- 2. The State of . . . agrees that all citizens of . . . shall enjoy equal civil, religious, national and political rights without distinction as to birth, race, nationality, language or religion; assumes the obligation to protect the life, liberty and property of its inhabitants and assures to them freedom of religion and of the outward exercise thereof.
- 3. None of the foregoing rights shall be abridged, nor shall any discrimination, disability or restriction whatsoever be imposed by law or otherwise upon any person on account of race, nationality or religion, nor shall be denied the equal protection of the law. All existing laws, decrees and ordinances in contravention herewith are repealed.
- 4. The right of any person to use the language of any national minority of . . in business, private intercourse, at public meetings and in the press as well as before the various tribunals either orally or in writing shall not be limited; nor shall any such national minority be restricted in the use of such language in its schools and other institutions, nor shall the validity of any transaction or document be affected by the use of any language whatever. Schools which employ the language of any national minority shall if their course of study complies with the general educational requirements enjoy equal rights with all other schools of the same grade. All existing language restrictions are repealed.
- 5. The State of . . . recognizes the several national minorities in its population as constituting distinct, autonomous organizations, and as such having equally the right to establish, manage and control their schools and their religious, educational, charitable and social institutions.

Any person may declare his withdrawal from such a national minority.

Within the meaning of the articles of this chapter, the Jewish population of . . . shall constitute a national minority with all the rights therein specified.

- 6. The State of . . . agrees that to the extent that the establishment and the maintenance of schools or religious, educational, charitable or social institutions may be provided for by any State, departmental, municipal or other budget, to be paid for out of public funds, each national minority shall be allotted a proportion of such funds based upon the ratio between its numbers in the respective areas and the entire population therein. Moreover, the authorities of each national minority shall be empowered to impose obligatory contributions upon the members of such minority.
- 7. The State of . . . agrees that each national minority shall have the right to elect such proportion of the entire number of representatives in all State, departmental, municipal and other public elective bodies based upon the ratio of its numbers in

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the respective electoral areas to the entire population therein. They are to be chosen by independent electoral colleges or by such other equivalent methods as shall assure to such minorities like national proportional representation.

- 8. Those who observe any other day than Sunday as their Sabbath shall not be required to perform any acts on their Sabbath or holy days which by the tenets of their faith are regarded as a desecration, nor shall they be prohibited from pursuing their secular affairs on Sunday or other holy days.
- 9. The State of . . . agrees that the foregoing obligations are hereby embodied in her fundamental law as a bill of rights, with which no law, regulation or official action shall conflict or interfere and as against which no law, regulation or official action shall have validity or effect. None of the foregoing provisions shall be amendable without the consent of the League of Nations.
- II. Any of the signatories of the treaty of which this chapter shall constitute a part and any minority that may be affected by a failure to observe or to effectuate any of the provisions of this chapter shall be entitled to submit their complaint for adjudication to the League of Nations or to such tribunal as it may establish and upon such condition as it shall prescribe.

4. The Formulation of the Minority Treaties

There was extremely little planning in the development of the Peace Conference. Almost everything seems to have been improvised as the need for it was discovered. This was particularly so in so far as minorities were concerned. In January 1919 President Wilson, in one of his drafts of the Covenant of a League of Nations, had introduced the protection of minorities. either as an obligation to be imposed on new States, or as one to be accepted by all States becoming members of the League. In both forms it encountered such opposition that the matter was perforce dropped. The main argument used against it was that conditions differed so much from minority to minority that no general provisions would cover all cases. This attempt having failed, the matter was left on one side for three months; but this time was used by interested parties, especially the Jewish delegations, to press their views in conversations and memoranda on those delegates to whom they could obtain access.

