting with a similar unofficial settlement plan which proved so much more successful than the German that in 1908 a Bill was passed in the Prussian Diet providing for the compulsory expropriation of Polish landowners in certain districts.[1] Meanwhile it was revealed in 1902 that Polish children had been flogged for refusing to say the Lord's Prayer in German, and in 1906, when German was reintroduced, after a short interval, as the medium of religious instruction, about 40,000 Polish schoolchildren went on strike.

Two characteristics of the German anti-minority movement deserve special note, besides its unfortunate effects for Germany after her loss of the World War. The first was its singular lack of success. In spite of all efforts Alsace, where most of the population is of Germanic origin, emerged from its forty years of Prussian rule no more German in externals, and far less German at heart, than before. In Schleswig the Danes more than held their own, numerically and economically; in the east the Poles greatly strengthened their position. In 1906 the Prussian Finance Minister was forced to complain that in fifteen years the German population had diminished by 630,000, while 300,000 immigrants had settled in the province in five years, and their economic situation had much improved.

The second interesting point, which is so well and clearly illustrated in the German story, is the devastating effect exercised on national questions by public opinion. Popular nationalism is as a rule far more violent than the nationalism of a monarch, who usually retains a lingering belief that minorities are, after all, to some extent an Act of God, even if a mistaken one. The common man, member of a majority, sees the members of a minority as men, and unpleasing ones at that. Moreover, a mob, once it comes under a common impulse, easily reaches a degree of

[1] The powers granted under this Act were only utilized on three occasions.

emotional excess and intellectual nullity to which an individual rarely attains. In the case of Germany, the rulers, including the Emperor, certainly caught the infection largely from their subjects.

The attempted Germanization of the east was carried through very largely by the unofficial *Ostmarkenverein*, the object of which was to eliminate the traces of all things Polish from eastern Germany. This association, with the more general *Alldeutscher Verband*, which controlled propaganda in every region, went far beyond the German Government in its campaign against the minorities; indeed, the papers read before its annual meetings, and the resolutions adopted there, consist largely of bitter reproaches to the government for its weakness and undue conciliation. One may select out of many the following example from the *Alldeutsche Blätter* of 1899 (the subject is the Polish question):

'It is a fight without blood and iron. But the more does it call from the German side for an iron, pitiless heart and a head impervious to any considerations except the sober considerations of purposeful national policy. . . . When, in the struggle for existence, incompatible interests confront one another, the fight must go on till the destruction of the other party. "Ceterum censeo, Carthaginem esse delendam' was the slogan through which the Roman world-empire was built up. And the later age finds this hard, but great and just.'[1]

5. *The National Struggle in Russia*

But Germany and Hungary, although they were the two states whose minorities policy brought down upon them the heaviest reprisals after the World War, were not the only offenders. Indeed, one of the chief features of the nineteenth century was the extension of an anti-minority policy from one European government to another, until few were exempt. In Russia the definite change took place about the middle of the century, when the so-called Slavophil movement first grew powerful. The origins of this movement reach back to the reactions of the conservative element against the efforts of the seventeenth-century

[1] *Zwanzig Jahre deutsche Arbeit und Kämpfe* (Leipzig, 1910).

Muscovite rulers to modernize and westernize Russia. A respectable body of opinion held Peter the Great, in particular, to be an authentic son of the Devil. Yet it only became a great force when a mystic theory sprang up, strongly influenced by Herder and Rousseau, representing Europe as worn out and effete, and looking to the young and uncorrupt Slavonic nations, Holy Russia in particular, as the chosen vessels of the civilization of the future. Nicholas I himself wholly shared these views, and it was his Minister of Education, Uvarov, who first tried systematically to introduce the Russian language throughout the colossal empire as a means of assimilating the minorities. The Czar's autocratic character was, however, hostile to any popular movement, and although the Slavophil doctrines were ripening swiftly in the 'forties in the minds of a group of intellectuals, the fruition came only after Russia's defeat in the Crimean War. This exposure of the national weakness led to an extraordinary outburst of national feeling, in the midst of which Nicholas died, to be succeeded by the far weaker Alexander II.

Important social reforms were now introduced, and Liberalism, for a while, celebrated many triumphs. Here, as in Germany, Liberalism began by fraternizing with the national minorities, to whom concessions were made in the Baltic provinces and most notably in Poland, where in 1862 the internal administration was reorganized on Polish national lines, and a Polish university opened in Warsaw. But here again, as in Germany, the nation soon proved itself more nationalist than the monarch. The Poles chose the next year (1863) to revolt, claiming independence not only for the Polish-speaking districts but for all land within their historic frontiers, including Lithuania and White Russia. Russian public opinion reacted violently, and fully supported the government, not only in its repression of the Poles, but in the conquests which it undertook at about the same date in Daghestan, Circassia, and Turkestan. The Old Russian, or nationalist, party, founded during this period, called for the unification of Russia in religion and language. Catholicism

and Polish nationalism were to be extirpated outside Poland's ethnographical frontiers, and weakened within them as far as possible. The Poles were forbidden to buy land in the nine west-Russian governments, and a special tax was imposed on persons of Polish origin. The language was completely banished from the schools, administration and public life and even the use of the Latin script or the Polish method of driving a carriage forbidden. In Poland proper, all schools were Russified and the pupils forbidden to speak their mother language within the walls of the schools. The language of administration became solely Russian, and on all shop signs, menus, etc., the Russian words had to precede the Polish.

Meanwhile, the advance of economic development and the emancipation of the serfs had brought with them a national revival among other races of the Russian Empire, notably the Ukraine and the Baltic provinces. This in its turn called down the wrath of Russian nationalism. Katkov, the nationalist leader, summed up the programme of his party as follows:

'Russia needs a unitary State and a strong Russian nationality. We must create such a nationality on the basis of a single language common to all its inhabitants, a common faith and the Slavonic *mir*. We must overthrow all that stands in our way.'[1]

From this time onward the Russian Government pursued a policy essentially identical with that of the German, only less systematic, because the Russian nature is averse from system. In the Baltic provinces, the Russian municipal system was introduced in 1877. Alexander III refused to confirm the rights of the provinces, saying 'that he looked on the Baltic provinces as part of Russia, and would direct all his forces towards bringing about a unification based on the law and not on privilege'. The German legal system was replaced by the Russian, the University of Dorpat Russified, many German schools closed, Protestant pastors persecuted where they resisted the Orthodox proselytizers. The Uniates in the diocese of Chelm were forcibly con-

[1] Fischl, *Der Panslawismus*, p. 375.

verted to Orthodoxy. In Warsaw Russian was made the language of the Courts in 1876 and the next year even religious instruction had to be given in Russian. In the Ukraine, where the nationalist movement had at first been encouraged as a counterweight to the Polish, instruction in the local language and the publication of school and religious books was forbidden, and in 1876 not only the printing of all Ukrainian books but their importation was forbidden, with a few exceptions. Permission to print a Ukrainian grammar was refused on the grounds that 'the printing of the grammar of a language which is condemned to non-existence cannot be permitted'.[1] White Russia was treated in the same way.

The national minorities of the east and the south were treated in less systematic fashion. The Finnish races nearest to Russian territory were quickly and automatically Russified, but many of them were given schools in their native languages, which enabled them for the first time to develop a local intelligentsia. Among the Mahomedan nations farther east, the government contented itself with repressing rebellion and propagating Christianity, in a mild way, without attempting directly to assimilate such very alien elements. Even in the west, some nationalities profited for a time by the new era. The Letts and Estonians were encouraged as a counterpoise to the Germans until the revolution of 1905, when their blood-thirsty methods led to a reversal of policy, while the Germans outside the Baltic provinces were never molested. Very few nationalities, however, escaped attempted Russification. Almost the last to be touched were the Finns. The Constitution of the Grand Duchy, which was a relic of its Swedish period, was long left practically intact, and for a considerable period the Finnish element was encouraged as a counterweight to the Swedish bourgeoisie. In 1851 knowledge of Finnish was required from all candidates for legal or administrative appointments in provinces mainly inhabited by Finns; in 1863 Finnish was placed on an equal footing with Swedish in all matters immediately affecting the

[1] Fischl, op. cit., p. 379.

Finnish population; in 1865 it was introduced, side by side with Swedish, into the law-courts and administration, and in 1870 its use in higher education was widely extended. During the reign of Alexander III, however, the Slavophils began to turn their attention to things Finnish, and a series of gradual encroachments began. In 1899 the autonomy of Finland was severely restricted and a period of intensive Russification set in. This, incidentally, the Finns resisted with great vigour and almost complete success, so that Russia reaped little from her policy except odium at home and abroad.

It is interesting to note that there were some nationalities which Russia, to the last, wished not to assimilate but to exclude, and grouped in an official class of 'second-class citizens', laying upon them various restrictions. Most of these were semi-barbarous Asiatic tribes; but among them were included also the Jews, whose position gradually deteriorated towards the end of the century. They were excluded from most of the Russian provinces, from the administration and most of the professions; the number of them admitted to universities and secondary schools was limited; special taxes were imposed upon them; and persecutions encouraged, culminating in the notable pogrom at Kishinev in 1903. Here, again, neither side benefited. It proved impossible, as Count Witte remarked, to drown all the Jews, or to drive them all out of Russia. Nevertheless, vast numbers emigrated to western Europe and to the U.S.A., and during the War they threw their influence strongly on the side of the western Powers who had not succumbed to the wave of active anti-Semitism.

With all this, it is not unimportant to remark that Russian national chauvinism had little hold on the masses of the Russian people. It was the work of the government and of a small class of bureaucrats and intelligentsia. The Russian masses were still themselves unfree, and therefore either nationally almost indifferent (the case of the great majority) or, in the case of a few revolutionary thinkers who were afterwards to attain great power, in active revolt against the policy of their government. This explains why

the subsequent partial break-up of the Russian Empire was, from the national point of view, an almost painless operation as compared with that of Germany and Hungary.

6. *The National Struggle in the Balkans*

If Hungary presented the best example of the national state, traditional; Germany of the national state, methodical; Russia of the national state, mystic and inconsistent; then the Balkans, in the latter half of the century, provided the purest types of the national state, acquisitive. The situation in the Balkans was quite different from that in Europe proper. Turkey was a 'sick man', and most if not all of her European possessions were obviously destined to pass into the hands of the Christian states of the Balkans. But here was a case in which historical claims could play only a very minor part. Each Balkan state in turn had in the course of its chequered career ruled over all or nearly all of the peninsula. One historical claim could be countered by another, and none was sure enough or recent enough to command the respect of European Powers whose ignorance of Balkan history was pardonable, but profound. Therefore only two arguments remained: either the right of conquest pure and simple, or the extreme democratic application of the principle of national self-determination.

Unfortunately, precisely in the Balkans, national questions were particularly complex. In many districts, notably Macedonia, Turks, Greeks, Bulgars, Serbs, Vlachs, Albanians, Circassians, Jews, Gagauz, Armenians, and others beside lived in a glorious *olla podrida*. No clear delimitation of national boundaries was possible; worse still, even national feeling was hopelessly capricious. Centuries of mixed marriages had resulted in bilingual or polyglot families, whose national sentiments were further complicated by the Turkish habit of using religion as a determinant, so that it was never certain whether any given individual would classify himself by his religion, his language, his local habitation, or his traditional customs. To complete the difficulties, the two main Slavonic

languages, Serbian and Bulgarian, were incompletely differentiated, and the Slavonic dialects, not only of Macedonia, but of the 'Sop' district which stretched across the central Balkans, including both Sofia and Niš, were neither pure Bulgar nor pure Serb.

Thus although it was not difficult to define certain areas as preponderantly Šerb, Bulgarian, Greek, and Albanian, there was left a great intermediary zone in which the population was not merely mixed, but actually, to a large extent, of uncertain nationality. A man would probably go, quite easily and quite sincerely, where his sympathies led him; and those sympathies would not be rooted in the past, but would be swayed by considerations, often material, of the present and the future. Even if he was by upbringing, say, a Vlach, the prospect of liberty and a competence under the Greek flag would not only make him proclaim himself a Greek but would very soon turn him into a Greek.

Obviously in such a situation, almost any party would be able to put forward a reasonable claim for the debatable territory, and equally obviously the different national claims would conflict. The principle of 'national self-determination' would show its very worst side. Every party would make frantic efforts to substantiate its claim and, given the Balkan tradition of bloodshed, it was likely that the methods employed would be of the roughest; they would not be confined to winning over more or less doubtful elements, but recalcitrant minorities would be silenced by brutal oppression, expulsion, or, in the last resort, by extermination.

The situation was aggravated by the fact that foreign Powers, for their own political ends, supported the more extravagant claims of one nation or the other. The comparatively simple conditions of the first half-century may be said to have ended in 1867, when the Serbs expelled the Turkish garrisons from the purely Serbian vilayets, a year after Moldavia and Wallachia had united to form the Principality of Roumania. Greece was already free, but Albania, Macedonia, and Bulgaria still belonged to Turkey, and the Bulgarian question was now growing

acute. The Bulgars had reawakened late to an active sense of nationality, and their early efforts had been mainly directed against the Greek ecclesiastical supremacy. In 1870 the Sultan, more afraid of the Greeks than of the Bulgars, allowed the latter to create an Exarchate covering not only north Bulgaria between the Danube and the Balkans, but parts of Roumelia, Niš, and Pirot in the west, Küstendil and Veles in the south-west, while other eparchies were to be included if this were desired by two-thirds of the local Christians. Bulgarian schools had already been springing up in the north-eastern Balkans; new schools and churches were now opened in the central Balkans and Macedonia. It was the beginning of the active crusading policy of the Christian states in that area, for Serbia had up to that time shown little interest in Macedonia. After the revolutions in Bosnia and Bulgaria, of 1876, war broke out between Russia and Turkey, at the end of which Russia dictated a peace (the Treaty of San Stefano) which satisfied practically all Bulgaria's national aspirations. She was allotted Pirot, Üsküb, Monastir, and all western Thrace The northern Dobruja was, however, assigned to Roumania, in compensation for the seizure by Russia of the Roumanian districts east of the Pruth. Montenegro received some Albanian territory on her southern frontier. The Powers, however, fearing that the new Great Bulgaria would be unduly subservient to Russia, insisted at Berlin in 1878 on a redrafting of the frontiers. Pirot was given to Serbia, Macedonia and Thrace left under Turkey, while Bosnia and Herzegovina were occupied by Austria. Bulgaria was left a small state with unsatisfied aspirations in north, west, and south, being further partitioned into an autonomous principality north of the Balkans and a semi-autonomous province south of it.

From this date onward nationalism in the Balkans grew more and more virulent. Each Christian state was the enemy of all the rest, and of Turkey. Roumanians and Bulgars disputed the Dobruja; Serbs and Bulgars the Pirot district (the Bulgars continued to claim Niš also, but

it soon became completely Serbian); Bulgars and Greeks Thrace; Greeks and Albanians Epirus; and all states alike Macedonia. Serbia began also to look upon Austria as her enemy, on account of the Bosnian occupation, the animosity growing intense when Austria annexed the occupied provinces in 1908. After that date Serbian national propaganda was carried on intensively, with the object of creating disaffection in Bosnia. In Macedonia the Greeks, then the Serbs, and finally even the Roumanians (who are racially and linguistically akin to the semi-nomadic Balkan Vlachs) copied the Bulgarian example of opening schools and extending their ecclesiastical influence, and by the institution of comitadji bands, who not only worked for revolution against the Turks, but fought against each other and terrorized and massacred the adherents of the other national parties. The Moslem Albanians, who were in a hopeless minority against the Christian nations of the Balkans, long supported the Turks, entering the national field latest of all; but by the end of the century they, too, were engaged in a bitter struggle against Greeks, Serbs, and Montenegrins. While Serbs and Bulgars were alternately supported and the reverse by the Austrians and Russians, the Albanians found protectors in Italy and Austria, who dreaded the expansion of Slav influence in the Balkans.

The actual territorial gains of the Christian nations during the half-century from 1878 onward were small. Bulgaria united a few years after the Treaty of Berlin, proclaiming her complete independence in 1908. Great Britain took over Cyprus in 1878, but Greece received Thessaly in 1881. Not Greece but Italy secured the Dodecanese in 1911 (although legally only as occupied territory). Finally in 1912 and 1913 came the tragic Balkan Wars. The four states of Serbia, Bulgaria, Greece, and Montenegro formed an alliance against Turkey, having previously agreed by secret treaty to partition the spoils at the expense of the Turks and Albanians. The campaign went more successfully than had been expected, and the Powers intervened in favour of Albania. Another

war broke out in which Bulgaria was attacked by Greece, Serbia, Roumania, and Turkey. The Peace of Bucharest in 1913 redrafted the boundaries in the Balkans. It left Roumania enlarged by a definitely Bulgarophone strip of the southern Dobruja; Albania constituted as an independent state; Serbia enlarged in Northern, and Greece in Southern, Macedonia and in Western Thrace; Bulgaria with a small gain in north-eastern Macedonia and in Thrace. Not one of the combatants, except Roumania, was satisfied. Bulgaria and Albania had to leave important minorities under foreign rule, as, indeed, had Turkey. Greece still coveted Albanian and Turkish territory, Serbia and Montenegro hoped for further gains in Albania and Bosnia-Herzegovina. Lastly, nationalism had shown its worst aspects throughout the wars, for practically all the combatants, not content with attacking one another's armies, had slaughtered the civilian population ruthlessly, in order to settle the disputed ethnographical problem once and for all by the most drastic method.

Finally, a genuine national movement began to grow up among the Turks, last of all the European nations. No history of this can be attempted here, but it must be noted that it followed exactly the same course as almost every other national movement of modern times. It began with the growth of a liberal and democratic revolt against the tyranny of the Sultan. In the minds of the Young Turks, its authors, this tyranny was to be replaced by a régime of progress in which all the nations of the Ottoman Empire should unite. In token of this ambition, the leaders of the movement constituted themselves under the name of the Party of Union and Progress. The revolution broke out in Salonica in 1908, and was celebrated by the different nations of that complicated city with enthusiastic manifestations of fraternal feeling. The new Constitution established complete equality between Moslem and giaour. Very soon, however, the Turks found that, as regards the Balkan nations, matters had gone too far; 'equality' under a Turkish régime was not a strong enough attraction to counteract the pull of Bulgaria and Serbia.

They were driven first into taking measures to secure for themselves a preponderance in their newly constituted empire by various novel means, including larger privileges for the Turkish language than it had previously enjoyed; and these measures producing further friction, they decided that equality must be postponed until the Empire had been completely Ottomanized.[1] The measures which they took in pursuance of this end had their inevitable result, and only four years after the revolution the ex-brothers were engaged in bitter warfare. The World War interrupted the further developments, and it was only after the War that Turkey, under the guidance of Mustapha Kemal, set herself to become a genuine uninational state.

7. *The National Struggle in Austria*

There was one state in the belt of mixed population the government of which was not attempting, against reason and nature, to transform it into the national state of a single nationality. This was Austria. The Constitution of December 21st, 1867, which remained in force until the break-up of the Monarchy, contained the following provision, which was a 'fundamental law' of Austria:

'All nationalities (*Volkstämme*) enjoy equal rights, and each has an inviolable right to the maintenance and cultivation of its nationality and language. Equality of rights for all local (*landesublich*) languages in schools, administration and public life is guaranteed by the state.'

It was also provided that all citizens were equal before the law; that public office was equally open to all; and that all should enjoy personal liberty, liberty of the press, etc.

Thus in theory Austria was not a national state at all, the earlier attempts at making it into a German state having been abandoned. In many respects, moreover, it was ruled to the last as an un-national state. The Emperor, in whose hands the executive power largely rested, stood above

[1] See the very interesting speech by Talaat Bey reproduced in the *British Documents on the Origins of the War*, vol. ix, p. 208. The authenticity of the speech is not quite certain, but the general trend of thought expressed therein seems to agree with the policy and ideas of the Young Turks.

nations as he did above parties, and much of the bureaucracy and the army strove to carry out his wishes in the spirit of an Austria which was a purely political and dynastic conception, favouring no one nation above the other. The Constitution, moreover, was in fact observed. If a district was classified as one of mixed population, in which two or more languages were *landesüblich*, the local officials were obliged to know those languages, to accept and deal with documents couched in them, and to communicate with the public therein, orally or in writing. In the Courts, the fullest possible concessions were made to the local language of the parties concerned. In education, wherever a sufficient number of children of any one nationality existed within a given radius, the conditions being uniform for all nationalities, they were entitled to a primary school in their own language. The same principles applied to higher education. No one in Austria needed to change his name or to deny his nationality if he wished to take a share in his country's life.

Nor was Austria lacking in men either of goodwill or of intelligence. In no country in the world were national questions so deeply and so carefully studied.

And yet, the national struggle in Austria was classic—in neither Germany, Hungary, nor Russia, nor even in the Balkans, was all life, public and private, dominated by the national question to the extent that it was ruled in Austria.

The reasons for this are instructive.

Of the thousands and thousands of books and pamphlets issued on the subject, each found a different cause of Austria's malady—usually in the traitorous double-dealing of some nationality other than the author's. The root-cause, however, lay in the unsound conditions which Austria had inherited from her past history.

Politically, Austria consisted of a conglomeration of different 'crownlands'—kingdoms, duchies, counties, etc. —which had come one by one into the possession of the Habsburgs. Most of these historic formations were of great antiquity, and nearly all had reached their form in the days when the sword alone counted, ethnographical

considerations being irrelevant. Some of the smaller crownlands were racially homogeneous, or almost so, but this was not the case with the larger and more important units. Thus (to mention only the chief nationalities in each case), Galicia was Polish with a large Ruthene minority; Bohemia and Moravia, Czech with large German minorities; Styria and Carinthia, German with Slovene minorities; Tyrol, German with an Italian minority; Dalmatia, Croat with Serb and Italian minorities; etc., etc. In all the crownlands taken together, the Germans were the strongest single nationality, but did not constitute an absolute majority.[1]

These nationalities were greatly intermingled. In Bohemia and Moravia there were districts which were predominantly Czech, others which were almost purely German, but these districts were not easily divisible from one another, the German stretching out in a long line round the frontiers, like a ring, while in a considerable number of districts the population was hopelessly mixed. In the Slovene districts the towns were largely German; Lemberg, the centre of Ruthene East Galicia, was largely Polish and stood in a Polish island; in Istria, Gorizia, and Dalmatia the towns were Italian, the countryside Slav, etc. Thus even had other conditions been favourable, territorial decentralization would have proved difficult. A federal Constitution still left an unsolved minority problem in each crownland.

But more important even than the lack of clear delimitation was the *de facto* inequality of the different races. Culturally, the Germans, Poles, and Italians stood far ahead of all the others. Economically, the Germans, Jews, and Italians were much stronger than the Slavs. Politically, great inequalities had existed in the past. The Poles of Galicia had long constituted the ruling class north of the Carpathians, as opposed to the Ruthenes. There were Polish serfs, but there were no Ruthene nobles, for the

[1] In 1910 the total figures in millions were roughly as follows: Germans 9·2; Czechs 6·0; Poles 4·3; Ruthenes 3·4; Slovenes 1·2; Serbs and Croats 0·7; Italians 0·7; Roumanians 0·2.

nobles of Ruthene origin had long since become Polonized. In the Slovene districts, the landowning, as well as the urban class, was German, and in Bohemia and Moravia the landed and industrial wealth of the country alike was in German hands.

All of these various nations retained the personal conception of nationality—the Germans, perhaps, least, for to the last more of the Germans than of any other nationality 'felt Austrian'; the Slovenes and Ruthenes, almost exclusively. Any nationality which found itself in the majority in a crownland always posed, indeed, as champion of historic rights; but this was merely a tactical manœuvre, in order to extend its influence as widely as possible. The Poles of Galicia did not feel themselves in the least as Galicians; they did not unite with the Ruthenes against the world; what they wanted was a free hand for their own nation in Galicia. The Czechs, when they claimed the historic rights of the 'Crown of St. Wenceslaus', did so only because in Bohemia, Moravia, and Silesia taken as a unit they were more numerous than the Germans, while in Austria as a whole they were in a minority.

Each nationality, then, felt itself to be a unit and worked in its own national interests, for the sake of which it often willingly sank its own internal social and economic differences. And the struggle for position between the different nationalities was unceasing, precisely because of the historic inequalities which existed between them. The position was not static; the races which had less than their share of power, privilege, and education were pressing forward, the privileged nationalities were defending their position, and retreating only step by step.

In this struggle the existence of the historic units played a great part. Many of them, such as Bohemia, had much economic justification. They did, in fact, form obvious administrative units which could not easily be divided. But in addition, there was always one party which saw an advantage in retaining them, while the other wished for their abolition. This became apparent as early as 1848, when the wishes of the peoples were first able to make

themselves heard, and the incompatibility of their various ambitions first became apparent. Under the extreme and senseless reactionary régime of the *Vormärz*,[1] when all the nations alike suffered under a common tyranny, they fraternized to a considerable degree. The Germans sympathized warmly with the struggles for freedom of the Poles and Italians (as also of the Magyars), believing that the cause of one nation was the cause of all, and were not even wholly hostile to the cultural renaissance of the Czechs and Slovenes. As soon, however, as the initial successes gained by the revolution allowed any one nationality to exercise an active national policy, the divergency of interests (accentuated by divergent sympathies regarding international policy) became apparent.

So long as the shades of absolutism were not wholly dissipated, the mutual hostility was not uncompromising. The peoples' representatives assembled at Kremsier in 1849 to draft the new Austrian Constitution (the Italians and the Hungarians were not present) were genuinely anxious, as Palacky put it, 'to construct Austria in such a way that the peoples would be glad to exist in her'. On this occasion the Slavs represented the purely national standpoint, and their spokesmen, Palacky for the Czechs, Kautschitch for the Slovenes, suggested abandoning the historic units and remodelling Austria as a federal system of units delimited on ethnographical lines, of which Palacky would have to make 8, Kautschitch 14 (a difference which itself showed the difficulties inherent in the scheme). Palacky was willing even to divide up Bohemia and Moravia.[2] Those nationalities, however, which occupied dominating positions in the crownlands of mixed nationality, such as the Germans of the Tyrol and the Poles of Galicia, opposed the suggestion strongly, while the ques-

[1] The period preceding the revolution of March 1848.

[2] He seems, however, to have doubted the practicability of this, as he said afterwards: 'I am by no means against separating German Bohemia from Czechia; if it were only possible in practice, I should propose it. But Bohemia is a hotchpot (*ein Kesselland*), and a pot cannot be divided without destroying it.' A voice: 'But it can be patched.' (Bibl, *Der Zerfall Oesterreichs, Von Revolution zu Revolution*, 1924, p. 178.)

tion of the border-line territories also gave rise to bitter quarrels. Finally, a compromise between the historical and ethnographical principles was proposed. The historic units were to be left intact, but to be divided along ethnographical lines into smaller *Kreise*. All nationalities were to enjoy equal rights, and arbitral tribunals were to be set up in all mixed districts to decide purely national questions.

This genuinely constructive proposal was, unluckily, jettisoned by the absolutist régime which followed and, when constitutional life was definitely resumed in 1867, it was not taken up again. The Constitution laid down the principle of equality of rights, but the Crown governed in practice by playing off one nationality against the other. The Crownlands were retained, each with its separate Diet, while a central Parliament (*Reichsrat*) met in Vienna. The balance between the different nationalities could be adjusted by allowing greater or less power to the central authorities; the Germans, as the strongest single nationality, and the nations in a minority in the Crownlands, such as the Ruthenes, favouring a centralized system, while the Czechs and the Poles wanted decentralization, leaving them supreme in the provincial Diets.

The interplay of conflicting interests was so complex that it was in fact possible to keep Austria going for another half-century, as Count Taaffe, the Emperor's friend and his Minister-President for twenty years, put it, 'by keeping all the nationalities in a state of uniform, nicely-tempered discontent'. But the central authority was always ruling against nationality, not by satisfying it.

Was any solution possible? There were many who maintained to the last, and passionately, that a solution could have been found; that Austria was a European necessity, and that a great, super-national state was a form far better suited to the interests of the little peoples of central Europe than that of a number of small, pseudo-national states. With certain reservations, this is undoubtedly the case. There were certain outlying portions which were connected with Austria by no real tie except the dynastic; but in the main Austria formed a unit whose

historic role had not been exhausted, although it had been weakened, by the disappearance of the Turkish danger.

It was, however, essential to liquidate the heritage of the past and to establish real national equality. The system by which the Poles were able to monopolize all the advantages of public and private life in Galicia, or the Germans in Bohemia, while the other nationalities went away empty-handed, was not one which could ever satisfy the requirements of modern days.

No nation, however, was willing to accept equality where there was a prospect of something more. The Germans hankered after a centralized constitution under which they could rule Austria; the Czechs after a position which would make them masters of Bohemia; even the Ruthenes would have liked all East Galicia, and would certainly not have admitted the Polish minority there to equality with themselves.

Each nationality wished, to a greater or less degree, to dominate and exploit the others, and the fact that the government to some extent stood aside from the struggle only meant that it was fought out with the greater intensity between the nationalities themselves. All had, for example, to accept equally the rule that local officials must be conversant with the local languages; but this meant that they would make frantic efforts to persuade, for example, workers of their own nationality to migrate into a given district; for their children, a school would then be demanded, the district would be claimed as bilingual, and a certain number of official posts would then be claimed for men speaking the language of the new element. So another outpost had been gained, another rivet forged in the national armour, and a basis created for further demands still.

Behind all this lay the feeling that Austria's historical role was largely past, that one day or another the map of Europe would be redrawn, and that the frontiers of the future would depend on the national positions, as won and consolidated in this long-drawn-out struggle. The struggle itself descended into details of astounding pettiness, e.g.

the language in which tickets issued in Vienna for places in Bohemia should be printed. One Austrian government actually fell on the question whether Slovene classes should or should not be provided in a school in the small town of Cilli.

It may be remarked in passing that all these efforts were almost entirely fruitless. The result of half a century's all-against-all struggle was to leave the relative percentages of the different nationalities practically unaltered, such changes as there were being apparently due almost entirely to natural causes such as differences in birth-rate, migration, etc.[1] In each separate Crownland the majority usually increased slightly at the expense of the minority, but the gains were trivial and the tendency not invariable.[2] Of the strenuous efforts made by Czechs and Germans in Bohemia —the classic land of the national struggle—an authority wrote in 1905 that

'The linguistic frontier is based on settlement dating back hundreds of years, or landed and house property, and is as immobile as that property itself. All attempts to alter the linguistic frontier by artificial means must be defeated by its tenacity. The trivial successes which have been achieved here and there are in no proportion to the means which have been employed and the extent of the impregnable positions. Looked at, then, from the point of view of the general national interest, not from the purely parochial, efforts to change the linguistic frontier are seen to be futile.'[3]

[1] The census figures for the chief nationalities of Austria were the following:

	1880		1890		1900		1910	
	Total	Per cent	Total	Per cent	Total	Per cent	Total	Per cent
Germans	8,008,864	36 75	8,461,580	36 05	9,170,939	35 78	9,950,078	35 58
Czechs and Slovaks	5,180,908	23 77	5,472,871	23 32	5,955,397	23·23	6,435,532	23 02
Poles	3,238,534	14 86	3,719,232	15 84	4,259,152	16 62	4,969,667	17 77
Ruthenes	2,792,667	12 80	3,105,221	13 22	3,375,570	13 17	3,518,882	12 58
Slovenes	1,054,765	5 94	1,140,304	5 23	1,170,072	5 01	1,253,148	4 48
Serbs and Croats	563,615	2 59	644,026	2 75	711,380	2 77	783,010	2 80
Italians	668,053	3 07	675,305	2 88	727,102	2 84	768,592	2 75

These figures are taken from L. Waber, *Die zahlenmässige Entwicklung der Völker Oesterreichs, 1846–1910*, p. 120, they relate to language, Jews not being reckoned separately, which accounts for part of the apparent increase in the Polish figure.

[2] Waber, op. cit., pp. 51 ff.

[3] H. Rauchberg, *Der nationale Besitzstand in Bohmen*, p. 289.

So long as each nationality was not to be satisfied except with more than its due, a solution of the Austrian problem was impossible. It was also impossible on the prevailing system, which made exploitation possible. The Constitution had laid down the general principle of equality, but it had not fixed the rules by which that equality was to be secured. The only true solution, as Austrian thinkers came to perceive more and more clearly, lay in a radical alteration of the system. As things were, there was no segregation of the nationalities from one another. The ultimate machinery was centralist. Only a single sum of money was provided, for example, for purposes of education, and this had to be distributed between all the claimants. If one got more, another got less. If the Slovenes were able to establish their claim to a school in a certain district, there was so much less money to provide a German school, and so on. This system (which some writers called the 'Centralist-atomistic') made each nationality the competitor of all the rest.

Decentralization along the lines of the historic units did not solve the difficulty, as it merely transferred the struggle from the central government to the Crownlands. To break up the historic units along ethnographical lines would have been a more hopeful remedy, but apart from the fact that this plan always met with the opposition of the stronger nationality in each unit, it would, owing to the mixed character of many districts, have meant creating a number of units so large as to make all administration impossible, besides which, some of the units would have been purely rural, others purely urban, etc.

Some thinkers, notably among the Social Democrats, therefore favoured a complete reorganization of the whole basis of the state. The Conference of the Social Democrat Party held at Brünn in 1899 put forward a programme for the remodelling of Austria into a federation consisting of territorial units delimited on ethnographical lines.[1] All such units belonging to one nationality were to be constituted in a national league which should enjoy complete

[1] Bauer, op. cit., pp. 527 ff.

autonomy in its national affairs. All nationalities were to be absolutely equal, and to enjoy full rights of self-development and self-expression. A special law was to guarantee the rights of national minorities in the mixed districts.

The idea of abandoning the historic units, and grouping the national units together, really substituted the personal nation for the territorial crownland as the federal unit which ranked next after the state itself. Two brilliant Socialist thinkers, Otto Bauer and Karl Renner, in subsequent published works,[1] developed this idea of the personal principle further. All members of each nationality, whatever their residence, were to form a single public body or association, endowed with legal personality and competent to deal with all its national ('national-cultural') affairs. This body would organize the educational system of its members, in the widest sense of the word, and help them in the Courts, etc., where their ignorance of the language rendered this necessary. It would be empowered to levy the necessary taxes upon its members. By this means competition between nationalities in those questions which were genuinely national in character would be entirely eliminated, since no nationality would have any concern with the national affairs of another, nor any means of interfering with them.

This personal principle undoubtedly contained within it the embryo of the only possible solution of the national problems of a mixed state such as Austria was. Certain writers—not only Socialist—believed that the introduction of it would have transformed Austria to such a degree that the neighbouring states of Roumania, Serbia, etc., would have, in time, sought admission to it, and that it would have become a model for all Europe.[2] The two Socialist writers mentioned above saw, indeed, that the application of the pure principle would not in itself altogether suffice, since the solution of the cultural question did not altogether

[1] See bibliographical note

[2] Cf. F. F. G. Kleinwächter, *Der Untergang der oesterreich-ungarischen Monarchie* (1920), pp. 61 ff.; Baernreither, *Zur böhmischen Frage*, 1910.

solve the political problem. They therefore proposed to divide Austria, as far as possible, into ethnographical homogeneous units, or *Kreise*.[1] Each of these should enjoy far-reaching autonomy. Where a *Kreis* was nationally homogeneous, its Council (the local authorities) should deal with cultural affairs equally with administrative; where it was mixed, the Council should deal only with purely administrative questions, each nationality regulating its own cultural affairs. Small minorities in districts which were mainly uninational should be allowed to form autonomous bodies with a somewhat narrower range of duties. Each *Kreis* should belong to two different higher organizations: a territorial, for dealing with certain questions not relating to nationality (e.g. all *Kreise* of Bohemia would deal with certain interests in common); while for national questions, all *Kreise* of a certain nationality, including the autonomous bodies in the mixed *Kreise*, should join in a National Council, which should deal with the higher national questions, and should have the right to impose taxation for cultural purposes.

It seems, however, doubtful to-day whether even the introduction of the Renner-Bauer system would have saved Austria. A first condition, which was, indeed, postulated by the Socialists, would have been the abandonment of any sort of aggressive foreign policy, since any armed conflict must have aroused passions which no state could well be expected to resist. Nor is it easy to see how Galicia and the Bukovina in the north, and Dalmatia and the Italian South Tyrol, Bosnia and the Herzegovina in the south, could have permanently remained attached to Austria. The condition of such attachment must have been a greater well-being, both material and moral, than the districts in question could hope to enjoy elsewhere. Had the national question once been solved, the moral attractions offered by Austria, through her superior culture, might perhaps have outweighed those of Serbia or a Kingdom of Poland, although hardly of Italy. It would, how-

[1] The *Kreis* is a unit of considerable size, roughly corresponding to a large English electoral constituency.

ever, have been difficult to resist permanently the pull of centrifugal economic forces.

For the heart of Austria—the German provinces, Bohemia and Moravia, with some of the Southern Slav districts in the south—the Bauer-Renner proposals were inherently fitted to deal with the ethnographical conditions. It is another question whether, once imposed, it could have overcome the difficulties which had their roots in Austria's historical development, and had led to so great a *de facto* social and economic inequality between the different nationalities. In any case, the experiment was never tried.[1] Austria did not succeed in adapting her form of government to what modern conditions necessitated and, although her form of state cannot be said to have been national, the only effect of the Crown's neutrality was to leave the nations free to struggle, either within the whole or within the historic units, to create their own national states. As none of them was able to secure full satisfaction for its national ambitions, each looked, to an increasing degree, across the frontiers of the Monarchy, and saw its chief hope for the future in the break-up of Austria and the formation of new national states. The very complexity of the conditions proved, indeed, a retarding factor. The Poles could not expect independence so long as Prussia and Russia remained strong. The Czechs might have found an ally in a powerful Russia (and for that reason the Pan-Slav movement has always been strong among them), but it was essential to them that Germany should be so weakened as to enable them to cut the old historic bond which united Bohemia to Germany. The Ruthenes needed a weakened Russia without a strengthened Poland, a consummation which, perhaps, only a greatly strengthened Germany could have given them. Thus most of Austria's

[1] There were one or two isolated examples of departure from the strict territorial principle. Thus in Bohemia the Germans and Czechs had initiated separate 'cultural Councils', which worked well; but their competencies were not extensive enough. In Moravia the Germans and Czechs voted on separate lists, and an arrangement on somewhat similar lines was in force in the Bukovina.

nationalities found reasons for supporting her at least under the conditions prevailing before 1914, and upon terms. Nevertheless, the national problem in Austria remained as unsolved as that in Germany or Hungary, and with no less disastrous ultimate results.

8. *The Development in Western Europe*

Thus in 1914 the whole area of mixed population in Europe was occupied, to the exclusion of almost any other subject, with an unremitting and unrelenting national strife, on which western Europe looked with a pity mingled with contempt. The contrast between the turbulence of the east and the comparative placidity of the west was, indeed, remarkable, but it is only fair to state that this was due, not to any superior political wisdom on the part of the west, but to the difference in conditions. As was remarked previously, western Europe had, by the beginning of the nineteenth century, gone far towards organizing itself in genuine and satisfactory national states. In the course of the century, this process advanced still farther. Not only did nations such as Spain, which had formerly been somewhat inchoate, consolidate very rapidly, but two of the multi-national states—the Netherlands and Sweden—resolved themselves into their component elements, in the one case with comparatively little bloodshed, in the other by agreement. Elsewhere, the minorities, with the notable exceptions of Ireland, and of Germany's newly created minority in Alsace and Lorraine, lived on reasonably pleasant terms with the majorities to which they were politically attached, and did not aspire to political independence.

There were, however, signs that this happy state of things might not be of indefinite duration. Previous centuries had been marked by the development of the dominant nations which now gave their names to the national states. In the course of this development, some national minorities had disappeared altogether, beyond revival. Those which had survived had been weak and unimportant, and it looked as though they, too, would presently vanish

into oblivion. Now this seemed less certain. Some of the minorities themselves experienced a national revival exactly analogous to that of the 'submerged nations' of central and eastern Europe. The most important of these were the Flemings, who had been entirely submerged at the time of the separation of Belgium and Holland. It was only after the separation that their linguistic renaissance began, and only in 1857 that a political movement was launched by Jan van Rijswijk. After this, the movement made rapid progress. In 1883 Flemish was made the language of instruction in secondary schools in the Flemish parts of the country; in 1889 Flemish became the language of the Courts in the same districts, and in 1897 Flemish became the second official language of Belgium. This did not, however, satisfy the 'flamingants', who still felt themselves at a disadvantage compared with the 'fransquillons', and in 1914 a struggle was still raging round the demand for a Flemish university.

This was as far as the movement had gone in 1914. None, or hardly any, of the Flemings then desired separation from Belgium. It was, however, an indication that where national minorities still existed in western Europe, particularly where the line of demarcation was not only geographical, but social also, the problem was further from solution than had appeared likely. Nor was Belgium a unique case. The same process was taking place elsewhere; in Wales, in Scotland, in Brittany. In Ireland, where the political resistance to English rule had never died out, the movement was also growing more truly national, and gathering new force. The Irish question, incidentally, was more dangerous than any other in western Europe because conditions in Ireland resembled those of eastern Europe much more closely. Not only was there a country subjugated by force to alien rule—as in Poland, for example, or Italy before the Revolution—but that country itself contained a favoured minority of ex-conquerors, and a majority of ex-serfs, and even if England had been willing to release Ireland, she had qualms about the probable fate of the minority if she did so. The dangers which may arise from

tampering with the laws of nature were amply illustrated here; the main difficulty of the Irish problem lay in the presence of Protestant settlers of Scottish descent in the north-eastern corner of the island, who had been planted there, at the expense of the natives, in an earlier age. Here was a genuine minority problem, due to a racial movement similar to those which had so complicated conditions in the east; and events were to show that the supposedly milder air of the west did nothing to temper its difficulties. Austria, which was compact of one seething mass of minority problems of the most ferocious kind, yet managed to exist without an open outbreak until 1918, whereas the single example of a minority problem of real difficulty brought the British Isles to the verge of war a year or two later.

There was only one country which seemed definitely to have solved its national problem; and that country—Switzerland—constituted precisely the exception which proved the rule. Switzerland was not, and is not, a national state. It is true that the Swiss Constitution speaks of 'the Swiss nation',[1] but the conception is a purely political-territorial one. It is obvious that the German, French, and Italian Swiss are distinguished from their neighbours in Germany, Austria, Lichtenstein, France, and Italy respectively, not by race or language, nor even necessarily, to-day, by religion, but solely by the difference of their political form of state, and no question of irredentism based on the personal attributes of nationality can, in consequence, arise. The Italian and French Swiss are numerically less than the Germans, but they are not national minorities. They stand on a footing of absolute equality with the German Swiss, even to the extent of their language enjoying *de facto* equality in their common affairs. Even the Ladins can hardly be called a minority, since they enjoy an equal share in the political and terri-

[1] 'The Swiss Confederacy', it says, 'has adopted the following constitution with a view to establishing the Union (*Bund*) of the Confederates, and to maintaining and furthering the unity, the power and the honour of the Swiss nation.'

torial factors which are the basis of the Swiss State. They are not considered in any way inferior to the members of the larger nationalities; they enjoy full freedom in the use of their language; and in the Canton of Graubünden, which alone contains a considerable Ladin population, Ladin ranks as an official language and it is admitted in public use by the federal authorities to the extent to which this is compatible with the general administrative efficiency and convenience.

It may be said that since Austria did not aspire to be a national state the same thing was true of her own minor nationalities; and yet, as we saw, such peoples as the Ruthenes or the Italians of Austria were essentially minorities. But Switzerland succeeded, where Austria had failed, in protecting her nationalities from one another. She did so because she started with certain advantages not possessed by Austria. In the first place, her different cantons, when they came together, had done so at the end of a long period of settled life, in the course of which the population of each territorial division had become largely homogeneous. Of the twenty-two cantons of to-day, fourteen are purely German-speaking, three purely French, one purely Italian, and only three French and German, and one German, Italian, and Ladin. Thus a territorial decentralization, through far-reaching cantonal autonomy, amounting to a limited sovereignty,[1] was possible without raising in the cantons a problem of minorities.

More important still, there was no unsound political heritage from the past to poison the relations of the peoples. It is true that up to 1798 only the German-speaking cantons enjoyed full rights; but there was no social-political difference between the different nationalities. Of some psychological importance, too, was the fact that none of the main nationalities could adopt a complete national programme without giving away the basis of its own independence; for the pure theory of the national state

[1] The Constitution declares that 'the cantons are sovereign in so far as their sovereignty is not limited by the Federal Constitution, and exercise all such rights as are not conferred upon the federal power'.

would have required them to join Germany, France, and Italy respectively.

In 1798, under the influence of the revolutionary and liberal ideas of the period, the only true basis for a contented Switzerland was adopted: all cantons were declared politically equal, and the three main languages were made equally official languages. After a reaction in favour of German as the sole official language (1814), the principles of 1798 were restored in 1848, while the individual cantons generally gave all local languages (including Ladin in Graubünden) equal official status. There are undoubtedly certain administrative difficulties and inconveniences; but in 1914 Switzerland, alone among the states of the Continent, could fairly claim to have solved her national problem. In most of the states of western Europe the problem was latent rather than active, and their political structure was not such as to make an eventual solution impossible. East of Switzerland's blessed frontiers, on the other hand, the national problem had assumed such formidable proportions as to make it highly unlikely that the existing political systems would be able to withstand any great shock.

CHAPTER V

INTERNATIONAL MINORITY PROTECTION UP TO 1914

WE have dealt hitherto only with the internal relations between minorities and the states of which they formed part. During the seventeenth and eighteenth centuries, however, and still more in the nineteenth, the question of minorities had come to be regarded as possessing a certain international importance, and international treaties dealing with it had been concluded. The existence of these treaties was destined to be of some importance in 1919 as they provided both legal and historical precedents for extending the system. The legal argument is often convenient, although an outsider may be tempted to feel that international law consists of precedents, and that precedents are established whenever any state both desires and is able to enforce them. The historical aspect was definitely important, for the lessons of history were largely applied both in shaping the new treaties and in constructing the machinery whereby they were applied.

The principle of foreign intervention in favour of a minority is not new. The Catholic Church has always claimed a right of supervision over the Catholics in all countries. This is, of course, not so much a claim by one power to intervene in the affairs of another, as the exercise of a super-national sovereignty, which was generally admitted to be rightful in the days when the idea of absolute all-embracing state sovereignty had not yet been fully developed. After the Peace of Westphalia (1648) the Protestant states denied the right of the Church to exercise any such authority, and even the Catholic states became less amenable in this respect. Nevertheless, the latter, by means of Concordats, usually allowed Rome a certain extra-state authority in religious matters, and the Protestant states, by an analogy which was natural, but entirely false, often intervened in similar fashion in favour of the Protestant minorities in Catholic states.

If the idea underlying these cases be analysed, it will be seen that they amount, in reality, to a denial of the claim of absolute sovereignty. States exercising the intervention assumed the existence of a higher law: the right of the individual to practise a certain religion not that authorized by the sovereign. In the above cases the interest of the intervener was founded solely in the community of religious belief between himself and the persons whom he desired to protect. In other cases, the fact that certain territory was being ceded under treaty gave the Power making the cession a more obvious *locus standi* for his stipulations. It was usual for a monarch succeeding in the ordinary way to the throne to take some sort of an oath to the Constitution, i.e. to swear to preserve intact the existing institutions and liberties; and to require him to do so on taking over possession from another sovereign was only a natural extension of this principle, and one to which few rulers objected. Thus when Poland and the Great Elector ceded Pomerania and Livonia to Sweden in 1660 under the Treaty of Oliva; when France ceded certain territory to Holland in 1678 and in 1697; and on several other occasions, clauses were inserted in the treaties guaranteeing the inhabitants enjoyment of their existing religious liberties.[1] Where the adherents of one state religion were passing under the rule of a state where a different religion was the established one, only the communities which might be expected to suffer by the change were ordinarily protected; but where the state ceding the territory had practised religious toleration, the same liberty was sometimes stipulated for all religions.

From crude beginnings these stipulations gradually became more elaborate, and the Eight Articles, accepted in 1814 by the Prince of Orange when Belgium was assigned to the Netherlands, contained the following very definite provision (Article 2):

'There shall be no change in those articles of the Fundamental

[1] Examples are cited by J. Fouques Duparc, *La Protection des Minorités de race, de langue et de religion* (Paris, 1922), pp. 74 ff. They include several cases of intervention by England.

Law (of Holland) which assure to all religious cults equal protection and privileges, and guarantee the admissibility of all citizens, whatever be their religious creed, to public offices and dignities.'

Sardinia, in ceding certain territory to the Canton of Geneva, made equally careful stipulations that 'the Catholic religion shall be maintained and protected in the same fashion as it is at present in all the communes which are to be ceded by H.M. the King of Sardinia to the Canton of Geneva'. In this case the King of Sardinia reserved himself the right (of which he availed himself on one occasion, in 1822) to draw attention to and to support any complaint arising out of the failure to execute these articles.

Thus by the beginning of the nineteenth century the principle was fairly well established that where a population was transferred from one sovereignty to another it should be guaranteed freedom for its religious beliefs. These rights were not extended to language, chiefly, perhaps, because small importance was attached at the time to the linguistic question. It was, however, not infrequently extended to laws and political privileges. Thus the Treaty of Oliva, quoted above, guaranteed to the inhabitants of Pomerania, ceded by Prussia, 'the maintenance of all laws, liberties and privileges either lay or ecclesiastical which they have enjoyed before this war'.

The Eight Articles of 1814, regarding Belgium and Holland, also contained political and economic clauses, which were, however, aimed less at allowing Belgium to retain a separate status, than at bringing about 'the most perfect amalgamation (*amalgame*) between the two nations of the new kingdom, by preventing any discrimination'. Most of the articles were drawn up for this purpose.

At the Congress of Vienna, in the case of Poland, the claims of nationality, as such, were recognized for the first time, and the guarantee was for the first time national rather than religious.

'Experience has proved', wrote Castlereagh, 'that it is not by counteracting all their habits and usages as a people that either the happiness of the Poles, or the peace of that important portion of Europe, can be preserved. A fruitless attempt, too far persevered in

by institutions foreign to their manners and sentiments, to make them forget their existence and even language as a people, has been sufficiently tried and failed. It has only tended to excite a sentiment of discontent and self-degradation, and can never operate otherwise than to provoke commotion, and to awaken them to a recollection of past misfortunes.

'The undersigned . . . ardently desires that the illustrious monarchs, to whom the destinies of the Polish nation are confided, may be induced before they depart from Vienna to take an engagement with each other, to treat as Poles, under whatever form of political institution they may think fit to govern them, the portions of that nation that may be placed under their respective sovereignties. The knowledge of such a determination will best tend to conciliate the general sentiment to their rule, and to do honour to the several sovereigns in the eyes of their respective governments.'

Castlereagh's motives were not, indeed, wholly altruistic. He, with the whole British nation, would have preferred to see the independence of Poland re-established; and he avows, in the note from which the above quotation is made, his fear of 'those dangers to the liberty of Europe . . . which might justly be apprehended from the reunion of a powerful Polish monarchy with the still more powerful Empire of Russia'. Russia, Austria, and Prussia, without committing themselves too deeply, replied to the effect that they proposed to allow Poland to retain some of her national institutions. These half-promises were repeated in the Treaties signed on May 3rd, 1815, between Russia and Austria, and between Prussia and Russia. Finally Article 1 of the Final Act of the Congress of Vienna (June 9th, 1815) declared:

'Les Polonais, sujets respectifs des hautes parties contractantes, obtiendront la conservation de leur nationalité, d'après les formes d'existence politique que chacun des gouvernements, auxquels ils appartiennent, jugera convenable de leur accorder.'

Although this Treaty contained no provision for the exercise of an international guarantee, it was yet an instrument of 'international concern' and, in fact, France made a diplomatic démarche through her ambassador in Petersburg when Russia took repressive measures after the

Polish rising of 1831, receiving assurances in return, and in 1863 Great Britain and Austria intervened, basing their action on the provisions of the Treaty of 1815. It is interesting, in view of certain arguments advanced to-day by states bound by Minority Treaties, to record that Lord Russell pointed out that the fact of the Polish rebellion could not annul the obligation assumed by Russia *vis-à-vis* her co-signatory of the Treaty. Although Gortschakov refused the request (which was not pressed) for an international conference, he admitted the rights of the signatories of the Treaty of Vienna 'to interpret, according to their own convictions, the terms of the transaction to which they had appealed'.

The Polish Treaty is certainly one of the ancestors of the present Minority Treaties, but an even more direct line is to be traced from the various interventions of the Christian Powers in favour of non-Moslems in Turkey. Such intervention dates from very early times, although the Capitulations, which to some extent set the example, were no direct precedent, being concerned with persons who were nationals of the protecting Power.[1] As early as 1250, however, St. Louis promised to the Maronite community[2] protection as though they had been French subjects. The promise was renewed by Louis XIV in 1649 and by Louis XV in 1757; in 1675 Louis XIV declared himself protector of the Catholic inhabitants of the Archipelago. These were purely unilateral acts. In 1615, however, Austria inserted in her Treaty with the Porte a clause guaranteeing good treatment and the right to build churches and exercise their religion to 'those who profess themselves the people of Christ and who obey the Pope, of whatever denomination, ecclesiastics, monks, or Jesuits'.

[1] The Capitulations themselves had forerunners in similar privileges granted by the Byzantine Empire to certain foreign communities who were exempted from the Imperial legislation and administered by their own consuls (a status akin to the exterritoriality granted to-day only to diplomats). Such autonomous trading communities are of very old date.

[2] The Maronites are a peculiar Christian community in the Lebanon, probably founded by refugee Monothelites from Antioch, who were

With this treaty Austria began to rival France as protector of the Catholics in the Ottoman Empire. In 1673 France, in renewing her Capitulation, riposted with securing further concessions in favour of the Jesuits and Capuchins; a promise of protection for the Catholic monks in Jerusalem, and the assurance of free exercise of their religion for the Catholics. The Treaty of Karlowitz (1699) —the most humiliating ever concluded up to that date by the Porte—not only assured the Catholics security and free exercise of their religion, but authorized the Polish Ambassador to the Porte 'to expound to the Imperial Throne any request touching religion which he may be ordered to make'.

Article 14 of the same treaty allowed Austria a right of intervention, and this was renewed in the subsequent Treaties of Passarowitz (1718), Belgrade (1739), and Sistov (1791). These treaties aroused the jealousy of Russia, who began to claim an analogous status as protector of the Orthodox populations, particularly in Moldavia, Wallachia, and Montenegro. This right was recognized, more or less widely, in a series of treaties (Kütchuk-Kainardje, 1774; Ainali-Konak, 1779; Jassy, 1792; Bucharest, 1812; Adrianople, 1829). It was invariably abused by Russia, who neglected her protégés cynically when anxious to placate Turkey, while inciting them to rebellion at other times, and using the consequent outbreaks as a pretext for making war and for annexing portions of the Porte's territory. Her example was imitated by Austria, France, and later by Italy, and so scandalous did this situation become that after the assertion of France's claim over the Holy Places had led directly to the outbreak of the Crimean War, an effort was made to sweep it aside. The demands put forward by the western Powers in 1854 included one that 'no State shall claim a protectorate over the subjects of the Sultan, but that the Great Powers shall

banned by the Council of Constantinople in A.D. 680. They kept up a certain connexion with the Papacy for many centuries, but union with Rome was effected only in 1736, and even then certain distinctive peculiarities were retained.

see to the guarantee of the privileges granted to the Christians without infringing the Sultan's sovereign rights'. Russia was forced in 1856 to renounce her protectorate; and, in a sharp reaction against the old system, the Powers did no more than 'take note' of the Constitution introduced by the Sultan, enunciating the principle that:

'The said communication cannot, in any case, give the said Powers the right to intervene, either individually or collectively, in the relations between His Majesty the Sultan and his subjects or in the internal administration of the Empire.'[1]

These considerations of mutual political jealousy did not, however, apply in the case of the smaller Christian states, which now began to carve themselves out of the body of the Ottoman Empire. Moreover, certain considerations presented themselves in the case of these states. Firstly, they owed their existence to some extent (very small in the case of Serbia, somewhat greater in that of Greece, very great indeed in that of Bulgaria and Rou-

[1] A highly entertaining, if not entirely convincing picture of the nefarious activity of foreign Powers, especially Russia, in connexion with minorities in Turkey, was given by Ismet Pasha at the Conference of Lausanne (see the Proceedings of that Conference, Cmd. 1814 of 1923, pp. 190 ff.). After a poetical description of the virtues of the Turkish nation, as contrasted with the iniquities of all others, the learned Pasha concluded that:

'History teaches us then not to lose sight of two principal factors in the question of minorities:

'1. The external political factor, consisting of the desire nourished by certain powers to interfere in the internal affairs of the country under the pretext of protecting minorities, the intervention thus aimed at being realized especially by preliminary provocations and the incitement of disorders.

'2. The internal political factor, that is to say, the desire of the minorities, thus encouraged, to liberate themselves in order to constitute independent States.'

The solution which he proposed for Turkey's minority problem (in 1923) was:

The exclusion of every kind of foreign intervention.

An exchange of Turkish and Greek populations.

For the remaining minorities the best guarantee would be supplied 'by the laws of the country and by the liberal policy of Turkey with regard to all communities whose members have not deviated from their duty as Turkish citizens'.

mania) to the efforts, or at least to the benevolence, of the Powers, which thus felt themselves to possess a certain right of intervention, analogous to that claimed by a state ceding a portion of its territory to another. Moreover, the massacres which had accompanied and followed on the various wars of liberation made some measure of minority protection obviously desirable, since the nineteenth century was beginning to feel that man was fundamentally entitled, not merely to the free exercise of his religion, but to a little earthly happiness also. It would seem, however, as though the Powers had in mind no more than the assurance of some measure of religious toleration, i.e. first and foremost, an assurance that Turks and Christians should not exterminate one another with undue thoroughness. This series of Balkan treaties does not seem to have been concluded with an eye to the problem of assimilation within the national state, which is no more than was natural; for, as was pointed out in an earlier section, this problem did not present itself in the Balkans in its most acute form until after the rise of Bulgaria and the development of the Macedonian imbroglio.

The first of these treaties was the Protocol signed in 1830 by Great Britain, France, and Russia guaranteeing the independence of Greece. This stated that the Powers, in order to preserve Greece from

> 'the calamities which the rivalries of the religions therein professed might excite, agree that all the subjects of the new State, whatever their religion may be, shall be admissible to all public employments, functions and honours, and be treated on a footing of perfect equality, without regard to difference of creed, in their relations, religious, civil or political.'

A similar declaration was made in 1863 with regard to the Ionian Islands.

In 1856 the independence of Moldavia and Wallachia was declared. Here, in virtue of ancient treaties concluded by the Principalities when placing themselves under the suzerainty of the Porte, there were no Turks, or practically none. On the other hand, a problem was presented which

had not previously troubled the conscience of the Christian Powers: that of the Jews. Jews were very numerous in both provinces, where they formed both an economic and a social problem, and were deeply hated by the Roumanians. In both, under the Constitutions of 1831, they had been proclaimed foreigners, without political rights and incapable of owning or leasing real property. In Moldavia, where the problem was the more acute, they could be expelled if living on 'irregular resources'. In Wallachia their position was much easier, and in 1848 they had been emancipated and granted civil and political rights, but the constitutional guarantees had not maintained themselves in practice.

The Powers, treating the question as a purely religious one, inserted the following clauses in the Protocol of 1856:

'All religions and those who profess them shall enjoy equal liberty and equal protection in the two principalities.

'All Moldavians and all Wallachians will without exception be admissible to public employment.

'All classes of the population, without any distinction of birth or religion, shall enjoy equality of civil rights and in particular the right of property in all its forms.'

The Convention of Paris (1848) did not go so far:

'Moldavians and Wallachians shall be equal before the law in matters of taxation and equally admissible to public employments in both capacities.

'Their individual liberty shall be guaranteed.

'Moldavians and Wallachians of all Christian rites shall enjoy political rights. The enjoyment of these rights can be extended to other religions by legislative enactment.'

Unhappily, whereas the Powers undoubtedly meant the term 'Moldavians and Wallachians' in its political sense, the Roumanians chose to interpret it in its racial sense, to the disadvantage of the Jews, against whom they put the old disabilities into force in 1867, and whom they persecuted severely during the ensuing years, evoking a succession of protests from the Powers, including the United States.

Thus, when the Congress of Berlin, the most important of all bodies of date prior to 1919 which dealt with the minorities problem, met in 1878, the question of religious toleration was still in the forefront. The Powers, warned by past experience, worded their instruments more carefully, and made the recognition of united Roumania dependent on her acceptance of the following clause (Article 44):

'In Roumania the difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions and honours, or the exercise of the various professions and industries in any locality whatsoever.

'The freedom and outward exercise of all forms of worship shall be assured to all persons belonging to the Roumanian State (à tous les ressortissants de l'Etat Roumain), as well as to foreigners, and no hindrance shall be offered either to the hierarchical organization of the different communities or to their relations with their spiritual chiefs.'

These provisions were inserted in identical terms (*mutatis mutandis*) in that part of the Treaty which dealt with the independence of Serbia (Art. 35) and Montenegro (Art. 27). These countries also agreed (Arts. 30 and 39) that non-resident Mussulmans should have the right to retain their real property and that no expropriation should be allowed except by legal process for the public welfare, and with a previous indemnity.

Bulgaria was obliged to accept identical obligations (Arts. 5 and 12); the general religious guarantee was to 'form the basis of the public law of Bulgaria' (which had not hitherto been autonomous). It was further stipulated (Art. 4) that:

'In the districts where Bulgarians are intermixed with Turkish, Roumanian, Greek, or other populations, the rights and interests of these populations shall be taken into consideration as regards the elections and the drawing up of the Organic Law' (i.e. the Constitution of Bulgaria).

The Turkish clauses were more detailed and more stringent, as follows:

Art. 61. 'The Sublime Porte undertakes to carry out, without further delay, the improvements and reforms demanded by local requirements in the provinces inhabited by the Armenians and to guarantee their security against the Circassians and the Kurds.

'It will periodically make known the steps taken to this effect to the Powers, who will superintend their application.'

Art. 62. 'The Sublime Porte having expressed the intention to maintain the principle of religious liberty and give it the widest scope, the Contracting Powers take note of this spontaneous declaration.

'In no part of the Ottoman Empire shall difference of religion be alleged against any person as a ground for exclusion or incapacity as regards the discharge of civil and political rights, admission to the public employments, functions and honours, or the exercise of the various professions and industries.

'All persons shall be admitted, without distinction of religion, to give evidence before the tribunals.

'The freedom and outward exercise of all forms of worship are assured to all, and no hindrance shall be offered either to the hierarchical organization of the various communities or to their relations with their spiritual chiefs.

'Ecclesiastics, pilgrims and monks of all nationalities travelling in Turkey in Europe, or in Turkey in Asia, shall enjoy the same rights, advantages and privileges.

'The right of official protection by the Diplomatic and Consular Agents of the Powers in Turkey is recognized, both as regards the above-mentioned persons and their religious, charitable, and other establishments in the Holy Places and elsewhere.

'The rights possessed by France are expressly reserved and it is well understood that no alteration can be made in the *status quo* in the Holy Places.

'The monks of Mount Athos, of whatever country they may be natives, shall be maintained in their former possessions and advantages, and shall enjoy, without any exception, complete equality of rights and prerogatives.'

The Porte further undertook to enforce in eastern Roumelia 'the general laws of the Empire on religious liberty, in favour of all forms of worship' (Art. 20) and to

consult a European Commission before reorganizing that province and Crete.

It will be seen that these stipulations, both as regards Turkey herself and the Christian States of the Balkans, went a very long way. The recognition by the Powers of the independence of Serbia and Roumania was made expressly subject to the conditions set forth in the articles relating to the protection of minorities, and the word 'conditions' is also used in connexion with Montenegro. It has, indeed, been agreed that the condition was one which the Powers were not competent to impose, and that in any case, recognition was not at any time withdrawn on account of non-fulfilment of it. This may legally be the case; at all events, recognition was not at any time withdrawn from any of the states in question on the score of their non-fulfilment of their minority obligations. Nevertheless, the Powers undoubtedly considered that the Treaty of Berlin gave them a right to interference in case of such non-fulfilment and did, in fact, intervene on a number of occasions in Roumania, whose treatment of her Jews continued to give rise to misgivings. She ingeniously evaded her obligation to grant religious equality to Roumanian citizens by declaring that the Jews were not Roumanians, and that she was therefore not obliged to grant them citizenship. Having thus placed all her Jewish population in the position of 'foreigners' she laid down, by Article VII of her Constitution of 1866, that 'only foreigners of Christian persuasions can obtain naturalization'. 'Foreigners' were further subjected to many disabilities; *inter alia*, they were forbidden to own lands. In spite of much pressure from the Powers, Roumania refused to amend her Constitution until 1879, when she repealed the above provision and made it possible for any foreigner to obtain naturalization; but only (except under special conditions which no Jew could fulfil) after a delay of ten years, and after the applicant had 'proved by his acts that he was useful to the country'. Even then, naturalization was granted only by special law, and individually. The Powers now granted recognition, Great Britain pointing

out (1880) that even the amended Constitution did not completely fulfil the views of the signatories to the Treaty of Berlin; but in view of the 'positive assurances' given by Roumania, and in a spirit of conciliation, recognition would be granted.

Little was changed thereafter; out of some 200,000 Jews only a few individuals obtained naturalization, and in 1881 M. Roselli, an ex-Minister of Roumania, was able to claim in writing that: 'We can boast that we have resolved the Jewish question in the national sense, and that we can avow it openly, contrary to the manifest intention and the spirit itself of the Treaty of Berlin!'[1]

The Powers, however, having once granted Roumania recognition, made no further move. Only the United States, in 1902, made a further protest, nominally on grounds of humanity, but in reality, it would appear, actuated mainly by the unwillingness of the American immigration authorities to continue receiving the hordes of neglected and destitute Hebrews who took refuge annually in the land of Unlimited Possibilities. The ill-treatment of the Roumanian Jews was, however, destined to recoil on its authors, since it was one of the main causes for the imposition of the far stronger Minority Treaties of 1919.

In Turkish territory the main problem which arose was that of the Armenians. The Powers made several efforts to induce Turkey to fulfil her obligations. In 1880, as Abdul Hamid made no move to introduce the reforms promised, the Powers sent him a collective note, stating that they 'could not admit that the clauses of the Treaty of Berlin relating to the amelioration of this state of things shall remain any longer a dead letter. They are convinced that only united and incessant pressure on their part will induce the Sublime Porte to fulfil its duties in this respect.' They must therefore 'demand the complete and immediate execution' of the Treaty, and 'call upon the Government of his Imperial Majesty the Sultan to state explicitly what the steps are which they have taken in order to fulfil the provisions of this Article'.

[1] Fouques Duparc, op. cit., p. 110.

The Porte's treatment of the Armenians, however, grew progressively worse, and in 1894 came the first organized massacres. A Franco-Anglo-Russian Consular Commission in Turkey now made inquiries into the facts, and these three Powers presented the Sultan with a reform programme, part of which he adopted, the British, French, and Russian Ambassadors expressing their satisfaction. Immediately afterwards, however, he inaugurated fresh massacres, while the Powers looked on in impotence; nor were they any more effective in the massacres of 1909, although Great Britain sent two ships of war to Messina and joined with Russia in a warning to the Porte. In May 1913 Russia urged the governments of the remaining Powers to discuss reforms for Armenia through their ambassadors at Constantinople, and fresh proposals were elaborated by Russia, Great Britain, France, Austria-Hungary, and Germany. At last Turkey signed an agreement with Russia, undertaking to address a note to the other Powers promising to introduce certain reforms; and matters had reached the stage of the elaboration of a Statute for eastern Anatolia and the appointment of a Dutch and a Norwegian Inspector-General when the outbreak of the World War brought the whole matter to naught.

The development of the Macedonian question was somewhat similar. Here, too, the Powers felt that they had a right to intervene, in the interests of humanity and Christianity, but their action was hampered by international jealousies, particularly between Russia and Austria-Hungary. In 1903 the Russian Czar and the Austrian Emperor drew up the so-called 'Mürzsteg reform programme', providing for the reorganization of the Turkish gendarmerie under international control and a rearrangement of the political districts on national lines, with other measures for the protection and advantage of the Christians, to be supervised by the Austrian and Russian Consuls.

The Porte protested against most of these suggestions as constituting unwarrantable infringements of its sovereignty; but the two Powers persisted, and the other Great

Powers joined them in pressing for reorganization and supervision of the gendarmerie. In 1905 the six Great Powers united in pressing demands upon Turkey relative to her financial programme, and all of them except Germany combined in a naval demonstration to enforce their wishes. In 1908 Great Britain put forward new proposals for reforms, concerning which she had agreed with Russia. The other Powers consented in principle; but all these plans were crossed by the outbreak of the Young Turkish revolution in 1908. In the spring of 1909 the international tutelage in Macedonia came to an end; a main result of which was the renewal of band warfare and the outbreak of the Balkan Wars.

Meanwhile, the principle of attaching a Minorities Guarantee to any extension of frontiers in the Balkans by any state, Christian or Mahomedan, was maintained. Even Austria-Hungary, on occupying Bosnia and the Herzegovina in July 1878, issued a proclamation guaranteeing all inhabitants of the occupied provinces 'protection for their lives, their needs, and their property' and promising them that 'your laws and your institutions shall not be arbitrarily modified; your manners and your customs shall be respected'; and in 1908, when annexing Bosnia and the Herzegovina, by a purely unilateral act, the Emperor Franz Josef promised his new subjects 'equal protection for all religious confessions, languages and national institutions'. The Treaty between the Porte and Austria-Hungary (Art. 21, 1879) contained a special clause relating to religious liberty:

'The freedom and outward existence of all existing religions shall be ensured to persons residing or sojourning in Bosnia and the Herzegovina. Especially, entire freedom is assured to Mussulmans in their relations with their spiritual chiefs. The commanders of the troops of H.M. the Emperor and King, and the administrative authorities, shall continue to take the greatest care that no injury be done to the honour, to the customs, to the freedom of religion, to the security of the persons, or to the property of Mussulmans. All aggression against Mussulmans, their property or their religion, shall be severely punished.'

The Convention of Constantinople (May 24th, 1881) redrew the Turco-Greek frontier and provided a rather elaborate scheme of minority protection.

Article III stated that 'the lives, property, honour, religion and customs of those of the inhabitants of the localities ceded to Greece who shall remain under the Hellenic administration will be scrupulously respected. They will enjoy exactly the same civil and political rights as Hellenic subjects of origin'.

Article IV bound Greece to recognize rights of property on farms, pasturages, meadows, forests, etc., held in virtue of firmans, tapous, etc., or by Ottoman law; and also the wakfs for keeping up mosques, colleges, schools, or other pious or charitable institutions.

Article VIII guaranteed Mahomedans ceded to Greece freedom of religion and public worship; no interference was permitted with the autonomy, hierarchical organization, or management of Mussulman religious bodies, existing or to be formed; and the local courts of the Cheri were to continue to exercise their functions in purely religious matters.

Mahomedans were allowed three years in which they might, if they wished, ask for Turkish nationality and move to Turkey. During this period they were not liable for military service; and even after opting, might not be expropriated except for public utility and 'in exchange for a fair and natural compensation'.

The first Balkan War of 1912 was waged by the Balkan States alone without the participation of the Powers, who were not directly concerned in the negotiation of the peace terms. When, however, the Conference of London met in December 1912 the Powers were deeply interested in the fate, in particular, of the Albanian districts which seemed likely to pass under Serbian and Montenegrin sovereignty. Austria-Hungary, who was most anxious to prevent the expansion of the Slav states in the Balkans, made several efforts to secure protection for the Albanian minorities concerned. Her first proposal was for 'effective protection' for the Albanians, Kutzo-Vlachs, and other religious and

national minorities, including the Spaniole Jews of Salonica. She met with much opposition from Russia, who declared herself not opposed to a guarantee of religious toleration if not in the form of 'a control infringing the sovereignty of the States concerned', while Great Britain took up a middle position. Austria-Hungary pressed her claims, particularly in favour of the Albanians, with great pertinacity; even when driven to reduce her demand to one for the extension of the relevant provisions of the Treaty of Berlin to the newly-acquired territories, she still attempted to insert a clause that:

'Il est expressément entendu que ces garanties impliquent la reconnaissance légale de la nationalité albanaise et le libre usage de la langue albanaise pour l'enseignement scolaire et pour la publication de livres et périodiques.'

Russia, however, again objected to the recognition of any nationality, and finally all the Powers could agree to do was to inform the belligerents that they held it absolutely necessary that Serbia and Montenegro should take immediate measures to ensure the effective protection of the Catholic, Mahomedan, and Albanian population in the territories acquired by them. This was interpreted as meaning that the relevant articles of the Treaty of Berlin should remain in force, and should include, in favour of the Albanians, the free use of their language for education and for the issue of books and publications.

Both Serbia and Montenegro replied blandly that their constitutions guaranteed to the minorities every imaginable right, while Montenegro added a reference to the well-known tolerance which she had exercised during her '*beau passé*'. The Powers thereupon let the matter drop.[1]

At the Conference of Bucarest, which followed the second Balkan War in 1913, none of the Great Powers was particularly interested in the unfortunate Bulgars, and the question of minority protection was hardly raised outside

[1] See an article by A. Rappaport, 'Oesterreich-Ungarns Eintreten fur den Minderheitschutz auf der Londoner Botschafterkonferenz, 1913', in *Nation und Staat*, Feb. 1931.

the parties directly engaged in the negotiations. Only the United States sent a Note to the Conference, intimating that she would regard with satisfaction the insertion into any treaty concluded of a provision granting full civil and religious liberty to the inhabitants of all territory which might be subjected to the sovereignty of any of the five Powers concerned, or transferred from the jurisdiction of one of the Powers to that of another. The note was recorded in the annals of the Conference, but no clause inserted in the Treaty, on the ground that the principle of religious equality was universally recognized.[1]

On a later occasion the question was raised by both the Greeks and the Bulgars. The Bulgars proposed to insert in the Treaty a clause by which all states should recognize in their newly-organized territories the autonomy of religious communities and the liberty of schools. The object of this demand was clear: it had in view the Macedonian question. Had it been adopted, the Bulgarian Church and schools would have had to be left intact in Serbian Macedonia. Now, a main object of these churches and schools was to convince their alumni that they were Bulgarians. Serbia therefore rejected the suggestion, on the ground that this was a matter regulated by the Serbian Constitution.

On the other hand, an exchange of notes took place between the Roumanian Government on the one hand and the Bulgarian, Serb, and Greek Governments on the other, recognizing for the nomad Kutzo-Vlachs of the Balkans autonomy for their schools and churches.

The treaties concluded between the Balkan Powers and Turkey contained detailed stipulations recalling those of the Treaty of Berlin and guaranteeing the Moslem subjects of Turkey, transferred to Bulgaria, Greece, and Serbia, full religious liberty, the continuance of their religious customs, and the use of their mosques. It was not, however, quite certain whether the Great Powers could consider themselves wholly disinterested in the question.

[1] See H. W. V. Temperley (ed.), *History of the Peace Conference*, vol. v, p. 119 (112–49).

It seemed possible that the arrangements made by the Balkan States had not full and complete validity until express adherence had been given to them by the Powers signatory to the Treaty of Berlin. This view appears to have been taken by the British Government, when the Conjoint Jewish Committee approached it twice with a request to secure the 'religious and other liberties of minorities' in the newly-transferred territories. In the first of its two replies (Oct. 29th, 1913) the British Government affirmed that the provisions of the Treaty of Berlin remained binding, and that it would

'consult with the other Powers as to the policy of re-affirming in some way the provisions of the Treaty of Berlin for the protection of the religious and other liberties of minorities in the territories referred to, when the question of giving formal recognition by the Powers to the recent territorial changes in the Balkans is raised.'

In its second letter, the Government stated that it was for the signatories of the Convention of Paris and the Treaty of Berlin 'to deal collectively with any infractions, or alleged infractions, of their terms by particular States'. The Government would bear this in mind when the question of recognition arose.

This brings the history of international minorities' protection up to the outbreak of the World War.

PART II

THE PROBLEM BEFORE THE LEAGUE OF NATIONS

CHAPTER VI

THE POLITICAL BACKGROUND OF THE PROBLEM

1. *The National Movement during the War*

THE present political structure of Europe is the result of the violent resolution, into what are in theory uninational states of the modern type, of the great supernational empires which (in whole up to a century ago and for the greater part up to 1914) had divided between them the belt of mixed population.

Although the peculiar conditions in that area had for many centuries prevented the formation of such states, the states of 1914, multi-national in fact but generally uninational in intention, had failed to supply a satisfactory alternative. Some of them treated their national minorities benevolently enough, but that had ceased to satisfy. Well treated or no, the submerged nationalities had come, with hardly an exception, to entertain as their true and ultimate ambition the ideal of complete independence. The danger to the existing empires was greatly increased by the fact that most of the national states bordering on them had as yet realized their national ambitions only partially and had now come to hold it a grievance that any of their own kinsmen should live as minorities under the sovereignty of another state—believing sincerely and passionately in their right to unite them with themselves at the first opportunity.

The desires of the subject nationalities for freedom enjoyed considerable sympathy among Liberal opinion in western Europe, which saw in them a struggle of democracy against tyranny. Such opinion did not, perhaps, fully realize the difficulties inherent in the question. It was notable, for example, that the aspirations of the Poles and the Magyars received far more widespread support than those of the Ruthenes or the Slovaks; and yet the former were no more, although no less, respectable than the latter. But this general, if vague, popular sympathy for

the oppressed nationalities was widespread, and in certain cases influenced governments decisively.

On the other hand, neither the Powers in general, nor diplomacy as such, had reached the point of recognizing the inalienable right of any people to self-determination. Opportunist rulers like the Napoleons might exploit the principle of nationality to their own advantage. Individual statesmen, a Palmerston or a Gladstone, might on humanitarian and religious grounds give help and encouragement in special instances where a population revolted against intolerable tyranny. In cases of Christian peoples in revolt against the Turk, such sympathy was fairly widespread, and something like a doctrine of the right of intervention on grounds of humanity seemed to be held in many quarters. It was, however, far from general, and in any case was based on strictly humanitarian considerations. Where the treatment of a subject nationality was not so bad as to endanger peace, no Power was prepared to infringe the sovereignty of the ruling nation by intervention, and the action of states which used the national question as a pretext for interference in their own interests was condemned by the world. It was obvious that a Europe whose international relations were governed by the Concert of the Powers, three of which contained important and discontented national minorities, would hardly admit the general validity of a principle so dangerous to its own structure.

If, then, we are to explain the enormously important part played by self-determination in the Peace Settlements, we must bear in mind the very peculiar circumstances prevailing at the time, where, of the four super-national empires, three had been defeated and were at the mercy of their enemies; the fourth was in the hands of men who took an entirely novel view of political relationships; and the law was laid down by an American democrat, and applied by the representatives of the national states of western Europe.

The national question was not only the immediate occasion of the World War (and it is worth remarking that the

motive which lay behind the Serajevo murders was not indignation at ill treatment of the Bosnian minorities but rather the conviction that the only proper government for Serbs was government by Serbs). Serajevo was only a single disastrous manifestation of a feeling which had dominated the political situation in central Europe for half a century. Austro-Hungarian policy, domestic and foreign, had long since come to be governed by the national question; and as Germany was closely allied to Austria, her situation, too, was indirectly but no less certainly ruled by the same question.

Thus the grouping of forces in Europe in 1914 had been determined very largely by national issues, and the event soon proved that the national factor was even more important than had been anticipated. For the original structure had been elaborated on a system dictated chiefly by considerations of the balance of power. Italy and Roumania were, in 1914, bound to the Central Powers by treaty obligations which actually ran contrary to their national aspirations. The war once engaged, however, both these countries believed that they could better realize their ambitions by joining the Entente Powers; and Italy did so in the name of 'her most sacred aspirations', while Roumania, in her declaration of war, expressly invoked the principle of nationality. Thus it came about that once the lists were fully joined in Europe, one side was found to consist almost entirely of states with unsatisfied national ambitions, the other of states containing dissatisfied minorities.

There was one exception on the side of the Central Powers in the shape of Bulgaria, to whom, owing to the accident that her ambitions conflicted with those of Serbia, already fighting on the side of the Allies, the Central Powers were able to offer the better terms. On the Allied side, Russia formed a most notable exception, but an isolated one. France, Italy, Serbia, Roumania, and even Greece stood to gain more than they would lose by the application of the principle of self-determination.

Neither side could, however, invoke it without danger as a general principle, nor did either attempt to do so during the early period of the War. When Mr. Asquith, in

November 1914, declared that 'we shall never sheathe the sword . . . until the rights of the smaller nationalities of Europe are placed on an unassailable footing', he was denying the right of a large state to annex a small one by force, but he was far from promulgating a right of submerged nationalities to create new states of their own; nor can any wider meaning be read into Churchill's speech of September 11th, 1914, or Grey's of March 23rd, 1915, and October 23rd, 1916, which declared that the Allies would fight to ensure the right of nations to develop freely under equal conditions. Both sides concluded treaties by which they bought the help of new allies, and in each case the price was a concession to national ambition and thus envisaged a partial adaptation of political to ethnographic frontiers. Yet the purchasers did not scruple to violate ethnographical claims where the seller demanded it. The Treaty of London, by which the Allies brought Italy into the War, promised her the Brenner frontier (which involved presenting her with 250,000 Germans) and ample Yugoslav, Greek, and Albanian territory. The treaty with Roumania envisaged assigning to her hundreds of thousands of non-Roumanians. As for the secret treaties between the Allies regarding Turkey, Russia was to have received Constantinople, eastern Thrace, the Asiatic Bosporus, Gallipoli, and some of the Islands, while the Allies promised themselves, and one another, large concessions in Anatolia. On the other side, Bulgaria exacted from the Central Powers promises of territorial aggrandizement in the Balkans which went far beyond what she could have justly claimed on ethnographical grounds.

Both sides, again, exploited the principle of nationality in individual cases, where they thought that they could weaken their adversaries by doing so. It speaks volumes at once for the thoroughness and for the political blindness of the Germans that they acted in this respect far more energetically than the Allies during the early part of the War, at least in Europe.[1] In Ireland they lent what help

[1] The intrigues of both sides in Asia form a story too complex to be more than mentioned here.

they could to the movement which culminated in the outbreak of Easter 1916, and in Belgium they encouraged a Flemish movement which in 1917 demanded the separation of Flanders from the Walloon countries and the assumption by the German Emperor of a protectorate over it. It was the Germans, too, and not the Allies who gave a friendly reception to the 'Congress of Nationalities' which met at Lausanne in June 1916 and was, indeed, largely composed of representatives of the subject nationalities of Russia. Russia was naturally the country upon which Germany could concentrate her chief attention. Occupying Lithuania in 1915, the Baltic provinces in the following year, she did much to detach them from Russia, although the régime which she set up in the Baltic provinces was almost purely German, and in Lithuania, for practical reasons, she favoured the Polish element. But here and indeed in Finland also (where the Russian Government had taken repressive measures in December 1914) she helped the final dissolution by her propaganda and her administration.

Poland was a more difficult case, since neither side dared promise too much to the Poles living under the enemy flag, for fear of whetting inordinately the appetite of its own Polish subjects, while each felt bound to make some offer, lest it be outbid. The Russian Grand Duke Nicolai Nicolaievic opened the bidding at the very outset of the War by addressing a manifesto to the peoples of Austria-Hungary, and on August 15th, 1914, promised to unite all three parts of Poland under the Russian sceptre, but with their own national institutions. The Central Powers were at the disadvantage of being unable to agree between themselves. The Austrians were prepared to create a genuinely autonomous state composing the whole Polish territory, but the Germans wished to reserve the blessings of liberty for Russian Poland alone. It was not until November 1916 that the Central Powers made up their minds to hold out the prospect of the restoration of an independent Poland; and, meanwhile, they administered the country through military governments, under which it was anything but independent.

