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**British Policy and the Protection of Minorities
1878-1939**

Simon Learoyd

Doctor of Philosophy University of Edinburgh 2019

Declaration

I declare that this thesis has been composed solely by myself and that it has not been submitted, in whole or in part, in any previous application for a degree. Except where stated otherwise by reference or acknowledgment, the work presented is entirely my own.

Simon Learoyd

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Completing a part-time degree whilst still in full-time employment brings additional challenges and has only been possible with the support of my employer, in my case the Clydesdale Bank, and a holiday allowance which made the primary source research possible. I have been lucky with the access and support I have received from a range of libraries and archives. In particular, I would like to thank Sarah Whale at Hatfield House, the staff of the special collections archives at Churchill College Cambridge and Ulster University, the British Library and the Bodleian Library. The London Metropolitan Archive holds the records of the Board of Deputies of British Jews whose campaigning on behalf of their co-religionists in Eastern Europe was unflagging if not always successful. I am grateful for access being granted. The Gladstone archive at Hawarden is a fitting memorial to a colossus of his time. The United Kingdom is fortunate in leading the world in the management of its official records and the staff of The National Archives at Kew have always been welcoming. Above all, I would like to thank Jacques Oberson and his colleagues who curate the League of Nations Archives at Geneva and who were unfailingly helpful. Living in Edinburgh we are fortunate to have a number of outstanding libraries on our doorstep. The National Library of Scotland is a world class research library with an outstanding curatorial staff who were always able to lay their hands on the most obscure books and journals. My son, Dr Arthur Learoyd, was an important guide through the nineteenth century conceptions of sovereignty and hierarchy.

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Lay Abstract

Before the Second World War, the focus of international human rights was on the protection of minority groups. Minorities in this sense are the racial, linguistic and religious groups in a state, that are distinct from the national majority and who can be vulnerable to discrimination or worse, including ethnic cleaning or even physical extermination by their host state or its proxies, such as paramilitary groups. Protection consists of outside intervention by another state or international organisation to prevent or halt persecution.

The persecution of minorities has taken place since classical times. The protection of minorities is a much more recent phenomenon. The emergence of an international system of minority protection is associated with the rise of nation states in Central and Eastern Europe following the collapse of the great multi-ethnic empires: first the Ottoman Empire in the second half of the nineteenth century and then, after the First World War, the Romanov and Habsburg Empires. The new nation states were usually defined in terms of the majority populations living within their borders but within each state existed significant minority groups. Persecution of these minorities represented both a humanitarian challenge but also a risk of instability in the international system to the extent that persecution and subsequent intervention could be a cause of Great Power conflict in the jostling for influence and control.

British engagement (or often non-engagement) with minority protection throughout the period covered by this thesis was motivated almost wholly by a wish to preserve international stability rather than meeting humanitarian needs. The main reason for this was that Britain's primary foreign policy objective was the development and maintenance of the British Empire, which was regarded as being heavily reliant on international stability.

At the Congress of Berlin in 1878, the Great Powers partitioned the Ottoman Empire in Europe into a number of new states. As a condition of the transfer of sovereignty, the new states were required to extend a range of religious and political rights to their minority populations, in particular Jewish groups. The Ottoman Empire in Asia was also required to implement measures to improve the lot of its Armenian and other Christian minorities. Britain was at the forefront of the imposition of these conditions. In both cases, the provisions of the Treaty of Berlin proved largely ineffective in improving the condition of minorities in the absence of any formal mechanism for outside intervention to ensure that the Treaty obligations were met. An attempt to address this weakness

was made in the peace treaties at the end of the First World War when a number of new states were created. Again Britain took the leading role in the design of the system of minority protection. The key innovation was to place minority protection under the 'guarantee' of the League of Nations. During the 1920s, this appeared to address many of the weaknesses with the Treaty of Berlin. However, the guarantee only had value so long as the League could rely on the support of Britain and the other leading members of the League of Nations. With the collapse of the League proposals for collective security after 1933, Britain and the other Powers turned away from the League seeking instead alternative security arrangements and, in the process weakening the authority of the League, which also undermined the minority protection system. At the same time, minority persecution increased significantly with the rise to power of the Nazis in Germany and authoritarian governments elsewhere in Eastern Europe. British policy towards persecuted minorities became focused on immigration controls to deal with the consequences of persecution rather than tackling the issue at source. The consequences of the failure of minority protection were catastrophic for Jewish and other vulnerable minorities.

After 1945, group minority protection system was regarded as discredited and replaced by a focus on universal individual human rights. That system proved no more effective in preventing minority persecution, ethnic cleansing and genocidal activity that emerged in the aftermath of the Cold War. The experience, for example of ethnic cleansing in the Former Yugoslavia in the 1990s, has sparked renewed interest in group minority protection.

Abstract

This thesis considers the question of the protection of vulnerable minority populations in the Ottoman Empire and in Europe, in the context of Britain's role as a global manager of the international system. It addresses how British policy towards minority protection evolved in connection with Britain's strategic objectives in the period from the Congress of Berlin in 1878 to the outbreak of the Second World War – a period encompassing the tremendously violent collapse of the Ottoman, Romanov and Habsburg Empires, then the rise of many new, insecure nation states with agendas of ethnic homogenisation, and, finally, the rise of Nazism. Minority protection concerns specifically *group* racial and religious persecution and the steps taken by outside agencies to prevent or counter the impact of actions by state actors against their own citizens that can lead through discrimination and inequality to minority persecution, ethnic cleansing and, in its most extreme form, genocidal extermination. Britain's role and importance in minority protection in the period of this study and the influence it was able to exert on other states is singular due to the global leadership role conferred by its overseas empire and the prominent role it played in the League of Nations during the interwar period.

The persecution of minorities has been an issue since classical times. The protection of minority groups is a much more recent phenomenon, linked to the emergence of the nation state, defined in terms of a majoritarian set of cultural, religious and linguistic characteristics, as the dominant form of political entity in Europe. This study argues that British interest in minority protection was primarily a result of its interest in international stability, regarded as a necessary condition to leave it free to pursue its overarching foreign policy objectives, in particular its imperial project. As such, British motivation for intervention on behalf of minorities was largely to promote order *between* those states it regarded as a source of potential instability rather than as a humanitarian response to injustice *within* states. For Britain, therefore, minority protection was not regarded as a universal obligation on all states but limited to only certain states, mainly in Central and Eastern Europe. The decision on whether and under what conditions to intervene on behalf of minorities depended on the extent to which intervention would help or hinder British foreign policy objectives.

The Treaty of Berlin (1878) marked a decisive point in minority protection when a series of territorial adjustments concerning the Ottoman Empire saw the recognition of new nation states in South-Eastern Europe. The transfer of sovereignty to the new states by the Treaty of Berlin was explicitly associated with the imposition by the Great Powers of requirements for racial and religious equality, especially for Jewish minority groups. Additional measures were also imposed on the residual

Ottoman Empire intended to provide protection from persecution for its Armenian and other Christian minorities. Britain was instrumental in introducing these measures. However, from the minorities perspective, the protections in the Treaty proved ineffective. The next significant development came with the peace settlement at the end of the First World War which established a number of new nation states in Central and Eastern Europe. Again, the British focus remained on controls over the new states to ensure that the peace was stable and durable. Britain took a leading role in requiring the new states to be bound by Minority Treaties which codified a series of civic and religious protections for their minorities. These Treaties were placed under the 'guarantee' of the League of Nations in an attempt to improve compliance by the new states. This had some success in the 1920s. However, British support for the League was always subject to its broader national interests, as evidenced by its sponsorship of the Lausanne and Locarno Treaties which acted in the long run to undermine the system put in place by the Minority Treaties. Britain was also responsible for the management – or, as it turned-out, mismanagement – of minority questions in a state under its direct control: the 'mandate' of Iraq, Britain's cut-and-run from which prefigured larger scale catastrophes in Britain's imperial retreat after 1945.

With the collapse of collective security and the threat posed to the post-war settlement by the rise of Nazism in Germany after 1933, Britain sought a solution to its security challenges outside the League, in which Britain proved willing to sacrifice minority protection in the pursuit of an agreement with Germany. As minority persecution increased, the British response increasingly became focused on the implications of the consequent refugee crisis for immigration policy rather than tackling persecution at source. The consequences for minorities were generally disastrous.

Introduction

'Are we to give up humanity to preserve the 'balance of power'?', asked the Bishop of Exeter of the Foreign Secretary, Lord Derby, in a letter to *The Times* in 1876. He was reacting to the apparent lack of action by the British government to protect Christians in the Balkans against the atrocities perpetrated on them by their Ottoman rulers.¹ The trade-off raised by the Bishop between 'saving strangers' on the one hand and promoting 'British interests' on the other, between justice within states and order within the international system, remained the fundamental question for British policy towards minorities over the succeeding 60 years.² His question sought to understand under what circumstances and by what authority would Britain take steps to protect minority groups from the discriminatory and violent actions or negligence of their own governments.

This thesis seeks to show how British statesmen and diplomats responded to the Bishop's challenge. It considers the question of the protection of vulnerable minority populations in the Ottoman Empire and Europe, in the context of Britain's role as a global manager of the international system. It considers how minority protection became both an instrument, and a casualty, of British policy to perpetually consolidate its control over the international system. It addresses the evolution of British policy in connection with Britain's strategic objectives in the period from the Congress of Berlin in 1878 to the outbreak of the Second World War. The period encompasses the tremendously violent collapse of the Ottoman, Romanov and Habsburg empires, then the rise of many new, insecure nation states with agendas of ethnic homogenisation, and, finally, the rise of Nazism. The study considers the evolution of the scope of minority protection and the approach taken to intervention by successive British governments.

The topic of minority protection sits at the nexus of a number of different traditions of inquiry. It is perforce a matter of high politics and international diplomacy, which explains the majority of the primary source base. In the case of Britain, the international, or foreign-political, element has to be considered alongside policy towards the British Empire, especially as regards the Ottoman Empire and its successor states. Well-established themes including 'the Eastern Question' and the European balance of power loom large. At the same time, minority protection and associated issues of international humanitarian law comprise a significant and burgeoning element of human rights

¹ Bishop of Exeter, 'Letters to the Editor', *The Times*, 16 September 1876, p10

² This has remained a key area of debate among International Relations theorists. See for example Hedley Bull, *The Anarchical Society*, (New York: Columbia University Press, 1995) and Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society*, (Oxford: Oxford University Press, 2000) for different perspectives.

research, strands of international relations scholarship, and genocide studies. The study of minority policy concerns the causes of group racial and religious persecution and the steps taken by outside agencies to prevent or counter the impact of actions by state actors that can lead through discrimination and inequality to minority persecution, ethnic cleansing and, in its most extreme form, genocidal extermination.

The late-nineteenth and early-twentieth century was especially important in the incubation of humanitarian norms and legal principles that were developed after 1945 and further after the Cold War. Until the end of the nineteenth century, minorities relied on the good will of their host governments and occasional interventions by Western powers for their protection. Clearly this left a gap in which terrible outrages could and did occur. Debates about humanitarian intervention and trials for breaches of international humanitarian law can be traced back to that time – and, of course, it is a period that shows in the most graphic way how the minorities, that are supposed to be the subject of protection from states and majority populations, can fall victim to the most extreme violence amid international apathy.

After 1945, scholarly interest in minority protection waned as the interwar system of minority protection was deemed to have ‘failed’ and the focus of liberal human rights protections mainly shifted to the level of the individual rather than defined minority groups.³ Historical interest in the pre-Second World War approach to minority protection has, however, been renewed in recent decades by debates about intervention on behalf of persecuted minority groups in Rwanda, Bosnia, Kosovo, Myanmar and elsewhere. As historian Mark Mazower reminds us, intervention to protect minorities is not ‘a late-twentieth-century invention’ but rather, ‘the latest flourishing of a distinctive form of Western liberal thinking about global affairs’, in which intervention is an option in the interests of maintaining global order.⁴ The latest incarnation of this tradition is the emergence of the Responsibility to Protect (‘R2P’) doctrine seeking to legitimise intervention on behalf of persecuted minorities, including military intervention, where there is an overwhelming humanitarian need and where the failure to intervene would allow a greater harm to occur. Debates around the establishment of the R2P doctrine rehearsed many of the arguments that earlier policy makers had had to address, albeit not always successfully. They revolved around questions of protecting the

³ See for example United Nations Universal Declaration of Human Rights of December 1948 which focuses exclusively on the rights and freedoms of the individual and has nothing to say about minority groups. The Genocide Convention was the notable exception which did concern itself with group rights, including minority group rights.

⁴ Mark Mazower, ‘Saviours and Sovereigns: the rise and fall of humanitarianism’, *World Affairs*, 172:4, 2010, p46

weakest from the actions of their own governments, the limits to sovereignty and the responsibilities of a state to treat its own citizens well – and the international response when it did not do so.⁵

Britain's role and importance in minority protection is singular. The international steps taken to protect minorities represent Britain's direct engagement with policies aimed at preventing the circumstances in which persecution activity could flourish. While by the First World War Britain had lost the world hegemony to which it could still lay claim in the later nineteenth century when the question of minority protection was first raised in regard of non-Muslim populations in Britain's client, the Ottoman Empire, in the interwar period Britain was nonetheless arguably the most influential power within the League of Nations. Moving from the late nineteenth century through the interwar period Britain's policy choices successively influenced how far, if at all, Ottoman Christians were protected within the dwindling Ottoman territories in Anatolia, Jews were protected within the formerly Ottoman dominion of Romania, and then how minorities of many different ethnic groups were protected in the states emerging from the break-up of the Romanov, Habsburg and Ottoman empires.⁶ British policy towards these minority groups will be the subject of this thesis.

Scope

The scope of this study is limited by time and geography. If there is a start date for minority protection it is often identified, for example by Stephen Krasner, as the Treaty of Westphalia of 1648 regarded – not altogether unproblematically – as the incarnation of the modern sovereign state system and with it the first recognition of the need to protect minorities within states by way of the religious toleration clauses of the Treaty.⁷ Subsequent important humanitarian milestones would include the proclamation of the Rights of Man in the American and French Revolutions, the abolition of slavery and the Jewish and Catholic emancipation movements in the nineteenth century in Britain and elsewhere. The Treaty of Paris in 1856, requiring the Sublime Porte to address the problem of the persecution of Christians in the Ottoman Empire, is another potential point of departure. All of these could make a valid case as the starting point for a study of this kind. The Congress of Berlin

⁵ 'The Report of the International Commission on Intervention and State Sovereignty' (Ottawa: International Development Centre, 2001) articulated the concept of the 'Responsibility to Protect' which was adopted in a modified form by the United Nations General Assembly in 2005.

⁶ Throughout this thesis I use 'Romania' except where alternative spellings are used in official documentation

⁷ See for example Stephen Krasner, *Sovereignty: organized hypocrisy* (Princeton: Princeton University Press, 1999), pp73-76, which argues for minority rights being part of the Westphalian system. Interestingly, if 1648 really was the launch of the nation state model, then it suggests that from the start, nations were prepared to compromise absolute sovereignty in the interest of order.

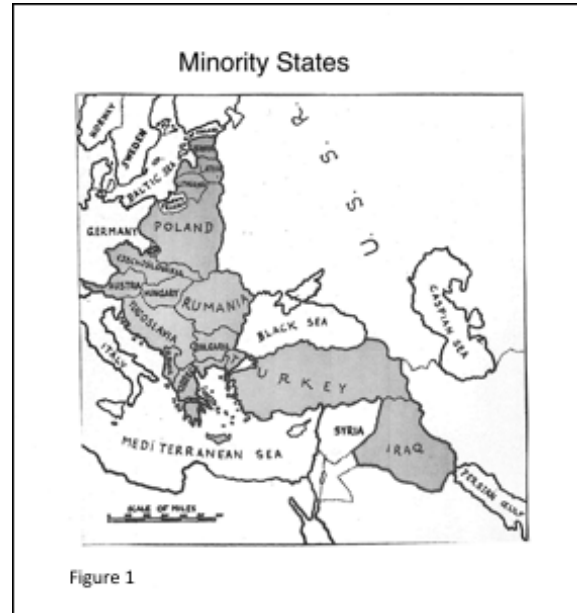
has, however, been selected as the first 'bookend' for this study for three main reasons. Firstly, it marked a decisive point for 'the public law of Europe' when a series of territorial adjustments, including the recognition of new nation states in South-eastern Europe, were explicitly associated with requirements for the protection of religious minorities. Secondly, the conflict in the Balkans which the Congress ended, and the issues the conflict raised around the role of Empire, the limits to sovereignty and the responsibilities to intervene, became the focus of intense political debate in Britain. Thirdly, the Congress set in train a process of discussion about intervention in its broadest definition to protect minority interests that was to be a significant feature of the international system for the next 60 years.⁸

Whilst Britain made certain, somewhat ambiguous, safeguarding commitments at the Congress, in particular in relation to the Armenian minority in the Ottoman Empire, the protection of minorities remained overwhelmingly the responsibility of the minorities' host governments. The next decisive moment for the development of minority protection was the peace settlement in 1919. The peace conference was concerned with the establishment of a number of new states in Central and Eastern Europe based on the principle of self-determination. This involved the identification and labelling of 'national majorities' as the legitimisation of the new states. It also by definition involved the creation of minority populations who did not meet the racial, religious or linguistic characteristics of the majority. The linkage between minority protection and territorial change, first recognised at the Congress of Berlin, was thus intensified. And if the peace was to be durable then it was imperative to make the protections for these minority groups effective, if necessary by introducing external oversight. The protection of minorities in the states concerned was formally recognised as 'a matter of international concern', holding out the possibility of a role for the League of Nations. This created the interwar minority protection system which came to an end with the outbreak of the Second World War (though in truth it had ceased to be effective by the mid-1930s). It was replaced after 1945 by a very different human rights regime that focused largely on individuals not groups and was intended to be universal not selective in application. Thus 1939 provides an appropriate second 'bookend'.

The geography of this study closely follows the work of historians Mark Levene, Omer Bartov and others in focusing on the 'European Rimlands' in a broad arc stretching from the Baltic through the

⁸ 'The public law of Europe' will feature repeatedly in this study. It is to be understood as the evolving accumulated treaty law, norms and standards by which the relationships between states are governed. It is distinctive from relationships based on power and force.

Balkans to the Persian Gulf.⁹ This is not to dismiss persecutions of minorities in other places and at other times or to dismiss other actions of persecution and atrocity, for example the mass killings in the Ukraine and Caucasus in the 1930s. It is in the states in this contested area that the Minority Treaties were applied at the end of the First World War – these became collectively the Minority States (See Fig 1).



The reason for this geographical specificity is simply that this area was the focus of British intervention on behalf of ethnic and religious minorities. Mark Levene identifies the 'Rimlands' as the place where the conditions for atrocity and ultimately genocide existed: long-standing persecution of minority religions; the fracturing of the traditional multi-ethnic and largely *non*-nationalist imperial structures; and the replacement of these structures, by Great Power design, with nation states with majorities based on contemporary Western notions of ethnicity which, *by definition*, excluded certain minorities from the national polity.¹⁰ The Rimlands were the focus of Great Power efforts to impose minority protection as a means to prevent disorder in the international system. It approaches tautology to state that the environmental conditions which generated the need for minority protection (and which were left largely unaddressed by an ineffective approach to minority protection) were the same conditions which contributed to the emergence of genocidal activity. But why was this troublesome area, at the conjunction of three continental empires, of interest to Britain? This study will argue that interest in this region was not driven primarily by humanitarian concerns for minorities *within* states but rather by Britain's overriding interest in order *between* states and that ethnic and religious tensions in this area represented the greatest threat to order. It will also be shown that Britain's tentative engagement with minority protection served to aggravate pre-existing minority problems by raising

⁹ See Mark Levene, *The Crisis of Genocide*, (Oxford: Oxford University Press, 2013), Vol 1, pxiv; Omer Bartov, and Eric Weitz, (eds.) *Shatterzone of Empires*, (Indianapolis: Indiana University Press 2013), p2. Whilst, following Levene and Bartov, I use the short hand Rimlands, I do not extend it to include a discussion of events in the Caucasus or Ukraine.

¹⁰ Mark Levene, *The Crisis of Genocide*, Vol 1, pp5-8

expectations among the minorities, for example the Armenians in the Ottoman Empire or the Jews in Rumania, which were not fulfilled and contributing to majority-minority polarisation.

Intervention

The particular concern of this study is the policy approach adopted, and intervention measures taken, by Britain and its proxies, and I include here the League of Nations, to protect minorities from the hostile actions of their own governments. I take International Relations theorist John Vincent's definition of intervention as the coercive action by one state to influence the affairs of another state to change domestic policy.¹¹ It is the element of coercion that makes intervention different from mere diplomatic persuasion or lobbying. Intervention thus challenges the norm, claimed by Vincent, that all states are equally sovereign and equally free to conduct their domestic affairs free from outside intervention – though not free from external scrutiny and criticism.¹²

Humanitarian intervention is a specific type of intervention, concerned with 'saving strangers' from the actions of a host state or its proxies.¹³ As a description 'humanitarian intervention' is, as Simms and Trim point out, a relatively recent invention arising only in the late nineteenth century alongside an emerging concept of 'human rights', contemporaneous with the period of study here, and only gained widespread usage in the twentieth century.¹⁴ The 'strangers' we are concerned with here are the minority population groups of independent states suffering from the discriminatory or violent actions and/or omissions of their host governments - actions which are usually intended to promote the political, cultural or religious interests of the majority population at the expense of minorities. The minority groups include religious, linguistic or ethnic groups within a state. Collectively, though not always accurately, these were known as 'national minorities'. Rogers Brubaker identifies three possible characteristics which could identify a national minority: a public claim to membership of an ethnocultural group different from the dominant ethnocultural group; the demand for state recognition of this distinct national group by the majority; and, the assertion of certain collective political or cultural rights by the minority. To which I would include for the benefit of clarity,

¹¹ See John Vincent, *Non-intervention and international order*, (Princeton: Princeton University Press, 1974), p3 and Alex Bellamy, 'Humanitarian Responsibilities and Interventionist Claims in International Society', *Review of International Studies*, 29:3, 2003, pp 321-340

¹² Tim Dunne, *Inventing International Society: A History of the English School*, (London: Macmillan, 1998), pp171-72

¹³ I use the short-hand 'saving strangers' to describe the act of intervention following Nicholas Wheeler, *Saving Strangers*

¹⁴ Brendan Simms and David Trim, *Humanitarian Intervention: a history*, (Cambridge: Cambridge University Press, 2011), p3

certainly in relation to the Jewish minorities in the Rimlands, collective religious rights.¹⁵ Care needs to be taken to avoid oversimplification by discussing national or religious minorities as if they were homogenous groups. Some of the most important discussions on minority protection, for example at the Peace Conferences between 1919 and 1923, were a reflection of the diversity of views *within* minority groups on the subject of the extent of the specific rights and protections which they sought.

Intervention in this study covers a wide spectrum of activities and is not restricted to military action: it can range from formal diplomatic protest through diplomatic coercion, economic sanctions and military intervention. It also included the institutional steps taken in 1919 to create under the direction of the League, an international system of minority protection that constituted a set of rights, obligations and enforcement procedures. In other words, the very creation of an international minority protection system was a form of intervention against those states to which it applied. In reality, military intervention was almost never resorted to and economic sanctions were a late development, arising largely from the experience of the successful British blockade against Germany in the First World War. After the Congress of Berlin, intervention by Britain increasingly relied on the prestige and 'soft' power that Britain enjoyed as a result of its Empire and global reach.

In order to justify intervention, potential interveners had to overcome two objections: one legal and the other political. The legal objection revolved around questions of state sovereignty. By the time of the Congress of Berlin, the inviolability of state sovereignty was a well-established norm among the Great Powers. It was first fully codified (invented in the view of Krasner) by the Dutch jurist Hugo Grotius in *De Jure Belli ac Pacis* of 1625, as a normative, natural rights based view, claiming sovereign rights had been acquired by all states equally at their foundation.¹⁶ For the new states that emerged in the Rimlands during the period of this study, it was this ideal of equal and inviolable state sovereignty that they clung to in the face of attempts by the Powers to intervene on behalf of minorities; arguing that interventions were both an infringement of state sovereignty and unequal because they represented obligations not accepted for their own states by those seeking to impose them. And yet this claim of the inviolability of state sovereignty had never been accepted by Grotius as absolute. He argued, for example that, 'if a tyrant practices atrocities towards his subjects which no just man can approve... it would not follow that others cannot take up arms against him.'¹⁷ In the

¹⁵ Rogers Brubaker, *Nationalism Reframed*, (Cambridge: Cambridge University Press, 1996), p60

¹⁶ Hugo Grotius, *De Jure Belli ac Pacis* (Indianapolis: Liberty Fund, 2005); Stephen Krasner, 'Rethinking the Sovereign State Model', in Michael Cox, Tim Dunne, and Ken Booth, (eds.), *Empires, Systems and States: Great Transformations in International Politics*, (Cambridge: Cambridge University Press, 2001), p17

¹⁷ Quoted in Francis Abiew, *The evolution of the doctrine and practice of humanitarian intervention*, (Kluwer Law International: The Hague, 1999), p35

eighteenth century there emerged a norm of the hierarchy of states at the top of which sat the Great Powers and which determined who could intervene and who could be intervened against.¹⁸ This challenged the idea of an international system based on equally sovereign states with a global system based on hierarchies and in which sovereignty was not equal. This is a framework that makes more sense for how British statesmen saw Britain's place in the world.¹⁹ In Britain, the principle of the inviolability of state sovereignty was heavily conditioned by a world view that categorised states into the civilised and uncivilised, and that different rules may apply to each category. (The highest standard of civilisation was, unsurprisingly, that which pertained in Britain.) Typical of this view was John Stuart Mill who in his influential essay, *A few Words on Non-intervention*, recognised a moral case for intervention where 'severities repugnant to humanity' were present.²⁰ These he identified as arising within uncivilised or 'barbarous' states where atrocities were supposedly to be expected and which by their 'nature' could not expect to be able to take advantage of the full sovereign independence open to civilised states.²¹ Mill's argument that there existed a hierarchy of states of differing levels of 'civilisation' and using that classification to justify differing levels of sovereignty, reflected a long standing belief that had been institutionalised by the creation of the Concert of Europe by the Great European Powers in the aftermath of the Napoleonic Wars. It accorded with a widely accepted and largely uncontested view in Britain, held equally by Conservative leaders such as Disraeli, about the superiority of British 'civilisation' and Britain's place in the world and would remain critical to understanding the approach by British statesmen towards the protection of minorities, as limited to a select group of less civilised states, throughout the period.²² The bankruptcy of this worldview would be cruelly exposed in the 1930s when some of the supposedly most civilised states launched programmes of mass state persecution of minorities.

Granted the assumption that some states did not enjoy absolute levels of sovereignty, it nonetheless did not follow that intervention was wise or justified in any given case, which brings us to the political debate about intervention. One camp in the debate comprises the interventionists

¹⁸ The hierarchy of states challenging norms of equal sovereignty has been a significant area of recent study by International Relations theorists. See for example, Edward Keene, 'International Hierarchy and the Origins of the Modern Practice of Intervention', *Review of International Studies*, 39:5, 2013, pp1077-90.

¹⁹ See Janice Mattern and Ayse Zarakol, 'Hierarchies in world politics', *International Organization*, 70:3, 2016, pp623-654

²⁰ John Stuart Mill, 'A few words on non-intervention', *Frasers Magazine for Town and Country*, 60:360, 1859, pp 766-776

²¹ *Ibid*, pp772-773

²² Indeed Hedley Bull, after Ranke, has defined a Great Power as a state which cannot be intervened against. See Hedley Bull, *The Anarchical Society*, (New York: Columbia University Press, 1977), p195. In the discussions in 1919 on the interwar minorities protection regime this approach to different standards of sovereignty depending upon the size, maturity and level of 'civilisation' was critical to the British design of the system.

(variously labelled ‘solidarists’, ‘liberals’ or, more pejoratively, ‘idealists’) who argue that states have obligations as members of a community of nations that in certain circumstances, such as the need to uphold the rule of law, override state sovereignty and necessitate action. International relations theorists consider at length the criteria under which such intervention may be legitimate.²³ By contrast, non-interventionists (‘realists’ or ‘statists’) argue that the integrity of the nation-state is the building block of the international system and that states should be able to conduct their domestic affairs free from outside interference. Nick Wheeler argues that this debate exposes ‘the conflict between order and justice at its starkest.’²⁴ We shall see that British policy was dominated by an essentially realist worldview, which was instinctively against intervention except where British interests were regarded as being under threat. The political argument against intervention was not just the concern that has encouraged some modern international relations theorists to reject interventionist policies - that intervention often tends to make matters worse for those on whose behalf the intervention was proposed to be taken.²⁵ Rather, it was a concern that to intervene would not be in the interests of the *intervening* state and could make matters very much worse for them, in terms principally of their relationships with other leading states. Humanitarian outcomes were only delivered however where there was a conjunction between order and justice. As we shall see this was never sustained.

Key Research Themes

a. Linkage to Foreign Policy Objectives

The thesis will contend that the central context for British policy towards minority protection was that of the overarching long-term strategic objectives of British foreign policy in the period, and the measures taken to achieve them. The point of departure for this study is to understand how minority protection in the period was dependent upon and conditioned by the pursuit of these objectives and, in addition, the extent to which British decisions to engage in, defer or withdraw from minority protection were driven by how such intervention was expected to impact on these objectives. Furthermore, we will seek to explain the limited diplomatic, strategic and financial cost which Britain was prepared to incur to ensure that states met their international obligations towards

²³ See Nicholas Wheeler, *Saving Strangers*, Chapter 1

²⁴ *ibid*, p11

²⁵ See for example Michael Walzer, *Just and Unjust Wars*, (New York: Basic Books, 2007), especially Chapter 6 ‘On Intervention’, for a study making the anti-interventionist argument. Though even here Walzer accepts that there are certain extreme situations where intervention is necessary and justified. The same concern that intervention might make a bad situation worse certainly influenced Salisbury’s approach to intervention in Armenia in the 1890s.

their own minority groups and the constraints which prevented it taking more decisive action in the face of gross abuses and breach of treaty obligations.

British foreign policy was dominated by three enduring and interdependent priorities: the defence of the British Isles; the maintenance of the Empire, in particular British rule in India; and the minimisation of any commitment in Continental Europe, consistent with the other two. It is at the intersection of these objectives that minority protection was considered as a policy option to be pursued. It was obvious that taking action to deliver any one of the objectives would potentially have implications for the other two. For example, there was a constant tension in the deployment of the Navy between policing the Empire and defending the British Isles. The extent of Britain's imperial commitments and its role as the dominant manager of the global system meant that Britain's overriding interest in this period was in the maintenance of international peace and stability. This had significant implications for when and how it acted to prevent the persecution of minorities.

Of all the priorities, historian Michael Howard maintains that imperial policy was the greatest priority for British policymakers.²⁶ By 1878, the British Empire was the largest overseas land empire of any European state and it was to double in size again over the next 40 years, reaching its peak span of control in the aftermath of the Paris Peace Conference. British 'greatness' was seen both within Britain and outside as drawing heavily on the global reach of the Empire. As John Darwin maintains, without the Empire, 'British power in the world would have been feeble indeed.'²⁷ However, even as the Empire was reaching its greatest scope, British officials were becoming concerned about imperial overstretch and a fear that the ultimate decline and fall of the Empire was perhaps inevitable. This meant that, 'it was not of Imperial power that British statesmen were primarily conscious at the beginning of the [twentieth] century. They were far more conscious of imperial weakness...'²⁸ It is important however not to overstate this, Britain in 1914 was a nation in transition but still was a leading economic power and as Keith Nelson reminds us, her military position was sustained by a navy that 'was pre-eminent, the British having firmly resisted the challenges of those who sought either to surpass or to erode it.'²⁹ Nevertheless, the optimism of the imperial project of the middle decades of the nineteenth century had been replaced by the final

²⁶ Michael Howard, *The Continental Commitment*, (London: Maurice Temple, 1972), Chapter 1

²⁷ John Darwin, *The Empire Project: The Rise and Fall of the British World-System, 1830–1970*, (Cambridge: Cambridge University Press, 2009), p13

²⁸ Michael Howard, *The Continental Commitment*, p10

²⁹ Keith Nelson, "'Greatly exaggerated': the myth of the decline of Great Britain before 1914", *The International History Review*, 13:4, 1991, p725

decades of the century by a more cautious mood reflecting global economic and political competition. The emergence of German military and economic dominance on the Continent, the threat to India of Russian expansionism into Asia, the rising economic power of the USA and suspicions over French intentions in the Near East and Africa all threatened the status quo in which Britain was so heavily invested. The policy response to these challenges was to place a premium on stability and British control in the areas, especially the Eastern Mediterranean, where imperial communications were most vulnerable and avoiding wherever possible, unilateral initiatives against lesser states that might otherwise bring Britain into conflict with other Great Powers. This study will argue that minority protection was actively pursued only where it could be co-opted in the struggle for order and stability and was to be avoided if it risked adding to instability.

The main geographical area of contention for much of the period was the Ottoman Empire and it was the focus for minority protection in the period before the First World War. By 1878, Britain had been pursuing a twin-track policy towards the Ottoman Empire for over 50 years – supporting the integrity of the Ottoman state against Russian expansionist threats, whilst at the same time seeking through international treaties and additional diplomatic prompting to remove any cause for outside intervention by improving the relative position of the Christian minorities within the Ottoman Empire. The whole strategy depended upon Ottoman willingness to reform. It was however, simply asking too much of a system that was in obvious decline and relied on the support of its Muslim majority for its survival, to remove from that majority the privileged position relative to their Christian neighbours which they enjoyed. Nevertheless, expectations of reform meant that Armenians and other Christian minorities looked to Britain and the campaign groups acting on their behalf to promote and protect their interest against the Porte. This only added to Ottoman insecurities and further undermined the very policy Britain was committed to pursue. In the process, Donald Bloxham's conclusion that British policy ensured that 'short term stability was purchased by storing up grievances among minorities' will be shown to have fateful consequences for the Armenian and Assyrian minorities in Eastern Anatolia.³⁰

The British obsession with classification and hierarchies went beyond just separating the world into the civilised and uncivilised. Within each category of the civilised and uncivilised there was a further graduated degree of local autonomy and sovereignty. Newly created states, as for example established by the Congress of Berlin or the peace treaties in 1919, were effectively 'on probation' as civilised states with conditions that could include externally supervised minority protections. Their

³⁰ Donald Bloxham, *The Great Game of Genocide*, (Oxford: Oxford University Press, 2005), p38

sovereignty was thus to some degree limited and conditional. This hierarchical approach to the international system enjoyed wide acceptance across the political spectrum being acknowledged as much by liberals and internationalists such as Gilbert Murray and Gladstone as it was by the conservative imperialists, Disraeli and Salisbury. This thesis shall consider how these international hierarchies were reflected in the treaties and systems put in place to manage international relations and specifically in the minority protections included in the Treaty of Berlin and the Minority Treaties.

Britain enjoyed an equally challenging relationship with continental Europe, to which the focus of minority protection shifted in 1919. The continental commitment remained a conundrum for successive foreign secretaries who found that, despite their best efforts, it was impossible to remain detached from the dynamics of interstate relations in mainland Europe. It had been a tenet of British policy since the Foreign Secretaryship of Castlereagh in the 1820s to be instinctively against intervention in European disputes unless they threatened the defence of the British Isles or the Empire.³¹ A focus on international order was his primary motivation. Castlereagh believed that intervention should be considered only in a strictly limited range of circumstances including where the actions of a state put the relationships *between* states at risk but not where it was a purely domestic dispute; and, where domestic instability directly threatened British interests. Intervention as a matter of policy to deal with issues that posed no threat to the wider international system was unsupportable: 'the principle of one state interfering in the internal affairs of another is a scheme utterly impractical and objectionable...' Castlereagh argued that intervention was a political not a humanitarian decision and the hurdle for intervention was clearly very high and would remain so for his successors. Lord Salisbury, Castlereagh's biographer, argued for example that all the foreign policy 'failures in Europe, that have taken place [since the Congress of Vienna] have arisen from one cause: the practice of foreign intervention in domestic quarrels.'³² This study will consider how this reluctance to be drawn into European disputes influenced the British responses to minority issues, in particular in the interwar period. It will show that British interest in strictly humanitarian interventions was almost non-existent and that minority protection was conceived as a means to advance pre-existing British strategic objectives, in the context of where an actual or potential threat to international order was regarded as impinging on those objectives – sometimes with adverse consequences for the order and stability that the British approach was designed to deliver in the first place.

³¹ Harold Temperley described Castlereagh's State paper of May 1820 as, 'the most famous State paper in British history and the one of the widest ultimate consequence'. See Harold Temperley, and Lillian Penson, *Foundations of British Foreign Policy from Pitt to Salisbury*, (London: Frank Cass, 1966), p48-63 for full text.

³² Marquis of Salisbury, *Essays by the late Marquis of Salisbury*, (New York: Dutton and Co., 1905), p63

b. Nations and Nationalism

However, for all Salisbury's support for Castlereagh's aversion to engagement with Europe, he sounded a note of qualification. He had seen early that the policy of non-intervention was at risk from the emergence of nationalism to which Castlereagh was, as Salisbury puts it, 'obstinately deaf ...'³³ The second key theme of this study is the impact of nationalism in Europe on the identification and protection of minorities.

The second half of the nineteenth century saw momentous changes in Europe, as Rogers Brubaker summarises, 'nationalism was both the cause and effect of the great reorganisations of space in Central and Eastern Europe.'³⁴ German and Italian unification was followed by the reorganisation of the Ottoman territories in the Balkans at the Congress of Berlin. The collapse of the Ottoman, Habsburg and Romanov Empires during the First World War dramatically accelerated this process of change. Nation-state formation relied on the categorisation and naming of groups of peoples as distinctive from their neighbours. Peoples and lands were 'aligned'. Where alignment was not achievable, the result was minority groups who did not fit the national template and for whom protections might be required against the threat of chauvinistic nationalism. Indeed, Bartov and Weitz maintain that the very language of minorities and majorities is itself a late nineteenth century construct arising from the broader discourse on nationalism.³⁵

Creating new states based on national majorities was messy, highly competitive and frequently marked by prolonged violence. Amongst other things, it was bedevilled by the actions of the new states in seeking to create 'facts on the ground', sometimes at variance with the real facts relating to geography and economy, and often ill-informed judgements by outsiders, leaving significant minorities which did not fit the national template. In some states, national identity itself was in part defined by animus towards the 'other'- for example in Romania, Romanianess was shaped by anti-Semitism and anti-Magyarism. As Peter Sahllins reminds us, 'national identity is a socially constructed and continuous process of defining friend and enemy.'³⁶ The potential for the persecution of minorities was embedded within the very concept of the nation state, and was often realised in the process by which such states came into being.³⁷ The actuality and the threat of

³³ *ibid*, p54

³⁴ Rogers Brubaker, *Nationalism Reframed*, p4

³⁵ Omer Bartov and Eric Weitz (eds.) *Shatterzone of Empires*, p5

³⁶ Peter Sahllins, *Boundaries: the making of France and Spain in the Pyrenees*, (Berkeley: University of California Press, 1989), p270

³⁷ Mark Levene makes a similar point in relation to genocide being 'systemic' where the nation state is the political paradigm. See Mark Levene, *Crisis of Genocide*, Vol.1, p1

violence led initially to the acceptance of the need for the codification in international treaties of minority rights and protections in newly established states.

Like the Great Powers, the new states too had a preference for order over justice: in their case it was often represented by an insistence on the unconditional loyalty of all the citizens of the new state in support of the 'national project' rather than the justice of respecting minority rights. Intervention led to deep wells of resentment on the part of the new states, both towards the states forcing protection on them but also towards the national minorities who were now caught in a spiral of blame and intervention to ensure compliance by the host governments. Into this mix, Brubaker identifies a third player which will be critical for our understanding of the impact of nationalism on minorities: the external national homeland or kin state which maintains it had special rights as a protector of minority interests - and I would include here for this purpose those other external states, like Britain and later the United States, that were held out to have a special role as the protectors of certain minority groups, often on behalf of those like Jews or Armenians which lacked a kin state. The kin state or protector state could be placed in a position of direct conflict with the nation state in question when the former sought to protect minority rights or interests against the wishes of the majority nationalising agenda and the consequent escalation of international tensions could leave minority populations doubly exposed. Alternatively, the 'protector' state could, as we shall see repeatedly, take the view that its greater national interest required it to avoid offending the host government.³⁸

c. The official response

Our third area of investigation is the specific choices made within Britain in policy formation in respect of minority protection. This study looks at how the British concern for the maintenance of order in the international system was turned into practical policy measures in regard to the protection of minorities. We shall see that the result was an instinctive reluctance to intervene except where to do so furthered British interests and control over the international system. The answer by almost any Foreign Secretary in this period to the question posed by the Bishop of Exeter at the start of this introduction would most likely be, 'unfortunately that is the case...'

No study of British foreign policy in this period can make sense without an appreciation of the institution of the Foreign Office. Before 1914 the Foreign Office was the smallest department of state, a tightly knit and remarkably homogenous department of only 180 people. In government,

³⁸ Rogers Brubaker, *Nationalism Reframed*, p6

foreign policy making was the near monopoly of the Foreign Secretary with only the Prime Minister as a potential check.³⁹ Parliamentary scrutiny was largely absent except at moments of great national crisis. Recruitment to the Foreign Office was for life and from a very narrow slice of British society, characterised by Zara Steiner by the reality that until the administrative reform of 1907, 'men from families totally unknown to Lord Salisbury need not apply.'⁴⁰ The First World War changed the structure of the Foreign Office, as so much else in British society. Maisal also makes the point that in the interwar period the boundaries between domestic and foreign policy became much more blurred, with a greater parliamentary and broader engagement in foreign affairs by departments other than the Foreign Office and we shall see the complications which came from that development.⁴¹ Nevertheless, the underlying objectives of foreign policy established in the generations before the war remained broadly intact.

Policy towards humanitarian intervention for most of the period under review was undertaken by a very small group of men with a remarkably consistent outlook. They were not impervious to outside influences, but they were not dominated by them and only rarely felt a need to respond to them. The impact of public opinion on foreign policy making was limited. Harold Nicholson, writing in 1937, put this down to a lack of 'profound divergence of opinion as to the objectives of that policy,' defined as "'The protection of British rights and interests.'" ⁴²The anti-slavery movement is frequently cited to show how moral censure could be combined with effective public campaigning to achieve great liberal outcomes.⁴³ This study will argue that, unlike the campaign to abolish the slave trade, other public campaigns arguing for intervention on behalf of oppressed minorities were unsuccessful in securing significant fundamental changes in policy. A rare exception was the agitation over the Bulgarian Atrocities where, what James Thompson has described as the full range of 'press, platform and petition', were brought to bear and for a short time acted to tie the government's hands – though normal service was soon resumed as public attention moved on.⁴⁴ Policymakers were able to resist public demands for intervention because those campaigns were

³⁹For a history of the Foreign Office as an institution see Zara Steiner, *The Foreign Office and Foreign Policy 1898-1914*, (Cambridge: Cambridge University Press 1969); F. Harry Hinsley, (ed.), *British Foreign Policy under Sir Edward Grey*, (Cambridge: Cambridge University Press,1975); Gaynor Johnson, (ed.), *The Foreign Office and British Diplomacy in the Twentieth Century*, (London: Routledge, 2005); Ephraim Maisel, *The Foreign Office and Foreign Policy 1919-1926*, (Brighton: Sussex Academic Press, 1994).

⁴⁰ Zara Steiner, *The Foreign Office*, p17

⁴¹ Ephraim Maisel, *The Foreign Office*, pp60-64

⁴² Harold Nicholson, 'British Public Opinion and Foreign Policy', *The Public Opinion Quarterly*, 1:1, 1937, p55

⁴³ See for example Maeve Ryan, 'British anti-slave trade and anti-slavery policy in East Africa, Arabia and Turkey 1807-67', in Brendan Simms and David Trim, *Humanitarian Intervention*, pp231-256

⁴⁴ James Thompson, *British Political Culture and the Idea of Public Opinion*, (Cambridge: Cambridge University Press, 2013), p61

rarely sustained and even where they were, Foreign Office orthodoxy, what Thomas Otte has described as the 'Foreign Office mind', remained remarkably impervious to external challenges.⁴⁵

Decisions regarding the protection of minorities can be expected to have a moral dimension. However, the statesmen and senior officials who held the key policy roles in the Foreign Office, many of them who like Salisbury professed a strong Christian faith, were largely able to prevent questions of personal morality intruding into public policy. This apparent contradiction prompted Canon Liddell, a cleric closely associated with Liberalism, to demand in the wake of the Bulgarian Atrocities that, 'we wish our relatives to be good men in the first instance and then successful men, if success is compatible with goodness. I cannot understand how many excellent people fail to feel this way about their country too.'⁴⁶ But they did and as Donald Bloxham adds, 'considerations of political morality sometimes entail measures on behalf of the collective that would be illegitimate in a personal capacity.'⁴⁷ Civil servants too were able to act, in the words of the current Permanent Under-secretary of the Foreign Office, 'with their heads not their hearts.'⁴⁸ In political terms, this was presented by successive Foreign Secretaries as hard headed 'realism' in the pursuit of British interests. This study will consider the extent to which minority problems were approached from the same realist perspective, focused on ends over means and a rejection of the notion of a deontological obligation to perform morally right actions for their own sake.⁴⁹ We shall show that the pursuit of a realist foreign policy did not mean that liberal outcomes were not sometimes pursued – they were, as for example via Salisbury's attempts to harness international support for intervention to protect the Armenians in the 1890s. However, they were only pursued when they either converged with British interests or at the very least did not (and could not) undermine those interests, and were dropped once any threat to British interests emerged - again the proposed Armenian intervention is instructive in this regard. We shall also seek to show that for the minorities, 'realism' would come to mean a policy that focused on dealing with the short-term consequences rather than the root causes of minority persecution. As we shall see, in the response in the 1930s to the persecution of Jews by the Nazis in Germany and elsewhere, taking a more robust stance was not considered a viable option by the Foreign Office because, in the view of policymakers, it threatened to cut across broader British strategic objectives.

⁴⁵ Thomas Otte, *The Foreign Office Mind*, (Cambridge: Cambridge University Press, 2011)

⁴⁶ Peter Marsh (ed.), *The Conscience of the Victorian State*, (Sussex: Harvester Press, 1979), p5

⁴⁷ See Donald Bloxham, *History and Morality*, forthcoming (Oxford: Oxford University Press, 2020)

⁴⁸ Speech by Sir Simon McDonald, Permanent Under-Secretary Foreign Office, 28 June 2019 at Lancaster House Conference, 'Peace making after the First World War, 1919-23'

⁴⁹ See Donald Bloxham, *History and Morality*

Sources

This research is based primarily on archival resources, and in the main, given its focus, British diplomatic records. The focus on British records for a study of international history is at risk of bias or giving too much weight to one particular viewpoint, in this case the official British position. To mitigate that, steps have been taken wherever practical to seek corroborating, or at times contradicting, viewpoints from private archives and, in the case of the interwar period, the records of the League of Nations. The research has not extended to a review of other national archives except where papers have been published in official series, as for example the United States records of the Paris Peace Conference.⁵⁰

British minority policy was dealt with largely in the Foreign Office until the end of the First World War. Thereafter, the Colonial Office had an additional role, since it was responsible for the mandated territories in Palestine and Iraq. The Home Office took the lead in terms of dealing with some of the consequences of Jewish persecution in Germany and elsewhere in the 1930s. The records of all three departments, held by The National Archives, are therefore a key source. The focus of minority protection before 1914 was primarily the Ottoman Empire and much of the relevant evidence is captured in the correspondence between the Foreign Office in London and the Embassy in Constantinople. Those communications reveal the shifting views in the Embassy, from outright opposition to intervention in the 1870s to a more instinctive revulsion at Ottoman repression and pressure to intervene on the part of some officials 'on the ground' by the 1890s. They also illuminate the overriding Foreign Office view that Britain's broader strategic interests and relations with other Great Powers were served largely by non-intervention or by a very carefully calibrated process of diplomatic pressure.

The official record is supplemented by the personal papers of a number of the leading politicians in the 1870s, including the correspondence of Disraeli, the Gladstone archive at Hawarden and the private memoirs of Ambassador Layard. Gladstone's archive is immense: it reveals the inconsistencies in his policies and the considerable role played in his political opinions by personal animosities towards, for example, the Sultan Abdulhamid II and Disraeli. Disraeli's letters to the Queen are the only 'official' record of the key Cabinet meetings in the mid-1870s, since official minutes of Cabinet meetings were an innovation of 1916. The letters are gossipy, self-promoting,

⁵⁰ See for example, 'The Paris Peace Conference, 1919' in Joseph Fuller (ed.), *Papers Relating to the Foreign Relations of the United States* (hereinafter FRUS), (Washington: Government Printing Office, 1942) in particular Volumes 5-7

barbed about colleagues and enemies equally, but they are important in revealing the extent of Cabinet splits over foreign policy in the mid-1870s and the difficulties which Disraeli faced in constructing an agreed way forward in relation to the Ottoman Empire in response to the 'Bulgarian Atrocities'. Another key source is the private papers of Lord Salisbury at Hatfield House. This is important for a number of reasons: it covers nearly 30 years of British foreign policy and therefore offers a unique longitudinal perspective; and, because of Salisbury's penchant for conducting foreign policy through his private correspondence, it is more revealing of his real views and provides an important check and balance to the official record. Many of his correspondents are colleagues he worked with over decades in different roles and with whom he formed firm and enduring friendships. The letters reveal an openness to challenge, genuine anxiety over his decision not to intervene militarily to save the Armenians and doubts over the broader Eastern Question policy he was pursuing that are not always so evident in the official record.

The peace conference at the end of the First World War in 1919 is a critical moment in British policy towards minorities. The preparations for the conference are covered both in the British and American official archives and also, in the case of the USA, in the papers prepared as part of The Inquiry – the official body established by President Wilson to plan for the settlement. Minority issues were covered at the conference in a number of interrelated activities: first, in the discussions on the League Covenant; and then, later, in the territorial commissions on Eastern Europe, the New States Committee and in the executive deliberations of the Council of Four. For all of these meetings, extensive minutes were kept both as part of an official record and unofficially by the various delegations.

Supplementing these records, a number of the key participants also maintained their own diaries and memoirs. For the discussion on the League Covenant, the diaries of David Hunter Miller, the American legal adviser, are important. The key private account of the British perspective on the activities of the New States Committee which designed the interwar minority protection system, is provided by James Headlam-Morley, the British representative on the committee, whose diary and private correspondence with his Foreign Office colleagues in the Political Intelligence Department, particularly with Lewis Namier, provide a rich seam of information. They reveal both Headlam-Morley's natural liberalism and his sense of public duty, with his ability to 'act with his head not his heart' in devising a scheme that in the final analysis aligned with British interests and British expectations for a League of Nations under Great Power control.⁵¹ An important and largely

⁵¹ For a fuller discussion of Headlam-Morley's career, see Alan Sharp, 'James Headlam-Morley: Creating International History', *Diplomacy and Statecraft*, 9:3, 1998, pp266-83

complementary view of the Minority Treaty negotiations is provided by the diary of Lucien Wolf, a representative of the Joint Foreign Committee of British Jews, and in his correspondence with the Board of Deputies held at the London Metropolitan Archive. Wolf lobbied Headlam-Morley intensely and in turn he was able to secure Headlam-Morley's confidence that he, Wolf, was an authentic voice of Jewish minority interests. Wolf's diary provides an Anglo-Jewish perspective on the minority protection system. It is also revealing about the extent of dissension within the various Jewish groups in Paris, especially Wolf's own distrust and dislike of the leading Zionist groups and their vision of a solution to the Jewish Question based around a Jewish state in Palestine. Some of its judgements need to be taken with care to the extent they are self-justificatory of Wolf's own position. The London Metropolitan Archive records are also useful for the interwar period on the policy changes proposed to provide assistance to the victims of German anti-Jewish measures

The voice of the minorities on whose behalf the system was designed and the Minority States who were required to sign the Minorities Treaties is abundantly clear in the records of the Peace Conference.⁵² In relation to the Minority States, there is no reason to assume that the forthright opposition to the Minority Treaties captured in the official record is anything other than heartfelt and accurate. A feature of the peace treaties in 1919 was that there was no meaningful negotiation with those states to which they applied but that the negotiation took place between the victorious Allies. The same lack of engagement occurred in respect of the Minority Treaties, which were designed quickly and largely in secret. There were only a few set piece meetings with the Minority States; these are captured in the official record and resulted in only relatively minor changes being made to the Treaties' details. From the German and other ethnic minorities that found themselves on the 'wrong side' of national boundaries in 1919 there is very little to be heard before the Peace Treaty was presented. Their concerns about the position of their own kin minority groups became part of the broader debate on the fairness and justice of the whole peace treaty outcome in the various plebiscites and appeals to the League Council in the 1920s.

The focus of minority protection in the interwar period turns to the League of Nations whose archives provide extensive detail of the arrangements put in place and the interactions of the League's Minorities Section with the Minority States. It is also here that the voice of the minorities in the Minority States is most clearly heard in the international forum through the petitions and correspondence submitted to the League and the reports of the Minorities Section and the records of the Board of Deputies of British Jews. The League of Nations was an extensive bureaucracy with a

⁵² See for example FRUS, 'Paris Peace Conference', Vol.6, *passim*

central registry modelled on the Foreign Office and as such the records are comprehensive. With the collapse of League authority and with it the League system of minority protection in the mid-1930s and the rise of a new threat, never envisaged in any of the post war arrangements, of Jewish persecution in Germany, the archival record shifts back from Geneva to national governments. It is in the records of the Foreign, Colonial and Home Offices that the British response is documented extensively.

Historiography

British policy towards the protection of minorities before the Second World War has not inspired an extensive secondary literature. Nevertheless, it has attracted some interest, often only in passing as an introduction to another debate, from three groups of scholars: international lawyers; international relations (IR) theorists; and, international historians.

International lawyers' interest has been chiefly in the evolving argument in the nineteenth century about the questions that minority protection posed for the norms that sovereignty is absolute and the legitimate grounds for intervention. Minority protection policy is usually mentioned in the narrative in the context of the impact of the interwar minority protection system on evolving international human rights law – often as a precursor to a deeper discussion on the post-Second World War UN Genocide Convention and the UN Charter and to demonstrate that group protections are an ineffective response to threats to human rights.⁵³

The work of IR theorists has been concerned similarly with issues of sovereignty but largely in the context of more recent humanitarian interventions and the extent to which there are lessons to be drawn from the structure of past interventions focused on group protections.⁵⁴ The IR theorists raise important questions about the thresholds for intervention, the limits to sovereignty and the rights and duties of the international community to intervene but have less to say about the historical context of British policy towards minority protection.

Because this is principally the study of British policy insofar as it affected other sovereign states, this is a study of international history. The history of humanitarian intervention to protect minorities was a largely neglected episode until the end of the Cold War. The re-emergence of violently aggressive

⁵³ An example of this is Francis Abiew, *The evolution of the doctrine and practice of humanitarian intervention*. The 1948 Genocide Convention, is an exception to the broader thrust of post-war policy which has focused chiefly on the proclamation of individual and universal human rights.

⁵⁴ Chapter 1 of Nicholas Wheeler, *Saving Strangers* provides a good summary of the different IR disciplines' approach to the issue of humanitarian intervention.

nationalist agendas in Southeastern Europe and elsewhere in the 1990s sparked renewed interest by historians in the measures taken to protect minorities in the period under review here. Scholarly interest in minority protection has followed a number of themes. Some have sought to see it as a humanitarian response to domestic political pressure in the 'protecting states'; others discuss it in the context of, and constrained by, the strategic foreign policy priorities of the protecting states; a third group, develop the arguments of the second by emphasising the critical impact of the development of an international system of nation states and the absence of an effective system of minority protection which allowed the extension of the scope and depth of minority persecution by aggressively nationalising polities. This aspect of minority protection has been an area of interest for genocide scholars.

Recent writing on the history of humanitarian intervention has sometimes sought to demonstrate, quite correctly, that the issues raised by IR theorists around cause and effect of interventions by Western Powers to protect minority groups are not recent phenomena. More contentiously, the historians in question have sometimes sought to demonstrate that liberal interventionism, and especially the doctrine of 'responsibility to protect', has a long back story. Indeed, there is evidence of an emerging theme that seeks to identify continuity between the pre-Second World War international response to minority persecution and more recent interventions in the former Yugoslavia and elsewhere. It will be argued here that this is essentially a teleological argument and that, whilst more recent interventions have sometimes been no more successful than their historical antecedents, the differences of context, place and motivation are much greater than the similarities.

An example of teleological history is Gary Bass' *Freedom's Battle* (2009). With an eye to providing a historical justification for the interventions of the 1990s, Bass's study addresses British intervention in the Ottoman Empire to protect Christian minorities. Bass argues that, 'as domestic liberalism grew up in Britain...the government's found their foreign policy being pushed by their own home grown freedom...'⁵⁵ He argues that intervention was essentially the result of popular pressure in Britain and elsewhere that he attributes to the emergence of combination of a mass free press through which 'public opinion' could be expressed and mass democracy by which politicians could be held to account. Bass has some support for his views with Michael Barnett for example, maintaining that there was a humanitarian 'big bang' in Britain in the nineteenth century, citing the anti-slavery movement as a critical turning point.⁵⁶ All of these arguments seek to give public opinion a direct

⁵⁵ Gary Bass, *Freedom's Battle: The Origins of Humanitarian Intervention*, (London: Alfred Knopf, 2008), p6

⁵⁶ Michael Barnett, *Empire of Humanity: a History of Humanitarianism*, (London: Cornell University Press, 2011)

and enduring influence on the formulation of foreign policy. This study will challenge this narrative of causality, arguing that even in situations such as the campaign against the 'Bulgarian Atrocities' in 1876-77, there is little evidence that public opinion could lead to a fundamental *and* permanent reappraisal of British foreign policy. Even the decision to establish the Minority Treaties system in 1919, in part motivated by the public outcry in Western countries against reported atrocities against Jews in Poland, became an element of the broader exercise in Great Power control over the League and its institutions rather than a strictly humanitarian operation. It will be argued here that the motivation for intervention was rarely strictly humanitarian and that Bass and others who argue from a position of the morality of intervention fail to give sufficient account of the broader foreign and imperial constraints within which Britain operated.

A second theme, that of the relationship between minority protection and the foreign policy objectives of leading states. This is raised in Davide Rodogno's 2012 monograph, *Against Massacre*. As with Bass, Rodogno focuses on intervention to protect Christian minorities in the Ottoman Empire in the nineteenth century but considers intervention in the context of Great Power, in particular British and French, foreign policy objectives.⁵⁷ He too draws comparisons with the modern age, arguing that 'the current paradigm of humanitarian intervention is not entirely different from that of the nineteenth century' in the sense that they were *ex post facto* events, occurring only after massive violations of human rights had already occurred, and more constructed by Great Power politics than purely humanitarian needs.⁵⁸ In considering intervention in the Ottoman Empire, Rodogno rejects Bass' argument that intervention was essentially a democratic and humanitarian impulse, contending rather that British intervention (or often the decision not to intervene) was more often an outcome of largely Anglo-Russian jockeying for dominance in the strategically important Eastern Mediterranean and 'the maintenance of peace and security.'⁵⁹ Intervention was not a liberal activity seeking to export a British idea of 'good government' so much as an act conditioned and limited by British strategic objectives. Rodogno also demonstrates that by the final quarter of the nineteenth century, the threshold for intervention was rising and that specifically military intervention on behalf of minorities was no longer regarded as a policy option with the focus shifting instead to diplomatic coercion and increasing interest in the potential for legal alternatives for regulating the behaviour of states towards their minorities. This prefigures the arrangements established by the Minority Treaties.

⁵⁷ Davide Rodogno, *Against Massacre: Humanitarian Interventions in the Ottoman Empire 1815-1914*, (Princeton: Princeton University Press, 2012)

⁵⁸ *ibid*, p274

⁵⁹ *ibid*, p209

Rodogno's study ends in 1908 and does not consider the new arrangements of the inter-war period. If British intervention was constrained by considerations of Great Power politics, did the emergence of a multilateral approach to minority protection after 1919 by the League of Nations offer a template where minority protection could be the result of more explicitly humanitarian motives, in particular in respect of protection for Jewish groups? This has been the third and most substantial area of enquiry in the literature. The weaknesses of the League and its rapid decline in the mid-1930s has coloured how both contemporaries and recent historians have viewed the interwar minority protection system. The first significant study of the operation of the Minority Treaties came with Oscar Janowsky's monograph of 1933, *The Jews and Minority Rights*. This still held out expectations that the Treaties would be effective in terms of protecting, 'the linguistic and cultural differences between the minorities and majorities of the states affected.'⁶⁰ Janowsky recognised the Treaties as being essentially a compromise solution reflecting what was actually possible in the context of the time, in particular the accepted norms of the presumption of the inviolability of national sovereignty and the limited willingness of the Great Powers to act as the 'policemen' of the Minority Treaties. Crucially, he saw the system as relying on a transfer of sovereignty between the League and its main backers: the system would only work so long as the Great Powers pooled their collective authority to make it work.⁶¹

If in 1933 this collective approach still seemed a possible way of providing protection, within a year a very different tone was established in the comprehensive study of the League minority system produced by the League insider Carlyle Macartney, *National States and National Minorities*.⁶² Whilst he was strongly supportive of the liberal internationalism of the League, Macartney saw that in relation to minorities it was failing to deliver on the protections which the Minority Treaties had promised. He ascribed this to the fact that by the early 1930s, minority protection had few supporters among the minorities, the Minority States or the kin states of minorities, even though their reasons for lack of support of the system were 'diametrically opposite': the minorities wanted more intervention the Minority States much less.⁶³ His 'solution' was to give the pro-interventionists greater legitimacy by seeking to invest greater authority in the League at the expense of the nation state, believing that the League had failed to provide the protections necessary because of a lack of will by its major members to give it the authority to carry out its role. If that could not be achieved, and by 1934 it was clearly not achievable with power and authority already draining away from the

⁶⁰ Oscar Janowsky, *The Jews and Minority Rights* (New York: Columbia University Press, 1933), p386

⁶¹ *ibid*, p189

⁶² Carlyle A. Macartney, *National States and National Minorities* (Oxford: Oxford University Press, 1934)

⁶³ *ibid*, p370

League and its institutions, then there would need to be a readjustment of the people to fit the land. To achieve that he saw only three alternatives: revision of frontiers; population exchanges; or the physical annihilation of the minorities.⁶⁴ The tragedy that unfolded in the decade after the publication of his book was that all three of his alternative options were pursued by persecuting host governments.