The first to act were the French and British Jews. Finding that there was a danger that the Allies might accept as adequate some vague and, from their point of view, quite unsatisfactory statements of the Poles and Rumanians as to their intentions, the two groups drew up similar documents and submitted them on 21 February. The co-operation of the Nationalist Jewish

delegations had been asked for but, when difficulties were raised, the French and British acted alone. The memorandum closely followed the previous British Jewish proposals. But at the suggestion of the French an important addition was made—it was proposed that any 'persons or communities who may suffer from the non-observance of any provisions of this Article shall have the right to submit their complaints to the Executive Committee of the League of Nations, and to seek the protection of that body'. This was the first occasion on which the possibility of appeal to an international organization was suggested.

In March the leaders of the American Jewish Congress had an interview with President Wilson during his visit to the United States, and urged on the President the reasonableness of the demand of Eastern Jews for national rights. Wilson, however, refused to commit himself to more than a general expression of sympathy, and the matter still remained in suspense. It was not until the middle of April that actual formulae were seriously discussed. Then the American Jewish delegation succeeded in getting the ear of David Hunter Miller, Legal Adviser to the American Delegation. They put forward their 'Bill of Rights', and Miller considered it from the standpoint of what seemed to him possible in the political atmosphere of the Conference. To the great disappointment of the Jews, Miller's amended proposals entirely omitted the word 'national'. Further discussions ensued, as a result of which he consented to include the term. It is worth noting that by this time the original eastern European demand for equality of status in a multinational state had completely vanished. The American Jews had never accepted it, and Mack had even threatened to resign if it were so much as put forward. The practical question was whether corporate 'minority' rights could be secured in a State dominated by a single nationality.

The State under consideration at the time was Poland, for the Polish Republic was to be a signatory of the Treaty with Germany, and her acceptance as a signatory was an *ipso facto* acceptance of her full sovereignty. If anything were to be done to guarantee the thirteen-odd million members of minorities who would be found within the proposed boundaries of the State, it would have to be done quickly, or it would be held by the Poles to constitute an unwarrantable interference with the internal affairs of a sovereign State.

The American Delegation had raised the matter on general grounds at a session at the end of April, but it was the Economic Section of the British Delegation which raised this essential constitutional issue, pointing out that the Treaty embodied

Poland's relations with Germany, but said nothing of her relations with the Allies. And it was they who insisted that it would be impossible to demand guarantees from Poland afterwards without infringing that sovereignty, even though everyone was convinced that some guarantee was essential if both Jews and other minorities were not to run the risk of losing the rights which they had previously enjoyed under German rule. The matter was referred to a committee, and the committee found it impossible to prepare an adequate document in time. They therefore proposed the addition of a clause, at the end of the chapter on Poland, which became clause 93 of the final text of the Treaty of Versailles, to the effect that:

Poland accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by the said Powers to protect the interests of the inhabitants of Poland who differ from the majority of the population in race, language or religion.

Having thus dealt with the immediate crisis the committee proceeded to draft a Minority Treaty for Polish signature. A similar procedure was adopted with regard to minorities in Czechoslovakia and a clause was included as Article 86 in the Treaty of Versailles.

The Committee of New States and for the Protection of Minorities made the Polish Treaty its model and, with the required modifications, produced similar treaties to be signed by Czechoslovakia, Jugoslavia, Rumania, Greece, and the exenemy Powers of Austria and Hungary. Italian and Japanese delegates occasionally sat with the Committee, but the most important work was done by the American, British, and French, represented by Miller, Headlam-Morley, and Berthelot, all important men on their respective delegations. While at the beginning of the Conference various interpretations were current as to minorities, the three Powers were by this time in complete agreement and determined that their will should be respected by the New States and other signatories of the Minority Treaties. An example of this unanimity is the fact that the famous letter of Clemenceau to Paderewski referred to below, in which the whole justification for Minority Treaties was explained, was drawn up by the British representative, Headlam-Morley.

The final text of the Treaty, which was submitted to the Poles on 22 May, and signed by them, with one or two modifications, on 28 June, was as follows:

¹ Wolf, Report to the Board of Deputies and the Angla-Jewish Association, pp. 88-90; History of the Peace Conference, V, pp. 437 seqq.

