A Survey of the Status of the Jews and the Germans in Poland Up to 1939

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A SURVEY OF THE STATUS OF THE JEWS AND THE GERMANS

IN POLAND UP TO 1939

By

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INTRODUCTION

"In every human group there is a diversity of opinion, taste, inclination, and outlook which, when the group is organized in the form of a society, creates a majority and one or more minorities." 1 National minorities are formed by groups of peoples with a national consciousness, usually accompanied by linguistic and cultural differences, distinct from the majority. The problem of dealing with nationalistic groups has faced many nations throughout the course of history. Certainly it is a problem that might well be considered among the chief concerns of Poland.

Poland, situated at the crossroads of trade between eastern and western Europe, has been an arena for opposing armies throughout the centuries, and her avaricious neighbors have frequently swooped down upon her as delectable prey in their rapacious desires for more land. Though "the boundaries of Poland have shifted as the sands of the seashore" 2 and though disaster long blotted its name from the list of countries, "nothing is more characteristic of Poland than a certain basic persistence that argues foundations made not of sand but of soul." 3

3 Ibid., 428.
The original Polish kingdom as it grew up in the tenth, eleventh, and twelfth centuries under its first dynasty, the house of the Piasts, was a comparatively small state. "It embraced the area which forms ethnographic Poland today, and also the rest of Silesia and Pomerania. Having the Oder for a part of its western boundary and a broad strip of Baltic coast line, Poland in its earliest period enjoyed better natural frontiers than it was ever later to possess." 4

The twelfth and thirteenth centuries ushered in an era of vicissitudes for Poland. The invasions and devastations of the Mongols coupled with civil wars among her princes and partitioning among her neighbors not only weakened the kingdom but rent it asunder.

So complete was the ruin wrought by the invasion, that foreign capital and labour were needed to rehabilitate the country. This state of affairs led to a great influx of German and Jewish colonists, who found the circumstances highly favourable to their settlement. 5

The skilled German artisans and craftsmen introduced into Poland the industries and arts of Western Europe, "while the Jewish merchants found full scope for their talents in buying, selling, and transporting native and foreign goods." 6 Towns and cities increased in number and importance, and trade made great progress under the influence of these

6 Ibid.
two groups of foreigners who settled in Poland at this time.

By the sixteenth and seventeenth centuries the republic of Poland was

the freest state in Europe, the state in which the greatest degree of constitutional, civic, and intellectual liberty prevailed. In an age of religious persecution and chronic religious wars, Poland knew no such troubles; it offered almost complete toleration and an asylum to those fleeing from persecution in all western lands. Like the United States today, Poland was at that time the melting-pot of Europe, the haven for the poor and oppressed of all the neighboring countries—Germans, Jews, Czechs, Magyars, Armenians, Tartars, Russians, and others. The complications of the nationality problem in Poland today are due in no small measure to the great numbers of aliens who here found a refuge from political and religious persecution. 7

The welding of these conflicting racial elements into one nation has constituted one of Poland's greatest problems. It has become a heritage, along with her position as buffer-state between powerful neighbors, which continually keeps her anxious and turbulent, and the temperamental, headstrong, ambitious Pole has not yet found the remedy which will bring about a solution.

In order to understand more fully the concept of nationalism as a conflicting element in Polish integrity it is necessary to seek the root of its beginning and trace its development through the centuries.

7 Haskins and Lord, 166.
It is the purpose of this paper to attempt a survey of the relations between Poland and two of her strong nationalistic groups, the Jews and the Germans, as they existed before 1918 and their status as minority groups after that period up to the outbreak of the second World War.
CHAPTER I

THE JEWS AND GERMANS IN POLAND PRIOR TO THE WORLD WAR

No country in Europe contains so many of the Jewish race as Poland. There, as elsewhere, they form a people apart. Centuries have come and gone, but they remain as much strangers and pilgrims in the land of their adoption as when they first entered. 8

The Jews first came to Poland in considerable numbers in the ninth century. Invited by the King of Poland in order to build up Polish commerce, the Jews willingly left Germany and Bohemia where they were being persecuted, to settle in a land of adoption where things were more pleasant for them.

When the Jews entered Poland there were only two fixed classes in that country, the land-owning nobles and the peasants working the soil. The Jews were to serve as the third estate.

Because of their special function, they were held by the rulers of Poland in high regard. Their status was guaranteed by charters. The oldest of these charters was given to the Jews of Posen in 1264 by Boleslav, Prince of Great Poland. 9

To distinguish it from the provincial or local privileges granted

8 Hill, 53.
to Jews it came to be known as the "Jewish Statute" (Statuta Judeorum). Copies of this Charter of Privileges are still extant and prove that the Jews in Poland were treated with toleration at a time when they were being persecuted elsewhere. Some of the most interesting clauses in the Charter are the following:

(1) In cases against a Jew a Christian alone cannot bear witness: Jews must also do so.

(3) A Jew may take any article as a pledge except those used in Church or soaked in blood.

(6) When a pledge has been stolen and the Jew swears he did not know of it, then the Christian must pay him the capital lent upon the pledge and the interest thereof.

(7) When a Christian pledge is lost, by fire or by theft, whilst in a Jew's keeping, the Jew may free himself from the responsibility thereof by oath.

(8) The Jews in quarrels amongst themselves are excluded from the Polish tribunals; they shall remain under the protection of the King, or a Wojewoda (Governor of a district).

(9) He who wounds a Jew shall pay a fine and the costs of his cure.

(10) He who murders a Jew shall pay a fine and suffer confiscation of his property.

(11) He who strikes a Jew shall pay a fine.

(12) Jews shall not pay higher taxes than the towns-people.
A Christian who spoils a Jewish cemetary shall suffer the confiscation of his estate and pay a fine besides.

He who throws stones at a Jewish school shall give the Wojewoda two pounds of pepper.

When there is no proof as to who has murdered a Jew, we will give legal protection against the suspected man.

No man shall be quartered upon a Jew.

The abduction of a Jewish child shall be considered as a theft.

When a pledge has been in a Jew's possession for a year and a day, it becomes his property.

Jews cannot be forced to give back pledges upon their feast days.

Those who take them away by force shall pay a fine.

The Jew may not be accused of using Christian blood.

In night attacks the neighbours must lend the Jews aid under pain of a fine.

Jews may buy all kinds of goods and touch bread and other eatables. 10

The Jews freely profited by this Charter for the next century.

By its provision they were under the direct jurisdiction of the King to whom they paid taxes, and not under the jurisdiction of the cities

in which they lived. "Harm to the Jew was considered harm to the King's treasury, and punishable by fine." 11

During the fourteenth century many Jews left Germany to settle in Poland and King Casimer the Great (1333-1370), who was trying to develop the economic life of his country, welcomed them but under his successor, King Ludwig of Hungary, the Jews began to suffer reverses in popularity. Their charter was modified and when the Kings of the House of Jagiellon began to reign they "were ordered to wear red patches upon their clothes and yellow caps to distinguish them from the rest of the population." 12 By the fifteenth century a wave of anti-Semitism had swept over Poland and the country that had once been a haven of security for the Jew now became a place of persecution for his race. After the popular passion died down and the Jew once more emerged into being, restrictions met him at every turn until, in 1551 King Sigismund II granted the Jews the right to nominate their own rabbis. Stephan Batory (1576-1586) extended their privileges giving their Kahals the right to govern the internal affairs of their Communes. From then on the Jews of Poland enjoyed considerable self-government. They were not deemed regular members of the municipalities

11 Segal, 175.
12 Baskerville, 222.
but were granted charters by the nobility or Szlachta, and the right to settle in groups upon their land. "Thus the Jews became more and more separated and began to exist as a national group within the country." 13 The liberal conditions under which they were allowed to live prevented fusion between the Jews and the Poles, unconsciously sowing the seeds of future conflict.

Yet the Pole used the Jew constantly; in fact it is difficult to see how he could have gotten on without him. The easy-going Pole entrusted the Jew with every business and from him he borrowed money. All that the Pole lacked in business capacity and moral courage the Jew possessed to an extraordinary degree. "It is characteristic of the Polish nature that anti-Semitism does not prevent the Jew from earning a living in those very pursuits for which he is most detested." 14 Aristocratic Poles employ Jews to superintend their affairs because they can not take the trouble to submit them to the hands of a fellow Pole who will worry them with formalities and require time without limit in which to get the business done. It was the Pole who, happy to have financial aid always at hand, developed the Jew's money-lending propensities.

All other occupations were proscribed. Not being able to possess land, he could not cultivate the soil; not being able to carry

13 Ibid., 224.
14 Ibid., 66.
arms, he could not become a knight. Even the pursuit of crafts was forbidden him when the townspeople found out how apt he was. His one monopoly was usury, and his only occupation commerce. Little wonder that he clung to both and excelled in these two means of earning a living. 15

Originally there was no commerce between members of a community, no buying and selling at all. Individual fortunes could only be made by entering into relations with the external world. Thence came the necessity and importance of the fairs where Jews, foreign peddlers, and town merchants transacted business with the Polish peasants. Gradually the fair became a place where everybody could be treated as an outsider and money transactions could be concluded even with one's neighbor.

