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ETHNIC MINORITY RIGHTS

SOME OLDER AND NEWER TRENDS

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THE PROBLEM of ethnic (including Jewish) minority rights preoccupied two generations of Jewish leaders before and after World War I. From the 1890s to 1940 it was one of the greatest concerns of the Jewish and a number of other peoples, especially in Eastern and Central Europe. Since that time there have been many changes in the situation of the Jews, from most of which much can be learned for the future.[1]

In some respects national minority rights have been an outgrowth of the now much-discussed 'Human Rights' which were but a variant of the 'Rights of Man' of the American and French Revolutions. Their roots go back to remote antiquity, biblical and Graeco-Roman, and their antecedents. For modern times we need to turn back only to the Peace Treaties of Westphalia (Osnabrück and Münster) of 1648. Following more than a century of sanguinary wars of religion climaxing in the Thirty Years War, which ended in a deadlock, these treaties established the principle of the liberty of conscience and obligation of Catholic states to grant toleration and self-government to Protestant congregations, while the Protestant states committed themselves to do the same for the Catholics. This momentous event led up to the enactment, after the 1688 English Revolution, of the British Bill of Rights of 1689. The Bill's impact was reinforced by the highly influential discourses in John Locke's *Two Tractates on Government* of 1690, a further development of ideas that Locke had first put forward in his *The Fundamental Constitution for the Government of Carolina*, which he wrote in July 1669. With some variations this bill was expanded into the first nine (or ten) Amendments to the Constitution of the United States and again into the Declaration of the Rights of Man and Citizen of the French Revolution. These rights were finally expanded and articulated in some greater detail in the Universal Declaration of Rights proclaimed by the United Nations in 1948.[2]

There is, however, a major difference between national minority rights and human rights in their narrower sense: the latter, as expressed also in the phrase 'rights of minorities', are mainly concerned with equality of rights and opportunity for individuals belonging to minority groups, whereas 'minority

rights' referred to the rights of minority peoples who wished to cultivate their own culture and control their schools, welfare agencies, and other communal institutions. In their modest aspirations they wished to see 'plural societies in which there is a common realm of practical rights and social valuations together with separate spheres of community living' (Banton). Whenever possible, the minorities also sought to secure the right to collect a proportionate part of the governmental expenditures for schools, hospitals, and other cultural and charitable institutions. In some cases national minorities demanded, and occasionally obtained, quotas in political elections, for the most part in the form of electoral *curias* with each minority being allotted a percentage of officials to be elected equal to its percentage in the population. But frequently such arrangements could be obtained only with the aid of international bodies, since most governments (state-wide, provincial, or municipal), often supported by the public opinion of the majority, resisted such diminution of their direct controls.[3]

SLOW PROGRESS

For the Jews these world-shaking events opened up the era of emancipation. But for a long time, their inclusion under the Rights of Man was meaningful only in the area of equality of rights rather than in serving for the protection of their ethnic identity. The same French Revolution which proclaimed the equality of the Jews also demanded their national assimilation into the majority. One of the most liberal leaders in the French National Assembly, the Girondist Count Stanislas de Clermont-Tonnerre, who, in his much-quoted speech of 23 December 1789, eloquently spoke in favour of Jewish equality, made it clear that what he meant was that the Jews as individuals ought to be given all rights, while Jews as a national group should have none. If the Jews should reject such an arrangement, he added, 'let them be banished'. The proclamation of equality, moreover, did not prevent anti-Jewish riots in Alsace, where the majority of French Jews lived at that time. Nor did the most radical faction, that of Jacobins in the Champagne, refrain from proposing a total expulsion of Jews from France. In their enthusiasm over joining the French nationality, on the other hand, a group of young Jews in St.-Esprit-Bayonne offered their sacred books to the new Religion of Reason, for burning in a solemn *auto-da-fé*. Characteristically, even the theory of equality did not stop Emperor Napoleon, during his flamboyant gestures aimed at solving the Jewish question through the convocation of a Jewish Assembly of Notables and the revival of the ancient Sanhedrin, from seriously breaching this principle. At the Sanhedrin he secretly instructed the presiding official to secure from the assembled rabbis answers to the questions put to them which would be agreeable to him. Among these

answers, which the Sanhedrin could not possibly accept, was a declaration of the desirability of an arrangement for at least every third Jew to marry a Christian. Soon thereafter Napoleon did not hesitate to issue the 'infamous decree' introducing some new Jewish disabilities. The decree, despite its anticipated duration of only ten years, was a clear breach of the principle of equality. These actual or attempted breaches illustrated the contention of opponents of the French Declaration of the Rights of Man. Among them were such eminent English thinkers as Edmund Burke, David Hume, and Jeremy Bentham. Arguing from their more conservative point of view, Burke and Hume insisted that such sweeping proclamations would merely inflame the masses to stage revolutions, while the more liberal Bentham warned that the promises inherent in such broad generalities would prevent the legislators from instituting many greatly needed specific reforms.[4]

Despite its limitations the impact of the Declaration of the Rights of Man on the egalitarian movement among the European peoples was enormous. However, along with it, the French Revolution generated an unprecedented upsurge of nationalism. This powerful new force in domestic and international relations served to solidify the unity of most countries, but it also strengthened the centrifugal forces in multinational states. In most countries it did not necessarily undermine the feeling of belonging to the country. But internally the various nationalities, especially in Germany, became ever more conscious of their national identities and began yearning for some sort of self-government, if not independence.

The first, though not long-lasting, breakthrough came during the Revolution of 1848 which, not unreasonably, was called 'The Spring of Nations'. The problem of nationalities was of little importance in such basically national states as France and Italy. But, as became apparent soon after the outbreak of the Revolution, in the Austrian Empire with its dozen minorities and no majority it emerged as a central problem. Through Austria and Prussia (with its substantial Polish minority) the issue was raised also in the revolutionary National Assembly of the entire German Confederation which met in Frankfurt. Here, as early as 27 May 1848, the Czech deputy Titus Marek moved that the Assembly provide for a guarantee of the use, by the non-German minorities, of their respective languages in communal, educational, and judicial affairs. The outcome of the deliberations was the inclusion in the 'fundamental laws' of a paragraph pledging 'the equality of rights of their languages in their territories, in church, education, literature, internal administration and judiciary.'[5]

The entire discussion here focused around the problem of *equality* of national minorities, wherever they were found in concentrated settlements and speaking their own non-German languages. In general this was but a side issue, for most deputies had come from states of the German Confederation which had no significant minorities. The overriding concern of the leading

spokesmen in the Assembly was to use the revolutionary impetus to restructure the diverse segments of the German people into an ideal unified nation with justice for all as a model for other nations. Some idealists, such as the poet Ernst Moritz Arndt, the hero of the Wars of Liberation against Napoleon, even dreamed of the possibility of including in that unity the descendants of the old Teuton tribes in the Netherlands and Switzerland.[6]

In contrast, the rights of the non-German national minorities, going beyond the formal declaration of equality, were of vital importance to the majority of the population in the Austrian Empire. It was, as we now know, this issue which seventy years later led to the dissolution of that venerable Habsburg domain. As a consequence, these far-reaching aspects were much more fully debated in the Austrian Diet of Kremsier. There the feeling prevailed that in cultural affairs a majority should not impose its will upon a national minority. This view was clearly formulated by Anton Heinrich Springer, later a renowned art historian, who declared:

Even if a very large majority should come and order such renunciation of my nationality, I would resist it in the knowledge of my eternal right, for I recognize it [the nationality] as one of the roots of my life and a part of my existence.

Although the revolutionary achievement of the constitutional recognition of the rights of minorities, adopted by both parliamentary bodies in 1849, was swept away by the following reaction and restoration of much of the pre-revolutionary status quo, the legacy of 1848 was not forgotten. The protection of national minorities remained, in various forms, a living issue in Central and soon also in Eastern Europe. Within twenty years, in 1866, Austria lost its war with Prussia and was ousted from German affairs, eliminating the largest concentration of non-German nations from Germany. In the following year the Empire was broken up into the dual monarchy of Austria-Hungary, in which the Germans lost their ruling role in Hungary to the Magyars, who were themselves only barely a majority there. Thenceforth, the issue of minority rights continued to sap the strength of both parts of the Dual Monarchy. Remarkably, even in England, which at that time faced only a different kind of problem in the Irish question, Lord Acton could write in 1862, with special reference to Austria-Hungary:

A State which is incompetent to satisfy different races condemns itself; a state which labours to neutralize, to absorb, or to expel them, destroys its own vitality; a state which does not include them is destitute of the chief basis of self-government.[7]

In all these debates concerning minorities much stress was laid on the languages spoken in large territories. Not surprisingly, even ten years after the revolution, the most prominent Hungarian leader, Lajos (Ludwig)

Kossuth, underscored the great difference between the Hungarian language and the languages of the other nationalities in the Empire. He pointed out that, while the Slavic languages had their fatherlands outside Austria in the Tsarist Empire, and the Romanians could turn to Moldavia and Walachia, where the majority spoke their language, the Hungarian tongue had no such external centre. Hence it doubly required protection for its cultivation in Hungary.[8]

As for the Jews, at that time their leaders were not greatly worried about the preservation and autonomous development of Yiddish, the language which was generally spoken by Jews in Galicia and northern Hungary as well as all over Russia. Many of them actually dismissed it as a mere 'jargon' and considered its cultivation an obstacle to their primary goal of securing for the Jews equal rights in the political and economic spheres. On the other hand, some of their conservative compeers at home were afraid not only that total emancipation would strengthen the assimilatory process and ultimately lead to the absorption of large Jewish groups by the majority, but that it might also lead directly to the curtailment of the much-cherished communal autonomy which they had enjoyed from time immemorial. As it turned out—and the beginnings of this phenomenon were already noticeable in the countries with emancipated Jewries—most Jews did indeed send their children to the public schools, then rapidly spreading all over Europe and America, and took their legal disputes to state courts rather than to their own rabbinic tribunals. Nevertheless, both the Frankfurt and the Kremsier Assemblies, being more or less intensely devoted to the Rights of Man, were from the outset ready to grant the Jews equality of rights. Suffice it to mention the presence among the delegates in Frankfurt of Gabriel Riesser, a lawyer, publicist, and long-time fighter for Jewish emancipation, who was elected chairman of the important *Minoritäts- und Petitions Ausschuss*, which was in charge of arranging the agenda and the handling of petitions from the public. For two months he also served as Vice-President of the Assembly. Riesser's numerous significant addresses at the Assembly included one delivered at a crucial moment on 21 March 1849. This address is characterized by Veit Valentin as 'the most powerful oratorical performance heard at the St. Paul's church'. Similarly, the Kremsier Assembly elected to its most prestigious Constitutional Committee, which was to work out a new constitution for the Austrian Empire, three deputies from the most important district, Lower Austria, which included the imperial capital, Vienna. Two of them were Jews: Adolf Fischhof and Josef Goldmark, the leaders in the original uprising. To be sure, during the debate on the Jewish question in the session of 16 December 1848, the eminent Czech historian and political leader, František Palacký, expressed the fear that, in granting the Jews 'sudden emancipation we may expose them to a massacre by our highly intolerant people in Prague'. This was an understandable fear in view

of the anti-Jewish riots which had taken place in Alsace during the French Revolution and in parts of Germany and Bohemia in 1848. Nevertheless, neither Palacký nor the two other like-minded speakers in the same session offered any formal amendments. The Constitutional Committee decided, therefore, only to shorten Article 17 (later 16) then under discussion. It read: 'The profession of diverse religions is no reason for any difference in the rights and obligations of the citizens.'[9]

FORWARD LEAPS

When the Counter-Revolution of 1849 proved victorious in both the Austrian Empire and the German Confederation the attempted consititutional reforms remained unfinished. Thus the final draft of the Austrian Constitutional Committee read:

All ethnic groups in the Empire enjoy equality of rights. Every ethnic group has the inviolable right to cultivate its nationality and particularly its language. The equality of rights of all languages used in a particular area, in school, office and public life, is guaranteed by this state.

But it had only a weak impact on subsequent Austrian legislation. Only Prussia, whose eastern provinces, taken over during the partitions of Poland, continued to harbour a large Polish-speaking majority, had a serious national minority problem. At the turn of the century the government tried to solve it by a more or less forced denationalization of the Poles and their absorption by the the German nation. As a result Jews found themselves in the awkward position of having to choose sides, mostly ending by antagonizing both parties.[10]

In Austria-Hungary, on the contrary, the national minorities' problem became ever more acute even after the new Constitution of 1867 had made many concessions to their autonomy. Finally, the Social-Democratic Party, led by Viktor Adler, Karl Renner (who after World War II was to become successively Prime Minister and President of the smaller Austrian Republic), and Otto Bauer, came out with new proposals to save the integrity of the Dual Monarchy. Renner, at first using the pseudonyms 'Synopticus' and 'Rudolf Springer', sought to secure the rights of the various nationalities by a new basic approach. Going back to the medieval Teuton system of treating the numerous tribes in the old 'Roman Empire of the German Nation' on the basis of a 'personality' rather than a territorial principle, he argued that, for instance, the Czechs living in Vienna (who before very long amounted to a sizeable minority of the capital's population) should live, in linguistic, educational, and cultural affairs, under their own law. Along these lines the Social-Democratic Party adopted in 1899 a programme reading in part:

1. Austria is to be reconstructed into a democratic federal state of nationalities.
2. In lieu of the historical crownlands, there will be formed nationally delineated self-governing entities, the legislation and administration of which will be performed by national chambers on the basis of a general, equal and democratic electoral law.