Poland undertakes that the stipulations contained in Articles 2 to 8 of this Chapter shall be recognised as fundamental laws, and that no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

Article 2

Poland undertakes to assure full and complete protection of life and liberty to all inhabitants of Poland without distinction of birth, nationality, language, race or religion.

All inhabitants of Poland shall be entitled to the free exercise, whether public or private, of any creed, religion or belief, whose practices are not inconsistent with public order or public morals.

Article 3

Poland admits and declares to be Potsh nationals *ipso facto* and without the requirement of any formality German, Austrian, Hungarian or Russian nationals habitually resident at the date of the coming into force of the present Treaty in territory which is or may be recognised as forming part of Poland, but subject to any provisions in the Treaties of Peace with Germany or Austria respectively relating to persons who became resident in such territory after a specified date.

Nevertheless, the persons referred to above who are over eighteen years of age will be entitled under the conditions contained in the said Treaties to opt for any other nationality which may be open to them. Option by a husband will cover his wife and option by parents will cover their children under eighteen years of age.

Persons who have exercised the above right to opt must, except where it is otherwise provided in the Treaty of Peace with Germany, transfer within the succeeding twelve months their place of residence to the State for which they have opted. They will be entitled to retain their immovable property in Polish territory. They may carry with them their movable property of every description. No export duties may be imposed upon them in connection with the removal of such property.

Article 4

Poland admits and declares to be Polish nationals *ipso facto* and without the requirement of any formality persons of German, Austrian, Hungarian or Russian nationality who were born in the said territory of parents habitually resident there, even if at the date of the coming into force of the present Treaty they are not themselves habitually resident there.

Nevertheless, within two years after the coming into force of the present Treaty, these persons may make a declaration before the competent Polish authorities in the country in which they are resident, stating that they abandon Polish nationality, and they will then cease

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to be considered as Polish nationals. In this connection a declaration by a husband will cover his wife, and a declaration by parents will cover their children under eighteen years of age.

Article 5

Poland undertakes to put no hindrance in the way of the exercise of the right which the persons concerned have, under the Treaties concluded or to be concluded by the Allied and Associated Powers with Germany, Austria, Hungary or Russia, to choose whether or not they will acquire Polish nationality.

Article 6

All persons born in Polish territory who are not born nationals of another State shall *ipso facto* become Polish nationals.

Article 7

All Polish nationals shall be equal before the law, and shall enjoy the same civil and political rights without distinction as to race, language or religion.

Differences of religion, creed or confession shall not prejudice any Polish national in matters relating to the enjoyment of civil or political rights, as for instance admission to public employments, functions and honours, or the exercise of professions and industries.

No restriction shall be imposed on the free use by any Polish national of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings.

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

Article 8

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

Article 9

Poland will provide in the public educational system in towns and districts in which a considerable proportion of Polish nationals of other than Polish speech are residents adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Polish nationals through the medium of their own language. This provision shall not prevent the Polish Government

from making the teaching of the Polish language obligatory in the said schools.

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

The provisions of this Article shall apply to Polish citizens of German speech only in that part of Poland which was German

territory on August 1, 1914.

Article 10

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

The provision of Article 9 concerning the use of language in schools

shall apply to these schools.

Article 11

Jews shall not be compelled to perform any act which constitutes a violation of their Sabbath, nor shall they be placed under any disability by reason of their refusal to attend courts of law or to perform any legal business on their Sabbath. This provision, however, shall not exempt Jews from such obligations as shall be imposed upon all other Polish citizens for the necessary purposes of military service, national defence or the preservation of public order.

Poland declares her intention to refrain from ordering or permitting elections, whether general or local, to be held on a Saturday, nor will registration for electoral or other purposes be compelled to be per-

formed on a Saturday.