It happened, and may happen still, that when a farmer has a horse which his neighbor wants to buy they both go to the fair, and there, after the first has pretended to wait for a buyer and the second to search for a horse, they meet and conclude the transaction. Of course neither of them acknowledges that he intended to make the transaction beforehand. Actually the custom is almost broken down, but the peasant still does not like to buy from or sell to his neighbor, because he feels morally bound by the principle of economic equivalence and cannot hope to do a particularly good piece of business. 16

Since early Poland had no native bourgeoisie it was the Jews

15 Ibid., 227.
who principally constituted its middle class. The Jew performed the necessary commercial tasks beneath the dignity and beyond the capacity of the gentry. He served as an intermediary between the nobles and the peasants.

Not only the noble but the peasant, as well, uses the Jew in Poland. Each peasant village owes its existence and maintenance in great measure to its Jewish occupants.

The Jewish shop-keeper in a peasant village is usually also a liquor-dealer without license, a banker lending money at usury, often also a receiver of stolen goods and (near the border) a contrabandist. The peasant needs and fears him, but at the same time despises him always and hates him often. The activity of these country shop-keepers is the source of whatever anti-Semitism there is in the peasant masses.  

Yet it is the Jew who holds the secret of a thousand homes for "he has crept into every Polish household from the palace to the manor, from the farmhouse to the cabin. He has become a despised necessity."  

The civil position of the Jews remained about the same in Poland until the Year 1791 when the constitution of the third of May gave them equal civil and national rights. It removed all the disabilities which had hitherto pressed upon the Jews. From now on

the Jews, who had hitherto only enjoyed the toleration of the Government, were henceforth to be considered as responsible members of

17 Ibid., II, 1200-1201.
18 Baskerville, 65.
the community; the country had therefore the right to demand that they should have full advantage of a secular education. All distinctions of dress, of places of abode, and of legislation were to be removed, together with all differences but that of religion, which was free to all. All branches of industry were open to them. Their Communes were to have a voice in the Government of the country. They were to be allowed to occupy government posts and live in any districts of the towns or parts of the country they wished. They might and must share the military service with the rest of the community; they were to be admitted into all posts, ranks and positions upon perfect equality with Christians. Rewards and punishments, honours and dishonours were to be the same for all. In twenty years' time they were to be allowed to buy landed property. 19

Had Poland been allowed to carry out these reforms, the history of her Jews might, perhaps, have been differently written. But it was not to be. Poland fell, and with it fell the Polish constitution.

The Jewish problem developed differently in the divided Poland of the nineteenth century. Of the partitioning powers, each had its own policy. The majority of the Jews became subjects of the Tzar and Polish antipathy soon fanned into hostility under the pressure of Russian anti-Semitism. In Prussian Poland, the Jewish element that remained was kept within bounds by the semi-official anti-Semite...

19 Ibid., 234.
tendencies of the Government, but many of the Jews in this section were attracted to the rapidly growing industrial centers of western Germany and migrated there. "Under Austria, where the Jews obtained real equality of rights, a large measure of assimilation between educated Jews and the Polish educated class was effected." 20

Throughout her period of captivity though, Poland never ceased to be.

The partitioning Powers had succeeded in erasing Poland from the map, but had signally failed to obliterate Polish nationalism. The Polish people remained a national unity in language and literature, traditions and religion, despite the dismemberment of their country and the protracted efforts of its despoilers to Russify or Germanize it. In brief, they were what they were—Poles, forming a Nation compacted together and distinguished from other nations by the thousand years of its history, whether in the day of glory or the night of eclipse. 21

Submersed Poland signally failed to learn the lesson experience might have taught her. With her rebirth the problem of handling the nationalistic groups found within her borders was no better solved than before the time Poland had become such a group herself within the grasp of the powers that surrounded her.

* * *

The Germans, like the Jews, first came to Poland as invited

guests. In the year 1225 Conrad, Duke of Mazovia, seeking to safeguard his lands from the raids of the Baltic Prussians, unwisely invited the Teutonic Knights to settle on the border of Poland. The Knights succeeded not only in checking the attacks of the Baltic Prussians but in establishing a German colony which became a formidable advance post of the "Drang nach Osten" in that region. By the next century they had seized Polish territories in eastern Pomerania and endangered the country's access to the Baltic Sea. "Poland thus inherited a problem that was to tax the ingenuity of her ablest rulers and eventually was to threaten the very existence of the State." 22

With the influx of German settlers in Poland after the Mongol invasion large portions of devastated territories were repopulated and built up. Complete assimilation of this foreign element without recourse to pressure took place in a short time giving evidence of the vitality and cultural solidarity of the Polish nation.

Throughout the centuries, emigration from Germany to Poland continued. Under the famous Magdeburg Law the German settlers had territorial privileges beyond those ever enjoyed by the Jews. Unlike the Jews, however, the Germans became "polonized" in the course of time and soon ceased to exist as a separate factor in the population. It was only after the partitions the German "islands" began to appear in Poland.

When part of Poland fell subject to Germany at the time of the third partition of the country, Prince von Bulow clearly explained the policy Germany intended to pursue and as Ninian Hill puts it, "No Pole could have penned a more damning indictment of German policy than has the ex-Imperial Chancellor." 23 Quoting from his book "Imperial Germany", he gives the key to the policy in the following sentences.

Nothing is farther from the aims of our policy in the Eastern Marches, he writes with blank unctuosity, than a fight against the Poles; its object is to protect, maintain, and strengthen the German nationality among the Poles; consequently it is a fight for German nationality....No consideration for the Polish people must hinder us from doing all we can to maintain and strengthen German nationality in the former Polish domains.... In the struggle, he says, between nationalities, one nation is the hammer, and the other is the anvil; one is the victor, and the other the vanquished. 24

The Prussian policy of colonizing her Polish provinces with Germans in systematic fashion produced a different type of immigration than that prior to the nineteenth century.

Germanization, based on the idea of a German National State (Deutscher Nationalstaat) became an official policy in 1876, with the passage of the language law of that year. By the law of April 26, 1886, an act "concerning the furthering of German settlements in the province of West Prussia and Posen", a fund

23 Hill, 140.
24 Ibid.
of 100,000 marks was put at the disposal of the colonization commission to buy real estate from Polish owners for the purpose of settling German peasants and workers. This fund was increased several times, and by 1914 a sum of 1,055,000 marks had been spent on the colonization program. The results were in some respects the opposite of what had been expected: the colonization program served to strengthen Polish nationalism and the opposition to German rule. 25

The German population, many of whom were dependent upon the state for their livelihood failed in its prime purpose of impressing an artificial German character upon a Polish land.

"The inescapable conclusion is that conflict is the most important element in the promotion of nationalism." 26 Nationalism, itself, is a fluid term and in the vicissitudes of history has had many connotations. In an ultimate analysis it denotes a dominant ethnocentrism, a pursuit of self-interest, whether aggressive or defensive. It is an element of grave importance in the understanding of the political and social problems of Polish history.

25 Segal, 169.
CHAPTER II
AT THE PEACE OF PARIS

Written in blood and tears, the history of Poland weighed heavily upon the conscience of Europe. "At the Peace Conference statesmen bent over backwards to be helpful. Wilson had sentimental notions; Clemenceau thought of a mighty Poland as a check upon Germany. These were further played upon by two of the Polish representatives, the world-renowned Paderewski, and the quixotic war hero Pilsudski." 27

The work which awaited the framers of the treaty that was to remake the map of the world was as great and as unprecedented as the war which had just been brought to a close. However honest an attempt was to be made to establish real nation-states from which irredentism would be eliminated and, however meticulously boundary lines were to be drawn, minorities would inevitably have to remain. "In the grip of a hysterical nationalism, harried by pressing economic problems, frightened by the growth of social radicalism, worn down by years of warfare, Poland was in no mood to be a sympathetic guardian of the rights of minority peoples."

As the Great War progressed, the empires which had partitioned Poland successively collapsed, and it remained for the Allies to redress the four partitions of 1772-1815 by establishing a national Poland

27 Sachar, 172.
28 Ibid., 174.
independent and secure of access to the sea. But the treaty that was to accomplish this task was the work of fallible men. "One of the chief lessons of the Peace Conference—a lesson enforced by every year that has followed it—is that experts should not displace statesmen in the determination of great issues." 29

The Treaty was studied, prepared and discussed for six long months by fifty-eight technical commissions on which sat the foremost specialists of each country which held 1,646 meetings. The conclusions of these commissions verified by twenty-six local investigations, were discussed from January 10 to June 28 by three bodies: the Council of Ministers of Foreign Affairs which held thirty-nine meetings; the Council of Ten which held seventy-two meetings and the Council of Four which held one hundred and forty-five meetings. These three Councils also gave hearings to the chairmen of the technical commissions, and all the representatives of Allied or neutral countries interested. Finally when at the beginning of May, the texts were settled upon, the cabinets of the various Powers were called into consultation. 30

The committees, undoubtedly conscientiously applied themselves to the drafting of their various reports. The real fallacy of the treaty lay in the fact "that when the Allied and Associated Powers shifted over from the task of making the broad outlines of a preliminary peace to that of shaping a final treaty, they did not at that time

proceed to assemble the real Peace Conference, that which would include both victors and vanquished in the World War." 31

Of all the parts of the Versailles Peace Treaty, there is, perhaps, none which required greater skill, greater moral courage to make than the Polish-German settlement. The rise of Prussia had been accomplished mainly by the spoliation of Poland. A genuine restoration of Poland then, must ultimately result, at least, in the partial downfall of Prussia. The great wealth of coal found in Upper Silesia, ceded to Poland deprived Prussia of one of her chief sources of revenue. Could she be blamed for filing protest? Yet the protest was not heeded and a dangerous issue was ceded to Poland with her inherited wealth in land. Dmowski, who had been invited to explain the Polish claim to territory, made great play with a German map showing the racial conquests on which their Colonizing Commission had spent $300,000,000 between 1885 and 1914. Was the Conference to support such expropriation of the Polish natives? The Baltic question, he frankly declared, could not be settled without injury to one or the other side. Either East Prussia, an island of nearly 2,000,000 Germans, must be cut off from the fatherland, or a like hurt must be inflicted on the West Prussian Poles, and in that case all Poland, a people of 25,000,000 souls, would be dominated by the Germans. 32

The Poles are a people of intense patriotism which reaches a degree of almost fanatical fervor and Dmowski in the white heat of it struck

31 Shotwell, 40.
every vibrant chord that might appeal to the Judges who were deciding his country's fate.

Clemenceau, president of the Peace Conference, had himself a very simple program: Germany must be reduced to such a position that she could never again be a menace to France. He wanted Germany punished as though she were a uniquely sinful nation and France a sinless martyr land.

