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To build a notion: US State Department nation building expertise and postwar settlements in 20th century East Central Europe¹

Abstract: This paper offers a contribution to the sociology of social science knowledge practices and expertise through the empirical lens of US nation building policies. Drawing on archival materials, the State Department's *Freedom of Information Act* documents, and interviews with key policymakers we offer a comparative historical sociology of the US State Department as a site of nation building knowledge and expertise. In examining the evolving character of nation building expertise in three key moments across the twentieth century, we find that as nation building expertise and its attendant knowledge practices were redefined and institutionally relocated, the essential character of the expertise and data collection practices that were valorized shifted from social scientism in the 1910s to geopolitical empiricism in the 1940s to liberal legalism in the 1990s. This changing character of nation building knowledge practices at the State Department had an effect on the substance of US nation building policy.

Keywords: *sociology of knowledge practices; democratic nation building; US foreign policy*

Word counts: *Text: 7,919; References: 1,465; Endnotes: 2,339; Abstract: 150*

Scholars of social science knowledge practices have examined the production, assessment and use of expertise in relation to a variety of social and foreign policy arenas (cf. Skocpol and Rueschemeyer 1996; O'Connor 2001; Amadae 2003; Gilman 2004; Parmar 2004; Rich 2004; Light 2005; Kuklick 2006; Fourcade 2009; Medvetz 2009, 2010, 2011, 2012; Camic, Gross and Lamont 2011). This paper offers a contribution to this growing body of work by examining the knowledge claims and expertise involved in an important policy area: US thought and deliberation in advance of postwar nation-building settlements. From postwar Europe, to Bosnia, to Iraq and Afghanistan, US influence on postwar settlements has been substantial. Yet the kinds of knowledge practices constitutive of US social thought leading to its postwar nation-building policies remain sociologically underexplored. Examined through the analytical lens of knowledge practices, the evolution of US social thought on nation building offers insights into how the institutional locations and particular social valorizations of expertise and evidence can affect both knowledge production and policy.

More specifically, the US Department of State has episodically been a key site for crafting knowledge and expertise around the institutionalization of multiethnic democracies. Our analysis centres on three such episodes of data collection and deliberation as State Department officials prepared for postwar settlements in East Central Europe (ECE): in 1917-19 in advance of the Paris Peace Conference, preparations for the

territorial and demographic contours of post-WWII ECE in 1939-45, and in the US State Department's 1992-95 conflict analyses leading to the Bosnian Dayton Accords.

We make two claims. First, our substantive findings suggest that between 1919 and 1995, the character of legitimate expertise around democratic nation building was redefined and institutionally relocated. We characterize the nation building expertise of the Progressive Era as *social scientific*, institutionally residing outside the State Department among a group of 150 select academics; in the late New Deal years, preparations for the postwar peace were marked by a distinctive *geopolitical empiricism*, initially straddling the newly reorganized State Department and the reconstituted successor to the Inquiry, the Council on Foreign Relations (CFR), before folding into the Department's specially tasked committees; and although by 1995 ECE/Balkan experts were firmly embedded within the State Department's enormously expanded bureaucracy, relevant expertise in pre-Dayton analysis was *liberal legalist*, institutionally located among human and civil rights lawyers in the State Department's Legal Advisor's Office.²

Our analytical claim is that as the social location of nation building expertise changed—and as the character of the expertise shifted from social scientism to geopolitical empiricism to liberal legalism—the analytical quality of nation building knowledge became increasingly more abstracted from the empirical, real world context. This evolution in what qualified as legitimate evidence and expertise meant that by the mid-1990s, nation building came to be conceptualized as a generic *policy problem*, whose solution lay in universally and widely applicable formulae, rather than as a contextually contingent, *political or localized problem*, requiring specialist, substantive knowledge.

We adopt a comparative historical sociological research design (Mahoney and Rueschemeyer 2003): the US State Department and East Central Europe are examined across three time periods, allowing us to track the cumulative effects of US policy expertise on a single issue area. Data is drawn from the following sources: (1) autobiographies and biographies; (2) in-depth interviews with key policymakers involved in the Dayton Accords; and (3) archival materials from collections across seven government and university archives. The data is of variable quality across the three cases: extensive on the first two, and more limited on the third because much still remains classified. So our claims for the latter are more tentative and preliminary.

We also draw upon two intersecting areas of scholarship. First, we extend studies in the 'turn to practice' through an examination of how political cultures, institutions and bureaucratic logics create the categories used in the production of social science knowledge

and shape the day to day practices involved in generating recognized expertise or valid social science evidence (see, *inter alia*, Skocpol and Rueschemeyer 1996; O'Connor 2001; Abbott 2005; Fourcade 2009; Camic et al. 2011; Medvetz 2012). This body of work views conceptualizations of social orders, for instance, as associated with institutionally embedded practices, just as knowledge claims and styles of reasoning can be made 'on the basis of tacit knowledge [acquired] as members of that particular society and state' (Fourcade 2009: 15). Not all of this is entirely new, of course. Mannheim (1936) and Merton (1945), among others, drew attention to the roles of intellectuals within state bureaucracies and to how social problems were framed by institutional knowledge practices.

But this is a particularly important insight as bureaucratically organized government consolidated between 1877 and 1920 in the US's own state building years: shifts from local to federal administrative capacities and bureaucratic rationalization (Skorownek 1982) were accompanied by a greater awareness of geopolitical constraints. As Max Weber (1978: 971) observed, 'the United States still bears the character of a polity which, at least in the technical sense, is not fully bureaucratized', though this was likely to change, he suggested, 'the greater the zones of friction with the outside and the more urgent the needs for administrative unity at home become'. In fact, as the century progressed, US federal bureaucrats increasingly mobilized intellectual elites' social knowledge for policy purposes, drawing into more entwined relationships with both academia and think tanks (Skocpol and Rueschemeyer 1996: 6-8, 11). Meanwhile, as the State Department expanded its tasks and functions, think tank structures were transplanted into the State Department's organizational bureaucracy (Smith 2003: 329), with important implications for where expertise was deemed to reside.

The second area of scholarship on which we draw, therefore, reflects the intersectionality of think tanks, policymakers and academics as a critical ideational nexus for mobilizing and crafting foreign policy knowledge (cf. Goldstein and Keohane 1993; Amadae 2003; Gilman 2004; Parmar 2004; Light 2005; Atanasoski 2006; Kuklick 2006; Abela 2009; Mallard and Lakoff 2011; Medvetz 2012). Kuklick (2006), for instance, identified three types of experts in the postwar years (scientifically-oriented intellectuals, foreign policy social scientists, and university-based academics) as he gauged the influence of their interpretive frameworks; whereas other scholars have explored how the social knowledge produced in think tanks (e.g. modernization theory, rational choice theory, war planning scenarios) shaped foreign policy discourse (Abela 2009), New Deal liberalism

(Gilman 2004), the 1960s Great Society programs (Amadae 2003), and urban planning practices (Light 2005). In the post-war years especially, think tanks functioned as a distinct underground of intellectual production: in content, they comprised a ‘conservative counter-intelligentsia’ that rejected New Deal Keynesianism, but in form they became the sources of the ubiquitous ‘policy paper’ and ‘issue brief’ (Kulick 2006; Medvetz 2009), and their practices were often directly grafted onto the organization of the State Department’s own institutional knowledge practices.

Over time, knowledge claims within these ‘hybrid interstitial fields’ (Medvetz 2011, 2012) became increasingly politicized for advocacy or partisan purposes (Smith 1991; Parmaar 2004; Rich 2004); while the early professionalization of the social sciences and the creation of the disciplines into systematic subjects with distinct knowledge boundaries made think tank expertise available for policy analysis, eventually facilitating its incorporation into government bureaucracies (cf. Ross 1991; Camic and Xie 1994; Skocpol and Rueschemeyer 1996: 10; Abbott 1999; Shulten 2001; Adcock 2003). And the historically small size of available institutions and bureaucracies capable of absorbing social science knowledge elites, combined with the more general technocratic character of the US social sciences, nudged academics to become, in Medvetz’ typology, a mix of academic specialist, policy expert, entrepreneur and media specialist (Medvetz 2008: 5-10, 2009, 2010; see also Ross 1991; Converse 2009). So while the social science disciplines ‘turned to science’, defining useable knowledge as generalizable, abstract frameworks (for example, Adcock 2003: 506-8), think tank expertise became a full-service ‘organizational device for gathering and assembling forms of authority conferred by the more established institutions of academia, politics, business, and the media’ (Medvetz 2008: 9-10). As these entwined relationships evolved, then, expertise was redefined and institutionally relocated. In the process, what was deemed ‘usable knowledge’ changed: nation-building knowledge shed the substantive quality of its original instantiation as a *knowledge problem* and it re-emerged as a generic and decontextualized *policy problem*.