The proposals, never implemented in Austria-Hungary, came too late to prevent the break-up of the Monarchy at the end of World War I.[11]

In the meantime, however, they were heatedly debated among the various national minorities in both the Austro-Hungarian and Tsarist Empires. For Jewish thinkers, especially, the novel approach opened up new vistas. A minority everywhere, the Jewish people could now claim minority rights with redoubled zeal according to Bauer's definitiion of a nationality as constituting a *Schicksals- und Kulturgemeinschaft* (a community of destiny and culture), even though it might not form a distinct territorial entity. Among the Austrian Jews, especially in Galicia and Bukovina, the newly established World Zionist Organization (1897) at first concentrated its organizing efforts on the realization of its programme aiming at the establishment of a Jewish homeland in Palestine. But before long it followed Theodor Herzl's advice to 'conquer' the Diaspora communities for its Zionist-nationalist programme. A decisive change in Austria's electoral law, extending the franchise to all males over twenty-four years of age, made it possible for Jewish 'nationalists' to capture, in 1907, four seats in the Austrian Parliament in Vienna. There they formed a Jewish 'club', similar to the Polish, Czech, and other 'national' clubs. Other Jewish deputies, however, not recognizing Jews as a nationality, joined either their respective Polish and other co-nationals, or the multi-national Social-Democratic Party. This party, including Renner and Bauer (a Jew), did not recognize a Jewish nationality. The government, too, continued to consider Jews only as members of a distinct religious denomination. This complication came to the fore especially in the census of 1910, when the enumerators were ordered not to allow Jewish registrants to designate themselves and their families as members of a Jewish nationality. Many Jews tried to indicate their identity by listing Yiddish as their customary language (*Umgangssprache*). But even in Galicia, where the large majority of Jews spoke Yiddish, they were forbidden to list that language in the census. When, soon thereafter, elections to the provincial Diet of the Bukovina were conducted by national curias of Ruthenians, Romanians, and Germans, the Jews did not have a national curia of their own; instead, the majority voted as Germans for linguistic and cultural reasons.[12]

The repercussions in Russia were even more far-reaching. As early as 1895 Iulii Osipovich Martov, a major figure in the Russian Socialist Party (who

later, as leader of the Menshevik faction, was to be the most influential opponent of Vladimir Lenin, head of the Bolsheviks) delivered a significant address in which he declared, with reference to Jews, that 'a working class, content with the lot of an inferior nation, will not rise up against the lot of an inferior class . . . the growth of national and class consciousness must go hand in hand'. Similar sentiments were expressed by Chaim Zhitlovsky, beginning in 1892, in a Yiddish pamphlet, *A Jew to Jews*. This appeal was smuggled into Russia from his then residence in Switzerland and was widely distributed. The Jewish Labour *Bund*, founded in 1897, was slower in adopting the programme of Jewish national minority rights, but by 1901 – 3 it had become an outspoken exponent of such a programme. Similar demands were voiced by the distinguished historian Simon M. Dubnow, a spokesman for the ideology of Diaspora nationalism. After the Revolution of 1905 the Zionist Organization likewise joined the champions of national minority rights for the Jewish people. It adopted an historic resolution to that effect at its conference at Helsingfors (Helsinki) in 1906. The idea also found adherents among the ten Jewish deputies elected to the first Duma (Parliament). Before long, a new Jewish party of Populists (*Folkisten*) propagated the more extreme idea that the Russian Empire (also Poland later) be converted into a federation of nationalities. Ultimately, during World War I, it also advocated the formation of a world-wide League of Nationalities, rather than a League of Nations, that is, states. [13]

More decisive were the developments in the large and growing Russian Socialist Party, particularly the Bolshevik faction, led by Lenin. In his insistence on centralized controls by the Party, he resented the Bund's separation from the Russian Party. In a number of articles in his journal, *Iskra*, he denied the very existence of a Jewish nationality. In one of these articles he bluntly declared that

> the idea of [a Jewish] nationality has a definitely reactionary character not only when expounded by its consistent advocates [the Zionists], but also on the lips of those who try to combine it with the ideas of Social Democracy [the Bundists]. This idea of a Jewish nationality runs counter to the interests of the Jewish proletariat, for it fosters among them, directly or indirectly, a spirit hostile to assimilation, the spirit of the ghetto.

Yet, on his return to Russia in 1917 in an extraordinary journey engineered by the German army, Russia's enemy, he found that an overwhelming majority of the Jewish population was in favour of Jewish national minority rights. This had become evident in the elections to the Russian Constituent Assembly, which Lenin forcibly disbanded. To achieve a measure of international support outside the communist ranks, he issued, on 15 November 1917, shortly after seizing the reins of government, a decree

promising all nationalities, including the Jews, equality of rights and national self-determination, up to the right of secession from Russia.[14]

At first the governmental machinery ran more or less according to plan, considering the great post-revolutionary turmoil all over the country. Jews were not only allowed to have their own Yiddish grammar and secondary schools and their own judiciary, but also to occupy some municipal administrations (*soviets*), wherever they constituted the majority of a town's population; of course, under the strict control of the mushrooming governmental bureaucracy. As late as 1937 I spent a whole day attending trials at a Jewish court in Kiev where the judges, attorneys, witnesses, and parties spoke Yiddish. I was surprised to note that most of the proceedings were devoted to the problems of the maintenance of aged parents by their children, many of whom proved that they earned too little money even for the upkeep of their own families. This experience was but another illustration of how erroneous the widespread belief abroad had been that in the Soviet Union the state took care of all its indigent citizens from the cradle to the grave.

Quite early, however, clear warning signs appeared on the horizon of the purported self-government of the Jewish minority. In January 1918 the government, at the instigation of the Jewish communists, decreed the total expropriation of all Jewish communal property, accumulated over generations, and handing it over to 'the dictatorship of the proletariat within the Jewish society'. The newly appointed commissar exercising that 'dictatorship', Simeon Dimanshtain, from the outset declared, 'As internationalists we do not pursue any special national tasks but only proletarian programmes'. This point of view also dominated the *Yevsektsiia* (the Jewish section of the Communist Commissariat of Nationalities), which was headed by him as long as it lasted.[15]

Undermining the survival of the Jewish communities more fundamentally was the legislation directed against the traditional three pillars of Judaism: religion, the messianic expectation (now mainly in its secularized form of Zionism), and the Hebrew language. Moreover, Joseph Stalin (Djugashvili), who served as specialist on nationality problems in Lenin's entourage and later became the undisputed dictator of the Soviet Union, had long expounded a specific nationalist doctrine. He taught that the two essential criteria of nationality consisted of the group in question being a majority of the population in a certain territory (even though a great many members of the group might also live outside that territory) and its speaking a language of its own. These criteria did not fit the Jewish people since the Jews at that time lived as a minority everywhere and spoke Yiddish, Ladino, or the languages of their neighbours. To make the Jews meet his definition, Stalin tried to create such conditions by gradually developing small Jewish autonomous regions in southern Russia, which included relatively large

Jewish agricultural colonies. Later his regime sponsored the establishment of a large Jewish settlement in far-eastern Biro-Bidjan which, incidentally, was also to be used for the support of a Soviet army defending the Soviet borders against a possible Chinese or Japanese attack. It could further be presented to the world as a counterpart to the Jewish homeland and later to the State of Israel. In a famous address of 1930 Stalin revealed his innermost thinking about nationality problems which augured badly for the future of any nationality and language falling into disgrace with the existing Soviet regime. He declared:

> We must let the national cultures develop and expand, revealing all their potential qualities, in order to create the necessary conditions for fusing them into one common culture with one common tongue. The flourishing of cultures, national in form and Soviet in content, in the conditions of a proletarian dictatorship in one country, for the purpose of their fusion into one common socialist culture, common both in form and in content, with one common tongue, when the proletariat is victorious throughout the world and socialism becomes an every day matter—in this lies the dialectical quality of the Leninist way of treating the question of national cultures. [16]

This high-sounding declaration of a utopian programme for some distant future was clearly a cover-up for the uncertainties of the present and lack of any consistent implementation of the promises made for the protection of the national minorities. It was in line with the procedure adopted from the outset by Lenin and his associates, when they 'contrived to force a considerable number of races back under Russian domination, although this was done in cynical contradiction not only to the wishes of the peoples concerned, but also to eloquent promises and unequivocal prescriptions of the Constitution of the Soviet Union' (K. Rabi). The same glaring discrepancy between theory and practice appeared again at the promulgation in 1936 of a new constitution for the Soviet Union, which included provisions for freedom of speech, assembly, and other democratic rights. No one in the government had any intention of implementing them. The leaders eventually admitted that these provisions were intended to serve as an ultimate goal, rather than to be applied in practice in the immediate future. A similar fate befell the pledges of human rights made at Helsinki in 1975 in return for the United States' recognition of the Soviets' annexation of the Baltic States after World War II. Even the much older expectation of the ultimate 'withering away' of the state as such, formulated by Karl Marx, has been theoretically upheld for the last two-thirds of a century in a state which has exercised more complete totalitarian powers than anything Tsar Nicholas I could have dreamed up in his 'absolutist' empire.

In the case of the Jewish minority, its purported self-determination has

withered away in an unprecedented manner. Together with the enormous destruction of Jewish life and property caused by the German occupation and the Great Holocaust during World War II, Jewish communal life has almost vanished even in the areas not occupied by the Germans. Gone are the Jewish schools, the Jewish departments at universities, the Yiddish theatre and the Yiddish press, except for a small controlled Yiddish magazine and a meaningless newspaper in Biro-Bidjan, a district which in itself is a living testimony to the total failure of the government's 'constructive' Jewish programme. Even in recent years the only way for the majority of Russian Jewry to communicate its opinions to a limited audience has been to express them in outlawed *samizdat*s. The vicissitudes in recent years of Jews wishing to emigrate, primarily to Israel, and their dependence on the degree of friendly or unfriendly relations between the Soviet Union and the United States, are a matter of common knowledge. In varying degrees, the atmosphere is somewhat less oppressive for the small Jewish communities in the Soviet satellite countries in Eastern Europe. [17]

WESTERN ACHIEVEMENTS

The evolution of minority rights in the Soviet Union was exceptional inasmuch as it was part of a complete revamping of the established order. To reshape society at large the doctrine of a dictatorship of the proletariat, like any other dictatorship, historically implied the denial of freedoms for most individuals and groups. It presupposed that a small elite at the top of the Party knew best what was good for the country, indeed for the world. Individual citizens and their various groups, including nationalities, had to pursue those goals as prescribed from above; thus the freedom of action by the majority, as well as by the minorities, has been extremely limited. Unable to influence the legislation of the country under its one-party system, directed by an enormous and highly centralized bureaucracy, closely supervised by the police and by a powerful secret service and the state's integrated court, police, and military system (a situation which has basically prevailed even after some relaxation of the terror of the Stalin era), even the individual Russian citizen has enjoyed few real 'rights'. Hence only a brief review of what happened to the minority rights movement in the free Western countries at its climax during World War I and its aftermath until the outbreak of World II may furnish us some food for thought about what new societal forms might develop, under changed conditions, in the status of ethnic minorities today.

It is generally known that the entry of the United States into the First World War played a decisive role in its outcome. President Woodrow Wilson, preaching the ideal of 'the war to end wars', also became the leader

in shaping the ultimate peace treaties through his Fourteen Points programme. Among its most important proposals was the 'self-determination' of nationalities which, he believed, by satisfying the aspirations of the conflicting national groups, would establish an enduring peace in war-torn East-Central Europe and the Middle East. By self-determination Wilson understood the granting of sovereign powers to all important nationalities. On closer examination, however, it turned out that the ethnic mixtures on the scene were so diffuse that any new or newly enlarged sovereign state would necessarily include large national minorities; and that in many areas former majorities would become minorities. Thus protection of national minorities became an integral part of the peace process.[18]

In the ensuing negotiations the Jewish people and its representatives were destined to play a crucial role. To begin with, the Jews, wherever they may have lived for many centuries, did not constitute a majority in any country (until the rise of the State of Israel) but were a minority *par excellence*. While the Peace Conference was also to consider the problem of establishing a Jewish homeland in Palestine, it was anticipated that this country would attract only a limited number of immigrants from the Jewish communities in other lands. Such emigration was not expected to affect deeply the status of the remaining Jewish inhabitants of Europe. By coincidence, some of the other major national minorities were to consist now of segments of the previously dominant groups: Germans, Magyars, Russians, or Turks. The representatives of these major nationalities were primarily concerned with minimizing their territorial losses, and generally had little influence on the statesmen assembled in Paris and its vicinity. The Jews, on the other hand, had eloquent spokesmen in the United States, Britain, France, and Italy. They were able, therefore, to organize a *Comité des Délégations Juives* representing the Jews of most participant countries. This committee was headed by the Americans Judge Julian Mack (chairman), Louis Marshall, and Stephen Wise, and the East Europeans Nahum Sokolow and Leo Motzkin. British and French Jewries had delegates of their own, who often collaborated with the committee.[19]

Naturally enough, all Jewish delegates agreed on a course of action which would secure for the Jews in the newly-to-be-established or enlarged countries full equality of rights along the lines long before obtained by their co-religionists in the four great Allied countries. But there was a deep cleavage between the West and East Europeans regarding Jewish national minority rights. In Western Europe Jews were generally regarded only as a religious group with full autonomy in running their own religious affairs. Even in the United States with its proliferation of ethnic groups the prevailing assumption, shared also by most Jews at that time, was that the country was serving as a great 'melting pot' which blended persons of various

races and nationalities into one new American nation. This watchword, said to have been coined by the New York Rabbi Samuel Shulman in a 1907 sermon, so intrigued the prominent Anglo-Jewish writer Israel Zangwill that in 1908 he wrote a play under the title *Melting Pot*. This play, whatever its artistic merits may have been, made a deep impression on English, as well as American, audiences. Among them was President Theodore Roosevelt who, after leaving the theatre, with his usual enthusiasm called it 'a great play'. Zangwill, though a Zionist, was so attracted by this ideology that he even favoured the idea of intermarriage with non-Jews as a means of its realization. In fact, as late as 1920 he criticized on this score Shemarya Lewin's essay *Out of Bondage*. He quoted with approval Lewin's contention that 'we [are] . . . compelled to try to express new concepts in old terms which do not fit them . . . because language is more conservative, more backward in development than all other agencies which serve the same purpose', but he contradicted Lewin's basic nationalist thesis and bluntly declared:

> Despite this insight, Shemarya Lewin's thinking is irrational throughout by the use of the term 'Nationality' for a phenomenon which in its Jewish aspect is of a complexity transcending our existing political vocabulary. [20]

Another great believer in the melting-pot ideology was Louis Marshall. With his leadership abilities he was able to combine the presidency of the Board of the American Jewish Committee with those of the leading Reform congregation, Temple Emanu-El, in New York and the conservative Jewish Theological Seminary. However, he realized that the large majority of Jews living in East-Central Europe considered themselves one of the numerous minorities in the respective countries for which the Peace Treaties were to provide the needed protection. Their delegates were overwhelmingly clamouring for national, as well as religious, minority rights. Marshall was flexible enough to yield to their wishes and to help them secure such safeguards in the Treaties. It was undoubtedly he and Stephen Wise who persuaded Woodrow Wilson, who originally had expressed fear about the harm which such provisions might bring to the East-European Jews, that their inclusion as a national minority was, indeed, a basic necessity. [21]

After several weeks of preliminary negotiations, the *Comité* submitted on 10 May 1919, in the name also of several other organizations and of 'nine million Jews', a draft for the forthcoming peace treaty 'for the protection of the several national, religious, racial, and linguistic minorities'. This draft referred specifically to 'Bulgaria, Estonia, Finland, Greece, Lithuania, Poland, Rumania, Russia, Czechoslovakia, Jugoslavia, and other East and Central European lands.' Its first three articles were to provide for the complete equality of rights of all citizens and the repeal of all laws in contravention of this principle. In addition Article 4 was to protect the rights

of any national minority to use its language in private and in public, before tribunals, in schools, and other institutions. Article 5 was to read:

> The State of . . . recognizes the several national minorities in its population as constituting distinct autonomous organizations, and as such having equally the right to establish, manage and control their schools and their religious, educational, charitable and social institutions. Any person may declare his withdrawal from such a national minority. Within the meaning of the articles of this chapter, the Jewish population of . . . shall constitute a national minority with all the rights therein specified.