"He wanted Germany so crippled and devastated as never more to be able to stand up to France. He wanted to hurt and humiliate Germany more than France had been hurt and humiliated in 1871. He did not care if in breaking Germany Europe was broken; his mind did not go far enough beyond the Rhine to understand that possibility...." 33

Privately, Clemenceau condemned only Dmowski's claim to Teschen (Creszyn), and his attitude was of special importance, since France predominated in the Commission that was appointed to consider the Polish frontiers.

Jules Cambon, formerly ambassador in Berlin, presided, with General Lerond, a geographical specialist, as Vice-president. Baron Degrand, the Foreign Office expert on Poland, Sir William Tyrrell, the Marquis della Torretta, and the Harvard professor, R. H. Lord, a master of Partition history, represented the Four Great Powers. 34

Lloyd George, the mercurial Welshman, at the head of the British delegation to the Conference declared: "that an independent Poland,

34 Cambridge, 497.
comprising all those genuinely Polish elements which desired to form part of it, was an urgent necessity for the stability of Western Europe." 35 President Wilson wished that the settlement of every question whether of territory, of sovereignty, of economic arrangements, or of political relationship, to be upon the basis of free acceptance of that settlement by the people immediately concerned, and not upon the basis of the material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own exterior influence or mastery. 36

On 31 October 1918, the Americans who were explaining President Wilson's Fourteen Points to the Supreme War Council, stated as the 'chief problem' 'whether Poland is to obtain territory west of the Vistula which would cut off the Germans of East Prussia from the Empire, or whether Danzig can be made a free port and the Vistula internationalized.' They declared that 'on the east, in Poland should receive no territory in which Lithuanians or Ukranians predominate. If Posen and Silesia go to Poland, rigid protection must be afforded the minorities of Germans and Jews living there, as well as in other parts of the Polish State.' 37

Wilson believed an imperfect peace better than no peace at all; above all, he believed that the League would eventually right any wrongs committed by the treaty. Leadership in the Conference lay with these three statesmen. It is difficult to conceive of three more widely

37 Cambridge, 490.
different natures than those of Clemenceau, Lloyd George, and Wilson, yet upon their united decision the fate of Europe ultimately depended.

When the Committee delegated to examine the question of the Polish frontiers submitted its reports to the Supreme Council of the Peace Conference it unanimously recommended the concession of the greater part of what Dmowski had claimed.

Danzig and the railway thence to Warsaw by way of Mlawa they would assign to Poland, whose 'economic necessity', they held, should override the wishes of a predominantly German population. In that region and in Upper Silesia they awarded her the districts with a Polish majority, except for Protestant Allenstein, where a plebescite should be held, and Teschen, which, for economic reasons, should fall to Czechoslovakia. 38

The Supreme Council, however, upon hearing the report was divided in its opinion. The French still believed German ambition was inveterate and they wished her to be as small and weak as possible, while they looked on Poland as a future ally against her. Wilson, who reverenced nationality, favored the Polish claims. His trust in the League of Nations supported his decision.

Lloyd George, however, seeing Germany prostrate and France omnipotent, declined to make this temporary situation the basis of a new and suspect power. He declared himself 'strongly adverse to transferring more Germans from German rule to the rule of some other nation than can possibly be helped.'

38 Ibid., 501,2.
To 'place 2,100,000 Germans', he said, 'under the control of a people which is of a different religion and which has never proved its capacity for stable self-government throughout its history must...lead sooner or later to a new war in the East of Europe'. 39

The Germans hotly denounced the alienation of a great part of a predominantly German province. Poland, they maintained, had no connection with Silesia since 1163. It owed everything to Germany, and, as for a sign of Polish nationality there, they denied its existence declaring that even the language was but a Polish dialect.

On June 16, having drawn up a plan for the voting, the Allies replied to the German Observations. They announced that, although in the district to be ceded the majority was indisputably Polish, they had decided to hold a plebiscite in lieu of immediate transference to Poland. The restoration of the Polish State, they said, was a great historical act which must break many ties. But they were providing for the protection of the transferred Germans, as well as of all other minorities, religious, racial, or linguistic.' 40

The Jews were prominent at the Peace Conference and were the most persistent advocates of minority rights. Among their demands they agitated for civil and political equality everywhere and special minority rights for the Jews in the new states to be established, viz., Poland, Czechoslovakia, Finland, Lithuania, Latvia, Estonia, and in the enlarged states of Rumania, Yugoslavia, and Greece.

39 Ibid., 501,2.
40 Ibid., 505.
The Paris Conference was disposed, in general, to give more weight to the principle of nationality, than to economic or strategic considerations. Yet it was an utter impossibility to create frontiers that did not cut off some people from what should have been their home-state. The Allied powers were anxious to protect these minorities and they, therefore, insisted upon special guarantees which became part of the peace treaties. Poland was pledged to respect the legitimate aspirations of her minority groups, to grant them full political and civil equality, and to permit them to maintain their cultural identity through their own schools and the development of their own language. At first, Poland rebelled against such restrictions looking upon them as humiliating and likely to jeopardize national sovereignty and interfere with internal concerns but it was the price of her new national boundaries and she had to accept the terms.

The Treaty of Versailles, signed on June 28, 1919, and effective on January 10, 1920, was the keynote of the so-called Versailles system. Its declared purpose was to establish, preserve and secure peace. In this respect, it did not differ greatly from past peace treaties which had repeatedly attempted to establish perpetual and enduring peace....There were, however, three interrelated elements which radically distinguished Versailles from previous systems....These elements were (a) who established the peace; (b) the assumptions on which it rested; and (c) the methods by which it was to be rendered secure. 41

Although the Great Powers were signatory parties to the Minorities Treaties, they actually could not exercise any direct role in their enforcement because they delegated that function to the League of Nations. Instead of disposing of their disputes through political bargaining among the powers, as they had done before, the signatories of the Minorities treaties agreed to submit them to an international body.

But the new system of guarantees for minorities did not include all European countries and it lacked any real method of enforcement. For the League can act in a matter concerning a minority only if a member of the Council of the League brings to the Council's attention a violation or danger of violation of the minorities provisions. 42

"Self-determination", a phrase that became an important issue of the Paris Conference was protected by the Minorities treaties and, in spite of its deficiencies, the League became the guardian of the national aspirations of dominated peoples.

The question of Minorities is but a new form of the old problem of nationalities, a problem "that has existed from the earliest history of mankind. Every primitive tribe had its intricate customs governing the treatment of the stranger. These customs continued long after the tribe had become part of a larger unit and were found in the laws of the slowly emerging nation-states." 43

Today the major problem is not only how to protect the minorities, but also to protect the majorities against their own minorities. A resolution from the Third Assembly of the League of Nations, recognizing this as one of its serious problems, makes the following statement:

"While the Assembly recognizes the primary right of the minorities to be protected by the League from oppression, it also emphasizes the duty incumbent upon persons belonging to racial, religious, or linguistic minorities to cooperate as loyal fellow citizens with the nations to which they now belong."¹⁴ The members of the Peace Conference had hoped that by offering the minorities assured protection from the very beginning that they might be the more easily reconciled to their new positions.

The rights of minorities are not based upon a contract between the state in question and its minority citizens, but are based upon a contact between the state in question and the League of Nations, thereby making them really effective. The importance of this lies in the fact that the protection of minorities is brought under the League's judicial and political system. The right of complaint, of intervention, of demanding redress in case of violation of the rights of minorities lies juridically with the League of Nations. Assuming the moral authority of the League of Nations, and assuming its politically effective authority which is constantly increasing, minorities exposed to the possibility of oppression and those who are the beneficiaries of protective clauses in treaties have here a guarantee which cannot be too highly estimated.¹⁵

¹⁴ Brown, 48.
¹⁵ International Conciliation. Documents for the Year 1926. 322.
The existence of national minorities is not caused by a defective tracing of frontiers. In Europe it is impossible to form states comprising only peoples of the same race and language.

No tracing of frontiers could suppress the existence of national minorities and assure the national homogeneity of the peoples of each state. The achievement of such homogeneity would be a physical impossibility without first effecting a transfer of such large masses of the population as to make the proposition absurd and the reason for this is that the territories and regions where national minorities exist are precisely those where the population is most mixed from a racial and linguistic point of view. 46

Frontiers can not be based on the principle of national factors, alone, for applied in an absolute form they would establish frontiers which would destroy the effectiveness of the state they delimit. The Minorities treaties have been criticized on the ground that they tend to create a state within a state, which will ultimately lead to national disintegration but there is no clause preventing the voluntary merging of minorities and majorities, they merely prevent assimilation by force. Some means, too, of preventing infraction of minority rights had to be devised; thus the intervention of an outside authority for the redress of real or imaginary grievances was not entirely out of place. As had already been shown, the League made it its business to point out the necessity of a benevolent feeling of good-will between the minorities and their states while at the same time endeavoring to safeguard the interests of both.