In the following sections, we trace the evolution of nation building knowledge practices through the State Department in three key moments, before reflecting on how shifts in both expertise and in the interpretive frameworks used by social scientists/academics, policymakers and think tanks affected nation building foreign policy.

Charisma outside the framework: The Inquiry and the new academic expertise

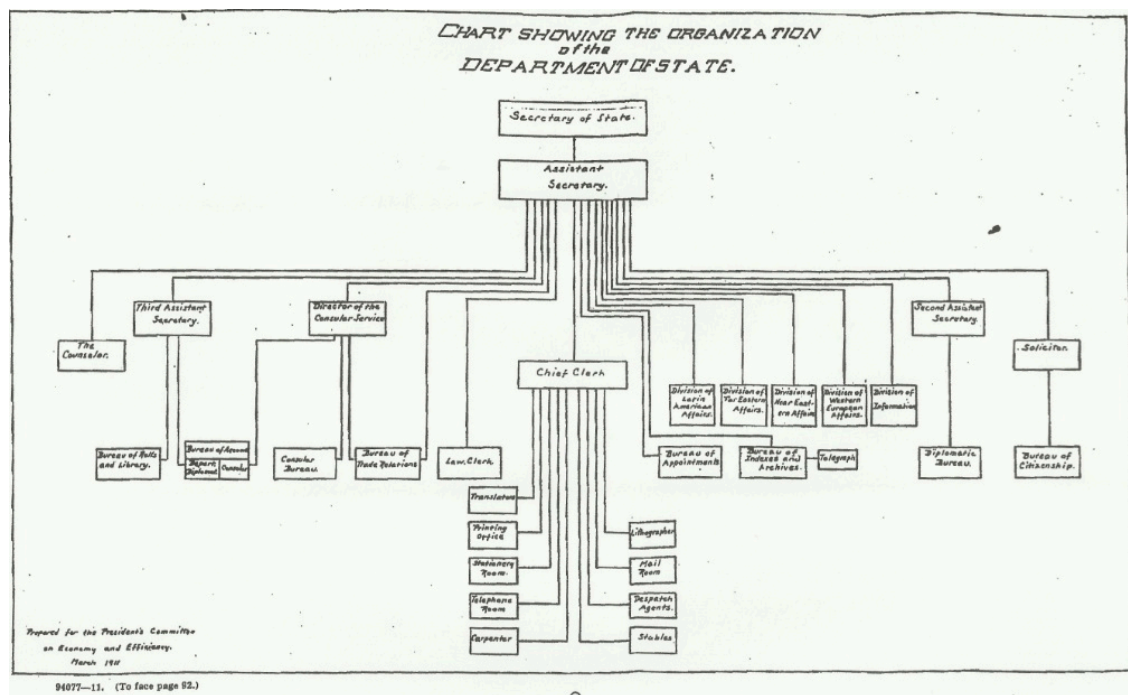
The first moment reflected the influence of the newly constructed ‘academic experts’ of the emerging social science disciplines. In 1917, President Woodrow Wilson asked his advisor, Colonel Edward House, to gather academics to collect data on preparing the post-war peace, and to translate his commitment to ‘national self-determination’ into new borders and states across ECE (Gelfand 1963).³ This created ‘The Inquiry’, the first US think tank. ‘Stress [was] laid on the obtaining of *information*, secretly prepared by *non-official experts*’ on the subjects likely to confront negotiators.⁴ For fourteen months, the Inquiry worked in secret with funds from the President, in relative isolation and independent of the electoral process. Their voluminous work product—ethnographies, maps, population statistics, personality sketches, and economic and national histories—became the empirical basis for most of Versailles’ territorial decisions; these new academic experts became official ‘technical advisors’, thereby marginalizing the diplomatic expertise of the State Department and the Military Intelligence Division (Lansing 1921: 4-5; Nicholson 1933: 128-9; Seymour 1965: xxx-xxx). Relevant and usable policy knowledge, in other words, resided entirely outside the foreign policy expertise of the State Department, with academic influence directly channelled to the White House and its advisors (see Figure 1).

As a former professor of Political Science and President of Princeton University, Wilson had a strong affinity with academic expertise. But he had also distrusted the ability of State Department officials to advise on postwar nation building, so the Inquiry’s influence partially rested on its dissociation from the State Department (Lansing 1921: 8). Wilson staffed the Inquiry with 150 academics, scholars, professional economists and intellectuals because of their ability to collect and analyze ‘factual evidence’. So this was a very insular, northeast academic or intellectual coast elite.⁵

But US geopolitical isolation had left an important legacy: very few Inquiry members were knowledgeable about ECE. Inquiry members were chosen through social and professional networks rather than on the basis of relevant academic expertise. Because a general capacity for scholarship was valorized (Gelfand 1963; Grose 2006), in substantive expertise they embodied quite disparate intellectual resources: a few were historians or economists of Poland or Austria-Hungary, others were archaeologists and scholars of Greek antiquity. As one key member of the Inquiry noted, ‘intellectual qualities and working habits’ were determinative (Seymour 1965: xxvii), on the belief that these qualities would enable them—through the collection of ‘factual data’—to *become substantive experts*.

So partly because of their social composition, and partly because of their institutional location, their knowledge practices were embedded in a particular interpretive framework, one in which the problem was defined in substantive-empirical, political terms.

Figure 1: State Department Organization, 1911



Source: Office of the Historian, US Department of State, (PA/HO)

Despite this diversity, however, as a particular generational cohort the Inquiry embodied the social scientific Progressive ethos of the era, something they brought to the newly constructed academic expert. They had come of political age between the 1890s and 1910s, defined by American Progressivism's moral and ideological content, a Protestant-inspired pragmatic morality that married domestic reform to liberal internationalism (Hofstadter 1955: 149, 152-3; Link 1959; Thelen 1969: 323-41; Fox 1993: 641, 643, 652; McGerr 2003). With university salaries rising, and academic influence inside and outside the government expanding through the diffusion of journals and associations, their 'scientific peace' was intended as an important public service. On the conviction that social ills could be solved rationally, scientifically and pragmatically—that is, through a dispassionate approach to 'factual data'—the Inquiry's analyses, and the evaluative criteria that they applied to the data, embodied many of the social assumptions of Progressivism's expanding middle classes and professions (on the latter, Clubb and Allen 1977). In this

way, the Inquiry's academic experts—institutionally positioned to influence from outside the foreign policy establishment—began to build a body of social thought on how to promote multiethnic democracy.

Data and deliberation: the 'social science' of nation building knowledge

Their body of nation building social thought and expertise was governed by knowledge practices distinctive to the emergent social science disciplines. Most generally, in order to formulate nation-building policy, the Inquiry rejected what they termed the 'balance sheet method'. Instead, they viewed their task as simply the factual analysis of the '*effectuation of policy*', or an exhaustive evaluation of how to best apply given policy principles.⁶ They did not consult the State Department's policy offices for their expertise on these policy principles, and the Inquiry never viewed its own work product as an empirical basis upon which to either challenge or verify general policy principles. They simply sought to test policy applications and implications.

For this, the Inquiry only sought that 'usable knowledge' that resulted from 'social scientific' methods of analysis. And so they produced more than 3,200 original maps and reports, drawn from three kinds of data sources. The first source was a mix of cartographic and statistical collections, mostly maps based on Prussian, Tsarist and Austro-Hungarian ethnographic/census data, and information from the State Department and Military Intelligence.⁷ A careful analysis of these materials would privilege the systematic, fact-finding 'objectivity' that was emerging in the social science disciplines (on the general point, Camic and Xie 1994). Yet this kind of data was treated sceptically and evaluated critically because of the 'unreliably biased' political leaning of much of its ECE sourcing.⁸ So Inquiry academics debated at length the biases embedded in their data collection and in its interpretation, continually challenging how much of it could be considered reliable, 'usable knowledge'.

The second type of data was drawn from non-academic sources: views of American missionaries in the Balkans regarding the social requirements of religious toleration were solicited;⁹ entreaties of East European leaders were considered;¹⁰ specially commissioned, real-time investigative missions by the State Department offering assessments of social conditions in Poland were consulted;¹¹ they assessed reports and petitions from East European and Balkan immigrants groups in the US, on the need to protect Jews, for instance (cf. Fink 2004);¹² the 'actual life and experience' of Inquiry's own members, whose

observations might be ‘impartial’ were deemed usable knowledge;¹³ and material from other agencies across the US government were critically evaluated.