To which Article 6 added the following clause:

> The State of . . . agrees that to the extent that the establishment and the maintenance of schools of religion, educational, charitable, or social institutions may be provided for by any State, departmental, municipal or other budget, to be paid for out of public funds, each national minority shall be allotted a proportion of such funds based upon the ratio between its numbers in the respective areas and the entire population therein. Moreover, the authorities of each national minority shall be empowered to impose obligatory contributions upon the members of such a minority.[22]

Collaborating with the *Comité*, but acting independently, were the representatives of the Jewish communities in England and France. Initially, Lucien Wolf and Eugène Sée voiced opinions divergent from those of Sokolow and Motzkin regarding Jewish national minority rights. Negating the existence of a Jewish 'nationality', they refused to join the *Comité*, but often negotiated independently with the British and French delegations. In the end, however, they supported the *Comité*'s efforts, joining the skilful negotiations of Marshall and Mack.[23]

The work of the Jewish lobby proved to be very successful. Within a few weeks the principal Allied and Associated Powers (the United States, the British Empire, France, Italy, and Japan) concluded peace treaties with their former enemies and the newly constituted or enlarged states. Germany, the chief enemy, was not included in the minority treaties, because she had lost almost all her national minorities, especially the Poles in the East and the so-called *Franzosen deutscher Zunge* in Alsace. The only time she was cited before the League of Nations for her offences against Jews was after Hitler's rise to power in January 1933, in the 'Bernheim Petition'. The warehouse employee Franz Bernheim complained of losing his job as a result of the Nazi anti-Jewish legislation, which ran counter to the special German-Polish 'Geneva Convention' of 1922 with respect to the division of Upper Silesia. This complaint was prosecuted so early in the Nazi administration that even

Hitler had to yield to the League of Nations' decision of July 1933 and reinstate Bernheim in his former job. [24]

In general, the most important treaty was that concluded with Poland, the largest and historically most significant resurrected state—especially in the case of Jews, who were to be one of the large minorities which together totalled some 38 per cent of the state's population. Dated 28 June 1919, this treaty included a number of very important protective provisions for all national minorities. It also added two articles (10 and 11) aimed particularly at safeguarding the rights of the Jewish minority. These provisions went very far towards fulfilling the expectations of the *Comité des Délégations Juives*. Apart from promising to grant full equality of rights to all citizens, without distinction as to 'race, language, or religion', article 7 of the Polish Treaty provided that:

Notwithstanding any establishment by the Polish Government of any official language, adequate facilities shall be given to Polish nationals of non-Polish speech for the use of their language, either orally or in writing, before the courts.

Article 8 added:

Polish nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Polish nationals. In particular they shall have an equal right to establish, manage and control at their own expense charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

Even the only major difference between this article and the pertinent suggestions in the *Comité*'s draft, namely, that the minorities may establish such institutions *at their own expense*, were immediately modified in the following article by the provision that 'in towns and districts where there is a considerable proportion of Polish nationals belonging to social, religious or linguistic minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the state, municipal or other budget, for educational, religious, or charitable purposes'. Another provision assured Jews that they would not be forced to do forbidden work on the Sabbath, nor would elections be set for Saturdays. [25]

Regrettably, most of the new and newly enlarged states which were parties to the Peace Treaty were reluctant to implement these provisions. The very persons who had long clamoured for extensive minority rights for their own peoples while they were minorities in the old empires, now that they had become members of the ruling majorities begrudged such rights to the new minorities. Poland, Romania, and several other states objected to the

insertion of national minority rights into the peace treaties by arguing that such an invasion into domestic policies represented a curtailment of sovereignty. It required tremendous pressure on the part of the Big Four Powers to break down that resistance in the drafting committees. In his decisive letter to Ignacy Paderewski (a famous pianist with hosts of admirers in both Western Europe and the United States, who served as Poland's Prime Minister), Georges Clemenceau, host and chairman of the Peace Conference, informed him on 24 June 1919 that this innovation had become 'a necessary consequence and an essential part of the new system of international relations brought into being by the establishment of the League of Nations'. Nor could Paderewski overlook the fact that it was largely in the hands of the Big Four to draw the boundaries of the newly created Polish state. David Lloyd George had from the outset believed that (to quote his later reminiscences) 'when the Poles presented their case to the Conference, their claims were by every canon of self-determination extravagant and inadmissible'. Paderewski, who was doubtless informed about the British Prime Minister's views, certainly could not forget Lloyd George's exclamation at the Committee's meeting as late as 5 June. Held in Wilson's temporary residence in Paris, the session heard Lloyd George warn Paderewski that Poland 'has won her freedom, not by her own exertions, but by the blood of others; and not only has she shown no gratitude, but she says, "she loses faith in the people who won her freedom"'. Wilson, somewhat more restrained due to the presence of a large Polish population in the United States, intimated to Paderewski the same feeling in a milder form. In fact, according to Wilson's close associate Edward Marshall House, the American President had already, in the plenary session of 31 May 1919, warned the Romanian delegates that 'if we agree to these additional territories, we have the right upon certain guarantees of peace'. In his letter of 24 June Clemenceau, further explaining the inclusion of the special Jewish clauses in the Treaty, wrote that 'in view of the historical development of the Jewish question and the great animosity aroused by it, special protection is necessary for the Jews in Poland'. Finally, on 28 July, yielding to these pressures, Paderewski and Roman Dmowski almost clandestinely attached their signatures to the 'small treaty' regarding the minorities immediately after signing the 'large treaty' with Germany establishing Polish independence. Lucien Wolf on the same day, 28 July, congratulated Paderewski for having 'spontaneously affirmed the fidelity of Poland to the principles of liberty and justice'. Other Jewish representatives followed that example on the next day.[26]

GROWING FRUSTRATIONS

Despite this momentary fraternization Poland and most other states almost immediately began using delays and subterfuges to evade their responsibilities under the Treaties. Although the leading powers had safeguarded the Treaties against non-compliance by providing that modification of any provisions could be accomplished only with the consent of the Allied Powers and later of the Council of the League of Nations, the contracting parties succeeded in evading their responsibilities to a very large extent. At the 81st session of the Polish Diet (*Sejm*), on 30 July 1919, called to ratify the Treaty, Paderewski himself, though highly praising the general attitude of the victorious powers with regard to granting Poland full independence within greatly enlarged boundaries, complained about the inclusion of the provisions for minority rights. He argued that Poland, which had a record of protecting minorities, including Jews, for the preceding 800 years, could be trusted to continue doing so in the future. Some deputies voiced similar complaints. Among them was Wincenty Witos, whom I remember as a simple peasant in a village in the vicinity of my father's estate, and who became an influential leader of the Polish Agrarian Party in the Austrian Parliament and was later to serve three terms as Prime Minister of Poland. A convinced antisemite, he now moved that the Sejm ratify only the Large Treaty, but repudiate the Little Treaty relating to the rights of the minorities. Although, under pressure from abroad, reason prevailed and the Sejm ratified both treaties with a large majority of 286 to 41, there were further long delays. Not until January 1920 were both ratifications signed, and it was December 1920 before the text of the Little Treaty was formally published in the *Dziennik Ustawy* (Legislative Daily) and thus became the binding law of the land.[27]

This thrice-told tale of the struggle by Poland and other states against the enforcement of the pledged provisions need not be repeated here. The endless violations of Jewish rights by the Polish government went beyond the domain of minority rights into that of simple equality. To make room for the Polish landless peasants streaming into the cities, the government established monopolies in various branches of the economy. For example, practising a sort of extreme 'affirmative action', it rapidly replaced the Jews by peasants in the tobacco industry. In 1922 at the establishment of the tobacco monopoly 3,000 Jews made a living by serving as its blue and white collar workers. By 1934 the Jewish share was reduced to 102 persons. To justify their failure to implement their pledges concerning the autonomy of the minorities, Poland and most other new or enlarged states continued to protest that they had been singled out for an infringement of their sovereignty by allowing outside powers to intervene in their internal affairs.

This argument was not completely devoid of merit. The underlying assumption at the original negotiations was that all states of the victorious alliance would sooner or later assume the same responsibilities toward their minorities. Legally, to be sure, these recriminations carried little weight. But with the progressive deterioration of international relations in the 1920s and 1930s, the Allies' power of enforcement was greatly diminished. The failure of the United States to become a member of the League of Nations, the wars started by Japan and Italy, and the rearmament of Nazi Germany—all so undermined the League's authority that on 13 September 1934 Colonel Josef Beck, the Foreign Minister of Poland, could get up at a session of its Assembly to declare solemnly that thenceforth

> pending the bringing into force of a general and uniform system for the protection of minorities, my government finds itself compelled to refuse as from today all co-operation with international organizations in the matter of supervision of the application by Poland of a system of minority protection.

Beck was of course aware that the universalization of minority rights had no more chance of being enacted at that time by the League's membership than did the corresponding promise of general disarmament. It may be noted that the opposition at the League to universalization was led not by a representative of a European state but by Afonso Arinos de Melo Franco, Foreign Minister of Brazil. He was also later the initiator of the resolution adopted in 1938 by the Pan-American Conference held in Lima that 'the system of protection of ethnical, language or religious minorities cannot have any application whatsoever in America'. In retrospect Melo Franco's apprehensions may have been justified during World War II. At that time Brazil's largest minorities, the Germans, Italians, and Japanese, if formally treated as such and granted autonomy in their close territorial settlements, might have helped the Axis powers in many ways.[28]

This public defiance by the Polish government made itself felt in most of the other states, among which only Czechoslovakia and Estonia had tried to observe the minority provisions to a significant extent. Before long, moreover, the turbulence in Europe was overshadowed by the belligerence of the Nazi regime and minority rights were completely submerged under the tragedies of World War II and the Holocaust. It was whistling in the dark when, in 1943, Jacob Robinson and his associates answered their query, *Were the Minority Rights a Failure?*, in the negative.[29]

If I may add a few comments from a personal perspective, I should like to mention that I was deeply involved in some of the struggles for minority rights, though not as an active participant. I was a great believer in both the League of Nations and later the United Nations in their first years of great flowering and even greater expectations. It so happened that in the

mid-1920s I joined the movement of the Unions for the League of Nations which were organized in many countries and which together formed the International Federation of the League of Nations Unions, with its headquarters in Brussels. As the representative of the Austrian Jewish Union I was a member of both the Federation's Board of Governors and its Permanent Minority Commission, modelled on the structure of the League of Nations. The Federation performed certain parallel functions on a volunteer basis; of course, with no power of enforcement. Yet the moral suasion exercised by many Unions, or by the Federation as a whole, often brought practical results. For example, the British Union, the largest of them, under the able leadership of Gilbert Murray and Lord Robert Cecil, was able in the mid-1930s to institute a voluntary plebiscite in England in which some ten million Englishmen cast their ballot against rearmament. A ratio of ten million in a total population of some forty-five million appeared even at that time to be a very respectable number in presidential or parliamentary elections in many countries. Unfortunately, this particular plebiscite was the result of poor judgement. As it turned out, the passivity of the Western Powers to Hitler's defiance of the Versailles Treaty and his rearming of Germany, as well as his crossing the Rhine, found Britain at the outbreak of the War in September 1939 totally unprepared. It was, as Winston Churchill said later, referring to the heroic resistance of the Royal Air Force in Britain's hour of peril, a case when 'never . . . was so much owed by so many to so few'. [30]

It was during my membership of the Federation's Permanent Minorities Commission that I was able to observe closely the reaction of the spokesmen of several of the countries which were obligated under the Peace Treaties to extend to the minorities full autonomy in their cultural and internal affairs. These representatives offered all sorts of evasive justifications for their countries' non-compliance with the provisions of the Treaties. More remarkably, I remember the sharp exclamation of Amedeo Giannini, editor-in-chief of the highly respected *Oriente Moderno*: 'Ou égalité, ou privilège!' In other words, he objected to all kinds of exceptions granted to minorities which did not apply to the majorities themselves. And, it must be remembered, he spoke on behalf of a country, Italy, which had no real minorities problems of its own. Nor did he accept the explanation that minorities needed protection for their rights to preserve their cultural traditions and heritage—a protection which the majority did not need, but rather was in the process of expanding. The Federation's Commission was able to transmit to the parallel Commission at the League of Nations certain grievances concerning violations of the Peace Treaties which the local minorities were fearful or otherwise unable to submit to the League directly, because of the likely sharp reactions from the governments of their countries. It may be noted in this connection that, for this reason, the Jewish minority

of Poland, whose Jewish club in the Sejm was publicly fighting against numerous violations, never submitted a formal grievance to the League's Commission, even in the period when the League still had some power to enforce its resolutions. In Poland, in particular, popular passions were easily inflamed. The first President elected in the new state, Narutowicz, was assassinated by extreme nationalists because he had been chosen with the votes of the deputies from the minorities. Any attack on Poland before an international forum was denounced by the public as high treason. By 1925 calmer counsel prevailed for a time, and even the generally anti-Jewish Prime Minister, Grabski, was persuaded to conclude an 'agreement' (*Ugoda*) with the deputies of the Jewish club in the Sejm. However, it was never implemented in practice.[31]

Although deeply frustrated by the failure of the national minority rights movement I was ready to support the new United Nations as far as I could. Again this applies only to that institution's first years, when it performed many good services in the cause of peace, social welfare, and cultural exchanges. In fact, I recall that in the summer of 1946, on a lengthy visit to South Africa on behalf of both the US State Department and the South African Board of Jewish Deputies, I was approached by the then newly-founded South African Union for the United Nations to address their opening public meeting in Johannesburg. The other speaker that evening was Jan Hofmayer, then the Finance Minister and, in the absence from the country of Premier Jan Christian Smuts, also acting Prime Minister. The audience, too, was very sympathetic to the new organization. Little did Hofmayer and I foresee that, some day, the Republic of South Africa would be singled out for exclusion from the United Nations Assembly because of its policy of apartheid and its refusal to relinquish its original mandate over South-West Africa (now Namibia) to the control of the United Nations.

EGALITARIANISM VERSUS LIBERTY

The new post-war era from 1946 on turned its attention away from national minority rights almost completely. Its main preoccupation in the following decade was with human rights, sometimes called civil rights, with many variations of those terms. Mankind had a lot to do during those years to secure the self-determination of the large colonial world, replacing it by scores of independent nations. It was also busy securing equality of rights for numerous minorities, particularly those distinguished by racial differences, so that its main emphasis was now laid upon the rights of individuals rather than those of groups. Some optimists believed that the issuing of a strong International Bill of Rights, which would grant full equality among individuals, would indirectly also liberate larger or smaller racial and ethnic

groups, like the Blacks in America, and secure for them equality of treatment before the law. Of course, such struggles transcended the authority of the United Nations and for the most part had to be fought out inside the respective countries. The epic story of the civil rights movement in the United States is too fresh in our memory to need elaboration. It suffices to say that in the United States federal legislation has gone so far as to exceed simple equality and to grant the Black population 'affirmative action', that is, insist that in appointments to jobs, offices, and the like, black candidates be given priority over the candidates of other races, wherever possible. In many cases this provision involved, of course, reverse discrimination against white persons, leading to complicated litigation in which it was claimed that the principle of constitutional equality was being violated.[32]

It must be borne in mind, however, that the protagonists of national minority rights started with the assumption that equality comes first. They only felt that equality ought to be supplemented by special rights granted to groups, particularly national minorities. To be sure, a distinguished British jurist, Hersch Lauterpacht, argued that

> an effective International Bill of the Rights of Man—which attempts to solve an abiding problem of human freedom in the relation of man to state in a manner transcending the protection of national and linguistic minorities—would be a proper and desirable substitute for the system of protection of minorities by treaties binding upon a limited number of states and safeguarding a limited area of rights of limited members of the population. There is in the Minorities Treaties no substantive right and procedural safeguard which is not to be found in the Bill of Rights as here proposed.

