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Great Achievement, Toxic Heritage, De Facto Reality: the Minorities Treaties, Jewish
Autonomy, and Polish-Jewish Relations, 1919-1939

Writing from Paris in late June 1919, the Galician Zionist Yosef Tenenbaum described the just signed Polish Minorities Treaty as "...a great victory, even if it did not fulfill all of our hopes", ascribing much of the credit for this achievement to the energetic efforts by the American Jewish leader Louis Marshall. Indeed, at that time, the signing of the Minorities Treaty by the reborn Polish Republic was regarded as a major achievement (or source for blame, depending on one's viewpoint) of Jewish lobbying efforts at the Paris Peace Conference. The present paper aims at presenting in much abbreviated form the historical background and reality and, no less important, the political and historiographical discourse surrounding the Polish Minorities Treaty, addressing the three characterizations of that treaty mentioned in the title of our presentation. The lecture will examine this issue from the perspective of Jews, Poles and the Minorities Affairs office at the League of Nations, based in part on contemporary archival sources.

1. Historical Background – Poles, Jews and minority rights

The concept of minority rights was originally designed for large multi-national empires that were expected to continue to exist in some form. The originators of the concept, Karl Renner and Otto Bauer, spoke of cultural and educational rights for minorities, along with some form of representation so that the members of each minority could deliberate matters of interest. These rights would be personal and portable. It should be noted, however, that Bauer rejected the claim that Jews were a national group, and therefore they had no claim to national rights. After World War I and the collapse of the great empires of Eastern Europe, the concept was adapted to the new political reality in the so-called successor states, spanning the vast area from Estonia in the north to Yugoslavia in the south, becoming an integral part of the new order of post-World War I Europe.

The concept made its way to Eastern Europe and to East European Jewry, with historian Simon Dubnow serving to popularize the concept, claiming that Jews too had a claim to minority rights. In a series of essays first published in the Russian Jewish journal *Voskhod*, 1897-1903, later published in book form and translated to several other languages, Dubnow presented an overarching theory regarding both Jewish history and a prescription for Jewish future. Historically, he claimed Jews had always lived an autonomous national existence. Similarly, the struggle for Jewish emancipation had to be for individual and corporate rights for Jews in the framework of a democratic Russia. The concept slowly gained traction among Jews, though the process was accompanied by much debate, whether among socialists of the Bund and their opponents in Russian socialist camp (both Jews and non-Jews, with the latter including Lenin and Stalin), or among Zionists, who differed about the role, if any, of Zionism in Diaspora

communities other than for bringing Jews to the Land of Israel. For Russian Zionists, the crucial decision was taken at the 1906 Helsingfors (Helsinki) program, where the movement supported an organized political struggle by Zionists for Jewish rights in the Diaspora. In Western countries, however, the classical Emancipation model for Jewry remained supreme.

For their part, Polish political groupings of the era looked askance at the notion of Jews as a national group. Polish socialists (led by Józef Piłsudski, and including some leaders of Jewish origin) carried on a tactical and strategic struggle with the idea of Jewish nationalism, regarding Jewish political parties of the left as diluting the potential strength of the socialist camp. The Jewish question in Polish society, they believed, would eventually be solved through linguistic and cultural assimilation. For the parties of the right, led by National Democrat Roman Dmowski, there might have been a possibility of assimilation for some minorities under Polish tutelage, but the Jews were class rivals of the Polish middle class and an economic danger to Poland as a whole. The only possible solution was mass migration of Jews from Poland. To that end, the right proclaimed an economic boycott of Jewish businesses beginning in 1912, and, during World War I, it opposed any Jewish demands for minority rights. Scott Ury has convincingly shown how Jewish nationalism and Polish nationalism played off one another and fed one another from the outset of the twentieth century.

2. The Paris Peace Conference, 1919

In his Fourteen Points address in January 1918, President Woodrow Wilson famously included the restoration of a Polish state as one of the Allied war aims. A careful look at the wording of that paragraph, however, reveals a series of potential obstacles and flash points inherent in fulfilling that goal, among them squaring Wilson's belief in self-determination of nations with both the needs of new states for economic and political cohesion, and the jumbled ethnic and national patchwork that characterized the region of Eastern Europe, where two, three and even four nations inhabited any given area. Wilson, his aides, and other, but not all, Allied representatives saw guarantees for minorities as the solution to this conundrum. They cited precedents going back to the Congress of Berlin of 1878, that whenever new states were established or significant territories were added to existing states, the Great Powers were entitled to demand guarantees for the protection of religious and political freedom of minorities now subject to a different regime. The eventual peace settlement reached at Paris would make the revolutionary move of transferring the responsibility for guaranteeing these rights to the as yet non-existent League of Nations.