And third, purer academic data was solicited, either through articles in the *American Political Science Review* or the *Journal of Race Development* (later to become *Foreign Affairs*) (Buck 1916),¹⁴ or by approaching specific academics: Chicago sociologists W.I. Thomas and Florian Znaniecki were asked to ‘help with the sociological aspect of the [Polish] problem—the question of race, nationality, education, population, cultural aspirations, religious differences’ and Poland’s ‘cultural productivity’.¹⁵ The Inquiry also commissioned reports from Central European scholars.¹⁶ All of these contributions were critically evaluated as academic work product:¹⁷ in the interest of intellectual deliberation, they internally circulated these outside academic reports—and their own reports and analyses—for vetting and peer review before final presentation.¹⁸

Significantly, then, the Inquiry’s new kind of academic experts sought to marshal these three kinds of data in order to make an original, academic contribution to knowledge. As Seymour (1951: 5) later wrote, ‘the quality and range of the geographical material at [the Inquiry’s] disposal and the stress laid upon it in discussion exceeded anything in preceding diplomatic gatherings’. The maps drawn up by the Inquiry were intended to be of such detailed and meticulous accuracy as to constitute ‘an improvement on any existing published [academic] work’.¹⁹ Still, if the exceptional quality and quantity of their data—and their growing expertise—could contribute to academic scholarship, they nonetheless did not try to challenge the general policy principles that guided it.

But the Inquiry did bring two additional evaluative criteria to their nation building data collection, and both derived from their theorizations of America’s own diverse democracy. The first was a distinctive conceptualization of ethnicity and assimilation, explicitly predicated on evaluations of America’s immigrant groups. Drawn from many of the social science claims that framed the US’s own immigrant and racial climate, that is, from statistical, sociological and ‘ethnological’ measurements, assessments, and attempts at intellectually grasping its many ‘races and peoples’ (King 2000; Perlmann 2001; Ngai 2004; Zolberg 2006: ch. 7), the Inquiry’s experts adapted the very same techniques and social assumptions—including the use of racial hierarchies and eugenicist characterizations (King 2000: 68, Table 3.2)—that were used domestically in order to better grasp conditions of ECE’s nationalities. This was facilitated by the fact that many were the same groups, e.g. Poles, Czechs, Russians and Jews. In fact, the US *Dictionary of Races and Peoples* (1911), produced by the Congressional Dillingham Commission’s investigation America’s

immigrants, replicated in the Inquiry's work on 'ethnological' characteristics in both form and substance (cf. Zeidel 2004),²⁰ this critically included its conflation of class and 'ethnicity', or the causal assignment of economic mobility to cultural values (King 2000: 60-3).

These racial/ethnic classifications and assessments of assimilation involved what was understood as a social scientific analysis of 'the objectivity of subjective phenomenon'. One of Thomas' submissions to the Inquiry, for instance, argued that, unlike in the US, ECE did not have objective 'races'—only language groups—but that East Central Europeans would nevertheless *feel* themselves to *be* races.²¹ This interesting assumption was woven through much of the Inquiry's evaluative work as they sought to grasp the social impacts of ECE's racial distributions, classifications and hierarchies.²² In this regard, then, they generally adopted the Chicago sociologists' pluralist assessments of capacities for assimilation and potential for self-government. Indeed, through the Inquiry's work, the US delegation sought to create 'an ethnographic Poland' around precisely these Chicagoan considerations (Haskins and Lord 1920: Part I).

The second evaluative criteria used in their construction of nation building knowledge involved the belief that democratic stability and social cohesion required some level of value homogeneity. Of course this countered their social scientific recognition that even scientifically grounded 'ethnological' evaluations and meticulous social scientific ethnographic studies could not by themselves form the basis of a non-politicized, 'objective' resolution of this problem. The Inquiry conceded, therefore, that their social science practices were less useful in interpreting political value claims. Wilson had asked his territorial advisors to conduct a rigorous social scientific application or effectuation of his principles of national self-determination, and then to 'tell me what's right...give me a guaranteed position'. But as Seymour (1951: 17, 19) noted, '[Wilson] couldn't tell [us] how to interpret justice in the case of conflicting rights', especially once the 'reasonable adjustments of political interests' of the Old Europe were discarded as the basis of the territorial settlements in favour of a new social scientific consensus. How could the Inquiry's academic experts draw up a statistically sound 'non-political justice' (Seymour 1951: 20)? In practice, then, the consequences of their assumptions about homogeneity and social cohesion simply meant that nationalist demands were supported if they anyway followed or supported ethnographic realities.²³

So if the Inquiry's work product was not considered a sufficient basis upon which to make historical and political value judgements, for all its meticulousness and

rigorousness in the academic knowledge practices, their research was never used as a basis from which to critique or support the general policy principles that they were asked to consider. But the Inquiry's work product and expertise *did* constitute the first substantial body of thought and policy analysis on the social science knowledge of nation building. And if their findings did not offer scope to question the organizing principles of the wider policy itself (because this latter knowledge institutionally resided in the State Department's policy offices) this became a lesson learned: by 1945, expertise and usable nation building knowledge would require not only proficiency in specific subjects or substantive areas, e.g. academic or social scientific analysis, but also a broader knowledge of the wider geopolitical issues at stake. As key Inquiry members would later understand it, the missing component to their evolving expertise was a geopolitically sensitive empiricism. Pure academic analysis would begin to slip out of its direct and influential role on the Executive Branch as it started to institutionally embed in the State Department's knowledge practices.

Straddling arenas: from Council on Foreign Relations to State Department experts

By the early 1940s, then, an explicitly policy-aware geopolitical empiricism defined the collection of data in preparation for series of defining conferences: Tehran [1943], Yalta, Potsdam [both 1945] and Paris [1946/7]. And unlike the earlier Inquiry's very influential recommendations, the influence of think tank and State Department recommendations on the final outcomes was mixed, even negligible, in part because geopolitical constraints underlined by the growing power of the Soviet Union had narrowed the options—something many State Department analysts seemed to have anyway anticipated (O'Sullivan 2008: 116, and Ch.7).²⁴ Yet the way in which the problem of postwar nation building was constructed and analysed nevertheless contributed a new and distinctive set of organizational and intellectual knowledge practices to the State Department's evolving social thought on democracy promotion.

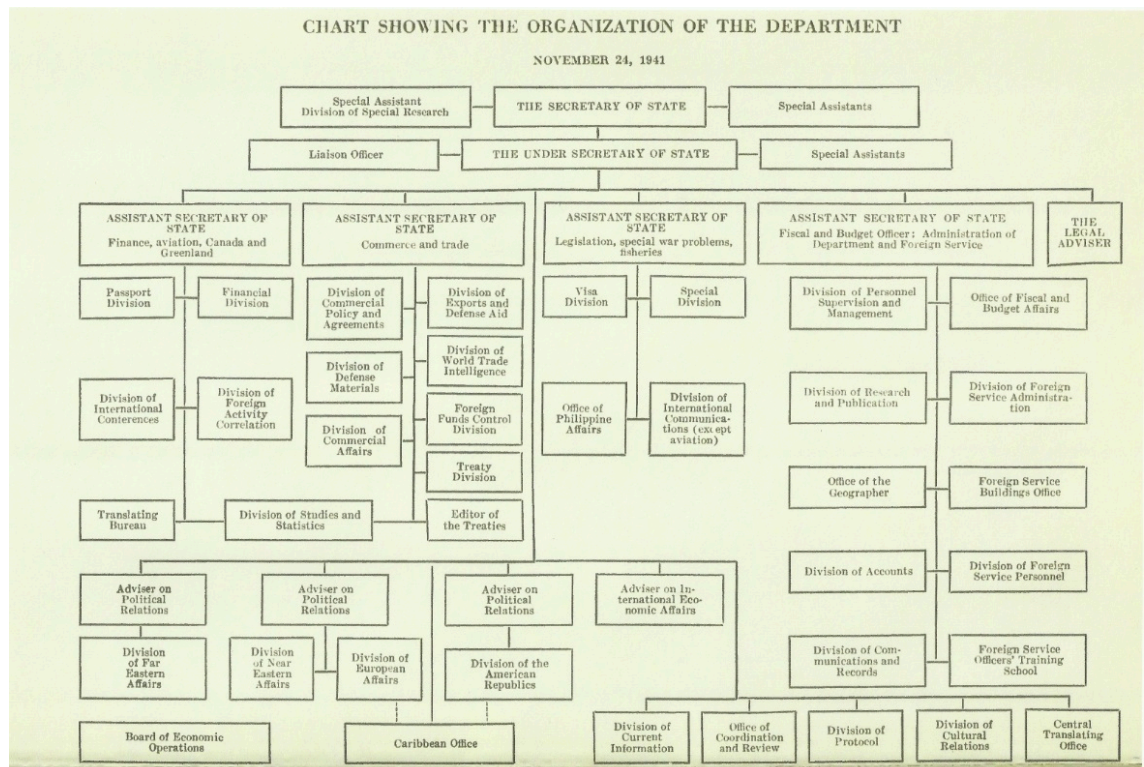
One influential institutional location for the production of nation building knowledge was the new, business-oriented incarnation of the Council on Foreign Relations (CFR), which had merged with a number of scholars from the Inquiry in 1921. The latter brought expertise, experience and high-level diplomatic contacts from 1919, and the former provided the funding for what would become the most influential foreign policy think tank (Grose 2006: 5-9). Prior to the US's entry to WWII, the CFR undertook postwar planning from its position outside government, even as it sought close links with