His prediction did not come true, however. Oscar I. Janowsky was more correct in assuming at the same time that, as far as national minorities were concerned, their autonomous rights were far more broadly protected under the League of Nations than under its successor, the United Nations.[33]

This dichotomy between national minority rights and the 'Rights of Man' goes deeper. It is a reflection of the old conflict between ideals, each very praiseworthy in itself, which was exemplified by the well-known watchword of the French Revolution: Égalité, Liberté, Fraternité. The meaning of Fraternité originally was peace among men and nations. It is undeniable, however, that the Revolution which paraded with this watchword also started a succession of wars, keeping Europe in ever recurrent hostilities for a quarter of a century. On the other hand, some contemporary critics pointed out that equality and liberty were frequently contradictory. From the standpoint of nature, men are not equal; some are tall, some are short; handsome or ugly; strong or weak. If given total freedom, the strong would dominate the weak and might even eliminate them. If, on the other hand,

equality is supported by state power, as is often necessary, then liberty suffers. It so happens that during the last four decades public opinion in most countries has been dominated by the idea of equality, even if it has sometimes been masked by the name of liberty. Certainly, the liberty of peoples formerly under colonial regimes, and their conversion into independent states, could not automatically result in full equality among their citizens. In fact, many of the new countries quickly came under the domination of dictators or small military cliques which sometimes treated their subjects much more harshly than had the colonial officials. More importantly, national minority rights practically disappeared from the European scene as a result of the great loss of life during the War, the Holocaust, and the wholesale expulsion of Germans and Magyars from their native lands.

True, the Soviet Union continued to adhere to the general principles laid down by Lenin of granting the numerous national minorities special rights. The emphasis under Stalin was more in the direction of the omnipotence of the state, whose interests now transcended those of any individuals, groups, or nationalities. Although the system of the recognition of the existence of national identities continued, there was little that the nationalities could do that might infringe even remotely upon the omnipotent power of the state and its ruling Communist Party. Even the division of the Union into dependent republics (first eleven and then sixteen) did not mean that each of these republican entities enjoyed any real freedom of action. With the economy entirely directed from the centre in Moscow, with the school system, universities, and artistic institutions all completely under the control of the central Soviet authorities, which occasionally bestowed upon the local organs certain limited powers, there was really little that individuals or groups could accomplish in contravention of the wishes of the central powers.

Russian Jews have, regrettably, offered a clear example of the great shrinkage of minority rights, as well as equality of rights. Apart from losing some two million persons in the Holocaust, the surviving two and a half or three million Jews were bereft of almost all their cultural and religious institutions. At the same time their passports still indicated their nationality as being Jewish. This procedure, originally welcomed by most Jews, in time became pre-eminently a tool for discrimination against them in admission to better universities and government posts. In the satellite states of Eastern Europe relatively few Jews survived and those who did were given no national autonomy at all. As a matter of record, upon his return from London to Prague in 1945 President Edvard Beneš, forgetting his early struggle for national minority rights in Austria-Hungary, is said to have called together the Jewish leaders in Prague and informed them that thenceforth the Jews in Bohemia, Moravia, and Slovakia should either leave for the Holy Land or become Czechs by nationality. In regard to the largest

minority in Czechoslovakia, the Germans in the Sudeten and elsewhere—
several millions of them—were simply expelled by government decree from
the country. All this happened before the Communists took over the regime
of the country and while it pretended to be a democratic land. It was truly
ironical to hear the Czech and their allied Polish delegates at the United
Nations some years later shed bitter tears of commiseration with several
hundred thousand Arab refugees from Palestine. In their speeches at the
United Nations they never mentioned the difference between their own
forcible expulsion by legal enactment of a total nationality in peacetime, and
the origin of the Arab refugees, most of whom had in wartime sought
personal security far away from the battlefields. It is a matter of record that
every war has as a rule set in motion a great many refugees. It has been
estimated that the Second World War alone generated a total of some forty
million exiles from their respective countries. They were but a part of the still
more staggering figure of some hundred and thirty million persons who had
to leave their places of origin during the first half of the 20th century.[34]

In other areas, too, egalitarianism reigned supreme. The result was the
growth of communist and socialist regimes which came to power promising
an equality to be achieved by the redistribution of wealth. Even among
democratic countries many became welfare states with the primary function
of providing work and livelihood for everybody, rather than leaving a
substantial portion to the private initiative of the individuals concerned. The
saying of a Romanian Senator, Karp, that 'a Romanian is born a stipendiary,
grows up as a functionary, and dies as a pensionary', all provided for by the
state, had become partial reality also in most other lands. Even in the area of
culture, where quality is almost a decisive matter, 'elitism' practically became
a dirty word. These efforts to improve the quality of life for everybody,
highly welcome and beneficial in themselves, had however many negative
side effects, such as sharp drops in industrial productivity, the enormous
growth of a slow-moving and ineffective bureaucracy, general loss of self-
discipline, and many other social ills, some of which have become
irreversible.

WEST-EUROPEAN PERPLEXITIES

After World War II the scene changed from East to West. Eastern Europe,
for which the main battle had been fought in the First World War, was now
depleted of its Jewish population by the Holocaust, the War casualties, and
the Stalin terror. The Western part of the Soviet Union, where the large
majority of the East-European Jews had lived, emerged from the War in
shambles. Even the surviving Jews of the Russian interior to all intents and
purposes lost their status as a national minority. Since Stalin and his party

from the beginning had viewed nationalities mainly from the point of view of their territorial habitats, Jews, who were not sufficiently concentrated to form a majority in any large territory, could now be completely overlooked with respect to their national autonomy. The few 'autonomous regions' in southern Russia were completely ruined during the German occupation, while even Biro-Bidjan in the Far East never fulfilled its original function of serving as a centre with a Jewish majority to be converted ultimately into one more soviet republic. Together with the growing antisemitic trends in the Soviet Union at that time, the dictator's policies practically eliminated all vestiges of Jewish self-government. Gone were the Jewish schools and the Yiddish press, literature and theatre, while even religious observance was reduced to a few surviving synagogues widely scattered throughout the land. In short, despite the presence of more than two million Jewish survivors, no communities were allowed to be formally reorganized and to direct their own cultural affairs. No effort was made to re-establish even a Jewish shadow commissariat like the *Yevsektsiia*. So grateful were many survivors to the Soviet Army, which—forgetting the role of the Western Allies in the War, a role unmentioned or greatly minimized in the Soviet press, the only source of information available to them—they regarded as having saved them from Nazi barbarity, that they did not protest in any way against that deprivation of any autonomous existence. At the same time the reoccupied Baltic countries, and even Poland, Czechoslovakia, and Hungary, were so depopulated of Jews that the formerly glorious cultural achievements of their Jewish communities were now reduced to a minimum.[35]

In Western Europe, on the other hand, the national minority rights problem was not really important. To begin with, the three largest countries, Great Britain, France, and Germany, were not confronted by large enough disaffected national minorities. To be sure, some Scots and Welshmen occasionally made noises approaching the rumblings of minority nationalities. I recall, for one example, that during a session of the Council of the International Federation of the League of Nations Unions in Aberystwyth, Wales, a local church invited the delegates to a Sunday morning service. The pastor delivered a beautiful sermon in English for the guests and, to the surprise of many listeners, followed it with another in Welsh for the local population. However, these demonstrations of a possible demand for greater linguistic-ethnic autonomy had not amounted to a real movement. Even these minor incidents were not directed at achieving independent control over the local culture, and did not lose their local territorial rather than national character. Generally speaking, the trend in Western Europe for many decades continued in the nineteenth-century tradition of national minorities fighting for statehood with full sovereignty rather than for mere national autonomy. This had been the case, for instance, with Belgium. For centuries a Spanish- or Austrian-dominated

area, its territory had been assigned in 1815 by the Congress of Vienna to its neighbour, Holland, in a United Netherlands. Before very long, however, the minorities utilized the revolutionary movements of 1831 to declare their independence, notwithstanding their continued internal division between the French-speaking Walloon and the Flemish peoples. The division between these two nationalities was so stark that 'French villages have confronted Flemish villages, the Flemish side of the street the French side, time out of mind, without one tongue gaining on the other'. After 1945 the main concern of the Western world was the rapid break-up of the colonial empires and the creation of scores of new independent states which ultimately joined the United Nations. Many of these states were hardly viable. This fragmentation also had such ridiculous consequences as that five of these states, having a combined population of less than 100,000 persons, have more voting power in the Assembly of the United Nations than the Soviet Union and the United States voting in unison. Subsequent developments included Bangladesh's separation from Pakistan, while Biafra was forced to remain part of Nigeria. In all of these cases national minority rights of the kind enacted during the First World War period played hardly any role.[36]

Domestically, modern France, which had some linguistic cleavages among inhabitants of certain peripheral regions, had too centralized a regime to allow for broad regional autonomy. This was in sharp contrast with the medieval system when the original tribal separation had been carried over into the feudal age and the respective lords behaved like sovereigns in their particular domains. But in modern times the Villers-Cotteret edict of 1539 proclaimed as a general principle that the French language must be used exclusively in all contacts with administrative or judicial authorities. This law was ever more strictly observed under the centralizing regimes of Cardinal Richelieu and Louis XIV. There were some slight modifications of that law during the French Revolution and more recently under the influence of the romantic trends represented by the followers of Maurice Barrès, who preached the great virtues of the ancient local traditions. This situation continued until 1951, when the first breach was made by the *Loi Dixonne*, allowing, 'at the teacher's wish', the use of the Breton, Basque, Catalan, and Okcitanian-Provençal languages for one hour a week in the country's public schools.[37]

The situation in Great Britain was somewhat different. To begin with, for many centuries there had existed a sizeable Irish immigrant colony in the English possessions. As long as the United Kingdom included all of Ireland, the recurrent conflicts between the two nationalities were in the nature of domestic struggles primarily based upon economic rivalries as well as the differences between the Catholic Irish and the predominantly Protestant English. However, after 1921 the majority of the Irish lived in the newly-established Irish Free State (later, Eire). But many families remained in

London, Liverpool, and other cities, and were speedily joined by a steady stream of new arrivals from Eire. In my youth I frequently heard the ironic remark of informed people who insisted that there were more Irishmen in the British Civil Service in London than there were inhabitants in Dublin. [38]

Not surprisingly, there often was as great friction between the Irish and the English as there had been between other immigrant populations and the local majorities. These frictions were partly economic, since the Irish offered competition to the local English workers by accepting lower wages and longer hours of labour than had been obtained by the British unions. Other Englishmen were repelled by the external appearance or behavioural patterns of the newcomers. Outspoken Thomas Carlyle did not hesitate to describe these unwelcome 'beggers' as proof that

> The Irish National character is degraded, disordered; till this recovers itself, nothing is yet recovered. . . . Crowds of miserable Irish darken all our towns. The wild Milesian features, looking false ingenuity, restlessness, unreason, misery and mockery, salute you on all highways and byways. . . . He is the sorest evil this country has to strive with. In his rags and laughing savagery, he is there to undertake all work that can be done by mere strength of hand and back.

For a long time there was little interest among the more highly educated Irish in pursuing separatist policies. In fact, some of the Irish-born intellectuals even refused to join the Irish Club in London's elegant Eaton Square. For example, George Bernard Shaw, a native of Dublin, bluntly replied to an invitation:

> I can imagine nothing less desirable than an Irish Club.
> Irish people in England should join English clubs, and avoid each other like the plague.
> If they flock together like geese they might as well have never left Ireland.
> They don't admire, nor even like one another. In English clubs they are always welcome. More fools the English perhaps; but the two are so foreign that they have much to learn from their association and co-operation.

Incidentally, such sentiments could also have been heard from English Jewish intellectuals. As we recall, Lucien Wolf, arriving at the Paris Peace Conference, was reluctant to admit the existence of a Jewish nationality and, of course, argued that he was an Englishman, different from his countrymen only in religion. Although at the decisive moments he, like his American counterpart Louis Marshall, yielded to the majority of East-Central European representatives and advocated the inclusion of Jews in the national minority rights clauses in the Peace Treaties with Poland and other states,

this did not change his general attitude. In contrast, the French Jewish delegates, Eugène Sée and Salomon Reinach, stubbornly refused to follow the Wolf-Marshall example.[39]

Another significant minority in England going back to the Middle Ages were the Jews. Of course, there was a major period between 1290 and 1656 when only a few individuals are sporadically recorded as living in England while professing Judaism (they included sixteenth- and seventeenth-century Iberian New Christians numbering at times up to one hundred persons), whereas Irish settlers had an unbroken presence on the neighbouring island. Another difference was that in the Middle Ages the Jews were the only resident minority, while Englishmen, Scots, Welshmen and Irishmen all professed the same Catholic faith with but minor local variations. By 1656, when the Jews surfaced as a group in London, they faced two mutually hostile religions: Protestantism and Catholicism. Relatively speaking, their religion, based upon the Old Testament, was viewed with much greater affection by many Anglicans, clergy and laymen alike, than was that of the 'Papists'. Yet the refrain: 'No Popes, no Jews, no wooden shoes' was still heard on the streets, and even a generally moderate and thoughtful essayist like Charles Lamb confessed that he was 'a bundle of prejudices' and that he felt both attracted and repelled by Scotsmen, Jews, and Quakers. This situation continued into the twentieth century with considerable variations. However, both the Irish and the Jews had by that time obtained formal emancipation, which meant official equality of rights in political and economic matters. Needless to say, this acceptance did not prevent some members of the ruling majority from disliking Irishmen or Jews, or both, for social, economic, or personal reasons. Moreover, there were certain periods of growing tensions when such animosities assumed a mass character and made life for either the Irish or the Jews very difficult. It was especially in periods of substantial immigration into the country that large segments of the existing population, particularly in London, Birmingham, or Liverpool, looked with disfavour on the new arrivals, if these were their competitors in the market-place. In 1861 Henry Mayhew claimed

The Irish boy could live harder than the Jew—often in his own country he subsisted on a stolen turnip a day—he could lodge harder— lodge for a penny a night in any noisesome den, or sleep in the open air, which is seldom done by the Jew boy. . . . Thus, as the Munster or Connaught boy could live on less . . . the Hebrew youths were displaced by the Irish in the street orange trade.[40]

This contrast was greatly diminished during the mass immigration of East-European Jews later in the century. The immigration brought into the country a deeply impoverished population which in its homeland, the Russian Empire or Galicia, had made a very meagre living, often as so-called

Luftmenschen, persons without an occupation. However, most of them were observant Jews living according to the rigid rules of rabbinic law and concentrating in large metropolitan centres. They undoubtedly paid more for their ritually permissible food than their non-Jewish competitors. Even some members of the English middle class resented Jewish competition. While admitting that, unlike most other immigrants, Jews did not seriously increase the burden of social welfare payments by the government, because they were usually taken care of by their co-religionists, some of their enemies felt that those Jews who had climbed up the ladder of success were likely to remain insatiable competitors. Keen observers like Sidney and Beatrice Webb, in discussing the standard of life of Jewish workers in comparison with that of their counterparts among other ethnic groups, concluded that African workers

> will work . . . for indefinitely low wages, but cannot be induced to work at all once their primitive wants are satisfied. [But] there is the Jew who, as we think, is unique in possessing neither a minimum, nor a maximum; he will accept the lowest terms rather than remain out of employment; as he rises in the world new wants stimulate him to increase intensity of effort, and no amount of income causes him to slacken his indefatigable activity. To this remarkable elasticity in the Standard of Life is, we suggest, to be attributed both the wealth and the poverty of the Jews and the striking fact that their wage-earning class represents the poorest in all Europe, whilst individual Jews are the wealthiest men in their respective countries. [41]