In comparison with all this busy activity, the Entente appeared almost to neglect the national question, although it would have seemed their obvious point of attack against Austria. But a fear that if Austria-Hungary were dismembered, Germany would in the event be strengthened; social considerations for the Dual Monarchy; the difficulty of satisfying both Bulgarians and Yugoslavs; and, finally, prevailing ignorance of Central European politics, stayed their hand, and although Czech and Croat emissaries early began to beg for their support, they received only very lukewarm encouragement. The first definite change came at the end of 1916, when President Wilson asked the Allies to state their war aims. The Central Powers, who were in a strong military position, replied coldly; shortly before, they had stated terms which not only maintained the integrity of Austria, but involved cessions of territory to her from Russia, Roumania, and Serbia. The more astute Entente Powers claimed, beside the restoration of Belgium, Serbia, and Montenegro and the evacuation of French, Russian, and Roumanian territory,

'the reorganization of Europe, guaranteed by a stable régime and based at once on respect for nationalities and on the right to full security and liberty of economic development possessed by all peoples small and great . . .; the restitution of provinces formerly torn from the Allies by force or against the wishes of their inhabitants; the liberation of the Italians, as also of the Slavs, Roumanians and Czecho-Slovaks from foreign domination; the setting free of the populations subject to the bloody tyranny of the Turks and the turning out of Europe of the Ottoman Empire as decidedly foreign to Western civilization'.

As regards Austria-Hungary the phrasing was remarkable. In the original it had apparently read 'Italians, Southern Slavs and Roumanians' and may be supposed to have referred to the territory promised to Italy and Roumania under their respective secret treaties, and the prospect which had been held out to Serbia that she should receive Bosnia and Herzegovina, and part of Dalmatia.[1]

[1] Temperley, *H.P.C.*, vol. i, p. 172, says that 'liberation' of the 'Slavs' could apparently be interpreted to mean autonomy within Austria-Hungary;

The adjective 'Southern' had then been omitted, to please the Italians, and the Czech émigré leaders in Paris had succeeded in persuading the French Foreign Office to insert the word 'Czecho-Slovaks'.[1] This did not yet mean full independence, for, as Lord (Robert) Cecil stated in the House of Commons on January 24th, 1917, 'we were not pledged to the form of liberation', but if carried out, it meant the end of the unitary Hungarian state, of which the Slovaks formed part.

Thus during something over two years of the War, the belligerents of neither side had adopted the principle of self-determination as a general part of their policy. On the other hand, by their intrigues with the minorities in the enemy camp, each had fed the ambitions of the submerged nationalities, while the enfeeblement of authority, impoverishment, and the growth of revolutionary feeling had brought the day nearer when those nationalities would be able to take their destinies into their own hands. Now two events occurred, each of which was destined to throw the card of nationality into the hand of the Allies.

The first was the entry of the United States, led by President Wilson, into the War. The opinions of President Wilson possessed, as it has been pointed out, 'a unique significance, not only because they were taken as the legal basis of the Peace negotiations, but because they form a definite and coherent body of political doctrine'.[2] And whereas both the Allies and the Central Powers were exploiting the principle of nationality for entirely selfish ends, encouraging it where it could help them to weaken their enemies, repressing it savagely where it turned against themselves, President Wilson held a definite philosophy, of a definite American origin. He believed that there was no difference between public and private morality, that morality, not expediency, was the sole guide in politics, and that force should not be the rule of international

but up to that date no promises had been made by the Allies to the Southern Slavs within the Monarchy, whereas prospects had been held out to Serbia.

[1] Masaryk, *The Making of a State* (1927), p. 127.

[2] Temperley, *H.P.C.*, vol. i, p 123.

politics. He believed that 'a people has a right to do anything they please with their own country and their own government' and that annexation or permanent control of subject races was wrong.

Furthermore, President Wilson's great ideal was some institution for preserving and permanently guaranteeing the *peace* of the world. Other thinkers had laid down as just principles liberty, justice, or equality; Wilson, although the ideas of justice and reparation for past wrongs played their part in his philosophy, sought, above all, peace, and he believed that the subjugation of one nation by another always constituted a threat to peace.

Thus it may be said that on broad lines Wilson believed that justice demanded the general satisfaction all round of the principle of nationality. It must be added that, as an American, he had little real understanding of the impossibility of such a consummation in central Europe; and further, that he did not feel himself bound by the secret treaties of the Allies, with respect to which he afterwards professed his ignorance.

On January 22nd, 1917, on receiving the replies of the belligerents regarding their war aims, Wilson laid down as a broad principle that

'no peace can last, or ought to last, which does not recognize and allege the principle that Governments derive all their just powers from the consent of the governed, and that no right anywhere exists to hand peoples about from sovereignty to sovereignty as if they were property'.

As an example he cited Poland, which should be 'united, independent, and autonomous'. Shortly after, the United States declared war on Germany, and almost at the same moment (March 29th, 1917) the Provisional Government which succeeded that of the Czar published a declaration repudiating any intention on the part of 'free Russia' to dominate or conquer other nations; announcing that 'its object is to establish a durable peace on the basis of the right of the nations to decide their own destinies', and voluntarily 'removing, in the name of the higher prin-

ciples of equity, the chains which weighed down the Polish nation'.

It is true that the Provisional Government made no promises of independence to any of its nationalities except the Poles, but its authority was weak, and many of the nationalities were able to free themselves. An independent 'Union of the Peoples of the Northern Caucasus' constituted itself in May 1917; the Ukraine established an autonomous Rada at Kiev; the Finns declared the complete autonomy of their Diet in July 1917 and their full independence in the following December; and something like autonomous governments crystallized out of the confusion in the Baltic states. Then, in October, the Provisional Government was succeeded by the Bolsheviks, who carried matters a long step further. As early as 1903 the Russian Social Democratic Party had adopted a resolution (the author of which was Lenin) that it 'stood for the complete self-determination of all nations'. This had been reaffirmed on various occasions, although the practicability of separation in every case had been questioned.[1] Yet in April 1917 the Congress reaffirmed the right of all nationalities in Russia to 'free separation' and 'to form free and independent states'. When the Bolsheviks came into power, they promised the nationalities complete independence, and recognized the separation of Finland; and when, on December 22nd, 1917, they began peace negotiations with the Central Powers at Brest-Litovsk, they included as two points in their programme the renunciation of all war annexations and the right of self-determination for all peoples.

There was already in Germany a large party which would have favoured a peace based on these principles. Already, on July 19th, 1917, the Reichstag had, by a large majority, adopted a resolution insisting that Germany was 'not impelled by lust of conquest' and demanding a 'peace of understanding and the permanent reconciliation of the peoples'. 'With such a peace', the resolution went on, 'forced requisitions of territory and political, economic or

[1] Cf. W. R. Batsell, *Soviet Rule in Russia* (1929), pp. 104 ff.

financial oppressions are inconsistent.' The military leaders of the Central Powers were, however, still too strong. The Chancellor, by his interpretation of it, quickly took all the virtue out of the resolution, and the men who conducted the Brest-Litovsk negotiations, although they repudiated any intention of annexing new territory or of robbing of their independence the nations which had achieved it during the War, yet in fact applied the principles to which they paid homage exclusively for their own benefit. The independence of the Ukraine was recognized by the conclusion with the representatives of that country of a separate peace (although, as it happened, the negotiations were not yet at an end when a revolution in the Ukraine deprived their delegates of all representative authority); by the Russian treaty of March 3rd, 1918, Russian sovereignty was renounced over Poland, Lithuania, and Courland, their future fate being left to be determined by the Central Powers in agreement with the inhabitants; and certain districts south of the Caucasus were to be ceded to Turkey. But this was a mere mockery of self-determination, where it was applied at all. The Poles were required to enter into binding agreements with the Central Powers; Lithuania had to sign undertakings which made her almost a vassal of Germany, and the Estonians and Letts were induced to 'offer their crown' to the German Emperor. Roumania, soon after, had to sign a treaty of peace which, again, made her into practically a vassal state.

The comment made on these treaties by President Wilson, on April 6th, 1918, was that, while the civilian delegates at Brest had made fair professions,

'their military masters, the men who act for Germany and exhibit her purpose in execution proclaimed a very different conclusion. We cannot mistake what they have done in Russia, in Finland, in the Ukraine, in Roumania. The real test of their justice and fair play has come. From this we may judge the rest. They are enjoying in Russia a cheap triumph in which no brave or gallant nation can long take pride. A great people, helpless by their own act, lies for the time at their mercy. Their fair professions are forgotten. They nowhere set up justice, but everywhere impose their power and exploit

everything for their own use and aggrandizement; and the peoples of conquered provinces are invited to be free under their dominion!'

And dreadfully applicable as these words were to the actions of the Allies in 1919, they were certainly no less true of what the Central Powers had attempted to do a year earlier.

The results of the Russian Revolution, of the principles proclaimed by its authors, and of the reception accorded to them by Germany, were very far-reaching. On the one hand, the revolutionary sentiment throughout Europe was greatly strengthened; on the other, it was turned very directly against the Central Powers. The submerged nationalities now believed that they had a chance of achieving their full ambitions, but they saw that they could do so only if Germany, Austria-Hungary, and Turkey were defeated. From the beginning of 1918 onward the Western Powers, freed from the necessity of further considering Russia's feelings, came out ever more boldly on the side of self-determination. Mr. Lloyd George, giving an official statement of the Allied war aims on January 5th, 1918, said that 'the consent of the governed must be the basis of any territorial settlement in this war'. President Wilson was more emphatic still. On January 8th, 1918, in his 'Fourteen Points' speech, he said that:

'What we demand in this war . . . is that the world be made fit and safe to live in, and particularly that it be made safe for every peace-loving nation which, like our own, wishes to live its own free life, determine its own institutions, be assured of justice and fair dealing by the other peoples of the world, as against force and selfish aggression. . . . An evident principle runs through the programme I have outlined. It is the principle of justice to all peoples and nationalities and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak.'

On February 11th he said:

'Peoples are not to be handed about from one sovereignty to another by an international conference or an understanding between rivals and antagonists. National aspirations must be respected; peoples may now be dominated and governed by their own consent. Self-

determination is not a mere phrase, it is an imperative principle of action which statesmen will henceforth ignore at their peril.'

The following 'four principles' were essential to a permanent peace:

1. Each part of the final settlement must be based on the essential justice of that particular case.
2. Peoples and provinces are not to be bartered about from sovereignty to sovereignty, as if they were mere chattels and pawns in a game, even the great game, now for ever discredited, of the Balance of Power.
3. Every territorial settlement involved in this war must be made in the interest and for the benefit of the populations concerned, and not as a part of any mere adjustment or compromise of claims among rival elements.
4. All well-defined national elements shall be accorded the utmost satisfaction that can be accorded them without introducing new or perpetrating old elements of discord and antagonism.[1]

It was still not certain from these rather general remarks how far the nationalities of Austria-Hungary were to be given complete independence. Poland had by now received definite promises of independence and Italy of frontier rectification. The Allies still, however, hesitated to advocate the complete break-up of the Dual Monarchy. Mr. Lloyd George said that 'the break-up of Austria-Hungary is no part of our war aims', and although he promised full independence to the Poles (in the form of 'an independent Poland, comprising all those genuinely Polish elements who desire to form part of it'), to the Italians, and perhaps to the Roumanians,[2] he offered the other nationalities no

[1] Speech before Congress, Feb. 11th, 1918.

How far Wilson was, even then, from considering that his principles could be applied universally is shown by the fact that the United States refused until long after the War to recognize the independence of the Baltic states, Lithuania, Georgia, and Azerbaidjan, out of a feeling of 'friendship and honourable obligation' to Russia. Similarly, the United States refused to recognize the attribution of Bessarabia to Roumania.

[2] Mr. Lloyd George's words were that 'we mean to press that justice be done to men of Roumanian blood and speech in their legitimate aspirations'. Temperley, *H.P.C.*, vol. i, p. 190, says 'this cannot mean independence, and probably implies autonomy or home rule, such as would also

more than 'genuine self-government on true democratic principles'. Wilson, in his Fourteen Points, used almost identical language: Italy's frontiers were to be readjusted 'along clearly recognizable lines of nationality'. 'An independent Polish State should be erected which should include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea'; while 'the peoples of Austria-Hungary, whose place we wish to see safeguarded and assured, should be accorded the freest opportunity of autonomous development'. It is painful but interesting to speculate what sort of régime the Allies had in mind. Had they really solved the Austrian problem, they would have earned the gratitude of the world. But the events outstripped their intentions, whatever these may have been, and in the course of 1918 they found themselves committed to sovereign states for Czecho-Slovaks and Yugoslavs. The Czech émigré leaders had long been working boldly for complete independence, always including in their demands the Slovaks of Hungary. The Yugoslav movement had been hampered by dissensions between the Yugoslavs within and without the Monarchy, and by difficulties with Italy. At last, however, both these difficulties were overcome, while the Roumanians of Transylvania composed their differences with the Regat (the kingdom of Old Roumania). On April 11th, 1918, at the 'Congress of Oppressed Nationalities' in Rome, the Italians, Roumanians, Poles, Czecho-Slovaks, and Southern Slavs themselves resolved to proclaim completely independent national states, and to carry on in common the war of liberation against the Monarchy. Gradually the Western Powers were won over. In June Wilson announced that 'the national aspirations of Czecho-Slovaks and Yugoslavs have the lively sympathy of the Government', and on June 28th that his government took the position that 'all branches of the Slav race should be

be extended to those Czecho-Slovaks and Yugoslavs who remained under Hungary and Austria'. But the Entente treaty with Roumania was still in force. It was invalidated if Roumania concluded a separate peace, but she did not do this until later.

completely freed from German and Austrian rule'. Thus, when, on October 18th, 1918, Austria-Hungary asked for an armistice on the basis of the Fourteen Points, Wilson replied that he was no longer at liberty to conclude terms in accordance with the tenth of those points, but that the Czecho-Slovaks and Yugoslavs must themselves 'be the judges of what action on the part of the Austro-Hungarian Government will satisfy their aspirations'.

A few days later the Austrian Government accepted the inevitable and on October 24th a Cabinet was constituted with a programme on the following principles:

1. The national states to be recognized and constituted by the establishment of national governments nominated by the Emperor.
2. Each of these national states to be represented at the Peace Conference.
3. The national governments to be charged with settling the conflicting territorial claims of the separate national states; all disputes to be referred to arbitration.
4. The national governments to form an Executive Committee with the functions of the peaceful transformation of the central administration into administrations of the national states, maintenance of order during the period of transition, safeguarding food supplies, preparing for the Peace Conference, and enforcing an immediate armistice.

Within a very few days, however, all the non-German nationalities, with the sole exception of the Ruthenes, had declared their separation from the Monarchy, and even the Germans, left to themselves, were mapping out their own future; while farther north the Poles of Germany took their destinies into their own hands.

2. *The Establishment and Bases of the New Frontiers*

Thus the fortunes of four years of war had brought about a situation of which none of the combatants had, most likely, dreamed in 1914. Throughout almost the

whole belt of mixed population, the great super-national empires had crumbled away, and were to be replaced by a new order, based on the principle of the national state.

In the case of the states which had detached themselves from the Russian body politic this process had already occurred, or was in process of occurring, when the Peace Conference met. The Conference as such had nothing to do with regulating the relations between Russia and these states. Each Power had only to decide for itself whether or no it would recognize the new formations. In most cases recognition was granted as soon as there seemed any likelihood that they would prove stable.[1] The duty of the Powers was confined to concluding peace treaties with Germany, Austria, Hungary, Bulgaria, and Turkey respectively; and even here, they were not working on a clean slate. The recognition of Poland and Czechoslovakia, the agreement—if it can be so called—reached between the various branches of the southern Slavs, and the formation in these three states of governments which had already to some extent established themselves when the Conference met, marked out the broad lines of the settlement which was to be made. It would not have been possible to put the clock back and re-establish the old Austria or the old Hungary. Thus it was not difficult to say which were the national groups which were destined to become states. The only genuine ambition to form a state which might have been respected, and was not, was that of the Ruthenes, i.e. those Ukrainians who had previously been Austrian or Hungarian subjects. Another important decision to be taken concerned German Austria where, on the contrary, the people primarily concerned wished to be merged in what they regarded as their true national state, Germany, while the Conference wished them to pretend to a separate 'Austrian' nationality.

In most other cases where a small 'independent' state was proclaimed, but failed to survive, the ambition to

[1] For President Wilson's curious hesitation in this respect see above, p. 190. Great Britain and France were, in most cases, more prompt in granting recognition.

become independent had not been genuine. Such formations as the Mirdite Republic on the borders of Albania, or the Republic of Baranya in southern Hungary, were only called into being by a neighbouring state with a view to subsequent annexation. It was not, as a rule, difficult to see through such ingenuous pretensions.

If, however, the main lines were laid down in advance, the determination of the frontiers was a very much more complex affair. In defending the settlement ultimately made, in so far as the German frontiers were concerned, the Allied and Associated Powers claimed definitely and emphatically that they had acted in accordance with the principles of self-determination enunciated by Wilson.

'Every territorial settlement of the Treaty of Peace' (i.e. with Germany), they wrote, 'has been determined upon after most careful and laboured consideration of all the religious, racial and linguistic factors in each particular country. The legitimate hopes of peoples long under alien rule have been heard; and the decisions in each case have been founded upon the principle explicitly enunciated in this same address: that "All well-defined national aspirations shall be accorded the utmost satisfaction that can be accorded them without introducing new or perpetuating old elements of discord and antagonism that would be likely in time to break the peace of Europe and consequently of the world".'[1]

There were, however, certain modifications and reservations. The German Government having complained that the principle of self-determination had not been followed, but that the basis of the territorial settlement was 'indifferently, now the consideration of an unchangeable historical right, now the principle of ethnographical facts, now the consideration of economic interests', the Allies replied ingeniously that far from acting unjustly towards Germany, they were exactly following out Wilson's principle that—'Each part of the final settlement must be based upon the essential justice of that particular case and upon such adjustments as are most likely to bring a peace that

[1] *Reply of the Allied and Associated Powers to the Observations of the German Delegation on the Conditions of Peace* (Cmd. 258, Misc. No. 4 of 1919), Introduction, Basis of the Peace Negotiations, p. 5.

will be permanent.' The departure, in certain cases, from the ethnographical principle was 'the inevitable fact that an appreciable portion of the territory of the German Empire consisted of districts which had in the past been wrongfully appropriated by Prussia or Germany'. Finally, yet a third demand of Wilson's had been for 'the destruction of every arbitrary power everywhere that can separately, secretly, and of its single choice disturb the peace of the world or, if it cannot be presently destroyed, at the least its reduction to virtual impotence'—a principle which, if interpreted, would justify almost any strategic frontier.

In the case of Finland, the Allied and Associated Powers had to bear practically no responsibility, either for its existence or for the determination of its frontiers. The Finnish Diet had proclaimed the independence of Finland within its historic frontiers, and it appears that the cleavage which was manifest in the vote was rather social than national. Finland's independence had been recognized by Russia, according to Lenin, so that 'the bourgeoisie could not say that the Great Russians were chauvinistic'. Moreover, 'one cannot refuse to recognize what is; one is forced to recognize it'. The Allies intervened only in the single case of the Aaland Islands, where a dispute between Finland and Sweden was brought before the Permanent Court by Great Britain, and the League Council finally confirmed Finland in her sovereignty over the Islands.[1]

Estonia and Latvia separated similarly from Russia in conformity with the Bolshevik doctrine of self-determination. The action of the Allies was again almost confined to recognition, and to enforcing the retirement of the German troops of occupation; although the frontiers between Lithuania and Latvia, and between Latvia and Estonia, were actually settled in each case by British arbitrators. The frontiers with Russia were settled by agreement with that Power, and roughly along ethnographical lines. In both of these states, however, the revolution was carried

[1] Finland also attempted to raise the question of eastern Karelia before the Court, but that body declared itself not competent to deal with it, and eastern Karelia consequently remained with the Soviet Republic.

through almost solely by the majority nations, and against the wishes and, in part, the resistance of various minorities.

The independence of Lithuania was, again, the work of the Lithuanian nation, but her frontiers with both Poland and Germany were laid down by the Powers—in each case bowing to force. The Supreme Council first laid down a boundary with Poland which followed the ethnographical lines as closely as it thought possible, but after Poland, by a *coup de main*, had seized the disputed territory, the centre of which was Vilna, it recognized her possession. With regard to the German-Lithuanian frontier, the Conference forced Germany to renounce her sovereignty over a strip on the right bank of the Niemen, including the port of Memel, and to accept the settlement to be made by them, 'particularly in so far as concerns the nationality of the inhabitants'. The motive of this decision was mainly economic, as Lithuania would have found it difficult to exist without this port, but it was also argued that although the town was in part German, the majority of the population of the district was 'Lithuanian in origin and in speech'[1]—a statement contested by Germany in her reply. The Powers administered the port and district themselves for some time, and not unsuccessfully. In 1923, however, Lithuania seized Memel by a *coup de main* and the Powers eventually assigned the district to Lithuanian sovereignty, but as an autonomous area with a statute guaranteed by the Principal Allied and Associated Powers.

The problems connected with Poland were more complicated. All the Allies had, from the earliest days of the War, made promises to Poland, but without explaining very exactly what they understood under the name. The Russian Provisional Government had been the first to recognize the complete independence of Poland, i.e. of the old 'Kingdom of Poland' in Russia. Afterwards violent fighting between Poles and Russians broke out, Poland receiving considerable help from France. Her eastern frontier, with Russia, was then fixed by treaty with that

[1] Idem, Parts II and III, Boundaries of Germany and Political Clauses for Europe, Section X—Memel.

nation, on the basis of the military *status quo*—a frontier which was very unfavourable to Russia, as it left large districts inhabited by White Russians within the Polish frontiers. The Lithuanian-Polish frontier was also settled, in effect, by force, and here, again, favourably to Poland.

With regard to Poland's other frontiers, something more of an attempt was made to apply Wilson's principles. The Allies had laid down, and Germany had accepted, the principle that the restored Poland should include 'the districts inhabited by an indisputably Polish population'. A 'free and secure access to the sea' had also been stipulated, but it had never been stated whether this implied a territorial access. At the Conference, the Allies, rather unexpectedly, revived the historical argument, stating that

'there is imposed upon the Allies a special obligation to use the victory which they have won in order to re-establish the Polish nation in the independence of which it was unjustly deprived more than one hundred years ago. . . . To undo this wrong is one of the first duties of the Allies.'[1]

They maintained, however, that in certain cases they had 'deliberately waived the claim of historic right because they wished to avoid even the appearance of injustice' in favour of the national principle. In fact, the Supreme Council modified to a not inconsiderable extent the original proposals made by the Polish Commission.

The settlement was as follows:

All territory south of the old frontier of East Prussia was considered as 'indisputably Polish'. In the southern and south-western districts of East Prussia, which are inhabited largely by so-called 'Masurians' akin to the Poles by race and language, but, unlike true Poles, Protestant by religion, plebiscites were taken. These went overwhelmingly in favour of Germany, who was allowed to retain the areas in question, with insignificant modifications.

Westward of this, Danzig and the area immediately surrounding it (which are, and had long been, purely German) were separated from Germany on account of their

[1] Idem, Section VII—Poland.

overwhelming economic importance to Poland; but in obedience to the national principle, were not assigned to Poland, but constituted a Free State, standing in a special relationship to Poland and administered by League Commission—an attempt to safeguard the interests of all parties concerned which accorded with history and deserved a better fate than it has enjoyed.

Farther west an attempt was made to achieve an ethnographical frontier. The historic frontier between Pomerania and West Prussia was left intact; southward of it, while the provinces of West Prussia and Posen (Posnania) (annexed to Germany under the partition of Poland) were assigned to Poland, the frontier was modified, in Germany's favour, to secure a better ethnographical line. Large German minorities remained, however, within Poland. The Kashubs, it must be noted, were reckoned as Poles, and the assumption was also accepted that they would desire union with the Polish state.

The Silesian boundary was left unchanged, except for small modifications in Poland's favour, made on the ethnographical principle, until its extreme south-eastern corner —the highly industrialized and all-important Upper Silesia —was reached. It had at first been proposed to assign this area *in toto* to Poland, but in reply to Germany's protests a plebiscite was held, and it was partitioned, to the dissatisfaction of both parties. The ethnographical line was perhaps as just a one as could be found, approximately equal numbers of minorities being left on either side of it; but the economic unity of this area was completely destroyed.

The southern frontier followed, on the whole, the historical and ethnographical lines, which approximately coincided, until eastern Galicia was reached. This is a large and important district inhabited mainly by Ukrainians, or Ruthenes, who are racially and linguistically identical with the Ukrainians of Russia, but attached by historical tradition to Austria, and for the most part members of the Uniate Church. They are bitterly hostile to the Poles, under whose oppression they suffered grievously in past centuries.

Alone among the Slavonic nationalities of Austria-Hungary, they stood by Austria to the last, in the hope of thus retaining some protection against the Poles, but like the rest they established their own autonomous government, which was duly recognized in November 1918 by the Lammasch Cabinet. They were immediately involved in fighting with the Poles, which was greatly complicated by the fact that the Russian Ukrainians were at the same time engaged in hostilities with the Bolshevists, and had proclaimed a union between the Russian Ukraine and East Galicia. The Powers found it very difficult to know what to do about this territory, but on March 1st, 1919, President Wilson, in their name, definitely promised the west Ukrainians to find an equitable solution of the difficulty between them and the Poles. In June 1919 the Supreme Council authorized Poland to occupy the territory and to establish a civil government

'after having fixed with the Allied and Associated Powers an agreement whose clauses shall guarantee as far as possible the autonomy of this territory, and the political, religious and personal liberties of the inhabitants. This agreement shall be based on the right of free disposition, which, in the last resort, the inhabitants of East Galicia are to exercise regarding their political allegiance. The period at which such right shall be exercised shall be fixed by the Allied and Associated Powers or by the organ to which these shall delegate their power.'

In November 1919 the Supreme Council actually granted Poland a twenty-five years' mandate over East Galicia—being the only instance in which an attempt was made to apply the mandatory principle in Europe, although the application of it to Albania was seriously suggested. Neither party agreed to the mandate, but the Poles remained in occupation, and in March 1923 the Conference of Ambassadors assigned East Galicia to Poland in full sovereignty, the decision being prefaced by a clause stating 'that it is recognized by Poland that as regards the eastern part of Galicia, the ethnographical conditions necessitate a régime of autonomy'.

The story of Czecho-Slovakia is even more complicated.

At the Peace Conference the Czecho-Slovak Delegation claimed the 'lands of the Bohemian Crown' (Bohemia, Moravia, and Austrian Silesia) in virtue of historic right and juridical continuity. This claim had been advanced early in the War by President Masaryk, and seems to have occasioned some surprise. It had been expected that the Czechs would adhere more closely to the principle of national self-determination,[1] since in Bohemia and Moravia the Czechs constituted only about two-thirds of the population, and in Silesia they were actually in a minority. As soon as the Czechs declared their independence the Germans constituted themselves in various bodies which claimed the right to attach themselves to German Austria. Czech troops occupied the disputed territories, and both sides and Austria appealed to the Allies, the Germans pleading the right of self-determination, the Czechs 'the position of the Czecho-Slovak State as a state recognized by the Allies during the war and the Allies' promises touching the historic frontiers of the Czech lands'.[2] These 'promises' are not very definite,[3] but the French decided to allow Czecho-Slovakia to occupy the historic frontiers of Bohemia, Moravia, and Silesia until the Peace Conference. The British acquiesced, but the United States extracted from the Czechs a promise that they would submit unreservedly to the decisions of the Conference.

The Conference then admitted the Czech claim in its entirety, except that it modified the frontier in Silesia in favour of the Poles, mainly on economic grounds. The Czechs were even granted some territory outside the historic frontiers, at the expense of Germany (on ethno-

[1] Masaryk, *The Making of a State*, p. 28.

[2] J. Opočensky, *The Collapse of the Austro-Hungarian Monarchy and the Rise of the Czechoslovak State* (1928), p. 191.

[3] J. Papoušek, *The Czechoslovak Nation's Struggle for Independence* (1928), p. 73, quotes a letter from M. Pichon, then French Foreign Minister, to Beneš, promising that the French Government would do its utmost to secure the fulfilment of the desires of the Czecho-Slovak people for independence within its historic frontiers. It is difficult to see what this meant, for if the Czech nation might perhaps claim historic frontiers, the Czecho-Slovak people certainly could not do so.

graphical grounds) and of Austria (to ensure their communications). In justifying their decision, the Allies advanced a unique argument. 'They have thought', they wrote, 'that the populations of German speech inhabiting the borders of these provinces should remain associated with them in the development of the national unity with which history has bound them up (*les a rendu solidaires*).' The violations of this historic principle in favour of Czecho-Slovakia were actually advocated as ensuring 'the best pledge of that national unity'.

The Allies overrode historic and economic considerations in favour of ethnographical and strategic ones as decisively in Slovakia as they had done the opposite in Bohemia and Moravia. It was not even quite agreed what were the wishes of the inhabitants, but a number of them —probably the majority—favoured joining the Czechs, on some basis short of complete unification. Representatives of Slovak parties passed a declaration to this effect on October 30th, 1918. Afterwards the Czech and Hungarian troops fought for the possession of Slovakia. The former were supported by the Allies, who eventually forced Hungary to accept a line which left all the Slovak parts of north Hungary in the hands of the new state. Subsequently considerable blocks of territory, some of which were purely Magyar in population, were included in Czecho-Slovakia on strategic and economic grounds.

On the other hand, the Conference rejected, as too artificial, a scheme (which had apparently originated in a French brain)[1] for joining up Czecho-Slovakia with Yugoslavia by a 'corridor' between Austria and Hungary. The justification for this plan would have been purely military.[2] It also refused to allow special treatment for the Czechs of Lower Austria, or the Lusatian Sorbs. By another unique concession, however, it allocated to Czecho-Slovakia the district known as Sub-Carpathian Russia, in the extreme

[1] Temperley, *H.P.C.*, vol. iv, p. 273.

[2] The district in question contained, besides Germans and Magyars, a certain number of Croats, refugees from the days of the Turkish advance; but the great majority of the population was German.

north-eastern corner of the Carpathians, and inhabited mainly by Ruthenes. The Ruthene leaders had themselves voted for union on a basis of autonomy with Czecho-Slovakia, if they could get nothing better; and the Peace Conference, while placing them under Czecho-Slovak sovereignty, stipulated that they should receive 'the widest measure of self-government compatible with the unity of the Czecho-Slovak Republic'.

Roumania, whose representatives enjoyed far less personal popularity in Paris than did the Czechs, was treated with less indulgence, although she, too, could hardly complain of ungenerous treatment. Originally formed out of the two 'historic' Danubian principalities of Moldavia and Wallachia, which were unquestionably predominantly Roumanian, she had received the northern Dobruja in 1878 purely as compensation because Russia had insisted on taking to herself Bessarabia. The northern Dobruja was a land of very mixed population, which fifty years of occupation had made, on the whole, mostly Roumanian. Then, in 1913, Roumania forced Bulgaria to cede her the southern Dobruja, the population of which was almost entirely Bulgarian, Turkish, and Tatar. Her secret treaties with the Allies during the War had opened to her the prospect of a very large extension of territory at the expense of Austria and Hungary. These became null and void when she concluded a separate peace in 1918, under which she re-ceded to Bulgaria almost the whole of Dobruja. On the other hand, Bessarabia had declared itself autonomous on the outbreak of the Russian Revolution and had formed a National Council, in which the Roumanians were in a majority. The Council proclaimed its complete independence on January 24th, 1918; and on March 27th the Roumanian majority voted for union, with local autonomy, with Roumania.[1] When the Central Powers collapsed, the Council voted for complete union with Roumania, and the Roumanian authorities subsequently extended the

[1] Besides the Roumanians, the Polish Deputy voted for the Union; but the German, Russian, Ukrainian, and Bulgaro-Gagauz groups did not recognize the competence of the Council to take this decision.

scope of this declaration to those districts which, being under the military occupation of the Central Powers, had not participated in the previous voting. The Peace Conference sanctioned the military occupation of Bessarabia by Roumania, and on March 9th, 1920, the British Empire, France, and Italy recognized the political union. On October 28th, 1920, this recognition was sealed by a treaty which, however, has not yet (1933) become legally binding, as one of the signatories (Japan) has not ratified it.

The Bukovina came to Roumania in somewhat similar fashion. The retiring Austrian governor had placed the administration in the hands of the Ruthene majority, but the local Roumanians proclaimed union with Roumania and called in troops from Old Roumania, who occupied the country. The Supreme Council, after considering a redrafting of the frontier which would have excluded some compact Ruthenian districts, allowed Roumania to retain the province within its historic frontiers. In the Dobruja, the frontier of 1913 was restored, thus leaving a large Bulgarian minority within the Roumanian frontier. In the Banat, which was claimed by both Roumania and Serbia, although the population was largely German with Magyars and Jews in the towns, a rough ethnographical line was drawn dividing the country between Serbia and Roumania, with each claimant receiving some important towns, and the minorities being balanced out against each other. In Transylvania, the Roumanian majority voted for union with Roumania, the Saxons adhering to this decision, which the Magyars, on the other hand, accepted only under *force majeure*. During the early part of 1919 Roumania was at war with Hungary, and her troops occupied much of eastern Hungary, advancing in August west and north of Budapest. They were with difficulty induced to withdraw. The final frontier was advanced far westward of the optimum ethnographical line to give Roumania possession of certain towns, and of the communications between them.

Reference to some of the main decisions affecting Austria has already been made. The German-Austrian Deputies

of the Reichsrat had on October 21st, 1918, passed a resolution that 'the German people in Austria is resolved to determine for itself its future form of State, to form an independent German-Austrian State' (which was to comprise 'all districts inhabited by Germans'), 'and to regulate its relations to the other nations by a free agreement'. The first Provisional Government, of November 12th, 1918, proclaimed this state a part of the German Republic. The Powers vetoed this, forcing Austria to drop even the prefix 'German' from her title; and a provision was inserted in the Austrian and the German treaties forbidding Austria to forgo her full independence except by the unanimous consent of the whole Council of the League. Further, as has been remarked, the Germans of Bohemia, Moravia, and Silesia were denied the right to join with Austria, and even some small districts of Upper and Lower Austria were detached and assigned to Czecho-Slovakia. The southern half of the Tyrol, up to the Brenner, was given to Italy, on strategic grounds. In the south-east, the predominantly Yugoslav districts were detached and attributed to Yugoslavia, on ethnographical grounds, the benefit of the doubt, so far as the Styrian districts were concerned, being given to the Yugoslavs. In Carinthia, however, a plebiscite was held in one zone where the wishes of the population seemed doubtful, and the district was left with Austria in accordance with the result of the vote (which showed, incidentally, that many Slovenes must have voted for Austrian citizenship). Only in the east did Austria receive an accession of territory at the expense of Hungary, being given some German-speaking districts of west Hungary. A plebiscite was, however, allowed for the chief town of this district, Oedenburg (Sopron), and this resulted in favour of Hungary, which accordingly retained the town and its immediate surroundings.

The nucleus of Yugoslavia is formed out of the kingdom of Serbia, composed first of those districts (mainly inhabited by Serbs) which successfully revolted against the Turks at the beginning of the nineteenth century. It received several increases of territory, based partly on ethnographic con-

siderations. In 1913, as a result of successful wars, Serbia acquired the Sanjak of Novi Bazar (inhabited mainly by Serbs) and northern and central Macedonia, in which the population was exceedingly mixed, the purely Serb element being very small, while the majority was intermediate between Serbs and Bulgars, but sympathized more strongly with the Bulgars, and there was a large sprinkling of Albanians, Turks, pure Bulgars, Vlachs, and other nationalities. Some of the purely Albanian territories in the west were, however, separated off to form a principality of Albania. During the War Serbia was occupied by the Austrian and Bulgarian troops, and Bulgaria would have annexed not only all Macedonia but much of Serbia proper. After her defeat, however, Serbia recovered all that she had lost in Macedonia, and was granted rectifications of her eastern frontier on purely strategic grounds, the inhabitants of the district in question being pure Bulgars. As against Albania, the line finally sanctioned was that of 1913, which separated some 400,000 Albanians from their fellow-countrymen in Albania, a frontier which was neither ethnographically nor economically justified.

At the end of the War, all the historic units of the Austro-Hungarian Empire which were indisputably Yugoslav in the majority (Bosnia and Herzegovina, Dalmatia, and Croatia-Slavonia), with the kingdom of Montenegro, proclaimed their union with Serbia. There remained a number of Austrian Crownlands and a part of southern Hungary which were mainly Yugoslav. These were claimed for the new Serb-Croat-Slovene State on ethnographical grounds, a newly-constituted Slovene National Assembly taking over the government of all the Southern Slav provinces of Austria, while the Croatian Diet, speaking for Croatia, Slavonia, and Dalmatia, including Fiume, expressly claimed 'the whole area belonging ethnographically to this [i.e. the Yugo-Slav] race without regard to the territorial and state boundaries within which the Slovenian, Croatian and Serb people live at present'.

For these frontiers, therefore, the ethnographical test was adopted, except in the case of Montenegro, which

contained many Albanians in its southern territory, acquired by conquest. The optimum ethnographical line was eventually modified, to Yugoslavia's disadvantage, as against Italy. The line with Austria was fairly regulated by a plebiscite, as described above. In Hungary no plebiscite was allowed, and a line drawn greatly to the Yugoslavs' advantage, Yugoslavia being allowed to annex no less than 250,000 Magyars in order to enable her to retain the town of Subotica, with its Bunjevac (Catholic Serb) population. The settlement of the Roumanian frontier is described in connexion with that country.

Little more need be said of Hungary, Bulgaria, or Albania. Hungary was left only a torso. In practically no case was she given the benefit of the doubt when her frontiers were being drawn, and only in the case of Sopron (Oedenburg) was a plebiscite allowed. Bulgaria was allowed to keep a portion of what she had gained in the Rhodopes at the expense of Turkey in 1912, but she lost western Thrace, and her losses in Macedonia and the Dobruja were sealed. Albania received in the north and east her inadequate frontiers of 1913, but in the south Northern Epirus, about which there had been a dispute which was still unsettled in 1914, was finally awarded to her. All of these three states were losers by this settlement, in which large numbers of their nationals were left outside their frontiers. All of them, however, also contained considerable percentages of national minorities.

Greece had a very chequered career. Even before the War her frontiers had contained many Albanians and some other minorities. In the Balkan Wars she acquired Crete and various islands in the Aegean, being predominantly Greek, although with Turkish minorities, and, by conquest, a part of Macedonia in which the population was exceedingly mixed. After the World War she was at first assigned the greater part of Thrace and the basin and hinterland of Smyrna, in Ionia, but after she had fought an unsuccessful war against Turkey, the districts in Ionia and eastern Thrace were taken from her. She was, however, assigned western Thrace, with a large Bulgarian

and Turkish population, on grounds not very easy to ascertain.

Turkey was at one time destined for a drastic parcellation, but by virtue of her military resistance recovered eastern Thrace in Europe, and a frontier in the south which went beyond what had been predominantly Turkish territory. In the east she retained much of Kurdistan, and in the north-east, where her frontiers were settled by agreement with the Soviets, a large district which had been chiefly Armenian in population. 'Irāq became a mandated territory, and subsequently (1932) independent, the Kurds of its northern frontier being divided between 'Irāq and Turkey.

Finally, the Peace Conference made certain other territorial adjustments affecting the more western states. Italy received the Italian Trentino, but also the Brenner frontier, which was designed to give her strategical security, but placed 250,000 German-Austrians under her rule. Farther east, she obtained, on grounds most simply described as *Machtpolitik*, a large Slovene hinterland behind Trieste, while getting Fiume and Zara and some small islands on ethnographical grounds, and another island farther south on strategic grounds. France re-annexed Alsace and Lorraine on historic grounds, as redressal of 'the wrong done by Germany in 1871 both to the rights of France and to the wishes of the population of Alsace-Lorraine, which were separated from their country in spite of the solemn protest of their representatives at the Assembly of Bordeaux'.[1] Perhaps unwisely, she did not carry through a plebiscite, which would have undoubtedly gone in her favour. She was also ceded the Saar coal-mines in reparation, the Saar territory being placed under League administration for fifteen years, after which a plebiscite was to be held. Belgium was given Eupen, Malmedy, and Moresnet on strategic and economic grounds, and with no plebiscite, although the inhabitants (five-sixths of whom were Germans) were allowed to make signed protests. Denmark was assigned part of northern Schleswig on ethnographical

1 Treaty of Versailles, Section V, Preamble.

grounds, after a plebiscite had been held in the more doubtful areas. The line which resulted was substantially the optimum ethnographical line.[1]

3. *The New National States*

All of these states—and this is a vital factor in the situation as it developed subsequently—constituted themselves as national states. One of them, indeed—the Serb-Croat-Slovene kingdom—was created as the national state, not of one nationality, but of three, a status which it has still to some extent retained even in spite of the abolition by its king of the original name in favour of the new name of Yugoslavia, which would seem to indicate the merging of Serbs, Croats, and Slovenes in a single nationality.

In one other state the position is more complicated. The original Czecho-Slovakia has become, by dropping the hyphen, 'Czechoslovakia', and now claims to be the national state of the simple, undivided Czechoslovak race. The opponents of the new state, Hungary among them, deny that such a race exists or ever has existed, and a party among the Slovaks apparently share this view. It is therefore a little difficult to say whether there is one *Staatsvolk*, or two. In any case, the Czechs and Slovaks, or the Czechoslovaks, are *Staatsvölker*.

One other nation—Finland—took a second nationality voluntarily into partnership.

Further, by agreement or by decision of the Supreme Council or the League, a few areas enjoy, in name or in fact, local national autonomy. Carpatho-Russia is an autonomous area within the Czechoslovak State; Memel within the Lithuanian. The Aaland Islands enjoy special privileges in the Finnish State, and Danzig stands in a relationship to Poland which is hard to describe, but is not that of dependence. These modifications and exceptions apart,

[1] Schleswig was taken from Denmark by Prussia in 1864, but Prussia undertook in 1866 to cede the northern parts to Denmark if a free vote of the population expressed the wish to be united with Denmark. The plebiscite was never held, and the local population and the Danish Government asked the Peace Conference for a vote.

all the new states are more or less consciously the national states of the single nation which forms the majority of their population. Most of them take pains to express this fact in their Constitutions. Thus the Estonian Constitution opens with the words:

'The Estonian people, in the firm conviction and with the unshakeable will to create a State founded on justice, right and liberty. . . .'

That the Estonian nation, in the personal sense of the word, is meant, is proved by the statement that the territory of the new state is to comprise 'the districts of Voru, Petseri and the other limitrophe districts inhabited by the Estonian people'.

The Polish Constitution begins:

'In the name of Almighty God,
'We, the Polish nation, thanking Providence for having restored us liberty after a century and a half of servitude. . . .'

The Czechoslovak:

'We, the Czecho-Slovak nation, wishing to consolidate the complete unity of the nation. . . .'

The personal interpretation of the central phrase is, again, undoubted, and was, indeed, officially confirmed by a decision of the Czechoslovak Supreme Court of Justice, of March 23rd, 1929, which lays down that:

'The Czechoslovak language is the official State language of the Republic, i.e. of the Czechoslovak State constructed by the Czechoslovak people, and consequently, of a national State.'

Whence it is deduced that: 'Czechoslovaks, where they are in a minority (i.e. locally) enjoy quite different rights in relation to the local authorities than those enjoyed by members of a German minority in relation to the State authorities.'[1]

[1] E. Ammende (ed.), *Die Nationalitäten in den Staaten Europas* (Vienna, 1931), p. 208.

Roumania is the most uncompromising of all, for her Constitution actually begins with the words:

'The Kingdom of Roumania is a national, unitary and indivisible State.'

Even Austria would appear to have altered her previous conception of the relations between state and nation, for her present Constitution contains the provision that:

'The German language is the official language of the Republic, without prejudice to the rights accorded by the Federal Republic to linguistic minorities'—

a stipulation which seems to place the minority languages on quite a different footing from the old nominal equality guaranteed under the law of 1867, and to mark a change-over from the super-national conception of the state to which, with all her shortcomings, Austria still adhered up to 1918, to a national philosophy. As Hungary, Bulgaria, and Turkey were already constructed on these lines, the result of the Peace Settlement was that every state in the belt of mixed population, with the few modifications mentioned above, now looked upon itself as a national state.

But the facts were against them. Not one of these states was, in fact, uni-national, just as there was not, on the other hand, one nation all of whose members lived in a single state. Given the inextricable tangle of nationalities existing in this part of Europe, no state could have been formed without leaving minorities within its frontiers. But besides this, although the Peace Settlement had aimed, nominally, at satisfying the claims of national self-determination wherever possible, actually many departures had been made from this principle; and while in some cases, such as that of Bohemia, the historical and economic considerations had made it reasonable to suppose that a departure from the strict ethnographical line would be in the best interests of the minorities themselves; in others, as those of the Bulgars assigned to Yugoslavia and Roumania, the Magyars of the Schütt Island, the Germans of Italy, or

the Albanians of Yugoslavia, the minorities concerned had been simply sacrificed to the interests of their new masters. Taken all in all, the number of persons left as, or made into, minorities by the Peace Treaties was probably not less than some 25–30 millions, constituting the substantial proportion of some 20–25 per cent. of the populations of the states to which they were assigned.[1] They were of all types and classes, ranging from small, humble, and politically inactive groups, to which a change of masters meant little, up to great, highly-civilized communities, who had formerly been masters in the countries where they were now to become servants, who protested violently against their fate, and whose complaints found an answer in the hearts of great European Powers. Together, they constituted a problem with which the Peace Conference could not escape dealing.

[1] For statistics and fuller descriptions of the minorities, see Appendix III. The figures are necessarily rough, for complete accuracy is impossible, both in view of the difficulty of obtaining reliable statistics, and of the large number of genuinely doubtful and border-line cases.

CHAPTER VII

THE DRAFTING OF THE TREATIES

1. *The Unofficial Movement*

STRANGELY enough, the question of minorities had attracted little public attention during the War, having been overshadowed by the cognate, but different, question of national self-determination. None of the Allied war aims dealt with the problem, nor did any of President Wilson's speeches, except, perhaps, a vague utterance of January 22nd, 1917, when he declared that security of life, worship, industrial and social development should henceforward be guaranteed to all peoples living hitherto under governments 'devoted to a faith and purpose hostile to their own'. The Allies had, of course, promised autonomy to various nationalities within Austria-Hungary; but of their secret treaties only one (that with Roumania) contained any provision for the protection of minorities in territory transferred to a new sovereignty. The clause in question was inserted at the wish of Russia who, in her quality as protector of the Slavonic nations of the Balkans, had protested against Roumania's being assigned the Banat, and had insisted that at least the Serbs of the Banat must be guaranteed against Roumanization.[1] In the final treaty this demand was dropped, but Roumania agreed to indemnify those Serbs who wished to emigrate from the Banat within two years of its assignment to Roumania. The Central Powers had devoted considerably more attention to the problem. At Brest-Litovsk they had made a declaration that

'according to pronouncements by the statesmen of the Quadruple Alliance, the protection of minority rights forms an essential part of the right of the peoples to self-determination. The Governments of the Allies [viz. the Central Powers] also apply this principle everywhere, in so far as it seems possible to realize it in practice.'

[1] F. S. Cocks, *The Secret Treaties* (1918), pp. 52, 53.

They had done so, however, on a scale hardly more generous than the Western Powers. The Proclamation of Polish independence, and a later decree by the Governor-General of Warsaw, had made certain stipulations in favour of minority schools in Poland;[1] the German-Roumanian Peace Treaty had introduced certain provisions in favour of the Germans and Jews of Roumania. The Russian delegates to Brest-Litovsk had gone much farther when they laid down as a basis for negotiations the principle that 'in districts inhabited by various nationalities, the rights of the minorities shall be safeguarded by special laws guaranteeing national cultural independence and autonomous administration'; but then, the Russians had no voice at the subsequent Peace Conference.

On the other hand, considerable attention was devoted to the problem by certain private organizations, in which the lead was taken by members of those nationalities which could not hope to draw a sovereign national state of their own out of any lucky-bag which any Peace Conference could conceivably offer them. Most of them were, by their very nature, small and weak; but they numbered amongst them the very influential voice of the Jews, who were destined to take a large part in evolving the system of minority protection at present in force.

The work of two international societies, the 'Office des Nationalités' at Lausanne, and the 'Central Organization for a Durable Peace' at The Hague, deserves particular attention. Of these, the former was more directly interested in pressing for an optimum division of Europe and the Near East on national lines; the latter in sketching the system which should be adopted by the victor, whoever he might prove to be.

The former organization, at its two Conferences of 1915

[1] Parishes (*Gemeinden*) with more than 50 children of school age belonging to the same, non-Polish, nationality were to be given public elementary schools with instruction in the minority language; but until the frontiers of the new kingdom of Poland had been fixed, this concession was not to come into force except for the Germans. The Jews, however, secured its application to themselves, after a long agitation (O. I. Janowski, *The Jews and Minority Rights 1898–1919* (London, 1933), pp. 205 ff.).

and 1916, established a 'Draft Declaration of the Rights of Nationalities' which was conceived as complementary to the Declaration on the Rights of Man. After laying down general principles of racial, religious, and linguistic tolerance, it recognized the rights of homogeneous nationalities to form independent states, or different nationalities to form federal or unitary states in free association with one another; that of different groups or nationalities composing one state to local, municipal, scholastic, and religious autonomy, and that of the individual to retain his own nationality. Its authors conceived 'a régime of personal statute, completed by the appropriate collective organizations' as the most suitable system for minorities.

The Association for a Durable Peace went into the question of minorities more deeply. In 1915 it established a 'minimum peace programme', the second paragraph of which contained the *vœu* that:

'States shall guarantee to the nationalities contained within their territory, equality, religious liberty, and free use of their language.'

In 1916 a special Commission was appointed to study this question more deeply, and in 1917 this Commission drew up a 'Draft International Treaty on the Rights of National Minorities'. The first article proclaimed, in the language of the Austrian Fundamental Law of 1867,[1] 'the inviolable right of every nationality forming part of the Contracting States to cultivate its nationality and language'. All individuals, whatever their race, language, and religion, were guaranteed civil and political equality; minorities were allowed the right of organizing their churches and schools (primary, secondary, and university), which should enjoy a proportionate state subsidy, and for which the minorities were also allowed to levy taxation. They were to have separate electoral colleges, to assure their proportionate representation in political matters, and officials speaking their language were to be appointed in minority districts. The execution of the treaties was entrusted to

[1] The whole draft was strongly influenced by a memorandum submitted by the Austrian Professor, Dr. Laun.

two bodies: firstly, international Commissions appointed by agreement between the contracting states, and secondly a 'Tribunal of Nationalities' as final instance, from whose decision there was to be no appeal.

The problems of the future peace had also been occupying the attention of Socialism, which, in conformity with its principles, supported the right of national self-determination. The problem of minorities had, however, attracted little attention until it was taken up by the Jewish Socialist organization known as Poale Zion. In November 1915 the Poale Zion submitted a memorandum to the International Socialist Bureau asking for 'the right of national self-determination for the Jewish minorities in all countries, particularly in poly-national states', and in July–August 1916 the Socialist Conference of Neutral Countries held at The Hague adopted a resolution in favour of autonomy of national minorities. In August 1917 the Poale Zion put in a more detailed memorandum to the 'Dutch-Scandinavian Committee' engaged in preparing for the Stockholm Conference, claiming, primarily for the Jews but also for all nationalities, a 'guarantee of the right of every national minority to preserve and develop its national physiognomy, and autonomous administration for national questions'. As regards Poland in particular, the memorandum supported Polish independence but urged that unless national rights were secured for the Jews, 'Poland is destined to become the national tomb of a large part of our people'. The Stockholm Conference adopted among its postulates that of the 'international regulation of the Jewish question' with 'guarantee of personal rights'. No general definition of the rights of minorities was, however, adopted, since the Socialists of the belligerent powers were, even at that time, too strongly affected by war psychology.

After the War was over the International Conference at its Berne meeting (February 1919) went much farther. In the programme which it drew up 'defining the conditions of a just peace' it not only proclaimed the absolute rights of the peoples to self-determination (plebiscites to be held in contested zones under the supervision of the

League of Nations, which was to take the final decision), but also stated that:

'The protection of nationalities, both minorities and majorities, is ensured by a minimum of rights determined and guaranteed by the League of Nations.'

The League was also to be empowered to alter frontiers on the demand of the population concerned. The League itself was to be composed, not of government representatives, but of delegates from the different parliaments, and all political parties were to have access to it. This, in the view of the Jewish delegates, meant that national minorities would be represented in the League; and the Socialist Conference of Amsterdam (April 1919) met their wishes so far as to ask for 'representation of the Jewish people in the League of Nations'.[1]

These various suggestions, interesting as many of them were, seem to have had no influence at all in the actual Peace Settlement. It must be repeated that this settlement was in the hands of representatives of the Western Powers, who were not Socialists, not Jews, and had little sympathy with the ideas of central European professors, even when those professors knew demonstrably more about the matter in hand than the Western statesmen. On the other hand, the Powers were amenable to direct pressure from their own citizens, and to this they were subjected, in particular by the powerful Jewish communities in the various countries. The Jews throughout the world were practically unanimous on the two broad issues: they wanted the establishment of a Jewish national home in Palestine, and they wanted improved conditions for the Jews in eastern Europe. In particular they desired to put an end to the

[1] It should be added that the German *Gesellschaft fur Volkerrecht* adopted, on January 3rd, 1919, an interesting Draft Constitution for a League of Nations which laid down that every state joining the League should be urged to grant its minorities proportionate parliamentary representation, besides use of their language in schools, religion, and administration where their numbers were sufficient. The draft also provided for a League guarantee in case of violation of the above provisions; and it definitely insisted on the duty of loyalty incumbent on the minorities.

denial of citizenship to Jews in Roumania, and to prevent a similar situation from arising in Poland.

The Jews of France and Great Britain succeeded in obtaining definite assurances of sympathy from their respective governments, but these related chiefly to the question of Palestine. With regard to eastern Europe, the French 'Alliance Israélite Universelle' and the British 'Joint Foreign Committee' practically confined themselves to pressing for the two main points: the removal of the 'stateless' difficulty in Roumania, and the abolition of the restrictions on Jews which had been enforced in Russia and might, unless care were taken, be enforced in Poland. The latter, however, also asked that Jews should 'be secured in the autonomous management of their religious, educational, charitable, and other cultural institutions', and should be permitted to work and trade on Sundays in places where they lived in 'considerable masses'.[1]

The Jewish organizations of central and eastern Europe went much farther. They wanted to secure for their nation a régime of personal autonomy such as had been in force in ancient times, and such as was recommended by the Assocation for a Durable Peace. The Jews of Italy and Palestine, the World Zionist Organization, the B'nai Brith, and also the Jewish communities in Canada and, most important of all, the United States,[2] supported these claims. The nationalist Jewish bodies succeeded in March 1919, after very great difficulty, in forming a united 'Comité des Délégations Juives auprès de la Conférence de la Paix'; but owing to their support of 'national rights' for the Jews, they failed to reach more than a working agreement, and that a precarious and intermittent one, with the Joint Foreign Committee and the Alliance Israélite

[1] Janowski, op. cit., p. 248.

[2] The American Jews, after a three years' struggle between 'nationalists' and 'anti-nationalists', had agreed to co-operate on a formula of demanding 'wherever the various peoples of any land are or may be recognized as having rights as such, the conferring upon the Jewish people of the land affected, of like rights, if desired by them, as determined and ascertained by the Congress' (Janowski, op. cit., p. 188).

Universelle. All these organizations, however, prepared to press their views on the Conference.

2. *Minorities and the Covenant*

Little attention was paid at first by the Peace Conference to the minorities question, in any of its forms. On November 29th, 1918, the French Government proposed to Washington the creation of a special 'Committee of Jewish Affairs', and in the plan which it laid before the Conference in January 1919 it included among the 'guiding principles of the Conference' 'the rights of racial and religious minorities' (pt. 3) and 'the rights of peoples to self-determination, combined with the rights of minorities'. The former of these points seems to have referred to the Jews, but the latter more particularly to the Germans of Bohemia and the territories due to pass to Italy under the Treaty of London. Neither point seems to have been pressed; but meanwhile the Jews of the United States, one of whose leaders, Mr. Brandeis, was a personal friend of President Wilson, had been putting strong pressure on Wilson and on his advisers. Wilson had publicly assured them of his sympathy with the principle of according the Jews perfect equality, and agreed with Colonel House on the necessity of protecting both Germans and Jews in Poland.[1] Wilson's first thought was to anchor the general principles of toleration of minorities in the Covenant itself. His own first draft of the Covenant, like the British first draft, had passed over the minority question in silence, but in his second, or 'First Paris Draft' of January 10th, 1919, he included the following clause as 'Supplementary Article 6':

> 'The League of Nations shall require all new States to bind themselves as a condition precedent to their recognition as independent or autonomous States, to accord to all racial or national minorities within their several jurisdictions exactly the same treatment and security, both in law and fact, that is accorded the racial and national majority of their people.'

[1] C. Seymour (ed.), *The Intimate Papers of Colonel House* (New York, 1928), vol. iv, pp. 152–3, 198–200.

This clause was criticized by Mr. Hunter Miller as even weaker than the ineffectual provisions of the Treaty of Berlin;[1] and he also thought that

'it should be followed by additional and more specific provisions varying according to the conditions not only in the new States, but in some of the older ones, of which Bulgaria is an example'.[2]

In accordance with this latter suggestion, Wilson's Second Paris Draft inserted the words: 'and the Executive Council shall exact of all States seeking admission to the League'. The British delegates, however, thought that this article should be omitted until the specific provisions contained in the territorial treaties could be considered.[3] This course was adopted, and the idea of inserting the minority provisions in the Covenant was thus dropped. The consequence as regards the states whose fate was being decided at the Peace Conference was not great, but it was an important change from the point of view of those other states, such as the Baltic and Caucasian states, Albania, &c., which were destined to apply later for membership.

There had not been from the first any question of imposing general minority obligations on all states, old and new alike.[4] President Wilson, however, hankered after some codification of the principle of religious toleration, and inserted in his Second Paris Draft (apparently on his own initiative) the following article:

'Recognizing religious persecution and intolerance as fertile sources of war, the Powers signatory hereto agree, and the League of Nations shall exact from all new States and all States seeking admission to it the promise, that they will make no law prohibiting or interfering with the free exercise of religion, and that they will in no way discriminate, either in law or in fact, against those who practise any particular creed, religion or belief, whose practices are not inconsistent with public order or public morals.'

[1] D. Hunter Miller, *The Drafting of the Covenant* (1928), vol. i, p. 47.

[2] Ibid., vol. ii, p. 91.

[3] Ibid., vol. i, p. 60.

[4] When Trampler (*Staaten und Nationale Gemeinschaften*, p. 28) says that 'adoption of this Draft would have effected a generalization of minority protection to cover all Members of the League' he overlooks the small but important adjective 'new' in Wilson's draft.

This article caused the Conference grievous trouble. It was duly adopted with the 'Hurst-Miller' draft which formed the basis of discussion before the Committee on the League of Nations. It was subjected to much redrafting, a guarantee clause being put in and afterwards struck out again. The French, Italian, Greek, Portuguese, and Belgian representatives were all strongly against it, but it might yet have gone through, in deference to Wilson's wishes, had not the Japanese representative proposed to insert in the Covenant the following clause:

'The equality of nations being a basic principle of the League of Nations, the High Contracting Parties agree to accord, as soon as possible, to all other nationals of States Members of the League equal and just treatment in every respect, making no distinction, either in law or fact, on account of their nationality.'

This was, of course, a totally different proposal. The British were against it from the first, Mr. Balfour remarking that 'the proposition that all men are created equal was an eighteenth-century proposition, which he did not believe was true'.[1] The Japanese, however, originally proposed this clause as an addition to the 'religious toleration' article.[2] M. Venizelos seized the opportunity to 'show the connexion' between the racial and religious issues, and 'religious toleration' was dropped from the Covenant.

3. *The Drafting of the Polish Treaty*

At the same time, the Conference had been preparing the Treaty of Peace with Germany; and so disorganized was its working that no proposals at all were put forward with regard to minority protection, although lumps of territory were being chopped off Germany on all sides, and various territorial commissions recognized and repeatedly urged the necessity for such protection.[3] Mr. Hunter Miller's *Diary* contains record of only one

[1] D. Hunter Miller, op. cit., vol. i, p. 183.

[2] They afterwards brought it forward to be inserted in the Preamble. It received a majority of 11 votes out of 17, but Wilson, in the Chair, ruled that the voting must be unanimous.

[3] Temperley, *H.P.C.*, vol. v, p. 123.

document on the subject—a most sensible memorandum from Professor A. C. Coolidge which, basing its argument on the situation of Germans in Bohemia, put the necessity for minority protection very clearly and asked for a declaration by the Allies 'to tranquillize apprehensions and serve as some sort of a guarantee for the future'.[1]

No notice appears to have been taken of this; nor is it possible to trace any very definite effects of memoranda submitted by the Alliance Israélite Universelle and the Joint Foreign Committee, although both were actively at work, and must have influenced the minds of the official delegates.

Meanwhile, however, the moment was approaching when Poland would receive international recognition, and the Comité des Délégations Juives, having at last after much wrangling composed its own internal differences, approached the British and United States Delegations, with urgent requests for the protection both of the Jews and of other minorities in central Europe. After various interviews with Colonel House and other American delegates, they presented Mr. Hunter Miller, on April 19th, 1919, with a first draft of their proposals,[2] which began by making the recognition of the state concerned conditional on its adoption of the obligations thereinafter enumerated as an integral part of its constitution. This was followed by five clauses:

No. 1 regulated the automatic right of citizenship, with provision for option.

No. 2 laid down for all nationals a general principle of equality of civil, religious, political, and national rights.

No. 3 provided that each minority comprising at least

[1] Hunter Miller, *Diary of the Peace Conference*, vol. i, p. 267, and vol. vii, pp. 366 ff. (text).

[2] Idem, vol. vii, pp. 422 ff. (Doc. 822). Janowski gives in great detail the negotiations between the various Jewish groups which led up to the drafting of the document. The proposals were drafted chiefly by Marshall, sometimes by Mack, with help from Filderman, of Roumania, Motzkin, a German Zionist, and Brande, an Austrian Zionist (Janowski, op. cit., p. 335, n. 24).

1 per cent. of the total population should constitute an autonomous body with the right of establishing its national, religious, educational, charitable, and social institutions. Such bodies should also be entitled to representation proportional to their numbers in all state, departmental, municipal, and other public elective bodies. This was to be secured through the institution of separate electoral colleges, or by other methods. Such minorities were also to receive a share proportional to their numbers from the public funds to cover their expenditure, made by them on cultural objects, in so far as this involved the exercise of governmental functions. Any person might waive his right of membership in such a body. The Jews were to be regarded as a national body within the meaning of the article.

No. 4 stipulated unrestricted liberty in the use of minority languages. The validity of no transaction or document should be affected by the use of any language whatever.

No. 5 safeguarded the rights of persons observing 'any other day than Sunday as their Sabbath'.

A 'guarantee clause' allowed any signatory to the Treaty, or any state affected by the failure to observe its stipulations, to submit complaints for adjudication to the League, or any tribunal which it might establish.

This was accompanied by a memorandum which set out at some length the grievances under which the Jews had laboured in Roumania, and the suffering which they anticipated in Poland, and urged that the alternative to the grant of minimum liberties such as was envisaged was the domination of minorities by majorities which must result 'not only in the crushing out of the minority, but in continuous warfare which is apt once more to involve all Europe and America in internecine conflict'.[1]

Hunter Miller now tried his hand. On April 20th he produced an alternative draft of his own, and on April 21st, in consultation with Professor Manley O. Hudson, a second. The most important change was in the 'guaran-

[1] Hunter Miller, *Diary*, vol. ix, pp. 186 ff. (Doc. 888).

tee'. The proposal for making recognition conditional was omitted; but the clause now began:

'The protection of life and individual liberty to all inhabitants of Poland is assumed by Poland as an obligation which it recognizes to be of international concern and which it undertakes as such with the other Allied and Associated Powers to carry out so that there shall be no discrimination against any inhabitant of Poland because of race or religion, and so that . . .'

Followed the specific undertakings in detail. Here the wording was much more general than that of the Jewish proposals, omitting both the provision for cultural autonomy, and the 'Sabbath' clause. In place of the former, it was provided that 'any public funds used for religious, charitable, educational, or social purposes shall be fairly applied in accordance with the aspirations, customs, and language of all the inhabitants equitably and proportionately, and so that freedom of language and of religion shall be universally enjoyed'. The provision for proportional representation was retained. The clauses relating to citizenship were omitted.

Finally, a second clause stated that:

'The foregoing provisions shall not only be a matter of international obligation on the part of Poland, but shall also be embodied in the fundamental law of Poland as an irrevocable bill of rights, with which no law or regulation shall conflict or interfere, and as against which no law or regulation shall have validity or effect.'

The second of these drafts seems to have been returned to the Jews, who on April 22nd produced yet another version, the preamble and final clause (now No. 7) of which were closely modelled on Hunter Miller's wording, with the addition in each case of a reference to the League of Nations, so that they now ran as follows:

(Preamble): 'Poland undertakes the following obligations to each of the other Allied and Associated Powers, and recognizes them to be obligations of international concern of which the League of Nations has jurisdiction:

(Art. 7) 'Poland agrees that the foregoing obligations are hereby embodied in her fundamental law as a bill of rights, with which no

law, regulation or official action shall conflict or interfere and as against which no law, regulation or official action shall have validity or effect, and which shall not be amendable, except with the consent of the League of Nations.'

The 'Sabbath' clause was dropped, but on cultural autonomy with proportional representation the Jews stood firm. The remaining articles were little more than a recasting of the earlier draft, embodying the principles of protection of life, liberty, and property; freedom of religion; free use of language; prohibition of discrimination.

Hunter Miller writes in his *Diary* that the representatives of the Comité, Judge Mack and Mr. Marshall, had now 'convinced' him of the soundness of the demand for cultural autonomy. He also accepted the principle of proportional representation, although he preferred a slightly different form of drafting, but he forwarded the second Jewish draft unaltered, accompanied by his own alternative to the one article, to Colonel House on April 29th.[1]

Colonel House presumably passed these papers on to President Wilson, who now himself brought up the question of protection for the Polish Jews at the Supreme Council. Just at the same time, the economic section of the British delegation drew attention to the fact that if it were desired to attach any conditions to the recognition of the new states, no time was to be lost. Once the German Peace Treaty had been signed, recognition granted, and territory assigned it would be very difficult to impose any new conditions.

On May 1st the Conference, its memory thus jogged, hurriedly appointed a small Committee, known as the New States Committee,[2] to deal both with the economic questions referred to and with the question of minorities. The original membership of this Committee consisted only of M. Berthelot (President, France), Mr. Hunter Miller

[1] Hunter Miller, *Diary*, vol. i, p. 267.

[2] The records of this Committee so far as they exist are contained in vol. xiii of Hunter Miller's *Diary*, on which the rest of this section, unless otherwise indicated, is based.

(U.S.A.), Mr. (afterwards Sir James) Headlam-Morley, with Mr. E. H. Carr (British Empire) as Secretary.[1]

At a preliminary meeting it was decided that the economic questions could not be settled in time to incorporate them in the German Treaty.[2] The same decision was reached in regard to the minorities, particularly the Jewish minority in Poland. It was decided that the minority clauses must be incorporated in a separate treaty, but the constitutional difficulty could be got over by inserting a clause in the German Peace Treaty 'referring to the other Treaty'. With regard to this, the British view eventually prevailed (as against that of Mr. Hunter Miller, who would have made the clause more detailed) and the clauses in the German Treaty simply stated that Poland and Czecho-Slovakia respectively promised in advance

'to embody in a Treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by the said Powers to protect the interests of the inhabitants of Poland who differ from the majority in race, language or religion'.[3]

The documents which the Committee had before them consisted of two general clauses supplied by President Wilson, reproducing in slightly modified form the two proposals regarding minorities which he had put originally in his second Paris draft, together with the second draft from the Jewish Comité, as amended by Hunter Miller, and a note by Sir Herbert Llewellyn Smith, which touched only incidentally on the minority problem. On May 10th the Jewish Comité presented yet a third draft of its pro-

[1] The Committee was afterwards considerably enlarged, to include also M. Kammerer (France), Professor Manley Hudson (U.S.A.), Signor de Martino and Colonel Castorli (Italy), and Mr. Adatci (Japan). Lord (Robert) Cecil attended several meetings as representing the League of Nations. During the later stages many substitute delegates sat at the various meetings.

[2] The work on these questions afterwards proceeded simultaneously with that on the minorities, but is not described here.

[3] These are respectively Arts. 86 and 93 of the Treaty of Versailles. The word 'inhabitants' was expressly used instead of 'citizens' to prevent Poland from copying Roumania, refusing rights of citizenship to her Jews and then repudiating obligation under the Treaty.

posals, and this seems also to have been taken into consideration;[1] at all events, Hunter Miller writes that on the morning of May 12th he went over the Treaty, so far as drafted, with Mack, Marshall, and Professor Hudson.[2] The Committee did not, however, formally listen to the Jews' views, although it was clearly concerned first and foremost with the Jewish problem.

The work was done very quickly, and the Committee reported, with its draft, on May 16th. It had made considerable alterations in the documents on which it had begun work. President Wilson's two general principles were adopted as Arts. 6 and 7, para. 1 of the Committee's draft (which reappeared in the final text as Art. 2 and Art. 7, para. 1, respectively). The articles regarding citizenship and right of option represented an expansion of the Jewish proposals. On the other hand, the Jewish request for national-cultural autonomy for all minorities was rejected decisively. 'It was unanimously agreed',[3] says the report, 'that these claims could not be accepted, for they would be setting up a State within a State, and would very seriously undermine the authority of the Polish State.' Furthermore, they were 'not really necessary'. The essential point was that life, liberty, and property should be given 'normal protection', and that the Jews should have control of their own schools.

Here the Commission made a distinction between the Jews and the other minorities. The former, scattered throughout Poland, were both a racial and a religious minority, and were, moreover, objects of a strong anti-

[1] This draft is reprinted both by Hunter Miller, *Diary*, vol. ii, pp. 191 ff. and by N. Feinberg, *La Question des Minorités à la Conférence de la Paix de* 1919–20 (1929), pp. 148 ff.

[2] Hunter Miller, *Diary*, vol. i, p. 299. It appears also (idem, xiii. 48) that Judge Mack was given a copy of the Committee's draft of May 16th. This was recognized to be a breach of confidence and a similar concession was refused to Mr. Lucien Wolf, of the Anglo-Jewish Joint Foreign Committee.

[3] There is no record of how Mr. Hunter Miller, who had been 'convinced' of the rightness of these proposals a few days before, came to change his mind, but he seems to have been re-convinced by the Supreme Council.

pathy. There was 'strong evidence of a deliberate purpose to submit them to a cruel and calculated moral and physical persecution. This throws upon the Allies an obligation to provide safeguards which, it is hoped, will not be necessary for the other minorities.'

The Jewish demand was therefore reduced to a provision (applicable to all minorities) giving them the right to establish, manage, and control at their own expense charitable, religious, and social institutions, &c., with the right to use their own language and exercise their religion freely therein (Art. 8, sentence 2, of the final treaty). For the Jews special rights over Jewish schools were given to their own local Educational Committees (Art. 10 of the final draft). Further, the British delegate secured the reinsertion in amended form of the 'Sabbath' Article from the first Jewish draft. The American and Italian delegates objected to this as an inadmissible constraint on Poland. As Mr. Headlam-Morley stood firm it was put by the Committee in the form of an annexe, but approved by the Supreme Council and incorporated in the Treaty.

The Committee did not think that it would be 'safe or just' to give the other minorities the same rights as the Jews. All that was required was that 'the Germans in those parts of the transferred districts where they form a large portion of the population, and the Ruthenians and White Russians, should have schools in their own languages'. For these an article was drafted which was identical with Art. 9 of the final treaty, except that the proposed benefits were not confined to primary schools, nor was any distinction made, as to the recipients, between the different parts of Poland.

The stipulation in favour of proportional representation, supported by the American representative, also came out, although it was agreed that in an exchange of notes Poland might be 'recommended' to arrange electoral constituencies in such a way as to give the minorities their proportionate share of representation.

Another general article was added, which appeared in the final draft as the last three paragraphs of Art. 7. The

first paragraph had already embodied the undertaking, designed by Wilson, to accord general equality of civil and political rights. The second, which was taken almost verbatim from Art. 44 of the Treaty of Berlin, accepted in 1878 by Roumania, Serbia, Bulgaria, and Montenegro, specified that no discrimination should be made against religious minorities in matters of public employment and public honours, &c. The third, which was based on the Jewish draft, laid down the principle of free use of any language. The fourth allowed linguistic minorities 'adequate facilities' for the use of their language in the Courts.

The guarantee articles were largely based on the revised Jewish proposals, i.e. in the last instance, on Mr. Hunter Miller's work. In Art. 1 Poland declared her addiction to the principles of justice, &c., and 'agrees with the other parties hereto to the following Articles, and recognizes them to be obligations of international concern, of which the League of Nations has jurisdiction'.

In Art. 12 she agreed 'to embody the foregoing obligations in her fundamental law as a bill of rights'[1] with which no law, regulation, or official action should conflict, and against which no such law, &c., should prevail. The proposal to give the Council of the League a permanent control over the Polish Government's behaviour towards all its citizens alike was, however, modified. Such control was now only contemplated in the case of minorities, and the last Article (13) stated that

'the provisions contained in the foregoing articles regarding the protection of racial, religious, or linguistic minorities shall be under the protection of the League, and the consent of the Council of the League of Nations is required for any modification thereof.'

It is not recorded who was responsible for inserting the phrase 'under the protection of the League'.

The draft was approved by the Council on May 17th and communicated immediately to the Polish delegation

[1] A similar obligation had been imposed on Bulgaria in the Treaty of Berlin; see above, p. 166.

and Government. Pending their reply, further consideration was given to the guarantee article, the drafting of which had been tentative, and regarding which the Committee had asked permission to send in further proposals at a later date. In particular, it seems to have been felt that the draft as it stood made no provision for appealing against, or even drawing attention to, violations of its provisions. The original Jewish guarantee clause, allowing appeal to the League by signatories of the Treaty or by minorities, had been struck out, and nothing had been put in its place. The Committee seems definitely to have wished to remedy this omission.

Lord (Robert) Cecil attended the meeting on May 29th as expert on League of Nations questions. He then expounded his views, afterwards submitting them in writing. This draft was considered by the Committee on May 31st and June 3rd together with alternative suggestions made by the American, French, and Italian Governments. The original inspiration seems, therefore, to have come from Lord Cecil, although one of the ideas which he urged most strongly was not adopted.

Lord Cecil's proposal was to take the 'international concern' clause out of Art. 1 and to redraft the final article (which had now become No. 14, owing to the re-insertion of the 'Sabbath' clause) in two paragraphs. Under the first, Poland recognized her minority obligations as matters of international concern, and agreed 'that if any of them are infringed or in danger of being infringed any member of the Council of the League may bring the matter before the Council and the Council may give such direction and take such action as it may think right in the circumstances'.

Under the second, any Polish citizen or group of citizens might appeal to the Permanent Court when established, which should then give a final and binding award with effect as under Art. 13 of the Covenant (at this time the Statute and Rules of the Court had not yet been drafted).[1]

[1] 'The Statute of the Court as drafted, December 16th, 1920 lays down (Art. 34), that 'Only States or Members of the League of Nations can be parties in cases before the Court'.

The British delegation proposed substantially the draft finally adopted. The main point of difference from Cecil's draft was to deny private petitioners the right of appeal.

The Americans would have given every member of the League the 'friendly right' to draw the Council's attention to an infraction or danger of infraction of the Treaties; the Council should then act as in Cecil's draft. No mention of the Court was made.

The French were the most conservative of all. Only a member of the Council could seise the Council of a complaint. The Council must then either reject the appeal, or refer it to the Court for a binding award. M. Berthelot would, however, have allowed any state, exceptionally, to appeal to the Council in favour of one of its own minorities (e.g. Czech-Slovakia on behalf of the Czecho-Slovak minority in Poland).

In the end the French proposal was dropped. It was agreed to recommend the two kinds of procedure, viz. action by the Council and action by the Court. The Committee could not, however, agree on the right of appeal. For the first paragraph the following text was agreed:

'Poland agrees that the stipulations of the foregoing articles so far as they affect persons belonging to racial, religious, or linguistic minorities, constitute obligations of international concern and that any member of (the Council of) the League of Nations shall have the right to bring to the attention of the Council of the League of Nations 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.'

With regard to the words in brackets, the American and Italian delegates would have omitted them. The British, French, and Japanese delegates wanted them left in, Mr. Headlam-Morley 'insisting upon this view as more in line with the Covenant of the League'.[1] The French delegate would have made an exception for a state appealing on behalf of a minority ethnically akin to its own majority, but did not insist on this.

[1] Hunter Miller, *Diary*, vol. xiii, p. 2.

The clause providing for appeal to the Permanent Court revealed similar differences of opinion. The British draft would have allowed only states to appeal to the Court. This view was supported by the French and Japanese. The Americans and Italians favoured a more general draft conferring on the Court jurisdiction to be exercised by it under such conditions, and in accordance with such procedure, as it might from time to time prescribe by general regulations. This would leave it open for the Court to decide, if it so wished, that minorities, whether as organized groups or individuals, might submit to it complaints of treaty violations. Finally, Lord Cecil wanted specific provision for direct appeal by minorities.

His strongest opponent seems to have been Headlam-Morley, who 'insisted that there should be no appeal except by a State'. The alternatives were, however, also sent up to the Council of Three, which appears to have consulted the states concerned, and decided in each case for the more conservative view, on June 16th restricting the right of political appeal to the States Members of the Council, and on the next day reaching a similar decision with regard to the Court.

Article 1 seems, in the end, to have been left as it stood, although this point is not clear from the records; but M. Paderewski's memorandum, paraphrased below, shows that he received it in that form.

Meanwhile, the Committee, which from the first had clearly intended that similar treaties should be applied to all the new states over which the Peace Conference had jurisdiction—under which they understood, besides Poland, Czecho-Slovakia and the Serb-Croat-Slovene Kingdom—had also almost immediately obtained permission to extend its work to Greece and Roumania, as presenting problems analogous to those in Poland; the Moslems in Greece and the Jews in Roumania were considered to need particular attention. The Allies were thus fairly committed to the general principle of minority protection; and it was not long before they were required to justify their attitude. For on May 29th, the representatives of Roumania, Czecho-

Slovakia, and S.H.S. broke into something like open rebellion at a session of the Supreme Council against the inequality of the proposed system. The Powers had, they argued, rejected for themselves the principle of an international obligation of religious toleration; why then should they impose far more stringent obligations on certain states? The revolt was led by M. Bratianu of Roumania, who throughout the negotiations stressed very strongly this factor of inequality.

On May 31st, President Wilson replied in a most important speech which summed up what the Powers felt to be their justification for their action.

'We are trying', he said, 'to make a peaceful settlement, that is to say, to eliminate those elements of disturbance so far as possible, which may interfere with the peace of the world, and we are trying to make an equitable distribution of territories according to the race, the ethnographical character of the people inhabiting those territories.

'And back of that lies this fundamentally important fact that when the decisions are made, the Allied and Associated Powers guarantee to maintain them. It is perfectly evident, upon a moment's reflection, that the chief burden of their maintenance will fall upon the greater Powers. The chief burden of the War fell upon the greater Powers, and if it had not been for their action, their military action, we should not be here to settle these questions. And, therefore, we must not close our eyes to the fact that in the last analysis the military and naval strength of the Great Powers will be the final guarantee of the peace of the world.

'Is it unreasonable and unjust that not as dictators but as friends the Great Powers should say to their associates: "We cannot afford to guarantee territorial settlements which we do not believe to be right, and we cannot agree to leave elements of disturbance unremoved, which we believe will disturb the peace of the world"?

'Take the rights of minorities. Nothing, I venture to say, is more likely to disturb the peace of the world than the treatment which might, in certain cases, 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 guarantees have been given?

Serbia and Roumania were being greatly enlarged, 'and if this Conference is going to recognize these various powers as new

sovereignties within definite territories, the chief guarantors are entitled to be satisfied that the territorial settlements are of a character likely to be permanent, and that the guarantees given are of a character to ensure the peace of the world.

'It is not, therefore, the interventions of those who would interfere, but the action of those who would help.'

On the same day the Powers received Germany's answer to the draft peace terms submitted to her on May 7th. Germany stated that she was, generally speaking, in favour of the protection of national minorities, which could most appropriately be regulated within the framework of the League. In particular, she demanded immediate guarantees for the German minorities which it was proposed to transfer to alien sovereignty.

'These minorities', she wrote, 'should be enabled to develop their German individuality, especially by being accorded the right to maintain and attend German schools and churches, and also to issue German newspapers. It would further be desirable to establish cultural autonomy on the basis of a national cadaster; Germany, for her part, is determined to treat the minorities on her territory in accordance with the same principles.'[1]

The Allies replied virtuously in their memorandum of June 16th, with a reference to the Polish draft treaty which was 'to protect the interests of the inhabitants of Poland who differ from the majority in race, language, and religion'. These minorities 'will not be subjected to persecution similar to that which the Poles had to endure from the Prussian State'. They took note of Germany's declaration, and assured her that the minorities in the transferred territories would receive guarantees in educative, religious, and cultural respects, which would be placed under the protection of the League of Nations.

It does not appear from the records that the New States Committee was even asked to consider the German wishes; but on the day after the dispatch of their ultimatum to Germany, the Supreme Council had to consider a document which did affect their future work, this being a

[1] *Les Contrepropositions de l'Allemagne au projet du Traité de Paix de Versailles*, deuxième partie, II. 1. B.

memorandum submitted to them by M. Paderewski, then President of the Polish Council of Ministers.

M. Paderewski, like most of his countrymen—his language was mild considering the outcry which the treaty had raised in Poland—objected to the Treaty, and he said so in no uncertain terms. Poland, he said, had 'already experienced the nefarious consequences which may result from the protection exercised by foreign Powers over ethnical and religious minorities', which had brought about the partition of Poland. The Diet had declared its opposition to any foreign intervention. Her citizens could not learn to be conscious of their duties towards their state if, feeling themselves under foreign protection, they were encouraged to lodge complaints against their own state with a foreign court of appeal. This would provoke excitement against the minorities and engender incessant unrest.

He went on to argue that, as regards the Jews, relations had been strained owing to the conduct of the latter, but would soon become normal unless the differences were perpetuated by outside protection. Further, to place part of the Polish Constitution under the protection of the League and to require the consent of the Council to modifications would be 'to regard the Polish nation as a nation of an inferior standard of civilization' and to infringe her sovereignty, while the adverse vote of a single member of the Council could prevent a vitally necessary amendment of the Constitution. Poland's Constitution would safeguard the rights of minorities; and both Art. 14 and that part of Art. 1 which referred to the jurisdiction of the League 'must accordingly be struck out as being prejudicial to the sovereignty of Poland'.

M. Paderewski then objected vehemently to each article in succession, interlarding his remarks with shrewd hits, such as that:

'It may be feared that the Great Powers may be preparing for themselves unwelcome surprises, for taking into consideration the migratory capacities of the Jewish population, which so readily transports itself from one State to another, it is certain that the Jews,

basing themselves on precedent thus established, will claim elsewhere the national principles which they would enjoy in Poland.'