government and philanthropy. The CFR initiated the ‘War and Peace Studies’ project (WAPS) in 1939, and rather than work independently of government bureaucracies as the Inquiry had done, WAPS experts—most of whom were academics—worked in conjunction with officials at State. Institutional ties now ran deep. Though many at CFR had academic credentials or previous experience at Versailles, they now had one foot in government: CFR officials were made available to the State Department, and several had formal positions at State (e.g. the economist Jacob Viner was affiliated with the CFR’s WAPS and with State). The CFR also established a ‘Territorial Committee’ within its organization; Bowman (an Inquiry alumnus) headed it as it prepared materials for the State Department.²⁵ Through both WAPS and the Territorial Committee, then, the CFR undertook studies on American interests on the postwar peace and forwarded them to the State Department.²⁶ As the knowledge nexus among academics, government and think tank institutionally embedded, the CFR also deepened its relationship with key philanthropic foundations: to keep its relationship with the State Department confidential, WAPS was entirely supported by the Rockefeller Foundation, and in 1943, Shotwell, another Inquiry alumnus and member of WAPS, was Director of the Division of Economics and History at the Carnegie Endowment.

The second influential location for the development of expertise and new knowledge practices was inside State Department itself. Most important was a secret, loose committee established by Assistant Secretary of State Sumner Welles in 1939: the Advisory Committee on Problems of Foreign Relations (O’Sullivan 2008: 33-4). Between 1939-43, this committee liaised with CFR and prepared US postwar policy. This subsequently also enveloped a cluster of related knowledge groupings and subcommittees.²⁷ So in the year of the US’s entry into WWII (see Figure 2), Welles’ initiative remained informal, and while it drew staff from the State Department, it was not formally part of its organizational structure.

In sum, then, the institutional location for postwar nation-building knowledge around the State Department remained organizationally somewhat ad hoc, ‘periodic permutations’ rather than major restructurings (Smith 2003: 328). Instead of constructing permanent departments, additional ‘advisory committees’ and ‘special research divisions’ were created to circumvent the cumbersome foreign policy bureaucracy. In 1941, for example, Secretary of State Cordell Hull created a new Division of Special Research (see Figure 2), and he appointed Leo Pasvolsky as its Special Assistant, directly answerable to Hull, and Isaiah Bowman, now seconded from the CFR’s Territorial Committee.²⁸

Figure 2: State Department Organization, 1941



Source: Office of the Historian, US Department of State, (PA/HO)

Additionally, the organizational structure of the CFR's substantive expertise was 'transplanted into government' (Smith 2003: 329). In 1942 the State Department created an Advisory Committee on Postwar Foreign Policy to oversee postwar planning; its members were a mixture of State Department officials and CFR academic-cum-policy elites, with the latter dominating the Committee's expertise and practices.²⁹ And in 1944, another secret Advisory Council on Postwar Foreign Policy—comprised of Senators and academic experts primarily outside of government—was created to similarly advise State.³⁰ This may have been a political initiative designed to keep non-official American opinion on side, but the Secretary of State and CFR members chaired it.

These changing institutional arrangements had a direct effect on knowledge practices through the more relativized and institutionally embedded role of academic input in policy knowledge production and expertise. They also began to detach substantive, area academic knowledge from what would be usable nation building knowledge. Moreover, in this mid-century period philanthropic funding, think tanks and the State Department became more closely entwined through personnel and through the creation of parallel substantive organizational expertise. Many foreign policy elites in Roosevelt's

administration were New Deal liberals of some stripe, including those that had been either politically active in Wilson's administration (e.g. Bowman, Shotwell and Hamilton Fish Armstrong, the editor of *Foreign Affairs*) or otherwise products of the Progressive era more generally (Welles). This had implications in terms of the kind of social knowledge that was valorized as useful and valid. Geopolitical empiricism pragmatism characterized their interpretive framework and dominated their data collection.

In particular, the role of the State Department's Division of Special Research testified to the re-location of expert knowledge and to the appropriation of policy relevant knowledge by the State Department—in sharp contrast to the practices of the earlier Inquiry. It also meant that the analytical quality of nation building social thought would be partly guided by a newly found expertise on the geopolitical implications of their empirical research. On Pasvolsky's instigation, for instance, his assistant Harley Notter looked back at the Inquiry's work and concluded that organizational distance from government had made the Inquiry's deliberations too case specific, in part because they had neglected the State Department's geopolitical expertise.³¹ In other words, the substantive contextual specificity that had characterized nation building knowledge in 1919 now had to be tempered by more a geopolitically informed analysis of democratic nation building.

Data and Deliberation: Geopolitical Empiricism

So both the CFR's committee structure and its distinctive knowledge practices—many of which replicated those of the Inquiry—began to impose a particular organizational structure on the State Department's postwar planning. Substantively, this implied an important, if subtle, shift in terms of the character or quality of nation-building expertise. The social scientism of Progressivist thought and its particular knowledge practices were set within a greater sensitivity to a new geopolitical thinking: it distinguished territorial geopolitics from economic geopolitics and it was more thematic and conceptual, less specific or substantialist, in orientation. Empiricism was still valorized, but now it was anchored by a robust geopolitical conceptual framework reflective of emerging US hegemony—a direct response to both the collapse of the interwar international order and to the US's greater role in the bipolar world.

So by the early 1940s, US nation building social thought as embodied in the Department of State was less concerned with theorizing or understanding diversity itself, and more with embedding individualism within liberal institutions. Roosevelt had defined

freedom in his 1941 State of the Union Speech as ‘the supremacy of human rights everywhere’ (Mazower 2004: 387). The generally accepted view was that human rights individualism was not simply an extension of America’s own political system, but also the only viable alternative to the failed minority rights regime of 1919—designed largely by the earlier Inquiry. This was one of the social knowledge lessons learned in light of the ethnic nationalist excesses that had escaped solution in the interwar years. By 1941, minority or group rights were collapsed into individual rights, and the former were excluded from both the Atlantic Charter and from the UN Declaration. This was done on the growing belief that individual rights would be robust enough to contain nationalism’s excesses.

But now there was also a wider geopolitical calculation involved on the part of CFR’s academics and policymakers (Parmaar 1999). In 1939, CFR elites had urged State Department officials to immediately begin preparing for the US’s entry to the war, so they placed all of the CFR’s think tank resources at the Department’s disposal. The war, they believed, provided the US with a ‘grand opportunity’ to emerge as the leading world power (Smith 2003: 325). The geographer Bowman had a prominent position from which to make this case as the chair of committees in WAPS and in the Division of Special Research at State. The German school of geopolitics was his formative training: it combined political and economic geography and emphasised the geographical dimensions of international relations (Schulten 2001: 89). So if the failed minority rights regimes of the interwar years had reinforced Bowman’s views, in keeping with the earlier knowledge practices of the Inquiry, he also prompted State Department experts to draw on existing academic or scholarly work.³²

Bowman, Pasvolsky and Notter’s work at the Division of Special Research suggested that broad geopolitical knowledge needed to be brought to bear on postwar democracy planning, particularly with respect to protecting growing US interests.³³ Though most of their ECE country reports were quite similar to those compiled by the Inquiry,³⁴ Bowman latter acknowledged that a recognition of the fuller international implications of territorial and other recommendations was now the organizing imperative of postwar planning and its underpinning values and knowledge practices (Bowman 1942, 1946).³⁵

Therefore, relevant knowledge claims across this network of philanthropic, think tank and State Department elites largely revolved around postwar states’ economic viability. In keeping with the New Dealers’ liberal belief that economic prosperity—not cultural protection—was the key to political stability, for the State Department’s ECE planners this meant that small states had to recognize geopolitical ‘actualities’ rather than

the ‘legal fiction’ of full sovereignty within, for example, any putative ‘Danubian confederation’ or ‘confederation of the Lowlands’; but it also meant that liberalism could ensure that cultural autonomy would be protected.³⁶ Welles envisioned an East European Federation stretching from the Baltic to the Adriatic with Vienna at its core; and Czechoslovakia, in particular, was identified as a potential bastion for democracy and free trade within this putative federation (O’Sullivan 2008: 115-6, 124). So while the Territorial Committee at WAPS recognized that ‘Eastern Europe is the area of the world about which America’s ignorance is the most profound’,³⁷ various regional associations were nevertheless confidently considered.³⁸ But they were more narrowly and pragmatically conceptualized in terms of economic prosperity and social mobility, effectively as customs unions, not as cultural or ethnic entities.³⁹