Delegations from countries and peoples all over the globe descended on Paris to make their case for recognition and rights. While representatives of new "successor states" focused their lobbying efforts on maximizing the borders and security of their newly independent states, Jews (and, it should be mentioned, the defeated Germans) stood out as a non-territorial minority campaigning for recognition as a national minority group. Recent historiography has, however, emphasized other actors and considerations other than Jewish lobbying that were significant in the process leading to the Minorities Treaties (that were, it should be remembered, demanded of all the new states as a condition for recognition of their independence). The dramatis personae involved in the negotiations in Paris have left for historians a massive and confusing paper trail of correspondence, official memos and reports, and memoirs, enabling scholars such as Carole

Fink, Mark Levene and David Engel to construct an almost day-by-day account of the proceedings, both public and behind the scenes.

The squabbles over the terms for recognition of Polish statehood proved crucial for the eventual peace settlement and for the political reconstruction of postwar Europe, and the treaty with Poland would serve as a model for the subsequent treaties with a number of new European states. For the Poles, who had declared their independence on the very day of the World War I armistice, this was international recognition of the injustice perpetrated on Poland twelve decades earlier by the partitions of Poland at the end of the eighteenth century. This was not the creation of a new state, but the much belated rebirth of the Polish state. National pride and fears regarding the as yet unsettled borders of the new state made the Poles suspicious and antagonistic to the notion of minority rights.

For this reason, the Poles both in Paris and in the homeland regarded the very public lobbying by Polish Jews and Jews from other countries as no less than a hostile act aimed at them at a crucial hour for their nation. This attitude is well illustrated by a cartoon published on the cover of the satirical Polish weekly *Mucha* at the time of the signing of the peace treaty and the Minorities treaty, which the Poles had to accept as a condition for recognizing of their independence. Besides the clearly anti-Semitic stereotypical image of the newborn “Jewish” notion of national minority rights, we also see the accusation of hypocrisy on the part of the Allies who impose on the Poles something they were clearly unwilling to impose on themselves. This would become a consistent rallying cry not just by the Poles, but by other new states as well, and the eventual justification for Poland’s unilateral withdrawal from the pact 15 years later.

Poles resented what they termed “Jewish propaganda” published in the west after the pogrom in Lwów in late 1918 and the killing of dozens of Jews by Polish troops in Pińsk in April of 1919. The Poles denounced this media campaign, which in the end convinced the Allies of the need for special protection for Jews, as part of a campaign to block Polish independence. They also saw hypocrisy in the media focus and investigative missions regarding the relatively limited violence against Jews in Poland, at the same time as massive attacks on Jews in Ukraine and the Russian Civil War.

While it is true that Jewish representatives were active lobbyists in Paris, it does not justify calling the eventual treaties a “Jewish” creation. There was a far from linear progression leading from personal interventions and memos to the documents signed. In fact, in order to get anywhere on that front, there was another hurdle to be overcome, namely the internal Jewish debate about what exactly the Jews sought in Paris. Delegations came to the conference with differing conceptions of Jewish emancipation and equal rights, and whether that included national rights as well. There was also a clash between Zionists and other Jewish leaders over primacy in representing Jews, and over priorities: Palestine first or minority rights and protections in Europe. Two leading figures among the Jews in Paris, the American Louis Marshall and the British Lucien Wolf, who had serious differences of opinion regarding tactics and goals, both had to be won over, at least partially, to the need for special political protections for Jews.

Furthermore, the final formulation of the Minorities treaty was carried out behind closed doors with no possibility for Jewish input or lobbying. Despite sincere concerns regarding anti-Jewish

violence, the Allies had no less real worries about the threat of Bolshevism, last-minute German defiance, and threats of non-cooperation by the new states, and thus had no desire to make a too blatant assault on Polish sovereignty.

For this reason, the actual provisions of the treaties and, evidently, the intention of the Great Powers, were limited and not expansive regarding the concept of minority rights. They exhibit a general reluctance, nay distaste for interference in the internal affairs of states. A careful analysis of the treaty's terms and no less important, the explanatory letter of Clemenceau appended to the treaty text makes this very clear. To take but one blatant example, the explicit term "national minorities" is scrupulously avoided. Clemenceau's explanation of the clauses about Jews makes this point as well. In the event, the treaty as finally ratified was far from the goals of Jewish advocates of national minority rights (e.g. no guaranteed proportional representation in a Jewish electoral curia, no guarantees for freedom of Sunday commerce). Both Wilson, who had been the most consistent advocate of minority guarantees, and his colleagues, regarded the minority guarantees as a safeguard against the threat of renewed European war due to irredentist claims by minorities, at least until the blessings of liberal democracy brought the populations of the new states to a peaceful internal accord.