If Macartney offered an ultimately pessimistic summary of the League system of minority protection, other contemporary commentators were more mixed. The major study of the League minority system produced in 1943, Jacob Robinson's *Were the Minority Treaties a Failure?* credits the League for a number of successes in the 1920s and identifies the failures of the 1930s not so much with an inherent flaw in the design of the Minority Treaties but with institutional failures of implementation.⁶⁵ In particular, it criticises the excessive bureaucratisation within the League which paralysed decision making in the face of challenges from overtly nationalist governments in Germany, Poland and elsewhere; and crucially, like Macartney, Robinson emphasises the retreat of the Great Powers from multilateralism, the League and collective security in the early 1930s, and the advent of a new 'system' of bilateral security arrangements as reasons for the failure of the league system. Robinson thus gets to a core issue: with the Great Powers' having created a system that relied on their will for enforcement, how could the system survive the withdrawal of that support and remain effective? Writing about minority policy in the interwar period has also attracted some interest from German scholars which coincided with access to the German diplomatic records and the League of Nations Archives in the 1970s. They focus in particular on the German minorities in the Rimland states and consider the German minorities in the context of the irredentist policies pursued broadly peacefully by Stresemann and more aggressively by his successors.⁶⁶

The question of Great Power, and specifically British, responsibility for the failings of the interwar system is a key theme of the most recent comprehensive study of the interwar minority protection system: Carole Fink's *Defending the Rights of Others*.⁶⁷ This focuses on Jewish minorities in Central and Eastern Europe. Her central argument is to consider the linkage of territorial adjustment with minority protection – the one leading to a requirement for the other. Fink approaches the issue from a liberal pro-interventionist stance and many of her criticisms of the international system of minority

⁶⁴ *ibid*, p422

⁶⁵ Jacob Robinson, et al., *Were The Minority Treaties A failure?*, (New York: Institute of Jewish Affairs of the American Jewish Congress and the World Jewish Congress, 1943)

⁶⁶ See for example Christian Raitz von Frentz, *A Lesson Forgotten: Minority protection under the League of Nations: A Case of the German Minority in Poland, 1920-34* (New York: St Martins, 1999)

⁶⁷ Carole Fink, *Defending the Rights of Others – The Great Powers, the Jews, and International Minority Protection 1878-1938*, (Cambridge: Cambridge University Press, 2004)

protection flow from this position. Her work is particularly valuable in looking at the issue from the perspective of the persecuted minorities as much as an exercise in bureaucratic and higher political processes. She accepts implicitly that sovereignty was not absolute and that there was both a right for, and obligation on, the Great Powers to intervene on behalf of Jewish minorities in Europe. She argues that minority protection was a story of consistent failure of ambition and execution by the Great Powers. Like Robinson, Fink also criticises the League system for over-bureaucratisation, with too much focus on process and not enough on policy. She also criticises the Powers for creating ‘an onerous legacy of resentment, defiance and frustration’ among the minority states at the Congress of Berlin by the imposition of non-reciprocal minority protections.⁶⁸ The same criticism concerning the lack of universalism is extended after 1919 to the League system.⁶⁹ With the benefit of hindsight that may be correct, but we will show that this would have been an unrealistic aspiration in 1919 and that the system that was introduced was perhaps the most that could have been realistically achieved in the context of the peace treaty negotiations and the prevailing power relationships within the international system. Fink’s bigger point is to criticise the system on humanitarian grounds, claiming it failed on that test. This challenge to the efforts made by Britain, America and, to a limited extent, France in 1919 to address a potential flaw in the peace settlement is, perhaps inevitably, coloured by what happened twenty years later. But the system was never designed to deal with the catastrophe of National Socialism. Just as important – and this is where I diverge most from her analysis – is that, in making that criticism, Fink ascribes to the Minority Treaties a humanitarian intent that I will show was largely absent from its chief architects and fails to sufficiently recognise that the Minority Treaties were in reality just as much concerned with promoting order in a world of threats to Great Power hegemony as had been the Treaty of Berlin. As Pablo de Azcarate, long-standing member, and finally Director, of the League Minority Section pointed out in his retrospective 1945 study, the aim of the minority protection system, ‘was not humanitarian, but purely political.’ By which he meant that its primary objective was not to prevent ‘the oppression of minorities’ per se, but rather ‘preventing the greater or lesser oppression of minorities from provoking international conflicts or disputes.’⁷⁰ Given that, a better test may be the extent to which the Minority Treaties helped maintain order in the international system. But that is

⁶⁸ *ibid*, p38

⁶⁹ *ibid*, p360

⁷⁰ Pablo De Azcarate, *League of Nations and National Minorities: An Experiment*, (Washington: Carnegie Endowment for International Peace, 1945), p14-15. There may have been an element of self-justification here for the obvious failure of the League to prevent the humanitarian catastrophe of the 1930s but the issue he raises is nevertheless at the core of explaining the system that was established.

at least as much, and maybe more, a question of execution rather than design. As we shall see, there was plenty to criticise it for here too.

David Cesarani, in a review of Fink's book raises the crucial question of enforcement of treaty obligations in the context of where responsibility should have resided, arguing that enforcement of the Minority Treaties should not have been made a League responsibility but should have been the direct responsibility of the Powers.⁷¹ He argues that the League allowed the Great Powers to avoid their responsibilities to stand up against oppression and atrocity. The question of enforcement remained a key issue throughout the period: reluctance to intervene was not because Britain and the other powers were unbelieving of, or always insensitive to, persecution and atrocities but rather as we shall see, the potential costs *to themselves* of intervention made them reluctant to intervene. It might be argued in contrast to Cesarani that keeping responsibility for intervention with the Powers after 1918 would not have changed that reluctance. As we shall see, experience before 1914 had demonstrated little enthusiasm on the part of Britain for ensuring that international obligations towards minorities were honoured or for intervening to prevent atrocities. When the League system collapsed leaving host governments responsible for minority protection with limited intervention from third party states, the experience was almost universally catastrophic for the Jewish and other minorities.

It is of course no coincidence that nationalism and minority protection in the Rimlands is a focus for historians of the genocides of the first half of the twentieth century. The failure by Britain to take steps to protect minorities within an international system of sovereign nation states, indeed to be complicit in steps which undermined minority protection as a concept, as, for example, by holding themselves out as 'sponsors' of the Armenians but not then following through on protections, or at the Lausanne Conference in 1923 or by the failure to challenge German anti-Semitism in the 1930s, created an opening for aggressively nationalising governments. It is not that the failings of Great Power minority protection had any direct causality in terms of genocide. However, it is maintained that the policy choices pursued by Britain and other supposedly liberal democracies created an environment in which genocidal actors could implement discriminatory policies against vulnerable minorities with few external constraints and prepare the ground for the emergence under later wartime conditions of the Aghet or the Holocaust.⁷²

⁷¹ David Cesarani, *Journal of Modern History*, 78:2, 2006, pp470-71

⁷² See for example, Donald Bloxham, *The Great Game of Genocide* (Oxford: Oxford University Press, 2005) , Omer Bartov and Eric Weitz, *Shatterzone of Empire* and Mark Levene, *Crisis of Genocide*, Vol 1

Structure

This thesis is structured in four chapters taking a broadly chronological and thematic approach to the topic.

British policy towards minorities from the 1870s to the outbreak of the First World War is the focus of Chapter One. It assesses British intervention to protect Christian minorities in the Ottoman Empire, in particular its role as the semi-official protector of the Armenians, and the steps taken to introduce protection for Jewish and other minorities in the new states created during the Ottoman withdrawal from the Balkans. The chapter considers the post-Congress of Berlin arrangements for minority protection and emphasises Britain's role as a manager of the global system and the importance of the key strategic objectives of British foreign policy in determining the official response to minority persecution. It explores the alternative approaches revealed in the disputes between Gladstone and Disraeli and in particular the apparent (unsuccessful) challenge to British foreign policy realism arising from Gladstone's demands for intervention on behalf of Christian minorities. It then assesses the long period of Lord Salisbury's control over British foreign policy, the assertion of British national and imperial interests and the limited and largely ineffective interventions on behalf of the Armenian minority in the Ottoman Empire and the Jewish minority in Romania.

Chapter Two considers the Paris Peace Conference of 1919 and the steps taken to introduce minority protection as a counterpoint to new state creation at the Conference based on majoritarian nationalist criteria in Eastern and Central Europe. The policy response in 1919 saw the signing of the Minority Treaties and the introduction of a League-based system of treaty oversight. The chapter maintains that the Minority Treaties were primarily a British construct, reflected British preconceptions and priorities, and were part of a broader British attempt at the peace conference to maintain Britain's global leadership. The motivation for these measures continued to be the assertion of Western, and primarily British, control in the post-conflict world rather than primarily humanitarian considerations. Renewed focus on ensuring compliance with the Treaty obligations, albeit indirectly via the League, reflected British concerns with global order and control rather than the promotion of strictly humanitarian outcomes.⁷³

⁷³ The British attitude to the League as an instrument of Great Power global control was not unique. The same position was held by the French authorities, albeit, as Peter Jackson describes, with a wish to create 'an international order based on the rule of law and collective force' that would deliver French security objectives. See Peter Jackson, *Beyond the Balance of Power*, (Cambridge: Cambridge University Press, 2013), p235

Chapter Three considers the operation of post-war minority protection in the 1920s. It focuses mainly on the three-way relationship between the League Secretariat, the League Council and the Minority States. Britain held a dominant position in the League Council but had very limited direct engagement with any of the minority groups. Steps were taken by Britain and France to vest in the League institutions the authority to be able to pursue their new role in protecting minorities. The ability of the League to intervene on behalf of minorities rested on the asymmetry between the power of the League Council and the relative weakness of the newly independent states. The Lausanne and Locarno treaties, which Britain played a leading role negotiating, acted in the long run to challenge many of the assumptions that underpinned the Minority Treaty system. By the end of the decade the system was coming under sustained attack from the Minority States for being unfair and unbalanced. There were increasing signs, especially among the German diaspora, of minority protection being used to pursue an irredentist agenda. It was clear that these challenges could only be resisted so long as the commitment of the League's leading members to the League system of collective action was undoubted.

The collapse in League authority, the implications for minorities and the British policy response in the 1930s is the focus of Chapter Four. It considers how British strategic objectives in the pursuit of a European security settlement in the aftermath of the failure of the Disarmament Conference in 1934 led to the marginalisation of minority protection. It concludes that after the steps taken in the 1920s which supported minority protection policy pursued through the League, the 'new realism' of the 1930s involved a reversion to the subordination of minority protection to the differing strategic security interests of each of the Great Powers. The onset of economic crisis and the questioning of collective solutions to Britain's defence and other needs set in train a series of steps which would lead to Britain withdrawing its support for the League and its institutions and the domination of stronger nationalist voices in Central and Eastern Europe, in particular in Germany. Minority protection was no longer pursued as an active policy by Britain with the focus of British policy shifting from protecting minorities in their host countries to taking steps to minimise the refugee, financial and other impacts on Britain. The consequence for minorities would be disastrous.

Chapter 1 The Congress of Berlin and the Protection of Minorities

According to *The Times*, the most contentious item of the Summer 1876 session of Parliament had been the Education Bill. It added that 'colonial as well as foreign policy has gradually settled down into a system which is independent of party tendencies' and that, 'following his withdrawal from public affairs,... Mr Gladstone exercises none of the directing or controlling influence which belonged to Sir Robert Peel from retirement from office to his death.'⁷⁴ A minor insurrection in Bosnia over the tax farming policies of the Ottoman government would soon turn all of this on its head.

British foreign policy had followed a largely uncontroversial road for 20 years since the end of the Crimean War. Imperial matters, in particular British rule in India following the shock of the Indian Mutiny in 1857, dominated. In order to pursue its imperial project, Britain placed a high premium on international stability and the avoidance of Great Power conflict. The biggest threat to the Empire was seen as Russian expansionism into Asia and it was responding to this threat that meant that the main focus of British interest in the treatment of minorities before the First World War was to be the Christian minorities in the Ottoman Empire and its successor states in the Balkans. British control of the Eastern Mediterranean, securing the land corridor to India, was regarded as essential to the pursuit of British imperial interests. The fear was that if the Straits fell under Russian control then British dominance in the Eastern Mediterranean would be thrown into doubt and with it the security of British control in India. That concern would be translated into unwavering support for the Ottoman state even when it repeatedly failed to live up to commitments made in various treaties, including to improve the lot of its Christian minorities. On the other hand, it was axiomatic to the success of the policy that Russia be given no excuse for military intervention in the Ottoman Empire, for example, to protect persecuted Christian minorities. British policy in the Eastern Mediterranean since the 1830s had therefore been based on a trade-off under which the territorial integrity of the Ottoman Empire would be assured in return for reforms by the Ottoman state to improve the condition of Christians, thus removing the greatest risk of intervention.⁷⁵ This was an example of a

⁷⁴ 'The Session of 1876', *The Times*, 15 August 1876, p6

⁷⁵ In 1876, Christians accounted for c.25% of the population of the Ottoman Empire overall but represented local majorities in the provinces where they lived in the Balkans. This was often transposed incorrectly to the Christians of Anatolia where British public opinion often assumed incorrectly that there was an easily identified region called Armenia in which Armenians dominated. Actual numbers are all estimates. See

policy that was to be pursued by Britain in one form or another for the next 60 years in the
Rimlands: support for the territorial integrity of smaller or weaker states in return for commitments
to reform, including the protection of minorities, which would thereby remove a potential cause of
outside intervention and the threat to international stability.

The key to this policy was clearly the willingness and ability of the Ottoman state to undertake
fundamental reform to improve the position of Christian minorities without unleashing forces which
could lead to the state unravelling, in effect resulting in the outcome that the policy was designed to
avoid. Reform had begun with the launch of the *Tanzimat* by Sultan Abdulmecid in 1839. The
commitment to reform had been renewed in the Treaty of Paris at the end of the Crimean War
which also raised the Ottoman Empire to membership of the Concert of Europe - notionally placing it
on equal terms with the other Great European Powers. Whilst the reform provisions of the Treaty by
definition called into question this equal status by placing limits on its sovereignty that did not apply
to other Powers, the inclusion of the Ottoman Empire within the Concert did mean that thereafter
any 'external interference' in its internal affairs would be a matter of 'general interest' to the
Concert. The Treaty had confirmed Ottoman control of the Straits and left Britain unchallenged as a
naval power in the Mediterranean. For the next 20 years there was a period of relative peace in
South Eastern Europe.

Reform of the internal administration and government in favour of the minorities of the Ottoman
Empire had, however, been long on promises and short on delivery. In part this was down to a large
expectation gap between the European Powers and the appetite for change within the Ottoman
state. In practical terms, the change envisaged by the various treaties would necessarily have
required a rebalancing of the relative position of the Muslim and Christian populations with many of
the privileges enjoyed by the Muslim population being curtailed. Progress in implementation of
change was glacial – though realistically it was unlikely it could have been otherwise without
imperilling the continued existence of the regime, which for all its sporadic terror against minority
groups simply lacked the resources to contain any large scale opposition to change from its Muslim
majority base. By the mid-1870s, the gulf between the 'modern, progressive British' and the
'backward, barbaric Turks' seemed to be ever widening. The promises of reform were recognised as
a sham, the result of a weak central government's unwillingness to overcome the resistance of
vested interests to change. As Gladstone put it, 'the central agency at the capital...transmits a good

Stanford Shaw, 'The Ottoman Census System and Population 1831-1914', *International Journal of Middle East Studies*, 9:3, 1978, pp325-338

deal of the European speech and thought. It is when they try to convey these influences to the provinces that the situation becomes aggravated...⁷⁶ Events within the Ottoman Empire had assumed a repeating cycle of low level insurrection by a minority group, followed by violent repression by the Ottoman state or its proxies, leading to the imposition of a solution by the Powers in the affected areas and the promises of administrative reform in the remaining Ottoman Empire which were never fulfilled, in turn leading to the cycle repeating itself. Within the Ottoman Empire, toleration for Christians would come under pressure where emergent nationalism on the part of the minority groups, which put the integrity of the Empire under threat, became conflated with Christian minorities' resistance to the worst aspects of Ottoman administration. Within the Empire, Christian minorities came to be seen as a dangerous destabilising force, whilst the suppression of nationalists and separatists came to be seen outside the Empire as an anti-Christian attack.⁷⁷ However, the lack of reform and the deteriorating internal situation remained free from serious external criticism by Britain so long as it did not disturb the relationships between the Powers.

The management of relations between the Powers in the nineteenth century lacked a clearly defined system. The 'rules' governing relations between the European Powers was the collective *corpus* of treaties which they had entered into over centuries – the so called 'public law of Europe' – and the precedents, personal and family relationships that enabled states by and large to manage affairs between themselves. The only extant arrangement for regulating relations between the Great European Powers was the Concert of Europe. It lacked any formality or structure and functioned as a transactional body meeting through occasional Conferences of Ambassadors and more rarely through Congresses of the governments, when international events threatened to bring the Powers into conflict with each other. Beyond the Concert, each Power pursued its own national interest. Individual state sovereignty was jealously guarded and generally recognised as being inviolable – certainly in the case of the members of the Concert - and any attempt by one Power to intervene in the internal affairs of another would be a matter of general concern to all and most likely to lead to war. States could by and large treat their own citizens as they saw fit without fear of outside interference. Sovereignty could be limited only by any treaty obligations which had been entered into – a concern mainly for the Ottoman Empire.

Whilst none of the British administrations of the last quarter of the nineteenth century pursued an 'ethical foreign policy', there were periodically debates about the means and ends of British foreign

⁷⁶ William, E. Gladstone, *Bulgarian Horrors and the Question of the East*, (London: John Murray, 1876), p36

⁷⁷ Roderic Davison, 'Turkish Attitudes concerning Muslim Christian Equality in the Nineteenth Century', *The American Historical Review*, 59:4, 1954, p858

policy, and particularly the means. The debate was not without many contradictions. At its heart was a dispute about British policy towards the protection of minorities and the extent to which the pursuit of British interests should be qualified or even replaced by humanitarian concerns. By 1876, the orthodox view of British foreign policy was that British prestige derived from a large and growing Empire and that the greater good for Britain of an ever expanding Empire justified almost whatever means were necessary to maintain and develop it. This included being prepared to overlook acts by other states, including atrocities against their own citizens, if that risked bringing Britain into conflict with another Great Power which would put at risk the peace and stability upon which Britain relied to pursue its imperial policy. Intervention should be considered only where it furthered British interests or at the very least would have no adverse consequences for them. It was an approach supported by Disraeli and Salisbury and most of the British Parliament. This policy was challenged in the mid-1870s, in response to the political and public outrage at reports of atrocities by the Ottoman state against Christian minorities in the Balkans. The challenge was led by Gladstone, who maintained that Britain could not judge every foreign policy act or omission simply on the basis of whether it furthered British imperial policy, in the process introducing a moral dimension to what had hitherto been a debate about the pursuit of *realpolitik*. The debate sparked by Gladstone's challenge and the subsequent reassertion of the primacy of order in the international system was to be at the heart of the British response to minority persecution.

Gladstone was able to make an impact because of the emergence of two developments, one at home and the other overseas, which had the potential to challenge the consensus on foreign policy and would play a part in events as they unfolded in the 1870s. The first was the impact of British 'public opinion' on foreign policy. It would be quite wrong, certainly before the First World War, to claim that foreign policy was driven by public opinion or that the Foreign Office was particularly responsive to the public mood but at critical moments the strength of extra-parliamentary campaigns could not be ignored. At the very least, public opinion could and did act to constrain temporarily governments in the options available to them. Even with the extension of the franchise in 1867, the impact of public opinion relied on what James Thompson has identified as the combination of 'press, platform and petition' rather than the ballot box to make itself heard. All three were to come together in 1876.⁷⁸ The second major change was the emergence of nationalism

⁷⁸ By the mid-1870s there had been an 'information revolution' assisted by the removal of Stamp Duty on newspapers in 1855 and a large expansion in the franchise to about 2,500,000 - but still only roughly 1 in 3 of the male population. Civic 'indignation meetings' and petitions were an important process that could give a voice and some authority to the disenfranchised. For a discussion of the extension of the impact of public opinion in the later nineteenth century beyond the ballot box, see James Thompson, *British Political Culture and the Idea of 'Public Opinion', 1867-1914*, Chapter 2 in particular.

and 'nation statism' in Europe as forces challenging the integrity of the Ottoman Empire and the other multi-ethnic empires in Central and Eastern Europe. As we shall see, the implications of nationalism and the consequent predilection for labelling groups of people as particular nations and seeking to recast borders around these groups, was to have a profound and enduring implication for the identification and persecution of minorities – and subsequent steps to provide a degree of protection.

The Bulgarian Atrocities

'a firm determination to uphold the interest of Great Britain'⁷⁹

The first phase of the crisis of the mid-1870s saw the emergence within Britain of a debate about minority protection characterised in the dispute between Disraeli and Gladstone about the extent to which British policy was legitimated by the pursuit of narrow British interests. The debate would extend to consider issues of limits to sovereignty where a state abused its own citizens, the rights and even obligations of the international community to intervene to protect persecuted minorities and the remedies to be pursued, including political reorganisation of a state, to provide minority protection. The post-Crimean War period of relative calm in the Near East came to an end when a local insurgency by Christians in Bosnia in the Summer of 1875, sparked by opposition to the tax farming policies of the Ottoman Empire, rapidly spread to Serbia.⁸⁰ The initial disturbance was lightly dismissed: British Ambassador Sir Henry Elliot wrote to Disraeli that the Sultan 'treated the question as too insignificant to be worth mentioning.'⁸¹ But the insurrection continued to spread. As early as January 1876, Lord Tenterden, Foreign Office Permanent Under-Secretary, warned Disraeli that the existing policy relying on administrative reform within the Ottoman Empire may no longer be enough for the Christian populations in the Balkans, and that as well as religious equality, action would also be necessary to give them some degree of political control.⁸² Elliot and Disraeli ignored the warning and their focus remained on the continued maintenance of the territorial integrity of the Ottoman Empire but the civil insurgency continued to gather pace in the Balkans and in May 1876 extended to Bulgaria. By now, Elliott was becoming concerned by the threat to Ottoman control but again believed that the Ottoman authorities could suppress the threat if left to themselves, and relayed the Sultan's claim to the effect.⁸³

⁷⁹ Despatch Elliot to Derby, 4 September 1876, Parliamentary Papers, *Turkey No 1 (1877) Correspondence respecting the affairs of Turkey*, No. 221, p197

⁸⁰ According to the Austrian census of 1879, Christians accounted for about 60% of the population of Bosnia.

⁸¹ Letter from Elliot to Disraeli, 18 August 1875, Disraeli Papers at the Bodleian Library, Dep Hughenden (hereinafter DP/DH) 71/3

⁸² Note from Lord Tenterden to Disraeli, 6 January 1876, DP/DH 67/1

⁸³ Despatch Elliot to Derby, 10 May 1876, DP/DH 71/3

Elliot and the Sultan were quite correct. By the end of June, the Bulgarian opposition had been ruthlessly suppressed by the Ottoman authorities relying on irregular troops, the '*Bashi Bazouks*' - Muslim Circassian refugees who in the previous decade had been forcibly expelled by Russia as it consolidated its rule in the North Caucasus and had been resettled in Bulgaria by the Ottomans.⁸⁴ At the end of July, rumours began to spread in Constantinople about the methods adopted by the *Bashi Bazouks*. Reports of mass killings of Christian civilians were taken up by the British press, characterised as the 'Bulgarian Atrocities'.⁸⁵ Foreign correspondents in Constantinople seemed to have access to more accurate and more up to date information than the Foreign Office and the government in London was left reacting to the morning newspapers. The initial response of the British government was to cast doubt on the atrocity reports and to distance the Porte from any responsibility, Lord Derby, the Foreign Secretary, telling Parliament that, 'the reports which I have received certainly do not bear out in any degree the statements which the noble Duke [of Argyll] has quoted and...I think we should be slow to believe these statements.'⁸⁶ Disraeli similarly cast doubt on the press reports claiming, quite incorrectly, that, 'the government had no information' which justified the reports in the press.⁸⁷ Any scepticism about the scale of atrocities was shown to be misplaced and whether or not they were committed by regular troops or irregulars was completely irrelevant to public perception of where responsibility lay.

Popular agitation 'to do something' became feverish during the later Summer and Autumn of 1876 with public 'indignation meetings' being held across the country that, judging by the volume of correspondence submitted to the Foreign Office, must have been attended by hundreds of thousands of people.⁸⁸ Typical of these indignation meetings was the resolution from the meeting at Manchester Free Trade Hall in September 1876 to call 'upon Her Majesty's Ministers to unite with the other Powers of Europe to secure the Christian provinces of Turkey in Europe the full rights of self-government.'⁸⁹ Minor reforms would no longer do – Christendom was to unite to impose a permanent political solution to the problem which directly challenged the continuation of

⁸⁴ For the background to the expulsion of the Circassians by the Russians, see Peter Brock, 'The Fall of Circassia: a study in private diplomacy', *The English Historical Review*, 71:280, 1956, pp401-427

⁸⁵ The actual number of civilians killed was and remains a matter of debate. The British government's estimate was about 12,000. See Richard Millman, *Britain and the Eastern Question 1875-78* (Oxford: Clarendon Press, 1979), p161

⁸⁶ 'Report on proceedings in House of Lords', *The Times*, 27 June 1876, p9

⁸⁷ *ibid*

⁸⁸ See for example, TNA FO 78/2852, which includes large numbers of resolutions and petitions from public meetings. Even in an age of limited democratic accountability it would have been impossible to be completely unaffected by the sheer volume of correspondence.

⁸⁹ *ibid*, 'Resolution from a meeting at Manchester Free Trade Hall', 12 September 1876

unrestricted Ottoman rule in the Balkans and with it a central tenet of British foreign policy. The fervour of the 'indignation meetings' was both reported on and fuelled by the great campaigning newspapers demanding action. So, for example, W.T. Stead editorialised in the *Northern Echo* that, 'The nation has appealed to Lord Derby for bread, he has given it stone. In the presence of one of the most marvellous outbursts of national emotion ever witnessed, he stands unmoved, cold as an iceberg, in the midst of a burning flood of lava.'⁹⁰

Lord Derby was not alone. He was pursuing the agreed policy of the government for which Disraeli was an unashamed advocate. Considerations such as the maintenance of the 'public law' of Europe or sympathy for the plight of the Christian subjects of the Ottoman Empire, were secondary to the pursuit of the broad thrust of British imperial policy. Disraeli had little interest in the details of foreign and imperial affairs (which would come back to haunt him more than once in the debates on the Eastern Question in 1876) but rather more in the power and prestige as a top ranking power that the Empire conferred on Britain. He had in the past attacked what he called the Liberal Party attempts to 'effect the disintegration of Empire' by their excessive focus on the financial cost of Empire and, 'totally passing by those moral and political considerations which make nations great and by the influence of which alone men are distinguished from animals.'⁹¹ By his rationale, growth and expansion of the Empire would only increase British prestige and any threats to it had to be resisted, which might mean being prepared to overlook excesses within the Ottoman Empire. He had no grand plan for the development of the British Empire or any great scheme for its administration beyond its existence.⁹² And if he had little interest in introducing reform into the British Empire, it is not surprising that Ottoman failure to meet commitments to good government could be overlooked so long as the Ottoman Empire's continued existence supported the British imperial project. Speaking in Parliament in August 1876, on the first debate on the Bulgarian Atrocities, Disraeli set out the limits of his ambitions. He explained that, 'what our duty is at this critical moment is to maintain the Empire of England. Nor will we ever agree to any step ... that hazards the existence of that Empire.'⁹³ It was the archetypal Realist view of foreign policy, emphasising that power and authority rested with sovereign nation states and maintaining that the legitimate role of the British state was the pursuit of 'British national interests', defined here as the accretion of power through the agency of the British Empire. Whatever secured British objectives

⁹⁰ 'England's Foreign Minister', *Northern Echo*, 13 September 1876, p2

⁹¹ 'Speech at the Crystal Palace', 24 June 1872, in Thomas E. Kebbel, (ed.), *Selected speeches of the Rt Hon The Earl of Beaconsfield*, (London: Longmans, 1882), p531

⁹² See Colin C. Eldridge, *England's Mission- the imperial idea in the age of Gladstone and Disraeli*, (London: Macmillan, 1973), for a discussion of Disraeli's belief in the power and prestige of Empire, p184 *et seq*

⁹³ *Hansard* HC Deb, 11 August 1876, Vol 231, cc1147

was the correct course to follow and justified by the very success of that policy. Implicitly it endorsed a very instrumental view of the integrity of sovereign states to the extent that states could treat their own citizens almost with impunity so long as it did not affect specific British strategic objectives.

In his Ambassador in Constantinople, Disraeli also had a strong supporter of his policy. In September 1876, in response to rising parliamentary concern about British policy towards the Ottoman Empire, much of it focused on Elliot himself, Elliott had sent a despatch to Lord Derby that was perhaps the clearest articulation of the government's foreign policy approach and a rebuttal to the opponents of that policy. Elliot maintained that Britain must continue to support the integrity of the Ottoman Empire against external threats because British interest in the maintenance of order between the Powers was more important than humanitarian intervention on behalf of the Sultan's benighted subjects. He wrote,

My conduct here has never been guided by any sentimental affection for them [*the Ottoman authorities*] but by a firm determination to uphold the interest of Great Britain ...and that those interests are deeply engaged in preventing a disruption of the Turkish Empire is a conviction I share with the most eminent statesmen who have directed our foreign policy, but which now appears to be abandoned by shallow politicians...who have allowed their feelings of revolted humanity to make them forget the capital interest involved in the question. We may ..feel indignant...at the monstrous severity with which the Bulgarian insurrection was put down but the necessity which exists for England to prevent changes occurring here ..is not affected by the question whether it was 10,000 or 20,000 persons who perished in the suppression. We have been upholding a semi- civilised nation...but the fact of this just now having been strikingly brought home cannot be a sufficient reason for abandoning a policy which is the only one that can be followed with a due regard to our own interests.⁹⁴

By September, the massacres in Bulgaria had been brought to an end but there was no sign of the violence ending in Serbia and Bosnia. The immediate priority for Disraeli was not dealing with a humanitarian disaster but rather preventing the conflict taking on a new and disastrous course for Britain which could result in a Russian invasion in support of their co-religionists (at least notionally), the collapse of Ottoman rule in Europe and potentially the loss of British control in the Eastern Mediterranean. By the end of October, alarms were being sounded by Derby who warned that, 'it is becoming clear that the Russians do not want peace' and that the time for Russian intervention was

⁹⁴ Despatch Elliot to Derby, 4 September 1876, Parliamentary Papers, *Turkey No 1 (1877) Correspondence respecting the affairs of Turkey*, No. 221, p197. Elliot became the lightning rod for all anti-Ottoman feeling in Britain. He was widely vilified in public as an unreconstructed Turcophile willing to excuse any atrocity.

getting closer.⁹⁵ Both legs of British policy were under threat: reform within the Ottoman state of a sort that would satisfy British public demands was undeliverable but at the same time, the political impact of the protests in Britain over the massacres made it impossible at just that point for Britain to offer any prospect of supporting the Porte against a Russian intervention other than diplomatic support and that had to be couched in the most general terms.

Disraeli attempted to shore up his position in November by a robust defence of his policy in his annual Guildhall speech. He realised that blind support for the Ottoman Empire was no longer publicly credible but still stuck to the twin pillars of earlier policy, stressing the need to maintain 'the general peace of Europe'; and 'to secure such an amelioration of the conditions of the subject of these provinces as...would add in the surest manner to the independence and integrity of the country ...'⁹⁶ To a limited degree, he was seeking to co-opt justice for the minorities in pursuit of the bigger objective of maintaining order and removing the risk of Russian intervention. He continued to resist calls for a broader political solution to the persecution of minorities in the Balkans which would have seen the further erosion of Ottoman sovereignty or even partition. He then turned to the subject of domestic agitation, blaming, 'the indignant burst of feeling in this country...[which had] created such a sensation and excitement that the people of Servia believed that the people of England had suddenly determined to give up the traditional policy of the country...' He seems to have genuinely held the view that reports of popular demands for intervention were greatly exaggerated and served only to undermine British interests, writing to the Queen that, 'Russian intervention is solely occasioned by the movement in England' and that had England 'not been with her', then Russia would not take the risk of intervention.⁹⁷ He was also deeply sceptical that, 'notwithstanding the 200 or 300 meetings and countless resolutions there really was any general public support for Britain to intervene against the Porte.'⁹⁸

Whilst public opinion was certainly fickle and was to switch decidedly against Russia the following year, it is hard to see how in the Autumn of 1876 it was anything other than against continuing British support for the Porte. In any event, it served to tie Disraeli's hands and his confidence in a successful outcome for Britain was fading fast in the face of the lack of an acceptable response from the Sultan. He recognised that, 'the whole history of the Ottoman Empire since it was admitted to the European Concert... has proved that the Porte is unable to guarantee the execution of reform in

⁹⁵ Letter Derby to Disraeli, 1 October 1876, DP/DH 112/4

⁹⁶ *The Times*, 10, November 1876, p7

⁹⁷ Letter from Disraeli to Queen Victoria, TNA, Cabinet Papers (hereinafter CAB) CAB 41/7/16, 2 October 1876

⁹⁸ *ibid*

the provinces by Turkish officials who accept them with reluctance and neglect them with impunity.’ Simple administrative reform may not be enough. It could require, ‘the agreement between the Porte and the Powers for the establishment of some system of reform which shall combine the elective principle with external guarantees for efficient administration...’⁹⁹ In short, perhaps the integrity of the Ottoman state was after all no longer sustainable.

Two days after Elliot’s despatch defending the ‘British interest first’ policy, came a serious riposte to the whole thrust of British policy towards the Ottoman Empire in the pamphlet that relaunched Gladstone’s political career, *Bulgarian Horrors and the Question of the East*.¹⁰⁰ The running in the ‘Bulgarian atrocities’ agitation up to that point had been made by a group of establishment Church figures with whom Gladstone was closely associated. Typical of this group was Cannon Liddon who had delivered a sensational sermon in St Pauls on 13 August denouncing Disraeli’s foreign policy and seeking a change in direction. He had demanded a different course, ‘when the question is not what is politically expedient but what is moral, Christian, humane’ and denounced the support for the Sultan, claiming that, ‘the Turk believed – and not without reason – that he was leaning on our country’s arm and was sure of its smile.’¹⁰¹ The object of policy should no longer be the pursuit of British power but rather the use of that power to achieve nobler aims.

Because British power was so wrapped up in the Empire, the debate about the nature and purpose of Empire was critical to this dispute over both the means and ends of foreign policy. Both Gladstone and Disraeli were imperialists but unlike Disraeli, Gladstone’s imperialism was not based on the prestige the Empire conveyed on England by its size and reach but rather the opportunity it offered for ‘upholding ..the interests of sheer justice and humanity.’¹⁰² If there was no moral purpose to the Empire then there could be no justification for a policy that justified the continued support for what he regarded as a barbaric state, the Ottoman Empire, taking oppressive measures against its own citizens. The *‘Bulgarian Horrors’* pamphlet developed, albeit in a highly contestable way because of its limited scope and application, an ideology of humanitarian intervention, at least in respect of Christian minorities in certain states, based on Gladstone seeking to extend his interpretation of

⁹⁹ Letter from Disraeli to Salisbury, DP/DH 67/1, 18 November 1876

¹⁰⁰ William, E. Gladstone, *Bulgarian Horrors and the Question of the East*, (London: John Murray, 1876)

¹⁰¹ ‘Canon Liddon on Bulgarian “Atrocities”’, *Pall Mall Gazette*, 14 August 1876, page 8. As well as being a Cannon at St Pauls, Liddon also held a chair in theology at Oxford University and was a major figure in Anglicanism.

¹⁰² William, E. Gladstone, ‘England’s Mission’, *The Nineteenth Century*, 4:19, 1878, p584

British morality and values in the first instance to the internal governance of the Ottoman Empire.¹⁰³ In almost messianic terms, Gladstone claimed that British greatness came from its values, that its imperial 'mission' was to promote those values and with that came a moral obligation to intervene to protect certain minorities – essentially Christians – who were held to share those values and which overrode any other considerations.¹⁰⁴

Whilst the exclusive focus on Christians is clearly problematical, this nevertheless represented a significant departure from existing policy. It drew on the previous arguments of Mill and others that certain states were so 'barbarous' that they could not rely on the standard of sovereignty that more civilised states could take for granted. Gladstone held that sovereignty had limits, explaining that, 'there are states of affairs, in which human sympathy refuses to be confined by the rules, necessarily limited and conventional, of international law,' and drew a comparison with the action taken to suppress the slave trade as an example where the right to intervene overcame national sovereignty.¹⁰⁵ As regards the continuing independence and integrity of the Ottoman Empire, of which he had been a supporter after the Crimean War, he maintained that, 'I for one am still desirous to see it upheld, though I do not say that desire should be treated as of a thing paramount to still higher objects of policy. For of all the objects of policy, in my conviction, humanity, rationally understood, and in due relation to justice, is the first and highest.'¹⁰⁶ If Disraeli was focused on the pursuit of British interests, Gladstone, at this point at least, was advancing a deontological argument to the extent that he equated what he believed to be the morally right course with what he believed instrumentally as the best course of action. Gladstone took the position advanced by Liddon and others that not only should there be no separation between private morality and public policy but it was essential that the latter was guided by the former. Action to protect persecuted Christian minorities was a moral obligation that fell on all of Christendom and therefore should be delivered in co-operation with the other Powers through the Concert. In Gladstone's view, therefore, Britain's primary obligation in relation to the Ottoman Empire was to improve the condition of the Christian minorities and to work with the other Powers to achieve that outcome, not to support it blindly as a buffer state in the pursuit of an ever greater accretion of territory under British imperial rule.

¹⁰³ This is ideology in the sense developed by Nigel Gould David as constituting 'both a critique of the existing order and a programme for its reform and transformation.' See Patrick Finney (ed.) *International History* (London: Palgrave, 2005), p106

¹⁰⁴ William, E. Gladstone, 'England's Mission', p574. Gladstone genuinely held that, 'We [the British] have a true superiority in moral questions... over the other Great Powers'

¹⁰⁵ *ibid* p25

¹⁰⁶ William, E. Gladstone, W.E., *Bulgarian Horrors*, p50

In Gladstone's eyes, Disraeli's erroneous thinking was compounded further by the latter's view that Britain should be free to pursue whatever it saw as its interest unfettered by commitments elsewhere or to other Powers. By contrast, Gladstone regarded the Concert of Europe and through it the maintenance of 'public law', as the means by which Britain should pursue its foreign policy objectives – in particular, the Concert acting together was what conferred legitimacy on any intervention. Britain should proceed not by taking unilateral action (or inaction) but rather by persuading the other Powers of the rightness of its case and securing their joint support for action. Gladstone had maintained during his last administration, that England cannot, 'forswear her interest in the common transactions and the general interest of Europe.' And whilst England cannot, 'with prudence advertise herself as ready to undertake the general redress of wrongs', she also cannot 'allow it to be believed that England will never interfere.' The solution should be to, 'seek to develop and mature the action of a common or public or European opinion as the best bulwark against wrong.'¹⁰⁷ It was the pursuit of intervention through collective action which enabled justice to be pursued whilst at the same time maintaining order in the international system. Prefiguring much of the later debate on the League of Nations, order in the international system should rely on co-operative action rather than aggressive competition and that the choice between order and justice could be shown to be a false choice.

Gladstone's attack on the 'British interests' argument was summed up in a memorable phrase in a letter to Lord Derby, 'What is to be the consequence to civilisation and humanity, to public order, if British interests are to be the rule for British agents all over the world, and are to be for them the measure of right and wrong?'¹⁰⁸ He called for the British fleet, which had been stationed at Besika Bay as both a support to Turkey and a warning to Russia, to be used instead to be a protection force for the Christian population in the Balkans, 'My hope, therefore, is twofold. First, that, through the energetic attitude of the people of England, their Government may be lead to declare distinctly, that it is for purposes of humanity alone that we have a fleet in Turkish waters. Secondly, that that fleet will be so distributed as to enable its force to be most promptly and efficiently applied, in case of need, on Turkish soil, in concert with the other Powers, for the defence of innocent lives, and to prevent the repetition of those recent scenes, at which hell itself might almost blush.'¹⁰⁹

¹⁰⁷ John Morley, *Life of Gladstone* (London: Macmillan 1904), Vol 2, p318, Letter to General Grey, Secretary to Queen Victoria, 17 April 1869. As we shall see, when this was attempted to be put into practice in the 1890s however, Salisbury found that the Concert had also long since ceased to be an effective international system

¹⁰⁸ Quoted in Robert Seton-Watson, *Disraeli, Gladstone and the Eastern Question*, (London: Macmillan, 1935), p69

¹⁰⁹ William, E. Gladstone, *Bulgarian Horrors*, p23

Finally, in his preview of the Congress of Berlin, *The Paths of Honour and of Shame*, Gladstone's previous support for the continued territorial integrity of the Ottoman Empire was dropped in early 1878. Again prefiguring later debates about national self-determination, he argued that protection for minorities within the Ottoman Empire could only be meaningful in the context of a different political dispensation where the minorities could become majorities with local political control over their own destiny. He looked forward to the Congress of Berlin, calling not only for intervention to deter oppression and protect minorities but also to implement a fundamental political change in the Balkans by 'the reconstitution of society in the East on the natural basis of self-government.'¹¹⁰ In this way he was clearly linking protection for minorities, territorial change and the creation of nation states by 'a detailed inquiry into the local circumstances of race and language' and 'where it is practicable, the desires of the population.'¹¹¹ He also somewhat belatedly recognised that the resolution of the persecution of Christian minorities through a political reorganisation in the Balkans, would inevitably create new minorities in the new nation states and it was important that the cycle did not repeat itself again. He demanded that the 'mass of the population in the emancipated provinces shall not impose on any of its fractional portions any parcel, or even any symbol, of the yoke from which they themselves ...[are] to be released.'¹¹² He added that the 'large Mohammedan minorities ..in Bulgaria should be justly cared for' and that the same should be extended to Jews as well.¹¹³

So what to make of Gladstone's challenges? It is fair to say that they were not regarded as mainstream by his contemporaries, even by many in his own party. Nevertheless, they contributed significantly to a climate which undermined Disraeli's ability to give the full throated support to the Sultan that his policy required. Gladstone was edging towards a solution to minority persecution that relied on the replacement of multi-ethnic state structures by majoritarian national states. In this he anticipated the much broader changes in 1919. Gladstone's propositions were important not because he dramatically changed the course of British policy towards minorities when in power – in fact in office he made no more progress in alleviating the oppression of minorities than his predecessors - but rather because of the challenge to traditional British orthodoxy which his views represented. In particular, a line of descent can be seen in the debates around minority protection in the aftermath of the Great War and the attempts by his successors to find a reconciliation of sorts by harnessing minority protection in the pursuit of broader British foreign policy interests. Historian

¹¹⁰ William, .E. Gladstone, *The Paths of Honour and of Shame*, (London: Tinsley 1878), p17

¹¹¹ *ibid*, p23. In reality he focused more on differences of religion than any other defining attribute

¹¹² *ibid*, p25

¹¹³ *ibid*, p24

Davide Rodogno argues, and I think correctly, that the greatest impact of Gladstone's activity in the Autumn of 1876 was to create a narrative that combined Ottoman barbarism with a general right of humanitarian intervention that challenged arguments of absolute sovereignty and linked territorial change, national self-determination and minority protection, albeit in a sketchy way.¹¹⁴

Salisbury Takes Command

'...any generously worded proclamation will not in the least degree compensate us for the want of a specific diplomatic engagement. The latter can be enforced, the former cannot.'¹¹⁵

The impact of the massacres of the Summer of 1876 and the miscalculation by both the Government and Foreign Office of the public reaction, had forced Disraeli on the defensive. The Government was very keen that the Ottoman authorities should do nothing further that would give Russia an excuse to intervene. At the same time as Elliot was defending the government's policy and Gladstone was decrying it in *The Bulgarian Horrors*, Derby advised Elliot that the old certainties could no longer be relied upon. He warned him that 'any sympathy previously felt in England towards Turkey has been completely destroyed ...that in the extreme case of Russia declaring war against Turkey, HMG would find it practically impossible to interfere in defence of the Ottoman Empire.'¹¹⁶ The Porte refused to compromise or countenance any outcome other than the complete submission of the remaining rebels in Serbia and Montenegro, prompting Derby to instruct Elliott to threaten the Sultan that if he refused the Russian demand for an armistice with the Serbs then England, '... should attempt no longer to arrest the destruction of the Turkish Empire but leave her to her fate...'¹¹⁷ In reality, this was not the repudiation of the British policy objectives in supporting the Ottoman Empire that it may appear to be, nor was it a sudden conversion to a more humanitarian policy. The objective of retaining control of the Eastern Mediterranean would remain for as long as India remained part of the Empire. Rather it was a recognition that, for the time being at least, the traditional policy could not be actively pursued and that it was imperative that the Sultan make concessions to forestall a Russian military intervention, the consequences of which could be disastrous for British imperial policy - just as much as it could be for the Ottoman Empire.

¹¹⁴ Davide Rodogno, *Against Massacre*, p159

¹¹⁵ Letter Salisbury to Layard, 18 September 1878, Layard Private Papers at the British Library (hereinafter LPP), ADD MS 39,138, Vol 8

¹¹⁶ Despatch Derby to Elliot, 5 September 1876, Parliamentary Papers, *Turkey No 1 (1877) Correspondence Respecting The Affairs of Turkey*, No 159, p105,

¹¹⁷ George Buckle, *Life of Disraeli*, (London: John Murray, 1920), Vol 6, p80, letter from Disraeli to Lady Bradford October 12, 1876

By November 1876, facing the risk of a total collapse of their Eastern policy, Derby and Disraeli joined in the Russian demand for an armistice between Serbia and Turkey and called for an international Conference in Constantinople to give it effect. Britain recognised that only widespread internal reform within the Ottoman Empire might be sufficient to forestall Russian intervention. The risk of further massacres of Christians was clearly considered a lesser issue than the consequences of a Russian intervention which, whatever else it may have done to British control in the Eastern Mediterranean, would at least have likely prevented any further atrocities against Christians. Under the procedures of the Concert, a Conference was a meeting of Ambassadors and as such it would normally have been for Elliot to represent Britain. But by the end of 1876 Elliot, notwithstanding his firm support for the traditional foreign policy, had become the lightning rod for all of Disraeli's problems with the Eastern Question and Disraeli asked Salisbury to attend the conference as a special ambassador. Disraeli trusted Salisbury to put the 'national interest' ahead of his personal views notwithstanding his known high church and anti-Ottoman sympathies. At the same time, he hoped that Salisbury's appointment would take the wind out of the sails of the opposition – Gladstone could hardly accuse Disraeli of lacking any moral direction when he had chosen someone who in his private life shared much of the Anglican moral and religious sensibilities of Gladstone. Disraeli was to have second thoughts later about his choice of Salisbury, complaining that, '...he [Salisbury] seems...not to be aware that the principal object in being sent to Constantinople is to keep the Russians out of Turkey not to create an ideal existence for Turkish Christians.'¹¹⁸ Disraeli struggled to accept that not only were these two objectives not necessarily mutually exclusive but in reality without a European war, for which there was no public support in 1876, it was only by a new and significant dispensation for the Christian minorities of the Ottoman Empire that the Russians might be halted from intervention. Disraeli throughout the crisis continued to struggle to understand what he called the 'Policy of Crusade' on behalf of the minorities, describing it to the Queen as a 'sentimental eccentricity'.¹¹⁹

The challenge for the British Government at the Conference was that its policy depended upon the Ottoman Empire remaining intact but it was unable to provide the military heft that would be required if it came to a conflict or garner the political support in Parliament to embark on military intervention on behalf of the Ottoman state. The exercise was by now one of damage limitation and above all it was essential that conflict between Russia and Turkey was avoided, the outcome of which was uncertain but likely only to be negative for the integrity of the Ottoman Empire and

¹¹⁸ Quoted in Robert Seton-Watson, *Disraeli, Gladstone and the Eastern Question*, p131

¹¹⁹ Quoted in Milos Kovics, *Disraeli and the Eastern Question* (Oxford: Oxford University Press, 2010), p198

British policy objectives. The basis of the British negotiating position at Constantinople was to maintain Ottoman sovereignty in the Balkans but to award the 'nations' there (effectively the different Christian minority groups) a degree of local autonomy - in effect a step towards the Gladstonian position and one which Gladstone himself recognised as, 'a new point of departure.'¹²⁰ Britain was making the first tentative steps to adopting self-determination as the official policy response to national and minority issues that was to become fully developed in 1919 as a cornerstone of the peace settlement.

The Cabinet debate in the run up to the Conference also introduced another element that would be prominent in 1919 and which had previously been left unaddressed: how to ensure treaty commitments were honoured given the previous history of non-delivery in the Ottoman Empire. This was a response to the challenge that any solution of autonomy for the Balkans would otherwise still leave the Ottoman authorities responsible for security with all the attendant risks of further atrocities, lack of reform and renewed claims to intervene on the minorities behalf. Trust in the good faith of Ottoman intentions was exhausted and a significant minority of the British Cabinet was now convinced that some sort of 'peacekeeping' force would be necessary to protect Christian civilians. On the other hand, the Cabinet also agreed that it would not, 'apply any coercive measure, military or naval, to the Porte, to induce the Turkish government to accept the proposals' for reform.¹²¹ Britain was still clinging to a hope that the Sultan would promise enough in the way of reform to make Russian intervention impossible.

In the event, the Constantinople Conference did get to the point of discussing in detail a twin track strategy for dealing with minority issues: a neutral *gendarmarie* (Belgium was top of the list to provide troops); and had even discussed the radical solution of making regions within the Ottoman state entirely homogenous by large scale forced population transfers, by, 'the provision being made .. for the transfer of Mussulman from North to South ... and of the Christians from South to North'.¹²² The latter would involve transferring the Muslim populations of the Balkans and resettling them in Anatolia so that the Balkans were ethnically and religiously homogenous and the cause of any future conflict between different population groups thereby removed.¹²³ The inhumanity of this forced

¹²⁰ Letter Gladstone to Granville, 17 May 1877, quoted in Richard Shannon, *Gladstone and the Bulgarian agitation*, (London: Nelson, 1963), p259

¹²¹ Letter from Disraeli to Queen Victoria, 22 December 1876, TNA CAB 41/7/24

¹²² Unsigned memorandum (possibly by Montagu Corry), May 1878, DP/DH 71/4,

¹²³ Salisbury to Derby, Minutes of Proceedings, 22 December 1876, Parliamentary Papers, *Turkey No 2 (1876-77) Correspondence Respecting the Conference of Constantinople and the Affairs of Turkey*, No. 112, Annex 1 and 2, pp90-99. The question of first labelling and then aligning peoples with borders, if necessary by forced

population transfer does not seem to have been a major concern and there was no thought as to what it might do for the stability of Anatolia. The proposal floundered because of Ottoman refusal to countenance it along with everything else suggested at the Conference. The Ottoman delegation chose to rely on the continuing public support of Disraeli rather than the private pressure brought by Salisbury. The Conference broke up with no agreement in January 1877.

Salisbury had no illusions about the consequences for the Ottoman Empire and for British policy of the failure of the Conference. Increasing the pressure, he had warned the Ottoman delegation that, 'if the Porte refused the proposal of the Conference it must not look to England for assistance or protection', and that, 'Britain was resolved not to give her sanction to misgovernment or oppression.'¹²⁴ However, when he returned to London, Salisbury continued to loyally argue in Parliament for the traditional policy, claiming in January 1878 that, 'the duties of humanity I am very far from disputing...but I am not prepared to accept the new gospel which I understand is preached—that it is our business, for the sake of any populations whatever, to disregard the trusts which the people of this country and our Sovereign have reposed in our hands.'¹²⁵ But privately he knew that his hands were tied and he warned Derby as he left Constantinople that he saw no outcome other than a Russian control over the break-up of the Ottoman Empire unless Britain was prepared to take a more active role in coercing the Sultan. He was however equally clear that whatever the outcome, Britain's greater interest was not events within the Ottoman Empire but the ambition of Russia and what it meant for the Empire.¹²⁶

Russia declared war on the Ottoman Empire in February 1877. Britain held to its warning that it would not intervene militarily to support an unreformed Ottoman government. Public opinion on the Eastern Question moved from concern over the massacres to a concern instead that the international situation could lead to a war with Russia. Because neither Disraeli nor the Queen were prepared to consider coercing the Porte to compromise, Salisbury believed Britain should stay out of the fight.¹²⁷ If British military intervention to preserve the integrity of the Ottoman Empire was politically impossible then a diplomatic solution was required that would preserve British strategic goals and, as the war ground on, that increasingly looked like a radical restructure of the Ottoman

population transfers, was repeatedly resorted to by the Powers as an alternative to taking the necessary steps to ensure that people were adequately protected *in situ*

¹²⁴ Despatch Salisbury to Derby, 15 January 1877, Parliamentary Papers, *Turkey No 2 (1877)*, *Correspondence respecting the Affairs of Turkey*, No 225, p307,

¹²⁵ *Hansard*, HL Deb, 17 January 1878, Vol 237 cc56

¹²⁶ David Steele, *Lord Salisbury*, (London: UCL Press, 1999), p117

¹²⁷ Lady Gwendolen Cecil, *Life of Robert, Marquis of Salisbury*, (London: Hodder and Stoughton 1921), Vol 2, p164. Letter Salisbury to Sir S Northcote, 15 December 1877

Empire's possessions in the Balkans that went well beyond the proposals for local autonomy at the Constantinople Conference.

The war did not go to plan for either side: there was no support forthcoming for the Ottoman side from Britain or elsewhere and the Russian military machine made very slow progress. By January 1878 the Russian army was finally at the outskirts of Constantinople and the Porte sued for peace. The subsequent Treaty of San Stefano between Russia and the Ottoman Empire effectively ended Ottoman rule in Europe through the creation of a number of Russian client states in the Balkans, opened the Straits and gave Russia command of the Black Sea. The rewriting of the territorial settlement from the Crimean War was denounced by the other Powers which had been signatories to the Treaty of Paris and they insisted that any revisions to that treaty needed to be agreed collectively. Plans were drawn up in Britain for military action to force Russia back to the negotiating table. Derby was unable to support the policy of preparing for military action, resigned as Foreign Secretary and was replaced by Salisbury in March 1878. Salisbury was determined to bring to an end the period of drift in British policy.

Whilst the Cabinet had been split on the issue of military action against Russia, there was a consensus that a return to the *status quo ante* was not an option and that promises of administrative reforms within the Ottoman Empire would be insufficient to meet concerns about the treatment of minorities. In a move that must have been as galling to Disraeli as it was welcomed by Gladstone, consensus within Cabinet focused on a 'national solution' outside the Ottoman Empire but within certain agreed limits. This had been signalled early in March when Derby had advised Lord Lyons in Paris that any permanent peace in the Near East had to include a fundamental change not only in territorial boundaries, though that would certainly arise, but also in governance generally in the region. To that end, 'Great Britain is resolved not to sanction mismanagement and oppression and they consider it their duty to see that equal rights are accorded to all and that the result of any change is not merely to replace one form of intolerance by another and to shift the burden of injustice and oppression. ... they consider the first object of the conference should be to secure civil and religious liberty ... without the distinction of creed or nationality.'¹²⁸ But first the Treaty of San Stefano had to go. In the event it was the mediation of Bismarck, with the support of Britain, France and Austria, that persuaded Russia to attend the Congress in Berlin in June 1878. The key for Salisbury was to make sure that the new territorial dispensation was done in a way which

¹²⁸ Despatch Lord Derby to Lord Lyons, 1 March 1878, DP/DH 68/2,

maintained rather than undermined Britain's overarching strategic objective of keeping Russia out of the Eastern Mediterranean.

The Congress of Berlin has been described as the point at which the international system moved from the Vienna system of support for dynastic legitimacy to the Paris system of support for national democracies.¹²⁹ It was certainly the start of a process that would see the subsequent replacement of the multi-ethnic empires by nation states and the creation of a new round of minority issues. This change in the international system was not a sudden inflexion point but rather the next step in a process of incremental change that would have its biggest impact at the peace conference in 1919. It was also the case that the steps towards democratisation in the new states created in 1878 were hesitant and the states themselves very much on probation. The Congress resulted in the partition of the Ottoman Empire in Europe as well as (again) requiring administrative reforms for the residual Ottoman Empire. It also explicitly linked the act of the creation of new states with specific obligations of minimum standards of state behaviour towards citizens, recognising that a national solution for dealing with minority persecution in the Ottoman Empire, left unresolved the position of other minorities in the new states who did not fit the national narrative – Romania's Jewish community being a prime example. But if the Treaty set the important precedent that new states based on ethnic, religious and linguistic majorities would need to ensure that minorities in the new states were not discriminated against, at least in respect of certain fundamental rights such as citizenship, it did so only at a headline level. It failed to consider any of the underlying process and infrastructure that could ensure that these 'rights' became a reality. It did not address the weaknesses of an international system that had no effective means of enforcing treaty obligations in the face of determined opposition by any one of the contracting parties. This was not a new problem – it had after all been the outcome of the Treaty of Paris. Above all, as we shall see, 'offending states' were able to rely on a combination of 'issue fatigue' and competing Great Power interests to ensure that, so long as they were prepared to defer and deflect, almost always Britain and the other Powers would eventually lose interest in minority protection without any sanction being imposed. Time would prove to be always on the side of the offender.

Salisbury accepted that the policy that he had pursued at the Constantinople Conference of promoting reform in return for the guarantee of the territorial integrity of the Ottoman Empire within its 1856 boundaries was no longer enough.¹³⁰ Signalling to all diplomatic representatives that

¹²⁹ See Eric Weitz, 'From the Vienna to the Paris system: International Politics and the Entangled Histories of Human Rights, Forced Deportations, and Civilizing Missions', *American Historical Review*, 113:5, 2008, p1322

¹³⁰ Despatch Salisbury to Russell, 1 April 1878, TNA FO 244/314/1

a new policy was required to reflect the changed situation, he wrote, 'large changes may, and no doubt will be requisite in the treaties by which South Eastern Europe has hitherto been ruled.'¹³¹ Salisbury was clear that different solutions were required for the Ottoman Empire in Europe and in Asia. In the former, the days of absolute Ottoman rule were over and the focus shifted to the successor states which needed to be established in a way which supported the overarching British interests of limiting Russian ambitions. In the latter, fundamental reform of the state was required if it was to avoid any repeat of the catastrophic events of 1876-78. In British minds at least it was important that there was no continuation of the instability that threatened British control over the Eastern Mediterranean. Therefore, the new territorial dispensation in the Balkans needed to be on a basis that addressed the underlying discontents that had led to outside military intervention in the region. This was not an abstract concern for the welfare of the people of the Balkans but rather the calculation that otherwise the threat to British imperial policy from Russia would only increase. The circular was well received within the Foreign Office and among the British public. The new policy set in train a process that would see British support for the creation of new nation states based on national majorities as the solution to political instability and a recognition that for the new minorities in the new states protections would not only need to be designed but also delivered in way that they had not been when the region was under Ottoman control. Many of the key themes of the peace settlement in 1919 for the reconstruction of the Russian and Austro-Hungarian Empires are clearly set out in the arrangements for the reconstruction of the Ottoman Empire outlined in Salisbury's Circular and delivered in the Treaty of Berlin.

Whilst it was the European subjects of the Porte that had attracted the most attention since 1876, British interests were in reality at least as much tied up with what happened in the Sultan's Asian provinces. One of the unintended consequences of support for the changes in the Balkans would be an upturn in secessionist demands from other minorities in the Asian provinces of the Ottoman Empire. The Christian minorities in Eastern Anatolia had been favoured with promises of reforms 'demanded by local requirements' by the Treaty of San Stefano.¹³² Britain remained fixated on the threat to India of any Russian expansion into the Near East and was determined to prevent any Russian protectorate over the Armenians, fearing it would be used as a pretext for Russian expansion in the Near East.¹³³ To forestall any repeat of events in the Balkans and against all

¹³¹ *ibid*

¹³² Treaty of San Stefano Article XVI

¹³³ This conventional view of the Russian threat to India proved to be very resistant to change and was a key driver of British policy for the remainder of the century notwithstanding the poor performance of the Russian army in 1877-78, the huge distances involved and the enormous physical obstacles to be overcome. It was only settled by the exposure of Russian military weakness in the Russo Japanese War of 1905-6.

experience, Britain continued to cling onto the promotion of internal administrative reform. Salisbury instructed Layard to discuss an arrangement with the Ottoman authorities that, in return for British support, 'may enable the Turks to set up a system of administration which shall be recognisable and superior to anything Russia has to offer.'¹³⁴ A defensive treaty with Britain would be the carrot, the right of Britain to direct the pace and extent of reform would be the necessary stick. In reality, short of an occupation of Constantinople Salisbury had no solution to the inherent weakness of the Ottoman regime that would always act as a brake on reform even if the Sultan wished to pursue that path, and events in subsequent decades would show the stick was feeble indeed. Clearly this policy was driven by the unchanging strategic need to forestall any Russian expansionism rather than overt humanitarian concerns but it did offer the prospect, if delivered, of a significant improvement in the position of the Sultan's non-Muslim subjects. Whilst it would address the immediate external threat to the continuation of the Ottoman regime, it was always only a partial answer because it would still leave the Sultan vulnerable to the potential internal threat to him of a disaffected Muslim majority.