Moreover, as knowledge practice, this new geopolitical empiricism also characterized the organizations that sought to influence State Department activities. For instance, the Carnegie Endowment funded an independent intellectual/academic grouping, led by former Inquiry member and now Columbia Professor of International Relations, Shotwell: his influential Commission to Study the Organization of Peace (CSOP)⁴⁰ was composed of sixty prominent foreign policy experts—many still academics—and it offered an enormous reservoir of analysis (used by Shotwell as he assisted State Department planners on the structure of the United Nations). CSOP forcefully pushed the State Department the idea that international social agencies armed with an emergent human rights discourse needed to meet socioeconomic inequities for a stable peace to take hold (DeBenedetti 1974; Mitoma 2008). In this endeavour, CSOP’s reports and bulletins on an outline of a new world order self-consciously applied ‘the scientific method to international affairs’.⁴¹

Taken in their totality, then, from Shotwell’s science of international politics to Bowman’s geopolitics, think tank and State Department drives to organize experts and collect data as ways of planning for peace retained a commitment to empirical research. But their knowledge practices and the resulting social thought on nation building were developed in service of a more abstracted formulation of the policy or research problem. Nation building knowledge and its requisite expertise moved decidedly away from their earlier substantive contextual anchoring in the realities of ECE’s nationalities, and toward a more formulaic and generic construction of nation building as abstracted policy problem.

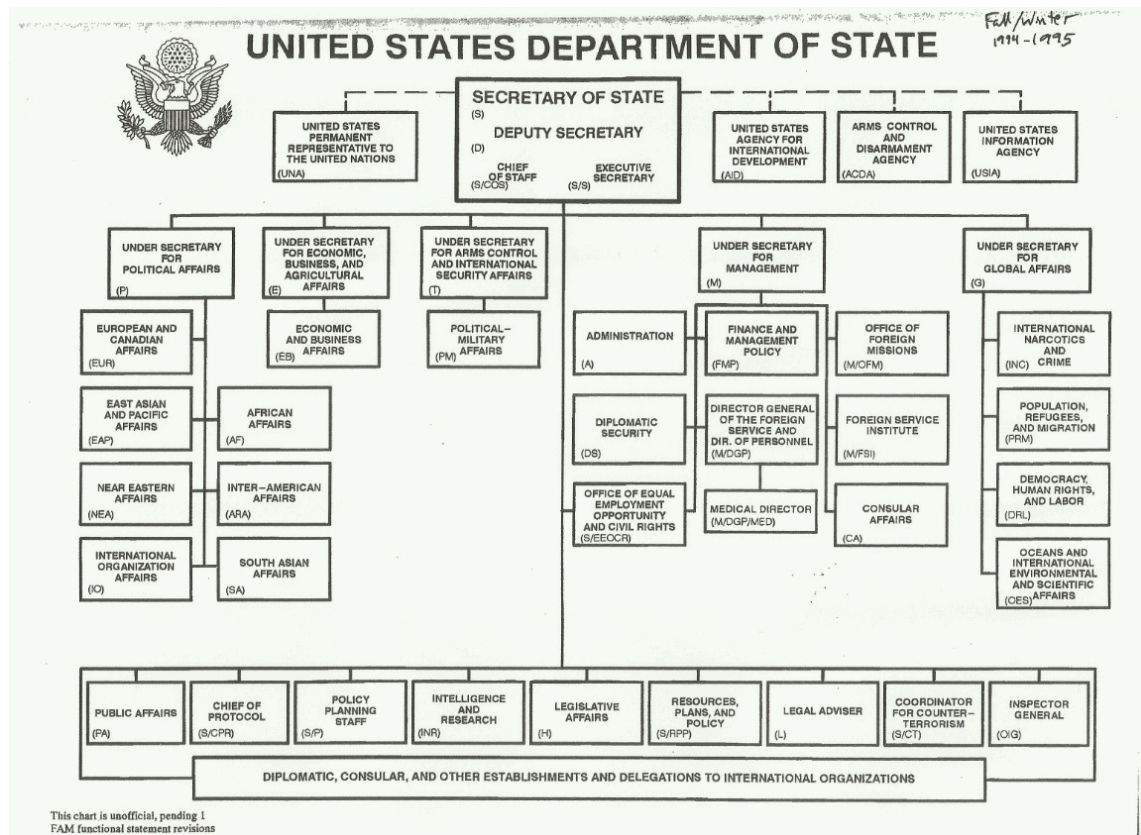
Policy insurgency: human rights lawyers and Balkans specialists

By the 1990s, then, the institutional nexus of nation building knowledge and expertise around the US State Department had substantially changed its character. As the Clinton administration struggled to rearticulate its role as the only post-Cold War superpower (Shattuck 2003; Chollet and Goldgeier 2008), the postwar diffusion of universalist human rights principles now formed the context for US social thought on nation-building (cf. Nystuen 2005; O'Brien 2010). As the 'peace agreement decade', one-half of all civil wars in the 1990s ended with peace treaties organized around human rights frameworks (Bell 2006),⁴² and US lawyers participated influentially in this 'post-Cold War rule of law movement', fusing American rights culture and legal constitutionalism with international human rights law (Henkin 1979; Klug 2000; Mazower 2004; Ignatieff 2005).

So intervention in the Bosnian conflict more generically reflected a trend toward political and constitutional reconstruction within a 'liberal legalist' framework (see Shklar's original formulation, but also Bass 2002 and Hagan 2003 on the 1990s US). In particular, federalism (or the spatial division of power), the separation of branches (including judicial review and judicial supremacy), and the idea of constitutional rights (Klug 2000) were key liberal legalist influences on dozens of new constitutions (Klug 2000: 603; Koh 2003; Ignatieff 2005). They were also at the core of the Dayton settlement. But because the majority of global conflicts were ethnically inflected, these settlements also had to come to terms with cultural or minority claims. Consequently, US social knowledge of multiethnic democracy embedded legalist, individualist human rights within a political architecture that avoided collective rights—something that by the 1990s was almost inseparable from domestic debates about multiculturalism's perceived fragmentation (cf. Glazer 1997; Hall and Lindholm 1998: ch. 10).

So once a decision was made to intervene in Bosnia, US policy had two aims: to stop the war and to build a multi-ethnic democratic Bosnia (Daalder 2000: esp. Ch. 5). Despite the robust network of think tanks and a plethora of available policy papers, working papers and academic studies on the conflict—despite decades of Balkan and Yugoslav expertise housed on the Seventh Floor of the State Department—the location of nation-building expertise and policy innovation in the now highly bureaucratized State Department emerged from two small, low-level desks: the Legal Advisor's Office and the office for Democracy, Human Rights, and Labor (or DHRL) (previously Human Rights and Humanitarian Affairs) (see Figure 3). As a result, the State Department's international, civil and human rights lawyers were now at the heart of relevant democratic nation building knowledge and expertise.⁴³

Figure 3: State Department Organization, 1994-95



Source: *Office of the Historian, US Department of State (PA/HO)*

In part, this derived from the composition of these policy elites. Those involved in Bosnia policy in the Clinton administration comprised two generations of lawyers with backgrounds in human rights law or activism, international law and diplomacy, or constitutional law⁴⁴ and civil rights; or they were strong advocates and practitioners of human rights⁴⁵ and influential Washington lawyers, well-versed in international diplomacy.⁴⁶ Among this particular political elite, then, universalist frameworks for dealing with minority problems dominated.⁴⁷ And in contrast to the composition of earlier elites, many more were women, minorities and, crucially, children of ECE wartime immigrants, bringing with them open commitments to liberal frameworks for addressing ethnic conflicts (e.g. Secretary of State Madeleine Albright, special envoy Richard Holbrooke, and legal advisor Paul Szasz).⁴⁸

But as importantly, the influence of the State Department's Balkan experts was notable for its marginalization as usable knowledge—largely because it was perceived as so institutionally embedded and bureaucratized that it could cause policy impasse.⁴⁹ And yet paradoxically, the senior leadership at the State Department in the 1990s had an

exceptionally strong cadre of Yugoslav experts with decades of experience and a deep scholarly knowledge of the Balkans: service officers making careers in the 1960s and 1970s had found Yugoslavia an interesting area of expertise given its Titoist deviation within Soviet sphere. So there was lots of embedded in-house expertise available (e.g. Brent Scowcroft, Jack Zetkovic, and Strobe Talbot). Most were fluent in Serbo-Croat, and in fact they were regularly consulted mostly for translation work. Marginalized from the substance of Bosnia policy, then, the State Department's Seventh Floor Balkan specialists felt like 'jilted lovers'.⁵⁰