It was at that time that even liberal-minded Jews began calling their rivals by racially coloured names. An interesting example is offered by Samuel Gompers, the Jewish immigrant from England who became the founder of the American Federation of Labor, the central organization of the labour movement in the United States. Because he tried to safeguard the interests of his labour unions against the competition of new immigrants he sponsored anti-immigration legislation aimed against his fellow Jews. He even allowed himself such racist utterances as that 'there was a general understanding of the principle that the maintenance of the nation depends on the maintenance of racial purity and strength'. [42]

RECENT IMPONDERABLES

All along there was hardly any discussion of national or ethnic minority rights on the British Isles. Whatever autonomous activities the minorities wished to engage in, they had enough leeway under the existing freedoms for individuals trying to form groups of their own. Since the main minorities

consisted of Irish or Jews—so long as the Scots and Welshmen did not press the issue of self-determination—they could get along well with the protection extended to those religious groups who, from time immemorial, if tolerated at all, were given full freedom in running their own religious affairs. The Irish usually concentrated most of their cultural activities in and around their Catholic churches, while the Jews had their synagogues in both the Middle Ages and again after their return in the days of Cromwell. To be sure, the whole legal status of the Jews in the seventeenth and eighteenth centuries was under a legal cloud. But this did not prevent the communities of London, and the relatively few living in the provinces, from functioning normally and undisturbedly in the areas of worship, marriages, burials, charities, and religious education. Ultimately, Parliament itself decided that for the purpose of properly registering Jewish marriages and divorces, it had better recognize a central Jewish religious organization, the London Committee of Deputies of the British Jews, which became the Board of Deputies of British Jews. During most of the nineteenth century, Jews conducted all their public affairs in the orbit of the synagogue and the Board, the Board of Guardians, the Anglo-Jewish Association, the *Jewish Chronicle*, and so forth. Only when the mass immigration of East-Central European Jews brought with it a number of 'Jewish radicals' and other non-religious groups did these newcomers organize secular institutions and a press of their own outside the synagogal authority. But this type of secularization in Jewish communal affairs could well be tolerated by the government and municipal authorities within the general latitude of freedom. It was parallel to the Irish clubs and national organizations without the need to invoke the protection of minority rights. Beyond the local associations of that type the Irish could establish such central organizations as: (1) Northern Ireland Civil Rights Association; (2) United Ireland Association; (3) Irish Republican Army (subsequently outlawed by the British Government); (4) Irish Solidarity Campaign (Marxist); (5) Irish National Liberation Solidarity Front; (6) Campaign for Social Justice in Northern Ireland; (7) Campaign for Democracy in Ulster; in addition there have been a number of Irish social clubs. Jews, far fewer in number, were satisfied with their religious, welfare, and social organizations. In addition there were political groups representing Zionists and socialists of various shades, as well as social groups. It was this situation which undoubtedly influenced Hersch Lauterpacht's aforementioned optimistic prediction that an International Bill of Rights would guarantee the minorities enough autonomy in the future.[43]

Needless to say, in times of tension, especially when it arose in periods when the rate of immigration was larger than usual, there were certain reactions on the part of the majority, which resented the growing influx of aliens whom it viewed as competitors for jobs and with different religion, language, or behavioural patterns. It was out of such hostile reactions that

the British Aliens Act was adopted in 1905 with the view of curtailing immigration, though not closing the gates completely. Again in the 1930s, after a measure of compassionate welcome extended to the relatively few victims of Nazi persecution who arrived in England, there was a sudden hostile reaction after the outbreak of World War II. It partly arose from the fear that this wave of immigration might surreptitiously bring into the country some secret Nazi spies and saboteurs at a time when the British public was filled with anxiety over a possible German invasion, a cataclysm not suffered by their country for almost a millennium. As a result the authorities sent many new arrivals from the Third Reich into camps. But this was a passing wartime alarm and did not generate any permanent legislation against Britain's moderately open door policy.[44]

This situation changed in the 1960s and 1970s with the influx of the Commonwealth immigrants, displaced by decolonization. Among the new arrivals were not only the British officials, merchants, and temporary residents of the colonies, but also an increasing number of both natives and members of other ethnic groups that had resided in the British colonies, and were now displaced under the new colonial regimes. 'The British public', observed Dick Pixley, 'was aghast to discover that some coloured Asians had virtually the same rights to evade the restrictions of the Commonwealth Immigration Act as the white Kenyan had.' Under the law Britain had to admit especially a great number of Indians, Pakistanis, Africans, and natives of the Caribbean Islands, formerly under British rule. According to 1970 statistics, by that time the West Indians alone—whom a writer called 'an artificial nationality'—amounted to 454,000 persons, or about one per cent of the English population. Indians and Pakistanis were almost equally numerous; they numbered 359,000, or 0.8 per cent. These figures were rapidly growing, especially also in view of the large birth-rate among these new arrivals. In this respect Jews were the exception. Their natural growth was actually negative and, as a result, they witnessed a decline in their population from some 500,000 in 1949 to 450,000 in 1970. At any rate, these newcomers differed from the British not only in religion (many of them were Muslims), language, and mores, but, most significantly, also in the colour of their skin. It has been observed that colour difference far exceeded other divergences from the majority as an obstacle to assimilation. The arrival of many non-Christians also created other difficulties. For example, a Muslim settler was not allowed to take a second wife under the Law of England. But if he arrived in England together with several wives, duly married under Muslim law in his native country, England had to tolerate such enduring polygamy.[45]

This sudden influx of the new type of minority caused a political stir. The politicians discovered that not only did the newly naturalized citizens play an economic and social role, but to some extent they also influenced the

political life of the country. During the 1970s there were 35 Irish-born members of Parliament (not to mention Jews sitting in both Houses). More significantly, at elections in ethnically mixed districts the votes of racial and ethnic minorities could decide whether a Conservative or Labour candidate was chosen for Parliament or a local Council. Gone was the acquiescence of the British public and its political leadership in what Michael Hechter and others called 'internal colonization', that is, the slow and silent assimilation of colonials. No longer could all politicians believe, as did their counterparts in the United States, 'that ethnicity is a synonym of nationality and that the religious and ethnic sentiments of immigrant minorities were so anachronistic that they must give way to the processes of modernization and assimilation'. Among the political reactions in England was that of Enoch Powell, Member of Parliament for Wolverhampton South-West, whose outright racist proposals stirred protracted controversies in the country, and created a great sensation in many lands. A number of small pro-fascist and anti-immigration organizations, though greatly differing in their programmes, raised their voices in support of a sharply restrictive immigration policy. Among them was also a tiny but boisterous neo-Nazi party which, in a propaganda pamphlet entitled *Britain Reborn*, promised 'the liberation of Britain from Jewish control'. It also distributed a broadsheet entitled *Hitler Was Right* which stated, among other slogans, that

> Democracy means Jewish Control, National Decline, Racial Ruin. Hitler raised Germany from the depth of Democracy. He sought the friendship of Britain in creating a new Europe based on national unity, social justice, racial betterment and defence against Communism; but the Jews forced Britain to declare war on their behalf. Hitler fell, but National Socialism lives on.

In 1980-1 there also were serious race riots in Bristol, Leicester, Brixton, and Liverpool, although they did not have the dimensions of their American counterparts of the 1960s.[46]

In the meantime the Labour government, after prolonged debates, prevailed upon Parliament to adopt the Inner Urban Area Act of 1978, which tried to put some order into many of the conflicting local decisions regarding the treatment of minorities. At this writing, the Act still appears to be in force, not having been abrogated by either the first or the second Thatcher government as was expected by many outsiders. Since immigration seems to have peaked in the 1970s, largely as a result of the two recessions in 1973 – 5 and 1981 – 3, which increased British unemployment and also made England far less attractive to prospective immigrants, the heat of these discussions was greatly lowered. However, there still are many unresolved questions awaiting decisions by both Parliament and the judiciary.

Somewhat different have been the developments across the Channel. As we recall, France treated its national minorities largely as linguistic entities distinguished from the majority chiefly by different dialects of French. It was possible, therefore, for the state to treat the problem mainly from the point of view of the languages taught in school. It finally granted the right of the aforementioned minorities to teach a one-hour class a week in their respective languages, wherever a sufficient number of pupils or their parents asked for it. However, there were from time to time more extreme manifestations of separatism within these regions. At the turn of the twentieth century writers like Maurice Barrès began to glorify the virtues of the regional variations in France. In his powerful novel, *Les Déracinés* (The Uprooted), this former anarchist described the painful experiences of a newcomer from the provinces arriving in Paris and having to adjust to the complex forms of living in the capital, which allegedly represented the acme of French civilization. He was followed by Charles Maurras, who in 1900 coined the term 'integral nationalism' and for decades preached radical, if often inconsistent, doctrines closely resembling the racist theories of Houston Stewart Chamberlain. Combining fervent antisemitism, anti-Protestantism, and anti-republicanism, Maurras emphasized his own descent from the Provençal region with its strong admixture of a Moorish ancestry. His own family name reminded him of those Muslim forbears. This sectionalism reached such dimensions that a Breton delegation was sent in 1919 to the Peace Conference of Paris to demand the inclusion of Brittany's population in the framework of the national minority rights. The Conference leaders understandably disregarded this request. Nevertheless, the agitation for the recognition of Breton and other regional rights and the conversion of France into a federal state continued through the inter-war period. During the Nazi occupation of the country the conquerors actually supported these regional aspirations. Not only did they sympathize on principle with the underlying 'blood-soil' ideology, akin to that of German National Socialism, but such a policy was fully in line with the intensive Nazi effort in previous years to use antisemitic propaganda to appeal to local anti-Jewish groups. The Nazis expected thus to increase the internal divisions in the prospective enemy countries and to weaken their resistance to the planned German invasion.[47]

Declining in the first post-war years, the federalist movements were revived in the turbulent 1960s. They were encouraged by the new revolutionary spirit among the French youth and workers, Charles de Gaulle's support of the related separatist agitation in Canada's French Quebec, and particularly also by the arrival of a mass of new immigrants from the decolonized North African areas. Spokesmen of Breton regionalism, like Morvan Lebesque, could go so far as to claim that post-war West-Central Europe had completely changed its character. Writing in

1970, Lebesque insisted that in the 'great mutation' initiated by the atomic bomb which had fallen on Hiroshima, all West-European states have become but 'provinces' of a much larger entity. (Lebesque was referring to both the NATO alliance and the Common Market.) 'In our days a Franco-German war would be as ridiculous as a Brittany-Vendée war.' Lebesque thus saw full justification for the new, more militant, organization provocatively called *Front de la Libération de la Brétagne*, and felt that the type of democracy in France, tightly governed from the Parisian centre and its strong presidency and Parliament, should give way to a truly democratic self-determination of regional groups within a French Federation. [48]

Superimposed upon these territorially based regional-federalist trends—a long-time heritage of the medieval tribal and feudal fragmentation—were some newer minority problems of a racial or ethnic nature. They were generated by the large influx of immigrants from over-populated countries seeking the opportunities for making a living offered by the shortages of labour in low-wage branches of the host countries' economy. They were further increased by the mass arrival of French citizens and others departing from the decolonized French North-African possessions, including many natives, both Moors and Jews, who had taken part in the French administration. This situation created considerable uncertainties in the French metropolis, Marseilles, and other cities. As a result, there was an extensive debate in the press, in Parliament, and in literature. The newly-established Commission Nationale pour les Études et les Recherches Interethniques in the Ministry of Education, and the Centre d'Études Interethniques at the University of Nice, helped to set in motion new approaches to the existing problems on the part of both the government and the public. Since England and France shared in the upheaval brought about by large-scale immigration, there was a frequent exchange of information between them and a growing debate on the effects of the new immigration on society at large in both countries. A considerable step forward was made on the initiative of the University of Sussex. Founded in 1961, this enterprising university arranged seven years later for an Anglo-French conference on race relations in France and Great Britain, which met in Sussex on 9 – 13 September 1968. Among other contributions, Roger Bastide reported there the results of an investigation made in France concerning the publications in the field since 1945. It was found that in that relatively short period no less than 3,000 books, articles, and doctoral theses regarding various aspects of the inter-ethnic problems had been published or were in preparation. France remembered that, after the First World War, it had been most hospitable in admitting foreigners to residence in the country, and that in 1921 – 31 1,470,000 immigrants (including 35,000 Jews) had entered the country. One of the main reasons was that at that time France, having suffered heavy losses—of some two million persons, according to some estimates, out of a

previously stationary population—needed to replenish its labour force. The large majority of immigrants, moreover, consisted of Roman Catholic Poles and other Europeans who were considered readily assimilable. This attitude continued into the Great Depression, when France exceeded even the United States as the largest country of immigration. In contrast, after World War II France emerged with a growing population. Here, too, the progressive decolonization brought about an influx from North Africa and other colonies, including a large number of Jews. Although many of the displaced North-African and Mideastern Jews had been educated in schools of the Alliance Israélite Universelle and other French schools, this immigration caused a demographic revolution in some major cities of the mother country. These Jews differed greatly in their speech, religious rituals, and behavioural patterns, even from their non-assimilated French co-religionists. [49]

Some of these changes were already noticeable in the first year after the cessation of hostilities. I recall that during several visits to Paris in 1946, the first post-war year, I was invited to a Friday evening service and dinner at the École Maïmonide. This distinguished private secondary school was the first Jewish educational institution to come back to life in a Paris suburb after the German occupation. During the dinner meeting I noticed the prevalence of North-African Jews over the native French and other Europeans. Asked by the hosts to say a few words, I reacted by pointing out to the audience that we might all have witnessed at that moment a major historic transformation in the course of the few years. I reminded the listeners that it was about a millennium since the great separation between the Sephardim and Ashkenazim had taken place in the mid-tenth century. 'It appears', I said, 'that we are at the threshold of the reunification of the two great branches of the Jewish people on the soil of France on which the original division started.' None of us could foresee, of course, that a few years later such a reunification would be resumed on a much larger scale in the newly created State of Israel. However, this new influx came from a population which in its original North-African habitat had still enjoyed considerable communal autonomy. This publicly recognized Jewish ethnoreligious self-government was illustrated by the fact that the decisions of the rabbinical courts were published in the official government newspapers as part of the judicial records of the country. It was to be expected that these new arrivals would clamour for the establishment of at least some such autonomous institutions in France. [50]

Such a revival of ethnicity in France, despite its antecedents in certain Conservative circles at the turn of the century, has not yet assumed massive proportions. The Jews themselves, though they have resuscitated much of the interest in the Jewish past and heritage, and are devoted allies of Israel, have not yet reached the point of asking for minority rights of the type enacted by the Paris Peace Conference after World War I. Indeed, they may not do so in any foreseeable future.

NOTES

1. As early as 1928, the late Dr Jacob Robinson, an eminent theoretician and political leader in Europe and later in the United States (with whom I worked together on various occasions and particularly at the Eichmann Trial of 1961) was able to publish in Berlin a large volume, *Das Minoritätsproblem und seine Literatur*, which included a bibliography of the vast and variegated writings on this subject up to that date. Of course, a great many more pertinent books and articles have appeared since that time. Some of these will be mentioned in the following notes.