For any British commitment to the residual Ottoman Empire to be credible, it required the ability to provide the potential for rapid British military support. This meant that Britain needed a base closer to Constantinople than Malta or Gibraltar. Salisbury was also of the firm belief that '[public opinion] will cling to any military post occupied by England as tenaciously as it has clung to Gibraltar; and if any movement were made which would threaten it while assailing the Ottoman dominions, its action might be counted on.'¹³⁵ In other words, the fact of a physical presence acquired for the sole purpose of protecting the Ottoman Empire would mean that there would be no repeat of the prevarication and obfuscation that had marked Cabinet decision making in the period from 1876-78. Various island and Mediterranean ports had been considered but Salisbury's preference settled on Cyprus. Salisbury instructed Layard to negotiate an agreement with the Porte under which Britain would acquire Cyprus and in return would be prepared to guarantee the integrity of the residual Ottoman Empire subject to the Porte giving, 'specific assurances of good government to Asiatic Christians, similar to those in the Treaty with Russia', and thus giving to Britain 'a special privilege of advice and remonstrance in case of any abuse.'¹³⁶ In other words, the British guarantee would only

¹³⁴ Letter Salisbury to Layard, 10 May 1878, LPP ADD MS 39,037,

¹³⁵ *Ibid*, Letter Salisbury to Layard 18 April 1878

¹³⁶ Letter Salisbury to Layard, 16 May 1878, Salisbury Private Papers held at Hatfield House (hereinafter HH) 3M/A/32/6. Article 16 of the treaty of San Stefano: 'As the withdrawal by the Russian troops of the territory which they occupy in Armenia, and which is to be restored to Turkey, might give rise to conflicts and complications detrimental to the maintenance of good relations between the two countries, the Sublime Porte engages to carry into effect, without further delay, the improvements and reforms demanded by local

be available on the proviso that Turkey gave no cause for any other power to want to intervene and to that end Britain had to be able to insist that reforms were delivered. This was an attempt to address the obvious weakness of the promises made and not delivered in the Treaty of Paris and to extend the proposals for outside oversight first raised in respect of the Balkans at the Constantinople Conference.

An important principle was being established that, in return for guaranteeing the integrity of states and order in the international system, the Powers had the ability to limit sovereignty and make arrangements to ensure that treaty commitments in respect of minorities were honoured. Exactly the same principle was to be repeated in 1919 in the linkages between the League Covenant and the Minority Treaties. To deal with the immediate threats to his position, the Sultan willingly acquiesced to the proposed transaction to cede Cyprus to Britain. Clearly for Salisbury the primary purpose of the Congress was to secure British imperial and foreign policy objectives, but the protection of minorities within the Ottoman Empire had nonetheless now been corralled in support of that objective. Fatefully for Britain, and even more so for the Armenians, Salisbury had positioned Britain in the eyes of the Armenians as their protector – this went a long way further than Salisbury had intended and, notwithstanding the occupation of Cyprus, it was not an obligation he wanted and, as subsequent events proved, not one he was in a position to redeem.¹³⁷ The Cyprus Convention was signed on 4 June 1878. The Congress of Berlin convened on 13 June and the Treaty of Berlin was concluded on 13 July.

The Treaty of Berlin dealt specifically with the subject of minority protection. Minorities in Anatolia were covered by Article 61 of the Treaty which required the Porte, ‘to carry out without further delay the improvements and reforms demanded by local requirements in the provinces inhabited by the Armenians ...It will periodically make known the steps taken to this effect to the Powers, who will superintend their application.’¹³⁸ It was never made clear what was meant by having the right to ‘superintend’ the application of reforms and it was generally interpreted by the Powers as being limited to enquiring about progress on implementation and making occasional diplomatic

requirements in the provinces inhabited by Armenians, and to guarantee their security from Kurds and Circassians.’

¹³⁷ Article 1 of the Cyprus Convention committed England to come to the defence of Turkey in the event of an attack by Russia and, ‘In return, His Imperial Majesty the Sultan promises to England to introduce necessary Reforms, to be agreed upon later between the two Powers, into the government, and for the protection of the Christian and other subjects of the Porte in these territories.’

¹³⁸ Treaty of Berlin Article 61, see Edward Herslett, *The Map of Europe by Treaty*, (London: HMSO 1891) p2796

representations when it became clear that no reforms were being implemented. Article 61 was to all intents a refinement of the previous commitments made under the Treaty of Paris.

As time passed, it turned out that the effect of Article 61 did not force the Sultan to introduce meaningful reforms but rather it gave each Power an effective veto on any action by any other Power to coerce the Porte because it seemed to be a collective not individual right to superintend reforms. It delivered no practical protection. The Cyprus Convention offered potentially a more effective route. The British Government maintained that the Cyprus Convention and Article 61 were entirely compatible and that one did not supersede the other.¹³⁹ In reality of course the Cyprus Convention acted to undermine the internationalisation of the issue of minority protection in the Ottoman Empire which had been the formal position at least since the Treaty of Paris. In fact, beyond the obvious difference between Article 61 and the Cyprus Convention that the former was a collective agreement between the Powers and the Porte and the latter merely bilateral, they stipulated quite different things. Article 61 was concerned specifically with the promised reform programme by the Porte for the 'provinces inhabited by Armenians'. It was an unconditional but vague promise by the Ottoman authorities and an uncertain right for the Powers. By contrast, the Convention went somewhat further than the Treaty in terms of the explicit *mutual* obligations between Britain and the Ottoman Empire, linking the guarantee of the Ottoman state's new borders with the provision of minority reforms. The real importance of the Convention for minority protection as far as future British policy was concerned was not that it delivered actual improvements for the Armenians, but that it had the effect of positioning Britain as having a particular obligation to provide protection in the eyes of the Armenians themselves and the other Powers. As the threat of Russian intervention receded, it came to be seen by the Ottoman state as an unwarranted interference in its internal affairs. At the same time, it allowed the other Berlin Treaty signatories to abdicate responsibility for minority protection in the Ottoman Empire and effectively allow Article 61 to become redundant.

For the Balkan provinces of the Ottoman Empire, the Congress went much further than promises of administrative reforms. It resolved the minority issue by the creation three new states turning minorities into new national majorities (Romania, Montenegro and Serbia), increased Russian control over the Black Sea, partitioned Bulgaria between an independent state, a tributary state and a province of Turkey, placed Bosnia Herzegovina under Austrian rule and left a much diminished Ottoman Empire in control of Constantinople and the Dardanelles. It was regarded as a diplomatic

¹³⁹ *Hansard*, HC Deb, 1 August 1878, Vol 242 ,cc869.

triumph for Disraeli in that he had both avoided war and avoided a Russian occupation of the Straits. The overall objective of British control in the Eastern Mediterranean remained but it was no longer to be provided solely by the Ottoman Empire - instead it also relied on the newly emergent states and it was crucial that they would have the stability and reliability that the Ottoman state had lacked. To ensure that, independence would have some conditions attached. From the perspective of minority rights, the most important clauses placed obligations on the new states to provide equality of treatment for their citizens. The focus of equality was on religious groups to ensure they enjoyed all the civic and political rights enjoyed by majority populations. So in Romania, Serbia, Bulgaria and Montenegro the new states were required to accept treaty obligations that accorded full religious, civil and political equality to their citizens.¹⁴⁰ Given they were now Christian majority countries, the focus of these clauses was directed mainly towards Muslim and Jewish minorities.¹⁴¹ Whilst there was no right to oversee the implementation of the equality clauses in the new states, recognition of independence was made conditional on their adoption in the constitutions of the new states, in the belief that this would, like it had in Britain and France for example when Catholic and Jewish emancipation was agreed, provide a legal basis for minority protection within the new states.

So what was different about how the Treaty of Berlin dealt with new state formation? Carole Fink argues that it is the linking of state formation with the right to interfere in the internal affairs of the new states.¹⁴² Similarly, political scientist Stephen Krasner maintains that what distinguished these arrangements from previous treaty changes since the Peace of Westphalia in 1648 was not the requirement for a degree of religious toleration (although here it went well beyond acceptance of different religious practices) but that it came about through imposition rather than through invitation.¹⁴³ It was a recognition, albeit implicit, that creating nation states based on ethnic majorities automatically created, and in some cases left unresolved pre-existing, minority 'problems' for which a solution needed to be found. Nevertheless the Treaty of Berlin was only a

¹⁴⁰ Article 43 and 44 for example of Treaty of Berlin 1878, These articles made Romanian independence conditional on protection for a wide range of rights for minorities. Article 43: The High Contracting Parties recognize the independence of Romania, subject to the conditions set forth in the two following Articles. Article 44. In Romania 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 or political rights, admission to public employments, functions, and honors, 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 Romania, as well as to foreigners, and no hindrance shall be offered either to the hierarchical organization of the different communions, or to their relations with their spiritual chiefs. The subjects and citizens of all the Powers, traders or others, shall be treated in Romania without distinction of creed, on a footing of perfect equality. See Edward Herslett, *The map of Europe by Treaty*, p2790.

¹⁴¹ Article 61 of Treaty of Berlin

¹⁴² Carole Fink, *Defending the rights of Others*, p1

¹⁴³ Stephen Krasner, *Sovereignty: organized hypocrisy*, p83

partial response; for example, it still relied, as had previous attempts to provide minority protection, on the willingness of the host government to follow through on both the letter and spirit of the treaty obligation. What also distinguished these arrangements was the degree of what Jennifer Jackson Preece calls, 'unequal sovereignty' reflecting the conditions that had to be met before states could be regarded as civilised.¹⁴⁴ The new rulers of the new states agreed to these clauses not because they believed in toleration but because it was a necessary price to be secured for obtaining independence. It was hardly surprising therefore that execution of the promises would be at best half-hearted and in the case of Romania in particular far more honoured in the breach than the observance. The Treaty's effectiveness would be undermined by a combination of lack of political commitment to see it through by the Powers, the gaps and inconsistencies in its requirements and a lack of precision as to what was meant by the minority protection clauses which allowed discrimination and non-fulfilment to endure. The absence of specificity and effective monitoring meant that the obligations could be reinterpreted freely by all signatories of the treaties and that, as the Ottoman Empire and Romania were to prove, obligations could be ignored with impunity.

Ottoman Empire in Asia

'A mere splash and a relapse into stagnation will not do'¹⁴⁵

The outcome of the Congress, and in particular Disraeli's claims of 'peace with honour', was roundly and somewhat inconsistently attacked by Gladstone in '*England's Mission*', published in September 1878.¹⁴⁶ The Treaty of Berlin was criticised on the one hand for failing to maintain the integrity and independence of the Ottoman Empire and on the other for not going further to reduce Ottoman rule in Europe - 'they [Disraeli and Salisbury] laboured to reduce the limits within which the populations of European Turkey are to be master of their own destinies.'¹⁴⁷ His special anger though was reserved for the Cyprus Convention. Gladstone accused Salisbury of hypocrisy in criticising Russia for selfish expansion at the expense of the Ottoman Empire and described the acquisition of Cyprus as, 'a sign that in the opinion of our Government that Empire is not yet vast enough.'¹⁴⁸ Cyprus was a burden not a benefit he maintained, claiming that the Convention imposed excessive obligations to ensure reform, 'in the whole of Asiatic Turkey by England.'¹⁴⁹ It was not that he believed that steps

¹⁴⁴ Jennifer Jackson Preece, 'Minority rights in Europe: from Westphalia to Helsinki', *Review of International Studies*, 23:1, 1997, p80

¹⁴⁵ Letter from Tenterden to Layard, July 1878, LPP, Vol CCVIII, ADD MS 39,138 ,

¹⁴⁶ William, E. Gladstone, '*England's Mission*', pp560-584

¹⁴⁷ *ibid*, p562

¹⁴⁸ *Ibid*, p567

¹⁴⁹ *Ibid*, p565

should not be taken to enforce the commitments made by the Sultan but rather that it should be an obligation of the Concert not only of one member of it. By agreeing to the Convention and by acquiring Cyprus in return for a commitment to guarantee Ottoman independence separate from the Treaty of Berlin, the British Government had not, 'maintained the authority of public law; for they have broken the European law in the most flagrant manner.'¹⁵⁰ This would remain his view, that intervention acquired legitimacy only when it was the result of multilateral agreement, until disillusionment set in with the refusal of the Concert to intervene to protect Armenians from renewed persecutions in the 1890s.

In responding to this criticism, Salisbury had to demonstrate that he could deliver meaningful reform. He returned from Berlin committed to making rapid progress even though he recognised the challenge was enormous: 'our greatest difficulty will of course be with the Asiatic [reforms]. In order to do any good, indeed to satisfy the opinions of the English nation, these must be far reaching.'¹⁵¹ Whilst Salisbury was also keen to reject any suggestion that Britain had assumed a protectorate over any part of the Ottoman Empire, one of his first acts was to appoint military consuls across Anatolia to oversee the reform programme and report back on progress.¹⁵² Salisbury was sensitive to Gladstone's jibe that change could only be delivered by force and he was determined to prove him wrong. He pressed Layard to pursue reforms in a way 'which will not touch upon Turkish or Mohammedan susceptibilities,' adding that, 'I think the Sultan will see that we are animated by no desire to extend the power or influence of England at the expense of his prerogative.'¹⁵³ It is hard to see how Salisbury could have really believed that change of the type required could be achieved without a strong pressure being brought to bear from outside on the Sultan. Tenterden in the Foreign Office was more cautious, writing to Layard in July that, 'after the Congress will come the real struggle so far as Turkey is concerned – this is the last chance. ... I suppose a reformed Turkey is a possibility. If so the reforms must begin at once and be vigorously pursued and honestly maintained. A mere splash and a relapse into stagnation will not do.'¹⁵⁴

Predictably, as external pressure receded, as so many times before and after, the Sultan adopted the policy of welcoming in principle the British suggestions for reform but avoiding any execution of them in practice. By October, any optimism about the pace of reform had evaporated as it was

¹⁵⁰ *Ibid*, p561

¹⁵¹ Letter Salisbury to Layard, 24 July 1878, HH/3M/A/32/11,

¹⁵² See for example, *The Times* editorial of 22 July 1878, p7 which referred to 'the protectorate of Turkey in Asia'. The British government was never able to shake off the label of 'protector' of the Armenians

¹⁵³ Letter Salisbury to Layard, 24 July 1878, HH/ 3M/A/32/11,

¹⁵⁴ Letter from Tenterden to Layard, July 1878, LPP, Vol CCVIII, ADD MS 39,138

becoming clear that delivery of the reforms was running into a brick wall. In an interview with the Grand Vizier, Layard was told that, 'not only did he [the Sultan] consider the reforms I had proposed to him moderate and acceptable but that he had proposed to go further and to make them more extensive and more liberal.' However, it had to be done in a way that did not undermine the, 'sovereign right and prerogatives [of the Sultan] ...in his Asiatic dominions..'.¹⁵⁵ In other words, he was very much in favour of reform but not just yet and not exactly these reforms. The scepticism and outright hostility of Gladstone and others were taking their toll. Salisbury knew that as matters stood he could not meet the guarantee in favour of the Ottoman Empire in the Cyprus Convention if there was renewed hostility with Russia, asking Layard, 'will the English people... go to war to maintain the Turkish Empire if they have since acquired the conviction that the Porte is absolutely insincere in promising reforms?'¹⁵⁶ The problem for Layard was that, so long as the Ottoman Empire was regarded as an essential buffer state between Russia and India and further that the Porte knew that there was a huge amount of political capital invested by Britain in the maintenance of Ottoman control of the Straits, the threat of Britain simply withdrawing all support was hollow. So began a sequence over the next 18 months of British bluff and bluster and Ottoman delay and deferral. Vague promises of reform were made which were countered by threats that could not be backed up. Layard accepted that success was going to be elusive, summarising at the end of 1878, that, 'the result of this deplorable state of things was that Turkey had no friend or ally left and that even the sympathies of England were being rapidly alienated from her... its fall and dismemberment were only a matter of time.'¹⁵⁷

Salisbury was forced to continue to defend the Convention and the Sultan's commitment to reform in public at least into 1879, robustly rejecting criticism from the Liberal foreign affairs spokesman, the Earl of Granville, and others at the lack of progress in providing protection for the Armenians from historic arbitrariness of Ottoman rule but also from the unintended consequences of the Treaty of Berlin.¹⁵⁸ The defeat in the war and the subsequent changes brought in by the Treaty had created an Ottoman state more overwhelmingly Sunni Muslim in its composition and in which the position of non-Muslims would become increasingly precarious as Sultan Abdul Hamid II sought to prop up his own position. The pressure, and need, for reform in Anatolia was pushing against an environment ever more hostile to such changes. At the same time, Salisbury was also keen to try and distance

¹⁵⁵ Layard Memoirs, Vol 8, entry for October 1878, LPP ADD MS 39, 938, p27

¹⁵⁶ Letter Salisbury to Layard, LPP, ADD MS 39,138, Vol CCVII, 17 October 1878

¹⁵⁷ Layard Memoirs, Vol 8, entry for December 1878, LPP ADD MS 39, 938, p28

¹⁵⁸ See for example, *Hansard* HL Deb, 5 May 1879, Vol 245, col 1675-1683

Britain from any special responsibility in relation to the Armenians.¹⁵⁹ Not for the last time, he was not helped by his Ambassador. Layard's disillusionment with the Sultan's willingness to advance reforms voluntarily was total. If any progress was to be achieved then more direct pressure would need to be brought to bear; suggesting to Salisbury in October 1879 that, 'if the Porte persists in refusing to introduce the reforms that we consider necessary ... we might formally notify it that we shall bring the Armenians under our protection and shall hold it responsible for acts of outrage and oppression...'¹⁶⁰ This was exactly what Salisbury was most keen to avoid.

The policy was heading for failure. So long as he regarded the continuation of the Ottoman state as a buffer to protect the British Empire from Russian ambitions, Salisbury was struggling to find an answer to the fundamental question of how to persuade the Sultan to reform if the only weapon at his disposal was diplomatic pressure. If any coercive force was attempted, he feared that it would likely drive the Sultan to look for a protector elsewhere, probably into the arms of Russia - the very outcome that the Cyprus Convention had been designed to avoid. It was becoming clear to Salisbury that the cards were all stacked, for now, in favour of the Sultan.¹⁶¹ Salisbury knew that he could not unilaterally take the military action that he was coming round to believing might be the only way of making the Sultan change his position on reform, because it would not only be opposed by the other Powers but also ruin his broader foreign policy objective that had prompted him to engage on this course in Armenia in the first place. In reality, the Cyprus Convention had removed the very threat that might otherwise have enabled Britain to persuade the Sultan to improve the condition of the Christian minorities. To protect the Armenians it might have been much better to insist on the implementation of reforms before offering a guarantee of the continuing independence of the Ottoman Empire rather than after – but that would have only made sense if protecting the Armenians was the priority. The policy was failing because the objectives of supporting the Ottoman state and promoting reform for its minorities were fundamentally irreconcilable and were to remain so in the absence either of a state willing to change or an agency with the power and authority to insist on change. In that respect, the only thing that had changed since 1876 was that the Ottoman Empire had diminished in size. At the end of 1879, Layard summarised the position, advising Salisbury that, 'things are going very badly here. I very much fear that all that the Porte has done in the way of reforms is merely intended to throw dust in our eyes. The state of the Asiatic Provinces is deplorable...The Armenian Question, owing to the continued oppression and ill-treatment of the

¹⁵⁹ 'Parliamentary Intelligence, House of Lords', *The Times*, 28 June 1879, p8

¹⁶⁰ Letter Layard to Salisbury, 28 October 1879, HH/3M/ A/17/58,

¹⁶¹ Letter Salisbury to Layard, 13 November 1879, LPP, ADD MS 39,139, Vol CCIX,

Christians... threatens soon to become a very grave one.¹⁶² Salisbury agreed. In a deeply pessimistic letter to Layard in January 1880 he advised Layard to scale back his protests, 'for the present I would avoid absolute menace ... the time certainly seems to be past when the old policy of pressing the Porte by diplomatic thunderstorms can be relied upon in its haste to be kicked. Is anything yet possible to save it?... I am afraid the problem is insoluble.'¹⁶³

The New States in Europe

'a somewhat devalued humanitarian means to an overriding economic end.'¹⁶⁴

If improving the position of minorities in Asia proved intractable surely there was more scope for success in the Balkans? The Treaty of Paris had sought to address the question of how to reconcile a degree of autonomy for the Christian subjects of the Ottoman Empire in Europe with the continuing 'independence and integrity' of the Ottoman Empire. It had done that in the Balkans by agreeing a compromise under which the Sublime Porte gave the Dual Principalities of Moldavia and Wallachia autonomy as well as, 'full liberty of worship, of legislation, of commerce and of navigation' with the Porte retaining overall suzerainty.¹⁶⁵ Of course, this change in the status of the Principalities of itself did not solve minority issues because the process of defining people and nations necessarily created new minorities and left some old minorities, if anything, in a more precarious position. Among the most precarious, in Western eyes, were the Jews and the Jews of Romania had become an international *cause celebre*.¹⁶⁶

At the Congress of Berlin, British security interests might have suggested that Britain should move to a rapid approval of full Romanian independence, freed from any lingering Ottoman control, to ensure Russian influence over the new state was minimised but Salisbury chose instead to take a leading role in insisting on Jewish emancipation within Romania as a precursor to independence being granted. That Salisbury took this position was largely the result of a sustained lobbying effort over a number of years undertaken by representatives of the small British Jewish community on

¹⁶² Letter Layard to Salisbury, 26 December 1879, HH/3M/A /17/75. This would include the three-way conflict between the Ottoman state, Kurds and Armenians and the impact of resettlement of expellees from Russian Caucasus and the Balkans.

¹⁶³ Letter Salisbury to Layard, 3 January 1880, LPP ADD MS 39,139, Vol CCIX,

¹⁶⁴ William Oldson, *A Providential Anti-Semitism*, (Philadelphia: American Philosophical Society, 1991), p79

¹⁶⁵ The Dual Principalities were the core of what became Romania in 1878

¹⁶⁶ The largest minority numerically was almost certainly the Muslims in Bulgaria many of whom had been forced to flee during the war and denied the option of returning. They lacked an effective voice in Europe for their interests.

behalf of their co-religionists.¹⁶⁷ The Conjoint Foreign Committee of British Jews had been established in June 1878 with the specific objective of securing measures at the Congress to ensure that the new states to be created would not discriminate against Jews. The Committee acted, as Mark Levene observes, in the belief that the British model of emancipation was suitable to be exported but that it would only succeed if it could be imposed by the co-ordinated support of a majority of the Great Powers (Russia was considered beyond reason).¹⁶⁸ Derby and Disraeli were assiduously lobbied and the letter pages of *The Times* and other papers were used as a forum to press the issue.¹⁶⁹

Romanian anti-semitism was notorious. Jews were a relatively recent immigrant population, arriving in numbers only since the early nineteenth century from the Russian Pale. Though only about 5% of the total population, Jews were visibly concentrated in the towns of Moldova and by the late nineteenth century accounted for perhaps half of the urban population.¹⁷⁰ Since the reign of Catherine the Great, Russia had claimed special rights in respect of the Christian Orthodox people of the Dual Principalities and had exercised control over the area following the Treaty of Adrianople in 1829. This situation had lasted until the Treaty of Paris when Ottoman sovereignty was again reasserted. However, while under Russian protection, an Organic Law had been imposed on the Principalities in 1832 which stated that Jews were foreigners and not entitled to citizenship, that civil and political rights were obtainable only by Christians and that a range of economic activities could only be available to citizens.¹⁷¹ Discrimination therefore was institutionalised and affected all aspects of life, leaving Jews permanently in a precarious economic and legal position.

By the 1870s, Romanian nationalism had become the dominant political force and was intrinsically intertwined with strident anti-Semitism. The Principalities had conferred political rights on Christians that had not been extended to other religions¹⁷² The Jews increasingly became the 'other' by which Romanian identity could be defined. Anti-Semitism found its legal expression in Article 7 of the 1866

¹⁶⁷ Until the mass emigrations from Eastern Europe right at the end of the century, the British Jewish community in the nineteenth century was very small, probably numbering about 50,000 in 1875 among a total population of more than 25 million. Petra Laidlaw, 'Anglo-Jewry database 1851', *The Jewish Journal of Sociology*, 57:1, 2015, p7, states that census of 1851 estimates the Jewish population at less than 30,000.

¹⁶⁸ Mark Levene, *War, Jews and the New Europe*, (Oxford: Oxford University Press, 1992), p6

¹⁶⁹ See for example 'The Jews in the East', *The Times*, 19 June 1878, reprint of letter from Sir Moses Montefiore and Baron de Worms to Disraeli appealing for intervention on behalf of Romania's Jews at Berlin.

¹⁷⁰ David Vital, *A People Apart*, (Oxford: Oxford University Press, 1999), p487

¹⁷¹ Carol Iancu, *Les Juifs en Roumanie 1866-1919* trans. C. de Bussy, (Boulder: East European Monographs, 1996), p25

¹⁷² Convention of Paris, 1858, Article XLVI 'the Moldavians and Wallachians of all Christian creeds will enjoy equally political rights. The enjoyment of these rights may be extended to other creeds by legislative changes.'

Constitution which defined Romanian citizenship such that 'only foreigners of Christian rites may obtain naturalisation.'¹⁷³ Since all Jews, irrespective of how long they had lived in the region, were defined by this law as foreigners then they were excluded from citizenship, denied the equalities guaranteed under the Treaty of Paris and effectively stateless. Furthermore, by declaring all Jews as foreigners, they were treated as 'vagabonds and vagrants.' Article 94 of the constitution allowed vagrants to be expelled and a policy of deportations ensued. This prompted an outcry among the Jewish groups in Britain to the Liberal government of Gladstone which made a series of representations to the Romanian government demanding that 'effectual measures' were taken to put an end to Jewish deportations.¹⁷⁴ The Romanian response was dismissive and invoked the absolute sovereign rights of the Romanian authorities to reject any outside interference in the internal affairs of the state. As Iancu puts it, 'thus the idea was launched and henceforth all [Romanian] governments repeated the leitmotiv: the Jewish problem was a Romanian problem, an internal one and no country had the right to intervene.'¹⁷⁵ This was the position that was to be repeated on every occasion that attempts were made by Britain and other Powers to improve the position of Romania's Jewish minority over the succeeding 60 years.

By 1876, British concern over the treatment of Jews had become enmeshed in the negotiations over a bilateral trade treaty – as it had also in Germany . The Romanian Government had been attempting to agree a series of commercial treaties with the Powers but, in the case of Britain, it had stalled on the grounds that, 'it [HMG] cannot agree to any stipulations which would have the effect of placing Her Majesty's subjects of any particular religion in a less advantageous position than other of Her Majesty's subjects in regard to their treatment in foreign countries.'¹⁷⁶ Similar positions had been taken by the governments in Berlin and Rome. The difficulty in finding a formula to address Jewish discrimination was also an unintended consequence of the non-interference clauses in the Treaty of Paris designed to protect the Ottoman Empire against external intervention on behalf of its Christian minorities. The same clauses had in fact turned out to be an effective barrier to intervene to prevent grossly discriminatory policies being pursued by new regimes in the Balkans against their non-Christian minorities, even had there been any enthusiasm on the part of the Great Powers to do so. The reigniting of the Eastern Question in 1876 gave an opening to the Jewish groups to renew efforts to secure British government support for change in Romania. *The Times* reported in

¹⁷³ William Oldson, *A Providential Anti-Semitism*, p39

¹⁷⁴ Lord Stanley to Consul General Green, 6 July 1867, Parliamentary Papers, *Correspondence Respecting The Condition and Treatment of Jews in Servia and Roumania 1867-76* , No 59, p31

¹⁷⁵ Carol Iancu, *Les Juifs*, p56

¹⁷⁶ Derby to Prince Ghika, 23 November 1876, Parliamentary Papers, *Correspondence respecting the commercial negotiations between Britain and Roumania*, No 120, p62

December 1876 that Derby had given an assurance to the Anglo-Jewish Association, 'to forward by any means in my power the objects you and I have equally in view.'¹⁷⁷ The approach would be to seek to link territorial adjustment, sovereignty and Jewish emancipation in the peace treaties.

Romania, by virtue of its support for Russia, had secured full unconditional independence from the Ottoman Empire under the Treaty of San Stefano. But the arrangement proved to be short lived.¹⁷⁸ Whilst Romanian independence itself could not be reversed, the conditions under which it had been granted could be reviewed, alongside other territorial adjustments in the Balkans. The British objective at the Congress of Berlin, as well as rolling back Russian control, was to ensure that any partition of the Ottoman Empire had to be on the basis that it did not lead to renewed instability in the Balkans which could again be used a pretext by Russia for military intervention to further their own expansionist ambitions. This meant that minority issues needed to be tackled in the new states. The proposals for forced population transfers raised at the Conference in Constantinople were abandoned. Britain settled instead for self-determination for states in the Balkans, the borders of which would be defined by a national, linguistic and religious majority but including legal protections for the minorities within these states.

The biggest battle was to be fought on behalf of the Jewish minorities. This was to be a rare example of where a humanitarian impulse drove diplomatic intervention by Britain and the other Powers - it would also be a more common example of how humanitarianism was jettisoned when it came up against the realpolitik of national interest. Salisbury and Waddington, the French Foreign Minister, picked up the cudgels on behalf of the minorities at the Congress, demanding, in the face of resistance from Romania, that, 'the inhabitants of whatever religion shall enjoy a complete equality of rights'. They could also rely on support from Bismarck who had been advocating Jewish emancipation in Romania throughout the 1870s in response to pressure from his main financier, Gershon Bleichroder (the latter playing a leading role in the co-ordination of Jewish groups at the Congress). In opposition to Gorchakov, the Russian Foreign Minister, who described 'the Jews of Servia, Romania and some Russian provinces.. [as] a real scourge to the native populations', they secured agreement that the independence of all new states should be conditional on religious and civic equality for all citizens.¹⁷⁹ Disraeli claimed that, 'he would not have been able to support that

¹⁷⁷ 'The Jews and the Eastern Question', *The Times*, 28 December 1876, p7

¹⁷⁸ 'Preliminary Treaty of Peace between Russia and Turkey', TNA FO 424 /477 No. 2012. Article 3 relates to Serbian independence and Article 5 to Romanian Independence.

¹⁷⁹ Protocol of 7th and 8th meeting of the Congress of Berlin, 26 and 27 June 1878, TNA FO 424/477, Doc 206, includes the debate on the conditions to be attached to the independence of new states.

the Congress would recognise the independence of Romania in the absence of this condition.¹⁸⁰ In the process, the Powers had introduced a principle that was to have significant implications in 1919: limits on the sovereignty of new states could be imposed as part of their act of creation. Article 44 of the Treaty of Berlin set out the equality requirements for Romania and without naming it was directed in particular at Romania's Jewish population.¹⁸¹ The response from Jewish communities across Europe was an outpouring of thanks to Disraeli and Salisbury for the 'humanitarian' lead they had taken at Berlin. Montefiore wrote to Disraeli, 'on behalf of the Jewish bodies whom we represent the expression of our deep and sincere thanks for the great work which has been accomplished ...in securing the estimable blessings of civil and religious equality'¹⁸² The Jewish Conjoint Committee were later to describe it as, 'above all a great Charter of Emancipation, especially of civil and religious liberty.'¹⁸³ It would turn out to be something of a Pyrrhic victory.

In just the same way as the enforcement of obligations falling on the Ottoman Empire had not been addressed by Article 61, so in relation to the new states in the Balkans, the issue of how the minority clauses were to be enforced on an ongoing basis was not addressed and the Powers overestimated their ability to enforce their will by *fiat*. They did have one point of leverage that the Treaty of Paris lacked. Romania was now in a legal limbo: it had lost the autonomy it had been given under the Treaty of Paris but had not yet met the requirements of Article 44 necessary to acquire the formal recognition of its independence by the signatories to the Treaty of Berlin. It could not simply therefore ignore the requirements of Article 44, if that meant its independence went unrecognised, without exposing itself to an insecure future. Romania achieved a good initial start however, when Russia, taking its cue from the Treaty of San Stefano, recognised Romanian independence almost immediately and without requiring any conditions to be met.¹⁸⁴ France and Germany on the other hand were insistent, for different reasons, on Romanian compliance with Article 44. Salisbury could not afford to alienate his co-signatories by premature recognition of Romania but he also wanted to ensure that Romania was not pushed to the point where it decided its future lay with Russia rather than the Western Powers. This tension dominated how Salisbury dealt with Romania over the next two years.

¹⁸⁰ *ibid*, Protocol of 10th meeting, 1 July 1878

¹⁸¹ Article 44 of the Treaty of Berlin: 'In Roumania the difference of religious creeds and confessions shall not be used 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 industries and professions in any locality whatsoever.'

¹⁸² Memorial from Claude Montefiore and Baron De Worms to Disraeli, undated, DP/DH 73/4

¹⁸³ Lucien Wolf, *Notes on the Diplomatic History of the Jewish Question*, p24

¹⁸⁴ White to Salisbury, 26 August 1878, TNA FO 104/1, No 146,

In Romania, Article 44 was regarded as a source of national humiliation. Salisbury's resolve started to wane as he came under pressure from British Consul White in Bucharest to confirm Romanian independence both to respond to rumours of a pending Russo-Romanian military arrangement that would have given Russian troops rights of passage through Romania and also in order to allow the long deferred Anglo-Romanian commercial treaty to be put in place.¹⁸⁵ White maintained that enfranchising the Jews was an unreasonable request given that such a step could not be reconciled with Romanian nationalism, that the Jews could not be regarded as loyal citizens of the new state and that, if given citizenship, they would hold 'a position somewhat similar, but in reality much more prejudicial, to that occupied by the Home Rule faction in the House of Commons.'¹⁸⁶ In his official correspondence, Salisbury maintained the united front with Waddington and Bismarck that resistance to Jewish equality by the Romanians was, 'unworthy of them and of the Treaty of Berlin.'¹⁸⁷ Salisbury could not in all conscience be the first to abandon the Jews - given he had been a leading advocate of the equality clauses to be included in the Treaty. As the Romanian authorities went through various machinations to water down the requirements of the Treaty, for example by seeking to naturalise a specific and limited list of individuals, Salisbury continued to hold the line. The matter dragged on through 1879 and showed no signs of coming to a conclusion. In his private correspondence, Salisbury had initially maintained the same position as in his official despatches to White on the need for Romanian compliance, warning White that, 'neither in France nor in England would it be possible for any government even if it were so inclined to connive at any attempt on the part of Romania to escape from these conditions.'¹⁸⁸ But he was clearly moved by White's pleading in particular about growing Russian influence and as early as November 1878, there had been indications that his support was only being maintained because of the need to maintain a united front with France and Germany rather than any particular concern about Jewish persecution. He told White in November 1878 that, 'I have pressed the French government to concur with us in recognising Romania but as yet I have not been able to obtain their assent...'¹⁸⁹

The 'breakthrough' came with the decision by Chancellor Bismarck to relax his insistence on Romania meeting the conditions for independence. Salisbury had explained to White in November 1878 that he was locked in by Germany which had, 'suddenly conceived a great anxiety upon the

¹⁸⁵ There was also undoubtedly an element of White's own ambition at play. He had expectations that the post in Bucharest would be upgraded with the recognition of Romanian independence.

¹⁸⁶ Letter from White to Salisbury quoted in H. Sutherland Edwards, *Career and correspondence of Sir William White*, (London: John Murray, 1902), p158

¹⁸⁷ *ibid*, p168 quotes letter from Salisbury to White 12 March 1879

¹⁸⁸ Letter Salisbury to White, 18 September 1878, HH/3M/A/30/1

¹⁸⁹ Letter Salisbury to White, 6 November 1878, HH/3M/A/30/2

subject and has appealed to us in very strong language not to consent until the liberties of the Jews are formerly secured.¹⁹⁰ He blamed Bismarck for the lack of progress in recognising Romania due to 'connections with a railway job.'¹⁹¹ In truth, there was nothing sudden about Bismarck's interest in Romanian railways. The Romanian railway system had been built with German capital and proven a financial disaster. Bismarck was under pressure to rescue something for the investors from the debacle. His continued interest in Jewish emancipation became a mechanism to apply pressure on the Romanian government, in the words of Fritz Stern, he 'used the Jews to bail out the Junkers'.¹⁹² Given that by mid-1879 Salisbury's support for Jewish protection was based no longer, if ever, on the need to deal with a humanitarian issue but rather the need to maintain good relations with the other Powers and that he was keen to regularise the position of Romania and focus on the commercial opportunities that would bring, it was unsurprising that as soon as 'the railway job' was resolved to Bismarck's satisfaction, it was found easy to accept the proposed Romanian solution to Article 44 that had previously been unacceptable. Salisbury was now willing to accept the proposition that citizenship would no longer be a general right for Romania's Jews but a right restricted to a limited group of individuals. Historian William Oldson is surely correct that, 'in the end the matter of equal rights for Romania's Jews became for Bismarck a somewhat devalued humanitarian means to an overriding economic end.'¹⁹³ And much the same can be said of Salisbury. The British government, alongside the French and German, presented a note to the Romanian government which, whilst accepting that progress to date did not represent, 'a fulfilment of the views of the Powers signatories of the Treaty of Berlin', stated nonetheless that Britain was prepared to rely on 'the positive assurances which have been conveyed to them' that further progress would be made and accordingly recognised Romania as an independent state.¹⁹⁴

Similar to the position of the Armenians in the Ottoman Empire, Oldson maintains that the position of the Romanian Jews actually deteriorated after the Congress of Berlin as they became the focus of a more defiantly nationalistic anti-Semitism.¹⁹⁵ The Romanian Government strengthened discrimination legislation with further anti-foreigner measures in 1902 which had the effect of excluding Jews from almost all commercial activity. The Conjoint Committee began a new round of protests to the British government but to no effect. The United States Secretary of State, John Hay,

¹⁹⁰ Letter Salisbury to White, 20 November 1878, HH/3M/A/30/3

¹⁹¹ Letter Salisbury to White, 12 March 1879, HH/3M/A/30/4

¹⁹² Fritz Stern, *Gold and Iron*, (London: George Allen and Unwin, 1977), p392

¹⁹³ William Oldson, *A Providential Anti-Semitism*, p79

¹⁹⁴ 'Identical note presented the Romanian government', 20 February 1880, Parliamentary Papers, *Correspondence relative to the Recognition of the Independence of Roumania*, No 149, p91,

¹⁹⁵ William Oldson, *A Providential Anti-Semitism*, p151

did make a protest to the Romanian Government, copying in the Treaty of Berlin signatories, against its violations of 'international law and justice.'¹⁹⁶ But the protest got little international support and was largely ignored.

By 1914, only 579 Romanian Jews had been naturalised.¹⁹⁷ The issue would be returned to at the next great peace conference, in 1919.

Salisbury and Armenia

'So why should the name Armenia survive?'¹⁹⁸

Gladstone had returned to office in 1880 after his barnstorming Midlothian campaign in which he had developed many of his earlier criticisms of Conservative foreign policy. He reiterated his scepticism about the power conferred on Britain by a growing Empire, 'I wish to dissipate ... the idle dreams of those who are always telling you that the strength of England depends ... upon its prestige, its extending its Empire or upon what is possessed beyond these shores.'¹⁹⁹ He criticised Disraeli's policies since 1876 which he characterised as rejecting the Concert and reaffirmed his belief, 'that the first duty of government... is to proceed upon a principle that recognises the sisterhood and equality of nations, the absolute equality of public right among them', arguing that without recognising equality, 'there is no such thing as public right, there is no instrument for settling the transactions of mankind except material force.'²⁰⁰ It was by working through the Concert of Europe that issues should be resolved. In relation to the Ottoman Empire, he objected that, 'the foundation of the policy of the present government was that coercion was not applied to Turkey' and demanded that coercion be brought to bear on behalf of the Armenians and other Christian groups but, 'by the united authority of Europe.'²⁰¹

The Ottoman authorities were alarmed at Gladstone's return to power but as Layard pointed out to Salisbury, they only had themselves to blame if Gladstone's government took a harsher line.²⁰² As

¹⁹⁶ Quoted in Carole Fink, *Defending the Rights of Others*, p52

¹⁹⁷ William Oldson, *A Providential Anti-Semitism*, p154

¹⁹⁸ Question posed by the Turkish newspaper *Terunana-i-Haikat*, August 1881 quoted in Tony Kushner, *The Rise of Turkish Nationalism*, (London: Frank Cass, 1977), p10

¹⁹⁹ William, E. Gladstone, *Midlothian Speeches* (Leicester: Leicester University Press, 1971), p46

²⁰⁰ *ibid*, p123. At heart this challenged the claim of Disraeli in a speech at the Guildhall in November 1879 when he talked of the British 'Imperium et Libertas' which Gladstone characterised as 'Liberty for ourselves, Empire over the rest of mankind.'

²⁰¹ *ibid*, p 53

²⁰² Letter Layard to Salisbury, 7 April 1880, HH/3M/A/7/100

matters turned out, the Ottoman authorities had little to be concerned about in respect of the Armenians. Initially Gladstone attempted to interest the Concert in reform of the Ottoman Empire. He was prepared to rescind the Cyprus Convention which he believed conferred no benefits for Britain and which was an obstacle to a joint European engagement with the Porte but was dissuaded from that course by the opposition of his colleagues and of the Queen.²⁰³ Granville, the new Foreign Secretary decided that the way to secure reform in the Ottoman Empire was to focus on Article 61 and make the matter one of interest to the Concert collectively rather than Britain specifically. On 4 May 1880 Granville, in a move reminiscent of Salisbury two years earlier, issued a circular to all British Ambassadors setting out the new administration's policy, 'requiring the Turkish govt. to fulfil forthwith its obligations under the Treaty in regard to Greece, Montenegro and Armenia.... So far as HMG are aware nothing has been done by the Porte to make known any steps which it may have taken under his Article [61] nor have any measures been adopted for the superintendence to be exercised by the Powers.' It went on to demand joint action by the Powers, arguing that 'it is only by exercise of united pressure that the Porte can be induced to fulfil its duty...'²⁰⁴ Gladstone retained high hopes for the Concert being able to achieve what Salisbury had not, by wringing concessions from the Sultan, 'by force or the proximate fear of force.'²⁰⁵ But he was fighting a losing battle: whatever limited interest the Powers had at Berlin in ensuring the Sultan lived up to his commitments had been further diluted by the Cyprus Convention. Gladstone might not like the Convention and seek to pretend it did not exist, but it enabled the other Powers to make the responsibility for minority protection within the residual Ottoman Empire specific to Britain not general to the Concert.

Layard was replaced in May 1880 by Gladstone's choice of a special ambassador, George Goschen, with a mandate to persuade the Porte to fulfil Article 61. On 11 June, the ambassadors in Constantinople collectively delivered a note to the Sultan demanding to know what progress had been made in delivering reforms. The response was the usual litany of promises of change to come. The summary from the Foreign Office of the position was realistic if unenthusiastic: it 'does not consider the proposals satisfactory, though a very considerable advance would be made in the right direction if they were conscientiously and energetically carried out.' However, Tenterden went on to

²⁰³ Letter Granville to Goschen, 10 June 1880, in which Granville discussed repudiating the treaty and relying solely on Article 61. In the end the Liberal government simply ignored the convention – refusing to rely on it as a means to deliver reform and clearly not giving any weight to the guarantee of Ottoman security. Quoted in Harold Temperley and Lillian Penson (eds.) *Foundations of British Foreign Policy*, Doc 154, p400

²⁰⁴ 'Identical note from Granville to the British Ambassadors', Parliamentary Papers, *Turkey (No 7)*, 1880, *Correspondence respecting the Affairs of Turkey*, , No 2, p1, 4 May 1880

²⁰⁵ Letter Gladstone to Lord Acton 19 September 1880, quoted in Harold Temperley and Lillian Penson, (eds.), *Foundations of British Foreign Policy*, Doc 156, p408

conclude that, 'there are no signs of an administrative improvement or of any intention to reform.'²⁰⁶ There was a continuing correspondence with the Porte in which demands were made for change, and another joint protest was made on 7 September 1880 asking for details of the specific reforms to be introduced in response to Article 61 in respect of the Armenians.²⁰⁷ The long-standing Turkish policy of delay and prevarication was back in play and again proved successful insofar as the interest of the European Powers in pursuing the matter fell away. As before, the Powers were content to equate the absence of reports of atrocities with acceptance by the minorities with their lot. The surveillance obligations under Article 61 which were supposed to deal with previous failures to deliver reform proved worthless. In 1882, Gladstone withdrew the military consuls who had been appointed by Salisbury.

For the Armenians, the position had not improved from the situation that had prevailed before 1876 and, if anything, they were now even more exposed as a Christian minority in an increasingly Muslim-centric state to a state machinery that questioned their loyalty and regarded them as a source of a constant stream of complaint by the European Powers against the Porte. As European interest waned, the Ottoman authorities felt increasingly confident that not only could reform be ignored but Article 61 could to all intents be allowed to fall by the wayside. By the end of the decade, *The Times* was reporting that, 'in Armenia at any rate it [the Ottoman Empire] is apparently resolved once more to take refuge in the familiar plea of *non possumus*... A Council of Ministers, has decided "that the Porte taking its stand upon Articles 61 and 62 of the Treaty of Berlin could not introduce especial reforms in Armenia on the grounds that the probable claims of other Christian communities under Turkish rule might create fresh difficulties for the Ottoman Government."²⁰⁸ Reform having been forced by circumstances on the Ottoman Empire, it was not surprising that as circumstances changed, and in the absence of an outbreak of renewed large-scale atrocity by the Porte, discussion of reform, much less actual reforms, ground to a halt. The 1880s turned out to be a decade of continuing pressure for the Armenians as the Ottoman Empire adjusted to the post-Berlin situation and grappled with problems in its North African dominions, in particular in Egypt. The Sultan was able to rely on Great Power rivalry to ensure that external threats of intervention were contained and that any Gladstonian moves to find a joint platform to support demands for change would make no progress. This left the Porte free to pursue measures which sought to shore up the

²⁰⁶ Memorandum by Lord Tenterden, 'The present position of the questions pending between the Powers and the Porte', August 1880, TNA FO 424/477

²⁰⁷ Despatch Goschen to Granville, 17 August 1880, TNA CAB 31/3/142, detailing a long list of proposed reforms to be submitted jointly by the Powers to the Porte

²⁰⁸ 'Editorial' *The Times* 5 October 1889, p9

Sultan's position within the Empire by a mixture of internal repression directed against politically suspect minority groups, often undertaken by semi-official and largely uncontrolled militias drawn from Muslim populations transferred into Eastern Anatolia, and limited reform but reform aimed at shoring up his own position and that of the Muslim majority.²⁰⁹ One of the many unintended consequences of the Treaty of Berlin meant that the territorial changes, along with mass Muslim immigration and the adoption by the government of a policy promoting pan-Islamism, had resulted in an Ottoman Empire that had an increasingly Muslim-centric characteristic and which left the non-Muslim minorities even more exposed by the emphasis on the 'otherness' of the Armenian and other minority populations. Widespread abuses and sequestration of property against non-Muslims were increasingly the norm. In that environment, any suggestions of special privileges for the Armenians much less a separate or semi-autonomous Armenian state were bound to be fiercely resisted. The position of the Armenians, far from improving as a result of the agreements in 1878, was increasingly vulnerable and they looked somewhat nervously towards their 'protector'.

At the same time, there had been a gradual reappraisal of British policy towards the Ottoman Empire. The trigger for this was a review of the core British military strategy in the Eastern Mediterranean driven by concerns over the ability of British naval strength to force the Straits if required. The Admiralty decided that, whilst control of the Eastern Mediterranean remained axiomatic to imperial policy, because of the combined benefit of the acquisition of Egypt, the control over the Suez Canal and the occupation of Cyprus, the ability to control the Straits was no longer strategically important – and in fact probably not militarily achievable anyway. Shortly before leaving office in June 1892, Salisbury, somewhat tongue in cheek, acknowledged the new reality, writing to the Cabinet that, 'the Foreign Office, on the one hand, and Defence departments on the other, have been proceeding on lines as divergent as it is possible to be...The protection of Constantinople from Russian conquest has been the turning point of the policy of this country for at least 40 years...It now appears that it is not only not possible for us to protect Constantinople but that any effort to do is not permissible' and, if Britain could no longer keep Russia out then, 'our foreign policy needs to be speedily and avowedly revised.'²¹⁰

This was a major strategic shift for Britain with implications for British policy towards the Ottoman Empire and for the minority populations there. At a stroke, the shift in geographic interest southwards away from the Straits both denied the original political rationale for the Cyprus

²⁰⁹ See Donald Bloxham, *The Great Game of Genocide*, (Oxford: Oxford University Press, 2005), pp46-49

²¹⁰ Salisbury, 'Russian Threat To Constantinople', 4 June 1892, TNA CAB 37/31/10

Convention - that it was essential to British security guarantees for the Ottoman state - but also made the military occupation of Cyprus more essential than ever to consolidate British control over the Eastern Mediterranean and Suez Canal. Furthermore, if the maintenance of the Ottoman Empire was no longer a strategic necessity then it allowed a reappraisal of minority policy in the Ottoman Empire. Britain was both free to pursue a more overtly humanitarian policy as regards the Armenians and other minorities, being no longer constrained by the need to support the regime, but at the same time its leverage over the Empire, previously based around the mutual defence needs, was much less. The new challenges arising from this strategic shift would become evident over the next decade. However, any new humanitarian impulse faced the remaining and overriding need to avoid undertaking any intervention which could lead to conflict with other Powers. Dealing with this constraint would define British policy when the next crisis erupted in 1893.

As in 1876, the spark was the arbitrary administrative practices of the Ottoman state. It led to what Davide Rodogno has called 'the Armenian non-intervention' of 1893-95.²¹¹ Until the final quarter of the nineteenth century, the Armenians had found a way of living, albeit in a somewhat precarious and violent existence as second class citizens, within the Ottoman *millet* system.²¹² But the acceptance of that position was increasingly under question. Among the educated Armenian elite there was increasing interest in the symbols and institutions that defined their own ethnicity, in particular the Armenian church which took on an increasingly political role in relation to the Ottoman state; and, among the diaspora outside the Ottoman Empire, there developed a focus on revolutionary nationalism as a route to national self-determination. In reality, these groups and the nationalist separatist threat they seemed to pose featured much larger in the imagination of the Ottoman state than they ever did in terms of rallying political support among the peasants of Anatolia – whose ambitions went little further than wanting to be left in peace by the Ottoman state and its proxies. In Britain, the Armenians became identified as 'a kind of civilised outsider in the Eastern world, a part of Europe which had been displaced' and as we have seen Britain had acquired under the Cyprus Convention, somewhat reluctantly, a role as the Armenians' 'protector'. In the popular imagination in Britain, Armenia, in contrast with the Ottoman state, was regarded as 'a potential Christian nation, a beacon of light in a barbaric and uncivilised world.'²¹³ Talk of an 'Armenian nation' merely increased tensions between the Armenians, Kurds and Turks that had been building throughout the 1880s, in part caused by the impact of migration of Muslim refugees

²¹¹ Davide Rodogno, *Against Massacre*, p185

²¹² Ronald Suny, *Looking towards Ararat: Armenia in modern history*, (Bloomington: Indiana University Press, 1993), p101

²¹³ *ibid*, p98

from the Balkans and the Caucasus, and finally erupted in the 1890s when the Sultan decisively moved to back the Kurds against the Armenians.

After more than a decade of intermittent persecution, a tax strike at Sassun in the Summer of 1894 by Armenians, who demanded protection from Kurdish nomads, was responded to by the massacre of about 1000 people by irregular Kurdish forces apparently under the direction of the Ottoman military. This marked the start of two years of massacres that would result in perhaps 100,000 deaths and much more widespread persecution and dispossession. Press reports of the Sassun massacre again raised the political temperature in Britain and demands that 'something must be done' but the 'solution' followed a familiar pattern. The Liberal Foreign Secretary, Kimberley, launched a plan for internal reform of the Ottoman state but, in a nod to his party's Gladstonian traditions, it was to be delivered by diplomatic pressure from a 'coalition of the willing'. So began three years of frustrating search for a policy that could command the combined support of the European Powers.²¹⁴ For such an intervention to be effective where previous efforts had failed, two conditions would need to be fulfilled: first, there would need to be some way of co-ordinating the intervention free from the complications and rivalries between states that had previously prevented joint action; and second, individual states needed to be prepared to commit to follow through on agreed actions by applying pressure on the Porte. All of Kimberley's and then Salisbury's efforts on behalf of the Armenians hung on the ability to meet these conditions.

The switch in strategic foreign policy posture by Britain away from support for the Sultan made possible a more directly interventionist policy against the Porte as did the strong support from the British ambassador in Constantinople, Philip Currie, for decisive action. Currie was well liked in the Foreign Office which was supportive of his case for intervention.²¹⁵ He was also a long-standing confidant and friend of Salisbury, having first worked as Salisbury's personal assistant at the Congress of Berlin, and Salisbury loyally backed his Ambassador's initiatives. Their private correspondence is central to understanding events. By the time that Salisbury returned to power in June 1895, Currie had developed a six-point plan with the other Ambassadors in Constantinople which was to all intents the same as the 1879 plan that Britain had been unable to see implemented: effectively introducing a system of government that had its roots in the administrative model

²¹⁴ Despatch Kimberley to Currie, 29 January 1895, Kimberley Private Papers at the Bodleian Library, Kimberley MSS MS.Eng c.4398

²¹⁵ Thomas Otte, *The Foreign Office Mind*, p211 claims that 'official thinking was influenced by a strong moral impulse unfettered by strategic considerations',

adopted in India of local native administrators supported by European 'residents'.²¹⁶ In this case, it would involve placing administration of the Armenian provinces in the hands of a mix of local Christian officials and a mixed Muslim/Christian gendarmerie supported by European advisors. The key for the effectiveness of any intervention was to secure Russian support to see the plan implemented, and this support was not forthcoming

If Britain's relationship with the Ottoman Empire had changed since 1878, the change in Russia's policy was no less radical. Russia still wanted to exercise its own control over the Sultan but not necessarily to see the removal of the Sultan and Russia had little interest in using minorities as a proxy for its own imperial ambitions towards the Ottoman Empire. By the end of the nineteenth century Russian policy was to seek to pursue its objectives more by co-operation rather than in conflict with the Porte – potentially even replacing Britain as the Ottoman Empire's 'protector' - and choosing stability in the Near East to allow it to take a more forward policy in the Far East.²¹⁷ In addition, the accession of Tsar Alexander III in 1881 had seen the introduction of a new policy towards Russia's minorities, focused on aggressive Russification and the suppression of any national aspirations among minority groups, including the Armenians in the Russian Caucasus. The Russian government was as opposed to Armenian nationalism as the Porte. Bulgarian independence for which it had fought in 1878 had been a huge disappointment to Russia: instead of creating a satellite, the Russians found the Bulgarians exercising their independence in ways which they found unhelpful. Nicholas de Giers, the Russian foreign minister, concluded that, 'Russia has no reason at all to desire a second Bulgaria [in Armenia]. The emergence of an autonomous Armenia would then entail the danger for Russia that the Russian Armenians would then desire to become part of it.'²¹⁸ Given this, it was not surprising that Russia was unwilling to associate itself with a British intervention if to do so would fuel the promotion of Armenian nationalism or, even worse, the creation of an independent Armenian state. Whilst Britain was also not an active supporter of an independent Armenia, Britain now found itself bound by the Cyprus Convention to protect a minority to forestall Russian intervention on behalf of a minority for which Russia no longer wished to intervene. The policy was threatening to collapse under the weight of its own contradictions. Currie's plan had no prospect of successful implementation without Russian support.²¹⁹ In June

²¹⁶ See David Cannadine, *Ornamentalism: How the British Saw Their Empire*, (London: Penguin, 2001), pp42-45 for a description of the Indian system of administration

²¹⁷ See Alan Bodger, 'Russia and the end of the Ottoman Empire' in Marian Kent, *The Great Powers and the end of the Ottoman Empire*, (London: Routledge, 2005), p74

²¹⁸ Vahakn Dadrian, *The History of the Armenian Genocide*, (New York: Bergahn Books, 2003), p72

²¹⁹ Despatch Currie to Kimberley, 18 June 1895, TNA FO 780/4613, No 303, enclosing a memo showing the scale of the diplomatic challenge to secure Russian support.

1895, the Sultan raised the stakes further by rejecting Currie's plan and in addition sought to limit any right to intervene 'within the limits of the 61st article of the Treaty of Berlin': that is, the Powers only had the right to ask what was happening not force change.²²⁰ The Sultan's rejection was a direct challenge to British authority. The issue now turned into a trial of strength, for Salisbury more about British prestige than protection for minorities and it was only this, and Salisbury's loyalty to Currie, that persuaded him to continue to take the lead in pressing the interventionist case. Salisbury could not afford for Britain to be humiliated by the Sultan's rejection of his demands but neither could he move forward unless either he was prepared to take unilateral action with all the attendant risks that entailed in respect of the reaction of the Russians and other Powers, or was able to construct a coalition to bring joint pressure to bear.

In his initial meetings with the Ottoman Ambassador to London, Rustem Pasha, Salisbury started to apply the pressure. He insisted that the proposals developed by Currie should be adopted and warned that in Britain, 'a settled conviction was growing that nothing could be hoped from it [the Ottoman Empire] in the way of improvement in reform but all that could be done was to finish with it' and that if Russia and Britain could patch up their differences and still nothing had improved in the interim, then the 'Ottoman Empire must disappear.'²²¹ But he was also aware that for all his threats, the weakness in the approach was his inability to build a consensus for action among the Powers. Russia was not willing to be bound into an intervention against the Ottoman Empire led by Britain. Writing privately to Currie in August, Salisbury observed that, 'we have come to a point where there must be a fresh start and pressure of some kind must be applied... however there is no point whatever of Russia consenting to apply pressure or consenting that pressure should be applied by us ... the mere pressure of bluff on which England has so far relied, will evidently be inadequate.'²²² It also risked exposing the Armenians to further brutalities if Salisbury's threats were shown to be empty. Salisbury, increasingly desperate to move things forward, mused on wildly imaginative schemes to persuade the Sultan to move, asking Currie for example in July, '... would not some gunboats up the Tigris [persuade] the Sultan more than a marine demonstration?... It would bring us nearer to the real scene of the action than any other plan...'²²³ This was dismissed by Currie as impractical. The next idea Salisbury had was to use Indian Army troops to occupy Jeddah as a way of pressuring the Sultan.²²⁴ That too came to nothing.

²²⁰ *ibid*, Despatch Currie to Kimberley, 17 June 1895, no 392, enclosing response from Sultan

²²¹ Despatch Salisbury to Currie 10 July 1895 TNA FO 780/4606, No 275

²²² Letter Salisbury to Currie, 27 August 1895, HH/ 3M/A/138/7

²²³ Letter Salisbury to Currie, 1 July 1895, HH/ 3M/A/135/11

²²⁴ Letter Salisbury to Currie, 27 August 1895, HH/ 3M/A/138/7

The Ottoman response to British protests about Sassun followed the established format: initial denial that anything untoward had occurred; second, even if something had occurred then it was the fault of the victims; third, a reluctant agreement to set up an inquiry (to investigate the 'Armenian brigands'); followed finally by vague promises of reform. The emptiness of this response was demonstrated when a second and far more serious wave of atrocities against the Armenians followed in the Summer and Autumn of 1895. The scale of repression covered all the provinces in which the Armenians lived and culminated in September in a murderous rampage in Constantinople.²²⁵ This time the events in Constantinople had been witnessed by Embassy officials and not only could the scale of blood-letting not be denied but also it was clear that the state was directly implicated in the use of terror against its own citizens. Currie had no doubts that that violence was a deliberate means of control by the Ottoman state over its own non-Muslim minorities and that it could only be challenged by direct action against the government. Diplomatic protests had achieved nothing. Salisbury used his Guildhall speech in November 1895 to call for international action and warned the Sultan that the Powers, 'may find some other arrangement that is a substitute for that which does not fulfil the hopes that were entertained 40 years ago.'²²⁶ But all this was bluster since he knew he had not got the support he needed from Russia to make his threat real. He was now in a trial of strength not about humanitarian assistance for the Sultan's subjects but about British authority. The Sultan continued to try to sow confusion. On the same day as Salisbury's Guildhall speech, the Sultan wrote to Salisbury expressing his 'hope for assistance from England and I repeat that England should be convinced of my earnest desire to carry out my promises.' That no progress had been made was actually the fault of the Armenians who, 'by their intrigue and sedition ...have delayed and are still delaying reforms.'²²⁷ The Sultan claimed that the massacres were a reaction to a provocative and existential threat to the Ottoman state caused by the Armenians at the urging of outside (ie British) forces. 'The provocation thesis' became the standard Ottoman response to questions about its repressive policies towards minorities.²²⁸

²²⁵ See Donald Bloxham, *The Great Game of Genocide*, pp51-57

²²⁶ 'The Guildhall Banquet', *The Times*, 11 November 1895, p6

²²⁷ Message from Sultan to Salisbury, 11 November 1895, Parliamentary Papers, *Turkey (No 2) 1896, Correspondence relative to the Armenian Question*, No 254, p127

²²⁸ The 'provocation thesis' was discredited at the time in Britain and continues to be so on the basis of the state's action being totally disproportionate to any threats to its control. The vast majority of victims were unarmed and unable to defend themselves. It nevertheless acquired a degree of acceptance among the Sultan's supporters and was crucial in justifying the next round of action against the Armenians in the genocide of 1915-16. See George Lewy, *The Armenian Massacres in Ottoman Turkey*, (Salt Lake City: University of Utah Press, 2005); Ronald Suny, *Towards Ararat*; Robert Melson, 'A theoretical inquiry into the Armenian massacres', *Comparative Studies in Society and History*, 24:3,1980, pp481-509 . For an alternative view see Justin McCarthy, *Muslims and Minorities: The population of Ottoman Anatolia and the End of Empire* (New York: New York University Press,1983)

Salisbury regarded the events of September and subsequent denials for what they were – a deliberate and personal rebuff - and instructed Currie to, ‘let the Sultan understand as clearly as politeness persists that our patience is nearly exhausted, that English opinion is pressing for more active measures...’²²⁹ The problem for Salisbury was that these remained empty threats: he had no support in the Cabinet or among the other Powers for direct intervention and no real plan for what action might be taken. He now openly discussed not only the need for military intervention to be brought to bear but also speculated on the potential for ‘regime change’ as the only way to bring relief to the minorities in the Ottoman Empire. Once again he raised the prospect of unilateral action by Britain to send the fleet through the Straits. This was vetoed by the Cabinet in December 1895. Humiliated by the Sultan and by his own Cabinet, Salisbury wrote to Goschen, the First Lord of the Admiralty, ‘that I am administering a policy in which I entirely disbelieve and which I feel may lead to much disgrace.’²³⁰ As Donald Bloxham concludes, ‘at the zenith of pro-Armenian sentiment, British ability to help the Armenians was at its nadir’. The Ottoman authorities found they could act against the Armenians with impunity.²³¹

By the end of 1895 the British policy was looking to be in tatters. Britain had been unable to fulfil its given role, however unwanted, to protect the Armenians and it had been unable to secure consensus among the Powers for action. The supposed ‘sick man of Europe’ was openly snubbing British demands for change. Salisbury placed the blame for his failures on predecessor, telling Currie that,

we have got to the end of the diplomatic lane and there is a blank wall in front of us. It is proved that nothing will mend the Government of Turkey except the application of force to the Sultan or probably nothing except his deposition. ...I have now got to the end of the budget of the Kimberley bequests. I wish he had never meddled with this question without first ascertaining how far France and Austria were prepared to go...At present we are shut up to the dilemma - we cannot mend the lot of the Armenians without quarrelling with the Sultan; and we cannot quarrel with the Sultan without quarrelling with Austria, France and Russia.²³²

Blaming Kimberley alone for this state of affairs was unfair, the position was the result of repeated poor policy choices. It was perhaps hardly surprising that Russia would be unwilling to intervene in Anatolia in association with Britain given the decades of British policy aimed at preventing just that

²²⁹ Manuscript note by Salisbury on despatch Currie to Salisbury, 8 October 1895, TNA FO 78/4629, no 468

²³⁰ Quoted in David Steele, *Lord Salisbury – a political biography*, (London: UCL Press, 1999), p322

²³¹ Donald Bloxham, *The Great Game of Genocide*, p54

²³² Letter Salisbury to Currie, 17 December 1895, HH/ 3M/A/138/18,

occurrence. The reality was that the only intervention that could succeed was joint action. The fact that was not possible reflected the absence of a framework in which such action could be considered. British policy drifted along during 1896 with little sign of any resolution interrupted by continuing anti-Armenian violence across Anatolia, culminating in August 1896 in the occupation of the Ottoman Bank by Armenian revolutionaries in Constantinople itself in August 1896 and a subsequent rampage resulting in thousands of Armenian deaths. The inability to stop the violence exposed the strategic weaknesses of Salisbury's policy: military intervention, if that occurred, seemed to be directed towards bringing to an end the immediate violence but the correspondence with Currie demonstrates little thought as to what would happen next. For example, exactly how long and with what political outcome in mind was he proposing to keep a presence in Eastern Anatolia? In modern parlance, where was the exit strategy that would require a longer term political solution?