Data and deliberation: liberal legalism and Bosnian ethnic cleansing

The interpretive framework for nation building data collection and analysis, then, reflected the social composition of these new knowledge experts as well as their institutional location—a location that excluded academic expertise except only very indirectly through the peripheral influence of think tank work. So while policy drift characterized the Administration's Bosnia policy at the highest levels (Chollet 2005: Ch. 1-3), a quiet policy insurgency first emerged on an ad hoc and informal basis among low- and mid-level policy elites at the war crimes desk, the Legal Advisor's Office and the DHRL. A small 'war crimes working group' had been following events and collecting data on Bosnia since early 1992.⁵¹ In May 1993, Deputy National Security Advisor Sandy Berger created an Interagency Working Group on War Crimes Evidence, known as Evidence IWG, which was co-chaired by David Scheffer and from the Office of the Legal Advisor, James O'Brien. They were tasked with collating the available information on "atrocities crimes" for eventual use by an international tribunal (Scheffer 2012: 35-44, and Ch. 1). The Evidence IWG, and its associated State Department desks, particularly in the Legal Advisor's Office, interpreted incoming evidence from Bosnia not as substantive specialists, but as lawyers examining human rights abuses, war crimes and mass atrocity. And they became the policy relevant experts, eventually producing usable policy knowledge, analysing evidence of brutalities through a distinctive liberal legalist framework.

More specifically, O'Brien's office received incredibly detailed and very specific documentation on violence, killings, tortures, rape camps, hospital massacres and detention centres (cf. Scheffer 2012: Ch. 1, 2).⁵² Field reports, embassy cables and press reports contained similar and chilling accounts of brutalities, terrified populations and large-scale displacement.⁵³ But this evidence was evaluated through a distinctive lens: they analyzed it

as ‘specific and gross human rights abuses’ based on refugee accounts;⁵⁴ as a ‘tragic humanitarian and human rights situation on the ground’⁵⁵; as a ‘humanitarian crisis’ amounting to genocide;⁵⁶ as constituting grave breaches of the Geneva Convention;⁵⁷ and as a general assessment that ethnic cleansing bore ‘the attributes of all categories of human rights abuses’.⁵⁸ In other words, ethnic cleansing by Bosnia’s warring parties was interpreted through a liberal legalist prism of human rights and mass atrocity.

Their analyses were primarily characterized by two data collection techniques—both typical of human rights practices. First, in addition to collating reports from Embassies (embassy officials), Evidence IWG also collected interviews with refugees who had escaped to Turkey, Germany and elsewhere; interagency teams were sent with UN or human rights organizations to collect their accounts for use in diplomacy to end the war and in preparation for an eventual war crimes tribunal.⁵⁹ Second, they used advanced satellite imagery to track military activities, population displacements and evidence of mass graves.⁶⁰ So State Department lawyers from deep within its bureaucratic organization adopted human rights evidence collection techniques for ascertaining and documenting rights violations, and on this knowledge practice basis, produced a series of war crimes reports calling for humanitarian intervention in a place where geopolitical interests were hard to define or defend.

The nation building knowledge produced had important policy reverberations. Bosnians were viewed less as reified ethnic or national groups, and more as political entities who used ethnicity, nationalism or religion as instruments for mobilizing political aspirations.⁶¹ As one interviewee put it to us, ‘to say that one is a Bosnian Serb is at once an expression of identity and a political aspiration or demand that we want to run our own thing.’⁶² The latter aspiration formed the relevant predicate for US policy because it implied a modern political claim that could be addressed, not the inevitability of a conflict based on ancient ethnic hatreds.

So as this evidence streamed in, and as it was read through this human rights lens, a small group detached from formal State Department channels to draft documents in preparation for a peace settlement (Chollet 2005: 57-8). This legal team worked outside the agency process because proper bureaucratic channels—which would have included consultation with Balkan experts in the Department—would have been too cumbersome (Chollet 2005: 96-7). Also excluded was academic scholarly input, and even think tank knowledge. Relevant expertise and usable knowledge was now almost entirely legalist in substance.

So while they sought a peace agreement beyond simply ending the war: ‘they wanted to build a new Bosnia’ (Chollet 2005: 96).⁶³ In practice, this meant that there was no consideration given to breaking-up Bosnia-Herzegovina.⁶⁴ US opposition to partition was an unquestioned and long-standing position, and the red lines of policy meant preserving Bosnia’s territorial integrity and adhering to a previously negotiated 51-49 percent territorial split between the Bosniak-Croat Federation and the Republika Srpska (Daalder 2000: 139; Chollet 2005: Ch. 2). But careful attention *was* paid to internal legal federal arrangements between the two ethnic entities, the Federation and the Republika Srpska, to ensure that stable (read ethnically homogenous) borders would help solidify liberal institutional arrangements. Explicit collective rights felt unnatural to both the US and European lawyers at Dayton: it was ‘against our American values’, one participant told us.⁶⁵ The result was a human rights framework drawn around the demographic realities that ethnic cleansing had created—a recognition of ethnic entities. Because these policymakers evaluated Bosnia as a human rights war, Dayton contained the most robust and sophisticated human rights protections of any previous treaty.⁶⁶ A liberal legalist political framework was viewed as an important source of social cohesion for a diverse, heterogeneous society, not least because it was believed that it would allow a more liberalized politics to emerge.

The State Department’s official Dayton historian, Derek Chollet, relates that ‘it was not a knowledge problem...it was not a question of getting expertise to figure it out, they knew what the solution looked like’; it was a question of political will.⁶⁷ While it is impossible to know what policy influence, if any, greater engagement with specialists might have had, but the absence of academic or Balkan specialists or substantive area expertise to inform the agreement was perhaps most notable (1) in the comparative lack of attention paid to the socioeconomic consequences of the conflict, (2) in the failure to defang the ethnicized political patronage systems, and (3) in the failure to properly address issues of local policing.⁶⁸ Could different arrangements been imagined had there been greater social science knowledge or awareness of Bosnia’s ethnopolitics, constituencies and power bases? How good was the political intelligence, as opposed to the statistical intelligence? As O’Brien told us, ‘we haven’t grasped how to construct policy around democratic nation-building where there is diversity, in part because we do not understand the underlying [contextual] power structures’.⁶⁹ And one of Dayton’s human rights lawyers, Nysteun, told us: ‘we didn’t get this right and didn’t quite understand it in Bosnia’;⁷⁰ ‘one could have imagined a lot of different arrangements’, but that would have ‘required knowledge on a

very detailed level about the persons involved and their interests and constituencies—
‘where was the specialist?’⁷¹

Indeed by the 1990s, relevant and usable nation building expertise (1) almost exclusively involved legalist and human rights knowledge practices, and (2) it was seen to reside among those policymakers with legal backgrounds and experience crafting peace treaties, not with academics—even those embedded in the State Department itself—with 30 years of scholarly knowledge of the local, political context. US nation building social thought was still informed by (implicit or explicit) theorizations of its own evolving diverse democracy, but it now constructed nation building as an abstracted policy problem.

Conclusion

From 1919, the Inquiry’s Progressivist social scientific and substantive nation building expertise gave way to an equally empirical but more formalized geopolitical framework, as many of the same Progressive intellectuals—by mid-century New Dealers in government and in think tanks—were chastened by the failure of their interwar designs and sought to articulate the new US role in an emerging bipolar international order; but as Cold War conservatism ceded into a human rights internationalism, the diffusion of human rights frameworks in the early 1990s created a *liberal legalist* epistemology, which controlled both the methods of data collection and the lenses through which nation building was assessed and evaluated.

So over the arc of the 20th century, there were shifts in both expertise and in the interpretive frameworks used by social scientists/academics, policymakers and think tanks affected nation building foreign policy. US nation building expertise in and around the State Department underwent an empirical de-contextualization: from its substantialist qualities in its first instantiation as a *knowledge problem*, it came to be constructed as a *policy problem*, governed by generalizable conceptual frameworks. xxxxxxxx

Changes in what qualified as relevant expertise and usable knowledge changed knowledge practices around data collection and evidence evaluation. And as the actual social location of nation building expertise shifted so, too, did its essential character: from social scientism to geopolitical empiricism to liberal legalism. As a result, nation building knowledge gradually became constructed as a generic policy problem--one requiring universally applicable (legalist) formulae--over contextually contingent, specialist, substantive knowledge. So its valorization of certain expertise, the criteria used in data

evaluation, and the character of the State Department's *knowledge practices* have had a substantive effect on US nation building *policy practices*.