This memorandum was passed on to the New States Committee with instructions to consider whether some of the objections raised in it could not be met. It seems on the whole to have stiffened feeling in that body, for M. Berthelot replied on June 19th in a very sharp note to the effect that the memorandum was in reality simply an 'opposition in principle' to the conclusion of a minority treaty with the Powers, or to accepting the jurisdiction of the League, at all. The difference being fundamental, it would be useless to try to satisfy M. Paderewski by an attempt to modify individual articles. M. Berthelot pointed out that it was in harmony with the public law of Europe to call for certain guarantees when new states were recognized; 'Poland can the less refuse to conform in that she owes her liberation entirely to the efforts and sacrifices of the Powers'. The establishment of the League removed the danger of foreign interference. Moreover, on the fundamental desire that minorities should be given every guarantee of liberty and equality, the Powers and Poland were entirely at one.

On three points, however, he proposed meeting M. Paderewski. Poland having objected that the Sabbath clause might justify the Jews in refusing military service, the clause might be modified to prevent this.

Poland having complained that she was required to guarantee her German minorities, while the Poles in Germany were left unprotected, Art. 9 should be altered to limit its privileges to former nationals of the State to which the territories transferred to Poland had previously belonged.

Only the general Arts. 2–8, embodying the rights of citizenship and the general principles of liberty, equality, &c., should be embodied as 'fundamental laws', and not the special articles, viz. the two Jewish Articles and the schools Article for the other minorities.

Whereas the consent of the Council had been required for any modification of the minority obligations, the

consent of the majority of the Council was now made to suffice, and the Principal Allied and Associated Powers agreed to accept a modification determined on by the majority of the Council.[1]

These changes were duly made. They involved, *inter alia*, considerable redrafting. The former Art. 12, embodying the recognition of the general principles as inviolable fundamental law, was transferred to Art. 1. Of the former Art. 1, the phrases in which Poland set out her general good intentions were placed in the preamble; the rest of the first Article was, apparently, combined with the Committee's original Art. 13, thus including both the phrases 'obligations of international concern' and 'guarantee of the League of Nations'. The latter phrase seems to have been put in particularly to emphasize the fact that it was not the Great Powers as such, but the League, which exercised the guarantee. Although the active exercise of the guarantee had been confined to the States Members of the Council, the words 'League' and not 'Council of the League' were used, as M. Clemenceau wrote in the covering letter which he sent to the Polish Government a week later, 'to make it clear that Poland will not be in any way under the tutelage of those Powers who are signatories of the Treaty'.

The other changes were more easily made; the guarantee Article (now no. 12) was amplified as suggested; the benefits of instruction in the mother tongue were, for the Germans, restricted to the territory transferred from Germany;[2] and the special Articles, under which were understood not only the two Jewish Articles, but also that regarding instruction for the minorities, were excluded from the scope of Art. 1 (inviolable fundamental law).

Finally, the Council of Four itself, at the last moment, made yet another very important concession, which took

[1] Hunter Miller, *Diary*, vol. xiii, p. 193, contains either a slip by Berthelot or a mistranslation; the above is clearly what was meant.

[2] The denial of the same privilege to the Germans of Austrian Galicia was presumably due to the previous recognition by the Austrian 'Liquidation Cabinet' of the independence of her Polish provinces. Similarly, Roumania signed no obligation to Austria for the Bukovina.

away from the non-Jewish minorities one of their chief safeguards; and the extraordinary part about it is that the decision was not originally aimed at them at all, but only, it would appear, at the Jews. One of M. Paderewski's contentions had been that while some of the Polish Jews wished to regard Yiddish as their national tongue, others to revive Hebrew, yet others again wanted nothing better than to learn Polish; the grant of autonomy to Jewish schools would thus be resented by many of the Jews themselves. This seemed a valid objection, and on June 21st the Council of Four instructed the New States Committee to alter the draft treaty to provide that in all except primary Jewish schools, 'Jewish children should be instructed in the Polish and not in the Yiddish language, thereby avoiding the risk of encouraging the use of Yiddish as one of the national languages for a part of the population of Poland'. Then, on June 23rd, the Council of Four suddenly extended this principle and ordered the Treaty to be modified further, so 'as to exempt Poland from the obligation of permitting instruction to be given through the medium of languages other than Polish in State schools, with the exception of primary schools'.

The Treaty had now reached its final form, and was presented to Poland for signature on June 24th, with a covering note in which M. Clemenceau, as President of the Supreme Council, explained what modifications had been made in the Treaty to meet Poland's wishes, and what were 'the considerations by which the Allied and Associated Powers had been guided in dealing with the question'.[1]

This note is, with Wilson's speech of May 31st, the most important public document relating to the drafting of the Treaties, and the ideas which inspired their authors.

[1] It appears from Hunter Miller's *Diary* that the first draft of this letter was written by Headlam-Morley, although the embryo of it is to be found in M. Berthelot's commentary on M. Paderewski's memorandum. It is impossible to say who originally drafted M. Berthelot's letter; it has been suggested that the author was Mr. Lucien Wolf.

The first part of it deals at some length with historical precedent. M. Clemenceau pointed out that:

'This Treaty does not constitute any fresh departure. It has for long been the established procedure of the public law of Europe that when a State is created, or even when large accessions of territory are made to an established State, the joint and formal recognition of the Great Powers should be accompanied by the requirement that such States should, in the form of a binding international Convention, undertake to comply with certain principles of Government.'

M. Clemenceau then quoted some of the historical precedents described in an earlier chapter, and went on:

'The Principal Allied and Associated Powers are of opinion that they would be false to the responsibility which rests upon them if on this occasion they departed from what has become an established tradition. In this connection I must also recall to your consideration the fact that it is to the endeavours and sacrifices of the Powers in whose name I am addressing you that the Polish nation owes the recovery of its independence. It is by their decision that Polish sovereignty is being re-established over the territories in question, and that the inhabitants of these territories are being incorporated in the Polish nation. It is on the support which the resources of these Powers will afford to the League of Nations that the future Poland will to a large extent depend for the possession of these territories. There rests, therefore, upon these Powers an obligation, which they cannot evade, to secure in the most permanent and solemn form guarantees for certain essential rights which will afford to the inhabitants the necessary protection, whatever changes may take place in the internal constitution of the Polish State. . . .'

Similar obligations were being imposed on other states, and no doubt whatever was being thrown upon Poland's good faith, or upon her desire to maintain the general principles of justice and liberty.

'It is indeed true', the letter went on, 'that the new Treaty differs in form from earlier Conventions dealing with similar matters. The change of form is a necessary consequence and an essential part of the new system of international relations which is now being built up by the establishment of the League of Nations. Under the older system the guarantee for the execution of similar provisions was vested in the Great Powers. Experience has shown that this was, in

practice, ineffective, and it was also open to the criticism that it might give to the Great Powers, either individually or in combination, a right to interfere in the internal constitution of the States affected which could be used for political purposes. Under the new system the guarantee is entrusted to the League of Nations. The clauses dealing with this guarantee have been carefully drafted so as to make it clear that Poland will not be in any way under the tutelage of those Powers who are signatories to the Treaty.

'I should desire, moreover, to point out to you that provision has been inserted in the Treaty by which disputes arising out of its provisions may be brought before the Court of the League of Nations. In this way differences which might arise will be removed from the political sphere and placed in the hands of a judicial court, and it is hoped that thereby an impartial decision will be facilitated, while at the same time any danger of political interference by the Powers in the internal affairs of Poland will be avoided.'

The provisions of the Polish Treaty differed somewhat from those of the Treaty of Berlin, but

'the situation with which the Powers now have to deal is new, and experience has shown that new provisions are necessary. The territories now being transferred both to Poland and to other States inevitably include a large population speaking languages and belonging to races different from that of the people with whom they will be incorporated. Unfortunately, the races have been estranged by long years of bitter hostility. It is believed that these populations will be more easily reconciled to their new position if they know that from the very beginning they have assured protection and adequate guarantees against any danger of unjust treatment or oppression. The very knowledge that these guarantees exist will, it is hoped, materially help the reconciliation which all desire, and will indeed do much to prevent the necessity of its enforcement.'

The remainder of the letter explained shortly the nature of the Treaty, and it ended with an expression of satisfaction at the restoration of Poland to independence.

It is doubtful whether this letter satisfied, or even appeased the Polish Government to any large extent, but the pressure was strong and after a last attempt to sign with reservations, Poland signed the Treaty on June 28th, 1919. The text is reproduced at the end of this volume, as Appendix I.

The drafting of the remaining treaties can be described more shortly, as the general framework had now been established.

4. *The Czechoslovak, Roumanian, Greek, and Yugo-slav Treaties*

As has already been stated, steps had early been taken to enlarge the system of minority protection beyond the boundaries of Poland. At its very first meeting, the New States Committee had referred to its future task of drafting a treaty for Czecho-Slovakia, and had agreed that 'apart from any detailed modifications of form which may appear necessary, those changes which have been drafted especially for the case of Poland should be applied also to Czecho-Slovakia'. At the second meeting it was decided also to draft a treaty for the Serb-Croat-Slovene Kingdom, which was also at that time regarded as a new state.[1] These were the only new states with which the Peace Conference had to deal, since Finland did not lie within its jurisdiction.[2] At the same time, the cases of Roumania and Greece seemed to call for special treatment. These were old and fully sovereign states, but both of them were receiving very large increases of territory and population, and that of the most various kind. Roumania was being presented with Magyars, Germans, Serbs, Bulgars, Russians, and others in large numbers, and her Jewish population was also being nearly doubled; Greece (to whom it was at that time intended to ascribe Smyrna with its hinterland of Ionia, as well as all Thrace) would presumably become ruler over a great many Mahomedans. Now the Mahomedans in the Balkans, and especially in Greece, and the Jews in Roumania, were precisely the two minorities whose condition had given the Powers most anxiety before the

[1] Cf. Temperley, *H.P.C.*, vol. v, pp. 126 ff, which counts the Serb-Croat-Slovene Kingdom as an extension of Serbia. In May 1919 it was clearly considered that there had been a 'breach of identity'. On June 30th the New States Committee discussed the question and failed to find an answer.

[2] Later, in its discussions with Estonia, the Council argued that Finland was not a new state at all.

War, and they had intervened in favour of the latter on several occasions.[1]

The Jews in particular had urged the necessity of doing something for their compatriots in Roumania, and as early as April 29th, 1919, Mr. Hunter Miller had supported this recommendation to Colonel House. On May 5th the New States Committee reported that it had

'ascertained that the problems for which we are seeking a solution exist for certain countries like Roumania and Greece, which will receive accessions of territory, under practically the same conditions as for the new States like Poland, Czecho-Slovakia, and the Kingdom of the Serbs, Croats, and Slovenes. The question is important because of the guarantees to be formulated for the Jews of Roumania and the Mussulmans in Thrace and Albania.'

It therefore asked Mr. Lloyd George and President Wilson whether, in their opinion, the Committee's mandate extended to Roumania and Greece, and on May 6th received an affirmative answer. To meet once again the difficulty of time, clauses similar to those in the German Peace Treaty were drafted in due course for the Austrian, Hungarian, Bulgarian, and Turkish Treaties.[2]

The most urgent case being that of Czecho-Slovakia, work on the Czecho-Slovak Treaty was begun on May 19th.

On May 20th the Committee received a remarkable communication from M. Beneš, the Czecho-Slovak Foreign Minister, stating that 'it is the intention of the Czecho-Slovak Government to create the organization of the State by accepting as a basis of national rights the principles applied in the Constitution of the Swiss Republic, that is, to make of the Czecho-Slovak Republic a sort of Switzerland, taking into consideration, of course, the special conditions in Bohemia'.

[1] See above, p. 168.

[2] 'The chief difference (not at first contemplated) is that the obligation of Roumania and S.H.S. *vis-à-vis* Hungary is signified as being 'in relation to Hungary', whereas those states are put under no similar obligation in relation to territory acquired at the expense of other states, notably Austria. Mention of Czecho-Slovakia was omitted from the draft Hungarian Treaty, because the Czecho-Slovak Treaty had already been concluded.

He went on to promise:

2. Universal suffrage under the proportional system, assuring minorities their proportionate representation.
3. State-maintained schools for all nationalities where the number of children sufficed to establish the necessity.
4. All public offices, in which in principle the two languages (i.e. Czech and German) would have equal value, should be open to the various nationalities.
5. The Courts to be mixed; Germans to have the right to plead in their language before the highest courts.
6. Local administration to be carried on in the language of the local majority.
7. There would be no religious difficulties, as no religious question existed.
8. 'The official language will be Czech, and this State will be known abroad as the Czecho-Slovak State, but in practice the German language shall be the second language of the country, and shall be employed currently in administration before the courts and in the central Parliament on an equal footing with Czech. It is the intention of the Czecho-Slovak Government to satisfy the population in practice and in daily use, but reserving a certain special position for the Czecho-Slovak language and element.'
9. In other words, the present state would remain, only the German influence would be reduced to its just proportions.
10. 'It will be an extremely liberal régime, which will very much resemble that of Switzerland.'

This declaration strongly affected the Committee's work. It had been intended, in any case, to omit the Jewish clauses of the Polish Treaty, but there had been some thought of stipulating a special position for the Germans of Bohemia. In view, however, of the fact that M. Beneš's promises went 'far beyond anything which the Committee would have felt justified in putting forward', this safeguard was omitted. The draft Treaty, which was drawn up on May 21st, was thus made identical with the Polish

draft, with the omission of the Jewish clauses. It afterwards underwent the same drafting amendments as the Polish Treaty, including the re-casting of the guarantee clauses and the final concessions, with one exception, that restricting the right of state-supported education in the minority language to primary schools. This, the Committee, on July 4th, was 'unanimous in regarding as inapplicable to Czecho-Slovakia'. They retained the article in which the phrase occurred, in its unamended form, and this article afterwards became part of the regular Treaty pattern, but in every other case it was adopted in the Polish form. Thus the obligation to provide minority education in higher schools became a special obligation for Czecho-Slovakia.

The Czecho-Slovak Treaty also contained a further addition in the shape of a special chapter containing a statute of autonomy for Carpatho-Ruthenia, which had declared its adherence to Czecho-Slovakia. This was drafted largely in accordance with M. Beneš's ideas, and even, to a great extent, in his own words, although entering actually into less detail than he had proposed. Its provisions may be summarized as follows:

Art. 10. Czecho-Slovakia undertakes to constitute the Ruthene territory south of the Carpathians within frontiers determined by the Principal Allied and Associated Powers as an autonomous unit within the Czecho-Slovak State, and to accord to it the fullest degree of self-government compatible with the unity of the Czecho-Slovak State.

Art. 11. The Ruthene territory south of the Carpathians shall possess a special Diet. This Diet shall have powers of legislation in all linguistic, scholastic, and religious questions, in matters of local administration, and in other questions which the laws of the Czecho-Slovak State may assign to it. The Governor of the Ruthene territory shall be appointed by the President of the Czecho-Slovak Republic and shall be responsible to the Ruthene Diet.

Art. 12. Czecho-Slovakia agrees that officials in the Ruthene territory will be chosen as far as possible from the inhabitants of this territory.

Art. 13. Czecho-Slovakia guarantees to the Ruthene territory equitable representation in the legislative assembly of the Czecho-Slovak Republic, to which Assembly it will send deputies elected according to the Constitution of the Czecho-Slovak Republic. These Deputies will not, however, have the right of voting in the Czecho-Slovak Diet upon legislative questions of the same kind as those assigned to the Ruthene Diet.

The Czecho-Slovak Treaty was signed simultaneously with the Austrian Peace Treaty, on September 10th, 1919, and is in force as from July 16th, 1920.

As soon as the Czecho-Slovak Treaty was well under way, the Roumanian was taken up. On May 25th, the Roumanian Premier, M. Bratianu, was asked for his co-operation, and to state 'any proposals which the Roumanian Government has formulated for dealing with this problem'. The Committee seems to have attacked the Roumanian problem with considerable gusto, and with a notable lack of that indulgence which it had shown towards Czecho-Slovakia, for it made every effort to pin Roumania down to the limit of the concessions which could possibly be wrung from her. There seemed, in fact, a prospect of securing something more than the standard form of treaty, for in the previous autumn, when the Roumanians of Transylvania had proclaimed the union of Transylvania with Roumania, at Alba Julia, they had adopted certain principles for the administration of the country, which they had embodied in a series of resolutions. These contained the following provisions relating to minorities:

Art. 3. The National Assembly declares as fundamental principles of the Roumanian State the following:

(1) Complete national liberty for all the peoples inhabiting Roumania. Each people to educate, administer, and judge itself through the medium of persons from its own midst. Each people to have the right of administrative legislation and of taking part in the administration of the country in proportion to the number of individuals of which it is composed.

(2) Equality and complete autonomous religious liberty for every denomination in the State.

It was on the basis of these resolutions that the Saxons of Transylvania had voted for union with Roumania, and the government of Old Roumania was understood to have assented to them.[1]

The Committee recalled this declaration, understood that the Roumanian Government had acquiesced therein, and said that it would be 'of great assistance to them in their work if they could receive authentic information as to the views of the Roumanian Government on this matter'.

M. Bratianu replied on May 27th that the Roumanian Government had 'decided to assure throughout the new kingdom the rights and liberties of minorities by a generous decentralization of the administration such as to guarantee to alien populations free development in their language, religion and education'. He also gave what appears to be a satisfactory answer on the point of citizenship; and was ready to accept all minority provisions that all States Members of the League accepted for their own territories but 'under any other condition Roumania could not admit the intervention of foreign Governments in the application of her domestic laws'. He followed this up by a protest to M. Pichon against the whole principle of the treaty, which foreboded trouble to come, and on May 29th he led, as described above, a violent revolt of the states to which it was proposed to apply the Treaties.

The Powers were, however, definitely committed to the principle of the Treaties, and the work was carried on in the face of great difficulty and opposition from Roumania and S.H.S. (Greece was much more conciliatory and M. Venizelos gave some help in the drafting of the Greek

[1] The attitude of the Roumanian Government towards the Alba Julia Resolutions is very obscure. The King ratified the first, which proclaimed the union of Transylvania with Roumania, but not the others. It has never been finally determined what was the nature of Transylvania's union with Roumania, nor how far the Resolutions are legally binding. Their moral authority would seem clear to the non-Roumanian. See on this point Zsombor de Szász, *The Minorities in Roumanian Transylvania*, pp. 22 ff. (strongly anti-Roumanian in tone, but well informed).

Treaty). Roumania refused to participate in the Austrian peace negotiations, and only signed the Treaty on December 9th, 1919, after a prolonged struggle with the Allies and a change of government. The Treaty had been modified in several respects to meet Roumania's wishes—notably by omitting the clauses in the preamble releasing her from the obligations of the Treaty of Berlin. The two special Articles of the Polish Treaty in favour of the Jews, which it had also been proposed to insert, were omitted afterwards, but a special article (No. 6) was inserted among the nationality clauses, to the effect that 'Roumania undertakes to recognize as Roumanian nationals *ipso facto* and without the requirement of any formality Jews inhabiting any Roumanian territory, who do not possess another nationality'—a clause designed to remedy the scandal of the 'stateless' Roumanian Jews. By a piece of bad drafting[1] the first Article was not altered to allow for this addition, so that in the Roumanian Treaty only Arts. 1–8, and not, as should have been the case, 1–9, are inviolable fundamental laws. The other 'special' Article was No. 11, which runs: 'Roumania agrees to accord the communities of the Saxons and Czecklers[2] in Transylvania local autonomy in regard to scholastic and religious matters, subject to the control of the Roumanian State'—this being the remnant which was saved of the Alba Julia Resolutions. Owing, perhaps, to the fact that it was a Transylvanian government which signed the Treaty, no distinction was made in any part of it between the Regat and the new provinces.

The Roumanian Treaty is in force as from September 4th, 1920. Its provisions were extended to Bessarabia by the Treaty of October 28th, 1920, which assigned Bessarabia to Roumania; but the special 'nationality' clause concerning the Jews was omitted. As the Bessarabian

[1] The drafting throughout was very careless. An 'and' was left in the preamble, showing where a clause had been struck out.

[2] The Szeklers (German form) or Székely (Magyar form) are meant. The name is mis-spelt throughout the Treaty and the documents connected with it.

Treaty has never come into force, it seems doubtful whether Bessarabia is covered by a Minorities Treaty, but Roumania has never raised this point—presumably because to do so would be to cast doubts on the validity of her claim to the province.

The Greek Treaty, which was begun next (June 14th) was remarkable for the fact that, unlike any of its predecessors, it was drafted with the help of an expert on the country in question (Mr. Harold Nicolson, British Empire). M. Venizelos, for Greece, did not resist the general principles of a treaty, but he did make a distinction between Old Greece and the newly-acquired territories (although he seems to have agreed to count as 'newly-acquired' Greece's gains, not only from the World War, but also from the Balkan Wars). As regards the educational Articles (8 and 9 of the Polish Treaty) he argued that 'they would add nothing essential to the rights which the ethnic minorities enjoy at present in Greece and would have no other effect than to imperil the loyalty of the ethnic minorities in the Greek State'. Such groups as the Albanians of Attica were quite content without their own churches and schools, and if these were forced on them they 'would surely be exposed to the machinations of propagandists from abroad, and would finally lose their own calm and would create a great embarrassment for the Government'. The same reasoning applied *a fortiori* to the Slavs of Macedonia.

The New States Committee agreed to limit the operation of Art. 9 to Old Greece, but refused to suppress or limit Art. 8, which imposed no active obligation on the Greek Government. It also refused a request to limit to New Greece the application of Art. 7, paragraph 4 (minority languages before the Courts).

The special articles for Greece underwent several changes, owing to the instability of Greece's frontiers, proposed and actual. It was decided in 1919 that if Greece received Smyrna and its hinterland in Ionia, special clauses would be necessary for that district; similarly, if she received any considerable Albanian-speaking

territories there should be special provisions for the Albanians; but these were never drafted.

The New States Committee, however, proposed several special articles. Art. 10 was a modification of the two Jewish Articles of the Polish Treaty, the first being omitted altogether while the second was retained but limited to 'towns and districts where there is resident a considerable proportion of Greek nationals of the Jewish religion' (i.e. Salonica, which was not mentioned by name, apparently at M. Venizelos's wish). Art. 11 was a transitional provision relating to land tenure in New Greece. Art. 12 allowed 'the communities of the Valachs of Pindus' local autonomy similar to that granted to the Szeklers and Saxons of Roumania—a suggestion made by Mr. Nicolson and justified by the fact that Greece had allowed these communities educational and cultural autonomy under an agreement with Roumania of August 5th, 1913. Art. 13 bound Greece to recognize and maintain the traditional rights enjoyed by the non-Greek communities of Mount Athos (i.e. the Russian, Serbian, and Bulgarian monasteries) under the Treaty of Berlin. The old Berlin provision was thus simply perpetuated—a compromise between a suggestion from certain 'Russian sources' to place the said communities 'under the protection of Orthodox countries' (a proposal which, it is to be feared, would have led to a devastating series of holy quarrels) and the wish of the American representative to suppress these liberties altogether as an anachronism.

The Mussulmans were allowed a general clause (Art. 14) guaranteeing that their questions of personal law and family status shall be regulated in accordance with their own usage, their mosques, cemeteries, &c., protected, existing pious foundations (*wakfs*) afforded recognition and facilities, and necessary facilities given to the establishment of new foundations of this kind.

The records of the New States Committee do not contain its final version of the Greek Treaty. The above constitute the clauses by which Greece is bound to-day under her Treaty, signed at Sèvres, August 19th, 1920. There

were, however, two other clauses, included in the Sèvres Treaty but cancelled under a protocol signed at Lausanne, July 24th, 1923. These were an undertaking to introduce in New Greece an electoral system giving due consideration to the rights of racial minorities (Art. 7, para. 2), being a codification of the original Jewish demand for proportional representation; and an Article (15) giving a special municipal statute to the town of Adrianople.

Greece is concerned in two other Minority Conventions: a Convention for the 'reciprocal and voluntary emigration of persons belonging to racial minorities' between Greece and Bulgaria (afterwards Albania also); and a compulsory exchange of populations with Turkey. These are discussed elsewhere. The Treaty of Lausanne with Turkey also provides that rights granted by Turkey to her non-Moslem minorities shall be allowed by Greece to her Moslems.

The Treaty with S.H.S. provided another long-drawn-out struggle. Objections were first raised to signing a 'blank cheque' in the shape of the clause in the Austrian Peace Treaty; and also to undertaking an obligation not imposed upon all the Successor States (i.e. Italy), but the chief difficulties arose over the extent of the applicability of the Treaty.

S.H.S. did not so greatly object to signing a Minorities Treaty for the territory accruing to her under the Peace Settlement; but the New States Committee wished to go farther than this. They were of the united opinion that the transformation which had taken place since 1913 was so great that, whether S.H.S. was or was not, legally speaking, a new state, it was in fact 'a state completely different from Serbia as it existed before the Balkan Wars'. The British delegation argued, indeed, that the changes of frontier made in 1913 had not become definitive, as the Great Powers had not yet granted their recognition, and would not do so until proper minority guarantees had been furnished. They also thought that Serbia's obligations under the Treaty of Berlin should be annulled, and that the whole territory, old and new, should be placed under a

single system—that of the new Treaty. The French disagreed; they wanted Serbia proper left under the lighter Berlin obligations, and they did not accept the British argument regarding recognition, but they were willing to have the new Treaty apply to all territory outside Serbia and Montenegro within their frontiers of 1912, i.e. to Macedonia also.

The S.H.S. delegation, on the other hand, maintained with fury that the gains made by Serbia and Montenegro in the Balkan Wars were definitive, and they would have no interference with them. They thus opposed most bitterly the phrase in the proposed preamble which ran: 'Whereas since the commencement of the year 1913 extensive territories have been added to the Kingdom of Serbia.' In support of their resistance they argued that (unlike Roumania) Serbia had treated her minorities from 1878 justly and benevolently. The Macedonian Slavs were not a minority at all, but Serbs (a position which the Yugoslav Government has maintained ever since), and therefore in no need of protection. As for the Mussulmans, their position was guaranteed by the Treaty between Serbia and Turkey, of March 14th, 1914. The benefits of this Treaty would be enjoyed by the Moslem Albanians, who could attend the general Mussulman schools, 'besides which, our State intends to found special schools for the Albanians as soon as circumstances have again become normal in this country'. The Catholic Albanians were protected by Concordat.

The Committee stood firm on the question of Macedonia, and had its way in the final Treaty. The disputed phrase in the preamble was retained. Serbia was released from her Berlin obligations, and the new Treaty was made applicable to the whole of S.H.S., except that Art. 9 (Art. 9 of the Polish Treaty) applied only to territory transferred to Serbia or S.H.S. since January 1st, 1913. It therefore applied to Macedonia, Novi Bazar, and also Montenegro, as well as to the acquisitions of 1918/1919.

On the other hand, various special provisions, relating in particular to Macedonia, were rejected. The chief

advocates of these were the Italians, sometimes supported by Great Britain; they were invariably opposed by France. On July 15th the Italian delegate proposed granting Macedonia a statute identical, *mutatis mutandis*, with that accepted by Czecho-Slovakia for Carpatho-Ruthenia. He also drafted slightly less far-reaching articles for the Albanian districts of Ipek, Djakova, Prizrend, and Dibra, granting the inhabitants 'autonomy in language, instruction and religion, as well as in questions of local administration', with Administrative Councils and, as far as possible, local officials. The French representative, M. La Roche, opposed both of these proposals strongly. He 'laid stress upon the extreme importance of not undermining the authority of the Government by setting up a State within a State, and strongly urged the desirability of keeping to a minimum interference with the internal institutions of the State'. The Albanian proposal was dropped, although it was agreed that special provision would have to be made for the Albanians if any more of them were transferred from the 1913 Principality of Albania. The Italians pressed their Macedonian proposal, but this was dropped also, on July 30th, by 'general agreement'. The Italians then (August 1st) produced a weakened draft, similar to that which they had proposed for the Albanian districts, and envisaging a Central Administrative Council at Monastir with Administrative Councils for the various districts, which were to be delimited on national lines. The British, supported by the Americans, put forward an alternative proposal for a resident Commissioner of the League, to be appointed by the Council of the League and to report to it, but with advisory powers only. These two alternatives were submitted to the Supreme Council, which decided against both of them.

Other suggestions which were rejected would have given special protection to the Roumanians of the Timok valley and to the Italians of the Dalmatian coast, and would have insisted on the convocation of a Constituent Assembly elected on a basis of free, universal, and secret suffrage. It was thought unnecessary from the first to give S.H.S. a

special Jewish clause; but a clause for the Mussulmans (Art. 10) was inserted under which S.H.S. undertook to allow her Mussulmans to regulate questions of family law and personal status in accordance with their own usage, to assure the nomination of a Reiss-Ul-Ulema, and to protect mosques, cemeteries, &c., recognize and give facilities to existing wakfs, and to allow the establishment of new foundations of this sort. This clause, which was in fact much less stringent than that voluntarily accepted by Serbia in the Treaty of Constantinople, seems to have encountered no opposition.

The Treaty was signed on September 10th, 1919, and is in force as from July 16th, 1920.

5. *The cases of Germany and Italy; the Austrian, Hungarian, Bulgarian, and Turkish Treaties*

The question of imposing a Minorities Treaty upon Germany had not, apparently, been raised during the negotiations with that country. Afterwards, when Poland objected to the lack of reciprocity, it was too late to make the change, except in Upper Silesia. The Conference rejected demands from the Czecho-Slovaks to make special provision for the Lusatian Sorbs, and does not seem at any time seriously to have considered imposing minority obligations upon Germany. Nor did it make any such request of Italy, who had successfully maintained that she did not stand on a level with the other Successor States, and was too great a Power to submit to such a derogation to her sovereignty—a devastating argument which went far to justify the complaints of Roumania, S.H.S., &c., that they were being treated as 'second-class States'. The Italian Government, however, volunteered a declaration of their intentions,[1] and in reply to the protests of the Austrian

[1] Some of these declarations may be quoted here. The Commander of the Italian Army issued a proclamation to the occupied territories in November 1918, immediately after occupation, declaring that 'while Italy intends to consolidate her spirit and her rights in this territory, the idea of the suppression of other races or tongues is far from her; her desire, on the contrary, is to live in harmony with them', and making explicit and

Peace Delegation, the Allies took shelter behind this, saying:

'It results from the very clear declarations made by the President of the Council of Italian Ministers to the Parliament at Rome, that the Italian Government proposes to adopt a broadly liberal policy towards its new subjects of German race, in what concerns their language, culture and economic interests.'

The writer has been unable to trace any similar declaration in favour of Italy's new subjects of Yugoslav race, although very broad hints were given in the New States Committee that this would be desirable.

On the other hand, the idea of imposing treaties on *some* of the conquered states, e.g. Bulgaria, had, as has been noted, been present in Mr. Hunter Miller's mind, at least, from an early date, and the New States Committee seems very soon to have asked the Supreme Council if it might draft treaties for Austria, Hungary, and Bulgaria. These gave little trouble. The states in question might justly have objected since none of M. Clemenceau's careful historical parallels applied to them—they were not new[1]

detailed promises of liberties to be granted. The King of Italy, in a speech from the throne on January 1st, 1919, said that: 'The new territory annexed to Italy places new problems before us. Our liberal traditions will teach us how to solve these problems by respecting so far as possible local autonomous institutions and customs.'

Signor Tittoni, speaking in the Parliament at Rome on December 27th, 1919, referred to the Minority Treaties imposed on the other Successor States, and went on: 'Italy, like the other Great Powers, has no legal obligation to fulfil these conditions, but in my opinion, owing to the liberal traditions which are at once her fame and prestige, there exists for her a great moral obligation to do so.

'The people of other nations who are united to us must know that the idea of oppression and denationalization is far from us, and that their language and cultural institutions will be respected, and that their administrative officials will possess all the privileges of our liberal and democratic legislation.' Cf. also the 'statement of claims' by the Italian delegation to the Peace Conference, quoted above, p. 109.

[1] The argument is tentatively put forward in Temperley, *H.P.C.*, vol. v, p. 142, that Austria and Hungary were new states, as, indeed, the Austrian Republic wished itself to be considered; but the Powers expressly rejected this thesis and affirmed the continuity of the Austrian and Hungarian states, as the basis of their demand for reparations.

or enlarged states, nor did they owe anything whatever to the Allies (except in the case of Austria's acquisition of the Burgenland). On the other hand, none of these states raised any objection to signing treaties. All were losing large numbers of their nationals to alien sovereignty, and were therefore anxious to see the principle of minority protection established as widely as possible, and they said so. Some slight confusion was caused at first by Austria's being presented with an early draft of the Polish Treaty, but this was soon rectified. The Jewish clauses were 'voluntarily omitted' from the Austrian Treaty, and the more complex nationality provisions were also placed in another part of the Treaty, leaving only two Articles corresponding respectively to Art. 1, para. 1, and Art. 6 of the Polish Treaties. This reduced the total number of minority clauses in the Austrian Peace Treaty to eight, corresponding respectively to Arts. 1, 2, 4, paras. 1, 6, 7, 8, 9, and 12 of the Polish Treaty. The Hungarian and Bulgarian Treaties were identical, *mutatis mutandis*, no special clauses having been thought necessary for either of these countries (although it had been proposed, if western Thrace were allocated to Bulgaria, to impose upon her a special clause for her Mussulmans similar to that in the Greek Treaty). The Bulgarian Treaty contained, however, a paragraph corresponding to Art. 5, para. 1, of the Polish Treaty, and a promise to recognize such provisions relating to the reciprocal and voluntary emigration of persons belonging to racial minorities as the Principal Allied and Associated Powers might 'consider opportune'. Whether by an oversight or not, the first Article in each Treaty was left absolutely identical with Art. 1 of the Polish Treaty, so that these three states recognize *all* their obligations as inviolable fundamental laws.

These three Treaties form part of their respective Peace Treaties, constituting respectively Arts. 62–9 of the Treaty of St. Germain (Austria), signed September 10th, 1919, and in force as from July 16th, 1920; Arts. 54–60 of the Treaty of Trianon (Hungary), signed June 4th, 1920, and in force as from July 26th, 1921; and Arts. 49–57 of the

Treaty of Neuilly (Bulgaria), signed November 27th, 1919, and in force as from August 9th, 1920.

The Treaty with Turkey underwent various vicissitudes. The Supreme Council was anxious to make minority protection here as stringent as possible, and the original Treaty of Sèvres contained provisions 'based upon the stipulations contained in existing treaties, and in the secular or religious law of the countries concerned'. Lord Curzon summarized the aims in the House of Lords on March 20th, 1922, as follows:

> 'We desire to ensure for these minorities
> (1) All the guarantees in the European Treaties;
> (2) (Notably for the minorities in Asia Minor) the additional guarantees proposed in the Treaty of Sèvres;
> (3) Retention or restoration of the old ecclesiastical privileges accorded to minorities under the law of Islam;
> (4) Any fresh guarantees required by circumstances.'

The Treaty contained several special provisions concerned rather with the past and the present than with the future, such as non-recognition of forced conversions to Islam since November 1st, 1914, restoration of persons deported or interned, &c., since that date and restoration of their property (these two clauses to be supervised by mixed commissions); a voluntary exchange of populations; an electoral system with proportional representation (imposed at the same time on Greece, as mentioned above); recognition of foreign diplomas, and admission for their holders to professions and industries; and maintenance of prerogatives and immunities granted by the Sultan to racial minorities, any later abrogations, restrictions, and amendments of these to be null and void. The 'religious freedom' clause even omitted the reservation regarding 'public order and public morals'.

This Treaty, however, which was signed on August 10th, 1920, was never ratified owing to Turkey's successful resistance, and in 1922–3 (to conclude at once the work of the Peace Conference) negotiations were reopened at Lausanne with a very different Turkey. Ismet Pasha now read

to an interested Conference a most detailed and entertaining memorandum on the liberal policies which past Sultans had adopted towards minorities, and on the nefarious advantage taken of their benevolence by the Russian Czars. He quoted Voltaire, Peter the Great, and the *Encyclopaedia Britannica*, and came to the conclusion that 'the amelioration of the lot of the minorities in Turkey depends above all on the exclusion of every kind of foreign intervention and of the possibility of provocation coming from outside', which could best be attained by an exchange of Greek and Turkish populations, and, for the remainder by 'the liberal policy of Turkey with regard to all communities whose members have not deviated from their duty as Turkish citizens'.

Lord Curzon remarked that 'much of Ismet Pasha's history was interesting, but all of it was entirely irrelevant to the problem under discussion', which was concerned, not with the past, but the present and the future. As Turkey was not a member of the League, Curzon could not repeat President Wilson's argument. Indeed, he suggested that a body other than the League, such as an organization functioning both in Constantinople and Athens, might prove more suitable as guarantor of the Turkish Treaty. He and the other delegates, however, insisted strongly on the need, for humanitarian reasons, of signing a Treaty, and Ismet Pasha next day proved less recalcitrant than had been feared. While refusing flatly to grant the Armenians a national home, he agreed to confirm the rights of minorities on the same basis as laid down in the European Treaties, on condition that Moslems in the neighbouring countries should enjoy the same rights, and that Turkey was not subjected to more rigorous conditions than her neighbours. He also said that Turkey was ready to enter the League on conclusion of peace.

The question was referred to a sub-commission, which produced in the end a draft not differing very greatly from the usual Treaties. All the efforts of the Powers to insert in the Treaty provisions for an amnesty failed. Similarly,

their endeavours to stipulate special treatment for the Armenians, Assyro-Chaldeans, and Bulgars met with 'an absolute and clear refusal'. Turkey also refused to consent to the appointment of a special commissioner in Constantinople to supervise the execution of the Treaty, although Greece, who urged this point, would have accepted a similar commissioner in Athens. The point was not pressed, since Turkey proposed to enter the League shortly after the conclusion of peace. She therefore accepted the ordinary League guarantee, which was strengthened only by the provision that any other signatory to the Treaty, or any Member of the Council, had the right to ask the Permanent Court for a judgement.

On the other hand, Turkey insisted upon and secured a very important concession in that her Treaty applied in the main only to members of non-Moslem minorities, and the League guarantee only to 'non-Moslem nationals of Turkey'. As no nationality clauses were included in this section of the Treaty, this provision left her entirely free, so far as the League guarantee was concerned, to declare any person to have forfeited Turkish nationality, and then to deport, slaughter, or otherwise molest him. She has made ample use of this loophole in her subsequent dealings with her Armenians.

The provisions in question form Arts. 37–45 of the Treaty of Lausanne. Art. 37 equals (*mutatis mutandis*) Art. 1 of the Polish Treaty. Art. 38 equals Polish Art. 2, with an additional paragraph as follows:

> 'Non-Moslem minorities will enjoy full freedom of movement and of emigration, subject to the measures applied, on the whole or on part of the territory, to all Turkish nationals, and which may be taken by the Turkish Government for national defence or for the maintenance of public order.'

Art. 39 equals Polish Art. 7, the stipulations being in favour of Turkish nationals belonging to non-Moslem minorities.

Art. 40 equals Polish Art. 8.

Art. 41 corresponds to Polish Art. 9 (without, of course,

the special limitation in the latter) and to the Polish Art. 10 in so far as it stipulates that:

'The sums in question shall be paid to the qualified representatives of the establishments and institutions concerned.'

Under Art. 42 Turkey undertakes to allow non-Moslem minorities to settle questions of family law and personal status according to their own customs.

'These measures will be elaborated by Special Commissions, composed of the Turkish Government and of representatives of each of the minorities concerned, in equal numbers. In case of divergence, the Turkish Government and the League of Nations will appoint in agreement an umpire chosen from amongst European lawyers.'

(This clause was left in these general terms, in preference to laying down detailed stipulations, which the drafting sub-commission felt to be beyond its powers.)

Turkey undertook to protect Christian churches and establishments, this article being identical, *mutatis mutandis*, with Art. 14, para. 2, of the Greek Treaty, and Art. 10, para. 3, of the Yugoslav.

Art. 43 equals Polish Art. 11, para. 1 (non-Moslems being substituted for Jews), but the reservations in favour of military service and national defence are omitted.

Art. 44 is the guarantee article, discussed above.

Art. 45 declares that the rights conferred here on Turkey's non-Moslem minorities will similarly be conferred by Greece on her Moslem minorities.

The Treaty was signed on July 24th, 1923, and is in force as from August 6th, 1924.

A special Convention, discussed elsewhere, deals with the reciprocal exchange of minorities between Turkey and Greece.

6. *The Declarations and the Memel and Upper Silesian Conventions*

This concluded the work of the Peace Conference; but at the First Assembly of the League a number of states sought admission to the League. Nine of these—Albania, Finland, Estonia, Latvia, Lithuania, Armenia, Georgia,

Azerbaidjan, and the Ukraine—were new states which had not yet received general recognition.[1] The Joint Foreign Committee now wrote to the Chairman of the Fifth Committee of the Assembly, pointing out that these nine states all contained mixed populations, and that eight of them had inherited from the Russian Empire, of which they were formerly integral parts, traditions in regard to the treatment of minorities which, if continued or revived, might seriously imperil the social peace and political stability of these states; referring to the existing Minority Treaties; and asking that the states in question should be required to sign analogous Conventions, adapted to the circumstances of each state.[2]

Lord Cecil thereupon presented to the Assembly a draft resolution:

'That the Assembly is not disposed to admit a new State to the League of Nations, unless the State in question pledges itself to enter into agreements corresponding to the Treaties concerning minorities which have already been accepted by several other States.'[3]

There was considerable discussion in committee, some members arguing that no new condition for admission could be imposed without amending the Covenant. Finally, an amended resolution was adopted that

'In the event of Albania, the Baltic and Caucasian States[4] being admitted into the League, the Assembly requests that they should take the necessary measures to enforce the principles of the Minorities Treaties, and that they should arrange with the Council the details required to carry this object into effect.'

The Council began work with Albania and Finland, the two states whose immediate admission had been voted by the First Assembly.[5]

[1] The others were Austria, Bulgaria, Costa Rica, Lichtenstein, and Luxembourg.

[2] League of Nations: *Records of the First Assembly*, Meetings of the Committees, ii, pp. 241–2. [3] Idem, pp. 201 ff.

[4] The request of the Ukraine for admission had already been refused.

[5] The case of the Caucasian States never arose, as they were swallowed up by the U.S.S.R. A Treaty with Armenia was, indeed, drafted at Sèvres, but never came into force.

The Albanian Government replied that it accepted in their entirety the general provisions concerning minorities and was fully prepared to take into consideration the friendly advice of the League. No difficulties, therefore, arose, except in connexion with a request from Greece that she, as well as the members of the Council, should be allowed to lay a case before the Council. This was refused.

The form adopted (which seems to have been the original suggestion of Mr. H. A. L. Fisher, British representative at the First Assembly) was that of a Declaration. Instead of signing a Treaty, Albania on October 2nd, 1921, declared solemnly before the members of the Council that she accepted the stipulations in question. These were drafted exactly on the model of the Polish Treaty, Arts. 1, 2, 4, 5, 6, and 7 of the Declaration corresponding respectively to Arts. 1, 2, 7, 8, 9, and 12 of the Treaty. Art. 2 also provided that suitable provision should be made in the case of Mussulmans for regulating personal law and family status according to their own usage; that an electoral system should be applied, giving due consideration to the rights of racial, religious, and linguistic minorities; and Art. 5 that information should be supplied regarding the legal status of minority churches, schools, &c., to the League, which should then give advice. Art. 3 was the nationality article, providing in particular for the right of opting in relation to Greece and binding Albania to comply with any recommendations made by the Council with respect to reciprocal and voluntary emigration of minorities.

Finland's constitutional provisions regarding her minorities appeared to the Council so satisfactory that it did no more than take note of them. In one special case only, when the Aaland Islands were awarded by the Council of the League to Finland, a very far-reaching undertaking was given, differing altogether from that of the normal Treaties. Finland, 'being resolved to ensure and to guarantee to the population of the Aaland Islands the preservation of their language, customs and local Swedish traditions', undertook to insert provisions to this effect in

the Law for the Autonomy of those Islands. The local Landsting and Communes were not under any circumstances to be obliged to subsidize schools other than Swedish. In state schools instruction was also to be in Swedish, and no Finnish taught in subsidized schools without the consent of the Commune concerned. Other provisions regulated immigration into or the purchase of real estate in the Islands. The Landsting had a large say in the appointment of the Governor, and had power also to use for its own requirements certain tax revenues. The guarantee article ran

'The Council of the League of Nations will see that the guarantees provided above are duly observed. Finland shall transmit to the Council of the League of Nations, together with its own observations, any complaints or claims by the Aaland Landsting in regard to the application of these guarantees, and the Council may, in case the question shall be of a legal nature, consult the International Court of Justice.'

After this the Council returned to the ordinary type, which had now become that of a Declaration. The Second Assembly reported that Estonia, Latvia, and Lithuania were fit for admission to the League, and all three were prepared to negotiate with the Council regarding their minority obligations. Strangely enough, in view of later events, when the negotiations proper began, it was Lithuania who gave least difficulty, and made her Declaration with a good grace on May 12th, 1922. This was worded almost exactly in the terms of the Polish Treaty, the two Jewish articles being included, in pursuance of promises made by Lithuania at the Peace Conference and recalled to the memory of the Council by the Joint Foreign Committee. The only difference was in the nationality clauses, which were compressed into a single Article, under which Lithuania agreed to advise the Council of all constitutional or legislative stipulations regarding the conditions necessary to the acquisition of the status of Lithuanian nationality, while all persons born in Lithuania subsequent to the date of the Declaration, and unable to

claim another nationality by birth, were recognized as Lithuanian nationals.

The other two countries gave the Council more trouble. A draft Declaration for Estonia had been drawn up, which followed the standard pattern, with no special provisions. Estonia, however, objected that she had already by her internal legislation granted her minorities all the necessary rights; that she had constituted herself without foreign aid, and had been recognized without conditions, and that she ought to be treated in the same way as Finland had been. She further objected to certain details in the Declaration as involving a formal inconsistency with Estonia's fundamental law. She therefore submitted details of her Constitution, which was, in fact, extremely liberal, and asked that the Council should content itself with taking note of those provisions.

The Council denied that there was an analogy with Finland, which was a 'unique case', and not a new State, and was unwilling to renounce all possibility of control over Estonia. The negotiations were still dragging on when the representative of Latvia (whose case had not been taken up in detail previously, owing to a change of government) submitted a Declaration in general terms on July 7th, 1923. This simply proposed that the negotiations should be regarded as closed, but that either party could take them up again 'if the situation of the minorities in Latvia does not appear to correspond to the general principles laid down in the various minority Treaties'. Latvia also accepted the principles of the guarantee article, with the modification that the reference to the Permanent Court should be for an advisory opinion only made by the Council as a whole, and she accepted the procedure then in force for exercising the guarantee. The Council accepted this compromise, and up to 1933 neither side had asked for negotiations to be reopened. It would seem, in fact, that only one petition (relating to agrarian reform) had been submitted against Latvia since the adoption of the Declaration. Following this example, the Estonian Government, on September 17th, 1923, made a similar general Declara-

tion, which was accepted by the Council. These two Declarations, while preserving the formal amenities, in practice place Estonia and Latvia in almost exactly the same position as all the other States bound by Minority Treaties or Declarations.

The next two cases to be considered are of more local interest. When Memel was attributed to Germany an elaborate Statute of self-government was put into force (May 8th, 1924) and this applied to the Memel Territory the provisions of the Lithuanian Declaration, except that for Art. 4, para. 4 (adequate facilities to use a minority language before the Courts) was substituted the provision that 'the Lithuanian and German languages shall be recognized on the same footing as official languages in the Memel Territory'.

The Upper Silesian Convention of May 15th, 1922, is much more elaborate. Under this Convention Upper Silesia was partitioned between Poland and Germany, while for fifteen years after the partition, a very complicated régime was to be maintained, designed to facilitate the transition.

For the transitional period Germany accepted and Poland 'referred to' as binding *ipso facto* in the portions of the plebiscite territory awarded to those two states respectively, the provisions of the Polish Minorities Treaty (the nationality article excepted). These formed Arts. 64–72 of the Convention. The Convention proper lays down two important general principles: firstly, the tribunals and courts of justice, including the administrative, military, and extraordinary tribunal , shall be competent to examine whether the legislative or administrative provisions are not contrary to the stipulations of the Pact. Secondly (Art. 74) 'the question whether a person does or does not belong to a racial, linguistic, or religious minority may not be verified or disputed by the authorities'.

Four chapters then precise the civil and political, religious, educational, and linguistic rights of the populations. The Articles dealing with civil rights (75–83) provide in detail not only for protection of life and liberty, but for

equality of treatment in fact as well as law. It is provided that associations shall not be impeded or prohibited because they devote themselves to the (non-political) interests of the minorities. Cultural institutions, &c., may bring in duly qualified personnel from the territory of the other Contracting Party, and import the necessary books, medical and surgical implements, drugs, &c.

Arts. 84–90, which deal with religion, guarantee freedom of religion and allow organized religions, parishes, and Jewish communities, as well as orders and congregations, a very considerable degree of autonomy, personal and cultural relations across the frontier, the right of holding divine service, the cure of souls, and giving religious instruction, and keeping their legal holidays, as well as an equitable share out of state, municipal, &c., budgets. They may take copies of State tax returns to serve as a basis for the allocation of their Church taxes.

Arts. 97–133 deal with education in great detail. Private teaching and private minority schools are free, although the state has a right of supervision, and the official language may not be imposed as the language of instruction. It may only be imposed as part of the curriculum in private schools taking the place of state schools of the same category. Teachers must be duly qualified, but may be recruited in part from abroad. Polish nationals domiciled in German Upper Silesia may not be prohibited from attending private schools in Polish Upper Silesia, and vice versa. Children belonging to a minority and receiving a sufficient private education may not be obliged to attend a state school. For public elementary education three kinds of institutions are provided: minority schools, in which the language of instruction is that of the minority; minority classes in the minority language in schools using the official language; and minority courses, including (*a*) teaching in the minority language, and (*b*) religious teaching in the minority language. Which of these is to be established depends on the number of applications from parents. The state is bound to provide for the maintenance of minority schools and classes equally with that of

the majority schools, &c. Further, School Committees, composed mainly of the parents or guardians concerned, are provided with wide powers. Analogous provisions are made for secondary and higher schools. Official examinations in minority schools and classes are held in the minority language. An important general provision lays down that in order to determine the language of a pupil or child, account shall only be taken of the verbal or written statement of the person legally responsible for the education of the pupil or child. This statement may not be verified or disputed by the school authorities. Similarly, the school authorities must abstain from exercising any pressure, however slight, with a view to obtaining the withdrawal of requests for the establishment of minority schools. Schoolbooks, &c., are not to offend the national or religious sentiments of a minority, nor in lessons are 'the national and intellectual qualities of the other Party' to be 'improperly depreciated in the eyes of the pupils'.

The language provisions (Arts. 135–46) provide that in verbal relations with the civil authorities of the plebiscite territory, all persons shall be free to use either German or Polish. Petitions may be drawn up in either language, and replies given in either, with a translation if required. Subject to certain regulations, speakers in representative assemblies may use their own language. Posts, telegraphs, and railways shall as far as possible consult the convenience of the public. In the ordinary courts either language may be used; in the higher judicial procedure provisions are made for translations. The guarantee system, which differs in many respects from the usual form, is described elsewhere.[1] This Convention was signed on May 15th, 1922, and ratifications exchanged on June 3rd, 1922.

For some years after this the League did not draw up any fresh instruments for the protection of minorities. Certain new members were admitted to the League (Germany in 1926, Mexico in 1931), but they were not required to make Declarations. Turkey, who entered the League in 1932, was, of course, already bound by a Treaty. The

[1] See below, pp. 340 ff.

question of a new Declaration arose only when in 1929 the British Government announced that, all being well, it proposed to recommend 'Irāq (then a British 'A' mandate) for admission to the League. The minorities situation in 'Irāq closely resembled that in Turkey. The population, which numbered some 3,000,000, was exceedingly mixed, including Moslems, Christians of various denominations, Jews, and Yezides. Many of these minorities had enjoyed ancient privileges when under Turkish rule, while in the northern village of Mosul the Kurds were in a large majority.

The League Commission of Inquiry which in 1925 awarded Mosul to 'Irāq had stressed the necessity of making considerable concessions to the Kurds and, in general, of giving the minorities, of all religions, effective protection. It had even suggested the appointment of a resident League Commissioner. This was not done, but reassurances were given by the British Government on behalf of themselves, the 'Irāq Government, and the King.

In 1930 the British Government concluded a new Treaty of Alliance with 'Irāq, acknowledging its complete independence. Minorities were not mentioned in this treaty. On the other hand, the consent of the League Council was necessary for any alteration of the Treaty arrangements between Britain and 'Irāq, and the Council asked the Mandates Commission to report what were the general conditions to be fulfilled before a mandated nation was ready for freedom; and whether 'Irāq had fulfilled those conditions.

There was considerable discussion at the meeting of the Mandates Commission which considered the question in November 1931. Many of its members clearly did not feel reassured as to 'Irāq's fitness for such rapid and complete emancipation. Some of them were doubtful as to the effectiveness of the ordinary League procedure, and urged the necessity of appointing a specially accredited League representative (possibly the British ambassador, or a judge) on the spot, or of adopting in some way the Upper Silesian procedure. Sir Francis Humphreys, for Great Britain, opposed this eloquently, and begged that

'Irāq should be asked to do no more than accept the model of the Albanian Declaration, which he described imposingly as 'affording the best possible guarantees which it would be humanly possible to provide for minorities'. He had his way in the end, and the Commission, while reporting that the undertakings of a new state should include 'the effective protection of racial, religious, and linguistic minorities', merely recommended that 'Irāq should make a Declaration along the usual lines, supplemented by any special provisions, temporary or permanent, which might be thought necessary, and should undertake to accept the ordinary League guarantee and existing League procedure.

In May 1932 a special Committee submitted to the Council a draft Declaration on the general lines of the Albanian Declaration.

Art. 1 = Albanian 1 = Polish 2.

Art. 2 = Albanian 2, paras. 1 and 2 = Polish 2.

Art. 3, the nationality article, lays down the conditions for acquisition of 'Irāq nationality by Ottoman subjects.

Art. 4 = Albanian 4 = Polish 7, plus the Albanian provision for proportional representation, and the use of the official language is also subject to the provisions of Art. 9 (below).

Art. 5 = Albanian 5, para. 1 = Polish 8.

Art. 6 = Turkish Art. 42 (personal status, &c., of non-Moslem minorities) and provides that 'Irāq shall inform the Council of the manner in which these measures have been executed.

Art. 7 is an expansion of articles in the Greek, Turkish, &c., Treaties. It provides for full protection to the churches, synagogues, cemeteries, and other religious establishments, charitable works and pious foundations of minority religious communities. Each of these shall have the right of establishing councils in important administrative districts. These councils shall be competent to deal with the collection of income derived therefrom and expenditure thereof in accordance with the wishes of the donor, or the custom in use among the community. They shall also undertake the supervision of the property of

orphans, in accordance with the law. They shall be under the supervision of the Government. Facilities shall be granted for founding new institutions of this sort.

Art. 8 = Albanian 6 = Polish 9 (general provisions).

Art. 9 provides that in the *liwas* of Mosul, Arbil, Kirkuk, and Sulaimaniya the official language, side by side with Arabic, shall be Kurdish in the *qadhas* where the population is mainly Kurdish. In the *qadhas* of Kifri and Kirkuk, where the population is mainly Turcoman, it shall be either Kurdish or Turkish. In these *qadhas* the officials shall, subject to justifiable exceptions, have a competent knowledge of Kurdish or Turkish as the case may be, and shall (although efficiency and knowledge of the language is the prime criterion) be as far as possible of local origin.

Art. 10 = Albanian 7 = Polish 12 (the regular guarantee article).

Finally, under the Treaty concluded on November 9th, 1920, between the Free City of Danzig and Poland, Danzig undertakes to apply to her minorities provisions similar to those in the Polish Treaty, and 'to provide, in particular, against any discrimination in legislation or the conduct of the administration to the detriment of nationals of Poland, and other persons of Polish origin or speech'. Differences over this Convention go first to the High Commissioner, who may refer them to the Council. The two parties retain the right of appeal to the Council.

7. *Supplementary Treaties*

A few other treaties have been concluded between states, outside the League framework. The Treaty of August 10th, 1920, between Greece and Italy extended the provisions of the Greek Minorities Treaty to the islands ceded by Italy to Greece. The Treaty of Brünn between Austria and Czechoslovakia (June 7th, 1920, with further Protocol of Carlsbad, August 23rd, 1920)[1] lays down agreed interpretations on a large number of points regarding acquisition of

[1] Both texts are reproduced in *League of Nations Treaty Series*, vol. iii, No. 3, pp. 189, 225.

citizenship and right of option. An interesting paragraph (Art. 9) agrees that 'generally speaking, language shall in practice be considered as the most important evidence of national origin'. In a second section, a more exact and somewhat restrictive interpretation is given to the educational clause (Art. 8 of the Polish Treaty, Art. 67 of the Treaty of St. Germain). The state's right to supervise the private minority schools is confirmed; only nationals of the state in which the schools, &c., are situated are eligible as their principals; the right of using the minority language does not extend to official intercourse. Minority schools are, however, to receive equal treatment with majority schools in respect of legislation and administration. Since no agreed interpretation could be reached on the words 'towns and districts', 'considerable proportion' and 'adequate facilities', only a temporary agreement was made under which Austria agreed to grant the children of the Czech minority in Vienna public primary schools on the same scale as the German schools; and both parties agreed to admit members of the majority in the other state, nationals of that state, to their schools. For disputes a Mixed Commission was established consisting of an Austrian and a Czechoslovak delegation, sitting in Vienna and Prague respectively. Cases are submitted to these by one of the governments concerned. They discuss these by correspondence, meeting only if agreement cannot otherwise be reached, while, if the Mixed Commission fails to settle a dispute, it refers it to an Arbitration Court under a neutral chairman.

The Treaty of Warsaw, between Poland and Czechoslovakia, signed April 23rd, 1925,[1] on settlement of the disputed frontier between those two states, contains an interesting provision (Art. 12) under which the Contracting Parties declare their intention of treating their minorities 'in the most liberal spirit', but declare that the minorities are bound to adopt a loyal attitude towards their states. The upholding of minority rights is not, however, to be regarded as an act of disloyalty towards the state. The declaration of the individual concerned is accepted as the

[1] Idem, vol. xlviii, p. 34.

sole criterion of nationality, as a logical consequence of which the phrase 'national minority' is used throughout the Treaty; but the benefits are enjoyed only by 'qualified minorities', i.e. those minorities 'to which the existing Polish or Czecho-Slovak laws grant minority rights'. In the districts where a qualified minority exists, the Polish and Czech languages are placed on a complete equality; this applies to judicial decisions, public notices, official pronouncements, &c., &c. In Polish districts with small and dispersed Czech minorities, as in Volhynia, the Czech language is admitted in local administration so far as compatible with Polish legislation. To ensure real equality, the two governments agree to appoint a sufficient number of local officials acquainted with the minority language. No distinction regarding nationality is to be made in granting state concessions, licences, &c. Where the minorities are not numerous enough for public minority schools to be founded, private schools are to be authorized and, so far as possible, subsidized. The teachers in these schools are to be members of the minority, and tests passed in the States of their majorities are accepted equally with those passed in the State of residence. The administration of the minority schools is to be entrusted to special officials. For the settlement of differences a Mixed Commission and Court of Arbitration are provided, practically identical with those provided in the Treaty of Brünn.

A further Treaty between Roumania and Yugoslavia (not yet in force) is drafted on much the same lines, but also contains special provisions for participation by a national educational Committee, elected by the teachers and priests of the minority concerned, in the supervision and management of the schools. Foreign teachers may be installed if a sufficient number of qualified native teachers is not available.

A less elaborate Treaty has also been concluded between Latvia and Lithuania. It contains the provision that parents shall be free to send their children to school in the territory of the other contracting party.

In the Treaty of Dorpat between Finland and Soviet

Russia (October 14th, 1920)[1] Russia promised 'self-determination' to the Karelian population of Archangel and Olonetz. In a further declaration,[2] Russia agreed that this population should enjoy a wide measure of autonomy on a federal basis; and in yet another declaration,[3] linguistic and other liberties were promised to the Finnish population of the Government of Petrograd. In the Treaty of Riga between Poland, Russia, and the Ukraine (March 18th, 1921)[4] the Contracting Parties agree to grant their minorities of Polish, and Russian, White Russian, and Ukrainian nationality respectively, the right to use their own languages within the limits allowed by domestic legislation, to organize and supervise their education, develop their spiritual forces and found associations, &c., for the purpose. Finally, in the political agreement signed between Estonia, Finland, Latvia, and Poland on March 17th, 1922,[5] the Contracting Parties agree to grant one another's minorities 'all rights and liberties' and to ensure to them 'the maintenance and free development of their national cultural organizations'.

Of these various treaties and agreements, those concluded by Russia seem to have had little practical effect. The Soviet Union has, as a matter of fact, adopted a policy of allowing full freedom of national development to the peoples within its frontiers, but it has not tolerated any foreign intervention. The Treaty of Brünn has performed useful work with respect to cases of option, &c., but its scholastic provisions have been very unfavourably received by the German minority in Czechoslovakia, which complains that it is unreasonable to place their numbers on a footing of equality with the small Czechoslovak minority in Austria, and gives the Czechoslovak Government a pretext for refusing the much wider concessions due to its numbers and position. The Treaty of Warsaw has, so far as can be ascertained, given admirable results.

All of these Treaties ignore the League principle of

[1] Idem, vol. iii, No. 1, p. 5.
[2] Idem, p. 57.
[3] Idem, p. 59.
[4] Idem, vol. vi, p. 51.
[5] Idem, vol. xv.

impersonality, by admitting a special interest of a certain state in the fate of its own kinsfolk in a neighbouring state. It is to be doubted whether this is a wise principle in general, although for the special questions of option and citizenship it is probably to be recommended. Most desirable of all would be if states would conclude supplementary Treaties adapted to local circumstances, and place them under the League guarantee.

CHAPTER VIII

THE CHARACTER AND PURPOSE OF THE LEAGUE TREATIES

1. *The General Philosophy*

IT would have been much shorter, and in some respects less confusing, to substitute for the foregoing chapter a simple list of the Treaties and Declarations in their final form. Yet it seemed hardly possible to appreciate the nature and scope of the Treaties, or their adequacy for their purpose, without some account of the manner in which they were evolved. It is hoped that such an account will render more intelligible the general remarks on the Treaties which must now be made.

A point which emerges clearly from the story, and one which it is important to bear in mind, is that the Minority Treaties and Declarations are not primarily humanitarian instruments. The authors of them were, of course, strongly influenced by humanitarian considerations. They were anxious to spare the minorities those long and fruitless sufferings which, as it seemed too probable, must else be theirs. This motive was openly acknowledged when the Allies were treating with Turkey. In that case, their representatives took their stand almost entirely on the ground of humanity; the United States representative, in particular, prefacing his remarks by saying that: 'The American representatives intend to hold aloof from affairs not our own, but humanitarian interest is as much our right and our duty as it is the right and duty of every nation.'[1]

This motive might in itself have been strong enough to induce the Powers to take action, where a real danger of

[1] *Proceedings of the Lausanne Conference*, p. 185.

The Turkish Treaty was anomalous in several ways, since as Turkey did not enter the League until 1932, she did not obtain the guarantee of her frontiers enjoyed by the States Members of the League. The point seemed, however, of small practical importance, in view of the meagre prospect that Turkey would ever carry out her obligations, or the Powers seriously attempt to force her to do so.

actual persecution threatened; for collective international intervention in the name of humanity or religion has been common enough in the past, and there is no reason to suppose that it will necessarily remain confined to the past. Very recent times have seen widespread demands for such intervention in Soviet Russia—demands emanating precisely from the most conservative circles and the staunchest upholders of state sovereignty.

It would, however, hardly have been reasonable to allege such a danger in the case of Austria or Czechoslovakia. Thus, except where no other argument was practicable, as with Turkey, the Powers approached the subject from a different and far more orthodox angle. They made of the Minority Treaties a special and integral part of the system which was being set up for the maintenance of peace through the League of Nations, the protection of minorities being the means to achieve their end, which was the maintenance of international peace.

The League of Nations provided what the world had never known before: a collective undertaking on the part of practically every civilized state in the world to maintain the peace, and a collective undertaking on the part of them all, embodied in Art. X of the Covenant, to 'respect and preserve as against external aggression the territorial status and existing political independence of all States Members of the League'. In return for this guarantee, states were required to undertake such obligations as would facilitate the maintenance of peace and diminish the risk that the guarantee in question would be called into play.[1] In

[1] In 1929 identical memoranda (C. 8, M. 5, 1931, i, p. 193) were submitted by the governments of Poland, Greece, Roumania, Yugoslavia, and Czechoslovakia to a Committee of the League Council then engaged on an inquiry into the minorities problem. Here an argument (which seems to emanate from the ingenious brain of the Roumanian statesman, M. Titulescu, who had developed it in an address delivered by him before the Académie Diplomatique de Paris on March 15th, 1929) was advanced that 'in order to allay the apprehensions and overcome the opposition of these countries, it was represented to them that they would find compensation for the conclusion of such Treaties in the guarantee of their territorial integrity, which would be given them by all the Allied and Associated

certain of them 'the treatment which might in certain circumstances be meted out to minorities' seemed to constitute a potential danger to peace; they were therefore required, in the general interest, to bind themselves to abstain from such treatment.

Thus in the League system the primary objective is the peace of the world; the means through which this is to be attained, and thus the indirect object of the Treaties, is the internal stability of the Treaty states; and the means through which this, again, is to be achieved is the well-being of the minorities, which shall make them contented and loyal citizens of the states of which they form part.

The welfare of the minorities is thus, in a sense, relegated to the third place. It is, however, the foundation upon which the whole system is built up, and is thus, in practice, the first of the three objects to be attained. It is, indeed, so clear that the practical application of the Treaty system must begin with ensuring the welfare of the minorities that many authorities, including even the highest among them, have described this as the primary object of the Treaties.[1] We venture, however, to maintain that from a

Powers, and more especially by the Great Powers. . . . As is known, the promised guarantee has, in fact, not yet been furnished. The states which accepted the rules for the protection of minorities have consequently found themselves in a position different from that which they were entitled to expect; they have not been released from a single one of their obligations, but they have so far received nothing by way of compensation.' The Committee in its reply did not comment on this remarkable argument, which can only mean that the Covenant of the League is entirely worthless without American participation. It is, however, true that Wilson had used exalted language on the occasion in question, even saying that 'there underlies all of these transactions the expectation on the part, for example, of Roumania, and of Czechoslovakia, and of Serbia, that if any covenants of this settlement are not observed, the United States will send her armies and her navies to see that they are observed'.

[1] Thus, on June 9th, 1928, a Committee of three members of the Council (M. Zaleski, Mr. Adatci, and Sir Austen Chamberlain) actually presented a report to the Council in the following terms:

'We are unanimous in considering that the system of the protection of minorities instituted by the Treaties, while having as its principal object the protection of the minority itself, is also intended, not only to prevent that questions concerning the protection of minorities should acquire the

theoretical point of view, the purpose of the Treaty system is as we have described it. It could, indeed, hardly be otherwise unless the idea of state sovereignty were to be shattered into atoms; and the statesmen of 1919 were far too respectful of that ancient idol to deal with it so cavalierly.

The essential purpose of the League Treaties was rather assumed than expounded at the Peace Conference itself, where the statesmen engaged were more concerned, even in the two lengthy documents to which we have so often referred, to overcome particular objections than to set out general statements of principle. It was, however, admirably put by M. Briand, at a later discussion on the League Council, in the following words:

'The real problem is, while ensuring that the minorities shall preserve their language, culture, religion and traditions, to keep them as a kind of small family within the larger family, not with the object of weakening the larger family, but with the object of harmonizing all its constituent elements with those of the country as a whole. The process at which we should aim is not the disappearance of the minorities, but a kind of assimilation which will increase the greatness of the nation as a whole without in any way diminishing the importance of the smaller family.'[1]

Sir Austen Chamberlain, at the same Council meeting, used very similar words, emphasizing that in his opinion 'the purpose of the Treaties was to make conditions in the minority countries such that the minorities could be and were loyal members of the nations to which they belonged'.[2]

The responsible spokesmen of the League have stuck valiantly to this doctrine which is, it must be emphasized, the official and accepted doctrine of the Treaties. It is true that on one occasion M. de Mello-Franco, representative

character of a dispute between nations, but to ensure that States with a minority within their borders should be protected from the danger of interference by other Powers in their internal affairs.' (*L.N.O.J.*, July 1928, p. 942; Minutes of 50th Council.)

[1] Ibid., April 1929, p. 529 (Minutes of 54th Council).

[2] Ibid., p. 525.

of Brazil on the Council, appeared to put forward a different interpretation of the Treaties, saying that:

'It seems to me obvious that those who conceived this system of protection did not dream of creating within certain States a group of inhabitants who would regard themselves as permanently foreign to the general organization of the country. On the contrary, they wished the elements of the population contained in such a group to enjoy a status of legal protection which might ensure respect for the inviolability of the person in all its aspects and which might gradually prepare the way for the conditions necessary for the establishment of a complete national unity.'[1]

This enunciation by a member of the Council of what was taken to be a theory of 'gradual and painless assimilation' stirred up in minority circles a storm, the waves of which have not yet died down; and few works on the subject appear to-day without a painstaking refutation of the 'Mello-Franco thesis'. The excitement was all the greater because Sir Austen Chamberlain approved it, saying that:

'The object of the Minorities Treaties, and of the Council in discharging its duties under them, was, as M. de Mello-Franco has said, to secure for the minorities that measure of protection and justice which would gradually prepare them to be merged in the national community to which they belonged.'[2]

Sir Austen, however, carefully explained on a later occasion that:

'The word "merged" was unhappily chosen. I did not mean for one moment to suggest that it was intended that the cultural characteristics of the minority population should be submerged or abolished.'[3]

It seems highly probable that M. de Mello-Franco was equally innocent of any such suggestion, which is not necessarily to be read out of his words; but as Brazil left the League soon after he made his speech, he was unable to give any reassuring explanation of it. In any case, the

[1] Feb. 1926, p. 142 (Minutes of 37th Council).
[2] Ibid., p. 144.
[3] April 1929, p. 525.

doctrine of 'painless assimilation' has been effectively repudiated.

Thus the Treaties make what is, in a way, an exceedingly bold claim; for they maintain that it is possible to put an end to the whole movement towards so-called national self-determination which had proved so irresistible as to break up the great empires of central and eastern Europe. This movement, as popularly conceived, did not, in reality, allow for any 'self-determination' at all; for that word implies a freedom of choice for the individual, whereas it was usually interpreted in the sense of a necessary and automatic national determinism. And logically such determinism has, as we have pointed out, no place in it at all for minorities. The Treaties, on the other hand, claim that there is nothing anomalous in the existence of minorities, and that given a proper respect for their rights and feelings, it is possible for them to forget their own natural determinist nationalism in favour of a true 'self-determination' based on feelings of political loyalty.

A bold claim, indeed, when the history of the past century in eastern Europe is considered; but it was absolutely necessitated by the circumstances. For the authors of the Peace Treaties were laying down a territorial settlement which they meant to be permanent, and they were themselves proposing to guarantee. They were thus approaching the question from the opposite angle to the advocates of 'national self-determination'. For this, which begins with the nation and makes a state to fit, has no respect for the existing state which fails to conform to the national ideal; believing, indeed, that its own highest action is the destruction of so immoral an organism. But a system which begins with a state, and has to adapt national feeling to it, is bound to admit the possibility of a political loyalty unconnected with, or even over-riding, the fashionable determinism.

The Treaties further assume that their purpose can only be achieved by respect for the elementary human rights of the minorities, and in particular, for their own narrower national ideals. They assume not only that a Polish citizen of German speech and ancestry can be a loyal Pole but

also that the only way to make him so is to leave him unmolested in the possession of his German cultural heritage. To attempt to deprive him of this will only result in turning his natural desire to live in a German state into an irresistible determination. He will become a disloyal subject, and a danger to his state. The safeguards for the individual which the Treaties supply are thus at the same time safeguards for the state in which he lives.

Thus everything falls into its place in the framework of the system devised for the maintenance of world peace. First the individual member of the minority must be protected. By this means, his loyalty to his state will be ensured, and the stability of that state achieved. Finally, peace between states will not be troubled, at least by national questions.

The line of reasoning described above involves, indeed, a certain danger. It might be argued that where the brutality of a government, however excessive, is not exercised in such a sphere as to endanger world peace, the League has no occasion to intervene. There is, in fact, always a temptation to gloss over abuse and injustice, to pretend that the minorities in defending their rights are disturbers of the peace, and to ignore the complaints of minorities who have no national protectors outside their own states. No less a statesman than M. Briand once put forward the following extraordinarily dangerous doctrine:

'No movement must be allowed to persist which, under cover of unexceptionable sentiments, would lead to widespread unrest in the world or breed fresh insecurity. However worthy of respect certain doctrines and propaganda may be, one thing stands before them all —peace. No special circumstances, no individual aspirations, however justifiable, can be allowed to transcend the interests of peace. Peace must prevail, must come before all. If any act of justice were proposed which would disturb world peace and renew the terrible disasters of yesterday, I should be the first to call upon those prompting it to stop, to abandon it in the supreme interest of peace.'[1]

Fortunately, however, the responsible statesmen of the League have as a rule remained loyal to the original truth

[1] League of Nations: Ninth Assembly, Records of Plenary Sessions, p. 82.

perceived by the founders of the system: that true peace will not and cannot be achieved except through justice—in the present connexion, through adequate respect for the individual's national feelings.

2. *Influences determining the Provisions of the Treaties*

If this reasoning be accepted as sound, yet many questions still remain to be answered. Why were the Treaties imposed upon certain states and not upon others? Why were they not all cast in the same mould? What is the reason for the special provisions contained in nearly all of them? Why, in so far as they are uniform, was that particular degree and form of minority protection chosen, and no other?

Here, again, we should have no reasonable answer without recourse to history; for the only reply to most of these questions is, that this was all that could be obtained, or that the persons concerned thought it important to obtain, under the circumstances. If there is ever to be any question of extending or adapting the present system, it will be well to realize that the existing Treaties do not represent what any single body of opinion considers to be ideal.[1] They are the product of the conflict of many forces, of various strengths and very various purposes. They represent the line, indented and irregular like the old battle-line in Flanders, where the positive forces desirous of securing minority protection could advance no farther against the negative forces of the aspiring national state, and of orthodox political philosophy, with its jealous respect for state sovereignty.

Even the positive forces do not accurately reflect the wishes of many of the parties most directly concerned. The desires of the defeated states do not seem to have been

[1] Except, apparently, the present (1933) British Government. When the 'Irāq Declaration was being drafted, Sir Francis Humphreys declared that 'the British Government did regard the Albanian model as affording the best possible guarantees which it would be humanly possible to provide for minorities'. (League of Nations: Permanent Mandates Commission, Minutes of the 21st Session, p. 113.)

consulted at all, except, perhaps, as regards the Germans of Bohemia. The positive driving forces behind the Treaties were two. One was the Jewish influence, which exercised a powerful pressure on the British, French, and especially the United States delegations. The Jews did not work for themselves alone, but consistently demanded protection for all minorities; but they inevitably adapted their suggestions to some extent to their own special requirements. A very important factor in the whole situation was the unwillingness of the Joint Foreign Committee, whose secretary, Mr. Lucien Wolf, carried great weight with Mr. Headlam-Morley and with the British delegation in general, to support the more far-reaching demands of his American colleagues.

The second powerful influence exerted in favour of minority protection was the traditional idealism of western liberal and humanitarian thought which was so strongly present in the minds of men like Wilson, Cecil, and Headlam-Morley. This idealism gave birth to an earnest and lofty determination to secure for the minorities all the liberties which seemed to the authors of the Treaties to be essential.

But, in their view of what was essential, they were naturally guided by their own experience. Now, the minorities struggle in the west had for a long century past been essentially political. It had had little experience of national questions as understood in the east. Frontiers had undergone few modifications, and the clash of rival national cultures which had preoccupied the public life, for example, of Austria-Hungary, had simply not existed in France, England, or the United States. The West had, on the other hand, seen a prolonged and tenacious fight, particularly by its religious minorities, for toleration and equality —a fight which had little connexion with national questions, properly speaking: for both Jews and Catholics aimed, not at maintaining a separate national status, but rather at acquiring full civil and political rights in the community to which they felt themselves to belong.

Liberal thought had naturally come to attach the greatest

importance to the problems of which it had the chief experience. If a broad-minded Englishman or American had been asked to define the ideal treatment of minorities, his thoughts would probably have flown at once to Catholic and Jewish questions, and he would have summed up his answer in the words: liberty, equality, toleration. The truly enlightened and democratic state would be, in his eyes, the state which accepted these conceptions as fundamental.

The makers of the Treaties were, therefore, performing what was in their eyes (and also in the eyes of the Joint Foreign Committee) the most important of their duties when they laid down the principles contained in Arts. 2 and 7 of the Polish Treaty: full and complete protection of life and liberty to all inhabitants of the country concerned; equality before the law and equality of civil and political rights to all its citizens; a guarantee of religious toleration and a prohibition of discrimination against religious minorities in the enjoyment of civil and political rights. Indeed, in their own sphere, these provisions represent not merely the best that could be attained under the circumstances, but the ideal treatment of minorities.

On the other hand, the linguistic and scholastic provisions of the Treaties are notably weak. The authors of the Treaties took as their model the minorities of which they had personal experience, such as the Welsh or the non-nationalist west-European Jews. Most of the western minorities in 1919 were small communities, economically, politically, and socially less advanced than the majorities with whom they lived. They were not irredentist, and had no desire for a strongly differentiated, self-contained national existence. In all wider spheres of activity, they naturally and willingly adopted the language and mentality of the majorities. A Committee composed largely of members of western majority nations could, therefore, easily regard this attitude not only as the natural, but as the best possible attitude for a minority to adopt, and could believe that it was securing for the minorities all that they could legitimately require if their language was

tolerated in private life (this was a general principle of equality and toleration) and their children received their first instruction in a language which they understood and from which they could profit.

They rejected, on grounds of humanity, the idea of the intolerant national state; but they did not question the practical assumption that a single national culture should prevail in each state, and that the members of minorities should be as fully subject to the will of the political majority as members of the national majority were also subject to it. Any idea of giving the members of minorities such a special organization as would at all emancipate them from the general control of the state was repugnant to them. The minorities must not be allowed to become a 'State within the State' (Headlam-Morley, in particular, more than once opposed Lord Cecil's more revolutionary proposals with this argument). The principle of 'cultural autonomy', to which the Germans in particular, but also other nations which have had direct experience of central-European conditions, attach such weight, seemed to them dangerous, as creating such an external rival to the one legitimate authority of the state. Their own states had long since forgotten the medieval conceptions which recognized the national community as an intermediate link between the individual and the state, and they did not think any such link necessary, or, indeed, desirable. In certain special cases, where peculiar historical circumstances existed, they allowed their attitude to be modified; but in the main, they held to it consistently. They were even careful to emphasize this by speaking throughout of 'members of minorities' and not simply of 'minorities'; for the latter phrase might have sanctioned the existence of communities with special rights. This they did not recognize as legitimate. Their whole work reveals the modern political conception under which the state exercises exclusive and direct control over the individuals composing it; no such intermediate organization as the national community was recognized to exist.

In this connexion it was peculiarly unfortunate that the

New States Committee began with Poland and Czechoslovakia and, roughly speaking, worked eastward; and also that during its work it listened so much to the Jews, so little to other minorities. To apply to central Europe the political ideas of the West was perhaps mistaken, but it was not absurd. Even among the Polish Jews, as M. Paderewski quite justly pointed out, it was only one party that desired a very distinct national life, while others would have been well pleased with semi-assimilation, if accompanied by toleration; and his remarks are fully confirmed by recent works showing with what great vehemence many Jews opposed any claim to 'national rights'.[1] The farther east one went, the less applicable was this unificatory philosophy; but the Treaties, once the type was established, made little allowance for different mentalities and conditions, and each successive Treaty was thus, broadly speaking, less applicable than its predecessor.[2]

Thus even if the Committee had been able to embody its own ideals, unmodified in the Treaties, the result would have assigned the minorities only a modest role in their own

[1] See Mr. Janowski's work, *passim*.

[2] An interesting example of the unfortunate consequences of this tendency to apply Western standards even where they were quite patently inapplicable is to be found in the Records of the 22nd Session of the Mandates Commission (November 1932). The Assyrians in 'Irāq had petitioned the League, asking that they should be allowed once again to live under the old *millet* system—the system which had prevailed during Turkish times, which was the organic product of local history and conditions and which, precisely owing to the liberty which it allowed, had made national minorities look upon the subjects of Turkey with envy during the days of her greatness, and prevented even her decadence from being followed by immediate collapse. The British representative of the Colonial Office contributed the splendidly ingenuous remark that:

'The real difficulty lay in the fact that the Assyrians seemed to desire to live now as they had lived in the past', and the Mandates Committee, instead of thanking God for so reasonable a wish, decided that this aspiration 'could not find any encouragement. . . . The adoption of such a solution would imperil the unity of the 'Irāqi state.' (League of Nations: Minutes of the Mandates Committee, 22nd Session, pp. 43, 375.) The results of this insistence on pouring old wine into new bottles were not long in making themselves felt; the events of August 1933 provide sufficient commentary on it.

states. The Committee had, however, also to reckon with the resistance of the Treaty states—fiercely nationalist and often deeply hostile to the minorities. It is of importance for the whole question that the first state with which the Conference had to deal was Poland—at once the most powerful of the Treaty states and one of the most strongly nationalist. Had the Conference begun with a smaller state, on which it could more easily impose its will, or one more conciliatory in temper, the result might have been a more liberal treaty which, in its turn, would have affected all those for which it afterwards served as model. But for Poland's resistance, all Treaties would probably have provided for state education in the minority language throughout the educational system, and provisions for ensuring the minorities proportional representation might also have become the rule. It is true, however, that the effect of the resistance put up by Poland and her colleagues was not only negative, since it convinced the Committee that where the majority nation showed so acrimonious a temper, safeguards were indeed necessary. The stiffening of the Committee's tone in reply to M. Paderewski's outbursts is very noticeable. Similarly, the Saxons and Székely of Transylvania might never have got even part of the Alba Julia Resolutions secured by international treaty had not M. Bratianu aroused a good deal of personal antagonism at the Conference. On the other hand, the high personal esteem enjoyed by Professor Masaryk and M. Beneš was instrumental in securing particularly lenient treatment for Czechoslovakia, while Finland escaped a Minorities Treaty altogether (except for the Aaland Islands) thanks to her liberal constitution.

The worst example of yielding to force occurred in the case of Yugoslavia. The British and Italian representatives were able, indeed, to secure the extension of the Treaty to Macedonia, but the French delegate was responsible for the rejection of the special régime proposed for that province, and urgently required by its circumstances. Already at the Peace Conference, and even within the New States Committee, the opposite policies of France

and Italy became apparent; the subsequent sufferings of the Albanians and Macedonians are a living witness to the superior influence wielded by France at the Conference.

The foregoing chapter shows many similar instances of the complex interplay of forces which determined the final composition of the Treaties. The general framework has now been completed, and it does not seem likely that the League of Nations, at least, will find occasion to vary it. Moreover, it would be difficult to do so; for the Treaties now constitute a precedent, superseding the earlier ones, which at once greatly facilitates the imposition of identical obligations upon new states entering the League of Nations, and makes it very difficult indeed to go any farther. Yet should a situation ever recur similar to that of 1919, it would be well for those dealing with it to remember what was said a few pages previously: that the Treaties do not embody any single set of ideals, but only a compromise between many contending aspirations. It is in this light that they must be judged.