At home the public campaign on behalf of the Armenians, albeit on nothing like the scale of the Bulgarian agitation of 20 years earlier, showed no sign of letting up. Gladstone re-emerged from retirement to campaign against the iniquities of the Sultan's regime. His last public speech at Liverpool addressed the question of what Britain should do when it was faced with a situation where the Concert, on which he had placed such great hopes in 1876, was 'a total failure'. In a complete reversal of his previous demands, he maintained that if Europe collectively would not act then England, 'had the right to act alone' in coercing the Sultan. But he also recognised that this threat was only of any value so long as the other Powers were prepared to allow Britain to take coercive action.²³³ In a letter to the *Manchester Guardian*, he maintained that 'nothing but force would prevail.'²³⁴ Gladstone never explained what this 'force' was to be. He perhaps realised, as Salisbury had, that the days of threatening the Sultan with the British fleet at Besika Bay were over and the world of continental alliances had fundamentally changed the relationships between the Powers to Britain's disadvantage. To get its way with the Porte, Britain could no longer rely on the informal arrangements of the Concert .

In the face of a growing diplomatic and political failure, Salisbury made one final effort to secure Russian support. In October 1896, he approached the Tsar at Balmoral with a radical proposal, later reporting to Currie that, 'I thought I had persuaded him [the Tsar] to entertain the idea of deposing

²³³ 'Mr Gladstone on the Armenian Question', *The Times*, 25 September 1896 p5

²³⁴ Letter from Gladstone to *The Manchester Guardian*, 12 September 1896, Gladstone private papers at Hawarden , GG1704

the Sultan. But on Tuesday morning... he thought the risks too great.²³⁵ Salisbury followed this with a despatch to the major capitals of Europe. The tone was in marked contrast to the despatch of April 1878 which set out assertively British policy on the Eastern Question. He again pointed out that, 'it is the common object of the European Powers that the Turkish Empire should be sustained, because no arrangement to reform it can be suggested which would not carry with it a serious risk of European conflict.' He recognised that unilateral action by Britain was not possible but the only multilateral vehicle at his disposal was the Concert and it was to this he turned. He played the card that the objective that now mattered most was the prestige of the Concert and that it not be made to look impotent. He maintained that, 'it is an object of primary importance that the Concert of Europe should be maintained. If any recommendations [for reform] should prove themselves to all the Powers as measures sensible for adoption...their unanimous decision in these matters is to be final and will be executed up to the measure of such force as the Powers have at their command.'²³⁶ The problem was that appeal was 20 years too late. Perhaps unsurprisingly given everything that had gone before, the response from Russia was to 'decline to join in an undertaking that if a demand for any change in Turkish administration is made unanimously by the Powers and is refused by the Sultan, the Powers will continue to enforce that demand...' which effectively brought the proposed intervention to an ignominious end.²³⁷

The violence was finally brought to a conclusion not by outside intervention but because the Sultan decided to bring it to an end – in the process demonstrating, if any further proof was needed, that the violence had had a political purpose and the Ottoman state was fully complicit in it. No reforms followed and the Armenians were left both unprotected and more exposed as the dangerous 'other'. Salisbury finally surrendered any pretensions to caring about who controlled Constantinople, telling Currie that, 'British policy must be to strengthen our position on the Nile and to withdraw as much as possible from all responsibilities at Constantinople.'²³⁸ And that included any responsibility for the minorities of the Ottoman Empire. British interest in the Near East quickly shifted to rescuing the Greek government from its disastrous border conflict with Turkey and the plight of the Armenians was put on the diplomatic backburner for another generation.

²³⁵ Letter Salisbury to Currie, 5 October 1896, HH/3M/A/138/32

²³⁶ Salisbury circular despatch on Turkish reform, 20 October 1896, TNA FO 83/1453/1

²³⁷ Despatch Salisbury to O'Connor, 2 November 1896, TNA FO 65/1517

²³⁸ Letter Salisbury to Currie, 19 October 1897, quoted in Cedric Lowe, *Reluctant Imperialist* (London: Routledge, 2013), Vol 2, p108

Salisbury never really regarded the events of 1890s as primarily a humanitarian issue but rather looked at them always through the prism of Britain's broader strategic interest. Of course, he would have preferred to be able to stop the Ottoman state massacring its own citizens. But his policy was undermined by the reality that Britain could no longer act alone. It also exposed the complexity of military intervention that demanded a plan beyond action to end the immediate violence. Salisbury lacked a clear policy of what that might be if the Sultan failed to co-operate. Looking back on events in October 1897, Salisbury told Currie that , 'I confess that, since 2 years back the Cabinet refused ...to take the fleet up the Dardanelles ... I have regarded the Eastern Question as having little serious interest for England. We have no other way of coercing the Turk.'²³⁹ And, by implication, Britain should leave the Armenians to their fate. The British Embassy was reduced to distributing to missionary groups in Armenia the aid raised by public subscription in Britain for the relief of the victims in Armenia and arranging schemes for the emigration of Armenians to various outposts of the Empire.

Finally for the Armenians, the episode left them in an even worse position: estranged from the state as before but now with 'a protector' visibly unable to enforce its will. The Porte, looking at this turn of events, could draw the lesson that so long as the Powers were unable to unify around a common objective, it could act with impunity against its own citizens. The events of 1894-96 were also a decisive step along the road towards the genocidal events of 1915. The temporary absence of intensive violence over the next 20 years could not be confused with the end of arbitrary rule towards the Armenians – *pace* the events in and around Adana in 1909. The relationships with, and between the European powers, and Britain in particular, had been irrevocably altered. In the Ottoman Empire, the Sultan had opted decisively to consolidate his hold on power through repression rather than reform.

In Britain, minority issues in the years leading up to the First World War came closer to home. Concerns about Jewish persecution in Eastern Europe were to be replaced by the more politically pressing issue of Jewish immigration – albeit the latter was a direct consequence of the former. In a way, that would be repeated in the 1930s, the British government chose to focus on the consequences of persecution rather than tackling the problem at source.²⁴⁰ As Britain looked to build continental alliances including with Russia, the main point of departure for migrants, the response was not to raise protests with offending governments or seek to extend protection from persecution

²³⁹ Letter Salisbury to Currie, 19 October 1897, HH/3M/A/138/43

²⁴⁰ By 1914 the Jewish population had risen to 300,000 people from around 50,000 in the 1870s. See Mark Levene, *War Jews and the New Europe*, p9

but to introduce for the first time extensive immigration controls with the Aliens Act of 1905. The Balkan Wars of 1912-13 and the Treaty of Bucharest in 1913 redrew the map agreed at Berlin but without any of the minority protection clauses agreed at Berlin. Once again the powers discussed the importance of such changes being the subject of agreement by the Great Powers and looked forward to an international conference to review the settlement. The Conjoint Committee again geared up to press the Foreign Office over the rights of the Jews. The outbreak of war in 1914 meant that the conference was deferred for four years by when a much more radical approach was to be adopted to relieve the plight of minorities, including Romania's Jews.

Conclusion

For almost all of the period after the Congress of Berlin, British foreign policy under successive governments was an essentially Realist endeavour. The support for the Ottoman Empire was but one example of this, the failure to support Jewish emancipation in Romania a consequence of it. Successive foreign secretaries held to the view that the aim of foreign policy should be the pursuit of core British national interests, in particular imperial interests, however defined, and that it should have a free hand in the pursuit of these objectives from which it should not be distracted by humanitarian intervention or other considerations. The pursuit of this policy acted to encourage the avoidance of 'entangling alliances' or other supranational commitments.

The only sustained challenge to the dominant Realist view came with Gladstone's attack when in opposition in the second half of the 1870s. The value of this challenge was not that it saw a change in policy when Gladstone returned to office in 1880, because it did not in any meaningful sense. Rather, it prefigured both the foreign policy humiliation of the 'non-intervention' of the 1890s and the construction of the Minorities Treaties in 1919 by recognising that the friction of international rivalries lead to an inertia in dealing with humanitarian issues that could only be overcome by collective action. In his case it was for the Concert of Europe (minus presumably the Ottoman Empire) to act together. The Concert of Europe proved to be a chimera and by the end of the century had lost any purpose. However, the challenge of how to intervene successfully to stop a state from persecuting its own citizens or to ensure that obligations were honoured towards the protection of minorities remained. In almost all cases, the position of minorities in the affected countries actually deteriorated in the 40 years after the Congress.

The Treaty of Berlin had attempted to expand the scope of minority protection – an issue that achieved increasing importance with the creation of new nation states following the partition of the Ottoman Empire in Europe. This focus on the nation state as the solution to minority persecution in the Ottoman Empire was able to attract support as much from Gladstone as it did from Salisbury. The territorial settlement was in many ways a trial run for the much larger reshaping of the multi-ethnic empires to come in 1919 and followed much of the same process: identifying and labelling majorities, drawing boundaries to fit these constructs and introducing protections for the minorities who did not easily fit the new national definitions. But British support for minorities was almost never an entirely or even primarily humanitarian endeavour. Instead, it was intended to be an instrument for the delivery of British strategic objectives in particular the control over the Eastern Mediterranean deemed necessary for the maintenance of the Empire and to reinforce the nation state norms of the international system. Britain's policy in relation to the Ottoman Empire was flawed by believing, against all the evidence, that it could engineer the delivery of reform for the non-Muslim minority within the Empire in return for security guarantees. This served to present Britain simultaneously as a champion of reform to the minorities and a supporter for the retention of absolutism. For much of the period the Porte made the relatively safe bet that in the final analysis Ottoman control of the Straits was more important to Britain than reform. Even when that was no longer the case in the 1890s, Britain was unable to intervene beyond diplomatic protest as it became clear that successful intervention relied on a multilateral framework which did not exist. It also demonstrated the absence of a clear strategy that could deliver a sustainable political outcome for vulnerable minorities beyond the initial action to bring to an end the violence against them. Competing national interests where no power had an overriding dominance of the international system acted as an effective block on anything but the mildest forms of intervention. Ultimately the policy ended in British humiliation in the 1890s. Similarly the Romanian authorities learned, as the Sultan had, that if they simply held out, sooner rather than later the unity of the Powers would fracture and their interest would move on to other, more urgent issues. Minority issues were of general interest only when they threatened to upset the strategic interest of a major power. The losers in all this of course were the minorities.

At the turn of the century, the weaknesses in the international system and the dangers of the selfish pursuit of national interest were to some degree recognised when the Hague Peace Conferences turned to the issue of enforcement of arms control. But Britain was not yet ready to give up the illusion of freedom of manoeuvre. To the astonishment of most present it was Britain that made the running at the 1899 Hague Conference by proposing the introduction to the international system of

a permanent tribunal for arbitration of great international issues to reduce tensions and prevent war – however, the official British vision of the tribunal was that it should be a toothless body, resort to which was to be voluntary and it could not take any precedence in issues deemed to affect national sovereignty.²⁴¹ Whilst this may have been deemed a short term success by the Foreign Office, the dam had been burst and the way opened for more far reaching proposals about the limits to national sovereignty that would emerge in the aftermath of the cataclysm of 1914-18.

²⁴¹ David Bettez, 'Unfulfilled Initiative: disarmament negotiations and the Hague Peace Conferences of 1899 and 1907', *RUSI Journal*, 133:3, 1988, p60

Chapter 2 The Paris Peace Conference and Minority Protection 1919

*'The fulfilment of such a programme gave the Peace Conference two of its important functions: first, to decide on the actual territorial changes which should be made; and second, to take measures... to protect the peoples and nationalities concerned – to make sure, in other words, that the peace did not mean for numerous discontented groups the exchange of one bad master for another.'*²⁴²

Manley Hudson

The outcome of the peace conference in respect of minority protection was an almost total triumph for British diplomacy. The ambitions of those attending the peace conference were enormous, far exceeding in scope and complexity the two great nineteenth century peace conferences in Vienna and Berlin. For the first time, the United States assumed a leading role among the Great Powers at a major international peace conference. President Wilson raised the prospect of a break with the past with his proposals for a group of new states to be defined by 'autonomous development', free from the racial and religious tensions that had been held to be a major source of international instability in the pre-war period, and a League of Nations to regulate the relations between states.²⁴³ The League of Nations, according to the Fourteenth Point of Wilson's celebrated speech of January 1918, would afford 'mutual guarantees of political independence and territorial integrity to great and small states alike.'²⁴⁴ This was to be the body that was to take on the responsibility for dealing with the many issues that threatened the durability of the peace. The challenge for Britain was to ensure that the peace that was agreed did not undermine but rather served its foreign policy goals, especially the maintenance of the Empire.

The war had left Britain financially and otherwise exhausted and overstretched in terms of its global commitments. A durable peace was essential. Repeated violence against Christian groups in the Ottoman Empire, the mass ethnic cleansing and atrocities during the Balkan Wars in 1912-13 and genocide against the Armenians and other minorities during the War, all appeared to support the proposition that an enduring peace would not be possible unless national aspirations within a new international framework could be met by the legal separation of different ethnic groups. Initially, Wilson had expected this to be a limited exercise, essentially focused on the Ottoman Empire and a reconstituted Poland. A more wide-ranging exercise became necessary to fill the vacuum left by the

²⁴² Manley Hudson, 'The protection of minorities', in Edward House and Charles Seymour (eds.), *What really happened at Paris*, (Simon Publications: Florida, 2001), p205

²⁴³ Ruth Henig, *The League of Nations*, (London: Haus Publishing, 2010), pp20-21

²⁴⁴ *ibid*

collapse of the Austro-Hungarian and Russian Empires and with the creation of new nation states came the interwar experiment in the protection of minority groups in Central and Eastern Europe.

Britain had come round only slowly to the idea of restructuring large parts of Europe until the Spring of 1918 when supporting Czech, South Slav and Polish independence movements became official policy.²⁴⁵ Prior to 1918, national aspirations in Central Europe had usually been expressed in terms of autonomy, linked to language, cultural and educational rights, within the overall political framework of multinational empires. The defeat of Germany and the collapse of the Russian, Ottoman and Austro-Hungarian empires opened the door to a more radical outcome: fully independent nations across Eastern and Central Europe and 'supervised' independence under the control of the Great Powers in the former Ottoman Empire.²⁴⁶ Any peace based on territorial boundaries determined by ethnicity would have two immediate implications: first, peoples would need to be categorised and labelled into national (or in some cases religious) groups, a process which would involve defining them by what they were not as much as what they were; and, second, a settlement of this type based on anything other than a patchwork of tiny and unsustainable states was going to create minority populations - and some of these minorities would turn out to be very large and very disruptive of the peace making process. It was obvious, even to Wilson, that the 'unmixing of peoples', in Curzon's inelegant but nevertheless accurate later description, who had been living as neighbours for centuries but who had very different cultural, social and religious ties, would be difficult. It would become apparent as the conference deliberations proceeded that it would be impossible and that consequently if the peace was to be durable, measures would be required to protect those population groups which could not be 'unmixed'.²⁴⁷ Before the war, minority protection had been focused on two groups: Christians within the Ottoman Empire and Jews in the Balkan states that were successors to the Ottoman Empire after 1878. The end of the war introduced a much larger geography and an additional range of minorities where the need for external protection might be necessary. The problem had suddenly got a lot bigger.

Britain emerged from the war with its prestige at its height but facing major challenges, not the least of which was the financial pressures arising from the cost of the war. Above all, the peace treaty needed to deliver a sustainable solution that would allow Britain to focus on the Empire, quickly and

²⁴⁵ See Kenneth Calder, *Britain and the origins of the New Europe 1914-1918* (Cambridge: Cambridge University Press, 1976), pp175-176

²⁴⁶ See Miroslav Hroch, 'National Self-Determination from a Historical Perspective', *Canadian Slavonic Papers*, 3:3/4, 1995, pp. 283-299. The League mandate system also extended to the former German colonies but in this case no pretence was made about 'supervised' independence, it was colonialism by another name.

²⁴⁷ Quoted in Michael Marrus, *The Unwanted*, (Oxford: Oxford University Press, 1987), p41

permanently reduce its commitment in Europe and divert resources to the promised peace dividend to fund social change at home. How to maximise its position in the global system, whilst keeping any new commitments to a minimum was to be an enduring challenge. Britain was wary of being party to the creation of a League that relied excessively on British financial or military resources to give it authority or that could pose a longer term challenge to British interests around the globe or, closer to home, be an independent challenge to national governments. On the other hand, the right sort of League, one over which Britain could exercise a significant degree of control, offered a mechanism by which the twin aims of the promotion of British objectives and a durable peace might be delivered. The development of the minorities protection regime, a consequence of the underlying structure of a peace settlement based on self-determination, became intimately entwined with evolving British thinking about the scope, structure and functions of the League of Nations as a system of global control.

The initial British position towards the League going into the conference was for an organisation with a limited role. The British policy had been largely established by the report of the Phillimore Commission which had been convened in January 1918 by Lloyd George to consider the nature and scope of a League of Nations.²⁴⁸ Phillimore rejected from the outset any idea of a world government or 'superstate'. Instead, he proposed a League aligned with the existing structure of an international system of sovereign nation states and controlled by the Great Powers, with a limited remit, and which would not be a constraint on British freedom to pursue British interests. It sounded very similar to the nineteenth century Concert of Europe – a loose grouping of the Great Powers but with little formal authority. The verdict on Phillimore by the American legal advisor to President Wilson, David Hunter Miller, was, 'a League not only limited in numbers but limited in function to the consideration of disputes on urgent occasions...'²⁴⁹ The Phillimore conception fell somewhat short of the Wilsonian ambition in scope and structure and mostly would not survive. However, as we shall see, in one important aspect it was successful in that Britain achieved an outcome for the structure of the League that, even as it acquired specific responsibilities, remained under Great Power control - and, with the subsequent decision of the USA not to join, effectively under Anglo-French control. So that when it came to dealing with minority issues, the institutional structures, processes and policies agreed by the peace conference would be to a very large extent those that reflected British foreign policy priorities. Minority protection through the agency of the League of Nations was actively pursued by Britain in the final weeks of concluding the peace treaty when it

²⁴⁸ See George Egerton, *Great Britain and the Creation of the League of Nations*, (London: Scolar Press, 1979) Chapter 4

²⁴⁹ David Hunter Miller, *The Drafting of the Covenant*, (New York: Putnam and Sons, 1928), Volume 1, p10

came to be seen as an essential element of the order and stability agenda central to British plans to disengage from continental Europe and manage its global commitments.

The attempts to regulate international relations through the League would present some real challenges. What to make of the proposed 'mutual guarantee' of territorial integrity that was included within Article 10 of the League Covenant: what form was it to take, how was it to be enforced, under what circumstances might it be called upon and did this mean that the boundaries established by the peace were to be immutable for all time regardless of the preferences of those affected by them? In particular, could the new states be trusted to act as the Great Powers expected or would they be a source of constant instability with a risk that the guarantee might be called? The negotiation of the Covenant had created the mandate system, where outside tutelage was required for the former German colonies and Ottoman territories until the states were capable of unimpeded independence in accordance with western standards of civilisation. When it came to the new settlement in Central and Eastern Europe perhaps some similar controls would need to be set as a sort of probationary measure until the new states had proven themselves as stable and reliable members of the international system. One of those controls might be minority protection.

Minority protection provoked a lot of complex questions to which previous attempts at meaningful protections had failed to provide answers. First and foremost: to which states was minority protection to apply? From the opening of the conference Britain was determined that any such obligations would not apply to Britain or its Empire. The rationale for a limited application of minority protection was that the motivations of the Anglo-American architects of minority protection were not based on solidarist conceptions of universal humanitarian obligations but rather a desire to maintain order in the international system by exerting controls over nominally sovereign but potentially destabilising actors – until such time as they could show they no longer represented a threat to stability. For this reason, it was to be focused on the Rimlands, regarded as the area that offered the greatest risk of disorder in the international system. And what exactly was to be protected? Beyond security of life and limb, what rights did minorities possess *qua* minorities, or what rights might be conferred on them? Were they now, for example, in the position of some of the nationalist groups under the old empires whose ambition extended only to autonomous cultural and religious rights or did they too, like the majority populations have national rights, which could give them special and separate political rights within the new states? And even if the position of minorities within the new nation states could be agreed upon, then how would protection be delivered? The experience of previous treaties was that responsibility rested solely with the host

governments but the track record did not bode well, most notoriously in the Ottoman Empire and Romania, where commitments had been simply ignored with no real consequences for the host governments. The answer was to be found by giving the League a role to oversee treaty obligations towards minorities. The sequencing of first agreeing the League Covenant and the concentration of authority in the Great Power dominated League Council and only later agreeing the specific arrangements for minority protection would be crucial for the scheme of protection that was ultimately delivered. This two stage process would turn out to facilitate the British objective that minority protection should be limited in scope and geography .

The Minority Treaties which emerged at Paris have been characterised by Carole Fink and others as essentially an American initiative fostered by Wilson under pressure from American Jewish special interest groups.²⁵⁰ Whilst all certainly played a part, the eventual system owed much more to British officials, in particular the Deputy Head of the Political Intelligence Department of the Foreign Office James Headlam-Morley, and the efforts of Lucien Wolf of the London-based Board of Deputies of British Jews and Anglo-Jewish Association Joint Foreign Committee.²⁵¹ As we shall see, the eventual outcome reflected the happy coincidence of Wolf's liberal agenda focused on securing justice for his co-religionists and orthodox Foreign Office thinking about Britain's role in the post war world. The template for the whole system of minority protection was to be the Minority Treaty with Poland. By the end of the war, suspicions about the ambitions and nature of the potential successor regimes in Eastern Europe were starting to harden within the Foreign Office as some of the policy platforms of political forces in the prospective new states came under scrutiny. During the war, the National Democrat dominated Polish National Committee had been tolerated and even actively encouraged on the basis that 'our enemy's enemy is our friend'. But with the armistice, the aggressive nationalising agenda and the blatant anti-Semitism of the National Democrats could no longer be ignored. Since 1912, Dmowski, the leader of the National Democrats, had organised an economic boycott of Jewish businesses that was still continuing in 1919 and envisaged a future where Jews would be excluded from Polish life - to be achieved by mass emigration, most likely to the United States. He claimed his anti-Semitism 'isn't religious: it is political. And it is not political outside of

²⁵⁰ Carole Fink, *Defending the Rights of Others*, p208

²⁵¹ Lucien Wolf was the son of a Bohemian-Jewish refugee. He developed a deep attachment to progressive British politics and values and sought to improve the position of his co-religionists in Eastern Europe so they could enjoy the benefits of emancipation and equality he recognised for Jews in Britain. He earned his living as a historian and diplomatic journalist and it was the wide range of carefully nurtured contacts in the Foreign Office and politics as a journalist that proved his real value when he was co-opted onto the Conjoint Foreign Committee of British Jews in 1908 and over which he extended an enduring and dominant influence. For a full description of Wolf's remarkable efforts on behalf of Jews at the peace conference, see Mark Levene, *War, Jews and the New Europe – The Diplomacy of Lucien Wolf 1914-1919*, (Oxford: Oxford University Press, 1992)

Poland.²⁵² Emerging political parties in Romania, Yugoslavia and elsewhere voiced similar populist and nationalist agendas. Nationalist politics over-spilled into ethnic violence in the Baltic states, Poland and elsewhere in the Rimlands during the conference directed against Jewish but also other ethnic groups. For Britain, a durable peace required that such abuse could not be allowed to proceed unchallenged.

Preparations for Peace

Preparations for the peace conference had at one level been ongoing even before the war started, at The Hague Conferences, with the various peace movements calls for greater democratic control of foreign policy and the replacement of failed foreign policy making with a League of Nations.²⁵³ But the real impetus for the actual peace conference to go beyond simply arranging a cessation of hostilities came through a combination of different initiatives during the war. These included Lenin's support for self-determination as a step in the break-up of the 'feudal' empires and particularly the intervention of President Wilson in the final year of the war, when he captured the public mood in Britain and across Europe by his various enumerations of war aims in the Fourteen Points, the Four Principles and the Five Particulars which set out the prospect of a peace conference like no other. Wilson's key demand was for the establishment of a League of Nations.

In relation to minority protection during the war, the Allies had pursued a policy of support for nationalist elements in the Habsburg and Ottoman Empires as a means of weakening their contribution to the war effort. In particular, promises had been made of support for statehood to various national groups in return for material support in the war. Wilson's Fourteen Points speech in January 1918, setting out a series of principles for a peace settlement was of a part with this, as was Lloyd George's statement of war aims in a speech to the TUC on the same lines, a few days earlier.²⁵⁴ Lloyd George called for an independent Poland, the end of the Ottoman Empire and 'autonomous development' for the people of the Austro-Hungarian Empire – though not at that stage its

²⁵² Henry Morgenthau, *All in a Lifetime* (New York: Doubleday Page, 1922), p356

²⁵³ See for example, Martin Ceadel, *Semi-detached Idealists: the British peace movement and international relations*, (Oxford: Oxford University Press, 2000), Chapter 6, identifies an upsurge in interest in the late nineteenth century in legal or quasi-legal frameworks for the resolution of international disputes. The Hague Peace Conferences focused on compulsory arbitration as a potential solution. The British peace movement before 1914 became the bedrock of public support for the League of Nations.

²⁵⁴ Lloyd-George called for a territorial settlement, 'based on the right of self-determination or the consent of the governed' and the establishment of 'some international organization' to resolve disputes between nations. See George Egerton, *Great Britain and the Creation of the League of Nations*, pp59-61

destruction.²⁵⁵ The departure of Russia from the war in March 1918 also removed any constraints on criticism of the widespread abuse of Jews across Eastern and Central Europe and opened the Foreign Office doors to those like Lucien Wolf who had been vociferous critics of Russian official anti-Semitism.²⁵⁶

The official Foreign Office position on the League had been summarised in a memorandum prepared by Alfred Zimmern and Lord Eustace Percy, in November 1918.²⁵⁷ It was in many respects consistent with the Philimore Report, maintaining that the League should be a Great Power vehicle for dealing with crises - with very little of what it might be required to decide upon circumscribed by fundamental principles or any executive authority of its own. For example, it argued that the international guarantee offered by the League to the peace agreement should not extend to the territorial settlement but that it should be strictly time limited and specific to individual countries – effectively holding open the opportunity for revision of the peace treaty terms.²⁵⁸ The Eustace Percy paper discussed at some length the proposed position regarding minorities.²⁵⁹ There was no appetite for a general humanitarian approach to minority protection. It reflected the overall British view of the League: maintaining that as much discretion as possible should be left in the hands of the powers rather than embedding 'provisions in the treaty safeguarding the rights of racial, religious and other national minorities', arguing it would be clearly be 'inadvisable to go even the smallest distance in the direction of admitting the claims of the American negro or the Southern Irish ... to appeal to an interstate government over the head of their own government.'²⁶⁰ In short, it was against any provision in the Covenant of the League for minority protection which could have a universal application (or at least application to Britain). Non-intervention in the internal affairs of countries was to be the guiding principle and instead, the paper argued for reliance on 'gentlemanly good conduct' and the powers of persuasion as a way of reducing tensions over minorities. (This was arguably a step back even from the minimal provisions of the Treaty of Berlin imposed on Romania, which were widely accepted to have been a complete failure.) Any provisions for minority protection should be embedded in separate treaties outside the Covenant and limited to investigatory

²⁵⁵ Ruth Henig, *The League of Nations*, pp20-21

²⁵⁶ The archives of the Board of Deputies of British Jews held at the London Metropolitan Archive (hereinafter LMA/BDBJ) ACC 3121/A/004. Reports of widespread atrocities across Eastern Europe against Jews had been raised with Sir Edward Grey as early as May 1916 by the Conjoint Foreign Committee. Polish nationalists, presumably as part of the Russian army, were blamed for atrocities. See also Mark Levene, 'Authority and Legitimacy in Jewish Leadership: the case of Lucien Wolf', *Jewish Political Studies Review*, 4:1, 1992, p94

²⁵⁷ Alfred Zimmern, *The League of Nations and the Rule of Law*, (London: Macmillan, 1936), pp196-208 for the full transcript. The paper is undated but written in the first half of November 1919 - see footnote page 190

²⁵⁸ *Ibid*, p199

²⁵⁹ *Ibid*, pp199-201

²⁶⁰ *Ibid*, p 201

missions, the reports from which might result in public embarrassment for the offending state as a means of rectifying wrongs. Moral suasion not coercion was to be the order of the day and any attempt to go further in a treaty requiring specific measures or sanctions to ensure equal treatment was apparently 'foredoomed to failure.'²⁶¹ Looking forward to a source of future conflict unconnected with minorities, the paper also reiterated the importance of the principle of the inviolability of national sovereignty, arguing that if 'the doctrine of non- intervention in the internal affairs of a foreign country' could be maintained, it would be a powerful lever to take action against Bolshevik attempts to propagandise revolution in other countries.

But the Foreign Office was not the only voice. Jewish representative groups had recognised during the war that the eventual peace settlement would offer an opportunity, as had the Congress of Berlin, to seek an improvement of the position of their co-religionists in Eastern and Central Europe. Whilst there was a shared revulsion in Britain, America and France among both the public and officials at the persecutions suffered by Jews, different views endured throughout the peace conference as to the solution to the problem. At heart was an argument about whether Jews were a national minority, in addition to being a religious and cultural minority, and even if they were, what that actually implied in practice. The Balfour Declaration of November 1917 had merely added to the confusion and complexity with its ambiguously worded commitment that the British government would use 'its best endeavours' to establish 'a national home for the Jewish people.'²⁶² The Balfour Declaration had been motivated in the Foreign Office by sentiments that were not in any sense value free but rather by a conflicting set of views that on the one hand saw Jewry as a threat to the successful prosecution of the war by virtue of its representation in the upper echelons of the Bolsheviks and at the same time a key constituency whose support it was essential to secure for the successful prosecution of the war by virtue of its alleged all powerful role in the commanding heights of American finance. In any event, the Declaration not been universally well received by Jewish groups in Britain. Indeed, it continued a very public rift fought out in the pages of *The Times* between the established leadership of British Jewry and the more radical Zionist aspirations which found support among the newly arrived and hitherto largely unrepresented Eastern European immigrant population.²⁶³

²⁶¹ *ibid* p200

²⁶² Lucien Wolf, *Notes on the Diplomatic History of the Jewish Question*, p124 for the full text of the letter from Balfour to Lord Rothschild which became the Balfour Declaration

²⁶³ See Mark Levene, 'Authority and Legitimacy in Jewish Leadership: the case of Lucien Wolf', pp97-98

For the Zionists, a 'national home' was an important critical step towards establishing a Jewish state. This was to be the basis for the demands at the peace conference for a 'Palestinian Solution' to the question of Jewish protection based on the recognition of Jewish national rights and a nation state in Palestine and which would allow Jews to be recognised as an ethnic as well as a religious group. For many in the long-established Jewish communities in Britain and elsewhere in Western Europe, however, the Balfour Declaration was seen as a threat to the settled position they had secured for themselves in the previous century, since it might reopen questions about their place as British or French citizens. They were keen that Jews should be seen as being British *and* Jewish, not British *or* Jewish. Their focus was on extending the political and civic rights that had been obtained in Western Europe across Eastern Europe, ensuring that Jews could be recognised as loyal and equal citizens fully assimilated into majority society but with their religious and educational differences protected. In a book review in the *Edinburgh Review* in April 1917 Lucien Wolf summarised the position, arguing that, 'the Jews were always primarily and above everything else, a religious community and their national life in Palestine was only a phase...of their greater history as a church. The religion could live without politics, and did.' And, referring back to the Napoleonic Great Sanhedrin of 1806-7, 'it affirmed that they [the Jews] were an integral part of the nations among who they lived and it claimed for them the same rights and acknowledged the same duties as their fellow citizens from whom they differed only in religion.'²⁶⁴ This view, the 'Assimilationist', looking forward to the maintenance of Jewish cultural distinctiveness in a post-imperial Europe, was the dominant voice in the established groups that claimed to represent British Jewry, such as the Anglo Jewish Association, and it would prove to have the greatest appeal to the Foreign Office.²⁶⁵ In looking at the Balfour Declaration, instead of the promise of 'a national home', Wolf and his supporters focused on the final clause which was interpreted as giving a nod to minority protection in Eastern Europe by qualifying support for a national home, by stating that, 'it being clearly understood that nothing shall be done which may prejudice ... the rights and political status enjoyed by Jews in any other country.'²⁶⁶

As the end of the war loomed, the Joint Foreign Committee wrote to Balfour, the Foreign Secretary, in June 1918 seeking a 'supplementary declaration ... assuring the oppressed Jews of all countries that their complete religious, civil and political emancipation on a footing of equality with fellow

²⁶⁴ Lucien Wolf, 'The Jewish National Movement', *Edinburgh Review*, April 1917, p306

²⁶⁵ Wolf's position on Assimilation was limited to common civic and political rights. It was not the same as integration and sought to keep separate issues of religion, education and to some extent language rights. Zionism represented a significant challenge to this position with its focus on Jewish national rights

²⁶⁶ Lucien Wolf, *Notes on the Diplomatic History of the Jewish Question*, p124

citizens is included among the eventual ends for which this country is striving in their present war.²⁶⁷ Although no declaration followed, the appeals did find some resonance within the peace planning in the Foreign Office, in which the Political Intelligence Department (PID) of the Foreign Office was to play a large part. Minority protection and its wider implications was a particular interest of James Headlam-Morley. Notwithstanding that the Eustace Percy memorandum recommended a 'hands off' approach to minority protection, the question of whether Jews 'should be recognised as a nationality and accorded any such rights as are given to other nationalities' was being actively considered by the PID in November 1918.²⁶⁸ Lewis Namier and Arnold Toynbee in the PID submitted a paper to the review calling for a British declaration on Jewish National Rights but this was to make no headway.²⁶⁹

For the Foreign Office, the only possible Jewish 'state' was that envisaged in the Balfour Declaration in favour of a Jewish 'national home' in Palestine. The exact nature of the 'national home' was left suitably ambiguous but did not extend to being an independent nation. At the end of the war, Britain was in occupation of Palestine following the defeat of the Ottoman army there and was unwilling to surrender control. It wanted to retain control of Palestine as part of its broader imperial and strategic objectives, principally to secure control in the Eastern Mediterranean and communications to India and to extend influence over the Middle East. The main contact for the London-based Zionists in the Foreign Office, William Ormsby-Gore, realised that their key objective at the Peace Conference would be to seek to secure recognition of Jewish national rights by reference to their national home in Palestine. The conferring of separate nationality on Jews would be a key step towards the creation of a Jewish state in Palestine, that would then be made real by high levels of Jewish immigration into Palestine from Eastern Europe.²⁷⁰ However great the Zionist ambition, it was inconceivable that Palestine could provide a home for the more than 7 million Jews living in Eastern Europe. There was already widespread recognition in the Foreign Office that anything approaching the Zionist programme to establish an independent Jewish state could only be delivered by the use of excessive military force and the alienation of Muslims including in India,

²⁶⁷ Letter from Samuel to Balfour, LMA/BDBJ ACC/3121/A/004, 18 June 1918. The Joint Foreign Committee, established in December 1917, represented the views of the Board of Deputies of British Jews and the Anglo-Jewish Association. Its secretary and prime moving force was Lucien Wolf. It was this role that gave Wolf legitimacy at the Peace Conference

²⁶⁸ James Headlam-Morley, 'Note on the Legal Situation', The Headlam-Morley papers at Churchill College (hereinafter, CC/HDLM) 11/7, 20 November 1918

²⁶⁹ See Mark Levene, *War, Jews and the New Europe*, p209

²⁷⁰ William Ormsby-Gore, Memorandum, 22 January 1919, TNA, FO 608/98/1. Ormsby-Gore was a personal friend of Weizmann and had been the British military liaison officer to Palestine with the Zionist mission in Summer 1918. He was to be a member of the delegation at the peace conference and to have an enduring role in the Palestinian mandate in the interwar years as a minister in the Colonial Office.

undermining the very control Britain was seeking to establish in the region.²⁷¹ Palestine therefore could not be allowed to be the answer to the question of how to provide for Jewish minority protection. In 1918 the expectation was that the Jewish community would remain predominantly an East European community and that region needed to be the focus of improving the position for Jews. The conclusions of the PID review, completed in November 1918, had been summarised in a short paper on the 'Jewish Question' which came down firmly in favour of the Assimilationist position, repeating the final clause in the Balfour Declaration that, 'nothing should be done which might prejudice the rights and political status enjoyed by Jews in any other country' and aiming to ensure that, 'the Jews have the same claim as any other element to full and equal citizen rights in every country.' If any measure was to be enacted at the conference for Jewish minorities, and that was by no means certain, then this was the position to be adopted. Any reference going forward to Jewish national rights by Headlam-Morley would be merely a contextual device to define their rights in treaties not to recognise a separate nationality.²⁷²

Headlam-Morley also turned his mind to the broader implications of a minority protection regime involving the League and how to ensure that it would have no direct impact on Britain interests or British sovereignty over the wider Empire. What concerned him in particular was the potential for minority protection to be a universal obligation of all League members. From the start, he was keen that minority protection should be a system focused solely on the countries where, from a British objective of maintaining peace and stability, he believed it might be required. But it should go no further. It is here that the distinction between seeking order and seeking justice is most clearly seen and it was at the heart of British design for the interwar system of minority protection. In a private paper written for the Foreign Office after the peace conference, Headlam-Morley maintained that his support for a limited form of minority protection had not been driven by any matter of humanitarian principle. Rather, the ultimate shape of the system of protection reflected domestic political concerns in the UK and in the USA. He believed that had minority protection been an obligation falling across the full League membership, it would be yet another reason for the American Congress to refuse acceptance of the League Covenant, 'to put it bluntly had this principle been adopted, the League of Nations would have been authorised to enquire into the lynching of negroes in the US.'²⁷³ So how to prevent this happening? The answer was not to make it solely or

²⁷¹ Telegram from Gen. Clayton to Lord Curzon, 2 May 1919, TNA, FO 608/99/5,

²⁷² James Headlam-Morley, 'The Jewish Question', 20 November 1918, CC/HDLM 11/7

²⁷³ James Headlam-Morley, 'Paper on the Minority Treaties for the History of the Peace Conference' (undated but presumably 1920-21), CC/HDLM 727/11/8. How much of this is an *ex-post facto* justification by Headlam-Morley is unclear but it does point to a determination throughout the negotiations of the Minority Treaties that the British commitment to its own absolute sovereignty should not be impacted.

explicitly about humanitarianism or a general rights based policy that could have universal application. Instead, it should focus on specific and defined minority groups in states selected for their potential for disrupting the peace settlement.

Headlam-Morley outlined the proposed approach in December 1918, when writing to Sir William Tyrell, the Head of the PID, specifically about the Balkans. The underlying issue was the extent to which national sovereignty was inviolable. In a foretaste of the battles to come with the Minority States, he recognised that, arguing for a League sponsored but selective minority protection regime would open the Allies up to the charge of inconsistency in maintaining that the League had the right to interfere in the internal affairs of some countries but that British nationality 'questions such as that of Ireland and the French Canadians are purely internal problems in which the League has no right to interfere.'²⁷⁴ This might have encouraged Britain to oppose altogether any system of minority protection had he not also recognised the overriding British interest in stability in continental Europe. He concluded that some form of protection would be, 'essential ... [but] that whatever is done, it should be quite clear that it is a special, exceptional provision, preferably a temporary one, made to suit a particular exceptional case.' The solution was to make any minority protection regime 'exceptional and in this case that could be done by making it a condition of approval of the independence of new states', in that respect at least following the Romanian precedent of 1878.²⁷⁵ Headlam-Morley though realised that maintaining the distinction he had in mind between new and existing states would be difficult to maintain and that there would be a risk that, 'this principle [of international interference in the internal affairs of a state] once established will be liable to be extended and the full internal sovereignty of all states might be endangered.'²⁷⁶ In truth, the policy proposed by Headlam-Morley would turn out to be achievable only because it relied on the asymmetry in power available to the victorious Allies at the peace conference. The leverage that the new states' desire for international recognition gave the Great Powers when it came to attaching conditions to that recognition enabled the Allies to secure agreement to a system that was clearly inequitable in its application. The flaws in the policy of selective application of minority protection were to become clear in the following decades when the lack of universal application of the system was used as a tool to undermine it.

That there was continuity between the peace planning in the PID and the eventual minorities protection regime owed much to the realities of decision making at the Paris Conference and a

²⁷⁴ Memorandum Headlam-Morley to Tyrell, 27 December 1918, TNA FO 371/4355/1

²⁷⁵ *ibid*

²⁷⁶ James Headlam-Morley, 'The Jewish Question', CC/HDLM 11/7, 20 November 1918

continuity of personnel with Headlam-Morley as a constant presence. With the end of hostilities Lord Hardinge, the Foreign Office Permanent Under Secretary, saw the peace conference as an opportunity to wrestle back Foreign Office control of foreign policy making from the parallel foreign policy groups that had been established in an ad-hoc way during the war by Lloyd George. Hardinge's labyrinthine proposals for the organisation of the conference were received with hilarity by Lloyd George who promptly put Maurice Hankey, the Secretary to the War Cabinet, in charge of the British preparations. However, for all Lloyd George's scepticism and wish to retain control, decision making at Paris turned out to be every bit as complex as that envisaged by Hardinge. Alan Sharp maintains that notwithstanding Lloyd George's attempts to side-line the Foreign Office at Paris when the reality of the actual nuts and bolts of the treaties had to be attended to, it was the diplomats who did all that hard graft and that the Foreign Office's actual influence on the outcome was therefore far more considerable than has generally been recognised.²⁷⁷ This is certainly a fair assessment in relation to the way in which the Minorities Treaties developed.

If the British preparations had the air of last-minute fixes and confusion between and within departments, the American preparations for the conference had been much more structured with the establishment of 'The Inquiry' in September 1917 by Wilson's advisor, Colonel E.M. House, specifically to focus on the preparatory work for the eventual peace negotiation. The Inquiry was staffed by a mix of geographers, ethnologists, historians and linguists drawn from American universities (rather than diplomats) whose remit it was to put into place a plan for the implementation of the broad policy objectives which had been outlined by Wilson in his various speeches on the peace settlement. The American preparation was extensive - much of it only serving to demonstrate the complexity of what lay ahead as the team sought to turn concepts such as self-determination into reality.

Notwithstanding the enormous amount of material produced, much of it never used, minority concerns featured only marginally in The Inquiry's preparations for the conference.²⁷⁸ They were, correctly, recognised as a problem that would arise as a consequence of the implementation and challenges of self-determination – for example, the report on Romania recognised that the proposed settlement would leave large numbers of non-Romanians within its borders and the one on Czechoslovakia suggested a block of 250,000 Germans would remain in the new Czech state, though

²⁷⁷ Alan Sharp, 'Holding Up the Flag of Britain . . . with Sustained Vigour and Brilliance or Sowing the Seeds of European Disaster'? Lloyd George and Balfour at the Paris Peace Conference' in Michael Dockrill, and John Fisher, (eds.), *The Paris Peace Conference 1919*, (London: Palgrave, 2001), p37

²⁷⁸ The Inquiry records at the US National Archive run to 85 cubic feet

justified on the grounds that, the Germans 'seem rather to prefer union with the new Czechoslovak state'.²⁷⁹ This was clearly based on nothing more than wishful thinking. The Inquiry suggested that in dealing with minority issues in the context of national self-determination, either it would be necessary to take drastic steps to physically remove minorities to ensure that the states were to all practical terms ethnically homogenous or introduce measures that ensured that the position of minorities did not deteriorate as a result of the settlement. Given that organised ethnic cleansing was not, at this stage, regarded as acceptable, provisions for minority equality of treatment would be required.²⁸⁰ The solution proposed was to include within the Covenant of the League a general requirement for minority protection. This set the USA on a direct collision course with British intentions. The primary author of this part of The Inquiry study was a young lawyer, Manley Hudson, who was later to play a role alongside Headlam-Morley at Paris in the design of the Minority Treaties. Like Headlam-Morley, Hudson believed that the League should be an international gathering of nation states not a supranational body and that it should work on the basis of agreement across national boundaries with its governing institutions under the control of the Great Powers.²⁸¹ Whilst there would be no international force to impose the decisions of the League on individual nations, Hudson did, optimistically, envisage a new constraint on national sovereignty, the 'general will' of the international community, which individual states would not be able to ignore. Where he diverged from the Foreign Office was in his conclusion that if the League was to provide a 'mutual guarantee' of national boundaries, then it followed logically that protection should be provided by the League for minority groups everywhere, recognising that the territorial guarantee could only be made good if the major source of potential discord – the actions of disaffected minorities – was minimised or removed altogether.²⁸²

What of the groups who were to be the beneficiaries of the peace? The expectations of a peace based on nationality led to preparations being made by leaders of the peoples and minorities in Europe and the Near East to attend the conference and to make their case. The best organised minority representatives for the Conference were the different groups in Britain, France and the USA claiming to represent Jewish interests in Eastern and Central Europe. The Jewish groups were deeply divided from the start between Zionists and Assimilationists with numerous shades of opinion within each camp. By far the best prepared was the Assimilationist grouping organised particularly around

²⁷⁹ Lawrence Gelfand, *The Inquiry*, (New Haven: Yale University Press, 1963), p204

²⁸⁰ The Allied leaders in the Second World War were less hesitant and mass organised expulsions, especially of German minorities, were a feature of post-war planning.

²⁸¹ Lawrence Gelfand, *The Inquiry*, p308

²⁸² *ibid*, p310

the long-established Jewish representative groups: the Alliance Israélite Universelle in France and Joint Foreign Committee in Britain. They agreed in January 1919 to adopt a combined approach in order to press for protection for their co-religionists on the basis of the same rights as they had themselves enjoyed as citizens of France and Britain while repudiating any claim that Jews were a separate national minority.²⁸³ However, they also focused on practicalities, recognising that a mere statement of equal rights would not be adequate – experience in Romania had showed that without the ability to exercise rights through some degree of local autonomy and an effective enforcement mechanism to deal with abuses, rights could and would be ignored and evaded. Oversight by the Great Powers was regarded as essential.

The background to gathering together of all of these groups in Paris was not one of universal peace after four years of conflict. In Eastern Europe, the Armistice actually marked an intensification of violence as various competing armies, militias and self-styled nationalist groups battled to make self-determination a reality by creating ‘facts on the ground’. Minorities were regarded with suspicion and the Jews in particular distrusted by all sides. This became the prism through which the need for minority protection was viewed in Paris. At the end of November 1918, reports reached Western governments of a ‘pogrom’ in Lwów against the Jewish residents following a battle for the city between Polish and Ukrainian paramilitary groups, which had apparently resulted in a large number of deaths.²⁸⁴ As the conference convened an underlying narrative was already being established of repeated ‘pogroms’ against Jewish minorities promoted, aided and abetted by the various factions claiming to govern Poland.²⁸⁵

Stage One: The Negotiation of the Covenant

Wilson was determined that the peace conference would follow a two-stage process: first, the agreement of the Covenant of the League to set the overall framework and then, second, the detailed negotiations on the territorial and financial settlement. Despite some initial opposition from

²⁸³ See, for example, Lucien Wolf, *Diary of the Peace Conference*, Mocatta Library, University College London, (hereinafter Wolf Diary), entry for 14 January 1919

²⁸⁴ The term ‘pogrom’ was loosely attached in the period to a wide range of anti-Jewish activities. The emotion attached to the term threatened to obscure the reality on the ground, by exaggerating minor incidents and understating the really serious incidents where loss of life occurred. Lwów certainly could be described as a pogrom. See David Kaufman, *This Troublesome Question: Poles, Jews and the Paris Peace Conference*, (Saarbrücken: Lap Lambert, 2012), p5

²⁸⁵ For a detailed explanation of the position of Jewish groups in Poland between the Armistice and the Peace Treaty see Carole Fink, *Defending the Rights of Others*, Chapter 4 and David Kaufman, *This Troublesome Question*, Chapter 2 -3

Clemenceau and Lloyd George who placed much less importance on the League, he was able to secure their agreement. This sequencing became critical also for the way in which minority protection was addressed at the peace conference. The story of minority protection is in large part that of how it moved from stage one to stage two and from a universal but general commitment to a limited but specific commitment.

The initial American negotiating position on the Covenant followed closely that proposed by Hudson for The Inquiry. According to historian Peter Yearwood, the key article of the Covenant for Wilson to ensure that the peace endured and that the League had real purpose was to be the proposal in Article 10 which guaranteed the territorial integrity of all states, large and small, in perpetuity.²⁸⁶ This would make treaty revision and boundary change difficult, if not impossible, and lock in populations in a fixed international system of nation states. British concerns were not so much over the principle of the assertion of the primacy of the sovereignty and integrity of nation states, as about the form that the guarantee would take and its lack of flexibility.²⁸⁷ Wilson, supported by all the smaller states which would benefit from the guarantee but share little of the burden of enforcing it, was determined, however, to adopt the position that any violation would be a clear cut mark of aggression requiring action by the international community. Lord Cecil, for the British delegation, had tried to balance this with an additional article allowing for peaceful change of boundaries but this had been watered down under American pressure to nothing more than a vague commitment (Article 19) allowing for the reconsideration of treaties by the League Assembly which had 'become inapplicable' - the successful counter-argument of the Americans being that anything more would be nothing but an open invitation to irredentists and dissatisfied minorities to campaign continually for border revision.²⁸⁸ The implication of all this for minority protection was that in making boundaries to all practical intents unamendable, Wilson was not only taking a stand against aggression and irredentism but also fixing the minority populations in these countries. Furthermore, by guaranteeing territorial integrity, the League was also inevitably responsible for dealing with the consequences of that guarantee, including ensuring that minorities could not become a source of future conflict. The key questions now were how wide ranging the League's responsibilities would be and what obligations would need to be accepted by the host governments.

²⁸⁶ Peter Yearwood, *Guarantee of Peace*, (Oxford: Oxford University Press, 2009), pp112-114

²⁸⁷ It was no small irony that it was the obligations under Article 10 that was to be the key argument against ratification of the Peace Treaty by the US Senate

²⁸⁸ Frank Walters, *A History of the League of Nations*, (Oxford: Oxford University Press, 1952), p48 'Article 10: the Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled'.

Minority protection had been bracketed alongside the need for arms reduction and the end of secret diplomacy by Wilson as matters which, if successfully addressed, would reduce the risks to peace and promote international stability. To that end, he proposed to include in the Covenant a general provision for the equal treatment of minorities. His first proposals for minorities came in the draft Covenant that he had personally prepared and discussed with the American delegation on 10 January 1919. This took the precedent established at the Treaty of Berlin and made independence for the new states created by the peace conference conditional upon minority protection: 'The League of Nations shall require all new states to bind themselves as a condition precedent to their recognition as an independent or autonomous state to accord all racial or national minorities within their several jurisdictions exactly the same treatment and security, both in law and in fact, that is accorded to the racial or national majority of their people.'²⁸⁹ It also gave the League the responsibility to confirm that the condition had been met. This was a very broad commitment that in reality would have faced a wide range of practical challenges and been quite impossible to implement as drafted; for instance it implied that *every* language used in a country should have equal treatment in official documentation. Nevertheless, had Wilson's proposals stopped there they would, with some textual clarifications, have likely obtained British support. However, Wilson's second draft of the Covenant on 20 January, which was shared with Lloyd George and the other leaders, was supplemented by a new article on religious toleration which this time was to apply to all League members, requiring that they, 'make no law prohibiting ...the free exercise of religion and that they will in no way discriminate ...against those who practice any creed, religion or belief...'²⁹⁰ These provisions were linked to the guarantee of territorial integrity, reflecting the view of his legal advisors, 'that...as the drawing of boundaries according to racial or social conditions is an impossibility, protection of the rights of minorities and acceptance of such protection by the minorities constitute the only basis of enduring peace.'²⁹¹

The extension of these wide-ranging obligations to all League members was regarded with grave disquiet by Britain. Under no circumstances could such requirements apply to the Great Powers - a view that was entirely uncontroversial across the whole of the British and Imperial delegation. It was the settled position that whatever the necessities for minority protection, British national sovereignty and the freedom to pursue its own national and imperial interests unimpeded must remain unimpeded. In the discussions during January and February, Britain consistently sought to

²⁸⁹ David Hunter Miller, *The Drafting of the Covenant*, Vol 2, p91

²⁹⁰ *ibid*, Vol 2 p105

²⁹¹ *ibid*, Vol 1,p53

reserve agreement on Wilson's proposals on minority protection. At the end of January, in a classic delaying tactic, the British delegation suggested that Wilson's proposed minorities clauses be omitted, 'until the specific provisions to be contained in the territorial treaties can be considered', and that there should not be a general minority protection requirement but that arrangements should reflect different circumstances: 'some minorities will demand a guarantee of distinct treatment in such matters as linguistic schools, while in others they will demand equal treatment [with majorities]'.²⁹² Whilst there is clearly some substance to this argument insofar as Wilson's Draft was poorly written, it very much reflected the broader Foreign Office issues of principle about what was proposed. The British arguments had some success. The 'new states clause' requiring exactly equal treatment for minorities was dropped in its entirety from the draft Covenant to await discussion for another day but the clause concerning religious equality for all members remained.

The British authorities were finally saved from having to take a principled stance against Wilson by an intervention from an unlikely source, when at the Tenth Meeting of The League of Nations Commission on 13 February the Japanese delegation sought to develop the religious toleration clause to include the explosive issue of racial equality. It proposed to add, 'The equality of nations being a basic principle of the League of Nations, the High Contracting Powers agree to accord as soon as possible to all alien nationals of the members of the League, equal and just treatment in every respect, making no distinction... on account of race or nationality.'²⁹³ This exposed the limits of Anglo-American tolerance. Lord Robert Cecil immediately made clear that Britain could not agree to this proposal as it represented a threat to British imperial interests and was anathema to the Dominion governments, three of which had specific laws limiting immigration from the Far East and who regarded this proposal as a means to enable a future activist League to challenge their immigration policies.²⁹⁴ Wilson was equally unable to agree to the proposal given existing anti-Japanese immigration policies and racial segregation in America. He was saved from any embarrassment by the proposal of Venizelos, the Greek Premier, that the whole Article 19 on religious toleration should be dropped including the Japanese additions. Wilson left for America the next day and the matter might have rested there except that the Japanese representatives made a second attempt at introducing racial equality into the Covenant on 11 April. Again, Cecil led the arguments against it on the grounds that it would be an unacceptable intervention in the domestic affairs of individual states, by which he meant the Great Powers. It was in these debates on the Covenant that the British concept of a hierarchy of states was most evident: obligations might be

²⁹² *ibid*, Vol 1, p60

²⁹³ *ibid*, Vol 2, p323

²⁹⁴ Frank Walters, *A History of the League*, p63

required of smaller or 'less mature' states that would under no circumstances be acceptable to the Great Powers.²⁹⁵ On this occasion, Cecil secured the support of Wilson who, although there was majority among the national delegations in favour of the clause, refused to allow the proposal to proceed on the spurious grounds it did not have unanimous support of all delegations. To the relief of the British delegation, this marked the end of the discussion on a general requirement to provide minority protection.

The immediate reaction was huge disappointment for all the Jewish groups at Paris which had high hopes that the League would provide the protection that the Congress of Berlin had failed to provide. But the decision was perhaps not a total surprise. Wolf's concerns about the likely rejection of equality provisions from the Covenant had been outlined in what seems to have been his first ever meeting with Headlam-Morley on 1 March. Headlam-Morley was unable to give him any consolation, advising that the final outcome might potentially be a step back from the Treaty of Berlin. There was no appetite, Wolf recorded, among the League members to,

bind themselves to intervene in burning questions of internal politics. Moreover, such intervention will only jeopardise the general peace, which it is the first duty of the League of Nations to safeguard. The League will, in short, look after the relations of States between themselves, but will probably abstain from interference in the relation of these States with their own subjects ... The League of Nations on which we have founded so much hope seems destined to become our [ie the Jews] worst enemy.²⁹⁶

The wording of the Covenant was finally agreed on 21 April without any reference to minority protection or religious toleration. Britain had apparently largely achieved the policy on minorities that it had taken into the peace conference. However, in truth the British had merely delayed the discussion until another day. The Foreign Office was well aware that notwithstanding debates on the Covenant, the threats to international peace from minority persecution remained. Britain had an overriding interest in ensuring that the peace was durable, and to that extent this decision could not be the final word on the issue. Furthermore, the issue was not going to be dropped by the minorities' representatives. It came more clearly into focus as the territorial commissions began their detailed work. Jewish groups continued to submit 'memorials' seeking protection for their co-religionists, and it was the impact on public opinion in Washington and London of reports of Jewish

²⁹⁵ Cecil's argument to quash the racial equality clause would later be played back to Britain and the other leading members of the League Council by the new states in relation to the Minorities Treaties, which they maintained was just such an unacceptable interference in their domestic affairs.

²⁹⁶ Wolf Diary, entry for 1 March 1919

persecution in Poland that was to prove crucial in ensuring that the issue was escalated from the Polish and other Commissions to the Council of Four.

Whilst public opinion had no impact on the detail of the final arrangements for minority protection, this was one of those rare occasions where public opinion in the West made a positive difference to the position of minorities elsewhere. The attacks on Jewish communities in Eastern Europe were of themselves neither new nor extraordinary in scale – much worse had occurred during the war. But what made a difference was what Mark Levene calls ‘context not content’, which meant that the abuses had an international focus they would have otherwise lacked.²⁹⁷ The fact that the actions against Jews occurred during the Peace Conference where there were vocal Jewish lobbying groups with access to Wilson and Lloyd George is what led to the re-emergence of the issue of protection on the conference agenda.

A Hiatus - the territorial settlement

The second stage of the minority protection discussion at Paris focused on the concerns of the territorial commissions which were getting to grips with the details of redrawing the map of Europe and the Near East. Much of the focus was on German nationals who would be transferred to the new states and would represent a potential source of irredentism. Finding a solution to help reconcile this group to the new dispensation was clearly important. But the other group which was to dominate discussions was the Jewish minority dispersed across Central and Eastern Europe. Eastern European Jews relied on their co-religionists in the West to make their case, in just the same way as the Romanian Jews had at the Congress of Berlin. Until the start of the First World War, most of the Jews had lived under Russian rule, trapped in the Pale and excluded from mainstream society by a range of discriminatory laws. As the details of a resurrected independent Poland began to be fleshed out in the Polish Commission, so they raised a number of complex questions around identity, nationhood and the position of Jews in the new Poland. The reality, according to historian Leon Poliakov, was that there was no great enthusiasm among the minorities themselves for the new states of 1919 and a great deal of hesitation over what the future may bring, such that, ‘it was much better to be a minority of 6 million in one big empire [Russia] rather than a lot of little minorities in little states.’²⁹⁸

²⁹⁷ Mark Levene, ‘Nationalism and its alternatives in the international arena: the Jewish Question at Paris, 1919’, *Journal of Contemporary History*, 28:3, 1993, p514

²⁹⁸ *ibid*, p516

This insecurity was equally true for Jews and other potential minorities in the former Habsburg Empire. The status of Jews specifically became bound up in the debate within the broader Jewish community between Assimilationists and Zionists on the question of national rights. The Foreign Office position would remain unchanged, that Jews were primarily a religious and cultural group and the focus should be on the promotion of assimilation. A Polish Jew should be first and foremost a Polish citizen and ideally recognised as such by all other Poles, with equal access to educational, political and legal institutions and economic opportunities. The key was to establish clear criteria for qualifying for citizenship, a matter which had bedevilled the position of Romanian Jews. In essence, any minority protection regime would be to provide a framework that would recreate and accelerate the process to deliver the type of assimilation achieved by Britain's Jews in the nineteenth century, and provide protection whilst all sections of society adjusted to the new reality. This found an echo from the Joint Foreign Committee of British Jews. In the memorial of February 1919 submitted to the Foreign Office, Lucien Wolf and his colleagues had set out a clear statement of the Assimilationist position, arguing for nationality rights based on residency (ie a Polish Jew would be a Polish national), minimum standards of equal treatment including the end of economic boycotts and protections for minority educational and language rights. It also claimed a role for the League in enforcing the rights conferred, calling for a special commission to be established by the Supreme Council to deal with the issue of minority protection.²⁹⁹

Wolf was pushing at an open door. As the territorial commissions set about defining the new states and who would belong to them, the question of how to ensure minorities did not become a source of instability was unresolved.³⁰⁰ The specific issues raised began to be considered by the British delegation in terms of a policy position to be applied to all minorities.³⁰¹ In response to concerns raised in the Czechoslovak Commission in respect of Germans in Bohemia who were to become Czech citizens, Headlam-Morley wrote to the Head of the Political Section of the British delegation, Sir Eyre Crowe, in April arguing that minority language and educational rights should be protected 'in the treaties by which the new states are recognised' and that there should be 'a right of appeal to the League of Nations by whom the treaty will be guaranteed.' Crowe agreed and after some short-lived hesitation over what it meant for sovereignty in the new states wrote to Headlam-Morley that,

²⁹⁹ Lucien Wolf, Memorial to British delegation, 21 February 1919, TNA, FO 608/151/19

³⁰⁰ For example, Report for Polish Commission, 15 March 1919, TNA, FO 608/61/16, seeking guidance from the Supreme Council on the issue. The Supreme Council was the executive decision making body until 27 March 1919 when it was replaced by the Council of Four (Wilson, Clemenceau, Lloyd George and Sonnino) in the interests of accelerating decision making.