2. See Maurice Cranston, *John Locke: A Biography*, London, 1957, p. 119. A lot of ink has been spilled by jurists, philosophers, and political scientists, as well as by politicians, on the interpretation and methods of proper application of the provisions, and the analysis of their similarities and dissimilarities. As to the nomenclature, there is little difference between what is called 'the Rights of Man' and 'Human Rights'. It appears that this alteration was made on the initiative of Eleanor Roosevelt. From 1946 on she chaired the Commission on Human Rights which prepared the Universal Declaration. She apparently was very sensitive with respect to women's rights and disliked the term 'Rights of Man'.

3. See Michael Banton, *Race Relations*, London, 1967, Tavistock Publications, p. 292. Similarly restrained is Charles Wagley and Marvin Harris's statement that it is reasonable to ask that 'we learn how to regulate the conflict arising out of different social and cultural groups in our societies, while allowing their freedom to struggle for a more equal share in our democratic system.' See their *Minorities in the New World*, New York, 1956, p. 295. In this connection Wagley may have had in mind the special variant of the Brazilian melting pot. According to Gilberto Freyre, an outstanding Brazilian anthropologist, as a result of what he called 'lusotropical' blending, there emerged in his country 'a mestizo society, sociologically Christian in the decisive aspects of its behaviour and in the dominant traits of its culture'. See his *The Masters and the Slaves: a Study in the Development of Brazilian Civilisation*, English trans. by Samuel Putnam, New York, 1956. On this theory and Freyre's other writings, as well as the problem of the contribution of the Portuguese Marranos to this evolution, see my *A Social and Religious History of the Jews*, 2nd ed., Vol. XV, New York, 1973, esp. pp. 322 ff., 327 f., 528 n. 70, 530 n. 76, 535 n. 88.

On Human Rights see, for instance, Alan S. Robinson's *The Philosophy of Human Rights. International Perspectives*, Westport, Conn., 1980; Peter Meyer, *The International Bill of Rights*, London, 1981; and the various essays in the special issue on Human Rights of *Daedalus*, published by the American Academy of Arts and Sciences, CXII, No. 4 (Fall 1983). This collection begins with Maurice Cranston's challenging query, 'Are There Any Human Rights?' (pp. 1 – 17) which concludes with his optimistic assertion that 'one of the classical arguments in favor of human rights was that a free country is safer than a despotic one. History gives us good grounds for continuing to think that is true.' (p. 17.)

4. See Clermont-Tonnerre's address of 23 December 1789, reproduced in Gaston Lèbre and G. Labouchère, eds., *Revue des grandes journées parlamentaires*, I (1897), 10; Ernest Ginsburger, *Le Comité de Surveillance de Jean-Jacques Rousseau, Saint Esprit-Bayonne*, Paris, 1934; Robert Anchel, *Napoléon et les Juifs*, Paris, 1928, pp. 14 ff., 17 ff. On the reactions of Bentham, Burke, and Hume, see Cranston in *Daedalus*, CXII, No. 4, pp. 3 f.

5. See F. Wigard, ed., *Stenographischer Bericht über die Verhandlungen der Deutschen Konstitutionellen Nationalversammlung in Frankfurt am Main*, 9 vols., Frankfurt, 1848 – 9; supplemented by his *Vollständiges Inhaltsverzeichnis* thereof, Frankfurt, 1850. The Marek motion and its outcome are discussed by Alfred Fischel in his *Die Protokolle des Verfassungsausschusses über die Grundrechte. Ein Beitrag zur Geschichte des Österreichischen Reichstages im Jahre 1848*, Vienna, 1912, pp. XIV ff., and in Veit Valentin's comprehensive

review of the developments at the National Assembly meeting in the St. Paul's Church in Frankfurt, in his *Geschichte der Deutschen Revolution von 1848 – 49*, 2 vols., Berlin, 1931; 2nd impression, Stuttgart, 1968. Despite the forceful dissolution of the Assembly by the counter-revolutionary rulers in 1849, its debates and resolutions left a permanent legacy, the impact of which was felt by the Weimar Republic after World War I, and again after the downfall of the Nazi Third Reich in 1945. See Eberhard Kurtze, *Die Nachwirkungen der Paulskirche und ihrer Verfassung auf die Beratungen der Weimarer Nationalversammlung und in der Verfassung von 1919*, Berlin, 1931, and Theodor Heuss (then President of West Germany), *Ein Vermächtnis, Werk und Erbe von 1848*, Stuttgart-Tübingen, 1965.

6. Arndt, who served as a deputy to the National Assembly, and his like-minded associates, found themselves totally frustrated by the Prussian king Frederick William IV's refusal to accept the Assembly's election as emperor of Germany. Arndt himself, as a member of the Assembly's delegation solemnly to make that offer to the king, was deeply wounded by the refusal and retired from politics. See A. G. Pundt's *Arndt and the Nationalist Awakening in Germany*, New York, 1935 (a Columbia University dissertation); and some of the numerous publications by and on the poet listed in Gerhard Loh's *Arndt Bibliographie: Verzeichnis der Schriften von und über Ernst Moritz Arndt*, Greifswald, 1935. This setback did not induce the Assembly to pay more attention to the rights of the minorities, and the matter was left largely to the discretion of the individual states.

7. See *Verhandlungen des österreichischen Reichstages nach der stenographischen Aufnahme*, 5 vols., Vienna, 1848 – 9; Anton Heinrich Springer, ed., *Protokolle des Verfassungsausschusses im österreichischen Reichstage, 1848 – 49*, Leipzig, 1849, with the supplementary text, reproduced from the original record by Josef Redlich in his 'Die Originalprotokolle des Verfassungsausschusses im Kremsierer Reichstage', *Österreichische Rundschau*, XVII (November, 1908), pp. 163 – 81 (for some sessions in January and February 1849); Anton Heinrich Springer, *Österreich nach der Revolution*, Leipzig, 1850, pp. 36 f.; Lord Acton, 'Nationality,' which first appeared in *Home and Foreign Review*, July, 1862, and was frequently reprinted, e.g. in his *Essays in the Liberal Interpretation of History*, ed. with an introduction by William H. McNeil, Chicago, 1967, pp. 131 – 59.

8. See Lajos (Ludwig) Kossuth, 'Essay über Ungarn' (1858), reprinted in *Meine Schriften aus der Emigration*, Leipzig, 1861, p. 165. See also Endre Sebestyen, *Kossuth, a Magyar Apostle of World Democracy*, Pittsburgh, 1962; and, more generally, the interesting data and bibliographies in Robert Kann's *The Multinational Empire, Nationalism and National Reform in the Habsburg Monarchy, 1848 – 1918*, 2 vols., New York, 1950 – 64 (originally a Columbia University dissertation); and his *The Habsburg Empire: a Study in Integration and Disintegraiton*, New York, 1957.

9. See Alfred Fischel, *Die Protokolle des Verfassungsausschusses über die Grundrechte*, pp. IX and XXII; above n. 7; Gabriel Riesser, *Gesammelte Schriften*, ed. by Meyer Isler, 4 vols., Frankfurt, 1867 – 8 (which include in Vol. I Isler's extensive biography of Riesser and excerpts from his letters); other biographies, such as F. Friedlaender's *Das Leben Gabriel Riessers. Ein Beitrag zur inneren Geschichte Deutschlands im 19. Jahrhundert*, 1928; Veit Valentin's *Geschichte der Deutschen Revolution*, esp. II, 15, 371; Richard Charmatz, *Adolf Fischhof*, Stuttgart, 1910; Heinrich Friedjung, *Historische Aufsätze*, Stuttgart, 1919. It is noteworthy that at this stage in the development of Czech nationalism its exponents saw no conflict in combining it with a strong dose of Panslavism. See A. H. Boems's twin essays, 'Die Entwicklung des Tschechischen staatsrechtlichen Nationalismus im Jahre 1848', *Osterreichische Zeitschrift für Geschichte*, I (1918), 416 – 49, and 'Der Tschechische Panslawismus', ibid. pp. 506 – 36. See also the additional data and bibliographical references in my 'The Impact of the Revolution of 1848 on Jewish Emancipation', *Jewish Social Studies* (henceforth abbreviated to *JSS*), XI (1949), 195 – 248, esp. pp. 222 ff., 234 ff. On the confusion created by the Revolution in Jewish communal life, see my 'Aspects of the Jewish Communal Crisis in 1848', ibid, XIV (1951), 99 – 144, and 'Church and State Debates in the

Jewish Community of 1848' in *Mordecai M. Kaplan Jubilee Volume*, New York, 1953, pp. 49–72.

10. See Paula Geist-Lanyi, *Das Nationalitätenproblem auf dem Reichstag zu Kremsier 1848 bis 1849*, Munich, 1920, esp. pp. 155 ff.; the opposing accounts of J. Buzek, *Historia polityki narodowościowej rządu pruskiego wobec Polaków* (A History of the Prussian Government's National Policy toward Poles, 1816 – 1908), Lwow, 1909, and E. R. Perdelwitz, *Die Posener Polen, 1814 – 1914 im Jahrhundert grosspolnishcher Ideengeschichte*, Schneidemühl, 1936, esp. pp. 22 ff., 42 ff.; and other sources cited by me in *JSS*, XI, 234 ff.

11. Karl Renner (Synopticus), *Staat und Nation*, Vienna, 1899; *idem* (Rudolf Springer), *Der Kampf der österreichischen Nationen um den Staat*, Vienna, 1902; *idem*, *Grundlagen der Entwicklungsziele der österreichisch-ungarischen Monarchie*, Vienna, 1902, and other works; Otto Bauer, *Die Nationalitätenfrage und die Sozialdemokratie*, Vienna, 1907; 2nd ed., Vienna, 1924; *idem*, *Die Schriften aus dem Exil*, ed. by Kurt Klotzbach, Berlin, 1974, Internationale Bibliothek, No. 76. The 1899 resolution adopted by the Social-Democratic Party is reproduced and analysed by Kurt Rabi in *Das Selbstbestimmungsrecht der Völker; geschichtliche Grundlagen. Umriss der gegenwärtigen Bedeutung*, Munich, 1963, pp. 177 ff.

12. See Nathan Michael Gelber, *Toledot ha-tenu'ah ha-tsionit be-Galitsiah* (A History of the Zionist Movement in Galicia, 1875 – 1918), 2 vols., Jerusalem, 1958; Hugo Gold, *Geschichte der Juden in der Bukowina; ein Sammelwerk*, 2 vols., Tel Aviv, 1958 – 62. In Hungary, even after World War I when the Paris Peace Treaties had recognized the Jews as a national entity, the High Court twice continued to classify the Jewish population as representing only a religious denomination. See Gyula Gabor, 'Against the Numerus Clausus' (Hungarian), *Zsidó Evkonyi* (Jewish Annual), Budapest, 1927 – 8, pp. 150 – 4, esp. p. 152. An amusing story, which circulated among the Jewish population in connection with the Galician census of 1910, illustrated the government's denial of the existence of a Jewish nationality. To avoid a public conflict with the law, some national leaders arranged for public meetings in which they exhorted their Jewish audiences to register *Emes* ('truth', in Yiddish) as their language. Rumour had it that in one such assembly, in Kolomyya, an irate government functionary attending the meeting got up and declared: 'The speakers have all talked about registrants entering *Emes* as their language, but since *Emes* has not been recognized in Austria, I am closing the meeting.'

13. See Chaim Zhitlovsky, *A Jew to Jews* (Yiddish), reproduced in his *Gezamelte Shriftn* (Collected Works), 10 vols., New York, 1912 – 19, VI, 11 – 55; Simon M. Dubnow's series of articles in *Voskhod*, 1897 – 1907, entitled, *Pisma o starom i novom evreistvie* (Letters on Old and New Judaism), revised ed. in book form, St. Petersburg, 1907, and in an English rendition entitled *Nationalism and History: Essays on Old and New Judaism*, ed. with an introductory essay by Koppel S. Pinson, Philadelphia, 1958; Jacob S. Hertz, 'The Bund's Nationality Program and its Critics in the Russian, Polish and Amsterdam Socialist Movements', *YIVO Annual of Jewish Social Science*, XIV (1969), 53 – 67; *idem*, *Di Geshikhte fun den Bund* (The History of the Bund), 3 vols., New York, 1960 – 6; and the Helsingfors (Helsinki) Zionist Platform of November 1906, which demanded the establishment of Jewish national organs possessing 'the right to found, conduct and support all kinds of institutions which would serve the end of (1) national education; (2) national health; (3) mutual and labour aid; (4) emigration; and (5) matters of faith'. Needless to say, many Jews in Russia and elsewhere still insisted on denying the presence of a Jewish nationality. For example, in Russia, we are told, when the Russian Bundist Vladimir Medem asked Leon Trotsky, who was then already playing a great historic role in the Bolshevik Party, 'You consider yourself, I take it, either a Russian or a Jew', the answer was: 'I am a social-democrat, and that is all'; see Kopel S. Pinson, 'Arkady Kremer, Vladimir Medem and the Ideology of the Jewish Bund', *JSS*, VII (1945), pp. 233 – 64, esp. p. 250 n. 45. See also numerous further data and sources in my *The Russian Jew Under Tsars and Soviets*, Chapter IX, text and notes.

14. Vladimir Ilich Lenin (Ulyanov), 'The Position of the Bund in the Party' (Russian), *Iskra* of 22 October 1903, reproduced in his *Sochineniia* (Works), 4th ed., 40 vols., Moscow,

1941 – 62, esp. VII, 76 – 86, and in the authorized English translation of his *Collected Works*, Moscow, 1960 – 2, VII, 92 – 103, and other data furnished in my *The Russian Jew*, pp. 143, 171 ff., 381 n. 18, 392 f. n. 6. Many Jewish Communist leaders shared Lenin's initial denial of a Jewish nationality and replaced their Jewish-sounding names by Russian family names. As a rule, they also carried passports reading: 'Russian' as the required designation of their nationality. I recall how amazed the US Department of State and the public at large were when President Franklin D. Roosevelt restored normal diplomatic relations with the Soviet Union and the first Soviet ambassador, Maxim Litvinov (Wallach), arrived in Washington with a diplomatic passport reading 'Jewish' on the pertinent line.

15. See Samuel Agursky, *Di Yidishe Komisariatn un di Yidishe Komunistishe Sektsies* (The Jewish Commissariats and the Jewish Communist Sections), Moscow, 1928; Mordecai Altschuler, *Bereshit ha-Yevsektsiia* (At the Beginning of the Yevsektsiia, 1918 – 1921), Jerusalem, 1960. It may be noted that Dimanshtain originally studied for the rabbinate, as Stalin had been trained for the Christian ministry.

16. See Joseph Stalin, *Marxism and the National and Colonial Question* (collection of essays), English trans., rev. ed., New York, 1947; *idem, Political Report to the Sixteenth Party Congress of the Russian Communist Party*, English trans., New York, 1930, esp. p. 191; and, more generally, Richard Pipes, *The Formation of the Soviet Union: Communism and Nationalism, 1917 – 1923*, Cambridge, Mass., 1957. See also the analysis of the years following 1923 by Hans Kohn in his *Nationalism in the Soviet Union*, New York, 1933; Werner von Harpe in *Die Grundsätze der Nationalitätenpolitik Lenins*, Berlin, 1941; and Oscar I. Janowsky in *Nationalities and National Minorities, with Special Reference to East-Central Europe*, New York, 1945. The differences in the interpretation of the developments in the Soviet Union among these three authors were not only the result of their varied personal approaches, but also of the Soviet leadership's changing attitudes, occasioned by such external events as Hitler's rise to power, the growing pre-war tensions and, finally, the Soviets joining the Western Allies against the Axis states.