46 Azcarte, 6,7.
Finally, the Minorities treaties have been attacked on the ground that their provisions are inadequate and that they have not been enforced. The violation of these treaties has been inevitable in view of the fierce nationalistic hatreds engendered during the war. Nevertheless, the existence of these treaties gives minorities a peaceful means of airing their grievances before the public opinion of the world. While reparation may not always be made, these treaties, imperfectly enforced, are better than no treaties at all. 47

Poland, on her part, gave elaborate securities for good behaviour, and some of the fundamental laws contained in the treaty were never altered by the Poles. Complete protection of life and liberty was promised, and right to such public and private worship as was consistent with public order and morals was granted to every inhabitant of the State. Polish citizenship could be claimed by all previous residents in her territory regardless of their former nationality, or they were free to adopt another within a year. All Polish nationals were equal before the law and any language might be employed in the press, at public meetings, and before the law by Polish nationals of non-Polish speech. Detailed provisions on the educational facilities to be provided for Polish citizens who belong to racial, religious, or linguistic minorities were incorporated in the Treaty. Articles eight and nine deal with the general problem, while Article ten contains a special provision concerning the administration of the Jewish schools. The text of the provisions reads as follows:

Article 8: Polish nationals who belong to racial, religious, or linguistic minorities shall enjoy in law and in fact the same treatment and security as the Polish nationals. In particular, they shall have an equal right to establish, manage, and control at their own expense charitable, religious and social institutions, schools, and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

Article 9: Poland will provide in the public educational system in towns and districts in which a considerable proportion of Polish nationals of other than Polish speech are residents, adequate facilities for insuring that in the primary schools instruction shall be given to the children of such Polish nationals through the medium of their own language. This provision shall not prevent the Polish government from making obligatory the teaching of the Polish language in the said schools.

In towns and districts where there is a considerable proportion of Polish nationals belonging to racial, religious, or linguistic minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided but of public funds under the State, municipal, or other budgets, for educational, religious or charitable purposes.

Article 10: Educational committees appointed locally by the Jewish communities of Poland, will, subject to the general control of the State, provide for the distribution of the proportional share of public funds allocated to Jewish schools in accordance with Article 9, and for the organization and management of these schools.

The provision of Article 9 concerning the use of language in the schools shall apply to these schools. 48

48 Segal, 189, 190.
Jews were not to be compelled to violate their Sabbath even in order to attend a law-court, while Poland agreed not to hold registrations or elections on Saturdays.

It was almost inevitable that great masses of their fellow-citizens would certainly hate the Poles. The League of Nations might, perhaps, be able to protect the new nation from foreign foes, but internal mismanagement might render Poland Bolshevist. It was not unreasonable, therefore, to make its protection conditional on a sufficient guarantee of moderation towards those races which the new commonwealth would incorporate against their will.
CHAPTER III
AFTER THE PEACE

The principle of Nationalism popularized under the term, self-determination, was the touchstone upon which the Great Powers, who drew up the program of peace at the end of World War I, meant to rest their final decisions. Yet,

What happened at Paris was but a single act in a much larger drama, one which stretches back to the Middle Ages and reaches forward through the era of science and mobilized industry to envisage new and untried forms of political and economic relationships within and among nations. The Peace Treaties had to deal with facts for which they were not responsible, but which, because registered in them, are thought of as their handiwork. For example, the fall of the Habsburg Monarchy took place months before the Treaties of St. Germain and Trianon were signed, and the documents in which the new sovereignties were recognized embodied, however blunderingly, the inescapable facts of war and revolution. It was impossible to draw this new map of Europe without doing injury to the vested interests of former governments and peoples. But it was also inevitable that the dispossessed would exploit the injury as a political slogan and a diplomatic weapon for years to come. 49

The victors, on the other hand, would be forced to mount close guard over lands whose borders had become as President Wilson put it: "the frontiers of freedom".

49 Shotwell, 49.
It is evident that the Peace Conference went beyond the nineteenth-century precedent which had prescribed equality of treatment to all individuals, irrespective of religious affiliation, for the Minorities Treaties gave legal sanction to the perpetuation of the linguistic and cultural differences between the Minorities and Majorities of the states affected. Though the more ambitious hopes of the far-eastern Jews were not realized, still the Jews everywhere acclaimed the Minorities Treaties as a great victory.

The general attitude of the Jews toward the treaty stipulation was well presented in a letter which Louis Marshall, Cyrus Adler and Nahum Sokolow sent to Boris Bogen, the administrator of Jewish relief in Poland. They wrote:

Its (the Polish Treaty's) clauses are far-reaching. It confers complete civil and political rights upon all Jews of Poland, regardless of race, language, nationality, or religion. It carefully defines citizenship. It prevents discrimination. It adequately protects the life and liberty of all the inhabitants. It affords ample security for the free exercise of religion, assures equality before the law, and free use of the languages of the several minorities and the right of management by them of their schools and other communal institutions with that of sharing in the public funds appropriated for educational and other like purposes.

These rights of Minorities are declared by the treaty to be matters of international concern....This is an act of the first magnitude. In truth it constitutes a genuine charter of liberty for all minorities because its effectiveness is guaranteed by the sanction of the Covenant of the League of Nations. 50

The disabilities from which the Jews of Eastern Europe had long suffered seemed at end. The Jews of Poland were urged to forget the past and in the dawning of this new era to content themselves with what had been achieved and take the initiative in establishing cordial relations with their non-Jewish fellow citizens.

Poland, owing her existence to the military and financial aid of the Allies, and tacitly promised their continued support, finally, agreed to abide honourably by the treaty provisions. They were set down clearly, in no uncertain terms, so that it would not be possible to seize upon ambiguities to whittle them away.

All the guarantees, however, proved ineffective. Almost from the beginning Poland engaged in a policy of repression, applying to her minority groups the galling discrimination which she herself had suffered for centuries.

In order to understand Poland's policy of persecution it is important to remember the problems which she faced as she emerged from the blood bath of war.

Her territories were a union of provinces which for a hundred and fifty years had been under three foreign powers. Hence there was a tremendous task of assimilation even among the Poles, for they had been transformed by many diverse traditions under Russian, German, and Austrian control. The West was industrial, highly developed; the East was agricultural, backward, illiterate. The frontiers of the country had no natural defences and yet they were threatened by enemies on all sides, especially by Russia and Germany.

51 Sachar, 172,3.
52 Ibid., 173.
A large share of the political misfortune of Poland has been due to the factional differences among the people themselves. Years of dismemberment have taught reunited Poland the necessity and value of cohesion; thus reunion of the country in spirit and culture has become the goal of the ambitious Poles. It is not an easy task to eradicate such marks as those imprinted upon each of the different sections of Poland during her years of subjection to foreign governments, and it is their fear that the Jews will oppose the fulfillment of this intense desire for unification that has led the Pole to continue in his hatred for the Jew. "Hatred is essentially based on fear, and it is fear that the Jews will thwart them in their national ambition that has brought forth the enmity of the Poles to as great a degree as their hatred for the Germans and the Russians." 53

The Jews form one of the largest of Poland's Minorities. They are scattered all over the country, numbering about three million, but to a considerable extent they are concentrated mainly in the cities and are engaged in trade. With the rise of a Polish middle class after the war, the Jews no longer were needed to fill a void in Polish economic life. Indeed, in order to encourage economic activities among the majority population, organized boycotts against the Jews were effected.

In view of this economic stratification of the Jewish population, laws and administrative measures could easily be enacted which, while couched in general terms and ostensibly applying equally to all, were in effect directed mainly against the Jews. Tax laws were so conceived as to impose the greatest burden on the cities, and consequently upon the urban Jews. The cities of Eastern Europe paid most of the taxes, though the nations of that region were predominantly agricultural.

In the guise of general laws, which to all appearances applied equally to all citizens, Eastern Europe succeeded in depriving the Jews of their economic positions. 54

Until the mid-nineteenth century the Jews had pursued their way, unopposed, in the middle class occupations of Poland. Large settlements of Jewish population could be found in all the cities where, because the Pole shied clear of trade and commerce, the Jew dwelt in economic security. With the rise of Polish nationalism came the question: Why not a purely Polish middle class? The establishment of an independent Poland served to accelerate such an ideological movement. Moreover, after the war, it became necessary to completely transform Polish economy.

The markets of Poland were cut away by the sudden separation from Russia and by the high tariff walls of Germany, Austria, and the Baltic States. Agricultural prices declined and the peasants, burdened too heavily already by taxes to support the military colossus, faced ruin. Before the war the textiles of Poland, its shoes and leather goods and gloves, were shipped by the millions of dozens into Russia and the lively trade kept the mills of Lodz, Bialystok, and other industrial centers, humming. But Bolshevik Russia no longer traded with Poland. The textiles languished and the mills stood idle. The destruction of city

purchasing power adversely affected agricultural prices further, and they collapsed altogether. The sons of the starving peasants began to move in droves out of the villages, seeking to establish themselves in middle-class occupations and in the professions, in the towns and cities. But here the Jews had developed a high degree of efficiency, and it was difficult to compete with them. Conflict was inevitable. One Polish Senator later put the whole case frankly in terms of sociological law: 'If the aboriginal nation reaches economic maturity, the immigrant nation must step aside.' Poles now desperately needed the economic positions which were held by the Jews who had played out their roles and were no longer indispensable. They must go, if not voluntarily, then by force. 55

The position formerly held by the Jews had only been justifiable, argued the Pole, when Poland had existed as a feudal domain. The suffering now produced by an economic depression served to intensify this feeling of hostility. Jewish persecution was an economic necessity in the eyes of every patriotic Pole.