³⁰¹ See for example, Note by Edward, H. Carr, 14 March 1919, TNA, FO 608 /61/16 discussing the range of rights that needed to be protected

‘the right view seems to me to be then normally speaking a civilised state can be trusted to deal with these matters by itself; special provisions should only be required when a large foreign population is transferred by the peace treaties as in the case of Rumania and Bohemia’ and even then protection was to be restricted to ‘new states in Eastern Europe which have not a strong tradition of civilised government behind them.’³⁰² This was to be the fundamental argument justifying the limited, specific and externally guaranteed protection system. It was not so much that there were minority issues only in certain countries (for example, that anti-Semitism was an issue in Poland and Romania but not an issue in Germany), rather it was that some countries could be trusted to deal with the issue without the threat or reality of outside intervention whilst others were to be ‘on probation’.

But before anything practical could follow from the British consensus, it would be necessary to secure political approval from the Council of Four to proceed. Although the problem at issue was widely recognised as being an inevitable consequence of a peace of nation states, little progress was being made in addressing it and the risk was that, as the clock ran down to the signing of the German peace treaty, it would remain unresolved. That changed with events in the Polish town of Pinsk on 5 April 1919 when a Polish militia summarily executed 34 Jewish residents. Again context was at least as important as content, in particular the presence of American relief workers on the ground in Poland who were able to gather witness statements and publicise the murders. Pinsk was quickly followed by further reports of Polish atrocities in Lida and Vilnius over the following weeks, fuelling the general narrative that the position of Jews in Poland was precarious. In London and New York during April and May, huge public demonstrations demanded action. The Polish delegation’s response only made matters worse: it comprised initial denials of any atrocity followed by attempts, once it became impossible to deny that something awful had in fact happened, to portray the Poles as the real victims by claiming (with no evidence) that the Pinsk Jews were taken at a Bolshevik meeting planning revolution. The Polish authorities looked at best not in control and at worst deceitful.³⁰³ In an attempt to resolve the issue, the head of the Polish delegation Paderewski offered Polish Jews constitutional guarantees of equal treatment but he recoiled at any suggestion of external oversight, which would be regarded as an unacceptable interference in Polish affairs. Whilst this proposal may have been sufficient before Pinsk to be acceptable to at least some of the Jewish representatives, afterwards it was not enough. Whilst the nationality issue continued to divide Jewish groups, there was common ground that securing protection for the Jewish minority would be

³⁰² James Headlam-Morley, File Note, 18 April 1919, TNA FO 608/61/16

³⁰³ Jerzy Holzer, ‘Polish Political Parties and Anti-Semitism’, *Polin*, Vol 8, 1994, pp194-205, details the extent of anti-Semitism in Polish political life.

possible only if a sponsor for Jewish minority protection could be found within the Council of Four. Attention focused on persuading Wilson and Lloyd George.

The route to securing Lloyd George's support was to be found in concerns over the plans of the Rumanian Commission. Whilst the negotiating instructions to the British representatives to the Rumanian Commission had asked that, 'national minorities Shall be secured of full cultural and local autonomy by international guarantee', Britain had been dragging its feet on taking any specific action in the Commission meetings on the grounds that it concerned the 'internal affairs of an allied country'.³⁰⁴ The Rumanian Territorial Commission proposed a minimal system of minority protection.³⁰⁵ A copy of the draft proposals from the Rumanian Commission was leaked to Wolf. This provoked an immediate appeal by Wolf to the British delegation that the proposals for Jewish protection amounted to no more than a reiteration of the discredited Treaty of Berlin arrangements and relied only on Romanian assurances for delivery of even basic citizenship and religious equality rights. He demanded an effective enforcement mechanism including the linking of any territorial changes to genuine Jewish emancipation.³⁰⁶ Allen Leeper, the junior British representative on the Rumanian Commission, advised Wolf that if he wanted a different outcome the political instructions to the Commission would have to change and he should approach the Council of Four direct. Wolf raised the issue with Lloyd George on 17 April.³⁰⁷

At the same time pressure was coming to bear on Wilson for specific measures to protect Jewish minorities. The breakthrough came at the end of April when the American legal advisors, Miller and Hudson, were asked by Colonel House, Wilson's chief advisor, to prepare a draft of a set of clauses providing for minority protection in Poland that could be included in the peace treaty with Germany establishing the new Polish state. The draft was passed to Wilson and presented to the Council of Four on 1 May. It sought to add two clauses to the German and Austrian peace treaties, reviving the equality and religious freedom clauses that Wilson had previously tried to include in the League Covenant and extended the range of political rights further.³⁰⁸ Because it said nothing about enforcement, its practical effect might have been to go no further than the largely discredited clauses in the Treaty of Berlin, but that was less important than that it initiated a process which

³⁰⁴ 'Record of Tenth Meeting of Commission for the study of territorial questions relating to Rumania and Yugoslavia', 25 March 1919, TNA FO 608/49. Romania's position as an ally was generally regarded as a generous interpretation given its decision to sign a separate peace with Germany in May 1918.

³⁰⁵ Draft report of Rumanian Commission, 11 April 1919, TNA FO 608/48/20

³⁰⁶ *ibid*, Letter Lucien Wolf to Balfour, 17 April 1919

³⁰⁷ Record of conversation between Wolf and Leeper, 17 April 1919, TNA FO 608/49/91

³⁰⁸ Carole Fink, *Defending the Rights of Others*, p211 for details of Wilson's initial proposal

enabled the broader range of issues that had been raised in the territorial commissions to be addressed. Lloyd George offered support to the principle of minority protection as he had been counselled to do - and then sought to expand the discussion to cover a range of additional commercial obligations to be imposed on the new states. As was the way of all such matters at Paris, this one was referred to a committee, The New States Committee (NSC) whose remit was to resolve it for inclusion within the German Peace Treaty (which would establish the Polish state) was due to be handed to the German government at the end of the first week in May. This decision gave the Foreign Office officials the political direction they had been missing. The initial focus of the NSC was on Poland and Polish Jews but quickly came to represent a more general approach to deal with the minority issues that flowed from the territorial settlement in Central and Eastern Europe.

The NSC was chaired by Berthelot from the French Foreign Ministry but the two key members were Miller and Headlam-Morley.³⁰⁹ That minority protection had acquired an urgency even at this late stage of the conference was the result of a conjunction of the realist demands of the Foreign Office to impose order in Eastern Europe and the minorities' demands for a more just settlement within the new states. The clock would now become a key ally for Headlam-Morley. His ability to provide solutions curtailed the debate and indecision that had been such a feature of the early stages of the conference.

Stage 2 - New States Committee

The initial proposal considered by the NSC was the draft prepared by Miller and Hudson for Wilson. Miller had recognised at the outset that whatever was agreed for Poland, 'similar clauses will be adopted for the protection of minorities in other countries'.³¹⁰ His proposal reflected the impact of lobbying by the American Jewish representative groups. It dealt with the citizenship issue that had bedevilled the arrangements made at the Congress of Berlin for Romania's Jews, namely the ability by host countries to exclude Jews as citizens, rendering them stateless and thereby denying them basic rights and protection. Miller addressed this by establishing immediately a citizenship qualification based not on the hereditary principle (ie citizenship depending on parental citizenship) but based instead on place of habitation at the outbreak of the war. Accordingly, anyone living in Poland in 1914 was *ipso facto* a Polish citizen unless that person chose otherwise. The proposal then

³⁰⁹The French throughout were lukewarm supporters of the principle of minority protection and were regularly prepared to sacrifice the principle if it put at any risk their broader security objectives of ensuring that Eastern Europe consisted of committed allies against a potentially resurgent Germany.

³¹⁰FRUS, 'Minutes of the meeting of Council of Four', *The Paris Peace Conference*, Vol 6, 1 May 1919, p398

went on to require equality of treatment of all citizens and explicitly recognised 'the Jewish population as a national minority' having the right to manage for itself a wide range of religious, cultural and educational institutions funded by the Polish state.³¹¹ Additional proposals were also included aimed at giving each national minority dedicated political representation. Miller's draft was to be the framework from which all subsequent discussions at the NSC evolved. It was very radical in its potential implications, accepting the nationality principle as defining minority groups and extending it to Jews. However, it lacked the critical element of the ability of the Powers to enforce the commitments entered into.

In all, the NSC met 64 times until December 1919. Whilst its membership continued to expand to include representatives of all the victorious Allied powers, it was essentially an Anglo-American enterprise. The NSC worked very quickly - recognising that it was working against the clock and because it wanted to keep its work in progress confidential from both the new states and also, to some degree, from the various minority group representatives in Paris. Headlam-Morley, whilst insisting on confidentiality on the part of the other NSC members, actively worked with Wolf in private from the start, however.³¹² This relationship was to be crucial to the development of the minority arrangements. Wolf realised immediately the significance of the NSC, recording on 6 May that 'The appointment of this Committee is a great *coup* for us... we shall now have a detailed Statute of Minorities which will probably be the subject of special treaties with the countries concerned.'³¹³

The peace treaty was scheduled to be sent to Germany by 7 May for comment. But it quickly became clear that minority protection was too complex to be resolved in a matter of days and instead there would need to be a separate treaty with Poland dealing specifically with minority and other issues arising from the recognition of sovereignty to Poland. There were essentially two questions to be answered by the work of the NSC: first, what was to be the purpose and extent of minority protection; and second, what was to be the process for ensuring that the host countries met their obligations? These issues were addressed within a framework of categories of people rather than individuals so the protections focused on racial and linguistic groups rather than a system of individual rights. National rights for Jews were explicitly rejected to the extent they might

³¹¹ *ibid*

³¹² Letter Headlam-Morley to Namier 17 May 1919 in Agnes Headlam-Morley et al (eds.), 'A Memoir of the Paris Peace Conference, p111

³¹³ Wolf Diary, entry for 6 May 1919

confer political rights.³¹⁴ The initial meetings were almost entirely focused on Poland.³¹⁵ As well as accepting Miller's proposals for citizenship, there were to be assurances around preventing discrimination. In addition, all minorities were to have cultural and educational support to maintain their separate identity and traditions.

On the face of it, this last point was exactly what Wolf and his colleagues understood by Assimilation but it was also hoped by the Allies that it would undermine irredentism by allowing Germans and others caught on the wrong side of borders to retain their essential German identity within the context of a different national framework and become reconciled to the new order. The model for all this in Headlam-Morley and Lloyd George's minds, somewhat naively, was the different nationalities within the United Kingdom where for example Scotland maintained a separate education and legal system or Wales separate language based schools.³¹⁶ The post-war context in Central Europe in 1919 made the comparison only superficially meaningful. The measures to protect and promote national and cultural differences would be taken up later as evidence by the Minority States that the Minority Treaties, far from encouraging a cadre of loyal citizens, only served to undermine their national narratives. In addition, instead of undermining irredentism, the existence of these measures would allow politics among many of the minorities to be dominated by nationalist groups with links to kin states, most fatefully in the Sudetenland. In order to ensure Jews were covered by these clauses in the Treaty, the NSC suggested that, 'within the meaning of these articles' (ie as a textual device only), the Jews were recognised as a national minority. The League of Nations would guarantee that the Treaty once agreed could only be changed with the agreement of the League.³¹⁷ The first meeting also decided that, given the extent of what was proposed, it would not be possible to include the articles within the German peace treaty and that a separate treaty would need to be agreed with Poland to give effect to the minority protection. A cross reference to the

³¹⁴ See James Headlam-Morley, 'Treaties for the Protection of Minorities', in Harold Temperley, *A History of the Paris Peace Conference, Vol V* (Hodder and Stoughton: London 1921). Headlam-Morley explained that, 'the recognition of national rights of the Jews of Poland would have been completely inconsistent with the territorial sovereignty of the state, which is the basis of our whole political system. The view taken by the British delegation throughout and supported by the Plenipotentiaries was that if there was to be a Jewish nationality it could only be by giving the Jews a local habitat and enabling them to found in Palestine a Jewish state. Any Jew who was, however, a national of the Jewish state would ipso facto cease to be a Polish citizen.'

³¹⁵ See Kenneth Bourne, and Donald Cameron Watt, (eds.), *British Documents on Foreign Affairs, Part 2, Series 1, The Paris Peace Conference of 1919*, Vol 8, 'Minutes of the Committee of New States and the future of Danzig' (*Frederick: University Publications of America, 1991*)

³¹⁶ See Alan Sharp, 'Britain and the protection of minorities at the Paris Peace Conference, 1919', p178 in A. C. Hepburn (ed.), *Minorities in History*, (New York: St Martins Press, 1979)

³¹⁷ *ibid*, Minutes of the first meeting of the NSC, 3 May 1919, pp30-35. What exactly was meant by the 'League guarantee' of the treaty was to become a continuing matter of contention between minorities, Minority States and the League Council throughout the life of the Minority Treaties.

minority protection treaty with Poland should be included in the peace treaty with Germany to ensure that Polish agreement to the Minority Treaty would be a condition precedent to the recognition of Polish independence. The third NSC meeting on 6 May agreed that the remit of the NSC should extend not only to the new states but also to existing states which were to acquire a material increase in territory, thereby bringing Romania within its orbit. So within a week of its formation, many of the key issues had been settled. The fundamental questions that remained outstanding were whether additional protections specifically for Jews should be agreed and whether the League guarantee should be extended to include ensuring Treaty obligations were met.

It was the issue of ensuring compliance that remained the biggest challenge for the Allies. Headlam-Morley successfully addressed this in a memorandum to the Council of Four on 16 May.³¹⁸ There was no controversy about the League providing, 'a general right of protection' by which he meant that only the League could authorise a treaty change.³¹⁹ In substance that was no different to any other treaty which required all parties to authorise changes, albeit that giving the role to the League, which was not actually a signatory to the treaties, rather than to individual signatory states, was obviously a new element. However, the real innovation came with the discussion on the additional measures which might be adopted to ensure that the treaty commitments were fulfilled, in effect to address one of the main weaknesses in the Treaty of Berlin. It was here that the consequences of not making the obligations universal became most clear: it was proposed that, in principle, the League would have the ability to intervene in states on behalf of minorities where it believed that treaty obligations were not being honoured.³²⁰ Clearly this meant a different and lesser standard of sovereignty for those states to be subject to the Minority Treaties. The League's role as guarantor relied on the power and authority of its key members. In effect, Headlam-Morley's proposal was for a system that would extend Great Power control indirectly over the new states, via the agency of the League, to ensure that relationships between majorities and minorities in the new states did not become a source of international instability. This was reinforced by the decision that the League's oversight role should be exercised through the League Council, itself to be firmly under Great Power control, and where broader British interests could be taken into account in deciding whether the guarantee would be enforced and any action was taken against the states of Eastern and Central Europe. Of course, since the League had no independent authority of its own, both the strength and

³¹⁸ James Headlam-Morley, 'Memorandum on the right of appeal to the League of Nations', 16 May 1919, in Agnes Headlam-Morley et al (eds.), *A Memoir of the Paris Peace Conference*, (London: Methuen, 1972), pp108-110

³¹⁹ Report following eighth meeting of NSC, Annex B, 16 May 1919, in Kenneth Bourne, and Donald Cameron Watt, (eds.), *Minutes of the Committee of New States*, pp48-53

³²⁰ *ibid*

ultimately the weakness of this project was its reliance on the Great Powers being prepared to vest in the League and its institutions the necessary authority.

The debate then moved to who could refer matters to the League Council. The British position was strongly that the League was an organisation to regulate relations between states and only states should be able to refer minority issues to the Council. In early June, Headlam-Morley sought to reinforce Great Power control by proposing that it should only be other Council members that could bring issues to its attention. He had been persuaded by the objections of the Minority States that it would be intolerable if their citizens could appeal over the heads of their governments – intolerable because it would expose the Great Powers to a charge of hypocrisy because, ‘ they did not allow such an appeal to their own nationals.’³²¹ Wolf correctly saw that that would replace what had been essentially a matter of international law – the observance of a treaty- into an explicitly political issue – the question of referral of alleged breaches of the Treaty.³²² It was also recognised by Headlam - Morley that it would be the willingness of the Council to take on this responsibility that would determine the success of the Treaties, since, ‘ if they tried to evade their responsibilities or to neglect the duty imposed upon them the whole scheme would become null and void.’³²³ With the decision of the United States not to join the League, that responsibility would fall heavily on Britain. In the event, it would turn out that the most powerful element in promoting and securing minority rights would be the Minorities Section of the League of Nations Secretariat which was not mentioned in the Treaties anywhere. But all this was in the future. In the Spring of 1919 reaction from the Jewish representatives was very positive, notwithstanding that previous experience did not suggest that Britain and the other powers could be relied upon to ensure commitments in respect of minorities would be honoured if they cut across national interests. Wolf regarded the outcome as a complete vindication of his position.³²⁴ For the Jews who lacked a state, protection would rely on finding a Council member prepared to be their sponsor – and the expectation of Wolf and the other Jewish representatives in the Summer of 1919 was that role would be fulfilled by the USA.

The first serious challenge from the proposed Minority States to the proposals came at the end of May when the details of what was being proposed by the NSC began to leak to the new states. Ioan Bratianu, the Romanian Prime minister and representing all the new states, wrote to Berthelot

³²¹ James Headlam-Morley, ‘Memorandum, 5 June 1919’, Agnes Headlam-Morley et al., (eds.) *A Memoir of the Paris Peace Conference*, p139

³²² Wolf Diary, entry for 3 June 1919

³²³ James Headlam-Morley, ‘Paper on the Minority Treaties for the History of the Peace Conference’ (undated but presumably 1920-21). CC/HDLM 727/11/8.

³²⁴ Wolf Diary, entry for 3 June 1919

objecting to what he understood was being proposed. He based his argument not on the rights and wrongs of minority protection, where all the evidence pointed to the need for some measure of protection and where he would be on very shaky ground, but on the threat which the proposals represented to Romanian sovereignty. He challenged the underlying premise that sovereignty for some states should be less absolute than for others, by turning on its head the proposed selective application of minority protection, arguing, that, 'in general Romania is ready to accept all the provisions that all states members of the League of Nations accept for their own territories in this matter. Under any other conditions Romania could not admit the intervention of foreign governments in the application of her domestic laws.'³²⁵ The response to Bratianu's challenge came at a plenary session of the whole conference three days later.³²⁶ Headlam-Morley prepared a speaking note for Lord Cecil. He had no illusions about Romanian lack of good faith.³²⁷ The note was a robust defence of the principles that underlay an effective system of minority protection emphasising that the Treaties, 'to be effective must be under the protection of the League of Nations' and that the role of the League was only to ensure treaty obligations were met. The League guarantee was not to be a guarantee of good governance within Romania but, 'the guarantee will come in in the ordinary form of the guarantee of treaty obligations.'³²⁸ So far, so good, but this was not the controversial element. Aware of the poor track record of Romania in relation to its previous commitments towards minorities, Headlam-Morley advised Cecil to confirm that 'the principle [of minority protection being a condition of material boundary changes] is not a new one; all that is new is the machinery by which the principle will be enforced.'³²⁹ The briefing was intended to ensure that there would not be a repeat of the experience in Salisbury's time when states (not just Romania) had evaded commitments by the simple expedient of prevaricating long enough that British interest had moved on to other matters. Wilson also took a strong stance at the session explicitly linking independence to ongoing supervision of the new states by pointing out that as the victors in the war, 'we are entitled to say, "if we agree to these additions of territory we have the right to insist upon certain guarantees of peace."³³⁰

³²⁵ Letter from Bratianu to Bertholet, Minutes of the Thirteenth Meeting of NSC, Annex A, 27 May 1919, TNA, FO 608/150/2

³²⁶ James Headlam-Morley, entry for 1 June 1919, Agnes Headlam-Morley et al. (eds.), *A Memoir of the Paris Peace Conference*, pp133-137 for a description of the meeting

³²⁷ Minutes of Thirty Fourth meeting of NSC, 16 July 1919, TNA FO 608/150/2. Headlam-Morley stated that expectations of minority protection, 'cannot be discharged by leaving the protection of Rumanian minorities to such internal legislation as the Kingdom of Rumania may have enacted or may hereafter enact.'

³²⁸ James Headlam Morley, Diary of the peace conference, entry for 1 June 1919, CC/HDLM 727/1/4

³²⁹ James Headlam-Morley, 'Briefing Note for Plenary Session', 30 May 1919, TNA, FO 608/51/5

³³⁰ Arthur S. Link, (ed.) *The Papers of Woodrow Wilson*, Vol. 59, (Princeton: Princeton University Press, 1988), p630

Two weeks later, the detail in the draft Polish Minority Treaty was formally shared with Paderewski, with only a fortnight to the formal signing ceremony at the end of June. The Polish reaction to the Treaty was unsurprisingly hostile on two grounds: that it effectively set Poland up as a second-tier state with limited sovereignty – in Paderewski’s words ‘a nation of inferior standard of civilisation, ... ignorant of the conception of the duties of a modern state’; and, second, that the proposals conferred on Jews special privileges, creating a state within a state and encouraging disloyalty to the Polish state.³³¹

The response to Paderewski, drafted by Headlam-Morley and signed by Clemenceau on behalf of the Council of Four, set out why the Treaty was necessary. It was a wide-ranging and brutal justification of minority protection as an instrument of Great Power politics necessary to maintain order and stability in the international system. It explicitly linked protection to the political immaturity of the new states, maintaining that the ‘treaty does not represent any fresh departure but that it has been long established through the nineteenth century that new states commit to certain minimum standards’ of governance. In any event, the ‘the endeavours and sacrifices’ of the victorious Allies meant that they were entirely in the right to make whatever demands they chose of Poland. The previous challenges with states failing to meet Treaty obligations was recognised and the League role as guarantor was intended to deal with that. The special protections for Poland’s large Jewish minority (Articles 9-11) were explicitly recognised as being necessary due to, ‘the historical development of the Jewish question and the great animosity aroused by it.’³³²

Headlam-Morley later recognised that, whatever the letter said, the new arrangements were in fact a fresh departure, inherently a political rather than a humanitarian measure and had been intended to be so. He wrote privately to Robert Seton-Watson, ‘that it [the Clemenceau letter] should show the transition from the old order to the new order .. the new order with the establishment of the League of Nations is a means of carrying out certain ideas which hitherto have been vaguely held and for which there was no adequate machinery.’ One of those ‘certain ideas which have been hitherto vaguely held’ was the question of limits to sovereignty in respect of matters previously regarded as entirely domestic affairs. Headlam-Morley sought to justify the Treaty by reframing the sovereignty norm which would allow a sliding scale of non-intervention. The degree of sovereignty could vary by country and in this case the Minority Treaties for the states of Eastern Europe represented the ‘precise distance’ in setting the balance for these states – but of course a different

³³¹ ‘Memorandum by M. Paderewski’, Minutes of 23rd meeting of NSC, 18 June, Kenneth Bourne, and Donald Cameron Watt, (eds.), *Minutes of the Committee of New States*, p103

³³² FRUS, ‘Paris Peace Conference’, Vol 6, p 629-34

standard would apply to the Great Powers.³³³ Headlam-Morley, inevitably, believed that the Treaty was the best that could have been achieved to protect minorities given the political and time constraints he was working against. He recognised that the Treaty was a compromise and that 'in the end one succeeds in only disappointing everyone'. He thought that the Polish representatives had played a particularly poor hand and had they focused on the specifics rather than the principle of minority protection, they could have wrung more concessions from the Council of Four.³³⁴

With no emotional or political commitment to the treaty, Paderewski and Dmowski both signed the Polish Minority Treaty at a brief private ceremony on 28 June 1919, directly after the German Peace Treaty was signed, and subsequently pushed its ratification through the Polish Sejm.³³⁵ In the discussion on ratification, Paderewski claimed that he had assurances from the Council of Four that German accession to the League of Nations would be conditional on Germany signing a similar treaty in respect of the Polish minority in Germany.³³⁶ This was in reality an exaggeration of a suggestion by Lloyd George that the question of the German treatment of minorities should be raised when Germany applied for membership of the League. Headlam-Morley, alarmed by the reports from Poland and concerned that this might be a way of extending the treaties beyond the new states, insisted that the League of Nations rights in respect of minorities were 'limited by Treaty not by general conditions of membership.'³³⁷ In other words they did not apply to established states. Germany was not one of those countries that needed to be guided from outside on how to treat its minorities.

With the signature of the Polish Treaty all the key issues of principle had been resolved. The other treaties followed the Polish template (with the exclusion of the Jewish clauses) and were concluded over the remainder of 1919. The Romanian treaty became mired in internecine politics within Romania, with a refusal to sign the Treaty becoming a badge of national honour. Bratianu adopted the tactics of 1879, hoping that the Allies insistence on a Minority Treaty would fall away in the face of Romania's determined resistance. However, on this occasion the tactic failed. The Romanians

³³³ Letter Headlam-Morley to Seton-Watson, 21 July 1919, The Headlam-Morley papers at the University of Ulster (hereinafter, UU/H/M) H/M 37

³³⁴ James Headlam-Morley, 'Extract from letter to Namier, 30 June 1919', Agnes Headlam-Morley et al.(eds.), *A Memoir of the Paris Peace Conference*, p175

³³⁵ The Treaty was also accompanied by an exchange of letters between Wolf and Paderewski in which additional assurances were given for example that there would be no gerrymandering of constituencies.

³³⁶ Despatch Gosling (Warsaw) to Balfour, 31 July 1919, TNA, FO 608/70/8. This supposed commitment in respect of Germany was to feature regularly in Polish complaints about the one sided nature of the Minority Treaties. In fact just such a commitment was made a condition of membership of the League for the Baltic States and for Iraq

³³⁷ Memorandum by Headlam-Morley, 5 August 1919, TNA, FO 608/70/8

finally agreed to sign in December 1919. The peace treaties with the established but defeated countries of Hungary, Bulgaria and, in something of an anomaly given its historic status at the 'top table', Austria, all included the minority protection clauses on the same general lines as those in the Polish Treaty, with the exception that no specific Jewish protections were included.

All of the Treaties had focused on protections within states and although they included time limited provisions for individuals to opt for the nationality of their kin state and migrate, the overriding intention was that minorities would remain *in situ*. The one variant to the 'optant clause', and a precedent that would have some momentous implications for Greece and Turkey later in the 1920s, was The Treaty of Neuilly in November 1919 which settled Bulgaria's borders. Alongside the Treaty, a Convention was signed which put in place the framework for a programme of reciprocal migration between Greece and Bulgaria.³³⁸ This amounted to a large scale state sponsored transfer of specific minority populations. Article 56 stated that,

Bulgaria undertakes to recognise such provisions as the Principal Allied and Associated Powers may consider opportune with respect to the reciprocal and voluntary emigration of persons belonging to racial minorities.³³⁹

The clause reflected a proposal by Greece that provision should be allowed for the exchange of minority populations in order to create more homogenous populations and permanently remove a potential source of conflict. Headlam-Morley believed that 'the general idea is very useful' and that '...it would...do much to help a permanent settlement of the problems which have so long affected the Balkans and be a valuable supplement to the clauses dealing with protection of minorities.' However, it was also clear that he regarded this provision as entirely voluntary – 'the only real criterion in these matters is the feeling of the individuals concerned.'³⁴⁰

Headlam-Morley's concerns were to prove prescient. Assurances that transfers should be voluntary would prove ultimately worthless as the Bulgarians in Thrace were expelled to create space for Greek refugees expelled in turn from Turkey during the 1922-3 war with Turkey under the terms of the Treaty of Lausanne. In truth, formalising population exchange in 1920 represented a radical

³³⁸ Parliamentary Papers, *Convention between Bulgaria and Greece Respecting Reciprocal (Voluntary) Emigration*, Miscellaneous, No 3, Cmd. 589, (London: HMSO, 1920)

³³⁹ Article 56, Treaty of Neuilly, Lawrence Martin, *The Treaties of Peace 1919-1923*, (New York: Carnegie Endowment for International Peace, 1924), Vol 2, p669

³⁴⁰ 'Letter to the Council of Five on the special clauses proposed by M. Venizelos', Minutes of 38th meeting of the NSC, Annex A, 28 July 1919, Kenneth Bourne, and Donald Cameron Watt, (eds.), *Minutes of the Committee of New States*, p167

departure from the rest of the minority arrangements which had been concerned with the assimilation and protection of minority populations not their physical separation.

As regards the much reduced Ottoman Empire, minority provision was captured within the overall peace settlement in the Treaty of Sèvres, in August 1920, rather than negotiated by the NSC. Sèvres proposed a reduction in the Empire to the core of its Anatolian heartland, with territory beyond that falling under the mandate system of the League. Within Anatolia, it sought to impose a far more intrusive regime than that seen in Eastern Europe, seeking to address the many wrongs committed against principally Christian minorities during the war as well as to impose future arrangements similar to that concluded with Poland, but with the added requirement that the government was to be based on a system of proportional representation based on religious differences. The proposals proved to be very short lived. Within three years they had been comprehensively overturned by the Treaty of Lausanne.

The completion of the work of the NSC moved the focus of minority protection from Paris to Geneva and from design to implementation.

Conclusion

The Minority Treaties had created a belt of Minority States which, in their final evolution, would stretch from the Baltic to the Persian Gulf. It was no coincidence that their introduction came at the time of the greatest control by Britain, France and the United States over the global system when they were able to impose their will almost unchallenged: not only were large parts of the globe under British and French imperial control but now Eastern Europe was also to be subject to Great Power oversight. The range of protections offered and the positive attempts to promote equality in the Treaties were all important evolutions from previous attempts at minority protection and the biggest innovation by far was the role given to the League. But the greatest and most enduring challenge to the system from the Minority States was to come not from these details, important as they were, but from the apparent unfairness of the system, as manifest in its lack of universal application. The view from London, Paris and Washington that the Minority Treaties were required because the new states were in some respects unreliable and second class did not go unnoticed and the objections of Paderewski and Bratianu as to what they regarded as the inherent unfairness of the system had not been and would not be answered in a satisfactory way. It seems that Headlam-Morley envisaged that the minority protection system might be a temporary arrangement but the

Treaties were neither time-limited nor offered the Minority States a way of exiting except with the agreement of the League Council. They were soon to acquire the air of permanence.

The Minority Treaties came out of a recognition that a peace treaty based on nation states defined by ethnic characteristics made minority protection an essential part of the international system - even if based on an assumption that the new states had yet to prove that they could be stable and reliable actors in the international system. Because of the failure to prevent the emergence of widespread persecution of minorities in the 1930s, the verdict on the minority system implemented by the peace conference has been mixed.³⁴¹ This apparent failure is the subject of the next two chapters. Given the context of international relations and an international system that championed the paradigm of the nation state and national sovereignty, perhaps it was the best that could be achieved. The fact that the minority system was to have only a short life to be replaced by a system of universal individual human rights after 1945 might be evidence that it was fundamentally flawed in design. Alternatively the issue may have been more with the nature of the international system. It seems uncontroversial that any system of protection is only as good as the commitment of the parties to make it work. Minority protection would thus face two challenges: the willingness of the Minority States to comply with the Treaties; and the willingness of the League Council members to vest in the League the authority to ensure that the Treaties were complied with when they came under threat. The implementation of the Minority Treaties was enthusiastically taken up by Erik Colban, the appointed head of the Minorities Section of the League, who believed it was important that the League 'must not refrain from taking such responsibility as is involved in carrying out the Treaties' if the Treaties were not to be mere 'scraps of paper.'³⁴²

In June 1919 however any reservations seemed quibbles. For Britain in particular, the Minority Treaties were a diplomatic triumph since the essential elements of British pre-war planning, and especially the objectives of Headlam-Morley and his colleagues in the PID, substantially found their way into the final system. The leaders of the Jewish organisations in Paris expressed general happiness with the arrangements. Other minorities, in particular the Germans in Poland and Czechoslovakia, were less sanguine, but this reflected broader issues with the peace settlement and they were soon to see opportunities in the system to advance their own agendas. On the other hand, for the Armenians the peace treaties would promise much but ultimately deliver nothing

³⁴¹ Among the critical historians is Carole Fink *Defending the Rights of Others*, pp360-365 who argues that the Treaties were an ineffective response to minority persecution. A contrasting view is provided by Mark Mazower, 'Minorities and the League of Nations in the interwar period', *Daedalus*, 126:2, 1997, pp47-63

³⁴² Letter Drummond to Headlam Morley 9 August 1919 with attachment from Erik Colban, TNA FO 608/44/10

following American withdrawal from the League and the second peace treaty with Turkey at Lausanne in 1923. Wolf, on his return to London in September 1919, concluded that, 'we cannot pretend to have solved the Jewish Question in Eastern Europe but we at any rate got on paper the best solution that has ever been dreamed of.'³⁴³ In his inexhaustible style, his attention now switched to building the relationships with the League officials that he regarded as essential to activating the system whose construction owed so much to his collaboration with James Headlam-Morley.

³⁴³ Wolf Diary, entry for 16 September 1919

Chapter 3 British Policy Towards Minorities In The 1920s – a brave new world?

Many people — many nations — can find themselves holding, more or less wittingly, that ‘every stranger is an enemy’. For the most part this conviction lies deep down like some latent infection; it betrays itself only in random, disconnected acts, and does not lie at the base of a system of reason.

Primo Levi³⁴⁴

Britain’s relative position in Europe was never more dominant than it was in 1920.³⁴⁵ All around however, the international situation in 1919 had changed fundamentally with the destruction of the multi-national empires in Central and Eastern Europe, the emergence of the United States as an economic superpower and the establishment of the League of Nations. The Bolshevik revolution had introduced a new and highly unpredictable actor. In addition, there were the challenges of reconstruction, the ongoing instability in Germany and its Eastern neighbours and the emergence of a range of new countries, many with strongly nationalist agendas, in Eastern and Central Europe.

In part, British dominance had been achieved because most of its pre-war rivals in Continental Europe had been wrecked by the war and in part because its greatest potential challenger outside Europe, the United States, had chosen to withdraw from the League of Nations project. Throughout the 1920s, Britain’s global leadership would not be seriously threatened and, as John Ferris points out, ‘the reality and reputation of its power were sufficient to meet its strategic needs.’³⁴⁶ So what were Britain’s strategic needs? Historian Brian Mckercher maintains that, ‘essential British interests had not changed because of the war, indeed they were compounded... only the constellation of powers that threatened those immutable interests had altered.’³⁴⁷ First and foremost among those interests was the Empire. Foreign Office official Harold Nicolson, in a paper for the Committee of Imperial Defence in 1920 which surveyed ‘British Commitments Abroad’, outlined British foreign policy as essentially, ‘inductive, intuitive and quite deliberately opportunistic but through it all has

³⁴⁴ Primo Levi, *Survival in Auschwitz*, (London: Simon and Schuster, 1996), p9

³⁴⁵ This was the case both in terms of hard economic and military power and the soft power that came from the prestige of being victorious in the war and having the largest empire. See for example, John Ferris, *Men, Money and Diplomacy*, (Cornell University Press: New York, 1989); Brian Mckercher, ‘Wealth, Power and the New International Order: Britain and the American Challenge in the 1920s’, *Diplomatic History*, 12:4, 1988, pp 411-441

³⁴⁶ John Ferris, ‘The Greatest Power on Earth: Great Britain in the 1920s’, *International History Review*, 13:4, 1991, p730

³⁴⁷ Michael Dockrill, and Brian Mckercher (eds.), *Diplomacy and World Power: Studies in British Foreign Policy 1890-1951*, (Cambridge: Cambridge University Press, 1996), p84

run the dominant impetus of the defence of India.’ In relation to Europe and the defence of the British Isles - the other two legs of British foreign policy alongside the Empire since the Napoleonic War - the overwhelming British need was to ensure that the peace was durable. The paper recognised that, notwithstanding the non-ratification of the lapsed Anglo-American security guarantee to France, ‘a quite definite moral responsibility remains’ towards France and ‘the events of the last twenty years have shown that we cannot be free to carry on our main objects, which are Indian and Colonial, unless we are safe in Europe and it will be many years yet before we can free ourselves of responsibility for Europe.’³⁴⁸ But Europe in this sense meant Western Europe and the efforts of the next decade and beyond would be focused on the desire to limit Britain’s ‘continental commitment’, with important implications for the minorities in the Rimlands.

It was the Empire that had made Britain a Great Power and the Empire reached its greatest territorial extent in 1920. In practical terms, Britain sought to extend its global leadership even further beyond the Empire to encompass the leading role in the League and its institutions. It could not know how this body would develop in 1920 but there was consensus in government that it should not become an alternative centre of power which could challenge British management of the global system. It was therefore seen from the start as a vehicle for the pursuit of British strategic objectives with the aim of making Britain’s priorities the League’s. Curzon, British Foreign Secretary, believed that the British imperial project was a better guarantee of peace than the League, claiming that ‘[peace] can only be maintained by power and authority and the only state in a position to exercise that power and authority with great effect in Europe at this moment is Great Britain.’³⁴⁹ Curzon, never one to be wracked by self-doubt, also claimed that, ‘the interest of the world in general will be best served if the British Empire fills the premier position in the League.’³⁵⁰ This strategy seemed to bear fruit, with Foreign Secretary Austen Chamberlain writing to Prime Minister Stanley Baldwin in 1927 that, ‘it is difficult to convey to anyone who is not here [Geneva] and not only here but here in a position to know what goes on behind the scenes, how difficult and at the same time how influential is our position.’³⁵¹ Britain would use its ‘influential position’ from the start to adopt a dual standard in relation to Europe: conceding changes and refusing commitments in Europe and the Near East if it meant that peace could be maintained in Western Europe. Munich

³⁴⁸ Foreign Office, Harold Nicholson, ‘British Commitments Abroad’, 10 July 1920, TNA CAB 4/7, CID paper 251-B. ‘Safe in Europe’ was understood to mean security for France and Belgium so that Germany could not threaten British dominance of the Channel.

³⁴⁹ Speech by Curzon, Imperial Conference on Foreign Policy of Europe, Fourth Meeting, 22 June 1921, TNA CAB 32/2/E4.

³⁵⁰ Peter Yearwood, ‘A genuine and energetic League of Nations policy’, *Diplomacy and Statecraft*, 21:2, 2010, p161

³⁵¹ Letter Chamberlain to Baldwin, 16 September 1927, TNA FO 800/261, No.320

was in many ways the culmination of a policy that had its roots in decisions made in the early 1920s. The early reintegration of Germany into the international community, reductions in reparations and the potential for changes of borders in Eastern Europe in Germany's favour, were regarded widely across successive governments in Britain, at least in the 1920s, as better options than actively putting resource into the maintenance of the peace agreements. These concessions seemed to come at little immediate cost to Britain and enabled successive British governments to retain an essentially benign view of the international climate throughout the 1920s. By 1922, for example, annual military expenditure had fallen to £100m, less than a third of its 1920 total with the focus of that expenditure almost entirely on policing the Empire.³⁵² The final form of the 10 year rule that, 'at any given date there will be no major war for 10 years from that date' was adopted as a core planning assumption for defence expenditure from 1928.³⁵³ And, of course, this planning assumption became itself a critical input when Britain assessed any new potential commitment in Europe or elsewhere – a policy that sought to limit engagement in Europe became justified by the very decision to limit the resources that would have allowed a more active policy to be pursued. In such a worldview, intervention to ensure minority protection, in a part of the world regarded as peripheral to British interests, was going to struggle to secure support.

But the Empire itself was changing and some of the old imperial certainties were no more. In 1920 any concerns about the commitment of the Dominions to support British objectives seemed minor but during the course of the next 20 years these would assume an increasing importance. Participation and sacrifice in the war had given the Dominions a new self-confidence and independent spirit which meant that their support for British defence needs would no longer be unconditional. This issue emerged forcefully in 1921 when the Dominions made clear to Lloyd George that British foreign policy was not necessarily the same as the British Empire foreign policy.³⁵⁴ At the same time, the growth of the Empire, including the addition of the mandates awarded by the peace settlement, brought new and complex commitments. Overstretch was a real and rising concern. The General Staff as early as June 1920 could point to challenges in Ireland, Germany, Turkey, Egypt, Persia and India alongside continuing concerns about Russia that would collectively overwhelm the resources of the Empire.³⁵⁵ These concerns reinforced British determination to seek the path of least resistance and avoid conflict in Europe.

³⁵² John Ferris, *Men Money and Diplomacy*, p118

³⁵³ Committee of Imperial Defence, Record of 236th meeting, 5 July 1928, TNA CAB 2/5, CID Paper 891-B

³⁵⁴ Imperial Conference on Foreign Policy of Europe, Minutes of Sixth Meeting, 24 June 1921, TNA CAB 32/2/E6

³⁵⁵ War Office, 'Military Liabilities of the Empire', 27 July 1920, TNA CAB 4/7, CID paper 255-B

Domestically, British governments faced demands to make good on the promised 'peace dividend'. The rapid expansion of the electorate in 1918 to something close to universal adult suffrage raised new challenges. Public opinion was strongly pacific and pro-League and would remain so throughout the decade, for example British membership of the League of Nations Union continued to rise steadily to peak at close to 750,000 by 1929.³⁵⁶ It was impossible for any serious British politician to express anything other than whole-hearted support for the League as an institution, although there were many different shades of opinion as to what that meant and how it related to Britain's other commitments. At the same time, public trust in the professional foreign service had sunk to a low level during the war and recovery would be slow. The foreign policy establishment continued to face demands for 'democratic control', over foreign policy making.³⁵⁷ Whilst these were successfully resisted, being able to show that peace was being delivered was critical.

The long process of concluding peace treaties with Germany and its allies had redrawn the map of Central and Eastern Europe. As we have seen, the territorial settlements in Paris did not create the problem of persecution of minorities but they greatly multiplied the challenges by separating ethnic groups into nation states. The minorities protection system introduced by the Minorities Treaties was gradually extended to include the Baltic States in 1921-22, Turkey in 1923 and, finally, Iraq in 1932. The Treaties were intended by their signatories to be a transitional arrangement, which the Minority States, with the support of Britain and France, expected to wither away over time as the minorities 'assimilated' to the new order. By contrast, the minorities themselves and their kin states, regarded the Treaties differently, believing that they should be permanent in order to ensure continuing separate identities and/or keep open the possibility of future border changes. With the reintegration of Germany into the international community from the mid-1920s and in particular its championing of the rights of ethnic Germans in Poland and later in Czechoslovakia, these opposing interpretations would become even more entrenched.

The legal framework of the Minorities Treaties embedded some important protections but they would rely upon the willingness of Britain and France to deploy their authority to ensure the protections were made real and enforced through the offices of the League of Nations. The peace conference had delegated to the League the responsibility to finalise the practical details of minority protection and crucially what was actually meant by a League 'guarantee' of the Minority Treaties. This was the biggest innovation from the pre-war approach to the protection of minorities.

³⁵⁶ *Headway*, monthly journal published by League of Nations Union, November 1929, p4

³⁵⁷ See Helen McCarthy, *The British People and the League of Nations*, (Manchester: Manchester University Press, 2011), Chapter 1 especially

However, what would remain unchanged was that minority protection would become intimately intertwined, and subordinate to, the pursuit of Great Power, including British, national interests. British foreign secretaries would be lauded for a series of apparent diplomatic achievements in the 1920s, in particular the Treaties of Lausanne and Locarno. However, these achievements would turn out to be instrumental in undermining the very protections which the Minority Treaties had been designed to provide. The Minority Treaties had been seen as an essential element, alongside Article 10 of the Covenant mutually guaranteeing the integrity of member states, to ensure that the peace was durable. However, Lausanne and Locarno, both agreed outside the League framework, showed that the peace settlement was by no means fixed and that the boundaries for minority protection could be re-set.³⁵⁸

The protection of minorities was also influenced by how minorities were viewed by the British authorities: always as a problem and a threat to peace; and always as an anonymous group of people on the fringes of Eastern Europe with whom Britain had little contact or empathy. Neville Chamberlain's infamous 1938 description of the dispute in the Sudetenland as 'a quarrel in a far away country between people of whom we know nothing' reflected the norms of British official discourse throughout the interwar period.³⁵⁹ This inability to empathise with the concerns of the minorities, would lead to decisions being taken which were more in the interest of the supposed protectors than the protected. It also led to chronic short-termism: addressing the immediate symptom in the hope of minimising the risk of conflict rather than addressing the fundamental causes of minority persecution, which, by their very nature, could have meant reopening discussions on some of the most contentious aspects of the peace treaties to do with issues of race, citizenship, nationality and borders. The minority protection regime would be exposed as a process which increasingly relied on the goodwill of the host Minority States not the commitment of the guarantors.

Foreign Office attitudes towards the Minorities Treaties had been established early. Lucien Wolf in 1920 reported that he had raised concerns over ongoing Polish anti-Jewish measures with the Foreign Office only to be told that,

in view of the guarantee of the League, the governments of the Great Powers are disposed to regard their responsibilities in this connection at an end. This was certainly the case with

358 Article 10 of the League Covenant required 'Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League...'

359 'If We Have To Fight', *The Times*, 28 September 1938, p10

Great Britain, for on July 17th last Earl Curzon of Kedleston informed this Committee that, “in view of the Minority Clauses of the Treaty with Poland which placed the Minorities under the guarantee of the League of Nations, henceforth all minorities concerns were to be addressed to the League not the Foreign Office.”³⁶⁰

This response of the Foreign Office was entirely appropriate provided first, that it was generally recognised that there should be a multilateral commitment to protecting minorities through the League; second, that Britain, as *the* leading world power in the Council of the League, was prepared to use that power to make effective the League ‘guarantee’; and third, that the League agreed. As a foretaste of the problems to come, the League had a different view of where responsibility for minorities lay. Sir Eric Drummond, the League Secretary-General, maintained in 1923, that, ‘responsibility for protection of minorities now and till the new order of things ought to be placed where it belongs, namely on the Allies and not on the League. We must be very careful not to involve the League in duties which it has never assumed and for the performance of which it would certainly lay down very definite conditions.’³⁶¹ This was not auspicious. Nevertheless, in Geneva, the League proceeded to put in place the institutional framework required to give the League guarantee of the Minorities Treaties some life. A Minorities Section under Erik Colban was established in the League Secretariat but the pace and tone was always tempered by League officials’ self-censorship of what they believed was possible – which from the start was limited by what they believed the Council, of which Britain was arguably the most important member, would accept rather than what the minorities needed.

Putting The New System In Place

‘the greatest care has been taken to strictly limit the prerogatives of the League of Nations.’³⁶²

The New States Committee had designed the new minority protection regime in four weeks alongside the finalisation of the German peace treaty. Whatever the subsequent shortcomings of the implementation of the new regime, the opportunity presented by the Minority Treaties was significant in extending protection over a much wider geographical area than previously and in terms of extending the ‘rights’ to be protected beyond religious freedom. It was also very necessary.

³⁶⁰ *Report of the Secretary and Special Delegate of the Joint Foreign Committee on Jewish questions dealt with by the First Assembly of the League*, (London: Joint Foreign Committee of the Board of Deputies of British Jews and the Anglo-Jewish Association, 1921), p18

³⁶¹ Note Drummond to Nansen, 12 October 1922, United Nations Archives at Geneva, League of Nations Archive (hereinafter LNA), Carton P31

³⁶² Note Headlam-Morley to Drummond, 5 August 1919, LNA Carton R1614

Conditions in the Rimlands were far from stable, violence was endemic, borders were still contested and nationalist politicians sought to create 'facts on the ground'. The minorities were inevitably in a very vulnerable place. The Treaties had little to say about the practicalities of minority protection and in particular the role of the League. The key body would not be the League Council as envisaged by the Treaties but the small Minorities Section. The blank sheet of paper represented by the lack of detail in the Treaties was, however, an opportunity to be grasped by the new League Secretariat.

From the start, the Minorities Section however, accepted that the primary objective of the Treaties was to promote political stability by minimising conflict between states and not to be a vehicle for the promotion of humanitarianism. This fundamental understanding was never challenged and so, whilst undoubtedly the aim of the League was to prevent persecution of minorities, the bureaucratic structures and processes were ones that avoided confrontation, preferred secrecy to transparency and sought compromise even where that eroded the interests of minorities. The Minority Treaties vested executive authority for making decisions on minority issues with the League Council, which met quarterly and was dominated by the leading European states, but in relation to minorities issues the Council was soon 'a captive' of the Minorities Section which controlled its agenda and access to information.

The minorities protection regime was essentially a solution to what was regarded as an almost exclusively East European problem. Attempts in 1919 to generalise the protections in the Minorities Treaties across all members of the League had been resisted by the Powers and would continue to be resisted whenever the issue arose, which it did with regularity in the League Assembly.³⁶³ Minority groups and their supporters hoped for a dynamic policing exercise across Eastern and Central Europe to prevent abuses. There was no support for such an approach in the League Council where there was a concern over where this might lead. At the same time in Britain, there was a determination that action to ensure compliance would not extend to a sanctions process to take action against an offending state which could require a commitment of military or financial resources.³⁶⁴ This stance was of course entirely at one with Britain's wish to reduce its continental commitment after 1918 and Curzon's determination that minorities were a League responsibility. The initial discussion on the role of the League centred on what was meant by the requirement in the Treaties that they 'constitute obligations of international concern and shall be placed under the

³⁶³ Universalising the scope of the Minorities Treaties was proposed repeatedly usually through the Annual Meeting of the League Assembly but found no favour in the Council.

³⁶⁴ See for example, Report by Balfour to the League of Nations Council, 15 March 1920, LNA Carton R1617, C.3499

guarantee of the League of Nations.³⁶⁵ What exactly was the League guaranteeing? This was not an academic discussion but critical if minority protection was to advance. If the guarantee was to ensure that the Minority States would honour their obligations then that was a very wide-ranging obligation potentially requiring the adoption of penalties for non-compliance, potentially even military force, which in turn could only be supplied by the major Powers. Alternatively, the League guarantee could be interpreted as meaning no more than that the text of the Treaties could only be amended with the consent of the League Council. Fulfilment of the Treaty obligations was a separate issue. The choice was essentially between an activist and interventionist League or an essentially conservative body offering little more to minorities than they had received from the Treaty of Berlin.

Given its dominant role in the design of the Minority Treaties and in the League Council, Britain's position on 'the League guarantee' was to be decisive. The arguments of Paderewski and Bratianu in Paris that the whole Minority Treaty system represented an infringement of their sovereignty had not been entirely lost on the British delegation. Headlam-Morley took the lead in seeking to ensure there would not be a broad interpretation of the guarantee by the League. In August 1919, shortly after the signing of the Polish Minority Treaty, he put down a marker with Drummond that,

in all the Treaties now drafted the greatest care has been taken to strictly limit the prerogatives of the League of Nations. There is given no general right of initiative or inquiry into the internal condition of these states. Their powers are strictly limited to a guarantee that certain treaty obligations are carried out. Those with whom I have been associated in the matter have consistently resisted all suggestions or pressure which would tend in any way to recognise the right of the League of Nations to inquire into the internal conditions of any state except so far as this right was conferred by a treaty to which that State was a party.³⁶⁶

The debate on the guarantee continued through 1920. At the March 1920 Council meeting Balfour, the British representative, looking back at the failed interventions against the Ottoman Empire, had questioned the ability of the League to be a guarantor at all. In something of a counsel of despair he observed that, 'the League with no force at its immediate disposal, would have no weapon except remonstrance; and remonstrance has been tried in Turkey for 100 years with singularly little effect. The court of public opinion may be powerful but the place where it is least applicable are those remote and barbarous regions where nothing but force is understood.'³⁶⁷ He had alighted on a

³⁶⁵ See for example Article 12 of the Polish Minority Treaty

³⁶⁶ Note from Headlam-Morley to Drummond, 5 August 1919, LNA Carton R1614

³⁶⁷ Report by Balfour to the League of Nations Council, 15 March 1920, LNA Carton R1617, C.3499

simple truth, that a League that wished to improve the lot of minorities in the context of the post-war political situation in the Rimlands would need to be backed by its strongest members and backed with the power and authority to see its will prevail in the face of opposition. In the short term, the power asymmetry was so great between the Council and the Minority States that the Council could get its way by remonstrance but that situation might not prevail forever.

The question of the guarantee had been referred to a small sub-group of the Council chaired by Tommaso Tittoni, the Italian delegate, to resolve. Tittoni's report of October 1920 came down firmly in line with the Headlam-Morley view of a limited guarantee that was designed to be primarily a guarantee of the permanence of the treaties so, '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 recognised, and without the approval of the majority of the Council of the League of Nations.'³⁶⁸ Tittoni did add that, in the event of any infraction of the Treaties, 'the Council must take action' but left unsaid what that action might be beyond a potential referral to the soon to be established Permanent Court of International Justice.³⁶⁹ The processes adopted by the League Council in 1920 to give effect to the new regime were the limiting factor on the degree of protection available by avoiding specific commitments and moving the oversight of the Minority Treaties by the League Council away from public glare as far as possible.³⁷⁰ By these decisions the Council would distance itself from guaranteeing directly the rights of minorities or for any specific responsibility to ensure that Treaty obligations were met. Its main dealings were to be with the governments of the Minority States rather than the minorities. If matters had been left there then in all likelihood there would have been no noticeable difference for minorities from the provisions of the Treaty of Berlin.

A chink of light was offered by the new Minorities Section which, focusing on bureaucratic process rather than legal obligation, persuaded Tittoni to recommend a procedure which had the potential for complaints raised by minorities (though not the complainants themselves) to be placed before the Council. The Minority Treaties were an agreement between states and envisaged minority protection to be similarly an inter-state arrangement between the Minority States and the League Council. They had set out three specific rights for the League Council to deal with infractions of the obligations by the Minority States: any Council member could refer a matter to the Council; the Council could then take such action 'as it may deem proper and effective in the circumstances'; and,

³⁶⁸ Proces-Verbal of Report on Minorities at the Tenth Session of the Council, 18 October 1920, League of Nations Official Journal (hereinafter LNOJ), 1:8, p8

³⁶⁹ *ibid*, p9

³⁷⁰ Report of Fourth sub-committee on Minorities, Second Assembly, 20 September 1921, LNA Carton R1647

a Council member could appeal a decision of the Council to the Permanent Court of International Justice for a ruling.³⁷¹ Clearly, this focused all activity in the Council. For the Minority Treaties to work in practical terms, the architects of the regime must have envisaged referrals to the Council being few and far between and representing only the most egregious excesses. In addition, as any action by the Council had to be based on unanimity not majority, it could have meant that any remedial action had to be voted for by the state being accused of discrimination. The Minorities Section proposal subverted this by giving the initiative to the minorities themselves. In large part this was a reflection of the obvious operational challenges with what had been agreed at Paris, in particular expecting a Council member to bring forward a complaint against another League member in a public forum. Further, even if a Council member was prepared to raise an issue by what process was it to get onto the Council agenda and how could the Council investigate whether there was a case to answer?³⁷² This was seen to be both impractical and potentially open to abuse: impractical because some of the minorities (in particular Jewish groups) did not have a natural sponsor who could champion their cause; and open to abuse because, in just the same way that the minorities regime was designed to reinforce the territorial settlement, it could be used as a mechanism to unpick it as kin states championed the cause of their ethnic compatriots.

It was to deal with these issues that Tittoni, in conjunction with Colban, introduced a procedural innovation by the creation of the 'Committee of Three'.³⁷³ These would be Council members appointed to consider a complaint (or 'petition') from a minority group as to whether there was a case to answer and if there was whether it merited referral to the Council. The process would comply with the strict legal requirement that it was only Council members that had the authority to refer matters for consideration by the Council. However, unlike the full Council meetings, the Committee of Three could meet behind closed doors to resolve issues in private. Furthermore, it was not really a committee in the sense that it had no formal place in the governance structures of the League but was more akin to an advisory body for the Council which was able to seek a resolution of an issue without having to refer it to a full discussion within the Council. It also meant that neither of the two most interested parties – the petitioner and the government petitioned against – would have any direct role in the assessment of the complaint. This procedure would turn out to suit the Council well as the work of the Committee of Three was not subject to any political or public scrutiny

³⁷¹ See for example Article 12 of Polish Minority Treaty

³⁷² Records of discussions on minority issues at Council meetings of 22 and 25 October 1920, LNA Carton S336

³⁷³ For a description of Colban's central role in the design of the processes see transcript of interview conducted by Jean Siotis with Pablo de Azcarate, Edouard Haller and W. van Asch van Wijk, reviewing the work of the Minorities Section, (hereinafter J Siotis interview), April 1965, transcript held by Columbia University Centre For Oral History Archives, p76. Translation by author.

and meant that, 'except for the three members of the Committee, the rest of the Council can be totally disengaged from minority questions.'³⁷⁴ Crucially, it would also put all the real power and responsibility for minority protection in the hands of the Minorities Section which did deal directly with the minorities and the Minority States and which could control the flow of information to the Committees of Three and decide which complaints merited consideration by the Committee of Three.

The Tittoni processes were periodically reviewed and refined and what changes there were focused on process not policy. The next innovation came in 1923 in response to concerns from Poland and Czechoslovakia over the number of complaints and the credibility given to them.³⁷⁵ The Council agreed to formalise the process for receiving complaints, in effect to raise the threshold for petitioners, by requiring complaints to be submitted in the form of a petition that would be assessed against five criteria in order to decide if the petition was 'receivable'. As a result, the ability to raise an issue and have it acted upon was constrained and decision-making on minorities issues moved further into the shadows, becoming ever more concentrated in the Minorities Section which became the sole arbiter deciding whether petitions were receivable. The conditions on 'receivability' were high hurdles intended to reinforce the limited nature and purpose of the Minorities Treaties and refute any fundamental challenge to the system. So, petitions must address a specific right covered by the Treaty; they could not be about secession or changing the territorial arrangements; they could not seek to reopen an issue that had previously been dealt with; and all existing local remedies must have been exhausted first. Petitions could not be anonymous or, most controversially of all, written in 'violent language'.³⁷⁶ About half of the almost 1,000 petitions submitted to the League were declared non-receivable and 'violent language' was the most frequent reason cited by the Minorities Section to disqualify a petition.³⁷⁷ Nowhere was the term 'violent language' defined and it came to include anything that could inflame violent passions, for example by claiming systemic persecution, and not just an incitement to violence.

All of this was entirely consistent with the British interpretation of a narrow League guarantee. Once a petition had been declared receivable, what happened thereafter depended on how successful the Minorities Section could be in mediating the issue with the host government. Colban

³⁷⁴ *ibid*, p78

³⁷⁵ See Colban, 'Record of Negotiations in Warsaw and Prague', 25 March 1923, LNA, Carton R1664

³⁷⁶ Report by Rio Branco to League Council on 'Question of Minorities Procedures', 5 September 1923, LNA, Carton R1648, C.552.1923.I (1),

³⁷⁷ Jane Cowan, 'Who's Afraid of Violent Language?', *Anthropological Theory*, 3:3, 2003,, p276

was a frequent visitor to the Minority States and believed that the most effective way of defusing a situation was his personal intervention with the host government to seek a resolution of an issue. Only if a matter could not be easily resolved by the Minorities Section intervention, was it referred to a Committee of Three at which point all engagement with the petitioner ended and any further discussion was with the 'offending' government alone. The consequence of these arrangements, which have been criticised by Carole Fink and others, meant that issues were frequently not escalated, that the minorities were kept in the dark about what action if any was being taken and that the cumulative impact of protests against specific abuses was lost.³⁷⁸ When the Minority States complained about the number of allegedly vexatious petitions, the institutional response was to calm things down by tightening the criteria for receivability and further restrict the circulation of materials.³⁷⁹ Less than 10 petitions found their way onto the full Council agenda in the period up to 1925.³⁸⁰ It is hard to see the Minorities Section's priority being other than to work as a servant of the League Council, as opposed to championing minority groups, by seeking to prevent internal disputes becoming matters of international dispute.

Azcarate was later to defend robustly the Tittoni reforms as the only practical way forward given the constraints presented by the Council. He claimed that much of the later criticism was ill-informed based on a belief that the Treaties had set in place a quasi-judicial process in which blame could be apportioned and recompense awarded. They had of course done no such thing.³⁸¹ This defence by Azcarate and others of the minorities protection system however also showed a fixed belief that the overriding purpose of the Treaties was to avoid international disputes and that a different approach would have, 'involved an endless political row, perhaps the end of the minorities protection system, the denunciation of the treaties.... Because the minorities states would have been pressured by the majority of the Council.'³⁸² Apart from its obvious teleology looking to justify the approach taken by the subsequent collapse of the system, the argument has several flaws. In the 1920s, and in particular in the immediate post-war period when the procedures were put in place, the relative power between the Minority States and the Great Powers was so much in favour of the latter that

³⁷⁸ LNA, Carton R1699 details numerous complaints from Romanian Jews and overseas supporters which are classified as protests not petitions and so not receivable

³⁷⁹ Carole Fink, *Defending the Rights of Others*, p282. She criticises the system for excessive bureaucratisation made possible by Great Power disinterest which gave 'Colban a virtually free hand to develop the League system'.

³⁸⁰ Blanche E.C Dugdale and Wyndham Bewes, 'The Working of the Minority Treaties', *Journal of the British Institute of International Affairs*, 5:2, 1926, p86. The one area that was exception to this was in relation to Upper Silesia where the German minority was given a right of direct access to the Council, even though Germany was not a member of the League until 1926, under the terms of the Upper Silesian Convention.

³⁸¹ Pablo De Azcarate, *National Minorities*, p103

³⁸² J Siotis interview, p80

they could have dictated almost any process and obviously chosen a very different interpretation of the League guarantee. That at their moment of greatest control they were not prepared to do so for fear of the diplomatic costs that a more robust stance might incur, meant that as power relationships changed and matters for minorities deteriorated, protection would be shown to be very weak. Furthermore, the arrangements that were put in place proved self-defeating for the Powers to the extent that they did not prevent either the ultimate collapse of the system or the deterioration in minorities protection which contributed to the breakdown in peace and security in the 1930s. Finally, the apparent obsession with confidentiality by the League Secretariat has been one of the most criticised aspects of the process on the grounds that it failed the minorities by not elevating the abuses that were occurring or holding the host governments to any public scrutiny and in the process let the Council off the hook of exercising the responsibilities given to it by the Minorities Treaties.³⁸³

The lack of willingness by the League Secretariat to be more open seems to have been ingrained in the League Secretariat from the earliest days. Colban, in February 1923, recorded a conversation which he had with Osusky, the Czech Ambassador to France, in which Colban, explaining the dangers of public opinion in relation to minorities, claimed that, 'under the present system there was not the slightest danger of a question coming unduly before the Council...If we did away with the present system the British Government, for instance, would be overrun by zealous humanitarians requesting action, there would be interpellations in Parliament and all sorts of trouble. The Press would get to work and would be filled with all kinds of more or less well-founded stories as to the way in which a certain country treated its minorities.'³⁸⁴ The pejorative language apart, this may well have been the result if a brighter light had been shone on minority abuses but it is telling that the League officials, whose first loyalty was to Britain and France on the League Council, were clear about how the Powers expected them to perform their responsibilities and where their loyalties should be directed. These changes had the effect of moving the minority procedures into the shadows at Geneva, transferred the balance of power to the bureaucrats rather than the politicians and meant that public discussion of minorities issues was kept to a minimum. It was the cause of much subsequent complaint from the minorities and their supporters about excessive secrecy, with petitioners for example, having no right to be told the outcome of their complaint, and in the long run the changes acted to erode support for the League's minorities work.