Article 12

Poland agrees that the stipulations in the foregoing Articles, so far as they affect persons belonging to racial, religious or linguistic minorities, constitute obligations of international concern, and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of a majority of the Council of the League of Nations. The United States, the British Empire, France, Italy and Japan hereby agree not to withhold their assent from any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

Poland agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction, or any danger of infraction, of any of these obligations, and that the Council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances. Poland further agrees that any difference of opinion as to questions of law or fact arising out of these Articles between the Polish Government and any one of the Principal Allied and Associated Powers or any other Power, a Member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Polish Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

The text may be described as a compromise between the wishes of the four parties concerned—the Great Powers, the British and French Jews, the American–Eastern-Jewish group, and the Poles.

The attitude of the Great Powers was not based on idealism or philanthropy. It was based on the promise given to Germany on 16 June, that adequate measures would be taken to protect the German population handed over to other States, and on the purely practical fact that the ultimate responsibility for the new order in Europe lay with those Powers whose armies could enforce that order. As President Wilson expressed it in a speech to the Plenary Session of the Conference called to discuss the Minority Question, the great Powers 'cannot afford to guarantee territorial settlements which (they) do not believe to be right, and (they) cannot afford to leave elements of disturbance unremoved, which (they) believe will disturb the peace of the world'. At that actual moment pogroms were going on in eastern Europe, and the feeling between Poles or Rumanians and Jews was well known to the Powers, even apart from the memoranda frequently submitted to them by the Jewish delegations. Their anxiety was therefore to see that there was no basis on which the new States could repeat Rumania's defiance of the Congress of Berlin on the one hand, and on the other, no advantage secured by minorities which might be justly resented by the majorities among whom they lived. For this reason the word 'national' was avoided and the colourless word 'racial' substituted for it, and no central representative body of any minority was called into being.

Their caution on these two points caused the omission of two of the main claims of the American and Eastern Jewish Delegations. The word 'national' had been the subject of bitter quarrels ever since the beginning of the century. It was not even discussed at a Plenary Session of the Conference, but was rejected by the Committee of New States from the draft submitted by

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Miller, after his discussion with the Jews had decided him to include it. In the same way the desire, particularly strong among Eastern Jews, that the whole Jewish population of a country should have an official position as a single unit vis-à-vis the national government, was carefully excluded by the insertion of the word 'local' in Article 10, and by the fact that members of minorities throughout are referred to as 'Polish nationals'.

But while it left unfulfilled the two main demands of one group in Jewry, it accepted and went beyond the purely individual guarantees which had been the main interest of Anglo-

French demands.

The first article-had been asked for by neither group. It was inserted by the Great Powers, and originally applied to the whole Treaty. At the demand of the Poles its application was confined to the first eight clauses. The Sabbath clause (Article 11) was not asked for by the British, but was proposed by Headlam-Morley to the Committee at the request of the American Jewish delegation. At the same time, in its published form, it evoked protests from both groups, for it entirely ignored the Jewish request that Jews should be allowed to work on Sunday-a right they had enjoyed under Russian rule. The assurance to the minorities of a share of the public money spent on education also went beyond Anglo-Jewish proposals, but not as far as the American. Yet even if the Nationalist Jewish delegations did not get all they hoped for, they received the Treaty with real satisfaction. The opposition, as might be expected, came from the Poles.

5. Reaction to the Minority Treaties

The Polish reply was received on 16 June. It went much further than the speech of Paderewski in the session of 31 May. Then he had stated that Poland would grant, of her own free will, all rights granted by other countries to their minorities, and would further grant all subsequent rights decided on for all members of the League. In a memorandum of 16 June, the Polish Government began with a bitter attack on the whole idea of a unilaterally imposed Treaty, on the grounds that it was both an infringement of Poland's sovereignty, and an impugning of her good faith and the sincerity of her intentions. Further, some of its articles, which she was supposed to embody in her constitution, were merely administrative by-laws such as no State could accept from outside, or allow only an outside authority to change. Proceeding to attack the Jewish section explicitly, Poland asserted that the present trouble was due entirely to the doubtful loyalty