In a radio speech presented on February 21, 1937 Colonel Adam Koc addressed the country in the following terms:

Our attitude toward the Jewish population is as follows: we value too highly the standard of our cultural life, as well as order and tranquility, without which no State can exist, to approve arbitrary and brutal anti-Jewish acts, which are a blow to the honor and dignity of a great nation. One can, however, understand the instinct of cultural self-defense, and consider as natural the trend of the Polish people toward economic independence. This is even easier to understand in a time like ours,

55 Sachar, 181.
of economic and financial unrest, when only a profound public consciousness, a readiness of sacrifice and an uncompromised binding of one's life and fortune with the State, can make it possible for the State to emerge from this unrest unimpaired. 56

Economic boycotts were applied by large sections of the public against Jewish enterprises. It was hoped that by such means the Jew could be forced to emigrate. Several Polish Societies issued early in nineteen hundred thirty-eight the following proclamation:

The simplest and most effective way of fighting the Jewish flood is the slogan: 'A Pole supports a Pole.' Depriving the Jews of earning money means that they will be forced to leave Poland. This is the only radical solution of the Jewish question. With the utmost forcefulness and with the deepest conviction of the necessity of self-defence, we urge all Christians not to sell to Jews any land or houses, nor to buy from Jewish stores, nor to employ Jewish lawyers, physicians, engineers, architects, artists, or any other professional men. 57

In the meantime Government leaders explored every possible avenue to facilitate Jewish emigration from Poland.

They approached the American diplomatic corps. They made representations to Britain not to lower the Jewish quota for Palestine. They appealed to the League of Nations to convene an international conference to consider migration outlets. When the rumour leaked out that Madagascar might become a possible heaven for refugees, Polish officials at once approached France to offer co-operation. The Jews had no warmer champions in international councils so long as the conversation turned to their migration from Poland!

56 Segal, 70.
57 Buell, Raymond Leslie, Poland: Key to Europe. N.Y. Alfred A. Knopf, 1939, 299,300.
Colonel Beck, the Foreign Minister, explained glibly that the anti-Semitism of his country was really the product of tremendous economic pressure. If this could only be relieved by Jewish evacuation, it would disappear. 58

But there were no opportunities for large-scale emigration and the more realistic Polish leaders recognized the futility of relying upon any such mass evacuation. The economic persecution continued and the Jews lived in a state of perpetual unrest.

Day and night they are 'controlled', their houses are searched, and whatever in the opinion of the searchers constitutes a 'superabundance of possessions' is taken without any further ado. Although the Government has forbidden patrolling during the hours of the night, this sort of patrolling is continued without any official interference. Every day the Jewish Committee of Succor hears of new cases of murder and robbery and arson. 59

Cries of: "Don't buy from the Jews! Have nothing to do with the Jews!" were heard on all sides while the reactionary press took up specific points towards making the boycott complete.

Through its highly developed intelligence service it furnishes lists of Jewish enterprises in various localities: 'Thirty-six Jews are making a living here--they are depriving thirty-six patriotic Poles of a livelihood!...Poles buying from Jews are photographed, identified, and their names published on the roll of dishonor in the local press. Peasants who sell their produce to Jews are beaten. The Polish artisan is urged to mark his goods with a special brand so that no patriot may innocently buy Jewish-made goods. The Government, with 'national

58 Sachar, 194,5.
59 Article: "Jews in Poland". Nation. CVIII: April 5, 1919, 531.
interests' in mind sets up licensing and educational tests for artisans and merchants; and the examiners, of course, are Polish competitors in the same fields of activity. 60

A program of elimination had its effect upon the Jew, a process of steady decline settled upon him, from large-scale trade to middle-scale trade, from middle-scale trade to petty trade, from petty trade to street peddling, whence the threshold of beggary was forced upon him. Such became the lot of the average Jew in Poland.

Among the Jews, themselves, there was a division of opinion as to what was the best course to pursue. Some believed that their only hope lay in emphasis on the fact that they were Jews and in developing a true love for Jewish ideals.

They wanted separate schools for their children and also the right to manage their own charities and other institutions. They believed that Judaism was a question not only of religion, but also of race. They were anxious to preserve their racial culture, which could only be done if the children were taught in Jewish schools. 61

The Assimilators, on the other hand, were those Jews who believed that Judaism was only a question of religion. They wished to become entirely Polonized and felt that the establishment of separate Jewish institutions would only deepen the already existing line of demarcation. They felt that a Jew whose family had lived in Poland for hundreds of years could be as good a Polish citizen as a man of Polish race. "We are tired of being treated as servants." They said. "At the present moment we

60 Article: "Jews in Poland: to Get Out Seems the Only Answer but Where Can They Go?" A. G. Duker. Current History: 45: Dec., 1936, 66.
are suffering from nationalist intolerance, but if we can only keep on
fighting for justice we shall win through just as we did against religious
persecution...." 62

Before either party could prove the worth of its ideals, Nazism
spread to Poland and it was Hitler who decided the fate of Jews and
Poles, alike, in the years that were to follow and once more Poland was
swallowed up by an avaricious neighbor.

*   *   *

In many respects the Polish Germans
were better off than any other minority group
in Poland. Although the German representatives
made repeated complaints to the League of Nations
about the use of agrarian reforms as a means
of depriving the German land-owners of their
possessions, the fact remained that the German-
owned part of cultivated land had a much higher
yield per hectare than the average Polish farms.
Furthermore, their social and occupational
structure was better balanced than that of the
Poles or that of other national minorities. 63

Politically, too, they had a more favourable position and the German
Government at home did all she could to help her national abroad. Germany,
alone, of the three former rulers of Poland had succeeded in establishing
an important portion of nationals on Polish territory. The very power
of the Germans in German Poland incurred Polish resentment against them
and Polish nationalism became stronger there than elsewhere as a consequence.

62 Ibid., 61.
63 Schmitt, 162, 3.
According to the Germans:

The separation of the 'Corridor' and of Danzig from Prussia, and from the Reich, took place in 1919 against the will of large parts of the population, particularly in Danzig, and has produced an intolerable situation and a change in the map of Europe which appears absurd. 64

The German language is spoken here and numerous economic, intellectual, and spiritual bonds link the people with the rest of Germany. Yet a large number of these Germans have, so to speak, no right to be there. Everyone knows with what infinite patience, vast expenditure of money and effort, and perfect indifference to justice or morality, the Prussian government has worked to fill its eastern provinces with Germans and to dispossess the Poles of a land which has been theirs for a thousand years. The chef d'oeuvre of the policy has been the work of the Imperial Colonization Commission which in the last thirty years has spent over 500,000,000 marks in buying up property in the eastern provinces and settling German colonists upon it. Over 100,000 Germans have been brought in in this way. Half a dozen other official and semi-official organizations have been at work for the same purpose. In addition, the host of government functionaries, and servants in these provinces, the administrative, judicial, financial, railroad, telegraph, postal, forest, school officials and employees, have been recruited almost exclusively from the Germans, and very largely from Germans brought in from the west by the promise of higher pay and other special privileges. 65

65 Haskins and Lord, 174,5.
The minority in the "Corridor" according to the Polish inhabitants scarcely count as loyal subjects with whom cordial relations can be contemplated. A policy of reconciliation argues little hope of success against such antagonism.

In order to alleviate some of these difficulties Germany and Poland signed the Geneva Convention in May, 1922. A mixed Commission and an Arbitral Tribunal was established which settled many disputes connected with the minority schools, employment conditions, and general relations between the Poles and the Germans. Bitterness, however, still reigned on both sides of the German-Polish frontier.

Nationalism is rampant. The Germans have made little attempt to understand the Poles, and innumerable Germans despise the Poles as members of a lower race. Even liberal opinion in Germany after the war predicted without regret the early disintegration of the resurrected State. Such an attitude changed gradually among many groups of Germans who realized the justification of the Polish Republic, though nationalistic circles continued to look down on the Poles. As a result, Germany's just claims in the eyes of the neutral world have been injured, while Poland's true strength has been misinterpreted. Imperialistic demands in 1919 and repressive measures against the German minority since then have necessarily affected German sentiment toward Poland. 66

The issue between Germany and Poland is not only the problem of the Corridor, the strip of land which separates East Prussia from the Reich, but to this must be added the plight of Danzig and Upper Silesia, as well

66 Stone, 276.
as the irritations arising from the treatment of the Minorities in both Poland and Germany.

The entire dispute is only another phase of the thousand year struggle between Teuton and Slav for the possession of the territory between the Oder and the Vistula, especially the land west of the Vistula—the present Polish province of Pomorze. The district has no great economic value in itself, but it provides Poland with an outlet to the sea and Germany with land that is essential to her territorial unity. 67

In August 1939 Hitler demanded the immediate return of the Free City, threatening war as an alternative.