To say this is clearly not to condemn them altogether. A compromise always has some reason behind it, and may well prove more reasonable than the unilateral imposition of one set of ideas would have been. The Treaties do, to some extent, correspond with the real needs of the situation. They enshrine certain general principles from which two generations had found no reason to depart; they guard against certain specific evils which practical experience had found to exist. If they cannot be held up, without further thought, as models, they are yet not altogether to be rejected.

3. *The limitation of the Treaties to certain States*

The most honest answer to the very vexed question of why minority obligations were imposed upon certain states, and not upon others, is, again, this: that under the circumstances the Powers thought it both desirable and possible to require safeguards in some cases, while in others they either held those safeguards to be unnecessary, or knew

that they could not obtain them. It was this apparent discrimination which evoked the most bitter resistance from several of the Treaty States; in particular from Roumania, on general grounds, and from Yugoslavia on the ground that Italy was not being required to sign a Treaty. The Treaty States, it was argued, were being placed in a position of inferiority, which infringed the principle of the equality of all sovereign states which lies at the basis of international law.

The resentment felt by the Treaty States was exceedingly bitter and entirely comprehensible, and it did not receive much satisfaction from the Powers, who never answered them on the point of inequality. There was, indeed, a valid legal reply which might have been made. The Minority Treaties were accepted under great pressure, but technically speaking, they were accepted voluntarily. The states signing them thus no more placed themselves in a position of theoretical inequality than, for example, a state ratifying an International Labour Convention. In each case the state in question has relinquished a certain measure of its freedom of action in its relations with its own citizens, and has accepted a certain measure of international control over its actions. For that matter, membership of the League of Nations itself involves a voluntary renunciation of a state's freedom of action in many important particulars.[1]

[1] Cf. the remarks by Sir Austen Chamberlain on the Greek note of February 11th, 1925, reporting the rejection by the Greek National Assembly of the Greco-Bulgar Minorities Protocol:

'. . . it is stated in the Greek note of February 11th that "the provisions of this Protocol institute a procedure inconsistent with the generally recognized principle that the provisions relating to minorities preclude any interference in the internal affairs of the State". Here again, is a statement which, I venture to think, the Council cannot endorse. The minorities Treaties place under the ultimate supervision of the League of Nations the treatment accorded by the territorial Government to the ethnical and other minorities resident in the territory of the State on whose behalf the representative of that Government signed the Minorities Treaty. To this extent the States which assumed these obligations admitted a restraint on their rights of sovereignty. I say "to this extent" advisedly. It was no humiliating surrender; it was a free and helpful contribution to the policy of international co-operation; it was a contribution no less free and no

The Powers, however, did not advance this argument. M. Clemenceau, in his famous letter, replied with what was really a brilliant piece of special pleading. He quoted sundry historical precedents, which were extremely valuable for his case, since without their existence it would have been extremely difficult, perhaps impossible, to counter the objection that a Treaty of the kind contemplated constituted an unwarrantable infringement of sovereignty. On the other hand, when he declared that Treaties such as those proposed in 1919, or their predecessor, the Treaty of Berlin, constituted part of the 'established procedure of the public law of Europe', he was evading the whole issue of inequality; since the Powers were not attempting to apply that 'established procedure' to themselves, nor to western Europe at all.

M. Clemenceau got out of the awkward difficulty by drawing a distinction between new states or states which were being greatly enlarged, and old states, or those which were receiving only small accessions of territory. It is not surprising that this distinction evoked small enthusiasm. In the first place, it was not strictly true. The Powers had asked for no minority guarantees, for instance, when Italy was constituted; when Germany took Alsace and Lorraine; or when Norway separated from Sweden. If it had been true, the Powers, on their own showing, were not acting in accordance with it; for they would then have had to have exempted Austria (except in respect of the Burgenland), Hungary, Bulgaria, and Turkey, since these were not new states;[1] while the case of the Baltic states, which received recognition before they were required to sign Minority Treaties, would have remained a nice one.

Neither was it at all a satisfactory reply to say that the Powers had helped to liberate the Treaty states, and had therefore a right to impose unwelcome obligations upon

more derogatory than the contribution which any Great Power has made to such questions as disarmament or arbitration; it was a contribution no more unwilling, no less honourable, than every signatory of the Covenant made when they signed the Covenant.' (*L.N.O.J.*, April 1925, p. 479.)

[1] See above, p. 253 n. 1.

them. In the first place, they were interpreting their own contribution generously, to say the least of it. The preamble to the Polish Treaty says that the Allied and Associated Powers had 'by the success of their arms restored to the Polish nation that independence of which it had been unjustly deprived'. Poland might well have retorted that the Provisional Russian Government had done more for Polish independence than any of the Allied Powers; certainly much more than the Associated Power. Although the argument was stronger in the case of Czechoslovakia, it was wholly inapplicable to the case of Austria, Hungary, Bulgaria, and Turkey, while its applicability to the Baltic states and to Albania is highly dubious.

President Wilson was really more straightforward. He based his argument on what was, technically speaking, the primary purpose of the Treaties: to act as an insurance against war, and said frankly that the Treaty states were 'bad risks' and could, therefore, fairly be required by the States guaranteeing their territorial integrity under the Covenant to pay a proper premium. This was, again, not a conciliatory reply, but so far as most of the states in question were concerned, it was a fair one.

Thus the answer of the Powers was really a flat rejection of the claim for equality made by the Treaty states. It was, in the words of the *History of the Peace Conference*, that they 'did not claim to be laying down general principles to be applied to all States, large or small, whether old-established or in the course of creation. They had to deal with certain positive urgent difficulties which were in fact local.'[1] As they had laid down general principles galore in the Covenant, and had expressly refused to include among them that of international minority protection, this was not an answer likely to please the Treaty states, and in fact, it left in the governments and national parties of most of them a deep and lasting resentment.

It that resentment justified? Undoubtedly yes, in so far as the exemption of certain of the other gainers from the Peace Settlement is concerned.

[1] Temperley, *H.P.C.*, vol. v, p. 129.

France herself could conceivably have made out a case for her own exemption on the score that Alsace and Lorraine were not newly acquired territories but parts of France restored to her after a temporary alien occupation. It would have been a dangerous argument, and France would have been in a far stronger moral position if she had voluntarily accepted a Treaty at least for those Alsatians who were being 'recovered' against their wills; but it would have been possible, and Denmark might have made a similar plea regarding Schleswig. But Belgium had no such case for Eupen and Malmedy, Italy not for the South Tyrol or her Slovene acquisitions. It was patent that she owed her exemption to considerations of pure *Machtpolitik*, and this constituted a real inequality. For here a moral distinction was being drawn. Italy was too big and too noble to be insulted with international supervision, while Yugoslavia and Roumania were not to be trusted without it. The latter states were perfectly justified in protesting against this attitude.

The states which had not benefited territorially by the Peace Settlement were, however, in a very different position. It was childish to pretend that 'equality' would have been established by forcing, say, Portugal to sign the same Minorities Treaty as Poland. The primary purpose of the Minority Treaties—insurance against international friction—did not arise at all in the case of old-established states in which a feeling of political nationality already existed. The minorities in the new States and transferred territories were in a quite peculiar position. The point was excellently put by M. de Mello-Franco in a report to the Council made in 1925:

'A minority as defined by the Treaties assuming its protection is not only a racial group incorporated in the body of a nation of which the majority forms a different racial unit. There is also a psychological, social and historical attribute, constituting perhaps, for the purposes of the definition which we are seeking, its principal differential characteristic. The mere co-existence of groups of persons forming collective entities, racially different, in the territory and under the jurisdiction of a State is not sufficient to create the

obligation to recognize the existence in that State, side by side with the majority of its population, of a minority requiring a protection entrusted to the League of Nations.

'In order that a minority, according to the meaning of the present Treaties, should exist, it must be the product of struggles, going back for centuries or perhaps for shorter periods, between certain nationalities, and of the transference of certain territories from one sovereignty to another through successive historic phases.'[1]

In saying this, M. de Mello-Franco was only expressing his personal views, and as such his words were taken. They aroused a good deal of opposition, and were, indeed, inaccurate in some respects. The Treaties make no distinction whatever between the different kinds of minorities in the Treaty states.[2] Broadly speaking, however, he was quite right. The historic minorities in transferred territories present a problem which does not exist in the case of politically assimilated minorities in states of old standing. The latter present no such internal difficulty, and, above all, no such potential danger to international peace.

Thus the new states and states acquiring territory under the Peace Treaties were in quite a different position from the old-established states. The case for imposing international obligations upon the former and not upon the latter was not that the capabilities or good intentions of the new states were less—the authors of the Peace Treaty were scrupulous in avoiding any such suggestion—but that the difficulties and dangers confronting them were greater. That is a fact which cannot reasonably be disputed.

The very natural resentment of the Treaty states against the alleged differential treatment of them has led to a widely conducted campaign for generalization of the Minority Treaties—a campaign in which certain govern-

[1] *L.N.O.J.*, Feb. 1926, p. 141 (Minutes of the 37th Council).

[2] For an explicit refutation of a thesis advanced by the Lithuanian Government 'that a minority must have the two following characteristics: (1) it must belong to the country permanently, i.e. by origin; (2) it must be sufficiently numerous to constitute an appreciable percentage of the country's population'—see the report by M. Urrutia to the 50th Council (*L.N.O.J.*, July 1928, pp. 888 ff.).

ments of the Treaty states, notably Poland and Roumania, find themselves in unique and altogether unexpected agreement with most of the minorities and of the international societies which interest themselves in minority questions.

The problem of generalization of the treaties is a very complicated one, and it is perhaps reasonable to defer considering whether minority obligations should be imposed upon all states until we have decided whether they have had good results in those countries where they have been introduced. The point of view which prevailed at the Peace Conference, and on the subsequent occasions when the matter came up before the League of Nations, was one of strong reluctance to interfere in the internal affairs of states beyond the absolute minimum which seemed necessary to secure world peace. This was partly due to the difficulties of getting such interference accepted, partly to respect for the doctrine of sovereignty, and to a belief that excessive intervention would do more harm than good. The records of the Conference show plainly that it was not only Poland and her colleagues who were reluctant to accept Minority Treaties; the Powers (particularly, perhaps, Great Britain and France) were reluctant to impose them. They did so only where they felt that something of the sort was indispensable if the structure of world peace was to endure. Thus it was not pure cynicism which left France, Belgium, Denmark, and Italy, and (at a later date) Mexico free, while imposing Treaties on the states of eastern Europe, Turkey, and 'Irāq.

And just as the substance of the Treaties, despite imperfections, shows a very real correspondence with the needs which they were meant to answer, so if we look at the question from the point of view of the Powers, who sought to impose a minimum and not a maximum of treaty obligations, the geographical distribution of the Treaties does correspond remarkably, with certain reservations (chief of which is the case of Italy) to the area where the need for international minority protection was greatest. The present writer began several years ago to study the question of racial migrations in Europe, and it has been to him a

matter of very great interest to see how closely the area of the 'belt of mixed population' which he discovered to exist corresponds with that covered by the Minority Treaties and Declarations. A national problem did exist in that area in 1918 which had no parallel in the west. National conditions were peculiarly complex there, national antagonisms peculiarly violent. It was, moreover, no coincidence that precisely this 'belt of mixed population' came within the purview of the Peace Conference of 1919; for the political readjustment which the Conference was effecting was due in the main to the disruptive action of unsatisfied national forces. Even the fact that most of the states forming that belt were comparatively small and weak was directly due to the same racial conditions as give rise to minority problems within them; so that the very fact that it was possible to dragoon them into accepting unwelcome obligations was a sign that it was necessary to do so. Moreover the liquidation of the great super-national empires in this area did give rise to a peculiar problem, which was not quite present in France, nor even in Italy. It was a problem described by Professor Gilbert Murray at the Second Assembly of the League in a passage which we cannot do better than quote here:

'The question of the protection of minorities falls into two distinct forms. Before the War, when we spoke of this subject, we were thinking chiefly of those small, helpless minorities scattered about the territories of the old Ottoman Empire, partly in Europe and partly in Asia. The abuses to which they were exposed were often violent and bloody. They were perpetrated often in remote places, to which the eye of civilization could not reach. Those dangers still continue. Centuries of internecine war do not leave effects which pass away in a generation. Those difficulties still remain, and all I have to say concerning them is that any attempt to deal with them without vigorous enquiry actually upon the spot would be futile.

'But I want to speak chiefly of quite a new form of the problem. As the result of the War, there have been placed, in various parts of Europe, large, powerful, intelligent, and conspicuous minorities in the midst of populations in which there are still moving, even if they are below the surface, the resentments and antagonisms of the war. These minorities are not exposed—we do not pretend it for a

moment—to the same sort of bloody or violent dangers, but they are in a situation which is disagreeable and which, if not attended to, may become dangerous. These minorities consist of people, who, until lately, were accustomed to a position of superiority. They now find themselves in a position of something rather like subjection. They are bound to feel, they cannot but feel, a sense of grievance. The people round them have, until lately, been in a position of inferiority. They now find themselves suddenly in a position of power. Human nature being what it is, it is only too probable that, in spite of all the care that may be exercised by the Governments, there will occur excesses and abuses of power.'[1]

The attitude of the Peace Conference was thus at least intelligible. We shall return in a later chapter to the question of whether, in the light of present experience, an extension or even generalization of the Treaties would seem desirable.

[1] League of Nations: Records of the Second Assembly, Plenary Sessions, p. 210.

CHAPTER IX

THE LEAGUE GUARANTEE: ITS NATURE AND EXERCISE

1. *The Juridical Nature of the Guarantee*

THE stipulations of the Treaties and Declarations, as summarized above, are made subject to the juridical guarantee, which forms Art. 12 of the Polish Treaty, reproduced in Appendix I to this volume. This Article is identical, *mutatis mutandis*, in all Treaties and Declarations, except that in the Latvian and Estonian Declarations it is couched in more general terms, and the Council is only empowered to ask, as a body, for an Advisory Opinion. The Finnish undertaking respecting the Aaland Islands says only that 'the Council of the League of Nations will see that the guarantees provided above are duly observed'. The transitional provisions of the Upper Silesian Convention also say briefly, in Art. 147, that 'the Council of the League is competent to pronounce on all individual or collective complaints', &c.; but this is covered by the general Art. 72, which reproduces the normal guarantee clause quoted above.

The wording of this Article is, as we have seen, the outcome of complicated negotiation and frequent compromise. It probably represents not what appeared to the drafters to be the best formula, but rather that on which different parties, animated by very different ideals, found it possible to agree. It is therefore only natural that it should have been very variously interpreted by subsequent writers. I believe, nevertheless, that the answer will best be found by following to its end the line of thought begun in the preceding section.

As was pointed out there, the true and final purpose of the Minority Treaties was to help safeguard the peace of the world. Now, that peace is normally threatened only where the foreign policies, properly so called, of two or more states so clash as to produce a threat of war between

them. The doctrine of state sovereignty does not admit that the domestic policy of any state—the policy which it follows towards its own citizens—can be any concern of any other state.

But there may be questions which, although nominally and apparently domestic, are yet in fact international. The line is not easy to draw; but if it is possible, it is certainly prudent to treat such questions as being of 'international concern'. By this means the worst effects of intervention will be averted and it may, indeed, be turned into a blessing to the state concerned. For while the practice of intervention is one which writers on international law are forced to recognize, from the sheer frequency of its occurrence, yet all are agreed that intervention by what Hall calls 'the body of States or some of them acting for the whole with sufficient warrant'[1] is far less detrimental than intervention by individual states. The former may even under certain circumstances become 'an indefeasible duty'.[2]

Two particular categories of questions were treated at the Peace Conference as being of 'international concern'. The one was the range of social questions dealt with by the International Labour Organization. Here the League, invoking the existence of 'conditions of labour involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled', imposed upon all its members the obligations of becoming members of the International Labour Organization, and of performing the duties involved by such membership. The parallel with the minorities system is a very close one, and the basic principle exactly the same. Once a state has ratified a Labour Convention, even although it concerns only that state's treatment of its own workers, it has undertaken an obligation of international concern; its fellow states have a right (rigorously exercised) to see that it fulfils its obligations, and sanctions can, in the last instance, be imposed if it fails to do so.

[1] Hall, *International Law* (8th ed.), p. 347.
[2] Birkenhead, *International Law* (6th ed.), p. 87.

The second category of questions which, although apparently domestic, were treated at the Conference as being 'of international concern' were the relations between states and minorities in certain states. The justification for this exceptional treatment was stated by President Wilson in his speech of May 31st, 1919 (the whole of which is closely relevant to this question), when he said that 'nothing . . . is more likely to disturb the peace of the world than the treatment which might in certain circumstances be meted out to minorities'. An aggrieved minority was an 'element of disturbance', which might 'disturb the peace of the world'. Even a slight acquaintance with history will show that the President was on absolutely firm ground here. The minorities problem, in central and eastern Europe at least, has not only proved the most fruitful source of domestic strife within states; it is also, in practice, essentially international. England might oppress the Welsh, or France the Bretons, without causing any repercussions on the international situation—unless that oppression was of a nature to revolt humanity—since there is no independent Welsh or Bretor state to take up the cause of its suffering compatriots.[1] But it is a fact which cannot be blinked, however ill it may accord with strict theories of sovereignty, that a nation which sees its own kinsmen suffering oppression in another state will always regard this as a just cause of grievance. What is more, the world will applaud this sentiment as the supreme manifestation of courage, patriotism, and self-sacrifice, and will refuse to condemn it in its heart, even though war should be the outcome of it. Minority questions have, in fact, proved time and again to be 'seeds of war'. Even in the nineteenth century, when the states containing minorities were, for the most part, large and powerful, and the aspiring national states small and feeble, severe conflicts over minority questions were not infrequent. To-day, when the position has been reversed, the potential danger is obviously very much greater. In the particular case of the

[1] The Irish vote in the United States has, however, often gravely affected relations between Great Britain and the United States.

east European states, it would have been mere futility to suppose that Germany, Hungary, or Bulgaria would disinterest themselves in the fate of the minorities torn from them. In declaring the fate of those minorities to be a matter of international concern, the Powers were therefore only recognizing a fact which it would have been futile and even highly imprudent to ignore.

Thus the phrase 'constitute obligations of international concern' supplies an introductory justification for the outside interference involved by the Treaties in matters which would otherwise be the exclusive concern of the states in question. It is laid down, and admitted, that minority questions are not, as they would appear to be, matters which concern exclusively the states of which the minorities form part, but that international intervention is, in their case, justified.[1]

[1] A somewhat different explanation of the phrase under consideration is given by Bruns in his essay 'Minderheitenrecht als Völkerrecht' (*Gesammelte Schriften zur Minderheitenfrage*, Berlin, 1933). From the fact that all the Minority Treaties contain in their preambles announcements, in slightly different forms of words, that the contracting state proposes to govern its subjects in accordance with the principles of 'liberty and justice', he deduces that the international legal purpose of the Treaties is 'to secure certain general principles of the European and Western order of justice against the destructive tendencies of national struggles' (p. 30). 'Minority law is the protection of certain ideas of right against specific possibilities of danger. If *deni de justice* towards the members of minorities becomes the regular practice, the danger arises that the same practice will also become regular towards states or foreign citizens. But the interest of international law in legal protection for the citizens of foreign states is much more direct. If the principles of equity, if the general security of justice, is shattered by national antagonisms, the foreign state and the foreign citizen, who in entering upon economic and commercial relationships depends on the well-being of all the persons with whom he comes into direct or indirect contact, is injured in his claims' (p. 33).

While it is true that not only the preambles to the Treaties, but also the first clauses of each, lay down these general principles, and while it is equally true, as Bruns points out, that the specific minority clauses are only particular illustrations and applications of these principles, yet it does not seem that the Powers regarded the observance of them, as such, as constituting a question 'of international concern', for the reason that the Treaties provide no guarantee for the observance of the general principles, but only of the stipulations relating to minorities. This selection would

The phrase which follows: 'and shall be placed under the guarantee of the League of Nations' (which is the phrase around which most of the controversy regarding interpretation has centred), has had a curious history, in the light of which, it would seem, it ought to be interpreted. The original wording proposed was, it will be remembered, 'of which the League of Nations has jurisdiction'. These words were clearly meant to supplement and interpret those which preceded them, showing through what machinery, viz. the League, the international intervention legitimized by the phrase 'constitute obligations of international concern' was to be exercised.

In the later drafts of the Article, however, the more general phrase disappears. Instead, we find the second and third paragraphs of the Article, allowing a State Member of the Council to seise the Council with a view to political action, or the Permanent Court for a judicial award. It seems logical to suppose that the general phrase was considered superfluous, in view of the more precise and detailed provisions of the second and third paragraphs of the Article.

Then, suddenly and unexpectedly, it reappeared in the final draft submitted by M. Clemenceau to the Polish Government.

What was the reason for this? It is probably to be found in M. Clemenceau's letter, which is undoubtedly an authentic and authoritative interpretation of the Treaty:

> 'Under the older system, the guarantee for the execution of similar provisions was vested in the Great Powers. Experience has shown that this was in practice ineffective, and it was also open to the criticism that it might give to the Great Powers, either individually or in combination, a right to interfere in the internal constitution of the States affected, which could be used for political purposes. . . . The clauses dealing with this guarantee have been carefully drafted so as to make it clear that Poland will not be in any way under the tutelage of those Powers who are signatories to the Treaty.'

have been unintelligible had they regarded the general relations between the state and its subjects as a matter in which they had a right to intervene.

What seems, in fact, to have happened is this: paras. 2 and 3 of the Guarantee Article were first substituted for the original, more general, phrase, in order to define the precise method by which the licence to intervene laid down in the words 'constitute obligations of international concern' was to be translated into action. Those paragraphs defined the action of the League in exercising the guarantee. But the insistence by the states concerned (who had been consulted in the matter) that the right of initiative should be confined to Members of the Council, and of action to the Council as a whole, made the new system appear once again perilously like that of the nineteenth century, when such Minority Treaties as existed were guaranteed by the Great Powers in their individual capacities. The original wording was therefore recalled and reinserted in the amended form, for the purpose of explaining the true nature of any action taken by a State Member of the Council or by the Council as a whole under paras. 2 and 3. These words make it clear that the new system is no reversion to the old. They ensure, first and foremost, that any action taken with respect to the Treaties shall be action through the League. States Members of the Council bringing a case before the Council or the Court do so, not in their individual capacities as states possessing this or that private interest, but as Members of the League and interpreters of the principles on which the League is founded, and the settlement by the Powers composing the Council is equally a settlement by the League and in accordance with its principles. In this respect, the Treaties provide a guarantee in favour of the Treaty States.

It has also been pointed out[1] that under the Treaties an active obligation is undertaken in favour of Germany and the other states ceding territory. Under Arts. 86 and 93 of the Treaty of Versailles, and the corresponding clauses in certain of the other Peace Treaties, these states were promised that their nationals in the territory ceded should receive a certain degree of protection. This is particularly

[1] Bruns, op. cit., in his article 'Die Garantie des Völkerbundes über die Minderheitenverträge'.

clearly expressed in the Treaty of Trianon, in which Roumania and Yugoslavia expressly 'recognize and confirm in relation to Hungary' their obligation to conclude Minority Treaties. If, then, the League had by any chance refused to take over the guarantee offered it, the other signatories to the Minority Treaties would have been under an obligation to Germany, Hungary, &c., to see that the treaties were observed.

The guarantors are undoubtedly under an active obligation to see that the Treaties are observed. A guarantee is an active and not a passive thing, and the obligation to exercise it through the League is equivalent to something more than merely an obligation not to exercise it otherwise. If the words under discussion had had no further obligation than to limit the freedom of action of the Principal Allied and Associated Powers, this could have been stated. Those Powers already undertake one limitation under the Guarantee Article: not to withhold their consent from amendments of the Treaties, duly resolved; there would have been no difficulty in imposing another, equally specific restriction upon them. They have certainly an active duty to perform.

It seems, however, indubitable that the drafters of the Treaty contemplated that the guarantee should be exercised only by action on the part of the Council or the Permanent Court, and that these two bodies should act only at the instance of a State Member of the Council. If the wording of the Guarantee Article itself were not conclusive on this point, its meaning would be made absolutely clear by the reply of the Allies to the Austrian Government, which had at first been presented with an earlier draft of the Treaty, drawn up before the Guarantee Article had reached its final form. In presenting the revised version, the Allies wrote:[1]

'As revised, these clauses define more precisely the League of Nations' jurisdiction and the procedure by which it is to be exercised. The former draft was criticized as leaving it open to the League of Nations to intervene in a dispute between the Austrian State and

[1] Hunter Miller, *Diary*, vol. xiii, p. 333.

individual citizens. It is now made clear that the Council of the League will act only at the instance of a State which is a Member of the Council, and that the Permanent Court of International Justice to be established under the League of Nations will have jurisdiction only of disputes between Austria and a State which is a Member of the Council of the League of Nations.'

These words are so explicit, such clear evidence of how the compact was understood, at the time of its conclusion, by all parties to it, that the present writer finds it quite impossible to believe that the reference to the League's guarantee can legitimately be construed as allowing the guarantee to be exercised in any other manner beyond what is prescribed in paras. 2 and 3 of the Guarantee Article. Of late years, however, a theory has been put forward that they call for some further action by the League as a whole.

Professor Bruns, in the article already mentioned, and with him certain other German writers, deduce this from the word 'guarantee' itself. A guarantee, they argue, must be in favour of somebody. Now, this somebody cannot be the members of the minorities themselves, because international law has no cognizance of individuals, but only of states, and there is nothing to justify the suggestion that the Minority Treaties constitute an exception, and make the minorities into subjects, even embryonic, of international law. There is, as we saw, one guarantee in favour of the states ceding the territory concerned; but, further, since the League took over the guarantee of the Treaties concluded by the Principal Allied and Associated Powers, the League is the guarantor, the Powers are the beneficiaries of the guarantee. Hence Bruns deduces that Art. 12, para. 1, has a 'meaning of its own'. 'Compared with it, the stipulation of para. 2 gives only a fortification of the guarantee' (ein Mehr an Garantie).[1] Besides the rights granted to the Members of the Council under paras. 2 and 3, the League is empowered to take any measures which it wishes to see that its 'general guarantee' is observed.

A similar view has also been put forward by some bodies

[1] Bruns, op. cit., p. 119.

of great authority, including the League of Nations Union. In a memorandum submitted in April 1931 to the Federation of League of Nations Societies, the League of Nations Union argued that:

'Paragraphs 1 and 2 [viz. of the Guarantee Article] must be read together and paragraph 2 must not be taken to limit paragraph 1 except in so far as it is clearly inconsistent with it. If the sole duty of the Council is to redress the specific grievances to which its attention has been drawn by one of its members, then paragraph 1 means nothing more than paragraph 2 and may be struck out without altering the rights or duties of any one. The general rule of construction, however, is that where there are two provisions in a law dealing with one subject, full effect must be given to each, except in so far as they are inconsistent, when the later must operate as a repeal of the earlier. Here, however, both paragraphs can be applied consistently with each other. Paragraph 1 imposes upon the League a *general* duty and paragraph 2 empowers the Council to hear *specific* complaints. If, and this seems to be the official interpretation, the guarantee does not come into operation until the right of initiative has been exercised by a member of the Council, and prior to any such exercise it is the duty of the States Members of the Council to watch over the execution of the treaties, then complaints would naturally and properly be sent to them. Now it was exactly this that the treaties were intended to prevent. . . .

'If then, there is any doubt as to the construction of the wording of the article in question, the interpretation put forward in this memorandum must be accepted, since it is difficult to believe that the framers of the Treaties, whose main object was to prevent direct access to States, should have framed a law which had the effect of making such access the proper channel for relief. In other words, what is clearly the intention of the Treaties must be taken as the guide to their construction.'

The theory of the 'general guarantee' was officially put forward by the German Government in March 1929, when Dr. Stresemann, speaking in the Council of the League, complained that

'At the moment, the existing procedure is confined to dealing with petitions addressed to the League. No institution or procedure exists, apart from the petitions, for putting into operation, in a general manner, the guarantee entrusted to the League. There can,

however, be no doubt that the guarantee cannot be limited to settling concrete cases in which the actual or threatened violation of the rights of minorities has been brought to the notice of the League of Nations.'

In a memorandum submitted shortly afterwards to the Committee of the Council entrusted with drawing up a report on the minorities problem, the German Government repeated this thesis at greater length. The League Guarantee, it maintained, 'is general and unrestricted. It implies, in the first place, constant supervision over the treatment of the minorities in the various signatory States and, further, intervention in cases of concrete infractions of the provisions regarding the protection of minorities.' The memorandum then went on to explain how, in the opinion of its authors, this 'constant supervision' could be exercised. The best means, it was suggested, would be through 'the setting up of a special permanent committee for minorities questions, such as the committees already existing to deal with economic communications (*sic*) and other questions'.

The German Government rather assumed than proved the existence of this 'general guarantee'. The arguments with which it supported its case were, firstly, that the existing procedure under the second and third paragraphs of the Guarantee Article was inadequate to ensure the protection of the minorities; and, secondly, that the League had on various occasions acted in a way not easily to be reconciled with the more restrictive interpretation of its guarantee. Not all of these examples were, strictly speaking, to the point. A proposal by Finland for a thorough investigation into the minorities problem was adduced, which was entirely general and had no reference to the guarantee of the existing Treaties. On the other hand, a very telling case was quoted, when the Council, on March 14th, 1925, addressed to the Greek Government a searching questionnaire on its attitude, past, present, and future, towards its minorities. Another case which might well have been adduced was that of Carpatho-Ruthenia. On November 29th, 1920, the Council instructed the Secretary-

General 'to collect and submit in due time to the Council of the League of Nations information regarding the constitution of Carpatho-Ruthenia'. The Secretary-General performed this task by asking the Czechoslovak Government for reports, which have been d·.ly, if not very regularly, rendered. Similarly, the 'Irāq Government was asked to keep the Council informed on the result of its efforts to settle the Assyrian minority (Dec. 15th, 1932). Further, one Assembly resolution of 1922 (subsequently adopted by the Council) entrusted the League Secretariat with duties which came very near to the exercise of a 'general guarantee'. The Resolution in question, which is remarkable from more than one point of view, runs as follows:

'The Secretariat, which has the duty to collect information concerning the manner in which the Minorities Treaties are being carried out, should not only assist the Council in the study of complaints concerning infractions of these Treaties but should also assist the Council in ascertaining in what manner the persons belonging to racial, religious, or linguistic minorities fulfil their duties towards their States. The information thus collected might be placed at the disposal of the States Members of the League if they so desire.'

The members of the committee to which the German Government submitted this memorandum (Mr. Adatci, Sir Austen Chamberlain, and Señor Quiñones de Leon) rejected the thesis of a 'general guarantee'.

'The Treaties', they wrote, 'contain no provisions permitting the Council to exercise constant supervision with regard to the situation of minorities, i.e. a supervision capable of being exercised apart from cases in which a member of the Council has drawn the latter's attention to an infraction or danger of infraction of the Treaties. It is by the latter that the functions of the Council are specified. Modifications in the Treaties require the assent of the Council (acting by a majority) and the Council can take action when an infraction of the treaty stipulations (or danger thereof) is brought to its notice by one of its members. It is through the working of these provisions that the operation of the guarantee of the League of Nations under which the minority clauses are placed is ensured. Any supervision

outside the examination of cases of infraction or danger of infraction which may be brought to the Council's notice would be outside the scope of the latter, and it could not be instituted without the consent of the parties to the treaties. The suggestion in question would, moreover, modify to such an extent the conception on which the treaties are based that the Committee does not feel able to make a recommendation to this effect.'

Since that date, controversy has raged round the two questions of the 'general guarantee' and of the Permanent Commission. For some reason not apparent to the present writer, these two questions have become inextricably intermingled, although there is in fact no necessary connexion between them whatever. The whole argument derived from the indirect object of the word 'guarantee' seems excessively forced. It is quite true that the minorities cannot, legally, be regarded as the beneficiaries of the guarantee. On the other hand, it is surely illegitimate to twist words to bear so far-fetched a construction as Dr. Bruns has essayed. The disputed phrase certainly means no more than that the League will see that the Treaties are observed, and it is interesting to note that most of the Treaties begin by stating in their preambles that the Contracting State intends to *guarantee* its inhabitants just and liberal treatment, while the Aaland Islands Declaration actually phrases its Guarantee Article in the words: 'The Council of the League will see that the guarantees provided above are duly observed.' Even the obligation in favour of the state ceding the territory does not hold good in the case of several countries, including Albania and Lithuania, the Guarantee Articles of whose Declarations are identical, *mutatis mutandis*, with that of the Polish Treaty.

Neither the German argument nor that of the League of Nations Union seems to me tenable in the face of what was the clear intention of the parties to the Treaties, and I regret to be unable conscientiously to agree that the League guarantee was meant to be exercised in any other way than as provided in paras. 2 and 3 of the Guarantee Article.

The question of the Permanent Commission seems to me, on the other hand, to be quite unaffected by what I believe to be the non-existence of the general guarantee. The Council has a perfect right to set up any machinery which it may desire in order to assist it in the execution of its duties. The Treaty states cannot be required, without their consent, to perform any duties not laid down in the Treaties and Declarations; but the Council's own right to regulate its own procedure is limited only by the possibility that the Assembly might refuse to vote the credits for the purpose. This being so, the members of the Council have not merely a right but a duty, in the interests of the Treaty states themselves, to exercise the guarantee (which, as previously remarked, is an active obligation) to the utmost of their power, through the League machinery. Any action by any one of them in its *individual* capacity is to be deprecated, but the letter of the Treaties allows, and the spirit of them imperiously demands, that they should replace this individual action by action through the League.

In fact, as will be seen, the Council has built up an elaborate machinery for this express purpose, and this machinery, which has involved large use of the League Secretariat, has aimed, not unsuccessfully, at making the guarantee of the Treaties a 'guarantee of the League'. A Permanent Minorities Commission could perfectly well be added to this machinery if the Council so wished, always providing that its functioning did not depend on the performance by the Treaty states of obligations not contained in the Treaties, and which they were unwilling to perform. We shall return in a later section to the quite different question of whether the creation of such a Commission would bring with it real advantages.

Only one further point needs to be mentioned in connexion with the theory of the League guarantee. The Assembly of the League possesses, of course, the right under Art. 3, para. 3, of the Covenant to deal with any matter within the sphere of action of the League. It can thus obviously discuss the question of minorities and has, indeed,

frequently done so. In 1921, 1922, 1923, 1925, and again regularly from 1930 onwards it discussed the problem, in some cases at the express wish of the Council,[1] and on most of the earlier occasions it adopted procedure resolutions which were forwarded to, and adopted by the Council. The discussions have, however, followed general lines. They do not affect the exclusive right of States Members of the Council to raise questions of concrete infractions or dangers of infractions of the Treaties, or of the Council and the Court to take action thereon. We may now pass to the method by which the members of the Council perform that duty.

2. *Stages in the evolution of the League Procedure*

To devise a suitable machinery for exercising the League's guarantee has proved no easy task. History has provided some object lessons on pitfalls to be avoided, but no constructive precedents of value. The procedure is thus, even to-day, somewhat experimental. It is embodied in a series of rules adopted at various dates as resolutions

[1] Thus in 1923 the Council expressly 'referred to the Sixth Committee, for consideration, the question of the procedure in dealing with the protection of minorities'. The action of the German Government in reinaugurating an annual debate in 1930 met with much criticism; but the debate in 1932 was held at the express wish of the Council and, indeed, of the French and Polish Members of it. On September 5th, 1923, the Brazilian representatives at the Council summed up the question in the following words:

'The clauses of the Minorities Treaties have been placed under the guarantee of the League of Nations. From the outset, therefore, all the Members of the League of Nations are interested in gaining some insight into the problem of the protection of minorities, and in following in detail the development of this question. The rules of procedure have now been established, and the Third Assembly held a thorough discussion on the problem of the protection of minorities. It might, therefore, well be left to the Members of the Council to take note of the concrete questions raised by the petitions.'

These words were too hasty in assuming that the procedure, as evolved by 1923, was final, but otherwise they represent the situation not unfairly.

of the Council,[1] these falling into two categories.[2] Most of them are taken by the Council on its own authority, and in the exercise of its unrestricted right to lay down whatever form of internal procedure best pleases it. In one or two instances the Council's decisions have involved requiring the Treaty states to perform certain additional duties not laid down in the Treaties or Declarations. In such cases, although the object has been to safeguard the interests of the states themselves, it has been necessary to obtain their consent. They have successfully resisted as *ultra vires* other suggestions which would have imposed upon them fresh duties, and most of them have declared categorically that they will not in the future undertake any fresh obligations whatever, at least unless the Treaties are universalized.[3]

The procedure has in the course of its evolution passed through several phases, sometimes being more liberal in its interpretation of the Council's duties, at other times more restrictive. Each phase has represented the compromise which it was possible to reach at the time between the wish of the Treaty states to limit the operation of the Treaties and that of the advocates of the minorities, led in recent years by Germany, to enlarge it; and it has thus reflected with considerable accuracy the varying balance

[1] These resolutions have not always originated in the Council. Some have been due to the Treaty states, notably Poland and Czechoslovakia. Others were first adopted by the Assembly, which has been able to draw on a wider field of experience in minority questions than the Council; for example, states of such experience as Austria and Hungary have never yet sat on the Council, states like Canada and Switzerland only for short periods. Valuable suggestions have originated with such unofficial bodies as the Federation of League of Nations Societies, the Inter-Parliamentary Union, the Joint Foreign Committee, the International Law Association, &c. It has, however, been necessary for the Council formally to adopt even an Assembly Resolution before it came into force.

[2] The distinction between these categories is drawn in a report by a Committee of Jurists adopted by the Council on March 6th, 1929 (*P.R.*, p. 217).

[3] As for example the declarations made in the 6th Committee of the Thirteenth Assembly by the delegates of Poland and Yugoslavia, the latter in the name of Czechoslovakia, Roumania, and Greece, as well as of his own government. These were repeated, more strongly still, in the Fourteenth Assembly.

of political forces within the League and in Europe. The first important debate, which laid the foundations of the present procedure, was in October 1920. The League had then only recently come into existence; the Council was a small body still composed mainly of the representatives of the Principal Allied Powers. These men were deeply conscious of their obligations towards those populations whose fate they had settled in so summary a fashion, and in such doubtful accord with their own war-time professions, and they were genuinely desirous to fulfil those obligations. Nor was this feeling confined to the Council, being very apparent in the interesting discussions held on the subject at the Assemblies of 1921 and 1922.

The following years, however, saw a certain cooling down. The Allies found that the nationals and former nationals of the defeated Powers were not convinced of the justice and permanence of the new frontiers, and not particularly anxious to facilitate the task of the new governments by co-operating with them. Those governments, which were led by Poland and Czechoslovakia, resented the latitude which the 1920 procedure allowed the minorities, and set themselves to restrict it. In 1921 and 1923 the Council revised its procedure, largely to meet the wishes of the Treaty states. The Assembly, which continued to discuss the question, was somewhat less amenable than the Council to these wishes, but in the main it accepted the justice of their contentions, while striving at the same time to safeguard the rights of the minorities.

After 1923 a long period of reaction set in. The Treaty states had become a power in Europe and on the Council, where Poland was regularly represented together with one member of the Little Entente. Moreover, France had completed her system of alliances and regularly supported the Treaty states. Thus the advocates of a reformed procedure had a losing battle to fight for several years. The Assembly held a debate in 1925, but this was on a most unpopular suggestion by Lithuania to prepare a draft General Convention on minorities to be accepted by all states. This met with little support, nor were the pro-

posals made in particular by Hungary, for reform of the existing procedure, adopted. Matters remained unaltered until the autumn of 1928, when the Dutch delegate initiated a most interesting debate on the subject at the Assembly. Two months later the whole question was again brought up by the representatives of Germany, who had now taken a permanent seat on the Council, and of Canada, at that time also represented at the Council.

A warm discussion took place in March 1929, and the Council bowed to the inevitable, and arranged a full-dress debate on the subject for the following June. All interested governments, and several international societies, submitted memoranda, and on the basis of these and, more particularly, of information furnished by the Secretariat, a Committee composed of the representatives of Great Britain, Spain, and Japan drew up a very detailed report, described hereinafter, from the name of the rapporteur, as the Adatci Report, warmly defending the existing procedure, but suggesting a few minor improvements. These suggestions were further slightly modified by the Council in Committee.

After that date the German Government inaugurated an annual debate on minorities in the Sixth Committee of the Assembly, but the procedure had not been altered by 1933.

3. *The Petition*

The basis of the whole Council procedure[1] is to be found in a report presented to the Council by the Italian representative, Signor Tittoni, and adopted by the Council on October 22nd, 1920.[2] The essential passages in the 'Tittoni Report' are as follows:

'It may be advisable at the outset to define the exact meaning of the term "guarantee of the League of Nations". It seems clear that

[1] The Tittoni Report dealt only with the application of para. 2 of the Guarantee Article. It did not touch on para. 3 (award by the Court), which has not, in fact, yet been invoked under the general procedure. For the instance of its invocation under the Upper Silesian procedure, see below, p. 347.

[2] *P.R.*, pp. 1–2, 13.

this stipulation means, above all, that the provisions for the protection of minorities are inviolable—that is to say, they cannot be modified in the sense of violating in any way rights actually recognized and without the approval of the majority of the Council of the League of Nations. Secondly, this stipulation means that the League must ascertain that the provisions for the protection of minorities are always observed.

'The Council must take action in the event of any infraction or danger of infraction of any of the obligations with regard to the minorities in question. The Treaties in this respect are quite clear. They indicate the procedure which should be followed.

'The right of calling attention to any infraction or danger of infraction is reserved to the Members of the Council.

'This is, in a way, a right and a duty of the Powers represented on the Council. By this right they are, in fact, asked to take a special interest in the protection of minorities.

'Evidently this right does not in any way exclude the right of the minorities themselves, or even of States not represented on the Council, to call the attention of the League of Nations to any infraction or danger of infraction.[1] But this act must retain the nature of a petition, or a report pure and simple; it cannot have the legal effect of putting the matter before the Council and calling upon it to intervene.'

There are thus two channels whereby the Council may be seised of an infraction or danger of infraction of a Treaty. Firstly, under para. 2 of the Guarantee Article, any member of the Council has the right to raise a question directly. Such an initiative on the part of any one of its members suffices, and the Council is then *ipso facto* bound to take such action and give such direction as it may deem proper and effective in the circumstances. The fact that it may deem it most proper, if not most effective, to take no action, does not affect this point.

This method has, however, its obvious disadvantages, in that, where used, it destroys the very impartiality and impersonality which the vesting of the guarantee in the League was meant to secure. A State Member of the Council will probably not take upon itself so odious a task

[1] As Stone points out (*International Guarantees of Minority Rights*, p. 38), the word 'right' here really means no more than 'facility'.

as the accusation of a fellow member unless it is either possessed of a high degree of philanthropic altruism, combined with extraordinary moral courage, or else has a personal interest in the case. The combination of virtues requisite in the former case is so rare among governments that experience would seem to indicate that minorities might have to wait long for its appearance. The latter case is far more likely to arise, but if it does, the whole matter degenerates into a squabble between two states, which is precisely what the League system was designed to avoid. Moreover, by such a method only those minorities in whose fate a Member of the Council felt an interest could hope to have their grievances even discussed. Others might suffer far more gravely, without even a hope of redress.

Up to August 1933 this direct method had been employed only once: by the German Government, which in December 1930 raised the question of the conduct of the Polish elections in Poznan and Pomorze. On two other occasions, June 1929 and January 1932 respectively, the German Government also intervened in the course of the normal procedure to have a petition placed directly on the agenda of the Council. While by this action Germany got satisfaction which she might not otherwise have received, the ill feeling aroused by it was such that all must have regretted that so drastic a step had been found necessary.

The method which the Council has adopted as normal lacks the directness of the other, but in its studied impartiality and impersonality it accords far better with the spirit of the League system. This is the method of petition.

A petition, as the Tittoni Report points out, and as has frequently been emphasized since, does not constitute a juridical act, nor are the petitioners in any sense parties to a suit. A petition is a source of information pure and simple, and the Council is under no obligation to take any action on it, nor is any Member of the Council bound to take it up. Actually, however, the system ensures that all petitions are considered, and all which are genuine and at

all serious become the objects of some sort of action, even if this is seldom formal action by the Council as a whole.

Any source may submit a petition. The right is absolutely unrestricted. Since a petition is only a source of information, its origin is clearly irrelevant; this was pointed out when in 1923 the Polish Government drew a distinction between petitions from minorities and petitions from international organizations (it did not, apparently, envisage petitions from any other source), arguing that the latter 'cannot under any circumstances be communicated to the Council'.[1] On September 5th, 1923, however, one limitation as regards origin was imposed: a petition must not emanate from an 'anonymous or unauthenticated source'. At the same time, four other limitations as regards form were introduced as follows:

A petition

(*a*) Must have in view the protection of minorities in accordance with the treaties;

(*b*) In particular, must not be submitted in the form of a request for the severance of political relations between the minority in question and the state of which it forms a part;

(*d*) Must abstain from violent language;

(*e*) Must contain information or refer to facts which have not recently been the subject of a petition submitted to the ordinary procedure.[2]

A petition 'calling the attention of the League of Nations to an infraction or danger of infraction of the Treaties' is submitted in the first instance not to any individual State Member of the Council but to the League (being usually addressed, formally, to the Secretary-General). It was clearly the original intention of the drafters of the Treaties, when they decided that petitioners should not have direct access to the Council or the Court, that they should approach individual Members of the Council;[3] but the

[1] *P.R.*, pp. 30, 37.

[2] Idem, p. 23. The anonymity condition was third on the list.

[3] Thus when M. Berthelot, on the New States Committee, proposed

Tittoni method altered this, greatly for the better, and in much better accord with the real intention, that the Treaties should be 'under the guarantee of the League' and the signatories not under the tutelage of the Great Powers. To the Secretariat of the League—nominally the Secretary-General, but actually the Director of a special section, to be described hereinafter—therefore falls the duty of taking the next steps, which are to acknowledge receipt, and to decide whether the petition is 'receivable'. This examination is, or should be, concerned exclusively with questions of form; it has nothing to do with whether the petition is well or ill founded.

It is considered in certain circles that the decision whether a petition is receivable or not is too important to be entrusted to the Secretary-General, and ought to be left rather to the President of the Council. The decision may, in fact, be crucial, since if a petition is adjudged non-receivable the petitioner's avenue of approach to the League is barred, not only at the time, but for the future (under the fifth condition). Whether the President of the Council would prove a better judge than the Secretary-General seems a moot point. The subordinate to whom he would, in practice, undoubtedly assign the job might well prove no more competent and no better friend of the minorities than the official of the Secretariat who now performs it. So long as the broad lines of the present system are maintained, there seems no great advantage in this particular modification of detail.

A state may question the receivability of a petition (as Lithuania once did, with great vehemence and total lack of foundation).[1] In that case the President of the Council, who may invite two other Members of the Council to

confining the right of complaint to Members of the Council, he argued as follows, with rare idealism:

'This member, who, *ex hypothesi*, will be a man of cool and impartial judgement, shall examine the complaint, and shall decide whether it is of sufficient importance to lay before the Council; this constitutes a guarantee both for the State and the individual concerned.' (Hunter Miller, *Diary*, vol. xiii, p. 104.)

[1] For the discussions see *P.R.*, pp. 70–8.

help him, decides on the question. If the state concerned so desires, this question of receivability may be placed on the agenda of the Council.[1]

In acknowledging receipt of a petition, the Secretariat does not inform the petitioner if it has been found receivable. Since 1929 the Secretary-General has been authorized to tell the petitioner if his petition has been found non-receivable, and, if he thinks fit, to communicate to him the conditions of receivability, but without specifying which of them has been infringed, so that the petitioner is left to decide for himself whether he has been guilty of high treason, anonymity, violent language, or repetition. It appears, however, that it had been the practice of the Secretariat in earlier years, on occasion, and with the exercise of 'the greatest care', 'to point out that such-and-such a fact, which is essential to bring the matter within the scope of the Minorities Treaty, is not made clear in the petition'.[2] It would seem most desirable that petitioners should in future be informed of the reasons for the rejection of their petitions. In this way much injustice might be avoided, and, incidentally, many imaginary grievances removed. A proposal to this effect was in fact put forward by the British delegate to the Fourteenth Assembly, and supported by several other delegates, but rejected by the Treaty states.

If a petition is found non-receivable, no further action is taken on it. If, on the other hand, it passes the tests, while still remaining a mere 'source of information', it yet automatically proceeds to the next stage of the preliminary procedure. The practice first instituted was for all petitions (the conditions did not then exist) to be circulated without comment, immediately on receipt, to all members of the Council and to the state concerned. Under the rules then obtaining this meant that all petitions were forwarded directly to all Members of the League. But this arrangement, which had, indeed, been adopted without much thought, had no long life. Only a few months later (June 1921) the Czechoslovak Government submitted a note

[1] *P.R.*, p. 23. [2] Idem, p. 69.

complaining that the Austrian Association for the League of Nations had sent in a memorandum in which 'the Czechoslovak Republic and its President were attacked in the most violent manner', in a tone 'obviously inspired by a hatred of all things not German'.[1] The Polish Government, on the same date, complained that the Secretariat had circulated 'a number of petitions submitted by individuals or bodies whose authority appears open to question' and that the existing system had the disadvantage of laying before the League 'one-sided information, which is often unreliable or biased, while the State concerned, i.e. the State against whom the petition is directed, has no opportunity of stating its case at the same time as its opponents'.[2]

To remedy these complaints, it was decided in 1921[3] that any petition, except a petition from a Member of the League,[4] should on receipt be forwarded to the state concerned. That state should be bound to say within three weeks whether it proposed to make any comments.[5] Should it not reply within three weeks, the petition should be forwarded to all Members of the League, as originally arranged. If, however, it wished to reply, it had two months in which to do so. On receipt of these comments, petitions and comments were forwarded together to Mem-

[1] *P.R.*, pp. 17–18.

[2] Idem, pp. 18–19.

[3] Idem, p. 17.

[4] The position of petitions from Members of the League appears to be that under the 1921 resolution they are exempt from being sent to the government concerned for comments. On the other hand, they do not automatically seise the Council, and seem to be subject to all the rest of the normal preliminary procedure. Suggestions made to exempt other categories of petitions from this preliminary procedure (notably in 1925 by the Hungarian Delegate to the Assembly, who wished to exempt petitions from the head organizations of churches, or of national educational or economic institutes) have been rejected as unwise and contrary to the Treaties.

[5] This is the only case in which an obligation not contained in the Treaties or Declarations has been imposed upon the states concerned. Their consent was therefore necessary for it to become valid. All of them gave it; and Declarations made since that date have contained a clause accepting this part of the procedure.

bers of the League. In 'exceptional and extremely urgent cases' the Secretary-General could dispense with this delay, and circulate the petition to Members of the League at the same time as he sent it to the state concerned.[1]

In 1923 further modifications were introduced.[2] The conditions of receivability were established, thus providing yet another safeguard for the state concerned; the President of the Council was empowered, under certain circumstances, to extend the period for reply; and finally—a change of the first importance—the communication of petitions and comments, if any, was restricted to Members of the Council, communications to other Members of the League and to the general public being made only at the request of the state concerned, or in virtue of a resolution of the Council, 'after the matter[3] has been duly submitted to it'. Any Member of the League can, however, ask for petitions and replies to be supplied to it;[4] and some do so.

The procedure, up to this stage, has not been modified since 1923, and the principles on which it is based seem, therefore, to have been generally accepted, and may be briefly considered. The most fundamental of all these principles seems to be that which allows any petition immediate and direct access to the League. It has been shown that no limitation exists on the origin of a petition, beyond the prohibition of anonymity; and the Council has always steadily insisted on the unrestricted right of appeal, strongly opposing, for instance, an attempt by the Lithuanian Government to construe the act of appeal as treasonable.

The right of direct appeal has its undeniable drawbacks. The League may easily be saddled with a multitude of very trivial cases, and it is clearly in the interests of all parties

[1] The Secretary-General has so far only applied this urgency procedure twice (exclusive of Upper Silesian cases)—in the case of the German settlers in Poland (Nov. 1921), and of the Assyrians in 'Irāq (August 1933).

[2] *P.R.*, p. 23.

[3] i.e. the question of publication.

[4] Assembly Resolution of 1923 (*P.R.*, p. 243).

that it should, where possible, be kept as a last court of appeal. For this reason, alterations have often been proposed, by no means always with a view to restricting the rights of minorities. In 1923 the Polish Government proposed universalizing the system in force for Upper Silesia and the Aaland Islands, whereby petitioners should submit their petitions through their governments,[1] which would forward them with their observations. Poland argued that it would help governments to know how the minorities felt that their rights were being infringed by the local authorities; and secondly, that minorities would 'have an assurance that the central authority would not fail to consider their position, and would not seek to obtain support from any foreign Government, but would take up a loyal attitude to their State'.[2] These arguments are not, however, convincing, for there exists no law or regulation preventing minorities from appealing to their own government first. They are, indeed, strongly encouraged to do so, and the League probably regards it as a black mark against them if they do not,[3] but to take away their ultimate right of direct and immediate appeal to the League would be to deprive them of their chief safeguard.

An ingenious system was proposed by the Canadian representative, Senator Dandurand, in March 1929.[4] This was that petitioners should first address their government, which must either reply to them direct or else forward the petition to the League within thirty days. If it failed to satisfy the complainants, they would state their reasons for maintaining their claim and ask the government to forward all the correspondence to the League within thirty days. It should be bound to do so, but might

[1] This proposal related only to petitions from members of the minority living within the country. Poland would have denied all other bodies or individuals the right to petition at all.

[2] *P.R.*, pp. 36 ff.

[3] On the other hand, when Roumania contested the receivability of a petition on the grounds that the resources of the municipal courts had not been exhausted, a Committee of Jurists rejected this plea in very decided terms (Doc. C. 366, 1932, D. I., April 13th, 1932).

[4] *P.R.*, pp. 83–7.

add its own counter-reply. If it failed to send the dossier to the League, then the minority could itself send duplicates. This proposal has the great advantage of allowing petitioners a second word. But for this very reason it did not commend itself to the Treaty states, while the other side felt that the minority's right of appeal was hampered, and it met with little support.

This right of direct access, which is strongly in favour of the minorities, having once been established, together with that of the League's willingness to receive petitions, if only as information, the other resolutions adopted up to 1923 really aim at preventing abuse of the right of petition. The conditions of receivability, which are based upon, though not identical with, suggestions made by the Czechoslovak Government, seem on the whole sound. Few will cavil at the rejection of anonymous petitions. The word 'unauthenticated' is, perhaps, less happy, especially as it has no very apparent meaning. According to the Adatci Report of 1929, 'in principle, any signed petition is regarded as emanating from an authenticated source', but the Secretary-General, who decides the point, 'uses his own discretion, taking into account the circumstances of the case'.[1] It has been suggested that petitions have sometimes been rejected, in spite of outward propriety of form, on the score of 'non-authenticity', because their authors were suspected of being 'disloyal' at heart. In fact, in 1931 a petition from Macedonian leaders was rejected as 'not offering sufficient guarantees with respect to its authenticity', and here the 'circumstances' clearly consisted of an earnest desire not to stir up a hornet's nest by opening the vexed Macedonian question.

The other chief danger is perhaps that a petition may be rejected under the last condition when it is essentially better worthy of notice than one bearing on the same subject which has preceded it, and been accepted. It may also happen that what seems to an east-European petitioner to be only emphasis, or even genuine religious fervour, may appear in the crystalline atmosphere of Geneva

[1] *P.R.*, p. 176.

to smack of violent language. But taken all round, given an intelligent and liberal interpretation, the conditions remove the real danger of the ideal of the protection of minorities being perverted into mere mud-slinging.[1]

[1] This is, perhaps, the place to say a word on the questions of 'loyalty' and of the 'duties of minorities'. It is important to remark that both of these questions are outside the scope of the Treaties altogether. The Treaties, as is proper and orthodox, are concluded between states alone. Only states are 'subjects' in international law. Minorities, or the members of them, are mere 'objects'. This is looked on by the minorities themselves as a great weakness in the Treaties; it has this advantage, that as they are purely passive, their ambitions and sentiments are entirely irrelevant. The obligations contained in the Treaties are modest, but they are unconditional, and no state has a right to violate a Treaty on the ground that the minority in question has been 'disloyal'. On the other hand, no member of a minority has just cause of complaint if, having engaged in treasonable practices or committed a disloyal act, he is punished for it by his state, and if he did so complain, the League would reject his petition as irreceivable under the first and second conditions of receivability. Nevertheless it is true that, in practice, the ultimate aim of the Treaties is to make the members of minorities into loyal and contented citizens, and it has been an easy and not always unjustified plea of the Treaty states that many petitions were not really aimed at securing for the petitioners their Treaty rights but rather at discrediting the state in which they lived. It was therefore natural and prudent from a practical point of view, when the Assembly of 1922 adopted a resolution (the author of which was Professor Gilbert Murray) that:

'While the Assembly recognizes the primary right of the minorities to be protected from oppression, it also emphasizes the duty incumbent upon persons belonging to racial, religious or linguistic minorities to co-operate as loyal fellow citizens with the nations to which they now belong.'

The same Assembly, however, went farther, and produced an extraordinary resolution authorizing the Secretariat 'to assist the Council in ascertaining in what manner the persons belonging to racial, linguistic or religious minorities fulfil their duties towards their states. The information thus collected might be placed at the disposal of the States Members of the League of Nations if they so desire'—a resolution which appears to the writer the most confused, illogical, unconstitutional, and in every way improper international document with which he is acquainted. It implies the doctrine of the general guarantee; it drives a coach and four through the conception of sovereignty; and it allows States Members of the League unlimited scope to gratify an unwholesome curiosity about matters which are none of their business.

The question of loyalty has been several times discussed by the Council, which has shown a dangerous tendency to excuse breaches of their obliga-

The system of allowing the government to reply before the petition is circulated is also obviously both fair and wise. Where the system does seem imperfect is in closing the dossier of the case at this point. For a government reply is not necessarily either fair or ingenuous, and may give an entirely false impression, not only of the merits but even of the facts of the case. As, however, this preliminary circulation takes place before the case is subjected to any closer examination, there seems no help but to trust in a high level of governmental candour and justice.[1]

The change-over instituted in 1923 from a public to a secret procedure is one of the highest importance. This change—on which Lord Cecil expressed at the time misgivings which are widely shared to-day—was advocated by the then Director of the Minorities Section on the following grounds:

(1) The purpose of communicating the documents would still be fulfilled, even if communication were restricted to Members of the Council.

(2) The work of the Secretariat would be facilitated, because it was sometimes difficult for the Secretary-General, in deciding whether a petition was receivable or not, to decide whether any specific petition deserved examination.

(3) Cases might arise in which the government concerned would be less ready to give the Council its whole-hearted assistance if documents had been published.

(4) In spite of the conditions of receivability, cases of 'malicious propaganda' might slip through which would throw discredit on a state if the documents were published or commented on in the Press.[2]

tions by states on the ground of the disloyalty of minorities. It must therefore be emphasized that, while to generate loyalty may be a praiseworthy ambition, the duty of the Council is to secure the execution of the Treaties.

[1] The *Pester Lloyd* of Nov. 17th, 1932, contains an illuminating and exemplary analysis by M. E. Prokopy of the answer returned by the Yugoslav Government to a petition submitted by him.

[2] *P.R.*, p. 21.

The first of these arguments is technically unassailable, but the rest of them seem very weak, and experience has shown that the lack of publicity may be very harmful to governments; for petitioners nowadays frequently publish their petitions in the press (as they cannot be prevented from doing), so that in fact their side, and their side only, becomes public while the case is *sub judice*. A government can, of course, publish its own reply; and it would seem very desirable that this practice should become usual. As it is, the evils of secrecy, at this stage, may well appear to outweigh the blessings. For the minorities, the change brings with it the very important disadvantage that they now no longer see the government's reply (unless the case is either brought before the full Council or dropped, and the result published in the *Official Journal*) and are thus not enabled to correct any inaccuracies therein by means of supplementary petitions.

A more fundamental objection to the method of petition might be that it may fail to ensure that, in Signor Tittoni's words, 'the provisions for the protection of minorities are always observed'. The supporters of the theory of the 'general guarantee' of the League consider that it is not sufficient to wait for petitions to come in: the League should exercise a 'constant supervision', preferably through a Permanent Commission which should have the right of initiative, i.e. of calling the Council's attention, on its own responsibility, to an actual or threatened infraction of the Treaties. The idea of a Permanent Commission, to which we shall return, has its great advantages, and it seems to me, as I said, quite independent of the possibly questionable theory of the general guarantee. Except, however, in a very few, quite abnormal cases where a minority may be at once so terrorized that it dare not complain, and so obscure that its sufferings remain altogether unknown, it is hard to imagine that the unrestricted right of petition, coupled with the right of initiative belonging to all Members of the Council, do not between them ensure that all complaints on which petition is well possible reach the League. Much more important than any further enlarge-

ment of the avenues of approach to the League is that the Members of the Council should always and faithfully remember that the guarantee entrusted to them imposes upon them an *active* obligation, which they cannot evade with honour.

4. *The Secretariat and the Committees of Three*

The communication of petition and comments to the Members of the Council still constitutes no legal act. Any Member of the Council may take action on them (as he could on private information of his own), but he is not bound to do so, nor is it usual.[1] The normal procedure is for the members as a whole to stand aside, while the matter is dealt with by a so-called 'Committee of Three'.

The institution of these committees dates as far back as 1920. Mr. Balfour having pointed out that 'if it were necessary to protect a minority, one of the Members of the Council would have to take upon itself the duty of accusing the state which had not fulfilled its undertakings'—a task which he rightly described as 'thankless and difficult'[2]—M. Hymans suggested that these difficulties might be obviated if, after petitions had been circulated to Members of the Council, 'the Council should then at its discretion submit such petitions to a Committee of three of its members, who would examine them and report to the Council at its next meeting'.[3] A resolution on these lines was adopted, but with the important difference that the Committees were not required to 'examine' and 'report' but only to 'consider' petitions.[4] A later resolution of 1923 laid down that this consideration should be undertaken 'with the sole object of determining whether one or more Members of the Council should draw the attention of the Council to an infraction, or danger of infraction, of the

[1] It has been done only once—by the German Government, see p. 345.

[2] *P.R.*, p. 13. [3] Idem, p. 15.

[4] Idem, pp. 15–16. This change was apparently introduced by the legal advisers of the Council, who had been asked to find a formula reconciling the Hymans procedure with the text of the Treaties.

clauses of the Treaties for the protection of Minorities. The right reserved to all members of the Council of drawing its attention to an infraction or danger of infraction, remains unaffected.'[1]

This limitation of the functions of the Committees of Three, which was imposed at the wish of the Polish Government, marked a considerable step back from M. Hymans's original suggestion, which would have had the very important consequence that every petition would come before the Council on the report of a Committee of Three. The task of the Committees, as thus limited, would seem to have been made almost superfluous, if any Member of the Council could take action without regard to them, but in fact their work has developed into the most important part of the whole procedure.

The Committees of Three are formed *ad hoc* for each case. They consist of the Acting President of the Council, normally assisted by two other members.[2] Certain rules for their composition, which legalized what had, in fact, been the existing practice, were adopted in 1925. If the Acting President is the representative of the state to which the persons belonging to the minority in question are subjects; of a state adjoining that state; or of a state the majority of which is ethnically the same as that minority, he delegates his duties to his predecessor. Similarly, he chooses as his assistants persons in the same position.[3] In other words, the Committee should be, as far as possible, impartial. The German Government, supported by the Austrian, tried in 1929 to get this rule (which, it is suggested, was expressly made in view of Germany's impending entry into the League)[4] altered on the ground that a person impartial was also a person indifferent;[5] but the Council rejected this proposal, and wisely. The Committees suffer,

[1] *P.R.*, p. 23.

[2] In 1929 it was decided that in exceptional cases this number might be increased to four (idem, p. 11).

[3] Idem, p. 10.

[4] Rauchberg, op. cit., p. 65.

[5] *P.R.*, pp. 92, 189, 203.

not from too much impartiality, but too little. It would indeed have been well to exclude also representatives of states themselves bound by minorities obligations, of military allies of such states, of representatives of any state who are particular personal friends or enemies of the representative of the state concerned, or are notoriously idle, corrupt, or chuckle-headed; but the adoption of such ideal rules might have made it unduly difficult to get together a quorum of three, even since the membership of the Council has been enlarged to its present ample dimensions.

Germany's suggestion, if adopted, would undoubtedly redress a certain lack of balance, since states interested in advocating the cause of minorities have been, in practice, excluded from membership of almost all Committees, whereas states themselves bound by Minorities Treaties, as well as other states possessing acute minority problems, have frequently sat on them. Yet it is surely better to hope to eliminate partiality than to attempt to equalize forces by balancing two biases.

Another proposal, put forward by Canada in 1929, was that the Committees of Three should be abolished and be replaced by Committees of the whole Council, or their representatives. Canada argued that the members of the Committee, so long as they consisted of delegates to the Council, were too much absorbed in their other work to give proper attention to minority questions. They were apt to send substitutes to the Committee meetings, with the result that 'the composition of these Committees varies constantly, and their members gain only a sketchy and casual knowledge of the questions with which they are called upon to deal'. On this account Canada urged that all minority complaints be referred to a Committee of the Council, to meet regularly, which would probably consist of substitutes specializing in minority questions.[1] The idea of specialist substitutes is an enticing one, but the imagination boggles at the thought of a Committee of Fourteen or Fifteen, and it is hard to suppose that such a

[1] *P.R.*, pp. 85–6.

body, which would include representatives of Poland, the Little Entente, and Germany (if still in the League), would ever reach a decision at all, or, indeed, escape for long the fate of the Kilkenny cats.

Although the functions of the Committee were, as has been described, severely restricted in one respect, they have developed very largely in others. This is due to the early and general recognition of the fact that it is very often possible to obtain better results by conciliation than by force. It is not only unnecessary, but also impolitic, to arraign a government publicly because one of its minor officials has exceeded his duties, or even if its own official policy has been somewhat hot-headed. It is very often more likely to come to reason if requested to do so privately, in a way which will not hold it up to public obloquy, nor arouse national passions, which might recoil on the heads of the minorities. In 1922 first the Assembly and then the Council adopted a resolution (originally proposed by Professor Gilbert Murray) in the following terms:

'While in cases of grave infraction of the Minorities Treaties it is necessary that the Council should retain its full power of direct action, the Assembly recognizes that in ordinary circumstances the League can best promote good relations between the various signatory Governments and persons belonging to racial, religious or linguistic minorities placed under their sovereignty by benevolent and informal relations with those Governments. For this purpose, the Assembly suggests that the Council might require to have a larger Secretariat staff at its disposal.'[1]

A second resolution, of the same date, ran as follows:

'The Secretariat, which has the duty to collect information concerning the manner in which the Minorities Treaties are being carried out, should not only assist the Council in the study of complaints concerning infractions of these Treaties, but should also assist the Council in ascertaining in what manner the persons belonging to racial, religious or linguistic minorities fulfil their duties towards their States. The information thus collected might be placed at the disposal of the States Members of the League if they so desire.'[2]

[1] *P.R.*, p. 242. [2] Ibid.

It was in pursuance of these resolutions that the Administrative and Minorities Section of the Secretariat, the head of which normally performs the duties nominally assigned to the Secretary-General, was enlarged to its present dimensions. The Minorities Department of this section now consists of six senior and five junior officials, part of whose duties consists in maintaining a central information service. For this purpose it keeps a press-cutting service, which cuts the rather modest number of some twenty newspapers, while its members from time to time visit the Treaty states.[1] It also receives callers, and may be assumed to possess a fairly accurate and up-to-date knowledge of the situation in the main minority areas.[2]

The work of the Committees of Three and their assistants is shrouded in some mystery, since their proceedings are secret and they keep no minutes. It appears, however, that after a petition has been duly declared receivable and submitted for comments to the government concerned, and the comments received, the Committee is at once appointed. The head of the Minorities Section, sometimes assisted by the Legal Section of the Secretariat, then draws up a report on the questions of law and fact raised by the case. When the Committee meets, he tells them what are the points 'which, in his opinion, deserve special attention', and often offers them 'suggestions as to the possible courses which may be taken in each case'.[3]

The members of the Committee are not, of course, bound to accept these 'suggestions', but it is difficult for them not to; it would, indeed, in normal circumstances be unwise. As each Committee is formed separately, few of their members can have great experience; the conditions of their selection make it practically certain that they know little about the actual conditions referred to. Furthermore, they are busy men, whose heads are generally full of

[1] These visits are official and the minorities have complained—with or without reason—that only the official side is heard on them.

[2] See the description of the Section's work in the 'Adatci Report' (*P.R.*, pp. 170–2).

[3] Idem, pp. 177–8.

matters very different from the fate of some obscure minority. Most important, perhaps, of all, owing to the custom of keeping no minutes, they are unable to see the records of what their predecessors have done in similar cases. It is therefore natural that the opinion of the permanent official should carry extraordinary weight. It is easy to understand the perturbation with which the organized minorities of Europe would regard the appointment to this position of a man who, they believed, would be unfriendly to them. There is every reason to suppose that any apprehensions regarding either the conscientiousness or the competence of any member of the Minorities Section are entirely unfounded; but it may still be asked whether, as a matter of principle, a system is sound which imposes so vast a responsibility upon a single permanent official, while leaving him so entirely immune from reasoned criticism. For although any member of the Council is fully entitled to use his own information to check that of the Secretariat against it, and to take up a case independently, he is heavily discouraged from doing so, and in practice rarely does.

A Committee of Three, on receipt of a petition and the reply thereto, may act in one of three ways. It may (and frequently does) drop the case altogether. Secondly, it may decide immediately that the case 'ought to be brought to the attention of the Council'. Thirdly, it may decide to initiate 'benevolent and informal negotiations'.

The first case calls for no immediate comments except as regards the communication of the result of the Committee's work. In early years, the Committees occasionally informed the Council of their conclusions in such cases; but this practice fell into disuse, and for some years such cases were simply buried. The result was to cause much dissatisfaction, since petitioners supposed that their cases were merely being cynically neglected. It was bad for the petitioners, bad for the governments, and worst of all, perhaps, for the League. In 1929 it was decided that when the members of a Committee 'have finished the examination of a question, without asking that it be placed on the Council's Agenda' they should communicate the

result of their examination by letter to the other Members of the Council, for their information. These letters should be collected once a year by the Secretary-General into a document distributed to all members of the Council. Secondly, the Committees were to 'consider carefully the possibility of publishing, with the consent of the Governments concerned', the results of their examinations, and the Council expressed its 'earnest hope' that governments would give this consent. The information might be published in the *Official Journal* and might consist of the letter addressed to the other members of the Council, 'or any other text that seemed expedient'.[1]

Such publication, rare at first, has since become increasingly frequent, and there is no doubt that, so far as it goes, it constitutes a valuable reform. It would have been much more valuable had the publication not been made contingent on the consent of the government concerned, which does not seem to be legally necessary.[2] As things are, a government is naturally inclined to allow publication only where the petitioners are clearly in the wrong; and a dangerously one-sided impression is therefore given. On the other hand, if the government's answer has been misleading, publication gives the petitioners an opportunity to correct it in a supplementary petition. Finally, in complicated cases, it is to be regretted that the Committees in their letters seldom refer to any information at their disposal beyond the petition and the government's reply. If it be true, as most politicians seem to assume, that the less the general public knows the better for all concerned, then this may possibly be wise so far as publication is concerned, but it is sincerely to be hoped that the other Members of the Council, on whom the responsibility of guaranteeing the Treaties rests, are not fobbed off with incomplete material.

The questions which are immediately dropped naturally do not constitute the most important part of the League's work. It is not common for a grievance to be altogether imaginary. Much more often the government concerned has committed an offence, although not necessarily a seri-

[1] *P.R.*, pp. 106–7. [2] Stone, op. cit., p. 118.

ous one. In such cases the Committees of Three normally attempt to settle it out of court by 'benevolent and informal negotiations', which may take the form of private conversations during the sessions of the Council, but, if at all prolonged, are more often conducted through the Secretariat.

This most important function of the Committees of Three runs, indeed, directly contrary to the definition of their duties, quoted above, that these consist solely in determining whether one or more members of the Council ought formally to draw attention to a case. It would, however, be pedantic to boggle at one more inconsistency among so many, if a useful purpose is achieved by allowing it, and it seems generally admitted that this is the case. The work of the Committees has been rewarded by very many warm appreciations, particularly from Members of the Council, who have rightly extolled their diligence and fairness. The example of the Upper Silesian procedure, which eliminates this intermediate procedure, speaks even more loudly in its favour, for until the parties themselves agreed to introduce a preliminary procedure, the Council was burdened, session by session with a host of trivial complaints which should never have come before the highest political tribunal in the world, nor swollen the columns of the *Official Journal*. The value of a first court of conciliation is obvious; for not only ought the Foreign Ministers of Great Powers to be absolved from the duty of following in all its tedious detail the ramifications of some quarrel between an innkeeper or music-hall artiste and the local police, but from the point of view of the minorities themselves, a grievance is often more easily remedied if the matter can be kept quiet and not allowed to develop into a question in which national pride is at stake. And among the various conceivable Conciliation Commissions, the Committees of Three have great advantages. A government which might care little for what was said by three experts, or even three judges, may yet think twice before disregarding the hints, however slight, given by the representatives of three Powers, at least one of which is probably a very important state.

Criticism, therefore, seems justified, not against the institution of the Committees as such, but against certain remediable defects in their work. The main weaknesses seem to be: firstly, the inadequacy, from the point of view of strict justice, of the material on which the Committees work; secondly, the delays frequently involved; and thirdly, a tendency to sacrifice justice to expediency in the decision.

The point regarding the material was mentioned briefly above; but it is one of great importance. The official dossier consists, as was said, of the petition and the government's reply. The principle has always, and most necessarily, been rigidly upheld that the submission of a petition does not constitute a juridical act, and that petitioners are not parties in a case against the government concerned. In pursuance of that principle, not only have petitioners always been refused permission to appear at Geneva and argue their case, but they are also not allowed to see the government's reply, still less to send in counter-replies.[1] If, therefore, a government chooses to send in a disingenuous reply there is very little check on it. Practically the only check is provided by the Secretariat information, and it is, of course, precisely in relation to the countries where abuses are most rife that a press-cutting service is least useful, owing to censorship. A much fuller information service than at present exists would be desirable, and even this would hardly make good the inability of the petitioners to send in counter-replies to the governments, for they cannot foresee exactly what statements a government will make. It is true that when the point was discussed in June 1929 it was stated that the Committees were 'competent to collect information of any kind and from any source without limitation', and a case had occurred in which the Committees had made use of this power to ask

[1] The main discussions on this point took place at the Sixth Assembly, when Count Apponyi, for Hungary, urged 'that at all stages of the procedure representatives of the petitioners should have the right to be heard and should be allowed to state their case and reply to objections as in an ordinary session' (*Records of the Plenary Sessions*, p. 73). Hungary again advocated a similar reform in her note to the Adatci Committee (*P.R.*, p. 208) and was supported by the Netherlands Government (idem, p. 212).

petitioners for further information.[1] Thus the position is vague, but it is certain that Committees must in any case use such a power very sparingly; nor can governments be compelled to give supplementary information, although they often do so. The most conscientious exercise of all their powers by a Committee and the Secretariat obviously cannot result in a documentation, or a procedure, which would be considered satisfactory in any other court which exists primarily for the purpose of seeing justice done.

The delays are often most excessive. This is due in part to the fact that the Committees usually meet during sessions of the Council, which occur normally at intervals of four months. A resolution of 1929 did, indeed, urge the Committees to consider the possibility of meeting more frequently between sessions of the Council, and it appears that their members now keep in more continuous touch with the Secretariat during the intervals (a change which, incidentally, places even more power than before in the hands of the Secretariat); but the Committees still work very slowly. The following case may be quoted as showing to what an extent the existing procedure can be prolonged by a government combining ingenuity and ill will:

On August 21st, 1928, thirty-four peasants of Russian origin, being Lithuanian nationals, petitioned the League, alleging that they had been unfairly deprived of their land under the Lithuanian agrarian reform and were now in danger of starvation. The Secretariat forwarded the petition to the Lithuanian Government on October 3rd, 1928 (forty-three days later), but failed to secure 'observations' from that quarter. In December a Committee of Three was formed, and the President, M. Procopé, asked M. Voldemaras 'in a friendly manner' to furnish explanations. M. Voldemaras replied that 'from a moral point of view the time was a very ill-chosen one', whereupon the Committee adjourned consideration of the question till its March session. Further representations to Lithuania

[1] Statement by the Secretary-General to the Council in Committee, June 8th, 1929 (*P.R.*, p. 129).

having proved unavailing, the Committee decided on March 8th, 1929, to place the matter on the agenda of the June Council. This at last drew from Lithuania a request to be informed 'what infraction or danger of infraction had been notified to the Council' by the Committee. In order to give Lithuania time to make its comments on the case (of which it had been informed on October 3rd, 1928) the Council postponed examination of the question till September.

On September 6th M. Voldemaras addressed the Council to the effect that (1) the figures involved 'could not amount to more than some 10 Swiss francs at the outside', (2) the action of the Committee of Three was out of order, (3) the persons in question were 'all persons with a political past'.

The Council decided that it needed time to consider these remarks, and on September 25th, Mr. Adatci, rapporteur, asked for a further remand in view of the heavy work in which the Assembly had involved him.

On January 15th, 1930, Mr. Adatci laid before the Council a lengthy report in which he refuted the legal quibbles of M. Voldemaras and, on the question of fact, pointed out that the Lithuanian agrarian law 'might involve a danger of an infraction' of the Lithuanian Minority Declaration. He then asked Lithuania for information on the question of substance, in order that he might report to the Council at its next session. As a result, however, of information received, the matter was not brought up again, the members of the Committee of Three deciding, by letters dated February 13th, February 19th, and February 23rd, 1930, respectively, to 'conclude their examination of the question', one year, six months, and seven days after the receipt of the petition. One can but wonder what happened to the peasants who were in danger of starvation when it began. It would seem only too reasonable to suppose that the case had solved itself.

This is no isolated instance. In the East Galician case the incidents complained of took place in the summer and early autumn of 1930. The case was ready for consideration by September 1931, but the Japanese rapporteur to

the Council, who was somewhat fully occupied in defending his own government against the charge of having broken the Covenant into several pieces in Manchuria, asked for an adjournment of four months—to the next Council—to prepare his report, and although the case was one involving the welfare of several million men, the other members of the Council cheerfully granted their colleague this small favour. One petition from the Székely community in Roumania was submitted in 1929, and the Council's report on it adopted on September 27th, 1932. Another, regarding the Albanian minority in Yugoslavia, was submitted on May 5th, 1930; on February 9th, 1933, the Committee of Three concerned decided to close examination of the question. Yet another came before a Committee of Three in June 1930, and when it was at last placed before the Council in September 1933 the representative of the state concerned promptly asked for an adjournment, which the Council granted.

Thirdly, while the political composition and informal character of the Committees have their great advantages, they have also very great dangers. Politicians sometimes find it difficult to forget that governments are big and minorities are small. This would have been a less important factor if the Committees were always drawn from among the Great Powers, and if the old aristocratic view of international relations had prevailed to-day as it used to prevail. But all nations in the League are equal and have equal voting power, and the small states are very jealous of that equality. Moreover, some of the Treaty states are not at all small, and may often be much more influential than some of the states represented on the Committees. Secondly, governments are near—their representative is often at Geneva itself—and minorities are far. A member of a Committee may be a personal friend of the representative of the state arraigned; or he may be anxious to conclude a commercial treaty, or get some concession out of that state; or he may himself belong to a Treaty state and will hardly forget the possibility that one day the present role of judge and defendant may well be

reversed. The political atmosphere, darkened as it is by strict secrecy, makes possible various sorts of bargaining and hanky-panky at the expense of the minorities, and it is partly for this reason that the recommendations of the Committees (so far as can be ascertained) have seldom secured for the minorities the full rights to which they are entitled, in law and equity, and have frequently glossed over flagrant violations of the Treaties.

The peace of the world is, of course, of more importance than the fate of a single individual; but a bolder grasping of the nettle might well in the last instance conduce more to peace. The whole purpose of the League system was, as M. Clemenceau put it in 1919, to remove differences which might arise from the political sphere and place them in the hands of a political court. The present excessive reliance on secret negotiation and conciliation has reversed this policy. If it became habitual immediately to refer to the Court questions which are susceptible to a judicial decision, a date might arrive, before the millennium, when a government would think no more of having a minor decision given against it by the Court than a motorist does of being held up at a cross-roads. Much more frequent recourse to the Court would, moreover, greatly strengthen the confidence of the minorities in the League.

Again, the Committees of Three might with advantage be less chary of letting a case come up before the full Council. The fact that the Council has had to deal with so few cases should, in itself, be a matter for congratulation rather than regret, like the white gloves presented to judges at assizes—but it might mean that the Committees, rather than force an issue, have consented to a compromise at the expense of a minority which looked to them for justice. Their frequent reluctance to act is, incidentally, often a contributory cause of the delays; a case is adjourned from session to session of the Council to allow further negotiations, or to let the Director of the Minorities Section try his hand again. At least members of the Committee should take effective action in such cases, and might with advantage themselves participate, perhaps collectively,

in the negotiations. Thus, valuable as the Committees of Three have proved themselves, their work might certainly be made even more valuable, and one way of achieving this would be to let it occupy a less disproportionate place in the League procedure as a whole; for they are not, after all, there to replace the Council but to assist it. The last word should always lie with the Council; and to-day there seems to be a considerable danger of forgetting that the decisions of the Committees of Three have no binding force. Technically, any Member of the Council may disregard their decisions altogether, and it is even his duty to do so if he is satisfied that justice is not being done.

Actually, such intervention is rare. By letter dated January 19th, 1932, the German Government placed on the Council agenda a question relating to the Polish Agrarian Reform Act which had already been referred to a Committee of Three.[1] The Polish representative protested against this action as an infraction of the spirit of the normal procedure, and when the regular debate took place, the following autumn, in the Sixth Committee of the Thirteenth Assembly, most speakers condemned the German Government's action; and Germany was persuaded to allow the case to be handled further by a Committee of Three. Germany was, however, perfectly within her rights, as she was when, in February 1933, being dissatisfied with the Committee's report, she appealed to the Permanent Court for a judgement.[2] It was, perhaps, a salutary lesson for the Committees of Three, although it would have been better for all had the lesson been administered by a disinterested party.

The communication of results by the Committees to the other Members of the Council follows when they have concluded examination of a question to their own satisfaction, whether they do no more than disallow a petition on sight, or whether they engage in prolonged negotiation. A decision of 1929 has permitted annual publication in the *Official Journal* of the results of their work.

[1] *L.N.O.J.*, July 1932, pp. 1240, 1424.
[2] Idem, Feb. 1933, p. 239.