These inconsistencies in the Soviet national policies are readily understood in view of the regime's difficult position in simultaneously trying to capture the benevolence of the national minorities, which constituted almost half of the Union's population, and yet moulding them all into a novel entity by its programme of creating a 'new Soviet man'. Hence one could hear in 1923 another influential Communist, Anatol V. Lunacharsky, the Commissar for Education (1917 – 29), announcing: 'The teaching of history which will stimulate the children's national pride, their nationalist feeling and the like, must be banned, as well as such teaching of the subject which would point at stimulating examples of the past for imitation in the present. For I do not know what kind of thing a healthy love of one's fatherland is.' Twenty years later such a statement would have provoked a sharp condemnation from Soviet officialdom, which at that time realized that only the patriotic sentiment of the Soviet peoples was saving the Union in its hour of greatest peril during World War II. The momentous struggles of 1941 – 5 were later extolled as 'the Great Patriotic War' by both the Soviet government and public opinion. On some other changes in official attitudes and even ideology in less than thirty years see, for instance, Barrington Moore, Jr., 'Some Readjustments in Communist Theory: a Note on the Relation between Ideas and Social Change', *Journal of the History of Ideas*, VI (1945), 468 – 82; and the diametrically different treatment of the Jewish people in the three governmentally sponsored and closely supervised editions of the *Bolshaia sovietskaia Entsiklopedia* (Large Russian Encyclopedia), which appeared in three successive editions twenty years apart (1932, 1952, 1972), and other Russian reference works of this type, as briefly described in my *The Russian Jew*, 2nd ed., pp. 275 f., 424 n. 16.

17. See Kurt Rabi, *Das Selbstbestimmungsrecht der Völker*, p. 270. On the deplorable state of Jewish cultural life in the Soviet Union, despite the heroic efforts of numerous individuals and small groups to revive it in recent years, see the literature listed in my *The Russian Jew*, pp. 429 ff., 444 f., to which add such more recent studies as Yehoshua A. Gilboa, *A Language Silenced: the*

Suppression of Hebrew Literature and Culture in the Soviet Union, Rutherford, 1982. The situation in the other East-European Communist countries in the first decade after World War II is analysed in Peter Meyer *et al., The Jews in the Soviet Satellites*, New York, 1955. Here the revival of Jewish communal life after the War and the Holocaust differed from country to country and has continued to differ in the last three decades as well.

18. Of the vast literature on World War I and the Paris-Versailles Peace Treaties we need but mention here Winston Churchill, *The World Crisis*, 4 vols., London, 1923 – 9; Harold W. V. Temperley, ed., *A History of the Peace Conference of Paris*, 6 vols., London, 1920 – 4; Paul Birdsall, *Versailles, Twenty Years Later*, New York, 1941. The most influential leaders at the conferences were the 'Big Four' representatives of the main Allied Powers: Georges Clemenceau, serving as host and chairman (France), Woodrow Wilson (US), David Lloyd George (Great Britain), and Vittorio Emmanuele Orlando (Italy). Japan, although the fourth-ranking power at the Conference, was less involved in these peace discussions.

On Wilson, his Fourteen Points, and his activities at the Conference, see Ray Stannard Baker, *Woodrow Wilson and World Settlement*, 3 vols., Gloucester, Mass., 1922; *idem, Woodrow Wilson: Life and Letters*, 8 vols., Camden City, 1927 – 39. Of considerable interest also are some data and insights supplied by Edward M. House and Charles Seymour in their *What Really Happened at Paris, the Story of the Paris Conference 1918 – 1919*, 2 vols., New York, 1921.

19. The French delegates, Eugène Sée and others from the Alliance Israélite Universelle, understandably were first on the spot in Paris. The delegation of the Jews from the British Empire, sent by a newly organized Joint Foreign Committee formed by the Board of Deputies and the Anglo-Jewish Association, was led by its Secretary Lucien Wolf. In contrast, the American delegates were chosen by a newly established body, the American Jewish Congress, after a popular election at which 338,000 Jews cast their ballots—an unprecedented event in American Jewish history. They were joined by representatives of some thirty other Jewish organizations with a purported membership of 450,000. Independently, Cyrus Adler, a representative of the American Jewish Committee, played a role behind the scene. By keeping a diary, Adler has substantially increased the available information about the activities of the *Comité* and other events. See O. I. Janowsky, *The Jews and Minority Rights*, pp. 245 f., 268 ff., 272 ff.

20. Israel Zangwill, *Melting Pot*, London, 1908; *idem*, 'Are the Jews a Nationality?' reproduced in his *Speeches, Articles and Letters*, selected and edited by Maurice Simon, with a Foreword by Edith Ayrton Zangwill, London, 1937, pp. 98 – 101. See also Zangwill's essays entitled *Voice of Jerusalem*, London, 1920; and Maurice Wohlgelernter, *Israel Zangwill: a Study*, New York, 1964 (includes a bibliography); Nathan Glazer and Daniel Patrick Moynihan, *Beyond the Melting Pot: The Negroes, Puerto Ricans, Jews, Italians and Irish of New York City*, Cambridge, Mass., 1963, esp. pp. 288 f.; J. Fein, 'Israel Zangwill and the American Jewish Leaders' (Yiddish), *Di Zukunft*, LXXI (1966), 265 – 77; and Lucien Wolf, 'Israel Zangwill, 1864 – 1926', *Transactions of the Jewish Historical Society of England*, XII (1928), 252 – 60.

21. See Morton Rosenstock, *Louis Marshall, Defender of Jewish Rights*, Detroit, 1966 (Columbia University dissertation); Melvin F. Urofsky, *A Voice that Spoke for Justice. The Life and Time of Stephen S. Wise*, Albany, 1982, SUNY Sources of Modern History.

22. Comité de Délégations Juives auprès de la Conférence de la Paix, *Les Droits nationaux des Juifs en Europe Orientale. Recueil d'études*, Paris, 1919; also reproduced in Erwin Viefhaus, *Die Minoritätenfrage und die Entstehung der Minderheitenschutzverträge auf der Pariser Friedenskonferenz, 1919*, Würzburg, 1960, pp. 231 ff.

23. The story of the respective Jewish delegations and their relationships with one another is best analysed in O. I. Janowsky's *The Jews and Minority Rights*, Chapters VII and VIII, much of it based on manuscript sources. Lucien Wolf's letter showed an understanding of the East-European point of view which he had previously revealed in his review article, 'The Jewish

National Movement', *Edinburgh Review*, 1917, pp. 303-18. He critically analysed here such diverse publications as Leo Pinsker's *Autoemancipation*, some Bundist writings, and Rudolf Springer's (Karl Renner's) *Struggle of the Austrian Nations for the State*. An important literary by-product of his activity at the Peace Conference were his *Notes on the Diplomatic History of the Jewish Question. With Texts and Protocols, Treaty Stipulations and Other Publications, Acts and Official Documents*, London, 1919, which helped to enlighten some of the diplomats assembled in Paris on the international background of important aspects of Jewish rights. Similarly, Nahum Sokolow's *History of Zionism, 1600 – 1918*, with an introduction by Arthur J. Balfour, 2 vols., London, 1919 (the French edition, Paris, 1919, had an introduction by the French Foreign Minister Stephen Pichon) proved helpful to the Zionist negotiators.

24. See Nathan Feinberg, *Ha-Ma'arakhah ha-yehudit neged Hitler 'al bimat Hever ha-Le'umim* (A Jewish Litigation against Hitler Before the Forum of the League of Nations), Jerusalem, 1957. To be sure, the 'Bernheim petition' was not treated under the heading of national minority rights. On the contrary, the Nazi regime was not seeking to integrate the Jews totally into German society, but rather peremptorily to segregate and ultimately to eliminate them.

25. Erwin Viefhaus, *Die Minderheitenfrage*, pp. 231 ff.

26. See Georges Clemenceau's letter to Paderewski of 24 June 1919, reproduced by Nathan Feinberg, *La Question des Minorités*, pp. 114, 117 f.; *The Peace Conference, Paris, 1919, Report of the Delegation of the Jews of the British Empire*, London, 1920, esp. p. 91; and other sources cited by O. I. Janowsky in *The Jews and Minority Rights*, pp. 344 ff., 360. Clemenceau's warning was reinforced by the news about the anti-Jewish riots which had taken place in various parts of Poland (Lwów, Kielce, etc.); David Lloyd George, *Memoirs of the Peace Conference*, 2 vols., New Haven, 1939, esp. II, 681; and Louis I. Gerson, *Woodrow Wilson and the Rebirth of Poland, 1914 – 1920: a Study in the Influence on American Policy by Minority Groups of Foreign Origin*, London, 1958, Yale University Publications LVIII, esp. pp. 136 f. Lloyd George's emphasis on the bloodshed during World War I was by no means gratuitous. It has been estimated that no fewer than 8,000,000 men died in, or as a result of the battles fought from July 1914 to November 1918 on various fronts. On the other hand, we must also bear in mind that many Polish Orthodox Jews, while interested in the protection of Jewish religious observances, were rather lukewarm about the treatment of Jews as a *national*, rather than a *religious* minority. Nor were there absent from Poland Jews, especially among the intellectuals, who propagated the outright assimilation of Jews as members of the Polish nationality. During the Paris negotiations the Polish National Committee actually received from Warsaw a memorandum from a 'Union of Poles of the Jewish faith' dated 4 June 1919, protesting against the 'radical effort to create an artificial Jewish nationality and the permission to develop the instruction [in schools] in the Yiddish jargon [as a language of instruction].' See the brief report in the *Documents modernes XVIe – XXe siècle*, compiled by Bernhard Blumenkranz *et al.*, Vol. I: Dépôts parisiens, pp. 32 f. See also the vast amount of primary and secondary sources in the first fifteen years listed in Nina Almond and A. W. Luthy, *An Introduction to a Bibliography of the Paris Peace Conference*, Stanford, Calif., 1935.

27. See the summary of these debates in Pawel Korzec, 'Polen und der Minderheitenschutzvertrag (1919 – 1934)', *Jahrbücher für Geschichte Osteuropas*, new series XXII (1974), 515 – 55, esp. pp. 527 ff., citing the Polish Stenographic Protocol of the Sejm's 81st session, pp. 30 ff., 49 ff., 78 ff., 94 ff.; and continued in the 82nd session of 31 July, 1919.

28. See the Polish analysis of one of the leading Polish historians of law, Stanislaw Kutrzeba, *Mniejszości w najnowszym prawie międzynarodowym* (The Minorities in the Most Recent International Law), Lwów, 1925; Stanislaw J. Paprocki, *Polen und das Minderheitenproblem. Information in Umrissen*, Warsaw, 1935; the more recent study of the American-Ukrainian scholar, Stephen Horak, *Poland and Her National Minorities, 1919 – 1939: a Case study*, Washington, 1961; and Pawel Korzec, 'Polen und der Minderheitenschutzvertrag', *Jahrbücher für Geschichte Osteuropas*, XXII, 515 – 55, with extensive bibliographical references. On the

Polish tobacco and other monopolies in the 1920s, see my *Social and Religious History of the Jews*, 1st ed., New York, 1937, II, 374 f.

In his 1934 declaration, to be sure, Beck made it clear that he was not announcing any revocation of the minority rights. He asserted that the interests of the minorities 'are and will remain guaranteed by Poland's fundamental laws which provide the free devolopment and equality of treatment to the linguistic, racial and religious minorities'. See Waldemar Michowicz's detailed analysis of Beck's historic declaration in his *Walka dyplomacji polskiej przeciwko traktatowi mniejszościowemu w Lidze Narodów w 1934 roku* (The Struggle of Poland's Diplomacy Against the Minorities Treaty at the League of Nations in 1934), Lodz, 1963, esp. pp. 76 ff. On Melo Franco and the Pan-American Conference of 1938, see the brief remarks in my *Modern Nationalism and Religion*, New York, 1947 (also in two different paperback editions), pp. 244, 344 f. n. 53.

29. See Jacob Robinson *et al.*, *Were the Minority Rights a Failure?*, New York, 1943. The affirmative answer to this query was clearly demonstrated right after the War by the developments in Czechoslovakia and Poland, especially with respect to their German minorities, whom they banished from their countries. Czechoslovakia which, more than any other country, had fulfilled its treaty obligations toward its Jewish minority in the inter-war period, now gradually adopted the Soviet system.

30. See, for example, my brief 1926 reports in 'Jüdische und Palästinafragen auf dem Zehnten Kongress der Internationalen Union der Völkerbundligen', *Zionistische Korrespondenz*, VI, No. 27 (9 July), 1–5; 'Eine Palästinadebatte auf dem Kongress der Völkerbundligen', *Wiener Morgenzeitung*, VIII, No. 2644 (4 July), p. 2; 'Für den Schutz der Minderheiten. Der Kongress der Völkerbundligen', ibid., No. 2646 (6 July), p. 2. For some reason, Nathan Feinberg, in his *Ha-Agudot ha-yehudiot be-'ad Hever ha-Le'umim* (The Jewish League of Nations Unions in the History of the Jews' Struggle for their Rights), Tel Aviv, 1967, passes over in almost total silence the activities of that oldest and, for two or three years, only such Union. Its activities included effective assistance to Meir Dizengoff when he came to London to plead for the admission of the newly-founded Palestinian Jewish Union.

31. See Pawel Korzec's aforementioned (n. 28) study, 'Polen und der Minderheitenschutzvertrag', *Jahrbücher für Geschichte Osteuropas*, XXII, esp. pp. 519 ff., 525 ff.; *idem*, 'Das Abkommen zwischen der Regierung Grabski und der jüdischen Parlamentsvertretung. Ein Beitrag zur Nationalitätenpolitik Zwischenkriegspolens', ibid., n.s. XX (1972), 331–66. I happened to be in Warsaw during the negotiations about the *Ugoda* and was even once consulted about its wording by one of the Jewish deputies.

32. The bibliography of the American Civil Rights Movement and, more broadly, of the general problem of race and ethnic relations is enormous. Suffice it to refer here to such diverse approaches as Gunnar Myrdal's (with the assistance of Richard Sterner and Arnold Rose) classical *The American Dilemma*, New York, 1944; and, almost at random, the selected bibliography listed in Judith R. Kramer's *The American Minority Community*, New York, 1970, pp. 269 ff., compiled at the height of the movement, which included such dramatic episodes as the unprecedented burning of American cities by their own inhabitants.

33. See Hersch Lauterpacht, *An International Bill of the Rights of Man*, New York, 1945, p. 221 (on this Galician-born and -educated Professor of International Law at Cambridge University and British Judge at the International Court of Justice at The Hague, see Shabbetai Rosenne's obituary in the *The American Journal of International Law*, LV [1961], 525–62); O. I. Janowsky, 'The Human Rights Issue at the San Francisco Conference. Was It a Victory?', *Menorah Journal*, XXXIV (1946), 29–55; and, more broadly, *idem, Nationalities and National Minorities, with Special Reference to East-Central Europe*, New York, 1945.