We suggest, too, that this type of historically informed, comparative sociological analysis of nation building expertise, and the evolving knowledge practices around it, might offer insight into US nation building practices in Iraq and Afghanistan in the 2000s—which continued with only some variation from those of the 1990s—just as it highlights the revalorization of substantive expertise and the return of the area specialist which marks the Obama State Department.

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ENDNOTES

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² We borrow the term 'liberal legalist' from Judith Shklar (1986).

³ But see an alternate account, which gives Lansing a greater role in its creation, in Harley Notter's 'Memorandum on the House Inquiry' 15 July, 1941, General Records of the Department of State (RG 59), Records of Harley Notter, 1939-45, Box 8, National Archives and Records Administration (NARA).

⁴ Ibid, p. 2, first emphasis in original, second emphasis added.

⁵ Nearly 70% had graduated from Columbia, Chicago, Harvard and Yale, and more than half were recruited from Harvard, Yale, Columbia, Princeton and the American Geographical Society (AGS).

⁶ 'Memorandum on the House Inquiry', pp. 9-10.

⁷ H. Arctowski's 'Statistical Data on Poland, Section 1: Demography', 20 April, 1918, Inquiry Doc. 27; Will Monroe's 'Balkan Peninsula', 25 March, 1918, using map statistics from *Petermann's Mitteilungen* 1899, Inquiry Doc. 401; 'Statistical Abstract for Poland', published in Kracow in 1916, and used by the Inquiry to correlate 'ethnographical', religious, and agricultural data, Inquiry Doc. 740, Records of the American Commission to Negotiate Peace, 1914 – 1931 (RG 256), NARA; see also discussion in Haskins and Lord (1920: 3-35).

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⁹ Will Monroe 'Balkan Peninsula: Religious Toleration', 1 April, 1918, Inquiry Doc. 402, Exhibits A-C, *ibid*.

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¹³ R.J. Kerner 'Memorandum on Racial Participation in the Government of Austria-Hungary', undated, Inquiry Doc. 311, RG 256, NARA.

¹⁴ Inquiry Doc. 798, 'Czech Demands since 1914', abstracted from 'The Demands of the Bohemian People' (1917) *Journal of Race Development* 8 (2): 157, *ibid*.

¹⁵ Correspondence between W.I. Thomas and James Shotwell, 10 December, 1917 and 11 January, 1918, RG 256 GC (Entry 1) Box No. 14, W.I. Thomas; Znaniecki's, 'Report of the Polish Nationalist Movement' and 'Organization of Polish Society for Cultural Productivity', 29 January, 1918, Inquiry Doc. 633, *ibid.*

¹⁶ For example, Henryk Arctowski's widely circulated and critiqued 'Preliminary Report of Poland', 31 January, 1918, Inquiry Doc. 23, *ibid.*

¹⁷ See correspondence to Bowman regarding the AGS's eclectic periodicals and encyclopedias (e.g. *Edinburgh Review*, *Journal of Race Development*, *Preussische Jahrbücher*), 22 November, 1918, General Collection, Box No. 2; a commissioned report by Jovan Cvijic, a Serbian Geographer at the University of Belgrade, 'The Geographic Distribution of the Balkan Peoples', Inquiry Docs. 104 and 105, and interview with Cvijic, 26 May, 1918, Inquiry Doc. 277; Znaniecki's commissioned report on Poland and potential minorities issues (29 February, 1918), and Thomas' article in *Publications of the American Sociological Society*. See critique of Thomas and Znaniecki's contributions, by Shotwell, 'Note to accompany the Paper by W.I. Thomas on "The Prussian-Polish Situation"', Inquiry Doc. 559; Shotwell's critique of Seymour's 'Statistical Studies on South Slav Questions', 23 April, 1918 Inquiry Doc. 517; a 'Critique on the Preliminary Report on the Balkan Question', 18 February, 1918, Inquiry Doc. 40, all *ibid.*

¹⁸ For instance, R.J. Kerner's 'General Criticism of the British Governments Racial Contour Map of Austria-Hungary', Inquiry Doc 319, 6 March, 1918; Znaniecki's 'Report of the Political Affiliations of the Polish People'—a critique of the biased interpretation of evidence in several Inquiry commissioned reports, 29 January, 1918 Inquiry Doc. 872, both *ibid.*

¹⁹ Letter to Colonel House, 19 February, 1917, General Correspondence 1917-18, Box 7, *ibid.*

²⁰ See, for instance, Inquiry Doc. 324, on the Ethnography and Survey of the 'Races and Peoples' in the Dual Empire (undated), *ibid.*

²¹ Comment in discussion of Thomas' (1913) paper in *Publications of the American Sociological Society*, 'The Prussian-Polish Situation: An Experiment in Assimilation' Vol. VIII 84-100; and Znaniecki's report for the Inquiry, 'The organization of Polish Society for Cultural Productivity', 21 January, 1918, Inquiry Doc. 633, *ibid.*

²² See, for instance, Kerner's 'Czech Minorities in Bohemia: a Statistical Survey' 1 November, 1918, Inquiry Doc. 307; or Seymour's 'Territories in Austria-Hungary claimed by the Jugoslavs, a statistical study' 1 April, 1918, Inquiry Doc 520, both *ibid.*

²³ For instance, Charles Seymour's report 'Austria-Hungary Federalized within Existing Boundaries', 25 May, 1918, Inquiry Doc. 509; see also conclusions in S. Handman report, 'Magyar and Roumanian in Hungary: A Preliminary Study', 28 April, 1918, Inquiry Doc. 204; Committee of Polish Affairs, Minutes of Meeting No. 28, Session 19 June, 1919, pp. 212-3, Box No. 2, Minutes Reports and Documents of Commissions and Committees, 1919, Folder: Commission on Polish Affairs; and Minutes of Meeting No. 33, 23 August, 1919, pp. 234-4a, 235-6, *ibid.*

²⁴ CFR Territorial Group, 'Russia and an East European Federation', 21 September, 1942, Council on Foreign Relations, MC104, Box 299, Folder 3: Territorial Group and Unbound Material, 1942, Princeton University Library. Indeed the CFR's 'The Shape of Postwar Continental Europe' authored by Charles W Cole provided just such a realistic account, Council on Foreign Relations (MC104), Box 300, Folder 1: Territorial Group and Unbound Material, 1944, Princeton University Library (PUL).

²⁵ CFR records MC 104, 1918-2004, Box 298, Series 3: Studies Department: Folder 3: Relations with State: 1940-46, *ibid.*

²⁶ Several committees comprised the CFR's 'War and Peace Studies': Security and Armaments Group, Economic and Financial Group, which included Viner, Political Group, which included Shotwell, and the Territorial Group that included Bowman and Owen Lattimore.

²⁷ These included the Division of Special Research, Division of Political Studies, and the Division of International Security and Organization, as well as the Advisory Committee on Post-War Foreign Policy, the Committee on Special Studies, and the Committee on Post-War Programs.

²⁸ Memo 'Departmental Order 917-A', 3 February 1941, General Records of the Department of State (RG 59), Records of Harley A Notter, 1939-45, Box 8: Miscellaneous Subject Files, Folder: 'Notter's Chronological File January 24, 1941 – August 30, 1941', NARA. Pasvolsky was a Russian-born economist and journalist who had covered the Paris Peace Conference, worked for the Brookings Institution, and, from CFR where he was a key liaison with the State Department, he helped its officials draft the UN Charter.

²⁹ For example, Hull, Welles, Pasvolsky, Herbert Feis and Dean Acheson from State; and Bowman, Armstrong, Norman Davis, and Anne O'Hare McCormick, a New York Times editorial board member, from CFR.

³⁰ Secret Memo on 'Proposed Character and Procedures of the Advisory Council on Post-War Foreign Policy', 11 February, 1944, Isaiah Bowman Papers, MS 58, Box XIV.1, Folder: Advisory Council on Post-War Foreign Policy, Johns Hopkins University Library.

³¹ 'Memorandum on the House Inquiry', 15 July, 1941, RG 59, NARA.

³² For example, a 1941 memorandum made reference to an article in *Foreign Affairs Quarterly* that had established that food distribution in combination with military force could be used to subject populations, Memorandum, 'The Possibilities of Revolution During and Immediately Following the Present war', 30 August, 1941, p.6, Box 8: Miscellaneous Subject Files, Folder: 'Notter's Chronological File January 24, 1941 – August 30, 1941', RG 59, NARA.

³³ Harley Notter to Leo Pasvolsky, 4 July, 1942, Box 8, RG 59, NARA.

³⁴ For example 'Bukovina: Alternative Frontier Settlements in Bukovina', T Document 41, 12 August, 1942, 16pp., Box 60, Records of the Advisory Committee on Post-War Foreign Policy, 1942-45; 'Czech Attitudes toward Possible Solutions of the Sudeten Problem', Box 62, 6pp., both *ibid*.