The information thus supplied is lamentably meagre, comprising only statistics for the year of the number of petitions received; the number declared non-receivable; the number declared receivable and referred to Committees of Three; the number of Committees and of meetings held by them; the number of petitions whose examination by a Committee has been finished. The statistics hitherto published[1] are as follows:

	1929–30	*1930–1*	*1931–2*	*1932–3*
Petitions received . .	57	204	101	57
Declared non-receivable .	26	131[5]	21[9]	20
Declared receivable . .	31[2]	73[6]	80[10]	37[13]
Number of committees .	14[3]	45[7]	49[11]	14[14]
Number of meetings . .	19	111	58	12
Number of petitions whose examination is concluded	29[4]	32[8]	48[12]	37[15]

The Adatci Report states that from its inception to the date of writing (spring of 1929) the League had received about 300 petitions, of which about 150 had been declared unacceptable, the remainder being submitted to the ordinary procedure. Upper Silesian petitions are not included

[1] *L.N.O.J.*, June 1930, p. 827; July 1931, p. 1605; August 1932, p. 1487; August 1933, p. 997.

[2] Including nine supplementary petitions.

[3] Further 14 Committees held 50 meetings to continue cases from a previous year.

[4] 20 received in a previous year.

[5] 115 of these rejected under fifth condition of receivability. All, or nearly all, of these related to east Galicia.

[6] Including 15 supplementary.

[7] Further 21 Committees held 38 meetings to continue cases from a previous year.

[8] 14 from a previous year.

[9] 15 under fifth condition of receivability.

[10] Including 19 supplementary.

[11] Further 45 Committees held 90 meetings to continue cases from a previous year.

[12] 28 received during a previous year.

[13] Including 14 supplementary.

[14] 9 petitions not yet referred. Further 53 Committees held 103 meetings to continue cases from a previous year.

[15] 31 from a previous year.

in this total.[1] Truhart[2] gives for the period up to February 1931 525 petitions, dealing with 338 complaints, 24 of which were submitted before the procedure came into force. This writer also excludes Upper Silesian petitions, but includes appeals by governments under Art. XI of the Covenant. He gives the low figure of 86 for non-receivable petitions. His conclusions are, however, highly misleading, as he only counts as 'officially dealt with' by the Council or the Committees of Three those petitions which came before the Council and those on which the Committees of Three reported to the Council, and states[3] that 'in no less than 40 of the 50 cases officially dealt with, the Council passed over the complaints submitted to it'. This is most unjust to the Committees of Three.

If a Committee of Three finds it inadvisable, or impossible, to settle a case by negotiation, any member of it, or the Committee acting conjointly, can ask that the case should be placed on the agenda of the Council. At the same time the members of the Committee, or the Secretary-General, inform the state concerned of the action that is being taken.

By the communication of this positive decision on the part of the Committee, the Council is formally seised of the case.[4]

[1] *P.R.*, p. 176.

[2] H.V. Truhart, *Volkerbund und Minderheitpetitionen*, pp.7–10, 2nd ed. (1931).

[3] Idem, p. 18.

[4] Certain Treaty states have argued that seisin cannot be effected except by a single member of the Council acting on its own responsibility. The system of joint seisin is, indeed, inconsistent with the restrictive resolution of 1923, but it accords with the original purpose for which the Committees were appointed; cf. the remarks by Sir Austen Chamberlain on March 6th, 1929 (*P.R.*, p. 94), when, after repeating M. Hymans's original argument that no single state ought to be required to seise the Council of a complaint, he went on to explain that the Council had arranged that 'instead of leaving it to each individual State Member of the Council to satisfy itself whether or not a condition had arisen which necessitated it individually to call the attention of the Council to the matter, three members of the Council, chosen from time to time among our ranks, would undertake the duty of examining each petition, and if those members thought that it was necessary to bring a matter before the Council, *they would jointly call the attention of the Council to it.* By this means the dangers, the difficulties, and the

This decision once taken the Committee dissolves into its component elements, and its members follow the case before the Council on the same footing as their colleagues.

5. *The Aaland Islands and Upper Silesian Procedures*

Two of the minority instruments provide for a special procedure. The Aaland Islands Declaration contains the following clause (No. 17):

'The Council of the League of Nations will see that the guarantees provided above are duly observed. Finland shall transmit to the Council of the League of Nations, together with its own observations, any complaints or claims by the Aaland Landsting in regard to the application of these guarantees, and the Council may, in case the question shall be of a legal nature, consult the International Court of Justice.'

No petition has yet been received under this procedure.

The Upper Silesian Convention contains a very elabo-

invidiousness of individual intervention of a particular State would be avoided.'

Joint seisin seems to be the recognized practice to-day. Thus in the East Galician case (*L.N.O.J.*, March 1932, p. 223) the documents in the case are preceded by a note by the Secretary-General saying: 'After an examination of these petitions, and the Polish Government's observations thereon, by a Minorities Committee composed of the representatives of the United Kingdom (President), Italy and Norway, the questions dealt with therein were, at the request of these three members of the Council, placed on the Agenda of the 68th Session of the Council.'

The Permanent Court, whose view should be authoritative, certainly held the request of a Committee of Three to constitute seisin.

When the Council referred the Polish Settlers' case to the Permanent Court for an Advisory Opinion Poland objected that no member of the Council had formally raised it, but the Court took the view that the matter had been 'repeatedly brought to the attention of the Council by at least three of its members, the representatives of their respective states. . . . It is impossible to say that the present matter has not been brought to the attention of the Council by any of its members in accordance with the phrasing of Art. 12. The report of M. da Gama opens with the statement that the matter had been brought to the attention of the Council by a report presented by three of its members, and it does not matter that these members were members of a Committee formed under the Resolution of the Council of October 25th, 1920, to facilitate the performance by the Council of its duties in minority matters.' (Publications of the Court, Series B, No. 6, p. 22.)

rate procedure (Arts. 147–58 of the Convention) subsequently modified by Council resolutions of September 8th, 1928, and by an agreement reached at Paris between the German and Polish Governments on April 6th, 1929.

Two kinds of petitions are distinguished. In general, the Council is competent under Art. 147 to pronounce on all individual or collective petitions relating to the minorities provisions of the Convention; but under Arts. 149 ff. petitions relating to the 'application and interpretation' of the minorities provisions by 'the administrative authorities who receive orders from higher authorities' have to pass through a preliminary local procedure, to which also petitions submitted under Art. 147 may be referred if they are of minor importance.

For these minor cases, Minorities Offices, representing their respective governments, are established in German and Polish Upper Silesia respectively. Petitioners are bound first to approach the appropriate administrative officials; but should they fail to get satisfaction there, or meet with excessive delay, they appeal to the Offices. If the Offices fail to satisfy the petitioners they forward the petitions, with their comments, within forty-five days to the President of the Upper Silesian Mixed Commission. The President is entitled to make any inquiries, hear the petitioners or the Office, and call for supplementary information. He then gives his opinion, which may be final, provisional, or partial. The authorities concerned must state within twenty days whether they accept this. If the petitioner is not satisfied with the action taken by the administrative authorities, or if the delays involved are excessive, but not while a petition is *sub judice* in the normal course of events, he may appeal to the Council of the League. The appeal is addressed to the Minorities Office, which arranges for its transmission to the Council by the government. Transmission must be effected, normally, within two months—a period of grace allowed to the government to make a last effort to settle the question.

Appeals under Art. 147 come direct to the League. The ordinary minorities procedure is in these cases greatly

abbreviated. Urgent petitions are placed on the agenda of the next session of the Council by a rapporteur, the preliminary work of the Committees of Three and the Secretariat being dispensed with. In this exceptional case, the act of submission of a petition to the League automatically constitutes seisin.

6. *The Use of Article XI*

During its early period, in particular, the Council had to consider a number of serious minority questions which were not brought forward through the ordinary procedure. Some account of these will be necessary to show how they were handled.

1 and 2. During the early stages of the Polish-Lithuanian dispute, which was raised under Art. XI, both parties (in October and November 1921, respectively) raised the minorities question. After Vilna had been attributed to Poland, Lithuania persevered and submitted, besides her own complaints, petitions from the Lithuanians and White Russians in the Vilna area. On February 1st, 1923, Poland proposed, and the Council agreed, that questions relating to non-Polish elements in the Vilna area should be dealt with under the normal minorities procedure.[1] They were then removed from the Council agenda, and presumably dealt with satisfactorily by a Committee of Three, as they did not reappear.

3 and 4. The Bulgarian and Hungarian Governments submitted general complaints against their neighbours to the Genoa Conference, which forwarded both documents to the Council on March 24th, 1922. The Council acknowledged them with a polite note that it would always consider complaints if attention was drawn to them through the usual channels.[2]

5. On March 31st, 1923, the Bulgarian Government appealed, under Art. XI, para. 2, regarding the treatment of Bulgarians in western Thrace.[3] The Council took this appeal under Art. XI, under which it retained it for nearly

[1] *L.N.O.J.*, March 1923, p. 229.
[2] Idem, August 1922, pp. 806, 920 ff. [3] Idem, June 1923, p. 578.

two years, until it became of the opinion 'that the Greek Government realized its obligations and was prepared to meet them'.[1]

6. On December 17th, 1923, the Albanian Government complained that Albanians of Moslem faith were being exchanged from Greece to Turkey as Turks.[2] Albania afterwards appealed under Art. XI. The Greek Government argued that the case was a minority one and ought to be treated as between the Council and Greece. The rapporteur acquiesced, and the Council retained the matter on its agenda, but treated it as coming under the Greek Minority Treaty.[3]

7 and 8. On October 22nd, 1924, the Greek Government appealed under Art. XI, again on the question of exchange of populations.[4] Turkey, called to the Council, made a counter-charge regarding the treatment of Turks in western Thrace. The Council treated this question under Art. XI, through which it brought about a settlement.

9 and 10. On October 15th, 1927, Lithuania appealed under Art. XI concerning arrests of Lithuanians in Vilna, Poland counter-appealing on October 26th against expulsions of Poles from Lithuania.[5] Poland urged that minorities questions should not be dealt with except under the regular procedure of examination by the Secretary-General, submission to the government, and treatment by a Committee of Three. Lithuania agreed, and a Committee was appointed to examine the question and 'report to the Council in due course'. It has been pointed out[6] that the whole procedure was irregular, since the Committee, being charged with the duty of reporting to the Council, was not a regular Committee of Three. There was a further irregularity, which seems to have escaped notice; since the informant was a State Member of the League, the petition was *not* subject to the full 'normal' procedure. Lithuania took

[1] *L.N.O.J.*, July 1925, p. 877. [2] Idem, Feb. 1924, p. 369.
[3] Idem, Oct. 1924, pp. 1355, 1368.
[4] Idem, Nov. 1924, p. 1663. [5] Idem, Feb. 1928, p. 143.
[6] Stone, op. cit., pp. 144 ff. The whole of this chapter (VI) in Stone's work should be consulted on this question.

advantage of this point and pressed her right to be present when the matter was considered by the Council, which finally confined itself to taking note of Poland's reply to the complaints.

11. On March 1st and April 10th, 1928, Albania again appealed against Greece under Art. XI, para. 2. The Greek representative once more strongly urged that minority questions ought not to be raised under Art. XI, and a Committee of Three Members of the Council, appointed to consider the question, fully agreed with this doctrine. The Members of the Committee were 'unanimous in considering that the system of the protection instituted by the Treaties, while having as its principal object the protection of the minority itself, is also intended, not only to prevent that questions concerning the protection of minorities should acquire the character of a dispute between nations, but that states with a minority within their borders should be protected from the danger of interference by other Powers in their internal affairs'. Thus, while a state might petition in the ordinary way, one of the main objects of the system would be frustrated

'if the Council consented to accept as normal an appeal based on Article XI in lieu of the minority procedure .... Article XI should only be invoked in grave cases which produce a feeling that facts exist which might effectively menace the maintenance of peace between the nations. In normal cases, on the other hand, an appeal to Article XI would create the very dangers which the Minorities Treaties were intended to avert.'[1]

It will thus be seen that there has been an increasing tendency, which the above resolution has canonized, to treat all minorities disputes exclusively under the minorities procedure. There have hitherto been only two real exceptions to this rule (cases 5 and 7–8), for in two other cases (6 and 9–10), although irregularities crept in,[2] the intention was clearly to apply the minorities procedure. It

[1] *L.N.O.J.*, July 1928, p. 942; *P.R.*, pp. 78 ff.

[2] The irregularity in case 6 consisted in keeping the case on the Council's agenda, as Albania was not competent to seise the Council. It may, however, be argued that by proposing this course the rapporteur effected seisin.

is obviously not possible to prohibit absolutely the invocation of Art. XI in a minority case; and indeed, should a situation dangerous to international peace or good understanding arise, it would be the duty of the Council to deal with it. The principle is however, sound that a minorities question should be dealt with as a case between the state in which it arises on the one hand and the Council as a whole on the other; and it may be taken that this will, in future, be the course adopted. If further measures were required, the Council might still apply them by acting under Art. XI to quell the unfriendly feeling, while dealing with the minorities question which gave rise to that feeling under its normal urgency procedure.

7. *The Case before the Council*

Of the case quoted above only No. 6 survived before the Council as a normal minorities case, despite the irregularity of seisin. Nos. 5 and 7–8 were, as remarked, treated as Art. XI cases; Nos. 1–2, 9–10, and 11 were referred back to Committees of Three and did not come again before the Council; Nos. 3 and 4 dropped out automatically. In considering the actual Council procedure in minorities cases, we need, therefore, only take into account No. 6.

Besides this, the following cases had come before the Council, up to September 1933, under the normal minorities procedure, No. 6 above being taken as the first.

I. General Procedure.

(*a*) Raised directly by a government:

(2) Conduct of Polish elections in Poznan and Pomorze (note by German Government of January 1931; Council meetings of January and May 1931 and September 1931).

(*b*) Submitted in ordinary way and placed on Council agenda by a government:

(3) Land reform in Poland (petitions of February 25th and August 26th, 1929; Council meetings of June, August, and September 1929).

(4) Same subject; supplementary petition of Septem-

ber 1st, 1931, placed on agenda by German Government January 19th, 1932; Council meetings of May, October, and December 1932, February 1933.

(*c*) Submitted and treated under the normal procedure:

(5) German settlers in Poland (petition of November 7th, 1921, and various supplementary petitions; Council meetings of March, May, July, and September 1922, February, April, July, September, and December 1923, March, June, and September 1924, June 1925).

(6) *Numerus clausus* in Hungary (petitions of November 18th, 1920, September 19th, November 3rd and 11th, 1921; Council meeting of September 1922).

(7) Poles in Lithuania (petition of March 11th, 1924, and supplementary petitions; Council meetings of March, June, and September 1925).

(8) Hungarian farmers in Roumania (petition of February 18th, 1925, and supplementary petitions; Council meetings of June, September, and December 1925).

(9) *Numerus clausus* in Hungary (petitions of 1924 and 1925; Council meeting of December 1925).

(10) Armenian refugees (petition of February 17th, 1925; Council meeting of December 1925).

(11) Russians in Lithuania (petition of August 21st, 1928; Council meetings of June and September 1929, January 1930).[1]

(12) Descendants of Szekler residents in Transylvania (petition of June 25th, 1929, and supplementary petitions; Council meetings of May and September 1931, January, May, and September 1932).

(13) Ukrainian minority in East Galicia (petitions of September and October 1930; Council meetings of September 1931, January 1932).

(14) German minority in Slovenia; Council meeting of September 1933.

[1] Subsequently withdrawn from the agenda.

(15) Assyrian minority in 'Irāq; Council meeting of September 1933.

II. Upper Silesian Procedure.

(*a*) Submitted by a Government.

(16) Conduct of elections in Polish Silesia (notes of German Government, November 27th and December, 1930; treated with No. 2 above).

(*b*) Submitted from private sources:

(17) Sixty-two petitions concerning the German minority in Polish Upper Silesia; 23 petitions concerning the Polish and one concerning the Jewish minority in German Upper Silesia, the distribution by years being: 1923, 1; 1924, 1; 1925, 2; 1927, 4; 1928, 28; 1929, 20; 1930, 6; 1931, 5; 1932, 6; 1933, 13.

The subject-matter of these petitions varies very greatly in the degree of gravity of the infractions alleged. All the cases considered under the general procedure were serious ones, involving as a rule the welfare of a great number of persons; some of the Upper Silesian cases not only concerned single individuals, but were in themselves very trivial. From the point of view of procedure, however, they may all be considered together.

The Council, for the purpose of consideration of a minorities case, consists of the whole Council, together with the representative of the government concerned, i.e. the government against which the complaint has been raised, who sits on the Council under Art. 5, para. 4, of the Covenant. If another government has made the complaint it might also claim to be present, but the point is doubtful. Lithuania, as we saw, once successfully asserted a claim to this effect;[1] but the case in question was not treated as a normal minorities case. In a normal case the petitioner, even if a government, is a mere 'source of information', without legal standing, and this consideration might possibly affect its claim to be present. A state

[1] See above, p. 344.

which has not itself petitioned, but whose inhabitants are ethnically akin to the minority concerned, is not in any case deemed to have a special interest in the case. The fact that the government concerned sits as a member of the Council on the case raises the difficult question of the 'unanimity rule'; for under Art. 5, para. 1, of the Covenant, all decisions of the Council, except those concerning procedure, require to be unanimous. It seems likely that when the Guarantee Article of the Covenant was drafted, its authors never imagined that a Treaty state would form a temporary or permanent part of the Council; and there exists an Advisory Opinion of the Permanent Court on a parallel case of a Council decision taken, not under a specific Article of the Covenant, but under a Treaty Article outside it, in which the Court, referring to the well-known rule that no man can be judge in his own cause, decided that the votes of the parties interested were not to be taken in ascertaining whether there was unanimity.[1] Nevertheless, the legal point remains doubtful; but it loses something of its importance when it is remembered that the Council possesses no executive arm to enforce its decisions. The consent of the state concerned is in any case necessary, and the Council can always disguise the steps which it takes to gain that consent—which consist in practice of a gradually increasing moral pressure—as 'procedure' resolutions. Matters of procedure, under Art. 5, para. 2, of the Covenant, include 'the appointment of Committees to investigate particular matters', which is one of the ways in which the Council works in minority questions; they also (apparently) include the asking of an Advisory Opinion from the Permanent Court, if not (under Art. XV, para. 6) the adoption of such an Opinion; in any case, should the state concerned prove absolutely recalcitrant, any member of the Council can, under para. 3 of the Guarantee Article, ask the Court for a final award.[2]

[1] Publications of the Court, Series B, no. 12, pp. 31 ff. The case was that of the frontier between Turkey and 'Irāq, and it was referred to the Court under the Treaty of Lausanne.

[2] See Stone, op. cit., pp. 184–93.

The procedure before the Council is described by the Adatci Report in the following words:

'When once the question has been brought before the Council, it is dealt with in accordance with the normal procedure, that is to say, the Council considers it on the basis of a report submitted to it by its Rapporteur for minorities questions.'[1]

These simple words actually cover one of the strangest anomalies of the present procedure. It is true that the Council normally deals with each subject which comes before it by the help of a special rapporteur. Usually, however, the rapporteur is simply summarizing the work of a Committee whose members have issued a report, containing their own conclusions, which has been circulated to all members of the Council.

This was also the early practice in minority cases. Although the 1920 Resolution omitted the original proposal that Committees should 'report to the Council at its next session', yet in fact the Committees habitually reported on the earlier cases handled by them, such as the Polish Settlers' case and the *numerus clausus* case in Hungary. That this was still for long considered the normal procedure is shown by a note on procedure submitted by the Secretary-General to the Fortieth Council (June 1926) which contains the interesting statement that:

'The Minorities Committee may terminate its work in two ways: (1) The question is referred to the Council. In that case the petitioners will have the same opportunity as the general public of seeing *the Committee's report*, and all the documents submitted to the Council, including the observations of the Government concerned.'[2]

By that time, however, the practice had already changed, and much for the worse. The first reports had contained not only summaries of the cases but also conclusions, which the Council took as the basis of its work. A certain consciousness that there was here a legal anomaly seems to have crept in, for in November 1922 the Committee was described as 'the rapporteurs'.[3] After this, the practice

[1] *P.R.*, p. 178. [2] p. 76. [3] *L.N.O.J.*, Nov. 1922, p. 1205.

was introduced of placing each minorities case which came before the Council in the hands of a regular rapporteur, who was not a member of the Committee of Three. The Committees still continued for a while to report, giving the reasons for their decision (e.g. in the case of the Poles in Lithuania, report dated December 11th, 1924). But soon this duty was dropped, and when a case now comes before the Council the sole documents from the Committee consist of the original petition and reply, with a note to the effect that the members of the Committee had placed the case on the agenda of the Council.

This was a momentous and unfortunate change. No objections are to be raised to the principle of a regular rapporteur for minority questions. In his three years of work he has a chance of becoming something of an expert on his subject, and the practice of selecting a non-European for the post should guarantee a certain impartiality.[2] The defect lies in the waste of the Committee of Three's work, and in the insufficiency of the information supplied to the Council.

Before taking their decision, the members of the Committee have investigated the case carefully; they have checked the statements submitted, and have made use of supplementary information from various sources. They have thus accumulated a quantity of valuable information which is essential to a just appreciation of the case, and it is utterly absurd that this information should return to the archives of the Secretariat precisely at the moment when it is most needed. As the Committee's task is not to take the place of the other Members of the Council—and in relinquishing conduct of the case they have admitted their inability to do so—but to assist them in carrying out their task, it is surely their duty to supply their colleagues with all possible information, and to explain the reasons for

[2] The rapporteur in 1920–1 was Italian, and in 1921–2, British (during which years the Council was chiefly concerned with procedure questions). From 1922 to 1926 he was Brazilian; for one session at the end of 1926, Japanese; 1927–9, Colombian; 1929–32, Japanese; 1933, first Irish, then Spanish.

the action which they have taken, just as they do in the *ex hypothesi* less important cases which they do not bring forward. It is not even sufficient that this information should be supplied to the rapporteur alone; for it is not on him, but on all the members of the Council, that the responsibility rests. An urgently needed reform—which was, indeed, urged by the British Government at the Fourteenth Assembly, and supported by several other delegations—is therefore that the former practice should be revived, and that the Committees, when taking a positive decision, should submit a detailed report on the case, including all information used by them, and adding their own conclusions. It might be advisable that the present system should be changed altogether, and the chairman of each Committee of Three act as rapporteur for the case; but there are disadvantages as well as advantages to this proposal.

In any case, a rapporteur will be necessary, for he is an important figure in a minority case before the Council. In theory he merely lays each case before the Council, clarifying the issue for the benefit of his colleagues, who then take their decision. In fact, however, he is in charge of the case throughout its history, and it is on him that the main duty falls of reaching a settlement—an end which, we repeat, can be achieved only with the consent, however reluctant, of the state concerned. His work therefore consists very largely in negotiating a settlement, and he is by no means bound to wait until his colleagues have expressed their views. More often he begins his negotiations before reporting to the Council at all, and in many minor cases he is able to complete his work quickly and present the Council with such an agreed report, of which they are merely invited to take note. Excluding the cases in which the petitioner has seemed clearly in the wrong (which only arise under the Upper Silesian procedure, since under the general procedure they would have been eliminated at a previous stage), such a report may contain 'explanations' or 'assurances' which amount in effect to a satisfactory settlement of the petitioner's case. There have also been cases in which the report has stated frankly that the

petitioner was right and that the government concerned should, in law or in equity, take certain measures; and the government has at once agreed to do so, on presentation of the report. Here one may assume that the preliminary negotiations had been successfully concluded in private. This is a very desirable result in cases which are in fact, although not in theory, cases at issue between two governments, notably Upper Silesian cases.[1] It involves, however, an obvious and very grave danger where a minority is friendless; for it is then fatally easy to reach a 'compromise' which is in fact no compromise at all, but a sacrifice of the petitioner's just claims. It is doubly dangerous, since there is no factual report from the Committee of Three. The rapporteur, if he only has to consult one government, is necessarily tempted not only to present the politest of conclusions, but to modify the whole tone of his report correspondingly, and the unfortunate Members of the Council are in an extraordinarily difficult position; for if they think that justice is not being done, they have to take on not only the state concerned, but the rapporteur as well.[2]

On one or two occasions the rapporteur has invited the government concerned to address the Council before he made his report;[3] and in the important 'Polish elections' case raised by the German Government, Germany spoke on the Council and Poland replied before the rapporteur took the case over.[4] It is a tribute to the competence and honesty of most rapporteurs that their conclusions and recommendations are in fact so rarely questioned, although the value of that tribute would be greatly increased if there

[1] The Paris Agreements regarding Upper Silesian procedure expressly state that 'when an appeal is made to the Council under Art. 149, the Rapporteur may, before the opening of the Council session, enter upon an examination of the substance of the question raised by the appeal with a view to the preparation of his report' (*P.R.*, p. 235).

[2] Cf. the East Galician case (*L.N.O.J.*, March 1923, pp. 578 ff.). In that case it was quite clear, and every one present knew, that the rapporteur, whose own country was particularly awkwardly placed at the time, was glossing over the truth, but no one liked to move the rejection of the report.

[3] The Hungarian farmers' case (idem, Oct. 1925, p. 1341).

[4] Idem, Feb. 1931, p. 165. Similarly also in the Polish Agrarian Reform case (idem, July 1929, p. 1017).

had been more cases in which a national specially interested in the complainant minorities had been represented on the Council. In a very considerable proportion of the cases the Council has been able to agree with the rapporteur that the question may now be dropped—sometimes on his assurance that the government concerned will keep in touch with him and inform him of the measures taken to execute the settlement agreed. The Council is not, however, bound to agree with the rapporteur, and cases have occurred in which he proposed to drop the matter off the Council's agenda, while another member of the Council objected.[1]

In more difficult cases, the rapporteur has had to ask the Council to do more than merely take note of his report. He has proposed to it to take certain action, and the Council has done so, more or less exactly along the lines suggested (which it has, however, full power to amend). The Council has always been exceedingly chary of taking a substantive decision which might wound irremediably the state concerned. At times it has disguised its actual opinion that the government is in the wrong by asking for further information or interpretations on a certain point—which amounts in effect to a request to be informed that the abuse has been remedied. When the 'interpretation' has been supplied in the required sense, the Council may 'take note' of this,[2] while a final polite resolution pins the government concerned down to its words.

When the state concerned has persistently maintained its point of view, it has been frequent to ask for a legal opinion. The Permanent Court is the obvious instance to which to apply, but it has become increasingly common to choose the less peremptory tribunal of a Committee of Jurists.[3] Their opinion has, of course, no binding force

[1] Idem, July 1931, p. 1145 (Polish elections case); Dec. 1932, p. 1979 (Polish Agrarian Reform case).

[2] This was the method adopted in the case of the Poles in Lithuania (idem, July 1925, p. 868; Nov. 1925, p. 1453).

[3] This was done in the Polish settlers' case (idem, Nov. 1922, pp. 1181 ff.); in the receivability case contested by Lithuania (idem,

whatever, but it increases the moral pressure which the Council is applying. It may induce the state concerned to agree to a settlement; and the Council is always ready to accept a satisfactory settlement at any stage in the case.

In two cases—that of the Polish settlers and that of German minority schools in Polish Upper Silesia—the Council has taken the more drastic step of asking the Court for an Advisory Opinion. In the Polish settlers' case, a Committee of Jurists had given an opinion which was noted by the Council and brought to the attention of the Polish Government. The latter, however, refused to accept it. The Council then asked the Court for an Opinion, first (Feb. 1923) on all the questions at issue except one (the interpretation of the nationality clauses of the Treaty) on which negotiations were proceeding, and then, in July 1923, the negotiations having failed, on that one. The Opinion in each case was unfavourable to Poland.[1]

The Opinion on the minority schools was requested in January 1931. On this occasion it was adopted by the Council, and the government concerned (that of Poland) agreed to put it into effect.[2]

In asking for an Opinion the Council must of course act as a body, or at least by a majority. An individual state member cannot do so. On two occasions Germany exercised her right to ask for an award by the Court. On the first the award was partly favourable to the German thesis, partly to the Polish.[3] The second case was withdrawn by Germany when she left the League in October 1933.[4]

July 1928); in more than one Upper Silesian case; and in the Szekler case of 1929–32.

[1] *L.N.O.J.*, March 1923, pp. 240, 395; June 1923, p. 637; Nov. 1923, p. 1333. Publications of the Court, Series B, nos. 6 and 7.

[2] Idem, Nov. 1930, p. 154; Feb. 1931, p. 228; July 1931, p. 1151; Nov. 1931, p. 2263. Publications of the Court, Series I., A/B, no. 40. This Opinion covered much the same ground as the judgement referred to in the next paragraph.

[3] Idem, Feb. 1928, p. 188; July 1928, pp. 881, 945. Publications of the Court, Series A, no. 15.

[4] The Court had meanwhile dimissed a request by the German Govern-

The judgement enabled the Council to adopt immediately the terms of a settlement. In the case of the Opinions, however, further negotiation was required. The Council 'noted' the Opinions in the German settlers' case, afterwards resuming its negotiations through a Committee of three Members of the Council, who were given 'full powers to settle the matter as soon as possible in agreement with the Polish Government' on the basis of the Opinion.[1] After prolonged negotiations an agreement on the principle involved—that of compensation to the settlers evicted—was reached, and the Council sent a mandatory, Captain Phillimore, to Warsaw to decide on the sum to be paid.[2] In the case of the Opinion on the schools case, the Council arranged for negotiations to be carried on between the German and Polish Governments, the President of the Upper Silesian Mixed Commission presiding.[3] Here, too, agreement was reached.

It would be impossible to go here into the details of all the settlements reached by the Council. The methods employed have been various, the most interesting being those used in the Albanian case of 1924, where the neutral members of the Mixed Commission for the Greco-Turkish exchange of populations were appointed the Council's mandatories to see that the acts complained of were not repeated, and in the Assyrian case in 1933, where a Committee of the Council was appointed to negotiate a settlement of the Assyrians outside 'Irāq altogether, while the 'Irāq Government was to 'keep the League informed as to the measures it was taking to ensure the safety of the Assyrians in the meantime' (a polite way of telling it to take such measures). In no case has an absolutely peremptory command been addressed to a government, although in the case of the Court award the resolution had an air of complete finality. It remains to be said that the Council does not relinquish a

ment for interim measures of protection for the settlers: Publications of the Court, Series A/B, no. 58.

[1] *L.N.O.J.*, Feb. 1924, p. 354; Apr. 1924, p. 548.

[2] Idem, July 1924, p. 926.

[3] Idem, April 1924, p. 543.

case until a settlement has been reached by means of an agreed resolution, and that it may then follow up the operation of the settlement to assure itself that its wishes are being carried out.[1] The terms of the settlement are seldom all that the petitioners desired, and usually less than they would, in strict equity, be entitled to receive; but in minority questions the Council has at least never allowed itself to accept a flat defiance from the state concerned.

8. *Suggested Reforms: a Permanent Commission*

It remains to mention here two or three more drastic proposals which have been made for reform of minorities procedure. The proposal which has attracted the widest attention, and enjoys the most lively popularity, is for the creation of a 'Permanent Minorities Commission'. Unfortunately, this idea has been almost too popular. It has become something of a slogan among the supporters of the minorities, and not all of those who utter it seem to know exactly what they mean by it. When it is translated into more concrete proposals, it is found that the ideas of what should be its composition and functions show remarkable variety.

We have already mentioned the proposals by the German Government to create a Permanent Commission for the purpose of exercising the 'general guarantee' of the League. Those proposals, as set out in the German memorandum to the 'Adatci Committee', are far from clear. It is suggested that a permanent League Committee, concerned

'permanently and exclusively with minority questions' would be able, 'removed from the influence of existing disputes, . . . to survey the

[1] Thus, in the Hungarian farmers' case, an agreement was reached under which Roumania undertook to pay compensation; and she reported in notes communicated to the Council on June 6th and Oct. 14th, 1926, March 3rd and June 14th, 1927, and April 20th, 1928. In the case of the Upper Silesian elections, Poland reported on May 14th, 1931, on the measures taken by her to carry out the Council's recommendations. The representative of Germany refused to regard this report as closing the question, and a second report was rendered in September 1931.

whole minorities problem from a higher point of view. Discussion by such a committee would at the outset to some extent clear away divergence of opinion on questions of principle before they were referred to the highest political instances of the League. A Permanent Minorities Committee might, by availing itself of all sources of information at its disposal, and in particular of information furnished by the States concerned, collect the fullest possible material on the position of the minorities question at any given time and subject it to a critical analysis. It might then, at fixed intervals, communicate to the constitutional authorities of the League any observations and suggestions compatible with the Treaties and Declarations in force which it might desire to make.'[1]

These admittedly tentative proposals were not greatly elucidated by the reassurances subsequently given to the Council in Committee that it was not intended to create a sort of executive power which would intervene in the countries concerned against their wills, but only to enable the League 'to keep in touch with the development of the whole minorities problem, to be in a position to observe and follow that problem closely and thus be able to assure itself of the fate of the minorities'.[2] It is possible that the German Government had not itself entirely thought out what would be the best way of implementing the somewhat vague idea of a general League guarantee of the Minorities Treaties.

The case was put more clearly by a Committee of the Federation of League of Nations Societies in the spring of 1932. Basing their case, like Germany, on the assumption that the exercise of the League's guarantee is not limited to action by a Member of the Council under paras. 2 and 3 of Art. 12, this Committee argued that such a guarantee could not properly be exercised without adequate information. This was not supplied by the Secretariat, whose documentation was based above all on the specific cases raised in minority petitions. The Committee therefore urged the creation of 'an organ devoted solely to securing preliminary information and to the co-ordination of documents'. This Commission should 'study and co-ordinate

[1] *P.R.*, p. 202. [2] Idem, p. 120.

the information put before it and, working with the Minorities Section, should collaborate in the documentation of the Committees of Three and should in addition supply a basis for an annual report to the Assembly, a methodical, comprehensive report, very different from what has been done heretofore'.

These proposals stand little chance of acceptance to-day; for even if the theory of a general League guarantee over the Minority Treaties be admitted as legally sound, the present state of opinion in the Treaty states clearly forbids in practice any hope that an organization based on that theory could be set up. On the other hand, the ideas of a Permanent Commission and of the general guarantee are not mutually dependent, and the doubt which may reign concerning the existence of the latter need constitute no obstacle to the establishment of the former as a means of assisting the Members of the Council in the execution of their unquestioned rights and duties under paras. 2 and 3 of the Guarantee Article.

The earliest suggestion for a Permanent Commission to assist the Council was made on September 12th, 1921, by Professor Gilbert Murray, then acting as Delegate for South Africa, when he submitted to the Second Assembly a motion

'That, in order effectively to carry out the duties of the League in guaranteeing the protection of minorities, the Council be invited to form a permanent Commission to consider and report upon complaints addressed to the League on this matter and, where necessary, to make enquiries on the spot.'[1]

This resolution was referred to the First Committee of the Assembly, which took note of the procedure which had just been adopted by the Council, observed that no petition had yet been submitted under that procedure, and expressed the opinion that it was capable of giving satisfactory results and, in a general way, met the desire expressed in Professor Murray's motion. Professor Murray, concurring, withdrew his proposal.

[1] Records of the Second Assembly, Plenary Sessions, p. 209.

The Council subsequently settled down to the strongly political procedure of the Committees of Three, but unofficial bodies have from the first been doubtful as to the adequacy of that procedure. Both the Inter-Parliamentary Union and the Federation of League of Nations Societies have from a very early date advised the creation of a Permanent Commission. The Inter-Parliamentary Union, in its resolution of 1923, asked for the appointment of three persons possessing especial qualifications from the legal and social point of view to be attached to the Secretariat, study the papers prepared by the latter, and report to the Council; while the Federation's resolution speaks of 'a Permanent Commission to advise the Council on complaints from petitioners'.

Both these proposals seem to involve superseding the Committees of Three altogether, although the point is not clear. When, seven years after Professor Murray's original motion, the Dutch delegate, Jonkheer Beelaerts van Blokland, again suggested in the Assembly that a permanent committee should be instituted, he also seems to have considered abolishing the Committees of Three. On the other hand, some later proposals have aimed at combining the two systems. Thus, the Hungarian Government, in its memorandum to the 'Adatci Committee', proposed a Permanent Commission 'consisting of persons of recognized authority and competence' which should be prepared to assist both the Committees of Three and the Council, either by deciding whether a case ought to be brought before the Council, or by suggesting possible solutions when it had been so brought. Similarly, the German Government in 1932 proposed placing at the disposal of the League 'a permanent body of qualified and experienced persons who were not dependent on their governments' and were not nationals of any country concerned, either directly or indirectly, in the problem of minorities. This Committee was to 'form a permanent source of information for the Committees of Three'.

The constitutional difficulties in the way of these various proposals are more apparent than real. The frequently

expressed statement that the Minorities Committee ought to be 'on the analogy of the Mandates Commission' rather confuses the issue, since there is no true analogy between the position of a mandated territory and of a minority. Moreover, states could clearly not be compelled, against their wills, to submit annual reports or to submit to cross-questioning.[1] It is equally true that the Council could not divest itself of its ultimate executive power, nor could any body be established whose decisions or recommendations would have the legal effect of seising the Council or the Court. That legal difficulty could, however, easily be got round by the device of the rapporteur, whose proposal to the Council that it should adopt the Committee's report would constitute legal seisin. There is no reason why the Council, if it can agree to do so, should not appoint an Advisory Commission either to assist its members in deciding whether they should or should not decide formally to bring a case before the Council, or to advise them on the possible settlement if one or more members of the Council did so bring it. The Council, when a case is before it, is entitled to 'take such action and give such direction as it may deem proper and effective in the circumstances', and such action might clearly include the reference of a case to a body of experts. The Council already frequently refers to a Committee of Jurists cases which, in the opinion of many, might well be sent directly to the Permanent Court, and this practice is actually welcomed by the Treaty states.

[1] The Council, has, however, called for reports in the two cases cited on an earlier page (Czechoslovakia in 1920 and Greece in 1925). In the former case the Secretary-General might have drawn his information from a source other than the Czechoslovak Government, but took the natural and courteous course in applying to the government concerned. Moreover, although Czechoslovakia could doubtless have refused the information, it was not in her own interests to do so. Had she refused, the Secretary-General would have had to look elsewhere, and had he gone no further than the Royal Hungarian Government (which would doubtless have been delighted to oblige), Czechoslovakia might have fared worse. In several other cases governments which felt themselves maligned by the propaganda of minorities have voluntarily submitted information to the League.

The 'Adatci Report' opposed the suggestion of a Permanent Commission in the following passage:

'It has also been suggested that the Committee of Three might be helped by an Advisory Commission to which they might, if necessary, refer certain questions. This suggestion does not appear acceptable for the following reasons:

'(1) Experience has shewn that the Secretariat of the League of Nations is able to obtain and supply to the Committees of Three the information which they may require on various points, and also to provide them with all necessary assistance. Moreover, apart from the fact that (2) it would be difficult to say what are the qualifications of an expert in the matter of minorities, (3) the Committee has serious doubts whether an advisory commission such as that proposed would be compatible with the spirit of the Minorities Treaties. An opinion given by this commission would, in practice, considerably reduce the responsibility of a State drawing the Council's attention to an infraction. But this responsibility is, and should remain, full and entire. The State assuming it must act on its own convictions and must not simply base itself on the conclusions of a group of experts.'[1]

The last of these objections is positively astounding, constituting as it does a flat contradiction of the entire theory on which has been built up, not merely the institution of the Committees of Three, but indeed the whole League system. The first and second objections contained in the Report are less fundamentally unsound, but hardly more weighty. They practically amount to a claim that no other body could improve on the work of the Secretariat; and it is difficult to see how they are to be sustained. For if the members of the Secretariat are not themselves 'experts in the matter of minorities', then it is high time they were replaced. If, however, they are experts (and we are repeatedly and credibly assured that this is the case) then it is difficult to see why they should be supposed to have the monopoly of expertize. The advocates of a Commission maintain, indeed, that so far from its being impossible to find experts outside the ranks of the Secretariat, the members of the Secretariat, however able and devoted, cannot, in virtue of their position, possess certain qualities

[1] *P.R.*, p. 184 (numbers inserted for convenience).

of independence and authority indispensable to the proper treatment of the minorities problem. Although the League Secretariat has sections containing men of ability as unquestioned as that of the members of the Minorities Section to deal with communications and transit, child welfare, economics and finance, obscene publications, and many other subjects, yet in nearly all these cases it has thought it prudent to call to its assistance outside experts; and no difficulty has been found in doing so. The argument that the Secretariat already supplies all necessary assistance and information simply does not hold water. A constant complaint of the minorities is that their case is never adequately heard, as it is impossible for them to present all the circumstances in the form of a petition. If this be discounted as an *ex-parte* statement, one may quote the testimony of Senator Dandurand, who said in the full Council:

'The point which has struck me in regard to the manner in which the Committees of Three work—I was and still am a member of one of these Committees—is the striking inadequacy of the information at our disposal.'[1]

This inadequacy, which is generally admitted outside Geneva, could of course be remedied by enlarging the Minorities Section of the Secretariat and its resources. It is thus not necessarily an argument in favour of a Commission. At the same time, some advantage would be gained even if the more modest suggestion were adopted and a small independent Commission constituted to help the existing system of Secretariat and Committees of Three. The members of the Secretariat cannot, by virtue of their very position, take up a really independent attitude. They cannot be altogether free either in collecting information or in imparting it, and they cannot leave their desks for sufficiently long periods to keep in such perfect touch with the various problems on the spot as would be desirable. Thus the institution of a body of entirely independent experts might prove in many ways more desirable than a mere expansion of the Secretariat.

[1] *P.R.*, p. 103 (Minutes of the 54th Council, Mar. 6th, 1929).

If the examination of petitions were to be entrusted altogether to a Permanent Commission, instead of to a Committee of Three, certain obvious advantages would follow. Such a Commission, sitting in permanency, would have more time for detailed examination of each case than is possible under the present system. Its members, moreover, would be selected originally on the grounds of their experience and qualifications, and their constant occupation with this particular subject would soon give them experience which the ordinary government delegate who sits on the Committee of Three can seldom hope to achieve.

But the real issue between the system of Committees of Three and that of an independent Commission goes deeper even than any considerations of experience or information. It is the issue between 'policy' and 'justice'. The present system, with its secret diplomacy, its constant balancing of political considerations, its careful compromises, its elaborate tactfulness, is based on a pessimistic view of the whole minorities problem. It presupposes that every case will be a 'delicate' one, that the plain words of justice will always be far too blunt for the ears of a state, that the state will always need to be cajoled against its will. Minority questions are, indeed, often delicate, and untactful handling of them may often do more harm than good. It is true that there have been cases in which a Committee of Three has secured considerable concessions for a minority, whereas if the matter had been brought before the open court of the Council such national passions might have been aroused as to leave the minority worse off than before as regards its general situation, even if its specific grievance had been remedied. Nevertheless, great as is the value of conciliation, for it to be really successful it should be carried out between two parties of at least approximately equal strength. True conciliation consists in getting each party to forgo that part of its claims which the other is particularly unwilling to grant, so that both are approximately satisfied. But the 'conciliation' as practised by the Committees of Three is something quite different. It usually lies in persuading the governments concerned

to make the minorities a partial concession. It is tempering injustice with mercy, but it is not meting out justice. It can never leave the minorities satisfied, and there is no reason why it should. And by sanctioning and even enshrining this principle that nothing better than mild iniquity is to be expected from a government, it practically puts off still further the wished-for day of the reign of justice.

Yet nothing else than justice will ever solve the minorities problem. Peoples have an instinct for justice, and mere 'expediency' seldom pays in the long run. This has been proved so a hundred times over in every field of political relationships, and the field of minority problems will be no exception. The League system will never be a complete success until both parties are convinced that when they apply to the League, neither fear nor favour will count, the state will not be favoured at the expense of the minority, nor the minority which has power and influence at the expense of that which is poor and weak, but each case will be judged strictly on its merits. To give such a judgement will be the first and supreme duty of a Commission.

After all, the present system accords very ill with the nature of the Treaties themselves. The Treaties are perfectly definite. They do not bind the minorities to be loyal and contented, nor the states to be just, generous, or philanthropic. They simply provide that certain specific rights and liberties are to be granted. If considered as purely administrative measures, these are things which any of the Treaty states would grant as a matter of course; for they are not difficult or onerous obligations.

It is only the introduction of the political element that causes the difficulties. When a particular state forces such and such a little boy to attend a school with instruction in the tongue of the majority, and not in his own mother tongue, it is because it sees in the language which he is to learn a political question. It is the political issue that causes all the ill feeling. Now of the three parties concerned—the states, the League Council, and the minorities

—at present the minorities, and they alone, have been coerced into taking the matter out of the field of politics. The conditions of receivability ensure that any petition tainted by political motives is immediately dismissed. This is wise and necessary. But it is equally necessary that the other parties to the case should subject themselves to the same discipline, and neither the states nor the Committees of Three at present attempt to do so. Thus the present situation is truly anomalous. Every minority question is first scrupulously disinfected from politics by the Secretariat—and is then promptly reinfected by the Committees of Three and the Governments.

It may be too soon to hope that states would yet consent to so radical a change in the League system. Nevertheless, it is a mistake to think that states can never admit that they are in the wrong, nor submit equably to a verdict against them, as the history of the recent growth of arbitration shows. Some of them are even able to admit that they are wrong over minority cases. The best example known to the writer is the attitude of several successive German Governments in their answers to Polish petitions regarding German Upper Silesia; answers which were a model of their kind. Where the petitioners were in the wrong the fact was stated without exaggeration or recrimination; where the German officials had been at fault, as sometimes occurred, the fact was frankly admitted; and even the disciplinary measures taken against the offenders were reported in a way which only enhanced Germany's reputation for sanity and dignity. The matter was treated as one of administration, and when so treated, it immediately lost the false importance with which a political handling of the matter at once invests even trivialities.

In my opinion the Permanent Commission should replace the Committees of Three altogether. It would have the duty of considering all petitions. In doing so, it would naturally have to draw on all available sources of information, which must include the petitioner. Even if the latter cannot technically become a party to a case, it is clear that his case must be properly and fully heard if a

satisfactory decision is to be reached. The Commission should then in every case draw up a reasoned report, setting out the facts of the case and giving its conclusions. This report should be circulated to all Members of the Council and, unless in quite exceptional cases, published. It would still not be officially before the Council. The task of seising the Council would lie with the rapporteur, who, if he performs it as a routine duty, need not be regarded as performing a hostile act against the state concerned. Not every infraction of the Treaties need, of course, come before the full Council. The Commission might well decide to recommend conciliation, and the rapporteur might then be charged with the negotiations. If the true facts of the case had already been ascertained, many of the evils of the present 'conciliation' would be removed.

Another suggestion of great value emanated, again, from Professor Murray, who presented a resolution to the Sixth Committee of the Third Assembly that:

'In some localities of mixed population, the Committee believes that the protection of minorities cannot be securely attained except by the appointment of resident agents of the League to report impartially on the behaviour of both, or all, sections of the population.'

In defending this proposal he pointed out that in Asia Minor most satisfactory results had been obtained and grave dangers averted by the presence on the spot of a neutral who inspired confidence in both parties and was in direct touch with the European governments. Cases might, however, also occur outside Asia Minor.

The resolution was referred to a sub-Committee, which accepted it in an extremely diluted form, adding the words 'with the consent of the Government concerned', deleting the word 'resident', and emphasizing the exceptional nature of the measure. It appears, however, that Professor Murray quoted Macedonia as another locality to which the system might with advantage be applied (it will be remembered that the New States Committee itself had proposed the appointment of a resident Commissioner in Macedonia). The Yugoslav delegate, of course, immediately leapt to

arms, and was duly supported by the Frenchman, and finally Professor Murray withdrew his resolution.

It is very unfortunate that the proposal was not carried. Greece and Bulgaria afterwards made the experiment of inviting League Commissioners to settle their frontier difficulties on the spot; and their experience shows that the neutrals were able to do exceedingly valuable work. The argument that the presence of a resident League agent for minorities questions would incite minorities to manufacture grievances is not at all sound, for if the agent is a responsible man he will be able to detect the unreality of a complaint far more accurately than any one in Geneva could do. And in any case, the attitude that the complaints of minorities are generally unfounded and factious is sheer hypocrisy. There are certainly plenty of localities in which the presence of a League Commissioner is unnecessary; but we think that whenever a situation arises whereby the minority problem becomes acute, e.g. whenever territory is transferred, all parties, and not least the governments, would find it to their own advantage to consent to the appointment of a Commissioner.

On one occasion two governments actually agreed between themselves to apply this system. These were Greece and Bulgaria, who on September 29th, 1924, signed identical protocols for the better protection of the Bulgarian minority in Greece and the Greek minority in Bulgaria. Art. 1 of these instruments stipulated that the neutral members of the Mixed Commission for the exchange of populations, then at work,[1] should be appointed as special representatives of the League, with the task of helping the governments concerned in their duty of assuring the protection of the minorities, in accordance with the Minority Treaties signed by them. Art. 2 provides that the neutral members should act in an advisory capacity, reporting to the governments concerned; they were to enjoy the fullest liberty to collect all information. Under Art. 3 they had the right to receive petitions from the minority concerned. After they had given their advisory opinion,

[1] See below, pp. 435 ff.

the national member of the Mixed Commission had full powers to regulate the question on the spot. Only if he or his government disagreed with the proposed solution would the petition go to the League in the normal way. Under Art. 4, the neutral commissioners were to report every six months to the League.

Unfortunately, Greece was at that time engaged in other negotiations with Yugoslavia, who disapproved violently of the protocols; for to admit the existence of a Bulgarian minority in Greek Macedonia was to imply, *a fortiori*, that a Bulgarian minority existed in Yugoslav Macedonia—a fact which Yugoslavia has always denied with passion. The Yugoslav Government therefore put pressure on that of Greece, and the Greek National Assembly, on February 3rd, 1925, decided not to ratify the Protocol, alleging that it was contrary to the general dispositions of the Minority Treaties and constituted an unwarrantable interference in the internal affairs of the state. It was a poor consolation for Bulgaria to be able, in 1932, to conclude a bilateral treaty with Albania (who had no qualms whatever about being rude to Yugoslavia) for the better protection of the Bulgars in Albania and the Albanians in Bulgaria, who only number a few thousands in each case. This Treaty was rather a gesture than a serious document, and contained no very detailed stipulations. The Treaties of Brünn between Czechoslovakia and Austria, and of Warsaw between Czechoslovakia and Poland, have been mentioned above.[1]

The Inter-Parliamentary Union has, on two occasions (1922 and 1925), urged the establishment in the Treaty states of Commissions, composed of equal numbers of the majority and the minority concerned, to act as courts of conciliation and propose equitable solutions of conflicts. These commissions might sit locally or at the central seat of the government. This proposal was warmly endorsed by the second European Nationalities Congress, which in its resolution on the subject[2] laid great stress on the value

[1] See above, pp. 268 ff.

[2] *Sitzungsbericht des Europäischen Nationalitätenkongresses*, 1926, p. 163.

of negotiation and conciliation. It is clear that a settlement by agreement between the parties concerned is far preferable to an appeal to an outside authority, and while the form suggested is perhaps not the most suitable for every minority, it could often be applied with great advantage. If a Permanent Commission were appointed its members could be called on, by common consent, to act as arbitrators in cases of disagreement.

There is, moreover, another and important way in which the numbers of complaints coming before the League might be greatly reduced and the whole situation eased, and that without any amendment of the present procedure. Art. 1 of each Treaty provides that the Articles which follow it shall be recognized by the state concerned as fundamental laws, against which no national law, regulation, or action shall conflict, etc. If this Article were genuinely to be embodied in the constitutional law and practice of each country, and if the minorities were thus enabled to appeal to the Supreme Court of their country when a given law or regulation seemed to them to conflict with the stipulations of the Treaties; and if, again, the Court were to judge the case equitably, and to pronounce invalid laws and regulations which in fact conflicted with the Treaties, and the country concerned obeyed the rulings of its own Courts—then the League would become only a last court of appeal, and most of the cases coming before it would be of a nature to send immediately to the Permanent Court. This was probably the original intention of the authors of the Treaties, and it is most unfortunate that hardly any state has so far carried it out.[1]

[1] See an interesting article by M. Zsombor de Szász in *Nation und Staat*, December 1929. M. de Szász points out that the Czechoslovak Supreme Court has given certain decisions disallowing internal legislation on the ground that it conflicted with the Minority Treaty. Most of the Treaty states embody in their Constitutions clauses relating to minorities, but appear to have no provisions for annulling breaches of those clauses.

CHAPTER X

THE LEAGUE SYSTEM AT WORK

1. *The Governments and the Treaties*

FEW of the League's duties have brought it less appreciation than its work in connexion with the Minorities Treaties. It is true that it is generally possible to draw applause from a west European audience by referring, among the League's achievements, to its 'protection of minorities in central and eastern Europe'. It is also true that the Members of the Council, when discussing the subject, not infrequently hand one another stately bouquets for their painstaking and devoted work—which is, indeed, both painstaking and devoted.

But in the circles whose experience of the system has been direct—the minorities themselves, the governments of the Treaty states, and the governments of those states, among which Germany is the chief, whose former nationals are now protected minorities—there it is rare indeed to hear the League's work praised. All alike denounce it with such unanimity that if one merely listened to the chorus of dispraise without examining its nature, one might easily conclude that the most sensible course would be to scrap a system which so clearly pleases nobody.

But the question is not so simple; for if governments and minorities are equally loud in their complaints, their grievances are diametrically opposite. The former revile the League for doing too much, the latter for doing too little.

This contradiction is not mainly due to varying estimates of the efficiency of the League's machinery. In minority cases the minority is always the original plaintiff, the state the defendant, and the League's solution usually lies in effecting a so-called compromise whereby the government concerned concedes a little more than it had meant to give, but much less than the minority had demanded; and that concession naturally looks much larger to the govern-

ment than it does to the minority. But the difference is more fundamental than this. The minorities accept the principle of minority protection, but complain that it is ineffectually applied; the governments question the whole basis of the system.

Let us, as is seemly, hear the governments first.

'We have no intention', they say, 'of ill-treating our minorities; we will treat them exactly like ourselves, i.e. like the members of the majority. But they must feel themselves one with the rest of our citizens. They must give us full "loyalty"; they must share our national ideals. If only they were left to themselves, in time they would do so. They would settle down; they would see that their only course, in their own interests, is to live on good terms with us and they would gradually adapt themselves. In the end they would probably lose their characteristics in our own. The system of international protection is thoroughly unhealthy. It prevents this natural process of assimilation from taking place. It weakens the unity of our state by encouraging our citizens to look to a third party for protection and encouragement against their own government. It allows them to hope that they can for ever maintain themselves as a sort of privileged, alien order, a state within a state; and since this particularism is generally, at heart, no more than irredentism—or at least is always liable to turn into irredentism at moments of stress—the system actually defeats its own declared object of ensuring peace.

'Furthermore, it is intolerably wounding to our susceptibilities. It allows insidious propaganda to be directed against us; it allows any one who cares to send in a "petition" to attack our good name publicly; it drags out all our dirty linen and washes it publicly, and puts us in the odious position of having to appear in a public court as defendants against our own citizens.

'It has not even fulfilled the express purpose for which, so we were told, it was designed. A government which is interested in the fate of a certain minority can take advantage of the machinery, either by actually inspiring

complaints to the Council, or at least by taking them up and making the most of them; so that not only are we not spared the infliction of an international quarrel, but we have to fight it out in front of a large and agreeably titillated audience.

'We might be able to put up with this if all states were liable, in their turn, to appear in the same box, but they are not. Why should this discrimination be shewn against us? Do we, Poland, treat our minorities worse than Italy, or than Germany treated her Polish subjects before the war—Germany who hates us, who uses these treaties to besmirch our name and stir up disaffection within our borders, or in any case thoroughly enjoys our discomfiture, while we cannot retaliate if we would, because Germany has no minorities treaties? Are we, Czechoslovakia, a less civilized nation than Bolivia or Uruguay?'

This, I hope, is a fair statement of the Treaty states' complaints. All of them are natural, and many well founded. It is natural for any man to resent outside interference in his affairs, however well intentioned; and in a state, which has the sense of dignity developed to a far higher degree than most individuals, this resentment is commonly intense. No sensible man can expect a state to enjoy the spectacle of the representatives of fourteen states sitting in judgement, and the press of the world commenting, on her behaviour towards certain of her citizens; and it is difficult to say whether her exasperation is likely to be greater when it is Poland being accused of seriously maltreating many thousands of Ruthene peasants, or when the case is discussed of 'the terms used by Police Officer Krosnik in the café belonging to Madame Helene Kucharczykowa at Dziergowitz, German Upper Silesia'.[1] It would certainly be preferable for all if the minorities could be protected without intervention by any third party, how-

[1] Minutes of the 55th Council, *L.N.O.J.*, July 1929, p. 1029. The gendarme was alleged to have used language which 'would hurt the feelings of every Pole living in German Upper Silesia'; but the charge could not be corroborated, as the only witness had left German territory before the case reached the League.

ever well intentioned. Further, the position of inequality in which the Treaty states have been placed is, indeed, excessively galling. Whatever the difficulties of generalizing the Treaties, there is no denying that the present position is irksome, nor that the existence of this differentiation is a lasting cause of grievance, and a factor making for disharmony in Europe.

Neither can it fairly be denied that the League system can be, and has been, abused. Few systems are so ingenious that they cannot be perverted, and that of the League has proved no exception. In its early days petitions were often submitted (although not nearly so often as was alleged) of which it was at least doubtful whether they 'had in view the protection of minorities according to the treaties'. Even to-day unjustified complaints may occur, and it is not impossible that they may be considered by the Council. It is certainly easily possible that they may be published broadcast and made the basis of an agitation by outsiders, well meaning or otherwise, who imagine that because a statement has been made to the League it must be right.

But this particular danger has ceased to be very serious. The League has provided every imaginable safeguard against it. The 'conditions of receivability' are a sieve of the finest mesh, and it is as easy to-day for a camel to pass through a needle's eye as for a complaint which is in reality anti-governmental propaganda to be considered by the full Council. Only in the case of Upper Silesia are the facilities greater; and they are due to expire in 1936. The real danger is, indeed, all on the other side: that a government can secure the dismissal of a perfectly honest and justified complaint on a plea of 'propaganda'.

The complaint that a government may misuse the League system is possibly better grounded. Albania, it will be remembered, once called down on her head the sedate wrath of the Council on this score; but here again a powerful safeguard has been introduced by the veto which has been imposed on the invocation of Art. XI. To-day only a State Member of the Council enjoys any facilities for

offending in this way, and the only state which, in practice, has been able to do so has been Germany. There was, indeed, an unfortunate period, which lasted for approximately three years, when it seemed possible that Germany might yield to this temptation. One of the arguments used by Stresemann to persuade the German nationalists to accept Locarno and with it Germany's entry into the League had been that she would then be in a better position to watch over the interests of German minorities.[1] After a couple of years' comparative inactivity on the Council her representatives suddenly began to display a warm interest in the minority problem. They pressed, in 1929, for a revision of the entire minorities procedure; in 1930 they revived the annual discussion in the Sixth Committee of the Assembly which had fallen into disuse. The unfortunate aspects of the situation were that this entirely legitimate enthusiasm for the proper working of the Minority Treaties (the object of which is to remove the temptation of irredentism) exactly coincided with a great growth, within Germany, of the militant nationalist parties whom it was found most difficult to credit with a fine desire to increase the stability of her eastern neighbours; and further, that Germany reserved her most important batteries, not for those European minorities which were in fact the worst treated, but for the Germans in Poland who inhabited precisely those areas to the loss of which Germany had been most candidly irreconciled.

The Treaty states, not unnaturally, complained that the Treaties were being misused for a purpose exactly opposite to that for which they were intended, i.e. to foster irredentism and to pave the way for future frontier revision. The whole question developed into a political struggle between Germany, supported from outside the Council by Austria, Hungary, and Bulgaria, on the one hand, and the Treaty states, with their ally France, on the other. It culminated when the German Government directly raised the question of the conduct of the Polish elections in Polish

[1] See on this point Fr. Wertheimer, *Deutschland, die Minderheiten, und der Volkerbund* (1926).

Upper Silesia and Posnania in December 1930, formally seising the Council and itself acting as complainant.

The situation threatened, in fact, to develop into a very dangerous one, and the minority question was at the time undoubtedly a menace to the peace of Europe. But this was not the fault of the system. The very fact that a misapplication of the principles on which it rested brought about such unfortunate results showed the soundness of those principles if properly applied. Neither was Germany the true and original offender. The initial blame lay with the Treaty states themselves, who had refused to give the system a fair trial. Instead of taking to heart the prudent counsels of the authors of the Treaties, who saw that oppression of the minorities was bound to give rise to complaints, and that these must create international friction unless properly considered before an impartial tribunal, they had persisted in giving their minorities the barest rights due to them, or not so much, and had used all their influence on the Council, while Germany was still unrepresented there, to prevent its acting properly. Thus they had presented Germany with an unassailable case; for she could argue, and none could deny her, that here were rights guaranteed under international treaty by a body of which she was a member, which were being systematically and cynically disregarded.

In the second instance the blame—and a full measure of it—lay with the neutral members of the Council; by which term we mean the states neither themselves bound by Minority Treaties, nor owning kinsmen living as minorities in the Treaty states. It was for them to apply the remedy of impartial investigation and redress which the Treaties provide; but after a courageous beginning they had come to listen all too readily to the Treaty states, and to believe, ostrich-like, that the less the Council discussed minorities the better. Their weakness was largely responsible for creating the situation which justified Germany's intervention; their continued passivity thereafter increased the danger. When Germany first took up the question she was, indeed, warmly supported by Canada, but most neutral

members of the Council were obviously anxious, above all things, not to burn their fingers. When Germany reopened the annual debate at the Assembly (that of 1930) the most important of the neutral delegations—the British—took up the remarkable attitude that, after all, most of the minorities were German, so that Germany was the proper country to look after them. They had themselves plenty to do, and *qui trop embrasse mal étreint*, so they gladly left her the front of the stage in this particular scene.

The natural result was that the whole question developed more and more into a political struggle between revisionist and anti-revisionist states. The system was shaken to its foundations. Fortunately Mr. Henderson brought about a great improvement by his wise and courageous handling of the German-Polish question in the spring of 1931, and since that date the attitude of the neutrals has somewhat changed. There seems a genuine possibility that the Treaty system will once again be applied as it was meant. This change was very noticeable at the 1932 Assembly, where the neutral states whose representatives spoke on the Sixth Committee (Norway, Denmark, the Netherlands, and Great Britain) took up the only possible attitude, neither encouraging hope that breaches of the Treaties would be disregarded, nor countenancing any attempt to exploit the Treaties to the discredit of their signatories.

A better proof could not be found of the essential soundness of the League system than this dismal demonstration of what happened when it was not properly applied; for the plain truth of the matter was that all concerned had been paying lip-service to the League, while disregarding its principles as far as they dared. And indeed, on the fundamental point of principle the present writer, at least, is most profoundly convinced that the authors of the Treaties were right and that the Treaty states are wrong. When they argue that 'if left to themselves' (by which they mean, if left unprotected) 'the minorities would settle down', they are disregarding all history and experience. The earlier half of this book went, in what was perhaps tedious detail, into the past history of the minorities ques-

tion, particularly in the area covered to-day by Minorities Treaties and Declarations. Now up to 1918 foreign intervention in support of an aggrieved minority was practically non-existent, except in the case of Turkey. Minorities had no recognized and impartial tribunal to which they could appeal. But did this fact reconcile them to their position, or lead them to 'settle down' more easily? Not by one iota. True, there were minorities which adapted themselves to their situation; so there are to-day. But so soon as the ideas of national self-determination and of the national state took root, not one minority living on or near a frontier but began, in its secret heart, if not openly, to desire union with its brothers in a national state of its own. Nearly all worked towards this end as actively as the balance of forces allowed them. Fear dictated professions of loyalty enough, but the story of the war-time period in Russia and Austria-Hungary showed how hollow those professions were and how quickly they were forgotten when the fear was removed.

Moreover, not one state to which such an appeal was made from its kinsmen remained at heart indifferent to it. Fear again, policy, or diplomatic courtesy usually induced governments to maintain an outwardly correct attitude, but even this was not invariable. As for the common people, they invariably sympathized with the aspirations of their kinsmen, and in most countries societies, more or less openly irredentist, existed for the express purpose of fostering those aspirations and bringing them nearer to fulfilment. And when their chance came governments were only too glad and proud to follow the call of nationalism. When the World War broke out, of Austria-Hungary's three allies in 1914, two deserted her for her enemies in the sacred names of Italia Irredenta and Romania Mare.

There were, admittedly, occasional exceptions. The most notable—indeed, almost the only one—was the case of Switzerland. But if ever exception proved the rule, it is here. The French and Italians in Switzerland did not revolt because they were not national minorities. Switzerland was not a national state. But the moment that any state definitely adopted the ideology of the national state,

then its minorities ceased to be reconciled to their position unless they were so weak or so dispersed that there was no conceivable hope of their ever belonging to a national state of their own.

This was in the nineteenth century and at the beginning of the twentieth. Is it seriously to be argued that the position to-day would be more comfortable for states possessing minorities? To-day, when nationalist feeling is inflamed to a pitch even higher than it was in 1914? When the position of minorities in every new European state is essentially worse than it was in the old states, at least of the nineteenth century, because these new states are now national states in a far fuller sense of the word than the old? When the frontiers of many of them are hallowed by no sort of historical tradition and, too often, not supported by any economic consideration, and are regarded by the nations at whose expense they were drawn as entirely unjust? When the states within whose territories most of the minorities live are for the most part young, almost experimental, with little administrative experience and comparatively small populations, while the states left with the chief irredentas are Germany, in the long run the most powerful military state on the Continent, fiery Hungary, and dour Bulgaria, not one of which has ever hesitated to fight in pursuit of what it regarded as its legitimate national ambitions? It must surely be obvious that the League system is far from creating an outside forum, encouraging minorities to appeal away from their own governments. On the contrary, it offers the only hope of preventing the national question from becoming the cause of another great war.

As for the hope that if a breathing-space were given, while the losers by the Peace Settlement were still exhausted, the minorities would be assimilated, experience shows, again, that this hope is equally fallacious. It shows, I believe, past any doubt that under modern conditions, when once a minority has become conscious of its nationality and determined to retain it, no efforts at assimilation will have any appreciable effect. Only the drastic methods of mas-

sacre or expulsion will get rid of such a minority. Reference was made to this point in an earlier section; but the experiences of the *Alldeutscher Verband*, the Hungarian Government, and the various national organizations in Austria did not stand alone.

The Danish Government had no greater success with its small German minority than the Germans with their Danes, not to mention the fact that Danish nationalism was largely responsible for losing Denmark Schleswig-Holstein in 1864. Russia was no more successful than Prussia with her Poles. England, although she ruled Ireland with an iron hand for centuries, proscribed the Irish religion and almost eliminated the Irish language, made no headway whatever against Irish national feeling.

Here again there is not the slightest reason to suppose that the situation has changed since pre-War days, except that minorities are now more determined than ever to defend their patrimony. Certain censuses do, indeed, show remarkable changes in the relative national figures which make it appear as though the minorities had already lost much ground; but the changes are as a rule only apparent. The chicanery of one set of government officials has been replaced by that of another. Various forms of pressure have been brought to bear on doubtful or bilingual elements, and many have changed their apparent nationality—in some cases coming perhaps nearer accuracy than had been the case under the earlier régime, in others departing further from it. Where the test applied is not that of 'nationality' but of 'usual language' (*Umgangssprache*) or of 'maternal language' (*Muttersprache*) the Jews have very commonly given as their language, in each case, before and after the War, that of the majority nation, so that a large apparent change has taken place in districts where a big Jewish population has changed hands.[1] Some-

[1] With the experiences of pre-War Austria (cf. p. 147) may be compared an article by a Czech writer in the *Central European Observer*, Feb. 17th, 1933. This writer claims that 'the national balance in Bohemia is not yet fixed'. The Czechs are gaining at the expense of the Germans. But he goes on: 'What, however, may be stated to-day is that this development is

times the officials taking the census have even disregarded both the subjective test and the common objective test of language, and have attempted to apply a test of race, judged by the names. Thus a German Pole of the name of Ulitz would be entered as a Pole; a Magyar Yugoslav called Popovic as a Serb. The persons concerned would then be informed that they belonged to the majority, and that their children, for example, could not attend a minority school.[1] Occasionally, even, names have been forcibly changed, a Macedonian of the name of Popov (the Bulgarian form) becoming, for example, Popovitch (the Serbian form) or Papadopoulos (the Greek).[2]

By these and similar devices the apparent numbers of certain minorities have been reduced. It is, of course, also true that to-day, as also before the War, there are certain minorities which, for lack of national self-consciousness or some other reason, seem to be disappearing by a process of natural assimilation. The Gagauz of Roumania, when the author visited them, appeared to him to be undergoing this process, and the same is said to be true of those of Bulgaria. But this is certainly not the case with those important new minorities belonging to the nations defeated in the World War—Germans and Austrian Germans,

spontaneous, legal and influenced, or at least very slightly influenced, by political interference.' Among the factors making for the change are immigration of Moravians and Slovaks, emigration of Germans to Germany and the falling-away of the Jews from German nationality.

[1] These are imaginary examples, but in fact a M. Ulitz is the well-known leader of the Deutscher Verband in Polish Upper Silesia; a M. Popovics was long president of the Hungarian National Bank. The 'analysis of names' has been widely practised in Yugoslavia and Roumania, and perhaps in other countries. Few practices are more deeply resented by minorities, or with better reason.

[2] The forcible alteration of names has been carried out most widely in Yugoslavia. In Hungary force is not applied, but it has long been the practice to urge officials and even private persons of perfectly good Magyar sympathies but some more or less remote non-Magyar origin to 'show their patriotism' by Magyarizing their names. This is being done with great vigour at the present moment (1933) by a Minister of the Interior whose own name is in part not Magyar. Fortunately, many Magyars have sufficient sense and humour to laugh at the silly movement.

Magyars, Bulgars—which, with the Jews, constitute the real minorities problem of to-day; nor is it the case with very many of the Jews. These the Treaty states cannot hope to assimilate.

'But' (this will be the last word of our *advocatus diaboli* from the Treaty states) 'all this may be perfectly true. And yet, judged by the last text, your League system has failed. If we accepted it, you told us, our minorities would become "reconciled to their new position". They would become loyal citizens and cease to hanker after a return to the old order. They have not done so. They protest loyalty indeed, but we know well that, if once the chance were given them, they would not hesitate one moment but would take sides with our enemies against us. Therefore all this humiliation and trouble has been for naught, and we should be far better off, after all, if we were allowed to deal with our problem in our own way.'

This is a hard complaint to answer. We do not, indeed, think that the final reply to it can end in a complete justification of either the League's theory or its practice. But a partial answer to it is obvious. The results which the League hoped to achieve—international peace based upon the internal stability of the states concerned—depended on the fundamental condition that the minorities were to be so treated that they would gladly give their political loyalty to the state of which they formed a part. It was to ensure this treatment that the Treaty stipulations were laid down. Have they, in fact, received it? For, if not, the states can hardly complain of the failure of a system the conditions of which they have not observed. For the answer to this we must turn and listen to the voice of the minorities.

2. *The Minorities and the Treaties*

If the Treaty states are bitter against the League, the minorities are far more bitter still. 'We were bound hand and foot', they say, 'and delivered over to our enemies In some cases this was done in violation of direct pledges; nearly always in flagrant contradiction to the promises of self-determination and liberty for small nationalities

of which the Allied and Associated Powers were so prodigal during the War. Most of us were not consulted about our fate, which was intensely unwelcome to us and against which we protested with all our power. But one thing we thought at least to save. We were definitely promised protection from ill treatment and from attempts to rob us of our national heritage.

'Those promises have not been kept. Firstly, when the Treaties were being drawn up, only one group among us was even consulted; and most of its wishes were disregarded. Our charter of liberties is thus blatantly inadequate. It represents only a fraction of our minimum needs. But even these have been made into a dead letter. Our Governments have violated their Treaties again and again. They have deprived us of our land, our schools, our churches, and the League has let them do it. It has winked at flagrant violations of the Treaties; it has put us off with mealy-mouthed resolutions about our duties, and about "coming before it with clean hands". How, treated as we have been treated, can we be expected to give "loyalty"?'

Thus the minorities; and, on the whole, with much justice. Although their condition has naturally varied very greatly in the different Treaty states, it has rarely been satisfactory. The mere fact that from the inauguration of the League procedure up to February 1931 no less than 525 petitions had been submitted to the League (exclusive of those submitted under the Upper Silesian procedure)[1] indicates no healthy state of things; and that, even if it be admitted that many of the petitions may have been groundless. It is, however, a sound proverb that there is no smoke without fire; and when it is considered that during this period no petitions at all were submitted against Finland, only two against Estonia, and only three against Bulgaria, it is difficult to maintain that minorities as a whole are, as their governments are so fond of representing them, merely a crowd of litigious mischief-makers. On the contrary, when one reads the reports submitted by the minorities themselves to such bodies as the Congress of European

[1] These figures are from Truhart, op. cit.

Nationalities;[1] the impressions of foreign and impartial observers; or travels oneself in a 'minority' district, speaks to the local inhabitants, members of minorities and majorities alike, and observes conditions with one's own eyes, then it becomes clear that a very much larger number of complaints than 525 would have been perfectly justified. It is, moreover, notorious that certain of the minorities whose case has been the most dismal have been afraid to petition the League at all for fear of incurring reprisals, while others have not petitioned, or have ceased to do so, because they have grown convinced that they could gain nothing by it. Figures, in any case, mean little; for the subject-matter of the petitions which have been received ranges from comparatively trivial cases of insulting words to cases of raping, torture, and murder; from injustices inflicted on individuals to the systematic oppression of communities hundreds of thousands and even millions strong.

The minorities have had much to endure in the past twelve years. Their fate has almost everywhere been unfortunate—much more unfortunate, as a general rule, in the new states and transferred territories than in the old states. Against the latter comparatively few complaints have been made to the League; against the former a very large number. This was inevitable, and is not in itself an indication of any necessary superiority of the Magyars and Bulgars over the Czechs and Roumanians. But the territorial readjustments effected by the Peace Treaties were bound to bring with them further readjustments, often very painful for the persons concerned, the blame for which lies as much in the past as in the present. If the Europe of 1914 had been organized on a footing of national equality, then there would have been no excuse for any readjustment of national values after the change of frontiers; but then, if true national equality had prevailed, the frontiers of Germany and Austria-Hungary would probably have remained as unchanged as those of Switzer-

[1] See the collection of such reports in *Die Nationalitäten in den Staaten Europas*, ed. Dr. E. Ammende, 1931.

land. The reason for the break-up of the old order lay precisely in the attempts made by certain nations to impose and maintain their domination over other nations, the minorities of that day. When the positions were reversed the new majorities could not reasonably be expected to leave intact systems aimed at their own national life; nor, indeed, could any treaty system of man's devising have forced them to do so.

Most of the new or enlarged states were faced with such systems, which had been ingeniously built up, during half a century or more of nationalism, to embrace every aspect of public life and many relationships which in western Europe are commonly regarded as private. It was not a question merely of the few clearly political posts, such as the governorship of a province or district. In most of the districts of mixed population in 1914 the vast majority of the civil services were frankly instruments of nationalist policy; and those services were very extensive, covering not only the ordinary state and municipal undertakings, with much of the religious and educational systems, but also the railways and numerous other ramifications of state bureaucracy. In Germany, Hungary, Galicia, or Russia sound national sentiments had been, if not an indispensable qualification, at least a most desirable recommendation for the posts not merely of a sub-prefect, but also of a postman, a railway guard, or the keeper of a tobacco kiosk. And the more exclusively such posts had been reserved for the members of the dominant nation, the more thoroughly their occupants had been taught to regard themselves as the servants not of their state but of their nation, the more carefully the systems themselves had been contrived for the service of that nation, then the more inevitable and violent was the reaction when another nation succeeded to political power.

The shadow of the past did not even lie across the political and administrative life alone, but also across the whole economic and social structure of many countries. This structure was itself largely the fruit of a policy of national inequality, having its roots sometimes in the dim

centuries of the Middle Ages. This was not so noticeable in commercial or financial life, in which most nationalities met more or less on a footing of equality since the almost universal abolition of the restrictions on the Jews. There were, indeed, certain commercial enterprises which had been particularly favoured by their governments for national reasons, and now found their convenient concessions and subsidies gone from them; but the old close systems which made of trade or industry a national monopoly had almost vanished. The system of land tenure in many districts was, however, even in 1914, largely national. In the Baltic provinces the larger estates were almost exclusively in the hands of Germans; in the old Hungary of the Magyar or Magyarized aristocracy; in Bohemia, to a somewhat lesser extent, of families of German or Germanized origin; and, in Bessarabia, of Russians. The peasantry in all these countries belonged largely to the majority nationalities. While there was here, in 1914, no legalized differentiation between the dominant and the subject nationality, yet such legislation was in many cases a thing of the not distant past, and the half century or so which had elapsed since the Estonians, Letts, or Transylvanian Roumanians had ceased to be serfs had hardly altered the practical situation. Thus some of the national majorities in the new states had a certain case in equity, if not in law, for regarding some aspects of the economic system taken over by them, and in particular the system of land tenure, in much the same light as they regarded the administrative and political systems which had been consciously directed against them.[1]

[1] In one instance, indeed (Art. 91 of the Treaty of Versailles), the Treaties themselves recognized that a certain economic situation constituted a political inequality which the new majority had the right to rectify. This concerned not large landed proprietors but small-holders, and allowed Poland to refuse the right of Polish citizenship to the Germans who had settled in the 'Polish Corridor' since 1908—this being the year in which the latest great colonization scheme of the German Government began. In no other case did the Treaties take pre-War economic policy into account, although an interesting case in Roumania turned on very much the same point. Nevertheless, the fact that this exception was allowed in Poland is a

Thus the new and enlarged states could claim with reason that a certain amount of readjustment was necessary and just. They could not be expected to keep intact an administration devoted to the national ideals of another state, nor to preserve unmodified an educational system supported out of state resources, which aimed at denationalizing the majority of the population, or devoted all its efforts to the promulgation of a culture which was now that of a minority. Nor could they be asked to respect the devices by which a social and economic system was turned into a political instrument directed against themselves. Even an ideal state could not have been asked to do more than adapt its administration purely to the service of the political state, without national bias in any direction, keeping in their posts the men whose work was essentially non-political, or who were willing to regard it as such; and in cultural matters, to leave the minorities their just share of the state services, taking account not merely of their numbers but also of their needs, and allowing them full liberty to supplement this by their own efforts.

It could fairly be asked that whatever went beyond this, or whatever was the part of a national state system directed *against* the new states, should be eliminated. It is true that even such justifiable readaptations of the system were liable to entail considerable suffering for individual members of the minorities who were in themselves perfectly innocent. It is perhaps arguable that in such cases the burden of compensating the victims should, in equity, have fallen not on the new state, but on the state whose past policy had got them into their plight; and in fact, the problem sometimes solved itself automatically along those lines. Germany received the settlers duly expelled from the Polish Corridor, as she received many victims of the revolutionary turmoils in the Baltic states, and Hungary pensioned, at great expense to herself, large numbers of Magyar officials from Transylvania, Slovakia, etc., who

recognition of the fact that the equity of the economic systems which prevailed over so much of Eastern Europe (having their roots, sometimes, in far distant centuries) is not quite so clear as the law.

found the change of loyalties impossible, besides transplanting bodily into Hungary the Universities of Pozsony and Koloszvár, with their staffs. But this was only possible within narrow limits, although those limits might have sufficed had the new states confined themselves to such changes as were strictly justifiable.

It would, however, have been foolish to hope for meticulous justice and moderation from the new governments, in most cases unused to power, succeeding to it in a revolutionary epoch, excited by war-time passions, and in a heady and triumphant reaction against previous oppression. The new states were no ideal structures but national states, and, what was more, strongly nationalist states. Inevitably they seized with both hands the ample opportunities which the times offered them to reduce the minorities, not to a footing of equality with themselves, but to a state as near impotence as could be achieved. The administration was converted as rapidly as possible. The senior posts were filled almost exclusively from the members of the new majority, while such of the junior officials as were left in their jobs had to resign themselves to the prospect of occupying subordinate positions for the rest of their careers, with the knowledge that every pretext would be taken to retire them as early as possible—and retirement on an east European pension is no enviable lot. In particular, minority officials were transferred, where practicable, to places distant from their own people. The administration of the minority districts, on the other hand, was centralized and étatized as far as possible. The semi-autonomous local government institutions which had still existed on a fairly wide scale up to 1918, the organs of which were locally elected, belonged to the local population, and represented its national character and its wishes, were abolished altogether in favour of purely state systems. The new officials belonged to the majority, were appointed from the capital, and were unacquainted with the needs, the feelings, and even the language itself of the local populations, and conceived their main duty to lie, not in interpreting the wishes of those populations, but in imposing the

national standards of the majority. Since the latter, by little fault of their own, rarely possessed a sufficient number of competent administrators to cope with so extensive a task, many of these officials were of very inferior quality; and it is notorious that those sent to the minority districts have usually been the least competent and scrupulous. The army, which has played an excessively prominent part in the political life of many of the new states, has been nationalized even more thoroughly than the administration. Promotion to high rank, or to a position of any responsibility, has been practically impossible for any member of a minority, whatever his military qualifications.

In education the new states naturally took over the state institutions which they found existing on their new territories. It was not to be expected that they should continue to apply these to the exclusive benefit of the minorities. But they have usually gone very much further than this, applying them almost exclusively for their own benefit. It has been very rare for the minorities to be left a share of the higher educational systems proportionate even to their numbers, much less to their needs or, where their economic status was comparatively high, to the proportion of taxes paid by them. Here again the minorities have been hard hit by the new étatist tendencies. The more enterprising of them had often established expensive systems of private or denominational education, which depended only to a minor degree on state subsidies, and were subject to only a small amount of state control. Many of these schools have been taken over by the states and turned into majority schools. Where the old systems have been left intact the subsidies have been drastically reduced. It is claimed, indeed, by the majorities, that it was necessary to give their own members a disproportionate share of any subsidies, in order to make up past leeway and to bring their members up to the general level of the minorities; but it does not seem that they have usually applied the same principle in the case of those minorities whose condition was even more backward than their own. In elementary education the narrowest interpretation has been given to

the words 'considerable proportion' in the Treaties. In some cases administrative boundaries have been redrawn so as to reduce the proportion of the minorities in each to below what might reasonably be regarded as 'considerable'; in others, the proviso has been simply ignored, and the minorities, even when settled in compact blocs, have been simply deprived of all their former schools in their own language.

Economically the minorities have passed through a painful period of reduction. Government contracts are given to majority firms, even where these are far less well qualified to carry them out than firms belonging to the minorities. Discriminatory taxation has been widely applied, sometimes indirectly, sometimes directly and openly. Agrarian reform acts, which have been passed in nearly all the new and enlarged states, have been applied openly as a political means of weakening the position of the minorities. Not only have the minority landowners been expropriated more ruthlessly, and with less compensation, than the majority proprietors, but the redistribution of the expropriated land has often been quite inequitable. While it is true that in certain cases members of a minority have shared in the benefits of these reforms, it is yet notorious that as a general rule the members of the majority have received almost exclusive preference, far beyond what was warranted by their previous situation. Particularly grievous to the minorities has been the practice of 'colonization', i.e. of bringing settlers from distant parts of the country and giving them land to the exclusion of the local, land-hungry peasantry. This practice, which has caused great misery and great discontent, has been very largely adopted in frontier districts and regions of great political unrest, with the deliberate purpose of breaking up the solidarity of a politically unreliable minority and weakening its position.

In the older-established states the picture is as a rule much less gloomy. This is not altogether due to the superior merit of the nationalities concerned but partly at least to the long start which they enjoyed. Their younger colleagues were, after all, only hastening to crowd into a

few years of concentrated iniquity what the others had gradually effected during decades or even centuries of national policy. In the old states the minorities (which were also, as a rule, less numerous) had found their level. Even here, however, abuses have occurred more frequently than might have been hoped.