³⁸³ See for example, Peter Hilpold, 'The League of Nations and the Protection of Minorities', *Max Planck Yearbook of United Nations Law*, 17:1, 2013 pp 87-124, and Jane Cowan, 'Who's afraid of violent language?'

³⁸⁴ Record of a conversation between Colban and Osusky, 16 February 1923, LNA Carton R1684

The Curzon Years Phase One— adjusting borders to people

Curzon had succeeded Balfour as Foreign Secretary in the Autumn of 1919. His interest in Europe was focused on resolving British security issues. By 1920, there was widespread acceptance across the British government that the defence of the British Isles began at the Rhine not the Channel and that Britain had a shared interest in securing France's eastern frontier. The first attempt to deal with this—the proposed Anglo-American security guarantee to France in 1919—had floundered once the United States decided not to ratify the peace settlement or join the League of Nations.³⁸⁵ The challenge for Curzon was to find a way to ensure that any guarantee to France was limited specifically to an 'unprovoked German attack' on France but did not extend further East by virtue of France's extensive military arrangements with Poland in particular.³⁸⁶ It followed that for Curzon, the Rimland minorities covered by the Minority Treaties, geographically beyond his area of concern, were a potentially complicating but secondary factor. In the event, Curzon was never able to achieve the great security pact with France because the British Cabinet could not contemplate giving a guarantee to France, 'until the Eastern Question and other main points at issue between the two governments have been cleared up' - a reference to mandates and other 'loose ends' arising from the peace conferences.³⁸⁷ It would be left to Austen Chamberlain to make the breakthrough in 1925.

In the Rimlands, the key issues were also security related around the need to finalise the border questions left outstanding by the peace treaties. The territorial commissions at the peace conference had been unable or unwilling to complete the process of drawing borders, in most cases Germany's former borders, and passed the decision back to the people most concerned in a plebiscite. Of course such a process intrinsically fuelled nationalist agendas and set majorities against minorities. The biggest and most contentious plebiscites would be those concerning the location of the Polish-German border. The need for plebiscites arose because of a contradiction between the realities on the ground and the underlying focus of the peace conference on creating nation states based on ethnic majorities. The territorial commission was undecided because of a lack of an obvious majority in an area; or, because nationalities were so intermingled that drawing boundaries on the basis of different ethnic or language groups was impossible; or, because the implications of following through the allocation of territory by ethnicity were politically unacceptable, usually to France, because it would have been mainly to the benefit of Germany.

³⁸⁵ Lord Curzon, 'Possible Anglo French Alliance', 28 December 1921, TNA FO 371/7000, W13355

³⁸⁶ *ibid*, Curzon was keen to avoid responsibility for security in Eastern Europe notwithstanding the implications of Article 10 of the League Covenant guaranteeing the integrity of League members

³⁸⁷ Cabinet discussion on draft articles for a guarantee to France, 10 January 1922, TNA CAB 23/29/1

Upper Silesia had elements of all three issues. As with all such exercises, the plebiscites attempted to reduce highly complex issues to simple questions that were only addressed in the implementation of the decision not by the decision itself – and sometimes provided unexpected outcomes.

The East Prussian and Schleswig Holstein plebiscites were held in 1920 and produced decisive results – Schleswig Holstein was split between Denmark and Germany and in East Prussia over 90% voted to remain with Germany. Upper Silesia was different. It was a region that had been part of German East Prussia before and during the war and which had large Polish and German speaking populations, but without the obvious overwhelming dominance of one particular group, and a broad based industrial and agricultural economy. The populations were highly intermingled, living in the same towns and communities. Differences were as much matters of class as ethnicity with, to make a gross generalisation, middle class German managers and working class Polish workers. German attitudes towards the new Polish state reflected war time prejudices, that the Poles were culturally inferior and not able to rule themselves, much less Germans, and that they were ‘dirty, unscrupulous, lazy and undeveloped.’³⁸⁸ In part, because of a reluctance to leave such a valuable industrial asset under German control, the Allies had been unable to agree in Paris on where the Polish-German border should fall and to which country Upper Silesia should be allocated and so left the decision to the people.³⁸⁹

Whatever the outcome of the plebiscite there was going to be a large and potentially unreconciled minority population with a vocal kin state. The decision to refer the matter to a plebiscite created an atmosphere in which conflict was inevitable. What may have seemed a relatively simple process in Paris, quickly became embroiled in a whole range of complexities starting with the form of plebiscite to be undertaken. At French and Polish insistence, because they believed it would favour Poland, the Peace Treaty had appeared to envisage that the plebiscite would decide to which country the whole region should belong by a simple majority vote on the basis of ‘winner takes all’. The outcome of the vote in May 1921 was a shock. The expected Polish majority failed to materialise. Instead, it showed 60% of the electorate, not overwhelming but a majority nonetheless, voting for Upper Silesia to remain part of Germany. The Polish government cried ‘foul’ claiming that the result was due to ‘out-voters’ (non-resident German speaking voters coming into Upper Silesia for the ballot) although subsequent analysis has shown that Germany would have still won, albeit by a wafer-thin majority,

³⁸⁸ Vejas Liulevicius, *The German Myth of the East*, (Oxford: Oxford University Press, 2009), p140

³⁸⁹ Treaty of Versailles, Article 83

even without these voters.³⁹⁰ Within the Foreign Office the view was taken that the ultimate destination of the whole region should simply follow the vote and the entire region be allocated to Germany or even be made an independent state.³⁹¹

The vote had been marked by widespread violence and intimidation on all sides which the Allies supervising the plebiscite had struggled to contain. The result ran completely counter to French security concerns that could not countenance anything, such as the allocation of the whole of Upper Silesia and its industrial base to Germany, that would hasten German economic recovery. Briand, the French Prime Minister, appealed to Lloyd George, complaining that Britain by supporting the transfer was being too pro-German, that the Treaty of Versailles was unclear about how the vote should be interpreted and that instead the territory should be partitioned along the lines of the vote on a county by county basis.³⁹² The matter was referred to the Supreme Council to adjudicate.³⁹³ Headlam-Morley recognised that far from resolving the issue, the plebiscite had made matters worse, warning Curzon that, 'whatever the decision of the Supreme Council, of one thing we can be sure viz: that it will not be accepted as a final solution; the side against which the verdict is given will not accept the decision and will always try to get it reversed.'³⁹⁴ Curzon's initial impulse was to reject Headlam-Morley's warning and to move quickly to award the whole region to Germany – Upper Silesia was outside Britain's strategic ambit and the simplest outcome seemed to be to follow the vote. That was roundly rejected by the French and Italians on the Supreme Council and, as the matter became ever more distant from agreement, the Supreme Council gave up and referred the matter to the League Council for resolution. In its first great test, the League Council passed the matter to a committee made up of Belgium, China, Spain and Brazil - in recognition that it would otherwise degenerate into an Anglo-French row over the rights of Germany and Poland respectively.³⁹⁵

The proposed solution, which was accepted immediately and with relief by the League Council, followed the French suggestion and partitioned Upper Silesia. This was supported by a framework

³⁹⁰ T. Hunt Tooley, 'German Political Violence and the Border Plebiscite in Upper Silesia 1919-1921', *Central European History*, 21:1, 1988, p88

³⁹¹ Edward H. Carr, 'Extract from notes of a tour to Danzig, Warsaw and the Eastern Plebiscite area' in John P.T. Bury, et al, *Documents on British Foreign Policy 1919-39, Upper Silesia, Poland and the Baltic States, January 1920-April 1921* (London: HMSO, 1961), Series 1, Vol XI, No 18, p23

³⁹² Memo Briand to Lloyd George, 24 May 1921, TNA CAB 24/123/51, CP 2946

³⁹³ The Supreme Council was composed of the Ambassadors of the Allies in Paris.

³⁹⁴ James Headlam-Morley, 'Memorandum respecting the Upper Silesia plebiscite', 6 April 1921, in W. Medlicott, et al, *Documents on British Foreign Policy, Upper Silesia, March 22, 1921-November 2, 1922* (London: HMSO, 1968), Series 1, Vol XVI, no 13, p20

³⁹⁵ Letter from Balfour to Lloyd George, August 1921, TNA CAB 1/29/26

which was described by Azcarate as, 'the most extensive and elaborate of all the legal agreements creating minority protection'.³⁹⁶ It was in many ways the most extreme example of the League approach, demonstrating many of its weaknesses. It amounted to a triumph of form over substance for the protection of minorities, showing how the excessive focus on bureaucratic process was a diversion from the fundamental issues of protecting minorities from persecution. The Upper Silesia Convention, which ran to over 600 articles and was longer than the Treaty of Versailles, established a temporary arrangement for a period of 15 years (after which there would be another referendum) which partitioned Upper Silesia between Poland and Germany and conferred reciprocal obligations on each country mainly concerned with minority protection. It was the only occasion when Germany (or any other Great Power) was required to be a signatory to a minority protection arrangement. The Convention took the Polish Minority Treaty obligations as its starting point and then applied a highly prescriptive and quasi-judicial process around its implementation including the appointment of a commissioner by the League invested with extensive powers.

Fundamentally, the Polish and German authorities had completely different views as to the purpose of the Convention. For the Polish government, it was a transition mechanism to assist the Polonisation of Upper Silesia either through the full assimilation of German speaking Poles or, for those who did not want to be reconciled, their ultimate removal to Germany. For the German government, on the other hand, it was about ensuring that people who identified as German nationals retained their separate identity on an equal footing with Polish citizens. The Convention became the battleground over which differences of national identity and the contested border between Poland and Germany were disputed. It set out a highly prescriptive regime that proved inflexible to changing circumstances. In the field of education, for example, it gave rights to the establishment of German language schools for a very low threshold of only 40 pupils and every attempt by the Polish government thereafter at educational reform, however well-founded, was challenged.³⁹⁷ The Convention weaponised minority protection as a means to pursue an inherently nationalistic and irredentist agenda in particular on the part of Germany in anticipation of the next referendum in 15 years rather than reconciling minorities to the new dispensation. Where acceptance of the national boundaries was impossible the Convention allowed individuals to opt to take German nationality and move to Germany. This of course was an outcome that suited the Polish agenda, which regarded Germans like Jews as fundamentally unassimilable, but was firmly resisted by the authorities in Berlin and extensive subsidies were allocated to German

³⁹⁶ Pablo De Azcarate, *National Minorities*, p137

³⁹⁷ Article 107 of the Geneva Convention of May 15 1922 relating to Upper Silesia

representative and cultural bodies in Upper Silesia to persuade people to stay in place. The result nevertheless was an exodus of a steady flow of immigrants to Germany around whom disaffection with the whole peace settlement could coalesce.

The Upper Silesian minorities had three lines of appeal to seek redress for alleged infractions of the Convention: to the Minorities Offices established locally; second, to the President of the Mixed Commission overseeing the implementation of the Convention; and finally, direct appeal to the League Council. As Justice Julius Stone pointed out, this meant that every individual in Upper Silesia gained the right of appeal to the League Council.³⁹⁸ The Convention went further than the Minority Treaties which had given a right of appeal to the Council only by other states not by any individual covered by the Treaty and achieved the exact opposite of what Britain seemed to want to achieve with the rest of the minority protection regime, which was the relegation of it to the corridors of Geneva. The aim of the Convention had been to try to keep Upper Silesian minority issues dealt with in Upper Silesia. Unfortunately, this did not prove successful and far from promoting reconciliation, the Convention gave an opening to nationalist groups to pursue an overtly hostile and irredentist agenda. By 1928, the League Council meetings were featuring large numbers of petitions from Upper Silesia and the ensuing dispute in the Council would lead to the last major attempt to reform the whole minority system in 1929.³⁹⁹

Writing in 1945, Azcarate was scathing about the arrangements made for Upper Silesia. He regarded the solution introduced as overly complex and too prescriptive, tending to exacerbate differences rather than reconcile them. The whole arrangement had taken on a legalistic character that prompted narrow arguments about compliance with the Upper Silesia Convention, rather than fostering agreement on 'the right thing to do' in the broader interest of reducing conflict between two communities. Far from providing a definitive settlement of Germany's Eastern borders, the Convention merely ensured that for the next 15 years Germany would be able to use the minority protection question to build a campaign for territorial revision. Germany aggressively deployed the minority processes to ensure that assimilation did not take place and actively financed and used proxy organisations such as the Deutsche Volksbund to pursue its objectives.⁴⁰⁰ By no means would the plebiscite and Convention be the end of the matter.

³⁹⁸ Julius Stone, *Regional Guarantees of Minority Rights*, (New York: Macmillan, 1933), p7

³⁹⁹ See for example, 'The Agenda of the Fifty-First Council Meeting', October 1928, LNOJ 9:10, p1426 for an example of the impact Upper Silesia had on the Council workload.

⁴⁰⁰ The Volksbund's sole *raison d'être* was to keep alive German distinctiveness in Polish Upper Silesia. Under its constitution, the object of the organisation (Article 2) was 'to pursue and foster German cultural and

The British decision to regard Upper Silesia as essentially a matter between Poland and Germany and the Convention as a stepping stone on the way to the reintegration of Germany into the international system turned out to be mistakes in terms of its long-term policy of pursuing stability in Europe. Failure to engage with the politics of Eastern Europe did not mean that Britain thereby avoided the impacts of events there, only that it diminished its ability to influence outcomes. The conflict between Germany and Poland over Upper Silesia dominated discussion on minority issues at the League as it moved into its second decade and prevented any reconciliation between the two countries.

The Curzon Years Phase Two – adjusting people to the borders

If plebiscites did not work to reconcile populations to each other and make the previously disaffected into loyal citizens, then perhaps the answer was to remove the difficulty altogether by taking steps to make the people fit the boundaries by removing minorities and leaving ethnically homogenous states. Often dressed up in the language of ‘exchange’ or ‘intermigration’, it was in reality state organised and internationally sanctioned ethnic cleansing which moved from voluntarism to compulsion. In this, Britain was directly implicated.

Population transfer had been explored in a limited way during the peace conference but, in response to a humanitarian disaster in Anatolia in 1923, the adoption of officially sanctioned ethnic cleansing was the point at which the post-war approach to nation building and minority protection took a decisive and ultimately catastrophic turn against minority populations and in favour of aggressively nationalising polities. The Treaty of Lausanne which sanctioned this development was regarded by contemporaries as a great British diplomatic triumph. It is better seen as an important and fateful step when British and other Western actors connived in a process which only four years after the signing of the Minority Treaties, reinforced the interpretation that minority protection was actually an exercise in Great Power politics and that minorities themselves were collateral damage in this process.

Proposals for the physical removal of minorities were not new and came from not only aggressively nationalising proto-governments in the Rimlands but also from Western diplomats who regarded

economic life, in particular to watch over the rights of the German population under the Minorities Treaty and legislation in place for the time being’. See Julius Stone, *Regional Guarantees of Minority Rights*, p284

this as a convenient way of 'tidying up' the arrangements for the establishment of new states. Large-scale population movements had occurred regularly in the past. In the immediate aftermath of the Congress of Berlin, for example, there had been an exodus of Muslims from the Balkans to Anatolia. The Second Balkan War saw radical measures being undertaken with widespread violent expulsions of minority populations. A two-way, exchange had taken place between Bulgaria and the Ottoman Empire at the end of the Second Balkan War set out in an annex to the Treaty of Constantinople in November 1913, giving official sanction to a process already underway. Large scale refugee movements had left resentment and a desire for revenge and none was accepted as a permanent solution by those most impacted amongst whom a desire to return remained strong. For some of the nationalist politicians in Eastern and Central Europe, population transfers retained a continuing attraction not as a humanitarian response to a catastrophe but as a way of accelerating the development of national identity and building up a domestic power base centred on a radical appeal to ethnic nationalism. Population exchange (or, as it less euphemistically turned out, the physical removal of minorities) in this sense could become an essential part of nation building.

Discussion of population transfer as a way of building national identity had begun before the First World War and had gained some limited interest in the outer fringes of academia.⁴⁰¹ The justification for population transfer was usually presented in utilitarian terms, beginning with an assertion that nations without minorities were less likely to be a source of conflict which might spread to neighbouring states or require Great Power intervention. In this worldview, it was believed that encouraging nation states with a high degree of ethnic homogenisation would deliver good outcomes for the broader international community by reducing tensions – at least for the people not directly affected by the transfer. Whilst encouraging the minorities to emigrate would inevitably cause some suffering that was to be set against the benefits to the broader community from peace – although it was never clear from its proponents how this calculation had been made or why these were the only alternatives. These arguments were to have a repeated attraction to British statesmen, due to the apparent simplicity and permanence of the solution which fit neatly with their prejudices about the uncivilised nature of many of the regions with minority problems and the desire not to be pressured to engage in humanitarian interventions. As such, it was entirely in tune with the 'intuitive and quite deliberately opportunistic' thrust of British foreign policy outlined by Nicholson.

⁴⁰¹ Matthew Frank, *Making Minorities History: Population Exchange in the Twentieth Century*, (Oxford: Oxford University Press, 2017) pp17-19, Frank identifies Montandon and Lichtenstadter as the 'two founding fathers of population transfer'.

The strongest proponent of population exchange at the peace negotiations had been Eleftherios Venizelos, Prime Minister of Greece – who had acquired a reputation as an international statesman and a defender of liberal values to the point of being a serious candidate for Secretary General of the League of Nations. He was able to exert a powerful influence among the Allied leaders, in particular over Lloyd George. Venizelos' first involvement in population exchange, that went beyond dealing with the post-war refugee flows, came about in 1913 when he agreed a Treaty of Reciprocal Voluntary Emigration between Greece and the Ottoman Empire which looked to finalise outstanding issues from the Balkan Wars by facilitating the exchange of Greeks in Eastern Thrace for Muslims in Macedonia. This was then proposed to be extended to Western Anatolia. The exchange was only forestalled by the assassination of Archduke Ferdinand two days before the treaty was due to be signed.

Venizelos' interest in population exchange was driven by a nationalist agenda which sought to consolidate all ethnic Greeks (however defined) within a single state. It was an exercise in social engineering at an international level. Two-way population exchange rather than straightforward inward migration to Greece was regarded as necessary to create the physical space for new arrivals. As such, it was the vehicle for his nationalist '*Megala Elene*' aspirations for an ethnically homogenous Greek homeland, based on the classical boundaries of Greece extending almost to Constantinople. It sought to create 'the fact on the ground' that wherever Greeks were in the majority that was to be Greece and in future occupied only by Greeks. This ideology linking land, ethnicity and citizenship was by no means restricted solely to Venizelos. Similar exclusionary views could be found right across Eastern and Central Europe. In Poland, for example Dmowski in the 'Issue of Government' of 1927 maintained that,

the population of a nation and state are quite different things. There are elements within the state which because of their lineage do not feel a common identity; there are also within the nation, understood in ethnic terms, some elements which are of such a low level of cultural development, intellectual or moral, that they do not realise the nature of the national bonds and the nature of obligations which flow.⁴⁰²

The answer was to create a homogenous state free from any 'outside' influences. Non-Polish elements, such as Ukrainians and Lithuanians could be absorbed provided they eventually added to the strength of the nation but some elements – in the Polish context that would, according to

⁴⁰² Roman Dmowski, '*The Issue of Government*', quoted in Alexander Groth, 'Dmowski, Pilsudski and Ethnic Conflict in pre-1939 Poland', *Canadian Slavic Studies*, 3:1, 1969, p70

Dmowski, be mainly Jews and Germans – could not be absorbed so should be physically removed. Whilst actual expulsion was held in check by the restraining influence of a combination of the Minorities Treaties, the Upper Silesia Convention and Poland's adherence, at least in the 1920s, to its treaty obligations, the underlying emotions that enabled these views to be mainstream were a constant challenge to the Minority Treaties and to become dominant in the 1930s.

At the peace conference, Venizelos had argued for a reordering of the Near East that would involve a massive movement of populations. This followed his call in November 1918 for a grand partition of the Eastern Mediterranean covering an expanded Greece, including the Western shore of Anatolia, that would consolidate Greek control of the Eastern Mediterranean by the exchange of roughly 800,000 Muslims from the 'Greek' areas of Anatolia in exchange for 800,000 Greeks from the Turkish parts of Anatolia.⁴⁰³ In the event, there was no enthusiasm for his mass population transfer proposals and the Greek Territorial Commission at the peace conference gave it no agenda time.

But Venizelos was not to be deterred. He next appealed to the New States Committee for a Bulgarian –Greek population exchange in Thrace and Macedonia. The Committee this time endorsed a modified version of Venizelos' proposal in July 1919 - and went further by suggesting that it might be 'desirable' to extend it to all Balkan countries and 'would do much to help a permanent settlement of the troubles which so long have affected the Balkans.'⁴⁰⁴ However, the pressure to finalise a peace treaty with Bulgaria and a lack of enthusiasm from the new Yugoslavia, meant that the exchange was limited to Greece and Bulgaria alone and codified in a Convention agreed alongside the Treaty of Neuilly of November 1919.⁴⁰⁵ A resolution of the apparent contradiction of the minority clauses aimed at promoting assimilation and the Convention facilitating separation hinged on the purpose of the Convention being to 'regulate the reciprocal and *voluntary* emigration of the racial, religious and linguistic minorities between Greece and Bulgaria...'⁴⁰⁶ It was to be based on individual consent not a compulsory mass expulsion of a racial group and in its intent was not so far removed from the 'optant' clauses in the Minority Treaties.⁴⁰⁷ Of course, if the minority

⁴⁰³ Nikaloas Petsales-Diomedes, *Greece at the Peace Conference*, (Thessaloniki: Institute for Balkan Studies, 1978), p73. Greeks were defined by and large as adherents of the Greek Orthodox church. In almost every other respect they had very little in common with Greece proper.

⁴⁰⁴ Kenneth Bourne, and Donald C. Watt, (eds.), *Minutes of the Committee of New States*, Minutes of 37th and 38th meeting, 25 and 28 July 1919, pp166-172

⁴⁰⁵ *Convention between Bulgaria and Greece Respecting Reciprocal (Voluntary) Emigration*, Parliamentary Papers, Miscellaneous, No 3, 1920 (Cmd. 589)

⁴⁰⁶ *ibid*, Preamble to the Convention

⁴⁰⁷ See for example Article 3 of the Polish Minority Treaty which allowed ethnic Germans in Poland to 'opt for' German nationality but then required them to emigrate to Germany within a period of two years .

protection regime was as effective as it was intended to be, then there should have been little incentive to move voluntarily – and this proved to be the case in the early years when the pull of the ‘homeland’ proved very much less compelling than Venizelos had assumed. Also, with the passage of time, the Bulgarian government got cold feet about the whole project and wanted its kin nationals to remain in place as a potential argument to try and revise the boundaries agreed at Paris. By early 1923, less than 200 families on each side had made the decision to move.⁴⁰⁸ All that would change in 1923, when more overt pressure was applied by first the Greek authorities and then, in response, the Bulgarian government. The cause of this move to compulsion was the need, in the view of the Greek authorities, to create space for the massive influx of refugees arising from its disastrous military adventure in Anatolia. The final roll call saw 100,000 Bulgarians and 35,000 Greeks removed.⁴⁰⁹

The importance of the Bulgarian –Greek Convention was that it was the point at which a form of internationally organised population exchange became an accepted alternative to minority protection in the new nation states. The Treaty of Lausanne marked the next fateful step on the downward descent for minority protection by shifting from voluntary individual migration to compulsory group expulsion to achieve the final matching of ethnicity and territory. The Bulgarian-Greece Convention had showed that where populations were given a choice and left unmolested, they tended to remain where they were and that a combination of violent coercion and an absence of outside protection would be necessary to persuade large numbers to move. What happened next in Anatolia brought together both of these elements.

The Treaty of Sèvres of August 1920 was the first attempt to agree a peace settlement with the Ottoman Empire. It was a particularly punitive peace. It promised to bring to a final close 500 years of Ottoman rule in the Balkans, it ended Turkish rule in the Middle East and reduced Anatolian Turkey to a rump, placing the Straits under international control. An independent Armenian homeland would be created and Greece would retain control over littoral Anatolia around Smyrna (which it had been occupying since 1919) with the prospect of a confirming its permanent ownership through a plebiscite after five years. Sèvres also extended the minority protection regime further than the standard Minority Treaties, enhancing the rights of Christians within the Ottoman Empire

⁴⁰⁸ Stephen Ladas, *The Exchange of Minorities: Bulgaria, Greece and Turkey*, (New York: Macmillan, 1932), p105

⁴⁰⁹ Jennifer Jackson Preece, ‘Ethnic Cleansing as an Instrument of Nation State Creation’, *Human Rights Quarterly*, 20:4,1989, p824. Venizelos also started to expel Muslims of Albanian descent to Anatolia who as Muslims were classed as ‘Turks’ to create space for Greek refugees before the League intervened to stop that. See Council discussion, March 1924, LNA Carton S84, C.470.1924,

and establishing a permanent League representative in Istanbul to investigate complaints. In addition, the Ottoman Empire was required to implement any directive on minority issues from the League Council and the humiliating capitulations were to be preserved and extended to cover 'racial minorities'. Similar to the settlement with Bulgaria, the Treaty of Sèvres also included a provision for a *voluntary* exchange of people between Greece and the residual Ottoman state.⁴¹⁰

The Treaty did not last long because it was incapable of being implemented by any of the parties which were a signatory to it. The Greek occupation of the Smyrna littoral and the atrocities perpetrated against the native Turkish population were the spur for a resurgent Turkish nationalism under Kemal Ataturk which rejected both the Treaty of Sèvres and the Sultanate that had agreed to it. In response, Britain had led an allied occupation of Istanbul with the intention of enforcing the Treaty of Sèvres - which only served to further enhance Ataturk's standing. Lloyd George, taken in by Venizelos' assertions that the Greek army was more than a match for the Ottoman forces, sought Greek assistance and sanctioned an offensive into Anatolia from Smyrna. After some early success, the Greek army faced a rout after the Battle of Sakaria in the Summer of 1921 which marked the limit of the Greek advance. A collapse and headlong retreat into Smyrna by both the army and Greek Orthodox civilian population came the following year. It was a total disaster for the Greek Orthodox community that had lived in Anatolia for centuries. The violence reached genocidal pitch in a frenzy of killing on all sides as neighbouring communities turned on each other. The Kemalists saw the opportunity to physically remove by a combination of expulsion and extermination many non-Turkish elements from Anatolia. Smyrna was surrounded by the Ottoman army in October 1922 and a humanitarian disaster unfolded as the city burned and British and other Western ships struggled to rescue the remaining refugees – perhaps 200,000 in total.⁴¹¹ Lloyd George's own proclivity was to come to the rescue of Greece and threatened action against the Ottoman authorities. This had the potential of military disaster for Britain when both European allies and Dominions made it clear that this was fight in which they had no part to play. A stand-off ensued at Chanak on the Gallipoli peninsula between British and Ottoman troops which ended with an agreement to renegotiate the Treaty of Sèvres – as it turned out to put the official seal on the new 'facts on the ground'. By this

⁴¹⁰ Article 143, Treaty of Sèvres; Turkey undertakes to recognise such provisions as the Allied Powers may consider opportune with respect to the reciprocal and voluntary emigration of persons belonging to racial minorities...Within six months from the coming into force of the present Treaty, Greece and Turkey will enter into a special arrangement relating to the reciprocal and voluntary emigration of the populations of Turkish and Greek race in the territories transferred to Greece and remaining Turkish respectively.

⁴¹¹ The scale of the unfolding disaster was well known to the Foreign Office in large part through the work of the British High Commission in Constantinople which had formed the Armenian-Greek Section in 1919 – essentially an information sharing body which focused on minority abuses. See, George Rendel, 'Turkish massacres and persecutions of minorities since the Armistice', March 1922, TNA FO 371/7876

point, the scale of the catastrophe in Anatolia was overwhelming with perhaps 300,000 deaths and already around 1,000,000 refugees among the Greek population.⁴¹² Similar horrific casualties were evident among the Muslim population. The tragedy for the minorities of the old Ottoman Empire was that Ataturk's success in burying the Sèvres Treaty depended on a narrative which saw him defending Turkish integrity against those very minorities and their overseas sponsors. Venizelos' nationalising agenda had been turned against him: he had achieved a more homogenous Greek population but without any of the territorial gains that he had expected to go with it.

The debacle hastened the departure of Lloyd George who was replaced by Bonar Law as Prime Minister but with Curzon remaining as Foreign Secretary. It finally allowed Curzon to reassert the primacy of the Foreign Secretary and Foreign Office in foreign policy making and he now had an opportunity to create his legacy by achieving a settlement in the Near East which had eluded the policy-makers at Paris and his nemesis, Lloyd George. What followed at Lausanne was in large part a British design. The focus for Curzon (who had himself made Chairman of the peace conference and of the crucial Territorial Commission which dealt with all aspects of future Turkish borders including minorities) was to maintain those elements of the Treaty of Sèvres which most met British strategic aims: freedom of movement through the Straits; and, the settlement of the border between Turkey and the British mandated Iraq in a way which would give Britain control of the oil reserves around Mosul. He was prepared to make concessions on almost every other matter. Humanitarian considerations were secondary, except in so far as there needed to be a solution which ensured stability in the Eastern Mediterranean, secure the overland route to India and would not result in the risk of any further British military adventures. The peace conference was to meet at Lausanne, emphasising that it was not Geneva and it was not a League of Nations exercise.⁴¹³ Mark Levene has identified the measures agreed at Lausanne in respect of minority populations, as a decisive step on the road to genocide if not actually 'inherently genocidal'. They marked a 'radical ... caesura with the past', with the ending of the multi-ethnic states in Greece and Turkey achieved by violent extermination and expulsion; and they were aided and abetted by Western, principally British, intervention which developed a narrative that this was a good outcome and a great diplomatic

⁴¹² Mark Levene, *The Crisis of Genocide*, p230

⁴¹³ Erik Goldstein, 'The British Official Mind and the Lausanne Conference', *Diplomacy and Statecraft*, 14:2, 2003, p192

triumph.⁴¹⁴ Indeed Curzon was credited by contemporaries with single-handedly 'restoring British prestige in the East' by his performance at Lausanne.⁴¹⁵

In September 1922, in a classic 'buck-passing' exercise, Britain, France and Italy had made a belated appeal to the League Council to examine the unfolding humanitarian disaster in Anatolia and called on the League, 'by whatever machinery seems most appropriate to them, [to adopt] the best method of protecting minorities in Thessaly, Western Thrace, Eastern Thrace and Asia Minor...'⁴¹⁶ Ostensibly, the aim even at that late stage was to keep the Greek and Turkish minorities in place under an enhanced version of the Minority Treaties - the enhancement being that compliance should be directly supervised in Greece and Turkey by a League of Nations team on the ground. There was no suggestion of force being deployed to support this arrangement. It was too little and too late for the victims of the nationalising agendas of the Greek and Turkish leaders.

Before the Lausanne Conference convened at the end of November 1922, in the face of the refugee crisis, Curzon had proposed to Poincare, the French Foreign Minister, not only a minority protection commission, but also support for, 'a treaty of inter-immigration between Greece and Turkey under the auspices of the League of Nations.'⁴¹⁷ The rationale for Curzon proposing this was that in his mind it would be a simple, clinical and permanent solution to the persecution of a large Christian minority in the former Ottoman Empire, and would allow Britain to focus on the aspects of the Lausanne Conference which mattered to British interests, in particular securing Iraqi control of Mosul province and its oil. At this stage, it seems that Curzon was contemplating a voluntary transfer along the lines of Article 143 of the Treaty of Sèvres but was unable to garner French support. The resurrection of this proposal seems to have been the idea of the League Commissioner for Refugees, Fridtjof Nansen, who had been appointed by the League to investigate the escalating refugee problem in Greece. Nansen reported a desperate situation in which huge numbers of refugees were flowing both ways, Greek men were being held captive in Anatolia effectively as forced labourers and Greek women and children were being extensively trafficked. He proposed a process of voluntary migration outside the zones of violence (in modern parlance creating 'safe havens'), allowing families to be reunited, before returning to their homes once peace had been

⁴¹⁴ Mark Levene, *The Crisis of Genocide*, pp232-234

⁴¹⁵ Harold Nicholson, *Curzon: The Last Phase 1919-1925* (London: Constable, 1934) p385. This view of the Lausanne Conference is enduring. See for example Curzon's most recent biographer David Gilmour *Curzon* (London: Macmillan, 1995) pp557-567 which barely mentions the human impact of Lausanne

⁴¹⁶ Despatch Curzon to Paris and Rome Embassies, 7 September 1922, TNA FO 424/644, no 258

⁴¹⁷ Record of conference between Britain and France, 3 November 1922, TNA FO 424/643

restored.⁴¹⁸ This was a highly qualified proposal of uncertain duration and which could not work without a full engagement from the Allies to provide the necessary protection to civilians and the agreement of both Ottoman and Greek governments. Matters had moved well beyond that and Nansen's proposals were soon simplified in British minds to a less complex and permanent resettlement with no right of return and with few of the safeguards envisaged by Nansen.

Nevertheless, Nansen's intervention was a godsend for Curzon, who could now deny any direct responsibility for the proposal even though it was part of the range of options that had been considered by the Foreign Office, and it became part of the ensuing British narrative that the proposal for exchange had been initiated by Nansen on behalf of the League and all Britain had done was to facilitate his proposals. At this stage, Curzon was still clinging to the hope, in public at least, that the exchange could be voluntary and that Britain would not be required to be directly involved in either securing the safety of those caught up in the violence or in facilitating their movement.

The possibility of the transfer being made compulsory had been raised first by the Ottoman authorities.⁴¹⁹ For them, as for Venizelos, support for population transfer had nothing to do with the protection of minorities and everything to do with a nationalist agenda in which there was no place for minorities. Colban had flagged in a memo to Drummond as early as October 1922 that he was concerned that proposals were being made that he felt the League should not support, 'I should add that the scheme of establishing compulsory expulsion... which as you will see is foreseen in some of the documents seems to me hardly to be a possible solution.... A convention under which two governments should expel, against their own will, a great part of their citizens to the other country would be a most distasteful arrangement.'⁴²⁰ The League did see value in bringing some order to the mass refugee movements then underway in the Eastern Mediterranean by supporting a voluntary exchange along the lines suggested by Nansen. Drummond put forward a proposal to that effect to the League Council on 15 November, going so far as to include a draft treaty between Greece and Turkey. This proposal was only concerned with a 'right of voluntary emigration'.⁴²¹ Matters moved quickly on the British side which eagerly endorsed Drummond's proposals. Within a week, on 20 November, the Foreign Office had decided that, 'it is now generally agreed that the most practical

⁴¹⁸ Minutes of a meeting with Nansen at British Embassy Constantinople, 12 October 1922, TNA FO 424/644, No 290, pp207-208

⁴¹⁹ *ibid.* Note from Rumbold to Curzon, 4 November 1922, no 310, p281. This had advised the radical negotiating position likely to be pursued by the Turkish representatives. 'Hamid [Ataturk's representative in Constantinople] insisting on total compulsory exchange of population ... as the only basis of discussion'

⁴²⁰ Special Circular 224 from Colban to Executive Directors, 26 October 1922, LNA Carton S356

⁴²¹ Note by Drummond, 'The Question of the Exchange of Populations between Turkey and Greece', 15 November 1922 TNA FO 424/644, no. 631, p499

solution of the minorities problem as between Greece and Turkey lies in the conclusion of a definitive arrangement for an interchange of Turkish and Greek minorities.⁴²² The rationale for this decision was to refer back to Article 143 of the Treaty of Sèvres, although it was recognised that the situation now facing the minorities was very different and much more dangerous. The conclusion drawn from the deteriorating situation was that, 'we are no longer able to obtain any effective protection for the Greek minorities in Turkey' and it was, 'therefore an urgent matter to provide for the departure of the remaining Greek minorities from Anatolia in the most favourable circumstances that can be obtained.'⁴²³ This commentary is notable both for its focus on only one minority group, the Greeks in Turkey, but also the way in which the options available to the international community had very quickly narrowed first to population exchange, then to how quickly it could be completed. The paper then went on to discuss in oblique but inconclusive terms the one remaining question, namely the degree of compulsion to be applied. The conference opened in Lausanne on 20 November 1922.

As the conference assembled, the situation was rapidly becoming desperate for those who were formerly resident in Western Anatolia and now languishing in squalid refugee camps in Greece. They were continuing to arrive in significant numbers which showed no signs of slowing down. Venizelos, true to form, approached Nansen at the start of the conference seeking his support for, 'a compulsory exchange of Greek and Turkish populations' - compulsory was for him essential so he could remove the Muslim population from Greece to create space to deal with the refugee problem he had been instrumental in creating.⁴²⁴ Curzon's first significant intervention on minorities at Lausanne was on 1 December when he led a discussion on minority issues at which Nansen was present. Nansen accepted that organised migration was the only solution on the table, recognising that, 'the Great Powers are in favour of this proposal because they believe that to un-mix the populations of the Near East will tend to secure the pacification of the Near East...'⁴²⁵ Nansen was still clinging on to the possibility of voluntary migration but was undermined by his own insistence that, 'if such an exchange is to be made it should be made without the least delay...' and the date he had in mind for completion of the exercise was the end of February 1923.⁴²⁶ It is hard to see how

⁴²² *ibid*, Foreign Office, George Rendel, Memorandum on 'The Proposed Exchange of Greek and Turkish Minorities', 20 November 1922, no. 618, p485. The actual populations impacted were defined in religious terms: Greeks were members of the Greek Orthodox church; Turks were Muslims. Neither group were in any sense recent arrivals or returning to a homeland.

⁴²³ *ibid*

⁴²⁴ Minutes of the 8th Meeting of the Territorial and Military Commission, Conference of Lausanne, 1 December 1922, TNA FO 424/644, no 829, pp748-757,

⁴²⁵ *ibid*

⁴²⁶ *ibid*

anything other than a draconian compulsory exchange could make that timetable realistic. Curzon seized on his words, floating the suggestion that a compulsory exchange may be necessary because any alternative would mean 'months might pass' before anything happened and it would be much easier 'to secure payment for the property which people were obliged to leave behind' if there was a clean and unambiguous break.⁴²⁷ In an echo of the Paris Peace Conference, the question was referred to a sub-commission to sort out the details and report back.

The crucial decisions were made over 12-14 December. Curzon introduced the proposals with a long speech to the Conference which, as he intended, was widely reported in the British press outlining how he wanted to see minority protection come about. It had four elements: protection for any minorities left within Turkey along the lines of the Minority Treaties; an exchange of populations characterised quite incorrectly, in the case of the Muslim population in Greece as, 'a return to Turkey'; a request for a separate homeland for Armenia; and a proposal that the League should have a team on the ground in Constantinople to supervise the arrangements.⁴²⁸ All parties knew that, whatever was agreed, there would be no international force to enforce a minorities treaty within Turkey. This meant that the third and fourth proposals were quickly negotiated away in their entirety, in the process abandoning all the promises made in respect of an Armenian homeland, and matters focused on the population exchange. The two conditions necessary to facilitate ethnic cleansing would now come together: coercion against a vulnerable population; and; the absence of external protection. The *Convention Concerning The Exchange Of Greek and Turkish Populations* was signed on 30 January 1923.

As the details of what was proposed leaked with its acceptance that the population exchange would in reality be expulsion, opinion hardened against the plan both among the Greek refugees (who like all refugees imagined their refuge was temporary and that they would have a right of return) and among Muslims in Greece who had no desire to be 'returned'. At this point, Venizelos completed a *volte face* and claimed, quite untruthfully, that, 'he had never regarded the idea of compulsory exchange of populations as an equitable and human solution to the problem' and laid the blame for it entirely on Nansen.⁴²⁹ This was entirely for public consumption since he also knew that the current situation both in Greece and for remaining ethnic Greeks in Anatolia was intolerable and that there was no prospect of Britain or any of the other powers providing the physical protection required to

⁴²⁷ *ibid*

⁴²⁸ 'Minorities Right To Security', *The Times* 13 December 1922, p.11, transcript of Curzon speech

⁴²⁹ Minutes of the 15th Meeting of the Territorial and Military Commission, Conference of Lausanne, 14 December 1922, TNA FO 424/645, no 20, pp 42-50

enable the Greek population to remain in place or return. He was now relying on the expulsion of Muslims to relieve some of the pressure on his government by freeing up housing and resources that could be taken by the refugees. By the time the Convention was agreed at the end of January 1923, there remained around 350,000 Greeks still in Anatolia with a slightly similar number of Muslims in Western Thrace to be 'exchanged'.⁴³⁰

Curzon was keen that the authorship of the Convention should not be attributable to him but rather a consequence of events. In another widely reported speech, he felt

sure that all the delegates ...viewed with abhorrence and dismay the principle of compulsory exchange... [and it was] only done because all those who had studied the matter most closely seemed to agree that the suffering entailed ...would be repaid by the advantages which would ultimately accrue to both countries from a greater homogeneity of population and from the removal of old and deep-rooted causes of quarrel.⁴³¹

This was the standard utilitarian argument. And just to be clear where any blame should not lie 'the Allied Powers had attempted to do no more than to act in the role of mediators.'⁴³² The argument ignored any responsibility Britain may have had as a member of the League Council, as one of the guarantors of the minority regime and as a supporter of the Greek army of occupation in Smyrna and incursion into Anatolia. It also disregarded the reality that the Greek and Turkish populations in Anatolia had managed to coexist reasonably well with each other for centuries. Curzon was not totally blind to the precedent that had been set and, 'for his part, he deeply regretted that the solution now being worked out should be a compulsory exchange of populations is a thoroughly bad and vicious solution for which the world would pay a heavy penalty for a hundred years to come.' But he deflected the responsibility for it at Turkey's door claiming that, 'it was a solution enforced by the actions of the Turkish government in expelling these people from Turkish territory.'⁴³³ The human cost of Curzon's diplomatic triumph was high. A League sponsored Refugee Commission was established to focus on the settlement of the Greek refugees on the Greek mainland. Any guilt that Britain felt about its role in this exercise was to some degree assuaged by its financial support for Greek efforts to resettle the refugees which were threatening to overwhelm the state in the form of a series of emergency loans from the Bank of England in 1923. By 1926, the remaining Greek

⁴³⁰ Michael Marrus, *The Unwanted*, pp103-104

⁴³¹ Minutes of the 23rd Meeting of the Territorial and Military Commission, Conference of Lausanne, 27 January 1923, TNA FO 424/645, no 202, pp443-463,

⁴³² 'The Lausanne Conference on Near Eastern Affairs, 1922-1923: Records of Proceedings and Draft Terms of Peace.' Parliamentary Papers, Cmd. 1814. (London: HMSO 1923). p412

⁴³³ *ibid*, p212

Orthodox population in Turkey amounted to less than 3% of the total compared to over 20% before the First World War.⁴³⁴ The exchange ran until 1930 when it was formally concluded by a treaty of friendship and neutrality between Greece and Turkey.

The lesson of Lausanne for the other nationalising states in the Rimlands was that, notwithstanding the stated intent of the Minorities Treaties, forced expulsion could be a legitimate state action and might even be facilitated by the Great Powers. It was no longer axiomatic that populations should be protected and encouraged to 'assimilate' or that a distinction should be drawn between nationality and citizenship. Undeniably, Lausanne had sanctioned a state sponsored programme of mass expulsion of populations – in modern terms, a classic case of ethnic cleansing. Mark Levene's judgement on the Convention, that it 'had nothing to do with humanitarian interests but only with those of the states involved' is entirely accurate given the absence of any willingness across the international community to take steps to intervene to protect the civilian populations *in situ*.⁴³⁵ Why did Curzon and the other decision makers believe that forced removal of populations was an acceptable way of dealing with minority issues? In part, it was because minority issues were seen as essentially a matter of anonymous groups. Humanitarianism necessarily has an inter-state element but it also is defined in terms of how states relate to individuals. The interwar approach to minority protection was framed almost entirely in terms of inter-state relations and ignored the question of individual rights, a process which permitted solutions to be considered which might otherwise have been unacceptable. To be sure, it was much easier to discuss moving huge numbers of people when the discussion was about two anonymous groups rather than two million individuals. In this sense, a crude utilitarian calculation could and was made.

The actions of the Turkish and Greek governments were clearly central to the atrocities committed and they must bear the primary responsibility for events. Both pursued aggressively nationalising agendas with radical plans to create nation states based around very specific racial conceptions of what constituted the ideal and which sought to exclude altogether minorities – either by expulsion or, as events unfolded, increasingly by extermination. This descent into genocidal activity occurred largely due to a combination of the intent of the principal actors and the conscious failure to intervene on the part of the international community. In fact in the case of Britain, the active backing of one side in the conflict meant that any intervention would have been fatally compromised. The Convention exposed the limitations of the League guarantee at the core of the

⁴³⁴ Biray Kolluoglu, 'Excesses of Nationalism: Greco-Turkish Population Exchange', *Nations and Nationalism*, 19:3, 2013, p537

⁴³⁵ Mark Levene, *The Crisis of Genocide*, Vol 1, p236

minority protection system by showing that it would not extend to proactive action to protect minorities and made the British receptive to alternatives such as population exchanges which appeared to offer a simple resolution to the problem once and for all. Whilst Curzon did claim that Lausanne was a recognition of a *fait accompli* given that the Conference took place against the backdrop of a deteriorating refugee crisis in Greece, this was essentially circular argument: it was only the absence of measures to protect minorities that made this a *fait accompli*.

Finally, it is clear that the population exchange was also framed by British conceptions of standards of civilisation or rather declining standards as the eye moved eastwards across the map. So, whilst the Minority Treaties may have raised expectations of the League's responsibility to protect the people who lived there, distance and prejudice acted to reduce this sense of responsibility when talking about the Near East. In the words of Balfour talking about Turkey, 'civilised public opinion has no influence whatever in the country; indeed, since civilised public opinion is for the most part Christian opinion it is a danger rather than strength to Christian minorities.'⁴³⁶ Given Greek actions in Turkey it is hard to see any higher standard of civilisation among the Christian nations. But it reflected a mind-set that accepted that atrocity against civilians had happened in the past and would happen in the future and which made forced population transfers palatable.

Chamberlain Takes Control

'the only sound line is the path of British interest. The road is too dark for any altruism or digression...'⁴³⁷

Curzon left the Foreign Office in January 1924 with the election of Ramsay MacDonald and a Labour government. In foreign affairs, MacDonald focused on two main areas: relations with the Soviet Union; and, peace in Europe. The search for measures to promote a durable peace would dominate British relations with and attitudes towards Europe, the League and the League's institutions for the next decade.

The League Covenant appeared to place a mutual obligation on its members to take action to deal with disputes but Curzon had been reluctant to pursue that line because it might run counter to the freedom to place British interests first. He maintained that, no matter how strong public opinion was

⁴³⁶ Memo from Balfour to League Council, 15 March 1920, LNA Carton R1617

⁴³⁷ Harold Nicolson, 'British Policy Considered in Relation To The European Situation', 20 February 1925, in W.N. Medlicott, et al, *Documents on British Foreign Policy, Central Europe and the Balkans, 1925*, (London: HMSO, 1986), Series 1, Vol XXVII, No. 205, p315

in support of the League, it would not be supportive of British engagement to enforce its decisions and that he 'was unable to conceive that the House of Commons would agree to sending our reduced forces on some expedition in the Continent of Europe – say in Bulgaria – in support of a cause which was not of vital interest to this country.'⁴³⁸ For this reason, the British Government had rejected in 1923 a Treaty of Mutual Assistance which would have combined disarmament measures with a near automatic obligation on League members to come to the assistance of each other if attacked. MacDonald sought an alternative approach focused on compulsory arbitration backed up by economic and military sanctions as directed by the League Council against an aggressor. This became the draft Protocol for the Pacific Settlement International Disputes – the so-called Geneva Protocol. No longer would the League be the servant of Britain but rather it would move the League centre stage in resolving disputes and would place obligations on Britain to support arbitration rulings. Whilst the Protocol received the support of the French and other governments its passage was interrupted by the British general election of September 1924 which saw the return of the Conservatives under Stanley Baldwin with Austen Chamberlain as Foreign Secretary.

Chamberlain's took a step back from the grand security agreement envisaged by MacDonald and instead focused on addressing the specific point of French security concerns. If the position in Western Europe could be stabilised then British defence requirements would be met, the continental commitment would be limited and Britain would be free to focus on the Empire and other pressing matters. Necessarily any such outcome would draw a distinction between Britain's strategic interests in Western and Eastern Europe and resolution of the former would likely mean that matters in the latter could be more fluid. The Geneva Protocol was promptly reviewed against this limited objective and deemed unsupportable by Chamberlain because, 'of the very generosity of the guarantee and the fact that you apply the same thing to the case in which British government would never be able to fight ... as to the case in which our interests are vitally interested.'⁴³⁹

In a startling innovation, Chamberlain then announced to the Cabinet that he was no longer going to continue with the 'intuitive approach' of 1920 but instead was going to hold a departmental conference to draw up an agreed foreign policy which could be shared with the Cabinet and which

⁴³⁸ 'Reduction of Armaments and Treaties of Mutual Guarantee', Minutes of 173rd meeting of CID 29 June 1923, TNA CAB 2/3, p3

⁴³⁹ Austen Chamberlain, Minute re Geneva Protocol, 4 January 1925, TNA FO 371/11064, W 362

would guide future British actions. The outcome of this policy review was summarised for the Cabinet by Harold Nicolson.⁴⁴⁰ Unsurprisingly, it was a reassertion of a classical Realist foreign policy.

The review confirmed that 'British interest' required peace in Western Europe to enable resources to be devoted to the defence of Empire. It recognised that there were three areas of concern in Europe: Russia, the 'minor ex-enemies' and Germany. The biggest concern by far was Germany with the most intractable relationship being that between Germany and Poland. It also recognised that French security concerns, even if they were overblown, needed to be resolved. Addressing these concerns however, was not a matter for the League of Nations. The Foreign Office support for the League relied on a narrowly defined scope for its activities - not in its 'potential as an autonomous institution' but rather for its capacity as 'an instrument of [British] policy'.⁴⁴¹ It regarded the League as still work in progress and, 'for many years it will be unsafe to count on its [the League] authority being sufficient to restrain a Great Power in any case which the Power considers its vital interest.'⁴⁴² Initiatives such as the Geneva Protocol were premature and, 'in a situation of such incertitude the only sound line is the path of British interest. The road is too dark for any altruism or digression...'. Substantive relations between states were to be conducted in the same way they had been before the war through diplomatic contacts between states but on the basis of three 'axioms': that isolation from Europe was not an option; that the Dominions could not be relied upon to support policies which lacked public support in the Dominions; and that any British commitment to Europe should be strictly limited only to what there was an official willingness to deliver. This reinforced the presumption that any commitment would be limited to Western Europe. Eastern Europe by contrast offered the possibility for the revision of the peace treaties once the settlement of the security question in the West was finalised including potentially, 'to revise by European agreement the dangerous conditions involved in the Silesian settlement and the Polish Corridor'.⁴⁴³ The arguments and conclusions in the paper made few if any concessions to the 'new diplomacy' supposedly ushered in in 1919 by the peace settlement and the League Covenant.

The Locarno Pact of 1925 between France, Belgium, Germany and Britain sought to settle the French security issue by mutually guaranteeing the Franco-German border. It also set the British strategic

⁴⁴⁰ Memorandum Harold Nicolson, 'British Policy Considered in Relation To The European Situation', 20 February 1925 in W.N.Medlicott, et al, *Documents on British Foreign Policy, Central Europe and the Balkans, 1925: the conference of Locarno, 1925*, No 205, pp311-318

⁴⁴¹ Peter Beck, 'From the Geneva Protocol to the Greco-Bulgarian dispute', *British Journal of International Studies*, 6:1, 1980, p55

⁴⁴² Memorandum by Harold Nicolson, 'British Policy Considered in Relation To The European Situation', p315

⁴⁴³ *ibid* p318

context for minority protection for the next 10 years by formalising the distinction between the British commitment to Western and to Eastern Europe. Locarno sought to lay to rest once and for all any suggestion of German revisionism of the Franco-German border and to ease Germany's re-entry into the Great Power club by committing to secure its membership of the League Council. Chamberlain firmly positioned Locarno in the continuum of British policy. 'I do not think', Chamberlain told the House of Commons on the debate of the ratification of the Pact, 'that the obligations of this country could be more narrowly circumscribed to the vital national interest than they are in the Treaty of Locarno.'⁴⁴⁴ If Locarno settled 'once and for all' the Franco-German border, by its silence it seemed to leave open the question of the permanence of Germany's Eastern frontier. Chamberlain expected that, by entering the League, Germany would be unable to pursue anything other than peaceful change to any treaties. However, he also believed that that did not mean that change was impossible. In discussing Locarno in Cabinet, he emphasised that the 'attitude of His Majesty's Government...was that they could take no new obligation except on Western frontiers. As to the German-Polish frontier, they admitted only the obligations of the Treaty of Versailles.'⁴⁴⁵ In fairness, Chamberlain had tried but failed to secure a guarantee from Germany of the German-Polish border as part of the Locarno arrangements. In any event, he was at one with Headlam-Morley's assessment that a sharper contrast should be drawn between British interests in Western and Eastern Europe, 'in Western Europe we are a partner, in Eastern Europe our role should be rather that of a disinterested *amicus curiae*.'⁴⁴⁶ In anticipation of Locarno and to forestall any Polish pressure to seek further commitments from Britain as the price for the agreement, Chamberlain wrote to British Ambassador Max-Muller in Warsaw in September 1925 confirming that 'His Majesty's Government are not prepared to assume fresh obligations elsewhere in addition to those already devolving upon them as signatories of the Covenant of the League of Nations and the peace treaties.'⁴⁴⁷ All of this only heightened insecurities in Eastern Europe.

For the minority populations in the East, this distinction by the League's leading member between commitment to Western and to Eastern Europe would have significant and enduring adverse implications. Minority protection after all was the corollary of the redesign of Eastern Europe into nation states. If the integrity of the new nation states security was no longer assured, indeed if Britain was prepared to contemplate reopening treaties, then the minorities might need more

⁴⁴⁴ David Dutton, *Austen Chamberlain – Gentleman in Politics*, (Bolton: Ross Anderson, 1985), p250

⁴⁴⁵ Minutes of Cabinet Committee on Security, 26 May 1925, TNA CAB 27/275, F.P. (25)

⁴⁴⁶ Comments by Austen Chamberlain on Memorandum by James Headlam-Morley, 12 February 1925, TNA FO 371/11064, W1252/9/98,

⁴⁴⁷ Despatch Chamberlain to Max-Muller, 12 September 1925, TNA FO 688/16/13,

protection not less. But that was not on offer. The Minority Treaty system had relied for its effectiveness on a conjunction between the minorities' need for justice and Britain and the other European Powers' interest in international order. That conjunction, always unreliable, was now especially in doubt. In addition, in the Minority States, doubts over the commitment to the peace settlement meant the minorities would be even more than hitherto cast as potential source of doubtful loyalty or even irredentism, and not without some justification, in relation to the German minorities in Poland and Czechoslovakia. The response to these developments could have been a renewed commitment from Britain and others to the Minority Treaties or it could mean that the limits of minority protection had been reached.

The Foreign Office recognised the risk that once Germany joined the League, then Article 19 of the League Covenant, which allowed for treaty revision, might acquire extra focus but it believed that any changes would be undertaken within the framework of the League; and that the question of revision would not arise 'for a generation'.⁴⁴⁸ It was wrong on both counts and by 1928 the issue of treaty revision was being actively debated. Lausanne and to some degree Locarno had shown that treaty change was possible outside of the League framework and, if anything, it showed that the Great Powers, when national interests were really at stake, were prepared to continue to make decisions as they had in pre-League days. Easing Germany into the League Council proved a fraught but ultimately successful policy for Chamberlain and he was finally able to secure Germany's membership in 1926. From this platform however Stresemann, the German Foreign Minister, was able to pursue his plans for seeking changes to Germany's Eastern border with Poland. The opportunities presented by the Upper Silesia Convention proved central to that.

As Lausanne had been for Curzon, so Locarno was regarded as a great success for Chamberlain. He, along with Briand and Stresemann, received the Nobel Peace Prize in 1926. But the price paid for Locarno turned out to be high for the minorities of Eastern Europe. Chamberlain had managed to define Britain's continental commitment as not extending beyond the Rhine and, from this point, any prospect, however slim, of action to support compliance by the Minority States with the Minority Treaties was extinguished. The failure to address the security issues of the countries on Germany's Eastern borders encouraged those states in turn to look to internal measures aimed at neutralising 'doubtful elements' to tackle their own insecurities.

⁴⁴⁸ *ibid*, Despatch Nicholson to Max Muller, 16 June 1925

The Last Attempt At Reform

The entry of Germany into the League Council saw minority policy emerge from the bureaucracy of the League Secretariat to become a subject of dispute in the League Council as part of the last serious attempt at reform of the system. The conflict was between the Minority States on one side and a coalition of convenience between the minorities and Stresemann on the other side. In the middle as referee sat Britain clinging to its support for minority protection as a source of stability when the evidence before it suggested it was anything but as it became increasingly a proxy for arguments between Germany and its neighbours over national identity, territorial integrity and irredentism. Democracy in the Minority States was struggling and the Minority Treaties and the liberal protections they implied ran at variance to the aggressive and competing nationalist agendas that had been increasingly adopted.

By 1929, both Minority States and the minorities' representatives agreed that the League's minority procedures needed reform. The Minority States wanted to reduce the League engagement on minority issues to no more than that offered by a literal interpretation of the Minority Treaties. Stresemann on the other hand wanted a more interventionist League defined by his call for a Permanent Minorities Commission, modelled on the Permanent Mandates Commission which had wide ranging powers of direction in relation to the operation of the mandate system. Looking back later, Azcarate recognised Stresemann's intervention as a key turning point, claiming that the minority protection system changed when Germany joined the League and for the first time there was on the Council a permanent member with a direct interest in the minorities of another state. 'Until then', he later claimed, 'the minority question was treated on its own merits but Germany took the minority question as one of its general policy points.'⁴⁴⁹ Certainly Germany's stance elevated the issue up the international agenda but it really reflected the reality that the debates about sovereignty, national identity and the purpose of minority protection were still unfinished business. For Britain, the debate would challenge the whole rationale of its support for minority protection and accelerated a reluctance to provide the support necessary to make the League system effective. If, far from delivering stability, minority protection increased international tensions then what was the point of it when your only interest was in maintaining order? The review by the League of minority policy initiated by Stresemann's intervention would mark the start of a gradual withdrawal from minority protection by Britain which would be all but complete by 1935.

⁴⁴⁹ J Siotis interview, p104

Stresemann's *Minderheitenpolitik* has had a range of interpretations. Did it reflect a genuine concern for the treatment of minority populations or was it really a cynical manoeuvre to reopen the question of Germany's Eastern frontiers - or perhaps both? Carole Fink takes the view that it was very much driven by a wish for treaty revision, dating Stresemann's interest in minorities as a post-Locarno response – a pivot to the East and reflecting broader German foreign policy objectives to seek revision of the peace treaty.⁴⁵⁰ Certainly it was the platform offered by Germany's League Council membership that gave Stresemann the opening to pursue his campaign. It is hard to avoid the conclusion that Stresemann, in championing German minorities overseas, was seeking to use the issue for domestic political purposes, raising expectations among nationalists that revision of the Polish border was possible and in the process recognising the centrality of minority policy to the politics of the territorial settlement in the Rimlands.

Stresemann positioned himself in the League Council as the 'defender of minorities' and latched onto the opportunity presented by the provisions in the Upper Silesian Convention to air grievances about minority rights in the League Council. The Minority States believed this was merely a cypher for an attack on the whole post-1919 settlement of Germany's Eastern frontier and they too wanted to see changes. The Tittoni system had survived largely intact until in June 1925, in anticipation of Germany joining the League, there had been a change to the internal processes of the League in assessing minority complaints. As ever, the motivation was not to improve protection but to minimise the potential for conflict between members of the League Council and it recognised the potential for minority protection to be hijacked in support of other agendas. Going forward, not only any state that was the subject of a complaint but also any *contiguous* state would be excluded from membership of the Committee of Three considering a minority petition. The intention was clearly that Germany should not be involved in assessing any petitions from ethnic German minorities in Poland or in the Baltic states. And for the first two years of Germany's League membership, Stresemann adopted a generally neutral position, allowing the League procedures to run their course. Nevertheless, the volume of petitions to the League Council from Upper Silesia, which under the Upper Silesia Convention could not be deflected into the League bureaucracy, continued to mount. In 1928 alone the League Council considered 22 petitions from Upper Silesia concerning alleged breaches by Poland of the Convention.⁴⁵¹ The Volksbund bombarded the League Council

⁴⁵⁰ Carole Fink, 'Stresemann's Minority Policies', *Journal of Contemporary History*, 14:3, 1979, p404

⁴⁵¹ Minutes of the meetings of the Council, LNOJ Volume 9, 1928. These petitions were largely organised by the Volksbund and concerned with matters such as the Polish funding of German language primary schools. The vast majority of complaints were rejected when they reached the Council. The Polish authorities regarded them, with some justification as vehicle for asserting German nationality rather than a genuine attempt to redress a wrong.

with petitions to the great frustration of not only the other Council members who saw Council meetings derailed by complaints but also the officials in the Minority Section who believed that the system was being 'gamed'.⁴⁵² All of this added to a perception that the German minority sense of grievance seemed to be getting larger even as the German minority in Upper Silesia was getting smaller due to emigration.⁴⁵³

The deterioration in German-Polish relations over the German minority in Upper Silesia all finally boiled over at the League Council in December 1928 and a process was set in train which would lead to a review of the whole system. The trigger for the review was a string of new petitions from the Volksbund at the December 1928 Council, concerned with the perennial issue of Polish proposals to reduce the number of German language schools on the grounds of falling school rolls. The Polish Foreign Minister Zaleski maintained that far from a genuine concern about education, the sole aim of the petitions was to 'persuade world opinion that the rights of the German minority are disregarded', and that the Volksbund was 'an organisation members of which notoriously have committed high treason' whose continued existence was 'a real danger to world peace.' Stresemann did not take this lying down. He refuted all the allegations and demanded a debate on 'the entire minorities question in order that it may be discussed in all its details' at the next Council meeting.⁴⁵⁴ The March 1929 Council further opened Pandora's Box with Stresemann rejecting the underlying intention of the Minority Treaties to promote assimilation, claiming that such a concept, was 'contrary to the idea...that the protection of minorities is of a permanent nature and not merely something which covers a transitional period...' He then went further linking the protection of minorities to the possibility of treaty revision, claiming that, 'I do not think we have in the present century established a condition of affairs which is eternal.'⁴⁵⁵

This was the discussion that both the League Secretariat and Britain had been hoping to avoid. Chamberlain shared the view of all his predecessors that the primary purpose of the Minority Treaties was to reduce tension between states and it had been left deliberately open-ended as to how long this arrangement would be necessary. The very vagueness of the arrangements suited a policy which aimed to defuse disputes but not necessarily to provide permanent solutions. Chamberlain's intervention in the March Council debate was intended to try to ensure that any review was narrowly focused around minor improvements to the existing system rather than a root

⁴⁵² LNA Carton S399 has details of all petitions received

⁴⁵³ Pablo De Azcarate, *National Minorities*, p110

⁴⁵⁴ Minutes of 53rd Session of the League Council, Sixth Meeting, December 15 1928, LNOJ, 10:1, pp68-69

⁴⁵⁵ Minutes of 54th Session of League Council, Third meeting, 6 March 1929, LNOJ 10:4, p520

and branch redesign. This was reflected in his two substantive suggestions for reform which were both modest procedural changes: speeding up the process for dealing with petitions and additional publicity by the League on its work on minorities.