of the Jews. Once the Jews accepted the existence of Poland and their duties in the new Polish State, relations would again become amicable, as they had been for centuries of Polish history. Moreover the Jews themselves were not agreed as to the rights they desired, and many would resent being bound by the Jewish clauses, since they considered themselves Poles. The special grant of Jewish schools would make trouble with the other minorities, and all the special privileges given to Jews would only put them in an invidious position which Poles would resent, thereby making friendly relations impossible. In particular to

allow a minority to complain to an outside Power, instead of encouraging it to seek peace within the frontiers of the State in

which it was living, would create and not solve problems.

To this protest Clemenceau replied on 24 June, enclosing a copy of the final draft of the Treaty which, he informed the Poles, had been accepted by the Great Powers, and from which they did not intend to draw back. He pointed out that some modifications had been made—Sabbath rights, for example, had been limited in the case of certain forms of national service—but the main treaty must stand. It was not an innovation, but fully in accordance with European tradition. What was new was only the right of appeal to the League of Nations, and this, by giving a feeling of security to the minorities, should make for appeasement. Finally, in view of the present conditions in Poland, the Great Powers considered the Jewish clauses to be the irreducible minimum to assure security to the three and a half million Jews in the new State, and the Powers could not consent to their omission.

Poland bowed to the inevitable, and Paderewski and Dmowski signed the Treaty on 28 June, immediately after affixing their

signature to the Treaty of Versailles.

The Rumanian struggle lasted longer and was more strenuous. In the very beginning Rumania had attempted to forestall any discussion of the position of her Jewish population by the proclamation on 28 December 1918 of a Decree Law which, she asserted, solved the problem. But all that this law did was to allow inhabitants of the country to make a demand for citizenship, on the production of proof that they had been born in Rumania and had never been subjects of any other State. The proofs had to be brought before a single judge who examined the evidence without seeing the applicant, and gave a final verdict. The British Minister in Rumania appears to have accepted this as satisfactory, but on 21 February the Anglo-French Jewish Delegations ensured that the Peace Conference should not be similarly deceived, by presenting a documented study of the

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whole Rumanian situation. When the Minorities Question came to the front in May, Bratianu published a further decree, on the basis of which he again assured the Conference that they need not trouble about the matter as it was now settled. But this not only went no further than the Decree of December, but contained the dangerous addition that 'evidence might be submitted independently by citizens' against the Jewish application.

In the session of 31 May, it was Bratianu who led the opposition to the idea of the Minority Treaties. His points were not dissimilar from those of the Polish memorandum, but he insisted especially on the fact that their imposition implied an inequality among sovereign States which Rumania could not and would not tolerate. She would accept what others accepted but no more-and even then she believed that the interference of outsiders would create disorder and not consolidation. As has been already said, Wilson, in a reasoned speech, refused to give way to the smaller Powers and insisted on the Treaties. In July, Hudson, the American representative on the Committee of New States, submitted a memorandum on the Rumanian question in which he underlined the necessity of the Jewish clauses; and a Treaty similar to the Polish Treaty was drawn up and accepted by the Great Powers during August. But Rumania absolutely refused to accept it and broke off relations with Paris. The minority question was complicated by a conflict over the Rumanian occupation of Budapest at this time; and, when the date for the signature of the Austrian Treaty came, Rumania was still at loggerheads with the conference and was excluded from the signatories. On the following day, 11 September, Sir George Clerk, British Minister in Prague, arrived in Bucharest as an envoy of the Great Powers to discuss the whole situation with Bratianu. But the latter outwitted him by resigning, and arousing the country against the Treaty. However, as he remained de facto Premier, Sir George was obliged to negotiate with him, and no means out of the impasse was found. Shortly after there were elections in Rumania, and Bratianu's party was defeated. But the victors of the election were largely Transylvanian, who could scarcely take responsibility for settling matters in the Old Kingdom. The impasse therefore continued. Finally, on 24 November, an ultimatum was issued that Rumania should sign within eight—subsequently increased to fourteen—days, or all relations with her would be broken off by the Great Powers.