There have been laudable exceptions both in the new states and in the old; but generally speaking the fate of the minorities has been one of suffering. Almost every state has committed, and every minority suffered under, flagrant violations of the Minority Treaties. And these have been committed, to all intents and purposes, with impunity. The existence of the Treaties may well have exercised a certain preventative effect, the extent of which cannot, of course, be calculated. The published records of the League certainly also fail to show many cases in which concessions for the minorities have been won by private intervention on the part of the Committees of Three or the Secretariat. But even with these qualifications, it is impossible honestly to deny that the League guarantee has proved but a broken reed to the minorities. The percentage of cases in which the League's intervention has been invoked with any real effect has been deplorably low and, even in those, considerations were generally at work other than the determination to obtain pure justice for the minorities. In some a powerful state was itself the complainant, or was known to be interested in the complainant's cause; in others the state against which the complaint was levelled happened to be particularly unpopular on the Council. There is little doubt that the general fatigue and irritation with which M. Voldemaras was for some years accustomed to affect the Council was largely responsible for the conscientious way in which certain complaints against his government were investigated, while more serious accusations against members of the Little Entente or Poland were simply glossed over. Where no such outside influence has been at work, cynical violations of the Treaties have been committed again and again, and have met only with bland toleration. To judge by the record of the League's first

years, it is hard to deny that the minorities are justified when they claim that the initial condition on which they were supposed to give their 'loyalty' and renounce their own national ambitions has never been fulfilled.

It must, however, be said, not in excuse but in palliation, that what has undeniably been a failure in the past does not necessarily imply a basic unsoundness in the system, nor an equal prospect of similar failures in the future. Many of the more violent measures enumerated above were taken during the first years and even months of the existence of the new states. Many of them had become *faits accomplis* even before the Minority Treaties and Declarations came into force, certainly before the League had worked out to any degree of perfection its machinery for exercising its guarantee. It must be remembered that when the new states first came into being, the League itself was in infancy, and its authority was very weak. For several years the real force in Europe was not the League, but the Conference of Ambassadors. Moreover, not only were the majorities unaccustomed to the idea of League intervention, but the minorities themselves had little idea of the League's system and its purpose. They had not got used to the idea of appealing to the League, nor were they fully acquainted with the rights which the Treaties allowed them; neither had they become convinced of the stability of the new frontiers, but often believed that they had a far better chance of improving their situation by working for immediate frontier revision. They therefore looked not so much to the League as to their own countrymen, or to other sympathizers across the frontiers; and this attitude gave the states excuse, if not justification, for repressing even their legitimate national wishes.

A less perturbed age, a stronger League, a more perfect procedure might have averted much of the sufferings endured by the minorities. It does seem to be the case that the League's intervention has grown somewhat more effective with the lapse of years. It is already an infinite advance on anything existing before the War, and could doubtless be made far more effective still if the present

defects in the procedure could be remedied. The system as such is not to be condemned, if its successes have hitherto been insignificant.

In one respect the Treaties have undoubtedly prevented a great deal of suffering. This is through the safeguard introduced by their nationality clauses. What would have happened had no such provisions existed is well illustrated by the case of Turkey, whose treaty contains no stipulations regarding nationality at all. The result has been that Turkey has got rid of the bulk of her Armenian minority altogether, partly, of course, by massacring a large proportion of them, but also, in somewhat more refined fashion, by terrorizing the survivors into flight and then passing her law of May 23rd, 1927, which authorized the Turkish executive to declare 'that those Ottoman subjects who did not take part in the national struggle and remained outside Turkey during the War of Independence and have not returned to Turkish territory during the period between July 24th, 1923, and the promulgation of the present law, be deprived of Turkish nationality'.

As Turkey has consistently refused admission to the refugee Armenians, she has been able in this way to deprive practically the whole surviving Armenian nation of any nationality whatever, and these unfortunates are now existing in a miserable condition as refugees, with 'Nansen' passports issued by the League of Nations.

The other Treaty States have to a large extent been estopped by the nationality clauses of their respective Treaties from using the same effective device to get rid of those minorities which they do not wish either to assimilate or to collaborate with. It is true that there are inconsistencies between the various Treaties, which have made it possible for many thousands of persons, whom no state wants to claim, to be left without nationality. This problem of 'statelessness' is a complicated and peculiar one, which is dealt with at greater length elsewhere.[1] It is a widespread and crying evil; but it would certainly have occurred on a far wider scale but for the Treaties.

[1] See Appendix II.

In addition, there have been a certain number of quite abnormal factors which have affected the situation of particular minorities. Thus, during the period of fighting on the eastern front (which continued sporadically long after peace had been concluded in the west), the unfortunate gipsies were hanged in large numbers by all combatants alike, with great impartiality, owing to their habit of ignoring the battle-front and peregrinating serenely across it, like the larks in Flanders; a custom which caused them to be widely, and quite unjustly, accused of espionage. The Jews, on the one hand, often made large fortunes out of the very unsettled financial conditions of the post-War period. On the other hand, they acquired an intense unpopularity, as they were accused of profiteering, and evading the exchange regulations. A great wave of anti-Semitism swept over much of eastern Europe, and has hardly died away to-day, although recent events in Germany have made many other countries adopt a virtuously pro-Semite attitude. The Jews, again, suffered severely in countries which experienced social revolutions succeeded by counter-revolutions, since they had often taken a prominent part in the revolutionary movements (notably in Hungary) and had in any case to suffer for the myth that the revolution in Russia was a Jewish world-conspiracy. Sometimes unfortunate Russian refugees, fugitives before the face of Bolshevism, suffered in the same way. Sometimes a minority had been ethnically akin to the majority in a state with which its own state had been at war; sometimes it had been treated with exceptional favour by a transitory conqueror; sometimes, but more rarely, it had made itself particularly popular by zealously espousing the national cause. There were a hundred and one such factors, for the most part very temporary, which for some years affected the normal development of the situation.

To-day, however, it is time to regard the period of transition as closed. The dominant nationalities in the new states have established themselves in the position which they desire, so far as the balance of forces makes it humanly possible for them ever to do so. The immediate readjust-

ments have been carried through, the land redistributed, the schools converted, the administrations nationalized. Moreover, after fourteen years of existence, the new states can to-day regard themselves as established. With the sole exceptions that Lithuania still regards the Vilna area as *de jure* hers and not Poland's, and that Russia has not fully recognized Roumania's claim to Bessarabia, all the states which lost territory under the Treaties have formally accepted the new frontiers, not as ideals, and not without hope of revision, but as an accomplished fact of to-day. Germany, Austria, Hungary, Bulgaria, and Turkey joined the League one by one and by so doing accepted the principle that the frontiers must stand unless revised by agreement.

Another very important step has been taken by the minorities themselves. Since 1925 the greater number of the organized minorities in Europe have met together in annual conference. They have recognized this new order and have declared their readiness and desire to co-operate with their respective governments on that basis.[1] It is

[1] This movement, which is one of great value and importance, is due to the initiative of the German minority in Estonia. In 1925 that minority succeeded in placing its relations with the Estonian state on a very satisfactory footing, as will be described. Its leaders then got into touch with other German minorities with a view to initiating common action on the basis of acceptance of existing frontiers. After a certain resistance from those minorities which were still at heart irredentist, agreement was reached, and a Conference of European Minorities was held at Geneva in 1925. This was attended not only by Germans, but by representatives from a very large number of other minorities: the Magyars of Czechoslovakia, Roumania, and Yugoslavia; the Ukrainians, White Russians, and Lithuanians of Poland; the Slovenes and Croats of Italy, the Slovenes of Austria, the Ruthenes of Czechoslovakia; the Sorbs, Danes, and Poles of Germany; the Poles of Latvia, Czechoslovakia, and Lithuania; and several Jewish groups. The basis of the work was explicitly declared to be acceptance of existing frontiers, and its object to secure the peaceful co-operation of majorities and minorities. Discussion of individual grievances was excluded on principle.

Since 1925 the Congresses have met annually. Friction has not been altogether absent. The minorities of Germany objected to the demand put forward by the stronger groups for cultural autonomy, which they regarded as unsuitable for a weak minority, and in general were inclined to regard

therefore no longer possible for governments to assert that the whole 'minority movement' is mere irredentism, and to excuse their acts of violence on that score. The League system of protected minorities within guaranteed frontiers is fairly established, and is receiving a fair trial. It should therefore be possible to look behind the comparatively accidental factors which so grievously confused the issues during earlier years, and to reach rather broader conclusions as to the value of the whole League system.

3. *Nationally Inactive Minorities*

The first conclusion to be drawn from any survey is that no uniform treatment of the minorities as a whole is possible. The minorities of to-day are of many 'races, languages and religions'. They range from small, backward, almost primitive groups to great, highly civilized, and powerfully organized communities. Their traditional relationships with the majorities of the states in which they live vary from warm friendship to bitter hostility, from domination to subservience. The gradations among them are innumerable. Nevertheless, it is possible to distinguish certain broad categories, the outlines of which are fairly definite (despite numerous border cases, and cases of overlapping) and the conditions within them fairly uniform.

The easiest problem is that of those minorities which are already in approximately the position which the Treaties seem to design as proper for a minority. That position, it will be remembered, is a modest one. The state

the movement as too exclusively German. When the Congress refused admission to a small group of Frisians from Germany, the minorities of Germany withdrew from the Congress in protest, and were accompanied by the other Polish minority groups. In 1933 the Jewish groups withdrew in bulk because the bureau of the Conference refused to accept a resolution condemning Germany's treatment of her Jews. On the other hand, many new minorities have attended the later Congresses. A number of very important studies have been made, and resolutions passed, on all aspects of the minorities problem, and acquaintance with the proceedings of the Conferences is indispensable for every student of the minorities question. The secretary of the movement is Dr. Ammende (German minority in Estonia), while the President of every Congress since 1925 has been Dr. Wilfan (Slovenes of Italy).

is allowed to be the national state of the dominant majority. The minorities are required to abandon any ambition to make their own culture a part of the national culture of the state. They are not, however, to be subjected to discrimination, nor forbidden the enjoyment of their own culture in the narrower, non-political sphere.

Even to-day, and even in eastern Europe, there do exist minorities for whom these provisions, if scrupulously applied, would supply all that they need. Most of these are weak or comparatively backward peasant populations, since the peasant's national feeling, although tenacious, is seldom active unless stung into life by violent oppression, and the narrowness of his life makes him content with comparatively limited cultural facilities. They include therefore most of those small agricultural communities who are numerically too weak or too despised, or live too far from their own kinsmen, to entertain any hope of different things. Such are the isolated groups like the Bulgars of Hungary, the Croats of Austria, or the Swedes of Estonia. Such, too, are the gipsies in every country, and even one or two considerable minorities, as the Roumanians of the Timok valley and the Albanians of central Greece. These populations have traditionally attached themselves to the life of the state in which they live, whose culture they readily adopt as their own so soon as they enter upon public affairs, being content if left to live their own private lives undisturbed. There are even a few minorities which actually border to-day on national states of their own kinsfolk, but prefer to share, even as minorities, in what they consider a superior culture and one to which they are accustomed. A considerable proportion of the Austrian Slovenes have taken up this attitude; so have several of the minorities in Germany, and some of the Slavonic fragments which still remain in Hungary.[1] Comparatively few complaints have come before the League from the minorities of this type, and these have generally

[1] In some of these cases the religious factor seems to have outweighed that of race or language in determining the national attachment of the minority.

been concerned with the refusal of real equality of treatment—the most important provision of the Treaty for a minority which is genuinely anxious to enter as fully as possible into the life of its country. Among such cases was the *cause célèbre* of the Russiar farmers in Lithuania, which occupied the Council at four of its sessions, and that of the Ukrainian farmers in the same country.[1] Here the complaint was not of attempted denationalization but of refusal to admit the petitioners to the full life of the country. Probably the complainants would have been only too glad to call themselves Lithuanians if they had been allowed. Indeed, discrimination rather than forced assimilation is the danger which such minorities fear most; and it is also that to which they are chiefly exposed. The inequality of treatment under which they often suffer is, however, a thing of which it is hard to complain to the League, since it generally lies less in the legislation than in the application of it, or in social discrimination, against which no appeal is well possible. A definite and common complaint is that insufficient facilities are provided, in many countries, for the use of the minority language in administration or the Courts.

The position regarding the educational provisions is rather curious, and shows the difficulty of deciding when separate treatment is to be regarded as a privilege, when as a disability. Some governments have left whole considerable minorities without any instruction at all in their mother tongue, on the plea that the parents and guardians themselves wish their children to participate from as early an age as possible in the general life of the majority. It will be remembered that when the Greek Treaty was being drafted, M. Venizelos urged that its educational provisions ought not to be applied to Old Greece, on the ground that the Albanians of those regions themselves preferred their children to attend Greek schools; and Greece has ever since consistently justified her failure to provide minority

[1] The substance of the latter case was not formally discussed at the Council, but the prolonged arguments on the receivability of the petition made every one familiar with it.

schools for her Christian minorities on the ground that the minorities had not asked for such schools and must be presumed not to want them. This plea is not necessarily unsound although, obviously, extremely dangerous. The Treaties certainly did well to provide for the facility for enjoying such education, and would have done better still if they had laid down very clearly and insisted very definitely on the principle (which is laid down in the Upper Silesian Convention and repeated in the Treaty of Warsaw between Poland and Czechoslovakia) that the declaration of nationality by the party concerned, or his representative, must not be questioned, nor any sort of pressure, direct or indirect, be brought to bear on him in connexion with it. This would safeguard the position of persons who do not want education in the minority language, while it is undeniable that many minorities of this type look upon a complete mastery of the state (i.e. majority) language and culture as the most valuable part of their education, and would regard it as a hardship if they were forced to receive instruction in their own language alone. It must also be admitted that Arts. 8 and 9 (Polish Treaty) are less well adapted to the strongly étatist systems of most continental countries than they would be to Great Britain or the old Hungary, which relied so strongly on private and denominational education.

The attitude of these minorities is interestingly illustrated in the controversy now raging over the Slovene schools in Austria.[1] The present legislation, which dates from 1891, provides that children of the mixed Slovene-German districts shall attend the so-called utraquist or bilingual schools. During the first two years instruction is in Slovene, to which is gradually added instruction in German. From the beginning of the third year the Slovene language is taught three hours weekly; but this can be remitted if desired. The Austrians state that only a very

[1] On this controversy see the Slovene case in *Die Nationalitäten in den Staaten Europas*, pp. 304 ff., and the Austrian reply in a brochure entitled *Aufrichtigkeit, Klarheit, Verständigung*, by Bernhard Schleichelbauer (Klagenfurt, 1932).

small proportion of the children attended for these hours, the vast majority of the parents being of the opinion that the only real purpose of the schooling was to enable the children to learn German. Two purely Slovene schools had to be closed because the parents preferred to send their children to utraquist schools, while in other cases requests have been received that the utraquist schools should be transformed into pure German schools. Nevertheless, some of the Slovenes are discontented with this system, which, they allege, is in any case not loyally applied, and have long been agitating for 'cultural autonomy', i.e. the right to control their schools altogether. As the refusal of the Austrians to grant this was made a pretext by the Slovene authorities in Yugoslavia to refuse German schools to the local German population, a group of Germans in the Carinthian Diet brought in a 'Cultural Autonomy Bill' for Carinthia to enable the Slovene community to form a 'Slovene National Community' (*Volksgemeinschaft*) which should enjoy full power to establish and control schools and other educational institutes for its members, receiving a share of the public monies devoted to education proportionate to its numbers. Persons wishing to form part of this community signified their wish by entering their names in a public register; this entry might not be questioned or disallowed.

This offer, however, failed to please the Slovene nationalist leaders, precisely for the reason that 'as the national consciousness had been considerably weakened in certain sections of the population by the unremitting eighty-year-old work of denationalization, it was to be feared that a large number of the Carinthian Slovenes would not enter their names in the register'.[1] There were other difficulties in the Austrian draft, into which we need not enter here. Some of them were afterwards removed, but others undoubtedly would have constituted a real handicap to the proposed Slovene organization, and on them the negotiations ultimately broke down after the Slovene leaders had withdrawn, at least formally, their objection to the purely

[1] *Die Nationalitäten in den Staaten Europas*, p. 311.

subjective criterion of nationality on which the register was to be based. The words quoted above prove, however, from the mouth of the minority leaders themselves, that there are certain cases in which other considerations so far outbalance the exclusive attachment to national sentiment among the members of a minority as to make them actually prefer to receive the bulk of their instruction in the tongue of the majority.

At the first Congress of National Minorities the leader of the Danish minority in Germany made an interesting declaration,[1] to which the leaders of the other minorities in Germany adhered, on the same subject. The principle of 'national cultural autonomy' was, he said, unsuitable for a minority most of whose members belong to the poorer classes. Firstly, such a group cannot make full use of the autonomy, if granted; and secondly, where the two nationalities concerned are of identical race and religion, and speak allied languages, too sharp a differentiation of the minorities is undesirable. The system introduced by Denmark for her German minorities was more suitable for such cases.[2]

[1] *Sitzungsbericht der ersten Konferenz der organisierten nationalen Gruppen in den Staaten Europas* (Geneva, 1925), pp. 45 ff.

[2] The Danish legislation seems to approximate closely to the standards laid down in the Minority Treaties. In the towns of south Jutland the elementary schools are divided into two sections, in one of which instruction is given in Danish, in the other in German. Parents are free to send their children to either section. In each, the language other than the language of instruction is taught as a subject after the second year. In rural districts a school with German as the language of instruction can be established if desired by 20 per cent. of the electors, who are responsible for the education of at least ten children of school age under 14. The foundation of private schools is free, subject to normal safeguards, and the state gives a subsidy of 50 kroner annually for each child educated at any such school. A specially commendable feature of the Danish legislation is that the German teachers for minority schools, after passing through a Danish teachers' school, are allowed a year at Jena University, the Danish Government paying their travelling expenses and a subsidy of 100 marks per month. (Erler, pp. 315 ff.)

It must be mentioned that the German minority in Denmark is itself not satisfied with these provisions. It complains that the legislation is not sufficiently clear; that it is not exactly applied; and that the minority schools

On the whole, taking into account the fact that some minorities seem genuinely not to want education in their own language, it is probably fair to say that as regards this class of minority the Treaty standard has been reasonably well applied. There have been many violations, but not so many as to be scandalous, and usually on minor points. It is not easy to estimate how much credit the League can take for this comparatively happy state of affairs, but the mere existence of the Treaties cannot have been without effect, and the educational legislation, in particular, in many states is well in advance of the pre-War standards. This is particularly the case in the old states, which are actuated perhaps less by a pure desire to fulfil their own treaty obligations than by the wish to have 'clean hands' when complaining of their neighbours. As regards equality of treatment, few states, no doubt, have an absolutely clean sheet, and the League's interventions have been few. On the other hand, they have at least been more numerous than the interventions of the Powers before the War, and can hardly be denied a certain preventive value, even if their remedial effects have been scanty.

Slightly different, though akin to those, is the case of the non-nationalist Jews, whose only ambition is, while preserving their religion, to be assimilated in all other respects as rapidly as possible. The position here is very simple: the only task of the Treaties, to prevent discrimination. The League has dealt with one celebrated case of this nature: the *numerus clausus* case in Hungary. It has also had before it several other cases from different countries. Whether its intervention has been quite effective is, perhaps, open to question; it may, indeed, be doubted whether any exercise of authority can ever put an end to a situation based in the last instance on prejudice and distaste. Discriminatory legislation can be forbidden, but discriminatory interpretation and practice will continue so

are 'German-speaking, but not German', since Danish culture and history, not German, are taught (cf. *Nationalitäten*, pp. 155–62). The German minority is, however, actively nationally conscious, and thus hardly comes within the category which we are now discussing.

long as the hostile atmosphere which to-day envelops the Jewish question in central Europe is not dispersed by the efforts of the peoples concerned. The *numerus clausus* case itself showed that it is well within the scope of governmental ingenuity to circumvent the best-intentioned rules.[1] Yet the fact that legislation specifically directed against the Jews (or other unpopular nationalities) has now disappeared undeniably constitutes a step forward towards better things.

4. *Colonists and Dispersed Minorities*

Those minorities whose national consciousness is still dormant constitute, however, only a fraction of the minorities under Treaty protection. Many of the minorities, including nearly all the most important among them and those for whose benefit the Treaties were really concluded, have already experienced a national awakening, which immediately and greatly complicates the problem presented by them. The difficulties are not, however, equal in all cases, for the position and requirements of these groups vary considerably.

As the attitude of all states has been, broadly speaking, uniform, amounting always to a determination to grant the minorities as little as possible, the most fortunate of the minorities have been those whose demands have been the most modest. In nearly all the Treaty States there are a considerable number of scattered and isolated groups which, unlike those peoples which we have discussed hitherto, possess a very definite national consciousness with characteristics which distinguish them sharply from

[1] The original law against which the Jews of Hungary appealed was one restricting admissions to the universities to quotas for each nationality of Hungary, based on the proportion of the members of that nationality to the total population of Hungary. As the Jews constituted a much higher proportion of the intelligentsia of Hungary than they did of its total population, they complained that this measure constituted, in fact, an act of discrimination against them. Under pressure from the League, the measure was repealed, but a new act was introduced, basing the quotas on the profession of the applicant's father; and these were weighted to produce much the same result.

the majorities, and which they are determined to preserve, but who, owing to their small numbers and isolated position, cannot ever hope either to form a state of their own, or to play a very important part in any alien state to which they might be assigned.

This group, which bears witness to the extraordinary complexity of racial conditions in eastern Europe, being composed in the main of former colonists, or of detached fragments from earlier racial migrations, sometimes dating back many centuries, is an exceedingly miscellaneous one. The economic and political status of the minorities composing it was very various before the War. Some were already comparatively humbly situated—although their modest position in 1918 was in many cases only the fruit of prolonged struggles in the past; it is an ironic thought that some of the most unassuming of all, over whose heads the storms of readjustment passed leaving them practically unscathed, were the chastened descendants of those ancestors whose 'will to power' in bygone days had been the most magnificent: the small Turkish and Tatar minorities to be found in many countries of eastern Europe. Many of the ex-colonists, particularly the Germans, had been traditionally accustomed, not only to a higher culture, but also to a higher standard of living than their neighbours—a standard which in many cases they had been enabled to set through the favours of the sovereign who first set them where they now live, but had maintained and even raised by their own industry and sobriety. A few, notably the Germans of the Baltic provinces, had up to 1918 enjoyed a position of power and wealth out of proportion to their numbers or even to their unquestionable virtues.

Thus during the period of readjustment it would have been difficult to group all these minorities in one category. For the poorer sort, their own unpretentiousness proved their salvation. The peasant colonists of the more prosperous class suffered, as a rule, some reduction in their standards.[1] As for the minorities whose superior position

[1] This was not, indeed, invariably the case. There were a few very exceptional instances, in districts of exceedingly mixed population, where

had been based on political privilege, they usually lost it almost at a blow.

To-day, the readjustment almost done, these minorities can be grouped together, since the political position of all of them is the same. They are past the stage at which they could accept the national-cultural ideals of another nation; on the other hand, their position makes it impossible for them to secure political satisfaction for their own ideals. They are therefore prepared to adopt the political ideals of the state in which they live, if granted cultural freedom for their own national development.

This is, in essence, a reversion to the outlook of earlier days, when the political 'state' was not identified, as it is so widely to-day, with the cultural nationality. To grant this claim involves a certain derogation from the conception of the national state. It is a concession which few states are prepared to admit in theory (although following logically from the admission of a minority's right to existence at all) but are often more willing to make in practice. In a certain proportion of cases, where states have been genuinely convinced that the minorities have, indeed, no irredentist leanings, they have come to terms satisfactory to both sides.

the governments of the new states found it politic to favour certain minorities even above the members of their own nation. Thus in the Dobrudja, the German colonists have in the main been treated more favourably, on administrative and economic points, not only than the Bulgarian minority, but even than the local Roumanians themselves. In the Banat, too, the early governments both of Yugoslavia and of Roumania made every effort to conciliate the local Germans, whose wishes might possibly have turned the scale in determining the future of that ethnographically mixed and greatly disputed province. But such a policy was essentially opportunist; it was a reversion to the policy of earlier monarchs, and unlikely to endure in an age of national governments. Nor has it, in fact, endured. The Yugoslav Government, in particular, altered its favourable treatment of the German colonists (never having extended it to the Germans of Slovenia) as soon as it was firmly seated in the saddle. It remains, however, true that most east-European countries, except those bordering on Germany, have treated their German and Turkish citizens with a certain indulgence, due to the respect widely inspired by the virtues of the former and the amiable character of the latter. Even they, however, have received no more than a certain mitigation of the general process of levelling down to the standards of the majority.

Some of the earliest examples of such legislation are to be found in Bulgaria, and bear distinct traces of the Turkish *millet* system from which they were evolved. We have mentioned that the older Turkish political philosophy classified nationalities under the heading of religions; and traces of this identification of nationality with religion still survive to-day throughout the Balkan States.[1] Bulgaria's struggle for national independence centred largely round her church, which incorporated for her her national ideals. In 1870 an autocephalous Bulgarian exarchate was at last granted by the Porte, but its statutes allowed the minority churches freedom of religion and education. The Bulgarian Constitution of 1879 left this provision unaltered, guaranteeing all minorities, in addition, free use of their languages, with the right to use them before the Courts.

A law of May 23rd, 1919, grants the Mahomedan minority complete cultural autonomy. Any district containing a minimum of forty Mahomedan families is allowed to establish a Cultural Council, which possesses legal personality, and regulates all religious, cultural, and charitable affairs of its members. In places with a smaller Mahomedan population the cultural needs of the minority are in the hands of a Government Commission. The Cultural Councils are grouped in Mahomedan Cultural Districts, each under a Mufti. The Muftis elect their own Grand Mufti. The Muftis and Grand Mufti are officials of the state (which confirms their appointment) and are paid by the state. They not only control the cultural questions of the Mahomedan community but administer the religious foundations (*wakfs*) and administer family law and personal status in accordance with Mahomedan usages.

The Jewish and Armenian minorities enjoy *de facto* similar privileges, although these are not yet regulated by law. In each case there is complete religious autonomy and almost complete scholastic autonomy, the language of instruction being sometimes Bulgarian, sometimes

[1] Very notable is the Greek Constitution, the *first* article of which lays down that the established religion of Greece is the Greek Orthodox Church.

Spaniole or Hebrew. The Grand Rabbi administers the law of succession, etc., according to Jewish usage.

This system seems to have given entire satisfaction. Certain complaints have been made that the Jews are not granted complete equality, e.g. in admission to the higher posts at the University;[1] but culturally no difficulties have arisen.

From the point of view of culture the Jewish and Mahomedan minorities (and perhaps one or two more in 'Irāq) are exceptionally favourably placed. They still centre their national sentiments round a factor, that of religion, which most Christian nations have come to regard as comparatively irrelevant to the sentiment of nationality. Owing precisely to this lack of importance generally attached to religion to-day as a national factor, religious toleration has become very general among governments, and those communities whose culture is mainly religious automatically enjoy a considerable degree of cultural autonomy. The Mahomedans are generally better placed than the Jews; partly because their cultural aspirations are far more primitive, partly because the engaging character of the Turki (when rigorously deprived of the means of imposing his will on others) secures him more general popularity than is usually enjoyed by the Jew.

It is much rarer for a state to take the bold step of affording the same 'cultural autonomy' to minorities whose national ideals are cast in the same mould as its own. One state—Estonia—has taken this step, in a law so frequently quoted as to call for some description here.

Up to quite recent times Estonia was accustomed to almost medieval conditions in which the idea of the unitary national state could hardly take root. These conditions involved, indeed, a ruthless oppression of the native majority. As has been mentioned already, Estonia has swept away the privileged position of the German minority, in particular, through a series of extremely drastic laws. On the other hand, as early as February 24th, 1918, a 'Manifesto to the peoples of Estonia' promised that

'The national minorities living within the frontiers of the Free

[1] *Die Nationalitäten in den Staaten Europas*, p. 468.

State, the Russians, Germans, Swedes, Jews and other peoples are guaranteed the right to national-cultural autonomy.'

In December 1918 it was laid down that the language of instruction in all schools should be the mother language of the pupil, and that national minorities should maintain their own schools and classes. The Estonian Constitution of August 9th, 1920, again promised minorities the right to establish autonomous institutions for the management of their own cultural and charitable interests, subject to their not endangering the interests of the state. Individual members of minorities are also granted full guarantees of freedom and tolerance.

The Estonian Cultural Autonomy Law, which embodies these principles in practical form, was originally conceived by the German minority.[1] It was modified during negotiation with the Estonian majority, and promulgated in 1926. The benefits of this measure may be enjoyed by the German, Russian, and Swedish minorities, or any other minority in Estonia numbering a total of not less than 3,000 persons. Whether this number has been reached or not is decided by the making out of a national list, or register, on which any person eighteen years of age or over may enter his name. The criterion of nationality is purely subjective, and consists solely in the individual's own declaration; any person may strike his name off the list at any time. When a minority declares its wish to exercise 'national autonomy' this register is drawn up. If less than 50 per cent. of the persons entered in the last census as belonging to the nationality in question have entered their names on the register, no further steps are taken and no fresh application can be made for three years. Otherwise, elections are held for a Cultural Council. If less than 50 per cent. of the persons entered in the register vote

[1] It may also have been influenced by the very similar experiment made in the Ukraine in 1918 which, unfortunately, owing to the unsettled conditions, was never put into effect. It is described by Janowski, op. cit., pp. 230 ff. The competence of the Ukrainian National Associations was never exactly delimited, but was meant, apparently, to extend to political questions.

for the Council, it is not convoked. Otherwise, it is convoked, and if two-thirds of its members express the wish to exercise cultural autonomy, the autonomy is to be granted.

Its organs consist of a Cultural Council of not less than twenty and not more than sixty members, and a small Executive Committee. Local Councils may also be established. Their sphere of competence includes all educational and other cultural questions; it is to be extended to cover also charitable institutions, etc. They take over from the state all the latter's rights and duties regarding the schools of its own members, with the financial obligations arising therefrom. They receive from the state and local authorities the sums due from the latter for the upkeep of such schools, and a proportion of any subsidies granted by the state for such schools. They are free to regulate other cultural questions (libraries, theatres, museums, etc.) in complete liberty, and to issue binding by-laws in connexion with them. They are enabled to levy taxation from their own members for this purpose, subject to the approval of the Ministries of Finance and Education, and receive a proportionate share of state subsidies. They may also receive and administer endowments.

These bodies are subject to a certain control by the state, which also has the power to dissolve the Council and prescribe new elections.

The German and Jewish minorities have hitherto exercised this right; the Russians are said to be preparing to follow suit. According to the repeated statements of minorities and majorities alike it has proved a brilliant success.

Unfortunately, few states have been so wise or so liberal as Estonia. The first draft of Latvia's Constitution promised a similar cultural autonomy to her minorities, but the provision was ultimately dropped. A certain scholastic autonomy is, however, granted under a law of August 8th, 1919. The administration of the schools of each minority for which this system is in force is placed under a head official nominated by the minority, and a Council consisting of the official in question, the heads of the departments

in his office, three delegates of the minority, and three members of their Teachers' Association. The officials are all direct state officials. The various Councils (consisting at present of the German, Russian, Jewish, White Russian, and Polish) are grouped in a special Minorities Department of the Ministry of Education. The chief of each Council 'represents his nationality in all cultural questions, with the right to participate as adviser at the sessions of the Ministerial Cabinet in all questions affecting the cultural life of the nationality represented by him'. The Councils determine the types of schools, syllabuses, and standards for examinations to be used in their schools. The compulsory minority elementary schools are maintained out of state funds, and each minority is entitled to a percentage of public monies expended on higher education. Private schools may be opened as and when desired. This arrangement is described as satisfactory by the German minority, which in spite of the Latvian agrarian and other legislation is still comparatively well-to-do.[1] The Russian minority, on the other hand, complains that the local and district councils, which are mainly in the hands of Letts, do not in practice provide sufficient Russian schools, many Russian-speaking children being forced to attend Latvian schools. Also, in particular, they do not receive their proportionate share of state monies for cultural purposes.

Lithuania, in her Constitutions of 1922 and 1928, promised those of her national minorities which form a considerable proportion of the state population the right of cultural autonomy. These provisions have not, however, been carried through. Only the Jewish minority succeeded,

[1] It is, however, regarded as inferior to the Estonian system, and in 1924 and 1925 the German minority attempted to get a system of cultural autonomy, similar to the Estonian, established. The project had to be dropped, since the Letts refused to admit the principles of the national register and of self-taxation, both of which the Germans regarded as essential. A voluntary organ, the *Deutsch-Baltische Volksgemeinschaft*, has now been set up, which performs, unofficially, much the same work as the Cultural Councils in Estonia. See an article by Percy Vockrodt in *Nation und Staat*, Feb. 1931.

in 1919, in establishing a far-reaching autonomy based on communes (*Gemeinden*) and a National Council. This organization was competent for all questions of education, culture, social welfare, and in part also law, and had the right to levy taxation from its members, within certain limits. It was, however, abolished in 1924 by the increasingly nationalist Lithuanian Government. The Polish Constitution (Art. 109) also declares that 'special State laws shall ensure the minorities in the Polish State full and free development of their national characteristics with the help of autonomous minority organizations with legal personality, on the scale of the general self-government institutions'; but except for the Jewish School Committees for which the Treaty provides, no such organizations have been created. Reference has already been made to the Cultural Autonomy Bill for the Slovenes of Carinthia (Austria) which has not, however, become law.

These examples cannot, unfortunately, be multiplied, even though a few more which we have not added may exist. The idea of allowing a minority to organize itself nationally throughout the entire territory of a state is, in any case, a considerable extension of most of the Treaties, as usually interpreted. It is true that the Polish Treaty and the Lithuanian Declaration recognize the existence of the Jewish communities of Poland and Lithuania respectively ('les communautés juives de Pologne [Lithuanie]'), but do not allow those communities any right beyond that of appointing Educational Committees *locally* ('sur place') to whom, then, certain scholastic duties are assigned. It will be noted that in each case the plural form 'communities' is used, so that it seems probable that the Treaties intended to recognize only local communities, and not national bodies. The Greek Treaty again uses the plural in speaking of 'the communities of the Valachs of Pindus', who are allowed *local* autonomy, under the control of the Greek state, in regard to religious, charitable, or scholastic matters (Art. 12). Whatever the exact meaning of the term 'local autonomy', which is extremely vague, we think it clear that the word 'local', combined with the plural

'communities', shows that it was not intended to allow cultural autonomy to the Valachs of Greece, or even of the Pindus, as a whole; merely that each 'community', by which, most probably, each centre of settlement was meant, should exercise the functions described in lieu of the Greek state.[1] The wording of Art. 11 of the Roumanian Treaty is identical, *mutatis mutandis*, with that of Art. 12 of the Greek Treaty (with the unexplained omission of the word 'charitable').[2] As Saxons and Székely are lumped together in the one article, it is impossible to say whether the Treaty, had it dealt with each separately, would have spoken of 'communities' or 'community'. The analogy of the other Treaties speaks in favour of the former; on the other hand, the clause in the Roumanian Treaty was, as we saw, based on the Alba Julia Resolutions which themselves went back to the old constitution of Transylvania. It seems in any case out of the question that the word 'community' should be understood in the sense of 'commune' (*Gemeinde*),[3] and it seems most likely that the whole 'communities' of Saxons and Székely respectively were conceived as units. In neither case, however, is the organization a national one, for the Székely are no longer to be distinguished by any clear criterion from the other Magyars of Transylvania, or indeed of Hungary, while the Saxons form only a part of the German population of Roumania.[4] Incidentally, the stipulated autonomy has not been granted in either case.[5]

[1] The question of the Valachs has become of little practical interest, owing to the subsequent migration of most of that enterprising, if unstable, people to the new Roumanian Dobrudja.

[2] The French texts are identical, *mutatis mutandis*, except for the word 'charitables'; the English text shows variations in the order of the words.

[3] On this point see the article by A. de Balogh in the *Bulletin International du droit des Minorités*, 3rd year, No. 1 (Nov. 1932).

[4] In the recent Roumanian census, however, the criterion adopted was that of nationality, and one of the rubrics was Székely. This measure was probably taken in order to weaken the apparent importance of the Magyars, but it may possibly pave the way towards fulfilment of the Treaty.

[5] The special privileges of the monasteries of Mt. Athos constitute a quite peculiar case, which need not be discussed here. There have been two or three petitions, which have been settled by Committees of Three on the basis of a compromise.

The group of minorities now under discussion has also come off most favourably in certain other directions; for while the cultural question is that to which the minorities attach the chief importance, it does not exhaust the problem of their relationship to their states. If they are to be on a footing of true *de facto* equality with the majorities, they should be allowed at least a share in the opportunity offered by the public services. Here, however, the linguistic question constitutes a real difficulty. It would be easy enough for a state administration to disregard differences of religion. This is, indeed, all that the Treaties require (Art. 7, para. 2, Polish Treaty). By confining the obligation to equality to religious minorities the Treaties implicitly admit that differences of language may reasonably be held to constitute a prejudice to admission to public employment, etc.; and it is, indeed, clear that it would not be practicable in every state to place all languages spoken by its minorities, down to the smallest, on an equal footing.

Nevertheless, the recognition of a minority's separate existence should imply the opening to its members of all channels of advancement, public and private, so far as compatible with the interests of the state in general. This should mean a generous admission of the members of that minority to the local administration and justice, in minority districts, as also to state employment in the state services where absolute command of the majority language is not an essential; with equality of treatment in admission to higher posts in the cases (so frequent in central Europe) where such perfect command does exist. It should also mean facilities for the use of the minority language in local adminstration and justice.

A few states, again, have made some concessions along these lines in favour of the colonist and similar minorities. Estonia, while retaining Estonian as the official language, which can always be used, provides that in places where a minority is in the local majority, the language of the local administration may be that of the minority in question. Members of the German, Russian, and Swedish minorities

may correspond in their own languages with the central authorities. Bulgaria allows local officials who speak and write Turkish only in districts in which the local majority is Mahomedan. Roumania employs Germans on a fairly large scale in districts where they are numerous, and allows them to use their language in oral intercourse, although the language of state is Roumanian. Hungary has a liberal law as regards local administration.

It is, however, very rare for any state to make linguistic concessions at all proportionate to the size of the minorities, and many prescribe the use of the official language absolutely, and on all occasions. Naturally, the smaller the minority, the less the hardship which such an attitude inflicts on it. Small groups like the Tatars of Roumania or the Armenians of Bulgaria could not reasonably expect a large place to be reserved for them in the national administration. On the other hand, where a minority is large and powerful, and particularly where it lives in compact masses, it possesses a genuine cause for discontent when due regard is not paid to its position.

5. *Very large Minorities*

This brings us to a third category of minorities: a development of that which has just been described, and presenting the same problems, only in a more difficult form. By far the clearest example in any of the Treaty States (since the Swedes of Finland have been treated as a *Staatsvolk* and not a minority) is provided by the Germans of Czechoslovakia. The Germans of Czechoslovakia are not, fundamentally, irredentist. At the end of the War they attempted, it is true, to form a federal state with German Austria, and they would certainly have preferred a division of Europe on different lines from the present. At bottom, however, they regard themselves as a natural and integral part of the historical units of Bohemia, Moravia, and Silesia. What they do not regard as natural is that these units shall be made, with Slovakia, into a Czechoslovak national state, in which they themselves are relegated to the position of national minorities.

In her attitude towards her minorities Czechoslovakia has in many respects set an example to most of the Treaty States. Her legislation on several points goes considerably beyond that required of her under her Minority Treaty. As regards schools she is, as previously remarked, under more far-reaching obligations than any other state. Her obligations regarding the official use of minority languages do not, however, differ from those of the other Treaty States, whereas her legislation is the most liberal of any. Members of the House of Deputies and of the Senate who belong to the German, Russian (i.e. Ruthene), Magyar, or Polish minorities are allowed to use their own languages when speaking, although reports, &c., must be drawn up in Czech. As regards the provinces (Bohemia, Moravia with Silesia, Carpatho-Ruthenia, and Slovakia) and districts, wherever a single minority numbers at least 20 per cent. of the local population its representatives may, under the law of December 31st, 1928, make use of their own language in the representative bodies; protocols, although drawn up in Czech, are translated into the minority language, etc. Where the minority numbers 50 per cent. its language becomes the local official language, side by side with Czech; where it numbers 75 per cent. it becomes the regular language, although Czech can be used at the request of a member of the body concerned, or if so decreed by the Government Commission. On the other hand, the law of February 3rd, 1926, provides under its first article that all courts, officials, institutions, undertakings, and organs of Czechoslovakia belonging to the Ministries of the Interior, Justice, Finance, Industry and Commerce, Public Works and Health, work with the Czech language only, using that language alone in their internal work, their correspondence, their relations with one another, with their Ministries and with all other public bodies, and with the general public; exceptions being allowed ordinarily only in dealing with districts which contain a minority as described above, and then with due regard to the rights of the state language. Under Art. 60 only such persons may be appointed to the administrative

posts in question as are perfectly competent to deal with the work in the language of state, provisional exceptions being allowed only where no persons fully qualified under the Act are available.[1]

Liberal as this legislation sounds, and actually is in some respects (e.g. in allowing the use of Polish—a language spoken only by a small minority in Czechoslovakia —in Parliament), it is far from solving the Czechoslovak national problem. A minority so large and important as the German cannot reasonably be expected to rest content with a position which might be generous in the case of a small minority confronted with an overwhelming majority. The official and exclusive use of Czech, or Czechoslovak, in the central Ministries means that members of the majority nation enjoy advantages which are quite disproportionate to their actual numbers. In addition, it is complained that the aim of the Czechoslovak authorities is to get the whole administration of the country, as far as possible, into Czechoslovak hands, even where members of the minorities are duly qualified. The Germans feel that their position entitles them to be taken into full partnership in the state, on a footing of absolute equality, both practical and theoretical, as the Finns of Sweden have been taken, and the failure to grant them this position leaves them smarting under a sense of grievance not felt by smaller minorities whose actual liberties are not, perhaps, so great.[2]

6. *Frontier Minorities*

Finally, we come to the most difficult class of all: those minorities which possess an active national consciousness, ardently desire to belong to a national state of their own, and could, by their geographical position, have done so, had the frontier lines been drawn somewhat differently. A mere frontier revision, keeping intact the existing state system, could yet give them what they want and what their

[1] See *Das tchechoslovakische Nationalitätenrecht*, by M. E. Svoboda, tr. Dr. J. Kalfus (Prague, 'Orbis', 1931).

[2] These grievances are enumerated in *Die Nationalitäten in den Staaten Europas*, pp. 173–258.

kinsmen want for them. Such are the remaining Germans of the Corridor, and of Polish Upper Silesia; the Ruthenes of east Galicia and the Bukovina; the Russians of Bessarabia; the Magyars of Slovakia, Transylvania, and northern Yugoslavia; the Bulgars of the Dobrudja, western Serbia, Macedonia, and Thrace; the Albanians of Montenegro, Old Serbia, and north-western Greece; the Germans of Slovenia, and, among the minorities not protected by treaty, the Austrian Germans and the Slovenes of Italy. By an unfortunate but natural extension, some other minorities not living on frontiers, such as the Bulgars of Bessarabia, who in earlier times were comparatively well treated, have come to share the treatment meted out to their kinsmen. Nearly all of these belong to the nations defeated in the World War, and these have had to undergo the additional bitterness of exchanging the position of members of a majority for that of a minority. Most of them have been subjected to that painful process of readjustment to which we have referred. Even those who had not achieved their ambitions before the war were usually hoping to do so, and were embroiled in a situation which had been envenomed by a long period of national hatred and mutual persecution.

These are the minorities which have suffered most severely under the new régime. Their presence on the frontiers seems to the national states under which they now live to constitute a constant menace to their own integrity. Those states remember that the doctrine of self-determination was once proclaimed as a right. It might be proclaimed again, and applied, and in that case territorial revision would follow. In the hope of preventing this the Treaty states (with very few exceptions) have done everything that lay in their power to weaken their position. Even where a state has been comparatively moderate, its frontier minorities have always been the worst treated, while under the more nationalistic and violent governments their condition has been often miserable in the extreme. In many cases frontier districts have been held under martial law for years at a time, or permanently, being administered, or

maladministered, by military governors and gendarmes from the interior. In the few cases where members of the minority have been admitted to administrative posts at all, they have usually been transferred into the interior, far from their own people. The slightest attempt by members of the minority to assert their national identity is construed as irredentism, and the persons making it thrown into prison or driven into exile. The vernacular press has been suppressed or, at best, subjected to the most rigid censorship. Often this restriction on the minorities' cultural life has extended to all literature, including the most harmless books, even those of purely scientific interest. Schools have been closed; several large minorities have been left without any schools whatever in their own language; others have been allowed to maintain only a very few private schools at their own expense, while the state educational system has been converted entire to the majority language. Higher cultural institutions have been abolished altogether, or possibly converted into majority institutions. Sometimes members of minorities have been forbidden not only to read and write but even to speak their own language, and in certain cases grotesque measures have been taken to disguise the real character of the population by forcing its members to change their names, while any person whose name shows that he comes of majority stock is denied the right to call himself a member of the minority. In the worst cases, even the names of the dead, as engraved on tombstones, have not been respected. Meanwhile, various 'land reform' acts have been used to break up the solidarity of the minorities by settling among them, and on land to which they often had a better claim in equity, immigrants from the interior, who have too often been desperadoes of the worst character (since few but the toughest would undertake to settle thus in the midst of a hostile population). Frequent acts of violence have occurred, and while the settlers have been allowed to commit such acts with impunity, a single crime against one of them has been visited upon whole villages of the minority.'

Here, even more than in all the preceding cases, all parties agree in condemning the League. Indeed, the League's interventions in favour of those minorities which have been most flagrantly oppressed have been few and too often quite ineffectual. Even in the most prolonged and hard-fought of all its cases, where the Council struggled for two years to prevent the Polish Government from expelling the German settlers from the Corridor, even in that case, where the Council showed perhaps more determination than it has ever displayed since in a minority case, Poland actually carried out her original intention, while the negotiations were still proceeding, with respect to 2,000 of the 3,000 settlers involved. In the Southern Dobrudja, again, which is inhabited by a compact Bulgarian population, the Roumanian Government turned all the state schools, without exception, into Roumanian schools, leaving the Bulgarian population without any instruction whatever in their own tongue, except in four private schools in the larger towns. A petition signed by the fathers of 14,000 children of school age to allow Bulgarian schools to be opened was confiscated, and the signatories arrested, mishandled, and forced to declare that they were content with Roumanian schools. Protests to the League and to Bucharest (where, moreover, the government in power was the most liberal which Roumania has enjoyed since the War) resulted in stopping the persecutions—but not in getting the schools reopened.[1]

The many petitions from East Galicia regarding the so-called 'pacification' of that country in the autumn of 1930 resulted in the case being brought before the Council (in January 1932), largely owing to the pressure of public opinion in Great Britain; but the resolution adopted by the Council was extraordinarily weak—so weak as to leave the minority in perhaps a worse position than before, since it encouraged the chauvinist elements in Poland to believe that they could do as they liked with impunity, and does not appear to have improved the actual situation of the minority by one iota. In many other cases petitions

[1] *Die Nationalitäten in den Staaten Europas*, pp. 457, 458.

have been dismissed on the plea that, whatever their form, their intention was really irredentist, while in the case of Macedonia the Council seems to have accepted the quite untenable Serbian contention that no minority problem exists in that district at all.

The minorities are thus able to say with considerable justice that the League system has not been given a trial in their cases; since the governments have not attempted to observe the Treaties in letter or spirit, nor has the League tried to compel them to do so. The governments, in complaining that irredentism still goes on along the frontiers, are on much weaker ground for this very reason, that so few of them have attempted to give the minority those liberties in exchange for which they were to abandon their own national ambitions. Indeed, the whole unhappy history of the past dozen years has afforded the best proof of the soundness of the principles underlying the Treaties. The Treaties were meant to stop persecution, because only just and liberal treatment could make the minorities into loyal and contented citizens. The persecution has gone on, and if the minorities are not either contented or loyal, it is because the other side of the bargain has never been fulfilled. The further assumption which underlay the Treaties, that ill treatment could never kill national feeling in a minority, but only provoke and strengthen it, has been amply justified. Here and there members of minorities have allowed or welcomed assimilation for themselves or their children; but they would certainly have done so far more readily had no pressure been put on them. It is among the minorities which have been least harshly treated that instances have been far the most common. Where a minority has been genuinely oppressed, the oppression has only served to stiffen its national feeling, and to keep alive its natural irredentist sympathies.

7. *Summary*

In the preceding pages only the roughest survey of the minority situation could be attempted. Conditions vary so bewilderingly from state to state, from minority to

minority, even with the same state and minority, from year to year, according to economic conditions or the character of the central government, that truth in this matter is even harder to find than usual, and any conclusions must be very largely subjective. It does, however, seem fairly clear that the League system, so far, has proved no more than a partial success. At the best it has acted as a local anaesthetic against certain cases of preventible suffering; it has not operated as a cure for the disease. It has not solved the problem of how to enable different nationalities to live together harmoniously within a single state.

Could it have done more?

Clearly a certain improvement, perhaps even a considerable one, could be effected if the defects in the procedure were eliminated. The procedure is a clear and easy object to attack, and for that reason both the governments interested in the protection of minorities and the international societies have devoted close and continuous attention to the possibility of reforming it. Many changes (some of which have been indicated) could undoubtedly be brought about with good results, even within the general framework of the present political procedure of Committees of Three. Better results still might be looked for if more radical reforms were adopted, such as the constitution of a Permanent Commission. If the League's guarantee is to be truly efficacious it is essential that its procedure should be such as to ensure a prompt and impartial hearing of all complaints. A necessary postulate of any procedure reform is, of course, that the Council itself should take its duties seriously, and should summon up the courage to insist upon real redress for all well-founded and legitimate grievances.

Yet even if the Council and all its subordinate organs were to function quite perfectly, this would not mean that the minorities problem had been solved. It would be like providing a perfectly trained mechanic to patch up the break-downs of an engine of antique model and doubtful efficiency, which all the time was being subjected to violent strains which it was never built to resist. For in spite of

the abuse to which the League is subjected by all parties concerned, the fundamental evil does not lie in the League's imperfections as guarantor, but in the conditions which make the League's task impossible.

The real root of the trouble lies in the philosophy of the national state as it is practised to-day in central and eastern Europe. So long as the majority nations which have assumed command of the different states persist in their theoretically absurd and practically unattainable endeavour to make of those states the exclusive instruments of their own national ideals and aspirations, so long will the minorities be placed in a position which no system of international protection can render tolerable.

This is the basic flaw in the whole structure, and it is doubtful whether the present Treaties, however perfectly applied, can ever completely remedy it. It is true that the Treaties provide in general terms for the equality of all nationals of the contracting state before the law, and as regards enjoyment of civil and political rights, and for the same treatment and security in law and fact. The Articles in question (Arts. 7, para. 1, and 8 para. 1, Polish Treaty) thus lay down the fundamental and only necessary principle of equality; and since the whole conception of the national state implies a violation of the principle of equality to the detriment of the minorities, the guarantee of equality might be construed as involving the renunciation by the state of its national character. In certain respects this is the case. The really logical national state would not, for example, admit Jews on equal terms to its public services, while the states signatory to the Treaties are bound, in theory, to do so. On the other hand, the specific provisions in favour of the minorities certainly do not admit the minorities as equal partners in the state. The admission of the right of the state to establish the language of the majority as the official language (i.e. a language with priority over any other), the limitation of the obligation to provide public instruction in a minority language to primary schools and to towns and districts in which a 'considerable proportion' of members of a linguistic minority

reside, etc.—all these provisions admit the principle of a single dominant national culture in the state. Thus the guarantee of equality assumes a negative character—it becomes only a safeguard against actual discrimination, and although it is still open to any state to construe its Treaty in a more liberal sense, yet it is difficult to see that it can be forced under the Treaties to do so. It is, indeed, generally admitted by both parties that such measures as the grant of cultural autonomy go beyond what the Treaties enforce, nor has any minority, to my knowledge, argued before the League that equality involves any limitation on the use of the official language.

If the Treaties are given the negative interpretation which is usual, then the truth is that they are adapted only to that one class of minorities which we discussed first: those whose national consciousness is still dormant or who, at most, do not desire any strongly differentiated national life of their own. Unfortunately, this class of minority, although common enough a century ago, is becoming increasingly rare to-day. The great stimulant of national consciousness is, it is true, the attempt to repress it, and, in so far as the Treaties forbid this, they may succeed in perpetuating the curious and essentially anomalous state of suspended animation in which some minorities still live. In the long run, however, one of two things is almost certain to happen. Either the members of the minority will become assimilated with the majority (which may quite well happen in many cases, particularly if the Treaties are respected), or they will develop an active national consciousness.

For actively conscious minorities it must be frankly recognized that a restrictive interpretation of the Treaties is useless. A national state and national minorities are incompatibles. Where fate has placed a nationally conscious minority in a state there are only three possible solutions, and (although few governments believe this) forcible denationalization is not one of them. Perhaps a fourth should be counted—physical slaughter; but although this most effective of all remedies is still in vogue in certain

countries it shall not be discussed in this humane essay. The three possibilities which are to be considered are these: either the theoretical basis and existing populations may be left untouched, but the frontiers may be revised in such a way as to leave alien elements outside them; or the basis of the state may be retained, and its frontiers left intact, but the minorities may be eliminated by emigration (perhaps through exchange of populations); or thirdly, existing populations and frontiers may be retained, but the basis of the state may be altered. In the next chapters each of these possible solutions will be discussed in turn.

PART III

POSSIBLE SOLUTIONS OF THE MINORITY PROBLEM

CHAPTER XI

SOLUTIONS ON THE BASIS OF THE NATIONAL STATE

1. *Frontier Revision*

FRONTIER revision is the most drastic and, where applicable, the most satisfactory means of solving a minorities problem; for it ends the question once and for all by severing completely all political relations between the minority and the majority. It has also been, in the past, the traditional method. All 'wars of liberation' have amounted simply to solutions of the minority problem by this means, and where a homogeneous population has won its liberty from alien rulers, as in the case of the Italian Wars of Liberation against Austria, the motives of the revolt have usually enjoyed general sympathy, and the results proved happy both for the successful revolutionaries and also, in the long run, for their former masters. The Peace Settlement of 1919 was itself based on one of the most drastic frontier revisions ever undertaken.

A sort of miasma seems to float over the subject to-day, and the states which ask for frontier revision are decried by their virtuous neighbours, who were the warmest upholders of the same principle not twenty years ago, as war-mongers and dangers to the harmony of Europe.

There is no justification for this priggish attitude. The frontiers laid down in 1919 and 1920 are no more sacrosanct in themselves than those which they replaced. The difference between them is that the new system is founded on certain principles of justice and self-determination, which were invoked to justify the disruption of the multinational empires of central Europe. If these principles are still considered valid, no readjustment which disregards them could be acceptable. Where, on the other hand, it now appears that they were violated by the new settlement itself, there is stronger reason than ever for

invoking them once again to modify it. The very fact that the system of to-day is nominally founded on moral principles makes it a right and a duty of the members of that system to interest themselves in cases where those principles have clearly been disregarded. Indeed, the League Assembly, under Art. XIX of the Covenant, possesses rights to advise frontier revision which, although embryonic enough, yet go far beyond anything previously admitted by international law.

There were certainly cases at the Peace Conference in which the frontiers were drawn in defiance of all such principles. The blame for many of these lies in the bargains concluded by the Allies during the War. Some of the more outrageous of these bargains were fortunately rendered void by the revolution in Russia and by Roumania's conclusion of a separate peace; others were modified by Wilson's influence. Enough, however, remained grievously to affect the justice of the Peace Settlement, while other notorious injustices were perpetrated at the Conference itself, either wilfully, or in ignorance and prejudice, owing to the excessive deference shown by the victors to their allies and pseudo-allies, as against their enemies.

Thus there are some strips of territory, inhabited by solid blocs of minority populations, which were attributed to their present owners without any valid reason; and it seems fair to count as invalid the reasons of security advanced in many cases. For nearly always, the security of one state means the insecurity of another, and once the absurd war mentality of 1919 has been dissipated, and the equality of all states once more recognized, no possible grounds seem to exist for saying that the victor states need security more than the vanquished; the more particularly as the latter are generally smaller and (owing to the disarmament provisions of the Treaties) far weaker from the military point of view than the former.

In such cases where no valid reason existed for ignoring the claims of nationality and the wishes of the population —where the present line represents, in fact, only the satisfaction accorded to greed by ignorance and complaisance

—there it is clearly desirable that the wrong should be righted and the frontier redrawn. If a certain number of adjustments could be made in such cases—of which the ex-Bulgarian districts of Trn and Bosilovgrad may be taken as one example, although no isolated one—all parties concerned, including the states ceding the territory, would probably benefit greatly.

It must, however, be remembered that although certain clear and flagrant cases exist, they are not very numerous. The Allies in their reply to the German observations on the Peace terms declared that:

> 'Every territorial settlement of the Treaty of Peace has been determined upon after the most careful and laboured consideration of all the religious, racial and linguistic factors in each particular country';

and, broadly speaking, this claim is justified. Many of the frontiers, which have left considerable minorities on both sides of them, are yet as near to the optimum ethnographical line as human ingenuity could bring them. No conceivable readjustment could get rid of the minorities problem altogether.

Indeed, although it goes without saying that if the ethnographical criterion was to be applied at all, it ought to have been applied justly, yet it is very arguable whether the ills from which central and eastern Europe are suffering to-day do not arise more out of the excessive deference paid to that criterion in 1918 than out of the occasional disregard of it. Moreover, it is necessary to recognize that the claim for the frontier revision on national grounds, pure and simple, is a two-edged sword. It is an admission of the supreme desirability of the uni-national state; and so long as all parties, both those who hope to gain by revision and those who stand to lose, continue to hold this doctrine, the minorities are bound to suffer by it. The states at present containing these minorities will persevere in their efforts to denationalize them, in order to escape the danger of future revision; and they can claim, not altogether unfairly, that they are justified in doing so, for

the prospect of revision deprives the guarantee of their frontiers given them when they signed the Treaties of much of its value. Thus, while frontier revision on lines designed to secure more homogeneous states may be accepted as the best solution of certain minority problems, it must be recognized that it is only applicable in certain cases; while in others the attempt would make the situation even worse than it is to-day. To say this is not, as will be seen, to urge that existing frontiers should always remain intact.

2. *Exchange of Populations*

The second solution involves retaining the existing frontiers, but altering the population inside them. If the minority is thus eliminated altogether, the solution is as complete as that of frontier revision, and may appear in certain circumstances to be easier and more satisfactory; particularly if the frontier is a natural one, the distribution of population unnatural. It is therefore worth while examining in a little detail the experiments which have been made in this direction.

In older days it was, of course, a frequent thing for new rulers to rid themselves altogether of unwelcome subjects by the simple process of expelling them bag and baggage from their territory. Often the subjects themselves did not wait to be expelled, but took to flight of their own volition. In more modern times the average man's reluctance to move from his homestead has increased, and it has now become part of the established practice to forbid his expulsion by making it a condition of the transfer of territory that all inhabitants thereof shall automatically acquire the nationality of their new state. Such conditions were inserted in all the League Treaties dealing with minorities.[1] There will always remain a certain number of persons who will prefer to emigrate; and to these it has become customary

[1] The only exceptions allowed in the Treaties were Germans who had become resident in territory transferred to Poland since Jan. 1st, 1908 (Treaty of Versailles, Art. 91), and Bulgarians who had become resident in territory transferred to Greece or Yugoslavia since January 1st, 1913.

to allow the right to opt for another nationality (normally their former nationality), in which case they must transfer their place of residence to the country for which they have opted. Similar provisions appear in certain pre-War Treaties under which territory was transferred,[1] and they are contained in all the League Minority Treaties.

The right of option brings with it a certain diminution of the minority population, which has been considerable in one or two instances;[2] but it is chiefly exercised by town-dwellers and by persons whose source of income is not tied to their place of residence. From the point of view of the states, its effect is further diminished by the provision that optants may retain their immovable property.[3] The right is seldom exercised by peasants, who almost invariably prefer to remain on their land, even at the price of being placed under an alien and often aggressive régime. And the population of frontier districts is almost always a peasant population; in the whole of the Treaty states the only important exception is that of Silesia.

The whole trend of modern thought and practice is thus towards emphasizing the right of the individual to retain his home, irrespective of the national régime under which it is placed; and the Minority Treaties are an affirmation of the belief that it should be possible for him to do so, under conditions tolerable alike to himself and his state. Most modern states, however, undisguisedly prefer to have their frontiers inhabited by members of their own majority nations, for which purpose many of them have resorted to every sort of device to render the lives of their frontier minorities intolerable, or at least to weaken their power and solidarity by colonizing 'reliable' elements among them.

These measures, while painful for the individuals con-

[1] e.g. Art. II of the Treaty of Frankfurt, ceding Alsace and Lorraine to Germany; Arts. XII (Bulgaria), XXXIX (Serbia) of the Treaty of Berlin (1878), &c.

[2] Thus the German minority in Estonia is said to have been reduced to about half of its previous number (cf. *Die Nationalitäten in den Staaten Europas*, pp. 4, 5).

[3] See the prolonged 'Hungarian optants' case which occupied the Council of the League for so many years.

cerned, have also proved comparatively ineffectual from the point of view of the states, and it is tempting to suppose that all parties would gain if, where a mixed population exists on both sides of a frontier, the ethnic minorities were simply exchanged against each other. A proposal to this effect was put forward in 1913—for the first time in modern days—by Turkey. The circumstances were peculiar. It was not merely that the populations of the Balkans were intermingled to an unparalleled degree, nor that they were traditionally and abnormally ferocious in character, so that relations between the minorities and majorities were even more uneasy than the usual. Such considerations would hardly have moved the Turks, who never shrank from applying drastic remedies to obstinate evils. What did affect them was the fact that the Christian minorities were being used as a pretext by the Balkan States to make war on Turkey, and with success; her minorities therefore constituted an active danger to her territorial integrity. Moreover, she was herself short of reliable manpower; for her ruling caste had ever encamped among conquered populations, without attempting to assimilate them. She thus had within her own frontiers an uncomfortably high proportion of minorities, while many Moslems had remained within the territories now detached from her.

An exchange of populations would thus in every way strengthen her position; and the idea came all the more easily because respect for human rights had never become genuinely indigenous in the Balkans, and the population had never succeeded in striking such deep roots in its soil as elsewhere in Europe. The ferocious character of inter-racial conflicts was such that the approach of a hostile army, or the occupation by an alien administration, was usually the signal for scores of thousands of the members of minorities to take to headlong flight, abandoning all save what they could carry with them, and to seek refuge among their own kinsmen. Such refugee movements had accompanied all the wars of liberation of the various Christian states, and even such comparatively decorous opera-

tions as the occupation of Bosnia by Austria-Hungary. The actual process of removal was thus largely automatic; it remained only to legalize it.[1]

The idea, however, had never taken root among the Christian Balkan states, for reasons which were the precise counterpart of those which commended it to Turkey. Firstly, while the earlier refugees were easily settled in the thinly populated states of the nineteenth century, it became increasingly difficult to accommodate them in such large numbers—Bulgaria alone received 200,000 between 1878 and 1912 and as many between 1912 and 1914 alone—as the countries filled up, and they became a heavy burden on the finances of the different states which received them. As this occurred, the refugees themselves became ever less willing to make their migrations permanent, rather awaiting the moment when conditions should become normal (by their standard) and they could return to their homes. More important still, precisely those minorities in the 'unredeemed' territories which were the chief danger to Turks were, for that very reason, particularly cherished by the Christian states, who looked to them to bolster up their claims to territorial aggrandisement. Only after the second Balkan War, when Bulgaria and Turkey found

[1] Statistics of some of these movements have been collected by Mr. A. A. Pallis and published in an article in the *Fortnightly Review* and more fully in a *Statistical Study of the Racial Migrations in Macedonia and Thrace, 1912–24* (Athens, 1925). The migrations reached devastating proportions with the outbreak of the Balkan Wars in 1912. Between 1912 and 1925, seventeen migratory movements took place in Macedonia alone. In 1912 about 100,000 Turks fled before the advancing Balkan armies. In 1913 15,000 Bulgars fled before the Greek army; 10,000 Greeks left Serbian and Bulgarian Macedonia; 70,000 Greeks left Bulgarian Western Thrace; 48,750 Moslems left West Thrace and 46,764 Bulgars East Thrace. In 1914 265,000 Greeks were expelled from Turkey, 85,000 deported to the interior; 115,000 Moslems left Greece, and 134,000 the other Balkan states, for Turkey. In 1916 the Bulgars deported 36,000 Greeks from West Thrace. From 1915 onward about 1,600,000 Armenians were massacred or expelled from Turkey. After the Armistice 57,000 Greeks returned to West Thrace, 83,000 to East Thrace, and 100,000 to Asia Minor. Nearly all of these had to flee again in 1922, with the balance of the Armenians.

themselves in a certain community of interests against the other Balkan states, did they agree, under the Protocol of Adrianople, annexed to the Treaty of Constantinople (Nov. 2/15, 1913), to exchange their respective minorities living within fifteen kilometres of their common frontier in Thrace. The populations in question were nearly equal in numbers —48,510 Moslems and 46,764 Bulgars—and had already fled from their homes, so that the problem was only that of liquidating their properties. A Mixed Commission was appointed for the purpose, but dropped its work after the outbreak of the World War.[1]

In 1914 the Young Turks, then in power in Constantinople, seem to have determined to get rid of their Christian populations altogether, and to replace them by Moslems. A vigorous propaganda was set on foot to attract Moslems from the Christian Balkan states into Turkey, and met with some success, 115,000 Moslems leaving Greece, and 135,000 the other Balkan states, for Turkey. On the other hand, in 1914 alone some 265,000 Greeks were driven out of Turkey and 85,000 more deported to the interior of Asia Minor; and from 1915 onward a systematic clearance of the Armenian population began, by means of deportation, cold-blooded massacre, and every kind of horror.

In May 1914 Turkey, in pursuance of her fixed policy, proposed to Greece a 'voluntary and reciprocal exchange' of the Greek rural population of the *vilayet* of Smyrna against the Moslems of Greek Macedonia. Greece accepted, provided that the exchange was genuinely spontaneous and the properties of the emigrants assessed and liquidated. The plan was subsequently extended to embrace Thrace and Epirus respectively, and a Mixed Commission, under a neutral arbiter, actually constituted to 'ascertain the spontaneous purpose of the people to emigrate' and to appraise and liquidate the emigrants' property. Before

[1] S. R. Ladas, *The Exchange of Minorities: Bulgaria, Greece and Turkey* (New York, 1932), pp. 18 ff. (with text of the Convention). Nominally the exchange was 'facultatif', but it seems in fact to have been compulsory, and not confined to the 15 km. zone.

it began work, however, Turkey entered the War, and the plan was dropped.[1]

Greece clearly agreed to the exchange only because she was in fact confronted with a *fait accompli*, and only thus could it be hoped that the emigrants would obtain some compensation for their losses. In 1915 M. Venizelos changed front completely. When Turkey was at war with the Entente, and Bulgaria was still hesitating, he argued that Greece should come in on the side of the Entente. A Greco-Bulgar exchange should be effected in Western Thrace, then in Bulgarian occupation. This meant sacrificing Greek claims in Thrace; but in return, it was hoped that a Balkan Federation would be realized and a real Great Greece established 'comprising almost all the territories where Hellenism has exercised its action during its long history through the centuries', i.e. Greece and Bulgaria should unite against Turkey, and Western Anatolia should become Greek.[2]

This plan also came to naught. At the end of the War, the situation had changed again. Greece was practically secure of getting Western Thrace from Bulgaria, Eastern Thrace and Smyrna from Turkey. Moreover, Turkey and Bulgaria were enemy powers, on whom the victor's will could be imposed. It was now in Greece's interest to consolidate the position, and while the Bulgarian Treaty was being considered in Paris, M. Venizelos asked that a Convention be concluded for a reciprocal exchange between Greece, Serbia, and Bulgaria. The New States Committee heartily approved this idea. It thought that the exchange could be imposed upon Bulgaria and Turkey, although not on Serbia; but it was desirable that Serbia should participate. The exchange might be applied not only to transferred territories, but to all the Balkan states and to all inhabitants thereof who might desire to emigrate from one Balkan state to another. It then 'would do much to help a permanent settlement of the troubles which have so long affected the Balkan states and be a valuable

[1] Idem, pp. 21 ff.
[2] Idem, p. 29.

supplement to the clauses dealing with the protection of minorities'.[1] The criterion should be 'the desire of those interested'.

Serbia rejected the idea as 'neither necessary nor advisable', and as the Conference had not yet begun to deal with Turkey, it was decided to restrict the exchange, for the time being, to Greece and Bulgaria, leaving the question of Turkey's adherence to be settled later. A clause (Art. 56, para. 2) was inserted in the draft Treaty of Neuilly, which was about to be presented to Bulgaria, pledging her to accept any dispositions made by the Allies with regard to the 'reciprocal and voluntary' migration of ethnic minorities between Greece and Bulgaria.

Bulgaria's position was as follows: under the Treaty she was losing Western Thrace, nominally to the Allies, but prospectively to Greece, while Serbia's possession of those parts of Macedonia which she had acquired in 1913, but for which Bulgaria had so long schemed and fought, was being confirmed. She had within her frontiers some 200,000 refugees from these areas, nearly all of whom had fled, leaving their properties behind. Balkan experience showed that many of them would be lucky if they were ever able to return to those properties. She urgently desired their return, both in order to relieve herself of the cost of maintaining them, and to keep intact her claim on the areas in question for future use. Now the Treaty contained the usual clauses relating to option and nationality (Art. 40 for Yugoslavia, 45 for Greece) under which Bulgars resident in the transferred territories acquired Greek or Yugoslav nationality, or could opt for Bulgarian nationality and retain their immovable property. In her reply Bulgaria accepted Art. 56 without comment, but dwelt at length on Arts. 40 and 45, urging the great importance of allowing the refugees to return to their homes and to exercise freely the right of option. 'If', she wrote, 'the discontent of these refugees is further increased by a final refusal to permit them to return to their homes, it would be superfluous to explain that this fresh ferment in their midst and the uneasiness

[1] Hunter Miller, *Diary*, vol. xiii, p. 443.

which it will provoke will constitute a constant obstacle to the calming of popular feeling.'[1]

The Committee noted that

'a considerable proportion of those to whom the Bulgarian note refers are persons of Bulgarian sympathy previously resident in the districts named, and that among them are certain numbers of political agitators, whose return to their districts would, in the interests of tranquillity, be undesirable. Under the Convention . . . such of these persons as are of *bona fide* Yugoslav or Greek origin and sympathies, and whom the State concerned may agree to admit,[2] will be able to opt for these nationalities respectively. It would not, however, be just to impose upon the Serb-Croat-Slovene State or on Greece the obligation of receiving an indefinite number of persons of possibly active Bulgarian sympathies simply on the ground of their previous residence in districts formerly, or by the present Treaty, ceded to Greece.'[3]

Evidently, in the Committee's view, persons of active Bulgarian sympathies would avail themselves of the exchange, while those who took Yugoslav or Greek nationality would be prepared to become 'loyal' citizens of those countries. The idea of persons choosing Greek nationality but remaining Bulgarian in sympathies does not seem to have occurred to the Committee, which was probably misled by the Allies' propaganda into underestimating the pro-Bulgarian feeling in Macedonia. As M. Ladas points out, such persons could clearly defeat the object of the Convention by availing themselves of the nationality clauses instead.[4] It cannot, however, justly be said that the nationality clauses (in the Treaty of Neuilly and the Minority Treaties) were 'in conflict' with the Convention and ought to have been 'corrected', for to deny the Bulgarian refugees the right of choosing citizenship where their homes were situated would have turned the Convention, in effect, into a compulsory one. With the voluntary principle, moreover, the reciprocal

[1] Idem, pp. 481–8.

[2] Under the Treaties Yugoslavia and Greece were to be allowed to refuse nationality to Bulgarians who had become resident in the territories transferred to them since January 1st, 1913.

[3] Idem, pp. 490–1.

[4] Ladas, op. cit., pp. 40, 41.

principle would have vanished likewise, since the refugees in Bulgaria far outnumber those in Greece.

The Convention itself was submitted to the Bulgarian delegation a few days later, being based almost verbatim on a draft submitted by M. Politis.[1] It provided that the contracting parties recognized the right of those of their subjects belonging to racial, religious, or linguistic minorities to emigrate freely to their respective territories. The signatory states undertook to facilitate the exercise of that right and to place no restriction upon it, direct or indirect; the only reservation being in the case of persons sentenced for an infraction of ordinary law. The emigrants lost their old nationality, and acquired the new on crossing the frontier. They were allowed to take their movable property with them, free of restriction; their immovable property was to be liquidated by a Mixed Commission consisting of one member from each contracting state and two members, including the President, appointed by the Council of the League of Nations. The Commission was, in general, in charge of the whole operations of the exchange. The real properties liquidated became the property of the governments in question; the value of them was handed over to the Commission for transmission to the rightful parties. The expenses of the Commission were borne by the governments.

In view of the extensive refugee movements of the preceding years, the Commission was given authority to liquidate properties left by Bulgars or Greeks who had emigrated prior to the coming into force of the Convention. This provision had been contained in M. Politis's original draft, but M. Politis probably had in view mainly persons who had migrated as a result of the World War. The Commission, however, decided to include persons who had emigrated within the last twenty years. This decision was wise and humane, but greatly complicated the Commission's work. Incidentally, it made it necessary to extend the

[1] M. Politis's draft is reproduced by Ladas, pp. 32–5; the final Convention, idem, pp. 739–43, or Treaty Series I, pp. 68–72, and in the League's collection of Minority Treaties.

benefits of the Convention to many persons who, at the date of emigration, had been Turkish nationals.

Bulgaria accepted this convention with *empressement*, laying stress on its reciprocal character and on the confidence inspired in her by the 'composition and functions of the Mixed Commission'.[1] It was signed on November 27th, 1919, simultaneously with the Treaty of Neuilly. It was thus fully and even gladly accepted by both parties, but lest the impression should be gained that both were equally anxious to see the minorities exchanged, it must again be emphasized that the two parties clearly regarded it in very different lights. Greece saw in it an instrument for weeding out her Bulgarian minority; for Bulgaria it was a safeguard that unilateral action would not be taken against her.

When the Commission began to collect declarations of emigration, which it did at the end of 1922, it was soon clear that the exchange was not going to work out according to plan. Far from placing obstacles in the way of those desiring to emigrate, both governments, particularly perhaps that of Greece, were only too anxious to get rid of any one who could possibly be induced to move; so that the neutral members of the Commission found that 'for four years one of their principal duties was to struggle, by measures of all kinds, to prevent forced emigration and to combat influences tending to boycott the Convention'.[2] The Bulgars in Greece showed from the first little desire to migrate. In this they were certainly influenced by the action of the all-powerful Macedonian Revolutionary Organization, whose orders few Bulgarian peasants would dare to disobey, in forbidding the Bulgarian refugees to take advantage of the Convention. The Commissioners state, on the other hand, that the desire among the Greek peasants of Bulgaria to migrate into Greece was 'fairly widespread' (*assez répandu*).[3] The holdings of these peasants were threatened by the Bulgarian Agrarian Reform Act, and they hoped to attain larger holdings in Greece; but even

[1] Hunter Miller, *Diary*, vol. xiii, p. 539.

[2] *Rapport*, p. 11.

[3] Ibid.

so, by June 1923 only 197 Greek families and only 166 Bulgarian had filed declarations of emigration. The situation changed only when the Greek Government, under the pretext of military necessity, deported several thousand Bulgarian families from Thrace, afterwards installing Greek refugees from Anatolia in their homes. This frightened the Bulgars, many of whom fled to Bulgaria to avoid deportation, and the deportees afterwards followed them. The refugees encamped themselves in Greek villages in Bulgaria, whose inhabitants now fled in their turn. Several 'incidents' took place; the local military and police took 'vexatious measures' against the minorities, with the result that during this period, the conditions of which were as near to those of war as of peace, as we understand that word, some 50,000 Bulgars and 25,000 Greeks emigrated under the Convention. After the disturbances had died down the declarations of emigration again fell to a very low figure. By extending the time-limit and putting considerable pressure, through the Council of the League itself, on the Bulgarian Government, some earlier 'émigrés' who had long insisted on their right to return to Greece and claim Greek nationality were induced instead to avail themselves of the Convention.[1] In 1928 the Bulgarian Government presented a further 6,000 late declarations, affecting some 30,000 persons, but the Greek Government would have none of them, probably calculating that these émigrés would not now return to Greece in any case.

The genuine voluntary emigrants were thus few indeed. The Commission dealt in all with 154,691 persons, 101,800 of whom were Bulgars, and 52,891 Greeks. Of these, over 40,000 Bulgars and over 20,000 Greeks were classified as 'émigrés', i.e. persons who had emigrated before the Convention came into force. Over 5,000 Bulgars and nearly 3,000 Greeks were 'absent without declarations of emigration, but admitted as emigrants'. Only some 55,000 Bulgars and 30,000 Greeks were 'emigrants'; and nearly

[1] Ladas, op. cit., pp. 97 ff.; *L.N.O.J.*, Feb. 1926, pp. 174–5; Feb. 1927, pp. 153–4, 234–7; April 1927, pp. 396–7.

all of these were in reality refugees who fled during the troubled period of 1923–4.[1] It is thus clear that the genuine voluntary and reciprocal emigration which the Convention was designed to effect never occurred at all, except on a minute scale. How far forced emigration was stimulated it is difficult to say. The very existence of the Convention naturally offered a temptation to governments to put pressure on unwilling emigrants (a temptation to which, as remarked above, the Council of the League itself yielded). On the other hand, the neutral Commissioners were probably able to prevent a certain number of cases of injustice. It is also interesting to note that while practically all the Greeks of Bulgaria emigrated in the end (only a few hundreds remaining in Bulgaria) not more than half of the Bulgarians of Greece migrated. Even according to the official Greek statistics, there were left in Greek Macedonia, in 1928, 82,000 Bulgars; the Bulgarian estimates naturally place the figure far higher. As the real purpose of the Convention was to eliminate the Bulgarians from Greece, and not vice versa, this fact is important in estimating the success or otherwise of the Convention. Yet Western Thrace was ultimately cleared completely of its Bulgarian population—a fact which Greece, at any rate, will count as a gain. For Bulgaria, this probably represents a loss; while the failure to dislodge the Bulgarian population in western Macedonia is satisfactory to Bulgaria, but for Greece a token of the non-success of the Convention.

The Commission was constituted in 1920, and did not finish work until 1932. The excessive slowness with which it worked was due in part to circumstances which would hardly arise under ordered conditions. Thus not only was no proper system of assessment in force, but most of the land had never even been surveyed at all, so that the whole basis for assessment was absent. The attempt to make good this lack involved the Commission in bizarre difficulties. An individual might file a claim under his legal name of Ivan Petcoff Tacheff; but when the Commissioners sought to verify the particulars from his fellow villagers, the name

[1] *Rapport*, p. 61.

would be unknown to them, and it was long before he was found to be identical with the person known as Vantcho Demerdjieff; Vantcho being the diminutive form of Ivan, Demerdjieff the Turkish name for his profession of blacksmith. In one village

'the only competent guide was an old man of 70. But for a reason difficult to comprehend, he tried systematically to avoid mentioning the names of the landowners, if they were of the female sex. He confined himself to speaking of a 'meratchif'. The surveyors [who were Russians] who were imperfectly acquainted with the Macedonian dialect (in which this word means "heir") thought it was a surname and entered it as such in their books.'[1]

Much of the land was held under the complicated Turkish system of land tenure, and many unforeseen difficulties arose over questions of communal rights and servitudes. The Commission's work was, of course, immensely complicated by its decision to make its activities retro-active over so long a period as twenty years, for it was no easy matter to fish the truth out of the well of twenty years of Balkan history, one-third of which had been spent in wars. In addition, as relations between Greece and Bulgaria were very strained during the whole period of the work, the two national members did little to co-operate in carrying out the Convention. In practice, almost all decisions were taken by the two neutrals over the heads of the national members. The neutral members were themselves freely accused of inefficiency.[2] It is certainly hard to understand why two military men were chosen for this particular task, which would seem rather to demand a lawyer with a proper sense of when to override the law. The proceedings were, moreover, excessively dilatory. The beneficiaries often had to wait for years before receiving the sums due to them.[3]

Considerable hardship was incurred by the fact that it was only found possible to pay 10 per cent. of the indemnities in cash. The remaining 90 per cent. was paid in

[1] *Rapport*, p. 37. [2] Ladas, op. cit., pp. 52 ff.

[3] A. Wurfbain, *L'Echange gréco-bulgare des minorités ethniques* (1930), p. 89.

state bonds, the value of which depreciated rapidly, especially in Bulgaria. Even so, both states complained of the financial burden of the exchange, and the question of the final inter-state liquidation was immensely complicated by the fact that Greece, who was due to pay a sum on balance, took advantage of the 'Hoover moratorium' to suspend payment.

On the other hand, the Commission worked very conscientiously. It is generally agreed that the beneficiaries received a fair price for their lands, and what was probably an excessive price for their houses.[1] For this the neutral members of the Commission deserve all credit. If an exchange of population must be carried through, then experience of the Greco-Bulgarian case shows that neutral control is absolutely essential.

The Greco-Bulgarian exchange was the only 'voluntary' exchange attempted under the Peace Treaties. A similar operation between Greece and Albania was contemplated at one time, and a clause (Art. 3, para. 4) inserted in the Albanian Minorities Declaration corresponding to Art. 56, para. 2, of the Treaty of Neuilly; but no action was taken on it.

A compulsory exchange was, however, carried through between Greece and Turkey. Here the situation was even more difficult than in the case of Bulgaria and Greece. As a result of the Greek disaster in Asia Minor in September 1922, hundreds of thousands of Greek refugees had poured into Greece; and it was said that the Turks had decided not to tolerate the presence of any more Greeks on Turkish soil at all, and would at the coming Peace Conference propose a compulsory exchange of Greek and Turkish populations. Their attitude was clear: they wished 'to suppress the Greek irredentism in Turkey',[2] and being short of man-power, were willing to receive any number of Mahomedans from abroad. Greece, of course, did not see the matter in the same light; but she was willing to effect an exchange, because she was in any case powerless to save the remaining Greeks in Turkey, while the removal of her

[1] Ladas, op. cit., pp. 213–15. [2] Idem, p. 379.

own Turkish minority would give her room to house her refugees. Dr. Nansen, then in charge of the refugee situation for the League, calculated that the emigration of the Turks from Greece would be of double benefit; it would set land free for the refugees in Greece, and it would supply cultivators for the derelict properties left behind in Turkey. In fact, as M. Venizelos afterwards explained:

'The Lausanne Conference is not really a Convention for the exchange of Greek and Moslem populations and properties, but rather a Convention for the departure of the Moslem population from Greece, because the Greeks were driven out of Turkey. That is the real fact.'[1]

Much criticism has been directed against the action of those concerned in making the 'exchange' compulsory. It was described by Lord Curzon at the Lausanne Conference as 'a thoroughly bad and vicious solution, for which the world would pay a heavy penalty for a hundred years to come'.[2] The compulsion was, in fact, an act of barbarity against the Moslems of Greece, who protested strongly against it, while even the Greeks expelled from Turkey complained, hoping that they would be able to return to Turkey after conditions had quieted down. The responsibility for this barbarity rests, however, wholly on Turkey; for even although Dr. Nansen seems to have been the first to propose a compulsory exchange to the Lausanne Conference, and although M. Venizelos accepted it,[3] it was Turkey who by her policy had made any other solution impossible.