But Poland refused to permit Danzig to be returned, for she believed that Germany would use it as the spearhead of a drive to cut off the Corridor. In fact, Germany had already made her ultimate intentions clear by demanding the cession of a strip of territory across the Polish Corridor to connect East Prussia to the main body of the Reich. If she were allowed to have Danzig, the Poles claimed she would soon also have this strip, and Poland would be a land-locked country like Hungary. For this reason the Poles prepared to fight the minute Germany attempted to occupy the Free City. To them the defense of their Corridor to the sea was the defense of their independence. 68

Realizing this danger, both France and Great Britain promised to come to Poland's aid should Germany take steps which Poland believed would threaten her independence. Germany took such a step on the morning of September 1, 1939, and the result was the Second World War.

67 Ibid., 272, 273.
CHAPTER IV
ACTION OF THE LEAGUE

The international protection of minorities found in the Versailles system at the close of the First World War was not a new creation. For more than two hundred years, from the Peace of Westphalia in 1648 to the Treaty of Berlin in 1878, special minorities provisions had been known. Three innovations, however, characterized this new system, "first, the unprecedented geographical scope of the protection; second, the objects of the protection; and, third, the permanent and collective character of the enforcement of the minorities treaties." 69 These treaties themselves stated that the obligations which they laid down were to be secured by the guarantee of the League of Nations. In January, 1920 the League formally came into being. In the twenty years that the League existed, Poland became the best client in the sphere of minority questions. Though the Council of the League and its administrative organ, the Minorities Section of the Secretariat, devoted more of their time and efforts to Polish minority questions, than to those of any other country, it is a somewhat bitter reflection that in Poland could be seen one of the most typical examples of the failure of the League to prevent the German Government from constantly poisoning the atmosphere in which questions concerning a German minority were discussed, and to persuade the government of the country

69 Robinson, 34.
containing that minority that the most effective way of counteracting German activities was to fulfill its obligations generously and to work continuously for the cultural and economic benefit of the minority population. 70

About one million Germans left Poland following the establishment of the new Republic and complaints were made to the League of Nations in the form of German minority petitions, that official measures of the Polish Government were responsible for the departure of more than 400,000 of them. Some of the best known records of the World Court have dealt with different aspects bearing on this problem. Questions relating to settlers of the German race and that of the acquisition of Polish nationality occupied the attention of the League of Nations for years. They were first brought before the League by a petition dated November 8th, 1921.

The 'Deutschtumsbund' (a German association to safeguard the rights of German minorities in Poland) sent the Secretary General of the League of Nations a telegram informing him that several thousand families of farmers of German origin had been called upon by the Polish Government to leave their farms before December 1st., 1921.

In accordance with the procedure prescribed for urgent cases, the telegram was communicated both to the Members of the Council of the League and also to the Polish representative, and the latter announced that the period of grace had been extended beyond December 1st., and that the Polish Government, for humanitarian reasons, and decided that, whatever terms of expulsion might be fixed by the competent tribunals, these expulsions would only be carried out progressively and in no case before May 1st., 1922.

70 Azcarate, 29.
On several occasions subsequently the Polish Government, at the request of the Council, agreed to postpone administrative or judicial measures which might have prejudicially affected the normal position of the settlers referred to in the petition. 71

Persons of the German race, in virtue of a Prussian law of 1886, and of subsequent legislation had settled in territories which in 1919, under the terms of the Treaty of Peace, became part of the Polish Republic. Some of the settlers had concluded contracts (Rentengutsvertrag) with the Prussian Government entitling them to the property in perpetuity in return for a fixed annual payment, while others were granted a "Pachtvertrag", or lease, granted for a certain number of years.

In the Treaty of Versailles there is an article which lays down that the Powers to which German territory is ceded shall acquire all property and possessions situated therein belonging to the German Empire, and that the value of such acquisitions shall be credited to the German Government. Under the terms of this article such property is deemed to include interalia all the property of the German Crown, Empire and States. A Polish law was passed on July 11th., 1920, whereby the name of the Polish State was automatically substituted in the land registers for those of the legal persons referred to above, among others, if the entry in the register was made later than November 11th., 1918. Any mortgage or real right registered on behalf of any of these persons since that date was regarded as cancelled in favor of the Polish State.

The Polish Government considered itself entitled by these provisions simply to expel settlers who had not become Polish nationals, if it regarded their titles as invalid from its own point of view, that is to say those whose Rentengusvertrag (contract) although concluded before November 11th., 1918, had not been followed by an Auflussung (conveyance), a formality which was essential to complete the title to property, and also those settlers whose Pachivertrag (lease) though concluded before that date, had not been converted into a Rentengutsvertrag after that date. 72

After much consideration of the question the Council of the League of Nations finally decided, in accordance with the view of a Committee composed of the representatives of Brazil, the British Empire and Italy that the

question of the settlers of German race in Poland should be regulated on the basis of the advisory opinion given by the Court, with which the Council concurred; but as it appeared impossible for practical reasons to reestablish in their properties the settlers who had already been expelled, the Council considered that these settlers should receive from the Polish Government fair compensation for the losses which they had suffered as a result of the fact that they had not been left in undisturbed possession of their lands. It hoped that the Polish Government would be willing to formulate proposals on these bases. Negotiations were carried on between the Polish Government and the Council Committee during March, April, and May 1924.

Lastly, on June 17th., the Council took note of an agreement between the Polish Government and the Committee of the Council, by which the Polish Government would pay a lump sum as compensation to the German

72 Ibid.
settlers. The agreement provided that compensation amounting in all to 2,700,000 zlotys (gold francs) should be divided among 500 settlers who could show that they were of Polish nationality. It was to be increased if the number of settlers were more than 20 above the figure fixed (500), and reduced if their number did not exceed 400. Further the Apportionment of the sum set aside for compensation was to be carried out by an agent in the confidence of the Polish Government and in agreement with the settlers concerned. 73

Among the articles of the Minorities Treaties several dealt with the problem of nationality, a problem that was to offer the League a pertinent field of activity.

Article 3 has reference to former German, Austrian, Hungarian and Russian nationals, habitually resident at the date of the coming into force of the treaty in territory which is or may be recognized as forming part of Poland, and admits such persons to be Polish nationals ipso facto....The Article then gives power to the persons above referred to who were over eighteen years of age to opt out of Polish nationality. 74

But

The question with which the Council had to deal in connection with the petition of the Deutschumsbund included the interpretation of Article 4 of the Polish Minorities Treaty. This article lays down that:

'Poland admits and declares to be Polish nationals ipso facto and without the requirement of any formality persons of German, Austrian, Hungarian or Russian nationality who were born in the said territory of parents habitually resident there, even if at the date of the coming into force of the present Treaty

73 Ibid.
they are not themselves habitually resident there.'

The Polish Government considered itself entitled under this article to refuse to recognize as Polish nationals persons who were formerly German subjects if their parents were not habitually resident in territory which is now part of Poland both on the date of birth of the person concerned and on the date of the entry into force of the Minorities treaty, namely January 10th, 1920. It regarded them as still possessing German nationality and consequently applied to them the treatment laid down for persons of non-Polish nationality, and refused them the right to benefit by the guarantees accorded by that Treaty. 75

The question was referred to the League but the Polish Government being of the opinion that Article 4 of the Minorities Treaty was not one of those which was placed under the guarantee of the League of Nations, would not give its approval to any interpretation of the article rendered by the League. Negotiations between the German and Polish Governments were then initiated but, as there seemed to be no hope of settling the question under this arrangement, an appeal was made to the Permanent Court of International Justice. The Court gave its opinion on September 15th., 1923.

It concluded that the League of Nations was competent and that under the terms of Article 4 it would be sufficient if the parents were habitually resident in the ceded territory at the date of birth of the persons concerned.

On September 25th., 1923, the Council adopted the Court's opinion and invited its rapporteur to offer his good offices to the Polish government in considering how to apply the provisions of the Treaty, and for

75 The League of Nations and the Protection of Minorities of Race, Language and Religion, 63.
negotiation if necessary with the German Government (1) at Geneva in regard to Articles 3 and 4 of the Minorities Treaty, and (2), at any other place in regard to questions connected therewith. In the 11th. of the same month the Council approved the Polish Government's programme.

The Geneva negotiations opened on February 12th., 1924, under the presidency of the Brazilian representative on the Council. As the other negotiations had led to no result, the Council, on March 11th., 1924 passed a resolution requesting the German and Polish Governments to continue their negotiations on all the questions at issue under the presidency of a third person who should act as mediator. If no settlement were reached by July 1st., 1924, this third person should have full power to arbitrate. The Council added that the President of the Mixed Arbitral Tribunal of Upper Silesia might undertake this duty.

The Council's resolution was approved by both parties, and negotiations were accordingly opened on April 28th, 1924 at Vienna. They continued beyond the period prescribed so that, although the period was extended by some weeks, the arbitral procedure came into operation; and they finally terminated on August 30th., with the signing of a Protocol whereby both parties were satisfied on the agreement reached which was ratified at Warsaw on February 10th., 1925. At its thirty-fourth session the Council took note (June 8th., 1925) of the exchange of ratifications and approved the clauses of the Convention in so far as they concerned the League of Nations in virtue of the Minorities Treaty. 76

Another opportunity to test its ability came to the League from Upper Silesia where conflict between the Poles and the Germans was rife in the years that followed the war. The Treaty of Versailles had assigned

76 Ibid.
to Poland only a small part of Prussian Silesia, and had provided for
a plebiscite in Upper Silesia. All the residents of the province over
twenty years of age were given the right to choose between the rule of
Poland or Germany. The final decision on the frontiers was to be based
largely upon the vote of the people. The plebescite was fixed for the
twentieth of March, 1921, but gave no clear result.