³⁵ Although Bowman's work on the secretive 'M Project' on refugee resettlement plans failed to provide any useful policy recommendations because of his insistence on the 'science' rather than the 'politics of resettlement' (Smith 2003: Ch. 11).

³⁶ 'Memorandum for Reference for Mr Notter and Mr Rothwell', 10 July, 1941, p.2-3, Box 8, *ibid*.

³⁷ 'A Commission for the Study of Eastern Europe' by Bruce Hopper, 6 October, 1941, p.1, Box 299, Folder 2: Territorial Group and Unbound Material, 1941, MC104, PUL.

³⁸ Yugoslav-Balkan Unions and a Polish-Czechoslovak Federation were also mooted as possible arrangements. Isaiah Bowman Papers, Series XIV, Box 8, Johns Hopkins University Library.

³⁹ Their analysis of ECE's boundaries acknowledged, for instance, the importance of postwar Czechoslovak retaining the Sudetenland to promote liberalism and economic viability (Louis A Wiesner 'Treatment of Germany, Part II: Boundaries' p. 14, 16 November, 1942, Territorial Group, Box 299, Folder 3, *ibid*.); another memorandum on 'Current Yugoslav Quarrels' by Inquiry veteran Armstrong, explicitly rejected an Inquiry-type analysis of the Yugoslavs' historical and nationalist claims, and argued instead that attention be paid to US interests in Serbo-Croat disputes as a harbinger of the direction of

future US-Soviet relations (Hamilton Fish Armstrong 'Current Yugoslav Quarrels: the American interest', pp.1-2, 17 December, 1942, Ibid.).

⁴⁰ Founded by Shotwell and Wright, its members included John Foster Dulles and Welles. This commission worked on the assumption that the most stable basis for peace was that if international social agencies addressed the socio-economic inequalities that they held to the root causes of the war.

⁴¹ Bulletin of the Commission to Study the Organization of Peace, Vol. III, No. 9, September 1943 on 'United Nations Relief and Rehabilitation'; and an earlier April-June Bulletin on 'American Proposals for a New World Order'.

⁴² Of the then 188 members of the UN, 104 engaged in constitutional reforms, and of these 81 adopted completely new constitutions.

⁴³ For discussions on this general point, we thank James Goldgeier at the Council of Foreign Relations, and a British Foreign Office official, whose name we withhold.

⁴⁴ Paul Williams, drafted in as the Bosniak's legal consultant, was an international lawyer and academic who ran the pro bono Public International Law and Policy Group, which represented underserved groups around the world.

⁴⁵ National Security Advisor Anthony Lake was a self-described 'neo-Wilsonian pragmatist' (Daalder 2000: 82); Holbrooke was not a lawyer, but a diplomat whose formative experience was Vietnam's Paris Peace Conference.

⁴⁶ Roberts Owen, the lead American arbitrator on the Federation agreement, later assigned to managing the contentious issue of Brčko, was a close friend of Christopher's and a former State Department legal adviser under Carter who had worked on the Iranian hostage crisis, though he was not a constitutional lawyer (Chollet 2005: 56).

⁴⁷ Key figures and their backgrounds were: James O'Brien was assigned to the war crimes desk in 1992 (on loan from the State Department Legal Adviser's Office) and was one of the first officials to begin assessing incoming evidence of ethnic cleansing in Bosnia; John Shattuck, Assistant Secretary of State for Democracy, Human Rights, and Labor had worked at the ACLU, served on the board of Amnesty International, taught at Harvard Law School, and worked on public accountability during Watergate; Mike Matheson, Acting Legal Advisor for the Department of State, led efforts to create the International Criminal Tribunals for Yugoslavia and Rwanda; David Scheffer, an international and human rights lawyer and senior advisor to Albright had had responsibility for 'atrocities crimes work' (Scheffer 2012); and international Washington lawyer Warren Christopher's formative years were in the New Deal liberal era: he had investigated the Watts race riots in 1965 and had headed the first inter-agency group on human rights as Jimmy Carter's Deputy Secretary of State.

⁴⁸ Albright repeatedly referred to the lessons of Munich. Her brother was born in Yugoslavia, her father had been a diplomat in Belgrade, and she had lived there and studied it as an academic. Holbrooke's wife, Kati, was a Hungarian refugee and she was briefly brought in to help with the negotiations at Dayton; Holbrooke was of mixed ECE Jewish background. Szasz was a Hungarian refugee whose family fled to the US in 1941. He became a lawyer and acted as a legal office with the IAEA in Vienna and the legal department of the World Bank, before joining the UN legal Department. In 1992-95 Szasz was legal advisor to the international mediators on Yugoslavia Cyrus Vance and Lord Owen, and helped draft the new BiH constitution.

⁴⁹ Interview with James O'Brien 28 April, 2010.

⁵⁰ O'Brien interview.

⁵¹ Interviews with John Shattuck, 6 August, 2010, and O'Brien.

⁵² O'Brien interview; United States Department of State (USDS), Freedom of Information Act (FOIA), Declassified/ Released Document Collections: Bosnia,

<http://foia.state.gov/SearchColls/> (accessed 30 April, 2011) Docs. 147: Telegram: State to Istanbul, 14 August, 1993, 14pp.; 136: Telegram: State to Vienna, 29 October, 1993; 126: Telegram: Vienna to State, 25 January, 1994; 102: Telegram: State to Zagreb, 2 March, 1994; 89: State to Zagreb, 28 March, 1994.

⁵³ See USDS FOIADocs. 151: Telegram: State to Belgrade, 12 August, 1993; 130: Telegram: State to Belgrade, 29 December 1993. Accounts were characterized as ‘unimaginable horrors’ (177: Telegram: Geneva to State, 16 April, 1993), of ‘doctors operating on children without anesthetics’, ‘violent convulsions’, gruesome tortures, mass rape, indiscriminate killing--and although all sides were recognized as committing atrocities, the consensus was that the worst atrocities were against Muslim civilians (167: Telegram: Belgrade to State 14 May, 1993).

⁵⁴ USDS FOIADoc. 147: Telegram: State to Istanbul, 14 September, 1993.

⁵⁵ USDS FOIADoc. 198: Memorandum: Shattuck to Tarnoff, 13 January, 1993.

⁵⁶ USDS FOIADocs. 125: Interview: Genocide in Bosnia, 28 January, 1994; 122: Press: Richards Johnson’s Comments on Genocide, 3 February, 1994; 200” Memorandum: Mulholland to Kanter, 11 January, 1993.

⁵⁷ USDS FOIADocs. 211: Chronology: ‘Grave Breaches of the Fourth Geneva Convention, 17/03/92; 202: Telegram: State to Vienna, 9 January, 1993.

⁵⁸ USDS FOIADoc. 72: Telegram: Vienna to State, 16 November, 1994.

⁵⁹ USDS FOIADocs. 205: Telegram: Vienna to State, 25 November, 1992; 203: Zagreb to State, 07/01/93; 187: Telegram: Ankara to State, 16 March, 1993; 164: Istanbul to State, 11 June, 1993; 126: Telegram: State to Vienna, 25 January 1994; 105: Telegram: Zagreb to State, 28 February, 1994; 101: Telegram: State to Bonn, 4 March, 1994; 100: Telegram: Zagreb to State, 4 March, 1994; 38: Speech: John Shattuck, 1 August, 1995.

⁶⁰ USDS FOIADoc. 158: Telegram: Islamabad to State, 5 July, 1993; 53: Photographs: Mass Graves, 1 July, 1995; 33: Memorandum: Shattuck to Christopher, 4 August, 1995; 32: Report: Bosnia Serb Ethnic Cleansing, 4 August, 1995; 28: Telegram: State to Almaty, 18 August, 1995.

⁶¹ Interviews with Derek Chollet, 1 September, 2010, and James Pardew, 3 September, 2010.

⁶² Chollet interview.

⁶³ O’Brien interview; interview with Laurel Miller, 1 September, 2010. So the first draft of the Dayton Accords drew on a mix of prior Balkan agreements (Vance-Owen 1993, Owen-Stoltenberg 1993), on the Yugoslav constitution, on the Afghan and certain African agreements and on European human rights law

⁶⁴ Interview with Roberts Owen, 5 November, 2010.

⁶⁵ This was a point consistently made by nearly all of the participants we interviewed. Pardew made it most forcefully in noting that it was “against our American values”.

⁶⁶ Available from the Office of the High Representative and EU Special Representative: www.ohr.int/dpa/default.asp?content_id=379). Interview with Gro Nystuen, 14 June, 2010; Shattuck interview.

⁶⁷ Chollet interview.

⁶⁸ War criminals were also not pursued as vigorously as they should have been.

⁶⁹ O’Brien interview.

⁷⁰ Ibid.

⁷¹ Nystuen interview.