The relevant Convention was concluded at Lausanne on January 30th, 1923.[4] It provided for 'a compulsory exchange of Turkish nationals of the Greek Orthodox Religion established in Turkish territory, and of Greek nationals of the Moslem religion established in Greek territory'. The criteria were those generally adopted by Turkey, and largely also by Greece, both of whom tradi-

[1] Ladas, op. cit., p. 467.
[2] *Proceedings of the Lausanne Conference*, p. 212.
[3] Idem, p. 218.
[4] Text in *L. of N. Treaty Series*, vol. xxxii. pp. 76–87.

tionally accepted religion as the main determinant of nationality. It was not a fortunate form of words, for both parties took advantage of it to expel persons who were not in reality Greek or Turkish, in national sentiment; Turkey applied it to Serbs, Roumanians, Russians, Gipsies, and even Arabs of the Greek Orthodox Church, while Greece began to deport by force Moslem Albanians from Epirus, besides Mahomedan Gipsies. It was only after prolonged negotiation that the Commission saved some of the Turkish deportees, while the case of the Albanians was raised by the Albanian Government, under Art. XI of the Covenant, and decided in their favour after a very lengthy dispute.[1] The Moslems of Western Thrace and the Greeks of Constantinople were exempted from the exchange which was, however, made retro-active to include persons who had migrated since October 18th, 1912.

The Convention improved on its predecessor in making specific provision for juridical persons, and in providing that no pressure was to be placed on the deportees to leave before the time fixed for their departure, and that persons exempted from exchange were not to be pressed to leave. All acts of confiscation, forced sale, etc., which had taken place since October 1912 were considered as null and void. Any movable property not taken away by the emigrants was to be liquidated, with their immovable property, and the value paid to the owners. In fact, however, the 'exchange' was carried out very much less efficiently even than that between Greece and Bulgaria. 355,635 Moslems were transferred from Greece, most of them under fairly orderly conditions, although the later emigrants in particular suffered considerable hardships, particularly as their houses and properties were occupied by Greek refugees. The Greeks (189,916 persons) migrated under far

[1] Ladas, op. cit., pp. 384–90 gives a pro-Greek account of this controversy. See also *L.N.O.J.*, Feb. 1924, pp. 364–8; Oct. 1924, pp. 1354–5, 1367–8, 1600–2; Nov. 1924, p. 1655; Feb. 1925, pp. 145 and 234; March 1925, p. 338; Sept. 1925, pp. 1218–9; Nov. 1925. pp. 1682–3; Feb. 1926, pp. 153–8; July 1926, pp. 867–8; Sept. 1926, pp. 1137–8; Oct. 1926, p. 1465.

less favourable conditions. They were often driven from their homes and kept waiting for months at the ports, without proper shelter; they were unable, as a rule, to collect their debts, or to take with them more than a fraction of their movable property, and their property was often seized, in direct contravention of the Commission's decisions. Thus the Greeks who left Asia Minor after the constitution of the Mixed Commission carried with them little more than the destitute refugees that swarmed into Greece in the last months of 1922.[1]

The Commission seems to have been unable to do much to prevent disorders of this kind; nor was it very much more effectual in dealing with the property of the emigrants. It considered, indeed, in conscientious and painstaking fashion a remarkable variety of intricate problems,[2] but it was unable either to prevent current abuses or to secure the proper working of the Convention. In theory, the Commission was to appraise the properties of persons subject to exchange, and to liquidate them. The properties then remained at the disposal of the governments in whose territory they were situated, and the emigrants received declarations stating the sums due to them. In principle they were to receive equivalent grants of land and property from the government of the country of emigration.

These provisions remained on paper. The parties concerned wrangled miserably for some years, while the question at issue became hopelessly confused with, and overshadowed by, that of the properties of persons not liable

[1] Ladas, op. cit., p. 431.

[2] As, for example, the great tombstones controversy. 'Moslems from Crete expressed the desire to take away as movable property the stones of family tombs. The Legal Section of the Commission doubted whether these could be considered as movable property. The Greek delegation thought that such stones might have an artistic or a moral value for the emigrants, and that they should be allowed to take them away. Tevfic Ruchdi Bey pointed out that such sentimentalism should not be encouraged, and that as these stones were embedded in the soil they ought to be considered immovable property. Mr. Widding explained that the question appeared to be practical rather than sentimental, inasmuch as the claimants intended to sell the stones. Thereupon the Commision decided to classify the tombstones as immovable property.' Idem, pp. 448 ff.

to exchange, which had nevertheless been confiscated. In the end, all attempts at individual appraisals were abandoned altogether and in 1930, under the Angora Convention, the slate was simply wiped clean. The indemnities due to persons not liable to exchange were also set off against each other, the Greek Government paying a sum of £425,000 on balance.[1]

The general failure of the Commission may have been due in part to the attempt made by it to work by unanimity, instead of majority vote. It is clear that the government representatives were throughout childish, obstructive and malignant, and frequently dishonest, and that the neutral members were no match for them. Yet the record of the Commission's proceedings form an awful warning to those who count on governments to carry through an operation of this kind with any sort of goodwill, or attempt at constructive co-operation.

As for the migrants themselves, each of the two governments was left to provide for its own quota. The Turkish Government had at its disposal ample land and houses for its immigrants, whom it was therefore able to settle after a fashion, without great difficulty. Certain assistance was lent them by the government. Owing, however, to the typical Turkish inefficiency, little attempt was made to fit the land to the man, and many of the migrants suffered severe losses and hardships.[2]

Greece, with something over a million refugees, was confronted with a far larger problem, which would have been quite beyond her powers to tackle alone. She was saved by the League of Nations, which enabled her to raise the necessary funds by means of two loans, and provided a most efficient Refugee Settlement Commission, who took endless pains and carried through the settlement work with brilliant success. Nearly all the refugees were soon restored to a decent economic situation, and many of them 'made

[1] These agreements are described at great length, idem, chs. xxiv–xxix.

[2] Idem, ch. xxxiii (the only competent account of the Turkish settlement).

good' in remarkable fashion.[1] As Greece subsequently experienced great difficulty in meeting the service of the loans, it appears that in the last instance the investors of western Europe paid the piper for the tune so gaily called by the Young Turks. When we come to draw up the final balance-sheet of this experiment, the investors in the Refugee Settlement loans are clear losers; although not to the extent made out by malicious propaganda, since the rates of interest fixed were so high that even with a partial service of the loans, they got a very reasonable return on their money. Greece was obliged to sacrifice the political mirage of the Great Idea, which may have been a gain for her. She received a hardworking and intelligent population which should ultimately develop into a great source of strength for her. Her financial and economic life was, however, rudely disorganized by the influx of refugees. The refugees themselves passed through a long period of intense suffering. A few may have profited ultimately, but more of them probably lost, even materially.

As for Turkey, she has for the present got rid of her dangerous Greek and Armenian minorities. In the course of doing so she has made herself odious to the world by her wanton barbarity, and has also destroyed her own credit and paralysed her economic and financial life. On every count her action has cost her dear. Turkey is apparently still a prey to a semi-insane nationalism. When she recovers she will have to reflect that it is easier to murder a Greek than to educate a Turk.

Such experience as we possess of the exchange of populations as a means of solving the minorities problem is not, therefore, calculated to encourage a repetition of the experiment. It may be argued that conditions in Turkey and the Balkans after the War were quite abnormal, and that neither the physical hardships nor the financial losses would recur under more settled conditions. The answer is that the

[1] Ladas, op. cit., ch. xxxii; see also C. B. Eddy, *Greece and the Greek Refugees* (1931); League of Nations, *Greek Refugee Settlement* (Geneva, 1926; the official account). Summarized, C. A. Macartney, *Refugees* (League of Nations Union, 1930).

method is *ex hypothesi* a drastic one. If conditions are settled and the relations between minorities and majorities happy, exchange is unnecessary, and an appeal for a voluntary exchange would meet with no result. A compulsory exchange, against the wills of the individuals concerned, is admittedly a barbarous act; but experience has shown that a voluntary exchange simply does not take place, except under conditions which amount, in reality, to compulsion. It seems, therefore, that the operation is inseparable from hardships; the only question is whether these are to be inflicted in hot or in cold blood.[1]

[1] There may be cases in which transplantation is advisable, but they will always be exceptional, and are unlikely to occur in Europe. It seems likely (Oct. 1933) that the problem of the Assyrians in Irāq will be solved by transplanting the community bodily to another country, and most experts on the subject recommend this as the only finally satisfactory solution. It must, however, be remembered that the question of the Assyrians is quite peculiar, as they are not indigenous to 'Irāq. The mischief was done when they left their homes in the War.

CHAPTER XII

THE UN-NATIONAL STATE

1. *The Soviet Union*

THE experience of all attempts to solve the minority problem by getting rid of the minority have thus proved thoroughly discouraging. Frontier revision is applicable only in certain cases. Exchange has achieved dubious results at the cost of great sufferings. Assimilation has failed altogether, since the minorities have not been assimilated.

It seems, therefore, that states of mixed population must reconcile themselves to the continued presence of their minorities. But does this mean that they must look forward to an infinity of the sordid and futile struggles which brought about the collapse of the great empires of 1914, and have so grievously afflicted the first years of most of the states which arose from their ashes? If so, the future for Europe is dark indeed.

Fortunately, there is another solution. The troubles of our day arise out of the modern conception of the national state: out of the identification of the political ideals of all the inhabitants of the state with the national-cultural ideals of the majority in it. If once this confusion between two things which are fundamentally different can be abandoned, there is no reason why the members of a score of different nationalities should not live together in perfect harmony in the same state, and not even the smallest of them need suffer from the moral degradation which to-day attends the lot of the 'national minority'.

Even to-day there are certain states in Europe which have refrained from the attempt to constitute themselves as national states, and in which, in consequence, no true minority problem exists. The most interesting case of all is that of the Soviet Union, whose attitude and policy call for a rather detailed description, as representing a conscious and deliberate effort to achieve the position of an un-

national state. The importance of the Soviet's experiments is not lessened by the confusion and inconsistency which make them unusually difficult to follow. For while the institutions of almost every other country in the world are the organic product of its past history, the Soviet system represents rather an attempt to realize a state of the future, based on a rigid theoretical philosophy, but tempered by frequent opportunist concessions to present conditions and further modified by outbreaks of the Old Adam.

In the old days, when Russian nationalism was oppressing the many scores of subject nationalities within the Csar's dominions, the Russian Social Democrat party consistently denounced 'Russian bourgeois imperialism' and 'any kind of forcible treatment of nationalities' and proclaimed 'the recognition of the equality and sovereignty of the people in determining their own fate'.[1] But these words have not the meaning which would attach to the same words coming from the ordinary 'bourgeois' politician.

Coming from Communists, they must be read in the light of the other Communist doctrines. The interests of the proletariat, according to these, are identical the whole world over. There is no conflict of interests between members of the proletariat, whatever their nationality. Nationality is a personal attribute, which each person is entitled to enjoy to the full, with the corollary that he is not entitled to impose it upon others. Thus in the Soviet state nationality will be as irrelevant as, for example, religion is (within certain limits) in middle-class London. Under all circumstances, every nationality is equal, and 'nationalist imperialism' is a phenomenon characteristic of bourgeois rule.

The question of 'self-determination' is, however, further affected by the doctrine of the dictatorship of the proletariat. The interests of the proletariat of all nations will lead them to unite in a single, un-national Soviet State, closely centralized, both for efficiency and for defence

[1] From the Resolution of the Communist Party in 1923, W. R. Batsell, *Soviet Rule in Russia*, (New York, 1929), pp. 635 ff.

against capitalism. The imagined interests of the bourgeoisie will lead them to prefer separation on national lines into a number of national states. The doctrine of the dictatorship of the proletariat justifies the proletariat in imposing its will on the bourgeoisie and forcing an entire nation to join the Soviet state, even when the numerical majority would prefer separation. This is true self-determination, since the only 'self' for the purposes of the Act is the Communist party. It must also be remembered that Communism aspires to be world-wide and postulates the use of force in establishing its reign.

In considering the application of these doctrines it must be remembered firstly, that in the old Czarist Russia official policy identified itself with Russian nationalism, which was exerted as an active force of oppression against the non-Russian nationalities; and secondly, that the Communist Party, although partly composed of non-Russians, was much strongest in Russia proper. If it ever came into power Russia was bound to be the focus and stronghold of the revolution. Among most of the non-Russian nationalities Communism was so weak that there was no hope of winning their immediate adherence to a revolution on the Communist platform alone. They might, however, be won over by insistence on the doctrine (which the Communists were perfectly sincere in proclaiming) of the equality of all nationalities.

The 1903 Conference of the Social Democrat Party declared simply in favour of 'the self-determination of all nations'. In 1913 a fuller resolution declared that national peace would only be possible when all nations had the right to use freely their native language in social life and in the schools. Regional autonomy would also be necessary. The oppression of the nationalities by Great Russian nationalism was condemned. Already, however, reservations were made which strongly differentiated the significance of these resolutions from what they would have had in the mouth of a Liberal. It was stated that

'the question of the right of nations to self-determination cannot be involved with the question of the practicability of such separation

of a nation. The Social Democratic Party must decide this last question in every case absolutely independently, from the point of view of the interests of the entire social development as well as from the point of view of the class struggle for socialism.'[1]

In an essay written in the same year Stalin (whose thought was to influence decisively the whole development of the national question in Russia) laid down his qualifications of autonomy:

'A nation has a right to determine its own fate as it wishes, provided it does not infringe upon the right of other nations.

'A nation has a right of autonomy. It has a right even of secession. But this does not mean that it may take this step under any conditions, or that autonomy or secession everywhere and always shall be a profit for the nation, that is, for its majority, i.e. its working masses.'[2]

The resolution passed by the Social Democrat Party in 1917 summed up these earlier statements. The right of every nation to free separation was recognized; the refusal of such right would lead to 'a manifest continuation of the Czarist policy'. The expediency of such separatio nmust, however, be considered separately in each case by the proletariat concerned. A very interesting passage follows:

"The proletariat firmly denounces the so-called "cultural-national autonomy", i.e. taking the schools out of the State jurisdiction and transferring them to the national Seims, or the like. The workers living in the same locality, and even working with the same enterprises, when following this cultural-national autonomy, will be artificially divided and appropriated to one or another "national culture"; in other words, there will be promoted the relation of the working masses with the bourgeois culture of separate nations, while the aim of the social democrats is to further the international culture of the proletariat of the whole world.'[3]

It is to be remembered that in April 1917 no nation in the world possessed any other than a 'bourgeois' culture.

The policy of the Soviets during the next few years, when they first came into power, was dictated purely by

[1] Batsell, op. cit., pp. 105, 106.
[2] Idem, pp. 120, 121.
[3] Idem, pp. 76, 77.

opportunist considerations. As soon as they seized the power they proclaimed (on Nov. 7th, 1917) the equality and sovereignty of all the peoples of Russia, including their right to self-determination and to secession. Under the stress of military necessity this right was in fact allowed to the Poles, to Finland, and to the Baltic states. The Soviet leaders had, however, no intention of allowing the Czar 'sdominions to split up into a number of 'bourgeois' states, as would certainly have occurred if the different peoples had decided freely by majority vote.[1] For the time being, a middle course was adopted. The old Russian Empire had already largely dissolved, and a number of autonomous or semi-autonomous units had been formed, most of which were struggling for existence. The Committee which met in 1918 to draft the new Constitution decided, on Stalin's initiative, to recognize these *faits accomplis*, to 'adapt the constitution to the transitional period', and to grant federal autonomy or self-determination to regions set off by distinct national characteristics.[2] A proposal by Reisner to ignore national divisions and federalize according to economic and territorial interests (which would have accorded far more closely with true Communist theory) was rejected.[3] The Constitution ratified on July 10th, 1918, embodied Stalin's ideas and allowed for 'autonomous regional unions' distinguished by 'a particular national and territorial character' to enter the R.S.F.S.R. (as it then was) on a federal basis.[4] Another article in the Constitution reaffirmed the equality of all races and declared it contrary to the Constitution to repress national minori-

[1] One party had maintained from the first that it was necessary to 'unite in a homogeneous whole all the revolutionary forces of the old Russian Empire' to 'defend vigorously the integrity of the Russian state, as revolutionary territory, and to oppose all national separatism, and to consolidate the indissoluble unity of the proletariats of all nations in the bosom of the Russian revolution. . . .' The influence of this point of view always militated against Lenin's and Stalin's policy of national freedom (Kovalevsky, p. 20).

[2] Batsell, op. cit., p. 61.

[3] Idem, p. 60.

[4] Art. 11, second section of the Constitution of the R.S.F.S.R. (idem, p. 84).

ties, or limit their rights in any way. A People's Commissariat for Nationalities was set up, the Commissar being a member of the central 'Sovnarkom'.

During the subsequent years a number of new autonomous units were set up, both as subdivisions of the Russian Republic, and as outside units federated to it. The Communist party was committed to this policy particularly by events in the Ukraine; for Lenin, to gain the support of the Ukrainian peasants against the local counter-revolutionaries, had promised them independence and full national rights.[1] The federal system was, however, regarded only as 'one of the transitional stages on the road to complete unity'.[2] In fact, wherever, and as soon as, the opportunity occurred, every means was adopted to draw these units closer to Moscow. Such measures included the drastic and brutal repression of the real desires of the numerical majority of many of the nationalities, notably in the Caucasus, which was simply reconquered by armed force. Meanwhile, relations between the different units were governed by the People's Commissariat for Nationalities, which was formed of the presidents and delegates from the various national areas. Its duties included

'the study and execution of all measures guaranteeing the fraternal collaboration of the nationalities and tribes of the Russian Soviet Union; the study and execution of all measures necessary to guarantee the interests of national minorities on the territory of other nationalities of the Russian Soviet Federation; and the settlement of all litigious questions arising from the mixture of nationalities'.[3]

The President of the Soviet was the Commissar for Nationalities, which post was held by Stalin. In 1922 the Commissariat was reorganized, being entrusted further with the 'supervision over the putting into practice of the national policies of the Soviet authorities'. Its numerous duties included drafting all measures relating to national policy; taking measures for the application of the common

[1] Kovalevsky, p. 22.

[2] Resolution of the Communist Party, March 1919 (Batsell, op. cit., p. 116).

[3] Idem, p. 119.

federal legislation, &c., including taxation, to the needs and characteristics of the different units; assisting representatives of the autonomous republics and regions in their relations with the central organs, and supervising their common work; defending the rights of minorities and controlling the local execution of all measures concerning individual nationalities; negotiating and submitting projects for the formation of new autonomous units; collecting and examining material relating to the *modus vivendi* of the nationalities, and establishing learned societies, &c., for studying their life. Its representatives sat on the central executive committees and soviets of people's commissars of the various units.

The Commissariat was divided into two main bodies: a 'larger' and a 'smaller' 'collegium', with secretariat, etc., and departments of nationalities and national minorities. The 'larger collegium' consisted of the Commissar, his deputy, representatives of the autonomous republics and regions, and directors of the departments for nationalities and national minorities. It met not less often than once a month, and discussed major problems. The 'smaller collegium', consisting of the Commissar and five representatives elected by the 'larger collegium' and approved by the Sovnarkom, was the permanent Executive Committee of the Commissariat, and in its hands and those of the Secretariat, the real power was vested.

By 1922 the subdivision of the Czar's former dominions into the new units had been completed in its broad outlines, which have since remained unchanged, although certain additions have been made to their numbers. The units of the first class, which in 1922 were 'federated Republics' and to-day are 'union Republics' are seven (five only in 1922): the Russian, Ukrainian, White Russian, Trans-Caucasian, Uzbek, Turkoman, and Tadzhik Republics. Of these, the Trans-Caucasian is not one, but three, being a federation of three equal partners: the Georgian, Armenian, and Azerbaidjan Republics. The 'autonomous republics' depend on their respective republics, as do the 'autonomous regions' which are smaller and less indepen-

dent than the Autonomous Republics. Between them, these amount to-day to some forty-three units, roughly coinciding with ethnographical boundaries, and thus providing some sort of a national centre for the more important of the Soviet's nationalities. The remainder necessarily exist as national minorities, within one or more of these units.[1]

The Commissariat for Nationalities, in its new form, survived only about a year. In December 1922 a proclamation was issued under which the Federated Republics declared their 'desire' to join in a union. While the Constitution for this was being drafted the Communist Party met (April 1923) and passed a long and extremely interesting resolution on the national question.

It admitted frankly that the national problem had not yet been solved. The failure was, indeed, put down to 'inherited obstacles', chief of which was the Great Russian chauvinism, which was still alive in the psychology of the Soviet workers and of the central and local offices, and was growing stronger under the influence of the New Economic Policy. This was aggravated by the fact that many of the workers, i.e. the dominant political caste, outside the territory of the Russian Republic were of Russian stock, and were preaching the necessity that Russian culture should prevail. This awakened a 'defensive chauvinism' among the smaller nationalities in their own republics; but this also tended to become an 'active chauvinism' directed against their national minorities. Struggle against these 'survivals of chauvinism' was 'one of the first duties of the Party'.[2]

In order to guard against any excessive preponderance

[1] The Leningrad Academy in 1927 listed 109 ethnic groups, speaking about 200 languages, within the territory of the Soviet Union. The census of 1928 gave 182 groups, speaking 149 languages. It must be difficult to draw up a complete list; according to a message received from Helsingfors by the *Evening Standard* on April 4th, 1933, a village of negroes, presumably descendants of escaped slaves, had just been discovered in the depths of the Caucasus. Again, it is reported (*Pester Lloyd*, Aug. 27th, 1933) that the Ainus number only 32 persons, the Boschs 31, the Black Tatars 12, the Babzians 7, and the Budjuchs 1 person only.

[2] Batsell, op. cit., pp. 636–43.

of the Russian Republic, the Party recommended that the new Constitution be established on the basis of absolute equality of all nationalities; all national republics and regions should be represented in the central organs, on principles of equality, and with real participation; the Republics should be allowed reasonably wide administrative, cultural, and economic autonomy; their organs should be chiefly locally recruited; they should have the right to use their native languages in all state organs and institutions serving the local minorities, any violations of national rights, or rights of minorities, being severely punished; and the army should be organized on national lines.[1]

These recommendations were largely incorporated into the Constitution of the U.S.S.R.[2] The original proposal, which had been simply to adopt the previous constitution of the earlier R.F.S.F.R., was dropped. The Commissariat for Nationalities was abolished, on the grounds that it had fulfilled its historic mission, namely, the formation of national republics and regions and their final unification. Instead, the Central Executive Committee, which forms the supreme authority of the Union between session of the Congress of Soviets, was constructed on a unique bi-cameral system. Two bodies were created, the Union Soviet and the Soviet of Nationalities, each of which is to examine projected legislation from its own point of view: the one national, the other social. No measure is valid unless adopted by both bodies, which sit sometimes together, sometimes separately; differences between the two are settled by arbitration.

The Soviet of Nationalities consists of five delegates from each Union or Autonomous Republic, and one from each Autonomous Region. The preponderance of the Great Russian influence is thus very greatly limited. On the other hand, the Russian Federated Republic has 300 of the 438 members of the Soviet Union.[3] As a matter of fact

[1] Batsell, op. cit., pp. 281, 282.

[2] Text in idem, pp. 304 ff.

[3] As the R.S.F.S.R. contains nearly all the autonomous republics and regions, it is also much the most strongly represented in the Soviet of

neither of these bodies enjoys much effective power. The Soviet of Nationalities, in particular, admittedly exercises its legislative rights but little.[1] The real power lies, of course, with the bureaucracy, and in particular with the central bureaucracy; for the Constitution reserves to the 'supreme organs of the U.S.S.R.' practically all the really important functions. It is true that the Union Republics are described as 'sovereign' within the limits set by the powers of the central authorities, and even 'retain the right of free withdrawal from the Union';[2] but it is to be presumed that any attempt to exercise this right would be an act of extreme rashness, and the rest of their 'sovereignty' does not amount to much. What the central bureaucracy dictates is what matters, in everything except purely local affairs; and that bureaucracy represents the Communist Party.

It is therefore of interest to note that, so far as can be judged, the central authorities have used their power, not to establish the supremacy of Russian nationalism, but, on the contrary, to make of Russia a genuine un-national state. They appear to be following out quite consistently their own principles of the equality of all races and the dissociation of questions of nationality from questions of politics. This is perhaps largely due to the influence of Stalin, who is himself an Ossete, and thus very much a member of a minority; and of course, as their enemies are never tired of pointing out, the Soviet leaders are largely non-Russian. The system which they have evolved does seem to come very near that of the un-national state, and

Nationalities; but this does not mean a preponderance of Great Russian influence (in the racial sense), since the Autonomous Republics and regions are non-Russian.

[1] Idem, p. 516.

[2] Chapter II, Art. 4, of the Constitution. Art. 6 says: 'The territory of the Union Republics cannot be altered without their consent, and for modification or limitation of Article 4 above, the agreement of all republics forming the U.S.S.R. is required.' Batsell, p. 285, interprets this as meaning that for withdrawal the consent of all the republics is required. I cannot understand how he deduces such an interpretation from his own translation of the Constitution. He is, however, probably correct in saying that the right is purely illusory.

will probably advance even farther along that path if they remain in power. The general rule regarding the employment of official languages, which is necessarily dictated by considerations of administrative convenience (it would be neither practicable nor necessary to issue all official documents in all the languages spoken in the U.S.S.R.), is that in the Union Republics the language is that of the sovereign nationality, while outside the R.S.F.S.R. Russian is recognized as a second official language, as the language of the whole Union and the mother tongue of Lenin. The Autonomous Republics, if dependent on the R.S.F.S.R., have two official languages: the local language and Russian; if dependent on another Union Republic, the language of that Republic, the local language, and Russian. Every citizen is free to use his own language in communicating with the authorities, and written official communications must be addressed to him in that language if he desires. He is absolutely free to use his own language in the courts.

The Constitution allows the Union Republics wide freedom in cultural matters, only reserving for the central authorities the right of 'the establishment of the general principles in the province of popular education'. These 'general principles' have in fact determined the whole cultural policy of the Soviet Union, and the legislation is practically identical in all units of the U.S.S.R. In theory, every child receives instruction in his mother tongue. As a matter of practical necessity this policy has to be differentiated according to the level of civilization of the nationality in question. All nationalities are divided into four groups. The first group are those small and dispersed tribes which have no alphabet and no Russian culture. They have to be taught in Russian schools through the medium of Russian, as their own languages are insufficiently developed to acquire modern culture. The second group is formed by those nationalities which, again, have no alphabet and no national culture, but live together in compact groups and use their native language in their daily life. They have primary instruction in their own

tongues, secondary and higher education in Russian. The third group consists of large nationalities which have their own alphabets and their native intelligentsia. They receive primary and secondary education in their own languages, but higher education through Russian institutions; but special chairs of their languages are to be established in these institutions in their areas. The larger nationalities which inhabit a compact area and have their own culture and historical tradition are to have all educational institutions, including universities, in their own languages. This group consists at present only of the Russian, Ukrainian, White Russian, Georgian, and Armenian nations.[1]

Efforts are being made to level up these categories, so as to enable nationalities even of the fourth group to receive instruction in their mother tongue, to increase the higher educational facilities available to the second group, &c. Thus steps are now being taken to transform the higher educational institutions in the four Moslem Union Republics (Azerbaidjan Turks, Turcomans, Uzbeks, and Tadzhiks) from Russian to native. Text-books are being prepared, research conducted into the philology and folk-lore of the nationalities, and their literature and theatre developed. Some years ago it was stated that in the little Georgian Republic alone there were schools in Georgian, Armenian, Turkish, Russian, Greek, Ossete, German, Hebrew, Assyrian, Polish, and Kurdish.[2] According to recent figures the percentage of children taught in their own language included 103 for the Georgians and 101 for the White Russians,[3] 97 for the Chuvashes, 95 for the Votyaks, 93 for the Armenians, 92 for the Tatars. The Great Russians and Ukrainians had 79 each, the Jews (a highly-developed but scattered nation) 54, the Buryats bringing up the rear of the nationalities recorded with 17.[4] It is admitted by even the most hostile observers that

[1] *Year Book of Education*, 1933, pp. 753 ff.

[2] *Soviet Russia in the Second Decade*; report of the Trade Union Delegation (London, 1928).

[3] i.e. some children of other nationalities were also instructed in these languages.

[4] *Year Book of Education*, 1933, p. 756.

illiteracy in the Union is decreasing fast, and that the minorities enjoy great cultural freedom.

Since this is the case it is hard to see how the centralization of 1923 can be described as a step towards Russification. The resolution of the Communist party referred to above should make it plain that the Communists consider national chauvinism of all kinds as an obstacle to their ideals, and since the Great Russians are the strongest nationality in the Union, Russian chauvinism is naturally the most dangerous enemy. One of the objects of the Communists in their present policy, which was developed *after* 1923, has undoubtedly been to increase the number of Communists among the non-Russian nationalities, and in this respect their policy forms an extraordinarily interesting contrast to that of the French revolutionaries, who tried to suppress all tongues of France except that in which the doctrine of liberty had been promulgated.[1]

There seems no doubt that the Communists are genuinely trying to realize their own theories of the absolute equality of all nationalities, the identity of interests of the proletarians of all nations, and the disassociation of nationality from questions of state. They seem also to be trying to do away with the *de facto* inequality of economic conditions between the different nationalities of which the same resolution complained. Whether or not they were right in alleging that 'the Russian bourgeoisie always aimed at converting the boundary regions into markets for raw materials where the manufacturing central regions could exercise their exploiting methods',[2] the Bolsheviks have undoubtedly fostered industries among the non-Russian nationalities. This again helps to increase the percentage of the working-classes among the non-Russians and tends to make Communism less purely Russian.[3]

How far have the Bolsheviks succeeded in their aims?

[1] See above, pp. 110, 111.

[2] Batsell, op. cit., p. 640. They were probably wrong; one of the main industrial areas of pre-War Russia was Poland, and there were important industries in the Urals. Capital and capitalists are more mobile than the resolution suggests.

[3] Figures in idem, pp. 660–2.

It is perhaps hardly fair to judge, even yet, the results of so gigantic an experiment which has been in progress for so short a time. For those who do not accept the doctrine of the dictatorship of the proletariat the 'self-determination' promised to the nationalities has, admittedly, been a farce, and often a tragic farce at that, if we mean by self-determination the right of a nationality to decide, by the will of its numerical majority, what its political and social constitution shall be, and whether or no it shall adhere to the Soviet Union. Even local autonomy in political and economic questions has been reduced to-day to a shadow. Moreover, the national liberty allowed to all nationalities in Russia is, of course, very limited, since it is purely cultural, and stops short of all questions of politics. Even in the purely cultural sphere (as generally understood) it is drastically limited by the Bolshevik theory of the incompatibility of proletariat and bourgeois culture, which cuts the members of, for instance, the German Soviet Republic off from most of what is commonly regarded as the German national cultural heritage.

On the other hand, the disassociation of politics and nationality is not a tyrannical measure in itself, but merely the distinguishing of two things which are in their nature distinct and ought to remain so in practice. It is an act not of repression but of liberty, like any other act which establishes civil and political order and forbids the strong to encroach upon the rights of the weak. It was absolutely necessary in the territory of the Soviet Union, much of which exhibits to a high degree all the characteristics of the Central European belt of mixed population: intermingled nations at different stages of development, some with conqueror's traditions, others broken to slavery. In proclaiming the absolute equality of all nationalities and in conducting their state independently of nationality, the Bolshevik leaders adopted an experiment difficult indeed to carry through in the face of 'inherited resistances', but the only sound way of dealing with their national problem. So far as can be judged they have been completely successful. They themselves are never tired of vaunting their

success; and this should not be ignored altogether, when it is remembered how astonishingly frank they have been in acknowledging certain other of their mistakes. Their supporters declare that anti-Semitism and the oppression of minorities in general are a thing of the past; that racial antagonisms are forgotten; that Armenian comrades wed Turkish lady comrades in the Caucasus, applauded by their respective in-laws.[1] Certainly, if the *argumentum ex silentio* be of any force, it is exceedingly hard to find any reference whatever to national struggles, or indeed to the national question in any shape, in recent books on the Soviet, and even in the reports of newspaper correspondents domiciled in adjacent capitals; and this is no small testimonial to the soundness of the Bolshevik method in ruling their multi-national state.

2. *The United Kingdom*

When thanking Marx, as they do frequently and with gusto, that in matters of national policy they are not as other men are, the Bolshevik leaders are fond of asserting that national antagonism is an inevitable concomitant of capitalism, and that the national problem can be solved only under a régime of Socialism. It is difficult to see the necessity. The pre-capitalist exploitation of the weaker very often marched in the past hand in hand with nationalism. It was on such exploitation that the 'aristocratic-national' type of state was founded. To-day something of a similar process goes on in many of the modern colonial empires, where the conquering nation takes advantage of its political supremacy to exploit the colonial races, either as a state or through its individual members. Yet the capitalist system as such has nothing to do with this. There is at least one nation familiar to us all, everywhere in the minority, which has been able to utilize the capitalist system far more successfully than most of the majorities in whose states it passes its diaspora. Moreover, the Soviet Union has admittedly not yet fully established Communism within its own frontiers. It is still at the transitional stage

[1] See Louis Fischer in the *British-Russian Gazette*, Dec. 1932, p. 80.

in which a proletariat which represents the whole population of the future, but is still far from being identical with it, is imposing its will by force upon the other elements in the state. If the national problem in the Union has been solved before the political and social problem, this means that its solution has depended upon a principle which can be realized independently of the realization of the entire Communist programme.

Indeed, there seems no reason why a capitalist state should be unable to solve its own internal national problem. Only one condition is essential: real and absolute equality between all persons concerned. So far as politics are concerned this is a principle not only of Socialism but also of bourgeois democracy, and, for that matter, can also be a principle of absolute monarchy (except as regards the monarch's own person).

Bourgeois democracy has failed, in most instances, not because its principles made the solution of the national problem impossible, but because it failed to live up to them. True equality is clearly incompatible with the theory of the national state. For in the national state a majority claims exclusive possession of what should be the common heritage of all. In so far as the spiritual purpose of the state is made identical with that of the majority nation, the minorities are shut out from it altogether. But if this confusion between two things which are of their nature fundamentally different can once be abandoned, there is no reason why a score of different nationalities should not live together in a state of any social-economic structure, without even the smallest of them needing to suffer from the moral degradation which to-day attends the lot of the true national minority.

There are, indeed, several non-Socialist states to-day in which the national question has been solved, wholely or in part, by disassociation of the conceptions of nation and state. Reference has already been made to the case of Switzerland; but it seems fair also to say of the United Kingdom to-day that it is not an English national state. During certain periods in the past an English national

policy was, indeed, carried through both in Scotland and in Wales. This resulted in many unjust encroachments on the rights of the smaller nationalities. Their languages were left to wither, even banned, and an undue amount of political centralization was carried through, often against the will of the weaker parties. The natural selfishness of the majority, fortified by inherited conservatism, has hitherto prevented the demand for home rule for Scotland and Wales, as units, from being granted, and the same forces have maintained the English language in minority districts in a position of superiority to which it is hardly entitled. Nevertheless, neither the centralization nor the denationalization was ever so complete in the United Kingdom as in some continental states, and the present policy is not nationalist. Thus in Wales the repressive anti-Welsh legislation (which had, indeed, long remained a dead letter) was repealed in 1877, and since that date the use of Welsh or English in administration has been regulated purely according to local demand. The records of courts are still kept in English, and summonses, notices, and processes are in that language, but County Court judges appointed to Welsh circuits, and County Court registrars in Welsh-speaking districts always themselves understand Welsh. In many Petty Sessional Divisions witnesses give their evidence in Welsh, and advocates examine and cross-examine, and even address the Courts in that language. In local administration many of the minor courts, e.g. Rural District Councils and Public Assistance Committees, conduct their proceedings entirely in Welsh, while on four County Councils Welsh is largely used. In education, children are on principle taught during their first years in their mother tongue, and Welsh is rapidly gaining ground in secondary and higher education.[1]

The same principle—local demand—governs the use of Gaelic in Scotland. If the use of the minority languages is not more widespread than is at present the case, this is

[1] See an article on 'National Minorities in the British Empire', by F. Llewellyn Jones, LL.B., in the *Transactions of the Grotius Society*, vol. xii, 1926, pp. 99 ff.

probably due mainly to the wishes of the persons concerned, who appreciate the economic and social advantages to be gained from a complete mastery of English. It is needless to say to those who have witnessed an Eisteddfod, or have heard Hebraic renters of shooting-boxes attempt painfully to greet their supercilious tenants in Gaelic, that 'no restriction is imposed upon the free use' of the minority languages in private intercourse, commerce, religion, and the like. Indeed, the enthusiasm with which Gaelic habits are celebrated and Gaelic characteristics displayed by those who have but little connexion with the Gael, and the insuperable reluctance of Anglo-Gaelic half-breeds to describe themselves as English, sufficiently illustrate the truth that the English are only numerically the dominant nation in the United Kingdom, while if the balance is still at all unfairly tilted, the moral superiority and greater acquisitiveness of the minorities goes far towards redressing it. In Great Britain the identification of language with nationality has, of course, never been so complete as in Central Europe. Most members of the smaller nationalities are not themselves anxious to abandon the useful English tongue in favour of their beautiful but obscure Gaelic idioms. They feel themselves Scots no less because they speak English. Meanwhile, they meet the English on an equal footing, and the state can fairly be said to be equally the state of all nationalities inhabiting it.

At the Fourteenth Assembly of the League, indeed, Mr. Ormsby-Gore, in a very remarkable speech, went so far as to assert that this equality was the very basis of the Empire. 'The only thing', he said, 'that holds the British Empire together is equality of status and freedom. If we were to substitute for our present conceptions of the British Empire this conception of the race ascendancy of one element in it—I presume it would be the Scotch—quite frankly it would be the end.'

3. *Other possible forms*

Here, in the Soviet state and in the United Kingdom, we find two examples of countries which, starting from

wholly different premises and working by wholly different methods, have yet succeeded equally in solving their national problem. What can be done by one state can be done by another. The exact method or the exact degree of organization required are unimportant, and must depend very largely upon local conditions. Only the basic postulates are essential. There must be complete moral equality, and the false identification of political state and personal nation must be abandoned. Both of these are really moral and psychological postulates; if once the mentality is correct, the machinery will soon be found.

In most states, at least in Central and Eastern Europe, a more elaborate form of organization is probably desirable than has been found necessary in the United Kingdom. Our country is happily placed. Its various peoples already feel that sense of political unity which has still to be painfully acquired by less old-established states. It is able to dispense with rules and organized measures which are necessary under less favourable conditions. Few of the states of the belt of mixed population have yet reached the stage at which a man's personal nationality ceases to matter. Only the Finnish system is somewhat analogous to the British. Finns and Swedes are treated on a footing of complete equality. Finnish and Swedish are recognized equally as the national languages of Finland, and Finnish citizens of either language are free to use their mother tongue in the Courts and administration, and to receive official communications in that tongue, the rights of both languages being regulated on identical principles. The two nationalities are not, however, organized independently of one another. Thus a common budget for education is drawn up, and the Swedish minority is allowed out of it what seems an equitable proportion. The Swedes being on the whole more highly cultivated than the Finns, they have hitherto received a grant proportionate to their standard of education, but greatly superior to their numerical proportion to the total population. They certainly cannot complain of ungenerous treatment. On the other hand, the system is becoming increasingly unpopular among the Finns them-

selves, and it is possible that Finland may, in the interests of the majority, be driven to adopt methods similar to those of the Estonian Cultural Autonomy Law described in a previous chapter. This law, which, by common consent, has given the most admirable results in practice, has also the merit of being theoretically sound since it has the effect of 'disestablishing' nationality. With cultural autonomy, each national community within a state becomes the master of such of its affairs as genuinely concern itself alone, in its national-cultural life, while joining with the other nationalities for the conduct of those political and economic activities which interest all equally. Cultural autonomy is thus probably the most suitable form for those minorities which are strong enough to avail themselves of it with profit, and has, in fact, been warmly and unanimously recommended by the Congress of European Nationalities.[1]

It might perhaps be argued that if the separation of the political and personal ideas of nationality be carried through to its logical conclusion, there is no need for national communities to be organized by states at all. If nation and state are recognized for the separate things which they in fact are, then just as each state exercises political sovereignty within its own territorial limits, so each nation may form a cultural community, independent of territorial considerations, which would organize the cultural life of all its members throughout the world.[2]

A similar ideal is already to a large extent realized by those religions which have not compromised with the

[1] See the resolutions on the subject adopted by the First Congress (*Sitzungsbericht*, pp. 78 ff.) and Second Congress (pp. 158 ff., German ed.). Although certain delegates from weak minorities did not desire cultural autonomy for themselves, they voted for the resolution in a spirit of conciliation.

[2] See the interesting discussions on this point at the Second Congress of European Nationalities, particularly the speeches of Professor Laserson, Senator Meller, and M. Schiemann. Other discussions on the organization of the national community were held at the sixth and seventh congresses. A special number of *Nation und Staat* (April, 1932) is devoted to the subject. It contains, *inter alia*, several of the speeches made at the above Congress.

temporal power, but have remained purely spiritual and theoretically world-wide. Their competence in their own sphere over the nationals of most states is generally recognized, sometimes by legalized agreement (as in the various Concordats), sometimes by an unwritten 'gentleman's agreement'. One may look forward to the day when nations will organize themselves in the same way as religions. For the moment, however, this is hardly practical. Certain forms of pan-national organization do exist, particularly among the Germans and Italians; but they are hardly yet sufficiently developed to undertake the entire conduct of the national affairs of their members. Some nationalities, indeed, are not even sufficiently defined to attempt it. An example which readily occurs is that of the Slovak colonies abroad. Should their cultural life be organized by Slovaks or by 'Czechoslovaks'? In any case, even if some kind of pan-national organization were established, the several communities in each state would have to act to a large degree independently of it. Since cultural questions cannot be segregated absolutely from the general life of the state, but impinge upon social, economic, and purely industrial problems, close and continuous contact with the political organs of the state will always be necessary, and will make a state-national organization desirable for reasons of administrative convenience. Moreover, local elements play a very important part in all culture. The Transylvanian Saxon has his language, generally speaking, in common with the citizen of Berlin and Dresden, but the family history of his branch of the German race is quite different. Many of his legends and customs, which are equally part of his cultural life, are not Germanic but local in origin, and shared with his Magyar, Roumanian, and Slavonic neighbours. The geography which it is important for him to know is that of his own locality, and the history of Transylvania is of fully as great and legitimate interest to him as that of Germany. In any case, given the totally different circumstances under which he lives, a curriculum borrowed straight from Berlin would be of small practical profit to him.

The greatest difficulty at the present moment lies, however, in the not unnatural suspicion which prevails between the parties concerned. Genuine co-operation by both sides is essential. If the state renounces control over national questions, the nation must in its turn keep clear of politics. The Communists in Russia rejected the idea of national-cultural autonomy because it would, in their opinion, have imbued the members of their national minorities (among whom Communism was weak) with a bourgeois philosophy incompatible with the basis of their state. The danger for most states lies in the fear that the national community might attempt to propagate the ideals of the national state to which most of its members belong. Any state has the right to refuse such licence.

The danger does exist to-day, although not to the extent often alleged by governments which spy irredentism in every manifestation of national feeling other than their own. It should, however, disappear in time, and each good example set by any state, whether loser or gainer by recent transfers of territory, will help to diminish it. Meanwhile, if cultural autonomy within each state is probably the form best adapted to the circumstances of to-day, this should be fortified by the widest possible freedom of cultural relations between the minority concerned and its mother nationality —a freedom which should only be denied where it is patently abused.[1] Where, as often happens, minorities are too weak to organize their own cultural autonomy, and where they are so few that states cannot reasonably provide facilities for their higher education, the best solution of their difficulties would probably be found in a generous agreement between the states to make mutual arrangements for one another's minorities, giving facilities for one another's minority students in their own establishments, training teachers, and where necessary providing them.

Of the present Minority Treaties, only the Upper Silesian Convention contains any provision to this effect. Some

[1] A resolution to this effect was passed by the Fourth Congress of Nationalities (*Sitzungsbericht*, p. 163, text; pp. 67–101, discussions).

progress has, however, been made outside the Treaties. Denmark, as already mentioned, sends the teachers for its German minority schools to undergo a year's training in Germany. The Czechoslovak Government provides, by arrangement, teachers for the Czechoslovak minorities in Roumania, and similar arrangements have been made between the Roumanian and Yugoslav, and the Latvian and Lithuanian, Governments. Further development along these lines would do much to solve the problem of the weaker minorities.

A uniform solution for every situation is, however, unnecessary and impossible. There may always remain certain linguistic minorities which do not desire a strongly differentiated national culture, and will be best pleased by some such arrangement as is now in force for the Slovenes of Austria. Any person who wishes to be assimilated to the majority should clearly be allowed his will. Compulsion in either direction is equally unsound. An essential point on which to insist is that the declaration of nationality should be entirely free. It should also be revocable. For the perfect multi-national state is not that which delimits most exactly the spheres of its different nationalities, but that which treats personal nationality as irrelevant to political nationality.

The solution of the cultural problem in the multi-national state is not intrinsically difficult, once given the necessary goodwill. It simply establishes equality through complete and equal liberty for all. There is no diminution whatever of the legitimate rights of the majority, who are left entire freedom to develop their own national culture through their own resources. The one thing denied them is the licence to force their culture on others—a licence which is founded on no principle of justice or equity and can, in any case, only involve them in futile and miserable expenditure of effort. The regulation, in a state inhabited by many nationalities, of the affairs which are genuinely common to them all is rather more difficult. Here, again, the essential principle is that of equality, but the practice is bound to vary greatly according to circumstances. Equality means, of

course, equality of status. It does not mean that the members of each nationality are to be employed equally in the public services, &c. Where the numerical disproportion between the different nationalities is large, this would clearly lead to absurd results, and would be placing the larger nationalities at a very unfair disadvantage. Neither need it necessarily mean allotting such posts in exact proportion to the numbers of the nationalities concerned. This would be fairer than the present practice of reserving them almost exclusively for members of the majority, and many grievances of minorities to-day would be removed if it were adopted generally, but it remains a confession of failure: an admission that the ideas of state and nation have not yet been wholly disassociated. General administration is a political matter, and the guiding principle should be, not proportionate representation of the different nationalities, but efficiency, independent of nationality. The difficulty arises, of course, over the question of language. To make the language of the majority nation the sole official language for the central administrative sources is not necessarily oppressive. In countries where one language enjoys an overwhelming preponderance it is the only reasonable course to adopt. What is necessary is to ensure that the language of the minorities will be used wherever the convenience of the public requires it. Appointments to the public services should then be made, not by nationality, but by the test of efficiency, one requisite being knowledge of all languages which the applicant will be required to use. In this way, in practice, minority officials will usually fill the administrative posts where their own language is spoken, but there will be nothing to prevent them from entering the central services if they master the official language, nor, for that matter, to prevent members of the majority from learning minority languages. It is certainly preferable if states of mixed population decentralize their administration as far as possible.

At the same time, when a minority is strong, its language ought to be given an official status, even in the central administration. The system at present in force in the Soviet

Union seems to be sound and just. The provisions of the old Hungarian Nationality Law were fair enough. The complete equality allowed to Dutch and English in South Africa, and to German, French, and Italian in Switzerland, fairly meets the situation in those countries. The action of the Finns in placing the Swedish language on an equality with the Finnish was even generous, and the Estonian legislation as regards Russian, German, and Swedish is reasonable. Where a state contains several important minorities of different languages, and no one nationality is overwhelmingly preponderant, the fairest system would probably be to introduce some universal language for common use. This proposal is by no means fantastic or Utopian. The evident national conflicts in Hungary began only when Magyar was substituted, by the vote of the majority, for Latin. Hungarian official Latin was no joy to the classical scholar, nor is Latin the best fitted of all tongues for such a purpose, possessing as it does a complicated grammar and a vocabulary in many ways unsuitable for the needs of modern life. The principle, however, is sound. In a state such as Czechoslovakia, where the nationalities are extremely mixed, and the languages most widely spoken—Czech, German, and Magyar—are utterly dissimilar, some such universal language as Esperanto would do justice to the real facts of the situation, and greatly ease the national problem. In all such cases, the majority must, indeed, sacrifice a certain amount of its convenience. This is the penalty which it has to pay for living in one state with minorities. The minorities will always sacrifice more, and justice demands that the burden should be shared proportionately.

4. *Frontiers and the Un-National State*

Those who advocate satisfying the minorities as a solution of the minorities problem are told again and again that these ideas are very nice and do those who hold them much credit, but they are Utopian. The minorities will never be satisfied, because they are fundamentally irredentist. The example of the Soviet Union tells us nothing,

because for all its talk of freedom, it is in reality an absolute despotism; that of the United Kingdom is a special case, for the Welsh have no choice, their geographical position being such that they cannot be irredentist. It is a very different matter when one comes to minorities whom one treaty transferred from their own state to another, and another treaty could re-transfer. They will never be contented, and the only way to treat them is to be firm; if any liberty is allowed them, they will only misuse it.

To this the answer is that such minorities never will and never can be contented in the national state of another nationality. It is mere paradox to ask it of them. If their only alternative lies between their own national state and that of another, they will of course prefer their own. Precisely for that reason, the multi-national state should, if it is anxious to keep its territory intact, make it its first object to divest itself of its national character. If a nationality, however small, is not a 'national minority' but a partner in its state, then its members possess that which all men desire and nearly all to-day look upon as their right. They have no excuse—no reason—for irredentism on national grounds. Thus if the statesmen of the present Treaty states were wise, they would hasten to grant their minorities all the cultural liberty which they ask, and more. Indeed, the stronger the nationalism of the minority, the more irredentist its natural sympathies, the greater is the necessity to give it all possible freedom. Could such an unthinkable combination exist as a wise Central European statesman who was also something of a cynic, such a man might well decide to let the colonist minorities, who at present get all of what jam is going for minorities at all, wait upon his convenience, saying to himself that they could do no harm anyway. But for the frontier minorities he would hasten to kill the fatted calf, loading them with all the schools they wanted, and more too. If they liked it, he might fit them out with a full-blooded antique *libertas et privilegium*, with a manual and seal all complete. Above all, he would certainly give them a regiment of their own (with the Queen as Colonel-in-Chief), with a picturesque,

national-dress uniform, and a rousing march which they should play in the streets of the capital, where they should be stationed. For such a statesman Committees of Three would hold no terrors, and Treaty Revision would soon cease to be a bogy.

Only by a truly wise and generous treatment of their minorities can the Treaty states hope in the long run to keep their present frontiers. There is to-day a moral sense in the world, and it is on that sense that the League of Nations reposes. There is a great determination to avert war; but this, among most men, does not mean merely a blind insistence on keeping existing frontiers intact, whatever the conditions within them. If a state abuses the generous treatment which it received at the Peace Conference; if it disregards its Treaty obligations and subjects its minorities to undeserved suffering, the conscience of the world will revolt. It may be that the Assembly, under Article XIX of the Covenant, will decide that the Treaty which laid down the frontiers of that state has become inapplicable; it may be that the fertile minds and elastic consciences of international jurists will find some other subterfuge to justify what seems to common men a violation of Article X; but the state which fails to rule its minorities wisely will one day lose them.

But the question has another side. Only a modification of the present theories of the national state can hope to perpetuate the existing frontiers. Yet it is through the same modification that the best hope lies of a peaceful revision of frontiers along lines which would be of real benefit to all.

The frontiers of 1919 and 1920 were drawn very largely on the basis of nationality. The very greatest weight was attached to the national factor, precisely because the failure of the state system of 1914 to solve its national problem had been so blatant. Therefore, in an inevitable reaction, the makers of the Treaties based their whole system, wherever possible, on the so-called principle of national self-determination (in certain cases, unfortunately, rather on national determinism). Other considerations were allowed to prevail

only in exceptional cases (nearly always to the detriment of the losers in the War), and only, as a rule, to temper, on points of detail, the worst economic consequences to which the strictest possible application of the guiding principle must have led.

But the result was certainly not ideal for any party concerned, since in many instances very important economic interests were sacrificed to ethnographical considerations. The most notable case was perhaps that of Hungary. To split Hungary into uni-national states (even had they been truly uni-national, and did no minorities problem exist in them to-day) was a council of despair, which put an end to one intolerable situation only by creating another. Frontier revision on a small scale will not meet such a case as this. The 'Rothermere Line' would restore a considerable number of Magyars to their mother country, from which they were separated often without sufficient cause; and so long as personal nationality is considered to be the almost exclusive basis of the state, revision in accordance with that line, or something resembling it, would be an act of mere justice. It would, however, aggravate rather than solve the economic problem. The only true remedy for such a situation as this lies in the un-national state. It is true that under present conditions it is almost hopeless to look for the adoption of this remedy. So long as the position of a national minority brings with it so many restrictions, so many humiliations and persecutions, even such material disadvantages —so long as a people has to take it for granted that unless it can become master in its own national state it will be deprived of the full enjoyment of its own national culture —so long will it set above every other consideration that liberty which it can attain by no other means. If, on the other hand, the guarantee of national liberty is equal in either of the two states, the national factor will fall once more into its proper place.

This is not to say that it will ever become unimportant. There are, and always will be, undeniable advantages for any man living in a state in which his own kinsmen form the majority, or the totality of the population. The presence

of many nationalities brings with it linguistic difficulties which entail certain social and economic disadvantages. Men of a single nationality do things in the same way and understand one another easily. They have the same fads and prejudices, enjoy the same type of amusement, like the same sorts of food and drink. They tend—a not unimportant point—to agree in the comparative severity with which they judge certain types of offence, and the leniency with which they regard others, and they adapt their penal codes accordingly. In these, and a host of other respects, the *volonté générale* stands the best chance of approximating reasonably well to the *volonté de tous* if the various members of the community resemble one another sufficiently closely. This argument must not, however, be overstrained. The influences of environment, which are largely due to geographical and climatic causes, are probably more potent in determining the general manner of living than any factors of nationality. The ease with which the second generation, often, indeed, the first, of immigrants 'goes native' in all its habits is ample proof of this.

Yet over and above these considerations there remains the feeling of national solidarity—a feeling at once natural and noble—which makes most men desire to live in close communion with their kind. Blatant violations of this feeling do wrong to every sentiment of human justice, and where part of a nation has been separated from its fellows in obedience to no interest of its own but in order to benefit another nation, perhaps to the detriment of its own, then no enduring peace is likely to result until such acts have been reversed.[1]

[1] The worst cases are usually those arising out of 'strategic frontiers'. Of all minorities, those assigned to an alien state for the strategic benefit of the latter are usually most to be pitied. They have the least reason to acquiesce in the purpose of the decision which determined their fate, and are commonly the most harshly treated. Strategic frontiers are probably the first which ought, in humanity and justice, to be revised. The solution here is to be sought not only in the better treatment of the minorities, but also in the more general establishment of international goodwill, until war becomes impossible. If it be objected that that day is still far off, it may be answered that the cessation of national oppression would bring it appre-

National solidarity is not, however, the only collective emotion which is both powerful and worthy of respect. There are other feelings—of long habit, of dynastic loyalty, it may be, or of social and economic advantage, which may operate with equal force in bringing about true self-determination. If the national problem can be solved, these other considerations will recover their proper value. It may then well be that states will agree, in some cases by mutual consent, to modify their frontiers in order to secure a settlement of greater benefit to them all. In other cases, states which now vehemently claim some irredenta on purely national grounds will decide that it is no longer worth their while to aspire to some expensive and unsafe outlying strip of territory whose inhabitants are perfectly well treated in their own state, and contribute their full quota to the development of the general culture of the nation.

ciably nearer. Many a state has found its strategic frontier a white elephant. Successful wars are good, but no wars at all are better.

CHAPTER XIII

THE WORLD PROBLEM OF MINORITIES

1. *The Problem of Minorities a World Problem*

MOST of this work has been devoted to the specific case of Central and Eastern Europe. It is only here that the minorities problem has hitherto been officially recognized as a matter 'of international concern'; and this is in fact the area in which it presents the most acute international problem, as well as many of the most difficult national problems. Yet the causes out of which the problem of minorities arises—the difference between the boundaries of nations and states—exist to a greater or lesser extent throughout the world. Wherever more nations than one are joined in a single state a national problem of minorities will exist, and wherever a nation is divided between more states than one there is at least a potential international problem.

Eastward of the belt of Treaty states there are two great countries in which the national problem is of supreme importance: the Soviet Union and India. The methods by which the Soviet Union has attacked it have been described. No attempt has been made in this work to sketch the efforts which are being made to solve the problem of minorities in India. To do so would require a volume in itself. It may, however, be suggested that not only the British rulers in India, but also the native population of India itself, would lose nothing by considering the history of the minorities struggle in Europe. In the Indian situation to-day there are two quite distinct conflicts. There is the conflict of the native against the Englishman, and that of the Hindu against the Mahomedan (not to mention the endless complication of the minor races). Since the English in India are not so much a dominant, indigenous race as the representatives of a foreign administrative authority, the former struggle resembles fairly closely that waged by the Magyars against the

House of Habsburg; and the support given to British rule by the Mahomedans of India recalls the alliance so often made between the Habsburgs and the Germans and Croats of Hungary. And just as the conflict between the Magyars and the 'nationalities' in Hungary did not reach its climax until the Habsburgs had practically abdicated their right to intervene in Hungary's internal affairs, so the presence of the English in India is postponing the true clash between the native races. As India acquires more real self-government, so that clash will come to resemble more closely sundry of the internal conflicts which have rent the states of Eastern Europe. In some parts of India the analogy is perhaps closest with the rivalry between Czechs and Germans in Bohemia; in others, with the fight for their liberty which the Roumanians in Transylvania of old waged against the numerically weak, but economically powerful and politically all-potent communities of the Saxons, Székely, and Magyars. In others again, it may resemble the struggle which those communities have to conduct to-day against modern Roumanian nationalism. Analogies are not far to seek; one may pray that those who read the history will have the wisdom to learn the lessons.

India is not the only eastern country to be plagued with a minority problem. Persia, so far as can be seen, is just entering upon a phase in her history in which she will encounter very much the same problems which Hungary and Turkey failed to solve. It is not unlikely that the same experience awaits Afghanistan.

What is less often understood is that Western Europe itself cannot count upon an indefinite continuance of the comparative immunity from national strife which it has hitherto enjoyed. When the states signatory to the present Minority Treaties have protested against the inequality to which they are subjected, and have demanded generalization of the Minority Treaties, the representatives of the western states have sometimes been rather inclined to treat this demand *de haut en bas*, and to assert that in their more fortunate countries, no minorities problem exists.

On one occasion, when the Lithuanian delegate had asked the Assembly to consider a general Convention on minorities, M. de Jouvenel, of France, made the astounding statement that 'France had not signed any Minorities Treaty because she had no minorities. To find minorities in France, they would have to be created in imagination. At present, there was a controversy going on as to whether Breton was a dialect or a language.' (What sort of philologists they were who contended that a Celtic language could possibly be a dialect of a Latin one, he did not explain.) He then suggested, as the extreme of absurdity, 'some ill-humoured Welshman posing before the League of Nations as the champion of Wales'. Whereupon Lord Cecil remarked that 'he was not afraid of the obstreperous Welshman, because he did not exist'. M. Commène of Roumania said that 'during the speeches of his distinguished colleagues, Viscount Cecil and M. de Jouvenel, his neighbour, an expert, had placed before him an ethnographical map covered with patches of many colours representing, as he explained, human beings sometimes, not always but often, who used a language other than that of the majority and who had not the same racial origin or religious creed as the majority. This expert had added that scholars asserted that their "facial angle" was different, which proved that they belonged to another race. M. Commène had observed that these beings bore a striking resemblance to what was known as minorities. "Yes," the expert had answered, "but minorities only exist where there is a treaty."'[1] This attitude is not quite justified. Special historical conditions have led to a much greater intermixture of population in the east than in the west, and to a much livelier and more intransigeant national feeling. Other causes, closely connected with these same conditions, have resulted in making the problem of minorities in Eastern Europe genuinely one of international concern in a way that it is not in most countries of the west. Nevertheless, it is not possible to draw an absolute

[1] L. of N.: Records of the Sixth Assembly: Minutes of the Sixth Committee, 4th Meeting (*P.R.*, pp. 54–6).

dividing line between east and west as between the region where a minority problem exists and that where it is absent. To take first the international aspect: Italy's newly-acquired minorities in the Tyrol and Istria constitute exactly the same international problem as the minorities of Poland or Yugoslavia, and the arguments in favour of giving them international protection are exactly as strong. The position of the Germans assigned to Belgium at Versailles, and perhaps of the Germans of Schleswig and the Greeks of the Dodecanese, is similar. The situation of the Alsatian Germans is not quite the same, since there undoubtedly exists in Alsace a long-standing historical tradition of attachment to France. It is not, however, fair to say that 1918 simply restored the *status quo ante* 1870. Between 1870 and 1918 much water flowed under Strasbourg bridge. That half-century saw a great intensification of national feeling throughout the world. Neither the Frenchman nor the Alsatian of to-day is the same man as his father. France has, on the whole, behaved not ungenerously to her Alsatians (after an unfortunate early period), but she may find it well to be more generous yet.

In the other countries of Western Europe the international factor in the problem does not arise, for it is long since the frontiers were changed by any settlement imposed by force upon an unwilling people, and the natural conservatism of man has made possible in most cases the growth of a strong sentiment of political unity between the nationalities concerned. The present political system was established, as a rule, without injury to national feelings. The facts that the consolidation was accomplished at a time when national feeling was semi-dormant; that the minorities were, for the most part, small agricultural peoples; that the culture of the majority nations exercised a strong natural attraction on them—all these things made it appear as though no 'minorities problem' could ever arise in the west, and as though the minorities which still survived on into the nineteenth and twentieth centuries were predestined to ultimate extinction.

This was not to be the case. At the present moment

a remarkable national revival is taking place among the minority races of western Europe, analogous to that which swept over the submerged nations of the east a century ago. One western country—Belgium—is, indeed, faced with a national problem almost as difficult as any in the east. Here the 'minority' is actually, numerically speaking, in a small majority in the state; but politically, its position is that of a true minority. A century ago, the entire culture of Belgium was French; Flemish was a mere peasant dialect, without literature, not taught in the schools, not recognized in the courts of the administration.[1] The Flemish national revival began in the middle of the nineteenth century, and since that time the Flemish element has fought its way, step by step, towards equality with the Walloon. The struggle is not yet ended; but without entering here upon any account of it, one may make two or three remarks, and one prophecy. Firstly, in Belgium as elsewhere, all the preponderance of influence enjoyed by the French-speaking element, all the resources of education, all the superior opportunities for advancement in the public services, have not availed to alter the proportions between the two main nationalities.

'Though this boundary-line' (between the Walloon and the Flemish areas), writes an American authority, 'preserves very rigorously its generally east and west direction, it is locally irregular enough, usually meandering about the villages but at times running down the centre of a street. It has suffered no material change for centuries. French villages have confronted Flemish villages, the Flemish side of the street the French side, time out of mind, without one tongue gaining on the other and without any tendency toward the formation of a common speech.'[2]

[1] The Belgian Constitution of 1830 laid down the principle of the liberty of all languages, while the use of them in public administration and justice was to be settled by legislation. In fact, however, the sole language of administration, justice, the army, and higher education (primary education did not, at this time, exist) was French. The only official recognition given to Flemish was that jurymen might answer 'yes' or 'no' in either French or Flemish to questions put to them. The administration was entirely Walloon, many Walloons being imported from Luxemburg for the purpose, while French officers organized the army.

[2] T. H. Reed, *Politics of Belgium*, pp. 3–4.

The only important changes in recent times are due to the migration of workers, as a consequence of which certain small colonies of Flemish workers have settled in Walloon territory and vice versa (and, incidentally, nothing is more striking than the readiness of the two parties to sacrifice these minorities),[1] and a certain increase in bilingualism in Brussels due to parents preparing their children to learn French as the more useful language commercially and socially. Against these small defalcations must be set the influence of the higher Flemish birth-rate.

Secondly, despite all opposition, the Flemish movement has proved irresistible. The concessions made to it in recent years have been increasingly numerous, and Flemish has now almost reached equality of status with French. To-day principles are admitted which only ten years ago were indignantly rejected.

Thirdly, Flemish opinion remains unsatisfied, so long as full equality is denied it; and that in spite of the real difficulties which must arise if bilingualism is to be required of all higher officials of the central administration. It thus seems fairly safe to prophesy that before many years are past the French elements will have been forced to make still further concessions. Sooner or later Belgium will have to admit the full equality, *de facto* and *de jure*, of the two main races inhabiting it; and as the change will probably be effected partly by means of a large decentralization, it is likely that the not inconsiderable German minority may benefit by this.

The other country of Western Europe in which the minority problem is of outstanding importance is Spain. The Catalan question has played an immense part in Spanish internal politics during recent years. In some

[1] Cf. a striking remark by M. Matthieu, the Socialist leader, regarding the French-speaking minorities in the large Flemish towns outside Brussels: 'These minorities are an anomaly. They have no social reality. They should not be there. We must not take any account of a minority which boasts of its ignorance of the language of the people among which, and by which, it lives.' (*Cit.* Geyl, 'The Beginnings of Administrative Separation in Belgium', in *Contemporary Review*, June 1932.)

respects it has followed the regular course which the history of other minorities has made almost trite: the gradual extinction of local self-government in favour of a centralized system, the disappearance of old traditions, the reduction of the language to a peasant dialect—and then, just as national extinction seemed to approach, just in the hour of the most complete political centralization, the literary and cultural renaissance, followed by a political movement which is growing ever more active. In other respects, however, the position of the Catalans is almost unique. In many ways they are the most advanced, the most enterprising, and the wealthiest inhabitants of Spain. They feel the Spaniards proper not merely as oppressors, but as a dead weight. The motive behind such separatism as exists is not merely the usual preference for liberty over riches; it is a belief that without Spain, Catalonia would be more prosperous. Another group of young Catalans wish to remain Spaniards, thus retaining the Spanish market for the Catalan industries, but to make Catalonia the leader of Spain's cultural and political life. The problem is very complicated, and it is doubtful whether the recent Catalan Statute has solved it finally. Besides the Catalans, the Basques—a more backward race, culturally and economically, than the Catalans, but exceedingly stubborn and difficult to coerce—have recently reasserted their political ambitions, and Basque nationalism, with its individual slogan of 'God and the Ancient Law', is in full swing to-day. The Basque problem is not unlike that presented by Finland under Czarist rule, and might end in much the same way if Spain were ever to undergo the same experiences as Russia. Finally, a cultural revival has begun among the peasants of Galicia, whose urban and upper classes had become Hispanized nearly 400 years ago, and there are even the small beginnings of a political movement. Clearly defined natural frontiers may save her from the fate of certain other states, but the map of the Iberian Peninsula in fifty years' time may show something very different from the present unified Spain and unified Portugal.

Even in France the reaction against centralism and

assimilation has begun. The demonstration at Rennes in the summer of 1932 evoked comments from the French Press in which surprise equalled indignation. Yet there are undoubtedly incipient national movements among the Bretons, Corsicans, and Flemish, as was proved by the sympathy shown by some of those nations to the Alsatians at the Colmar treason trial. There already exists a Breton autonomist party, with a programme of government of Britanny by the Bretons for the Bretons. And in the United Kingdom, although the Gaelic language is at present receding in Scotland, Scottish nationalism is certainly not on the wane. The peak of centralization has probably been passed. The cultural movement in Wales has been gaining ground with astonishing rapidity, and the political movement, now nascent, would probably have made greater progress if it had met with more resistance. Even Cornish—a language which had appeared to be moribund, if not actually quite extinct—is reviving, and is beginning to find its way back into the schools.[1] Indeed, the whole of Western Europe is witnessing a national revival of the 'nations without a history' which shows remarkable resemblance to the similar revival which took place farther east a century and a half ago. The political circumstances are much less difficult, and the political consequences cannot well be equally shattering. Nevertheless, Western Europe will do well to consider the lessons which the history of its less fortunate neighbours has to offer.

2. *Generalization of the Treaties?*

These considerations may seem to lend considerable weight to the argument of the existing Treaty States that it is unfair that they, and they alone, should be subjected to an international control over their behaviour towards their minorities. For some considerable time past certain of them, notably Poland and Roumania, have made great play with this contention. They are willing, they say, to fulfill the obligations which they have already undertaken, but not one iota more unless the Treaties are made binding

[1] See the *Royal Cornwall Gazette*, Sept. 14th, 1932.

upon all members of the League. Every attempt to ensure an impartial procedure or better application of the Treaties is met with this invariable reply: no more concessions, unless the Treaties are generalized.

The League of Nations itself has so far remained comparatively unmoved. An important resolution was adopted by the Third Assembly, in 1922, as follows:

'The Assembly expresses the hope that the states which are not bound by any legal obligations to the League with respect to minorities will nevertheless observe in the treatment of their own racial, religious or linguistic minorities at least as high a standard of justice and toleration as is required by any of the Treaties and by the regular action of the Council.'

This resolution was reaffirmed by the Fourteenth Assembly, after the Jewish persecutions in Germany. Neither the Council nor the Assembly has, however, taken any steps to secure even an extension of the Treaties and Declarations, except in the case of certain new members admitted to the League. In 1925 Lithuania requested the Sixth Assembly 'to set up a special Committee to prepare a draft general Convention to include all the States Members of the League of Nations and setting forth their common rights and duties in regard to minorities'. The proposal met with much opposition, particularly from France and Great Britain, and was finally withdrawn. The debate was communicated to the Council, which 'took note' of it, but did not attempt to take action on it. Since that date no formal motion for generalization has been brought in.

On the other hand, most of the important unofficial international societies have frequently discussed and supported the idea of generalization. The Federation of League of Nations Societies in 1923 drew attention to the above-mentioned Assembly Resolution of 1922, and urged the League to invite Member States to realize the object of the resolution by entering into uniform treaties or by internal legislation. In 1925 it requested the chief associations for international law to draw up a 'general statute of the rights and duties of minorities', to be based on the existing Minority Treaties, which should be interpreted

in the most liberal spirit possible. In 1928 it actually urged that the existing minority obligations should be inserted as a principle in the Covenant itself. The Inter-Parliamentary Union, the Institut de Droit International, and the European Minorities Congress have all shown a greater or less degree of sympathy for the idea.

There are, however, grave objections, at least in practice, to the idea of a generalization of the present Treaty system.

It must be remembered that the question at issue is not whether all minorities ought to receive the most complete equality and fullest possible liberty of national development, but the very different one, whether these rights ought to be placed under international control. The former question can be answered unhesitatingly in the affirmative. Not only is it a clear principle of human justice, but experience has shown that the granting of such liberties makes for the peace and prosperity of all parties concerned. The latter question is far more complicated.

The advocates of generalization appear to believe that the system of international intervention is a good in itself. This is a large assumption. Is not the ideal situation rather that in which there is no control of any kind, because there is no need for it? This view, probably shared by some at least of the authors of the Covenant and of the Minorities Treaties themselves, seems to-day to be a singular heresy; but experience surely justifies the thought that any interference by one or more states in the affairs of another is provocative of irritation and ill feeling, and should not be undertaken without good reason.

Speaking by the standards of strictly orthodox political theory, no such reason can arise unless the position of the minorities is one of international concern. Otherwise, the League, which is not a super-state but an association of free and sovereign states, has no more reason to intervene in favour of national minorities than it has to do so in favour of minorities of sex, social standing, or artistic taste. It made an exception in favour of the minorities at present under its protection because their peculiar circumstances made their situation genuinely a matter of international

concern, thus giving the League a *locus standi* for acting in furtherance of its own main object, which is the maintenance of the peace of the world. The Treaties were thus a necessary evil: an evil because any compulsion from outside is less satisfactory than harmony between the majorities and minorities, but necessary in view of the particular situation.

The present Treaties have served their primary purpose of maintaining international peace reasonably well, and would have served it better had they been more conscientiously applied, and had their provisions been stronger. The minorities now under Treaty protection are, however, a special case. There is no sovereign national state to take a particular interest, generally recognized to-day as legitimate because it is irrepressible, in the Welsh, the Bretons, the Catalans, or the Lusatian Sorbs. Here the League could not perform its primary function of lightning-conductor, because there is no natural lightning to conduct.

But the important question is whether generalization of the Treaties would really improve the situation of the minorities. Previous experience on this point is, unfortunately, not very heartening.

For the benefits of international protection to outweigh its disadvantages it is clear that the protection must be effective. An attempt was made in an earlier chapter to consider how far this had been the case under the present Treaties. My own estimate may have been false; but in support of it I may be allowed to adduce the following personal reminiscence:

In October 1932 I wrote, by invitation, an article on minorities for the *Nouvelle Revue de Hongrie*. I admitted that the Treaties were in no good odour either with the states or with the minorities, but ventured nevertheless to write of the League system:

'Le mécanisme fonctionne lentement; ses méthodes sont lourdes et ses résultats souvent sans effet; mais l'impopularité dont il est l'objet auprès des gouvernements des nouveaux états nationaux montre qu'il n'est pas aussi impuissant que les minorités veulent bien le dire.'

Modest as this defence was, the editor of the review thought it necessary to append a footnote of his own, as follows:

'Nous ne sommes pas tout à fait d'accord avec l'éminent auteur; en tout cas nous pensons que le caractère purement négatif de cet argument en prouve amplement la faiblesse.'

This article was commended and in part reproduced by the *Écho de Bulgarie* (Nov. 22nd, 1932). The remarks of the Bulgarian newspaper were throughout friendly and even flattering; but with regard to my suggestion that the League had done something for minorities, it wrote:

'Contre tout évidence—et sur ce point nous sommes d'accord avec la rédaction de la revue—il soutient que ce mécanisme eût donné des résultats bien qu'il fonctionnerait lentement.'

I shall allow myself to retort that if the League has failed to protect the minorities at all, it is surprising that the minorities want its system extended; and none of them (except the minorities in Turkey, who, most probably, were acting under strong pressure) have proposed to renounce this protection which they find so ineffectual. I think that it is fairly safe to say that on balance the Treaties have been of some benefit to the minorities concerned. Nevertheless, I feel it necessary to record this frank estimate by persons in a better position to judge than myself. The effective results of the League's work to date have proved disappointing; it is useless to blink the fact. Moreover, they have been particularly disappointing in the cases of those minorities who had no friend at court (i.e. on the Council). The chief cases where the League has acted with any real effect have been where pressure has been put upon it by some power which could have championed the minority in question even without the League—a case which could not arise unless the question were one of 'international concern'.

Would generalization benefit all minorities? Or would it prove universally ineffectual, and thereby reduce even further the advantages which the minorities at present under Treaty protection now enjoy?

Those who support generalization believe that the sense of inequality under which some of the present Treaty states labour is at the root of all their unwillingness to carry out their obligations. If the inequality were removed, all the objections to the Treaties would vanish. Similarly, all states would co-operate whole-heartedly in the solution of the national problem if it were recognized as a universal problem.

They may be right. When successive Foreign Ministers of Poland plead so eloquently the cause of suffering minorities throughout the world, they may indeed be inspired by a pure ambition to see the Lapps and the Frisians better protected. On the other hand, there is at least a possibility that their true motive may be an earnest desire to see the Germans of the Corridor less well protected. Only themselves can say; but experience would seem to indicate a certain prudent scepticism.

If the present system were retained it is my firm conviction that the result would be futile for nearly all the new minorities taken under protection, and disastrous for most of those already protected. The latter were, for the most part, transferred to their present sovereignty against their wills, and by the action of the Powers, who cannot but feel a certain peculiar interest in and responsibility for their destinies. If their case was placed on a par with that of minorities all over the world, their special claims would be forgotten, or might easily be crowded out in the general accumulation of work. They, then, would have genuine ground to complain of inequality.

Would other minorities benefit? Too much weight need not, probably, be attached to the suggestion that the mere existence of an outside tribunal would weaken the harmony which now exists in many countries between majorities and minorities. The spectre of an artificial or artificially discontented minority being created by the League, the portentous spectacle of an 'obstreperous Welshman' are probably mere bogies. Minorities are not so litigious as their opponents allege. The real danger would be rather in the attitudes of governments, than of minorities.

Such strength as the League system possesses to-day lies in the faint but not altogether non-existent feeling in the minds of the Powers of responsibility for the special position of the transferred minorities. It lies also in the fact that these Powers which are conscious of that responsibility are able to press the claims of the minorities without feeling that they may have the tables turned upon them. It is hard enough to-day to get a courageous Committee of Three; generalization would make it very much harder.

If the present system were abolished root and branch, in favour of a Permanent Commission, the situation might be different; but the experiment would be dangerous, for in any system which could be devised, the governments represented on the Council or the Assembly, and not the Commission, would necessarily have the last word. As a distant ideal, the combination of generalization with a Permanent Commission may be worth waiting for, but to-day it lies well outside the sphere of practical politics.

Finally, generalization would raise a whole series of difficulties, of quite a different nature, but exceedingly formidable. Are immigrants, for example, to be entitled to international protection? It is clear that their position is entirely different from that of autochthonous populations transferred to alien sovereignty by treaty. They enter their new home of their free will, establishing themselves among a population which regards the country as its own. As a rule, indeed, they are only anxious to become assimilated. In their case it is eminently desirable that the general provisions of Arts. 2 and 7 (Polish Treaty) should be applied; but those provisions which are designed to permit the retention of national identity stand on a different footing. If a state is willing to allow them their schools, it is acting in the interests both of humanity and of its own welfare. Yet so long as every state enjoys, as it does to-day, full and complete discretion as to whom it will or will not admit as immigrants, it is surely reasonable that a state should refuse to admit as permanent settlers a large body of alien population which proposes to retain its alien characteristics, particularly if this is an overflow from a

neighbouring country, and most certainly if that country is then to be allowed to interfere in its domestic affairs. A probable result of attempting to extend the Minority Treaties to immigrants in many countries would be to dry up the stream of inter-continental migration, at least, altogether; or at best to divert it from the natural flow out of a densely populated country into neighbouring countries of sparse population, substituting laborious and unnatural movements from distant countries which could not under any circumstances claim the area in which the immigrants settled on grounds of self-determination. If it wished to avoid this danger, the League would have to do what hitherto it has steadfastly, and most prudently, refused to do, and set itself to the truly complex task of defining what is a minority within the meaning of the act. And behind this, again, arise even more complex questions connected with the problem of colour and of native races.

Those governments and their immediate supporters, who to-day press so eloquently for generalization, may not consciously be dangling a red herring under the noses of the international associations. In view, however, of the fact that, whatever its merits in theory, generalization does not stand the remotest chance of becoming practical politics for decades, if not centuries to come, one must feel that the more urgent and useful task would be to see that the treaties actually in force are properly carried out. When the Ruthenes, Magyars, Germans, Bulgars, and Albanians are effectively protected, it will be time to look to the position of the Lapps and the Manx.

3. *Last Word*

I began to write this book some time ago, and now, re-reading the manuscript in the light of recent events, I perceive that I had throughout made certain assumptions on which I had not troubled to dwell, believing them to be universally accepted among civilized peoples. Like Lord Balfour, I was not convinced of the entire truth of the proposition that all men were equal; and like many whose political opinions had been formed during the War and in

the tumultuous years which followed it, I compared the professions made by liberalism and democracy with the results achieved by them, and found the effect disheartening. Yet I believed that although opinions might differ as to the method by which to achieve the ends of policy, and although politicians might often show themselves silly and short-sighted or misuse their position for personal ends, yet there was to-day a general body of agreement that the ultimate aim of national policy was not oppression but justice, not the misery of the common man but his well-being.

Thus, too, in international relationships I assumed that nations recognized to-day, if they did not always practise it, that an international society in which any nation can prosper could be built up only on the basis of mutual respect of national rights. A state might play the robber and the murderer, but it would do so with a certain shame, as a starving man steals bread; blaming, if you like, the system which lets him starve rather than himself, but recognizing that he is breaking a law necessary for the maintenance of society.

But to-day all these assumptions are challenged by the theories which have become current in Germany since Herr Hitler assumed power. I had not intended to describe these theories, which I had regarded as heresies of such patent absurdity, intellectually speaking, that I did not believe that a nation of such great mental attainments as the German would even attempt to put them into practice. The improbable has, however, occurred, and a description of these theories can, therefore, no longer be evaded.

The sources of most of Herr Hitler's ideas are easy to trace, for in his most interesting and revealing autobiography, *Mein Kampf*, he has told the world of his various youthful impressions, and his whole philosophy is built up on the basis of these personal experiences. As far as national theories are concerned, the important factors in his early life were the following: a German of Austria, he saw his kinsmen fighting their gallant but losing battle to

maintain or, rather, recover a cultural and political supremacy over the Slavonic and other races of the Austrian Empire, whose policy was very largely dictated by its non-Germanic majority. In Vienna he came into contact with the Orthodox Jews who still inhabit that city in great numbers; some of them adorning it by their culture and intelligence, while others play a less admirable role in its life. He seems to have been unlucky in his acquaintances. Thirdly, he read, or otherwise imbibed, the strange theories of Houston Stewart Chamberlain (themselves derived from the Frenchman, Gobineau) on the supreme valour, virtue, &c., &c., of an 'Aryan' Germanic race, unknown, indeed, to anthropology, but, unfortunately, an article of faith among certain intellectually emotional circles in Germany. Finally, it is clear that he was thoroughly soaked in a certain brand of German literature which makes a sort of divine cult of the primitive Germans, and in the good, uncompromising hate-school of the followers of Treitschke, Willamowitz, and Bernhardi.

From his life in Austria—a venerable organism which had, in fact, outlived its purpose—Hitler learned to regard the state without reverence, as an organism which man had made and man could destroy if it pleased him; from his experience and, still more, his reading he learned to glorify his race and to despise and hate others (the Jews in particular) with an intensity which seems at times to border on the insane; the experiences of the War may have intensified what seems to be a natural inclination to believe in the sanctity of force as the only right. Of these elements his national theory is composed.

'The fundamental fact to be grasped', he writes, 'is that the State is not an end, but a means. It is the necessary basis for the formation of a higher human culture, but not its cause. The cause lies rather exclusively in the presence of a race capable of culture.'[1]

Again:

'The State is a means to an end. Its end lies in the maintenance and development of a community of physically and spiritually similar

[1] *Mein Kampf*, p. 431.

beings. . . . States which do not serve this purpose are mistakes, abortions. . . . The highest end of the national (*völkisch*) State is to see to the preservation of those racial original elements which give out culture, and create the beauty and dignity of a higher humanity. We, as Aryans, can thus conceive of the State only as the living organism of a nationality (*Volkstum*) which not only ensures the preservation of that nationality, but also leads it to the highest freedom through development of its spiritual and ideal abilities.'[1]

Similarly Hitler's followers; so Feder writes that the national-socialists reject the equality of man, 'place the destiny of the people as a blood-and-will unit above the State', and aim at creating 'the German Reich as the home of the Germans'.[2]

The fact that a nation needs a territory on which to live has not escaped Herr Hitler. Indeed, he devotes the better part of a chapter to discussing how this territory is to be obtained. In principle, he claims for the German state that it shall include 'all Germans',[3] although willing, for tactical reasons, to postpone for a time such questions as that of the German-Austrian South Tyrol.[4] The essential point is, however, that the German nation must be provided with the land sufficient for its maintenance; and if it does not already possess this, it must simply take it. 'We national-socialists must hold unerringly to the end of our foreign policy, which is, to ensure for the German people the land and space on this earth which befit it. And this action is the only one which seems to justify before God and our German posterity the sacrifice of blood.' Pouring scorn on all talk of 'the violation of holy human rights', and hinting that such talk is inspired by corrupt motives, he argues that 'no people possesses one square yard of land on this earth in virtue of higher wishes or higher right. . . . State frontiers are created by men and altered by men. . . . The national movement is not there to be the advocate

[1] Idem, pp. 433–4.