Meanwhile, in the hope of securing her signature, modifications were introduced into the Polish text. In particular the Jewish clauses were omitted, an omission which naturally caused great alarm to the Jewish delegations. In place of them, however, a new Article 7 was inserted by which an attempt was made to settle, once and for all, the basic question of Jewish citizenship.

By this article:

Rumania undertakes to recognise as Rumanian nationals *ipso* facto and without the requirements of any formality Jews inhabiting any Rumanian territory, who do not possess another nationality.

The first period allowed by the ultimatum expired without any Rumanian reply. But at the end of the six days' further grace allowed, she decided that further resistance was useless,

and finally signed the Treaty on 9 December.

The only other Minority Treaty in which express mention is made of the Jewish population is that signed by Greece on 10 August 1920. The Treaty had been approved on 3 November of the previous year, but was only signed together with the Treaty of Sèvres. In it 'in towns and districts where there is a considerable proportion of Greek nationals of the Jewish religion' a Sabbath article similar to that in the Polish Treaty was to be in force.

In none of the other Treaties are the Jews mentioned, and none of them evoked such opposition as the Polish and Rumanian Treaties. In the case of Czechoslovakia it was decided that Jews were too few and scattered to need special protection, although the Jewish delegations pressed for the Jewish articles in order to provide uniformity and to make it easier to impose them on Rumania. The Treaty with Czechoslovakia was signed with the Treaty of St. Germain on 10 September 1919. In the case of Yugoslavia the only problem was the inclusion of the 1913 acquisitions of Serbia, and no Jewish issue arose. The Treaty was signed on 5 December 1919. Austria, Hungary, and Bulgaria signed without raising any difficulties.

It is interesting to note that almost all writers of the time considered these Treaties amongst the most important achievements of the Peace Conference, and the most certain guarantees of the future peace of Europe. They were admitted to be an experiment. But the Great Powers were wholly convinced both of their necessity and their wisdom; they had taken some time to realize the importance of the question; but, once they did, they gave the matter really serious attention, and maintained their stand resolutely in the fore of violent opposition.

their stand resolutely in the face of violent opposition.

Actually, the protection afforded proved so nugatory that a description of the subsequent history of these treaties, of the appeals made on the basis of them, and the League procedure for examining the validity of such appeals, would be of the scantiest practical interest.

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THE EMERGENCE OF THE JEWISH PROBLEM 1878-1939

JAMES PARKES

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TREATY OF VERSAILLES

with an official report drafted at the Paris Peace Conference in 1919.

Papers of Lucien Wolf and David Mowsnowitch

Lucien Wolf was an Anglo-Jewish diplomat, journalist and historian. In 1917 he became secretary of the Joint Foreign Committee formed by the Board of Deputies of British Jews and the Anglo-Jewish Association. He played an important role in efforts to assist persecuted East European Jewish Communities. Wolf was a delegate to the Paris Peace Conference where he and other Jewish leaders from the United States, England and France were involved in the drafting of the clauses that guaranteed civil rights to minorities. Wolf was regarded as an authority on minority rights at the League of Nations.

The collection of Lucien Wolf's papers in the YIVO Archives consists mainly of correspondence with many eminent politicians and public personalities, and records of the Joint Foreign Committee relating primarily to efforts to aid persecuted Jews in Eastern Europe.



Letter to the Chief Rabbi of London requesting additional monies from the War Victims' Fund to maintain teacher education program for girls.



Press pass for the Peace Congress in Paris in 1919 issued to Lucien Wolf.



A BRIEF ENCOUNTER WITH ARCHIVES

Edited by Krysia Fisher

YIVO INSTITUTE FOR JEWISH RESEARCH at the Center for Jewish History