34. The situation in inter-war Czechoslovakia is analysed in Aharon Moshe Rabinowicz's 'The Legal Position: The Jewish Minority', in *The Jews in Czechoslovakia: Historical Studies in Surveys*, 3 vols., Philadelphia, 1968–83, I, 155–266. The developments in 1945–9 are described in the extensive *Dokumentation der Vertreibung der Deutschen aus Ost- und*

Mitteleuropa, ed. by Theodor Schieder *et al.*, 5 vols. and 3 Beihefte, Bonn, 1953 – 61; and in Oskar K. Rabinowicz, 'The Jews and the Arab Refugees', *JSS*, XXI (1959), 238 – 45 (suggesting a total of only 369,000 Arabs who left the Israeli-occupied area in May 1948, in contrast to the widely-quoted figure of 963,958 Arab refugees given by the United Nations Relief and Works Agency). On the first years of recent emigration of Jews from the Soviet Union, see my *The Russian Jew under Tsars and Soviets*, 2nd ed. rev., New York, 1976, *passim*, as well as the literature cited there.

35. See ibid., esp. pp. 174 ff., 192 ff.; with the sources listed in the Notes thereon; to which one may add the more recent survey by Thomas E. Sawyer in *The Jewish Minority in the Soviet Union*, Boulder, Colorado, 1979.

36. See Thomas Harrison Reed, *Government and Politics of Belgium*, Yonkers, New York, 1924, p. 4; Shepard B. Clough, *A History of the Flemish Movement in Belgium*, New York, 1930, esp. pp. 5, 44 ff. The so-called public reaction in some such cases was well illustrated to me during Biafra's attempted secession from Nigeria. Leaving the Columbia University Library on many successive afternoons I was handed leaflets from Leftist students bitterly attacking Great Britain for sending armaments to Nigeria with which it was suppressing the Biafran liberation movement. After a couple of weeks I was puzzled to notice that the distribution of such leaflets suddenly stopped. The riddle was solved when I read in the papers that the main 'culprit' in supplying weapons to Nigeria at the time was the Soviet Union.

37. See the *Loi Dixonne* as published in the *Journal Officiel* of 19 January 1951, and other data presented by Georg Kremnitz in *Die ethnischen Minderheiten Frankreichs. Bilanz und Möglichkeiten für den Französischunterricht*, Tübingen, 1975, Tübinger Beiträge zur Linguistik LVI, pp. 26 ff. and his extensive bibliography. Even the modest relaxation in the treatment of minorities by the 1951 law related to egalitarianism rather than to minority rights. The same held true for the Jewish immigrants. To be sure, thousands of East-Europeans settled in France at the turn of the century and again in the inter-war period; they included a considerable number of Bundists, Zionists, and other advocates of the treatment of Jews as a national minority. Yet there was no overt propaganda for the granting of minority rights to the Jews in France. The issues discussed were the extent of Jewish assimilation to French culture and ways of life, which the older Jewish inhabitants had adopted with open arms, and the civil rights of aliens. For example, in the 1907 election to Parliament, the fourth *arrondissement* in Paris chose as its deputy Charles Badin-Jourdan, supported by Edouard Drumont and other convinced antisemites. Under the impact of the Great Depression in both Europe and the United States, a French governmental decree of August 1932 limited the hiring of alien workers in French industry to a maximum of ten per cent. See Paula Hyman, *From Dreyfus to Vichy: the Remaking of French Jewry, 1906 – 1939*, New York, 1979 (a Columbia University dissertation), esp. pp. 63 ff., 105 f., 115 ff. On the earlier developments see also Arnulf Moser, 'Gleichheitsgedanke und bürgerliche Emanzipation von Minderheiten in den Anfängen der Französischen Revolution, 1787 – 1791', *Göppinger Akademische Beiträge*, Göppingen, 1973. See also below, n. 47.

38. See among numerous studies Kevin O'Connor, *The Irish in Britain*, London, 1972; Sheridan Gilley, 'English Attitudes to the Irish in England, 1780 – 1900', in *Immigrants and Minorities in British Society*, ed. by Colin Holmes, London, 1978, pp. 81 – 110.

39. Thomas Carlyle, *Chartism*, London, 1840, pp. 26, 28; and George Bernard Shaw's postcard reply, both cited by O'Connor in *The Irish in Britain* in the motto and p. 81. See also several other studies on this subject in the selected bibliography, ibid., pp. 181 f.

40. Charles Lamb, *Essays on Elia*, London, 1823; Henry Mayhew, *London Labour and the London Poor. The Condition and Earnings of Those that Will Work, Cannot Work, and Will not Work*, 4 vols., London, 1851 – 64, esp. II, 127 ff., a section dealing with 'Of the Street Jews', also in part cited by Kevin O'Connor in *The Irish in Britain*, p. 22. See also, more generally, Montagu Frank Modder, *The Jew in the Literature of England to the End of the 19th Century*, Philadelphia, 1944, esp. pp. 100, 374; Douglas D. Lorimer, *Colour, Class and*

Victorians: England's Attitudes to the Negro in the Mid-Nineteenth Century, London, 1978, esp. pp. 16 f., 21, 43, 200 f.

41. See Sidney and Beatrice Webb, *Industrial Democracy*, 2nd ed., London, 1902, pp. 697 f.; and other passages quoted by Josef Gorni in his 'Beatrice Webb's Views on Judaism and Zionism', *JSS*, XL (1978), 95 – 118, esp. pp. 103 ff. See also, more generally, Israel Finestein, 'Jewish Immigration in British Party Politics', *Migration and Settlement. Proceedings of the Anglo-American Jewish Conference*, July 1970, ed. by Aubrey Newman, London, 1971, pp. 128 – 44.

42. Samuel Gompers, *Seventy Years of Life and Labor*, 2 vols., ed. by Philip Taft and John A. Sessions, with a Foreword by George Meany, New York, 1957; Florence C. Thorne, *Samuel Gompers: American Statesman*, New York, 1959; Arthur Mann, 'Gompers and the Irony of Racism', *Antioch Review*, XIII (1953), 203 – 214.

43. See O'Connor's *The Irish in Britain*, esp. pp. 103 f.; Lloyd P. Gartner, *The Jewish Immigrant in England, 1870 – 1960*, London, 1960, Studies in Society (Columbia University dissertation), esp. pp. 166 ff., 178 ff., 288 (listing reports of a number of less well-known Jewish organizations); Cecil Roth, *The Great Synagogue, 1690 – 1910*, London, 1948; *idem*, 'The Chief Rabbinate of England,' *Essays in Honour of the Very Rev. Dr. J. H. Hertz*, London, 1943, pp. 371 – 84; Vivian David Lipman, 'Synagogal Organization in Anglo-Jewry', *Jewish Journal of Sociology*, I (1959), 80 – 93; *idem, Social History of the Jews in England, 1850 – 1950*, London, 1954; and the highly informative studies in *Three Centuries of Anglo-Jewish History: A Volume of Essays*, ed. by Vivian David Lipman, London, 1961; and some other books and articles painstakingly listed in Cecil Roth's *Magna Bibliotheca Anglo-Judaica: a Bibliographical Guide to Anglo-Jewish History*, new ed., rev. and enlarged, London, 1937; and Ruth P. Lehmann, *Anglo-Jewish Bibliography, 1937 – 1970*, London, 1973. The government's legal enactments, usually dealing with special cases, are analysed in considerable detail in H. S. G. Henriques, *The Jews and the English Law*, London, 1908; see esp. the 'Chronological Table', pp. 306 ff.

44. See William Cunningham, *Alien Immigration to England*, London, 1897, 2nd ed., with a new introduction by Charles Wilson, London, 1968; B. Gainer, *The Alien Invasion: the Origin of the Aliens Act of 1905*, London, 1972. See also Colin Holmes, ed., *Immigrants and Minorities in British Society*, London, 1978, which includes (pp. 125 – 57) his essay on 'J. A. Hobson and the Jews', presenting a none-too-persuasive defence of this distinguished maverick social thinker against the accusation of harbouring antisemitic feelings.

45. Dick Pixley, *The Closed Question: Race Relations in Britain Today*, London, 1968, p. 56; Sheila Patterson, *Immigration and Race Relations in Britain, 1960 – 67*, Oxford, 1969, supplying much valuable material, including, e.g., a list of 'some Jewish groups and organizations interested in various aspects of race relations' (pp. 341 f.); Farukh Hashmi, 'Racial Conflict and Emotional Stress—Community Psychiatric Problems among Birmingham Immigrants', *Ethnies*, Vol. I, *Anglo-French Conference on Race Relations in France and Great Britain*, held at the University of Sussex 9 – 13 September 1968, pp. 99 – 108, esp. p. 105; James L. Watson, ed., *Between Two Cultures: Migrants and Minorities in Britain*, Oxford, 1971, pp. 338 f.; and, particularly, Ernst Krausz, *Ethnic Minorities in Britain*, London, 1971, esp. pp. 34, 40, 54, 126, 138; and his specific study, 'The Edgware Survey: Occupation and Social Class', *Jewish Journal of Sociology*, XI (1969), pp. 75 – 95. See also the comprehensive analysis of *Colour and Citizenship: a Report on Britain's Race Relations*, published by the Institute of Race Relations, London, 1969.

46. See S. Patterson's *Immigration and Race Relations*, pp. 272 ff., 376 n. 1 and *passim*; and the concise report by Nathan Glazer and Ken Young on 'Ethnic Pluralism and Public Policy' (in the United States and Britain), published in *The Bulletin of the American Academy of Arts and Sciences*, XXVI, No. 5 (February, 1983), 15 – 25. This comparative study of race and ethnic relations in the two countries is to appear in a greatly enlarged form in a forthcoming book by these two authors. (So far, Glazer alone has published *Ethnic Dilemma, 1964 – 1982*,

Cambridge, Mass., 1983.) See also Nicholas Deakin, 'Survey of Race Relations in Britain', in the aforementioned *Ethnies. Anglo-French Conference*, pp. 75 – 90, which includes a brief summary of Mark Abrams's detailed study of two London boroughs, two Midland towns, and one Yorkshire town; Michael Hechter, *Internal Colonialism: the Celtic Fringe in British National Development, 1596 – 1966*, Berkeley, 1975; and Timothy L. Smith, 'Religion and Ethnicity in America,' *American Historical Review*, LXXXIII (1978), 1155 – 85. Of interest also are the reports on the early legal activities stemming from the British Race Relations Act of 1965, as described by Mark Bonham Carter in his 'Race Relations: the Role of the Law', *Ethnies*, I, 63 – 74.

47. Maurice Barrès, *Les Déracinés* (The Uprooted), Paris, 1897 (the author's metamorphosis from anarchist to champion of provincial traditionalism was derided as the work of an 'antisocial Saul transformed into a Paul of the *raison d'état*' by Max Nordau in his 'Etudes littéraires', *La Grande Revue*, VI, No. 3, 1902, p. 90); Charles Maurras's collection of articles, selected by Pierre Chardon under the title *Dictionnaire Politique et Critique*, 5 vols., Paris, 1932 – 4; and esp. his *La Démocratie Religieuse*, Paris, 1921; Urbain Gohier's critique under the satirical title, *Les Gens de Roi: Sidi Maurras ben Ma'aras*, Paris, 1926. See also the general analysis by Waldemar Gurian, *Der integrale Nationalismus in Frankreich. Charles Maurras und die Action Française*, Frankfurt, 1931; William Curt Bathman, *The Rise of Integral Nationalism in France*, New York, 1939; other older literature listed in my *Modern Nationalism and Religion*, pp. 61 ff., 287 f.; and above, n. 37.

48. See Morvan Lebesque, *Comment peut-on être Briton: Essai sur la démocratie francaise*, Paris, 1970, esp. pp. 105, 139 ff., 199 ff., 210 ff. Lebesque's complaint that French democracy, whenever represented by the French Parliament or by the wartime Resistance, had been an enemy of Federalism, is not unjustified. As far back as 1862, Lord Acton had realized, with reference to Austria, that on account of its 'necessity of admitting the national claims the parliamentary system fails to provide for them, as it presupposes the unity of the people'. See his aforementioned (n. 7) essay 'Nationality', reprinted in his *Essays in the Liberal Interpretation of History*, 1967, p. 156. It is understandable, therefore, why to many genuine democrats bent on unifying their nation, such as Giuseppe Mazzini, who preached as a supreme ideal the unification of Italy into a state that would embrace all the various Italian monarchies and republics, the propaganda for regional self-determination was an unmitigated evil.

49. See Michael Traub, *Jüdische Wanderbewegungen vor und nach dem Weltkriege*, Berlin, 1930, pp. 111 ff., 116 ff.; my *Social and Religious History of the Jews*, 1st ed., II, 405 f.; Pierre Bessarguet, 'L'Organisation des études inter-ethniques en France', *Ethnies. Anglo-French Conference*, pp. 55 – 61. The successful efforts of the French-Jewish community to rebuild its shattered existence after the German occupation and its growth into the second largest centre of Jewish life in the Jewish diaspora of the free world are succinctly described by David Weinberg in 'The French Jewish Community after World War II: The Struggle for Survival and Self-Definition', *Forum on the Jewish People, Zionism and Israel*, No. 45 (Summer, 1982), 45 – 54.

50. See, for instance, Raoul Darmon, *La Situation des cultes en Tunisie*, Paris, 1930, esp. pp. 72 ff.; André Chouraqui, *The Social and Legal Status of the Jews in French Morocco*, New York, 1952; *idem, Between East and West: a History of the Jews of North Africa*, trans. from the French by Michael M. Bernet, Philadelphia, 1968, esp. pp. 245 ff., 249 ff., 277 ff. The mass entry into, and subsequent adjustments of North-African Jews in France after 1945 is analysed in considerable detail by Doris Bensimon Donath in *L'Intégration des Juifs nord-africains en France*, Paris, 1971, with a bibliography and statistical tables, pp. 241-58; and Roger Berg's brief analysis of 'L'Impact de Decolonisation sur le judaïsme français' in Bernhard Blumenkranz, ed., *Histoire des Juifs de France* Toulouse, 1972, pp. 428 ff. Despite the rapid process of assimilation of both the Ashkenazic and Sephardic Jews in France, conversions to Christianity after the Holocaust have been relatively rare.

In passing we may mention, however, one very exceptional case, that of Aron or Jean-Marie Lustiger. Born on 17 September 1926 in Paris to Polish Jewish parents, he was converted to

Christianity at the age of thirteen. He later made a career in the Catholic priesthood, advancing speedily and ultimately becoming the Archbishop of Paris, a see which for centuries has been considered in the Catholic hierarchy second only to that of the Bishop of Rome, the Pope. Yet, one day after his nomination as a Cardinal (on 1 February 1981) Lustiger announced to a reporter: 'I have always considered myself a Jew, even if that is not the opinion of some rabbis. . . . I was born Jewish and so I remain, even if that is unacceptable to many. . . . For me the vocation of Israel is bringing light to the goyim.' See John Vinecur's brief biographical sketch 'A Most Special Cardinal', *The New York Times Magazine* of 20 March 1983, pp. 29 – 30, 76 – 7, 88 – 90.