In reality, Chamberlain's position on the Minority Treaties was confused and inconsistent, caused by his desire to avoid taking sides. Consequently, he made gestures to try to appeal to both Poland and Germany. He agreed with Poland that there was an obligation on minorities to be loyal citizens and that the treaties should be promoting assimilation which if successful would render them redundant. At the same time, in a nod to Stresemann, he also welcomed the Minority Treaties 'permanency but I cherish the hope ... that the need for having recourse to the Council will not be permanent', endorsing Stresemann's view that the primary purpose of the Treaties was to ensure equality of treatment not assimilation.⁴⁵⁶ (This support for the permanency of the Treaties represented a Damascene conversion by Chamberlain who had previously argued that the Minorities Treaties served 'only to keep alive differences which might otherwise be healed in time' and he doubted whether they were 'really anything but an evil for all concerned.'⁴⁵⁷) Chamberlain then went on to stress that Stresemann's linkage in the Council of the protection of minorities with future treaty revision, (the very thing that in fact Locarno had left open in Eastern Europe), should be avoided. He added that 'to cite Article 19 [of the Covenant] in connection with the Minorities Treaties can only cause trouble. The Article is not germane to the discussion ...'⁴⁵⁸ In reality of course, he was only partly correct: the minority protection system only made sense in the context of the territorial reorganisation agreed as part of the peace treaty. He was trying to get the genie back in the bottle. To that end Chamberlain was appointed to chair the Committee of Three to look at reform and he ensured that the review did not stray into unwelcome areas. He had strong support from Drummond who was opposed to the Minorities Section ceding operational control of the Minority protection system to a Permanent Minorities Commission.⁴⁵⁹ The only point that Drummond was prepared to concede was that there was perhaps scope for more publicity to be given about the scale of work undertaken by the Minorities Section to address the concern that petitions, 'sent to the League were simply shelved' and that more could be done through additional statistical reporting in the League Journal.⁴⁶⁰

⁴⁵⁶ Minutes of 54th Session of League Council, Fourth Meeting, 6 March 1929, LNOJ, 10: 4, pp525-6

⁴⁵⁷ Minute by Chamberlain, 11 November 1925, TNA FO 371/10701

⁴⁵⁸ Minutes of 54th Session of League Council, Fourth Meeting, 6 March 1929, LNOJ 10:4, p526. Article 19 of the Covenant allowed for the 'reconsideration of treaties which have become inapplicable'.

⁴⁵⁹ See Memorandum Azcarate to Drummond, 30 November 1928, LNA R2153

⁴⁶⁰ Minutes of League Directors meeting, 16 January 1929, LNA bound volume

The real challenge during the review to the system came not from Stresemann but from the Minority States. Five of the Minority States submitted a joint paper challenging any extension of the existing scope of minority protection or the remit of the Minorities Treaties. They sought a return to the commitments they believed were made at Paris and a more literal (and therefore more narrow) interpretation of the scope of minority protection which they expected would result in a rolling back of League intervention in their states. The Minority States had clearly been concerned by Stresemann raising the possibility of Article 19 revision which confirmed all their worst suspicions about the minority protection regime and the minorities themselves as a potential 'fifth column' of disloyal irredentists. The Minority States were clear they would not assent to any changes to the Treaties and maintained, with some justification, that they had agreed to the Minority Treaties on the basis that they would receive in return a 'guarantee of their territorial integrity which would be given them ... by the Great Powers.' Furthermore, Poland believed it had been given a specific commitment by Wilson and Lloyd George that if Germany joined the League then Germany would be required to sign a Minority Treaty as part of its accession.⁴⁶¹ Finally, the Minority States raised the unequal nature of the Minority Treaties, asking once again that they should be an obligation of all League members. Such a radical change was regarded by Chamberlain as completely unacceptable, reinforcing the Minority States view that the Minority Treaties were a mark of unequal status. Chamberlain's view had not changed that 'not only is there no need for such a system in the British Empire, any attempt of the League to interfere in the internal affairs of the Empire would, I am convinced, be resented throughout the British Commonwealth of nations.'⁴⁶² The Minority States proposals were largely ignored in the final report of the review.

Stresemann's submission to the review by contrast was not a challenge to the system at all. He had made a lot of noise about the need for reform but his actual proposals amounted to relatively minor bureaucratic changes: increasing the size of the Committee of Three in some situations, allowing Germany to sit on Committees reviewing petitions from German minority groups and raising again the scope for a Permanent Minorities Committee of the Council - but without defining what a Permanent Minorities Committee would do that was not already being done between the League Secretariat and the Committee of Three. In the circumstances, it was relatively easy for most of these suggestions to be deflected. Stresemann had created a political narrative in Germany where the promotion of (German) minority interest was equated with territorial change and he realised

⁴⁶¹ Submission by Minority States, 17 April 1929, LNA Carton R2168. The question of Germany being required to sign a Minority Treaty, is supported by a contemporaneous note from Headlam-Morley to Drummond of 15 August 1919 which records with concern reports of just that commitment from Wilson and Lloyd George.

⁴⁶² Letter from Chamberlain to Sir William Erskine, 16 February 1929, TNA FO 688/24/3

that this was simply not deliverable so long as Britain and France would not countenance it. As historian Patrick Finney points out, the more that Stresemann's campaign came to 'equate minority protection ... with revisionism... the British lost all enthusiasm for it.'⁴⁶³ By 1929, Chamberlain was interested in protecting his legacy as the architect of Locarno not in opening new avenues of disagreement with Germany or becoming entangled in the politics of Eastern Europe.

The 'London Report' concluding the review was produced for the June 1929 Council meeting in Madrid. The report's conclusions had been very carefully shepherded by the League Secretariat and proved to be a robust defence of the existing approach of limited intervention under the effective control of the Council and Secretariat and a comprehensive rejection of any extension of obligations for either the League or the Minority States.⁴⁶⁴ The League Secretariat seemed to have taken the view that the current system was the best that could be hoped for and that to go any further risked raising questions about the nature and stability of the states in the Rimlands that were best left unasked. It was certainly the British position that it would not sanction any change that could result in a greater British engagement with Eastern Europe. The report instead accepted Drummond's proposals for minor procedural change including the publication of some basic data in the League of Nations Official Journal about the number of petitions received each year. None of this would have an impact on the position of minorities. The whole report, perhaps unsurprisingly given the composition of the review committee, was an exercise in the justification of the status quo and studiously ignored any of the wider issues that had been raised at the December and March Council meetings. Despite all the self-positioning as 'defender of minorities', Stresemann, isolated in the Council, declared himself satisfied that the changes represented 'an important improvement'.⁴⁶⁵ He was roundly vilified in the nationalist press in Germany. In the end, he was never going to be able to satisfy the expectations of his right-wing critics. His early death at the end of 1929 would leave open an issue for others to exploit in the following decade.

The 1929 review was the last significant attempt to change the minority protection process. By the end of 1929, Stresemann was dead, the political careers of Chamberlain and Briand were over and Colban had moved to the Disarmament Section. The Minority Treaty system had been designed in a way that required the League Council to maintain a united front in support of the League and for the

⁴⁶³ Patrick Finney, 'An Evil for All Concerned', p536

⁴⁶⁴ Pablo De Azcarate, *National Minorities*, includes the full London Report as an Appendix. Azcarate, who in 1928 replaced Colban as Head of the Minorities Section, had proposed a more radical role for the Minorities Section that would have included a formal proactive investigatory role but he had no support from Drummond. See, Memorandum Azcarate to Drummond 26 April 1929, LNA R2154

⁴⁶⁵ Frank Walters, *A History Of The League of Nations*, (Oxford: Oxford University Press, 1952), p410

Minority States to be subservient to the demands of the major Council members. Neither of these assumptions could any longer be taken for granted after 1929 in the way that they had been in 1919, leaving the minorities exposed to policies aimed at accelerating the racial homogenisation of Eastern and Central European states. As Balfour had prophetically pointed out, the only force available to the League was 'remonstrance' and when that was challenged it had nothing else to fall back on. The failure to make a clear decision on matters such as whether the Minority Treaties were permanent or temporary, whether their purpose was to promote assimilation or maintain separateness, and the extent to which alleged infractions were a justification to pursue treaty revision, did not mean these issues would go away. Rather they were to come back with greater force in the following decade.

Conclusion

1929 was the highpoint for the submission of minority petitions to the League. Within five years the League minority protection system would have disappeared in all but name, a Nazi sympathiser would be in charge of the League Minorities Section and national governments would be actively pursuing policies of expulsion of minorities.

The need for minority protection in the Rimlands was a direct result of the peace settlement. For all its limitations, the League guarantee of the Treaties, at least on paper, had been unprecedented but it only meant anything so long as the Allies gave it force. By 1929, the commitment of the League Council even to its preferred approach of a narrow interpretation of the League guarantee, could no longer be unquestioned. Britain's engagement with the issue, always driven by its desire to support a durable peace rather than to improve the lot of minorities, had acted to reduce the authority of minority protection: Lausanne had legitimised expulsion as a legitimate state action in response to minority persecution and Locarno had signalled that Eastern Europe was unfinished business. Whilst the guarantee enabled the Council to respond to specific abuses brought to its attention, it stopped short of creating a general right to supervise citizens' rights or take proactive steps to promote equal treatment. This had been deliberate on the part of the framers of the treaties but became a hugely limiting factor.⁴⁶⁶

It is hard to see British engagement with minority protection in the 1920s as anything other than a series of missed opportunities and failures. Britain had designed the Minority Treaty system because

⁴⁶⁶ Note from Hudson to Colban, July 1921, LNA Carton R1647

it saw it as an essential corollary to the new system of nation states and as means of reducing the risk of the other guarantees around mutual assistance in the Covenant ever being called. But it was all a confidence trick. As it became clear to the Rimland states that the mutual territorial guarantees were perhaps not all they seemed to be in 1919 and that Britain could not be relied upon to come to their aid, so the willingness of the Minority States to continue with a system they regarded as rendering them as second class states inevitably ebbed away. Instead, they would increasingly look to policies that aimed at excluding minorities from civic life and even physically removing from their states. Assimilation was at best accepted as having a limited application among the leading statesmen in the Rimlands for whom their political power was seen as arising from the pursuit of agendas which promoted the interest of the majority at the expense of the minority. For successive British governments, the overriding desire to avoid conflict meant that difficult issues were evaded rather than addressed and exasperation with minorities rather than understanding of their problems seems to have been the overriding emotion. The economic crisis and the collapse of League authority would leave minorities with no protection from the depredations of their governments.

Chapter 4 The 1930s - From Minority Protection to Minority Persecution

'The best lack all conviction, while the worst

*Are full of passionate intensity'*⁴⁶⁷

W B Yeats

Writing about British responsibility towards the Assyrian Christian minority in Iraq in 1937, Philip Ireland maintained that, 'in a conflict of interests it is very rational that those of the mother country should come first and that the good of the people must in reality be subordinated to the expected political and material returns.'⁴⁶⁸ Whilst this self-confident assertion of the primacy of British national interests explains much of the course pursued by Britain in its relationship with Iraq in the 1930s, the statement equally applies to Britain's broader approach to minority protection in the decade. The 1929 League review of minority policy was to mark the high point of the interwar system of minority protection. Its continued effectiveness would be completely dependent upon the prestige and authority of the League. This was to be challenged by the harsher new 'realism' in international relations after 1933 in which the minorities became to a degree expendable.

British policy towards minorities in the 1930s was more than ever tied to its overall foreign policy objectives as Britain sought a solution to its security challenges, especially after the turn away from collective security at the end of 1933. For all its domination of the global stage, Britain's strategic position in 1930 flattered to deceive. The Empire had shifted from being a great asset to a position where the liabilities were real and rising. By 1930, the impact of the economic depression only added to the concern that Britain was seriously overstretched and needed to find a way of reducing its commitments. The extent of the 'continental commitment' and its role in the defence of the British Isles was again the central strategic consideration in this debate. At the end of the 1920s, the great hope was that the World Disarmament Conference might be the way out of this conundrum. In reality, this was a discussion about European security: London hoped that collective security through the League could deliver stability in Europe and free resources that could be used to meet imperial needs and support domestic social welfare programmes. The debates on collective security marked the first phase of British foreign policy in the 1930s. The key issue was the political price to be paid

⁴⁶⁷ W.B.Yeats, 'The Second Coming',

⁴⁶⁸ Philip Ireland, *Iraq: a study in political development*, (London: Jonathon Cape, 1937), p35. The book was written with the co-operation of the British Embassy in Iraq. Ireland was a senior American diplomat and Arabist.

for agreement. What limitations would Britain accept on its defence capability? How far would it be prepared to go in placing its military might at the disposal of the League to enforce an agreement? Would it do that even if its own interpretation of its national interest suggested a different course of action? The Geneva Protocol of 1924 had floundered on just these points and the Locarno Treaty of 1925 was meant to have been the final word on Britain's security commitments in Europe. On the other hand, a successful disarmament outcome offered the potential for further savings on defence costs and the prospect of responding to widespread public fears about emerging technologies, most vividly captured by Stanley Baldwin's assertion that, 'the bomber will always get through.'⁴⁶⁹ Public opinion, fuelled by repeated statements by leading politicians, retained an enduring faith in the League and the Covenant as the guarantors of peace.⁴⁷⁰

The opening of the World Disarmament Conference in 1931 was to be the high point for the League. All of the attendant optimism proved short-lived and the decline in League authority precipitate. The collapse of the conference in 1933 coupled with the rise of Nazi rule in Germany was the signal for an abrupt change of course away from collective security, compounded by the German announcement in October 1933 of its intention to withdraw from the League. For the League, both as an institution but also as a set of values and expectations, the failure of the Disarmament Conference in 1933 was to prove existential. The years immediately following the collapse of the Disarmament Conference introduced the second phase which was were to be marked by indecision in foreign policy making as Britain looked for an alternative route to security outside the League. It was reluctant until after the Abyssinian Crisis in 1936 to let go of Geneva altogether (in public at least) and also reluctant to enter into an alternative commitment. The common feature of the different strategies adopted were that they were all essentially Realist, emphasising British 'national interest' as interpreted in a way familiar to the years before the First World War. There was no room for a rejuvenated League in this approach. Rather, it tended to narrow the focus of British security interest to Western Europe. This suggested a further accommodation with France but that could not be delivered without a renewed commitment to meet French security concerns and the very continental commitment going beyond Locarno that Britain was keen to avoid. Sir John Simon, the Foreign Secretary, detailed this dilemma, pointing out that the failure of the Disarmament

⁴⁶⁹ See *Hansard*, HC Deb 10 November 1932, Vol 270 Col 632. Baldwin was then leader of the Conservative party, the largest element in the National Government

⁴⁷⁰ That faith would remain long after the politicians had given up on the League and acted to frustrate politicians openly pursuing alternative strategies. Despite its many methodological flaws, the 'Peace Ballot' in mid-1935 demonstrated wide popular support for the League with over 11m votes in its favour and carried sufficient weight that Baldwin felt compelled to assure the public that the League remained the 'sheet anchor' of British policy – even though by then the anchor had come adrift. See Helen McCarthy, *The British People and the League of Nations*, p34.

Conference threatened to reduce the League to insignificance, such that, 'if these institutions collapse, moral authority will be no substitute for sufficient armed strength' and that 'the end of collective security meant it would be essential that our relations with France should be of the closest kind.'⁴⁷¹ The third and final phase of the search for security emerged when Chamberlain was appointed Prime Minister in 1937 when he tried to deliver the security objective but without the continental commitment envisaged by Simon. Chamberlain rejected alliances to deter aggression, focusing instead on a bilateral settlement with Germany which would assure British security, albeit by being prepared to cede land and people in Central and Eastern Europe to Germany as the price to be paid for British security.

The collapse of League authority and with it support for the Minority Treaties would have important implications for the interwar system of minority protection. After 1934, the Minority States increasingly felt able to pursue policies that turned the rhetoric of racial homogenisation into reality. In many cases, assimilation was openly rejected as an objective and instead steps were taken to marginalise and legally separate minorities from the majority population. This was then followed by demands, by no means consistent, including territorial changes to bring kin groups within the host country and also steps to physically remove minorities from the state. The deterioration in the position of minority groups in this increasingly hostile political environment were to be critical stages on the path to later genocidal activity. Forced population displacement of Jews but also other groups became the policy objective adopted to varying degrees by different countries. The position for minorities would become indistinguishable from that faced by minorities in the aftermath of the Congress of Berlin, relying for their security on the goodwill of their host governments and intervention from Western governments. Both would be in short supply. The British Foreign Office was determined that this deterioration in the position of minorities would not be allowed to obstruct the search for a settlement to matters that threatened the European peace. Accordingly, British diplomats would fall back on the argument that the norm of non-intervention in the internal affairs of sovereign countries, unless otherwise agreed by international treaty, precluded initiatives on behalf of minorities, especially in respect of the Jews in Germany. The 1930s would see policymakers choosing order over justice in the belief, mistakenly as it turned out, that the conjunction between the two, which had underpinned minority protection since 1919, no longer necessarily applied. The decision by Britain and other European powers to distance themselves from intervention on behalf of minorities was to prove disastrous for the minorities. It was also to create

⁴⁷¹ Sir John Simon, 'Consequences of a Breakdown of the Disarmament Conference', 9 March 1934, CP 68 (34), Churchill College Cambridge Archives, Vansittart Papers, (hereinafter VNST) II 2/6

new challenges with the emergence of a refugee problem that grew as German racial policies were extended into first Austria and then Czechoslovakia and as authoritarian regimes in Poland and elsewhere threatened to follow suit in regard to their 'surplus' Jewish populations.

It would be by turning to immigration policy that Britain found itself responding when the new 'realism' had to deal with the consequences of rising minority persecution. Minorities faced a double bind: Western governments refused to intervene to try to halt persecution but then erected barriers when the result of that persecution turned into a refugee crisis. Relatively liberal immigration regimes in Britain and elsewhere in the nineteenth century had been the main outlet for Jewish and other persecuted refugees from Central and Eastern Europe. However, Britain's immigration policy had become increasingly restrictive since the first Aliens Act in 1905. War-time restrictions were renewed and extended in 1919, giving the Home Office additional powers to refuse entry, to target 'undesirables' and to deport any 'alien' who it considered at its discretion to be 'not conducive to the public good.' Jewish immigration became a joint concern of the Home Office and a range of private organisations, members of the Aliens and Nationalist Joint Standing Committee. By 1930, the immigration system had established three important 'rules' which, as we shall see, defined the British response to the persecution of German Jews: that Britain was not a country of immigration and that Jews should be allowed entry on the basis they were trans-migrants on their way to somewhere else (principally the USA or Palestine); second, that all costs related to their entry and stay were to be met by private organisations, which generally meant Anglo-Jewish organisations; and, third, that the Home Office should retain its absolute discretion in how it implemented immigration policy. These principles endured until the final months before the outbreak of war. Indeed, as the humanitarian demands of the refugee crisis increased, Britain's official response was to place more obstacles in the way of those seeking protection.⁴⁷²

At the same time as the system of minority protection in Europe presented new challenges, Britain also found itself directly responsible for resolving minority problems in its role as a mandatory power in the Middle East.⁴⁷³ In the aftermath of the First World War, Britain, along with some of the Dominions, France and Japan had been awarded mandates by the League Council for the administration of former German colonies and the former Ottoman Empire in the Middle East. The mandate arose from Article 22 of the League's Covenant which required that 'advanced nations' would be responsible for 'peoples not yet able to stand by themselves under the strenuous

⁴⁷² See Claudena Skran, *Refugees in Inter-war Europe*, (Oxford: Oxford University Press, 1995), p67

⁴⁷³ The minority problems that were to come with the end of Empire after WWII were also starting to perplex British policy makers in the round table discussions on the future of India.

conditions of the modern world.’ The ‘A’ Mandates, with which we are concerned here, were formed from the former Ottoman Empire areas which, ‘had reached a stage of development where their existence as independent nations can be provisionally recognised.’⁴⁷⁴ At the end of the war, Britain sought, and was awarded, the mandates for Palestine and Iraq. British motivations for seeking the mandates were essentially imperialist: both Iraq and Palestine were seen as necessary to support Britain’s imperial and global role, ensuring the security of communications with India and the East, and as such could not be allowed to fall under the control of other powers. However, the mandates represented an important distinction from other imperial responsibilities. For the first time, the exercise of Britain’s colonial administration was to be subject to independent oversight by the Permanent Mandates Commission (PMC) of the League. The effect of the mandate system was to internationalise administration over the mandated peoples – in the mandates it was no longer possible for a colonial power simply to pursue its own interests regardless of the views of other states.⁴⁷⁵

Both mandates for different reasons turned out to have a major challenge for British policy towards minorities: Palestine as potential source of refuge for Europe’s Jews; Iraq as a place of minority persecution. The terms of the British mandate for Palestine had been finally agreed with the League in 1922.⁴⁷⁶ It was in fact a ‘dual mandate’ seeking to serve both Jewish and Arab interests: aiming to satisfy Jewish aspirations for a homeland by ‘facilitating immigration’ but in a way that ensured ‘that the rights and position of other sections of the population are not prejudiced.’ Britain was also required to introduce self-governing institutions which would represent all sections of society - and inevitably be dominated by an Arab majority.⁴⁷⁷ The blatant contradictions of the mandate were to explode with Arab uprisings in 1929 and again in 1936, with important consequences for how Britain responded to the Jewish refugee crisis of the 1930s.

In Iraq, the situation was different but no less riven with beartraps for the future. The Treaty of Sevres had created the Iraqi state as an amalgam of minority populations but with no provision for minority protection. Britain had installed Amir Faizal as king and recognised Iraq as an ‘independent state’, subject to the terms of the Anglo-Iraq Treaty of 1922 which made clear that real power

⁴⁷⁴ Article 22 of the League of Nations Covenant

⁴⁷⁵ See Susan Pedersen, *The Guardians - The League of Nations and the Crisis of Empire*, (Oxford: Oxford University Press, 2015) for a comprehensive study of the mandate system, in particular the introduction

⁴⁷⁶ See Parliamentary Papers, *Mandate for Palestine*, Cmd.1785 (London: HMSO, 1922)

⁴⁷⁷ Article 2 of the Mandate: ‘The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.’

resided with British officials and was the basis for the mandate.⁴⁷⁸ Britain had sought the Iraqi mandate in order to address two pressing matters: securing access to the oil reserves in Mosul province; and ensuring the security of overland communications with India. The first was achieved by the Lausanne Conference and delimitation ruling by the League in 1925 which settled the northern border with Turkey and awarded Mosul to Iraq - which in turn awarded the Iraqi Petroleum Company sole exploration rights.⁴⁷⁹ The second was settled by the 1930 Anglo-Iraq Treaty which, when the mandate ended, gave Britain extensive rights to retain airfields in Iraq in return for putting the British air force at the disposal of the Iraqi state. Both of these developments were to contribute to the tragedy that befell the Assyrian minority in Iraq when the mandate ended in 1932 and Britain found itself having surrendered responsibility for a mandate but acquired responsibility for a minority.

The British response to the implications for minority protection of all of these challenges is the subject of this chapter.

Phase 1- The League on the Cusp 1930-33

The 1929 review of the minorities procedures of the League had confirmed that the existing system, with some minor changes around communicating outcomes, was to continue. The focus would remain on ensuring group rights of minority populations were protected until that protection was no longer required at some unspecified point in the future. It had been a triumph for the League Secretariat backed by Britain and France. Drummond, the Secretary General of the League, in a staunch defence of the status quo in the aftermath of the review warned that, 'those who insist on the whole loaf may well find that the present half or three-quarter loaf will vanish entirely', maintaining that the existing system was the best that was available.⁴⁸⁰ The 1929 review outcome had been a closer run thing than the League Secretariat had wanted and Drummond knew that the system relied very heavily on the goodwill and co-operation of member states. There seemed to be scope for optimism however that the position for minorities was improving: the number of petitions received by the League's Minorities Section from aggrieved minorities seeking redress fell sharply

⁴⁷⁸ Faizal had been previously expelled from Damascus by France after his declaration of a sovereign independent Arab state. Britain driven by a mixture of guilt over the non-fulfilment of promises made during the war and as the first step towards reducing the financial burden of maintaining order in Iraq, offered Faizal the throne of Iraq in 1920.

⁴⁷⁹ The Iraqi Petroleum Company was 50% owned by the British government.

⁴⁸⁰ Manuscript note by Drummond on Memorandum for Azcarate, 18 August 1930, LNA Carton R2156,

over the following years from a peak of 204 in 1930 to around 50 in 1933.⁴⁸¹ On the face of it, the system seemed in robust health.

The League's major preoccupation in 1930 was not with minorities but with its remit to deliver a general disarmament agreement. There was a widespread belief at the Peace Conference in 1919 that a primary cause of the First World War had been an arms race between the major European powers. Article 8 of the League Covenant had sought to address this by requiring each nation to reduce arms, 'to the lowest point consistent with national safety and the enforcement by common action of international obligations.' Implementation of this aspiration would require national governments to accept some constraints on national sovereignty in favour of the greater good. During the 1920s, action to deliver on this commitment had made limited progress. Britain, as ever, had been keen to minimise any constraints that could impact on its national interests and to that end had been instrumental in the demise of the proposed Geneva Protocol in 1924. On the other hand, Britain had been one of the architects in 1925 of the Locarno Treaty which in return for a limited British guarantee of France's Eastern frontier had secured German entry to the League system. The following years saw painfully slow progress on disarmament until in 1931 the World Disarmament Conference was summoned to Geneva.

Britain's position at the Conference was politically challenging. Domestically, public pressure to deliver on Article 8 was enormous and 'Britain had to be seen to support the cause of disarmament.'⁴⁸² However, the Service Chiefs, and the government to some degree, saw the risks as greater than the opportunities that would come from disarmament. The Disarmament Conference became bogged down in technical arguments over mechanisms for limiting or selectively banning arms and on the means of enforcing an agreement, which it was proposed would rely on League members placing their national defence capabilities at the disposal of the League. Inevitably this burden would fall mostly, and probably exclusively, on the major Powers. British defence spending had fallen year on year in real terms since 1926. However, by 1930, the Service Chiefs' view was that cost cutting had gone too far already and that Britain, 'was in a less favourable position to fulfil the Locarno guarantees' than it had been to come to the assistance of France in 1914.⁴⁸³ In this financially constrained environment, the established priorities of defence of the British Isles and the Empire militated against any new commitments to underwrite security on continental Europe. The Foreign Office by contrast argued that a greater continental commitment was unavoidable if Britain

⁴⁸¹ Statistical analysis of petitions received, LNA Carton R39309

⁴⁸² Zara Steiner, *The Lights That Failed*, (Oxford: Oxford University Press, 2005), p759

⁴⁸³ Chiefs of Staff Cabinet Sub-Committee, 'A Review of Imperial Defence', 29 July 1930, TNA CAB 4/20,

wanted to break the chain of insecurity: 'world recovery (the aim of our policy) depends on European recovery; European recovery on German recovery; German recovery on France's consent; France's consent on security (for all time) against attack.'⁴⁸⁴ The key issue was meeting French demands for security against German demands for 'equal treatment' which would require reopening the Versailles Treaty restrictions on German armaments and potentially territorial borders in Eastern Europe. The Cabinet, in the face of concerns about the potential for new obligations falling on Britain, declined to go along with any additional defence commitments – in the process shifting decisively away from the post-war consensus that had sought security within the collective framework of the League.⁴⁸⁵ This was a critical moment: British unwillingness to put its defence capability at the disposal of a collective guarantee of peace was a major factor in the lack of progress in the Disarmament Conference because without British support there could be no agreement. Talks continued with little tangible progress with the ultimate *coup de grace* provided by the rise of Hitler – who professed no interest in disarmament only in 'equal treatment'. By the end of 1933, the conference had lapsed into ineffectiveness – its ambition was simply too great and the sacrifices of national sovereignty too large for agreement to be reached. Failure effectively holed the League collective security system below the waterline and with it the credibility of other elements of the League project. The subsequent draining away of the League's authority was to prove rapid and permanent. The consequences for minority protection for the remainder of the decade would be profound.

Britain's attention on minority issues in the early 1930s was taken up not in the states of Eastern Europe but in the mandates. With access to Iraqi oil guaranteed and a defence treaty in the pipeline, the British began to sound out the League in 1928 on ending the Iraqi mandate and submitted a formal proposal to do so in 1929. Minorities issues dominated the discussion within the League on ending the mandate. Haller, of the League Legal Section, argued that Iraq should not be required to sign a minority treaty as such but, reflecting more recent practice, 'a simple declaration in the style of that made by Lithuania should suffice, given the liberal attitude to minorities as envisaged in the [Iraqi] Organic Statute of 1924.' Azcarate in the Minorities Section was not so sanguine, concerned that, 'the Organic Statute does not cover religious minorities protection.'⁴⁸⁶ He was right to be concerned.

⁴⁸⁴ The Foreign Office, 'Changing Conditions in British Foreign Policy', CP 301 (31), 26 November 1931, TNA CAB 24/225/1

⁴⁸⁵ Record of Cabinet meeting, 15 December 1931, TNA CAB 23/69/20.

⁴⁸⁶ Memorandum by Haller, 17 March 1928, LNA Carton S345

Nation state forming in Iraq found both Britain and Iraq grappling with the issues that had confronted the peacemakers in 1919, in particular who constituted an Iraqi and with what consequences for those left outside. Unlike the situation in Poland or Romania with German or Hungarian minorities, the issue was not so much about small populations with kin states on the borders but rather religious minorities, principally Christian Assyrians, in a state which identified itself as Arab and Muslim. There had been some discussion among British officials in the 1920s about creating an Assyrian autonomous statelet or region but that had made no progress.⁴⁸⁷ However, this left the Assyrians, as Mark Levene points out, doubly exposed, 'not only were they not Arab Muslims but they were not even from Iraq.'⁴⁸⁸ The 30,000 Assyrians in Iraq were part of a larger group that also extended across Turkey and Persia. They were the remnants of a population based in the Hakkari mountains in South-Eastern Anatolia that had numbered over 100,000 before the First World War but had suffered from the genocidal activities of the Ottoman state.⁴⁸⁹ The bulk of the Iraqi Assyrians found themselves in squalid refugee camps on the fringes of Baghdad. They had fought with the Allies against the Ottomans and regiments of Assyrians had been employed since the war essentially as a mercenary force to guard British airbases in Iraq. As soldiers, they had distinguished themselves and compared favourably with the performance of the nascent Iraqi army, in the process building a well of resentment that would later be played out in a series of atrocities. The Assyrians had wanted to return to the Hakkari mountains but Turkey had made the ominous threat that, 'the Turkish amnesty law did not cover the Assyrians who would not be permitted under any circumstances to enter Turkey and that any Assyrian who attempted to so enter would be punished.'⁴⁹⁰ The Foreign Office was able to deflect blame for the Assyrian's displacement onto the League for the inability of the Assyrians to return on the grounds that the League had left the Hakkari with Turkey when it settled Iraq's northern boundary following the conference of Lausanne. Subsequent events in Iraq suggest that moving the border would have made little difference to the security of the Assyrians.

As the date for the ending of the mandate drew closer, Britain increasingly saw the Assyrians as an irritation threatening to delay or thwart their plans -a contemporary observer noting that, 'the policy was not to support the Assyrians but to support the Arabs in the maintenance of the integrity of the

⁴⁸⁷ Sargon Donabed, *Reforging a Forgotten History*, (Edinburgh: Edinburgh University Press, 2015),p78

⁴⁸⁸ Mark Levene, *The Crisis of Genocide*, Vol.1, p295

⁴⁸⁹ David Gaunt, 'The Extermination of the Assyrians', provides a detailed explanation of the Assyrian genocide in Ronald Suny et al. (eds.), *Armenians and Turks at the end of the Ottoman Empire*, (Oxford: Oxford University Press, 2011), Chapter 11

⁴⁹⁰ Turkish Consul-General in Baghdad, June 1925. Quoted in *League of Nations Pamphlet No 5*, 'The Settlement of the Assyrians - a work of humanity and appeasement', June 1935, p12

Iraqi state.⁴⁹¹ The basis for the ending of the mandate was set out in the 1930 Anglo-Iraq treaty. It made no provision for minority protection. Britain sought to dismiss concerns that the Assyrians' position in Iraq might be untenable given their previous role as agents of the British state. Since an Assyrian homeland was not possible, the British government turned to 'Z Plan'.⁴⁹² This aimed to disperse the Assyrians across the North of Iraq as a sort of buffer force between Iraq and Turkey in an area claimed by the Kurds as their ancestral homeland and which was occupied by Kurdish tribesmen against whom the Assyrians had previously been used to undertake counter-insurgency activity directed in large part against the British authorities throughout the 1920s. Unsurprisingly, this plan made little progress. British officials now convinced themselves that they could trust the Iraqi authorities to ensure the Assyrians would have a secure place in the new state. In any event, the pressure to end the mandate on terms that would maintain close Anglo-Iraqi relations became more important than worrying about what might happen afterwards.

Ending the mandate required the appropriate recommendation of the PMC to the League Council. Sir Francis Humphrys, the British High Commissioner in Baghdad, was despatched to Geneva to make the case in June 1931. The discussion in the PMC focused heavily on concerns over minority protection and was supported by an active press campaign in Britain.⁴⁹³ The PMC discussed putting a League representative on the ground in Iraq to supervise minority protection after independence but the British representatives successfully argued this would be an intolerable interference in the internal affairs of Iraq. However, Humphrys, in response to continued pressure from the PMC, made a statement that was to come back to haunt Britain, 'His Majesty's Government fully recognises its responsibility in recommending that Iraq should be admitted to the League...should Iraq prove unworthy of the confidence which had been placed in her, the moral responsibility must rest with His Majesty's Government which would not attempt to transfer it to the Mandates Commission.' Immediately, the PMC rapporteur, Pierre Orts, 'expressed himself completely satisfied with this declaration...' and on that basis recommended the ending of the mandate. In the report to the Council, the PMC was clear that 'had it not been for this declaration, the Commission would, for its part, have been unable to contemplate the termination of a regime which appeared some years ago to be necessary in the interest of all sections of the population.'⁴⁹⁴ What Humphrys envisaged by his statement and on whose authority he made it was unclear but it was in the official record and there was no going back.

⁴⁹¹ Ronald Stafford, *The Tragedy of the Assyrians*, (London: George Allen and Unwin, 1935), p195

⁴⁹² Sargon Donabed, *Reforging a Forgotten History*, p79

⁴⁹³ See for example, 'Minority Rights in Iraq', *The Times*, 11 July 1931, p8

⁴⁹⁴ Special report by the PMC distributed to the Council, November 1931, LNOJ C.422.M 176.1931p2

The Assyrians were not so sanguine about what the future held. A petition was despatched by their religious leader, the Mar Shimum, to the PMC seeking its intervention, maintaining that, 'it is quite impossible for us to live in Iraq' and that, 'we are positively sure that if we remain in Iraq we shall be exterminated in the course of a few years.'⁴⁹⁵ The solution he sought was for the Assyrians to be allowed an autonomous region within Iraq, to emigrate to a third country or, failing either of those, to move to Syria under protection of the French mandate. The Iraqi position was that special treatment in Iraq was out of the question and that, 'it is in the interests of the Assyrians themselves that they should be satisfied with the rights safeguarded for them as Iraqi subjects...'⁴⁹⁶ This was a view endorsed by Humphrys whose sole focus was ensuring that the mandate ended on schedule, and who was clear in his own mind that if the Assyrians were left in a vulnerable position as a result of the ending of the mandate, then, 'the blame will be mainly for the Assyrians themselves' who by their actions were threatening to frustrate the ending of the mandate.⁴⁹⁷

However, the League Council was not prepared to dismiss the concerns altogether and fell back on Haller's proposal of 1928. It decided to make Iraq a Minority State, requiring the Iraqis to issue a Declaration of Guarantees. This was completed in May 1932 and aimed to provide minority protection and promote assimilation in the standard minority protection formula.⁴⁹⁸ The effect of the Declaration ensured the Assyrians were not stateless by granting statehood to all former Ottoman subjects resident in Iraq and then covering the range of standard protections and rights in the Minorities Treaties, including placing the Declaration under the guarantee of the League, so making the protection of Iraqi minorities a matter of international concern. Iraq requested to join the League in August 1932 and was admitted at the Assembly in October. The Assembly discussion to approve Iraqi membership focused again on the protection of minorities and Lord Cecil, the British representative assured the Assembly that, 'only after the fullest enquiries and on the strength of specific assurances had the British government come to the conclusion that the entry of Iraq into the League as a sovereign state would be to the advantage not only of Iraq but also the Assyrians', adding that, 'if anything went radically wrong the League could take action but personally he was

⁴⁹⁵ Letter Mar Shimum to the PMC, 12, October 1931, quoted in Sorgan Donabed, *Reforging a Forgotten History*, p96

⁴⁹⁶ Letter Nuri Pasha to Humphrys, 2 August 1932, TNA Colonial Office papers (hereinafter CO) 730/128/1

⁴⁹⁷ *ibid*, Letter Humphrys to Cunliffe-Lister, 3 August 1932

⁴⁹⁸ 'Request of the Kingdom of Iraq For admission to the League of Nations', 16 August 1932, LNOJ, 13: Doc A17.1932.VII section 4

sure that nothing of that kind would occur.’⁴⁹⁹ In any event, the League already knew that it could rely on Britain’s taking ‘moral responsibility.’

Independence still left the Assyrian situation unresolved. In June 1933, Britain and Iraq, tiring of his protests, colluded to arrest the Mar Shimun and deport him to Cyprus. Fearing a broader crack-down, a large group of Assyrians fled across the border to Syria which was under a French mandate. The French authorities panicked and after receiving assurances from the Iraqis that the Assyrians would not be harmed, pushed them back into Iraq where around 1,000 were promptly massacred by the Iraqi police and army, assisted by the RAF as requested under the terms of the Anglo-Iraq treaty.⁵⁰⁰ This assistance was provided by local commanders on the ground and caused much anxiety in the Foreign Office for how it would be regarded in the League.⁵⁰¹ Taking a leaf out of the Ottoman play-book, the Iraqi authorities initially denied there had been a massacre and then maintained that any action against the Assyrians was a result of provocation by the rebels. The reaction of Humphrys was to cover it up, ‘my belief is that the orchestra at Geneva should be prevented and not merely discouraged from starting a tune the last bars of which are likely to be played on a British bugle.’⁵⁰² Any chance of keeping the matter under wraps was, however, undone by the Iraqi decision to complain to the League about French support for the Assyrians in Syria.⁵⁰³ Britain now found itself on the wrong side of a League process from which it would struggle for the remainder of the decade to extricate itself. In return for avoiding a damaging inquiry, Britain accepted the responsibility for finding a place of refuge for the Assyrians outside Iraq - having decided that the Declaration of Guarantees was after all worthless and a solution within Iraq was not possible. Marginalisation followed by population transfer, rather than protection in accordance with the Declaration of Guarantees, was to be the fate of the Assyrians. Finding a solution quickly and avoiding further massacres became the British priority. The Assyrians had become a matter of international concern and the focus of that concern was on Britain not Iraq.

Britain’s other ‘A mandate’ was in Palestine. In August 1929 the so called ‘Wailing Wall’ riots had erupted across Palestine. Ostensibly these were over access to the sacred sites in Jerusalem but the underlying issue was Arab concerns over Jewish immigration and Britain’s lack of progress in developing self-governing institutions, prompting a fear among Arab leaders that these would not

⁴⁹⁹ Minutes of third meeting of Sixth Committee of the Assembly, 1 October 1932, LNOJ Special Supplement 14, 1932, p15,

⁵⁰⁰ Ronald Stafford, *The Tragedy of the Assyrians*, p195

⁵⁰¹ Foreign Office, Note to Ramsey Macdonald, August 1933, TNA FO 371/16884, E44027.

⁵⁰² Letter Humphrys to Simon, 11 September 1933, TNA FO 371/16889, E 5331

⁵⁰³ Ogilvie Forbes to Foreign Office, 7 August 1933, TNA FO 371/16884, E4407

appear before or until there was a Jewish majority. The riots prompted a review of British administration of the mandate. The Shaw Commission, which published its report in March 1930, was broadly sympathetic to Arab concerns and recommended a much tighter immigration regime – which given the numbers were already very low would have effectively ended Jewish immigration.⁵⁰⁴ A special session of the PMC in June 1930 discussed the report, disputed the conclusions and was heavily critical of Britain's overall conduct of the mandate. The PMC came down on the side of re-emphasising the commitment to a Jewish homeland and sought a more liberal not more restrictive immigration regime. The PMC had been heavily lobbied by Zionist groups but its recommendations mattered and Britain could not reject them entirely at the subsequent League Council. The final response was set out in a British government policy paper in October 1930, which explained how the mandate was to operate going forward.⁵⁰⁵ On the key issue of Jewish immigration, the policy was a compromise with the PMC which aimed to limit immigration to 'the economic capacity of the country at the time to absorb new arrivals.'⁵⁰⁶ Crucially, the level of economic absorption capacity was to be at the discretion of the British High Commissioner. The problem was that it was not a particularly objective test – the reality was that immigration provided a mini-economic boom in Palestine which meant that on purely economic grounds the ability to absorb higher numbers of immigrants was likely to grow year by year. Initially the new immigration policy was no constraint as numbers remained at levels which while noticeable were not transformative. In 1931 only 6,000 immigrants arrived.⁵⁰⁷ However, as Jewish persecution increased across Europe after 1933, demands for places of refuge in Palestine increased. The operation of the mandate became intimately linked to British and other European responses to the emerging refugee crisis from Germany. The Shaw Commission review had not resolved anything and the issues were to come back with much greater force.

The League Minorities Section had first received letters in 1931 raising concerns over emerging anti-Semitic activities in Germany and asking for action to be taken.⁵⁰⁸ The League fell back on the argument, which it stuck to throughout the 1930s, that as Germany was not a signatory to a Minority Treaty - apart from the small region of Upper Silesia - complaints about the persecution of minorities within Germany were outside its competence. Responding to reports of Jewish

⁵⁰⁴ Immigration averaged c4,000 pa in the years from 1926 to 1930. Source: Yehoshua Porath, *The Emergence of the Palestinian-Arab National Movement*, (London: Frank Cass, 1996), pp17-18

⁵⁰⁵ Parliamentary Papers, *Palestine: Statement of Policy*, Cmd. 3692 (London: HMSO, 1930),

⁵⁰⁶ Baron Passfield, 'Palestine: Statement with regard to British Policy', 9 May 1930, TNA FO 371/14493, CP 151 (30)

⁵⁰⁷ Yehoshua Porath, *The Emergence of the Palestinian-Arab National Movement*, pp17-18

⁵⁰⁸ LNA Carton R2166 contains letters from Jewish groups in 1931-32

persecution in Germany was a challenge for the League and later for Britain, in large part because the problem was completely outside their normal terms of reference. There was no precedent for dealing with an established 'civilised' European state pursuing a deliberate policy of minority persecution. Falling back on the argument about the primacy of national sovereignty, except where a state had explicitly agreed to limit it as in the case of the Minorities Treaties, seemed to offer a way out. Recourse to the same argument was adopted by Britain to justify not raising an issue that might otherwise have cut across the search for the elusive security settlement.

British social attitudes towards Jews were complex and frequently lacking in sympathy. Whilst there was in reality little of the extreme prejudice and violence seen in central Europe, historian Tony Kushner identifies two dominant strands in British attitudes: a conservative view that regarded Jews as not really British and which supported immigration policies that had a specific anti-Jewish bias; and a liberal view, which was more consistent with the underlying expectations of the post-war minority system, which expected that in return for a relatively generous asylum system Jews should assimilate into British society – that is, remove any overt signs of their Jewish distinctiveness.⁵⁰⁹ Kushner maintains that there was an underlying prejudice in official circles that, to some degree at least, the Jews had brought their grief on themselves, which influenced how successive governments responded to the emerging crisis and there are numerous examples in the archives of comments from officials which would endorse this.⁵¹⁰ These attitudes were not the proximate cause of the policy towards Jewish refugees adopted after 1933 but they were the supporting structures that enabled the policy to be maintained with little opposition.

The first Cabinet discussion on the position of Jews in Germany took place in April 1933 soon after Hitler's accession.⁵¹¹ From this point, Britain focused on the consequences of German policies rather than trying to tackle the causes of persecution at source. The decision was taken that persecution of Jews in Germany was an issue of immigration policy rather than minority protection and should not be allowed to detract from Foreign Office attempts to reach an understanding with Germany. The discussion in Cabinet set the policy that was broadly to apply for the remainder of the decade. There was no question of allowing 'indiscriminate admission from Germany.' Britain would 'maintain the

⁵⁰⁹ Tony Kushner and Kenneth Lunn (eds.), *The Politics of Marginality* (London: Frank Cass, 1990), Chapter 10, p145

⁵¹⁰ See for example, note from Parkinson, PUS Colonial Office, 25 July 1938, CO 323/1606/1, 'We have no particular dislike of Jews here, not because we are very much nicer than other people, but because the English Jew has never overplayed his hand...'

⁵¹¹ Minutes of Cabinet meeting, 12 April 1933, TNA CAB 23/75/27

existing [immigration] arrangements for the time being and see how the situation develops.⁵¹² The Home Office was to take the lead as the owners of immigration policy. The Cabinet was determined that refugees would not 'become a burden to the community' and that a 'Jewish problem' would not be allowed to develop in Britain because the 'wrong' type of refugee was allowed in or the numbers arriving were too great.⁵¹³ The offer by Otto Schiff on behalf of various Jewish organisations that 'all expenses [for refugees] whether in respect of temporary or permanent accommodation or maintenance will be borne by the Jewish community without ultimate charge to the state' was in line with previous policy to ensure Jewish immigration was privately funded and became the settled position.⁵¹⁴ In reality during 1933 at least the issue in Britain was not, as Greg Burgess maintains, the numbers of migrants, so much as 'the response to them.'⁵¹⁵

The overriding Foreign Office concern was to ensure that any response to persecution of the Jewish minority in Germany should not be allowed to get in the way of the bigger prize of an improvement in Anglo-German relations. The Foreign Secretary, Sir John Simon, was firmly opposed to any suggestion that 'the League should consider a measure of assistance to German nationals leaving Germany' since he believed that such assistance 'would be regarded as an act of unwarranted interference if not of hostility...'⁵¹⁶ Britain was determined from the start that the response to Jewish persecution in Germany was to be a matter for individual national governments not the League. The Foreign Office advice to Cabinet in the light of the first trickle of refugees in July 1933 was that Britain should not take a position in the League on behalf of the German Jews on the grounds that, whilst 'the number of such refugees is very small ... the competent authorities have no desire to see it increase.'⁵¹⁷ So, the policy was set: the primary focus was to avoid causing any deterioration in Anglo-German relations but also to ensure Jewish persecution did not become a British problem, relying on the Home Office and the existing panoply of immigration laws – while any Jews that were allowed entry would be paid for by their co-religionists.

Whilst the Cabinet had no wish to make German racial policies a League issue, and indeed would go out of its way to try to keep the League at arms-length, it could not avoid League involvement altogether. The first League engagement came when Germany tried to extend its anti-Semitic

⁵¹² Minutes of Cabinet Committee On Aliens Restrictions, 7 April 1933, TNA CAB 27/549, AR (33), p6

⁵¹³ The Jewish population in Britain in 1930 was very small, c.300,000

⁵¹⁴ Letter from Otto Schiff to Home Office April 1933, TNA Home Office Papers (hereinafter HO) 213/1627

⁵¹⁵ Greg Burgess, *The League of Nations and the Refugees from Nazi Germany*, (London: Bloomsbury, 2016), p22. The total number of refugees admitted to Britain in 1933 was 3,000 of the 60,000 who left Germany in that year.

⁵¹⁶ Letter Simon to Samuel, 20 May 1933, TNA FO 371/16724 , No 4559

⁵¹⁷ Sir John Simon, Memorandum, July 1933, TNA FO 371/16756

legislation into Upper Silesia but was forced to back down following a reference by the Council in June 1933 to the Permanent Court of International Justice.⁵¹⁸ Then, in October 1933 at the League Assembly, German Jewish persecution became a focus of debate. The meeting was notable for three reasons: it was the last time that Germany played any direct role in a discussion of minorities in the League; it was the only time that there was concerted criticism by the other powers, including Britain, of German treatment of its Jewish minority; and, it resulted in the establishment of a new international body to deal with the immediate problems of Jewish refugee settlement.

Von Keller, the German representative, raised the whole question of minorities in the Sixth Committee of the Assembly strictly with a view to the German minorities in Poland and elsewhere. He called again for a Permanent Minorities Commission and then launched into a defence of Nazi racial policies. It was a wide-ranging argument for racial homogenisation in Central Europe: 'we must make up our minds to treat the disease', arguing that 'the very fact that [members of an ethnic group] belong to a nation means that nation has a natural and moral right to consider that all its members - even those separated from the mother country by state frontiers - constitute a moral and cultural whole.' This was a clear challenge to the whole minority system, by arguing that it was not the host country but the kin state that had responsibility for minorities, and, by implication, challenging the maintenance of the territorial settlement of the Treaty of Versailles. Von Keller went on to assert that, 'we are opposed in principle to any kind of assimilation because it is our belief that nations have their own cultural peculiarities.' As for the position of Jews in Germany however, 'the Jewish Question is a peculiar problem of race and must not be connected with the general question of minorities.' Keller's solution was to replace the minority system with bilateral agreements between states - which would have left the Jews completely unprotected since they lacked such a state with which to enter into an agreement.⁵¹⁹ Ormsby-Gore, the British representative, on his own initiative and against his instructions from London, took the opportunity to deliver a trenchant demolition of Keller's arguments - the only time a British Minister did this.⁵²⁰ Ormsby-Gore dismissed the 'concept of the state based upon racial homogeneity' and disputed that, 'a state had the right and duty to concern itself with the citizens of another state who belonged to the ethnical compost of the state in question.' On the position of German Jews he argued that, 'we must regard the Jews,

⁵¹⁸ The Bernheim case led to Germany agreeing not to introduce its racial laws in Upper Silesia until the Upper Silesia Convention ended in 1937

⁵¹⁹ Minutes of Sixth Meeting of the Sixth Committee, 4 October, LNOJ Special Supplement 120, 1933, pp32-42

⁵²⁰ Cadogan diary entry for 4 October 1933, records the decision to respond to von Keller's speech, 'notwithstanding we had just received telegram from FO telling us to be tender with the Germans over Jews.' Churchill College Cambridge Archives Alexander Cadogan Papers (hereinafter CC/ACAD) 1/1/1933

not merely in Germany but elsewhere, quite definitely as a racial minority' and therefore meriting the interest of the League. He argued that all states had an obligation to treat citizens equally regardless of whether they had signed a minority treaty and called on the Assembly to recommend to the Council that it reiterate the Council Declaration of 1922 that expressed 'the hope that the states which are not bound by local obligations to the League with respect to minorities will nevertheless observe ...at least as high a standard of justice and toleration as is required by any of the treaties ..' This was accepted by all Assembly members with the exception of von Keller who regarded this as, 'directly referring to the Jewish question in Germany and it was therefore impossible ... to agree to this proposal.'⁵²¹ By the time the matter got to the Council meeting in January 1934, Germany had given notice of its intention to leave the League and there was no appetite to do anything that might upset the German government or prevent it having a change of heart and returning to the League. The Council merely noted the Assembly discussion and thereby signalled the position of Jews in Germany was a matter for national governments.⁵²²

The one practical measure that came out of the Assembly meeting was the result of a Dutch proposal aimed at trying to find a burden sharing mechanism to deal with the impact of Jewish refugees from Germany. This discussion set a tone that was entirely consistent with official Foreign Office policy – focused not on German policy but rather the consequences. In introducing the proposal, the Dutch delegate explained that, 'we have no wish to examine why these people have left this country...for us it is a purely technical problem' about how to share the burden away from the border states where the refugees were concentrated.⁵²³ The reality was that it was actually a political not a technical problem as the parallel discussion in the Sixth Committee had shown. The Dutch approach centred on the establishment of a High Commissioner to co-ordinate responses to the refugee problem. The British delegation was told to 'refrain from too explicitly associating itself with [the Dutch proposal] and from taking the lead in any way', and, that behind the scenes, it 'should use its influence... to veto proposals ... which might read as criticising the policy and actions of the German government.'⁵²⁴ This was the new policy in action and Britain was determined the High Commission should not look like the League's Minorities Section, the remit of which had included direct negotiations with the Minority States. In the event, the Assembly did agree to establish the League High Commissioner for Refugees (Jewish and Other) from Germany. But it was the 'paper tiger' for which Britain had been lobbying. Under the threat of a German veto of the

⁵²¹ Minutes of Sixth Meeting of the Sixth Committee, 4 October, LNOJ Special Supplement 120, 1933, pp32-42

⁵²² Minutes of 78th Session of Council, Third Meeting, 18 January 1934, LNOJ, 15:1, p136

⁵²³ Fourth Plenary Session, 29 September, LNOJ Special Supplement 115, 1933, p48

⁵²⁴ Telegram Simon to Ormsby-Gore, 3 October 1933, TNA HO 45/15882, Doc 666764/39

whole scheme, it was agreed that that the High Commission would not be part of the League institutional infrastructure or funded by the League.⁵²⁵ The Council gave the body only three functions: to conduct negotiations with *receiving* countries; to co-ordinate the work of private organisations to provide relief; and, to help private organisations raise funds. Whilst it was established by a League resolution, the body itself was to sit outside the League, both organisationally and physically, being based in Lausanne (and later London) with its own Governing Body. It was not allowed to undertake direct discussions with Germany.

The first High Commissioner was James McDonald, an American academic and foreign policy specialist, who had travelled extensively in Germany during 1933 including a meeting with Hitler. He had few illusions about the nature of the Nazi regime. His appointment stemmed from a 'belief that it would draw America more closely into European affairs' and that he would be able to tap into the alleged vast financial resources of American Jewry – in both cases opportunities to reduce the costs for European states of dealing with refugees.⁵²⁶ His activism soon frightened the British who sought to marginalise him when he started to push for direct access to the German Government to deal with the issue at source - for fear it would put obstacles in the way of British attempts to engage with the German government. The appointment of Lord Cecil as Chairman of the High Commission Governing Body ensured that Britain retained control over the direction of its work. In advance of the first meeting of the Governing Body, Britain reconfirmed its anti-immigration position and extended it to the broader Empire, with the Colonial Office advising that immigration to the colonies offered 'very little scope for the immigration of persons of a white race' and it 'could not contemplate any departure from the policy relating to Palestine'⁵²⁷ McDonald had been firmly told, and accepted, that immigration policy in Palestine was off limits for the High Commission.⁵²⁸ The briefing for Lord Cecil for the first meeting of the Governing Body advised that, 'we most certainly do not want present numbers [of Jews] increased and it is our policy... to do nothing to encourage further immigration.'⁵²⁹ But the Foreign Office went further in wishing to rein in the High Commission and not allowing it to complicate relations with Germany, advising Cecil that, 'it is evident that there will be grave disadvantage in any recommendations... likely to provoke

⁵²⁵ Ninth Plenary Session, 11 October, LNOJ Special Supplement 115,1933, p90

⁵²⁶ Greg Burgess, *The League of Nations and the Refugees from Nazi Germany*, p8

⁵²⁷ Memorandum of 28 November 1933 attachment to Letter Williams to Perowne. TNA HO 45/15883, Doc.66674/78. The Empire was repeatedly seen as a solution by the rest of the League to minority issues and repeatedly rejected as such by Britain and the Dominions.

⁵²⁸ *ibid*

⁵²⁹ Letter Perowne to Parke, 4 December 1933, TNA HO 45/15883

resentment in Germany' and that Cecil 'should therefore use his influence to prevent developments of this nature.'⁵³⁰

So, by the end of 1933 the basis of the post-war settlement seeking to impose order between and within nation states was coming under attack from all sides. The collapse of the disarmament conference had left the League suddenly and mortally wounded. British policy pivoted away from the League and its liberal minority protection arrangements. Britain found itself unable to operate with the same freedom of manoeuvre when it came to the mandates and these proved to be an enduring source of difficulty. In the Foreign Office the focus was on achieving a security settlement in Europe and minority protection was not to be allowed to get in the way.

Phase 2: Searching for alternative solutions 1933-37

The twin blows of the collapse of the World Disarmament Conference and the German announcement of its intention to withdraw from the League in the Autumn of 1933 forced a realignment of British foreign policy. The Foreign Office recognised the momentousness of these developments, with Sir John Simon warning the Cabinet that, 'the value of the League of Nations as an effective international influence threatens to be reduced to vanishing point...If these institutions and ideas collapse moral authority will be no substitute for sufficient armed strength.'⁵³¹ And he was correct. The authority of the League drained away almost immediately with important consequences for minority protection. The rest of the decade was a search by successive British governments for an alternative policy to the collectivism of the League that could deliver security to Britain and bind Germany back into the international system.

The actual policies to be adopted and the implications of an alternative European security strategy to collective security divided the Cabinet. The 'new realism' that emerged would see a reaffirmation to the old policies of pursuing national interests first and subordinating minority protection and humanitarian intervention to Britain's overarching strategic objectives. Intervention to tackle the causes of minority persecution was explicitly ruled out. Minorities' issues would not be allowed to get in the way of British strategic objectives.

⁵³⁰ *ibid* FO briefing for Lord Cecil, 1 December 1933

⁵³¹ 'Consequences of the breakdown of the Disarmament Conference', March 1934, VNST II 2/6 CP 68(34)

The first step was to confirm that the League no longer offered a solution to British security concerns. The Cabinet Committee on Disarmament in May 1934 agreed that continuing with multilateral disarmament talks was pointless in the absence of Germany but it also argued against reverting to a policy based on a Western European alliance by going beyond Locarno in terms of a commitment to France and the Low Countries.⁵³² Given the extent of imperial commitments and the financial constraints faced by Britain, a reversion to 'splendid isolation' was not a credible position. The Service Chiefs the following month, in something of a *volte face* from their earlier views, pointed out that in the absence of collective security, Britain could not avoid European engagement. The defence of the British Isles depended upon preventing German control of the Low Countries and if this could not be achieved through general disarmament then Britain needed to look to rearmament and to entering 'into a conversation with the French and Belgian governments with a view to reaching some sort of military understanding.'⁵³³ The aim was no longer disarmament but sharing the burden of rearmament. It marked a significant retreat from the larger aspirations of the Disarmament Conference back to something much closer to Locarno or even the pre-1918 balance of power politics that the League and its workings were supposed to have rejected forever. The approach suggested by the Services was broadly supported by the Foreign Office which also recognised that a commitment to France and the Low Countries meant that, 'at the present time no developments can be foreseen which would enable us to avoid the re-equipment of defence forces.'⁵³⁴ Politicians knew that it would be electoral suicide to admit this. The Service Chiefs made a nod to this by cautioning that, 'the moment has not yet however come... the great mass of popular opinion in this country would not tolerate any alliance that might tie our hands.'⁵³⁵

So the scene was set for years of indecision and prevarication: politicians no longer had faith in the League and were unwilling to rely on it but were also not prepared to engage with the public on the implications of that. Instead they pursued a policy that had as its goal a European settlement but lacked any clear means as to how that might be achieved or the measures that should be taken if it could not. Baldwin even stated in the 1935 election campaign that, 'I give you my word that there will be no general rearmaments.'⁵³⁶ The only way in which that statement could be justified was to find the elusive 'all in' settlement in Europe or to take active measures to re-establish the authority of the League. The search for the former dominated successive governments. The latter was never

⁵³² *ibid*, Report of Committee on Disarmament, 9 May 1934

⁵³³ *ibid*, 'Draft report on Defence Requirements', June 1934

⁵³⁴ Maurice Hankey, 'Defence Requirements' August 1934, VNST II 2/5 CP 205 (34)

⁵³⁵ *ibid*

⁵³⁶ Quoted in Charles Mowat, *Britain Between The Wars*, (London: Methuen 1983), p553

seriously entertained. Instead, British governments publicly continued to make general gestures of support for the League whilst agreeing priorities and pursuing policies that acted to undermine its institutions. It was only in 1936 after the Abyssinian Crisis, which exposed that the Covenant Article 10 mutual guarantee against aggression was worthless, and the remilitarisation of the Rhineland by Germany in defiance of the Treaty of Versailles, that the British government definitively and publicly accepted that collective security was a dead duck and that an alternative strategy was required.⁵³⁷

The Abyssinian Crisis prompted a Cabinet discussion on reform of the League of Nations. It concluded that the League no longer offered any solution to the major challenges of British foreign policy. Sir Thomas Inskip, the Minister for Co-ordination of Defence, insisted that the government should officially reject collective security and adopt a policy focused on a very narrow definition of national interest, making, 'a declaration of intention to co-operate with other nations in protecting common interests as to which each nation will be its own judge.'⁵³⁸ Both the Foreign Office and Colonial Office argued for the retention of a League but a permanently weaker and less ambitious institution rather than an activist body prepared to take action to preserve peace and enforce agreements - in essence going back to something much closer to the Ambassadors Conference type of arrangement that Lloyd George had initially argued for at the peace conference in 1919.⁵³⁹ The consequences for the League and its institutions was fatal. The new states in Central and Eastern Europe could see that they could not rely on the League for their own security and there was therefore less reason to comply with other League institutions, including minority protection. The ability of the League to be the guarantor of the Minorities Treaties was only as good as the willingness of its members to give effect to that guarantee. By 1936 it was clear that guarantee lacked force. The implications for minority protection were ominous.