[2] G. Feder, *Das Programm der N.S.D.A.P.* The national theories of the party in general are treated in an interesting article by Dr. N. Gurke in *Nation und Staat*, October 1932.

[3] *Mein Kampf*, p. 439.

[4] Idem, pp. 707–10.

of other peoples, but to be the champion of its own. . . . In particular, we are not the guardians of the "poor little peoples" of which so much is heard, but soldiers of our own. But we national-socialists must go farther: the right to land and space can become a duty if a great people seems doomed to destruction unless it can enlarge its territory. Most particularly, when the people in question is not some petty negro tribe, but the Germanic mother of all the life which has given the present world its cultural aspect.'[1]

What is to be done with the existing population of the land which Germany proposes to take? Hitler does not say. He is, however, entirely logical. He is fighting simply and solely for the German people, which is quite strong enough to stand without the absorption of alien elements. It is exactly the opposite situation to that of pre-War Hungary. Hitler rejects all assimilation, as tending to adulterate the pure Germanic blood which incorporates his highest ideals. First and foremost, he would eliminate all Jewish influences and strains—that is the point on which he lays the greatest stress. Secondly, he is also quite logical enough to condemn roundly the Polish policy of nineteenth-century Germany. In the first place, believing as he does in the supreme importance of the racial factor, he holds assimilation to be impossible. All that could be achieved would be 'a purely linguistic Germanification'. Even had this been achieved, 'the result would have been a disastrous one: a people of foreign race expressing its foreign thoughts in the German tongue, compromising the loftiness and dignity of our own national character through its own inferiority'.[2]

It is, indeed, logical that if the purpose of the state is 'the safeguarding of the national honour', 'only men of kindred being can be at one in this purpose',[3] and one must say for national socialism that if it has ignored much

[1] *Mein Kampf*, pp. 739–42. It may be well to make clear that although from considerations of space I have only excerpted Herr Hitler's remarks (for he believes in the virtue of repetition), I have in doing so in no way distorted his thought.

[2] Idem, pp. 429 ff.

[3] A. Rosenberg, *Das Wesensgefuge des Nationalsozialismus*, p. 15.

of the human progress painfully acquired in recent centuries, it has also rejected many of its corruptions and abuses.

What, then, is to be the position of such minorities as, after all, exist on the territory of the German national state? Herr Hitler does not go so far as to advocate in so many words their slaughter or expulsion, but he divides the inhabitants of his state into three classes: citizens (*Staatsbürger*), nationals (*Staatsangehörige*), and foreigners. The first class alone enjoys the active or passive franchise and is admissible to public employment. No member of a racial minority can become a citizen; he is only a 'serving' element within the state[1] and is allowed only 'to share in those tasks of the state which are appropriate to his achievements'. The exact delimitation of his position is still in progress as I write, but it is clear that it will be a position of rigorously maintained degradation.

By an extraordinary and entirely illogical extension, although Herr Hitler insists again and again that the essence of the Jewish position lies not in their separate position, but their separate race, the German representative at the Fourteenth Assembly, Herr von Keller, argued that the Jews in Germany were not a national minority, and that the Jewish question must not be confused with the minority question.

Such, then, is the national philosophy of national socialism; and any one who studies it must admit that there is in it an intensity of idealism, a fanatical renunciation of self, a pure determination to do away with what its authors believe to be corrupting influences, and to lift a whole community on to what they believe to be a higher moral plane, that cannot but command respect.

And yet—men can worship, in purity of heart, an idol which is false, ugly, and destructive. What else can we call the national-socialist ideal? It is false in its fundamental premises, because the pure 'Aryan race' which it seeks to exalt does not exist, and never has existed, and the 'Aryan culture' which it extols is not Aryan at all (nor, in its

[1] *Mein Kampf*, p. 489.

present mood, is it a culture). It is ugly and destructive, because it preaches a selfishness and a ruthlessness which do not change their character because they are propagated in the name of a community and not an individual. If the Germans are the superiors of the Jews (I write as a member of neither race), it is not by playing the bully that they will show their superiority. If they need room to expand, it is not by reviving the methods of the fourth century A.D. that they will get it.

National-socialism goes back, in many respects, to the darkest of the Dark Ages. There are about it certain modernist traits; but in essence, it is a claim, on the part of a single 'race', to an inherent superiority over all other nations, in virtue of which it is justified in any action whatever that it may find it expedient to take—for if war is advocated only for a few purposes, this is not because it is rejected as an evil in itself, but because in other cases the game is not considered worth the candle.

It is an ideal the evils of which seem to me to outweigh heavily its virtues; an ideal, moreover, which I profoundly believe to be destined to shipwreck on the rock of facts.

Herr Hitler is fond of preaching the doctrine that might is right. Surely, if the history of recent centuries has any lesson to teach, a lesson which is more clearly apparent in national relationships than in almost any other field of political life, it is that right is might. How consistently has national oppression been practised, and how grievous its results! At the beginning of this essay I quoted Lord Acton's condemnation of the modern theory of nationality and the national state as 'the greatest adversary of the rights of nationality'. I cannot conclude more fittingly than by repeating his judgement of the multi-national state:

'If we take the establishment of liberty for the realization of duties to be the end of civil society, we must conclude that those states are substantially the most perfect which . . . include various distinct nationalities without oppressing them. Those in which no mixture of races has occurred are imperfect; and those in which its effects have disappeared are decrepit. A state which is incompetent to satisfy different races condemns itself; a state which labours to

neutralize, to absorb or to expel them, destroys its own vitality; a state which does not include them is destitute of the chief basis of self-government.'[1]

All the history of our times has proved to the hilt the truth of Lord Acton's words. In its pursuit of the chimera of the national state Europe has entered upon a path beset with dangers to itself. It has set itself a false ideal, and one which, right or wrong, it can never achieve. Minorities will continue to exist, and will continue to present a problem which statecraft will find insoluble until it tries the method —so rarely adopted hitherto—of applying the principles of justice, equality, and good government. Then minorities will cease to be a torment to the state possessing them, and will become instead a blessing. May that day come soon!

[1] Acton, *Essays on Liberty*, p. 298.

APPENDIX I

THE POLISH MINORITIES TREATY[1]

The UNITED STATES OF AMERICA, the BRITISH EMPIRE, FRANCE, ITALY and JAPAN,

The Principal Allied and Associated Powers,

on the one hand;

And POLAND,

on the other hand;

Whereas the Allied and Associated Powers have by the success of their arms restored to the Polish nation the independence of which it had been unjustly deprived; and

Whereas by the proclamation of March 30th, 1917, the government of Russia assented to the re-establishment of an independent Polish State; and

Whereas the Polish State, which now in fact exercises sovereignty over those portions of the former Russian Empire which are inhabited by a majority of Poles, has already been recognized as a sovereign and independent State by the Principal Allied and Associated Powers; and

Whereas under the Treaty of Peace concluded with Germany by the Allied and Associated Powers, a Treaty of which Poland is a signatory, certain portions of the former German Empire will be incorporated in the territory of Poland; and

Whereas under the terms of the said Treaty of Peace, the boundaries of Poland not already laid down are to be subsequently determined by the Principal Allied and Associated Powers;

The United States of America, the British Empire, France, Italy and Japan, on the one hand, confirming their recognition of the Polish State, constituted within the said limits as a sovereign and independent member of the Family of Nations, and being anxious to ensure the execution of the provisions of Article 93 of the said Treaty of Peace with Germany;

Poland, on the other hand, desiring to conform her institutions to the principles of liberty and justice, and to give a sure guarantee to the inhabitants of the territory over which she has assumed sovereignty;

For this purpose the HIGH CONTRACTING PARTIES represented as follows:

[*follows list of plenipotentiaries*]

[1] Great Britain: *Treaty Series*, vol. 112, pp. 232 ff.; *History of the Peace Conference*, vol. v, pp. 437–42.

After having exchanged their full powers, found in good and due form, have agreed as follows:

CHAPTER I

Article 1

Poland undertakes that the stipulations contained in Articles 2 to 8 of this Chapter shall be recognized as fundamental laws, and that no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

Article 2

Poland undertakes to assure full and complete protection of life and liberty to all inhabitants of Poland without distinction of birth, nationality, language, race or religion.

All inhabitants of Poland shall be entitled to the free exercise, whether public or private, of any creed, religion or belief, whose practices are not inconsistent with public order or public morals.

Article 3

Poland admits and declares to be Polish nationals *ipso facto* and without the requirement of any formality, German, Austrian, Hungarian or Russian nationals habitually resident at the date of the coming into force of the present Treaty in territory which is or may be recognized as forming part of Poland, but subject to any provisions in the Treaties of Peace with Germany or Austria respectively relating to persons who became resident in such territory after a specified date.

Nevertheless, the persons referred to above who are over eighteen years of age will be entitled under the conditions contained in the said Treaties to opt for any other nationality which may be open to them. Option by a husband will cover his wife and option by parents will cover their children under eighteen years of age.

Persons who have exercised the above right to opt must, except where it is otherwise provided in the Treaty of Peace with Germany, transfer within the succeeding twelve months their place of residence to the State for which they have opted. They will be entitled to retain their immovable property in Polish territory. They may carry with them their movable property of every description. No export duties may be imposed upon them in connexion with the removal of such property.

Article 4

Poland admits and declares to be Polish nationals *ipso facto* and without the requirement of any formality, persons of German, Austrian, Hungarian or Russian nationality who were born in the said territory of parents habitually resident there, even if at the date of the coming into force of the present Treaty they are not themselves habitually resident there.

Nevertheless, within two years after the coming into force of the present Treaty, these persons may make a declaration before the competent Polish authorities in the country in which they are resident, stating that they abandon Polish nationality, and they will then cease to be considered as Polish nationals. In this connexion a declaration by a husband will cover his wife, and a declaration by parents will cover their children under eighteen years of age.

Article 5

Poland undertakes to put no hindrance in the way of the exercise of the right which the persons concerned have, under the Treaties concluded or to be concluded by the Allied and Associated Powers with Germany, Austria, Hungary or Russia, to choose whether or not they will acquire Polish nationality.

Article 6

All persons born in Polish territory who are not born nationals of another State shall *ipso facto* become Polish nationals.

Article 7

All Polish nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion.

Differences of religion, creed or confession shall not prejudice any Polish national in matters relating to the enjoyment of civil or political rights, as for instance admission to public employments, functions and honours, or the exercise of professions and industries.

No restriction shall be imposed on the free use by any Polish national of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings.

Notwithstanding any establishment by the Polish Government of an official language, adequate facilities shall be given to Polish nationals of non-Polish speech for the use of their language, either orally or in writing, before the courts.

Article 8

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. In particular they shall have an equal right to establish, manage and control at their own expense charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

Article 9

Poland will provide in the public educational system in towns and districts in which a considerable proportion of Polish nationals of other than Polish speech are resident adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Polish nationals through the medium of their own language. This provision shall not prevent the Polish Government from making the teaching of the Polish language obligatory in the said schools.

In towns and districts where there is a considerable proportion of Polish nationals belonging to racial, religious or linguistic minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budget, for educational, religious or charitable purposes.

The provisions of this Article shall apply to Polish citizens of German speech only in that part of Poland which was German territory on August 1st, 1914.

Article 10

Educational Committees appointed locally by the Jewish communities of Poland will, subject to the general control of the State, provide for the distribution of the proportional share of public funds allocated to Jewish schools in accordance with Article 9, and for the organization and management of these schools.

The provisions of Article 9 concerning the use of languages in schools shall apply to these schools.

Article 11

Jews shall not be compelled to perform any act which constitutes a violation of their Sabbath, nor shall they be placed under any disability by reason of their refusal to attend courts of law or to perform any legal business on their Sabbath. This provision however shall

not exempt Jews from such obligations as shall be imposed upon all other Polish citizens for the necessary purposes of military service, national defence, or the preservation of public order.

Poland declares her intention to refrain from ordering or permitting elections, whether general or local, to be held on a Saturday, nor will registration for electoral or other purposes be compelled to be performed on a Saturday.

Article 12

Poland agrees that the stipulations in the foregoing Articles, so far as they affect persons belonging to racial, religious or linguistic minorities, constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of a majority of the Council of the League of Nations. The United States, the British Empire, France, Italy and Japan hereby agree not to withhold their assent from any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

Poland agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction, or any 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.

Poland further agrees that any difference of opinion as to questions of law or fact arising out of these Articles between the Polish Government and any one of the Principal Allied and Associated Powers or any other Power, a Member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Polish Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

APPENDIX II

STATELESSNESS

THE question of statelessness is one of great importance, and its tragic consequences involve many thousands of people; but its complications are such as it would take a book in itself to explain, and it is only incidentally a minority question. Only a short allusion to it will be made here.

The object of the Peace Treaties was to ensure that, when the map of Central Europe was redrawn, every person should be left citizen of one state, and of one only. This is not always the case, even among old-established states. For example, a person born on the territory of a state using the *jus soli*, of parents, nationals of a state with *jus sanguinis*, will find himself claimed as subject of both states. It is equally possible, through conflict of laws, for a person to be left citizen of no state whatever (e.g. in some cases, the divorced wife of a foreign husband).

The Treaty of Versailles provided that German nationals 'habitually resident' in the territory transferred to Poland and Czechoslovakia should become Polish and Czech citizens respectively. The Polish and Czech Minority Treaties contained corresponding provisions under which Poland and Czechoslovakia agreed to recognize as their nationals persons habitually resident in the territory transferred to them. The children of persons habitually resident in such territory also became, without further formality, Polish (Czech) nationals; while it was further provided that all persons born in Polish (Czech) territory who are not born nationals of another state shall *ipso facto* become Polish (Czech) nationals. The persons concerned were allowed, also, instead of receiving automatically Czech or Polish nationality, to opt for any other nationality open to them.

These provisions were satisfactory enough. When, however, it came to the treaties dealing with the old Austria-Hungary, the Czechoslovak delegation requested that the principle of *Heimatrecht* or parish citizenship should be applied, instead of that of domicile, or ordinary residence. They declared that 'there were in general no Austrian nationals not having had their citizenship in some commune situated on the territory of the former Austrian Empire'; the administrative laws of the old Empire were based on *Heimatrecht* and were still in force in Czechoslovakia, and an alteration of the principle would 'produce disturbances in internal administrative law'.[1]

[1] Hunter Miller, *Diary*, vol. xiii, p. 403.

The New States Committee accepted this plea, and the principle of *Heimatrecht* was applied to all territory transferred from the old Austro-Hungarian Empire, excepting only territory transferred to Roumania, for which the principle of habitual residence was retained.[1] Now, the principle of *Heimatrecht* is that every person possesses a sort of 'rights of citizenship' in one parish or commune, and if this had been really the case in 1919, the Czech contention (which was supported by the Austrians) would have been very reasonable. In fact, however, the importance of *Heimatrecht* had greatly diminished in the past century, and it had become little more than a Poor Law institution, each commune being bound to maintain its own *Heimatsberechtigte* in case of destitution, and unable to expel them. *Heimatrecht* had been based originally on the *jus sanguinis*—a reasonable enough provision in days when nearly all the population lived and died in the same parish. With modern conditions, however, the population became much more mobile, and a person's place of residence often had no connexion at all with his legal *Heimat*. The result was that it became necessary to qualify the principle of *jus sanguinis* and to introduce a sort of naturalization.

The system in force in 1919 varied in different parts of Austria-Hungary. In Austria, by a law of 1896, 'parish naturalization' was granted on application to any person who had resided uninterruptedly in his new parish for ten years without coming on the rates. In Hungary he could acquire naturalization by squatting, i.e. by mere fact of four years' residence combined with one payment to the rates. In Croatia the law was again slightly different. In Bosnia citizens of the rest of Austria-Hungary did not acquire *Heimatrecht* at all, but only Bosnian citizenship.

In 1919 there were scores of thousands of persons whose *Heimatrecht* was doubtful or non-existent. Sometimes it was disputed between two parishes; sometimes the papers were lost; comparatively wealthy families had often not bothered their heads for generations about where they were entitled to Poor Law relief. Thus when Austria-Hungary was divided up, all these persons were left with no clear claim to the nationality of any one state. The number was greatly increased by two decisions by the Czechoslovak Courts

[1] For Bessarabia, Roumania was to recognize as Roumanian nationals nationals of the former Russian Empire settled in Roumania, and Russian nationals born in the province of parents domiciled there. Roumania also agreed to recognize all Jews inhabiting Roumanian territory who do not possess another nationality. For the territory transferred from Bulgaria the criterion used was residence.

which applied to those parts of Czechoslovakia acquired from Hungary the stricter conditions prevailing in Austria.

To declare a person stateless was a very convenient way of getting rid of him if he was for any reason undesirable. If, on the other hand, he was agreeable to the state, he could quickly be naturalized. The sufferers were usually members of minorities. There were among them, however, also many persons (socialists, &c.) considered politically undesirable, and also persons to whom the state would be under a financial obligation, if they were recognized as its citizens. This last category included many aged and distinguished servants of the old state, widows, and orphans.

There are also other ways in which persons can be left stateless. Sometimes this is due to simple illegal action on the part of authorities; sometimes to the innumerable small chinks in the legal systems through which an undesirable may be pushed. Scores, if not hundreds of thousands, of persons are affected. There are said to be 80,000 in Czechoslovakia alone, and large numbers in Hungary, Roumania, &c. Stateless persons are not entitled to poor relief. As a rule they cannot enter the state service, are certainly entitled to no pensions for former service, and are often debarred by laws made 'in the national interest' from ordinary work. They can be expelled from their country of residence as foreigners, and as when expelled they are usually not accepted by any other country, they are then commonly imprisoned for contravention of the expulsion order.

The seven Successor States signed a Convention in Rome, in April 1922, which had among its objects that of solving disputes as to nationality. Only Italy and Austria have, however, ratified this. A later Convention on the question of pensions has been ratified by all the states concerned except Roumania. The international societies, particularly the Federation of League of Nations Societies, have made tireless efforts to get this miserable scandal remedied, but the governments concerned refuse to move. One difficulty is that the nationality provisions of the Peace Treaties are not under the League guarantee, nor, indeed, are the provisions of the Minority Treaties, except in so far as they relate to minorities. It is thus almost impossible to attack the question except by appealing to the goodwill of the governments concerned; and that goodwill seems to be non-existent.

APPENDIX III

THE MINORITIES UNDER TREATY PROTECTION

FINLAND

Aaland Islands

Only the Swedes of the Aaland Islands are under League protection. These number about 27,000, constituting practically the entire population of this small archipelago, which was united with Finland under Russia from 1809 to 1917. In 1917 the population demanded self-determination, and seemed to desire union with Sweden, but the Islands were assigned by the League to Finland, under safeguards, and the secessionist movement appears to have died down.

There is also a considerable Swedish population, not protected by Treaty, in the rest of Finland (about 11 per cent. of the total).

ESTONIA

Population (1922) 1,107,059, of whom 89·38 per cent. were Estonians. Until Estonia became independent the Estonians themselves were the least regarded nationality in their own territory. They were mainly small peasants, with a few labourers and artisans and a still smaller middle class. They had been emancipated from serfdom only in the middle of the nineteenth century and only then could they develop a cultural and national movement, which was growing intense in 1914.

The *Germans* (18,319; according to German figures 24,000 to 25,000) are the descendants of the old Crusaders and Hanseatic traders, who conquered the country in the thirteenth century. For centuries they were the absolute masters of the country, owning nearly all the land in large estates, and supplying also the administration, cultural life, and commercial classes. Their exclusive privileges were confirmed under Swedish and Russian rule, and after the country passed under Russia the 'Baltic Barons' not only continued to supply the entire local administration, but also many civil servants and officers to the rest of Russia. All higher education was German. Only some fifty years ago was it decided to Russify education and administration, but even then the economic position of the Germans was left untouched, and their social and cultural status suffered but little. They are practically all Lutherans, and the great majority are town-dwellers, the rest having been large landowners, now expropriated.

The *Russians* (91,109) are 23 per cent. urban, these being relics of the Russian administration—officials, teachers, merchants, &c. The 67 per cent. rural population are poor peasants, fishers, and market-gardeners. Some are descendants of ancient religious refugees, but some 40,000 to 50,000 are a frontier population, in places intermingled with semi-Russified Estonians but more often living in compact masses. There are some 18,000 recent refugees, members of Yudenitch's army.

The 7,850 *Swedes* are peasants and fishers who have inhabited the coast and certain islands since the earliest historic times. They speak an antique dialect of Swedish. They live in compact blocs and have never encroached on the Estonians, with whom they live on good terms, while allying themselves in social, cultural, and political questions with the Germans.

The *Jews* number 4,566, entirely urban middle class. The present Estonia, when under Russian rule, belonged to that part of Russia whence Jews were excluded, except by special permit. The Jewish problem in Estonia is therefore not acute.

The 14,508 'others' are largely Letts, from the Latvian border, where the population is mixed and where several districts were disputed in 1918.

LATVIA

Population (1930) 1,900,045, of whom 1,394,957 were Letts. What has been said of the Estonians above applies equally to the Letts.

The *Germans* (69,855) belong to the same class of 'Baltic Barons' as the Germans of Estonia, but are more numerous and enjoy something less of an aristocratic monopoly. Over 44,000 of them live in Riga as merchants, &c.

The *Russians* (201,778) include a certain number of ex-officials, merchants, &c., and one suburb of Riga contains 30,000, chiefly workmen. About 150,000 are peasants, living in compact masses along the Russian frontier. They have not, however, hitherto shown irredentist tendencies. They are Orthodox and Old Believers in about equal proportions, and are thus also a religious minority. About 10,000 are recent refugees.

The *White Russians* (36,029) are almost all peasants, living near the frontier.

The *Lithuanians* (25,885) and *Estonians* (7,708) are again mainly peasants and frontier populations. It must be remembered that the Baltic states won their independence almost simultaneously. The frontier minorities, although they did not succeed in getting incorpo-

rated into their own national states, were not torn from them after having previously belonged to them, nor have they been reduced from ruling to subject nationalities.

The *Poles* (59,374) are largely a border population, but intermixed with Letts and Russians. Most of them are small landowners or small middle class.

The *Jews* number 94,388, nearly 88,000 of whom live in towns (42,000 in Riga alone). The Jews of Courland have a different history from those of Poland and Lithuania, and have never been so numerous; nor were they permitted by the Balts and Swedes to form autonomous organizations as in Poland. In 1799 Russia included Courland in the Jewish Pale and placed its Jews on the same footing as those of Poland, but the strong German organization prevented them from acquiring a trade monopoly.

One more minority may be mentioned here for its picturesque interest. In a corner of northern Courland live the Livonians, the remnants of the once mighty people which gave their name to half of the present country. They are Finno-Ugrians, most nearly akin to the Estonians. The language is spoken to-day by 2,000–3,000 persons, of whom about 1,000 are nationally conscious. Their national renaissance is quite recent and has a curious story. Before the War they were fast dying out. The single book in their language was a translation of the Gospel according to St. Matthew. During the War the German troops of occupation suspected them of espionage, and transported them to the interior of Courland. Many of them escaped, seized boats, and took refuge in Estonia and Finland, where contact with their kinsmen revived their own national consciousness. The Latvian authorities have now introduced schools and Divine Service in Livonian.

LITHUANIA

A. Greater Lithuania

Population (1923) 2,028,971, of whom 2,021,792 were Lithuanian subjects; 1,701,863 of these were Lithuanians. The Lithuanians have a longer tradition of independence than the other Baltic peoples, but the Lithuanian-Polish kingdom ended by becoming predominantly Polish or White Russian, and for a considerable period before recovering their independence the Lithuanians were an oppressed peasant people under Russian rule. Their relations with the Poles and Germans have been very adversely affected by their disputes over Vilna and Memel respectively.

The *Jews* (153,743) With Lithuania we enter the great Jewish

belt of population. Driven eastward by persecution in Germany, &c., forbidden to pass into Russia, the Jewish flood piled itself up in Poland and Lithuania. The Jews have often been grievously persecuted by their Christian neighbours. On the other hand, they were at various times granted valuable privileges by their rulers, and were left much liberty in their internal affairs. They have a very old and high cultural tradition. The Lithuanian Jews are almost exclusively town-dwellers, forming a high proportion of the population of the larger towns, and almost the whole of that of smaller towns and markets. Most of the national business life is in their hands.

The *Germans* (29,231, or, by their own estimate, 40,000) are mostly Protestant settlers who took refuge in Russia a century ago from oppression in Germany. They live near the East Prussian border. They are a peaceful people of small peasants, traditionally friendly to the Lithuanians, with whom they live intermingled, and have never had close relations either with the Germans of the Reich or with the Balts. Others are artisans and middle class.

The *Poles* are estimated at 65,599. Most of them live near the present Polish frontier. Their position is greatly aggravated by the present Polish-Lithuanian dispute and by the fact that owing to the prolonged connexion between the two countries it is hard to say of many individuals whether they are Polonized Lithuanians, Lithuanianized Poles, or what. The results of this scientifically admissible and interesting inquiry are often most unfortunate in practice for the subjects of it. A frontier minority.

The *Russians* (50,460) are mostly peasants who settled in considerable, but not very compact, masses in certain districts of Lithuania when under Russian rule. A few are former officials, teachers, &c.

The *White Russians* (4,421) are peasant colonists.

The *Letts* (14,883) are peasants living near the Latvian border.

B. Memel Territory

Population (1925) 141,645, including about 5,000 foreigners. The 1925 census gave 59,337 Germans, 37,626 Lithuanians, and 34,337 'Memellanders', with a few Jews and Poles. According to the 1910 census, 50·6 per cent. of the population was of German speech and 47·8 per cent. of Lithuanian. The town is a German foundation and city, and many of the surrounding villages are also German. There is a considerable element of Germanized Lithuanians, whose origin is Lithuanian, their economic and social interests German. The true Memellanders of any nationality have shown little desire for incorporation in Lithuania.

POLAND

Population (1931) 32,132,936, of whom 22,208,076 were counted as speaking Polish as their mother tongue. Detailed census figures for nationality are not available, while those given by the 1921 census are questioned even by Polish writers.

The *Ruthenes* probably number about five millions, although some estimates go much higher.

(*a*) About two-thirds inhabit eastern Galicia, east of the River San. They probably form about 63 per cent. of the total population of East Galicia beyond the San, but there is a very considerable Polish minority, totalling about 23 per cent. for the whole district, and forming an actual majority in the capital, Lwow, with its surrounding districts, and in other isolated districts, including some in the extreme east. Fourteen per cent. consist of other nationalities, mainly Jews. The Ruthenes present one of the most difficult of all the minorities. Until the nineteenth century they were purely a peasant class living in a state of great degradation and misery. The Jews formed the commercial class, the Poles the officials and landowners. More recently the Ruthenes have developed an intelligentsia and a very strong and even violent national consciousness. Lively hatred reigns traditionally between the Ruthenes and the Poles, exacerbated by religious differences, the former being Uniate or Orthodox, the latter Catholic. The Ruthenes of East Galicia claimed self-determination at the end of the War and received many promises from the Allies but were finally assigned to Poland, it being stated that the condition was that Poland recognized that the ethnographical conditions made autonomy necessary in that region. No statute of autonomy was, however, drafted at the time, nor has it been granted since.

(*b*) About 1,500,000 Ukrainians, formerly subjects of the Russian Empire, live in Volhynia, Chelm, and Polesia, intermingled with Poles and White Russians, but predominating in south-eastern and north-western Volhynia and in the Jaworow district. They are not yet quite so nationally active as the ex-Austrian Ruthenes. Some of them combine actively with the East Galicians, others stand somewhat apart. The variant names Ruthene and Ukrainian signify no racial difference, and both are racially identical with the Ukrainians across the frontier in the Soviet Union. There is, however, an historical and often a religious difference between the ex-Austrian Ruthenes and the ex-Russian Ukrainians, and this difference corresponds at times to a difference in political aims.

The *White Russians* are a people of pure Slavonic stock inhabit-

ing the eastern country districts of Poland to the number of some 1,500,000, some being Catholic, some Orthodox, and others Uniate. The Treaty of Riga (1921) divided the White Russian territory between Russia and Poland, and three-quarters of the nation now lives within the Soviet Union, where they form a Soviet Republic and their national culture is encouraged. The White Russians of Poland are mainly small peasants or labourers, the towns being Polish and Jewish. Their national feeling is still weak and uncertain, but should the Russian experiment succeed, they might easily become an important and difficult frontier minority.

The *Jews* probably number at least three millions. For many centuries Poland was the centre of Jewish life. In the ex-German part they have become during the past century of a more western type. Elsewhere in Poland they are the true type of 'Ostjuden', town dwellers, merchants, money-lenders, &c. Many are also industrial workers, and a high proportion live in the greatest poverty and misery. As in Lithuania, they were formerly entirely distinct from the rest of the population and largely self-governing. To-day there is a rather deep division between the Jewish nationalists and the assimilationists, and while some speak Hebrew or Yiddish, others try to become Polish in every way.

The *Germans*. German figures give a total of over 1,100,000. A Polish semi-official source (Stolinski, *Die deutsche Minderheit in Polen*) gives 884,000. Only the Germans inhabiting territory transferred from Germany are protected by Treaty. There are special provisions for Upper Silesia.

(*a*) Pomerelia and Posnania. This is the territory taken by Prussia at the partition of Poland and now restored. Pomerelia is roughly identical with the 'Polish Corridor', i.e. the strip dividing East Prussia from the Reich. Prussia had tried by every means to Germanize this territory. The officials were Germans only, and many colonists had been settled there, some at quite early times, others just before the War. Feeling ran, and runs, high between Germans and Poles. The racial situation in 1919 is much disputed. The German element has certainly diminished greatly since. Many Germans emigrated voluntarily, the officials were recalled by the Prussian Government itself in 1921, and others have been forced to leave under varying degrees of pressure. For those who remain, Stolinski calculates 301,000. German figures give 330,000 to 340,000, of which about two-thirds are in Posnania, one-third in Pomerelia. Eighty-five to 90 per cent. of the population of both districts is now certainly Polish, but the existence even of the

few remaining Germans presents an acute political problem. Poland wishes to Polonize the district completely, while Germany is quite unreconciled to her losses, particularly in the Corridor.

(*b*) Polish Upper Silesia. Total population 1,330,000. A small corner, with 30,000 to 40,000 Germans, formerly belonged to Austria. The remainder, formerly German, was divided between Poland and Germany after a plebiscite, the conduct and method of which were much questioned. Stolinski puts the German population at 258,000, German figures 300,000 to 350,000. Here, again, there has been considerable emigration since the War. The towns are largely German, the countryside largely Polish, but although there are pure Germans and pure Poles, more are of an intermediate race known as 'Wasserpolaken', speaking a mixed dialect, and, if left alone, without any strong national consciousness. In origin they are probably mainly Polish with a strong German admixture, while their social interests often incline them towards Germany. Upper Silesia is another very difficult frontier case, on account, partly, of the very important economic interests involved.

(*c*) Galicia (ex-Austrian territory). 40,000 to 60,000 Germans, mostly small peasants, settled as colonists at the end of the eighteenth century.

(*d*) In Volhynia and Chelm are about 48,000 Germans, typical colonists, mostly living in two or three large islands.

(*e*) In Congress Poland are a large number of German colonists, both farmers and a considerable population of industrial workers, especially in Lodz. The German total is 320,000, Stolinski's about 210,000. Either figure forms a very small proportion of the total population and had world events turned out differently most of them would probably have become assimilated.

The *Great Russians* (1 to 200,000) nearly all peasants in eastern Poland.

Lithuanians (perhaps 100,000) nearly all in the north-east close to the present Lithuanian frontier. Their position is affected by the same complications as that of the Poles in Lithuania (q.v.).

Czechs (about 30,000), some along the Czech frontier in Silesia and other districts disputed in 1919 with Poland, others colonists in Volhynia. Their position is regulated by a special treaty.

DANZIG

Population (1923) 366,730, consisting almost entirely of Germans, who are to-day strongly nationalist, but also including 12,027 Polish-speaking and 1,629 bilingual (German and Polish). Polish figures for 1929 give 10,095 Polish-speaking citizens of the Free

State and 19,660 Polish-speaking foreigners. A special treaty, giving all Poles in Danzig very full liberties, was concluded in September 1933.

GERMANY

Only the minorities of German Upper Silesia are under League protection. Out of a total population of 892,547, the official statistics of 1925 gave 154,740 as Polish-speaking and 373,505 as bilingual. The Poles claim all of these as Poles, and they are probably in fact largely of Polish origin; but the great majority are 'Wasserpolaken' (see Poland), without a strong national consciousness unless incited by propaganda. The plebiscite figures show that many of them must have voted for Germany. There are also 10,069 Jews.

CZECHOSLOVAKIA

Population (1930) 14,300,000, of whom something over nine millions are Czechoslovaks.

The Czechs (about 7,200,000) inhabit Bohemia, Moravia, and Silesia. They were formerly under Austrian rule and after a glorious past were reduced in the seventeenth century to a peasant people. A national revival in the nineteenth century restored their national feeling and social structure, but much of the country's industry, finance, &c., still belongs to other races. The Slovaks (about 2,000,000) are closely akin to them racially, but have a different history, having been under Hungary. All classes of the nation above the small intelligentsia had been largely Magyarized by 1918.

The *Germans* number about 3,300,000. Of these about 8,000 inhabitants of the Hultschin district were transferred by treaty from Germany, and a small number from Lower Austria. About 150,000 live in Slovakia and Carpatho-Ruthenia, being descendants of old colonists in Hungary. The rest inhabited the former Austrian Crownlands of Bohemia, Moravia, and Silesia. They form over 30 per cent. of the population of Bohemia, nearly 40 per cent. of that of Silesia, and just under 10 per cent. of that of Moravia. The great majority of them live in almost solid masses in a belt extending roughly from the south of Moravia round the rim of Bohemia, through Silesia to north Moravia, thus including the chief mining and industrial regions. There are also large islands and colonies in the chief towns, including 40,000 in Prague. Great as is their numerical importance, their commercial and intellectual part in the country's life is even greater. Whether they are original inhabitants or later colonists is disputed, but they are in any case an ancient element in the population. From the early seventeenth to the mid-

nineteenth century they were masters of the country and still control much of its wealth and industry. Their complaint is not so much that they ought to belong to Germany or Austria as that they should be considered partners in the state.

The *Magyars* are officially estimated at something under 700,000, of whom 580,000 are in Slovakia and nearly all the remainder in Carpatho-Ruthenia, these being the old Hungarian parts of Czechoslovakia. The Hungarian estimate is much higher. In former Hungary many Jews (now listed separately) were given as Magyar-speaking and many other persons then counted as Magyars are now asserted to have been semi-Magyarized Slovaks, &c., and are counted as Slovaks. Further, there are a large number of stateless persons of Magyar origin domiciled in Slovakia. In their old kingdom the Magyars formed the ruling race, supplying practically all the administration, intelligentsia, &c. A large strip along the present frontier is also inhabited by a solid and undisputed Magyar peasant population. The Magyars are thus both former rulers and a frontier population, transferred against their will, to their present state.

The *Poles* number 90,000, almost exclusively 'Wasserpolaken', from Austrian Silesia, which was first disputed and then divided between Poland and Czechoslovakia in 1919. They are specially protected by an additional treaty with Poland.

The *Jews* formerly generally counted themselves as Germans in the Austrian territories and as Magyars in the Hungarian. They are now listed separately. The number given by the 1930 census as professing the Jewish faith was 354,338, as follows: Bohemia, 79,777; Moravia, 37,989; Silesia, 7,313; Slovakia, 135,918; Carpatho-Ruthenia, 93,341. These figures include foreigners and stateless persons. The Jews of the ex-Austrian provinces are largely assimilated, but those of the former Hungary are mostly typical 'Ostjuden'.

The *Ruthenes* are given by the census as Russians, on the grounds that they themselves are still uncertain what form their national aspirations will take. They are racially identical with the Ruthenes in East Galicia and the Bukovina. They give their own numbers as 587,000 (375,000 in Carpatho-Ruthenia and 212,000 in Slovakia). The census gives 447,000 in Carpatho-Ruthenia; the official figures for Slovakia are not available. There are only a few thousand immigrants in the other provinces. The Ruthenes at the end of the War declared for union with Czechoslovakia on a federal basis and the Czechoslovakian Peace Treaty contains a special chapter providing for an autonomous régime in Carpatho-Ruthenia. The

Ruthenes allege, firstly, that the frontier of this area was unfairly drawn, leaving over one-third of their numbers outside it, and, secondly, that the stipulated autonomy has never been granted. The Czechoslovak Government does not dispute the latter point, but argues that the backward state of the population makes it necessary to proceed cautiously. The Ruthenes stand, in fact, on a low cultural level. They are mainly peasants and woodcutters, and, although amiable, are both ignorant and superstitious.

AUSTRIA

Population (1923) 6,001,797. Austria is an ancient state in which the nationalities have been accustomed to meet on an almost equal footing. The Germans, were, indeed, favoured in many respects, yet many of them felt rather an Austrian than a German national patriotism. The reduction of Austria to an almost purely Germanic fragment has brought a certain increase in German national feeling.

Czechs and Slovaks. (*a*) In Vienna. The population of Vienna, the capital of old Austria-Hungary, was thoroughly cosmopolitan. A great number of Czechs lived in it, supplying many of the domestic servants and workmen, but represented also in all grades of society. Most of them quickly became assimilated and adopted the German language. The 1923 census gave 79,278 Czechs and Slovaks in Vienna, about 33,000 of whom were foreigners (nearly all Czechoslovak subjects, who under the Treaty of Brünn receive the educational rights of the Austrian Minority Treaty). The Czechs put this number higher, but the national consciousness of most Viennese Czechs is not high.

(*b*) In Lower Austria there were counted in 1923 11,108 Czechs and 2,796 Slovaks, of whom about half were foreigners (mostly seasonal and casual labourers). The figure is perhaps too low.

The *Jews* number perhaps 250,000, almost all in Vienna, where finance and trade, with many of the liberal professions, are largely in their hands. Some are entirely assimilated; others retain only their religion; while only the later arrivals keep their specifically Jewish characteristics.

Magyars. In the Burgenland are some 14,000 Magyars, consisting of some peasants, officials, railway workers, &c. They were transferred by Treaty against their will and resistance (which was successful in saving Sopron, the chief local town, for Hungary), and would present a serious irredentist problem were they more numerous.

Croats. In the southern Burgenland are about 42,000 Croats, imported from Bosnia in the sixteenth century to repopulate dis-

tricts ravaged by the Turks. They speak an antique dialect. They are Catholics and have intermingled readily with the surrounding Germans, who, like themselves, were until 1921 a minority in the Hungarian state.

Slovenes. In southern Carinthia, separated only by the frontier from Yugoslavia, are a number of Slovenes estimated by themselves at 71,000, by the Austrians at 37,000. Many of them, when a plebiscite was taken, voted for Austria, to which they are historically and economically attached. A fraction of them are nationalist and irredentist. They are Catholics, and nearly all peasants.

HUNGARY

Population (1920) 7,980,143, of which 7,147,053 were given officially as speaking Magyar as their mother tongue. (The census was taken by language and not by nationality.) This figure includes a large number of Jews and a diminishing number of gipsies. Hungary is an old state, and by policy a Magyar national state. The relationship between the dominant Magyars and the other nationalities has not been changed by any recent events.

Germans (591,211; 1931 census, 478,000). German immigration into Hungary is of exceedingly ancient date, and up to comparatively recent times practically all Hungarian towns were mainly German. These urban Germans have now been almost completely Magyarized. The present German-speaking population consists mainly of colonists, drawn from all parts of Southern Germany. A few colonies on the west frontier are of ancient date. Most date, however, from the seventeenth and eighteenth centuries. These are strongest round Budapest, north of Lake Balaton, and in south-western Hungary (known of old as 'Swabian Turkey'). Most of the German colonies in south Hungary have now been assigned to Yugoslavia and Roumania, while part of the western frontier district has been transferred to Austria. The 'Swabians' of Hungary are not irredentist, even in the west, and have always been patriotic Hungarians, although anxious to keep their national language and culture.

The *Slovaks* (141,882; 1931 census, 104,822) are colonists and immigrants who followed the retreat of the Turkish armies. There is a colony immediately north of Budapest, and others scattered throughout Hungary, chiefly in the south-east. They are almost entirely a peasant people, as the Slovak intelligentsia before the War was usually Maygarized, even in the predominantly Slovak Counties now attached to Czechoslovakia, and much more so in the more scattered communities. There is considerable dispute about their

numbers, Czech writers arguing that these are in reality much higher, and that many 'Magyars' are in reality Magyar-speaking Slovaks. The Hungarian authorities state that, on the contrary, many 'Slovaks' are Slovakicized Magyars. Both of these statements are most likely true.

The *Croats* (36,858) live mainly just on the Hungarian side of the well-defined historic frontier of Croatia. Others live near the Austrian frontier, and belong to the same class as the Croats of Austria.

The *Roumanians* (23,760) are also a frontier minority, representing the outposts of Roumanian penetration. They are peasants.

The *Serbs* (17,131) are colonists from the seventeenth century. Most of the territory thus colonized has now been incorporated in Yugoslavia; the Serb villages remaining in Hungary are cut off from other Serb-speaking districts by a belt of German, &c., villages. There is one centre north of Budapest, and a considerable colony in Budapest itself.

The 60,748 'others' include the few thousand gipsies who do not speak Magyar, and 23,000 'Bunyevaci, Sokaz, Illyrians, Dalmatians and Bosniaks', i.e. Southern Slavs of similar origin to the Serbs and Croats, and speaking the same language, sometimes with dialectical differences, but usually Catholic by religion and with historical traditions of attachment to Hungary.

The *Jews* are estimated by their own representatives at 520,000. Nearly all of them are included in the census among the Magyar-speaking population. Many of them are in fact entirely assimilated, and even more would like to be. The Jewish national movement is comparatively recent. They created much of the financial, commercial, &c., life of Hungary, and play an important part in its intellectual life. A strong anti-Semitic movement was evoked by the economic stress of the War and the subsequent large participation by Jews in the revolutions of 1918 and 1919.

Most of the numerous gipsies are Magyar-speaking. They are a popular and traditional feature of Hungarian life, but diminishing through disease.

ROUMANIA

Population (1930) 18,025,237. The Roumanians constitute about three-quarters of the total population. In Moldavia and Wallachia they have been the dominant nationality for nearly a century, and in the northern Dobrudja for half a century. In Bessarabia they were until 1918 a minority under Russian rule; in Transylvania and the Banat a minority under Hungarian rule; in Bukovina one of four nationalities on approximately equal terms.

The *Magyars* number something between 1,387,719 (Roumanian official figure) and 1,900,000 (Magyar figure). This difference in calculation is due partly to the fact that the Magyars include Magyarized Jews and some Magyar-speaking peoples belonging to the Orthodox and Uniate Churches, whom the Roumanians count as Serbs, Ruthenes, &c., as well as the Magyarized population of Satu Mare.

(*a*) About 100,000 to 150,000 lived in Old Roumania before the War. These include some workmen, many domestic servants in Bucharest, a few Magyar villagers, and the so-called 'Csángó' in Moldavia, who have inhabited that country for many centuries and are partially Roumanized.

(*b*) 10,000 to 12,000 inhabit the Bukovina, which before the War was Austrian, not Hungarian, territory.

(*c*) 1,100,000 to 1,300,000 live in territory transferred from Hungary under the Peace Treaties, greatly against the will of its Magyar population. Some 500,000 of these, the so-called 'Székely', live in compact masses in eastern Transylvania, separated from their compatriots by territory inhabited mainly by Roumanians. The Székely are perhaps not of true Magyar origin, but have long been completely Magyarized. They were free peasants and formerly constituted one of the three ruling 'nations' of Transylvania. About the same number live in compact masses on Roumania's western frontier—a typical and very difficult frontier minority. The remainder are scattered throughout Transylvania, often in large blocs (nearly 40,000 in and round Cluj). They include all classes, from the large landowner and high official to the peasant, and almost all have suffered from the reversal of their position as the privileged nationality in Hungary.

The *Germans* number about 720,000. (*a*) About 225,000 'Saxons' in Transylvania, descendants of very old colonists. Formerly much of the land of Transylvania was their preserve, and they ruled the country, with the Székely and Magyars. They lost many privileges in the nineteenth century under Hungarian rule. Their numbers have now diminished, but they are still numerous in and round Kronstadt, Hermannstadt, and Bistritz. They are Protestants, exclusively peasants and middle class with a very high cultural tradition and elaborate national organization.

(*b*) About 280,000 'Swabians' in the Banat and others round Satu Mare. These are immigrants from central and western Germany, settled in their present homes, the former by the Austrian Emperors, the Satu Mare group by a Magyar landowner, in the

eighteenth century. Unlike the Saxons they never formed a national community, but the villages were free, privileged, and prosperous until the agricultural depression of the nineteenth century. They are peasants or small middle class, nearly all Catholic and accustomed to a higher standard of living than their neighbours. Many of them, the Satu Mare group in particular, were rapidly becoming Magyarized under Hungarian rule, but Roumania has encouraged their national feeling in order to weaken the Magyar element.

(*c*) About 70,000 to 80,000 in the Bukovina, settled there in the eighteenth and nineteenth centuries, some peasants, some urban. They are Catholics and highly cultivated. Czernowitz (Çernauți) is still largely a German town and its University, now Roumanized, was an outpost of German culture.

(*d*) 80,000 to 100,000 in Bessarabia, settled there in the nineteenth century under the Russian Government, which favoured them in many ways. Protestants and agriculturists, the most advanced and most favoured of the peoples of Bessarabia.

(*e*) About 8,000 in the Dobrudja, settled there since about 1850. Prosperous small farmers.

(*f*) About 10,000 merchants, workmen, &c., in Old Roumania.

The *Jews* number about 900,000–1,000,000. There are a few old colonies of Sephardim which are completely assimilated, but the bulk are Ashkenazim.

Most of the Jews of Old Roumania (about 250,000) immigrated from Poland in the seventeenth and eighteenth centuries. They present a problem similar to that of Poland. They form a very high proportion of the population of all towns, especially the smaller ones, and almost monopolize the business life of Roumania, except what is in foreign hands or what is debarred from them; and even there they rule from behind the scenes. They are typical *Ostjuden*, Orthodox in their religion, dress, and manners, speaking Hebrew or Yiddish. Anti-Semitism is traditional in Roumania; for long the Jews were denied citizenship and many are still excluded from it (see p. 509). Until recently the chief desire of most of them was for assimilation, except religious, and their chief complaint denial of equality.

In Bessarabia (250,000 Jews) conditions are very similar. In Kishinev 40 per cent. of the population are Jews, and this town was in 1905 the scene of the worst pogrom of modern times. There are many recent refugees from Soviet Russia. The Bukovina contains over 200,000 Jews, also *Ostjuden*; Czernowitz and the other towns are largely Jewish. Here, however, the Jews, who suffered less

from the Austrians than from the Russians or Roumanians, have more national culture and pride. Of the 250,000 Jews of the ex-Hungarian districts, those in the mountain valleys are Orthodox *Ostjuden*, while those of the south and west are largely Magyar in speech and feeling and European in appearance.

The *Ruthenes*, or *Ukrainians* (500,000 to 600,000) live in compact masses in north Bukovina and north Bessarabia and in smaller numbers in central and south Bessarabia, and in the mountains of western Bukovina and Maramureş. They are almost exclusively peasants, and have low cultural standards. They have never belonged to an organized Ukrainian state, but most of them were transferred to Roumania against their will, and some of them hoped in 1918 to form part of a Ruthene state with east Galicia. They may in the future become an irredentist problem.

The *Russians* (100,000 to 200,000) include peasant colonies in Bessarabia, fishermen near the Danube mouth whose ancestors fled from Russia centuries ago to escape religious persecution (Lipovans), some other descendants of Russian heretical sects who took refuge in Old Roumania (Raskolniki, Skopts; the latter are the cab-drivers of Bucharest), and some landowners, officials, and business men from the old Russian régime in Bessarabia.

The *Bulgars*. (*a*) In Wallachia there are several villages of Catholic Bulgars, and colonies in most of the large towns, descendants of immigrants, some of ancient date, others of the nineteenth century. They are partially assimilated and bilingual. Other eighteenth-century fugitives from Turkey settled in the Banat, where there are several substantial village communities, also Catholic. The total of this category is 15,000 to 20,000.

(*b*) During the Russo-Turkish Wars of the eighteenth and nineteenth centuries large numbers of Bulgars who had helped the Russian Armies followed their retreat and took refuge in south Russia. Some formed colonies in existing towns, but most settled in compact masses in the steppe land of south Bessarabia, which was then evacuated by the Tatars. The district round Bolgrad became known as New Bulgaria. Here the Bulgars, who number to-day 150,000 to 350,000, form far the largest element in the population. Although typical colonists, they have an active national culture and sentiment. Under Russian rule they enjoyed special privileges, confirmed when their homes were ceded to Moldavia in 1856, continued when they were retransferred in 1878, and lost only when they became Roumanian again in 1917/18.

(*c*) There are 60,000 to 100,000 Bulgars in North Dobrudja,

mainly peasants living in purely Bulgarian villages. Since the country became Roumanian in 1878 it has been largely Roumanized by colonization and assimilations, but the Bulgars retained their national consciousness, although no complaints of irredentism were made against them before 1914.

(*d*) 130,000 to 150,000 Bulgars form the largest element in south Dobrudja, which was ceded by Bulgaria to Roumania in 1913, subsequently occupied (1916) and recovered (1918) by Bulgaria, receded to Roumania in 1919. They are mainly peasants with a small middle class. Historically, nationally, and economically they belong to Bulgaria and are a typical frontier minority transferred to their present state against their will and interests.

The position of all Bulgars in the Dobrudja has been much aggravated by the fact that they took sides with the Bulgarian army and administration in 1916–18.

The *Turks*, *Tatars*, and *Gagauz* number together 175,000 to 230,000. They inhabit chiefly south Bessarabia and the Dobrudja. In south Dobrudja the Turks form fully one-third of the total population. They are survivors of the former Turkish rule in the Balkans, while the Tatars and probably the Gagauz, whose origin is uncertain, are descendants of still older invasions along the north coasts of the Black Sea. Under earlier régimes the Turks in particular, but also the Tatars, who are also Mahomedans (the Gagauz, although speaking a Turkish dialect, belong to the Orthodox Church), were privileged above their Christian neighbours, whom they had licence to oppress freely. All three races now lead a harmless and respectable existence as peasants or small traders.

The *Gipsies* probably number at least 150,000, over half of these living in Old Roumania, where they were slaves up to 1848, and are still among the most miserable and degraded of the population. In the Dobrudja certain of them are still nomads or troglodytes, but in most parts of Roumania they live on the outskirts of the villages. Except for their thievish habits, they are not unpopular.

The *Serbs* number over 60,000. There are a few villages of old standing in Wallachia, but most live in villages in the Banat, near the Serb frontier, but interspersed with Roumanians and Magyars. The Banat was claimed whole by Yugoslavia at the Peace Conference, but has never formed part of the Serb state, these colonists having been refugees from the Turkish yoke.

There are over 50,000 *Czechs* and *Slovaks* in Old and New Roumania, including some Slovak villages in the Banat.

The *Poles* (about 40,000 to 50,000) live scattered in villages and

towns throughout Old and New Roumania, chiefly in the Bukovina, including a considerable colony in Czernowitz, and in Bessarabia. They do not form a frontier minority, the frontier between Poland and Roumania being inhabited on both sides by Ruthenes. They are traders, peasants, and members of the liberal professions.

The *Armenians* (12,000) are merchants, advocates, manufacturers, &c. They retain their religion, but are otherwise practically assimilated.

The *Greeks* (about 10,000) are mostly small merchants or bankers. In the eighteenth century the ruling class in Roumania was Greek, but their descendants are Roumanized, although often retaining their wealth and position. Recollections of earlier days have made Greeks unpopular in Roumania.

YUGOSLAVIA

Population (1921) 12,017,323. Of these, the three *Staatsvölker* were officially estimated as comprising some 10,000,000 (Serbs and Croats, 8,946,884; Slovenes, 1,024,761). These figures were certainly too high, as not only the Macedonians, but also the Bulgars of the Tsaribrod district were counted as Serbs. The true figures are probably approximately: Serbs, 5,000,000; Croats, 3,500,000; Slovenes, 1,000,000.

Germans. 573,472 (official figure); about 600,000 (German figure).

(*a*) About 350,000 in the Banat, Bačka, and Baranya, former Hungarian territory, transferred in 1919 to Yugoslavia. These are descendants of eighteenth-century colonists, and are themselves typical colonists, prepared to give loyalty in return for good treatment. The separation from Hungary was not effected by their wish, but they cannot, naturally, be irredentist, nor were they ever a ruling class. Intelligent and with a fairly high standard of living.

(*b*) About 125,000 in Croatia and Slavonia, also for the most part colonists living in small but compact islands of population.

(*c*) At least 40,000 in Slovenia, partly peasants but to a large extent forming the urban population in a Slovene countryside. Some of their towns, e.g. Maribor (Marburg), are very near the Austrian frontier. Formerly a privileged class, as against the Slovenes, and still culturally and economically more advanced. Their position is thus difficult. Many have been registered as Slovenes through analysis of names.

(*d*) There are a few colonies in Serbia, and some traders and ex-officials, &c., in Bosnia.

Magyars. 467,658 (official figure). By far the greatest number

live in the formerly Hungarian districts of the Banat, Bačka, and Baranya. They form the majority in most of the towns, also many villages, and include all classes of society from landowners, officials, and rich traders to peasants. Under Hungarian rule they were the most favoured element in the local population; to-day they are the least favoured. They are also a frontier minority, although the population in the actual frontier districts is mainly German and partly also Slavonic.

Some 70,000 live in Croatia, including a few members of the former ruling classes, but mostly employees and workmen. There is also a small number in Bosnia.

Albanians. 441,740 (official figure). Other estimates put the number as high as 700,000. There are small colonies in most towns of Serbia, but by far the greatest number live on the borders of Albania in the west of Macedonia and south Serbia, and the south of Montenegro. Practically all are Moslems. They are peasants, shepherds, and village traders and artisans. A typical frontier minority.

Italians. Official figures give 5,046 in Croatia and 4,586 in Dalmatia. Italian official figures give a slightly higher number; some Italian unofficial writers talk of 50,000, 100,000, and even 150,000. They seem to include the 'Maurovalachi', a branch of the Vlachs (see Greece), who certainly constituted a considerable proportion of the population of Istria and Dalmatia up to a century ago, but are now almost entirely assimilated to the Slavs. The Italians proper are town-dwelling, with a few fishermen. The civilization and aristocracy of much of Dalmatia in the Middle Ages and Renaissance period was Italian, but the Slav flood has swept away all save these remnants. Few as they are, they are yet a 'frontier population' in view of Italy's claims to Dalmatia. The Italian optants in Dalmatia are also entitled by special treaty to continue to reside there and to enjoy the benefits of the Yugoslav Minorities Treaty. They number a few thousands only.

Czechs and *Slovaks.* Some 70,000 Slovaks and 47,000 Czechs, and Ruthene, Polish, and other Slav elements, amounting in all to about 175,000, mostly colonists in the old south Hungary, but also in Bosnia, Old Serbia, &c. Partially assimilated. There are also a considerable number of Russian refugees (Wrangel's army), employed in the administration and the army.

Roumanians. 229,398 (official figure); in reality probably more numerous.

(*a*) 70,000 in the Banat, in villages interspersed with German, Slav, and Magyar villages, correspond to a Serbian element in the

Roumanian Banat. Both Serbia and Roumania claimed the whole Banat at the Peace Conference, on ethnographical grounds.

(*b*) 150,000 in the Timok valley. Exclusively peasants and shepherds. Descendants of old immigrants, practically indigenous. Until recently, were almost without national consciousness, but seem to-day to resent the methods of assimilation which are being applied to them.

(*c*) 10,000 to 20,000 nomad or sedentary Kutzo-Vlachs in Macedonia, akin to the larger colony in Greece (q.v.). Many are becoming assimilated.

Jews. About 65,000.

(*a*) About 12,000 Spaniole Jews are old and not unpopular inhabitants of Serbia. The 12,000 Bosnian Jews are also mainly Spanioles. Nearly 40,000 Jews were transferred to Yugoslavia from the former south Hungary, and Croatia. These were largely semi-Magyarized Ashkenazim, and had, in many cases, a Magyar national consciousness.

Bulgars (official figure, 0).

(*a*) Undisputed Bulgars: A strip of territory along the west frontier of Bulgaria was assigned to Yugoslavia for strategic reasons in 1919. The population, about 70,000 strong, is pure Bulgarian. It constitutes a frontier minority of the most unfortunate type. Its economic as well as its national interests are those of Bulgaria.

(*b*) Bulgaro-Macedonians: According to the Serbs, this Slavonic population is purely Serb; according to the Bulgars, purely Bulgarian. They themselves have appealed to the League on several occasions to be granted minority rights. They form an intermediate race, akin in some respects to the Serbs, in many more respects to the Bulgars, with many peculiarities entirely their own. Estimates of the numbers vary, but the total is probably approximately 600,000. Another 'frontier minority' of the most luckless type, subjected to every endeavour of assimilation and repression.

A few thousand Turks remain in Macedonia and southern Serbia; a considerable number of Gipsies, and some small minorities of other races.

ALBANIA

Reliable statistics are not available; the total population is about 850,000 to 900,000. The chief minority consists of the *Greeks* (estimates vary from 0 to 150,000; probable figure about 50,000). They live in southern Albania, and the chief mark of their origin is their religion (Greek Church). Perhaps 50,000 speak Greek regularly, but practically all are bilingual, and whether they are

Hellenized Albanians or semi-Albanized Greeks is a question which no man can resolve.

There are about 10,000 Gipsies; a few Bulgarian villages; a few thousand Serbs and Montenegrins; a handful of Spaniole Jews; and a considerable number (10,000 to 20,000) Vlachs or Aromounes, akin to those of Greece (q.v.).

GREECE

Population (1928) 6,204,684. In Old Greece the Greeks have been the masters for a century, in New Greece they have had to throw off Turkish rule and also to substantiate their claims against the Albanians in the north-west and the Bulgars in the north-east.

Turks. The Census gave 86,506 Turkish-speaking Mahomedans, who constitute the true Turkish minority. They are concentrated almost exclusively in West Thrace, in parts of which they form a strong local majority, living in compact masses. They were exempted from the exchange of population. They are nationally conscious, but Greece and Turkey have mutually renounced designs on each other's territories. A few live also in some of the Greek islands. Nearly 400,000 have left Greece under the recent exchange of population.

There were also some 105,000 Turkish-speaking adherents of other religions (99 per cent. Greek Orthodox), mainly refugees from Asia Minor, who although Turkicized linguistically have retained the memory of their Greek origin and feel themselves as Greeks.

Albanians.

(*a*) A large number of Albanians inhabit central Greece. Attica in particular, including parts of Athens itself, is largely peopled by persons of Albanian origin; so are some districts of the Morea, and other parts of Greece. These Albanians are the descendants of immigrants, and have for a century past identified themselves with Greek national life and feeling. Among recent Greek ministers, &c., Miaoulis, Condouriotis, Pangalos, and many others belonged to them. The Greek census apparently counts them as Greeks, since it gives under two hundred Albanian-speaking non-Mahomedans. Other estimates run as high as 150,000, 200,000, and even 350,000.

(*b*) The census gives 18,598 Albanian-speaking Mahomedans. These are for the most part nationally conscious Albanians, living near the borders of Albania to-day. Some, however, may have Turkish national feeling. Other sources put the figure much higher (65,000) There are probably also some Christians with an Albanian national consciousness.

Bulgars and *Bulgaro-Macedonians*. The census gives 16,755 Bulgarophone Mahomedans. These are Pomaks (see Bulgaria) living in the mountains near the Bulgarian frontier. It gives also 81,844 Slav-speaking Orthodox Christians. Practically all of these undoubtedly feel themselves Bulgarian. Bulgarian sources put the number at 300,000. At the end of the War it was higher, but under the exchange of populations (see Chapter XI, section 2) 52,000 emigrated to Bulgaria. Those who remain possess active national consciousness, but they are now separated from Bulgaria by a solid Greek bloc, since Thrace and eastern Macedonia were cleared of Bulgars, and it was only the colonies in west Macedonia which remained.

Spaniole Jews. Some 63,000, almost all living in Salonica where, until the influx of refugees, they formed a large proportion of the population, and dominated its trade and finance. They are descended from sixteenth-century refugees from Spain and Portugal, who were given asylum by the Turks. Their situation has become more difficult under Greek rule, as the Greeks, unlike the Turks, are their professional rivals.

Kutzo-Vlachs. Official figure, 19,703. Other estimates run into hundreds of thousands, but the best authority (Weigand) puts the total number of Balkan Vlachs only at 140,000. They are probably descended from Roumanized Thracians or Illyrians. They speak a debased Latin dialect akin to Roumanian. Their presence in the Pindus district is attested in the Middle Ages. They are a wild, largely nomadic race of shepherds and cattle-breeders. When their national feeling awoke in the nineteenth century, the Roumanian Government constituted itself their protector and paid for their educational system. Some have migrated to Roumania, but many are undoubtedly in process of assimilation with the sedentary races, their neighbours; particularly as the pressure of population forces them to abandon their traditional mode of life. Their largest colony is to-day in the Pindus, but they are found throughout the Balkans.

Armenians. 33,634, mostly recent refugees from Asia Minor. Many of them are now (1934) leaving Greece for Soviet Erivan.

The other Greek minorities are numerically small. They include nearly 4,000 Gipsies and 3,000 Russians, many of whom are monks from Mount Athos, specially protected under the Treaty of Berlin and the present Minorities Treaty.

BULGARIA

Population (1926) 5,478,741. The Bulgars have been independent for over fifty years, and have acquired little recent territory.

Their relations with the Serbs, Greeks, and Roumanians are unfavourably affected by the treatment accorded by those states to their Bulgarian minorities.

Turks. About 580,000, mostly settled in the richer plains of north-east and south-east Bulgaria, and round certain old fortresses, such as Vidin. They are survivors of the old days of Turkish rule, when Turks colonized Bulgaria in large numbers, appropriating the richest lands. They were formerly a privileged, ruling nation; but the Turkish governing classes have left Bulgaria. These are peasants, who are indulgently treated and live on excellent terms with the Bulgars. Since Mustapha Kemal's innovations in Turkey, Bulgaria has been a refuge for Turks who cling to the old ways. There is no irredentism.

In a similar position are the 6,000 *Tatars* colonized in north-east Bulgaria from Crim Tartary in 1861, and now peaceful farmers. The 4,000 *Gagauz* (see Roumania) are a diminishing race.

The *Gipsies* number 135,000. Some are nomadic, most inhabit their own (particularly filthy) quarters on the outskirts of towns and villages. Most of them are Mahomedan. Some two-thirds speak Romany, the others Turkish, Bulgarian, or Roumanian. They are smiths, horse-copers, musicians, porters, hangmen, and scavengers.

The *Roumanians* number about 70,000. The majority live round Vidin and along the Danube, being emigrants from Wallachia. The Danube is a time-hallowed boundary, and they are not irredentist. In the Rhodopes there are also some nomadic Kutzo-Vlachs. The Roumanian Government supplies a few schools.

The *Jews* (46,550) are mostly Sephardim and very old inhabitants of Bulgaria. The great majority speak Spaniole, and many of them are Spanish subjects. They are a prosperous community, and suffer little from anti-Semitism, although the Macedonian Committee has mulcted them heavily for the Cause.

The *Greeks* numbered 67,000 in 1905. At that time very ancient Greek communities of traders, fishermen, and peasants existed along the seaboard and in the Maritsa Valley. Many of them migrated after the riots of 1905, others were exchanged after the War, and only about 10,000 are left. They are rather unpopular, but not a frontier population.

The *Armenians* are in part (6,000) survivors of colonies planted in the Maritsa Valley, especially Philippopolis, over 1,000 years ago. Others took refuge in Bulgaria from Turkey after the various massacres, culminating in 1922. The total is now some 27,000, many of them not Bulgarian subjects. Many of the new-comers

work in the tobacco factories. In the Balkan Wars they formed an Armenian legion against the Turks.

The *Russians* (some 20,000) are mainly refugees, remnants of General Wrangel's army. Some of the officers have been placed in the army and administration, the rank and file work in the coal-mines and on the roads.

The other minorities (Serbs, Germans, Albanians, &c.) are very small. Of the Bulgars, some 102,000 Pomaks constitute a religious minority. They are pure Bulgaro-Slavs, speaking Bulgarian, but their ancestors were forcibly Islamized in the seventeenth century. They inhabit the fastnesses of the Rhodopes. In the Balkan Wars many of them took the Turkish side, and were subjected to regrettable treatment by the Bulgars. To-day they have settled down politically (although somewhat lawless in habits) and their religion is respected.

TURKEY

Population (1927) 13,648,270. The Turks are the dominant race, and are now very strongly nationalist.

Non-Moslem Minorities (under League protection).

Greeks. About 115,000, almost exclusively in Constantinople. In 1919 the Greek population of modern Turkey was at least 1,500,000, but massacre, deportation, and exchange swept Turkey clear of them, except the Constantinople community, which was exempted from the exchange. They are merchants, bankers, members of the liberal professions, &c.

Armenians. About 65,000, of whom 37,000 are in Constantinople (an urban, largely middle-class community), the remainder surviving in what used to be the *vilayets* of Turkish Armenia. Of the 2,000,000 Armenians of Turkey in 1914, all the rest have been massacred, deported, or expelled.

Jews. About 82,000, some descendants of very ancient Hebraic colonies, others Spaniole immigrants. They played a large part in the financial and commercial life of Old Turkey, and live on not unfriendly terms with the Turks.

Bulgars. About 20,000 in Constantinople (an old colony), and a few villages, both in Thrace and in Anatolia. Most of the Bulgarian population of Turkey has now left it.

There are also several thousand English-, French-, and Italian-speaking 'Levantines' in Constantinople and Smyrna.

The Moslem populations are not under Treaty protection, but it will be convenient to mention the existence of quite 1,200,000 Kurds, living in compact masses in eastern and south-eastern

Anatolia, near the borders of 'Irāq and Persia. In recent times the Kurds have developed a strong nationalist feeling and an active aspiration towards some form of independence. The Arabs (about 135,000) and Circassians (95,000) are also important, for the most part frontier minorities. The Albanian are mostly in Constantinople, Smyrna, and Broussa.

'IRĀQ

Population about 3,000,000 of whom the majority are Arabs, who are, however, themselves divided. The government and power lies with the Sunni Arabs although the unorthodox and old-fashioned Shia Arabs are actually more numerous by about 60,000. The Arabs are recently emancipated and the Sunnis in particular are just entering on a period of acute nationalism.

The *Kurds* (about 500,000) are a very wild and intractable people, concentrated in the mountainous area of the Mosul *vilayet*, separated by the frontier from their brothers in Turkey and Persia. Although they are still very disunited and local differences are great, there is to-day a strong Kurdish nationalism, nowhere satisfied, and the Kurds already present a serious problem, which may become more serious still. There have already been risings which could only be put down by force and by the assistance of British bombing aeroplanes.

The *Jews* (about 88,000) are scattered throughout the country, which they have inhabited since time immemorial. Every town has its colony. They have always lived at peace with the Arabs, but recent events in Palestine have affected their position somewhat unfavourably.

The *Chaldean Christians* (40,000) and *Syrian Uniates* (15,000 to 20,000) are also old inhabitants of the 'Irāq, and have suffered more than the Jews from religious intolerance.

The *Turks* and *Turkomans* (39,000) live mainly in the Kirkuk district, and have hitherto lived on reasonable terms with the Arabs.

The *Assyrians* (40,000) are Nestorian Christians. They were brought into 'Irāq by the British as refugees, their old homes being now in Turkish territory. Only a few of them have become 'Irāq citizens. They were used by the British Mandatory Power as armed levies, being particularly resolute fighters, and have thus stood apart from most of the population. About 20,000 have been settled in the north, although in dispersed groups and in unsuitable country. The remainder are still (1933) unsettled, and lost their living as levies when the Mandate terminated. The majority have

expressed their wish to be settled in a compact community, with wide self-government. Suitable land for them has not, however, been found. They are mountaineers and cannot easily inhabit low country. Attempts are being made (1934) to transfer all or most of them to another country.

The *Armenians* (about 10,000) are survivors of the Turkish deportations of 1915–16. They have not yet settled down, and may leave ʿIrāq for Soviet Erivan.

The *Persian Shias* of the Holy Cities form a long-established and important community, but are not strictly a minority, being protected by their own Consuls.

The *Mandaeans* numbered only 4,800 at the last census, and are a diminishing race, as they accept no converts and leave the community if they marry outside it. They are a singularly innocent people, pacifist, largely vegetarian, and believers in another, sinless and happy world. Washing plays a large part in their religion. They are peasants or silversmiths by trade.

The *Yezidis* live in two communities: about 10,000 in mountain villages north of Mosul, the others in the Jebel Sinjar, south-west of Mosul and stretching out into the desert. The frontier with Syria cuts this latter community, which numbers about 36,000, in two. Other small groups of this nation are scattered throughout Turkey, Syria, and Persia. They are formidable fighters and peculiarly obnoxious to the Arabs. Besides the probability that the Arabs will oppress the Yezidis, there is also always a danger that the Syrian Yezidis may be turned against the Arabs. Their origin is uncertain. They are Kurdish speaking, and for religion abhor the colour blue, refuse to pronounce names beginning with the letter 's', and revere Satan in the form of Melek Taus, the Peacock Angel.

BIBLIOGRAPHICAL NOTE

A COMPLETE bibliography, either of works on nationality in general, or on the narrower question of the protection of minorities, would fill a volume. Indeed, the excellent annotated *Das Minoritätenproblem und seine Literatur*, by J. Robinson (Berlin, 1928), fills a volume without going outside the narrower field. I can do no more here than mention a few of the better works known to me.

On the theory of nationality, R. Johannet, *Le Principe des Nationalités* (Paris, 2nd ed., 1923); Le Fur, *Races, Nationalités, États* (Paris, 1922); Redslob, *Le Principe des Nationalités* (Paris, 1930); A. E. Zimmern, *Nationality and Government* (London, 2nd ed., 1919); E. Barker, *National Character* (London, 1927); T. Ruyssen, *Les Minorités Nationales d'Europe* (Paris, n.d.); G. P. Gooch, *Nationalism* (London, 1920); B. Joseph, *Nationality: its Nature and Problems* (London, 1929); of older works, Renan's famous essay *Qu'est ce qu'une Nation?* (Paris, 1882) is not yet out of date. Most political philosophers, such as Mill, Lord Acton, Mazzini, Masaryk, &c., have occupied themselves with the theory of nationalism. Somewhat more historical in outlook, tracing the development of national feeling in different countries, O. Bauer, *Die Nationalitätenfrage und die oesterreichische Sozialdemokratie* (Vienna, 1907), a lengthy but very brilliant work; Dr. I. Seipel, *Nation und Staat* (Vienna, 1917); C. J. H. Hayes, *Essays on Nationalism* (New York, 1928); J. Oakesmith, *Race and Nationality* (London, 1919), written with special reference to England; the very able works by E. Mitscherlich, *Der Nationalismus und seine Wurzeln* (1912), *Der Nationalismus Westeuropas* (1920); J. Holland Rose, *Nationality in Modern History* (London, 1916); M. H. Boehm, *Europa Irredenta* (Berlin, 1923), containing many details of national movements in the past; D. Krstitch, *Les Minorités, l'État et la Communauté Internationale*, dealing more specifically with the position of minorities, and giving much useful matter as well as some that is irrelevant.

A bibliography for my second and third chapters would be practically equivalent to an historical bibliography of Europe and I cannot attempt it. English readers interested in the systems of privileges, personal law, &c., of eastern Europe may care to consult, *inter alia*, F. Dahn's monumental *Die Könige der Germanen* (Leipzig, 1857–1909, 20 vols.) for the early Germanic systems. Endlicher, *Monumenta Rerum Hungaricorum Medii Aevi* (Budapest, 2nd ed., 1932) has a full collection of early Hungarian privileges. A. H. Lybyer,

The Government of the Ottoman Empire in the Time of Suleyman the Magnificent (London, 1913) is good for the early Turkish period, and 'Odysseus' (Sir Charles Eliot) *Turkey in Europe* (London, 1900) most entertaining for a later phase. The best accounts of minorities are usually to be found in local histories, e.g. G. D. Teutsch, *Geschichte der Siebenbürger Sachsen* (Hermannstadt, 4th ed., 1925, 4 vols.), or F. Kaindl, *Geschichte der Deutschen in den Karpathenländern* (Gotha, 1907–11, 3 vols.)—both first-class works. For the Jewish question, S. M. Dubnow, *History of the Jews in Russia and Poland* (Philadelphia, 1916, 3 vols.), or J. Meisl, *Geschichte der Juden in Polen und Russland* (Berlin, 1922, 3 vols.), with interesting details of the Kahal system. M. Rosenfeld, *Die polnische Judenfrage* (Vienna, 1918), J. M. Cargher, *Die Judenfrage in Rumänien* (Berlin, 1918), and O. I. Janowski (see below) carry the story up to the present day.

For the theory and first phase of modern nationalism, Ruyssen, op. cit., is valuable. F. Meineke, *Weltbürgertum und Nationalstaat* (Leipzig, 1908) is valuable for the development of German thought, but most important of all are the works of Herder, Fichte, &c., themselves. A. Fischel, *Der Panslawismus bis zum Weltkrieg* (Stuttgart, 1919), is most valuable for the Slavonic renaissance. For Hungary, see the works of Professor R. W. Seton-Watson, *Racial Problems in Hungary* (London, 1908), *The Southern Slav Question* (London, 1911), &c.—strongly sympathetic to the 'nationalities'; A. Popovici, *Die Vereinigten Staaten von Gross-Oesterreich* (Leipzig, 1906), by a Hungarian Roumanian. The Magyar view is put by the Hon. C. M. Knatchbull-Hugessen, *The Political Evolution of the Hungarian Nation* (London, 1908, 2 vols.), and is assumed, rather than argued, in many Hungarian histories. It is argued retrospectively, but very amply, in the literature issued to-day by the Magyar Revision League. C. Vincent, *Nationality in Hungary* (London, 1919) is short and sensible. For Germany, the best material is to be found in histories of Poland or Alsace. On the other side, the publications of the Pan-Germans, such as the *Alldeutscher Verband*, the *Südmark*, &c., are very illuminating. For Russia, see Fischel, op. cit., and Mirsky, *History of Russia* (London, 1931). For the Balkans, Seton-Watson, *The Rise of Nationality in the Balkans* (London, 1917), gives an excellent account, with bibliography. For Austria, there are innumerable polemical works, but the best plain accounts of the national conflict are probably those of L. Eisenmann, *Le Compromis Austro-Hongrois de 1867* (Paris, 1904), and P. Samassa, *Der Völkerstreit im Habsburgerstaat* (Leip-

zig, 1910), both of these treating of Hungary also. Indispensable are the works of the Social-Democrats, Bauer, op. cit., and 'Rudolph Springer' (Karl Renner), *Der Kampf der oesterreichischen Nationen um den Staat* (Vienna, 1902), *Grundlagen und Entwicklungsziele der oesterreichisch-ungarischen Monarchie* (Vienna, 1906), *Das Selbstbestimmungsrecht der Nationen* (Leipzig, 1918), and *Oesterreichs Erneuerung* (Vienna, 1916). These are among the most valuable of all works on the national question, as they attack the question of the multi-national state squarely, and consider the conditions for its further existence. M. Anin's work, *Die Nationalitätenprobleme der Gegenwart* (Riga, 1903), is, unfortunately, unknown to me; from its table of contents, reproduced by Robinson, it should be valuable.

For my fifth chapter, see particularly Krstitch, op. cit., L. Mair, *The Protection of Minorities* (London, 1926), the best general work on minorities in English, and J. Fouques-Duparc, *La Protection des Minorités* (Paris, 1922).

For the movement during the War, Johannet, op. cit.; Ruyssen, op. cit.; H. Temperley (ed.), *History of the Peace Conference* (London, 1920–4, 6 vols.), vol. i. The new Constitutions are collected by B. Mirkine-Guetzevitch, *Les Constitutions de l'Europe Nouvelle* (Paris, 2nd ed., 1930). The drafting of the Treaties: the unofficial movement, Fouques-Duparc, op. cit.; N. Feinberg, *La Question des Minorités devant la Conférence de la Paix 1919/20 et l'Action juive* (Paris, 1929); for the part played by the Jews, O. I. Janowski, *The Jews and Minority Rights*, 1898–1919 (London, 1933). The work of the Conference, *History of the Peace Conference*, vol. v, the standard account; D. Hunter Miller, *The Drafting of the Covenant* (New York, 1928, 2 vols.), and, above all, id., *My Diary at the Peace Conference* (privately printed, New York, 1924), containing an indispensable collection of documents which include the minutes of the New States Committee. Feinberg, who has not used this *Diary*, is not entirely accurate, but Janowski contains much detail regarding the points of view of the different Jewish groups of which he writes, but is, like the situation with which he deals, confusing and confused. The later negotiations of the Council with respect to the Declarations are all to be found in the League of Nations *Official Journal*, or, in the case of 'Irāq, in the Minutes of the Permanent Mandates Commission. The texts of the Treaties and Declarations are collected in the League of Nations Document C.L. 110, I Annexe. Mair, op. cit.; *History of the Peace Conference*, vol. v; and many other works give the text at least of the 'typical'

Polish Treaty. H. Kraus, *Das Recht der Minderheiten* (Berlin, 1927) has a first-class collection of documents, annotated by a great expert.

Chapter VIII: all works on the League system devote at least a few pages to this subject. See especially *History of the Peace Conference*, vol. v; A. Balogh, *Der internationale Schutz der Minderheiten* (Munich, 1930, also in French); A. Mandelstam, *La Protection des Minorités* (Paris, 1925), one of the best of all books on the minority question; G. Bruns, *Gesammelte Schriften zur Minderheitenfrage* (Berlin, 1933), collected essays by a brilliant thinker who, unfortunately, died young. Besides their intrinsic importance, they seemed to have inspired the official German view of the Minority Treaties. Further, H. Wintgens, *Der völkerrechtliche Schutz der nationalen, sprachlichen und religiösen Minderheiten* (Stuttgart, 1930), another valuable work.

For the frequently animated discussions on the League Council and Assembly regarding the Treaties, see the League Document C. 8, M. 5, 1931, I (quoted as *P.R.*); further, the annual discussions on the Sixth Committee of each Assembly and sometimes in Plenary Session. Although usually somewhat tinged by *parti pris*, these discussions often reach a very high level.

Most of the writers adduced above, particularly Bruns and Mandelstam, discuss the nature of the League Guarantee, which is also argued at length in *P.R.* A careful and somewhat difficult legal essay on the subject is R. Camerer, *Verbesserung des Minderheitenschutzes gegen den Willen der betroffenen Staaten* (Berlin, 1932).

Valuable material on these theoretical questions is often contained in some of the periodicals now appearing which devote themselves specially to minority questions. These include the *Bulletin International du Droit des Minorités*, issued at The Hague, and *Les Minorités Nationales*, published by the Federation of League of Nations Societies.

Most works on minorities deal at some length with Council procedure. Balogh, Mandelstam, and Wintgens analyse it fully. The best of all accounts is that of J. Stone, *International Guarantee of Minority Rights* (Oxford, 1932), and *Regional Guarantee of Minority Rights: A Study of Minorities Procedure in Upper Silesia* (London, 1933); the most acute criticism is contained in Dr. Rauchberg's *Gutachten über die Frage, welche Aenderungen in den völkerrechtlichen Bestimmungen zum Schutze der nationalen Minderheiten sind zu empfehlen?* (1932). J. S. Roucek, *The working of the Minority System under the League of Nations*

(Prague, 1929) is also useful. *P.R.* gives the texts of the official Resolutions, and reproduces many discussions which are important as giving the official views of various governments. The annual debates at the Assembly are also valuable. H. V. Truhart, *Völkerbund und Minderheiten-Petitionen* (Vienna, 2nd ed., 1931) analyses the fate of petitions submitted to the League.

Chapter X, again, defies the attempt to compile a complete bibliography. The attitudes of governments are best seen from their speeches at the League, and their memoranda submitted to the Adatci Committee. For Germany in particular, F. Wertheimer, *Deutschland, die Minderheiten und der Völkerbund* (Berlin, 1926); also G. Stresemann's *Vermächtnis* (Berlin, 3 vols., 1932–3). For the minorities, the best material is to be found, on the whole, in the annual *Sitzungsberichte* of the Congress of National Minorities (Vienna, 1926–), and in the collection of 'situation reports' edited by E. Ammende under title *Die Nationalitäten in den Staaten Europas* (Vienna, 1931). The periodical *Nation und Staat*, published in Vienna, works in close touch with the Congress and publishes regular situation reports. This is the most convenient of all sources for the actual situation of minorities, although, of course, apt to be one-sided. *Nation und Staat*, which also prints many very valuable theoretical and historical articles, is easily the best of all periodicals devoted to minority questions *Les Questions Minoritaires*, published quarterly in Warsaw, gives the Polish governmental point of view; *Glasul Minoritatilor* (*Lugoj*), in Roumanian, German, and French, is mainly devoted to the cause of Magyar minorities, especially in Roumania. The *Bulletin International* and *Minorités Nationales*, mentioned above, are less full, but sometimes have good articles. A very good collection of laws, &c., relating to minorities is given by G. H. J. Erler, *Das Recht der nationalen Minderheiten* (Münster, 1931), in every way an excellent work. The series *Das Schulrecht der europäischen Minderheiten* (Berlin, 1930 ff.) gives the scholastic provisions in force in Polish Upper Silesia, Eupen and Malmedy, Yugoslavia, Germany, and South Tyrol. An interesting collection of early petitions and memoranda is F. Szagunn, *Forderungen und Anklagen der nationalen Minderheiten im neuen Europa* (Berlin, 1923).

The chief works on exchange of population are S. R. Ladas, *The Exchange of Minorities: Bulgaria, Greece and Turkey* (New York, 1932), a monumental work, very full and documented, but with strong pro-Greek bias; it covers also the refugee settlements; A. Wurfbain, *L'Échange Gréco-Bulgare des Minorités Ethniques*

(Geneva, 1930), a critical study, touching also on the legal and theoretical aspects; and the *Rapport des Membres Nommés par le Conseil de la Société des Nations* (Athens, 1932; C. 238, M. 1931, I), the official account, authoritative but over-optimistic.

For the Soviet experiment, the best work is W. R. Batsell, *Soviet Rule in Russia* (New York, 1929), with very valuable collection of documents, but badly arranged; see also A. Yarmolinsky, *The Jews and other Minor Nationalities under the Soviets* (New York, 1928); H. Kohn, *Der Nationalismus in der Sovjetunion* (Frankfurt a. d. Main, 1932); and a useful article by Kovalevsky in *Questions Minoritaires*, Aug. 1930.

For statelessness, *Statelessness*, a memorandum by Sir Walter Napier on the policy of the League of Nations Union (London, 1929); R. H. Schmiedt Sollislau, *Zur Frage der Staatslosigkeit* (Reichenberg, 1930); *The Problem of Statelessness*, issued by the Women's International League for Peace and Freedom (London, 1931).

I have taken as the basis for my figures in Appendix III those given in W. Winkler's very excellent *Statistisches Handbuch der europäischen Nationalitäten* (Vienna, 1931); the descriptive notes, however, are drawn from very various sources, including first-hand experience.

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PRINTED IN
GREAT BRITAIN
AT THE
UNIVERSITY PRESS
OXFORD
BY
JOHN JOHNSON
PRINTER
TO THE
UNIVERSITY