In a large part of Silesia, Poland gained
a great majority of the Communes, but larger
towns, German islands in the midst of Polish
territory, which had only come into being in
the nineteenth century, voted German. In
all 678 communes voted for Poland as against
844 for Germany, while of the individual votes
Germany obtained 707,000, Poland 479,000.
In the eastern districts, which are economically
the most important, being rich in coal and
factories, the Poles secured a numerical
preponderance, though this was not every-
where sufficiently great; on the other hand
the western districts, which are agricultural
and ethnographically Polish voted in great
part for Germany. 77

Germany immediately began to claim the whole of Silesia, while Poland
under the leadership of Korfanty demanded the regions where the Poles had
had the majority of votes.

The 'Korfanty line' included the whole of
the industrial portion and a small part of
the agricultural one, viz, the land as far
as the Oder River above Kosel, then along a
line running northeast, west of Strzelec and
east of Olesna. In that district 420,000
individual constituents and 560 communes had
voted for Poland as against 400,000 constituents
and 150 communes for Germany. 78

77 Reddaway, 516.
78 Ibid.
The dispute between the two nations developed into open conflict and it was only through pressure from the outside that a cessation of hostilities was effected. It was finally agreed to submit the question to the Council of the League of Nations, whose findings were to be unreservedly accepted.

The League Council, having had the matter examined by a Commission of representatives of disinterested States, gave its verdict on 12 October, 1921. The frontier between Poland and Germany was so fixed that Poland received the whole districts of Psyczyna, Katowice (urban and rural), Krolewska, Huta, almost the whole of the district of Rybnik, the part of the district of Raciborz (Ratibor) which lies on the right bank of the Oder, the greatest part of the districts of Tarnowskie Gory and Lubliniec, and fragments of the districts of Zabrze, Benthen and Gkuivitz, without, however, those three towns. This area comprised about 3000 sq. km. with almost 1,000,000 inhabitants. Thus, besides the agricultural districts of Psyczyna and Rybnik, Poland was to have a considerable part of the industrial area. Poland was assigned 76 per cent of the coal mines (59 mines out of 67), 97 per cent of the iron ore, 82 per cent of the tin, 71 per cent of the lead, 50 per cent of the sulphur, 50 per cent of the coke, all the tin-works and lead-works (a total of 13), all the flax-spinning mills, 5 tin-rolling mills out of 9, about 50 per cent of the iron-works, the power-station and the factory of nitrogen products of Chorzow.

The League Council not only traced the line which was to divide Upper Silesia but, taking into consideration the economic bonds, the water-supply and electric systems, the mutual exchange of raw materials

79 Ibid., 517.
and semi-manufactured products by the different concerns, and the location of the workmen's settlements, which closely linked the industrial district together, the Council, also, proposed that for a period of fifteen years special regulations concerning the economic connection of the two parts with each other and with Germany should be maintained. The decision thus rendered by the Council though painful to both Poland and Germany was, nevertheless, accepted by them. To ensure the observance of the obligations of each nation, a Mixed Commission was set up at Katowice, and a Tribunal of Arbitration at Benthen, under presidents appointed by the League of Nations. Legally, the German minority of Upper Silesia was, until July 15th., 1937, better protected than the other national minorities in Poland. The final decision of the Council contains the following stipulations:

A Minorities Office is to be set up in both portions of the Plebiscite territory. Persons belonging to a minority may, after having filed a complaint with the highest Administrative authority, submit a petition to the Minorities Office of their State for consideration. If the Minorities Office does not succeed in obtaining satisfaction for the petitioners, it shall transmit the petition, together with any comments it may wish to make to the chairman of the Mixed Commission for his opinion. The Chairman will afford the members of the Mixed Commission opportunity to express their views. (The Mixed Commission is composed of two Germans and two Poles, and a Chairman of some other nationality—Article 562 of the Convention). The Chairman will then make known his opinion to the Minorities Office, which will communicate it to the proper administrative authorities.
In case the petitioners are not satisfied with the findings of the administrative authority, they may appeal to the Council of the League of Nations. Such appeals must be addressed to the Minorities Office, which will see that they are forwarded to the Council by the Government. The Council of the League of Nations is also competent to give a decision concerning any individual or collective petition addressed to it directly by persons belonging to a minority. 80

However trivial or improbable the offenses, the League was bound to take official notice of them and request explanations from the Polish Government. As a consequence many problems concerning the German minority in Poland came before this former international body.

The minority problem is not wholly economic or cultural but embraces many other of the complexities of group life. Consequently the disputes which have arisen between the German minority and the Polish government have been as diverse as they have been frequent. The conflicts in Posen and Pomorze in the first years after the ratification of the peace treaty were mostly concerned with liquidating German property, but most of the German complaints from Polish Upper Silesia center on the entrance requirements for German minority schools. The Poles, seeking to consolidate a national Polish State, naturally wish to limit the number of children attending the minority schools. During the years following the partition the German vote in Polish Upper Silesia increased each election and there was a corresponding increase in the number of children registered in the German schools. But after the Polish election campaign in November, 1930, in which physical violence accompanied intimidation, the German minority in Polish Upper Silesia was weakened. Protests

to the League followed and after long and serious negotiations the Council of the League in Sept., 1931, settled the difficulties arising from these occurrences. 81

When Germany joined the League and became a member of the Council in 1926 she obtained the right to intervene on behalf of her minority in Poland. This right was constantly exercised by Germany in the years that followed. The Poles are probably correct in saying:

that no other government abused this privilege as much as the government of the German Republic. In order to foster revisionist propaganda and to keep the "Corridor" question before world opinion, the Weimar regime brought innumerable complaints before the League Council and the World Court. In Poland's eyes, the German minority came to occupy quite a different position from that of other nationalities; the Germans were looked upon as enemies of the state, a docile instrument of German propaganda. 82

With Hitler, the situation changed. Through money and violence he tried to nazify the German minorities in other countries, but he did not support their rights as citizens.

In the case of Poland, he gave far less protection and help to the Germans than did the Weimar regime. Furthermore, the policy of the Nazis toward their own minorities deprives them of the moral right of protesting against the oppression of Germans in foreign lands. Thus, paradoxical as it may seem, in spite of the millions spent by the Hitler regime to promote Nazism among Germans abroad and to intensify German nationalism, the

81 Article: "Polish-German Dispute" - S. Stone. Current History. 38: June, 1933, 274.
82 Buell, 243.
result of Nazi policy is the weakening of the position of the German minority in Poland. 83

Though the right of appeal to the League of Nations was employed by the German minority particularly, the Jews, on the other hand, submitted but a negligible number of petitions to Geneva. Out of but three occasions when complaints of a collective nature were forwarded to the League in the interest of a Jewish minority, only one was of Polish origin. The Berheim Petition in 1933, was a protest against the application of Nazi racial legislation in Upper Silesia. The case was won by the complainants.

The Jews, unlike other minorities had never formed part of a majority in any European state; consequently they received no instructions from powerful outside sources. They were acutely conscious of the need for good relations with the State within which they lived and, though they fought consistently against any discrimination within their own state, they were reluctant to address any appeal to an international body, believing that winning a case against their own Government would result in only a Pyrrhic victory at best.

However the Jewish problem of Poland was brought to the attention of the League by the Polish Government, itself, in 1936, when Colonel Beck, Poland's Foreign Minister, called the attention of the Council to the Polish population problem and to the interest of his country in the Mandate system. On October 5th, 1936 Mr. Rose, representing

83 Segal, 171, 172.
Poland at a meeting of the economic committee of the Assembly of the League of Nations, stated:

that emigration was a very important problem in many countries and had many aspects the seriousness of which should not be underestimated. In Poland, for instance, the emigration of Jews to Palestine was one of the factors which led to the introduction of foreign exchange control. At the same Assembly, in 1936, Mr. Komarnicki, the permanent delegate of Poland to the League of Nations, discussed the interest of Poland in the development of Palestine. Poland, he added, possessed a large Jewish population which must emigrate. It was, therefore, desirable to find other outlets for the overpopulated areas of Central Europe, outside of Palestine. 84

Thus, Poland, a State ordinarily jealous of her own sovereignty, and resentful of any interference in her internal affairs, thought it advisable to turn to the League of Nations for support.

The Jewish minority in Poland, also, was to suffer added injuries from the neighboring State of Germany, for when Hitler took power there at the beginning of 1933,

the Nazis extended their anti-Jewish drive to the whole world. They financed both the German minority in Poland and Polish anti-Semitic propaganda, hoping thus not only to hurt Jews but to win the sympathy even of the Polish nationalists, who heretofore had been the enemies of Germany. Thus, the younger National Democrats opposed the traditional anti-German policy of the party, pushed the Hitlerist "solution" of the Jewish question, and finally, in 1934, seceded from the party and created the National Radical party, "Nara".

84 Ibid., 86.
The older National Democratic party was forced to follow. It also became more and more "radical" in its anti-Jewish program. 85

Suddenly, all the deep-seated grievances against the Jews were brushed aside and swallowed up by a new danger that threatened Poland and in the incredible devastations of a new World War, the Jews rallied along with other groups to the defence of the Fatherland. 86

Though public opinion interested in minority questions has by no means had an unreserved admiration for the Geneva system and has even, at times, adopted an openly critical attitude toward it, still the system during its twenty-year life span achieved along with the redress of individual grievances many notable results. The two decades which marked the birth and development of the League were periods of political and social conflicts of almost unprecedented magnitude. International equilibrium and internal balance weighed on unstable conditions. The political immaturity of new States and the virtual chaos from which many countries emerged after the first World War promised but little substantial security for the League's endeavors. We can only judge fairly of its operations viewing it in the light of this unfavorable setting.