In the Minority States, the mid-1930s saw the rise of populist and anti-democratic politicians in Eastern Europe and their de facto withdrawal from the League minority system. Petitions received by the League Minority Section fell away dramatically from 66 in 1934 to only 14 in 1937 – not because the situation had improved but because the League was regarded as ineffective and irrelevant.⁵⁴⁰ Relations between the larger countries in Central Europe – Poland, Romania, Hungary and Czechoslovakia - were poor and the situation was inherently unstable. The position for minorities, especially Jewish minorities, deteriorated significantly. The major Powers, Britain

⁵³⁷ *Hansard*, HC Deb, 23 June 1936, Vol 313, cc1719-1730 Speech by Baldwin

⁵³⁸ Minutes of Cabinet meeting 20 August 1936, TNA CAB 24/263/53

⁵³⁹ Anthony Eden, 'Reform of the League of Nations', 26 August 1936, TNA CAB 23/85/9, CP 28 (36)

⁵⁴⁰ Statistical analysis of petitions received from 1933 onwards, LNA Carton R3930

included, chose not to take a strong supportive position when the League system of minority protection came under attack from the Minority States.

The initial breach came with Poland in 1934, the country which in 1919 had been the first signatory of a Minority Treaty. In January 1934, Germany and Poland agreed a bilateral Treaty of Non-Aggression. It did not mention minorities specifically but stressed that going forward, 'both governments announce their intention to settle directly all questions of whatever sort which concern their mutual relations.'⁵⁴¹ The disputes that had poisoned German-Polish relations in Upper Silesia were now to be dealt with between the two governments directly rather than through League mechanisms. Having settled issues with Germany, Poland then challenged the whole system of minority protection when in September 1934 Foreign Minister Beck felt emboldened to announce to the League Assembly that, 'pending the introduction of a general and uniform system for the protection of minorities my government is compelled to refuse, as from today, all co-operation with international organisations in the matter of the supervision of the application by Poland of the system of minority protection.'⁵⁴² Poland was linking continued compliance with the Minority Treaties to a condition that Poland knew would not be accepted by non-treaty countries. Both Eden and Simon raised objections immediately, Simon insisting that, 'it would not be possible for any state to release itself from obligations thus entered into by unilateral action.'⁵⁴³ But having re-asserted that the existing system was to continue, no sanction was brought when Poland ignored the protests. Britain was not prepared to go beyond diplomatic protest. The League's inability to protect minorities going forward was laid bare.

Over the next three years, the Polish government's national priorities, based on the ethnic homogenisation of Polish society and a working relationship with the new regime in Germany, took precedence over minority protection. The ending of the Upper Silesia Convention in July 1937 saw Germany immediately extend its racial laws into Upper Silesia as it had wanted to do in 1933 but had been prevented by the League decision in the Bernheim case. The final breach with the League system came when Germany and Poland agreed a bilateral treaty on minorities in November 1937. The new treaty rejected the Minority Treaties, agreeing that the focus should not be on assimilation but on preserving differences, having nothing to say on political rights or on Jewish minority rights.⁵⁴⁴ The position of Jews in Poland, which had been on a broadly improving trend in the 1920s,

⁵⁴¹ Text of German Polish Agreement 26 January 1934, British War Blue Book, (London: HMSO, 1939), pp1-2

⁵⁴² Minutes of Fourth Plenary Session, 13 September 1934, LNOJ Special Supplement 125, p43

⁵⁴³ *ibid*, Minutes of Fifth Plenary Session of Assembly, 14 September 1934, p47

⁵⁴⁴ Memorandum by Daler to Abraham, 10 November 1937, LNA Carton R3950

deteriorated markedly as they found themselves marginalised and excluded from Polish society.⁵⁴⁵ Polish anti-Semitism was not a question of copying Nazi policies - it had long predated the rise of Hitler but its worst elements had been kept in check by the League and by the Pilsudski regime. Pilsudski's death in 1935 marked a dramatic worsening of the situation as the new regime started to look at options to exclude from Poland its 'surplus Jewish population.' The Catholic Church launched a campaign to 'de-Judaicise' Poland in February 1936, demanding an intensified economic boycott of Jewish businesses. In the Polish Parliament attempts were made to exclude Jews from large swathes of Polish society. All of this was accepted without demur by the British government until calls for mass expulsions of Jews, the next stage in the ethnic cleansing of Polish society, and Beck's demand for a role on the PMC in an attempt to open up Palestine to mass immigration of Jews from Poland, raised alarms in Britain – not so much about the persecution per se but rather because of the impact it could have on British attempts to deal with the refugee crisis arising from German persecution of Jews.⁵⁴⁶

As in Poland so in Romania. Romanian anti-Semitism had a long and deep history. In many ways it had become the defining characteristic of Romanian nationality: to be a Romanian was to be an anti-Semite. Laws designed to give Jews citizenship and which had been introduced only after great pressure from the Powers, were never applied universally or equitably. Jews in the new territories which Romania acquired in 1919 as a result of the Peace Treaties continued to face endless bureaucratic obstacles to acquiring citizenship. The Depression had been catastrophic for the Romanian economy with national income falling by 45% in the period 1929-32.⁵⁴⁷ Blame was directed at the Jewish community and 'Jewish domination' of industry and the professions. Steps were taken to marginalise Jews, who were subject to renewed restrictions on access to universities and the professions. In May 1935, Romania advised the League Minority Section that it was 'withdrawing co-operation with the minorities regime'.⁵⁴⁸ It did not make this public and the League maintained the fiction that its processes continued, 'with or without the observations of the Romanian Government' but by now the League guarantee had become an irrelevance for the minorities of Eastern Europe.⁵⁴⁹ Matters took a decided turn for the worse in the second half of the 1930s with the rise of authoritarian, and briefly openly fascist parties, in Romania and which in

⁵⁴⁵ See for example, Edward Wynot 'A Necessary Cruelty: The Emergence of Official Anti-Semitism in Poland, 1936-39', *American Historical Review*, 76:4, 1971, pp1035-58

⁵⁴⁶ Susan Pedersen, *The Guardians*, p374

⁵⁴⁷ William Brustein and Amy Ronkvist, 'The Roots of Anti-Semitism: Romania before the Holocaust', *Journal of Genocide Research*, 4:2, 2002, p216

⁵⁴⁸ Minorities Section, Memorandum of 6 November 1935, LNA Carton R3892

⁵⁴⁹ *ibid*

December 1937 implemented a wide range of anti-Semitic legislation including invalidating Jewish citizenship for over 200,000 Jews. As in Poland, the Romanian government began to lobby to be able to remove its 'surplus Jewish population' to Palestine.

If the League's ability to guarantee the Minorities Treaties had collapsed and the Minority States called the League's bluff over its guarantee of the Treaties, the minority problems which occupied Britain directly continued to resist an easy solution. The international response to the Assyrian massacres in 1933 was twofold: first, both the League and Britain agreed, that notwithstanding the promises in the Declaration of Guarantees, achieving protection for the Assyrians had to change from protection within Iraq to a programme of population transfer to a different country. Mass transfers of whole population groups were controversial but had been pursued before by the League before and with British encouragement, most notably in the massive population exchanges between Greece and Turkey in 1923. On this occasion, the League declined to assume responsibility for the Assyrians, looking to Britain instead to meet its 'moral responsibility' towards the Assyrians as it had promised in 1931 and to find an alternative home where the community could be protected from persecution. As matters dragged on, League Council discussions reflected a growing concern that all that was happening was potentially moving a persecuted minority population from one state to become a persecuted minority in another state. Unlike the Greece-Turkey arrangements there was no kin state to which to transfer the Assyrians. The League Council insisted that there would be no repeat of the criticisms that had arisen in relation to the expulsion of the Greek community from Turkey and that in this case, 'emigration should be entirely voluntary.'⁵⁵⁰ So Britain not only had to find a new home but one to which the Assyrians wished to go. In the event, that turned out to be the least of Britain's concerns. There was no suggestion that Britain itself might be that destination but rather a global search was initiated. The costs of failing to ensure that the Assyrians were properly safeguarded at Iraqi independence were starting to look very high.

Dealing with the Assyrian situation had Cabinet involvement almost from the start reflecting the potential international embarrassment factor and a recognition early in 1934 about the complexity of the challenge.⁵⁵¹ The first offer for potential settlement came from the government of Brazil but by May 1934, that proposal was withdrawn in the face of public opposition from within Brazil. A suggestion by the League that Palestine might be an alternative destination was quickly rejected by

⁵⁵⁰ 'Settlement of Assyrians of Iraq', Record of Fourth meeting of 78th Session of Council, 18 January 1934, LNOJ 15:1, C.69.1934.V11,

⁵⁵¹ Sir John Simon, 'The Assyrian Question – The Present Position', 18 January 1934, TNA CAB 24/247/17, CP 17 (34)

Britain which had no wish to add to the already volatile mix there.⁵⁵² The Empire was approached but a heartfelt appeal to the Dominions to take the Assyrians, 'on moral grounds, on political grounds and on grounds of pure expediency' made no headway.⁵⁵³ As matters dragged on and a solution continued to be elusive, it was accepted that choice was not going to feature for the Assyrians. If a home could be found then compulsion would follow. The Whitehall inter-departmental committee looking at the problem latched onto British Guiana as a potential solution when it was discovered that it was being considered as an outlet for Jewish emigration from Germany. As far as the government was concerned, 'the problem of finding a place where the Assyrians could settle is of vastly more importance than the problem of German refugees and of course must take priority.'⁵⁵⁴ A fact-finding mission was despatched to confirm the suitability of the area. Unfortunately, the mission found that the proposed area was a malaria-ridden swamp and 'concluded that any attempt to establish the Assyrians as cattle ranchers under existing conditions would be disastrous.'⁵⁵⁵ The search continued with the Cabinet ruefully acknowledging that, 'the Assyrian difficulty ought to have been more clearly foreseen and provided against by HMG before the termination in 1932 of the mandatory regime ...'⁵⁵⁶ In view of the lack of alternatives, attention turned to the French mandated territory of Syria where there was already a large Assyrian presence in the refugee camp of Khabour as a result of the initial persecution in Iraq. It had the advantage of proximity and also the French mandate in Syria meant there was less likelihood of another massacre. Discussions opened with France on a possible extension of the refugee camp at Khabour to take all the refugees and to make it permanent. The French offered instead an unpopulated area in the Gharb Plain in Syria which the British gratefully accepted before realising that to make it suitable for human habitation would require a vast amount of investment.

The transfer to the Gharb was to take place in two stages: first to the existing camp at Khabour as a holding area and then in stages to the Gharb. The first group of 6,000 Assyrians moved to Khabour in September 1935 but moved no further. By July 1936 the Council reported 'the definite abandonment of the plan for the settlement of the Assyrians of Iraq in the Ghab Plain' as it became clear that it was impractical.⁵⁵⁷ The numbers in Khabour continued to increase reaching about 10,000 by mid-1937. Food shortages and malaria were rife. This had the potential to become

⁵⁵² Colonial Office, File Note, May 1934, TNA CO 732/63/8

⁵⁵³ Dominions Office, File Note, 11 July 1934, TNA Dominion Office records (hereinafter DO) 35/162/3

⁵⁵⁴ Letter Jones to Maffey 11 July 1934, TNA CO 323/1270/1

⁵⁵⁵ 'Settlement of Assyrians of Iraq', Minutes of Fourth meeting of 78th Session of Council, 17 May 1935, LNOJ Vol 16:5, C. 211.m. 110.1935.vii

⁵⁵⁶ Sir Samuel Hoare, 'The Assyrian Question', 3 September 1935, TNA CAB 23/82/11, CP 172 (35),

⁵⁵⁷ 'The Settlement of the Assyrians of Iraq', Special Report for the Council, 1 October 1937, LNOJ, 18:10, C. 387.M.258.1937.VII

another humanitarian disaster. The Assyrians had physically moved from a minority problem in Iraq to a refugee problem outside Iraq. The breakdown of the Gharb scheme led to the whole issue being referred back to the Cabinet. The Empire and Dominions were asked again to help with no success.⁵⁵⁸ The Foreign Office remained concerned that any repeat of the 1933 massacres would be 'a serious embarrassment to the position of His Majesty's Government in Iraq...'⁵⁵⁹ A final appeal was made in May 1937 to the Australian government to allow the Assyrians to be relocated to the Northern Territory.⁵⁶⁰ This was declined and left only the option of protecting the Assyrians in Iraq or making the best of the existing situation in the transit camp in Khabour. The League concurred 'that the Assyrians in Khabour will have to remain there permanently.'⁵⁶¹ Essentially ideals of protection of persecuted minorities and voluntary emigration had been replaced by a system of limited protection in refugee camps which were to be operated under a strict system of control. The Khabour camp remained one of the few remaining League responsibilities until 1942 when it was finally fully integrated into Syria.

For Britain, it brought to an end its engagement with the League's minority protection regime. It had not been a successful experience. If Britain and the Empire could not help 30,000 Assyrians for which it had direct responsibility, what chance of helping the very many more refugees from Germany and elsewhere in Europe?

The international response to the persecution of Jews remained deliberately focused on trying to minimise the social and financial impact in the states bordering Germany and beyond rather than tackling the root causes of the problem in Germany. Britain remained determined to prevent the question of Jewish persecution in Germany becoming an obstacle to improved Anglo-German relations. It did this by simply refusing to address either with Germany or in international fora the fundamental issue of Nazi racial policies that were driving Jews out of Germany. At the same time, as the position of the Jewish community within Germany became more precarious, the League was preoccupied with its own declining prestige. It too had no desire to see any further deterioration in relations with Germany. To that end, it adopted a number of bureaucratic devices to ensure that it was not drawn into a dispute with Germany over Jewish persecution: appeals to the Minority

⁵⁵⁸ Colonial Office paper for Assyrian Cabinet Committee 9 April 1937, TNA CO 323/1575/15, paper AI (37) 4

⁵⁵⁹ *ibid* Foreign Office paper, AI (37) 5

⁵⁶⁰ *ibid* File Note, 26 May 1937

⁵⁶¹ Letter from Secretary General Avenol, 15 December 1937, LNOJ,18:12, C. Min.Ass/256

Section for intervention were marked 'no action' or 'violent language' as a reason for declaring them non-receivable.⁵⁶²

The letter in August 1936 from Governor Curley of Massachusetts could not be so easily dismissed. The response, which was carefully crafted after extensive discussion within the League hierarchy, is revealing as to how sudden had been the erosion of confidence within the League. It is a long acknowledgement of the inability of the League to take any effective action to halt the persecution of German Jews. It fell back on arguments of absolute national sovereignty, claiming that, 'it has no right unless specifically authorised by treaty to intervene in the internal affairs of any nation. ... An international co-operative agency must be most scrupulous not to interfere, unless definitively empowered, in matters arising from domestic legislation.'⁵⁶³ The League authorities were arguing that a nation state was entirely free to treat its citizens in whatever manner it chose unless it had agreed by treaty to be otherwise constrained from doing so. The reluctance to take a position, much less any action, in the face of blatant persecution against what by then was not even a member of the League shows how diminished the League had become. If action was to be taken to deal with the issue, the League suggested that it should be by 'individual governments which can always, if they see fit, take diplomatic action.'⁵⁶⁴

The sole initiative that had been adopted to deal with the issue of German Jewish persecution, the League High Commission for Refugees, had begun its work in January 1934. It too was a resounding failure. The first meeting of the Governing Body set the limits of its ambitions. It concluded that, 'Europe was full and that there was little hope of absorbing refugees permanently. Their future therefore depends upon the possibility of settlement in other countries.'⁵⁶⁵ The League High Commission was a classic case of governments wanting to be seen to do something but not to do anything that cut across their national policies – they wanted McDonald to be a conduit to American resources to deal with the cost of refugees and to relax American immigration quotas not a vehicle for pursuing minority protection *within* Germany. McDonald soon became disillusioned by his role. He realised that the issue was fundamentally a political one that needed tackling at source by the effective challenge of German racial policies.

⁵⁶² LNA Carton S3631, File 5775 contains examples of petitions and Minority Section response

⁵⁶³ *ibid* letter from Gov. Curley 13 August 1936 and response 26 October 1936

⁵⁶⁴ *ibid*

⁵⁶⁵ Report by Lord Cecil, 8 December 1934, TNA FO 371/17698

By February 1935 McDonald had come to the conclusion that the High Commission was fulfilling no useful purpose and that it had more chance of success if it could rely on whatever authority remained in the League. He proposed consolidating his organisation with the Nansen Committee to create a single body for refugees under direct League sponsorship.⁵⁶⁶ League officials raised the, by now, usual list of objections to the proposal focused on keeping the League out of the controversy: that there had been a 'gentleman's agreement' in 1933 with Germany not to do that; that the Nansen arrangements were on a path to liquidation by 1938; that it would only act as an incentive to even more people to declare themselves refugees; and, that it would provide a focus for the political activities of refugee groups outside Germany.⁵⁶⁷ The response reflected the new priorities of the leading members of the League, placing a premium on seeking an accommodation with Germany. Simon reconfirmed the view that any attempt to integrate the High Commission with the League's other refugee work, 'might frighten Germany away from Geneva for good.'⁵⁶⁸

The final straw for McDonald came at the 1935 Assembly which discussed the position of refugees. The performance of the High Commission was heavily criticised by France and Britain at the Assembly. McDonald had lost his utility when it became clear that he had been unable to unlock the doors of America to refugees either through financial support or a relaxation in immigration quotas. At the same time, the position of Jews within Germany took a dramatic turn for the worse when the Nuremburg Laws of September 1935 removed German citizenship from Jews and legally separated them from other citizens as the next stage in their removal from German society and with implications for an acceleration of Jewish emigration. Unable to make any positive impact on the position of refugees and unsupported by the major receiving countries, McDonald resigned in December 1935. His resignation letter was a comprehensive (and very unwelcome) rebuttal of the policy pursued by Britain and others towards Germany.⁵⁶⁹ It had been drawn up with input from a range of leading authorities on international law in Britain and America and vested its appeal for direct intervention against Germany based on legal precedent as much as political necessity. McDonald demanded that the, 'the moral authority of the League must be directed towards a determined appeal to the German Government in the name of humanity and of the principles of the public law of Europe' drawing on the precedents of the previous century, in particular the Congress of Berlin in 1878, and the League Council resolution of 1922 requiring all League members to adopt

⁵⁶⁶ See Greg Burgess, *The League of Nations and the Refugees from Nazi Germany*, p140

⁵⁶⁷ *ibid*

⁵⁶⁸ Letter Simon to Cecil, 28 January 1935, TNA HO 213/1626, Doc C 645/232/18,

⁵⁶⁹ The letter was always intended as a political statement. It was published in full in a wide range of newspapers in Britain and elsewhere and attracted a good deal of support

policies towards minorities at least as generous as those required by the Minority Treaties.⁵⁷⁰ His letter concluded that, 'when domestic policies threaten the demoralisation and exile of hundreds of thousands of human beings, considerations of diplomatic correctness must yield to those of common humanity.'⁵⁷¹

The demand for action fell on deaf ears. The British reaction to the resignation letter was to dismiss it as an eccentric outburst, describing it as, 'an unwise document which did a disservice to the real interest of Jews in Germany and in which the guiding hand of Zionism was evident.'⁵⁷² The Foreign Office rejected the suggestion of direct discussions with Germany led by the League, Cadogan vetoing the idea on the grounds that it would achieve nothing and in any event would run completely counter to the government's view that the League should not 'interfere in the internal affairs of nations' and, that 'HMG had always opposed any general extension of minority regulations...'⁵⁷³ The British government's focus remained on responding to the impact of German racial laws and, fearing an increase in refugees in response to the Nuremberg Laws, proposed to put in place a visa regime for German Jews. This was only dropped when it was explained it could be counter-productive to its overall policy of improving Anglo-German relations as it would have to apply to all visitors from Germany, there being no way to make it applicable only to people of Jewish descent.⁵⁷⁴

The League Council meeting in January 1936 merely noted McDonald's letter and reaffirmed the restrictive mandate of the High Commission. Sir Neil Malcolm, a retired soldier and old British Empire hand, was appointed as McDonald's replacement. A key criterion for his selection was that there should be no repeat of McDonald's activism. On his appointment he announced that, 'I have no policy...,[the League] has nothing to do with domestic policy of Germany. That is not the affair of the League.'⁵⁷⁵ Malcolm was not to be concerned with helping Jews 'until they had left Germany' -he was thus to deal only with refugees not the causes of refugees.⁵⁷⁶ He was asked to call an inter-governmental conference, the purpose of which was to arrange a system of legal protection for refugees to prevent them becoming stateless and therefore incapable of being moved on to their

⁵⁷⁰ Resignation letter of James G. McDonald, 7 January 1936, LNOJ 17:1, C.13 .M.12.1936 .XII

⁵⁷¹ *ibid*

⁵⁷² Foreign Office, 'Memorandum concerning the Refugee Question: September 1 1935-September 1 1936', TNA FO 371/20482, Doc W 10548/172/98. This was a gratuitous statement. McDonald had input from a wide range of legal sources and Jewish leaders covering the full spectrum of opinions

⁵⁷³ Cadogan manuscript comment on Letter Walters to Strang, 6 January 1936, TNA FO 371/20480 Doc W455

⁵⁷⁴ Louise London, *Whitehall and the Jews*, (Cambridge: Cambridge University Press, 2000), p58

⁵⁷⁵ Quoted in Claudena Skran, *Refugees in interwar Europe*, p238

⁵⁷⁶ *ibid*

final destination. Refugee relief was to continue to rely on private organisations to pick up the bill.⁵⁷⁷ There was no coordinated international response with all nations continuing to focus on maintaining national immigration policies.

After the uncomfortable questions raised by McDonald's tenure and his public resignation, Malcolm followed a quieter path. The 1937 Assembly discussion had a mildly self-congratulatory tone. The report from the High Commissioner noted that while there had not been any new initiatives to help refugees during the year and the international situation has provided 'a considerable obstacle to the carrying out of a programme of emigration', numbers of refugees seemed to have stabilised at 30-40,000 each year and expectations were on a downward trajectory. A note of caution was that re-emigration was proving challenging due to 'restrictive measures .. still in force in all countries that had adopted them while other countries have now also felt compelled to adopt stricter measures of control.'⁵⁷⁸

If 'fortress Britain' was the policy in relation to the immigration of Jewish refugees into Britain, the vagueness of 'economic absorption capacity' had allowed a more liberal policy to be adopted initially in Palestine with Jewish immigration rising to about 40,000 annually from 1933-36. The Foreign Office was very clear that Palestine was, 'our contribution to the refugee problem.'⁵⁷⁹ In reality only around one quarter of the 160,000 Jews who emigrated to Palestine in the period 1933-36 were German Jews.⁵⁸⁰ Even this proved short-lived: Palestine as an outlet for refugees came under threat again in 1936.

The Arab Revolt in 1936 was the result of widespread grievance about unfulfilled promises of representative institutions and a steady erosion of the Arab economic and social position within Palestine in the face of Jewish Immigration. Arab concerns over the situation had been inflamed by reports of debates in the House of Commons in March 1936 which expressed widespread support for a more liberal immigration regime whilst at the same time resisting suggestions for a move to more local autonomy.⁵⁸¹ In the PMC, there was widespread comments about the immaturity of Arabs to govern themselves with Lugard, the British member of the PMC, stating that,

⁵⁷⁷ Minutes of 90th Council Session, Sixth meeting, 24 January 1936, LNOJ 17:1, pp126-128

⁵⁷⁸ Report to Sixth Committee of 1937 Assembly from League High Commissioner for Refugees I September 1937, LNOJ Special supplement, A.17.1937.XII,

⁵⁷⁹ Manuscript note on Sterndale -Bennet Memorandum, 16 February 1935, TNA FO 371/19675 Doc W 1370

⁵⁸⁰ Ari J. Sherman *Island Refuge: Britain and Refugees from the Third Reich:1933-39*, (London: Frank Cass, 1994), p272

⁵⁸¹ See *Hansard*, HC Deb, 24 March 1936, Vol 310, cc1079-150

‘representative institutions were quite unsuitable to oriental people.’⁵⁸² The PMC was reluctant to see any relaxation of the British mandate for fear that there might be a repeat of the Assyrian problems in Palestine – based on an assumption that the Assyrian situation had arisen due to weakness on the part of the mandatory power to maintain order rather than accepting that there might be any legitimacy with Arab complaints in Palestine or that the League may have been at fault in failing to meet its obligations under the guarantee of minority protections. For Britain the Palestine mandate was far more complex: as matters soon showed, maintaining order came at a huge cost if the majority population refused to accept the way in which the mandate was operating. The flashpoint in 1936, as it had been in 1929, was Jewish immigration. Britain saw the policy of ‘economic absorption capacity’ as a necessary compromise to control Jewish immigration whilst offering some release to the refugee problem in Britain and elsewhere in Europe. But it was attacked from all sides. Historian Susan Pedersen maintains that, ‘for the Mandate Commission the Palestine mandate now amounted to little more than the steady maintenance of Jewish immigration, whatever the impact on the Arab population.’⁵⁸³ Zionist groups demanded a more liberal policy and attracted the unwelcome support of nationalists and anti-Semites in Central Europe, keen to see unrestricted Jewish immigration for their own domestic purposes.⁵⁸⁴

The 1936 riots in Palestine were suppressed by the British army at great human and financial cost. As in 1930, the British response was to appoint a commission to make recommendations, this time under Lord Peel. Its conclusions in 1937 were explosive: it insisted that the dual mandate was unworkable and, consequently, Palestine should be partitioned creating a new small Jewish state and a larger Arab state. The partition proposals reflected the post-First World War view that saw minority rights as essentially a problem that could be resolved only by creating states free of minorities. Peel recommended that populations deemed to be on the wrong side of borders should be transferred wholesale, which ‘in the last resort would be compulsory’ in order to create two ethnically homogenous nation states. Essentially separation of the communities was deemed the only way of providing minority protection. Undoubtedly there was an underlying prejudice about the uncivilised nature of the society in the Near East, which made such a proposal acceptable in a way in which it would not have been in Europe. The recommended solution was a rejection of the post-war policy of gradual assimilation of minority communities. Arguments about the recommendations

⁵⁸² Quoted in Susan Pedersen, *The Guardians*, p373

⁵⁸³ *ibid*,

⁵⁸⁴ Letter Sterndale-Bennett to Williams, 14 November 1936, TNA CO 733/295/3. From 1936 onwards, Britain was pressed by Poland to allow unrestricted Jewish emigration into Palestine – the Polish authorities were clearly concerned that Germany was being unduly favoured in respect of its unwanted Jewish minority and wanted to make sure it got its share before Palestine was full.

continued until the 1939 White Paper which in the face of opposition from all sides, abandoned both partition and Jewish immigration. Immigration effectively ceased at just the time it was most needed.

Phase 3 - Ceding land and people for security 1938-39

By 1938 the last vestiges of the 1919 minority protection system had effectively disappeared. The final years before the outbreak of war saw the acceleration of steps by Germany and others to achieve the racial homogenisation of their states. Across Central and Eastern Europe nationalist governments dominated. The rapid expansion of German control in Austria and Czechoslovakia and the immediate implementation of German racial policies in those countries led to a dramatic increase in demand for places of refuge. It was only after Munich and Kristallnacht at the end of 1938 that policies started to shift from measures to dissuade refugees from settling in Britain to a more liberal immigration regime.

The point of departure for the final phase of British foreign and minorities policies was the appointment of Neville Chamberlain as Prime Minister in 1937. In December 1937 he initiated a defence review. Chamberlain had long been keen to minimise Britain's continental commitment and believed it could be avoided if he could deliver the 'all in' settlement. In this he found some support from the Defence Chiefs who could not 'exaggerate the importance from the point of view of Imperial Defence of any political or international action which could be taken to reduce the number of our potential enemies and to gain the support of potential allies.'⁵⁸⁵ Chamberlain's policy was based on a belief that a settlement was possible with the totalitarian states based on offering Germany concessions to meet its 'legitimate grievances' in return for 'guarantees' of peace. The agenda for negotiation with Hitler included bringing within the expanded Reich the German minorities which had been left outside Germany by the Treaty of Versailles. This was to be done not by encouraging migration into Germany, as had been allowed under the Upper Silesia Convention, but by adjusting the territorial boundaries agreed by the Treaty of Versailles at the expense of the new states in Central and Eastern Europe rather than the actual movement of people. Of course, along with the consolidation of ethnic German groups within the Reich came new minorities –large numbers of Jews, Poles and Czechs along with the political opponents of the Nazi regime, many of whom had found refuge in border states and for whom inclusion within Germany was not an option either for the minorities or the German authorities. The action taken to remove these minorities

⁵⁸⁵ 'Defence Expenditure in Future Years', 8 February 1938, TNA CAB 24/274/24

from the enlarged Reich was the second stage of racial homogenisation after the legal marginalisation of Jewish and other minorities *within* Germany, entirely consistent with the steps already taken within Germany since 1933. The difference was that in the newly acquired territories there was to be no gradual deterioration in conditions for minorities – the full range of Nazi racial laws was applied immediately. In pursuit of its own security priorities, Britain gave these groups little consideration until it was too late to provide them with the protection they needed.⁵⁸⁶ Protection of minorities within Germany was not a consideration. The League did not feature anywhere in Chamberlain's plans and was by now a bystander to the unfolding events.

Matters took a marked deterioration for German Jews in 1938 : first with the Anschluss, then the Munich agreement and finally the Kristallnacht pogrom. Germany engineered the takeover of Austria in March 1938 despite it having been expressly prohibited by the Treaty of Versailles.⁵⁸⁷ The reaction to the Anschluss in Britain was generally surprise at the speed and methods but also a *post facto* rationalisation of the outcome. The clear breach of the treaty, whilst regrettable, was not a matter which could be allowed to cause a deterioration in relations. Chamberlain explained, 'nothing could have arrested the action by Germany unless we and others with us had been prepared to use force to prevent it.'⁵⁸⁸ Britain recognised the unification of Germany and Austria on 3 April. Previous German actions to adjust the territorial settlement of 1919 in the Saar had been accompanied by negotiations with the League to protect minorities. The return of the Saar Basin to Germany in 1935 had been undertaken by a process controlled by the League which had still been able to secure some agreement to limit the immediate impact on minorities.⁵⁸⁹ But this was the last time that the League was able to exercise its authority to ensure minorities were protected when changes in sovereignty took place. When the Upper Silesia Convention ended in 1937 and Germany assumed full control, the League was unable to make any progress in seeking agreement to continue with minority protection and the full force of German racial laws were immediately applied.⁵⁹⁰ In the case of the Anschluss there was no international engagement and no conditions. The impact on the 200,000

⁵⁸⁶ Mark Levene, *The Crisis of Genocide*, Vol 1, p294

⁵⁸⁷ Article 80 of the Treaty of Versailles: 'Germany acknowledges and will respect strictly the independence of Austria, ... she agrees that this independence shall be inalienable, except with the consent of the Council of the League of Nations.'

⁵⁸⁸ Quoted in Paul Kennedy, *The Realities Behind Diplomacy*, (London: Fontana 1985), p289

⁵⁸⁹ The Treaty of Versailles had given the League the power to determine the type of regime that would apply after the League mandate in the Saar ended. In December 1934, the League extracted a declaration from the French and German Governments that whatever the outcome of the plebiscite, 'for a transitional period of one year that residents of Saar shall not be subject to discrimination... on account of language, race or religion.' See LNA Carton R 2735 Memorandum to Council C. 256.1934.VII, December 1934

⁵⁹⁰ Instead agreement was reached between Poland and Germany in November 1937 which made minority issues a purely bilateral matter and focused solely on Polish and German ethnic groups, making no reference to Jewish or other minority groups.

Austrian Jews, including many Jewish refugees from Germany, was immediate and catastrophic. In March 1938, the racial laws were applied across Austria in full within eight weeks of the takeover. Austrian Jews were marginalised, impoverished and attacked with a view to driving them out of Austria. The League Minority Section could do no more than note petitions it received.⁵⁹¹ No attempts were taken by the German authorities to hide or disguise the actions against Jews from external scrutiny.

Numbers of Austrian Jews seeking refuge in Britain climbed precipitously. Unwilling to tackle the German government, the official British reaction once again focused on dealing with the consequences of the problem. In the face of a rising financial burden, the German Jewish Aid Committee withdrew its guarantee that it would meet all costs of refugees and replaced it with a selective offer to meet some of the costs of the most destitute. The Cabinet, in a panic, established a committee with the remit of 'avoiding the creation of a Jewish problem in this country.'⁵⁹² Immigration restrictions were tightened and visas for all visitors from the greater Germany were introduced. The relevant Home Office circular made clear that visas were intended to stem the flow of Jewish refugees by asking the Passport Office in considering a visa application to distinguish between genuine visitors and 'those who appear to be Jewish or partly Jewish origin or have non-Aryan affiliations.' The test for awarding a visa was 'whether or not the applicant was likely to be an asset to the United Kingdom.'⁵⁹³ For the mass of applicants the only hope of getting a visa was to have a sponsor in the UK. Resourcing for the visa regime was wholly inadequate and by November there was a backlog of over 10,000 visa applications.⁵⁹⁴ It is hard to view the under-resourcing as anything other than as a deliberate part of the control policy. Lord Winterton, a member of Chamberlain's Cabinet, recognised that, 'the Home Office is in a desperate situation' but making funds available was 'a political impossibility for fear it stirred up anti-alien and anti-Semitic feeling in the UK.'⁵⁹⁵ If Britain was not welcoming, then it was also determined that Palestine was not the solution either. In the year before the 1936 riots immigration had run at 3-4,000 per month. In response to the riots, the policy of 'economic absorption capacity' had been replaced by a hard and fast limit of no more than 1,000 arrivals per month. There was to be no going back from that even

⁵⁹¹ Petition from Committee for the Defence of Jewish Rights, 3 March 1938, was deemed non-receivable because of the violence of its language by calling out 'the rise of ignoble racist methods in Germany, Rumania and Poland...' An extreme interpretation of 'violent language' to avoid taking action. LNA Carton R3930

⁵⁹² Minutes of Cabinet meeting, 16 March 1938, TNA CAB 23/93/1

⁵⁹³ Foreign Office, Passport Control Department, Circular, 'Visas for Holders of German and Austrian Passports', TNA FO 372/3284 27 April 1938

⁵⁹⁴ Louise London, *Whitehall and the Jews*, p82

⁵⁹⁵ Record of Meeting between Lord Winterton and the Co-ordinating Committee for Refugees, 25 October 1938, TNA HO 213/1636

though it came under attack again from Zionist groups, the PMC and from Poland and Romania which wanted to see large-scale emigration to Palestine for their own Jewish populations.⁵⁹⁶

If the League could not co-ordinate an international response to events in Austria and there was no willingness in Britain or elsewhere to intervene directly with the German government, hope among Jewish minorities was raised by an American proposal to organise an international conference to consider the issue, which was to meet in the French spa town of Evian in July 1938. Roosevelt's initiative was driven by domestic American concerns: pressure from Jewish and other groups 'to do something' and a wish to take control of the situation, in the words of Secretary of State Hull, in order to forestall 'attempts to have [the USA's] immigration laws liberalised.'⁵⁹⁷ The invitation explained that the conference was to discuss steps to mitigate 'discrimination and pressure against minority groups' but that all action 'must take place within the framework of existing laws and practice.' In particular, the invitation stated, no doubt much to the relief of officials in the Home Office, that 'no country would be expected or asked to receive a greater number of emigrants than is permitted by existing legislation.'⁵⁹⁸ The downside was that any hopes that American immigration quotas may be relaxed was thereby dashed even before the conference met.

The British response to the invitation was a mixture of relief that America was now engaged and a determination that any pressure to take more refugees in any of Britain, the Empire or Palestine should be resisted. The Home Office was unwilling to cede any control of immigration and 'could not allow policy to be determined by external circumstances such as the persecution of Jews in Germany and elsewhere.'⁵⁹⁹ The Empire had little to offer either: British Guiana and East Africa were raised as possibilities for emigration from Britain but it was not a serious offer and as Makins in the Foreign Office confessed, 'it has to be admitted that the offer of British Guiana and Tanganyika is largely an illusory one and this must inevitably become apparent in due course.'⁶⁰⁰ Britain was determined that the agenda for the conference should be narrowly focused. In a departure from practice to date, the invitation had suggested that the conference should discuss not only those who

⁵⁹⁶ Susan Pedersen, *The Guardians*, pp382-84. Ormsby-Gore recorded that the PMC was sympathetic to Poland's wish 'to get as many Jews as possible out of Poland and into Palestine.'

⁵⁹⁷ Quoted in Paul Bartrop, *The Evian Conference of 1938 and The Jewish Refugee Crisis*, (Basingstoke: Palgrave, 2018), p14

⁵⁹⁸ Letter US Ambassador Kennedy to HMG proposing an intergovernmental conference on Jewish refugees, 24 March 1938, TNA FO 371/21747, Doc C2460/2289/18

⁵⁹⁹ Draft instructions to the UK delegation 30 June 1938, TNA CO 323/1605/3

⁶⁰⁰ Foreign Office, Makins memorandum of 20 June 1938, TNA FO 371/22527

had left Germany but also those 'who desire to leave Germany.'⁶⁰¹ This opened up the possibility of direct negotiations with Germany which might cut across Anglo- German relations. In addition, Britain was concerned that other countries, in particular Poland and Romania, would see any liberalisation of immigration as an open invitation to increase the level of persecution of their own (and very much larger) Jewish minorities and increase the numbers seeking refuge. It was regarded as essential therefore that the scope of the conference discussed only Austrian and German Jews and that discussion of contentious topics such as Palestine was avoided. Finally, the agenda proposed establishing a permanent inter-governmental committee to deal with the problem – effectively substituting both the League and the League High Commission for Refugees with a new international body which would include American membership. The Foreign Office, suspicious that this might lead to a loss of national control, regarded this as an unwelcome initiative, arguing that, 'the object of the UK delegation should be to make the proposed committee as innocuous as possible.'⁶⁰²

The Conference met on 6 July in Evian. It achieved almost nothing. There were no tangible measures of additional relief and the outcome was a huge disappointment to Jewish groups. By contrast, Britain regarded the conference as a success. The Foreign Office report of the conference concluded that, 'it made the very best it could of a very bad job'. In addition, the outcome had avoided any concessions to the states of Central Europe and 'one of the main achievements of the conference was that every country was agreed that large scale settlement of Jews was out of the question.'⁶⁰³ But neither had it considered what the alternative might be to ensure minority protection *in situ*. The Cabinet discussion after the Conference was relieved that there should be no additional emigration to the UK, the Home Secretary advising that, 'whilst he was anxious to do his best there was a good deal of feeling growing up in this country ... against the admission of Jews to British territory.'⁶⁰⁴

The only concrete decision was the establishment of an Inter-governmental Conference (IGC) which effectively took over the role of the League High Commission and ensured the continuing engagement with the USA. The IGC had two roles: first 'to improve the present conditions of the exodus and to replace them by conditions of orderly emigration'; and, second, adopting the High

⁶⁰¹ 'Conference Agenda', 5 July 1938, LNA Carton R5800, Document C.I./E.I. Germany was understood, post the Anschluss, to include Austria

⁶⁰² Foreign Office, Makins, Minutes of interdepartmental meeting, 8 June 1938, TNA FO 371/22527, Doc. W 8127

⁶⁰³ Report of meeting of Inter-governmental Conference, 18 July 1938, TNA CO 323/1606/1

⁶⁰⁴ Record of Cabinet meeting of 20 July 1938, TNA CAB 23/94/6

Commission remit, 'to approach governments of the countries of refuge and settlement with a view to developing opportunities of permanent settlement.'⁶⁰⁵ The first objective, for the first time, opened the opportunity of direct dealings with the German authorities on the issue - but not to challenge the policy rather to make it more orderly. Britain regarded the proposed direct approach to Germany by the IGC as dangerous. The Foreign Office wanted to avoid 'denunciation' or 'collective pressure', focusing on technical aspects of emigration rather than challenging the treatment in the first place. In particular Britain wanted the discussions to be delayed 'until, the Czech question was out of the way.'⁶⁰⁶ In the event, the Foreign Office need not have been concerned because the visit never happened due to repeated German deferrals and excuses. The time for such an initiative had long since passed. Louise London is surely correct that British support for the IGC was as a tool of foreign policy by strengthening Anglo-American relationships rather than as a means to help persecuted Jews.⁶⁰⁷ More ominously for the Jewish minority, a month after Evian, in August 1938, the Central Office for Jewish Emigration was established in Vienna under Adolf Eichmann.

Once Austria had fallen under Nazi rule, it was obvious that the next crisis would be in Czechoslovakia. Czechoslovakia had been created in 1919 following the disintegration of the Hapsburg Empire. It was a country of three significant population groups: Czechs and Slovaks accounted for about 75% of the population with the balance consisting of Sudeten Germans with a strong orientation towards Austria and some smaller groups of Poles, Hungarians and Jews. Stresemann, when German Chancellor in the 1920s, had shown little interest in Sudeten Germans and advised them to find their place within the new Czech state. The Czech government had pursued a generally liberal approach to minorities, going beyond the requirements of the Minority Treaty to encourage rapid assimilation of the Germans in the new state. This had initially had some success with none of the vitriol seen, for example, in Upper Silesia that marked German-Polish relations. The economic crisis changed all that. The Sudeten economy was heavily orientated towards Germany and exports to Germany fell by 75% in the early 1930s resulting in unemployment rates of over 25%.⁶⁰⁸ Blame for the situation was focused on the Czech government and Sudeten politics started to take on an increasingly nationalist tone. From 1935, the nationalist SdP led by Konrad Henlein and controlled from Berlin, dominated Sudeten politics. SdP demands initially focused on greater levels

⁶⁰⁵ Article 8f of the Resolution of the Conference, 14 July 1938, See Paul Bartop, *The Evian Conference*, pp113-116 for the full resolution

⁶⁰⁶ Memorandum by Makins 4 August 1938, TNA CO 323/1606/4

⁶⁰⁷ Louise London, *Whitehall and the Jews*, p94

⁶⁰⁸ Erin K. Jenne, *Ethnic Bargaining*, (Ithaca: Cornell University Press, 2007), p74

of autonomy within the unitary Czech state but by 1938 had moved to seek the secession of the Sudeten area to the Greater Germany. The Munich Agreement of September 1938 delivered the transfer and in the process it created another challenge for another Jewish minority.

The League received a number of urgent appeals from private organisations as the Munich tragedy unfolded. Sir Neil Malcolm, the League High Commissioner, was allowed to go to Czechoslovakia as 'a private person' to help with refugee assistance and assist with the distribution of aid from the Lord Mayors Fund.⁶⁰⁹ Malcolm's report of his visit was alarming: Jewish and other refugees were being returned to Germany by the Czech Government which 'could not run the risk of allowing a German minority to grow up on their reduced territory'. He summarised the Czech position as understandably bitter, 'it is your nation (Great Britain) that has placed us in this appallingly difficult position and now you come asking us not to deal with it in the only way we believe to be possible...'⁶¹⁰ Article 7 of the Munich Agreement allowed people in Sudetenland to opt for either German or Czech citizenship but the option clause did not apply to refugees from Germany and Austria. In the Sudetenland there were about 50,000 Jewish refugees from Germany and Austria who were now stateless and seeking refuge. They had been overlooked in the urgency to reach an agreement. Matters deteriorated further when Poland and Hungary demanded that Czech land occupied predominantly by their co-nationals be ceded to them. Halifax, the British Foreign Secretary, tried to persuade them to pursue their claims using the Geneva route but that was firmly rebuffed. Britain was quite unprepared for this to lead to any conflict that would detract from the 'triumph' of Munich and the following day on 21 September 1938 Halifax advised the Czech government that if it did not agree to the Polish and Hungarian demands and conflict ensued, Czechoslovakia could not rely on the British guarantee of its security.⁶¹¹ This marked the final act of the interwar minority system as the territorial boundaries and minority protections so painfully agreed in the 1919 were jettisoned in favour of a new dispensation that consolidated majority national populations but without any protections for minority groups.

If Munich and its messy aftermath created unease, the events of Kristallnacht in November 1938 provoked the shock necessary to change British policy. Chamberlain and Hoare announced the shape of a new policy.⁶¹² Clearly it was now far too late to do anything about changing German

⁶⁰⁹ Sir Neil Malcolm, 'Report of visit 10-12 December 1938', LNA Carton R3640 File 12122. An echo of the situation in 1895 when the British Embassy in Constantinople was reduced to distributing aid to Armenians in the face of its failed attempt to secure them protection from persecution.

⁶¹⁰ *ibid*

⁶¹¹ Foreign Office, Orme Sargent, Memorandum, 21 September 1938, TNA FO 371/21567, Doc. C10273

⁶¹² See *Hansard*, HC Deb, 21 November 1938, Vol 341, cc1428-83

policies so the focus had to be on reforms to British immigration policy. Case by case review was not going to change but Britain would be more open to granting temporary transit visas and priority would be given to any children who had a sponsor. Around 40,000 Jews were allowed into Britain in the last year before the war.⁶¹³

In January 1938 Halifax asked the League High Commission to extend its remit to refugees from the Sudetenland since this area was now part of Germany.⁶¹⁴ In Czechoslovakia another of the Home Office red lines was abandoned when Britain, to stop Jews being returned to German control, made available a grant of £4m and a loan of the same amount to provide assistance to Jewish refugees and to meet the costs of emigration.⁶¹⁵ The focus was on refugees from Sudetenland. Two months later, after the German occupation of Prague, the funds extended to the 300,000 Jews in residual Czechoslovakia. By then it was all too little too late.

Conclusion

The ending of the interwar experiment in minority protection and the subsequent deterioration in the protection of minorities after 1933 was sudden and dramatic. Assimilation was abandoned as the system came under attack in the face of competing nationalist agendas in Central and Eastern Europe. In a later wide-ranging review of the causes of the failure of the League, the Foreign Office verdict was that the minority protection 'procedure developed by the League ..was on the whole a real attempt to deal fairly with them [the minorities]' but 'the problems were too difficult in themselves, the power of the League too limited and the opportunities which the treaties had left for intervention of political prejudices too tempting for a wholly successful solution.'⁶¹⁶ To that could be added that states like Britain, which were signatories to the Minority Treaties failed to meet the obligations towards minorities and were repeatedly willing to subordinate humanitarian needs to the perceived security needs of Britain and its Empire.

The League system was undoubtedly flawed from the start, in particular by its lack of universal application and focus only on the Rimland states. The main reason for the failure of the League system however, was the lack of commitment by the League's leading powers to its maintenance

⁶¹³ Tony Kushner, *The Holocaust and the Liberal Imagination*, (London: Blackwall, 1994), p51

⁶¹⁴ Letter Halifax to League High Commission 10 January 1939, LNA Carton R5637

⁶¹⁵ Parliamentary Papers, *Czechoslovakia (Financial Assistance) Act*, Cmd 5933, (London: HMSO: 1939)

⁶¹⁶ Foreign Office, 'Memorandum of the Causes of The Failure of the League', January 1943, TNA FO 371/34513, C 480 480 98, p12

and especially the response to the German withdrawal from the League and the adoption in Germany of openly racist policies aimed at driving out its Jewish minority. The decision after 1933 by Britain to pursue an aggressively narrow 'realist' position following the turn away from collective security and that had as its objective the agreement of a settlement with Germany, almost regardless of its impact on the people of Central and Eastern Europe, sealed the fate of the minority protection system. After 1933, the British response to racial homogenisation pursued by the Nazis was that minorities were not going to be allowed to cut across its broader foreign policy objective of securing an 'all in' settlement with Germany.

What alternative strategy might Britain have followed? A Foreign Office review undertaken in 1945 as part of the planning for a post-war world recognised that, for all its flaws the choices made by Britain between justice and apparent order in Europe was a false choice. The review concluded that the League minorities protection system 'did more good than harm and was of more benefit to peace in Europe and in the long run to the minorities themselves than the alternative ...' The alternative being, 'direct intervention by a Power [Germany] which was formidable and which plunged the world into another general war.'⁶¹⁷ But the opportunity to avoid that alternative approach in the mid-1930s was not taken when Britain failed to adopt a robust response to the racial homogenisation policies pursued in Germany and elsewhere. Instead it reverted to the position adopted before the Great War, that humanitarian intervention and minority protection were not to be allowed to interfere with the pursuit of Britain's broader strategic objectives. The diplomatic steps taken to prevent minority issues being tackled at source, the acceptance of the Anschluss without objection and the decisions taken at Munich all had the effect of accepting the expansion of German racial policies and gave encouragement to other states looking to pursue similar policies. In pursuit of its strategic objectives, Britain was also prepared to deal with minorities in a ruthless way – the treatment of the Assyrians, the one minority for which it had direct responsibility, is a prime example. Mark Levene's judgement about peripheral peoples being 'thrown overboard in pursuit of realpolitik' is surely applicable to Britain as much as other Powers.⁶¹⁸ The adoption of restrictive immigration policies in the British Isles - even after it closed the door to Jewish immigration into Palestine in the wake of the 1936 riots – shows how British policy increasingly turned its back on minority protection as a way of ensuring international stability. It was only after Munich when a new refugee problem was the direct result of British policy and it was clear after Kristallnacht that the scale of German persecution was only going to get worse, that a

⁶¹⁷ Foreign Office, 'Minority Protection under the League of Nations', 25 February 1945, TNA FO 371/50843, Doc U 1596

⁶¹⁸ Mark Levene, *The Crisis of Genocide*, Vol.1, p294

more open policy was adopted towards immigration and direct assistance to refugees was given. The failure of British governments to live up to their position as the manager of the global system and to tackle minority persecution at source meant that wide-ranging discriminatory measures against minorities could be taken with impunity within states as a precursor to forced expulsion and ultimately genocidal extermination. Whilst the ultimate destination of Nazi racial policies may have been inconceivable to British officials in the 1930s, the failure to stand up for the minority protection settlement established in 1919 undoubtedly contributed to the willingness of authoritarian governments to adopt policies directed against minorities, knowing they could do so without fear of intervention.

If Britain lacked an effective policy to protect minorities in their host states, did it fare any better when it came to responding to providing a place of refuge from persecution? Kushner and Sherman point to Britain's *relative* contribution compared to other Western states and Sherman argues that, 'when a balance sheet is drawn up and British refugee policy compared with that of other countries it emerges as comparatively compassionate, even generous.'⁶¹⁹ This is true insofar as other nations adopted equally restrictive immigration policies and as Evian showed had no intention of relaxing them. If the measure of success is to be a league table on provision of places for refugees then Britain does indeed compare reasonably well with similar sized countries – albeit the bulk of that credit was earned only in the final year before the war. But if the test is the provision of places of refuge in relation to the need then the position is much less positive.⁶²⁰ Perhaps most negative was the reality that every time the level of persecution was increased the reaction was not to seek to alleviate the problem at source but rather to raise ever higher the barrier to immigration.

⁶¹⁹ Tony Kushner, *The Holocaust and the Liberal Imagination*, p51; Ari J. Sherman, *Island Refuge*, p267

⁶²⁰ In September 1939, for example, there were still over 300,000 Jews in Germany and Austria looking to leave and a similar number in Czechoslovakia.

Conclusion

'Now that I think about it, the problem is not that three boys can stand on a street corner and cry 'Death to the Yids' but that the cry goes unobserved and unopposed, like the tinkling of a bell on a tram.'

Mihail Sebastian⁶²¹

This study has covered Britain's engagement with the protection of minority groups from persecution, atrocity, expulsion and even annihilation by their own governments or their agents, during the 60 year period when British prestige and power in the world was at or still near its peak. It addressed the period of the disintegration of the great multi-ethnic Empires in Europe and the Near East, their replacement by an unstable necklace of new states and the creation of the first global organisation dedicated to the maintenance of peace. A key development in this period was the attempted alignment of national identity and state boundaries on majoritarian lines - largely undertaken by the identification and labelling of majority and minority population groups on the basis of language, religion and ethnicity. The need for measures to prevent minority persecution was a direct result of this process of political transformation and the solution was framed in the context of the same nation states with all the accumulated constraints around sovereignty, hierarchy and national interests. However, from the perspective of the vulnerable minorities, the British record of engagement with measures to protect vulnerable minorities has largely been shown in this thesis to be one of failure. The obvious questions are why did minority protection fail? Why did Britain, the greatest power in the world for much of this time, fail to take action to protect minorities?

Minority persecution, the blaming of the weak and vulnerable 'other', long predated the modern era. Minority protection by contrast has a much more recent vintage. The emergence of nation-statism in Europe as the preferred international system during the nineteenth century, and accelerated hugely by the 1919-23 peace agreements, moved to centre-stage the issue of minorities and their potential to be a source of *international* conflict. The predecessor multi-ethnic states had featured minority persecution and even genocidal activity. These empires were members of the Concert of Europe, a club which, with the exception of the Ottoman Empire, precluded any suggestion of outside interference in their internal affairs. The increasing interest in minority protection arose because of the disruption to the international system caused by the gradual disintegration of these Empires, the chaos which followed and the consequent Great Power direct responsibility for the creation of their successor states - and in this Britain played a singular role. It is this process of dramatic change in the international system that explains why the enduring interest

⁶²¹ Mihail Sebastian, *For Two Thousand Years*, (London: Penguin, 2006) trans. of 1934 original, p209

of British policymakers in minority protection was not to respond to humanitarian need but to see the 'protection' issue as an integral element of Britain's role as a global manager of the international system. Order and stability, especially in Europe, were regarded as prerequisites to allow Britain the freedom to pursue its wider national interest, in particular its imperial project.

The first conclusion is that Britain's part in the failure to protect minorities from persecution was not the result of circumstances beyond its control but stemmed from the choices taken by policymakers. Throughout the period, whenever a fork in the road appeared between the promotion of British national interests and humanitarian need, the path chosen by British statesmen and officials was the one marked 'national interests'. Minorities were treated, occasionally intentionally, sometimes with much hand-wringing but usually more casually, as potential collateral damage in the pursuit of greater strategic objectives which were intended to maintain Britain's position as a global superpower. Thomas Otte has used the term the 'Foreign Office mind' to describe the 'groupthink' at work in the Foreign Office which reinforced the prejudices and assumptions that guided the policy advice to Ministers.⁶²² Changes to the office of Foreign Secretary might have sometimes marked a change of tactics but rarely marked a change of strategy. The primacy of the pursuit of a largely fixed set of British interests, in particular the imperial project, and the importance of a 'free hand' to pursue those interests, was deeply engrained. The aversion to the 'continental commitment' was enduring. It led to an organisation that was resistant to change and unable to acknowledge the compromises necessary to meet new and emerging challenges. This points to an issue which today might be characterised as the 'internal culture' of the Foreign Office which at key moments not only failed to question the accepted orthodoxy but also characterised the few challengers to the minority protection policy being pursued, such as Lewis Namier or James McDonald, as cranks or captives of special interest groups and dismissed their views as such. This refusal to consider alternative policy choices, in particular in the 1930s, was to prove disastrous for minorities.

Because, for British policy-makers, minority protection was more concerned with British security than humanitarianism, Britain could reject calls for its universal application. Instead, minority protection was defined in terms of specific regions and a specific group of countries that were regarded as the biggest threat to international peace and where the Great Powers were able, and sometimes but inconsistently willing, to use their collective authority to impose it. This selective approach only fuelled suspicion and resentment towards the minorities by majority populations and their host governments. Granted that in the context of the global system at the time, there was no

⁶²² Thomas Otte, *The Foreign Office Mind*

alternative to the limited geographical scope of protections on offer, this does not absolve Britain from the responsibility to ensure that the limited Treaty obligations were honoured, even when the lead role was taken by the League. Unfortunately, throughout the period, Britain's record is one of seeking to avoid responsibility – even accepting that the practical challenges would have been significant. Choices were made repeatedly, for example in Romania in 1879, at the Peace Conference in 1919 and again at Lausanne in 1923, which gave official sanction to actions which endorsed directly and indirectly policies that had led to the persecution of minorities. Furthermore, the case of the Cyprus Convention was a situation in which Britain held out the pretence of minority protection of the Armenian minority with fateful consequences when the protection was not forthcoming.

The second observation would be that minority protection is a process not an act. By this I mean that simply outlining protections in a treaty was not enough. It requires an effective system of monitoring, calling to account and ultimately a willingness to intervene. Protection is also a joint endeavour. Before 1914 outside intervention to enforce treaty obligations was prevented by competition between the Powers and the consequent inability to build coalitions. It was not until the interwar period that it was recognised that minority protection required an ongoing effort by the international community but as we have seen the 'League guarantee', which was to be the basis for continuing international engagement, this was never invested with the authority necessary to give it meaning. Harold Nicholson was surely right that the course of British policy throughout the period was 'quite deliberately opportunistic'.⁶²³ Whether or not that meant foreign policy lacked a moral compass is debatable but it is clear that in practice this opportunism determined the British approach to the League and its institutions. It fostered a belief that the League's interests should be the same as Britain's and that Britain should simultaneously have both a controlling, and as it turned out constraining, influence in the League, and be free to pursue its own course independent from the League. By the 1930s it was clear that this had served to undermine the authority of the League and leave the most vulnerable minorities at the mercy of predatory governments.

The third point is that minority protection was almost never, the exception being Czechoslovakia until the mid-1930s, accepted by the states on which it was imposed. Whilst often the successor states were nominally invested with liberal constitutions, they frequently fell victim to the aggressively nationalising, authoritarian and exclusionary ideologies of the Ataturks, Dmowskis, and Bratianus which came to dominate politics in Central and Eastern Europe as well as the Near East after 1919. This obviously made the need for an effective minority protection system greater not

⁶²³ Harold Nicholson, 'British Commitments Abroad', TNA CAB 4/7, CID paper 251-B, 10 July 1920

smaller as time went on. From the perspective of the Minority States and the Ottoman Empire before them, the system of minority protection was seen as a quasi-colonial imposition. It reinforced suspicions in these states that they were regarded as somehow unequal and second class states. The Minority Treaties built a reservoir of resentment that sovereignty was conditional and less than that enjoyed by Britain, France and even Germany that found its outlet in political rhetoric and later actions directed against the minorities themselves. This suspicion was not entirely without foundation. The British view was certainly influenced by a hierarchical conception of the world in which some states were lesser entities than others.

The treaties were imposed because of a lack of trust in the new states and intended to encourage the minorities to assimilate and become loyal citizens, as they had in the liberal democracies of the West, in return for civic and religious protections. In the view of the Minority States only the second part of this bargain was honoured. Accusations that the minority protection system merely fuelled irredentism and disloyalty, weaponising disputes over national boundaries by giving a platform to unscrupulous politicians seeking to use the minorities as a lever to support treaty change, were not always without justification. But little was done to address the issue in the same way that little was done to address the issue where the persecuting government was at fault. Because they were unwilling to confront the root causes of persecution and prejudice, Britain and the other Powers were left to deal with (or often neglect) the worst consequences, usually in terms of expulsion and extermination, by resorting to official sanction of 'population transfers' or the introduction of increasingly draconian immigration laws.

The final word should concern the minorities themselves. The record of minority protection was disastrous for them, even putting to one side what we know happened in the 1940s. Individuals needed protection because of the group labels which attached to them. Their only 'crime' was to be part of a minority group. Raphael Lemkin identified genocide as having, 'two phases: destruction of the national pattern of the oppressed group; the other, the imposition of the national patterns of the oppressor.'⁶²⁴ The Minority Treaties enumerated protections that, if adopted, would have prevented phase one. Instead, assimilation became a synonym in Central and Eastern Europe for cultural homogenisation by forced integration or, where that was deemed impossible by the host government, as for example with Greeks in Turkey or Jews in Germany, physical expulsion or even extermination. The minorities were repeatedly blamed for the situation in which they found

⁶²⁴ Raphael Lemkin, *Axis Rule In Occupied Europe: Laws of occupation, Analysis of government, Proposals for redress*, (New York: Carnegie Endowment for International Peace, 1944), p79

themselves. The absence of any effective obligation on the international community or penalty on the host government to ensure protections were honoured showed that the whole system relied on a confidence trick. The League's Secretariat's role in respect of minority protection was limited by its primary responsibility to act on behalf of the League Council and represent the interests of its leading members. When the Minority States realised that no one was going to come to the aid of the minorities and that unscrupulous politicians could act against their own citizens with impunity, be it the Ottoman Empire in the nineteenth century or the Nazi state in the twentieth, it was always the minorities who were the immediate victims.

In the aftermath of the Second World War, the whole system of group minority protection that developed after the Congress of Berlin in 1878 and the post-First World War Peace Conferences was deemed a failure. Proposals to include minority protection in the UN Charter were considered but the Foreign Office rejected it arguing, with some cynical self-awareness, that, 'experience as well as common sense suggests that the criterion of strict justice cannot be applied to sovereign states when there is no machinery of coercion and no one will to apply it.'⁶²⁵ The UN Genocide Convention of 1948 separately sought to address some of the failings in minority protection but has met with very limited success. It is important to stress that the Convention contains no *imperative* for outside intervention in ongoing genocides (even putting aside the question of a mechanism by which that imperative could be operationalised in any given instance): it is purely hortatory in character – or as Balfour would have said it continues to rely on 'remonstrance'.⁶²⁶ The divisions caused by the Cold War effectively precluded humanitarian intervention to protect vulnerable minorities from the depredations of their governments for the next 50 years. It was only with the collapse of the Soviet Empire and in particular events in the former Yugoslavia that there was renewed interest in group minority protection. But the lack of an effective solution to protect the most vulnerable remains.

⁶²⁵ Quoted in Brian Simpson, *Human Rights and the End of Empire*, (Oxford: Oxford University Press, 2004), p326

⁶²⁶ It is perhaps no surprise that it was only in 1970 that Britain acceded to the Genocide Convention

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