3. The Minorities Treaties as part of the new order in Europe and in the life of the reborn Polish State

What was the situation on the ground, as it were, for Polish Jews? Poland did ratify the Minorities Treaty (called by Poles the "little Versailles") by a vote of the Sejm. The debate before the vote on ratification revealed almost unanimous opposition to it, but finally the right voted in favor mostly for pragmatic reasons, while it was the left who voted against. As demanded by the treaty, the Minorities obligations were included in the Polish constitution of 1921. From that time on, however, many, if not all of these promises remained unfulfilled, as can be seen by the accompanying slide. This began with difficulties being placed in the way of Jews seeking recognition of their Polish citizenship, a situation remedied only through intervention by Jewish Sejm deputies and by outside Jewish organizations, most notably through the work of Lucien Wolf.

The subsequent struggle for ratification of the treaty and, more importantly, its implementation, proved to be a persistent irritant in relations between the Jewish minority and the Polish government. An examination of both the rhetoric and the actions by Jewish representatives and individuals reveals, however, that, after the first few years of Polish independence, for the most part the Minorities Treaties and the League of Nations as their guarantor would not be a major avenue in the struggle of Polish Jews for political and national rights. By an unspoken but generally accepted consensus, individual Polish Jews facing discrimination did not avail themselves of the right of direct petition to the Minorities Section of the League of Nations. While dozens of German and Ukrainian citizens of Poland submitted such petitions, a search of the League archives in Geneva turned up a grand total of only two (2) petitions by Jews, who evidently preferred to seek redress of their grievances by appealing to Jewish Sejm deputies or other communal leaders. Ironically, the only time Polish Jewish political representatives turned to the League was to protest discrimination against Jews in Romania, while it was international Jewish organizations who submitted appeals to the League regarding Polish Jewry. Polish Jews

evidently regarded the Minorities Treaties as too toxic in Polish public opinion, and hence of little use in gaining their civic rights. The reluctance to petition the League intensified after a crackdown on German ethnic citizens of Poland, making it clear that the government regarded these appeals as a sign of disloyalty. Poland would eventually officially withdraw its ratification of the Minorities Treaty in 1934. A reaction to this development by Senator Yehoshua Thon, rabbi in Kraków, cited in the *New York Times*, confirms after the fact the general Jewish avoidance of appealing to the League.

Examination of the few petitions submitted by Jews and of some archival material showing the operating principles of the Minorities section and its director, Eric Colban of Norway, related to Jewish issues, demonstrates that it was extremely unlikely that the quiet diplomatic path preferred by the League bureaucrats would have brought about significant changes in the situation of the Polish Jews. Jews simply had no neighboring state of their ethnic brethren ready to intervene on their behalf with a potential for endangering the peace.

In a final dose of irony, a retrospective account of the Minorities section's work by Colban's deputy and then successor, regarded the Jewish policies carried out by the Polish government as a success. Considering that his words were written immediately after World War II and the destruction of Polish Jewry, the adducing of classic anti-Semitic stereotypes in this account is quite jarring.

Despite the failure to achieve the full national autonomy envisioned by advocates of Jewish nationalism, and at least partially guaranteed by the Minorities Treaties, Polish Jews proceeded to function in political, cultural and educational realms as if that autonomy had been recognized. For example, the government financial subsidies for minority education promised in the Treaties were never forthcoming, and the highly developed and varied private Jewish educational networks in Poland suffered from chronic economic difficulties, but carried on despite these problems. Nor were any public schools opened in highly populated Jewish areas where Yiddish was the language of instruction. Jewish politicians did their utmost to secure those same rights and guarantees against discrimination already granted to them in the Minorities Treaties (and, it should be added, the Polish Constitution of 1921). The most famous incident of this kind was the negotiations between Jewish representatives and Polish government officials in 1925, when Poland sought loan guarantees abroad and thought playing the "Jewish card" might help, resulting in a so-called Accord (*ugoda* in Polish) between the two sides. The list of promises in the *Ugoda*, never carried out in the end, basically obliged the Polish government to end discrimination against Jews, something already supposedly enshrined both in the Minorities treaty and the Polish constitution.

In conclusion, in looking at the Minorities treaty, we have seen partial diplomatic achievements of unprecedented breadth and import, with a decided lack of willingness on the part of the Polish government to carry them out, and a similar reluctance of Polish Jews to take advantage of this new avenue for political redress opened by the League of Nations. Despite this, Polish Jewry functioned in many areas as a national minority community, even in the absence of official recognition and promised financial support of that reality. Post mortems on the effectiveness or lack of such of the treaties abound and are part of the larger discussion of the functioning of this first experiment in a permanent international organization designed to keep the peace. It may be indicative of the problematic nature and functioning of the Minorities treaty that the UN, the

League's successor, did not reestablish a minority rights commitment, instead focusing on a more universal declaration of the rights of man. , Nevertheless, the history of interwar action and inaction on minority issues still recommends itself to present day leaders, since questions of minority rights have far from disappeared in many nations of the world.