86 Ibid., 203, 204.
CONCLUSION

No single problem in Europe is so acute as that of minorities. Within every state there can be found diversity of blood, language, and culture. "Differences of culture often reach back across the centuries and are perpetuated through song and saga, folk dances, feast days and fast days, and in the woof and web of folk ways and mores." 87 Only in nations in which minority groups, themselves, have sought to amalgamate with the dominant group has assimilation been possible and then, only over a period of several generations.

It cannot be enforced from the top. History is replete with illustrations of the failure of mandatory conformity. Armenians retained their culture through nearly a thousand years of persecution. Bohemia remained Czech through the 500 years of shifting governmental allegiance, and Poland retained its cultural autonomy though divided, like Gaul, into three parts for more than a century. The peasant cottage much more than the homes of the upper classes is the stronghold of minority cultures, frequently buttressed by the church and the market place. The theory of assimilation will not, at least in our generation, be translated into reality. 88

All human beings, whether members of national majorities or minorities are primarily interested in the respect of fundamental human rights: life, liberty—freedom of expression and worship—and the pursuit of happiness. Nationality is based on community of culture; thus it is but natural that each national majority should seek the retention of its

87 Brown, 44.
88 Ibid., 46-47.
minorities. But that it has done so, at times, at the expense of the fundamental human rights deprives it of justification. It was in the hope of offering some measure of security against such action that the Principal Allied and Associated Powers created and gave their support to the League of Nations, hoping, thereby, to guarantee and effective plan of protection for the Minorities. The treaties which incorporated this protective measure were part of a system which

was intended to ensure that, in the future, action taken in defense of the rights of minorities should, both in fact and in public opinion, be taken without reference to the special interests of any individual Power. At the same time, they secured the not less essential result that the loyalty of the minorities to the State of which they form a part should not be exposed to the special temptations arising from a faculty of direct intervention given to a neighbouring State with which they might have special affinities of race or of sentiment. The purpose of the treaties was to ensure that the minorities should, for the future, enjoy conditions which would enable them, without loss of their religious or cultural heritage, to bring the State of which they now form a part, that loyal cooperation on which was stressed the importance that nothing should be done to impair these principles.

In the second place, both the authors of the Treaties, and the Council in developing its procedure, have been at pains to avoid creating a situation which would place the Government of any State having undertaken obligations, and any minority or member of a minority within that State, in a position analogous to that of parties opposed to one another in legal or arbitral proceedings.

The authors of the treaties deliberately rejected any proposal which could give countenance to the conception of any minority forming a separate corporation within the State.
If the Council decided that petitions relating to the treatment of minorities, whether received from members of a minority or not, should, under certain conditions, be communicated to its members, it made it clear that it regarded these petitions solely as sources of information, and that the only parties to any action which might arise there from would be the Governments of individual members of the Council or the Council itself. Here, again, we have a principle which is not only clearly a part of the system as laid down in the treaties, but whose maintenance is essential to their satisfactory working on behalf of the Governments and the minorities concerned. 89

The origin and purpose of the Minorities Treaties is clearly expressed in a letter addressed by Clemenceau on June 24th, 1919, to Paderewski when in its final form the text of the Polish Treaty was communicated to him.

In formally communicating to you the final decision of the Principal Allied and Associated Powers in this matter, I should desire to take this opportunity of explaining in a more formal manner than has hitherto been done the considerations by which the Principal Allied and Associated Powers have been guided in dealing with the question.

1. In the first place, I would point out that this Treaty does not constitute any fresh departure. It has for long been the established procedure of the public law of Europe that when a State is created, or even when large accessions of territory are made to an established state, the joint and formal recognition by the Great Powers should be accompanied by the requirement that such a State should, in the form of a binding international convention undertake to comply with certain principles of government. This principle,
for which there are numerous other precedents, received the most explicit sanction when, at the last great assembly of European Powers—the Congress of Berlin—the sovereignty and independence of Serbia, Montenegro, and Roumania were recognized.

2. The Principal Allied and Associated Powers are of opinion that they would be false to the responsibility which rests upon them if on this occasion they departed from what has become an established tradition. In this connection, I must also recall to your consideration the fact that it is to the endeavours and sacrifices of the Powers in whose name I am addressing you that the Polish nation owes the recovery of its independence. It is by their decision that Polish sovereignty is being re-established over the territories in question and that the inhabitants of these territories are being incorporated in the Polish Nation.

It is on the support which the resources of these Powers will afford to the League of Nations that, for the future, Poland will to a large extent depend for the secure possession of these territories. There rests, therefore, upon these Powers an obligation, which they cannot evade, to secure in the most permanent and solemn form guarantees for certain essential rights which will afford to the inhabitants the necessary protection whatever changes may take place in the internal constitution of the Polish State. 90

It is true that the new treaty differed in form from earlier Conventions dealing with similar matters but this was a "necessary consequence and an essential part of the new system of international relations" 91 which the establishment of the League of Nations built up.

90 The League of Nations and the Protection of Minorities of Race, Language and Religion, p. 44-45.
91 Ibid., 45.
Experience proved that the older system, where the guarantee for the execution of similar provisions was invested in the Great Powers, was ineffective. If the Peace of the world was to be established and maintained protective provisions for the numerous minorities of Europe had to be seriously considered in the drafting of the treaties that aimed at so universal a concept. That such treaties were imposed and signed was in itself a great contribution to the restoration of that peace in Europe.

Without the deterrent influence introduced by the League and without the prospect of possible redress at Geneva, it is not difficult to imagine what Europe would have been like at the end of the First World War, with all its passions rampant, with new frontiers, and a new but unsettled balance of domination and submission. 92

There were positive achievements which marked the experiment, too. Certain minorities were rescued from ignorance and the level of their social and cultural state was raised as a consequence; representatives of minority groups began to participate in governmental affairs; and, in some cases, we find the development of an extensive minorities' school system.

Confronted with diametrically opposed points of view, and evidences of both failure and success, it is extremely difficult to arrive at an objective appraisal of the system of international protection of minorities as adopted in the peace treaties we have been considering. It is not the

purpose of this paper either to condemn or approve the experiment. One obvious conclusion might be arrived at in the course of this study, however, and that is that there seems to be no panacea for the minority problem. Contradictions face one on every hand.

There are conflicting statistics and there are claims and counterclaims. Consequently it is not always possible to find out the truth, and one cannot be arbitrary in apportioning praise and blame. In many cases, no doubt, both sides sincerely believed in their conten­tions. So we cannot be dogmatic when we are discussing such an inextricable tangle of age-old conflicts as these. For no human being can know even a majority of the answers to these problems which spring up everywhere to create economic disorder and the threat of war.

But we can set down some conclusions that will hardly be disputed.

In the first place, we have learned that in one part of Europe after another it is impossible to draw a satisfactory frontier through mixed nationality areas. For the existence of minority "islands" makes it impossible.

Second, we have seen examples of the exchange of minorities, and we know that it would be impracticable to attempt to repeat these migrations on a scale large enough to relieve a Europe's minority problems. So nearly all the minority peoples must stay where they are, in the lands they and their fore­fathers have inhabited for centuries.

The third point follows from these. It is that there is no way by which everybody can attain 'self-determination'. For self-determina­tion for one people may mean the invasion of another people's rights, and if we tried to give every people in Europe the free rein of geographical self-determination the result would be something very much like anarchy.
But, fourth, the persecution or repression of minorities is no solution either. Perhaps the best that can be said of it is that sooner or later it is almost certain to react against the majority applying it. 93

Poland, by no means, stood alone in Europe with the task of solving a grave minority situation but it certainly presented one of the major difficulties of this rebuilt state, and occupied more than just a fair share of the attention of the new world forum, the League of Nations.

The serious problems arising from her mixed national composition and with which Poland grappled in this post-war era were not new to her historical experience either, but unawakened national aspirations in the past had made the task a less difficult one with which to cope. The new state of Poland rising up between the two great millstones of Russia and Germany felt that her greatest safeguard lay in a strong national unity.

No obstacle must hinder its achievement. Her treatment of her minority peoples was, therefore, not always benevolent or wise, while

the restless fluctuation of shifting parliamentary coalitions which produced Poland's numerous early Cabinets, as well as the unstable tenure of local administrative office under these conditions of parliamentary government were not at all favourable to the maintenance of any consistent line of minority policy. 94

Any comprehensive and constructive program providing for future contingencies with regard to the minority problems of Poland was interrupted when the disintegration of the State once more set in under the destructive power of Hitler's invading army.

93 Dyboski—Outlines of Polish History, 92-94.
94 Dyboski, Poland., 156.
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APPROVAL SHEET

The thesis submitted by Mother Jane McKinley, R.S.C.J. has been read and approved by three members of the Department of History.

The final copies have been examined by the director of the thesis and the signature which appears below verifies the fact that any necessary changes have been incorporated, and that the thesis is now given final approval with reference to content, form, and mechanical accuracy.

The thesis is therefore accepted in partial fulfillment of the requirements for the Degree of Master of Arts.

April 16, 1945
Date

Signature of Adviser